



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

OR: ENG

TRIAL CHAMBER II

Before: Judge William H. Sekule, Presiding
Judge Mehmet Güney
Judge Erik Møse

Registrar: Adama Dieng

Date: 8 June 2001

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The PROSECUTOR

v.

Pauline NYIRAMASUHUKO & Arsène Shalom NTAHOBALI
(Case No. ICTR-97-21-T),

Sylvain NSABIMANA & Alphonse NTEZIRYAYO
(Case No. ICTR-97-29-T),

Joseph KANYABASHI
(Case No. ICTR-96-15-T)

and **Élie NDAYAMBAJE**
(Case No. ICTR-96-8-T)

**DECISION ON THE FULL DISCLOSURE OF THE IDENTITY AND
UNREDACTED STATEMENTS OF THE PROTECTED WITNESSES**

(Rules 46, 54, 66, 69, 73 and 75 of the Rules)

The Office of the Prosecutor:

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Richard Peras

**INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
TRIBUNAL PÉNAL INTERNATIONAL POUR LE RWANDA**
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NAME / NOM: John N. Kijoye
SIGNATURE: [Signature] DATE: 08.06.2001
Kupuyu tanyu 8/6/01

08-06-2001

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

CONSIDERING the nomination, pursuant to Article 13(3) of the Statute of the Tribunal (the “Statute”), of Judge William H. Sekule as Presiding Judge of Trial Chamber II, on 16 May 2001;

CONSIDERING further the temporary assignment of Judge Erik Møse to Trial Chamber II, in replacement of Judge Laïty Kama, pursuant to a Decision rendered by Judge Navanethem Pillay on 16 May 2001, pursuant to Rules 15(E) and 27 of the Rules of Procedure and Evidence of the Tribunal (the “Rules”);

SITTING THEREFORE as Trial Chamber II of the Tribunal, composed of Judge William H. Sekule, Presiding, Judge Mehmet Güney and Judge Erik Møse (the “Chamber”);

BEING SEIZED OF the following Motions, and of the corresponding Replies and Surreplies filed thereafter by the Parties:

(i) The “Requête en extrême urgence visant à faire respecter une ordonnance de la Chambre et à sanctionner le Procureur” filed by Counsel for Kanyabashi on 2 April 2001;

(ii) The “(...) Prosecutor’s Counter Motion for Harmonization of Protective Measures for Victims and Witnesses” filed on 24 April 2001 in the Kanyabashi Case;

(iii) The “Prosecutor’s Motion for Harmonization of Protective Measures for Victims and Witnesses” filed in the Ndayambaje Case on 24 April 2001;

(iv) The “Requête d’extrême urgence aux fins d’obtenir sans délai l’identité complète de tous les témoins que le Procureur a l’intention d’appeler dans le cadre du procès, de même que leurs déclarations antérieures non caviardées” filed by Counsel for Nyiramasuhuko on 30 April 2001;

(v) The “(...) Requête reconventionnelle en extrême urgence de la Défense visant à faire respecter une ordonnance de la Chambre de première instance II et à sanctionner le Procureur” filed on 3 May 2001 by Counsel for Ndayambaje;

(vi) The “Requête en extrême urgence visant à obtenir l’identité complète des témoins que le Procureur entend appeler à la barre de même que les renseignements portant sur les circonstances de ces déclarations” filed by Counsel for Kanyabashi on 7 May 2001;

(vii) The “Prosecutor’s (...) Counter Motion” filed on 13 May 2001 in the Ndayambaje Case;

CONSIDERING that the Motions are ruled upon on the sole basis of the written briefs filed by the Parties, pursuant to Rule 73 of the Rules;

CONSIDERING the Statute and the Rules, particularly Rules 54 and 73 of the Rules;

NOTING, AS A PRELIMINARY MATTER:

(i) That the Chamber ordered the Prosecutor to disclose to the Defense the identity and the unredacted statements of the protected victims and witnesses:

(a) 30 days prior to the trial, for Accused Kanyabashi and Ndayambaje (*See*, The Prosecutor v. Joseph Kanyabashi, Case No. ICTR-96-15-I, “Decision on the

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Prosecutor's Motion for the Protection of Victims and Witnesses", 6 March 1997; The Prosecutor v. Élie Ndayambake, Case No. ICTR-96-8-T, "Decision on the Motion filed by the Prosecutor for the Protection of Victims and Witnesses", 11 March 1997);

(b) 21 days prior to the appearance of each witness before the Tribunal, for Accused Nyiramasuhuko and Ntahobali (*See*, "Decision on the Prosecutor's Motion for Protective Measures for Victims and Witnesses" of 27 March 2001, The Prosecutor v. Pauline Nyiramasuhuko and Arsène Shalom Ntahobali, Case No. ICTR-97-21-T); and,

(c) when "the Trial Chamber is assured that the witnesses have been afforded an adequate mechanism for protection (...) or twenty-one (21) days before the victim or witness is to testify at trial, whichever comes first", for Accused Nsabimana and Nteziryayo ("Decision on the Prosecutor's Motion for Protective Measures for Victims and Witnesses" of 21 May 1999, The Prosecutor v. Sylvain Nsabimana and Alphonse Nteziryayo, Case No. ICTR-97-29-I, Order, p. 5);

(ii) That commencement of the trial in the instant cases was scheduled, at the Status Conference of 2 February 2001, on 14 May 2001;

(iii) That, on 3 May 2001, commencement of the trial was postponed, "due to the unavailability of one of the Judges on medical grounds", to 11 June 2001 (*See*, Court Management Section Interoffice Memorandum ICTR/JUD-11-6-2-114 of 3 May 2001).

SUBMISSIONS OF THE PARTIES

1. Counsel for Accused Kanyabashi and Ndayambaje allege that the Prosecutor has failed to comply with the above-mentioned Decisions of, respectively, 6 and 11 March 1997 (hereinafter, the "Kanyabashi Decision of 6 March 1997" and the "Ndayambake Decision of 11 March 1997"), as the identity and unredacted statements of all the witnesses in the instant cases had not been disclosed by the 14 April 2000, that is, 30 days before commencement of the trial. They accordingly request the Chamber to (a) order the Prosecutor to comply with the above-mentioned Decisions as soon as possible and in any case before the commencement of the Trial; (b) sanction the Prosecutor for his non-compliance with the said Decisions and (c) grant the Applicant such relief as the Chamber deems appropriate in light of the material prejudice suffered by the latter.

2. The Prosecutor's Counsel reply in this respect:

(a) That there is a discrepancy between the time frames for disclosure of the identity and unredacted statements of her protected witnesses in respect of these Accused and those in respect of Accused Nyiramasuhuko, Ntahobali, Nsabimana and Nteziryayo;

(b) That they only realised at the Pre-trial Conference of 19 April 2001 that they had not complied with the Kanyabashi and Ndayambake Decisions of 6 and 11 March 1997;

(c) That they thereafter disclosed, on 23 April 2001, that is, well before the time limit of 21 days prior to the appearance of the witnesses as decided upon in the case of Accused Nyiramasuhuko, Ntahobali, Nsabimana and Nteziryayo, the identity and unredacted statements of the first 11 protected witnesses that she intends to call to testify;

(d) That this partial disclosure has not substantially prejudiced the Accused Kanyabashi and Ndayambaje;

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- (e) That they acted thus in order to protect the interests of victims and witnesses, as the timeframes applied in the Decisions of 6 and 11 March 1997 had ceased to provide adequate protection to the latter, and in order to protect the principle of equality of arms between all the Parties, which principles are paramount to justice.
3. The Prosecutor accordingly asks for the leniency of the Chamber with regard to their non-compliance with the Decisions of 6 and 11 March 1997 and, further, while apologising for not seeking such remedy earlier, requests the Chamber to harmonise the timeframes for disclosure of the identity and unredacted statements of her protected witnesses with respect to all the Accused in the instant proceedings, in line with the Nyiramasuhuko and Ntahobali Decision of 27 March 2001 and accordingly set all the deadlines for such disclosure until 21 days prior to the appearance of each witness before the Tribunal.
 4. Counsel for Accused Nyiramasuhuko submit that, pursuant to the principle of equality of arms between the Parties, the time-limit of 21 days prior to the appearance of each witness before the Tribunal for disclosure of the latter's identity and their unredacted statements applicable in their case should be varied in accordance with the time-limit of 30 days prior to trial in force in the Kanyabashi and Ndayambaje cases. The said time limit having expired since 14 April 2001, they accordingly request the Chamber to order that such disclosure be made by the Prosecutor as soon as possible and in any case before the commencement of the Trial.
 5. Counsel for Kanyabashi further submit that the Prosecutor disclosed, on 23 April 2001, the statements of the 11 witnesses above referred-to, without, as attached to each witness statements in prior disclosures, a fact sheet pertaining to the circumstances of the declaration and the identification of the person interviewed. They submit, along with Counsel for Nyiramasuhuko, that the information, on these fact sheets, which pertains to the identification of the witnesses, should have been disclosed within the same timeframes as those applicable to the identity and unredacted statements of the witnesses the Prosecutor intends to call to testify. They further submit that the information, on these fact sheets, which pertains to the circumstances of the statement should be disclosed with all witness statements and in an unredacted form, irrespective of any protection measures ordered by the Chamber, as it would not lead to the identification of the witness and they are an integral part of the statement, which adds to its evidential value. These fact sheets should therefore be transmitted as soon as possible and in any case before the commencement of the Trial. The Prosecutor replies in this regard that these fact sheets are internal documents and thus, not subject to disclosure pursuant to Rule 70(A) of the Rules.

AFTER HAVING DELIBERATED

The Prosecutor's non-compliance with the Decisions of 6 and 11 March 1997

6. The Prosecutor acknowledges having failed "to disclose to the Defence the identity of the [...] protected witnesses as well as their non-redacted statements [...] thirty days prior to the trial in order to allow the Defence a sufficient amount of time to prepare itself" (Order No. 7, Kanyabashi and Ndayambaje Decisions of 6 and 11 March 1997).

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7. The Chamber notes in this regard that the disclosure of 23 April 2000 made to the Defense of Accused Kanyabashi and Ndayamabaje by the Prosecutor was on the one hand late and, on the other, partial. Firstly, this disclosure was late, as it occurred nine days after the deadline of 14 April 2001, that is, after the deadline of 30 days prior to commencement of the trial of 14 May 2001. Secondly, it was partial, as the totality of the witness statements in their unredacted form should have been disclosed to the Defence of the Accused, as opposed to those of merely 11 witnesses.
8. The Chamber further recalls that, at the current stage of the proceedings, although the Decisions of 6 and 11 March 1997 do not expressly specify which witnesses are to benefit from the protection measures, the Prosecutor was bound to disclose, at the latest on 14 April 2001, only the unredacted statement and identity of those witnesses he intends to call to testify, rather than the same elements with respect to all the witnesses whose redacted statements were ever disclosed to the Accused. The emphasis, in the view of the Chamber, must be placed on the unredacted Prosecutor's disclosure of "all the evidence useful for the preparation of the defence of the Accused" without "swamping the Defence with the statements of witnesses whom [the Prosecutor] does not actually intend to call and which might not be otherwise useful for a proper determination of the case, in order to ensure that the Defence has adequate time and facilities to prepare its case and have it heard within a reasonable time" ("Decision on the Defence Motion to Limit Possible Evidence to be Disclosed to the Defence and to exclude Certain Material Already Disclosed by the Prosecutor", *The Prosecutor v. Sylvain Nsabimana*, Case No. ICTR-97-29-T, 11 February 2000, page 5).
9. The Prosecutor's Counsel submit, while seeking the leniency of the Chamber and expressing their apologies, that they only realized at the Pre-trial Conference of 19 April 2001 that they had been in non-compliance with the Decisions of 6 and 11 March 1997 since 14 April 2001. The Chamber is thus satisfied that the said non-compliance is an oversight and, accordingly, does not qualify as a Misconduct of Counsel, within the meaning of Rule 46 of the Rules.
10. However, the Chamber takes into consideration the fact that the Prosecutor's Counsel, upon realising that they had not complied with the Decisions of 6 and 11 March 1997, did not immediately proceed with the disclosures ordered. Rather, according to their submissions, they decided, notably, that the timeframes applied in the Decisions of 6 and 11 March 1997 had ceased to provide adequate protection to the witnesses and that, therefore, they were entitled to postpone full compliance with the said Decisions until a Chamber's Decision on their request for harmonisation of the witness protection measures ordered in the instant proceedings be rendered.
11. The Chamber is deeply concerned by such an attitude, which could qualify as "abusive" within the meaning of Rule 46 of the Rules, and recalls the Prosecutor's Counsel in the instant proceedings of the binding nature of the Decisions and Orders rendered by the Tribunal. This conduct will not be tolerated in the future.

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Compliance with the Decisions of 6 and 11 March 1997

12. The Chamber draws the attention of Counsel for Accused Kanyabashi and Ndayambaje to the fact that full compliance with Order No. 7 of the Decisions of 6 and 11 March 1997 may only be ordered "subject to Order No. 6" of the said Decisions, according to which: "The Prosecutor is authorised to withhold disclosure to the Defence of the identity of the victims and witnesses and to temporarily redact their names and addresses in the written statements, *until such time as the said victims or witnesses are brought under the protection of the Tribunal*" (our emphasis).
13. The Chamber accordingly directed the Registrar, in the said Orders No.6, to "install adequate protection measures immediately for victims and witnesses before, during and after their testimonies, if it has not already been so done".
14. Full disclosure of the identity and unredacted statements of the witnesses the Prosecutor intends to call to testify being thus subject to the prior enforcement of the protection measures by the Tribunal, the Chamber orders the Victims and Witnesses Support Unit of the Tribunal (hereinafter, the "Victims and Witnesses Support Unit") to report to the Chamber and the Prosecutor, within 5 days from the date of the present Decision, on whether the protection measures ordered by the Chamber are enforced with respect to each of the witnesses referred to in the Prosecutor's witness..
15. Should the protection measures not have been enforced with respect to all the witnesses the Prosecutor intends to call at trial, the Victims and Witnesses Protection Unit of the Tribunal shall immediately notify the Chamber and the Prosecutor and the Parties of their enforcement with respect to each witness as yet unprotected.
16. The Chamber further orders the Prosecution to disclose to the Defence of Accused Ndayambaje and Kanyabashi, within two days from the date of confirmation of the enforcement of the protection measures by the Victims and Witnesses Support Unit, the identity and full unredacted statements of the witnesses they intend to call to testify at trial.

Relief pursuant to Rule 54 of the Rules

17. The Chamber notes that the preparation for the trial of the Defense of Accused Kanyabashi and Ndayambaje could have been affected by the lack of timely disclosure of the identity and unredacted statements of the Prosecutor's protected witnesses.
18. Considering however that the Prosecution partially disclosed, on 23 April 2001, that is, more than a month prior to commencement of the trial as postponed to 11 June 2001, the unredacted statements and identity of the 11 first witnesses that they intend to call to testify at trial; considering further that the following witnesses shall only be called to testify after extended periods of time, the Chamber considers that no substantial prejudice was as a result inflicted upon the Accused so as to entitle them to relief.

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Harmonisation of the timeframes for the disclosure of the identity and of the unredacted statements of the witnesses pursuant to Rule 54 of the Rules

19. The Parties move the Chamber for the harmonisation of the timeframes applicable to the disclosure of the identity and of the unredacted statements of the Prosecutor's witnesses in the instant joint proceedings.
20. In deciding upon this issue, the Chamber bears in mind the fundamental requirement of equal access, for any Accused, to all documents necessary to prepare and conduct an effective defense.
21. The Chamber particularly emphasises in this respect that, in the "Décision relative à la communication de preuves" rendered on 1 November 2000 in the Case The Prosecutor v. Pauline Nyiramasuhuko, the Chamber held that all the Counsel in the instant joint proceedings were entitled to disclosure, pursuant to Rule 66(A)(ii) of the Rules, of the statements of all the witnesses that the Prosecutor intends to call at trial, irrespective of the Accused against whom each witness is to testify. The rationale underlying this decision was that the Accused should be put in the same position, one with respect to the other, in view of their respective preparation to the forthcoming cross-examination of the Prosecutor's witnesses in these joint proceedings. For all the Accused party to these proceedings to be placed in an equal position in this respect, the interests of justice indeed command that the timeframes for disclosure of the unredacted statements and of the identity of the Prosecutor's witnesses be likewise harmonised.
22. As regards the Prosecutor's request that the said timeframes be harmonised, in line with those applicable with respect to the witnesses that the Prosecutor intends to call to testify against Accused Nyiramasuhuko and Ntahobali, that is, 21 days prior to the appearance of each witness before the Tribunal, the Chamber notes that such harmonisation would prejudice the Defence of Accused Kanyabashi and Ndayambaje, in that the timeframes currently in force in their case allow for a comprehensive disclosure, 30 days *prior to trial*, of all the witnesses the Prosecutor intends to call to testify.
23. The Chamber recalls in this regard that, pursuant to Rule 69(C) of the Rules, and as recalled in the Kanyabashi and Ndayambaje Decisions of 6 and 11 March 1997, "[s]ubject to Rule 75, the identity of the victim or witness shall be disclosed *in sufficient time prior to the trial* to allow adequate time for preparation of the prosecution and the defence" (our emphasis). Hence, pursuant to the Rules, and subject to (1) the enforcement of the protection measures ordered and (2) specific protection measures rendered on a case by case basis, whereby the identity of protected witnesses may be disclosed at a later stage, prior to the appearance of particular witnesses at trial, the principle remains that "la date-butoir du délai de préparation accordé à la Défense doit être la date d'ouverture du procès et non celle de la comparution des témoins" (International Criminal Tribunal for the former Yugoslavia ("ICTY"), Trial Chamber II, The Prosecutor v. Radoslav Brdanin and Momir Talic, Case No. IT-99-36-PT, "Décision relative à la Requête de l'Accusation aux fins de mesures de protection", 3 July 2000 ; unofficial translation : "the deadline of the period granted to the Defense for its preparation is that date at which the trial begins and not when the witnesses are called").

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24. The Chamber further notes that this principle derived from Rule 69(C) of the Rules applies irrespective of whether the witnesses are to appear on behalf of the prosecution or of the defense.
25. The Chamber therefore concludes that the disparity between the timeframes applicable to the disclosure of the identity and unredacted statements of the witnesses in the present joint proceedings commends, in the light of the principle of the equality of arms of *all* the Parties, that the said timeframes be harmonised, subject to the enforcement of the protection measures by the Victims and Witnesses Support Unit, with respect to all the Accused in these joint proceedings, as follows:
- (a) *In view of the impending commencement of the Trial, the Victims and Witnesses Support Unit shall report to the Chamber, within 5 days from the date of the present Decision, on whether the protection measures ordered in the instant proceedings have been enforced with respect to the witnesses to be called to testify by all the Parties concerned;*
 - (b) *The Parties shall thereupon disclose to the other Parties, within 2 days from the confirmation, in the report, of the enforcement of the protection measures, the concerned witnesses unredacted statements and identity as yet undisclosed;*
 - (c) *Should the report show that some witnesses have not as yet been placed under the protection of the Tribunal, the Victims and Witnesses Support Unit shall take all necessary steps so as to provide these witnesses, as soon as possible, with adequate protection, and immediately notify the Chamber and the Parties of such steps, when taken, so that the Party concerned proceed, thereafter and within 2 days, with the full disclosure of the unredacted statements and identity of the corresponding witnesses to the other Parties.*

As to the undisclosed fact sheets attached to the witness statements

26. According to the Defense, the first disclosure of unredacted witness statements made by the Prosecutor on 23 April 2001 did not include the first two pages of the witness statements pertaining to the circumstances of the interview and the identification of the witness (hereinafter, the “fact sheets”). According to the Defense, these fact sheets were formerly disclosed by the Prosecutor, in the instant proceedings, with the witness statements and, further, have been disclosed in other proceedings before the Tribunal. The Prosecutor replies that “her practice of disclosure in various other trials (...) is of no binding significance or precedent”.
27. The issue of the information on these fact sheets pertaining to the collection of the witnesses statements was ruled upon in the «*Décision relative à la Requête de la Défense en Extrême Urgence tenant au respect, par le Procureur, de la Décision relative à la communication de preuves du 1^{er} novembre 2000*», rendered on 7 June 2001 in the case *The Prosecutor v. Pauline Nyiramasuhuko*, No. ICTR-97-21-T.
28. Since the Prosecution is now to disclose the identity of their witnesses in respect of all the Accused, the outstanding issue is whether they are to disclose the identifying information on these fact sheets. The Chamber is of the opinion that the Prosecutor

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cannot decide to apply Rule 70(A) to *all* such information. Further, the Chamber emphasises that the Defence should have access to a sufficient amount of identifying information in order to prepare for cross-examination and, notably make prior investigations in respect of the witnesses to appear against the Accused. Information such as the name(s) of the witness, his or her date and place of birth, his or her religion, nationality and ethnic origin, his residence and profession at the time of the events he is to testify on, the languages spoken and written by him or her should accordingly be disclosed to the Defence. The Chamber further considers that the signature of the witness should not be redacted on the said fact sheets. Information such as the present address of the witness should in any case not be disclosed (*See, on this issue, ICTY, The Prosecutor v. Delalic et al., "Decision on the Defence Motion to Compel the Disc[losure] of Identity and Location of Witnesses", 18 March 1997, para. 20).*

29. Should the Prosecution consider that part of this information should not be disclosed pursuant to the Rules, they should seek leave of the Trial Chamber not to disclose it, and give the reasons therefore.

Service of the documents disclosed

30. Counsel for Kanyabashi alleges that the Accused only has been serviced with the Prosecutor's disclosures of witness statements of 23 April 2001, as opposed to his Counsel. The Prosecution deny responsibility, and submit that the documents were disclosed to the Registry, whose responsibility is to carry out the service of the documents. According to them, such an "administrative matter" should therefore only be raised with the latter.
31. The Chamber is aware that the procedural requirements at the Tribunal are that any documents disclosed to the opposing Party be remitted in the first place to the Registry, for purposes of indexing, and that the latter in turn is to disclose copy of the indexed documents to their intended recipients. The Chamber notes, however, that pursuant to the Rules, and, particularly, to Rule 66(A), the Prosecutor as such is responsible for the disclosure of documents and, notably, of witness statements. The Prosecutor therefore shall ascertain in the instant case, in consultation with the Registry, whether the documents at issue have actually been serviced to their intended recipients and report to the Chamber and to the Parties concerned on the steps taken to this effect, within 5 days from the date of the present Decision.

Commencement of the trial

32. The Chamber emphasizes that the Orders herein rendered shall not affect the impending commencement of trial in the instant cases, and, notably, the appearance of the witnesses to be called by the Prosecutor whose unredacted statements and identity were disclosed to the Defence on 23 April 2001.

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FOR THE ABOVE REASONS, THE TRIBUNAL:

I. ORDERS, pursuant to Rule 54 of the Rules:

(A) **The Victims and Witnesses Support Unit** to report to the Chamber and the Parties concerned, within 5 days from the date of the present Decision, on whether the protection measures ordered in the instant proceedings have been enforced with respect to the witnesses to be called to testify by all the Parties in the instant joint proceedings;

(B) **The Parties** to thereupon disclose to the other Parties, within 2 days from the confirmation, in the report, of the enforcement of the protection measures, the unredacted statements and identity of the concerned witnesses as yet undisclosed;

(C) **The Victims and Witnesses Support Unit**, should the report show that some witnesses have not as yet been placed under the protection of the Tribunal, to take all necessary steps so as to provide these witnesses, as soon as possible, with adequate protection, and to immediately notify the Chamber and the Parties of such steps, when taken;

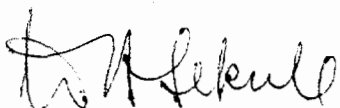
(D) **The Parties concerned** by the notification from the Victims and Witnesses Support Unit referred-to at Sub-paragraph (C) above to proceed, thereafter and within 2 days, with the full disclosure of the unredacted statements and identity of the corresponding witnesses;

II. ORDERS the Prosecutor, pursuant to Rule 66(A)(ii) of the Rules and subject to the enforcement of the protection measures referred to above, to immediately disclose to the Defence of all the Accused, all his unredacted witness statements with such information as the name(s) of the witness, his or her date and place of birth, his or her religion, nationality and ethnic origin, his residence and profession at the time of the events he is to testify on, the languages spoken and written by him or her, the signature of the witness;

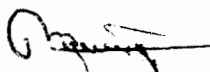
III. ORDERS the Prosecutor, should she consider that specific information contained in these fact sheets, in general or with respect to one or the other of her witnesses, might be covered by an exception to disclosure under the Rules, to seek leave from the Chamber not to disclose such information, and, for this purpose, to fully detail the reasons why such leave should be granted, by Monday 11 June at the latest;

IV. ORDERS the Prosecutor, pursuant to Rule 54 of the Rules, to report, in consultation with the Registry, on the service to the relevant Counsel of the disclosures of 23 April 2001, within 5 days from the date of the present Decision.

Arusha, 8 June 2001.



William H. Sekule
Presiding Judge



Mehmet Güney
Judge



Erik Møse
Judge

