



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: **Grégoire NDAHIMANA**
Case No: ICTR-2001-68-T
Trial Chamber: III

Courtroom II

Before / Devant: **Judge Florence Rita Arrey (Presiding)**, Judge Bakhtiyar Tuzmukhamedov, Judge Aydin Sefa Akay.

Specificities / Spécificités: Single.

Prosecution / Poursuite: Holo Makwaia, Segun Jegede, Althea Alexis-Windsor, Lansana Dumbuya.

Accused / Accusé: Grégoire Ndahimana.

Defence / La Défense: Bharat B. Chadha, Wilfred N. Nderitu, Tharcisse Gatarama, Marie-Pier Barbeau

Registry / Greffe: Félicité Talon Ahouandogbo, John Tumati.

Date: Tuesday, 18 January 2011

Trial Day 21

1. Remarks / Remarques

- a. Prosecution Counsel Continued the cross-examination of ND13 (DW1) in open session from 9:11 a.m till 9:35 a.m. After the admission by the Chamber of some statements tendered by Ms. Makwaia as exhibits, she was allowed to continue the cross-examination in closed session from 10:11 a.m to 10:40 a.m. The Court reverted to open session from 10:40 a.m. After a tea break from 11:00 a.m. to 11:30 a.m., Ms. Makwaia concluded the cross-examination of Witness DN13 (DW1) at 11:53 a.m.
- b. Defence Counsel (Mr. Chadha) objected to the Prosecutor presenting a document to the Defense Witness ND13 (DW1) because Prosecution has not previously communicated the document to the Defense. (See the Chamber's Ruling after the arguments given by Prosecution at paragraph 2(a) below).
- c. Defense Counsel (Mr. Chadha) re-examined Witness ND13 (DW1) briefly from 11:55 a.m. to 11:56 a.m.
- d. The Chamber granted the request made by Mr. Chadha, allowed Witness ND13 to greet the Accused and directed the WVSS to arrange this.
- e. Defence Witness ND11 (DW2) entered the Courtroom and made the solemn declaration.
- f. Defence Counsel (Mr. Chadha) examined-in-chief Defence Witness ND11 (DW2) in open session from 12:10 p.m to 1:00 p.m
- g. Prosecution Counsel (Mr. Dumbuya) conducted the cross-examination of Defense Witness ND11 (DW2) in open session from 3:05 p.m till 3:18 p.m, in closed session from 3:19 p.m to 3:30 p.m, and reverted into open session from 3:30 p.m until 4:46 p.m.
- h. Defense Counsel (Mr. Chadha), re-examined in open session, Defense Witness ND11 (DW2) from 4:47 p.m to 5:08 p.m.
- i. The Chamber authorized Witness ND11 to meet the Accused and directed the WVSS to make the necessary arrangement for the same
- j. The proceedings were adjourned until Wednesday 19 January 2011 at 9:00 a.m for the continuation of the presentation of the Defense case

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

a) The Chamber, after due deliberation, overruled the objection and ruled that the Prosecution has the duty to impeach the Witness while the Defense also has the duty to perform his function. It added that the Defense will have time after the cross-examination to put questions to Witness ND13 on the said document.

b) The answer with the name of the niece should be put under seal.

3. Witnesses heard / *Témoins entendus*

- Defence Witness ND13 (DW1)
- Defense Witness ND11 (DW2)

4. Exhibitions tender / *Pièces à conviction présentées*

- P49A: French version of the statement from DN13 (D W1) dated 19-09-95-marked-K0008466-K0008468-Under Seal.
- P49B: English version of the Statement dated 19-09-95 of DN13 (DW1)- marked-K0008469- Under Seal
- P50A: English version of the statement made by ND13 (DW1) dated 11April 1996-marked K0027657-Under Seal.
- P50B: French version of the Statement made by ND13 (DW1) dated 11 april 1996-marked K0027661-Under Seal.
- P51: Letter in Kinyarwanda with reference K-0334223 – Under Seal.
- D85: Personal information sheet of Defense Witness ND11(DW2) Under Seal.

Opening <i>Ouverture</i>	Adjournment <i>Suspension</i>
9:10a .m	11:00 a.m
11:30 a.m	1:00 p.m
3:00 p.m	5:10 p.m
xx	xx
xx	xx
Total time in Court <i>Durée des débats</i>	5 hours 30 mins

SIGNED

For Judge Florence Rita Arrey
Presiding Judge

Carolyn Buff
Legal Officer, Chambers

Date : 18 January 2011

SIGNED

Félicité Talon Ahouandogbo
Legal Officer, CMS

Date: 18 January 2011