

ICTR-05-88-T
13-08-2008
(679-677)

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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: Dennis C. M. Byron, Presiding
Gberdao Gustave Kam
Vagn Joensen

Registrar: Adama Dieng

Date: 13 August 2008

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THE PROSECUTOR

v.

Callixte **KALIMANZIRA**

Case No. ICTR-05-88-T

CORRIGENDUM TO SCHEDULING ORDER

Office of the Prosecutor

Christine Graham
Veronic Wright
Ousman Jammeh
Stephen Agaba
Kartik Murukutla

Defence Counsel

Arthur Vercken
Anta Guisse

1. On 8 July 2008, the Chamber issued a Scheduling Order for the Defence case to commence on 17 November 2008, and established deadlines by which the Defence for Kalimanzira is to file certain materials pursuant to Rule 73 *ter* of the Rules of Procedure and Evidence ("Rules").¹ On 16 July 2008, the Defence for Kalimanzira moved the Chamber to reconsider one of its orders, namely that the Defence must file "[i]ts proposed list of witnesses, including the name and pseudonym of each witness" by 17 September 2008.² The Prosecution opposes the motion.³

2. The Defence objects to being required to disclose identifying information of its witnesses sixty days prior to the commencement of its case, whereas the Prosecution was entitled to only thirty days.⁴ The Prosecution submits that the Scheduling Order should be read in light of the Chamber's previous decision of 14 December 2007, which already entitles the Defence to withhold identifying information, including names, of protected Defence witnesses, until 17 October 2008.⁵

3. The current wording the Scheduling Order suggests that the Defence for Kalimanzira is required to provide the identifying information for each witness by 17 September 2008. The Chamber notes an error in the drafting of subsection (c) on page 3 of the Scheduling Order of 8 July 2008, such that the proper wording should be "name *or* pseudonym of each witness", in accordance with the statutory text of Rule 73 *ter* (B) (iii) of the Rules. Upon rectification of this error, the motion for reconsideration may be considered moot.

FOR THESE REASONS, THE CHAMBER

ORDERS that the portion of subsection (c) on page 3 of the Scheduling Order of 8 July 2008 which reads "name and pseudonym" be amended to read "name *or* pseudonym";

REITERATES the terms of the Scheduling Order of 8 July 2008 in all other respects; and

DECLARES the Defence motion for reconsideration moot.

¹ *The Prosecutor v. Callixte Kalimanzira*, Case No. ICTR-05-88-T, Scheduling Order (TC), 8 July 2008.

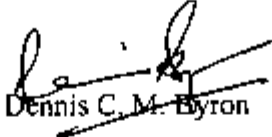
² *Demande en reconsidération de la défense de Callixte Kalimanzira du « Scheduling Order Rule 54 of Rules of Procedure and Evidence » du 8 juillet 2008 sur le délai de communication de l'identité des témoins à décharge*, filed 16 July 2008.


³ Prosecution Response to the Defence's Request for Reconsideration on the "Scheduling Order Rule 54 of Rules of Procedure and Evidence" dated 8 July 2008, filed 17 July 2008.

⁴ *The Prosecutor v. Callixte Kalimanzira*, Case No. ICTR-05-88-I, Decision on Prosecution Motion for Protective Measures (TC), 8 November 2007.

⁵ *The Prosecutor v. Callixte Kalimanzira*, Case No. ICTR-05-88-I, Decision on Defence Motion for Protective Measures (TC), 17 December 2007.

Arusha, 13 August 2008, done in English.


Dennis C. M. Byron
Presiding Judge


Gberdao Gustave Kam
(Absent during signature)
Judge


Vagn Joensen
(Absent during signature)
Judge

[Seal of the Tribunal]

