



UNITED NATIONS
NATIONS UNIES

ICTR-00-56-T

17-05-2005
(19787 — 19785)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

19787
ammbg

OR: ENG

TRIAL CHAMBER II

Before: Judge Joseph Asoka de Silva, Presiding
Judge Taghrid Hikmet
Judge Seon Ki Park

Registrar: Mr Adama Dieng

Date: 17 May 2005

PROSECUTOR

v.

Augustin Ndindiliyimana
Augustin Bizimungu
François-Xavier Nzuwonemeye
Innocent Sagahutu

Case No. ICTR-00-56-T

2005 MAY 17 P 3: 26
ICTR
RECORDS/ARCHIVES

**DECISION ON BIZIMUNGU'S MOTION TO WITHDRAW THE APPEARANCE
OF PROSECUTION WITNESSES GFD AND AOE AND *REQUÊTE URGENTE*
*DEMANDANT UN AJOURNEMENT***

Prosecution Counsel

Mr Ciré Aly Bâ
Mr Alphonse Van
Ms Ifeoma Ojemeni Okali
Mr Moussa Sefon
Mr Segun Jegede
Mr Abubacarr Tambadou
Ms Faria Rekkas (Case Manager)

Defence Counsel

Mr G. St-Laurent & Mr R. MacDonald
for **A. Bizimungu**
Mr C. Black & Ms T. Dickson
for **A. Ndindiliyimana**
Ms D. Girard
for **F-X. Nzuwonemeye**
Mr F. Segatwa & Mr S. Doumbia
for **I. Sagahutu**

Encl

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

SITTING as Trial Chamber II composed of Judge Asoka de Silva, Presiding, Judge Taghrid Hikmet and Judge Seon Ki Park (the "Chamber");

BEING SEISED of Augustin Bizimungu's "Motion to Withdraw the Appearance of Prosecution Witnesses GFD and AOE", filed on 6 May 2005 and his "Urgent Motion for an Adjournment"¹ filed on 9 May 2005 (the "Motions") requesting the Trial Chamber to:

- (i) Withdraw the appearance of Prosecution Witnesses GFD and AOE or postpone their testimony until a complete disclosure is made of documents arising from judicial proceedings in Rwanda;
- (ii) Prevent the Prosecution from calling Witnesses GFD, GFV, and AOE;
- (iii) Adjourn proceedings of the current session because the Defence is not able to cross-examine the Prosecution witnesses listed to testify during this session; or
- (iv) Postpone the appearance of Witnesses GFD, GFV, and AOE so as to enable the Defence to effectively conduct the necessary investigations to prepare its cross-examination.

CONSIDERING that the Prosecution has not filed a response to the Defence Motions;

NOTING that on 10 May 2005, at the request of the Defence for Bizimungu, the Trial Chamber heard oral arguments by the Defence and the Prosecution on the substance of the above Motions during which the Prosecution indicated that the judicial files of the concerned witnesses have now been disclosed to the Defence, and that the Defence acknowledged receipt of the concerned files;

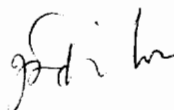
NOTING FURTHER that on 11 May 2005, the French and English translations of the judicial files of Witness GFV were filed with the Registry and distributed to the Defence and the Chamber;

RECALLING the Chamber's oral ruling of 10 May 2005, allowing the Prosecution to conduct the examination-in-chief of Witness GFD and postponing the trial to 16 May 2005 so as to allow the Defence to study the newly disclosed judicial files and prepare for cross-examination.

FOR THE ABOVE REASONS, THE CHAMBER DENIES the Motions and **ORDERS**

- I. That the Defence shall proceed with cross-examination of Witness GFD when proceedings resume on 16 May 2005.
- II. That the Prosecution shall call Witnesses GFV and AOE after the testimony of GFD and the Defence shall proceed to cross-examine them on the basis of the disclosures made.
- III. That the Chamber may, at an appropriate time in the future, consider a Defence request to recall the above witnesses for further cross-examination if the

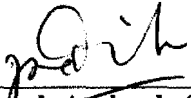
¹ *Requête Urgente Demandant un Ajournement*, filed on 9 May 2005.



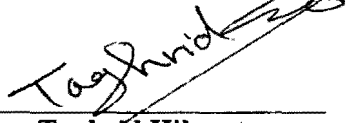
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Defence concludes that either due to inadequate disclosure or non-translation of the judicial files, it was unable to fully cross-examine the witnesses.

Arusha, 17 May 2005



Joseph Asoka de Silva
Presiding Judge



Taghriddin Hikmet
Judge



Seon Ki Park
Judge

