



UNITED NATIONS
NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

OR: ENG

TRIAL CHAMBER II

Before Judges: Arlette Ramaroson, presiding
Taghrid Hikmet
Joseph Masanche

Registrar: Adama Dieng

Date: 16 February 2010

THE PROSECUTOR
v.
ILDEPHONSE HATEGEKIMANA

Case No. ICTR-00-55B-T

**EXTREMELY URGENT ORDER TO RECLASSIFY THE PROSECUTION
PRE-TRIAL AND CLOSING BRIEFS AS STRICTLY CONFIDENTIAL**

Office of the Prosecutor:
William Egbe
Peter Tafah
Adama Niane
Guilaine Disengi Mugeyo

Defence Counsel:
A.R. Dovi
Ata-Quam-Dovi-Avouyi

INTRODUCTION

1. On 5 January 2009, the Prosecution filed its Pre-Trial Brief in the case of *Prosecutor v. Ildephonse Hategekimana* as a public document.¹
2. The trial in this case commenced on 16 March 2009. The Prosecution closed its case on 4 May 2009. The Defence case opened on 22 June 2009 and closed on 7 October 2009.
3. On 19 October 2009, the Chamber issued a Scheduling Order instructing the Parties to file their Closing Briefs by 15 January 2010.² On 13 January 2010, the Chamber granted a Defence request for an extension of time to file the Closing Briefs.³ The Chamber ordered the Parties to file their Closing Briefs no later than 1 February 2010.⁴
4. On 1 February 2010, the Prosecution filed its Closing Brief as a public document.⁵

DELIBERATIONS

5. It has come to the attention of the Trial Chamber that both the Prosecution Pre-Trial Brief and Closing Brief contain identifying information which may compromise the security of certain witnesses.

FOR THESE REASONS, the Chamber:

ORDERS that the Registry immediately reclassify the Prosecution Pre-Trial Brief and Closing Brief as strictly confidential documents, and remove these documents from public access until further Order by the Chamber;

ORDERS the Registry to immediately remove these two documents from any public view and internet or electronic access or other means;

ORDERS the Witness and Victim Support Section (WVSS) to confer with the Chamber concerning the reclassified information and any possible threats to witness security;

¹ The Prosecutor's Pre Trial Brief Pursuant to Rule 73 *bis* of the Rules of Procedure and Evidence, filed on 5 January 2009.

² Scheduling Order With Regard to Closing Briefs and Closing Arguments (TC), 19 October 2009.

³ Decision Regarding Motions for Extension of Time to File Closing Briefs and to Present Closing Arguments (TC), 13 January 2010.

⁴ Decision Regarding Motions for Extension of Time to File Closing Briefs and to Present Closing Arguments (TC), 13 January 2010, *Order I*.

⁵ Prosecutor's Closing Brief, filed on 1 February 2010.

ORDERS that neither Counsel for the Prosecution nor Counsel for the Defence shall further disclose or convey the reclassified documents;

ORDERS the Prosecution to immediately review and redact these documents to comply with Witness Protective Measures⁶ and to submit such redacted documents to the Chamber for compliance review by 4 March 2010;

ORDERS that a hearing will be held on or around 8 April 2010, following the Parties' scheduled Closing Arguments, to consider sanctions against the Prosecution as appropriate.

Arusha, 16 February 2010
[read and approved by]

Arlette Ramarason

Presiding Judge
[absent at the time of
signature]

Taghrid Hikmet

Judge

Joseph Masanche

Judge

[Seal of the Tribunal]

⁶ See Decision on Prosecution Extremely Urgent Motion for Protective Measures (TC), 16 January 2009; Decisions Concerning a Motion for Postponement of the Defence Case as Well as for an Extension of Time to Disclose Witness Identifying Information and Justifications for Witness Protective Measures (TC), 11 June 2009.