



UNITED NATIONS
NATIONS UNIES

ICTR-98-44-T
10-11-2008
(38245-38244)

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A

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: 10 November 2008

JUDICIAL REPLY RECEIVED
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THE PROSECUTOR

v.

Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA

Case No. ICTR-98-44-T

INTERIM ORDER CONCERNING JOSEPH NZIRORERA'S 19TH NOTICE OF VIOLATION OF RULE 66 AND MOTION FOR REMEDIAL AND PUNITIVE MEASURES: JEAN-MARIE VIANNEY MUDAHINKUYA

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

[Signature]

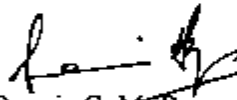
38244

1. Pursuant to Rule 54 of the Rules of Procedure and Evidence, the Chamber requests the Prosecution to file a supplementary response, which addresses the arguments set forth in Joseph Nzirorera's reply brief.¹ Specifically, the Chamber would like the Prosecution to address Nzirorera's allegations that it: (1) violated the Chamber's oral order of 16 February 2006 that the Prosecution not contact Jean-Marie Vianney Mudahinkuya (Witness DNZ1) until the Chamber issued its "Decision on Nzirorera's ex parte Motion for Order for Interview of Defence Witnesses NZ1, NZ2, and NZ3"; (2) never informed Nzirorera or the Trial Chamber that it violated this order in July 2006; (3) deliberately destroyed its investigator's notes of the July 2006 meetings with Mudahinkuya; and (4) received exculpatory information from Mudahinkuya during the July 2006 meetings, which it did not disclose to the Defence.

FOR THESE REASONS, THE CHAMBER

REQUESTS the Prosecution to file a supplementary response to Joseph Nzirorera's 19th Notice of Rule 66 Violation and Motion for Remedial and Punitive Measures, which addresses the arguments listed above. The supplementary response shall be filed no later than 17 November 2008.

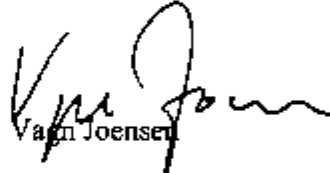
Arusha, 10 November 2008, done in English.


Dennis C.M. Byron

Presiding Judge


Gberdao Gustave Kam

Judge


Vain Joensen

Judge



¹ Reply Brief: Joseph Nzirorera's 19th Notice of Violation of Rule 66 and Motion for Remedial and Punitive Measures: Jean-Marie Vianney Mudahinkuya, filed on 21 October 2008.