



MINUTES OF PROCEEDINGS PROCES-VERBAL D'AUDIENCE

Rule 35 of the Rules of Procedure and Evidence / Art. 44 of the

Case Name: **BAGOSORA ET AL.**
Case No: ICTR-98-41-T
Trial Chamber: One

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

Specificities / Spécificités: Joinder

Prosecution / Poursuite: Barbara Mulvaney, Drew White, Christine Graham, Rashid Rashid, Abdoulaye Seye.

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

Defence / La Défense: Raphaël Constant, Paul Skolnik, Jean Yaovi Degli, Peter Erlinder, André Tremblay, Kennedy Ogetto, Gershon Otachi Bw'omanwa.

Registry / Greffe: Nouhou Madani Diallo, Edward Edwin Matemanga.

Other/Autres: Colonel Kenneth Watkin.

Date: Friday 30 January 2004

TRIAL DAY 109

1. Remarks / Remarques

- a. The Presiding Judge explained that the delay was due to the authorization given to the Defence Counsel to consult with their clients prior to the resumption of proceedings and the transport of detainees to Court. He added that the proceedings would continue to 2:00 p.m. without adjournment.
- b. Witness Major Beardsley (PW 38) entered the Court and made his solemn declaration.
- c. Prosecution Counsel (Mr. White) examined Witness Major Beardsley (PW 38) from 11:40 a.m. to 2:00 p.m.
- d. Counsel for Bagosora (Mr. Constant) asked when the Prosecutor would complete the examination of Major Beardsley. Prosecution Counsel (Mr. White) indicated that the direct examination would be completed on Tuesday 3rd January before the lunch break. Counsel for Bagosora (Mr. Constant) asked who would be the next witnesses after Major Beardsley. The Prosecution (Ms. Mulvaney) informed the Chamber that Witness EQ was on his way to Arusha and would be the next witness, followed by Witnesses DCB and XAF. Counsel for Bagosora (Mr. Constant) objected as this was different from the previous list of witnesses the Defence received on 18 January 2004. Ms. Mulvaney explained that Witness EQ was one of about five witnesses whose presence as witnesses at the Tribunal was difficult to secure, and who would therefore be called whenever he was available and not in any particular order. (See 2.)
- e. The Presiding Judge asked Defence Counsel to estimate the length of the cross-examination of Major Beardsley. Counsel for Bagosora stated that his cross-examination would take 3 hours. Other Defence Counsel gave an estimate of one and a half hours each.
- f. The proceedings were adjourned to Tuesday 3rd February 2004 at 8:45 a.m. for the continued examination of Witness Major Beardsley.

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

- The Chamber decided to permit the Prosecution to present Witnesses EQ, DCB and XAF as its next three witnesses.

3. Witnesses heard / Témoins entendus

- Prosecution Witness (PW 38): Major Beardsley

4. Exhibits tendered / Pièces à conviction présentées

- P 173: Personal details of Witness Major Beardsley (PW 38).
- P 174: Photograph of a grenade launcher.

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
11:40 a.m.	14:18 p.m.	
Xxx	Xxx	
Xxx.	Xxx	
Total time in Court <i>Durée des débats</i>		2h 38mns

Signature

SIGNED

For Judge Erik Møse
Presiding Judge

Christopher Gosnell
Associate Legal Officer
Date: 30 January 2004

Signature

SIGNED

Nouhou M. Diallo
Legal Officer
CMS Co-ordinator TCI
Date: 30 January 2004