



UNITED NATIONS  
NATIONS UNIES

ICTR-07-91-T  
16-07-2009  
(4438-4437)

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

4438  
A

OR: ENG

**TRIAL CHAMBER III**

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

**Registrar:** Mr. Adama Dieng

**Date:** 16 July 2009

**THE PROSECUTOR**

v.

**Léonidas NSHOGOZA**

**Case No. ICTR-07-91-T**

2009 JUL 16 P 12:18  
JUDICIAL RECORDS ARCHIVES  
16/07/2009

**ORDER FOR SUBMISSIONS FROM THE PARTIES ON THE CONDUCT OF STAFF  
OF THE PROSECUTION AND THE POSSIBLE VIOLATION OF WITNESS  
PROTECTIVE MEASURES**

*Rule 54 of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**

Richard Karegyesa  
Abdoulaye Seye  
Dennis Mabura  
Marie Ka

**For the Accused:**

Allison Turner

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ("Tribunal"),**

**SITTING** as Trial Chamber III, composed of Judge Khalida Rachid Khan, presiding, and Judges Lee Gacuiga Muthoga and Aydin Sefa Akay;

**NOTING** that the Defence's Closing Brief alleges numerous violations of witness protection measures by members of the Office of the Prosecutor ("OTP"), and requests the Chamber to order an investigation into these allegations;<sup>1</sup>

**NOTING** the testimony of Witnesses Fulgence Seminega, Augustin Nyagatare and Straton Nyarwaya, which, this Chamber found, "*prima facie* indicate[s] that the Prosecution may have acted in violation of witness protection orders";<sup>2</sup>

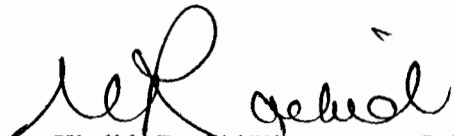
**RECALLING** the Chamber's Judgement of 7 July 2008, wherein it found that some of the alleged conduct "may justify an investigation into the conduct of members of the OTP";<sup>3</sup>


**RECALLING** further that prior to making a decision on the merits of the Defence's request, the Chamber wishes to hear submissions from the Parties;<sup>4</sup>


**PURSUANT TO** Rule 54 of the Rules of Procedure and Evidence,

**INVITES** the Parties to file, no later than 7 August 2009, submissions on the alleged violations of witness protection measures by members of the OTP who met with Witnesses Fulgence Seminega, Augustin Nyagatare and Straton Nyarwaya.

Arusha, 16 July 2009

  
Khalida Rachid Khan  
Presiding Judge

  
Lee Gacuiga Muthoga  
Judge

  
Aydin Sefa Akay  
Judge



<sup>1</sup> *Prosecutor v. Nshogoza*, Case No. ICTR-07-91-T, "Closing Brief of Leonidas Nshogoza," filed 17 April 2009, paras. 96-104 ("Defence's Closing Brief").

<sup>2</sup> *Prosecutor v. Nshogoza*, Case No. ICTR-07-91-T, Judgement, 7 July 2009, para. 44.

<sup>3</sup> *Prosecutor v. Nshogoza*, Case No. ICTR-07-91-T, Judgement, 7 July 2009, para. 45.

<sup>4</sup> *Prosecutor v. Nshogoza*, Case No. ICTR-07-91-T, Judgement, 7 July 2009, para. 45.