

ICTR-98-44-T
25-02-2008
(34081-34079)

34081
A

TRIBUNAL PÉNAL INTERNATIONAL POUR LE RWANDA

CHAMBRE DE PREMIÈRE INSTANCE II

Composée des honorables juges : **DENNIS C.M. BYRON, Président;**
GBERDAO GUSTAVE KAM
VAGN JOENSEN

Assistée de : **ADAMA DIENG, greffier**

Date de dépôt : **22 February 2008**

LE PROCUREUR

c.

ÉDOUARD KAREMERA
MATHIEU NGIRUMPATSE
JOSEPH NZIRORERA

Affaire No.: ICTR-98-44-T

JUDICIAL RECORDS/ARCHIVES
UNICTR
RECEIVED

2008 FEB 25 P 3:33

**NOTICE OF EXCULPATORY EVIDENCE AND POTENTIALLY FALSE
TESTIMONY**

Bureau du Procureur: Don Webster

Conseils de la Défense de Édouard Karemera :

Me Dior Diagne Mbaye
Me Félix Sow

Conseils de la Défense de Mathieu Ngirumpatse :

Me Chantal Hounkpatin
Me Frédéric Weyl

Conseils de la Défense de Joseph Nzirorera :

Me Peter Robinson
Me Patrick Nimy Mayidika Ngimbi

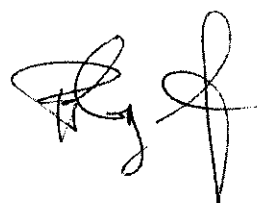
Conseils de la Défense de Bicamumpaka:

Me Michel Croteau, Conseil Principal
Me Philippe Laroche Co-Conseil
Me Avi Singh, Assistant

1. The Defence for Mr. Bicomumpaka respectfully notifies the Trial Chamber and parties in the case of *Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-T, that, as the enclosed affidavit indicates, the Prosecutor is in possession of the exculpatory evidence in which Witness GFA recants his testimony, and indicates that Rwandan authorities systematically pressured the Witness and other past witnesses before this tribunal to testify against, *inter alios*, Mr. Joseph Nzirorera.
2. On 8 February 2008, Me. Avi Singh, Legal Assistant for Mr. Bicomumpaka, pursuant to the Trial Chamber's 5 December 2007 Decision¹, met with Prosecution Witness GFA in the presence of WVSS and three representatives of the Prosecutor.
3. During the meeting which was video recorded, as indicated in Annexure 1, Witness GFA made numerous exculpatory statements regarding, *inter alios*, Joseph Nzirorera. The witness recanted his testimony vis-à-vis Joseph Nzirorera. He also stated the Rwandan authorities systematically pressured numerous him and other witnesses to testify against Mr. Nzirorera, among others.
4. The video recording is in possession of the Prosecutor, and parties in *Prosecutor v. Bizimungu et al.*, Case No. ICTR-99-50-T.
5. The Defence for Mr. Bicomumpaka is obliged to make such a disclosure in accordance with counsel's duty to bring to the attention of the court information of false testimony.

RESPECTFULLY SUBMITTED

Arusha, 22 February 2008



Philippe LAROCHELLE
Co-Counsel for Defendant Jérôme-Clément Bicomumpaka

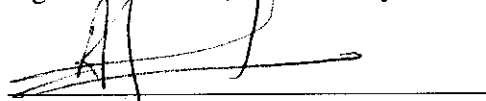
¹ *Prosecutor v. Bizimungu et al.*, Case No. ICTR-99-50-T, Decision on Jérôme-Clément Bicomumpaka's Motions to Meet with Prosecution Witnesses GFA and GKB, 5 December 2007.

AFFIDAVIT

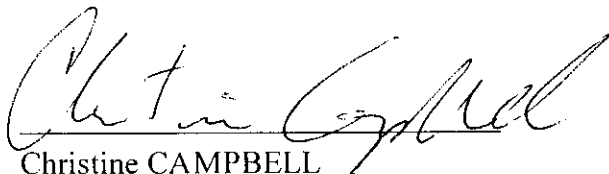
I, Avi Singh, a lawyer at the California, U.S., and Delhi Bar, do solemnly declare that the following is true to the best of my knowledge:

1. On 8 February 2008, in my capacity as Legal Assistant for the Defence Team of Jerome Bicomumpaka, and pursuant to the *Prosecutor v. Bizimungu et al.* Trial Chamber's Decision of 5 December 2007, I participated in a meeting with Prosecution protected witness GFA, in Kampala, Uganda, in the presence of WVSS and three representatives of the Prosecutor.
2. A representative of the Prosecutor video recorded the entire meeting. CDs containing the video of the meeting have since been distributed to the parties in *Prosecutor v. Bizimungu et al.*, Case No. ICTR-99-50-T by the Prosecutor.
3. During the meeting, confirmed by the video recording, Prosecution Witness GFA, made numerous exculpatory statements regarding, *inter alios*, **Jerome Bicomumpaka, Casimir Bizimungu, Joseph Nzirorera, Augustin Bizimungu, Ephrem Setako, and Juvenal Kajelijeli**. In brief, Witness GFA recanted his testimony against **Bicomumpaka, Augustin Bizimungu, and Joseph Nzirorera**. He also mentioned that the Rwandan authorities systematically pressured Witness GFA and other witnesses to testify against the persons listed above.
4. The Prosecutor is in possession of the video recording.

Signed in Arusha, 22 February 2008



Avi SINGH



Christine CAMPBELL

Avocate au Barreau du Québec



**TRANSMISSION SHEET
FOR FILING OF DOCUMENTS WITH CMS**

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	Trial Chamber II F.A. TALON	<input checked="" type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS K. K. A. Afande	<input type="checkbox"/> Appeals Chamber / The Hague R. Burriss
From:	<input type="checkbox"/> Chamber (name)	<input checked="" type="checkbox"/> Defence : Avi SINGH	<input type="checkbox"/> Prosecutor's Office (name)	<input type="checkbox"/> Other: (name)
Case Name:	The Prosecutor vs. Karemera et al.			Case Number: ICTR-98-44-T
Dates:	Transmitted: 25 February 2008		Document's date: 22 February 2008	
No. of Pages:	4	Original Language:	<input checked="" type="checkbox"/> English <input checked="" type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Title of Document:	NOTICE OF EXCULPATORY EVIDENCE AND POTENTIALLY FALSE TESTIMONY			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Strictly Confidential / Under Seal <input type="checkbox"/> Confidential <input checked="" type="checkbox"/> Public		<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence
		<input type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Submission from non-parties
		<input type="checkbox"/> Disclosure	<input type="checkbox"/> Order	<input type="checkbox"/> Submission from parties
		<input type="checkbox"/> Judgement	Motion	<input type="checkbox"/> Accused particulars
			<input type="checkbox"/> Appeal Book	
			<input type="checkbox"/> Book of Authorities	

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English French Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

JUDICIAL RECORDS ARCHIVES
 RECEIVED
 2008 FEB 25 3:32 PM
 UNICRI

CMS SHALL NOT take any action regarding translation.

Filing Party **will be submitting the translated version(s)** in due course in the following language(s):

English French Kinyarwanda

KINDLY FILL IN THE BOXES BELOW

<input type="checkbox"/> The OTP is over-seeing translation. The document is submitted for translation to: <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> DEFENCE is over-seeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:
--	---

III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	COMMENTS	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date: