



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

Before: Judge Sergei Alekseevich Egorov

Registrar: Adama Dieng

Date: 6 June 2006

THE PROSECUTOR
v.
Bernard MUNYAGISHARI

Case No. : ICTR-05-84-I

DECISION ON PROSECUTION REQUEST TO UNSEAL DOCUMENTS

The
Alphonse
Madeleine Schwartz

Prosecution
Van

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

SITTING as Judge Sergei Alekseevich Egorov, as designated by the President of the Tribunal pursuant to Rule 28 of the Tribunal's Rules of Procedure and Evidence ("the Rules");

BEING SEIZED OF the "Requête du Procureur Aux Fins de Levée des Scelles", etc., filed on 30 May 2006;

HEREBY DECIDES the motion.

1. On 8 September 2005, in my capacity as the designated "reviewing judge" under Rule 47 (D) of the Rules, I confirmed the Indictment of the Accused and issued a warrant of arrest and order for transfer and detention. At the Prosecution's request, these decisions and orders were placed under seal. The Prosecution now requests the unsealing of these documents which, in substance, constitutes a modification of the previous decisions. As the judge who issued these decisions, I retain an inherent jurisdiction to modify their terms and am properly seized of the present motion.[\[1\]](#)

2. Proceedings of this Tribunal should normally be held in public, unless good cause is shown why they must be confidential.^[2] According to the Prosecution, the reasons which justified non-disclosure no longer exist. There is no reason to doubt this submission.

FOR THE ABOVE REASONS, I

GRANT the motion;

AUTHORIZE that the “Decision on Confirmation of an Indictment Against Bernard Munyagishari”, and the “Warrant of Arrest and Order for Transfer and Detention of Bernard Munyagishari”, both dated 8 September 2005, be reclassified as public documents.

Arusha, 6 June 2006

Sergei Alekseevich Egorov
Judge

[Seal of the Tribunal]

^[1] Cf. *Serugendo*, Order to Unseal Indictment (Judge Khan), 28 September 2005.

^[2] Article 19 (4), Statute.