

MICT-12-25-R14.1
11-08-2015
(1005 - 1004)

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UNITED
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Mechanism for International Criminal Tribunals

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

Date: 11 August 2015

Original: English

THE TRIAL CHAMBER

Before: Judge Vagn Joensen, presiding
Judge William Hussein Sekule
Judge Florence Rita Arrey

Registrar: Mr. John Hocking

PROSECUTOR

v.

JEAN UWINKINDI

PUBLIC

**MOTION TO RECLASSIFY UWINKINDI BRIEF
AS PUBLIC**

Office of the Prosecutor:
Hassan Bubacar Jallow
James J. Arguin
François Nsanzuwera

Counsel for Jean Uwinkindi:
Gashabana Gatera

**Received by the Registry
Mechanism for International Criminal Tribunals
11/08/2015 16:19**

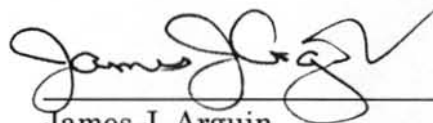
A handwritten signature in black ink, appearing to be a stylized 'M' followed by a long horizontal line.

1. The prosecution requests that the Trial Chamber change the status of Uwinkindi's Brief in support of revoking his case transfer¹ from "confidential" to "unclassified," because that Brief does not contain any confidential information.
2. Proceedings before the Mechanism should be open to ensure their integrity and to secure public respect for the judicial process.² Therefore, all submissions should be filed publicly,³ unless the filed document

contains information that, if disclosed, might cause prejudice, concerns about safety, or serious embarrassment to a party or a witness, or where the very fact of filing might have the same result.⁴
3. Since Uwinkindi's brief does not contain such information, Trial Chamber should order that its security classification be changed from "confidential" to "unclassified."
4. The prosecution asks that this motion be granted.

Word Count: 229

Dated and signed this 11th day of August, 2015, at Arusha, Tanzania.



James J. Arguin
Chief, Appeals and Legal Advisory Division
(Pursuant to the MICT Prosecutor's 26 July
2012 Interim Designation)

¹ *Prosecutor v. Jean Uwinkindi*, case no. MICT-12-25-R14.1, Mémoire à l'appui de la requête d'Uwinkindi Jean en annulation de l'ordonnance de renvoi, 2 August 2015 (Brief).

² *Prosecutor v. Milomir Stakić*, case no. IT-97-24-A, Decision on the Defence Motion for Extension of Time, 26 April 2004, para. 7 (*Stakić* Decision).

³ *Prosecutor v. Augustin Ngirabatware*, case no. MICT-12-29-A, Decision on Requests for Re-classification, 22 August 2013, p. 1. See Statute of the International Residual Mechanism for Criminal Tribunals, S/RES/1966 (2010), Article 18(4); Rules of Procedure and Evidence, Mechanism for International Criminal Tribunals, MICT/1, 8 June 2012, Rule 92.

⁴ *Stakić* Decision, para. 6.



**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 type="checkbox"/> Chambers/ <i>Chambre</i>	<input type="checkbox"/> Defence/ <i>Défense</i>	<input checked="" type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i> <i>for James J. Argwin</i>
Case Name/ Affaire :	Prosecutor v. Jean Uwinkindi	Case Number/ Affaire n° :	MICT-12-25-R14.1
Date Created/ Daté du :	11 August 2015	Date transmitted/ Transmis le :	11 August 2015
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
Title of Document/ Titre du document :	Motion to Reclassify Uwinkindi Brief as Public		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>
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Rev: April 2014/Rév. : Avril 2014