



**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

**TRIAL CHAMBER III**

Original: English

Before: Judge Yakov Ostrovsky, Presiding  
Judge Lloyd George Williams  
Judge Pavel Dolenc

Registrar: Mr. Adama Dieng

Decision of : 10 October 2001

**THE PROSECUTOR  
versus  
LAURENT SEMANZA**

**Case No. ICTR-97-20-T**

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**DECISION ON THE DEFENCE MOTION PURSUANT TO RULE 73 OF THE  
RULES OF PROCEDURE AND EVIDENCE TO SEEK COOPERATION FROM  
THE MINISTRY OF FOREIGN AFFAIRS OF FRANCE AND LEAVE TO CALL  
BEFORE THE ICTR EXPERT WITNESSES DOMINIQUE LECOMTE AND  
WALTER VORHAUER OF THE *INSTITUT MEDICO-LEGAL DE PARIS***

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Counsel for the Prosecutor:  
Mr. Chile Eboe-Osuji  
Ms. Patricia Wildermuth  
Ms. Amanda Reichman

Counsel for the Accused:  
Mr. Charles A. Taku  
Mr. Sadikou Ayo Alao

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

**SITTING** as Trial Chamber III composed of Judge Yakov Ostrovsky, presiding, Judge Lloyd George Williams, and Judge Pavel Dolenc (the “Chamber”);

**BEING SEIZED** of the Defence Motion Pursuant to Rule 73 of the Rules of Procedure and Evidence to Seek Cooperation from the Ministry of Foreign Affairs of France and Leave to Call before ICTR the Expert Witnesses Dominique Lecomte and Walter Vorhauer of the *Institut Medico-Legal de Paris* (Forensic Institute), filed on 28 May 2001 (the “Motion”);

**CONSIDERING** the Prosecutor’s Response to the Motion, filed on 4 June 2001;

**NOTING** the “Requete de la Defense en vue d’une Ordonnance de Nomination des Experts Francais”, filed on 9 October 2001;

**NOW CONSIDERS** the matter without a hearing solely on the briefs of the parties, pursuant to Rule 73(A) of the Rules of Procedure and Evidence of the Tribunal.

**WHEREAS** the Defence requests the Chamber to issue an order to seek the cooperation of and leave from the Government of France to call Dominique Lecomte and Walter Vorhauer, French civil servants of the *Institut medico-legal de Paris*, as expert witnesses in the present trial.

**WHEREAS** the Prosecutor opposes the Motion on the grounds that (i) the anticipated testimony of the witnesses in question is not relevant to any question at issue in this case; (ii) the Defence has not shown the relevance of the anticipated testimony of the said witnesses; and (iii) the Defence does not need two witnesses to speak on the same item of forensic evidence. Further, the Prosecutor has indicated her willingness to withdraw the videotape upon which the said witnesses would be giving evidence, thereby removing the reason for the said witnesses to be called.

**WHEREAS**, in the circumstances, the Chamber is not convinced of the necessity of having the two aforementioned French civil servants serve as expert witnesses in this case and, in light of this, the Chamber does not propose to intervene with the French Government in this matter.

**WHEREAS** the Chamber notes that the present Decision is made solely with a view of answering the Defence request for State cooperation and that it is in no way intended to impede the right of the Accused to present witnesses, including expert witnesses, on his behalf or to prejudge in any way the value of any testimony the said expert witnesses may give in this case.

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**CONSEQUENTLY, THE TRIBUNAL HEREBY**

**DENIES** the Motion.

Arusha, 10 October 2001.

Yakov Ostrovsky  
Judge, presiding

Lloyd George Williams  
Judge

Pavel Dolenc  
Judge

[Seal of the Tribunal]