

ICTR-99-50-AR73.4  
16 APRIL 2004  
(6561H - 6541H)

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Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

**IN THE APPEALS CHAMBER**

**Before:**

Judge Theodor Meron, Presiding Judge  
Judge Mohamed Shahabuddeen  
Judge Mehmet Güney  
Judge Fausto Pocar  
Judge Inés Mónica Weinberg de Roca

**Registrar:**

Mr. Adama Dieng

**Decision of:**

16 April 2004

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

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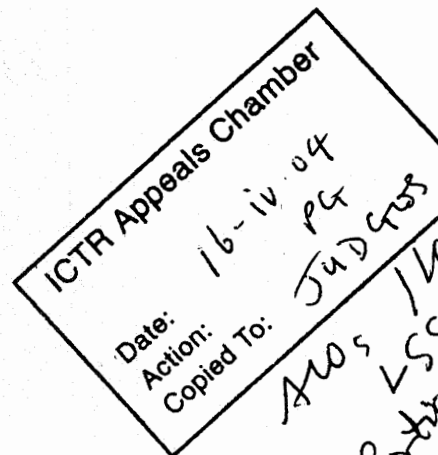
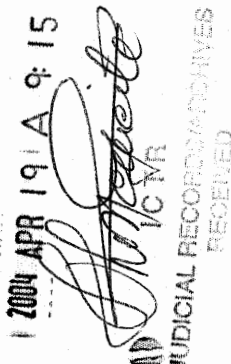
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SIGNATURE: ... Date: 16. iv. 04

**THE PROSECUTOR**

v.

CASIMIR BIZIMUNGU  
JUSTIN MUGENZI  
JEROME BICAMUMPAKA  
PROSPER MUGIRANEZA

Case No. ICTR-99-50-AR73.4



**DECISION ON MOTIONS TO SEAL ANNEXTURE "A" TO THE  
PROSECUTOR'S APPEAL BRIEF**

**Counsel for the Prosecution**

Mr. Paul Ng'arua  
Mr. Ibukunolu Babajide  
Mr. Justus Bwonwonga  
Mr. Elvis Bazawule  
Mr. George Mugwanya

**Counsel for the Defence**

Ms. Michelyne C. St. Laurent  
Mr. Howard Morrison  
Mr. Ben Gumpert  
Mr. Pierre Gaudreau  
Mr. Tom Moran

1. Prosper Mugiraneza, the Respondent in this interlocutory appeal, has filed an urgent motion to seal documents that the Prosecution as Appellant filed with the Appeals Chamber.<sup>1</sup> In response, the Prosecution filed an urgent motion of its own conceding that the documents should have been filed confidentially and therefore should now be sealed.<sup>2</sup>
2. The urgency arises from the fact that the Prosecution filed its appeal brief in this matter<sup>3</sup> without designating any part of it confidential, even though Annexure A to that brief ("Annexure A") contained the full names, pseudonyms, and anticipated testimony of sixteen Prosecution witnesses who are subject to protective measures ordered by Trial Chamber II at the request of the Prosecution.
3. The parties agree that the filing of Annexure A as a public document violated the Trial Chamber's protective measures and request the Appeals Chamber to place that document under seal. The Appeals Chamber is satisfied that an order sealing Annexure A is necessary to protect the security of the witnesses concerned and to uphold the order of the Trial Chamber.
4. For the foregoing reasons, the Appeals Chamber:
  - **GRANTS** the motions by Prosper Mugiraneza and the Prosecution to seal Annexure A;
  - **ORDERS** that Annexure A be and hereby is designated confidential;
  - **DIRECTS** the Registrar to take all necessary steps to ensure that Annexure A is not publicly disseminated in contravention of the protective measures ordered by the Trial Chamber; and
  - **ORDERS** the parties, their employees and agents in receipt of Annexure A to refrain from disclosing or disseminating the contents thereof except as permitted by the Trial Chamber.

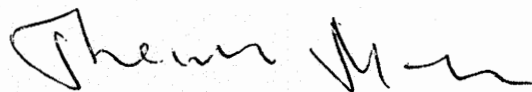
<sup>1</sup> Prosper Mugiraneza's Emergency Motion to Seal Annexure A to the Prosecutor's Appellate Brief, 13 April 2004.

<sup>2</sup> Prosecutor's Urgent Motion to Seal Annexure "A" to the "Prosecutor's Appeal Against Trial Chamber II Decision of 5 February 2004," dated 14 April 2004.

<sup>3</sup> Prosecutor's Appeal Against Trial Chamber II Decision of 5 February 2004, dated 31 March 2004.

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

Done this 16<sup>th</sup> day of April 2004,  
At The Hague,  
The Netherlands.



Theodor Meron  
Presiding Judge

[Seal of the International Tribunal]

