



International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges:

Khalida Rachid Khan, presiding

Lee Gacuiga Muthoga Aydin Sefa Akay

Registrar:

Mr. Adama Dieng

Date:

19 October 2009

THE PROSECUTOR

Jean-Baptiste GATETE

Case No. ICTR-2000-61-PT

JUDICIAL RECORDS/ARCHIVES
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DECISION ON PROSECUTOR'S MOTION TO VARY LIST OF WITNESSES PURSUANT TO RULE 73bis (E) OF THE RULES OF PROCEDURE AND EVIDENCE

Office of the Prosecutor:

For the Accused:

Richard Karegyesa Adelaide Whest Didace Nyirinkwaya Yasmine Chubin Marie-Pierre Poulain Kate Gibson

per

Decision on Prosecutor's Motion to Vary List of Witnesses pursuant to Rule 73bis (E) of the Rules of Procedure and Evidence 19 October 2009

INTRODUCTION

- 1. The trial in this case is scheduled to commence on 20 October 2009.
- 2. On 21 July 2009, pursuant to Rule 73bis (B) of the Rules of Procedure and Evidence, the Prosecution filed a Provisional Pre-Trial Brief and provided a list of the 28 Prosecution witnesses it intended to call, as well as summaries of their proposed testimony. Pursuant to the Chamber's Scheduling Order issued on 11 August 2009, the Prosecution filed a finalized Pre-Trial Brief on 19 August 2009, from which Witnesses AIY and BDT had been deleted, leaving a list of 26 Prosecution witnesses.
- 3. On 15 October 2009, the Prosecution filed a motion before this Chamber requesting leave to remove Witnesses GJQ-4 and BMZ from its Witness List.² The Prosecution submits that he no longer deems it necessary to call Witnesses GJQ-4 and BMZ and accordingly requests the Chamber's leave to dispense with their attendance at trial. The Prosecution further submits that this request does not infringe the rights of the Accused.³

DISCUSSION

- 4. Rule 73bis (E) of the Rules provides that, "[a]fter commencement of Trial, the Prosecutor, if he considers it to be in the interests of justice, may move the Trial Chamber for leave to reinstate the list of witnesses or to vary his decision as to which witnesses are to be called." The Chamber recalls that the trial in this case has not yet commenced and that the Prosecution was therefore not required to request the Chamber's leave to reduce its Witness List.
- 5. In the Chamber's view, the removal of 2 witnesses from the Prosecution Witness List will contribute to expedite the proceedings and is thus in the interests of justice, judicial economy and for the proper conduct of the trial.⁴

FOR THESE REASONS, the Chamber

GRANTS the Prosecution Motion to remove Witness GJQ-4 and BMZ from its Witness List.

Arusha, 19 October 2009

Khalida Rachid Khan

Presiding Judge

For and with the consent of

Lee Gacuiga Muthoga

Judge

Aydin Sefa Aka

¹ The Prosecutor v. Jean-Baptiste Gatete, Case Transparent, Scheduling Order, 30 September 2009.

² Prosecutor's Motion to Vary List of Witnesses pursuant to Rule 73bis (E) of the Rules of Procedure and Evidence, ("Prosecution Motion"), 15 October 2009, para. 1.

³ Prosecution Motion, paras 3-4.

⁴ The Prosecutor v. Karemera et al., Case No. ICTR-98-44-T, Decision on Prosecutor's Motion to Vary its Witness List, 2 October 2006, para. 4; The Prosecutor v. Yussuf Munyakazi, Case No. ICTR-97-36A-I, Decision on Prosecutor's Motion to vary its Witness List, 17 April 2009, para. 4.