



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

3486/H

04

ICTR-98-44-AR91.2

27<sup>th</sup> May 2010

{3486/H – 3484/H

**IN THE APPEALS CHAMBER**

**Before:** Judge Patrick Robinson, Presiding  
Judge Fausto Pocar  
Judge Liu Daqun  
Judge Theodor Meron  
Judge Carmel Agius

**Registrar:** Mr. Adama Dieng

**Decision of:** 27 May 2010

JUDICIAL RECORDS/ARCHIVES  
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Patrick Robinson

ÉDOUARD KAREMERA  
MATTHIEU NGIRUMPATSE  
JOSEPH NZIRORERA

v.

THE PROSECUTOR

Case No. ICTR-98-44-AR91.2

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**DECISION ON JOSEPH NZIRORERA'S MOTION FOR ORDER OF COMPLIANCE  
WITH APPEALS CHAMBER DECISION**

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**Counsel for Joseph Nzirorera**

Mr. Peter Robinson  
Mr. Patrick Nimy Mayidika Ngimbi

**Counsel for Mathieu Ngirumpatse**

Ms. Chantal Hounkpatin  
Mr. Frédéric Weyl

**Counsel for Édouard Karemera**

Ms. Dior Diagne Mbaye  
Mr. Félix Sow

**Office of the Prosecutor**

Mr. Hassan Bubacar Jallow  
Mr. Don Webster  
Mr. Saidou N'Dow  
Ms. Sunkarie Ballah-Conteh  
Mr. Takeh Sendze  
Mr. Jean-Baptiste Nsanzimfura

1. The Appeals Chamber of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994 ("Appeals Chamber" and "Tribunal", respectively), is seized of a motion filed by Joseph Nzirorera ("Nzirorera") on 19 April 2010<sup>1</sup> requesting the Appeals Chamber to order the Trial Chamber to comply with the Appeals Chamber's decision of 16 February 2010.<sup>2</sup> The Prosecution filed its response on 26 April 2010.<sup>3</sup>

2. On 16 February 2010, the Appeals Chamber granted, in part, the Prosecution's and Nzirorera's appeals<sup>4</sup> against the Trial Chamber's Decision on Motion to Prosecute BTH for Providing False Testimony.<sup>5</sup> It remanded the issues of the prosecution of Witness BTH for willfully providing false testimony and of further inquiry into witness interference to the Trial Chamber so that it could apply the correct legal standards and exercise its discretion accordingly.<sup>6</sup>

3. Nzirorera recalls that more than two months have passed since the Appeals Chamber issued its decision without the Trial Chamber having issued a decision on remand.<sup>7</sup> Nzirorera requests the Appeals Chamber to order the Trial Chamber to decide the issue remanded to it and to provide a deadline for doing so.<sup>8</sup> The Prosecution does not oppose the Motion.<sup>9</sup>

4. The Appeals Chamber notes that the Trial Chamber issued its decision on remand publicly on 18 May 2010.<sup>10</sup>

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<sup>1</sup> Joseph Nzirorera's Motion for Order to Compel Compliance with Appeals Chamber Decision, filed confidentially on 19 April 2010 ("Motion").

<sup>2</sup> Decision on Joseph Nzirorera's and the Prosecutor's Appeals of Decision Not to Prosecute Witness BTH for False Testimony, filed confidentially on 16 February 2010 ("Appeals Chamber Decision").

<sup>3</sup> Prosecutor's Response to Joseph Nzirorera's Motion for Order to Compel Compliance With Appeals Chamber Decision, filed confidentially on 26 April 2010 ("Response").

<sup>4</sup> Prosecutor's Notice of Appeal (Rule [sic] 77 and 91), filed confidentially on 23 September 2009; Prosecutor's Appeal from the 10 September 2009 "Decision on Motion to Prosecute BTH for Providing False Testimony" (Rule [sic] 77 and 91), filed confidentially on 6 October 2009; Joseph Nzirorera's Appeal from Decision Not to Prosecute Witness BTH for False Testimony, filed confidentially on 24 September 2009.

<sup>5</sup> *The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-T, Decision on Motion to Prosecute BTH for Providing False Testimony (Rule 91(C) of the Rules of Procedure and Evidence), filed confidentially on 10 September 2009, p. 6.

<sup>6</sup> Appeals Chamber Decision, para. 26.

<sup>7</sup> Motion, para. 3.

<sup>8</sup> Motion, para. 6.

<sup>9</sup> Response, p. 1.

<sup>10</sup> *The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-T, Decision on Remand Following Appeal [sic] Chamber's Decision of 16 February 2010 (Rule 91 of the Rules of Procedure and Evidence), 18 May 2010.

5. Accordingly, the Appeals Chamber **DISMISSES** the Motion as moot.

Done in English and French, the English text being authoritative.

Done this 27<sup>th</sup> day of May 2010,  
at The Hague,  
The Netherlands.



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Judge Patrick Robinson  
Presiding

[Seal of the Tribunal]