

ICTR-97-20-T
5-9-2001
(5420 - 5419)

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#m



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before: Judge Yakov Ostrovsky
Judge Lloyd George Williams
Judge Pavel Dolenc

Registrar: Adama Dieng

Date: 4 September 2001

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THE PROSECUTOR
v.
LAURENT SEMANZA

Case No. ICTR-97-20-T

**DECISION ON DEFENCE MOTION FOR LEAVE TO CALL MAJOR-GENERAL
HENRY ANYIDOHO AS AN EXPERT WITNESS FOR THE DEFENCE**

The Office of the Prosecutor:
Chile Eboe-Osuji
Patricia Wildermuth
Amanda Reichman

Counsel for the Accused:
Charles A. Taku
Sadikou A. Alao

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (The "Tribunal"),

SITTING as Trial Chamber III, composed of Judges Yakov Ostrovsky, presiding, Lloyd George Williams and Pavel Dolenc (the Chamber);

BEING SEISED of the "Defence Motion for Leave to Call an Expert Witness under Rule 54 of the Rules of Procedure and Evidence" filed on 9 July 2001;

CONSIDERING the Prosecutor's Response filed on 11 July 2001;

NOW CONSIDERS the matter solely on the basis of the briefs of the parties, pursuant to Rule 73(A) of the Rules of Procedure and Evidence (Rules).


Submissions of the Parties

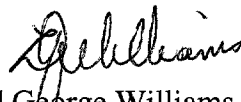
1. The Defence seeks the leave of the Chamber to call an Expert witness, Major General Anyihodo, a former UNAMIR Deputy Force Commander in Rwanda during 1994.
2. The Prosecutor opposes the motion on the grounds that the Defence has failed to file the statement of the expert and because the Defence has not shown the relevance of the expert's anticipated testimony.

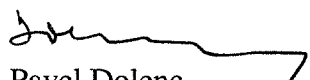
Findings

3. There is no rule of the Tribunal that prescribes that the parties must seek leave of the Trial Chamber in order to call an expert witness. The decision to call an expert witness is that of the party wishing to call such a witness, subject to the specific provisions of Rule 94 *bis* and to the Trial Chamber's general discretion to refuse to hear evidence that is not relevant or probative.
4. As the Defence has not yet fully complied with the preconditions set out in Rule 94 *bis*, it is premature for the Chamber to make any Order relating to this potential expert witness.
5. The motion is therefore **DENIED**.

Arusha, 4 September 2001.


Yakov Ostrovsky
Judge, Presiding


Lloyd George Williams
Judge


Pavel Dolenc
Judge

(Seal of the Tribunal)