

ICTR-99-52-T  
25-02-2003  
(31746 - 31737)

31746



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

S. Musse

TRIAL CHAMBER I

Original: English

**Before:** Judge, Navanethem Pillay, presiding

**Registrar:** Mr. Adama Dieng

**Date:** 25 February 2003

THE PROSECUTOR  
v.  
FERDINAND NAHIMANA and others

Case No. ICTR-99-55-T

JUDICIAL RECORDS/ARCHIVES  
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REQUEST FOR COOPERATION AND ASSISTANCE BY THE GOVERNMENT OF RWANDA  
PURSUANT TO ARTICLE 28 OF THE STATUTE

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**The Office of the Prosecutor:**  
Ms Carla Del Ponte

**Counsel for the Accused:**  
Ms Diana Ellis QC  
Mr. Jean-Marie Biju-Duval

**SITTING** as Trial Chamber I (Chamber) constituted of Judge Navanethem Pillay, designated by the Trial Chamber pursuant to Rule 73 of the Rules of Procedure and Evidence of the Tribunal ("the Rules");

**PURSUANT** to Article 28 (Cooperation and Judicial Assistance) of the Statute of the Tribunal, annexed to Resolution 955 (1994) of the Security Council of the United Nations;

**CONSIDERING** the Defence request for assistance dated 20 February 2003 by Counsel for Ferdinand Nahimana, that the Chamber issues a Request for Cooperation to the authorities of the Government of Rwanda to facilitate the transfer of Witness SM to the Tribunal for purposes of giving testimony; and furnish Defence Counsel with certain certified documentation, pursuant to Rule 90 *bis* of the Statute, which is required by the Trial Chamber to enable it to issue an order for Witness SM's transfer;

**CONSIDERING** that the President of the Tribunal has on two occasions in 2002, made formal requests to the authorities in Rwanda to co-operate with the Defence;

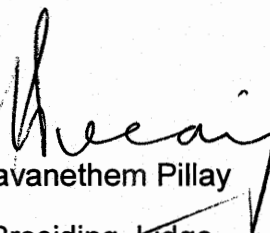
**NOTING** further, that a period of more than 60 days has passed since the Defence sought co-operation of the authorities in Rwanda;

**WHEREAS** Counsel for the Defence states that they have been in contact with the authorities in Rwanda and discussed the issue of the transfer of Witness SM and that of the certified documentation;

**WHEREAS** Counsel for the Defence states that at the meeting on 3 February 2003, with Mr. Gahima in Rwanda, they were informed that there would be no problem regarding the transfer of SM; also that during their discussion with the Minister for Internal Affairs, they were told that he (the Minister of Internal Affairs), Mr. Gahima, and the Minister of Justice were still discussing the matter of the transfer of SM;

**HEREBY REQUESTS**, the Cooperation and Judicial Assistance of the authorities of the Government of Rwanda, in making arrangements for Counsel for Ferdinand Nahimana, to be furnished, as soon as practicable, with the documented certification that the conditions of Rule 90 *bis* (B) (i) and (ii) have been met with regard to Witness SM. Details of the request for the documentation are hereto attached as Annexure A.

Done in Arusha this 25 February 2003.

  
Navanethem Pillay  
Presiding Judge

(Seal of the Tribunal)

