



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: **GACUMBITSI**
Case No: ICTR-2001-64-T
Trial Chamber: Three

Before / Devant: Judge Andréia Vaz (Presiding), Judge Sergei A. Egorov, Judge Jai R. Reddy.
Specificities / Spécificités: Single Case
Prosecution / Poursuite: Richard Karegyesa.
Accused / Accusés: Sylvestre Gacumbitsi.
Defence / La Défense: Kouengoua, Anne Ngatio Mbattang, Tharcisse Gatarama (Ass).
Registry / Greffe: Krystal K. Thompson, Ramadhani Juma (Ass.).
Date: Thursday 20 November 2003

TRIAL DAY 28

1. Remarks / Remarques

- a. The Chamber asked Mr. Ndengejeho whether he would testify in today's proceedings or not. He requested that the Chamber allows him to give written submissions to the Court. The Chamber rejected his request to make submissions regarding the 11 November Decision. However, the Chamber allowed Mr. Ndengejeho to provide the Chamber and Parties with a Note prepared by him requesting additional time to consult with more people before giving testimony. After reading the Note, the Chamber informed him that it will not give him additional time to consult others as requested.
- b. Defence Counsel (Kouengoua) informed the Chamber that he was not aware of the request and is awaiting direction from the Chamber. Prosecution Counsel (Mr. Karegyesa) objected to the request.
- c. The Chamber invited Ms. Sylvie Becky, OIC, Victim and Witness Support Section (Defence) to recount the events that lead to his coming to Arusha. She informed the Chamber that the witness was available to testify. A ticket was sent to him by DHL on 17 November 2003. He was to travel on 18 November 2003; however, he missed his flight. Alternative arrangements were made and he travelled on a second flight. However, his luggage was lost in transit. On the night (around 10.00 pm) of 19 November 2003, a copy of his report in English was given to him. He refused to take the report as he claimed that it was not a true copy of the report.
- d. The Chamber informed Mr. Ndengejeho that it gave him enough time to decide whether or not he wanted to testify as a defence witness. He declined to testify as a defence witness and therefore was released by the Chamber.
- e. Defence Counsel (Kouengoua) made an oral application to the Chamber pursuant to Article 20 of the Statute, Rule 73(A) and Rule 73ter praying that the Defence be given a chance to call another expert witness which would safeguard the equality of arms. Prosecution Counsel (Mr. Karegyesa) objected to the request. (Please see the ruling of the Chamber at paragraph 2(a) below.)
- f. The Chamber inquired as to whether or not the Accused would testify. Defence Counsel (Kouengoua) informed the Chamber that the Accused would testify for 3 hours and made an oral request to do so on Monday 24 November 2003. He further suggested that the Chamber sits all day on Monday if possible. (Please see the ruling of the Chamber at paragraph 2 (b) below.)
- g. Defence Counsel (Kouengoua) made an additional oral application to the Chamber praying to begin the examination of the Accused on Monday, 24 November 2003 because he says, the trial was to end 30 November 2003 and he is not allowed to visit the Detention Center during the weekend. (Please see the ruling of the Chamber at paragraph 2 (c) below.)

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

- a. The Chamber denied the Defence's oral motion and stated that it was the witnesses choice not to testify, therefore there was no breach of equality of arms.
- b. The Chamber denied the oral request and stated that there is not enough time left to postpone the hearing of the Accused as Defence Witness.
- c. The Chamber ruled that it shall sit on Friday 21 November 2003 at 14:30 pm and Monday 24 November 2003 to complete the testimony of the Accused.

3. Witnesses heard / *Témoins auditionnés*



4. Exhibits tendered / *Pièces à conviction présentées*

- None

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
14:35p m.	15: 42p.m.	
xx	xx	
Total time in Court		1 hour 12 minutes

Signature

SIGNED
For Judge Andréia Vaz
Presiding Judge

Roland Adjovi
Coordinator, Chambers

Date: 20 November 2003.

Signature

SIGNED
Krystal K. Thompson
Legal Officer

For Courtroom Officer

Date: 20 November 2003.