

ICTR-01-76-1
04-05-2004
(1489-1488)

1489
Ivan



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER I

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

Registrar: Adama Dieng

Date: 4 May 2004

JUDICIAL RECORDS
ICTR
2004 MAY -4 P 5:25
[Signature]

THE PROSECUTOR

v.

Aloys SIMBA

Case No. ICTR-01-76-I

**DECISION ON URGENT DEFENCE MOTION FOR PROSECUTION STATEMENTS
IN PROSECUTOR V. NDAYAMBAJE ET AL.**

Office of the Prosecutor:

William T. Egbe
Sulaiman Khan
Ignacio Tredici
Amina Ibrahim

Counsel for the Defence

Sadikou Ayo Alao
Beth Lyons

[Signature]

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ("the Tribunal");

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

BEING SEIZED OF the "Requête en extrême urgence de la défense en vue d'autoriser le greffe à lui communiquer les déclarations de l'accusation dans l'affaire: Procureur contre Ndayambaje et consorts", filed on 19 April 2004;

CONSIDERING the Prosecutor's response filed on 23 April 2004; and the "Replique de la défense" filed on 27 April 2004;

HEREBY DECIDES the motion.

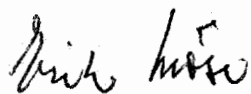
1. The Defence requests disclosure of unredacted statements made by Witness FAI in *Prosecutor v. Ndayambaje et al.* to Prosecution investigators, as well as transcripts from closed session hearings before Trial Chamber II. It is argued that Witness FAI is Witness YC who will testify in the present case, and such disclosure is relevant to credibility issues. The Prosecution does not object, but maintains that all statements made by the witness to the Prosecution have already been disclosed to the Defence, and that such a request should be addressed to Trial Chamber II, which is seized of *Ndayambaje et al.* The Defence responds that the latter issue can be resolved administratively between Trial Chamber I and II and by the President of the Tribunal.

2. The Chamber notes that the Prosecution contends that all the witness's statements have already been disclosed. However, if the Defence wishes to pursue the matter, the request is properly to be placed before Trial Chamber II, which ordered the protective measures in respect of Witness FAI, and therefore is the only body with the authority to vary the protective measures order, to permit disclosure of unredacted statements and transcripts that contain identifying information of Witness FAI.

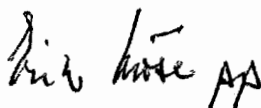
FOR THE ABOVE REASONS, THE CHAMBER

DENIES the motion.

Arusha, 4 May 2004



Erik Møse
Presiding Judge



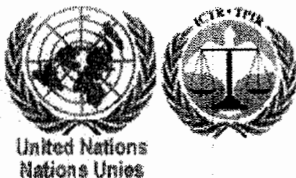
Jai Ram Reddy
Judge



Sergei Alekseevich Egorov
Judge

(Seal of the Tribunal)





TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input checked="" type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS K. K. A. Afande	<input type="checkbox"/> Appeals Chamber / The Hague R. Burriss
From:	<input checked="" type="checkbox"/> Chamber <i>Chelban</i> (name)	<input type="checkbox"/> Defence (name)	<input type="checkbox"/> Prosecutor's Office (name)	<input type="checkbox"/> Other: (name)
	Case Name: The Prosecutor vs. <i>Simba</i>			Case Number: ICTR-01-78-1
Dates:	Transmitted: <i>4/5/04</i>		Document's date: <i>4/5/04</i>	
No. of Pages:	<i>2</i>		Original Language: <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Title of Document:	<i>Decision - Prosecution statements - Nkanyamba et al</i>			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties		
<input type="checkbox"/> Confidential		<input checked="" type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Submission from parties		
<input type="checkbox"/> Public		<input type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars		
		<input type="checkbox"/> Judgement <input type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities		

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

☐ Filing Party hereby submits only the original, and **will not submit** any translated version.

☐ Reference material is provided in annex to facilitate translation.

Target Language(s):

☐ English ☐ French ☐ Kinyarwanda

CMS SHALL NOT take any action regarding translation.

☐ Filing Party hereby submits **BOTH** the original and the translated version for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

CMS SHALL NOT take any action regarding translation.

☐ Filing Party **will be submitting the translated version(s)** in due course in the following language(s):

☐ English ☐ French ☐ Kinyarwanda

KINDLY FILL IN THE BOXES BELOW

<input type="checkbox"/> The OTP is over-seeing translation. The document is submitted for translation to: <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> DEFENCE is over-seeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:
--	---

III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	COMMENTS	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: