

ICTR-99-50-T
17-6-2004
(15012 — 15011)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

15012

ambaga

Or: ENG

TRIAL CHAMBER II

Before: Judge Khalida Rachid Khan, Presiding
Judge Lee Gacuiga Muthoga
Judge Emile Francis Short

Registrar: Mr. Adama Dieng

Date: 17 June 2004

The PROSECUTOR
v.
Casimir BIZIMUNGU
Justin MUGENZI
Jérôme-Clément BICAMUMPAKA
Prosper MUGIRANEZA
Case No. ICTR-99-50-T

12004 JUN 17 A 11 57
OFFICIAL RECORDS

**DECISION ON JUSTIN MUGENZI AND JÉRÔME BICAMUMPAKA'S
MOTION TO HAVE THE CHAMBER INQUIRING INTO THE MATTER OF
THE TESTIMONY OF JEAN KAMBANDA**
Rules 73 and 89(B) of the Rules of Procedure and Evidence

Office of the Prosecutor:

Mr. Paul Ng'arua
Mr. Ibukunolu Babajide
Mr. Elvis Bazawule
Mr. Justus Bwonwonga
Mr. Shyamlal Rajapaksa

Counsel for the Defence:

Ms. Michelyne C. St. Laurent and Ms. Alexandra Marcil for Casimir Bizimungu
Mr. Howard Morrison, Q.C. and Mr. Ben Gumpert for Justin Mugenzi
Mr. Pierre Gaudreau and Mr. Michel Croteau for Jérôme-Clément Bicamumpaka
Mr. Tom Moran for Prosper Mugiraneza

15011

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

SITTING as Trial Chamber II, composed of Judge Khalida Rachid Khan, Presiding, Judge Lee Gacuiga Muthoga and Judge Emile Francis Short, (the "Trial Chamber");

BEING SEIZED of "Justin Mugenzi and Jérôme Bicomumpaka's Motion to Have the Trial Chamber Inquiring into the Matter of the Testimony of Jean Kambanda" filed on 21 May 2004, (the "Motion");

NOTING the "Prosecutor's Response to Justin Mugenzi and Jérôme Bicomumpaka's Motion to Have the Trial Chamber Inquiring into the Matter of the Testimony of Jean Kambanda" filed on 26 May 2004, (the "Response");

CONSIDERING the "Order for the Prosecutor to Indicate to the Trial Chamber Whether Jean Kambanda is a Prosecution Witness of Not" filed on 6 May 2004 **AND** the "Prosecutor's Response to the Trial Chamber's Instruction to the Prosecutor to Contact Jean Kambanda and Inform the Trial Chamber Whether or Not He Is Still a Prosecution Witness" filed on 14 May 2004;


CONSIDERING that the Trial Chamber is of the opinion that the Prosecutor's indication that Jean Kambanda is a Prosecution Witness is sufficient and self-explanatory, the Trial Chamber does not see any reason to strike this witness from the Prosecutor's Witness List. Additionally the Trial Chamber is of the view that the Motion should be considered as frivolous pursuant to Rule 73(F). Consequently, the Trial Chamber is of the view that the Motion should be denied and that there is no reason for the Trial Chamber to investigate the matter further.

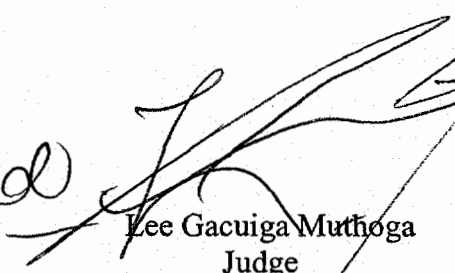
FOR THE ABOVE REASONS, THE TRIAL CHAMBER

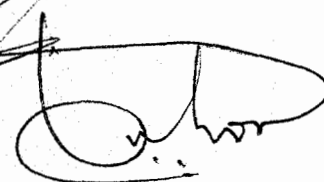
DENIES the Motion in its entirety.

DIRECTS the Registrar to deny the fees associated to the Motion pursuant to Rule 73(F).

Arusha, 17 June 2004


Khalida Rachid Khan
Presiding Judge


Lee Gacuiga Muthoga
Judge


Emile Francis Short
Judge

