



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

106090

Mush

OR: ENG

TRIAL CHAMBER II

Before: Judge William H. Sekule, Presiding
Judge Solomy Balungi Bossa
Judge Mparany Rajohnson

ICTR-99-54-T

01-12-2011

(106090-106088)

Registrar: Mr. Adama Dieng

Date: 1 December 2011

The PROSECUTOR

v.

Augustin NGIRABATWARE

Case No. ICTR-99-54-T

JUDICIAL RECORDS/ARCHIVES
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2011 DEC -1 P 3:22

ORDER TO REGISTRAR FOR SUBMISSIONS

Office of the Prosecutor

Mr. Wallace Kapaya
Mr. Patrick Gabaake
Mr. Rashid Rashid
Mr. Iskandar Ismail
Mr. Michael Kalisa
Ms. Faria Rekkas

Defence Counsel

Mr. Peter Herbert
Ms. Mylène Dimitri
Mr. Deogratias Sebureze
Ms. Anne-Gaëlle Denier
Mr. Gregg Shankman
Ms. Adèle Pilote-Babin

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the "Tribunal"),

SITTING as Trial Chamber II composed of Judges William H. Sekule, Presiding, Solomy Balungi Bossa, and Mparany Rajohnson (the "Chamber");

RECALLING the Chamber's "Decision on Defence Motion Requesting an Order directed at the Togolese Republic" of 23 November 2010, wherein the Togolese Republic was respectfully requested to provide any relevant assistance in facilitating a meeting between the Defence and a certain Togolese national;¹

RECALLING further the Chamber's "Decision on Defence Motion Asking the Trial Chamber to Request the President to Report the Matter of the Republic of Togo's Refusal to Cooperate to the Security Council" of 14 September 2011, wherein the Togolese authorities were respectfully requested to facilitate and ensure the Defence was able to meet a certain Togolese national as soon as possible, considering that the Chamber expected to conclude the evidence phase by the end of October 2011;²

NOTING the "Defence Second Motion Asking the Trial Chamber to Request the President to Report the Matter of Togo's Refusal to Cooperate to the Security Council (*Article 28 of the Statute of the Tribunal; Rule 7 bis of the Rules of Procedure and Evidence*)", filed confidentially on 11 November 2011 (the "Defence Motion"), which is currently under deliberation;

NOTING also that the Prosecution did not respond to the Defence Motion;

CONSIDERING that the Defence submits that the Togolese authorities did not acknowledge receipt of the Chamber's Decisions of 23 November 2010 and 14 September 2011;³

CONSIDERING further that most Defence correspondence concerning the intended meeting with a certain Togolese national appear to have been transmitted to the Togolese authorities through *Notes Verbales* by the Registry's External Relations and Strategic Planning Section; and

NOTING that additional information would assist the Chamber in finalizing its deliberations upon the Defence Motion;

¹ Decision on Defence Motion Requesting an Order Directed at the Togolese Republic (TC), 23 November 2010, p. 4.

² Decision on Defence Motion Asking the Trial Chamber to Request the President to Report the Matter of the Republic of Togo's Refusal to Cooperate to the Security Council (TC), 14 September 2011, para. 19.

³ Defence Motion, paras. 13, 29.

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FOR THE ABOVE REASONS, THE CHAMBER

INVITES the Registrar to provide submissions under Rule 33(B) of the Rules of Procedure and Evidence on whether the Chamber's Decisions of 23 November 2010 and 14 September 2011, and the various *Notes Verbales* addressed to the Togolese authorities on behalf of the Defence were in fact received by the Republic of Togo, together with any other information which may be within the knowledge of the Registrar indicating or confirming receipt by the Togolese authorities of these requests to cooperate on this matter;

REQUESTS the Registrar to provide these submissions to the Chamber and the Parties as soon as possible and in any case within three days from the date of this Order; and

GRANTS the Parties three days from receipt of the Registrar's submissions to file their comments thereon, if they so wish.

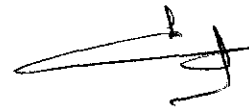
Arusha, 1 December 2011



William H. Sekule
Presiding Judge



Solomy Balungi Bossa
Judge



Mparany Rajohnson
Judge

[Seal of the Tribunal]

