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**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** ("Tribunal"),

**SITTING** as Trial Chamber III, composed of Judges Khalida Rachid Khan, Lee Gacuiga Muthoga, and Aydin Sefa Akay ("Chamber");

**RECALLING** that the hearing of the Defence case is scheduled to commence on 14 September 2009 and shall run, if necessary, until 9 October 2009;<sup>1</sup>

**RECALLING** the Pre-Defence Conference held on 26 May 2009 during which the Chamber ordered the Defence to file, by 7 August 2009, a list of witnesses it intends to call to testify with: the name or pseudonym of each witness; a summary of facts upon which each witness will testify; the points in the Indictment as to which each witness will testify; and the estimated length of time required for each witness;<sup>2</sup>

**CONSIDERING** the list of witnesses filed by the Defence on 14 August 2009, which lists 30 witnesses ("Witness List"), and includes summaries of the facts and points in the Indictment upon which each witness will testify, as well as the estimated length of time required for each witness;<sup>3</sup>

**CONSIDERING** that the Prosecution called 12 witnesses over 12 trial days;

**CONSIDERING** that the Accused is charged with three counts, of which one is in the alternative;<sup>4</sup>

**CONSIDERING FURTHER** that the Defence Witness List and summaries show that there are an excessive number of witnesses being called to prove the same facts, in particular, witnesses who will testify on the Accused's good character and the assistance he provided to Tutsi in 1994, many of whom are not testifying on any other specific events alleged in the Indictment;

**RECALLING** that Rule 73*ter* (D) of the Rules provides that a Trial Chamber or the designated Judge may order the Defence to reduce the number of witnesses, if it considers that an excessive number of witnesses are being called to prove the same facts; and

**RECALLING FURTHER** that Rule 54 of the Rules provides that a Judge or a Trial Chamber may issue such orders as may be necessary for the preparation or conduct of the trial;

<sup>1</sup> *The Prosecutor v. Dominique Ntawukuliyayo*, Case No. ICTR-05-82-T, Scheduling Order Regarding Preparation for and Commencement of the Defence Case, 12 May 2009.

<sup>2</sup> The Pre-Defence Conference was held pursuant to Rule 73*ter* of the Rules of Procedure and Evidence ("Rules"). See *Ntawukuliyayo*, T. 26 May 2009, pp. 1-4.

<sup>3</sup> *Ntawukuliyayo*, Confidential Filing of Annex A and Annex B to the Defence Pre-Trial Brief, 14 August 2009.

<sup>4</sup> The Accused is charged with Genocide (Count 1), or in the alternative, Complicity in Genocide (Count 2), and Direct and Public Incitement to Commit Genocide (Count 3).

**THE CHAMBER HEREBY**

**ORDERS**, pursuant to Rules 54 and 73<sup>ter</sup> (D) of the Rules, that the Defence review its witnesses and file, by close of business on 25 August 2009, a revised and reduced Witness List, along with the summary of anticipated testimony, relevance to the Indictment, and the estimated length of time required for each witness.

21 August 2009

*[Signature]* *[Signature]* *[Signature]*  
Khalida Rachid Khan      For and with the consent of      For and with the consent of  
Presiding Judge      Lee Gacuiga Muthoga      Aydin Sefa Akay  
Judge      Judge

