



INTERNATIONAL
TRIBUNAL

ICTR-98-44-T
30-1-2008

(33649 - 33647)

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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: 10 January 2008

JUDICIAL RECORDS ARCHIVES
RECEIVED

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THE PROSECUTOR

Edouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA
Case No. ICTR-98-44-T

**DECISION ON THE PROSECUTOR'S APPLICATION FOR EXTENSION OF TIME
TO FILE CONSOLIDATED RESPONSE TO DEFENCE MOTIONS FOR
JUDGMENT OF ACQUITTAL**

Rules 73 & 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:
Don Webster
Alayne Franksen-Wallace
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Gerda Visser
Sunkari Ballah-Cornet
Tazeh Santze
Deo Mhuro

Defence Counsel for Edouard Karemera
Dior Diagne Mbaye and Hélène Sow

Defence Counsel for Mathieu Ndirumpatse
Chantal Houkpatin and Ericoëric Weyl

Defence Counsel for Joseph Nzirorera
Peter Robinson and Patrick Niny Mayigaka Ngambi

Key

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1. On 22 January 2008, the Chamber issued a Scheduling Order pursuant to which the Prosecutor was required to file its consolidated response to the motions for judgment of acquittal filed by each Accused,¹ no later than 29 January 2008. The Accused were required to file any reply to the Prosecutor's response that they may wish to submit no later than 6 February 2008.² On the 29 January 2008, the Prosecutor requested an extension of time of two days to file its consolidated reply on 31 January 2008.³

2. The Prosecutor submits that his request for an extension of time is justified as it was hampered by a lack of evidentiary detail in the submissions of two Accused (whom are not specified therein) and, the volume of motions filed by Joseph Nzirorera. He explains that in the process of collating the document the prosecution encountered computer problems, which has occasioned a delay in the compilation of the consolidated arguments.⁴

3. The Chamber acknowledges that the issue is both a complex and significant one in the current proceedings. The Chamber considers that it is therefore in the interests of justice to grant this extension, and in so doing enable both parties to be heard on this issue. Furthermore, the Chamber is of the view that a two day extension will not cause undue delay to the proceedings or prejudice the Accused. The deadline under which the Accused may file their replies to the Prosecutor's said response is therefore extended by an additional two days.

4. Finally, the Chamber observes that the Prosecutor's Motion was filed on the day the motion was due. The Chamber reminds the parties that they must act diligently to file their submissions in a timely manner, in order to ensure the expeditious conduct of proceedings. In particular, the Chamber considers that the parties must to file any such requests for an extension of time within a period in which the deadline may still be met, should the request not be granted.

¹ See: 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; Joseph Nzirorera's Motion for Judgment of Acquittal, filed on 17 January 2008; Joseph Nzirorera's Motion for Finding of No Case to Answer, filed on 17 January 2008.

² Prosecutor v. Édouard Karemera, Mathieu Ngirumpatse, Joseph Nzirorera ("Karemera et al."), Case No. ICTR-98-44-T, Scheduling Order (TC), 22 January 2008.

³ Prosecutor's Application for Extension of Time to File Consolidated Response to Defence Motions for Judgment of Acquittal, filed on 29 January 2008 ("Prosecutor's Motion").

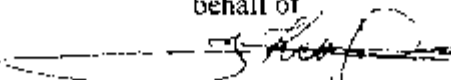
⁴ Prosecutor's Motion, paras. 3-4.

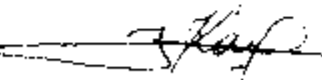
FOR THE ABOVE REASONS, THE CHAMBER,

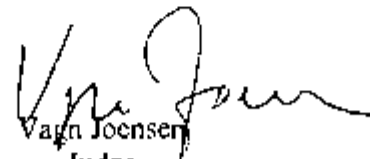
- I. **GRANTS** the Prosecutor's request for an extension of time to file its consolidated reply to the motions for judgment of acquittal filed by the Accused;
- II. **ORDERS** the Prosecutor to file its said reply no later than 31 January 2008;
- III. **GRANTS** each of the Accused an additional two days to submit their replies to the Prosecutor's response, such that their said replies are filed no later than 8 February 2008.

Aruha, 30 January 2008, done in English.

With the consent and on
behalf of


Dennis C. M. Byron
residing Judge
(Absent during signature)


Gberdao Gustave Kam
Judge


Vagn Joensen
Judge

[Seal of the Tribunal]

