



UNITED NATIONS  
NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

ICTR-98-44-T  
09-11-2009  
(48661-48658)

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OR: ENG

TRIAL CHAMBER III

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

**Registrar:** Adama Dieng

**Date:** 9 November 2009

THE PROSECUTOR

v.

Édouard KAREMERA  
Matthieu NGIRUMPATSE  
Joseph NZIRORERA

Case No. ICTR-98-44-T

2009 NOV 11 10:59 P 3:57  
JUDICIAL REGISTRATION  
RECEIVED

DECISION ON JOSEPH NZIRORERA'S SUBMISSION OF RULE 92 bis  
CERTIFIED STATEMENTS FROM EUROPE AND RWANDA

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Handwritten signature or initials.

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## 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. Joseph Nzirorera presently submits 13 written statements with certifications and identification sheets and requests the Chamber to give them exhibit numbers.<sup>4</sup> Nzirorera also requests that the Chamber grant an extension of time until 15 November 2009 for the filing of certifications from witness Father Litric Danko. The Prosecution has not responded to Nzirorera's submissions.

## DELIBERATIONS

3. The Chamber notes that all of the 13 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. In relation to the request for extension of time, the Chamber issued an oral decision granting the extension of time for the certification of outstanding statements, including that of Father Litric Danko.<sup>6</sup>

<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 (TC), 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 (TC), 31 July 2009.

<sup>4</sup> Joseph Nzirorera's Submission of Rule 92 bis Certified Statements from Europe and Rwanda and Motion for Extension of Time, filed on 30 September 2009.

<sup>5</sup> *Karemera et al.*, Decision on Nzirorera's Motion pursuant to Rule 92 bis.

<sup>6</sup> *Karemera et al.*, T.27 October 2009, p.1.

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5. The Chamber further notes that each of the 13 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 the author's knowledge. Each written statement is accompanied by the Personal Information Sheet of the witness and a declaration signed by a Presiding Officer appointed by the Registrar of this Tribunal, in accordance with the provisions of Rule 92 bis (B).

6. However, the Chamber notes that it had previously decided that the additional documents following the written statement in Annex 59 (Abdulmohamed Bandali) are not admissible.<sup>7</sup> Further, the additional declaration following Annex 87 (Alphonse Nzungize) and the additional document following Annex 59 (Abdulmohamed Bandali) are not admissible as they were not filed with the original Rule 92 bis application.

7. The Chamber considers that Joseph Nzirorera has complied in part with the orders contained in the Decision of 15 July 2009 as subsequently amended by the Decision of 31 July 2009 with respect to the 13 written statements submitted with the present application. Therefore, the Chamber admits all of the 13 written statements. The Chamber does not admit those documents listed in paragraph 6.

8. The Chamber, mindful of the consequences that might arise should the concerned witnesses not attend for cross-examination, finds that Annexes 2 (Alphonse Ntilivamunda), 32 (Bernard Habyarimana), 33 (Léon Habyarimana), 45 (Séraphin Rwabukumba), 46 (Godélieve Barushwanubusa) and 59 (Abdulmohamed Bandali) should only be given an exhibit number when they appear before the Chamber.<sup>8</sup>

<sup>7</sup> *Karemera et al.*, Decision on Nzirorera's Motions pursuant to Rule 92 bis para. 63.

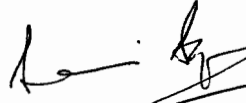
<sup>8</sup> *Karemera et al.*, Decision on Joseph Nzirorera's Motions for Admission of Rule 92 bis Certified Statements (TC), 10 September 2009, para. 2. See also Prosecutor's Response to Joseph Nzirorera's Submission of Rule 92 bis Statements from Rwanda, filed on 19 August 2009.

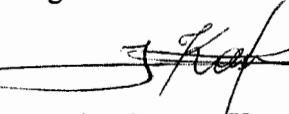
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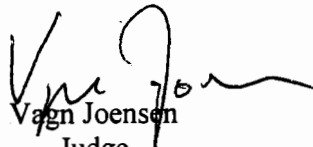
**FOR THESE REASONS, THE CHAMBER**

- I. **GRANTS** Joseph Nzirorera's application in part.
- II. **DIRECTS** the Registrar to give an exhibit number to each of the statements with their certification document and the Personal Information Sheet of their respective author attached, contained in Annexes 1 (Michel Bakuzakundi), 74 (Joseph Bamporineza), 81 (Jean Damascène Semanza), 87 (Alphonse Nzungize), 88 (Alphonse Higaniro), 92 (Donatille Niyitegeka) and 103 (Callixte Bitegwamaso).
- III. **DENIES** admission of the documents following the written statement in Annex 59 (Abdulmohamed Bandali) previously rejected in the Decision of 15 July 2009 and the additional document following the written statements in Annex 59 (Abdulmohamed Bandali) and the additional declaration following Annex 87 (Alphonse Nzungize).

Arusha, 9 November 2009, done in English.

  
Dennis C.M. Byron  
Presiding Judge

  
Gberdao Gustave Kam  
Judge

  
Vagn Joensen  
Judge

