



UNITED NATIONS
NATIONS UNIES

ICTR-97-36A-T
02-06-2009
(917-915)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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OR: ENG

TRIAL CHAMBER I

Before Judges: Florence Rita Arrey, Presiding
Mparany Mamy Richard Rajohnson
Aydin Sefa Akay

Registrar: Adama Dieng

Date: 02 June 2009

THE PROSECUTOR

v.

Yussuf MUNYAKAZI

Case No. ICTR-97-36A-T

2009 JUN 2 10:45
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**CONSOLIDATED DECISION ON THE PROSECUTION APPLICATION TO VARY
ITS WITNESS LIST AND SCHEDULING ORDER ON THE RESUMPTION OF THE
TRIAL**

Rules 54 and 73bis(E) of the Rules of Procedure and Evidence

Office of the Prosecutor:

Richard Karegyesa
Segun Jegede
Didace Nyirinkwaya

Counsel for the Defence

Jwani Mwaikusa
Barnabé Nekuie

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1. The Trial in this case commenced on 22 April 2009 and was adjourned on 28 April 2009. The second session was scheduled from 3 until 12 June 2009 and the Prosecution was supposed to finish the presentation of its case by calling its 3 last witnesses.¹

2. On 02 June 2009, the Prosecution informally moved the Chamber, pursuant to Rule 73ter(E) of the Rules of Procedure and Evidence, to grant leave to remove two witnesses (LAR and LI) from its witness list and dispense with their appearance at trial. Considering that its last witness, BWU, arrives in Arusha only in the evening of 2 June 2009, the prosecution alleges that the schedule does not allow the prosecution to meet him prior to trial resumption. It thus further moves the Chamber to postpone the resumption of the trial until 4 June 2009 instead of 3 June 2009.²

3. The Chamber notes that, the Defence submitted that it opposes neither to the proposed reduction of the prosecution witness list, nor to an adjournment of the resumption of the trial.³

4. In the Chamber's view, the removal of two more witnesses from the prosecution list, leaving only one witness (BWU) on the prosecution's list before it finishes the presentation of its case, will contribute to expedite the proceedings and is therefore in the interests of justice, judicial economy and for the proper conduct of the trial, while not infringing in any way the rights of the Accused.

5. Considering that only one prosecution witness needs to be called for this coming session, the Chamber decides that the trial resumption can be postponed for one more day, pursuant to Rule 54.

ACCORDINGLY, THE CHAMBER

I- **GRANTS** the Prosecution Motion to remove witnesses known by the pseudonyms LAR and LI;

¹ Decision on the Prosecution Motion to Vary its Witness List, issued on 25 May 2005.

² Email exchange between the parties dated 2 June 2009.

³ Email exchange between the parties dated 2 June 2009.

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- II- **ORDERS** the deletion of the said witnesses from the Prosecutor's list of witnesses; and
- III- **SCHEDULES** the trial in this case to resume on 4 June 2008.

Arusha, 02 June 2009, done in English.



Florence Rita Arrey

Presiding Judge



Mparany Mamy Richard
Rajohnson

Judge



Aydin Sefa Akay

Judge

[Seal of the Tribunal]



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