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ICTR-01-76-R54
06-03-2008
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International Criminal Tribunal for Rwanda
Tribunal pénal International pour le Rwanda

OR: ENG

TRIAL CHAMBER I

Before Judge: Dennis C. M. Byron
Designated pursuant to Rule 73(A)

Registrar: Adama Dieng

Date: 5 March 2008

JUDICIAL RECORDS/ARCHIVES
2008 MAR -6 1 A 9 25
UNICTR

THE PROSECUTOR

v.

Aloys SIMBA

Case No. ICTR-01-76-R54

**ORDER TO THE PROSECUTION TO MAKE SUBMISSIONS ON CHARLES
MUNYANEZA'S MOTION FOR DISCLOSURE OF DOCUMENTS RELATED
TO PROTECTED WITNESSES BEFORE THE TRIBUNAL**

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:
Hassan B. Jallow
Richard Karegyesa
Ignacio Tredici
Didace Nyirinkwaya

Defence Counsel for Charles Munyaneza:

Defence Counsel for Aloys Simba:
Alao Sadikou
Wenceslas de Souza

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1. On 2 October 2007, Charles Munyaneza requested the Tribunal to grant him access to transcripts of some closed sessions in Simba trial, and other related protected information. He also requested the disclosure of any statement made by other persons he identified without being able to state whether they have given such statements to any party before the Tribunal.
2. On 19 February 2008, the President designated Trial Chamber I composed of Judges Mase (presiding), Egorov and Byron to adjudicate on the motion. The bench has designated Judge Byron as single Judge in this matter, pursuant to Rule 73(A) of the Rules of Procedure and Evidence.
3. The motion filed by Charles Munyaneza is based on Rule 75. Such a motion for disclosure under Rule 75 constitute a request for variation of protective measures, expanding the group of persons having access to protected information in relation to specific witnesses. In deciding whether any protective measure is warranted, a Chamber has to consider the actual risk, assessing the security context. In deciding whether any protective measure should vary, the Chamber also has to make the same assessment.
4. The Single Judge considers that for such assessment, it is necessary for him to hear the party who initially sought the protective measures, meaning the Prosecution in this case. An order for that purpose can be made pursuant to Rule 54.
5. The Single Judge also considers that it is necessary to seek the view of the witnesses on whether they consent to the disclosure or not. In this case and for diligence, the Single Judge has already informally instructed the Witnesses and Victims Support Section (WVSS) to seek the position of the witnesses.

FOR THOSE REASONS, THE CHAMBER

REMINDS WVSS to urgently seek the position of the witnesses, relying on the cooperation of the Government of Rwanda whenever necessary;

ORDERS the Prosecution to make submissions on the request from Charles Munyaneza on the current security context and on whether there is any risk for the witnesses, not later than 13 March 2008.

Arusha, 5 March 2008, done in English.

Judge Vagn Joensen on behalf of Dennis C. M. Byron, *Designated Judge, Rule 73(A)*

[Seal of the Tribunal]

