

ICTR-98-44-T
10-9-2009
(47853-47851)

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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: 10 September 2009

THE PROSECUTION

v.

Édouard KAREMERA
Matthieu NGIRUMPATSE
Joseph NZIRORERA

Case No. ICTR-98-44-T

2009 SEP 10 11:27
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**DECISION FOLLOWING JOSEPH NZIRORERA'S SUBMISSION OF RULE 92 bis
CERTIFIED STATEMENTS**

Office of the Prosecution:

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22

INTRODUCTION

1. On 15 July 2009, following applications by Joseph Nzirorera seeking the admission of statements pursuant to Rule 92 *bis* of the Rules of Procedure and Evidence ("Rules")¹, this Chamber declared admissible 60 statements subject to the disclosure of the identifying information of their authors and to their certification.² The Chamber also granted the Prosecution the right to cross-examine the authors of 16 of the admissible statements.³ The Chamber subsequently issued a reconsideration and a corrigendum to this decision, admitting one more written statement.⁴

2. Nzirorera presently submits 32 statements with certifications and identification sheets that he requests to be given exhibit numbers.⁵ The Prosecution does not oppose the Motion but submits that certified statements of witnesses who must attend cross-examination should not be given exhibit number until they actually appear before the Chamber.⁶ Joseph Nzirorera does not oppose the Prosecution's suggestion.⁷

DELIBERATION

3. The Chamber notes that each of the 32 statements submitted by Joseph Nzirorera is signed by its author, and is accompanied by a declaration from the author attesting that its content is true and correct to the best of its author's knowledge, together with a declaration signed by a Presiding Officer appointed by the Registrar of this Tribunal, in accordance with the provisions of Rule 92 *bis* (B) of the Rules. In addition, each statement is accompanied by the Personal Information Witness Sheet of its author. All the 32 written statements are part of the 61 written statements that this Chamber has declared admissible subject to the disclosure of the identifying information of their authors and to their certification pursuant to Rule 92

¹ Joseph Nzirorera's Omnibus Motion for Admission of Written Statement and Testimony, filed on 10 December 2008 ; Supplement to Joseph Nzirorera's Omnibus Rule 92 *bis* Motion, filed on 22 January 2009; Second Supplement to Joseph Nzirorera's Omnibus Rule 92 *bis* Motion, filed on 26 January 2009; Joseph Nzirorera's Motion to Admit Statement of Emmanuel Nyamuhimba, filed on 4 May 2009; and Joseph Nzirorera's Motion to Admit Statements and Testimony of RPF Insider Witnesses pursuant to Rule 92 *bis*, filed on 29 June 2009.

² *The Prosecutor v. Édouard Karemera, Matthieu Ngirumpatse and Joseph Nzirorera*, Case No. ICTR-98-4-T ("Karemera et al."), *Decision on Joseph Nzirorera's Motions for Admission of Written Statements and Witness Testimony*, 15 July 2009 ("Decision on Nzirorera's Motions pursuant to Rule 92 *bis*").

³ *Karemera et al.*, *Decision on Nzirorera's Motions pursuant to Rule 92 bis*.

⁴ *Karemera et al.*, *Reconsideration of and Corrigendum to the Chamber's Decision on Joseph Nzirorera's Motion for Admission of Written Statements and Testimony*, 31 July 2009.

⁵ Joseph Nzirorera's Submission of Rule 92 *bis* Certified Statements from Rwanda, filed on 13 August 2009.

⁶ Prosecutor's Response to Joseph Nzirorera's Submission of Rule 92 *bis* Statements from Rwanda, filed on 19 August 2009.

⁷ Reply Re: Submission of Rule 92 *bis* Statements from Rwanda, 19 August 2009.


bis (B) of the Rules.⁸ The Chamber therefore notes that Nzirorera has complied with orders contained in its decision of 15 July 2009 as subsequently amended by the Decision of 31 July 2009, with respect to all the 32 statements submitted with the present application.

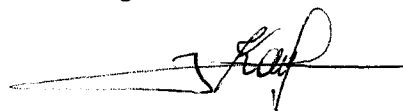
4. The Chamber, mindful of the consequences that might arise should the concerned witnesses not attend for cross-examination, finds that Annexes 3 (Dominic Gatsimbanyi), 6 (Pierre Ntamushobora), 19 (Théogène "Rusatira" Bamporeye), 40 (Marcel Gatsinzi) and 53 (Innocent Twagiramungu), should only be given an exhibit number when they appear before the Chamber.

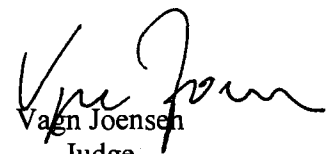
FOR THESE REASONS, THE CHAMBER

GRANTS Nzirorera's application and directs the Registrar to give an exhibit number to each of the statements with their certification document and the Identification sheet of their respective author attached, contained in Annexes 42 (Justin Ugiyekera), 44 (Dieudonné Ndayisenga), 48 (Stanislas Mboniyimana), 54 (Runyinya Barabwiriza), 67 (Jérôme Ngendahimana), 73 (Emmanuel Mbigambe), 76 (Jonathan Ntarugo), 77 (Anastase Abiyingoma), 78 (Gaspard Mburano), 79 (Thacien Munana), 80 (Oreste Habaruremana), 82 (Faustin Gakombe), 93 (Shadrack Sendugu), 94 (Shadrack Nikobasanzwe), 95 (François-Xavier Mvuyekure), 96 (Manael Nkundabakura), 97 (François Rwabukumba), 98 (Antoine Rutikanga), 100 (Evariste Micoyabagabo), 101 (Evariste Munyabarama), 104 (Jean Nsanzumuhire), 107 (Enos Kagaba), 108 (Omar Bizimungu), 109 (Hashim Uwayisaba) 110 (Mannasseh Gakwerere), 111 (Fulgence Rukerikibaye) and 112 (Jean-Baptiste Kayihura).

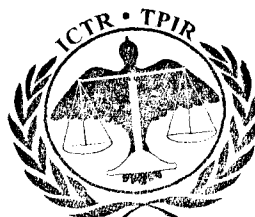
Arusha, 10 September 2008, done in English.


Dennis C. M. Byron
Presiding Judge


Gberdao Gustave Kam
Judge


Vagn Joensen
Judge

[Seal of the Tribunal]



⁸ Decision on Nzirorera's Motion.