

ICTR-2001-72-T
7-6-2006
(2602-2600j)

2602
Dumf



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
Flavia Lattanzi
Gberdao Gustave Kam

Registrar: Adama Dieng

Date: 7 June 2006

THE PROSECUTOR

v.

Simon BIKINDI

Case No. ICTR-2001-72-PT

2006 JUN -11 P 4:47
ICTR
SECRETARIES

DECISION ON THE PROSECUTOR'S MOTION FOR PROTECTIVE MEASURES

Office of the Prosecutor:
William Egbe
Amina Ibrahim

Defence Counsel:
Wilfred Ngunjiri Nderitu

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA,

SITTING as Trial Chamber III, composed of Judges Inés Mónica Weinberg de Roca, presiding, Flavia Lattanzi, and Gberdao Gustave Kam;

BEING SEIZED, pursuant to Article 21 of the Statute and Rules 54, 69, 73 and 75 of the Rules, of the Prosecutor's Confidential "Motion for Protective Measures for Victims and Witnesses to Crimes Alleged in the Indictment", filed on 12 September 2005 (Motion);

CONSIDERING the Confidential "Defence Reply to Prosecutor's Motion for Protective Measures for Victims and Witnesses to Crimes Alleged in the Indictment", filed on 16 November 2005 (Reply);

RECALLING the Status Conference on 12 January 2006, where the Chamber requested the Prosecution to provide it with a list that specifies, for each witness or each group of witnesses, what protective measures are necessary;¹ and the Status Conference on 18 January 2006, where the Chamber again asked the Prosecution to indicate more precisely what protective measures were sought for which person, and where the Prosecution answered that all its witnesses wish not to be identified;²

CONSIDERING the Prosecution Confidential "Revised Request for Measures", filed on 17 January 2006 (Revised Request), where the Prosecution amended the Motion, and indicated (1) the potential Prosecution witnesses for which protection is sought, and (2) the potential Prosecution witness for which the right to protective measures is waived;

CONSIDERING Rule 34(A)(i) of the Rules, whereby the Witness and Victims Support Section (WVSS) is expressly tasked with the duty to "[r]ecommend the adoption of protective measures for victims and witnesses in accordance with Article 21 of the Statute"; and Rule 69(B) of the Rules, whereby "[i]n the determination of protective measures for victims and witnesses, the Trial Chamber may consult the Victims and Witness Support Unit";

RECALLING the Chamber's need to safeguard the rights of the Accused and the security and the privacy of those victims and witnesses who are in danger or at risk;

¹ Status Conference, T. 12 January 2006 p. 14.

² Status Conference, T. 18 January 2006 pp. 6-7

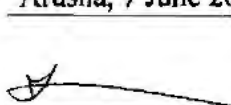
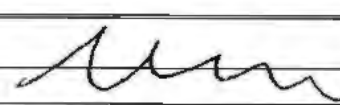
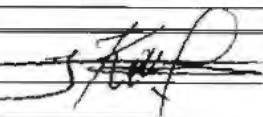


FOR THE ABOVE REASONS, THE CHAMBER

ORDERS that the names, addresses, whereabouts of, and any other identifying information concerning all potential Prosecution witnesses in the present case who seek protection be disclosed only to authorized WVSS personnel by the Prosecution in accordance with established procedures; and,

FURTHER ORDERS the WVSS to consult with each potential Prosecution witness seeking protective measures about the necessity for protection, and to determine the nature of the protection deemed necessary in order to implement appropriate protective measures, and to so inform the Chamber.

Arusha, 7 June 2006, in English.

		
<u>Inés Mónica Weinberg de Rosa</u> Presiding Judge	<u>Flavia Lattanzi</u> Judge	<u>Gberdao Gustave Kam</u> Judge

