



**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 (absent), Brian Christopher Wallace, Béatrice Chapaux, Iskandar Ismail

Accused / Accusés: Hormidas Nsengimana.

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

Registry / Greffe: Marianne Ben Salimo, Edward Edwin Matemanga

Date: Wednesday 9 July 2008.

TRIAL DAY 38

1. Remarks/Remarques:

- a. Before the commencement of the proceedings, the Defence (Mr. Altit) requested the guidance of the Chamber regarding a question relating to the Defence expert Witness. The Chamber advised the Defence accordingly.
- b. The Defence (Mr. Hooper) continued and completed the examination-in-chief of Defence Witness Hormidas Nsengimana (DW18) from 9:08 a.m. to 12:30 p.m. in open session with adjournments from 11:00 to 11:35 a.m. and from 12:14 to 12:24 p.m. in closed session.
- c. At the end of the examination-in-chief of Defence Witness Hormidas Nsengimana, the Presiding Judge informed the parties that the Chamber was waiting for the Prosecutor's response to the Defence motion filed on 7 July 2008 entitled "*Requête de la Défense aux fins d'autoriser un témoin à décharge de déposer par voie de vidéoconférence*". The Presiding Judge recalled that the Prosecution objected to the Defence 92bis motion and asked the Defence what was the status of this motion especially regarding the persons mentioned in it.. The Defence (Mr. Hooper) then tendered some documents to be admitted as exhibits. Finally, the Defence (Mr. Hooper) informed the Chamber that Defence expert Witness Augustin Karera would be available to testify starting the next day.
- d. The Prosecution (Mr. Wallace) commenced the cross-examination of Defence Witness Hormidas Nsengimana from 3:19 to 4:58 p.m. in open session.
- e. The Defence (Mr. Altit) informed the Chamber that two next Defence Witnesses, GMC4 and VMF8 wished to return home immediately after the completion of their testimony and to leave Arusha the next night. He indicated that their examination-in-chief would take around two hours in totality; it was noted.
- f. The proceedings were adjourned until Thursday 10 July 2008 at 8:45 a.m. in Courtroom IV for the continuation of the cross-examination of Defence Witness Hormidas Nsengimana.

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

- None.

3. Witnesses heard / Témoins entendus:

- Defence Witness: Hormidas Nsengimana (DW18)

4. Exhibits tendered / Pièces à conviction présentées:

- D.61: List of the membres of "*Dragons de la mort*".
- D.62: Statutes of the MRND.
- D.63: Four photographs.
- D.64: *Unis dans la Charité. Périodique du Diocèses de Butare.*
- D.65: Extracts from the book "*They are a target*", by Neno Contran, pages 1-6 and 65 -123.
- D.66: *Réunion de sécurité élargie aux bourgmestres*, 23 February 1994.

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>
9:01m.	11:00 a.m.
11:35 a.m.	12:57 p.m.

Signature

Signature

SIGNED

SIGNED

For Judge Erik Møse

3:19 p.m.	5:06 p.m.	
xxx	xxx	
Total time in Court <i>Durée des débats</i>		5hrs 08 mns

Presiding Judge

Karine Ardault
Associate Legal Officer

Date: 9 July 2008

Marianne Ben Salimo
Courtroom Officer

Date: 9 July 2008