



UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

ORIG: Eng.

Before: Judge Yakov Ostrovsky

Registrar: Dr. Agwu Ukiwe Okali

Decision of : 6 February 2001

THE PROSECUTOR
versus
THARCISSE MUVUNYI
and others

Case No. ICTR-2000-55-I

DECISION ON THE PROSECUTOR'S MOTION TO RESCIND NON-
DISCLOSURE ORDER OF 2 FEBRUARY 2000

Office of the Prosecutor:
Mr. Don Webster

JUDICIAL RECORDS/ARCHIVES
ICTR
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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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NAME / NOM: *Koffi Kumshe A. AFANDE*
SIGNATURE: *[Signature]* DATE: *06/02/2001*

ICTR-2000-55-1

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

SITTING in the person of Judge Yakov Ostrovsky;

BEING SEIZED of the Prosecutor's Motion to Rescind the Non-Disclosure Order of 2 February 2000, filed on 5 February 2001 (the "Motion");

RECALLING the Non-Disclosure Order made in the 2 February 2000 Decision to Confirm the Indictment in the present case (the "Non-Disclosure Order");

NOW DECIDES the matter pursuant to Rule 54 of the Rules of Procedure and Evidence of the Tribunal (the "Rules").

PROSECUTOR'S SUBMISSIONS

1. The Prosecutor submits that the Non-Disclosure Order no longer serves to protect confidential information, or is otherwise in the interests of justice. Moreover, the Order may impair the possibility of receiving assistance from international law enforcement organizations to arrest the accused.
2. Consequently, the Prosecutor requests the Tribunal to rescind the Non-Disclosure Order and allow public disclosure of the indictment.

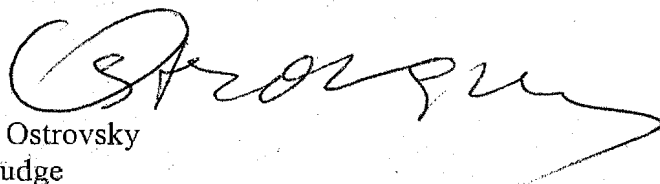
FINDINGS

3. Rule 52 confirms the public character of indictments. The general rule is that upon confirmation, an indictment is to be made public. However, Rule 53 empowers the Tribunal to order non-disclosure where this serves the interests of justice. Indeed, it was under Rule 53 that the Tribunal made the Non-Disclosure Order in question.
4. Now the Prosecutor represents that the Order is no longer in the interests of justice. The justification for it under Rule 53 thus no longer exists and the general rule concerning the public character of indictments, as expressed in Rule 52, should apply.

FOR THESE REASONS, THE TRIBUNAL

5. **GRANTS** the Prosecutor's Motion and rescinds the Non-Disclosure Order.

Arusha, 6 February 2001.



Yakov Ostrovsky
/ Judge

[Seal of the Tribunal]

