



ICTR-98-44-T
7-4-2008
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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER III

Case No. ICTR-98-44-T

ENGLISH
Original: FRENCH

Before: Judge Dennis C. M. Byron, presiding
Judge Gberdao Gustave Kam
Judge Vagn Joensen

Registrar: Adama Dieng

Date filed: 18 January 2008

THE PROSECUTOR

v.

ÉDOUARD KAREMERA
MATHIEU NGIRUMPATSE
JOSEPH NZIRORERA

JUDICIAL RECORDS SECTION
RECEIVED

2008 JAN -1 P 3: 36

DECISION ON ÉDOUARD KAREMERA'S MOTION FOR EXTENSION OF TIME
FOR THE PRODUCTION OF INFORMATION AND DOCUMENTS
REQUIRED UNDER RULE 73 TER OF THE RULES

Rule 73 ter of the Rules of Procedure and Evidence

Office of the Prosecutor:
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Deo Mbuta

Defence Counsel for Édouard Karemera:
Dior Digne Mbaye and Félix Sow

Defence Counsel for Mathieu Ndirumpatse:
Chantal Hounkpatin and Frédéric Weyl

Defence Counsel for Joseph Nzirorera:
Peter Robinson and Patrick Niny Mayidika Ngimbi

1. The present trial commenced on 19 September 2005. On 4 December 2007, the Prosecution closed its case. At the 5 December 2007 Status Conference, the Chamber and the parties agreed that Accused Édouard Karemera should first present his case, beginning on 3 March 2008.¹ Consequently, the Chamber ordered Édouard Karemera to produce, no later than 7 January 2008, all information and documents required under Rule 73 *ter* of the Rules of Procedure and Evidence (the "Rules").²

2. On 8 January 2008, Édouard Karemera filed before the Chamber a motion for extension of time to comply with the order relating to Rule 73 *ter* of the Rules. The Accused advanced several reasons for his inability to comply with the Order: (i) the witnesses who testified against him were the last to be called to the stand, inclusive of 4 December 2007; he needed to work on his motion for acquittal pursuant to Rule 98 *bis* of the Rules; one of his two investigators is not able to travel out of the European area known as Schengen, while the other has been profoundly affected by the recent events which occurred in his town of residence, Nairobi (Kenya); the absence of a decision on the Prosecutor's motion pursuant to Rule 89(C) of the Rules; the next appearance of other Prosecution witnesses (AXA, BDW and AMO); let alone the absence of a decision on the motion for exclusion of the testimonies of Witnesses AXA and BDW.

3. The Prosecutor and the co-Accused have not made any remarks on Édouard Karemera's Motion.

4. The Chamber is not persuaded by the arguments advanced by the Accused, all the more so as some have actually been contradicted. Thus, the Chamber had already rendered an oral decision on the Prosecutor's Motion for admission of documentary evidence.³ The Chamber takes seriously the specific circumstances of the Defence team investigators, but it is still persuaded that it is not at this stage that the Defence will start investigations to respond to the Prosecutor's allegations. Therefore, the said circumstances play a minor role.

5. However, in the interests of justice and taking into consideration the specific circumstances of this case-file, the Chamber will grant the Accused's Motion by giving him a week as from notification of this Decision to produce the information and documents required under Rule 73 *ter* of the Rules.

6. Further and consequently, the Chamber holds that rescheduling commencement of the production of evidence would be appropriate.

¹ T., 5 December 2007, pp. 14-15.

² T., 5 December 2007, p. 19.

³ T., 5 December 2007, p. 16.

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18 January 2008

Decision on Édouard Karemera's motion for extension of time for production of information and documents required under Rule 73 ter of the Rules

FOR THE FOREGOING REASONS, THE CHAMBER

- I. GRANTS** Édouard Karemera's Motion;
- II. ORDERS** Édouard Karemera to file, no later than seven days following notification of this Decision, the information and documents required under Rule 73 ter of the Rules;
- III. ORDERS** the resumption of proceedings on 10 March 2008 with the presentation of the Defence case; and
- IV. CALLS UPON** the parties and the Registry to take all necessary measures to ensure the resumption of proceedings.

Arusha, 13 January 2008, done in French.

[Signed]

Demis C. M. Byron
Presiding Judge

[Signed]

Gberdao Gustave Kam
Judge

[Signed]

Vagn Joensen
Judge

[Sceau du Tribunal]

