



UNITED NATIONS
NATIONS UNIES

ICTR-07-91-T
26-2-2009
(3080-3079)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Khalida Rachid Khan, presiding
Lee Gacuiga Muthoga
Aydin Sefa Akay

Registrar: Mr. Adama Dieng

Date: 26 February 2009

THE PROSECUTOR

v.

Léonidas NSHOGOZA

Case No. ICTR-07-91-T

2009 FEB 26 1P 5:47
JUDICIAL RECORDS ARCHIVE
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DECISION ON DEFENCE MOTION FOR POSTPONEMENT OF DEFENCE CASE

Rules 54, 66, 68, 73, and 77 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Paul Ng'aura
Abdoulaye Seye
Dennis Mabura
Marie Ka

For the Accused:

Allison Turner

INTRODUCTION

1. By way of motion filed on 20 February 2009, the Defence seeks to postpone the commencement of the Defence case by one week because the Prosecutor's case "lasted nearly two (2) weeks rather than the four days originally scheduled."¹
2. The Prosecutor did not respond to the Motion.


DISCUSSION


3. According to the Scheduling Order of 11 December 2008, the Prosecutor's case was to run from 9 February 2009 to 13 February 2009, and the Defence case was to run from 9 March 2009 to 13 March 2009.²
4. The Prosecutor called five witnesses to testify, and their testimony, including cross examination, took eight days rather than four trial days as had been originally scheduled. However, the scheduling of the Defence case was not premised on an assumption that there must be a minimum of three weeks between the close of the Prosecutor's case and the commencement of the Defence case. Rather, the Chamber considered various factors, including the nature of the charges against the Accused, and the Chamber's Oral Decision to postpone the trial to 2 February 2009 to give the Defence time to investigate and prepare its case.³
5. The final Prosecution witness testified on 19 February 2009. This leaves the Defence approximately two weeks to conduct any further investigations it requires. The Defence made no submissions to support its request for postponement of its case, other than the fact that the Prosecutor's case took longer than anticipated. In light of the factors considered by the Chamber in determining the trial schedule, the Chamber finds that it is unnecessary to postpone the commencement of the Defence case by one week.


FOR THESE REASONS, the Chamber

DENIES the Motion in its entirety.

Arusha, 26 February 2009


Khalida Rachid Khan
Presiding Judge


Lee Gacuiga Muthoga
Judge


Aydin Sefa Akay
Judge

[Seal of the Tribunal]



¹ *Prosecutor v. Nshogoza*, Case No. ICTR-07-91-T, List of Defence Witnesses and Motion for One-Week Postponement of Defence Case, filed 20 February 2009, para. 2.

² *Nshogoza*, Scheduling Order, 11 December 2008.

³ *Ibid*, p. 2.