



International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda

OR: ENG

## TRIAL CHAMBER III

Before Judges:

Dennis C. M. Byron, Presiding

Gberdao Gustave Kam

Vagn Joensen

Registrar:

Adama Dieng

Date:

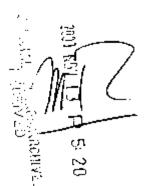
13 November 2007

THE PROSECUTOR

V,

Édouard KAREMERA Mathieu NGIRUMPATSE Joseph NZIRORERA

Case No. ICTR-98-44-T



## ACKNOWLEDGMENT ON JOSEPH NZIRORERA'S MEMORANDUM ON THE APPLICABILITY OF THE ARUSHA ACCORDS TO THE REPLACEMENT OF PRESIDENT HABYARIMANA

Office of the Prosecutor:

Don Webster Alayne Frankson-Wallace Iain Morley Saidou N'Dow Gerda Visser Sunkarie Ballah-Conteh Takeh Sendze Deo Mbuto 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. On 25 October 2007, during the continuation of the presentation of the Prosecution case, the Trial Chamber stated that it was interested in understanding the applicability of the Arusha Accords to the replacement of President Habyarimana in April 1994<sup>1</sup>.
- 2. In his memorandum filed on 29 October 2007, Joseph Nzirorera explained his position to be that the Chamber should determine that issue as a matter of law in its final Judgement<sup>2</sup>. After having reminded the Chamber of the agreements entered into between the government of Rwanda and the Rwandese Patriotic Front, Nzirorera stated that the Transitional Government and the National Assembly were, on 8 April 1994, yet to be established. He relies on the Article 42 of the Rwandan 1991 Constitution to explain why President Sindikubabwo replaced the President of the Republic of the Interim Government on 8 April 1994. Therefore, he considers that the transitional period had not yet started in Rwanda on 8 April 1994 and that the Arusha Accords could not be applied.
- 3. The Prosecutor opposes the memorandum, submitting that the formation of the Interim Government of 8 April 1994 was illegitimate because the former President of the Conseil National de Développement (CND) replaced former President Habyarimana<sup>3</sup>. He further submits that the Arusha Accords anticipated that Ngirumpatse should replace former President Habyarimana.

## THE CHAMBER

- I. ACKNOWLEDGES the submissions of both Parties
- II. INVITES the Parties to address the issue in their closing arguments

Arusha, 13 November 2007, done in English.

<sup>&</sup>lt;sup>1</sup> T. 25 October 2007.

<sup>&</sup>lt;sup>2</sup> Joseph Nzirorera's Memorandum on the Applicability of the Arusha Accords to the replacement of President Habyarimana filed on 29 October 2007.

<sup>&</sup>lt;sup>3</sup> Prosecutor's Response to Joseph Nzirorera's Mcmorandum on the Applicability of the Arusha Accords to the replacement of President Habyarimana, filed on 5 November 2007.

Acknowledgment on Joseph Natrurera's Memorantium on the applicability of the Arusha accords to the replacement of President Hobyanimana

f 3 November 20

Dennis C. 54: Hyron

Gberdae Guslave Kam

Presiding Judge

Judge

Judge

