



UNITED NATIONS
NATIONS UNIES

ICTR-00-61-T
02-02-2010
(3429-3427)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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OR: ENG

TRIAL CHAMBER III

Before Judges: Khalida Rachid Khan, presiding
Lee Gacuiga Muthoga
Aydin Sefa Akay

Registrar: Mr. Adama Dieng

Date: 2 February 2010

THE PROSECUTOR

v.

Jean-Baptiste GATETE

Case No. ICTR-2000-61-T

JUDICIAL RECORDS ARCHIVE
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**SCHEDULING ORDER AND 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:

Richard Karegyesa
Adelaide Whest
Drew White
Didace Nyirinkwaya
Yasmine Chubin

For the Accused:

Marie-Pierre Poulain
Kate Gibson

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");

NOTING that the trial in this case commenced on 20 October 2009 and the Prosecution case closed on 16 November 2009;¹

RECALLING that the hearing of the Defence case is scheduled to commence on 1 March 2010;²

RECALLING that the Chamber ordered the Defence to file, by 29 January 2010, 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;³

CONSIDERING the list of witnesses filed by the Defence on 29 January 2010, which lists 56 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;⁴

CONSIDERING that the Defence informed the Chamber that (i) some Defence witnesses may not testify due to availability issues and (ii) the Defence may add or subtract witnesses from its list, as its investigations are ongoing;⁵

CONSIDERING that the Defence Witness List and summaries show that the Defence will require more than 100 hours to conduct the examination in chief of its witnesses;

CONSIDERING FURTHER the comments filed by the Prosecution on 1 February 2010 stating that the Prosecution will need an approximately equal amount of court time for cross-examination;⁶

RECALLING that (i) this is a single accused case, and (ii) the Prosecution called 22 witnesses over 12 trial days;

CONSIDERING that there are an excessive number of witnesses being called to prove the same facts;

RECALLING that Rule 73ter (D) of the Rules of Procedure and Evidence ("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

¹ *The Prosecutor v. Jean-Baptiste Gatete*, Case No. ICTR-00-61-PT, Scheduling Order, 30 September 2009. The Prosecution case adjourned for one week from 23 to 30 October 2009.

² Scheduling Order regarding Commencement of Defence Case, 19 November 2009.

³ *Ibid.*

⁴ Witness List and Summary of Facts, Confidential Annex I to the Pre-Defence Brief of Jean-Baptiste Gatete, 29 January 2010.

⁵ Pre-Defence Brief of Jean-Baptiste Gatete, 29 January 2010, para. 23.

⁶ Prosecutor's Comments on the Pre-Defence Brief, 1 February 2010, para. 7.



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RECALLING FURTHER the Chamber's authority, pursuant to Rule 54 of the Rules, to issue such orders as may be necessary for the conduct of the trial; and

CONSIDERING that due to unforeseen circumstances, the Chamber cannot sit on 1 March 2010;

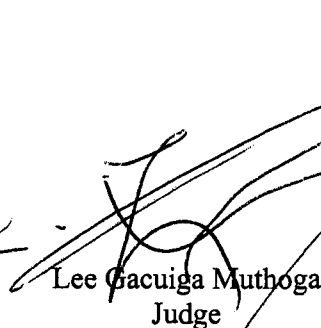
THE CHAMBER HEREBY

- I. ORDERS** that the Defence case shall commence on **2 March 2010**, and shall run, if necessary, until **31 March 2010**, including time for cross-examination of Defence witnesses by the Prosecution;
- II. ORDERS**, pursuant to Rules 54 and 73ter (D) of the Rules, that the Defence review its Witness List with a view to reducing it and file, by close of business on **19 February 2010**, a revised Witness List, along with the summary of anticipated testimony, relevance to the Indictment, and the estimated length of time required for each witness; and
- III. ORDERS** that a Status Conference will be held on **23 February 2010** at 3.00 p.m. to ensure that the Parties are ready for the commencement of the Defence case on 2 March 2010.

Arusha, 2 February 2010



Khalida Rachid Khan
Presiding Judge



Lee Gacuga Muthoga
Judge



Aydin Sefa Akay
Judge

[Seal of the Tribunal]

