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#### **TRIAL CHAMBER II**

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International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda

- **Before:** Judge William H. Sekule, Presiding Judge Arlette Ramaroson Judge Solomy Balungi Bossa
- Mr Adama Dieng **Registrar:**

6 May 2004 Date:

The PROSECUTOR

Pauline NYIRAMASUHUKO

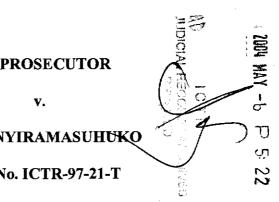
Case No. ICTR-97-21-T

#### **DECISION ON NYIRAMASUHUKO'S MOTION FOR CERTIFICATION** TO APPEAL THE "DECISION ON NYIRAMASUHUKO'S MOTION TO **DECLARE THE EVIDENCE OF WITNESS FAS INADMISSIBLE AGAINST HER"**

#### Office of the Prosecutor

Silvana Arbia Adelaide Whest Jonathan Moses Adesola Adeboyejo Manuel Bouwknecht, Case Manager **Defence** Counsel

Nicole Bergevin Guy Poupart





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

SITTING as Trial Chamber II composed of Judge William H. Sekule, Presiding, Judge Arlette Ramaroson and Judge Solomy Balungi Bossa (the "Chamber");

**RECALLING** the "Decision on Defence Urgent Motion to Declare the Evidence of Witness FAS Inadmissible Against Her" of 16 April 2004 (the "Impugned Decision");

**BEING SEISED** of "Nyiramasuhuko's Motion for Certification to Appeal the Decision on Defence Urgent Motion to Declare the Evidence of Witness FAS Inadmissible Against Her", filed by Nyiramasuhuko on 23 April 2004 ("Nyiramasuhuko's Motion");<sup>1</sup>

**CONSIDERING** the "Prosecutor's Response to Nyiramasuhuko's Motion For Certification To Appeal the 'Decision on Nyiramasuhuko's Motion to Declare the Evidence of Witness FAS Inadmissible A and for Certification to Appeal the Decision" (the "Response"), filed on 28 April 2004;

**CONSIDERING** the Statute of the Tribunal (the "Statute") and the Rules of Procedure and Evidence (the "Rules");

**RECALLING** the "Decision on Ntahobali's and Nyiramasuhuko's Motions For Certification to Appeal the 'Decision on Defence Urgent Motion to Declare Parts of the Evidence of Witnesses RV and QBZ Inadmissible" of 18 March 2004;

**NOW DECIDES** the matter, pursuant to Rule 73 (B), on the basis of the written submissions of the Parties.

WHEREAS the impugned Decision raises the same issues as the Chamber's former "Decision on Defence Urgent Motion to Declare Parts of the Evidence of Witnesses RV and QBZ Inadmissible" of 16 February 2004,

WHEREAS, in its "Decision on Ntahobali's and Nyiramasuhuko's Motions For Certification to Appeal the 'Decision on Defence Urgent Motion to Declare Parts of the Evidence of Witnesses RV and QBZ Inadmissible'" of 18 March 2004, the Chamber granted the certification to appeal its Decision of 16 February 2004, on the grounds that the issue of admissibility of testimonies of Prosecution Witnesses could significantly affect the outcome of the trial against the Accused, insofar as the issue as to whether the Trial Chamber will take into account the testimony of these witnesses for its final deliberation or not could significantly affect this deliberation,

WHEREAS the Trial Chamber further considered that, as the Defence for Nyiramasuhuko indicated that the same issue of admissibility may recur with regard to several oncoming Prosecution Witnesses, an immediate resolution by the Appeals Chamber may materially advance the proceedings in the current case,

<sup>&</sup>lt;sup>1</sup> The Motion was filed in French and originally entitled: «Requête de Pauline Nyiramasuhuko aux Fins de Certification d'Appel de la 'Decision on Defence Urgent Motion to Declare the Evidence of Witness FAS Inadmissible Against Her' ».

WHEREAS the current Motion for certification to appeal meets the same merits as the former Motion for certification,

**WHEREAS** the Trial Chamber considers that the present requests for certification fall, like the previous one, within the purview of Rule 73(B).

# FOR THE ABOVE REASONS,

#### THE TRIAL CHAMBER

**GRANTS** the certification of appeal.

Arusha, 6 May 2004

William H. Sekule Presiding Judge

Arlette Ramaroson Judge

[Seal of the Tribunal]

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Solomy Balungi Bossa Judge

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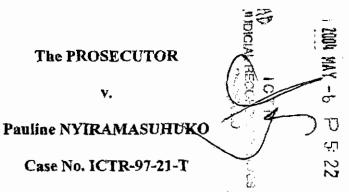
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- Before: Judge William H. Sekule, Presiding Judge Arlette Ramaroson Judge Solomy Balungi Bossa
- **Registrar:** Mr Adama Dieng
- Date: 6 May 2004

#### The PROSECUTOR

v.

Case No. ICTR-97-21-T



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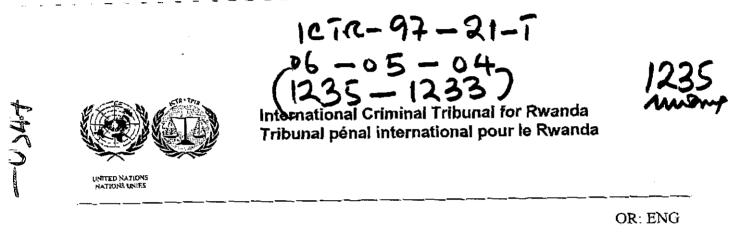
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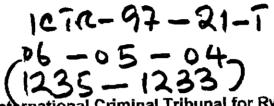


#### TRIAL CHAMBER II

- Before: Judge William H. Sekule, Presiding Judge Arlette Ramaroson Judge Solomy Balungi Bossa
- Registrar: Mr Adama Dieng
- **Date:** 6 May 2004

The PROSECUTOR v. Paulinc NYIRAMASUHUKO Case No. ICTR-97-21-T

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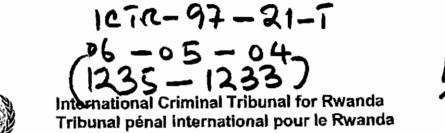
The PROSECUTOR

v.

Pauline NYIRAMASUHUKO

Case No. ICTR-97-21-T

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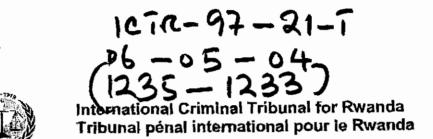
The PROSECUTOR

v.

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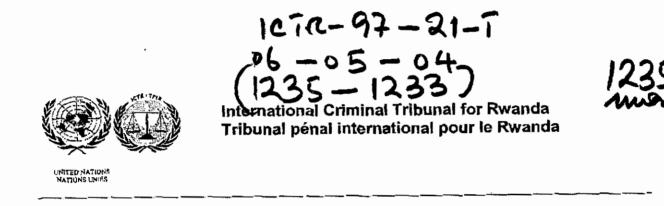
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The PROSECUTOR v. Pauline NYIRAMASUHUKO Case No. ICTR-97-21-T

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# 1cTR-97-21-T -05 - 04. 35 - 1233International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda

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#### TRIAL CHAMBER II

Judge William H. Sekule, Presiding Before: Judge Arlette Ramaroson Judge Solomy Balungi Bossa

**Registrar:** Mr Adama Dieng

Date: 6 May 2004

#### **DECISION ON NYIRAMASUHUKO'S MOTION FOR CERTIFICATION** TO APPEAL THE "DECISION ON NYIRAMASUHUKO'S MOTION TO DECLARE THE EVIDENCE OF WITNESS FAS INADMISSIBLE **AGAINST HER"**

The PROSECUTOR ት v. Pauline NYIRAMASUHUKO ς'n Case No. ICTR-97-21-T 22



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# International Criminal Tribunal For Rwanda

Tribunal Pénal International pour le Rwanda Arusha International Conference Centre P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie Tel: 255 57 504207-11 504367-72 or 1 212 963 2850 Fax: 255 57 504000/504373 or 1 212 963 2848/49

# **PROOF OF SERVICE – ARUSHA PREUVE DE NOTIFICATION – ARUSHA**

Date:	07/05/2004	Case Name / Affaire: Case No / Affaire Nr.		- ELIE NDAYAMBAJE - JOSEPH KANYABAS - PAULINE NYIRAMAS - ARSENE SHALOM N - SYLVAIN NSABIMAN - ALPHONSE NTEZIRY ICTR-98-42-T	UHUKO FAHOBALI A
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		Judge A. Vaz A. Egorov (Temporarily)			
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		l Counsel / Conseil <sup>(</sup> Principal:	BOULE, MARCH. PACERE	AND, BERGEVIN, MWAN	ŶUM₽Ă, KADJI AN 7 • 5 <sup>•</sup> 2∞4~
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Subject Objet:	Kindly find att	ached the following docu	ument(s) / Veuillez trouver (		
Document	ts name / titre du	document		Date Filed / L	Date enregistré Pages

uments name / titre du document DECISION ON NYIRAMASUHUKO'S MOTION FOR CERTIFICATION TO APPEAL THE DECISION ON NYIRAMASUHUKO'S MOTION TO DECLARE THE EVIDENCE OF WITNESS FAS INADMISSIBLE AGANST HER.

06/05/2004