



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: Seromba.
Case No: ICTR-01-66-T.
Chamber: Three.

Before / Devant: Judges Andrézia Vaz (Presiding), Judge Karin Hökberg, Judge Gberdao Gustave Kam.
Specificities / Spécificités: Single accused.
Prosecution / Poursuite: Silvana Arbia, Jonathon Moses, Gregory Townsend, Althea Alexis (*absent*).
Accused / Accusés: Athanase Seromba.
Defence / La Défense: Alfred Pogonon, Patrice Monthé, Sylviane Glodjinon (Asst.).
Registry / Greffe: Christopher Fry, Ramadhani Juma.
Date: Tuesday, 25 January 2005.

Status Conference

1. Remarks / Remarques

- a. The Chamber invited the parties to introduce themselves for the record. The Chamber observed that the next session is scheduled for 01 March 2005. The Chamber invited the parties to raise outstanding matters concerning the status of the trial, starting with the Prosecution.
- b. Prosecution Counsel (Ms. Arbia) observed that Article 73 *ter* of the Rules provided for the disclosure of the identity of Defence witnesses and other information before the beginning of the Defence case. Ms. Arbia also stated that the Prosecution has disclosed all relevant documents, and requested that the Defence also disclose Defence documents. Ms. Arbia referred to the practice of disclosure of witness identity as soon as possible, but not later than 21 days before the beginning of the Defence case.
- c. Defence Counsel (Mr. Monthé) explained that the Defence required access to the accused at UNDF on Friday afternoon and Saturday. Mr. Monthé observed that the Defence may not be able to prepare for trial by the date suggested, 01 March 2005. Mr. Monthé noted that the Defence filed the Request for the Protection of Witnesses within the delay suggested by the Chamber. Mr. Monthé explained that many of the Defence witnesses live in exile outside Rwanda, and others are detainees that the Defence has not yet even met. In conclusion, the Defence requires a delay of two months.
- d. The Chamber explained that there was no intention to rush justice, but the ICTR had a complex judicial calendar to keep. The Chamber recalled that at the end of the last session, the Chamber requested the Defence to try to use the break of October through December to complete investigations and file the list of witnesses, but the Defence filed the list only on 19 January 2005. The Chamber also requested the Defence to respond to the Motion for Judicial Notice and provide all other documents required by Article 73 *ter* of the Rules.
- e. The Chamber requested the Judicial Coordinator and the Registry to organize the translation of the Annex to the Prosecutor's Motion for Judicial Notice, and check on the availability of UNDF on the weekend.
- f. A Registry representative from WVSS raised some matters. The WVSS representative explained that the Butare trial will involve two sets of witnesses that WVSS will place in safe houses. The Military II case continues, and Military I will recommence soon. The WVSS representative explained that there may be some difficulties, especially regarding the detained witnesses, who are required to remain at UNDF, where there are only 12 vacancies. Accordingly, the end of March may be a more reasonable date for the continuation of the Seromba case.
- g. The Chamber announced that the next session will begin on 01 March 2005. The Chamber requested the Defence to file today the list of witnesses with WVSS. The Chamber observed that it is possible that WVSS may be able to organize the arrival of some of the Defence witnesses by the start date. The Chamber could hear the available witnesses in March, and schedule an additional session for the remaining witnesses. (See the Chamber's decision at 2(a)(b), below.).
- h. Defence Counsel (Mr. Monthé) stated that it is impossible for the Defence to file the list of witnesses with WVSS tomorrow. Mr. Monthé noted that the Motion for Judicial Notice is still pending because of the

difficulties of translation. Mr. Monthé observed that the Defence Counsel Management Section is organizing a trip to Rwanda for the Defence team.

- i. Prosecution Counsel (Ms. Arbia) stated that the prosecution will disclose all the French language portions of the Annex to the Motion for Judicial Notice immediately, and the other essential portions can be translated. Ms. Arbia said that the Defence had sufficient time to prepare the Defence case. Ms. Arbia also observed that there is no reason why the list included in the Defence Request for the Protection of Witnesses could not be disclosed to WVSS now.
- j. The Chamber adjourned session until 01 March 2005 for the commencement of the Defence case.

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

- a. The Chamber ordered that the next session will commence on 01 March 2005.
- b. The Chamber ordered the Defence to file the list of witnesses with WVSS without delay, including contact information.

3. Witnesses heard / *Témoins auditionnés*

- None.

4. Exhibits tendered / *Pièces à conviction présentées*

- None.

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>		Signature	Signature
16:14	17:10		Signed.	Signed.
			Hervé Gogo Coordinator, Chambers	Christopher Fry Courtroom Officer
			For Judge Andréia Vaz Presiding Judge	
Total time in Court		0h 56m	Date: 25 January 2005.	Date: 25 January 2005.