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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 Judge: Dennis C. M. Byron, Presiding
Pursuant to Rule 54 of the Rules of Procedure and Evidence

Registrar: Adama Dieng

Date: 8 August 2005

THE PROSECUTOR

v.

**Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA**

Case No. ICTR-98-44-PT

JUDICIAL RECORDS/ARCHIVES
ICTR
2005 AUG - 8 P 5:03
[Signature]

**DECISION GRANTING THE PROSECUTION TIME TO FILE A CONSOLIDATED
REPLY TO DEFENCE RESPONSES TO THE JUDICIAL NOTICE MOTION**

Office of the Prosecutor:
Don Webster
Dior Fall
Gregory Lombardi
Iain Morley
Tamara Cummings-John
Sunkarie Ballah-Conteh
Takeh Sendze

Defence Counsel for Édouard Karemera
Dior Diagne Mbaye and Félix Sow

Defence Counsel for Mathieu Ngirumpatse
Chantal Hounkpatin and Frédéric Weyl

Defence Counsel for Joseph Nzirorera
Peter Robinson

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

SITTING as Trial Chamber III, composed of Judge Dennis C. M. Byron, Presiding (“Chamber”), and pursuant to Rule 54 of the Rules of Procedure and Evidence (“Rules”);

BEING SEIZED of the “Prosecutor’s Request for time to file a consolidated reply to Defence Responses to his Motion for Judicial Notice of 30 June 2005”, filed on 13 July 2005, in which the Prosecution requests an extension of time to file a consolidated reply to all Defence submissions;

CONSIDERING the Decision allowing the Defence to respond to the Motion for Judicial Notice no later than 12 August 2005¹;

RECALLING that there is no legal provisions for a right to reply but the parties are free to do so in a reasonable time taking into account that Rule 73(E) of the Rules permits a response only within five (5) days after the receipt of a motion;²

CONSIDERING that the issue of judicial notice should be disposed of before the beginning of the trial; and **RECALLING** that the trial is scheduled to begin on 5 September 2005, and that any further delay in the proceedings could affect such scheduling;

FOR THE FOREGOING REASONS, the Chamber is of the view that the Prosecution could file any consolidated reply to the Defence responses to his motion within two (2) days.

THE CHAMBER

HEREBY ORDERS that any Reply to the Defence responses should be filed no later than 15 August 2005.

Arusha, 8 August 2005, done in English.



Dennis C. M. Byron
Presiding

[Seal of the Tribunal]



¹ *The Prosecutor v. Édouard Karemera, Mathieu Ndirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-PT, Decision granting extension of time to respond to the Prosecution Motion for Judicial Notice (TC), 12 July 2005.

² *The Prosecutor v. Édouard Karemera, Mathieu Ndirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-R73, Decision Granting Time-Limit to File a Reply to Defence Responses (TC), 25 January 2005, para. 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.”