

UNITED
NATIONS



Mechanism for International Criminal Tribunals

Case No.: MICT-13-33

Date: 24 April 2017

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Aminatta Lois Runeni N'gum
Registrar: Mr. Olufemi Elias
Decision of: 24 April 2017

PROSECUTOR

v.

JEAN DE DIEU KAMUHANDA

PUBLIC

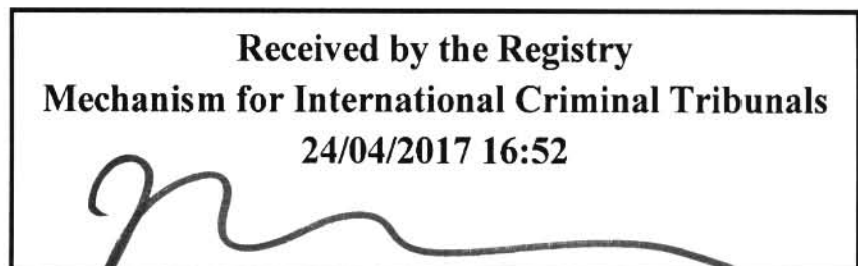
**DECISION ON THE REGISTRAR'S REQUEST
TO REDACT A TRANSCRIPT**

The Office of the Prosecutor:

Mr. Serge Brammertz
Mr. Richard Karegyesa

Counsel for Jean de Dieu Kamuhanda:

Mr. Peter Robinson



I, AMINATTA LOIS RUNENI N’GUM, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

BEING SEISED OF the “Registrar’s Request Pursuant to the Decision of 24 February 2017”, filed confidentially on 10 April 2017 (“Request”), in which the Registrar requests a public judicial order to redact information in Witness ALM’s transcript that could identify another protected witness;²

RECALLING that, on 24 February 2017, I granted Mr. Jean de Dieu Kamuhanda’s request to rescind protective measures granted by the International Criminal Tribunal for Rwanda in the case of *The Prosecutor v. Jean de Dieu Kamuhanda*, Case No. ICTR-99-54 (“Kamuhanda Case”) to Witness ALM;³

RECALLING FURTHER that, in the Decision of 24 February 2017, I instructed the Registrar, *inter alia*, to: (i) review the transcripts of Witness ALM’s closed session testimony in the Kamuhanda Case to determine whether there is any information related to other protected witnesses that must be redacted; and (ii) lift the confidentiality of Witness ALM’s closed session testimony in so far as it does not contain information related to other protected witnesses and reclassify the transcripts as public;⁴

NOTING the Registrar’s submission that Witness ALM’s open session transcripts of 4 and 5 September 2002 contain information that, when read together with documents revealing Witness ALM’s identity, could disclose the identity of another protected witness;⁵

CONSIDERING that, under Rule 86(A) of the Rules of Procedure and Evidence of the Mechanism (“Rules”), a Single Judge may order appropriate measures for the privacy and protection of victims and witnesses, provided that the measures are consistent with the rights of the accused;⁶

CONSIDERING that the Request does not seek to rescind, vary, or augment protective measures in effect, but rather seeks to ensure their full implementation;

FINDING that the requested redactions are necessary to ensure the full implementation of protective measures in effect and that they do not infringe on Kamuhanda’s rights;

¹ See Order Assigning a Single Judge to Consider an Application pursuant to Rule 86(H), 15 March 2016.

² Request, paras. 5, 6, 8, 9.

³ Decision on a Motion to Rescind Witness ALM’S Protective Measures, 24 February 2017 (“Decision of 24 February 2017”), p. 5. See also Motion to Rescind Protective Measures for Defence Witness ALM, 5 March 2016, paras. 8, 9; *The Prosecutor v. Jean de Dieu Kamuhanda*, Case No. ICTR-99-54-T, Decision on Jean de Dieu Kamuhanda’s Motion for Protective Measures for Defence Witnesses, 22 March 2001.

⁴ Decision of 24 February 2017, p. 5.

⁵ Request, paras. 5, 6.

⁶ See also Rule 2(C) of the Rules.

PURSUANT TO Articles 18(4) and 20 of the Statute of the Mechanism and Rules 55, 86(A) and 92 of the Rules;

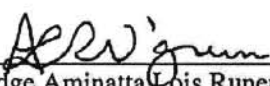
HEREBY GRANT the Request; and

ORDER:

1. the Registry to redact the English and French open session transcripts of Witness ALM's testimony on 4 and 5 September 2002 as proposed in the annexes to the Request;
2. the Registry to file public redacted versions of the open session transcripts of Witness ALM's testimony within fourteen days of the issuance of the present Decision; and
3. that any person or organisation, including media organisations, in possession of transcripts of Witness ALM's testimony on 4 and 5 September 2002 in the *Kamuhanda* Case, and any translations thereof, whether in whole or in part, is enjoined from disclosing them to any other person or organisation, and is warned that any disclosure of the information made confidential by virtue of this Decision, as reflected in the Registry's redactions, may result in proceedings for contempt by the Mechanism against the disclosing person(s) or organisation(s).

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

Done this twenty-fourth day of April 2017,
At Arusha,
Tanzania



Judge Aminatta Lois Runeni N'gum
Single Judge

[Seal of the Mechanism]





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

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	MICT Registry/ Greffe du MPTI	<input checked="" type="checkbox"/> Arusha/ Arusha	<input type="checkbox"/> The Hague/ La Haye
From/ De :	<input checked="" type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Prosecution/ Bureau du Procureur
Case Name/ Affaire :	Prosecutor v. Jean de Dieu Kamuhanda	Case Number/ Affaire n° :	MICT-13-33
Date Created/ Daté du :	24 April 2017	Date transmitted/ Transmis le :	24 April 2017
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 :	Decision on the Registrar's Request to Redact a Transcript		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ Non classifié	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<input type="checkbox"/> Other/Autre (specify/préciser) :
Document type/ Type de document :	<input type="checkbox"/> Motion/ Requête	<input type="checkbox"/> Submission from parties/ Écritures déposées par des parties	<input type="checkbox"/> Indictment/ Acte d'accusation
	<input checked="" type="checkbox"/> Decision/ Décision	<input type="checkbox"/> Submission from non-parties/ Écritures déposées par des tiers	<input type="checkbox"/> Warrant/ Mandat
	<input type="checkbox"/> Order/ Ordonnance	<input type="checkbox"/> Book of Authorities/ Recueil de sources	<input type="checkbox"/> Notice of Appeal/ Acte d'appel
	<input type="checkbox"/> Judgement/ Jugement/Arrêt	<input type="checkbox"/> Affidavit/ Déclaration sous serment	

II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT 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 Word est jointe)					
<input type="checkbox"/> English/ Anglais	<input checked="" type="checkbox"/> French/ Français	<input checked="" type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :	
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :					
Original/ Original en	<input 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) :
Translation/ Traduction en	<input 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) :
<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(s) sous peu, dans la (les) langue(s) suivante(s) :					
<input 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) :	

Send completed transmission sheet to/ Veuillez soumettre cette fiche dûment remplie à :
JudicialFilingsArusha@un.org OR/OU JudicialFilingsHague@un.org

Rev: April 2014/Rév. : Avril 2014