



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: 12 May 2008

THE PROSECUTOR

v.

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

**DECISION ON THE PROSECUTOR'S SECOND 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 Prosecution:

Don Webster
Alayne Frankson-Wallace
Iain Morley
Saidou N'Dow
Gerda Visser
Sunkarie Ballah-Conteh
Takeh Sendze
Deo Mbutu

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. On 20 February 2008, the Chamber ordered the Prosecution to “contact all its 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 this 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 The Chamber granted the Prosecutor's request, and ordered him to submit the detailed report as ordered in the Chamber's Decision of 20 February 2008 no later than 31 March 2008.³ Four days after the expiration of the second deadline for complying with the Chamber's Order, the Prosecutor filed a second motion for extension of time until 30 April 2008.⁴ None of the Accused has filed a response.

3. Noting that none of the Accused has opposed the motion, the impediments encountered by the Prosecutor in contacting previous investigators and that the date for the second proposed deadline has passed, the Chamber is of the view that it is in the interests of justice to allow the Prosecutor to submit an interim report on the basis of the information he has received until this point no later than 23 May 2008. However, the Chamber still expects the Prosecutor to submit a final detailed report as ordered in its Decision of 20 February 2008 no later than 15 June 2008. The Chamber finds that these deadlines will not cause undue delay to the proceedings or prejudice the Accused.

4. The Chamber recalls its Decisions of 30 January 2008 and 17 March 2008, in which it instructed the parties to act diligently to 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.⁵

¹ *Prosecutor v. Édouard Karemera, Mathieu Ndirumpatse, Joseph Nzirorera* (“*Karemera et al.*”), Case No. ICTR-98-44-T, 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 Motion for Extension of Time to Comply with the Trial Chamber III Order of 20 February 2008 (TC), 17 March 2008.

⁴ Prosecutor's Second Motion for Extension of Time to Comply with Trial Chamber III Order of 20 February 2008 – *re-Report on Investigators' Notes*, filed on 4 April 2008.

⁵ *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; *Karemera et al.*,

FOR THESE REASONS, THE CHAMBER

- I.** **GRANTS** the Prosecutor's Motion and consequently,
- II.** **ORDERS** the Prosecutor to submit an interim report no later than 23 May 2008, and a detailed report as ordered in the Chamber's Decision of 20 February 2008 no later than 15 June 2008.

Arusha, 12 May 2008, done in English.

Dennis C. M. Byron
Presiding Judge

Gberdao Gustave Kam
Judge

Vagn Joensen
Judge

[Seal of the Tribunal]