

UNITED
NATIONS

MICT-12-25-R14.1
23-09-2015
(1849 - 1847)

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Mechanism for International Criminal Tribunals

Case No. MICT-12-25-R14.1

Date: 23 September 2015

Original: English

THE TRIAL CHAMBER

Before: Judge Vagn Joensen, Pre-Trial Judge

Registrar: Mr. John Hocking

Decision of: 23 September 2015

PROSECUTOR

v.

JEAN UWINKINDI

PUBLIC

**DECISION ON JEAN UWINKINDI'S REQUEST FOR THE
CLASSIFICATION OF A FILING AS CONFIDENTIAL**

The Office of the Prosecutor:

Hassan Bubacar Jallow

Counsel for Jean Uwinkindi

Gatera Gashabana

Received by the Registry
Mechanism for International Criminal Tribunals

23/09/2015 14:26

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I, VAGN JOENSEN, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Pre-Trial Judge in this case;¹

NOTING the “*Mémoire a l’appui de la requête d’Uwinkindi Jean en annulation de l’ordonnance de renvoi*”, filed in French by Counsel for Mr. Uwinkindi on 5 August 2015, and the “Prosecution Brief Responding to Uwinkindi’s Revocation Request”, filed in English on 4 September 2015;

NOTING the “*Réplique de la Défense a la réponse du Procureur*”, filed publicly with annexes by Mr. Uwinkindi on 18 September 2015;

NOTING the “*Annexe 24: Correspondances du 22 Mai, 06 Août 2013, 19 Août 2013, 06/9/2013, 17/09/2013, 13/11/2013, 26/12/2013 adressées au Ministère de la Justice par les Conseils de la Défense, rappelant le Ministère de la Justice la nécessité de régler le problème des témoins à charge jusque la irrésolue*”, filed by Mr. Uwinkindi on 18 September 2015 (“Annex 24”);

BEING SEISED OF the “*Requête tendant à solliciter a ce que la pièce intitulée ‘Correspondances du 22 mai, 6 août, 19 août, 17 septembre, 13 novembre et 26 septembre 2013 adressées au Ministère de la Justice par les Conseils de la Défense, rappelant l’impérieuse nécessité de régler les problèmes des témoins à décharge jusque la irrésolue’ soit réputée confidentielle*”, filed by Mr. Uwinkindi on 22 September 2015 (“Motion”), in which he asserts that Annex 24 contains a list of witnesses who were granted protective measures by the High Court of Rwanda and, therefore, requests that the Trial Chamber order that Annex 24 be classified as confidential;²

NOTING that the Prosecution has not yet filed a response to the Motion;³

NOTING that Annex 24 was filed confidentially by the Registry after consultations with Mr. Uwinkindi’s Counsel;

CONSIDERING, therefore, that no judicial authorization is required in relation to the classification of Annex 24 as confidential;⁴

FOR THE FOREGOING REASONS,

DENY the Motion as moot.

¹ Order Assigning a Pre-Trial Judge, 21 May 2015.

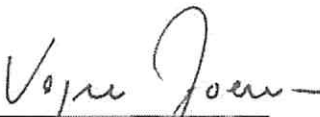
² Motion, paras. 1-3, 6, 7, 9.

³ I am satisfied that ruling on the Motion without awaiting the response of the Prosecution will not cause any prejudice to the Prosecution.

⁴ See Practice Direction on Filings Made Before the Mechanism for International Criminal Tribunals, MICT/7/Rev.1, 16 February 2015, Article 13.

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

Done this 23rd day of September 2015,
At Arusha,
Tanzania


Judge Vagn Joensen
Pre-Trial Judge

[Seal of the Mechanism]

