



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:** 20 October 2009

**THE PROSECUTOR**

v.

**Édouard KAREMERA  
Matthieu NGIRUMPATSE  
Joseph NZIRORERA**

*Case No. ICTR-98-44-T*

**DECISION ON JOSEPH NZIRORERA'S SUBMISSION OF TESTIMONY OF  
WITNESS CC IN NTAKIRUTIMANA TRIAL**

*Rules 92 bis (D), 94 (B) and 89 (C) of the Rules of Procedure and Evidence*

**Office of the Prosecution:**

Don Webster  
Saidou N'Dow  
Arif Virani  
Eric Husketh  
Sunkarie Ballah-Conteh  
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

1. On 2 October 2009, the Chamber granted Joseph Nzirorera's motion to admit a portion of Elizaphan Ntakirutimana's testimony in order to disprove Adjudicated Fact No. 116, subject to him also tendering into evidence the relevant portions of the transcript of Prosecution Witness CC's testimony.<sup>1</sup>
2. Joseph Nzirorera now submits the entire testimony of Witness CC in the *Ntakirutimana* trial as an exhibit in accordance with the Trial Chamber's Decision,<sup>2</sup> rather than a select portion, contending that the entire testimony is relevant to the adjudicated fact sought to be rebutted by the testimony of Elizaphan Ntakirutimana.<sup>3</sup>
3. The Chamber takes note that the entire referenced testimony is relevant for that purpose.

**FOR THE FOREGOING REASONS, THE CHAMBER,**

- I. GRANTS** Joseph Nzirorera's request.
- II. REQUESTS** the Registry to assign exhibit numbers to the submitted transcripts from the *Ntakirutimana* trial of the testimonies of Elizaphan Ntakirutimana and Prosecution Witness CC.

Arusha, 20 October 2009, done in English.

Dennis C. M. Byron  
Presiding Judge

Gberdao Gustave Kam  
Judge

Vagn Joensen  
Judge

[Seal of the Tribunal]

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<sup>1</sup> *The Prosecutor v. Édouard Karemera, Matthieu Ngirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-T, Decision on Remand Following Appeal Chamber's Decision of 29 May 2009 (TC), 2 October 2009.

<sup>2</sup> Joseph Nzirorera's Submission of Testimony of Witness CC in Ntakirutimana Trial, filed on 5 October 2009.

<sup>3</sup> *Ibid.*