



ICTR-99-50-T
05-05-04
(13420-13419)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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Or: ENG

TRIAL CHAMBER II

Before: Judge Khalida Rachid Khan

Registrar: Mr. Adama Dieng

Date: 4 May 2004

The PROSECUTOR
v.
Casimir BIZIMUNGU
Justin MUGENZI
Jerôme BICAMUMPAKA
Prosper MUGIRANEZA
Case No. ICTR-99-50-T

JUDICIAL RECORDS
2004 MAY -5 A 11:30

**DECISION ON PROSPER MUGIRANEZA'S EMERGENCY MOTION TO
DELAY THE TESTIMONY OF WITNESS GJX**

Office of the Prosecutor:

Paul Ng'arua
Ibukunolu Babajide
Elvis Bazawule
George Mugwanya

Counsel for the Defence:

Michelyne C. St. Laurent and Alexandra Marcil for Casimir Bizimungu
Howard Morrison and Ben Gumpert for Justin Mugenzi
Pierre Gaudreau and Michel Croteau for Jérôme Bicamumpaka
Tom Moran and Christian Gauthier for Prosper Mugiraneza

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

SITTING as Trial Chamber II, composed of Judge Khalida Rachid Khan, assigned to decide this Motion pursuant to Rule 73(A) of the Rules of Procedure and Evidence, (the “Trial Chamber”);

BEING SEIZED of “Prosper Mugiraneza’s Emergency Motion to Delay the Testimony of Witness GJX” filed on 18 March 2004, (the “said Motion”);

NOTING the “Prosecutor’s Response to Prosper Mugiraneza’s Emergency Motion to Delay the Testimony of Witness GJX” filed on 21 March 2004, (the “Response”);

RECALLING the “Decision on the Prosecutor’s Motion for Protective Measures for Witnesses”, filed on 12 July 2000 (the “Chamber’s Order on Protective Measures”) and the “Clarification Order in Respect of Disclosure of Identifying Information of Protected Witnesses” filed on 15 October 2003, (the “Clarification Order”);

NOTING that it is agreed between both Parties that the non-disclosure of the identifying information sheet is an inadvertent error on the part of the Prosecutor.

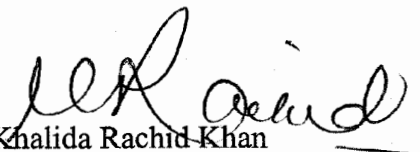
CONSIDERING that the only relief sought by the Defence is to have Witness GJX called to testify twenty-one days after the effective disclosure of his identifying information sheet in accordance with the Protective Measures Decision and the Clarification order.

CONSIDERING FURTHER that the said information sheet was disclosed to the Defence on 16 March 2004 and that the testimony of Witness GJX has been postponed until the Trial Chamber resumes its sessions, the Trial Chamber is of the view that the Motion is now rendered moot and should be dismissed in its entirety.

FOR THE ABOVE REASONS, THE TRIBUNAL

DISMISSES the said Motion in all respects.

Arusha, 4 May 2004


Khalida Rachid Khan
Judge

(Seal of the Tribunal)