

ICTR-98-44D-T  
16-04-2010  
(412A-4123)

4124  
Am



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

UNITED NATIONS  
NATIONS UNIES

OR: ENG

**TRIAL CHAMBER III**

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

**Registrar:** Adama Dieng

**Date:** 16 April 2010

**THE PROSECUTOR**

v.

**Callixte NZABONIMANA**

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

JUDICIAL DOCUMENTS/ARCHIVES  
RECEIVED  
2010 APR 16 1 P 1-57

**DECISION ON NZABONIMANA'S MOTION FOR THE RECONSIDERATION  
AND/OR CERTIFICATION TO APPEAL THE DECISION OF 8 APRIL 2010,  
*Rules 73 of the Rules of Procedure and Evidence***

**Office of the Prosecution**

Paul Ng'arua  
Memory Maposa  
Simba Mawere  
Diana Karanja  
Marie Ka

**Defence Counsel for Callixte Nzabonimana**

Vincent Courcelle-Labrousse  
Philippe Larochelle

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**DELIBERATIONS**

1. On 8 April 2010, this Trial Chamber issued a Decision denying the Defence request for postponement of the commencement of its case due to the alleged need to extend investigations based on newly acquired information relevant to the defendant's alibi, and ordered the Defence, as an alternative but appropriate remedy, to reschedule the testimony of its alibi witnesses to the last two weeks of its case.<sup>1</sup>

2. On 12 April 2010, the Defence filed a Motion for Reconsideration and/or Certification to Appeal the 8 April Decision. In particular it noted that it would be more convenient to hear the alibi witnesses earlier as proposed in initial lists with respect to the order of appearance of its witnesses.<sup>2</sup>

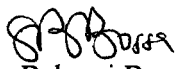
3. At a Status Conference held on 14 April 2010, the Prosecution stated that it did not object to the Defence request to hear these witnesses as originally scheduled. The Trial Chamber therefore ruled that the relevant witnesses may testify before the last two weeks of the session. Indeed, two of the Defence alibi witnesses, T5 and T6, have already appeared before this Chamber.

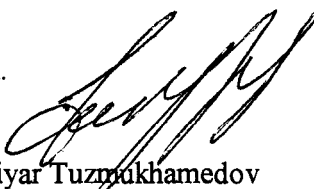
4. In light of that ruling, the Trial Chamber hereby considers the Motion for Reconsideration and/or Certification to Appeal the Decision of 8 April 2010 moot.


**FOR THESE REASONS, THE CHAMBER**

**FINDS** the Motion moot and dismisses it.

Arusha, 16 April 2010, done in English.

  
Solomy Balungi Bossa  
Presiding Judge

  
Bakhtiyar Tuzmukhamedov  
Judge

  
Mparany Rajohnson  
Judge

[Seal of the Tribunal]



<sup>1</sup> *Prosecutor v. Callixte Nzabonimana*, Case No. ICTR-98-44D-T, Decision on Nzabonimana's Extremely Urgent Motion for Postponement of the Commencement of the Defence ("8 April Decision"), 8 April 2010.

<sup>2</sup> *Prosecutor v. Callixte Nzabonimana*, Case No. ICTR-98-44D-T, Nzabonimana's Motion for Reconsideration and/or Certification of the "Decision on Nzabonimana's Extremely Urgent Motion for Postponement of the Commencement of the Defence" ("Reconsideration and/or Certification Motion"), 12 April 2010.