



ICTR-98-42-T  
31-1-2002  
(5582-5581)

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

5582  
Mustang

TRIAL CHAMBER II

**Before:** Judge William H. Sekule, Presiding  
Judge Winston C. Mantazima Maqutu  
Judge Arlette Ramaroson

**Registrar:** Adama Dieng

**Date :** 31 January 2002

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JUDICIAL RECORDS/ARCHIVES  
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**THE PROSECUTOR v. ÉLIE NDAYAMBAJE**

**THE PROSECUTOR v. JOSEPH KANYABASHI**

**THE PROSECUTOR v. PAULINE NYIRAMASUHUKO & ARSÈNE SHALOM NTAHOBALI**

**THE PROSECUTOR v. SYLVAIN NSABIMANA & ALPHONSE NTEZIRYAYO**

**CASE NO. ICTR-98-42-T**

**TEMPORARY ORDER ON THE PROSECUTOR'S URGENT MOTION TO STAY DISCLOSURE**

Office of the Prosecutor:

Silvana Arbia, Senior Trial Attorney  
Japhet Mono, Senior Trial Attorney  
Jonathan Moses, Trial Attorney  
Gregory Townsend, Assistant Trial Attorney  
Adesola Adeboyejo, Assistant Trial Attorney  
Manuel Bouwknecht, Case Manager

Defence Counsel for Ndayambaje:

Pierre Boulé, Lead Counsel  
Isabelle Lavoie, Co-Counsel

Defence Counsel for Kanyabashi:

Michel Marchand, Lead Counsel  
Michel Boyer, Co-Counsel

Defence Counsel for Nyiramasuhuko:

Nicole Bergevin, Lead Counsel  
Guy Poupart, Co-Counsel

Defence Counsel for Ntahobali:

Duncan Mwanyumba, Lead Counsel  
Normand Marquis, Co-Counsel

Defence Counsel for Nsabimana:

Josette Kadji, Lead Counsel  
Charles Patie Tchakounte, Co-Counsel

Defence Counsel for Nteziryayo:

Titinga Frédéric Pacere, Lead Counsel  
Richard Perras, Co-Counsel

**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 "Prosecutor's Extremely Urgent Motion to Stay Disclosure Until Protection Measures Are Put in Place" (the "Motion"), filed on 30 January 2002;

**WHEREAS** the Prosecution moves, under Rules 54, 73, 69, 75, and Article 21 of the Statute, for the Trial Chamber to temporarily stay disclosure under the Decision of 13 November 2001 for the eleven witnesses for whom witness protection measures have not yet been put in place. The Prosecution maintains that, in the absence of any order extending the deadline before 31 January 2002, it will be obliged to comply fully with the existing Order of 13 November 2001, ordering full disclosure of unredacted statements of the 11 witnesses for whom no protective measures are in place.

**NOTING** that on 13 November 2001, the Trial Chamber ordered: (1) the Witness and Victim Support Section (WVSS) to provide protective measures for all remaining Prosecution witnesses at the latest by 29 January 2002, and; (2) the Prosecutor to disclose the non-redacted witness statements of all remaining witnesses as soon as WVSS put protective measures in place and, in any event, by the latest on 31 January 2002. (*See Prosecutor v. Nyiramasuhuko, et al; Prosecutor v. Ndayambaje; Prosecutor v. Kanyabashi*; ICTR-98-42-T, Decision on the Defence Motions by Nyiramasuhuko, Ndayambaje and Kanyabashi on, *Inter Alia*, Full Disclosure of Unredacted Prosecution Witness Statements).

**DECIDES** without going into the merits of the Motion that it is in the interest of justice and for the protection of witnesses and potential witnesses to grant, in the interim, the Prosecution's request to suspend the 13 November 2001 Order for full disclosure of unredacted statements by 31 January 2002 as far as the 11 witnesses mentioned in the Motion are concerned.

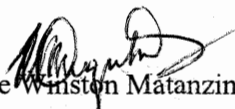
**ORDERS** that:

- (a) The Prosecution Motion be translated and served on the Defence;
- (b) The operation of the Order of 13 November 2001 for the full disclosure of unredacted statements in respect of the 11 witnesses mentioned in the Motion be suspended pending the hearing and finalisation of this Motion;
- (c) The hearing on this application be postponed to the first week of the resumption of the trial.

Arusha, 31 January 2002.



Judge William H. Sekule, Presiding



Judge Winston Matanzima Maqutu



Judge Arlette Ramaroson

[Seal of the Tribunal]

**TRANSMISSION SHEET FOR OFFICIAL FILING OF DOCUMENTS WITH CMS**

(Art. 27 of the Directive for the Registry, Court Management Section, International Criminal Tribunal for Rwanda)

<b>To:</b>	<input type="checkbox"/> OIC, CMS J.P. Fomété	<input type="checkbox"/> Trial Chamber I A. N'Gum	<input checked="" type="checkbox"/> Trial Chamber II M. Goetz	<input type="checkbox"/> Trial Chamber III K. Affande	<input type="checkbox"/> Appeals Officer F. Talon / R. Muzigo-Morrison
<b>From:</b>	<input checked="" type="checkbox"/> Chamber II <b>Alice Leroy</b> (name)	<input type="checkbox"/> Defence (name)	<input type="checkbox"/> Prosecutors Office (name)	<input type="checkbox"/> Other: (name)	
<b>Case Name:</b>	The Prosecutor vs. <b>ÉLIE NDAYAMBAJE, JOSEPH KANYABASHI, PAULINE NYIRAMASUHUKO &amp; ARSÈNE SHALOM NTAHOBALI, SYLVAIN NSABIMANA &amp; ALPHONSE NTEZIRYAYO</b>			<b>Case Number:</b>	<b>CASE NO. ICTR-98-42-T</b>
<b>Date</b>	Transmitted: <b>31-1-2002</b>	Document's date: 31 January 2002			No. of Pages: 2
<b>Original / Transl.</b>	Document is a(n): <input checked="" type="checkbox"/> ORIGINAL: <b>Fill sections below</b> <input type="checkbox"/> TRANSLATION into <input type="checkbox"/> Eng <input type="checkbox"/> Fr <input type="checkbox"/> Kinyar. (original was filed on _____)				
<b>Doc. Title</b>	<b>TEMPORARY ORDER ON THE PROSECUTOR'S URGENT MOTION TO STAY DISCLOSURE</b>				

**TRANSLATION STATUS ON DATE OF FILING OF ORIGINAL** (completed by Chamber / Filing Party)

<b>No action required by CMS regarding translations:</b>  <input type="checkbox"/> Filing Party/Chamber hereby submits <b>BOTH</b> the original and the translation to CMS for filing  <input type="checkbox"/> Filing Party/Chamber will be submitting translation to CMS in due course, details are provided below. <b>Fill in the boxes below.</b>	<b>Please take action with regard to translation:</b>  <input checked="" type="checkbox"/> Party/Chambers hereby submits the original, and will <b>NOT</b> oversee translation.  <b>Ignore the boxes below.</b>  <input type="checkbox"/> Reference material is provided in annex to facilitate translation
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<input type="checkbox"/> Chamber <input type="checkbox"/> OTP is over-seeing translation. (copy of translation requisition slip is attached for reference) Name of contact person: The document is submitted for translation in: <input type="checkbox"/> Arusha <input type="checkbox"/> Kigali <input type="checkbox"/> The Hague	<input type="checkbox"/> Defence is overseeing translation: Name of contact person:  The document is submitted to the following accredited translation service (Translation fees will be submitted to LDFMS):  Name of service: Address: Email / tel / fax:	
Target Language: <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> Number of Pages <input type="checkbox"/> Expected date of translation:	Translation received by CMS on:

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Tel: 255 27 2504207-11 504367-72 or 1 212 963 2850 Fax: 255 27 2504000/504373 or 1 212 963 2848/49

## **PROOF OF SERVICE ON PARTIES – BY FAX PREUVE DE NOTIFICATION AUX PARTIES**

<b>Date:</b> 31 January. 02		<b>"Butare Joinder" ICTR-01-98-42-T: The Prosecutor v. Nyiramasuhuko &amp; Ntahobali [ICTR-97-21-T], Nsabimana &amp; Nteziryayo [ICTR-97-29-T], Kanyabashi [ICTR-96-15-T], Ndayambaje [ICTR-96-8-T]</b>	
<b>To:</b> <b>A:</b>	Nyiramasuhuko: <input checked="" type="checkbox"/> N. Bergevin <input type="checkbox"/> Arusha <input checked="" type="checkbox"/> Fax <input checked="" type="checkbox"/> G. Poupard <input type="checkbox"/> Arusha <input checked="" type="checkbox"/> Fax Ntahobali: <input checked="" type="checkbox"/> M. Duncan <input type="checkbox"/> Arusha <input type="checkbox"/> Fax Nsabimana: <input checked="" type="checkbox"/> J. Kadji <input type="checkbox"/> Arusha <input checked="" type="checkbox"/> Fax <input checked="" type="checkbox"/> Tchakoute <input type="checkbox"/> Arusha <input checked="" type="checkbox"/> Fax Nteziryayo: <input checked="" type="checkbox"/> F. Pacere <input type="checkbox"/> Arusha <input checked="" type="checkbox"/> Fax <input checked="" type="checkbox"/> R. Perras <input type="checkbox"/> Arusha <input checked="" type="checkbox"/> Fax Ndayambaje: <input checked="" type="checkbox"/> P. Boulé <input type="checkbox"/> Arusha <input checked="" type="checkbox"/> Fax <input checked="" type="checkbox"/> I. Lavoie <input type="checkbox"/> Arusha <input checked="" type="checkbox"/> Fax Kanyabashi: <input checked="" type="checkbox"/> M. Marchand <input type="checkbox"/> Arusha <input checked="" type="checkbox"/> Fax <input checked="" type="checkbox"/> M. Boyer <input type="checkbox"/> Arusha <input checked="" type="checkbox"/> Fax		
<b>From:</b> <b>De:</b>	<input type="checkbox"/> JP. Fomété <input type="checkbox"/> A. N'gum (TC1) <input checked="" type="checkbox"/> M. Goetz (TC2) <input type="checkbox"/> K. Afande (TC3) <input type="checkbox"/> F. Talon (Appeals)		
<b>Subject</b> <b>Objet:</b>	Kindly find attached the following documents / <i>Veuillez trouver en annexe les documents suivants:</i>		

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**TEMPORARY ORDER ON THE PROSECUTOR'S URGENT MOTION TO STAY DISCLOSURE**

Date Filed /  
Date enregistré  
**31 January.**  
**02**

No.  
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**2**



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## PROOF OF SERVICE – ARUSHA PREUVE DE NOTIFICATION AUX CHAMBRES DE PREMIERE INSTANCE - ARUSHA

Date:	31 January. 02	"Butare Joinder" ICTR-01-98-42-T: The Prosecutor v. Nyiramasuhuko & Ntahobali [ICTR-97-21-T], Nsabimana & Nteziryayo [ICTR-97-29-T], Kanyabashi [ICTR-96-15-T], Ndayambaje [ICTR-96-8-T]	
To: A:	<input type="checkbox"/> Judge N. Pillay, President	<input type="checkbox"/>	
	<input type="checkbox"/> Judge E. Møse, Vice President	<input type="checkbox"/>	
	<b>TC2</b>		
	<input checked="" type="checkbox"/> Judge W. H. Sekule	<input checked="" type="checkbox"/>	<i>Pamela-31/1/02</i>
	<input checked="" type="checkbox"/> Judge W. C.M. Maqutu	<input checked="" type="checkbox"/>	<i>Pamela-31/1/02</i>
	<input checked="" type="checkbox"/> Judge A. Ramaroson	<input checked="" type="checkbox"/>	
	<input type="checkbox"/> C. Aptel, Co-ordinator	<input type="checkbox"/>	
<b>OTP / BUREAU DU PROCUREUR</b> <input checked="" type="checkbox"/> Trial Attorney in charge of case: <b>Silvia Arbia</b> , received by <i>[Signature]</i> <b>5/1/02</b> <b>ACCUSED:</b> _____ CMS4 received by Security, ICTR HQ _____ <b>DEFENSE</b> <input checked="" type="checkbox"/> Lead Counsel / <i>Conseil Principal</i> : see / voir "CMS3bis FORM" <input checked="" type="checkbox"/> Co-Counsel / <i>Conseil Adjoint</i> : see / voir "CMS3bis FORM" <i>[Signature]</i> <b>All Decisions:</b> <input type="checkbox"/> Appeals Chamber Unit, The Hague <input checked="" type="checkbox"/> Suzanne Chenault, Jurist Linguist <b>All Decisions &amp; Important Public Documents:</b> <input type="checkbox"/> Press & Public Affairs <input type="checkbox"/> Legal Library			
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<b>02</b>	