

102-2001-72-T
10-8-2007
(3928 - 3926)

3928
Jury



International Criminal Tribunal for Rwanda
Tribunal pénal International pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Inés Mónica Weinberg de Roca, Presiding
Florence Rita Arrey
Robert Fremr

Registrar: Adama Dieng

Date: 10 August 2007

THE PROSECUTOR

v.

Simon BIKINDI

Case No. ICTR-2001-72-T

RECEIVED
10 AUG 2007
[Signature]

**DECISION ON THE DEFENCE MOTION FOR AN EXTENSION OF TIME TO
FILE REVISED LIST**

Rule 73 ter of the Rules of Procedure and Evidence

Office of the Prosecutor:
William T. Egbé
Sulaiman Khan
Veronic Wright
Patrick Gabaake
Iain Morley
Amina Ibrahim
Gilain Disengi Mugeyo

Defence Counsel:
Andreas O'Shea
Jean de Dieu Momo

4
[Signature]

INTRODUCTION

1. On 22 February 2007, after calling 20 witnesses, the Prosecution closed its case.¹ The Defence case is scheduled to commence on 24 September 2007.² On 26 June 2007, the Chamber issued a Scheduling Order requesting the Defence *inter alia* to file the expected order of appearance of its witnesses by 13 August 2007 and to continue to provide WYSS with necessary information to facilitate the presence of the Defence witnesses at the trial session to be held between 24 September and 9 November 2007. On 24 July 2007, the Defence filed a Motion to File Proposed List of Witnesses and Statements of Agreed and Contested Matters of Facts and Law and sought leave of the Chamber to redact any identifying information for some of its witnesses. The Chamber granted the motion.³ On that occasion it also ordered the Defence to file a revised and reduced list of witnesses by 13 August 2007.
2. The Defence filed a Motion for an Extension of Time to File Revised witness List on 7 August 2007 arguing that the Defence team is on mission to see witnesses between 10 August and 1 September 2007. Consequently the decision to keep or drop witnesses will be affected by this mission and the filing of a revised witness list will be more constructive if it happens at the end of that mission. The Defence also submits that he may not be able to be in Arusha before 12 August to meet with the Accused on this issue.
3. The Prosecution opposes the Motion and submits that the reasons advanced cannot justify granting the Defence request. The Prosecution further submits that absent a modification of the judicial calendar, to grant the Defence request will cause prejudice to the Prosecution.⁴

DELIBERATIONS

4. The Chamber recalls that during the Status conference of 15 May 2007, Defence Lead Counsel had requested that the proceedings start in August.⁵ The Defence has been granted significantly more time as the Defence case will start on 24 September 2007.⁶
5. The Chamber also considers that any delayed disclosure concerning the Defence witnesses will result in great difficulties, if not failure, for the Witnesses and Victims Support Section to ensure that the Defence witnesses will be brought to testify during the session beginning 24 September 2007.

¹ T. 22 February 2007, p. 2.

² Scheduling Order, 26 June 2007.

³ Decision on the Defence Motion to File Proposed List of Witnesses and Statements of Agreed and Contested Matters of facts and Law, 2 August 2007.

⁴ Prosecutor's Response to Defence Motion for Extension of Time to File Revised Witness List, Filed on 9 August 2007.

⁵ T. 15 May 2007, p. 2.

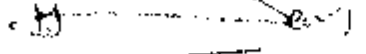
⁶ Scheduling Order, 26 June 2007.

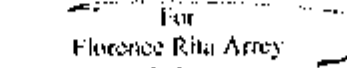
FOR THE ABOVE REASONS, THE CHAMBER

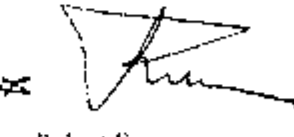
DENIES the Defence Motion; and

REITERATES its Scheduling Order of 26 June 2007 and its Decision of 2 August 2007:

Arusha, 10 August 2007, in English.


Inés Mónica Weinberg de Roca
Presiding Judge
Signed in Buenos Aires


For
Florence Rita Arrey
Judge
Inés Mónica Weinberg de Roca


Robert Fremr
Judge
Signed in Prague





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From:	<input checked="" type="checkbox"/> Chamber K. ARDALL (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. <u>Simon BIKINDI</u>		Case Number: ICTR-2001-72.T	
Dates:	Transmitted: <u>10 August 2007</u>		Document's date: <u>10 August 2007</u>	
No. of Pages:	<u>3</u>		Original Language: <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Title of Document:	<u>Decision on the Defense Motion for an extension of time to file revised witness list</u>			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Ex-Parte		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties		
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<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: