

ICTR-98-44-T
14-6-2011
(53843-53841)

53843



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER III

Case No. ICTR-98-44-T

ENGLISH
Original: FRENCH

Before Judges: Dennis C. M. Byron, presiding
Gberdao Gustave Kam
Vagn Joensen

Registrar: Adama Dieng

Date: 18 March 2011

THE PROSECUTOR

v.

**ÉDOUARD KAREMERA and
MATTHIEU NGIRUMPATSE**

JUDICIAL RECORDS/ARCHIVES
UNICTR
2011 JUN 14 A 10:50

**DECISION ON MATTHIEU NGIRUMPATSE'S URGENT MOTION FOR
MEDICAL CARE**

*Rule 73 of the Rules of Procedure and Evidence, Rules 28, 31, 82 and 83 of Rules Covering
the Detention of Persons Awaiting Trial or Appeal Before the Tribunal or Otherwise
Detained on the Authority of the Tribunal*

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

CIII11-0062 (E)

Translation certified by LSS, ICTR

INTRODUCTION

1. On 7 March 2011, Matthieu Ngirumpatse filed a motion requesting the Chamber to order the Registry and the Chief Medical Officer of the Tribunal to carry out some medical examinations on him and to submit periodical medical reports.¹ The Prosecutor did not file a response.

DELIBERATION

2. Pursuant to Rules 28 and 31 of the Rules Covering the Detention of Persons Awaiting Trial or Appeal Before the Tribunal or Otherwise Detained on the Authority of the Tribunal ("Rules of Detention"), the medical officer of the Tribunal is responsible for the physical and mental health of the detainees and the administration of any treatment or medication to them.²

3. Where a detainee is not satisfied with the conditions of his detention, he may, pursuant to Rules 82 and 83 of the Rules of Detention, make a complaint to the Commanding Officer of the Detention Facility and, if not satisfied with the response from the Commanding Officer, has the right to make a written complaint to the Registrar, who shall forward it to the President of the Tribunal.

4. The Rules of Detention do not grant the Chamber jurisdiction to deal with the type of motion such as the one filed by Matthieu Ngirumpatse in the instant case. As a result, Matthieu Ngirumpatse's motion is not admissible. The Chamber considers it to be frivolous and an abuse of process under Rule 73(F) of the Rules of Procedure and Evidence, and directs payments of fees associated with the motion and/or to costs thereof to be withheld.³

FOR THE FOREGOING REASONS, THE CHAMBER

- I. **DISMISSES** Matthieu Ngirumpatse's motion;
- II. **DIRECTS** the Registrar to withhold the payment of fees and/or costs associated with the motion.

¹ *Requête urgente de Matthieu Ngirumpatse aux fins de suivi médical*, filed on 7 March 2011.

² Cf. "Decision on Hassan Ngeze's Request for a Status Conference" (Appeals Chamber,) 13 December 2006.

³ See also *Ferdinand Nahimana, Jean-Bosco Barayagwiza v. The Prosecutor*, Case No. ICTR-99-52-A, "Decision on Jean-Bosco Barayagwiza's Urgent Motion Requesting Privileged Access to the Appellant Without Attendance of Lead Counsel" (Appeals Chamber,) 17 August 2006.

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Done in Arusha, on 18 March 2011, in French

[Signed]

Dennis C. M. Byron
Presiding

[Signed]

Gberdao Gustave Kam
Judge

[Signed]

Vagn Joensen
Judge

[Seal of the Tribunal]
