

ICTR-96-4-A
13-03-2000
(658-656)
658
Hm

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR RWANDA

Case No. ICTR-96-4-A

IN THE APPEALS CHAMBER

Before: Judge Claude Jorda, Presiding
Judge Wang Tieya
Judge Lal Chand Vohrah
Judge Mohamed Shahabuddeen
Judge Rafael Nieto-Navia

Registrar: Mr. Agwu U. Okali

Date Filed: 13 March 2000

2000 MAR 13 P 2:46
ICTR
COURT REGISTRY
RECEIVED

THE PROSECUTOR

v.

JEAN-PAUL AKAYESU

PROSECUTION'S URGENT MOTION FOR ENFORCEMENT
OF WITNESS PROTECTION MEASURES

The Office of the Prosecutor:
Upawansa Yapa
Senior Appeals Counsel

Counsel for Mr. Akayesu
Mr. John Philpot
Counsel
André Tremblay
Co-counsel

657

INTERNATIONAL CRIMINAL TRIBUNAL
FOR RWANDA

THE PROSECUTOR

V.

JEAN-PAUL AKAYESU
Case No. ICTR-96-4-A

PROSECUTION'S URGENT MOTION FOR
ENFORCEMENT OF
WITNESS PROTECTION MEASURES

(A) Introduction

1. By "Decision on the Preliminary Motion submitted by the Prosecutor for Protective Measures for Witnesses"¹ of 27 September 1996 the Trial Chamber granted a Prosecution motion for protective measures of witnesses mentioned in the supporting material of the Indictment. The decision was during Trial and covered both Prosecution and Defence witnesses.²
2. By "Order for Temporary Transfer of Three Detained Witnesses pursuant to Rule 90bis of the Rules of Procedure and Evidence" of 31 October 1997 the Trial Chamber ordered that "... pseudonyms given to these witnesses shall be used each time reference is made to the said witnesses during proceedings in the Tribunal and during discussions between the parties before the Tribunal."³
3. On 24 January 2000 the Defence filed a motion entitled "*Requête pour amender l'avis d'appel (Re : Pour préciser la deuxième partie de l'avis relative au «Déni du droit à un avocat compétent »)*."⁴ With the Motion, the Defence filed an affidavit⁵ by Mr. Akayesu. The affidavit was prepared by his counsel and was submitted to Mr.

¹ Trial Record, RP 953 – 951.

² Judgement, page 26, paragraph 18, with footnote 20.

³ Trial Record, RP 2175 – 2173, at 2173.

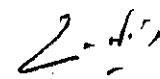
⁴ Appeals Record, RP 1290 – 1220 *bis*.

⁵ Appeals Record, RP 1277 – 1241 *bis*.

656

Akayesu for corrections, which caused some delay in the transmission of the affidavit to the Prosecution.

4. On pages 16 – 19 of the affidavit the names of 12 witnesses are mentioned, some or all of which are covered by the above mentioned Orders.
5. The Prosecution therefore respectfully requests the Appeals Chamber to
 - (1) order the Registry to clearly mark and file pages 1277 – 1241 *bis* of the Appeals Record as confidential and not to be disclosed to the public;
 - (2) order the Registry, with the assistance of the Witness and Victims Support Unit of the Tribunal, to prepare a redacted version of the document for the public record;
 - (3) order Mr. Akayesu and his counsel not to disclose the affidavit to the public; and
 - (4) order Mr. Akayesu and his counsel not to disclose the names and whereabouts or other identifying information concerning witnesses to the public
 - (5) order Mr. Akayesu and his counsel to refer to witnesses only by the pseudonyms designated to them at Trial.



Upawansa Yapa
Senior Appeals Counsel

Done this thirteenth day of March 2000,
at The Hague, The Netherlands