



ICTR-98-41-1
30-1-2006
(26058-26457)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

26058
-HM

TRIAL CHAMBER I

Before: Judge Erik Møse

Registrar: Adama Dieng

Date: 30 January 2006

THE PROSECUTOR

v.

Théoneste BAGOSORA

Gratien KABILIGI

Aloys NTABAKUZE

Anatole NSENGIYUMVA

Case No. : ICTR-98-41-T

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DECISION ON KABILIGI DEFENCE REQUEST TO MEET WITNESS LE-1

The Prosecution

Barbara Mulvaney
Drew White
Christine Graham
Rashid Rashid

The Defence

Raphaël Constant
Allison Turner
Paul Skolnik
Frédéric Hivon
André Tremblay
Peter Erlinder
Kennedy Ogetto
Gershom Otachi Bw'omanwa

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

SITTING as Trial Chamber I, composed of Judge Erik Møse, designated by the Chamber in accordance with Rule 73 (A) of the Rules of Procedure and Evidence;

BEING SEIZED of the “Urgent Motion for Trial Chamber Authorization to Interview Witness LE-1”, filed by the Kabiligi Defence on 24 January 2006;

CONSIDERING the Prosecution Response, filed on 25 January 2006;

HEREBY DECIDES the motion.

1. The Kabiligi Defence requests permission to meet with Witness LE-1, who testified as a Defence witness on 19, 20 and 21 October 2005, notwithstanding the Chamber’s instruction to the witness not to “discuss your testimony with anyone”.¹

2. Following a change of Lead Counsel, the Kabiligi Defence was authorized by the Chamber to present its case after the other Defence teams.² Recognizing that witnesses appearing for the other Accused may subsequently testify on behalf of the Accused Kabiligi, the Chamber has in the past routinely authorized the Kabiligi Defence to meet with these witnesses, when so requested.³ There is no reason not to do so in the present case. The permission should be understood as applying to any matters potentially relevant to the present trial, including matters on which the witness has testified before the Chamber.

FOR THE ABOVE REASONS, THE CHAMBER

GRANTS THE MOTION by permitting Witness LE-1 to discuss any matters potentially relevant to the present trial, including matters on which the witness has testified before the Chamber.

Arusha, 30 January 2006



Erik Møse
Presiding Judge

[Seal of the Tribunal]



¹ T. 21 October 2005 p. 60.

² *Bagosora et al.*, Decision on Postponement of Defence of Accused Kabiligi (TC), 21 April 2005.

³ See e.g. T. 4 May 2005 pp. 41-42 (“MR. PRESIDENT: Thank you. Mr. Witness, your testimony is over. Thank you very much for having come the long way to the Tribunal to testify, and we wish you a very safe journey home. Please do not discuss your testimony with anyone.... Now, what I just said is the general order we give to all witnesses, but then in relation to you there may be a specific situation which will imply that Mr. Skolnik may wish to interview you, and of course, he and his team will be free to do so. So my general admonishment did not include the Kabiligi Defence team, should they wish to get in touch with you”).