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ICTR 95-1B
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**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

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OFFICE OF THE PRESIDENT

Before: Judge Vagn Joensen, *President*

Registrar: Adama Dieng

Date Filed: 28 May 2012

PROSECUTOR v. NTAKIRUTIMANA et al
Case No. ICTR-96-10/17

PROSECUTOR v. MUHIMANA
Case No. ICTR-95-1B

JUDICIAL RECORDS ARCHIVES
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Prosecutor's Response to Jacques Mungwarere's Extremely Urgent Motion for Access to Material

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c/o The Honourable Louis Z. Charbonneau

Public Prosecution Service of
Luc Boucher


**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**
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May it Please the President,

1. Jacques Mungwarere is currently being prosecuted in Canada for genocide and other serious crimes committed in Rwanda in 1994. On 23 May 2012, Defence Counsel for Mr. Mungwarere filed a motion before the President of the ICTR to obtain court related materials from two (2) case files before the International Criminal Tribunal for Rwanda (ICTR).¹
2. Mr. Mungwarere seeks the disclosure of a prior statement purportedly made to the ICTR by witness TIP 105 in the Canadian proceeding as he is due to testify in the case in question.²
3. The Prosecution received the same request by email earlier from the Public Prosecution Service of Canada (PPSC) and responded immediately that, despite earlier communications to the contrary, it had found no record of prior statements of witness TIP 105. The PPSC has no doubt already communicated this information to Mr. Mungwarere.
4. The context for this apparent discrepancy with past correspondences is that Witness TIP 105 shares the same name with at least two (2) other ICTR witnesses and, for this reason, the Prosecution initially believed that it had identified relevant materials for the PPSC pursuant to their initial request. On further investigation into personal particulars, it was clear from the bio-data that TIP 105 was not a match with the witnesses identified in the Prosecution evidentiary data base.
5. For these reasons, the Prosecution respectfully submits that the President should dismiss the present motion as moot.

Dated at Arusha 28 May 2012


Richard Karegyesa
Chief of Prosecutions

¹*Prosecutor v Ntakirutimana et al. and Muhimana*, “Jacques Mungwarere’s Extremely Urgent Motion for Access to Material,” 23 May 2012.

² *Ibid* at para 6.