

ICTR-98-44-T  
13-08-2008  
(37037-37035)

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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:** 13 August 2008

**THE PROSECUTOR**

v.

Édouard KAREMERA  
Mathieu NGIRUMPATSE  
Joseph NZIRORERA

*Case No. ICTR-98-44-T*

JUDICIAL RECORDS/ARCHIVES  
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2008 AUG 13 P 4: 17

**DECISION ON THE PROSECUTOR'S MOTION TO IMPOSE A FINAL DEADLINE  
FOR NGIRUMPATSE TO COMPLY WITH HIS OBLIGATIONS UNDER RULE 73  
TER AND ON THE PROSECUTOR'S SUBMISSION CONCERNING  
NGIRUMPATSE'S CORRIGENDUM**

*Rule 73 ter of the Rules of Procedure and Evidence*

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## INTRODUCTION

1. On 15 July 2008, Mathieu Ngirumpatse filed both a Brief and a *Corrigendum*, pursuant to Rule 73 *ter* of the Rules of Procedure and Evidence<sup>1</sup>.
2. On 25 July 2008, the Prosecutor filed a Motion and Submission<sup>2</sup> requesting the Chamber to:
  - a. render moot Mathieu Ngirumpatse's submission with the redaction of the names of the witnesses,<sup>3</sup>
  - b. direct that the Prosecutor be provided with a reduced witness list, more information about each of Ngirumpatse's witnesses, an order of appearance, and estimated duration of the testimonies, and
  - c. order Mathieu Ngirumpatse to fulfill his obligations under Rule 73 *ter* upon possible penalty of sanction.
3. The Prosecutor also states that he is not aware of any Motion filed by Mathieu Ngirumpatse seeking admission of any statement in written form under Rule 92 *bis*, and adds that it should not be filed *ex parte*.
4. On 30 July 2008, Mathieu Ngirumpatse opposed the Motion<sup>4</sup>.

## DELIBERATIONS

5. The Chamber recalls that it has addressed all issues raised in this Motion in its Order dated 30 July 2008.<sup>5</sup> It reiterates that the Registry is ordered to re-file the concerned documents *inter partes* and confidentially, and that Mathieu Ngirumpatse is required to comply with his obligations.
6. Finally, the Chamber notes that no Motion seeking admission of any statement in written form under Rule 92 *bis* has been filed by Mathieu Ngirumpatse.

<sup>1</sup> Mémoire pour M. Ngirumpatse sur l'ordonnance du 25 juin 2008 lui prescrivant de préciser la liste de ses témoins, filed on 15 July 2008 and Corrigendum au Mémoire pour M. Ngirumpatse sur l'ordonnance du 25 juin 2008 lui prescrivant de préciser la liste de ses témoins, also filed on 15 July 2008.

<sup>2</sup> Prosecutor's Motion to Impose a Final Deadline to Ngirumpatse to Comply with its Rule 73 *ter* Obligations and Prosecutor's Submission with Regard to "Corrigendum au Mémoire pour Ngirumpatse sur l'Ordonnance du 25 juin lui prescrivant de préciser la liste de ses témoins", filed on 25 July 2008.

<sup>3</sup> Mémoire pour M. Ngirumpatse sur l'Ordonnance du 25 juin 2008 lui prescrivant de préciser la liste de ses témoins, filed on 15 July 2008, filed on 15 July 2008.

<sup>4</sup> Mémoire pour M. Ngirumpatse en réponse à la "Prosecutor's Motion to impose a final deadline ... and Submission with regard to Corrigendum au Mémoire... sur l'ordonnance du 25 juin 2008. . .", filed on 30 July 2008.

<sup>5</sup> *Prosecutor v. Karemera et consorts*, Case No. ICTR-98-44-T, Ordonnance relative au Mémoire de Mathieu Ngirumpatse sur l'Ordonnance du 25 juin 2008 lui prescrivant de préciser la liste de ses témoins, issued on 30 July 2008.

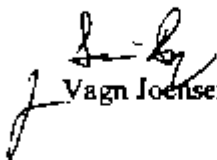
7. Considering the aforementioned order, the Prosecutor's Motion and Submission are moot.

**FOR THESE REASONS, THE CHAMBER, AS A MAJORITY DISMISSES** the Prosecutor's Motion and Submission.

Arusha, 13 August 2008, done in English.

  
Dennis C. M. Byron

Presiding Judge

  
Vagn Joensen

Judge  
(absent during signature)

