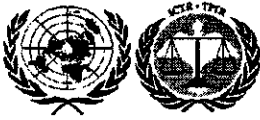


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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

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

Registrar: Adama Dieng

Date: 29 October 2010

THE PROSECUTION

v.

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

JUDICIAL RECORDS ARCHIVES
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**DECISION ON JOSEPH NZIRORERA'S MOTION TO RECLASSIFY FINDINGS
RELATING TO PROSECUTION WITNESS BTH**

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecution:
Don Webster
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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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1. On 18 May 2010, the Chamber issued a decision on remand from the Appeals Chamber, which ordered the appointment of an *amicus curiae* to prosecute Prosecution Witness BTH for false testimony.¹ The Decision was filed as a public document.
2. On 21 May 2010, Joseph Nzirorera requested that all filings relating to Witness BTH be reclassified as public, arguing that the matter is one of public interest and the litigation over his prosecution has both precedential and deterrent value.² The Prosecution concurs with the Motion.³
3. The Chamber recalls its prior ruling that pending resolution of the Prosecution's confidential motion seeking an order directing the *Amicus Curiae* to prosecute Witness BTH for wilfully providing false testimony, all filings related to the investigation of Witness BTH would be classified as confidential.⁴ However, noting that the reasons for imposing the Confidentiality Order no longer exist since the Prosecution's motion has been resolved and the Decision has been filed publicly, the Chamber now considers that it is in the interests of justice to reclassify these filings as public.


FOR THE ABOVE REASONS, THE CHAMBER

I GRANTS the Motion; and

II DIRECTS the Registry to reclassify as public documents all earlier confidential filings relating to Witness BTH.

Arusha, 29 October 2010, done in English.


Dennis C. M. Byron
Presiding Judge


Gberdao Gustave Kam
Judge


Vagn Joensen
Judge



¹ *The Prosecutor v. Édouard Karemera, Matthieu Ngirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-T (“*Karemera et al.*”) Decision on Remand Following Appeal Chamber’s Decision of 16 February 2010 (TC), 18 May 2010 (“Decision”).

² Joseph Nzirorera’s Motion to Reclassify Filings Relating to Prosecution Witness BTH, filed on 21 May 2010 (“Motion”).

³ Prosecutor’s Response to Joseph Nzirorera’s Motion to Reclassify Filings Relating to Witness BTH, filed on 26 May 2010.

⁴ *Karemera et al.*, Order Regarding Confidentiality for Matters Relating to Witness BTH (TC), filed confidentially on 25 August 2009 (“Confidentiality Order”).