



UNITED NATIONS
NATIONS UNIES

ICTR-00-55C-T
04-04-2011
(5696-5694)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

5696
Am

OR: ENG

TRIAL CHAMBER III

Before Judges: Lee Gacuiga Muthoga, *Presiding*
Seon Ki Park
Robert Fremr

Registrar: Adama Dieng

Date: 4 April 2011

THE PROSECUTOR

v.

Ildéphonse NIZEYIMANA

CASE NO. ICTR-00-55C-T

Handwritten signature and date: 2011 APR 11 10:45

**DECISION ON PROSECUTOR'S MOTION FOR COMPLIANCE WITH THE
TRIAL CHAMBER'S ORDER OF 25 FEBRUARY 2011 PURSUANT TO RULE 54**

Office of the Prosecution:

Drew White
Kirsten Gray
Yasmine Chubin
Zahida Virani

Defence Counsel for Ildéphonse Nizeyimana:

John Philpot
Cainnech Lussiaa-Berdou
Myriam Bouazdi

Handwritten signature

5695

THE TRIAL 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;

NOTING the 29 March 2011 filing by the Office of the Prosecutor ("Prosecution") of a motion requesting the Chamber to require the Defence to comply with its 25 February 2011 order to communicate to the Prosecution whether it can, and thus will, produce the complete copy of the recorded interview by Counsel Mylène Dimitri with Prosecution witness Kayibanda ("audio recordings");¹

NOTING the 1 April 2011 response by the defence team of the accused, Ildéphonse Nizeyimana, ("Defence" and "the Accused" respectively), indicating that it has met with Ms. Dimitri and will disclose the audio recordings to the Prosecution in the coming days;²

NOTING the time-line of the Defence case, which is scheduled to commence on the 9th of May 2011;

CONSIDERING that the Defence has now communicated to the Prosecution that it has obtained copies of the audio recordings and will disclose this to the Prosecution in the coming days;³

CONSIDERING the month that has passed since the Chamber instructed the Defence to advise the Prosecution in writing about the status of the audio recordings;

CONSIDERING that this material is important to the Prosecution's preparation for the Defence case;

PURSUANT to Rule 54 of the Rules of Procedure and Evidence of the Tribunal;

HEREBY ORDERS that the Defence provide the Prosecution with the complete audio recordings as soon as possible, and in any event, within 3 days of this Order.

¹ Prosecutor's Motion for Defence Compliance with the Trial Chamber's Order of 25 February 2011 pursuant to Rule 54, 29 March 2011.

² Response to Prosecution Motion for Defence Compliance with the Trial Chamber's Order of 25 February 2011 pursuant to Rule 54, 29 March 2011, 1 April 2011.

³ T. 25 February 2011, pp. 36-37.

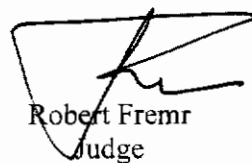


5694

Arusha, 4 April 2011, done in English.


Jee Gacunga Muthoga
Presiding Judge


Seon Ki Park
Judge


Robert Fremr
Judge

