



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

368/H

*BY*

ICTR-05-82-A  
15<sup>th</sup> April 2011

IN THE APPEALS CHAMBER

{368/H – 366/H}

**Before:** Judge Patrick Robinson, Pre-Appeal Judge

**Registrar:** Mr. Adama Dieng

**Decision of:** 15 April 2011

**Dominique NTAWUKULILYAYO**

v.

**THE PROSECUTOR**

Case No. ICTR-05-82-A

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SENT BY ME  
CORRIGEE VÉRIFIÉE CONFORMÉ À L'ORIGINAL À PAR MOI S  
NAME / NOM: ROSE TIE MUGIRO - MORRISON  
SIGNATURE: *[Signature]* DATE: 15/04/11

**DECISION ON PROSECUTION'S REQUEST FOR PUBLIC FILINGS**

**Counsel for Dominique Ntawukulilyayo:**

Maroufa Diabira  
Dorothee Le Fraper du Hellen

ICTR Appeals Chamber  
Date: *15th April 2011*  
Action: *R. Jumez*  
Copied To: *Concerned Judges, Parties, Judicial Archives, LOs, LSS*

**Office of the Prosecutor:**

Hassan Bubacar Jallow  
James Arguin  
Alphonse Van  
Ousman Jammeh  
Priyadarshini Narayanan  
Deo Mbuto

**I, Patrick Robinson**, Presiding 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 III of the Tribunal against Dominique Ntawukulilyayo on 3 August 2010;<sup>1</sup>

**NOTING** the notice of appeal and the amended version thereof filed by Mr. Ntawukulilyayo on, respectively, 6 September 2010 and 18 January 2011;<sup>2</sup> the Appellant’s brief filed confidentially by Mr. Ntawukulilyayo on 17 January 2011;<sup>3</sup> the Respondent’s brief filed by the Prosecution on 28 February 2011;<sup>4</sup> and the brief in reply filed confidentially by Mr. Ntawukulilyayo on 22 March 2011;<sup>5</sup>

**BEING SEISED OF** the “Prosecution’s Request for Ntawukulilyayo to File Public Versions of his Appellant’s Brief and Brief in Reply” filed by the Prosecution on 14 April 2011 (“Request for Public Filings”), in which the Prosecution requests that the Appeals Chamber order Mr. Ntawukulilyayo to file public versions of his Appellant’s Brief and Brief in Reply, or, alternatively, order Mr. Ntawukulilyayo to declare that there is no reason for keeping these filings confidential;<sup>6</sup>

**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;<sup>7</sup>

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<sup>1</sup> *The Prosecutor v. Dominique Ntawukulilyayo*, Case No. ICTR-05-82-T, Judgement and Sentence, signed on 3 August 2010 and filed on 6 August 2010.

<sup>2</sup> *Acte d’appel*, 6 September 2010; *Acte d’appel amendé*, 18 January 2011.

<sup>3</sup> *Mémoire d’appel*, confidential, 17 January 2011 (“Appellant’s Brief”).

<sup>4</sup> Prosecutor’s Respondent Brief, 28 February 2011.

<sup>5</sup> *Mémoire en réplique*, confidential, 22 March 2011 (“Brief in Reply”).

<sup>6</sup> Request for Public Filings, para. 6.

<sup>7</sup> Cf. Rule 78 of the Rules of Procedure and Evidence of the Tribunal. See also *Tharcisse Renzaho v. The Prosecutor*, Case No. ICTR-97-31-A, Order Regarding Filings, 10 May 2010, p. 1; *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.

**HEREBY**

**GRANT** the Request for Public Filings; and

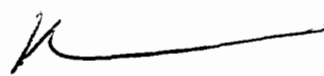
**ORDER** Mr. Ntawukulilyayo, by no later than 26 April 2011, to file public redacted versions of his Appellant's Brief and Brief in Reply or to indicate that the confidentiality of his Appellant's Brief and Brief in Reply can be lifted, if there is no basis for maintaining the confidentiality thereof.

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

Done this fifteenth day of April 2011,  
at The Hague,  
The Netherlands.



[Seal of the Tribunal]

  
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Judge Patrick Robinson  
Pre-Appeal Judge