

ICR-00-55C-T  
13-7-2011  
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UNITED NATIONS  
NATIONS UNIES

**International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda**

0572

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Lee Gacuiga Muthoga, *Presiding*  
Seon Ki Park  
Robert Fremr

**Registrar:** Adama Dieng

**Date:** 13 July 2011

JUDICIAL RECORDS/ARCHIVES  
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2011 JUL 13 P 4: 55  
*[Signature]*

**THE PROSECUTOR**

v.

**Idéphonse NIZEYIMANA**

**CASE NO. ICTR-00-55C-T**

**DECISION ON EXTREMELY URGENT DEFENCE MOTION  
FOR PROTECTIVE MEASURES FOR DEFENCE WITNESS BNN07**

*Articles 19 and 21 of the Statute and Rules 54, 69, 73 and 75 of the Rules of Procedure and Evidence*

**Office of the Prosecution:**  
Drew White  
Kirsten Gray  
Yasmine Chubin  
Zahida Virani

**Defence Counsel for Ildephonse Nizeyimana:**  
John Philpot  
Cainnech Lussiaà-Berdou  
Myriam Bouazdi

*[Signature]*

## INTRODUCTION

1. The trial commenced on 17 January 2011 with the opening statements of both the Prosecution and the Defence. The Prosecution closed its case-in-chief on 25 February 2011, after having called 38 witnesses. The Defence closed its case on 16 June 2011, after having called 38 witnesses.
2. On 4 July 2011, the Defence team of the Accused, Ildéphonse Nizeyimana (“the Defence” and “the Accused” respectively) filed a motion urgently seeking protective measures for Defence Witness BNN07.<sup>1</sup> The Defence attached a confidential, *ex parte*, declaration by its investigator, Léopold Nsengiyuma, attesting to the fact that Witness BNN07 would like to seek protective measures for fear of reprisals by the Rwandan government.<sup>2</sup>
3. The Office of the Prosecutor (“Prosecution”) did not file a response.

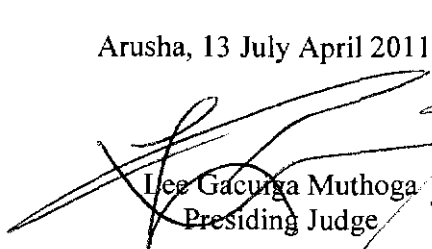
## DELIBERATIONS


4. The Chamber notes at the outset that the Defence provided scant information about Defence Witness BNN07, whom the Chamber presumes is a witness the Defence intends to call in rejoinder. The Defence, however, has not yet filed an application for leave to present evidence in rejoinder. The Chamber can only render a decision on protective measures for witnesses in rejoinder, where it has granted the Defence leave to present said evidence in rejoinder. The Chamber therefore dismisses the present application for protective measures as premature.

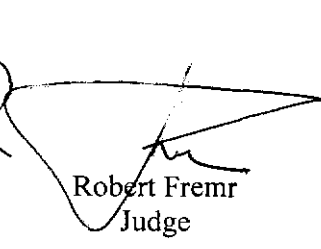
### FOR THESE REASONS, THE CHAMBER

**DISMISSES** the Defence motion as premature.

Arusha, 13 July April 2011, done in English.

  
Lee Gacunga Muthoga  
Presiding Judge

  
Seon Ki Park  
Judge

  
Robert Fremr  
Judge

[Seal of the International Criminal Tribunal for Rwanda]  
The International Criminal Tribunal for Rwanda

<sup>1</sup> Extremely Urgent Defence Motion for Protective Measures for Defence Witness BNN07, 4 July 2011.

<sup>2</sup> Confidential and *Ex Parte* Annex to Extremely Urgent Defence Motion for Protective Measures for Defence Witness BNN07, 29 June 2011.