

ICTR-07-91-T
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(3058-3056)

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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: Khalida Rachid Khan, presiding
sitting pursuant to Rule 54 of the Rules

Registrar: Mr. Adama Dieng

Date: 23 February 2009

JUDICIAL RECORDS/ARCHIVE
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THE PROSECUTOR

v.

Léonidas NSHOGOZA

Case No. ICTR-07-91-T

FURTHER ORDER FOR THE DEFENCE TO REDUCE ITS LIST OF WITNESSES

Rules 54 and 73 ter (D) of the Rules of Procedure and Evidence

Office of the Prosecutor:

Paul Ng'uraa
Abdoulaye Seye
Dennis Mabura
Marie Ka

For the Accused:

Allison Turner

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“Tribunal”),

SITTING as Trial Chamber III, composed of Judge Khalida Rachid Khan (“Chamber”), pursuant to Rule 54 of the Rules of Procedure and Evidence (“Rules”);¹

CONSIDERING the list of witnesses which was filed by the Defence, *ex parte*, on 9 and 16 January 2009, and which contains 40 names (“Witness List”);² and the “*Ex Parte* Preliminary List of Defence Witness Summaries Filed Pursuant to the Court Order of 28 January 2009,” filed on 4 February 2009;³

NOTING the Chamber’s Order of 12 February 2009 for the Defence to reduce the number of witnesses it intends to call to testify;⁴

NOTING FURTHER the Chamber’s Order of 17 February 2009 for the Defence to further reduce its witness list no later than 18 February 2009, and the Chamber’s Oral Order of 19 February 2009 for the Defence to file such list as ordered not later than 20 February 2009;⁵

CONSIDERING the Defence “*Ex Parte* Revised Preliminary List of Defence Witness Summaries Filed Pursuant to Court Order of 12 February 2009,” filed on 16 February 2009;⁶ and the “Preliminary List of Defence Witnesses” (“Defence Witness List”), filed on 20 February 2009;⁷

CONSIDERING FURTHER that, according to the Defence Witness List, the Defence intends to call twenty witnesses to give oral testimony; and will seek to admit the testimony of several other witnesses by written statement pursuant to Rule 92 *bis* of the Rules of Procedure and Evidence;⁸

NOTING that the Prosecutor called five witnesses to testify in support of his case against the Accused;

NOTING FURTHER that the time allotted for the presentation of the Defence case is two weeks;

¹ Rule 54 of the *Rules* allows a Judge or a Chamber to issue “such orders... as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial.”

² *Prosecutor v. Nshogoza*, Case No. ICTR-07-91-T, “Defence Strictly Confidential, *Ex Parte* and Under Seal Filing,” filed 9 January 2009; *Nshogoza*, “Defence Further Strictly Confidential, *Ex Parte* and Sealed Filing,” filed 16 January 2009 (“Witness List”).

³ *Nshogoza*, “*Ex Parte* Preliminary List of Defence Witness Summaries Filed Pursuant to the Court Order of 28 January 2009,” filed 4 February 2009.

⁴ *Nshogoza, Ex Parte* Order for the Defence to reduce its list of witnesses 12 February 2009 (“Order”).

⁵ *Nshogoza, Ex Parte* Order for the Defence to Further Reduce its List of Witnesses, 17 February 2009; Record of Proceedings, 19 February, 2009.

⁶ *Nshogoza, Ex Parte* Revised Preliminary List of Defence Witness Summaries Filed Pursuant to Court Order of 12 February 2009,” filed on 16 February 2009.

⁷ *Nshogoza*, “Confidential Preliminary List of Defence Witnesses and Motion for One Week Postponement of Defence Case,” filed 20 February 2009.

⁸ Rule 92 *bis* (A) states: A Trial Chamber may admit, in whole or in part, the evidence of a witness in the form of a written statement in lieu of oral testimony which goes to proof of a matter other than the acts and conduct of the accused as charged in the indictment.



CONSIDERING that the Accused has been charged with two counts of contempt of the Tribunal for knowingly and willfully interfering with the administration of justice and knowingly and wilfully attempting to subvert justice with respect to the *Prosecutor v. Kamuhanda* proceedings,⁹ and two counts of attempt to commit contempt of the Tribunal in connection with the appeal against the conviction and sentence of Jean de Dieu Kamuhanda;

CONSIDERING FURTHER that Rule 54 of the Rules allows a Chamber to issue such orders as may be necessary for the preparation or conduct of the trial; and that Rule 73 *ter* (D) allows the Chamber to order the Defence to reduce the number of witnesses it intends to call to testify if it considers that an excessive number of witnesses are being called to prove the same facts;

THE CHAMBER HEREBY

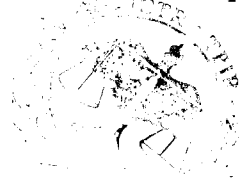
ORDERS, pursuant to Rule 54 of the Rules, that the Defence reduce the number of witnesses on the Defence Witness List who will give oral testimony to no more than ten; and file a revised Defence Witness List, including the names and pseudonyms for the witnesses, along with a summary of anticipated testimony and relevance to the Indictment or Defence case, not later than 10:00 a.m. on 25 February 2009.

Arusha, 23 February 2009



Khalida Rachid Khan
Presiding Judge

[Seal of the Tribunal]



⁹ ICTR-99-54.