

ICTR-97-20-T  
13-12-2001  
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International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

**TRIAL CHAMBER III**

Before: Judge Yakov Ostrovsky, Presiding  
Judge Lloyd George Williams  
Judge Pavel Dolenc (Designated by the Trial Chamber pursuant to Rule 73)

Registrar: Mr. Adama Dieng

Date: 13 December 2001

**THE PROSECUTOR**

v.

**LAURENT SEMANZA**

Case No. ICTR-97-20-T

JUDICIAL RECORDS SERVICES  
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ICTR  
2001 DEC 13 P 4: 38  
*[Signature]*

**DECISION ON DEFENCE EXTREMELY URGENT MOTION  
FOR EXTENSION OF TIME AND FOR AN ORDER OF COOPERATION OF THE  
GOVERNMENT OF RWANDA**

The Office of the Prosecutor:  
Mr. Chile Eboe-Osuji  
Ms Patricia Wildermuth

Counsel for the Accused:  
Mr. Charles A. Taku  
Mr. Sadikou A. Alao

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (The "Tribunal"),**

**SITTING** as Judge Pavel Dolenc, designated by Trial Chamber III (the "Chamber") pursuant to Rule 73(A) of the Rules of Procedure and Evidence (the "Rules");

**BEING SEISED** of the "Defence Extremely Urgent Motion for Extension of Time Limit for Forensic Experts From the Institut Médico-Légal De Paris - Professors Dominique Lecomte and Walter Vorhauer to Comply with Paragraphs 5, 6, and 7 of the Oral Decision of Trial Chamber III dated 24 October 2001 and for an Order of Cooperation of the Government of Rwanda in facilitating the Exercise in the Above Cited Paragraphs, Pursuant to Article 28 of the Statute, Rule 54 of the Rules of Procedure and Evidence", filed 7 December 2001;

**CONSIDERING** that the Prosecutor indicated on 13 December 2001 that she would not be filing any response;

**RECALLING** the Oral Decision of the Chamber of 14 November 2001 (the "Oral Decision");

**NOW CONSIDERS** the matter solely on the basis of the materials submitted by the Defence, pursuant to Rule 73(A) of the Rules:

**Submissions of the Defence**

1. The Defence urges the Chamber to extend the deadline for filing the full statement of its expert witness. In support of this request, the Defence explains that it is not possible to undertake any mission to Rwanda prior to 31 December 2001 because of the schedules of the experts and the diplomatic and logistical procedures. The Defence proposes that the expert who is selected by the Defence will still be available to testify in January 2002.
2. The Defence further requests that the Chamber grant an Order for the cooperation of the Government of Rwanda, in the interests of expediting the process, to avoid "diplomatic bottlenecks", and to promote the efficient management of judicial time.

**Deliberations**

3. In the Oral Decision the Majority of the Chamber (Judges Williams and Dolenc) granted the Defence Motion of 24 October 2001 in part, permitting the Defence to add one of its two proposed forensic experts to the witness list subject to the following conditions: (1) that the expert's report be filed with the Tribunal by the end of December 2001, and (2) that the expert witness shall be ready to appear before the Tribunal in January 2002. The Chamber further ordered that failure to comply with either of the conditions would result in the removal of the proposed expert from the witness list.
4. Rule 94 *bis* requires that the expert's final statement be filed with the Trial Chamber not less than twenty-one days prior to the date on which the expert is expected to testify. There is no exact deadline for disclosure to the Prosecutor, but the Rule requires that the full statement be disclosed to the Prosecutor as early as possible and

that the Prosecutor be given fourteen days from the filing of the statement to file a notice indicating its position concerning the witness.

5. The Tribunal finds, for the reasons put forth by the Defence and confirmed by the supporting materials, that the deadline for filing the final statement of the selected expert under Rule 94 *bis* (A) should be extended.
6. The Tribunal bears in mind that the Defence requested to add experts to its witness list at a very late stage of the proceedings. Therefore, the new deadline will be strictly enforced and failure to comply will result in the removal of the selected expert from the witness list pursuant to the conditions set out in the Oral Decision.
7. Therefore, the final statement of the selected expert must be filed no later than Tuesday 15 January 2002. In fixing this date the Tribunal considered: the proposal of the Defence; the stated availability of the potential witnesses in January 2002; the 14-day time period within which the Prosecutor must file a notice indicating whether she accepts the statement or whether she wishes to cross-examine the expert; and the schedule of the Chamber in this and other cases.
8. Pursuant to the Oral Decision, this final statement should be signed by the expert who has been selected by the Defence to be added to the witness list. This expert witness should be available to testify in late January 2002.
9. The request for an Order for cooperation of the Rwandan Government is not founded. The Defence has not demonstrated that there has been any failure or unwillingness to cooperate on the part of the government of Rwanda. The Tribunal reminds the Defence to address the Chamber only when it is necessary and only when it is in accordance with the Rules.

10. The Tribunal therefore:

- (A) **GRANTS** the Defence motion to extend the deadline for filing the report of the forensic expert to 15 January 2002.
- (B) **DENIES** the Motion in all other respects.

Arusha, 13 December 2001.

  
Judge Pavel Dolenc

(Seal of the Tribunal)