

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-18-116-PT

Date: 7 May 2020

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Vagn Joensen

Registrar: Mr. Olufemi Elias

Decision of: 7 May 2020

PROSECUTOR

v.

**MAXIMILIEN TURINABO
ANSELME NZABONIMPA
JEAN DE DIEU NDAGIJIMANA
MARIE ROSE FATUMA
DICK PRUDENCE MUNYESHULI
AUGUSTIN NGIRABATWARE**

PUBLIC

**DECISION ON REQUESTS FOR DISCLOSURE OF
INFORMATION ARISING FROM INTERVIEWS WITH
INVESTIGATOR TOMASZ BLASZCZYK**

Office of the Prosecutor:

Mr. Serge Brammertz
Mr. Rashid S. Rashid

Counsel for the Defence:

Mr. Maximilien Turinabo
Mr. Stéphane Bourgon
Mr. Anselme Nzabonimpa
Mr. Geoffrey Roberts
Mr. Jean de Dieu Ndagijimana
Mr. Philippe Larochelle
Ms. Marie Rose Fatuma
Mr. Gatera Gashabana
Mr. Dick Prudence Munyeshuli
Mr. Kurt Kerns
Mr. Augustin Ngirabatware
Mr. David Hooper

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

RECALLING that, on 30 September 2019, I ordered, *inter alia*, Prosecution Investigator Mr. Tomasz Blaszczyk to submit to an interview with the Defence teams for Mr. Jean de Dieu Ndagijimana, Mr. Anselme Nzabonimpa, and Mr. Dick Prudence Munyeshuli, and that, on 7 October 2019, I issued a supplemental decision permitting the Defence teams for Mr. Maximilien Turinabo and Ms. Marie Rose Fatuma to interview Blaszczyk;²

RECALLING that, in my Decision of 30 September 2019, I considered that the subpoena should not extend to the production of documents by Blaszczyk that are not otherwise required to be disclosed under the Rules of Procedure and Evidence (“Rules”) and ordered the Prosecution to review the material in its possession in light of the documents requested by the Defence;³

BEING SEISED OF a confidential motion filed by Nzabonimpa on 23 January 2020 requesting, pursuant to Rules 71(B) and 73 of the Rules, the disclosure of information purportedly arising from the Defence interviews with Blaszczyk, including: (i) all requests for assistance (“RFAs”) sent in relation to outstanding electronic text messages and audio calls intercepted by the Rwandan government, as requested by the Prosecution in the RFA 0029.11 sent on 29 April 2019 (“Outstanding Intercepts”), together with any responses or follow-up requests (whether formal or informal and in any form), as well as any related record, reports, or notes of Prosecution staff in which responses or follow-up requests are recorded (“Outstanding Intercepts Material”); (ii) any reports received from the Rwandan authorities regarding investigations conducted in relation to the present proceedings, as well as any related communications, RFAs or responses thereto (“Rwandan Reports”); (iii) any communications with the Rwandan authorities or

¹ Order Assigning a Single Judge, 11 September 2018, p. 1. *See also Prosecutor v. Maximilien Turinabo et al. and Prosecutor v. Augustin Ndirabatsire*, Case Nos. MICT-18-116-PT and MICT-19-121-PT, Decision on Prosecution Motion for Joinder of the *Ndirabatsire* and *Turinabo et al.* Contempt Cases, 10 December 2019, pp. 14, 15.

² Decision on Motion to Compel an Interview with a Prosecution Investigator and for the Production of Documents, 30 September 2019 (“Decision of 30 September 2019”), pp. 4, 5; Further Decision on Motion to Compel an Interview with a Prosecution Investigator and for the Production of Documents, 7 October 2019, pp. 1, 2. The interviews took place on 12-14 November 2019. *See* Transcript of Blaszczyk Interview with Ndagijimana Defence, 12 November 2019; Transcript of Blaszczyk Interview with Nzabonimpa Defence, 13 November 2019 (“Blaszczyk Interview, T. 13 November 2019”); Transcript of Blaszczyk Interview with Fatuma Defence, 13 November 2019; Transcript of Blaszczyk Interview with Turinabo Defence, 14 November 2019.

³ Decision of 30 September 2019, p. 4. Ndagijimana requested an order that Blaszczyk provide documents, including professional records, notes taken during his investigations, records of his conversations and contacts with Rwandan authorities, and documents pertaining to the investigations carried out by Rwandan authorities from 2015 to 2019. *See Urgent Motion for the Issuance of a Subpoena Duces Tecum*, 15 August 2019 (confidential), para. 23. Munyeshuli further requested that the Prosecution disclose prior reports, statements, and transcripts from other proceedings in which Blaszczyk testified before the International Criminal Tribunal for the former Yugoslavia. *See Joinder to “Urgent Motion for the Issuance of a Subpoena Duces Tecum”*, 23 August 2019 (confidential), para. 5.

telecommunication companies in relation to the call logs relied upon to compile the list of telephone numbers in RFA 065 sent on 26 September 2016, as well as any undisclosed attribution-related material (“Call Logs Material”); and (iv) any records of witness expenses reimbursed or paid by Blaszczyk during his investigations, as well as any related draft internal guidelines and clarification as to whether guidelines have been adopted in this case (“Expenses Material”) (collectively, “Requested Material”);⁴

NOTING Nzabonimpa’s submissions that: (i) the Requested Material is in the custody or control of the Prosecution, as suggested during Blaszczyk’s interviews, and is specifically identified;⁵ (ii) the Requested Material directly relates to the steps taken by Blaszczyk in the collection of the Prosecution’s evidence and is relevant to his credibility;⁶ (iii) the Outstanding Intercepts Material is relevant to the defence preparation, since the Rwandan authorities’ failure to provide the Outstanding Intercepts is relevant to the admissibility and reliability of other telephone intercepts, the question of whether the Prosecution has made sufficient attempts to obtain them, and the Defence preparations to cross-examine a specific Prosecution witness;⁷ (iv) the Rwandan Reports, as compiled and provided to the Prosecution, are relevant to establishing the extent of the Rwandan authorities’ involvement and influence in the Prosecution’s investigations and to preparations for cross-examination;⁸ (v) the Call Logs Material is necessary to assess the impartiality of the Prosecution’s investigations in view of the Rwandan authorities’ involvement and is relevant to the Defence’s ability to test Blaszczyk’s credibility;⁹ and (vi) the Expenses Material is relevant to the determination of the purpose and reasonableness of any charges related to payments allegedly made by Nzabonimpa to witnesses;¹⁰

NOTING the confidential joinder filed by Ndagijimana on 29 January 2020, wherein he supports the Motion¹¹ and seeks additional disclosure of RFAs sent to Rwanda in relation to the interception of telecommunications between unknown individuals on 8-18 June 2018, as well as any related

⁴ Motion for Disclosure – Information Arising from Interview with Prosecution Investigator Tomasz Blaszczyk, 23 January 2020 (confidential, with confidential annexes A to I) (“Motion”), paras. 1, 4, 27. Nzabonimpa further requests that the Prosecution be ordered to respond to future *inter partes* correspondence “in a comprehensive and unambiguous manner.” See Motion, paras. 8, 9, 27.

⁵ Motion, paras. 10-12.

⁶ Motion, paras. 13-15.

⁷ Motion, paras. 16-18.

⁸ Motion, paras. 19-21.

⁹ Motion, paras. 22-24.

¹⁰ Motion, paras. 25, 26.

¹¹ Ndagijimana Joinder to Nzabonimpa’s “Motion for Disclosure – Information Arising from Interview with Prosecution Investigator Tomasz Blaszczyk”, and Additional Disclosure Request, 29 January 2020 (confidential, with confidential annexes A to C) (“Ndagijimana Joinder”), paras. 1, 17.

correspondence (“June Intercepts” and “June Intercepts Material”, respectively),¹² on the basis that: (i) Blaszczyk confirmed the existence of the June Intercepts Material;¹³ (ii) access to the June Intercepts Material is necessary in order to obtain information regarding the targeted individuals and motives of the intercepts;¹⁴ and (iii) the requested June Intercepts Material is relevant to an upcoming motion for a stay of proceedings, in particular as regards the Rwandan authorities’ non-cooperation;¹⁵

NOTING the confidential joinder filed by Turinabo on 30 January 2020, supporting the Motion and the Ndagijimana Joinder;¹⁶

NOTING the Prosecution’s confidential response filed on 6 February 2020, wherein it opposes the Motion and the Ndagijimana and Turinabo Joinders on the basis that it has diligently responded to all Defence requests pursuant to Rule 71(B) of the Rules and that the Requested Material is neither in its possession nor *prima facie* material to the preparation of the defence;¹⁷

NOTING, in particular, that the Prosecution submits that: (i) the Requested Material is not material to Blaszczyk’s credibility;¹⁸ (ii) it has already disclosed all RFAs, written follow-ups, and responses thereto concerning the Outstanding Intercepts and Outstanding Intercepts Material, and other internal work product – such as mission reports and investigator notes memorializing the substance of investigations – is protected from disclosure by Rule 76(A) of the Rules;¹⁹ (iii) the claim that undisclosed Rwandan Reports exist misunderstands Blaszczyk’s interviews and the Prosecution is not in possession of such reports;²⁰ (iv) the Prosecution is not aware of any communication with Rwanda regarding call logs received prior to September 2016 (“Call Logs”), other than a clearance letter from the Rwandan Prosecutor General consenting to their disclosure (“Clearance Letter”), and submissions regarding the materiality of the Call Logs are speculative;²¹ and (v) the Expenses

¹² Ndagijimana Joinder, paras. 2, 17.

¹³ Ndagijimana Joinder, paras. 4-6.

¹⁴ Ndagijimana Joinder, paras. 3, 7-10.

¹⁵ Ndagijimana Joinder, paras. 3, 11-16.

¹⁶ Turinabo Joinder to Nzabonimpa’s “Motion for Disclosure – Information Arising from Interview with Prosecution Investigator Tomasz Blaszczyk”, 30 January 2020 (confidential) (“Turinabo Joinder”), paras. 1, 2.

¹⁷ Prosecution Response to Nzabonimpa “Motion for Disclosure – Information Arising from Interview with Prosecution Investigator Tomasz Blaszczyk” and Ndagijimana and Turinabo Joinders, 6 February 2020 (confidential) (“Response”), paras. 1, 2, 13-15. The Prosecution indicates that it will address Ndagijimana’s request for disclosure of other material separately, but no subsequent submissions regarding the June Intercepts Material have been filed. *See* Response, n. 1.

¹⁸ Response, para. 3.

¹⁹ Response, paras. 11, 12. The Prosecution further submits that the Defence fails to establish the relevance of the requested investigator notes, mission reports, and email or WhatsApp correspondence to the admissibility of intercepts tendered into evidence. *See* Response, para. 12.

²⁰ Response, paras. 4-6.

²¹ Response, paras. 7, 8.

Material is not disclosable under Rule 71(B) of the Rules as legitimate payments of reasonable witness expenses bear no resemblance and are irrelevant to the bribery charges in this case;²²

NOTING the confidential reply filed by Nzabonimpa on 13 February 2020,²³ in which he contends, *inter alia*, that: (i) the Prosecution mischaracterizes the materiality test under Rule 71(B) of the Rules;²⁴ (ii) the claim that the Defence misunderstands Blaszczyk's interviews regarding the Rwandan Reports is without merit;²⁵ (iii) the Clearance Letter should be disclosed as it falls within the sought Call Logs Material, as well as any material received from non-Prosecution entities;²⁶ and (iv) the Expenses Material is relevant to assessing whether payments are permissible and reasonable;²⁷

RECALLING that the Prosecutor shall: (i) pursuant to Rule 71(B) of the Rules, permit the Defence to inspect any books, documents, photographs, and tangible objects which, *inter alia*, are material to the preparation of the defence; and (ii) pursuant to Rule 73 of the Rules, disclose any material that may suggest the innocence or mitigate the guilt of the accused or affect the credibility of Prosecution evidence;

OBSERVING that, on 10 February 2020, the Rwandan authorities provided the Prosecution with intercepted telecommunications that may cover all or a substantial amount of the Outstanding Intercepts, which were to be made available to the Defence from 24 February 2020,²⁸ and that, on 28 February 2020, I dismissed a renewed request for an order under Rules 55 and 56 of the Rules for Rwanda to produce the Outstanding Intercepts and the June Intercepts;²⁹

²² Response, paras. 9, 10.

²³ Request for Leave to Reply, and Reply to Prosecution Response to 'Motion for Disclosure – Information Arising from Interview with Prosecution Investigator Tomasz Blaszczyk', 13 February 2020 (confidential) ("Reply"). The Prosecution has not opposed the request, and I find that it is in the interests of justice to grant Nzabonimpa leave, pursuant to Rule 153(A) of the Rules, to file the Reply and will consider it.

²⁴ Reply, paras. 2-4.

²⁵ Reply, paras. 2, 5, n. 7.

²⁶ Reply, paras. 8, 9.

²⁷ Reply, paras. 10-12.

²⁸ See Decision on Jean de Dieu Ndagijimana Renewed Motion and Augustin Ngirabatware's Motion for State Production of Documents, 28 February 2020 ("Decision of 28 February 2020"), p. 2. See also Prosecution Motion to Amend Rule 70(E)(iii) Exhibit List, 24 February 2020 (confidential, with confidential Annex A), paras. 1, 6, 8.

²⁹ I did, nonetheless, order the Prosecution to use its good offices to either: (i) obtain confirmation from the Rwandan authorities that they have disclosed to the Prosecution all telecommunications that have been intercepted by them pursuant to Prosecution RFAs; or (ii) have the Rwandan authorities identify intercepts collected by them pursuant to Prosecution RFAs that have not yet been disclosed, obtain such intercepts from the Rwandan authorities, and disclose such intercepts to the parties. See Decision of 28 February 2020, pp. 3, 4.

OBSERVING FURTHER that, on 30 March 2020, the Prosecution submitted that no additional intercepts have been disclosed by the Rwandan authorities subsequent to its follow-up requests,³⁰ but committed to follow-up on a Rwandan authorities' email dated 27 March 2020 regarding the identification and transmission of retained wiretaps or telecommunications not yet submitted by Rwanda,³¹

FINDING that the Prosecution should continue to disclose pursuant to Rule 71(B) of the Rules, to the extent that it has not already done so, any future follow-up correspondence to the email dated 27 March 2020 sent to or received from Rwandan authorities in relation to the identification and transmission of the Outstanding Intercepts and the June Intercepts, as well as any further material that it may receive in furtherance of this correspondence;

CONSIDERING, however, that, at the time of the Response, the Prosecution unequivocally stated that it has fulfilled its obligations and disclosed all RFAs, written follow-ups, and responses thereto concerning the Outstanding Intercepts,³²

CONSIDERING, in particular, that the RFA 0061 dated 31 May 2018, through which the Prosecution requested the June Intercepts, is attached to the Prosecution Submission of 30 March 2020,³³ rendering this part of Ndagijimana's request moot;

FINDING, aside from the communications identified above related to the 27 March 2020 email, that the Defence has not demonstrated that the Prosecution is presently in possession of any further correspondence or material subject to disclosure pursuant to Rules 71(B) or 73 of the Rules in relation to the Outstanding Intercepts or the June Intercepts, and that the related requests for orders to disclose any existing Outstanding Intercepts Material or June Intercepts Material are without basis;

³⁰ See Prosecution Submission Pursuant to the Single Judge's Order of 28 February 2020, 30 March 2020 (confidential, with confidential annexes A to D) ("Prosecution Submission of 30 March 2020"), paras. 1-3. The follow-up requests and responses thereto were attached to the Prosecution's submission. See Prosecution Submission of 30 March 2020, Annex A, Registry pagination ("RP.") 13193, Annex B, RP. 13177, Annex C, RP. 13175, Annex D, RP.13173, 13172.

³¹ See Prosecution Submission of 30 March 2020, n. 6, Annex D, RP. 13173.

³² Response, para. 11. I this regard, I also consider that the Defence has not shown that it is otherwise necessary to reconsider my previous conclusion that the Prosecution is not required to disclose "any other communications with Rwandan authorities[]" as it pertains to the collection and transmission of intercepts" beyond RFAs and responses thereto. See Decision on Motions for State Production of Electronic Communications, 11 September 2019 (confidential), p. 5, n. 29, *referring to, inter alia*, Decision on Motion for an Order of Disclosure of Telecommunication-Related Material, 6 May 2019 (confidential) ("Decision of 6 May 2019"), p. 5.

³³ See Prosecution Submission of 30 March 2020, Annex A, RP. 13181-13179.

RECALLING FURTHER that Rule 76(A) of the Rules provides that reports, memoranda, or other internal documents prepared by a party, its assistants, or representatives in connection with the investigation, preparation, or presentation of the case are not subject to disclosure or notification;

FINDING that the requested internal notes or mission reports concerning the Outstanding Intercepts fall within the ambit of Rule 76(A) of the Rules and that Nzabonimpa has not demonstrated that any of the information he seeks that might be contained therein is *prima facie* exculpatory³⁴ and, therefore, should be disclosed in some other form;³⁵

CONSIDERING that the Prosecution also unambiguously stated that it is not in possession of any undisclosed Rwandan Reports and that it made clear that Nzabonimpa's request relies on a misinterpretation of Blaszczyk's interviews;³⁶

FINDING, therefore, that the Motion does not substantiate that Blaszczyk's interviews establish the existence of specific Rwandan Reports disclosable pursuant to Rules 71(B) or 73 of the Rules;³⁷

CONSIDERING that the Prosecution further stated that it has reviewed its files upon the Defence's request and is not aware of any communication with Rwanda or telecommunication companies regarding the Call Logs, other than the Clearance Letter;³⁸

RECALLING that I have consistently ordered the Prosecution to disclose, *inter alia*, RFAs and responses thereto in relation to electronic evidence, including telephone call logs and wiretap evidence as referred to in the declaration of Blaszczyk dated 14 June 2018;³⁹

CONSIDERING that the preparation of the defence case is a broad concept⁴⁰ and that a request under Rule 71(B) of the Rules is one of the methods available to the Defence in carrying out its investigations;⁴¹

³⁴ Nzabonimpa's suggestion that internal Prosecution documents bear on a particular prospective witness's credibility is not substantiated (*see* Motion, para. 18) and his assertion that they contain information material to the preparation of his defence is speculative and fails to justify his intrusion into material otherwise exempted from disclosure (*see* Motion, para. 16).

³⁵ *See, e.g., Prosecutor v. Jean de Dieu Kamuhanda*, Case No. ICTR-99-54A-A, Decision on Jean de Dieu Kamuhanda's Request Related to Prosecution Disclosure and Special Investigation, 7 April 2006, para. 7, n. 20.

³⁶ Response, paras. 4-6.

³⁷ *See* Reply, para. 5. *See also* Blaszczyk Interview, T. 13 November 2019 p. 38.

³⁸ Response, para. 7.

³⁹ *See* Decision of 6 May 2019, p. 5; Decision on Anselme Nzabonimpa's Request for Further Order of Disclosure of Telecommunication-Related Material, 2 September 2019, p. 4. *See also* Motion for an Order of Disclosure – Telecommunication-Related Material with Confidential Annexes A to F, 13 February 2019 (confidential, with confidential annexes A to F), Annex A, RP. 2608, 2605.

CONSIDERING, in light of the above, that the Clearance Letter, through which the Rwandan authorities consented to the disclosure of the Call Logs under Rule 76(B) of the Rules,⁴² may be relevant to the Defence’s investigation regarding the origin, nature, or the timing of the Call Logs’ provision and thus assist the preparation of the defence;⁴³

FINDING, therefore, that the Prosecution, which does not submit that Rules 71(C) or 76(B) of the Rules apply to this specific document, should disclose the Clearance Letter pursuant to Rule 71(B) of the Rules;

FINDING that the Defence does not establish that the Prosecution is in the custody of any further Call Logs Material subject to disclosure pursuant to Rules 71(B) or 73 of the Rules;

CONSIDERING that Blaszczyk acknowledged that he was responsible for paying the expenses of the witnesses he interviewed and that he provided the records of these expenses to the Prosecution’s budget officer, which is not challenged, and that the Prosecution further indicated that such expenses “fall within the framework of UN Rules”;⁴⁴

CONSIDERING FURTHER that the Defence sufficiently demonstrates that the purpose and amount of expenses payments made by the Prosecution to witnesses may be relevant to the preparation of his defence;⁴⁵

⁴⁰ See, e.g., Decision on Motion for Access to Prosecution’s Requests for Assistance and Responses Thereto, 18 April 2019, p. 3, nn. 12-15, referring to, *inter alia*, *The Prosecutor v. Théoneste Bagosora et al.*, Case No. ICTR-98-41-AR73, Decision on Interlocutory Appeal Relating to Disclosure Under Rule 66(B) of the Tribunal’s Rules of Procedure and Evidence, 25 September 2006 (“*Bagosora et al.* Decision of 25 September 2006”), para. 9.

⁴¹ See, e.g., *The Prosecutor v. Léonidas Nshogoza* Case No. ICTR-2007-91-PT, Decision on Defence Motions for Disclosure under Rules 66 and 68 of the Rules of Procedure and Evidence, 22 December 2008, para. 27; *Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-PT, Decision on Accused’s Second Motion for Inspection and Disclosure: Immunity Issue, 17 December 2008, para. 9; *The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-AR73.11, Decision on the Prosecution’s Interlocutory Appeal Concerning Disclosure Obligations, 23 January 2008, para. 15; *Bagosora et al.* Decision of 25 September 2006, para. 11.

⁴² See Motion, Annex I, RP. 11786; Response, para. 7; Reply, para. 8.

⁴³ Reply, para. 8.

⁴⁴ See Blaszczyk Interview, T. 13 November 2019 pp. 29-32; Motion, Annex H, RP. 11788; Response, paras. 9, 10. I observe that that the Prosecution does not submit that the Expenses Material falls within the scope of Rule 76(A) of the Rules. See Motion, Annex H, RP. 11788; Response, paras. 9, 10.

⁴⁵ See, e.g., *The Prosecutor v. Léonidas Nshogoza* Case No. ICTR-07-91-T, Judgement, 7 July 2009, paras. 111, 113, 199. This being said, I do not consider Nzabonimpa’s submissions sufficient to demonstrate that Blaszczyk’s payments to witnesses “deliberately circumvented existing UN rules” or bear *per se* on his or any other witness’s credibility, and thus do not find such material is *prima facie* exculpatory in the sense of Rule 73 of the Rules. See Motion, paras. 25, 26; Reply, paras. 11, 12, n. 18, referring to Blaszczyk Interview, T. 13 November 2019 pp. 30, 31. See also, e.g., *The Prosecutor v. Casimir Bizimungu et al.*, Case No. ICTR-99-50-T, Decision on Prosper Mugiraneza’s Motion for Records of All Payments Made Directly or Indirectly to Witness D, 18 February 2008, pp. 3, 4; *The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-PT, Decision on Defence Motion for Full Disclosure of Payments to Witnesses and to Exclude Testimony from Paid Witnesses, 23 August 2005, para. 7.

FINDING, therefore, that Nzabonimpa has satisfied the requirements of Rule 71(B) of the Rules with regard to the Expenses Material and that the records of witness expenses reimbursed or paid by Blaszczyk during his investigations in connection to the present case, as well as the rules or framework applied to the payments of such expenses, should be disclosed to the Defence;

FINDING, in light of the above, that the Defence does not establish, with the exception of the Clearance Letter and the Expenses Material, that the Prosecution is in custody of the Requested Material and/or that the information sought would be material to the preparation of the defence in the sense of Rule 71(B) of the Rules, including with regard to the preparation of Blaszczyk's cross-examination, or exculpatory pursuant to Rule 73 of the Rules;⁴⁶

FOR THE FOREGOING REASONS,

GRANT, in part, the Motion and the Ndagijimana and Turinabo Joinders:

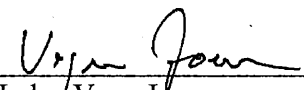
HEREBY ORDER the Prosecution to disclose pursuant to Rule 71(B) of the Rules, as soon as practicable, the Clearance Letter in relation to the Call Logs, as well as the Expenses Material;

INSTRUCT the Prosecution to continue to disclose pursuant to Rule 71(B) of the Rules, to the extent that it has not already done so, any future follow-up correspondence to the email dated 27 March 2020 sent to or received from Rwandan authorities in relation to the identification and transmission of the Outstanding Intercepts and the June Intercepts; and

DISMISS the remainder of the Motion and the Ndagijimana and Turinabo Joinders.

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

Done this 7th day of May 2020,
At Arusha,
Tanzania


Judge Vagn Joensen
Single Judge

[Seal of the Mechanism]

⁴⁶ I further find that the Defence does not demonstrate the existence of circumstances warranting an order to the Prosecution to respond to future *inter partes* correspondence "in a comprehensive and unambiguous manner". See Motion, paras. 8, 9, 27; Reply, para. 13.



TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS

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Date Created/ Daté du :	7 May 2020	Date transmitted/ Transmis le :	7 May 2020	No. of Pages/ Nombre de pages : 9
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II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

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