

1 THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
2
3 CASE NO.: ICTR-98-44A-T THE PROSECUTOR
4 OF THE TRIBUNAL
5
6 AGAINST
7
8 JUVÉNAL KAJELIJELI
9
10 14 MARCH 2001
11 1010H
12 TRIAL CONTINUES
13
14 Before: Judge Laïty Kama, Presiding
15 Judge William H. Sekule
16 Judge Mehmet Güney
17
18 Courtroom Officer:
19 Mr. John Kiyeyeu
20
21 Courtroom Assistant:
22 Mr. Abraham Koshopa
23
24 For the Prosecution:
25 Mr. Ken Fleming
Ms. Ifeoma Ojemeni
Mr. Jayantha Jayasuriya
For the Defendant:
Mr. Lennox Hinds
Court Reporter:
Ms. Verna Butler

1 P R O C E E D I N G S

2 MR. PRESIDENT:

3 Court resumes the sitting. For the record,
4 Prosecution is represented by Mr. Ken
5 Fleming, and Defence by Professor Hinds,
6 just for the record.
7
8 As agreed yesterday, we are sitting today to
9 know from Professor Hinds when he would be
10 in a position to cross-examine the
11 investigator who appeared here yesterday,
12 who was brought here by the Prosecution
13 yesterday. I would like Professor Hinds to
14 confirm some information that got to us
15 semiofficially; namely, that he would be
16 ready to cross-examine the investigator
17 tomorrow morning. Is that correct,
18 Professor Hinds?

19 MR. HINDS:

20 Yes, Your Honour. First of all, I would
21 like to state that Mr. Kajelijeli is not
22 here today and we waive his appearance. In
23 fact, I spoke -- I worked with
24 Mr. Kajelijeli up until 5 o'clock last night
25 at the jail on the documents. And when I

1 realised that we would not be finished and
2 we still had two other exhibits to go
3 through, I informed him that I was going to
4 speak to Dr. Mindua and to see if we could
5 have this session adjourned until Thursday
6 morning so as not to inconvenience the Court
7 to convene, to just simply adjourn. And I
8 told him that is what I was going to do. My
9 assumption is that he informed jail
10 officials that that is what was going to
11 happen, and that is why he is not here. So,
12 we waive his appearance.
13
14 Now, with respect to our situation: After
15 we had our session in court I felt that I
16 needed to consult with Mr. Kajelijeli
17 concerning the exhibits which were
18 introduced for identification. As this
19 Court realises, the exhibits -- primarily
20 maps, locations and that sort of thing that
21 essentially are from three communes in
22 Ruhengeri. The problem that I had --
23
24 Testing, one, two; testing, one, two.
25

1 MR. PRESIDENT:

2 There's a lot of background noise. There's
3 a lot of background noise. Could the
4 technician -- try again, try again.

5 MR. HINDS:

6 Yes, as I was saying, Your Honours, the
7 nature of the exhibits are maps which
8 specify locations of particular buildings
9 and so on in three communes in Ruhengeri.
10 And we need Mr. Kajelijeli to go over each
11 of those to deal with the question of
12 accuracy, first of all, and then to see
13 whether or not we raise any objections on
14 that basis. And then there have been some
15 indices indicating sources of information.
16 Part of our problem is that the exhibits, as
17 you know, are in English and so we had to
18 translate each of the documents for him and
19 then for him to begin to give me his
20 assessment of it, which has taken a longer
21 period of time.
22
23 Mr. Fleming has informed me yesterday at the
24 end of the day and again this morning that
25

1 the translated French copy is supposed to be
2 faxed to his office even as we speak and,
3 hopefully, if we get that, we will be able
4 to work throughout the day today; but, even
5 without the French copy, we think we would
6 be completed with our work today and be
7 ready to proceed in the morning.
8
9 I am not saying that we will cross-examine,
10 but we will be in a position, if we are
11 going to do that. And if we are not going
12 to cross-examine, I would inform the Court
13 by the end of today in any event.

14 MR. PRESIDENT:

15 So, if I have understood you, we should
16 resume normally tomorrow at 9.30 a.m.
17 Well, it will depend whether you
18 cross-examine or not; is that correct?

19 MR. HINDS:

20 That's correct, Your Honour.

21 MR. PRESIDENT:

22 Mr. Prosecutor?

23 MR. FLEMING:

24 Thank you, Your Honour. As I understand a
25 phone call that I had just moments before I

1 came down, the French translations have
2 already been sent to Mr. Diatta here, and
3 they are going to be faxed to me
4 immediately. And I hope that I can get them
5 to my learned friend before he leaves the
6 building. Your Honour, I am grateful to my
7 learned friend for his cooperation in
8 respect of this.
9
10 Your Honour, there's only one other matter
11 that we wanted to raise in respect of those
12 exhibits, and this was something that I
13 omitted to do and was pointed out to me
14 subsequently: There are names of witnesses
15 in there which, of course, we disclosed to
16 our learned friends, but they oughtn't to be
17 disclosed anywhere else. Is it possible for
18 the Court now to make an order that those
19 Exhibits, 1 to 4, be sealed, except, of
20 course, for all -- except -- sealed for all
21 purposes, except that required by the
22 Tribunal and by our learned friends? Thank
23 you, Your Honour.

24 MR. PRESIDENT:

25 Professor Hinds, some comments?

1 MR. HINDS:

2 We don't have any comments with respect to
3 that. I do not know whether or not any of
4 the documents have been disseminated to
5 anyone but us. But I can say from the
6 Defence standpoint, we received documents
7 the day before yesterday. The only people
8 who have had access to them are our
9 investigators and the Defence team and the
10 Defendant.

11 MR. PRESIDENT:

12 After having deliberated briefly, Chamber
13 directs that Exhibits No. 1 to 4, which were
14 placed under seal for purposes of
15 identification -- or, sorry, which were
16 submitted for identification, be placed
17 under seal for purposes of security in view
18 of the names mentioned in those documents.

19 MR. PRESIDENT:

20 So, we will rise and resume tomorrow
21 morning, 9.30 a.m. We now rise.

22 (Court adjourned at 1020H)

23 (Pages 1 to 6 by Verna Butler)

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C E R T I F I C A T E

I, Verna Butler, Official Court Reporter
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 under my supervision
and control; that the foregoing pages contain a true and
correct transcription of said proceedings to the best of
my ability and understanding.

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

Verna Butler (Pages 1 to 6)