

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  
RECEIVED  
*Seamus*

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JOSEPH NZIRORERA'S NOTICE OF REQUEST  
FOR INTERVIEW OF AMBASSADOR CARLA DEL PONTE

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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**  
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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.

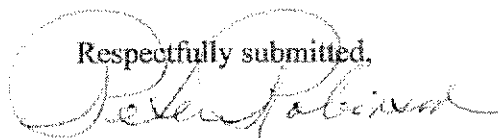
The Honorable Micheline Calmy-Rey  
--page two--

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**  
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10 July 2008

The Honorable Carla del Ponte  
Ambassador  
Embassy of Switzerland  
846 Ave. Santa Fe, 12<sup>th</sup> 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

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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 10<sup>th</sup> of July 2008 and your interest in an appointment with me in Buenos Aires.

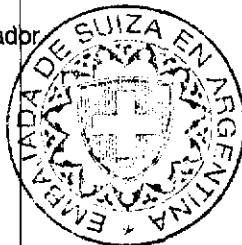
Unfortunately will I not be able to meet you to discuss about the ICTR. According to the Head of the Swiss Federal Department of Foreign Affairs, Minister Micheline Calmy-Rey's instructions, in my capacity of Swiss Ambassador to Argentina, I am not in position to make statements or comments on my former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



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