

ICTR-00-55C-T  
02-12-2010  
(4264 - 4263)

4264  
109h



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

UNITED  
NATIONS  
NATIONS OR: ENG  
UNIES

TRIAL CHAMBER III

**Before Judges:** Lee Gacuiga Muthoga, *Presiding*  
Seon Ki Park  
Robert Fremr

**Registrar:** Adama Dieng

**Date:** 2 December 2010

THE PROSECUTOR

v.

Ildephonse NIZEYIMANA

CASE NO. ICTR-2000-55C-PT

2010 DEC -2 A.P. U.R.  
JUDICIAL RECORDS ARCHIVE  
RECEIVED  
*[Signature]*

DECISION ON DEFENCE MOTION FOR DISCLOSURE OF PRIOR STATEMENTS

**Office of the Prosecution:**

Drew White  
Kirsten Gray  
Yasmine Chubin  
Zahida Virani  
Astou Mbow

**Defence Counsel for Ildephonse Nizeyimana:**

John Philpot  
Cainnech Lussiaà-Berdou  
Myriam Bouazdi

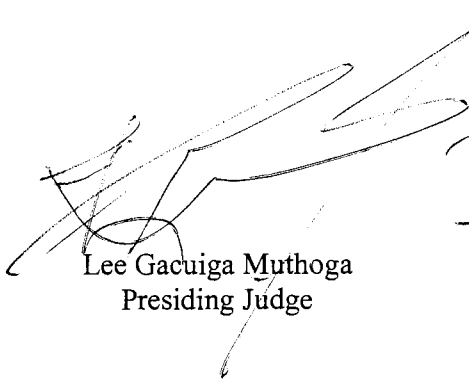
4263

1. The trial in this case is scheduled to commence on 17 January 2010.<sup>1</sup>
2. On 3 November 2010, the Defence filed a motion for disclosure of prior statements.<sup>2</sup> The Defence submits that Personal Identification Sheets (“PIS”) are within the scope of the disclosure required under Rule 66(A)(ii) of the Rules of Procedure and Evidence and that therefore the Prosecution should disclose them to the Defence.
3. On 9 November 2010, the Prosecution filed a response to the Defence Motion, which disputes the Defence’s characterisation of PISs as statements.<sup>3</sup> Notwithstanding this, the Prosecution annexed the PISs requested by the Defence to its response.<sup>4</sup>
4. The Chamber notes that the Prosecution has provided the PISs requested to the Defence as part of its response, aside from the PIS of Rony Zachariah, who is not a protected witness. Given this disclosure and that Rony Zachariah is not a protected witness, the Chamber finds that a decision on the Defence Motion is now moot and need not be considered on its merits.

**FOR THESE REASONS, THE CHAMBER**

**DISMISSES** the Defence motion.

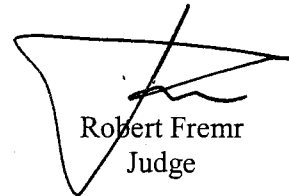
Arusha, 2 December 2010, done in English.



Lee Gacuga Muthoga  
Presiding Judge



Seon Ki Park  
Judge



Robert Fremr  
Judge

[Seal of the Tribunal]



<sup>1</sup> Scheduling Order (TC), 3 November 2010, Order II.

<sup>2</sup> Nizeyimana Defence Motion for Disclosure of Prior Statements, filed 3 November 2010 (“Defence Motion”).

<sup>3</sup> Prosecutor’s Response to Nizeyimana Defence Motion for Disclosure of Prior Statements, filed 9 November 2010.

<sup>4</sup> Prosecutor’s Response to Nizeyimana Defence Motion for Disclosure of Prior Statements, Annex A, filed 9 November 2010.