



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

ICTR-98-41-T  
18-10-2006  
(31091-31090)

31091  
SOMUWA

ORIGINAL: ENGLISH

TRIAL CHAMBER I

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

**Registrar:** Adama Dieng

**Date:** 18 October 2006

THE PROSECUTOR

v.

Théoneste BAGOSORA  
Gratien KABILIGI  
Aloys NTABAKUZE  
Anatole NSENGIYUMVA

*Case No. : ICTR-98-41-T*

JUDICIAL RECORDS/ARCHIVES  
RECEIVED  
2006 OCT 18 1 A 9 38  
Director

DECISION ON REQUESTS TO HEAR TESTIMONY IN CLOSED SESSION

**The Prosecution**

Barbara Mulvaney  
Drew White  
Christine Graham  
Rashid Rashid  
Gregory Townsend

**The Defence**

Raphaël Constant  
Allison Turner  
Paul Skolnik  
Frédéric Hivon  
Peter Erlinder  
André Tremblay  
Kennedy Ogetto  
Gershom Otachi Bw'Omanwa

6/10

31090

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA**

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

**BEING SEIZED OF** the “Motion to Request the Hearing of the Testimony of Witnesses LX-1 and ALL-42 To Take Place in Closed Session”, etc., and the “Motion to Request (1) the Hearing of the Entire Testimony of Witnesses LCH-01 and LAX-02 to Take Place in Closed Session”, etc., filed by the Kabiligi Defence on 22 September and 2 October 2006;

**HEREBY DECIDES** the motion.


1. Requests to hear the testimony of a witness in closed session are customarily heard and decided orally at the beginning of a witness’s appearance. This procedure enjoys the advantage of permitting the witness to be questioned by the Chamber as to the nature of their security concerns.<sup>1</sup> The Chamber considers this to be an appropriate procedure and will, accordingly, defer any decision on whether to hear the testimony of Witness ALL-42 and Witness LAX-02 entirely in closed session until such time as the witness appears in court to give testimony.


2. The requests concerning Witness LX-1 and Witness LCH-01 are moot, having been granted by the Chamber orally on 3 October 2006.<sup>2</sup>

**FOR THE ABOVE REASONS, THE CHAMBER**

**DENIES** the motion.

Arusha, 18 October 2006

  
Erik Møse  
Presiding Judge

  
Jai Ram Reddy  
Judge

  
Sergei Alekseevich Egorov  
Judge

[Seal of the Tribunal]



<sup>1</sup> E.g. T. 3 October pp. 15-18 (Witness LCH-1), 46-50 (Witness LX-1).

<sup>2</sup> *Id.*