



# 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: Judge Andrésia Vaz, (Presiding), Judge Karin Hökberg, Judge Gberdao Gustave Kam.  
Specificities / Spécificités: Single case.  
Prosecution / Poursuite: Silvana Arbia, Gregory Townsend, Jonathan Moses, Althea Alexis, Tolulope Olowoyo.  
Accused / Accusés: Athanase Seromba.  
Defence / La Défense: Alfred Pognon, (Absent) Patrice Monthe, Sylviane Glodjinon (Ass.) (Absent).  
Registry / Greffe: Constant K. Hometowu, Ramadhani Juma (Ass.).  
Date: Tuesday 5 April 2005.

## STATUS CONFERENCE

### 1. Remarks / Remarques

- a The Chamber noted that the purpose of the Status Conference was to ascertain the difficulties that the Parties have, which made it impossible for the Defence to start its case on 4 April 2005 as scheduled. It further noted that the desire of the Chamber is to set a new date for the commencement of the Defence case. The Presiding Judge also informed the Parties that Lead Counsel (Mr. Pognon) will participate in the Status Conference by teleconference from the Republic of Benin.
- b Defence Counsel (Mr. Monthe) submitted that he had a working session with Mr. Hervé Gogo, Chambers Coordinator, the previous day with a view to identifying areas of concern for the Defence. He emphasised that the Defence team had requested the disclosure of certain documents but till date the Prosecutor has not made them available to the Defence. On witness issues, Mr. Monthe stated that the anticipated witnesses are scattered in three different locations including Rwanda and Europe. Some of them have already been contacted and at the moment, the Legal Assistant, Ms. Sylvianne Glodjinon, is in Rwanda to interview the rest.
- c Defence Counsel (Mr. Pognon), via teleconference, informed the Court that the main preoccupation of the Defence is the failure of the Prosecutor to disclose to them some exculpatory materials in his possession. He said the Prosecutor disclosed the unredacted statements of some witnesses and the Defence is of the opinion that they contain some exculpatory materials. He mentioned the pseudonyms of the said witnesses as TNA, TNY, CBW, CNU, CBX, CNP, CNE, CNI, XBL, CNO, as well as CBX. He requested that the unredacted statements be disclosed to the Defence. On witness issues, he noted that as soon as the Legal Assistant returns from the mission, the summary of the witness statements will be filed, hopefully by Friday 15 April 2005. He further informed the Chamber that the witnesses in Europe have been prepared and they are ready to come and give testimony. He added that the accused person has asked that two more witnesses be contacted and plans are far advanced to establish the necessary contact with them. He said he would send some documents to the two additional witnesses by DHL tomorrow, Wednesday 6 April 2005. He opined that the problems are now being solved and expressed the preparedness of the Defence to commence its case on 10 May 2005.
- d Prosecution Counsel (Ms. Arbia) said the Prosecutor is ready to cooperate with the Defence. She said however that the Prosecutor finds the conduct of the Defence insulting in that it attempts to reclaim documents that have already been disclosed to it.
- e Defence Counsel (Mr. Monthe) informed the Chamber that the Prosecution disclosed the Ruhengeri Appeals Chamber documents to the Defence in the Kinyarwandan Language and requested a translation of same. He also urged the Chamber to direct the Prosecutor to disclose to the Defence some documents relating to some named clergymen
- f The Chamber informed Mr. Monthe that it has contacted the Chief of Language Services Section and the later has agreed to assign the Kinyarwanda documents to two translators for urgent translation. Regarding the statements of the clergymen, the Chamber directed the Prosecutor to disclose them to the Defence.
- g Prosecution Counsel (Ms. Arbia) made an oral application praying the Chamber to direct the Defence to disclose the redacted statements of its witnesses to the Prosecutor.

- h Defence Counsel (Mr. Pognon) vehemently opposed the application. He submitted that Rule 73 (ter) (b) (3) does not impose any such obligation on the Defence. He concluded that the Defence will only provide documents as specified in the said Rule.
- i The Chamber noted that it will deliberate on the matter and make its decision known later.
- j Prosecution Counsel (Ms. Arbia) noted that the Defence is under reciprocal obligation to invite the Prosecutor to inspect all documents in its possession. She also noted that the procedure for bringing detained witnesses to testify is quite lengthy and advised the Defence to take all necessary measures for the detained witnesses to be brought to Arusha on time, in the interests of judicial economy.
- k The Chamber agreed with the observations made by Prosecution Counsel and advised the Defence to indicate an appropriate date for the inspection.
- l A representative of the Witness and Victim Support Section (Mr. Charles Kalumo) advised the Defence to provide the Section with all relevant information and documents to enable it make the necessary arrangements to have the witnesses brought for trial. He indicated that the procedure to be followed in bringing witnesses to Arusha differ from country to country and hence an early submission of the relevant information will facilitate issues.
- m A representative of the Defence Counsel and Detention Management Section (Mr. Dustain Mwaungulu) informed the Chamber that the DCDMS is prepared to assist the Defence on all issues relating to the trial to ensure that the Defence commences its case on schedule, now that the directions of the Chamber on commencement of trial is clear.
- n The Chamber expressed its appreciation to the Defence for its commitment to ensure that the case resumes on Tuesday 10 May 2005. It reminded the Defence to file its pre-trial brief, final list of witnesses, the summary of each witness testimony etc. by 15 April 2005, as promised, so as to operate within the deadline set by the Rules.
- o The proceedings were adjourned to Tuesday, 10 May 2005 for the commencement of the Defence case.

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

- None

**3. Witnesses heard / *Témoins auditionnés***

- None

**4. Exhibits tendered / *Pièces à conviction présentées***

- None

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
1:35 p. m.	3:28 p. m.	
Xxxxx p. m.	Xxxxx p. m.	
Xxxxx p. m.	Xxxxx p. m.	
Total time in Court		1hr 53mins

signature

**SIGNED**

Patrice Mathiam  
Associate Legal Officer,  
Chambers

For Judge Andrézia Vaz  
Presiding Judge

**Date:** 6 April 2005

signature

**SIGNED**

Constant K. Hometowu  
Legal Officer

**Date:** 6 April 2005