

ICTR-99-50-T
04-12-2003
(1102-11101)

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

Or: ENG

TRIAL CHAMBER II

Before: Judge Asoka de Zoysa Gunawardana, Presiding
Judge Khalida Rachid Khan
Judge Lee Gacuiga Muthoga

Registrar: Adama Dieng

Date: 4 December 2003

The PROSECUTOR

v.

Casimir BIZIMUNGU

Justin MUGENZI

Jerôme-Clément BICAMUMPAKA

Prosper MUGIRANEZA

Case No. ICTR-99-50-T

2003 DEC -4 11 A 12:01
JUDICIAL PROCEEDINGS DIVISION
ICTR

**DECISION ON "REQUÊTE EN EXTRÊME URGENCE DE LA DÉFENCE DE
CASIMIR BIZIMUNGU EN COMMUNICATION DE PREUVE DES
RENSEIGNEMENTS CONCERNANT LA PRISE DES TÉMOIGNAGES"**

Counsels for the Prosecution:

Paul Ng'arua
Ibukunolu Babajide
Elvis Bazawule
George Mugwanya

Counsel for the Defence:

Michelyne C. St. Laurent for Casimir Bizimungu
Howard Morrison and Ben Gumpert for Justin Mugenzi
Pierre Gaudreau and Michel Croteau for Jerôme-Clément Bicamumpaka
Tom Moran and Christian Gauthier for Prosper Mugiraneza

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

SITTING as Trial Chamber II, composed of Judge Asoka de Zoysa Gunawardana, Presiding, Judge Khalida Rachid Khan and Judge Lee Gacuiga Muthoga (the “Chamber”);

BEING SEIZED of “Requête en Extrême Urgence de la Défense de Casimir Bizimungu en Communication de Preuve des Renseignements Concernant la Prise des Témoignages” filed confidentially on 5 November 2003, (the “said Motion”);

NOTING the “Prosecutor’s Response to the ‘Requête en Extrême Urgence de la Défense de Casimir Bizimungu en Communication de Preuve des Renseignements Concernant la Prise des Témoignages’” filed confidentially on 11 November 2003”, AND the “Corrigendum to the Prosecutor’s Response to the ‘Requête en Extrême Urgence de la Défense de Casimir Bizimungu en Communication de Preuve des Renseignements Concernant la Prise des Témoignages’” filed on 17 November 2003, (the “Corrigendum”);

NOTING the “Réplique à la ‘Prosecutor’s Response to the ‘Requête en Extrême Urgence de la Défense de Casimir Bizimungu en Communication de Preuve des Renseignements Concernant la Prise des Témoignages’” filed on 17 November 2003, (the “Reply”);

RECALLING the proceedings of the Pre-trial Conference of 7 October 2003;

RECALLING the Decisions regarding Protective Measures for Prosecution Witnesses given in this case;¹

TAKING INTO CONSIDERATION the “Clarification Order in Respect of Disclosure of Identifying Information of Protected Witnesses” filed on 15 October 2003;

CONSIDERING that in the said Motion the Defence was moving the Trial Chamber to order to the Prosecutor, *inter alia*, to disclose the following information:

- (i) Place of interview
- (ii) Language(s) used during the interview
- (iii) Name(s) of investigator(s)
- (iv) Name(s) of other person(s) present during the interview
- (v) Name of interpreter(s)

¹ *The Prosecutor v. Casimir Bizimungu*, Case No ICTR-99-50-I, “Decision on the Prosecutor’s Motion for Protective Measures for Witnesses” (TC), 22 September 2000; *The Prosecutor v. Justin Mugenzi*, Case No ICTR-99-50-I, “Decision on the Prosecutor’s Motion for Protective Measures for Witnesses” (TC), 12 July 2000; *The Prosecutor v. Jérôme Bicamumpaka*, Case No ICTR-99-50-I, “Decision on the Prosecutor’s Motion for Protective Measures for Witnesses” (TC), 12 July 2000; *The Prosecutor v. Prosper Mugiraneza*, Case No ICTR-99-50-I, “Decision on the Prosecutor’s Motion for Protective Measures for Witnesses” (TC), 12 July 2000.

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The Prosecutor v. Casimir Bizimungu et al., Case No. ICTR-99-50-I

CONSIDERING that the Defence has not specified in the said Motion in which way these information are essential for the purpose of the identification of the witnesses.

CONSIDERING FURTHER that the Prosecutor has complied with all the above-mentioned Decisions in disclosing the identifying information of the witnesses he intends to call at trial.

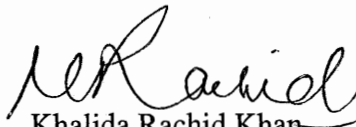
FOR THE ABOVE REASONS, THE CHAMBER HEREBY

DENIES the said Motion.

Arusha, 4 December 2003

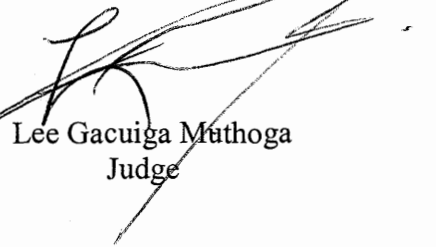


Asoka de Zoysa Gunawardana
Presiding Judge



Khalida Rachid Khan

Judge TPIR



Lee Gacuiga Muthoga

Judge

