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UNITED NATIONS
NATIONS UNIES

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: 05 September 2007

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UNCLASSIFIED

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2007

THE PROSECUTOR

v.

Simon BIKINDI

Case No. ICTR-2001-72-T

**SCHEDULING ORDER AND
DECISION ON MOTION FOR PROTECTIVE MEASURES FOR WITNESSES**

Rules 54, 69, 73ter and 75 of the Rules of Procedure and Evidence

Office of the Prosecutor:

William T. Egebe
Sulaiman Khan
Veronic Wright
Patrick Gabaake
Iain Morley
Amina Ibrahim
Gilain Disengi Mugeyo

Defence Counsel:

Andreas O'Shea
Jean de Dieu Momo

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INTRODUCTION

1. The Defence is scheduled to commence its case on 24 September 2007.¹ The Defence filed a first witness list on 24 July 2007². Following a Decision from the Chamber on 2 August 2007 requesting the Defence to downsize the total number of its witnesses³, the Defence filed a revised witness list on 13 August 2007.⁴
2. On 17 August 2007, the Defence filed a motion to request protective measures for three new witnesses mentioned in its witness list of 13 August 2007.⁵ The Prosecution did not file a response.

DISCUSSION

3. As a preliminary matter, the Chamber notes that a witness bearing the pseudonym "RVH" appears twice in the witness list filed by the Defence on 13 August 2007: firstly at number 24 as a reserve witness and then at number 62 as a core witness. The summary of the intended testimony provided for witness number 24 differs completely from the one provided for witness number 62. Consequently, it is legitimate for the Chamber to conclude that they are different witnesses and it will refer to them as "RVH1" for witness number 24 and "RVH2" for witness number 62. Witness RVH1 was already included in the witness list filed by the Defence on 24 July 2007.
4. The Chamber recalls that in its Scheduling Order issued on 26 June 2007 it had ordered the Defence to file its witness list by 24 July 2007 and the expected order of appearance of the witnesses scheduled to be heard during the Defence case by 13 August 2007.⁶
5. The Chamber observes that the Defence did not request leave from the Chamber to add any new witness following its filing of 24 July 2007. The Chamber also recalls that in its Decision of 2 August 2007 it directed the Defence to reduce its number of witnesses and did not make any provision for the Defence to substitute witnesses.⁷
6. The Chamber notes that the Defence, in its filing of 13 August 2007, did not observe the Chamber's directives of 2 August 2007 as it appears that if the Defence did indeed reduce its overall number of witnesses, it also added at the same time three new witnesses: RJI (number 61 on the Defence list), RVH2 (number 62 on the Defence list) and RQH (number 63 on the Defence list). Subsequently, the Defence filed a revised order of

¹ Scheduling Order, 26 June 2007.

² Motion to File Proposed List of Witnesses and Statement of Agreed and Contested Matters of Facts and Law, filed on 24 July 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 Confidential Defence Filing of Revised List of Witnesses, filed on 13 August 2007.

⁵ Motion for Protective Measures for Witnesses, filed on 17 August 2007.

⁶ Scheduling Order, 26 June 2007.

⁷ 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, para. 7.

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appearance where it moved Witness RQH from a core witness to a reserve witness.⁸ The Chamber further notes that the Defence did not give any justification for adding those three new witnesses.

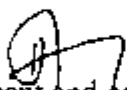
- 7. Consequently, the Chamber finds that the Defence motion for protective measures for witnesses RH, RVH2 and RQH is not justified.

FOR THE ABOVE REASONS, THE CHAMBER


DOES NOT ALLOW the Defence to add the following witnesses to its list of witnesses: RH (number 61 on the Defence list), RVH2 (number 62 on the Defence list) and RQH (number 63 on the Defence list); and

DENIES the Motion for Protective Measures.

Arusha, 05 September 2007, in English.


 With the consent and on behalf
 of
 Inés Mónica Weinberg de Roca
 Presiding Judge
 (Absent during signature)


 Florence Rita Afrey
 Judge


 Robert Fremr
 Judge

[Seal of the Tribunal]



⁸ Confidential Amendment to Witness Order, filed on 29 August 2007.



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
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I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input checked="" type="checkbox"/> Trial Chamber III C. K. Homelowo	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Taton
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From:	<input checked="" type="checkbox"/> Chamber III <i>K. ARDAULT</i> (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. <i>SIMON BIKINDI</i>		Case Number: ICTR-001-72-7	
Dates:	Transmitted: <i>5 September 2007</i>		Document's date: <i>5 September 2007</i>	
No. of Pages:	<i>3</i>		Original Language: <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Title of Document:	<i>Scheduling order and Decision on Motion for protective measures for witnesses</i>			
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		
<input type="checkbox"/> Strictly Confidential / Under Seal		<input checked="" type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Submission from parties		
<input type="checkbox"/> Confidential		<input type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars		
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<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: