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REFERENCE:

CASE NO. ICJR-98-41-T
EXHIBIT NO. DB 319
DATE ADMITTED: 13-3-2006
TENDERED BY: DEFENCE
NAME OF WITNESS: P. MAGGEN

1 March 2006

Dear Ms. Turner,

ICTR: The Prosecutor v. Théoneste Bagasora (Case No ICTR -98-41-T)

I wish to refer to your letter of 27 February 2006 in which you requested that the Secretary-General waive the immunity from legal process that is enjoyed by Major Petrus Maggen and Major Robert Van Putten so that they can appear as witnesses for the defence in the trial of *The Prosecutor v. Théoneste Bagasora*.

During the period to which your request relates and about which you wish to interview them, Major Petrus Maggen and Major Robert Van Putten were military members of the military component of the United Nations Assistance Mission in Rwanda (UNAMIR). As military members of the military component of UNAMIR which was a United Nations peacekeeping operation, they owe an obligation of confidentiality to the United Nations in respect of matters of which they learned in the course of the fulfilment of the performance of their official functions. They also enjoyed as members of a United Nations operation, and continue to enjoy, immunity from legal process in respect of all words spoken or written and all acts performed by them in the course of the performance of their official functions.

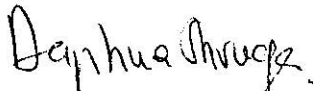
At the same time the immunity from legal process that Major Petrus Maggen and Major Robert Van Putten enjoy as former military members of the military component of UNAMIR are granted to them in the interests of the United Nations. The Secretary-General has the right and duty to waive those immunities in any case where, in his opinion, they can be waived without prejudice to those interests.

Ms. Allison Turner
Montreal

That being so, I am pleased to advise you that the Secretary-General hereby waives the immunity from legal process that is enjoyed by Major Petrus Maggen and Major Robert Van Putten to the extent that it is necessary to permit them to appear as witnesses for the defence in the case of *The Prosecutor v. Théonesta Bagasora* 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 the Statute of the International Criminal 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 which is hereby granted is limited to the appearance of Major Petrus Maggen and Major Robert Van Putten as witnesses for the purposes set out above and that it does not relate to the release of confidential documents of the United Nations, which is subject to a separate authorization by the Secretary-General.

Yours sincerely,



Daphna Shraga
Principal Legal Officer
In Charge of the Office of the Legal Counsel

cc: Mr. Jean-Marie Guéhenno