

ICTR-98-44-T
4-8-2008
(36880 - 36874)

36880
2/11/08

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: 4 August 2008

THE PROSECUTOR

v.

JOSEPH NZIRORERA

2008 AUG 7 11:49:42
JUDICIAL RECORDS ARCHIVE
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JOSEPH NZIRORERA'S NOTICE OF REQUEST
FOR INTERVIEW OF AMBASSADOR CARLA DEL PONTE

The Office of the Prosecutor:

Mr. Don Webster
Ms. Allayne Frankson-Wallace
Mr. Iain Morley
Ms. Gerda Visser
Mr. Saidou N'Dow

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 Ndirumpatse

1. Joseph Nzirorera respectfully notifies the Trial Chamber and the parties that he is requesting an interview with Ambassador Carla Del Ponte of Switzerland for the purpose of obtaining information material to the preparation and presentation of his defence. The request is contained in a letter attached as Annex "A".

2. The Registrar is respectfully requested to serve this notice and the attached letter on the government of Switzerland through diplomatic channels.

3. No action is required at this time by the Trial Chamber. Further motions or requests may follow depending upon the response (or lack thereof) to this request by the Government of Switzerland.

Respectfully submitted,



PETER ROBINSON
Lead Counsel for Joseph Nzirorera

ANNEX "A"

PETER ROBINSON
International Criminal Law
P.O. Box 1844
Santa Rosa, California 95402
(707) 575-0540
FAX (208) 694-6161
E-mail: peter@peterrobinson.com

04 August 2008

The Honorable *Micheline Calmy-Rey*
Head of Department of Foreign Affairs
Parliament Building West
CH 3003--Bern
Switzerland

Dear Minister Calmy-Rey,

I am lead counsel for Joseph Nzirorera, the former President of the Rwanda National Assembly and Secretary-General of the ruling MRND political party. Mr. Nzirorera is on trial for genocide at the International Criminal Tribunal for Rwanda.

I am writing to request that your government authorize me to interview Ambassador Carla Del Ponte in connection with the defence of my client at the ICTR.

I am preparing a motion on Mr. Nzirorera's behalf based upon selective prosecution by the ICTR of Hutus from the former Rwandan government, while at the same time refusing to prosecute members of the Rwandan Patriotic Front (RPF), most of whom are Tutsis, for crimes committed in Rwanda in 1994. Ambassador Del Ponte has important information concerning the political pressure exerted upon her and the United Nations, by the Rwandan government not to prosecute cases against RPF leaders. This information is necessary for the defence of my client, as I am required by the jurisprudence of the Tribunal to demonstrate the motive for the prosecutor's disparate treatment of the two political and ethnic groups.

I contacted Ambassador Del Ponte by letter in July, and she responded by saying that she was unable to speak with me about this matter upon your instructions. I am attaching copies of our correspondence.

Article 28 of the Statute of the International Tribunal for Rwanda requires all member States of the United Nations to cooperate with the Tribunal including in the taking of testimony and production of evidence. The Tribunal's jurisprudence has confirmed that this includes authorizing interviews of current and former State employees.

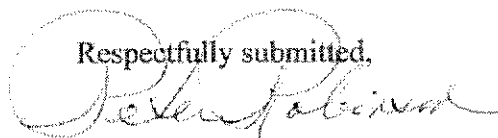
The Honorable Micheline Calmy-Rey
--page two--

I would appreciate it very much if your government would voluntarily agree to allow me to interview Ambassador Del Ponte so that application to the Trial Chamber for a binding order directing such an interview would not be necessary.

I promise not to take more than one hour of Ambassador Del Ponte's valuable time.

Thank you for your consideration.

Respectfully submitted,



PETER ROBINSON

Lead Counsel for Joseph Nzirorera

36875

PETER ROBINSON
International Criminal Law
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10 July 2008

The Honorable Carla del Ponte
Ambassador
Embassy of Switzerland
846 Ave. Santa Fe, 12th floor
Buenos Aires, Argentina

Dear Ambassador del Ponte,

I hope this letter finds you doing well and enjoying your new position and your new continent.


I am Peter Robinson, lead counsel for Joseph Nzirorera at the ICTR, and former co-counsel for General Dragoljub Ojdanic at the ICTY.

I am writing to ask for an appointment with you in Buenos Aires to discuss some issues relating to my case at the ICTR.

Specifically, I would like to speak to you about your efforts to prosecute members of the RPF and the obstacles you faced in doing so.

If you can spare me one hour, I would be most grateful.

Thank you for your consideration.

Respectfully submitted,

PETER ROBINSON
Lead Counsel for Joseph Nzirorera

36874



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Embajada de Suiza

Circunscripción consular : Argentina

Horario de atención: 09h00 - 12h00

Mr. Peter Robinson
Lead Counsel for Joseph Nzirorera
International Criminal Law
P. O. Box 1844
Santa Rosa, California 95402

Su referencia:
Nuestra referencia: 051.11 DPC/MMG
Persona de contacto:
Teléfono: +54 11 4313 2516
Fax: +54 11 4313 6739
eugenia.martin@eda.admin.ch
Buenos Aires, 16.06.2008

Dear Mr. Robinson,

I thank you very much for your letter of 10th of July 2008 and your interest in an appointment with me in Buenos Aires.

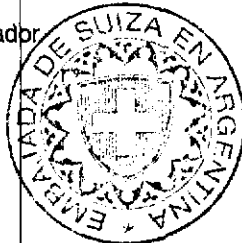
Unfortunately will I not be able to meet you to discuss about the ICTR. According to the Head of the Swiss Federal Department of Foreign Affairs, Minister Micheline Calmy-Rey's instructions, in my capacity of Swiss Ambassador to Argentina, I am not in position to make statements or comments on my former duty as Chief Prosecutor of the International Criminal Tribunal for Former Yugoslavia.

Please be assured that I deeply regret not to be able to answer your request positively.

Yours sincerely,

The Swiss Ambassador


Carla Del Ponte



Av. Santa Fe 846, 10° piso
Apartado 76
Sucursal Pza San Martin
RA-C1059 ABP Buenos Aires
Teléfono: 00 54 11 4311 6491, Fax: 00 54 11 4313 2998
bue.vertretung@eda.admin.ch,
<http://www.eda.admin.ch/buenosaires>



**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. Hometownu	<input type="checkbox"/> Trial Chamber III A. N'Gum
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Appeals Chamber / Arusha Chamber II F. A. Talon		<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. Joseph Nzirorera		Case Number: ICTR-98-44-T	
Dates:	Transmitted: 4 August 2008		Document's date: 4 August 2008	
No. of Pages:	7	Original Language:	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
Title of Document:	JOSEPH NZIRORERA'S NOTICE OF REQUEST FOR INTERVIEW OF AMBASSADOR CARLA DEL PONTE			
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	
<input type="checkbox"/> Confidential	<input type="checkbox"/> Disclosure	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book	
<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Judgement	<input 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. <input checked="" type="checkbox"/> Filing Party hereby submits only the original, and will not submit any translated version. <input type="checkbox"/> Reference material is provided in annex to facilitate translation. Target Language(s): <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda		
CMS SHALL NOT take any action regarding translation. <input type="checkbox"/> 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. <input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s): <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda KINDLY FILL IN THE BOXES BELOW		
<input type="checkbox"/> The OTP is overseeing translation. The document is submitted for translation to: <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> DEFENCE is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	

III - TRANSLATION PRIORITISATION (For Official use ONLY)

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