



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: **BIZIMUNGU ET AL**

Case No: ICTR-99-50-T

Trial Chamber: Two

Before / Devant: Judge A. Gunawardana (Presiding), Judge K. R. Khan, Judge L. G. Muthoga.

Specificities / Spécificités: Single Case.

Prosecution / Poursuite: P. Ng'arua, I. Babajide, M. Pollard, E. Bazawule, G. Mugwanya, W. Mubiru

Accused / Accusés: C. Bizimungu, J. Mugenzi, J-C. Bicamumpaka, P. Mugiraneza.

Defence / La Défense: M. St-Laurent, H. Morrison (abs.), T. Moran (abs.), P. Gaudreau, B. Gumpert, C. Gauthier.

Registry / Greffe: J. M. Kiyeyu, A. Koshopa (Assist.).

Date: Tuesday 11 November 2003

TRIAL DAY 5

1. Remarks / Remarques

- a. Prosecution Counsel (Mr. Bazawule) moved the Chamber to take Judicial Notice under Rule 94 (B) of the Rules of Procedure and Evidence in respect of the United Nations documents appearing on exhibit P. 2 as nos. 85, 86, 87, 88, 89, 90, 110, 121, 124, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 185, 187 and 106. The Prosecutor did withdraw exhibit 128 from the exhibit list and the Chamber did not admit exhibits 106 and 120.
- b. Defence Counsel (Mr. Gumpert) informed the Chamber that the Defence had prepared documents which they had served on the Chamber this morning. He prayed that the Prosecutor do the same and serve the documents to the Defence.
- c. Prosecution Counsel (Mr. Ng'arua) informed the Chamber that the Defence served the Prosecutor with the documents just this morning and they needed time to prepare. He said that they would serve the Defence tomorrow morning. See the direction of the Chamber at paragraph 2.
- d. Prosecution Counsel (Mr. Bazawule) continued with the examination-in-chief of witness Maxwell Nkole and produced the exhibits indicated at paragraph 4a-x.
- e. Defence Counsel St-Laurent informed the Chamber that she had filed a motion requesting that her client view videotape.
- f. The Chamber directed the Prosecutor to respond to the motion regarding videotape and also the Motion for admissibility of Custodial Statements.
- g. The Prosecutor said that they would respond to the motions either today or tomorrow morning. Also the Parties did undertake to discuss today the possible venue to view the videotapes with the Accused as requested by the Defence.
- h. The session was adjourned to Wednesday 12 November 2003 for the continuation of the trial when the Prosecutor will continue with the examination-in-chief of witness Maxwell Nkole.

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

The Chamber directed the Prosecutor to develop the argument on the Judicial Notice and the matter to be argued tomorrow after the 11.00 a.m. break. The Chamber directed the Prosecutor to serve the documents to the Defence tomorrow at 8.00 a.m.

3. Witnesses heard / Témoins entendus

- Maxwell Nkole (PW1).

4. Exhibits tendered / Pièces à conviction présentées

- a. P. 2 (97) (E/F) Letter from Tanzania Representative with date as amended by the Prosecutor in Court
- b. P. 2 (98) (E/F), Arusha Accords Annex 1.
- c. P. 2 (99) (F/E), Arusha Accords Annex 2. The Nsele ceasefire agreement.
- d. P. 2 (100) (F/E), Arusha Accords Annex 3. Protocol of agreement.
- e. P. 2 (101) (F/E), Arusha Accords Annex 4.
- f. P. 2 (102) (F/E), Arusha Accords Annex 4.
- g. P. 2 (103), (F/E), Arusha Accords Annex 5.
- h. P. 2 (104), (F/E), Arusha Accords Annex 6.
- i. P. 2 (105), (F/E), Arusha Accords Annex 7.
- j. P. 2 (116), (K/E), Amahame N'imigambi shingiro.
- k. P. 2 (118), (F/E), letter from Justin Mugenzi to Landoald Ndayisingwa, dated September 2, 1993
- l. P. 2 (119), (F/E), letter from Landoald Ndayisingwa to Justin Mugenzi, dated 6th February 1994.
- m. P. 2 (123), (F/E), letter on RPF letterhead containing list of names of people to be killed.
- n. P. 2 (127), (K/F/E), Human Rights Watch Africa doc. Dated 23 May 1994 regarding events in Rwanda in April 1994 (Report admitted subject to a witness coming to testify on it).
- o. P. 2 (139), (F) l'administration Territoriale Rwandaise, Rapport d'expertise redigé à la demande du Tribunal Internationale de Nations Unies sur le Rwanda.
- p. P. 2 (140), (F/E), Statute du Mouvement Revolutionaire Nationale pour le development.
- q. P. 2 (174), (F/E), Dossier "Interahamwe za Muvoma", 14 May 1992
- r. P. 2 (178), (F/E), A press release by the Liberal Party signed by Mugenzi on 14 May 1992.
- s. P. 2 (184), (E), Rogatory proceedings by Judge Bruguire dated 18 May 2000.
- t. P. 2 (186), (F/E), Interview of Cazimir Bizimungu by TFI titled "Les exilés dated May 1996.
- u. P. 2 (189), (E), The Guardian Newspaper Article, voice of massacre, 29/01/1994.
- v. P. 2 (190), (F), chronology of certain events that occurred in Rwanda between 1 April and 14 July 1994 by Judge Vandermeersh – "Dialogue" 31/10/95
- w. P. 2 (191), (E), Radio Rwanda interview of Casimir Bizimungu and also Jerome Bicamumpaka.
- x. P. 2 (193), (F/E), Human Rights watch Release 29/4/94 (admitted subject to being produced by Alison Des Forges).

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>
8:35 a. m.	11:00 a. m.
11:20 a. m	1:20 p. m
xx.	xx
xx.	xx.
xx.	xx
Total time in Court Durée des débats	

Signature

SIGNED

For Judge A. Gunawardana
Presiding Judge

Sia Mawalla
Coordinator a.i, Chambers
Date: 11 November 2003

Signature

SIGNED

John M. Kiyeyeu

Courtroom Officer TCII

Date: 11 November 2003

4hrs 25min