

ICTR-00-55B-T  
03-06-2009  
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UNITED NATIONS  
NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

**TRIAL CHAMBER II**

**Before Judges:** Arlette Ramaroson, presiding  
Taghrid Hikmet  
Joseph Masanche

**Registrar:** Adama Dieng

**Date:** 03 June 2009

**THE PROSECUTOR**  
v.  
**ILDEPHONSE HATEGKIMANA**

*Case No. ICTR-00-55B-T*

**ORDER FOR WITNESS IDENTIFYING INFORMATION  
AND JUSTIFICATION FOR WITNESS PROTECTIVE MEASURES**

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## INTRODUCTION

1. The trial in the present case before Trial Chamber II commenced on 16 March 2009. The Prosecution case closed on 04 May 2009. On the same day, a Status Conference was held in preparation for the Defence case, which is scheduled to commence on 22 June 2009.
2. During the Status Conference, the Chamber instructed the Defence to disclose all witness identifying information. During the same conference, a representative of the Witness and Victims Support Section ("WVSS") of the Registry requested rapid submission of *proforma* witness identification information. The Section requested this essential information at the earliest possible date, prior to commencement of the Defence case, to allow sufficient time to contact the witnesses and to make all arrangements for their travel to testify in Arusha.<sup>1</sup>
3. On 01 June 2009, the Defence submitted its Pre-Trial Brief to the Chamber and the Prosecution.
4. On 02 June 2009, the Defence submitted a Motion requesting the Chamber to order witness protection measures and to establish the date for providing witness identifying information to the Registrar of the Tribunal.<sup>2</sup>

## DELIBERATIONS

### *Immediate Disclosure of Witness Identifying Information*

5. Insofar as the Defence case will commence on 22 June 2009 and numerous requests have been made by the Chamber and WVSS for submission of witness identifying information, the Chamber hereby:

**ORDERS** the Defence to disclose to WVSS *proforma* information by Friday, 05 June 2009, for twenty-five witnesses that it intends to call to testify, in order to ensure the witnesses' appearance during the upcoming trial session scheduled to extend from 22 June through 17 July 2009.

**INSTRUCTS** the Defence to provide WVSS with current contact information for all members of the Defence team, including telephone numbers, e-mail addresses and facsimile numbers, in order to ensure the smooth organization of the Defence phase of the proceedings.

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<sup>1</sup> T. 04 May 2009 2009 p. 12 [French transcript].

<sup>2</sup> Requête en Urgence aux Fins de Mesures de Protection des Témoins à Décharge en vertu des Articles 19 et 21 du Statute, 75 du Règlement.

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*Justification for Protective Measures*

6. Concerning the Defence request for witness protective measures, the Chamber recalls that protective measures are granted on a case-by-case basis and in relation to justifying supporting material, including affidavits and reports on the current security situation in a particular region where a witness may reside.<sup>3</sup> The Chamber notes that the Defence Motion does not identify specific witnesses for such protection or contain any justification for the requested protective measures.

7. In view of the imminent commencement of the Defence case, the Chamber hereby:

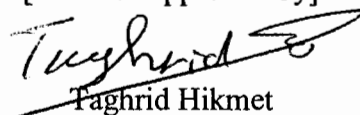
**ORDERS** the Defence to file by Monday, 08 June 2009, the aforementioned supporting material for protective measures for identified witnesses.

Arusha, 03 June 2009



Arlette Ramaroson  
Presiding Judge

[read and approved by]



Taghrid Hikmet

Judge



Joseph Masanche  
Judge



<sup>3</sup> See the Trial Chamber's Decision of 07 April 2009, para. 16.