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### Tribunal pénal international pour le Rwanda International Criminal Tribunal for Rwanda

17/H

ICTR-05-88-AR75 26" April 2011 {17/H - 16/H}

IN THE APPEALS CHAMBER

Before:

Judge Theodor Meron

Registrar:

Mr. Adama Dieng

Decision of:

26 April 2011

CALLIXTE KALIMANZIRA

v.

THE PROSECUTOR

Case No. ICTR-05-88-AR75

STRICT OF THE BEST STREET, STR

# DECISION ON THE PROSECUTOR'S MOTION TO VARY PROTECTIVE MEASURES

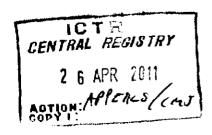
#### Counsel for Callixte Kalimanzira:

pro se

## The Office of the Prosecutor:

Mr. Hassan Bubacar Iallow Mr. Richard Karegyesa

Mr. Fredrick Nyiti



16/H

I, Theodor Meron, 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 ("Tribunal"); <sup>1</sup>

BEING SEIZED of the Prosecution's motion, filed ex parte and confidentially on 19 April 2011, to vary protective measures of three Prosecution witnesses from the Kalimanzira case;<sup>2</sup>

CONSIDERING that Rule 75(G) of the Rules provides that jurisdiction to consider such a request lies with the "Chamber, however constituted, remaining seised of the first proceedings" or "if no Chamber remains seised of the first proceedings, to the Chamber seised of the second proceedings";

**RECALLING** that, in any other circumstances, the request should be directed to the President of the Tribunal so that the matter can be assigned to an appropriate Trial Chamber:<sup>3</sup>

CONSIDERING that, following the delivery of its Judgement in the Kalimanzira case on 20 October 2010, the Appeals Chamber is no longer seized of this case and lacks jurisdiction to consider the Motion;

#### FOR THE FOREGOING REASONS

**DISMISS** the Motion.

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

Done this 26th day of April 2011, At The Hague, The Netherlands.



Judge Theodor Meron

Order Assigning a Judge to a Case Before the Appeals Chamber, 21 April 2011. Pursuant to Rule 75(I) of the Rules of Proceeding and Evidence of the Tribunal ("Rules"), an application to vary protective measures may be dealt with by a Chamber or a Judge of that Chamber.

<sup>&</sup>lt;sup>2</sup> Prosecutor's Urgent Confidential Ex Parte Motion to Reseind Protective Measures for Witnesses, Art. 28 & Rule 75,

<sup>19</sup> April 2011 ("Motion").

See, e.g., The Prosecutor v. Eliézer Niyltegeka, Case No. 10TR-90-14-R, Docision on Request for Discloture. 11 Time. 2007, para. 5.