

ICTR-98-44F-R71BIS 2035
12-10-2011
2035-2034 AM



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

UNITED NATIONS
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OR: ENGLISH

TRIAL CHAMBER III

Before: Hon. Judge Gberdao Gustave Kam

Registrar: Adama Dieng

Dated: 12 October 2011

**THE PROSECUTOR
vs
AUGUSTIN BIZIMANA
CASE No. ICTR-98-44F-R71bis**

JUDICIAL RECORDS ARCHIVES
2011 OCT 12 2:59
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**PROSECUTOR'S REPOSE TO DEFENCE MOTION FOR POSTPONEMENT
OF HEARING DATE REQUEST FOR LEAVE TO FILE
*Pursuant to Rules 54 of the Rules of Procedure and Evidence***

Office of the Prosecutor

Paul Ng'arua
Elvis Bazawule

Senior Trial Attorney
Trial Attorney

Counsel for the accused

Dr Yitiha Simbeye
Mr Francois J. Godbout
Ms Carolyne Kamende

A. INTRODUCTION

1. The Defence in their motion dated 11 October 2011 (“the Motion”) requests the Trial Chamber III to postpone the hearing date for special deposition in this case from 8 November 2011 to mid -December 2011.
2. The Defence state that the request is to enable investigations that would give context and clarity to the factual issues raised in the Indictment in order to prepare fully for cross-examination of the prosecution witnesses¹.
3. The Defence also stated that the request to investigate was granted on 10th October 2011; the mission will end on 15th November 2011².

PROSECUTOR’S SUBMISSIONS

4. The Prosecutor in principle does not contest or oppose the request made by the Defence. However, it is the Prosecutor’s view that the hearings can begin on a date earlier than mid - December 2011. This view is based on the fact that the Defence will complete their investigations by 15 November 2011.

RELIEF SOUGHT

The Prosecutor respectfully prays the confirming Judge:

- a. grant the Defence request as the Chamber may deem fit,
- b. order any other reliefs.

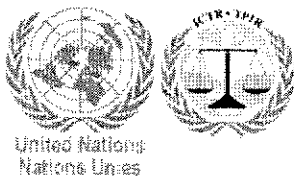
Dated in Arusha this 12 October 2011.



A handwritten signature in black ink, appearing to be 'Paul Ng'arua', is written over a horizontal line. The signature is somewhat stylized and includes a circled initial 'A' at the top left.

 Paul Ng'arua
 Senior Trial Attorney

¹ Defence Request For Postponement of Hearing Date para 3
² Defence Request For Postponement of Hearing Date para 7



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input checked="" type="checkbox"/> Trial Chamber III C. K. Hometowu
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	<input type="checkbox"/> Appeals Chamber / The Hague K. K. A. Afande R. Muzigo-Morrison		
From:	<input type="checkbox"/> Chamber (names)	<input type="checkbox"/> Defence (names)	<input checked="" type="checkbox"/> Prosecutor's Office Paul Ng'arua/ F. Mbuyi (names)
	<input type="checkbox"/> Other: (names)		
Case Name:	The Prosecutor vs. Augustin Bizimana		Case Number: ICTR-98-44D-I
Dates:	Transmitted: 13 October 2011		Document's date: 12 October 2011
No. of Pages:	7	Original Language:	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
Title of Document:	PROSECUTOR'S RESPONSE TO DEFENCE MOTION FOR POSTPONEMENT OF HEARING DATE REQUEST FOR LEAVE TO FILE Pursuant to Rules 54 of the Rules of Procedure and Evidence		
Classification Level:	TRIM Document Type:		
<input type="checkbox"/> Ex Parte	<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence
<input type="checkbox"/> Strictly Confidential / Under Seal	<input type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Confidential	<input type="checkbox"/> Disclosure	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book
<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Judgement	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Book of Authorities
	<input type="checkbox"/> Submission from non-parties	<input type="checkbox"/> Submission from parties	<input type="checkbox"/> Accused particulars

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

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<input type="checkbox"/> Top priority	COMMENTS	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: