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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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

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

10 THURSDAY, 23 NOVEMBER 2006
11 0902H
12 CONTINUED TRIAL
13

14 Before the Judges:

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

19 For the Registry:

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

23 For the Prosecution:

24 Mr. Don Webster
25 Mr. Iain Morley
26

27 For the Accused Édouard Karemera:

28 Mr. Felix Sow
29

30 For the Accused Mathieu Ngirumpatse:

31 Ms Chantal Hounkpatin
32

33 For the Accused Joseph Nzirorera:

34 Mr. Peter Robinson
35 Mr. José Patrick Nimy Mayidika Ngimbi

36 Court Reporters:

37 Ms. Donna M. Lewis
38 Ms. Ann Burum
39 Ms. Sherri Knox
40 Ms. Verna Butler
41

1 I N D E X

2

3 WITNESS

4 For the Prosecution:

5 FRANK CLAEYS

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7 Cross-examination by Mr. Sow.....31

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1 PROCEEDINGS

2 MR. PRESIDENT:

3 Good morning, everybody.

4

5 Madam Registrar, can you open the proceedings?

6 MS. KOUO:

7 Yes, Mr. President, thank you.

8

9 Trial Chamber III of the International Criminal Tribunal for Rwanda, composed of Judge Dennis Byron,
10 presiding, Judge Emile Francis Short, and Judge Gustave Kam, is now sitting in open session, today,
11 Thursday the 23rd of November 2006, for the continuation of trial in the matter of the
12 Prosecutor versus Karemera et al, Case Number ICTR -98-44-T. Thank you.

13 MR. PRESIDENT:

14 Thank you.

15

16 Good morning, Mr. Witness. Your testimony will continue. You remain under the same oath that you
17 took to tell the truth at the commencement of the testimony.

18

19 Ms. Hounkpatin will continue her cross-examination.

20 MS. HOUNKPATIN:

21 *(No interpretation)*

22 MR. PRESIDENT:

23 Ms. Hounkpatin, I omitted to note the appearances, but they are the same, I think, yes.

24 MR. ROBINSON:

25 Excuse me, Mr. President, they are the same. I was wondering, are you able to tell us if we are sitting
26 tomorrow, first of all?

27 MR. PRESIDENT:

28 Yes. I can tell you that we are not sitting tomorrow.

29 MR. ROBINSON:

30 Okay, thank you. And would you like us to inform the witness about how long we will be so he can
31 make some arrangements?

32 MR. PRESIDENT:

33 Thank you, I forgot. Thank you, that will be very helpful.

34 MR. ROBINSON:

35 Okay, maybe Ms. Hounkpatin can tell you.

36 MR. PRESIDENT:

37 Thank you.

1 MS. HOUNKPATIN:

2 Good morning, Mr. President; good morning everyone. I should like, at first stroke, to tell you that I
3 have reviewed the time necessary for the rest of my cross. I think I should finish this morning; and if
4 not, I might take one hour this afternoon. This was the information I wish to convey to the
5 Trial Chamber.

6 MR. PRESIDENT:

7 Thank you.

8

9 Yes, Mr. Sow -- Mr. Sow, would you be going second?

10 MR. SOW:

11 Yes, Mr. President.

12 MR. PRESIDENT:

13 Have you got an indication of how long you are likely to be?

14 MR. SOW:

15 I think, at minimum, half a day.

16 MR. PRESIDENT:

17 Okay, thank you.

18 MR. ROBINSON:

19 And, Mr. President, I think I will be one and a half days, at the most.

20 MR. PRESIDENT:

21 Thank you.

22 MR. MORLEY:

23 I'm always shorter in re-examination than I say. At the moment, subject to whatever happens, it cannot
24 be longer than half a day, and would not be longer than an hour. But I don't know to what extent other
25 matters will be opened up.

26 MR. PRESIDENT:

27 Okay.

28 MR. MORLEY:

29 Distilling all of that, it would suggest that we are looking at two and a half days beyond today, which
30 would mean that the witness will be completing his testimony sometime on Wednesday, one
31 anticipates. With that having been said, Colonel Claeys has heard that, and he may wish to inform
32 those in authority over him that we can make arrangements for him to be going back on Thursday of
33 next week. Thank you.

34 MR. PRESIDENT:

35 Thank you.

36

37 Mr. Robinson, I must say that we are a bit surprised at the estimated duration of the cross-examination.

1 When we had made our assessment of what we thought was reasonable we had anticipated that the
2 cross-examination would have concluded on Monday; but we will leave it at that for the moment.

3 MR. ROBINSON:

4 Okay. I'm leaving for myself a cushion for unanticipated events which do seem to frequently occur; but
5 we will see. Thank you.

6 MR. PRESIDENT:

7 Ms. Hounkpatin, you can continue now.

8 FRANK CLAEYS
9 CROSS-EXAMINATION (continued)

10 MS. HOUNKPATIN:

11 Good morning interpreters. I know that my name is not easy to pronounce. One should say
12 Hounkpatin, if the interpreter can comprehend.

13 BY MS. HOUNKPATIN:

14 Q. Good morning.

15 A. Good morning, Ms. Hounkpatin.

16 Q. I recognise from your flawless pronunciation of my name your African dimension. We will continue,
17 therefore, the discussion we began yesterday. We had left it at the extraordinary conditions under
18 which Turatsinze was received at UNAMIR. Further on that, I should like to ask you, if you know, or if
19 you knew, what was Mr. Twagiramungu in the place of the convoluted politics of the time?

20 A. To my knowledge, there was in the way to the installation of the new broad based transition
21 government an agreement that between the different parties and also with the parties assigned to the
22 peace agreement that Mr. Faustin Twagiramungu was appointed as the future prime minister. I don't
23 recall to which party -- political party he was a member of. But everybody agreed, to my knowledge,
24 that he would run the next government.

25 Q. You were not -- did you not feel curious enough to enquire as to which party he belonged?

26 A. I don't recollect if I knew it at that time, but I can't say it any more at this time. It must have been in our
27 files, in our notes, but I can't recall it now.

28 Q. You didn't know that he belonged to the MDR?

29 A. If you say so, probably he belonged to the MDR, but I couldn't put a statement on that now.

30 Q. And did you know that within the MDR there were factions that were --

31 A. Yes.

32 Q. That were vying with each other?

33 A. Not only in the MDR; there were different tendencies that we called the wings; depending on who was
34 leading these wings or who was the prominent figure of this wing, but it was not only for the MDR.

35 Q. Did you know that Mr. Twagiramungu was close to the RPF?

36 A. I didn't know that in those days.

37 Q. Coming back to Mr. Turatsinze, I should like, contrary to the method followed by my learned friend in

1 the examination-in-chief, I should like you to repeat to us what you were, Colonel Marchal, Captain
2 Deme and the fourth person, whose name I have forgotten, I should like you to repeat stage by stage
3 what was garnered by way of information.

4

5 So we arrive in a room, lit by a candle, through the back door. Now, how do the introductions take
6 place?

7 A. So Jean-Pierre has shown his identity card, so that we could take knowledge about his name and
8 Christian name, his ethnical belonging, if we can express it that way. I remember that Colonel Marchal
9 introduced himself as being the *secteur* headquarters commander for Kigali. After this short
10 introduction we also asked if he did want something to drink, just to know if he was thirsty. And he
11 asked for a soda, more specifically, a coca-cola was given to him. So that was also on the table, a
12 bottle of coca-cola for him. We didn't have any drinks.

13

14 And to my recollection, the conversation was led by Colonel Marchal, asking him for the information he
15 apparently had to bring to us, or was ready to bring to us. So he introduced himself as being
16 responsible for training of *Interahamwe*. He developed this complete scenario about the
17 demonstrations of the Saturday before where he expressed his concern of what could have happened if
18 something would go wrong. And he depicted the fact that the deputies that were trying to get to CND
19 could have been killed; that the RPF battalion within the CND would have been provoked, so that they
20 then could react. And that is an assumption, if the Belgians, because it was the only contingent with full
21 operational capability in those days, that if the Belgians would have responded aggressively to
22 anything, they also could have been targeted, with maybe a decision from Belgium to withdraw from
23 Rwanda.

24

25 He developed also the facts of distributing weapons, the distribution over the *préfecture* of Kigali of
26 different *secteurs* to different responsables; the inventory of living places of Tutsi or pro-Tutsi people.
27 He developed a little bit about the training that was provided to the *Interahamwe*. These were the kinds
28 of information that he developed by questioning -- through the questioning of Colonel Marchal. And, of
29 course, this was only summarised in a two-page fax. The interview was held for about one hour and a
30 half, at least, within the *secteur* headquarters.

31 Q. Thank you, Colonel. Very well you have given us a summary, but it was nonetheless a very important
32 interview. So Colonel Marchal produced a questionnaire. I should like you to tell us in what order the
33 topics were discussed by Colonel Marchal. Was it either generated the questions, or was it your
34 informant who introduced the topics and then the questions were put?

35 A. To my recollection, it was a mix of both; Colonel Marchal asking some questions which were
36 responded, and then ultimately were developed, depending on the item or the information that Colonel
37 Marchal asked. So some items took more time than others.

1 But to my recollection, these points, as they are stated in the fax, was also the order in which they were
2 developed during the interview.

3 Q. So at the beginning of the interview he -- let us say, that he presented his curriculum vitae and what
4 emerged from that; what salient things do you recall?

5 A. What we remember from his curriculum is that he was responsible for training. He had been part of
6 security services; it was not clear if it was as a military or not, but we could assume, yes. He also
7 indicated his ethnic origin from a mixed marriage, father Hutu, mother Tutsi, and that he had access to
8 the highest authorities within the party he was working for. These are the points you might put up or
9 distil from his curriculum.

10 Q. So what -- his occupation was as *Interahamwe* official; that was his occupation at the time?

11 A. *(Inaudible)*

12 THE ENGLISH INTERPRETER:

13 Witness said yes, indeed.

14 BY MS. HOUNKPATIN:

15 Q. And as of when did he tell you that he was hired in that capacity, by whom moreover, which party; can
16 you specify?

17 A. So the party which he was working for was the MRND party, and he never said since when he was
18 working as a responsible for training for the *Interahamwe*. There was no date put on his contract, if
19 there was any.

20 Q. And the question: As an *Interahamwe* official did he tell you what he considered his function, his
21 occupation to be as an *Interahamwe* -- someone responsible in the *Interahamwe*, if you considered the
22 *Interahamwe* was the grouping of youth of the party?

23 A. He states that he was responsible for organising demonstrations where *Interahamwe* were used. And
24 this was later developed during the interview where we had understood it before, before the interview
25 with Jean-Pierre. This youth wing of the party was just an organisation to take care of youth. And in a
26 first step to protect or assist in the protection of the civilian defence plan of Kigali of those days. So that
27 by training, he was just trying to make an organised -- I would compare it presently with youth
28 movements like Pathfinders, Boy Scouts, bringing them some knowledge about life without meaning
29 any armed or criminal activities. That was our understanding at that moment.

30

31 And before he spoke about armament and military training, this was still our conviction.

32 Q. And can I say that your beliefs as to this youth grouping as any youth -- party youth wing, from what
33 you had observed since your arrival in Rwanda was not incorrect? Can I suggest that to you?

34 A. Not completely, because we had seen them training in physical matters or in a physical domain in the
35 roads in their identifiable dress with combat boots, which presently is not very strange, but maybe in
36 those days was the case. I remember, concerning the fact of wearing combat boots that with the *préfet*
37 of Kigali during a meeting it was said that the wearing of combat boots by civilians was forbidden by

1 law.

2 Q. Colonel Claeys, were you informed that all political parties had their youth wings, and that the MRND's
3 youth wing was actually the last to have been set up?

4 A. I was aware that different parties had a youth wing. And it was brought to my -- our attention later that
5 the MRND youth wing, called *Interahamwe*, was, indeed, created after all of the others.

6 Q. At this stage of our examination, I would like to find out from you whether you viewed Turatsinze as an
7 MRND official who held a military position, because I would like to know what terms he used for you to
8 retain that appearance which you had of him.

9 A. I don't recall him saying that he was military or responsible for military training. I do recall he having
10 said that he was responsible for training and organising the *Interahamwe*.

11 Q. So, describe the training to us. Since you are telling us of youths whom you saw wearing combat
12 boots, which combat boots had been forbidden by the *préfet*; so I cannot understand if it is not
13 something that you can liken to military training. What did he explain to you?

14 A. What he explained further on in the interview was that youngsters were sent outside of Kigali to military
15 training camps. So he was in charge, probably, of organising their transports, getting in contact with
16 barracks or training camps. He never said that he himself was an instructor for the *Interahamwe*. This
17 came out through the interview, and by the questioning of Colonel Marchal.

18
19 By his saying -- being responsible for the training, it is the same as being responsible for an operation.
20 You make the plans, but under military terms the soldiers, the NCO, and the officers executing this
21 operation that are doing it on the field. The training or operation officer is relying on his desk and his
22 maps to organise his organisation. So I would consider him as the, to speak in military terms, training
23 and operation officer, but not the instructor.

24 Q. Yet, that is what one can understand, and that is what I understood from the way that the fax sent by
25 General Dallaire was drafted, it was said he was an instructor.

26 A. The text was in English, and I have no recollection of the term instructor, whatever.

27 Q. So, I am going to read the expression and you will bear with me, my terrible accent. "The informant is a
28 top-level trainer," says the text. What do you have to say about that, sir?

29 A. If you put it that way, I would say you could understand it like that, but in every organisation you have
30 somebody at the top for the organisation, and you have subordinates executing the training and the
31 instruction. If he would be the trainer himself, as understood by you, then he wouldn't be in Kigali but
32 he would be outside of Kigali in one of the training camps where the training was undergone by the
33 *Interahamwe*.

34
35 As I said before, he was organising, he was facilitating, as he explained it to us, the possibilities for the
36 *Interahamwe* to be trained outside of the Kigali; that they did some military speed marching, military-
37 type speed marching in Kigali was, maybe, part of their regular gatherings, just to keep in shape.

1 Q. So, it was a deliberate choice to improve on Turatsinze's capacity when the telegram was sent,
2 because you, gathering information, you did not at all or in any case or now you don't define his duties
3 in the way it is apparent on this fax; do we agree on that?

4 A. Yes, we agree on that. And I said before, the first and the second paragraphs of this fax has been -- or
5 got a personal touch from General Dallaire. I wouldn't have never qualified him as the instructor or the
6 trainer, especially when you read later in the fax that he is also responsible for distributing arms, or he
7 was maybe a superman being able to instruct, distribute armament, organising transports, he must
8 have had more than 24 hours a day awarded him.

9 Q. Still in connection with your interview, he tells you that during the demonstration of the 8th of January,
10 which demonstration was aimed at provoking not only the Belgium contingent, but also the RPF; do you
11 confirm that?

12 A. He was expressing his concern how the demonstration could have turned out. The principal aim of this
13 demonstration was avoiding the deputies to get to the CND and be sworn in, and maybe if they had
14 been sworn in, then to be killed. What he developed around this principal aim of the demonstration was
15 his concern.

16 Q. Please, first tell me whether you attended the swearing in of President Habyarimana on the
17 5th of January. And also under what circumstances did the swearing in of President Habyarimana take
18 place?

19 A. I was, indeed, present at the CND compound, not inside but at the main gate, giving access to the
20 compound of the CND building. This place was under the control of UNAMIR officers; I was part of
21 them. There was the traffic of the different deputies coming in with personal vehicles or mini-buses. All
22 of these people had access cards that corresponded to a list that had been agreed on the evening
23 before, with other responsables of the organisations amongst them commander of the president guard,
24 Major Mpiranya.

25
26 On the 5th of January at a certain point in time, the presidential escorts, with President Habyarimana,
27 arrived at the same gate. The presidential guards took their positions outside of the compound with
28 their vehicles, technical-type pickups with heavy armament, .50 caliber guns or machine guns.

29
30 What happened inside the CND, I was not present, so I can't give any testimony on that. Some of the
31 deputies were obstructed to get into the compound once the responsables from the presidential guards
32 were at this gate. And I remember also that after a certain time, the car with the president left the CND
33 compound. And that the presidential guard went away with this vehicle, escorting the vehicle of the
34 president. That meant the end of the first tentative to install the broad based transition government by
35 swearing in of the deputies after the president. So it is only later that we learned that the president was
36 the only one who had sworn in, being the new president, again, of the republic. And none of the
37 deputies had been sworn in, or had been sworn in for this new government. That is my recollection of

1 what happened at the CND on the 5th of January.

2 Q. In the same vein, can you tell me how the swearing in of the 8th of January was organised, because
3 according to you it was a question of members of parliament who had to go and be sworn in? Was the
4 organisation the same as you had described for the previous swearing-in with invitations, members of
5 parliament designates who had to come and be sworn in, and also with the back up from UNAMIR that
6 is -- how was the organisation made? Had you been informed on the eve that members of parliament
7 would be sworn in?

8 A. Yes, indeed, we were aware the day before that another tentative would take place on the
9 8th of January and the same organisation was put in place as for the 5th of January; UN monitoring,
10 UN security, lists and access cards as was foreseen for the first time. Also, the list had changed in
11 between, to my recollection.

12 Q. Who informed you that there would be another swearing-in on the 8th of January, I mean which
13 authority?

14 A. I was just informed by the headquarters that it would take place on the 8th, and that we would facilitate
15 this implementation. Who decided about these dates, was decided at the top of the UNAMIR and the
16 Rwandese authorities of those days? I was in no way involved in these decisions.

17 Q. Was the president of the republic equally invited to attend this swearing in of the 8th, as far as you
18 know, that is?

19 A. To my knowledge I have no knowledge about invitations or not for the president. The only thing I know
20 is that he didn't show up.

21 Q. Was it not necessary for him to be present, given that the swearing in was organised under your
22 supervision?

23 A. Your Honor, I hope that when the question is asked under my control, that it is a general term for UN
24 because I don't feel responsibility for organising the swearing in of a new government as being a
25 captain within the UN organisation. First part of my answer.

26
27 Second part, I knew that legally the president had to be present for this swearing in of the deputies.
28 That is clear. Whether or not he was invited, again, was not my responsibility. I was there to facilitate,
29 and taking part in the security of these ceremonies at the outside of the compounds. What happened
30 inside were other people entitled or assigned to do it.

31 Q. Quite so. I can confirm to you that when I said, under your supervision, I was referring to the UNAMIR.
32 I'm sorry for this unfair shortcut.

33
34 Now, what I would like to ask you is, if it is possible, could you remind me of what you remember
35 regarding the environment surrounding the swearing-in of the 5th of January, and compare it with the
36 one of the 8th of January? The reason why I did so was to understand what your impression was
37 regarding the crowd present there.

1 To the description given to you by Turatsinze regarding events which he participated in, even through
2 you were not inside of the hall where the swearing in ceremony proper was taking place, but you were
3 outside, at least, on the 5th and on the 8th. And you also know that the event of the 8th, which he
4 describes to you as destined to end in a clearly determined provocative manner, you did not observe
5 anything. While he was giving you that information, did it occur to you personally or to Colonel Marchal
6 to ask him why he attributed those objectives to an event which you witnessed and which you told us
7 yourself during your evidence-in-chief that, indeed, there were *Interahamwe* present? But that, in any
8 case, things went on smoothly, so to speak. Did you put questions to your informant in order to
9 understand?

10 A. Indeed, we have questioned him, and as stated before, he was expressing his concern, how it could
11 have been going if things went wrong. I stated that the demonstration was quite organised, except for
12 the shouting and the singing. But, of course, if any violence would have taken place, there could have
13 been escalation. There could have been violence. People could have lost their temper and used
14 firearms from one or another party, which then could have brought us to more unrest and more danger,
15 in whatever he depicted in his scenario.

16
17 So he expressed, as I said before, his concern how it could go on, but it didn't happen. If they wanted
18 to target, and if we would assume that there was a, maybe, targeting of Belgian military, they could
19 have targeted the Belgians in the military assistance mission, as well as the Belgians within the
20 UNAMIR mission, if that was the principal aim of the demonstration; but that wasn't. And probably that
21 the demonstration didn't go violent because the president was not present, and nobody tried to swear
22 himself in without the president's presence. If that would have happened, then probably it would have
23 been more violence and consequences depicted in the scenario.

24 Q. We agree that the scenario you just described is purely a fiction which does not correspond to the
25 reality, as you observed it. And in any case, there is nothing on the field to corroborate that fiction.

26 A. I wouldn't use the term fictive, or fiction or science fiction, whatever. He was expressing a concern
27 about what could have happened, if it is, like everything, if your airplane crashes, you will die. If you
28 have a road accident, you might be in trouble. But will you provoke a road accident, therefore. You
29 never know how you will get out of the road accident, is the same. It was a scenario he was depicting,
30 it was not fictitious. It was something, to his assessment, that could have happened. I never said it
31 was the plan. And it is also not written as such in the fax. It was just expressing his concern if things
32 would go wrong.

33 Q. We agree, Colonel Claeys, that it was a scenario which did not become reality. Now, let us look at the
34 information which you got on the 10th. Turatsinze also told you that he is charged with distributing
35 weapons, and that he could actually show you weapons caches. And at that time, you did not hesitate.
36 You did not in any way doubt what he told you.

37 A. There is a difference between assuming that this was true, and just taking notice of what he was

1 informing us. We had no reason whatever to take it for true, therefore, we needed some authorisations.
2 But we took notice of the figures and facts, so that we would use the right figures and facts to be sent
3 through the channels, to the authorities who should be aware of it. We haven't imagined the figures.
4 We have not invented the figures. It was not fictitious. He gave numbers and figures that we wanted to
5 be relayed to the authorities, who should give any authorisation for further actions.

6 Q. So at that stage the transmission of information is conducted without any cross-checking. He also told
7 you that he drew a salary of 150,000 Rwanda francs, and you believed.

8 A. We are not convinced by what he is saying; we just took notice. And we relayed this information to the
9 proper authorities. We are using raw information, as I said before, we had no analysis capacity. And to
10 cross-check it, we needed more time.

11 Q. Similarly, when he told you that he was preparing lists of Tutsis to be killed, and that he had the
12 wherewithal to waste 1,000 Tutsis in 20 minutes, you took the information and you believed it?

13 A. Again, we have taken notice of the figures and the facts, and we relayed them on paper to New York,
14 through the appropriate channels. We have not given any credit to it. We just wanted to warn some
15 authorities about information that got to us.

16 Q. I'm trying to review all of the information he gave you that evening, so that we can be in agreement that
17 at the time when the fax was sent to New York, no efforts were made to double check the information?

18 A. That is correct, no verification had been done.

19 Q. Moreover, in that fax you did not seek authorisation to cross-check the information; you, rather,
20 requested protection for your informant. You requested an asylum for your informant, because the
21 information was so true that it was absolutely necessary to protect him, to grant him an asylum; that
22 was the purpose of the fax. And the response you were expecting, that is the way of proceeding for
23 such a priority informant to leave is to protect him?

24 A. It is, indeed, true the subject of the fax, title of the fax is "Protection for an Informant" and that we
25 assumed that we would -- we would get more precise and cross-checkable information if we could have
26 given him any protection.

27

28 We knew that if we would raid any arms caches or if he would come to us with a copy, or maybe the
29 original list he was speaking about, that his life was in danger. I think it is quite -- without being in police
30 forces, but regularly used methods in police enquiries to protect sources whenever they have disclosed
31 very sensitive information. That was, indeed, the aim of the fax.

32 Q. I should like you to be given document number 1 in the bundle; one, document 1 in the bundle.

33

34 Document 1 in the bundle is a document entitled -- or rather, the subject which is specified on the first
35 line. Have you got it before you?

36 A. Not yet.

37

1 THE ENGLISH INTERPRETER:

2 Perhaps we can ask the witness to wait for the end of the English interpretation in his questions,
3 because he is following in the French.

4 MR. PRESIDENT:

5 Yes, Mr. Witness, I have been asked to remind you that you need to take a pause for the English
6 translation to be completed before responding.

7 THE WITNESS:

8 I will take care of it, Your Honour.

9 THE ENGLISH INTERPRETER:

10 Thank you.

11 BY MS. HOUNKPATIN:

12 Q. You have received the document?

13 A. Yes, I have it in front of me.

14 Q. The document is dated 20th of December 1993, and there is an annex. It comes from UNAMIR,
15 Kigali *secteur*, indicated in the top left-hand corner, subject, which is (*French spoken*), it says
16 (*French spoken*), which means operational procedure for establishment of Kigali weapons free zone; do
17 we agree?

18 A. Yes.

19 Q. In your capacity as a UNAMIR officer, did you receive the document? Let us leaf through the
20 document, and on the page I will give the K number for everyone to follow, K0081 -- 81341. Yes, so
21 that is the fourth page where we see article 11 of the agreement K0081341. You said that you were
22 awaiting at the -- the situation at the time was you in -- you were awaiting permission to check the
23 information. And I'm telling you that this document, under article 11, and others even, authorised you
24 before having authorisation, because the information that Turatsinze gave you is fully within your
25 mandate. And moreover with this document that you were aware of the possibility of making rapid
26 verifications, and to seize, more particularly, weapons. Did you think you, Colonel Marchal,
27 Captain Deme, Mr. Kesteloot, who were present, did you think of using the instrument which was at
28 your disposal before having recourse to any hierarchical superiors; did you think of that?

29 A. Your Honour, we have thought at such solution that as you see that the document had been issued by
30 HQ *secteur*, Kigali, which commander, as known by everyone in here, is Colonel Marchal. The
31 11th paragraph is very clear, in his third sentence, that it requires an authorisation from the HQ
32 UNAMIR. HQ UNAMIR being commanded by General Dallaire. So, he had to give this authorisation.

33
34 As you know with hindsight, we drafted the fax asking even an authorisation for a higher echelon, so we
35 did not give immediate credit, as I said before, to this information. We asked some instructions from
36 New York to act accordingly, this Kigali weapon secure area operational procedures. So I don't find
37 anywhere something in contradiction with what is written in the paragraph that has been brought to my

1 attention.

2 Q. Help me, if you can, if you would. I have the impression that you are -- there is excessive
3 administrative caution in a field where we know there is constant disturbance. You are called upon to
4 keep the peace. You have the instruments you need. You were in the presence of Colonel Marchal,
5 who you did well to cite as a signatory. You meet General Dallaire. And administratively, none of them
6 asked you to verify the information. You have the authority, and you're protected by this document that
7 I have asked to you read. What is that administrative procedure that paralyses you to such an extent?

8 A. I think, Your Honour, that then we have to read the following sentences in this paragraph, where this
9 kind of operation of cross-checking this information, this operation will be done in cooperation and in
10 liaison with gendarmerie and local police forces and with enough forces and with reserves. I remember
11 that it was around 10 o'clock in the evening before this interview finished. And that this kind of
12 operations, as depicted here, needs some planning, coordination and liaison.

13 Q. Why did you not establish the liaison the next morning? The gendarmerie did not disappear. Did you,
14 in any way asked them for them to refuse, even if your meeting ended late?

15 A. I have no idea at what point the answer from New York arrived on the fax of General Dallaire, but I think
16 if we speak of the next day, so the 11th of January, already New York had given clear directives not to
17 organise whatever action. And I think it was in the early morning of the 11th that this answer arrived.
18 So there was depicted what UNAMIR was entitled to do, get in contact with the proper authorities and
19 confront them with this information.

20
21 So at that moment we were, indeed, in an administrative or political *modus operandi*, and no longer in
22 the military *modus operandi*.

23 Q. If I have correctly understood, you received this highly serious information, it enters the administrative
24 process. In the meantime, you are asking for asylum for Turatsinze. Wasn't there, apart from the
25 document I have shown you, simple common sense which should guide, first of all, your reaction in the
26 face of the news, news is a very anodyne until the administrative process, which is very long, is
27 concluded. Didn't it require that you verify the information, check the information? You didn't want to
28 check the information before waiting for the administrative response?

29 A. This question appears to (*French*), appalling, I think might be used in English. So if we used the
30 information about the maybe killing of UNAMIR/Belgian soldiers, it was then, of course, appalling. And
31 we wouldn't send two military information officers just to check, if this information was given credit
32 necessary or not, at that point. That is for the first part of my answer.

33
34 So there was an administrative mill turning on one hand, of course, at the level of the *secteur* as the
35 general had expressed in his fax that he would execute an action on the 12th, in the morning. This
36 planning was ongoing, and, therefore, of course, at the *secteur* level, because it was within Kigali, some
37 actions were taken. I was not involved, but one might be sure that Colonel Marchal and his staff was

1 already planning, at his level, some action to discover these weapons caches whenever they were
2 pointed at us. So, we didn't rest and wait until the administrative mill would stop.

3 Q. At that stage, did you verify Turatsinze's credibility? I understand that no verification was undertaken to
4 know a bit more. But what you are telling -- you himself about where he comes from, what he does,
5 why is he there in that context, was that minimum amount of checking done while awaiting that the
6 administrative mill to come to a conclusion?

7 A. I, indeed, have not done any cross-checking about the identity or the position of Jean-Pierre Turatsinze.
8 But I know that it has been done at another level. And it is what the force commander also expresses
9 in his code cable that he will get in contact with the VVIP, who was the person who brought the contact
10 to us. And there are some reports available of this meeting with the VVIP and Mr. Booh-Booh and the
11 force commander. I was not aware of that at that time, I must admit.

12 Q. Well, I can understand that a meeting might have been considered with Mr. Booh-Booh, but my
13 question is, you gathered information, you receive information. So you check the source, you
14 cross-check the sources. Did you undertake that with that informant, or did you know even before he
15 contacted UNAMIR who he was, in which case, no cross-checking was necessary?

16 A. To be clear, I never collected intelligence, so the word (*French spoken*) is not correct. We collected raw
17 information. And if possible, we were trying to cross-check it. We were not able to cross-check if
18 Jean-Pierre was who he was. And the only information that was able to be cross-checked was the
19 weapons storage at the MRND building. It was clear information; he brought us to this place, and a
20 UNAMIR officer went and saw the weapons. It was the only thing we were able to cross-check. All of
21 the rest was raw information that we brought forward to the authorities entitled to be aware of it.

22 Q. At what point did checking of the raw information you received, at what point was that done?

23 A. At no point, as I said, just the weapons that were available or were put in the MRND sheds, and that
24 were seen as stated before. For the rest we couldn't do any cross-checking of this information in
25 whatever way without disclosing our source at a certain point. And if we would have done it, we might
26 have signed the death penalty for Jean-Pierre.

27 Q. Does that mean that you are so clumsy?

28 A. I would rather not answer on this remark.

29 JUDGE SHORT:

30 Ms. Hounkpatin that is a rather unfair question.

31 MS. HOUNKPATIN:

32 Your Honour, far be it from me to present an unfair question. I am drawing a conclusion from crucial
33 information from an informant, who's presented as being of top importance and no checking is
34 undertaken at the point where one is asking for them to be protected.

35

36 But I see that it is 1028H. Can we take our break now?

37

1 MR. PRESIDENT:

2 Yes. We can take our mid-morning recess now.

3 *(Court recessed at 1028H)*

4 *(Pages 1 to 14 by Donna M. Lewis)*

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1 (Court resumed at 1059H)

2 MR. PRESIDENT:

3 You may continue.

4 MS. HOUNKPATIN:

5 Most obliged, Mr. President.

6 BY MS. HOUNKPATIN:

7 Q. I would like to come back to the end of our preceding session. There was some misunderstanding
8 regarding the way I expressed myself. I simply meant that it was possible to carry out those
9 verifications without endangering the life of the informant. My sentence was poorly constructed, but it
10 was really my thoughts. I did not mean any offence.

11
12 Let us move on now. I would like to find out from you whether you confirm to me that Turatsinze did
13 state that he had been, or that he was, a member of the Presidential Guard, and what did you rely upon
14 to believe what he was telling you.

15 A. He never expressed explicitly that he had been a member -- or, in the Presidential Guard. He, to my
16 recollection, said that he was involved -- had been involved in the security of the president, of the head
17 of state. Therefore, one could assume that security services and Presidential Guard could be mixed
18 up. As it is often the case in an organisation and in a state, the security of the head of state, and the
19 Presidential Guard, the president -- the praetorian guards all have a special status in a country.

20 Q. At that point in time in his interview, what could you rely on to believe the position which he had
21 occupied or which he was still occupying?

22 A. Again, we have not given any credit. We have just taken the information as it was given to us, and it
23 has -- the interview has been reflected in the paper. It's only by later statements that one could assume
24 that he had his entries at the Presidential Guard because he was able to use their communication
25 equipment.

26 Q. Could you describe for us the Presidential Guard equipment you saw him using and under what
27 circumstances you saw him using them.

28 A. (*Microphones overlapping*)...using civilian type of radios that we know -- all know under the brand name
29 Motorola -- that is a brand; it's not a type of radio. It's a VHF radio. And at least we have seen them at
30 one occasion. That was on the tape he handed over about the political rally of the MRND that was
31 organised in Nyamirambo and where he showed us his responsibility in organising and being
32 responsible for the security during this rally. On that tape, this kind of equipment was identifiable. He
33 was not the only one using them. The other people in civilian -- or, in the *Interahamwe*-like clothes
34 were using this kind of equipment.

35 Q. Once again, I observe that it is still Turatsinze who is the source of that information, and at no point in
36 time did you try to double-check whether it was all a fabrication or whether it was, indeed, a reality.

37 A. I can't deny that.

1 Q. Regarding the weapons caches and the weapons themselves, similarly, he led you to the MRND
2 headquarters. It is true that you did not get into the building or the compound, but your colleague
3 entered the compound and gave you a fairly detailed description of the weapons. And, subsequently,
4 you move about in town with him, and he showed you the *cellules* where weapons were allegedly being
5 hidden.

6
7 Once again, I observe that, apart from the visit to the MRND headquarters, materially speaking, you
8 were not able to identify the weapons. You relied only on information given you by the informant, and
9 then the impression is that it is a given, that it is reality. Were you able to double-check the information
10 with other informants of yours?

11 A. No, we were never able to.

12 Q. You were not able, but did you take steps towards undertaking the cross-checking?

13 A. After having earmarked these different arms caches, they were put on a map. They were briefed to the
14 military responsible authorities of UNAMIR, and the planning was to conduct actions at a certain point
15 at these earmarked targets. Whether or not that -- this would have been a success remains an open
16 issue. And, according to the Kigali weapons secure area operating procedures, it needed some
17 coordination and liaison with local authorities and with enough security forces to do it. It belonged to
18 the responsibilities of military authorities of UNAMIR, with or without authorisation of New York, to
19 execute or not execute these kind of operations.

20 Q. Consequently, the operation was not undertaken. That's what you're trying -- you want to tell me?

21 A. That's correct.

22 MS. HOUNKPATIN:

23 I should like the witness to be shown, among -- from the bundle documents 17 and 18, one seven and
24 one eight.

25 BY MS. HOUNKPATIN:

26 Q. I should like to point out forthwith that, when you have this document, you should not read the identity
27 shown on the document because these are protected witness -- witnesses. So we shall avoid
28 mentioning the names.

29
30 You can see that these are witness statements, the first dated 3rd of April 2003 and the second dated
31 20, 21, 23, and 24 March 2006, as well as the 7th of July 2006. We agree?

32 THE ENGLISH INTERPRETER:

33 The witness answers in French, "That is correct."

34 BY MS. HOUNKPATIN:

35 Q. So the dates for the first one, 3rd of April 2003; the second, 20, 21, 23, and 24 March, as well as
36 07 July 2006.

37

1 These documents will make it possible for us to see that Turatsinze's character, as indicated in your fax
2 of 1994, is thoroughly exaggerated. And if a minimum cross-checking had been undertaken, it would
3 have been possible to, first of all, have a clear portrait of the man in question, and, secondly, to check
4 the information that he was conveying to you -- bringing -- providing to you.

5
6 These two witness statements, you'll see on the first page the marital situation of the person very close
7 to your witness -- I'm sorry, I mean your informant. Each time I make that mistake. The second page
8 also states the exact degree of relationship --

9 MS. HOUNKPATIN:

10 And I see my learned friend on his feet.

11 MR. MORLEY:

12 I'm not entirely clear what the question is, but I'd welcome knowing exactly which documents we're
13 looking at. My learned friend has made a whole series of observations about some documents, I think,
14 which are presently in front of the witness. Unhappily, for photocopying reasons, she wasn't able to
15 provide copies to the Prosecution, which I don't complain about, but at the moment I'm not clear, from
16 the way my learned friend has introduced these documents, which one she's referring to. If she could
17 assist me, please. Perhaps if I can see what the witness is looking at.

18 MS. HOUNKPATIN:

19 I think there was a bundle of documents given to your colleague, Mr. Webster. Is that true or false?

20 MR. MORLEY:

21 Yes, thank you. There is a bundle of documents additional to what we had yesterday, and if my
22 learned friend could help me with which document she's referring to, then I can follow her.

23 MS. HOUNKPATIN:

24 Document 17, K0272529.

25 THE ENGLISH INTERPRETER:

26 That's the French.

27 MR. MORLEY:

28 Thank you.

29 MS. HOUNKPATIN:

30 Thank you.

31 BY MS. HOUNKPATIN:

32 Q. Now, I come back to you, Colonel Claeys, and would ask you to refer to page 3, second paragraph,
33 second line, "He was working as a driver at Kibuye *préfecture*. He was actually driving the *préfet* of
34 Kibuye, who is called Hakizimana, Donat --"

35 THE ENGLISH INTERPRETER:

36 The French and English correspond exactly regarding lines and paragraphs.

37

1 BY MS. HOUNKPATIN:

2 Q. So, you see what his profession was, what his occupation was. He was a driver.

3 THE ENGLISH INTERPRETER:

4 Witness answers in French, "Yes, that is correct, I have read it."

5 MS. HOUNKPATIN:

6 I will continue.

7 BY MS. HOUNKPATIN:

8 Q. "So the *préfet* of Kibuye was later, I think in 1991, transferred to Kigali to go and work in the office of the
9 president as an intelligence officer. This was the time that my husband was also transferred to Kigali.
10 Whilst in Kigali, my husband was working as a driver in the office of the president."

11

12 That testimony from someone very close to Turatsinze raises what comment from you?

13 A. On this paragraph my comments are that he was employed within the security service. As I said
14 before, this is very mixed up with security, intelligence, office of the president, so there was something
15 in his information maybe very vague, with hindsight. But I said before we haven't cross-checked it.

16 Q. In any case, at any event, even if he was in the intelligence unit at the office of the president, he merely
17 drove his boss. Nowhere does it say that he was involved in intelligence activities. He was a driver,
18 and we are in Africa. The status of a driver cannot be confused with any other. Subsequently, he was
19 also hired as a driver by the MRND.

20

21 It is true that in the following paragraph it says that he got involved in politics at that time. And then
22 there was a short period, during which he was involved in his occupation as a driver and involved in
23 politics, which was at the end of 1993, beginning of '94.

24

25 Do we agree on the contents of the third paragraph?

26 A. I can read what is written at the beginning of this paragraph, with his intention to go into politics. My
27 only comment is, what will a driver do in politics?

28 Q. What (*sic*) cannot be involved in politics be a militant because one is a driver? Is that what you're
29 implying? Well, I don't know. I think that anyone, any citizen -- at any rate, it is not shocking to me that
30 a driver should be interested in politics and choose to be an active militant in one party or another.
31 Does it shock you?

32 A. I'm really not shocked by this fact. I'm only bringing to the Court attention brought -- or, the credit
33 brought to this aspect, what the credit could be of a driver within a political party on the behalf of his
34 probably lower education. So I don't think he -- his political involvement will have any influence on the
35 maybe evolution within the MRND later.

36 Q. You will agree with me that Turatsinze lied to you as to his profession?

37 A. I think one must make a difference between lie and incompleteness, or not saying everything.

1 MR. MORLEY:

2 Your Honour, I'm on my feet. I have been, as I've no doubt Your Honours have, listening with care to
3 my learned friend's cross-examination of the witness. Parts of the statement were summarised rather
4 than read, and it may be that the witness is not clear about the way in which documents of this nature
5 are supposed to be used. My learned friend is offering the statement as being the truth of the position
6 of Turatsinze's occupation; namely, she is saying if his wife is saying this is what he was doing,
7 therefore, that is true.

8
9 Now, the witness is, in fact, properly to be asked, what do you make of his wife saying this or that? It's
10 not, I respectfully submit, my learned friend's position to offer a piece of paper and say that is the truth.
11 The witness may misunderstand the way in which the document is being used. What is properly to be
12 done is the witness is asked for his comment on what somebody else may have said in a statement.
13 But to offer the document to the witness, the witness not knowing the legal procedures, as if it is the
14 truth of the position, is wrong. The witness is entitled to comment on what he understood from
15 Turatsinze and entitled to comment on whether he agrees with the content of the document. And it's
16 my invitation that my learned friend might more properly simply ask this witness what does he make of
17 its content and not insist to him that it is the truth of the situation.

18 MS. HOUNKPATIN:

19 I have heard the objection of my colleague, Counsel Morley, but I spent the morning, in looking with
20 Colonel Claeys at cross-checking of information obtained, that he might have undertaken on everything
21 practically that Turatsinze said (*sic*), and he clearly told us that he did not check -- cross-check --

22 MR. PRESIDENT:

23 (*Microphones overlapping*)

24 MS. HOUNKPATIN:

25 (*No interpretation*)

26 MR. PRESIDENT:

27 These legal discussions are interesting, but -- but I think that this issue has -- has passed. You asked
28 the question. The witness answered it, and you can move on.

29 MS. HOUNKPATIN:

30 Thank you, Mr. President. I shall continue.

31 MR. PRESIDENT:

32 In due course, the arguments that have been raised will affect our consideration at a later stage. But
33 you can continue to question the witness.

34 MS. HOUNKPATIN:

35 Thank you.

36 BY MS. HOUNKPATIN:

37 Q. You have stated, Colonel Claeys, also that Turatsinze -- that the *Interahamwe* had received the order

1 from the top level of the MRND to no longer wear their uniforms. Do you confirm that?

2 A. No. I don't recall having said that.

3 Q. You said on the occasion of the examination-in-chief that the top level of the MRND had conveyed to
4 Turatsinze the instruction that the *Interahamwe* should no longer appear in their uniform, and you have
5 answered me that you did not say that. Have I understood correctly?

6 A. To my recollection, I've said that the demonstration of the 8th of January, there was no identifiable
7 clothing to earmark whatever party, or party (*unintelligible*), and at one point in my testimony, there was
8 (*unintelligible*) from another informant, where there was made allusion on directives given by the MRND
9 party president to avoid wearing these uniforms during demonstrations in order to make it difficult to
10 trace responsables when violence would occur, or to put whatever responsibility to whatever party
11 during demonstrations. That is what my recollection says.

12 Q. Could you remind us of the number of times Mr. Mathieu Ngirumpatse and Mr. Joseph Nzirorera met
13 the people in charge of UNAMIR, the dates, the places of such meetings.

14 A. I can by no means do that because I have only been present at the one meeting with the responsible of
15 UNAMIR, and that was the meeting I attended with the force commander that I have been taping. We
16 were four in that room: Mr. Nzirorera; Mr. Ngirumpatse; the force commander, General Dallaire; and
17 myself. I can't speak for other meetings that took place.

18 Q. Were you made aware of such meetings, although you were not present? And please specify which
19 meetings.

20 A. I was in -- at no moment aware of any meeting that took place at this level with UNAMIR authorities or
21 responsables of the MRND.

22 Q. On the occasion of the examination-in-chief, my learned friend, Counsel Morley, told you, pointed out to
23 you, that there was a meeting, which you confirmed, with General Dallaire to inform Mr. Ngirumpatse
24 and Mr. Nzirorera, to impart information to them just obtained. And in order to deny, particularly as
25 regards weapons -- and they denied -- they denied with regard to weapons, and they denied it. And
26 under examination-in-chief, there was no doubt that you were informed of that démarche.

27 A. That is exact, that I was -- all my attention was brought to this meeting because there was a report from
28 Mr. Booh-Booh cabled to Kofi Annan in New York about this meeting. But I have only seen this
29 document here in the preparation of my testimony this week. That was the first time I heard about this
30 meeting.

31 Q. Well, that's what I wanted to know, in fact, that you confirmed the existence of that meeting to me. And
32 that meeting took place when, between the 10th and the 13th of January, if your memory can give you
33 the dates?

34 A. To my knowledge, and based on the paperwork, this took place on the 12th, but I have no support at
35 this time to -- to confirm it.

36 Q. The 12th you referred to in your answer is the date on which you went to the MRND headquarters, or
37 another time, to note the presence of weapons?

1 A. To my recollection, we -- we went on the 12th in the evening to visit the MRND party building after
2 having held a meeting with Jean-Pierre in the *secteur* headquarters.

3 Q. Thank you for that confirmation.

4
5 The question that arises for me upon that is the following: General Dallaire received those two figures
6 of authority and reproached them for hiding weapons, and the very same evening, they had the time,
7 after you went to note the presence of weapons, to move them, in view of the quantity of weapons in
8 that place, and also in the place as you describe it, a warehouse not in the office building or even the
9 offices of the MRND. Had such weapons existed, do you not think that those leaders, once informed,
10 would have taken steps, measures, for you not to be able to observe?

11 A. It is possible, yes.

12 Q. Well, it was pretty bizarre -- bizarre that, in spite of the warning, in the evening -- well, of course, you
13 told us you didn't see them, but that there were arms at MRND headquarters. Were there really
14 weapons at MRND headquarters?

15 A. I said before, I haven't seen the weapons. I had to rely on Captain Deme, UN officer, who detailed me
16 what he had seen. So I didn't cross-check with my own eyes the visual, like you would use it in
17 jurisdictional terms, the presence of these weapons.

18 Q. At this stage in my questioning, I have to ask if it did not occur to you that Jean-Pierre invented, or as
19 Captain Deme said here, had seen something, that it was deliberately put there for the presence to be
20 noted under the circumstances you have described.

21 A. One could also suggest that Captain Deme was not a Senagalese officer and may be also employed by
22 MRND party or by another movement. It never came to my mind, indeed, that this was a setup or that
23 Captain Deme might have been blind for something that was present there.

24 Q. You are not answering my question. My question is the following: Don't you think that your informant,
25 Turatsinze, deliberately planted, placed, so that you would see them when you came, those weapons
26 and what you are narrating -- relating -- narrating might be true?

27 A. It never came to my mind neither.

28 Q. Even in reference to -- referring to the political context, the violence of the debate, you did not imagine,
29 think that it might have been possible, all the more so since you say that, materially speaking, you
30 never saw any weapons.

31
32 It reminds me of a -- the story of the Irishman in Vincennes, an unfortunate story for France. Should I
33 go further, or is that sufficient?

34
35 It is possible that people might have placed the weapons and people be prosecuted until the contrary
36 was established. If I say all that, do you concede that it's possible?

37 A. This is raw information. It has to be cross-checked. So, for me, it's always possible. Everything was

1 possible.

2 Q. So you did not check that with Jean-Pierre Turatsinze; we do agree?

3 A. *(Microphones overlapping)*

4 THE ENGLISH INTERPRETER:

5 Witness says in French, "You have the point," and then repeated in English, "The point is yours."

6 BY MS. HOUNKPATIN:

7 Q. I will continue. In respect of that lack of cross-checking, which forces me, compels me, to say to you
8 that those two people from the MRND were targeted in the statement made by Turatsinze, it is that at
9 no time, even after when you knew that New York did not want to give you the means to protect him, at
10 no time did you break off with him or cast doubt on the information he provided to you, and you went on
11 meeting him to -- and take notes of the information he provided to you, and in presenting that
12 information, albeit raw, raw as it was, but, nonetheless, as serious information, implicating those MRND
13 leaders. Now, what do you answer to that?

14 A. I can only comment that I tried to make up a picture of what was going on. I had to use whatever
15 available information was provided, only here it's reflected the information we got from Turatsinze. And
16 the aim of UNAMIR was only to get on with the peace process, and that was the boundary wherein we
17 had to work.

18

19 No further comments.

20 MS. HOUNKPATIN:

21 I should like to ask the registry to show Colonel Claeys and the parties document 16, which is an
22 extract of the report of the Rwandan -- oh, sorry, the Belgian commission, an extract of -- dated Friday,
23 21st of March 1997. This was the Belgian senate, in point of fact, and the document is -- bears the
24 number L0012971.

25 THE ENGLISH INTERPRETER:

26 In French. I don't have an English version. The number was L0012971.

27 BY MS. HOUNKPATIN:

28 Q. *(No interpretation)*

29 A. *(Microphones overlapping)*

30 Q. This document is in French. It is a summary of the witness -- testimony of Major Hock and the Belgian
31 ambassador, Mr. Swinnen, which is showed at the bottom of the first page.

32

33 Before we go on to use this document, Major Hock, is he known to you?

34 A. I know who Major Hock is.

35 Q. He was in Rwanda at one time. Can you tell me what time that was, the dates, the period?

36 A. I'm not aware about the dates, but I suppose he has visited Rwanda at some period in time.

37 Q. Very well. But he was heard by the special commission for Rwanda on the 21st of March 1997, and the

1 chairman introduces him by saying, in the first paragraph, left-hand column of the report, "We are
2 pleased to welcome here this afternoon Major Hock, who works at the SGR, SGR. He will answer
3 questions on the topics: Anti-Belgian feelings in Rwanda, threats to the Belgian blue helmets, and the
4 preparation of the genocide.

5
6 "We --" and the second paragraph goes on to say, "We have asked in writing -- we asked Major Hock in
7 writing to describe his functions during the period of the negotiation of the Arusha Accords and that of
8 the genocide." Stop.

9
10 "We have also asked him to speak of the anti-Belgian climate, or atmosphere, the preparation of the
11 genocide, and the information he has on Jean-Pierre," which is Mr. Turatsinze. I will not do you the
12 disfavour of reading the whole report, which would take the whole day.

13
14 I want to go to page L0012973 and perhaps give the floor to Colonel Claeys to read to us what
15 Major Hock said in the first paragraph at the top of the column on the left.

16 THE ENGLISH INTERPRETER:

17 The initials "SGR" refer to (*French spoken*). I don't know if that's useful.

18 THE WITNESS:

19 Major Hock is apparently making an evaluation of Jean-Pierre and saying that he was an informant for
20 UNAMIR by analysing this person upon which remark that he belonged to the security services of the
21 president's office, that had a very poor reputation. He was a deserter, (*unintelligible*) he wouldn't be
22 reliable. Never forget that intoxication exists. Regularly, people offered their services for financial
23 advantages, or hoping to obtain the status of applying for political asylum.

24 BY MS. HOUNKPATIN:

25 Q. The second paragraph also, please.

26 A. (*Microphones overlapping*)...tells should be verified. We cross-check, therefore, every intelligence that
27 gets to us.

28 Q. Do you agree with me that Major Hock was present during that particularly difficult period in political
29 times regarding the implementation of the Arusha Accords?

30 A. To my knowledge, Major Hock was flying (*unintelligible*) for the last six months in '93, so he must have
31 been there from June or July '93 when we got in contact with Jean-Pierre.

32 Q. Colonel Claeys, do you remember the dates when the Arusha Accords were signed?

33 A. To my recollection, it was July '93.

34 Q. For the talks, yes, but the accords were signed on the 4th of August 1993.

35

36 In any case, he recommends -- or, he states that Jean-Pierre was not a reliable fellow and that all what
37 he says had to be double-checked. So we agree that since this morning the failure to cross-check what

1 Jean-Pierre said was prejudicial, in any case, to Mr. Ngirumpatse, Mathieu, who I'm defending here?

2 A. Partially you are right, but if we hadn't fed this raw information to the appropriate services, also they, or
3 these services, wouldn't have been able to cross-check them. So keeping this information for us and
4 not informing others was also not the way to do it. We had no analyse means or authority to do any
5 corroboration.

6 MR. MORLEY:

7 Your Honour, I'm on my feet. The Hock statement on page 207 of the 21st of March 1997 senate
8 hearing in Belgium is, of course, interesting. But what my learned friend has not done, which I
9 respectfully submit she ought to be doing, when she puts the observation of another person to this
10 witness, is ask the witness whether he agrees with Major Hock's assessment and whether he agrees
11 with what Major Hock said about Turatsinze.

12
13 There are little bits of information in there which the witness may or may not be able to comment on. All
14 we have at the moment is the Hock statement has been read into the record, and the witness has not
15 been invited to comment on it. And I respectfully submit he's supposed to be invited to comment on it,
16 and that is the purpose of putting the material to him. It's not right to simply read something into the
17 record and then move on. I respectfully submit there should be some questions for comment by the
18 witness, please.

19 MS. HOUNKPATIN:

20 Well, my learned friend, my impression was that is what I just did, but I'm not going to do this exercise
21 all over again.

22
23 May I move on, Mr. President?

24 MR. MORLEY:

25 With respect, it is not what has happened.

26 MR. PRESIDENT:

27 Mr. Morley, if the impression you have is that the witness has not had a fair opportunity to express his
28 opinion on this matter or -- or on any of the matters which have been opened by this line of
29 cross-examination, you can address it in re-examination.

30 MR. MORLEY:

31 Of course. But it's a matter of procedural propriety. If my learned friend puts something to a witness --
32 if my learned friend puts something to a witness, it's my respectful submission procedurally she should
33 be inviting him to comment on it. It's not right to simply read sections into the record and then move on.
34 Of course I can re-examine on it, but I'm concerned about what's taking place now as a matter of
35 procedural impropriety.

36 MS. HOUNKPATIN:

37 Is my learned friend not satisfied with the response given by Colonel Claeys to the questions I put to

1 him? Because my question was as follows: Major Hock agreed that it was necessary to double-check
2 the information being provided by Turatsinze, and this is along the line of my cross-examination. I did
3 not stray from that line by asking the colonel to note that certain people, some of his colleagues -- and
4 this one is not the only one -- who are of the opinion that it was necessary for such information to be
5 cross-checked. So it was actually the levity in which raw information was processed which is being
6 indicted here.

7 THE WITNESS:

8 Your Honour, I don't agree. Because, even in the first fax we have sent to New York through the
9 appropriate channels, General Dallaire is expressing there may be a trap. So we were well aware that
10 something should be verified. Therefore, we needed some directives from New York.

11
12 Concerning the statement of Major Hock, one should read it completely. And it is an officer of the
13 intelligence service speaking and stating of how intelligence work is done. I was working in an
14 information office. And I think I have explained it at several -- in several times, and in the appropriate
15 words, that information is totally different to intelligence. I was not pretending being the intelligence --
16 the intelligence officer of the mission. I was there to bring information to attention of my authorities.

17 BY MS. HOUNKPATIN:

18 Q. We, therefore, agree that all what has been said had to be taken with the necessary reservations?

19 A. We can agree upon it has been written in the fax of the general, so it would also be written down.

20 Q. Thank you, Colonel Claeys.

21
22 I would like to come back to this tact (*sic*) of our cross-examination today when I asked you whether
23 you placed Faustin Twagiramungu in the tumultuous political landscape of that period in January 1994,
24 and your response was that you didn't quite know. But if I were to put it to you that at the time, given
25 that he was the prime minister-designate, he was extremely impatient, and perhaps also misled by the
26 importance Turatsinze ascribed to himself, he hurriedly fed the information to General Dallaire so that --
27 because at that time -- and, once again, the MRND, as a political party, bore the brunt of all
28 accusations, all charges. And it was necessary that the uncross-checked information should be
29 brought to the attention of the UNAMIR, thereby dealing a fatal blow to the MRND. Do you agree with
30 that, sir?

31 A. This is a possible scenario that have -- has never been depicted by anyone.

32 Q. You see, I, too, am trying to describe some scenarios. I can assure you that such a scenario was
33 detrimental to the MRND.

34
35 And I am nearing the end of my cross-examination.

36
37 What I'm going to say is that, in front of the Belgian senate, and also as a witness in this Tribunal,

1 Mr. Twagiramungu acknowledged that he was a victim of manipulation. That is why it would have been
2 necessary, or even indispensable, to cross-check the information.

3 A. I have never denied that any verification should have been done. And apparently Mr. Twagiramungu
4 was also a victim.

5 Q. I have a last document --

6 MR. PRESIDENT:

7 Have you finished?

8 MS. HOUNKPATIN:

9 Just one last document before I round up this cross-examination. It is document 14. It is a two-page
10 document with the numbers L0005011, and I would like that document to be shown Mr. Claeys.

11 BY MS. HOUNKPATIN:

12 Q. It is a United Nations document. Colonel, were you aware that there was a commission set up with the
13 assignment being to examine whether it would have been possible to prevent the atrocities which took
14 place in Rwanda? Were you aware of that state of affairs, and also that Mr. Khan was responsible for
15 that mission?

16 A. I would like the question reformulated because I didn't follow the complete sense of the question.

17 Q. Yes. I was asking you, sir, whether you were aware that, after the atrocities which took place in
18 Rwanda, there was a commission assigned the task of determining whether it could have been possible
19 for such atrocities to be prevented, and Mr. Khan was assigned the responsibility of that duty and he
20 worked with a team.

21
22 The conclusions, which we are going to study, are on the second page. But, first of all, I would like to
23 know whether you are aware of that situation.

24 A. No, I have never been aware that whoever within UNAMIR has been invested to make a study about
25 that.

26 Q. In any case, the document is the report of the findings filed by that commission.

27
28 And on the second page of the document dated 18 of November two -- 1995, we have the subheading,
29 "Note for the File," with several signatures, including that of Isel Rivero, Colonel Fletcher, and
30 Mr. Tikoca, spelled T-I-K-O-C-A.

31 A. *(Microphones overlapping)*

32 Q. The question was, did you find the names on the document?

33
34 I'm reading the translation of your answer. Does that mean that you did not see the signatures?

35 A. *(Microphones overlapping)*...next to them on this paper in front of me.

36 THE ENGLISH INTERPRETER:

37 Mr. President, it is becoming increasingly difficult for the English interpreter to complete his

1 interpretation because the witness starts answering.

2 MR. PRESIDENT:

3 Yes --

4 MS. HOUNKPATIN:

5 *(Microphones overlapping)*

6 MR. PRESIDENT:

7 -- please. The English interpreters have again drawn your attention to the fact that you're answering
8 the question before they've completed the interpretation of the question, and it's becoming increasingly
9 difficult to complete the interpretation, so please bear that in mind.

10 MS. HOUNKPATIN:

11 Thank you, Mr. President. I will pay attention to that.

12

13 I would like the colonel to look at the last paragraph of the note, which states as follows: "All of us have
14 agreed that there was ample evidence of the escalation of violence substantiated by political
15 assassination; armed shipments for the FLGF; many activities incited to ethnic violence by
16 Radio *Mille Collines*; and past history of ethnic violence in both Burundi and Rwanda, included *(sic)* the
17 murders of democratically elected presidents of Burundi."

18

19 The conclusions are drawn from the consequences, but before, it is stated as follows:

20 *(Microphones overlapping)*..."We have found no such evidence --"

21 MR. PRESIDENT:

22 Ms. Hounkpatin -- Ms. Hounkpatin, I think it's worth taking note of the quality of your English reading
23 that Mr. Morley did not invite you to get an English reader to read the section.

24 MS. HOUNKPATIN:

25 *(Microphones overlapping)*

26

27 Well, Mr. President, I will have to pay a price of being overzealous. I think I will have to allow others to
28 do this job because now I realise the huge mistakes I am making. So I will very wisely speak my
29 French, which I know, and ask my assistants to read the English or simply ask the colonel to read the
30 first paragraph, as well as the second paragraph. That way it will be fairer, you know. And it serves me
31 right, wanting to go on playing in English territory.

32 THE WITNESS:

33 I have read the text, and I have followed the reading, so what's the question?

34 BY MS. HOUNKPATIN:

35 Q. No, Colonel. I would like you to read because I made a very serious mistake. Kindly read the first two
36 paragraphs in English so that they will be interpreted.

37 A. The two first paragraphs? But you read the second and the third in different order.

1 Q. Indeed, that is why I would like us to read it, follow the sequence without me pretending to understand
2 English in a humble manner.

3 A. So I'll start my reading exercise. "Based on the research carried out by Colonel Fletcher, his note to
4 you dated 9th of November 1995 attached, Mr. Tikoca's note and mine, we have found no such
5 evidence, period. However, all of us have agreed that there was ample evidence of the escalation of
6 violence substantiated by political assassinations; armed shipments for the former Rwandese
7 governmental forces; activities inciting to ethnic violence by Radio *Mille Collines*; and past history of
8 ethnic violence in both Burundi and Rwanda, including the murder of the democratically elected
9 president of Burundi," between brackets, "Hutu, which should have sounded the alarm at the HQ." Full
10 stop.

11 Q. Thank you for your assistance in reading that passage.

12
13 Now, after reading that passage, what do you think about the conclusions thus spelled out, as follows:
14 "Regarding the assassinations of democratically elected political figures"?

15 A. I have different comments. 18 November 1995, this is one year and a half after the fatal date -- let's
16 call it that way. Mr. Tikoca apparently became a civilian. That's my second comment, because he was
17 Colonel Tikoca from Fiji, chief MO in Kigali, as long I -- as I was in Kigali. So I remember having briefed
18 him about the weapon caches, which had not been cross-checked. And, to my knowledge, he was in
19 all meetings with force commander and even Mr. Booh-Booh when we got this evidence from
20 Jean-Pierre, still not cross-checked.

21
22 He was, as chief military observers, indeed, aware of the arm shipments that came to Kigali somewhere
23 in March '93 and that were refused to be offloaded by UNAMIR and sent back out of Rwanda without
24 putting in doubt any of the capabilities of the people who signed this paper. I think there was enough
25 substantial evidence and that the word "no" is not at this place in this text.

26
27 So far are my comments on this document.

28 Q. Those conclusions which are written by people who were present in Rwanda don't lay bare UNAMIR's
29 inability to play the role by making use of the legal mechanism at its disposal, namely, the instrument
30 which we examined a while ago.

31 A. UNAMIR was, if you will read the complete words of the mission, an assistance mission in Rwanda. So
32 there was no speaking about our definition of peace enforcing. We were assisting a peace process,
33 ongoing. There were, of course, paperwork to be done, agreements to be signed between the different
34 parties about weapon transport, of storage. But whatever ethnic violence took place, and the activities
35 inciting ethnic violence by Radio *Mille Collines*, was not under control of UNAMIR. It hasn't been
36 denied that this ethnic violence found its source, or its origin, at the Radio *Mille Collines*. I think this
37 radio and the waves on which this radio emitted its programme were under the control of the Rwandese

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government, whoever was sponsoring this radio. So if they didn't agree with these messages, they were the first to react against this radio.

That it would become a genocide was also long time a difficulty -- difficult issue, even in a high headquarters or high political offices, if what was going on would be defined as a genocide or not. Whatever life was lost by violence, be it ethnic or other, wasn't foreseen in the peace agreement.

Q. But UNAMIR's mission was a peace enforcement operation. So what was its mission? Was it to witness the communities' killing one another and then counting the dead?

A. UNAMIR, or MINUAR -- the A states for assistance, so it is not a peacekeeping or peace enforcement mission --

(Microphones overlapping)...which didn't mean that we would watch just -- or, were not supposed to watch just violence going on. Therefore, we had to trigger the right persons to react.

MS. HOUNKPATIN:

Mr. President -- and I look at the clock. I think it is time for our recess. I am going to end my cross-examination here. And, regarding exhibits, I will handle that in the afternoon session when we start.

MR. PRESIDENT:

Thank you, Ms. Hounkpatin.

We take our luncheon break now.

I -- Mr. Witness, I just remind you, as I've said before, that during this or any other adjournment you don't discuss the case or your testimony with anybody.

(Court recessed at 1232H)

(Pages 15 to 29 by Ann Burum)

1 (Court resumed at 1416H)

2 MR. PRESIDENT:

3 Good afternoon.

4

5 Yes, Ms. Hounkpatin.

6 MS. HOUNKPATIN:

7 Good afternoon, Mr. President. Before tendering the single document I wish to enter, I'd like us to
8 understand something. We, the French speakers, had understood that we are sitting tomorrow. Is that
9 the case, or, on the other hand, are we not sitting tomorrow? Because the interpretation this morning
10 said that we were sitting tomorrow.

11 JUDGE KAM:

12 I think that was correct.

13 MS. HOUNKPATIN:

14 A correct understanding is that we all sit here tomorrow morning at 8:45?

15 JUDGE KAM:

16 But that is indeed a correct understanding of what was said in interpretation this morning; however, the
17 Trial Chamber will not be sitting tomorrow.

18 MS. HOUNKPATIN:

19 We have understood. So we will not sit tomorrow. Very well.

20

21 Now, quite expeditiously, I should like my document number 1 in the bundle entitled --

22 THE ENGLISH INTERPRETER:

23 If counsel leaves us the time to translate it.

24 MS. HOUNKPATIN:

25 -- be admitted as G47 (*sic*). Is that correct?

26 MR. PRESIDENT:

27 Could you repeat the title of the document, please?

28 MS. HOUNKPATIN:

29 D. NG.

30 THE ENGLISH INTERPRETER:

31 Says counsel.

32 MS. HOUNKPATIN:

33 Operation -- well, the title is in French, so there is no English version. However, the translation would
34 read operational procedure for the establishment of the weapons -- Kigali weapon-free zone --

35 THE ENGLISH INTERPRETER:

36 Weapons secure area, I think it was called. Kigali weapons secure area. That was the official title.

37

1 MR. PRESIDENT:

2 Admitted.

3 (*Exhibit No. D. NG47 admitted*)

4 MS. HOUNKPATIN:

5 Thank you, Mr. President.

6 MR. PRESIDENT:

7 Thank you.

8

9 Mr. Sow, are you ready to --

10 MR. SOW:

11 Yes, Mr. President. I'm ready.

12 MR. PRESIDENT:

13 You may commence.

14 MR. SOW:

15 Thank you, Mr. President.

16

CROSS-EXAMINATION

17 BY MR. SOW:

18 Q. Colonel Claeys, good afternoon, sir.

19 A. Good afternoon.

20 Q. I will, to simplify matters, call you "Colonel" and you can call me "Counsel". I am Counsel Moussa Félix
21 Sow from the Dakar bar -- or, rather, the Senegalese bar, that you, no doubt, know. Following my
22 learned sister, I will cross-examine you on the answers you were kind enough to give and the subjects
23 touched upon in the course of examination-in-chief. I shall also have an opportunity to put questions to
24 you regarding your credibility.

25

26 So, Colonel, you stated that you arrived on the 26th of October 1993 on a reconnaissance mission; is
27 that correct?

28 THE ENGLISH INTERPRETER:

29 Witness answered yes.

30 BY MR. SOW:

31 Q. You also have stated that you undertook investigations, enquiries; is that correct?

32 A. This is not right.

33 Q. In the context of your reconnaissance mission, you did not seek to know what the situation in Rwanda
34 was; that is what I'm referring to, Colonel.

35 A. If it is gathering information, yes.

36 Q. When you had collected information, can you tell us what the result was, in particular, as concerns the
37 state of war? More specifically, what were the positions held by -- occupied by the RGF, on the one

1 hand, and the RPF, on the other?

2 A. What I remember from the military positions in the north and at the northern part of the DMZ was
3 deployed the RPF armed forces. South of this zone were deployed the Rwandese governmental
4 forces. I can't recall if there were any military distinctions, but there were anywhere two strongholds,
5 one in Ruhengeri and the other in Byumba. Next to that, there was a complete defensive dispositive
6 around Kigali, where the different units were located in their barracks, and there was -- these were
7 mostly orientated northwards, and one battalion that was not in a real garrison compound occupied, in
8 the strict words -- or sense of the words, combat positions, at the top of Mount Kigali. It was, to my
9 recollection, a commando battalion.

10 Q. From what you know, Colonel, would it be possible at that time to tell us, from the point of view of
11 territory occupied, were we to reason in terms of percentage, did the RPF occupy 50 per cent,
12 30 per cent, or two-thirds of Rwandan territory?

13 A. My assumption was that the part of the Rwandese territory occupied by RPF would not comprise more
14 than one-fifth of the territory. There was, of course, one zone where the Rwandese governmental
15 forces were -- none of both parties, in fact, were allowed to go. This was the demilitarised zone.

16 Q. Thank you. The demilitarised zone constituted what proportion of the territory, according to you?

17 A. Also to my estimation, this must also comprise one-fifth of the territory.

18 MR. SOW:

19 Mr. President, I should like, with your permission, to -- document number 1 in the bundle on my list be
20 shown to the witness, document K0080108 -- K0080108, so that the witness might have this document
21 before him. Thank you.

22 BY MR. SOW:

23 Q. Colonel, you have before you the testimony of one Dupuis, D-U-P-U-I-S, Dupuis, Christian Jules
24 Albert?

25 THE ENGLISH INTERPRETER:

26 Witness says in English, "It is in front of me."

27 BY MR. SOW:

28 Q. Do you know that person, Colonel?

29 A. Yes, indeed.

30 Q. Please go to the third paragraph of the document where the person questioned answers that person,
31 Dupuis, Christian Jules Albert, "From a military point of view, I was tasked by General Dallaire to make
32 an assessment of the situation following the informations we gathered in the UN, giving rise to fears of
33 an attack by the RPF against the RGF. I confirm that there were signs of what would happen --
34 increasing signs of what would happen. The signs of what would happen, of which I was aware,
35 included the movement of the population coming from Uganda, the existence of armed militias and
36 weapons -- secret weapon stores. I, moreover, noted that Captain Claeys was in possession of
37 anonymous letters conveying threats against General Dallaire, or UNAMIR in general."

1 Colonel, you have heard what I just read out. I should like to ask you whether that situation, as
2 described by the officer Dupuis, Christian Jules Albert, is in conformity with the situation as you
3 experienced it. What is your comment?

4 A. As I understand this statement from this officer, he confirms and speaks also about the existence of
5 armed militias, arms caches, that there were movements amongst the population coming from Uganda.
6 I don't recall anything about this activity about an attack from or against one of the two armed factions.
7 This statement is also not exploitable in time. I don't know at what time he refers to in his statement.

8 Q. Colonel, this witness arrived in Rwanda on the 4th of December 1993, so it is an assessment that he
9 came to make after that date.

10 A. Your Honour, was there a question? I didn't read the question, then.

11 Q. Colonel, you were asking yourself when this officer, Dupuis, Christian Jules Albert, made this
12 assessment of the situation, and I pointed out that the officer arrived in December 1993 in Rwanda,
13 and, therefore, this was an assessment of the situation before the events of April 1994.

14 A. (*Microphones overlapping*)...point of view and there are different points that are in accordance with
15 what I have said or declared before. What the anonymous letter concerns, I spoke about -- before
16 about leaflets that were distributed. They were with comics and texts where the general was depicted,
17 or UNAMIR in general. It was also not hearsaying that the MINUAR, in French, mostly was used as
18 *minua*, which meant, in the local language, "much saying, less action."

19 Q. Thank you, Colonel. In the course of your intelligence work, you said that you used what you called
20 information --

21 MR. PRESIDENT:

22 Yeah, Mr. Sow, I'm sorry to interrupt you, but we've had a request again for a pause between the
23 question and answer, both from you and from the witness. It's causing a lot of problems with the
24 technical aspects of recording what is being said and also with regard to the translations as the
25 comments are coming while the translation is still being in progress. So I'm asking both of you to
26 observe a definite pause between question and answer and follow-up question.

27 MR. SOW:

28 Thank you, Mr. President. I shall take account of your instructions.

29 BY MR. SOW:

30 Q. Witness, I shall put my question afresh. In the course of your intelligence work, you used what you
31 called open information and unopen information. Do you confirm that?

32 A. Yes, be it.

33 Q. Can you give us an idea of what might be non-open information?

34 A. Well, Jean-Pierre Turatsinze was not an open source.

35 Q. Colonel, was that the only case, or were there other cases of non-open information?

36 A. He was not alone, but we have never had a source with such detailed information, and I have never
37 remembered another name than that one. The other people involved, we knew them, we met them, but

1 there was not such an importance given to their information.

2 Q. Regarding this type of information, did it transpire that you checked it?

3 A. No, this didn't happen.

4 Q. In those circumstances, how can you test the reliability of the information?

5 A. We have never tested the reliability of the information. We have collected information, and true or not,
6 this information was passed through the channels for analysis or decisions by the competent
7 authorities.

8 Q. Colonel, I should like to ask you, non-verified information, can it be used as intelligence?

9 A. An information is an information. Intelligence is intelligence. You can use information and it might
10 become an intelligence item, but we were a military information officer. The information was used as
11 such.

12 Q. Colonel, you have been questioned here since yesterday. You said that you were an intelligence
13 officer and your task was to seek intelligence on Rwanda. You explained to us --

14 MR. SOW:

15 Yes, Mr. President.

16 MR. PRESIDENT:

17 I don't recall that. Could you point -- I don't recall that's what the witness said. Are you -- do you have
18 a reference to support that?

19 MR. SOW:

20 Well, Mr. President, give me time to find that reference. I'll pass this question for the moment and wait
21 until they find the reference, because I did take note at the -- note of it at the time.

22 THE ENGLISH INTERPRETER:

23 This might be because of confusion that they had between the word "information", "*renseignements*"
24 and -- sorry.

25 MR. MORLEY:

26 Your Honour, yes. I've just heard the interpreter offering something. Mr. Sow, speaking in French, may
27 have had the word "information" translated into "intelligence" in French. But Your Honour is right, I
28 think. Insofar as my recollection is concerned, the colonel has been at pains to point out he was an
29 information officer, which is distinct from an intelligence officer.

30 THE ENGLISH INTERPRETER:

31 Between the two, in French, you can only distinguish by context.

32 MR. SOW:

33 I will come back to this question. I'm asking my assistants to find the reference, because in the draft
34 transcript I had read I did see "intelligence officer". I will come back to that.

35 THE ENGLISH INTERPRETER:

36 The word "*renseignements*" means both, depending on context the way it's used.

37

1 MR. SOW:

2 Mr. President, we've found the reference. On the 21st of November 2006, page 33 of the French,
3 line 33, or, if you prefer, paragraph 33, "Belgium asked me to perform the functions of a military officer
4 in charge of intelligence and promised to send someone to replace me each time that new -- or fresh
5 Belgian troops were sent to Kigali." That is the reference, Mr. President.

6 MR. PRESIDENT:

7 Perhaps you can put the question to the witness again, but we had an explanation given to us by the
8 English translator, and it appears that there may have been a translation difficulty. The witness is
9 speaking in English, and the translator indicated that the translation -- the word used in French to
10 translate "information" is sometimes also interpreted as "intelligence". But you can put the question to
11 the witness and clarify it, but he had been speaking in English, which is the controlling text on this
12 issue, I would think.

13 MR. SOW:

14 Very well, Mr. President.

15 BY MR. SOW:

16 Q. Colonel, sir, you had analysed for us what information is and what intelligence is. What I would like to
17 ask you is what were your specific duties in Rwanda when you were posted there from October 1993?

18 A. Your Honour, I feel rewinding often the same tape. In the first cross-examination there was a strict -- or
19 I was asked to divide the period from the reconnaissance until my assignment to UNAMIR. In the
20 period of the reconnaissance, we were both people from operation branch, logistical communications,
21 guided by the Rwandese governmental forces through its liaison officer, to visit the different military
22 installations in Kigali. So I can, without any harm, say that we visited and -- visit with cooperation of the
23 Rwandese governmental forces is not what we would call intelligence. This is sightseeing, information,
24 and awareness.

25

26 Once I was assigned to the military information desk, my task was to brief incoming staff members,
27 both military and civilian, also the incoming contingents. And next to that -- and it was not depicted in
28 my mandate -- distribute maps of Rwanda and Kigali, as they had been printed in Belgium and put
29 forward to the UNAMIR mission. I can again say, without any harm, that this doesn't mean intelligence.

30 Q. I thank you, Colonel. Let us now look at your contact person, your informant. When you met with that
31 person in the presence of Colonel Luc Marchal, can you remind us of the way that informant introduced
32 himself?

33 A. As I understand the question, it's at the moment he came to the sector headquarters, not before. So he
34 entered the building. As we guided him through the garden from the back side in the basement, and
35 there he has shown -- and I can't recall if it was by questioning or spontaneous -- his identity card from
36 the Rwandan republic, where his name -- his Christian name and his ethnic belonging was depicted on.

37 Q. Did you personally look at the identity card which was shown to you?

1 A. Indeed, to my recollection, we, the four UNAMIR members, have had a view on the identity papers.

2 Q. What were the first names and surnames on that card?

3 A. The only names that I know that were on this paperwork were Jean-Pierre, as Christian name, and
4 Turatsinze, as family name.

5 MR. SOW:

6 Mr. President, at this stage of the proceedings I would like to request the registry to hand document
7 number 5 to the witness, with your leave, of course. It is an excerpt of Colonel Luc Marchal's book with
8 the title "Rwanda, going down the drains."

9 THE ENGLISH INTERPRETER:

10 That's a rough translation.

11 THE WITNESS:

12 I have the document in front of me. Thank you.

13 BY MR. SOW:

14 Q. Colonel, kindly look at the first page on the left-hand side, paragraph 2. It is Colonel Luc Marchal
15 explaining the conduct of that meeting, and this is what he said: "The conversation started off on a very
16 strong note immediately. 'My name is not of much significance, so just call me Jean-Pierre. That would
17 make things easier. I am always carrying a weapon.'" That is what Colonel Luc Marchal, who chaired
18 that meeting, said.

19

20 Now, Colonel, from what Colonel Luc Marchal is saying here, Jean-Pierre did not show any
21 identification paper. What do you have to say to that?

22 A. My personal comments is that although I know that Colonel Marchal kept a logbook day by day since
23 his arrival in Kigali, upon his departure, it must have been for him not of that importance to put it in his
24 diary and that he didn't mention it in his book. I speak out of recollection; I have no notes. Colonel
25 Marchal doesn't mention anything about Coca-Cola. And we can go on.

26 Q. Witness, you were in a room which was candle lit. It is quite normal that if you tell me that an
27 identification paper was shown and that for his part, Colonel Luc Marchal states -- because when you
28 look at the meaning of the word in French, "*d'emblée*", it means immediately, right away. It is normal
29 that I would ask you whether indeed Jean-Pierre showed his identity card. That was what I meant in
30 my question. Can you confirm that he indeed showed his identity card?

31 A. Yes, I'm very clear about it. I have seen his identity card shown to us all.

32 Q. Tell me, do you also confirm that the name "Jean-Pierre" was on his identity card?

33 A. Yes, indeed.

34 MR. SOW:

35 Mr. President, at this stage I would also like to seek leave to show the colonel an excerpt of
36 General Dallaire's book, *Shake Hands with the Devil*. It is document number 7.

37

1 BY MR. SOW:

2 Q. Do you have the document, sir?

3 A. Yes, sorry, I have the document in front of me.

4 Q. Kindly turn to page 195, paragraph 2, starting with "Referring to his many notes." Are you with me,
5 Colonel? "Luc described his meeting with the informant whom we code named Jean-Pierre." For
6 General Dallaire, the name "Jean-Pierre" was a code name. Do you confirm that, sir?

7 A. I would not say that it was a code word, but to avoid using his complete name and his family name, just
8 his Christian name was used. Jean-Pierre was a very common Christian name. Even the commander
9 of the Belgian paracommando brigade at those days had the Christian name Jean-Pierre. His family
10 name was Roman. So Jean-Pierre didn't mean anything to anyone if you would speak about
11 Jean-Pierre.

12 Q. On the identity card which was shown to you and which you saw, are you in a position to tell me which
13 *commune* issued that identity card?

14 A. No, we were not looking at that information.

15 Q. Colonel, were you positive that Jean-Pierre was a Christian?

16 A. I have never stated that.

17 Q. So, if I were to put it to you that your informant's real name was not Jean-Pierre, but, rather, that
18 Jean-Pierre was a code word and that his real name was Turatsinze Abubakar, also known as Kassim,
19 what would you say?

20 A. This is, for me, new information. Kassim doesn't ring a bell, and Abubakar is probably also a name -- or
21 a Christian name in another religion.

22 Q. After meeting with Jean-Pierre, you certainly went and briefed General Dallaire, I believe?

23 A. Amongst others, yes.

24 Q. Do you remember who did the briefing?

25 A. What happened is that Colonel Marchal went straight from his office to the general's residence. We
26 were in charge, Captain Deme and myself, to bring Jean-Pierre -- to bring Jean-Pierre back to the place
27 we picked him up. And then ultimately we went to the residence of the general, where Colonel Marchal,
28 as described before, was debriefing the general, so we gave some more -- or elaborated some points.
29

30 The colonel left, Captain Deme left, and Major Beardsley, the military assistant of the general, was
31 ordered to start the computer and draft the fax -- to draft the fax. I was sitting on the right-hand side of
32 Major Beardsley, and using my notes, I could give him the right figures and numbers as we had been
33 able to know them during the interview. The general finally gave his personal touch and his mother
34 tongue to the fax.

35 Q. Colonel, I thank you. During the briefing, did General Dallaire say anything, or did he simply record all
36 what you were saying?

37 A. A debriefing is generally a conversation where also things which are not clear can be asked by the one

1 who didn't assist to the activity. It's what I meant by elaboration on certain points.

2 Q. Could you give us a few specifics regarding some of the issues which you discussed with
3 General Dallaire and about which he needed clarifications, just some examples, please.

4 A. As a possible example it could be when you spoke about arms caches, that he might have asked what
5 kind of caches are we speaking about.

6 Q. Colonel, please tell us whether that fax which was subsequently sent was actually the first of such faxes
7 dealing with information you had received from Jean-Pierre.

8 A. Yes, it was the first fax relating the information given to us by Jean-Pierre.

9 Q. Witness, we agree that it was simple information, but don't you think the seriousness of the information
10 was such that you had to do some minimum of cross-checking before channeling the information?

11 A. Not to my opinion, but anyway, it was -- these were high-ranked officers leading a mission. I suppose
12 with their experience that they were able to judge, to appreciate in what matter they had to react
13 towards New York with information even not confirmed.

14 Q. Did you let General Dallaire know that the information had not yet been cross-checked? Did you
15 personally or Colonel Luc Marchal inform General Dallaire that the information had not yet been
16 double-checked?

17 A. I don't think it was necessary to bring General Dallaire to have attention to this kind of information being
18 still unexploited and confirmed. He put Captain Deme and me forward to contact the prime minister
19 designate around 1:00 in the afternoon, and nine hours later we were debriefing him about this first
20 contact. If he would have asked the question during the debriefing, it would have been an unnecessary
21 question, because he knew what we had -- had done between 1:00 and arriving in his residence.
22 There was no reason to bring more attention to this fact, and he put it in his own words in the fax that
23 was sent out that night.

24 Q. Colonel, kindly tell me -- or remind me of the one who actually typed that fax.

25 A. Canadian Major Brent -- I spell, Bravo-Romeo-Echo-November-Tango -- Brent, Christian name,
26 Beardsley. Beardsley was the military assistant of the general. He lived with the general, also with the
27 *aide de camp* and the driver in the same residence.

28 MR. SOW:

29 Mr. President, sir, with your leave, I would like the registry to hand to the colonel document number 4 in
30 the bundle.

31 THE WITNESS:

32 I have the document in front of me, Your Honour.

33 MR. SOW:

34 That document bears K number K0103683.

35 BY MR. SOW:

36 Q. Witness, kindly look at page 1, first answer which you gave, and this is exactly what you said:

37 "General Dallaire indeed sent a fax to New York to the department for peacekeeping operations on that

1 date. I typed that fax on the general's computer." Can you explain to us the inconsistency here
2 between the version that you typed the fax on the general's computer and the other version that the fax
3 was typed by Beardsley?

4 A. Indeed, as stated here in a former interview, I have not put any attention in the importance that would
5 be brought to the one touching the keyboard of the computer. If this would have been the case, I would
6 also have given the colour of the computer of the general. I have not spoken either about other details,
7 which kind of cakes we were eating during typing and the tea that was spilt over the table at a certain
8 moment. For me, the continents (*sic*) of my answer was to express that I was present and what I
9 remembered at that stage about the continents of the interview and of the fax.

10 Q. Witness, may I ask you to avoid trying to ridicule questions being put to you. Rather, you should try
11 and answer them. You had stated something which is inconsistent with your present testimony in this
12 court. It is but normal that one would ask you why the difference between the versions, because
13 between being present in a meeting place and saying that "I was the one who typed the fax" and then
14 to subsequently say that it was Beardsley, I think there is a difference. So, sir, kindly answer my
15 question. If, for you, it is of no importance, then I'm going to note your answer.

16 A. When I read my statement in answer 1, the word that is noted by the interviews is "*rédigé*" which means
17 "make up the facts." There is nowhere the words "touching the keys of the keyboard."

18 (*Pages 30 to 39 by Sherri Knox*)
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1 1530H

2 BY MR. SOW:

3 Q. Witness, your answer is duly noted. Now, let's move on. Kindly look at your second answer to the
4 question worded as follows: "Did that code cable mention that the plotters intended to kill the Belgian
5 peacekeepers so as to compel the UNAMIR Belgian battalion to withdraw?" And your answer was as
6 follows: "I do not think the cable contained such information; Jean-Pierre never informed us of such a
7 plan." Was this your answer?

8 A. Yes, indeed.

9 Q. Answer No. 3. To the question, "Did that code cable contain details regarding the planning of the
10 genocide?", your answer was as follows: "From what I remember, the genocide was not mentioned in
11 the first fax". This is what you said, sir?

12 A. Yes, I stated that in the first interview.

13 Q. In your fourth answer, to the question, "To whom was the code cable addressed?", your answer was as
14 follows: "It was addressed to a senior official in the Department of Peacekeeping Operations, one
15 Martin, who was responsible for UNAMIR. Was this, indeed, your answer?"

16 A. This was indeed what I had stated at that moment.

17 MR. PRESIDENT:

18 Mr. Sow, is it a convenient time for us to have a break?

19 MR. SOW:

20 That is what I was going to propose, Mr. President.

21 MR. PRESIDENT:

22 Thank you very much. We take the mid-afternoon recess now.

23 *(Court recessed from 1531H to 1555H)*

24 MR. WEBSTER:

25 Your Honour, Mr. Morley offers his apologies. He is indisposed for the rest of the afternoon session,
26 but he will be back tomorrow.

27 MR. PRESIDENT:

28 Well, we wish him luck tomorrow.

29 MR. WEBSTER:

30 He'll be here tomorrow, but the Court will not. But he'll be here on Monday.

31 MR. PRESIDENT:

32 Mr. Sow, before you continue, we wanted to put Mrs. Hounkpatin on notice that the Court was
33 wondering -- she had not put in evidence all the documents she had utilised in cross-examination, and
34 we are considering that we may have to put them in evidence to enable us to understand the
35 cross-examination when we review it more fully. So we just mention that at this stage in case she
36 wanted to reconsider whether she was going to put them, herself, in or not.

37

1 MR. SOW:

2 Mr. President, at the end of my cross, I will be tendering the documents I wish to enter, so I won't be
3 saying it each time a document is referred to. I thought that was the procedure we agreed on.

4 MR. PRESIDENT:

5 You misunderstood me. My remarks were meant for Ms. Hounkpatin, counsel for Ngirumpatse, who
6 did not put in evidence all of the documents that were used in cross-examination, but we were
7 indicating to her that it was of some interest to us that as we review her cross-examination we would
8 want to have access to those documents. So, we may put ourselves in, ourselves, so I was just
9 indicating that to her in case she wished to reconsider whether they would come in as her exhibits or
10 not.

11 MR. ROBINSON:

12 Excuse me, Mr. President. You are making me look very bad here because I was the one that advised
13 her that these documents can't be admitted because I even -- you've been repeating ever since the
14 beginning of the trial that if you show a document to a witness that he doesn't recognise, a statement of
15 a third person especially, they are not admitted, and your UNAMIR decision is completely consistent
16 with that. And I'm shocked, actually, to hear now that statements made by Turatsinze's wife or
17 statements made by the -- some people for the Belgian senate, which this witness is unfamiliar with,
18 can be admitted. So I have a flood of documents for you -- I'll have a flood of documents for you,
19 Mr. President.

20 JUDGE SHORT:

21 Mr. Robinson, if the document is being used to contradict the witness, that's a different scenario.

22 MR. ROBINSON:

23 I don't think so. For example, we can go back to my -- how I used a document for Witness ALG, all
24 those UNAMIR documents. I was contradicting the witness time and time again with those documents
25 about the situation in -- as UNAMIR saw it on a daily basis throughout the month of April, and you
26 refused admitting those documents and they were a lot more reliable than witness statements. Maybe
27 this is a good development, but I think it's very inconsistent to admit third party witness statements that
28 the witness has never seen. And even with Witness BTH, I introduced -- I tried to introduce all these
29 Rule 68 materials of third party witnesses who had talked about his conduct. With the last witness, HH,
30 I confronted him with a bunch of statements of other witnesses, and I didn't even offer -- attempt to offer
31 those because you have been ruling consistently that statements of third parties can't be used -- be
32 admitted as evidence when the witness is not familiar with them and hasn't adopted them.

33 JUDGE SHORT:

34 Yeah, but in those cases the witness says, "I have never seen this document; I don't know anything
35 about this document"; that's a different situation.

36 MR. ROBINSON:

37 Well, I think that's the same -- I can't imagine seeing the interview of Turatsinze's wife --

1 JUDGE SHORT:

2 No, but the witness commented on the contents of the document, was able to give some response to
3 the questions that were being put to him. So that, if we are to consider the question and the response,
4 without knowing the context in which the question was put and the answer given, then it's possible that
5 we might not get a complete picture of the relevance and the probative value of the question and the
6 answer.

7 MR. ROBINSON:

8 I understand that, but if that's -- if that's the basis of admissibility, I think I have about 40 exhibits that
9 you owe me -- to allow me to have admitted. Because I've done that many, many times and you've
10 refused to allow me to admit the exhibits, and I've even given up asking that they be admitted. So,
11 perhaps this is something you can discuss among yourselves, but I think it's a real departure from your
12 standards of admissibility, even those that were stated in your written decision of the 21st of November.

13 MR. PRESIDENT:

14 We thank you for those remarks, Mr. Robinson. We will reconsider what you have just said.

15

16 Yes, Mr. Sow, you may continue.

17 MR. SOW:

18 Thank you, Mr. President.

19 BY MR. SOW:

20 Q. Well, Colonel, we were on your statement in answer to the fourth question. I should like to draw your
21 attention now to the answer to the question, No. 5, especially the following. It appears to be the fourth
22 line. "General Dallaire immediately contacted several embassies, including -- with many ambassadors,
23 including the Belgian ambassador and that of the United States, to provide them information and see if
24 they were predisposed -- inclined to ensure the informant's protection. We did not get a favourable
25 response to this request, neither from New York nor from the embassies. According to New York's
26 instructions, nothing could be done as long as no steps had been taken to institute the broad-based
27 transitional government."

28

29 Do you remember that response you gave? Do you confirm that it was, indeed, you that gave that
30 response?

31 A. Yes, I confirm.

32 Q. After the negative response from all those authorities, at your level didn't you ask yourself why those
33 countries represented by their ambassadors had refused to ensure the informant's protection?

34 A. Yes, of course, this was a concern for me, but I was not entitled to have an answer on that.

35 Q. It was said that it was the prime minister-designate, Faustin Twagiramungu, who put the informant in
36 contact with General Dallaire. Can you tell me if, at the time when he was establishing the contact,
37 giving the informant's coordinates, he knew the information the informant Jean-Pierre had?

1 A. No, he never did.

2 Q. And when you obtained information from Jean-Pierre, did you inform the prime minister-designate?

3 A. I didn't do so.

4 Q. Do you know if General Dallaire informed him?

5 A. I know it now, yes, but I didn't know that in those days.

6 Q. Do you know that Mr. Faustin Twagiramungu has stated, in March 2002, in issue 83 of *Diplomatie*
7 *judiciare*, on the subject of a fax and the informant, that, "The informant 'was a little bandit and that he,
8 himself, affords him no credibility'"?

9

10 Were you aware of that?

11 A. No. It has never been brought forward to me.

12 MR. SOW:

13 Mr. President, with your permission, I should like to ask the registry -- the registrar to help me by
14 showing the witness document No. 2 in the bundle.

15 THE WITNESS:

16 I have the document.

17 BY MR. SOW:

18 Q. You have the title of "Backward glance on Dallaire's fax". This is Faustin Twagiramungu who says,
19 "Jean-Pierre Turatsinze, I saw him like that, but I never met him to talk with him. A young boy, founding
20 member of the MDR, working as an advisor at the ministry of foreign affairs, came to seek me in my
21 office and told me, 'I have news to impart to you. I am a neighbour of Turatsinze's and, yesterday, he
22 came to see me and told me that the situation is more and more difficult, that arms are being
23 distributed, that other arms are hidden, that he knows where they are hidden, and that those arms
24 could be used if something happened, particularly, to kill people in the opposition.' That is the reason
25 why precisely he came to speak to me."

26

27 And the author continues. We can't read everything. Another paragraph, the -- paragraph. He says,
28 "Subsequently, I saw publications saying" --

29 THE ENGLISH INTERPRETER:

30 Where are we?

31 BY MR. SOW:

32 Q. -- "that there is a VIP who was aware of the planning. Can you believe that I -- I was aware of the said
33 planning and that I would remain silent? I'm told that the Tutsi will be killed, 2,000 per minute, and I
34 keep mum. I would have been the first person to destroy the planning system."

35 THE ENGLISH INTERPRETER:

36 That would be top of the right-hand column, just before the paragraph break. Counsel continues.

37

1 BY MR. SOW:

2 Q. And on the subject of Turatsinze, he continues to say, "Jean-Pierre worked with the MRND, that is true;
3 but he had no responsibilities. He had eyes to see what was being done." And the journalist
4 concludes, in writing, at the -- right at the bottom of that column: "Faustin Twagiramungu, therefore,
5 today ascribes no credibility to one Jean-Pierre Turatsinze whom he calls a 'little bandit'".

6
7 In the light of this document and the refusal of the foreign ambassadors asked to ensure Jean-Pierre's
8 security, is it not reasonable to think that that reticence or refusal was connected to the fact that the
9 person was not at all reliable, or even not at all credible? What do you think about that?

10 MR. WEBSTER:

11 I'm sorry, before we have an answer to that question, I find it a bit odd that we read so much of that
12 article into the record and the one sentence that seems to be pertinent to the issue here, which is
13 Faustin Twagiramungu's assessment of Jean-Pierre, was not read, and it's the sentence "I did not meet
14 Jean-Pierre". So, I mean -- I wonder how much of what we have just heard is necessary in order to put
15 that question to the witness in light of the fact that Mr. Twagiramungu, himself, claims that he has never
16 met this person.

17 MR. SOW:

18 Mr. Prosecutor, have the patience to wait the time when you come to your redirect. You can then put
19 whatever question you want, but do not dictate to me how I must conduct myself. My purpose is not to
20 know whether the prime minister-designate had met Turatsinze. No. Here, we are addressing the
21 reliability, the credibility of Jean-Pierre, which is why I read out the conditions and circumstances in
22 which he put the informant in contact with UNAMIR and also what he thought of the informant. And I
23 submit that to the colonel who is free and to remind him of my question in light of the
24 prime minister-designate, Faustin's -- he said -- and the refusal to afford the informant, Jean-Pierre, any
25 protection. Is it not reasonable to believe that if he could not benefit from any protection, it was
26 because he was not credible, not at all a reliable person? What do you think of that?

27 THE WITNESS:

28 My opinion is that, with hindsight, this is very difficult to know, what the ambassadors knew. Did they
29 know something about Jean-Pierre? Had they been asked this question, or was it just because it had
30 been only one contact with Jean-Pierre that in the normal intelligence procedures didn't offer the
31 possibility to offer some guarantee to Jean-Pierre? The fax we drafted and finally sent to New York
32 was asking for protection, to guarantee more -- or, more precise information once we would start any
33 action. So, it's easy eight years later to put something in a text where also some passages are not
34 mentioned, where there is incoherence between the contact of Faustin Twagiramungu and his
35 disclosure, apparently, to Mr. Booh-Booh, where in the text of the book of General Dallaire it was
36 Twagiramungu that came and contacted General Dallaire at his office, on the balcony. Probably
37 General Dallaire was also not a reliable source, through his book, then.

1 BY MR. SOW:

2 Q. If we are to plan -- or plunge into the climate of the times, it's true you say that General Dallaire is not a
3 reliable source. But in his book, of which I gave the extracts on page 194, right at the bottom, Dallaire
4 says, when Faustin came to see him after having informed him, "I felt a moment of euphoria when I
5 realised that we had perhaps in hand an opening to know who was the mysterious third force, that
6 group of militias -- assembly of militias that had gained strength ever since my arrival in Rwanda." So,
7 the question I'm asking myself: It's true that you were answerable to the general, as any good soldier,
8 but, fundamentally, this instance of euphoria, was it not that element which principally determined the
9 course of events -- as one would say, "Wow, what a deal" -- and then see how to make the most of it?
10 So, I am putting the question to you whether in this atmosphere of euphoria you weren't taken up also
11 to pursue the course of action that you pursued.

12 MR. WEBSTER:

13 Your Honour, I'm sorry to interrupt once again, but this shows us the danger of reading small excerpts
14 from these larger texts. If one reads the book of Dallaire, when he uses the word "euphoria", it has a
15 very different connotation and meaning in context than what we are led to believe from the way Mr. Sow
16 has framed his question. Even the witness, himself, is at a disadvantage here because he has not
17 been given the time to read through even the excerpts fully. Because -- if we do read through them
18 completely, as I have already done, we would notice that Faustin Twagiramungu in his article was
19 talking about a meeting with Dallaire after Dallaire had had his officers meet with the informants, so
20 Dallaire was coming to report back to Twagiramungu. And what we are dealing with in Dallaire's
21 excerpt from his book is when Faustin Twagiramungu came to see him before there was any meeting
22 with the informant. So, we can avoid this lack of clarity if we give the witness the time to read through
23 the documents and if we all read through them before questions of this nature are posed, because this
24 way of doing it is leading us astray. That's my submission. I'm sorry to interrupt Mr. Sow, but I could
25 not let this type of ambiguity continue on the record.

26 MR. SOW:

27 Mr. Prosecutor, with all due respect, I would ask you to stop answering in the witness's stead. I read
28 that passage. It's only one sentence, and you tell me that I read the whole extract. Let the witness
29 react in relation to the questions we put to him, and you will have the opportunity at the time of the
30 redirect to clarify some points.

31 BY MR. SOW:

32 Q. Witness, I come back to you. I asked: in your assessment of the time, were you not misled by this
33 desire at any cost to obtain evidence, to help discover, as General Dallaire states, the mysterious third
34 force?

35 A. No, that is not my opinion, because if he would have tried to get to this information and cost -- what
36 costs may be proof of what he was saying, then we might have reacted without any authorisation, and
37 the general would neither have asked any authorisation from New York, so this was maybe highlighted

1 as to the scoop, with hindsight, but at that the moment, we were not led blindly.

2 Q. Thank you. Colonel, did you know Lieutenant Karenzi, the RPF's liaison officer, with UNAMIR?

3 A. I only know a Lieutenant Colonel Karenzi.

4 Q. From what you know, did Lieutenant Karenzi know that Turatsinze was UNAMIR's informant?

5 A. Again, it's "Lieutenant Colonel", and I have indeed stated that at a certain moment I had been
6 approached by one of the liaison officers, being Lieutenant Colonel Karenzi, with an allegation coming
7 from him that we apparently were infiltrating the MRND with UNAMIR. I, of course, didn't give any clue
8 about what we knew or give him any feedback on what he was trying to assess at that moment. We
9 could say he was doing some intelligence work there, because he was trying to cross-check his
10 information.

11 MR. SOW:

12 Mr. President, I would like document 8 from the bundle to be shown to the witness with the help of the
13 registrars. This is a transcript, dated 13th of October 2005, in Ndindiliyimana et al.

14 THE WITNESS:

15 I have the document in French in front of me.

16 BY MR. SOW:

17 Q. Please turn your attention to page 3. After the Defence counsel put a question to you, to know whether
18 Turatsinze, Jean-Pierre, was in contact with the RPF, you answered as follows: "The general --
19 Colonel Karenzi informed me of an infiltrator, an informant, and, therefore, of contacts between an
20 informer and UNAMIR" --

21 THE ENGLISH INTERPRETER:

22 Could counsel tell us where he is, please?

23 BY MR. SOW:

24 Q. But --

25 MR. PRESIDENT:

26 Can you tell us exactly where you are reading from, what page and what part of the page, what line?

27 MR. WEBSTER:

28 I think it's the very first line on the top of page 3.

29 THE ENGLISH INTERPRETER:

30 Page 3, being the second page.

31 MR. SOW:

32 That is correct, Mr. Prosecutor. Second page, numbered page 3, second line of the page, right at the
33 top of the page. With your permission, I will continue.

34 BY MR. SOW:

35 Q. "But it was certainly already after some meetings with Jean-Pierre, and one would very well consider
36 that the informer, having asked for guarantees, and we were not able to provide them, nor able, nor
37 apparently the will, so he was sought out, perhaps will -- or, a protection -- a will to protect from

1 elsewhere, and that was probably -- and the RPF side, who had their liaison officers who lived freely in
2 Kigali who did not live at the CND, the parliament."

3
4 Colonel, do you remember that testimony you gave on Thursday, the 5th of October 2005 -- Thursday,
5 13th of October 2005?

6 A. Yes, I remember.

7 Q. Do you confirm that it was your testimony?

8 A. Yes, it was the answer on the question from *Maître* Black.

9 Q. Colonel, according to you, from what point in time did you start thinking that Turatsinze was
10 collaborating with the RPF?

11 A. I think this is a new aspect. I haven't said anything about collaboration with RPF. I just stated that he
12 was looking somewhere else for guarantees in case he would maybe disclose some information.
13 Karenzi came to me, saying that we were infiltrating the MRND. I never used the word "collaboration"
14 with RPF. It's your understanding of this statement, maybe.

15 Q. Let me rephrase the question, sir. Given that Jean-Pierre did not benefit from the protection he was
16 seeking, was it a reasonable course of action for him to contact the RPF in order to enjoy the protection
17 he was seeking?

18 A. Yes, indeed.

19 Q. Jean-Pierre told you his mother was a Tutsi. Did you cross-check that information?

20 A. No.

21 Q. Was the information not important?

22 A. This information was only important in the matter of his motivation. I think what was more appalling
23 was the scenario he was depicting.

24 Q. But, Colonel, we have here an informant who is not after money and who, in order to give reasons for
25 his motivation, tells you that, "The reason why I'm doing so is because my mother is Tutsi, although I
26 am against the RPF." He gave you this piece of information to convince you of his good faith. Was it
27 not a reasonable course of action for you to also double-check that piece of information?

28 A. As stated before, we collected raw information. We were not able to cross-check them, neither analyse
29 them. I can add to that that due to the documents that were given to me today, apparently his wife was
30 Tutsi also. He never mentioned that. Were we supposed to cross-check something we didn't know?
31 The important ones were the scenarios he was depicting.

32 Q. Thank you. When Jean-Pierre claimed to be the one in charge of the training of the MRND's armed
33 *Interahamwe* militia, did you ask him where he derived his capacity as military instructor from?

34 A. Not at the first meeting. It was an information he gave later in the course of following meetings.

35 Q. Colonel, I'm afraid I didn't quite understand your answer to my question. My question was whether you
36 asked him where he derived his military instructor capacity from, whether he did tell you that during the
37 first meeting or, subsequently, did you ask him.

1 A. I -- we didn't ask it to him.

2 Q. Concerning the armed militia, you stated that the characterisation "armed" was an addition. Do you
3 confirm that? I mean, in connection with the facts, of course.

4 A. Yes, indeed.

5 Q. Was the purpose of that addition not to, sort of, overstate the seriousness of the situation?

6 A. I was not reading the mind of the general, so it's a question for the general, I think.

7 Q. Colonel, according to you, what is the difference between saying a "militia" and saying an "armed
8 militia"?

9 A. For me, an armed militia is clearly a militia that is using weapons, depending on the area in the world
10 where this militia is operating. It's not necessary fire weapons. If you just used the word "militia", this
11 can be just a kind of guard or watch in the neighbourhood of where you live that is created for reasons
12 for insecurity. In some countries it is allowed; in other countries this is also regulated by law and you
13 cannot take protection in your own hands, therefore, you create security services, private securities, or
14 other security service organised by the government. But all this can be quoted as militias.

15 Q. But, against the backdrop of the situation at the time, when the wearing of firearms had been forbidden,
16 is there no difference when you say an "armed militia", it means they are going against the law, and a
17 simple "militia"? That is where that characterisation has its very importance.

18 A. You are totally right, but we have never seen any *Interahamwe* or other youth wing of a political party,
19 walking around with a firearm. The disclosure of Jean-Pierre of use of armaments was -- or, in training
20 and then probably at the outskirts of Kigali or further away, and, at the other hand, the availability of the
21 weapons. Troops contained in a barrack are still soldiers, but if the weapons are closed in the armoury,
22 the soldiers are not as offensive force -- as dangerous, as if they would have access to the weapons.

23 Q. Thank you for your answer, Colonel. Did Mr. Turatsinze prove to you his capacity as a former member
24 of the presidential security?

25 A. No, he didn't.

26 Q. Did you ever ask him why he had ceased being a member of the presidential security services?

27 A. I don't recall having put that question forward to him.

28 Q. Did any of those present ask him that question?

29 A. Not to my memory.

30 Q. But, Colonel, sir, don't you find it strange that such a young person, who claims to have been a member
31 of the presidential security services, who says he was a member of that service and who does not
32 explain to you why he was no longer in that service -- don't you think it was but normal that such a
33 simple question be put to him?

34 A. With hindsight, probably yes; not at that period in time. I was not intelligence trained, neither three of
35 my colleagues. We were just experiencing a very strange happening, and I think "surprised" was more
36 a word to be used with everything that was disclosed at that moment.

37 Q. When Jean-Pierre claimed to be drawing a monthly salary or allowance of 150,000 Rwandan francs,

1 did you take his word for it?

2 A. Did we have another choice?

3 Q. Did you have an idea of the salary scale in Rwanda at the time?

4 A. No.

5 Q. Did you know, sir, that at the time a Rwandan minister earned about 73,000 Rwandan francs as gross
6 salary, before the salary is taxed; the gross salary of a Rwandan minister was around 73,000 Rwandan
7 francs, so taking into account taxation, the salary would be reduced?

8 A. I was not aware about any salary in the Rwandese society at that moment.

9 Q. Colonel, I had thought that, since you first conducted a reconnaissance mission in the country and then,
10 subsequently, once you started working for UNAMIR, you handled information desk. I, in an ignorant
11 manner, simply thought that you tried to familiarise yourself more with the Rwandan situation. But
12 would you acknowledge with me that the amount 150,000 Rwandan francs was just too much as a
13 salary, and you said it was around 2,000 Euros and in his book General Dallaire said it was about
14 \$1,500 at the time. From his external appearance and stature, did that informant look to you to be
15 someone who could be earning such an amount?

16 A. You put different questions in the same sentence, but I will try to recall every point you raised in the
17 question. It was indeed a large amount of money, maybe astronomical (*sic*), depending on the
18 terminology to be used.

19
20 One of the other points in the questions in the sentence was about the information collected about the
21 wages in the Rwandan society. I don't know if that was of any relevance to be briefed to the incoming
22 members or staff members. They are paid by UNAMIR and they would experience what the cost of life
23 would be in Rwanda. He was not showing any sign of wealthiness, except the fact to our knowledge
24 that had one vehicle, a white vehicle, a Japanese type. It was not a brand-new car, but this doesn't
25 mean anything.

26
27 I don't know if I have answered the different points in the questioning of you, *Maître*.

28 Q. I thank you, sir. But, in addition to the salary of 150,000 Rwandan francs, Jean-Pierre claimed that he
29 enjoyed some financial support. Did he give you any information about the financial support he
30 enjoyed?

31 A. Not by recollection, and it doesn't appear in any of my reports that were shown as evidence, so I don't
32 think he spoke about it.

33 Q. Did Jean-Pierre explain to you the type of relation he had with the chief of staff of the Rwandan
34 government forces?

35 A. The way he developed that was that he was, through this higher authority, able to know in what
36 barracks or garrisons he had to go in Kigali to receive weapons or use the military vehicles to move
37 weapons from one location to another. This has been reported in different papers. That was, in fact,

1 the access to the highest authority within the Rwandan governmental forces.

2 Q. Was Jean-Pierre more specific about how he went about meeting the high authority, whether there
3 were meetings held, whether he saw the person in the evening, or at night, or whether he had taken an
4 appointment with the secretariat? Because I would imagine it was a very high authority and he could
5 not just see him easily; or did he invite him over at his place to take a drink? What else did he tell you?
6 Did you try and cross-check all the information so as to ascertain that he was not trying to blow out his
7 importance?

8 A. You haven't asked any question, how he went -- or was in contact with the chief of staff of the RGF, if
9 they made appointments, if he had his phone number, in what circumstances he was meeting him or
10 them. The only thing he said or explained was that it was a way to get access to certain barracks, get
11 access to firearms, to vehicles, to use official cars to move -- or, to transport the different weapons that
12 had to be transported and, eventually, distributed. We have never questioned him about the way he
13 went in contact with these authorities.

14 Q. Let us visit the point about training, but before we start that, I would like some clarification from you
15 regarding the fax of the 11th of January 1994. There is mention of the training of 1,500 men -- or,
16 1,700 men but there is no mention specifically of 1,700 *Interahamwe*. So I would like to know whether
17 when they say "1,500 men", you mean it to be *Interahamwe*, or whether you just meant human beings.

18 A. Indeed, the word "men" is used and not explicitly *Interahamwe*, but referring to his responsibilities, in
19 the beginning of the fax, it was implicitly understood that these would be people not belonging to the
20 army, and apparently the people belonging to the political party, MRND, where he was working for,
21 allegedly.

22 *(Pages 40 to 50 by Verna Butler)*

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1 1700H

2 BY MR. SOW:

3 Q. Did he tell you for how long the military training had been going on?

4 A. Not on the 10th of January; but, yes, he did later on.

5 Q. And what precisely did he tell you?

6 A. They were brought together at the Kanombe parachute training area, embarked in the public transport
7 buses donated by Japan, and brought to different camps outside of Kigali, outside of the *préfecture* of
8 Kigali for training purposes. He later stated that this was ongoing for three months, and that the
9 training, approximately, took three weeks for the different bunches of men that were sent outside of
10 Kigali.

11 Q. Witness, I did not quite grasp the day that the training began. The question -- the purpose of the
12 question was to know when the training began, because it was said that -- that he trained 300 people
13 per three weeks training session. I would like to know the exact date he gave in respect of -- regarding
14 when the training began.

15 A. I think there is some confusion. A date, I can't give any date precisely. He was speaking that this
16 process of training was ongoing for three months when he disclosed this information. So when we met
17 during the month of January, to my recollection, this must have started somewhere in October. In the
18 first fax, we speak about 1,700 people being trained.

19
20 And at another point, in another meeting, he speaks of -- about 300, specifying 300 people of the CDR
21 being sent northwards to be trained, and only 300 of these people. And the training, as he depicted it,
22 for each bunch of persons would last three weeks, from beginning till the end. If these three weeks
23 were 21 days or 18 days or 15 days, was never specified.

24 Q. Witness, if we consider the period at the month of October as being a point of reference, and he himself
25 said, in three weeks he could train 300 people, if we consider the 1,700 men trained, that would give us
26 17 weeks. And my question is, do you think it is possible in three weeks to train 300 people?

27 A. I don't see where the problem is to train 300 people in three weeks. They were sent to different training
28 centres, so even if you would use five training centres, there would be, for example, 60 people by
29 training centre, or military garrison. In three weeks, I would think it is a standard reference for any army
30 for basic training.

31 Q. Witness, I thought it was he himself who undertook the training, or dispensed the training, excuse me.
32 In the fax it is said that the *Interahamwe*, point 5 of the fax of the 11th of January 1994, "The
33 *Interahamwe* has trained 1,700 men in military camps outside of the capital." Now, I don't know what
34 the English is, but in French when you say that someone has done, it means that he did it. It isn't said
35 that he did it without a pupil. That is what I want to understand, or is there another possible
36 interpretation? But I should dearly like to know.

37 A. I think there is a will of maybe misunderstanding, but he couldn't be in every training camp at the same

1 time during these three months, or these 1,700 people were sent to the same training camp, which was
2 not stated.

3
4 "*Interahamwe*" is a global term for an organisation. To my recollection, we have spoken about
5 Jean-Pierre, Jean-Pierre Turatsinze, code name Jean-Pierre. But it is stated that *Interahamwe* in its
6 total has trained 1,700 people as an organisation. I don't see the conflict or the possible
7 misunderstanding.

8 Q. Well, it is meant to clear things up. You understand "*Interahamwe*" as meaning the *Interahamwe*
9 organisation. Well, can you explain to me how does it come about that Jean-Pierre, at the outset, told
10 you that he is the one responsible for training of the *Interahamwe*, armed militia, and that he himself,
11 who trained up to 1,700 men, and now we reason in terms of the organisation, the *Interahamwe*
12 organization, can you explain to me or explain to the Trial Chamber?

13 A. Before the last question, there was another question, so, indeed, I say *Interahamwe* is an organisation
14 that trained its members for whatever purposes by using military facilities outside of Kigali. They had
15 probably already trained some people, and then be using them as aides, instructor, co-instructor,
16 whatever. So what this depicted in this paragraph of the fax is that 1,700 people have been trained,
17 formed in military camps outside of Kigali, be it with the help of the armed forces, or just using the
18 facilities of the armed forces. Jean-Pierre, to my understanding, was not the instructor of these people.
19 Jean-Pierre was, let's say, the training officer, making up the calendar of activities, deciding on what
20 date they might gather at the Kanombe parachuting training area to bring them away, and maybe using
21 the same vehicles to bring back a number of trained *Interahamwe*; to not misuse this transport that he
22 was hiring, maybe, to bring and bring back some personnel. It is not because General Dallaire, in his
23 own words, made some comments or some other allegations in his text by saying that he was a top, top
24 trainer.

25
26 If you create a fitness centre, and you have the certificates to explore this, and to organise this fitness
27 centre, you are not training every member which is adhering to this fitness centre, but you can have
28 supervision about the organisation, about your fitness centre.

29
30 I think this brings into light what the role was of Jean-Pierre in this training matter.

31 Q. Colonel, I have listened to your answer, but you will have to explain to me the answer you gave to
32 Prosecutor Morley on the 21st of November 2006, the draft, page 56.

33 THE ENGLISH INTERPRETER:

34 Of the French, we presume.

35 BY MR. SOW:

36 Q. Paragraph 14.

37

1 THE ENGLISH INTERPRETER:

2 It must be line 14.

3 BY MR. SOW:

4 Q. Where Mr. Morley says to you the following, in the third sentence it is stated as follows: "Since the
5 arrival of UNAMIR, he has trained 300 personnel in three weeks training sessions at RGF camps; did
6 he say that?" And you answered: "Yes, those are the words he -- that is what he said."

7
8 So as regards the trainer, it was him, unless I have problems in French, but he doesn't speak of an
9 organisation, but refers to Jean-Pierre. But certainly, what is your comment on that?

10 A. As I said before, and the text in French is very clear, different training centres. So he couldn't be during
11 three weeks in different training centres at the same time and train 300 people. One should read with a
12 little goodwill between the lines, and not trying to pinpoint every letter, let's say words, in the text.

13 Q. Witness, do you remember when UNAMIR arrived in Rwanda, approximately when, at what point in
14 time?

15 A. To my recollection, General Dallaire conducted the fact-finding mission, but we were not considered as
16 being already the UNAMIR mission. His deployment and assignment as commander of UNAMIR, to my
17 knowledge, was at the beginning of October. So the UNAMIR mission, to my consideration, had started
18 at the beginning of October '93.

19 Q. It wasn't in the month of November?

20 A. Absolutely not. UNAMIR was not only the Belgian detachment, I remember, it was a UN mission
21 commanded and started long before the arrival of the RECCE party of Belgium.

22 Q. Witness, when you were asked to assess the *Interahamwe* in Kigali, did you not say that there were
23 perhaps 200 of them?

24 A. To my recollection, the question was how many *Interahamwe* -- or not *Interahamwe*, persons were
25 present during the demonstration of the 8th of January. And my recollection says that I figured these
26 numbers for that day at the demonstration for the part I could see to the number 200. And I have never
27 been asked to evaluate the number of the *Interahamwe*, as stated in the question.

28 Q. Thank you for that clarification. I thought you'd made an estimate, but if it is in respect of the
29 demonstration, well, we will be coming back to that.

30
31 Colonel, according to you, when Jean-Pierre said that his trained people could kill 1,000 Tutsi in
32 20 minutes, did you find that credible, possible?

33 A. Yes.

34 Q. So, if we look at the situation at Kigali at the time where there was the RGF and RPF battalion, and the
35 RPF is on Rwanda soil with what we call the clandestine brigades, do you think that is possible? Do
36 you still think that is possible?

37 A. Your Honour, I discovered a new term here, brigade clandestine. I don't know where we are going to,

1 but I've never heard of this organisation before, so I would like to have this question restated.

2 Q. Witness, you never heard of the RPF's clandestine brigades?

3 A. No, indeed. This is first time this is brought to my attention.

4 Q. Fine, very well, okay. Then, I will go on as though they didn't exist. And I will reason in terms of a state
5 of war where there is RPF on one side, the RGF on the other, apart from the fact that UNAMIR was at
6 the time present, do you think that it was believable that the so-called well-trained men could kill in
7 20 minutes 1,000 Tutsi?

8 A. Yes, I repeat, they were in the organisation depicted by Jean-Pierre reasonably able to do it in 20
9 minutes.

10 Q. So, if we take that into consideration and multiply it, because you know that 20 minutes is a third of one
11 hour's duration, and one hour's duration in a day, there is 24 hours, and 24 hours over a month, you
12 work it out, calculate it, make an estimate, and you consider that that is believable?

13 A. I think, Your Honour, that the matter is that things are going too fast, but I don't think that was being
14 depicted by Jean-Pierre. Jean-Pierre was saying that his organisation could, on order, kill 1,000 Tutsi
15 in Kigali in 20 minutes; which meant, although it is not asked, he had said that the *préfecture* of Kigali
16 was divided in 40 *secteurs*. At a certain point he later on describes how many people are there and
17 what they have already got as grenades. We don't speak about the distribution of armaments. They
18 disposed, if we don't take into account these guns or rifles, of machetes and clubs. But having
19 earmarked the houses of Tutsi people, or people pro-Tutsi, it wouldn't take much of an effort in the first
20 20 minutes to kill 1,000 people.

21

22 Bearing in mind, that before whatever organised military force could or would intervene, we might assist
23 in the first hours at the considerable amount of killed people. I wouldn't go over to expanding this
24 mathematic over 24 hours or over a month. Hopefully, at that moment, any reaction, whatever, could
25 have put a stalemate to this process.

26 Q. Colonel, since we were talking about assimilation, well, it is normally known as assimilation, you can
27 extrapolate, that is why I said the reaction would be to ask Turatsinze, does that mean that if in one
28 hour of time how many people could be killed? But, tell me, did Jean-Pierre give you any list?

29 A. No, he didn't, concerning the inventory of Tutsi families or pro-Tutsi families over Kigali.

30 Q. But shouldn't that also awaken your suspicions? What he is claiming, that he could identify them, know
31 where they were, go and find them, didn't that raise a suspicion that maybe these assertions are not
32 corroborated by the existence of lists?

33 A. Two points: The *secteurs* were divided all over Kigali; and, of course, the people living there, if they
34 were partisans of this movement, knew everybody living in their neighbourhoods. So even if these lists
35 were not made up, they were able to know who was living there. On the other hand, he said that the
36 inventory was still going on. And providing as the list was only in his mind acceptable whenever we
37 would provide him any security and guarantee, so, if they existed, this was his last exchange item for

1 his guarantee.

2 We, indeed, never saw the list. And we can't confirm that they have ever existed.

3 MR. SOW:

4 Mr. President, I would not like to abuse your time. It is half past. If you wish, we can take the break
5 now, and I think that tomorrow -- well, no, not tomorrow, we are not sitting tomorrow, but Monday
6 morning with another hour and a half, taking up another hour and a half, I think I would have finished
7 my cross. Thank you.

8 MR. PRESIDENT:

9 Thank you, Mr. Sow. It is a little bit more than half a day, but --

10 MR. SOW:

11 Mr. President, sorry, I had already removed my earphones. It is probably fatigue. So I didn't hear what
12 you had said.

13 JUDGE KAM:

14 His Honour, the President, has pointed out that your cross will be taking more than half a day that you
15 had said.

16 MR. SOW:

17 Well, I did say that it would be a minimum of half a day. I don't think we will be taking another half day
18 on Monday; if only an hour and a half, if all goes well, and if the Prosecutor doesn't interrupt me, and if
19 the witness is as concise and succinct in his answers.

20 MR. PRESIDENT:

21 Okay, thank you very much.

22
23 We will take the adjournment now. As I had indicated, we don't sit tomorrow, and we will resume on
24 Monday morning.

25
26 As repetitious as it may seem, I do remind you, Mr. Witness, of the requirement that you don't discuss
27 the case or your testimony with anybody during the adjournment

28 THE WITNESS:

29 It will be a long weekend, Your Honour.

30 MR. PRESIDENT:

31 I'll make no further enquiries.

32 *(Court adjourned at 1732H)*

33 *(Pages 51 to 55 by Donna M. Lewis)*

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CERTIFICATE

We, Donna M. Lewis, Ann Burum, Sherri Knox 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.

_____ Donna M. Lewis

_____ Ann Burum

_____ Sherri Knox

_____ Verna Butler