International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

UNITED NATIONS
NATIONS UNIES

OR: ENG

TRIAL CHAMBER II

Before Judges: Arlette Ramaroson, presiding
Taghrid Hikmet
Joseph Masanche

Registrar: Adama Dieng

Date: 04 May 2009

THE PROSECUTOR
v.
ILDEPHONSE HATEGEKIMANA

Case No. ICTR-00-55B-T

ORAL DECISION IN RESPECT OF THE DEFENCE REQUEST TO POSTPONE THE HEARING OF TESTIMONY VIA VIDEO-LINK OF FINAL PROSECUTION WITNESS

Office of the Prosecutor:
William Egbe
Peter Tafah
Sulaiman Khan
Adama Niane
Guilain Disengi Mugeyo
Amina Ibrahim

Defence Counsel:
A.R. Dovi
Ata-Quam-Dovi-Avouyi

Transcript Extract: 04 May 2009, pages 3-4.

MADAM PRESIDENT:

Are we in connection -- is the connection with Kigali on, please?

The hearing has resumed. I thank you.

This is, therefore, our decision, the decision of the Tribunal. I will read it in English: Having heard the oral submissions of the parties, the Chamber notes that both the Defence and the Prosecution have been instructed by the Chamber in its 16 April 2009 decision to be ready for video link testimony of the last Prosecution witness, BYO. The date of 4th May 2009 for the video link testimony was confirmed to both parties shortly after 16 of April 2009.
The Defence has been given ample opportunity to have a representative in Kigali for the purpose for video link testimony.

The Chamber finds that the Defence has no valid justification for the absence of a representative in Kigali for the scheduled video link testimony. Moreover, the Defence has provided no prior notification of the absence of Defence representation or of any difficulty arising to prevent their physical presence at the site of the video link presentation. Although there is no Defence counsel physically present in Kigali, there is Defence counsel in Arusha at this Court defending the interests of the Accused.

Under these circumstances, the rights of the Accused are safeguarded pursuant to Article 20 of the statute and the witness can be cross-examined by counsel in court from Arusha. Accordingly, the Chamber decides that there is no justifiable reason to postpone the video link testimony of Witness BYO and to proceed immediately with the hearing of the testimony via video link.

Such is the Chamber's decision, therefore. We shall, therefore, immediately proceed to hearing the testimony of Witness BYO.