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REFERENCE:

CASE NO.: ICTR-98-41-T
EXHIBIT NO.: P 180
DATE ADMITTED: 19-1-2004
TENDERED BY: PROSECUTION
NAME OF WITNESS: R. DILLON

10 November 2003

Dear Mr. Majola,

*The Prosecutor v. Théoneste Bagosora, Anatole Nsengiyumva,
Aloys Ntabakuze and Gratien Kabiligi. Case N°. ICTR-98-41-T*

I refer to your letter dated 21 October 2003 to Mr. Corell, in which you request that the Secretary-General waive the immunity from legal process that is enjoyed by Major Brent Beardsley, one time Military Observer with the United Nations Assistance Mission for Rwanda (UNAMIR), in order that he might testify before the International Tribunal for Rwanda as a witness for the prosecution in the case of *The Prosecutor v. Théoneste Bagosora, Anatole Nsengiyumva, Aloys Ntabakuze and Gratien Kabiligi* (Case N°. ICTR-98-41-T).

Having been a Military Observer with UNAMIR between November 1993 and May 1994, Major Beardsley was an expert on mission for the United Nations at the time of the events in respect of which you wish that he should testify.

As such, Major Beardsley enjoyed, and continues to enjoy, the privileges and immunities set out in Article VI of the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946 pursuant to Article 105 of the Charter. These privileges and immunities include immunity from legal process in respect of all words spoken or written and all acts performed by him in the exercise of his functions as Force Commander of UNAMIR.

At the same time, the privileges and immunities which Major Beardsley enjoys as a former expert on mission for the United Nations are granted to him in the interests of the United Nations. The Secretary-General has the right and the duty to waive those immunities in any case where, in his opinion, they can be waived without prejudice to those interests.

Mr. Bongani C. Majola
Deputy Prosecutor
International Tribunal
for Rwanda
Arusha

That being so, I am pleased to advise you that the Secretary-General hereby waives the immunity from legal process which is enjoyed by Major Brent Beardsley to the extent that is necessary to permit him to appear as a witness for the prosecution in the case of *The Prosecutor v. Théoneste Bagosora, Anatole Nsengiyumva, Aloys Ntabakuze and Gratien Kabiligi* (Case N°. ICTR-98-41-T) and, for that purpose, to testify freely as to the existence or otherwise of any of the elements of any of the crimes set out in Articles 2 to 4 of the Statute of the International Tribunal for Rwanda or other matters which, in the opinion of the Tribunal, are relevant to the individual criminal responsibility of the accused or of any circumstance of an exculpatory or mitigatory nature, as well as to be asked and to answer questions which seek to establish the existence or inexistence of any such element or circumstance.

I should emphasize that the waiver hereby granted is limited to the appearance of Major Beardsley as a witness for the purposes which are set out above and that it does not relate to the release of confidential documents of the United Nations, which is subject to separate authorization by the Secretary-General.

Yours sincerely,



Ralph Zacklin
Assistant Secretary-General for Legal Affairs

cc: Judge Møse, Presiding Judge, Trial Chamber
Major Beardsley