

2066/H



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

**IN THE APPEALS CHAMBER** ICTR-98-44-AR73.12

6 December 2007

(2066/H - 2064/H)

**Before:** Judge Fausto Pocar, Presiding  
Judge Mohamed Shahabuddeen  
Judge Liu Daqun  
Judge Theodor Meron  
Judge Wolfgang Schomburg

**Registrar:** Mr. Adama Dieng

**Decision of:** 6 December 2007

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**PROSECUTOR**

v.

Édouard KAREMERA  
Mathieu NGIRUMPATSE  
Joseph NZIRORERA

Case No. ICTR-98-44-AR73.12

ICTR Appeals Chamber  
Date: 6 December 2007  
Action: FT-  
Copied To: Concerned Judges, Parties, SLOS, LOS, ALOS, LSP, Archives  
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**Decision on Motion for Leave to Withdraw Appeal**

**Counsel for the Defence:**

Ms. Dior Diagne Mbaye and Mr. Félix Sow for Mr. Édouard Karemera  
Ms. Chantal Houankpatin and Mr. Frédéric Weyl for Mr. Mathieu Ngirumpatse  
Mr. Peter Robinson and Mr. Patrick Nimy Mayidika Ngimbi for Mr. Joseph Nzirorera

**Office of the Prosecutor:**

Mr. Hassan Bubacar Jallow  
Mr. Don Webster  
Mr. Neville Weston  
Ms. Alayne Frankson-Wallace

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR MOI  
NAME / NOM: Patricia Tchidimbo  
SIGNATURE: [Signature] DATE: 06/12/07

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**2065/H**

**THE APPEALS CHAMBER** of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994 ("Appeals Chamber" and "Tribunal", respectively);

**NOTING** the "Decision on Defence Motion for Cooperation of Rwanda to Obtain Statements of Prosecution Witnesses ALG, GK and UB", rendered by Trial Chamber III of the Tribunal ("Trial Chamber") on 2 October 2007, declining to issue a request for cooperation to the Government of Rwanda to provide statements of Witnesses ALG and GK ("Decision of 2 October 2007");

**NOTING** that the Appeals Chamber is seized of an interlocutory appeal by Joseph Nzirorera against the Decision of 2 October 2007;<sup>1</sup>

**BEING NOW SEIZED OF** the "Motion for Leave to Withdraw Appeal" filed by Joseph Nzirorera on 22 November 2007 ("Motion"), seeking leave to withdraw his Interlocutory Appeal;

**NOTING** that the Prosecution has not filed a response to the Motion;

**CONSIDERING** that, on 21 November 2007, the Trial Chamber granted Joseph Nzirorera's request for reconsideration of the Decision of 2 October 2007 and requested the cooperation of the Government of Rwanda to provide statements of Witnesses ALG and GK;<sup>2</sup>

**CONSIDERING** that, in light of the Reconsideration Decision, the Interlocutory Appeal has become moot;

**THEREFORE GRANTS** the Motion.

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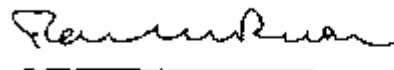
<sup>1</sup> Joseph Nzirorera's Second Interlocutory Appeal of Decision on Obtaining Prior Statements of Prosecution Witnesses After They Have Testified, 15 October 2007 ("Interlocutory Appeal").

2064/H

Done in English and French, the English version being authoritative.

Done this 6th day of December 2007,  
at The Hague,  
The Netherlands.



  
Judge Fausto Pocar  
Presiding

<sup>2</sup> *The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-T, Decision on Joseph Nzirorera's Motion for Reconsideration of Decision on his Motion for Cooperation of Rwanda to Obtain Statements of Prosecution Witnesses ALG and GK, 21 November 2007 ("Reconsideration Decision").