



UNITED NATIONS
NATIONS UNIES

ICTR-00-56-T
19 - 10 - 2009
(30219 - 30217)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

30219
MURUP

OR: ENG

TRIAL CHAMBER II

Before Judges: Asoka de Silva, Presiding
Taghrid Hikmet
Seon Ki Park

Registrar: Adama Dieng

Date: 19 October 2009

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JUDICIAL SECRETARIAT/REGISTRY
RECEIVED

The PROSECUTOR
v.
Augustin NDINDILYIMANA
Augustin BIZIMUNGU
François-Xavier NZUWONEMEYE
Innocent SAGAHUTU
Case No. ICTR-00-56-T

INTERIM ORDER ON REPORT OF THE *AMICUS CURIAE* REGARDING THE
ALLEGED RECANTATION OF PROSECUTION WITNESS GFR

Office of the Prosecutor:

Mr Alphonse Van
Mr Moussa Sefon
Mr Lloyd Strickland
Mr Abubacarr Tambadou
Ms Faria Rekkas

Counsel for the Defence:

Mr Gilles St-Laurent and Mr Benoît Henry for Augustin Bizimungu
Mr Christopher Black and Mr Vincent Lurquin for Augustin Ndindiliyimana
Mr Charles Taku and Ms Beth Lyons for François-Xavier Nzuwonemeye
Mr Fabien Segatwa and Mr Seydou Doumbia for Innocent Sagahutu

INTRODUCTION

1. On 29 June 2009, Ndindiliyimana's Defence filed a Motion indicating that it had received a letter purporting to be from Prosecution Witness GFR in which the Witness admitted that he lied in his testimony before the Chamber. The Defence requested that the Chamber either admit the letter as an exhibit pursuant to Rule 92 bis for the purpose of evaluating Witness GFR's credibility, or alternatively, that the Chamber allow the Defence for Ndindiliyimana and a representative of the Prosecution to depose Witness GFR in order to determine whether he wrote the letter, and whether its contents are truthful.
2. On 4 August 2009, the Chamber denied the Defence request to admit the letter or order a deposition, but directed the Registrar to appoint *amicus curiae* to investigate Witness GFR's current whereabouts, determine if the witness actually wrote the alleged letter, and whether the witness was willing to return to the Tribunal to testify under oath.
3. On 9 October 2009, the Chamber received the report of the *amicus curiae* appointed pursuant to its Decision of 4 August.

DELIBERATIONS

4. The Chamber has closely examined the report of the *amicus curiae* and the annexed letter from Witness GFR and finds it is necessary to disclose it in full to all Parties in this case and to invite submissions from them.

FOR THE ABOVE REASONS, THE CHAMBER, *proprio motu*,

DIRECTS the Registrar to disclose to the Parties in this case, on a strictly confidential basis, the Report of the *amicus curiae* and the annexed statement of Witness GFR in Kinyarwanda together with its English and French translations;


ORDERS the Parties to file any submissions they wish to make regarding the report no later than seven days from the date of this Order; and

The Chamber shall make any further orders it deems necessary after receiving the Parties' submissions.

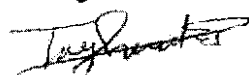
Arusha, 19 October 2009, done in English.

Read and Approved by

Asoka de Silva

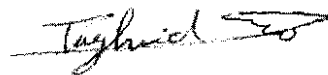

Presiding Judge

Taghrid Hikmet


Judge

Read and Approved by

Seon Ki Park


Judge

*Interim Order on Report of the Amicus Curiae Regarding the Alleged Recantation of
Prosecution Witness GFR*

19 October 2009

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[Seal of the Tribunal]