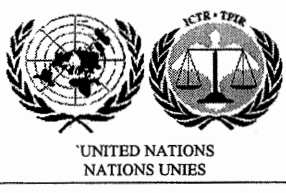


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ICR-98-44-I
4-09-2003
(6103-6101)



International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before: Judge Lloyd G. Williams, Q.C., Presiding
Judge Andréia Vaz
Judge Khalida Rachid Khan

Registrar: Adama Dieng

Date: 4 September 2003

2003 SEP -4 | P 3:00 |
OFFICIAL RECORDS/ARCHIVES
ICTR
[Signature]

THE PROSECUTOR

v.

Joseph NZIRORERA et al.

Case No. ICTR-98-44-I

DECISION ON THE REQUEST TO THE GOVERNMENTS OF UNITED STATES OF AMERICA, BELGIUM, FRANCE, AND GERMANY FOR COOPERATION

Defence Counsel:
Peter Robinson

Office of the Prosecutor:
Don Webster

Defence Counsel for Co-Accused:
Didier Shornicki,
David Hooper,
Charles Roach, and Frédéric Weyl

[Signature]

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“Tribunal”),

SITTING as Judge Andréia Vaz, designated by Trial Chamber III pursuant to Rule 73(A) of the Rules of Procedure and Evidence (“Rules”);

BEING SEISED of a request by the Defence of Joseph Nzirorera, filed on 4 December 2002, seeking an order that the authorities of the United States of America, Belgium, France, and Germany provide:

- (a) All reports, recordings, or other material reflecting statements made by Joseph Nzirorera or attributed to him between January and July 1994;
- (b) All information concerning the collection, possession, and distribution of weapons by the MRND party or its youth wing, the *Interahamwe*, between July 1993 and July 1994;
- (c) All information concerning the identity of the persons or entities responsible for the assassination of President Juvenal Habyarimana of Rwanda on 6 April 1994;

CONSIDERING the Prosecutor’s response, filed on 25 June 2003, in which the Prosecutor requests that the Accused be requested to modify and amend its request to conform to the standards enunciated by the Appeals Chamber in the *Blaskic* Decision;¹

CONSIDERING the Defence’s reply to the Prosecutor’s response, filed on 16 July 2003, in which the Defence agrees that the Chamber shall apply the same standards established by the Appeals Chamber in the *Blaskic* Decision and re-states its arguments;

CONSIDERING the Prosecutor’s consolidated supplemental response as it relates to this matter, namely, the Defence request for the cooperation of the governments of the United States of America, Belgium, France, and Germany, filed on 18 August 2003;

NOTING that the Defence request of the materials to be produced by the States does not identify specific documents concerning the type of category; that the recordings requested are television recordings, video recordings or radio recordings; that it is broad in category thus lacks particularity and is indeterminate in number;

NOTING that the Defence request of the materials relating to collection, possession, and distribution of weapons by the MRND party lacks specificity in relation to the level at which the information relates to, whether it is at Préfecture level, Bourgmestre level, Secteur level, Government level or Commune level;

NOTING that the Defence appears to be engaged in a fishing expedition;

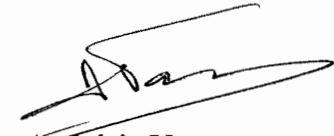
¹ *The Prosecutor v. Tihomir Blaskic*, Case No. IT-95-14, Judgement on the Request of the Republic of Croatia for Review of the Decision of Trial Chamber II of 18 July 1997 (AC) 20 October 1997.



THE TRIBUNAL,

DENIES the Defence request for the cooperation of the governments of the United States of America, Belgium, France, and Germany.

Arusha, 4 September 2003



Andrézia Vaz
Judge

