



UNITED NATIONS
NATIONS UNIES

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

TRIAL CHAMBER III

Original: English

Before:

Judge Yakov Ostrovsky, Presiding
Judge Lloyd George Williams
Judge Pavel Dolenc

Registrar: Mr. Adama Dieng

Decision of : 3 September 2001

**THE PROSECUTOR
versus
LAURENT SEMANZA**

Case No. ICTR-97-20-T

**DECISION ON THE DEFENCE EXTREMELY URGENT MOTION FOR REQUEST
FOR COOPERATION PURSUANT TO ARTICLE 28 OF THE STATUTE OF THE
TRIBUNAL
AND
REQUEST FOR COOPERATION BY STATES**

Counsel for the Prosecutor:

Mr. Chile Eboe-Osuji
Ms. Amanda Reichman

Counsel for the Accused:

Mr. Charles A. Taku
Mr. Sadikou Ayo Alao

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

SITTING as Trial Chamber III composed of Judge Yakov Ostrovsky, presiding, Judge Lloyd George Williams, and Judge Pavel Dolenc (the "Chamber");

BEING SEIZED of the Defence Extremely Urgent Motion for Request for Cooperation Pursuant to Article 28 of the Statute, filed on 16 August 2001 (the "Motion");

CONSIDERING the Prosecutor=s Response to the Motion, filed on 21 August 2001;

RECALLING the Chamber=s Decision on the Defence Motion for Protection of Witnesses (Rule 75), dated and filed on 24 May 2001 (the "Decision"), which is attached hereto as Annex I;

NOW CONSIDERS the matter without a hearing solely on the briefs of the parties, pursuant to Rule 73(A) of the Rules of Procedure and Evidence of the Tribunal.

WHEREAS the Defence requests the Chamber to issue a request for cooperation pursuant to Article 28 of the Statute of the Tribunal to the States listed in Annex II attached hereto;

WHEREAS the Defence submits that the Tribunal=s Witnesses and Victims Support Section, Defence Unit, informed the Defence that it would face difficulties in obtaining the cooperation of States in the absence of an express decision for cooperation pursuant to Article 28 of the Statute;

WHEREAS the Prosecutor does not oppose this request;

WHEREAS the Chamber recalls paragraphs 12 and 14(B) of the said Decision wherein the Chamber directed the Registry to seek the cooperation of States in facilitating the testimonies of Defence witnesses in the present case;

WHEREAS the United Nations Security Council in Resolution 955 (1994) decided that all States shall cooperate fully with the Tribunal;

WHEREAS the United Nations Security Council reaffirmed Resolution 955 (1994) in its Resolution 1165 (1998) and therein urged 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** the cooperation of the States listed in Annex II in the execution and the implementation of the said Decision; and

3. **DIRECTS** the Registry to transmit this request to the concerned States and further directs that, in the future, the responsible section of the Registry shall inform the Chamber of the precise difficulties it encounters in requesting the cooperation of States pursuant to orders made by the Chamber.

Arusha, 3 September 2001.

Yakov Ostrovsky

Lloyd George Williams

Pavel Dolenc

Judge, presiding

Judge

Judge

[Seal of the Tribunal]