



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: **NZABONIMANA**
Case No: ICTR-98-44D-T
Chamber: Three

Before / Devant: Judge Solomy Bossa, Presiding, Judge Bakhtiyar Tuzmukhamedov and Judge Rajohnson Mparany

Specificities / Spécificités: Single accused.

Prosecution / Poursuite: Paul Ng'arua, Memory Mapossa, Simba Mawere, Ndeye Marie Ka

Accused / Accusés: Callixte NZABONIMANA

Defence / La Défense: Vincent Courcelle-Labrousse, Philippe Larochelle

Registry / Greffe: Nouhou M. Diallo, Ivan Nyongo.

Date: Thursday 12 November 2009.

Trial day 4

1. Remarks / Remarques

- a. The Chamber informed Witness CNBU (PW 2) that his testimony was complete and thanked him for coming.
- b. Prosecution Witness CNAZ (PW 3) entered the courtroom and made his solemn declaration. He was then examined by Prosecution Counsel (Mr. Ng'arua) from 9:20 to 9:40 a.m. in open session
- c. Defence Counsel (Mr. Larochelle) requested that the Chamber postpone the cross-examination of Witness CNAZ arguing that it had not yet had the opportunity to meet with Witness CNAO, and that this witness had information necessary to conducting a proper cross-examination of Witness CNAZ.. Prosecution Counsel (Mr. Ng'arua) objected stating that it had disclosed all the relevant information to the Defence. (See the Chamber's ruling at paragraph 2.a).
- d. Defence Counsel (Mr. Larochelle) cross-examined Witness CNAZ (PW 3) from 10:10 a.m. to 3:10 p.m. in closed session, with adjournments from 11:05 to 11:33 a.m. and from 1:00 to 2:30 p.m. The Presiding Judge advised the Defence Counsel to take into consideration the time taken by the Prosecution for its examination in chief which was 40 minutes and to limit his cross-examination accordingly. Defence Counsel (Mr. Larochelle) said he would do his best to complete the cross-examination before the end of the day.
- e. Prosecution Witness CNAM (PW 4) entered the courtroom and made his solemn declaration. Prosecution Counsel (Mr. Ng'arua) conducted the examination-in-chief of Witness CNAM from 3:35 to 4:35 in closed session. Defence Counsel (Mr. Larochelle) objected to certain questions from the Prosecution. The Defence also argued that it had had no notice of certain facts the Prosecution was attempting to adduce. (See the Chamber's ruling at paragraph 2.b).
- f. Prior to the cross-examination of Witness CNAM, Defence Counsel (Mr. Larochelle) again objected to the fact that that the witness' Gacaca documents had not been disclosed to the Defence by the Prosecution. He then requested the chamber to postpone the cross-examination of Witness CNAM until the next session or at least until the next trial day. Prosecution (Mr. Ng'arua) objected to the request. (See the chamber's ruling at paragraph 2.c). Defence Counsel (Mr. Courcelle-Labrousse) requested that the Defence be given an adjournment until Monday 16 November for the cross-examination, in order to allow him to review important documents related to the witness. Prosecution Counsel (Mr. Ng'arua) objected to that request. (See the chamber's ruling at paragraph 2 d).
- g. The proceedings were adjourned until Monday 16 November 2009 for the cross-examination of Witness CNAM (PW 4). The Chamber reminded parties that due to the absence of a Judge, the proceedings would not take place on Wednesday 18 and Thursday 19 November 2009.

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

CMS TC-3

- (a) The Chamber ruled that the Defence should proceed with the cross-examination of Witness CNAZ but that the Defence could file a Motion asking for recall of the witness at a later date.
- (b) The Chamber dismissed the Defence objection and allowed the Prosecution to continue.
- (c) The Chamber recalled its previous decisions and ruled that cross-examination of the witness should proceed.
- (d) The Chamber granted the Defence request and postponed the cross-examination of the witness until Monday 16 November 2009.

3. Witnesses heard / *Témoins auditionnés*

- Witness CNBU (PW 2)
- Witness CNAZ (PW 3)
- Witness CNAM (PW 4)

4. Exhibits tendered / *Pièces à conviction présentées*

- P.3 :Personnel Information Sheet of Witness CNAZ (PW 3), under seal
- P.4: Personnel Information Sheet of Witness CNAM (PW 4), under seal

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>	
9:05 a.m.	11:05 a.m.	
11:33 a.m.	1:00 p.m.	
2:30 p.m.	4:10 p.m.	
4:20 p.m.	5:15 p.m.	
Total time in Court		6h 02 mns

signature

SIGNED

Carolyn Bufft,
AssoLegal Officer Chambers

For Judge Solomy Bossa
Presiding Judge

Date: 12 November 2009

signature

SIGNED

Nouhou M. Diallo
Legal Officer
CMS Coordinator

Date: 12 November 2009