

ICTR-98-44-Pi
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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: 1 July 2005

THE PROSECUTOR

v.

Edouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA

Case No. ICTR-98-44-PT

JUDICIAL DOCUMENTS/ARCHIVES
ICTR
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[Signature]

DECISION GRANTING EXTENSION OF TIME TO FILE DEFENCE PRE-TRIAL
BRIEF

Rule 73bis(B) of the Rules of Procedure and Evidence

Office of the Prosecutor:

Don Webster
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Defence Counsel for Mathieu Ngirumpatse
Chantal Hounkpatin and Frédéric Weyl

Defence Counsel for Joseph Nzirorera
Peter Robinson

[Signature]

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

SITTING as Trial Chamber III, composed of Judge Dennis C. M. Byron, Presiding (“Chamber”);

BEING SEIZED of the “Joseph Nzirorera’s Motion for Extension of Time to File Pre-Trial Brief” (“Motion”), filed by the Defence for the Accused Joseph Nzirorera (“Defence”) on 29 June 2005;

CONSIDERING the Prosecution’s Response thereto filed on 30 June 2005;

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

1. The commencement of the trial in the current proceedings is scheduled on 6 September 2005. On 24 March 2005, the Chamber issued an Order scheduling, *inter alia*, the time-limits for filing documents prescribed under Rule 73bis of the Rules.¹ On 20 June 2005, at the Prosecution’s request, the Chamber authorized it to file its Pre-Trial Brief, Final Witness List and List of Exhibits on 27 June 2005, at the latest, and accordingly extended the time-limits for the filing of Defence Pre-Trial Brief and of statement of admitted or contested facts and law.²

2. The Chamber is now seized of a Motion seeking extension of time for filing Defence Pre-Trial Brief. The Defence submits that while the Prosecution filed its Pre-Trial Brief as scheduled, it has to be sent by express mail due to the size of the document and its annexes. This sending would normally take four to seven working days to reach the Counsel. Accordingly, the Defence requests leave to file its Pre-Trial Brief within the seven days from the receipt of the Prosecution Pre-Trial Brief.

3. Having considered the circumstances of the case, the extension requested shall not affect the schedule of the trial’s beginning. In addition, the Prosecution does not oppose the Motion but requests only to be notified when the delivery is completed.

4. The Chamber is of the view that both in the interests of justice and to ensure a fair trial, the motion should be granted.

FOR THE ABOVE MENTIONED REASONS, THE CHAMBER

- I. **GRANTS** the Motion;
- II. **AUTHORIZES** the Defence for each Accused in the present case to file a Pre-Trial Brief, as prescribed under Rule 73bis(F), within seven (7) days from the receipt of the Prosecution Pre-Trial Brief and no later than 15 July 2005;
- III. **AUTHORIZES** both parties to file any statement of admitted facts and law and any statement of contested matters of fact and law, as prescribed under Rule 73bis of the Rules, no later than 18 July 2005;

¹ *Prosecutor v. Edouard Karemera, Mathieu Ndirumpaste and Joseph Nzirorera*, Case No. ICTR-98-44-PT (Karemera *et al.*), Scheduling Order (TC), 24 March 2005.

² *Karemera et al.*, (TC), Decision Granting Extension of Time to File Pre-Trial Brief (TC), 20 June 2005.

- IV. **AND DIRECTS** the Registrar to notify the Chamber and the Prosecution when the delivery of the Prosecution Pre-Trial Brief is complete with respect to Defence for each Accused.

Arusha, 1 July 2005, done in English.



Dennis C. M. Byron
Presiding Judge
[Seal of the Tribunal]