



UNITED NATIONS  
NATIONS UNIES

KT2-2001-73-T  
(9-11-2006)  
(S751 - S750)  
International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

S751  
Duffy  
R

OR: ENG

**TRIAL CHAMBER III**

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

**Registrar:** Adama Dieng

**Date:** 9 November 2006

**THE PROSECUTOR**

v.

**Protais ZIGIRANYIRAZO**

*Case No. ICTR-2001-73-T*

UNICTR  
JUDICIAL RECORDS/ARCHIVES  
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2006 NOV - 9 1 P 12: 33

*Copy to Court*

**REQUEST FOR SUBMISSIONS PURSUANT TO RULE 33(B)**

**Office of the Prosecutor:**

Wallace Kapaya  
Charity Kagwi-Ndungu  
Sylvester Ntukamazina  
Gina Butler  
Iskandar Ismail  
Jane Mukangira

**Defence Counsel:**

John Philpot  
Peter Zaduk

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1. The Prosecution closed its case on 28 June 2006. The Defence commenced the presentation of its case on 30 October 2006. On 31 October 2006, following receipt of the Appeals Chamber ruling excluding the testimony of Mr. Michel Bagaragaza in its entirety,<sup>1</sup> the Parties moved for an adjournment in order to consider their respective courses of action. The Prosecution filed its Motion to re-open its case and for the re-hearing of Mr. Michel Bagaragaza.<sup>2</sup> The Defence Response has been filed.<sup>3</sup>
2. The Prosecution submits in its Motion that Mr. Michel Bagaragaza's security concerns have not changed since its original motion.<sup>4</sup>
3. The Chamber directs the Registrar to make written submissions regarding the possibility of adopting sufficient security measures to make it possible for Mr. Michel Bagaragaza to testify in Arusha, to be filed confidentially and *ex parte*.

**THE CHAMBER HEREBY DIRECTS** the Registrar to file the submissions pursuant to Rule 33(3) as soon as possible.

Arusha, 9 November 2006, in English.

Inés Mónica Weinberg de Roca  
Presiding Judge

Khalida Rachid Khan  
Judge

Lic Gacuga Muthoga  
Judge



<sup>1</sup> "Decision on Interlocutory Appeal rendered by the Appeals Chamber", 30 October 2006.

<sup>2</sup> "Prosecutor's Joint Motion for Re-opening of the Prosecution Case (made under Rules 54, 73 and 85 of the Rules of Procedure and Evidence and Appeals Chamber Decision dated 30 October 2006) and Requests for Reconsideration of the Trial Chamber Decision dated 31 January 2006 on the Hearing of Witness Michel Bagaragaza via Video Conference (made pursuant to Rule 73bis(E) of the Rules of Procedure and Evidence)", filed on 6 November 2006 (the "Motion").

<sup>3</sup> "Response to Prosecutor's Joint Motion for Re-opening of the Prosecution Case (made under Rules 54, 73 and 85 of the Rules of Procedure and Evidence and Appeals Chamber Decision dated 30 October 2006) and Requests for Reconsideration of the Trial Chamber Decision dated 31 January 2006 on the Hearing of Witness Michel Bagaragaza via Video Conference (made pursuant to Rule 73bis(E) of the Rules of Procedure and Evidence and Motion to Continue Trial", filed on 7 November 2006 (the "Response").

<sup>4</sup> Motion para. 29.