

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

ICTR-01-65-1
17-09-2004
(772 - 771)

772 S. Muna

OR: ENG

TRIAL CHAMBER I

Before: Judge Erik Møse

Registrar: Adama Dieng

Date: 17 September 2004

JUDICIAL RECORDS/ARCHIVES
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ICTR
2004 SEP 17 A 10:04

THE PROSECUTOR

v.

Jean MPAMBARA

Case No. : ICTR-2001-65-I

DECISION ON MOTION FOR DEPOSITION OF WITNESS BCG

The Office of the Prosecutor

Richard Karegyesa
Khaled Ramadan
Roberta Maria Baldini
Didace Nyirinkwaya

Counsel for the Defence

Arthur Vercken
Vincent Courcelle-Labrousse

John

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“the Tribunal”), 771

SITTING as Trial Chamber I, composed of Judge Erik Møse, designated by the Chamber in accordance with Rule 73 (A) of the Rules of Procedure and Evidence (“the Rules”);

BEING SEIZED of the Prosecution “Extremely Urgent *Ex-parte* Motion for the Deposition of Witness BCG”, filed on 2 September 2003;

HAVING CONSIDERED the Addendum thereto, filed by the Prosecution on 9 September 2004; and the response thereto, filed by the Defence on 13 September 2004;

HEREBY DECIDES the motion.

1. The Prosecution has moved for a deposition of Witness BCG, citing his deteriorating health and the prospect that he may not be able for health reasons to testify during trial. Considering the matter to be urgent, the Prosecution filed the motion, and accompanying annexes from health workers indicating the state of the witness’s health, *ex parte*.


2. By memorandum of 9 September 2004, the Chamber directed the Registry to immediately transmit the motion to the Defence, finding that there was no justification for an *ex parte* filing. The Defence filed a Response opposing the motion on 13 September 2004.

3. On 13 September 2004, the Chamber was advised by the Prosecution that Witness BCG had died.

FOR THE ABOVE REASONS, THE CHAMBER

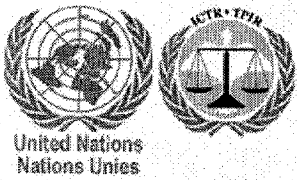
DECLARES the motion to be moot.

Arusha, 17 September 2004


Erik Møse
Judge

[Seal of the Tribunal]





TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

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

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input checked="" type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS K. K. A. Afande	<input type="checkbox"/> Appeals Chamber / The Hague R. Burriss
From:	<input checked="" type="checkbox"/> Chamber Gosnell (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. Mpambara			Case Number: ICTR-2001-65-I
Dates:	Transmitted: 17/9/04		Document's date: 17/9/04	
No. of Pages:	2	Original Language:	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
Title of Document:	Decision on Motion for Deposition of Witness BCG			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Strictly Confidential / Under Seal <input type="checkbox"/> Confidential <input checked="" type="checkbox"/> Public		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties <input checked="" type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Submission from parties <input type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars <input type="checkbox"/> Judgement <input type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities		

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English French Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party **will be submitting the translated version(s)** in due course in the following language(s):

English French Kinyarwanda

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III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	COMMENTS Not urgent	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines:

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