



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: **Bagaragaza**
Case No: ICTR-05-86-I
Chamber: III
Courtroom: Laity Kama

Before / Devant: Judge Vagn Joensen (Presiding), Judge Bakhtiyar Tuzmukhamedov, and Judge Gberdao Gustave Kam.
Specificities / Spécificités: Single accused.
Prosecution / Poursuite: Wallace Kapaya, Patrick Gaabake, Iskander Ishmael, Moussa Sefon, Faria Rekkas.
Accused / Accusés: Michel Bagaragaza.
Defence / La Défense: G. Knoops, Anne-Marie Verwiel (Ass).
Registry / Greffe: Constant K. Hometowu, Zulphur Mhina (Ass.).
Date: Thursday, 17 September 2009.

**HEARING ON GUILTY PLEA
AND AMENDMENT OF
INDICTMENT**

Remarks / Remarques

- a The Chamber informed the parties that the purpose of the hearing was to address Bagaragaza's guilty plea, as filed on 18 August 2009 and the Prosecutor's request for amendment of the Indictment. The Chamber noted that Michel Bagaragaza pleaded NOT GUILTY to all four counts in the previously amended Indictment dated 1 December 2006. It further asked him to, once again, in the light of the plea agreement, indicate his plea in respect of all the counts.
- b Mr. Michel Bagaragaza pleaded guilty to count III (Complicity in genocide) and not guilty in respect of the remaining three counts.
- c The Chamber proceeded to ascertain from Michel Bagaragaza whether or not his guilty plea was made freely, voluntarily and in full knowledge of the fact that with the guilty plea, he had waived his right for trial.
- d Michel Bagaragaza responded that his guilty plea was made voluntarily, in full knowledge of the consequences, as explained to him by his Counsel and that it is unequivocal
- d The Chamber asked a representative of the Registry, Constant Hometowu, to read out the contents of the newly amended Indictment, dated 17 September 2009, to the Accused .
- e Mr. Michel Bagaragaza pleaded guilty to the amended indictment as read out to him.
- f The Chamber approved the plea agreement and the amended indictment and ordered that a guilty plea be entered in respect thereof. The Chamber informed the parties that a sentencing hearing will be heard on 2 November 2009. The Chamber also ordered that the new amended indictment and plea agreement be made public.
- g The proceedings were adjourned to 2 November 2009 at 14:00 hrs for the sentencing hearing.

Decisions & Orders rendered orally / Décisions & Ordonnances rendues oralement

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>
9:40 a.m.	9:51 a.m.
10:30 a.m.	10:55 a.m.
xxxxx p.m.	xxxxx p.m.
Total time in Court	
36 mins	

Signature
SIGNED
Karine Ardault
Legal Officer,
Chambers
For Judge Vagn Joensen
Presiding Judge
Date: 17 September 2009

signature
SIGNED
Constant K. Hometowu
Legal Officer,
CMS
Date: 17 September 2009.