

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO. : ICTR-01-70-T
CHAMBER II

THE PROSECUTOR
OF THE TRIBUNAL
v.
EMMANUEL RUKUNDO

MONDAY, 23 JULY 2007
0939H
CONTINUED TRIAL

Before the Judges:

Joseph Asoka de Silva, Presiding
Seon Ki Park

For the Registry:

Ms. Félicité Ahouandogbo-Talon
Mr. John Tumati

For the Prosecution:

Ms. Veronic Wright
Mr. Patrick Gabaake
Ms. Thembile Segoete

For the Accused Emmanuel Rukundo:

Ms. Aïcha Condé

Court Reporters:

Ms. Gifty C. Harding
Ms. Melissa Hook
Mr. Haruna Farage
Ms. Donna M. Lewis

I N D E XWITNESSFor the Defence:

WITNESS EVB

| | |
|-------------------------------------------------------------------------------|----|
| Cross-examination by Mr. Gabaake (<i>contunued in closed session</i>) | 4 |
| Re-examination by Ms. Condé (<i>commenced in closed session</i>) | 51 |

EXHIBITS

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| Exhibit No. P. 44 | 56 |
| Exhibit No. P. 45 | 56 |
| Exhibit No. P. 46A and P. 46B | 57 |
| Exhibit No. P. 47 | 61 |

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MR. PRESIDENT:

Good morning, everybody. Court is in session. Appearances as before.

Today, too, we will be sitting under 15 *bis* as Judge Hikmet is away on medical treatment.

Yes, Counsel, you may continue, yes.

MR. GABAAKE:

I noticed my learned friend for Defence was up so I thought maybe she has -- she had something she wanted to say. I don't know.

MR. PRESIDENT:

Yeah.

MS. CONDÉ:

Yes, Mr. President. I wanted to react to the order that you gave on the 18th of July. Unfortunately, I got to know of that decision only on Friday after the court session. I, therefore, did all I could to comply with your ruling and the application is ready. We are awaiting information regarding witnesses to be able to complete the identification papers. And, with your leave, I would like to have the day of today to forward a complete document to the Trial Chamber and not only an application, even as we are expecting identification sheets since yesterday. And if I'm availed of the said sheet, I will modify or vary the last paragraph of my application and have ready -- everything ready by the end of today, that is, this evening. So I would like to crave your indulgence that you leave me the day of today. And I can't really say exactly at what time, but what is sure is that in the course of the day we will forward all of the above by mail to the registry. We've taken the necessary measures to do that.

MR. PRESIDENT:

Well, why do you -- why do you say that you didn't see it on Thursday? It was filed on Wednesday.

MS. CONDÉ:

I saw it on Friday, Mr. President, after the court session because the message refers to certification. So there were two documents and I didn't open the documents because, insofar as certification is concerned, it's my learned friend that takes care of that. So I spent all my time preparing my witnesses and to do everything to make sure that we move on. So on Friday afternoon, that is when I was Xeroxing the documents that I saw the second one and that the order concerned my work. So we were able to wrap up or finish work on the application and to have information. And I think we have three -- we have three documents. We already have one document and I think three are coming, so there was -- we thought it was more logical to include the -- or to append the information -- personal information sheets with the application rather than just send the application.

1 And since today is already Monday, we will wish that you give us the day of today so that we honour the
2 commitment that we had made, that is, to make -- file the application at the same time as the personal
3 information sheet.

4 MR. PRESIDENT:

5 Yes, Counsel, we will consider that. The only thing is it amounts to another violation of the order of this
6 Court.

7 MS. CONDÉ:

8 No, Mr. President, I promise you this because when I saw it I did everything I could. We left at 1 p.m. I
9 didn't have the material time to do what was necessary within one hour, so -- and I assure you that I
10 acted in good faith. Probably at the beginning we made some noise, but --

11 MR. PRESIDENT:

12 Yeah, we'll take your word for that, and we'll give time till today to file.

13 MS. CONDÉ:

14 I am very obliged, Mr. President.

15 MR. PRESIDENT:

16 Yes, Mr. Counsel, you may continue.

17
18 What about the other witness who was to come, what is the position? Is he coming or not?

19 MS. CONDÉ:

20 *(No interpretation)*

21 THE ENGLISH INTERPRETER:

22 Microphone -- counsel is not -- has not switched on her microphone.

23 MS. CONDÉ:

24 Allison is on the phone talking to him and his boss. We sent documents that he was asking for and we
25 want to have the assurance that he would be able to hop into the plane today. So I think that during the
26 lunch break -- or after the lunch break we will be able to tell you what the situation really is, because if
27 he doesn't take the plane today, and since tomorrow is supposed to be the day, if he doesn't get on the
28 plane, this of course would mean some consequences -- or this will have a bearing on the outcome.

29 MR. PRESIDENT:

30 Yes, Counsel, you may continue.

31 MR. GABAAKE:

32 Your Honours, during the examination-in-chief, the Defence had made an application to request that
33 this hearing should be done in fully -- in full closed session. I wish to notify the Court, for the record,
34 that we will proceed in closed session until -- if at all we feel we need to change we shall duly notify the
35 Court. If I may proceed?

36 MR. PRESIDENT:

37 Yes. Yes, you may continue.

1 *(At this point in the proceedings, a portion of the transcript [pages 4 to 61] was extracted and sealed*
2 *under separate cover as the session was heard in camera)*
3 *(Pages 1 to 3 by Gifty C. Harding)*

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CERTIFICATE

We, Gifty C. Harding, Melissa Hook, Haruna Farage and Donna M. Lewis, Official Court Reporters for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*stenotype*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in nowise interested in the result of said cause.

Gifty C. Harding

Melissa Hook

Haruna Farage

Donna M. Lewis