



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: 22 January 2010

THE PROSECUTOR

v.

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

**DECISION ON MATTHIEU NGIRUMPATSE'S REQUEST
FOR FURTHER MEDICAL ASSESSMENT**

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecution:
Don Webster
Saidou N'Dow
Eric Husketh
Sunkarie Ballah-Conteh
Takeh Sendze

Defence Counsel for Édouard Karemera
Dior Diagne Mbaye and Félix Sow

Defence Counsel for Matthieu Ngirumpatse
Chantal Hounkpatin and Frédéric Weyl

Defence Counsel for Joseph Nzirorera
Peter Robinson and Patrick Nimy Mayidika Ngimbi

INTRODUCTION

1. The current trial session in this case started on 18 January 2010 with the continuation of the presentation of the Defence case of Joseph Nzirorera. The session is scheduled to end on 18 March 2010.
2. On 17 January 2010 Matthieu Ngirumpatse filed a request for a new medical assessment with respect to his medical condition, in addition to the biweekly reports from the Chief Medical Officer of the Tribunal ("Request").
3. On 18 January 2010, the Chamber rendered its decision on the pace of the trial, deciding that it would now sit for 5 hours a day, four days a week, pending its decision on the outcome of Ngirumpatse's request.

DELIBERATION

4. Matthieu Ngirumpatse requests that two medical experts, including a psychologist, be appointed in consultation with the Defence; that the Parties be allowed to ask questions and make observations to the medical experts; and that further laboratory tests be done in the *Centre Hospitalier Universitaire de Rouen*, in France. To support his Request,¹ Ngirumpatse attached a report from medical experts from that institution.
5. The Chamber notes that, on 3 July 2009, it already appointed an independent medical expert, Dr. Biclet.² In view of Ngirumpatse's Request and the attached medical report, the Chamber considers that it should request Dr. Biclet to comment on both documents. The Chamber further considers that the Chief Medical Officer of the Tribunal should be given the same opportunity.
6. The Chamber further notes that Matthieu Ngirumpatse filed his Request under public cover which is a change in his position not to disclose the details of his illness to the public. The Chamber has been mindful, until now, not to disclose the details of Ngirumpatse's pathology to

¹ Mémoire pour M. Ngirumpatse en execution du scheduling order du 12 janvier 2010, filed on 17 January 2010.

² *The Prosecutor v. Édouard Karemera, Matthieu Ngirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-T, Order Concerning Medical Examination of Matthieu Ngirumpatse, 23 June 2009 ; Ordonnance concernant la désignation d'un expert médical, 3 July 2009.

the public. Consequently, the Chamber directs Ngirumpatse to indicate whether he is waiving his right to medical confidentiality with respect to the public.

FOR THE ABOVE REASONS, THE CHAMBER

REQUESTS the Registry to make arrangements in order for Dr. Biclet to comment on Matthieu Ngirumpatse's Request and the attached medical report;

REQUESTS the Registry to make available all facilities to Dr. Biclet in order for him to fulfil his mission;

REQUESTS the Chief Medical Officer of the Tribunal to comment on Matthieu Ngirumpatse's Request and the attached medical report;

REQUESTS Dr. Biclet and the Chief Medical Officer of the Tribunal to file their respective report by Monday 8 February 2010 the latest; and

DIRECTS Matthieu Ngirumpatse to indicate by Tuesday 26 January 2010 whether he is waiving his right to medical confidentiality with respect to the public.

Arusha, 22 January 2010, done in English.

Dennis C. M. Byron
Presiding Judge

[Seal of the Tribunal]