

ICTR-98-44-1  
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(17298-17296)

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UNITED NATIONS  
NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

**Before Judges:** Dennis C. M. Byron, Presiding

**Registrar:** Adama Dieng

**Date:** 25 January 2005

THE PROSECUTOR

v.

Édouard KAREMERA  
Mathieu NGIRUMPATSE  
Joseph NZIRORERA  
André RWAMAKUBA

Case No. ICTR-98-44-R73

JUDICIAL RECORDS/ARCHIVES  
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DECISION GRANTING TIME-LIMIT TO FILE A REPLY TO DEFENCE  
RESPONSES

*Rule 73 of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**

Don Webster  
Holo Makwaia  
Dior Fall  
Gregory Lombardi  
Bongani Dyani  
Sunkarie Ballah-Conteh  
Tamara Cummings-John  
Takeh Sendze

**Defence Counsel:**

Dior Diagne Mbaye and Félix Sow,  
for Edouard Karemera  
Charles Roach and Frédéric Weyl,  
for Mathieu Ngirumpatse  
Peter Robinson,  
for Joseph Nzirorera  
David Hooper and Andreas O'Shea,  
for André Rwamakuba

*[Signature]*

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** (“Tribunal”),

**SITTING** as Trial Chamber III composed of Judge Dennis C. M. Byron;

**CONSIDERING** the “Prosecutor’s Request for Extension of Time to File a Reply to Nzirorera’s Response to Motion of 17 December 2004 to Sever and for Leave to Amend” (“Prosecution Motion”), filed on 13 January 2005;

**CONSIDERING** that the Defence for Ngirumpatse, the Defence for Nzirorera and the Defence for Rwamakuba have not filed any response to the Prosecution Motion within the time-limit prescribed by the Rules;

**HEREBY DECIDES** the Motion, pursuant to Rule 73 of the Rules of Procedure and Evidence (“Rules”).

1. On 20 December 2004, the Prosecution filed a “Prosecutor’s Consolidated Motion to Sever Rwamakuba from the Joint Indictment and to Try Him Separately, For Leave to File a Separate Amended Indictment against Rwamakuba, and For Leave to File a Separate Amended Indictment Against Karemera, Ngirumpatse and Nzirorera, or alternatively, Prosecutor’s Motion for Leave to Amend the Indictment against Karemera, Ngirumpatse, Nzirorera and Rwamakuba”. All Defence teams in the present case, except the Defence for Karemera, have filed their replies to the said Motion. By Decision of 7 December 2004, the Defence team are authorized, if they need the French version, to file their responses five days from the date of the service of the translation of the said Prosecution Motion and Annexes thereto.

2. In its Motion filed on 13 January 2005, the Prosecution requests an extension of time to reply to Nzirorera’s Responses and that the Chamber refrains from deliberating on the Prosecution Motion of 20 December 2004 until at least 21 January 2005, or until such time as Ngirumpatse and Karemera have filed substantive responses to the said Prosecution Motion. The Prosecution alleges that the Ngirumpatse’s Response addresses the Prosecution Motion for severance of Rwamakuba but not the Prosecution request for leave to file an amended indictment. The Prosecution argues that such a consolidated submission would be in the benefit of the Chamber and the parties in the proceedings and would save time and resources of the Tribunal.

3. The Chamber observes that, due to technical problems, the Defence for Karemera received the Prosecution Motion only on 24 January 2005.

4. The Chamber notes that Rule 73 of the Rules does not anticipate the possibility for the requesting party to respond to the reply filed by a responding party to a motion.

5. However, the Chamber is of the view that the Prosecution Motion of 20 December 2004, requesting the severance of Rwamakuba from the joint Indictment of November 2001 and amendments of the said Indictment, raises major issues in the present case. The Chamber considers that granting a short-term time-limit to reply will not seriously affect the schedule of the Trial’s commencement. The Chamber is therefore of the view that in the interest of justice and fair trial, the filing of a Prosecution Reply to the Defence Responses should be permitted.

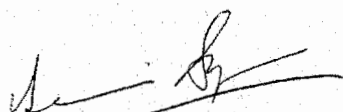
**FOR THE ABOVE REASONS,**

**THE CHAMBER**

**GRANTS** the Motion,

**AND AUTHORIZES** the Prosecution to file its Consolidated Reply to all Defence Responses to the Prosecution Motion of 20 December 2004, no later than two (2) days from the filing of the Karemera's Response to the Prosecution Motion of 20 December 2004.

Arusha, 25 January 2005, done in English.



Dennis C. M. Byron  
Presiding Judge

[Seal of the Tribunal]

