

ICTR-98-44-T
16-7-2009
(46659-46657)

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

Registrar: Adama Dieng

Date: 16 July 2009

THE PROSECUTOR

v.

**Édouard KAREMERA
Matthieu NGIRUMPATSE
Joseph NZIRORERA**

Case No. ICTR-98-44-T

JUDICIAL RECORDS ARCHIVES
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ORDER VARYING DECISION OF 15 JULY 2009

Rule 92 bis of the Rules of Procedure and Evidence

Office of the Prosecution:

Don Webster
Arif Virani
Saidou N'Dow
Sunkarie Ballah-Conteh
Eric Husketh
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 15 July 2009, the Chamber rendered a decision on three motions filed by Joseph Nzirorera for the admission of written statements and transcripts of testimony pursuant to Rule 92 *bis*. It declared a number of these written statements admissible and ordered Nzirorera to provide full identifying information with respect to each of his Rule 92 *bis* (B) witnesses within ten days of this decision.¹
2. On 16 July 2009, Lead Counsel for Joseph Nzirorera indicated, in a communication with the Court Management Section which relayed it to the Trial Chamber, that he would not be able to comply with this order.
3. The Chamber recalls that Joseph Nzirorera was required to provide to the other Parties in this case full identifying information for all of his witnesses prior to the commencement of his defence,² information that is routinely required by Chambers in this Tribunal.³ It notes moreover that many of the statements in question were taken in 2006 and 2008 and that he should therefore already have this information in his possession.
4. Nonetheless, for those statements where Joseph Nzirorera does not currently have the requisite information, in order to avoid the needless consumption of time and duplication of efforts, the Chamber is of the view that the process of obtaining this information should be combined with the process of obtaining the certification of these statements pursuant to Rule 92 *bis* (B). As such, the Chamber orders that the persons in charge of obtaining the certification of these statements pursuant to Rule 92 *bis* (B) should also obtain the full identifying information of these witnesses and disclose to the Registrar for onwards disclosure to the Parties.

FOR THESE REASONS, THE CHAMBER

ORDERS Joseph Nzirorera to disclose to the other Parties all identifying information currently in his possession for the authors of the statements declared admissible by the Chamber in its decision of 15 July 2009; and

¹ *The Prosecutor v. Édouard Karemera, Matthieu Ngirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-T (“*Karemera et al.*”), Decision on Joseph Nzirorera’s Motions for Admission of Written Statements and Testimony, 15 July 2009.

² *Karemera et al.*, Decision on Prosecutor’s Submission Concerning Édouard Karemera’s Compliance with Rule 73ter and Chamber’s Orders, 2 April 2008, paras 7-8.

³ *Ndindiliyimana et al.*, Decision on Prosecutor’s Extremely Urgent Motion for Disclosure of Further Identifying Information Relating to Defence Witnesses, 17 April 2007; *Muvunyi*, Decision on Prosecutor’s Motion for Disclosure of Identifying Information Concerning Defence Witnesses Pursuant to Rules 69(c) and 73ter, 9 November 2005; *Bogosora et al.*, Decision on Sufficiency of Defence Witness Summaries, 5 July 2005.

REQUESTS the Registry to obtain the identifying information of all other witnesses for which the statements have been declared admissible by the Chamber in its decision of 15 July 2009 as part of the process of obtaining certification of those admissible statements pursuant to Rule 92 *bis* (B).

Arusha, 16 July 2009, done in English.



Dennis C. M. Byron
Presiding Judge

[Seal of the Tribunal]

