ICTR-98-44-PT
1-3-2005
(17764-17755)

17764
-17755

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR RWANDA

CASE No. ICTR-98-44-PT

IN TRIAL CHAMBER No. 3

Before: Judge Dennis C.M. Byron, Presiding
Judge Emile Short
Judge G. Gustave Kam

Registrar: Mr. Adama Dieng

Date Filed: 1 March 2005

2005 MAR -1 P 12: 16
ICTR
RECORDS/ARCHIVES

THE PROSECUTOR

v.

JOSEPH NZIRORERA

JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION
TO APPEAL DENIAL OF REQUEST FOR COOPERATION
TO GOVERNMENT OF FRANCE

The Office of the Prosecutor:
Mr. Don Webster
Ms. Dior Fall
Mr. Gregory Lombardi

Defence Counsel:
Mr. Peter Robinson

Counsel for Co-Accused:
Ms. Dior Diagne Mbaye and Mr. Felix Sow for Edouard Karemera
Mr. Charles Roach and Mr. Frederick Weyl for Mathieu Ngirumpatse

17763

1. Joseph Nzirorera respectfully applies, pursuant to Rule 73(B), for certification to appeal the *Decision a la Requete de Joseph Nzirorera aux fins d'Obtenir la Cooperation du Gouvernement Francais* (23 February 2005).

2. Rule 73(B) provides:

> "Decisions rendered on such motions are without interlocutory appeal save with certification by the Trial Chamber, which may grant such certification if the decision involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, and for which, in the opinion of the Trial Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings."

3. If certification is granted, Mr. Nzirorera will raise four grounds of appeal against the decision.

Right to Impartial Tribunal

4. Mr. Nzirorera contends that the decision against his interests by judges working under the supervision and oversight of Judge Vaz, as Presiding Judge of Trial Chamber III, creates an appearance of bias which violates his right to an impartial Tribunal and to a fair trial.

5. The grounds for certification of this issue were fully briefed in *Joseph Nzirorera's Application for Certification to Appeal Denial of Motion to Vacate Sanctions* (28 February 2005). That application is hereby incorporated by reference into this pleading.

6. For the same reasons, certification to appeal the impugned decision denying the request for cooperation to the government of France should be granted.

17762

Effect of Prior Decisions

7. Mr. Nzirorera's second ground of appeal is that the Trial Chamber erred in giving effect to the decision of Judge Vaz and the prior Trial Chamber in which the identity of those responsible for the assassination of President Habyarimana was deemed to be irrelevant.[1]

8. Mr. Nzirorera has consistently taken the position that none of the decisions of the prior Trial Chamber in which Judge Vaz was a member be given effect, including specifically the 29 September 2003 decision upon which the Chamber relied in the impugned decision.[2]

9. This ground of appeal presents the same argument that was fully briefed in *Joseph Nzirorera's Application for Certification to Appeal Denial of Motion to Vacate Sanctions* (28 February 2005) and *Joseph Nzirorera's Motion for Order Finding Prior Decisions to be of No Effect* (25 February 2005). Those documents are hereby incorporated by reference into this Application.

10. For the same reasons, certification to appeal the impugned decision denying the request for cooperation to the government of France should be granted.

"Relevance" Under Article 28

11. The third ground of appeal relates to the substantive decision made by the Trial Chamber that the report sought from Judge Bruguiere's investigation into the assassination of President Habyarimana is not relevant.

---

[1] *Decision on the Defence Motion for Disclosure of Items Deemed Material to the Defence of the Accused* (29 September 2003), cited by the Trial Chamber in paragraph 8 of the impugned decision.
[2] See Transcript of Informal Meeting (18 November 2004) at page 28

17761

12. Mr. Nzirorera contends that by applying a standard of relevance for admissibility purposes, rather than relevance for investigatory purposes, the Trial Chamber violated the principle established by the Appeals Chamber that:

> "It follows that the Chamber shall provide every practicable facility it is capable of granting under the Rules and Statute when faced with a request by a party for assistance in presenting its case."[3]

13. Mr. Nzirorera contends that the impugned decision, which prevents him from obtaining material which he could use to defend allegations that he conspired from 1992-94 to commit genocide, denies him the assistance he needs in presenting his case and constitutes a significant blow to his right to a fair trial at this Tribunal.

14. He contends that for purposes of Article 28, a showing that the material sought from a State involves the same events as those included in the indictment is all that is required. During the trial and in the context of the evidence presented by the prosecution, determinations of the relevancy of any evidence developed from the access to the material can be made.

15. This has been the approach taken by other Trial Chambers at the ICTR when presented with defence requests pursuant to Article 28. For example, in *Prosecutor v Bagosora*, the Trial Chamber granted a request to the government of The Netherlands for the defence to interview a UNAMIR officer.[4] That officer may or may not have relevant evidence to give at the trial. But it was sufficient for purposes of Article 28 that:

> "The Defence has listed specific facts and events about which it wishes to interview Major van Putten. His position as an officer attached to the UNAMIR mission in Rwanda in 1994 indicates that he likely had the opportunity to observe

[3] *Prosecutor v Tadic*, No. IT-94-1-A (15 July 1999) at para. 52
[4] *Prosecutor v Bagosora et al*, No. ICTR-98-41-T, *Decision on Request to the Kingdom of the Netherlands for Cooperation and Assistance* (7 February 2005).

17760

> the events at issue and the Chamber is satisfied that the Major's observations may be relevant and assist the Defence in the preparation of its case."[5]

16. The Trial Chamber noted that "When the Defence is not fully aware of the nature and relevance of the testimony of a prospective witness it is in the interests of justice to allow the Defence to meet the witness and assess his testimony.[6]

17. In another decision in the *Bagosora* case, the Trial Chamber authorized a Request for Cooperation to the government of Rwanda under Article 28 for documents for the period 1992-94, reasoning that:

> "The Chamber considers it obvious that documents created or issued in the months preceding the start of 1994 probably describe policies that may still have been in effect in that year and are, therefore, likely to be relevant... Some evidence has been admitted at trial of events in 1992, which the Prosecution says is probative of an ongoing conspiracy through 1994. Categories II, III.c and IV.a appear to the Chamber to be relevant to these questions and, therefore, the requested period for these documents shall be defined more broadly as January 1992 through July 1994."[7]

18. As set forth in the *Motion for Request for Cooperation to Government of France* (14 April 2004), Judge Bruguiere obtained information from former members of the RPF, such as Abdul Ruzibiza, a former RPF officer.[8] The statement of Mr. Ruzibiza, and presumably other evidence uncovered by Judge Bruguiere, will lead to Mr. Nzirorera being able to offer evidence that the assassination was the culmination of a campaign to blame those in the Habyarimana regime, including Mr. Nzirorera, for acts of violence for which the RPF was in fact responsible.

---

[5] *Prosecutor v Bagosora et al*, No. ICTR-98-41-T, *Decision on Request to the Kingdom of the Netherlands for Cooperation and Assistance* (7 February 2005) at para. 7.
[6] *Prosecutor v Bagosora et al*, No. ICTR-98-41-T, *Decision on Request to the Kingdom of the Netherlands for Cooperation and Assistance* (7 February 2005) at para. 6
[7] *Prosecutor v Bagosora et al*, No. ICTR-98-41-T, *Request to the Government of Rwanda for Cooperation and Assistance Pursuant to Article 28 of the Statute* (10 March 2004) at paras. 9-10
[8] See Annex B to the *Motion*

17759

19. Many of the events leading up to the massacres, which will be the subject of prosecution evidence at trial, such as the murders of prominent officials in 1993, were perpetrated by the RPF and blamed on the MRND or Interahamwe. According to Mr. Ruzibiza, the RPF infiltrated the political parties and fomented the chaos that prevented the formation of the transitional institutions that the prosecution claims were blocked by Mr. Nzirorera and the other MRND accused.[9]

20. In addition, as set forth in the motion, Judge Bruguiere took testimony a number of alleged members of the joint criminal enterprise charged in the amended indictment, including Colonel Bagosora, General Ndindiliyimana, General Kabiligi, Major Ntabakuze, Jean Bosco Barayagwiza, Justin Mugenzi, Jerome Bicamumpaka and others.[10]

21. The Trial Chamber's decision prevents Mr. Nzirorera from obtaining access to the important information developed by Judge Bruguiere surrounding the same events that will be the subject of his trial. The decision affects the cross-examination of many important prosecution witnesses who will be testifying about these events, including the former Prime Minister, members of the Interahamwe leadership, General Romeo Dallaire, and expert witnesses Andre Guichaoua, Filip Reyntjens, and Alison Des Forges.

22. Indeed, Professors Guichaoua and Reyntjens have been allowed to give evidence by Trial Chambers I and II that the RPF was responsible for the assassination of President Habyarimana.[11] Why would such testimony be relevant in the *Military* and *Butare* trials

[9] *Motion*, at paras. 10-11 and Annex B
[10] *Motion*, at para. 7
[11] *Prosecutor v Bagosora et al*, No. ICTR-98-42-T (Transcript of 15 September 2004) at page 14; (Transcript of 21 September 2004) at page 45; *Prosecutor v Nyiramasuhuko et al*, No, ICTR-98-42-T (Transcript of 14 October 2004) at page 24.

17758

and not be relevant at the trial of the leaders of President Habyarimana's political party? The Appeals Chamber should be allowed to address this question.

23. The decision will also affect the ability of Mr. Nzirorera to mount a defence by depriving him of witnesses of whom he will be unaware, such as RPF members, and by depriving him of valuable corroboration for testimony of witnesses of whom he is aware.

24. Therefore, the decision involves an issue that will recur throughout the trial and would significantly affect the fair conduct of the proceedings or the outcome of the trial.

25. The preliminary nature of the request—to simply obtain a report than can be used to obtain information to be used in cross-examination and in the defence case-in-chief—provides ample reason why an immediate resolution of this issue is needed by the Appeals Chamber. If the matter is left to an appeal from the final judgement, uncertainty over the fairness of Mr. Nzirorera's trial, and uncertainty over what evidence he may have been able to use to defend himself, will permeate these proceedings for the next two or three years.

26. If the Appeals Chamber were to decide after judgement that the Trial Chamber had erred in denying Mr. Nzirorera access to Judge Bruguiere's report, it would likely lead to an order requiring a new trial or the calling and re-calling of a significant number of witnesses in the Appeals Chamber—a situation that would jeopardize the completion strategy of the Tribunal and can be avoided by a decision by the Appeals Chamber at a time when access to the report can still be useful to the accused at his trial.

17757

27. Therefore, Mr. Nzirorera contends that the issue of whether the Trial Chamber erred in applying the wrong standard of relevance in denying the motion satisfies both requirements of Rule 73(B).

"International Character of the Armed Conflict"

28. As a reason for denying the Motion, the Trial Chamber observed that having access to Judge Bruguiere's report would not assist the accused on the issue of the government of Uganda's participation in the armed conflict and the international/internal character of the armed conflict. The Trial Chamber held that whether the conflict was international or internal depended on whether there were foreign forces engaged in combat with forces of the Rwandan government.[12]

29. Mr. Nzirorera contends that the Trial Chamber erred in applying the wrong standard for determining whether a conflict was international or internal. The well-established test repeatedly applied by the Appeals Chamber is whether the individuals involved in the conflict were under the "overall control" of another State.[13] This control can manifest itself in different ways, including providing missiles to shoot down airplanes. It is not necessary that the State provide its own soldiers for combat—although it is known that many RPA members were soldiers in the Ugandan Army.

30. The Trial Chamber's conclusion that Judge Bruguiere's report is not relevant to assist Mr. Nzirorera in obtaining evidence as to the involvement of the government of Uganda in the conflict is at odds with the published reports that the missiles used to shoot down President Habyarimana's plane came from Uganda and Judge Bruguiere's

---

[12] *Decision*, at para. 12

[13] *Prosecutor v Tadic*, No. IT-94-1-A (19 July 1999) at para 146; *Prosecutor v Delalic et al*, No. IT-96-21-A (20 February 2001) at para. 26; *Prosecutor v Aleksovski*, No. IT-95-14/1-A (24 March 2000) at paras. 134, 145

established access to high ranking members of the RPA in a position to know the relationship between its forces and the government of Uganda.[14]

31. The denial of access to this information will impact upon Mr. Nzirorera's right to a fair trial and the outcome of the war crimes charges in Count 7. In addition, immediate resolution of the issue of the proper test to be applied to whether the conflict was internal or international is necessary to guide the Chamber in numerous decisions concerning admissibility of evidence as to this element, as well as the ultimate question of whether this element has been established.

32. In *Prosecutor v Bizimungu et al*, the Trial Chamber granted certification to appeal an issue of relevance of evidence when the issue was likely to recur throughout the trial. In that case, the Appeals Chamber, on interlocutory appeal, actually reversed the Trial Chamber's admission of evidence against Prosper Mugiraneza when similar reasoning had been used by the Trial Chamber to exclude evidence against Casimir Bizimungu.[15]

33. The same situation suggests that certification to appeal this issue of relevancy of Judge Bruguiere's report should be granted. The issues of the RPF involvement in the events between 1992-94 which will be the subject of the trial, as well as the character of the armed conflict, will arise during the testimony of numerous witnesses throughout the trial for both the prosecution and defence. Immediate resolution of the issue by the Appeals Chamber will allow for consistent application of the correct legal principles.

---

[14] See *Motion*, Annex A

[15] *Prosecutor v Bizimungu et al*, No. ICTR-99-50-T, *Decision on the Accused Mugiraneza's Motion for Certification to Appeal the Chamber's Decision of 5 February 2004* (24 March 2004); *Prosecutor v Bizimungu et al*, No. ICTR-99-50-T, *Decision on the Prosecution Motion for Certification to Appeal the Chamber's Decision of 5 February 2004* (24 March 2004).

34. Therefore, the criteria for interlocutory appeal set forth in Rule 73(B) are met as to this issue as well.

Conclusion

35. The Appeals Chamber has held that a party seeking to admit evidence on appeal after a trial judgement must demonstrate that he made use of all of the mechanisms of protection and compulsion available to him under the Statute and Rules before the Trial Chamber to obtain that evidence.[16]

36. Mr. Nzirorera is making use of Rule 73(B) in seeking certification to appeal the Trial Chamber's refusal to issue a request for cooperation to the government of France. Mr. Nzirorera earnestly hopes that the Trial Chamber will grant him certification to appeal now so that the matter can be resolved before any final judgement in this case.

Respectfully submitted,

PETER ROBINSON
Lead Counsel for Joseph Nzirorera

[16] *Nahimana et al v Prosecutor*, No. ICTR-99-52-A, *Decision on Appellant Hassan Ngeze's Motion to Present Additional Evidence* (14 February 2005)

002

ICTR
COMMUNICATIONS CENTRE
RECEIVED
2005 MAR -1 A 8 14

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

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

To:	☐ Trial Chamber I N. M. Diallo	☐ Trial Chamber II R. N. Kouambo	☒ Trial Chamber III C. K. Hometowu	☐ Appeals Chamber / Arusha F. A. Talon
	☐ Chief, CMS J.-P. Fomété	☐ Deputy Chief, CMS M. Diop	☐ Chief, JPU, CMS M. Diop	☐ Appeals Chamber / The Hague R. Muzigo-Morrison K. K. A. Afande
From:	☐ Chamber (names)	☒ Defence **Peter Robinson** (names)	☐ Prosecutor's Office (names)	☐ Other: (names)
Case Name:	The Prosecutor vs. **Joseph Nzirorera**		**Case Number:** ICTR-98-44-PT	
Dates:	Transmitted: **28 February 2005**		Document's date: **1 March 2005**	
No. of Pages:	**10**	**Original Language:** ☒ English ☐ French ☐ Kinyarwanda		
Title of Document:	**Application for Certification to Appeal Decision on Request for Cooperation of Government of France**			

Classification Level:
☐ Strictly Confidential / Under Seal
☐ Confidential
☒ Public

TRIM Document Type:
☐ Indictment ☐ Warrant ☐ Correspondence ☐ Submission from non-parties
☐ Decision ☐ Affidavit ☐ Notice of Appeal ☐ Submission from parties
☐ Disclosure ☐ Order ☐ Appeal Book ☐ Accused particulars
☐ Judgement ☒ Motion ☐ 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	☐ English	☐ French	☐ Kinyarwanda
Translation	in	☐ English	☐ French	☐ 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

☐ **The OTP** is overseeing translation.
The document is submitted for translation to:
☐ The Language Services Section of the ICTR / Arusha.
☐ The Language Services Section of the ICTR / The Hague.
☐ An accredited service for translation; see details below:
Name of contact person:
Name of service:
Address:
E-mail / Tel. / Fax:

☐ **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:

ICTR
CENTRAL REGISTRY
- 1 MAR 2005
ACTION: TC3/CMS
COPY 1:

III - TRANSLATION PRIORITISATION (For Official use ONLY)

☐ Top priority	COMMENTS	☐ Required date:
☐ Urgent		☐ Hearing date:
☐ Normal		☐ Other deadlines:

NB: This form is available on: http://www.ictr.org/ENGLISH/cms/cms1.doc

UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

Arusha International Conference Centre
P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie
Tel: 255 57 504207-11 504367-72 or 1 212 963 2850 Fax: 255 57 504000/504373 or 1 212 963 2848/49

PROOF OF SERVICE – ARUSHA
PREUVE DE NOTIFICATION – ARUSHA

Date: **01 March 2005**	Case Name / *Affaire:* **The Prosecutor vs.**	**- Joseph NZIRORERA** **- Mathieu NGIRUMPATSE** **- Edward KAREMERA**
	Case No /*Affaire No.*: **ICTR-98-44-PT**	

To: *A:*		received by / *reçu par:*	**ALO:**	received by / *reçu par*
☐	TC1			
☐	Judge E. Møse, President	.....	☐	.....
☐	Judge J. R. Reddy	.....	☐	.....
☐	Judge S. A. Egorov	.....	☐	.....
☐	Judge D. C. M. Byron *(Simba)*	.....	☐	.....
☐	E. Nahamya, Co-ordinator	.....		
☐	TC2			
☐	Judge W. H. Sekule	.....	☐	.....
☐	Judge A. Ramaroson	.....	☐	.....
☐	Judge K. R. Khan *(Bizimungu et al.)*	.....	☐	.....
☐	Judge A. J. N. de Silva	.....	☐	.....
☐	Judge S. B. Bossa *(Nyiramasuhuku et al.)*	.....	☐	.....
☐	Judge L. G. Muthoga *(Bizimungu et al.)*	.....	☐	.....
☐	Judge E. F. Short *(Bizimungu et al.)*	.....	☐	.....
☐	Judge T. Hikmat *(Ndindiliyimana et al.)*	.....	☐	.....
☐	Judge S. K. Park *(Ndindiliyimana et al.)*	.....	☐	.....
☐	C. Eboe-Osuji, SLO	.....		
☐	A. Leroy, Co-ordinator	.....		
☒	**TC3**			
☐	**Judge A. Vaz**	.....	☐	.....
☐	**Judge K. R. Khan**	.....	☐	.....
☒	**Judge D. C. M. Byron**	1/3/05	☐	.....
☐	**Judge F. Lattanzi**	.....	☐	.....
☐	**Judge L. G. Muthoga** *(Muhimana)*	.....	☐	.....
☐	**Judge F. R. Arrey**	.....	☐	.....
☒	**Judge E. F. Short** *(Muhimana)*	– 01/03/05	☐	.....
☐	**Judge K. Hökborg** *(Seromba)*	.....	☐	.....
☒	**Judge G. G. Kam** *(Seromba)*	– 01.03.05	☐	03/03/05
☐	E. O'Donnell, SLO	.....	☐	.....
☐	**R. Adjovi, Co-ordinator**	1.3.2005		
☐	**C. Denis, Co-ordinator** *(Karemera et al.)*	3.3.2005		
☐	**H. Gogo, Co-ordinator** *(Seromba)*	.....		

☒ **OTP / BUREAU DU PROCUREUR**

☐ Trial Attorney in charge of case: **D. Webster** 01/03/05 received by 01-03-05

☒ **DEFENSE**

☐ Accused / *Accusé*: **J. Nzirorera, M. Ngirumpatse & E. Karemera**

complete / *remplir* " CMS4 FORM"

☐ Lead Counsel / *Conseil Principal*..... **P. Robinson, C. Hooper & D. Diagne**

☐ In / à Arusha Arusha .....(signature) ☐ by fax complete / *remplir* "CMS3bis FORM"

☐ Co-Counsel / *Conseil Adjoint*.... **F. Weyl, F. Sow & A. O'Shea**

☐ In / à Arusha Arusha .....(signature) ☐ by fax complete / *remplir* "CMS3bis FORM

All Decisions: ☐ Appeals Chamber Unit, The Hague ☐ S. Chenault, Jurist Linguist

All Decisions & Important Public Documents: ☐ Press & Public Affairs ☐ Legal Library

From: *De:*	☐ J.-P. Fomété (Chief, CMS)	☐ N. Diallo (TC1)	☐ R. Kouambo (TC2)	☒ **C. Hometowu (TC3)**	☐ F. A. Talon (Appeals)			
Cc:	☐ A. Dieng	☐ A. Miller, OLA, NY	☐ L. G. Munlo	☐ S. Menon	☐ M. Niang 01/3/05	☐ S. van Driessche		
	☐ WVSS	☐ R. Amoussouga	☐ E. O'Donnell	☐ DCDMS	☐ P. Enow			
Subject *Objet:*	**Kindly find attached the following document(s) / *Veuillez trouver en annexe le(s) document(s) suivant(s):***							

JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL DENIAL OF REQUEST FOR COOPERATION TO GOVERNMENT OF FRANCE

Date Filed / *Date enregistrée* **1/3/2005**

Pages **10**

UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

Arusha International Conference Centre
P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie
Tel: 255 57 504207-11 504367-72 or 1 212 963 2850 Fax: 255 57 504000/504373 or 1 212 963 2848/49

PROOF OF SERVICE TO DETAINEES
PREUVE DE NOTIFICATION D'ACTES AUX DETENUS

Upon signature of the detainee, please return this sheet to the originator as proof of service.
Formulaire à être renvoyé à l'expéditeur dûment signé par le détenu.

Date: **01 March 2005**	Case Name / *Affaire:* **The Prosecutor vs.**	**- Joseph NZIRORERA** **- Mathieu NGIRUMPATSE** **- Edward KAREMERA**		
	Case No /*Aaffaire No.*: **ICTR-98-44-PT**			
To: *A:*	Name of detainee / *nom du détenu* **KAREMERA**	**TO BE FILLED IN BY THE DETAINEE** ***A COMPLETER PAR LE DETENU*** I confirm reception of the document(s) listed below. *Je confirme réception du/des documents mentionné(s) ci-dessous.*	Signature	Date, Time / *Heure* 22/03/05
Via:	**Security Officer** **Commanding Officer, UNDF**	Print name / *nom* ..... **S. Gwindo**	Signature	Date, Time / *Heure* 21/3/05 .....
From: *De:*	☐ J.-P. Fomété (Chief, CMS) ☐ N. Diallo (TC1) ☐ R. Kouambo (TC2) ☐ C. Hometowu (TC3) ☐ F. A. Talon (Appeals) ☐ Other / *Autre*			
Subject *Objet:*	**Kindly find attached the following documents / *Veuillez trouver en annexe les documents suivants.***			

Documents name / *titre du document*	Date Filed / *Date enregistrée*	Pages
JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL DENIAL OF REQUEST FOR COOPERATION TO GOVERNMENT OF FRANCE	**1/3/2005**	**10**

12

UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

Arusha International Conference Centre
P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie
Tel: 255 57 504207-11 504367-72 or 1 212 963 2850 Fax: 255 57 504000/504373 or 1 212 963 2848/49

PROOF OF SERVICE TO DETAINEES
PREUVE DE NOTIFICATION D'ACTES AUX DETENUS

Upon signature of the detainee, please return this sheet to the originator as proof of service.
Formulaire à être renvoyé à l'expéditeur dûment signé par le détenu.

Date: **01 March 2005**	Case Name / *Affaire:* **The Prosecutor vs.**	**- Joseph NZIRORERA** **- Mathieu NGIRUMPATSE** **- Edward KAREMERA**		
	Case No /*Aaffaire No.*: **ICTR-98-44-PT**			
To: *A:*	Name of detainee / *nom du détenu* **NGIRUMPATSE**	**TO BE FILLED IN BY THE DETAINEE** ***A COMPLETER PAR LE DETENU*** I confirm reception of the document(s) listed below. *Je confirme réception du/des documents mentionné(s) ci-dessous.*	Signature	Date, Time / *Heure* 3/3/05
Via:	**Security Officer** **Commanding Officer, UNDF**	Print name / *nom* **S. Guindo**	Signature	Date, Time / *Heure*
From: *De:*	☐ J.-P. Fomété (Chief, CMS) ☐ N. Diallo (TC1) ☐ R. Kouambo (TC2) ☐ **C. Hometowu (TC3)** ☐ F. A. Talon (Appeals) ☐ Other / *Autre* ..... CA.Tmy			
Subject *Objet:*	**Kindly find attached the following documents / *Veuillez trouver en annexe les documents suivants.***			

Documents name / *titre du document*	Date Filed / *Date enregistrée*	Pages
JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL DENIAL OF REQUEST FOR COOPERATION TO GOVERNMENT OF FRANCE	**1/3/2005**	**10**

10

UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

Arusha International Conference Centre
P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie
Tel: 255 57 504207-11 504367-72 or 1 212 963 2850 Fax: 255 57 504000/504373 or 1 212 963 2848/49

PROOF OF SERVICE TO DETAINEES
PREUVE DE NOTIFICATION D'ACTES AUX DETENUS

Upon signature of the detainee, please return this sheet to the originator as proof of service.
Formulaire à être renvoyé à l'expéditeur dûment signé par le détenu.

Date: **01 March 2005**	Case Name / *Affaire:*	**The Prosecutor vs.**	**- Joseph NZIRORERA** **- Mathieu NGIRUMPATSE** **- Edward KAREMERA**
	Case No */Aaffaire No.:*	**ICTR-98-44-PT**	

To: *A:*	Name of detainee / *nom du détenu* **NZIRORERA**	**TO BE FILLED IN BY THE DETAINEE** ***A COMPLETER PAR LE DETENU*** I confirm reception of the document(s) listed below. *Je confirme réception du/des documents mentionné(s) ci-dessous.*	Signature	Date, Time / *Heure* 2/3/05
Via:	**Security Officer** **Commanding Officer, UNDF**	Print name / *nom* **S. Guindo**	Signature	Date, Time / *Heure* 2/3/05
From: *De:*	☐ J.-P. Fomété (Chief, CMS) ☐ N. Diallo (TC1) ☐ R. Kouambo (TC2) ☐ **C. Hometowu (TC3)** ☐ F. A. Talon (Appeals) ☐ Other / *Autre*			
Subject *Objet:*	**Kindly find attached the following documents / *Veuillez trouver en annexe les documents suivants.***			

Documents name / *titre du document*	Date Filed / *Date enregistrée*	Pages
JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL DENIAL OF REQUEST FOR COOPERATION TO GOVERNMENT OF FRANCE	**1/3/2005**	**10**