



UNITED NATIONS
NATIONS UNIES

ICTR-00-55-T
03-08-2009
(966-965)

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before: Judge Dennis C. M. Byron, Presiding

Registrar: Mr. Adama Dieng

Date: 3 August 2009

THE PROSECUTOR

v.

Tharcisse MUVUNYI

Case No. ICTR-00-55A-T

2009 AUG -3 1 P:5: 06
JUDICIAL RECORDS ARCHIVES
RECEIVED

INTERIM ORDER REGARDING MOTION FOR PROTECTIVE MEASURES

Rules 54 and 75 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Charles Adeogun-Phillips
Ibukunolu Alao Babajide

Counsel for the Accused:

William E. Taylor III
Abbe Jolles

INTRODUCTION

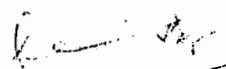
1. On 21 July 2009, Tharcisse Muvunyi brought a motion for protective measures for several of his witnesses.¹ The Prosecution did not respond to the Motion.

2. The Chamber notes that no information was provided by Tharcisse Muvunyi in support of his Motion with respect to Witness M0103. In particular, Muvunyi has failed to demonstrate that the witness has an objective fear for his safety or that of his family's, as consistently required by the jurisprudence of this Tribunal.² Further, Muvunyi has failed to demonstrate that the protective measures sought are strictly necessary for the protection of the witness.³ Accordingly, the Chamber requests that Muvunyi provide further and better submissions, to the extent possible, in support of his Motion.

FOR THESE REASONS, THE CHAMBER:

ORDERS Tharcisse Muvunyi to file further and better submissions in support of his Motion within two days of this order.

Arusha, 3 August 2009, done in English.


Dennis C. M. Byron
Presiding Judge



¹ Tharcisse Muvunyi's Application for Protective Measures for Witnesses Who Will Testify at Trial Scheduled to Commence August 24, 2009, filed 21 July 2009 ("Motion").

² *The Prosecutor v. Dominique Ntawukulilyayo*, Case No. ICTR-05-92-T, Decision on Defence Motion for Protective Measures, 11 May 2009, paras. 4-11; *Prosecutor v. Ildephonse Hategekimana*, Case No. ICTR-00-55B-PT, Decision on Prosecution Extremely Urgent Motion for Protective Measures, 16 January 2009, paras. 3-4; *Prosecutor v. Kalimanzira*, Case No. ICTR-2005-88-I, Decision on Prosecution Motion for Protective Measures, 8 November 2007, para. 3; *Prosecutor v. Setako*, Case No. ICTR-04-81-I, Decision on Prosecution Motion for Protective Measures, 18 September 2007, para. 4; *Prosecutor v. Nchamihigo*, Case No. ICTR-2001-63-PT, Decision on Motions for Protective Measures for Prosecution Witnesses, 26 July 2006, paras. 4-5.

³ *The Prosecutor v. Augustin Ndirabatswe*, Case No. ICTR-99-54-T, Decision on Prosecution's Motion for Special Protective Measures for Prosecution Witnesses and Others, 6 May 2009, paras. 15-17; *The Prosecutor v. Tharcisse Renzaho*, Case No. ICTR-97-31-I, Decision on the Prosecutor's Motion for Protective Measures for Victims and Witnesses to Crimes Alleged in the Indictment, 17 August 2005, para. 10; *The Prosecutor v. Léonidas Nshogoza*, Case No. ICTR-07-91-PT, Decision on Defence Motion for Protective Measures for Victims and Witnesses, 22 January 2009, para. 8.