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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal International pour le Rwanda

OR: ENG

TRIAL CHAMBER II

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

Registrar: Mr Adama Dieng

Date: 7 May 2007

ICTR-00-56-T
07-05-2007
(64243-64242)

The PROSECUTOR
v.
Augustin NDINDILYIMANA
Augustin BIZIMUNGU
François-Xavier NZUWONEMEYE
Innocent SAGAHUTU
Case No. ICTR-00-56-T

JUDICIAL RECEIVED
2007 MAY - 1 P 2
JANUARY

DECISION ON NZUWONEMEYE'S EXTREMELY URGENT REQUEST TO
EXAMINE IN CHIEF TWO BIZIMUNGU WITNESSES

Office of the Prosecutor:

Mr Ciré Aly Bâ
Mr Moussa Sefon
Mr Segun Jegede
Mr. Lloyd Strickland
Mr Abubacarr Tambadou
Ms Felistas Mushi
Ms Faria Rekkas
Ms Anne Pauline Bodley

Counsel for the Defence:

Mr Gilles St-Laurent and Mr Ronnie MacDonald for Augustin Bizimungu
Mr Christopher Black and Mr Patrick De Wolf for Augustin Ndingilyimana
Mr Charles Taku and Ms Beth Lyons for François-Xavier Nzuwonemeye
Mr Fabien Segatwa and Mr Seydou Doumbia for Innocent Sagahutu

INTRODUCTION

1. The Defence for Bizimungu started its case on 16 April 2007. On 1 May 2007, the Defence for Nzuwonemeye filed the current Motion, requesting the Chamber to allow it to examine-in-chief two witnesses who are being called by the Defence for Bizimungu, but who are also listed to testify for the Nzuwonemeye Defence.¹

2. The Defence submits that when the identifying information of the next set of witnesses for Bizimungu's Defence was disclosed to them on 17 April 2007, it discovered that two of the witnesses, namely Witness DE4-16 and Witness DE8-10, were also listed by the Nzuwonemeye Defence in its Pre-Defence Brief of 15 March 2007 as Witnesses B5 and F9. The Defence further submits that after the disclosure, it contacted the two witnesses in question to find out whether they were willing to give evidence for the Accused Nzuwonemeye when they travel to Arusha to testify in the Bizimungu case, to which they agreed. Finally, the Defence submits that the Bizimungu Defence has no objection to this undertaking.

DELIBERATIONS

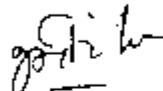
3. Since the two witnesses are listed by both the Defence for Bizimungu and the Defence for Nzuwonemeye, it will serve judicial economy to allow them to testify for both Accused persons while present in Arusha. The Scheduling Order of 16 February 2007 is therefore revised to allow both Defence teams to lead evidence-in-chief from the two witnesses during the current session.

THE CHAMBER

GRANTS the Defence Motion;

DIRECTS the Defence for Nzuwonemeye to conduct the examination-in-chief of Witness DE4-16 and Witness DE8-10 (Witness B5 and Witness F9) after the examination-in-chief by the Defence for Bizimungu and before cross-examination by other Defence teams and the Prosecution.

Arusha, 7 May 2007


Asoka de Silva
Presiding Judge


Taghrid Hikmet
Judge


Seon Ki Park
Judge

{Seal of the Tribunal}

¹ "Requête en extrême urgence de la Défense du Major Nzuwonemeye Francois Xavier relative a la déposition des témoins communs DE4-16 et DE8-10 (pour Bizimungu) que sont repris respectivement sous les acronymes B5 et F9 (pour Nzuwonemeye)".