



UNITED NATIONS
NATIONS UNIES

ICTR-98-44-PT
12-7-2005
(21715-21414)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

21715
Dumf

OR: ENG

TRIAL CHAMBER III

Before Judges: Dennis C. M. Byron, Presiding
Karin Hökberg
Gberdao Gustave Kam

Registrar: Adama Dieng

Date: 12 July 2005

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SECRETARY GENERAL'S ARCHIVES
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THE PROSECUTOR

v.

Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA

Case No. ICTR-98-44-PT

**DECISION ON PROSECUTION'S MOTION FOR RETURN OF EXHIBITS FROM
ANNULLED TRIAL SESSIONS**

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Don Webster
Dior Fall
Gregory Lombardi
Ian Morley
Bongani Dyani
Sunkarie Ballah-Conteh
Tamara Cummings-John
Takeh Sendze

Defence Counsel for Édouard Karemera
Dior Diagne Mbaye and Félix Sow

Defence Counsel for Mathieu Ngirumpatse
Frédéric Weyl

Defence Counsel for Joseph Nzirorera
Peter Robinson

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“Tribunal”),
SITTING as Trial Chamber III, composed of Judge Dennis C. M. Byron, presiding, Karin Hökborg, and Gberdao Gustave Kam (“Chamber”);
BEING SEIZED of the “Prosecution’s Motion for Return of Exhibits from Annulled Trial Sessions” (“Motion”), filed by the Prosecution on 4 July 2005;
CONSIDERING the Defendant Joseph Nzirorera’s Response, filed on 5 July 2005;
NOTING that the Defendants Édouard Karemera and Mathieu Ngirumpatse have not filed a Response within the time limit prescribed by the Rules of Procedure and Evidence (“Rules”);
NOTING that the Registry holds all Exhibits in a scanned format as a matter of course;
HEREBY DECIDES the Motion pursuant to Rule 73 of the Rules.

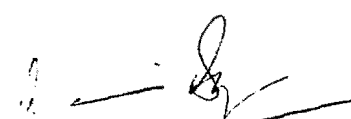
1. The trial against the Accused commenced on 27 November 2003. The Appeals Chamber Decision of 28 September 2004¹ made it necessary for the rehearing of this case before a new Chamber. The rehearing is now scheduled to begin on 5 September 2005.
2. The Prosecution intends to resubmit the original Exhibits from the previous trial at the appropriate time when trial recommences. It requested from the Court Management System (“CMS”) the return of such Exhibits, but this request was denied.
3. The Defendant Nzirorera does not oppose the Motion and subsequently requests that his original Exhibits be returned to him when his counsel is available.
4. The Chamber considers that the return of the original Exhibits to the respective parties will facilitate the upcoming judicial proceedings and therefore should be ordered pursuant to Rule 54 of the Rules.

FOR THE ABOVE REASONS, THE CHAMBER

GRANTS the Motion; and

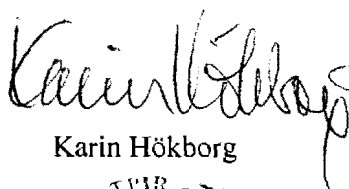
DIRECTS the Registry to return the original Exhibits entered into the record in the former trial to the respective filing party, due to their potentially confidential nature.

Arusha, 12 July 2005, done in English.

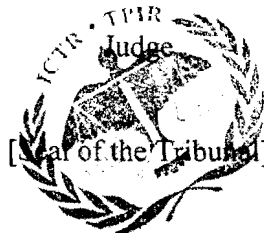
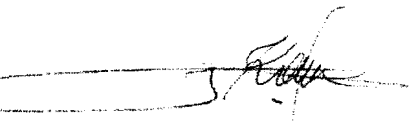


Dennis C. M. Byron

Presiding Judge



Karin Hökborg

Gberdao Gustave Kam

Judge

¹ *Prosecutor v. Edouard Karemera, Mathieu Ngirumpatse, Joseph Nzirorera and André Rwamakuba*, Case No. ICTR-98-44, Decision on Interlocutory Appeals Regarding the Continuation of Proceedings with a Substitute Judge and on Nzirorera’s Motion for Leave to Consider New Material (AC), 28 September 2004.