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MICT-12-19  
30/07/2012  
(0065-0063)

ICTR-01-65  
14-3-2012  
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14-3-2012

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

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JUDICIAL RECORDS ARCHIVES  
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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 NCHAMHIGO, 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  
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NAME/NOM: *CONSTANT K. HEMETOKWA*  
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  
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*[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. 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, Muryakazi, 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> Jacques Mungwarere'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 Muryakazi*, 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-01-65, *Aloys Ndimbati*, 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, *Gasimir Bizimungu et al.*, Case No. ICTR-99-30, *Augustin Ndindiliyimana et al.*, Case No. ICTR-00-56


7. On 15 September 2011, the President appointed a Bench to rule on the motion of 17 August 2011.<sup>4</sup> However, one of Judges of that Bench has since left the Tribunal wherefore the designation is no longer operative. I, therefore, decide to designate myself as a Judge of Trial Chamber III to adjudicate the requests in all of the aforementioned eleven cases.

**FOR THESE REASONS, I**

**DESIGNATE** myself, Judge Vagn Joensen, to adjudicate the motions of 17 August 2011 and of 1 and 5 March 2012 with regards to the requests in the *Niyitigeka, Ntakirutimana et al., Ndindabahizi, Kayishema et al., Bagilishema, Muhimana, Ndimbati, Sikubwabo, Musema, Munyakazi* and *Nchamihigo* cases; and,

**ORDER** Counsel for Jacques Mungwarere to file his requests in relation to the *Nyiramasuhuko et al., the Bizimungu et al., the Ndindiliyimana et al.* and the *Karempera et al.* cases before the relevant Appeals Chambers.

Arusha, 14 March, done in English.

  
Judge Vagn Joensen  
President

[Seal of the Tribunal]



<sup>4</sup> *The Prosecutor v. Elizaphan and Gérard Ntakirutimana*, Cases No. ICTR-96-10 & ICTR-96-17, Designation of a Trial Chamber to Consider Mungwarere's Motion for Access to Material, 15 September 2011.

*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 Karamera et al.*, Case No. ICTR-98-46, *Mika Muhimana*, Case No. ICTR-95-01, *Minister Ndayindaga*, Case No. ICTR-98-47, *Georges Ndayindaga*, Case No. ICTR-98-48, *Samuel Ndayindaga*, Case No. ICTR-98-49, *Yves Ndayindaga*, Case No. ICTR-98-50, *Yves Ndayindaga*, Case No. ICTR-98-51, *Yves Ndayindaga*, Case No. ICTR-98-52, *Yves Ndayindaga*, Case No. ICTR-98-53, *Yves Ndayindaga*, Case No. ICTR-98-54, *Yves Ndayindaga*, Case No. ICTR-98-55, *Yves Ndayindaga*, Case No. ICTR-98-56, *Augustin Ndindiliyimana et al.*, Case No. ICTR-00-56



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