

ICTR-98-44-T
23-04-2008
(35255-35254)

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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Dennis C. M. Byron, Presiding
Gberdao Gustave Kam
Vagn Joensen

Registrar: Adama Dieng

Date: 23 April 2008

JUDICIAL RECORDS/ARCHIVES
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THE PROSECUTOR

v.

Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA

Case No. ICTR-98-44-T

**ORDER TO LIFT CONFIDENTIALITY OF PROSECUTION RESPONSE TO
NZIRORERA'S MOTION FOR RECONSIDERATION**

The Prosecution:
Don Webster
Alayne Frankson-Wallace
Iain Morley
Gerda Visser
Saidou N'Dow
Sunkarie Ballah-Conteh
Takeh Sendze
Deo Mbuto

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. On 25 February 2008, Joseph Nzirorera filed a motion for the Chamber to reconsider its decision not to compel the Prosecution to provide full disclosure of payments made for the benefit of two witnesses.¹ The Prosecution filed its Response confidentially four days later.² In his Reply, Joseph Nzirorera requested that the Prosecution Response be filed as a public document.³

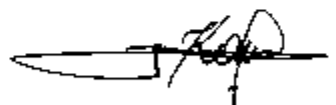
2. Proceedings at this Tribunal must be public unless good cause is shown to the contrary. The only good cause for a party filing a document confidentially is if the information in the filing is confidential and exposure would risk damaging the proceedings. Upon reviewing the Prosecution's Response, the Chamber notes that the only information which was not disclosed in open session when the witnesses testified is the information contained in paragraph 5, indicating what the only similarity in their status is. Further, it appears from the Prosecution's submission that the information in question is not relevant to the present issue. The Chamber therefore finds that the information in question should be redacted, so that the redacted version of the Prosecution's response may be filed publicly.

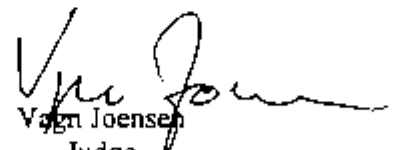
FOR THESE REASONS, THE CHAMBER

- I. **ORDERS** the Prosecution to redact the third sentence at paragraph 5 of the Prosecution's Response of 29 February 2008 its entirety; and
- II. **ORDERS** the Prosecution to file as a public document the Prosecution Response of 29 February 2008, redacted according the Chamber's instructions above and otherwise left intact, no later than Friday, 25 April 2008.

Arusha, 23 April 2008, done in English.


Dennis C. M. Byron
Presiding Judge


Gberdao Gustave Kam
Judge


Vagn Joensen
Judge

[Seal of the Tribunal]

¹ Joseph Nzirorera's Motion for Reconsideration of Oral Decision on Motion to Compel Full Disclosure of ICTR Payments for the Benefit of Witnesses G & T, filed 25 February 2008.

² Prosecution Response to Joseph Nzirorera's Motion for Reconsideration of Oral Decision on Motion to Compel Full Disclosure of ICTR Payments for the Benefit of Witnesses G & T, filed confidentially 29 February 2008.

³ Reply Brief: Joseph Nzirorera's Motion for Reconsideration of Oral Decision on Motion to Compel Full Disclosure of ICTR Payments for the Benefit of Witnesses G & T, filed 3 March 2008.