



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: **NGIRABATWARE**
Case No: ICTR-99-54-T
Trial Chamber: Courtroom II

Before / Devant: **Judge William H. Sekule**, Presiding, Judge Solomy B. Bossa and Judge Mparany Rajohnson

Specificities / Spécificités: Single.

Prosecution / Poursuite: W. Kapaya, P. Gabaake, M. Rashid, I. Ismail, S. Sun, M. Kalisa, J-B. Nsanzimfura, E. Hightower (Intern), F. Murangwa (Intern).

Accused / Accusés: Augustin Ngirabatware.

Defence / La Défense: P. Herbert, M. Dimitri, D. Sebureze, J. Baragahoranye, A-G. Denier, G. Shankman, N. Bambhra (Intern), A. Babin (Intern).

Registry / Greffe: Constant K. Hometowu, John Tumati.

Date: Monday, 24 October 2011
(Courtroom 2)

Trial Day 127

1. Remarks / Remarques

- a. In relation to the Defence Motion requesting that DWAN-40 be allowed to testify via video-link, Defence Co-counsel (Ms. Dimitri) filed another Medical Certificate from a specialist regarding DWAN-40's condition. (Please see the Chamber's Decisions at paragraph 2 below).
- b. Defence Lead Counsel (Mr. Herbert) commenced and completed the examination-in-chief of Witness DWAN-55 (DW29) in closed session.
- c. Prosecution Assistant Trial Attorney (Mr. Ismail) cross-examined DWAN 55 in closed session.
- d. Mr. Herbert re-examined Witness DWAN 55 in closed session.
- e. Mr. Herbert informed the Chamber that the next witness, DWAN-79 (DW30), was willing to waive protective measures and testify in his own name and in open court. DWAN-79 confirmed before the Chamber that he was willing to testify in his own name, Mr. Jean Damascene Kayitama
- f. Mr. Herbert commenced and completed the examination-in-chief of Mr. Kayitama in open session.
- g. The proceedings were adjourned until the following day, Tuesday, 26 October 2011, for the commencement of Mr. Kayitama's cross-examination.

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

The Chamber granted the Defence Motion to authorize DWAN-40 to testify via video-link, noting that the Medical Certificate provides an indication of the nature and seriousness of the illness DWAN 40 suffers from, preventing her from travelling to Arusha. The Chamber was also satisfied that the anticipated testimony of DWAN-40 was sufficiently important to justify her testimony via video-link. Consequently, the Chamber granted the Defence Motion and allowed DWAN 40 to testify via video-link on a date to be determined shortly.

3. Witnesses heard / Témoins entendus

Witness DWAN-55 (DW29).

Witness Jean Damascene Kayitama, formerly known as Witness DWAN 79 (DW30).

4. Exhibits tendered / Pièces à conviction présentées

D 165A – Medical Certificate of DWAN-40 (*under seal*).

D 165B – English translation of Exhibit D165A, when available (*under seal*).

D 166 – Personal Information Sheet of DWAN-55 (*under seal*).

P 62A – Witness statement (*under seal*).

P 62B – English translation of Exhibit P62A, when available (*under seal*).

D 167 – Personal Information Sheet of Jean Damascene Kayitama.

Opening Ouverture	Adjournment Suspension
09:03 a.m.	10:30 a.m.
11:12 a.m.	1:09 p.m.
2:48 p.m.	4:35 p.m.
Total time in Court Durée des débats	5 hrs 11 mins

Signature

Signature

Signed

Signed

For Judge W. H. Sekule
Presiding Judge

Constant K. Hometowu

Paula Silfverstolpe
Legal Officer, Chambers

Legal Officer
CMS
