



UNITED NATIONS
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER III

Case No. ICTR-98-44-T

ENGLISH
Original: FRENCH

Before: Judge Dennis C. M. Byron, presiding
Judge Gberdao Gustave Kam
Judge Vagn Joensen

Registrar: Adama Dieng

Date: 2 July 2008

THE PROSECUTOR

v.

ÉDOUARD KAREMERA
MATHIEU NGIRUMPATSE
JOSEPH NZIRORERA

2008 SEP 17 PM 10:57
J. K. M. N.

ORDER REGARDING THE ORDER OF APPEARANCE OF ÉDOUARD
KAREMERA'S WITNESSES

*Articles 19 and 20 of the Statute and Rules 54 and 90 of the Rules
of Procedure and Evidence*

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Counsel for Joseph Nzirorera:
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CI008-0111 (E)

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Translation certified by USS, ICTR

1. On 18 June 2008, the Chamber ordered Counsel for Édouard Karemera to file, promptly and in any case no later than 19 June 2008, the order of appearance of all witnesses they intend to call.¹
2. On 27 June 2008, after several reminders,² Counsel for Édouard Karemera filed the order of appearance of nine witnesses for the trial session starting on 7 July 2008. That list makes no reference to the four witnesses who were already scheduled to testify via video-link during that same session.³ The video-link testimonies were scheduled a long time ago at the request of Counsel for Édouard Karemera. Pursuant to the Chamber's orders, the Registry had made all the necessary arrangements for the said testimonies to be heard at the next trial session. No application to amend the said orders was submitted to the Chamber.
3. Besides, the list of witnesses filed on 27 June 2008 failed to indicate the estimated duration of the examination-in-chief. In light of the summary of the witnesses' anticipated testimonies provided by Counsel for Édouard Karemera, the Chamber is of the opinion, at this stage of the proceedings, that two hours of examination-in-chief for each witness should suffice. Such time estimate could be reviewed on a case-by-case basis and in the interests of justice.
4. It does not lie with the Defence to decide to amend the manner of presentation of evidence or the Chamber's orders as it deems fit. The Chamber exercises control over the manner of presentation of evidence, as set out in the Rules of Procedure and Evidence (see, *inter alia*, Rule 90 of the Rules). In the exercise of its discretion, the Chamber is duty bound to ensure that the trial is fair for all parties and that the rights of the accused, including their right to be tried without undue delay, are respected pursuant to Articles 19 and 20 of the Statute of the Tribunal.
5. Wherefore, the Chamber, *proprio motu* and pursuant to Rule 54 of the Rules, deems it necessary to issue this Order regarding the order of appearance of Édouard Karemera's witnesses for the next trial session. The said order of appearance shall be based partly on information provided by the Defence on the nine witnesses and may be subject to amendment as the circumstances warrant.

¹ *Le Procureur v. Édouard Karemera, Mathieu Ngirumpatsa, Joseph Nzirorera, Affaire No. ICTR-98-44-T, Décision relative à la requête d'Édouard Karemera afin de ne pas communiquer les éléments d'identification de ses témoins protégés dans l'immédiat*, (Trial Chamber), 18 June 2008.

² *Karemera et al. Décision enjoignant à la Défense d'Édouard Karemera de déposer immédiatement l'ordre de comparution de ses témoins*, (Trial Chamber), 25 June 2008; *Karemera et al. Avertissement à la Défense d'Édouard Karemera de se conformer aux Ordonnances de la Chambre* (Trial Chamber), 27 June 2008.

³ *Karemera et al. Decision on Édouard Karemera's Motion to Allow Defence Witnesses to Testify via Video-link* (Trial Chamber), 2 April 2008; *Karemera et al. Décision relative à la requête confidentielle d'Édouard Karemera aux fins de l'audition par video-link des témoins L.O. et K.B.* (Trial Chamber), 19 June 2008.

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The Prosecutor v. Filonard Karimera, Mathieu Ngitimpase, Joseph Nzirorera, Case No. ICTR-98-44-T

Done in French. Arusha, 2 July 2008

[Signed]

Dennis C. M. Byron
Presiding Judge

[Signed]

With the approval and
on behalf of
Gberdao Gustave Kam
Judge
(absent at the time of signature)

[Signed]

Vagn Joensen
Judge

[Seal of the Tribunal]



**Order of appearance of Édouard Karemera's witnesses
(Session starting on 7 July 2008)**

Witnesses' Pseudonyms	Date	Estimated duration of the examination-in-chief
1. TXL	7 July 2008	2 hours
2. LOL	8 July 2008 (video-link)	2 hours
3. KBL	9 July 2008 (video-link)	2 hours
4. LSP	10 July 2008 (video-link)	2 hours
5. XFP	10 and 11 July 2008 (video-link)	2 hours
6. WKL	14 July 2008	2 hours
7. UKL	14 July 2008 (could appear on the same day with LOL and KBL, depending on their availability on 8 and 9 July 2008)	2 hours
8. RQU	14 July 2008	2 hours
9. RWU	15 July 2008	2 hours
10. XCU	15 July 2008	2 hours
11. CTB	16 July 2008	2 hours
12. WDU	16 July 2008	2 hours
13. ETB	17 July 2008	2 hours