



UNITED NATIONS  
NATIONS UNIES

ICTR-01-68-T  
15-12-2010  
(2576-2572)

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

2576  
de

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Florence Rita Arrey, Presiding  
Bakhtiyar Tuzmukhamedov  
Aydin Sefa Akay

**Registrar:** Adama Dieng

**Date:** 14 December 2010

**THE PROSECUTOR**

v.

**GREGOIRE NDAHIMANA**

*Case No. ICTR-2001-68-T*

JUDICIAL COUNCIL OF THE ICTR  
2010 DEC 15 P 3:10  
[Signature]

**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:**

Holo Makwaia, Senior Appeals Counsel  
Althea Alexis-Windsor, Appeals Counsel  
Segun Jegede, Trial Attorney  
Lansana Dumbuya, Case Manager

**Counsel for the Defence**

Bharat. B. Chadha, Lead Counsel  
Wilfred Ngunjiri Nderitu, Co Counsel  
Tharcisse Gatarama, Legal Assistant  
Marie-Pier Barbeau, Legal Assistant

[Signature]

2578

1. The Accused in this case is charged with three counts, of which one is pleaded in the alternative. In addition, compared with other cases at this Tribunal, the allegations in the instant case are relatively narrow. The Indictment charges the Accused with having participated in a series of events that took place over one week in one location.<sup>1</sup>
2. The Trial commenced on 6 September 2010. The Prosecution called fifteen witnesses over nineteen trial days and closed its case on 19 November 2010. The Defence case is scheduled to start on 17 January 2011.<sup>2</sup>
3. On 7 December 2010, the Defence filed its Pre-Defence Brief ("Pre-Defence Brief").<sup>3</sup> The Trial Chamber observes that Annexes I and II of the Pre-Defence Brief indicate that the Defence proposes to call 42 witnesses, and that the testimony of these witnesses will approximate 157 hours on examination-in chief alone. Thus, the examination-in-chief of the first 42 witnesses could require approximately 31 trial days, and the total Defence case, including cross-examination and re-examination of Defence witnesses, could be significantly longer than that.
4. According to the witness summaries provided by the Defence in its Pre-Defence Brief, numerous witnesses are scheduled to testify about the election of the Accused as *Bourgmestre*, his good character, and his relations with the Tutsi. Generally, the summaries suggest that the Defence plans to call an excessive number of witnesses to prove the same facts, which may result in the prospective testimony being repetitious and redundant.<sup>4</sup>
5. The Trial Chamber recalls that Rule 73ter (D) of the Rules provides that a Trial Chamber or the designated Judge may order the Defence to reduce the number of witnesses, if it

<sup>1</sup> *Prosecutor v. Ndahimana*, ICTR-2001-68-T, Indictment, 18 August 2010. The Accused is charged with Genocide (Count 1), or in the alternative, Complicity in Genocide (Count 2), and Extermination (Count 3).

<sup>2</sup> Status Conference held on 19 November 2010, Transcript p 2

<sup>3</sup> *Prosecutor v. Ndahimana*, ICTR-2001-68-T, Gregoire Ndahimana's Pre-Trial Brief, Pursuant to Rule 73ter of the Rules of Procedure and Evidence, 07 December 2010

<sup>4</sup> See Annex I of this Decision.



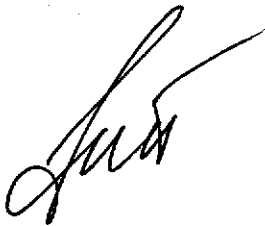
2574

considers that an excessive number of witnesses are being called to prove the same fact. Additionally, Rule 54 of the Rules provides that a Judge or a Trial Chamber may issue such orders as may be necessary for the preparation or conduct of the trial.


**ACCORDINGLY, THE CHAMBER**

**ORDERS**, pursuant to Rules 54 and 73ter (D) of the Rules, that the Defence review its witnesses and file by close of business on 12 January 2010, a revised and significantly reduced Witness List, and Order of Appearance.

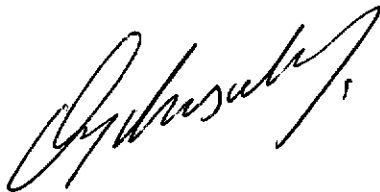
Arusha, 14 December 2010, done in English.

*For*  
  
Florence Rita Arrey

Presiding Judge

  
Bakhtiyar Tuzmukhamedov

Judge

  
Aydin Sefa Akay

Judge

[Seal of the Tribunal]



*for*

2573

### Annex I – Proposed Defense Witnesses per Indictment Paragraph

Indictment Paragraph	Proposed Witnesses	Total Number of proposed witnesses
8	ND12, ND13, KR3, MB1, ND2, KR5, FP2, ND10, BX1, BV4, BX2, BX3, BX7, FB11, ND16, ND17, ND18, FB1, GK1, ND21, ND22, ND24, ND25, ND26, ND27, ND29, ND30, ND34, ND4, ND20, ND31	31
9	ND12, ND13, KR3, MB1, ND2, KR5, FP2, ND10, BX1, BV4, BX2, BX3, BX7, FB11, ND16, ND17, ND18, FB1, GK1, ND21, ND22, ND24, ND25, ND26, ND27, ND29, ND30, ND34, ND4, ND20, ND31	31
10	ND12, ND1, ND13, KR3, MB1, ND2, KR5, ND10, BX1, BX2, BX3, BX7, FB11, ND16, ND17, ND18, FB1, GK1, ND21, ND22, ND24, ND25, ND26, ND27, ND29, ND30, ND34, ND4, ND31	29
11	ND 7, ND 11, ND12, ND1, ND13, KR3, MB1, ND8, ND9, ND5, ND14, ND2, ND6, KR5, FP2, ND10, BX1, BX2, BX3, BX7, FB11, ND16, ND17, ND18, FB11, GK1, ND21, ND22, ND24, ND25, ND26, ND27, ND29, ND30, ND34, ND3, ND4, ND20, ND31	39
12	ND7, ND11, ND12, ND13, KR3, MB1, ND5, ND14, ND2, ND6, KR5, FP2, ND10, BX1, BV4, BX2, BX3, BX7, FB11, ND16, ND17, ND18, FB1, GK1, ND21, ND22, ND24, ND25, ND26, ND27, ND29, ND30, ND34, ND3, ND4, ND20, ND31	37
13	ND1, KR3, MB1, ND8, ND9, ND5, ND6, FP2, BV4, BX3, KR4, ND21, ND22, ND34, ND3, ND4, ND20, ND31	18
14	ND7, ND11, ND12, KR3, MB1, ND8, ND9, ND6, FP2, BX1, BV4, BX3, KR4, ND4, ND20, ND31	16
15	ND7, FP2, BX1, BV4, BX3, ND29, ND20, ND31	8
16	ND1, ND13, KR3, MB1, ND6, BX1, BV4, BX3, ND16, ND27, ND20, ND31	12
17	KR3, MB1, BX1, BX3, ND16, ND19, ND20, ND31	8
18	ND13, KR3, MB1, BX3, ND18, ND27, ND20, ND31	8
19	ND7, MB1, ND16, ND27, ND31	5
20	ND7, ND12, KR3, ND8, ND9, ND31	6
21	KR3, ND5, ND6, BX1, BX3, ND19, ND27, ND31	8
22	ND7, ND31	2
23	ND7, ND11, ND12, KR3, ND14, ND6, BX1, BX2, ND24, ND26, ND27, ND29, ND20, ND31	4
24	ND7, ND11, KR3, ND8, ND9, ND14, ND6, BX1, BX2, KR4, ND24, ND3, ND20	13

2572

25	ND7, ND11, ND12, ND1, ND13, KR3, MB1, ND8, ND9, ND14, ND6, KR5, BX1, BX2, BX3, BX7, FB11, FB1, GK1, KR4, ND22, ND24, ND25, ND26, ND27, ND29, ND30, ND34, ND3, ND20, ND31	31
26	ND7, ND11, ND12, ND1, KR3, MB1, ND8, ND9, ND14, ND6, KR5, BX1, BX2, BX3, BX7, FB11, FB1, GK1, KR4, ND22, ND24, ND25, ND26, ND27, ND29, ND30, ND34, ND3, ND20, ND31	30
27	ND7, ND11, ND12, KR3, MB1, ND14, ND6, KR5, BX1, BX2, BX3, BX7, FB11, FB1, GK1, KR4, ND22, ND24, ND25, ND26, ND27, ND29, ND30, ND34, ND3, ND20, ND31	27
28	ND7, ND11, ND12, KR3, MB1, ND8, ND9, ND14, ND6, KR5, BX1, BX2, BX3, BX7, FB11, FB1, GK1, KR4, ND22, ND24, ND25, ND26, ND27, ND29, ND30, ND34, ND3, ND20, ND31	29
29	ND7, ND1, KR3, ND8, ND9, ND2, ND6, KR5, BX3, FB11, ND17, ND18, FB1, GK1, KR4, ND22, ND24, ND25, ND26, ND27, ND30, ND31	22
30	ND7, ND1, KR3, ND8, ND9, ND2, ND6, KR5, BX3, FB11, ND17, ND18, FB1, GK1, KR4, ND22, ND24, ND25, ND26, ND27, ND30, ND31	22
31	ND7, ND1, KR3, ND8, ND9, ND2, ND6, KR5, BX3, FB11, ND17, ND18, FB1, GK1, KR4, ND22, ND24, ND25, ND26, ND27, ND30, ND31	22
32	ND7, KR3, ND2, ND6, KR5, BX3, FB11, ND17, ND18, FB1, GK1, KR4, ND22, ND24, ND25, ND27, ND30, ND31	18
33	KR3, ND2, ND6, KR5, BX3, FB11, ND17, ND18, FB1, GK1, KR4, ND22, ND24, ND25, ND26, ND27, ND30, ND31	18
34	ND7, ND11, ND12, ND1, ND13, KR3, MB1, ND14, ND2, KR5, FP2, ND10, BX1, BV4, BX2, BX3, BX7, FB11, ND16, ND17, ND18, FB1, GK1, KR4, ND21, ND22, ND24, ND25, ND26, ND27, ND29, ND30, ND34, ND3, ND4, ND20, ND31	38
35	ND7, ND11, ND12, ND1, ND13, KR3, MB1, ND5, ND2, ND6, KR5, FP2, ND1, BX1, BX2, BX3, BX7, FB11, ND16, ND17, ND18, FB1, G1, KR4, ND21, ND22, ND24, ND25, ND26, ND27, ND29, ND30, ND34, ND4, ND20, ND31	36
36	ND7, ND11, ND12, ND1, ND13, KR3, MB1, ND8, ND9, ND5, ND14, ND2, ND6, KR5, FP2, ND10, BX1, BX2, BX3, BX7, FB11, ND16, ND17, ND18, FB1, GK1, KR4, ND21, ND22, ND24, ND25, ND26, ND27, ND29, ND30, ND34, ND3, ND4, ND20, ND31	40
37	ND7, ND11, ND12, ND1, ND13, KR3, MB1, ND5, ND14, ND2, ND6, KR5, FP2, ND10, BX1, BV4, BX2, BX3, BX7, FB11, ND16, ND17, ND18, FB1, GK1, KR4, ND21, ND22, ND24, ND25, ND26, ND27, ND29, ND30, ND34, ND3, ND4, ND20, ND31	39

2  
*[Signature]*