



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

ICTR-98-41-T
29-08-2006
(29230-29229)
TRIAL CHAMBER I

29230

S. Muna

Before: Judge Erik Møse, presiding
Judge Jai Ram Reddy
Judge Sergei Alekseevich Egorov

Registrar: Adama Dieng

Date: 29 August 2006

JUDICIAL RECORDS ARCHIVES
UNICTR
2006 AUG 29 10 5 35
RECEIVED

THE PROSECUTOR

v.

Théoneste BAGOSORA

Gratien KABILIGI

Aloys NTABAKUZE

Anatole NSENGIYUMVA

Case No. : ICTR-98-41-T

DECISION ON DEFENCE REQUEST TO CORRECT ERRORS IN DECISION ON
SUBPOENA FOR MAJOR BIOT

The Prosecution

Barbara Mulvaney
Drew White
Christine Graham
Rashid Rashid

The Defence

Raphaël Constant
Allison Turner
Paul Skolnik
Frédéric Hivon
Peter Erlinder
André Tremblay
Kennedy Ogetto
Gershom Otachi Bw'Omanwa

Em

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

29229

SITTING as Trial Chamber I, composed of Judge Erik Møse, presiding, Judge Jai Ram Reddy, and Judge Sergei Alekseevich Egorov;

BEING SEIZED OF the "Urgent Memorandum to the Chamber to Correct Material Errors in Decision on Request for a Subpoena for Major Biot", filed by the Nsengiyumva Defence on 20 July 2006;

HEREBY DECIDES the Motion.

1. On 7 April 2006, the Nsengiyumva Defence filed an application for the Chamber to issue a request to the Kingdom of Belgium, pursuant to Article 28 of the Statute, to facilitate contact with a Belgian national identified as "Commander Biot Marc". The Chamber granted the application on 21 April 2006.¹ The Defence then filed a motion on 7 July 2006 requesting the Chamber to issue a subpoena compelling "Major Jacques Biot" to appear before the Chamber for oral testimony. On 14 July 2006, the Chamber granted the motion and ordered the Registrar to issue a subpoena addressed to "Major Jacques Biot".²

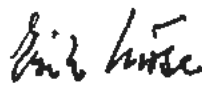
2. The Defence subsequently filed a "memorandum" requesting the Chamber to amend its decision so as to identify the addressee of the subpoena as "Major Marc Biot". The Defence also claims that the decision incorrectly summarizes the nature of the evidence to be given by Major Biot, and that he was not a member of UNAMIR, but a "Belgian military technical assistant".³ On 25 July 2006, the Chamber was informed by the Defence, through the Registry, that the correct name of the prospective witness was "Willy Biot".

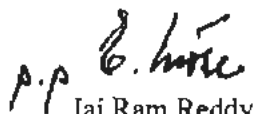
3. On 20 July 2006, the Registry issued a subpoena addressed to "Major Willy Biot", which was transmitted to the Belgian authorities on 21 July 2006. The subpoena having now been issued to the properly identified addressee, the request to alter the Chamber's decision in this respect is moot. Furthermore, none of the alleged errors identified by the Defence are, at this stage, material.

FOR THE ABOVE REASONS, THE CHAMBER

DECLARES the request moot.

Arusha, 29 August 2006


Erik Møse
Presiding Judge


p.p. Jai Ram Reddy
Judge


Sergei Alekseevich Egorov
Judge

[Seal of the Tribunal]



¹ Bagosora et al., Decision on Request to the Kingdom of Belgium for Assistance Pursuant to Article 28 of the Statute (TC), 21 April 2006.

² Bagosora et al., Decision on a Request for Subpoena for Major Jacques Biot (TC), 14 July 2006.

³ Motion, p. 4.