

0260

MICT-12-15  
24/07/2012  
(0065-0063)

ICTR-96-13  
14-3-2012  
(2225-2223)

0065  
MH

2225  
H/M

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda



OFFICE OF THE PRESIDENT

**Before:** Judge Vagn Joensen, *President*  
**Registrar:** Adama Dieng  
**Date:** 14 March 2012

DR: ENG  
2012 MAR 14 P 2: 36  
UNICTR  
JUDICIAL RECORDS/ARCHIVES  
RECEIVED  
H/M

THE PROSECUTOR v.

Elizaphan and Gérard NTAKIRUTIMANA, Cases No. ICTR-96-10 and ICTR-96-17

- Alfred MUSEMA, Case No. ICTR-96-13 ✓
- Clément KAYISHEMA et al., Case No. ICTR-95-1
- Yussuf MUNYAKAZI, Case No. ICTR-97-36A
- Ignace BAGILISHEMA, Case No. ICTR-95-1A
- Édouard KAREMERA et al., Case No. ICTR-98-44
- Mika MUHIMANA, Case No. ICTR-95-1B
- Siméon NCHAMIHIGO, Case No. ICTR-01-63
- Aloys NDIRIMBATI, Case No. ICTR-95-1
- Emmanuel NDINDABAHIZI, Case. No. ICTR-01-71
- Charles SIKUBWABO, Case No. ICTR-95-1D
- Pauline NYIRAMASUHUKO et al., Case No. ICTR-98-42
- Eliézer NIYITIGEKA, Case No. ICTR-96-14
- Casimir BIZIMUNGU et al., Case No. ICTR-99-50
- Augustin NDINDILYIMANA et al., Case No. ICTR-00-56

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
C'EST UNE CERTIFIÉE CONFORME A L'ORIGINAL PAR MOI

NAME / NOM: CONSTANT K. HEMENYI  
SIGNATURE: [Signature]  
DATE: 14-03-2012

DESIGNATION OF A JUDGE TO CONSIDER JACQUES MUNGWARERE'S MOTIONS  
FOR ACCESS TO MATERIAL and NOTICE UNDER RULE 67 (D)

Office of the Prosecutor:

Hassan Bubacar Jallow  
James J. Arguin  
George W. Mugwanya  
William M. Mubiru  
Lausma Umbaya

Counsel for Jacques Mungwarere, accused  
before the jurisdictions of Canada:

Philippe Larochelle  
Christian Deslauriers  
Marc Nerenberg

Received by the Registry  
Mechanism for International Criminal Tribunals  
24/07/2012 17:31

[Handwritten signature]

1. On 17 August 2011, Jacques Mungwarere, who is prosecuted before the Canadian jurisdictions for crimes against humanity and genocide for events allegedly committed in Rwanda during the 1994 Genocide, filed a motion for access to materials in the *Ntakirutimana* case.<sup>1</sup>
2. On 1 and 5 March 2012, Mungwarere filed two new motions requesting material in fifteen cases and for notice pursuant to Rule 67 (D) of the Rules of Procedure and Evidence.<sup>2</sup>
3. I recall that according to Part X of the Directive for the Registry of the International Criminal Tribunal for Rwanda, Mungwarere has access to the public archives of the Tribunal through the Public Judicial Records Database on the Tribunal's homepage, [www.ictr.org](http://www.ictr.org). If particular public documents are not directly available from the public website, he may request the Tribunal's Court Management Section to transmit them to him.
4. Access to confidential materials requires a variation or rescission of the protective measures in force for the particular witnesses.
5. Where a Chamber is still seized of the proceedings in which the protective measures were ordered the request for access must be decided by that Chamber.<sup>3</sup> The *Nyiramasuhuko et al.* case, the *Bizimungu et al.* case, the *Ndindiliyimana et al.* case and the *Karempera et al.* case, are currently pending before the Appeals Chamber. Therefore, Mungwarere must refile his request concerning these four cases before the relevant Appeals Chambers.
6. With respect to the *Niyitigeka, Ntakirutimana et al., Ndindabahizi, Kayishema et al., Bagilishema, Muhimana, Ndimbati, Sikubwabo, Musema, Munyakazi, and Nchamihigo* cases, no Chamber is seized of the proceedings during which the protective measures were ordered.

<sup>1</sup> Mungwarere's Motion for Access to Material, filed on 17 August 2011.

<sup>2</sup> Jacque Mungwerere's Urgent Motion for Access to Material, dated 29 February 2012 and filed on 1 march 2012; Jacques Mungwarere's Second Urgent Motion for Access to Material and Notice under Rule 67(D), filed on 5 March 2012.

<sup>3</sup> See Rule 75(G) (ii).

*The Prosecutor v. Elizaphan and Gérard Ntakirutimana*, Cases No. ICTR-96-10 and ICTR-96-17, *Alfred Musema*, Case No. ICTR-96-13, *Clément Kayishema et al.*, Case No. ICTR-95-1, *Yussuf Munyakazi*, Case No. ICTR-97-36A, *Ignace Bagilishema*, Case No. ICTR-95-1A, *Édouard Karemera et al.*, Case No. ICTR-98-44, *Mika Muhimana*, Case No. ICTR-95-1B, *Siméon Nchamihigo*, Case No. ICTR-01-63, *Aloys Ndimbati*, Case No. ICTR-95-1, *Emanuel Ndindabahizi*, Case No. ICTR-01-74, *Charles Nkubwano*, Case No. ICTR-95-1D, *Pauline Nyiramasuhuko et al.*, Case No. ICTR-98-42, *Ishézar Niyitigeka*, Case No. ICTR-96-18, *Gezimir Bizimungu et al.*, Case No. ICTR-99-30, *Augustin Ndindiliyimana et al.*, Case No. ICTR-00-56





**TRANSMISSION SHEET / FICHE DE TRANSMISSION  
FOR FILING OF DOCUMENTS WITH THE ARUSHA BRANCH OF  
THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/  
POUR LE DEPOT DE DOCUMENTS A LA DIVISION D'ARUSHA DU  
MECHANISME POUR LES TRIBUNAUX PENALES INTERNATIONAUX**

**I - FILING INFORMATION / INFORMATIONS GENERALES**

<b>To/ A:</b>	MICT Registry/ Greffe du MPTI				
<b>From/ De:</b>	<input type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Prosecution/ Bureau du Procureur	<input checked="" type="checkbox"/> Other/ Autre : <b>ICTR Registry M Hunt</b>	
<b>Case Name/ Affaire:</b>	Musema	<b>Case Number/ Affaire No:</b>	MICT-12-15		
<b>Date Created/ Daté du:</b>	14/03/2012	<b>Date transmitted/ Transmis le:</b>	24/07/2012		
<b>No. of Pages/ No de pages:</b>	3	<b>Original Language / Langue de l'original:</b>	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda
<b>Title of Document/ Titre du document:</b>	DESIGNATION OF A JUDGE TO CONSIDER JACQUES MUNGWARERE'S MOTIONS FOR ACCESS TO MATERIAL AND NOTICE UNDER RULE 67(D)				
<b>Classification Level/ Catégories de classement:</b>	<input checked="" type="checkbox"/> Unclassified/ Non classé	<input type="checkbox"/> Confidential/ Confidentiel	<input type="checkbox"/> Strictly Confidential/ Strictement confidentiel	<input type="checkbox"/> Ex Parte (specify/ préciser):	
	<input type="checkbox"/> Ex Parte	<input type="checkbox"/> Ex Parte	<input type="checkbox"/> Other Ex Parte/ Ex Parte Autre (specify/ préciser):		
	Defence excluded/ Défense exclu	Prosecution excluded/ Bureau du Procureur exclu			
<b>Document type/ Type de document:</b>	<input type="checkbox"/> Indictment/ Acte d'accusation	<input checked="" type="checkbox"/> Order/ Ordre	<input type="checkbox"/> Appeal Book/ Livre d'appel	<input type="checkbox"/> Notice of Appeal/ Acte d'appel	
	<input type="checkbox"/> Warrant/ Mandat	<input type="checkbox"/> Affidavit/ Déclaration sous serment	<input type="checkbox"/> Submission from non-parties/ Ecritures déposés par des tiers		
	<input type="checkbox"/> Motion/ Requête	<input type="checkbox"/> Correspondence	<input type="checkbox"/> Submission from parties/ Ecritures déposés par des parties		
	<input type="checkbox"/> Decision/ Décision	<input type="checkbox"/> Judgement/ Jugement	<input type="checkbox"/> Book of Authorities/ Livre de sources juridiques		

**II - TRANSLATION STATUS ON THE FILING DATE/ ETAT DE LA TRADUCTION AU JOUR DU DÉPÔT**

<input checked="" type="checkbox"/> Translation not required/ La traduction n'est pas requise			
<input type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ La Partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction (Word version of the document is attached/ La version en Word se trouve en annexe)			
<input type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda	
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ La Partie déposante soumet ci-joint l'original et la version traduite pour dépôt, comme suit :			
<b>Original/ Original en</b>	<input type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda
<b>Translation/ Traduction en</b>	<input type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ La Partie déposante soumettra la (les) version(s) traduite(e) sous peu, dans la (les) langue(s) suivante(s):			
<input type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda	

Send completed transmission sheet to: [JudicialFilingsArusha@un.org](mailto:JudicialFilingsArusha@un.org)  
Veuillez soumettre cette fiche pour le dépôt des documents à: [JudicialFilingsArusha@un.org](mailto:JudicialFilingsArusha@un.org)