

ICTR-98-44-T
16-04-2008
(35044-35043)

35044
A



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
Gberdao Gustave Kam
Vagn Joensen

Registrar: Adama Dieng

Date: 16 April 2008

2008 APR 16 11:00 AM
JUDICIAL RECORDS/ARCHIVES
RECEIVED
[Signature]

THE PROSECUTOR

v.

**Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA**

Case No. ICTR-98-44-T

**ORDER FOR DISMISSAL OF JOSEPH NZIRORERA'S MOTION FOR
INSPECTION: JEAN BAPTISTE BUTERA**

Office of the Prosecutor:
Don Webster
Alayne Frankson-Wallace
Iain Morley
Saidou N'Dow
Gerda Visser
Sunkarie Ballah-Conteh
Takeh Sendze
Deo Mbutu

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 31 March 2008, Joseph Nzirorera moved the Chamber, pursuant to Rule 66(B) of the Rules of Procedure and Evidence ("Rules"), for inspection of any information in the possession of the Prosecution concerning statements made by his defence witness, Jean Baptiste Butera, regarding events in Rwanda from 1990-94.¹ The Prosecution responded on 3 April 2008, requesting that the motion be dismissed.²

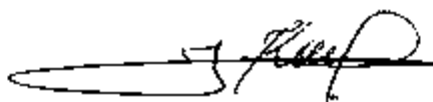
DELIBERATION

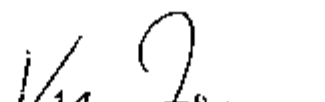
2. The Chamber notes that the Prosecution disclosed (i) an interview report and (ii) immigration records concerning this witness via email to Joseph Nzirorera and his co-Accused on the 1st and 5th of April, respectively. Jean Baptiste Butera subsequently testified in these proceedings via video link on 7 April 2008. Accordingly, the motion is now moot.

THE CHAMBER, CONSEQUENTLY, DISMISSES Joseph Nzirorera's Motion for Inspection with regard to the Defence Witness Jean Baptiste Butera.

Arusha, 16 April 2008, done in English.


Dennis C. M. Byron
Presiding Judge


Gberdao Gustave Kam
Judge
[Seal of the Tribunal]


Vagn Joensen
Judge



¹ Joseph Nzirorera's Motion for Inspection: Jean Baptiste Butera.

² Prosecution Response to Nzirorera's Motion of 31 March 2008 for Inspection under Rule 66(B) of Prosecution Material Concerning Jean Baptiste Butera (born 1943).