

ICTR-98-44-T
14-6-2011
(53840-53838)

53840



**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

TRIAL CHAMBER III

Case No. ICTR-98-44-T

ENGLISH

Original: FRENCH

Before Judge: Vagn Joensen

Registrar: Adama Dieng

Date: 9 March 2011

THE PROSECUTION

v.

**ÉDOUARD KAREMERA and
MATTHIEU NGIRUMPATSE**

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**Decision on Matthieu Ngirumpatse's Motion for Extension of Time Limit
to Respond to the Prosecutor's Motion for Admission of Original Kinyarwanda Version
of Exhibit P-242**

Rules 54 and 73(A) of the Rules of Procedure and Evidence

Office of the Prosecutor:

Don Webster

Takeh Sendze

Maria Wilson

Sunkarie Ballah-Conteh

Jean-Baptiste Nsanzimfura

Counsel for Édouard Karemera:

Dior Diagne Mbaye and Félix Sow

Counsel for Matthieu Ngirumpatse:

Chantal Hounkpatin and Frédéric Weyl

CIII11-0054

Translation certified by LSS, ICTR

INTRODUCTION

1. On 2 March 2011, the Prosecutor filed a Motion for admission into evidence of the original Kinyarwanda version of Exhibit P.242.¹
2. On 7 March 2011, Matthieu Ndirumpatse responded to the said Motion, requesting the Chamber to dismiss the Prosecutor's Motion or, in the alternative, to grant him leave to file a response on 5 April 2011.²

DELIBERATION

3. The Chamber, on account of the urgency of the motion for extension of time limit, decided to sit, pursuant to Rule 73(A) of the Rules of Procedure and Evidence.
4. Matthieu Ndirumpatse argued that the annex to the motion, comprising a CD-ROM and a transcription in Kinyarwanda, was not served on the Defence and that he could respond to the Prosecutor's Motion only after listening to the CD along with his counsel who cannot be in Arusha before 31 March 2011.³
5. The Chamber however notes that on 3 March 2011, Matthieu Ndirumpatse's Defence Investigator, who speaks Kinyarwanda, was served the Prosecutor's Motion with the CD-Rom annexed to it,⁴ and that Matthieu Ndirumpatse, who also speaks Kinyarwanda, received same in person on 7 March 2011.⁵ The Chamber therefore finds that nothing prevents Matthieu Ndirumpatse and his Defence team from analyzing the Prosecutor's Motion as he had been served both the motion and its annex. The Chamber further finds no ground for the extension of the time limit to respond to the Prosecutor's Motion by close to one month. In fact, the Chamber considers that even where counsel for Matthieu Ndirumpatse are not present in Arusha, communication between the Accused and his Defence team is not interrupted. The Chamber however finds that the complete motion, including parts thereof in Kinyarwanda, was only served on 7 March 2011, and that in view of the linguistic circumstances peculiar to the instant case, the time limit allowed Matthieu Ndirumpatse to file his response should only run from 7 March 2011.

¹ Prosecutor's Motion for Admission of Original Kinyarwanda Audio-recording and Transcription of P-242, filed on 2 March 2011 ("Motion").

² Matthieu Ndirumpatse's Response to Prosecutor's Motion for Admission of Original Kinyarwanda Audio-recording and Transcription of P-242, dated 28 February 2011 and filed on 7 March 2011 ("Response").

³ Response, paras. 3,4,10.

⁴ Proof of Service – Arusha for Prosecutor's Motion for Admission of Original Kinyarwanda Audio-Recording and Transcription of P-242

⁵ Proof of Service to Detainees of Prosecutor's Motion for Admission of Original Kinyarwanda Audio-Recording and Transcription of P-242

FOR THE FOREGOING REASONS, THE CHAMBER

- I. PARTIALLY GRANTS** Matthieu Ndirumpatse's request for extension of time limit.
- II. ORDERS** Matthieu Ndirumpatse to file his response to the Prosecutor's Motion within five days from March 2011.

Done in Arusha, this 9th day of March 2011

[Signed]

Vagn Joensen
Judge

[Seal of the Tribunal]
