

ICTR-97-31-T 4744  
14-06-2007 1UG4



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

(4744 - 4742)

ORIGINAL: ENGLISH

TRIAL CHAMBER I

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

**Registrar:** Adama Dieng

**Date:** 14 June 2007

THE PROSECUTOR

v.

Tharcisse RENZAHO

Case No. ICTR-97-31-T

Handwritten signature and date stamp: 2007 JUN 14 11:03 AM

DECISION ON DEFENCE REQUEST FOR SPECIAL PROTECTIVE MEASURES  
FOR WITNESS HIN

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

**The Defence:**  
François Cantier  
Barnabé Nekuie

Handwritten initials: Bm

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## THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

SITTING as Trial Chamber I, composed of Judge Erik Møse, presiding, Judge Sergei Alekseevich Egorov, and Judge Florence Rita Arrey;

BEING SEIZED OF the Defence "Requête en émission de mesures spéciales de protection concernant le témoin HIN", filed on 22 May 2007;

CONSIDERING the Prosecution Response, filed on 24 May 2007, the Defence Reply, filed on 31 May 2007, and information provided during an *ex parte* hearing on 13 June 2007;

HEREBY DECIDES the motion.

### INTRODUCTION

1. The Defence requests that the Chamber grant special measures protecting Witness HIN. The Prosecution argues that the Defence has not demonstrated why this witness is at any particular risk. The Defence replies that the witness will refuse to testify if his name is known before he leaves Rwanda, and offers to explain his personal circumstances *ex parte* if considered necessary by the Chamber.<sup>1</sup>

### DELIBERATIONS

2. Pursuant to Rule 75 of the Rules of Procedure and Evidence, the Chamber has ordered witness protection measures for Prosecution and Defence witnesses.<sup>2</sup> Witness HIN is already covered by this regime.

3. The Defence asks to disclose Witness HIN's name only upon his arrival in Arusha, ten days before he is called to testify. The Chamber has previously ordered that the witness identity be disclosed to the Prosecution twenty-one days in advance of the start of the Defence case.<sup>3</sup> It is important that the Prosecution be provided sufficient time to conduct investigations for its cross-examination of the witness. However, based on the particular vulnerability of this witness as detailed in the *ex parte* hearing, the Chamber will allow the witness's identity to remain undisclosed until he arrives in Arusha, where he will remain for ten days before being called to testify.<sup>4</sup>

4. The Defence also asks that the Prosecution be requested to make its investigations of this witness with the utmost discretion and to limit its investigations in Rwanda as well as the number of people with access to the witness's testimony. The Chamber assumes that the Prosecution will make every effort to protect the witness and sees no reason for any specific order.

5. Finally, the Defence asks that the Chamber prohibit the recording of the witness's name as a witness in this case in any database of the ICTR. The Chamber sees no need for

<sup>1</sup> Motion, paras. 18, 20.

<sup>2</sup> *Prosecutor v. Renzaho*, Decision on Defence Request for Protective Measures (TC), 12 March 2007; Decision on the Prosecutor's Motion for Protective Measures for Victims and Witnesses to Crimes Alleged in the Indictment (TC), 17 August 2005.

<sup>3</sup> *Prosecutor v. Renzaho*, Decision on Defence Request for Protective Measures (TC), 12 March 2007, para. 7.

<sup>4</sup> See, similarly, *Prosecutor v. Kordic and Cerkez*, Order for Delayed Disclosure of Statement and Protective Measures (TC), 19 March 1999.

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such a blanket prohibition. The witness's identity will be included in only one document, the personal information sheet, which will be placed under seal.

**FOR THE ABOVE REASONS, THE CHAMBER**

**ORDERS** that Witness HIN's identity remain undisclosed until his arrival in Arusha, which shall be ten days before he is called to testify; and

**DENIES** the motion in all other respects.

Arusha, 14 June 2007

Erik Mose  
Presiding Judge

Sergei Alekseevich Egorov  
Judge

Florence Rita Arrey  
Judge

[Seal of the Tribunal]

