

ICTR-97-36A-T
25-08-2009
(1072-1070)

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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER I

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

Registrar: Adama Dieng

Date: 25 August 2009

THE PROSECUTOR

v.

Yussuf MUNYAKAZI

Case No. ICTR-97-36A-T

JUDICIAL
ADMINISTRATIVE
OFFICE
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ORDER FOR THE DEFENCE TO REDUCE ITS LIST OF WITNESSES

Rules 54 and 73ter (D) of the Rules of Procedure and Evidence

Office of the Prosecutor:

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24

1071

1. The Accused in this case is charged with three counts, of which one is in the alternative.¹
2. The Trial commenced on 22 April 2009. The Prosecution called eleven witnesses over seven trial days and closed its case on 4 June 2009.²
3. The Defence case is scheduled to commence on 31 August 2009 and run until 18 September 2009.³
4. On 31 July 2009, the Defence filed its Pre-Defence Brief (hereinafter Pre-Defence Brief).⁴ The Trial Chamber observes that according to this brief, the Defence plans to call 39 witnesses, including the Accused, and estimates that the testimony of the first 38 witnesses will total approximately 81 hours on examination-in chief alone. The Defence has not provided an estimate for the length of the testimony of the Accused, the last witness. Thus, the examination-in-chief of the first 38 witnesses could require approximately 14 trial days, and the total Defence case, including the testimony of the Accused, and cross-examination and re-examination of all witnesses, could be considerably longer than that. In its Pre-Trial Brief, the Defence did not specifically mention that it was requesting more time for its case than that provided by the Trial Chamber in its 9 June 2009 Scheduling Order, nor did it provide a justification for such a request.
5. According to the witness summaries provided by the Defence in its Pre-Defence Brief, numerous witnesses are scheduled to testify about the position of the Accused within the MRND and *Interahamwe*, his good character, and his relations with Tutsi neighbours. In addition, many will not be testifying on specific events alleged in the Indictment.

¹ *Prosecutor v. Munyakazi*, ICTR-97-36A-T, Second Amended Indictment, 3 November 2008. The Accused is charged with Genocide (Count 1), or in the alternative, Complicity in Genocide (Count 2), and Extermination (Count 3).

² T. 29 June 2009, p. 35.

³ *Prosecutor v. Munyakazi*, ICTR-97-36A-T, Scheduling Order Following the Pre-Defence Conference, 9 June 2009.

⁴ *Prosecutor v. Munyakazi*, ICTR-97-36A-T, Yussuf Munyakazi's Pre-Defence Brief, 31 July 2009.

1070

6. The Trial Chamber recalls that Rule 73ter (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 fact. Additionally, 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.

ACCORDINGLY, THE CHAMBER

ORDERS, pursuant to Rules 54 and 73ter (D) of the Rules, that the Defence review its witnesses and file by the start of the Defence case on 31 August 2009, a revised and reduced Witness List and Order of Appearance.

Arusha, 25 August 2009, done in English.



Florence Rita Arrey

Presiding Judge



Mparany Rajohnson

Judge



Aydin Akay

Judge

[Seal of the Tribunal]

