



UNITED NATIONS
NATIONS UNIES

ICTR-98-44D-T
10-03-2011
(5940-5938)

5940
AM

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Solomy Balungi Bossa, Presiding
Bakhtiyar Tuzmukhamedov
Mparany Rajohnson

Registrar: Adama Dieng

Date: 10 March 2011

THE PROSECUTOR

v.

Callixte NZABONIMANA

Case No. ICTR-98-44D-T

20110310 P 3 12

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DECISION ON PROSECUTION MOTIONS FOR EXTENSION OF TIME

Office of the Prosecution
Paul Ng'arua
Memory Maposa
Simba Mawere
Diana Karanja
Marie Ka

Defence Counsel for Callixte Nzabonimana
Vincent Courcelle-Labrousse
Philippe Larochelle

1. On 7 March 2011, the Prosecution filed two Motions each asking for an extension of time to respond to a Defence Motion.

2. The first Motion asks for an extension of time to respond to a Defence Motion asking for disclosure of records or receipts of expenses paid to Defence Witness Jean-Marie Vianney Mporanzi.¹ The Prosecution asserts that it is willing to disclose the records requested but that they are not in “the immediate control of the Prosecution team.”² It requests leave of the Trial Chamber to file its Response on 18 March 2011.³

3. The second Prosecution Motion asks for an extension of time to respond to a Defence Motion asking for leave to vary the Defence Witness List and enter 15 witness statements into evidence pursuant to Rule 92 *bis*.⁴ The Prosecution submits that it requires an extension of time in order to have the statements at issue, totalling 65 pages, translated from French into English.⁵ Based on an estimate of the time required for translation, it requests leave of the Trial Chamber to file its response on 15 April 2011.⁶

4. On 9 March 2011, Lead Prosecutor Paul Ng’arua sent an email to the Trial Chamber stating that the Finance Unit in Kigali informed the Prosecution that it would not be able to advise the Prosecution before 15 March 2011 whether the records sought by the Defence were available. He further noted that translations required in order to respond to the second motion would be available on 31 March 2011.

5. The Trial Chamber considers that the Prosecution has shown good cause for seeking the extensions of time requested, and that granting the extensions will cause no prejudice to the Defence. Therefore, it sets the deadline for the Prosecution to respond to the first Motion by 16 March 2011. In that response, the Prosecution should state whether the records are available, and if so, when they can be disclosed to the Defence. The deadline for the Prosecution response to the second Motion is set for 6 April 2011.

¹ *Prosecutor v. Callixte Nzabonimana*, Case No. ICTR-98-44(D)-T, Prosecutor’s Motion for Extension of Time to Respond to Nzabonimana’s Urgent Motion for Inspection and Disclosure of Evidence Pertaining to Mr. Mporanzi’s Recall (“Expenses Motion”), 7 March 2011.

² Expenses Motion, paras. 5-6.

³ Expenses Motion, para. 8.

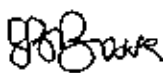
⁴ *Prosecutor v. Callixte Nzabonimana*, Case No. ICTR-98-44D-T, Prosecutor’s Urgent Motion for Extension of Time to Respond to Nzabonimana’s Motion for the Admission of Witness Statements (“Translation Motion”), 7 March 2011.

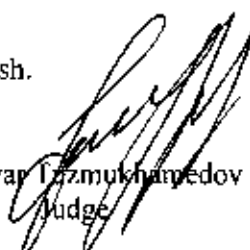
⁵ Translation Motion, paras. 6-8.

⁶ Translation Motion, para. 8.

**FOR THESE REASONS, THE TRIAL CHAMBER
GRANTS the Motion.**

Arusha, 10 March 2011, done in English.


Solomy Balungi Hossa
Presiding Judge


Bakhtiyar Uzmukhamedov
Judge


Mparany Rajohnson
Judge

