

ICTR-07-91-T
14-5-2009
(4088 - 4087)

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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: Khalida Rachid Khan, presiding
Lee Gacuiga Muthoga
Aydin Sefa Akay

Registrar: Mr. Adama Dieng

Date: 14 May 2009

THE PROSECUTOR

v.

Léonidas NSHOGOZA

Case No. ICTR-07-91-T

2009 MAY 14 1 P 5 20
JUDICIAL RECORDS/ARCHIVES
RECEIVED
14/05/2009

**DECISION ON DEFENCE MOTION FOR ACCESS TO CONFIDENTIAL
KAMUHANDA DEFENCE MOTION**

Rules 54 and 33 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Richard Karegyesa
Abdoulaye Seye
Dennis Mabura
Marie Ka

For the Accused:

Allison Turner

INTRODUCTION

1. On 21 January 2009, the Defence filed a motion seeking access to a confidential defence motion from the *Prosecutor v. Kamuhanda* proceedings pursuant to Rule 66 (B) of the Rules of Procedure and Evidence.¹
2. The Prosecutor responded on 22 January 2009, disclosing the materials requested. The Prosecutor also submitted that the request could have been done inter-parties and that the Defence should not be awarded any costs associated with the filing of the Motion.²

DISCUSSION

3. The Chamber notes that it is not necessary for the Defence to file a motion in order to obtain access to materials pursuant to Rule 66 (B) without having made any attempt to access the materials by making a request to the Prosecutor.
4. As the materials have been disclosed, the Chamber considers that the Defence request is moot.

FOR THESE REASONS, the Chamber

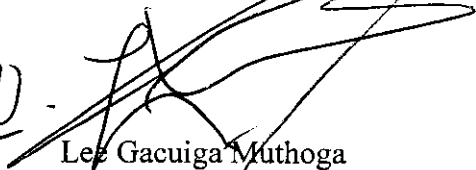
DECLARES the Motion to be moot; and,

DIRECTS the Registrar to withhold any fees associated with the filing of "Defence Motion for Access to Confidential Kamuhanda Defence Motion for Admission of Additional Evidence," filed 21 January 2009.

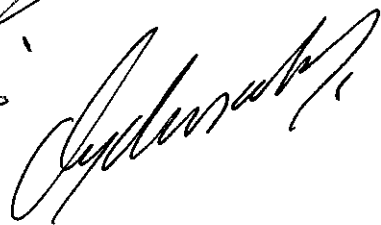
Arusha, 14 May 2009



Khalida Rachid Khan
Presiding Judge



Lee Gacuiya Muthoga
Judge



Aydin Sefa Akay
Judge

[Seal of the Tribunal]



¹ *Prosecutor v. Léonidas Nshogoza*, Case No. ICTR-07-91-T, "Defence Motion for Access to Confidential Kamuhanda Defence Motion for Admission of Additional Evidence," filed 21 January 2009 ("Motion").

² *Nshogoza*, "Prosecutor's Reply to 'Defence Motion for Access to Confidential Kamuhanda Defence Motion for Admission of Additional Evidence'," filed 22 January 2009.