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Case no. : ICR-98-44-T



**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

**Office of the President
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Before: Judge Navanethem Pillay Original : English
Registry: Mr. Antoine Mindua
Decision of: 27 September 1999

THE PROSECUTOR

versus

**AUSTIN BIZIMANA
EDOUARD KAREMERA
CALLIXTE NZABONIMANA
ANDRÉ RWAMAKUBA
MATHIEU NGIRUMPATSE
JOSEPH NZIRORERA
FÉLICIEN KABUGA
JUVENAL KAJELIJELI**

ICTR-98-44-T

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CRIMINAL REGISTRY
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RESCISSION OF THE ORDER FOR NON-DISCLOSURE

Office of the Prosecutor:
Mr. Don Webster

Case no. : ICR-98-44-T

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the "Tribunal")

SITTING AS Judge Navanethem Pillay, designated pursuant to Rule 28 of the Rules of Procedure and Evidence (the "Rules");

CONSIDERING that the Indictment against Augustin Bizimana and seven others (the "accused") was confirmed on 29 August 1998;

CONSIDERING that an Order for the Non-Disclosure of the Indictment and the Warrants of Arrest was granted on 29 August 1998, following a request by the Prosecutor, pursuant to Rule 53(C) of the Rules. This Order stipulated that:

- (i) pursuant to Rules 53(B) and (C) of the Rules, there shall be no disclosure of the Indictment, Confirmation Order and Warrants of Arrest to the accused, and to the public, until such time as all the accused named therein have been arrested and transferred to the Tribunal's detention facilities;
- (ii) pursuant to Rule 53(C) of the Rules, paragraphs 6.30 and 6.31 of the Indictment shall be redacted and not disclosed to the accused, or to the public, until such time as the Tribunal orders otherwise;
- (iii) pursuant to Rule 53(C) of the Rules, the names and other identifying particulars of the accused still at large, shall be redacted from the Indictment, Confirmation Order and Warrants of Arrest of the arrested accused;
- (iv) that pending arrest and transfer to the Tribunal of all the accused, redacted copies of the Indictment, Confirmation Orders and Warrants of Arrest shall be served on the arrested accused, for the purposes of initial appearances and other preliminary hearings.



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CONSIDERING that on 6 April 1999 the Order for Non-Disclosure was varied to allow for the disclosure of paragraphs 6.30 and 6.31 of the Indictment to the accused and to the public;

CONSIDERING that, at a hearing held on 7 April 1999, pursuant to Rule 62 of the Rules, Trial Chamber II¹ ordered that paragraph 5.29 of the Indictment shall not be subject to the Order for Non-Disclosure;

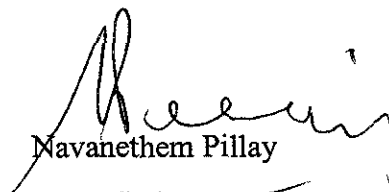
CONSIDERING that, on 13 September 1999, the Prosecutor filed a request to rescind the Order for Non-Disclosure in its entirety.

CONSIDERING that in support of her aforementioned request, the Prosecutor submitted that although three of the eight accused are still at large, the identities of these three accused have entered the public domain. Consequently, the Non-Disclosure Order is of little practical effect in safeguarding the on-going investigations conducted by the Office of the Prosecutor.

ORDERS the rescission of the Non-Disclosure Order, dated 29 August 1998.

Arusha, 27 September 1999

Signed on 6 October 1999.


Navanethem Pillay
Judge

(Seal of the Tribunal)

¹.Judge William H. Sekule, presiding, Judge Yakov Ostrovsky and Judge Taffazal H. Khan.