



ICTR-98-44-T  
21-11-2008  
(38410-38409)  
International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

38410  
A

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Dennis C. M. Byron, Presiding  
Gberdao Gustave Kam  
Vagn Joensen

**Registrar:** Adama Dieng

**Date:** 21 November 2008

**THE PROSECUTOR**

v.

Édouard KAREMERA  
Mathieu NGIRUMPATSE  
Joseph NZIRORERA

*Case No. ICTR-98-44-T*

2008 NOV 21 P 1:02

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**DECISION ON JOSEPH NZIRORERA'S MOTION FOR BINDING ORDER TO THE  
UNITED STATES OF AMERICA AND MOTION FOR REQUEST FOR  
COOPERATION TO GOVERNMENT OF SWITZERLAND**

*Rule 54 of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**  
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Chantal Hounkpatin and Frédéric Weyl

**Defence Counsel for Joseph Nzirorera**  
Peter Robinson and Patrick Nimy Mayidika  
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1. On 19 August 2008, Joseph Nzirorera filed a motion for a binding order to the United States of America that would require the production of documents to support a motion to dismiss the indictment against him for selective prosecution.<sup>1</sup> On 12 September 2008, Nzirorera filed a motion for request for cooperation to the government of Switzerland, also to support his motion to dismiss the indictment against him for selective prosecution.<sup>2</sup> The Prosecution opposed both motions in their entirety.<sup>3</sup>

2. On 21 November 2008, the Chamber stated that, even if Joseph Nzirorera could prove that he was selectively prosecuted, dismissal of his indictment was not an appropriate remedy.<sup>4</sup> Accordingly, the Chamber denies both motions in their entirety because the information they seek is not material to any issue in this case.

**FOR THESE REASONS, THE CHAMBER**

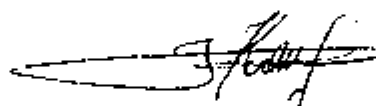
**DENIES** both of Joseph Nzirorera's motions in their entirety.

Arusha, 21 November 2008, done in English.



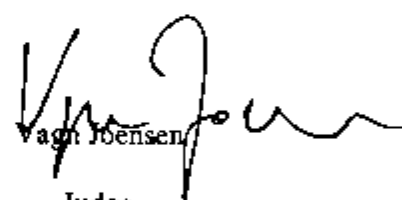
Dennis C.M. Byron

Presiding Judge



Gberdao Gustave Kam

Judge



Vagn Joensen

Judge



<sup>1</sup> Joseph Nzirorera's Motion for Binding Order to the United States of America, filed on 19 August 2008; Reply Brief: Joseph Nzirorera's Motion for Binding Order to the United States of America, filed on 26 August 2008.

<sup>2</sup> Joseph Nzirorera's Motion for Request for Cooperation to Government of Switzerland, filed on 12 September 2008; Reply Brief: Joseph Nzirorera's Motion for Request for Cooperation to Government of Switzerland, filed on 22 August 2008.

<sup>3</sup> Prosecutor's Response to Nzirorera's Motion for Binding Order to the United States of America, filed on 26 August 2008; Prosecutor's Response to Joseph Nzirorera's Motion for Binding Order to the United States of America, filed on 17 August 2008.

<sup>4</sup> *Prosecutor v. Édouard Karemera, Mathieu Ngirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-T, Decision on Joseph Nzirorera's Fifth Rule 66(B) Motion: Selective Prosecution Documents (TC), XX November 2008.