

UNITED
NATIONS

MICT-12-17-R108.1
04-04-2016
(817 - 815)

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Mechanism for International Criminal Tribunals

Case No.: MICT-12-17-R108.1

Date: 4 April 2016

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Graciela Susana Gatti Santana

Registrar: Mr. John Hocking

Order of: 4 APRIL 2016

PROSECUTOR

v.

GÉRARD NTAKIRUTIMANA

PUBLIC

ORDER FOR SUBMISSIONS

The Office of the Prosecutor:

Mr. Serge Brammertz
Mr. Richard Karegyesa
Mr. Cheickh Bangoura
Ms. Sunkarie Ballah-Conteh

Counsel for Gérard Ntakirutimana:

Mr. Vincent Courcelle-Labrousse

Received by the Registry
Mechanism for International Criminal Tribunals
04/04/2016 10:43

A handwritten signature in black ink, appearing to be 'L. J. D. B.', written over a white background within a black rectangular box.

I, GRACIELA SUSANA GATTI SANTANA, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

RECALLING the decision filed publicly on 2 March 2016, in which Judge Vagn Joensen concluded that strong grounds exist for believing that Prosecution Witness HH knowingly and wilfully provided false testimony in the *Ntakirutimana* case and, in accordance with Rule 108(B) of the Rules of Procedure and Evidence of the Mechanism (“Rules”), referred the matter to the President to designate a Single Judge to determine whether to order an investigation;²

CONSIDERING that any investigation ordered pursuant to Rule 108(B) of the Rules may be carried out by the Prosecutor, or where the Prosecutor, in the view of the Single Judge, has a conflict of interest with respect to the relevant conduct, an *amicus curiae* appointed by the Registrar;

CONSIDERING the discretionary nature of the decision to order an investigation pursuant to Rule 108(B) of the Rules³ and that the parties have not fully litigated the issue as to whether the Prosecutor has a conflict of interest with respect to the alleged false testimony at issue in the *Ntakirutimana* case;

HEREBY ORDER, pursuant to Rule 55 of the Rules:

1. Mr. Ntakirutimana to file within 21 days of this order further submissions of not more than 3,000 words in length on whether, pursuant to Rule 108(B) of the Rules, I should:
 - (i) order an investigation into whether Witness HH gave false testimony in the *Ntakirutimana* case; and, if so, (ii) instruct the Prosecutor to investigate the alleged false testimony, or, due to a conflict of interest, direct the Registrar to appoint an *amicus curiae* to investigate it;
2. The Prosecution to file a response of not more than 3,000 words in length within 14 days of the filing of Mr. Ntakirutimana’s further submissions described above; and
3. Mr. Ntakirutimana to file a reply, if any, of not more than 1,500 words within four days of the Prosecution’s response described above.

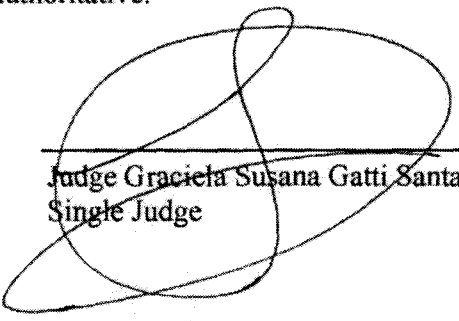
¹ Order Assigning a Single Judge, 11 March 2016, p. 1.

² *Prosecutor v. Elizaphan and Gérard Ntakirutimana*, Case No. MICT-12-17, Decision on Motion to Appoint an *Amicus Curiae* to Investigate False Testimony, 2 March 2016 (“*Ntakirutimana* Decision of 2 March 2016”), paras. 5-18.

³ Cf. *Ntakirutimana* Decision of 2 March 2016, para. 17; *The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-AR.91, Decision on “Joseph Nzirorera’s Appeal from Refusal to Investigate [a] Prosecution Witness for False Testimony” and on Motion for Oral Arguments, 22 January 2009, para. 21.

Done in English and French, the English version being authoritative.

Done this 4th day of April 2016,
At Arusha,
Tanzania



Judge Graciela Susana Gatti Santana
Single Judge

[Seal of the Mechanism]





**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
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Case Name/ Affaire :	Prosecutor v. Gerard Ntakirutimana	Case Number/ Affaire n° :	MICT-12-17-R108.1
Date Created/ Daté du :	04 April 2016	Date transmitted/ Transmis le :	04 April 2016
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Rev: April 2014/Rév. : Avril 2014