



UNITED NATIONS
NATIONS UNIES

197-98-44-T
20-6-2006
(27033 - 27032)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

27033
Jury
R

OR: ENG

TRIAL CHAMBER III

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

Registrar: Adama Dieng

Date: 20 June 2006

THE PROSECUTOR

v.

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

2006 JUN 20 A 11:37
ICTR
Jury

ORDER FOR THE REGISTRAR'S SUBMISSION ON JOSEPH SERUGENDO'S HEALTH CONDITION AND ABILITY TO TESTIFY

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

Office of the Prosecutor:

Don Webster
Iain Morley
Gilles Lahaie
Alayne Frankson-Wallace
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

SR

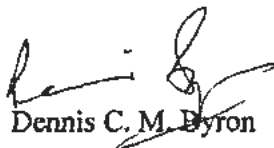
27032

1. On 15 March 2006, Joseph Serugendo pleaded guilty before this Tribunal. On 8 June 2006, Trial Chamber I delivered the Judgment and Sentence against him. The same day, that Trial Chamber granted the Prosecution's Urgent Motion for the Deposition of Joseph Serugendo,¹ due to Mr. Serugendo's health condition, which has been described as a terminal illness. Since then Mr. Serugendo has been taken to Nairobi, Kenya for medical treatment.
2. On several occasions, the Prosecution has expressed its intention to call Mr. Serugendo as a witness in this trial and on 20 June 2006, it made an oral motion to add Mr. Serugendo to its witness list.
3. Defence Counsel for Nzirorera, supported by the Defence for Ngirumpatse and Karemera, made an oral application on 19 June 2006 for Mr. Serugendo to testify in front of this Chamber, as soon as practicable. He requested that a video-link be set up in Nairobi to hear Mr. Serugendo's testimony due to his precarious health position, which may prevent his attendance in Court.
4. The Chamber needs to be apprised of Mr. Serugendo's current state of health. Specifically, the Chamber requests information regarding the physical and psychological ability of Mr. Serugendo to testify or to make a deposition, and which practical arrangements could be made in that order, including the possibility to use video-link facilities from Mr. Serugendo's location. In accordance with Rule 33 of the Rules of Procedure and Evidence, the Chamber is of the view that the Registrar may assist in this matter.

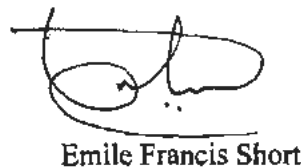
FOR THE ABOVE REASONS, THE CHAMBER

HEREBY REQUESTS the Registrar pursuant to Rule 33(B) of the Rules to make a submission responding to the requests of the Chamber as described in paragraph 4 above, no later than 26 June 2006.

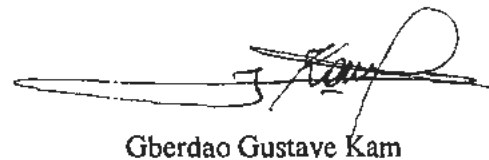
Arusha, 20 June 2006, done in English.


Dennis C. M. Byron

Presiding Judge


Emile Francis Short




Gberdao Gustave Kam

Judge

¹ *Prosecutor v. Joseph Serugendo*, Case No. ICTR 05-81-I, Decision on Urgent Motion for the Deposition of Joseph Serugendo (TC), 8 June 2006.