



UNITED NATIONS
NATIONS UNIES

ICTR-98-44-T
01-04-2010
(50724 - 50723)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

50724
A

OR: ENG

TRIAL CHAMBER III

Before Judges: Dennis C. M. Byron, Presiding
Gberdao Gustave Kam
Vagn Joensen

Registrar: Adama Dieng

Date: 01 April 2010

JUDICIAL RECORDS ARCHIVES
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THE PROSECUTION

v.

Édouard KAREMERA
Matthieu NGIRUMPATSE
Joseph NZIRORERA
Case No. ICTR-98-44-T

DECISION ON AUGUSTIN BIZIMUNGU'S MOTION TO ACCESS CLOSED-SESSION TRANSCRIPTS AND EXHIBITS ADMITTED UNDER SEAL DURING THE TESTIMONY OF DEFENCE WITNESS GAP

Rule 75 of the Rules of Procedure and Evidence

Office of the Prosecution:
Don Webster
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Gilles St-Laurent

Defence Counsel for Édouard Karemera
Dior Diagne Mbaye and Félix Sow

Defence Counsel for Matthieu Ngirumpatse
Chantal Hounkpatin and Frédéric Weyl

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

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INTRODUCTION

1. On 22 March 2010, Augustin Bizimungu filed a Motion seeking access to closed-session transcripts of the testimony of Defence Witness GAP in the present trial as well as the exhibits admitted under seal during his testimony.¹ The Prosecution replied to the Motion on 24 March 2010.²

DELIBERATIONS

2. As a preliminary matter, the Chamber notes that both the Motion and the Response are filed under confidential cover. As none of the information contained in both documents requires a filing under confidential cover, the Chamber considers that the documents submission should be refiled as public documents.

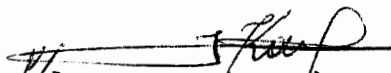
3. In its Response, the Prosecution submits that on 12 March 2010 it disclosed to Augustin Bizimungu the requested material pursuant to its Rule 68 obligations. The Prosecution attaches the inventory of the disclosure of 12 March 2010 which includes the material requested by Bizimungu. Consequently, the Chamber considers that Bizimungu's request is moot.

FOR THESE REASONS, the CHAMBER

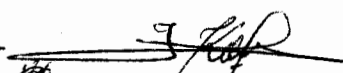
DISMISSES Augustin Bizimungu's Motion as moot.

REQUEST the Registry to refile the Motion and the Response as public documents.

Arusha, 01 April 2010, done in English.



Dennis C. M. Byron
Presiding Judge
(in absentia)



Gberdao Gustave Kam
Judge



Vagn Joensen
Judge
(in absentia)



¹ Requête de la défense du Général Augustin Bizimungu en communication des transcripts des audiences à huis-clos et pièces produites sous scellées du témoin protégé du Procureur (*sic*) GAP, dated 14 March 2010 but filed on 22 March 2010.

² Prosecutor's Response to « Requête de la défense du Général Augustin Bizimungu en communication des transcripts des audiences à huis-clos et pièces produites sous scellées du témoin protégé du Procureur (*sic*) GAP », filed on 24 March 2010.