

MICT-12-27
17-01-2013
(18-16)

18
A

UNITED
NATIONS



Mechanism for International Criminal Tribunals

Case No: MICT-12-27

Date: 17 January 2013

Original: English

SINGLE JUDGE

Before:

Judge Vagn Joensen, Single Judge

Registrar:

Mr. John Hocking

The PROSECUTOR

v.

Protais ZIGIRANYIRAZO



CONFIDENTIAL

REGISTRAR'S SUBMISSION IN RESPECT OF THE
"INTERMEDIARY ORDER IN RESPECT TO THE REQUEST
FOR ACCESS TO MATERIALS CONCERNING PASCAL
SIMBIKANGWA"

Rule 31(B) of the Rules of Procedure and Evidence

Office of the Prosecutor

Mr. Hassan Bubacar Jallow

Tribunal de Grande Instance de Paris

Mme. Emmanuelle Ducos

Received by the Registry
Mechanism for International Criminal Tribunals
17/01/2013 14:37

1. The Registrar of the Mechanism for International Criminal Tribunals (“Registrar” and “MICT” respectively), brings the following observations to the attention of the Single Judge pursuant to Rule 31 (B) of the Rules of Procedure and Evidence of the Mechanism for International Criminal Tribunals (“Rules”).
2. On 5 November 2012, pursuant to Rule 86 (H) of the Rules, authorities from the *Tribunal de Grande Instance de Paris* (“*Tribunal de Paris*”) filed a request for a variation of protective measures granted to particular witnesses in the case of *Prosecutor v. Zigiranyirazo*.¹
3. On 13 November 2012, the President of the MICT assigned Judge Vagn Joensen as a Single Judge, pursuant to Rules 23 (A) and 86 (H) of the Rules, to consider the request of the *Tribunal de Paris*.²
4. On 21 November 2012, the Prosecution filed a submission indicating that it did not oppose the request of the *Tribunal de Paris*.³
5. On 20 December 2012, the Single Judge directed the Witness Support and Protection unit (“WISP”) of the MICT “to contact to contact Witness DAS in the *Bagosora et al.* case, and Witnesses SGP, APJ, AKK, AKR, AKO, AKP, AKL, RDP109 and RDP46 in the *Zigiranyirazo* case, in order to ascertain whether each of them consents to the variation of protective measures granted to them in order to disclose their identification and/or documents under seal for their protection for disclosure to the French authorities, and to file a confidential report indicating whether, and to what extent, these witnesses agree to the variation of their protective measures with their affidavit in annex by 19 January 2013”.⁴
6. The Registrar submits that WISP obtained affidavits from Witnesses SGP,⁵ APJ,⁶ AKR,⁷ AKO,⁸ AKP,⁹ AKL,¹⁰ RDP46¹¹ and RDP109.¹² Only Witness RDP109 consented to a variation of protective measures.¹³
7. WISP was unable to obtain an affidavit from Witness AKK, as he is deceased.¹⁴

¹ *The Prosecutor v. Zigiranyirazo*, Case No. MICT-12-27, Demande d’Entraide Internationale Complementaire, 5 November 2012.

² *The Prosecutor v. Zigiranyirazo*, Case No. MICT-12-27, Order Assigning a Single Judge to Consider an Application Pursuant to Rule 86 (H), 13 November 2012.

³ *The Prosecutor v. Zigiranyirazo*, Case No. MICT-12-27, Prosecutor’s Submission Regarding “Demande d’Entraide Internationale Complementaire”, 21 November 2012, para. 1.

⁴ *The Prosecutor v. Zigiranyirazo*, Case No. MICT-12-27, Intermediary Order in Respect to the Request for Access to Materials Concerning Pascal Simbikangwa, 20 December 2012, para. 16.

⁵ *Ex Parte* Annex 2: Affidavit of Witness SGP.

⁶ *Ex Parte* Annex 3: Affidavit of Witness APJ.

⁷ *Ex Parte* Annex 4: Affidavit of Witness AKR.

⁸ *Ex Parte* Annex 5: Affidavit of Witness AKO.

⁹ *Ex Parte* Annex 6: Affidavit of Witness AKP.


¹⁰ *Ex Parte* Annex 7: Affidavit of Witness AKL.

¹¹ *Ex Parte* Annex 8: Affidavit of Witness RDP46.

¹² *Ex Parte* Annex 9: Affidavit of Witness RDP109.

8. The Registrar also notes that in compliance with the request of the Single Judge, the Prosecution has been provided with copies of sealed exhibits D76, D77 and P104, for the purpose of transmission to the French authorities.

Respectfully submitted,


John Hocking
Registrar

Dated this 17th day of January, 2013
At The Hague,
The Netherlands.

¹³ *Ex Parte* Annex 9: Affidavit of Witness RDP109.

¹⁴ *Ex Parte* Annex 1: Death Certificate of AKK.



TRANSMISSION SHEET / FICHE DE TRANSMISSION
FOR FILING OF DOCUMENTS WITH THE ARUSHA BRANCH OF
THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS /
POUR LE DÉPÔT DE DOCUMENTS À LA DIVISION D'ARUSHA DU
MECANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ A:	MICT Registry/ Greffe du MTPI		
From/ De:	<input type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Prosecution/ Bureau du Procureur
	<input checked="" type="checkbox"/> Other/ Autre : Registry		
Case Name/ Affaire:	Zigiranyirazo	Case Number/ Affaire No:	MICT-12-27
Date Created/ Daté du:	17 January 2013	Date transmitted/ Transmis le:	17 January 2013
No. of Pages/ No de pages:	3	Original Language / Langue de l'original:	<input checked="" type="checkbox"/> English/ Anglais <input type="checkbox"/> French/ Français <input type="checkbox"/> Kinyarwanda
Title of Document/ Titre du document:	Registrar's Submission in Respect of the "Intermediary Order in Respect to the Request for Access to Materials Concerning Pascal Simbikangwa"		
Classification Level/ Catégories de classement:	<input type="checkbox"/> Unclassified/ Non classé <input type="checkbox"/> Strictly Confidential/ Strictement confidentiel <input checked="" type="checkbox"/> Confidential/ 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		
Document type/ Type de document:	<input type="checkbox"/> Indictment/ Acte d'accusation <input 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 checked="" 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 type="checkbox"/> Translation not required/ La traduction n'est pas requise		
<input checked="" 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 checked="" 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 :		
Original/ Original en	<input type="checkbox"/> English/ Anglais <input type="checkbox"/> French/ Français <input type="checkbox"/> Kinyarwanda	
Translation/ Traduction en	<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
 Veuillez soumettre cette fiche pour le dépôt des documents à: JudicialFilingsArusha@un.org