



Mechanism for International Criminal Tribunals

Case No.: MICT-15-90

Date: 6 April 2016

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Joseph E. Chiondo Masanche

Registrar: Mr. John Hocking

Decision of: 6 April 2016

PROSECUTOR

v.

JOSEPH KANYABASHI

PUBLIC

DECISION ON THE REGISTRAR'S REQUEST FOR A
DETERMINATION OF SECURITY CLASSIFICATION

Received by the Registry
Mechanism for International Criminal Tribunals

06/04/2016 12:07

A handwritten signature in black ink, appearing to be 'A. C.', written over a rectangular stamp box.

I. JOSEPH E. CHIONDO MASANCHE, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case:¹

BEING SEISED OF a confidential and *ex parte* application filed on 17 March 2016 by the Registrar, in which he requests a judicial determination of the security classification of a *Pro Justitia* statement dated 1 March 1996 and filed in the case of *The Prosecutor v. Joseph Kanyabashi*, Case No. ICTR-96-15, before the International Criminal Tribunal for Rwanda (“*Pro Justitia* Statement” and “ICTR”, respectively);²

NOTING that the Registrar has received a request for access to the *Pro Justitia* Statement and that the Mechanism Archives and Records Section is unable to determine its security classification;³

NOTING that the Witness Support and Protection Unit has reviewed the *Pro Justitia* Statement and determined that it does not implicate witness protection concerns;⁴

NOTING that the Registry has not indicated that it located the *Pro Justitia* Statement in a filing with a security classification other than public;

OBSERVING that no marking on the *Pro Justitia* Statement suggests that it was filed with a security classification other than public;

CONSIDERING that the content of the *Pro Justitia* Statement concerns publicly given speeches⁵ and that English translations of these speeches were entered as public exhibits in cases before the ICTR;⁶

NOTING that the Request only seeks a judicial order determining the classification of the *Pro Justitia* Statement and does not seek to rescind, vary, or augment protective measures in effect;

RECALLING that the Secretary General’s bulletin ST/SGB/2012/3 provides that “[t]he authority to determine the security classification levels of judicial records lies with the Chambers or the President of the Criminal Tribunal that has competence”;⁷

¹ Order Assigning a Single Judge to Consider an Application, 23 March 2016 (confidential and *ex parte*).

² Registrar’s Submission Requesting Review to Determine Appropriate Classification, 17 March 2016 (confidential and *ex parte*) (“Request”), paras. 1, 7.

³ Request, paras. 2, 3. See Request, Annex 3.

⁴ Request, para. 6.


⁵ The *Pro Justitia* Statement states that it contains transcriptions and translations of speeches given by “Sindikubwabo, de Jean Kambanda, et de Kanyabashi Joseph, tenus à Butare en date due 19.04.1994” and includes Kinyarwanda transcriptions of the “discours” given by Sindikubwabo, Kambanda, and Kanyabashi, as well as a French translation of Kanyabashi’s speech. See Request, Annex 2, RP, 29-21.

PURSUANT TO Rule 55 of the Rules of Procedure and Evidence of the Mechanism:

HEREBY DETERMINE that the security classification of the *Pro Justitia* Statement is public.

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

Done this 6th day of April 2016,
At Arusha,
Tanzania.


Judge Joseph E. Chiondo Masanche
Single Judge

[Seal of the Mechanism]



⁶ For translations of Kanyabashi's and Kambanda's speeches, see, e.g., *The Prosecutor v. Pauline Nyiramasuhuko et al.*, Case No. ICTR-98-42-T, Prosecution Exhibit 149C and Defence Exhibit D573B. For a translation of Sindikubwabo's speech, see, e.g., *The Prosecutor v. Casimir Bizimungu et al.*, Case No. ICTR-99-50-T, Defence Exhibit 2D60.

⁷ International Criminal Tribunals: information sensitivity, classification, handling and access, U.N. Doc. ST/SGB/2012/3, 20 July 2012, para. 3.2.



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE
MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

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From/ De :	<input checked="" type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Prosecution/ Bureau du Procureur <input type="checkbox"/> Other/ Autre :
Case Name/ Affaire :	Prosecutor v. Joseph Kanyabashi		Case Number/ Affaire n° : MICT-15-90
Date Created/ Daté du :	6 April 2016	Date transmitted/ Transmis le : 6 April 2016	No. of Pages/ Nombre de pages : 3
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :
Title of Document/ Titre du document :	DECISION ON THE REGISTRAR'S REQUEST FOR A DETERMINATION OF SECURITY CLASSIFICATION		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ Non classifié	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu
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