



UNITED NATIONS  
NATIONS UNIES

ICTR-00-56-T  
05-07-2005  
(20469 - 20468)  
International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

20469  
mmulag

OR: ENG

**TRIAL CHAMBER II**

**Before:** Judge Asoka De Silva

**Registrar:** Mr Adama Dieng

**Date:** 05 July 2005

**The PROSECUTOR**  
v.  
**Augustin NDINDILYIMANA**  
**Augustin BIZIMUNGU**  
**François-Xavier NZUWONEMEYE**  
**Innocent SAGAHUTU**

**Case No. ICTR-2000-56-T**

2005 JUL -5 P 12: 39  
ICTR ARCHIVES

**DECISION ON EXTREMELY URGENT DEFENCE MOTION TO AUTHORISE  
THE REGISTRY TO TRANSMIT THE OFFICIAL TRANSCRIPTS OF WITNESS  
TESTIMONY IN THE CASE OF *THE PROSECUTOR V. NDINDILYIMANA ET AL --*  
No ICTR-00-56-I -- (a.k.a. MILITARY II CASE) PURSUANT TO RULE 73 OF THE  
RPE**

**Prosecution Counsel**

Mr Ciré Aly Bâ  
Mr Alphonse Van  
Ms Ifeoma Ojemeni Okali  
Mr Moussa Sefon  
Mr Segun Jegede  
Mr Abubacarr Tambadou  
Ms Faria Rekkas (Case Manager)  
Ms Anne Pauline Bodley (Case Manager)

**Copies to:**

Trial Chamber I  
The Prosecutor

**Defence Counsel**

Mr C. Black & Ms T. Dickson  
for **A. Ndingilyimana**  
Mr G. St-Laurent & Mr R. MacDonald  
for **A. Bizimungu**  
Ms D. Girard  
for **F-X. Nzuwonemeye**  
Mr F. Segatwa & Mr S. Doumbia  
for **I. Sagahutu**

**Defence Counsel for Aloys Simba**

Mr Sadikou Ayo Alao (Lead Counsel)  
Ms Beth Lyons (Co-Counsel)

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

**SITTING** as Trial Chamber II, composed of Judge Asoka De Silva, designated by the Trial Chamber pursuant to Rule 73(A) of the Rules of Procedure and Evidence of the Tribunal (“the Rules”);

**BEING SEIZED** of Aloys Simba’s « *Requête en extrême urgence de la défense en vue d’autoriser le Greffe à lui communiquer les transcrits officiels d’audition des témoins dans l’affaire: Le Procureur c/ Nindiliyimana & consorts – No ICTR-00-56-T (dit « procès Militaires II ») (article 73 du RPP* »<sup>1</sup> filed on 24 June 2005 (the “Motion”);

**NOTING THAT** the Prosecution and the Registry have already transmitted the requested transcripts to the Simba Defence Team;

**RECALLS** Rule 75(F)(i) of the Rules, which provides that once protective measures have been ordered in respect of a victim or witness in any proceedings before the Tribunal, such protective measures shall continue to have effect in any other proceedings before the Tribunal unless and until they are rescinded, varied or augmented in accordance with the procedure set out in the Rules; and

**ORDERS** all members of the Defence Team for the Accused Aloys Simba not to disclose the transcripts of proceedings conducted in closed session, or any potentially identifying information about the witnesses, to any third parties, including other Defence Counsel at this Tribunal.

Arusha, 05 July 2005

  
Asoka De Silva  
Judge



<sup>1</sup> “Extremely Urgent Defence Motion to Authorise the Registry to Transmit the Official Transcripts of Witness Testimony in the Case of *The Prosecutor V. Nindiliyimana et al* – No ICTR-00-56-I – (a.k.a. Military II Case) (Pursuant to Rule 73 of the RPE)”