



UNITED NATIONS  
NATIONS UNIES

ICTR-98-44-T  
12-10-2006  
(27861-27860)  
International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

27861  
Dumy  
R

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Dennis C. M. Byron, Presiding  
Emile Francis Short  
Gberdao Gustave Kam

**Registrar:** Adama Dieng

**Date:** 12 October 2006

**THE PROSECUTOR**

v.

Édouard KAREMERA  
Mathieu NGIRUMPATSE  
Joseph NZIRORERA

Case No. ICTR-98-44-T

JUDICIAL RECORDS/ARCHIVES  
RECEIVED  
UNICTR

2006 OCT 12 1 P 12:35

**DECISION ON MOTION FOR DISCLOSURE OF CLOSED SESSION  
TRANSCRIPTS AND EXHIBITS**

*Rule 73 of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**

Don Webster  
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Iain Morley  
Saïdou N'Dow  
Sunkarie Ballah-Conteh  
Takeh Sendze

**Defence Counsel for Édouard Karemera**  
Dior Diagne Mbaye and Félix Sow

**Defence Counsel for Mathieu Ngirumpatse**  
Chantal Hounkpatin and Frédéric Weyl

**Defence Counsel for Joseph Nzirorera**  
Peter Robinson and Patrick Nimy Mayidika Ngimbi

1. In "extremely urgent confidential" motion filed on 11 September 2006, Anatole Nsengiyumva, an Accused in the *Bagosora et al* trial, requested the Chamber to order the disclosure of closed sessions transcripts of the testimony of two witnesses who testified in the current case, as well as the disclosure of un-redacted statements of these witnesses and the exhibits accompanying their testimony in the instant case. The Defence for Nzirorera responded that it did not oppose the application but requested that the Motion be filed publicly.<sup>1</sup>

2. The Chamber notes that, on 2 October 2006, the Prosecution did disclose the requested material.<sup>2</sup> The Defence Motion has therefore become moot.

3. The Chamber further does not see any reason, and the Defence did not adduce any, why this motion was filed confidentially.

**FOR THE ABOVE REASONS, THE CHAMBER**

- I. **DENIES** the Defence Motion;
- II. **REQUESTS** the Registrar to reclassify the "Extremely Urgent Confidential Motion for Disclosure of Witnesses ZF, XBM and Request for the Witnesses' Unredacted Statements and Exhibits in Prosecutor vs. Edouard Karemera et al.", filed by the Defence for Nsengiyumva on 11 September 2006 as public.

Arusha, 12 October 2006, done in English.

Dennis C. M. Byron

Presiding Judge

Emile Francis Short

Judge

Gberdao Gustave Kam

Judge



<sup>1</sup> Response filed on 19 September 2006.

<sup>2</sup> Prosecutor's Response filed on 12 October 2006.