



# 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: Tuesday 1 July 2008.

## TRIAL DAY 34

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

- a. Prior to the commencement of the proceedings, the Presiding Judge invited the Defence to present its oral application concerning the use of one document during the examination-in-chief of the Defence Witness Uwingabire (DW14). The Defence (Mr. Altit) argued his application. The Prosecution (Mr. Wallace) objected to the Defence application. After hearing the arguments by the parties the Chamber put the matter under consideration.
- b. The Defence (Mr. Altit) then informed the Chamber that the next Defence witness, Witness RFR58, wished to give her testimony and leave Arusha that day as she had to attend other commitments the following day. Mr. Altit estimated that the examination-in-chief of this witness would take only one hour and half. He suggested that the Chamber first hear the testimony of Defence Witness RFR58 and then go back to the cross-examination of the Defence Witness Uwingabire. The Prosecution (Mr. Wallace) did not object and the Chamber took note. Defence Witness Marie Goretti Uwingabire was then brought in court and the Presiding Judge informed the witness that her testimony would continue the following day for the Prosecution's cross-examination as that day the Chamber would hear another witness who wished to return home immediately. (See the Chamber's decision at Paragraph 2(a) below).
- c. Defence Witness RFR58 (DW15) entered the courtroom and before making the solemn declaration, she informed the Chamber that she wished to waive the protection measures and to testify openly under her own name, Marie Cécile Uwayezu. (See the Chamber's decision at Paragraph 2(b) below).
- d. The Defence (Mr. Altit) examined Defence Witness Marie Cécile Uwayezu (DW15) from 10:22 a.m. to 1:01 p.m. in open session with an adjournment from 11:03 to 11:37 a.m.
- e. Before the Chamber took its morning break, the Defence (Mr. Altit) informed the Chamber that Witnesses EMCB2 and JMCB8 would refuse to cooperate in case the protective measures ordered in their favour be lifted. The Presiding Judge informed the parties that such issues would be resolved by the Registry (WVSS) and indicated that it was now on the record.
- f. Before lunch break, the Defence (Mr. Altit) informed the Chamber that Defence Witness Marie Cécile Uwayezu had to leave the courtroom and go directly to the airport if she wanted to catch the flight to Rwanda. The Representative of the Registry (WVSS), Mr. Kalumo, confirmed this information.. It was also indicated that Defence Witness Uwayezu would be brought back to Arusha to complete her testimony on Thursday 3 July 2008. (See the Chamber's ruling at Paragraph 2(c) below). The Chamber also invited the witness to prepare a sketch of the place where she had seen her father, Judge Jean and the Accused.
- g. The Defence (Mr. Altit) informed the Chamber that Defence Witness JMCB8 was ready to be called to testify in the afternoon. It was noted.
- h. Defence Witness JMCB8 (DW16) entered the courtroom and made the solemn declaration.
- i. Before testifying, Defence Witness JMCB8 confirmed that he wished to waive the protective measures granted to him and to testify under his own name, Jean Marie Vianney Mushi. (See the Chamber's decision at Paragraph 2 (b) below). It was noted.
- j. The Defence (Mr. Altit) examined Defence Witness Jean Marie Vianney Mushi (DW16) from 3:50 to 4:40 p.m. in open session followed by the cross-examination of the witness by the Prosecution (Mr. Wallace) until 5:01 p.m.

- k. The Presiding Judge informed the parties that the next day the Chamber would first continue to hear the testimony of Witness Jean Marie Vianney Mushi (DW16) and then the Prosecution's cross-examination of Defence Witness Marie Goretti Uwingabire (DW14).
- l. At the end of the proceedings, the Defence (Mr. Altit) informed the Chamber that Witnesses VMF8, GMM8, GMC4, JMMA and JMM1 were expected to arrive in Arusha in the coming days. He added that for the video link testimony of Witness RFCD6, the Defence did not intend to be represented in Ottawa Canada.
- m. The Presiding Judge requested the Registry to provide the parties with the Itinerary of the site visit in order for them to comment on it.
- n. The proceedings were adjourned until Wednesday 2 July 2008 at 8:45 a.m. for the continuation of the trial..

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

- a. The Prosecution's cross-examination of Defence Witness Marie Goretti Uwingabire (DW14) was postponed until the next day.
- b. The Chamber granted the Defence applications to waive the protective measures of Witnesses RFR58 and JMCB8 and to testify openly under their respective own name Marie Cecile Ywayezu (RFR58) and Jean Marie Vianney Mushi (JMCB8)
- c. The testimony of Defence Witness Marie Cécile Ywayezu (DW16) was interrupted and was set up to continue on Thursday 3 July 2008

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

- Defence Witness Marie Goretti Uwingabire (DW14).
- Defence Witness Marie Cecile Uwayezu (DW15).
- Defence Witness Mushi Jean Marie Vianney (DW16).

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

- D.57: Personal information sheet of Defence Witness Marie Cécile Uwayezu (DW15)
- D 58: Personal information sheet of Defence Witness Jean Marie Vianney Mushi (DW16)

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
8:55 a.m.	10:06 a.m.	
10:16 a.m.	11:03 a.m.	
11:37 a.m.	1:20 p.m.	
3:46 p.m.	5:05 p.m.	
Total time in Court <i>Durée des débats</i>		5hrs

Signature

**SIGNED**

For Judge Erik Møse

Presiding Judge

Karine Ardault  
Associate Legal Officer

**Date: 1 July 2008**

Signature

**SIGNED**

Marianne Ben Salimo  
Courtroom Officer

**Date: 1 July 2008**