



**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

OR: ENG

TRIAL CHAMBER II

Before: Judge William H. Sekule, Presiding
Judge Winston M. Maqutu
Judge Arlette Ramaroson

Registrar: Adama Dieng

Date: 15 February 2001

THE PROSECUTOR
v.
Juvénal KAJELIJELI
Case No. ICTR-98-44A-T

**DECISION ON THE DEFENCE MOTION SEEKING A REQUEST
FOR COOPERATION AND JUDICIAL ASSISTANCE FROM STATES
PURSUANT TO ARTICLE 28 OF THE STATUTE**

The Office of the Prosecutor:

Marks Moore
Ifema Ojemeni
Ibukunolu Babajide
Dorothee Marotine

Counsel for Kajelijeli:

Lennox Hinds
Nkeyi Makanyi Bompaka

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the “Tribunal”),

SITTING as Trial Chamber II composed of Judges William H. Sekule, Presiding, Winston C. Matanzima Maqutu and Arlette Ramaroson (the “Chamber”);

BEING SEIZED of the “Requête de la Défense en extrême urgence relative à la coopération judiciaire (Article 28 du Statut),” filed on 11 February 2002 (the “Motion”);

CONSIDERING the “Prosecutor’s Response to Defense Motion for Cooperation and Judicial Assistance pursuant to Article 28 of the Statute of the Tribunal, Filed on February 11, 2002,” which was filed on 13 February 2002 (the “Prosecutor’s response”);

RECALLING the Chamber’s “Decision on Juvénal Kajelijeli’s Motion for Protective Measures for Defense Witnesses,” of 3 April 2001 (the “Decision on Protective Measures for Defense Witnesses”);

CONSIDERING the Statute of the Tribunal (the “Statute”), particularly Article 28 and the Rules of Procedure and Evidence (the “Rules”);

NOW CONSIDERS, pursuant to Rule 73 of the Rules, the instant Motion on the basis of the written briefs only, as filed by the Parties;

WHEREAS the Defense requests that the Chamber issue, pursuant to Article 28 of the Statute, a request for cooperation and judicial assistance to Belgium, the Netherlands, Kenya and Rwanda;

WHEREAS the Defense submits that such a request is necessary to implement the Decision on Protective Measures for Defense Witnesses, particularly for the alibi Defense witnesses who currently reside in those four States, with whom the Prosecutor intends to meet during the weeks starting 18 February and 25 February 2002;

WHEREAS the Defense submits that the Tribunal’s Witnesses and Victims Support Section, has indicated that an efficient protection of witnesses can only be implemented by requesting the cooperation of the States in which those witnesses currently reside;

WHEREAS the Prosecutor does not oppose this request;

WHEREAS the United Nations Security Council reaffirmed Resolution 955 (1994) in its Resolution 1165 (1998) urging States to cooperate fully with the Tribunal; and

WHEREAS Article 28 of the Statute of the Tribunal provides that States shall cooperate with the Tribunal;

THE TRIBUNAL HEREBY

1. **GRANTS** the Motion;
2. **REQUESTS**, in the execution and implementation of the Decision on Protective Measures for Defense Witnesses, the cooperation and judicial assistance of Belgium, the Netherlands, Kenya and Rwanda;
3. **DIRECTS** the Registrar to transmit this request forthwith to the concerned States and to report back to the Trial Chamber on the implementation of the present request.

Arusha, 15 February 2002

William H. Sekule
Judge, Presiding

Wilson C. Matanzima Maqutu
Judge

Arlette Ramarosan
Judge

(Seal of the Tribunal)