

UNITED
NATIONS

MICT-13-33
06-02-2018
(1608 - 1606)



Mechanism for International Criminal Tribunals

Case No.: MICT-13-33

Date: 6 February 2018

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Seymour Panton

Registrar: Mr. Olufemi Elias

Decision of: 6 February 2018

PROSECUTOR

v.

JEAN DE DIEU KAMUHANDA

PUBLIC

**DECISION 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
06/02/2018 14:14

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

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

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 in the case of *The Prosecutor v. Jean de Dieu Kamuhanda*, Case No. ICTR-99-54;²

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

RECALLING the “Order for Submissions on a Motion to Interview a Witness”, filed on 22 December 2017 (“Order of 22 December 2017”), in which I ordered: (i) the Witness Support and Protection Unit of the Mechanism (“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 the Order of 22 December 2017; and (ii) the WISP to provide me with any other related information by the same date;⁴

NOTING the “Registrar’s Submission Pursuant to Order for Submissions on a Motion to Interview a Witness”, filed confidentially on 17 January 2018 (“Registrar’s Submission”), in which the Registrar informed me that, having been advised of the purpose of the interview and its voluntary nature, Witness GEB declined to be interviewed by Counsel for Mr. Kamuhanda;⁵

CONSIDERING that Witness GEB confirmed in writing that he does not consent to be interviewed by Counsel for Mr. Kamuhanda;⁶

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

¹ Order Assigning a Single Judge to Consider a Motion, 20 November 2017.

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

³ Prosecution Response to Motion to Interview Prosecution Witness GEB, 27 November 2017, paras. 1-5, 7.

⁴ Order of 22 December 2017, p. 2.

⁵ Registrar’s Submission, para. 4. *See also* Registrar’s Submission, Annex, Registry Pagination (“RP”) 1600, 1599.

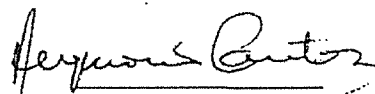
⁶ Registrar’s Submission, Annex, RP. 1600, 1599.

HEREBY DISMISS the Motion.

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

Done this 6th day of February 2018,

At Arusha,
Tanzania



Judge Seymour Panton
Single Judge

[Seal of the Mechanism]





**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
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I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	MICT Registry/ <i>Greffe du MPTI</i>	<input checked="" type="checkbox"/> Arusha/ <i>Arusha</i>	<input type="checkbox"/> The Hague/ <i>La Haye</i>
From/ De :	<input checked="" type="checkbox"/> Chambers/ <i>Chambre</i>	<input type="checkbox"/> Defence/ <i>Défense</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>
Case Name/ Affaire :	Prosecutor v. Jean de Dieu Kamuhanda	Case Number/ Affaire n° :	MICT-13-33
Date Created/ Daté du :	06 February 2018	Date transmitted/ Transmis le :	06 February 2018
		No. of Pages/ Nombre de pages :	3
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :
Title of Document/ Titre du document :	Decision on a Motion to Interview a Witness		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	
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Rev: April 2014/Rév. : Avril 2014