



UNITED NATIONS
NATIONS UNIES

ICTR-2001-74-I
21-11-2005
(1230 - 1229)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

1230
Mey
f

OR: ENG

TRIAL CHAMBER III

Before Judges: Dennis C. M. Byron, Presiding
Flavia Lattanzi
Gberdao Gustave Kam

Registrar: Adama Dieng

Date: 21 November 2005

2005
D. C. M. Byron

THE PROSECUTOR

v.

Francois KARERA

Case No. ICTR-01-74-R54

ORDER FOR SUBMISSION

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:
Charles Adeogun-Phillips
Memory Maposa
Maymuchka Lauriston
Florida Kabasinga

Defence Counsel
Carmelle Marchessault
Steven Kelliher

Handwritten signature

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

SITTING as Trial Chamber III, composed of Judges Dennis C. M. Byron, Presiding, Flavia Lattanzi and Gberdao Gustave Kam (“Chamber”), pursuant to Rule 54 of the Rules of Procedure and Evidence (“Rules”);

CONSIDERING “Prosecutor’s Motion for Protective Measures for Witnesses” (“Motion”), filed by the Prosecution on 16 September 2005;

NOTING the Response thereto, filed by the Defence for Francois Karera (“Defence”) on 4 October 2005;

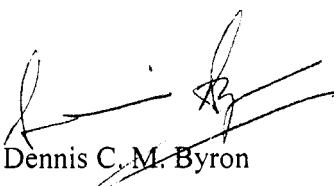
NOTING that there is a Status Conference scheduled to take place in this case on 23 November 2005;

DELIBERATION

The present case is scheduled to begin on 9 January 2005. In its Motion requesting protective measures for Prosecution witnesses, the Prosecution has not provided any information to indicate the subjective and/or objective fear of the witnesses. The jurisprudence is clear that when protective measures are sought for witnesses, those witnesses must have a real fear for their safety and the safety of their family, and that there is an objective justification for this fear.¹ Measures for protection are granted on a case-by-case basis, which must also take into consideration the fairness of the trial and the equality of the parties.² In order for the Chamber to assess the said Motion, the Chamber needs to be in possession of all the relevant information.

THE CHAMBER ACCORDINGLY DIRECTS the parties to present oral submissions, and provide any other information deemed necessary, in support or in rebuttal of the Motion at the Status Conference on 23 November 2005, to allow the Chamber to decide this matter.

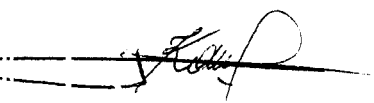
Arusha, 21 November 2005, done in English.


Dennis C. M. Byron

Presiding Judge


Flavia Lattanzi

[Seal of the Tribunal]


Gberdao Gustave Kam

Judge

¹ *Prosecutor v. Aloys Simba*, Case No. ICTR-01-76-I, Decision on Defence Request for Protection of Witnesses, 25 August 2004, para. 5.

² *Id.*