



UNITED NATIONS
NATIONS UNIES

ICTR-98-44-T
1-3-2010
(50560 - 50559)
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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 Dennis C. M. Byron, presiding
Judge Gberdao Gustave Kam
Judge Vagn Joensen

Registrar: Adama Dieng

Date: 4 February 2010

THE PROSECUTOR

v.

ÉDOUARD KAREMERA
MATTHIEU NGIRUMPATSE
JOSEPH NZIRORERA

JUDICIAL RECORDS ARCHIVES
2010 MAR - 11 A 10:40
[Signature]

DECISION FOLLOWING MATTHIEU NGIRUMPATSE'S BRIEF OF
25 JANUARY 2010
Rule 74 bis of the Rules of Procedure and Evidence

Office of the Prosecutor:
Don Webster
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Takeh Sendze

Counsel for Édouard Karemera:
Dior Diagne Mbaye and Félix Sow

Counsel for Matthieu Ndirumpatse:
Chantal Hounkpatin and Frédéric Weyl

Counsel for Joseph Nzirorera:
Peter Robinson and Patrick Nimy Mayidika Ngimbi

CH110-0026 (E)

Translation certified by LSS, ICTR

INTRODUCTION

1. In a brief filed on 25 January 2010, Matthieu Ndirumpatse requests the Chamber to amend the conditions of the medical assessment it ordered on 22 January 2010.¹

DELIBERATIONS

2. Rule 74 *bis* of the Rules of Procedure and Evidence provides that a Trial Chamber may, *proprio motu* or at the request of a party, order a medical examination, including psychiatric examination of the accused, in which event, the Registrar shall entrust this task to one or several experts whose names appear on a list previously drawn up by the Registrar and approved by the Bureau.

3. Matthieu Ndirumpatse requests the Chamber to appoint an expert medical psychologist to assist Dr. Biclet. He further requests that the medical doctors who prepared the medical report he filed before the Chamber be allowed to contact Dr. Biclet, and that Dr. Biclet be invited to appear before the Chamber to present his findings and be subjected to questioning by the Chamber, and examination by the Parties on his report, and also that the medical experts selected by Matthieu Ndirumpatse be heard by the Chamber.

4. The Chamber recalls that it had already ruled on the modalities of the expert report assigned to Dr. Biclet in its Decision of 22 January 2010.² It further considers that Matthieu Ndirumpatse has not produced any new elements to warrant an amendment of this Decision. Consequently, the Chamber does not deem it appropriate to grant Matthieu Ndirumpatse's request as submitted.

For the foregoing reasons, the Chamber

Denies all the requests made by Matthieu Ndirumpatse.

Arusha, 4 February 2010

[Signed]

Dennis C. M. Byron
Presiding Judge

[Signed]

Gberdao Gustave Kam
Judge

[Signed]

Vagn Joensen
Judge

[Seal of the Tribunal]



¹ *Mémoire de Matthieu M. Ndirumpatse suite à la décision de la Chambre du 22 janvier 2010*, ("Ndirumpatse's Brief").

² *The Prosecutor v. Édouard Karemera, Matthieu Ndirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-T, Decision on Matthieu Ndirumpatse's Request for further Medical Assessment, 22 January 2010.