

ICTR-99-52-I
06-02-2002
(26134-26132)

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International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

UNITED NATIONS
NATIONS UNIES

TRIAL CHAMBER I

OR: ENG

Before: Judge Navanethem Pillay, presiding
Judge Erik Møse
Judge Asoka de Zoysa Gunawardana

Registry: Mr. Adama Dieng

Decision of: 6 February 2002

THE PROSECUTOR
V.
FERDINAND NAHIMANA
HASSAN NGEZE
JEAN BOSCO BARAYAGWIZA
(Case No. ICTR-99-52-I)

2002 FEB - 6 | P 7: 04
ICTR
THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

DECISION ON THE PROSECUTOR'S APPLICATION FOR CONTINUED
TEMPORARY REDACTION OF ONE PORTION OF THE TRANSCRIPTS OF
WITNESS X PURSUANT TO RULE 66 (C) OF THE RULES OF PROCEDURE AND
EVIDENCE

The Office of the Prosecutor:

Mr. Stephen Rapp
Mr. William Egbe
Mr. Alphonse Van
Ms. Charity Kagwi
Ms. Simone Monasebian
Mr. Elvis Bazavule

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS
NAME / NOM: MARIANNE BEN SALIMO
SIGNATURE: [Signature] DATE: 06/02/2002

Counsel for the Accused:

Mr. Jean-Marie Biju-Duval
Mr. John Floyd III
Mr. Giacomo Barletta Caldarera

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“the Tribunal”)

SITTING as Trial Chamber I, composed of Judge Navanethem Pillay, presiding, Judge Erik Møse and Judge Asoka de Zoysa Gunawardana;

CONSIDERING the Prosecutor’s application for continued temporary redaction of one portion of the transcripts of witness X, pursuant to Rule 66 (C) of the Rules of Procedure and Evidence, filed on 18 January 2002;

NOTING the arguments of the Prosecutor about the necessity for this redaction because of prejudice to ongoing and crucial investigations that will result from the immediate disclosure of the transcripts in an unredacted form;

NOTING FURTHER that on 29 January 2002, the Prosecutor provided the Chamber with the unredacted portions and the information showing prejudice to the ongoing investigations, pursuant to Rule 66 (C) of the Rules;

NOTING the representations made by Counsel John Floyd in his motion, dated 23 January 2002, and contained in paragraphs 2 and 3 relating to the fact that he was informed that the Office of the Prosecutor was sending him redacted copies of disclosures because of ongoing investigations and that this would not be in compliance with the Trial Chamber’s decision on full disclosure;

CONSIDERING the Trial Chamber’s majority decision of 14 September 2001, granting leave to the Prosecution to call Witness X, and in particular paragraph 6 of the order relating to the disclosure by the Prosecution to the Defence of the 9 transcripts from interviews with witness X in an unredacted form 30 days before the witness testifies;

THE TRIAL CHAMBER has reviewed the material and finds the following:

- 1) The material that the Prosecutor has redacted does in fact refer to an individual unrelated to this case and who is, according to the Prosecution, currently under investigation by the Prosecutor;
- 2) The redaction is limited to pages 4, 5 and 6 in the English Transcript No. 19 and to pages 5, 6 and 7 in the French Transcript No. 19;
- 3) The redaction is for a temporary period;
- 4) The Prosecutor will provide the unredacted pages to the Defence prior to the testimony of witness X.

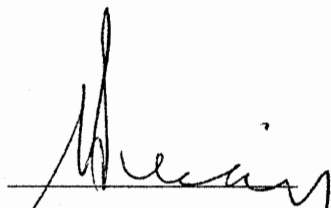
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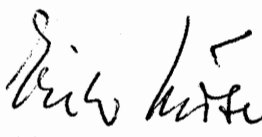
THE TRIAL CHAMBER HEREBY

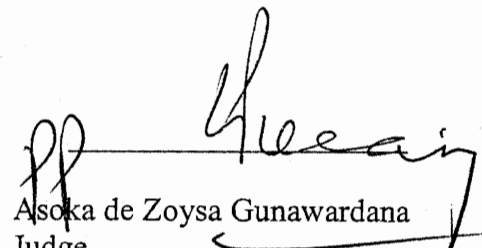
GRANTS the application by the Prosecutor for the continued temporary redaction of one portion of the transcripts of witness X;

ORDERS that the non redacted portions of the said documents be disclosed before the testimony of Witness X.

Arusha, 6 February 2002


Navanethem Pillay
Presiding Judge


Erik Møse
Judge


Asoka de Zoysa Gunawardana
Judge



Seal of the Tribunal