



UNITED NATIONS  
NATIONS UNIES

ICTR-98-44D-1  
30-10-2009  
(2288 - 2287)

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International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Solomy Balungi Bossa, Presiding  
Bakhtiyar Tuzmukhamedov  
Mparany Rajohnson

**Registrar:** Adama Dieng

**Date:** 29 October 2009

**THE PROSECUTOR**

v.

**Callixte NZABONIMANA**

*Case No. ICTR-98-44D-T*

JUDICIAL DEPARTMENT  
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*[Signature]*

**ORDER RE-SCHEDULING THE DEPOSITION OF DEFENCE WITNESS RW-42**  
*(Rule 71 of the Rules of Procedure and Evidence ("RPE"))*

**Office of the Prosecution:**

Paul Ng'arua  
Elvis Bazawule  
Memory Maposa  
Ndeye Marie Ka

**Defence Counsel**

Vincent Courcelle-Labrousse, Lead Counsel  
Philippe Larochelle, Co-Counsel

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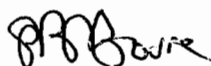
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## INTRODUCTION

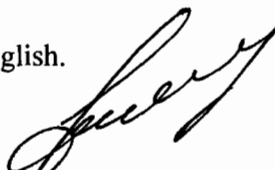
1. On 27 October 2009, the Defence issued a Decision granting a Defence Motion requesting that the Trial Chamber order the Deposition of Defence Witness RW-42 on 2 November 2009.<sup>1</sup>
2. On 28 October 2009, the Trial Chamber was notified that the Defence no longer found this date convenient for logistical reasons.
3. The Trial Chamber was notified about correspondence between the parties suggesting that both parties would be available to take the Deposition on 11-12 (sic) December 2009.
4. The Trial Chamber considers that the more appropriate dates would be 9-10 December 2009.
5. **FOR THE ABOVE NOTED REASONS, THE TRIAL CHAMBER**

- I. **ORDERS** that a deposition of Witness RW-42 be re-scheduled pursuant to Rule 71 of the Rules at the current place of location of the witness or in Kigali, on 9-10 December 2009, for use at trial, and that both an audio and visual recording of the deposition be made and placed under seal;
- II. **DESIGNATES** Judge Mparany Rajohnson of the International Criminal Tribunal of Rwanda, as Presiding Officer for this purpose;
- III. **DIRECTS** the Registry, in consultation with the parties and the Kigali Office of the International Criminal Tribunal of Rwanda, to make urgent arrangements for the deposition to take place, and to communicate the necessary details for the deposition to all concerned parties;
- IV. **REMINDS** the Prosecution of its right, pursuant to Rule 71 (C) of the Rules, to attend the taking of the deposition and to cross-examine Witness RW-42.

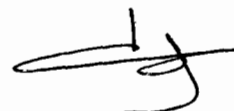
Arusha, 29 October 2009, done in English.



Solomy Balungi Bossa  
Presiding Judge



Bakhtiyar Tuzmukhamedov



Mparany Rajohnson  
Judge

<sup>1</sup> *Prosecutor v. Nzabonimana*, Decision on Callixte Nzabonimana's Motion for Protective Measures and Deposition of Witness RW-42, 27 October 2009.

