



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: 15 January 2008

THE PROSECUTOR

v.

**Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA**

Case No. ICTR-98-44-T

**DECISION ON THE PROSECUTOR'S MOTION FOR AN EXTENSION OF TIME
TO RESPOND TO JOSEPH NZIRORERA'S MOTION TO EXCLUDE EVIDENCE
OF UN-PLEADED MATERIAL FACTS**

Rule 73 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Don Webster
Alayne Frankson-Wallace
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Gerda Visser
Sunkarie Ballah-Conteh
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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 Nimy Mayidika Ngimbi

INTRODUCTION

1. On 7 January 2008 Joseph Nzirorera filed a motion to exclude evidence of material facts not charged in the Indictment.¹ On 11 January 2008, the Prosecutor filed a motion requesting an extension of time of four (4) days to file a response to Joseph Nzirorera's motion, seeking to file its response on 18 January 2008 ("Prosecutor's Motion").²

DISCUSSION

2. The Prosecutor submits that Joseph Nzirorera will suffer no prejudice as a result of his request on various grounds. Firstly, the Prosecutor refers to the fact that the court is currently not in a position to adjudicate on this issue as some judges are currently on leave during the judicial recess. Secondly, he submits that as the presentation of Joseph Nzirorera's case does not begin until late 2008, he will not be prejudiced in the preparation of his case. Finally, he submits that the Prosecutor needs further time to respond, due to the length, complexity, and, significance of the motion.³

3. The Chamber notes that it remains available to decide on submissions made by the parties at all times, including during the judicial recess, and accordingly considers that this submission of the Prosecutor is unfounded. However, the Chamber considers that the Prosecutor's request for a four (4) day extension of time will not prejudice the preparation of Joseph Nzirorera's case at this stage of the proceedings, and will therefore grant the Motion.

FOR THESE REASONS, THE CHAMBER

I. GRANTS the Prosecutor's request for an extension of time to respond to Joseph Nzirorera's motion to exclude evidence of material facts not charged in the Indictment.

II. ORDERS the Prosecutor to file his response to Joseph Nzirorera's motion within four (4) days from the issuance of this Decision.

Arusha, 15 January 2008, done in English.

Dennis C. M. Byron
Presiding Judge

Gberdao Gustave Kam
Judge
on behalf of the Bench
[Seal of the Tribunal]

Vagn Joensen
Judge

¹ Joseph Nzirorera's Motion to Exclude Evidence of Material Facts Not Charged in the Indictment, filed on 7 January 2008.

² Prosecution Request for Additional Time to Respond - Nzirorera's Motion to Exclude Evidence of Un-pleaded Material Facts, filed on 11 January 2008, para. 1.

³ Prosecutor's Motion, paras. 2-3.