

ICTR-98-44-T
1-2-2006
(25796-25795)

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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 February 2006

THE PROSECUTOR

v.

Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA
Case No. ICTR-98-44-T

ICTR
SECRETARIAT
10 FEB - 1 P 3:25
C.A. J. J.

**ORDER FOR THE REGISTRAR'S SUBMISSION ON THE DEFENCE MOTION
FOR ORDER CONCERNING UNLAWFUL DISCLOSURE OF CONFIDENTIAL EX
PARTE DEFENCE FILING AND FOR STAY OF PROCEEDINGS**

Rules 33(B) and 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Don Webster
Gregory Lombardi
Iain Morley
Gilles Lahaie
Sunkarie Ballah-Conteh
Takeh Sendze

Defence Counsel for Édouard Karemera
Dior Diagne Mbaye and Félix Sow

Defence Counsel for Mathieu Ngirumpatse
Chantal Hounkpatin and Frédéric Weyl

Defence Counsel for Joseph Nzirorera
Peter Robinson and Patrick Nimy Mayidika Ngimbi

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 the "Motion for Order Concerning Unlawful Disclosure of Confidential *Ex Parte* Defence Filing and for Stay of Proceedings" ("Motion"), filed by the Defence for Joseph Nzirorera ("Defence") on 30 January 2006;

NOTING "Joseph Nzirorera's *Ex Parte* Motion for Order for Interview of Defence Witness NZ1" and "*Ex Parte* Annex to Joseph Nzirorera's *Ex Parte* Motion for Order for Interview of Defence Witness NZ1" ("*Ex Parte* Annex"), filed on 23 January 2006 and the Prosecution's Response thereto filed on 26 January 2006;

NOTING that in its Motion, the Defence alleges that the Registrar improperly disclosed the *Ex Parte* Annex to the Prosecution;

CONSIDERING that the Registrar has the responsibility to transmit documents to the appropriate parties;

RECALLING Rule 33(B) of the Rules of Procedure and Evidence ("Rules") providing for the Registrar, "in the execution of his functions, [...] [to] make oral or written representations to Chambers on any issue arising in the context of a specific case which affects or may affect the discharge of such functions, including that of implementing judicial decisions, with notice to the parties where necessary"; and Rule 54 of the Rules giving power to a Judge or a Trial Chamber to "issue such orders [...] as may be necessary [...] for the preparation or conduct of the trial";

FOR THE ABOVE REASONS, THE CHAMBER

HEREBY REQUESTS the Registrar pursuant to Rule 33(B) of the Rules to make a submission including the circumstances surrounding the disclosure, as well as future steps it will take to prevent its recurrence, no later than 3 February 2006.

Arusha, 1 February 2006, done in English.

Dennis C. M. Byron

Presiding Judge

Emile Francis Short

Judge

Gberdao Gustave Kam

Judge

[Seal of the Tribunal]

