

MICT-15-90  
10-04-2017  
(2 - 1/163bis)

2/163bis  
ZS

/Incoming stamp:  
Ministry of Justice  
Date 9 March 2017/  
/initialled//

/Stamp: *Cour Suprême*  
Received on: 9 March 2017  
/initialled//



/Stamp: /?Received/  
8 March 2017 /initialled/

/Handwritten: Received on 8 March 2017/  
/two stamps in English/

Kigali, 7 March 2017

To: **President of the Mechanism for International Criminal Tribunals (MICT)**  
**The Hague, Netherlands**  
Email: [JudicialFilingsArusha@un.org](mailto:JudicialFilingsArusha@un.org) or [JudicialFilingsHague@un.org](mailto:JudicialFilingsHague@un.org)  
C/O Director of Nyarugenge Prison (PCK 1930)

DECLASSIFIED IN ACCORDANCE WITH  
DECISION DATED 11 MAY 2017.

CONFIDENTIAL

**Subject:** Request for statements given by witnesses in the cases of Elie Ndayambaje, Dominique Ntawukuriryayo, Callixte KALIMANZIRA and Alphonse Nteziryayo and request for the lifting of protective measures for the witnesses in these cases before the ICTR in ARUSHA

Mr President,

- (1) We have the honour of requesting the statements of witnesses in the cases against Elie Ndayambaje, Dominique Ntawukuriryayo, Callixte KALIMANZIRA and Alphonse Nteziryayo, and the lifting of the protective measures granted to the witnesses in these cases before the ICTR in Arusha, currently under the authority of the MICT.
- (2) Mr President, the accused in these cases were all charged with crimes of genocide and crimes against humanity committed in the Gisagara *sous-préfecture* in Rwanda in 1994, in particular the setting up of roadblocks in this area and the killings of Tutsi in Kabuye, as set out in the indictment of 24 December 2014 for the same charges against Mr Emmanuel MBARUSHIMANA KUNDA, which names them as his co-perpetrators and refers to them.
- (3) Moreover, several witnesses who testified in the aforementioned cases before the ICTR, most of whom did so under a pseudonym as a protective measure, are the same Prosecution witnesses in a criminal case against Mr Emmanuel MBARUSHIMANA KUNDA before the Special Chamber of the High Court with jurisdiction over cases of international and cross-border crimes (HCCI)<sup>1</sup> in Rwanda.
- (4) Therefore, it appears that this information is of key importance for the cross-checking of the statements of the accusing party, for the preparation and presentation of a proper, efficient and complete defence on these very acts for which he has been charged.
- (5) This information will facilitate the task of rendering justice and will allow the Defence to show the truth of the facts, the personality, the nature, the background, the physical and mental state of the Prosecution witnesses and of their testimonies.
- (6) In the ultimate interest of justice and in view of the scope and criminal nature of Case No. RP001/15/HCCI, *The Prosecutor v. Emmanuel MBARUSHIMANA KUNDA*, we would like

<sup>1</sup> Special Chamber with jurisdiction over cases of international and cross-border crimes.

Received by the Registry  
Mechanism for International Criminal Tribunals  
10/04/2017 11:39

1/163bis

to request that the MICT, in cooperation with the HCCI, use its authority and do the utmost to ensure that the defence for Mr Emmanuel MBARUSHIMANA KUNDA has access to these statement, including those from witnesses who have been granted protective measures, so that it can prepare and conduct the defence in an efficient and complete way.

Please accept, Mr President, my sincere regards,  
**Emmanuel MBARUSHIMANA KUNDA** /signed/

**Copied to:**

President of the Supreme Court of Rwanda, Kigali  
Minister of Justice of Rwanda, Kigali  
Presiding Judge in Case No. RP0001/15/HCCI, and President of the HCCI, Kigali  
Public Prosecutor of Rwanda, Kigali  
Family of Mr Emmanuel MBARUSHIMANA KUNDA, Copenhagen



**TRANSMISSION SHEET FOR FILING OF TRANSLATIONS  
WITH THE ARUSHA BRANCH OF  
THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS**

---

<b>To</b>	MICT Registry		
<b>From</b>	<input checked="" type="checkbox"/> ICTY CLSS	<input type="checkbox"/> ICTR LSS	
<b>Original Submitting Party</b>	<input checked="" type="checkbox"/> Chambers	<input type="checkbox"/> Defence	<input type="checkbox"/> Prosecution <input type="checkbox"/> Other
<b>Case Name</b>	NYIRAMASUHUKO ET AL	<b>Case Number</b>	MICT-15-90 <b>No. of Pages</b> 2
<b>Original Document No.</b>	MICT-15-90-0036	<b>Translation Reference No.</b>	REG49928
<b>Date of Original</b>	07/03/2017	<b>Original Language</b>	<input type="checkbox"/> English <input checked="" type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
<b>Date Transmitted</b>	10/04/2017	<b>Language of Translation</b>	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
<b>Title of original document</b>	Demande des déclaration des témoin		
<b>Title of translation</b>	Request for Statements Given by Witnesses		
<b>Classification Level</b>	<input type="checkbox"/> Unclassified <input type="checkbox"/> Ex Parte Defence excluded <input checked="" type="checkbox"/> Confidential <input type="checkbox"/> Ex Parte Prosecution excluded <input type="checkbox"/> Strictly Confidential <input type="checkbox"/> Ex Parte R86(H) Applicant excluded <input type="checkbox"/> Ex Parte Amicus Curiae excluded <input type="checkbox"/> Ex Parte other exclusion (specify) :		
<b>Document type/ Type de document:</b>	<input type="checkbox"/> Indictment <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Warrant <input type="checkbox"/> Affidavit <input type="checkbox"/> Submission from non-parties <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from parties <input type="checkbox"/> Decision <input type="checkbox"/> Judgement <input type="checkbox"/> Book of Authorities		

Send completed transmission sheet to: [JudicialFilingsArusha@un.org](mailto:JudicialFilingsArusha@un.org)