



ICTR-01-76-R75
22-04-2008
(99 — 98)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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S. Muna

OR: ENG

TRIAL CHAMBER I

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

Registrar: Adama Dieng

Date: 22 April 2008

THE PROSECUTOR

v.

Aloys SIMBA

Case No. ICTR-01-76-R75

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**DECISION ON THE PROSECUTION URGENT MOTION FOR CLARIFICATION AND
FOR DISCLOSURE OF THE SAME DOCUMENTS TO THE CROWN PROSECUTION
OF THE UNITED KINGDOM**

Rule 75 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Hassan B. Jallow
Alex Odora-Obote
Richard Karegyesa
George Mugwanya
Evelyn Kamau

Defence Counsel for Charles Munyaneza:

Gina Cummings
David Hooper (*for this application*)

Defence Counsel for Aloys Simba:

Alao Sadikou
Wenceslas de Souza

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INTRODUCTION

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1. On 11 April 2008, the Prosecution filed a motion seeking clarification of the terms of the order made on 9 April 2008 by the designated Judge in the instant proceedings. The clarification requested was whether the Defence of Charles Munyaneza is at liberty to disclose the confidential transcripts so long as it does not mention the source, or whether the said transcripts are intended for the sole use of the Defence. The Prosecution also requests that the disclosure granted to the Defence of Charles Munyaneza in the proceedings in the United Kingdom be extended to the Crown Prosecution.

DELIBERATIONS

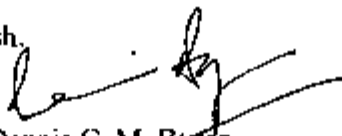
2. Although the designated Judge considers that his decision is clear, he hereby confirms that the order implies that the Defence of Charles Munyaneza is at liberty to share or otherwise disclose the confidential transcripts so long as it does not mention the source (i.e. the ICTR).

3. Accordingly, and for the same reasons given in the Decision of 9 April 2008, the designated Judge extends the order for disclosure to the Crown Prosecution on the same terms and subject to the same protective measures that were prescribed in the said decision.

FOR THOSE REASONS, THE CHAMBER

- I. **GRANTS** the Motion to the extent state above;
- II. **INVITES** the Registrar to disclose to the Crown Prosecution of the United Kingdom in the extradition proceedings related to Charles Munyaneza all transcripts of the testimony of Witnesses ANX, KDD, KEC and KSM in the trial of Aloys Simba and accompanied with the Decision of 4 March 2004 providing for their protection;
- III. **REMINDS** the Crown Prosecution that those witnesses are protected, and that it shall comply with the Decision of 4 March 2004 by not mentioning the origin of the testimony disclosed.

Arusha, 22 April 2008, done in English.


Dennis C. M. Byron
Designated Judge Pursuant to Rule 73(A)

