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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal International pour le Rwanda

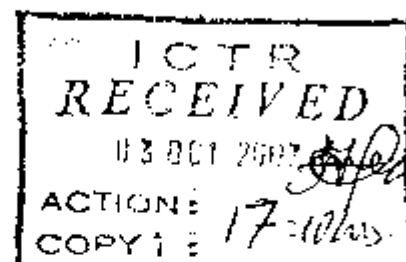
OR: ENG

TRIAL CHAMBER III

Before Judges: Dennis C. M. Byron, Presiding
Gberdao Gustave Kam
Vagn Joensen

Registrar: Adama Dieng

Date: 3 October 2007



THE PROSECUTOR

v.

Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA

Case No. ICTR-98-44-T

DECISION ON NZIRORERA'S MOTION FOR FURTHER EXTENSION OF TIME

Rules 73 of the Rules of Procedure and Evidence

Office of the Prosecutor:
Don Webster
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Gerda Visser
Sunkarie Ballah-Conteh
Takch 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 and Patrick Niny Mayidika Ngimbi

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1. On 16 August 2007, the Prosecutor filed a motion for reconsideration of the Chamber's Oral Decisions of 25 June and 3 July 2007 denying the admission in evidence of Prosecution exhibits marked I-P-005 and I-P-006 ("Prosecutor's Motion").¹
2. On 20 August 2007, Joseph Nzirorera filed a motion for extension of time until 22 October 2007 for filing his response to the Prosecutor's Motion in order to investigate on the provenance of the exhibits and to discuss them with his Counsel.²
3. On 24 September 2007, the Chamber ordered that the responses of the Accused be filed not later than 8 October 2007.³
4. On 1 October 2007, Joseph Nzirorera filed a second motion requesting the Chamber to be given further extension of time until 22 October 2007 to file his response to the Prosecutor's Motion.⁴ He alleges that his Counsel was not able, despite of his best efforts, to have access to the RPF archives in Rwanda. He submits that his Counsel is planning to return to Rwanda on 12 October 2007 in order to conduct appropriate investigation to determine what his response would be. He explains that he has no recollection of seeing the documents and that the letter would have been kept at the Kabuga building where the RPF archivist suggests it was found. He therefore contends that there remain questions as to the authenticity of the documents sought to be entered as exhibits and he, therefore, requests an opportunity to resolve those questions before the Trial Chamber rules on the matter.
5. The Prosecution renews its objection to the extension of time sought.⁵
6. The Chamber notes that in its motion filed on 16 August 2007, before this present Motion, the Defence for Nzirorera requested the same relief on similar grounds.⁶ In its Decision on that first motion, the Chamber found that considering the interests of justice and the rights of the accused, an extension of time until 8 October 2007 was sufficient in order to

¹ Prosecutor's Motion for Reconsideration of Oral Decisions of 25 June 2007 and 03 July 2007 concerning Admission in Evidence of Documents marked I-P-005 and I-P-006, filed on 16 August 2007.

² Motion for Extension of Time to Respond to Prosecution's Reconsideration Motion Re Admission of Exhibits Related to Jean-Bosco Twahirwa, filed on 20 August 2007 ("First Defence Motion").

³ *Prosecutor v. Ekaard Karemera, Mathieu Ndirumpatswe, Joseph Nzirorera* ("Karemera et al."), Case No. ICTR-98-44-T, *Décision relative aux demandes de la Défense en prorogation de délai* (TC), 24 September 2007.

⁴ Motion for Further Extension of Time to Respond to Prosecution's Reconsideration Motion Re Admission of Exhibits related to Jean-Bosco Twahirwa, filed on 1 October 2007.

⁵ Prosecutor's Response to Nzirorera's Second Motion for Extension of Time to Respond to Motion for Reconsideration of Oral Decision - Twahirwa documents, filed on 1 October 2007.

⁶ First Defence Motion.

file their responses.⁷ The Defence does not show any new circumstance justifying a reconsideration of that Decision.

7. The Chamber further recalls that while a Chamber always retains the competence under Rule 89(D) to request verification of the authenticity of evidence obtained out of court, "to require absolute proof of a document's authenticity before it could be admitted would be to require a far more stringent test than the standard envisioned by Sub-rule 89 (C)".⁸

8. In view of these circumstances, there is no reason to grant Joseph Nzirorera additional time to file its response to the Prosecutor's Motion.

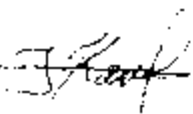
9. The Chamber recalls that it expects that the Defence shall refrain from filing frivolous motions or motions that could be considered as an abuse of the process.⁹

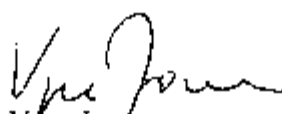
FOR THESE REASONS, THE CHAMBER

DENIES Joseph Nzirorera's Motion for further extension of time.

Arusha, 3 October 2007, done in English.


Dennis C. M. Byron
Presiding Judge


Gberdao Gustave Kam
Judge


Vagn Jørgensen
Judge



⁷ *Kamukera et al.*, Decision Relative aux Demandes de la Défense en prorogation de Délai (TC), 24 September 2007.

⁸ *Kamukera et al.*, Decision on Admission of UNAMIR Documents (TC), 21 November 2006, para. 4 referring to *Prosecutor v. Delalic and Delic*, Decision on Application of Defendant Zejnil Delalic for Leave to Appeal Against the Decision of the Trial Chamber of 19 January 1998 for the Admissibility of Evidence (AC), 4 March 1998.

⁹ Rule 75(F) of the Rules.

