

Case No. ICTR-96-7-T

UNITED NATIONS



NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER I

ICTR  
CRIMINAL REGISTRY  
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OR: FR

Before: Judge Laity Kama, Presiding  
Judge Tafazzal H. Khan  
Judge William H. Sekule

Registry: Dr. Kesia Mbe, Mindua

THE PROSECUTOR  
VERSUS  
FERDINAND NAHIMANA

Case No. ICTR-96-11-T

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**DECISION ON THE DEFENCE MOTION FOR A DISCLOSURE**

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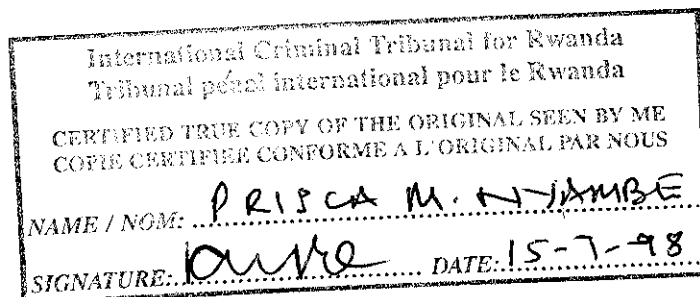
The Office of the Prosecutor:

Mr. James Stewart

Counsel for the Accused:

Mr. Jacques Laroche  
Mr. Raphael Constant

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Case No. ICTR-96-7-T

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

SITTING AS Trial Chamber I, composed of Judge Laity Kama, Presiding, Judge Tafazzal H. Khan and Judge William H. Sekule;

CONSIDERING the indictment issued by the Prosecutor against Ferdinand Nahimana pursuant to Rule 47 of the Rules of Procedure and Evidence (the "Rules"), on the basis that there was sufficient evidence to provide reasonable grounds for believing that he has committed genocide, conspiracy to commit genocide, crimes against humanity and violations of Article 3 common to the 1949 Geneva Conventions and Additional Protocol II thereto;

CONSIDERING the decision confirming the indictment in respect of this case, signed by Judge Yakov A. Ostrovsky on 15 July 1996;

CONSIDERING the preliminary motion filed by the Defence seeking an order for disclosure of evidence by the Prosecutor;

CONSIDERING the written response to the aforementioned motion filed by the Prosecutor on 13 June 1997, by which the Prosecutor requests that the Chamber dismiss the defence motion as the issue has been rendered moot by Prosecutor's pending motion for witness protection;

HAVING HEARD the parties on 26 June 1997;

CONSIDERING provisions regarding disclosure of evidence in rule 66 and 54 of the Rules of Procedure and Evidence ;

**THE POSITION OF THE MOTION:**

WHEREAS, during the hearing of a Prosecution motion for protective measures for Prosecution witnesses an oral decision granting the measures sought was rendered in the presence of both parties;

WHEREAS the Chamber without rising continued to hear this motion in which the defence requests the Chamber to order the Prosecutor to disclose her evidence to the Defence pursuant to Rule 54 and 66 of the rules of procedure and evidence ;

WHEREAS during the hearing of this motion the Prosecutor promised in her own words that she;  
*" will be supplying the defence with all the material and that includes the material referred to in Mr Cote's affidavit, documents that have yet not been provided "*

NOTING that the above commitment of the Prosecutor disposes of the only otherwise contentious

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issue between the parties thus rendering deliberation on this motion unnecessary;

NOTWITHSTANDING the Prosecutors commitment contained in the preceding paragraph , the Chamber being of the opinion that there is still need for a formal disclosure order to issue;

**ORDERS THE PROSECUTOR:**

To disclose to the defence all of the evidence which it intends to make use of at trial and to do so as soon as possible

Decision orally rendered in the Presence of both Parties on 26 June 1997  
extract of the decision signed this 08 July 1998;



Laila Kama  
Presiding Judge



Tafazzal H. Khan.  
Judge



William H. Sekule  
Judge



(Seal of the Tribunal)