



Trial Chamber II

Before Judges:

Laïty Kama, Presiding
William Sekule
Mehmet Güney

Registry: Mr. John Kiyeyeu

Decision of: 27 April 2000

THE PROSECUTOR

vs.

Eliezer NIYTEGEKA (*Case No. ICTR -96-14-T*)

Casimir BIZIMUNGU, Justin MUGENZI, Jérôme BICAMUMPAKA,

Prosper MUGIRANEZA (*Case No. ICTR -99-50-T*)

Augustin BIZIMANA, Édouard KAREMERA, Callixte NZABONIMANA,

André RWAMAKUBA, Mathieu NGIRUMPATSE, Joseph NZIRORERA,

Félicien KABUGA, Juvénal KAJELIJELI (*Case No. ICTR -98-44-T*)

DECISION ON THE PROSECUTOR'S MOTION TO WITHDRAW THE MOTION FOR JOINDER OF THE ACCUSED

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the "Tribunal"),

Sitting as Trial Chamber II, composed of Judge Laïty Kama (Presiding), Judge William Sekule and Judge Mehmet Güney;

Considering the Prosecutor's motion, dated 24 February 2000, requesting that the motion for joinder of Accused Eliezer Niytegeka (Case No. ICTR -96-14-T), Casimir Bizimungu, Justin Mugenzi, Jérôme Bicamumpaka, Prosper Mugiraneza (Case No. ICTR -99-50-T), Augustin Bizimana, Edouard Karemera, Callixte Nzabonimana, André Rwamakuba, Mathieu Ngirumpatse, Joseph Nzirorera, Félicien Kabuga and Juvénal Kajelijeli (Case No. ICTR -98-44-T), dated 1st July 1999, be withdrawn;

Considering that, by a first memorandum dated 14 March 2000 (ref: ICTR/JUD-11-6-211), the Registry indicated to all the Defence counsel assigned to the above-mentioned Accused that any reply to the Prosecutor's motion for withdrawal had to be filed with the Registry by 20 March 2000;

Considering that, as a consequence of complaints made by several Defence counsel, the Tribunal reconsidered the deadline for filing of any reply and, accordingly, by a memorandum dated 4 April 2000 (ref: ICTR/JUD-11-6-310), the Registry advised the Defence counsel that such deadline was extended to 10 April 2000, and that a lack of reply by this date would be deemed by the Chamber to represent a non objection to the Prosecutor's motion for withdrawal on the part of the relevant Defence counsel;

AFTER HAVING DELIBERATED,

Whereas the Chamber notes that, according to the Registry, none of the Defence Counsel objected to the Prosecutor's motion for withdrawal;

Whereas, consequently, the Chamber considers that the Prosecutor's motion of 24 February 2000 can be granted;

THE TRIBUNAL,

GRANTS leave to the Prosecutor to withdraw her motion dated 1st July 1999 for joinder of Accused Eliezer Nyitegeka (Case No. ICTR -96-14-T), Casimir Bizimungu, Justin Mugenzi, Jérôme Bicomumpaka, Prosper Mugiraneza (Case No. ICTR -99-50-T), Augustin Bizimana, Edouard Karemera, Callixte Ntabonimana, André Rwamakuba, Mathieu Ndirumapatse, Joseph Nzirorera, Félicien Kabuga and Juvénal Kajelijeli (Case No. ICTR -98-44-T).

Arusha, 27 April 2000

Judge Laïty Kama
Presiding

Judge William H. Sekule

Judge Mehmet Güney

(Seal of the Tribunal)