

ICTR-98-44F-R71bis
DCL-4-2012
(2138-2137)

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UNITED NATIONS
NATIONS UNIES

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

OR: ENG

TRIAL CHAMBER III

Before: Judge Gberdao Gustave Kam, Presiding
Judge Vagn Joensen
Judge Seon Ki Park

Registrar: Mr. Adama Dieng

Date: 24 April 2012

**THE PROSECUTOR
v.
AUGUSTIN BIZIMANA**

Case No. ICTR-98-44F-R71bis

ICTR
JUDICIAL RECORDS SECTION
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**DECISION ON DEFENCE MOTION FOR ADDITIONAL PROTECTIVE
MEASURES AND SCHEDULING ORDER**

Office of the Prosecutor:

Mr. Hassan B. Jallow
Mr. Richard Karegyesa
Mr. Paul Ng'arua
Mr. Elvis Bazawule
Mr. Didace Nyirinkwaya

For the Accused:

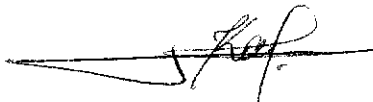
Ms. Yitiha M. Z. Simbeye (Duty Counsel)


INTRODUCTION

1. On 14 February 2011, the Prosecution filed a motion for the preservation of evidence by special deposition for a future trial, pursuant to Rule 71*bis* of the Rules of Procedure and Evidence.¹ On 5 May 2011, the Chamber granted the Prosecution Motion.²
2. On 14 March 2012, the Chamber granted Duty Counsel's request to call seven witnesses and issued protective measures for these witnesses.³
3. On 23 April 2012, Duty Counsel filed a motion requesting the permission of the Chamber not to disclose the identities and contact details of two of her prospective witnesses, SFA and BRB, to the Prosecution.⁴
4. The Chamber observes that there are no exceptions to the disclosure requirements provided for under Rule 69 (C). For this reason, it is able to determine without giving the Prosecution an opportunity to respond that Duty Counsel's application must be denied.

FOR THE FOREGOING REASONS, THE CHAMBER

DENIES Duty Counsel's Motion;


Gberdao Gustave Kam
Presiding Judge


Vagn Joensen
Judge


Seon Ki Park
Judge



¹ *The Prosecutor v. Augustin Bizimana*, Case No. ICTR-98-44F-71*bis*, The Prosecutor's Request for Preservation of Evidence by Special Deposition for Future Trial (Pursuant to Rule 71 *bis*), dated 5 February 2011, filed on 14 February 2011 (the "Motion").

² *The Prosecutor v. Augustin Bizimana*, Case No. ICTR-98-44F-71*bis*, Decision on the Prosecutor's Request for Preservation of Evidence by Special Deposition for a Future Trial, 5 May 2011.

³ *The Prosecutor v. Augustin Bizimana*, Case No. ICTR-98-44F-71*bis*, Decision on Duty Counsel's Request for Preservation of Evidence by Special Deposition, 14 March 2012.

⁴ *The Prosecutor v. Augustin Bizimana*, Case No. ICTR-98-44F-71*bis*, Defence Motion to Request for the Protection of Witnesses, 23 April 2012.