

ICTR-2001-73-T
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UNITED NATIONS
NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

OR: ENG

TRIAL CHAMBER III

Before Judges: Inés Mónica Weinberg de Roca, Presiding
Khalida Rachid Khan
Lee Gacuiga Muthoga

Registrar: Adama Dieng

Date: 17 January 2006

THE PROSECUTOR

v.

Protais ZIGIRANYIRAZO

Case No. ICTR-2001-73-T

2006 JAN 17 P 3:39
ICTR
SECRETARIAT/ARCHIVES

**DECISION ON THE DEFENCE MOTIONS FOR THE COOPERATION OF
THE GOVERNMENT OF RWANDA IN RELATION WITH
PROSECUTION WITNESSES AVY AND SGO**

Article 28 of the Statute of the Tribunal

Office of the Prosecutor:

Wallace Kapaya
Gina Butler
Iskandar Ismail
Jane Mukangira

Defence Counsel:

John Philpot
Peter Zaduk

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

SITTING as Trial Chamber III, composed of Judges Inés Mónica Weinberg de Roca, Presiding, Khalida Rachid Khan, and Lee Gacuiga Muthoga (“Chamber”);

BEING SEIZED of the Defence’s “Urgent Motion to Request the Cooperation of the Government of Rwanda Re Judicial Documents Re Witness AVY” filed on 31 October 2005 (“AVY Motion”) and the Defence’s “Urgent Motion to Request the Cooperation of the Government of Rwanda Re Judicial Documents Re Witness SGO” filed on 7 November 2005 (“SGO Motion”);

CONSIDERING that the Prosecutor did not file any response within the timeframe provided by the Rules of Procedure and Evidence;

CONSIDERING the Statute of the Tribunal (“Statute”) particularly Article 28, and the Rules of Procedure and Evidence (“Rules”) particularly Rule 54;

RECALLING that it is settled jurisprudence that the judicial records of a witness are material for his/her cross-examination, and are therefore necessary for the opposing party;¹

RECALLING FURTHER that in the present case the Chamber has requested the Prosecutor disclose all criminal records of his detained witnesses;²

CONSIDERING that some elements of the judicial records of Prosecution Witnesses AVY and SGO are still missing, and that the Government of Rwanda has agreed to cooperate if the Chamber so requests;

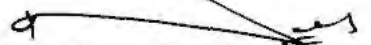
THE CHAMBER


I. GRANTS the Motions;

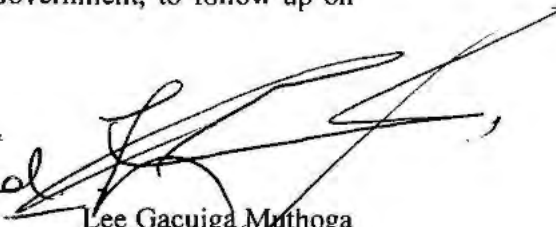
II. REQUESTS the cooperation of the Government of Rwanda in providing the Defence with the judicial records of Prosecution Witnesses AVY and SGO before the judicial and the Gacaca courts;

III. ORDERS the Registrar to serve this Decision on the Government, to follow up on its implementation and to report back to the Chamber;

Arusha, 17 January 2006, done in English.


Inés Mónica Weinberg de Roca
Presiding Judge


Khalida Rachid Khan
Judge


Lee Gacuiga Muthoga
Judge

[Seal of the Tribunal]



¹ *The Prosecutor v. Édouard Karemera, Mathieu Ndirumpatse and Joseph Ntahobye*, Case No. ICTR-98-44-PT, Decision on Motions to Compel Inspection and Disclosure and to Direct Witnesses to Bring Judicial and Immigration Records, 14 September 2005; *The Prosecutor v. Aloys Simba*, Case No. ICTR-2001-76-T, Decision on Matters Related to Witness KDD’s Judicial Dossier (TC), 1 November 2004; *The Prosecutor v. Théoneste Bagosora, Gratién Kabiligi, Aloys Ntabakuze and Anatole Nsengiyumva*, Case No. ICTR-98-41-T, Decision on the Request for Documents Arising From Judicial Proceedings in Rwanda in Respect of Prosecution Witnesses (TC), 16 December 2003.

² *Scheduling Order* (Para. VI), 6 May 2005.