



# ICTR NEWSLETTER



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United Nations International Criminal Tribunal for Rwanda

## Continued US Support for the Tribunal

United States Ambassador-at-Large for War Crimes Issues, Clint Williamson, visited the International Criminal Tribunal for Rwanda (ICTR) from 7 to 8 March 2007. Ambassador Williamson met with multiple ICTR officials including President Eric Møse, Prosecutor Hassan Jallow, and Registrar Adama Dieng.

The discussions held were extremely fruitful and Ambassador Williamson was encouraged by the current progress of the Tribunal, particularly its efforts to complete trials in a timely fashion.

He reiterated the U.S. Government's position that ICTR fugitives must face trial. It is crucial that Félicien Kabuga, Protais Mpiranya, and other fugitives understand they cannot simply outlast the Tribunal and escape justice.

Ambassador Williamson pledged continued U.S. support for the Tribunal and the willingness of the US

Government to do all it can to apprehend ICTR fugitives and help the Tribunal to complete its work successfully.

## Rwanda Almost Ready to Receive Cases

The ICTR Prosecutor, Mr. Hassan Bubacar Jallow, and a delegation of his staff concluded a successful mission to Rwanda from 9 to 16 March 2007. The mission was part of his regular consultations with Rwandan legal and judicial officials. The mission also included an assessment of the readiness of Rwanda to receive cases on transfer from the ICTR.

Based on the delegation's assessment, the Prosecutor concluded that the Government of Rwanda has made good progress to prepare the transfer of cases, especially in the areas of witness protection and establishing an effective legal aid fund for indigent accused.

However he stressed that the recently-promulgated law on transfer of ICTR cases needs to come into force and other outstanding issues resolved before he formally requests the Trial Chambers to transfer cases to Rwanda.

According to Mr. Jallow, April is still the target date for initiating requests for transfer of cases to Rwanda.

In addition to his consultations with Rwandan officials, the Prosecutor met with members of the international diplomatic community who are assigned to Rwanda.

Mr. Jallow also held a general meeting with the ICTR staff in the Kigali office. The Staff Association hosted an appreciation dinner for the Prosecutor on 16 March. Association officers presented gifts and a commemorative

plaque to Mr. Jallow at the dinner.

Tim Gallimore, Spokesperson for the Prosecutor, who was in the delegation held a briefing with the Rwandan media on 14 March. He also participated in interviews and public affairs programs that were broadcast by three Rwandan radio stations.

## Women International Law Group Awards Judge Hikmet

Judge Taghrid Hikmet of the United Nations International Criminal Tribunal for Rwanda on Friday 30 March 2007 was presented with a "Prominent Woman in International Law Award" by the Women in International Law Interest Group of the American Society of International Law at a ceremony held in Washington, USA, where she was also the main speaker.

The award is in recognition of her many tremendous achievements, including her contributions as a judge in Jordan and at the ICTR.



Judge Hikmet after her address to the WILIG receiving an award from Kit Bigelow, co-chair of WILIG

Accepting the award, Judge Hikmet, who is the first woman judge in Jordan and first Arab, Muslim woman ever to serve as an international criminal tribunal judge, told the gathering that she humbly considered that the award was delivered, not only in recognition of her achievements, but also of those

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of the ICTR. She also hoped that the award would contribute to the recognition of the important work carried out by the Tribunal and by all those who serve it.

The judge cited some of the most significant breakthroughs by the Tribunal which, she said, included the application by an international jurisdiction of the Geneva Convention adopted in 1948, for the first time in history.

Judge Hikmet said that the ICTR judges not only applied the 1948 convention for the first time but also enriched its definition by holding that rape, when perpetrated in a certain manner could constitute a crime which forms part of a genocide scheme. "This may not appear as very important at first glance when one knows that any serious bodily or mental harm, caused in the context of genocide, may lead to conviction of genocide," she elaborated.

However, she added, the ICTR holding is important given the particular sensitivity of rape in a world witnessing the more and more emerging rights of women. Women want a specific acknowledgement of their rights and also of their plight. "That is what ICTR has done by making rape, perpetrated with the intent to destroy the group to which the victim belongs, a crime which constitute genocide," Judge Hikmet explained.



*Judge Hikmet with Judge Ruth Badr Ginsburg of the US Supreme Court*

Judge Hikmet, who is listed among *1000 Peace Women Across the Globe for year 2005*, also visited the Supreme Court of the United States where she met with Judge Ruth Badr Ginsburg and briefed her on the work of the Tribunal. She was also hosted by members of the International Association of Women Judges in Washington.

## Visit of the Delegation from the African Court on Human and Peoples' Rights

The delegation of the African Court of justice and

People's Rights paid a courtesy call to the Tribunal on 15 March 2007. The delegation was composed of the President of the African Court Prof. Hon. Gerard Niyungeko, his Deputy, and a judge from the Court. The delegation visited President Judge Eric Møse who also invited them to a tour of the Laity Kama courtroom.

The delegation, which had been on a working visit were hosted by the management of the AICC. They had been here to tour their facility and specifically wanted information on a model court and its functioning.

The African Court, an entity of the African Union has decided to locate their court in Arusha. More specifically, they intend to take over the space currently occupied by ICTR upon completion of its work.

## Strengthening ICTR Communication Policy

From February 26-March 5, 2007, Bocar Sy, Chief of Public Affairs & Information Unit and Eric Peereman, Chief of Audio Visual Unit undertook a working mission to Kigali. The main goal of their mission was to meet senior officials in charge of the public and private media organizations in the country in order to discuss and address issues pertaining to their relationship with the ICTR and how this could be further strengthened in the framework of intensifying the Tribunal's information dissemination campaign in Rwanda.

Bocar Sy held various meetings with different officials; the Managing Director of New Times, the Director of Radio Flash FM, the Station Manager of Radio Contact FM, the Director General of the Rwandan Information Agency (ORINFOR), the Deputy Director General of ORINFOR and Director of Rwanda Television, the chief technician of Rwanda Television and the Manager of Images Media, a company producing the ICTR film on the Media case



*Bocar Sy, (left) and Eric Peereman (right) with a journalist from Radio contact FM*

In all the meetings, he briefed the officials on the current status of the work of the Tribunal and its achievements so far. He also explained to them the multi-dimension policy communication of the ICTR, specifically the Outreach Programme that is mainly concerned with disseminating information about the activities of the Tribunal to the Rwandan population and the Great Lakes. He said that this could not be



achieved without the support of the media fraternity in Rwanda. He requested the media to support the Tribunal in ensuring that information is disseminated to Rwandans at this critical moment when the Tribunal is about to end its mandate.

The discussions also examined putting in place a mechanism that would permit technical cooperation between the ICTR Audio Video Services and ORINFOR and private radio stations in the country where the Tribunal's activities like trials in progress, judgments and other vital information could be aired over Rwanda Television and the radio stations. The possibility of holding live interviews with senior Tribunal officials was also discussed.

All the media officials welcomed the idea and expressed their willingness to support the Tribunal in achieving its goals and objectives.

During his mission in Rwanda, Bocar Sy held interviews with journalists from two popular private radio stations in the country; Flash FM and Contact FM. The interviews mainly focused on the work of the Tribunal and its current status.

## Allegations against Bikindi Co-Counsel not well founded

On 9 February 2007, the Registrar's attention was drawn to an allegation against *Maitre* Jean De Dieu Momo, Co-counsel for Simon Bikindi. The particulars of the allegation were that *Maitre* Momo had attempted to influence a protected prosecution witness in the Bikindi trial. The allegation was said to potentially affect the Prosecution case in that trial and it was said that a substantial question was raised as to *Maitre* Momo's honesty, trustworthiness and fitness as counsel.

The Registrar initiated an enquiry into the facts behind the allegation. Having received the results of those enquiries, the Registrar stated that he was satisfied that the allegations were not well-founded.

The Registrar found that there was a meeting between *Maitre* Momo and a person who was subsequently placed on the list of prosecution witnesses and later was the subject of a protection order. The Registrar concluded that there was no clear evidence that *Maitre* Momo breached any ethical standards and that there was no credible evidence that *Maitre* Momo offered financial inducements to the person involved.

The Registrar concluded that *Maitre* Momo's behaviour did not have any adverse effect upon the Prosecution witness and his testimony, and that the facts uncovered by the investigation did not reflect adversely on the honesty, trustworthiness and fitness of *Maitre* Momo as Co-counsel.

The Registrar wished to observe that when Counsel arranged to interview witnesses, great care was taken that the laws and institutional rules in force in the

country where the witness was located were obeyed. The Registrar further observed that the greatest care was needed by the representative of a party when interviewing potential witnesses to avoid the possibility of impropriety, or the appearance of impropriety. Representatives of the parties had an overriding duty to protect the integrity of the judicial process.

## ICTR in Kigali

### ICTR facilitates visit of S. African Students in Rwanda

Eleven law students from different countries including three officials from the Human Rights Centre of the University of Pretoria in S. Africa who were in the country from March 25, 2007-2 April, 2007, under the facilitation of ICTR visited Umusanzu Centre, the Tribunal's offices in Kigali and met different officials in the country. This is an ongoing programme since 2002 for students from S. Africa to Rwanda. Other Students from different countries have also been undergoing internship programmes at the Tribunal's headquarters in Arusha, Tanzania.

The students were on a research study on Human rights and conflict management. They were interested in the work of the ICTR, the causes of genocide, Rwandan foreign policy in the great lakes region, the operation of the Rwandan Judiciary and the achievements in Rwanda as regards unity and reconciliation.

During their stay in Rwanda, they received briefings from the:

- OIC of Investigations (OTP), Kigali, Mr. Alfred Kwende on the ICTR, its objectives, achievements so far, problems experienced and issue concerning the Tribunals completion strategy for finishing trials in 2008 and appeal cases by 2010;
- Vice President of supreme court, Mr. Sam Rugege on the operation of the Rwandan Judiciary prior to and after the genocide;
- Gacaca secretariat on the operation of traditional justice and the achievements and problems faced by this form of local justice;
- Deputy Prosecutor General, Mr. Alphonse Hitiyaremye, about the operation of the prosecution



Alfred Kwende OIC Investigations (middle) with Cecile Aptel, lecturer and students of University in Pretoria



and the existing cooperation between the Rwandan Judiciary and the ICTR;

- Officials from the Law faculty of the National University of Rwanda in Butare;
- Officials of AVEGA-Agahozo, an association of Widows of the 1994 genocide;
- Presidential envoy in the great lakes region, Ambassador Richard Sezibera on Rwanda's relationship with its neighbors and its regional security concerns;
- Executive secretary of the national unity and reconciliation commission, Fatuma Ndangiza, on the current situation in the country as regards unity and Reconciliation;
- Deputy president of the Nation Human Rights Commission, Mr. Deogratious Kayumba, on the current situation of Human Rights in the Country;
- Officials from Umusanzu Centre about the ICTR's Outreach Programme.

Various documentaries on the Rwanda genocide and some of the Trials at the Tribunal in Arusha were screened for the visitors.

The Students also visited the major genocide memorial sites in the country.

## ICTR at The Hague

### • Activity of the Appeals Chamber

The Appeals Chamber is presently deliberating on the *Nahimana et al.* and *Muhimana* appeal judgements and is preparing the *Simba* case for a hearing. It is also engaged in pre-appeal work in the *Muvunyi* and *Seromba* cases. Further, the Appeals Chamber is

deliberating on a new request for clarification filed in the *Niyitegeka* case and is seized of an appeal in the *Rwamakuba* case. The Appeals Chamber is also seized of two interlocutory appeals in the *Karemara et al.* case. During March, the Appeals Chamber rendered a decision on a request for review in the *Niyitegeka* case as well as decisions or orders concerning eleven pre-appeal matters.

### • ICTR-Internal Co-operation

Mr. Koffi Kumelio A. Afande, OIC, ICTR/ACSU in The Hague was on mission at the Headquarters in Arusha from 03 to 11 March 2007. He held briefings, consultations and working sessions within the framework of the policy of strengthening operational communications between the ICTR/ACSU based in The Hague and the relevant Offices/Sections/Units in Arusha with which the ACSU interacts or the work of which it performs in The Hague on their behalf such the President's Office, Office of The Prosecutor, Registrar's Office, Deputy Registrar's office, Court Management Section, Witness and Victims Support Section, Chambers Support Section, Human Resources and Planning Section, Finance Section, Budget Section, General Legal Services Unit, Travel Unit, Library and Reference Section, Information Technology Services Section, Training Unit, Language Services Section, Press and Public Affairs, etc.

During the working sessions, the current practices have been reviewed and a series of objectives and plan of action were designed and agreed upon, the implementation of which shall help in streamlining in a more coordinated manner the operations of the ACSU at The Hague in order to provide to the Trial Chambers and the Appeals Chamber the support responsive to their needs in the context of the completion strategy as well as the overall implementation plan of the Tribunal.

## Judicial Decisions of the ICTR between 1 March and 31 March 2007

Date	Case	Record Number	Title	TC
01/03/2007	RUKUNDO	ICTR-01-70-0250	DECISION ON THE PROSECUTOR'S URGENT MOTION FOR WITNESSES DPA AND BLR TO GIVE TESTIMONY VIA VIDEO-LINK.	TC 2
05/03/2007	NAHIMANA ET AL	ICTR-99-52-1797	DECISION ON THE PROSECUTOR'S MOTION TO PURSUE THE ORAL REQUEST FOR THE APPEALS CHAMBER TO DISREGARD CERTAIN ARGUMENTS MADE BY COUNSEL FOR APPELLANT BARAYAGWIZA AT THE APPEALS HEARING ON 17 JANUARY 2007	AC
06/03/2007	[GOVERNMENT I] KAREMERA ET AL	ICTR-98-44-2706	DECISION RELATIVE A LA CONTINUATION DE LA PROCEDURE, ARTICLE 15 BIS DU REGLEMENT DE PROCEDURE ET DE PREUVE	TC 3
06/03/2007	[GOVERNMENT I] KAREMERA ET AL	ICTR-98-44-2705	DECISION ON CONTINUATION OF THE PROCEEDINGS, RULE 15 BIS OF THE RULES OF PROCEDURE AND EVIDENCE	TC 3
06/03/2007	NIYITEGEKA	ICTR-96-14-0409	DECISION ON REQUEST FOR REVIEW	AC
09/03/2007	NTEZIRYAYO	ICTR-97-29-0547	DECISION ON NTEZIRYAYO'S MOTION FOR VARIATION OF WITNESS LIST (Rule 73 ter)	TC 2



Date	Case	Record Number	Title	TC
09/03/2007	BISENGIMANA	ICTR-00-60-0080/1	CORRIGENDUM JUDGEMENT AND SENTENCE	TC 2
09/03/2007	BISENGIMANA	ICTR-00-60-0080/2	RECTIFICATIF APORTE AU JUGEMENT PORTANT CONDAMNATION	TC 2
12/03/2007	RENZAHO	ICTR-97-31-0162	DECISION ON DEFENCE REQUEST FOR PROTECTIVE MEASURES	TC 1
13/03/2007	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1822	DECISION ON BAGOSORA DEFENCE MOTION CONCERNING SCHEDULING OF ITS CLOSING BRIEF	TC 1
13/03/2007	[MILITARY II] NDINDILYIMANA ET AL	ICTR-00-56-0766	DECISION BIZIMUNGU'S MOTION TO RECONSIDER THE SCHEDULING ORDER OF 16 FEBRUARY 2007	TC 2
14/03/2007	NSENGIMANA	ICTR-01-69-0059	DECISION ON HORMISDAS NSENGIMANA'S MOTION FOR EXTENSION OF TIME TO FILE A FURTHER RESPONSE TO THE PROSECUTION MOTION FOR LEAVE TO FILE AN AMENDED INDICTMENT	TC 2
14/03/2007	ZIGIRANYIRAZO	ICTR-01-73-0565/1	DECISION ON DEFENCE CONFIDENTIAL MOTION TO CHANGE VENUE OF VIDEO-LINK HEARING FOR WITNESS BNZ104	TC 3
14/03/2007	ZIGIRANYIRAZO	ICTR-01-73-0566/1	DECISION ON DEFENCE MOTION FOR A HEARING BY VIDEO-LINK FOR WITNESS BNZ 60	TC 3
14/03/2007	ZIGIRANYIRAZO	ICTR-01-73-0566/2	DECISION SUR LA REQUETE DE LA DEFENSE INTITULEE "MOTION FOR A HEARING BY VIDEO-LINK FOR WITNESS BNZ60"	TC 3
14/03/2007	ZIGIRANYIRAZO	ICTR-01-73-0565/2	DECISION SUR LA REQUETE CONFIDENTIELLE DE LA DEFENSE TENDANT A FAIRE CHANGER LE LIEU DE LA DEPOSITION PAR VIDEOCONFERENCE DU TEMOIN BNZ104	TC 3
14/03/2007	[GOVERNMENT I] KAREMERA ET AL	ICTR-98-44-2720	DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL DECISION ON WITNESS PROOFING, Rule 73 (B) of the Rules of Procedure and Evidence	TC 3
16/03/2007	RUKUNDO	ICTR-01-70-0256	DECISION ON EXTENSION OF TIME TO RESPOND TO DEFENCE'S MOTION TO RECALL PROSECUTION WITNESS BLP	TC 2
19/03/2007	NYIRAMASUHUKO ET AL	ICTR-98-42-0666	DECISION ON PROSECUTION MOTION TO UNSEAL AND DISCLOSE TO CANADIAN AUTHORITIES THE TRANSCRIPTS OF THE TESTIMONIES OF WITNESSES TA, QCB, TK, SJ, FAI, QY, AND QBQ.	TC 2
19/03/2007	NAHIMANA ET AL	ICTR-99-52-1803	DECISION ON APPELLANT JEAN-BOSCO BARAYAGWIZA'S MOTION FOR EXTENSION OF TIME	AC
19/03/2007	MUVUNYI	ICTR-00-55A-0287	DECISION ON "ACCUSED THARCISSE MUVUNYI'S MOTION FOR LEAVE TO AMEND HIS GROUNDS FOR APPEAL AND MOTION TO EXTEND TIME TO FILE HIS BRIEF ON APPEAL" AND "PROSECUTOR'S MOTION OBJECTING TO 'ACCUSED THARCISSE MUVUNYI'S AMENDED GROUNDS FOR APPEAL'"	AC
19/03/2007	NCHAMIHIGO	ICTR-01-63-0227	DECISION ON DEFENCE MOTION FOR EXTENSION OF TIME FOR COMPLYING WITH CHAMBER'S SCHEDULING ORDER OF 5 FEBRUARY 2007 AND SCHEDULING THE PRESENTATION OF THE DEFENCE CASE	TC 3
19/03/2007	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1831	DECISION ON NTABAKUZE MOTION TO DEPOSIT CERTAIN UNITED NATIONS DOCUMENTS	TC 1
20/03/2007	RENZAHO	ICTR-97-31-0163	DECISION ON EXCLUSION OF TESTIMONY AND ADMISSION OF EXHIBIT	TC 1
20/03/2007	NDINDILYIMANA ET AL	ICTR-00-56-0778	DECISION ON DEFENCE MOTIONS PURSUANT TO RULE 98BIS	TC 2
20/03/2007	NCHAMIHIGO	ICTR-01-63-0228	DECISION ON DEFENCE MOTION FOR PROTECTION OF DEFENCE WITNESSES	TC 3



Date	Case	Record Number	Title	TC
20/03/2007	ZIGIRANYIRAZO	ICTR-01-73-0573	DECISION ON THE URGENT AND CONFIDENTIAL DEFENCE MOTION REQUESTING RECONSIDERATION OF THE 1 MARCH 2007 RULING REFUSING A SUBPOENA FOR WITNESS JPFR3	TC 3
21/03/2007	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1834	DECISION ON BAGOSORA MOTION TO ADMIT DOCUMENTS	TC 1
21/03/2007	NYIRAMASUHUKO ET AL	ICTR-98-42-0669	DECISION ON JOSEPH KANYABASHI'S MOTIONS FOR MODIFICATION OF HIS WITNESS LIST, THE DEFENCE RESPONSES TO THE SCHEDULING ORDER OF 13 DECEMBER 2006 AND NDAYAMBAJE'S REQUEST FOR EXTENSION OF TIME.	TC 2
21/03/2007	[MILITARY] BAGOSORA ET AL	ICTR-98-41-1833	DECISION ON BAGOSORA DEFENCE REQUEST FOR ADMISSION OF DOCUMENTS	TC 1
22/03/2007	SIMBA	ICTR-01-76-0526	DECISION ON DISCLOSURE OF CLOSED SESSION TESTIMONY OF WITNESS YC	TC 1
22/03/2007	KAREMERA ET AL	ICTR-98-44-2725	DECISION ON PROSECUTION'S MOTION TO UNSEAL AND DISCLOSE TO THE CANADIAN AUTHORITIES THE TRANSCRIPTS OF WITNESS CEA	TC 3
22/03/2007	KAREMERA ET AL	ICTR-98-44-2727/1	DECISION ON DEFENCE MOTION FOR COOPERATION OF RWANDA TO OBTAIN STATEMENTS OF PROSECUTION WITNESSES ALG, GK, AND UB	TC 3
22/03/2007	KAREMERA ET AL	ICTR-98-44-2728	DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL DECISION ON AC REMAND OF JUDICIAL NOTICE	TC 3
22/03/2007	[GOVERNMENT I] KAREMERA ET AL	ICTR-98-44-2726	DECISION ON PROSECUTOR'S MOTION FOR AN ORDER TO FILE NOTICE OF ALIBI	TC 3
23/03/2007	NDINDILIYIMANA ET AL	ICTR-00-56-0779	DECISION ON THE PROSECUTION MOTION TO UNSEAL AND DISCLOSE TO THE CANADIAN AUTHORITIES THE CLOSED SESSION TRANSCRIPTS OF WITNESS ANA	TC 2
23/03/2007	MUVUNYI	ICTR-00-55A-0289	DECISION ON EXTREMELY URGENT MOTION FROM THE ACCUSED ALPHONSE NTEZIRYAYO TO DISCLOSE CLOSED SESSION TRANSCRIPTS FOR WITNESS M078	TC 2
23/03/2007	MUVUNYI	ICTR-00-55A-0288	DECISION ON THE PROSECUTOR'S MOTION TO UNSEAL AND DISCLOSE TO THE CANADIAN AUTHORITIES THE TRANSCRIPTS OF WITNESS QY	TC 2
23/03/2007	ZIGIRANYIRAZO	ICTR-01-73-0577	DECISION ON THE CONFIDENTIAL DEFENCE MOTION REQUESTING A SUBPOENA FOR WITNESS BNZ42	TC 3
23/03/2007	KAREMERA ET AL	ICTR-98-44-2732	DICISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL DECISION ON FALSE TESTIMONY	TC 3
26/03/2007	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1854	DECISION ON DEFENCE MOTIONS FOR EXTENSION OF TIME TO FILE THEIR CLOSING BRIEFS	TC 1
28/03/2007	ZIGIRANYIRAZO	ICTR-01-73-0581	DECISION ON THE DEFENCE MOTION TO VARY THE DEFENCE WITNESS LIST	TC 3
29/03/2007	NSENGIMANA	ICTR-01-69-0062	DECISION ON PROSECUTION MOTION FOR LEAVE TO FILE AN AMENDED INDICTMENT	TC 2
29/03/2007	BIKINDI	ICTR-01-72-0220	DECISION WITHDRAWING THE ASSIGNMENT OF MR. WILFRED N. NDERITU AS LEAD COUNSEL FOR THE ACCUSED SIMON BIKINDI	TC 3
29/03/2007	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1858	DECISION KABILIGI ON DEFENCE MOTIONS TO STRIKE EXCLUDED EVIDENCEFROM THE PROSECUTION CLOSING BRIEF	TC 1