



UNITED NATIONS
NATIONS UNIES

ICTR-98-44-T
02-09-2009
(47732-47713)

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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: 2 September 2009

JUDICIAL RECORDS/ARCHIVES
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THE PROSECUTOR

v.

**Édouard KAREMERA
Matthieu NGIRUMPATSE
Joseph NZIRORERA**

Case No. ICTR-98-44-T

**DECISION FOLLOWING THE REGISTRY'S REPORT ON PROSECUTION
WITNESS BDW'S ALLEGATIONS**

Rules 54 of the Rules of Procedure and Evidence

Office of the Prosecution:

Don Webster
Saidou N'Dow
Arif Virani
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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INTRODUCTION

1. Pursuant to its Decision of 23 July 2009¹, this Chamber denied Joseph Nzirorera's Motion for recall of Prosecution Witness BDW in its entirety and directed the Registry to make inquiries into BDW's allegations regarding the use of his testimony in the *Karemera et al.* trial outside of the Tribunal. The Registry was instructed to make inquiries and to report to the Chamber.

2. On 6 August 2009, the Registry transmitted a Confidential Report following the inquiries made by the Witnesses and Victims Support Section ("WVSS") on BDW's allegations.² The report is a confidential annex to this decision.

DELIBERATION

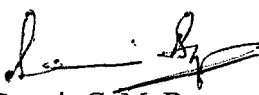
3. Following a careful review of the Registry's Confidential Report, the Chamber finds that BDW's allegations of the use of his testimony outside of the Tribunal are baseless and unfounded. The Chamber observes that BDW's security concerns and contentions are based on his own personal convictions and dissatisfaction with his case in Rwanda.

4. Accordingly, the Chamber is satisfied with the findings in the Registry's Report and consequently finds that no further action is necessary.

FOR THE FOREGOING REASONS, THE CHAMBER

DECIDES that no further action is required in relation to Prosecution Witness BDW's allegations.

Arusha, 2 September 2009, done in English.


Dennis C. M. Byron
Presiding Judge


Gberdao Gustave Kam
Judge

[Seal of the Tribunal]


Vagn Joensen
Judge

¹ *The Prosecutor v. Édouard Karemera, Mathieu Ngirumpatse, and Joseph Nzirorera*, Case No. ICTR-98-44-T ("*Karemera et al.*"), Decision on Joseph Nzirorera's Motion to Recall Prosecution Witness BDW, dated 23 July 2009, filed on 24 July 2009.

² See Confidential Annex to this Decision, Report on Inquires About The Allegations Made By Prosecution Witness "BDW" Regarding The Use Of His Testimony In The *Karemera et al* Trial Outside The Tribunal ("Registry's Confidential Report"), filed on 6 August 2009, para. 7.