



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: **NYIRAMASUHUHO ET AL.**

Case No: ICTR-98-42-T

Trial Chamber: Two

Before / Devant: **Judge William H. Sekule (Presiding)**, Judge Arlette Ramarason, Judge Solomy Bossa.

Specificities / Spécificités: Joinder.

Prosecution / Poursuite: S. Arbia, A. Adeboyejo (absent), A. Whest, H. Makwaia, M. Adenuga, A. Alexis, M. C. Tidiane (absent), A. Mbow, T. Olowoye (absent).

Accused / Accusés: P. Nyiramasuhuko, A. Ntahobali, S. Nsabimana, A. Nteziryayo, J. Kanyabashi, E. Ndayambaje.

Defence / La Défense: N. Bergevin, G. Poupart, C. Campbell (Asst.), D. Mwanyumba, N. Marquis, M. Dimitri, (Asst.), J. Kadji, C. Tchakoute (absent), P. T. Weledji (Asst.), D. Arsin (Asst.), F. Pacere, R. Perras, C. Buteau (Asst) (absent), M. Marchand, S. Santerre, J. Veillette (Asst.), I. Biruka (Asst.) (absent), P. Boulé, Desrochers, F. Palardy (Asst.) (absent), C. Sindayigaya (Asst.) (absent).

Registry / Greffe: J. M. Kiyeyeu, A. Koshopa.

Date: Wednesday 13 April 2005

TRIAL DAY 254

1. Remarks / Remarques

- a. Defence Counsel (Mr. Poupart) made supplementary submissions regarding the issue of whether or not Mr. Edmond Babin should be admitted to testify as an Expert Witness. See the Ruling of the Chamber at paragraph 2a. Defence Counsel (Mr. Marquis) informed the Chamber that Mr. Babin will testify even though he has not been qualified as an Expert Witness. Mr. Marquis asked who would pay Mr. Babin for the work he has already done for two weeks in Rwanda. See the Ruling of the Chamber at paragraph 2b. Defence Counsel. Mr. Marquis prayed for an adjournment to 4.00 p.m. to consult Mr. Babin and WVSS concerning the issue of payments. The Chamber granted the request for adjournment. When the session resumed, Mr. Marquis informed the Chamber that the Registry said that they would not pay Mr. Babin since he has not been qualified to testify as an Expert Witness. He said that the Registry would not pay even for the work that Mr. Babin has already done. Mr. Marquis said that he will pay Mr. Babin from his own pocket and also said that he is considering the possibility of withdrawing from the case. He prayed the Chamber to intervene on this matter. He also prayed for adjournment to tomorrow to consult the Defence Counsel Management Section (DCMS) on the possibility to employ Mr. Babin as a Defence investigator so that he can be paid during the time he testifies in Court. Defence Counsel Mr. Mwanyumba and Mr. Poupart supported Mr. Marquis. They expressed concern about Mr. Babin's payments. Defence Counsel (Ms. Bergevin) informed the Chamber that the Defence is now in crisis. She said that the next witnesses are also Expert Witnesses: Serge Desouter and Mr. Kintu. She informed the Chamber that she wonders what will happen if the witnesses come and leave without any compensation. Defence Counsel Mr. Boulé and Ms. Kadji also showed concerns regarding payments to the Expert Witnesses. Prosecution Counsel (Ms. Arbia) informed the Chamber that she did not have anything to comment since the issue was an administrative matter. See the Ruling of the Chamber at paragraph 2c.
- b. The session was adjourned to Thursday 14 April 2005 at 9:00 a.m. for the continuation of the Defence case when Defence Counsel (Mr. Marquis) will conduct the examination-in-chief of Witness Edmond Babin.

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

- a. The Chamber, in its Oral Decision, held that Mr. Edmond Babin was not qualified to testify as an Expert Witness in Crime Scene Analysis. However, the Chamber said that the Defence may call Mr. Babin to testify as a factual witness.
- b. The Chamber informed the Parties that the issue regarding the payments of witnesses was an administrative matter and that the Registry will deal with it.
- c. The Chamber asked the Registry to look into all the issues raised by the Parties with regard to the payments of witnesses.

3. Witnesses heard / Témoins entendus

None.

4. Exhibits tendered / Pièces à conviction présentées

None.

Opening Ouverture	Adjournment Suspension
9:00 a. m.	9:45 a. m.
2:55 p. m.	3:15 p. m.
4:10 p. m.	5:07 p. m.
xx	xx
Total time in Court Durée des débats	2hrs 02 min

Signature

Signed

For Judge W. H. Sekule
Presiding Judge

Alice Leroy,
Coordinator, Chambers

Date: 13 April 2005

Signature

Signed

John M. Kiyeyeu

Courtroom Officer TCII

Date: 13 April 2005