ICTR-05-85-I
19-5-2008
(505 — 496).

505
2008

UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER
DESIGNATED PURSUANT TO RULE 11 *bis*

ENGLISH
Original: FRENCH

Before: Judge Inés Mónica Weinberg de Roca, presiding
Judge Lee Gacuiga Muthoga
Judge Robert Fremr

Registrar: Adama Dieng

Date: 20 November 2007

THE PROSECUTOR

v.

LAURENT BUCYIBARUTA

Case No. ICTR-2005-85-I

DECISION ON PROSECUTOR'S REQUEST FOR REFERRAL OF LAURENT BUCYIBARUTA'S INDICTMENT TO FRANCE

Rule 11 bis of the Rules of Procedure and Evidence

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INTRODUCTION

1. Judge Jai Ram Reddy confirmed the Indictment against Laurent Bucyibaruta on 17 June 2005.[1] The Prosecutor charges Laurent Bucyibaruta with committing the following crimes during the genocide of 1994 in Rwanda: direct and public incitement to commit genocide (Count 1), genocide (Count 2) or, in the alternative, complicity in genocide (Count 3), extermination as a crime against humanity (Count 4), murder as a crime against humanity (Count 5) and rape as a crime against humanity (Count 6).

2. On 12 June 2007, the Prosecutor of the Tribunal filed a Request for the Referral of Laurent Bucyibaruta's Indictment to France, pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence (the "Rules"). The Prosecutor amended the Request on 27 June 2007.[2]

3. Pursuant to Rule 11 *bis* of the Rules, the President of the Tribunal referred the Request to the present Trial Chamber for a ruling.[3] Pursuant to Rule 11 *bis* (B), it is the designated Trial Chamber that decides, *proprio motu* or at the request of the Prosecutor, whether a referral of a case to the authorities of a State is appropriate in the circumstances of the case in question.[4]

4. In an order dated 10 October 2007, the Chamber urged the Parties and France, each in their own sphere, to provide it with information on specific matters.[5] On 24 October 2007, France filed its response to the Chamber's Order.[6] On 7 November, the Prosecutor filed his responsive submissions.[7]

DELIBERATION

Pursuant to Rule 11 *bis* (A) of the Rules, if an indictment has been confirmed, a case may be referred to the authorities of a State (i) in whose territory the crime was committed, or (ii) in which the accused was arrested, or (iii) having jurisdiction and being willing and adequately prepared to accept such a case.[8] Moreover, the Chamber must satisfy itself that the accused will receive a fair trial in the courts of the State concerned and that the death penalty will not be imposed or carried out.[9]

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[1] Confirmation of Indictment and Other Related Orders, 17 June 2005.
[2] Prosecutor's Request for the Referral of Laurent Bucyibaruta's Indictment to France Pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence, amended on 27 June 2007.
[3] Designation of a Trial Chamber for the Referral of the Case to a State, 11 July 2007.
[4] *Prosecutor v. Michel Bagaragaza*, Decision on Rule 11 *bis* Appeal, 30 August 2006, para. 10.
[5] Order to Provide Further Information on Prosecutor's Request for the Referral of the Indictment to France, 10 October 2007.
[6] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007.
[7] Prosecutor' Responsive Submissions Pursuant to Trial Chamber's "Order to Provide Further Information on Prosecutor's Request for the Referral of the Indictment to France", 10 October 2007.
[8] *Prosecutor v. Michel Bagaragaza*, Decision on Rule 11 *bis* Appeal, 30 August 2006, para. 8.
[9] Rule 11 *bis* (C).

A. State's jurisdiction, willingness and being adequately prepared to accept the case

5. Pursuant to Rule 11 *bis* (A), if an indictment has been confirmed, a case may be referred to the authorities of a State (i) in whose territory the crime was committed, or (ii) in which the accused was arrested, or (iii) having jurisdiction and being willing and adequately prepared to accept such a case. The Prosecutor submits that France has jurisdiction, and is willing and adequately prepared to accept cases from the Tribunal, including Bucyibaruta's case, on the basis of the universal jurisdiction principle that France has embraced to cover crimes committed in Rwanda and/or in neighbouring States between 1 January 1994 and 31 December 1994.[10] The Prosecutor further submits that for France to exercise jurisdiction over any person in relation to the crimes committed in Rwanda in 1994, such person must be present on French territory. The Prosecutor emphasizes that the Accused is present in France and that France is willing to arrest him.

6. The Chamber notes that since the Prosecutor filed his Request to refer Laurent Bucyibaruta's case to France pursuant to Rule 11 *bis* of the Rules, the Tribunal has issued a Warrant of Arrest against Bucyibaruta.[11]

7. The Prosecutor is requesting that the Indictment against Laurent Bucyibaruta be referred to France.[12] Correspondence from the office of the French Minister of Justice [*Garde des Sceaux*] with the Tribunal clearly indicates that France is willing and adequately prepared to accept the case. The correspondence confirms "the willingness of the French judicial authorities to assume jurisdiction over matters subject to proceedings by International Criminal Tribunal for Rwanda against Laurent Bucyibaruta".[13]

8. In determining whether or not a State has jurisdiction within the meaning of Rule 11 *bis* of the Rules, the Chamber must consider whether such a State has a legal framework which criminalizes the alleged conduct of the accused and provides an adequate sentencing structure.[14] A case can be referred to the national courts of a State only where the State concerned will charge and convict the persons responsible for those international crimes listed in the Statute as opposed to ordinary law crimes.[15]

9. The French authorities submit that Articles 1 and 2 of Law No. 96-432 of 22 May 1996 to adapt French law to the provisions of United Nations Security Council Resolution 955 on the establishment of an International Tribunal to prosecute persons responsible for genocide or other serious violations of international humanitarian law committed in the territory of Rwanda in 1994 and Rwandan citizens responsible for such

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[10] Prosecutor's Request for the Referral of Laurent Bucyibaruta's Indictment to France Pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence, amended on 27 June 2007, para. 9.
[11] Warrant of Arrest and Order for Transfer and Detention, 13 August 2007.
[12] Prosecutor's Request for the Referral of Laurent Bucyibaruta's Indictment to France Pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence, amended on 27 June 2007, para. 2.
[13] Annex C, Letter from the French Minister of Justice [*Garde des Sceaux*] to the Tribunal, dated 19 July 2006, Prosecutor's Request for the Referral of Laurent Bucyibaruta's Indictment to France Pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence, amended on 27 June 2007.
[14] *Prosecutor v. Michel Bagaragaza*, Decision on Rule 11 *bis* Appeal, 30 August 2006, para. 9.
[15] *Ibid.*, paras. 15-16.

crimes committed in neighbouring countries (Law of 22 May 1996) unambiguously give French courts jurisdiction over the crimes alleged in the Indictment against Laurent Bucyibaruta.[16]

10. Thus Article 1 of the Law of 22 May 1996 provides that it applies to any person charged with acts which, within the meaning of Articles 2 to 4 of the Statute of the Tribunal, constitute serious violations of Article 3 Common to the Geneva Conventions of 12 August 1949 and of Additional Protocol II thereto of 8 June 1977, or genocide or crimes against humanity.[17] France adds that the crime of genocide is also provided for under Article 211-1 of the French Penal Code. Lastly, in its submissions of 24 October 2007, France states that the *Chambre criminelle de la Cour de cassation* [Criminal Division of the Court of Cassation] rendered a decision on 6 January 1998 confirming that French courts have jurisdiction over acts of genocide or crimes against humanity committed in Rwanda in 1994.[18]

(i) Direct and public incitement to commit genocide, genocide or, in the alternative, complicity in genocide

11. Direct and public incitement to commit genocide, genocide or, in the alternative, complicity in genocide are proscribed by Article 2 of the Statute. These crimes fall within the scope of the Law of 22 May 1996. Moreover, the crime of genocide is also specifically proscribed by Article 211-1 of the French Penal Code,[19] while complicity is provided for under Articles 121-6 and 121-7 of the same Penal Code.[20]

12. Under French law, genocide is punishable with life imprisonment accompanied by a safety period as set forth in the first two sub-paragraphs of Article 132-23 of the Penal Code.

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[16] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007, p. 1.

[17] See *Circulaire du Ministère de la justice du 22 juillet 1996 prise pour l'application de la loi n° 96-432 du 22 mai 1996*, section on the scope of application of the Law of 22 May 1996.

[18] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007, p. 2.

[19] Article 211-1 of the French Penal Code:
"Genocide occurs where, in the enforcement of a concerted plan aimed at the partial or total destruction of a national, ethnic, racial or religious group, or a of a group determined by any other arbitrary criterion, one of the following actions are committed or caused to be committed against members of that group:
- wilful attack on life;
- serious attack on psychic or physical integrity;
- subjection to living conditions likely to entail the partial or total destruction of that group;
- measures aimed at preventing births;
- enforced child transfers.

Genocide is punished by criminal imprisonment for life.
The first two paragraphs of Article 132-23 governing the safety period apply to the felony set out under the present Article."

[20] Article 121-6 of the French Penal Code:
"The accomplice of the offence, in the meaning of Article 121-7, is punishable as a perpetrator."
Article 121-7 of the French Penal Code:
"The accomplice to the offence, in the meaning of Article 121-7 of the French Penal Code.
"Any person who, by means of a gift, promise, threat, order, or an abuse of authority or powers, provokes the commission of an offence or gives instructions to commit it, is also an accomplice."

The French Penal Code provides in general that an accomplice is punishable as a perpetrator.[21]

13. The Chamber is satisfied that France possesses a legal structure which criminalizes the crimes of direct and public incitement to commit genocide, genocide, and complicity in genocide. The Chamber is also satisfied that the French criminal justice system provides an adequate sentencing structure for these crimes.

(ii) Extermination, murder and rape as crimes against humanity

14. Extermination, murder and rape as crimes against humanity are proscribed by Article 3 of the Statute of the Tribunal. This provision is expressly enshrined in the French Law of 22 May 1996. Moreover, France expressly criminalizes crimes against humanity in its domestic law, Articles 212-1 *et seq.* of the Penal Code. The offence of crime against humanity is punished by life imprisonment.

15. The Chamber therefore considers that France possesses the appropriate legal framework which criminalizes the crimes of extermination, murder and rape as crimes against humanity as defined in the Statute. The Chamber is also satisfied that France provides an adequate sentencing structure for these crimes.

(iii) Presence of the Accused on French territory

16. In order for France to be able to exercise its jurisdiction under the Law of 22 May 1996, the person concerned must be present on French territory.[22] The Chamber is satisfied that it is established that Laurent Bucyibaruta is currently present on French territory, where he is under judicial supervision. Such supervision, *inter alia*, prohibits him from leaving the French mainland.[23]

17. In light of the foregoing, the Chamber is satisfied that France has jurisdiction and is willing and adequately prepared to accept the referral of Laurent Bucyibaruta's Indictment.

B. Inapplicability of the death penalty

18. Pursuant to Rule 11 *bis* (C), the Chamber must satisfy itself that the accused will not be sentenced to death or executed. In its submissions, the French Government indicated that France abolished the death penalty in 1981. Moreover, France has ratified Protocol No. 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("European Convention for the Protection of Human Rights"), which proscribes the death penalty in all circumstances, including acts committed in time of war or imminent danger of

[21] Article 121-7, French Penal Code.
[22] Article 2, Law of 22 May 1996.
[23] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007, p. 2; *Arrêt sur demande de liberté, Première Chambre de l'instruction de la Cour d'appel de Paris*, 19 September 2007.

war. Moreover, since 2007, Article 66-1 of the French Constitution provides that "[n]o one shall be sentenced to death".[24]

19. The Chamber is therefore satisfied that the Accused will neither be sentenced to death nor be executed if his case is referred to the French courts.

C. Fair trial

20. Pursuant to Rule 11 *bis* (C), the designated Trial Chamber must satisfy itself that the accused will receive a fair trial before the courts of the State concerned.

21. France ratified the European Convention for the Protection of Human Rights on 3 May 1974. Article 6 of the European Convention for the Protection of Human Rights deals with the right to a fair trial.[25] France has also ratified the International Covenant on Civil and Political Rights of 4 November 1980, Article 14 of which provides for the right to a fair trial.[26] The relevant provisions of the European Convention on Human Rights and of the

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[24] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007, p. 4.

[25] Article 6: Right to a fair trial:

1 In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2 Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3 Everyone charged with a criminal offence has the following minimum rights:

a to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

b to have adequate time and facilities for the preparation of his defence;

c to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

d to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

e to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

[26] Article 14:

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit of law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*), or national security in a democratic society, or when the interest of the private lives of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit of law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

International Covenant on Civil and Political Rights are fundamentally similar to those on the rights enshrined in Article 20 of the Statute of ICTR.[27]

22. *In addition to the international instruments* to which France is a Party, French domestic law also contains provisions which guarantee the right to a fair trial. These include the independence of the courts under the Constitution,[28] the presumption of innocence,[29] the right to have the assistance of counsel,[30] the right to be tried without undue delay,[31] the right

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(c) To be tried without undue delay;
(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing, to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.
7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

[27] Article 20 of the Statute: Rights of the accused:
1. All persons shall be equal before the International Tribunal for Rwanda.
2. In the determination of charges against him or her, the accused shall be entitled to a fair and public hearing, subject to Article 21 of the Statute.
3. The accused shall be presumed innocent until proven guilty according to the provisions of the present Statute.
4. In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality:
(a) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;
(b) To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;
(c) To be tried without undue delay;
(d) To be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interest of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;
(e) To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;
(f) To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the International Tribunal for Rwanda;
(g) Not to be compelled to testify against himself or herself or to confess guilt.

[28] French Constitution, Title III.
[29] Article 1, French Code of Criminal Procedure.
[30] Articles 274, 275 and 317, French Code of Criminal Procedure.
[31] Article 1, French Code of Criminal Procedure.

to examine witnesses and have them examined,[32] and the right of appeal,[33] under the Code of Criminal Procedure.

23. France clearly explains in its submissions that French law does not provide for an examination-in-chief and cross-examination as practised in common law jurisdictions. In its submissions, France gives details on the procedure for the examination of witnesses. The submissions show that defence counsel can request attendance during the questioning of witnesses by the examining judge and can put questions to such witnesses.[34] Each party is responsible for presenting witnesses at trial.[35] The President of the *Cour d'assises* hears the witnesses called by the parties to testify. They testify separately, following the order established by the President, orally, without being interrupted, except by the President. Their testimony relates only to the facts alleged against the accused, or to his personality, or to his moral character. The examination of witnesses is conducted by the President of the *Cour d'assises*.[36] An interpreter may be used. After each testimony, the President can put questions to the witnesses.[37] Non-presiding judges and jury members can also put questions to the accused and to the witnesses. The prosecution and counsel for the parties can put questions directly to the accused, to civil parties, and to any person called to the stand. The accused and civil parties can also put questions through the President.

24. The Chamber is satisfied that France will uphold Bucyibaruta's right to examine witnesses and to have them examined, and that he will receive a fair trial before the competent French courts.

D. Witness protection

25. To date, the only witness protection measures in force derive from the Decision on confirmation of the initial Indictment, rendered on 17 June 2007, ordering that the witness statements contained in the supporting materials may be disclosed to the Defence in redacted form until such time as the Chamber issues an order to the contrary.

26. France submits that, under certain conditions, witnesses can give anonymous testimony in the course of an investigation or examination.[38] A decision authorizing a witness to give anonymous testimony can be challenged by the accused before the examining

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[32] Articles 82-1, 120 and 312, French Code of Criminal Procedure.

[33] Article 1, French Code of Criminal Procedure.

[34] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007, p. 4; Articles 82-1 and 120, French Code of Criminal Procedure.

[35] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007, p. 4; Article 281, French Code of Criminal Procedure.

[36] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007, p. 4; Articles 324 and seq. and 331 *et* seq, French Code of Criminal Procedure.

[37] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007, p. 4.

[38] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007, p. 5; Articles 706-57, 706-58 of the French Code of Criminal Procedure.

chamber, which may ultimately authorize disclosure of the witness's identity if such witness explicitly agrees to having his anonymity lifted.[39] The identity or address of a witness who has been permitted to give anonymous testimony must not be revealed. Disclosing such information constitutes a criminal offence.[40] In the interest of the anonymity of witnesses, any witness under such protection can be heard outside court using technical equipment, and with his voice rendered unrecognizable.[41]

27. France further notes in its submissions that the court may order a closed session under certain conditions. Thus in certain cases, including rape, civil party victims are entitled to a closed session if they so request.[42]

28. The Chamber is satisfied that, where necessary, French courts can order adequate protective measures so as to ensure the protection of witnesses. Moreover, the Chamber notes that there is no obstacle as to the protection of witnesses that could prevent referral of the present case to France.

E. Monitoring the proceedings

29. Rule 11 *bis* (D)(iv) provides that the Prosecutor may send observers to monitor the proceedings in the courts of the State concerned on his or her behalf. The ICTR Appeals Chamber has interpreted the equivalent provision of the ICTY Rules as authorizing the ICTY Referral Bench to order the Prosecutor to send observers if it deems it useful for the protection of the accused's right to a fair trial.[43]

30. France notes in its submissions that, as a matter of principle, hearings are public although a court may order a closed session under certain conditions. Moreover, it adds that, while its laws do not specifically provide for the procedure set forth in Rule 11 *bis* (D)(iv) of the Rules, it is perfectly possible for the ICTR observers to be kept abreast of the conduct of the proceedings through the *Procureur de la République* of the *Tribunal de grande instance de Paris*".[44]

FOR THESE REASONS, THE CHAMBER:

GRANTS the Prosecutor's Request;

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[39] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007, p. 5; Article 706-60 of the French Code of Criminal Procedure.

[40] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta, 24 October 2007*, p. 5; Articles 706-59 and 706-60 of the French Code of Criminal Procedure.

[41] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007, p. 5; Articles 706-61 and 706-71 of the French Code of Criminal Procedure.

[42] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007, p. 6.

[43] *Stanković*, Decision on Rule 11 *bis* Referral, Appeals Chamber, paras. 50-55.

[44] *Réponse aux éléments sollicités par le TPIR dans ses ordonnances rendues le 10 octobre 2007 sur les affaires W. Munyeshyaka et L. Bucyibaruta*, 24 October 2007, p. 6.

ORDERS that the case of *The Prosecutor v. Laurent Bucyibaruta* be referred to the French authoriti s, so that those authorities may forthwith assign the case to the appropriate French court;

ORDERS the Prosecutor to communicate to France, within 30 days from the date of the present I ecision, the attachments to the Indictment against Laurent Bucyibaruta and any other evidentia ry material he considers appropriate;

ORDERS the Prosecutor to inform the French authorities in advance of his intention to send observer from the Office of the Prosecutor, or from any other body, to monitor the proceedi igs before the French courts and to report back;

ORDERS the Prosecutor to submit an initial report to the Chamber on the conduct of the proceedi igs instituted against Laurent Bucyibaruta by the French public prosecutor, six weeks after dis losure of the evidence, and, thereafter, to submit to it one such report every three months; such reports must comprise or include reports prepared by the body monitoring the proceedi igs or reporting thereon.

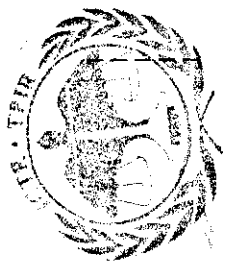
Done at Arusha on 20 November 2007.

Judge Ir ès M. Weinberg de Roca
presiding

Judge Lee Gacuiga Muthoga

for
Judge Robert Fremr

And with his consent
(Absent at the time of signature)



Translatio certified by LSS, ICTR