Cour Pénale Internationale

International Criminal Court

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PRE-TRIAL CHAMBER I

Before: **Judge Akua Kuenyehia, Presiding Judge**
Judge Anita Ušacka
Judge Sylvia Steiner

Registrar: **Mr Bruno Cathala**

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

OPCD observations on the Notification by the Board of Directors of the Trust Fund for Victims

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1. **Introduction**

In an article concerning remedies for victims of violations of international humanitarian law, the eminent jurist Professor Bassiouni remarks that

> [b]y honouring victims' rights to benefit from remedies and reparation, the international community expresses solidarity with victims and reaffirms the principles of accountability, justice and the rule of law. Recognising the rights of victims of gross human rights violation is the most crucial imperative of our age. After all, we may one day find ourselves in their place. In the eloquent words of John Donne: No man is an island, entire of itself; every man is a piece of the continent, a part of the main ... Any man's death diminishes me because I am involved in mankind, and therefore never send to know for whom the bell
> tolls; it tolls for thee ....[1]

In this quest for universal solidarity, the Trust Fund for Victims can excercise an instrumental role in constructing effective bridges between peoples and traumatised communities. Nonetheless, such bridges must be established on firm and lasting foundations, based on the tenets of fair and impartial justice.

The Office of Public Counsel for the Defence (OPCD) is thus concerned that precipitous and premature action in the complex arena of victim assistance could, if not properly regulated, jeopardise the overall mandate of the ICC to promote peace and reconciliation through the issuance of impartial judicial findings, which cut through the cycle of propaganda and private retribution.

2. **Procedural History**

1. On 24 January 2008, the Board of Directors of the Trust Fund filed a notification to the Pre-Trial Chamber concerning their intention to undertake specific activities in the territory of the Democratic Republic of Congo (DRC).

2. In this connection, Regulation 50 of the Regulations of the Trust Fund provides that the Trust Fund may seize itself of activities for the benefit of victims if "the relevant Chamber of the Court has responded and has not, within a period of 45 days of receiving such notification, informed the Board in writing that a specified

[1] M. Cherif Bassiouni, 'International Recognition of Victims' Rights' (2006) 6 Hum Rts L Rev 203 at pp 28-29.

activity or project, pursuant to rule 98, sub-rule 5 of the Rules of Procedure and Evidence, would pre-determine any issue to be determined by the Court, including the determination of jurisdiction pursuant to article 19, admissibility pursuant to articles 17 and 18, or violate the presumption of innocence pursuant to article 66, or be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial".

3. On 5 February 2008, the Honourable Pre-Trial Chamber issued a decision, in which the Chamber noted that in "order for the Chamber to respond to the Notification, the Chamber requires additional information, including: the specific places the activities will be pursued, the types of victims the activities are intended to benefit, and the particular crimes allegedly falling within the Court's jurisdiction that the activities are intended to address".[2]

4. The Chamber therefore ordered the Trust Fund to submit this additional information to the Chamber in a confidential filing, which should also be notified to the Prosecution and the OPCD.

5. The Chamber further ordered that the Prosecution and the OPCD would be entitled to file observations concerning the proposed activities of the Trust Fund by 20 February 2008.

3. Insufficiency of additional information

6. The OPCD firstly submits that the additional information provided by the Trust Fund does not fully comply with the order of the Honourable Pre-Trial Chamber.

7. Indeed, for reasons which will be delineated below, the absence of specific details significantly hampers the ability of the OPCD to submit meaningful observations as to whether the activities of the Trust Fund would pre-determine any issues before the Court, or would be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

[2] Decision on the time limit for the filing of observations on the Notification by the Board of Directors of the Trust Fund for Victims, ICC-01/04-441.

8. The OPCD therefore respectfully requests the Honourable Pre-Trial Chamber to order the Trust Fund to file, on a confidential basis, more detailed information concerning the intermediaries utilised, the date, location and nature of the alleged crimes from which the beneficiaries allegedly suffered harm, and to provide the Prosecution and the OPCD with an opportunity to submit observations in light of this information.

9. Pending the Chamber's determination of this request, the OPCD respectfully submits the following observations for the consideration of the Honourable Pre-Trial Chamber.

4. Observations concerning the proposed activities of the Trust Fund

10. The OPCD observes that whereas the criteria for the management of the Trust Fund shall be established by the Assembly of State Parties, the actual principles governing reparations (including restitution, compensation, and rehabilitation) shall be established by the Court.[3]

11. It is therefore the responsibility of the Court, and not the Trust Fund, to ascertain the evidential threshold and criteria for reparations. This also requires the Court to exercise a level of judicial control over the disbursement of funds from an entity, which falls under the mandate and framework of the Rome Statute, in order to ensure that these principles are complied with.

12. At this point in time, the Court has not had occasion to define the principles concerning reparations. The OPCD is therefore concerned that premature authorisation of the activities of the Trust Fund could predetermine any case-related litigation concerning the principles governing reparations, and create unrealistic and unsustainable expectations concerning the outcome of reparation proceedings before the Court. It could also result in an inconsistent application of the principles concerning reparations.

13. In any case, the OPCD submits that at a minimum, the activities of the Trust Fund should be guided by the following principles, which are either expressly or

[3] Article 75(1) of the Statute.

implicitly required by the terms of regulation 56 of the Regulations of the Trust Fund:

- the jurisdictional and admissibility requirements of the ICC;
- the presumption of innocence and the principle of legality (in accordance with which the elements of crimes must be strictly construed);
- the fairness and impartiality of the proceedings, which mandates that the Court cannot appear to have prejudged any issues which may be litigated before it in the future; and
- the rights of future participants in the proceedings to a fair trial, in full equality.

4.1 Jurisdiction and admissibility

14. The ICC is constructed on the idea that the primary responsibility for providing an effective remedy is vested in the State; the ICC is a Court of last resort. In order to trigger the competence of the Court, the OPCD submits that it is necessary to establish that the alleged offences are not being currently investigated or prosecuted by national authorities, or have not been finally adjudicated by national authorities.

15. In this connection, the OPCD observes that when the Prosecutor commences an investigation pursuant to either article 13(a) or 13(c), the Prosecutor is obliged to notify all State Parties and those States which, taking into account the information available, would normally exercise jurisdiction over the crimes concerned. These State Parties may then notify the Court that it is investigating or has investigated persons within its jurisdiction for these acts, and can request the Prosecutor to defer its investigations.[4]

16. The confidential annex to the Trust Fund filings refers to areas which are not necessarily the subject of a public investigation or current prosecution before the ICC.[5] Hence, in light of the fact that the activities of the Trust Fund might be occurring outside of the context of the actual proceedings before the Court, it is possible that State parties, which either could exercise jurisdiction or are actively

[4] Article 18(2) of the Rome Statute.
[5] [Redacted]

exercising jurisdiction over these alleged offences, are not aware of the intended activities of the Trust Fund.

17. It also follows that local courts (and defendants appearing before these Courts) would not be aware of these activities, notwithstanding the possibility that the beneficiaries of the assistance may be appearing as witnesses in these proceedings. This is particularly problematic given the fact that offering assistance to persons, who allege that they have suffered from crimes, could distort national fact finding inquiries, and the credibility of these persons if they were to testify before national courts.[6]

18. The OPCD submits that in accordance with the mandate of the ICC to eliminate impunity by acting as a guarantor that effective proceedings will either be launched at the national or international level, it should ensure that all activities associated with the Court do not prejudice or predetermine national proceedings.

19. In this regard, Wierda and de Grieff have commented that

> [*I]t may be […] complex to devise a way in which the TFV [Trust Fund for Victims] could activate in respect of domestic proceedings without disturbing the appropriate relationship between the Court and domestic proceedings as regulated by the complementarity regime. Since funds within the TFV are likely to be limited in any case, the TFV should not assume additional responsibilities and raise false expectations in respect of domestic proceedings.*[7]

20. Finally, the OPCD submits that in light of the limited funds available and the need for the Trust Fund to give due regard to needs of a diverse range of alleged victims in a non-discriminatory manner, the Trust Fund should also verify whether alleged victims of the offences have already been compensated or will be compensated by national authorities. [Redacted]

[6] This will be elaborated in further detail below.

[7] Marieke Wierda and Pablo de Greiff, 'Reparations and the International Criminal Court: A Prospective Role for the Trust Fund for Victims', published by the International Centre for Transitional Justice (available at http://www.vrwg.org/Publications/02/ICTJ%20Trust%20Fund%20Paper.pdf), at p13.

21. If the Trust Fund were to render assistance – absent a finding that the State itself was either unable or unwilling to render assistance to these persons – the amount provided would in fact result in a net financial saving for the State. Such indirect financial assistance could undermine the appearance of impartiality and independence of the court vis-à-vis the State party in question, and the underlying rationale of the complementarity scheme.[8]

22. Finally, the OPCD observes that the jurisdiction of the Court is further circumscribed by the gravity and nature of the alleged offences, and the temporal and geographic location of the alleged offences.

23. It is not possible to assess these issues in a meaningful and effective manner due to the absence of any information concerning the nature, date, or location of the alleged offences (as will be addressed below).

24. It is therefore not possible to ascertain that the alleged crimes occurred after July 2002, and in the territory of the DRC.

25. Moreover, in the absence of any information concerning how the Trust Fund assessed whether the elements of the alleged offences were met, it cannot be presumed that the threshold elements (gravity, existence of an international or internal armed conflict, or the existence of a wide-spread or systematic attack directed against a civilian population), which would trigger the jurisdiction and admissibility of proceedings before the Court, have been met.

26. The Trust Fund has not submitted any formula or criteria, which were used to verify factually and legally that the persons receiving assistance suffered harm as the result of a crime under the Rome Statute.[9]

[8] Reparations are often viewed as an incentive for persons to participate in the judicial process ("However, it should be noted that while victim compensation is sometimes regarded as justice, it is also regarded as a way of inducing victims to participate in the process so as to enhance successful prosecution"; M. Cherif Bassiouni, 'International Recognition of Victims' Rights' (2006) 6 Hum Rts L Rev 203 at p. 2); For this reason, many States impose the requirement that to obtain compensation, the alleged victim must first report the alleged crime to the relevant authorities (Green Paper, Compensation to crime victims, COM(2001) 536, 28 September 2001, at section 5.6). In light of the fact that the role of the ICC is to reinforce national proceedings, it is important that the assistance provided by the Trust Fund does not stall the momentum for domestic investigations.

[9] Regulation 42: The resources of the Trust Fund shall be for the benefit of victims of crimes within the jurisdiction of the Court, *as defined in Rule 85* of the Rules of Procedure and Evidence

27. Indeed, the Trust Fund has not actually identified which specific crimes are alleged to have occurred: the confidential annex simply refers to broad categories of 'war crimes' and 'crimes against humanity', and describes the recipient victims in tautological terms, such as 'victimised groups'.

28. [Redacted]

29. [Redacted]

30. The OPCD is therefore concerned that the approach of the Trust Fund, apart from being *ultra vires*, may have the affect of watering down the gravity and strict elements of the offences under the Rome Statute, and could create unrealistic expectations concerning the role of the Court, and the evidential and legal standards required to ascertain responsibility for crimes under the Statute, and to award reparations for these crimes.

4.2 Presumption of Innocence and the Principle of Legality

31. The OPCD submits that the public announcement of an official entity associated with the Court that it is providing funds to certain projects which assist 'victims' of crimes within the jurisdiction of the Court, could prejudice the outcome of future proceedings relating to these alleged crimes.[10]

32. In this regard, the ICTY has held that a non case-specific statement issued by the Registry that a crime base occurred could impact on the potential fairness of the proceedings against a defendant who may wish to challenge the existence of that crime base as part of their defence strategy.[11]

33. [Redacted]

[10] See for example, 'The Monitor', Journal of the Coalition of the International Criminal Court, Issue 35 (available at http://www.iccnow.org/documents/monitor35_final.pdf), at p8: "In less than one year, André Laperrière, the newly appointed executive director of the Trust Fund for Victims (TFV), has gotten three projects up and running: a rehabilitation program in Bukavu, South Kivu, DRC for victims of rape […]"
[11] Prosecutor v. Popopvic et al, Transcript of 26 March 2007 pages 9461-9465, http://www.un.org/icty/transe88/070326ED.htm

34. The OPCD further submits that the Regulations of the Trust Fund must be interpreted and applied in accordance with the Statute and Rules, and in the event of any inconsistency, the Statute and Rules shall prevail. In this connection, the OPCD respectfully submits that the powers of the Trust Fund under rule 98(5) should be construed in a manner which is consistent with rule 98 in its entirety. In this regard, the term 'victim' is used in rule 98(2) and (3) in the context of a post-judgment assessment that the person meets the definition of victim under rule 85(a), in accordance with the standard of beyond reasonable doubt. The OPCD therefore submits that the term 'victim' in rule 98(5) should also be construed in this manner.

35. This is also consistent with the fact that the powers of the Trust Fund, under article 79, are set out in the Chapter titled 'Penalties', which addresses the powers of the Court subsequent to a judgment issued in accordance with the standard of beyond reasonable doubt.[12]

36. In this regard, the OPCD is aware that some observers have strongly attested that designating persons as victims as such does not impact on the presumption of innocence. For example, Donat-Cattin states that he does "not agree with the action as regarding as equal the presumption of innocence of the accused/suspect before conviction and the "putative" or "alleged" status of victims who are not recognised as such in judicial verdicts. Such a parallelism is unacceptable at least for two reasons. The first is related to the "historical" event that victimised an individual (i.e. a medically proved killing by a certain weapon) which remains true with or without a decision of conviction against a given perpetrator. The second is represented by the reality of National judicial systems that, on one side, fail to prosecute and punish an impressive number of authors of crimes, and on the other, admit victims to public recognition and provide for mechanisms to guarantee appropriate forms of reparation, including civil compensation".[13]

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[12] See the Victims Rights Working Group, 'Comments on the Draft Regulations of the ICC Trust Fund for Victims', February 2005, (available at http://www.vrwg.org/Publications/01/VRWG_Feb2005.pdf), pages 9-10: 'This recommendation (of permitting rehabilitation where an investigation has commenced) has proved particularly problematic for some States that have raised concerns that the Regulation is too broad and that the Trust Fund should not conduct activities and projects during an investigation or trial but only after a conviction has been delivered'.
[13] D Donat-Cattin, 'Protection of Victims and Witnesses', Commentary on the Rome Statute of the International Criminal Court (Triffterer ed., 1999) fn 24 at p. 876.

37. The OPCD respectfully observes that this statement fails to take into consideration the distinction between domestic (or ordinary) crimes, and the crimes which fall under the jurisdiction of the ICC. Whereas domestic crimes can perhaps be incontrovertibly established by forensic evidence or by the testimony of the victim, whether an alleged event can be considered to be a crime under the Rome Statute depends on a number of complex factors, such as the intention of the perpetrator, the nature of the armed conflict, the existence of a policy or plan, an assessment as to whether the area attacked was a legitimate military target or whether the person attacked was a combatant.

38. The sheer scale of these inquires falls outside of the expertise of the Trust Fund.[14] It would also fundamentally damage the credibility of the Trust Fund if the Trial Chamber were to subsequently rule that these alleged 'historical events' either did not occur, or do not meet the definition of crimes under the Rome Statute.

39. The OPCD does however agree that it is possible for the Trial Chamber to rule that a person or persons can be considered to be victims of crimes under the Rome Statute, even if the accused is acquitted of responsibility for the act in question. In such circumstances, rule 98(5) would operate to ensure that there are no lacunae in terms of the right of victims who have been adjudicated as such to an effective remedy. However, it will only be apparent that it is necessary to have recourse to rule 98(5) once the Chamber has rendered its judgment.

40. Finally, the OPCD refers to the following observation of Professor Bassiouni,[15]

> *Up to this point there is no evidence in international or national law that there is a right to compensation, reparations, and redress other than as a consequence to the establishment of responsibility for the harm produced. Thus, the idealistic notion of providing compensation, reparations, and redress*

[14] For this reason, United States courts have rejected claims under the Alien Torts Act concerning serious international crimes, such as genocide, which cannot be established through the testimony of a limited number of individuals: "Only individualized human rights claims against local government officials of the People's Republic of China (PRC) for torture, cruel, inhuman, and degrading treatment, and arbitrary detention of the individual Falun Gong practitioners were justiciable; broader claims of genocide and crimes against humanity were non justiciable since they required findings of facts beyond those to which individual Falun Gong practitioners could competently testify and would enlarge the scope of the necessary factual inquiry." Doe v. Qi, 349 F. Supp. 2d at para. 25.UN Human rights mechanisms concerning widespread and gross violations of human rights also require complainants to adduce evidence that a pattern of gross violations exists: 'What should complaints under the 1503 procedure include?' http://www.un.or.th/ohchr/complaints/faq.html#compindtreat.

[15] M. Cherif Bassiouni, 'International Recognition of Victims' Rights' (2006) 6 Hum Rts L Rev 203 at p.2.

to a victim on the basis of human or social solidarity is not yet part of mainstream legal thinking, particularly in connection with criminal proceedings. Instead, we find this notion of human and social solidarity in social legislation that provides assistance to those in need and includes victims.

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4.3 Fairness, impartiality, and integrity of the proceedings

41. The Trust Fund has not adduced any transparent criteria as to how and why it selected the projects in question.[16] This is particularly problematic since the actions of the Trust Fund occur outside the context of a case, which is impartially adjudicated in accordance with the standard of beyond reasonable doubt.

42. At paragraph 27 of the Notification, the Trust Fund states that in order to assess whether crimes within the jurisdiction of the Court were committed, the Trust Fund "analysed decisions taken by Pre-Trial Chamber I, as well as reports from local, international NGOs and international organizations which all concluded that mass crimes within the jurisdiction of the Court have been committed after the 1 July 2002 on the territory of DRC".[17]

43. The OPCD firstly observes that the decisions of Pre-Trial Chamber I concerning the existence of alleged offences within the territory of the DRC are pending final determination by the Trial Chamber. It is therefore prejudicial to the outcome of these proceedings to use these preliminary decisions as a basis for the disbursement of funds.

44. In terms of the Trust Fund's reliance on MONUC reports, the OPCD observes that MONUC reports and MONUC personnel have been relied upon to support prosecution cases before the ICC. The credibility and admissibility of the contents of these reports and the testimony of the personnel must ultimately be adjudicated by the Trial Chamber. As such, reliance on information within these reports appears to predetermine the outcome of the Chamber's determination, and creates

[16] The OPCD respectfully submits that the methodology set out at paragraph 26 of the Notification lacks the transparency and accountability required to trigger the disbursement of international funds in such a sensitive and important area.
[17] At paragraph 27.

the public perception that the Trust Fund supports the Prosecution case against these defendants.

45. In terms of the Trust Fund's reliance on NGO reports, as repeatedly held by the Human Rights Committee, in the absence of supporting documents, NGO reports are not in themselves sufficiently reliable to establish personal harm.[18] In addition, reliance on particular NGO reports necessarily involves an element of pre-selection and partiality.

46. In the same manner that reports issued by MONUC may be contested in the proceedings before the ICC, the findings and possible partiality of NGOs are also likely to be the subject of litigation before the Court. [19]

47. It is also possible that members of the local and international NGOs, who are responsible for implementing the projects of the Trust Fund, could participate in the proceedings in the future as witnesses for the Prosecution. It is thus highly inappropriate for the Trust Fund to provide money to persons or entities, whose credibility might subsequently be an issue before the Court.

48. In terms of the criteria utilized to identify suitable beneficiaries, the OPCD observes that the conflict within the DRC was arguably marred by inter-ethnic strife: it is thus difficult to identify internal conflicts in which one side were purely victimised for the entire duration of the conflict.

49. Accordingly, if the Trust Fund were to focus on a particular ethnicity or area, it could create the impression that entities associated with the Court are favouring or rewarding one side or one view of the various conflicts.

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[18] Kouidis v. Greece, CPR/C/86/D/1070/2002 at paras 7.3 and 7.4; ZZ v Canada: .Z. (name withheld) v. Canada, Communication No. 123/1998, U.N. Doc. CAT/C/26/D/123/1998 (2001).
See also Article 56(4) of the African Charter on Human and Peoples Rights (adopted June 27, 1981), which stipulates that complaints before the African Commission can not be exclusively based on media reports, and Fact Sheet 7 Rev. 1 concerning the 1503 complaints procedure, "It is not sufficient to rely on mass media reports; specific evidence should be provided. In short, there must be reasonable grounds to infer from the material that the alleged pattern of gross human rights violations exists." http://www.unhchr.ch/html/menu6/2/fs7.htm).

[19] As this Chamber is aware, the OPCD has previously referred to the fact that certain NGO intermediaries involved in the article 68(3) application process have associations with political parties, which are opposed to defendants appearing before the ICC – see paragraph 65 of the Request for the Single Judge to Order the Production of Relevant Supporting Documentation Pursuant to Regulation 86(2)(e), dated 31 August 2007.

50. Finally, it is possible that recipients of assistance could eventually be prosecuted by either national courts or before the ICC, which could further impugn the credibility of the role of the ICC.

51. The OPCD is thus concerned that if entities associated with the Court, such as the Trust Fund, were wade in without weighing the consequences of providing assistance to certain persons or verifying whether the persons involved in the assistance programmes could potentially be involved in the actual proceedings before the Court, it could severely impact on the credibility of the Court, and the perception of impartiality of the proceedings.

52. For these reasons, the Court and entities associated with the Court should exercise extreme caution in terms of both the persons or groups of persons identified as being suitable beneficiaries, and the intermediaries involved in the compensation process, and should publish transparent criteria concerning the selection process.

4.4 The rights of future participants in the proceedings to a fair trial, in full equality

53. The OPCD submits that if any of the beneficiaries of the Trust Fund were to participate in the proceedings in the future as either a witness or as an applicant for participation under article 68(3), both the fact and the nature of the assistance[20] could be subject to disclosure obligations.

54. For example, the ad hoc Tribunals have held that the fact that a witness has received counseling,[21] or benefited directly or indirectly from their status as a witness or alleged victim[22] potentially impacts on their credibility, and as such, falls under the Prosecutor's disclosure obligations.

[20] The confidential annex refers to the provision of *inter alia* micro-credit assistance, and counseling.

[21] Thus, in the Prosecutor v. Furundizja, the Trial Chamber "found that there had been serious misconduct on the part of the Prosecution in breach of Rule 68, and that the Defence consequently was prejudiced. It therefore ordered that the proceedings were to be re-opened only in connection with the medical, psychological or psychiatric treatment or counselling received by Witness A after May 1993, and the Prosecution was ordered to disclose any other connected documents." Trial Judgement of 10 December 1998, Prosecutor v. Anto Furundzija, IT-95-17/1, at para 22.

[22] For example, in the Prosecutor v. Martic, witness MM-079 "testified that after his lawyer had suggested that he contact the Tribunal to seek assistance with his asylum, he was interviewed by the Prosecution, and that he was subsequently informed that the Prosecution had written a letter to the authorities of the state where he currently lives to ask that he be allowed to stay there until he finishes testifying at the Tribunal".[22] The

55. The OPCD observes that whereas the merits and weight of these arguments must be adjudicated by the Chamber seised of the actual case, it would be in the interests of justice for the Prosecutor to be in a position to fulfill such disclosure obligations should the need arise.

56. For these reasons, the OPCD respectfully submits that in order to preserve the rights of future participants (in particular, future defence teams), it would be in the interests of justice for the Chamber to order the Trust Fund to provide these details in a confidential *ex parte* register to the Prosecution, which would thus enable the Prosecution to fulfill future disclosure obligations.

5. Relief Sought

57. In light of the above submissions, the OPCD respectfully requests the Honourable Pre-Trial Chamber to:
    - request the Trust Fund for Victims to provide, on a confidential basis, more detailed information concerning the intermediaries utilised, and the date, location and nature of the alleged crimes from which the beneficiaries allegedly suffered harm; and
    - provide the Prosecution and the OPCD with an opportunity to submit additional observations in light of this information before rendering a decision on this issue.

58. In the alternative, the OPCD respectfully requests the Honourable Pre-Trial Chamber to take into consideration the above observations.

Prosecution "acknowledged that the evidence of Witness MM-079 should be "scrutinized with care" since "he said that he hoped to receive the assistance of the OTP to remain in the country where he is relocated.""[22] The Chamber ultimately concluded that in light of the assistance provided to witness MM-079 and another Prosecution witness, "there is significant doubt as to the credibility of both witnesses". The Chamber therefore gave "weight only to the parts of their respective evidence which are corroborated by other evidence". Trial Judgment of 12 June 2007, at paras. 37-38, http://www.un.org/icty/martic/trialc/judgement/mar-tcjud070612e.pdf.
See also Prosecutor v. Zigiranyirazo, Scheduling Order – In Camera Hearing On Prosecutor's Motion To Permit Limited Disclosure Of Information Regarding Payments And Benefits Provided To Witness Ade And His Family *Rules 66(C) And 68(D) Of The Rules Of Procedure And Evidence*, 19 January 2006; and Prosecutor v. Bizimungu, Decision On Prosper Mugiraneza's Motion For Records Of All Payments Made Directly Or Indirectly To Witness D, 28 September 2006.

Mr Xavier-Jean Keïta
Principal Counsel of OPCD

Dated this Wednesday, the 20th of February 2008

At The Hague, The Netherlands