

ICTR-00-55C-T
14-09-2010
(2649-2640)

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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Dennis C. M. Byron, Presiding
Gberdao Gustave Kam
Vagn Joensen

Registrar: Adama Dieng

Date: 14 September 2010

THE PROSECUTOR

v.

Ildephonse NIZEYIMANA

CASE NO. ICTR-2000-55C-PT

JUDICIAL RECORDS ARCHIVES
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DECISION ON PROSECUTOR'S EXTREMELY URGENT MOTION TO STAY THE
EXECUTION OF THE 3 SEPTEMBER 2010 ORDER

Rules 54, 69, and 75 of the Rules of Procedure and Evidence

Office of the Prosecution:
Richard Karegyesa
Drew White
Kirsten Gray
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Defence Counsel for Ildephonse Nizeyimana:
John Philpot
Cainnech Lussiaa-Berdou

1. On 3 September 2010, the Chamber ordered protective measures for the potential Prosecution witnesses in this case and ordered the Prosecution to disclose to the Defence all unredacted statements of potential Prosecution witnesses within three days of the Decision.¹ On 7 September 2010, the Prosecution filed a motion to stay the execution of the 3 September 2010 Decision.²

2. On 8 September 2010, having been informed by the Prosecution that it would file an amended witness list reducing the number of witnesses by close of business that same day, the Chamber notified the Parties by e-mail that it was staying the execution of the 3 September 2010 Decision in order for it to reconsider the revised witness list.

3. The Chamber is now considering the Prosecution's Motion to vary its witness list.³

4. The Prosecution is seeking leave to add three new live witnesses to its list and to remove seventeen witnesses from the list.⁴ However, the Prosecution also indicates that it intends to submit the evidence of the seventeen witnesses by way of written statements pursuant to Rule 92 *bis* of the Rules of Procedure and Evidence.⁵

5. The Chamber recalls that witnesses whose testimony will be submitted pursuant to Rule 92 *bis* must figure on a party's witness list. Consequently, the Chamber considers that a stay in the execution of the 3 September 2010 Decision is not warranted any more.

FOR THESE REASONS, THE CHAMBER


I. DISMISSES the Prosecution's Motion to stay the execution of the 3 September 2010 Decision;


II. ORDERS disclosure of all unredacted statements of potential Prosecution witnesses within 24 hours of this decision; and


¹ *Prosecutor v. Ildephonse Nizeyimana, Case ICTR-00-55C*, Decision on Prosecutor's Second Motion for Protective Measures, 3 September 2010 ("3 September 2010 Decision").
² Extremely urgent Motion to Stay the Execution of an Order Made 3 September 2010, filed on 7 September 2010.
³ Motion to Vary the Witness List, filed on 8 September 2010.
⁴ *Ibid.* paras. 21 and 23.
⁵ *Ibid.* para. 21.

III. RECALLS the protective measures ordered for potential Prosecution witnesses ordered on 3 September 2010.

Arusha, 14 September 2010, done in English.


Dennis C. M. Byron
Presiding Judge


Gberdao Gustave Kam
Judge


Vagn Joensen
Judge

[Seal of the Tribunal]