

ICTR-98-44-1
1-3-2010
(SOS60 - SOS59)

SOS60
21/02/10



UNITED NATIONS
NATIONS UNIES

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

2010
44-1
40
21/02/10
JUDICIAL RECORDS ARCHIVES

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
Saidou N'Dow
Sunkarie Ballah-Conteh
Eric Husketh
Takéh Sendze

Counsel for Édouard Karemera:
Dior Diagne Mbaye and Félix Sow
Counsel for Matthieu Ngirumpatse:
Chantal Hounkpatin and Frédéric Weyl
Counsel for Joseph Nzirorera:
Peter Robinson and Patrick Nimy Mayidika Ngimbi

CIII10-0026 (E)

Translation certified by LSS, ICTR

INTRODUCTION

1. In a brief filed on 25 January 2010, Matthieu Ngirumpatse 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 Ngirumpatse 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 Ngirumpatse 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 Ngirumpatse has not produced any new elements to warrant an amendment of this Decision. Consequently, the Chamber does not deem it appropriate to grant Matthieu Ngirumpatse's request as submitted.

For the foregoing reasons, the Chamber

Denies all the requests made by Matthieu Ngirumpatse.

Arusha, 4 February 2010

[Signed]

[Signed]

[Signed]

Dennis C. M. Byron
Presiding Judge

Gberdao Gustave Kam
Judge

Vagn Joensen
Judge

[Seal of the Tribunal]



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

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