

ICTR-98-44-T 23961  
20-9-2005  
(23961-23959) *ump*



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  
Emile Francis Short  
Gberdao Gustave Kam

**Registrar:** Adama Dieng

**Date:** 20 September 2005

**THE PROSECUTOR**

v.

Edouard KAREMERA  
Mathieu NGIRUMPATSE  
Joseph NZIRORERA

Case No. ICTR-98-44-PT

2005 SEP 20 P 4:27  
*Edouard Karemera*

**DECISION ON MOTION TO SET DEADLINES FOR FILING EXPERT REPORTS OF  
NORWOJEE AND REYNTJENS**

*Rule 94bis(A) of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**  
Don Webster  
Gregory Lombardi  
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Gilles Lahaye  
Sunkarie Ballah-Conteh  
Takeh Sendze

**Defence Counsel for Edouard Karemera**  
Dior Diagne Mbaye and Félix Sow

**Defence Counsel for Mathieu Ngirumpatse**  
Chantal Hounkpatin and Frédéric Weyl

**Defence Counsel for Joseph Nzirorera**  
Peter Robinson

*[Signature]*

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

**SITTING** as Trial Chamber III, composed of Judge Dennis C. M. Byron, Presiding Judge, Judge Emile Francis Short and Judge Gberdao Gustave Kam ("Chamber");

**BEING SEIZED** of a "Motion to Set Deadlines for Filing Expert Reports of Norwojee and Reyntjens" ("Motion"), filed by the Defence for Joseph Nzirorera ("Defence") on 19 September 2005;

**CONSIDERING** the Chamber's Decision on Prosecutor's Notice of Delay in Filing Expert Reports and Request for Additional Time to Comply with the Chamber Decision of 16 May 2005 dated of 9 September 2005;

**CONSIDERING** that the matter does not require to wait for the Prosecution's Reply;

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

1. In the instant Motion, the Defence requests the Chamber to set a deadline for the Expert Reports of Ms. Binaifer Nowrojee and Professor Filip Reyntjens.

2. On 9 September 2005, the Chamber set out deadlines for disclosure of the Prosecution Experts reports to the Defence.<sup>1</sup> At that time, the Prosecution indicated that the Expert Witness Ms. Binaifer Nowrojee will complete her report by mid-September 2005.<sup>2</sup> While the Chamber noted with satisfaction the Prosecution notification of the time-limit of disclosure of the Expert Reports in the instant case, it did not specify in its order the exact date when the statements of Witness Nowrojee should be disclosed. The Chamber's Decision of 9 September 2005 should therefore be amended accordingly.

3. The Chamber notes that Professor Filip Reyntjens has not yet been called as an Expert Witness in the instant proceedings. He is not even on the current Prosecution Witness List filed with the Chamber on 27 June 2005. The issue of disclosure is therefore premature.

**FOR THE ABOVE MENTIONED REASONS, THE CHAMBER**

I. **GRANTS** the Motion in part;

II. **AMENDS** its Decision on Prosecutor's Notice of Delay in Filing Expert Reports and Request for Additional Time to Comply with the Chamber Decision of 16 May 2005 dated 9 September 2005, as follows:

**ORDERS** the Prosecutor to disclose to the Chamber and the Defence of all the Accused in the instant proceedings the statements of the expert witness Ms. Binaifer Nowrojee no later than 30 September 2005.

<sup>1</sup> *Prosecutor v. Edouard Karemera, Mathieu Ngirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44, Decision on Prosecutor's Notice of Delay in Filing Expert Reports and Request for Additional Time to Comply with the Chamber Decision of 16 May 2005 (TC), 9 September 2005.

<sup>2</sup> "Prosecutor's Notice of Delay in Filing Expert Reports and Request for Additional Time to Comply with the Trial Chamber Decision of 16 May 2005", filed on 11 August 2005.

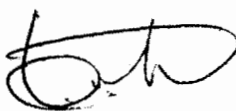
*Decision on Motion to Set Deadlines for Filing Expert Reports of Norwojee and 20 September 2005*  
*Reyntjens*

III. **DENIES** the remainder of the Motion.

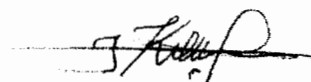
Arusha, 20 September 2005, done in English.



Dennis C. M. Byron  
Presiding Judge



Emile Francis Short  
Judge



Gberdao Gustave Kam  
Judge

