



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 (Absent), 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 7 July 2008.

TRIAL DAY 36

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.
- b. Defence Witness Marie Cécile Uwayezu (DW15) who had started to testify on Tuesday 1 July 2008 entered the courtroom to complete her testimony.
- c. The Prosecution (Mr. Wallace) continued and completed the cross-examination of Defence Witness Marie Cécile Uwayezu from 8:47 a.m. to 12:23 p.m. in open session with an adjournment from 10:53 to 11:27 a.m.
- d. The Defence (Mr. Altit) re-examined the witness from 12:23 to 12:28 p.m. The Bench questioned Witness Uwayezu and her testimony was then concluded. The Presiding judge referred the witness to the Registry (WVSS) should she wish to meet with the Accused
- e. The parties discussed the status of the Defence witnesses for the week. The Defence (Mr. Altit) informed the Chamber that Witness VMF8 had arrived in Arusha and was scheduled to testify after the completion of Father Nsengimana's testimony. Mr. Altit requested the Chamber to adjourn the proceedings until the next morning to enable the Defence to prepare his client as he would be the next Defence witness to be called before hearing the testimony of Witness RMFR6 by video-link from Canada at 4:00 p.m. (Arusha time). (See Chamber's ruling at paragraph 2). In order to facilitate the preparation of Hormidas Nsengimana's testimony, the Defence (Mr. Altit) informed the Chamber that it would be easier if his client and the Defence team could remain in courtroom IV for the afternoon. It was noted and the Presiding Judge indicated that the Chamber was supporting this request. The parties estimated that they would both need 45 minutes to examine Witness RFCD6. The Presiding Judge observed, that based of these estimations, the testimony of Witness RFCD6 by video link should be completed Tuesday.
- f. Asked by the Chamber to estimate the duration of the cross-examination of Witness Hormidas Nsengimana and of the Defence expert Witness, Augustin Karera, the Prosecution (Mr. Wallace) indicated that he would need around 3 hours to conduct the cross-examination of Witness Nsengimana depending how he would respond and not more than one hour and half for the cross-examination of the expert witness. The Prosecution (Mr. Wallace) then asked the Defence to disclose the documents that it intended to use during the testimony of Witness Hormidas Nsengimana. The Defence (Mr. Altit) said it would do so.
- g. The Defence (Mr. Altit) informed the Chamber that the sequence of his witnesses would be as follows: Witness Hormidas Nsengimana, followed by the testimony of Witness RFCD6 by video link from Canada; then on Wednesday 9 July 2008, the continuation of the testimony of Witness Hormidas Nsengimana followed by the testimony of Witness VMF8. The Defence added that Witnesses GMC4 and JMM1 were expected to arrive in Arusha during the week.
- h. The proceedings were adjourned to Tuesday 8 July 2008 at 8:45 a.m. in courtroom IV for the continuation of the trial when the Defence would examine Witness Hormidas Nsengimana. From 4:00 p.m. (Arusha time) the Chamber will sit in courtroom Laity Kama to hear the testimony of Witness RFCD6 by video link from Canada.

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

- The Chamber adjourned the proceedings until Tuesday 8 July 2008 at 8:45 a.m. to give time to the Defence for the necessary preparation of his client Hormidas Nsengimana as the next Defence Witness to be called.

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

- Defence Witness: Marie Cécile Uwayezu (DW15)

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

- None.

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
8:47 a.m.	10:53 a.m.	
11:27 a.m.	12:52 p.m.	
xxx	xxx.	
xxx	xxx	
Total time in Court <i>Durée des débats</i>		3hrs 31mns

Signature

SIGNED

For Judge Erik Møse

Presiding Judge

Karine Ardault
Associate Legal Officer

Date: 7 July 2008

Signature

SIGNED

Marianne Ben Salimo
Courtroom Officer

Date: 7 July 2008