

ICTR-98-41-T
01-09-2003
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

(16172-16171)

16172
Ivan

TRIAL CHAMBER I

Before: Judge Erik Møse, presiding
Judge Jai Ram Reddy
Judge Sergei Alekseevich Egorov

Registrar: Adama Dieng

Date: 1 September 2003

THE PROSECUTOR

v.

Théoneste BAGOSORA
Gratien KABILIGI
Aloys NTABAKUZE
Anatole NSENGIYUMVA

Case No. : ICTR-98-41-T

JUDICIAL RECORDS ARCHIVES
ICTR
2003 SEP - 1 P 12: 30
J. L. M.

**DECISION ON PROSECUTION REQUEST FOR EXTENSION OF SUSPENSION OF
TIME-LIMIT FOR FILING MOTION FOR SPECIAL WITNESS PROTECTION
MEASURES**

The Office of the Prosecutor

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“the Tribunal”),

SITTING as Trial Chamber I, composed of Judge Møse, presiding, Judge Jai Ram Reddy, and Judge Sergei Alekseevich Egorov;

BEING SEIZED OF the confidential Prosecution “Request for an Extension of the Suspension of the Time-Limit Provided for in the Trial Chamber’s Decision of 15 August 2003”, and a confidential and *ex parte* attachment thereto, filed on 22 August 2003;

HEREBY DECIDES the motion.

1. On 18 July 2003, the Chamber issued a Decision (the “Witness Protection Decision”) requiring the Prosecution to disclose to the Defence the identity and unredacted statements of all the remaining protected witnesses whom it intends to call by no later than 28 July 2003.¹ On the date of that deadline, the Prosecution filed a Notice of its intention to file motions requesting special protective measures in derogation from the Witness Protection Decision in respect of nine protected witnesses, and requested a suspension of the time-limit for disclosure. By its Decision of 15 August 2003, the Chamber granted the request for suspension of the time-limit and declared that the Prosecution had until 22 August 2003 to file such a motion, failing which the suspension would expire.²

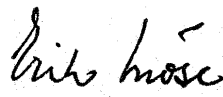
2. The Prosecution now requests an extension of the time-limit for filing a motion for special protective measures, until 5 September 2003, but only in respect of two of its witnesses, Witnesses A and BY. It affirms that it has now made full disclosure in respect of the other seven witnesses. The confidential attachment to the Request describes the factual obstacles to presenting the information in support of its motion by 22 August 2003.

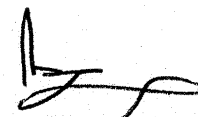
3. The Chamber considers the factual situation described in the confidential attachment to be a reasonable basis for the short delay requested. As neither of these witnesses are scheduled to testify in the session commencing on 1 September 2003, the short delay requested is unlikely to cause any prejudice to the Defence.

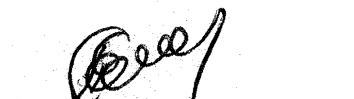
FOR THE ABOVE REASONS, THE CHAMBER

DECLARES a suspension until further notice of the time-limit imposed by the Witness Protection Decision in respect of Witnesses A and BY, which shall expire unless the Prosecution files a motion for special protective measures by 5 September 2003.

Arusha, 1 September 2003


Erik Møse
Presiding Judge


Jai Ram Reddy
Judge


Sergei Alekseevich Egorov
Judge

[Seal of the Tribunal]

¹ *Prosecutor v. Theoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze and Anatole Nsengiyumva*, Decision on Defence Motion for Reconsideration of the Final Status Decision and Scheduling Order of 5 December 2001, p. 7.

² *Prosecutor v. Theoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze and Anatole Nsengiyumva*, Decision on Prosecution Notice of Intention to File Motions for Special Witness Protection Measures, p. 4.

