



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

ICTR-01-65-1  
17-09-2004  
(772 - 771)

772 S. Muna

OR: ENG

TRIAL CHAMBER I

**Before:** Judge Erik Møse

**Registrar:** Adama Dieng

**Date:** 17 September 2004

JUDICIAL RECORDS/ARCHIVES  
RECEIVED  
ICTR  
2004 SEP 17 A 10:04

THE PROSECUTOR

v.

Jean MPAMBARA

Case No. : ICTR-2001-65-1

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DECISION ON MOTION FOR DEPOSITION OF WITNESS BCG

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**The Office of the Prosecutor**

Richard Karegyesa  
Khaled Ramadan  
Roberta Maria Baldini  
Didace Nyirinkwaya

**Counsel for the Defence**

Arthur Vercken  
Vincent Courcelle-Labrousse

John

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ("the Tribunal"), 771

**SITTING** as Trial Chamber I, composed of Judge Erik Møse, designated by the Chamber in accordance with Rule 73 (A) of the Rules of Procedure and Evidence ("the Rules");

**BEING SEIZED** of the Prosecution "Extremely Urgent *Ex-parte* Motion for the Deposition of Witness BCG", filed on 2 September 2003;

**HAVING CONSIDERED** the Addendum thereto, filed by the Prosecution on 9 September 2004; and the response thereto, filed by the Defence on 13 September 2004;

**HEREBY DECIDES** the motion.

1. The Prosecution has moved for a deposition of Witness BCG, citing his deteriorating health and the prospect that he may not be able for health reasons to testify during trial. Considering the matter to be urgent, the Prosecution filed the motion, and accompanying annexes from health workers indicating the state of the witness's health, *ex parte*.

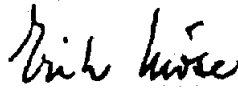
2. By memorandum of 9 September 2004, the Chamber directed the Registry to immediately transmit the motion to the Defence, finding that there was no justification for an *ex parte* filing. The Defence filed a Response opposing the motion on 13 September 2004.

3. On 13 September 2004, the Chamber was advised by the Prosecution that Witness BCG had died.

**FOR THE ABOVE REASONS, THE CHAMBER**

**DECLARES** the motion to be moot.

Arusha, 17 September 2004

  
Erik Møse  
Judge

[Seal of the Tribunal]

