



# 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.

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 (absent).

Registry / Greffe: Marianne Ben Salimo, Edward Edwin Matemanga

Date: Monday 30 June 2008.

## TRIAL DAY 33

### 1. **Remarks/Remarques:**

- a. The Prosecution (Mr. Ntukamazina) completed the cross-examination of Defence Witness DFR85 (DW13) from 8:55 to 9:55 a.m. in closed session.
- b. The Defence (Mr. Altit) briefly re-examined the witness from 9:57 to 9:58 a.m. in closed session. After a few questions by the Bench, the testimony of the witness was concluded. Her request to meet with the Accused was referred to the Registry (WVSS) for an arrangement.
- c. The Defence (Mr. Altit) informed the Chamber that the next Defence Witnesses would be Witnesses GFR99, RFR58, EMCB2 and JMC88. The Prosecution (Mr. Kapaya) informed the Chamber that his team did not receive the sequencing of Defence witnesses for this week. It was proposed that if the Prosecution could not proceed to the cross-examination of witnesses right after their examination-in-chief, time or postponement could be considered.
- d. Defence Witness GFR99 (DW14) entered the courtroom and before she made the solemn declaration, the Defence (Mr. Altit) informed the Chamber that the witness wished to waive all the protection measures and to testify under her own name, Marie Goretti Uwingabire. The witness confirmed it and the Chamber granted the Defence application. (See the Chamber's decision at paragraph 2 (a) below) The witness added that she also preferred to reside outside of the Safe house in Arusha. The Presiding Judge invited Defence Witness Uwingabire to address such issues to the Registry (WVSS).
- e. The Prosecution (Mr. Kapaya) informed the Chamber that it seemed that the previous Defence Witness, Witness DFR85 (DW13), and the next Defence Witness, Witness RFR58, were waiting together in the same room. The Presiding Judge invited the Registry (WVSS) to take action so that these two witnesses were waiting in two separate rooms.
- f. The Defence (Mr. Altit) examined Defence Witness Marie Goretti Uwingabire (DW14) from 10:41 a.m. to 3:24 p.m. in open session with adjournments from 10:59 to 11:32 a.m. and from 1:01 to 3:08 p.m. During the examination-in-chief of the Defence witness, the Prosecution raised an objection concerning a document that the Defence (Mr. Altit) intended to use. The Chamber put its ruling on the matter under consideration.
- g. The Prosecution (Mr. Wallace) then reiterated his request that the cross-examination of Defence Witness Uwingabire be postponed until the next day due to the late disclosure of the sequencing of the Defence witnesses. The Chamber granted the request. (See the Chamber's decision at Paragraph 2 (b) below). The Presiding Judge invited the Defence witness not to discuss her testimony with anyone in the meantime.
- h. The parties then discussed the status of the Defence witnesses for the week. The Defence (Mr. Altit) informed the Chamber that Witnesses EMCB2 and JMC88 wished to waive the protection measures and to stay in hotel instead of staying in a safe house. The Chamber reserved its ruling on the matter.
- e. The proceedings were adjourned until Tuesday 1 July 2008 at 8:45 a.m for the continuation of the trial when the Prosecution (Mr. Wallace) would commence the cross-examination of Defence Witness Marie Goretti Uwingabire.

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

- a. The Chamber granted the Defence application to waive the protective measures of Defence Witness GFR99 (DW14) and to let her testify openly under her own name, Marie Goretti Uwingabire.
- b. The Prosecution's cross-examination of Defence Witness Marie Goretti Uwingabire was postponed to the next trial day, Tuesday 1 July 2008, in order to give more time to the Prosecution to prepare the cross-examination of the witness.

**3. Witnesses heard / *Témoins entendus*:**

- Defence Witness DFR 85 (DW13).
- Defence Witness Marie Goretti Uwingabire (DW14).

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

- P.30: Written statement of Defence Witness DFR 85 (under seal).
- D.56: Personal information sheet of Defence Witness Marie Goretti Uwingabire.

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
8:53 a.m.	10:59 a.m.	
11:32 a.m.	1:01 p.m.	
3:08 p.m.	3:30 p.m.	
Total time in Court <i>Durée des débats</i>		3hrs 57mns

Signature

**SIGNED**

For Judge Erik Møse

Presiding Judge

Karine Ardault  
Associate Legal Officer

**Date: 30 June 2008**

Signature

**SIGNED**

Marianne Ben Salimo  
Courtroom Officer

**Date: 30 June 2008**