



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: 08 June 2010

THE PROSECUTOR

v.

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

**DECISION INITIATING CONTEMPT PROCEEDINGS AGAINST PETER
ROBINSON**

Office of the Prosecution:
Don Webster
Saidou N'Dow
Sunkarie Ballah-Conteh
Takeh Sendze
Jean Baptist Nsanzimfura

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

Extrat from p. 5, l. 1 to l. 27

MR. PRESIDENT:

Mr. Robinson, it's quite clear that you are not obeying our directives. And I think the Chamber does have a reason to believe that you may be in contempt of the Tribunal under Rule 77 for directly disobeying a court order and refusing to conduct the examination of Witness Janvier Busogi, who has travelled from the United States to testify in Arusha after the Tribunal overcame many expensive logistical and administrative obstacles. Mr. Busogi is an important witness for the defence of Joseph Nzirorera, and the Chamber notes that your failure to conduct his examination has created a direct and negative impact on Nzirorera's ability to present an effective defence.

Therefore, under Rule 77(C)(iii), the Chamber will initiate contempt proceedings against you.

Accordingly, the Chamber orders that Mr. Robinson procure legal representation and submit an affidavit showing cause why he should not be held in contempt of court no later than close of business on

Friday 18th June. The affidavit should also mention why Mr. Nimy has not been present in court this week, which has effectively left Mr. Nzirorera without counsel as this matter unfolds.

The Chamber further orders that Mr. Robinson and Mr. Nimy appear in court on Monday 21st June.

The Chamber recalls that, under Rule 77(G), "The maximum penalty that may be imposed on a person found to be in contempt of the Tribunal shall be a term of imprisonment not exceeding five years or a fine not exceeding \$10,000 or both."

Moreover, under Rule 77(L) (*sic*), "If a counsel is found guilty of contempt of the Tribunal...the Chamber making such finding may also determine that counsel is no longer eligible to represent a suspect or accused before the Tribunal..."

We now adjourn the trial until Monday 21st June.