

ICTR-96-3-T  
27 Sep. 96  
(132-130)

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Case No. ICTR-96-3-T

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UNITED NATIONS  NATIONS UNIES

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA  
IN THE TRIAL CHAMBER I

Before: Judge Yakov A. Ostrovsky, Presiding Judge  
Judge Lennart Aspegren  
Judge Navanethem Pillay

Registrar: Mr. Frederik Harhoff  
Ms. Prisca Nyambe

Decision of: 26 September 1996

ICTP  
RECFILE  
27 SEP 1996

The PROSECUTOR

vs

GEORGES ANDERSON NDERUBUMWE RUTAGANDA

Case No. ICTR-96-3-T

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**DECISION ON THE PRELIMINARY MOTION  
SUBMITTED BY THE PROSECUTOR  
FOR PROTECTIVE MEASURES FOR WITNESSES**

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The Office of the Prosecutor:

Judge Honoré Rakotomanana  
Mr. Yacob Haile-Mariam  
Mr. Mohamed Chande Othman  
Mr. Pierre-Richard Prosper

Counsel for the Accused:

Mr. Luc de Temmerman  
Mr. Kennedy Ogeto  
Mr. Evans Monari

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26 September 1996

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**THE TRIBUNAL,**

SITTING as the Trial Chamber 1 of the International Criminal Tribunal for Rwanda ("the Tribunal"), composed of Judge Yakov A. Ostrovsky as Presiding Judge, Judge Lennart Aspegren and Judge Navanethem Pillay,

CONSIDERING the indictment submitted on 13 February 1996 by the Prosecutor against Georges Anderson Nderubumwe Rutaganda pursuant to Rule 47 of the Rules of Procedure and Evidence ("the Rules") and confirmed by the Tribunal on 16 February 1996,

BEING SEIZED OF the motion and brief dated 23 August 1996 from the Prosecutor for orders for protective measures for witnesses to crimes alleged in counts 1 through 8 of the indictment,

HAVING HEARD the parties to the hearing of this motion held on 26 September 1996 without the presence of the accused, who has been hospitalized,

CONSIDERING the provisions for protection of victims and witnesses contained in Articles 19 and 21 of the Statute of the Tribunal, and in Rules 69 and 75 of the Rules,


TAKING INTO CONSIDERATION the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia, notably its decisions of 10 August 1995 and 14 November 1995,

NOTING the decision taken by the Tribunal on 25 September 1996 to postpone the beginning of the trial against the accused until 6 March 1997 and to dismiss the request made by the Defense for provisional release of the accused,

**FOR THESE REASONS**

**DECIDES** to grant the following relief:

- (1) That the names, addresses, whereabouts, and other identifying data concerning the persons given pseudonyms in the indictment and the supporting documents shall not be disclosed to the public or the media.
- (2) That the public and the media shall not photograph video record, or sketch witnesses while entering the Tribunal building, exiting from the Tribunal building, or while they are in the Tribunal building, without leave of the Trial Chamber and parties.
- (3) That the names, addresses, whereabouts, and other identifying data concerning the witnesses referred to in the supporting documents and/or any disclosed witness statements shall be divulged neither to the media, the public, nor the defense until such time that the witnesses are brought under the protection of the Tribunal.

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(4) That the names, addresses, whereabouts, and other identifying information concerning the witnesses shall be sealed and not included in any Tribunal public records.

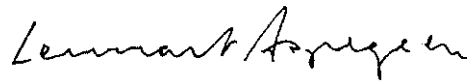
(5) To the extent that any names, addresses, whereabouts of, and identifying information concerning the witnesses is contained in existing public records, those names, addresses, whereabouts of, and identifying information concerning the witnesses be expunged from those documents.


(6) That the pseudonyms given to the witnesses in the indictment and supporting documents shall be used whenever referring to these witnesses in the Tribunal proceedings and discussions among the parties to trial.

(7) That the Prosecutor shall disclose the names and unredacted statements of the witnesses to the defense in sufficient time to allow the defense to prepare for trial, subject to Rule 69.

Arusha, 26 September 1996

  
Yakov A. Ostrovsky  
Presiding Judge

  
Lennart Aspegren  
Judge

  
Navanethem Pillay  
Judge

(Seal of the Tribunal)

