

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-00-61-T
CHAMBER III

THE PROSECUTOR
OF THE TRIBUNAL
v.
JEAN-BAPTISTE GATETE

WEDNESDAY, 11 NOVEMBER 2009
0910H
CONTINUED TRIAL

Before the Judges:

Khalida Rachid Khan, Presiding
Lee Gacuiga Muthoga
Aydin Sefa Akay

For the Registry:

Mr. John M. Kiyeyeu
Mr. Edward Edwin Matemanga

For the Prosecution:

Mr. Didace Nyirinkwaya
Mr. Drew White

For the Accused Jean-Baptiste Gatete:

Ms. Marie-Pierre Poulain
Ms. Kate Gibson

Court Reporters:

Ms. Claudette Ask
Ms. Deborah Gentile
Ms. Sithembiso Moyo
Mr. Haruna Farage
Ms. Lisa D. Smith

I N D E XWITNESSESFor the Prosecution:

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WITNESS AIZ

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MADAM PRESIDENT:

Good morning to all. The Court is in session now.

Appearances for the parties, Prosecution first.

MR. NYIRINKWAYA:

Good morning, Madam President. The Prosecution is represented by myself, Didace Nyirinkwaya, and Mr. Drew White.

MADAM PRESIDENT:

Defence.

MS. GIBSON:

Good morning, Your Honours. The Defence remains as before.

MADAM PRESIDENT:

Thank you.

Good morning, Mr. Witness.

THE WITNESS:

Good morning, Madam President.

MADAM PRESIDENT:

Mr. Witness, you are a protected witness for the Prosecution. To protect your identity, you've been assigned a pseudonym, BBR. This means that in the court proceedings today you will be referred to by your pseudonym instead of your real name. We would also request you not to disclose any information or evidence which would lead to identifying you. If you feel that your answer to a question put to you by the lawyers or the Bench would disclose your identity, you just alert us and we will take care of it. We will either go into a closed session or ask you to write the answer on a piece of paper.

Before we proceed with your evidence, you will be given a solemn declaration.

Swear in the witness, Mr. Matemanga.

(Declaration made by Witness BBR in Kinyarwanda)

MADAM PRESIDENT:

Mr. Witness, do you have a one-page document before you with a heading, "Protected Information"?

THE WITNESS:

Yes, I do.

MADAM PRESIDENT:

Please quickly go through it and see if the information given therein is accurate.

1 THE WITNESS:

2 The information is accurate.

3 MADAM PRESIDENT:

4 Please also confirm your signature at the bottom of the page.

5 THE WITNESS:

6 It is my signature.

7 MADAM PRESIDENT:

8 Thank you. This document is entered as Exhibit P --

9 MR. MATEMANGA:

10 P. 19.

11 MADAM PRESIDENT:

12 -- 19, under seal.

13 (*Exhibit No. P. 19 admitted, under seal*)

14 MADAM PRESIDENT:

15 Mr. Prosecutor, you have the floor.

16 MR. NYIRINKWAYA:

17 Thank you, Madam President.

18 WITNESS BBR,
19 first having been duly sworn,
20 testified as follows:

21 EXAMINATION-IN-CHIEF

22 BY MR. NYIRINKWAYA:

23 Q. Good morning, Witness.

24 A. Good morning, Counsel for the Prosecution.

25 Q. Witness, do you know one Jean-Baptiste Gatete?

26 A. Yes, I know him.

27 Q. For how long have you known him?

28 A. ***** I also knew him as
29 *bourgmestre* of Murambi *commune* and up until 1994, when I saw him for the last time. I have always
30 known him.

31 Q. When did you see him for the last time?

32 A. I saw him for the last time on 7 April 1994.

33 Q. If my arithmetic is correct, it means that you haven't seen him for 15 years.

34 A. Yes, you are correct.

35 Q. Do you think that if you see him today you would recognise him?

36 A. Yes, I can recognise him.

37

1 MADAM PRESIDENT:

2 Should the witness be asked to stand up and see around if he knows -- sees the Accused?

3

4 Mr. Witness, yeah, please stand and see if the Accused is there.

5 THE WITNESS:

6 I see him in the second row.

7 MADAM PRESIDENT:

8 Can you point towards him?

9 THE WITNESS:

10 There he is.

11 MADAM PRESIDENT:

12 Okay. Thank you.

13

14 The witness has recognised the Accused.

15

16 Please take your seat.

17 MS. GIBSON:

18 Your Honour, I apologise. It wasn't clear to me who he was pointing at. No, but a description as to
19 where exactly the Accused is sitting.

20 MADAM PRESIDENT:

21 Hold on. Hold on. Hold on. You want the witness to go to the Accused and touch him?

22 MS. GIBSON:

23 No. But if he could give a further description, because in my view he was pointing towards
24 one of two people. So if he could identify with further accuracy.

25 MADAM PRESIDENT:

26 So we should ask him -- ask the witness to walk to the --

27 MS. GIBSON:

28 He can just say "on the right" or "on the left."

29 MADAM PRESIDENT:

30 Okay. Can you give us further description of the identity of the --

31 THE WITNESS:

32 He is wearing glasses, a dark suit, and he is on the left.

33 MADAM PRESIDENT:

34 Are you satisfied, madam?

35 MS. GIBSON:

36 In my view that's now a proper identification. Thank you, Your Honour.

37

1 MADAM PRESIDENT:

2 Thank you very much.

3

4 Resume your seat.

5 BY MR. NYIRINKWAYA:

6 Q. Witness, a few moments ago you said that the last time you saw him was on 7 April 1994. Now I'm
7 going to ask you how many times you saw him in April 1994.

8 A. I saw him once.

9 Q. Thank you. Witness, I'm going to ask you how you learnt of the death of President Habyarimana.

10 A. I heard it in the morning in a communiqué on the radio.

11 Q. Could you tell us at what time of the day you heard the communiqué?

12 A. I did not have a watch on me, but I believe that it was around 7 a.m.

13 Q. Where were you when you heard the communiqué?

14 A. I was at home.

15 Q. After hearing the communiqué, what did you do?

16 A. After hearing the communiqué, I informed members of my family and other neighbours thereof. I
17 related the communiqué to them.

18 Q. What was the situation like in your neighbourhood that morning?

19 A. That morning, after hearing the communiqué, the population was concerned and was panicking
20 because the president of the republic was dead. No one was able to do anything at all. Everyone was
21 worried.

22 Q. What did you do thereafter?

23 A. I told the persons who were around me that I was going to go to the *secteur* office and assess the
24 situation that was prevailing there and then return home and inform the others about it.

25 Q. You have mentioned a *secteur* office. What *secteur* was that?

26 A. It was the *****.

27 Q. How far was the *****

28 A. The distance is about *****.

29 Q. So you decided to go to the *secteur* office. Did you get to the *secteur* office?

30 A. No, I did not quite get to the *secteur* office. But I got very close to the *secteur* office.

31 Q. Why did you not get to the *secteur* office?

32 A. When I got near to the *secteur* office, I saw *Interahamwe* in front of the *secteur* office. And since they
33 were not my friends, I could not appear where they were or close to them because they were not my
34 friends.

35 Q. But where specifically did you stop?

36 A. I stopped at the small eucalyptus forest that was located above the road when one is moving towards
37 the *secteur* office. So this little forest was not far from the *secteur* office. And I hid myself in that small

1 forest when I saw that there were *Interahamwe* at the *secteur* office.

2 Q. Could you estimate the distance between the place where you were and the *secteur* office? Just an
3 estimate.

4 A. It is obvious that I did not measure the distance, but it was between 20 and 25 metres between my
5 hiding spot and the *secteur* office. You understand that this is an estimate.

6 Q. Witness, could you give your estimate using the measurements that we have in this courtroom? You
7 know, from where you are sitting.

8 A. If I tried to estimate that distance, I would say that you have to start from the wall behind you and go
9 right beyond the other wall, beyond the door that I am seeing.

10 Q. Witness, can you now tell us what you saw. What happened thereafter?

11 A. While I was standing there, I saw a vehicle approaching from the road that comes in from
12 ***** , and the vehicle stopped in front of the
13 *secteur* office. Should I continue?

14 THE ENGLISH INTERPRETER:

15 *****

16 BY MR. NYIRINKWAYA:

17 Q. I did not quite understand what you said. By what means -- or, rather, you said a vehicle approached.

18 A. Yes.

19 Q. Who was in the vehicle?

20 A. There were two persons on board the vehicle. They were Gatete and the then *bourgmestre*, who was
21 called Jean de Dieu Mwange, M-W-A-N-G-E.

22 Q. Could you describe the vehicle for us?

23 A. It was a saloon car.

24 Q. Was that the only vehicle at the *secteur* office?

25 A. There was another vehicle, a Toyota Hilux vehicle, that arrived immediately after that, and on board that
26 vehicle there were *Interahamwe*. Let me add that it was a pickup vehicle.

27 Q. What was the colour of the vehicle in which Mr. Gatete was riding?

28 A. The vehicle was of a light green -- a light green colour or light blue colour that was more of gray. It was
29 not deep blue.

30 Q. Thank you, Witness. What then happened after the vehicle arrived?

31 A. Gatete alighted from his vehicle, and he stood on the road. He looked in front of him to the
32 *Interahamwe* that were standing in front of the *secteur* office. He moved towards the *Interahamwe* and
33 called to those who were further down, and he told them, "Go and look for other persons and start the
34 work."

35 Q. Are those the only words Gatete uttered?

36 A. No. He went on and told them, "Start working, and by working I mean kill the Tutsis. Don't do it like last
37 time when we asked you to kill the accomplices with your machetes and you were upset about clearing

- 1 the grass." He said, "Work relentlessly. There is no other work to do other than killing the Tutsis. And I
2 will reward you."
- 3 Q. A while ago you said Gatete was accompanied by other persons. Who were these other persons who
4 came with Gatete?
- 5 A. Gatete was with Mr. Mwange in his vehicle. But after Gatete, other persons arrived subsequently.
- 6 Q. Yes, indeed. I would like to know who those other persons were.
- 7 A. They were *Interahamwe* who came from the hills of Kiramuruzi. They came in their pickup.
- 8 Q. Were those persons armed?
- 9 A. They did not come out of their vehicle, so, therefore, I was not able to see them clearly, and
10 consequently I was unable to know what they were wearing or carrying.
- 11 Q. You said the persons in question were *Interahamwe*. On what basis do you say that those persons
12 were *Interahamwe*?
- 13 A. *Interahamwes* wore their uniforms. They also wore MRND hats or caps. Most of them wore that
14 uniform.
- 15 Q. Did Gatete stay for a long time there on the scene?
- 16 A. No. After making the speeches that I mentioned, he went back into his vehicle, and he continued on his
17 way in the direction of Rwimitereri.
- 18 Q. You used the work -- the term, rather, "work."
- 19 MADAM PRESIDENT:
20 The name of the *secteur*, please.
- 21 THE ENGLISH INTERPRETER:
22 R-W-I-M-I-T-E-R-E-R-I.
- 23 MADAM PRESIDENT:
24 Thank you. Continue.
- 25 BY MR. NYIRINKWAYA:
26 Q. I did not clearly understand your last answer. My question was to know how long Gatete stayed on the
27 site. I know you gave an answer, but please could you kindly repeat it because I did not clearly
28 understand it.
- 29 A. I said that Gatete did not stay for long on the site. He spent less than 10 minutes there.
- 30 Q. Can you tell the Court what was the reaction of the people who were in the ***** after
31 Gatete made his speech?
- 32 A. After that speech, I became afraid. I had a premonition that some evil acts were going to occur.
33 Immediately these people who were at the *secteur* office started discussing what Gatete had told them.
34 I became afraid, so I fled.
- 35 Q. Did Gatete stay there? Perhaps you have answered the question.
- 36 A. I left the place after the departure of Gatete. And Gatete had continued on his way in the direction of
37 Rwimitereri *secteur*.

1 MADAM PRESIDENT:

2 You said that after Mr. Gatete left, the people who were there at the *secteur* office started discussing
3 what Gatete had told them. How did you hear the discussions? How far were you from those people
4 who were discussing what Mr. Gatete had said?

5 THE WITNESS:

6 I said that I did not hear the content of what they were discussing. All I heard was what Gatete had
7 said. But when those people started discussing, I was not able to understand what they were saying.

8 MADAM PRESIDENT:

9 What made you believe that they were discussing what Gatete had said?

10 THE WITNESS:

11 I said that those people came together. I did not hear the content of what they were saying.

12 MADAM PRESIDENT:

13 Why were you unable to hear the discussion of those people when you could hear Mr. Gatete's
14 speech?

15 THE WITNESS:

16 Gatete had alighted from his vehicle and had spoken in a loud voice. After he left, the people who were
17 at the *secteur* office came together and they started discussing, but in a low voice, so I did not hear
18 what they said.

19 MADAM PRESIDENT:

20 Thank you.

21

22 Continue, please.

23 BY MR. NYIRINKWAYA:

24 Q. A point of clarification, Witness. Gatete, when he spoke to the people who had gathered at the
25 *secteur* office, were you able to clearly hear his voice?

26 A. Yes, I clearly heard his voice. Moreover, I could see him. He had alighted from his vehicle, and he was
27 standing in front of the *Interahamwe*, to whom he spoke.

28 Q. I thank you. You told this Court that you left the site in question.

29 A. Yes, that is correct.

30 Q. Where did you go thereafter?

31 A. I returned home to my house, and I went to inform the population and my neighbours what I had heard
32 at the *secteur* office.

33 Q. And thereafter, what did you do?

34 A. We came together and decided to defend ourselves. As a matter of fact, I had noticed that the killings
35 had started, so we came together to plan how we could flee at night.

36 JUDGE MUTHOGA:

37 Mr. Witness, how had you noticed that the killings had started?

1 THE WITNESS:

2 Whilst we were still home in *****, on the hill opposite us the houses were being torched.
3 And since I had heard Gatete ask the *Interahamwe* to kill the Tutsis in the *secteur* office, I immediately
4 thought that the killings were going to spread. And the *Interahamwe*, whom I had met at the
5 *secteur* office, had accompanied the *secteur conseiller*. They went above my residence and went in the
6 direction of the business centre called *****. It is for that reason that we decided to organise
7 ourselves in order to defend ourselves.

8 THE ENGLISH INTERPRETER:

9 *****

10 JUDGE MUTHOGA:

11 And who is ourselves? You say, "We decided to organise ourselves in order to defend ourselves."
12 Who is ourselves?

13 THE WITNESS:

14 I am referring to myself and the members of my family, as well as neighbours, in other words, the Tutsis
15 who lived in *****.

16 BY MR. NYIRINKWAYA:

17 Q. How far away is that centre that you mentioned, that is, *****? How far away is that
18 place from the place where you were?

19 A. ***** But on that day I did not go to Mumpara.
20 It is the *Interahamwe* who had taken the direction of *****, and they used a road which goes
21 above my residence, and ***** But I would like to
22 point out that the centre called Mumpara is within less than a kilometre from my residence.

23 Q. You told us that *Interahamwe* were with a *conseiller*. Who is that *conseiller*?

24 A. It was *****

25 Q. What was he *conseiller* of?

26 A. He was the *conseiller* of *****

27 Q. And what happened subsequently?

28 A. We brought together women and children at ***** We picked up our traditional weapons,
29 bows and arrows, spears and so on, in order to protect those women and children whilst waiting for the
30 arrival of the attackers. Do you want me to continue, Counsel?

31 Q. Hold on. I'm going to ask you questions as the need arises. After organising yourselves, were you
32 attacked?

33 A. Yes, we were attacked. There were various attacks. The first one came from Gituza, and the said
34 locality of Gituza is also located in Rwankuba *secteur*. We beat back the attack. Later on, another
35 attack came from Mumpara. The assailants included soldiers.

36 MADAM PRESIDENT:

37 What is the spelling of Gituza?

1 THE ENGLISH INTERPRETER:

2 Which name, Madam President?

3 MADAM PRESIDENT:

4 Gituza. The first came from Gituza.

5 THE WITNESS:

6 Yes, the first attack came from Gituza. G-I-T-U-Z-A.

7 MADAM PRESIDENT:

8 Thank you.

9 BY MR. NYIRINKWAYA:

10 Q. So you came under a first attack that was launched from Gituza and yet another attack from Mumpara.
11 And how long did those attacks last?

12 A. The attack launched from Gituza did not last. They torched our homes and we beat back the attack.
13 That attack lasted less than 10 minutes. The second attack, which also included soldiers, more or less
14 lasted for long, and we faced the assailants. And to answer your question, that attack lasted about one
15 hour. Some of the assailants had grenades. They threw grenades at us. When the soldiers ran out of
16 grenades, they fled.

17 Q. Witness, I would like to know those who were attacking you. Apart from the *Interahamwe* and soldiers,
18 were there other persons attacking you?

19 A. Gatete had asked the *Interahamwe* to call on other members of the population to organise attacks.
20 Most Hutus had joined the *Interahamwe* in order to confront the Tutsis. The attacks, therefore,
21 comprised soldiers, *Interahamwe* and other members of the ordinary population.

22 Q. Were there *communal* police officers in the attack?

23 A. *Communal* police officers arrived in the course of the third attack.

24 Q. Therefore, you came under several attacks.

25 A. Yes, there were several attacks.

26 Q. How long did all those attacks last on that day?

27 A. The first attack occurred at about 10 a.m., and the last attack, which overcame us, was launched in the
28 afternoon at about 3 p.m. or 3:30 p.m.

29 Q. So after 3 p.m. there were no longer any attacks directed at you?

30 A. Other attacks did not occur. Rather, the people we tried to protect were killed.

31 Q. Can you tell the Court the names of those who were killed on that day?

32 A. Many people were killed. I cannot remember the names of all the victims. The victims also included
33 the children. Nevertheless, I can give a few names. The first victim was *****, who
34 *****. He was killed by a gunshot. There were also women who were killed. The women
35 included *****,
36 *****, and many others. I think I was able to count more than -- or between
37 25 and 30 bodies, even though it was at night.

1 Q. And were there members of your close family amongst the victims?

2 A. Yes. The majority of them were close members of my family; for example, *****
3 ***** . ***** . More than
4 ten members were members -- or, rather, more than ten victims were members of my family.

5 Q. After those attacks, did you stay in your house?

6 A. No. My house had stopped existing. It had been torched. I was hiding not far away from the scene of
7 the killings. My house no longer existed. I stayed in hiding.

8 Q. From where you were hiding, were you able to see or hear other events?

9 A. I could only hear the groaning of people or children who were being killed. I came to the site of the
10 killings only later on at night in order to see those who had been killed, the bodies of those who had
11 been killed.

12 Q. I would like to know how long you stayed in your hiding place. How many days did you stay in your
13 hiding place?

14 A. First of all, I was hiding not far away from the scene of the killings, and at night I was able to leave the
15 place where I was hiding because the *Interahamwe* left after the killings. I was able to meet a few
16 survivors, and we went to see the women and children whom we had assembled somewhere. When
17 we came to the site, we met bodies, but amongst the bodies there were a few survivors, and we were
18 able to identify some of the victims. I personally saw my wife among the victims. She had not been
19 killed, although she had sustained injuries and had been burnt. She was in the company of
20 two children. I picked up my wife and went to hide her in another place in *****.

21 MADAM PRESIDENT:

22 And what happened to her?

23 THE WITNESS:

24 I picked up my two children as well as two other children, my neighbour's children, as well as my wife,
25 and I went to hide all these people somewhere. We stayed in hiding while watching the attacks. I
26 spent two days at that place, that is, in the night of the 7th -- in the nights of the 7th to the 9th -- or,
27 rather --

28 THE ENGLISH INTERPRETER:

29 Corrects the witness.

30 THE WITNESS:

31 Once more, I fled in the night of the 9th to the 10th, and I reached my new hiding place on the morning
32 of the 10th of April.

33 BY MR. NYIRINKWAYA:

34 Q. So you are telling this Court that you left your hiding place, that you moved on the night of the
35 9th to the 10th; am I correct?

36 A. Yes, that is correct.

37 Q. I would like to know whether, before leaving the place where you lived -- or, rather, before leaving the

place where you were hiding, were you able to witness other events?

A. On the 9th, *Bourgmestre* Mwangi arrived. He met *Interahamwes* on the site. But I did not get close to them. He had come in his vehicle. He met the *Interahamwes* on the road. They went together, and they took a cow belonging to *****. They led that cow to the school called CERAI. The said cow was killed at that school. I was hiding somewhere in the bush, and I could see those who were carrying meat on their heads, and those people were coming from CERAI.

Throughout the day of the 9th of April, the assailants were looking in the woods for some of the survivors, but I was not flushed out. I heard them shout whilst they looked for people who were hiding.

Q. A while ago when you were giving an account of the words spoken by Mr. Gatete, you said that Gatete had promised a reward. What was it about? What was that reward?

A. He had promised to reward them. For my part, I thought that the cow that had been killed was part of the reward, but perhaps the assailants received other rewards later on. But since I was no longer present at the site, I was not able to see what other reward they may have had.

Q. Witness, I thank you for your testimony.

MR. NYIRINKWAYA:

Madam President, I am finished with the examination-in-chief of this witness.

MADAM PRESIDENT:

Thank you.

Yes, Madam Gibson. The floor is yours.

CROSS-EXAMINATION

BY MS. GIBSON:

Q. Good morning, Witness.

A. Good morning, Counsel.

Q. Before you came to Arusha, how many times did you meet members of the ICTR Prosecution in Rwanda?

A. I met them several times. If I remember correctly, I met them about five times.

Q. And do you remember how many statements you gave to these Prosecution members in Rwanda?

A. Just one statement was recorded from me.

Q. And that was in 1998; is that right?

A. Yes, it was in the month of May 1998.

Q. Witness, do you remember giving a second statement in May 2004?

A. What I know is that my initial statement was read back to me for purposes of confirmation, and I confirmed it.

Q. Are you talking about 2004, Witness, when this was done?

1 A. I have just said that each time the investigators came to see me, they came to read back my first
2 statement to me and get my confirmation of the statement. And I invariably confirmed the statement.

3 Q. Do you remember making changes to this statement in 2004?

4 MADAM PRESIDENT:

5 Were there corrections?

6 THE WITNESS:

7 I don't think that I changed anything in my statement. Maybe I provided clarifications, because the
8 investigators were using a foreign language and they used an interpreter, and often the interpreter did
9 not interpret their statements faithfully. But I did not change anything whatsoever in my
10 1998 statement.

11 BY MS. GIBSON:

12 Q. Do you remember signing a second statement in 2004?

13 A. No. I simply remember that I appended my signature to a statement made in May 1998.

14 MS. GIBSON:

15 If I could have the assistance of the registry in giving a document to the witness.

16 MADAM PRESIDENT:

17 Mr. Prosecutor, the statement of this witness of May 1998, which we have -- a copy of which we have in
18 front of us, is not signed. It's the English version.

19 MR. NYIRINKWAYA:

20 The original version is the French, and the French version is signed. The English version is a
21 translation.

22 MADAM PRESIDENT:

23 Okay. So can we look at the document which you gave to the witness, Mr. Registry? Can I have a
24 look, please. Okay. This is the statement of 4th May 2004, English -- the version English.

25 BY MS. GIBSON:

26 Q. Witness, I'm not asking you to read anything in English, but do you see your name on this document
27 about halfway down the page?

28 JUDGE MUTHOGA:

29 Did you say halfway down the page?

30 THE WITNESS:

31 I see my name.

32 BY MS. GIBSON:

33 Q. And do you see your signature in the bottom left corner?

34 MS. GIBSON:

35 For the record, this is a document called "Supplementary Witness" -- "Supplementary Witness
36 Statement," K0502552, 4 May 2004.

37 THE ENGLISH INTERPRETER:

- 1 The witness answered that he recognises his signature on the document.
- 2 BY MS. GIBSON:
- 3 Q. Do you remember giving these corrections and signing this statement in 2004?
- 4 A. It is possible. As I have said earlier, the investigators of the Prosecution came to see me on several
5 occasions, and the subject of their visit was to get me to confirm my earlier statement. So it is possible
6 that I made some changes or amendments. But these are not really changes, as such, because I have
7 always narrated the facts as I experienced them.
- 8 Q. Thank you, Witness. Now, without mentioning your *secteur*, you have been very involved in Gacaca in
9 your *secteur*, haven't you, Witness?
- 10 A. That is correct.
- 11 Q. And without mentioning your position, *****.
12 Yes?
- 13 A. Yes, you are right. And let me also point out that *****.
- 14 Q. And the first phase of Gacaca was the collection of information. Yes?
- 15 A. Yes.
- 16 Q. And the second phase of Gacaca was the trials. Yes?
- 17 A. Yes, you are correct.
- 18 Q. Does someone have to be invited to Gacaca before they can testify? Yes or no.
- 19 A. I did not quite understand your question. Could you please repeat it.
- 20 Q. Before you can testify at Gacaca, do you need to be invited or asked to come? Or can anyone give
21 testimony?
- 22 A. The Gacaca courts are regulated by a law, an organic law. I cannot cite all the articles of that law. But
23 all citizens enjoy the same rights before the Gacaca courts and they can all testify. However, there are
24 some witnesses who are cited in a given case or in a given trial, and those witnesses are specifically
25 invited to appear and testify before the Gacaca court.
- 26 Q. And if someone witnessed a crime in 1994 in one *cellule*, can they testify in front of Gacaca in that
27 *cellule* even if they now live somewhere else in Rwanda?
- 28 A. I have just explained that there are witnesses who are cited in some cases. Such witnesses are
29 summoned to appear wherever they live in Rwanda, as long as their addresses are known. But if a
30 citizen is living outside the area of -- or outside the territorial jurisdiction of the Gacaca court, then that
31 person is not bound to participate in the proceedings of any given Gacaca court if he does not live in
32 that area.
- 33 Q. But he is able to testify. Yes? If he desires.
- 34 A. Yes, if he so desires, and if he is truly an eyewitness. If he was present when a crime was being
35 committed, he can appear and testify before the Gacaca court in the area where the crime was
36 committed.
- 37 Q. And what happens if people refuse to testify at Gacaca? Is there any penalty?

1 A. Pursuant to an article of the organic law that set up the Gacaca courts and defined their jurisdiction, a
2 citizen who refuses to testify or who lies before the Gacaca court is liable to punishment. But it is not a
3 heavy penalty. I would not like to venture into a protracted explanation of the sentencing range or the
4 penalties applied in that respect, but I am saying that pursuant to that article of the law setting up the
5 Gacaca system, anyone who bears false testimony or who refuses to testify before the Gacaca court
6 can be punished.

7 JUDGE MUTHOGA:

8 Mr. Witness, do the Gacaca courts sit on the same day throughout the country, or do they sit on
9 different days in different areas?

10 THE WITNESS:

11 The Gacaca courts do not sit on the same day all over the country. Nowadays it is the
12 district authorities who decide on the dates on which Gacaca sessions are held. It may also happen
13 that some cases deserve special attention, and such cases are tried on a set date, depending.

14 JUDGE MUTHOGA:

15 And how does the population in Rwanda -- if, say, you are living in Byumba and there is a Gacaca court
16 taking place in Kibungo or in Butare, how do you know when that particular court is sitting or when it will
17 be sitting?

18 THE WITNESS:

19 According to the law on Gacaca courts, there is a procedure that is followed in summoning witnesses.
20 When the court wants to hear a particular witness, the court summons that witness and gives him a
21 seven-day time limit before -- or a seven-day notice before the sitting. So a summons is sent to the
22 witness in question, and the witness has to sign on the summons form to acknowledge receipt of the
23 summons. And the Gacaca law also provides sanctions when a witness refuses to appear without just
24 cause.

25 JUDGE MUTHOGA:

26 I'm only referring to attendance by a member -- by a Rwandese who witnessed an offense merely
27 attending the court. How does one know that the court is taking place so that one can attend?

28 THE WITNESS:

29 If the witness is not summoned to testify before a given court and the session is taking place elsewhere
30 other than his area, then he is not required to attend, and he cannot know the sitting dates for courts
31 that are not in his area. Those who live in a particular area attend the proceedings and may testify.

32 JUDGE MUTHOGA:

33 Thank you.

34

35 Proceed.

36 THE WITNESS:

37 Thank you also.

1

2 BY MS. GIBSON:

3 Q. If you are attending Gacaca and you hear another person giving testimony that you know to be false, do
4 you have an obligation to correct that information for the Gacaca judges?

5 A. I did not quite understand your question. Could you put it in a clearer way.

6 Q. Witness, if someone is sitting at Gacaca and they hear another person tell a lie, are they required to
7 correct that information, to tell the truth for the Gacaca judges?

8 A. If someone tells a lie, well, in that case it is up to the judge to determine that they are lying. The
9 veracity of testimonies cannot be determined before the judges deliberate and hand down their
10 decision. Someone cannot stand before the great judges of the Gacaca court and say that another
11 witness is lying.

12 Q. Witness, trials are held at the *cellule* level. Yes?

13 MR. WHITE:

14 Objection. Madam President, if it please the Chamber, the objection is on the basis of the relevance of
15 this line of questioning, well outside the scope of the direct examination. This witness never mentioned
16 Gacaca in the direct examination. We have spent well over ten minutes now logging through
17 Gacaca-related questions. We've just been handed now a series of documents that make it clear that
18 my learned friend wants to go into a whole series of other questions about Gacaca and documents.
19 We've never seen these before. My understanding is that the ruling of this Court was that if documents
20 were going to be presented in cross-examination, they had to be distributed earlier on. I am just seeing
21 these now. I'm making a timely objection.

22 MS. GIBSON:

23 Your Honour, had Mr. White been in the courtroom on previous days, he would know that the
24 Prosecution has seen that document before, firstly.

25

26 Secondly, I'm sure he's read the transcripts of previous days of this trial and, therefore, he would know
27 that many of the Prosecution witnesses have been speaking about Gacaca and that answers that this
28 witness is giving are directly relevant to answers and excuses that other Prosecution witnesses have
29 given as to why they had not testified at Gacaca. These questions that I am posing -- and he is right in
30 saying I've only had ten minutes -- go directly to further propositions and further questions that I want to
31 put to this witness. There is nothing improper in this line of questioning. And as Mr. White is aware,
32 Judge Muthoga has also taken advantage of this witness's expertise. And I'd like to be allowed to
33 continue, and I don't have many left.

34 MADAM PRESIDENT:

35 We have deliberated, and we dismiss the objection for the reason that this witness has stated in his
36 evidence in-chief that *****.

37

1 And as for the submission of the -- as for this document, it has been the practice of this Court that
2 whosoever uses the document, either in evidence in-chief or in cross-examination, those documents
3 should be disclosed and provided to the other side before he starts his or her evidence in-chief or
4 cross-examination.

5 MS. GIBSON:

6 Your Honour, this is a document that was previously circulated. I have just given copies to the
7 Prosecution and the Bench for convenience sake. This is a document that was used with a previous
8 witness last week.

9 MADAM PRESIDENT:

10 Is it entered into evidence?

11 MS. GIBSON:

12 No.

13 MADAM PRESIDENT:

14 So how would the Prosecution know that you intended to use this document for this witness too?

15 MS. GIBSON:

16 This document was discussed extensively with the previous witness, and it's now been circulated for
17 use with this witness. And previously we've been circulating documents once we conclude the
18 examination-in-chief and decide what we want to use.

19 MADAM PRESIDENT:

20 Well, let me remind you once again (*inaudible*) that whichever of you wants to use the document in the
21 cross-examination or in the evidence in-chief should disclose or provide that document to the other side
22 before he starts his evidence in-chief or cross-examination.

23 JUDGE MUTHOGA:

24 And it is not correct that previously you have been distributing documents after the cross-examination.

25 MS. GIBSON:

26 No, at the commencement.

27 JUDGE MUTHOGA:

28 At the commencement.

29 MS. GIBSON:

30 Yes. Yes, Your Honour. Yes.

31 (*Pages 1 to 16 by Claudette Ask*)

32
33
34
35
36
37

1 1030H

2 MADAM PRESIDENT:

3 Go on.

4 BY MS. GIBSON:

5 Q. Witness, Gacaca trials are held at the *cellule* level; yes?

6 A. There are different phrases, as far as Gacaca proceedings are concerned. There are cases that are
7 held at the level of the *cellule*, others at the level of the *secteur*, and after the *secteur*, there are
8 Gacaca appeal courts.

9 Q. Accused persons in categories 2, 3, and 4 are able to be tried at the *cellule* level; yes?

10 A. No, that is not true. In fact, there is no category 4. There is categories 1, 2 and 3. However,
11 Gacaca courts were set up by the organic law, which is regularly amended and supplemented.
12 Category 4 existed in the first organic law, but that law was amended or has been amended regularly,
13 and the fourth category no longer exists. There are only three categories of criminals.

14 Q. And categories 2 and 3 are tried at the *cellule* level; yes?

15 A. No. Accused persons in the third category are persons who are accused of stealing or looting or
16 plundering property. They did not commit crimes as such. Let me repeat, category 3 deals with
17 persons who slaughtered cows or destroyed property or looted property. But they are tried by the
18 *cellule* level Gacaca court. Categories 1 and 2 are tried at the *secteur* level.

19 Q. And Gacaca trials are held in the open, aren't they, Witness? Meaning there are no pseudonyms or
20 protective measures, are there?

21 A. Yes, Gacaca proceedings are public, but there are exceptions that relate to the nature of the crime.
22 Some proceedings are held in camera. But all the trials in which accused in category 2 appear are held
23 in public.

24 Q. And victims receive compensation from convicted persons; is that right?

25 A. Damages relate to property and apply to suspects in category 3. When the accused or their families
26 can reconstitute the destroyed or plundered property, they do so. The members of the Gacaca bench are
27 empowered, or they have the discretion to find that the accused is indigent and cannot compensate the
28 victim.

29 MADAM PRESIDENT:

30 Madam Gibson, you have asked enough questions on this subject. We believe you move on now.

31 MS. GIBSON:

32 Thank you, Your Honour.

33 BY MS. GIBSON:

34 Q. It's true, isn't it, Witness, that in 1994 there was a large Tutsi population in *****?

35 A. That is true.

36 Q. Now, I don't expect you to remember exact numbers, but can you tell me if this accords with your
37 memory: that in 1994 there were approximately 5,300 people in *****, 3,960 were Tutsi, 1,300

1 were Hutu, and 30 were Twa. Does that sound about right?

2 JUDGE MUTHOGA:

3 Madam -- Madam Counsel, is that published statistics?

4 MS. GIBSON:

5 I have a reasonable basis for putting this to the witness.

6 JUDGE MUTHOGA:

7 Is it published statistics? Is it statistics he may have seen, he could have seen, he may have seen?

8 MS. GIBSON:

9 I don't know if he might have seen them.

10 JUDGE MUTHOGA:

11 Then it is misleading and very bad --

12 MS. GIBSON:

13 But I want him to --

14 JUDGE MUTHOGA:

15 -- to quote numbers.

16 MS. GIBSON:

17 But he can say yes or no or he doesn't know.

18 JUDGE MUTHOGA:

19 On what basis does he say yes or no?

20 MS. GIBSON:

21 Because he was a member of the population.

22

23 Could the witness take off his headphones?

24 MADAM PRESIDENT:

25 Mr. Witness, can you remove headsets? Please, remove headsets.

26 JUDGE MUTHOGA:

27 It is possible he is a demographer, who is conversant with the demographics of Rwanda and whatever
28 it is now in 1994, but you haven't put that evidence over to us. If he's just an ordinary farmer who is in a
29 place, to put numbers to him and then thereafter say he is lying because he did not agree that there
30 was 350 -- or 2,050 Tutsi in a place, it is extremely misleading.

31 MS. GIBSON:

32 But I haven't accused him in any way of lying. I want to know what he remembers about the population.
33 I have information. I want him to say yes or no, that's right. And it's clear from his evidence that he is
34 not an ordinary farmer.

35 JUDGE MUTHOGA:

36 I don't know what he is, and I am not asking to know. I'm saying that if it is not a published statistic
37 which he has seen before, to place him in a position where he has to agree on a number or not to

1 agree, provide yourself with an opportunity to tell us, as you close your case, that there is a lying
2 witness who came to tell us that there were not 300 – 2,000 Tutsis in ***** at this time, and in fact
3 there was, and so on, so forth. It's misleading.

4
5 If it is an important part of your case, lay the background which enables us to know that what the
6 witness will be telling us must be truthful or could be truthful. But if it is just a guess work, of what value
7 is it, the evidence? Whether it is, "I'm guessing there were 3,000", how does that help us in determining
8 the veracity of the statement?

9 MADAM PRESIDENT:

10 Put on headsets. Thank you.

11 BY MS. GIBSON:

12 Q. Witness, can you approximate the number of inhabitants in *****?

13 A. I am unable to give you any figure regarding inhabitants of *. But I know one thing. Amongst
14 the members of the population there were Hutus, Tutsis, and Twas. That's all I can tell you.

15 Q. You'll agree with me that there was a majority of Tutsis in ***** in 1994?

16 A. No. The Tutsis were not in the majority. They were a minority as compared to the Hutus. The Hutus
17 were the majority, and the Tutsis came next, followed by the Twas, who were represented by only
18 two or three families.

19 Q. Witness, there was a census in your area in 1989. Are you aware of that?

20 A. Did you say 1989? The census -- the general census of the population was regularly carried out at
21 regular intervals after every -- after a few years. But I do not know whether in 1999 there was, indeed,
22 a general census of the population, as you claim.

23 Q. But you'll agree with me that censuses were regularly carried out and people in different areas were
24 counted; yes?

25 A. Yes, I agree with you. But you should have put that question to your client, because at the time
26 referred to he was the *bourgmestre* of Murambi *commune*, and he was the one in charge of
27 administration and censuses in the *commune*. So you should put that question to him.

28 MADAM PRESIDENT:

29 Mr. Witness, we would not like you to comment on the question. Please answer the question to the
30 best of your ability and that's it.

31 BY MS. GIBSON:

32 Q. And, Witness, in 1994 in ***** there were a number of mixed marriages between
33 Hutus and Tutsis; yes?

34 A. Are you referring, for example, to a Hutu/Tutsi -- Hutu/Tutsi marriages? When you talk of "mixtures,"
35 what exactly do you mean?

36 Q. Yes, exactly, Witness, between Hutus and Tutsis.

37 A. Yes, a few families, they were mixed marriages.

- 1 Q. Now, you know the name Nkuzi, Pierre, don't you, Witness?
- 2 A. Are you talking about Pierre Nkuzi? Yes, I know that person.
- 3 Q. And he was Gatete's brother who was married to a Tutsi woman, Mukagatare; isn't that right?
- 4 A. Yes, he was a half brother of Mr. Gatete.
- 5 Q. *****, isn't that right?
- 6 A. That family lived on the border between *****,
- 7 Q. That's fine. Witness, you were married in April 1994, weren't you?
- 8 A. Yes, I had a wife.
- 9 Q. And how many children did you have?
- 10 A. Two.
- 11 Q. And you have said that you heard about the death of the president on the radio at about 7 a.m. in your
- 12 home; yes?
- 13 A. Yes.
- 14 Q. And this was on Radio Rwanda?
- 15 A. Yes, it was on Radio Rwanda.
- 16 Q. So you also heard, didn't you, Witness, the directive which was repeated from the ministry of defence
- 17 which asked the people of Rwanda to remain in their homes pending further instructions?
- 18 A. Yes, I heard that announcement.
- 19 Q. But you say you left your home and went to the *****,
- 20 yes?
- 21 A. Yes, that is my evidence. I went to the ***** on that day.
- 22 Q. And you've testified that you saw Gatete come to the ***** and make a speech;
- 23 yes?
- 24 A. Yes, that is what I said.
- 25 Q. And you talked about a light blue vehicle carrying Mwange and Gatete; yes?
- 26 A. Yes.
- 27 Q. Who was driving this vehicle?
- 28 A. It was Gatete who was driving the said vehicle.
- 29 Q. What was Gatete wearing?
- 30 A. He was wearing civilian clothes, generally referred to as "ensemble", that is, a shirt and trousers of the
- 31 same colour.
- 32 Q. And today you have spoken about a second vehicle, a Hilux pickup, which also came carrying
- 33 *Interahamwe*; is that right?
- 34 A. Yes, that is what I said.
- 35 Q. And you have previously told me that you read your statement to the Prosecution many times and
- 36 confirmed it several times before coming here today; yes?
- 37 A. Yes, the statement was read to me.

- 1 Q. Do you agree that in your prior statement you mention only one vehicle, the light blue car, and it is only
2 today that you have added this extra Hilux carrying the *Interahamwe*?
- 3 A. I agree with you. At the time of the investigations, the investigators asked me questions concerning
4 only Gatete -- or, rather, during the investigations, no one asked me a question concerning this other
5 vehicle. And here, before the Court, I mentioned the second vehicle because I had to answer a
6 question concerning the second vehicle, a question that was asked me before this Court.
- 7 Q. Do you agree with me, Witness, that more than half the information in your statement concerns things
8 that happened after you saw Gatete, which don't relate to the meeting with Gatete; isn't that right?
- 9 A. Yes, most of my statement deals with events which I witnessed after the departure of Mr. Gatete.
- 10 Q. Witness, today you told the Court that you heard Gatete speak when you were hiding in a
11 eucalyptus forest near the *****; yes?
- 12 A. Yes, that is what I said.
- 13 Q. I'm going to read back from your statement and ask you some questions.
- 14 MS. GIBSON:
- 15 For the record, this is the witness's English statement from '98, K0055503, page 3, the bottom of the
16 first paragraph.
- 17 BY MS. GIBSON:
- 18 Q. "I heard those words clearly because I -- about 20 metres away from Gatete, in front of the house of a
19 man named Paul Nkurunziza, N-K-U-R-U-N-Z-I-Z-A."
20
- 21 Now this man, Paul Nkurunziza, was a former *conseiller*; isn't that right?
- 22 A. Yes, he was the former *conseiller*.
- 23 Q. And do you remember telling the people who took your statement that when you heard Gatete speak,
24 you were standing in front of his house?
- 25 A. I led the investigators to the site -- to the place where I was at the time Gatete made his speech. And
26 the eucalyptus forest I mentioned belonged to the person called Nkurunziza. It is a forest planted in
27 front of -- or, opposite his house.
- 28 Q. So it's your testimony that you were hiding in a eucalyptus forest, but this forest was in front of this
29 man's house; is that right?
- 30 A. Even today if you go to that site, you would be able to notice that the forest still exists in front of
31 Nkurunziza's house. It is a small eucalyptus forest.
- 32 Q. When you say it was small, were you able to stand inside it and hide or were you lying down?
- 33 A. It is a eucalyptus forest, in other words, a forest that is on a small piece of land, and I was standing in
34 that forest behind the houses.
- 35 Q. So this eucalyptus forest is behind Nkurunziza's house?
- 36 A. In front of Nkurunziza's house. In fact, there is a road, and between the road and Nkurunziza's house
37 there is a small forest.

1 Q. And, Witness, how far is Nkurunziza's house from the forest?

2 A. The small forest is about 10 metres from the courtyard -- or, rather, from the entrance to the house.

3 The distance is about 10 metres.

4 Q. And what is the distance between the forest and the *secteur* office?

5 A. About 20 steps. I did not measure the distance, but I would estimate it at about 20 or 25 steps.

6 Q. And what is the difference between Nkurunziza's house and the *secteur* office?

7 A. That distance is about 60 steps.

8 JUDGE MUTHOGA:

9 Mr. Witness, before we get lost with your distance, when you say the distance between the
10 *secteur* office and the forest is 20 metres, do you mean between the edge -- steps, yeah, steps. Do
11 you mean from the edge of the forest to the beginning of the -- to the wall of the *secteur* office, or do
12 you mean -- from what point do you start your measurements?

13 THE WITNESS:

14 I did not measure the distance. When I talk of that distance, I am referring to the edge of the forest right
15 up to the courtyard of the *secteur* office where Gatete was standing. I must also tell you that today that
16 courtyard is used for something else. I could estimate that distance at about 20 to 25 metres. I am
17 referring to the edge of the forest to the courtyard where Gatete was. I am not referring to the edge of
18 the forest to the wall of the *secteur* office.

19 JUDGE MUTHOGA:

20 And were you hiding at the edge of the forest or inside, in the thick -- in the thickness of it?

21 THE WITNESS:

22 I was hiding in the forest, which was very close to the border of the small forest.

23 JUDGE MUTHOGA:

24 And the -- and the *conseiller* -- *conseiller's* house, the one you have been referring to, which you say
25 was behind the forest, how far was it from you, your -- from the place you were hiding or you were
26 standing or laying?

27 THE WITNESS:

28 Are you referring to Mr. Nkurunziza's house?

29 JUDGE MUTHOGA:

30 Yes, Mr. Nkurunziza's house.

31 THE WITNESS:

32 Well, from that house, that is, Mr. Nkurunziza's house, to the place where I was, there was a distance of
33 about 20 or 30 metres; 20, 25 to 30 metres from the place where I was in the forest to the door of
34 Mr. Nkurunziza's house.

35 JUDGE MUTHOGA:

36 And is it by a straight line, or is it in another direction? Between where you were standing and the
37 *secteur's* office and Nkurunziza's house, was that a straight line or was it different positions?

1 THE WITNESS:

2 I made an estimate following a straight line. To estimate the distance you have to use a straight line,
3 but I did not measure it.

4 JUDGE MUTHOGA:

5 Okay. Proceed, Counsel.

6 BY MS. GIBSON:

7 Q. Now, Witness, between Nkurunziza's house and the *secteur* office there were some buildings, some
8 shops, weren't there?

9 A. Yes, there were three houses above the road. At the time in question there were three houses, but if
10 you went there today, you would notice that the number of houses has increased.

11 Q. And to be clear, these houses are between Paul's house and the *secteur* office?

12 A. That's correct.

13 Q. Now, when you were hiding in the eucalyptus, were there any people in there with you?

14 A. No one was with me in that forest.

15 Q. And like you, had many other people come to the *secteur* office to get news?

16 A. I'm not aware of that. I came alone, and I immediately returned home. But I thought that the
17 *Interhamwes* had also come to the *secteur* office to get news.

18 MADAM PRESIDENT:

19 Is this a convenient time to take morning short break?

20 MS. GIBSON:

21 Yes. Thank you, Your Honour.

22 MADAM PRESIDENT:

23 We break for 15 minutes.

24 (*Court recessed from 1058H to 1124H*)

25 MADAM PRESIDENT:

26 Session resumes.

27

28 Continue, Madam Gibson.

29 MS. GIBSON:

30 Thank you, Your Honour.

31 BY MS. GIBSON:

32 Q. Witness, before the break we spoke about houses that were between the eucalyptus forest and the
33 *secteur* office; yes?

34 A. Yes, there were three houses between the two areas, between the forest and the *secteur* office.

35 Q. Now, around these houses there was a hedge, wasn't there?

36 A. No. There was no fence. One of the houses was fenced, and the fence was made up of the plants
37 known as "*umuyenzi*" in Kinyarwanda, *umuyenzi*, U-M-U-Y-E-N-Z-I. But the other house was not

- 1 fenced. It was right by the road.
- 2 Q. How high was this fence of plants?
- 3 A. It was a short hedge. Actually, if you compare that hedge to a normal person's height, it could come up
4 to one's chest.
- 5 Q. Witness, you have said that Gatete got out of the blue car and made a speech. Where was Mwange
6 when Gatete was speaking?
- 7 A. Mwange remained in the car.
- 8 Q. And can you describe the *****, Witness? How many buildings did it have?
- 9 A. There was a central building and a smaller building that was located behind the main building.
- 10 Q. And when you say behind, do you mean further away from Paul's house and the forest?
- 11 A. The smaller building was behind the *secteur* office, that is, it was further away from Paul's house.
- 12 Q. And was there a fence around the *secteur* office?
- 13 A. Yes. On the road there was no fence, but the backyard of the *secteur* office had a fence that separated
14 the *secteur* office from the houses of the members of the population that lived in the vicinity.
- 15 MADAM PRESIDENT:
- 16 Mr. Witness, the place where you were hiding and the *secteur* office, were they at the same level?
- 17 THE WITNESS:
- 18 Yes. The terrain was -- was level, more or less, and one could see the *secteur* office.
- 19 MADAM PRESIDENT:
- 20 Thank you.
- 21 BY MS. GIBSON:
- 22 Q. And the road at the front of the *secteur* office which separated the houses and the *secteur* office,
23 how -- what was that distance between the houses and the *secteur* office?
- 24 A. In front of the *secteur* office building there is some space, which is more or less vast. And between the
25 road and the *secteur* building there was about 20 metres; and the width of the road was about
26 16 metres; and beyond the road there were buildings; and behind the buildings there was a forest. So
27 the houses were between the *secteur* office and the woods.
- 28 Q. Now, where exactly was Mr. Gatete standing when, you say, he made his speech? Was he directly in
29 front of the *secteur* office?
- 30 A. I told you that the courtyard of the *secteur* building is more or less large. It is in that courtyard that his
31 vehicle was parked and that the *Interhamwes* came to meet him. He was, therefore, in the courtyard in
32 front of the *secteur* office. And the courtyard separates the *secteur* office and the road.
- 33 Q. And did he stand in front of the group of people or in amongst them?
- 34 A. He was in front of the spectators.
- 35 Q. Did he have his back towards where you were or his front?
- 36 A. At the beginning of his speech, his back was turned in my direction, but he moved gradually so that
37 sometimes he would turn and face me.

- 1 Q. Was he standing on anything?
- 2 A. No. He had his feet on the ground.
- 3 Q. And Mwange and Gatete were the only *communal* authorities present; right?
- 4 A. Yes, these were the only authorities I was able to see.
- 5 Q. Now, after you say Gatete told the people gathered to kill Tutsis, you didn't gather your families and
6 flee, did you?
- 7 A. No, we did not flee.
- 8 Q. Instead, you organised a group to fight back; yes?
- 9 A. That's correct.
- 10 Q. And how did you go about gathering this group, Witness? Did you go from house to house?
- 11 A. Tutsi houses at ***** were in the same place and everyone was informed of what had just
12 happened, but even before that period the *Interahamwe* were used to attacking us.
13
- 14 On that morning, everyone had, more the less, come together to share information. It is in those
15 circumstances that we assembled and decided to bring together our wives and children at a certain
16 place.
- 17 Q. And this decision was taken in your house, Witness?
- 18 A. We were not in the house. We met at a place called ***** That place is not far from my
19 house. It is there at ***** that we decided to assemble our wives and children in one spot so as to
20 protect them.
- 21 Q. And how many Tutsis were in the group that you gathered to fight?
- 22 A. At the beginning of the confrontations, our group comprised a few Tutsi young people and some
23 Tutsi adults. On the whole, the group comprised about 50 people.
- 24 Q. And some of those Tutsis actually came from other *cellules*. For example, Gashugi, who you were with,
25 came from *****; yes?
- 26 A. Are you talking about Gashugi? No, I do not know anyone called Gashugi.
- 27 Q. Do you know the name Nyamucenshere, N-Y-A-M-U-C-E-N-S-H-E-R-E, Jean Bosco?
- 28 A. Yes, I know that individual.
- 29 Q. And he came from Mpanzi, didn't he?
- 30 A. Yes, he came from Mpanzi *cellule*.
- 31 Q. And he was with you on that day as part of the group; yes?
- 32 A. No. He was killed on the way. He had not yet come to where our group was.
- 33 Q. And you have said your group was armed with traditional weapons; yes?
- 34 A. That's correct.
- 35 Q. And you also had grenades, didn't you, Witness?
- 36 A. You mean, I, personally? No. It is only the assailants who were attacking us who had grenades.
- 37 Q. And is it your testimony that amongst this group of resistance fighters there were only Tutsi and no

- 1 Hutu; is that right?
- 2 A. There was no Hutu amongst us.
- 3 Q. And you said you put your wife and children in a house nearby the fighting; yes?
- 4 A. I collected my wife and children from the massacre site. They were amongst the dead bodies. I put
- 5 them in a house so as to evacuate them later on, at night.
- 6 Q. Witness, I'm talking about before the fighting. Where did you put your wife and children?
- 7 A. We gathered all the Tutsi women of ***** at the same place. On that occasion they were still
- 8 alive. We gathered them in the house of a neighbour who -- or which was at *****.
- 9 MS. GIBSON:
- 10 Your Honours, with leave, I would be interested in the witness writing the name of the neighbour on a
- 11 piece of paper.
- 12 MADAM PRESIDENT:
- 13 Okay. I don't see madam in the courtroom.
- 14
- 15 Can you please give a piece of paper and pen to the witness, so as to write down the name of his
- 16 neighbour?
- 17
- 18 This paper is entered as Exhibit D --
- 19 MR. KIYEYEU:
- 20 Should be D. 18, My Lords.
- 21 MADAM PRESIDENT:
- 22 D. 18.
- 23 MR. KIYEYEU:
- 24 D. 18.
- 25 MADAM PRESIDENT:
- 26 Under seal.
- 27 *(Exhibit No. D. 18 admitted, under seal)*
- 28 BY MS. GIBSON:
- 29 Q. And, Witness, the person whose name you have written down, his house was destroyed on the
- 30 7th of April; isn't that right?
- 31 A. That person had three houses. A house in a thatch and -- the house or two houses in thatch were
- 32 burned. The third house was roofed with iron sheets but it was also destroyed.
- 33 Q. And it was destroyed after Macari's house was destroyed and by the same assailants; isn't that right?
- 34 A. At the time of the fighting Macari's house had not yet been destroyed. Macari's house was destroyed
- 35 later on when the *Interahamwe* overpowered us.
- 36 Q. But, Witness, it was the same group who destroyed the man you wrote down's house and Macari's
- 37 house; yes?

- 1 A. It is very difficult and long. I'm going to explain to you. This was a major attack. The assailants who
2 carried firearms pursued men. Some of the assailants remained on the spot. It is the last group that
3 destroyed houses and who killed the women and children. They also looted Tutsi cows. They did all of
4 this during the day, and the following day they continued the same acts of destruction.
- 5 Q. Now, your own house was also destroyed that day, wasn't it, Witness?
- 6 A. Yes. On that day they looted property, destroyed and torched thatch houses, but they had not yet
7 destroyed houses with iron roofs. They only took the property inside those houses.
- 8 Q. Witness, you've spoken about three main attacks during your testimony. Now, the first attack was from
9 Gituza; yes?
- 10 A. That's correct.
- 11 Q. And you said it happened at about 10 a.m.; yes?
- 12 A. That's correct.
- 13 Q. But you were able to beat back the attackers; yes?
- 14 A. That's correct.
- 15 Q. And what were the attackers armed with?
- 16 A. The attackers carried traditional weapons: Bows and arrows, spears, machetes, clubs and so on. But
17 they didn't carry firearms.
- 18 Q. And do you remember approximately how long that first fight went on?
- 19 A. The first attack was very brief. In fact, the assailants attacked us, we beat them back. That attack
20 lasted less than ten minutes.
- 21 Q. And the second attack, you say the assailants came from Mumpara; yes?
- 22 A. That's correct.
- 23 Q. And what were these attackers armed with?
- 24 A. Among the assailants there were soldiers who had grenades. The members of the population and the
25 *Interahamwe* carried traditional weapons, like bows and arrows, clubs, spears, and so on.
- 26 Q. And how long did you fight against this second group of attackers for?
- 27 A. That attack lasted about one hour. In fact, as they attacked us we tried to beat them back. Then they
28 would try to attack us again, and we beat them back. But the confrontations lasted one hour or perhaps
29 one hour and a few minutes.
- 30 Q. So it is your testimony that a group of Tutsis, armed only with traditional weapons, were able to keep
31 back a group, including soldiers who had grenades, for one hour; is that right?
- 32 A. Yes. Those soldiers threw grenades, but a few minutes after that they ran out of means or resources.
33 They no longer had grenades, so they started using traditional weapons. When we faced them with
34 traditional weapons, they fled.
- 35 Q. And so, now, this third attack, you said there were policemen amongst them who had guns;
36 is that right?
- 37 A. Yes. Amongst the assailants, there were police officers who had guns. I believe I identified a police

- 1 officer and that officer was in the company of soldiers and the members of the population.
- 2 Q. And was it in this third attack when you say Macari was shot?
- 3 A. That's correct.
- 4 Q. Witness, this man, *****, was well-known in *****; isn't that right?
- 5 A. You're right.
- 6 Q. And he was the *****, isn't that right?
- 7 A. That's right.
- 8 Q. And he was a Tutsi, wasn't he?
- 9 A. That's right.
- 10 Q. And on the morning of the 7th, many Tutsis gathered at his home, didn't they?
- 11 A. The Tutsis gathered in his house, but they had not fled. They just came to collect information. The
- 12 Tutsis assembled in some houses, and there was a group that gathered -- or that came to my house, a
- 13 group of Tutsi neighbours.
- 14 Q. Do you know the names of some of the people that were gathered in Macari's house on the morning of
- 15 the 7th?
- 16 A. All I remember is that the attack occurred not far away from Macari's house. But I do not know the
- 17 names of the people who had gathered in Macari's house on that day.
- 18 Q. And the people in Macari's house had grenades; isn't that right?
- 19 A. Please explain the question, clarify the question. Do you mean to say that the people who had
- 20 gathered at Macari's house had grenades? To respond to your question, I must tell you that those who
- 21 had gathered at Macari's house were Tutsis, and only the assailants who attacked us -- and that attack
- 22 took place opposite Macari's house -- only those attackers had grenades. I believe I have explained
- 23 myself -- or explained that very well.
- 24 Q. Witness, when you gave your statement to the ICTR Prosecution in May 1998, you did so in the
- 25 Murambi *commune* office; isn't that right?
- 26 A. That's right.
- 27 Q. And in order for such a meeting to occur, the authorities would have to give permission; isn't that right?
- 28 A. The people who were collecting information included a Cameroonian, as far as I can remember. They
- 29 came and met me in my house. But they had, first of all, seen the local authorities.
- 30 Q. So, Witness, did you give your interview in the *commune* office or in your house?
- 31 A. During the first meeting, we talked in the meeting room of the *commune* office.
- 32 Q. And to do that you needed some permission from the authorities of the *commune* office; isn't that right?
- 33 A. No. The investigators spoke to the *secteur* office and told the *secteur* administrators that they had to
- 34 interview some persons at the *commune* office.
- 35 Q. You have also listed, without saying his name, your contact person as the *responsable* of your *cellule*;
- 36 isn't that right?
- 37 A. Yes, that's right.

1 Q. So he knew you were giving a statement to the ICTR Prosecution investigators, didn't he?

2 A. Yes, he knew that.

3 Q. Was he present when you were interviewed?

4 A. No.

5 MS. GIBSON:

6 Your Honours, the next question I need to reveal the identity of this witness. So I would be grateful if
7 we could go into closed session.

8 MADAM PRESIDENT:

9 How much of your cross-examination is left? This would end -- the closed session would be the end of
10 your --

11 MS. GIBSON:

12 A brief open session just to sum up at the end.

13 MADAM PRESIDENT:

14 Why don't you proceed in the open session, and then we can go -- go to the --

15 MS. GIBSON:

16 The open session is just going to be some propositions to the witness that could come at the end.

17 MADAM PRESIDENT:

18 Okay.

19 MS. GIBSON:

20 Thank you.

21 MADAM PRESIDENT:

22 Please put in for the closed session.

23 *(At this point in the proceedings, a portion of the transcript [pages 30 to 35] was extracted and filed*
24 *under separate cover as the session was heard in camera)*

25 *(Pages 17 to 29 by Deborah Gentile)*

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1 MADAM PRESIDENT:

2 Go ahead.

3 BY MS. GIBSON:

4 Q. Now, Witness, you said you went into hiding between the 7th and the 9th; yes?

5 A. Yes.

6 Q. Where were you hiding?

7 A. First, I hid myself not far from where we clashed with the assailants. It was not far from a footpath, and
8 I had to leave that hiding place and move to another one where I stayed for two days. It was in the
9 bush. That is where I hid my family.

10 Q. And, in fact, one of your sons had been badly burnt on the head; isn't that right, Witness?

11 A. Yes, he was badly burnt, and to this day, he still has no hair on his head.

12 Q. And where were you when you hid for these two nights in the bush? Do you know on whose land you
13 were on?

14 THE ENGLISH INTERPRETER:

15 The witness has mentioned his *cellule*, his present *cellule*, Madam President.

16 MADAM PRESIDENT:

17 Please don't even mention it.

18

19 Yes.

20 THE WITNESS:

21 It was in the bush not far from my home.

22 JUDGE MUTHOGA:

23 You are being asked: Do you know on whose land that bush was?

24 THE WITNESS:

25 I hid myself in the bush that was on the property belonging to Kanyangira. Actually, it was behind his
26 fence.

27 THE ENGLISH INTERPRETER:

28 Kanyangira is spelt K-A-N-Y-A-N-G I-R-A, Kanyangira.

29 BY MS. GIBSON:

30 Q. And was it in this hiding spot where you say you saw Mwange on the 9th?

31 A. No. You see, on the 9th I did not get close to where Mwange was. Mwange came in a vehicle and he
32 took the road leading to CERAI. Kanyangira lives not far from the road and I was behind Kanyangira's
33 fence, so I saw the vehicle on the road as it was heading to CERAI.

34 Q. And can you describe that vehicle?

35 A. It was a white-coloured Hilux vehicle.

36 Q. And where did you flee on the 9th?

37 A. On that day I took my family and two other children that I rescued and took them along. They were not

1 my children, but they were survivors of the massacre. So I took them along with my family and we
2 headed towards Giti *commune*.

3 THE ENGLISH INTERPRETER:

4 Giti *commune*, G-I-T-I.

5 BY MS. GIBSON:

6 Q. Where in Giti *commune*? To Gasange, Witness?

7 A. No. It was farther away than Gasange. I went to Giheta in Gekome *secteur*. But in order to arrive
8 there, you go via Gasange.

9 THE ENGLISH INTERPRETER:

10 Giheta is spelt as follows: G-I-H-E-T-A. Gekome is spelt as follows: G-E-K-O-M-E. Gasange,
11 G-A-S-A-N-G-E.

12 BY MS. GIBSON:

13 Q. And you had relatives in Giheta, didn't you?

14 A. Yes, my sister lived there.

15 Q. How long did the journey take you with yourself, your wife and the four children?

16 A. We travelled at night and the journey took us about three hours, walking.

17 Q. Why did you go to Giti *commune*, Witness?

18 A. There was an atmosphere of security in Giti *commune*. There were no -- there were not many
19 massacres or killings there. Besides, the *Interahamwe* were not very active there. ***** is at the
20 border with Giti. And whenever the *Interahamwe* attacked us, we took refuge in Giti *commune* and
21 there we had peace. In Giti there was no *Interahamwe*, whereas there were *Interahamwes* at our
22 place. So whenever we had a problem in our area, whenever we were attacked by the *Interahamwe*,
23 we went to Giti.

24 Q. You have said there were no killings in Giti -- sorry. You said there were not many massacres. I
25 apologise. Is that right?

26 A. That's right.

27 Q. The *bourgmestre* of Giti was called Sebushumba, Édouald, S-E-B-U-S-H-U-M-B-A. Is that right?

28 A. That's right; that was his name.

29 Q. And can you confirm, Witness, that currently there is Gacaca being held in Giti *commune*? Yes?

30 A. Yes, there are Gacaca sessions everywhere in the country.

31 Q. And the *bourgmestre*, who I just mentioned, himself has recently been accused in Giti *commune*;
32 is that right?

33 A. That's right.

34 Q. But it is your testimony that even though there was no *Interahamwe* in Giti and you had previously fled
35 and felt safe in Giti, you didn't take your family there on the 7th; is that right?

36 A. That's right.

37 Q. Did you come back to your area in July 1994, Witness?

- 1 A. No. I returned to ***** in the month of August.
- 2 Q. And a prison was set up in the ***** to detain people who were suspected of having
3 been involved in the attacks in April; isn't that right?
- 4 A. Yes, you are right. A few persons were detained at that place.
- 5 Q. And you were involved in helping identify and arrest some of the people who were then detained at the
6 ***** , weren't you, Witness?
- 7 A. Yes, I lodged complaints against a few people when I became aware of their acts during the killings.
8 And those persons were arrested and held in custody.
- 9 Q. You know the names Sekamana, S-E-K-A-M-A-N-A and Sibomana S-I-B-O-M-A-N-A, from
10 Nyagasambu?
- 11 A. I knew them before the war.
- 12 Q. And you were involved in their arrest; yes?
- 13 A. No. I was not in any way involved in their arrest. I told you that I fled on the 9th of April and that I
14 returned to my house on the 3rd of August 1994. On my return, I did not meet neither Sibomana nor
15 Sekamana at Rwankuba. So when they were arrested, I was not in that *secteur*.
- 16 Q. Some of the people who were detained in the prison in the Rwankuba *secteur* office were killed, weren't
17 they?
- 18 A. I am not aware of anyone who was killed. However, before my return someone apparently died at the
19 *secteur* office. The man had returned from Tanzania. He is alleged to have been beaten to death by
20 the young people whom he met at the *secteur* office. But that incident took place before my return. I
21 heard about it later on.
- 22 Q. You are talking about Munana, François?
- 23 A. Yes.
- 24 Q. Isn't it the case that he came back to ***** in 1997 from Tanzania?
- 25 A. Are you talking about Munana?
- 26 Q. Yes.
- 27 A. Rwandan refugees in Tanzania started returning in December 1996. Some of the refugees on their
28 return handed themselves -- or surrendered directly to the authorities. Others were arrested by
29 members of the population and brought to the *secteur* office. I do not know whether Munana returned
30 in December 1996 or in January 1997. I know that during the period in question many refugees were
31 repatriated.
- 32 Q. Do you remember saying a moment ago that Munana was beaten to death before your return, Witness?
- 33 A. No, that is not what I wanted to say. What I meant was that I heard that he was beaten to death, but I
34 was not present when he was beaten to death. I would like to point out that when that incident
35 occurred, I was no longer a refugee. I had returned to my home.
- 36 Q. You know a man called Muhindi, M-U-H-I-N-D-I, don't you, Witness?
- 37 A. Yes, I know him.

- 1 Q. And he was beaten to death in public in *****, wasn't he, Witness?
- 2 A. No. He was subjected to beating at the time when Munana -- at the same time as Munana, but he did
3 not die. He did not die as a result of that beating. He died only recently as a result of natural causes.
- 4 Q. Witness, I put it to you that you know very well that Macari was not shot fighting, as you have said
5 today, but he was killed in his house with a group of Tutsis; isn't that right?
- 6 A. No. Macari --
- 7 Q. Witness, you can just say yes or no.
- 8 A. Are you talking Macari?
- 9 Q. Yes. And you've said no to my proposition. And I put it to you, Witness, that terrible things happened
10 to you and your family on the morning of the 7th, but they didn't involve Gatete because he never came
11 to ***** in April 1994; isn't that right? Yes or no?
- 12 A. That is not the case.
- 13 Q. And I put it to you, Witness, that you've invented an implausible story of hiding in a forest and being
14 able to see and hear through houses and a hedge, to be able to come and accuse Gatete at the ICTR
15 in the full knowledge of your friends and the authorities in your *secteur*. Isn't that right?
- 16 A. You are not right. I have not invented anything. I testified to events which I witnessed with
17 my own eyes.
- 18 MS. GIBSON:
- 19 I have no more questions. But I would like to seek to admit a statement of this witness dated
20 6th May 1998, in English and French.
- 21 MADAM PRESIDENT:
- 22 English would be Exhibit D. 20, E for English and F for French, both under seal.
23 *(Exhibit No. D. 20E and D. 20F admitted, under seal)*
- 24 MS. GIBSON:
- 25 Thank you, Your Honour. And we'd better put in the 2004 statement in English, which he signed, in
26 which he changed the date -- he corrected details.
- 27 MADAM PRESIDENT:
- 28 The original is in English. So this would be Exhibit D. 21, under seal.
29 *(Exhibit No. D. 21 admitted, under seal)*
- 30 MS. GIBSON:
- 31 Thank you, Your Honour.
- 32 MADAM PRESIDENT:
- 33 Thank you.
- 34
- 35 Yes. Any re-examination?
- 36 MR. NYIRINKWAYA:
- 37 No re-examination.

1 MADAM PRESIDENT:

2 Okay. We still have 20 minutes to one, but then we will take a lunch break and resume at 2:30.

3 And who will be the next witness, Mr. Prosecutor?

4 THE WITNESS:

5 I thank you.

6 MR. NYIRINKWAYA:

7 Witness AIZ.

8 MADAM PRESIDENT:

9 Mr. Witness, we thank you for the evidence before us, and we wish you a very safe trip home.

10 Thank you.

11 THE WITNESS:

12 I also thank you, Your Honour.

13 *(Witness excused)*

14 *(Court recessed from 1247H to 1435H)*

15 MADAM PRESIDENT:

16 Session resumes.

17

18 So here we have a new witness, AIZ, Mr. Prosecutor?

19 MR. NYIRINKWAYA:

20 Exactly, Madam President.

21 MADAM PRESIDENT:

22 Okay.

23

24 Good afternoon, Mr. Witness.

25 THE WITNESS:

26 Good afternoon, Madam President.

27 MADAM PRESIDENT:

28 Mr. Witness, you are a protected Prosecution witness. And to protect your identity, you have been
29 assigned a pseudonym, AIZ. So you will be referred to by your pseudonym instead of your real name
30 in the court proceedings today. We will also ask you not to disclose any information that would reveal
31 your identity. And if you feel that your answer to the question put to you by the Judges or by the parties
32 would reveal your identity, you just alert us and then we will take care of it.

33

34 Before we proceed with your evidence, you will be given a solemn declaration to speak the truth.

35

36 Mr. Matemanga, please swear in the witness.

37 *(Declaration made by Witness AIZ in Kinyarwanda)*

1 MADAM PRESIDENT:

2 Mr. Witness, do you see a one-page document before you with the heading "Protected Information"?

3 THE WITNESS:

4 Yes, I see the document.

5 MADAM PRESIDENT:

6 This document contains your personal particulars. Please go through it and see if they are accurate.

7 And if they are, can you also please confirm your signature at the bottom of the page.

8

9 Are you through, Mr. Witness?

10 THE WITNESS:

11 Yes, I am through, and I observe that all the information is accurate and the signature is mine.

12 MADAM PRESIDENT:

13 Okay. Thank you.

14 THE WITNESS:

15 However, there is something I do not understand.

16 MADAM PRESIDENT:

17 What is that?

18 THE WITNESS:

19 I note that in front of the word "occupation", there is information in a language I do not understand. May
20 someone explain to me what it means.

21 MADAM PRESIDENT:

22 What was your occupation in 1994? What did you do for earning?

23 THE WITNESS:

24 I was a farmer.

25 MADAM PRESIDENT:

26 Well, it says farmer.

27

28 And what is your current occupation?

29 THE WITNESS:

30 I am still a farmer.

31 MADAM PRESIDENT:

32 So it says, a farmer. Is the English word "farmer"?

33 THE WITNESS:

34 Yes, it is, indeed, the word "farmer," which poses a problem to me.

35 MADAM PRESIDENT:

36 Okay. This document is entered as Exhibit P --

37

1 MR. MATEMANGA:

2 P. 20.

3 MADAM PRESIDENT:

4 P. 20, under seal.

5 *(Exhibit No. P. 20 admitted, under seal)*

6 MADAM PRESIDENT:

7 Yes, Mr. Prosecutor. May I know your name, please?

8 MR. NYIRINKWAYA:

9 My name is Didace Nyirinkwaya.

10 MADAM PRESIDENT:

11 Okay. Thank you, Didace. We will call you by Didace.

12 WITNESS AIZ,

13 first having been duly sworn,

14 testified as follows:

15 EXAMINATION-IN-CHIEF

16 BY MR. NYIRINKWAYA:

17 Q. Good afternoon, Witness.

18 A. Good afternoon, Prosecutor.

19 Q. Witness, do you know a person by the name Jean-Baptiste Gatete?

20 A. Yes.

21 Q. Please tell me since when you knew him.

22 A. I have known him for a long time. He is of my age and *****

23 Q. When did you last see him?

24 A. Are you asking me to say when I last saw him? I last saw him on the 7th of April 1994.

25 Q. Do you think you will be able to recognise him today if you were to meet him?

26 A. Yes, I can easily recognise him.

27 Q. Witness, I shall ask you to look around this courtroom and tell us whether you see Jean-Baptiste Gatete
28 here present.

29 A. I can see him. Yes, he is present.

30 MADAM PRESIDENT:

31 Where is he seated?

32 THE WITNESS:

33 I see him on this side, at the far end of the room.

34 MADAM PRESIDENT:

35 Which side?

36 JUDGE MUTHOGA:

37 Point to it.

1 MADAM PRESIDENT:

2 Towards your left or right?

3 THE WITNESS:

4 He is to my left, very close to the wall.

5 MADAM PRESIDENT:

6 The witness has identified the Accused.

7

8 Madam Gibson, you don't have any objection?

9 MS. GIBSON:

10 No. Thank you, Your Honour.

11 MADAM PRESIDENT:

12 Okay.

13

14 Go ahead.

15 BY MR. NYIRINKWAYA:

16 Q. Witness, what was Jean-Baptiste Gatete's occupation in April 1994?

17 A. He worked at the ministry of women's affairs.

18 Q. Since when had he been working there?

19 A. That must have been in late 1993.

20 Q. Do you know what his occupation was prior to 1993?

21 A. He was *bourgmestre* of Murambi *commune*.

22 Q. And do you know since when he was *bourgmestre* of that *commune*?

23 A. I no longer recall the exact date, but I know that it was in 1992 -- I beg your pardon, in 1982 that he was
24 appointed *bourgmestre* of Murambi *commune*.

25 Q. Very well. Did you have occasion to see Mr. Jean-Baptiste Gatete in April 1994?

26 A. I saw him.

27 Q. On what date?

28 A. I saw him on the 7th of April 1994.

29 Q. Witness, could you please tell us how you got to know about the death of President Habyarimana?

30 A. I heard the news on the radio. A radio communiqué was broadcast on the radio to that effect. That
31 communiqué was regularly broadcast on Radio Rwanda.

32 Q. Could you tell us at what time you heard that communiqué?

33 A. At about 7 a.m.

34 Q. After hearing that communiqué, what was your reaction?

35 A. We were worried. I was personally worried.

36 Q. And what did you do thereafter?

37 A. I was curious to find out what would happen. So I went to the *secteur* office to acquaint myself with the

1 prevailing situation.

2 Q. What was the security situation in your *cellule* of origin?

3 A. The security situation was not very good even before that date because *Interahamwe* often threatened
4 people, but up until then there hadn't been any killings.

5 Q. You told us a few minutes ago that you decided to go to the *secteur* office. Which *secteur* office are
6 you referring to?

7 A. It is our *secteur*.

8 THE ENGLISH INTERPRETER:

9 The witness mentioned the name of that *secteur*, and the Kinyarwanda interpreter is wondering whether
10 he should say it out loud.

11 MADAM PRESIDENT:

12 Thank you, Mr. Interpreter. Don't mention it. It's okay. The *secteur* he is mentioning is Exhibit P. 20.

13 BY MR. NYIRINKWAYA:

14 Q. So you decided to go to the *secteur* office; is that correct?

15 A. Yes.

16 Q. And what happened thereafter?

17 A. Just before I arrived at the *secteur* office, I saw that there were many *Interahamwe* at that place.

18 Q. How far were you from those *Interahamwe*?

19 A. I would say that the distance from where I was to where the *Interahamwe* were was the same as the
20 distance from one end of this room to the other.

21 Q. And where were those *Interahamwe*?

22 A. The *Interahamwe* were in the *secteur* office courtyard.

23 Q. Approximately how many *Interahamwe* were in front of that *secteur* office?

24 A. I would say that there were just above 20 *Interahamwe*.

25 MADAM PRESIDENT:

26 And where were you, Mr. Witness?

27 THE WITNESS:

28 I was on the road. I had not yet arrived at the *secteur* office. However, I could easily see the
29 *Interahamwe* from where I was.

30 MADAM PRESIDENT:

31 What distance did you give from your place to which side of the room?

32

33 He said something.

34

35 Can you repeat your answer, please?

36 THE WITNESS:

37 I said that the distance from where I was to where the *Interahamwe* were was slightly more than the

1 distance separating the two ends of this room.

2 MADAM PRESIDENT:

3 You mean lengthwise from this?

4 THE ENGLISH INTERPRETER:

5 Your microphone, Madam President.

6 MADAM PRESIDENT:

7 You mean lengthwise, from the booth of the court reporters to the booth of the technicians?

8 THE WITNESS:

9 That is correct.

10 MADAM PRESIDENT:

11 Were you on the move or you were just stationed somewhere? You had stopped somewhere on the
12 road when you saw *Interahamwe*?

13 THE WITNESS:

14 When I saw them, I was afraid and I stopped.

15 MADAM PRESIDENT:

16 Okay.

17

18 Go ahead, please.

19 (*Pages 36 to 45 by Sithembiso Moyo*)

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1 1500H

2 BY MR. NYIRINKWAYA:

3 Q. Witness, could you please describe to us the road on which you were walking to the *commune* office or
4 a description of the road in relation to the *commune* office?

5 A. Counsel for the Prosecution, are you referring to the *commune* office? The road I took was the road
6 from the *secteur* office and it was the same road leading to the Akarambo *cellule*. That was the road I
7 took when I left my home to go to the *secteur* office.

8 Q. Could you please give us a description of the *secteur* office?

9 A. The *secteur* office is located at the crossroads slightly below that spot.

10 Q. Could you now give us a description of the buildings in the *secteur*?

11 A. It is a single building and you would readily understand that there are walls and there is a verandah.

12 Q. Could you repeat to us where the *Interahamwe* that you found were located?

13 A. Those *Interahamwe* were standing in front of the entrance to the office in the courtyard.

14 MADAM PRESIDENT:

15 Mr. Witness, how did you get to know that the people gathered at the *secteur* office were
16 *Interahamwes*?

17 THE WITNESS:

18 Most of those persons were from our area. And when I saw them, they were wearing their uniform.
19 They were also armed with clubs.

20 MADAM PRESIDENT:

21 Was there a name for that road on which you were walking when you saw the *Interahamwe*?

22 THE WITNESS:

23 That road goes from Nyabisindu *secteur*. It goes through the Rwimitereri *secteur* and gets to the
24 Rwankuba *secteur*. If one takes that road and moves on -- continued on that road, one gets to Giti
25 *commune*.

26 MADAM PRESIDENT:

27 Did it have any name, name of the road?

28 THE WITNESS:

29 Do you mean the name of the road? No, it was a road that passed Kiramuruzi, Nyabisindu, and Giti,
30 and continued on to Rwesero.

31 MADAM PRESIDENT:

32 Okay, thank you.

33

34 Go ahead, please.

35 BY MR. NYIRINKWAYA:

36 Q. Witness, you have said that you got through close to the *secteur* office, you noticed the presence of
37 *Interahamwe*, you stopped. And what happened thereafter?

1 A. While I was standing at that spot, I saw a vehicle approaching. When it got to the crossroads, it
2 stopped. Can I continue?

3 MADAM PRESIDENT:

4 We obtained the said plan of this courtroom and the distance between one wall to another in between
5 the distance, lengthwise, 28 metres 88.0 centimetres. Anyway, I have also asked one for you, for both
6 parties. He has gone to get one for you.

7 MR. NYIRINKWAYA:

8 Thank you, Madam President.

9 BY MR. NYIRINKWAYA:

10 Q. So, Witness, you just mentioned that a vehicle came along?

11 A. Yes.

12 Q. Who was on board the vehicle?

13 A. There was Gatete and *Bourgmestre* Mwange.

14 Q. Could you describe the vehicle? What was its colour, for instance?

15 A. The colour, I would say, was grey. The colour was between grey and white.

16 Q. What was the make of the vehicle?

17 A. It was a saloon car.

18 Q. What then happened?

19 A. Gatete got out of the vehicle and moved towards the spot where the *Interahamwe* were standing in
20 front of the *secteur* office.

21 Q. And what happened?

22 A. He asked the *Interahamwe* to move closer to him and they did so.

23 Q. From where you were standing, could you see Mr. Gatete clearly?

24 A. Yes, the distance between us was not great. I could see him clearly.

25 Q. Could you tell us, for instance, how Mr. Gatete was dressed?

26 A. He had a pair of trousers and a shirt, both of the same colour.

27 Q. Thank you. What then happened?

28 A. He then spoke to the *Interahamwe* and asked them what -- asked them whether they knew what had
29 happened, to which the *Interahamwe* replied that they knew what had happened, that is, the fact that
30 the president had died.

31 Q. Witness, I realise that these events happened 15 years ago, but could you remember the words that
32 Gatete used on that occasion?

33 A. I remember some of the words -- some of the precise words he used. He said, "Do you know what has
34 happened?" To which the *Interahamwe* replied, "Yes, we know that the head of state is dead." And he
35 told them, "People in Nyabisindu have already started killing. As you can see for yourselves, they have
36 already started burning down houses."

37 Q. At that moment, were you still standing at the same spot?