

ICTR-98-44D-T
13-7-2011
(8400-8399)

8400



**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

UNITED NATIONS
NATIONS UNIES

OR: ENG

TRIAL CHAMBER III

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

Registrar: Adama Dieng

Date: 13 July 2011

JUDICIAL RECORDS ARCHIVES
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THE PROSECUTOR
v.
Callixte NZABONIMANA
Case No. ICTR-98-44D-T

ORDER TO THE PROSECUTION TO PROVIDE ADDITIONAL INFORMATION
(Rule 54 of the Rules of Procedure and Evidence)

Office of the Prosecutor
Paul Ng'arua
Memory Maposa
Simba Mawere
Diana Karanja
Marie Ka

Defence Counsel for Callixte Nzabonimana
Vincent Courcelle-Labrousse
Philippe Larochelle

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1. On 24 May 2011, the Defence filed a motion seeking disclosure of further financial records pertaining to witness compensation, and the recall of seven Prosecution witnesses for the purpose of testifying as to the manner of their compensation (“Motion”).¹
2. On 30 May 2011, the Prosecution filed a response, opposing the Defence motion (“Response”).² The Defence did not file a reply.
3. The Chamber has carefully reviewed the Prosecution’s Response and concludes that it is ambiguous. In particular, the Prosecution contends that it “is not aware of any further documents” (emphasis added)³, that it “is not aware of any payments [...] which go beyond what is reasonably required”⁴ (emphasis added), and that “there is no evidence that further payments records exist”⁵ (emphasis added), instead of explicitly stating that no such records are under its control. Moreover, it does not indicate whether it has communicated with the Finance Department of the Tribunal with respect to the instant motion, as it did when seeking the receipts for Witness Jean Marie Vianney Mporanzi. The Prosecution’s statement that the previously disclosed financial records relating “to the ‘treatment of witnesses’... are not restricted to Mr. Mporanzi alone”⁶ is insufficient to say the said records encompass all such documentation, as requested by the Defence.⁷

FOR THESE REASONS, THE TRIAL CHAMBER

ORDERS the Prosecution, *proprio motu*, to notify the Chamber, within one working day, whether it has addressed the Finance Department of the Tribunal with respect to the instant Defence Motion; and in the event it has done so, within 72 hours from this order, provide to the Chamber copies of all correspondence between the Prosecution and Finance Department from March 2011 to date regarding payments to Prosecution witnesses in this case.

¹ *Prosecutor v. Nzabonimana*, ICTR-98-44D-T, Defence Motion for Disclosure and Recall (“Motion”), 24 May 2011.

² *Prosecutor v. Nzabonimana*, ICTR-98-44D-T, Prosecutor’s Response to Motion for Disclosure and Recall (“Response”), 30 May 2011.

³ Response, para. 21.

⁴ Response, para. 27.

⁵ Response, para. 28.

⁶ Response, para. 22.

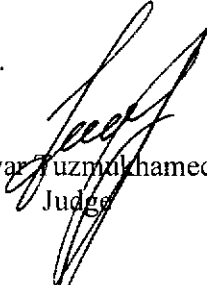
⁷ Motion, para. 18.



Arusha, 13 July 2011, done in English.



Solomy Balungi Bossa
Presiding Judge



Bakhtiyar Tuzmukhamedov
Judge



Mparany Rajohnson
Judge

[Seal of the Tribunal]

