

ICTR-96-4-T 0140 1998
31/1/1997
(1998-1996) A

UNITED NATIONS  NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

CHAMBER 1 - CHAMBRE 1

OR : FR

Before: Judge Laity Kama, Presiding Judge
Judge Lennart Aspegren
Judge Navanethem Pillay

Registrar: Mr. Frederik Harhoff
Mr. Jean-Pelé Fomété

Decision of: 28 January 1997

ICTR
RECEIVED
31 JAN 1997
ACTION: Registrar
COPY :

THE PROSECUTOR
VERSUS
JEAN-PAUL AKAYESU

Case No. ICTR-96-4-T

**DECISION BY THE TRIBUNAL ON ITS REQUEST TO THE PROSECUTOR TO
SUBMIT THE WRITTEN WITNESS STATEMENTS**

The Office of the Prosecutor:

Mr. Yacob Haile-Mariam
Mr. Pierre-Richard Prosper
Ms. Sara Darehshori

Counsel for the Accused:

Mr. Nicolas Tiangaye
Mr. Patrice Monthé

WitSteng.

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Case No. ICTR-96-4-T

THE TRIBUNAL,

SITTING as Trial Chamber 1 of the International Criminal Tribunal for Rwanda ("the Tribunal"), composed of Judge Laïty Kama as Presiding Judge, Judge Lennart Aspegren and Judge Navanethem Pillay;

WHEREAS, during the session of 23 January 1997, the Tribunal requested the Prosecutor, in view of the exceptional nature of the offences, to submit to the Tribunal all written witness statements already made available by her to the Defence Counsel in this case;

HAVING NOTED the Prosecutor's objection to the Tribunal's access to such witness statements;

AFTER HAVING DELIBERATED,

CONSIDERING the particular character of the Tribunal, composed of Judges representing the principal legal systems of the world, pursuant to Article 12(3)(c) of the Statute of the Tribunal;

CONSIDERING that, in terms of Rule 89(A) of the Rules of Procedure and Evidence ("the Rules"), the Chamber shall not be bound by national rules of evidence;

WHEREAS Rule 89(C) of the Rules provides that the Chamber may admit any relevant evidence which it deems to have probative value;

WHEREAS disclosure of all the written witness statements does not necessarily entail admissibility of the said statements as evidence;

WHEREAS, above all, Rule 98 of the Rules provides that the Chamber has the power to order either party to produce additional evidence, and that it may itself summon witnesses and order their attendance;

WitSteng.

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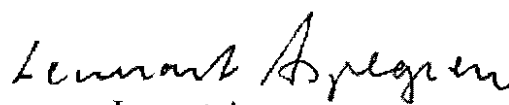
Case No. ICTR-96-4-T

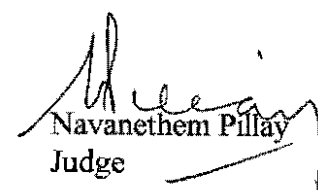
ORDERS THE FOLLOWING:

- (1) the Prosecutor to submit all available written witness statements to the Tribunal in this case;
- (2) that all such statements to which reference has been made by either the Prosecutor or the Defence shall be admitted as evidence and form part of the record.

Arusha, 28 January 1997,


 Laity Kama
 Presiding Judge


 Lennart Aspegren
 Judge


 Navanethem Pillay
 Judge

(Seal of the Tribunal)

