



ICTR-01-69-A  
06-07-2010  
(69/A - 66/A)

International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda

69/A

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IN THE APPEALS CHAMBER

Before: Judge Liu Daqun, *Presiding*  
Judge Mehmet Güney  
Judge Andréia Vaz  
Judge Theodor Meron  
Judge Carmel Agius

Registrar: Mr. Adama Dieng

Date of filing: 2 July 2010

THE PROSECUTOR

v.

HORMIDAS NSENGIMANA

Case No. ICTR-01-69-T

2010 JUL -6 A 3:23  
JUDICIAL RECORDS/ARCHIVES  
RECEIVED

***Prosecutor's Submissions and Request  
Regarding Order to File a Public Redacted Version of  
"PROSECUTOR'S APPELLANT'S BRIEF  
[Rule 77 of the Rules of Procedure and Evidence]"***

Office of the Prosecutor  
Hassan Bubacar Jallow  
Deborah Wilkinson  
Abdoulaye Seye

Counsel for Hormidas Nsengimana  
Emmanuel Altit  
David Hooper

Interested parties  
Rémi Mazas  
Léonard Safari

## Nature of this filing and Submissions

1. The Appeals Chamber has ordered, in its *Decision on Registrar's Submission Pursuant to Rule 33(B)*, “the Prosecution to file a public redacted version of its Appellant’s Brief or to indicate that there is no basis for maintaining the confidentiality thereof, within 10 days of the filing of this decision”.<sup>1</sup> It further ordered the Prosecution to “clearly mark the redactions in the text of the public version of its Appellant’s brief or to file a confidential annex thereto identifying all redactions paragraph by paragraph.”<sup>2</sup>

2. Firstly, the Prosecution inadvertently missed the deadline to comply with this Appeals Chamber’s order and apologizes for this delayed filing.

3. Secondly, the Prosecution had filed its Appellant’s Brief confidentially because the decision under appeal was issued on a confidential basis.<sup>3</sup> Several portions of the Impugned Decision are quoted or referred to in the Appellant’s Brief, in particular at paragraphs 17, 22, 34, 36, 37, 54 and 56.

4. Nevertheless, the Prosecution is of the opinion that only the quote at paragraph 37 and the reference at paragraph 56 of the Appellant’s Brief contain information that should be redacted to protect the identity of protected witnesses. The Prosecution therefore proposes to only redact any references to the African Rights Report dated 14 November 2001. The other excerpts from the Impugned Decision either relate to the applicable law and procedure for the initiation of contempt proceedings or do not disclose any information that may be in breach of the witness protection orders in the *Nsengimana* case.

## Relief sought

5. The Prosecution therefore requests the Appeals Chamber to authorize that the quotes or references to the Impugned Decision, at paragraphs 17, 22, 34, 36 and 54 be included, unredacted, in the public version of his Appellant’s Brief since there are no exceptional

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<sup>1</sup> *Re: Léonard Safari and Rémi Mazas - Decision on Registrar's Submission Pursuant to Rule 33(B)*, 1 June 2010, p. 4.

<sup>2</sup> *Idem*, p. 4 [emphasis added]

<sup>3</sup> See *Confidential Decision on Prosecution and Defence Requests Concerning Improper Contact with Prosecution Witnesses* [“Impugned Decision”].

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reasons for keeping them confidential.

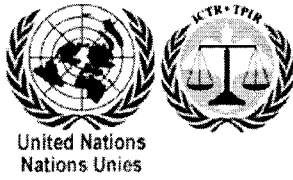
**ALL OF WHICH IS RESPECTFULLY SUBMITTED**

**DATED** at Arusha, Tanzania, 6 July 2010

**WORDS COUNT: 360**

Abdoulaye Seye  
*Appeals Counsel*





# 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 checked="" type="checkbox"/> Trial Chamber I N. M. Diallo		<input type="checkbox"/> Trial Chamber II R. N. Kouambo		<input type="checkbox"/> Trial Chamber III C. K. Hometowu	
	<input type="checkbox"/> OIC, JLSJ P. Besnier		<input type="checkbox"/> OIC, JPU C. K. Hometowu		<input checked="" type="checkbox"/> Appeals Chamber / The Hague K. K. A. Afande R. Muzigo-Morrison	
<b>From:</b>	<input type="checkbox"/> Chamber (names)		<input type="checkbox"/> Defence (names)		<input checked="" type="checkbox"/> Prosecutor's Office A. Seye (names) <i>A. Seye</i>	
<b>Case Name:</b>	The Prosecutor vs. Hormidas Nsengimana				<b>Case Number:</b> ICTR-01-69-T	
<b>Dates:</b>	Transmitted: 6 March 2010			Document's date: 6 March 2010		
<b>No. of Pages:</b>	3		<b>Original Language:</b> <input checked="" type="checkbox"/> English <input checked="" type="checkbox"/> French <input type="checkbox"/> Kinyarwanda			
<b>Title of Document:</b>	Prosecutor's Submissions and Request Regarding Order to File a Public Redacted Version of "PROSECUTOR'S APPELLANT'S BRIEF [Rule 77 of the Rules of Procedure and Evidence]"					
<b>Classification Level:</b>			<b>TRIM Document Type:</b>			
<input type="checkbox"/> Ex Parte			<input type="checkbox"/> Indictment			
<input type="checkbox"/> Strictly Confidential / Under Seal			<input type="checkbox"/> Decision			
<input type="checkbox"/> Confidential			<input type="checkbox"/> Disclosure			
<input checked="" type="checkbox"/> Public			<input type="checkbox"/> Judgement			
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			<input type="checkbox"/> Submission from non-parties			
			<input checked="" type="checkbox"/> Submission from parties			
			<input type="checkbox"/> Accused particulars			

### II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

**CMS SHALL take necessary action regarding translation.**

Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English  French  Kinyarwanda

**CMS SHALL NOT take any action regarding translation.**

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

**CMS SHALL NOT take any action regarding translation.**

Filing Party will be submitting the translated version(s) in due course in the following language(s):

English  French  Kinyarwanda

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### 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: