

ICTR-98-44-T  
27-11-2008  
(38494-38493)

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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:** 27 November 2008

JUDICIAL RECORDS ARCHIVED  
RECEIVED

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**THE PROSECUTOR**

v.

**Édouard KAREMERA**  
**Mathieu NGIRUMPATSE**  
**Joseph NZIRORERA**

*Case No. ICTR-98-44-T*

**DECISION ON JOSEPH NZIRORERA'S MOTION FOR PUBLIC FILING OF  
DECISION**

*Rule 54 of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**  
Don Webster  
Alayne Frankson-Wallace  
Iain Morley  
Saidou N'Dow  
Gerda Visser  
Sunkarie Ballah-Conteh  
Takeh Sendze

**Defence Counsel for Édouard Karemera**  
Dior Diagne Mbaye and Félix Sow

**Defence Counsel for Mathieu Ndirumpatse**  
Chantal Hounkpatin and Frédéric Weyl

**Defence Counsel for Joseph Nzirorera**  
Peter Robinson and Patrick Nimy Mayidika  
Ngimbi

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1. On 10 November 2008, the Chamber filed a consolidated Decision on the Prosecution's Submission on Entering into Evidence Exhibits Arising from the Prosecution Cross-Examination of Karemera Defence Witnesses KBL, LSP, and TXL, and Joseph Nzirorera's Eighteenth Motion for Remedial and Punitive Measures for Violation of Rule 66.<sup>1</sup> The Chamber filed the Decision confidentially because it felt that the description of the exhibits could have revealed the identity of the witnesses.

2. However, on 12 November 2008, Joseph Nzirorera requested that the Chamber re-file the decision publicly, or simply issue a redacted version of the Decision, because decisions should be made public to the extent possible.<sup>2</sup> The Prosecution did not respond.

3. The Chamber recalls that, as a matter of transparency, it has requested the parties to file motions publicly to the extent possible, and to attach any confidential material in an annex, which would remain confidential. Because the Chamber endeavors to apply the same approach to its decisions, it concludes that the Decision at issue should be redacted, and the redacted version filed as public, in the interests of justice.

#### FOR THESE REASONS, THE CHAMBER

**REQUESTS** the Registry to redact the Chamber's 10 November 2008 Decision, and file the redacted version as a public document.

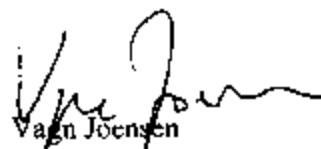
Arusha, 27 November 2008, done in English.

  
Dennis C.M. Byron

Presiding Judge

  
Gberdao Gustave Kam

Judge

  
Vagn Joensen

Judge

[Seal of the Tribunal]



<sup>1</sup> *Prosecutor v. Édouard Karemera, Mathieu Ngirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-T, ("Karemera et al."), Decision on Prosecution Submission on Entering into Evidence Exhibits Arising from the Prosecution Cross-Examination of Karemera Defence Witnesses KBL, LSP, and TXL, and Joseph Nzirorera's Eighteenth Motion for Remedial and Punitive Measures for Violation of Rule 66 (TC), 10 November 2008.

<sup>2</sup> Joseph Nzirorera's Motion for Public Filing of Decision, filed on 12 November 2008.