



**International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda**

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OR: ENG

**TRIAL CHAMBER II**

Before: Judge William H. Sekule, Presiding  
Judge Solomy Balungi Bossa  
Judge Mparany Rajohnson

Registrar: Mr. Adama Dieng

Date: 26 January 2012

**The PROSECUTOR**

v.

**Augustin NGIRABATWARE**

Case No. ICTR-99-54-T

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**WITHDRAWAL OF THE SECOND DEFENCE MOTION  
ASKING THAT TOGO BE REPORTED TO THE SECURITY COUNCIL**

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**Office of the Prosecutor**

Mr. Wallace Kapaya  
Mr. Patrick Gabaake  
Mr. Rashid Rashid  
Mr. Iskandar Ismail  
Mr. Michael Kalisa  
Ms. Faria Rekkas

**Defence Counsel**

Mr. Peter Herbert  
Ms. Mylène Dimitri  
Mr. Deogratias Sebureze  
Ms. Anne-Gaëlle Denier  
Mr. Gregg Shankman

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** (the “Tribunal”),

**SITTING** as Trial Chamber II composed of Judges William H. Sekule, Presiding, Solomy Balungi Bossa, and Mparany Rajohnson (the “Chamber”);

**BEING SEIZED OF** the “Defence Second Motion Asking the Trial Chamber to Request the President to Report the Matter of Togo’s Refusal to Cooperate to the Security Council”, filed confidentially on 11 November 2011 (the “Defence Motion”); and

**TAKING INTO ACCOUNT** that the Defence wishes to withdraw the Defence Motion;<sup>1</sup>

**FOR THE ABOVE REASONS, THE CHAMBER**

**TAKES NOTE** of the withdrawal of the Defence Motion.

Arusha, 26 January 2012

William H. Sekule  
Presiding Judge

Solomy Balungi Bossa  
Judge

Mparany Rajohnson  
Judge

[Seal of the Tribunal]

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<sup>1</sup> Defence Withdrawal of Its Second Motion Asking the Trial Chamber to Request the President to Report the Matter of Togo’s Refusal to Cooperate to the Security Council, 25 January 2012, paras. 7, 9.