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Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-05-88-A
05th March 2010
{375/H - 373/H}

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Theodor Meron

Registrar: Mr. Adama Dieng

Decision of: 5 March 2010

ICTR Appeals Chamber
Date: 25th March 2010
Action: M. Dieng
Copied To: Concerned Judges,

Parties, Judicial Archives,
LOs, LSS *[Signature]*

THE PROSECUTOR

v.

Callixte KALIMANZIRA

Case No. ICTR-05-88-A

**DECISION ON THE PROSECUTION'S MOTION REQUESTING A
PUBLIC FILING OF CALLIXTE KALIMANZIRA'S APPELLANT'S BRIEF**

Counsel for Callixte Kalimanzira

Arthur Vercken
Anta Guissé

Office of the Prosecutor:

Hassan Bubacar Jallow
Alex Obote-Odora
Alphonse Van
Charity Kagwi
François Nsanzuwera
Clair Duffy

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORME A L'ORIGINAL. PAR NOUS
NAME / NOM: *ROSETTE MURIGA-MORRISON*
SIGNATURE: *[Signature]* DATE: *5/3/10*

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I, **THEODOR MERON**, Judge of the Appeals Chamber of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 ("Appeals Chamber" and "Tribunal", respectively) and Pre-Appeal Judge in the present case,¹

NOTING the Trial Judgement rendered by Trial Chamber III of the Tribunal against Callixte Kalimanzira on 22 June 2009;²

NOTING the Notices of Appeal against the Trial Judgment filed by Mr. Kalimanzira and the Prosecution;³

NOTING the "*Mémoire d'Appel pour Callixte Kalimanzira*", filed confidentially on 1 February 2010 ("Appellant's Brief");

BEING SEIZED of the "Prosecution Motion Requesting a Public Filing of Callixte Kalimanzira's «*Memoire d'Appel pour Callixte Kalimanzira*» Filed Confidentially on 1 February 2010", filed on 3 February 2010 ("Motion"), requesting that the Appeals Chamber order that the filing of the Appellant's Brief be made public;⁴

NOTING that Mr. Kalimanzira did not file a response;

NOTING the Prosecution's submission that Mr. Kalimanzira "did not show any exceptional reasons to the confidential filing of his Appellant Brief";⁵

CONSIDERING that all submissions filed before the Tribunal shall be public unless there are exceptional reasons for keeping them confidential, and that parties shall file public redacted versions of all confidential briefs filed on appeal;⁶

¹ See Order Assigning Judges to a Case Before the Appeals Chamber, 10 July 2009; Order Designating a Pre-Appeal Judge, 20 July 2009; Order Replacing a Judge in a Case Before the Appeals Chamber, 5 February 2010; Order Designating a Pro-Appeal Judge, 4 March 2010.

² *The Prosecutor v. Callixte Kalimanzira*, Case No. ICTR-05-88-T, Judgement, 22 June 2009 ("Trial Judgement").

³ Notice of Appeal, originally filed in French on 21 July 2009, English translation filed on 27 August 2009; Prosecutor's Notice of Appeal, 22 July 2009.

⁴ Motion, paras. 2, 3.

⁵ Motion, para. 2.

⁶ Cf. Rules 69 and 78 of the Rules of Procedure and Evidence of the Tribunal. See also *Siméon Nchamihigo v. The Prosecutor*, Case No. ICTR-2001-63-A, Decision on Prosecution Motion on the Filing of the Defence Notice of Appeal, 30 March 2009, p. 2; *Ferdinand Nahimana et al. v. The Prosecutor*, Case No. ICTR-99-52-A, Order to Appellant Hassan Ngeze to File Public Versions of His Notice of Appeal and Appellant's Brief, 30 August 2007, p. 2.

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FOR THE FOREGOING REASONS,

GRANT the Motion;

ORDER Mr. Kalimanzira to file, after any suitable redactions, a public version of his Appellant's Brief within 30 days from the date of this Decision;

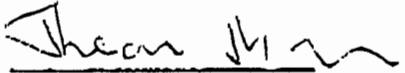
FURTHER ORDER that any changes to the confidential Appellant's Brief be limited to necessary redactions of confidential information, if any, and not consist of any additions, deletions or other amendments; and

INSTRUCT Mr. Kalimanzira to clearly mark the redactions in the text of the public version of his Appellant's Brief or to file a confidential annex thereto identifying all redactions paragraph by paragraph.

Done this 5th day of March 2010
at The Hague,
The Netherlands.



[Seal of the Tribunal]


Theodor Meron
Pre-Appeal Judge