



ICTR-05-89-I
(862-2012-861)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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UNITED NATIONS
NATIONS UNIES

OR: ENG

TRIAL CHAMBER III

Before Judges: Lee Gacuiga Muthoga, Presiding
Seon Ki Park
Gberdao Gustave Kam

Registrar: Adama Dieng

Date: 11 April 2012

THE PROSECUTOR
v.
Bernard MUNYAGISHARI

Case No. ICTR-2005-89-I

JUDICIAL RECORDS ARCHIVES
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**DECISION ON DEFENCE REQUEST TO GRANT LEGAL ASSISTANT THE
RIGHT OF AUDIENCE**

Office of the Prosecutor
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Counsel for the Accused
Philippe Moriceau
Majda Dautović
Natacha Fauveau-Ivanović

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INTRODUCTION

1. On 9 November 2011, the Prosecution filed in English a request, pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence (the “Rules”), to transfer the case of *The Prosecutor v. Bernard Munyagishari*, ICTR Case No. 2005-89-I to the Republic of Rwanda (“11 *bis* Motion”).¹ The Defence filed its response to the 11 *bis* Motion on 1 February 2012 (“Defence Response”) and an addendum on 3 February 2012 (“Defence Addendum”).² The Prosecution filed its consolidated reply to the Defence Response on 29 February 2012 (“Prosecution Reply”).³

2. On 7 March 2012, the Chamber issued a scheduling order for a hearing on the referral of the case to Rwanda for 12 April 2012 (“Scheduling Order”).⁴ On 10 April 2012, the Defence filed a request that the Chamber grant right of audience to its legal assistant in order that she may appear on behalf of Bernard Munyagishari at the hearing.⁵

3. The Prosecution has not yet filed a response and the period to do so has not yet elapsed.⁶ However, the Chamber considers that the immediate adjudication of the Motion is in the interests of justice and will assist in the fair and expeditious conduct of proceedings.⁷

DISCUSSION

4. The Chamber notes that Ms. Ivanović has previously been granted right of audience to appear before the International Court of Justice and the International Criminal Tribunal for the Former Yugoslavia.⁸ In light of the Defence Request, the Chamber considers there sufficient grounds to grant Ms. Natacha Fauveau Ivanović the right of audience to appear before it on behalf of Bernard Munyagishari on 12 April 2012.

¹ Prosecutor’s Request for the Referral of the Case of Bernard Munyagishari to Rwanda pursuant to Rule 11 *bis* of the Tribunal’s Rules of Procedure and Evidence, 9 November 2011 (“11 *bis* Motion”), para. 96.

² *Réponse de la défense de Bernard Munyagishari à la requête du Procureur aux fins de renvoi de l’affaire Munyagishari au Rwanda en application de l’Article 11 bis du Règlement de Procédure et de Preuve*, 1 February 2012 (“Defence Response”). The complete Defence Response with accompanying annexes was circulated to the parties on 2 February 2011. *Addendum à la réponse de la défense de Bernard Munyagishari à la requête du Procureur aux fins de renvoi de l’affaire Munyagishari au Rwanda en application de l’Article 11 bis du Règlement de Procédure et de Preuve*, 3 February 2012 (“Defence Addendum”).

³ Prosecutor’s Consolidated Brief in Reply, 29 February 2012 (“Prosecution Reply”).

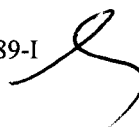
⁴ Scheduling Order for a Hearing on Referral of the Case of Bernard Munyagishari to the Republic of Rwanda, 7 March 2012.

⁵ *Requête de la défense de Bernard Munyagishari aux fins d’obtenir le droit d’intervenir à l’audience pour l’assistant juridique*, 10 April 2012 (“Defence Request”).

⁶ Rule 73(E) of the Rules (any response shall be filed five days from the date on which Counsel received the motion).

⁷ See Article 19 (1) of the Statute of the Tribunal. See also Rule 54 of the Rules.

⁸ Defence Request, para. 3.

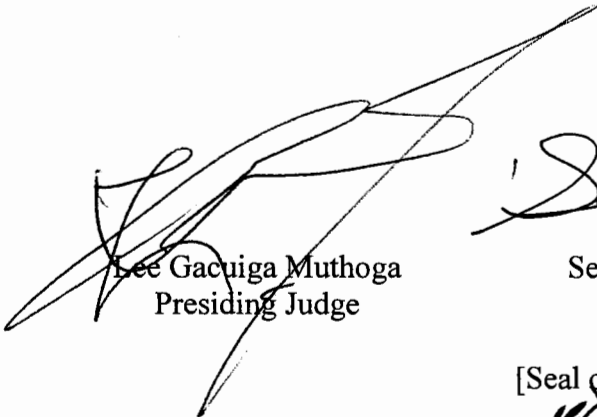


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BASED ON THE FOREGOING, THE CHAMBER

GRANTS the Motion. Ms. Natacha Fauveau Ivanović is granted the right of audience to appear before the Chamber on behalf of Bernard Munyagishari on 12 April 2012.

Arusha, 11 April 2012, done in English



Lee Gacuiga Muthoga
Presiding Judge



Seon Ki Park
Judge



Gberdao Gustave Kam
Judge

[Seal of the Tribunal]

