



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, Charity Kagwi Ndungu, Sylver Ntukamazina, Brian Christopher Wallace, Béatrice Chapaux, Iskandar Ismail

Accused / Accusés: Hormisdas Nsengimana.

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

Registry / Greffe: Marianne Ben Salimo, Edward Edwin Matemanga

Date: Monday 9 June 2008.

TRIAL DAY 24

1. Remarks/*Remarques*:

- a. The Chamber noted that the beginning of the proceedings had been delayed due to a technical problem.
- b. The Chamber sat pursuant to Rule 15 *bis* of the Rules of Procedure and Evidence in the absence of Judge Arrey.
- c. Defence Witness JMF2 (DW4) entered the courtroom and made the solemn declaration.
- d. The Defence (Mr. Hooper) examined Defence Witness JMF2 from 9:02 to 9:09 a.m. in closed session and until 9:38 a.m. in open session.
- e. The Prosecution (Ms. Ndungu) conducted the cross-examination of Defence Witness JMF2 from 9:40 to 9:49 a.m. The Defence did not re-examine the witness and his testimony was then concluded. His request to meet with the Accused was referred to the Registry (WVSS) for arrangement.
- f. Before Defence Witness EMRF1 entered the courtroom, the Prosecution (Mr. Ntukamazina) made an oral application and contested the appearance of the witness as the written statement of the witness seemed to indicate that he would not testify on issues relating to the allegations against the Accused. The Defence (Mr. Altit) opposed the Prosecution's application. See the Chamber's ruling at paragraph 2.b. below.
- g. Defence Witness EMRF1 (DW5) entered the courtroom and made the solemn declaration.
- h. The Defence (Mr. Altit) requested the Chamber to hear the first part of the testimony of Defence Witness EMRF1 in closed session. The Prosecution (Mr. Ntukamazina) objected. See the Chamber's ruling at Paragraph 2.c. below.
- i. The Defence (Mr. Altit) examined Defence Witness EMRF1 (DW5) from 10:20 to 10:38 a.m. in closed session and until 11:57 a.m. in open session with an adjournment from 11:03 to 11:36 a.m. The Prosecution (Mr. Ntukamazina) cross-examined the witness from 11:57 a.m. to 12:07 p.m. in open session. The Defence declined to re-examine the witness so his testimony was concluded. The Chamber referred the witness to the Registry (WVSS) if he wished to meet with the Accused.
- j. Then the parties discussed the status of the Defence witnesses for the coming days. The Defence (Mr. Altit) informed the Chamber that the next Defence witness would be, Witness EMI2, who was expected to arrive in Arusha that night. Two others witnesses were expected for the week. The Defence indicated that he would meet with Witness EMI2 the following morning and requested that the proceedings resume at 11:00 a.m. only the following morning. See ruling at paragraph 2.d. below. The Presiding Judge also noted that he was hoping there would be more witnesses on standby in the future.
- k. The Defence (Mr. Altit) indicated it was cooperating with the Prosecution for the preparation of the video-link testimonies scheduled for the next week. The Defence also indicated that, for various reasons, it was prepared to drop witnesses from its witness list.
- l. In the absence of further Defence witnesses, the proceedings were adjourned to Tuesday 10 June 2008 at 11:00 a.m.

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

- a. Confidential material to be extracted from the transcripts, placed under seal and erased from the video system.
- b. The Chamber dismissed the Prosecution's oral application.
- c. The Chamber granted the Defence request to hear the first part of the testimony of Defence Witness EMRF1 (DW5) in closed session.
- d. The Chamber granted the Defence request that tomorrow the proceedings be resumed at 11:00 a.m.

3. Witnesses heard / *Témoins entendus:*

- Defence Witness JMF2 (DW4).
- Defence Witness EMRF1 (DW5).

4. Exhibits tendered / *Pièces à conviction présentées:*

- D.43: Personal information sheet of Defence Witness JMF2 (under seal).
- D.44: Personal information sheet of Defence Witness EMRF1 (under seal).

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
9:02 a.m.	11:03 a.m.	
11:36 a.m.	12:24 p.m.	
xxx	xxx	
Total time in Court <i>Durée des débats</i>		2hrs 49mns

Signature

SIGNED

For Judge Erik Møse

Presiding Judge

Karine Ardault
Associate Legal Officer

Date: 9 June 2008

Signature

SIGNED

Marianne Ben Salimo
Courtroom Officer

Date: 9 June 2008