



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER II

ICTR
CRIMINAL REGISTRY
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Before: Judge William Sekule, Presiding
Judge Yakov Ostrovsky
Judge Tafazzal H. Khan

Registry: Mr. John Kiyeyeu

THE PROSECUTOR
Versus
CLEMENT KAYISHEMA
OBED RUZINDANA
Case No. ICTR-95-1-T

**DECISION ON THE PROSECUTOR'S MOTION FOR AN ORDER THAT THE
EVIDENCE OF DEFENCE WITNESS, DR. POUGET, NOT BE ADMITTED OR THAT
IMMEDIATE DISCLOSURE BE MADE IN RELATION TO HIS PROPOSED
TESTIMONY**

The Office of the Prosecutor:

Mr. Jonah Rahetlah
Ms. Brenda-Sue Thornton
Ms. Holo Makwaia

The Counsel for the Accused:

Mr. Philippe Moriceau (Counsel for Clement Kayishema)
Mr. Pascal Besnier (Counsel for Obed Ruzindana)

SITTING AS Trial Chamber II ("the Trial Chamber") of the International Criminal Tribunal for Rwanda ("the Tribunal"), composed of Judge William H. Sekule, Presiding, Judge Yakov A. Ostrovsky and Judge Tafazzal H. Khan;

BEING SEIZED of the Prosecutor's request for an order that 1) the evidence of a potential defence expert witness, Dr. Pouget, a psychiatrist, not be admitted, or 2) that (a) immediate disclosure be made in relation to the witness's qualifications as well as the substance of his proposed testimony, and (b) the Prosecutor be given reasonable time to prepare for cross-examination once disclosure was made, the application being made pursuant to art. 19(1) of the Statute of the Tribunal ("The Statute") and rules 54 and 89 of the Rules of Procedure and Evidence ("the Rules"), filed on 9 June 1998;

HAVING HEARD the parties on 16 June 1998, in open session, where the Prosecution informed the Trial Chamber that the Defence had made available the potential witness's curriculum vitae as well as his partial report;

CONSIDERING that the proposed report would contain six parts, of which only five parts had been disclosed to the Prosecutor at the time of the hearing of this motion;

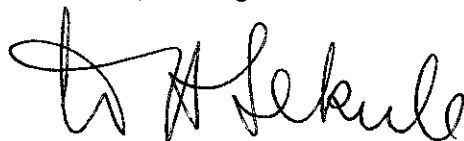
FURTHER CONSIDERING that the sixth part would relate to the psychiatric examination of the accused persons thereby constituting the completion of the report;

NOTING that the Prosecutor withdrew part one, and modified part two of the request to include only the prayer for reasonable preparation time because some disclosure had been made, on the day prior to the hearing of this motion;

FOR ALL THE ABOVE REASONS:-

This Trial Chamber, therefore, **RECOGNIZES** the right of the Prosecutor to approach the Trial Chamber for an appropriate remedy, upon disclosure of the report's sixth part, should she deem it necessary and otherwise marks the motion as **WITHDRAWN**.

Arusha, 18 August 1998



William H. Sekule
Presiding Judge



Yakov A. Ostrovsky
Judge



Tafazzal H. Khan
Judge

SEAL OF THE TRIBUNAL