



UNITED NATIONS
NATIONS UNIES

ICTR-2001-68-T
22-09-2010
(2407-2405)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

2407
22

OR: ENG

TRIAL CHAMBER III

Before Judges: Florence Rita Arrey, Presiding
Judge Bakhtiyar Tuzmukhamedov
Aydin Sefa Akay

Registrar: Adama Dieng

Date: 22 September 2010

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JUDICIAL RECORDS/ARCHIVES
RECEIVED
ICTR
M. Makwaia

THE PROSECUTOR

v.

GREGOIRE NDAHIMANA

Case No. ICTR-2001-68-T

INTERIM ORDER ON PROTECTIVE MEASURES FOR DEFENCE WITNESSES

Office of the Prosecutor:
Holo Makwaia, Senior Appeals Counsel
Althea Alexis-Windsor, Appeals Counsel
Segun Jegede, Trial Attorney
Lansana Dumbuya, Case Manager

Counsel for the Defence
Bharat J.B. Chadha, Lead Counsel
Wilfred Ngunjiri Nderitu, Co Counsel
Tharcisse Gatarama, Legal Assistant
Marie-Pier Barbeau, Legal Assistant

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Introduction

1. In an informal meeting with the parties held on 14 September 2010, the Trial Chamber directed the Defence to disclose identifying information of prospective alibi witnesses to the Prosecution by 20 September 2010.
2. On 20 September 2010, the Defence filed a Motion requesting protective measures for a number of its witnesses (“Motion”).¹ The Prosecution has not yet had an opportunity to respond to this Motion and thus the Trial Chamber has been unable to make a final determination on this issue.
3. Pending a final decision on the Motion,

THE CHAMBER

GRANTS the following Interim Protective Measures to Defence Witnesses ND1, ND2, ND3, ND4, ND5, ND6, ND7, ND8, ND9, ND10, ND11, ND12, ND13, ND14, ND15, ND16, ND17, ND20, ND21, ND22, ND23, ND24, ND25, ND26, ND27, ND28, ND29, ND30, ND31, ND32, ND33, ND34, ND35, KR3, KR4, KR5, FP8, MB2, CD11, FP9, FP2, BV4, BX2, BX7, BX1, BM1, FB1, GK1, FB1, BX3, MB1, as well as BM2 as added in the Defence supplement to its 3 September 2010 Notice of Alibi, filed on 22 September 2010:

- a. The names, addresses, whereabouts, and other identifying information concerning the Defence witnesses listed above shall be sealed by the Registry and not included in any non-confidential Tribunal records, or otherwise disclosed to the public.
- b. The names and identities of the Defence witnesses shall be forwarded by the Defence to the Registrar in confidence, and they shall not be disclosed to the Prosecution, until such time as the said witnesses are under the protection of the Tribunal.
- c. In cases where the names, addresses, locations and other identifying information of the Defence witnesses appear in the Tribunal's public records, this information shall be expunged from the said records.

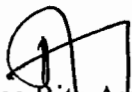
¹ Prosecutor v. *Ndahimana*, ICTR-01-68-T, Defence Motion for Protective Measures of Witnesses, 20 September 2010.

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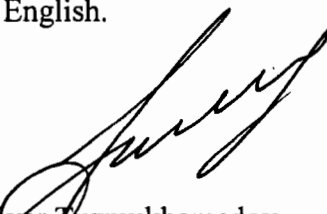
- d. No person shall make audio or video recordings or broadcastings and shall not take photographs or make sketches of the protected Defence witnesses, without leave of the Trial Chamber or the witness.
- e. Protected Witnesses will be referred to by their pseudonyms during trial proceedings, and during discussions between the Parties in proceedings.
- f. Prosecution Counsel and any representative acting on his behalf, shall notify the Defence prior to any contact with any of its witnesses, and the Defence shall make arrangements for such contacts should the witness consent upon verification of their willingness by the Witnesses and Victims Support Section with the assistance of the Defence.
- g. The Prosecution shall provide the Registry with a designation of all persons working on the Prosecution team who will have access to any identifying information concerning any protected witness, and shall notify the Registry in writing of any persons leaving the Prosecution team and to confirm in writing that such person has remitted all material containing identifying information.
- h. The Prosecution is prohibited from sharing, revealing or discussing, directly or indirectly, any documents or any information contained in any documents, or any other information which could reveal or lead to the identification of any individuals so designated to any person or entity other than assigned counsel or other persons working on the immediate Prosecution team.

Arusha, 22 September 2010, done in English.

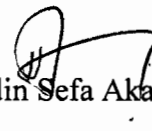


Florence Rita Arrey

Presiding Judge



Bakhtiyar Tuzmukhamedov



Aydin Sefa Akay

Judge
(Absent at the time of
signature)



[Seal of the Tribunal]