



UNITED NATIONS
NATIONS UNIES

ICTR-2001-73-T
19-10-2005
(3730 - 3729)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

3730
Mump
R

OR: ENG

TRIAL CHAMBER III

Before Judges: Inés Mónica Weinberg de Roca, Presiding
Khalida Rachid Khan
Lee Gacuiga Muthoga

Registrar: Mr Adama Dieng

Date: 19 October 2005

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CJ
Mump

THE PROSECUTOR
v.
Protais ZIGIRANYIRAZO
Case No. ICTR-2001-73-T

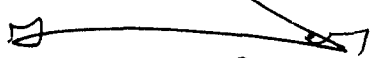
**DECISION ON THE DEFENCE MOTION ON PROSECUTION WITNESS ATN AND
THE RELEVANT PARAGRAPHS OF THE PRE-TRIAL BRIEF**
Rule 66 of the Rules of Procedure and Evidence

For the Office of the Prosecutor:
Mr Wallace Kapaya
Ms Gina Butler
Mr Iskandar Ismail
Ms Jane Mukangira

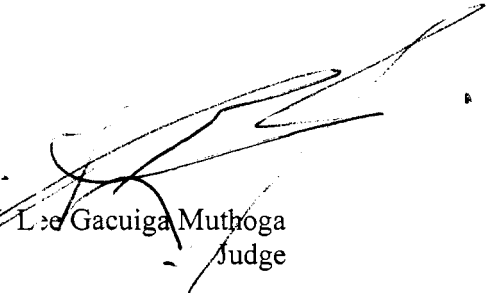
Defence Counsel:
Mr John Philpot
Mr Peter Zaduk

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“Tribunal”),
SITTING as Trial Chamber III, composed of Judges Inés Mónica Weinberg de Roca, Presiding, Khalida Rachid Khan, and Lee Gacuiga Muthoga (“Chamber”);
BEING SEIZED of the Motion entitled “Requête urgente concernant le témoin ATN et les paragraphes 33, 34 et 35 du pre-trial brief”, filed on 11 October 2005, in which the Defence requests the Chamber either to strike Paragraphs 33, 34 and 35 of the pre-trial brief, or to order the Prosecutor to disclose the exact date of April 1994 when the two events alleged in Paragraphs 34 and 35 of the pre-trial brief took place and to postpone the hearing of witness ATN, the only one to testify on those events, to six months later;
CONSIDERING the Prosecutor’s Response filed on 12 October 2005 in which he argues that the Defence is precluded from re-litigating issues which the Chamber has already disposed of, and requests to be allowed to call witness ATN only during the second session of his case, that is, in early 2006;
RECALLING the Decision on Defence Urgent Motion to Exclude Some Parts of the Prosecution Pre-Trial Brief delivered on 30 September 2005, where the Chamber considered that the events pleaded in paragraphs 33-35 of the pre-trial brief are new facts related to other allegation already pleaded in the Indictment, and that the issue of the Defence preparedness be raised in due course with a showing of good cause for any requested remedy;
CONSIDERING the Prosecutor’s request to postpone the hearing of witness ATN which will give the Defence sufficient time to prepare for the cross-examination of the witness on those events;
CONSIDERING FURTHER that the Defence request for a 6 month postponement for the hearing of any evidence related to those paragraphs does not constitute an appropriate measure, and that the time to elapse from now to the second session of the Prosecution Case appears to be sufficient in the Chamber’s view;
CONSIDERING the Statute of the Tribunal particularly Articles 19(1) and 20(4)(a), and the Rules of Procedure and;
NOW DECIDES the matters based solely on the written briefs of the Parties pursuant to Rule 73(A) of Rules; and
ORDERS the Prosecutor to call Witness ATN during the second session of his case; and
DENIES the Defence Motion in all respects.

Arusha, 19 October 2005, done in English.


Inés Mónica Weinberg de Roca
Presiding Judge


Khalida Rachid Khan


Lee Gacuiga Muthoga
Judge

