



UNITED NATIONS
NATIONS UNIES

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

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: 13 October 2000

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

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**DECISION ON THE DEFENCE'S MOTION TO HOLD AN EVIDENTIARY
HEARING ON THE SEIZURE OF DEFENDANT'S COMPUTER SCANNER**

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 hold an evidentiary hearing on the seizure of defendant's computer scanner, signed on 5 October 2000 and filed on 9 October 2000.

Arguments by the Defence

The Defence argued that a computer scanner was taken from the accused at the United Nations Detention Facilities by force and threat of violence and without reason. According to the Defence, the Judges' visit to Rwanda and the alleged threats to the two co-accused by the Government of Rwanda make this operation look like a conspiracy to deprive the accused of his rights.

DELIBERATIONS

The Trial Chamber will not consider the present motion as the subject is not a matter for adjudication by the Chamber. The issue of items being removed from accused persons concerns directly the United Nations Detention Facilities and the Registry, and should, as such, be addressed to these sections, in accordance with Rule 82 and in particular Rule 83 of the Rules covering the Detention of Persons Awaiting Trial or Appeal before the Tribunal.

The Chamber notes that the Defence started the process by writing his letter to the Registrar on 5 October 2000. On the same day, the Defence signed the present motion. It was received by fax in the Tribunal on the following day. Consequently, the Defence did not allow for a response from the Registrar or – if the letter was seen as a complaint under Rule 83 – from the President when he submitted his motion. Therefore, the motion was premature.

There is no information, at present, available to the Chamber indicating whether the Defence has received a response or not. Consequently, the Defence should pursue this matter with the Registrar.



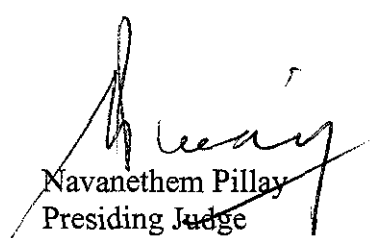
FOR THE ABOVE REASONS,

THE TRIBUNAL

DENIES the Defence's motion to hold an evidentiary hearing on the seizure of defendant's computer scanner.

DENIES the payment to the Defence of all costs for this motion, pursuant to amended Rule 73 (E) of the Rules.


Arusha, 13 October 2000



Navanethem Pillay
Presiding Judge



Erik Møse
Judge



Asoka de Zoysa Gunawardana
Judge

Seal of the Tribunal