



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

CHAMBER I - CHAMBRE I

OR : ENG

Before:

Judge Laïty Kama: Presiding Judge
Judge Lennart Aspegren
Judge Navanethem Pillay

Registry:

Mr. Lars Plum

Decision of: 12 February 1998

**THE PROSECUTOR
VERSUS
JEAN-PAUL AKAYESU**

Case No. ICTR-96-4-T

ORDER GRANTING LEAVE FOR AMICUS CURIAE TO APPEAR

The Office of the Prosecutor:

Mr. Pierre-Richard Prosper
Mr. James Stewart

Counsel for the Accused:

Mr. Nicolas Tiangaye
Mr. Patrice Monthé

Other Representatives:

Ms. Daphna Shraga
Legal Officer, Office of Legal Affairs,

Secretariat-General of the Organisation of the United Nations

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

SITTING as Trial Chamber I of the Tribunal, composed of Judge Laïty Kama as Presiding Judge, Judge Lennart Aspegren and Judge Navanethem Pillay;

CONSIDERING the order issued by the Tribunal on 19 November 1997 whereby Major-General Roméo Dallaire was summoned to appear as a witness for the Defence in the present case;

HAVING TAKEN COGNIZANCE of the request of the Legal Counsel to the Secretary-General of the Organisation of the United Nations to appear as Amicus Curiae before the Tribunal in this case;

AFTER HAVING DELIBERATED,

WHEREAS, by the summons issued by the Tribunal on 19 November 1997, it was requested *inter alia* that the Secretary-General of the United Nations waive the immunity of Major-General Dallaire he enjoys by virtue of his position as former Commander-in-Chief of the UNAMIR force;

WHEREAS the Legal Counsel to the Secretary-General of the Organisation of the United Nations requests to be heard as Amicus Curiae so as to explain the scope of the lifting of the immunity of Major-General Dallaire;

WHEREAS, in accordance with Rule 74 of the Rules of Procedure and Evidence of the Tribunal, a Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organisation or person to appear before it and make submissions on any issues specified by the Chamber;

WHEREAS, in the opinion of the Defence, the testimony of Major-General Dallaire will enlighten the Tribunal on the events that took place in Rwanda in 1994 inasmuch as he was Commander-in-Chief of UNAMIR, a multinational force created by Resolution 872 of 5 October 1993 of the Security Council;

WHEREAS therefore, the Tribunal considers it desirable for the proper determination of the case that a representative of the Secretariat of the Organisation of the United Nations appear before the Tribunal for the purposes of making submissions on the scope of lifting the immunity enjoyed by Major-General Dallaire as former Commander-in-Chief of UNAMIR;

FOR ALL THE ABOVE REASONS,

THE TRIBUNAL,

INVITES a representative of the United Nations Secretariat to appear before the Tribunal as Amicus Curiae to make a statement on the lifting of the immunity of Major-General Dallaire he enjoys by virtue of his position as former Commander-in-Chief of UNAMIR;

DECIDES that the said statement will be made before the Tribunal prior to the testimony of Major-General Dallaire and in his presence.

Arusha 12 February 1998,

Laïty Kama

President

Lennart Aspegren

Judge

Navanethem Pillay

Judge

(Seal of the Tribunal)