



# 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: **SIMBA**  
Case No: ICTR-01-76-T  
Trial Chamber: One

Before / Devant: Judge Dennis C. M. Byron, Presiding; Judge Sergei Alekseevich Egorov  
Specificities / Spécificités:  
Prosecution / Poursuite: Richard Karegyesa, Ignacio Tredeci, Didace Nyirinkwaya  
Accused / Accusés: Aloys Simba  
Defence / La Défense: Sadikou Ayo Alao; Beth Lyons  
Registry / Greffe: Nouhou Madani Diallo; Edward Edwin Matemanga; Joseph Essombe  
Date: Thursday 29 March 2005

## TRIAL DAY 54

### 1. Remarks / Remarques

- a. The Presiding Judge stated that the Chamber was sitting pursuant to Rule 15 *bis*; Judge Møse was absent. At the outset, the Chamber thanked the translators, court reporters, technicians and other support staff for working late during the previous session to ensure that the Chamber could complete the testimony of Mr. Simba before the holiday break.
- b. The Chamber asked the Defence and Prosecution to tender the outstanding exhibits used during the examination of Mr. Simba. The Defence and Prosecution had circulated to each other and the Chamber their respective lists of proposed exhibits. In addition, the Defence (Mr. Alao) requested the Chamber to admit the dairy of Witness FMP1. The Chamber admitted the Defence and Prosecution exhibits that were not contentious. It heard oral argument on the disputed exhibits and reserved its ruling on those issues for a written decision.
- c. The Presiding Judge asked the position of parties regarding the Expert Witness. The Defence (Mr. Alao) stated it did not wish to call the Expert as a witness if his report were admitted into evidence. He stated that the expert report had been send to Judges and parties by email which he considered final version and that the original copy would be sent directly by the Expert to the Registry. The Prosecution (Mr. Karegyesa) stated that it was awaiting the views of the Prosecutor before stating its final position on whether to cross-examine the expert. The Chamber admitted the expert report subject to Mr. Karegyesa's representations to be submitted by the end of the day.
- d. The Defence (Mr. Alao) confirmed for the record that he was withdrawing Witnesses GGJ1, KGJ2, and BJK3. The Presiding Judge asked the Representative for WVSS to give details regarding Witnesses BGK1 and HBK. WVSS (Mr. Essombe) stated that Witnesses HBK and BGK1 refused to testify either in Arusha or by video-link from Kigali. The Presiding Judge noted that the Defence had filed a motion to subpoena the witnesses that morning and indicated that it would address this motion as well as the Defence's parallel request to admit the statement of Witness BJK1 into evidence. The Chamber asked the Registry to file the email from Sylvie Becky (WVSS) to Me Alao concerning the status of these witnesses and to consider it as an annex to the Defence motion.
- e. The Prosecution (Mr. Karegyesa) indicated that it took no position on the Defence's request for a site visit to Rwanda. The Chamber stated that it would issue a written decision.
- f. The Defence (Mr. Alao) closed its case subject to the Chamber's rulings on the outstanding evidentiary issues mentioned above, the subpoena requests related to BJK1 and HBK, as well as the site visits motion. The Chamber noted this.
- g. The Chamber discussed with the parties possible dates for the filing of the closing brief and for hearing closing arguments. Based on these discussions, the Chamber set the date for the filing of the closing brief on 22 June 2005 and the date for hearing the closing arguments on 7 and 8 July 2005.
- h. The Presiding Judge noted that this was the first case to be closed in the new Fourth Court Room. In addition, he thanked the parties, the Registry, translators, technicians, and other support staff for their professionalism and cooperation during the proceedings.
- i. The proceedings were adjourned *sine die*.

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

- ? The Chamber reserved its ruling regarding a number of disputed exhibits including the diary of Witness FMP1.
- ? The Chamber decided to admit the expert report subject to the Prosecution request for cross-examination of the expert witness
- ? The Chamber instructed the Registry to receive and file the Expert report sent by email, as a final document
- ? The Chamber instructed the Registry to file the email from Sylvie Becky under seal dated 24 March 2005 addressed to Mr. Alao concerning the outstanding witnesses and to consider it as an annex to his request for subpoenas.
- ? The closing briefs are to be filed by 22 June 2005 and the closing arguments are to take place on 7 and 8 July 2005.

## 3. Witnesses heard / *Témoins entendus*.

- None

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

- D128: Message du Prefet de Gikongoro à tous les bourgmestres et à la population en date du 04/07/94 au sujet de l'opération Turkoise (1page), K0298960
- D129: Extrait de la cassette 37, face B de l'interview de Jean Kambanda (4 pages)
- D130: Carte du Rwanda éditée par les Nations Unies indiquant les positions du FPR, notamment à Nyanza au 31/05/1994
- D131: Extrait de "Aucun témoin ne doit survivre" indiquant la date de prise de Nyanza (1 page), K0231565
- D132: Lettre de protestation de Simba Aloys en date du 26/05/2001 au Président de la FIDH, KA019393
- D133: Lettre de Simba Aloys à la famille Mubumbyi en date du 28/04/2000 (2 pages)
- D134: Lettre du Ministre de la défense, le Général GATSINZI en date du 06/10/2004 (1page)
- D135: Déclaration de Kigémé du 06/07/2004 (3 pages), K0025187
- D136: Pièce P27 du Procureur: série de numéros d'armes selon l'accusation (1 page), KA017155
- D137: Pièce P28 du Procureur: série de numéro d'armes selon l'accusation (1page), KA01747
- D138: Courriels de la Défense en date du 12/03/05 et du Procureur en date du 16/03/05 au sujet des photos prises par le Procureur à Gitarama suite à la déclaration du témoin AJT1 (2pages)
- D139: Rapport du Procureur de Gikongoro sur les événements de Mudasomwa, don't Gasarenda (9 pages), K0298753
- D140: Liste des Principaux commanditaires, organisateurs et auteurs présumés du génocide et des assassinats politiques commis au Rwanda entre le 6 avril et 17 juillet 1994 (3 pages), KA018530
- D141: Extrait de l'ouvrage de Christophe Mfizi sur la "Proclamation du 5 juillet 1973 du Haut Commandement de la Garde Nationale" (2 pages), K0287587
- D142: Carte d'immunité parlementaire de Simba Aloys (1page), KA019414
- D143: Arrêté présidentiel numéro 07/02 du 7 janvier 1989 mettant Simba Aloys à la retraite (1 page) KA017633
- D144: Demande de pension de vieillesse en date du 03/03/1989 (1page), KA017474
- D145: Carte d'immatriculation de véhicule KA017154
- D146: Pièces d'identité de Thérèse NYIRABUSIMBA (2 pages)
- D147: Document MINADEF (42 pages) K0078444
- D148: Courrier à Victor en date du 15 mars 1995, KA017270
- D149: "Décret numero 96.1063 portant octroi de Statut de réfugié à Monsieur Aloys Simba de nationalité rwandaise" du Président Abdou Diouf, en date du 12 décembre 1996, KA017281
- D150: "Décret numéro 96.1056 portant octroi de Statut de réfugié à Mme Imaculée Ayinkamiye Mbunaukira SIMBA de nationalité rwandaise" du Président Abdou Diouf en date du 12 décembre 1996, KA017283
- D151: "Décret numéro 96.1058 portant octroi de statut de réfugié à Monsieur Richard Simba de nationalité rwandaise" du Président Abdou Diouf, en date du 12 décembre 1996, KA018869
- D152: "Décret numéro 96.1059 portant octroi de statut de réfugié à Monsieur Raymond Simba de nationalité rwandaise" du Président Abdou Diouf, en date du 12 décembre 1996, KA017289
- D153: "Décret numéro 96.1060 portant octroi de statut de réfugié à Mademoiselle Regine Simba de nationalité rwandaise" du Président Abdou Diouf, en date du 12 décembre 1996, KA017291
- D154: "Décret numéro (illisible) portant octroi de statut de réfugié à madame Cécile Nyirambarasa de nationalité rwandaise" du Président Abdou Diouf, en date du 12 décembre 1996, KA017285
- D155: "Décret numéro 96.1061 portant octroi de statut de réfugié à monsieur Jean Paul Uwayo de nationalité rwandaise" du Président en date du 12 décembre 1996, KA017293
- P46A: The man and his dairy, French version, KA 017557
- P46B: The man and his dairy, English version, K028-5164

- P47: Letter to Minister of Foreign Affairs, Senegal, 7 August 1995, KA01-7621
- P48: Letter to Ronald and Thérèse Rossald, 8 February 2000, KA01-9096
- P49: Letter to Raymond Simba, 11 Janvier 2001, KA01-9949
- P50: Letter to Simba's wife and children, 24 Janvier 2001, KA01-9950
- P51: Letter to Rose and Raymond Simba, 31 January 2000, KAO19085
- P52A: Letter to Mwami Ndatbaye, 26 November 1994, French version, KA01-7423
- P52B: Letter to Mwami Ndatbaye, 26 November 1994, English version, K033-6359
- P53: Ethnic Identification of Mbonankira Jean, K034-3902 & 3903
- P54: Karama Commune Population Register, K034-3904 to 3906
- P55: Excerpt "Cyangugu" Judgement, 25 February 2004 (Paragraph 143)

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
09:05 a.m.	11: 55 a.m.	
XXX	XXX	
Total time in Court <i>Durée des débats</i>		2 h 55mns

Signature  
**SIGNED**  
For Judge Dennis C. M. Byron  
Presiding Judge

Matthew Carlson  
Associate Legal Officer

**Date:** 29 March 2005

Signature  
**SIGNED**  
  
Nouhou Diallo  
Legal Officer  
CMS Co-ordinator

**Date:** 29 March 2005