



Mechanism for International Criminal Tribunals

Case No.: MICT-13-33

Date: 22 December 2017

Original: English

**BEFORE A SINGLE JUDGE**

**Before:** Judge Seymour Panton

**Registrar:** Mr. Olufemi Elias

**Order of:** 22 December 2017

**PROSECUTOR**

v.

**JEAN DE DIEU KAMUHANDA**

*PUBLIC*

**ORDER FOR SUBMISSIONS ON A MOTION  
TO INTERVIEW A WITNESS**

**The Office of the Prosecutor:**

Mr. Serge Brammertz  
Ms. Veronic Wright  
Ms. Thembile Segoete  
Ms. Sunkarie Ballah-Conteh

**Counsel for Mr. Jean de Dieu Kamuhanda:**

Mr. Peter Robinson

**Received by the Registry  
Mechanism for International Criminal Tribunals  
22/12/2017 12:22**

A handwritten signature in black ink, appearing to be the initials 'PR'.

**I, SEYMOUR PANTON**, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;<sup>1</sup>

**BEING SEISED OF** a motion filed on 15 November 2017, in which Mr. Jean de Dieu Kamuhanda seeks judicial authorisation to interview protected Prosecution Witness GEB, if he consents, about the veracity of his testimony before the International Criminal Tribunal for Rwanda (“ICTR”) in the case of *The Prosecutor v. Jean de Dieu Kamuhanda*, Case No. ICTR-99-54 (“*Kamuhanda case*”);<sup>2</sup>

**NOTING** the Prosecution’s response filed on 27 November 2017, in which it submits that the Motion is unjustified and should be denied;<sup>3</sup>

**CONSIDERING** that the decision ordering protective measures in the *Kamuhanda* case limits contact with, notably, the protected Prosecution witnesses and requires judicial authorisation to be granted before a member of Mr. Kamuhanda’s defence team can contact the individuals who are subject to that decision;<sup>4</sup>

**RECALLING** that, pursuant to Rule 86(F)(i) of the Rules of Procedure and Evidence of the Mechanism (“Rules”), protective measures ordered in proceedings before the ICTR continue to have effect *mutatis mutandis* in any other proceedings before the Mechanism unless and until they are rescinded, varied, or augmented;

**CONSIDERING** that Mr. Kamuhanda does not seek to obtain confidential information or material relating to Witness GEB but only requests that the Witness Support and Protection Unit of the Mechanism (“WISP”) ascertain if the witness consents to an interview with Counsel for Mr. Kamuhanda;<sup>5</sup>

**FINDING** that, in these circumstances, it is appropriate that the WISP ascertain whether Witness GEB consents to Mr. Kamuhanda’s requested interview;

**PURSUANT** to Article 20 of the Statute of the Mechanism and Rules 55 and 86 of the Rules;

<sup>1</sup> Order Assigning a Single Judge to Consider a Motion, 20 November 2017.

<sup>2</sup> Motion to Interview Prosecution Witness GEB, 15 November 2017 (“Motion”), paras. 1, 9-13.

<sup>3</sup> Prosecution Response to Motion to Interview Prosecution Witness GEB, 27 November 2017 (“Response”), paras. 1-5, 7. The Prosecution further requests that, should I decide to grant the Motion, a representative from its office be present during the interview. *See* Response, para. 8.

<sup>4</sup> *The Prosecutor v. Jean de Dieu Kamuhanda*, Case No. ICTR-99-50-I, Decision on the Prosecutor’s Motion for Protective Measures for Witnesses, 10 July 2000, paras. 2(i), 9, p. 6. *See also* Decision on Motion for Contact with Persons Benefitting from Protective Measures, 10 March 2016, paras. 10, 14.

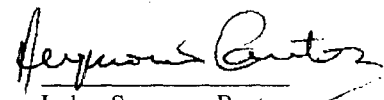
<sup>5</sup> *See* Motion, paras. 1, 13.

**HEREBY ORDER:**

- (i) the WISP to contact Witness GEB to ascertain whether the witness consents to being interviewed by Counsel for Mr. Kamuhanda after being advised of the purpose and voluntary nature of the interview and to file a submission indicating Witness GEB's decision within four weeks of the filing of this order; and
- (ii) the WISP to provide me with any other related information by the same date.

Done in English and French, the English version being authoritative.

Done this 22<sup>nd</sup> day of December 2017,  
At Arusha,  
Tanzania

  
Judge Seymour Pantan  
Single Judge

[Seal of the Mechanism]





**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE  
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/  
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MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

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<b>Case Name/ Affaire :</b>	Prosecutor v. Jean de Dieu Kamuhanda		<b>Case Number/ Affaire n° :</b> MICT-13-33
<b>Date Created/ Daté du :</b>	22 December 2017	<b>Date transmitted/ Transmis le :</b>	22 December 2017
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Rev: April 2014/Rév. : Avril 2014