

ICTR-07-91-PT
10-12-2008
(2244-2242)

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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Lee Gacuiga Muthoga
sitting pursuant to Rule 54 of the Rules

Registrar: Mr. Adama Dieng

Date: 10 December 2008

THE PROSECUTOR

v.

Léonidas NSHOGOZA

Case No. ICTR-07-91-PT

2008 DEC 10 1 P 4: 39
JUDICIAL RECORDS/ARCHIVES
10/12/2008

**ORDER FOR SUBMISSIONS FROM THE DEFENCE
REGARDING REGISTRAR'S RULE 33 (B) SUBMISSIONS ON DISCLOSURE**

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Richard Karegyesa
Abdoulaye Seye
Dennis Mabura
Florida Kabisanga

For the Accused:

Allison Turner

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ("Tribunal");

SITTING as Trial Chamber III, composed of Judge Lee Gacuga Muthoga ("the Chamber"), pursuant to Rule 54 of the Rules of Procedure and Evidence ("Rules");

BEING SEIZED of the Registrar's Submission pursuant to Rule 33 (B), filed on 27 November 2008, regarding the disclosure of Registry documents to Defence Counsel;¹

NOTING that the Registrar has advised the Chamber that he disclosed the Registry documents contained in Annexes I, II, and III to his Submission to Defence Counsel, upon request;

NOTING the Registrar's submission that at a meeting between Defence Counsel and the Deputy Registrar, Counsel objected to disclosure of these documents to the Prosecutor on the basis that it would reveal the nature of Defence investigations;

NOTING that the Registrar now seeks direction from the Chamber on the issue; and,

CONSIDERING the Prosecutor's submission filed on 2 December 2008 in which the Prosecutor asserts that no compelling reason has been advanced for the disclosure of Tribunal documents solely to the Accused, and the Prosecutor's further submission that equality of arms requires that the materials also be disclosed to the Prosecutor;²

THE CHAMBER

HEREBY ORDERS that the Defence file detailed submissions to explain how the disclosure, to the Prosecution, of the documents contained in Annexes I, II, and III to the Submission, which have already been disclosed to the Defence, would reveal the nature of Defence investigations. More specifically, the Defence should address each of the categories of documents listed under headings I and II in the first section, and under headings I through VII in second section of the "Annex to Registrar's Submission Under Rule 33 (B) of the Rules on the Disclosure of Registry Documents;"³ and,

¹ *Prosecutor v. Léonidas Nshogoza*, Case No. ICTR-07-91-PT, "Registrar's Submission under Rule 33 (B) of the Rules on the Disclosure of Registry Documents," filed 27 November 2008 ("Submission").

² *Nshogoza*, "Prosecutor's Submissions Concerning Registrar's Submissions Under Rule 33 (B) of the Rules on the Disclosure of Registry Documents," filed 2 December 2008.

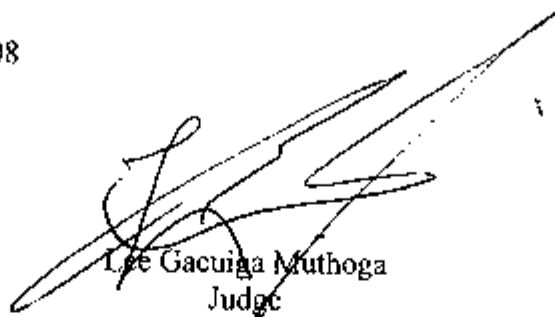
³ *Nshogoza*, "Ex Parte & Confidential Annex to Registrar's Submission Under Rule 33 (B) of the Rules on the Disclosure of Registry Documents," filed 28 November 2008, pp. 2-4.



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FURTHER ORDERS the Defence to make these submissions as soon as possible; and, in any case, not later than 15 December 2008.

Arusha, 10 December 2008



Lee Gaciga Muthoga
Judge





TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input checked="" type="checkbox"/> Trial Chamber III A. N'Gum
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Appeals Chamber / Arusha Chamber II F. A. Talon		<input type="checkbox"/> Appeals Chamber / The Hague K. K. A. Afande R. Muzigo-Morrison
From:	<input checked="" type="checkbox"/> Chamber J. Oseitutu (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. Leonidas Nshogoza			Case Number: ICTR-07-91-PT
Dates:	Transmitted: 10 December 2008		Document's date: 10 December 2008	
No. of Pages:	3		Original Language: <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Title of Document:	ORDER FOR SUBMISSIONS FROM THE DEFENCE REGARDING REGISTRAR'S RULE 33 (8) SUBMISSIONS ON DISCLOSURE			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Ex Parte		<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Confidential		<input type="checkbox"/> Disclosure	<input checked="" type="checkbox"/> Order	<input type="checkbox"/> Appeal Book
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Judgement	<input type="checkbox"/> Motion	<input type="checkbox"/> Book of Authorities
		<input type="checkbox"/> Submission from non-parties		
		<input type="checkbox"/> Submission from parties		
		<input type="checkbox"/> Accused particulars		

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English French Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party **will be submitting the translated version(s)** in due course in the following language(s):

English French Kinyarwanda

KINDLY FILL IN THE BOXES BELOW

<input type="checkbox"/> The OTP is overseeing translation. The document is submitted for translation to: <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> DEFENCE is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:
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III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	COMMENTS	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: