

ICTR-98-44-I
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UNITED NATIONS
NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

Arusha International Conference Centre
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TRIAL CHAMBER I

Before: Judge Navanethem Pillay, Presiding

Registrar: Mr. Adama Dieng

Date: 13 December 2002

OR:ENG

JUDICIAL RECORDS/ARCHIVES
ICTR
2002 DEC 13 P 2:32

The Prosecutor
v
Joseph Nzirorera
(Case No. ICTR-98-44-I)

**DECISION ON DEFENCE MOTION FOR THE RETURN OF
PROPERTY AND SANCTIONS FOR VIOLATION OF COURT ORDER
AND A DECISION ON PROSECUTION REQUEST FOR EXTENSION OF
TIME TO FILE A RESPONSE TO DEFENCE MOTION**

Office of the Prosecutor:

Mr. Kenneth C. Flemming
Ms. Amanda Reichman
Ms. Kirsten Keith

Defence Counsel:

Mr. Peter Robinson

Counsel for Co-Accused:

Mr. Didier Skornicki for Edouard Karemera
Mr. David Hooper for Andre Rwamakuba
Mr. Charles Roach and
Mr. Frederick Weyl for Mathieu Ngirumpatse

ANNEXTURE A

<u>ERN</u>	<u>DESCRIPTION</u>
1. KAOO-6174	A black suitcase
2. KTOO-1504	A Goldstar audiotape jacket marked "N.Z.C"
3. KTOO-1504A	A Goldstar audiotape jacket marked "NZ"
4. KTOO-1505	A Goldstar audiotape jacket
5. KTOO-1506	An unmarked Goldstar audiotape jacket
6. KTOO-1507	An audiotape jacket marked "Collectionde Blues"
7. KTOO-1508	An audiotape jacket marked "Kotto Bass"
8. KTOO-1509	An RDK audiotape jacket
9. KTOO-1510	A Goldstar audiotape jacket marked "Petit Pays"
10. KTOO-1511	A "Melody" audiotape jacket
11. KTOO-1512	A TDK audiotape jacket marked "C.NZ"
12. KTOO-1513	A SANKEY audio tape jacket
13. KTOO-1514	A "GUILOU" audiotape jacket
14. KTOO-1515	An unmarked Goldstar audiotape jacket
15. KTOO-1516	An audiotape jacket marked Franco
16. KTOO-1517	A Maxwell 90 audiotape jacket
17. KTOO-1518	An audiotape jacket marked "NULEC"
18. KTOO-1519	A NULEC audiotape jacket marked "PETIT PAYS"

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

SITTING as Judge Navanethem Pillay designated by the Trial Chamber, pursuant to Rule 73 of the Rules of Procedure and Evidence of the Tribunal ("the Rules");

BEING SEIZED OF the Defence motion for Return of Property and Sanctions for Violation of Court Order dated, 1 November 2002;

NOTING the Prosecution response to the Defence motion, filed on 8 November 2002, requests an extension of time to file a response to the Defence motion for reasons that a lengthy and detailed investigation of the passage of the Accused's material, seized from the place where they were taken from in Benin to Arusha, will be required. The Prosecution adds they will also have to make contact with former Staff members of the Tribunal who no longer reside in Arusha;

CONSIDERING the Order of 7 September 2000 in *The Prosecutor v Joseph Nzirorera Case No. ICTR-98-44-I* whereby both parties were requested to jointly view the unsealing of confiscated items;

FURTHER CONSIDERING that the Prosecutor was also directed by the Order of 7 September 2000, to return to the Defence, all documents seized during the search on the 5 of June 1998, which the Prosecutor does not intend to use as evidence against the Accused;

IN CONSIDERATION OF the written briefs of the parties;

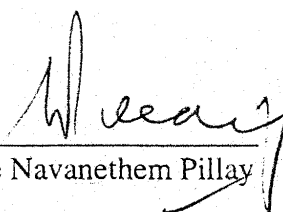
HEREBY ORDERS,

THE RETURN by the Prosecutor to the Defence, of all items derived from the "*Nzirorera Inventory of Seized Material Presented during Inspection from 5-8 August 2002*" as listed in annexure A, which the Prosecutor does not intend to use as exhibits in the Trial, within thirty (30) days of receipt of this order;

SERVICE by the Prosecution upon the Accused, of copies of all documents, tapes, photos and other material seized from the Accused which are retained as evidence by the Prosecutor, within thirty (30) days of receipt of this Order;

DECLARES that in light of the Decision rendered, the Prosecution's request for an order for extension of time is now **MOOT** and is **DISMISSED**.

Arusha 13 December 2002


Judge Navanethem Pillay

[Seal of the Tribunal]

