



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

136/H

ICTR-01-69-A;  
ICTR-10-92  
16<sup>th</sup> December 2010  
{136/H - 134/H}

**IN THE APPEALS CHAMBER**

Before: Judge Liu Daqun, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Order of: 16 December 2010

ICTR Appeals Chamber

Date: 16<sup>th</sup> December 2010

Action: R. Juma

Copied To: Judges, SLOs, UOs,  
ACOs, Porters, ICMS, LS

**THE PROSECUTOR**

v.

**Hormisdas NSENGIMANA**

Case Nos. ICTR-01-69-A  
ICTR-2010-92

*PUBLIC*

*Re: Léonard Safari and Rémi Mazas*

**ORDER LIFTING THE CONFIDENTIAL STATUS OF SAFARI'S  
RESPONDENT'S BRIEF**

Office of the Prosecutor  
Hassan Bubacar Jallow  
Deborah Wilkinson  
Abdouleye Seye

Counsel for Hormisdas Nsengimana  
Emmanuel Altit  
David Hooper

Interested Parties

Rémi Mazas  
Léonard Safari  
Philippe Moriceau  
Andreas O'Shea

**International Criminal Tribunal for Rwanda**  
**Tribunal pénal international pour le Rwanda**

CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
COPIE CERTIFIÉE CONFORMÉMENT À L'ORIGINAL PAR NOUS

NAME / NOM: KOFFI KUMEKO A. AFANDE

SIGNATURE: DATE: 16 Dec 2010

I, LIU DAQUN, Judge of the Appeals Chamber of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994 (“Tribunal”) and Pre-Appeal Judge in this case,<sup>1</sup>

**BEING SEISED OF** the appeal filed by the Prosecution against the “Confidential Decision on Prosecution and Defence Requests Concerning Improper Contact with Prosecution Witnesses” issued confidentially by Trial Chamber I of the Tribunal on 18 January 2010;<sup>2</sup>

**RECALLING** that on 19 April 2010, the Appeals Chamber permitted Léonard Safari and Rémi Mazas to file a response to the Prosecution Appellant’s Brief on an exceptional basis;<sup>3</sup>

**NOTING** the “*M[é]moire d’Appel: Léonard Safari*” filed confidentially by Counsel on behalf of Mr. Safari on 24 June 2010 (“Safari’s Respondent’s Brief”);

**CONSIDERING** that all submissions filed before the Tribunal shall be public unless there are exceptional reasons for keeping them confidential;<sup>4</sup>

**FINDING** that no exceptional reasons exist to justify the confidential status of Safari’s Respondent’s Brief;

**FOR THE FOREGOING REASONS**, hereby

**DIRECT** the Registrar of the Tribunal to lift the confidential status of Safari’s Respondent’s Brief.

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<sup>1</sup> Order Designating the Pre-Appeal Judge, 11 December 2009.

<sup>2</sup> Prosecutor’s Notice of Appeal, 2 February 2010; Prosecutor’s Appellant’s Brief, 17 February 2010 (confidential); Public Redacted Version of Prosecutor’s Appellant’s Brief, 30 November 2010 (“Prosecution Appellant’s Brief”).

<sup>3</sup> Decision on Submissions by the Defence Team of Hormisdas Nsengimana, 19 April 2010, paras. 6, Disposition. Cf. Decision on Registrar’s Submission Pursuant to Rule 33(B), 1 June 2010, para. 11, Disposition.

<sup>4</sup> Cf. Rule 78 of the Tribunal’s Rules of Procedure and Evidence. See also *The Prosecutor v. Tharcisse Renzaho*, Case No. ICTR-97-31-A, Decision on Tharcisse Renzaho’s Appellant’s Brief, 16 March 2010, para. 4; *Ferdinand Nahimana et al. v. The Prosecutor*, Case No. ICTR-99-52-A, Order to Appellant Hassan Ngeze to File Public Versions of his Notice of Appeal and Appellant’s Brief, 30 August 2007, p. 2.

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

Dated this sixteenth day of December 2010,  
At The Hague,  
The Netherlands.



[Seal of the Tribunal]

A handwritten signature in black ink, appearing to read "Liu Daqun", written over a horizontal line.

Judge Liu Daqun.  
Pre-Appeal Judge