



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: 27 August 2008

THE PROSECUTOR

v.

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

DECISION ON JOSEPH NZIRORERA'S MOTION FOR EXTENSION OF TIME

Office of the Prosecutor:
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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
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INTRODUCTION

1. On 30 July 2008, the Chamber ordered Joseph Nzirorera to file his list of witnesses in their intended order of appearance, as well as a summary of their expected testimony, no later than 13 August 2008.¹
2. On August 11 2008, Joseph Nzirorera filed a motion for extension of time to submit his witness summaries, claiming that the Defence Counsel Management Section ("DCMS") refuses to pay his Lead Counsel for time spent preparing the witness summaries.² Nzirorera asserts that his Lead Counsel is not willing to prepare the witness summaries unless he is assured that he will be compensated for that work, and requests that the time for submitting his witness summaries be extended until this issue is resolved.³

DELIBERATIONS

3. Joseph Nzirorera contends that DCMS refuses to pay his Lead Counsel to draft the witness summaries on the grounds that the work should have been done by a legal assistant at a lower hourly wage. Lead Counsel for Nzirorera claims that it is vital that he, and not a legal assistant, draft the witness summaries.
4. The Chamber notes that the dispute regarding payment of Nzirorera's Lead Counsel is a matter for DCMS and Nzirorera's Lead Counsel to resolve. In the meantime, the Chamber reiterates that the summaries of the anticipated testimony of the witnesses are of paramount importance in allowing the other parties to prepare for each witness. The Chamber also recalls that it recently issued a warning under Rule 46 of the Rules of Procedure and Evidence to Lead Counsel for Nzirorera and his Co-Counsel for failing to comply with the Chamber's orders on the submission of Rule 73 *ter* materials, including witness summaries.⁴
5. While the drafting of witness summaries is an undeniably time-consuming task, the Chamber finds it unconceivable that Joseph Nzirorera would not have completed the majority of the summaries by this stage in the case, especially in light of the Chamber's recent warning. Furthermore, whether DCMS will pay Nzirorera's Lead Counsel for time spent

¹ *The Prosecutor v. Édouard Karemera, Mathieu Ngirumpatse, and Joseph Nzirorera*, Case No. ICTR-98-44-T, ("Karemera *et al.*"), Order to Joseph Nzirorera on the Presentation of his Defence Evidence (TC), 30 July 2008.

² Joseph Nzirorera's Motion for Extension of time, filed on 11 August 2008.

³ *Ibid.*

⁴ *Karemera et al.*, Order to Joseph Nzirorera on the Presentation of his Defence Evidence (TC), 30 July 2008.

preparing witness summaries has absolutely no bearing on Nzirorera's capacity to disclose the summaries that have already been completed.

6. Unfortunately, the parties cannot wait until the conclusion of a lengthy dispute over payment of legal fees to receive materials that are invaluable for the preparation of their cases. Accordingly, the Chamber denies Nzirorera's request for an extension of time to file his witness summaries.

FOR THESE REASONS, THE CHAMBER

- I. DENIES** Joseph Nzirorera's motion in its entirety;
- II. ORDERS** him to *immediately* submit the witness summaries, which have been completed; and
- III. ORDERS** him to submit the remaining witness summaries no later than September 8 2008.

Arusha, 27 August 2008, done in English.

Dennis C. M. Byron

Presiding Judge

Gberdao Gustave Kam

Judge

Vagn Joensen

Judge

[Seal of the Tribunal]