



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: two

Before / Devant: Judge Erik Møse, presiding; Judge Sergei Alekseevich Egorov and Judge Florence Rita Arrey.

Specificities / Spécificités: Single

Prosecution / Poursuite: Wallace Kapaya; Brian Christopher Wallace; Ismail Iskandar,

Accused / Accusés: Hormisdas Nsengimana

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

Registry / Greffe: Marianne Ben Salimo, Edward Edwin Matemanga.

Date: Thursday 12 February 2009

TRIAL DAY 43

1. **Remarks/Remarques:**

- a. The Presiding Judge informed the parties that the Defence filed an addendum to the Defence closing brief and that the Prosecution had raised an objection. The Chamber granted the Defence request. (See paragraph 2 below).
- b. The Presiding Judge asked the parties to estimate the duration of their arguments, the Prosecution (Mr. Kapaya) indicated that he would need about two hours and the Defence (Mr. Altit) around two hours and half but not more than three hours. Then Defence (Mr. Altit) requested the Chamber to postpone until tomorrow morning the commencement of the hearings of the oral closing arguments of the parties. The Prosecution (Mr. Kapaya) subscribed to the Defence request. The Chamber dismissed the Defence request and invited the Prosecution to start his oral closing arguments, and outlined the agenda: hearing of the arguments by the parties and the next session day, hearings of the arguments in rebuttal from the Prosecution with rejoinder arguments from the Defence, followed by questions from the Bench.
- c. The Prosecution (Messrs. Wallace and Kapaya) presented its arguments from 8:58 to 10:22 a.m.
- d. The Defence (Mr. Hooper) commenced the presentation of the Defence arguments from 11:03 to 11:52 a.m. and (Mr. Altit) continued and completed at 4:22 p.m., with an adjournment from 12:55 to 2:59 p.m.
- e. The Presiding Judge then informed the parties that tomorrow morning the Chamber will hear the second parts of the closing arguments and, without prejudice to any other matter that the parties or the Bench may wish to address, invited the Prosecution to develop its arguments in rebuttal in half an hour and the Defence to respond to its arguments in rejoinder in half an hour. The Bench also raised some issues and posed some questions in advance.
- f. The Defence (Mr. Hooper) informed the Chamber that he intended to produce additional evidence with regard to the testimony of Prosecution Witness CAR (PW7). The Prosecution (Mr. Kapaya) stated that the Defence should file motion to this effect and the Prosecution would file its written response.
- g. The proceedings were adjourned until 13 February 2009 at 8:45 a.m.

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

- The Chamber granted the Defence motion to consider material that it accidentally omitted from its closing brief filed on 05 December 2008.
- The Chamber dismissed the Defence request to postpone until tomorrow the commencement of the hearings of the oral closing arguments.
- Portions of the transcripts to be put under seal and erased from the video system.

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

- None

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

- None

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
8 48a.m.	10:22 a.m.	
11:01 a.m.	12:59 p.m.	
2:59 p.m.	4:20 p.m.	
Total time in Court <i>Durée des débats</i>		4hrs 53mns

Signature

Signature

SIGNED

SIGNED

For Judge Erik Møse

Marianne Ben Salimo
Courtroom Officer

Presiding Judge

Jesse Leff
Associate Legal Officer

Date: 12 February 2009

Date: 12 February 2009