



ICTR-99-50-T
19-05-04
(13488-13486)

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, Presiding

Registrar: Mr. Adama Dieng

Date: 19 May 2004

The PROSECUTOR
v.
Casimir BIZIMUNGU
Justin MUGENZI
Jérôme BICAMUMPAKA
Prosper MUGIRANEZA

Case No. ICTR-99-50-T

JUDICIAL RECORDS DIVISION
RECORDED
19 MAY 19 P 4:46

**DECISION ON THE MOTIONS FOR VARIATION OF THE PROSECUTOR'S
INITIAL WITNESS LIST**

Office of the Prosecutor:

Mr. Paul Ng'arua
Mr. Ibukunolu Babajide
Mr. Justus Bwonwonga
Mr. Elvis Bazawule
Mr. George William Mugwanya
Mr. Shyamlal Rajapaksa

Counsel for the Defence:

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

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

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

BEING SEIZED OF The "Prosecutor's Motion for Leave to Vary his Initial List of Witnesses pursuant to Rule 73bis(E)" filed on 19 December 2003, (the "First Motion");

HAVING RECEIVED the following submissions by the Parties:

- (i) The "Clarification and/or Corrigendum to the Prosecutor's Witness List" filed on 19 December 2004;
- (ii) The "Response by those Representing Justin Mugenzi to the Prosecutor's Motion for Leave to Vary his Initial List of Witnesses pursuant to Rule 73bis(E)" filed on 20 January 2004;
- (iii) The "Motion to Extend Delay to File and Response of Defendant Bicanumpaka to Prosecutor's Motion for Leave to Vary his Initial List of Witnesses pursuant to Rule 73bis(E)" filed on 23 January 2004;
- (iv) The "Motion for the Chamber to Include Further Matters in its Consideration of the Prosecutor's Motion of 16 December 2003" filed on 10 March 2004;
- (v) The "Prosecutor's Response to Justin Mugenzi's Motion for the Chamber to Include Further Matters in its Consideration of the Prosecutor's Motion of 16 December 2003" filed on 16 March 2004;
- (vi) The "Prosecutor's Very Urgent Motion to Vary his Initial List of Witnesses in Response to Status Conference Deliberations and Varying/Modifying his Motion for Leave to Vary his Initial List of Witnesses Dated 16 December 2003 still pending before the Trial Chamber" filed on 4 May 2004, (the "Second Motion");

NOTING the "Prosecutor's List of Witnesses" filed on 21 October 2004 **AND** the "Prosecutor's List of Witnesses for Next Session" filed on 6 April 2004;

CONSIDERING that the Trial Chamber has noticed many inconsistencies in the requests from the Prosecutor as well as many unexplained and confusing contradictions between the witness lists and the motions filed;

CONSIDERING FURTHER that the Trial Chamber was unable to decipher what exactly the Prosecutor was requesting in his motions;

CONSIDERING FINALLY that the Trial Chamber expects diligence and rigour from the Prosecutor in his filings of such witness lists and motions;

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THE TRIAL CHAMBER HEREBY

DENIES the First and Second Motions in all respects, without prejudice to the filing of further applications.

DRAWS the attention of the Prosecutor to the provisions of Rule 73bis(E) **AND EXPECTS** him to act in accordance therewith.

ORDERS the Prosecutor to file a consolidated and final list of witnesses within three (3) days after the filing of the present decision.

ORDERS the Prosecutor to file within three (3) days a calling order of witnesses for the next session scheduled to start on 7 June 2004.

REMINDS the Prosecutor that strict adherence to the deadlines fixed by the Trial Chamber is essential to facilitate the Registry's task in organizing the timely production of witnesses before the Trial Chamber.

Arusha, 19 May 2004



Khalida Rachid Khan
Presiding Judge

(Seal of the Tribunal)