



UNITED NATIONS
NATIONS UNIES

ICTR-98-44-T
22-04-2010
(50922-50920)

50922
A

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 April 2010

THE PROSECUTOR

v.

**Édouard KAREMERA
Matthieu NGIRUMPATSE
Joseph NZIRORERA**

Case No. ICTR-98-44-T

JUDICIAL
ADMINISTRATIVE
ARCHIVES

2010 APR 22 A 11:35

Edouard Karemera

**DECISION ON ÉDOUARD KAREMERA'S MOTION WITH RESPECT TO THE
PROSECUTOR'S COMPLIANCE WITH THE ORDER OF 20 JANUARY 2010**

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecution:
Don Webster
Saidou N'Dow
Sunkarie Ballah-Conteh
Takeh Sendze
Jean Baptist Nsanzimfura

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

By

50921

INTRODUCTION

1. On 11 February 2010, Édouard Karemera filed a motion with respect to the Prosecutor's compliance with the Chamber's Order of 20 January 2010 ("Order").¹ The Prosecution responded on 15 February 2010.² Karemera replied on 18 February 2010.³

DELIBERATION

2. Édouard Karemera states that documents P 189 and P 225 filed by the Prosecution as part of the Order have not been certified by the Language Services Section and that they contain errors in translation. Karemera requests that all non-certified translated documents filed by the Prosecution be certified by the Language Services Section ("LSS") in order to guarantee his fair trial rights.⁴

3. The Prosecution responded that Édouard Karemera did not raise any issues with the translation of document P 189 and therefore has no issue with the contents of the document. However, Karemera did raise the issue of incorrect translation generally with respect to document P 189.⁵ Further, the Prosecution agreed that document P 225 contains an error in translation.

4. The Prosecution stated that it was addressing both issues and would revert back to the Parties and the Chamber.⁶ The Chamber has not received any further correspondence with respect to these documents and finds that these two documents should be corrected and certified by LSS.

5. With respect to the rest of the documentation, the Chamber recalls that taking into account the needs of the Parties and judicial economy, it found that where a translated document is available through the Prosecution, the Prosecution should provide the document to the Parties.⁷ The Chamber does not consider that the needs of the Parties or judicial economy are well-served by having LSS provide certified translations of these documents as a general principle. However, on a case-by-case basis, where a party raises problems with a

¹ *Observations d'Édouard Karemera sur "Prosecutor's submission on compliance with Trial Chamber's Order of 20th January 2010"*, filed on 11 February 2010 ("Motion").

² *Prosecutor's Response to Observation d'Édouard Karemera sur "Prosecutor's Submission on Compliance with Trial Chamber's Order of 20th January 2010"*, filed on 15 February 2010 ("Response").

³ *Replique de Edouard Karemera sur la Prosecutor's Response to Observations d'Edouard Karemera sur "Prosecutor's Submission on Compliance with Trial Chamber's Order of 20th January 2010"*, 18 February 2010 ("Reply").

⁴ Motion, paras. 7, 8.

⁵ Motion, para. 4.

⁶ Response, para. 6.

⁷ Order, paras. 7-9.

187

translation, the Chamber will examine the issue to determine whether prejudice exists. In cases where prejudice arises, the Chamber will request that LSS correct and certify the document.

FOR THESE REASONS, THE CHAMBER

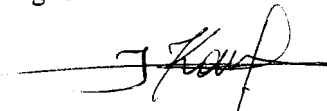
GRANTS Édouard Karemera's Motion in part; and

REQUESTS that LSS examine the translations of documents P 189 and P 225 and correct and certify them.

Arusha, 22 April 2010 done in English.



Dennis C. M. Byron
Presiding Judge



Gberdao Gustave Kam
Judge



Vagn Joensen
Judge

