

ICTR-00-56-I
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(2599—2598)

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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER II

Before: Judge Arlette Ramaroson
Registry: Adama Dieng
Date filed: 11 July 2002

THE PROSECUTOR

v.

**AUGUSTIN BIZIMUNGU
PROTAIS MPIRANYA**

Case No. ICTR-00-56-I

JUDICIAL RECORDS
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2002 AUG 14 P 3:05

**DECISION ON THE PROSECUTOR'S MOTION TO SET ASIDE THE ORDER FOR
NON-DISCLOSURE TO THE PUBLIC OF 28 JANUARY 2000**

Office of the Prosecutor:
Don Webster

Translation certified by LCSS, ICTR

CII02-0001 (E)

The International Criminal Tribunal for Rwanda ("The Tribunal"),

I, Arlette Ramaroson, being the Judge designated by Trial Chamber II to rule in the present matter pursuant to Rule 73(A) of the Tribunal's Rules of Procedure and Evidence ("the Rules").

Being seized of the Prosecutor's motion to set aside the order for non disclosure dated 28 January 2000, issued pursuant to Rule 53 of the Rules;

Whereas the said order accompanied the decision to confirm the indictment against Augustin Ndindiliyimana, Innocent Sagahutu, François-Xavier Nzuwonemeye, Augustin Bizimungu and Protais Mpiranya of 28 January 2000;

Whereas Augustin Bizimungu and Protais Mpiranya are still at large, and whereas, according to the Prosecution, it appears that their names and status as accused persons before this Tribunal are known to the public, and that, furthermore, the execution of the order for non disclosure could impede the measures taken by the Office of the Prosecutor to obtain the assistance of international organizations in arresting the said accused persons;

Whereas the Prosecution contends that the order for non-disclosure to the public is no longer of use in preserving the confidential information obtained by the Prosecution or in safeguarding the interests of justice, and that, in the circumstances one is duty-bound to set aside the said order and to make the indictment public;

Ruling solely on the basis of the Prosecutor's brief, pursuant to Rule 73(A) of the Rules;

Hereby

Recalls that, under Rule 52 of the Rules, the indictment shall be made public, subject to Rule 53 of the Rules which provides that in exceptional circumstances, documents or information shall not be disclosed to the public until any further order;

Notes, that in the instant case, the Prosecution avers that the order for non-disclosure to the public is no longer necessary to preserve confidential information, or to protect the interests of justice, and could even impede measures aimed at facilitating the arrest of the accused persons;

Decides that it is in the interests of justice to grant the Prosecutor's motion to set aside the order for non-disclosure to the public of 28 January 2000, and that the Prosecution is hence no longer bound to comply with Rule 53 of the Rules.

Grants the Prosecutor's motion to make public the indictment against the accused persons in case No. ICTR-00-56-I, pursuant to Rule 52 of the Rules.

Arlette Ramaroson
Judge

Arusha, 11 July 2002