



UNITED NATIONS  
NATIONS UNIES

ICTR-98-44D-T  
12-07-2010  
(4612-4610)  
International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

4612  
LVGH

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Solomy Balungi Bossa, Presiding  
Bakhtiyar Tuzmukhamedov  
Mparany Rajohnson

**Registrar:** Adama Dieng

**Date:** 12 July 2010

**THE PROSECUTOR**

v.

**Callixte NZABONIMANA**

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

2010 JUL 19 10 16 54

**ORDER TO DISCLOSE AMICUS CURIAE REPORT TO THE PARTIES**

**Office of the Prosecution**  
Paul Ng'arika  
Memory Muposa  
Simba Mavere  
Diana Karanja  
Marie Ka

**Defence Counsel for Callixte Nzabonimana**  
Vincent Courcelle-Labrousse  
Philippe Larochelle

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1. On 13 February 2009, the Pre-Trial Chamber Ordered a series of Protective Measures for Prosecution witnesses.<sup>1</sup>
2. On 2 December 2009, Witness CNAL testified that a member of the Defence Team had “disclosed my statement to Callixte Nzabonimana’s family members. He read my statement to Callixte Nzabonimana’s family members.” The witness concluded that he felt he was threatened.<sup>2</sup> In response to the witness’ allegations, the Trial Chamber instructed the Witness and Victims Support Section (“WVSS”) to investigate the allegations made by the witness.<sup>3</sup>
3. Later that day, the Prosecution filed a Motion asking the Trial Chamber for the appointment of an *amicus curiae* to pursue allegations of contempt pursuant to Rule 77 (C).<sup>4</sup>
4. On 15 December 2009, the Trial Chamber granted the Prosecution Motion, and directed the Registry to appoint an *amicus curiae* to investigate the allegations that a Defence investigator revealed protected information pertaining to Witnesses CNAL and CNAE, and report back to the Chamber as to whether there were sufficient grounds for initiating contempt proceedings by 29 March 2009.<sup>5</sup>
5. On 30 March 2010, the appointed *amicus curiae* Mr. Moussounga Itsouhou-Mbadinga, filed his report.<sup>6</sup>
6. On 24 May 2010, the Defence filed a Motion asking the Trial Chamber to disclose the *amicus curiae* report to the parties.<sup>7</sup>

<sup>1</sup> *Prosecutor v. Callixte Nzabonimana*, ICTR-98-44D-I, Interim Order on Protective Measures for Prosecution Witnesses, 13 February 2009 (“Protective Measures Order”).

<sup>2</sup> T. 2 December 2009, pp. 19, 21 (ICS).

<sup>3</sup> T. 2 December 2009, pp. 20-21 (ICS).

<sup>4</sup> *Prosecutor v. Callixte Nzabonimana*, Case ICTR-98-44D-T, Prosecutor’s Urgent Motion For Prohibition of Conduct Contrary to Rule 77(C) of The Rules of Procedure and Evidence, 2 December 2009.

<sup>5</sup> *Prosecutor v. Callixte Nzabonimana*, Case ICTR-98-44D-T, Decision on Prosecution’s Urgent Motion alleging Contempt of the Tribunal, 15 December 2009.

<sup>6</sup> *Prosecutor v. Callixte Nzabonimana*, Case ICTR-98-44D-T, Report of Amicus Curiae on Investigations related to the Disclosure of Prosecution Witnesses CNAL and CNAE Statements, 30 March 2010 (“Amicus Report”).

<sup>7</sup> *Prosecutor v. Callixte Nzabonimana*, Case ICTR-98-44D-T, Nzabonimana’s Motion for Disclosure of Amicus Curiae Report Concerning Alleged Contempt of Tribunal, 24 May 2010 (“Motion”).

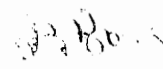
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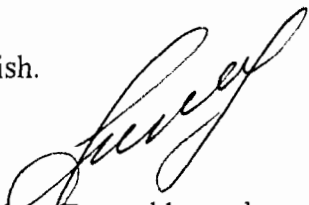
7. On 28 May 2010, the Prosecution filed a response supporting the Defence Motion.<sup>8</sup>
8. The Trial Chamber does not object to concurring requests of the parties.


**FOR THE ABOVE NOTED REASON, THE TRIAL CHAMBER**

- I. DIRECTS** the Registry to disclose the above mentioned *amicus curiae* report to the parties as soon as practicable;
- II DIRECTS** the parties to file any submissions they may have on the report by 23 July 2010.

Arusha, 12 July 2010, done in English.

  
Soloriy Balungi Bossa  
Presiding Judge

  
Bakhtiyar Tuzmukhamedov  
Judge

  
Mparany Rajohnson  
Judge

[Seal of the Tribunal]



<sup>8</sup> *Prosecutor v. Callixte Nzabonimana*, Case ICTR-98-44D-T, Prosecutor's Response to Nzabonimana's Motion for Disclosure of Amicus Curiae Report Concerning Alleged Contempt of Tribunal, 28 May 2010 ("response").