



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

ICTR-99-50-T
07-12-2006

(23509-23507)

OR: ENG

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TRIAL CHAMBER II

Before Judges: Khalida Rachid Khan, presiding
Lee Gacuiga Muthoga
Emile Francis Short

Registrar: Mr. Adama Dieng

Date: 7 December 2006

JUDICIAL RECORDS/ARCHIVES
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THE PROSECUTOR
v.
CASIMIR BIZIMUNGU
JUSTIN MUGENZI
JÉRÔME-CLÉMENT BICAMUMPAKA
PROSPER MUGIRANEZA

Case No. ICTR-99-50-T

**DECISION ON CASIMIR BIZIMUNGU'S MOTION TO CANCEL PROTECTIVE
MEASURES FOR DEFENCE WITNESS WFQ4**
Rules 69 and 75 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Mr. Paul Ng'arua
Mr. Ibukunolu Babajide
Mr. Justus Bwonwonga
Mr. Elvis Bazawule
Mr. Shyamlal Rajapaksa
Mr. Olivier de Shutter
Mr. William Muubiru

Counsel for the Defence:

Ms. Michelyne C. St. Laurent and Ms. Alexandra Marcil for **Casimir Bizimungu**
Mr. Ben Gumpert and Mr. Jonathan Kirk for **Justin Mugenzi**
Mr. Pierre Gaudreau and Mr. Michel Croteau for **Jérôme-Clément Bicomumpaka**
Mr. Tom Moran and Ms. Marie-Pierre Poulain for **Prosper Mugiraneza**

23508

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

SITTING as Trial Chamber II, composed of Judge Khalida Rachid Khan, presiding, Judge Lee Gacuga Muthoga and Judge Emile Francis Short (the “Chamber”);

BEING SEIZED of the “Casimir Bizimungu’s Motion to Cancel Protective Measures for Defence Witness WFQ4”, dated on 17 October 2006, (the “Motion”);

RECALLING the “Decision on Casimir Bizimungu’s Motion for Protection of Defence Witnesses”, dated 27 June 2005, and the “Reconsideration of Decisions on Protective Measures for Defence Witnesses Pursuant to Appeals Chamber Ruling of 16 November 2005”, dated 17 February 2005 (together, the “Witness Protection Orders”);

NOW DECIDES the matter solely on the basis of the briefs of the parties pursuant to Rule 73 (A) of the Rules of Procedure and Evidence (the “Rules”);

INTRODUCTION

1. The Defence requests, pursuant to Rules 69 and 75 of the Rules, that the Chamber sets aside the protective measures for Witness WFQ4. It informs the Chamber that this witness wishes to testify unprotected under his true identity, and has no fear of reprisals.

PRELIMINARY MATTER

2. The Chamber requested confidential submissions from the Witness and Victim Support Section of the Registry (the “WVSS”) on the complete withdrawal of protective measures for Witness WFQ4, pursuant to Rule 69(B) of the Rules. The WVSS expressed no objection to the complete withdrawal of protective measures.¹

DISCUSSION

3. The Witness Protection Orders, which presently remain in force, granted Protected Witness status to all potential Defence Witnesses for Casimir Bizimungu nominated to the Victims and Witnesses Support Unit in the proper format. The Defence is aware that cancellation of the Witness Protection Orders for Witness WFQ4 means that the Tribunal will not be responsible for his safety.
4. Based upon the clear indication from Counsel that Witness WFQ4 does not require the Tribunal’s protection, and the expression of no objection from the WVSS, the Chamber is prepared to grant the request for cancellation of the Witness Protection Orders in respect of Witness WFQ4.

FOR THE FOREGOING REASONS, THE CHAMBER

GRANTS the Defence Motion, and

CANCELS the Witness Protection Orders for Witness WFQ4.

¹ Confidential communication from WVSS to Chambers dated 28 November 2006;



23507

Arusha, 7 December 2006



Khalida Rachid Khan
Presiding Judge



Lee Gacunga Muthoga
Judge



Emile Francis Short
Judge

[Seal of the Tribunal]

