

ICTR-2001-73-T
19-1-2006
(4311-4310)

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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: Inés Mónica Weinberg de Roca, Presiding
Khalida Rachid Khan
Lee Gacuiga Muthoga

Registrar: Adama Dieng

Date: 19 January 2006

THE PROSECUTOR

v.

Protais ZIGIRANYIRAZO

Case No. ICTR-2001-73-T

2006 JAN 19 12 21 PM
ICTR 19-01-2006
SECRETARIES

DECISION ON THE PROSECUTOR'S MOTION TO VARY HIS WITNESS LIST

Rule 73bis(E) of the Rules of Procedure and Evidence

Office of the Prosecutor:
Wallace Kapaya
Gina Butler
Iskandar Ismail
Jane Mukangira

Defence Counsel:
John Philpot
Peter Zaduk

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

SITTING as Trial Chamber III, composed of Judges Inés Mónica Weinberg de Roca, Presiding, Khalida Rachid Khan, and Lee Gacuiga Muthoga ("Chamber");

BEING SEIZED of the "Prosecutor's Motion for Varying the Witness List" filed on 22 December 2005 ("Motion");

CONSIDERING the Defence Response to Prosecutor's Motion for Varying the Witness List, filed on 28 December 2005, in which the Defence opposes the Motion for lack of diligence with regard to Witness BIY and for late disclosure with regard to Witness BPP, and the Prosecutor's Reply thereto filed on 4 January 2006;

CONSIDERING the extract of Witness BIY's testimony before Belgian Authorities dated 25 November 2005 indicating that the witness does not have special knowledge about the Accused which was not already disclosed to the Belgian Authorities, that others know more about the Accused, and that the witness is not willing to suffer mentally by responding to further questions;¹

CONSIDERING the Rules of Procedure and Evidence ("Rules") particularly Rule 73bis(E) of the Rules;

CONSIDERING that Witness BIY is the witness to testify as to the events at the Kanombe State House and is not willing to further testify;

CONSIDERING that the Prosecutor has another witness, Witness BPP, who can testify to the same events and that his statements were already disclosed to the Defence;

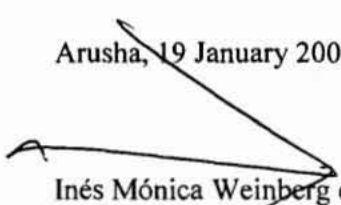
CONSIDERING that the withdrawal of Witness BIY and the sole inclusion of Witness BPP will not prejudice the rights of the Accused;


CONSIDERING FURTHER that it is in the interests of justice to allow the parties to present their cases and to bring the best evidence available;

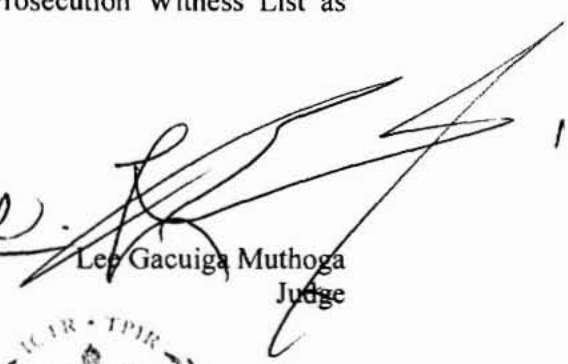
THE CHAMBER

GRANTS the Motion, and **ALLOWS** the variation of the Prosecution Witness List as proposed in the Motion.

Arusha, 19 January 2006, done in English.


Inés Mónica Weinberg de Roca
Presiding Judge


Khalida Rachid Khan
Judge


Lee Gacuiga Muthoga
Judge

[Seal of the Tribunal]



¹ The witness said: « Je ne sais rien de spécial au sujet de Mr. Z ; il y en a d'autres qui en savent beaucoup plus. Je ne sais pas dire plus que ce que j'ai dit ici. Je ne veux plus souffrir mentalement avec des questions et je veux vivre tranquillement. »



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

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	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS M. Diop	<input type="checkbox"/> Appeals Chamber / The Hague R. Muzigo-Morrison K. K. A. Afande
From:	<input checked="" type="checkbox"/> ChamberTC3 Roland Adjovi (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. Protais Zigiranyirazo			Case Number: ICTR-2001-73-T
Dates:	Transmitted: 19 January 2006		Document's date: 19 January 2006	
No. of Pages:	2		Original Language: <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Title of Document:	DECISION ON THE PROSECUTOR'S MOTION TO VARY HIS WITNESS LIST			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties		
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Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
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<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines:



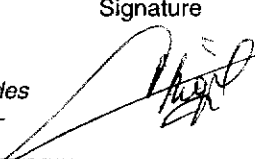
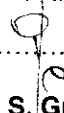

**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

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PREUVE DE NOTIFICATION D'ACTES AUX DETENUS**

Upon signature of the detainee, please return this sheet to the originator as proof of service.
Formulaire à être renvoyé à l'expéditeur dûment signé par le détenu.

Date: 20 January 2006		Case Name /Affaire: The Prosecutor vs. Protais ZIGIRANYIRAZO		
		Case No / Affaire No: ICTR-01-73-I		
To: A:	Name of detainee / nom du détenu ZIGIRANYIRAZO	<p align="center">TO BE FILLED IN BY THE DETAINEE A COMPLETER PAR LE DETENU</p> <p>I confirm reception of the document(s) listed below. Signature Date, Time / Heure</p> <p><i>Je confirme réception du/des document mentionné(s) ci-dessous.</i>  28/01/06</p>		
Via:	Security Officer Commanding Officer, UNDF	Print name / nom  S. Guindo	Signature 	Date, Time / Heure 28/01/06
From: De:	<input type="checkbox"/> J.-P. Fomété (Chief, CMS) <input type="checkbox"/> N. Diallo (TC1) <input type="checkbox"/> R. Kouambo (TC2) <input checked="" type="checkbox"/> C. Hometowu (TC3) <input type="checkbox"/> F. A. Talon (Appeals) <input type="checkbox"/> Other / Autre <i>C. Hometowu</i>			
Subject Objet:	Kindly find attached the following documents / Veuillez trouver en annexe les documents suivants.			

Documents name / titre du document
DECISION ON THE PROSECUTOR'S MOTION TO VARY HIS WITNESS LIST

Date Filed / Date enregistrée Pages
19/01/2006 2

