



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-00-61-A
4 November 2011
536/H – 535/H

IN THE APPEALS CHAMBER

Before: Judge Liu Daqun, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Decision of: 4 November 2011

ICTR Appeals Chamber

Date: 04 November 2011

Action: K. K. A. A.

Copied To: Concerned Judges,
SCJ, LS, ALD, CMS,

LSS, Parties

JEAN-BAPTISTE GATETE

v.

THE PROSECUTOR

Case No. ICTR-00-61-A

**DECISION ON PROSECUTION'S MOTION ON THE CONFIDENTIAL
FILING OF GATETE'S APPELLANT'S BRIEF**

Counsel for Jean-Baptiste Gatete

Ms. Marie-Pierre Poulain

Office of the Prosecutor

Mr. Hassan Bubacar Jallow

Mr. James J. Arguin

Ms. Inneke Onsea

Ms. Priyadarshini Narayanan

<p>International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda</p> <p>CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR MOI</p> <p>NAME / NOM: <u>KRIZELI KUMELIRO A. AFANDE</u></p> <p>SIGNATURE: <u>[Signature]</u> DATE: <u>04 Nov. 2011</u></p>

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;¹

NOTING the "Judgement and Sentence" pronounced in this case by Trial Chamber III of the Tribunal on 29 March 2011 and issued in writing on 31 March 2011;²

NOTING the Amended Notice of Appeal filed by Jean-Baptiste Gatete ("Gatete") on 25 October 2011;

NOTING the Appellant's Brief filed confidentially by Gatete on 31 October 2011;

BEING SEISED OF the "Prosecution's Motion on the Confidential Filing of Gatete's Appellant's Brief" filed on 2 November 2011 ("Motion"), in which the Prosecution requests the Appeals Chamber to order Gatete to file a public redacted version of his Appellant's Brief or to indicate that the confidentiality of the Appellant's Brief can be lifted if there is no basis for maintaining it;³

NOTING that, on 2 November 2011, Gatete filed a public version of his Appellant's Brief;

FINDING, therefore, that the Motion is moot;

HEREBY DISMISS the Motion in its entirety.

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

Done this fourth day of November 2011,
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

¹ Order Assigning a Pre-Appeal Judge, 11 May 2011.

² T. 29 March 2011 pp. 1-10; *The Prosecutor v. Jean-Baptiste Gatete*, Case No. ICTR-00-61-T, Judgement and Sentence, 31 March 2011.

³ See Motion, para. 4.