



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER II

Before:

Judge William H. Sekule, Presiding
Judge Winston C. Matanzima Maqutu
Judge Arlette Ramaroson

Registrar: Mr. Adama Dieng

Date: 8 May 2002

The PROSECUTOR

v.

Juvénal KAJELIJELI

Case No. ICTR-99-44A-T

DECISION ON KAJELIJELI'S MOTION FOR EXTENSION OF JUDICIAL COOPERATION TO CERTAIN STATES PURSUANT TO ARTICLE 28 OF THE STATUTE OF THE TRIBUNAL

Office of the Prosecutor

Ken Fleming
Ifeoma Ojemeni

Defense Counsel for Kamuhanda

Lennox Hinds
Nkeyi Bompaka

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 "Requête de la défense relative à l'extension de la coopération judiciaire à certains Etats [Article 28 du Statut]," filed on 18 April 2002 (the "Motion");

CONSIDERING the "Prosecutor's Response to the Defense Motion for Extension of Judicial Cooperation to Certain States pursuant to Article 28 of the Statute of the Tribunal [...]" filed on 26 April 2002 (the "Prosecutor's Response");

RECALLING the Chamber's Decisions in this case, in particular;

i) "Decision on the Defense Motion Seeking a Request for Cooperation and Judicial Assistance from States pursuant to Article 28 of The Statute," of 15 February 2002 (the "Decision on Cooperation");

ii) "Decision on Juvénal Kajelijeli's Motion for Protective Measures for Defense Witnesses," of 3 April 2001 (the "Decision on Protective Measures");

CONSIDERING the Statute of the Tribunal (the "Statute") in particular Article 28 of the Statute, and the Rules of Procedure and Evidence (the "Rules");

NOW CONSIDERS the matter solely on the basis of the written briefs of the Parties pursuant to Rule 73(A) of the Rules;

WHEREAS the Defense requests that the Chamber issue, pursuant to Article 28 of the Statute, a request for cooperation from the States wherein Defense witnesses reside, as enumerated in Annex I to this Decision;

WHEREAS in its Decision on Cooperation, the Chamber at the request of the Defense had sought the cooperation of certain States wherein the alibi Defense witnesses reside while in the instant case, the Defense seeks the cooperation of the States wherein other Defense witnesses reside;

WHEREAS the Defense submits that they seek such cooperation for the enforcement of protective measures for Defense witnesses residing in the States listed in Annex 1 to this Decision;

WHEREAS the Defense also lists the United Nations High Commissioner for Refugees (the "UNHCR") in Annex I from which the cooperation should be sought because some witnesses are under its protection;

WHEREAS the Prosecutor, submits that in the interests of justice, she does not oppose the Defense Motion for extension of judicial cooperation;

WHEREAS the United Nations Security Council in Resolution 955 (1994) decided that all States shall cooperate fully with the Tribunal and in particular point 4 of said Resolution urges, "States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel.";

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 those States and the UNHCR listed in Annex I in order to facilitate the execution and implementation of the Chamber's Decision on Witness Protection;
- 3. DIRECTS** the Registry to transmit this request to the concerned States and further directs that, in 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 the orders made by the Chamber.

Arusha, 8 May 2002

William H. Sekule	Winston C. Matanzima Maqutu	Arlette Ramaroson
Presiding Judge	Judge	Judge

(Seal of the Tribunal)

ANNEX I

To the "**DECISION ON KAJELIJELI'S MOTION FOR EXTENSION OF JUDICIAL COOPERATION TO CERTAIN STATES PURSUANT TO ARTICLE 28 OF THE STATUTE OF THE TRIBUNAL**" of 6 May 2002.

Africa:

1) Benin, 2) Cameroon, 3) The Republic of Congo, 4) The Democratic Republic of Congo, 5) The Central African Republic, 6) The Republic of South Africa, 7) Kenya, 8) Rwanda, 9) Togo, 10) Senegal, 11) Zambia and 12) Zimbabwe.

Europe:

1) Belgium, 2) France, 3) Holland, 4) Germany, 5) Italy, 6) Australia, 7) Switzerland, and 8) Denmark

America:

1) The United States of America and 2) Canada

International Organization:

The United Nations High Commissioner for Refugees (the "UNHCR")