

1 THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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

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

MONDAY, 13 NOVEMBER 2006
0902H
CONTINUED TRIAL

Before the Judges:

Dennis Byron, Presiding
Emile Francis Short
Gberdao Gustave Kam

For the Registry:

Ms. Rose-Marie Kouo
Mr. Vincent Tishekwa
Mr. Charles Kalumo (WVSS)

For the Prosecution:

Mr. Don Webster
Ms. Alayne Frankson-Wallace
Mr. Saidou N'dow

For the Accused Édouard Karemera:

Mr. Moussa Félix Sow

For the Accused Mathieu Ndirumapatse:

Ms. Chantal Hounkpatin
Mr. Frédéric Weyl

For the Accused Joseph Nzirorera:

Mr. Peter Robinson
Mr. José Patrick Nimy Mayidika Ngimbi

Court Reporters:

Ms. Sherri Knox
Ms. Ann Burum
Ms. Donna M. Lewis
Ms. Verna Butler

1 I N D E X

2

3 WITNESS

4

5 For the Prosecution:

6 WITNESS HH

7 Cross-examination by Mr. Weyl (*continued*).....7

8 Cross-examination by Mr. Sow.....62

9

10 EXHIBITS AND EXTRACTS

11 Exhibit No. D. NG44.....59

12 Exhibit No. D. NG45.....60

13 Exhibit No. D. NG46.....60

14 Extracts.....10, 26, 27, 28

15
16
17
18

1 PROCEEDINGS

2 MR. PRESIDENT:

3 Good morning, everybody.

4

5 Madam registrar, could you open the proceedings, please.

6 MS. KOOU:

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 Monday, the 13th of November 2006, for the continuation of trial in the matter of the
12 Prosecutor versus Karemera et al, Case No. ICTR-98-44-T.

13

14 Thank you.

15 MR. PRESIDENT:

16 Thank you, madam registrar.

17

18 The appearances are the same.

19

20 Before proceedings start this morning, we -- I have to refer to the fact that the witness, HH, advised
21 the Chamber of a problem that he was experiencing by way of a letter, but I think it's important to have
22 the matter discussed in court, and we -- because of the nature of the issue that was raised, it is
23 important that we deal with it in closed session, as it is a matter which may affect the revelation of his
24 identity. So we will go into closed session now.

25 *(At this point in the proceedings, a portion of the transcript [pages 2 to 6] was extracted and sealed
26 under separate cover, as the session was heard in camera)*

27 *(Page 1 by Sherri Knox)*

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1 MR. PRESIDENT:

2 Well, Mr. Witness, good morning. We are now in session for the continuation of your testimony.

3

4 Before we do that, I would just like to recognise Counsel Hounkpatin, who is with us again.

5 Welcome back to the session.

6 MS. HOUNKPATIN:

7 Thank you, Mr. President.

8 THE ENGLISH INTERPRETER:

9 The witness said good morning.

10 MR. PRESIDENT:

11 I remind you that you remain under the same oath to tell the truth that you took when your
12 testimony began. And Mr. Weyl will now continue his cross-examination.

13 MR. WEYL:

14 Most obliged, Mr. President.

15

WITNESS HH,

16

CROSS-EXAMINATION (continued)

17 BY MR. WEYL:

18 Q. Good morning, Witness.

19 A. Good morning, Counsel.

20 Q. Witness, let me remind you that you are a protected witness, and I would like you to be careful not
21 to say anything which may reveal your identity when you are answering my questions.

22

23 Witness, I would like us to talk about Turatsinze. Are you ready?

24 A. Yes, I am.

25 Q. Did you know Turatsinze well?

26 A. Yes, I knew him.

27 Q. Was Turatsinze your friend?

28 A. Yes, he was a friend.

29 Q. How did you get to know him?

30 A. How did I get to know him? Well, it was in 1992. However, even before then, I knew his family.
31 I'm referring to his place of birth.

32 Q. Had you been a friend of Turatsinze before you became an *Interahamwe*?

33 A. No. I said I became his friend after I had joined the *Interahamwe*.

34 Q. But you knew him before or you did not know him before you became a member of the
35 *Interahamwe*?

36 A. I knew him before I became an *Interahamwe*, because I often visited*****. So under
37 the circumstances, I had already seen him before I became a member of the *Interahamwe*.

1 Q. Witness, did you meet Turatsinze on a regular basis?

2 A. Yes, I met him on a regular basis after I had become a member of the *Interahamwe*.

3 Q. Witness, from the time you became Turatsinze's friend, did you visit him at his home?

4 A. Yes.

5 Q. Did he visit you at your home?

6 A. Yes, very often.

7 Q. Did he come to*****?

8 A. Yes. He also visited me at home.

9 Q. Did you take your meals together?

10 A. When we were on duty, we shared meals.

11 Q. When he visited***** , did you share a drink with him?

12 A. He did not drink beer. Rather, he used to drink Fanta.

13 Q. What was his first name?

14 A. He was known as Abubakar.

15 Q. So why do you always talk about Jean-Pierre?

16 A. He was initially a Catholic, then he subsequently became a Muslim.

17 Q. But did you call him Abubakar or Jean-Pierre?

18 A. People called him the way they wanted, Jean-Pierre or Abubakar, and he would answer.

19 Q. So is it your evidence that he went by the name Jean-Pierre?

20 A. Some people called him Jean-Pierre, others called him Turatsinze, while others, still, referred to
21 him as Abubakar.

22 Q. Witness, to make things simpler for us, we will refer to him as "Turatsinze". So according to you,
23 Turatsinze conveyed instructions from the MRND to the *Interahamwe*; that is what you said in your
24 evidence?

25 A. That is correct.

26 Q. Did he relay those messages to you before you joined the *Interahamwe*?

27 A. I cannot know what he was doing before I became an *Interahamwe*.

28 Q. So are you saying that he relayed instructions from the MRND to you when you became an
29 *Interahamwe*?

30 A. Yes.

31 Q. Did he relay MRND instructions to you when you became*****?

32 A. Yes.

33 Q. Did he relay those instructions to you when you became*****?

34 A. Yes.

35 Q. Did he relay those instructions to you when you became*****?

36 A. Yes. Throughout the period when I was a member of the *Interahamwe*, he was the one who
37 relayed instructions to us up until the time he left.

1 Q. So according to you, Turatsinze relayed instructions of the MRND to all the members?

2 A. It was at the level of the *Interahamwe* leaders at *secteur* level, and in turn, we would relay the
3 instructions to the other *Interahamwe*.

4 Q. So it was only through you that he conveyed instructions of the MRND directly to the ordinary
5 members of the *Interahamwe*?

6 A. Yes.

7 Q. So you actually enjoyed a privilege?

8 A. That is obvious. I and my colleagues were called and then we would be informed of instructions.

9 Q. Witness, my understanding of your first answer was that Turatsinze gave you instructions directly
10 when you were an ordinary member, but I must have misunderstood you.

11 A. That never happened. I could not meet with him. I was unable to meet with him.

12 Q. You did not meet Turatsinze when you were an ordinary member?

13 A. I have explained to you from the beginning that I started discussing with Turatsinze when I
14 became*****. That is when I started having discussions with
15 Turatsinze.

16 Q. Witness, was Turatsinze a very busy man?

17 A. Yes, he was busy.

18 Q. Was it your evidence that he would make a selection of those who were to come and visit Mathieu
19 Ngirumpatse?

20 A. Yes, when he was present in the office, it was through him that people would pass, that is, when
21 he was not away on mission.

22 Q. But he was often absent, because he was often on mission, isn't it?

23 A. No, that does not mean that he was often on mission. Rather, he was often present in the office,
24 and then from time to time, he would be away on mission.

25 Q. So he did not often receive instructions to be relayed to the *préfectures*?

26 A. Now, if I say that from time to time he went to the *préfectures*, I think it is obvious. There's no
27 need adding anything to what I've said.

28 Q. When I say Turatsinze was very busy, did he give written instructions to the *préfectures*,
29 *communes* and *secteurs*?

30 A. Normally, he would call us to the office where he was working at the MRND headquarters, and
31 then he would relay to us the instructions which had been given to him by his superiors, so he did
32 not have written instructions.

33 Q. But written reports were sent to him?

34 A. Yes, we had to prepare written reports.

35 Q. Did he read the reports which you sent to him which you mentioned problems of discipline?

36 A. Yes.

37 Q. Actually, he had a lot of work to do. He was an efficient and very active man; is that your

1 evidence?

2 A. That was the situation.

3 Q. But was it because he did not discharge his duties properly that he was replaced in his position by
4 someone who had only two years of primary education? Is that what you want us to understand?

5 A. I don't quite understand your question, Counsel, I'm afraid.

6 Q. Witness, I'm going to rephrase. Was he somebody who did his work properly but who had to be
7 replaced because he did not discharge his duties properly?

8 A. That was not the reason why he was replaced. He was replaced by someone else because he
9 said he was overloaded with work, he could not closely follow up what was happening in
10 Kigali-rural *préfecture*. He said he could not do all that work, so he's the one who took the
11 initiative.

12 Q. So was he the one who took the initiative, or was he relieved of his duties?

13 A. No, he was the one who said that because of his workload, he was unable to closely follow up the
14 activities in Kigali-rural *préfecture*.

15 Q. Witness, let me remind you of what you said on the 8th of November, page 23 of the French
16 transcript: "When it was observed that Turatsinze was no longer heading the *Interahamwe* at
17 Kigali-rural *préfecture*, he was replaced. He was relieved of his duties." Any comments, Witness?

18 A. Regarding his duties, there were people who were against him, but that was in connection with his
19 duties at the headquarters. But concerning his activities at Kigali-rural, what I know is that at the
20 time when he was serving in that capacity, there was never any problem. In any case, there was
21 never any problem regarding his replacement (*By order of the Court, this portion of the transcript*
22 *has been extracted and filed under separate cover*). That did not pose any problem. The problem
23 was in connection with his duties at headquarters. That's where there were people who were
24 against him.

25 MR. WEYL:

26 Mr. President, could we redact from the record the reference to (*By order of the Court, this portion*
27 *of the transcript has been extracted and filed under separate cover*) so that we stay in line with
28 what we have discussed this morning?

29 MR. PRESIDENT:

30 Redaction ordered.

31 MR. WEBSTER:

32 When the Court orders a redaction, I'm assuming that this is -- the information is being conserved
33 on a separate document that would be filed in -- under seal.

34 MR. PRESIDENT:

35 Yes.

36 MR. WEBSTER:

37 Yeah. But as we're on this point, actually, the danger here, the witness has already stated that the

1 harm has been done with respect to him, but when he talks about the leadership of Kigali-rural
2 *préfecture*, it's the same thing as revealing -- it poses the same problem, Your Honour, so there's a
3 global problem that we're dealing with. I don't know how we can avoid it, but I'm just bringing it to
4 the Court's attention that simply redacting or putting those two or three words under seal is not
5 really dispensing with the problem.

6 MR. WEYL:

7 Mr. President, the problem would not have been posed if Prosecution counsel did not make that
8 submission to use a word which I will refrain from using when I am referring to a Prosecution
9 witness.

10

11 May I move on, Mr. President?

12 MR. PRESIDENT:

13 Yes, please.

14 MR. WEYL:

15 Obligated, Mr. President.

16 BY MR. WEYL:

17 Q. Witness HH, is it true that you did not mention Turatsinze's name in your guilty plea and
18 confession of the ***** before the Rwandan authorities?

19 A. I don't remember mentioning Turatsinze's name because I did not see any need to mention his
20 name.

21 Q. Whereas it is very significant for the name to be mentioned in this courtroom, isn't it so?

22 A. That is possible. It is not a surprise that mentioning his name is of some significance in this court.

23 Q. Witness, on many occasions in your evidence-in-chief you said Turatsinze had told you this, had
24 told you that, had narrated things to you; it was always Turatsinze speaking.

25 A. Turatsinze said many things. Also he did not speak to me alone, he spoke to all*****
26 *****. So what you should say is that he was speaking to the*****, not to me
27 alone. That should be clear.

28 Q. But on many occasions, Witness, you said that Turatsinze said things to you in private. Is that not
29 the case?

30 A. That is true. As friends, when we were together in the course of a conversation, he would tell me
31 certain things. But we should also underscore that during a meeting with other people, he also
32 said many things.

33 Q. You are rightly reminding us that he was your friend. Since he was your friend, did you believe all
34 what he told you? Did you take his word for it? Because you always believe your friends, isn't it
35 so?

36 A. No, you cannot say that I believed in all what he said. You know, you can tell me something, and
37 when I analyse it, I will decide to take one idea or aspect or the other as accurate. That does not

1 mean that I considered all what he told me as accurate. That is not true.

2 Q. So are there things which Turatsinze told you which are not accurate?

3 A. When we had a private conversation, I would analyse the things he told me, but when he
4 conveyed messages to us when we were amongst colleagues, then I would say that all what he
5 told me was accurate.

6 Q. Witness HH, when Turatsinze told you that he was involved in arms trafficking with the FRODEBU,
7 did you consider his information accurate?

8 THE ENGLISH INTERPRETER:

9 And FRODEBU is F-R-O-D-E-B-U.

10 THE WITNESS:

11 With regard to weapons trafficking, he never told me. However, there were some of his opponents
12 who mentioned it, but personally he never told me that he had been involved in arms trafficking.

13 Others said it, and some of those who said it were Turatsinze opponents.

14 BY MR. WEYL:

15 Q. Witness HH, I'm going to read to you your evidence before this court on the 9th of November on
16 page 8, lines 28 to 33 of the transcript.

17 A. Carry on, Counsel.

18 Q. I will read the question which you answered, for clarity of the record. It is one the Prosecutor
19 asked you: "Did you ever learn of the accusations -- or were you ever aware of the accusations
20 against Turatsinze that he had revealed secrets to UNAMIR?" And your answer was as follows:
21 "The first time I heard of this was in 1994 after President Habyarimana was sworn in. It was said
22 at that time that Turatsinze had given weapons to the *Interahamwe* presidents and he had
23 recovered them to sell them to the FRODEBU party in Burundi, and because of that, he could not
24 be trusted, because he was someone who divulged party secrets." And you added as well: "And
25 what I just told you is something I got from Turatsinze's own mouth. He told me that during one of
26 our conversations." Did Turatsinze tell you that or not?

27 A. In any case, that is clear. It was said that when someone says "it was being said that," it means
28 that subsequently he himself said that "People are saying that I have sold weapons," but he did
29 not agree with the accusations. So he never told me that he was involved in arms trafficking.
30 People first said it, then subsequently he also referred to those accusations against him. He never
31 told me that he had been involved in the trafficking.

32 Q. Witness HH, you nevertheless admit that Turatsinze was involved in weapons trafficking with the
33 FRODEBU and that he sold 480 guns to the FRODEBU; we agree on that?

34 A. It was later on when I got the proof because he had gone to take the weapons back from the
35 people who had been issued with those weapons, but personally he never acknowledged that
36 before me. It was subsequently when I got the proof, because I observed that he had gone to pick
37 up weapons here and there.

1 Q. Witness, that is why in the statement you gave the Prosecution office on the
2 3rd of November 2004, on page 9 of the French version K0507804, you, Witness, confirmed as
3 true the fact that Turatsinze was able to recover almost all the weapons, and instead of taking the
4 weapons to Silas, he sold 480 of those weapons to the FRODEBU. Do you confirm that?

5 A. I confirm that that is what I said regarding that incident. I confirm that he went to pick up the
6 weapons where they had been distributed. He went and picked them up, stating that he was going
7 to change the weapons so that he would provide them with the weapons along with official
8 documents, but I realised that subsequently those weapons were not recovered. So I considered
9 that they had been sold.

10 Q. Witness, when a friend is involved in arms trafficking for purposes of personal gain, can that friend
11 really be trusted?

12 A. If you were in my place, how would you continue trusting such a person? Someone who starts
13 diverting weapons or other things, do you think you keep on trusting that person?

14 Q. Witness, you did not divert any weapons?

15 A. No, I did not misappropriate any weapons.

16 Q. You did not betray Mr. Turatsinze?

17 A. No, that was not possible. I am sure that if I had betrayed him, then that would have been known.
18 When I talk of betrayal, you ought to understand the discussions I had with him when he told me of
19 the people who were against him.

20 Q. How many weapons did Turatsinze give you?

21 A. Ten.

22 Q. And how many did you return to him?

23 A. And when Habyarimana was killed, I had four firearms, and the last one had been taken back from
24 me.

25 Q. Turatsinze didn't want the ten back. He was satisfied with five.

26 A. He said he needed to have the weapons back, saying that they didn't have magazines. I think you
27 know what is a magazine; it's the place where you put the bullets.

28 Q. I don't understand, Witness. Did Turatsinze tell you to give him back all the weapons?

29 A. This is what he told us. All the arms that had been issued to us, we, the presidents, had no
30 magazines, and they had to take them back so as to give us weapons with magazines. When I
31 realised what he intended to do, I told him that only five firearms had no magazines, so he should
32 take those five to give us arms with magazines.

33 Q. What did you do with the weapons you kept?

34 A. As to those weapons I kept with me, after Habyarimana's death, I handed them over to some of
35 the *Interahamwe* in my neighbourhood.

36 Q. Witness, did you use those weapons yourself?

37 A. Yes, those weapons used by me and by the *Interahamwe*.

1 Q. Witness, I'm going to read you an extract of your confession of***** , manuscript --

2 THE ENGLISH INTERPRETER:

3 Could counsel repeat that at a reasonable pace, please? Sorry we didn't get that at all.

4 BY MR. WEYL:

5 Q. I'm going to read you an extract of your confession of the***** , addressed to the
6 president -- or chairman of the coordinating -- chairman of the coordinating committee of the
7 Gacaca jurisdiction. It's not a question, because it's you who are making complete, coherent -- a
8 complete, coherent confession. Under the title "Illegal Possession of Firearms" you have written,
9 off your own bat, all in all, "On the 8th of April 1994, I received a firearm from Lieutenant Miruho -- I
10 do not know where he is today -- in order to ensure security. I never used it to commit killings."

11

12 Witness, in your statement -- now, it's the *****-- it is the only mention you make
13 of any firearm or of any use of such firearms. Do you acknowledge that?

14 A. Counsel, once more, I should like to ask you to make a distinction between a statement and a
15 mere item of information. As to all the statements I have made, whether statements or
16 confessions, I have them with me. You say that Miruho distributed firearms. When I said that, it
17 was people at the prison who were questioning us and who wrote down what they wanted. I have
18 all my statements with me, and I don't think that is there. And if it is there, it's because, as I asked
19 you several times already, you must draw a distinction between what I said in my statements or
20 what I said to the prosecutor. Please, I beg you to make that distinction between the two types of
21 documents.

22 Q. Witness, when Turatsinze wanted to recover the weapons and you kept five, was it for your own
23 use, or was it because you obeyed no one?

24 A. It was not disobedience. When we were given the firearms, we were told we would be given
25 firearms with magazines. I said that of the ten I had, five had magazines and I had to give five
26 back. And I've explained that. And I said that to him, and he was convinced, and that's what
27 happened. So I don't see why you are alluding to any form of disobedience.

28 Q. Witness, as to the weapons, I would now like to come to the question of patrols in the course of
29 which weapons were distributed, if you remember what you said to the Trial Chamber.

30 A. Yes, I did say that, and I confirm it.

31 Q. Your testimony before the Trial Chamber concerns events in which you personally participated
32 and -- personally and actively participated; is that correct?

33 A. Yes.

34 Q. Witness, it was very impressive to distribute 600 firearms day and night in all *secteurs* at that time.

35 A. Counsel, maybe you think it's impressive, but as far as I'm concerned, who took part in that
36 operation, I don't think it's anything impressive.

37 Q. Sufficiently, nonetheless, for you to still have those recollection -- recollections in mind.

1 A. Yes, I have retained that in my memory, but I would ask you to refer to my statements to the
2 Prosecutor. Regarding the firearms, I said that 480 firearms had been issued. It was said that
3 there were 600 at Silas Kubwimana's, but only 480 were issued. Perhaps you want to put
4 questions to me regarding that exercise, in which case, I am ready to provide you with details.

5 Q. Witness, I have an arithmetical problem. Turatsinze recovered 480 weapons?

6 A. I said that there were 600 firearms, but according to what we was -- we were told, only 480 had
7 been issued, distributed. That information was provided to us by some people who were opposed
8 to him. I want you to know that although I did take part in the distribution, I did not count what was
9 distributed, because the weapons were in bags.

10 Q. You did not count the weapons. Yes, you have explained to us in the course of your testimony
11 that you were -- would obtain a detailed receipt -- signed, detailed receipt for what you delivered.
12 Did you not make an inventory when the receipt was signed?

13 A. I told you that I could not remember how many firearms had been distributed. I told you that each
14 time an arm was issued, the person had to sign a receipt -- the person receiving it had to sign a
15 receipt, and I do not remember how many weapons were distributed altogether. I only remember
16 how many were issued to me.

17 Q. But we do agree that all the weapons distributed were not recovered. We agree on that?

18 A. I think I have explained. I told you that Turatsinze was waging a campaign, saying that the arms
19 issued did not have magazines, and there were other firearms available that had magazines, and it
20 was, therefore, necessary to recover the firearms that did not have magazines so as to go on to
21 distribute those that did.

22 Q. Witness, in your preceding testimony you spoke of 600 weapons issued and 480 recovered by
23 Turatsinze. I note that all the weapons issued were not recovered, because at least five of them
24 stayed in your hands. But the point of departure of my question --

25 MR. WEBSTER:

26 Your Honour, I'm not quite following Mr. -- Mr. Weyl here. I don't recall that the information
27 contained in his question is what the witness said, and we need some clarity on that, because
28 we're going back and forth on the issue of this distribution of guns. I don't believe it was the
29 witness's testimony that 480 guns were recovered by Turatsinze. My understanding of what he
30 said is that 480 guns were actually distributed by Turatsinze. So if he could clear that up, because
31 we've been going back and forth on the same issue, and it's not clear, as far as I can see.

32 MR. WEYL:

33 Mr. President, we shall clarify. I will read back to the witness the statement he made on the 3rd of
34 November 2004, K0507854, that I read before and on which -- and which was confirmed by the
35 witness.

36 THE ENGLISH INTERPRETER:

37 What document is this in the bundle?

1 BY MR. WEYL:

2 Q. "Turatsinze was able to recover practically all the guns, but instead of returning them to Silas, he
3 sold 480 to FRODEBU and deposited the rest at HQ." Do you agree, Witness?

4 A. Counsel, if that is the information that you have, there's a mistake. I said only 480 guns were
5 distributed. It is only subsequently, when they said that he'd sold the guns that that figure was put
6 forward. As far as I know, the number of guns issued was 480, and I think that's what I said to the
7 Prosecutor.

8 Q. Witness, we're not going to indulge in a polemic over figures; however, you have said you did not
9 count the weapons that you distributed. At the time of the distribution, you didn't count -- count the
10 guns.

11 A. On that point, I should like to tell you that when we were at Silas Kubwimana, and distributing
12 those weapons, Silas Kubwimana and Turatsinze determined a procedure to follow in the
13 distribution of guns. They said how many guns had to be put in each bag -- in each sack and then
14 handed over to each *Interahamwe* leader, who had to count them and sign a receipt for them. I
15 accompanied them in the course of that exercise, but I did not seek to know how many guns each
16 one signed for. Only the people who organised the exercise could -- would know how many guns
17 were issued to each individual.

18 Q. You are referring to Abubakar Turatsinze, we agree?

19 A. Yes.

20 Q. So the distribution exercise, operation, was organised at Silas's place with Abubakar and yourself.
21 Those were the three people present, we agree?

22 A. Counsel, you're speaking of organising. I was not among the people organising that organisation.
23 I was in the team of the people who had to go and deliver and distribute. Excuse me, but I was not
24 part of -- I did not organise.

25 Q. So you only took part in the distribution?

26 A. Yes, it was a matter of merely going to distribute the weapons, but I was not in a position to
27 determine how many weapons each leader had to receive.

28 Q. But Turatsinze and Silas filled the bags -- the sacks in your presence, before you?

29 A. Yes, I was present when the sacks were being filled. In fact, they were determining the number of
30 guns they had to put in each sack.

31 Q. Silas did not live at MRND party headquarters; do we agree?

32 A. Yes.

33 Q. So when you suggest that all this was happening at Silas's house, it means it was not at MRND
34 party headquarters; do we agree?

35 A. That is correct.

36 Q. So according to you, if the MRND was hiding weapons, it was hiding them elsewhere than at party
37 headquarters -- than -- elsewhere than at its headquarters.

1 A. I understand what you're trying to say, Counsel, but I don't know if you're going to give me an
2 opportunity to explain the distinction to draw between party headquarters and Silas's residence.

3 Q. Witness, I will give you an opportunity to answer my question. If the arms were hidden elsewhere
4 than at MRND party quarters, it is because it would be compromising to hide them at MRND
5 headquarters. Do we agree?

6 A. As to the concept -- or my understanding of MRND headquarters, it would not have been possible
7 to hide so many guns there.

8 Q. And it would have been compromising; do we agree? We do agree?

9 A. Well, that's possible.

10 Q. So is it reasonable to think that if one finds perhaps guns or say that one has found guns at MRND
11 headquarters, it is in order to compromise it?

12 A. Counsel, I just answered that question. I wanted to give you some details regarding the moment
13 at which the weapons were taken to Silas's residence.

14 MR. WEYL:

15 Mr. President, with what appears to be -- claims to be an answer to my question, might I suggest
16 that we take a break?

17 MR. PRESIDENT:

18 Now or after the answer?

19 MR. WEYL:

20 Mr. President, I put the question twice, formulated somewhat differently in an attempt to obtain an
21 answer. I have the answer the witness has been willing to give us. I think I will not go further with
22 that line of questioning and will resume my questioning after the break, because it is 10:30, if you
23 agree.

24 MR. WEBSTER:

25 Your Honour, I don't quite understand where we are now, because the witness has asked twice to
26 be given leave to answer the question in detail, and the Defence counsel didn't give him that
27 opportunity. So I would like to hear what he has to say, quite frankly, before we take the break.

28 MR. PRESIDENT:

29 Mr. Weyl, the question can be put in re-examination because you have -- you have asked it. We
30 don't compel you to ask the witness any more. I don't see the practical value in not letting him
31 answer.

32 MR. WEYL:

33 Well, Mr. President, I will avail myself of the opportunity you have offered me.

34 BY MR. WEYL:

35 Q. Witness, when weapon -- arms are hidden somewhere, whereas there should not be weapons at
36 that place, is it to compromise the owner of the premises?

37 A. I'm not quite with you, Counsel, but, in any case, when such things are done, it's because there

1 was an agreement, there was a consensus. There was no obligation, no compulsion. The
2 person -- neither the -- on the part of the person giving the weapon or on the part of the person
3 receiving it. There must be some sort of consultation, some agreement.

4 Q. Witness, it remains the fact that at the time of the agreement, a consultation when weapons are
5 hidden, they are hidden at Silas's residence and not at MRND headquarters; we agree on that?

6 A. That's where I found them.

7 MR. WEYL:

8 Mr. President, I am at your service.

9 MR. PRESIDENT:

10 Mr. Witness, we have reached a time for our mid-morning recess now. We will take the break
11 now.

12 *(Court recessed at 1033H)*

13 *(Pages 7 to 18 by Sherri Knox)*

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1 (Court resumed at 1100H)

2 MR. PRESIDENT:

3 Mr. Weyl, in terms of judicial economy and to limit re-examination, the Chamber is going to ask the
4 witness to sing -- explain.

5

6 Mr. Witness, in your answer just before we broke, you asked for permission to give some details
7 regarding the moment at which the weapons were taken to Silas's residence. You may give those
8 details now.

9 THE WITNESS:

10 Thank you, Mr. President. In point of fact, it was following upon a question that counsel had put to me.
11 I found guns at Kubwimana's house, and it was from there that I took them to the various *secteur*
12 presidents. Subsequently, Turatsinze came to recover them and replace them with other firearms with
13 magazines. As a result of that, Ngirabatware, Aloys, and Séraphin --

14 THE ENGLISH INTERPRETER:

15 Those names were not clear.

16 THE WITNESS:

17 -- started the rumour that those weapons had been sold to FRODEBU. When Turatsinze heard that, he
18 spoke to me, saying that people were spreading a rumour, according to which he'd sold the guns to the
19 FRODEBU. And he told me in view of that he would return all the guns in his possession and take
20 them to party headquarters. He told me that he had -- that he had a -- taken those guns to party
21 headquarters. That's -- was a clarification I wanted to give. The weapons at one point were at Silas's
22 residence, and then at another point they were at party headquarters.

23 THE ENGLISH INTERPRETER:

24 Sorry about those two names. If you want them repeated --

25 MR. PRESIDENT:

26 Mr. Witness, you referred to two names during your answer. Could you repeat them for us, please. I
27 think they're the people who started the rumour, Séraphin and somebody else.

28 THE WITNESS:

29 Yes, it was Aloys Ngirabatware --

30 THE ENGLISH INTERPRETER:

31 Number 75 --

32 THE WITNESS:

33 Ngirabatware, Aloys, and I spoke of Séraphin Twahirwa.

34 THE ENGLISH INTERPRETER:

35 Number 108.

36 THE WITNESS:

37 And Silas Ngirabatware (*sic*).

1 THE ENGLISH INTERPRETER:

2 Says the witness.

3 THE WITNESS:

4 Those are the two people that started the rumour that Turatsinze was selling guns to FRODEBU
5 members --

6 THE ENGLISH INTERPRETER:

7 F-R-O-D-E-B-U.

8 MR. PRESIDENT:

9 Thank you.

10

11 Yes, Mr. Weyl.

12 MR. WEYL:

13 Thank you, Mr. President.

14 BY MR. WEYL:

15 Q. I'm coming back to Silas, Mr. Witness. We're at Silas's place, the guns are put in sacks. You confirm
16 that? You recollect that?

17 A. No. When I arrived at Silas's house, the guns were already in sacks.

18 Q. So you did not see the guns being put in the sacks? That's what you're telling us now, and you're
19 holding to that description?

20 A. This is the story: There were guns in sacks, but as we had to share out those guns between various
21 people, we had to take some guns out of one sack to be put in another sack. For example, if you
22 wanted to give someone five guns, we had -- to someone, we had to take them out of the sacks and put
23 in a sack to be handed over to that person. That is what I meant.

24 Q. Agreed. So you're at Silas's place and you're putting -- you tell us that you had a Mitsubishi vehicle; is
25 that correct?

26 A. That Mitsubishi vehicle was there, but it did not belong to me. That vehicle belonged to the public
27 works department. That was the information. It had been sent by Mr. Timilavunda (*phonetic*),
28 Habyarimana's brother-in-law.

29 Q. So you put the arm -- the guns in the Mitsubishi, and then you drove off, you told us -- it was the
30 8th of November: "We had a Mitsubishi vehicle, and we transported the rifles in that vehicle, and
31 Turatsinze escorted us in a Suzuki Samurai belonging to the MRND."

32

33 You confirm all that?

34 A. Yes. That little vehicle also was used, but he didn't accompany us all the time. He came when it was
35 necessary, but not constantly, every day. He wasn't always there with us on our rounds.

36 Q. And if I stick to your testimony, Turatsinze was escorting you.

37 A. Well, you can take it like that, but I've explained that he wasn't -- it wasn't all the time and every time.

1 Q. Why was he escorting you? Was it to show you the way?

2 A. No. He wanted to see if everything was all right, if there's -- no problem arose, if the gendarme didn't
3 stop us, that sort of thing.

4 Q. So he went in front as a sort of scout to ensure that the way was clear, and you followed behind with
5 the guns in the Mitsubishi; is that it?

6 A. No. He would come, rather, after us. And I can add that this was in places like Nyamirambo, but
7 Kababugi, Soze, (*phonetic*) and Kimironko (*sic*), it wasn't necessary for him to accompany us. Rather,
8 we were with the driver, one Bernard, Bernard.

9 Q. Agreed. So he escorted you from behind? He was -- when he was with you, he was escorting you
10 from behind your vehicle? Is that what you mean?

11 A. Yes.

12 Q. Well, you see, I have a bit of a problem with your testimony. That is not exactly what you said on the
13 3rd of November 2004 to the investigators. Do you remember what you said to the investigators on the
14 3rd of November 2004?

15 A. Yes, I remember well what I said.

16 Q. Witness HH, on page 8 of your statement of the 3rd of November 2004, you say the following -- you
17 state the following: "Regarding the weapons that -- from Silas's house that were distributed
18 subsequently at night --" you don't say it was day and night. What is that variation now due to,
19 according to you?

20 MR. WEBSTER:

21 I'm sorry. I missed that. Could we have a -- could Mr. Weyl please tell us where he's reading from?

22 And I -- I didn't hear the -- the interpretation.

23 THE ENGLISH INTERPRETER:

24 Sorry. I was trying to find --

25 MR. WEYL:

26 We're still on the 3rd of November 2004, page 8 of the French K -- K0307853, in the middle of the
27 page, a paragraph beginning with the words "*(French spoken)*," subsequently.

28

29 Have you found it, Mr. Prosecutor?

30 THE ENGLISH INTERPRETER:

31 Well, we -- in the French, but I don't know where this is in the English.

32 BY MR. WEYL:

33 Q. Witness, I'm asking you, on the 3rd of November 2004 when you're speaking -- it says "subsequently
34 by night" in the French text. Now, what is this difference between day and night that you've brought up
35 here?

36 MR. WEBSTER:

37 I'm sorry --

1 THE WITNESS:

2 (No interpretation)

3 MR. WEBSTER:

4 -- I don't recall Mr. Weyl reading the text to the witness so that he could explain the contradiction.

5 MR. WEYL:

6 Mr. President, to satisfy the Prosecution, I will read the entire paragraph to point out all the
7 contradictions, because there isn't only the contradiction between day and night, there are others.

8 THE ENGLISH INTERPRETER:

9 But let us find it in the English.

10 BY MR. WEYL:

11 Q. You stated on the 3rd of November 2004 "subsequently by night --"

12 MR. PRESIDENT:

13 (*Microphones overlapping*)...can you assist on the location in the English (*microphones overlapping*).

14 THE ENGLISH INTERPRETER:

15 Sorry, Mr. President, I think I found it. It's top of page 7 --

16 MR. PRESIDENT:

17 (*Microphones overlapping*)

18 THE ENGLISH INTERPRETER:

19 K0354474.

20 MR. PRESIDENT:

21 Thank you. You can continue, Mr. Weyl.

22 MR. WEYL:

23 Thank you, Mr. President. I was not as fast as those (*unintelligible*) our skins.

24

25 So I shall read the entire paragraph so that we see all the contradictions. You've said --

26 THE ENGLISH INTERPRETER:

27 So this is top of page 7.

28 MR. WEYL:

29 -- "Thereafter, at night, I accompanied Jean-Pierre Turatsinze several times to the said residence to
30 load the weapons into the Land Cruiser driven by the same driver and distribute them to the
31 *Interahamwe* chiefs in the PVK and neighbouring *communes*."

32

33 Next paragraph. "After loading the weapons, I escorted the Land Cruiser during the delivery in the -- in
34 the MRND Suzuki Samurai driven by the MRND driver named Bernard. In some cases
35 Jean-Pierre Turatsinze came with me, but at times he waited for me at Silas's house."

36 BY MR. WEYL:

37 Q. Can you comment on the situation as you described it in -- on the 3rd of November 2004 to

1 Prosecution investigators.

2 A. Where is the contradiction, Counsel? I don't see any contradiction in what you've said. It's true we
3 distributed the weapons by night, but once they were loaded in the Mitsubishi, we escorted the
4 Mitsubishi with -- in a Samurai. On some occasions, because we were sure there were no gendarme
5 on the road, we were not accompanied by Turatsinze. So where is the contradiction? Did I ever say
6 that we were distributing the guns by day? I don't see any contradiction.

7 Q. Witness, do you draw a distinction between escorting and being escorted?

8 A. On that point I can explain. It was that gentleman who had to ensure that the way was safe. On some
9 occasions he might go in front to ensure that there were no obstacles on the occasions he escorted us.
10 You understand the situation, I hope. I -- I see no contradiction there. The point is that he had to
11 ensure that our movements were unhindered.

12 Q. Witness, do you draw a distinction being -- between sitting in the Land Cruiser Mitsubishi and a Suzuki
13 jeep?

14 A. I have explained that, when Turatsinze came with us, he was in the Suzuki Samurai. As to the
15 Mitsubishi, its role was to carry the guns because nobody could -- nobody could have any suspicions
16 over that vehicle. When Turatsinze came with us, sometimes he'd be sitting in the Mitsubishi. So if I
17 expressed myself thus, I don't think you can find grounds there for any contradiction on the topic of the
18 distribution of weapons.

19 Q. Witness HH, you gave weapons to Nzabanterura, André, Nzabanterura, André --

20 THE ENGLISH INTERPRETER:

21 I think that's 86 he's referring to.

22 THE WITNESS:

23 Yes, Nzabanterura, Nzabanterura, Nzabanterura, André --

24 THE ENGLISH INTERPRETER:

25 That is indeed 86.

26 THE WITNESS:

27 -- received weapons later.

28 BY MR. WEYL:

29 Q. Now you're telling us he received them later. To be consistent with the statement you made to the
30 Prosecution on 30th of March 2006, where you stated it is in the will-say, page 5 of the French version,
31 point 21 -- item 21, "Moreover, among the *Interahamwe* leaders having received weapons, I omitted in
32 my preceding statement the name of Nzabanterura, André, from Kimihurura *secteur*, Kimihurura
33 *secteur* --

34 THE ENGLISH INTERPRETER:

35 Number 50, Kimihurura *secteur*.

36 BY MR. WEYL:

37 Q. So if you forgot it, it's because you thought about it?

1 A. That is correct.

2 MR. WEBSTER:

3 *(Microphones overlapping)*...at all. My recollection is that the witness's testimony -- in his testimony
4 on -- during his direct exam, he mentioned distributing guns afterwards to André Nzabanterura. I'm not
5 quite following the logic of -- of Mr. Weyl's reference to the will-say. So if he could explain that so we
6 could have a clear understanding of what is being asked of the witness.

7 BY MR. WEYL:

8 Q. Witness, you did not speak of André Nzabanterura in your statement of November 2004; is that right?

9 A. Well, that could surprise no one. It is even possible that there are things that I didn't mention that I've
10 forgotten that could come back to mind right now. The essential thing is that it be authentic. How can
11 you say that -- or, claim that Nzabanterura, André, did not receive weapons? If you need proof, I can
12 provide it on this point.

13 Q. Witness, it's because you remembered on the 30th of March 2006 that you added his name to the list at
14 that point in time; is that correct?

15 MR. WEBSTER:

16 Is the witness being cross-examined for the alleged contradictions in his testimony or between the
17 various statements? I don't quite understand what we're doing here. Because my understanding of the
18 point of this exercise is to look at what the witness has actually said in this courtroom and then refer him
19 to contradictions that may appear elsewhere. I don't think that that's what we're doing now.

20 MR. WEYL:

21 Mr. President, that is exactly what we're doing. We're telling to the witness his statements before --
22 reminding the witness of his statements before this Trial Chamber. He said the distribution to
23 Nzabanterura took place afterwards, to point out that he absolutely not mentions Nzabanterura in his
24 first statement, and it is obviously not facts that he is narrating but a history -- a story that he's
25 constructing, and, Mr. President, that the stories are not the same from one occasion to another
26 because they are stories.

27

28 May I continue, Mr. President, please?

29 MR. PRESIDENT:

30 You may ask a question.

31 THE WITNESS:

32 Listen, as to that allegation that I am constructing a story, I will tell you that I don't see how, to date, you
33 can say that on the basis of the name of Nzabanterura. Nzabanterura has a history in respect of the
34 *Interahamwe*, and everybody knows that. So when you say that I am fabricating -- I mean, constructing
35 a story, I would answer the following: I answer the questions according to the way they are put, so I
36 should like to ask you to leave this line of questioning because, as regards Nzabanterura, I would say
37 he has the same reputation as I do regarding membership of that organisation.

1 BY MR. WEYL:

2 Q. Witness, don't -- witness, don't speak of your situation. You are a protected witness.

3

4 I will go on to my next question. We are going to speak of the training. Do you agree?

5 A. I am ready. I am ready to answer your questions to the extent I know the answer to them.

6 Q. You had stated before this Trial Chamber on the 8th of November -- it's page 22 of the French
7 version --

8 THE ENGLISH INTERPRETER:

9 The French transcript, I mean.

10 BY MR. WEYL:

11 Q. -- regarding training, you said you were asked to designate young people trust -- who were trustworthy
12 and well known in the neighbourhood and who could keep a secret. Do you remember having said
13 that?

14 A. I remember.

15 Q. Before this Trial Chamber, you said more or less the same thing a few minutes later in response to the
16 question, "When you speak of trustworthy people and who could keep a secret, can you tell us how you
17 could reach such a conclusion?" And you answered, "Well, you could see it from their conduct. We'd
18 approach such people. And even before that, when we had spoken with that person, we tried to give
19 him advice. One could see whether the person had followed the advice given to them and, thus, could
20 trust them and know that they knew how to keep a secret."

21

22 Do you remember having stated that?

23 A. Yes, I did state that.

24 Q. So, according to you, you sent only people you -- you trusted fully, who were disciplined and obedient,
25 for training?

26 A. Yes, I do confirm that.

27 Q. But you cannot remember the people you sent, apart from Gervais?

28 A. He's not the only one. But let me remind you that this happened a long time ago. But perhaps
29 gradually I may be able to remember some names because he was not the only one sent for the
30 training.

31 Q. Witness, are there some names which you do not want to remember because they are going to place
32 you in a compromising situation before this courtroom?

33 A. It is not a question of not wanting to mention any name. The problem is that this happened a long time
34 ago, so I simply don't remember those names.

35 Q. Assumani Kavura, A-S-S-U-M-A-N-I, then K-A-V-U-R-A, tell us, Witness HH, whether that name rings a
36 bell.

37 A. Yes, it does. He, too, was one of the people sent for training.

1 Q. Mitangano, M-I-T-A-N-G-A-N-O, what about that name? Does it ring a bell?

2 A. Yes, I also remember that person. That person, too, was sent for training.

3 Q. Did you select that person, Witness?

4 A. Yes.

5 Q. Is there no fourth name which comes to your mind, Witness?

6 A. With a cold head, I may be able to remember some names, but, off the cuff, I can't remember any other
7 name.

8 Q. Witness, I have the statement you gave to the Prosecutor, the will-say statement of 30th of March
9 2006. On page 7, point 33, this is what you said: "In this connection, I selected (*By order of the Court,*
10 *this name has been extracted and filed under separate cover*), Gervais Ntirugurirwa, Assumani Kavura,
11 and Mitangano." And you end as follows: "Let me state that, during the genocide, those four
12 *Interahamwe* participated in the massacres."
13

14 Do you remember this statement which you gave the Prosecutor?

15 A. Yes, I do.

16
17 By the way, there is another name which comes to mind that is *****(*phonetic*). So I remember
18 and acknowledge having given that statement.

19 Q. You don't want to talk about (*By order of the Court, this name has been extracted and filed under*
20 *separate cover*), because you are dodging with a fifth name?

21 A. But concerning (*By order of the Court, this name has been extracted and filed under separate cover*), I
22 just said a while ago that I remembered that name. You just reminded me of that name.

23 Q. (*By order of the Court, this name has been extracted and filed under separate cover*) was a trustworthy
24 person?

25 A. I don't understand why you are insisting on (*By order of the Court, this name has been extracted and*
26 *filed under separate cover*) name. Actually, I selected (*By order of the Court, this name has been*
27 *extracted and filed under separate cover*) because, on account of his attitude, I did not want him to
28 divulge the secret later on when he had learned that others had been sent for training. In fact, that was
29 the reason why I included Mr. (*By order of the Court, this name has been extracted and filed under*
30 *separate cover*) in that group. Because of his conduct, I did not want him to create problems within the
31 association when he would have learned that people had been sent for training. That was the reason.
32 It was not on the basis of trust that I had in him.

33 Q. So when you are asked to choose people you trusted, people who are disciplined and who can obey
34 orders, did you choose (*By order of the Court, this name has been extracted and filed under separate*
35 *cover*)? You are the one in charge of discipline.

36 A. Yes. It was a way of putting him to the test. Sometimes, in Rwandan tradition, you try to straighten
37 someone up by assigning him some responsibilities in that way. It happens sometimes.

1 Q. When that person had actually been relieved of his responsibilities because of his conduct?

2 A. I said that I included him in that group to try and see how I could straighten him. Because, in any case,
3 he would ultimately have been aware of that. Now, if I had not included him in that group and he
4 subsequently got to know of it, the consequences would have been rather untoward. So I included him
5 in that group because it was an attempt at damage mitigation.

6 Q. In any case, we agree, I believe, that (*By order of the Court, this name has been extracted and filed
7 under separate cover*) was not a trustworthy person?

8 A. Yes, we are in agreement. I told you that he was someone who could cause trouble for me in the
9 neighbourhood. So that was the criterion I chose to include him in that group. I was trying to avoid
10 such a situation.

11
12 Also, let me add that, before doing so, I actually consulted Turatsinze. When Turatsinze realised that I
13 had not included his name on the list, we had a discussion about that, and he said that fellow was
14 someone who could create problems in the neighbourhood once he were to realise that the people he
15 was living with were no longer present. So in order to avoid that problem, we decided to include (*By
16 order of the Court, this name has been extracted and filed under separate cover*) name on that group
17 for the reasons I just spelled out.

18 Q. Can you tell us when (*By order of the Court, this name has been extracted and filed under separate
19 cover*) killed*****?

20 A. It was on the 7th, that is, the day following the death of the president of the republic.

21 Q. Witness, is it true that (*By order of the Court, this name has been extracted and filed under separate
22 cover*) name, which you were at great pains to remember in this court, does not appear in your
23 confession given to the Rwandan authorities on the*****?

24 A. Even if that name was not mentioned, when you give a testimony, nothing shows that your testimony is
25 100 per cent comprehensive. It is only when follow-up questions are put to you that you clarify certain
26 points regarding your testimony, and then you ultimately include certain names.

27 Q. Witness --

28 MR. WEBSTER:

29 (*Microphones overlapping*)...for the record, I would direct Mr. Weyl to -- I'm looking for the page in the
30 French. In the English it would be on page 2, K0370334. I do note the name (*By order of the Court,
31 this name has been extracted and filed under separate cover*) in the -- in the confession of the
32 ***** . And in the French it's on page 2 at K0368348. So maybe he would want to
33 rethink that question to the witness.

34 MR. WEYL:

35 For the record, indeed, my learned friend is right. (*By order of the Court, this name has been extracted
36 and filed under separate cover*) name is on the confession. But now I'm referring to the witness.

37

1 BY MR. WEYL:

2 Q. In the confession, is there any reference to the influence that the witness had over *(By order of the*
3 *Court, this name has been extracted and filed under separate cover)*?

4 A. I think that was obvious in the confession. If you don't have that document, I can give it to you. If I
5 admitted that I was *****and that the person in question was an *Interahamwe*, it
6 goes without saying that*****.

7 Q. Witness, I am going to read to you what you said in your confession of the*****. "If
8 after the -- or, this is one of the people, the *Interahamwe*, who were difficult to deal with, *(By order of*
9 *the Court, this name has been extracted and filed under separate cover)*. I do not know where he is
10 right now. But at some point in time, he even *****
11 *****throughout the country."

12
13 Is that a way of saying in a specific detail and comprehensive manner that you selected *(By order of*
14 *the Court, this name has been extracted and filed under separate cover)* to go and undergo military
15 training?

16 A. Counsel, indeed, I made the statement you just referred to, and this was because of that person's
17 conduct after the death of the president of the republic. Many people thought that *(By order of the*
18 *Court, this name has been extracted and filed under separate cover)* *****because, after the death
19 of the president of the republic, someone had his property looted when he was about to cross the
20 roadblock at a location I will not mention. So someone came and told me that *(By order of the Court,*
21 *this name has been extracted and filed under separate cover)* had just*****
22 *****.

23
24 Now, the person to whom that person explained his problem asked him whether it was --

25 THE ENGLISH INTERPRETER:

26 And, Mr. President, we are being told by the interpreter that the witness mentioned his name.

27 THE WITNESS:

28 -- so the person said it*****. But an enquiry was conducted, and it was ascertained that*****
29 ***** , but, rather, it was *(By order of the Court, this name has been*
30 *extracted and filed under separate cover)*. And this is just to show you that *(By order of the Court, this*
31 *name has been extracted and filed under separate cover)* *****
32 his actions.

33 MR. PRESIDENT:

34 *(Microphones overlapping)*

35 THE WITNESS:

36 Even to today there are some people who still *****actions committed by *(By order*
37 *of the Court, this name has been extracted and filed under separate cover)*.

1 BY MR. WEYL:

2 Q. Witness --

3 MR. PRESIDENT:

4 The witness's name is redacted from that last answer.

5

6 Witness, you mentioned your own name, and we are redacting it from the record.

7 BY MR. WEYL:

8 Q. Witness, I would like us now to talk about the lists which you said you prepared. You will remember
9 that.

10 A. Yes, I do remember that very well, and I hereby confirm that I had prepared lists.

11 Q. You even gave some specific evidence before this Court when the Prosecutor put the question to you
12 as follows: "When you said that you prepared lists, who are you referring to? Are you referring to the
13 *****? When you say we prepared lists, what do you mean by
14 'we'?" And your answer was as follows: "When I say 'we,' I am referring to*****
15 *****."

16

17 Do you stand by that evidence?

18 A. Yes, Counsel.

19 Q. So, you, yourself, Witness HH, you prepared lists?

20 A. Yes.

21 Q. What were the contents of the lists which you prepared?

22

23 Let me be of assistance to you. Were there names on the lists?

24 A. Yes, there were.

25 Q. Were there first names on the lists?

26 A. Yes. There were first names for those who had first names.

27 Q. Were there addresses?

28 A. Yes.

29 Q. Were there other reasons for putting those names on the lists?

30 A. Yes.

31 Q. So if I follow what you have said in this courtroom, would you put on there the (*unintelligible*) opponents
32 of the MRND?

33 A. Yes, that is what we did.

34 Q. Would you state, for instance, that the person had sent his children to go for training under the RPF?

35 A. Yes.

36 Q. Would you state, for instance, that the person had assaulted an *Interahamwe*?

37 A. Yes, Counsel, that information could appear on the lists.

2

1 Q. And you were the one who wrote the list?

2 A. I had a secretary.

3 Q. So the lists were not prepared by the***** , rather, they were prepared by the secretaries of the
4 *****?

5 A. But the secretary would do only what the boss has asked him to do. He cannot do what he has not
6 been requested to do.

7 Q. Witness HH, you were never told to write on the list as one of the reasons that the person was a Tutsi?

8 A. I think I am going to answer this question the way it has been put to me. If, for instance, on the list we
9 had to write in names of opponents of the party, I do not see why you are not going to allow me to
10 elaborate.

11 Q. Would you elaborate further than what you said in your confession of the***** , which
12 confession you gave the Rwandan authorities?

13 A. Counsel, I have explained to you what the prevailing situation at the time was. I do not know whether
14 you have some new information to add.

15 Q. Witness, on the 8th of November, at line 35 of page 53 of the French transcript, you said that "I am sure
16 that in 1994, during the massacres, those people were amongst the first to be killed."

17

18 Do you remember that evidence?

19 A. Yes, I do.

20 Q. What is it that makes you to be sure of that?

21 A. It is because, after the death of the president of the republic was announced, people did not need to
22 wonder about who had killed him, because everybody knew that it was the RPF, along with Tutsi
23 accomplices and all those Tutsis who collaborated with them. So it was that category of people who
24 were among the first to be killed.

25 Q. But, Witness, actually, you are not sure. You knew that the people whose names you had written down
26 personally were killed in the early hours of the 7th of April. You knew that, didn't you?

27 A. No, Counsel, that is not what I just told you. What I told you is that I confirmed that those people whose
28 names were on the list were amongst the first to be killed. Now, if any of those people had not been
29 killed, it is not because we wanted it to be that way. It was perhaps thanks to God that they were
30 spared or that they escaped death.

31 Q. Witness, what I'm telling you is that the certainty which you asserted in this courtroom is because you,
32 yourself, committed massacres in the early hours of the 7th of April 1994, and that is what you
33 thought -- you told the Prosecutor in the confession of the***** , isn't it?

34 A. Counsel, I know very well that I have explained everything, and I still explain that most of the people
35 whose names were on the lists I had prepared had fled the neighbourhood. So if I say that, then I do
36 not see what would make me say that those people had not been killed, that the things did not happen
37 that way.

1 Q. Witness, I'm going to refresh your recollection with your statement given to the Prosecutor on the
2 3rd of November 2004. It's on the bottom of page 11 and top of page 12 of the French version. "We
3 prepared secret lists which we handed to Jean-Pierre Turatsinze individually to send to BEN through
4 the executive secretary, Joseph Nzirorera. To my knowledge, the BEN of the MRND never returned
5 those lists to us. But during the genocide, we still managed to execute a large number of people whose
6 names appeared on those lists because we had identified them well in advance."

7

8 Do you remember that statement, Witness?

9 A. Counsel, do you want me to change anything to this statement? I have nothing to change. What I said
10 was indeed what was happening.

11 Q. So, Witness, that is how, on your own initiative, without being any need for any lists whatsoever, you
12 and your men murdered Venantie Kabageni, spelled K-A-B-A-G-E-N-I?

13 A. Indeed, she was killed, and her name was on the list.

14 Q. Is it correct that your confession of the *****bears no mention that you drew up lists?

15 A. Well, because you don't see it there, I don't think there should be a problem. I can explain that before
16 the Trial Chamber once and for all.

17 Q. That's your answer, or are you announcing another part of your answer?

18 A. *(No interpretation)*

19 Q. You said that you will explain it before your national courts. Is that what you said?

20 A. Yes. I say that because I know that that lady was killed somewhere other than the neighbourhood
21 ***** . You said they were killed by *Interahamwe*. ***** , and I know
22 that I have to answer for that. I did not include that in my confession, but I will explain it because I know
23 the people who killed her. And those people admit having killed her.

24 Q. Witness, my question was why -- is it true or not that, in *****-- in
25 your statement of 3rd November 2004, the first statement you make under the law of 2004, you don't
26 say a word about the lists that you said that you drew up or the massacres that you, yourself, had
27 committed without having need to have recourse to such lists.

28 A. Well, I would give you an explanation, Counsel. Indeed, I did not mention the names of the people I
29 killed because, in fact, I didn't kill anyone. But I did say that I was *****and answerable and that the
30 people *****killed. I admit having bit (*sic*) *****of the people who killed other people.

31 Q. Witness, you are drawing a distinction between being in charge of -- responsible for acts committed by
32 others and having, oneself, slaughtered -- massacred.

33 A. Well, Counsel, I think I answered that question a while back. To date, and when I was drafting this
34 confession, I was and am certain I killed no one.

35 Q. Witness, ***** , the 3rd of November 2004, in the presence of the Prosecutor, you state, I read
36 it back to you a while before, and I will reread it: "We executed a number of people without difficulty."

37

1 What do you mean by "nous," "we"? What do you mean by "we"?

2 A. By "nous" --

3 THE ENGLISH INTERPRETER:

4 N-O-U-S in French --

5 THE WITNESS:

6 -- "we," by "we," I mean the *Interahamwe*.

7 BY MR. WEYL:

8 Q. Witness, I am coming to Rwambuka, Fidele's -- R-W-A-M-B-U-K-A, R-W-A-M-B-U-K-A -- to his funeral.

9 When Fidele Rwambuka was assassinated, you had a plan to avenge his death; is that correct?

10 A. Yes, they spoke to us of that plan.

11 THE ENGLISH INTERPRETER:

12 Number 101, Rwambuka.

13 BY MR. WEYL:

14 Q. According to you, it was Turatsinze that gave you the order to avenge Rwambuka. That is what you
15 want us to believe, is it?

16 A. Yes.

17 Q. You also want us to believe that Turatsinze gave you that order because it had been given to him by
18 Mathieu Ngirumpatse. This is still what you want us to believe?

19 A. Indeed.

20 Q. And you believe that because that's what Turatsinze told you and you believed what he -- and you
21 believed what he told you?

22 A. Yes.

23 Q. You did not hear Mathieu Ngirumpatse give that order to Turatsinze? We agree on that?

24 A. Yes.

25 Q. So these are suppositions; we agree?

26 A. I am speaking on the basis of what was said between that person and I.

27 Q. But the instructions you received from Ngirumpatse himself are exactly the opposite. We agree on
28 that?

29 A. Certainly his instructions were different from those Turatsinze had given us, but you can easily discern
30 that he had given those instructions. I don't know if you will allow me to provide details.

31 Q. The details I'm asking you for, Witness, is what you heard from Ngirumpatse, and the instructions
32 Ngirumpatse, Mathieu, gave you was not to seek revenge. Do we -- we agree on that?

33 A. Yes, we agree, but I should like to speak to you of what happened, in fact, on that day. It was the same
34 day.

35 JUDGE SHORT:

36 Witness, you can go ahead and give evidence about what you -- you -- the details that you mentioned.

37

1 THE WITNESS:

2 Thank you.

3

4 During the night when Rwambuka was shot to death, I was not informed. It was only towards 4:30 a.m.
5 that Turatsinze came to see me at home. I got up. He asked me if I knew what had happened. I told
6 him that I didn't -- I hadn't known. He told me the *bourgmestre* of Kanzenze, namely Rwambuka, had
7 been killed by the Tutsi and that we had to find people like me, five people, because he said we were
8 going to find other people on the way, people he'd already alerted. So it was break of day. We headed
9 off. We didn't go via party headquarters. But when we arrived at Nyamata, we found people who had
10 beaten us to it, and others joined us. We were, in all, about 50 people, and we began to work out a
11 plan to attack Gahima's home because we said that it was he who had played an important role in the
12 killing of Rwambuka. So we were getting ready to launch that attack.

13

14 It was, first of all, necessary to go to Rwambuka's house to see how to go about this operation. It had
15 rained. We set off, and when we arrived at Rwambuka's house, we began to make a sketch. There
16 were many locals there, and one of the locals told us that there were soldiers in a coffee field,
17 plantation, that was very near to that house. So we went to check, and we saw that there were soldiers
18 who had hidden under sorghum stalks. Subsequently, Mathieu Ngirumpatse arrived with Munyaseza.
19 We greeted them. They saw how we had encircled that place, and Mathieu called us, "No, no, you
20 mustn't go on with this attack because if ever you did launch this attack, you would be justify (*sic*) those
21 people who say the MRND is killing people. The international community will be made aware of that.
22 Turatsinze asked, "You see that we're being killed. I'm wondering what is going to happen if tomorrow
23 you're killed or if the president of the republic is killed." Mathieu Ngirumpatse said, "Well, in that case,
24 there will be zero tolerance, and we will react."

25

26 So these were instructions that had been given by Mathieu Ngirumpatse when Turatsinze came to see
27 us and told us we had to avenge Rwambuka's death. I don't know if subsequently people spoke to
28 Mathieu and told him not to go through with the plan because, at that time, the *Interahamwe* were
29 highly criticised. So this is what I wanted to tell you about that incident.

30 BY MR. WEYL:

31 Q. Have you finished, Witness?

32 A. Yes, I have finished.

33 Q. Coming back to my question, Mathieu Ngirumpatse told you, "Do not go through with what you are
34 intending to do. Do not seek vengeance." Do we agree on that?

35 A. No. He said, "Do not go through with that. You mustn't go through with what you are preparing to do."

36 Q. We agree fully, Witness, but he did also something else that you explained to the -- on the
37 3rd of November 2004. Do you remember what he did, what Mathieu Ngirumpatse did?

1 A. Could you repeat that so that I tell you what I think about it, and then I'll see whether I agree with you?

2 Q. You will see whether you agree with yourself because these are your -- this is your statement of the
3 3rd of November 2004, page 20 of the French version, page K0507865, second paragraph --

4 THE ENGLISH INTERPRETER:

5 Now, can we take the time to find this in the English?

6 BY MR. WEYL:

7 Q. "Following upon the assassination of Fidele Rwambuka, the *bourgmestre* --"

8 THE WITNESS:

9 May I continue? May I continue?

10 THE ENGLISH INTERPRETER:

11 He asks the interpreters.

12 MR. WEYL:

13 I shall slow down --

14 THE ENGLISH INTERPRETER:

15 Sorry. We haven't found this yet.

16 BY MR. WEYL:

17 Q. "Following upon the assassination --"

18 MR. PRESIDENT:

19 Mr. Weyl, the interpreters are trying to find the English text to what you are reading.

20 MR. WEBSTER:

21 It's on page 14 of the English towards the middle of the page.

22 MR. PRESIDENT:

23 Thank you.

24 THE ENGLISH INTERPRETER:

25 Thanks.

26 MR. WEYL:

27 So I will try and go as slowly as my reason dictates.

28 BY MR. WEYL:

29 Q. "Following the murder of *Bourgmestre* Fidele Rwambuka, one night in 1993, Jean-Pierre Turatsinze
30 went around the next day --"

31 THE ENGLISH INTERPRETER:

32 It says in French.

33 BY MR. WEYL:

34 Q. "-- and saw all the *Interahamwe* secteur presidents. He asked us to go to Kanzenze --
35 K-A-N-Z-E-N-Z-E, K-A-N-Z-E-N-Z-E -- and slaughter the Tutsi in retaliation. However,
36 Mathieu Ngirumpatse reported the matter to the military parties, and they prevented us from acting by
37 deploying a large number of soldiers there. And after that he would say -- make a supposition. In my

1 view, Ngirumpatse had approved the plan prior to that but changed his mind."

2

3 Do you remember making that statement, Witness?

4 MR. WEBSTER:

5 Are we also going to read the -- the following sentence? Because I believe that was included in the
6 witness's prior response as well.

7 MR. WEYL:

8 Mr. President, in my cross I have not omitted anything. If the Prosecutor is bothered by what I have just
9 reminded us of, he -- does he want to begin his re-examination now? What I have recalled is the
10 sentence, "However, Mathieu Ngirumpatse reported the matter to the military authorities, and they
11 prevented us from acting by deploying a large number of soldiers there. In my view -- in my view,
12 Ngirumpatse had approved the plan prior to that but changed his mind."

13

14 Can I hear the witness's comments, please?

15 THE WITNESS:

16 And, indeed, as you've just said, that's what we thought about that, on that topic. Because when we
17 were at Nyamata, at the shopping centre at Nyamata, we could see, in our preparations to attack, it was
18 clear. We stayed there a long time. And at the point when we arrived at Rwambuka's house, we found
19 soldiers who just arrived there. And that's when I think that he changed his plan, when he said it would
20 be badly perceived. It would be -- when he saw that it would be badly perceived, I think it is at that
21 moment that he changed his mind.

22 BY MR. WEYL:

23 Q. Witness, you agree with me that Mathieu Ngirumpatse is not a weather vane and changes his mind
24 every ten minutes? Do we agree?

25 A. Well, on that question, even today, it wasn't those soldiers that prevented us from doing so but, rather,
26 his order. It wasn't the soldiers that prevented us from -- from acting (*unintelligible*). Even today, I
27 would say it is not the soldiers who prevented us from intervening but, rather, what he said to us.

28 Q. And, Witness, as two cautions are better than one, he said that and also asked the authorities to send a
29 strong contingent of soldiers to prevent you from doing so, had his instructions not been sufficient. We
30 agree on that?

31 A. Let me repeat: The operation was not prevented by the presence of soldiers. It's, rather, as a result of
32 the instructions he gave that we relinquished the idea of attacking.

33 Q. Well, you see, Witness, I have a problem in general with your testimony. "Systematically," you say,
34 "Turatsinze told me -- Turatsinze told me." In France we have a game called "Jack Said." Here it's
35 "Turatsinze Said," systematically. And every time Turatsinze says something, you believe it. Is that it?

36 A. Before answering that question, I will tell you the following: I think you should have taken enough time
37 to investigate. You have to know who was Turatsinze, what his job was, how he behaved, what his

2

1 conduct was at MRND headquarters. That is what you should have done. So Turatsinze gave us
2 orders, and we implemented, executed those instructions with all the seriousness of someone coming
3 from headquarters. That was the situation. These were orders received from someone who worked at
4 party headquarters. You should have looked into that to understand the situation.

5 Q. And you told us that Turatsinze was worthy of absolute confidence, even when he was selling weapons
6 to FRODEBU.

7 A. That is different, Counsel, from what I have just said. You can have an employee whom you trust and
8 then, subsequently, that same employee can steal from you. That can happen.

9 Q. Witness, it never occurred to you that this famous Turatsinze might give instructions from himself,
10 originating with himself, and of which no one, and that includes Mathieu Ngirumpatse, was aware of?

11 A. No, I never observed that. I don't think he would have dared to do that.

12 Q. It never occurred to you that Mathieu Ngirumpatse discovered a bad plan prepared by *Interahamwe*
13 and did everything he could to prevent that bad plan from being implemented?

14 A. No, no, that was not possible. I never saw any such thing. And, in any case, it was impossible.
15 Someone who concocts a plan, takes vehicles under your control, and goes from Kigali to Nyamata
16 without the one in charge being informed, that is just not possible. It is impossible -- an impossible
17 situation, Counsel. That cannot happen.

18 Q. It's because Mathieu Ngirumpatse learned of the existence of the plan of which he disapproves that he
19 undertakes a demarche in your directions -- in your direction to say, "Don't do that." And be it because
20 he is concerned, anxious, he asks the military authorities to send a detachment to be sure that you
21 don't do what he does not approve of?

22 A. No, no. That's not how it happens. In my view, his colleagues and himself considered that the action
23 might have unfortunate consequences. So he didn't disapprove. He did not denounce it. He told us,
24 "Leave the plan aside. You mustn't go through with it." But he did not disapprove of it, as you are
25 claiming -- as you are saying.

26 Q. We all know to what extent your acts had unfortunate consequences --

27 MR. WEYL:

28 Mr. President, in view of the time, might I suggest we take the break?

29 MR. PRESIDENT:

30 Yes, we can take our luncheon break now. We resume at 2 o'clock.

31
32 And I remind you, as I have done before, Mr. Witness, not to discuss the case or your testimony with
33 anybody.

34
35 We take the adjournment now.

36 *(Court recessed at 1230H)*

37 *(Pages 19 to 36 by Ann Burum)*

1 (Court resumed at 1404H)

2 MR. PRESIDENT:

3 Good afternoon.

4

5 Mr. Weyl, you can continue.

6 MR. WEYL:

7 Yes, thank you, Mr. President.

8 BY MR. WEYL:

9 Q. Witness, I am nearing the end of my cross-examination, and I would like us to focus our attention on
10 what happened, according to you, on the 8th of April 1994. Do you recall having said that
11 Robert Kajuga came to your residence on the 8th of April 1994 with a view to bringing you a message
12 from Mathieu Ngirumpatse? Do you remember having made a statement on that point?

13 A. Yes, I do.

14 Q. And do you confirm that it was, in fact, in*****?

15 A. Yes, I can confirm that.

16 Q. Where you yourself stood behind the counter of the bar?

17 A. In general, I was standing behind the bar on that occasion.

18 Q. And according to you, Mr. Robert Kajuga was standing on the other side of the counter in the sense
19 that the counter separated the two of you; is that correct?

20 A. That is correct.

21 Q. And Robert Kajuga was standing on the other side of the counter with the Lieutenant Miruho,
22 M-U-H-I-R-O (sic), Muhuro; is that correct?

23 A. Miruho was standing at the corner of the counter, close to the refrigerator. And Miruho was looking
24 towards the door.

25 Q. Could you please tell us who the other people present were?

26 A. There was Seraphin Twahirwa, Aloys Ngirabatware, Maniragaba was also there, and Georges
27 Rutaganda. Those are the people whose names I can recall.

28 Q. And at what time of day did this occur?

29 A. At approximately -- well, between 9 and 11 o'clock. And I forgot to say that there were other soldiers
30 present. There were two soldiers who had come with them, and they were on board a vehicle.

31 Q. So you say that on the 8th of April 1994 between the hours of 9 and 11 o'clock, Robert Kajuga was
32 present in *****and exchanged words with Lieutenant Miruho?

33 THE ENGLISH INTERPRETER:

34 Number 59 on the list.

35 THE WITNESS:

36 Yes, that is correct.

37

1 BY MR. WEYL:

2 Q. And at that time, Robert Kajuga, according to you, took a piece of paper from his pocket; is that
3 correct?

4 A. That is correct. He took that piece of paper from a pocket of his military jacket.

5 Q. And that piece of paper had been folded a number of times, had it not?

6 A. No, not on a number of times.

7 Q. Was it a piece of paper that was in one piece that had not even been folded in half once?

8 A. It was a piece of paper that had been folded in half once -- or folded over once.

9 Q. So, this piece of paper that had been folded over once, Robert Kajuga then handed to Lieutenant
10 Miruho who was standing at the other end of the counter. And Lieutenant Miruho then unfolded that
11 piece of paper, did he not? Do we agree with that account of the scene?

12 A. He handed him the piece of paper once he had unfolded it.

13 Q. So you were standing on the other side of the counter. You do not know how to read. You saw that
14 piece of paper, the other way up. And you are saying that you saw the signature of Mathieu
15 Ngirumpatse. Is that what you are saying?

16 A. Why do you say that I do not know how to read? What are you basing yourself on when you say that?

17 Q. Could you please answer my question, Witness?

18 A. You are saying that I do not know how to read, but I do. So I don't see what other response I can
19 provide you with.

20 Q. So, Witness, you say that you recognise the signature of Mathieu Ngirumpatse on a piece of paper that
21 was on the other side of the counter, upside down and that you found difficult to see. Is that what you
22 want us to understand from your testimony?

23 A. I would like to explain the following. I said that Miruho was at the other side of the counter, or the bar,
24 and he was facing the door; I, however, was facing Robert Kajuga. We first had a conversation with
25 Robert. And what then confirmed the substance of the conversation was the document. I do not say
26 that I read the contents of said document, but I did see the signature appended to said document.

27
28 To give you an example, let us suppose that I am standing here and that the bar counter is in front of
29 me here. Kajuga is standing on the other side, and Miruho is here.

30 THE ENGLISH INTERPRETER:

31 The witness is indicating to his right with his hand.

32 BY MR. WEYL:

33 Q. Mr. Witness, in view of the fact that you are miming the scene quite adeptly, if somebody were to hand
34 to Mr. Webster a piece of paper, would you be able to determine the signature on the bottom of that
35 document?

36 A. But why do you claim that the paper was folded? I said that he took the piece of paper out of his
37 pocket, he unfolded it and then he handed it over to the interested party. I did not say that I read the

1 contents of the document, but I did see the signature.

2 Q. It is crystal clear, Witness. You saw the signature, but you did not see however that there was a
3 roadblock located in front of*****?

4 A. Whatever the case may be – well, you are expecting a response, but I think you are being dilatory. I
5 gave you a description of that roadblock. Now, you are talking about a roadblock on the document; but
6 I told you that I did not read the contents of the document. I just think that you are trying to extend or
7 draw out the debate.

8 Q. Not at all, Witness. I wanted to shorten matters. I wanted to know from you whether, yes or no, at that
9 time there was a roadblock outside of*****.

10 A. Yes, there was a roadblock already set up.

11 Q. In front of*****?

12 A. In front of*****, of course.

13 Q. So your statement today is different to the statement provided before this Trial Chamber in the past; are
14 you conscious of that fact?

15 A. That is not my understanding of the situation, Counsel. When I met with the Prosecutor I said that there
16 was a roadblock at that location that was manned by gendarmes. And it was the soldiers from the
17 Huye battalion who then came to replace those gendarmes at the roadblock. So I do not know which
18 other version you are referring to when mentioning the roadblock.

19 Q. Witness, in the neighbourhood, whose name we shall not mention, according to you how many
20 roadblocks were in place on the 8th of April between 9 and 11 a.m.?

21 A. There was a roadblock, initially one roadblock, but after instructions were received to set up further
22 roadblocks, then five additional roadblocks were set up.

23 Q. And when Robert Kajuga came to*****, there was, according to what you have said, only one
24 roadblock in location, in existence?

25 A. Yes.

26 Q. Are you aware of the fact that that is not what you said to the Prosecutor on the 30th of March 2006?

27 A. I repeat that I am recounting to you facts that I am aware of and that occurred. If you have a version
28 that is contrary to mine, then you might enlighten the Trial Chamber as to your version; but I know that
29 that is what I said.

30 Q. How many roadblocks did you set up under the instructions of Kajuga?

31 A. On that day, four roadblocks were set up, and that then came in addition to the one roadblock that
32 already existed.

33 Q. Witness, on the 30th of March 2006, you told the Prosecutor, this is point 52 of the will-say statement,
34 you said: "I would like to correct the statement" --

35 THE ENGLISH INTERPRETER:

36 And counsel gave a number at the speed of light which we did not get.

37

1 THE WITNESS:

2 Before --

3 MR. PRESIDENT:

4 You are speaking a bit quickly. Could you --

5 MR WEYL:

6 (No interpretation).

7 MR. PRESIDENT:

8 Could you just put to the witness what you are putting to him again? The interpreters did not get
9 everything that you said.

10 MR. WEYL:

11 I would like to remind the witness the statement that he gave to the Prosecutor on the
12 30th of March 2006. It is point 52 of the Rule 77 -- Article 77, and page 77 as well and he says, I quote:

13 BY MR. WEYL:

14 Q. I am saying what you said, Witness: "What is more I would like to correct statement K0507846. In fact,
15 before setting up at location A, the two roadblocks, under the instructions given by Kajuga on the
16 8th of April, other roadblocks, in the plural, had been set up the day before. And this was not by the
17 gendarmes who had left that location before putting -- before carrying out instructions by the
18 presidential guard. But these were set up by the *Interahamwes* and soldiers." Do you have any
19 comment to make on that point, Witness?

20 A. As regards that passage of the statement, I would like to say that there was a roadblock before *****
21 *****that was manned by gendarmes. Now, with reference to the other roadblocks
22 and you say there were two of them, those were roadblocks that we set up, but it was Robert Kajuga
23 who told us where to set them up. However, there were other roadblocks that we also set up, whether
24 it be me who made -- whether it was when I gave the statement, or whether it was the person who took
25 my statement down, they might have taken it down in error because there were more than two
26 roadblocks that were set up.

27 Q. And is it still the mistake on the part of the person who took your statement if we were to indicate that
28 roadblocks were set up by the *Interahamwe* before the 8th of April, according to you?

29 A. I do not quite see which roadblocks you are referring to. I do know that there were instructions
30 subsequent to which roadblocks were set up on the 8th.

31 Q. Witness, you are confirming that other roadblocks were set up, notably, by the *Interahamwe* before
32 those alleged instructions, are you?

33 A. I think that must have been during the period of Bucyana's death, when a roadblock was put up by
34 ourselves, the *Interahamwe*. I know that the gendarmes manned that roadblock and controlled the
35 passage of vehicles entering the city at night. That roadblock stayed in place, and that roadblock still
36 exists.

37 Q. Witness, did you talk about the incident of the 8th of April 1994 to any other people whilst you were in

1 prison?

2 A. In what context exactly, Counsel?

3 Q. Well, I shall be more precise. Did you talk about this incident to a person by the name of Bizimana?

4 A. I know that my testimony is confidential, and that this is a secret that I share with the Prosecutor, so I
5 did not try to or attempt to talk to anybody else about it.

6 MR. PRESIDENT:

7 Just a minute. Is this an issue which could affect the witness's identity? Is this really a matter for
8 closed session? In view of the witness's answer, I'm wondering whether this portion of your
9 cross-examination should be in closed session.

10

11 Mr. Witness, I just wanted to correct something that you just said. It is not all of your testimony that is
12 confidential. It is the portions of your testimony which could reveal your identity that is confidential.

13 And for it to be confidential, we have to go into a closed session. Do you understand me?

14 MR. WEYL:

15 Mr. President, if I am in keeping with the question that I have just put to the witness then I do not
16 believe that we need to go into closed session. He merely needs to talk to us about whether he talked
17 of the incident on the 8th of April with Mr. Bizimana or not. And that will not in any way reveal his
18 identity in any way in my mind.

19 THE WITNESS:

20 You are asking me whether I had talked to Bizimana on the subject of something which is secret. And
21 you are asking me whether I talked to Bizimana about that, and it is really rather difficult for me to
22 respond to that question.

23 BY MR. WEYL:

24 Q. Witness, I think there is a misunderstanding here. The incident in question --

25 A. I understand, Counsel.

26 Q. Witness, this was my question: Did you tell Mr. Bizimana that on the 8th of April 1994, between 9 and
27 11 a.m., you saw Robert Kajuga handing a letter from Mathieu Ngirumpatse to Miruho while you were
28 at*****?

29 A. You know, I know more than ten Bizimanas, so I really don't know which Bizimana you are referring to.
30 There is nothing I can say about that.

31 Q. I am very happy to know and, in fact, my learned friend on the other side will be even happier than me,
32 to know that there are, perhaps, ten Bizimanas that can testify that you told them that you saw a
33 message signed by Mathieu Ngirumpatse and which was handed by Kajuga to Lieutenant Miruho.
34 Now, we need just know about one Bizimana; did you tell any Bizimana that or otherwise?

35 A. I think it would be better if you could give me Bizimana's other name.

36 Q. The name is Jean Bizimana.

37 A. Oh, if it is that one, then there is a comment I would like to make about him. Actually, Jean Bizimana

1 was a leader while we were in prison. He had access to all places. Perhaps he may have heard me
2 talk about that because he was someone who had entrance everywhere, and he could get information
3 from everywhere because he had access to all the places. In the prison, perhaps, he heard about it
4 because when I met the Prosecution he would sometimes come to the room where the interview was
5 being conducted but regarding other matters. But, perhaps, he had heard of it, but not from me
6 personally.

7 Q. Witness, if several persons took part in the same interviews at the same time, then really the hearings
8 in the prison were very (*unintelligible*)?

9 A. No, he did not come to follow the interview. He had come for other matters. Sometimes he would
10 come to speak to the senior discipline master of the prison. He once came to look for the senior
11 discipline master and he did not find him there, so he went out of the room. That being the case I won't
12 be surprised if he said that he overheard a given piece of information while I was being interviewed.

13 Q. So, that explains the fact that he poorly understood what you said?

14 A. On account of the place where we were, he could even pass behind the room where I was. There were
15 many people in prison who are -- who were very inquisitive and would like to know whoever is coming
16 to visit others. So it is possible that he had come and he overheard some information but I'm not going
17 to accuse him.

18 Q. Witness, you see when I said that he poorly understood what you poorly explained, it is because -- it is
19 in this courtroom that we are learning during your evidence that a message was handed by
20 Robert Kajuga in *****in front of the counter, because up to this point we had heard another
21 version. What do you have to say?

22 MR. WEBSTER:

23 I'm sorry, I'm not quite following Mr. Weyl's question there because I have been in this courtroom for the
24 duration. I don't recall any other account of this particular piece of information. And I don't see how we
25 can discuss it fully without doing it in closed session because if we don't reveal this witness's identity we
26 will certainly reveal the identity of other persons who provided this information. So, I request that
27 Mr. Weyl rethink his question and then clarify this ambiguity.

28 MR. WEYL:

29 Mr. President, I think we can continue in open because we have this statement of Witness HH, dated
30 3rd of November 2004. And the statement does not contain any reference to the fact that
31 Robert Kajuga came to*****.

32 BY MR. WEYL:

33 Q. Witness, do you remember what you said on the 3rd of November 2004, and what was your version
34 then?

35 A. Why don't you look at the statement that I gave at that time in 2004. And if you read it carefully then
36 you will understand what I said then.

37 Q. I'm getting there, Witness. On page 14 of your statement of 3rd of November 2004, K0 number

1 K0507859, paragraph 2. This is what you said: "Actually, firstly on the 8th of April in the company of
2 two soldiers of the presidential guard, Robert Kajuga, Ruhumuliza, Seraphin Twahirwa and the person
3 called Guillaume, son of Mbonabaryi, spelt, M-B-O-N-A-B-A-R-Y-I, and Aloys Ngirabatware, going
4 towards the *Interahamwe* secteurs. They were in military attire and they were armed. They were
5 escorted by *Interahamwe* who were also armed and dressed in military garb. They met me at the
6 location, which we will refer to as location A, at the roadblock which had been set up in front of*****."

7

8 Now, the question to you, Witness, is did they meet you at the roadblock or did they meet you in*****
9 *****?

10 A. Now that you have read the passage to me and now that you realise that what I stated was true, when
11 they arrived, I was inside of*****. I was not at the roadblock; I was in *****.

12 Q. Witness, it is my submission that you are reminiscent of a cat which falls down and which looks for all
13 means, in an acrobatic manner, always falls on its four legs. In any case, the version which you gave
14 on the 3rd of November 2004 is as false as the version which you are attempting to give before the
15 Court today. But you are doing so because it is absolutely necessary to get the basis for the new
16 charge pressed against Mr. Mathieu Ngirumpatse a few days ago, and which had not appeared in any
17 prior statement, just as it does not appear on the indictment, and, according to which, it was only after
18 written instructions had been given by Mathieu Ngirumpatse that the *Interahamwe* set up roadblocks.
19 And I further submit that the entire theory of a message sent by Mathieu Ngirumpatse is something
20 which is fabricated for the purposes of the Prosecution case. What comment do you have, sir?

21 A. In any case, you have tried to compare me to a cat. I don't think that is quite polite on your part. But
22 what answer I can give is that what I am asserting today is what I asserted a long time ago. And these
23 are all events which I have the proof of. And even if you have to conduct an enquiry, which is
24 something I think you have done already, and you try to find out from members of the population, they
25 would tell you the same thing. So you may as well compare me to a cat, well, that is your right. But
26 what I am saying here is not a fabrication. Those are things which happened, and which I was an
27 eyewitness to. Nobody told me about those things.

28 Q. Witness, we have already had to look at the inconsistency regarding the number of roadblocks because
29 here you said that you set up only four other roadblocks -- or, rather, that you set up only four
30 roadblocks after Kajuga's visit, whereas that is not what you had said before. However, let us stay with
31 what you have said before this Court. You also organised the operation of five roadblocks.

32 A. Regarding five roadblocks, I am not going to talk about only five. There were many more roadblocks.
33 What I simply want to say is that when you were at the roadblock in front of *****you could see the
34 three other roadblocks which were in that neighbourhood. Your talking about five roadblocks is not
35 very surprising, because one could be at a roadblock and be able to see the other roadblocks, because
36 that place was at a crossroads.

37 Q. Witness, on the 9th, in this court, you were more specific. I have the transcript, page 14, lines 26 to 29

2

1 of the French version. The question was put to you in line 23: "Regarding the roadblocks of your area,
2 which we are not going to mention, and if you passed at the place where you lived and worked was
3 there only one roadblock or were there several?"

4
5 And your answer was as follows: "When Robert Kajuga arrived at our neighbourhood there was only
6 one roadblock. But after receiving instructions, the number of roadblocks increased to five."

7
8 And a question was then put to you: "Were you in any way responsible with regard to those five
9 roadblocks?"

10
11 And your answer was as follows: "I had to superintend those roadblocks and know what was
12 happening at those roadblocks." So, do you confirm that you had the responsibility for those five
13 roadblocks?

14 A. If I said that, I at least had to know what was happening at those roadblocks. It does not necessarily
15 mean that I had to supervise them. My responsibility was only to know what was going on at those
16 various roadblocks.

17 Q. At those roadblocks which you had to supervise, since those are the words that you are using -- at the
18 roadblocks which you had to supervise, did anyone ever visit you requesting you to stop the
19 massacres, to stop the killings?

20 A. Do you maintain your assertion? No one visited us, even in my absence. If anyone had arrived there
21 to give instructions, then I would have been informed of the visit and the instructions. So, I am saying
22 that there was no such instruction, and no such visit.

23 Q. Witness, do you know that your statement is the exact opposite of the statement of one of the officials
24 of the national provisional committee of the *Interahamwe* who gave evidence in this court? And he said
25 that, while they had carried out a pacification tour, he came to your roadblock. And he says as follows:

26
27 "The first contact which I had -- or which our team had with that gentleman was on that occasion during
28 which he was even very, very, very, very recalcitrant. It was necessary to threaten him for him to
29 become reasonable. So he accepted it by mere form. And he also accepted what we had to say. This
30 is what I can say in this connection."

31
32 Now, Witness, what do you have to say when you are faced with these statements of a senior officer of
33 the *Interahamwe* who says that in the face of the pacification mission you were very, very, very
34 recalcitrant."

35 A. Lies, lies; actually I think you ought to compare what I am telling you now and what that person said.
36 Now, if that person said that he came to my roadblock and that I disobeyed his orders, what did he do
37 to sanction me, given that he was my superior? Who was I to disobey his orders?

1 Q. Witness, another senior official of the national provisional committee of the *Interahamwe* talks about a
2 *****who manned a roadblock in your area. And this is what he says about you: "Honestly I
3 knew him only during the war period. I had not known him before. He was introduced to me as the
4 *****" -- the location which I am not going to mention.

5
6 And then the question was put to him: "Was it not true that that gentleman was very powerful during
7 the period following the 5th of April 1994?"

8
9 And his answer was, "Yes".

10

11 Another question was put to him: "Were you aware that other members, even members of the national
12 committee of the *Interahamwe* --"

13 MR. PRESIDENT:

14 You are just a bit too fast, Mr. Weyl. Following what period was he -- became powerful? We didn't get
15 your whole statement.

16 BY MR. WEYL:

17 Q. Was it not correct that the gentleman was very powerful during the period following the 5th of April
18 1994?"

19

20 And the answer was: "That is correct."

21

22 And then the next question: "Were you aware that other members, even the members of the national
23 committee of the *Interahamwe*, on certain occasions, had to give him money for him to allow people to
24 cross roadblocks which he was supervising?"

25

26 And the answer was: "I am not aware of that. But what I know of that roadblock is that in order to cross
27 it to the other side, it was very difficult -- it was difficult. And I know of friends, friends of an eminent
28 figure of the national provisional committee of the *Interahamwe*" -- he says, "I know of friends who died
29 at that roadblock."

30

31 What comment do you have, Witness HH?

32 A. Regarding the passage you just read, you just read that advisor who was questioned regarding me and
33 regarding what was happening at that roadblock. I wonder whether that advisor closely followed what
34 was happening in his *secteur*? If that advisor stated that they committed towards his *secteur*, and that
35 killings stopped everywhere else apart from my roadblock. And if that *conseiller* or advisor says that it
36 was my roadblock, can he give proof to the fact that many people died at my roadblock?

37

1 In any case, what I can tell you is that there were certain *secteurs* which had been evacuated by
2 members of the population who were fleeing from the RPF. It is true that all of the members of the
3 population in flight passed through that roadblock. All of those who tried to pass for other people to
4 cross the roadblock, you see we had to be very serious when filtering the people who were passing at
5 our roadblock.

6
7 What I can tell you is that there was no instruction given, be it at my roadblock or at other roadblocks. If
8 you know of other cases, if you are saying that the officials of the *Interahamwe* provisional committee
9 said that people died at my roadblocks, then they should give proof

10 MR. WEBSTER:

11 I'm not necessarily trying to elicit on the record now, but I'm -- I would like to have the reference that
12 formed the basis for Mr. Weyl's question. I don't know if he has to write it down or find some way of
13 communicating that.

14 MR. WEYL:

15 Mr. President, we are entirely in agreement with that, but for obvious reasons of protection of the
16 witness's identity I do not want to make reference to the transcript in open session. I will give that
17 information to the Prosecutor, however; and I am convinced that, in conjunction, he and I can then have
18 that evidence put under seal without having to make a reference to the transcript that might reveal the
19 witness's identity.

20
21 So if Counsel Webster is in agreement with me, I shall give him the references during the break. And
22 then after the break, we shall come to you to have admitted under seal this evidence without having to
23 disclose the references in open session.

24 BY MR. WEYL:

25 Q. Now, Witness, you wanted indications as to what happened at your roadblock, and I'm coming to that
26 now. On the 9th of November, the Prosecutor put a question to you, line 30, page 26 of the transcript,
27 French version: "Was there an incident when Maniragaba came to the roadblock for which you were
28 responsible with a view towards giving you a message?"

29
30 And you then responded by saying something that did not please the Prosecutor. You said: "At my
31 roadblock we never had any problems associated with corpses."

32
33 Do you remember providing that answer?

34 A. Yes, I did mention that. And I repeat that now with reference to any problems associated with the
35 presence of corpses, I can explain myself. I never said that people had not died at the roadblock. But
36 with a view to gaining time, when people were killed there was a place where we threw the corpses.
37 You should not from that deduce that there were no killings at that roadblock. And even before

1 I -- even before you put another question to me on that subject, you should know this.

2 Q. However, you know only too well, Witness, that it will not stop me from coming to that issue. You
3 responded to the Prosecutor's question, when he said to you: "Did you never have any problems
4 associated with corpses?"

5

6 You said, "I will now withdraw what I just said."

7

8 So my question to you is: There were corpses at the roadblock; were there not? There were murders at
9 the roadblocks that you were responsible for, were there not?

10 A. You have just indicated the fact that the Prosecutor was not content with my answer. You might have
11 talked about it. But whatever the case may be, if he told you that he was not content with my response,
12 that is one thing; but I have the right to say what I said. And I can confirm that, indeed, people did die
13 at that roadblock.

14 MR. WEBSTER:

15 I think we should clarify for the witness whether there was any communication from the Prosecutor to
16 Mr. Weyl on this point, because clearly there was not. So, the witness should not be left with the
17 impression that I've expressed any opinions about his answers to questions in this courtroom. I
18 consistently told the witness that the only answers we want from him are truthful answers. On that
19 point, we should all be agreed and it should be clear for this witness.

20 MR. WEYL:

21 I was coming to that, Mr. Prosecutor, had you not interrupted me. I wanted to remind the witness of his
22 statements of the 3rd and 11th of November 2004; that is, on the page 17 of the French version
23 K0507862, and it is mid-page. You say: "When Nzirorera Callixte Nzabonimana arrived at the
24 roadblock" --

25 MR. PRESIDENT:

26 I'm sorry to interrupt you. I really didn't want to, but you had suggested earlier that you were going to
27 clarify the point that Mr. Webster had made. I think the witness should hear it from you.

28 MR. WEYL:

29 Yes, Mr. President, that is precisely what I wanted to do in reminding the witness the words he uttered
30 on the subject of corpses and how this can explain what he said previously during his
31 examination-in-chief when he said that there were no corpses. I wanted to remind him of his statement
32 on that subject, with a view to inciting him to provide me with an explanation: Was there either not a
33 problem, or were there no corpses? That is why I'm asking him to clarify by reminding him of what he
34 said previously.

35 MR. PRESIDENT:

36 You have misunderstood me. Whether it was something that you had done deliberately or not, the
37 witness had stated that he had got the impression that there was a conversation between yourself and

1 the Prosecutor in which the Prosecutor had expressed a lack of content with an answer he had given.
2 And the Prosecutor wanted the witness to know that he had not had any such conversation with you.
3 So I thought you were going to clarify that to the witness. It is just as simple as that.

4 MR. WEYL:

5 Well, when I was referring to problems of comprehension, well, we didn't understand that at all. I shall,
6 indeed, clarify the fact to the witness that I never had a conversation with the Prosecutor, but that I am
7 referring merely to his reaction to the transcript.

8 BY MR. WEYL:

9 Q. When you say, "We never saw a problem linked with corpses, he reacted -- the Prosecutor, that is,
10 saying, "I will withdraw what I just said." And then there is no more mention of corpses at your
11 roadblock. I had no discussion with the Prosecutor.

12
13 But I'm coming back to the fact that there was no problem associated with corpses at your roadblock
14 because you worked differently; is that correct?

15 A. If that is your understanding, that is one point. However, Mr. President, before answering that question,
16 I would say that in view of the fact that I can give information that might reveal my identity, then I would
17 like to be allowed to explain, because I would like us to go into closed session so that I can explain to
18 you this question of the corpses, and also the visit of Callixte Nzabonimana and Nzirorera at the
19 roadblock because if I start to explain to you the presence of corpses at that roadblock, anybody
20 listening to us might be able to identify me because I am going to give you information that might very
21 well reveal my identity.

22 Q. Witness, all that I want is for us to have an open version of justice. And I think that truth, if truth there
23 is, will come out more if we go into closed session as little as possible. Now, the questions that I have
24 put to you so far do not warrant a closed session.

25 MR. PRESIDENT:

26 Mr. Weyl, I do not profess to have knowledge of what might be said or might not be said. But what
27 strikes me is that this is -- seems connected to the complaint the witness had made about a matter
28 which we discussed earlier this morning. It seems to be related to exactly the same subject matter,
29 from my understanding of what is happening. If that is the case, he had already expressed the opinion
30 that the discussions about this subject were matters which were capable of revealing his identity. And if
31 the matter is gone into, I think I would use my discretion to go into closed session for this section of
32 your cross-examination.

33 MR. WEYL:

34 Mr. President, I refer -- defer to you. Maybe we should do it now but I think that I might have more
35 questions to put after the break as a result, because I believe that the closed session will probably bring
36 us all the way up to the break. So according to the responses that we will be discovering together, in
37 view of the fact that nothing so far in the case file allows us to imagine any responses that would be

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different in nature to the ones that we already have --

MR. PRESIDENT:

Mr. Witness, we are going to accede to your request to go into closed session. I just want to explain to you that the -- one of the rules governing the procedures here is that the trials are to be public trials; so that, basically, the evidence should be given in closed session -- in open session. Now, we have taken the view that with regard to certain witnesses, in order to protect their security, that nothing should be done to reveal their identity. And so what we are doing know is an exception to the general rule of procedure. I just wanted you to understand that.

But we are going to go into the closed sessions to deal with this issue in accordance with your request. We will go into closed session now.

(At this point in the proceedings, a portion of the transcript [page 50] was extracted and sealed under separate cover, as the session was heard in camera)

(Pages 37 to 49 by Donna M. Lewis)

1 BY MR. WEYL:

2 Q. Witness, we are once again in open session now. And you should remain vigilant so as not to give us
3 any information that might reveal your identity.

4
5 Witness, we are once again in open session, and I would remind you to be very vigilant not to give us
6 any information that might reveal your identity. On the 3rd of November 2004 in your statement to the
7 Prosecutor you said: "When Nzirorera and Callixte Nzabonimana came to the roadblock, they never
8 found corpses." Can you confirm that, Witness?

9 A. Yes, I can.

10 Q. "The reason for that is because we used to carry out the executions at a roadblock close by." And that
11 is where I stopped reading from your statement. Can you confirm that, Witness?

12 A. I think I explained that to you. Not only do I confirm, but I explained to you.

13 Q. When you say "We use to carry out the executions", who is the "we" you are referring to?

14 A. When you say "We killed people," I'm talking about the *Interahamwe* and soldiers together.

15 Q. Witness HH, your use of the word "we" is nonetheless quite a changing sand when we compare the
16 different statements to you, because in this statement of the 3rd of November 2004, you say "We used
17 to carry out executions." And that is precisely what witnesses say about you. And they say
18 that you -- your roadblock was very difficult to pass through because they say that you were very
19 difficult. And that it was very difficult to pass through your roadblock without losing your life. So the
20 "we" you referred to is, in fact, you personally; is it not?

21
22 I shall repeat my question. The "we" that you use is, in fact, referring to you in person; is it not?

23 A. Well, I don't know. I think that there might be a misunderstanding. As I explained to you, when I say
24 "we" I am talking about the *Interahamwe* and soldiers. You have just repeated a question. You said
25 that I am difficult and that I have not been listening to the questions. Well, who was I exactly? And how
26 could I authorise myself not to respect instructions, if instructions were given that is?

27 Q. Witness, even with the interpretation that you have now advanced. You nevertheless were one of
28 those who executed those people who were not allowed to pass through your roadblock.

29 A. Well, when I talk about *Interahamwe*, what exactly do you understand by that? I was an *Interahamwe*.
30 So the *Interahamwe*, in cooperation with soldiers, killed people. Don't you understand what I mean by
31 that?

32 Q. Witness, the statements that I have just read from, you made to the Prosecutor on the
33 3rd of November 2004; did you not?

34 A. As you say, I was the person who uttered those words without every -- anyone compelling me to do so.
35 And that is, indeed, my statement.

36 Q. Witness***** , in your confession
37 and plea of guilt before the Rwandan authorities, you did not mention a word about the roadblock and

1 the executions that were carried out, or that you carried out at the roadblock; did you now?

2 A. For the future understanding perfectly, I would invite you to consult the document, that is, my
3 confession and guilty plea and also my testimony and my statements. And you will understand the
4 points that I confess to, the events that I confessed to. And you will understand precisely what I wanted
5 to say in my confession, but I invite you to consult those documents.

6 Q. Witness, you state that Robert Kajuga on the 8th of April 1994 uttered the same words that he uttered
7 at your roadblock, but in another location. Do you remember having said that?

8 A. I did say that. I was saying that he said certain things to me when we were standing at a roadblock and
9 to me that meant that he had uttered the same words, as a leader, at another roadblock. That is what I
10 had imagined.

11 Q. But, Witness, you were not working at any other roadblock apart from your own. And did you not see
12 anything elsewhere at any other roadblock apart from at your own, did you?

13 A. No, you should not say that I did not see anything else; there were corpses everywhere, on the hills.
14 And do you think that those locations where corpses were were inaccessible? Do you think that I
15 remained in my neighbourhood solely? Why do you think that I didn't move around? And why do you
16 think that I didn't see things happening in other locations.

17 Q. Witness that was not my question. I shall specify for there not to be any misunderstanding. You never
18 accompanied Robert Kajuga to any other roadblocks, apart from your own, so you never heard him
19 utter the same words in another location, did you?

20 A. What he said to me, he could have said to others. Have you any proof that I was the only person to
21 hear those words, and that I was the only person to whom he said those words? There is reason to
22 believe that he said the same things to other people.

23 Q. Witness, if I put it to you that Robert Kajuga, from the 6th to the 11th of April 1994, remained blocked in
24 Urugwiro (*phonetic*) village for a few days, what comment would you make on the subject?

25 MR. WEBSTER:

26 Before the witness answers, could we have some clarification from Mr. Weyl as to how he is supporting
27 that statement? Whether it is something -- information he is getting from his client, or from another
28 witness statement? What is basis for putting that to the witness? There should be a good faith basis
29 for the question.

30 MR. WEYL:

31 Mr. Prosecutor, I can confirm that Robert Kajuga did not leave his residence from the 6th to the
32 11th of April 1994 because he was blocked in the village of Urugwiro (*phonetic*).

33 MR. PRESIDENT:

34 Mr. Weyl, you are unfortunately, or probably fortunately, you are not a witness. So you need to give a
35 reference to something, rather than your own belief.

36 (*Pages 51 to 52 by Donna M. Lewis*)

37

1 1530H

2 MR. WEYL:

3 Mr. President, I am not a witness, but I'm pleading a case and I am confronting this to the witness's
4 testimony, and I can guarantee that, without unveiling my strategy at this stage, I will be able to
5 demonstrate that Robert Kajuga did not leave his residence from the 6th to the 11th of April 1994. For
6 the moment it is my case and it will be the time -- at the correct time, part of my Defence case and my
7 strategy, and, for now, I do not want to provide any further light. Maybe we should go to the break now,
8 Mr. President.

9 MR. PRESIDENT:

10 Mr. Weyl, that is a satisfactory answer, to say that "my instructions are", or "that is my client's case".
11 That would be a satisfactory answer at this time.

12

13 But, I agree, it's 3:30 and it's time for our mid-afternoon recess.

14 *(Court recessed from 1531H to 1550H)*

15 MR. PRESIDENT:

16 Yes, Mr. Weyl, you may continue.

17 MR. WEYL:

18 Most obliged, Mr. President.

19 BY MR. WEYL:

20 Q. Witness, before the adjournment I had asked you a question and I had sought your comments
21 regarding the statement that Robert Kajuga did not leave his home from the 6th to the 11th April 1994.

22 A. When the Defence attorney dares say such a thing, then that betrays his position. Personally, I know
23 that, around the 6th, Robert Kajuga spent the night at Rwegero village, but today to say that he never
24 left Rwegero village, when I met with him personally and we had a discussion, that is quite a surprise to
25 me. So, he left Rwegero village, and he came and saw me. Perhaps that has been said just to
26 destabilise me, but I know that I saw him, and it was not at night; it was during the day. I, personally,
27 met with Robert Kajuga.

28 Q. Witness, do you know to what -- do you know what happened to Robert Kajuga's entourage on the
29 7th of April 1994?

30 A. I did not go to that place, but perhaps the information you have is the same as what I was told. When
31 you say that Robert Kajuga never left Rwegero village, I think it is rather sadistic.

32 Q. Witness HH, do you know that on the 7th of April 1994 Robert Kajuga's elder brother, father and
33 nephew were killed at Kicukiro, K-I-C-U-K-I-R-O?

34 A. Yes, I heard of that.

35 Q. And is it your evidence that the following day Robert Kajuga came to *****to hand a message? Do
36 you still stand by that assertion of yours?

37 A. That should come as no surprise to you. Even if it was necessary, even on the 7th, he could still have

1 come to my place. What do you think he ought to have done? Do you think he would have stayed
2 home mourning?

3 Q. Witness, do you know that on the 8th of -- or, around the 8th of April the RPF was shelling the
4 Presidential Guard opposite the Meridien hotel?

5 A. There's nothing abnormal or peculiar about that. Even though there was a lot of shelling, people moved
6 about. Personally, I arrived at Kimihurura when a bomb landed. Robert Kajuga could also move about.

7 Q. But you were not at Rwegero?

8 A. Kajuga had already been at Rwegero village a long time before.

9 Q. We will deal with that, Witness. Witness, you are talking about trips which you made to Murambi during
10 which, according to you, you met Mathieu Ngirumpatse. Do you stand by that assertion, sir?

11 A. Nobody compelled me to make such a statement. Nobody compelled me to say that, so I maintain my
12 position, and I recounted the events that occurred, and I maintain that version, even now.

13 Q. So, when did those movements occur, within a two-day framework?

14 A. As regards the dates, I think I apologised well beforehand. I'm making an effort to try and remember
15 dates.

16 Q. Can you make an effort with a view to remembering the date of the first visit that you claim to have
17 made to Murambi?

18 A. Despite my efforts, I cannot invent a date or take the risk of inventing a date. I know that it was the
19 month of April. I went to Murambi in the company of the gentleman that I mentioned to you,
20 Manirabaga, Kajuga and other people, and I think I apologised beforehand, saying that I could not
21 remember all dates, but I am 100 per cent certain that this occurred during the month of April.

22 Q. Witness, is it because you cannot remember, or is it because you are frightened of being caught, in
23 flagrante delicto, were you to advance the dates?

24 A. I cannot invent. I am recounting events that I was an eyewitness to, and I told you that that occurred
25 during the month of April. But you should not compel me to provide you with a date. And if you say I
26 am frightened of being caught, in flagrante delicto, it is your right to say so, Counsel, but I'm giving the
27 month of April because that is the time frame that I'm certain of.

28 Q. So, Witness, you are not afraid of being caught, in flagrante delicto, because you always seem to
29 manage to grasp a reference in order remind yourself of something, but, now, you can't grasp anything;
30 you can't tell us which date you went to Murambi for the first time. Do you have nothing that can help
31 you refresh your memory on the subject?

32 A. I might take an event as a reference, and that would be the speech by Sindikubwabo in Butare.
33 President Sindikubwabo's speech might be a point of reference for me.

34 Q. Were I to suggest the date of 15th April to you, Witness, what would you say, yes or no?

35 MR. WEBSTER:

36 Is the 15th of April the date of the visit of Mr. Sindikubwabo, or the date of the speech, from Mr. Weyl's
37 question?

1 THE WITNESS:

2 I stated that I went to Murambi before President Sindikubwabo's speech in Butare.

3 BY MR. WEYL:

4 Q. Witness, were I to put it to you that you claimed to have made a journey to Murambi on the
5 15th of April 1994, would you confirm, or would you say that you don't know?

6 A. All that I can say is that we went to -- we went to Butare before President Sindikubwabo gave his
7 speech. As regards the date of the 15th of April, I'm not sure. All that I know is that we went to
8 Murambi --

9 THE ENGLISH INTERPRETER:

10 Corrects the Kinyarwanda booth.

11 THE WITNESS:

12 -- before President Sindikubwabo's speech was given in Butare.

13 BY MR. WEYL:

14 Q. It is curious that when suggesting that we refresh your memory and point you in the right direction, then
15 you systematically refuse, whereas on the 12th of June 2003 --

16 MR. WEBSTER:

17 Does Mr. Weyl have something with which -- that previously mentioned the date that would serve as a
18 basis to refresh the witness's recollection? If he does, I'm not sure of it; and if he could give me the
19 reference, please.

20 MR. WEYL:

21 I shall finish my sentence, with your leave, Mr. Prosecutor.

22 BY MR. WEYL:

23 Q. Whereas on the 12th of June 2003, you met with Counsel Webster, who comes with notes based on a
24 discussion that he had with you, and Counsel Webster had you say that "he says he went to Murambi,
25 that he talked to Ngirumpatse on the 15th of April". Now, you were formal about that, as to the date of
26 the 15th April back in the month of June, when you gave your statement. Can you explain that to us?

27 A. As I just said, I provided you with the date -- excuse me, the months in which I went to Murambi. Now,
28 with reference to the date, please stop compelling me to accept that date. You said to me at an earlier
29 stage that authorities were to be found in such-and-such a location but, subsequently, they came to see
30 me. All that I can say to you is that I was in Murambi before President Sindikubwabo's speech in
31 Butare. Full stop.

32 Q. Witnesses, on the 12th of June 2003 you continued, and this shows just how much you could recall the
33 date of the 15th of April. Counsel Webster noted: "He remembered that date because he would pay the
34 proprietor", of his house presumably, "on the 15th of the month. On that day he had gone home. On
35 that day he had had an argument with his proprietor as to the sum of money that he owed him, so it
36 must have been on the 15th."

37

1 Now, why is it that today you no longer want to be as sure or certain when advancing a date? Is it
2 because you are frightened of being caught, red-handed, lying?

3 A. Until this very instant before this Trial Chamber, I have felt no fear. I am indebted to nobody. I do not
4 know that if I say I do not remember a date, I can be blamed for such a thing.

5 Q. Witness, I can confirm that you did not meet Mathieu Ngirumpatse in Murambi in the presence of
6 Robert Kajuga in the month of April 1994. What is your comment?

7 A. If you say that I did not meet Mathieu Ngirumpatse, then who else would I have met with in that
8 context?

9 Q. Witness, I am nearing the end of my cross-examination now and I would like to put a few questions to
10 you on the subject of the *Interahamwe*, who are said to be responsible for the dramas that occurred in
11 the month of April 1994, and you were talking to me about how one could recognise the *Interahamwe*
12 after the 6th of April 1994.

13 A. In fact, during that period it was no mean feat to identify the *Interahamwe* if you did not know them
14 previously. They did not have a uniform that would enable people to easily recognise them and identify
15 them, but, amongst themselves, the *Interahamwe* recognised each other, and were you to meet
16 another *Interahamwe*, you would recognise him. If you were not sure, you would ask him to produce
17 his *Interahamwe* membership card or, at least, the MRND membership card. But, if I were to say to you
18 that there was something that one could identify about them, well, I do not believe that there were any
19 distinctive features, as such, to the *Interahamwe*.

20 Q. So do you confirm what you said to the Trial Chamber? After the 6th of April, you said, quote, "that it
21 was no longer necessary to wear *Interahamwe* uniform", and you said on the 9th of November, page 42
22 of the French transcript, question: "Can you describe Robert Kajuga? Could you describe what he was
23 wearing when he came to *****one day, bearing a document signed by Mathieu Ngirumpatse?"
24 And you responded by saying, quote, "On that occasion he was wearing military clothing".

25 MR. WEYL:

26 And I'm going to slow down, once again, for the interpreters, and I apologise to them.

27 BY MR. WEYL:

28 Q. I maintain my position, and that is what I confirm. And you continue, Witness, by saying, quote, "On
29 that occasion he said to me that people should no longer wear the *Interahamwe* uniform. He stopped
30 me from doing so, and from that date nobody was -- ever dared -- wear the *Interahamwe* outfit again.
31 And those who did, who were still wearing the uniform, were obliged or compelled not to wear it any
32 longer." Can you confirm that, Witness?

33 A. I can confirm that fact. That is what happened. Even if we saw somebody wearing a uniform because
34 he had not received the information, then we would call him; we would stop him and make sure that he
35 was not an enemy in disguise. We would put questions to him to find out why he was still wearing a
36 uniform.

37 Q. So, Witness, you would not exclude that people who are allegedly responsible for terrible acts, whilst

1 wearing the *Interahamwe* uniform, might not have been committed by *Interahamwe*?

2 A. Yes. We agree on the point that a lot of people committed criminal acts, and they were not
3 *Interahamwe*. I say that because I know that in the *préfectures* where there was a small number of
4 *Interahamwe*, it was noted that the acts perpetrated by the *Interahamwe* were similar to those
5 committed by other people within those *préfectures*. That is why I say that in order to establish those
6 acts committed by the *Interahamwe*, one had to be able to recognise and identify said *Interahamwe*.

7 Q. Witness, I shall put a very last question to you with reference to your previous statements, and then I
8 shall give you my case for you to comment on. My last question is for you to remember what you said
9 in your confession and guilty plea of the*****, still in the French version, just before
10 the bottom of page 2, and you say as follows, quote, "I believe that I'm accused of acts committed by
11 *Interahamwe* because*****. Because I noted that
12 some of those militants committed massacres, and I informed the national president of the
13 *Interahamwe* of that, that is, Mr. Robert Kajuga. He responded by saying that I should confer with the
14 military authorities located at location "A". He added that in order not to expose myself to a fate of
15 death, I should be careful because the political parties no longer had any value in the eyes of the
16 population, who had rebelled against any form of authority"; unquote.

17

18 Is that what you said in your confession and guilty plea, dated*****?

19 A. With regard to the -- what you've just read, well, it is, in part, what I stated, but there are other things
20 that I said that I did not hear you mention. As regards the people who were to be found in my
21 neighbourhood, well, I saw them on five different occasions whilst they were setting up roadblocks in
22 conditions that we do not know. They set up the roadblocks with a view to killing people and
23 confiscating their property, and when we came up to the roadblocks --

24 THE ENGLISH INTERPRETER:

25 Apologies.

26 THE WITNESS:

27 -- when we came up to those roadblocks, those people would run away. Now, with reference to the
28 passage that you've just read, I think that some of the points that I declared were not included in the
29 passage that you have just read. I know that the *Interahamwe* perpetrated crimes, but they were not
30 the only ones to have done so. Other people did likewise, and other youth movements and other
31 people from different political parties also committed crimes.

32 BY MR. WEYL:

33 Q. Witness, this section of your confession and guilty plea that I just read to you, does it resemble what
34 you've been saying to us over the last three days before this Trial Chamber?

35 A. With reference to my testimony before this Trial Chamber, I repeat, and I would like to say, that there is
36 a difference between my statement and my confession. Now, if I was put a question -- if a question
37 was put to me before this Trial Chamber, then I responded as a result, but I do not believe that I have to

1 say everything that I was required to explain, so not everything that I said in my confession is in my
2 testimony before this Trial Chamber. But I would like to say that I did respond to any questions put to
3 me on the subject of my confession. It is true that accusations have been levelled against me, and I
4 would have to defend myself.

5 Q. Witness, I promised to give you my case before the end of my cross-examination. And I suggested to
6 you last Thursday evening that you were not a free man. You confirmed that fact. Do you still confirm
7 that fact?

8 A. I do, indeed. I am still in prison.

9 Q. On Thursday evening I said, and you acquiesced, that you would still like to be a free man. Is that still
10 the case?

11 A. I think that were I to be released, I would see that as an opportunity for me, so I do not see that as a
12 problem for me.

13 Q. Witness, throughout my cross-examination I attempted to underline the fact that you did not say the
14 same thing before this Tribunal and before the courts in your country because it was in your interest
15 that what is said before this Trial Chamber is not revealed to the courts in your country. Do you confirm
16 that fact?

17 A. I'm not surprised that you say that. I say openly, and I'm not whispering when I'm speaking, you can
18 always hand over my statement or the transcript of this trial to the court in my country. I have no issue
19 with that.

20 Q. Witness, you can be assured that it is not -- the lawyer that I may be will not be handing over a witness
21 to the authorities in Rwanda. But I would suggest, however, that you tell the Trial Chamber the story
22 that will give the Prosecutor's case a chance. What is your comment on that?

23 A. Well, I will respond to that by saying the following: you are assuring me, saying that you will not say
24 anything to the Rwandan courts. Well, I don't think I can trust you. I am talking to you of events that I
25 was an eyewitness to, and you have rejected what I have said, so I don't see how I can have any trust
26 in you whatsoever. And I would say that, amongst your colleagues, or even yourself, when you come
27 to Kigali and you give information about witnesses, well, in view of that fact, I cannot have any trust in
28 you.

29 Q. Witness, at the beginning of the hearing, and turning towards Mr. Prosecutor, you invoked your right to
30 confidentiality, did you not?

31 A. Yes, it might have been a wish on my part, but it might have been also that that confidentiality is not
32 guaranteed.

33 Q. Witness, I put to you that your testimony has been given before this Trial Chamber in the fear that it
34 might harm your interests in Rwanda; I put it to you that you are a detainee, that you are a man who
35 does not speak freely; and I put to you that your statements were given under constraint -- under
36 duress. And I refute them; I challenge them.

37 A. Well, at least you should show the Trial Chamber -- you should provide evidence to the Trial Chamber

1 to -- as to any -- what -- as to any fears that you might have -- or, as to any fears that I might have.

2 MR. WEYL:

3 Mr. President, I have now come to the end of my cross-examination and I would like to enter into
4 evidence, I believe, Exhibit D. NG43, and I would like the registrar to --

5 MR. PRESIDENT:

6 What is the evidence?

7 MR. WEYL:

8 -- verify that. I would like to enter into evidence the statement --

9 THE ENGLISH INTERPRETER:

10 Says Counsel Weyl.

11 MR. WEYL:

12 -- the statement given to Mr. Prosecutor from the 3rd to the 11th of November that I have referred to on
13 a number of occasions, K0507846 for the French version, and K0354468, et cetera, for the English
14 version. And that is No. 12 in the items disclosed, and I would request that this be admitted as
15 Exhibit D. NG44, A for the French, B for the English, and, of course, under seal.

16 MR. PRESIDENT:

17 Admitted, under seal.

18 *(Exhibit No. D. NG44 admitted, under seal)*

19 MR. WEYL:

20 Mr. President, there was some discussion we had with Mr. Webster regarding two other elements, and I
21 said that we would consult one another during the break to find out if he accepts the tendering into
22 evidence of the document. I believe he has had time to verify them, and we can ask the registrar to
23 give them the exhibit numbers D. NG45 for the first passage which I read, and D. NG46 for the second
24 passage which I read.

25 MR. WEBSTER:

26 We did review that material, and I have no objection, but I think we'd need to look at it to make sure --
27 to link the number to the witness in a way that we both -- that is clear for the record. So, I mean, we
28 can do that -- it has to be under seal. If -- I can look at however the registrar marks them and then be
29 able to distinguish them for myself.

30

31 One thing I would like to say about the last exhibit that was entered, D. NG44, and this is just a
32 suggestion so that we can all be on the same page when we discuss these various exhibits. The
33 statement that was given to the Office of the Prosecutor, I would suggest that we refer to that as the
34 statement the 11th November 2004, because that was the last date that there was an interview before it
35 was signed; and the confession from the witness, I would suggest that we refer to that as the *****
36 ***** -- because that was the last date that it was discussed before it was signed, that's
37 according to witness's testimony. Because all through Mr. Weyl's cross-examination, he referred to

1 both statements*****, and I know what is being discussed because I know the content,
2 but I think when someone comes to the record afterwards, there's going to be confusion. So from this
3 point forward we can distinguish those statements with two separate dates, which is actually reflective
4 of how they were signed -- I think would be easier for all parties.

5 MR. PRESIDENT:

6 Mr. Weyl, do you agree? They are your exhibits. Do you accept the suggestion?

7 MR. WEYL:

8 Yes, Mr. President, but perhaps it's a problem of interpretation. We are referring to two statements of
9 November 2004. I hope we agree that we are referring to 2004. It's not like there is one of 2003 and
10 one of 2004. All right. The problem has been sorted out.

11
12 Now, without prolonging the debate, I wonder why we have to put transcripts into evidence, because
13 they were already part of the record. But the transcript referred to here is something which was done in
14 open session and in which there are some information which may lead to the witness's identity being
15 revealed. That is why my request was for the portions of the transcript to be placed under seal for
16 purposes of protecting the witness's identity. That is why I suggested that the two transcripts which I
17 referred to a while ago be put into evidence, although they are already part of the record, so that they
18 can be referred to subsequently without undermining the witness's protection.

19 MR. PRESIDENT:

20 Yes, admitted into evidence.

21

22 Madam registrar.

23 *(Exhibit No. D. NG45 admitted, under seal)*

24 *(Exhibit No. D. NG46 admitted, under seal)*

25 MR. WEYL:

26 Thank you, Mr. President, I'm done.

27 MR. PRESIDENT:

28 Now, Mr. Witness, although Mr. Weyl has finished his examination --

29 THE WITNESS:

30 *(No interpretation)*

31 MR. PRESIDENT:

32 I was explaining to you that, although Mr. Weyl has finished all his questions, your evidence is not
33 ending as yet because you have to answer questions of the other lawyers representing the other
34 accused persons. So, now, you have to answer questions for the other lawyer representing
35 Mr. Karemera.

36

37 Mr. Sow.

1 MR. ROBINSON:

2 Excuse me, Mr. President, before -- while we have this small interlude, I would like to make an oral
3 motion. It's very brief. I filed this morning a motion to prohibit witness proofing by the Prosecution. I
4 don't know if you've had a chance to see it, but it was filed this morning. It's based on a case from the
5 International Criminal Court that was handed down last week, in which they said the practice of
6 preparing a witness is not sanctioned by international criminal law and they prohibited the prosecutor
7 from preparing their witnesses. So I filed a motion for -- asking you to adopt that practice here. So I
8 am asking for you to do now -- is to make an interim order. You don't have to do it this minute.

9 MR. PRESIDENT:

10 No. You are much faster than I am. I haven't seen that authority as yet --

11 MR. ROBINSON:

12 I understand it.

13 MR. PRESIDENT:

14 -- but having filed it, we will look at it as quickly as we can.

15 MR. ROBINSON:

16 I understand that, but I -- what I didn't put in the written record, but what I would like to make as part of
17 the oral record, I'm asking that as an interim measure, until you have had a chance to fully decide the
18 motion, which I know takes time, that the Prosecutor be precluded from meeting with any witnesses in
19 this session until you have had a chance to rule on my motion. So you could think about that overnight
20 and look at the motion, but I don't want to wait until the regular course of events before having the
21 motion decided, because it's possible that you could decide the motion right before the Defence case
22 and then I'll have totally been sent a boomerang. So, I'd like to have the motion, at least on an interim
23 -- some interim relief that the Prosecutor not be allowed to proof his witnesses until you decide the
24 motion on the merits. Thank you.

25 MR. WEBSTER:

26 I must say that I take Mr. Robinson's motion as a motion to suspend this trial session until the motion is
27 decided -- because there's no way that the Prosecutor can conduct its business without preparing
28 witnesses for the trial. That's the way we've been operating for the last 10 years. We don't plan to
29 stop. If the Court wants to order us to stop in response to Mr. Robinson's motion, then we'll conform
30 our practice to the decisions that this Trial Chamber makes, but it would be inappropriate to make an
31 interim order because that, in effect, stops us from working effectively. So, I interpret what
32 Mr. Robinson is suggesting -- is that we suspend this trial session until the motion is decided, and that's
33 the only way it can appropriately -- his request can be appropriately be addressed. So, I'll leave it to the
34 Court's discretion. I don't think that's necessary. We haven't even responded to the motion yet. The
35 Court hasn't looked at the motion yet. We will respond within the five days that we have. We're
36 working on it as I speak. But I see no reason to implement interim measures when this is the way that
37 we conduct our business and will continue to do so until ordered otherwise by the Trial Chamber.

1 MR. PRESIDENT:

2 Submissions have been noted. It's obvious that we can't respond to them now.

3

4 Mr. Sow, you may start your cross-examination.

5 MR. SOW:

6 Obligated, Mr. President.

7

CROSS-EXAMINATION

8 BY MR. SOW:

9 Q. Good afternoon, Witness.

10 A. Good afternoon, Counsel.

11 Q. My name is Mr. Moussa Félix Sow, Mr. Karemera's co-counsel. I am a Senegalese attorney with
12 26 years of practice. Witness, as you know, I am going to cross-examine you. Now, what does that
13 mean? It means that I am going to put questions to you regarding issues which were raised with the
14 Prosecutor during the examination-in-chief. Further to that, I also need to test your credibility to
15 ascertain your consistency in the answers you've given the Court. Perhaps, from time to time you, will
16 have the impression you are repeating yourself, but that is necessary so that we can better assess your
17 statements. I will also ensure that the protective measures against you are upheld.

18

19 Before I request a closed session for a number of questions which I'm going to put to you, I would like
20 to ask you, Witness, as follows: from the statements you've made here in court, you've made us
21 understand that it was only from your guilty plea and confession statement of the *****
22 that you started telling the truth, the whole truth, and nothing but the truth; could you please confirm
23 that?

24 A. Before I answer you, I would like to seek the leave of the presiding Judge to ask a question. You just
25 introduced yourself to me, sir, and you told me you were Karemera's attorney. What I would like to
26 know is whether the questions you are going to put to me are in relation to Karemera or to
27 Mathieu Ngirumpatse. I would like this to be clear in my mind. What will be the focus of your
28 questions? If I understand that, then I will know the framework within which I will be answering your
29 questions.

30 Q. Witness, don't jump the gun. You will have time to know all the questions I'm going to put to you, and I
31 have always -- told you already, that my questions will deal with all the issues raised by the Prosecutor
32 during his examination-in-chief, including, of course, questions which go to test your credibility,
33 questions linked to my client's case, and what I'm telling you is consonant with the rules. So, now,
34 kindly answer my first question. Regarding the others, just be patient. We will deal with them one after
35 the other, and you will have the opportunity at every juncture to answer my questions.

36 A. Very well, now I understand you. You can ask your question or, rather, you can repeat it, since you
37 have already asked it. So kindly repeat your question so that I can answer it.

2

1 Q. So, Witness, as I said earlier on, you said that it was only from your guilty plea and confession
2 statements of the *****that you started telling the truth, the whole truth, and nothing
3 but the truth. So, sir, do you confirm that?

4 A. Yes, I do.

5 Q. Witness, under such circumstances, can one understand -- or, consider that since that time all what you
6 have said ought to be understood as being true?

7 A. You are right.

8 Q. Thank you, Mr. Witness.

9 MR. SOW:

10 Mr. President, I move for a closed session because I'm going to put a number of questions to the
11 witness, which may have a negative bearing on his identity. I will also try to pool questions which ought
12 to be dealt with in a closed session.

13 MR. PRESIDENT:

14 Thank you, Mr. Sow. We accept your application and we go into closed session now.

15 *(At this point in the proceedings, a portion of the transcript [pages 64 to 70] was extracted and sealed*
16 *under separate cover, as the session was heard in camera)*

17 *(Pages 53 to 63 by Verna Butler)*

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1 MR. PRESIDENT:

2 Yes, Mr. Witness, we now take our adjournment for today. We are not going to be sitting
3 tomorrow morning, and your testimony will resume at 2 p.m. tomorrow afternoon. I remind you
4 once more that you should not discuss the case or your testimony with anybody during this or any
5 other adjournment.

6 THE WITNESS:

7 Very well, Mr. President.

8 *(Court adjourned at 1734H)*

9 *(Page 71 by Sherri Knox)*

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CERTIFICATE

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

_____ Sherri Knox

_____ Ann Burum

_____ Donna M. Lewis

_____ Verna Butler