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ICTR-98-44-T
20-10-2008
(38044-38021)
International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

38044
A

IN TRIAL CHAMBER III

Before: Hon. Dennis C. M. Byron, Presiding
Hon. Gberdao Gustave Kam
Hon. Vagn Joensen

Registrar: Mr. Adama Dieng

Date Filed: 20 October 2008

The PROSECUTOR

v.

**Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA**

Case No. ICTR-98-44-T

JUDICIAL RECORDS SECTION
RECEIVED

2008 OCT 20 1 P 6:02
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**Prosecutor's Response to Joseph Nzirorera's
Motion for Remedial and Punitive Measures – Rule 66(B) – Mudahinyuka**

For the Prosecutor:

Mr. Don Webster
Ms. Alayne Frankson-Wallace
Mr. Iain Morley
Mr. Saidou N'Dow
Ms. Gerda Visser
Ms. Sunkarie Ballah-Conteh
Mr. Takeh Sendze

For the Accused:

Ms. Dior Diagne and Mr. Moussa Félix Sow for *Édouard Karemera*
Ms. Chantal Hounkpatin and Mr. Frederick Weyl for *Mathieu Ndirumpatse*
Mr. Peter Robinson and Patrick Nimy Mayidika Ngimbi for *Joseph Nzirorera*

1. The Prosecutor files this response to Nzirorera's 19th *Notice of Violation of Rule 66 and Motion for Remedial and Punitive Measures: Jean-Marie-Vianney Mudahinyuka*, filed 6 October 2008.

2. The Prosecution submits that the motion is unfounded and should be dismissed.

3. As Nzirorera rightfully asserts in his present motion, this Chamber denied his previous *Motion to Compel Inspection and Disclosure* of 13 July 2005 wherein he sought "reports of all information obtained from Jean Marie Vianney Mudahinyuka".¹ In that decision this Chamber held that:

"The Defence has made a bare assertion that the Prosecution has obtained a statement from Jean-Marie Vianney Mudahinyuka. The prosecution has specifically denied its possession of such a statement. No evidence was adduced to support the assertion; as conceded by the Defence there is no basis to make an order in this regard. There is no basis to make such an order."²

4. Now, after having spoken directly with Mudahinyuka on 27 September 2008, Nzirorera renews his motion and demands sanctions against the Prosecution. However, the Prosecution once again denies having recorded a statement or any Investigator's Note from Mudahinyuka.

5. Admittedly the Prosecution met with Mudahinyuka on three occasions: (i) in 2004, when former Chief of Prosecutions Stephen Rapp met with him in Chicago in the presence of his defence counsel; (ii) in July 2006, after this Chamber decided Nzirorera's initial motion, when OTP investigators Jacques Baillergeon and Rejean Tremblay met with him in the presence of his defence counsel in Pennsylvania; and (iii) in late 2006 or early 2007, when STA Jonathan Moses met with him in the presence of his defence counsel in Pennsylvania.

6. The undersigned senior prosecution counsel is reliably informed as follows: In every instance, Mudahinyuka was represented by defence counsel. All three meetings were in the nature of a "proffer" of information. The objective was to explore matters of cooperation with the Prosecution and the possibility of entering into a plea agreement. When Stephen Rapp first met with Mudahinyuka in 2004, Mudahinyuka's defense counsel explicitly warned him against taking notes of their conversation. When OTP investigators Baillergeon and Tremblay met with Mudahinyuka in July 2006 Mudahinyuka avoided substantive comments in

¹ *Decision on Motions to Compel Inspection and Disclosure and to Direct Witnesses to Bring Judicial and Immigration Records* (14 September 2005)

² *Ibid*, at para 16.

response to their inquiries and simply indicated whether or not he would be able to provide information about the matters that interested the Prosecution. When STA Moses met with Mudahinyuka a few months thereafter, it quickly became apparent that Mudahinyuka had no serious interest in providing information to the Prosecution and the interview was abandoned. The undersigned senior prosecution counsel has been informed by the aforementioned colleagues that Mudahinyuka did not provide exculpatory information during their meetings with him. Appended hereto in annexure is e-mail correspondence from each of the OTP staff-members who met with Mudahinyuka which clarifies that they did not document Mudahinyuka's responses to their inquiries.³

7. Investigator Jacques Baillergeon filed a mission report at the conclusion of a lengthy mission in July 2008 which specifically mentions his encounter with Mudahinyuka in Pennsylvania on 11, 12 and 13 July 2006. In the interest of absolute transparency, excerpts from that mission report are also appended hereto in annexure.⁴ While the topics of inquiry are documented in the mission report, Mudahinyuka's responses are not. This is because the inquiry was simply intended to explore how Mudahinyuka could be of assistance in OTP investigations; the interview was not intended to elicit his accounts of events as Mudahinyuka insisted upon concluding an agreement with the OTP and clarifying how his cooperation would affect his immigration status in the United States before he would provide substantive information. The mission report did not summarize Mudahinyuka's comments.

8. The Prosecution maintains there was no violation of Rule 66(B) or Rule 68(A). Firstly, there was no record of any conversation with Mudahinyuka before 2006. This Chamber's decision of 14 September 2005 was appropriate when it was rendered because the only contact that the Prosecution had had with Mudahinyuka at that time was Stephen Rapp's fifteen minute conversation, which was never documented. The Prosecution trial team has been informed by the persons who investigated Jean Marie Vianney Mudahinyuka, that Mudahinyuka's comments in the two subsequent encounters with the OTP were tentative, did not include exculpatory information, and were never documented in a witness statement or Investigator's Note. The third mission that was planned for STA Jonathan Moses was intended to last several weeks so that a detailed statement could be recorded. That did not happen because, apparently, Mudahinyuka was not satisfied with the arrangements that were proposed and no statement was taken. Secondly, the Prosecution has never refused to provide inspection under Rule 66(B), which is ongoing.

³ See Annexes A1, A2, B1, B2 and C, appended hereto.

⁴ See Annex D, appended hereto.

The issue of timing and completion of inspection

9. After much prodding from the Chamber, Nzirorera filed *ex parte* a list of 241 prospective defence witnesses on 2 June 2008, which this Chamber subsequently ordered the Registry to disclose to the Prosecution on 30 July 2008. Nzirorera's motion for inspection under Rule 66(B) was filed the very next day, 31 July 2008. The Prosecution did not oppose that motion, which this Chamber then granted on 22 August 2008. Since then, Nzirorera made a *Fifth Rule 73ter Filing* on 8 September 2008, wherein he dropped 26 witnesses, but then added 13 new witnesses and substituted 10 new witnesses to give evidence on similar facts. At last count, Nzirorera final witness list for the trial consists of 226 witnesses. The Prosecution has undertaken to provide inspection for these witnesses and has made incremental, continuing disclosure of copies of their "statements, immigration records and judicial records". The Prosecution has never maintained that this inspection was complete. Nzirorera is simply mistaken when he infers, at paragraph 24 of his current motion, that the inspection was completed on 10 September 2008 and that the Prosecution has violated Rule 66(B) because no statement from Mudahinyuka was produced. Although the Prosecution disclosed copies of a Rwandan arrest warrant dated 23 April 2004 for Mudahinyuka on 9 September 2008, there was no representation that inspection under Rule 66(B) was complete. Indeed, searches that will lead to inspection are ongoing. It is patently unreasonable to expect that thorough searches for 226 witnesses could be completed in a mere six weeks. The parties, and the Trial Chamber, should be mindful that while the Prosecution endeavors to assist the Accused in the preparation of their cases, it must also attempt to prepare the Prosecution case and must apportion its finite, and declining, material and human resources for disparate, and often competing, tasks. Given the long delays from the Defence in providing identifying information for their prospective witnesses, it is unreasonable to expect the Prosecution to search through its voluminous database for the excessive number of witnesses that are currently listed in just a few weeks.

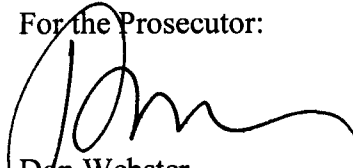
10. The Prosecution maintains that it has complied with Rule 66(B) for Mudahinyuka. No statement or record of Mudahinyuka's statements was offered for inspection because none was taken. Should this Chamber view the excerpts from the September 2006 mission report filed by OTP investigator Jacques Baillergeon as falling within the ambit of Rule 66(B), the current filing should satisfy the parties. It bears noting that Mudahinyuka was represented by

defence counsel during his conversations with the ICTR Prosecutor. Presumably, Mudahinyuka would have also informed Counsel Robinson that he benefited from legal counsel who were present to protect his interests when he spoke to the ICTR Prosecutor, which may not have been the case when Mr. Robinson spoke to him on behalf of Joseph Nzirorera.

WHEREFORE, the Prosecutor prays that Nzirorera's motion will be dismissed in its entirety.

Dated in Arusha, this 20th day of October 2008.

For the Prosecutor:



Don Webster
Senior Trial Attorney

ANNEXURES

A 1
38038

Don Webster
10/15/2008 03:15 PM

To:
cc:
Subject: Mission in Canada and Robinson letter

----- Forwarded by Don Webster/ICTR/UNO on 10/15/2008 03:17 PM -----



Stephen Rapp
07/05/2005 10:03 AM

To: Don Webster/ICTR/UNO@UNICTR
cc:
Subject: Mission in Canada and Robinson letter

Dear Don,

***** [unrelated matter]

Regarding the letter from Robinson (another copy of which I have attached), I have drafted a possible response. I have shared my draft with Zuzu's USA attorney to make sure that it was in accord with his recollection, and have received no response. What do you think?.

SR



robinson.letter.docjmvvm.letter.doc



**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**



A 2

38037

**OFFICE OF THE PROSECUTOR
BUREAU DU PROCUREUR**

Arusha International Conference Centre
P.O. Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzania
Tel: 255 27 2504207-11/2504367-72 or 1 212 963 2850 -- Fax: 255 27 2504000/4373 or 1 212 963 2848/49

4 July 2005

Mr. Don Webster
Senior Trial Attorney
Office of the Prosecutor
International Criminal Tribunal for Rwanda
Arusha, Tanzania

Re: Letter of 27 June 2005 from Peter Robinson, Defense Attorney
For Joseph Nzirorera

Dear Don:

I have received an electronic copy of a letter dated 27 June 2005 from Peter Robinson, Defense Attorney for Joseph Nzirorera, asking for any information subject to disclosure that I may have been obtained from a meeting with Jean-Marie-Vianney Mudahinyuka. I can provide the following professional statement:

I met Mr. Mudahinyuka for approximately one-half hour on 16 February 2005 in the presence of his attorney, Roger Dusberger, at the federal detention facility in Chicago, Illinois, USA. Mr. Dusberger is the attorney appointed to represent Mr. Mudahinyuka under the U.S. Criminal Justice Act on U.S. immigration and assault charges. The meeting was conducted with the cooperation of the U.S. Attorney's Office for the Northern District of Illinois.

At the request of Mr. Dusberger no recording or notes were taken at the meeting. It was also agreed that we would not discuss events that took place after 6 April 1994. I did discuss with Mr. Mudahinyuka his activities before 6 April 1994, and the possibility that he would be willing to provide a full statement regarding his knowledge of those events in Rwanda that are within the jurisdiction of the International Criminal Tribunal for Rwanda (ICTR). I have had no other meeting with Mr. Mudahjnyuka and he has provided no statement to myself or any person working with the Office of Prosecutor of the ICTR.

38036

Nothing that Mr. Mudahinyuka said to me during our brief meeting constituted information subject to disclosure under ICTR Rule 68.

Best regards.

Sincerely,

Stephen J. Rapp
Chief of Prosecutions

B1

38035

Rejean Tremblay
10/15/2008 02:46 PM

To: Don Webster/ICTR/UNO@UNICTR
cc: dxyz50@googlemail.com
Subject: Re: Defence Motion re-Zuzu interview

Dear Don,
According with your request the following is my answer to your questions.

Reply to your questions:

1. Yes, during a mission to Pennsylvania, USA in July 2006, I met Zuzu, for two (2) days in the presence of his lawyers. However, I didn't meet Zuzu in 2007.

2. No statements or investigator's notes were taken.

Best Regards.
Don Webster

Don Webster
10/14/2008 06:06 PM

To: dxyz50@googlemail.com, Rejean Tremblay/ICTR/UNO@UNICTR
cc:
Subject: Defence Motion re-Zuzu interview

Dear Jacques Baillergeon and Yogi Tremblay

Peter Robinson, the Defence Counsel for Joseph Nzirorera, met with Zuzu a few weeks ago and has filed a motion alleging that the OTP violated its disclosure obligations by failing to provide copies of any statements or internal memoranda that include Zuzu's responses to the questions you put to him.

The relevant portion of Robinson's motion is excised below:

9. On 27 September 2008, lead counsel for Mr. Nzirorera interviewed Jean-Marie Vianney Mudahinyuka. Mr. Mudahinyuka advised that he had been interviewed by representatives of the ICTR Office of the Prosecutor on several occasions and believed that some of his interviews had been recorded.

10. Mr. Mudahinyuka advised that while held at the Metropolitan Corrections Center in Chicago, Illinois, USA in 2004, he was interviewed by Stephen Rapp. He answered numerous questions about the 1994 Rwandan events, the Interahamwe, and the acts and conduct of Joseph Nzirorera, Mathieu Ngirumpatse, and Edouard Karemera. He said that at the conclusion of the interview, Mr. Rapp told him that his information was not of any value to the prosecution.

11. Mr. Mudahinyuka advised that he was contacted by the Office of the Prosecutor a

second time in 2007 while he was incarcerated at the Federal Correctional Institution at Allenwood, Pennsylvania. This time he was interviewed by two investigators, who he believed were Canadians. He did not recall their names.

12. During this interview, which he believed was recorded, and took place over the course of two full days, Mudahinyuka answered their questions about the Rwandan events including the Interahamwe, MRND, and the three accused, as well as information concerning Prefet Tharcisse Renzaho and Georges Rutaganda. Mudahinyuka was a close friend of Rutaganda and was with him during much of the time.

13. Mr. Mudahinyuka advised that the two investigators returned about three months later with two other persons who were lawyers with the Office of the Prosecutor. He recalled that one was named Jonathan and was from New Zealand. He believes the other may have been from Somalia. He was then interviewed again by the four individuals and they also offered him a plea agreement. The interview took place over two or three days, and he ultimately told them that he was not guilty of killing anyone and therefore could not plead guilty.

14. Among the information that Mr. Mudahinyuka said he provided to the representatives of the Office of the Prosecutor was the fact that the Interahamwe was never formed for the purpose of killing Tutsis, that the killing of Tutsis was never discussed in Interahamwe committee meetings, that he knew of no military training or distribution of weapons to Interahamwe prior to the death of President Habyarimana, that the Interahamwe never compiled lists of Tutsis, that he had attended MRND rallies and never heard any of the accused call for the extermination of Tutsis, that Georges Rutaganda never distributed weapons and in fact saved many Tutsis after the death of the President, that he knew of no orders by the MRND to establish roadblocks or kill Tutsis, and that he

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had no contact with any of the accused after the death of the President.

Would you kindly reflect on this matter a bit and comment in regard to the following issues:

- 1.
Did you meet with Zuzu over a 2-day period? In 2007?**
- 2.
Did you make a record of what Zuzu said to you? If you have any statement or investigator's notes that document what Zuzu said to you, kindly provide copies to me.**

Your response to this inquiry will accompany my response to Nzirorera's motion, which must be filed by Friday 17 October 2008. Your prompt assistance in this matter will be greatly appreciated.

Thanks and regards

This Message has been scanned by Symantec Antivirus, EDP-UNICTR



"Jacques Baillargeon"
<dxyz50@googlemail.com>

10/16/2008 04:05 PM

To: "Don Webster" <webster@un.org>
cc: "Rejean Tremblay" <tremblayr@un.org>
Subject: Re: Defence Motion re-Zuzu interview

B.2
38032

"Dear Don.

Following your message, I am responding to you accordingly to your questions of the following manner.

1.
Did you meet with Zuzu over a 2-day period? In 2007?
Answer, yes we met him in 2006.

2.
Did you make a record of what Zuzu said to you? If you have any statement or investigator's notes that document what Zuzu said to you, kindly provide copies to me.

Answer. No

We have to remember that "ZUZU" was seen by us in order to establish and explore the possibility at that time to have him collaborating with the Tribunal. The dealing concerning the conditions and requirements of both party was covered by ex-COP RAPP, our part was to meet him and decide if this one was willing to collaborate, to tell us the whole truth, to plead guilty and to testify against his accomplices.

Our meetings were informal meetings strictly to appraise the capacity and plus value of "ZUZU" for ICTR and it was clearly defined that if he except to go forward we will come back to interview him officially and tell us the truth, that he will have the opportunity to tell us his truth, without any restrictions from our part, which is needed for the Tribunal. At that time he was accompanied by his two lawyers who if I remember well advised us that it will be no recording on tape and that every things their client will say during these meetings will not be used against him.

The note taken were only taken as reference for completing our report who was officially given to our superiors and destroyed after the completion of this one.

At that time we were convinced that the dealing with "ZUZU" will go forward and be in position to obtain his official statement later. However when "ZUZU" realized that the conditions has changed he refused to collaborate.

Regards

Jacques BAILLARGEON NOT Baillargeon

On Tue, Oct 14, 2008 at 11:06 AM, Don Webster <webster@un.org> wrote:

Dear Jacques Baillergeon and Yogi Tremblay:

I was recently informed that you undertook a mission to Pennsylvania to interview J-M-V Mudakinyuka ["Zuzu"] in 2007.

Peter Robinson, the Defence Counsel for Joseph Nzirorera, met with Zuzu a few weeks ago and has filed a motion alleging that the OTP violated its disclosure obligations by failing to provide copies of any statements or internal memoranda that include Zuzu's responses to the questions you put to him.

The relevant portion of Robinson's motion is excised below:

9. On 27 September 2008, lead counsel for Mr. Nzirorera interviewed Jean-Marie Vianney Mudahinyuka. Mr. Mudahinyuka advised that he had been interviewed by representatives of the ICTR Office of the Prosecutor on several occasions and believed that some of his interviews had been recorded.

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11. Mr. Mudahinyuka advised that he was contacted by the Office of

the Prosecutor a second time in 2007 while he was incarcerated at the Federal Correctional Institution at Allenwood, Pennsylvania. This time he was interviewed by two investigators, who he believed were Canadians. He did not recall their names.

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Would you kindly reflect on this matter a bit and comment in regard to the following issues:

1.
Did you meet with Zuzu over a 2-day period? In 2007?
2.
Did you make a record of what Zuzu said to you? If you have any statement or investigator's notes that document what Zuzu said to you, kindly provide copies to me.

38028

Your response to this inquiry will accompany my response to Nzirorera's motion, which must be filed by Friday 17 October 2008. Your prompt assistance in this matter will be greatly appreciated.

Thanks and regards

This Message has been scanned by Symantec Antivirus, EDP-UNICTR

--

Jacques Baillargeon

C
38027

Jonathan Moses

10/07/2008 10:58 AM

To: websteresq@yahoo.com
cc: frankson-wallace@un.org, Hassan Bubacar Jallow <jallowh@un.org>, Richard Karegyesa <karegyesa@un.org>, Don Webster <webster@un.org>
Subject: Zuzu

Hello Don

Richard has forwarded to me your email. There was no statement taken from Zuzu in prison when I was there, and I am certain none was taken by Yogi and Baillergeon when they visited him on an earlier occasion.

I went to see him as it was believed that he was willing to cooperate in providing information against Renzaho. This was on the basis of the earlier visit by investigators. Not only did we believe this to be the situation, but his pro bono lawyers from Chicago also thought this. They flew to Pennsylvania to meet us, as arranged by Steve Rapp, where we had planned to debrief him over a 2 week period. During the first meeting it became apparent that he was not prepared to make any admissions regarding his own involvement despite the numerous witness statements we had regarding this. He also indicated he had only seen Renzaho I believe once at a roadblock but it did not add to our case and after a second meeting where his lawyer spoke to him separately, and where Baillergeon spoke to him in French in the presence of his lawyer, it became apparent he would not be willing to provide any useful information and we left.

So in summary there was no statement and no Rule 68 material provided by him.

I trust this helps. Perhaps Yogi could confirm that no statement was taken during the course of his first visit. As I say Zuzu had his own lawyer present as I believe he was during the first meeting and you can be sure if a statement had been taken Zuzu and his lawyer would have had a copy of it.

Let me know if I can assist further. I am presently away from Arusha also and do not have direct access to my file on Zuzu but I am sure the mission report would have set out what had happened.

Regards

Jonathan

D
38026

FLIGHT AF / 366: 13.15hrs: Time departure from Paris.

PHILADELPHIA INTERNATIONAL AIRPORT: 15.35hrs:

Time arrival to PHILADELPHIA. (Local Time).

12.3 HERTZ RENT A CAR: 16.00hrs. - 16.45hrs:

According with instructions received. We have rent a car for this US mission. Claim by R TREMBLAY

12.4 TRANSPORT: 16.45hrs. - 23.55hrs.

By land, travel from Philadelphia, to Williamsport, Pennsylvania.

12.5 HOLIDAY Inn: 23.55hrs:

Time arrival to the hotel & Check in.

PART II

MISSION IN USA

MUDAHINYUKA J.M.V.

13. **MONDAY on 10-07-2006:**

13.1 HAMPTON HILL HOTEL: 08.00hrs. - 09.00hrs:

According with the instructions received about the subject above mentioned, we have met the Defence Council Assistant, Ms. Heather LEWIS, and we debriefed her on the main objectives fixed.

13.2 TRANSPORT: 09.00hrs. - 09.30hrs:

By land, transport from Hampton Hill Hotel to Federal Bureau of Prisons, to ALLENWOOD Detention center.

13.3 FEDERAL BUREAU OF PRISONS:

AUDITION: 09.30hrs. - 15.00hrs:

First audition with the potential insider, Mr. MUDAHINYUKA J.M.V. The main points discussed:

- Condition of detention;
- Family contacts;
- Collaboration with ICTR Authority;
- FPR attack on 1st October 1994;
- Creation of INTERAHAMWE ZA MRND, in December 1991;
- Relations with RUTAGANDA Georges;

P.S. At the end of this first audition, the potential insider, Mr. MUDAHINYUKA Jean-Marie-Vienney has agreed to continue the auditions on 11-07-2006.

13.4 TRANSPORT: 15.15hrs. - 15.45hrs:

By car, transport from Federal Bureau of Prisons to Holiday Inn.

13.5 HOLIDAY Inn HOTEL: 15.45hrs. 17.00hrs:

Debriefing with colleagues Ms. Heather LEWIS & OTP Investigator, Mr. Jacques BAILLARGEON & myself.

14. TUESDAY on 11-07-2006:

14.1 TRANSPORT: 08.30hrs. - 09.00hrs:

By car, transport from Hotel to Federal Bureau of Prisons, ALLENWOOD, Pennsylvania.

14.2 AUDITION: 09.15hrs. - 14.30hrs:

During the second audition with our potential insider, the following main points have been discussed:

- Politic situation in RWANDA in 1991-92;
- MRND` Power in 1991- 1994;
- NGIRUMPATSE Mathieu;
- NZIRORERA Joseph;
- Opposition Parties (MDR-PL-PSD-CDR) in 1992;
- Regionalism situation in RWANDA in 1991-92;
- MUDAHINYUKA` career before & after 1990;
- BIZIMUNGU Cyrille, former General Director / Bank of Kigali;
- Creation of INTERAHAMWE Za MRND of GITARAMA, in 1992
- INTERAHAMWE Za MRND of GITARAMA & KIGUFI Thomas;
- Prefectoral Comm. of GITARAMA:
 President: HABOLAHAMAN;
 Vice President: MPAMO Esdras (Father of Rutaganda Georges);
 Secretary: KIGUFI Thomas;
 Members: BIZIMUNGU Cyrille,
 RUHUMULIZA Pheneas,
 KAYONDE Pierre,
 MUDAHINYUKA J.M.V;
 Etc, etc.

P.S. At the end of this second audition, our potential insider was feeling more comfortable and has a better comprehension of his future role like as collaborator of ICTR` Authorities.

14.3 TRANSPORT: 15.00hrs. - 15.40hrs:

By road, transport from Federal Bureau of Prisons, ALLENWOOD, to HOLIDAY Inn Hotel to WILLIAMSPORT.

15. WEDNESDAY on 12-07-2006:

15.1 DEBRIEFING: 08.00hrs. - 09.15hrs:

We have met the Defence Council, Mr. Thomas DURKIN and Ms. Heather LEWIS. We have debriefing him on the situation and our human approach. Also we have qualified the comportment, the attitude and the knowledge of their client.

We have mentioned to them the main objectives of ICTR Authorities and our relations with Mr. MUDHINYUKA J.M.V. were very good until now. Mr. DURKIN and Ms LEWEIS, has confirmed to us his support and collaboration in this file.

15.2 TRANSPORT: 09.15hrs. 09.40hrs:

By car, transport from Hotel to Federal Bureau of Prisons at ALLENWOOD.

15.3 FEDERAL BUREAU of PRISONS: 09.40. - 13.30hrs:

Third audition of MUDHINYUKA J.M.V. and the main points discussed have been:

- RENZAHO Tharcisse;
- Function & responsibilities between 1990-1994;
- The power;
- The security in Kigali between 1990-1994;
- The relations with Interahamwe National Comm. Of Kigali, Between 1992-1994;
- The activities,
- Interview to Radio Rwanda & RTLm;

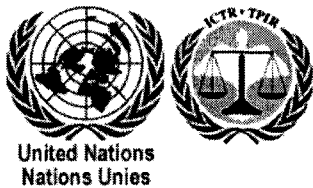
- The roadblocks in Kigali & RENZAHO Tharcisse responsibilities;
- Laissez-passer issued by RENZAHO Tharcisse;
- The popular meetings in Kigali & his participation;
- Relations between KAJUGA Robert & RENZAHO Tharcisse;
- KIBUNGO & RENZAHO Tharcisse;
- Prefectoral Comm. Of KIBUNGO & RENZAHO Tharcisse;
- RENZAHO Tharcisse & KARERA Francois & closed relations between 1990 - 1994;
- RENZAHO Tharcisse & HABYARIMANA Jean, former Pres. of National Comm. Of MRND to Kigali;
- RENZAHO Tharcisse & MANIRAGABA Bernard;
- Identification of the ``ENEMY`` by RENZAHO Tharcisse;
- The instructions of RENZAHO Tharcisse (Vigilance, identification, location, arrest & Elimination).

P.S. Before to close this audition, the detainee J.M.V. has relate the circumstances and the murder of Interahamwe in MASANGO Commune, named SIRAGE, suspected to kill some family members of MUDAHINYUKA around 28-04-1994. He was assiste by the former Body-guard of Major NDAMAGE.

The relations with the detainee are very good and he seems to realize that he has two choices. Go back in Rwanda in the jail for the rest of his life or to collaborate with ICTR and tell the truth. However, it will be not an easy job to have him to admit his own involvement.

According with the information received from the two lawyers, ``ZUZU`` admitted to them that we were well aware of this case and he has no choice to tell us the truth and he state to them that he has a great confidence in us.

13. THURSDAY on 13-07-2006:
- 13.1 ADMINISTRATION: 07.45hrs. - 08.30hrs:
Debriefing with the MUDAHINYUKA` Council, Mr. Thomas BURROWS.
- 13.2 TRANSPORT: 08.30hrs. - 09.00hrs:
By road, transport from Holiday` Inn Hotel to Federal Bureau of Prisons.
- 13.3 FEDERAL BUREAU OF PRISONS: 09.00hrs. - 14.00hrs:
Fourth audition with the potential collaborator, MUDAHINYUKA J.M.V. alias ``ZUZU``. The main points discussed have been:
- SETAKO Ephrem & Interhamwe Za MRND`Relations;
 - SETAKO Ephrem & MANIRAGABA Bernard;
 - KARERA Francois;
 - His potential collaboration like ``INSIDER`` with ICTR;
 - His credibility;
 - The agreement;
 - The testimony;
- 13.4 TRANSPORT: 14.00hrs. - 14.30hrs:
By road, transport from Federal bureau of Prison to Hotel.
- 13.5 LUNCH TIME: 14.30hrs. - 16.00hrs:
Perkins` Restaurant
- 13.6 ADMINISTRATION: 16.00hrs. - 17.00hrs:
E-mail messages proceed.



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	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input checked="" type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Trial Chamber III A. N'Gum
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Appeals Chamber / Arusha Chamber II F. A. Talon		<input type="checkbox"/> Appeals Chamber / The Hague K. K. A. Afande R. Muzigo-Morrison
From:	<input type="checkbox"/> Chamber (names)	<input type="checkbox"/> Defence (names)	<input checked="" type="checkbox"/> Prosecutor's Office Webster (names)	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. Karemera et al.			Case Number: ICTR-98-44-T
Dates:	Transmitted: 20 October 2008		Document's date: 20 October 2008	
No. of Pages:	6 pages and 18 p annexes	Original Language:	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Title of Document:	Prosecutor's Response to Joseph Nzirorera's Motion for Remedial and Punitive Measures – Rule 66(B) – Mudahinyuka			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Ex Parte		<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Confidential		<input type="checkbox"/> Disclosure	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Judgement	<input type="checkbox"/> Motion	<input type="checkbox"/> Book of Authorities
		<input type="checkbox"/> Submission from non-parties <input checked="" type="checkbox"/> Submission from parties <input type="checkbox"/> Accused particulars		

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

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 overseeing 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 overseeing 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:
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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:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: