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## **ICTR WITNESS PROTECTION?**

**By**

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### **INTRODUCTION**

In 2009 the ICTR Prosecutor attempted to make a show trial out of the case of Defence Investigator Léonidas Nshogoza by prosecuting him with zeal and passion we're accustomed to seeing in genocide trials and insisting he remain in prison in the process. The plan backfired. According to the Prosecutor's theory, the corrupt defence investigator violated witness protection measures and bribed prosecution witnesses to give false statements to exonerate accused Jean de Dieu Kamuhanda. This would constitute interference with the administration of justice and Mr Nshogoza was accordingly charged with four counts of contempt of the Tribunal.

At the very heart of this case were factual and legal witness protection issues. During the trial, however, the focus shifted from Mr Nshogoza to the *Registrar* and the *Prosecutor*. The first embarrassing turn of events involved the ICTR Registry from who we learned that all protected witness information for Rwandan residents was sent directly to the Rwandan Prosecutor General and other ministries. Secondly, the ICTR Prosecutor was caught with his pants down when evidence came to light that members of his office violated more than one witness protection order and intimidated witnesses. It would seem, therefore, that even the Prosecutor believes that he can act with impunity.

## THE SYSTEMATIC DISCLOSURE OF PROTECTED WITNESS INFORMATION TO THE RWANDAN PROSECUTOR GENERAL

On 3 March 2009 representatives from the Rwandan Deputy Prosecutor-General's Office contacted two Nshogoza Defence protected witnesses residing in Rwanda who were slated to testify in Arusha the following week. **Witness 1** said that the person who phoned him said that he learned the witness was scheduled to testify, and told him to "be careful". Another person named Ancille who worked in the Rwandan Deputy Prosecutor General's Office ('RDPG') called him and asked him to report to the *Parquet Général* and did not explain why. **Witness 2** also received a phone call from Ancille who asked him to report to the *Parquet Général* to sign his passport. Witness 2 then phoned WVSS because he was wondering why he received a phone call from the RDPG. WVSS told him to come down to their offices the next day on 3 March 2009, which he did. Before he met with WVSS, Witness 2 expressed his concerns in person to the Nshogoza Defence, who happened to be in Kigali on official mission.

My investigator and I attended the meeting with Witness 2 and two representatives from WVSS. Paul Mnzava (WVSS) began by explaining that it was routine that all protected witness information was sent to the Rwandan Office of the Prosecutor "you know, to make sure that they are not scheduled to go to a *gacaca* hearing for example". I indicated that I thought that this only applied to detained witnesses. He said it applied to everyone in Rwanda. I told him that if what he was saying was true, this could shut down the Tribunal.

I asked Mr Mnzava whether it would be possible to phone Ancille to inquire as to why she needed to see our protected Defence witnesses. He did so, and Ancille indicated that she was following instructions, adding that if the witnesses did not report to the *Parquet Général*, they would not travel to Arusha to testify.<sup>1</sup> In the end, due to limits placed on the number of witnesses the Defence could call, only one of the two witnesses came to Arusha to testify in person.

Days later, I went to the Ministry of Justice on another matter and spoke with a lawyer who was familiar with ICTR. I asked him whether the Prosecutor General's Office knew which protected witnesses were going to Arusha to testify. He answered that it was involved in the

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<sup>1</sup> *Nshogoza*, Urgent Motion for Stay of Proceedings Due to Interference with Witnesses, 4 March 2009, para. 4.

transfer of detainee witnesses. When I suggested the possibility that that Office knew about the transfer of protected ICTR witnesses who were not detainees, he said this was not possible. “If the PG Office knew about non-detainees who were going to Arusha, this would be a violation of the ICTR’s witness protection orders.”

On 4 March 2009, the Defence filed a motion for a stay of proceedings on the grounds that its witnesses were being interfered with.<sup>2</sup> The Trial Chamber ordered the Registry to investigate these incidents over the weekend and to file its report the following Monday,<sup>3</sup> the day the Defence was scheduled to begin its case.

On Monday 9 March 2009, I referred to the Defence’s motion for a stay of proceedings and informed the judges that the Defence required explanations and sufficient assurances regarding the security of its protected witnesses before it could proceed with its case. The Trial Chamber acknowledged that the first thing it needed to do was decide the motion for a stay of proceedings.<sup>4</sup> When asked by the Chamber whether the Registry disposed of any information further to its investigation, WVSS representative Moussounga Itsouhou-Mbadinga stood up and read from a prepared statement. He confirmed that the contact had in fact been made, and then stated as follows:

I would like to -- furthermore, with regard to the procedure that has been used regarding the movement of witnesses, either those who are free in Rwanda or who are already in custody -- under our custody, as you know, Your Honour, we cannot issue a travel document without notifying the country of residence, notifying them of their identity. So you cannot issue this document using a pseudonym. And so the country's authorities have to be aware of the identity for the issuance of travel documents. The procedure in Rwanda, and which has been simplified through an agreement with -- between the Tribunal and the Rwandan authorities, consists in officially notifying the prosecutor's office in Kigali regarding the movement of all witnesses from Kigali, whether they are in detention or not. So an official letter is sent to them via the registrar of the Tribunal, including all the detail -- the particulars of the witness. It is the prosecutor's office in Kigali which cross-checks the availability of these witnesses and to see if they are ready to come and testify or not. Once this phase has been passed, then the document is forwarded to the minister of justice, which then does what it has to do with the file. And when the minister -- minister

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<sup>2</sup> *Nshogoza*, Urgent Motion for Stay of Proceedings Due to Interference with Witnesses, 4 March 2009.

<sup>3</sup> *Nshogoza*, Order for the Registry to File Rule 33 (B) Submissions on the Defence Motion for Stay of Proceedings Due to Interference with Defence Witnesses, 6 March 2009.

<sup>4</sup> T. 9 March 2009, p. 4.

of justice approves it, then the file is forwarded to the department of immigration for the issuance of travel documents.

Your Honour, as you can see, concerning these steps, information regarding the witness is known to Rwandan authorities. It would have been surprising had it been the contrary. On the contrary, the authorities are bound by confidentiality concerning the fact that there are decisions taken by the Chamber that protects these witnesses. So everyone who is aware of this information is bound by confidentiality.<sup>5</sup>

The official French transcript reads:

Donc, la procédure que... qui est suivie au Rwanda, et qui a été simplifiée par un accord entre le Tribunal et les autorités rwandaises, consiste à formellement saisir le bureau du procureur général à Kigali de tout mouvement des témoins, qu'ils soient détenus ou non.

Nous leur adressons une lettre officielle par l'intermédiaire du greffier du Tribunal avec tous les détails concernant ces témoins. Et c'est le bureau du procureur général à Kigali qui vérifie la disponibilité de ces témoins — sont-ils prêts à venir témoigner ou pas ?

Une fois que cette étape est franchie, les dossiers sont communiqués au Ministère de la justice, qui à son tour fait ce qu'il a à faire avec ces dossiers. Et, lorsque le Ministère de la justice donne son accord, en fin de compte, ces dossiers sont transmis au département de l'immigration pour l'établissement et la délivrance des titres de voyage.

Donc, Monsieur le Président, vous voyez bien qu'à ces différentes étapes, les éléments d'information concernant les témoins sont connus par les autorités rwandaises. Le contraire aurait été surprenant. Et... Mais, par contre, les autorités sont tenues par la confidentialité, étant donné qu'il y a des décisions rendues par la Chambre protégeant ces témoins. Les autorités, toutes... Toutes les personnes ayant connaissance de ces informations sont tenues par la confidentialité.<sup>6</sup>

While this report failed to explain the circumstances and the purpose of the two calls to protected witnesses, importantly, it revealed an ICTR policy hitherto unknown. At its essence, the Registry statement was a public confirmation that leaked all protected witness

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<sup>5</sup> T. 9 March 2009, page 6.

<sup>6</sup> T. 9 March 2009, pages 7 and 8.

information (at least in relation to all Rwandan citizens resident in Rwanda) to multiple entities within the Rwandan bureaucracy, most notably the Rwandan Prosecutor General. It is uncertain whether the Prosecutor was aware of this policy, and it would appear, from the fact that an investigation was ordered, that the Trial Chamber was not.

When the Registry representative sat down, I stood up to express my surprise and utter shock at the revelation and indicated that I wished to make two submissions. The Trial Chamber did hear my submissions and instead directed me to make any submissions on the subject in writing after the Registrar filed his written report.

According to the Registrar, *until 2001* the process of obtaining travel documents for witnesses was time-consuming and was liable to expose witnesses to greater risks. According to the Registry, the arrangement it reached with the Rwandan Government at that time – to send all protected witness information to three government institutions, 1) the Office of the Prosecutor-General to grant the availability of the witnesses; 2) the Ministry of Justice and Institutional Relations to authorize the issuance of travel documents; and, 3) the Immigration Department for the actual issuance of the travel documents – *was to reduce the exposure to risk*.

The Registry's explanation for this arrangement with Rwanda is that government authorities need to know who is travelling in order to issue travel documents. While this may be true, it begs the question why certain government authorities, such as the Rwandan Prosecutor General and the Ministry of Justice (and, for that matter, the Rwandan Special Representative to the ICTR Aloys Mutabingwa<sup>7</sup>) need to know.

Second, the explanation that this arrangement saves time is doubtful. The Nshogoza Defence was informed by WVSS that its policy is to request that all protected witness information be sent to them at least eight weeks in advance of the commencement of the party's case, and **12 weeks** if travel documents were required.

Third, the Registry's explanation that it is for the purpose of issuing the necessary travel documents is undermined by the fact that one Nshogoza Defence already had his passport and

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<sup>7</sup> Copies of the letters the ICTR sent to the Prosecutor-General of Rwanda in the Nshogoza case reveal that Mr Mutabingwa is also a recipient of all such protected witness information.

did not require a new one. In fact, a copy of this passport was attached to WVSS's letter requesting his availability.

Fourth, it is absurd to suggest that the arrangement with the Rwandan Prosecutor General *reduces* witnesses' exposure to danger, if it is the Rwandan Prosecutor General who the witnesses fear. In view of Rwanda's limited tolerance for the Defence, generally, such a fear among Defence witnesses would be understandable.

It is uncertain whether the RDPG contacted witnesses who were testifying in trials before the *Nshogoza* case. Since then, however, it has been learned that in at least one other case Defence witnesses who are slated to testify have similarly been contacted by Rwandan authorities.<sup>8</sup>

WVSS's report sheds no light on the facts and circumstances of the actual incidents themselves, in the *Nshogoza* case. The Registry never confirmed that it met with any representatives of the Deputy Prosecutor General's Office, nor does it appear to have ever asked them why the RDPG sought the meetings with our witnesses. It also leaves the following questions unanswered:

1. Why were only two of the *Nshogoza* protected Defence witnesses contacted by RDPG?
2. Why the Registrar did not approach the RDPG to ask them why they contacted these witnesses?
3. Does the RDPG regularly contact Defence witnesses prior to their travel to Arusha? If not, what were the criteria involved in choosing who they would contact?
4. Why did the Tribunal agree to send all protected witness information to the Rwandan Prosecutor General?
5. Why does the Prosecutor General's Office need to grant availability of witnesses (who are protected, and not detainees) to testify at the ICTR?

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<sup>8</sup> Government I.

6. Did the ICTR Registrar ever inform Defence counsel that the identity of their witnesses were provided to these three Rwandan national ministries?
7. Did the ICTR Registry ever inform protected witnesses that their confidential information was being sent to all these authorities?
8. Does the Registry think that by providing all this information to the Rwandan Prosecutor General that has complied with the Trial Chamber's witness protection order<sup>9</sup> which provides,
  - The Defence shall designate pseudonyms for each protected Defence witness, to be used whenever referring to such witnesses in ICTR proceedings, communications, and discussions, both between the parties and the public;
  - The names, address, whereabouts and other information that might identify or assist in identifying the witnesses and their families ("identifying information") **shall be sealed** by the Registry and shall not be included in public or non-confidential records;
  - Identifying information contained in existing records of the Tribunal shall be removed from the public record of the Tribunal and placed under seal;
  - Identifying information shall not be disclosed to the public or the media for an indefinite period of time to exceed the conclusion of the trial;
9. Does the Registry ever provide written summaries of a protected witness' testimony to the Rwandan authorities?

Regarding the last question, I confirm that when I requested the Registrar to designate a Presiding Officer to certify written witness statements in lieu of oral testimony<sup>10</sup> to go to Kigali, I was asked to provide copies of all such written statements in advance, which I did

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<sup>9</sup> *Nshogoza*, Decision on Defence Motion for Protective Measures for Victims and Witnesses, 22 January 2009, pages 6 to 8.

<sup>10</sup> Rule 92, ICTR R.P.E. In the end, my mission was authorized, most of the statements were admitted into evidence, and not one was referred to in the Judgment.

not do. Apparently the reason for this request was to decide the statements' pertinence to my case, and whether they complied with the Rule itself.

The Trial Chamber rendered its decision on the Defence motion for a stay of proceedings a month after the Nshogoza trial ended.<sup>11</sup> Given that the Chamber issued the decision on a confidential basis, and it contained information that was important for all Defence teams, the Defence was required to file a motion requesting that a public version of the decision be filed.<sup>12</sup> On 26 June 2009, finding that it is in the interests of justice and important for transparency of judicial reasoning that decisions and rulings are made public, the Trial Chamber filed a redacted version of its decision.<sup>13</sup>

After considering what transpired in this case *after* the Defence filed its motion on 4 March 2009, the Trial Chamber found that because Defence witnesses did testify, “the Defence failed to demonstrate how the contact between the Rwandan Prosecutor General’s office and the witnesses adversely impacted the Accused’s right under Article 20(4)(e) to obtain attendant of and examination of witnesses on his behalf, under the same conditions as those who have testified against him”,<sup>14</sup> and denied the motion in its entirety.

On the conduct of the Registry of providing all protected witness information to, *inter alia*, the Rwandan Prosecutor General, the Chamber held as follows:

“The Chamber has considered the oral and written report given by the representative of the WVSS, as well as the Registrar’s various written submissions before it. In particular, the Chamber has considered the procedure followed by the Registry in obtaining the attendance of witnesses before the Tribunal, as well as the type of information (protected or otherwise) provided by the Registrar to the Rwandan authorities in the normal functioning of the Tribunal. The Chamber notes that it is necessary for the Registry to provide certain personal information

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<sup>11</sup> *Nshogoza*, Confidential Decision on Defence Motion for Stay of Proceedings, 22 May 2009.

<sup>12</sup> *Nshogoza*, Defence Motion Requesting that the Chamber Issue a Public Version of the ‘Confidential Decision on the Defence Motion for a Stay of Proceedings’, 18 June 2009.

<sup>13</sup> *Nshogoza*, Decision on Defence Motion to Make Public the Confidential Decision on Defence Motion for Stay of Proceedings; and Annexure Comprising Redacted Version of Said Decision for Public Consumption, 26 June 2009.

<sup>14</sup> *Nshogoza*, Decision on Defence Motion to Make Public the Confidential Decision on Defence Motion for Stay of Proceedings; and Annexure Comprising Redacted Version of Said Decision for Public Consumption, 26 June 2009, para. 17 of Redacted Decision.

of witnesses for the purposes of obtaining travel documentation for them, and in facilitating their transfer to the seat of the Tribunal in Arusha.

The Chamber considers that it would be prudent for the WVSS to keep witnesses and parties fully informed about exactly what personal information needs to be communicated for the purposes of facilitating their attendance to give testimony before the Tribunal, and to whom. This would ensure the full transparency of the system in place, while also allaying witnesses' concerns about their safety and security.

The Chamber therefore deems it appropriate to order the Registrar to conduct a review of the internal procedures in relation to facilitating the attendance of witnesses before the Tribunal. This review should address the question of the type of protected information which needs to be disclosed in order to facilitate a witness' attendance before the Tribunal, and to whom. It should also address the need to keep witnesses informed about to whom their personal information needs to be disclosed in order to facilitate their attendance before the Tribunal, and why.”<sup>15</sup>

It is uncertain whether the Registrar complied with this order and conducted a review of its internal procedures to ‘facilitate the attendance of witnesses before the Tribunal’, or whether WVSS has begun to tell witnesses who their information is being sent to. In relation to the second matter, it would be helpful if Defence teams currently in trial could make inquiries and share any information they come across in this regard.

In his 2005 article *The ICTR and the Protection of Witness*<sup>16</sup> author Göran Sluiter writes:

‘ICTR case law offers examples of, especially, the prosecution’s claiming that via the defence, identities and identifying information of protected witnesses are disclosed.’

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<sup>15</sup> *Nshogoza*, Decision on Defence Motion to Make Public the Confidential Decision on Defence Motion for Stay of Proceedings; and Annexure Comprising Redacted Version of Said Decision for Public Consumption, 26 June 2009, paras. 20-22 of Redacted Decision.

<sup>16</sup> See G. Sluiter, ‘The ICTR and the Protection of Witnesses’, 3 *Journal of International Criminal Justice* (2005), 962-976, at 972.

If the Prosecution has suspected the Defence of leaking protected witness information to third parties, based on the foregoing, it is entirely possible (and likely *probable*) that the Registry is to blame for such situations.

In her book, *Madam Prosecutor*, Carla Del Ponte writes that in December 2000, she informed President Kagame that the Tribunal's Office of the Prosecutor (OTP) began investigating allegations of RPF crimes. According to Ms Del Ponte, he did not deny this. Following the meeting, Rwanda failed to provide the necessary military files and again<sup>17</sup> began making it difficult for prosecution witnesses to travel to Arusha to testify.<sup>18</sup> The timing of Kagame's renewed reluctance to cooperate with the ICTR bears mentioning.

In April 2001 Prosecution witnesses were at the airport to fly to Arusha, and Rwandan passport controllers refused to allow them to board, saying they lacked some document nobody had heard of before.

“What are you doing?” I asked Kagame after completing the diplomatic niceties. He was dressed in a fine blue-gray suit. His gestures were firm and confident. He seemed to be making every effort to be accommodating. He told us that some new law was affecting all Rwandans going abroad, and not just witnesses the tribunal had summoned to Arusha. **He assured us something would be done to take into consideration the special needs of the Tribunal's witnesses.** The entire problem with this red tape was so petty, so ridiculous, and apparently so easily resolved that I thought for a while that it had nothing to do with the investigation of Tutsi commanders. The connection became evident only later.”<sup>19</sup>

When Kagame told Carla Del Ponte that “*something would be done to take into account the special needs of Tribunal witnesses*” might he have been referring to the upcoming 2001 arrangement the Rwandan Prosecutor General reached with the ICTR Registry?

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<sup>17</sup> Implicit reference to *Barayagwiza*.

<sup>18</sup> Del Ponte C., *Madam Prosecutor*, New York, Other Press, 2008, p. 186.

<sup>19</sup> *Ibid.*, p. 186-7. Emphasis added.

Before the Nshogoza Defence commenced its case on 16 March 2009, I instructed the Registry not to contact our witnesses and indicated that the Defence wished to inform them of the situation, and establish whether they were still willing to testify. The Registry did not respond to my request for a work programme, and WVSS – contrary to my instructions – contacted all of the Defence witnesses who were still in Kigali to establish whether they were afraid to testify. WVSS did not, even during these meetings, inform the witnesses that their information had been sent to the Prosecutor General.

On 12 March 2009, during my meeting with two WVSS representatives at the Tribunal in Arusha, I asked Ms Attika if WVSS ever told witnesses where it was sending their personal information. She did not answer. A few minutes later I asked her again if she or anyone else she worked with ever told a protected witness that their confidential information was being sent to the Rwandan Prosecutor General. She looked at her colleague and said ‘This is getting too delicate. I have to leave.’

## **THE OTP’S IMPROPER CONTACT WITH PROTECTED DEFENCE WITNESSES**

During the *Nshogoza* trial, the Defence uncovered strong evidence showing that the OTP repeatedly contacted protected defence witnesses from the *Kamuhanda* and *Rwamakuba* cases to procure statements from them, in violation of witness protection orders. The Defence raised the matter in its Closing Brief.<sup>20</sup> According to one such witness, the OTP members convened him but didn’t identify themselves as OTP until they arrived with him at the ICTR offices in Kigali.<sup>21</sup> The Defence submitted that all examples constituted flagrant interference with protected Defence witnesses,<sup>22</sup> and sufficient and ample evidence for the Trial Chamber to designate an *amicus curiae* to investigate the acts and conduct of all members of the OTP who unlawfully entered into contact with, and took statements from Defence protected witnesses. The Defence requested the appointment of an *amicus curiae* under Rule 77 (C) to investigate whether these acts constitute contempt of the Tribunal under the same rule.

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<sup>20</sup> Defence Closing Brief, paras. 95-104.

<sup>21</sup> Fulgence Seminega, T. 19 March 2009, pp. 57-58.

<sup>22</sup> Defence Closing Brief, para 103.

In its 85-page judgment, the Trial Chamber in *Nshogoza* considered that in three cases there was *prima facie* evidence that the OTP violated witness protection orders:

“44. [...], in relation to Witnesses Fulgence Seminega, Augustin Nyagatare and Starton (sic) Nyarwaya, the Chamber notes that, according to their own testimonies, these witnesses were all covered by protection orders from *Rwamakuba* or *Kamuhanda* as Defence witnesses in those cases. These protection orders, inter alia, prohibited the Prosecution from contacting these witnesses, without first notifying the Defence and having it make the necessary arrangements. The Chamber considers that the witnesses’ testimonies *prima facie* indicated that the Prosecution may have acted in violation of witness protection orders.

45. The Chamber thus finds that this conduct may justify an investigation into the conduct of members of the OTP as requested by the Defence. However, prior to giving full consideration to the merits of this request, the Chamber would like to hear from the Parties on the issue. (...)”

On 16 July 2009 the Trial Chamber invited the parties to file further submissions on the matter by 7 August 2009. The Defence asserted that while there clearly existed *prima facie* evidence of the illicit OTP contact with protected defence witnesses, the more serious conduct was the threats and other influence to have the witnesses change their testimony.<sup>23</sup>

In its defence, the OTP argued that in matters of contempt or false testimony,<sup>24</sup> it could only act pursuant to the Chamber’s orders, and therefore it was acting ‘within reasonable discretion as an agent of the Chamber’ (*when it was violating the protection orders*).<sup>25</sup> In particular, the Prosecutor argued that the Appeals Chamber general order to investigate false testimony and possible contempt of the Tribunal pursuant to Rule 77 and 91 authorized him to interview all persons (protected and unprotected witnesses).

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<sup>23</sup> *The Prosecutor v. Nshogoza*, Case No. ICTR-2007-91 (on appeal), Mr Nshogoza’s Submissions on Prosecution Interference with Protected Defence Witnesses, 7 August 2009, para. 15.

<sup>24</sup> ICTR Rules 77 and 91.

<sup>25</sup> *The Prosecutor v. Nshogoza*, Case No. ICTR-2007-91 (on appeal), Prosecutor’s Submissions on “Order for Submissions from the Parties on the Conduct of Staff of the Prosecution and the Possible Violation of Witness Protection Measures”, 7 August 2009, para. 9.

“It was at all times the considered view of the Prosecutor that in the discharge of the Appeals Chamber’s orders he did not have to go back to the Appeals Chamber or Trial Chamber for permission to interview witnesses, which would, in the circumstances of this genre of cases have been potentially prejudicial to the conduct of an investigation. The underlying assumption, made in utmost good faith, is that a Chamber when making such orders for investigation is fully aware of any protective measures in place, thereby obviating the need to seek the Chamber’s authorization to interview protected witnesses.”<sup>26</sup>

The Trial Chamber has not yet rendered a decision or an order pursuant to the Defence request, and further submissions. The Defence is considering filing a motion to ensure this very serious matter involving six members of the ICTR OTP, including one Special Counsel assigned to investigate the *Kamuhanda* case, Ms Loretta Lynch, gets addressed.<sup>27</sup>

## CONCLUSION

It is an outrage that the Tribunal entity *charged with the protection of witnesses* is betraying this trust and actively engaging in conduct that, at the policy level, places the witnesses in certain danger. The least that can be said is that the ICTR Registry has established a procedure which violates every witness protection order since 2001. And the Registry purports to suggest that such an arrangement is ‘normal’ and it would be ‘surprising’ if this were not the case.

It is a further outrage that the Prosecutor can purport to rely on a Court Order to violate witness protection measures and intimidate witnesses to change their testimony, with impunity, as we await a decision of Trial Chamber III on his conduct.

Lessons can be drawn from the ICTR’s failed legacy of witness protection at both the institutional and prosecutorial levels. The ICC and other international tribunals might examine closely the ICTR’s experience, to ensure its errors are not repeated.

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<sup>26</sup> *The Prosecutor v. Nshogoza*, Case No. ICTR-2007-91 (on appeal), Prosecutor’s Submissions on “Order for Submissions from the Parties on the Conduct of Staff of the Prosecution and the Possible Violation of Witness Protection Measures”, 7 August 2009, para. 11.

<sup>27</sup> Hélène Moënback, Kitila Mukumbo, Aaron Musonda, Pierre Duclos, Collette Murebwayire, and Special Counsel to the ICTR Prosecutor Me Loretta Lynch.