

ICTR-2000-55-I
28-11-2003
(4620 - 4619)

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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before: Judge Lloyd G. Williams, Q.C., Presiding
Judge Andréia Vaz
Judge Khalida Rachid Khan

Registrar: Adama Dieng

Date: 28 November 2003

JUDICIAL RECORDS DIVISION
ICTR
2003 NOV 28 P 1:57
[Signature]

THE PROSECUTOR

v.

Tharcisse MUVUNYI
Idelphonse NIZEYIMANA, and
Idelphonse HATEGEKIMANA

Case No. ICTR-2000-55-I

**ORDER TO DUTY COUNSEL REGARDING THE DEPOSITION OF
PROSECUTION WITNESS QX**

Rule 54 of the Rules of procedure and evidence

Office of the Prosecutor:

Silvana Arbia
Jonathan Moses
Adelaide West
Adesola Adeboyejo
Manuel Bouwknecht
Astou M'Bow

Counsel of Tharcisse Muvunyi:

Francis Musei, Duty Counsel

Counsel of Idelphonse Hategekimana:

Jesse Kiritta, Duty Counsel

[Signature]

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

SITTING as Trial Chamber III composed of Judge Lloyd G. Williams, Q.C., presiding, Judge Andréia Vaz and, Judge Khalida Rachid Khan (“Chamber”);

CONSIDERING the letters sent by the Defence Counsel Management Section (“DCMS”) to Jesse Kiritta, Duty Counsel of Idelphonse Hategekimana and Francis Musei, Duty Counsel of Tharcisse Muvunyi respectively dated of 27 and 28 November 2003, in which it appears that they may not be willing to attend the deposition, in accordance with the instructions of the Accused;¹

NOTING the Decision on the Prosecutor’s Extremely Urgent Motion for the Deposition of Witness QX, rendered on 11 November 2003, and the Decision on the Request of the Accused for Certification to Appeal Against the Decision Authorising the Deposition of Prosecution Witness QX, rendered on 27 November 2003;

CONSIDERING the Statute of the Tribunal, the Rules of procedure and evidence (“Rules”), especially Rule 54, the Directive on the assignment of Defence Counsel and the Code of professional conduct for Defence Counsel;

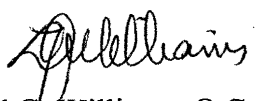
TAKING INTO ACCOUNT the precarious state of health of Prosecution Witness QX as stated in the Decision of 27 November 2003, as well as the urgency of the matter;

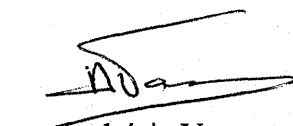
REMINDS Duty Counsel that they are officers of the Court and as such they have certain obligations. They are required to act in the interest of justice. Counsel cannot absent himself from the Court without leave of the Court. Counsel are required to observe the Code of professional conduct.

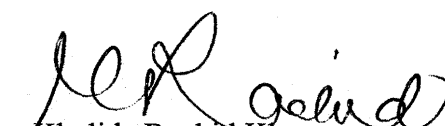
ACCORDINGLY, THE CHAMBER

ORDERS both Duty Counsel to attend the deposition of Prosecution Witness QX in Rwanda on 4 December 2003 and to take all necessary steps to facilitate such attendance.

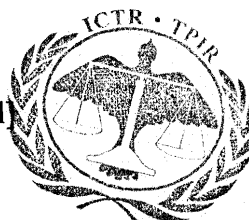
Arusha, 28 November 2003


Lloyd G. Williams, Q.C.
Presiding Judge


Andréia Vaz
Judge


Khalida Rachid Khan
Judge

[Seal of the Tribunal]



¹ Letter from DCMS to Jesse Kiritta, Subject: Your attendance to the deposition of Witness QX, dated of 27 November 2003 (ICTR/JUD-11-5-2-3775) and Letter from DCMS to Francis Musei, Subject: Your letter of 24 November 2003, dated of 28 November 2003 (ICTR/JUD-11-5-2-3775).