

ICTR-98-41-I  
5/12/2001  
(5210 — 5209)

5210



UNITED NATIONS  
NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda

TRIAL CHAMBER III

Original: English

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

Registrar: Mr. Adama Dieng

Decision of : 5 December 2001

THE PROSECUTOR  
versus  
THEONESTE BAGOSORA  
ANATOLE NSENGIYUMVA  
GRATIEN KABILIGI  
ALOYS NTABAKUZE

Case No. ICTR-98-41-I

JUDICIAL RECOGNITION  
2001 DEC -5 P 4: 30  
ICTR  
RECEIVED

---

DECISION ON THE DEFENCE MOTION FOR DISCLOSURES

---

Counsel for the Prosecutor:

Mr. Chile Eboe-Osuji  
Ms. Patricia Wildermuth  
Ms. Amanda Reichman

Counsel for the Accused:

Mr. Raphael Constant  
Mr. J. LaRochelle  
Mr. Jean Yaovi Degli  
Mr. Clemente Monterosso  
Mr. Andre Tremblay  
Mr. Kennedy Ogetto  
Mr. Gershom Otachi Bw'omanwa

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** (the "Tribunal")

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

**BEING SEIZED** of the Defence Motion for Disclosures, filed 21 November 2001 (the "Motion");

**CONSIDERING** the submissions made by the parties on the Motion at a hearing on 4 December 2001;

**NOW DECIDES** the matter.

**WHEREAS** the Defence moves the Chamber to order the Prosecutor to disclose to the Defence complete versions of statements made by witnesses ZB and ZC, extracts of which were disclosed to the Defence in the supporting material. The Defence prays that the disclosures be ordered pursuant to Rule 66(A)(ii) to be made within eight days of the Decision and in any event at least two months before the date set for the commencement of the trial, that is by 2 February 2002.

**WHEREAS** the Prosecutor objects to the Motion on the ground that it is premature. The Prosecutor has not yet identified which witnesses she intends to call to testify at trial and the period of time for disclosure of witness statements, prescribed by Rule 66(A)(ii), has not yet expired.

**WHEREAS** Rule 66(A)(ii) which governs disclosures of witness statements requires the Prosecutor to disclose to the Defence, not later than sixty days before the date set for trial, copies of witness statements of the witnesses whom she intends to call to testify at trial. This requirement is subject to Rules 53, 69, and 66(C).


**WHEREAS** the date set for trial is 2 April 2002.


**WHEREAS** the Chamber finds that the Prosecutor is not in breach of her obligations under Rule 66(A)(ii) and that it would be premature to make an order for disclosure of statements of witnesses ZB and ZC at this time.

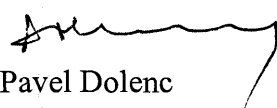
**CONSEQUENTLY, THE TRIBUNAL HEREBY**

**DISMISSES** the Defence Motion.

Arusha, 5 December 2001.

  
Lloyd George Williams  
Judge, presiding

  
Yakov Ostrovsky  
Judge

  
Pavel Dolenc  
Judge

[Seal of the Tribunal]