

ICTR-98-44-PT
1-9-2005
(23625 - 23624)

23625
Jury



UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Dennis C. M. Byron, Presiding
Emile Francis Short
Gberdao Gustave Kam

Registrar: Adama Dieng

Date: 1 September 2005

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ICTR
SECRETARY GENERAL

THE PROSECUTOR

v.

**Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA**

Case No. ICTR-98-44-PT

**DECISION ON JOSEPH NZIRORERA'S MOTION TO EXCLUDE TESTIMONY OF
OTP INVESTIGATORS AND EMPLOYEES**

Rule 89(C) of the Rules of Procedure and Evidence

Office of the Prosecutor:
Don Webster
Dior Fall
Gregory Lombardi
Ian Morley
Sunkarie Ballah-Conteh
Tamara Cummings-John
Takeh Sendze

Defence Counsel for Édouard Karemera
Dior Diagne Mbaye and Félix Sow

Defence Counsel for Mathieu Ngirumpatse
Chantal Hounkpatir and Frédéric Weyl

Defence Counsel for Joseph Nzirorera
Peter Robinson

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

SITTING as Trial Chamber III, composed of Judges Dennis C. M. Byron, Presiding, Emile Francis Short and Gberdao Gustave Kam (“Chamber”);

BEING SEIZED of “Joseph Nzirorera’s Motion to Exclude Testimony of OTP Investigators and Employees”, filed by the Defence for the Accused Nzirorera (“Defence”) on 14 July 2005;

CONSIDERING the Prosecution’s Response thereto, filed on 22 July 2005, which opposes the Motion;

CONSIDERING the “*Mémoire d’intervention de M. Ngirumpatse sur la requête de M. Nzirorera For Exclude Testimony of OTP Investigators and Employees*”, filed by the Defence for the Accused Ngirumpatse, filed on 8 August 2005;

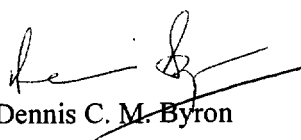
HEREBY DECIDES the Motions pursuant to Rules 73 of the Rules of Procedure and Evidence (“Rules”).

1. The Motion applies for an order pursuant to Rule 89(C) to exclude any summary and hearsay testimony from investigators and employees, including Maxwell Nkole, Uphendra Bagel and Witness AHJ.
2. Rule 89(C) of the Rules prescribes that a Chamber may admit any relevant evidence which it deems to have probative value. In the current case, the trial has not yet commenced and the Prosecution has not yet made an application for the admission of evidence from the named witnesses or any other witnesses. The Motion is therefore speculative and premature.

FOR THE ABOVE REASONS, THE CHAMBER

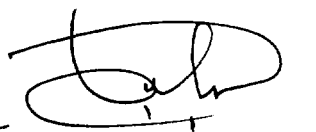
DISMISSES the Motion.

Arusha, 1 September 2005, done in English.

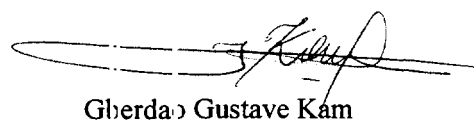


Dennis C. M. Byron

Presiding Judge



Emile Francis Short

Gberdao Gustave Kam

Judge