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**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

UNITED NATIONS
NATIONS UNIES

TRIAL CHAMBER I

Original : English

Before: Judge Navanethem Pillay, Presiding
Judge Erik Møse
Judge Asoka de Zoysa Gunawardana

Registry: Ms Marianne Ben Salimo

Decision date: 12 October 2000

**THE PROSECUTOR v. HASSAN NGEZE
(ICTR-97-27-I)**

JUDICIAL RECORDS/ARCHIVES
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ICTR

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**DECISION ON THE DEFENCE'S MOTION TO SUPPRESS THE
IDENTIFICATION OF HASSAN NGEZE**

Office of the Prosecutor:

M. Sankara Menon
Ms Charity R. Kagwi
Ms Simone Monasebian
M. Alphonse Van

Counsel for the Accused:

M. John C. Floyd III

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

SITTING AS Trial Chamber I composed of Judge Navanethem Pillay, presiding, Judge Erik Møse and Judge Asoka de Zoysa Gunawardana;

CONSIDERING the Defence's motion to suppress identification of Hassan Ngeze, filed on 9 October 2000.

Arguments by the Defence

The Defence submitted that certain Prosecution witnesses, who may be called by the Prosecution as eyewitnesses in relation to events for which Hassan Ngeze is charged, are mistaken as to his identification. The Defence requested that the accused be shielded from the view of the relevant witnesses, when they come to testify at trial, until the Defence has had the opportunity to have the witnesses give a detailed description of the person they consider to be Hassan Ngeze. It is argued that eyewitness identifications are generally fraught with error of perception.

DELIBERATIONS

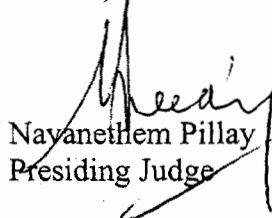
The Trial Chamber holds that the Defence will have the opportunity, at trial, to challenge the reliability of the evidence of the witnesses relating to identification. By way of cross-examination, the Defence can test the witnesses' knowledge of the suspect and his physical appearance. The question of whether the accused should be shielded from the view of the witness is an issue which can be addressed in the course of the trial.

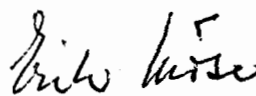
FOR THE ABOVE REASONS,


THE TRIBUNAL

DENIES the Defence's motion to suppress the identification of Hassan Ngeze.

Arusha, 12 October 2000


Navanethem Pillay
Presiding Judge


Erik Møse
Judge


Asoka de Zoysa Gunawardana
Judge

Seal of the Tribunal

