



UNITED NATIONS  
NATIONS UNIES

ICTR-98-44-T  
9-4-2009  
(45617-45615)

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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:** 8 April 2009

JUDICIAL RECORDS/ARCHIVES  
DIRECTOR

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**THE PROSECUTION**

v.

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

**ORDER TO THE *AMICUS CURIAE* INVESTIGATING THE ALLEGATION OF  
FALSE TESTIMONY OF WITNESS BTH TO FILE HIS FINAL REPORT**

*Rule 54 of the Rules of Procedure and Evidence*

**Office of the Prosecution:**

Don Webster  
Iain Morley  
Saidou N'Dow  
Sunkarie Ballah-Conteh  
Takeh Sendze

**Defence Counsel for Édouard Karemera**  
Dior Diagne Mbaye and Félix Sow

**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 27 March 2009 the Chamber received submissions from the Registrar in relation to the status of the *Amicus Curiae* Report on the investigation in relation to the allegation of false testimony of Witness BTH.<sup>1</sup> On 30 March 2009, the *Amicus Curiae* sent a preliminary report to the Registry. This preliminary report was communicated to the Chamber only.
2. During the Status Conference held on 7 April 2009, the Prosecution requested to have the *Amicus Curiae* report, even if only a preliminary report, disclosed to it as it may have an impact on the questions asked to Prosecution Witness GBU during his recall. Witness GBU is scheduled to testify during the week of 27 April 2009.
3. The Chamber has assessed the preliminary report and notes that the *Amicus Curiae*, in his preliminary draft report has, as he stated, “deliberately been brief on evidential aspects of the investigation which may compromise the final report”. At first view, the Chamber finds that disclosing the preliminary report of the *Amicus Curiae* would not assist the Parties if the final report had been scheduled to be filed in a reasonable time. However, noting that the *Amicus Curiae* was officially appointed on 29 September 2008, the Chamber finds that he had sufficient time to investigate and report on the matter. Consequently the Chamber considers that the *Amicus Curiae* should file his final report by 15 April 2009. The Chamber is also of the opinion that the preliminary report should be disclosed to the Parties.

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

**DIRECTS** the *Amicus Curiae* investigating the allegation of false testimony of Witness BTH to file his final report as soon as possible, and in any case no later than 15 April 2009; and


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<sup>1</sup> *The Prosecutor v. Édouard Karemera, Matthieu Ngirumpatse and Joseph Nzirorera* (“*Karemera et al.*”), Case No ICTR-98-44-T, The Registrar’s Submission Regarding the Status of the *Amicus Curiae* Report on Witness BTH, filed on 27 March 2009.

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**DIRECTS** the Registry to disclose to the Parties the preliminary report filed by the *Amicus Curiae* and to classify it as extremely confidential.

Arusha, 8 April 2009, done in English.

  
Denis C. M. Byron  
Presiding Judge

  
Gberdao Gustave Kam  
Judge

  
Vagn Joensen  
Judge

[Seal of the Tribunal]

