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**UNITED NATIONS  NATIONS UNIES**

**Tribunal pénal international pour le Rwanda  
International Criminal Tribunal for Rwanda**

**TRIAL CHAMBER 1**

**OR: FR**

**Before:** Judge Laïty Kama, Presiding Judge  
Judge Yakov A. Ostrovsky  
Judge Lennart Aspegren

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

**Decision of:** 11 June 1997

**ICTR  
RECEIVED  
13 JUN 1997  
ACTION: REGISTRAR  
COPY: :**

**THE PROSECUTOR  
VERSUS  
GEORGES ANDERSON NDERUMBUMWE RUTAGANDA**

**Case No. ICTR-96-3-T**

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**DECISION ON THE DEFENCE'S MOTION REQUESTING PERMISSION FOR ITS  
INVESTIGATOR TO VISIT THE ACCUSED IN THE DETENTION FACILITIES**

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**The Office of the Prosecutor:**

Mr. James K. Stewart  
Mr. Pierre-Richard Prosper  
Ms. Sara Darehshori

**The Counsel for the Accused:**

Ms. Tiphaine Dickson

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**THE TRIBUNAL,**

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

HAVING BEEN SEIZED by a motion of 17 February 1997 filed by the Defence pursuant to Rule 54 of the Rules of Procedure and Evidence, requesting that the accused, Georges A. N. Rutaganda, while detained at the Tribunal's Detention Facilities in Arusha, should be permitted to receive visits by one Phillip Sherman Taylor, who is alleged to be employed by the Defence Counsel as an investigator and who has been denied access at several occasions by the Commanding Officer to the premises of the Tribunal's Detention Facilities for lack of any documentation of his employment issued by the Tribunal;

HAVING HEARD the parties during the hearing on 4 March 1997, and notably the Defence who, in presenting its motion, has suggested that the investigator should have been authorised to visit the accused as belonging to the category "others" within the meaning of Article 61 of the Provisional Rules Covering the Detention of Persons Awaiting Trial or Appeal Before the Tribunal or Otherwise Detained on the Authority of the Tribunal (the "Rules of Detention");

HAVING CONSIDERED the provisions in Rules 58-64 of the Rules of Detention;

**AFTER HAVING DELIBERATED,**

WHEREAS Rule 61 of the Rules of Detention does allow the detainees to receive visits from "family, friends and others", subject only to the provisions of Rule 64 of the said Rules and to such restrictions and supervision as the Commanding Officer may impose in consultation with the Registrar;

WHEREAS only visits to the detainees by their Defence Counsels and by representatives of the Prosecutor can be rendered without any restriction or supervision, subject to prior consultation with the Commanding Officer;

WHEREAS, in contrast, all other visits to a detainee by his "family, friends and others" would have to be granted in each case and monitored by the Commanding Officer according to Rule 61 of the Rules of Detention, subject to the standard restrictions and measures of supervision imposed by the Commanding Officer after consultation with the Registrar;

WHEREAS, for this purpose, the Commanding Officer, with the agreement of each accused, keeps a record of the identity of those family members, friends and others who may request permission to visit each accused, to the effect that persons whose names do not appear on this list will have to be scrutinized by the Commanding Officer before any decision is taken on whether or not they can be granted the visit;



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WHEREAS, furthermore, a private investigator employed by a Defence Counsel can only meet with the accused without any such restrictions or measures of supervision imposed by the Commanding Officer if he is accompanied by the Defence Counsel in person;

WHEREAS, consequently, all visits rendered by a private investigator to the accused without being accompanied by the Defence Counsel shall be granted by the Commanding Officer upon documentation issued by the Registrar confirming the proper engagement as an investigator by the Defence, and subject to the restrictions and measures of supervision normally applied to visits of "others" within the meaning of Rule 61 of the Rules of Detention.

**FOR THESE REASONS,**

**THE TRIBUNAL**

**DECIDES** to grant relief to the motion filed by the Defence in order to allow the private investigator Phillip Sherman Taylor hired by the Defence Counsel in this case to meet with the accused Georges A.N. Rutaganda in the Tribunal's Detention Facilities upon documentation issued by the Registrar confirming the proper engagement as an investigator by the Defence, and subject to the restrictions and measures of supervision normally applied to visits by the accused's family, friends and "others" within the meaning of Rule 61 of the Rules of Detention.

Arusha, 11 June 1997,



Laity Kama  
Presiding Judge



Yakov A. Ostrovsky  
Judge



Lennart Aspegren  
Judge

(Seal of the Tribunal)

