

ICTR-98-44-T
25-02-2008
(34081-34079)

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TRIBUNAL PÉNAL INTERNATIONAL POUR LE RWANDA

CHAMBRE DE PREMIÈRE INSTANCE II

Composée des honorables juges : **DENNIS C.M. BYRON, Président;**
GBERDAO GUSTAVE KAM
VAGN JOENSEN

Assistée de : **ADAMA DIENG, greffier**

Date de dépôt : **22 February 2008**

LE PROCUREUR

c.

ÉDOUARD KAREMERA
MATHIEU NGIRUMPATSE
JOSEPH NZIRORERA

Affaire No.: ICTR-98-44-T

JUDICIAL RECORDS/ARCHIVES
UNICTR
RECEIVED

2008 FEB 25 P 3:33

**NOTICE OF EXCULPATORY EVIDENCE AND POTENTIALLY FALSE
TESTIMONY**

Bureau du Procureur: Don Webster

Conseils de la Défense de Édouard Karemera :

Me Dior Diagne Mbaye
Me Félix Sow

Conseils de la Défense de Mathieu Ngirumpatse :

Me Chantal Hounkpatin
Me Frédéric Weyl

Conseils de la Défense de Joseph Nzirorera :

Me Peter Robinson
Me Patrick Nimy Mayidika Ngimbi

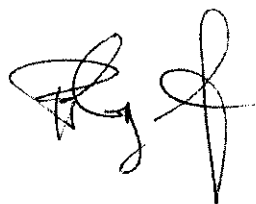
Conseils de la Défense de Bicamumpaka:

Me Michel Croteau, Conseil Principal
Me Philippe Larochelle Co-Conseil
Me Avi Singh, Assistant

1. The Defence for Mr. Bicomumpaka respectfully notifies the Trial Chamber and parties in the case of *Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-T, that, as the enclosed affidavit indicates, the Prosecutor is in possession of the exculpatory evidence in which Witness GFA recants his testimony, and indicates that Rwandan authorities systematically pressured the Witness and other past witnesses before this tribunal to testify against, *inter alios*, Mr. Joseph Nzirorera.
2. On 8 February 2008, Me. Avi Singh, Legal Assistant for Mr. Bicomumpaka, pursuant to the Trial Chamber's 5 December 2007 Decision¹, met with Prosecution Witness GFA in the presence of WVSS and three representatives of the Prosecutor.
3. During the meeting which was video recorded, as indicated in Annexure 1, Witness GFA made numerous exculpatory statements regarding, *inter alios*, Joseph Nzirorera. The witness recanted his testimony vis-à-vis Joseph Nzirorera. He also stated the Rwandan authorities systematically pressured numerous him and other witnesses to testify against Mr. Nzirorera, among others.
4. The video recording is in possession of the Prosecutor, and parties in *Prosecutor v. Bizimungu et al.*, Case No. ICTR-99-50-T.
5. The Defence for Mr. Bicomumpaka is obliged to make such a disclosure in accordance with counsel's duty to bring to the attention of the court information of false testimony.

RESPECTFULLY SUBMITTED

Arusha, 22 February 2008



Philippe LAROCHELLE
Co-Counsel for Defendant Jérôme-Clément Bicomumpaka

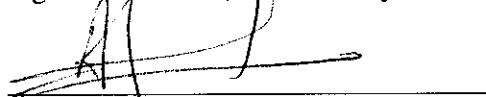
¹ *Prosecutor v. Bizimungu et al.*, Case No. ICTR-99-50-T, Decision on Jérôme-Clément Bicomumpaka's Motions to Meet with Prosecution Witnesses GFA and GKB, 5 December 2007.

AFFIDAVIT

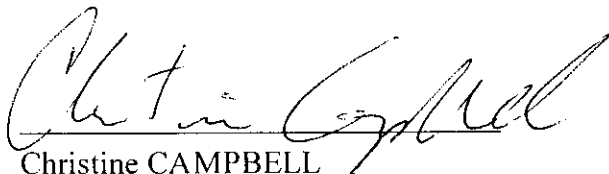
I, Avi Singh, a lawyer at the California, U.S., and Delhi Bar, do solemnly declare that the following is true to the best of my knowledge:

1. On 8 February 2008, in my capacity as Legal Assistant for the Defence Team of Jerome Bicomumpaka, and pursuant to the *Prosecutor v. Bizimungu et al.* Trial Chamber's Decision of 5 December 2007, I participated in a meeting with Prosecution protected witness GFA, in Kampala, Uganda, in the presence of WVSS and three representatives of the Prosecutor.
2. A representative of the Prosecutor video recorded the entire meeting. CDs containing the video of the meeting have since been distributed to the parties in *Prosecutor v. Bizimungu et al.*, Case No. ICTR-99-50-T by the Prosecutor.
3. During the meeting, confirmed by the video recording, Prosecution Witness GFA, made numerous exculpatory statements regarding, *inter alios*, **Jerome Bicomumpaka, Casimir Bizimungu, Joseph Nzirorera, Augustin Bizimungu, Ephrem Setako, and Juvenal Kajelijeli**. In brief, Witness GFA recanted his testimony against **Bicomumpaka, Augustin Bizimungu, and Joseph Nzirorera**. He also mentioned that the Rwandan authorities systematically pressured Witness GFA and other witnesses to testify against the persons listed above.
4. The Prosecutor is in possession of the video recording.

Signed in Arusha, 22 February 2008



Avi SINGH



Christine CAMPBELL

Avocate au Barreau du Québec

