

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

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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

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JOSEPH NZIRORERA'S 21<sup>st</sup> NOTICE OF RULE 68 VIOLATION  
AND MOTION FOR REMEDIAL AND PUNITIVE MEASURES:  
WITNESS FH

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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

