

ICTR-98-44-T
17-3-2008
(34317-34315)

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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: 17 March 2008

JUDICIAL RECORDS/ARCHIVES
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THE PROSECUTOR

v.

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

**DECISION ON THE PROSECUTOR'S MOTION FOR EXTENSION OF TIME TO
COMPLY WITH TRIAL CHAMBER III ORDER OF 20 FEBRUARY 2008**

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
Deo Mbuto

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

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1. On 20 February 2008, the Chamber ordered the Prosecutor "to contact all [his] present and former investigators who have been in contact with the 28 witnesses who have testified in this case, to request them to provide all material concerning those witnesses which has not previously been disclosed, and for the Prosecutor to in turn immediately disclose all such material to the defence" and "to submit a detailed report on [his] research to the Chamber and the Parties as soon as possible no later than 10 March 2008" ("Decision of 20 February 2008")¹.
2. On the day of the expiration of the deadline for complying with the Chamber's Order, the Prosecutor filed a motion for extension of time until 31 March 2008.² He submits that he encountered delays in receiving information from investigators no longer employed or away on mission.
3. The Defence for Nzirorera informed the Chamber that it does not oppose the motion. The Defence for the other accused have not filed any response within the five day-time-limits imposed by Rule 73 (E) of the Rules of Procedure and Evidence ("Rules").
4. Noting the impediments encountered by the Prosecutor in contacting previous and current investigators, the Chamber is of the view that it is in the interests of justice to grant him an extension of time so that he may submit a complete report on the research carried out as ordered by the Chamber in the Decision of 20 February 2008. The Chamber agrees that an extension of time until 31 March 2008 will not cause undue delay to the proceedings or prejudice the Accused.
5. The Chamber recalls its Decision of 30 January 2008, in which it instructed the parties to act diligently and file motions for extension of time and, in particular to file any such requests within a period in which the deadline may still be met, should the request not be granted.³

¹ *Prosecutor v. Édouard Karemera, Mathieu Ngirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-T, ("Karemera et al."), Decision on Joseph Nzirorera's Seventeenth Notice of Disclosure Violations and Motion for Remedial and Punitive Measures (TC), 20 February 2008.

² Prosecutor's Motion for Extension of Time to Comply with Trial Chamber III order of 20 February 2008 – *re-Report on Investigation Notes*, filed on 10 March 2008.

³ *Karemera et al.*, Decision on the Prosecutor's Application for Extension of Time to File Consolidated Response to Defence Motions for Judgment of Acquittal (TC), 30 January 2008, para. 4.

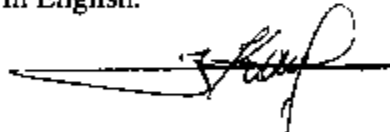
FOR THESE REASONS, THE CHAMBER

- I. **GRANTS** the Prosecutor's Motion and consequently,
- II. **ORDERS** the Prosecutor to submit the detailed report as ordered in the Chamber's Decision of 20 February 2008 no later than 31 March 2008.

Arusha, 17 March 2008, done in English.



Dennis C. M. Byron
Presiding Judge



Gberdao Gustave Kam
Judge



Vagn Joensen
Judge

[Seal of the Tribunal]

