

ICTR-99-54A-T  
9. 5. 2002  
(855 — 847)

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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: Adama Dieng

Date: 9 May 2002

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The PROSECUTOR v. Jean de Dieu KAMUHANDA

Case No. ICTR-99-54A-T

DECISION ON KAMUHANDA'S MOTIONS FOR EXTENSION OF JUDICIAL  
COOPERATION TO CERTAIN STATES AND TO THE UNHCR  
PURSUANT TO ARTICLE 28 OF THE STATUTE AND RESOLUTION 955 OF THE  
SECURITY COUNCIL

Office of the Prosecutor

Marks Moore  
Ifeoma Ojemeni  
Ibukunolu Babajide  
Dorothee Marotine

Defense Counsel for Kamuhanda

Aicha Condé

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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 Ramaroson, (the "Chamber");

**BEING SEIZED** of the

- i) "Requête aux fins de coopération des Etats en application de l'article 28 du Statut," filed on 17 April 2002 (the "1<sup>st</sup> Motion");
- ii) "Requete aux fins de cooperation du Haut commissariat aux réfugiés en application de la résolution 955 du Conseil de sécurité," filed on 17 April 2002 (the "2<sup>nd</sup> Motion");
- iii) "Prosecutor's Response to the Defense's Motion for Cooperation of States pursuant to Rule 28 of the Statute," filed on 24 April 2002 (the "Prosecutor's Response to the 1<sup>st</sup> Motion")
- iv) "Prosecutor's Response to the Defense's Motion for Cooperation of the UNHCR pursuant to Resolution 955 of the Security Council," filed on 24 April 2002 (the "Prosecutor's Response to the 2<sup>nd</sup> Motion")

**RECALLING** the Chamber's "Decision on Jean De Dieu Kamuhanda's Motion for Protective Measures for Defense Witnesses," of 22 March 2002 (the "Decision on Witness Protection,") attached hereto as Annex I;

**CONSIDERING** the Statute of the Tribunal (the "Statute") in particular Articles 21 and 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 by its 1<sup>st</sup> Motion that the Chamber issue, pursuant to Articles 21 and 28 of the Statute, a request for cooperation from the States wherein Defense witnesses reside, which are: France, Belgium, Switzerland, the United Kingdom, Rwanda, Kenya, Tanzania, Zambia, Congo, Cameroon, Senegal, South Africa and the United States of America;

**WHEREAS** the Defense requests by its 2<sup>nd</sup> Motion that the Chamber issue, pursuant to Resolution 955 of the Security Council, a request for cooperation from the United Nations High Commissioner for Refugees (the "UNHCR") under whose protection some of the Defense witnesses are;

**WHEREAS** the Defense submits that it seeks such cooperation for the enforcement of protective measures for Defense witnesses residing in the above-mentioned States under the protection of the UNHCR following the Chamber's order in its Decision on Witness Protection;

**WHEREAS** the Prosecutor, in her Responses, notes the Defense requests and submits that she has no comment on the matter;

**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 which 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;

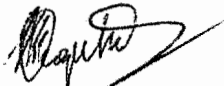
**THE TRIBUNAL HEREBY,**

1. **GRANTS** the Motions;
2. **REQUESTS** the cooperation of France, Belgium, Switzerland, the United Kingdom, Rwanda, Kenya, Tanzania, Zambia, Congo, Cameroon, Senegal, South Africa and the United States of America and the UNHCR 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, 9 May 2002



William H. Sekule  
Presiding Judge



Winston C. Matanzima Maqutu  
Judge



Arlette Ramaroson  
Judge



(Seal of the Tribunal)