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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

3 CASE NO.: ICTR-98-44-T
4 CHAMBER III

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THE PROSECUTOR
OF THE TRIBUNAL
v.
ÉDOUARD KAREMERA
MATHIEU NGIRUMPATSE
JOSEPH NZIRORERA

10 WEDNESDAY, 8 NOVEMBER 2006
11 0907H
12 CONTINUED TRIAL
13

14 Before the Judges:

15 C.M. Dennis Byron, Presiding
16 Emile Francis Short
17 Gberdao Gustave Kam
18

19 For the Registry:

20 Ms. Rose-Marie Kouo
21 Mr. Issa Mjui
22 Mr. Vincent Tishekwa
23

24 For the Prosecution:

25 Mr. Don Webster
26 Ms. Alayne Frankson-Wallace
27 Mr. Saidou N'dow
28

29 For the Accused Édouard Karemera:

30 Mr. Félix Sow
31

32 For the Accused Mathieu Ngirumpatse:

33 Ms. Chantal Hounkpatin
34 Mr. Frederic Weyl
35

36 For the Accused Joseph Nzirorera:

37 Mr. Peter Robinson
38 Mr. Patrick Nimy Mayidika Ngimbi
39

40 Court Reporters:

41 Ms. Donna M. Lewis
42 Ms. Ann Burum
43 Ms. Sherri Knox
44 Ms. Verna Butler
45 Ms. Eleanor Bastian
46

I N D E X

WITNESS

4 For the Prosecution:

5 WITNESS HH

6 Examination-in-chief by Mr. Webster (*commenced in closed session*).....5

EXHIBITS AND EXTRACTS

11 Exhibit No. P. 35.....6

12 Exhibit No. P. 36.....6

13 Extracts.....14, 22, 27, 32, 42, 45, 47, 48, 66

1 PROCEEDINGS

2 MR. PRESIDENT:

3 Good morning everybody.

4

5 Madam Registrar, can you open the proceedings please.

6 MS. KOUO:

7 Yes, Mr. President. Thank you.

8

9 Trial Chamber III of the International Criminal Tribunal for Rwanda, composed of Judge Dennis Byron,
10 presiding, Judge Emile Francis Short, and Judge Gustave Kam is now sitting in open session, today,
11 Wednesday, the 8th of November 2006 for the continuation of trial in the matter of the Prosecutor
12 versus Karemera et al, Case Number, ICTR-98-44-T. Thank you.

13 MR. PRESIDENT:

14 Thank you, Madam Registrar. The appearances are the same.

15

16 Good morning -- yes, Mr. Sow.

17 MR. SOW:

18 Mr. President, I should like to point out the presence of Mr. Servilien Rwabagande, our investigator
19 from Rwanda who is present this morning.

20 MR. PRESIDENT:

21 Thank you very much. And we welcome him to the trial.

22

23 Good morning, Mr. Witness.

24 THE WITNESS:

25 Good morning, Mr. President.

26 MR. PRESIDENT:

27 Mr. Witness, you are here to give evidence in our trial. We welcome you to our trial -- or Trial Chamber.

28 The first step in giving your testimony will be to take --

29 THE WITNESS:

30 *(No interpretation)*

31 MR. PRESIDENT:

32 -- make a solemn declaration or to take the oath to tell the truth. And the registrar will now invite you to
33 do that.

34 *(Declaration made by Witness HH in Kinyarwanda)*

35 MR. PRESIDENT:

36 Now, Mr. Witness, the method of giving your evidence at the trial is by --

37

1 THE WITNESS:

2 (No interpretation)

3 MR. PRESIDENT:

4 -- responding to the questions put to you by the lawyers designated for that purpose. Now the first
5 lawyer who will be questioning you will be the Prosecutor. And I will now invite him to commence his
6 examination.

7 MR. ROBINSON:

8 Mr. President, before he does that, I have two applications I would like to make with respect to this
9 witness.

10 MR. PRESIDENT:

11 The usual, Mr. Robinson?

12 MR. ROBINSON:

13 They are pretty much the usual, yes.

14 MR. PRESIDENT:

15 Perhaps you can just state them, so we -- but we don't need to hear you develop them as you know our
16 decision. It is a standard decision that we have.

17 MR. ROBINSON:

18 Yes.

19 MR. PRESIDENT:

20 So you can put them on the record.

21 MR. ROBINSON:

22 Well, if we follow our standard practice, then perhaps you might put a question or two to the witness.

23

24 My first application is that the Trial Chamber enquire of this witness whether he has refused in the past
25 when contacted to meet with me; and, also, whether or not he is now willing to meet with me before
26 giving his testimony. If I can just explain myself to the witness: First of all, Witness HH, how are you?

27 THE WITNESS:

28 Sir, I am fine.

29 MR. ROBINSON:

30 (Kinyarwanda spoken)

31 MR. WEBSTER:

32 I'm sorry. I shouldn't have to object at this point because the Trial Chamber knows our position on this.
33 It is not appropriate for Mr. Robinson to direct himself to the witness. The Court can do that and I'd
34 request that the Court make whatever enquiry that Mr. Robinson desires and thinks is appropriate.

35 MR. ROBINSON:

36 Yes, Mr. President, I'm just introducing myself to the witness so he understands who I am when I am
37 making these submissions which I am making in his presence so that he can follow.

1 MR. PRESIDENT:

2 Yes. And what was the second application you had?

3 MR. ROBINSON:

4 The second application is to withdraw the pseudonym of Witness HH. And I request that he give his
5 testimony in his true name because there is no bona fide reason for him to fear for his security. And if
6 there is such a reason, I would ask that you enquire of the witness as to why he feels he needs to have
7 a pseudonym and not testify in his true name. Thank you.

8 MR. PRESIDENT:

9 Thank you.

10 MR. ROBINSON:

11 Excuse me, Mr. President. I meant to state for the record that I distributed to the Trial Chamber the
12 information I had concerning this witness's not willing -- being not willing to meet with me, which is an
13 e-mail dated the 30th of August 2005 from Mr. Webster. So, that is the only information that I have at
14 this point concerning his willingness to meet with me. Thank you.

15 MR. PRESIDENT:

16 Mr. Witness, was a request to meet with the Defence counsel communicated to you?

17 THE WITNESS:

18 Do I -- should I stand, Mr. President, to answer you or -- when answering your questions or may I
19 remain seated?

20

21 As he has just said he did, indeed, express the wish to see me. But I felt for my part that it was not
22 necessary to meet him since I had already met other people, I considered that it wasn't necessary to
23 meet him.

24 MR. PRESIDENT:

25 And is that your present position?

26 THE WITNESS:

27 Quite. My position has not altered.

28 MR. PRESIDENT:

29 Thank you. In response to the request that you made initially, you will be permitted to give your
30 testimony seated. It will not be necessary for you to stand during the giving of your testimony.

31 THE WITNESS:

32 Thank you.

33 MR. PRESIDENT:

34 In regard to the second application, we don't need to hear further argument, as I think this fits in with
35 the decisions which we have repeatedly given in that we have already made a protection order, and
36 there is no basis for having it reconsidered or altered at this stage.

37

1 Mr. Robinson -- Mr. Webster, you may commence your examination.

2 MR. WEBSTER:

3 All right, thank you, Your Honours. Good morning to everyone and good morning to the witness.

4

5 I think we will need --

6 THE WITNESS:

7 Good morning.

8 MR. WEBSTER:

9 I think we will need to start in closed session, Your Honour. I'm going to elicit some background
10 information from the witness and his identity, and it should take around 15 minutes or so. And then the
11 rest of his testimony should be in open session.

12 MR. PRESIDENT:

13 For the benefit of the public, the Trial Chamber made a protection order in relation to this witness. And
14 one of the elements of that order is that his identity should not be revealed to the public. The
15 Prosecutor has indicated that he is asking questions, the answer to which could reveal the witness's
16 identity, and we have to go into closed session for that purpose. So we go into closed session for
17 approximately 15 minutes.

18 *(At this point in the proceedings, a portion of the transcript [pages 5 to 7] was extracted and sealed
19 under separate cover, as the session was heard in camera)*

20 *(Pages 1 to 4 by Donna M. Lewis)*

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1 (Pages 8 to 12, which were previously in closed session, have been transferred to the open session by
2 order of the Court)

3 BY MR. WEBSTER:

4 Q. We are going to come back to the issue of that particular crossroad in a little while, but let me move on
5 with my questioning. Did there come a time that you left Rwanda at the end of the war in July 1994?

6 A. Yes, I fled the country, much as everyone did from Gisenyi.

7 Q. Where did you go?

8 A. I went in exile in Congo.

9 Q. How long did you remain there?

10 A. I returned in 1997. I think that knowing that date maybe you can work it out and help me. In
11 *****1997, I returned home. And you can work out for yourself on that basis how long I was in exile.

12 Q. What were the circumstances of your return? Why did you return? Was there any reason?

13 A. The main reason that I was -- was that I was separated from practically my entire family. And I felt that
14 I should return home to Rwanda inasmuch I had no more family members with me. So I decided that I
15 should return home.

16 Q. Now, Mr. Witness, have you ever been prosecuted in Rwanda for crimes that were committed in 1994?

17 A. Not yet. I have not yet been tried.

18 Q. Did there come a time that you were placed under arrest?

19 A. As soon as I arrived back in the country I was arrested, immediately arrested and imprisoned.

20 Q. Were you told why you were arrested? Did anyone from the ministry of justice or the prosecutor's office
21 tell you the charges that were pending against you?

22 A. It was someone from the prosecutor's office, state prosecutor's office who told me that I had committed
23 acts of genocide and, hence, should be imprisoned, detained.

24 Q. Can you tell us the status of your case? Maybe you could give us a brief overview of what has
25 happened with your case from *****1997 to today?

26 A. My case file was transmitted to the Tribunal and I'm awaiting my day in court. I'm waiting to be tried.

27 Q. Have you ever appeared before a judge in relation to your case?

28 A. No, not yet.

29 Q. Have you ever been brought into a courtroom in Rwanda in regard to your own case?

30 A. No, not as yet.

31 Q. Did you ever confess your crimes or enter a plea of any sort in regard to your own case?

32 A. As regards that procedure I have, indeed -- or I did, indeed, enter a plea in the year 2004.

33 Q. How was that done, Mr. Witness? Was it done orally before a magistrate or did you do that in writing?

34 Can you explain to us the procedure that was used for you to enter a plea?

35 A. I did it in writing.

36 Q. Were you given specific charges to which you could plead guilty or not guilty or did you yourself
37 volunteer the information and the charges for your plea?

1 A. I did it on my own initiative. And in my confession I gave the role that I played in the killings. So I did it
2 of my own volition.

3 Q. Were you assisted by an attorney during this process?

4 A. No, I was not.

5 Q. Have you ever been assisted by counsel during the course of your own case?

6 A. No, up to now I have never been assisted by counsel.

7 Q. Did the Rwanda authorities ever disclose the contents of the judicial files that charge you with crimes to
8 you? In other words, were you ever told about the evidence that was accumulated against you by the
9 Rwandan authorities?

10 A. No. I have not yet seen a document of that description. And I am waiting for that document to be
11 shown to me on the day of my trial.

12 Q. Did there come a time that you began to give information to the ICTR Office of the Prosecutor?

13 A. Yes, that did happen.

14 MR. ROBINSON:

15 Excuse me, Mr. President, I would request that these questions be asked in open session. I don't see
16 that they are necessary to disclose his identity.

17
18 Secondly, if the Prosecution is going to make an application that the witness be warned pursuant to
19 Rule 90 at any time during the course of his testimony, I would ask that it be done now.

20 MR. WEBSTER:

21 I do plan to deal with that issue. That is one of the issues I'm moving towards. So we will get to that
22 before we go into the substantive evidence from this witness.

23 BY MR. WEBSTER:

24 Q. So, Mr. Witness --

25 MR. PRESIDENT:

26 I think it is premature for me to order -- I'm not certain what is going to be said yet, I have to take
27 Mr. Webster's discretion at this stage on the continuation of closed session.

28 MR. WEBSTER:

29 I can explain myself a bit if it would --

30 MR. PRESIDENT:

31 It is not necessary to explain yet.

32 MR. WEBSTER:

33 All right.

34 BY MR. WEBSTER:

35 Q. So, Mr. Witness, we will pick up again. Did there come a time that you began to speak with
36 investigators of the ICTR Office of the Prosecutor?

37 A. Yes, I did meet with employees from this Tribunal at one moment in time.

1 Q. Do you have any recollection of how many times you spoke to investigators from the
2 Office of the Prosecutor of the ICTR?

3 A. I do not remember very well. However, I believe that from the year 1997 I met with such people, and up
4 until the year 2004, I believe. I don't think that you can -- should consider as truthful what I said to the
5 investigators during that period because I had not yet decided at that time to tell the truth. I had
6 hardened as a person and I had not yet decided to tell the truth. But, subsequently, I then began to do
7 so. And that was in the month of December.

8 Q. Well, Mr. Witness, when you say that you decided to tell the truth at a certain point, was that before or
9 after you made your confession to Rwandese authorities?

10 A. I started to tell the truth afterwards, after having entered a plea, or having confessed to the Rwandese
11 authorities.

12 Q. Mr. Witness, you have now taken an oath to tell the truth before this Trial Chamber. Do you understand
13 the significance of taking an oath before a judge?

14 A. Yes, I am well aware of that fact.

15 Q. Now, Mr. Witness, have you ever testified before any other Trial Chamber here in Arusha?

16 A. No, this is the very first time that I am testifying in a case before this Trial Chamber or Tribunal.

17 Q. What about in any other context, have you ever given testimony in a court of law in any circumstances
18 prior to today?

19 A. Yes, I gave testimony before the Rwandese judicial authorities.

20 Q. Was that a Gacaca proceeding or was that in the regular court system?

21 A. Before the year 1994, I did so and I also did so after the year 1994, notably in the year 2004 -- 5,
22 pardon me, in the Gacaca court in the neighbourhood in which I lived.

23 Q. Mr. Witness, when do you expect your own case to be concluded?

24 A. Are you talking about my trial in Kigali? Well, as I said at the end of this year all cases will be
25 transferred to the different jurisdictions so I believe that it will be during that period.

26 Q. Has anyone either from the Rwandan ministry of justice or from the ICTR given you the impression that
27 testifying here in Arusha is going assist you in any way in your own case?

28 A. Nobody, I have never talked to anybody about my testimony before the Tribunal.

29 Q. What is your understanding of what you have to gain or to lose by testifying here today?

30 A. Personally I have nothing to lose because I am telling the truth about the events. As the Rwandan
31 government has asked us to do, we are telling the truth.

32 Q. Well, Mr. Witness in answering questions about the events of 1994 are you concerned about how your
33 responses today may be used in other criminal proceedings where you yourself are accused of crimes?

34 A. Whatever the case may be, as far as I understand the situation there are elements that could make life
35 difficult for me in my case but if we respect confidentiality, I do not believe this should pose a problem.

36 MR. PRESIDENT:

37 Yes, Mr. Weyl.

1 MR. WEYL:

2 Yes, Mr. President, it is my turn to wonder why we are conducting this testimony and adducing
3 evidence in closed session. And I find it more difficult to understand as we move forward why we are
4 still in closed session and that's where I reflect on what Mr. Robinson just said.

5 MR. WEBSTER:

6 I'm trying to get to the issue of the 90(E) and then we will go into the material that really needs to be
7 protected. But if it is troubling to the Defence, then this portion of the testimony can be unsealed. And
8 we can start the closed session when I start the more substantive questioning. It really doesn't concern
9 me. It is just a matter of trying to get through it quickly.

10 MR. ROBINSON:

11 Well, excuse me, Mr. President. I think that Mr. Webster has to organise his examination in a way in
12 which minimising closed session testimony. And I am going to make a motion when we finish this to
13 have this unsealed, but that is not a satisfactory way of proceeding since it bars the public from the
14 contemporaneous following of these proceeding, and it doesn't make this material broadcast anywhere,
15 it is simply buried in some transcript. So, I would ask you to instruct the Prosecutor to organise his
16 examination so that only those things that are absolutely necessary for closed session be discussed in
17 closed session. Thank you.

18 MR. WEBSTER:

19 Shall I proceed?

20 MR. PRESIDENT:

21 Mr. Webster, you have just said that you didn't think that this section was necessary to be in closed
22 session. Now, what I think you should do really are come to the matters that must in closed session so
23 we can be in open session as soon as possible.

24 MR. WEBSTER:

25 Just two or three more questions on this issue.

26 BY MR. WEBSTER:

27 Q. Mr. Witness, do you think you will be able to distinguish being -- on the one hand, not being truthful
28 about your own past activity in order to avoid incriminating yourself, and thus weakening your own
29 case, and on the other hand making a --

30 MR. PRESIDENT:

31 Mr. Webster.

32 MR. WEBSTER:

33 Yes.

34 MR. PRESIDENT:

35 This really is an open session question. He is going to be cross-examined on this in open session.

36 MR. WEBSTER:

37 Okay. I will move ahead and then come back.

1 MR. PRESIDENT:

2 All right.

3 BY MR. WEBSTER:

4 Q. Mr. Witness, can you tell us if you know Joseph Nzirorera, Joseph Nzirorera?

5 A. *(No interpretation)*

6 Q. Where do you know him from Mr. Witness? Where did you first meet him?

7 A. I met him in Kigali in town when he was a minister. And I also knew him when he was secretary
8 general of the MRND party. I saw him throughout that entire period.

9 Q. Would you be able to describe him physically? What does he look like?

10 MR. ROBINSON:

11 Excuse me. Mr. President, I absolutely can think of no reason in the world why this would be in closed
12 session.

13 MR. WEBSTER:

14 I'm expecting answers to other questions about the other accused to go into details of the specific
15 circumstances where this witness met them, Your Honours."

16 MR. PRESIDENT:

17 Yeah, I know, but the issue -- if you think it is necessary for the witness to demonstrate that he knows
18 the -- any of the Accused persons, that really is an open session question because they will be
19 cross-examined on those issues in open session.

20 *(At this point in the proceedings, a portion of the transcript [page 13] was extracted and sealed under
21 separate cover, as the session was heard in camera)*

22 *(Pages 8 to 12 by Donna M. Lewis)*

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1 MR. ROBINSON:

2 Yes, Mr. President, at this time I would like to make a motion to unseal the transcript and the testimony
3 that was heard in closed session after the point at which the witness indicated where he had his
4 business. I believe the next topic after that was, "that he had fled Rwanda" and I think that everything
5 after that is something that all should be in open session.

6

7 And I would ask that you order that the transcript of the closed session from that point forward be
8 unsealed.

9 MR. WEBSTER:

10 I'm not going to oppose the application, Your Honour. I simply request that the reference to *(By order*
11 *of the court, this name was extracted and filed under separate cover)* in his last response be placed
12 under seal, so that all of the references to the place of his business and home is removed from
13 anything that is in the open session transcripts.

14 MR. PRESIDENT:

15 Mr. Webster, you mentioned the name of the location you didn't want revealed, so we will have that
16 redacted from the record. We are going to make the order, but I'm just going to get some assistance
17 for the definition of the order. So we will make the details and declare it a bit later.

18

19 You may continue.

20 BY MR. WEBSTER:

21 Q. Mr. Witness, I'm going to go back to the point we were discussing your understanding of your rights
22 during the course of this proceeding. Do you understand that you have the right to refuse to answer a
23 question, whether it comes from the Defence from the Prosecution or from the Chamber, if you think a
24 truthful response is going to impact upon your ability to defend yourself in your own case? Do you
25 understand that?

26 MR. ROBINSON:

27 Excuse me, Mr. President, that is not the --

28 THE WITNESS:

29 *(No interpretation)*

30 MR. PRESIDENT:

31 Mr. Webster, it might be better if you simply read the provisions of this section to him.

32 MR. WEBSTER:

33 I haven't finished, Your Honour. That's one part of what I am saying and I'm getting --

34 MR. PRESIDENT:

35 Yeah, but you used the word "truthful".

36 MR. WEBSTER:

37 I will follow the Court's instruction, but I think when we read it, it would --

2

1 MR. PRESIDENT:

2 Mr. Webster, we are thinking that it is something that the Court should do rather than counsel. So,
3 we -- so we will do it now. I'm trying to find it.

4
5 Mr. Witness, it is considered desirable to give you some information about the rights that you have as a
6 witness before our Trial Chamber. And, in particular, I have to tell you that one of the rules which
7 govern the way we operate here is that a witness may refuse to make any statement which might tend
8 to incriminate him. Now, although you have the right to make that refusal, the Court may compel the
9 witness to answer the question. Testimony that is given in this way shall not be used as evidence in a
10 subsequent prosecution against the witness for any offence other than perjury."

11
12 Now I have to ask you, did you understand that, or are there any questions you have about it?

13 THE WITNESS:

14 Yes, Mr. President, I did understand. I don't know whether I am allowed to make a comment on that
15 point.

16 MR. PRESIDENT:

17 You may.

18 THE WITNESS:

19 As the Prosecutor said at an early stage, I said that it was not a good idea to mention my name. As
20 regards the neighbourhood in which I lived it is the one and the same thing because that would expose
21 me to danger. As regards my pending trial, I would like you to allow me not to talk about the evidence
22 that I will be using during my testimony in my trial, if that is at all possible.

23 MR. PRESIDENT:

24 Mr. Witness, we have understood exactly what you have said. We have taken note of it. Unfortunately,
25 as the events progress we will have to decide on a case by case basis what we can permit and what
26 we cannot permit. But your views will be taken into consideration on this issue.

27
28 You may continue.

29 MR. ROBINSON:

30 Excuse me, Mr. President, I'm just going back to what the witness said earlier that things could be
31 made difficult for his case if -- unless, but it wouldn't be a problem if we respect confidentiality. And I
32 think the witness needs to understand that the testimony that he has given at some point, the
33 government of Rwanda could make an application for disclosure of that testimony. And I think it is
34 important to advise the witness of that so that he understands that simply by confidentiality is not going
35 to prevent 100 per cent that the testimony he gives would not be used against him in a Rwanda court.

36
37 And, secondly, perhaps it might be useful to advise the witness that testimony that is compelled could

1 not be used against him if he is giving that testimony after having been ordered to do so. And I'm not
2 sure the Trial Chamber has itself come to that conclusion that testimony -- under Rule 90, testimony
3 given here could not be used against him in a Rwandan proceeding. But that is my view of the matters.
4

5 Perhaps you could discuss that among yourself and give him some advice that would guide him as to a
6 realistic expectation and what guarantees and protection he is receiving. Thank you.

7 MR. PRESIDENT:

8 Mr. Robinson, the -- I thought that previously what the remarks I had made in a previous witness has
9 indicated -- we do not see our function here, really, as being advisory to the witnesses. What we are
10 interested in is that they're adequately informed of their rights. So, there is a little line between
11 providing information and giving them advice.
12

13 I have heard what you said. I'm not quite certain that we need to go as far as that, because I think what
14 is critical in this instance is that the witness knows that he has the right to say, I do not wish to answer
15 this question because it might incriminate me. He also has to know that the Court has the power to
16 compel him to answer anyway. And that if he does answer, testimony giving under those
17 circumstances would only be used in prosecutions for perjury.

18 MR. ROBINSON:

19 In which court?

20 MR. PRESIDENT:

21 Well, you are asking me to delve into an area which you have just said might be controversial. But this
22 is what our rules say, and I read for him the exact wording of the rules. I can't guarantee -- I don't wish
23 to make a statement which will guarantee how anybody else will interpret these rules. I read the exact
24 wording of the rule which said very clearly that "testimony compelled in this way shall not be used in a
25 subsequent proceeding -- prosecution against the witness for any offence other than perjury."

26 MR. ROBINSON:

27 And I think since the witness is facing trial in Rwanda, not here at the ICTR, it would probably be useful
28 for him to know whether that is protection that he has in Rwanda or that is only protection he would
29 have if he would be subsequently prosecuted at the ICTR.

30 MR. PRESIDENT:

31 But it would be irresponsible for me to pretend that I would know how those rules would be interpreted
32 in Rwanda. Those are our rules here, and they are very clear. I can't advise him what will happen
33 later.

34 MR. ROBINSON:

35 But --

36 MR. PRESIDENT:

37 That is somebody else's job to advise him. But this is what our rules say.

1 MR. ROBINSON:

2 Well, it seems to --

3 JUDGE SHORT:

4 Mr. Robinson, if I understand you correctly, you don't want us to give the witness false expectations.

5 MR. ROBINSON:

6 Yes.

7 JUDGE SHORT:

8 You don't want the witness to get the impression that whatever testimony he gives here can never be
9 used in proceedings against him in a Rwandan court.

10 MR. ROBINSON:

11 Exactly.

12 JUDGE SHORT:

13 And testimony obviously cannot be used if he is prosecuted before the ICTR. But the point you raise is
14 whether the witness should be informed as to whether this rule applies to his proceedings in Rwanda.

15 MR. ROBINSON:

16 Yes.

17 JUDGE SHORT:

18 And, actually I don't see how we can enforce it in Rwanda. My personal view is that it only applies to
19 ICTR decisions.

20 MR. ROBINSON:

21 I understand that. And my personal view is that it applies to Rwanda proceedings because it is a form
22 of use immunity, which prohibits use at any proceeding. And I think the witness could enforce it in his
23 own case in Rwanda. But, in any event, I think -- your view ought to prevail out of an abundance of
24 caution, and that the witness ought to be informed that it may very well be that testimony he gives here
25 could be used against him in his case in Rwanda. So when he gives that testimony, he has been given
26 the most cautious advice that exists under the circumstances.

27 JUDGE SHORT:

28 I'm not so sure that the Rwandan courts feel bound by our rules.

29 MR. ROBINSON:

30 Yes, that is probably correct but, at least, in the United States and what I am familiar with if someone
31 gives testimony in the court of one state under a grant of immunity under compulsion, the other states
32 are prohibit -- in our federal government are prohibited from using that testimony. And an accused can
33 enforce that by appealing to whatever higher court. But I realise it is a different situation when you are
34 dealing with an international jurisdiction in a sovereign country.

35 MR. PRESIDENT:

36 I was just going to ask you if in America the expression state refers to sovereign states.

37

1 MR. ROBINSON:

2 Well, they like to feel they are sovereign, but they are not fully --

3 MR. PRESIDENT:

4 I mean other states that are not part of the United States.

5 MR. ROBINSON:

6 Yes, I think the United States --

7 MR. PRESIDENT:

8 So do you think the United States would respect that with regard to a foreign state?

9 MR. ROBINSON:

10 Not under the current administration. But normally they have done that in the past.

11 MS. FRANKSON-WALLACE:

12 Mr. President, if I may make a small interjection. I believe that insofar as the rules would apply to this
13 Tribunal, then the Tribunal would have an obligation not to give the testimony to the Rwandan
14 authorities for it to be used against the witness. So, it is not a question of whether they would be bound
15 by our rules; it is a question of the Tribunal being faithful to the protection and not allowing disclosure of
16 the transcript. That is my interjection.

17 MR. PRESIDENT:

18 Well, you see the only way that can be enforced is if such answers are under compulsion or taken in
19 closed session.

20 MS. FRANKSON-WALLACE:

21 And that, Mr. President, is something that I was reserving for later, But that is the only way to do it.
22 And, perhaps, Your Honours should think about it seriously because if -- if the rule is to have any real
23 value, then Your Honours will have to fashion the proceedings in such a way as to afford the proper
24 protection.

25 THE ENGLISH INTERPRETER:

26 Could we turn off the Prosecution's microphone?

27 MR. PRESIDENT:

28 Mr. Sow is on his feet.

29 MR. SOW:

30 Mr. President, I think that Judge Short gave the appropriate answer. We are in open session. To what
31 extent can we prohibit anything given in public session from being divulged? That is impossible. So
32 the problem must be clear at the outset. Everything said in open session cannot be considered
33 confidential. And this problem should delay us no further, but the witness must be informed, and
34 systematically warned. Thank you.

35 MR. WEBSTER:

36 I'm not going to comment further on this issue, Your Honour. What I suggest we do is that we proceed.
37 When an issue develops, perhaps, by that time the Court would have thought more about the approach

1 and inform the parties and the witness. But it is something that needs greater clarity. The witness
2 needs to understand exactly what the status of his testimony is in open session as opposed to closed
3 session and what protection his pseudonym affords in open session.

4
5 So all of these issues are not easy ones to rule upon, but they deserve some thought by the Chamber
6 and some resolution as we move forward.

7 MR. PRESIDENT:

8 I think we can move forward now. I think that we are getting ahead of ourselves, because this issue
9 relates only to the issue of self incrimination. And I think that is something that we will address if and
10 when it arises.

11 MR. WEBSTER:

12 Thank you.

13 BY MR. WEBSTER:

14 Q. All right. Mr. Witness, we broke off at the point where you were telling us how you come to know -- to
15 know Joseph Nzirerera. If you can think back to the period between 1992 and 1994, can you tell us
16 how you knew him or interacted with him during that period?

17 A. Well, apart from the fact that I saw him very often when he came to the MRND party offices, and the
18 fact that I saw him when he was still a minister, that is when I would see him. At rallies, also I would
19 see him.

20 Q. Could you give us an estimation, an approximation of how many times you saw him during the period of
21 April to July of 1994, if you'll restrict yourself to that period?

22 A. Were I to estimate the number of times I saw him I would say twice.

23 Q. Were your interactions with Joseph Nzirerera of a personal nature? In other words, did you have
24 face-to-face conversations with him over the period of 1992 to 1994?

25 A. On one occasion we exchanged words. I was in the company of*****, the president of the
26 *Interahamwe*, and that is when we spoke with him.

27 Q. Mr. Witness, do you know Mathieu Ndirumutse?

28 A. Yes, I know him.

29 Q. Where do you know him from?

30 A. I knew him in town, in Kigali, when he was still a minister and when he was director general of
31 SONARWA, and especially when he was secretary general of the MRND.

32 Q. During the period 1992 to 1994, did you interact with Mathieu Ndirumutse personally? In other words,
33 was this someone that you would speak to face-to-face? Did you have a personal relationship in any
34 way?

35 A. In 1994 when the government moved to Gitarama, I spoke to him. I also spoke with him when we were
36 in exile in Bukavu. Even in Gisenyi, when we were in Gisenyi I spoke to him also.

37 Q. What about the period before April 1994, if we restrict ourselves to the period of 1992 and 1993, and

1 that portion of 1994, before April -- before April, did you have personal interactions with Mathieu
2 Ngirumpatse during that period?

3 A. Between 1992 and 1994, we would meet and converse especially when he was party secretary
4 general, I can't count the number of times we conversed on several occasions.

5 Q. Did you ever have occasion to go to his home? Were you ever invited into his home?

6 A. Yes. I went to his home on three occasions.

7 Q. Can you describe those occasions to us? What were the circumstances?

8 A. I remember that I went to see him, on the first occasion I went in the same car as he did, same vehicle
9 as he did at a meeting, at a rally, in Shyorongi *commune* -- a rally. That is in Kigali rural *préfecture*. On
10 the way back from that rally, since***** , it was
11 necessary to see him back home.

12
13 On the second occasion there were -- there was a motorcycle rider escorting him and I went to
14 Ngirumpatse with that motorcycle rider*****. The chap driving the motorcycle was in
15 the *Interahamwe*. *****.

16
17 And then another time it was with Ntirugurirwa. I went with -- who was a presidential guard who
18 normally escorted him. I normally went with him.

19 THE ENGLISH INTERPRETER:

20 I'm sorry, it is coming a bit broken from the -- the name of the motorcycle driver was***** , not
21 the person in the presidential guards, corrects the Kinyarwanda booth.

22

23 So, *****is the name of the motorcycle rider, not the presidential guardsman.

24 BY MR. WEBSTER:

25 Q. What about the third occasion that you were invited into his home?

26 A. Well, that is -- that was the third occasion with the presidential -- his name was*****. I was with one
27 *****.

28 Q. *****is number 103 on our list. Mr. Witness, when you refer to***** , are you referring to a
29 *****?

30 A. Yes.

31 Q. In which case it is number 81 on our list.

32

33 *****was not the presidential guard; he was*****. Is that your testimony?

34 A. Yes. He never had a military career. He never was a soldier. He drove a motorcycle that escorted
35 Ngirumpatse. He was a motorcycle rider. I said -- but I did say that the first time that I went to
36 Ngirumpatse, I was with that motorcycle rider and a driver.

37 Q. Thank you, Mr. Witness. With respect to Édouard Karemera, can you tell us if you know him? And if

1 you do, on what basis?

2 A. I would see him very often when he came to the MRND offices. I would also see him at rallies. And I
3 went to Rushashi with him when in the MDR party, when the MDR authorities had changed, and
4 Nsengiyaremye was no longer prime minister. And Agathe had become prime minister at that time.
5 We went to Rushashi to inform them of that. And another rally held in Nyamirambo, I also saw him.
6 Those are the occasions on which I remember seeing him. Of course, it might have been more
7 frequently than that.

8 Q. Well, with regard to the first incidence that you mentioned when you accompanied him to Rushashi, did
9 you drive in the same vehicle with him?

10 A. No, we went in an MRND party vehicle, which was always parked at the headquarters.

11 Q. Well, with respect to Édouard Karemera, is this someone that you had a personal conversation with, or
12 was he only someone that you spoke to -- you knew from a distance?

13 A. Personally, I never had any contact with him. The time when I did approach him was when we went to
14 Rushashi where he was introducing the new MRND authorities to the people at Rushashi.

15 Q. Now, Mr. Witness, with respect to these three individuals, we started with Joseph Nzirorera and then
16 we discussed Mathieu Ndirumpatse and we finished with Édouard Karemera. Can you explain to the
17 Court what their respective positions were in the MRND during the period 1992 to 1994, to the best of
18 your ability?

19 A. Yes. I could speak of their respective positions in the party.

20 Q. Can you tell us, please?

21 A. I should like to say that I especially knew Mathieu when he was secretary general, that is after '92, from
22 '92 until we went into exile.

23
24 Karemera, I knew him after '93. That is when I understood that he was vice president, vice president of
25 the MRND.

26
27 As for Nzirorera, I especially knew him when he replaced Mathieu as MRND secretary general. That is
28 how I know those three gentlemen.

29 Q. Do you recall when it was that Nzirorera replaced Mathieu Ndirumpatse as MRND secretary general?

30 A. It was in 1993.

31 Q. Now, Mr. Witness, were you a member of the *Interahamwe*?

32 A. Yes.

33 Q. How did it come to pass that you became a member of this organisation? Can you tell us the
34 circumstances under which you joined the *Interahamwe*?

35 A. In point of fact, where I lived we knew only one party. A single-party system. But with the advent of
36 multiparty politics, we knew some members of the MRND; for example, Venentie Kabageni, the MP, we
37 knew as an influential member of MRND. But, subsequently, she left the MRND and joined the PL.

1 In the meantime, the organisation named *Interahamwe* was created. I had not yet joined that
2 organisation, but I heard it mentioned as being an organisation of youthful supporters of the MRND. I
3 saw them making demonstrations. And one day one Turatsinze and (*By order of the Court, this name*
4 *has been extracted and filed under separate cover*) asked me to -- came to ask me to join the
5 *Interahamwe*. And I accepted, and I was invited to go and attend the meeting held in Vedaste
6 Rubangura's place. It was known as Technoserve. I went there for the first time and found many
7 participants, whether youthful or men -- more mature men, older men. And that is where I saw Mathieu.

8

9 Kajuga took the floor to welcome us. I wasn't the only new one. There were others. The party's ideals
10 were presented to us, and the organisation's aims -- the aims of the *Interahamwe* organisation was laid
11 out. We were told that we were to demonstrate at political demonstrations or other political rallies.

12

13 Subsequently, I replaced (*By order of the Court, this name has been extracted and filed under separate*
14 *cover*) who was an *Interahamwe* from my area. And after I replaced him, I would regularly participate in
15 meetings. In the meantime, the party headquarters moved to Kabuga's building.

16 Q. Thank you, Mr. Witness, I'm sorry to cut you off. I just want to go back to the first part of your answer to
17 clarify some things, and then we will move forward. At the first -- during the first portion of your
18 response you mentioned a Kabageni, which is number 32 on our list, Venantie Kabageni. Can you
19 explain what the significance of mentioning this particular person is. I am trying to understand why you
20 mentioned that name in your initial response?

21 A. What I wanted to say about Venantie Kabageni is that she was recruiting the young people of the area
22 to join the party, the PL party.

23 (*Pages 14 to 22 by Donna M. Lewis*)

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1 1027H

2 BY MR. WEBSTER:

3 Q. And what is it about those efforts, her efforts, or the perception that he was recruiting to the PL that is of
4 significance in -- in terms of your becoming a member of the *Interahamwe*?

5 A. That pushed me to join *Interahamwe* because I felt stronger. I felt that I could also join the
6 *Interahamwe* organisation since I liked the party also.

7 Q. Was it your perception that you were recruited into the *Interahamwe* by the authorities in the MRND
8 party?

9 A. As I subsequently understood, it was clear that they had played a part in my recruitment as an
10 *Interahamwe* so that I might oppose the efforts of that MP that we have mentioned.

11 Q. Now, Mr. Witness, you mentioned that you, yourself, were a member of the MRND; is that correct?

12 A. I became a full-fledged member after having been recruited into the *Interahamwe*.

13 Q. During the entire course of events up to April of 1994, was it ever suggested to you -- or, did you ever
14 consider joining another political party?

15 A. I do not recall the month, but when there was the power movement, there were schisms in the various
16 parties. And we had an *Interahamwe* meeting. I -- they came and invited me to join the PL because
17 there was also a schism in the PL. But it was not possible because we were told that it was a trick by
18 the MRND, that it was the MRND that wanted to put me in the PL. And, indeed, it wasn't
19 understandable, and I did not accept that.

20 Q. Mr. Witness, was it that you did not accept to go to PL or was it the PL party that would not allow you --
21 that prevented you from joining? Could you explain that to us, please.

22 A. Certain members of the PL said that it was a trick by the MRND, who wanted to place me in the PL.
23 That is understandable. There was no reason for that.

24 Q. Well, when you say, "There was no reason for that," that's what I'm trying to understand, Mr. Witness.
25 What was your understanding? Did you see this as a trick that the MRND was trying to pull? Explain
26 your understanding, what was going on.

27 A. Yes, that is my position. Because, indeed, I did not want to become a member of that party. If they
28 hadn't refused, I would have done so, but not because I accepted it off my own bat, on my own
29 initiative, because it was at the party's -- my party's request. But I could see that it would be something
30 difficult to explain.

31 Q. To the extent that you know, who in your party, the MRND, was suggesting that you join the PL power?

32 A. To my knowledge, the idea essentially was that of one Twahirwa, Twahirwa, Séraphin.

33 MR. WEBSTER:

34 For the record, that's number 108 on our list.

35

36 And I think we can (*microphones overlapping*).

37

1 MR. PRESIDENT:

2 Yes. Mr. Witness, we take a short midmorning recess, and we want to take our midmorning recess
3 now. It lasts about 15 minutes, and then you will resume your testimony. During this or any break in
4 the proceedings, you are not to discuss your testimony or the case with anybody.

5 (*Court recessed from 1035H to 1100H*)

6 MR. ROBINSON:

7 Excuse me, Mr. President. Before we begin with the witness, I apologise for having to raise an issue
8 of -- somewhat administrative in nature, but it's come to the last minute and I haven't been able to
9 resolve it yet. It involves Mr. Nzirorera's presence this afternoon and our -- whether we would be --
10 well, the problem is that Mr. Nzirorera has been requesting to have a visit with his sister, who came
11 from Rwanda and who he has not seen in over 12 years. And he's -- she's leaving tomorrow, and he's
12 been requesting of the UNDF to be able to have a visit here in the courtroom or in the room adjacent
13 during our break so as to not disrupt the proceedings. And he finally got an answer from the UNDF last
14 night, which is no, that say that they -- unless there's an order to the contrary, they would have that visit
15 at the UNDF this afternoon at 2 o'clock. And so I'm asking the Trial Chamber -- I raised this with your
16 Trial Chamber coordinator this morning and asked her to try to solve this problem without raising it to
17 the Trial Chamber, but she hasn't gotten back to me. And since when we recess for lunch
18 Mr. Nzirorera will go -- have to go back to UNDF, unless we can make other arrangements, I'm asking
19 you at this time to make an order that he be allowed to visit with his sister during the break, between
20 12:30 and 2, under the supervision of the security officials here.

21

22 Thank you.

23 MR. PRESIDENT:

24 Madam Registrar, could you make enquiries and report back to us on the situation, please.

25 MS. KOUO:

26 Yes, Your Honour, I will.

27 BY MR. WEBSTER:

28 Q. Mr. Witness, can we go back to the -- the first meeting of the *Interahamwe* that you attended. Can you
29 tell us who was leading that meeting?

30 A. The first meeting held in Rubangura's building by the name of Technoserve. The important person who
31 presented us the *Interahamwe* leaders was Mathieu Ngirumpatse.

32 Q. What leaders did he present?

33 A. The names I remember were Robert Kajuga, who was president of the *Interahamwe*; and then there
34 were Georges and Phénéas; also, Jeordinay (*phonetic*). As it was a long time ago, those are the
35 names that spring to mind.

36 Q. Would you recall the last names of those persons if we start with Georges?

37 A. Rutaganda. As for Phénéas, his name was Rugumuziza (*sic*). As to Jeordinay, I don't remember his

1 surname. It does not come to mind. And it was another leader by the name of Mukozi.

2 MR. WEBSTER:

3 For the benefit of the court reporters, Ruhumuliza is at 93 on our list.

4 BY MR. WEBSTER:

5 Q. Can you tell us what Ngirumpatse said? What do you recall about what he said during the course of
6 that meeting?

7 A. The point was at that time to introduce to us the *Interahamwe* leaders. We were told that we should
8 obey their instructions. Our task was to entice other youths as to the party line, which was considered
9 to be the best.

10

11 There was another youth wing that had been set up under the MDR, and their name was JDR.

12 Q. When you began to talk about this meeting, you mentioned that it was a Turatsinze that encouraged
13 you to come to the meeting. Was he present as well?

14 A. At the time he wasn't introduced as one of the leaders of that organisation. I was speaking of the
15 people that were introduced to us.

16 Q. Was anybody else introduced as a leader at that time?

17 A. The people who were introduced to us were top-ranking officials. They weren't yet very numerous.
18 There was only a few, and I don't see anyone more that I haven't mentioned who was introduced to us
19 on that occasion.

20 Q. Can you recall when this meeting took place, generally speaking, what year and, to the extent that you
21 remember, what month or what part of the year?

22 A. I'm not able to remember the month, but I know that the meeting was held in 1992.

23 Q. Do you recall whether it was the first half of 1992 or the latter part of 1992?

24 A. I think that it was sometime between May and June. It was in the course of either of those two months.

25 Q. Do you recall how long the meeting lasted?

26 A. The meeting did not last long. It was held after working hours in the evening, so, hence, we did not
27 stay long.

28 Q. Do you recall how many persons were in attendance, if you can estimate?

29 A. There were many people because the meeting room was nearly full.

30 Q. Well, when you say "full," could you give us an estimation of how many people it would take to fill the
31 room?

32 A. I'm not in a position to advance any figure, but what I can assert is that the -- there were many
33 participants.

34 Q. Based on what you remember about that meeting, can you tell us if it was your impression that there
35 had been other meetings before that one, or was this the first meeting -- or, was it your impression that
36 this was the first meeting of the *Interahamwe*?

37 A. No, it was not the first meeting to be held.

1 Q. Do you have any way of knowing how many meetings had been held before then?

2 A. No, I did not know how many meetings had been held. What leads me to say that it wasn't the very first
3 meeting is that the people who took me there knew where to go. They clearly knew where the meeting
4 was going to be held.

5 Q. Were there other MRND party leaders -- party leaders that participated in the meeting?

6 A. No. The person I saw was Mathieu. I did not see any other party leaders. I could not identify any other
7 party leaders there.

8 Q. What was your understanding of the relationship between the *Interahamwe* organisation and the MRND
9 party itself?

10 A. As I see it, apart from the difference in names and titles, otherwise, it was clear that the *Interahamwe*
11 were practically identical with the MRND.

12 Q. Why do you say that, Mr. Witness? Can you give us an explanation for why you make that
13 assessment?

14 A. I say that because the way the *Interahamwe* functioned, it was the party secretary-general who was at
15 the head of the *Interahamwe*. And all the time we worked, we were based at party headquarters, and
16 we had at our disposal the assets of the party offices.

17 Q. Well, did the *Interahamwe* have an office that was assigned to it within the party headquarters?

18 A. Well, maybe I mentioned an office, but it was a mistake. There was a place where the *Interahamwe*
19 coordinator, between the *Interahamwe* and MRND, which was in the MRND party offices.

20 Q. Well, when you say the "*Interahamwe* coordinator," who are you referring to?

21 A. I was speaking of Turatsinze, Jean-Pierre, Jean-Pierre Turatsinze.

22 Q. And why is it that you describe him as the *Interahamwe* coordinator? Is that how he was introduced to
23 the group?

24 A. Well, that's my way of expressing myself because it was to him we'd submit our problems. The
25 president of the *Interahamwe* and all the *Interahamwe* leaders from Kigali, it was to him that we'd go
26 with all our problems.

27 Q. When you say the *Interahamwe* leaders in Kigali, who are you referring to? Is there a level within the
28 organisation itself that you're thinking of when you make that statement?

29 A. I am speaking of the *Interahamwe secteural* chairman or *secteural* presence in Kigali town and also the
30 *secteurs* in the periphery.

31 Q. Well, how was the *Interahamwe* leadership appointed at that level? If we confine ourselves to the
32 *secteural* level, how did it come to pass that there were *Interahamwe* leaders at the *secteural* level?

33 A. At *secteural* level, there were officials who were elected. Others were appointed by MRND *secteural*
34 officials.

35 Q. Do you know how that was organised? Was it the MRND party that organised these activities, or did
36 the -- the *Interahamwe* organisation organise themselves independently? To the extent that you know,
37 explain that to us, please.

1 A. What I know is that such activities, in particular, the *Interahamwe* presidents or, in general, such
2 activities -- or, the *Interahamwe* in general -- such activities were organised. But the party was
3 informed those activities took place, but the party was informed.

4 THE ENGLISH INTERPRETER:

5 Sorry. That's the way it's coming.

6 BY MR. WEBSTER:

7 Q. When you attended the meeting, the first meeting that you mentioned, were there already *Interahamwe*
8 leaders at the level of the *secteur*?

9 A. There were, but in view of the large number of participants, those leaders were not introduced to us.
10 Only the top-ranking officials were introduced to us.

11 Q. Did you ever assume any leadership position in the *Interahamwe*?

12 A. Yes, I did have a position of responsibility within the *Interahamwe*.

13 Q. Well, reflecting on your own personal situation, were you elected to that position or were you appointed
14 to that position?

15 A. At *secteur* level, I was appointed to that position, but subsequently, at *communal* and *préfectoral*
16 level, I was elected.

17 Q. Who appointed you at the *secteur* level?

18 A. At *secteur* level, in view of the poor conduct of the man responsible at the time, one known as (*By*
19 *order of the Court, this name has been extracted and filed under seal*) and another***** in
20 conjunction -- conjunction with Turatsinze, decided that I could occupy the position and be the
21 *****at that level.

22 Q. How were leaders at the *préfectoral* level and the *communal* level chosen?

23 A. At *communal* level the MRND chairman, or president, at that level had the task of finding someone to
24 lead the *Interahamwe* at *communal* level.

25 Q. Can you describe the role of the national secretary of the MRND in appointing or organising the
26 *Interahamwe* as a whole?

27 A. He was informed as to those proceedings.

28 Q. How were members recruited into the *Interahamwe* organisation? Can you tell us a bit about that.

29 A. Well, at the outset, the *Interahamwe*, when -- undertook political cheerleading, and it was known that
30 they were members of the MRND to begin with.

31 Q. Was there any criteria that was enforced for becoming a member of the *Interahamwe*?

32 A. Well, in fact, to begin with, you had to be well known, based -- it was based on being well known within
33 the *secteur*. And one's conduct must be known, and it was a good thing to go and ask to be a member
34 of the organisation. But, essentially, basically, you were known.

35 Q. Well, when you say "known," Mr. Witness, can you tell us, known to whom? Is it known to other
36 members of the *Interahamwe* or known to members of the MRND party, of the party hierarchy? Can
37 you explain that for us?

- 1 A. Well, what I meant at *secteural* level was you had to be known by the MRND president, or chairman, or
2 the president of the *Interahamwe*, and so on.
- 3 Q. Do you know if soldiers were recruited into the *Interahamwe*?
- 4 A. I remember two people, but it was clear that they were no longer in the army. I know well that one of
5 those people was no longer in the army. But, as to the other's position, I'm not at all sure what it was.
- 6 Q. Was there any attempt to recruit reservists, army reservists, into the *Interahamwe*?
- 7 A. Yes, I know that they -- they came. But what I cannot say with any degree of certainty is that they were
8 to be recruited. But I did see some within the ranks of the *Interahamwe* also.
- 9 Q. Are you aware if there were any material incentives afforded by the party to attract members to the
10 *Interahamwe* organisation?
- 11 A. I am not aware of that.
- 12 Q. Well, were there any advantages to becoming a member of the *Interahamwe*?
- 13 A. The advantages consisted of manifesting a certain interest towards the party which were -- which
14 was -- which was personal, so it was a good thing to be well seen within the community when one
15 came across other people, for example.
- 16 Q. Was there a particular dress associated with the *Interahamwe*, or manner of dressing?
- 17 A. Yes, there was.
- 18 Q. Can you describe it to us, please?
- 19 A. I don't quite know how to describe these colours to you, but it would be more interesting for me to be
20 able to show you a sample. Some people said that they were sort of *tache-tache* colours, type of
21 camouflage, if you like. That was the type of clothing that was worn.
- 22 Q. Well, when you say "*tache-tache*," are you referring to the colours of the party or are you referring to --
23 can you be a bit more descriptive, please.
- 24 A. I am using the "*tache-tache*" expression because that resembles a military uniform. It was a specific
25 type of uniform worn by the *Interahamwe*, and nobody else wore that type of clothing, with the
26 exception, of course, of the *Interahamwe*.
- 27 Q. Well, do you recall the party colours of the MRND?
- 28 A. Yes, I do.
- 29 Q. Was there any particular fabric that was associated with the MRND party?
- 30 A. Yes, it is a known fact.
- 31 Q. Can you describe that fabric to us, please?
- 32 A. I remember that it contained the colour green and also black. You know, it was a long time ago now,
33 and those things happened a long time ago. So it is very difficult to remember.
- 34 Q. Did members of the *Interahamwe* ever dress themselves in the fabric that is associated with the MRND
35 party?
- 36 A. Caps were also worn because the *Interahamwe* uniform, as such, was not available to all the members
37 of the *Interahamwe*. There were only a few members of the *Interahamwe* who possessed a uniform.

1 Q. Well, with respect to those members that had a uniform, how did they obtain them?

2 A. Some uniforms were distributed by the party at the outset, and, subsequently, I believe that some
3 members of the *Interahamwe* had to buy uniforms. I believe that was the case.

4 Q. For those that purchased uniforms, did they purchase them from the party, or was this something that
5 was done in the marketplace?

6 A. It was the Utexrwa factory that took care of that. The Utexrwa factory manufactured that fabric, but it
7 was obvious that it belonged to the *Interahamwe* because nobody else wore that type of clothing.

8 Q. Was there a system of membership cards for the *Interahamwe*?

9 A. Some people had membership cards, *Interahamwe* membership's cards, notably.

10 Q. Can you tell us how those cards were distributed?

11 A. Those cards were different from the MRND membership cards. An *Interahamwe* who could afford it
12 would pay a sum of money in order to have such a card. So they paid a sum of money in order to
13 obtain such a card.

14 THE ENGLISH INTERPRETER:

15 Repeats the witness.

16 BY MR. WEBSTER:

17 Q. Were the cards issued by the MRND party or by a separate entity?

18 A. There is no separate entity. It was Turatsinze himself who would issue the cards and distribute the
19 cards, in fact. And he got those cards from the MRND headquarters office.

20 Q. How do you know that, Mr. Witness? Can you explain to us how you come to make that statement?

21 A. I came to know that detail when Turatsinze told me, and he showed me the card in question. I was not
22 alone. I was in the company of*****. And he asked us all, as members of the *Interahamwe*, to be
23 in possession of a card. We asked him how we could go about obtaining such a membership card, and
24 he said that we had to pay a sum of money to the accountant, François Regis. I believe that he was an
25 MRND accountant, so we had to pay a sum of money with a view to obtaining a membership card.

26 Q. Mr. Witness, do you know who Turatsinze reported to within the MRND?

27 A. His line superior was the national secretary of the party. Initially, that was Mathieu Ngirumpatse, and
28 subsequently it was Joseph Nzirorera. So he reported to those two gentlemen.

29 Q. And who reported to Turatsinze? In other words, were there persons below Turatsinze in hierarchy
30 within the organisation that reported to him?

31 A. There were the presidents of the *Interahamwe* at *secteur* level within Kigali town and within greater
32 Kigali. And, what is more, it was somebody who was in the habit of going into the different *préfectures*
33 with messages for the *Interahamwe* of those different *préfectures*. So, as a result, I can confirm that
34 the leaders of the *Interahamwe* had, first and foremost, to go and see Turatsinze before meeting with
35 the secretary of the MRND party, the national secretary, that is.

36 Q. Mr. Witness, over time, did you come to learn the identities of *Interahamwe* leaders at the *secteur* level
37 in Kigali, in Kigali *préfecture*?

1 A. Yes, I did know them because I often met them and*****.

2 Q. Was there ever a time that you *****at
3 the sector level?

4 A. Yes, at the outset.

5 Q. Can you explain that to us, please?

6 A. As soon as I gained access to the *Interahamwe*, I performed my duties at *secteur* level, and that was in
7 the year 1992.

8 Q. Did you move up the ladder, so to speak, in hierarchy within the *Interahamwe* organisation?

9 A. Yes. In fact, I occupied two posts that were at a superior level to those that I occupied at *secteur* level.

10 Q. Can you describe the level within the hierarchy of those two posts?

11 A. If you like, I can explain them all. Firstly, I was*****. When I was working in the
12 *commune*, there was the coordination of all the different *secteurs* of the *commune* and also the
13 peripheral areas. And leaders for that coordination were elected, and *****
14 *****all the *secteurs* of the *commune* and also for
15 the peripheral areas of Kigali.

16 Q. When you *****
17 *****in that capacity?

18 A. *****within the different *secteurs*, especially
19 when we took part in rallies. *****
20 *****Turatsinze.

21 Q. Did you come into contact with *Interahamwe* leaders from other areas of the country in your capacity --
22 in -- in that capacity?

23 A. With the exception of those that I saw coming to the party headquarters, they were, in fact, presidents
24 of *Interahamwe* at *préfecture* level that I met with.

25 Q. Can you give us a description of how the *Interahamwe* organisation, countrywide, was administered,
26 was structured?

27 A. From what I know, there was a leader for the *Interahamwe* at *secteur* level and another leader at
28 *commune* level. There was also a leader at *préfectoral* level, and then, at a higher level, the leader for
29 the *Interahamwe* at a national level.

30 Q. Did the MRND, as a party, the MRND party itself, play any role in administering or organising the
31 *Interahamwe* nationwide?

32 A. Yes, the MRND did play a role in that.

33 Q. How so? Can you explain to us the mechanisms by which the MRND party was able to administer the
34 *Interahamwe* organisation nationwide.

35 A. I could give an example with reference to myself. I could explain how I came to be appointed to my
36 post, whether it be at *communal* or *préfectoral* level. I would like to explain to you how I came to be
37 appointed. It was, in fact,*****

1 *****. When it was noted that Turatsinze no longer was a leader of the
2 *Interahamwe* at Kigali rural level, he was then replaced -- or, in fact, he was rid of his title.

3
4 And then*****

5 *****. So he said to me that there was no problem, that he had come
6 to an agreement with Mathieu, and that*****

7 *****
8 *****
9 ***** So I realised that, as there had been done for me, that also could have been done in
10 other *préfectures*.

11 Q. When you made a reference to Mathieu, who were you referring to, please? Are you referring to the
12 national secretary of the party?

13 A. Yes, I am referring to him.

14 MR. PRESIDENT:

15 Mr. Webster -- could I interrupt you for one moment --

16 MR. WEBSTER:

17 Sure.

18 MR. PRESIDENT:

19 -- to respond to the request made by Mr. Nzirorera's counsel?
20

21 Mr. Robinson, we have been informed by the registry that, in the exceptional circumstances described,
22 facilities have been put in place to arrange for Mr. Nzirorera to meet with his sister during the luncheon
23 break at the seat of the Tribunal.

24 MR. ROBINSON:

25 Thank you very much, Mr. President, and thank you to your staff as well.

26 BY MR. WEBSTER:

27 Q. Now, Mr. Witness, I'm going to try to go over the administrative structure of Rwanda; in other words, we
28 will look at each *préfecture* and focus very intently on the *préfecture* of Kigali-ville. And, to the best of
29 your ability, I'm going to ask you to tell us who the *Interahamwe* leaders were in these different areas.

30
31 So if we start with PVK, which is the *préfecture* of Kigali-ville, and we again focus ourselves on the
32 national leadership of the *Interahamwe* organisation --

33 A. At a national level there was Robert Kajuga, who was the national leader. Now, with reference to
34 Kigali-ville, there was no president for the *Interahamwe* within Kigali-ville itself. We knew that there
35 was, in fact, an organ comprising all the presidents of the *Interahamwe* at *secteur* level and it was, in
36 fact, Turatsinze who was in charge of coordinating that.

1 Now, with reference to Kigali rural *préfecture*, (By order of the Court, this portion of the transcript has
2 been extracted and filed under separate cover).

3
4 With reference to Cyangugu, it was Muyusuf (*sic*) Munyakazi. In Gitarama *préfecture*, there was
5 Silas Kutzimwanza (*sic*). In Kibungo, there was -- there was Sylvain Mutabaruka. And in Byumba
6 *préfecture*, I saw Gatete. In Gisenyi, there was Bernard Munyagishari. And in Ruhengeri, I often saw
7 coming to the presidents in order -- presidency to deal with *Interahamwe* issues, I saw Baheza. With
8 reference to Butare, I had not yet seen anybody at the headquarters, but people talked of
9 Munyagishari.

10
11 So those are the leaders of the *Interahamwe* whom I can remember at this moment in time.

12 MR. WEBSTER:

13 All right.

14 MR. PRESIDENT:

15 Mr. Webster, two issues. We think that the definition of *****should be redacted, as it is
16 capable of identifying him. And I think that there's a need for spelling assistance with the names that
17 have been mentioned.

18 MR. WEBSTER:

19 I'm going to go through and systematically --

20 MR. PRESIDENT:

21 So we make the order for redaction.

22 MR. WEBSTER:

23 Yeah.

24 BY MR. WEBSTER:

25 Q. Mr. Witness, we're going to go through each of those a bit slowly, and then we're going to move on to
26 others. But let me begin by clarifying something for the record.

27
28 With respect to Butare *préfecture*, you mentioned a person whose name begins with an M. The
29 spelling is M-U-N-Y-A-G-E-R-E-K-E, the name Munyagereke; is that correct, Mr. Witness?

30 A. Yes, that is indeed correct.

31 Q. You mentioned a leader for Byumba *préfecture*, whose name begins with a G, G-A-T-E-T-E, Gatete.
32 Would that be Jean Baptiste Gatete, Mr. Witness?

33 A. Yes, that is correct. Yes, that is him.

34 Q. For Cyangugu *préfecture* --

35 A. (No interpretation)

36 Q. Okay --

37 A. Yusuf Munyakazi for Cyangugu.

1

2 THE ENGLISH INTERPRETER:

3 Says the witness.

4 MR. WEBSTER:

5 The spelling of Munyakazi is M-U-N-Y-A-K-A-Z-I.

6 BY MR. WEBSTER:

7 Q. You also mentioned, Mr. Witness, a leader for Gitarama. I believe you stated Kubwimana. Is that
8 accurate?

9

10 The spelling --

11 A. Yes, that would be correct.

12 Q. The spelling would be K-U-B-W-I-M-A-N-A, Silas, S-I-L-A-S, Silas Kubwimana. Are we agreed,
13 Witness?

14 A. Yes, Counsel.

15 Q. For Gisenyi *préfecture*, you mentioned a Munyagishari, M-U-N-Y-A-G-I-S-H-A-R-I, Bernard. Would that
16 be accurate?

17 A. Yes.

18 Q. For Kibungo, you mentioned a Mutabaruka, Sylvain, M-U-T-A-B-A-R-U-K-A.

19

20 Is that accurate?

21 A. Yes, that was indeed the person of Sylvain Mutabaruka.

22 Q. For Ruhengeri, you mentioned the name Baheza, Esdras, B-A-H-E-Z-A, Baheza, Esdras, E-S-D-R-A-S.
23 Is that accurate?24 A. I only know the name Baheza. I'm afraid I don't know what his Christian name was. I don't know
25 whether it was Esdras.26 Q. Let's go back to the national leaders again, Mr. Witness. You mentioned Robert Kajuga. There have
27 been indications through other testimony that Kajuga was considered a Tutsi. Is that your
28 understanding?

29 A. I cannot confirm it, but that's what the people said. But I'm not sure as to his identity.

30 Q. How did you know Kajuga? Can you tell us how you related to him personally.

31 A. Yes, very often. We would meet very often.

32 Q. Would you say that there was a relationship of trust between the two of you?

33 A. Quite.

34 Q. What is your understanding of the relationship between Kajuga and Mathieu Ngirumpatse?

35 A. I would say that they had good relation -- their relationship was on a good footing.

36 Q. What about with respect to the -- to the other two MRND leaders, Nzirorera and Karemera?

37 A. I never heard of any problems between Kajuga, Nzirorera, and Karemera. They were also -- they also

2

1 had harmonious -- harmonious relationships.

2 Q. You previously gave us the name of Rutaganda as a national leader, R-U-T-A-G-A-N-D-A. Do you
3 know what his function was at the national level?

4 A. He was known as the second vice-president of the *Interahamwe*.

5 Q. You also previously mentioned the name Ruhumuliza, R-U-H-U-M-U-L-I-Z-A, Phénéas. Do you know
6 what his function was at the national level?

7 A. He was the first vice-president at national level.

8 Q. Earlier in your testimony, you mentioned a Dieudonné. Would that be Dieudonné Niyitegeka?

9 A. It is possible. It's possible that his surname was Niyitegeka.

10 Q. Well, if we refer to this person that you're calling Dieudonné, what was his function at the national level?

11 A. I'm not quite sure. I don't know whether he was secretary or treasurer, but it was one of those two
12 positions that he occupied.

13 Q. Are you familiar with a certain Ephrem?

14 A. You mean Nkezabera? Is it he you are referring to?

15 Q. Well, let's take this person, Nkezabera. Did he have any particular status with the *Interahamwe*?

16 A. Yes, he occupied one of the two posts I just mentioned, and he was also a *conseiller* at national level.

17 MR. PRESIDENT:

18 (*Microphones overlapping*)...Mr. Webster, can you give a number, please.

19 MR. WEBSTER:

20 Yes. Nkezabera is number 77 on our list.

21 BY MR. WEBSTER:

22 Q. I'm sorry I interrupted you, Witness. When you say "*conseiller*," can you tell us what you mean by that.

23 A. He would intervene in those bodies. In fact, I placed him -- I would place him at -- in the *Interahamwe*
24 committee at national level. I think he occupied one of the two posts I have just mentioned.

25 Q. Do you know a Bernard Maniragaba?

26 A. He could also be seen in the committee, but I'm not in a position to specify the position he occupied.

27 But he could be seen in the national committee.

28 MR. WEBSTER:

29 For the record, Maniragaba's number 55 on our list.

30 MR. PRESIDENT:

31 Yes, Mr. Weyl?

32

33 Mr. Weyl, I'm recognising you.

34 MR. WEYL:

35 Yes, Mr. President, thank you. I think that this exercise is very interesting, but the questions put are

36 highly inductive. And if we wanted the witness to recite a lesson with giving him all the necessary

37 prompts for his memory, we couldn't do it any other way. This exercise is of no probative value, and I

1 must say I object to the way it is led so inductively.

2 MR. WEBSTER:

3 Your Honour, I can adopt another way of moving forward. It's simply going to take us much longer
4 because this information is something that I think is important for the record and for the aspects of the
5 witness's testimony. I will take as long as it needs -- one needs to -- to get it out. But I'd suggested
6 earlier that we simply present this list to the witness and have him go through it systematically and that
7 was opposed. So I'm going through it the best that I can to -- to fill out the organisational chart of the --
8 of the *Interahamwe*.

9

10 I can see that with one or two names, I asked the witness to clarify a name that I had supplied. But, for
11 the most part, these are names that the witness provided to me when I asked him about the various
12 locations.

13

14 So, I'll follow the Court's instructions, but I think it's an appropriate way to proceed.

15 MR. PRESIDENT:

16 Mr. Webster, you know the difference between a leading question and a proper question. You can --

17 MR. WEBSTER:

18 All right.

19 MR. PRESIDENT:

20 -- proceed without special directions.

21 MR. WEBSTER:

22 All right.

23 BY MR. WEBSTER:

24 Q. Mr. Witness, can you think of any other members of the *Interahamwe* organisation at the national level?

25 We've mentioned quite a few already. I'm going to ask you to think a bit more and tell us if you
26 remember anyone else. If you don't, then we'll move on to something else.

27 A. Those are the only ones I remember. I've given you the names that sprang to mind that I could recall.

28 Q. Now, if we just confine ourselves to Kigali-ville *préfecture*, can you tell us how many *communes*
29 composed the *préfecture* of Kigali-ville?

30 A. Three *commune* (*sic*).

31 Q. Can you name them for us, please.

32 A. Yes. Nyarugenge *commune*, Kicukiro *commune*, and Kacyiru *commune*.

33 MR. WEBSTER:

34 For the record, Kicukiro is at 48 on our list. Kacyiru is spelt K-A-C-Y-I-R-U. Nyarugenge is spelt
35 N-Y-A-R-U-G-E-N-G-E.

36 BY MR. WEBSTER:

37 Q. Mr. Witness, if we think about Kicukiro *commune*, can you tell us who comes to mind as the leader of

1 the *Interahamwe* in Kicukiro?

2 A. When I think of Kicukiro *commune*, I know there's a place there called Gikondo, and there's also
3 Kagarama *secteur*, and also a place called Ziniya. So I don't remember the local *Interahamwe* leaders.
4 But another name springs to mind, and that is Karangwa, the name of the *Interahamwe* president,
5 when you pass Kicukiro *commune*.

6 THE ENGLISH INTERPRETER:

7 Mr. President, the witness has mentioned another name which the Kinyarwanda booth did not catch.

8 BY MR. WEBSTER:

9 Q. Mr. Witness, can you repeat the names that you just mentioned? We didn't get them in the translation.

10 THE WITNESS:

11 Twahirwa, Séraphin, Twahirwa, Séraphin.

12 MR. WEBSTER:

13 For the record, this can be found at number 108 of our list.

14 BY MR. WEBSTER:

15 Q. Did you associate Twahirwa, Séraphin, with any particular *secteur*?

16 A. I associated him with one of the neighbours that made up Kicukiro *secteur*.

17 Q. Do you recall the name of that neighbourhood?

18 A. Yes, Klamwo (*sic*). It was --

19 THE ENGLISH INTERPRETER:

20 Sorry. It wasn't clear whether it's Klamwo or Kalambo.

21 MR. WEBSTER:

22 Karambo is spelt K-A-R-A-M-B-O.

23 BY MR. WEBSTER:

24 Q. Shifting our attention now to Kacyiru, can you tell us the name or the names of *Interahamwe* leaders in
25 Kacyiru *commune*?

26 A. I'll begin with Claude Nshimiye on the subject of Kacyiru, and then Haj Abakiga; also,
27 André Nzabanterura and also Gaparata. I would also mention Aloys Ngirabatware, but I don't know if
28 he wasn't on the borderline between Kacyiru and Kicukiro. In my mind, it isn't clear whether he was in
29 Kacyiru or on Kicukiro's border with another *commune*.

30 THE ENGLISH INTERPRETER:

31 Kacyiru's border, sorry, Kacyiru's border with another *commune*.

32 MR. WEBSTER:

33 Thank you, Mr. Witness.

34

35 For the record, Claude Nshimiye is number 79 on our list. André Nzabanterura is number 86 on our list.
36 Aloys Ngirabatware is number 75 on our list. Abakiga, Haj Abakiga, is spelt H-A-J, Haj, Abakiga,
37 A-B-A-K-I-G-A. Gaparata is G-A-P-A-R-A-T-A.

1

2 THE ENGLISH INTERPRETER:

3 Number 18.

4 MR. WEBSTER:

5 Number 18 on our list.

6 BY MR. WEBSTER:

7 Q. Mr. Witness, you also mentioned Nyarugenge *commune*. Can you tell us some of the leaders of the
8 *Interahamwe* in Nyarugenge *commune*? And if you could just take them one by one so that I will spell
9 them for the record one at a time.

10

11 And when you mention the names, can you tell them -- tell us if you associate that name with any
12 particular *secteur*?

13 A. Agreed. Haj Gihundu, Gihundu, Gihundu, in Nyamirambo.

14 MR. WEBSTER:

15 For the record -- let's go one at a time. For Haj Gihundu, it is number 23 on our list.

16 BY MR. WEBSTER:

17 Q. Continue, Mr. Witness.

18 A. Those also Haj Natabi (*sic*), whom I associate with Bilyogo *secteur*.

19 Q. Do you recall the first name of Haj Ndayitabi?

20 A. I think it was Sued (*sic*), but I'm not sure. Sued (*sic*), but I'm not sure.

21 MR. WEBSTER:

22 For the record, Ndayitabi is N-D-A-Y-I-T-A-B-I. Suedi is S-U-E-D-I. And Bilyogo is B-I-L-Y-O-G-O.

23 BY MR. WEBSTER:

24 Q. Can you think of another, Mr. Witness?

25 A. In Gitega there was one Pecos.

26 MR. WEBSTER:

27 For the record, Pecos is P-E-C-O-S.

28 BY MR. WEBSTER:

29 Q. Were there any other names associated with the person you've identified as Pecos? Did he have
30 another name as well?

31 A. Yes, he did have another name, but I can't recollect it. There is, indeed, another name, but I can't think
32 of it.

33 Q. Can you mention any other *Interahamwe* leader at the *secteur* level in Nyarugenge *commune*?

34 A. Well, let me go on, then. There are others. At Cyahafi, there was one Ziragobora.

35 MR. WEBSTER:

36 For the record, Ziragobora is Z-I-R-A-G-O-B-O-R-A, and Cyahafi is C-Y-A-H-A-F-I.

37 THE ENGLISH INTERPRETER:

2

1 Number 113 for Ziragobora.

2 MR. WEBSTER:

3 Number 113 for Ziragobora.

4 BY MR. WEBSTER:

5 Q. Can you think of any others, Mr. Witness?

6 A. In Nyakabanda, Managishitaba (sic), (*unintelligible*) alias Sukari.

7 MR. WEBSTER:

8 For the record, Mananibishaka is M-A-N-A-N-I-B-I-S-H-A-K-A alias S-U-K-A-R-I. Nyakabanda is on our
9 list at number -- I'm sorry. It's not on the list, but I'll spell it. N-Y-A-K-A-B-A-N-D-A.

10 THE ENGLISH INTERPRETER:

11 And Cyahafi is 12, from before.

12 BY MR. WEBSTER:

13 Q. Mr. Witness, can you think of any other names from Nyarugenge *commune*?

14 A. In Kimisagara, there was one Gatabazi.

15 MR. WEBSTER:

16 Gatabazi is G-A-T-A-B-A-Z-I.

17 BY MR. WEBSTER:

18 Q. Do you know who the *conseiller* of Kimisagara was?

19 A. Yes, I know.

20 Q. What is that person's name?

21 A. Karushara, Rose.

22 MR. WEBSTER:

23 Karushara is spelt K-A-R-U-S-H-A-R-A.

24 BY MR. WEBSTER:

25 Q. Did Rose Karushara have any role to play in the *Interahamwe* in Nyarugenge *commune*?

26 A. Yes. She even wore the uniform, the *Interahamwe* uniform, often. And during the war her conduct
27 showed it.

28 Q. Well, when you say "her conduct," what do you mean, Mr. Witness?

29 A. I was speaking of her behaviour. When any *Interahamwe* person would come up, she'd get rid of them.

30 I know Gatabazi -- Gatabazi replaced someone who wasn't to Rose's taste.

31 Q. Can you mention any other leaders at the level of the *secteur* in Nyarugenge *commune*?

32 A. In Gatsata there was Epimaque Uwizeyimana.

33 MR. WEBSTER:

34 For the record, Uwizeyimana is at number 110 on our list, Epimaque. Gatsata is number 20 on our list.

35 BY MR. WEBSTER:

36 Q. Can you think of any other *secteurs* and leaders at the *secteur* level, Mr. Witness?

37 A. Yes. In Muhima, there was Habiyaemye, who occupied that position during the war because the

1 preceding leaders were dead.

2 MR. WEBSTER:

3 For the record, Habiwaremye is H-A-B-Y-A-R-E-M-Y-E (*sic*).

4 BY MR. WEBSTER:

5 Q. Do any other *secteurs* and leaders come to mind?

6 A. (*Unintelligible*)

7

8 In Rugenge *secteur*, the person in charge was Siphora (*phonetic*), but he died.

9 (*Pages 23 to 39 by Ann Burum*)

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1 1230H

2 BY MR. WEBSTER:

3 Q. Is Sikora a man or a woman, Mr. Witness?

4 A. A woman.

5 MR. WEBSTER:

6 For the record, Sikora is S-I-K-O-R-A; Rugenge is at 92 on our list.

7 BY MR. WEBSTER:

8 Q. Do you know the name of the *conseiller* in Rugenge *secteur*, Mr. Witness?

9 A. Yes. I know his name well because he was often seen in the midst of the killing.

10 Q. And what is that person's name?

11 A. The name was Odette; I think it was Odette Nyirabagenzi.

12 Q. Is this person a man or a woman?

13 A. A woman.

14 MR. WEBSTER:

15 For the record, Nyirabagenzi is N-Y-I-R-A-B-A-G-E-N-Z-I; first name, Odette, O-D-E-T-T-E.

16 BY MR. WEBSTER:

17 Q. Were there any other leaders at the level of the Rugenge *secteur* that come to mind?

18 A. A name often mentioned was that of another woman whose first name was Angelina. She was often
19 seen in the *Interahamwe* group.

20 Q. Mr. Witness, we are going to break now and resume after lunch. Thank you very much.

21 MR. PRESIDENT:

22 Just before we take the adjournment, there's one housekeeping matter. The court reporters have
23 indicated that there were two sections of yesterday's transcripts which contained information that may
24 reveal the witness's identity. They are at page 8 and line 12 of the English draft, and page 10 and
25 line 21 and following of the French draft. That's the first matter. The second matter is at page 15,
26 line 15, in the English draft; and the French draft, page 18, line 13. We make the usual order for these
27 portions to be extracted from the open session and placed in the closed session extracts book. I think
28 that the relevant matters could be forwarded to the court reporters, CMS and all the parties.

29

30 Now, Mr. Witness, we break for lunch. Our luncheon break is about 90 minutes and you'll return this
31 afternoon to resume your testimony. I have to advise you that during this or any other adjournment of
32 the proceedings while you are giving evidence, that you are not to discuss the case or your testimony
33 with anybody at all. Do you understand that?

34 THE WITNESS:

35 Yes, I understand, Mr. President. Thank you.

36 MR. PRESIDENT:

37 Well, we take the luncheon adjournment now.

1 (Court recessed from 1235H to 1421H)

2 MR. PRESIDENT:

3 Good afternoon.

4

5 Mr. Webster, you can continue.

6 MR. ROBINSON:

7 Excuse me, Mr. President, I just wanted to say that during the lunch break Mr. Nzirorera had a
8 wonderful reunion with his sister and he wanted me to thank the Trial Chamber and its staff for making
9 that happen. Thank you.

10 MR. PRESIDENT:

11 Thank you, Mr. Robinson.

12 BY MR. WEBSTER:

13 Q. Right. Good afternoon, Mr. Witness.

14 A. Good afternoon.

15 Q. I'm going to try to spend just another five minutes or so on completing our list of *Interahamwe* leaders
16 and then we'll move more into the substance of your testimony. We were still with Nyarugenge
17 *commune*, and if you can direct your attention to Gisozi *secteur* in Nyarugenge *commune*, does anyone
18 come to mind as leading the *Interahamwe* at that level?

19 A. Yes, there was an *Interahamwe* leader, but I can't remember his name. There was also a *responsable*
20 of Kagugu *secteur* which neighboured Gisozi.

21 Q. What about at Kimisange, *secteur*?

22 A. There was also a leader, but I can't remember his name, too.

23 Q. Mr. Witness, let's think about the *préfecture* of Kigali-rural now. In the various *communes* in
24 Kigali-rural, can you think back to 1994 and tell us who you recall being leaders at the *commune* level
25 in Kigali-rural, and you could tell us the *commune* and then whatever name you recall?

26 A. For instance, the *Interahamwe* leader for Butwama *commune* is someone I remember. Unfortunately,
27 what I can remember is only the first name, which was Bartholomew.

28 Q. Okay. Was there anyone else in Butwama that you would consider a leader of the *Interahamwe*?

29 A. The *Interahamwe* leader for Rwesero *secteur* was called Moussa.

30 MR. WEBSTER:

31 For the record, Rwesero is R-W-E-S-E-R-O. Moussa is M-O-U-S-S-A. Barthelemy is -- I'll spell it --
32 B-A-R-T-H-E-L-E-M-Y.

33 BY MR. WEBSTER:

34 Q. Anyone else, Mr. Witness?

35 A. In Mwendo *secteur*, the *Interahamwe* leader was called Mahembe.

36 MR. WEBSTER:

37 Mahembe is spelt M-A-H-E-M-B-E. Mwendo is spelt M-W-E-N-D-O.

1 BY MR. WEBSTER:

2 Q. You, yourself, had mentioned the name Gervais Ntirugurirwa earlier in your testimony and I believe you
3 associated him with Kigali-rural at that time. Can you tell us -- can you associate him with any
4 particular *commune*?

5 A. He was in Butwama *commune* in Kigali *secteur*.

6 MR. WEBSTER:

7 For the record, that's No. 18 on our list.

8 BY MR. WEBSTER:

9 Q. If you direct your attention to Mugambazi *commune*, does anyone come to mind?

10 A. I remember (*By order of the Court, this word has been extracted and kept under separate cover*) deputy
11 at *préfecture* level. His name was Rusigariye.

12 MR. WEBSTER:

13 Can we strike the reference to (*By order of the Court, this word has been extracted and kept under
14 separate cover*) in the witness's answer? And I will spell it for the record.

15 MR. PRESIDENT:

16 The reference to (*By order of the Court, this word has been extracted and kept under separate cover*) in
17 the witness's answer is redacted.

18 MR. WEBSTER:

19 The spelling is R-U-S-I-G-A-R-I-Y-E.

20 BY MR. WEBSTER:

21 Q. What about *commune* Ngenda, Mr. Witness?

22 A. I can't remember the name of the *Interahamwe* leader for Ngenda *commune*, but he was a deputy
23 *bourgmestre* and he was the first vice-president.

24 Q. And what about *commune* Rushashi?

25 MR. WEBSTER:

26 Rushashi is R-U-S-H-A-S-H-I.

27 THE WITNESS:

28 His name was Rugengumwe.

29 MR. WEBSTER:

30 For the record, that is R-U-G-E-N-G-U-M-W-E.

31 BY MR. WEBSTER:

32 Q. And for Rutongo?

33 A. There was a man by the name of Fiacre.

34 MR. WEBSTER:

35 For the record, it's R-U-T-O-N-G-O for Rutongo, and F-I-A-C-R-E for Fiacre.

36 BY MR. WEBSTER:

37 Q. And in Shyorongi, Mr. Witness?

1 A. Assumani Kavura.

2 MR. WEBSTER:

3 For the record, Shyorongi is S-H-Y-O-R-O-N-G-I, and Kavura, Assumani, is at No. 46 on our list.

4 BY MR. WEBSTER:

5 Q. And for Tare *commune*?

6 A. Silas Zimukwemera.

7 MR. WEBSTER:

8 Tare is spelt T-A-R-E. Zimukwemera, Silas, is Z-I-M-U-K-W-E-M-E-R-A; Silas is S-I-L-A-S.

9 BY MR. WEBSTER:

10 Q. And just as a final matter, when we were discussing the national leadership early this morning, if I ask
11 you to think of the advisors to the national committee, would that assist you in providing any additional
12 names, the leaders at the national level who were considered advisors to the national committee?

13 A. I do not remember the names of the *conseillers*, the advisors. That was a very long time ago now.

14 Q. That is fine, Witness. During the course of your testimony when we talk about other events maybe
15 something will jog your memory and then you can let us know.

16 A. *Niybo*.

17 Q. So, the information you've given us when you've listed names of *Interahamwe* leaders at the *secteur*
18 level, the *commune* level, the *préfecture* level throughout the country, can I assume that this is your
19 information up until April of 1994, or would you care to clarify things for us?

20 A. Yes, that was the situation until April 1994.

21 Q. You mentioned that your first participation in an *Interahamwe* meeting was sometime in mid-1992; I
22 believe your testimony was May or June of 1992. If you think about the period from when you first
23 attended the meeting until the end of that year, the end of 1992, what type of activities did the
24 *Interahamwe* engage in during that period? What did they do, as far as you know, in the areas that you
25 frequented?

26 A. With reference to *Interahamwe* activities, I might talk about the negative aspects, for example, with
27 reference to what happened in Shyorongi, the events in Shyorongi, the day after the rally held by the
28 president of the republic in Ruhengeri.

29 Q. Continue, Mr. Witness; describe that incident to us.

30 MR. ROBINSON:

31 Excuse me. Excuse me.

32 MR. PRESIDENT:

33 Yes, Mr. Robinson.

34 MR. ROBINSON:

35 Mr. President, I'm going to object to the eliciting of events in Shyorongi *commune* in 1992, which I
36 believe also included some deaths, and I'm moving to exclude this on the basis of it's not in the
37 indictment.

1 MR. WEBSTER:

2 That particular incident is not pleaded in the indictment, but if memory serves me correctly,
3 Mr. Robinson, himself, initiated testimony on this particular incident through one or two other witnesses
4 that have already testified. I didn't anticipate going into this incident in detail with this witness; I'm
5 simply asking an open-ended question about the *Interahamwe* activity in 1992, but, even so, I don't
6 think it's objectionable. This was a point in rebuttal when Mr. Robinson was cross-examining another
7 Prosecution witness. So, even though it's not pleaded in the indictment, it would be difficult for him to
8 argue that he is unprepared to deal with the issue, since he, himself, brought it up in the testimony of
9 another witness as an element in cross-examination for --

10 MR. PRESIDENT:

11 Which witness?

12 MR. WEBSTER:

13 This was with Ahmed Mbonyunkeza.

14 MR. ROBINSON:

15 Actually, Mr. President, I am having trouble remembering that myself. Maybe I'll have to look back at
16 the transcript. But I don't really remember that. It may very well have been some reference to that
17 *commune*, but I honestly don't recall it at the time. So, perhaps this is an issue that we could deal with
18 in writing and per your instructions at the commencement of the session when something is alleged to
19 not be in the indictment.

20 MR. PRESIDENT:

21 Okay --

22 MR. WEBSTER:

23 I can do that.

24 MR. PRESIDENT:

25 Sorry.

26 MR. WEBSTER:

27 If -- you know, I don't want to --

28 MR. PRESIDENT:

29 There's no point. Neither of you have your memory on your fingertips --

30 MR. WEBSTER:

31 No, I have my --

32 MR. PRESIDENT:

33 -- so I suggest that you should submit it in writing tomorrow morning.

34 MR. WEBSTER:

35 I don't want to say something that's going to prejudice the witness, that's my hesitancy, but I can give
36 the specific reference.

37

1 BY MR. WEBSTER:

2 Q. Mr. Witness, tell us about -- you've mentioned a rally taking place in Ruhengeri in 1992.

3 A. Yes, I did mention that.

4 Q. In relation to that particular event, can you tell us what happened and what makes it memorable for
5 you?

6 A. Violent acts were perpetrated, and I would like to show to the Trial Chamber the collaboration that
7 existed between the MRND and the *Interahamwe*.

8 Q. *(By order of the Court, this portion of the transcript has been extracted and filed under separate cover)*

9 MR. WEYL:

10 Mr. President, I have an objection to raise as to what has just been said. I do not believe that we were
11 notified beforehand of such affirmations and that the witness was, in fact, due to talk about such details
12 in such precise detail.

13 MR. WEBSTER:

14 I believe there are references in the witness's statement, the statement of 11th November 2004 and
15 the -- this is a matter that is not in the witness's pre-trial brief summary, but it is somewhere in one of
16 his statements which I can find at the end of the day, Your Honour.

17 MR. ROBINSON:

18 Mr. President, this is a very -- the witness had just volunteered the very information that I had asked
19 you to exclude. When Mr. Webster asked him about the meeting in Ruhengeri, instead of -- instead of
20 answering that question, he proceeded to provide the information that was the subject of my objection,
21 which is the events in Shyorongi *commune*, and he then went on to add that one of the Accused in this
22 case ordered that that take place. Now, that's a very serious material fact which should have been in
23 the indictment. It's not. And I'd ask that this be either addressed in the usual manner, by Mr. Webster
24 justifying how this has somehow become the subject of clear and unambiguous notice to us, or else it
25 be stricken. Thank you.

26 MR. WEBSTER:

27 My question was about the rally in Ruhengeri, Your Honour. The witness did sort of veer off a bit, but,
28 even so, I would argue this is not a material fact. This is an event in 1992. It is not something for which
29 the Accused are going to held responsible for on this indictment, which is limited to the temporal
30 jurisdiction of 1994.

31 MR. PRESIDENT:

32 Mr. Webster --

33 MR. WEBSTER:

34 Yes.

35 MR. PRESIDENT:

36 -- it is better for you to include that in your written note.

37

1 MR. WEBSTER:

2 Yes.

3 BY MR. WEBSTER:

4 Q. Yes. Mr. Witness, we're going to start with this line of questioning again. At a later point in your
5 testimony, we may come back to this issue of Shyorongi, but, for right now, I am going ask you to focus
6 your attention on the rally that was held in Ruhengeri towards the end of 1992. If you think about what
7 transpired at that particular MRND rally, what about it was memorable to you?

8 A. I remember that President Habyarimana said, "You, members of the population of Ruhengeri, I had not
9 intended to come and see you, but in view of the fact that I am your neighbour, I did not want to pass by
10 without greeting you." Now, after having uttered those words, he went to visit the *Interahamwe* who
11 were accomplices, their political cheerleading activities, and he asked them how far ahead the plans
12 were for buying *Interahamwe* uniform. I did not know quite who responded to him, whether it was
13 Mathieu or not; but he said that the programme was ready and that they were soon to be given the
14 uniforms. And that's what the president of the republic said during the rally.

15 Q. When the president of the republic addressed the rally, did you understand him to be praising the
16 *Interahamwe* or criticising the *Interahamwe*?

17 A. He was praising the *Interahamwe*. I remember that he added something else. He said that the
18 *Interahamwe* should have an attractive uniform so that we could descend upon the population.

19 Q. When you heard the president of the republic talk about descending on the population, what did you
20 understand him to mean?

21 A. I would not say that I really understood, but I did understand that we were to descend upon the
22 population in order to -- in order to lead a campaign with a view to swelling our membership ranks.

23 Q. At the time that this rally took place, did the *Interahamwe* have any particular reputation in Rwanda?
24 Do you understand my question, Mr. Witness?

25 A. During that time people said that it was a militia and there were lots of soldiers amongst the
26 *Interahamwe*, but that was specifically rumours mongered by the opposition parties.

27 Q. Well, based on your own experience, having associated yourself with that organisation for at least three
28 or four months by that time, was there any accuracy to those criticisms?

29 A. With reference to the *Interahamwe* behaviour, well, they were behaving like soldiers, like militia, but
30 from the time of that rally the situation worsened, and we could note that there were unfortunate events,
31 such as those that occurred in Shyorongi, the ones that I mentioned to you a few moments ago.

32 Q. We'll get to Shyorongi in a bit, but now I'd still like to focus on the period prior to the rally in Ruhengeri.
33 When you think of the incidents which gave rise to criticism of the *Interahamwe*, prior to the president's
34 rally --

35 A. The *Interahamwe* were criticised specifically for their behaviour -- for example, the *Interahamwe* of my
36 neighbourhood -- and the relationships that existed between the member of parliament and the
37 *Interahamwe*. Those relations were quite tense, and I think that was shortly after the journey to

1 Belgium and I believe that that member of parliament also went to Belgium, and subsequent to that
2 journey to Belgium the relations were tense, and when I talk to you of that journey to Belgium that was
3 with a view to going to meet the RPF.

4 Q. Well, with respect to this journey to Belgium, is it your testimony that -- who is it that went to Belgium to
5 meet the RPF?

6 A. It was the members of the MDR, the PL and the PSD parties, but we were having serious problems with
7 that MP, the lady MP from the PL party.

8 Q. Well, in respect to the bad behaviour of the *Interahamwe*, following news of the opposition parties going
9 to Belgium, was that bad behaviour something that the *Interahamwe* did on their own, or were they
10 directed to behave badly by anyone in authority?

11 A. We had precise instruction that we were to follow, more or less, to the letter; that is, the plan, the
12 opposition.

13 Q. How did you receive those instructions? Where did they come from and how did they reach you at your
14 level?

15 A. That information was given to us by Jean-Pierre Turatsinze and it was the secretary general of the
16 party, that is, Ngirumpatse, who gave the instructions to him so that he would transmit them to us and
17 we would report to him on a regular basis as to the situation prevailing in the neighbourhood.

18 Q. Thank you, Mr. Witness. How do you know -- you, personally, how do you know that the instructions
19 that Turatsinze gave to you came from Mathieu Ngirumpatse?

20 A. I know that because when we held meetings, and when I had to leave, Turatsinze would inform us of
21 that. Moreover, we invited Ngirumpatse to our meeting and we presented him with our condolences
22 because we knew that Turatsinze could not do anything without receiving instructions from
23 Ngirumpatse.

24 Q. *(By order of the Court, this portion of the transcript has been extracted and filed under separate cover)*

25 MR. ROBINSON:

26 Excuse me, Mr. President. We are hearing this story for the first time, as I suspect perhaps
27 Mr. Webster is as well. It certainly doesn't appear in the indictment, pre-trial brief, witness summary or
28 any witness statement that I'm aware of, and on that basis, I object.

29 MR. WEBSTER:

30 Actually, it is contained in one of the witness statements. I can find the reference for Mr. Robinson if I
31 have a few moments. But it's definitely an incident that was mentioned in either his statement of the
32 11th November 2004, or the will-say statement of the 6th of March 2006, in one of those two, and I
33 believe it's the November 2004 statement. I can explore it a bit more, and then I think Mr. Robinson will
34 see where it comes from.

35 MR. PRESIDENT:

36 Mr. Webster, we have to deal with this as we have stated before.

37

1 MR. WEBSTER:

2 I'm sorry?

3 MR. PRESIDENT:

4 We don't want to take trial time on these matters, so you are going have to give us your written
5 submissions on this tomorrow.

6 MR. WEBSTER:

7 Okay. It won't be a problem.

8 MR. PRESIDENT:

9 I suggest that you complete the testimony. If you fail to persuade us, then we'll have to remove the
10 testimony from the record.

11 MR. WEBSTER:

12 That's fine.

13 BY MR. WEBSTER:

14 Q. *(By order of the Court, this portion of the transcript has been extracted and filed under separate cover)*

15 Q. Right. We'll move on to another incident, Mr. Witness. You had said that the *Interahamwe* were being
16 criticised in 1992 for acting like a militia. Had military training of the *Interahamwe* started by the time we
17 get to President Habyarimana's speech in Ruhengeri, if you put yourself back in that moment of time?

18 A. No, that was said because the atmosphere between members of the JDR and the *Interahamwe* or
19 between the *Interahamwe* and the *Abakombozi*, was tense. There were always clashes before political
20 party rallies. That is why *Interahamwe* were criticised.

21 Q. When did you become aware that the *Interahamwe* were being trained militarily?

22 A. In 1993.

23 Q. How did you become aware of this?

24 A. In our capacities as *****and the neighbouring
25 *communes*, we had been invited by Turatsinze -- Turatsinze, Jean-Pierre, to come to the office, and he
26 told us there was a problem because *Interahamwe* had infiltrated the country. So, it was necessary to
27 shortlist some young people to be sent for military training. Mathieu Ngirumpatse was present during
28 that meeting which took place in a meeting room of the party headquarters at the Kabuga building.

29 JUDGE SHORT:

30 I heard the witness say -- well, I did not hear the witness say, but the translation --

31 MR. WEBSTER:

32 Actually, I heard it myself.

33 JUDGE SHORT:

34 -- that the *Interahamwe* had infiltrated the country. Is that what the witness said?

35 MR. WEBSTER:

36 That's what the --

37

1 THE ENGLISH INTERPRETER:

2 The apologies of the interpreter. The witness said "the *Inkotanyi*".

3 THE WITNESS:

4 What I said was that the *Inkotanyi* were infiltrating the country.

5 BY MR. WEBSTER:

6 Q. Mr. Witness, what did -- what happened during the course of that meeting at the Kabuga building?

7 A. During that meeting, we were asked to select some young people we trusted, who were well known in
8 the neighbourhoods and who could be trusted for keeping secrets, so we had to select those people to
9 be sent for military training. I remember that Mathieu Ngirumpatse, himself, talked about that issue.

10 Q. When you say that "issue", are you referring to the selection of young people, or the secrecy with which
11 it should be done?

12 A. What I mean is that he also said it was necessary to select those young people. You see, it was
13 Turatsinze who had convened that meeting. He was the one who usually invited us. He was the one
14 who opened the meeting because Mathieu was not yet in the meeting place. When he arrived there,
15 he, too, said that it was necessary to select young people to be sent for military training.

16 Q. And, Mr. Witness, when you talked about the *Inkotanyi*, infiltrating into Rwanda, are you referring to the
17 February 1993 offensive of the RPF, or are you talking about RPF being moved into the country
18 secretly? Can you clarify for the record, please, what you understood?

19 A. I am talking about the covert infiltration, because what was being said was that they were seeking to
20 infiltrate so as to eliminate MRND party officials.

21 Q. Well, the meeting that you have just described, did this take place after the RPF attack of
22 February 1993, or before?

23 A. After.

24 Q. Can you tell us if you received any military training?

25 A. Before preparing lists for people to be sent for the training, some military training activities had taken
26 place at the Kabuga building. That training session was designed for some *Interahamwe* leaders,
27 including yours truly.

28 Q. Was this something that was done openly or secretly?

29 A. The training session at Kabuga's place was a secret operation. It was only subsequently that it became
30 known, because during the training exercise a stray bullet went off and broke some windows.

31 Q. How was the training organised; who provided the training?

32 A. Our instructor was one Gaparata. He had been a soldier. In fact, he had served under the
33 Presidential Guard.

34 Q. Do you know if military authorities collaborated in the training?

35 A. Yes, it played a part.

36 Q. What makes you say that, Mr. Witness? Is this on the basis of your direct observation or something
37 that you heard?

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A. You see, when, for instance, the *Interahamwe* were taken to Gabiro, they were ferried there in army trucks, and while at Gabiro they had soldiers among their instructors. I remember that the one in charge of that training exercise was a colonel called Nkundiye.

MR. WEBSTER:

For the record Gabiro is at No. 16 of our list; Nkundiye is at No. 78 in our list.

BY MR. WEBSTER:

Q. Thank you, Mr. Witness. With respect to the training at military camps, I understand that military authorities were involved, but that's what I understand your evidence to be. I was actually referring to the training that was taking place at the Kabuga building itself, prior to the training in the military camps. Are you aware if military authorities had collaborated in that portion of the military training?

A. There were no soldiers during the training at Kabuga's place, apart from Gaparata and one Sebitabi, but those two people were no longer soldiers.

(Pages 40 to 50 by Verna Butler)

1 1515H

2 BY MR. WEBSTER:

3 Q. With respect to the training that took place at military camps, at which other camps did this occur, if you
4 know?

5 A. Bigogwe camp, Butotori camp.

6 Q. Did you visit these camps yourself or is your evidence based on things that were told to you?

7 A. I did not go to those places, but I sent people there and when they returned they informed me. When I
8 was planning to go there I learnt the training session had ended.

9 Q. How many times did you, personally, send people to the camps to be trained?

10 A. I sent people to Mutara and Bigogwe.

11 Q. On how many occasions, Mr. Witness?

12 A. You certainly understand that it was on two occasions.

13 Q. With respect to the persons that you sent, or that you listed to be provided training on, how many
14 persons each time?

15 A. I remembered a number of persons who formed the first group, but I can't remember the number of
16 persons who were in the second group.

17 Q. Give us an approximation of the number of people that you authorised to go for the first group?

18 A. I remember five people because each *secteur* had to send people there. So, it must have been five.

19 Q. Am I to understand that each *secteur* head was responsible for providing five names, or is there --
20 perhaps you could explain yourself a bit more?

21 A. No, it was not necessarily five. It could be more than or less than five. It all depended on people who
22 could be trusted, and, also, people who could keep secrets.

23 Q. When you talk about people to be trusted and keeping secrets, can you give us some sense of how you
24 would make that assessment?

25 A. One could see that by assessing their conduct. Those people would be contacted even before -- after
26 discussing with the person and advising him, then one can assess whether the person had followed the
27 advice he had received. That is how such a person can be trusted, and, also, be able to keep secrets.

28 Q. Do you recall if any Tutsis were sent to be trained during this period, or recruited to be trained by the
29 MRND or by the *Interahamwe* during this period?

30 A. I couldn't remember those who attended the training but I remember one*****
31 *****. I think he is still in exile. That's the only person.

32 Q. When you refer to him, am I to understand that he was the only Tutsi person that you are aware of that
33 was sent?

34 A. I'm referring to the group I sent. Regarding the other groups, I do not think there was any Tutsi sent for
35 such a training.

36 Q. Up until April of 1994 -- if we look at the period prior to April 1994, are you in a position to estimate how
37 many *Interahamwe* had received military training such as the one you have described; military training

1 in army camps, Gabiro, Bigogwe, Mutara and so on and so forth.

2 A. I cannot venture any figures because each one choose (*sic*) his group. What I know is that when I saw
3 them boarding the vehicles I could estimate the figure of those to be taken to Gabiro at between 200
4 and 300.

5 Q. Do you have any recollection of how many times persons who were sent off to either Gabiro or any of
6 the other camps for military training, distinct incidents, so that we can try to approximate how many
7 *Interahamwe* in the Kigali region were being militarily trained? So if you focus your attention on
8 Kigali-ville and the surrounding *communes*, can you think of how many times you saw buses leaving in
9 a manner that would allow you to approximate the numbers of people that were being trained?

10 A. Concerning Gabiro, I was an eyewitness to the dispatch of one contingent. I saw them near the
11 Kabuga building ready to be sent to Gabiro. So, here, I'm referring to Kigali town.

12 Q. Did you hear about other instances in which *Interahamwe* were bused to these military camps, putting
13 aside the one incident that you yourself saw? Were you aware by any other means of any other -- any
14 other groups of persons that were sent for military training?

15 A. I heard of training activities at Murambi and Kibungu (*sic*). I heard of those activities, I did not witness
16 them.

17 Q. What did the training consist of then, Mr. Witness?

18 A. It was military training. We were trained to handle firearms.

19 Q. Do you know if guns were ever distributed to the *Interahamwe* during that period?

20 A. Yes, firearms were distributed. It was towards the end of 1993.

21 Q. Is this something that you observed personally or did somebody tell you about this?

22 A. This is not something I was told about. *****
23 *****

24 Q. Who authorised the distribution of those guns: When you think of the persons that you reported to, at a
25 level above yours, can you tell us where the authorisation came from?

26 A. The person who distributed those firearms, who was empowered to do so, was one Turatsinze. He,
27 too, had received the authorisation from Nzirorera who was the party secretary general.

28 Q. How do you know that Turatsinze received the order from Nzirorera?

29 A. We had a *****discussion about this. I was with Turatsinze and Silas Kubwimana, where (*sic*) the
30 place where the firearms were being kept at the home of the person concerned.

31 Q. Where were the firearms being kept?

32 A. When I first saw those firearms, it was at the home of an *Interahamwe* called Silas Kubwimana who
33 lived in Gishushu. I might have been wrong about the name, but when you leave the CND, before you
34 reach Landouald, Chez Landouald, it is on the right-hand side, and when you drive in the direction of
35 the town, that is where Silas Kubwimana lived.

36 Q. And what did Turatsinze say about Nzirorera in relation to those guns?

37 A. Silas Kubwimana said that we should do everything to make sure that those firearms were distributed,

1 because he said, if those firearms -- or, if somebody were to realise that those firearms were at his
2 residence, then it would amount to a large or sizeable problem for himself. So he said that we had to,
3 at all cost, distribute the firearms on that very day, but we told him that he need not worry because the
4 person concerned had received the authorisation to distribute the firearms and that there was,
5 therefore, no issue.

6 Q. I am not understanding the last portion of your answer, Mr. Witness: But earlier you said that this had
7 been authorised by Nzirorera, or was done somehow with his consent. And what I'm trying to find out is
8 what exactly was said during your encounter with Turatsinze or Kubwimana that leads you to say that?

9 A. The person who invited me was Silas Kubwimana, and he called me on the telephone -- a telephone
10 that was located in my neighbour's house, and he said that he required my services. I went to his
11 residence and Turatsinze joined me there. Kubwimana said that we should do everything possible to
12 distribute the firearms and the other man asked him why he was worried. "Do you mean" he said, "that
13 the secretary general is not aware of all of this?" He said, "If those firearms were to be found here,
14 there would not be a problem, and they can even remain here another week if need be, because I have
15 received authorisation to distribute them", he said.

16 Q. All right, Mr. Witness, we will take a break, but we will come back to this point when we resume.

17 MR. PRESIDENT:

18 Thank you. We will also take the mid-afternoon recess for about 15 minutes. We will resume shortly.
19 *(Court recessed from 1530H to 1555H)*

20 MR. ROBINSON:

21 Mr. President, good afternoon. Mr. Nzirorera has gone to the doctor for a few minutes and he has
22 authorised us to proceed in his absence.

23 MR. PRESIDENT:

24 Thank you. We can continue now, Mr. Webster.

25 BY MR. WEBSTER:

26 Q. Mr. Witness, thank you. We are back on the same issue we left off on. You were telling us about an
27 incident where you and Silas Kubwimana and Turatsinze had met and there was some discussion of
28 weapons that were stored at the home of Silas Kubwimana, and you had mentioned to us, in the initial
29 part of your response, that Joseph Nzirorera had either authorised the distribution of those guns or was
30 aware of it. What we're trying to understand now is what exactly you meant by that, and I'm having
31 trouble following your explanation. So, just think about that incident, and to the extent that you are able
32 --

33 A. In fact, I wanted to say that in his capacity as secretary general of the party, he was aware of the
34 distribution of the firearms. In fact, there was a discussion between Turatsinze and Kubwimana.
35 Turatsinze wanted the distribution to be accomplished on the same day. So, there was a lengthy
36 discussion and what is more, he told us how the firearms -- where those firearms came from.

37 Q. Begin by telling us where they came from and how this involved Joseph Nzirorera, if it did.

1 A. With respect to what was said during the meeting between those two men, it appeared that Nzirorera
2 had discussed it with Déogratias Nsabimana who was the chief-of-staff and it was said that those arms
3 or firearms had been taken from the warehouse where UNAMIR had stored them.

4 Q. And how was the MRND able to get possession of those weapons?

5 A. The MRND came to an agreement with the chief-of-staff. And I would not be in a position to provide
6 you with further details on the agreement reached between the two.

7 Q. Well, did there come a time that you participated in the distribution of those firearms to members of the
8 *Interahamwe*?

9 A. Yes, from that day when we had a discussion we distributed weapons to the various *Interahamwe*
10 presidents in their respective neighbourhoods of residence.

11 Q. When you say "respective neighbourhoods" are you referring to the *Interahamwe* at the level of the
12 *secteur*?

13 A. Yes. We distributed the weapons to the *secteur Interahamwe* presidents.

14 Q. Well, Mr. Witness, earlier this morning we made a long list of the *Interahamwe secteur* leaders that you
15 were able to recall. Are you referring to those persons when you say you distributed them?

16 A. Yes. Those are the *Interahamwe* leaders I'm referring to.

17 Q. Do we have to go down the entire list to mention them or can you give us some sense of how many of
18 those *secteur* leaders received weapons from you?

19 A. I mentioned very -- various *secteur Interahamwe* leaders. I remember that on that day the only
20 absentee was André Nzabanterura. The distribution exercise spanned three days. By the third day, we
21 had completed the distribution drive. Nzabanterura received his own weapons much later.

22 Q. Well, Mr. Witness, there are 21 *secteurs* in PVK, and we made a list of -- not quite 21, but, you know,
23 quite a number of people. Is it your suggestion that you distributed weapons to at least 20 of the
24 *Interahamwe* leaders at the level of the *secteur*, which would be the 21 *secteurs* that actually exist
25 minus André Nzabanterura.

26 A. I think you are right. The number was 20. We did not leave out any *secteur* because when we had a
27 meeting everyone was aware that there would be a distribution drive and everyone was issued with
28 weapons.

29 Q. Was that reported back to the MRND national secretary at the time?

30 A. I did not see the report, but there must have been a report for the -- to the secretary general. When
31 those weapons were distributed there was a list, and when the weapons were handed to the various
32 recipients they signed to acknowledge receipt of the weapons.

33 Q. Well, putting aside the issue of whether the report was actually -- whether a report was actually made in
34 writing, do you know, based on your own personal experience, if anyone told Nzirorera that the guns
35 had been distributed?

36 A. Let me give you an example to illustrate this: I think that two days afterwards I had a discussion with
37 Turatsinze, who told me that I had to raise the matter of an allowance because we had been working

1 day in and day out. So, I went to party headquarters at Kimihurura accompanied by Turatsinze. It was
2 Turatsinze who raised the issue. He told Nzirorera that, as a matter of fact, my reason for being there
3 was to collect an allowance and he sent me to the accounts service so that I could get the allowance.
4 This means that he was aware of the distribution.

5 Q. Well, when you say "he sent you to get an allowance", who are you referring to? Who is the "he", is it
6 Turatsinze or Nzirorera?

7 A. It was Nzirorera who sent Turatsinze to explain to François to give me the allowance.

8 Q. How many guns were distributed over that period? I believe you said it took three days for the
9 distribution to be accomplished, do you know how many guns were actually distributed at that time?

10 A. It is not an easy task to give you the number of weapons, but I was aware that there were 600 guns in
11 the sacks. We distributed weapons to the various presidents, each of them did not receive an equal
12 number of weapons. So, it is not possible for me to give you an exact figure.

13 Q. But you correct me if I've misunderstood you. Your understanding is that all 600 guns had been
14 distributed over the course of those three days?

15 A. I heard of 480 guns taken from the stock.

16 Q. During this period -- well, let me withdraw that and ask you this, Mr. Witness. To the best of your ability,
17 how can you situate this particular event in time, and when I say "event", I'm referring to this three-day
18 distribution of guns? I know you won't be able to think of a specific date, but is there anything that
19 would suggest to you a time period in which this occurred?

20 A. The distribution exercise would start at 8:00 a.m. and we would work all day. In fact, all night. We had
21 a Mitsubishi vehicle which we used in carrying the guns. And Turatsinze escorted us in a
22 Suzuki Samurai, belonging to the MRND. We worked day in and day out.

23 Q. Well, Mr. Witness, I was actually trying to figure out what time within the year, not -- not during the day,
24 but let me put it to you this way: Did there come a time that Turatsinze disappeared from the scene; in
25 other words, was there ever a time that you no longer saw Turatsinze around.

26 A. Yes. Towards February, he disappeared, not to be seen by me again, but there were some problems.
27 I heard of some problems concerning him.

28 Q. Would that be February of 1993 or February of 1994?

29 A. February 1994. Towards the beginning of the month -- or, the end of the month of February. I can't
30 remember very well, but I think he disappeared towards the month of March.

31 Q. Mr. Witness, you had started by saying it was towards the beginning of February, or the end, and I
32 thought you were going to say the end of January, but now we've shifted to March. So, I don't know if I
33 am misunderstanding the interpretation, so try to think again. And I know you can't respond with
34 specificity, but just tell us whether you think it was towards the beginning --

35 A. You see, I was referring to Turatsinze's disappearance. It was in 1994.

36 Q. My objective in this question is to figure out when this distribution of weapons took place. We know that
37 Turatsinze was involved so it could not have occurred after he left. You've explained -- so, I am

1 concluding this took place before February of 1994. Do you follow what I'm saying?

2 A. Yes. That is what I was explaining to you. I told you that the weapons were distributed towards the
3 end of 1993. I believe I had said so. I don't know whether you didn't quite understand me. The period
4 between Ndadaye's death and the arrival of the RPF battalion in Kigali town, the period between those
5 two events, that is, when the distribution took place.

6 Q. Thank you, Mr. Witness. That is very helpful. What were the guns intended for?

7 A. The purpose of the weapons distribution was to protect MRND militants from possible assault by
8 infiltrators and RPF soldiers.

9 Q. Would you characterise the period of the end of 1993 as one of mounting ethnic tension in Rwanda?
10 Would you agree with that statement or would you rather reform -- or would you disagree with that
11 statement?

12 A. Yes. It was a real crisis period, especially after the death of the Burundian president.

13 Q. And when you say a "crisis period", can you be more descriptive? What about it would lead you to say
14 it was a crisis period if we think about the ethnic question -- or, the ethnic issue in Rwanda?

15 A. I would talk mainly about the period when we were told that plans were being made to receive the RPF
16 battalion at CND. People started saying that they were not certain about the hidden agenda of the RPF
17 battalion. People said that now that the battalion is quartered at the CND, hostilities may resume. So
18 rumours abound.

19 Q. Well, when you think of the *Interahamwe* organisation during that period, the end of 1993, and if you
20 think of the MRND party during that period, the end of 1993, were Tutsi still welcome in the ranks of the
21 MRND at this point in time?

22 A. Even prior to that time, no Tutsi was within the *Interahamwe* ranks. Concerning the atmosphere within
23 the MRND, perhaps for a better understanding you would rather ask the question to the MRND
24 chieftains, but relations between the two ethnic groups were tense.

25 Q. Yes, but if we think about the MRND party at that time, based on your own experience, and what you
26 were able to see and observe, were Tutsi welcome in the MRND at that point in time?

27 A. When you say they were welcome, I will not put it that way, because at that time it was said that the
28 MRND had formed a coalition with the CDR, and the CDR was anti-Tutsi. You can see that there was
29 some suspicion between people.

30 Q. Thank you, Mr. Witness. I am not at all suggesting that Tutsi were welcomed, Mr. Witness, I am sorry if
31 I -- I was not clear. I was asking you to explain. Did the MRND have an ideology that could be
32 characterised as anti-Tutsi during that period?

33 A. About your question, I would say that politicians -- well, you know them very well. Sometimes
34 politicians would meet and have their discussions, whereas members of the population are attacking
35 one another -- the ordinary members of the population are attacking one another. Sometimes
36 politicians could meet and have discussions, while the ordinary members of the various political parties
37 are attacking one another. So, I cannot say that the leaders of the various political parties had bad

1 relations between them, but it was said that the relations between the various ethnic groups were not
2 good because some Tutsi had even fled, abandoning their property.

3 Q. Well, Mr. Witness, do you recall being present at any MRND rallies during that period, and here we're
4 discussing 1993?

5 A. I attended rallies in 1993. But, it is not easy for me to state what was said during those meetings or
6 rallies, because at that time I was a security official.

7 Q. Well, putting aside the precise words that were uttered at those rallies, you can still describe to the
8 Court what you observed. So, we talked already about the rally in Ruhengeri in 1992. Now I'm going to
9 ask you to tell us about any MRND rally that you attended in 1993. Can you think of any and can you
10 tell us where they were, and give us a description of who transpired?

11 MR. ROBINSON:

12 Excuse me, Mr. President. I'm going to object to that, which is a very broad question and is likely to
13 elicit offence which is not included in the indictment and may well not be included in the pre-trial brief.
14 I'm going to ask that Mr. Webster formulate his question to limit it to those rallies which are included in
15 the indictment.

16 MR. WEBSTER:

17 I can do that.

18 BY MR. WEBSTER:

19 Q. So, Mr. Witness, let me direct your attention to the rally that took place in Kigali in October of 1993. This
20 was a rally that was called by the MDR, I believe; a rally on the 23rd of October 1993. Do you recall
21 that incident in Rwanda?

22 A. Yes, that rally took place but I did not attend it.

23 Q. What do you understand transpired at that rally?

24 MR. ROBINSON:

25 Excuse me, Mr. President. I'm going to object to this.

26
27 First of all, it is very cumulative to several witnesses who were present at this rally, and who testified to
28 it. And, secondly, if the witness didn't attend, it has very little probative value. So, I'm objecting on both
29 cumulative and because it is not probative.

30 MR. WEBSTER:

31 This is in the indictment and it is also in the pre-trial brief and also in the witness's statement. So, I
32 would plan to pursue it, not in depth, but I do plan to elicit a bit of information about it.

33 MR. ROBINSON:

34 Mr. President, that wasn't my objection at all. So, I do not think Mr. Webster has understood my
35 objection. I was objecting, number one, because it is cumulative to other evidence that has already --
36 which has occurred during the trial. And, secondly, because the witness did not attend this rally,
37 anything he heard about it would be of little probative value.

1 MR. WEBSTER:

2 Your Honour, my response which I've given before, is that much depends on the witness's perception of
3 events, and to the extent that he can provide evidence to this court of how this rally was perceived and
4 discussed, that can be probative, since it goes to the issue of the mounting anti-Tutsi ideology in
5 Rwanda towards the end of 1993, and how that was manipulated by authorities. So, I think it is
6 probative and I think we are spending more time discussing the questioning than we would have if the
7 witness had simply answered one or two questions.

8 MR.WEYL:

9 Mr. President, I will join in the objection raised by my colleague, Robinson, because I have an
10 impression that the witness said he did not attend that rally. So, it is perhaps at that level that my
11 understanding is that the probative value is quite watered down.

12 MR. SOW:

13 Mr. President, if I may add something? Mr. President, not only did the witness say he did not attend the
14 rally, but, furthermore, in the summary made by the Prosecutor, regarding issues to be discussed with
15 this witness, nowhere is there any mention of the rally of the 23rd of October 1993. So, this objection is
16 relevant and should be sustained.

17 MR. WEBSTER:

18 I'm sorry there is a reference -- a specific reference in the second full paragraph of the pre-trial brief
19 summary, where it states quite clearly -- there is a reference to the 1993 power meeting at Nyamirambo
20 and in parenthesis and presumably the 23rd of October meeting. So, I think there is notice. I
21 understand Mr. Robinson's objection, but my response is that there is evidence that would be probative
22 for this Court on this issue, from this witness.

23 MR. PRESIDENT:

24 Yes, we are going to allow the testimony subject to the laying of a proper foundation.

25 MR. WEBSTER:

26 Right.

27 BY MR. WEBSTER:

28 Q. Mr. Witness, you mentioned being aware of the rally that took place on the 23rd of October 1993. How
29 did you come to learn of this rally?

30 A. Counsel, did you just mention the month of "April"? Kindly repeat your question, sir, because I do not
31 believe I mentioned the month of April?

32 Q. No, Mr. Witness, I may have misspoken. I stated the 23rd of October 1993. The rally in Nyamirambo
33 that took place on that date.

34 A. Thank you for rephrasing your question.

35
36 My understanding was that you were referring to the MDR rally, otherwise, I remember the rally during
37 which Mugenzi made an address when he had just joined the power faction. Concerning the MDR

1 meeting, I did not attend that one, but the rally during which Mugenzi spoke -- well, I know that rally very
2 well.

3 Q. Okay. Well, let's start with the rally that you know very well then: Can you tell us what your involvement
4 in that rally was and what occurred during the course of that rally?

5 A. I believe I have already explained to you that in my capacity as an *Interahamwe*, most of the times
6 when rallies were organized*****. I did not closely
7 follow all the details when the rallies were organised, but what I remember is that Mugenzi spoke. He
8 said that "You people, committing crimes, war unto you. You who want to distance yourselves from the
9 others misfortune will befall you". And people understood that he was referring to RPF people as well
10 as Hutu who were members of the RPF. It was not an MDR organised rally -- rather, it was an MRND
11 organised rally.

12 Q. What did you make of the fact that Mugenzi, who was from another political party, was attending this
13 MRND rally? How did you understand that at the time?

14 A. He had come in his capacity as a guest and what is more, he was on the power faction side. When we
15 saw that he was in attendance, we saw him as a supplementary source of power or force.

16 Q. And, Mr. Witness, when you say "power", can you explain what you mean by that, was there a
17 particular ideology that was attached to the power faction?

18 A. The power ideology, especially during times of confrontation between the different political parties --
19 well, there was not much more confrontation, because there had been divisions between different
20 political parties and some political parties decided to join -- decided to join us and that provided us with
21 extra strength.

22 Q. When you think back to that rally where Mugenzi spoke, this is this MRND rally at Nyamirambo, do you
23 recall if there was any discussion of fighting the enemy?

24 A. Yes. We discussed the fact that we needed to fight the enemy.

25 Q. When you heard those words -- or, discussion along those lines during the course of that rally, who did
26 you understand the enemy to be? Who was being referred to at that time?

27 A. As *Interahamwes*, the first enemy to us was the RPF and the Tutsi accomplices, because the RPF was
28 described as a group of Tutsis.

29 Q. And who were to you, the Tutsi accomplices? Who did you understand the Tutsi accomplices to be at
30 that time?

31 A. Those were the Tutsis who were to be found inside the country.

32 Q. Well, when you refer to Tutsi accomplices, are you thinking of Tutsi women and children and elderly,
33 who couldn't possibly be members of the RPF forces?

34 A. When we talked about the Tutsis, we made no distinction. Even before that period we would draft lists
35 saying that there were people who were infiltrators, people who had taken them into their homes,
36 people -- Tutsis notably who had gone to join the ranks of the RPF. It was all those people.

37 Q. Well, when you say "We had draft lists", who is the "we"? Are you talking about the *Interahamwe*, the

1 secteur leaders? Give us a sense of who you mean when you say "We drafted lists".

2 A. When I say "we", I mean*****.

3 Q. Were you ordered or instructed to compile those lists?

4 A. Yes. During the rallies that were held at the headquarters -- the party headquarters, it was said that we
5 needed to draft lists of those Tutsis who had sent their children to join the ranks of the RPF, or those
6 Tutsis who said things about -- against our party. So, we had to draft reports on the subject of such
7 people.

8 Q. Can you tell us if any one of the members of the top leadership of the MRND either gave those
9 instructions or were aware of those instructions?

10 A. Turatsinze was an employee of the MRND and he worked at the party headquarters, and whenever we
11 drafted a report we would submit it to Turatsinze who would then submit it to the secretary general of
12 the party. So, there is no doubt about it. It did occur.

13 Q. When you say the secretary general of the party, can you tell us who you were referring to, because
14 there have been many people who have occupied that office? Do you have a specific individual in
15 mind?

16 A. When I talk about the secretary general of the party, I am referring to two people who are present here,
17 Mathieu Ngirumpatse and Joseph Nzirorera.

18 Q. Was it your understanding that both of them were aware of the lists that had been drawn up?

19 A. Yes, they were both aware.

20 Q. Do you know if the instructions to draw up the lists came from them directly?

21 A. Nobody else could take on that role because Turatsinze was the one who reported to those two people,
22 the two secretary generals of the MRND party. And I say that, because I was at the party headquarters
23 for much of the time. I would say that I sought refuge there. I wanted to explain that fact to you, but
24 you stopped me from doing so. I would not go home because if I had done so*****
25 *****. So, in view of the fact that I was at that location I was in a position to observe
26 many things.

27 Q. I think you were referring, again, to the incident in Shyorongi, Mr. Witness -- or, concerning that
28 incident. And we'll discuss that tomorrow. I realise that I prevented you from continuing in your
29 answer, but we will address that tomorrow morning.

30
31 But getting back to the issue of the lists, how often were they updated; in other words, did you make
32 several submissions to Turatsinze or was it just one time?

33 A. Every time that we realised that there were people who were against the MRND, we would compile
34 those lists. And we did so until the month of May. So, there was always an update, if you like.

35 Q. When you say the month of May, are you referring to 1994 or 1993?

36 A. I said until the month of April 1994. So, those lists were still compiled and handed over to the relevant
37 person. And those lists comprised names of people who were suspects, and I mean Tutsis.

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Q. Ultimately, what happened to the persons who were on those lists?

A. I am sure that in the year 1994, during the massacres, that those people were amongst the first to be killed.

Q. Right. Mr. Witness, I'm going to get back to where we started off in this questioning, which is the rally at Nyamirambo when Mr. Mugenzi spoke.

Did the MRND leadership participate in that rally and give speeches on that day as well? And here I am referring to Mathieu Ngirumpatse, Édouard Karemera and Joseph Nzirorera. Tell us what you know about each of those individuals in relation to that particular event, the rally in Nyamirambo?

A. Now, with reference to the rally at Nyamirambo, I believe that there were different rallies held at that location, but I remember the one that Mathieu Ngirumpatse and Édouard Karemera, and I also believe Mr. Ngirumpatse, was also there. There were also other leaders present, but the problem that I have is that there must have been rallies in Nyamirambo after the death of Ndadaye. I do believe that there were.

(Pages 51 to 61 by Eleanor Bastian)

1 1645H

2 BY MR. WEBSTER:

3 Q. Well, if we could focus our attention on a specific rally, that is, the one that we had started to talk about
4 maybe around 15 minutes ago, the rally where Mr. Mugenzi spoke, even though it was an MRND
5 event, bearing in mind that that's the rally that I'm trying to address, tell me what you remember
6 Ngirumpatse doing or saying at that rally.

7 A. I remember that Ngirumpatse did indeed take part in that rally.

8 Q. Were the *Interahamwe* involved in that rally?

9 A. Yes, the *Interahamwe* did take part.

10 Q. Were they ever presented to the persons in attendance at the rally? Was there any sort of spectacle
11 concerning the *Interahamwe* that involved you directly?

12 A. I think that when Mathieu addressed the people in attendance at the two rallies, the *Interahamwe* came
13 together and he introduced them, and he said, "As you can see, we have some very strong young
14 people." So they showed themselves off. He introduced them. He said that they were strong young
15 people, and he said that whoever would provoke them would be fought. I believe that he said that and
16 that he said that we should not remain doing nothing.

17 Q. Well, when he said you should not remain doing nothing, what did you understand him to mean at the
18 time?

19 A. The interpretation that I made of those words was that subsequently to what happened is that he
20 thought that the Tutsis had killed a Hutu leader, and he was talking, I believe, about the Tutsis.

21 Q. Are you referring now to the killing of Ndadaye in Burundi? And if not, can you clarify what you mean?
22 We're still talking about what Ngirumpatse himself said, but I'm trying to understand what you're saying,
23 Mr. Witness.

24 A. Yes, he talked about the death of Ndadaye, but what I do not remember very well about the death of
25 Ndadaye is that I do not remember whether it was the rally that Mugenzi attended or another rally that
26 that was mentioned, because I know that there were two rallies after the death of Ndadaye.

27 Q. Well, focussing our attention on the rally that Mugenzi attended and where Mugenzi made a speech,
28 that's the rally that I'm talking about. Bearing that in mind, tell us again what Ngirumpatse said.

29 MR. ROBINSON:

30 Excuse me, Mr. President. I'm going to object to this on the grounds this is cumulative and really a very
31 unnecessary and unproductive exercise, because we have in evidence the text of Mr. Ngirumpatse's
32 speech. The witness has already shown that he was confused as to the nature of that speech.
33 Perhaps he mixed it up with another rally. But, in any event, to simply have a witness give the
34 Trial Chamber his own recollection of a speech which we have in evidence seems to me to be
35 cumulative and a waste of time, and I'd ask you to use your discretion to move the trial along.
36 Thank you.

37

1 MR. WEBSTER:

2 Your Honour, I'll move through this quickly, but I'd like to hear from the witness what he understood
3 Mr. Ngirumpatse to be communicating, and that's all I'm trying to get at. But I'm trying to distinguish
4 various rallies that were held at Nyamirambo. So I'll put it to the witness one last time and then I'll move
5 on.

6 MR. ROBINSON:

7 But, Mr. President, I don't think it's a ruling on my objection to -- simply because there's only going to be
8 one more question on it. I think it opens it up to cross-examination, this whole subject of the rally of
9 Nyamirambo in January of 1994. So, it's not just a question of Mr. Webster asking one question, it's a
10 question of how much is going to flow from that, and I think you need to make a decision.

11 MR. PRESIDENT:

12 Mr. Webster, although this is not the only reason for our -- it's not the only reason for our overruling the
13 objection, but we will hold you to your undertaking to ask one question, only, more.

14 BY MR. WEBSTER:

15 Q. Mr. Witness --

16 A. Yes, Counsel.

17 Q. -- was there a difference between the way that Mathieu Ngirumpatse expressed himself in public at
18 large events, like the rally at Nyamirambo, and the way he expressed himself to you in smaller
19 gatherings when he only met with you and the other members of the *Interahamwe* leadership? Do you
20 understand my question, Mr. Witness?

21 A. Yes, I did understand your question, Counsel. It is normal for there to be a difference between the kind
22 of things one says in public and the kind of things one would say in private.

23 Q. So with regard to Mathieu Ngirumpatse, in particular, I'd like to -- I'd like for you to explain to us, based
24 on your conversations with him and what you heard him say in large public gatherings, what was the
25 difference between the way he expressed himself in private to you and the things he would say publicly
26 at these large gatherings.

27 A. When I talk about a small gathering, I'm referring to, for example, a gathering of*****
28 ***** , where we would put questions to him on the subject of the people that we
29 had included in our lists. For example, we would put a question of such a nature to him, but he couldn't
30 talk about that in public.

31 Q. Well, what did he say in private? Give us some idea of the things he was saying to you when you were
32 only *Interahamwe* gathered together.

33 A. I might talk about that, but you said that we would talk about that tomorrow. But you might want me to
34 talk about the lady MP. I would report to her, and I would say that we -- I would report to him, and I
35 would say that we had excluded that lady from our party and that we had made her flee from her
36 residence. And as secretary-general of the party, we could see that he supported us in all of that.

37 Q. Well, would you say that Mathieu Ngirumpatse's language in private was more violent or more

1 aggressive than the language he used in public?

2 A. When he made a speech of a political nature -- well, it was quite different when he used to respond to
3 our questions. He used to use quite violent terms. When Mbonampeka was the minister of justice, for
4 example, when he talked about my case and when he said that I should arrested and imprisoned,
5 Ngirumpatse said to me that I should stay at the party headquarters and that nobody would dare come
6 to pick me up there. That's one of the examples that I could give you.

7 Q. Can you give us any other examples of how his private conversation differed from the things that he
8 would say publicly?

9 A. I would also mention after Fidèle Rwambuka, the former *bourgmestre* of Kanzenze, we went to
10 Kanzenze on the invitation of Jean-Pierre Turatsinze with a view to avenging his death. And when we
11 arrived there, we had as an intention that -- of killing -- the intention of killing some people in order to
12 avenge his death, and he found us there. He put us to one side. He was in the company of
13 Faustin Munyazesa, who was the minister of the interior, and he said to us: "You must stop your plan.
14 You must no longer put your plan into force. If the international community were -- was to find out, it
15 would cause a major problem." So you can understand that he himself was in the know but that he
16 changed course at the last minute.

17 Q. And when you say he changed course at the last minute, was it your understanding that he was in
18 agreement with the -- with the attack initially?

19 A. Yes, he had agreed with the attacks.

20 Q. How do you know that, Mr. Witness?

21 A. I know this because at dawn, at around 4 a.m., Turatsinze went to the homes of certain *Interahamwe*
22 leaders in the night when Rwambuka was killed. And he said we had to go to the Bugesera to kill
23 certain Tutsis who had played a part in Rwambuka's death. So my assertion is that Turatsinze had
24 already consulted Mathieu, and when he arrived there, he said if people were to learn of it, it would be a
25 problem. So Turatsinze asked him, "Now that they have started killing people, what would be our fate
26 when they would kill you, Mathieu, or President Habyarimana?"

27 Q. I take it that that is what Turatsinze said to Mathieu Ngirumpatse at the time? Is that your evidence,
28 Mr. Witness?

29 A. That's right. When Ngirumpatse told us to cancel our plan, he said it would be very regrettable if the
30 international community were to learn of it. That is when Turatsinze asked the question to him, the
31 question that I just mentioned.

32 Q. And what was Mathieu's response -- Mathieu Ngirumpatse's response?

33 A. Mathieu said, "You just referred to my murder, as well as the murder of the president of the republic. If
34 ever I were to be killed or President Habyarimana were to be killed, you would certainly understand that
35 there would be zero tolerance." And that is what happened following President Habyarimana's death.

36 Q. If we direct our attention now to Joseph Nzirorera, were there ever occasions -- well, let me direct your
37 attention, actually, to a specific incident. If we could think about the 4th of January 1994, which is the

1 day before President Habyarimana was to be sworn in as the transitional president, it was an event in
2 Kigali at CND. Did you meet with Joseph Nzirorera the day before that that was scheduled to happen
3 on the 4th of January?

4 MR. ROBINSON:

5 Excuse me, Mr. President. I would like to object to this -- excuse me, Witness.

6
7 Mr. President, I would like to object to this because it's not included in the indictment. I agree that it is
8 in the witness summary of this witness, that a meeting between Mr. -- Mr. Nzirorera and the leaders of
9 the *Interahamwe* concerning the swearing in and transitional institutions would be a material fact that
10 should have been in the indictment, and, as a result, the indictment is defective, and I'd ask that you not
11 allow that defect to be cured by inclusion in a witness statement annexed to pre-trial brief, which is the
12 only place it's mentioned in the supporting documents, other than the witness's own statements. I
13 would ask you to exclude this.

14 MR. WEBSTER:

15 Your Honour, I can address those overnight in writing, but I don't think my submission is going to be
16 any different. This is in the pre-trial brief, it's in the summary, it's in the witness statement. The
17 question is not whether it is simply in the text of the indictment. The issue for the Court to decide is
18 whether the Defence was on notice, if they knew that this was part of the Prosecution case that they
19 would have to answer, and it's indisputable that they are on notice. This information has been available
20 for quite some time, and it simply would not be reasonable to suggest that Mr. Robinson didn't realise
21 that that particular incident was part of the charges against his client.

22
23 The incident itself is not something that we are trying to hold Mr. Nzirorera criminally responsible for,
24 but the content of what was discussed at that time places matters in context, so it's a question of how
25 the leadership of the MRND party related to those who carried out their instructions. And the only way I
26 can bring out that dynamic is through examples, and this is one such example of which the Defence
27 had adequate notice.

28
29 Were this to be pleaded by itself in the indictment, there's no count, no specific charge that could -- for
30 which the Accused could be convicted, but it is substantive information that puts everything in context,
31 so I think the evidence should be allowed.

32 MR. ROBINSON:

33 Well, Mr. President, none of the events in the indictment in and of themselves constitute a count. So
34 this meeting is no different than a meeting that you've already held should be pleaded in the indictment,
35 and you've held that meetings are material facts that must be pled in the indictment. This is such a
36 meeting, so the indictment is defective. I know that you've allowed the Prosecutor to cure his defective
37 indictment on multiple occasions by references to the --

1 THE ENGLISH INTERPRETER:

2 Kindly slow down for the interpreters, please. Sorry.

3 MR. ROBINSON:

4 So, I know you've allowed the Prosecution to cure their defective indictment on many occasions, but at
5 some point I think that becomes prejudicial to the Accused, and I think this is one of those points, so I'd
6 ask that you exclude it.

7 MR. PRESIDENT:

8 Mr. Webster, we are going to allow you to ask the question, but I think it's necessary to reiterate
9 something that we have said already. It's not completely accurate that the only thing we're interested in
10 is whether there was notice to the Accused, because as we've said before, and as Mr. Robinson has
11 pointed out, excessive curing of the indictment, the effective cumulative additions to the allegations in
12 the indictment, could become so prejudicial that it is unfair.

13

14 Now, we have indicated that there will be a later stage of the trial where we will have to evaluate the
15 impact of this on the overall fairness of the trial, and we will do so. But it is also -- it may also have an
16 impact in our rulings contemporaneously. We don't think it has reached the stage of the trial yet where
17 we have to take that step, but we think we should draw it to your attention. It's a fact which would affect
18 our decision -- which may affect our decisions on these matters.

19 MR. WEBSTER:

20 Thank you, Your Honour.

21 BY MR. WEBSTER:

22 Q. *(By order of the Court, this portion of the transcript has been extracted and filed under separate cover)*

23 MR. ROBINSON:

24 Excuse me, Mr. President. This testimony has gone way beyond what we did receive notice of in the
25 pre-trial brief and has gone beyond what was in the witness statement concerning this event. In the
26 pre-trial brief it says that the witness will recall being called to a meeting by Mr. Nzirorera the night
27 before the president was due to be sworn in and was advised to remain alert and to be ready to follow
28 instructions during the ceremony planned for 5 January 1994. That's the extent of the notice we
29 received in pre-trial brief. And now the testimony has gone way beyond that, talking about -- talking
30 about Presidential Guards and blocking the roads, and I would object and ask that this be stricken.

31 MR. WEBSTER:

32 Well, Your Honour, in response, I can ask the witness leading questions, and then his answer will be
33 very contained. So, if the Court and the Defence prefers that I do it that way, then I have no problem
34 with it.

35

36 But addressing the substance of the witness's answer, I recall that yesterday or the day before,
37 Mr. Robinson went on a very lengthy cross-examination of the previous witness about the swearing in

1 of the transitional president on the 5th of -- on the 5th of -- of January. And here we have another
2 witness that is talking about an incident that Mr. Robinson brought into this trial for the first time
3 yesterday or the day before. So I'm a bit baffled why he would object to enquiry into the substance of
4 this incident. He's the one that raised it initially.

5
6 My concern with this witness was not so much the swearing in of the president but what Mr. Nzirorera
7 said to the witness the day before. So I can lead the witness through this, but I don't think
8 Mr. Robinson's objection is appropriate in line of his cross-examination -- in view of his
9 cross-examination yesterday.

10

11 While the Prosecution is bound by the indictment, and I'm certainly not suggesting that -- that we go too
12 wide with our evidence, we do -- the Prosecution should be able to pursue aspects of the Defence
13 rebuttal that comes through in their cross-examination of Prosecution witnesses. So to the extent that
14 the case has broadened, I think that Mr. Robinson has participated in doing that.

15 MR. ROBINSON:

16 Mr. President, that's a very imprecise response to my argument, and to try to put this in focus, I think
17 we have two issues here: Number one, with respect to this witness, was there notice that this witness
18 would be accusing Mr. Nzirorera of planning some kind of disturbance in which *Interahamwe* would be
19 blocking the road and Presidential Guard would be dressing as *Interahamwe*? And I suggest that there
20 has been no notice in any of the documents which are allowed for notice, such as the pre-trial brief or
21 even witness statement.

22 The second issue is whether cross-examination concerning the events of the swearing in of the
23 president, in general, on the 5th of July -- January has opened the door to matters which are not in the
24 indictment, not in the pre-trial brief, not on the witness statements concerning a meeting that occurred
25 the evening before. I think that's much too much of a stretch to say that simply referring to an event
26 such as a swearing-in opens the door to all of the things that are connected with it in a very broad way.

27

28 So I think for both of the reasons that Mr. Webster has advanced, it should not be persuasive, and the
29 material that has just been provided to the Trial Chamber should be stricken. Thank you.

30 MR. WEBSTER:

31 Your Honour, I can lead the witness through this if the Court thinks that that is appropriate, because
32 that's really my objective here. It was not to go into a long discussion of the -- of the swearing in of the
33 president. So I'll rely on the Court's instruction.

34 MR. PRESIDENT:

35 We think this is a very important matter. We -- it's now coming up for the adjournment, so we think that
36 we should adjourn now. Can we hear from you quickly in writing? So we'll hear from both of you in
37 writing as soon as you can, hopefully in time for us to have a decision by tomorrow morning. We'll take

1 the adjournment now.

2

3 Mr. Witness --

4

5 Was there something else you wish to say, Mr. Webster?

6

7 Mr. Witness, our day ends at 5:30. It's just about that now, and we take the adjournment until tomorrow
8 morning, 8:45. As I mentioned to you earlier today, during this or any adjournment of the trial, you're
9 not to discuss the case or your testimony with anybody at all.

10

11 We take the adjournment now.

12 *(Court adjourned at 1725H)*

13 *(Pages 62 to 68 by Sherri Knox)*

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CERTIFICATE

We, Donna M. Lewis, Ann Burum, Verna Butler, Eleanor Bastian and Sherri Knox, 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.

_____ Donna M. Lewis

_____ Ann Burum

_____ Verna Butler

_____ Eleanor Bastian

_____ Sherri Knox