

ICTR-98-44-I
8-1-2004
(9044-9042)

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UNITED NATIONS



International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law committed in the territory of Rwanda and Rwandan Citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994

Case No. ICTR-98-44-I

Date : 21 November 2003

ENGLISH

Original: FRENCH

TRIAL CHAMBER III

Before: Judge Andréia Vaz, presiding
Judge Florence Rita Arrey
Judge Flavia Lattanzi

Registrar: Adama Dieng

Date Filed: 21 November 2003

2003 JAN - 8 1 P 4: 58
ICTR
REGISTRATION

THE PROSECUTOR

v.

EDOUARD KAREMERA *et al.*

**DECISION ON THE REQUESTS FILED BY THE DEFENCE
TEAMS OF RWAMAKUBA, NZIRORERA AND NGIRUMPATSE FOR EXTENSION OF TIME
TO RESPOND TO THE PROSECUTOR'S MOTION FOR JUDICIAL NOTICE**

Office of the Prosecutor:
Charles Hooper and Andreas O'Shea
Peter Robinson and Dior Diagne
Didier Skornicki and John Traversi
Charles Roach and Frédéric Weyl

Defence Counsel:
Don Webster
Ifeoma Ojemeni
Simone Monasebian
Holo Makwaia
Tamara Cummings-John

Translation certified by LSS, ICTR

CIII03-0058 (E)

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

SITTING as Trial Chamber III composed of Judge Andrésia Vaz, presiding, Flavia Lattanzi and Florence Rita Arrey (the "Chamber"),

CONSIDERING the Motion for judicial notice pursuant to Rule 94 of the Rules of Procedure and Evidence (the "Rules") filed by the Prosecution on 10 November 2003,

BEING SEIZED of an urgent Request for the extension of time to respond to the Prosecutor's Motion for judicial notice, filed by the Defence of André Rwamakuba on 13 November 2003,

BEING ALSO SEIZED of a Request for the extension of time to respond to the Prosecutor's Motion for judicial notice, filed by the Defence of Joseph Nzirorera on 14 November 2003,

NOTING the Prosecutor's response to the two motions filed on 18 November 2003,

ALSO BEING SEIZED of a Request for an extension of time to respond to the Prosecutor's Motion concerning judicial notice, filed by the Defence of Matthieu Ngirumpatse on 21 November 2003,

RULING solely on the basis of the briefs filed by the parties, pursuant to the provisions of Rule 73(A) of the Rules of Procedure and Evidence (the "Rules"),

NOW CONSIDERS THE MOTION.

The Parties' Arguments

The Defence

1. The Defence teams are of the opinion that the preparation of the trial scheduled to start on 26 November, which involves investigations in the field as well as preparation of the cross-examination of the witnesses due to testify, makes it impossible for them to file within the time limit prescribed by the Rules an adequate response to the Prosecutor's Motion for judicial notice, which is accompanied by a considerable number of documents. Consequently, the Defence Counsels for Rwamakuba, Nzirorera and Ngirumpatse request that the time limit for the filing of the response be extended to 15 January 2004 for Rwamakuba, 8 January 2004 for Nzirorera and 12 January 2004 for Ngirumpatse.

The Prosecution

2. The Prosecution objects to the requests for extension on the grounds that it filed a motion for judicial notice for reasons of judicial economy and in the interests of justice, which would not be served by the granting of such long time limits for response.

3. The Prosecution further requests the Chamber to render its decision on the motion for judicial notice as soon as possible, and refers to several cases in which decisions relating to judicial notice were taken before commencement of trial¹.

4. The Prosecution also submits that, if the Chamber grants an extension of the time limit to respond, it should not go beyond the date of the commencement of trial, namely 26 November 2003.

Deliberations

5. It is the view of the Chamber that the many difficulties experienced at the commencement of the trial, which led the Judges to postpone the commencement date to 26 November 2003 instead of 3 November, also led the Defence teams to review their strategies. This resulted, *inter alia*, in new and belated field investigations. The Chamber finds that it would be difficult to respond adequately to such a wide-ranging motion in such circumstances and within the prescribed time limits.

6. The Chamber further finds that rendering this decision after the commencement of trial and, in any event, at an early stage of the proceedings, would not have a major impact on the conduct of the trial.

FOR ALL THE FOREGOING REASONS

THE CHAMBER

EXTENDS up until 8 January 2004 the time limits for response to the motion for judicial notice.

Arusha, 21 November 2003

[Signed]

Andrésia Vaz
Presiding Judge

Florence Rita Arrey
Judge

Flavia Lattanzi
Judge



¹ *The Prosecutor v. Laurent Semanza*, Case No. ICTR-97-20-T, Decision on the Prosecutor's Motion for Judicial Notice and Assumption of Facts pursuant to Rules 94 and 54, of 3 November 2000 and *The Prosecutor v. Elizaphan Ntakirutimana*, Case No. ICTR-96-10-T and *The Prosecutor v. Gerard Ntakirutimana*, ICTR-96-17-T, Decision on the Prosecutor's Motion for Judicial Notice of adjudicated facts, of 22 November 2002.