



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: **NYIRAMASUHUKO 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 (absent), A. Alexis, M. C. Tidiane (absent), A. Mbow (absent), T. Olowoye, D. Gassama (legal Researcher).

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

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

Registry / Greffe: J. M. Kiyeyeu, E. Mwanja, R. Mbugua (Legal Intern) (absent).

Date: Monday 13 June 2005

TRIAL DAY 270

1. Remarks / Remarques

- a. Defence Counsel (Mr. Marquis) informed the Chamber that he had not been attending court because of the serious problems which existed in the Defence team of Mr. Ntahobali. He stated that he is happy to be back following the Registrar's decision on his Motion. He has to be excused for any inconveniences caused. Mr. Marquis also informed the Chamber that he had learnt that Mr. Mwanyumba wanted to address the Chamber to bid them farewell and he was not opposed to such a request. He nonetheless stated that he would be opposed to any submissions Mr. Mwanyumba may intend to make with regard to the problems in the Defence team of Mr. Ntahobali and that he would request to make a response to such submissions. See the Chamber's observations at paragraph 2a.
- b. Defence Counsel (Mr. Marquis) conducted the cross-examination of Witness Denise Ntahobali (DW23). He produced an exhibit indicated at paragraph 4. Defence Counsel (Mr. Marchand) cross-examined Witness Denise Ntahobali (DW23). Prosecution Counsel (Ms. Makwaia) also cross-examined Witness Denise Ntahobali (DW23). After the cross-examination by the Prosecutor, Defence Counsel (Ms. Bergevin) re-examined Witness Denise Ntahobali (DW23). The Witness was subsequently questioned by the Chamber and thereafter discharged. Defence Counsel Ms. Bergevin and Mr. Marquis prayed the Chamber to authorize greetings between Madam Pauline Nyiramasuhuko, Arsene Shalom Ntahobali and the Witness Denise Ntahobali (DW23). See the Chamber's direction at paragraph 2b.
- c. Prosecution Counsel (Ms. Makwaia) requested the Defence to give an indication of the next Witness it intends to call. Defence Counsel (Ms. Bergevin) informed the Chamber that the next Witness is WNMN. However, she stated that the Witness arrived on Saturday, 11 June 2005 and that to date only Mr. Marquis had the opportunity of visiting the Witness, but that when Mr. Poupart visited the Witness on Sunday the Witness was tired and Mr. Poupart could not complete working with the Witness. Ms. Bergevin prayed the Chamber to adjourn the session to tomorrow to give them time to interview the Witness before testifying. See the Ruling of the Chamber at paragraph 2c.
- d. The session was adjourned to Tuesday 14 June 2005 at 9:00 a.m. for the continuation of the Defence case when Defence Counsel (Mr. Poupart) will conduct the examination-in-chief of Witness WNMN.

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

- a. The Chamber informed the Parties that it is aware of the Registrar's decision to withdraw Counsel Mwanyumba. The Chamber stated that the decision is still in French so that Judge Ramaroson has been able to comprehend it fully. With regard to the possible request of Mr. Mwanyumba, the Chamber stated that the Registry can arrange for Mr. Mwanyumba to see the Trial Chamber at a convenient time so as to bid them farewell. With regard to the absence of Mr. Marquis from court, the Trial Chamber observed that however serious the matter was in the Defence team of Mr. Ntahobali, Mr. Marquis and any other Counsel with such concerns for that matter, was duty bound, under the Rules and specifically Rule 45 *ter* of the Rules, to conduct the court business until a solution to his concerns were found through the normal procedures. The Chamber indicated its dissatisfaction at hearing about the arrival of Mr. Marquis to Arusha through the press.
- b. The Chamber granted the request by Ms. Bergevin and Mr. Marquis and directed the Registry to arrange for the greetings.
- c. The Chamber granted the request by Ms. Bergevin and adjourned the session to tomorrow Tuesday 14.6.2005 at 9.00 a.m.

3. Witnesses heard / *Témoins entendus*

Defence Witness: Denise Ntahobali (DW23).

4. Exhibits tendered / *Pièces à conviction présentées*

D. 316 – Photograph (Ntahobali), sealed.

Opening Ouverture	Adjournment Suspension
9:08 a. m.	11:07 a. m.
11:37 a. m.	1:00 p. m.
xx	xx
Total time in Court <i>Durée des débats</i>	3hrs 22 min

Signature

Signed
For Judge W. H. Sekule
Presiding Judge

Alhagi Marong,
Legal Officer, Chambers

Date: 13 June 2005

Signature

Signed
John M. Kiyeyeu

Courtroom Officer TCII

Date: 13 June 2005