

ICTR-05-87-I
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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: FR

Before: Judge Dennis C. M. Byron, presiding
Registrar: Adama Dieng
Date: 12 November 2007

JUDICIAL
REGISTRY
SECRETARIAT

2008 JAN -8 A 9:00

A handwritten signature in black ink, appearing to read 'Dennis C. M. Byron', is written over the stamp.

THE PROSECUTOR

v.

Wenceslas MUNYESHYAKA
Case No. ICTR-2005-87-I

**ORDER TO LIFT THE CONFIDENTIAL STATUS OF THE PROSECUTOR'S
MOTION OF 8 AUGUST 2007**

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:
Hassan Bubacar Jallow
Bongani Majola
Silvana Arbia
Richard Karegyesa
George Mugwanya

1. On 13 August 2007, Judge Byron granted the Prosecutor's Motion for a warrant of arrest against Wenceslas Munyeshyaka and an order for his transfer and detention.¹
2. On 26 September 2007, the *Première Chambre de l'instruction – Cour d'appel de Paris* ("French Pre-Trial Chamber") issued an *Arrêt ordonnant un supplément d'information avant de statuer sur la demande d'arrestation et de remise formée par le Tribunal pénal international pour le Rwanda (Tribunal) aux Autorités Françaises* ("Decision of 26 September 2007").² In this Decision, the French Pre-Trial Chamber ordered the Tribunal to provide certain specified additional information before 15 November 2007, including a copy of the Prosecutor's Motion of 8 August 2007, which had been confidential thus far.³
3. On 31 October 2007, the Prosecutor moved the Tribunal with a request to lift the confidential status of his Motion of 8 August 2007 under Rule 54 of the Rules of Procedure and Evidence, in order to comply with the Decision of 26 September 2007.⁴
4. The Tribunal, sitting in the person of Judge Dennis Byron, presiding, considers that, in order to comply with the request for additional information in the Decision of 26 September 2007, the confidentiality status of the Prosecutor's request must be lifted and the Motion must from now on be considered as a document of public record.

FOR THESE REASONS, THE TRIBUNAL:

- I. **ORDERS** the lifting of the confidential status of the Prosecutor's Motion of 8 August 2007 entitled "Prosecutor's Extremely Urgent and *Ex Parte* Motion for the Issuance of a Warrant of Arrest and Order for Transfer and Detention of Wenceslas Munyeshyaka";
- II. **ORDERS** that the Registry of the Tribunal shall put the Prosecutor's Motion of 8 August 2007 into the public record;
- III. **ORDERS** the Registry of the Tribunal to communicate the present Decision to the French Government authorities.

¹ *The Prosecutor v. Wenceslas Munyeshyaka*, Case No. ICTR-2005-87-I, *Mandat d'arrêt et ordonnance de transfert et de détention*, 13 August 2007; Prosecutor's Extremely Urgent and *Ex Parte* Motion for the Issuance of a Warrant of Arrest and Order for Transfer and Detention of Wenceslas Munyeshyaka, 8 August 2007.

² *Arrêt ordonnant un supplément d'information avant de statuer sur la demande d'arrestation et de remise formée par le Tribunal pénal international pour le Rwanda aux Autorités Françaises*, 26 September 2007.

³ *Ibid.*, p. 14.

⁴ Prosecutor's Extremely Urgent Motion to Lift Confidential Status of "Prosecutor's Extremely Urgent and *Ex Parte* Motion for the Issuance of a Warrant of Arrest and Order of transfer and Detention of Wenceslas Munyeshyaka" of 8 August 2007, filed on 31 October 2007.

Done at Arusha, on 12 November 2007.

[Signed]

Judge Dennis C. M. Byron
Presiding

