

ICTR-2001-69-1
21-12-2001
(127-125)

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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER II

Original: English

Before: Winston C. Matanzima Maqutu, Judge

Registrar: Mr. Adama Dieng

Date: 21 December 2001

THE PROSECUTOR

vs.

HORMISDAS NSENGIMANA
Case No. ICTR-2001-69-I

JUDICIAL RECORDS ARCHIVES
ICTR
2001 DEC 21 P 1:06
L. J. J. J.

**DECISION ON THE PROSECUTOR'S *EX PARTE* REQUEST TO RESCIND
THE NON-DISCLOSURE ORDER OF 10 JULY 2001 RELATING TO THE
INDICTMENT AND WARRANT OF ARREST**

The Office of the Prosecutor:

Ms. Sylvana Arbia

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

JUDGE WINSTON C. MATANZIMA MAQUTU, sitting as Duty Judge, designated by the President of the Tribunal pursuant to Rule 28 of the Tribunal's Rules of Procedure and Evidence;

BEING SEIZED of the Prosecutor's "Urgent *Ex Parte* Motion to Rescind the Non-disclosure Order of 4 July 2001 Relating to the Indictment and Warrant of Arrest," filed on 11 December 2001 (the "*Ex Parte* Motion");

RECALLING "Confirmation of Indictment," whereby Judge Pavel Dolenc on 5 July 2001 confirmed an indictment against Hormisdas Nsengimana and on 10 July 2001 the said Judge in an "Order for Non-Disclosure," *inter alia* ordered, in the interests of justice, "[n]on-disclosure of the indictment, including the act of Confirmation and related Orders including the present Order, or any part thereof or any information pertaining to it until it is served on the accused" (the "Order of 10 July 2001");

HAVING HEARD the Prosecutor during an *Ex Parte* hearing held on 20 December 2001, the Tribunal now considers the matter;

HAVING DELIBERATED


1. The Tribunal notes that the Non-disclosure Order of 10 July 2001 was made pursuant to Rule 53 of the Rules, notably, that non-disclosure will facilitate the arrest of the accused.
2. In the *Ex Parte* Motion, the Prosecutor submits that the Accused has not yet been arrested, and therefore she requests that, "[t]he Tribunal amend the non-disclosure order of 10 July 2001 to allow public disclosure of the indictment and warrant of arrest," because she is "[c]urrently seeking the assistance of international policing agencies to track down and arrest the Accused and [she] is of the opinion that enforcement of the non-disclosure order so far as it relates to the indictment and warrant of arrest may impede the steps that are currently being taken."
3. The Tribunal considers that it is no longer in the interests of justice to maintain the Non-disclosure Order so far as it pertains to the indictment and the warrant of arrest so as to facilitate the arrest of the accused. Accordingly, the Tribunal orders rescission of the Order of 10 July 2001 so that the indictment and the warrant of arrest may be disclosed to the public.



FOR THE FOREGOING REASONS THE TRIBUNAL:

- I. **ORDERS** the rescission of the Non-Disclosure Order of 10 July 2001 in respect of the indictment and the warrant of arrest;
- II. **ORDERS** the Non-Disclosure Order made on 10 July 2001 to stand in every other respect.

Arusha, 21 December 2001



Winston C. Matanzima Maqutu,
Judge

Seal of the Tribunal