

ICTR-05-84-T
19-06-2006
(394 - 393)

UNITED NATIONS
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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S. MUSA

TRIAL CHAMBER I:

Before: Judge Erik Møse (Presiding)
Judge Jai Ram Reddy
Judge Sergei Alekseevich Egorov

Registrar: Adama Dieng

Filed on: 19 June 2006

THE PROSECUTOR
v.
JOSEPH SERUGENDO
(Case No. ICTR-2005-84-I)



PROSECUTOR'S RESPONSE TO EXTREMELY URGENT DEFENCE MOTION FOR PARTIAL ENFORCE-
MENT OF SENTENCE UNDER ARTICLE 26 OF THE STATUTE AND RULE 104

Office of the Prosecutor:
Hassan Bubacar Jallow
Stephen Rapp
Bill Egbe

Counsel for the Accused:
Cecil Maruma

Preliminary statement:

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The Prosecutor notes that on 14 June 2006, Serugendo Joseph was evacuated to Nairobi for further medical follow up, leaving open the argument that this response is now moot.

For the record, however, the Prosecution urges the Chamber to admit this response, and give it whatever consideration is appropriate, at the time of rendering a decision in this case.

The Response:

1. The Prosecution submits this response to the extremely urgent defence motion for partial enforcement of sentence under article 26 of the statute and rule 104, filed by the Defence on 12 June 2006.
2. The Prosecution submits that the enforcement of the 2 June 2006 sentence on Joseph SERUGENDO, was directed to the Registry. Thus by the Tribunal's laws and by express orders of the Chamber, the Registry is competent to deal with this matter.
3. Considering that grave conclusions have been drawn in the defence motion (particularly in paragraphs 16 and 17), with no factual basis elaborated in support of the alleged acts of contempt of a court decision or dereliction of duty on the part of medical officials, it is submitted that the Registry must be heard on this matter before a decision is reached.

"The defence contends that the medical personnel are in contempt of the specific directives of the Chamber referred to at paragraph 8 above which have been brought to their attention. (Paragraph 16)

"The defence observes that the attitude of the medical personnel under whose charge the prisoner is placed are in neglect of their professional duty and obligation, and should be called to account should anything untoward occur to the prisoner's health. (Paragraph 17)

4. The Prosecution submits that in the interest of a proper administration of justice, the Registry be requested to file a response to the Defence motion, as a matter of urgency.
5. The Prosecution continues to support all measures that are necessary and feasible in the present circumstances, in enforcement of the sentence on 2 June 2006, against Joseph SERUGENDO.

All of which is respectfully submitted for and on behalf of the Prosecutor, by

William T. Egbe

Senior Trial Attorney

Dated in Arusha today 13 June 2006

