



UNITED NATIONS  
NATIONS UNIES

ICTR-97-31-T  
14-02-2007  
(4653-4651)

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1494

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

ORIGINAL: ENGLISH

**TRIAL CHAMBER I**

**Before:** Judge Erik Mose, presiding  
Judge Sergei Alekseevich Egorov  
Judge Florence Rita Arrey

**Registrar:** Adama Dieng

**Date:** 14 February 2007

**THE PROSECUTOR**

v.

**Tharisse RENZAHO**

*Case No. ICTR-97-31-T*

2007 FEB 14 P 2: 36  
JUDICIAL RECORDS/ARCHIVES  
RECEIVED

**DECISION ON PROSECUTION REQUEST FOR VIDEO-LINK TESTIMONY**

**The Prosecution:**  
Jonathan Moses  
Katya Melliush  
Ignacio Tredici

**The Defence:**  
François Cantier  
Barnabé Nkubie

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**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA**

**SITTING** as Trial Chamber I, composed of Judge Erik Mose, presiding, Judge Sergei Aleksevich Egorov, and Judge Florence Rita Arrey;

**BEING SEIZED OF** the Prosecution's request for video-link testimony, filed on 8 February 2007, as well as the addendum thereto, filed on 12 February 2007;

**HEREBY DECIDES** the motion.

**INTRODUCTION**

1. The Prosecution requests that its Witness ACK be heard by video-conference from her country of residence. The witness is willing to testify before the Tribunal but her health condition requires that she urgently undergo surgery.<sup>1</sup> The Prosecution has submitted a medical certificate attesting to the witness's inability to travel for health reasons. The Defence has submitted no reply.

**DELIBERATIONS**

2. Testimony by video-conference may be ordered pursuant to Rules 54 and 71 (D) of the Rules of Procedure and Evidence on the basis that it is in the interests of justice. This depends on the importance of the testimony, the witness's inability or unwillingness to attend, and whether a good reason has been adduced for that inability or unwillingness.<sup>2</sup>

3. The witness appears to be able to give potentially important testimony for the Prosecution's case. According to the Prosecution, Witness ACK observed Renzaho during a massacre of Tutsi refugees at CEI.A in April 1994, and during another massacre at the St. Famille church in June 1994.<sup>3</sup> The witness is said to have spoken directly to Renzaho and pleaded with him to free certain Tutsi refugees at CEI.A; she will also testify that Renzaho refused to listen to her pleas.<sup>4</sup>

4. The Prosecution has established that the witness is willing to testify but that she is unable to travel to Arusha for medical reasons. Such reasons have previously been found to justify the granting of testimony by video-conference.<sup>5</sup>

5. The Chamber finds that it is in the interests of justice to permit Witness ACK to testify via video-conference.

**FOR THE ABOVE REASONS, THE CHAMBER**

**AUTHORIZES** the taking of the testimony of Witness ACK by video-conference from her country of residence;

**INSTRUCTS** the Registry, in consultation with the parties, to make all necessary arrangements in respect of the testimony of Witness ACK via video-conference during the

<sup>1</sup> Motion, para. 2.

<sup>2</sup> *Prosecutor v. Bagosora et al.*, Decision on Testimony of Witness Anadou Deme by Video-link (TC), 29 August 2006, para. 3; Decision on Testimony by Video-conference (TC), 20 December 2004, para. 4; Decision on Prosecution Request for Testimony of Witness BT via Video-Link (TC), 8 October 2004, para. 6.

<sup>3</sup> Motion, para. 5.

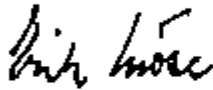
<sup>4</sup> The Prosecutor's Pre-trial Brief, Summary of Prosecution Witness ACK.

<sup>5</sup> *Bagosora et al.*, Decision on Testimony by Video-conference (TC), 20 December 2004, para. 5.

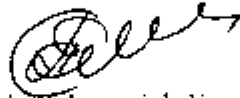
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week beginning on 5 March 2007, and to videotape the testimony for possible future reference by the Chamber.

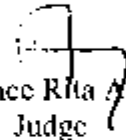
Arusha, 14 February 2007.



Erik Møse  
Presiding Judge



Sergei Aleksceovich Igorov  
Judge



Florence Rita Arrey  
Judge

[Seal of the Tribunal]





# TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

**COURT MANAGEMENT SECTION**  
(Art. 27 of the Directive for the Registry)

### I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

<b>To:</b>	<input checked="" type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Foméle	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS M. Diop	<input type="checkbox"/> Appeals Chamber / The Hague R. Muzigo-Morrison K. K. A. Afande
<b>From:</b>	<input checked="" type="checkbox"/> Chamber I R Mitra (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
<b>Case Name:</b>	The Prosecutor vs. <b>Renzaho</b>		<b>Case Number:</b> ICTR-97-31-I	
<b>Dates:</b>	Transmitted: <b>14.02.07</b>		Document's date: <b>14.02.07</b>	
<b>No. of Pages:</b>	<b>3</b>		<b>Original Language:</b>	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
<b>Title of Document:</b>	<b>Decision on Prosecution Request for Video-link Testimony</b>			
<b>Classification Level:</b>		<b>TRIM Document Type:</b>		
<input type="checkbox"/> Strictly Confidential / Under Seal <input type="checkbox"/> Confidential <input checked="" type="checkbox"/> Public		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties <input checked="" type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Submission from parties <input type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars <input type="checkbox"/> Judgement <input type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities		

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**CMS SHALL take necessary action regarding translation.**

Filing Party hereby submits only the original, and will **not submit** any translated version.

Reference material is provided in annex to facilitate translation.

**Target Language(s):**

English     French     Kinyarwanda

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**CMS SHALL NOT take any action regarding translation.**

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

**CMS SHALL NOT take any action regarding translation.**

Filing Party will be submitting the translated version(s) in due course in the following language(s):

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### III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	<b>COMMENTS</b>	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input checked="" type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: