



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER II

Before:

Judge Asoka de Silva, Presiding
Judge Flavia Lattanzi
Judge Florence Rita Arrey

Registrar: Mr Adama Dieng

Date: 14 November 2005

THE PROSECUTOR

vs.

THARCISSE MUVUNYI

Case No. ICTR-2000-55A-T

ORAL DECISION ON THE “ACCUSED’S EMERGENCY MOTION FOR CONTINUANCE” AND « REQUETE EN EXTREME URGENCE DE THARCISSE MUVUNYI POUR LE REPORT DU PROCES »

Prosecution Counsel

Mr Charles Adeogun-Phillips, Senior Trial Attorney
Ms Adesola Adeboyejo, Trial Attorney
Ms Renifa Madenga, Trial Attorney
Ms Memory Maposa, Assistant Trial Attorney
Mr Dennis Mabura, Case Manager

Defence Counsel

Mr William E. Taylor, III, Lead Counsel
Mr Jean Flamme, Co-Counsel
Ms Cynthia Cline, Legal Assistant
Ms Véronique Pandanzyla, Legal Assistant

MR. PRESIDENT:

[...]

Yes, the Chamber has considered the Accused's emergency motion for continuance, the motion filed by the accused person on his own behalf, as well as the oral submissions of the parties, and rules as follows:

Firstly, every Chamber has the right to review its decisions in the interest of justice and in the light of prevailing circumstances. Even though the Chamber previously ordered that witness statements should be disclosed to the opposing party at least 21 days before the witness testifies, the Chamber believes that in the light of the current circumstances it would be in the interests of justice to review that order.

The Chamber orders the Defence disclose the statements of its three designated witnesses, namely MO60, MO70 and MO38, to the Prosecution not later than Monday 21st November 2005.

The Defence case shall commence on Monday 5th December 2005. The Prosecution should be ready to carry out the cross-examination of these witnesses during this session.

The statement of the remaining witnesses -- Defence witnesses shall be disclosed to the Prosecution at least 21 days before the respective testimonies of those witnesses.

The Defence is hereby ordered to provide to the WVSS, not later than Thursday, 15th November 2005, all the documentation necessary to enable witnesses MO70, MO38 to travel to Arusha. The Defence is further ordered to provide to WVSS, not later than 30th November 2005, all the documentation necessary to enable them to facilitate the travel of the remainder of the defence witnesses.

The Chamber urges all the members of the Defence team to cooperate fully in the defence of the accused person until a decision is rendered by the registrar in regard to the pending application.

The Chamber reiterates its disapproval of the conduct of Defence counsel and its warning rendered on 9th November 2005. The Chamber reminds lead counsel of his obligations set out in article 15(E) of the directive of assignment of Defence counsel.

Having given this order I think the proceedings should come to an end today, and the court is adjourned until the 5th of December 2005.