

ICTR-98-44-T
29-12-2006
(28245-28243)

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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: 29 December 2006

JUDICIAL RECORDS/ARCHIVES
ICTR

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THE PROSECUTOR

v.

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

DECISION ON ADMISSION OF DEFENCE EXHIBITS

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

Office of the Prosecutor:
Don Webster
Alayne Frankson-Wallace
Iain Morley
Saidou N'Dow
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

INTRODUCTION

1. The trial in this case started on 19 September 2005. On 30 May 2005, while cross-examining Prosecution Witness T, the Defence for Nzirorera requested the Chamber to admit into evidence four documents described as follows: a speech of Minister Éliezer Niyitegeka on the 9th of April 1994; a communiqué of the Ministry of Interior on the 10th of May 1994; the speech of Minister Éliezer Niyitegeka on the 30th of April 1994; and a speech of the Minister of Justice on the 17th of May 1994.¹ These documents were, however, only available in Kinyarwanda. The Prosecution objected to the admission of the first document on the basis of relevance of the document to the witness' cross-examination.² The Chamber was unable to rule on the admission of the speeches tendered by the Defence for Nzirorera at that stage since the documents were only available in Kinyarwanda.³ It therefore reserved its ruling, ordered the documents to be marked for identification and requested the assistance of the Registrar in order to obtain the translations.⁴ The translations of the speeches are now available. The Chamber is therefore now in a position to rule on their admission.

DISCUSSION

2. Rule 89 (C) of the Rules of Procedure and Evidence provides the Chamber with the discretion to admit any relevant evidence which it deems to have probative value. As the Appeals Chamber has repeatedly emphasized, "[a]dmissibility of evidence should not be confused with the assessment of weight to be accorded by the Chamber to that evidence at a later stage".⁵

3. After reviewing the documents sought for admission as well as the testimony of Witness T, the Chamber is satisfied that these documents are relevant to the issue of efforts to stop the killings to which Witness T testified in the instant case. The Chamber is also satisfied that these documents have probative value.

¹ T. 30 May 2006, pp. 42 and 47.

² T. 30 May 2006, p. 47.

³ T. 30 May 2006, p. 47.

⁴ T. 30 May 2006, p. 47. A speech of Minister Éliezer Niyitegeka on the 9th of April 1994; a communiqué of the Ministry of Interior on the 10th of May 1994; the speech of Minister Éliezer Niyitegeka on the 30th of April 1994; and a speech of the Minister of Justice on the 17th of May 1994 were respectively marked for identification as ID. NZ16, 17, 18 and 19.

⁵ *Prosecutor v. Ntahobali and Nyiramasuhuko*, Case No. ICTR-97-21-AR73, Decision on the Appeals by Pauline Nyiramasuhuko and Arsène Shalom Ntahobali on the "Decision on Defence Urgent Motion to Declare Parts of the Evidence of Witnesses RV and ABZ Inadmissible" (AC), 2 July 2004, para. 15.

FOR THE ABOVE REASONS, THE CHAMBER

I. GRANTS the Defence Motion, and accordingly

II. ADMITS into evidence the documents marked for identification as ID. NZ16, ID. NZ17, ID. NZ18 and ID. NZ19, as well as their translations, and described as a speech of Minister Éliezer Niyitegeka on the 9th of April 1994; a communiqué of the Ministry of Interior on the 10th of May 1994; the speech of Minister Éliezer Niyitegeka on the 30th of April 1994; and a speech of the Minister of Justice on the 17th of May 1994.

III. REQUESTS the Registrar to assign these documents with an exhibit number in the instant case.

Arusha, 29 December 2006, done in English.



Dennis C. M. Byron
Presiding Judge



With the consent and on
behalf of
Emile Francis Short
Judge
(absent at the time of the
signature)



With the consent and on
behalf of
Gberdao Gustave Kam
Judge
(absent at the time of the
signature)

[Seal of the Tribunal]

