



UNITED NATIONS
NATIONS UNIES

ICTR-00-56-T
09-03-2009
(28381 - 28379)

28381
Musamp

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER II

Before Judges: Asoka de Silva, Presiding
Taghrid Hikmet
Seon Ki Park

Registrar: Adama Dieng

Date: 9 March 2009

JUDICIAL RECORDS ARCHIVE
RECEIVED

2009 MAR -9 P 2:41

The PROSECUTOR
v.
Augustin NDINDILYIMANA
Augustin BIZIMUNGU
François-Xavier NZUWONEMEYE
Innocent SAGAHUTU
Case No. ICTR-00-56-T

**DECISION ON NZUWONEMEYE'S URGENT APPLICATION TO UNSEAL AND
DISTRIBUTE CERTAIN TRANSCRIPTS OF PROSECUTION WITNESS AP.**

Office of the Prosecution:

Mr Alphonse Van
Mr Moussa Sefon
Mr Lloyd Strickland
Mr Abubacarr Tambadou
Ms Faria Rekkas

Counsel for the Defence:

Mr Gilles St-Laurent and Mr Benoît Henry for **Augustin Bizimungu**
Mr Christopher Black and Mr Vincent Lurquin for **Augustin Ndindiliyimana**
Mr Charles Taku and Ms Beth Lyons for **François-Xavier Nzuwonemeye**
Mr Fabien Segatwa and Mr Seydou Doumbia for **Innocent Sagahutu**

INTRODUCTION ..

1. On 27 February 2009, Nzuwonemeye's Defence filed a Motion requesting the Chamber to order that the transcripts of Prosecution Witness AP's testimony of 8 September 2005 be unsealed and distributed by the Registry.¹
2. The Defence submits that it was informed by the Registry that the said transcripts could only be released upon an Order from the Chamber. The Defence submits that it requires the transcripts for the purpose of preparing its Closing Brief.
3. The Prosecution did not file a Response.

DELIBERATIONS

4. Prosecution Witness AP testified before the Chamber on 7, 8, and 12 September 2005. After his evidence before the Chamber on 8 September, the Witness indicated that some of his personal information had been mentioned in open session and urged the Chamber to take appropriate steps to safeguard his security. Thereupon, the Chamber ordered the Registry to remove all of Witness AP's personal information from the public record.² In pursuance of this Order, the Registry sealed the transcript of Witness AP's entire testimony of 8 September 2005.
5. The Chamber recalls that the evidentiary phase of this trial has now closed and the Parties have been ordered to file their Closing Briefs on 31 March 2009.³ It is evident that the Parties will need access to all the transcripts of evidence in this case in order to prepare their Closing Briefs.
6. Therefore the Chamber orders the Registry to lift the seal that has been placed on the transcript of Witness AP's testimony of 8 September 2005 and distribute them exclusively to the Parties and the Chamber in this case.

FOR THE ABOVE REASONS, THE CHAMBER

GRANTS the Defence request;

ORDERS the Registry to unseal the transcripts of Witness AP's testimony dated 8 September 2005 and to immediately distribute them exclusively to the Parties and the Trial Chamber in this case.

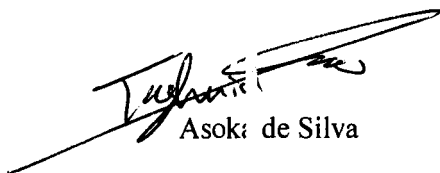
¹ Nzuwonemeye Defence Urgent Application for Unsealing and Distribution of Sealed Excerpts of the Testimony of Prosecution Witness PW 32 (AP) of September 8, 2005, 27 February 2009.

² Oral Ruling, 8 September 2005.

³ See Scheduling Order of 4 December 2008.



Arusha, 9 March 2009, done in English.



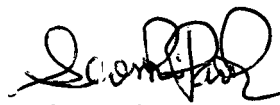
Asoka de Silva

Presiding Judge



Judge

[Seal of the Tribunal]



Seon Ki Park

Judge