

ICTR-98-41-T  
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UNITED NATIONS  
NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda

**TRIAL CHAMBER III**

Original: ENGLISH

Before: Judge Lloyd George Williams, Q.C., Presiding  
Judge Pavel Dolenc  
Judge Andréia Vaz

Registrar: Adama Dieng

Date: 22 November 2002

JUDICIAL RECORDS/ARCHIVES  
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**THE PROSECUTOR**  
v.  
**THÉONESTE BAGOSORA**  
**GRATIEN KABILIGI**  
**ALOYS NTABAKUZE**  
**ANATOLE NSENGIYUMVA**

Case No. ICTR-98-41-T

**DECISION SUPPLEMENTING THE DECISION OF 10 JULY 2002 ON  
ADDITIONAL PROTECTIVE MEASURES FOR PROSECUTION WITNESSES ZA,  
ZF AND ZZ**

**Office of the Prosecutor:**

Barbara Mulvaney  
Chile Eboe-Osuji  
Drew White  
Segun Jegede  
Christine Graham  
Rashid Rashid

**Defence Counsel for Bagosora:**

Raphaël Constant  
Paul Skolnik  
Jean Yaovi Degli  
Sylvia Olympio  
André Tremblay  
Kennedy Ogetto  
Gershon Otachi Bw'Omanwa

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (Tribunal),**

**SITTING** as Trial Chamber III (“Chamber”) composed of Judges Lloyd George Williams, Q.C., presiding, Pavel Dolenc and Andréia Vaz;

**RECALLING** the Chamber’s Decision and Scheduling Order on the Prosecution Motion for Harmonisation and Modification of Protective Measures for Witnesses of 5 December 2001 (“5 December 2001 Decision”) and the Chamber’s Decision of 10 July 2002 on the Prosecutor’s Motion for Special Protective Measures for Witnesses ZA, ZF and ZZ pursuant to Rules 66(C), 69(A) and 75 of the Rules of Procedure and Evidence (“10 July 2002 Decision”);

**WHEREAS** in the 10 July 2002 Decision, the Chamber ordered the Prosecutor to “file with the Chamber the ‘unredacted’ versions of the statements of Witnesses ZA, ZF and ZZ, indicating where she proposes to redact those portions of the transcripts or statements that are susceptible of revealing the current whereabouts of witness ZF only, or of compromising the ongoing investigations in which Witnesses ZA, ZF and ZZ are providing assistance to the Prosecutor, and indicating for each of her proposed redactions how the information may compromise her further or ongoing investigations”;

**WHEREAS** the Prosecutor filed the requested material and informed the Chamber that she no longer sought to withhold any information pertaining to Witnesses ZA, ZF, and ZZ on the basis that such information might prejudice further or ongoing investigations;<sup>1</sup>

**WHEREAS** there is no longer any basis for special protective measures for Witnesses ZA and ZZ;

**WHEREAS** the identifying information for Witnesses ZA and ZZ should be disclosed to the Defence, in accordance with the 5 December 2001 Decision, at least thirty-five days before the date set for their testimonies;

**WHEREAS** the Prosecutor has proposed in an *ex parte* communication various redactions from Witness ZF’s statement which involve the witness’s whereabouts and some identifying information;

**NOTING** that the Prosecutor is willing to disclose to the Defence certain identifying information of Witness ZF;

**HAVING** reviewed the Prosecutor’s proposed redactions to Witness ZF’s statement, and being satisfied that these portions would potentially disclose the witness’s current whereabouts and some of the witness’s identifying information contrary to the order of the Chamber in the 10 July 2002 Decision;

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<sup>1</sup> See Prosecutor’s Motion for Acknowledgement of Compliance with the Trial Chamber’s Decision of 10 July 2002 filed 25 July 2002. The Prosecutor withdrew this motion in open court on 4 September 2002. This withdrawal was not meant to resurrect the Prosecutor’s original intent to rely on further or ongoing investigations as a basis for withholding information pertaining to witnesses ZA, ZF and ZZ.

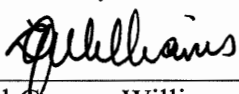
THE CHAMBER THEREFORE:

**GRANTS** the Prosecutor leave to make the redactions as she proposes to the statement of Witness ZF to protect the witness's current whereabouts and certain identifying information which are not subject to disclosure pursuant to the 10 July 2002 Decision;

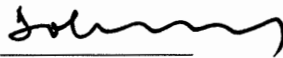
**ORDERS** the Prosecutor to serve upon the Defence the redacted statement of Witness ZF immediately upon receipt of this decision, if she has not already done so;

**ORDERS** the Prosecutor to supply the Defence with the identifying data of witnesses ZA and ZZ pursuant to the deadlines set forth in the 5 December 2001 Decision.

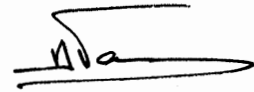
Arusha, 22 November 2002.



Lloyd George Williams Q.C.  
Judge, Presiding



Pavel Dolenc  
Judge



Andréia Vaz  
Judge

Seal of the Tribunal