

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA  
IN THE TRIAL CHAMBER:

22370

NO. ICTR-99-50-T

03-10-2005

(22370-22356)

**Judges:** The Hon. Khalida Rachid Khan, Presiding  
The Hon. Lee Gacuigi Muthoga  
The Hon. Emile Francis Short

**Registrar:** Adama Dieng

**Date Filed:** 3 October 2005

**THE PROSECUTOR**

**VS.**

**CASIMIR BIZIMUNGU  
JUSTIN MUGENZI  
JEROME BICAMUMPAKA  
PROSPER MUGIRANEZA**

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**PROSPER MUGIRANEZA'S PRE-DEFENCE BRIEF  
PURSUANT TO RULE 73ter**

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**FOR THE OFFICE OF THE PROSECUTOR:**

**Paul Ng'arua  
Ibukunolu Babajide  
Elvis Bazawulu  
George William Mugwanya**

**Justice Bwonwonga  
Shymlal Rajapaska  
William Mubiru  
Olivier De Schutter**

**FOR THE DEFENCE:**

**Ms. Michelyne C. St. Laurent and Alexandra Marcil, for Casimir Bizimungu  
Mr. Ben Gumpert, for Justin Mugenzi  
Mr. Pierre Gaudreau and Michel Croteau, for Jerome Bicamupaka  
Mr. Tom Moran and Ms. Marie-Pierre Poulain for Prosper Mugiraneza**

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1. This is Prosper Mugiraneza's pre-defence brief. It is meant to clarify the issues and, pursuant to Rule 73ter, inform the Trial Chamber of the issues to be presented in the defence case.

### **I. ADMISSIONS OF FACT AND MATTERS NOT IN DISPUTE**

2. The following matters either were the subject of admissions by Mugiraneza or are not in dispute:
  - a. Mugiraneza was the minister of civil service in the Interim Government.
  - b. He was a member of the MRND party.
  - c. He was born in Kibungo Prefecture and at all applicable times was a citizen of Rwanda.

### **II. MATTERS OF FACT IN DISPUTE**

3. Whether Mugiraneza was present in Kibungo Prefecture at any time after 3 April 1994.
4. Whether the Interim Government as a whole and its members individually had the power to prevent or punish crimes during the period after 6 April 1994.
5. Whether the Interim Government as an entity constituted a conspiracy to commit genocide.
6. Whether Mugiraneza attended public rallies either in 1994 or before in which he or others clearly and publicly advocated genocide.
7. Whether Mugiraneza attended meetings in 1994 or before in which genocide was planned.

#### **A. Mugiraneza Was Not In Kibungo After 6 April 1994**

8. Mugiraneza will present witnesses who will testify that he left Kibungo Prefecture after the Easter weekend 1994 and has not returned to this day. Specifically, he will present evidence that after the president's plane was shot down on 6 April, Mugiraneza and his family were taken into custody of the Presidential Guards where they remained until after noon on 7 April. At that time, they went to the French Embassy. Mugiraneza remained in the Kigali area until the Interim Government departed to Gitarama on 12 April.
9. This evidence will rebut testimony from some prosecution witnesses (and contradicted by other prosecution witnesses) that Mugiraneza was present in or near the Kigarama Commune office sometime between 7 and 10 April to encourage genocide. Stated simply, it is Mugiraneza's assertion that the events never happened and that the Prosecutor's witnesses are either mistaken or lying.

### **B. The Actual Authority of the Interim Government as a Whole**

10. Mugiraneza also will present expert and fact witnesses who will testify to the Interim Government's lack of actual power. This evidence is consistent with evidence already presented in the form of UNAMIR documents and intelligence reports from the United States of America.
11. Mugiraneza will present evidence that while the Interim Government as an entity may have had some limited authority over some limited areas of government, it had no authority to impose its will on the military or civilian groups commonly called "militias." Stated differently, while the Interim Government may have had some authority to conduct some matters, such as replacing limited numbers of government officials or prosecute minor crimes, it lacked the authority to prevent the genocide or to punish those who took part. In sum, while the Interim Government may have *appeared* to be a government in the classic sense of the word, it lacked the actual authority of a true government.

### **C. The Authority of Individual Ministers**

12. Mugiraneza will present evidence from both fact witnesses and experts that rather than a policy-making body, the council of ministers in Rwanda essentially functioned as a committee of department heads, each with his or her own area of competency. While ministers would report to the full council of ministers, the other ministers might comment but they would accept the report and actions of the responsible minister.
13. Therefore, the ministers as a group and ministers individually had little or no authority over ministers operating within their respective ministries' jurisdiction. It follows that regardless of the authority of an individual minister over the operations of his ministry, the other ministers (other than the prime minister) had no authority or minimal authority to interfere in that operations of a ministry.

### **D. The Interim Government Was Not a Conspiracy to Commit Genocide**

14. Mugiraneza specifically denies ever entering into any agreement or conspiracy to commit genocide. However, he takes no position as to whether some members of the Interim Government at some point entered into a conspiracy to commit genocide with persons other than Mugiraneza. He simply has no way of knowing.

15. However, he denies that the Interim Government as an entity was a conspiracy to commit genocide. To the contrary, he asserts that the Interim Government as an entity issued directives to stop the killings and massacres but lacked the actual authority to enforce its directives.
16. Evidence already has been presented and Mugiraneza will present both expert and fact witnesses as to the Interim Government's attempts to stop the massacres and the futility of its efforts.

#### **E. Public Meetings**

17. Mugiraneza asserts that he never attended nor spoke at public meetings in which genocide was advocated. Mugiraneza attended rallies of the MRND party which were aimed at increasing the party's membership in anticipation of a free election. Stated simply, he did nothing more nor less than any politician in any party in any nation would do.
18. Because those meetings took place during wartime, certain speakers may have urged those attending to support the government's war efforts. And, some may have used derogatory terms for the RPF. But use of those terms was no different than, for example, Winston Churchill referring to the Germans as Huns or Nazis during World War II.<sup>1</sup>

#### **F. Private Political Meetings**

19. Likewise, Mugiraneza will present further evidence that meetings he attended in Kibungo Prefecture both during and before 1994 were meetings to organize the MRND party for the anticipated elections. He further asserts that every political party in every jurisdiction holds private leadership meetings and private meetings to recruit membership and organize the party.

### **III. MATTERS OF LAW IN DISPUTE**

20. Based on the Prosecutor's pre-trial brief and its brief in response to Mugiraneza's Rule 98bis motion, it is clear that the Prosecutor takes an extremely broad view of the law related to conspiracy, superior authority and aiding and abetting. The matters of law in dispute are best

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<sup>1</sup>"Nazis" were members of the National Socialist German Worker's Party (NSDAP). Most Germans, including those in the military, were not members of the NSDAP. However, it was considered a derogatory term in some countries such as the United Kingdom and United States.

shown in Mugiraneza's Rule 98bis motion, the Prosecutor's response thereto and Mugiraneza's reply. However, for the convenience of the Trial Chamber, they will be discussed here.

#### A. Superior Authority

21. The Prosecutor makes it clear that it views the Interim Government as a group and would hold all accountable on a superior responsibility theory based simply on the purported constitutional powers of the cabinet.<sup>2</sup> It also relies on broad language from the ICTY Trial Chamber judgment in *Aleskovski* that seems to imply that the ability to "punish" includes the power to report crimes to the appropriate authorities.<sup>3</sup>
- a. However, the Prosecutor fails to recognize the holding in that case in the Appeals Chamber that Aleskovski had the actual power to prevent or punish crimes committed by the guards under him.<sup>4</sup> And, the Appeals Chamber's holding was based on the factual findings that Aleskovski had the actual authority to give the guards orders and to initiate military discipline on them for failure to obey his orders.<sup>5</sup> In addition, the Prosecutor fails to recognize or to point out to the Trial Chamber that in *Aleskovski*, the ICTY Trial Chamber found that Aleskovski was not a superior for HVO<sup>6</sup> soldiers not assigned to the prison where he was warden and therefore not responsible for their crimes. That was so even though he had the same power to initiate criminal or disciplinary proceedings against him that he had for the HVO soldiers assigned to the prison.<sup>7</sup>

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<sup>2</sup>See e.g. Prosecutor's Response to Defence Motions for Acquittal Pursuant to Rule 98bis of the Rules of Procedure and Evidence [hereinafter "Prosecutor's Response"], paras. 48, 61-63

<sup>3</sup>Prosecutor's Response, paras. 64-65 (quoting *Prosecutor v. Aleskovski*, Judgment, No. IT-95-14/1-T (25 June 1999), para. 78.

<sup>4</sup>*Prosecutor v. Aleskovski*, Judgment, No. IT-95-14/1-A (24 March 2000).

<sup>5</sup>*Aleskovski* Trial Judgment, paras. 105-06.

<sup>6</sup>Croatian Defence Council.

<sup>7</sup>*Aleskovski* Trial Judgment, paras. 110-11.

- b. Taken to its logical conclusion the Prosecutor's theory is that *everyone* who knows a crime has been committed would have an international law duty to at least report that offence to the proper authorities. Thus, everyone would be a "universal superior," a concept which does not exist.
22. Additionally, the Prosecutor would have the Trial Chamber impose superior authority criminal liability based on substantial influence.<sup>8</sup> This argument was, of course, rejected by the ICTY Trial and Appeals Chambers in the *Celebici* case.<sup>9</sup>
23. Mugiraneza asserts that the proper standard for liability under Article 6(3)<sup>10</sup> of the Statute is that set out in *Celebici* and consistently applied by both this Tribunal and its sister Tribunal, the ICTY: The existence of a superior-subordinate relationship with the power to prevent or punish crimes. Influence is insufficient to impose this vicarious criminal liability. In the absence of proof of actual authority to prevent or punish as well as a superior-subordinate relationship between the offender and Mugiraneza, superior authority criminal liability does not apply.

**B. Aiding and Abetting and Other Forms of Indirect Article 6(1) Liability**

24. The Prosecutor also takes an unjustifiably broad view of aiding and abetting and joint criminal enterprise.
25. Aiding and abetting encompasses all acts of assistance that lend substantial encouragement or support to the commission of a crime. The assistance may be provided before or during the commission of the crime. The aider and abettor need not be present at the time of the criminal act,<sup>11</sup> but, on the other hand, the mere presence of the accused at the scene of a crime

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<sup>8</sup>Prosecutor's Response, paras. 65-66.

<sup>9</sup>*Prosecutor v. Delalic*, Judgment, No. IT-96-21-A (20 February 2001)[hereinafter *Celebici* Appeal]; *Prosecutor v. Delalic*, Judgment, No. IT-96-21-T (16 November 1998)[hereinafter *Celebici* Trial Judgment].

<sup>10</sup>Statute of the ICTR, Article 6(3).

<sup>11</sup>*Prosecutor v Semanza*, Judgment, No. ICTR-97-20-T (15 May 2003), para 385.

does not constitute aiding and abetting.<sup>12</sup> Whatever the acts of the accused, they must contribute *substantially* to the commission of the crime.

26. To be guilty on an aiding and abetting theory, an accused must have the *mens rea* of knowledge of the intent of the actual perpetrator plus the intent to aid the perpetrator in commission of the crime.<sup>13</sup> However, the aider and abettor need not share the specific intent to commit the crime such as genocide.
27. What is important is that guilt under an aiding and abetting theory requires affirmative actions by an accused. He or she must do *something* which substantially aides in the commission and the accused must have the intent to aid the commission of the crime. Mere inaction is insufficient.
28. Thus, in order to show that a person was, for example, an aider and abetter to genocide the Prosecutor must prove that the accused intended to help others commit that crime and that his actions made a substantial contribution to the crime. The requirement to prove an intent to aid commission of the crimes charged in the indictment plus substantial contribution requires more than simply arguing that the accused is guilty because he was a high-ranking government official. There must be a showing that the accused intended to aid the commission of the offence.
29. The same holds true for the crimes against humanity and Common Article 3 counts in the indictment. The Prosecutor must show more than that there were, for example, rapes committed. It must show more than the accused knew of the rapes. It must prove both an intent to aid the commission of the crime and that the accused's acts substantially aided the commission of the offence.

### C. Joint Criminal Enterprise

30. Likewise, the Prosecutor takes a much broader view of joint criminal enterprise than is justifiable under the applicable Appeals Chamber holdings. The Appeals Chamber's most

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<sup>12</sup> *Prosecutor v Kupreskic*, Judgment, No. IT-95-16-A (23 October 2001), para. 283.

<sup>13</sup> *Prosecutor v Ntakirutimana*, Judgment, No. ICTR-96-10-A (13 December 2004), para. 364.

recent significant consideration of was in February 2005 in the *Kvočka* judgment.<sup>14</sup>

31. Essentially, there are three forms of joint criminal enterprise:
- a. In the first form, all members of the enterprise share the same criminal intent to commit the crime.
  - b. The second is a variant called systemic form characterized by an organized criminal system. The most common example is the concentration camp. This form of criminal liability requires both knowledge of the criminal purpose and an intent to further the criminal purpose.
  - c. The third form of joint criminal enterprise is the crime which is not part of the enterprise but which is a natural and foreseeable consequence of the planned enterprise.<sup>15</sup>
32. While there is no requirement that a person make a substantial contribution to the criminal enterprise or that would not have happened without his participation, as a practical matter the extent of a person's contribution is relevant to determining shared intent.<sup>16</sup>
33. There is no need for an agreement among the perpetrators to form a joint criminal enterprise. The joint criminal enterprise the existence of a shared criminal purpose which can arise extemporaneously.<sup>17</sup>
34. A key difference between aider and abetter liability and joint criminal enterprise liability is that an aider and abetter need not share the criminal intent of the actor. He must only intend to aid the actor. In joint criminal enterprise liability, all persons must share the requisite intent to commit or further the planned crime.<sup>18</sup>
35. Thus, it is insufficient to simply argue that the Interim Government was a joint criminal

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<sup>14</sup>*Prosecutor v. Kvočka*, Judgment, No. IT-98-30/1-A (28 February 2005) [hereinafter *Kvočka* Appeal Judgment].

<sup>15</sup>*Id.*, paras. 82-83.

<sup>16</sup>*Id.*, para. 97-98.

<sup>17</sup>*Id.*, para. 117.

<sup>18</sup>*Id.*, para. 88.

enterprise and all members are guilty under that theory. As to each individual, it must show both the requisite intent and that his participation assisted or contributed to the common criminal purpose.<sup>19</sup> While the contribution need not be substantial, the requirement for some contribution to the criminal purpose remains.

#### IV. WITNESSES AND POTENTIAL ISSUES

36. Mugiraneza is filing herewith Appendix A to this brief, a list of proposed witnesses. He takes this opportunity to inform the Trial Chamber of some potential issues related to his proposed witnesses.

##### A. Several Listed Witnesses Have Not Unequivocally Agreed to Testify

37. Several of the witnesses listed on Mugiraneza's witness list have not unequivocally agreed to appear. They have given several reasons including:

- a. **The belief that the Tribunal as an entity is not a fairly constituted or operated body.** These complaints generally center on the failure of the Office of the Prosecutor to indict any Tutsis or members/supporters of the RPF. Essentially, those potential witnesses have said they do not want to be involved because they do not believe the Tribunal has treated Hutus fairly. All listed persons who have made this assertion, however, said they may change their minds. For this reason, they are listed as potential witnesses who may not appear.
- b. **Fear of adverse consequences to themselves or others.** Generally, those persons fear that regardless of the protective measures adopted by the Trial Chamber, their safety or the safety of persons close to them cannot be guaranteed.
  - i. One potential witness, a former security official for the current government of Rwanda, has said the Office of the Prosecutor has been penetrated by intelligence officers from the Rwandan government. He related that he gave a list of persons he knew to be intelligence officers working in the OTP to

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<sup>19</sup>*Id.*, para. 96-97.

- prosecutors and that none was fired to the best of his knowledge.<sup>20</sup>
- ii. The same witness also said he was a protected witness in an earlier trial and before he testified, he was given by a third party a list of all witnesses including their pseudonyms and their true names. That list was circulated widely in the Rwandan community in Europe.
  - iii. Other witnesses have expressed fear for their own safety if they testify for the defence. While this is especially true of witnesses currently residing in Rwanda, others have taken the same position. One need only consider the Amnesty International Report related to prosecution witness Fidele Uwizeye, which asserted that he was arrested because he testified for an accused in this Tribunal<sup>21</sup> to believe that the fear is real.<sup>22</sup>
- c. So far, these witnesses have not unequivocally said that they will not testify voluntarily for Mugiraneza. For these reasons, Mugiraneza has included them on the list of potential witnesses.<sup>23</sup> Mugiraneza will keep the Trial Chamber and the Prosecutor informed as to the status of these witnesses.
  - d. Mugiraneza anticipates that at least some of these witnesses will agree to present evidence pursuant to Rule 92bis.

**B. Numerous Witnesses Will Present Evidence Pursuant to Rule 92bis**

38. Several witnesses have evidence which cannot reasonably be doubted and which does not relate directly to Mugiraneza's personal acts. Other evidence will relate to his character.

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<sup>20</sup>Mugiraneza takes no position as to the factual correctness of those charges although he does believe that the witness is credible. The witness' statement is presented solely as an example of the justified fear of potential witnesses.

<sup>21</sup>Amnesty International, *Rwanda, the Troubled Course of Justice*, AI Index No. AFR 47/10/00 (April 2000), pgs. 19-20. Uwizeye denied before the Trial Chamber that he was arrested for his testimony.

<sup>22</sup>While there can be dispute as to whether the fear is justified, there can be no real dispute that the fear is real.

<sup>23</sup>Conceptually, this is no different from the inclusion of Jean Kambanda on the Prosecutor's witness list.

Much of that evidence will be presented by affidavit pursuant to Rule 92*bis*.

39. Mugiraneza will file a motion or series of motions related to their proposed testimony well in advance of the time that their testimony, either live or in the form of affidavit, is presented. The use of Rule 92*bis* will save the Tribunal significant travel expenses and the Trial Chamber substantial time.
40. These witnesses are listed in compliance with the Trial Chamber's prior holding.<sup>24</sup>

### C. Mixed Fact/Expert Witnesses

41. Several of the witnesses on Mugiraneza's witness list are Rwandan nationals who were present in Rwanda during the events of 1994 and who will give evidence based on actual knowledge but who also qualify as experts.
42. Conceptually, they are no different from a physician who testifies concerning medical treatment he gave or a forensic pathologist who testifies as to the results of an autopsy he performed. They are fact witnesses in the sense that they are testifying to facts they saw or heard or otherwise observed and at the same time, they develop those observations with their special expertise and training.
43. The persons in this status to be presented by Mugiraneza are listed as protected witnesses and identified by pseudonym pursuant to the Trial Chamber's order of 2 February 2005.<sup>25</sup> Mugiraneza will provide reports of these hybrid witnesses long before they testify and the reports will contain an annex with the identifying information to be released to the Prosecutor pursuant to the Trial Chamber's order of 2 February.
44. The hybrid witnesses are:
- a. BGA.
  - b. BGF.
  - c. BGG.
  - d. BGH.

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<sup>24</sup>*Prosecutor v. Bizimungu*, Decision on the Prosecutor's Motion and Notice Pursuant to Rule 92*bis*(E), No. ICTR-99-50-T (17 November 2004).

<sup>25</sup>*Prosecutor v. Bizimungu*, Decision on Prosper Mugiraneza's Motion for Protection of Defence Witnesses, No. ICTR-99-50-T (5 February 2005).

e. FCK

**D. The Trial Chamber's Order Granting Leave to Appeal**

45. On 28 September 2005, the Trial Chamber granted the Prosecutor leave to appeal portions of its witness protection order related to Mugiraneza's three co-accused. The Prosecutor has neither sought nor been given leave to appeal the similar provisions of the Trial Chamber's decision related to Mugiraneza.
46. For this reason, the Trial Chamber should consider its 5 February 2005 decision as final as it applies to Mugiraneza's witnesses. Further, to the extent that witnesses on Mugiraneza's witness list are shared with witnesses on the witness lists given by the co-accused, the Prosecutor should be bound by the order related to Mugiraneza.

**E. Testimony by Video Link**

47. Several of the witnesses on Mugiraneza's witness list either have agreed to testify from Europe or North America by video link but unequivocally refused to appear in Arusha. At least one other has serious health problems which may prevent him from traveling to Arusha or even The Hague.
48. Mugiraneza will present individual motions as to each witness for whom video link testimony is sought. Further, Mugiraneza will attempt to have as many of those witnesses as possible testify from the same place during the same period of time. This will reduce the cost to the Tribunal by, for example, minimizing the travel expenses of the prosecution and defence team members who will attend the testimony personally. It will also reduce the cost of setting up video links.

**F. Mugiraneza Reserves the Right to Withdraw Witnesses**

49. Mugiraneza anticipates that witnesses to be called by his co-accused likely will testify to facts or opinions similar or identical to those of his witnesses. This could include expert witnesses.
50. In the event that Mugiraneza believes that the evidence given by those witnesses is sufficient, he will withdraw witnesses from his list to the extent that their testimony would be simply cumulative.
51. The testimony of other witnesses may prove unnecessary based on the evidence presented when he begins presenting his case. For example, the testimony of FLB may be unnecessary

in that it relates simply to statements made to the witness by Jean Kambanda. Given the state of the record at the close of the Prosecutor's case, FLB likely will not be called as a witness but he is included on the list in case his testimony later proves necessary.

52. Similarly, most of the evidence which could be given by SWB already is before the Trial Chamber. Therefore, he may not be called as a witness.
53. The witnesses named in this section are illustrative only and nothing herein should be interpreted to mean that either they will not be called to testify or that other witnesses will not be dropped from Mugiraneza's witness list.

#### **G. Adding Witnesses**

54. Mugiraneza reserves the right to add a minimal number of witnesses for various reasons. For example, Mugiraneza may call as an expert a retired military officer with great experience in combating insurgencies in his country. That person currently is hospitalized in his home country and is unavailable to consent to act as an expert.

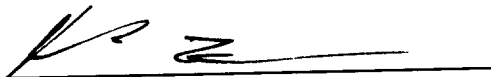
#### **H. Length of Testimony**

55. Mugiraneza estimates that most of his witnesses will require less than five hours of direct examination. Most will be testifying as to a single point or a few points. Their direct examination will consist mainly of their own general background and the precise point for which they were called as witnesses.
- a. For example, witnesses MWA, MQA, MQB, MQQ, RDA, RDB, RDC, RDD, RDG, RDL, RDM and RDO will testify generally that they were present in Kibungo Prefecture in the period after 6 April 1994, that they witnessed killings and that Prosper Mugiraneza was not in the prefecture after 6 April 1994. Their direct examination should take less than three hours each.
- b. Other witnesses, including RDE, RDF, RDH, RDI, RDJ, RDK, RDQ, RDR, RDS, RDT, RDU, RDV, RDW, RDX, RDY, RDZ, RWA, RWB, RWC, RWD, RWE, RWF, RWG, RWH, KNA, KNB, will testify to the same facts as those in subparagraph (a) above plus additional facts such as political party activities and meetings in Kibungo Prefecture before 6 April 1994. Their direct examination should be less than five hours each.

- c. With the exception of the testimony expert witnesses or hybrid fact/expert witnesses, Mugiraneza estimates that none of his witnesses will consume more than eight hours for direct examination.
- d. Mugiraneza estimates that the direct examination of his witnesses will take no more than 30 court days.

**V. RELATED DOCUMENTS**

56. Mugiraneza is filing herewith two confidential documents: his proposed witness list and his proposed exhibit list.

  
\_\_\_\_\_  
Tom Moran



# 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)

<b>To:</b>	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input checked="" type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS K. K. A. Afande	<input type="checkbox"/> Appeals Chamber / The Hague R. Burriss
<b>From:</b>	<input type="checkbox"/> Chamber (names)	<input checked="" type="checkbox"/> Defence Tom Moran (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
<b>Case Name:</b>	The Prosecutor vs. Mugiraneza			<b>Case Number:</b> ICTR-99-50-T
<b>Dates:</b>	Transmitted: 3 October 2005		Document's date: 3 October 2005	
<b>No. of Pages:</b>	15	<b>Original Language:</b>	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
<b>Title of Document:</b>	Prosper Mugiraneza's Pre-Defence Brief Pursuant to Rule 73ter			
<b>Classification Level:</b>		<b>TRIM Document Type:</b>		
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence
<input type="checkbox"/> Confidential		<input type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Notice of Appeal
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Disclosure	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book
		<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 checked="" 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

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## III - TRANSLATION PRIORITISATION (For Official use ONLY)

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