



ICTR-99-54-T
(07-12-2011
106201 - 106199)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

106201
Mwempe

OR: ENG

TRIAL CHAMBER II

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

Registrar: Mr. Adama Dieng

Date: 7 December 2011

The PROSECUTOR

v.

Augustin NGIRABATWARE

Case No. ICTR-99-54-T

2011 DEC - 7 P 2:47
UNICTR
JUDICIAL RECORDS/ARCHIVES
RECEIVED

ORDER TO REGISTRAR FOR FURTHER 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;

RECALLING the Chamber's "Order to Registrar for Submissions" of 1 December 2011;

ACKNOWLEDGING the "Registrar's Submissions in Respect of Trial Chamber II Order of 1 December 2011 (*Rule 33(B) of the Rules of Procedure and Evidence*)", filed confidentially on 2 December 2011;

NOTING the "Defence Comments on the Registrar's Submissions in Respect of Trial Chamber II Order of 1 December 2011", filed on 5 December 2011; and

CONSIDERING that the Chamber may benefit from clarifications from the Registrar;

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.



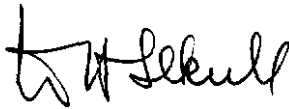
FOR THE ABOVE REASONS, THE CHAMBER

INVITES the Registrar to provide further submissions under Rule 33(B) of the Rules of Procedure and Evidence, in particular specific statements or information regarding the receipt by Togo of the *Note Verbale* of 23 March 2011 and of the Chamber's Decisions of 23 November 2010 and 14 September 2011, examples of which could include courier delivery receipts, facsimile transmission reports or email communications;

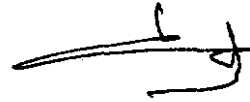
REQUESTS the Registrar to provide these submissions to the Chamber and the Parties as soon as possible and in any case by 12 December 2011; and

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

Arusha, 7 December 2011



William H. Sekule
Presiding Judge



Mparany Rajohnson
Judge