



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: 22 January 2008

THE PROSECUTOR

v.

**Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA**

Case No. ICTR-98-44-T

SCHEDULING ORDER

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Don Webster
Alayne Frankson-Wallace
Iain Morley
Saidou N'Dow
Gerda Visser
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 and Patrick Nimy Mayidika Ngimbi

1. In its Scheduling Order of 24 December 2007, the Chamber ordered, *inter alia*, that each of the Accused file any motion for judgement of acquittal pursuant to Rule 98*bis* of the Rules of Procedure and Evidence (“Rules”) no later than 7 January 2008.¹
2. Édouard Karemera and Mathieu Ngirumpatse filed their respective motions for judgement of acquittal on 7 January 2008.² On the same day, Joseph Nzirorera filed a motion requesting an extension of time to file his Rule 98*bis* motion for judgement of acquittal.³ The Prosecution did not oppose this motion, but requested a commensurate extension of time to file its consolidated response.⁴ On 15 January 2008, the Chamber denied Joseph Nzirorera’s motion for extension of time and ordered him to file his motion for judgement of acquittal by 18 January 2008.⁵
3. On 17 January 2008, Joseph Nzirorera filed both a motion for judgement of acquittal,⁶ and a motion for finding of “no case to answer”.⁷ The Prosecutor indicated by way of email to Chambers and the parties that he is prepared to submit a consolidated response in which he will reply to the said two motions of Joseph Nzirorera, and the Rule 98*bis* motions for judgement of acquittal filed by Édouard Karemera and Mathieu Ngirumpatse, by 29 January 2008.⁸ Joseph Nzirorera replied, also via email, that he is satisfied with this proposal, however he noted therein that he may require further time to file his reply, as he would be traveling in connection with his case between 29 January 2008 and 6 February 2008.⁹ Mathieu Ngirumpatse also replied via email, opposing the Prosecution request.¹⁰ The Chamber notes that it has received no comment via email or otherwise from Édouard Karemera concerning the Prosecutor’s suggestion, although the Chamber emphasizes that it did not request a response from the parties to the Prosecutor’s proposal.

¹ *Prosecutor v. Édouard Karemera, Mathieu Ngirumpatse, Joseph Nzirorera* (“*Karemera et al.*”), Case No. ICTR-98-44-T, Scheduling Order (TC), 24 December 2007. *See also Karemera et al.* T. 5 December 2007 p. 32.

² Requête pour M. Ngirumpatse sur le fondement de l’article 98 *bis* du RPP, filed on 7 January 2008; Mémoire en vue de soutenir la demande d’acquiescement d’Édouard Karemera en vertu de l’article 98 *bis* du Règlement de procédure et de preuve, filed on 7 January 2008 (the Chamber notes that the Registry’s stamp indicates the date of archival filing as 8 January 2008).

³ Joseph Nzirorera’s Motion for Extension of Time, filed on 7 January 2008.

⁴ Prosecutor’s Response to Joseph Nzirorera’s Motion for Extension of Time, filed on 10 January 2008.

⁵ *Karemera et al.*, Decision on Joseph Nzirorera’s Motion for Extension of Time, 15 January 2008.

⁶ Joseph Nzirorera’s Motion for Judgement of Acquittal, filed on 17 January 2008.

⁷ Joseph Nzirorera’s Motion for Finding of “No Case to Answer”, filed on 17 January 2008.

⁸ As indicated by electronic correspondence from Don Webster to Chambers and the Parties on 18 January 2008 at 13:05.

⁹ As indicated by electronic correspondence from Peter Robinson to the Prosecutor and Chambers on 18 January 2008 at 17:07.

¹⁰ As indicated by electronic correspondence from Frédéric Weyl to the Prosecutor and Chambers on 18 January 2008 at 15:57.

4. Thus, considering the parties' submissions, the interests of justice, the timing in this matter, and further considering the rights of the Accused to have a trial without undue delay, the Chamber:

ORDERS the Prosecution to file its consolidated response to the said Rule 98*bis* motions for judgement of acquittal filed by the Accused Joseph Nzirorera, Édouard Karemera and Mathieu Ngirumpatse, respectively, and to Joseph Nzirorera's Motion for Finding of "No Case to Answer", no later than 29 January 2008; and

ORDERS the Defence to file any reply they wish to submit no later than 6 February 2008.

Arusha, 22 January 2008, done in English.

Dennis C. M. Byron
Presiding Judge

Gberdao Gustave Kam
Judge

Vagn Joensen
Judge

[Seal of the Tribunal]