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24/07/2012  
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ICTR-95-1  
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International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda



OFFICE OF THE PRESIDENT

Before: Judge Vagn Joensen, *President*  
Registrar: Adama Dieng  
Date: 14 March 2012

JUR: ENG  
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THE PROSECUTOR v.

Elizaphan and Gérard NTAKIRUTIMANA, Cases No. ICTR-96-10 and ICTR-96-17

Alfred MUSEMA, Case No. ICTR-96-13

Clément KAYISHEMA et al., Case No. ICTR-95-1

Yussuf MUNYAKAZI, Case No. ICTR-97-36A

Ignace BAGILISHEMA, Case No. ICTR-95-1A

Édouard KAREMERA et al., Case No. ICTR-98-44

Mika MUHIMANA, Case No. ICTR-95-1B

Siméon NCHAMIHIGO, Case No. ICTR-01-63

Aloys NDIMBATI, Case No. ICTR-95-1 ✓

Emmanuel NDINDABAHIZI, Case. No. ICTR-01-71

Charles SIKUBWABO, Case No. ICTR-95-1D

Pauline NYIRAMASUHUKO et al., Case No. ICTR-98-42

Eliézer NIYITIGEKA, Case No. ICTR-96-14

Casimir BIZIMUNGU et al., Case No. ICTR-99-50

Augustin NDINDILYIMANA et al., Case No. ICTR-00-56

Received by the Registry  
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Tribunal pénal international pour le Rwanda  
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DESIGNATION OF A JUDGE TO CONSIDER JACQUES MUNGWARERE'S MOTIONS  
FOR ACCESS TO MATERIAL and NOTICE UNDER RULE 67 (D)

Office of the Prosecutor:

Hassan Bubacar Jallow  
James J. Arguin  
George W. Mugwanya  
William M. Mubiru  
Luisana Durubaya

Counsel for Jacques Mungwarere, accused  
before the jurisdictions of Canada:

Philippe Larochelle  
Christian Deslauriers  
Marc Nerenberg

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1. On 17 August 2011, Jacques Mungwarere, who is prosecuted before the Canadian jurisdictions for crimes against humanity and genocide for events allegedly committed in Rwanda during the 1994 Genocide, filed a motion for access to materials in the *Ntakirutimana* case.<sup>1</sup>
2. On 1 and 5 March 2012, Mungwarere filed two new motions requesting material in fifteen cases and for notice pursuant to Rule 67 (D) of the Rules of Procedure and Evidence.<sup>2</sup>
3. I recall that according to Part X of the Directive for the Registry of the International Criminal Tribunal for Rwanda, Mungwarere has access to the public archives of the Tribunal through the Public Judicial Records Database on the Tribunal's homepage, [www.ictt.org](http://www.ictt.org). If particular public documents are not directly available from the public website, he may request the Tribunal's Court Management Section to transmit them to him.
4. Access to confidential materials requires a variation or rescission of the protective measures in force for the particular witnesses.
5. Where a Chamber is still seized of the proceedings in which the protective measures were ordered the request for access must be decided by that Chamber.<sup>3</sup> The *Nyiramasuhuko et al.* case, the *Bizimungu et al.* case, the *Ndindiliyimana et al.* case and the *Karemera et al.* case, are currently pending before the Appeals Chamber. Therefore, Mungwarere must refile his request concerning these four cases before the relevant Appeals Chambers.
6. With respect to the *Niyitigeka, Ntakirutimana et al., Ndindabahizi, Kayishema et al., Bagilishema, Muhimana, Ndimbati, Sikubwabo, Musema, Munyakazi, and Nchamihigo* cases, no Chamber is seized of the proceedings during which the protective measures were ordered.

<sup>1</sup> Mungwarere's Motion for Access to Material, filed on 17 August 2011.

<sup>2</sup> Jacques Mungwarere's Urgent Motion for Access to Material, dated 29 February 2012 and filed on 1 March 2012; Jacques Mungwarere's Second Urgent Motion for Access to Material and Notice under Rule 67(D), filed on 5 March 2012.

<sup>3</sup> See Rule 75(G) (ii).

*The Prosecutor v. Elizaphan and Gérard Ntakirutimana*, Cases No. ICTR-96-10 and ICTR-96-17, *Alfred Musema*, Case No. ICTR-96-13, *Clément Kayishema et al.*, Case No. ICTR-95-1, *Yussuf Munyakazi*, Case No. ICTR-97-36A, *Ignace Bagilishema*, Case No. ICTR-95-1A, *Édouard Karemera et al.*, Case No. ICTR-98-44, *Mika Muhimana*, Case No. ICTR-95-1B, *Siméon Nchamihigo*, Case No. ICTR-01-61, *Alays Ndimbari*, Case No. ICTR-95-1, *Emmanuel Ndidababizi*, Case No. ICTR-01-71, *Charles Ntawuzuzi*, Case No. ICTR-95-1D, *Pauline Nyiramasuhuko et al.*, Case No. ICTR-98-42, *Idiozer Niyitigeka*, Case No. ICTR-96-14, *Casimir Bizimungu et al.*, Case No. ICTR-99-33, *Augustin Ndindiliyimana et al.*, Case No. ICTR-00-56

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