

MICT-12-17-R108.1
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UNITED
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Mechanism for International
Criminal Tribunals

Case No: MICT-12-17-R108.1

Date: 06 May 2016

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Graciela Susana Gatti Santana

Registrar: Mr. John Hocking

PROSECUTOR

v.

GERARD NTAKIRUTIMANA

PUBLIC

**PROSECUTOR'S RESPONSE
TO THE ORDER FOR SUBMISSIONS OF 4 APRIL 2016**

Office of the Prosecutor:
Richard Karegyesa
Cheickh Bangoura

Counsel for Jean Uwinkindi:
Mr. Vincent Courcelle-Labrousse

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06/05/2016 16:32

A handwritten signature in black ink, appearing to be a stylized 'J' followed by a long horizontal stroke.

1. The Prosecutor does not oppose the appointment of an *amicus curiae* to investigate whether Witness HH gave false testimony in the Ntakirutimana Case at the ICTR. However, as indicated by the Single Judge,¹ the Prosecutor submits that circumstances of the alleged recantation are problematic, indicative of the possibility that it was fabricated and therefore cast substantial doubts on its truthfulness². Any investigation, if ordered, should also seek therefore to establish whether the purported recantation was corruptly obtained.

2. Additionally, in deciding whether or not to order an investigation the Single Judge may wish to consider that the recantation, even if believed, would not materially impact Ntakirutimana's convictions for genocide and extermination or aiding and abetting genocide and extermination.³

Dated at Arusha this 6th day of May 2016.

Word Count: 200

Cheick Bangoura
Legal Officer



¹ *Prosecutor v. Ntakirutimana*, Case No. MICT-12-17, Decision on Motion to appoint an *amicus curiae* to investigate false testimony, 2 March 2016, paras. 16 and 18.

² *Prosecutor v. Ntakirutimana*, Case No. MICT-12-17, Prosecution Response to *Réponse de Gérard Ntakirutimana à l'ordonnance du juge unique en date du 13 octobre 2015*, 3 December 2015 ("Prosecutor's submission of 3 December 2015"), paras 10-17.

³ *Idid.*, paras. 4-6.



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