



ICTR-99-52-T
10-10-2002
(30285-30284)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

30285
S. MUSA

OR: ENG

TRIAL CHAMBER I

Before: Judge Navanethem Pillay

Registrar: Adama Dieng

Date: 9 October 2002

JUDICIAL RECORDS SECTION
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THE PROSECUTOR

v.

FERDINAND NAHIMANA

Case No. ICTR-99-52-T


**DECISION ON THE DEFENCE'S APPLICATION UNDER RULE 73^{ter}(E) FOR
LEAVE TO CALL ADDITIONAL DEFENCE WITNESSES**

Office of the Prosecutor:

Mr Stephen Rapp
Ms Simone Monasebian
Ms Charity Kagwi
Mr William Egbe

Counsel for Ferdinand Nahimana:

Jean-Marie Biju-Duval
Diana Ellis



30284

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

SITTING as Judge Navanethem Pillay designated by the Trial Chamber, pursuant to Rule 73(A) of the Rules of Procedure and Evidence of the Tribunal (“the Rules”);

BEING SEIZED of the “Application under Rule 73ter(E) for leave to call additional defence witnesses”, filed on 1 October 2002 by Counsel for Ferdinand Nahimana (“the application”), and the Prosecutor’s Opposition thereto filed on 9 October 2002;

RECALLING the Chamber’s “Decision on the Defence’s Motion for Witness Protection” of 25 February 2000 (“the Protection Order”) and “Decision on the Prosecutor’s Motion to Compel the Defence’s Compliance with Rules 73ter, 67 (C) and 69(C)” of 3 October 2002 (“the October Decision”);

CONSIDERING the Statute of the Tribunal and the Rules of Procedure and Evidence, in particular Rules 66(A)(ii) and 73ter;

NOTING the letter of 22 August 2002 from Counsel for Ferdinand Nahimana (“Counsel”) to the Registry, wherein Counsel disclosed its list of witnesses and indicated that the same was not definitive;

NOTING that the requirement under Rule 66(A)(ii) relating to a showing of ‘good cause’ applies to disclosure by the Prosecution and that there is no similar provision in respect of disclosure by the Defence;

CONSIDERING that the proposed witness would provide relevant material evidence which it would be in the interests of justice to receive, and that the calling of an additional witness would not result in a prejudicial delay in the present case;

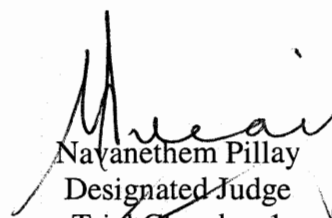
HEREBY GRANTS the application for leave to call Witness G99 (a pseudonym designated by Counsel);

DIRECTS that the identifying data and factual summary of the proposed testimony of Witness G99 be disclosed to the Prosecution not less than twenty-one (21) days before Witness G99 testifies;

DIRECTS that the written statement of Witness G99, if available, be disclosed to the Prosecution not less than fourteen (14) days before Witness G99 testifies and, where applicable, the provisions of the October Decision be extended to include Witness G99; and

FURTHER DIRECTS that the protective measures ordered in the Protection Order be extended to Witness G99.

Arusha, 9 October 2002


Navanethem Pillay
Designated Judge
Trial Chamber 1
[Seal of the Tribunal]