

ICTR T. 1B
28-5-2012
(1968-1967)

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda



OR: ENG

TRIAL CHAMBER III

Before: Judge Vagn Joensen
Sitting Pursuant to Rule 75 (A)

Registrar: Adama Dieng

Date: 28 May 2012

THE PROSECUTOR v.
Elizaphan and Gérard NTAKIRUTIMANA
Cases No. ICTR-96-10 and ICTR-96-17

Mikaeli MUHIMANA
Case No. ICTR-95-1B

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DECISION ON JACQUES MUNGWARERE'S EXTREMELY URGENT MOTION FOR
ACCESS TO MATERIAL

Office of the Prosecutor:

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before the jurisdictions of Canada:**

Philippe Laroche
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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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NAME / NOM: CONSTANT K. HOMETOWU
SIGNATURE: [Signature] DATE: 28-05-2012


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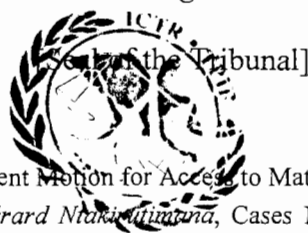
1. Jacques Mungwarere, who is prosecuted in Canada for crimes against humanity and genocide for events allegedly committed in Rwanda during the 1994 Genocide, filed a motion before this Tribunal requesting an order for the Prosecution to disclose written statements of a witness.¹
2. I am currently seized of disclosures requests from Jacques Mungwarere in the *Ntakirutimana* et al. and *Muhimana* cases and therefore have jurisdiction over the Motion pursuant to Rule 75 of the Rules of Procedure and Evidence.²
3. Jacques Mungwarere submits that it transpires from the correspondences between the Office of the Prosecution of this Tribunal (OTP) and the judicial authorities of Canada that the Prosecution would have withheld a written statement of Witness TIP 105 to the OTP from Mungwarere. TIP 105 is a witness in the case of Mungwarere in Canada.³
4. From the Prosecution's Response,⁴ it appears that the OTP is not in the custody of any written statement from TIP 105. Therefore it cannot disclose such to Mungwarere.

FOR THESE REASONS, I

DISMISS Jacques Mungwarere's Motion.

Arusha, 28 May 2012, done in English.


Judge Vagn Joensen
Judge



¹ Jacques Mungwarere's Extremely Urgent Motion for Access to Material, filed on 23 May 2012 ("Motion").

² *The Prosecutor v. Elizaphan and Gérard Ntakirutimana*, Cases No. ICTR-96-10 and ICTR-96-17, *Alfred Musema*, Case No. ICTR-96-13, *Clément Kayishema et al.*, Case No. ICTR-95-1, *Yussuf Munyakazi*, Case No. ICTR-97-36A, *Ignace Bagilishema*, Case No. ICTR-95-1A, *Édouard Karemera et al.*, Case No. ICTR-98-44, *Mika Muhimana*, Case No. ICTR-95-1B, Siméon Nchamihigo, Case No. ICTR-01-63, Aloys Ndimbati, Case No. ICTR-95-1, Emmanuel Ndindabahizi, Case No. ICTR-01-71, Charles Sikubwabo, Case No. ICTR-95-1D, Pauline Nyiramasuhuko et al. ("*Butare*"), Case No. ICTR-98-42, Eliézer Niyitigeka, Case No. ICTR-96-14, Casimir Bizimungu et al., Case No. ICTR-99-50, Augustin Ndindiliyimana et al., Case No. ICTR-00-56, Designation of a Judge to Consider Jacques Mungwarere's Motions for Access to Material and Notice Under Rule 67 (D), 14 March 2012. This Order replaces the Designation of a Trial Chamber to Consider Mungwarere's Motion for Access to Material of 15 September 2011 for the First Motion.

³ Motion.

⁴ Prosecutor's Response to Jacques Mungwarere's Extremely Urgent Motion for Access to Material, filed on 28 May 2012.