



**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: **BAGOSORA ET AL.**

Case No: ICTR-98-41-T

Trial Chamber: One

Before / Devant: Judge Erik Møse, Presiding Judge, Judge Jai Ram Reddy, Judge Sergei Alekseevich Egorov

Specificities / Spécificités: Joinder

Prosecution / Poursuite: Barbara Mulvaney, Stephen Rapp, Drew White, Christine Graham, Fatou Bensouda.

Accused / Accusés: Théoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze, Anatole Nsengiyumva.

Defence / La Défense: Raphael Constant, Jean Yaovi Degli, André Tremblay, Kennedy Ogetto, Gershom Otachi Bw'omanwa.

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

Date: Monday 31 May 2004

TRIAL DAY 150

1. Remarks/ Remarques

- a. The Prosecution Witness LAI entered into Court and made his solemn declaration.
- b. The Prosecution (Mr. White) examined Witness LAI (PW 62) from 8:55 to 9:20 a.m. in closed session and in open session up to 12:30 p.m. with an adjournment from 11:00 to 11:25 a.m.
- c. The Prosecution (Mr. White) informed the Chamber that the testimony of Witness Aby video link from The Hague will start tomorrow as scheduled. He stated that between 8:45 to 10:00 a.m. Arusha time, the Chamber could hear the testimony of Witness Commander Nkole Maxwell and that after 10.00 a.m. Witness A would start his testimony from The Hague. He informed also the Chamber of the presence of Witness Commander Nkole in the public gallery and he requested the Chamber to indicate if Witness Nkole could follow LAI's testimony. Counsel for Bagosora (Mr. Constant) on behalf of all Defence teams informed the Chamber that he objected to Commander Nkole Maxwell's presence in the public gallery. The Chamber agreed that Witness Commander Nkole should not be present in the public gallery prior to his own testimony.
- d. Counsel for Ntabakuze (Mr. Tremblay) asked the Prosecution to disclose any documents than those that were previously received concerning Witness As anticipated testimony on 1 June 2004. The Prosecution (Ms Mulvaney) informed the Chamber that she was not aware about anything else concerning Witness A but that she would get in touch with the Prosecution (Mr. Rapp) on the matter. Counsel for Bagosora (Mr. Constant) informed the Chamber that he wanted to raise something concerning the testimony of Witness A and requested the Chamber to reserve five minutes for him before the lunch break. He informed also the Chamber that he intended to cross-examine Witness LAI.
- e. Counsel for Kabiligi (Mr. Degli), Counsel for Bagosora (Mr. Constant), and Counsel for Ntabakuze (Mr. Tremblay) objected to the Prosecution's examination of Witness LAI concerning events occurring in May and June 2004 because inadequate notice had been provided in the witness statements. The Chamber agreed that inadequate notice had been given and precluded the testimony.
- f. Counsel for Kabiligi (Mr. Degli) cross-examined Witness LAI from 12:30 to 12:50 p.m. and from 3:05 to 5:00 p.m. in open session and in closed session from 12:50 to 12:55 p.m.
- g. During the closed session, Counsel for Bagosora (Mr. Constant) raised five issues concerning the disclosure by the Prosecution of the additional statement of Witness A dated 4 May 2004 and the late disclosure of the additional statement of Witness BY on 14 May 2004. He requested the Chamber to disregard the additional statement of Witness A and to postpone the hearing of the testimony of Witness BY. Then he requested the Chamber to give an order for translation into French the expert report of Nyanjwa. Afterwards, Mr. Constant asked the Prosecution to disclose the lists of the documents he intended to use during the testimony of Witness Maxwell Nkole. Finally Mr. Constant raised the issues of the final witnesses Prosecutor's list following the Chamber's decision on 21 May 2004.
- h. At 2:40 p.m. the Chamber reconvened and the Prosecution in Karemera case (Mr. Rapp) was present in Court and gave some information concerning the additional statements of Witnesses A and BY. He informed the Chamber that during the testimony of Witness A, he intended to use 6 documents from

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Media case (P 87, P 89, P 90, 1D68 , RTLM 1 and RTLM 2). He informed also the Chamber that he is ready to conduct the testimony of Witness A by video link from The Hague. The Presiding Judge invited the parties to discuss outside the courtroom concerning the other matters.

- i. The Prosecution (Mr. White) informed the Chamber that he filed another motion for reconsideration of the last list of witnesses. He stated that for the testimony of Witness Nkole, a list of materials to be used was disclosed by e-mail to the Defence. Mr. White informed the Chamber that the expert report was currently being translated into French and would be available before the testimony of the witness. Counsel for Nsengyiumva (Mr. Ogetto) requested the Chamber to order the translation into English of the statements of Witness BY.
- j. The Presiding Judge informed the parties that the Chamber will soon hear the Prosecutor's motion for the admission of certain materials under rule 89(C) filed on 28 April 2004.
- k. The proceedings were adjourned to Tuesday 1 June 2004 at 8:45 a.m.

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

- Confidential information to be extracted from the transcript and video system and to be put under seal.
- The Chamber agreed that Witness Commander Nkole should not be present in the public gallery during the testimony of Witness LAI.
- The Chamber rendered his ruling and informed the parties that the Prosecution was not allowed to examine Witness LAI concerning events that occurred in May and June 2004 on the basis of the will-say statement.

3. Witnesses heard / *Témoins entendus.*

- Prosecution Witness LAI (PW 62)

4. Exhibits tendered / *Pièces à conviction présentées*

- P 221 : Personal details of Witness LAI (PW 62) under seal.

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
8:50 a.m.	11:00 a.m.	
11:25 a.m.	1:10 p.m.	
2:40 p.m.	5:20 p.m.	
Total time in Court <i>Durée des débats</i>		6h 35mns

Signature

Signature

SIGNED

SIGNED

For Judge Erik Møse
Presiding Judge

Marianne Ben Salimo
Courtroom Officer

Matthew Carlson
Associate Legal Officer
Date : 31 May 2004

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