



UNITED NATIONS  
NATIONS UNIES

ICTR-00-55C-T  
03-05-2011  
(6047-6045)

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

6047  
Am

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Lee Gacuiga Muthoga, *Presiding*  
Seon Ki Park  
Robert Fremr

**Registrar:** Adama Dieng

**Date:** 3 May 2011

**THE PROSECUTOR**

v.

**Ildéphonse NIZEYIMANA**

**CASE NO. ICTR-00-55C-T**

**DECISION ON PROSECUTOR'S EXTREMELY URGENT MOTION FOR  
EXTENSION OF TIME LIMIT FOR FILING ITS RESPONSE TO DEFENCE  
MOTION FOR EXCLUSION OF EVIDENCE**

*Rules 54 and 73 of the Rules of Procedure and Evidence*

**Office of the Prosecution:**

Drew White  
Kirsten Gray  
Yasmine Chubin  
Zahida Virani

**Defence Counsel for Ildéphonse Nizeyimana:**

John Philpot  
Cainnech Lussiaà-Berdou  
Myriam Bouazdi

## INTRODUCTION

1. The trial commenced on 17 January 2011 with the opening statements of both the Prosecution and the Defence. The Prosecution closed its case-in-chief on Friday, 25 February 2011, after having called 38 witnesses. The Defence case is scheduled to commence on 9 May 2011.
2. On 29 April 2011, the Defence team of the Accused, Ildéphonse Nizeyimana ("the Defence" and "the Accused" respectively) filed a 'Motion for the Exclusion of Evidence' (the "Defence Motion").
3. On 29 April 2011, the Office of the Prosecutor ("Prosecution") filed a motion seeking an extension of time for the filing of its response to the Defence Motion.<sup>1</sup> The Prosecution submits, *inter alia*, that the Defence Motion was filed four working days before the start of the Defence case, and is very lengthy both in substance and in procedure.<sup>2</sup> The Prosecution raises three arguments in support of its request for an extension of time: (1) it is under immense time pressure to prepare for the impending Defence case; (2) it is currently preparing extensive materials in response to the Defence's Rule 66(B) request; and (3) the Defence had more than 60 days since the close of the Prosecution case to file its exclusion of evidence motion and only did so now, four working days before the start of the Defence case.<sup>3</sup> The Prosecution therefore argues that it requires seven to ten additional days in order to adequately respond to the Defence Motion.<sup>4</sup>
4. On 3 May 2011, the Defence responded to the Prosecution Motion by opposing the Prosecution's request for an extension of time.<sup>5</sup>
5. Considering the impending deadline for the Prosecution to respond to the Defence Motion, the Chamber will exercise its discretion to issue its decision prior to the expiration of the deadline for the Prosecution reply to this urgent Prosecution Motion.

## DELIBERATIONS

6. Rule 73 of the Rules of Procedure and Evidence ("the Rules") provides that a party

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<sup>1</sup> Prosecutor's Extremely Urgent Motion for Extension of the Time Limit for Filing its Response to the Defence Motion for Exclusion of Evidence ("Prosecution Motion"), 29 April 2011.

<sup>2</sup> Prosecution Motion, paras. 5-6, 9.

<sup>3</sup> Prosecution Motion, para. 8.

<sup>4</sup> Prosecution Motion, paras. 11.

<sup>5</sup> Response to Prosecutor's Extremely Urgent Motion for Extension of the Time Limit for Filing its Response to Defence Motion for Exclusion of Evidence, 3 May 2011.



must respond within five days from the date upon which the opposing motion is received. Rule 54 grants the Chamber the discretion to issue orders as may be necessary for the preparation or conduct of trial.

7. The Chamber notes the timing of the Defence Motion, which was on a Friday afternoon before the start of a long weekend, a mere four working days before the start of the Defence case on 9 May 2011. The Chamber further notes the length and substance of the Defence motion, which covers a range of important substantive and procedural matters. The Chamber does not find that an extension will prejudice the Accused, as a more accurate and complete briefing on the exclusion of evidence will streamline the parties' investigations and facilitate a fair and expeditious continuation of the trial.

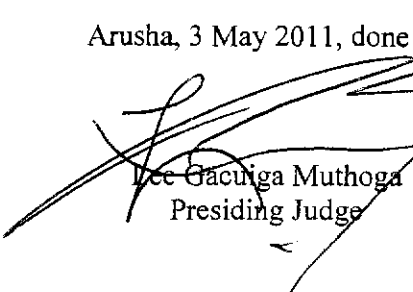
8. In light of the volume and complexity of the issues raised by the Defence Motion, the Chamber is persuaded by the Prosecution's that it requires more than the five-day statutory time period to prepare its response.<sup>6</sup>

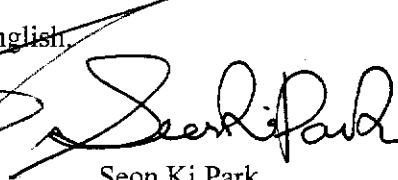
**FOR THESE REASONS, THE CHAMBER**

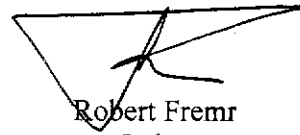
**GRANTS** the Prosecution Motion; and

**ORDERS** the Prosecution to file its Response to the Defence Motion for Exclusion of Evidence by 13 May 2011.

Arusha, 3 May 2011, done in English.

  
Lee Gacunga Muthoga  
Presiding Judge

  
Seon Ki Park  
Judge

  
Robert Fremr  
Judge

[Seal of the Tribunal]



<sup>6</sup> See *Prosecutor v. Bagosora et al.*, Case No. ICTR-98-41-T, Decision on Prosecution Request for an Extension of Time to Respond to Bagosora Motion, 16 May 2006, para. 2.