

ICTR-98-44-T  
17-1-2005  
(17291-17289)

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UNITED NATIONS  
NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Dennis C. M. Byron, Presiding

**Registrar:** Adama Dieng

**Date:** 17 January 2005

**THE PROSECUTOR**

v.

**Édouard KAREMERA  
Mathieu NGIRUMPATSE  
Joseph NZIRORERA  
André RWAMAKUBA**

**Case No. ICTR-98-44-R73**

JUDICIAL RECORDS/ARCHIVES  
ICTR  
2005 JAN 17 A 11: 25  
[Signature]

**DECISION ON TIME-LIMIT TO FILE A RESPONSE**  
*Rule 73(E) of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**

Don Webster  
Holo Makwaia  
Dior Fall  
Gregory Lombardi  
Bongani Dyani  
Sunkarie Ballah-Conteh  
Tamara Cummings-John  
Takeh Sendze

**Defence Counsel:**

Dior Diagne Mbaye and Félix Sow,  
for Édouard Karemera  
Charles Roach and Frédéric Weyl,  
for Mathieu Ngirumpatse  
Peter Robinson,  
for Joseph Nzirorera  
David Hooper and Andreas O'Shea,  
for André Rwamakuba

[Signature]

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** ("Tribunal"),

**SITTING** as Trial Chamber III composed of Judge Dennis C. M. Byron;

**CONSIDERING** Mathieu Ngirumpatse's Motion requesting extension of time to respond to Prosecution Motion to sever Rwamakuba and for leave to file separate amended indictments against Rwamakuba and against Karemera, Ngirumpatse and Nzirorera, or alternatively for leave to amend the indictment against Karemera, Ngirumpatse, Nzirorera and Rwamakuba ("Defence"), filed on 7 January 2005;

**HEREBY DECIDES** the Motion, pursuant to Rule 73 of the Rules of Procedure and Evidence ("Rules").

1. On 20 December 2004, the Prosecution filed a Motion entitled "Consolidated Motion to Sever Rwamakuba from the Joint Indictment and to Try Him Separately, For Leave to a Separate Amended Indictment against Rwamakuba, and For Leave to File a Separate Amended Indictment Against Karemera, Ngirumpatse and Nzirorera, or alternatively, Prosecutor's Motion for Leave to Amend the Indictment against Karemera, Ngirumpatse, Nzirorera and Rwamakuba" ("Prosecution Motion").

2. The Defence requests an extension of time of two judicial days from the receipt of the said Prosecution Motion to file its response. The Defence claims that Prosecution Motion has not been served upon it officially or unofficially. The Defence contends that it has knowledge of the said motion only from Joseph Nzirorera's Response to the Prosecution Motion filed on 4 January 2005.

3. The Chamber recalls that, pursuant to Rule 73(E) of the Rules and in principle, a responding party has to file any reply within five days "from the date on which Counsel received the motion" (emphasis added).

4. The Chamber notes that, on 10 January 2005, the Prosecution Motion and Annexes thereto have been served to the Defence. The Chamber observes also that, within five days from the date on which the Counsel received the Prosecution Motion, on 14 January 2005, the Defence filed its response to the said Motion. Accordingly, the Chamber is of the view that no extension of time is required in the present case.

**FOR THE ABOVE REASONS,**

**THE CHAMBER**

**DISMISSES** the motion.



