

1207/H

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**Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda**

ICTR-99-50-AR73.6

19<sup>th</sup> April 2010

{1207/H – 1206/H}

**IN THE APPEALS CHAMBER**

**Before:**

Judge Fausto Pocar, Presiding Judge  
Judge Liu Daqun  
Judge Andrésia Vaz  
Judge Theodor Meron  
Judge Carmel Agius

**Registrar:**

Mr. Adama Dieng

**Order of:**

19 April 2010

ICTR Appeals Chamber

Date: *19<sup>th</sup> April 2010*

Action: *R. Juma*

Copied To: *Concerned Judges,  
Parties, Judicial Archives,*

*LDs LSS  
R. Juma*

**THE PROSECUTOR**

v.

**Casimir BIZIMUNGU  
Justin MUGENZI  
Jérôme-Clément BICAMUMPAKA  
Prosper MUGIRANEZA**

Case No. ICTR-99-50-AR73.6

**ORDER LIFTING THE CONFIDENTIALITY OF  
THE DECISION ON INTERLOCUTORY APPEAL RELATING  
TO THE TESTIMONY OF FORMER UNITED STATES AMBASSADOR TO  
RWANDA ISSUED ON 16 JULY 2007**

**Office of the Prosecutor**

Hassan Bubacar Jallow  
Alex Obote-Odora

**Counsel for the Defence**

Michelyne C. St. Laurent and Andrea Valvidia for Casimir Bizimungu  
Ben Gumpert and Jonathan Kirk for Justin Mugenzi  
Michel Croteau for Jérôme-Clément Bicamumpaka  
Tom Moran and Cynthia Cline for Prosper Mugiraneza

**The United States of America**

Embassy of the United States of America, The Hague, The Netherlands

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
COPIÉ CERTIFIÉ CONFORME A L'ORIGINAL PAR NOUS  
NAME / NOM: *KREEL... KUMENGA... A... A. GAMB...*  
SIGNATURE: *[Signature]* DATE: *19 APRIL 2010*

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1206/H

**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),

**NOTING** the "Decision on Interlocutory Appeal Relating to the Testimony of Former United States Ambassador Robert Flaten", issued confidentially by the Appeals Chamber in this case on 16 July 2007 ("Decision of 16 July 2007");

**NOTING** the request addressed to the Registrar by the Chief of the War Crimes, Atrocities, Human Rights and Democracy Division of the Bureau of Intelligence and Research of the United States of America, Cheryl Sim, to lift the confidentiality of the Decision of 16 July 2007, dated 30 November 2009 and filed before the Appeals Chamber on 24 March 2010;

**CONSIDERING** that, pursuant to Rules 81(B) and 107 of the Rules of Procedure and Evidence of the Tribunal, the Appeals Chamber "may order the disclosure of all or part of the record of closed proceedings when the reasons for ordering the non disclosure no longer exist";

**CONSIDERING** that the Decision of 16 July 2007 was not disclosed publicly to preserve the confidentiality of Trial Chamber decisions issued in the *Casimir Bizimungu et al.* case and to safeguard the interests of the United States Government in protecting confidential information related to national security;

**CONSIDERING** that the reasons for imposing the confidentiality of the Decision of 16 July 2007 no longer exist since the relevant Trial Chamber decisions are now public and the United States Government seeks removal of the confidentiality of the Decision of 16 July 2007;


**FOR THE FOREGOING REASONS,**

**ORDERS** that the confidential status of the Decision of 16 July 2007 be lifted.

Done in English and French, the English text being authoritative.

Done this nineteenth day of April 2010,  
At The Hague, The Netherlands.



  
Fausto Pocar  
Presiding Judge