



UNITED NATIONS
NATIONS UNIES

ICR-01-70-T
24-11-2006
(2687-2685)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

2687
R

OR: ENG

TRIAL CHAMBER II

Before Judges: Asoka de Silva Presiding
Taghrid Hikmet
Seon Ki Park

Registrar: Adama Dieng

Date: 24 November 2006

THE PROSECUTOR

v.

EMMANUEL RUKUNDO

Case No. ICTR-2001-70-T

JUDICIAL RECORDS/ARCHIVES
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**DECISION ON THE PROSECUTION MOTION FOR VARIATION OF THE
PROTECTIVE MEASURES FOR WITNESS CSH**

Office of the Prosecutor:

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Defence Counsel

Aicha Condé
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INTRODUCTION

1. By its decision of 24 October 2002, Trial Chamber III granted protective measures to prosecution witnesses and victims residing in Rwanda and neighbouring countries. The Chamber denied protective measures for witnesses not living in Rwanda or neighbouring countries on the ground that the Prosecution failed to provide evidence of threats to their lives or to offer any explanation to justify their protection.¹ On 15 November 2006, the trial against Emmanuel Rukundo commenced. On 20 November 2006, the Prosecution filed a "Motion for Variation of Protective Measures for Witness CSH." The Prosecution submits that due to security concerns, and in order to avoid being identified by other witnesses, Witness CSH has indicated that he would only travel from Kigali to Arusha by way of commercial flight, that while in Arusha, he will not share accommodation with other witnesses at the UN-ICTR "Safe House", and further, that he is only willing to testify in closed session.

DELIBERATIONS

2. The Chamber will determine the request for closed session testimony upon oral application made by the Prosecution at the commencement of Witness CSH's testimony.
3. The Chamber considers that the remaining two orders sought by the Prosecution directly relate to the safe transportation and secure accommodation of Witness CSH, and that these are matters of an operational or logistical nature, which fall squarely within the competence of the Witnesses and Victims Support Section (WVSS). The Chamber's Decision on protective measures contemplates that WVSS is fully competent to make judgements on the fine details relating to the day-to-day management of witnesses while in Arusha, as well as their mode of transportation to and from the Tribunal.
4. Furthermore, Rule 34 of the Rules of Procedure and Evidence empowers the WVSS, under the authority of the Registrar, to recommend the adoption of protective measures for victims and witnesses.

¹ *The Prosecutor v. Emmanuel Rukundo*, "Decision on the Prosecutor's Motion for Protective Measures for Victims and Witnesses", 24 October 2002, para. 16.



FOR THE ABOVE REASONS, THE CHAMBER

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DENIES the Motion;

DIRECTS the Prosecution to bring this matter to the attention of the WVSS, who may recommend to the Registrar the adoption of necessary and appropriate measures for the safe travel and secure accommodation of Witness CSH while in Arusha, taking into account the security concerns expressed by the witness.

Arusha, 24 November 2006, done in English.


Asoka de Silva

Presiding Judge


Taghriddin Hikmet




Seon Ki Park

Judge