

**UNITED  
NATIONS**

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International Residual Mechanism  
for Criminal Tribunals

No.: MICT-13-38-Misc.2

Date: 9 July 2021

Original English

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**BEFORE THE SINGLE JUDGE**

**Before: Judge Mahandrisoa Edmond Randrianirina**

**Registrar: Abubacarr Tambadou**

**THE PROSECUTOR**

**v.**

**FELICIEN KABUGA**

*Public*

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**SUPPLEMENTAL RESPONSE TO REGISTRAR'S SUBMISSIONS**

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**The Office of the Prosecutor:**

**Serge Brammertz**

**Rashid Rashid**

**Rupert Elderkin**

**Counsel for Felicien Kabuga:**

**Emmanuel Altit**

**Counsel for Donatien Nshimyumuremyi.**

**Innocent Twagirimukiza,**

**Alain Gilbert Habumukiza and**

**Estate of Josephine Mukazitoni**

**Peter Robinson**

## Introduction

1. Donatien Nshimyumuremyi, Innocent Twagirumukiza, Alain Gilbert Habumukiza, and the estate of Josephine Mukazitoni (“Applicants”) hereby respond to the *Registrar’s Submission in Relation to the Motions for Orders Concerning Frozen Assets* (9 June 2021) and *Registrar’s Submission in Relation to the “Response to Registrar’s Submission”* (8 July 2021).

2. In its *Response to Registrar’s Submission* (23 June 2021), the Applicants indicated that their father, Felicien Kabuga had requested withdrawal of his assigned counsel, with whom he had a breakdown in communication and trust, and requested to retain counsel of his choice. The Applicants stated that they were willing to have their frozen assets used to retain counsel of Felicien Kabuga choice.<sup>1</sup> The Applicants further indicated that should the request for withdrawal of the assignment of counsel be denied, they would file a supplemental response to the *Registrar’s Submission*.<sup>2</sup>

3. On 7 July 2021, the Registry informed the Applicants that he denied the request to withdraw the assigned counsel and allow Mr. Kabuga to retain counsel with the frozen assets.<sup>3</sup>

4. Therefore, this is the supplemental response to the *Registrar’s Submission*.

## Argument

### A. The Assets Were Not Transferred for the Purpose of Concealment

5. Under the Registry’s own *Guidelines for Determining the Extent to Which an Applicant for Legal Aid is Able to Remunerate Counsel* (13 November 2017) (“*Guidelines*”),<sup>4</sup> an accused may be required to use his “disposable means” to remunerate counsel. Among the items that may be included in calculating an accused’s “disposable means” are any assets previously owned by the accused that he transferred to another person “for the purpose of sheltering or concealing those assets”.<sup>5</sup>

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<sup>1</sup> *Response to Registrar’s Submission* (23 June 2021), para. 3

<sup>2</sup> *Id.*, para. 7

<sup>3</sup> That letter is attached as Annex A. Pursuant to the Registry’s Regulations, the name of its author has been redacted.

<sup>4</sup> The Guidelines can be found at <https://www.irmct.org/sites/default/files/documents/171113-indigency-guidelines-190104.pdf>

<sup>5</sup> *Guidelines*, para. 8

6. The uncontradicted evidence before the Single Judge indicates that the frozen assets of Mr. Kabuga's children were not transferred to them for the purpose of sheltering or concealing those assets.

7. In the Declaration of Donatien Nshimyumuremyi, filed with the original *Motion for Order Concerning Frozen Assets* (16 April 2021), it is stated under penalty of perjury that the funds were given to him by his father, Felicien Kabuga, in August 1994.<sup>6</sup>

8. In the Second Declaration of Donatien Nshimyumuremyi, filed with the *Request for Leave to Reply and Reply: Motion for Order Concerning Frozen Assets* (4 May 2021), he explained that his father transferred those funds to him around August 1994 when he was leaving Switzerland to go to Zaire. He stated unequivocally that there was never any intention on his father's or his part to conceal those funds from the ICTR or anyone else. The intention in transferring those funds was to have the funds be available for Donatien to take care of the family members who were or would be living in Europe.<sup>7</sup>

9. The ICTR was not even established until November 1994,<sup>8</sup> and the first indictment was not returned against Felicien Kabuga until 30 October 1997.<sup>9</sup> Therefore, it was impossible for the funds to have been transferred in August 1994 with the intent to conceal them from the ICTR. Neither the Prosecution nor the Registry has produced any evidence of such an intent.

10. The two cases cited by the Registrar in his *Submission*<sup>10</sup> are distinguishable. In the *Kvocka et al* case, family members served as nominees for the accused Zoran Zigic's purchase of property derived from fee splitting.<sup>11</sup> In the *Praljak* case, the President found that the property in question had been transferred to third parties for the purpose of concealment.<sup>12</sup>

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<sup>6</sup> *Motion for Order Concerning Frozen Assets* (16 April 2021), Confidential Annex B, para. 3

<sup>7</sup> *Request for Leave to Reply and Reply: Motion for Order Concerning Frozen Assets* (4 May 2021), Confidential Annex A, para. 7

<sup>8</sup> United Nations Security Council Resolution 955 (8 November 1994)

<sup>9</sup> *Prosecutor v Kabuga*, No. ICTR-97-22, *Indictment* (30 October 1997)

<sup>10</sup> *Submission*, paras. 6,8, fns. 15,16,19

<sup>11</sup> *Prosecutor v Kvocka et al*, No. IT-98-30-I/A, *Decision on Review of Registrar's Decision to Withdraw Legal Aid from Zoran Zigic* (7 February 2003), paras. 19,22,28,47

<sup>12</sup> *Prosecutor v Prlic et al*, No. IT-04-74-A, *Decision on Slobodan Praljak's Motion for Review of the Registrar's Decision on Means* (28 August 2013), para. 68. The details of the transfer are not specified in the public redacted version of the decision.

11. In the *Krajisnik* case, not cited by the Registrar, the Trial Chamber required evidence of an intent to conceal the assets, when observing that:

In the instant case, it is not reasonable to interpret the Directive as having the effect that the elderly mother of the Complainant must contribute to the defence of her middle-aged son out of her own assets, unless of course those assets have been assigned to her by the Complainant...If, hypothetically speaking, the Complainant had enlarged his mother's (or anyone else's) assets to avoid his obligations under the Directive, or in general to conceal or obfuscate the extent of his own assets, the Registrar would again have been entitled to take those assets into account.<sup>13</sup>

12. Because there is no evidence that the assets owned by the Applicants were transferred to them for the purpose of sheltering or concealing those assets, the Registrar's contention that their funds can be used to remunerate assigned counsel is without merit. The Single Judge should reject the Registrar's plea to defer his decision on the release of the frozen assets pending further investigation. This is particularly true since such investigations typically take many years before being concluded.<sup>14</sup>

B. The Frozen Assets are Needed to Retain Counsel

13. The Applicants willingness to use their funds to retain counsel for their father Felicien Kabuga underscores the need for the Single Judge to order the unfreezing of those assets. The Mechanism's Statute provides that:

"In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality...to defend himself or herself in person or through legal assistance of his own choosing."<sup>15</sup>

14. By continuing to freeze assets needed to retain counsel, the Mechanism is violating Mr. Kabuga's right to be defended through legal assistance of his own choosing, leaving him to be defended by a counsel whom he does not trust. This situation, unless corrected, may result in any conviction obtained in Mr. Kabuga's case being overturned due to the violation of his right to counsel of his choice.

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<sup>13</sup> *Prosecutor c Krajisnik*, No. IT-00-39-PT, *Decision on the Defence's Motion for an Order Setting Aside the Registrar's Decision Declaring Momcilo Krajisnik Partially Indigent for Legal Aid Purposes* (20 January 2004), para. 22

<sup>14</sup> *Prosecutor v Prlic et al*, No. IT-04-74-A, *Public Redacted Version of the 25 July 2013 Decision on Slobodan Praljak's Motion for Review of the Registrar's Decision on Means* (28 August 2013)(9-year investigation); *Prosecutor v Karadzic*, No. MICT-13-55-A, *Decision on a Motion to Review the Registrar's Decision on Indigence* (24 June 2016)(8-year investigation)

<sup>15</sup> Article 19(4)(d)

15. Therefore, continuing to freeze the Applicants' assets so that the Registrar can determine if they can be used to remunerate an assigned counsel who has been imposed on Mr. Kabuga is untenable.

16. The other reasons advanced for not unfreezing the funds must also give way when balanced against the rights of an accused to retain counsel of his choice.

17. To retain the freeze on the funds on the grounds that they might someday be used for restitution of victims would violate not only the right to counsel of one's choice, but also the presumption of innocence. This is particularly true when considering that the Mechanism has no power to order restitution, except in cases where the indictment alleges the unlawful taking of property.<sup>16</sup> Indeed, in a report to the Security Council, the President of the ICTY noted that the Judges of the ICTY and ICTR had concluded that general restitution to victims was not authorised by the Statutes of those Tribunals.<sup>17</sup>

18. To retain the freeze on the funds on the grounds that they would be used to injure or intimidate witnesses or destroy evidence in the case of Felicien Kabuga is also untenable. In addition to the fact that no evidence has been adduced that the Applicants would use the funds for that purpose, the bare claim that assets may be used for such purposes cannot be used to violate the right to counsel of one's choice.

19. If such were the case, the Prosecution could block any accused's choice of counsel by claiming the funds used to retain that counsel might be used to injure or intimidate witnesses or destroy evidence. Here, the Applicants offered to have the assets transferred to the Registry so that the Registry could control the use of those funds.<sup>18</sup> There would thus be no danger of the funds being used for an improper purpose.

20. Finally, the Applicants wish to address the *Registrar's Submission in Relation to the "Response to Registrar's Submission"* (8 July 2021) where the Registrar indicates that the request for withdrawal of assigned counsel was not properly before him because the declaration was not signed by Mr. Kabuga.<sup>19</sup>

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<sup>16</sup> *Prosecutor v Musema*, No. ICTR-96-13-T, *Decision on an Application by African Concern for Leave to Appear as Amicus Curiae* (17 March 1999) at para. 11; *Prosecutor v Bagosora et al*, No. ICTR-98-41-T, *Decision on Amicus Curiae Request by African Concern* (23 March 2004); *Prosecutor v Bagosora et al*, No. ICTR-98-41-T, *Decision on Amicus Curiae Request by Rwandan Government* (13 October 2004) at para. 6

<sup>17</sup> S/2000/1063, Appendix, paras. 24-25

<sup>18</sup> *Response to Registrar's Submission* (23 June 2021), para. 6 and Annex B.

<sup>19</sup> *Registrar's Submission in Relation to the "Response to Registrar's Submission"* (8 July 2021), para. 3

21. As indicated in the response to the Registrar's letter by Mr. Nshimyumuremyi, attached as Annex B,<sup>20</sup> the lack of signature resulted from a misunderstanding with the Registry. Efforts are being made to obtain Mr. Kabuga's signature on that declaration. However, the Registrar's letter denying the request for withdrawal of assigned counsel indicated that in addition to the declaration being unsigned, it would not consider allowing Mr. Kabuga to retain counsel because the matter of the frozen assets was pending before the Single Judge.<sup>21</sup> It is thus only if the Single Judge orders the assets unfrozen that Mr. Kabuga will be able to retain counsel. He can then request that the Trial Chamber substitute his counsel of choice for the assigned counsel.

### **Conclusion**

22. For all of the above reasons, the Single Judge is respectfully requested to issue a decision as soon as possible declaring that the Mechanism and ICTR no longer maintain any interest in freezing the Applicants' assets listed in Confidential Annex A to the *Motion for Order Concerning Frozen Assets* (16 April 2021). No justification exists to continue to freeze these assets after Mr. Kabuga's arrest.

Word count: 1854

Respectfully submitted,



PETER ROBINSON

Counsel for Donatien Nshimyumuremyi, Innocent Twagirumukiza, Alain Gilbert Habumukiza, and the estate of Josephine Mukazitoni

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<sup>20</sup> This letter and its attachments have also been redacted to remove the names of Registry personnel.

<sup>21</sup> See Annex A.

# ANNEX A

## OFFICE OF THE REGISTRAR / CABINET DU GREFFIER

IRMCT/A/OLAD/2021/103  
7 July 2021

Dear Mr. Robinson,

I refer to your letter to the Registrar dated 14 June 2021, while I recall that receipt thereof was confirmed the same day by the Registry. In this transmittal, you also offered a letter of the same date from Mr. Felicien Kabuga's son, Mr. Donatien Nshimyumuremyi,<sup>1</sup> and a document characterized as a declaration of Mr. Kabuga.

With respect to Mr. Kabuga's purported "request to withdraw the assignment of Mr. Emmanuel Altit", it is recalled that the "declaration" attached to your letter has not been executed. This deficiency is notable, while the alleged reason for it is based upon a misrepresentation. In fact, Mr. Kabuga has access to communications, including the possibility to receive and send letters, and he was recently granted a visit by one of his daughters in the United Nations Detention Unit. As you will understand, an unsigned "declaration" cannot be considered by the Registry as a request by Mr. Kabuga to withdraw Mr. Altit as his counsel.

Furthermore, and with regard to your suggestion that Mr. Kabuga "now has sufficient means to remunerate counsel", the issue of whether frozen assets will be released is still being litigated before the Single Judge. Accordingly, and as to your suggestion that the Registry "advance funds to hire and deploy a defence team while the process of transferring frozen assets takes place", such an approach is not possible.<sup>2</sup> Separately, and while the request to place your letter, Mr. Nshimyumuremyi's letter, and the purported declaration on the record in Case No. MICT-13-38-PT is noted, the Registry does not consider this appropriate considering your lack of standing in said case.<sup>3</sup>

Finally, it is recalled that the Trial Chamber decision of 1 April 2021 which instructed the Registrar to assign Mr. Altit as counsel to Mr. Kabuga is effective until further order. I trust to have sufficiently informed you, and thank you for your consideration.

Yours sincerely,  
[REDACTED]

To: Mr. Peter Robinson (via e-mail)

1 Mr. Nshimyumuremyi's letter declares that he has enclosed a statement from his father, withdrawing the request for Mechanism funded legal aid and seeking your appointment as privately retained Counsel. Further, Mr. Nshimyumuremyi states that he read this statement to his father who agreed to its contents, while it remains unsigned because the family is not allowed to visit Mr. Kabuga.

2 Indeed, the Single Judge seized of the frozen asset matter may decide that any such funds should not be released, independent of whether Mr. Kabuga considers that the current circumstances allow him to engage privately retained Counsel.

3 Further, it is recalled that you publicly filed all except your letter on the record in Case No. MICT-13-38-Misc.2. See, Prosecutor v. Felicien Kabuga, Case No. MICT-13-38-Misc.2, Response to Registrar's Submission, public, 23 June 2021.



## **ANNEX B**

9 July 2021

Donatien Nshimyumuremyi  
[REDACTED]  
1410 Waterloo  
Belgique

[REDACTED]  
United Nations International Residual Mechanism  
For Criminal Tribunals  
Churchillplein 1  
2517JW The Hague  
The Netherlands

Re: *Prosecutor v Felicien Kabuga*

Dear [REDACTED],

1. I am in receipt of your letter of 7 July 2021 addressed to our attorney, Peter Robinson.

2. In the letter, you state that:

“With respect to Mr. Kabuga’s purported ‘request to withdraw the assignment of Mr. Emmanuel Altit’, it is recalled that the ‘declaration’ attached to your letter has not been executed. This deficiency is notable, while the alleged reason for it is based upon a misrepresentation. In fact, Mr. Kabuga has access to communications, including the possibility to receive and send letters, and he was recently granted a visit by one of his daughters in the United Nations Detention Unit. As you will understand, an unsigned ‘declaration’ cannot be considered by the Registry as a request by Mr. Kabuga to withdraw Mr. Altit as his counsel.”

3. You appear to indicate that I made a misrepresentation when I stated in my letter of 14 June 2021, accompanying the declaration that “Since we are not allowed to visit him, I could not obtain his signature on the document, but he is fully prepared to sign it when presented to him by the UNDU or Registry.”

4. At the time I sent that letter on 14 June 2021, it was in fact the case that we had not been allowed to visit my father. The visit of my sister Winifred Musabeyezu was not granted until 18 June 2021, after I had written my letter. I am attaching the e-mail granting her that visit as Annex 1. At the time of my letter, we had last been able to visit my father on 1-3 March 2021. After that, we were informed on 12 April 2021 that no further visits were possible. I am attaching an e-mail to that effect from the Registry as Annex 2. Therefore, there was no misrepresentation when I wrote on 14 June that we were not allowed to visit our father.

[REDACTED]

--page two--

5. In addition, I had reason to believe that there would be no problem with the UNDU or Registry presenting the declaration to my father for his signature if my statement that he had agreed to its contents was not sufficient. That was the procedure used on 3 February 2021 when my sister Bernadette read the power of attorney for Peter Robinson to my father over the telephone and then sent the document by e-mail to the UNDU, where my father's signature was obtained and the document forwarded to the Registry. This same procedure was used again on 24 June 2021 when the Registry agreed to have the UNDU personnel give my father a power of attorney to sign in favor of Arthur Vercken to represent him in a civil matter in France. I am attaching the relevant e-mail from the Registry as Annex 3.

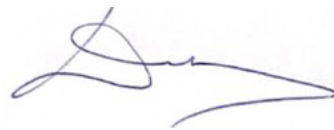
4. Had you informed me that the Registry was unwilling to present the declaration to my father for his signature, I would have given it to my sister Winifred to have him sign when she visited during the week of 28 June 2021. However, it took you from 14 June to 7 July to decide that you would not act on an unsigned declaration and inform us for the first time.

5. Our family appreciates the cooperation and assistance we have received from the Registry and I regret that this misunderstanding has occurred.

6. I once again request that you or someone from the Registry or UNDU present the declaration to my father for his signature so that the record is clear that the request for withdrawal of Mr. Altit emanated from him. If you are not willing to do so, we will present the declaration to him for his signature at the time of our next allowed visit. It is not possible to communicate with my father by letter because he is simply incapable to read and send correspondence due to his diminished faculties.

7. Thank you very much for your consideration of this request.

Respectfully,



DONATIEN NSHIMYUMURENYI

# **ANNEX 1**

From: Detention Unit/DU/JSS/MICT  
To: "uwamariya bernadette" [REDACTED]  
Date: 18/06/2021 09:47  
Subject: Re: To the UNDU Commander

Dear Ms Uwamariya,

My sincere apologies for the delay in my response to you on this important issue. Whilst we have agreed with the Medical Officer, Dr Falke, to begin in-person visits for all detainees from mid-July, the modalities for these visits have not yet been established and it is for this reason that my reply to you has been delayed as I wanted to be able to provide you with clear advice. However as the travel advice from the government of the Netherlands continues to change to deal with new developments and the new variants, I have decided to exceptionally allow for a small number of visits to your father in advance of mid-July should you wish to accept these modalities.

The modalities for these visits will not be the same as those expected to start in the second half of July, however they have been established in consultation and agreement with the Medical Officer and the JCvSZ (prison hospital) where the visits will take place.

The modalities are necessarily similar to those followed when your brother, Donatien, visited your father in March 2021. Although there has been some slight easing of the modalities, they are intended to maximize the therapeutic value for your father as well as managing the risks involved.

- Visitors must adhere to the Dutch national guidelines regarding travel and quarantining.
- All travellers must have evidence of a negative PCR test within 72 hours of arrival in the Netherlands.
- Either 10 days of quarantine in the Netherlands are required or five days followed by a negative PCR test on the sixth day.
- A maximum of one visitor will be permitted per visit.
- Visits will be limited to one hour per visit per day.
- Appointments must be scheduled in advance.
- As previously three consecutive days of visiting will be permitted.
- The impact and therapeutic value for your father of any subsequent visits will be considered by the Medical Officer.
- The visits will be conducted in the JCvSZ visiting hall behind a plexiglas screen and therefore, no physical contact will be permitted.
- Both your father and visitor must wear a mask en route to the visiting facilities but may remove them throughout the duration of the visit.

Should you wish to take advantage of visits under these modalities, I would be grateful if you could advise of the immediate family member(s) who will attend and which

(approximate) dates you would envisage taking up this opportunity. Although only one immediate family member will be permitted to attend on each day, it would be possible for the visitor to change on consecutive days.

We will advise further when we have a clearer picture of the modalities for visits from mid-July.

Finally, I would like to seek some information on your father's spiritual observance.

When we begin allowing family visits from mid-July we are also looking at the potential to allow for spiritual observance visits as well. When your father arrived at the UNDU in October 2020, he advised us of his Catholic faith, however as this was after spiritual visits had been necessarily suspended due to CoViD, we would like to know what form of spiritual observance he was used to in France. For example, whether he attended church services or whether you observed as a family and which language(s) were used. This will help us plan for the support of your father's spiritual needs.

Yours sincerely,

[REDACTED]

UN Detention Unit

## **ANNEX 2**

**De :** [REDACTED]

**Envoyé :** lundi 12 avril 2021 09:30

**À :** Donatien N [REDACTED]

**Objet :** Re: Visits request

Dear Mr. Kabuga,

I write in response to your e-mails dated 15 March and 6 April 2021 requesting authorization for further visits to your father, Mr. Félicien Kabuga, by members of his family.

As you are aware, Mr. Kabuga is still admitted at the Prison hospital (“JCvSZ”) where he continues his recovery and rehabilitation from the surgery he underwent on 5 February 2021.

I recall in this respect that, on 22 February 2021, the Registrar exceptionally granted a similar request from you on the basis of which you were allowed to visit your father on three occasions at the JCvSZ, between 1 and 3 March 2021. You may also recall that the Registrar’s decision, made in consultation with the Commanding Officer of the United Nations Detention Unit (“UNDU”), to exceptionally waive the CoViD-19 related restriction on in-person visits for UNDU detainees, was based on the UNDU Medical Officer’s advice that a visit could have therapeutical benefits to your father, in light of his prognosis and the post-surgical complications he was experiencing at the time. As you know, your father’s condition has improved over the weeks and his rehabilitation is progressing. Therefore, the circumstances which motivated/warranted the authorization granted to you on 22 February 2021 no longer exist.

Further, in view of the progress made in his post-surgery rehabilitation, the Medical Officer has informed the Registrar that your father could soon continue his recovery back at the UNDU, once the appropriate arrangements are made and his health condition allows for a safe transfer. As you will recall from my previous e-mail, the Commanding Officer has implemented a number of preventative measures in order to reduce the risk that CoViD-19 enters the UNDU, including the suspension of all non-essential and non-urgent activities and services such as social and functional visits to detainees. The purpose of these measures is to protect an already vulnerable population, in particular because of the UNDU detainees’ ages and pre-existing medical conditions. These measures have been applied to all detainees and have admitted no exceptions to date, as it would go against the principle of equal treatment of all detainees.

Additionally, while the recent administration of the first dose of vaccine against CoViD-19 to your father is a positive development, I note that he is not yet protected against the virus to the full extent, given that he is still awaiting to be offered the second dose of the vaccine, and a number of weeks are needed afterwards for the body to build immunity against the virus. This means that even if a visit to your father was possible, it would still require compliance with a certain number of rules/restrictions such as quarantining in accordance with national guidance, the wearing of a mask at all times and the use of a



Plexiglas separation during your meeting with him as was the case during your visits in March 2021.

The Registry has been keen, throughout your father's rehabilitation process, to support activities which will aid his recovery and will continue to do so as long as it is necessary. However, given the current circumstances, the Registry is of the opinion that an in-person visit presents limited additional benefits to the video calls Mr. Kabuga has been having with members of his family on a regular basis which, according to the Medical Officer, have proven to be beneficial to his recovery. Observations at the time of the in-person visits appeared to indicate that your father found the video calls far less tiring than the in-person visits and therefore more beneficial to his recovery.

Finally, we understand that family members would be coming either from France or Belgium. As you are aware, all EU countries including the Netherlands are currently considered by Belgium as high-risk countries. As a result, travel to these countries is highly discouraged. Similarly, the French authorities strongly discourage travels to countries in Europe, while the Dutch authorities strongly advise persons abroad not to travel to the Netherlands.

In light of the foregoing, the Registry is not in a position to facilitate an in-person visit to your father as requested at this time.

However, the UNDU Commanding Officer, in consultation with the Registry, will continue to assess the viability of visits for all detainees in light of the continuously changing CoViD-19 risks and will continue to facilitate three video calls per week while your father remains in the JCvSZ and resume the normal two video calls per week when he returns to the UNDU. In this respect, we ask that any future requests for visits to your father are directly addressed to the UNDU Commanding Officer, in accordance with Rule 71 of the UNDU Rules of Detention (both the UNDU Commanding Officer and the Deputy Commanding Officer are copied on this email).

I remain available should you require any further information on the matter above. However, I ask that you also address any future communications with the Registry to my colleague [REDACTED](also copied on this email), as I will be separating from this post in the near future.

Best regards,

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[REDACTED]

Legal Officer, Registry, IRMCT, the Hague branch

## **ANNEX 3**

Le 24 juin 2021 à 13:49, [REDACTED] a écrit :

Dear Mr. Vercken,

Thank you for your message.

The Registry can pass on the attached documentation and Power of Attorney form to Mr. Kabuga. However, I would like to stress that the Registry of the Mechanism is unable to provide legal advice to Mr. Kabuga, and therefore cannot provide him with any instruction or related guidance vis-a-vis your request.

Mr. Kabuga's Mechanism-assigned Counsel, Mr. Altit, and his son are on notice of your request, and can advise Mr. Kabuga as may be appropriate. Consequently, if, upon possible consultation with either his assigned Counsel or his son, Mr. Kabuga desires to execute the Power of Attorney form, the Registry can facilitate the return of a scanned copy of the the signed form via e-mail to you. Should you wish to speak to Mr. Kabuga on the telephone, this can also be arranged.

I trust to have sufficiently informed you, and thank you for your consideration.

Yours sincerely,  
[REDACTED]



**I - FILING INFORMATION / INFORMATIONS GÉNÉRALES**

<b>To/ À :</b>	IRMCT Registry/ <i>Greffe du MIFRTP</i>	<input checked="" type="checkbox"/> Arusha/ <i>Arusha</i>	<input type="checkbox"/> The Hague/ <i>La Haye</i>
<b>From/ De :</b>	<input type="checkbox"/> Chambers/ <i>Chambre</i>	<input type="checkbox"/> Defence/ <i>Défense</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>
		<input checked="" type="checkbox"/> Other/ <i>Autre</i> :	<b>Applicants</b>
<b>Case Name/ Affaire :</b>	<b>Prosecutor v Kabuga</b>	<b>Case Number/ Affaire n° :</b>	<b>MICT-13-38-Misc.2</b>
<b>Date Created/ Daté du :</b>	<b>9 July 2021</b>	<b>Date transmitted/ Transmis le :</b>	<b>9 July 2021</b>
		<b>No. of Pages/ Nombre de pages :</b>	<b>19</b>
<b>Original Language / Langue de l'original :</b>	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
		<input type="checkbox"/> Kinyarwanda / <i>B/C/S</i>	
<b>Title of Document/ Titre du document :</b>	<b>SUPPLEMENTAL RESPONSE TO REGISTRAR'S SUBMISSIONS</b>		
<b>Classification Level/ Catégories de classification :</b>	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>
	<input type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>	<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>
	<input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser) :	
<b>Document type/ Type de document :</b>			
<input type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Warrant/ <i>Mandat</i>
<input type="checkbox"/> Decision/ <i>Décision</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input checked="" type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>	

**II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT**

<input type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ <i>La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction : (Word version of the document is attached/ La version Word est jointe)</i>
<input type="checkbox"/> English/ <i>Anglais</i> <input checked="" type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ <i>La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :</i>
<b>Original/ Original en</b> <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda / <i>B/C/S</i> <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
<b>Translation/ Traduction en</b> <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda / <i>B/C/S</i> <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ <i>La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :</i>
<input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :

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