



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-T

Trial Chamber: One

Courtroom: IV

Before / Devant: Judge Erik Møse, presiding, Judge Sergei Alekseevich Egorov, Judge Florence Rita Arrey (absent)

Specificities / Spécificités: Single.

Prosecution / Poursuite: Wallace Ndugulile Kapaya, Sylver Ntukamazina, Charity Kagwi, Brian Christopher Wallace, Iskandar Ismail.

Accused / Accusés: Hormisdas Nsengimana.

Defence / La Défense: Emmanuel Altit, David John Hooper.

Registry / Greffe: Marianne Ben Salimo, Edward Edwin Matemanga

Date: Thursday 24 January 2008.

TRIAL DAY 15

1. Remarks/Remarques:

- a. The Chamber sat pursuant to Rule 15*bis* of the Rules of Procedure and Evidence in the absence of Judge Arrey for health reasons.
- b. The Defence tendered some outstanding documents used during the testimony of the Prosecution Witness BVV (PW13). The Chamber admitted them as Defence exhibits D.23 to D.25.
- c. Prosecution Witness BVI (PW14) entered the courtroom and made the solemn declaration.
- d. The Prosecution (Mr. Wallace) conducted the examination-in-chief of Prosecution Witness BVI from 8:59 to 9:05 a.m. in closed session and until 11:54 a.m. in open session with an adjournment from 11:02 to 11:36 a.m.
- e. While Prosecution Witness BVI was excused from the courtroom, the Prosecution (Mr. Wallace) raised two issues: one concerning the presence of the Defence's investigator in the courtroom during the trial sessions and another concerning the presence of the same Defence's investigator in the public gallery. After hearing the arguments of the parties, the Chamber noted that the first question was put under consideration until the full Bench sits. For the second issue, the Chamber noted that there was nothing preventing the Defence investigator from sitting in the public gallery while Prosecution witnesses were testifying. The Chamber also directed the Registry to investigate and to submit a report to the Chamber concerning the alleged contacts of some Prosecution witnesses by members from the Defence Team. The Presiding Judge added that, in the meantime the Defence investigator was allowed to have access to the public gallery.
- f. The Defence (Mr. Hooper) conducted the cross-examination of the witness from 11:54 a.m. to 12:47 p.m. in open session and continued until 1:02 p.m. in closed session. After the break, the Defence completed the cross-examination of the witness until 4:47 p.m. in open session. The Prosecution (Mr. Wallace) re-examined Witness BVI until 4:56 p.m. in open session. The Bench questioned the witness and then his testimony was concluded.
- g. The Prosecution (Mr. Wallace) raised an objection on the admissibility of the document "fiche suiveuse des élèves" as Defence exhibits because of the absence of a correlation between those documents and the witness statement. The Chamber overruled the Prosecution objection.
- h. The Prosecution (Mr. Wallace) presented further arguments concerning the presence of the Defence investigator in the public gallery and it was noted.
- i. Asked by the Presiding Judge to estimate the length of time to be taken for the examination-in-chief of the next Prosecution Witness, Witness BSV, the Prosecution (Mr. Ntukamazina) informed the Chamber that he would need about one hour and half or two to conduct the examination-in-chief of the witness.
- j. The proceedings were adjourned to Friday 25 January 2008 at 8:45 a.m. in courtroom IV.

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

- a. The Chamber directed the Registry to investigate on the facts that the Defence investigator tried to contact Prosecution witness and intimidated them and to submit a report. In the meantime, the Defence investigator should be allowed to have access to the public gallery.
- b. Portions of the transcripts to be put under seal and to be erased from the video system.

3. Witnesses heard / Témoins entendus:

- Prosecution Witness BVI (PW14)

4. Exhibits tendered / Pièces à conviction présentées:

- D.23A: Written statement of Prosecution Witness BVV (PW13) dated 8 March 2007. English version. Under seal.
- D.23B: Written statement of Prosecution Witness BVV (PW13) dated 8 March 2007. French version. Under seal.
- D.24: Photography (PW BVV)
- D.25: One page from a document from African Rights. K0272257. Under seal.
- P.18: Personal information sheets of Prosecution Witness BVI (PW14) under seal.
- D.26A: Written statement of Prosecution Witness BVI. (PW14) dated 28 June 2006. English version. Under seal
- D.26B: Written statement of Prosecution Witness BVI (PW 14) dated 28 June 2006. French version. Under seal.
- D.27: Sketch by Prosecution Witness BVI (PW 14)
- D.28A: Fiche suiveuse de l'élève Théophile
- D.28B: Fiche suiveuse de l'élève Félicien
- D.28C: Fiche suiveuse de l'élève Placide
- D.28D: Fiche suiveuse de l'élève Damascien
- D.28E: Fiche suiveuse de l'élève Pacifique.

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
8:54 a.m.	11:02 a.m.	
11:36 a.m.	1:03 p.m.	
2:50 p.m.	5:10 p.m.	
Total time in Court <i>Durée des débats</i>		5hrs 55 mns

Signature

Signature

SIGNED

SIGNED

For Judge Erik Møse

Marianne Ben Salimo
Courtroom Officer

Presiding Judge

Karine Ardault
Associate Legal Officer

Date: 24 January 2008

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