

ICTR-01-73-T  
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UNITED NATIONS  
NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Inés Mónica Weinberg de Roca, Presiding  
Khalida Rachid Khan  
Lee Gacuiga Muthoga

**Registrar:** Adama Dieng

**Date:** 21 February 2007

**THE PROSECUTOR**

v.

**Protais ZIGIRANYIRAZO**

*Case No. ICTR-2001-73-T*

JUDICIAL RECORDS ARCHIVES

2007 FEB 21 P 4: 32

**DECISION ON THE DEFENCE MOTION PURSUANT TO RULE 98 BIS**

*Rule 98 bis of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**

Wallace Kapaya  
Charity Kagwi-Ndungu  
Sylver Ntukamazina  
Gina Butler  
Iskandar Ismail  
Jane Mukangira

**Defence Counsel:**

John Philpot  
Peter Zaduk

## INTRODUCTION

1. Protais Zigiranyirazo (the "Accused") is charged with genocide or, in the alternative, complicity in genocide, and conspiracy to commit genocide, pursuant to Article 2 of the Statute of the Tribunal (the "Statute"), and extermination and murder, as crimes against humanity, pursuant to Article 3 of the Statute.
2. After calling twenty-five witnesses, including four investigators and one expert witness, the Prosecution closed its case on 28 June 2006. After the reopening of the Prosecution case to hear Witness Michel Bagaragaza, the Prosecution closed its case for a second time on 30 November 2006. The Defence Motion was filed on 6 December 2006.<sup>1</sup> The Prosecution Response was filed on 14 December 2006.<sup>2</sup> The Defence Reply was filed on 18 December 2006.<sup>3</sup>
3. The Defence filed its first Rule 98 bis Motion on 13 July 2006.<sup>4</sup> On 17 October 2006, the Chamber issued its Decision and denied the Defence application in its entirety. In reaching its conclusion, the Chamber stressed that *counts* are the proper focus for an enquiry under Rule 98 bis of the Rules and therefore declined to enquire into whether evidence has been adduced in support of each paragraph of the Indictment,<sup>5</sup> which was the basis of the First Motion of the Defence.

## DELIBERATIONS

### *Status of the 17 October 2006 Rule 98 bis Decision*

4. As a preliminary matter, the Chamber will address the status of the 17 October Rule 98 bis Decision.<sup>6</sup> The Prosecution argues that neither the Appeals Chamber Decision<sup>7</sup> excluding the testimony of Mr. Michel Bagaragaza nor the Chamber's Decision to Reopen the Prosecution case to rehear Mr. Bagaragaza<sup>8</sup> vacated the 17 October Rule 98 bis Decision, and therefore the original decision still stands and the Defence motion is improper at law.<sup>9</sup> If the Chamber is not inclined to deny the Defence motion on this basis, then the Prosecution reiterates the arguments in its First Response and First Rejoinder.<sup>10</sup>

<sup>1</sup> "Motion Pursuant to Rule 98 bis RPP", filed on 6 December 2006 (the "Motion").

<sup>2</sup> "Prosecutor's Response to Defence Motion Pursuant to Rule 98 bis of the Rules of Procedure and Evidence", filed on 14 December 2006 (the "Response").

<sup>3</sup> "Reply to Prosecutor's Response to Defence Motion Pursuant to Rule 98 bis RPP", filed on 18 December 2006 (the "Reply").

<sup>4</sup> "Motion Pursuant to Rule 98 bis RPP" filed on 13 July 2006 (the "First Motion").

<sup>5</sup> Amended Indictment of 8 March 2005 (the "Indictment").

<sup>6</sup> Decision on the Defence Motion Pursuant to Rule 98 bis, 17 October 2006 (the "17 October Rule 98 bis Decision").

<sup>7</sup> Decision on Interlocutory Appeal (AC), 30 October 2006.

<sup>8</sup> Decision on the Prosecution Joint Motion for Re-Opening its Case and for Reconsideration of the 31 January 2006 Decision on the Hearing of Witness Michael Bagaragaza Via Video-Link (TC), 16 November 2006.

<sup>9</sup> Response, paras. 16-18.

<sup>10</sup> See the previous submissions of the Prosecution: "Prosecutor's Response to Defence Motion Pursuant to Rule 98 bis of the Rules of Procedure and Evidence", filed on 31 July 2006 (the "First Response"); "Prosecutor's Rejoinder to the Defence Reply to the Prosecutor's Response to the Defence Motion (Pursuant to Rule 98 bis of the Rules of Procedure and Evidence)", filed on 7 August 2006 (the "First Rejoinder").

5. Pursuant to Rule 85 of the Rules, presentation of evidence for the Prosecution precedes evidence for the Defence. A Rule 98 bis motion is proper after the close of the Prosecution's case.

6. While the Chamber's original Rule 98 bis decision has not been expressly vacated, the Chamber, looking to the plain language of Rules 85 and 98 bis and being mindful of the rights of the Accused, finds that the Defence Motion filed on 6 December 2006 is proper and will consider the issues anew.

### *On the Merits*

7. Rule 98 bis provides:

*If after the close of the case for the prosecution, the Trial Chamber finds that the evidence is insufficient to sustain a conviction on one or more counts charged in the Indictment, the Trial Chamber, on motion of an accused filed within seven days after the close of the Prosecution's case-in-chief, unless the Chamber orders otherwise, or proprio motu, shall order the entry of judgement of acquittal in respect of those counts.*

8. According to the Tribunal's jurisprudence, the test under Rule 98 bis is whether a reasonable trier of fact *could* arrive at a conviction of the Accused if the Prosecution evidence is accepted.<sup>11</sup> Accordingly, where some evidence was adduced and that evidence, if believed, could be sufficient for a reasonable trier of fact to sustain, beyond reasonable doubt, a conviction on the particular count, a motion for a judgement of acquittal shall be denied. Conversely, where no evidence was adduced in relation to a count, such motion for acquittal shall be granted.<sup>12</sup>

9. The Defence submits that the Chamber should look to paragraphs instead of counts in the interests of judicial economy and fairness to the Defence.<sup>13</sup>

10. The Chamber considers such an approach to be contrary to the plain language of Rule 98 bis and inappropriate in this case. Rule 98 bis requires the Chamber to determine only whether "the evidence is insufficient to sustain a conviction on one or more counts charged in the indictment", and to order a "judgement of acquittal in respect of those counts".<sup>14</sup> When seized of requests for judgement of acquittal pursuant to Rule 98 bis, Trial Chambers of this Tribunal have almost unanimously examined the evidence in relation to counts without also testing the sufficiency of evidence in relation to each paragraph of an indictment.<sup>15</sup> Moreover,

<sup>11</sup> *Prosecutor v. Bagosora et al*, Decision on Motions for Judgement of Acquittal (TC), 2 February 2005, paras. 3, 6 (the "Bagosora 98 bis Decision"); *Prosecutor v. Muvunyi*, Decision on Tharcisse Muvunyi's Motion for Judgement of Acquittal Pursuant to Rule 98 bis (TC), 13 October 2005, paras. 35-36 (the "Muvunyi 98 bis Decision"); *Prosecutor v. Semanza*, Decision on Defence Motion for a Judgement of Acquittal in Respect of Laurent Semanza After Quashing the Counts Contained in the Third Amended Indictment (TC), 27 September 2001, para. 15 (the "Semanza 98 bis Decision"). See also *Prosecutor v. Jelisić*, Judgement (AC), 5 July 2001, para. 37; *Prosecutor v. Delalić*, Judgement (AC), 30 February 2001, para. 434.

<sup>12</sup> *Prosecutor v. Rwamakuba*, Decision on Defense Motion for Judgment of Acquittal (TC), 28 October 2005, para. 6 (the "Rwamakuba 98 bis Decision").

<sup>13</sup> Motion, paras. 22-24.

<sup>14</sup> *Bagosora* 98 bis Decision, para 8.

<sup>15</sup> *Bagosora* 98 bis Decision, para. 8; *Muvunyi* 98 bis Decision, para. 39; *Prosecutor v. Mpambara*, Decision on the Defence's Motion for Judgement of Acquittal (TC), 21 October 2005, para. 6 (the "Mpambara 98 bis

the Chamber would engage in an “unwarranted substantive evaluation of the quality of much of the Prosecution evidence if it were to pronounce on the sufficiency of evidence in relation to each material fact in each paragraph in the Indictments.”<sup>16</sup>

11. The Chamber does not assess the credibility and reliability of the evidence unless the Prosecution case “has completely broken down, either on its own presentation, or as a result of such fundamental questions being raised through cross-examination as to the reliability and credibility of witnesses that the Prosecution is left without a case”.<sup>17</sup> The Prosecution evidence should be evaluated as a whole, looking to “the totality of the evidence” and making any reasonably possible inferences.<sup>18</sup> A decision at the Rule 98 bis stage to accept the Prosecution evidence does not preclude the Chamber from ultimately finding that the Prosecution evidence fails to establish the Accused’s guilt beyond a reasonable doubt.<sup>19</sup>

12. As in its first Rule 98 bis Motion, the Defence has made two types of submissions on the nature of the Prosecution evidence, namely: on the sufficiency of the evidence in relation to the crimes alleged in the counts of the Indictment, and on the sufficiency of the evidence in relation to individual paragraphs of the Indictment.

13. The Defence requests an acquittal on Count 5 (murder as a crime against humanity). For the remaining counts of the Indictment, the Defence requests the Chamber to take a paragraph by paragraph approach with a view to striking out those paragraphs of the Indictment for which insufficient evidence has been adduced.

14. The Chamber will therefore begin its analysis of the sufficiency of the Prosecution evidence with Count 5.

#### *Count 5: Murder as a Crime Against Humanity*

15. The Defence contends that there is insufficient evidence to prove any of the acts alleged and charged under Count 5. The Defence recognizes that, if proven, each of the murder allegations in the Indictment<sup>20</sup> could sustain a conviction on this count.<sup>21</sup> Therefore, if the Chamber finds that there is sufficient evidence of any one of the murders but not of the other murders, the Defence requests that the Chamber either acquit the Accused for the remaining murders; or, “in the alternative, find that the Accused has no case to answer on the remaining murders and strike out or indicate that the Chamber will not consider those allegations during final deliberations.”<sup>22</sup>

16. The Indictment charges the Accused with the killings of the three *gendarmes*, Stanislas Sinibagiwe (“Sinibagiwe”), and the killings of members of two Tutsi families.<sup>23</sup> The Prosecution concedes that no evidence has been adduced in respect of the murder of the

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Decision”); *Rwamakuba 98 bis* Decision, para. 8; *Prosecutor v. Bizimungu et al.*, Decision on Defence Motions Pursuant to Rule 98 bis (TC), 22 November 2005, para 10.

<sup>16</sup> *Bagosora 98 bis* Decision, para. 9.

<sup>17</sup> *Semanza 98 bis* Decision, para. 17.

<sup>18</sup> *Bagosora 98 bis* Decision, para. 11; *Muvunyi 98 bis* Decision, para. 40.

<sup>19</sup> *Bagosora 98 bis* Decision, para. 6. See also *Muvunyi 98 bis* Decision, para. 40.

<sup>20</sup> Indictment, paras. 43, 46, 48-49.

<sup>21</sup> Motion, para. 86.

<sup>22</sup> Defence Motion, para. 87.

<sup>23</sup> Indictment, paras. 43, 46, 48-49

Sekimonyo and the Bahoma families,<sup>24</sup> but contends that there is sufficient evidence on the record to prove the killing of the three *gendarmes* and Stanislas Sinibagiwe (“Sinibagiwe”).<sup>25</sup>

17. Murder is the intentional killing of a person, or the intentional infliction of grievous bodily harm with the knowledge that such harm will likely cause the victim’s death or with recklessness as to whether death will result, without lawful justification or excuse.<sup>26</sup>

18. In order to qualify as a crime against humanity, these offences must satisfy two conditions under the Statute: the crime must be committed as “part of a widespread or systematic attack”; and, the attack must be against “any civilian population on national, political, ethnic, racial or religious grounds”.

19. “Widespread” is defined as massive or large-scale, involving many victims; “systematic” refers to an organized pattern of conduct, as distinguished from random or unconnected acts committed by independent actors.<sup>27</sup> These requirements inform the *mens rea* element unique to crimes against humanity: the perpetrator must, at a minimum, know that his action is part of a widespread or systematic attack against civilians on discriminatory grounds, though he or she need not necessarily share that discriminatory intent.<sup>28</sup>

20. The Chamber reiterates that *counts* are the proper focus for an enquiry under Rule 98 bis and therefore will not enquire whether evidence has been adduced in support of each paragraph of the Indictment. If there is any Prosecution evidence regarding any of the alleged killings that could sustain the count, then a judgement of acquittal is not appropriate.

21. The Defence asserts that the sufficiency of the evidence adduced from the witness testimonies neither supports the charge that the Accused is responsible for the alleged murder of Sinibagiwe, nor supports the contention that the killing of Sinibagiwe was a crime against humanity, as it was not part of a widespread or systematic attack against the civilian population, on ethnic, racial,<sup>29</sup> or political grounds.<sup>30</sup> The Defence therefore argues that Sinibagiwe’s murder was an aborted extortion attempt.<sup>31</sup>

22. In its First Response, the Prosecution submitted that Sinibagiwe was targeted because he was considered an accomplice of the enemy—Sinibagiwe was considered a Hutu who was opposed to the government then in power—and was therefore killed.<sup>32</sup> The Prosecution referred to Witness AVY to show that there is ample evidence, both direct and circumstantial, from which the Chamber can conclude that the Accused was fully involved in the murder of Sinibagiwe.<sup>33</sup>

<sup>24</sup> First Response, para. 17; Indictment, paras. 20, 25, and 26.

<sup>25</sup> First Response, para. 42.

<sup>26</sup> *Bagosora 98 bis* Decision, para. 25; *Prosecutor v. Nindabahizi*, Judgement (TC), 15 July 2004, para. 487 (the “*Nindabahizi* Judgement”).

<sup>27</sup> *Bagosora 98 bis* Decision, para. 24; *Nindabahizi* Judgement, para. 477.

<sup>28</sup> *Bagosora 98 bis* Decision, para. 24; *Nindabahizi* Judgement, paras. 477, 484.

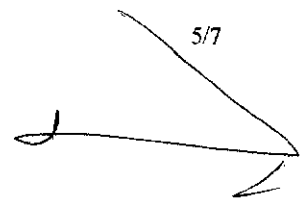
<sup>29</sup> Defence Motion, para. 74.

<sup>30</sup> Defence Motion, para. 78.

<sup>31</sup> Defence Motion, paras. 61, 77.

<sup>32</sup> First Response, paras. 62-63; First Rejoinder, para. 3(x).

<sup>33</sup> First Response, para. 61.

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23. There is evidence of the Accused being present and participating at a meeting where it was decided that Sinibagiwe would not be allowed to cross *La Petite Barrière* border post<sup>34</sup> because the latter was believed to be an accomplice of the enemy, which was defined as the Tutsi.<sup>35</sup> After the meeting, Sinibagiwe was detained at *La Petite Barrière* border post until Omar Serushago, who was allegedly at the meeting with the Accused, retrieved Sinibagiwe from *La Petite Barrière* border post and drove him in the direction of the *Commune Rouge*, a local cemetery in Gisenyi. There is also evidence that shots were heard shortly thereafter from the *Commune Rouge*. The witness later learned that Sinibagiwe had been killed.<sup>36</sup>

24. The Chamber has carefully examined the record and is convinced that there is sufficient evidence, which, if believed, could lead a reasonable trier of fact to conclude that this killing was part of a widespread, if not also systematic, attack against civilians on the basis of one or more of the enumerated grounds of Article 3 of the Statute.

25. The Chamber is of the view that, if believed, the evidence described above could lead a reasonable trier of fact to conclude that the Accused is guilty of murder as a crime against humanity for aiding and abetting the murder of Sinibagiwe.

*Count 1: Conspiracy to Commit Genocide, Count 2: Genocide, Count 3: Complicity in Genocide, and Count 4: Extermination as a Crime Against Humanity*

26. The Accused is also charged with: conspiracy to commit genocide (Count 1 of the Indictment); genocide (Count 2); complicity in genocide (Count 3), all of which are stipulated under Article 2 (3)(b) of the Statute; and extermination as a crime against humanity (Count 4), which is stipulated under Article 3(a) of the Statute.

27. Rule 98 bis requires the Chamber to determine whether the evidence is insufficient to sustain a conviction. The Chamber is not mandated to consider alleged defects in the Indictment or the sufficiency of notice to the Accused.<sup>37</sup> The Chamber, therefore, will not consider, at this stage of the proceedings, the party's submissions concerning compliance with the Chamber's 15 July 2004 decision requiring modifications to the Indictment.<sup>38</sup>

28. The Chamber declines the Defence invitation to take a paragraph by paragraph approach regarding the remaining counts of the Indictment. As the Chamber has noted above, Rule 98 bis requires it to consider the Prosecution evidence as it relates to counts. The Defence does not suggest that the lack of evidence in support of the disputed paragraphs should result in acquittal on any of the remaining counts. On the contrary, it acknowledges that some evidence has been adduced in support of these counts. Therefore, the Defence Motion as it pertains to Counts 1 through 4 of the Indictment is not well founded and must be denied.<sup>39</sup>

<sup>34</sup> T. 19 October 2005, pp. 9-11; T. 8 February 2006, pp. 44-49 (Witness AVY).

<sup>35</sup> T. 8 February 2006, pp. 44, 46 (Witness AVY).

<sup>36</sup> T. 19 October 2005, pp. 12-15 (Witness AVY).

<sup>37</sup> *Bagosora 98 bis* Decision, para. 7.

<sup>38</sup> See "Decision on the Defence Preliminary Motion Objecting to the Form of the Amended Indictment", 15 July 2004; Defence Motion, paras. 89, 93, 95; Defence Reply, para. 48.

<sup>39</sup> See *Mpambara 98 bis* Decision, para. 6.

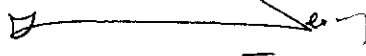
*Prosecution Concessions Regarding Lack of Evidence on Allegations Contained in Paragraphs 20, 25, 26, 37, 48, 49 and 50*

29. In its First Response, the Prosecution conceded that it had led no evidence related to the allegations in paragraphs 20, 25, 26, 37, 48, 49 and 50, of the Indictment. These paragraphs concern the alternative counts of genocide and complicity in genocide, and the counts of extermination and murder as crimes against humanity. The Chamber has examined the Indictment and notes that these paragraphs concern, respectively, the Accused's role in ordering the digging of a mass grave known as "the pit" behind his home; the Accused's role in the deaths of some 30 members of the Sekimonyo clan, a Tutsi family; and the Accused's role in the deaths of some 18 members of the Bahoma clan, another Tutsi family. The Chamber accepts the Prosecution admission that no evidence has been tendered in support of these allegations and accordingly finds that the Accused has no case to answer in respect of the allegations contained in these paragraphs.

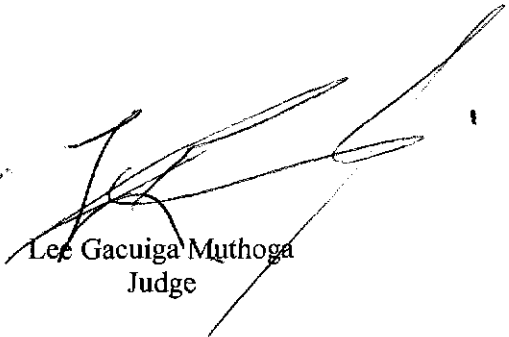
**FOR THE ABOVE REASONS, THE CHAMBER**

**DENIES** the Motion.

Arusha, 21 February 2007, in English.

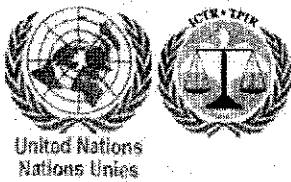
  
Inés Mónica Weinberg de Roca  
Presiding Judge

  
Khalida Rachid Khan  
Judge

  
Lee Gacuiiga Muthoga  
Judge

[Seal of the Tribunal]





# 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)

<b>To:</b>	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input checked="" type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
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<b>From:</b>	<input checked="" type="checkbox"/> Chamber TC3 Christopher Rassi (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
<b>Case Name:</b>	The Prosecutor vs. Protais Zigiranyirazo		<b>Case Number:</b> ICTR-2001-73	
<b>Dates:</b>	Transmitted: 21 02 2007		Document's date: 21 02 2007	
<b>No. of Pages:</b>	7	<b>Original Language:</b>	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
<b>Title of Document:</b>	DECISION ON THE DEFENCE MOTION PURSUANT TO RULE 98 BIS			
<b>Classification Level:</b>	<b>TRIM Document Type:</b>			
<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)

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Reference material is provided in annex to facilitate translation.

**Target Language(s):**

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**CMS SHALL NOT** take any action regarding translation.

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Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
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**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

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**PROOF OF SERVICE – ARUSHA  
PREUVE DE NOTIFICATION – ARUSHA**

<b>Date:</b> 21 February 2007	<b>Case Name / Affaire:</b> The Prosecutor vs. Protais ZIGIRANYIRAZO		
	<b>Case No /Affaire No.:</b> ICTR-01-73-T		
<b>To:</b> <b>A:</b>	<input type="checkbox"/> TC1	received by / reçu par:	<b>ALO:</b> received by / reçu par
	<input type="checkbox"/> Judge E. Møse, President	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> Judge J. R. Reddy	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> Judge S. A. Egorov	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> Judge F. Lattanzi (Mpambara)	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> Judge F. R. Arrey (Karera)	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> ..... SLO	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> C. Gosnell, Co-ordinator	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> TC2		
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	<input type="checkbox"/> Judge A. Ramaroson	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> Judge K. R. Khan (Bizimungu et al.)	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> Judge A. J. N. de Silva	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> Judge S. B. Bossa (Nyiramasuhuku et al.)	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> Judge L. G. Muthoga (Bizimungu et al.)	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> Judge F. R. Arrey (Muvunyi)	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> Judge E. F. Short (Bizimungu et al.)	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> Judge T. Hikmet (Ndindiliyimana et al.)	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> Judge S. K. Park (Ndindiliyimana et al.)	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> ..... SLO	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> A. Leroy, Co-ordinator	.....	<input type="checkbox"/> .....
	<input type="checkbox"/> A. Marong (Ndindiliyimana et al.)	.....	<input type="checkbox"/> .....
	<input checked="" type="checkbox"/> TC3		
	<input type="checkbox"/> Judge I. M. Weinberg de Roca (Zigiranyirazo)	.....	<input type="checkbox"/> P. Mathiam.....
	<input type="checkbox"/> Judge K. R. Khan	.....	<input type="checkbox"/> C. Rassi.....
	<input checked="" type="checkbox"/> Judge D. C. M. Byron	.....	<input type="checkbox"/> M. Knowlan.....
	<input type="checkbox"/> Judge F. Lattanzi (Bikindi & Rukundo)	.....	<input type="checkbox"/> J. Greenspoon.....
	<input type="checkbox"/> Judge L. G. Muthoga (Zigiranyirazo)	.....	<input type="checkbox"/> P. Mathiam.....
	<input type="checkbox"/> Judge F. R. Arrey (Rukundo)	.....	<input type="checkbox"/> S. Unnikrishnan.....
	<input checked="" type="checkbox"/> Judge E. F. Short (Karemara et al.)	.....	<input type="checkbox"/> K. Ardault.....
	<input checked="" type="checkbox"/> Judge K. Hökberg (Seromba & Rwamakuba)	.....	<input type="checkbox"/> C. Duffy.....
	<input type="checkbox"/> Judge G. G. Kam (Seromba, Karemara et al.)	.....	<input type="checkbox"/> N. Ferraro.....
	<input type="checkbox"/> E. O'Donnell, SLO	.....	<input type="checkbox"/> M. I. Mbadinga.....
	<input checked="" type="checkbox"/> C. Denis, Co-ordinator	.....	
	<input type="checkbox"/> H. Gogo, Co-ordinator (Seromba)	.....	
	<input checked="" type="checkbox"/> OTP / BUREAU DU PROCUREUR		
	<input type="checkbox"/> Senior Trial Attorney in charge of case:..... W. Kapaya		received by .....
	<input checked="" type="checkbox"/> DEFENSE		
	<input type="checkbox"/> Accused / Accusé:..... P. Zigiranyirazo		complete / remplir " CMS4 FORM"
	<input type="checkbox"/> Lead Counsel / Conseil Principal:.... J. Philpot		
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	<input type="checkbox"/> Co-Counsel / Conseil Adjoint.... P. Zaduk		
	<input type="checkbox"/> In / à Arusha Arusha ..... (signature)		<input type="checkbox"/> by fax complete / remplir * CMS3bis FORM
	All Decisions: <input type="checkbox"/> Appeals Chamber Unit, The Hague		<input type="checkbox"/> S. Chenault, Jurist Linguist
	All Decisions & Important Public Documents:	<input type="checkbox"/> Press & Public Affairs	<input type="checkbox"/> Legal Library
<b>From:</b> <b>De:</b>	<input type="checkbox"/> J.-P. Fomété (Chief, CMS) <input type="checkbox"/> N. Diallo (TC1) <input type="checkbox"/> R. Kouambo (TC2) <input checked="" type="checkbox"/> C. Hornetowu (TC3) <input type="checkbox"/> F. A. Talon (Appeals/Team IV)		
<b>Cc:</b>	<input type="checkbox"/> A. Dieng <input type="checkbox"/> A. Miller, OLA, NY <input type="checkbox"/> D. Registrar <input type="checkbox"/> S. Menon <input type="checkbox"/> M. Niang <input type="checkbox"/> S. van Driessche		
	<input type="checkbox"/> WVSS <input type="checkbox"/> Spokesperson <input type="checkbox"/> E. O'Donnell <input type="checkbox"/> DCDMS <input type="checkbox"/> P. Enow		
<b>Subject</b> <b>Objet:</b>	Kindly find attached the following document(s) / Veuillez trouver en annexe le(s) document(s) suivant(s):		

Documents name / titre du document

**DECISION ON THE DEFENCE MOTION PURSUANT TO RULE 98 BIS**

Date Filed / Date enregistrée

21/2/2007

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