



MINUTES OF PROCEEDINGS PROCES-VERBAL D'AUDIENCE

Rule 35 of the Rules of Procedure and Evidence / Art. 44 of the Directive for the Registry on Court Management
Art. 35 Règlement de Procédure et de Preuve / Art. 44 Directive au Greffe sur l'Administration des Chambres

Case Name: **NSENGIMANA**
Case No: ICTR-01-69-I
Trial Chamber: Two

Before / Devant: **Judge William H. Sekule (Presiding)**, Arlette Ramaroson, Solomy B. Bossa.
Specificities / Spécificités: Single Accused.
Prosecution / Poursuite: W. Kapaya, C. Kagwi-Ndungu (absent), S. Ntukamazina, I. Ismail, K. Douglas, I. Morley (absent), G. Butler (absent), J. Mukangira (absent).
Accused / Accusés: H. Nsengimana.
Defence / La Défense: E. Altit, A. Lardy (Asst), M. Remi (Asst.)
Registry / Greffe: J. M. Kiyeyeu, E. Mwanja.
Date: Friday, 27 April 2007

Further Appearance

1. Remarks / Remarques

- a. The Chamber opened the session at 10:15 a.m. Prosecution Counsel (Mr. Kapaya) made an oral motion to amend a word in paragraph 19 where he prayed that the word “and” appearing immediately before the name Hormisdas Nsengimana be replaced by the word “had” so as to read “ had aided and abetted the.....”. See the Ruling of the Chamber at paragraph **2a**.
- b. Defence Counsel (Mr. Altit) making reference to Rule 3(E) of the Rules of Procedure and Evidence, informed the Chamber that both the accused and the Defence Counsel are francophone and had requested that all documents be in French. See the observation and the direction of the Chamber at paragraph **2b**.
- c. Thereafter, the Amended Indictment was read to the Accused as directed by the Chamber. The Accused Hormisdas Nsengimana entered a plea of not guilty in respect of all the three (3) counts, namely: Count 1: Genocide, pursuant to Articles 2(a), 6(1), and 6(3), of the Statute; Count 2: Murder as a crime against humanity, pursuant to Articles 3(a), 6(1), and 6(3), of the Statute, and Count 3: Extermination as a crime against humanity, pursuant to Articles 3(b), 6(1), and 6(3), of the Statute. See the Ruling of the Chamber at paragraph **2c**.
- d. Prosecution Counsel (Mr. Kapaya) informed the Chamber that they made disclosure to the Defence on the understanding that the case will commence on 4.6.2007. Mr. Kapaya asked if indeed the trial will start on that date. Defence Counsel (Mr. Altit) informed the Chamber that they would not be ready for trial on 4.6.2007 since they are not prepared. Mr. Altit informed the Chamber that the Registry did not approve their work plan for lack of funds and therefore they could not conduct the necessary investigations and meet with the witnesses. Mr. Altit requested that they be given equality of arms with the Prosecutor. Mr. Altit proposed the holding of a status conference shortly before fixing the hearing date.
- e. Defence Counsel (Mr. Altit) raised the issue concerning the working language of the defence counsel and the accused. Mr. Altit stated that they receive documents in English which is not their working language. He said that they did not know when the time started running against them. Mr. Altit indicated that they received the English version of the Decision on 29.3.2007 and they filled a provisional motion for certification awaiting the French version of the decision. Mr. Altit stated that it is good to hasten for the trial but that it should not be made to the detriment of the accused. See the Ruling of the Chamber at paragraph **2d**.
- f. The Chamber thanked all the Parties and ended the proceedings at 12:06 p.m. See the direction of the Chamber at paragraph **2e**.

2. Decisions & Orders rendered orally / *Décisions & Ordonnances rendues oralement*

- a. The Chamber granted the oral motion made by Mr. Kapaya and directed the substitution of the word “and” by the word “had” to be effected.
- b. The Chamber informed Mr. Altit that if the matter he wants to raise is not related to the further appearance, he should reserve it and raise it at an appropriate time after the further appearance of the accused.

- c. The Chamber entered a plea of "Not Guilty" in respect of all the three counts.
- d. The Chamber stated that the reasons for the Decision are given in the Decision itself and the Chamber cannot comment on that. The Chamber stated that the issue concerning the language is important but that any difficulty should be brought to the attention of the Chamber in a timely manner. The Parties were urged to follow the procedure. The Chamber stated that we are now at the stage of preliminary motions and that the Parties could deal with any matter at this stage. Regarding the issue of the equality of arms the Chamber was of the view that at this stage, everything should be done to facilitate the proceedings. The Chamber stated that there would certainly be time for a status conference soon.
- e. The Chamber ordered the continued detention of the accused and stated that the Parties would be informed as soon as possible as to how the case would proceed.

3. Witnesses heard / Témoins entendus

None.

4. Exhibits tendered / Pièces à conviction présentées

None.

Opening Ouverture	Adjournment Suspension
10:15 a. m.	12:06 p. m.
xx	xx
xx	xx
xx	xx
xx	xx
Total time in Court <i>Durée des débats</i>	1hrs51 min

Signature

Signed

For Judge W. H. Sekule
Presiding Judge

Alice Leroy,
Coordinator, Chambers

Date: 27 April 2007

Signature

Signed

John M. Kiyeyeu

Courtroom Officer TCII

Date: 27 April 2007