

ICTR-05-87-I
31-10-2007
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International Criminal Tribunal for Rwanda



UNITED NATIONS
NATIONS UNIES

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Before: Judge Dennis C.M. Byron, the President of the Tribunal
Registrar: Mr. Adama Dieng
Date filed: 31 October 2007

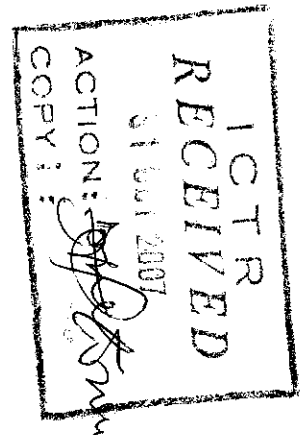
THE PROSECUTOR

v.

Wenceslas MUNYESHYAKA

Case No. ICTR-2005-87-I

EXTREMELY URGENT



**PROSECUTOR'S EXTREMELY URGENT MOTION TO LIFT
CONFIDENTIAL STATUS OF**

**“Prosecutor’s Extremely Urgent and Ex Parte Motion for the
Issuance of a Warrant of Arrest and Order for Transfer and
Detention of Wenceslas Munyeshyaka” of 8 August 2007**

Office of the Prosecutor

Hassan Bubacar Jallow
Bongani Majola
Silvana Arbia
Richard Karegyesa
George Mugwanya
Inneke Onsea

A. —NATURE OF THE APPLICATION

1. The Prosecutor hereby respectfully submits this *extremely urgent* application, pursuant to Rule 54 of the Rules of Procedure and Evidence, requesting the President of the Tribunal to lift the confidential status of the *Prosecutor's Extremely Urgent and Ex Parte Motion for the Issuance of a Warrant of Arrest and Order for Transfer and Detention of Wenceslas Munyeshyaka*, filed on 8 August 2007 (hereinafter, the "Motion").

B. —PROCEDURAL HISTORY AND SUBMISSIONS

2. On 8 August 2007, the Prosecutor filed his Motion. In response to the Motion, the President of this Tribunal, Judge Dennis C.M. Byron, issued a *Mandat d'arrêt et Ordonnance de transfert et de détention*, on 13 August 2007 (hereinafter, the "Warrant of Arrest"). The President ordered the nondisclosure to the public of the Warrant of Arrest until the transfer of the Accused to this Tribunal.¹

3. On 7 September 2007, the Prosecutor filed his *Extremely Urgent Motion to Rescind the Nondisclosure Order of 13 August 2007 relating to the Warrant of Arrest and Order for Transfer and Detention of Wenceslas Munyeshyaka*, requesting the President of this Tribunal to rescind the nondisclosure order of 13 August 2007 with respect to the confidential Warrant of Arrest (hereinafter, the "Request"). On 11 September 2007, the President lifted the confidentiality of both the Warrant of Arrest and the Prosecutor's Request of 7 September 2007 (hereinafter, the "Order").² The Prosecutor's Motion of 8 August 2007, nonetheless, remained confidential.

4. On 26 September 2007, the *Première Chambre de l'instruction – Cour d'appel de Paris* (hereinafter, the "French Pre-Trial Chamber") issued its *Arrêt ordonnant un supplément d'information avant de statuer sur la demande d'arrestation et de remise formée par le Tribunal pénal international pur le Rwanda aux Autorités Françaises*

¹ *Warrant of Arrest*, p. 3: "Le Tribunal ordonne par ailleurs : [...] (k) que le présent mandat d'arrêt reste confidentiel jusqu'à la remise de l'accusé au Tribunal."

² *Ordonnance mainlevée de la confidentialité du Mandat d'arrêt du 13 août 2007*, issued on 11 September 2007.

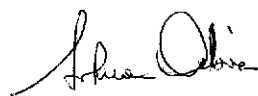
(hereinafter, the “Decision”).³ In this Decision, the French Pre-Trial Chamber ordered the Tribunal to provide certain specified additional information before 15 November 2007, including a copy of the Prosecutor’s *confidential and ex parte* Motion of 8 August 2007.⁴

5. In order to comply with the Decision of the French Pre-Trial Chamber, before 15 November 2007, the Prosecutor respectfully requests the President of this Tribunal to lift the confidential status of the Prosecutor’s Motion of 8 August 2007. Moreover, in light of the President’s Order of 11 September 2007, in which he lifted the confidentiality of the Warrant of Arrest, the confidential status of the Prosecutor’s Motion is no longer warranted. The Prosecutor is, therefore, of the view that the continuation of the confidential status of his Motion no longer serves the purpose for which it was originally intended.

C.—RELIEF SOUGHT

6. For all the foregoing reasons, the Prosecutor respectfully requests the President to lift the confidential status of the Prosecutor’s Motion of 8 August 2007.

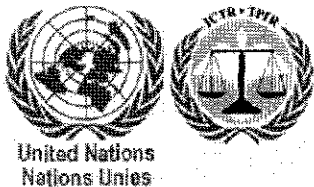
Dated and signed this 31st day of October 2007, Arusha, Tanzania.



Silvana Arbia, *Chief of Prosecution*
For Hassan Bubacar Jallow, *Prosecutor*

³ This judgement has been filed by CMS/Registry on 27 September 2007, in this case, with Registry pagination numbers 457bis-442bis.

⁴ See *Decision*, p. 14 (Registry pagination number 444bis).



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input checked="" type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
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From:	<input type="checkbox"/> Chamber (names)	<input type="checkbox"/> Defence (names)	<input checked="" type="checkbox"/> Prosecutor's Office Silvana Arbia (names)	<input type="checkbox"/> Other: (names)
	Case Name: The Prosecutor vs. Wenceslas Munyeshyaka			Case Number: ICTR-05-87-I
Dates:	Transmitted: 31 October 2007		Document's date: 31 October 2007	
No. of Pages:	3		Original Language: <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Title of Document:	PROSECUTOR'S EXTREMELY URGENT MOTION TO LIFT CONFIDENTIAL STATUS OF "Prosecutor's Extremely Urgent and Ex Parte Motion for the Issuance of a Warrant of Arrest and Order for Transfer and Detention of Wenceslas Munyeshyaka" of 8 August 2007			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Ex-Parte		<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Confidential		<input type="checkbox"/> Disclosure	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Judgement	<input type="checkbox"/> Motion	<input type="checkbox"/> Book of Authorities
		<input type="checkbox"/> Submission from non-parties	<input checked="" type="checkbox"/> Submission from parties	
		<input type="checkbox"/> Accused particulars		

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CMS SHALL take necessary action regarding translation.

Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English French Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

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Translation	in	<input checked="" type="checkbox"/> English	<input checked="" type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

CMS SHALL NOT take any action regarding translation.

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<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: