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16-02-10  
(5015-5006)

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International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER II

Before: Judge William H. Sekule, Presiding  
Judge Solomy Balungi Bossa  
Judge Mparany Rajohnson

Registrar: Mr. Adama Dieng

Date: 16 February 2010

The PROSECUTOR

v.

Augustin NGIRABATWARE

Case No. ICTR-99-54-T

JUDICIAL DEPARTMENT  
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**DECISION ON PROSECUTION MOTION FOR AN ORDER TO COMPEL THE  
ACCUSED TO DISCLOSE PARTICULARS OF HIS ALIBI**

**Office of the Prosecutor**

Mr. Wallace Kapaya  
Mr. Patrick Gabaake  
Mr. Brian Wallace  
Mr. Iskandar Ismail

**Defence Counsel**

Mr. Peter Herbert  
Ms. Mylène Dimitri

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

**SITTING** as Trial Chamber II composed of Judges William H. Sekule, Presiding, Solomy Balungi Bossa, and Mparany Rajohnson (the “Trial Chamber”);

**BEING SEIZED** of the “Prosecutor’s Motion for an Order to Compel the Accused to Disclose Particulars of his Alibi”, filed on 7 January 2010 (the “Motion”);

**CONSIDERING** (i) the “Defence Response to Prosecutor’s Motion for an Order to Compel the Accused to Disclose particulars of his Alibi”, filed on 11 January 2010 (the “Response”) and (ii) the “Prosecutor’s Reply to Defence Response to Prosecutor’s Motion for an Order to Compel the Accused to Disclose Particulars of his Alibi”, filed on 15 January 2010 (“the Reply”);

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

**NOW DECIDES** the Motion pursuant to Rules 67 (A)(ii)(a) and 73 of the Rules.

## **INTRODUCTION**

1. On 23 September 2009, the *Ngirabatware* trial commenced and the Defence filed a “Notice of Alibi Pursuant to Rule 67 (A) (ii)” (the “Notice”). The Notice alleges that the Accused was in Kigali town from 6 to 12 April 1994 and that at no time between the evening of 5 of April 1994 to the morning of the 12 April 1994 did the Accused leave Kigali town for any reason.

## **SUBMISSIONS OF THE PARTIES**

### ***Prosecution Motion***

2. The Prosecution avers that the Notice filed by the Defence lacks information regarding where the Accused would have been in Kigali on the specified dates the names and addresses of witnesses or any other evidence upon which the Accused intends to rely in order to establish his alibi. It further notes that certain conditions were requested by the Defence in order to disclose the particulars of the alibi.<sup>1</sup> It alleges that the notice violates the provisions of Rule 67 (A)(ii)(a) by failing to provide the particulars of the alibi and because it was given in the course of the trial and not before the commencement of trial.<sup>2</sup> The Prosecution also recalls that the issue of alibi was raised on several occasions by the Chamber and by the Prosecutor who asked to be provided with relevant information regarding the Accused’s alibi before the trial commenced, at which time the Defence responded that it would respect the rules on alibi.<sup>3</sup>

3. Notwithstanding the provisions of Rule 67 (B), the failure by the Defence to provide the particulars of an alibi is contrary to the interests of justice and to the conduct

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<sup>1</sup> Motion, para. 3.

<sup>2</sup> Motion, paras. 5-10.

<sup>3</sup> Motion, para. 4.

of a fair and expeditious trial. The Prosecution alleges that only the disclosure of a complete notice of alibi at the earliest stage of the proceedings ensures the fairness of the trial and proper administration of justice.<sup>4</sup> The Prosecution further contends that Rule 67 (B) does not grant the Defence any right to see its alibi claim received favourably and that a breach of the alibi disclosure obligations entitles the Chamber to treat the alibi with circumspection.<sup>5</sup>

4. Proper disclosure pursuant to Rule 67 (A)(ii)(a) facilitates investigations of the veracity of the alibi and timely discovery of relevant documents, the absence of which may only be compensated by a case in rebuttal or by recalling witnesses. Therefore, improper disclosure of the alibi particulars shall result in delay and wastage of time.<sup>6</sup>

5. The Prosecution submits that once the notice of alibi has been filed, the disclosure of the alibi particulars is mandatory by law and should be simultaneous with the notice itself.<sup>7</sup> The Accused is not required to find out whether the witnesses will support his alibi before disclosing the alibi particulars. The Prosecution recalls the Chamber's ruling that the Defence need not contact particular witnesses in order to file a notice of alibi since the Accused should have knowledge of where he was at the times specified in the Indictment.<sup>8</sup> The Prosecution thus asserts that the Accused knows where he was in Kigali between 6 and 12 April 1994, as well as the name(s) of individual(s) he consorted with at the time and whether or not he has other relevant information to support the alibi.<sup>9</sup>

6. Lastly, the Prosecution submits that the burden of disproving the alibi lies on the Prosecutor and that the Defence's alleged failure to provide adequate disclosure pursuant to Rule 67 (A)(ii)(a) is a serious and prejudicial impediment to the Prosecution's ability to present his case fairly and adequately.

7. The Prosecution thus requests an order for the Defence to immediately comply with the provisions of Rule 67 (A)(ii)(a) by specifying the place or places in Kigali, and elsewhere at which the Accused claims to have been present between 6 and 12 April 1994, and provide the Prosecution with names and addresses of witnesses and any other evidence upon which the Defence intends to rely to establish the alibi. In the event the Defence does not disclose the requested particulars, the Prosecution requests the Chamber permit the Prosecution to vary the witness list, recall witnesses and/or call additional witnesses to rebut any new information or evidence which may subsequently be disclosed by the Defence in support of the alibi.<sup>10</sup>

### ***Defence Response***

8. The Defence asserts that the Motion reiterates arguments that were already made and answered in the "Prosecutor's Extremely Urgent Motion for Leave to Vary the List

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<sup>4</sup> Motion, para. 11.

<sup>5</sup> Motion, para. 12.

<sup>6</sup> Motion, paras. 14, 18 and 19.

<sup>7</sup> Motion, para. 15.

<sup>8</sup> Motion, para. 17.

<sup>9</sup> Motion, para. 16.

<sup>10</sup> Motion, para. 20.

of Witnesses to be Called and Extension of Witness Protection Orders,” filed confidentially on 22 December 2009. The Defence nonetheless reiterates its submissions.<sup>11</sup>

9. The Defence asserts that, contrary to the Prosecution’s submissions, the notice of alibi was filed in a timely manner, on the morning of the commencement of trial, before the start of the opening statement. It quotes the transcript of 23 September 2009 before the start of the Prosecution’s opening statement, in which Co-counsel stated: “Before we start, Mr. President, I just want to advise the Prosecutor that the notice of alibi was filed a few minutes ago.”<sup>12</sup> The Defence avers that the Prosecutor had knowledge of the alibi and of the fact that the Accused claims to have been in Kigali rather than Gisenyi at the alleged time since the beginning of trial, which gave him full opportunity to question his witnesses on the alibi of the Accused and thus did not prejudice him, nor give him grounds to revisit the evidence.<sup>13</sup>

10. The Defence rebuts the Prosecution’s allegations that the notice of alibi is defective and highlights the fact that the Notice specifies that the Defence is awaiting information and documents regarding the several witnesses that may be able to confirm the notice of alibi.<sup>14</sup> The Defence requested the trial be postponed on several occasions on the ground, *inter alia*, that it was not able to file a full notice of alibi because cooperation requests were still pending.<sup>15</sup>

11. The Defence rejects the Prosecution’s contention that the disclosure of the particulars must be simultaneous with the notice of alibi and rather asserts that they should rather be disclosed “as early as reasonably practicable”.<sup>16</sup> Only the Defence is able to determine when it is practicable to disclose the alibi particulars, and that it is not the case at the moment since the Defence has not yet met with potential witnesses in support of the alibi and it will not be in such a position until it has obtained the requested cooperation from certain States.<sup>17</sup>

12. The Defence alleges a contradiction in the Prosecution submissions in that the Prosecution contends that the Defence does not need to have alibi witnesses to disclose the alibi particulars since the Accused should know where he was at the time of the alleged alibi, while the Prosecution asks the Defence to disclose the particulars of the alibi witnesses at same time.<sup>18</sup> The Defence avers that the Chamber acknowledged that

<sup>11</sup> Response, para. 3.

<sup>12</sup> Response, para. 4, citing T 23 September 2009, p. 6, and para. 5.

<sup>13</sup> Response, para. 6.

<sup>14</sup> Response, paras. 7-9.

<sup>15</sup> Response, para. 10.

<sup>16</sup> Response, para. 11, citing *Prosecutor v. Bizimungu et al.*, Case No. ICTR-99-50-T, Decision on Jerome Bicomumpaka’s Notice of Alibi, 7 July 2005, para. 5 (“Bicomumpaka Decision”).

<sup>17</sup> Response, para. 12.

<sup>18</sup> Response, para. 13. In para. 14, the Defence refers to the Chamber’s Decision on Defence Extremely Urgent Motion on Issues Relating to the Preparation of the Trial, filed 17 September 2009, para. 41, in which the Chamber stated “it does not consider that the Defence needs to contact the named Belgians to determine whether to file a notice of alibi, as information about where the Accused was at the times specified in the Indictment should be within the personal knowledge of the Accused.”

only the disclosure of where the Accused alleges to have been at the time of the alibi sufficed in the Notice and that information about potential witnesses could be provided at a later stage. Further, the Defence asserts that it is impossible to disclose the particulars of such witnesses before having met with them in order to determine their ability and willingness to testify.<sup>19</sup>

13. The Defence submits it is also impossible to disclose identifying data for potential Defence witnesses before adequate measures of protection have been granted to them. The Defence thus stresses that no protective measures are in place yet for Defence witnesses and that a decision on its urgent Motion for witness protective measures is currently pending before the Chamber.<sup>20</sup>

14. The Defence informs the Prosecution that the Accused specifically alleges to have been at the Presidential Guard Camp and at the French Embassy in Kigali on 7 and 8 April 1994. It reiterates it is not in a position to disclose witnesses' names as the Defence is still waiting for the list of persons who sought refuge at the Embassy to be disclosed by the French authorities.<sup>21</sup> The Defence further explains that it has transmitted the Chamber's 4 December 2009 decision translated in French to the French authorities through the Tribunal's Registry in December and that it is still awaiting a response from the French authorities.<sup>22</sup> Many people who sought refuge at the Presidential Guard Camp also went to the French Embassy, it alleges that these two locations are closely linked together and states that this is the reason why it is not able at this stage to provide names of people who were at the Presidential Guard Camp.<sup>23</sup> Every person on the list requested from the French authorities is a potential Defence witness and the Accused should not be limited to call people from his family as alibi witnesses.<sup>24</sup>

15. The Defence states that it is in any case bound by an agreement entered between the French authorities and the Registry of the Tribunal were certain French officials to testify before the Tribunal.<sup>25</sup>

16. The Defence rebuts the Prosecution's statement that the Defence does not have a right to have the alibi received favourably and its further request that the alibi be treated with circumspection.<sup>26</sup> The Prosecution has made an error of law in its Motion in that the providing a full alibi is not a mandatory requirement but one which might eventually go to the reliability of the alibi at a later stage of the trial. Failure in the notice of alibi has consequences to the weight of the alibi only when the alibi defence was introduced at the near end of the trial, which is not the case presently.<sup>27</sup> The Defence submits the Prosecution's submissions with regards to the weight of the alibi are premature and reiterates the law of Rule 67 (B).

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<sup>19</sup> Response, paras. 15, 29 and 30.

<sup>20</sup> Response, paras. 17, 18.

<sup>21</sup> Response, paras. 22, 23.

<sup>22</sup> Response, para. 25.

<sup>23</sup> Response, paras. 26, 27.

<sup>24</sup> Response, para. 28.

<sup>25</sup> Response, paras. 32-34.

<sup>26</sup> Response, para. 35.

<sup>27</sup> Response, para. 36.

17. Lastly the Defence strongly opposes the Prosecution's request to be permitted to call additional witnesses without filing a motion to seek leave to vary its witness list pursuant to Rule 73 *bis* (E). Such measures would undeniably cause prejudice to the Accused if they are not decided by the Chamber, according to the Rules of Procedure and Evidence, on a case by case basis, triggered by a Motion.<sup>28</sup>

### ***Prosecution Reply***

18. The Prosecution rejects the Defence argument that the notice of alibi was filed in a timely manner and that, in any case, the Defence argument on this matter disregards the spirit of Rule 67 (A).<sup>29</sup> According to the Prosecution, the Prosecution's opening statement is not the landmark of the start of trial and the Defence filed its Notice at 9:58 a.m. after the Parties were gathered in the courtroom, giving the Prosecution no opportunity to react to the Notice in terms of trial preparation.<sup>30</sup> It reiterates that the filing of the notice after the commencement of trial or even minutes before circumvents the purpose of the Rule and accuses the Defence of taking advantage of a literal reading of the requirement of the Rule. It claims it has thus been deprived of an opportunity to consider the notice of alibi and reconsider its case strategy before the presentation of its case.<sup>31</sup> The Prosecution further rejects the Defence argument that it has suffered no prejudice and claims the Defence acted in bad faith.<sup>32</sup>

19. The Prosecution rejects the Defence argument that it has had full knowledge of the whereabouts of the Accused and namely that he alleges to have been in Kigali from 6 to 12 April 1994 for the entirety of its case. The Prosecution submits it has never acknowledged or admitted the Accused's alibi and asserts the onus remains on the Defence to establish it. It reiterates the allegations contained in the Indictment regarding the dates of the alibi.<sup>33</sup>

20. The Prosecution reiterates that the Notice also violates Rule 67 (A) in substance as it is lacking the required particulars.<sup>34</sup> It asserts that the Defence reading of the caselaw it has submitted in its Response is erroneous and gives a distorted interpretation of a particular decision in which the Chamber was not accepting that the particulars of an alibi might be filed after the notice of alibi but rather was ordering the Defence to file those particulars it had failed to provide.<sup>35</sup> Likewise, the Defence interpretation of the ruling of the Chamber is also erroneous.<sup>36</sup>

21. The Prosecution reiterates its demand that the particulars of the alibi be disclosed as they must be within the Accused's knowledge.<sup>37</sup> It asserts that the Defence

<sup>28</sup> Response, paras. 39-43.

<sup>29</sup> Reply, paras. 4-6.

<sup>30</sup> Reply, paras. 14-15.

<sup>31</sup> Reply, paras. 7-10. *See also supra*, para. 2.

<sup>32</sup> Reply, paras. 11-13.

<sup>33</sup> Reply, paras. 16-17.

<sup>34</sup> Reply, para. 18.

<sup>35</sup> Reply, paras. 19-21, referring to the Bicomumpaka Decision, para. 5.

<sup>36</sup> Reply, paras. 22, 23.

<sup>37</sup> Reply, para. 24.

acknowledges that the Notice is incomplete and lacking in the necessary particulars. It further submits that, pursuant to Rule 67(A), it is defective and thus null.<sup>38</sup>

22. The Prosecution notes that the Defence mentions “potential witnesses” in its Response and submits that the Defence knows their names and addresses. It asserts that the Defence seems to indicate it will only file the particulars of its alibi witnesses once it is assured that they will support the alibi. This shows that the Defence is still fishing for witnesses to support an alibi which it filed minutes after the commencement of trial, thus seeking to stall the proceedings and impede the Prosecution’s work.<sup>39</sup> The Prosecution submits that the Defence is seeking to determine the direction of the Prosecution case before it discloses the particulars of the alibi and the Defence is not sure the alibi witnesses exist, or whether they will support the alibi.<sup>40</sup>

23. The Prosecution submits that the Defence misunderstands the caselaw it cited in support of its argument that protective measures should be granted to Defence witnesses before their particulars are disclosed. The decision cited by the Defence does not bar disclosure of witnesses’ names to the Prosecution without an order for protective measures but rather that such disclosure may be subject to assurances that “adequate mechanisms for protection are in place”.<sup>41</sup> The Prosecution suggests the Chamber may order the disclosure of the name of Defence alibi witnesses subject to any further orders that the Chamber may deem fit.<sup>42</sup> The Prosecution submits that pending the Chamber’s decision on the Defence motion for protective measures, the Defence cannot be allowed to claim protection over its potential alibi witnesses and use it as an excuse to avoid disclosing their identities.<sup>43</sup>

24. The Prosecution rejects the Defence argument that it needs to secure co-operation of the French authorities since the Accused does not need it to indicate the names of the persons he consorted with at the French Embassy during the period of his alleged alibi.<sup>44</sup> The Defence is stretching the terms of the agreement between the Tribunal’s Registry and the French Government regarding protective measures of the French witnesses, as the agreement does not bar disclosure of the names of the witnesses to the Prosecution.<sup>45</sup>

25. Lastly, the Prosecution submits that the Defence Response is inaccurate in stating that the Prosecution could not apply for the Chamber to allow variations of the Prosecution’s witness list unless the application is made pursuant to Rule 73 *bis*. The Prosecution argues that, pursuant to Rule 54, the Chamber is vested with vast discretionary powers which could entail such measures.<sup>46</sup>

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<sup>38</sup> Reply, paras. 25, 26.

<sup>39</sup> Reply, paras. 27-29.

<sup>40</sup> Reply, paras. 30, 31.

<sup>41</sup> Reply, paras. 32, 33.

<sup>42</sup> Reply, para. 34.

<sup>43</sup> Reply, para. 35.

<sup>44</sup> Reply, para. 36.

<sup>45</sup> Reply, para. 37.

<sup>46</sup> Reply, paras. 38-40.

**DELIBERATIONS**

26. Pursuant to Rule 67 (A)(ii)(a):

“As early as reasonably practicable and in any event prior to the commencement of the trial:

(...)

The Defence shall notify the Prosecutor of its intent to enter:

The defence of alibi, in which case the notification shall specify the place or places at which the accused claims to have been present at the time of the alleged crime and the names and addresses of witnesses and any other evidence upon which the accused intends to rely to establish the alibi;”

Pursuant to Rule 67 (B):

Failure of the Defence to provide such notice under this rule shall not limit the right of the accused to rely on the above defences.

27. As stated by the Appeals Chamber, Rule 67 (A)(ii) relates to the reciprocal disclosure of evidence at the pre-trial stage of the case and requires the Defence to notify the Prosecution of its intent to enter a defence of alibi and to specify the evidence upon which it intends to rely to establish the alibi.<sup>47</sup> This allows the Prosecution to organise its evidence and to prepare its case prior to the commencement of the trial on the merits.<sup>48</sup> The strategy adopted by the person who raises an alibi may have an impact on a Trial Judge in reaching his or her conclusion.<sup>49</sup> Nevertheless, the requirements of Rule 67 (A) (ii) are satisfied when the Defence has notified the Prosecution of the required particulars of the alibi, without necessarily producing the evidence.<sup>50</sup> A notice of alibi should be tendered in a timely manner to ensure a good administration of justice and efficient judicial proceedings however, were the Defence to fail in this regard, it may still rely on evidence supporting an alibi at trial, pursuant to Rule 67 (B). The obligations laid down by Rule 67 (A) (ii) must be read in conjunction with the caveat of Rule 67 (B).<sup>51</sup>

28. The Chamber recalls that in the *Butare* case, the Trial Chamber held that as early as reasonably practicable and in any event prior to the commencement of the trial, the Defence must notify the Prosecution of its intention to enter the defence of alibi, and in that notice, the defence is obliged to specify the names and addresses of witnesses on

<sup>47</sup> *Rutaganda v. Prosecutor*, Case No. ICTR-96-3-A, Appeal Judgement (“*Rutaganda Appeal Judgement*”), 26 May 2003, para.241, citing the *Kayishema and Ruzindana Appeal Judgement*, paras. 109-110. See also *Prosecutor v. Karera*, Case No. ICTR-01-74-T, Decision on Motion for Further Alibi Particulars, 7 March 2006, para. 2, footnote 1.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Rutaganda Appeal Judgement* para. 242, citing *Musema Appeal Judgement*, para. 201.

<sup>50</sup> *Rutaganda Appeal Judgement*, para. 242.

<sup>51</sup> *Ibid.*, para. 243.

which the accused intends to rely to establish the alibi.<sup>52</sup> The *Rwamakuba* Trial Chamber, in a similar decision, noted that, as the defence investigations were still ongoing, the defence should thus continuously disclose such information that it discovered at a later stage and on which it intended to rely to establish the alibi.<sup>53</sup>

29. In the present case, the Chamber reminds the parties of its Decision on Defence Witnesses Protective Measures in which it held that “measures ordered to protect witnesses coming to testify before the Tribunal are in no way to be interpreted as creating a situation in which the parties could avoid their obligations pursuant to the Rules and the Statute”.<sup>54</sup> The Chamber finds that this ruling applies similarly to the issue of disclosure of alibi witness particulars, as prescribed by Rule 67 (A) (ii) (a).

30. In this case, the Chamber recalls that it reminded the Defence of the Rule 67 provisions during the 19 May 2009 Status Conference, as well as the 7 September Pre-Trial Conference.<sup>55</sup> The Chamber further recalls its 16 and 17 September 2009 Decisions in which it considered that the Defence did not need to contact the named Belgians to determine whether to file a notice of alibi, as information about where the Accused was at the times specified in the Indictment should be within the personal knowledge of the Accused.<sup>56</sup>

31. Consequently, the Chamber considers that the Notice of Alibi filed by the Defence on 23 September 2009 is lacking information and is not in conformity with the requirements of Rule 67 (A) (ii) (a) according to which the notice of alibi must be given as early as reasonably practicable and in any event before the start of the trial and it must contain the names and addresses of witnesses on which the Defence intends to rely to establish the alibi.

32. The Chamber thus urges the Defence to immediately make the necessary disclosures in accordance with Rule 67 (A) (ii) (a) that is to disclose the requested particulars as soon as possible to the Prosecution and in a continuous manner. The Chamber further reminds the Defence that, should it fail in this regard, this may be taken into account in the deliberations regarding the alibi.

<sup>52</sup> *Prosecutor v. Nyiramasuhuko et al*, Case No. ICTR-98-42-T, Decision on the Confidential Prosecutor’s Motion to be Served with Particulars of Alibi Pursuant to Rule 67 (A)(ii)(a), 1 March 2005, para. 27, *See also Prosecutor v. Rwamakuba*, Case No. ICTR-98-44C-PT, Decision on Prosecutor Motion for Notice of Alibi and Reciprocal Disclosure, 14 June 2005, para. 7, footnote 3. Orally, the same Trial Chamber held with regards to evidence related to an alibi that the “Trial Chamber cannot forbid to lead that evidence, but the Trial Chamber may—as the case law has demonstrated, may take into account at a later stage some of these factors in its deliberations.” *Prosecutor v. Nyiramasuhuko et al.*, T. 9 June 2005, pp. 41, 42.

<sup>53</sup> *Prosecutor v. Rwamakuba*, Case No. ICTR-98-44C-PT, Decision on Prosecutor Motion for Notice of Alibi and Reciprocal Disclosure, 14 June 2005, para. 8.

<sup>54</sup> Decision on Defence Urgent Motion for Witness Protective Measures, 9 February 2010, para. 24.

<sup>55</sup> T. 19 May 2009, p. 16 and T. 7 September 2009, p. 14.

<sup>56</sup> Decision on Defence Urgent Motion for an Order Directed at the Kingdom of Belgium Pursuant to Article 28 of the Statute, filed on 16 September 2009, para. 11. Decision on Defence Extremely Urgent Motion on Issues Related to the Preparation of the Trial, filed on 17 September 2009, para. 41.

33. Lastly, the Chamber considers that the Prosecution's request for the Chamber to permit the Prosecution to vary the witness list, recall witnesses and/or call additional witnesses to rebut any new information or evidence which may subsequently be disclosed by the Defence in support of the alibi has not been addressed by the Chamber at this stage as it has not been raised in a proper motion.<sup>57</sup>

**FOR THE ABOVE REASONS, THE TRIBUNAL**

**GRANTS** the Motion as set forth above in part and;

**DIRECTS** the Defence to disclose to the Prosecution as soon as reasonably practicable the names and addresses of witnesses and any other evidence upon which the Accused intends to rely to establish the defence of alibi, in accordance with Rule 67 (A)(ii)(a);

**DENIES** the Motion in all other respects.

Arusha, 16 February 2010



William H. Sekule  
Presiding Judge



Solomy Balungi Bossa  
Judge



Mparany Rajohnson  
Judge

[Seal of the Tribunal]

<sup>57</sup> See *supra*, para. 7 and Motion para. 20.