

ICTR-96-4-T  
29-5-2001  
(2991 - 2989)

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International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda

UNITED NATIONS  
NATIONS UNIES

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Office of the President  
Bureau du Président

Before: Judge Navanethem Pillay, President

Original: English

Registrar: Adama Dieng

Decision of: 28 May 2001

JUDICIAL RECORDS/ARCHIVES  
RECEIVED  
ICTR  
2001 MAY 29 P. 4: 201

JEAN PAUL AKAYESU

VERSUS

THE PROSECUTOR

ICTR-96-4-A

THE PRESIDENT'S RULING ON TWO DEFENCE MOTIONS, REQUESTING A  
REVIEW OF THE TRIAL JUDGMENT AND THE IMPLEMENTATION OF  
WITNESS PROTECTION MEASURES

Defence Counsel : John Philpot  
André Tremblay

Prosecutor : Carla Del Ponte

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
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NAME / NOM: *Dr. M. N. D. A. Karim M. Antwi*  
SIGNATURE: *[Signature]* DATE: *29.05.2001*

*[Handwritten marks and signatures]*

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

**SITTING** in the person of Judge Navanethem Pillay, President.

On 12 April 2001, the Defence filed a Motion for a review of the Trial Judgment (the "Motion for Review"), rendered on 2 September 1998, by Trial Chamber I, comprising Judge Laïty Kama, presiding, Judge Lennart Aspegren and Judge Navanethem Pillay.

It is noted that the aforementioned Judgment is currently under appeal and a similar motion was also filed by the Defence (the Appellants), before the Appeals Chamber on 17 April 2001.

Subsequently and on 18 April 2001, the Defence filed another Motion before Trial Chamber I, requesting the implementation of certain protective measures for witnesses and their families (the "Motion for Witness Protection"). The Defence submitted that these witnesses were likely to testify, if the Motion for Review is granted.

Rule 120 of the Tribunal's Rules of Procedure and Evidence states:

*" Where a new fact has been discovered, which was not known to the moving party at the time of the proceedings before a Chamber, and could not have been discovered through the exercise of due diligence, the defence or, within one year after the final judgment has been pronounced, the Prosecutor, may make a motion to that Chamber, if it can be reconstituted or, failing that, to the appropriate Chamber of the Tribunal for review of the judgement. "*

The following measures were taken by me: I assigned Judge Erik Møse<sup>1</sup> to the old Trial Chamber I, in place of Judge Aspegren. The Motion for Review and the Motion for Witness Protection were then considered by Trial Chamber I comprising Judge Laïty Kama, presiding, Judge Navanethem Pillay and Judge Erik Møse. Decisions were drafted and were ready to be signed on 7 May 2001. Judge Kama died on 6 May 2001 and I was in the process of

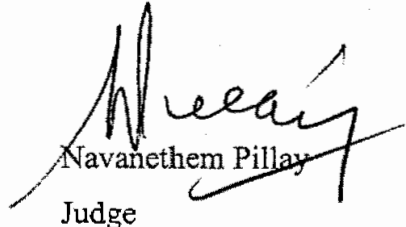
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<sup>1</sup> Order issued by Judge Navanethem Pillay, President, dated 3 May 2001.

assigning a judge in place of the Late Judge Kama when the Appeals Chamber, on 16 May 2001 rendered its decision denying the Motion for review of the judgment.

As a consequence of the Appeals Chamber decision of 16 May 2001, the Motion for Review and the Motion for Witness Protection, are now moot.

Arusha, 28 May 2001,

  
Navanethem Pillay  
Judge

(Seal of the Tribunal)

