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ICTR-98-44-T

3-11-2011

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International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

UNITED NATIONS  
NATIONS UNIES

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Dennis C. M. Byron, Presiding  
Gberdao Gustave Kam  
Vagn Joensen

**Registrar:** Adama Dieng

**Date:** 3 November 2011

JUDICIAL RECORDS/ARCHIVES  
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**THE PROSECUTION**

v.

**Édouard KAREMERA and  
Matthieu NGIRUMPATSE**

*Case No. ICTR-98-44-T*

**ORDER RECLASSIFYING PROSECUTION CLOSING BRIEF AND ANNEXES AS  
PUBLIC FILINGS**

*Rule 54 of the Rules of Procedure and Evidence*

**Office of the Prosecution:**  
Don Webster  
Maria Wilson  
Takeh Sendze  
Sunkarie Ballah-Conteh

**Defence Counsel for Édouard Karemera**  
Dior Diagne Mbaye and Félix Sow

**Defence Counsel for Matthieu Ngirumpatse**  
Chantal Hounkpatin and Frédéric Weyl

**INTRODUCTION**

1. On 2 June 2011, the Prosecution filed its Closing Brief as a confidential document.<sup>1</sup> On 17 June 2011, the Chamber rejected Annexes A-I to the Closing Brief after determining that they were argumentative.<sup>2</sup>

2. During his Closing Argument, Matthieu Ngirumpatse requested the Chamber to reclassify the Closing Brief as a public document.<sup>3</sup> On 27 September 2011, the Prosecution informed the Chamber that it had only requested Court Management Services to file Annex J to its Closing Brief confidentially because it is a complete list of the witnesses in this case that includes the name of each witness. Accordingly, it does not object to the reclassification of the Closing Brief and annexes as public documents, with the exception of Annex J.<sup>4</sup> Ngirumpatse, however, objected to the reclassification of the annexes, stating that they were of no procedural interest because they had been rejected by the Chamber.<sup>5</sup>

**DELIBERATION**

3. Noting that the Closing Brief should have been filed publicly, and taking into account that the parties do not object to its reclassification, the Chamber orders that the Closing Brief be reclassified as a public document in the interests of justice.

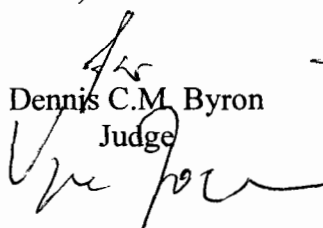
4. Although the Chamber rejected Annexes A-I to the Closing Brief, this does not mean that they should remain classified as confidential documents. This is particularly so given that they were filed confidentially by mistake.

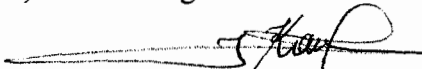
5. Matthieu Ngirumpatse does not advance any additional arguments or present any jurisprudence in support of his proposition that the Annexes are of "no procedural interest", or that documents without procedural interest that have already been filed should not be available to the public. Accordingly, recalling that the transparency of the proceedings serves the interests of justice, the Chamber orders that Annexes A-I of the Closing Brief be reclassified as public documents.

**FOR THE ABOVE REASONS, THE CHAMBER**

- I. ORDERS** the Registry to reclassify the Prosecution Closing Brief and Annexes A-I thereto as public documents.

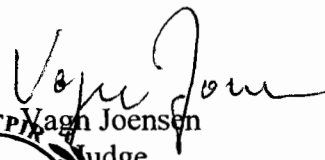
Arusha, 3 November 2011, done in English.

  
Dennis C.M. Byron  
Judge

  
Gustave Gberdao Kam  
Judge

[Seal of the Tribunal]



  
Vagn Joensen  
Judge

<sup>1</sup> Prosecutor's Final Brief, filed confidentially on 2 June 2011, ("Closing Brief").

<sup>2</sup> *The Prosecutor v. Édouard Karemera and Matthieu Ngirumpatse*, Case No. ICTR-98-44-T, ("Karemera et al."), Decision on Ngirumpatse's Motion to Strike Prosecution Closing Brief and Annexes (TC), 17 June 2011.

<sup>3</sup> T. 24 August 2011, p. 5.

<sup>4</sup> Email from Senior Trial Attorney for the Prosecution, Don Webster, to Andrés Pérez, Judgement Coordinator, dated 27 September 2011.

<sup>5</sup> Email from Co-Counsel for Matthieu Ngirumpatse, Frédéric Weyl to Andrés Pérez, Judgement Coordinator, dated 27 September 2011.