



UNITED NATIONS
NATIONS UNIES

ICTR-98-44D-T
25-06-2010
(4603-4601)

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OR: ENG

TRIAL CHAMBER III

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

Registrar: Adama Dieng

Date: 25 June 2010

JUDICIAL RECORDS ARCHIVE
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THE PROSECUTOR

v.

Callixte NZABONIMANA

Case No. ICTR-98-44D-T

**DECISION ON PROSECUTOR'S REQUEST FOR CLARIFICATIONS OF TWO
ISSUES ARISING FROM THE 4 JUNE 2010 DECISION**
Rules 73 ter (E) of the Rules of Procedure and Evidence

Office of the Prosecution

Paul Ng'arua
Memory Maposha
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Diana Karanja
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Defence Counsel for Callixte Nzabonimana

Vincent Courcelle-Labrousse
Philippe Larochelle

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DELIBERATIONS

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1. On 4 June 2010, the Trial Chamber issued a Decision on Nzabonimana's Motion for the Variation of its List of Witnesses¹ and ordered the Defence to file a new proofing Chart within five days.
2. On 7 June 2010, the Prosecution filed a request,² pursuant to Rule 74 *ter* (E), seeking clarification of the 4 June Decision with respect to the order of appearance of the remaining Defence witnesses, and the status of Defence witness T60.³
3. On 9 June 2010, the Defence filed an Order of Appearance and Proofing Chart for its remaining witnesses in compliance with the 4 June 2010 Decision.⁴
4. On 14 June 2010, the Prosecution filed a response to the Defence Order of Appearance and Proofing Chart in which it indicated that it **did not** oppose the new order of appearance filed by the Defence.⁵ Further, the Prosecution had no objections to the proofing chart filed by the Defence and noted that it complies with the 4 June 2010 Decision.⁶
5. On 18 June 2010, the Defence filed a proposed order of appearance for the witnesses it intends to call during the next trial sessions starting 5 to 15 July 2010.⁷
6. On 22 June 2010, the Prosecution filed a response indicating no objection to the new Proposed Order of Appearance of the Defence.⁸

¹ *Prosecutor v. Callixte Nzabonimana*, Case No. ICTR-98-44D-T, Prosecutor's Request For Further Clarifications Of Two Issues Arising From The 4 June 2010 Decision On The Defence Motion For Variation of It's List of Witnesses ("Motion"), 7 June 2010.

² *Prosecutor v. Callixte Nzabonimana*, Case No. ICTR-98-44D-T, Prosecutor's Request For Further Clarifications Of Two Issues Arising From The 4 June 2010 Decision On The Defence Motion For Variation of It's List of Witnesses ("Motion"), 7 June 2010.

³ *Prosecutor v. Callixte Nzabonimana*, Case No. ICTR-98-44D-T, Decision on Nzabonimana's Motion for the Variation of it's List of Witnesses, 4 June 2010 ("4 June 2010 Decision").

⁴ *Prosecutor v. Callixte Nzabonimana*, Case No. ICTR-98-44D-T, Defence Filing in Compliance with the Decision of 4 June 2010 on Variation of Nzabonimana's List of Witnesses ("Defence Order of Appearance and Proofing Chart"), 9 June 2010.

⁵ *Prosecutor v. Callixte Nzabonimana*, Case No. ICTR-98-44D-T, Prosecutor's Reply to the Defence Filing of 9 June 2010 ("Response to Defence order or Appearance and Proofing Chart"), 14 June 2010, para. 8.

⁶ Response to Defence order or Appearance and Proofing Chart, paras. 11-12.

⁷ *Prosecutor v. Callixte Nzabonimana*, Case No. ICTR-98-44D-T, Nzabonimana's Proposed Order of Appearance for witnesses to be called during the session of 5 – 15 July 2010 ("Proposed Order of Appearance"), 18 June 2010.

⁸ *Prosecutor v. Callixte Nzabonimana*, Case No. ICTR-98-44D-T, Prosecutor's Response to Nzabonimana's Proposed Order of Appearance for witnesses to be called during the session of 5 – 15 July 2010, 22 June 2010.

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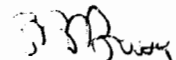
7. Since the Prosecution does not oppose the new Order of Appearance filed by the Defence, the Trial Chamber considers that no further clarification is required on the matter.


8. Regarding the status of witness T60, the Chamber refers to the table in paragraph 41 of 4 June Decision in which it indicated that T60 is not expected to testify in support of paragraphs 23, 44 and 58 of the indictment. The Chamber notes that in both its new witness list and proofing chart filed on 9 June 2010, the Defence indicates that it has dropped witness T60 in accordance with the 4 June 2010 Decision.

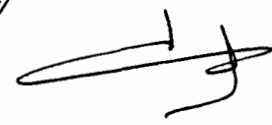
FOR THESE REASONS, THE TRIAL CHAMBER

CONSIDERS the Prosecution request moot.

Arusha, 25 June 2010, done in English.


Solomy Balungi Bossa
Presiding Judge


Bakhtiyar Tuzmukhamedov
Judge


Mparany Rajohnson
Judge

[Seal of the Tribunal]



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