



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

3489/H

IN THE APPEALS CHAMBER

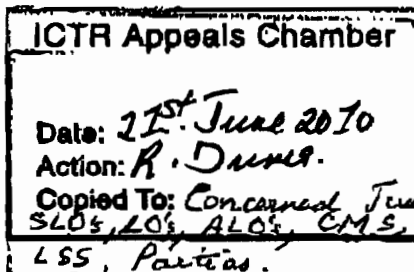
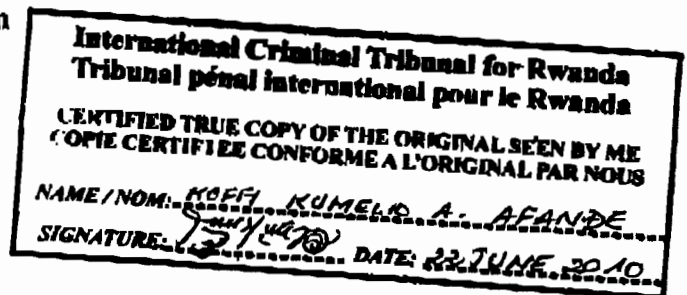
ICTR-44-AR91.2

21st June 2010{3489/H – 3487/H}

Before: Judge Patrick Robinson, Presiding
Judge Fausto Pocar
Judge Liu Daqun
Judge Theodor Meron
Judge Carmel Agius

Registrar: Mr. Adama Dieng

Decision of: 21 June 2010



ÉDOUARD KAREMERA
MATTHIEU NGIRUMPATSE
JOSEPH NZIRORERA
v.
THE PROSECUTOR

Case No. ICTR-98-44-AR91.2

**DECISION ON JOSEPH NZIRORERA'S MOTION FOR LIFTING THE
CONFIDENTIALITY OF APPEALS CHAMBER'S DECISION RELATING TO THE
PROSECUTION OF WITNESS BTH FOR FALSE TESTIMONY ISSUED ON
16 FEBRUARY 2010 AND OF RELEVANT PARTIES' SUBMISSIONS**

Counsel for Joseph Nzirorera

Mr. Peter Robinson
Mr. Patrick Nimy Mayidika Ngimbi

Counsel for Mathieu Ndirumpatse

Ms. Chantal Hounkpatin
Mr. Frédéric Weyl

Counsel for Édouard Karemera

Ms. Dior Diagne Mbaye
Mr. Félix Sow

Office of the Prosecutor

Mr. Hassan Bubacar Jallow
Mr. Don Webster
Mr. Saidou N'Dow
Ms. Sunkarie Ballah-Conteh
Mr. Takeh Sendze
Mr. Jean-Baptiste Nsanzimfura

3488/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 Joseph Nzirorera's and the Prosecutor's Appeals of Decision Not to Prosecute Witness BTH for False Testimony", issued confidentially by the Appeals Chamber in this case on 16 February 2010 ("Decision of 16 February 2010");

NOTING the "Decision on Remand Following Appeal Chamber's Decision of 16 February 2010", issued publicly by Trial Chamber III on 18 May 2010 ("Trial Decision on Remand");

BEING SEISED OF "Joseph Nzirorera's Motion for Reclassification of Appeal Filings and Decision", filed confidentially on 21 May 2010 ("Motion") requesting that the confidential status of the Decision of 16 February 2010 and the relevant pleadings before the Appeals Chamber be lifted;

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 February 2010 was not disclosed publicly to preserve the confidentiality of the Trial Chamber's "Decision on Motion to Prosecute BTH for Providing False Testimony", filed on 10 September 2009 and the related filings;

CONSIDERING that the reasons for imposing the confidentiality of the Decision of 16 February 2010 no longer exist since the Trial Decision on Remand dealing with the same matter was issued publicly and put into the public domain all information contained in the Decision of 16 February 2010;

CONSIDERING that the pleadings of the parties relating to the Decision of 16 February 2010 contain confidential information requiring the filing of public redacted versions rather than the lifting of confidentiality;

3487/H

FOR THE FOREGOING REASONS,

GRANTS the Motion in part;

ORDERS that the confidential status of the Decision of 16 February 2010 be lifted; and

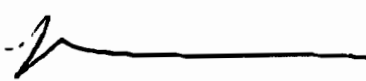
ORDERS the parties to file public redacted versions of their submissions before the Appeals Chamber in relation to the Decision of 16 February 2010 by 23 July 2010.

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

Done this 21st day of June 2010,
at The Hague,
The Netherlands.



[Seal of the Tribunal]



Judge Patrick Robinson
Presiding