



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

ICTR-96-4-A  
21-03-2000  
(661-659)

661  
Htm

## IN THE APPEALS CHAMBER

**Before:** Judge Rafael NIETO-NAVIA  
**Registrar:** Mr Agwu U OKALI  
**Decision of:** 20 March 2000

JEAN-PAUL AKAYESU  
(Appellant)  
v  
THE PROSECUTOR  
(Respondent/Cross-Appellant)

Case No.: ICTR-96-1-A

### ORDER

(PROSECUTOR'S URGENT MOTION FOR PROTECTION OF WITNESSES)

*Counsel for the Appellant*  
Mr John PHILPOT  
Mr André TREMBLAY

*Office of the Prosecutor*  
Mr Upawansa YAPA  
Mr ZHU Wen-qi  
Mr Norman FARRELL  
Mr Karim KHAN

2000 MAR 21 P 5:41

ICTR  
COURT REGISTRY  
RECEIVED

**JUDGE Rafael NIETO-NAVIA**, designated by the Presiding Judge as a Pre-Hearing Judge, pursuant to Rule 108*bis* of the Rules of Procedure and Evidence (the 'Rules'),

**NOTING** the 'Prosecution's Urgent Motion for Enforcement of Witness Protection Measures' (the 'Motion') dated 13 March 2000;

**NOTING** that the Motion arose from the filing, on 24 January 2000, of the Appellant's '*Requête pour amender l'avis d'appel (Re: Pour préciser la deuxième partie d l'avis relative au «Déni du droit à un avocat compétent») (the 'Appellant's Request')*;

**NOTING** that the Motion claims that the Appellant's Request was filed together with an affidavit which disclosed names of 12 witnesses some or all of whom were covered by witness protection orders made during the trial the Judgment in which is the subject of this appeal;

**NOTING** that the Appellant has filed no response to the Motion;

**NOTING** that time is of the essence in a motion of this nature;

**NOTING** that the Appellant may move before this Chamber for variation or vacation of this Order where the justice of the case so requires;

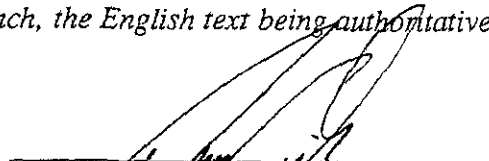
**NOW THEREFORE ORDERS AS FOLLOWS:**

- (1) the Registry shall clearly mark and file as **CONFIDENTIAL** the affidavit accompanying the Appellant's Request, which affidavit is more particularly designated as pages 1277—1241*bis* of the Appeals Record,
- (2) the Registry, the Prosecution, the Appellant and his Counsel, and their staff and agents, may disclose to any member of the public or to any other person not involved in this appeal, neither the affidavit referred to in the foregoing paragraph nor any such information contained in it as may reveal the name, whereabouts or other identifying information of a witness,
- (3) for purposes of public record, the Registry shall prepare a redacted version of the document referred to above,

659

- (4) the Prosecution and the Appellant and his Counsel shall refer to witnesses by only the pseudonyms designated to such witnesses at trial, and
- (5) the Appellant may at any time bring a motion for variation or vacation of this Order, on any grounds that were open for him to include as part of any response he might have made to the Motion.

*Done in English and French, the English text being authoritative.*



Rafael NIETO-NAVIA  
Pre-Hearing Judge

Dated this 20 March 2000  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]