

RELEASE IN PART B6
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**From:** PVerveer [redacted]  
**Sent:** Saturday, September 19, 2009 10:15 PM  
**To:** H  
**Subject:** Fwd: list of 5 update  
**Attachments:** 1541-TransmissionEtatdebesoin.pdf

B6

Thought you'd be interested in this -- [redacted]

[redacted] on the status of the "notorious 5" you raised with Kabila.

I will get to Johnnie Carson too. I think we will have to follow up through best channel.

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**From:** howlandt [redacted]  
**To:** pverveer [redacted]  
**Sent:** 9/18/2009 12:36:34 P.M. Eastern Daylight Time  
**Subj:** list of 5 update

Hello Melanne,

Well the list of 5 continues to be a Quizomba dance (a bit forward, a bit backward).

On the positive.

The two, Mosala and Pitchen, that had been commanders in Kimia II, have finally been changed. They are supposedly in route to Kinshasa.

That means none of the 5 are now in active operational command position.

This is positive.

All 5 are supposedly in Kinshasa, but not yet confirmed. 2 are in the central prison in Kinshasa.

On the negative.

None of the 5 have been charged. 2 are arbitrarily detained.

More negative.

We received attached request this week for support to investigate the cases of the 5 officers. While only about \$70,000, the request is strange and worrying. In 4 of the cases an open file in North or South Kivu military prosecutors office exists. Only in the case of [redacted] should the Military Prosecutor General need to be involved, given the rank of the suspect.

In all 5 cases the local military prosecutor had opened a legal investigation and had interviewed all the victims. The cases were stopped by political or financial intervention. Now the request indicates the Military Prosecutor General needs to fly all over the country to investigate. Not only is the request 18 months late in coming, it makes no sense. In 4 of 5 cases, the military prosecutor in the Province has jurisdiction. They just need to continue their work. With the suspects all in Kinshasa, it makes their work more difficult.

Is someone trying to make some money? Were they given the impression that the international community is so interested in this case, but the government is not? Or is there so little trust in the local prosecutors that central government wants more control? Or do governmental officials know so little about how criminal cases function that they are inadvertently delaying procedures.

Conclusion. Lobby has been effective to remove from position of active command. Political intervention has not

had desired impact in terms of judicial action.

To be continued.

Have a good weekend.

Todd