

UNITED  
NATIONS



Mechanism for International Criminal Tribunals

Case No.: MICT-13-36-R

Date: 27 November 2017

Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding

Registrar: Mr. Olufemi Elias

Order of: 27 November 2017

PROSECUTOR

v.

LAURENT SEMANZA

*PUBLIC*

ORDER ON A PROSECUTION REQUEST FOR  
RECLASSIFICATION OF A FILING

The Office of the Prosecutor:

Mr. Serge Brammertz  
Ms. Veronic Wright  
Ms. Thembile Segoete  
Ms. Sunkarie Ballah-Conteh

Counsel for Mr. Laurent Semanza:

Mr. Luciano Terreri Mendonça Junior

Received by the Registry  
Mechanism for International Criminal Tribunals  
27/11/2017 16:58

*Huwaipopo*

I, THEODOR MERON, Judge of the Appeals Chamber of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Presiding Judge in this case;<sup>1</sup>

NOTING the Trial Judgement rendered by Trial Chamber III of the International Criminal Tribunal for Rwanda (“ICTR”) on 15 May 2003 in the case of *The Prosecutor v. Laurent Semanza*, Case No. ICTR-97-20 (“*Semanza* case”);<sup>2</sup>

NOTING the Appeal Judgement rendered by the Appeals Chamber of the ICTR on 20 May 2005 in the *Semanza* case;<sup>3</sup>

NOTING the “Request for Review” filed by Mr. Laurent Semanza on 9 October 2017, in which he requests review of the Appeal Judgement,<sup>4</sup> and the Prosecution’s response to the Request for Review, filed on 20 November 2017;<sup>5</sup>

BEING SEISED OF the “Prosecution’s Request for Reclassification of Laurent Semanza’s Request for Review”, filed confidentially on 20 November 2017, in which the Prosecution requests that the Request for Review be reclassified as confidential as it contains information that may reveal the identity of a protected witness in violation of protective measures issued by the ICTR that remain in effect;<sup>6</sup>

CONSIDERING that Rule 86(A) of the Rules provides that a Chamber<sup>7</sup> “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”;

CONSIDERING that the Request for Review contains information which may reveal the identity of a protected witness in violation of protective measures issued by the ICTR that remain in effect;<sup>8</sup>

CONSIDERING FURTHER that the protection of witnesses and victims is of the utmost importance to the proper functioning of the Mechanism,<sup>9</sup> and that, in this instance, it is not necessary to wait for a response from Mr. Semanza;<sup>10</sup>

<sup>1</sup> Order Assigning Judges to a Case Before the Appeals Chamber, 13 October 2017, p. 1. In accordance with Rule 86(K) of the Rules of Procedure and Evidence of the Mechanism (“Rules”), an application to a Chamber to rescind, vary, or augment protective measures in respect of a victim or witness may be dealt with either by the Chamber or by a Judge of that Chamber.

<sup>2</sup> *The Prosecutor v. Laurent Semanza*, Case No. ICTR-97-20-T, Judgement and Sentence, 15 May 2003.

<sup>3</sup> *Laurent Semanza v. The Prosecutor*, Case No. ICTR-97-20-A, Judgement, 20 May 2005 (“Appeal Judgement”).

<sup>4</sup> Request for Review, 9 October 2017 (“Request for Review”), paras. 1, 95.

<sup>5</sup> Prosecution Response to Request for Review, 20 November 2017.

<sup>6</sup> Prosecution’s Request for Reclassification of Laurent Semanza’s Request for Review, 20 November 2017, paras. 2-5.

<sup>7</sup> See *supra* n. 1.

<sup>8</sup> *The Prosecutor v. Laurent Semanza*, Case No. ICTR-97-20-I, Decision on the Prosecution Motion for the Protection of Witnesses, 10 December 1998, p. 3.

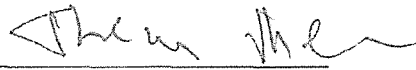
PURSUANT TO Article 20 of the Statute of the Mechanism and Rules 55, 86, and 131 of the Rules;

HEREBY ORDER:

- (i) the Registry to reclassify the Request for Review as confidential;
- (ii) Mr. Semanza to re-file a public redacted version of the Request for Review as soon as practicable after having redacted any confidential information; and
- (iii) that any person or organization, including media organizations, in possession of the Request for Review, whether in whole or in part, is hereby enjoined from disclosing it to any other person or organization as of the filing date of this Order and is warned that any such disclosure may result in proceedings for contempt against the disclosing person(s) or organization(s).

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

Done this 27th day of November 2017,  
At Arusha,  
Tanzania

  
Judge Theodor Meron, Presiding

[Seal of the Mechanism]



<sup>9</sup> See *Prosecutor v. Jean-Paul Akayesu*, Case No. MICT-13-30, Order on the Registrar's Rule 31(B) Submission of 28 April 2016, 2 June 2016, p. 2; *Prosecutor v. Slobodan Milošević*, Case No. MICT-13-58, Decision on a Motion for a Public Redacted Version of the 27 January 2010 Decision on Application of the Prosecutor of the Tribunal for Variation of Protective Measures, 11 May 2016, p. 2; *Prosecutor v. Jean de Dieu Kamuhanda*, Case No. MICT-13-33, Decision on a Motion for a Public Redacted Version of the 27 January 2010 Decision on Application of the Prosecutor of the Tribunal for Variation of Protective Measures, 11 May 2016, p. 2; *Prosecutor v. Dragoljub Kunarac et al.*, Case Nos. MICT-15-88-R86H.1/MICT-15-88-R86H.2, Decision on Prosecution Requests for a Public Redacted Version of a Decision on Applications Pursuant to Rule 86(H), 9 February 2016, p. 1. See also Article 5 of the Transitional Arrangements of the Mechanism, U.N. Security Council Resolution 1966, U.N. Doc. S/Res/1966, 22 December 2010, Annex 2.

<sup>10</sup> In view of the urgency of the issue and the minimal prejudice, if any, to Mr. Semanza resulting from the disposition, I am issuing this Order without awaiting a response.



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<b>Date Created/ Daté du :</b>	27 November 2017	<b>Date transmitted/ Transmis le :</b>	27 November 2017
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Rev: April 2014/Rév. : Avril 2014