

1970/H

ICTR-01-76-A

13th July 2007

Tribunal Pénal International pour le Rwanda (1970/H - 1968/H)
International Criminal Tribunal for Rwanda



UNITED NATIONS
NATIONS UNIES

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IN THE APPEALS CHAMBER

Before:

Judge Fausto Pocar, Presiding
Judge Mehmet Güney
Judge Liu Daqun
Judge Theodor Meron
Judge Wolfgang Schomburg

JUDICIAL RECORDS SECTION
2007 JUL 16 11 A 9 30

Registrar:

Mr. Adama Dieng

Decision of:

13 July 2007

ICTR Appeals Chamber
Date: 13 July 2007
Action: P.T.
Copied To: [Handwritten names]
LS, Archives

ALOYS SIMBA

v.

THE PROSECUTOR

Case No. ICTR-01-76-A

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ORDER TO REGISTRAR REGARDING BJK1

Counsel for Aloys Simba:

Mr. Sadikou Ayo Alao
Mr. Wenceslas de Souza

The Office of the Prosecutor:

Mr. James Stewart
Mr. George William Mugwanya
Ms. Inneke Onsea
Ms. Evelyn Kamau

International Criminal Tribunal for Rwanda
Tribunal pénal International pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORME A L'ORIGINAL PAR MOI
NAME / NOM: *Patrice Tchindimika*
SIGNATURE: *[Signature]* DATE: *13/07/07*

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THE APPEALS CHAMBER of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994 ("Appeals Chamber" and "Tribunal", respectively);

NOTING the appeals filed by the Office of the Prosecutor ("Prosecution")¹ and Aloys Simba ("Appellant")² against the "Judgement and Sentence" rendered in the case *Prosecutor v. Aloys Simba* by Trial Chamber I on 13 December 2005 ("Trial Judgement");

NOTING that on 4 May 2005, the Trial Chamber requested the Registry to issue a subpoena to potential defence witness BJK1 ("BJK1"), and requested the Rwandan authorities to take all appropriate measures to ensure the witness' protection and to provide any other assistance requested by the Registry to facilitate the witness' attendance at trial;³

NOTING that, despite these measures, BJK1 did not in the end testify at trial;

NOTING that, on appeal, the Appellant alleges that Rwandan authorities interfered with BJK1⁴ and failed to comply with the Trial Chamber's Decision of 4 May 2005;⁵

CONSIDERING that, for the purpose of deciding the merits of the appeals in this case, the Appeals Chamber needs to be informed of any steps taken by the Registry in order to secure the attendance at trial of BJK1;

¹ Prosecutor's Notice of Appeal, 12 January 2006.

² *Acte d'appel de la Defense*, 21 June 2006 ("Simba Notice of Appeal").

³ Simba Decision on Subpoena, 4 May 2005, Disposition ("Decision of 4 May 2005").

⁴ Simba Notice of Appeal, I-A-1; Simba Appeal Brief, para. 22.

⁵ Simba Appeal Brief, para. 26.

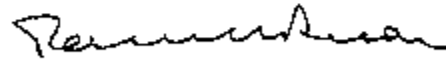
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FOR THE FOREGOING REASONS,

HEREBY REQUESTS the Registrar, pursuant to Rule 33(B) of the Rules of Procedure and Evidence, to submit a detailed written submission on the steps taken by the Registry in order to secure the attendance at trial of BJK1, no later than 13 August 2007.

Done in English and French, the English text being authoritative;



Judge Fausto Pocar
Presiding Judge



Dated this 13th day of July 2007,
At The Hague, The Netherlands.

[Seal of the Tribunal]