



UNITED NATIONS
NATIONS UNIES

**Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda**

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Decision of: 22 August 2011

ILDEPHONSE HATEGEKIMANA

v.

THE PROSECUTOR

Case No. ICTR-00-55B-A

**DECISION ON ILDEPHONSE HATEGEKIMANA'S MOTION FOR THE LIFTING OF
CONFIDENTIAL STATUS OF DISCLOSED DOCUMENTS**

Counsel for Ildephonse Hategekimana:

Mr. Jean de Dieu Momo

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow

Mr. James J. Arguin

Mr. Alphonse Van

Mr. Alfred Orono Orono

Ms. Thembile Segoete

Mr. Leo Nwoye

Ms. Ndeye Marie Ka

I, Fausto Pocar, 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

BEING SEISED of a Motion filed on 28 July 2011 by Mr. Ildephonse Hategekimana requesting the Appeals Chamber to lift the confidential status of two documents, an investigation report by the Prosecutor of Butare dated 4 October 2000 and a judgement rendered by the Tribunal of Butare in Rwanda on 1 December 2000, that were disclosed to him by the Prosecution on 8 July 2011;²

NOTING that the Prosecution filed the two documents confidentially because it was not certain whether they contained information that might reveal the identity of a protected witness;³

CONSIDERING that, after further review, the Prosecution no longer considers it necessary to maintain the confidential status of the two documents;⁴

HEREBY

DIRECT the Registrar to change to public the confidential status of the two above-mentioned documents disclosed to Mr. Hategekimana on 8 July 2011.

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

Done this twenty-second day of August 2011,
at The Hague,
The Netherlands.

Judge Fausto Pocar
Pre-Appeal Judge

FSeal of the Tribunal

¹ Order Assigning a Pre-Appeal Judge, 20 January 2011.

² *Requête en extrême urgence aux fins d’ordonner la levée de la confidentialité sur les documents divulgués par le Procureur le 08 juillet 2011*, 28 July 2011 (“Motion”), p. 3.

³ *Réponse du Procureur à la «Requête en extrême urgence d’Ildephonse Hategekimana aux fins d’ordonner la levée de la confidentialité sur les documents divulgués par le Procureur le 08 juillet 2011» déposée le 28 juillet 2011*, 28 July 2011 (“Response”), para. 2.

⁴ Response, para. 2.