



UNITED NATIONS
NATIONS UNIES

ICTR-97-21-T
(29-6-2004
1296 — 1287)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

1296
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OR: ENG

TRIAL CHAMBER II

Before: Judge William H. Sekule, Presiding
Judge Arlette Ramaroson
Judge Solomy B. Bossa

Registrar: Mr. Adama Dieng

Date: 29 June 2004

The PROSECUTOR

v.

Arsène Shalom NTAHOBALI

Case No. ICTR-97-21-T

ICTR
2004 JUN 29 A 11 55

DECISION ON NTAHOBALI'S MOTION FOR RECALL OF WITNESSES

Office of the Prosecutor

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Normand Marquis

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“Tribunal”),

SITTING as Trial Chamber II composed of Judge William H. Sekule, Presiding, Judge Arlette Ramaroson and Judge Solomy Balungi Bossa (the “Chamber”);

BEING SEISED of “Ntahobali’s Motion for Recall of Witnesses” (the “Motion”), filed on 19 May 2004;¹

CONSIDERING the “Prosecutor’s Response to Ntahobali’s ‘Requête aux fins de faire rappeler des témoins à comparaître’” (the “Response”), filed on 25 May 2004;

CONSIDERING “Nsabimana’s Response to Ntahobali’s Motion for Recall of Witnesses” (“Nsabimana’s Response”), filed on 31 May 2004;²

CONSIDERING “Ntahobali’s Reply to the Prosecutor Response to his Motion for Recall of Witnesses” (the “Reply to the Prosecutor”), filed on 1 June 2004;³

CONSIDERING “Ntahobali’s Reply to Accused Nsabimana’s Response to his Motion for Recall of Witnesses” (the “Reply to Nsabimana”), filed on 1 June 2004;⁴

NOTING the “Decision in the Matter of Proceedings Under Rule 15bis(D)” issued by Trial Chamber II on 15 July 2003 and the “Decision in the Matter of Proceedings Under Rule 15bis(D)” issued by a full bench of the Appeals Chamber on 24 September 2003 (“the Appeals Chamber Decision”);

CONSIDERING the Statute of the Tribunal (the “Statute”) and the Rules of Procedure and Evidence (the “Rules”);

NOW DECIDES the matter, pursuant to Rule 73 (B), on the basis of the written submissions of the Parties.

SUBMISSIONS OF THE PARTIES

Defence Motion

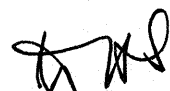
1. The Defence submits that it is indispensable for Judge Bossa to hear by herself all the witnesses who were heard before her appointment to the case, especially because the Accused is charged with conspiracy to commit genocide; in default, the Defence submits that it is indispensable for Judge Bossa to hear by herself at least the fourteen witnesses against the accused who were heard before her appointment, namely TA, SJ, QCB, TK, TN, FAP, SS, QY, RE, Ghandi Shukri, QBP, QJ and SU. The Defence argues that the credibility of these

¹ The Motion was filed in French and originally entitled: *Requête de Arsène Shalom Ntahobali aux fins de faire rappeler des témoins à comparaître*.

² Nsabimana’s Response was filed in French and originally entitled: *Réponses de Sylvain Nsabimana, à la requête de l’accusé Arsène Shalom Ntahobali aux fins de faire rappeler les témoins à comparaître*.

³ The Reply was filed in French and originally entitled: *Réplique de Arsène Shalom Ntahobali à la réponse du Procureur à sa requête aux fins de rappeler des témoins*.

⁴ The Reply was filed in French and originally entitled: *Réplique de Arsène Shalom Ntahobali à la réponse de l’accusé Nsabimana à sa requête aux fins de rappeler des témoins*.



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witnesses can not be assessed by the new Judge in light of the mere reading of transcripts or hearing of audio-records.

2. The Defence submits that the several charges against the accused can be summarized as follows, with the related witnesses:

- Roadblock (para. 6.27-6.28 of the Indictment): Witnesses TA, QCB, SX, TB, TG;
- Ecole Evangélique Rwandaise (EER) : Witnesses TA, RE, SJ, QBP, SD, QY;
- *Préfectoral* Office (para. 6.29-6.33 of the Indictment): Witnesses TA, QCB, QJ, SJ, QBP, RE, FAP, SS, SD, QY;
- Butare Hospital (para. 6.34-6.39 of the Indictment): Witnesses RE, SD, QY, FAP, SS;
- Tumba: Witness TN;
- At the “businessman home”: Witness TG.

3. The Defence submits that Judge Bossa only heard by herself :

- On the events at the roadblock: Witnesses SX, TB, TG;
- On the events at EER: no witness;
- On the *Préfectoral* Office: no witness;
- On the Butare Hospital: no witness;
- On Tumba: no witness.

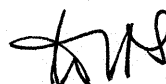
4. The Defence submits that the remaining Prosecution witnesses to testify are not related to the EER, the *Préfectoral* Office and the Butare Hospital. Therefore, the Defence submits that Judge Bossa will have to assess the credibility of witnesses she did not hear by herself on four major crime events. Consequently, it would be contrary to the Accused’s right to a fair trial and, therefore, to the interests of justice, that the Accused be convicted for these crimes.

5. In spite of the Chamber’s Decision on Nyiramasuhuko’s Motion for recall of witnesses, the Defence submits that the interest of justice requires a direct hearing of the 20 Witnesses against the Accused by Judge Bossa, in order to put her in the same position as Judges Sekule and Ramaroson in the assessment of their credibility.

6. The Defence rejects the arguments that Judge Bossa could listen to the audio-recordings because the witnesses testified in Kinyarwanda and that would be a great waste of time.

7. Notwithstanding the certification signed by Judge Bossa on 8 December 2003 that she familiarized herself with the records of the proceedings, the Defence submits she could have familiarized neither with the oral evidence of the 103 previous days of hearings, nor the substantial written evidence submitted thus far: she was appointed to the case on 20 October 2003; she was part of the bench in the *Ndindabahizi* Trial that ended on 28 November 2003; she therefore had only a few days to familiarize herself with the *Butare* case. This is the reason why the Defence raised at the earliest opportunity questions about the way in which she familiarized herself with the proceedings. The Defence concludes that Judge Bossa can not assess correctly the credibility of the witnesses heard since her appointment, insofar as she did not know correctly the details of the former testimonies.

8. The Defence submits that the new notions of “certification” and “familiarization”, which have not been interpreted by the Appeals Chamber, shall be interpreted consistently with the right to a fair trial.



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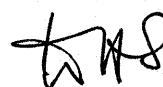
9. The Defence submits that the situation of the Accused is different than the situation of Nyiramasuhuko as discussed in the Decision of 6 May 2004, insofar as his right to a fair trial can not be respected when one Judge neither heard nor saw any of the Prosecution witnesses related to four major crime areas.

10. The Defence submits that challenging the credibility of Prosecution witnesses is the first line of Defence of the Accused: as an example, the Defence recalls Witness SX testimony, showing reluctance to answer, long silences, mimic and gestures of uneasiness: such demeanour cannot be assessed by the mere reading of transcripts or listening of tape-recordings.

11. Addressing the notion of “particular issue”, the Defence submits that it shall be interpreted as a “litigious Indictment-related question”. This notion shall not, according to the Defence, limit the recall of a witness on an “event” that occurred during the initial testimony, insofar as a mere isolated event is not enough for the substitute judge to assess the credibility of the witness. The Defence argues that it is rather on the basis of the addition of isolated demeanour-related events that the credibility of a witness can be challenged. The Defence considers that it would be illusory and useless to recall a witness only on one such demeanour-related event. The only useful way to recall a witness is, according to the Defence, not to recall him on an isolated demeanour-related event which involves a matter of credibility, but, rather, to recall him on the particular issue, related to the Indictment, on which the witness was testifying when he had the particular demeanour. For example, if a witness laughed when addressing the events at the *Préfectoral* Office, he should be recalled to be heard again on the events at the *Préfectoral* Office and not only on his laughing.

12. Relying on the Decision of 6 May on Nyiramasuhuko’s Motion, which found “that no case has been made by the Defence for the rehearing of the witnesses as a whole in the manner specified by the applicant”, the Defence further submits separately the arguments for recall of each specific witness:

- Witness Shukry: The Defence submits that the Witness commented the videos and photos he made on the alleged places of crimes; the mere reading of the transcripts without the said videos and photos can not allow Judge Bossa to assess this witness credibility;
- Witness TA: The Defence submits that this witness should be recalled to be heard on events at the *Préfectoral* Office, on the roadblock and at EER, insofar as, during her testimony, she was aggressive against Defence counsel, and did not show the demeanour of a person who was allegedly raped several times and witnessed horrific events;
- Witness TN: This Witness should be recalled on the event at Tumba. The Defence submits that, during his testimony, this witness wandered in the courtroom and identified a security guard as the Accused; the description of this security guard does not appear in the transcripts, when it is an essential element for the assessment of this witness credibility;
- Witness SJ: The Defence submits that this witness should be recalled to be heard on events at the *Préfectoral* Office, on the roadblock and at EER, insofar as, during his testimony, this witness showed reluctance, evasiveness and non-verbal demeanour that were highly important for the assessment of his credibility;
- Witness TK: The Defence submits that this witness should be recalled to be heard on events at the *Préfectoral* Office because she remained emotionless in spite of the nature of the events she witnessed;

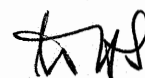


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- Witness QJ: The Defence submits that this witness should be recalled to be heard on events at the *Préfectoral* Office because, as husband of Witness TK, he gave a testimony that was inconsistent with the one of his wife; the Defence further argues that he showed hesitation, doubts and silences that were highly important for the assessment of his credibility;
- Witness QCB: The Defence submits that this witness should be recalled on events at the *Préfectoral* Office, on the roadblock and at EER, because he showed doubts, silences and non-verbal demeanour that were highly important for the assessment of his credibility;
- Witness FAP: The Defence submits that this witness should be recalled to be heard on events at the *Préfectoral* Office, on the roadblock and at Butare Hospital because he gave sometimes ludicrous or inconsistent answers with a confidence that was not compatible with the substance of what he was saying;
- Witness RE: The Defence submits that this witness should be recalled on events at the *Préfectoral* Office, at Butare Hospital and at EER because this witness was aggressive, refused to answer questions, rebelled, threatened and was discourteous with the Defence Counsel and the Accused; the Defence adds that it was obvious that the Witness was reading her written statements, when she affirmed she did not know how to read French or English;
- Witness SD: The Defence submits that this witness should be recalled on events at the *Préfectoral* Office, at Butare Hospital and at EER because this witness was voluntarily confusing or refused to answer questions; the Defence adds that her non-verbal demeanour is also highly important for the assessment of his credibility;
- Witness QY: The Defence submits that this witness should be recalled on events at the *Préfectoral* Office, at Butare Hospital and at EER because he was aggressive, reluctant to answer and had non-verbal demeanour that was highly important for the assessment of his credibility, especially when cross-examined on Doctor Gatera;
- Witness SS: The Defence submits that this witness should be recalled on events at the *Préfectoral* Office, at Butare Hospital and at roadblock because he had a strange demeanour, constantly laughing, to such a point that Counsel for Nyiramasuhuko asked her why she laughed;
- Witness SU: The Defence submits that this witness should be recalled on events at the *Préfectoral* Office and at Butare Hospital because of his aggressiveness, arrogance, reluctance to answer questions and non-verbal demeanour that were highly important for the assessment of the Witness credibility;
- Witness QBP: the Defence admits that it does not remember this particular witness, but submit that, as the other witnesses, he shall inevitably have had a demeanour that was significant for the assessment of his credibility;
- Other Witnesses: all the other witnesses have indirectly testified against the Accused, because their testimony can be related to the charge of conspiracy to commit genocide. Several, if not all, witnesses had non-verbal demeanour that the Defence interprets as revealing lie, deception or revenge against the Accused.

13. Relying on the 6 May 2004 Decision on the Motion to recall Witness TO, the Defence submits that the demeanour described in the instant Motion do justify in a similar manner the recall of witnesses.

14. For the above reasons, the Defence requests the recall of all witnesses that were heard before Judge Bossa's appointment or, in default, the recall of the above mentioned witnesses.



Prosecution's Response

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15. The Prosecutor submits that the Motion raises the same issues as Nyiramasuhuko's Motion of 8 April 2004 and referred to its Response to this Motion filed on 19 April 2004. Those issues having already been dealt with by the Trial Chamber in the 6 May 2004 Decision on Nyiramasuhuko's Motion and the Prosecutor considers the current Motion as frivolous and deserving a denial of payment of fees pursuant to Rule 73(E).

16. The Prosecutor submits that although Rule 90 provides that the witnesses shall in principle be heard directly by the Trial Chamber, that Rule makes allowance for exceptions, such as those contemplated in Rules 71 and 15*bis*. The Prosecutor recalls that the credibility of the witnesses has already been assessed by the two Judges who were on the panel from the Trial's inception. There are currently three professional judges and there is therefore no chance that the Accused is being tried without the Trial Chamber as a whole having not heard any or most of the evidence *viva voce*.

17. The Prosecutor avers that the Defence has not advanced any good and compelling reason why the witnesses should be recalled or why it was not sufficient for Judge Bossa to read the records of the proceedings or to listen to audio-recordings. The Prosecutor adds that the Defence has not shown how the fact that Judge Bossa has not seen the witnesses, *actually* prejudices the trial.

18. The Prosecutor submits that the Appeals Chamber ruled that live testimony to be heard by each and every Judge is not a compulsory requirement and that Rule 15*bis* is not unfair to the accused.

19. The Prosecutor submits that when the Defence has stated that there were issues of credibility which required the witnesses to be recalled, it has not shown what areas of credibility are so weighty that they require the recalling of witnesses. The Prosecutor further submits that the Defence has not made reference to any particular issue, but used the same reasoning for each witness, that Judge Bossa would be unable to assess their credibility.

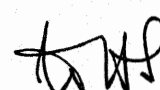
20. The Prosecutor submits that the discretion to recall a witness must be exercised sparingly: there are many aspects that the Trial Chamber must take into consideration, including the interests of justice, the financial burden, the length and complexity of the trial and the behaviour of the parties.

21. The Prosecutor adds that the recalling of witnesses would unnecessarily prolong the trial and would not be in the interests of justice, having regard to all circumstances of the case.

22. Therefore, the Prosecutor prays the Chamber to dismiss the Motion.

Nsabimana's Response

23. Defence for Nsabimana first addresses the request for recall of all witnesses who were heard before Judge Bossa joined the bench and submits that it is an implicit attempt to relitigate the Decision in the Matter of Proceedings Under Rule 15*bis*(D) issued by the Trial Chamber II on 15 July 2003 and confirmed in appeal on 24 September 2003. Defence recalls that Nsabimana has been detained for almost seven years, that the Trial began in June 2001



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and that the recall of all witnesses would seriously jeopardize the Accused's right to be tried without undue delay.

24. Defence for Nsabimana submits that Ntahobali's submissions relating to the certificate of familiarization is verging on an application for Judge Bossa's disqualification. Defence for Nsabimana submits that such application should follow the procedure set up by the Rules for disqualification of judges.

25. Defence for Nsabimana submits that Ntahobali's motion lacks legal basis for requesting the recall of witnesses in order for their credibility to be assessed on the basis of non-verbal demeanour. Defence for Nsabimana submits that, pursuant to the Appeals Chamber Decision, witnesses should be recalled only if the new judge wishes for, and that Judge Bossa, who already certified having familiarized with the record of the proceedings, never expressed her need for such recalls. The Defence further submits that neither laughter nor moaning of a witness are relevant for the assessment of his credibility and that there is no guarantee at all that a recalled witness will have the same demeanour as during his first appearance before the Chamber.

26. Defence for Nsabimana also submits that there is no guarantee that the witness to recall are still alive nor that they will be wishful to come again before the Tribunal.

27. According to Defence for Nsabimana, all the claims by Ntahobali should be addressed during the final pleadings.

28. Therefore, Defence for Nsabimana prays for dismissal of Ntahobali's Motion.

Defence Reply to the Prosecutor's Response

29. The Defence submits that the Motion does not challenge the legality of Rule 15 *bis* but intends only to apply the findings contained in the Appeals Chamber Decision.

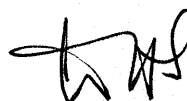
30. The Defence protests against the Prosecutor's allegation of frivolousness of the Motion and submits that such submission by the Prosecutor is frivolous in itself.

31. The Defence submits that the Prosecutor does not take the full measure of the current situation of the Accused and of the fact that Judge Bossa has heard none of the Prosecution witnesses related to four major crime scenes pleaded in the Indictment against him.

32. On the notion of "particular issue", the Defence submits that its interpretation by the Prosecutor is too restrictive and would deprive the recalls of any useful purpose. According to the Defence, a witness' demeanour should be considered in the light of the whole testimony in order to assess its credibility.

Defence Reply to Nsabimana's Response

33. The Defence submits that the allegation that the current Motion is an attempt to relitigate the Appeals Chamber Decision is wrong, insofar as that Decision gave the Chamber a discretionary power to recall witnesses and that the Motion aims precisely at such recalls.



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34. Relating to the duration of detention, the Defence submits that Ntahobali is not responsible for the duration of the proceedings and concedes that it is Nsabimana's right to apply for separate trial.

35. The Defence contests having aimed at Judge Bossa disqualification.

36. The Defence submits that consideration of non-verbal demeanour in the assessment of witness credibility is a general principle of *common law*.

37. The Defence submits that, as long as Judge Bossa has not seen by herself the witnesses, she cannot understand pleadings that challenge their testimonies on the base of their demeanour.

DELIBERATION

38. As the Trial Chamber understands the submissions made by the Defence, the Motion raises four issues, which can be distinguished as follows: (1) Judge Bossa cannot have familiarized herself with the records of the proceedings when she certified she had, because of time constraints; (2) The interest of justice requires a direct hearing of all witnesses against the Accused in order to allow Judge Bossa to assess their credibility; (3) Witnesses should be recalled on the particular issue, related to the Indictment, on which they testified while having a demeanour that raised a matter of credibility which the substitute judge may need to assess directly; (4) The Defence submits the grounds for recall of particular witnesses.

39. The Trial Chamber considers that issues (2) and (3) raised by the Defence and related to the "requirement" for a recall of all witnesses against the Accused and the scope of their recall are nothing else than an attempt to relitigate issues that were already determined in the Appeals Chamber Decision stating that:⁵

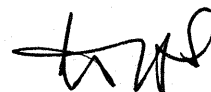
If the judge assigned by the President certifies 'that he or she has familiarized himself or herself with the record of the proceedings' (which, as mentioned above, does not in this case include video-recordings) and thereafter accordingly joins the bench of the Trial Chamber, the recomposed Trial Chamber may, on a motion by a party or *proprio motu*, recall a witness on a particular issue which in the view of the Trial Chamber involves a matter of credibility which the substitute judge may need to assess in the light of the witness' demeanour. (emphasis added)

40. These issues having been determined by the Appeals Chamber, the Trial Chamber simply rejects the Defence submissions.

On the Issue of Familiarization

41. Pursuant to Rule 15bis (D), when the Accused does not consent to the continuation of the proceedings with a substitute judge, the remaining judges may decide to continue the proceedings before a Trial Chamber with a substitute judge. The latter can join the bench only after having certified that he or she has familiarised himself or herself with the record of

⁵ Appeals Chamber Decision para. 35



the proceedings. The procedure of certification has been clarified by the Decision of the Appeals Chamber in the following statement:⁶

Even after the Trial Chamber has decided in favour of continuation with a substitute judge, the latter joins the bench only upon certifying that he has familiarized himself with the record of the proceedings. The object is obviously to enable him to acquaint himself with the proceedings.

42. In the instant case, familiarization has been done in full accordance with the requirements of Rule 15bis and the Appeals Chamber Decision.⁷

43. Therefore, the Chamber finds no merits in the Defence submissions challenging the way Judge Bossa has familiarized herself with the record of proceedings.

On the Grounds for Witness Recall

44. The Trial Chamber recalls its finding in its 6 May 2004 Decision on Nyiramasuhuko's Motion for Recall of Witnesses:⁸

for a witness to be recalled, the moving Party shall identify a particular issue which involves a matter of credibility which the substitute judge may need to assess in the light of the witness' demeanour. The witness may then be recalled to be heard again on this specific issue.

45. Submissions by the Defence indistinctly refer to miscellaneous demeanours of witnesses, among which are aggressiveness and threats against counsels, reluctance to answer questions, evasiveness, lack of emotion, material inconsistencies, hesitations, doubts, silences, confusing answers, and arrogance. The Defence also referred to "non-verbal demeanour" of witnesses without further explanation. The Trial Chamber notes that the first series of demeanours are reflected in the written transcripts and/or audio-recordings of the witnesses' testimony in court. The Trial Chamber further notes that none of these alleged demeanours constitutes a particular issue which involves a matter of credibility which the substitute Judge may need to assess in the light of the witness' demeanour. Nowhere does the Defence identify such a particular issue.

46. Relating to Witnesses TN and SS, the main ground for recall submitted by the Defence is that Witness TN failed to identify the Accused, but identified a security guard as the Accused, and that Witness SS was constantly laughing during her testimony, to such a point that Counsel for Nyiramasuhuko asked her why she laughed. These elements are reflected in the record of proceedings, which has been studied by Judge Bossa. Therefore, the Chamber sees no need for recall of these witnesses.

47. With respect to the request for recall of Witness Ghandi Shukri, the Chamber emphasizes that the videos and photos referred to by the Defence are part of the exhibits introduced and are therefore part of the record of the proceedings reviewed by Judge Bossa. Therefore, the Chamber sees no need for recall of this witness.

⁶ Appeals Chamber Decision para. 33-34.

⁷ Judge Bossa certified on 5 December 2003 having familiarised herself with the record of the proceeding.

⁸ Decision on Defence Motion for Recall of Witnesses TA, QJ, TK, SJ, SS, SU, QBP, RE, FAP, SD and QY or, in Default, a Disjunction of Trial or a Stay of Proceedings Against Nyiramasuhuko (TC), 6 May 2004, para. 31.

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48. Accordingly, the Trial Chamber finds that the Defence has failed to identify any particular issue which the substitute judge may need to assess in the light of the witness' demeanour.

FOR THE ABOVE REASONS,

THE TRIAL CHAMBER

DENIES the Motion in its entirety.

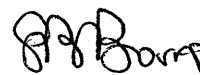
Arusha, 29 June 2004



William H. Sekule
Presiding Judge

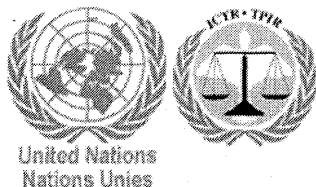


Arlette Ramaroson
Judge



Solomy Balungi Bossa
Judge





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)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input checked="" type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input 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
From:	<input checked="" type="checkbox"/> Chamber Cyril LAUCCI (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. Arsène Shalom Ntahobali			Case Number: ICTR-97-21-T
Dates:	Transmitted: 29 June 2004		Document's date: 29 June 2004	
No. of Pages:	10	Original Language:	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Title of Document:	Decision on Ntahobali's Motion for Recall of Witnesses			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties		
<input type="checkbox"/> Confidential		<input checked="" type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Submission from parties		
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars		
		<input type="checkbox"/> Judgement <input type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities		

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 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)

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<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: