



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

1059/H

Q.

IN THE APPEALS CHAMBER

ICTR-97-31-A
10th May 2010
{1059/H – 1056/H}

Before: Judge Carmel Agius, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Order of: 10 May 2010

ICTR Appeals Chamber
Date: *10th May 2010*
Action: *in June*
Copied To: *Concerned Judges,*
SLO's, LO's, LCO's, ALO's,

Parties, CMS, LSS
J. M. N. [Signature]

Tharcisse RENZAHO

v.

THE PROSECUTOR

Case No. ICTR-97-31-A

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SENT BY ME
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR MOI
NAME / NOM: *KEEL KUNZE LIG. A. A. A. A. A.*
SIGNATURE: *[Signature]* DATE: *10 May 2010*

ORDER REGARDING FILINGS

Counsel for Mr. Tharcisse Renzaho:

Mr. François Cantier, Lead Counsel
Mr. Barnabé Nekuie, Co-Counsel

Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Alex Obote-Odora
Mr. Alphonse Van

I, **CARMEL AGIUS**, 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 this case,

NOTING the Trial Judgement rendered by Trial Chamber I of the Tribunal against Tharcisse Renzaho on 14 July 2009;¹

NOTING the Notice of Appeal filed by Mr. Renzaho on 2 October 2009,² the Appellant’s Brief filed confidentially by Mr. Renzaho on 2 March 2010,³ the Respondent’s Brief filed by the Prosecution on 12 April 2010,⁴ and the Brief in Reply filed by Mr. Renzaho on 5 May 2010;⁵

NOTING the Order to Produce Documents, dated 27 April 2010;

NOTING the *Mémoire en communication de pièces ordonné* [sic] *par la Chambre*, filed by Mr. Renzaho on 4 May 2010 (“Renzaho Submissions”);

NOTING the Prosecutor’s Submissions Regarding Date of Disclosure of Documents, filed confidentially by the Prosecution on 4 May 2010 (“Prosecution Submissions”);

CONSIDERING that all submissions filed before this 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

FINDING therefore that the Prosecution should file a public redacted version of its submissions, or if there is no basis for maintaining the confidentiality thereof, indicate so;

CONSIDERING that the Renzaho Submissions may contain information which discloses the identity of a protected witness;

¹ *The Prosecutor v. Tharcisse Renzaho*, Case No. ICTR-97-31-T, Judgement and Sentence, dated 14 July 2009 and filed on 14 August 2009 (“Trial Judgement”).

² *Acte d’Appel*, 2 October 2009 (“Notice of Appeal”).

³ *Mémoire d’Appel*, strictly confidential, 2 March 2010 (“Appellant’s Brief”). See also *Livre d’appel de l’appelant*, strictly confidential, 2 March 2010; *Mémoire d’Appel Public*, 2 April 2010; *Erratum – Requête en rectification d’erreur matérielle Mémoire d’appel*, 7 April 2010.

⁴ Prosecutor’s Respondent’s Brief, 12 April 2010 (“Respondent’s Brief”).

⁵ *Réplique de l’Appelant*. Article 113 RPP, 5 May 2010 (“Brief in Reply”).

⁶ Cf. Rule 78 of the Rules of Procedure and Evidence of the Tribunal (“Rules”). See also *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.

FINDING therefore that the status of the Renzaho Submissions should be changed to “confidential” and that Mr. Renzaho should file a public redacted version of his submissions, or if there is no basis for maintaining the confidentiality thereof, indicate so;

ORDER, pursuant to Rules 69, 75(A) and 108*bis* of the Rules, the Registrar to change the status of the Renzaho Submissions to confidential;

FURTHER ORDER both parties to file public redacted versions of their submissions, no later than 21 May 2010.

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

Done this tenth day of May 2010,
at The Hague,
The Netherlands.



[Seal of the Tribunal]

A handwritten signature in black ink, appearing to read "C. Agius".

Judge Carmel Agius
Pre-Appeal Judge