



UNITED NATIONS
NATIONS UNIES



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-98-44-AR91.3

26 August 2010

3547/H – 3546/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: 26 August 2010

ICTR Appeals Chamber

Date: 26 August 2010

Action K K A. A.

Copied To: Concerned Judges,
SLO's, LO's, ALO's, CMS,

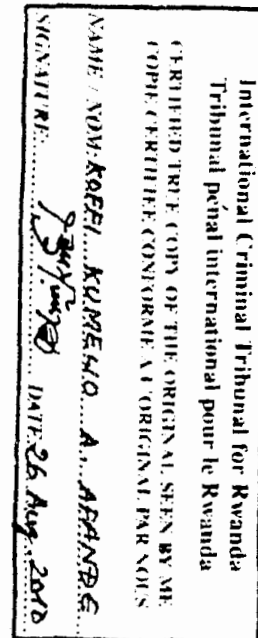
Parties, LSSU.
Tuyun

ÉDOUARD KAREMERA
MATTHIEU NGIRUMPATSE
JOSEPH NZIRORERA

v.

THE PROSECUTOR

Case No. ICTR-98-44-AR91.3



DECISION ON JOSEPH NZIRORERA'S APPEAL OF DECISION NOT TO INVESTIGATE WITNESSES GAP AND BDW FOR FALSE TESTIMONY

Counsel for Joseph Nzirorera

Mr. Peter Robinson

Mr. Patrick Nimy Mayidika Ngimbi

Counsel for Mathieu Ndirumpatse

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

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 1994 and 31 December 1994 (“Appeals Chamber” and “Tribunal”, respectively);

BEING SEISED OF “Joseph Nzirorera’s Appeal From Decision Refusing to Investigate Witnesses GAP and BDW for False Testimony”, filed on 19 April 2010 (“Appeal”);

NOTING that Joseph Nzirorera passed away on 1 July 2010 in Arusha, Tanzania;¹

NOTING the decision of Trial Chamber III of the Tribunal terminating the trial proceedings against Joseph Nzirorera;²

CONSIDERING that neither of Joseph Nzirorera’s co-accused, Édouard Karemera and Mathieu Ndirumpatse, joined the Appeal;

CONSIDERING that, in view of these circumstances, the Appeals Chamber lacks jurisdiction to consider the Appeal;

FOR THE FOREGOING REASONS,


HEREBY DISMISSES the Appeal.

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

Done this twenty-sixth day of August 2010,
At The Hague,
The Netherlands.



[Seal of the Tribunal]


Judge Patrick Robinson
Presiding

¹ See *The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-T, The Registrar’s Submission Notifying the Demise of Joseph Nzirorera, 5 July 2010, para. 2; Death Certificate No. 00389379 issued on 2 July 2010 by the District Registrar of Births and Deaths, Arusha, Tanzania.

² *The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-T, Decision Relating to Registrar’s Submission Notifying the Demise of Accused Joseph Nzirorera (Rule 54 of the Rules of Procedure and Evidence), 13 August 2010, pp. 2, 3.