



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: 25 August 2008

THE PROSECUTOR

v.

Callixte KALIMANZIRA

Case No. ICTR-05-88-T

INTERIM ORDER

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor

Christine Graham
Veronic Wright
Ousman Jammeh
Stephen Agaba
Kartik Murukutla

Defence Counsel

Arthur Vercken
Anta Guisse

1. On 9 June 2008, the Defence for Kalimanzira moved the Chamber to exclude Witnesses BWM, BWN, BXB, BXC, BXD and BXL from the Prosecution Witness List on the basis that their anticipated testimonies were related to material facts not pleaded in the Indictment. On 24 June 2008, the Chamber decided to hear the testimonies of Witnesses BXB and BWM, who were expected to give evidence on the Accused's alleged presence and incitement at a roadblock in Sahera *secteur* and at a meeting in the Sahera *secteur* office, killings which took place thereafter, and the Accused's alleged involvement in the killings at Kabakobwa hill.

2. On 26 June 2008, the Chamber heard the testimony of Prosecution Witness BXB. On 30 June 2008, the Prosecution rested its case without calling Witness BWM.

3. Pursuant to Articles 19 and 20 of the Statute of the Tribunal, the Chamber shall guarantee a fair and expeditious trial with full respect of the rights of the accused. Rule 54 of the Rules of Procedure and Evidence empowers the Chamber to make orders for the conduct of the trial, including orders with the purpose of clarifying the case which the Defence has to answer by eliminating allegations on which no convictions could be entered based on the evidence adduced by the Prosecution during the presentation of its case.

4. At this stage, the Chamber would like to hear from the Parties on whether there is sufficient evidence upon which the Chamber could rely in support of the allegations at paragraph 1 above, and what legal consequences should follow from any conclusion that may be reached.

ACCORDINGLY, THE CHAMBER

INVITES the Prosecution to make its submission no later than Friday, 29 August 2008, and

INVITES the Defence for Kalimanzira to respond to the Prosecution submission no later than Monday, 1 September 2008.

Arusha, 25 August 2008, done in English.

Dennis C. M. Byron
Presiding Judge

Vagn Joensen
Judge

Gberdao Gustave Kam
Judge

[Seal of the Tribunal]