



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 (absent) 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: Friday 11 July 2008.

TRIAL DAY 40

1. **Remarks/Remarques:**

- a. Before to the commencement of the proceedings, the Presiding Judge inquired about the status of Expert Witness Augustin Karera who was expected to testify that day. The Defence (Mr. Altit) informed the Chamber that the expert Defence Witnesses was not available in Arusha.
- b. The Prosecution (Mr. Wallace) completed the cross-examination of Defence Witness Hormidas Nsengimana (DW18) from 9:02 to 9:37 a.m. in open session. The Defence (Mr. Altit) re-examined Witness Nsengimana from 9:38 to 09.45 a.m. The Bench put a few questions to the witness and his testimony was then concluded.
- c. Defence Witness JMM1 (DW22) entered the courtroom and made the solemn declaration.
- d. The Defence (Mr. Altit) examined Witness JMM1 (DW22) from 10:05 to 10:10 a.m. in closed session and then until 12:25 p.m. in open session with an adjournment from 11:02 to 11:34 a.m. The Prosecution (Mr. Ntukamazina) cross-examined the witness up to 1:05 p.m. There was no re-examination from the Defence (Mr. Altit). The Bench questioned the witness and his testimony was then concluded. His wish to meet with the Accused was referred to the Registry (WVSS) for arrangement.
- e. The parties then discussed some pending issues: the Defence expert witness whom the Prosecutor said it would need to cross-examine, the site visit to Rwanda; two Defence pending motions regarding Rule 92bis of the Rules of Procedure and Evidence, as well as a motion requesting testimony by video link.
- f. The Prosecution informed the Chamber that it still had not been communicated a judicial document from Gacaca courts required by the Defence to use during the testimony of Defence Witness AMC1 (DW3). The Chamber then admitted one book used during the testimony of Defence Witness IMR-5 (DW10) as Defence exhibit D 70.
- g. The Presiding Judge informed the parties that there were no further Defence witnesses available in Arusha and the Defence would be resting his case subject to the testimony of two witnesses. The Chamber set the dates of Monday 15 and Tuesday 16 September 2008 for the hearing of Defence Expert Witness Karera and of Defence Witness XFR38 by video-link subject to the Chamber's decision on the matter. Following discussions between the parties, the deadline for filing closing briefs was set to Friday 24 October 2008 and the hearing of the closing arguments was scheduled for Thursday 20 and Friday 21 November 2008. The Presiding Judge thanked the parties, the Registry and reiterated his appreciation of the efforts of all to facilitate the trial process
- h. The proceedings were adjourned to Monday 15 September 2008 at 8:45 a.m.

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

- Portions of the transcripts to be put under seal and erased from the video system.

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

- Defence Witness Hormidas Nsengimana (DW18)
- Defence Witness JMM1 (DW22)

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

- D 69: Personal information sheet of Defence Witness JMM1 (under seal)
- D 70: *La souffrance de l'Eglise à travers son personnel: massacres, emprisonnement et expulsions d'ouvriers apostoliques* (1990-2002), Joseph Ngomanzungu

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
9:01 a.m.	11:02 a.m.	
11:34 a.m.	2:15 p.m.	
xxx	xxx	
xxx	xxx	
Total time in Court <i>Durée des débats</i>		4hrs 42 mns

Signature

Signature

SIGNED

SIGNED

For Judge Erik Møse

Marianne Ben Salimo
Courtroom Officer

Presiding Judge

Karine Ardault
Associate Legal Officer

Date: 11 July 2008

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