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Case No. ICTR-96-3-T
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CRIMINAL REGISTRY
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UNITED NATIONS  NATIONS UNIES

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. Antoine Kesia-Mbe Mindua

Decision of: 24 March 1998

**THE PROSECUTOR
VERSUS
GEORGES ANDERSON NDERUBUMWE RUTAGANDA**

Case No. ICTR-96-3-T

**DECISION ON DEFENCE MOTION OPPOSING
CERTAIN WITNESS PROTECTION MEASURES**

The Office of the Prosecutor:

Mr. James Stewart
Mr. Udo Gehring

Counsel for the Accused:

Ms. Tiphaine Dickson

Dec\defmotion\opp.measures\eng



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;

HAVING BEEN SEIZED with a Defence motion filed on 16 June 1997 by Ms. Tiphaine Dickson, Counsel assigned in the case to the accused Georges Anderson Nderubumwe Rutaganda, opposing certain witness protection measures;

HAVING RECEIVED a reply from the Prosecutor on 16 June 1997;

HAVING HEARD the Parties during the audience on 16 June 1997;

TAKING NOTE of Rule 75 of the Rules of Procedure and Evidence (the "Rules");

AFTER HAVING DELIBERATED,

WHEREAS the Defence Counsel in her motion of 16 June 1997, opposes the witness protection measures granted to the Prosecutor during the audiences in the present case, held on 25 March 1997 and 9 June 1997 respectively, on the grounds that these measures were granted by the Tribunal in audience immediately following oral requests from the Prosecutor; hence the Defence submits that this procedure prejudices the rights of the accused inasmuch as it deprives the Defence of sufficient time to prepare an adequate reply and to file substantiated objections;

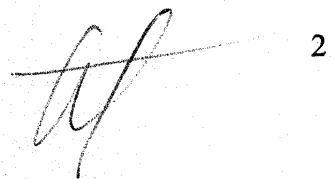
WHEREAS consequently, the Defence requests that the Tribunal dismiss any further requests from the Prosecutor for witness protection measures, unless a number of mentioned procedural conditions are followed, including minimum notice of filing, substantiated requests, disclosure of any supporting material to the Defence, and, if need be, of sufficient time for the Defence to prepare a reply to the pertinent requests;

WHEREAS the Prosecutor in her response submits that the said motion should be dismissed as it is anticipatory in nature and, further, that the Rules already provide the necessary procedures as regard requests for witness protection measures;

WHEREAS the Tribunal notes that the Defence motion, though entitled "Motion opposing certain witness protection measures", is actually a motion requesting the establishment of procedures when matters pertaining to witness protection measures arise before the Tribunal;

WHEREAS, thereupon, the Tribunal recalls that the Statute of the Tribunal and the Rules already provide procedures with respect to requests for witness protection measures; procedures which adequately address the rights of the accused and ensure fair trial;

WHEREAS, consequently, the Tribunal is of the opinion that the motion of the Defence is without merits and should be dismissed;

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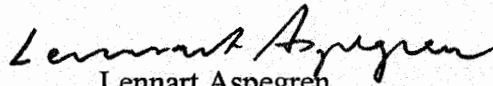
FOR ALL THE ABOVE REASONS,

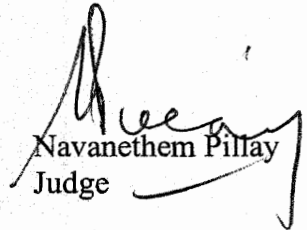
THE TRIBUNAL

DISMISSES the motion of the Defence opposing certain witness protection measures.

Arusha, 24 March 1998,


Laity Kama
Presiding Judge


Lennart Aspegren
Judge


Navanethem Pillay
Judge

