



# 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 (absent), Charity Kagwi Ndungu, Sylver Ntukamazina, Brian Christopher Wallace, Béatrice Chapaux, Iskandar Ismail (absent)

Accused / Accusés: Hormisdas Nsengimana.

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

Registry / Greffe: Marianne Ben Salimo, Edward Edwin Matemanga

Date: Wednesday 2 July 2008.

## TRIAL DAY 35

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

- a. The commencement of the proceedings was delayed because the Chamber had to deliberate on a pending matter.
- b. The Prosecution (Mr. Wallace) continued and completed the cross-examination of Defence Witness Jean Marie Vianney Mushi (DW 16) from 9:11 to 9:59 a.m. in open session. The Defence (Mr. Altit) declined to re-examine the witness. The Bench asked some questions to the witness and then his testimony was concluded. The Presiding Judge indicated that if the witness wanted to meet with the Accused he had to refer his request to the Registry (WVSS) for arrangement.
- c. After a short break, the proceedings resumed at 10:40 a.m. and the Chamber delivered its ruling on the Defence request to use one document for the examination-in-chief of Defence Witness Marie Goretti Uwingabire (DW 14) (See the Chamber's decision at Paragraph 2(a) below.)
- d. Defence Witness Marie Goretti Uwingabire (DW14) who had commenced her examination-in-chief on Monday 30 June 2008 entered the courtroom for the completion of her testimony.
- e. The Defence (Mr. Altit) informed the Chamber that he did not have any further question for the witness.
- f. The Prosecution (Mr. Wallace) cross-examined Defence Witness Uwingabire from 11:03 to 11:50 a.m. The Defence shortly re-examined the witness and then her testimony was concluded.
- g. The Chamber noted that it had received the sketch made by Defense Witness Marie Cécile Uwayezu (DW 15) and that it would be considered when the witness would return to finish her testimony.
- h. Defence Witness EMCB2 (DW 17) entered the courtroom and made the solemn declaration. He informed the Chamber that he wished to waive the protective measures and to testify under his own name, Emmanuel Hakizimana. The Chamber took note.
- i. The Defence (Mr. Altit) examined Witness Emmanuel Hakizimana from 12:10 to 12:55 p.m. in open session. The Prosecution (Mr. Wallace) conducted the cross-examination of Defence Witness Hakizimana from 3:06 to 3:45 p.m. in open session. The Defence (Mr. Altit) did not re-examine the witness. The Bench questioned Witness Hakizimana and his testimony was then concluded. The Presiding Judge indicated that if the witness wanted to meet the Accused, he should address his request to the Registry (WVSS) for arrangement.
- j. The parties discussed the status of the Defence witnesses for the remainder of the session. The Defence (Mr. Altit) informed the Chamber that Witness VMF8 was expected to arrive in Arusha Thursday 3 July 2008 at night and Witnesses GMC4 and JMM1 during the week-end. He added that the testimony of Witness RFCD6 by video link from Canada would take place on Tuesday 8 July 2008.
- k. The Presiding Judge invited the Defence to disclose to the Prosecution and the Chamber the *curriculum vitae* and all the documents regarding the expert and his report.
- l. The Defence (Mr. Altit) asked the Prosecutor to indicate the situation of the Gacaca court document that the Defence requested regarding Defence Witness AMC1 (DW3). The Prosecution (Mr. Wallace) indicated that his office has still not received this document and as soon as it would be in his possession he would provide it to the Defence.
- m. The Presiding Judge informed the parties that for practical reasons following the last information received from WVSS concerning availability of witnesses, the court would adjourn to Monday 7 July 2008. The Presiding Judge then requested the Defence to advise the Chamber and the parties to any

new information it should receive regarding the availability of further witnesses and to send by email to the Chamber and the Prosecution the list of the remainder Defence witnesses.

- e. In the absence of further Defence witnesses, the proceedings were adjourned until Monday 7 July 2008 at 8:45 a.m.

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

- a. The Chamber rendered its ruling and denied the Defence application to use a Statement during the examination of Witness Uwingabire or alternatively to tender it pursuant Rule 92bis. The Chamber allowed the parties to ask questions to Defence Witness Uwingabire on the circumstances in which the Statement was taken.
- b. The Chamber granted the Defence application to waive the protective measures of Witness EMCB2 (DW17) and to testify openly under his name.

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

- Defence Witness Mushi Jean Marie Vianney (DW 16).
- Defence Witness Marie Goretti Uwingabire (DW 14).
- Defence Witness Emmanuel Hakizimana (DW 17).

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

- D.59: Personal information sheet of the Defence Witness Emmanuel Hakizimana (DW17)

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
9:10 a.m.	10:24 a.m.	
10:40 a.m.	11:50 a.m.	
12:10 p.m.	12:59 p.m.	
3:05 p.m.	4:13 p.m.	
Total time in Court <i>Durée des débats</i>		4hrs 21 mns

Signature

Signature

**SIGNED**

**SIGNED**

For Judge Erik Møse

Marianne Ben Salimo  
Courtroom Officer

Presiding Judge

Karine Ardault  
Associate Legal Officer

**Date: 2 July 2008**

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