

ICTR-05-88-T
3-3-2009
(1427-1425)

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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: 03 March 2009

THE PROSECUTOR

v.

Callixte KALIMANZIRA

Case No. ICTR-05-88-T

2009 MAR - 3 P 12:17
JUDICIAL RECORDS/ARCHIVES
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**DECISION ON PROSECUTION MOTION TO ADMIT ENGLISH VERSIONS OF
TRANSCRIPT EVIDENCE ADMITTED ON 13 FEBRUARY 2009**

Rules 3 and 54 of the Rules of Procedure and Evidence

Office of the Prosecutor

Christine Graham
Veronique Wright
Ousman Jammeh
Kartik Murukutla

Defence Counsel

Arthur Vercken
Anta Guisse

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1. On 13 February 2009, the Chamber admitted into evidence the testimonies of Witnesses EV, TP, RT, TW, QAQ, QBZ and FAU from the *Butare* trial.¹ Only the French versions of these witnesses' transcripts were submitted for admission; only the French versions were therefore admitted and exhibited. They were assigned exhibit numbers D82 through D99.

2. On 26 February 2009, the Prosecution moved the Chamber to admit the English versions of the same transcripts, in view of allowing the Parties to refer to the exhibits in the language of their choice when preparing their respective closing briefs.²

3. Rule 3 of the Rules of Procedure and Evidence specifies that the working languages of this Tribunal are both English and French. The Prosecution in the present case works primarily in English, while the Defence operates mainly in French. In the interest of having a full and accurate record for the ease of reference of all Parties, the Chamber finds that the English counterparts of the *Butare* transcripts should also be admitted.

4. The Chamber notes that Exhibits D87 and D93 are identical; they are the *Butare* transcript of 10 March 2004, on which date Witnesses RT and FAU testified. The Chamber also notes that Exhibits D95 and D98 are identical; they are the *Butare* transcript of 11 February 2004, on which date Witnesses TP and TW testified. The Chamber further notes that Exhibits D96 and D99 are identical; they are the *Butare* transcript of 12 February 2004, on which date Witnesses TP and TW testified. Such repetitious exhibits are redundant and unnecessarily burden the record. The Chamber finds that the transcripts should be assigned new exhibit numbers so as to streamline them with the numbers of transcripts submitted for admission.

5. The Chamber further notes that the *Butare* transcript for 4 March 2004 on which date Witness FAU testified has not been assigned an exhibit number.

ACCORDINGLY, THE CHAMBER

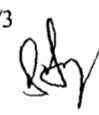
GRANTS the Prosecution Motion;

REQUESTS the Registrar to remove Exhibits D93, D98 and D99 from the record;

REQUESTS the Registrar to assign the *Butare* transcript of 4 March 2004 the exhibit number D93; and


¹ T. 13 February 2009, pp. 9-11.

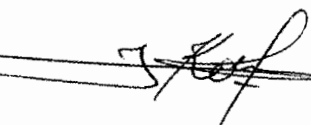
² Prosecution Request to the Chamber to Admit English Versions of Transcript Evidence Admitted Through an Oral Decision on 13 February 2009, filed 26 February 2009.

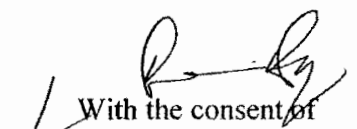


REQUESTS the Registrar to assign the English versions of each admitted *Butare* transcript their corresponding exhibit numbers.

Arusha, 03 March 2009, done in English.


Dennis C. M. Byron
Presiding Judge


Gberdao Gustave Kam
Judge


With the consent of
Vagn Joensen
Judge
(Absent during signature)

[Seal of the Tribunal]

