



ICTR-98-44A-T  
15-02-2002  
(1685-1683)

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

1685  
Mushp

OR: ENG

TRIAL CHAMBER II

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

Registrar: Adama Dieng

Date: 15 February 2001

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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  
Ifeoma Ojemeni  
Ibukunolu Babajide  
Dorothee Marotine

Counsel for Kajelijeli:

Lennox Hinds  
Nkeyi Makanyi Bompaka

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**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 Ramarosan (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;

to

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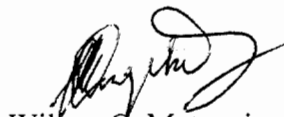
**THE TRIBUNAL HEREBY**

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 Ramarason  
Judge



(Seat of the Tribunal)