



UNITED NATIONS
NATIONS UNIES

ICTR-00-56-T
16-05-2008
(66890-66890)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

66891
mmmp

OR: ENG

TRIAL CHAMBER II

Before: Judge Asoka de Silva, Presiding
Judge Taghrid Hikmet
Judge Seon Ki Park

Registrar: Mr Adama Dieng

Date: 16 May 2008

JUDICIAL RECORDS SECTION
RECEIVED

2008 MAY 16 11:19

The PROSECUTOR
v.
Augustin NDINDILYIMANA
Augustin BIZIMUNGU
François-Xavier NZUWONEMEYE
Innocent SAGAHUTU
Case No. ICTR-00-56-T

**INTERIM ORDER CONCERNING BIZIMUNGU'S EXTREMELY URGENT
MOTION TO MEET WITH PROSECUTION WITNESS GFA AND TO ENSURE HIS
CONTINUED PRESENCE IN ARUSHA**
(Rule 54 of the Rules of Procedure and Evidence)

Office of the Prosecutor:

Mr Alphonse Van
Mr Moussa Sefou
Mr Segun Jegede
Mr Lloyd Strickland
Mr Abubacarr Tambadou
Ms Felistas Mushi
Ms Faria Rekkas
Ms Marlize Keefer

Counsel for the Defence:

Mr Gilles St-Laurent and Mr Ronnie MacDonald for Augustin Bizimungu
Mr Christopher Black and Mr Vincent Lurquin for Augustin Ndingilyimana
Mr Charles Taku and Ms Beth Lyons for François-Xavier Nzuwonemeye
Mr Fabien Segatwa and Mr Seydou Doumbia for Innocent Sagahutu

INTRODUCTION

1. On 19 March 2004, the Chamber rendered a decision on a Prosecution Motion to change and extend the protective measures accorded to victims and witnesses. The Chamber held that the Defence must receive authorization from the Chamber and consent from the protected witness before it could enter into contact with a protected Prosecution Witness.¹

2. Witness GFA testified for the Prosecution on 30 and 31 January and 1 and 2 February 2006. The Prosecution closed its case on 7 December 2006. The Defence for Bizimungu presented its case between 16 April and 14 December 2007, subject to 3 expert witnesses to be called at a later date. Since 28 April 2008, Witness GFA has been giving further testimony in the *Casimir Bizimungu et al.* case in accordance with a Decision by Trial Chamber II (differently composed) dated 21 April 2008, ordering Witness GFA's recall.² On 5 May 2008, the Defence filed the present motion requesting the Chamber to ensure Witness GFA's continued presence in Arusha and seeking the Chamber's permission to meet the Witness.³ On 9 May 2008, the Prosecution filed a response opposing the Motion.⁴ On 14 May 2008, the Defence filed a Reply.⁵


3. The Chamber notes that there are unconfirmed reports suggesting that Witness GFA has left Arusha and his current whereabouts are unknown.

THE CHAMBER THEREFORE

ORDERS the Witnesses and Victims Support Section (WVSS) to clarify the situation with respect to Witness GFA's whereabouts and report back to it within 7 days of the date of this decision;

The Chamber will make, if necessary, further orders based on the information received from WVSS.

Arusha, 16 May 2008


(read and approved)
Asoka de Silva
Presiding Judge


(read and approved)
Taghrid Hikmet
Judge


Seon Ki Park
Judge

(absent at the time of signature) (absent at the time of signature)

[Seal of the Tribunal]

¹ *Décision sur la Requête du Procureur aux fins de modification et d'extension des mesures de protection des victimes et des témoins*, 19 March 2004 para. (f).

² Decision on Jérôme-Clément Bicamumpaka's Motion requesting recall of Prosecution Witness GFA; Disclosure of exculpatory material; and to meet with Witness GFA (*Rules 54, 66, and 75 of the Rules of Procedure and Evidence*).

³ *Requête en extrême urgence de la Défense du Général Augustin Bizimungu afin de rencontrer le Témoin GFA et d'assurer sa présence a Arusha (Articles 54 et 75 du Règlement de procédure et preuve)*.

⁴ Prosecutor's Response to "*Requête en extrême urgence de la Défense du Général Augustin Bizimungu afin de rencontrer le Témoin GFA et d'assurer sa présence a Arusha (Articles 54 et 75 du Règlement de procédure et preuve)*".

⁵ *Réplique à la Réponse du Procureur à la Requête en extrême urgence de la Défense du Général Augustin Bizimungu afin de rencontrer le Témoin GFA et d'assurer sa présence a Arusha (Articles 54 et 75 du Règlement de procédure et preuve)*