



UNITED NATIONS  
NATIONS UNIES

ICTR-98-44-T  
23-03-2009  
(45404 - 45389)

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

45404  
A

OR: ENG

**TRIAL CHAMBER III**

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

**Registrar:** Adama Dieng

**Date:** 23 March 2009

**THE PROSECUTION**

v.

**Édouard KAREMERA**  
**Matthieu NGIRUMPATSE**  
**Joseph NZIRORERA**  
*Case No. ICTR-98-44-T*

JUDICIAL RECORDS/ARCHIVES  
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**SCHEDULING ORDER REGARDING THE VIDEO LINK TESTIMONY  
OF LÉON MUGESERA**

*Rule 54 of the Rules of Procedure and Evidence*

**Office of the Prosecution:**

Don Webster  
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**Defence Counsel for Matthieu Ngirumpatse**  
Chantal Hounkpatin and Frédéric Weyl

**Defence Counsel for Joseph Nzirorera**  
Peter Robinson and Patrick Nimy Mayidika Ngimbi

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1. On 29 May 2008, the Chamber granted Joseph Nzirorera's motion for the Chamber to issue a subpoena for Léon Mugesera to testify by video link.<sup>1</sup> In the same decision, the Chamber denied Léon Mugesera's request for the Tribunal to pay fees related to the voluntary interview he had with Nzirorera's Counsel.<sup>2</sup> The Chamber also rejected his request to be assisted by counsel during his testimony.<sup>3</sup>

2. The Chamber was informed by an e-mail from the Court Management Section of a correspondence Léon Mugesera had addressed to this Chamber.<sup>4</sup> To this effect, the Chamber recalls paragraph 12 of its Decision of 29 May 2008 where it stated:

"The Chamber finds no basis for ordering the Registry to pay fees related to the voluntary interview, which Joseph Nzirorera's Counsel had with Léon Mugesera. Further, because Léon Mugesera is not the subject of any known criminal proceedings, and because the Canada Supreme Court has already issued a final decision on the relevance of his conduct in Rwanda, in particular his speech at the Kabaya Rally on 22 November 1992, to his deportation from Canada, the Chamber finds no reason why he should be assisted by counsel when testifying before the Tribunal. The Chamber therefore rejects his demands."<sup>5</sup>

#### **FOR THESE REASONS, THE CHAMBER**

**DIRECTS** the Registry to communicate the instant Decision as well as the Decision of 29 May 2008 to the authorities of Canada, cooperate with the said authorities in enforcing the

<sup>1</sup> *The Prosecutor v. Édouard Karemera, Matthieu Ngirumpatse and Joseph Nzirorera ("Karemera et al.")*, Case No ICTR-98-44-T, Decision on Joseph Nzirorera's Second Motion for Subpoena to Léon Mugesera, 29 May 2008.

<sup>2</sup> *The Prosecutor v. Karemera et al.*, Decision on Joseph Nzirorera's Second Motion for Subpoena to Léon Mugesera, 29 May 2008, para. 12.

<sup>3</sup> *The Prosecutor v. Karemera et al.*, Decision on Joseph Nzirorera's Second Motion for Subpoena to Léon Mugesera, 29 May 2008, para. 12.

<sup>4</sup> See Annex A: correspondance from Léon Mugesera, dated 9 February 2009

<sup>5</sup> *The Prosecutor v. Karemera et al.*, Decision on Joseph Nzirorera's Second Motion for Subpoena to Léon Mugesera, 29 May 2008, para. 12.


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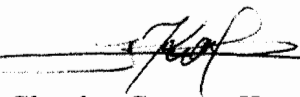
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Decision, and to take all necessary steps to ensure that the video-link testimony of Witness Léon Mugesera takes place on 20 April 2009; and

**DIRECTS** the Registry to file Annex A to this Decision confidentially.

Arusha, 23 March 2009, done in English.

  
Dennis C.M. Byron  
Presiding Judge

  
Gberdao Gustave Kam  
Judge

  
Vagn Joensen  
Judge

[Seal of the Tribunal]