

ICTR-00-59-I  
13-07-2007  
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Mwano

UNITED NATIONS



NATIONS UNIES

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA  
TRIBUNAL PÉNAL INTERNATIONAL POUR LE RWANDA

TRIAL CHAMBER II

Registrar: Mr. Adama Dieng

Date filed: 13 July 2007

PROSECUTOR

V

JUVENAL RUGAMBARARA

Case No: ICTR-2000-59-I

JUDICIAL RECORDS ARCHIVE  
2007 JUL 13 P 12: 28

**PROSECUTOR'S RESPONSE TO DEFENCE MOTION FOR PROTECTIVE  
MEASURES FOR WITNESSES**

(based on Article 14, 19 and 21 of the Statute and Rule 69 and 75 of the Rules of Procedure  
and Evidence)

The Office of the Prosecutor:

Mr. Charles Adeogun-Phillips

Ms. Memory Maposa

Mr. Peter Tafah

Counsel for the Accused:

Mr. Maroufa Diabira

Mr. Boubou Diabira

**Introduction**

1. On 10 July 2007, the Defence filed a motion pursuant to Article 14, 19 and 21 of the Statute and Rule 69 and 75 of the Rules of Procedure and Evidence in which they requested the Trial Chamber to grant protective measures to witnesses that will testify for the defense in the trial of Prosecutor against Juvenal Rugambarara.

2. The witnesses the defense sought to protect are residing in Rwanda and other countries in Africa, Europe and America and have not affirmatively waived their rights to protective measures.

3. The defence has stated in their motion that most of the witnesses have expressed concern over their fate after testifying before the ICTR, considering the insecurity in Rwanda in particular and the other countries where they reside. Further more the defense has also made reference and attached written material that point to threats made against certain witnesses, the risk, even the death of some of them just for testifying before ICTR. Consequently, defense witnesses are demanding appropriate protective measures if they must come to testify.

**Prosecutor Submissions**

4. The Prosecutor submits that the request for protective measures as indicated above is justified in law, as Article 14, 19 and 21 of the Statute and Rule 69 and 75 of the Rules of Procedure and Evidence grant either parties the right to request for protective measures for its witnesses.

5. The Prosecutor further submits that the request for protective measures as indicated above is in the interest of justice and would not prejudiced any party in this proceedings.

**Conclusion**

6. The Prosecutor respectfully request the Trial Chamber to grant the Defense motion for protective measures for defence witnesses in the manner sought by the defense in their motion of 10 July 2007.

Dated and Done at Arusha this 13 day of July 2007

Peter Tafah 

Trial Attorney



# TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

**COURT MANAGEMENT SECTION**  
(Art. 27 of the Directive for the Registry)

### I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

<b>To:</b>	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input checked="" type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Taion
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<b>From:</b>	<input type="checkbox"/> Chamber (names)	<input type="checkbox"/> Defence (names)	<input checked="" type="checkbox"/> Prosecutor's Office <b>Feza Ramazani</b> (names)	<input type="checkbox"/> Other: (names)
<b>Case Name:</b>	The Prosecutor vs. <b>Juvenal Rugambarara</b>		<b>Case Number:</b> ICTR-2000-59-I	
<b>Dates:</b>	Transmitted: <b>13/07/2007</b>		Document's date: <b>13/07/2007</b>	
<b>No. of Pages:</b>	<b>2</b>		<b>Original Language:</b> <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
<b>Title of Document:</b>	<b>PROSECUTOR'S RESPONSE TO DEFENCE MOTION FOR PROTECTIVE MEASURES FOR WITNESSES</b>			
<b>Classification Level:</b>		<b>TRIM Document Type:</b>		
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence
<input type="checkbox"/> Confidential		<input type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Notice of Appeal
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Disclosure	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book
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### III - TRANSLATION PRIORITISATION (For Official use ONLY)

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<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: