

ICTR-05-82-T  
28-8-2009  
(1488-1487)

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UNITED NATIONS  
NATIONS UNIES

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

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Aydin Sefa Akay  
*sitting pursuant to Rule 54 of the Rules of  
Procedure and Evidence*

**Registrar:** Mr. Adama Dieng

**Date:** 28 August 2009

JUDICIAL RECORDS/ARCHIVES  
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*[Handwritten signature]*

**THE PROSECUTOR  
v.  
DOMINIQUE NTAWUKULILYAYO**

**Case No. ICTR-05-82-T**

**ORDER LIFTING CONFIDENTIALITY OF DEFENCE RESPONSE TO THE  
CHAMBER'S ORDER FOR THE DEFENCE TO REDUCE ITS  
LIST OF WITNESSES**

*Rule 54 of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**

Charles Adeogun-Phillips  
Ibukunolu Alao Babajide  
Thembile Segoete  
Ndeye Marie Ka

**Counsel for the Defence:**

Maroufa Diabira  
Dorothee Le Fraper du Hellen

*asa*

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** ("Tribunal"),

**SITTING** as Trial Chamber III, composed of Judge Aydin Sefa Akay ("Chamber"), pursuant to Rule 54 of the Rules of Procedure and Evidence ("Rules");

**RECALLING** the Chamber's Order of 21 August 2009 which ordered that the Defence reduce its list of witnesses;<sup>1</sup>

**NOTING** that on 25 August 2009, the Defence filed a "confidential" response to the Chamber's Order, which states that it has removed four witnesses from its list of witnesses;<sup>2</sup>

**RECALLING** that the transparency of the proceedings is served by the public filing of documents and that confidential filing should be reserved for exceptional circumstances – for instance, where the protection of a witness is at stake;<sup>3</sup>

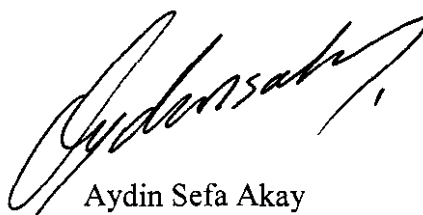
**CONSIDERING** that the Defence Response does not contain any identifying information with respect to any of the Defence witnesses and contains no other confidential information;<sup>4</sup> and

**RECALLING** that Rule 54 of the Rules provides that a Judge or a Trial Chamber may issue such orders as may be necessary for the preparation or conduct of the trial;

**THE CHAMBER HEREBY**

**ORDERS** that the confidentiality of the "Defence Response to 'Order for the Defence to Reduce its List of Witnesses'", filed on 25 August 2009, be lifted by the Registrar.

Arusha, 28 August 2009



Aydin Sefa Akay  
Judge

[Seal of the Tribunal]



<sup>1</sup> *The Prosecutor v. Dominique Ntawukulilyayo*, Case No. ICTR-05-82-T, Order for the Defence to Reduce its List of Witnesses, 21 August 2009 ("Chamber's Order").

<sup>2</sup> *Ntawukulilyayo*, Confidential Response to 'Order for the Defence to Reduce its List of Witnesses', 25 August 2009 ("Defence Response").

<sup>3</sup> See for example, *Ntawukulilyayo*, Decision on Defence Extremely Urgent Application for Extension of Time for Filing Response to Prosecution Motion for Protective Measures, 17 February 2009, para. 3; and *Prosecutor v. Protais Zigiranyirazo*, Case No. ICTR-2001-73-T, Order for Transfer of Detained Witnesses, 1 March 2007, para. 5.

<sup>4</sup> The Defence Response states that the Defence is removing Witnesses GTA, MAJ, FAA, and Victor Habinshuti from its witness list. The latter is not a protected witness.

## 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)

<b>To:</b>	<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"/> Trial Chamber III A. N'Gum
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Appeals Chamber / Arusha Chamber II F. A. Talon		<input type="checkbox"/> Appeals Chamber / The Hague K. K. A. Afande R. Muzigo-Morrison
<b>From:</b>	<input checked="" type="checkbox"/> Chamber III Nusrat Chagtai (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
<b>Case Name:</b>	The Prosecutor vs. Dominique Ntawukulilyayo			<b>Case Number:</b> ICTR-05-82-T
<b>Dates:</b>	Transmitted: 28 August 2009		Document's date: 28 August 2009	
<b>No. of Pages:</b>	2		<b>Original Language:</b> <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
<b>Title of Document:</b>	ORDER LIFTING CONFIDENTIALITY OF DEFENCE RESPONSE TO THE CHAMBER'S ORDER FOR THE DEFENCE TO REDUCE ITS LIST OF WITNESSES			
<b>Classification Level:</b>		<b>TRIM Document Type:</b>		
<input type="checkbox"/> Ex Parte		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties		
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Submission from parties		
<input type="checkbox"/> Confidential		<input type="checkbox"/> Disclosure <input checked="" type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars		
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### II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

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<input type="checkbox"/> Filing Party hereby submits <b>BOTH the original and the translated version</b> for filing, as follows:			
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<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s):	
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<input type="checkbox"/> <b>The OTP</b> is overseeing translation. The document is submitted for translation to: <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> <b>DEFENCE</b> is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:

### III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	<b>COMMENTS</b>	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: