



ICTR-02-79-I  
22-5-2012  
(431-430)

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**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

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**PRESIDENT OF THE TRIBUNAL**

Before: Judge Vagn Joensen, President

Registrar: Adama Dieng

Date filed: 22 May 2012

**THE PROSECUTOR**

v.

**PHÉNÉAS MUNYARUGARAMA**

*Case No. ICTR-2002-79-I*

JUDICIAL RECORDS ARCHIVES  
ICTR

2012 MAY 22 P 5:41

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**PROSECUTOR'S REQUEST FOR DESIGNATION OF A TRIAL  
CHAMBER TO CONSIDER THE REFERRAL OF THE CASE OF  
PHÉNÉAS MUNYARUGARAMA TO RWANDA PURSUANT  
RULE 11 *BIS* (A) OF THE RULES OF PROCEDURE AND  
EVIDENCE**

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**Office of the Prosecutor**

Hassan Bubacar Jallow  
James J. Arguin  
George Mugwanya  
Inneke Onsea  
Abdoulaye Seye  
Francois Nsanzuwera  
Erica Bussey

1. By this request, the Prosecutor seeks an order from the President of the Tribunal, pursuant to Rule 11 *bis* (A), designating a Trial Chamber to determine whether the indictment and case of *Phénéas Munyarugarama* (“the Accused”) should be referred to the Republic of Rwanda for trial.

2. The indictment against the Accused was confirmed by the Tribunal on 4 March 2002 and charges the Accused with genocide or, in the alternative, complicity in genocide; and extermination as a crime against humanity. Upon confirmation of the Indictment a warrant was issued for the arrest and surrender of the Accused to the Tribunal. The warrant is unexecuted to date, and the Accused remains at large.

3. On 11 May 2012, the Prosecutor filed an application for leave to amend the indictment. That application remains pending before the confirming judge at this time. Upon confirmation of the amended indictment, the Prosecutor will file a formal application for referral.

4. For the foregoing reasons, the Prosecutor requests that the President of the Tribunal designate a Trial Chamber, pursuant to Rule 11 *bis* (A) to hear and determine the Prosecutor’s anticipated application for referral. In addition, to facilitate the expeditious resolution of the Prosecutor’s anticipated application, the President should direct the Registry to appoint duty counsel to represent the interests of the Accused in the referral proceedings.

Dated at Arusha, Tanzania this 22<sup>nd</sup> day of May 2012



Hassan Bubacar Jallow  
Prosecutor

