



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

(29642 - 29641)

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Ivan

TRIAL CHAMBER I

Before: Judge Erik Møse, presiding
Judge Jai Ram Reddy
Judge Sergei Alekseevich Egorov

Registrar: Adama Dieng

Date: 18 September 2006

THE PROSECUTOR

v.

André NTAGERURA
Emmanuel BAGAMBIKI
Samuel IMANISHIMWE

Case No. : ICTR-99-46

JUDICIAL RECORDS/ARCHIVES
2006 SEP 18 PM 4 16

DECISION ON DISCLOSURE OF CLOSED SESSION TESTIMONY
OF WITNESS PBB

The Prosecution – *Bagosora et al.*

Barbara Mulvaney
Drew White
Christine Graham
Rashid Rashid

The Defence – *Bagosora et al.*

Raphaël Constant
Allison Turner
Paul Skoïnik
Frédéric Hivon
Peter Erlinder
André Tremblay
Kennedy Ogetto
Gershon Otachi Bw'Omanwa

The Prosecution – *Ntagerura et al.*

Richard Karegyesa

The Defence – *Ntagerura et al.*

Marie-Louise Mbida

blm

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

SITTING as Trial Chamber I, composed of Judge Erik Møse, presiding, Judge Jai Ram Reddy, and Judge Sergei Alekseevich Egorov;

BEING SEIZED OF the “Motion to Request the Communication of Closed Sessions Transcripts”, etc., filed by the Kabiligi Defence on 14 September 2006;

HEREBY DECIDES the motion.

1. The Kabiligi Defence requests disclosure of the closed session testimony of Witness PBB in the trial of *Ntagerura et al.* This same witness will shortly appear in the present trial on behalf of the Kabiligi Defence, which seeks to review the prior testimony as part of its preparation.

2. As no Chamber is currently seized of the *Ntagerura et al.* trial, this request is properly made before this Chamber under Rule 75 (G)(ii) of the Rules of Procedure and Evidence.¹ The witness has apparently revealed his protected status to the Defence; accordingly, there is no reason not to order the disclosure of these Tribunal records, on the understanding that the applicable witness protection orders will apply *mutatis mutandis* to any party in the present case in receipt of the protected information.²

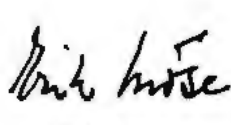
FOR THE ABOVE REASONS, THE CHAMBER

GRANTS the motion;

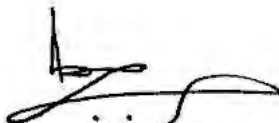
ORDERS the Registry to disclose the closed session transcripts and sealed exhibits of Witness PBB to the Kabiligi Defence;

ORDERS that the Kabiligi Defence and any other party in receipt of the protected information, including the Accused, are bound *mutatis mutandis* by the terms of the witness protection order governing the testimony of Witness PBB.

Arusha, 18 September 2006



Erik Møse
Presiding Judge



Jai Ram Reddy
Judge



Sergei Alekseevich Egorov
Judge

[Seal of the Tribunal]



¹ Final judgement on appeal was rendered on 7 July 2006.

² See *Bagosora et al.*, Decision on Disclosure of Closed Session Testimony of BDR-1 and LK-2 (TC), 29 August 2006, para. 4; *Nahimana et al.*, Decision on Disclosure of Sealed Exhibits of Witness DM-12 (TC), para. 7.