

ICTR-98-44-T
29-3-2010
(S0715 - S0714)

S0715
2009
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THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR RWANDA

CASE No. ICTR-98-44-T

IN TRIAL CHAMBER No. 3

Before: Judge Dennis C.M. Byron, Presiding
Judge G. Gustave Kam
Judge Vagn Joensen

Registrar: Mr. Adama Dieng

Date Filed: 29 March 2010

THE PROSECUTOR

v.

JOSEPH NZIRORERA

JUDICIAL RECORDS/ARCHIVES
RECEIVED

2010 MAR 29 9:06
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JOSEPH NZIRORERA'S 21st NOTICE OF RULE 68 VIOLATION
AND MOTION FOR REMEDIAL AND PUNITIVE MEASURES:
WITNESS FH

The Office of the Prosecutor:

Mr. Don Webster
Mr. Saidou N'Dow
Mr. Takeh Sendze

Defence Counsel:

Mr. Peter Robinson
Mr. Patrick Nimy Mayidika Ngimbi

Counsel for Co-Accused:

Ms. Dior Diagne Mbaye and Mr. Felix Sow for Edouard Karemera
Ms. Chantal Hounkpatin and Mr. Frederick Weyl for Mathieu Ngirumpatse

1. Joseph Nzirorera hereby provides notice of yet another violation of Rule 68 by the prosecution and seeks remedial and punitive measures.

2. Mr. Nzirorera's Lead Counsel has received reliable information that Prosecution Witness FH testified in the *Nzabonimana* trial in 2009 and provided information which was contradictory or inconsistent with portions of his testimony in Mr. Nzirorera's case.

3. Despite the fact that the Appeals Chamber and this Trial Chamber have held on numerous occasions that the prosecution is under an obligation to disclose information which may tend to contradict the testimony of its witnesses or call into question their credibility, there has been no disclosure of this testimony by the prosecution.

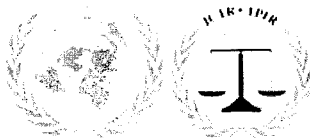
4. Therefore, Mr. Nzirorera believes that another violation of Rule 68 has occurred.

5. He respectfully requests that the Trial Chamber (a) order immediate disclosure of the transcript of the testimony of Witness FH in the *Nzabonimana* trial; (b) find that a violation of Rule 68 has occurred; (c) order such additional remedial and punitive measures as it deems appropriate under the circumstances.

Respectfully submitted,



PETER ROBINSON
Lead Counsel for Joseph Nzirorera



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input checked="" type="checkbox"/> Trial Chamber III C. K. Hometowu
	<input type="checkbox"/> OIC, JLSD P. Besnier	<input type="checkbox"/> OIC, JPU C. K. Hometowu	<input type="checkbox"/> F. A. Talon (Appeals/Team IV)
	<input type="checkbox"/> Appeals Chamber / The Hague K. K. A. Afande R. Muzigo-Morrison		
From:	<input type="checkbox"/> Chamber (names)	<input checked="" type="checkbox"/> Defence Peter Robinson (names)	<input type="checkbox"/> Prosecutor's Office (names)
	<input type="checkbox"/> Other: (names)		
Case Name:	The Prosecutor vs. Karemera et al		Case Number: ICTR-98-44-T
Dates:	Transmitted: 29 March 2010		Document's date: 29 March 2010
No. of Pages:	2	Original Language:	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
Title of Document:	JOSEPH NZIRORERA'S 21st NOTICE OF RULE 68 VIOLATION AND MOTION FOR REMEDIAL AND PUNITIVE MEASURES		
Classification Level:		TRIM Document Type:	
<input type="checkbox"/> Ex Parte		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence	
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal	
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<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Judgement <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities	

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English French Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party **will be submitting the translated version(s)** in due course in the following language(s):

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III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	COMMENTS	Required date:
<input type="checkbox"/> Urgent		Hearing date:
<input type="checkbox"/> Normal		Other deadlines: