



UNITED NATIONS  
NATIONS UNIES

ICTR-98-44-T  
03-03-2011  
(52684-52682)

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HM

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:** 3 March 2011

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**THE PROSECUTOR**

v.

**Édouard KAREMERA and  
Matthieu NGIRUMPATSE**

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

**DECISION ON THE PROSECUTION'S MOTION FOR RECONSIDERATION OF  
THE CHAMBER'S DECISION ON THE DATE OF FILING OF THE CLOSING  
BRIEFS**

*Rules 73 and 86 of the Rules of Procedure and evidence*

**Office of the Prosecution:**  
Don Webster  
Maria Wilson  
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**Defence Counsel for Édouard Karemera**  
Dior Diagne Mbaye and Félix Sow

**Defence Counsel for Matthieu Ngirumpatse**  
Chantal Hounkpatin and Frédéric Weyl

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## INTRODUCTION

1. On 30 November 2010, the Chamber ordered the Parties to file their closing briefs by 2 May 2011.<sup>1</sup>
2. The Prosecution is now seeking reconsideration of this decision and requests that the Parties be allowed to file their closing briefs by 2 June 2011.<sup>2</sup> The Prosecution further requests that the Chamber indicate the dates on which the closing arguments will be presented.<sup>3</sup> On 14 February 2011, Matthieu Ngirumpatse filed a response in support of the Prosecution's Motion seeking the same relief.<sup>4</sup> On 17 February 2011, Édouard Karemera also filed a motion requesting that the closing briefs be filed by 2 June 2011.<sup>5</sup>

## DELIBERATION

3. As a preliminary matter, the Chamber recalls that pursuant to Rule 73 (E) a party has five days to file a response to an interlocutory motion. The Chamber notes that Édouard Karemera is trying to circumvent this delay by presenting his submissions as a fresh motion when it is in fact a response to the Prosecution's Motion. Consequently, the Chamber will not consider Karemera's filing and discourages the parties from proceeding in such a manner.
4. The standard for reconsideration has been well-established by this Tribunal: a Chamber has the inherent power to reconsider its decisions when: (i) a new fact has been discovered that was not known to the Chamber at the time it made its original Decision; (ii) there has been a material change in circumstances since it made its original Decision; or (iii) there is reason to believe that its original Decision was erroneous or constituted an abuse of power on the part of the Chamber, resulting in injustice thereby warranting the exceptional remedy of reconsideration.<sup>6</sup>
5. At the time it issued the Impugned Decision, the Chamber considered various factors including but not limited to the Practice Direction on Length and Timing of Closing Briefs and

<sup>1</sup> *The Prosecutor v. Édouard Karemera and Matthieu Ngirumpatse*, Case No. ICTR-98-44-T (“*Karemera et al.*”), Ordonnance concernant les dernières conclusions écrites ainsi que les plaidoiries et réquisitions, 30 November 2010 (“Impugned Decision”).

<sup>2</sup> Prosecutor's Motion for Reconsideration of Trial Chamber's Decision of 30 November 2010 “Ordonnance concernant les dernières conclusions écrites ainsi que les plaidoiries et réquisitions” (“Prosecution's Motion”), filed on 10 February 2011.

<sup>3</sup> Prosecution's Motion, para. 10.

<sup>4</sup> Mémoire de Matthieu Ngirumpatse suite à la requête aux fins de reconsidération de la décision du 30 novembre 2010, filed on 14 February 2011.

<sup>5</sup> Requête d'Édouard Karemera aux fins de prolongation du délai fixé pour le dépôt du mémoire final de la défense, filed on 17 February 2011.

<sup>6</sup> *Karemera et al.*, Decision on Reconsideration of Protective Measures for Prosecution Witnesses, 30 October 2006, para. 2.


Closing arguments,<sup>7</sup> the particularities of the case and the estimates for the remainder of the case. However after the issuance of the Impugned Decision, the completion of Matthieu Ngirumpatse's case took longer than originally anticipated. This constitutes a new fact that warrants reconsideration and the postponement of the filing of the Parties' closing briefs. Consequently, the Chamber decides that the Parties shall file their closing briefs by Thursday 2 June 2011.


6. In the Impugned Decision, the Chamber indicated that it would set the date for the closing arguments subsequently.<sup>8</sup> After having consulted with the Registry, and particularly with the Language Services Section of the Tribunal regarding the availability of the translated version of the closing briefs, the Chamber considers that the closing arguments shall be heard continuously from 22 August 2011. The Chamber considers that each Party shall be entitled to the time recommended in the Practice Direction for the duration of closing arguments.

**FOR THESE REASONS, THE CHAMBER**

- I. **GRANTS** the Prosecution's Motion;
- II. **ORDERS** that the closing briefs shall be filed by 2 June 2011;
- III. **ORDERS** that the closing arguments shall be heard continuously from 22 August 2011;
- IV. **ORDERS** that each accused person shall have a maximum of three hours to present his closing arguments and one hour for the rebuttal and that the Prosecution shall have a maximum of five hours for the presentation of its closing arguments and 35 minutes for its rejoinder;
- V. **REMINDS AND ORDERS** that each Party shall address matters of sentencing during closing arguments; and
- VI. **REQUESTS** the Registry to provide the translations of the Closing Briefs in a timely manner.

Arusha, 3 March 2011, done in English.

  
Denis C. M. Byron  
Presiding Judge

  
Gberdao Gustave Kam  
Judge

  
Vagn Joensen  
Judge

[Seal of the Tribunal]



<sup>7</sup> Practice Direction on Length and Timing of Closing Briefs and Closing Arguments, 3 May 2010.

<sup>8</sup> Impugned Decision, para. 14.