



UNITED NATIONS  
NATIONS UNIES

ICTR-98-44-T  
29-9-2009  
(47955-47953)

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

47955  
HIM

OR: ENG

**TRIAL CHAMBER III**

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

**Registrar:** Adama Dieng

**Date:** 29 September 2009

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**THE PROSECUTOR**

v.

Édouard KAREMERA  
Matthieu NGIRUMPATSE  
Joseph NZIRORERA  
*Case No. ICTR-98-44-T*

**DECISION ON JOSEPH NZIRORERA'S SUBMISSION OF RULE 92 *bis*  
CERTIFIED STATEMENTS FROM AFRICA AND USA**

**Office of the Prosecution:**

Don Webster  
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**Defence Counsel for Édouard Karemera**  
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**Defence Counsel for Matthieu Ngirumpatse**

Chantal Hounkpatin and Frédéric Weyl

**Defence Counsel for Joseph Nzirorera**  
Peter Robinson and Patrick Nimy Mayidika Ngimbi

HIM

## INTRODUCTION

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

2. Nzirorera presently submits 11 statements with certifications and identification sheets that he requests to be given exhibit numbers.<sup>4</sup> The Prosecution has not filed any submissions on the issue.

## DELIBERATION

3. The Chamber notes that all of the 11 written statements submitted by Joseph Nzirorera 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 *bis* (B) of the Rules.<sup>5</sup>

4. The Chamber further notes that each of the 11 written 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. All of the written statements are accompanied by 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 and by the Personal Information Witness Sheet of each witness.

5. Therefore, the Chamber considers that Nzirorera has complied with the orders contained in the Decision of 15 July 2009 as subsequently amended by the Decision of 31 July 2009, with respect to all the 11 statements submitted with the present application.

<sup>1</sup> *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*").

<sup>2</sup> *Karemera et al.*, Decision on Nzirorera's Motions pursuant to Rule 92 *bis*.

<sup>3</sup> *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.

<sup>4</sup> Joseph Nzirorera's Submission of Rule 92 *bis* Certified Statements from Africa and USA, filed on 10 September 2009.

<sup>5</sup> Decision on Nzirorera's Motion.

6. However, the Chamber, mindful of the consequences that might arise should the concerned witnesses not attend for cross-examination, finds that Annexes 28 (Jérôme Bicomumpaka), 30 (Aloys Simba), 31 (Charles Nyandwi) and 84 (Hassan Ngeze) should only be given an exhibit number when they appear before the Chamber.

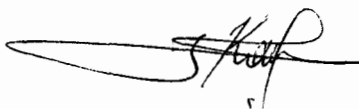
**FOR THESE REASONS, THE CHAMBER**

**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 35 (Jean Marie Vianney Higirow), 71 (Jean Chrysostome Ntirugiribambe), 72 (Félicien Muberuka), 83 (Perry Willard Munger Jr.), 90 (Clément Kayishema), 105 (Amandin Mboniyintwali, 128 (Emmanuel Nyamuhinda).

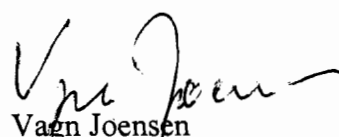
Arusha, 29 September 2008, done in English.



Dennis C. M. Byron  
Presiding Judge



Gberdao Gustave Kam  
Judge



Vagn Joensen  
Judge

[Seal of the Tribunal]

