



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

IN THE APPEALS CHAMBER

Before:

Judge Theodor MERON, Presiding Judge
Judge Fausto POCAR
Judge Claude JORDA
Judge Mohamed SHAHABUDEEN
Judge Mehmet GÜNEY

Registry: Adama DIENG

Decision of: 14 May 2003

Georges ANDERSON NDERUBUMWE RUTAGANDA
(Appellant)

v.

THE PROSECUTOR
(Respondent)

Case No. ICTR-96-3-A

DECISION LIFTING THE CONFIDENTIALITY OF AN APPEALS CHAMBER DECISION, ORDER AND SUMMONS

Counsel for the Prosecutor:

Mr. Norman Farrell

Counsel for the Defence:

David Jacobs
David Paciocco

THE APPEALS CHAMBER of the International Criminal Tribunal for the Prosecution
of Persons Responsible for Genocide and Other Serious Violations of International

Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 (“Appeals Chamber”),

NOTING the appeals lodged by Georges Anderson Nderubumwe Rutaganda and the Prosecutor on 5 and 6 January 2000 respectively, against the Judgement and Sentence rendered by Trial Chamber I on 6 December 1999;

NOTING the appeals hearings held in Arusha, Tanzania, on 4 and 5 July 2002, and in The Hague, The Netherlands, on 28 February 2003;

NOTING the “Decision on the Consolidated Defence Motion for an Order Varying the Grounds of Appeal; for a Rehearing of Oral Argument in the Appeal and for the Admission of Additional Evidence, and Scheduling Order” issued confidentially on 19 February 2003 (“Confidential Decision of 19 February 2003”);

NOTING the confidential “*Citation à Comparître*” issued on 24 February 2003 (“Confidential Summons”);

NOTING the “Scheduling Order” issued both in redacted form and confidentially on 25 February 2003, which ordered that the hearing before the Appeals Chamber be public (“Confidential Scheduling Order”);

CONSIDERING that, in light of the hearing on 28 February 2003 in this case, the Appeals Chamber deemed it necessary to issue the above-mentioned decision, order and summons on a confidential basis to keep confidential the identity of Mr. Guichaoua, the witness called in this case, in the event of a request for protective measures;

CONSIDERING that the Appeals Chamber was seised on 27 February 2003 of a request from Mr. Guichaoua for obtaining protective measures of his sources of information;

NOTING the oral decision of the Appeals Chamber by which it decided on 28 February 2003 that the witness will not be requested to specify the names of his sources and that, pursuant to the Confidential Scheduling Order, the hearing was to be public unless otherwise requested by the parties;

CONSIDERING, therefore, that there are no reasons for maintaining the confidentiality of the Appeals Chamber’s decision, order and summons mentioned above;

HEREBY ORDERS,

That the confidential nature of the following decision, order and summons be lifted:

- Confidential Decision of 19 February 2003;

- Confidential Summons; and
- Confidential Scheduling Order.

Done in English and French, the English text being authoritative.

Theodor Meron,
Presiding Judge

Done this 14th day of May 2003,
At The Hague,
The Netherlands.

[Seal of the Tribunal]