



UNITED NATIONS  
NATIONS UNIES

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

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Khalida Rachid Khan Presiding  
Lee Gacuiga Muthoga  
Aydin Sefa Akay

**Registrar:** Adama Dieng

**Date:** 4 May 2011

**THE PROSECUTOR**

v.

**Jean-Baptiste GATETE**

*Case No. ICTR-2000-61-A*

**DECISION ON MOTION SEEKING VARIATION OF PROTECTIVE MEASURES  
AND DISCLOSURE OF DOCUMENTS**

*Rule 75 of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**

Richard Karegyesa  
Drew White  
Adelaide Whest  
Didace Nyirinkwaya

**Defence Counsel:**

Marie-Pierre Poulain  
Kate Gibson

**Applicant:**

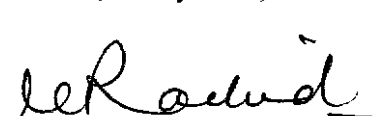
Natalie von Wistinghausen

1. On 31 March 2011, a bench of Trial Chamber III rendered its judgement in the case of Jean-Baptiste Gatete ("*Gatete* Judgement"). With the issuance of the *Gatete* Judgement, the Trial Chamber became *functus officio*.
2. By his decision of 21 April 2011, the President constituted the present bench ("*President's Decision*")<sup>1</sup> to hear an application seeking disclosure of documents tendered and variation of protective measures ordered during the *Gatete* trial ("*Application*").<sup>2</sup>
3. At the time of the issuance of the President's Decision, no judicial forum of this Tribunal was seised of the case.<sup>3</sup> However, on 3 May 2011, both the Prosecution and the Defence filed their respective notices of appeal against the *Gatete* Judgement.<sup>4</sup>
4. In the circumstances, judicial propriety requires the current bench to decline to hear the Application as the Appeals Chamber is now properly seised of the proceedings. Accordingly, the Application, as presently filed, is dismissed. The Trial Chamber expresses no opinion on its merits.


**FOR THE ABOVE REASONS, THE TRIAL CHAMBER**

**DISMISSES** the Application without prejudice to the Applicant.


Arusha, 4 May 2011, done in English.

  
Khalida Rachid Khan

Presiding Judge

  
for and with the consent of  
Lee Gacuiga Muthoga

Judge

  
Aydın Sefa Akay

Judge



<sup>1</sup> Decision on Request to Constitute a Bench to Hear a Motion Seeking Variation of Protective Measures and Disclosure of Documents, 21 April 2011 ("*President's Decision*").

<sup>2</sup> Extremely Urgent Application for Variation of Protective Measures and Disclosure of Documents, 15 April 2011.

<sup>3</sup> President's Decision, para. 1.

<sup>4</sup> (Defence) Notice of Appeal, 3 May 2011; Prosecution's Notice of Appeal, 3 May 2011.