

ICTR-95-1B-
8-8-2008
(1909-1908)

1909
Hm



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: 8 August 2008

JUDICIAL RECORDS/ARCHIVES
RECEIVED

2008 AUG - 8 1 P 2: 06

PROSECUTOR v. MUHIMANA
Case No. ICTR-95-1B

PROSECUTOR v. RUZINDANA and KAYISHEMA
Case No. ICTR-95-1

PROSECUTOR v. NIYITEGEKA
Case No. ICTR-96-14

PROSECUTOR v. NTAKIRUTIMANA et al.
Case No. ICTR-96-10/17

PROSECUTOR v. MUSEMA
Case No. ICTR-96-13

**DESIGNATION OF A TRIAL CHAMBER TO CONSIDER THE PROSECUTION
URGENT *EX PARTE* MOTION TO UNSEAL AND DISCLOSE PERSONAL
INFORMATION SHEETS AND RESCIND PROTECTIVE MEASURES FOR
CERTAIN WITNESSES**

Rule 75 of the Rules of Procedure and Evidence

Office of the Prosecutor:
Hassan D. Jallow
Richard Karegyesa
Frederick Nyiti
Gerda Visser

INTRODUCTION

1. On 17 July 2008, the Prosecution filed an urgent and *ex parte* motion requesting that those witness protection orders, along with the ones for Witnesses BB and FF in *Ruzindana and Kayishema*, GGY and GHA in *Niyitegeka*, P in *Musema*, and HH and YY in *Ntakirutimana et al.* be rescinded because the witnesses have agreed to testify under their own name in the Dutch proceedings so that the Dutch authorities can use and refer to ICTR materials in public.¹ In its motion, the Prosecution also requested that the Personal Information Sheets admitted under seal for Witnesses BB and FF in *Ruzindana and Kayishema*, GHA and GGY in *Niyitegeka*, P in *Musema*, and HH and YY in *Ntakirutimana* be disclosed to the Prosecution for their transmission to the Dutch authorities. The purpose is to use this material in the Joseph Mpambara trial in The Netherlands.

2. The President notes that the witnesses were Prosecution witnesses in those cases, and that the proceedings in each of the three cases are over. No Trial Chamber is therefore still seized of the cases. Pursuant to Rule 75 of the Rules of Procedure and Evidence, the President may appoint a Trial Chamber to deal with this motion in the interests of justice.²

FOR THESE REASONS, THE PRESIDENT

1. **DESIGNATES** Trial Chamber III composed of himself (Presiding), Gberdao Gustave Kam, and Vagn Joensen to adjudicate on the Prosecution Motion.



Dennis C. M. Byron



¹ Prosecution's Urgent *Ex Parte* Motion to Rescind Protective Measures for Certain Witnesses ("Prosecution's Motion"), filed on 17 July 2008.

² *Prosecutor v. Muhimana, Niyitegeka and Ntakirutimana*, Designation of a Trial Chamber to Consider the Prosecution *Ex Parte* Motion for Disclosure of the Closed Session Transcripts to the Dutch Authorities (President), 19 February 2008.