

ICTR-05-82-T
28-8-2009
(1488-1487)

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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: Aydin Sefa Akay
*sitting pursuant to Rule 54 of the Rules of
Procedure and Evidence*

Registrar: Mr. Adama Dieng

Date: 28 August 2009

JUDICIAL RECORDS/ARCHIVES
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Hoffmann

THE PROSECUTOR
v.
DOMINIQUE NTAWUKULILYAYO

Case No. ICTR-05-82-T

ORDER LIFTING CONFIDENTIALITY OF DEFENCE RESPONSE TO THE
CHAMBER'S ORDER FOR THE DEFENCE TO REDUCE ITS
LIST OF WITNESSES

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:
Charles Adeogun-Phillips
Ibukunolu Alao Babajide
Thembile Segoete
Ndeye Marie Ka

Counsel for the Defence:
Maroufa Diabira
Dorothee Le Fraper du Hellen

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“Tribunal”),

SITTING as Trial Chamber III, composed of Judge Aydin Sefa Akay (“Chamber”), pursuant to Rule 54 of the Rules of Procedure and Evidence (“Rules”);

RECALLING the Chamber’s Order of 21 August 2009 which ordered that the Defence reduce its list of witnesses;¹

NOTING that on 25 August 2009, the Defence filed a “confidential” response to the Chamber’s Order, which states that it has removed four witnesses from its list of witnesses;²

RECALLING that the transparency of the proceedings is served by the public filing of documents and that confidential filing should be reserved for exceptional circumstances – for instance, where the protection of a witness is at stake;³

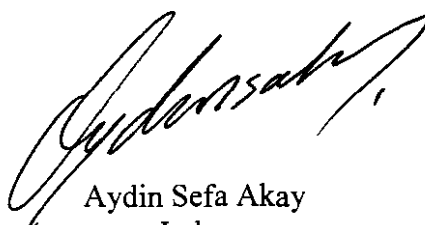
CONSIDERING that the Defence Response does not contain any identifying information with respect to any of the Defence witnesses and contains no other confidential information;⁴ and

RECALLING that Rule 54 of the Rules provides that a Judge or a Trial Chamber may issue such orders as may be necessary for the preparation or conduct of the trial;

THE CHAMBER HEREBY

ORDERS that the confidentiality of the “Defence Response to ‘Order for the Defence to Reduce its List of Witnesses’”, filed on 25 August 2009, be lifted by the Registrar.

Arusha, 28 August 2009



Aydin Sefa Akay
Judge

[Seal of the Tribunal]



¹ *The Prosecutor v. Dominique Ntawukulilyayo*, Case No. ICTR-05-82-T, Order for the Defence to Reduce its List of Witnesses, 21 August 2009 (“Chamber’s Order”).

² *Ntawukulilyayo*, Confidential Response to ‘Order for the Defence to Reduce its List of Witnesses’, 25 August 2009 (“Defence Response”).

³ See for example, *Ntawukulilyayo*, Decision on Defence Extremely Urgent Application for Extension of Time for Filing Response to Prosecution Motion for Protective Measures, 17 February 2009, para. 3; and *Prosecutor v. Protais Zigiranyirazo*, Case No. ICTR-2001-73-T, Order for Transfer of Detained Witnesses, 1 March 2007, para. 5.

⁴ The Defence Response states that the Defence is removing Witnesses GTA, MAJ, FAA, and Victor Habinshuti from its witness list. The latter is not a protected witness.