



**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 Sergei Alekseevich Egorov (pursuant to Rule 15*bis* of the Rules of Procedure and Evidence)

Specificities / Spécificités: Joinder

Prosecution / Poursuite: Drew White, Rashid Rashid, Fatou Bensouda.

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

Defence / La Défense: Raphael Constant, Jean Yaovi Degli, Peter Erlinder, André Tremblay, Kennedy Ogetto.

Registry / Greffe: Nouhou Madani Diallo, Marianne Ben Salimo, Sheha Mussa

Date: Tuesday 04 May 2004

**TRIAL DAY 147**

**1. Remarks/ Remarques**

- a. The Chamber sat with two Judges under Rule 15*bis* of the Rules of Procedure and Evidence in the absence of Judge Reddy. The testimony of the next witness would be recorded to enable Judge Reddy to have access to a record of the proceedings.
- b. Prosecution Witness BL (PW 60) entered the court and made her solemn declaration. The Prosecution (Mr. Rashid) examined Witness BL (PW 60) from 8:54 to 10:00 a.m.
- c. Counsel for Ntabakuze (Mr. Tremblay) cross-examined Witness BL (PW 60) from 10:00 to 10:43 a.m.
- d. The Prosecution re-examined Witness BL from 10:43 to 10:45 a.m.
- e. Counsel for Ntabakuze (Mr. Tremblay) asked Witness BL additional questions arising from the Prosecution's questions from 10:46 to 10:49 a.m.
- f. The Bench asked the witness some questions. The testimony of Witness BL was concluded.
- g. The Prosecution (Mr. White) informed the Chamber that the next witness would be Witness XXH. He added that Witness XXH was the last witness for the week. Witness LAI was in Arusha but will not be ready to testify before next week and according to WVSS, no other witness was expected during this week. The Presiding Judge stated that the issue should be addressed during the next Status Conference.
- h. Prosecution Witness XXH (PW 61) entered the court and made his solemn declaration.
- i. Counsel for Kabiligi (Mr. Degli) and Counsel for Bagosora (Mr. Constant) informed the Chamber that they received from the Prosecution a letter in Kinyarwanda which needed to be translated. The Prosecution (Ms. Graham) stated that she only disclosed the letter, but she did not intend to tender this letter as an exhibit. The Presiding Judge invited Witness XXH to read the letter to allow the translators' booth to translate it into French and English.
- j. The Prosecution (Ms. Graham) examined Witness XXH (PW 61) in closed session from 11:50 to 11:55 a.m. and in open session to 3:15 p.m. with an adjournment from 1:10 to 2:45 p.m.
- k. The Prosecution (Mr. White) informed the Chamber that according to WVSS, it might be possible to bring another witness for Thursday's session. Mr. White informed the Court that Witnesses AFJ, AMI and DCH would arrive to testify this week if travel arrangements went through successfully. The Presiding Judge invited Counsel for Bagosora (Mr. Constant) to contact the Prosecution to discuss the sequence of witnesses but Mr. Constant informed the Chamber that he preferred to address himself to the Chamber. Mr. Erlinder informed the Chamber that there is a pending motion to be determined by the full Chamber in respect of witnesses AFJ and AMI and therefore it will be improper to bring them to testify before the motion is finally decided. The Chamber agreed with him.
- l. Before starting his cross-examination, Counsel for Kabiligi (Mr. Degli) complained of late disclosure by the Prosecution of the will-say statement, the letter in Kinyarwanda and some other information not contained in the Indictment. The Presiding Judge noted that the Chamber would give him more time for preparation if necessary.

m. Counsel for Kabiligi (Mr. Degli) cross-examined Witness XXH from 3:25 to 5:20 p.m.

n. The proceedings were adjourned until Wednesday 5 May 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 placed under seal.

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

- Prosecution Witness BL (PW 60)
- Prosecution Witness XXH (PW 61)

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

- P 219: Personal details of Witness BL (PW 60). Under seal.
- P 220: Personal details of Witness XXH (PW 61). Under seal.
- D NT 61A: Witness statement BL-1 English version. Under seal.
- D NT 61B: Witness statement BL-1 French version. Under seal
- D K 38: Function and name of Witness XXH's employer. Under seal
- D K 39: Three names of protected witnesses. Under seal

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
8:55 a.m.	10: 50 a.m.	
11:25 a.m.	1:10 p.m.	
2:45 p.m.	5:25 p.m.	
Total time in Court <i>Durée des débats</i>		6h 10 mns

Signature

Signature

**SIGNED**

**SIGNED**

For Judge Erik Møse  
Presiding Judge

Marianne Ben Salimo  
Courtroom Officer

Gwendolyn Chellam  
Associate Legal Officer  
**Date:** 04 May 2004

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