



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

1000/H

EX

ICTR-04-81-A

16th March 2011

IN THE APPEALS CHAMBER

{1000/H - 998/H}

Before:

Judge Patrick Robinson, Pre-Appeal Judge

Registrar:

Mr. Adama Dieng

Order of:

16 March 2011

**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS
NAME / NOM: KOFEI KUMELIO A. AFANDE
SIGNATURE: [Signature] DATE: 16 March 2011

Ephrem SETAKO

v.

THE PROSECUTOR

Case No. ICTR-04-81-A

ORDER RELATING TO SETAKO'S SUBMISSIONS

Counsel for Mr. Ephrem Setako:

Lennox Hinds

ICTR Appeals Chamber
Date: 16th March 2011
Action: R. Jammeh
Copied To: Concerned Judges,
SACs, LAs, ALCs,

Parties, CMS, LSS.

[Signature]

Office of the Prosecutor:

Hassan Bubacar Jallow
James Arguin
Deborah Wilkinson
Ousman Jammeh
Thembile Segoete
Christiana Fomenky

I, PATRICK ROBINSON, 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;¹

NOTING the Judgement pronounced in this case by Trial Chamber I of the Tribunal on 25 February 2010 and filed in writing on 1 March 2010;

NOTING the “Notice of Appeal”, filed by Ephrem Setako on 12 April 2010 (“Setako”); “Ephrem Setako’s Appellant’s Brief”, filed confidentially on 8 September 2010; the “Prosecutor’s Respondent’s Brief”, filed on 18 October 2010;² the “Appellant’s Brief-in-Reply”, filed confidentially by Setako on 2 November 2011; and the “Corrigendum to Appellant’s Brief-in-Reply”, filed confidentially by Setako on 3 November 2011;

NOTING the Scheduling Order of 15 March 2011, whereby the Appeals Chamber ordered that the appeal hearing in the present case shall take place on Tuesday, 29 March 2011, in Arusha, Tanzania;

CONSIDERING that all submissions filed before this Tribunal shall be public unless there are exceptional reasons for keeping them confidential³ and that parties shall file public redacted versions of all confidential briefs filed on appeal;⁴

HEREBY ORDER Setako to file public redacted versions of his appellant’s brief, brief in reply, and corrigendum to his brief in reply, or to indicate that there is no basis for maintaining the confidentiality thereof, no later than 25 March 2011;

ORDER that any changes to the confidential versions of the above briefs shall be limited to necessary redactions of confidential information, including the identities of protected witnesses, and shall not consist of any additions, deletions, or other amendments;

¹ See Order Designating a Pre-Appeal Judge, 10 September 2010.

² I note that, while the Prosecutor’s Respondent’s Brief is marked “confidential” on the front page, the transmission sheet for filing of documents with the Court Management Section indicates that the document is public. The Registry has informed me that this is the correct security classification of the Prosecutor’s Respondent’s Brief.

³ Cf. Rule 78 of the Tribunal’s Rules of Procedure and Evidence.

⁴ *Siméon Nchamihigo v. The Prosecutor*, Case No. ICTR-01-63-A, Order on Appellant’s Submissions, 9 June 2009; *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.

ORDER Setako to clearly mark the redactions in the text of the public versions of his respective briefs or to file a confidential annex thereto identifying all redactions paragraph by paragraph.

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



Judge Patrick Robinson
Pre-Appeal Judge

Dated this sixteenth day of March 2011,
At The Hague,
The Netherlands.



[Seal of the Tribunal]