

ICTR-07-91-T
14-5-2009
(4091-4089)

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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

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

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. The Registrar made submissions pursuant to Rule 33 (B) on 16 March 2009, seeking direction from the Chamber regarding the disclosure to the Prosecutor of Registry documents which have been disclosed to Defence Counsel at her request.¹

2. The Registrar advised the Chamber that he provided Defence Counsel with a copy of the Registry documents contained in a confidential Annex² to his Submissions. He further advised 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. The Registrar seeks instructions from the Trial Chamber as to how to proceed in this matter.

DISCUSSION

3. The Chamber notes that the Registrar filed similar submissions on 17 November 2008, submitting that the Defence objected to the Registrar disclosing to the Prosecutor information that had been disclosed to the Defence. The basis for the Defence objection was that the disclosure of the documents to the Prosecutor would reveal the nature of Defence investigations. When asked to explain how the Defence investigations would be compromised, the Defence informed the Chamber that the discussions with the Registrar were theoretical and that it had no objection to the disclosure of the materials to the Prosecutor. After considering the submissions from the Registrar and the Parties, the Chamber issued a decision directing the Registrar to take such further action as he deemed appropriate in the circumstances.³

4. As the Chamber noted in its 17 December 2008 Order, the Registrar has no disclosure obligation under the Rules. Therefore, the Chamber considers this a matter best left to the discretion of the Registrar.

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 16 March 2009 ("Submissions").

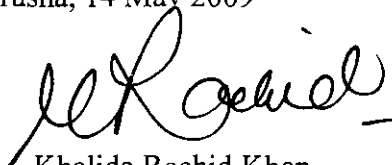
² *Nshogoza*, "Confidential and *Ex Parte* Annex to Registrar's Submissions Under Rule 33 (B) of the Rules on the Disclosure of Registry Documents," filed 16 March 2009.

³ *Nshogoza*, Order Regarding Registrar's Submissions on Disclosure, 17 December 2008.

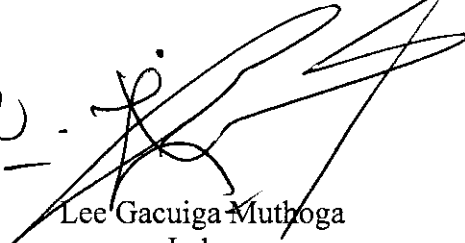
FOR THESE REASONS, the Chamber

DIRECTS the Registrar to take such further action as he may deem appropriate in the circumstances.

Arusha, 14 May 2009



Khalida Rachid Khan
Presiding Judge



Lee Gacuiga Muthoga
Judge



Aydin Sefa Akay
Judge

[Seal of the Tribunal]

