

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-01-63-T  
CHAMBER III

THE PROSECUTOR  
OF THE TRIBUNAL  
v.  
SIMÉON NCHAMIHIGO

MONDAY, 22 JANUARY 2007  
0907H  
CONTINUED TRIAL

Before the Judges:

Dennis Byron, Presiding  
Gberdao Gustave Kam  
Robert Fremer

For the Registry:

Ms. Aminatta L.R. N'gum  
Mr. Vincent Tishekwa

For the Prosecution:

Mr. Alphonse Van  
Mr. Lloyd Strickland  
Ms. Madeleine Schwarz  
Mr. Adama Niane

For the Accused Siméon Nchamihigo:

Mr. Denis Turcotte  
Mr. Benôit Henry

Court Reporters:

Ms. Regina Limula  
Ms. Ann Burum  
Ms. Jean Whalen

I N D E XWITNESSESFor the Prosecution:

## WITNESS BRK

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## WITNESS BRN

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

MR. PRESIDENT:

Good morning, everybody.

Madam Registrar, could you open the proceedings, please

MS. NG'UM:

Thank you, Mr. President, Your Lordships.

Trial Chamber III of the International Criminal Tribunal for Rwanda, composed of Judge Dennis Byron, presiding, Judge Gberdao Gustave Kam and Judge Robert Fremr, is now sitting in open session today, Monday, the 22nd day of January 2007 for the trial in the case of the Prosecutor vs. Siméon Nchamihigo, Case No. ICTR-01-63-T.

Thank you, Mr. President, Your Lordships.

MR. PRESIDENT:

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

Madam Prosecutor, who is your next witness?

MS. SCHWARZ:

Good morning, Mr. President, Your Honours. Our next witness is BRK.

MR. PRESIDENT:

BRK. Thank you.

Good morning, Mr. Witness.

THE WITNESS:

Good morning.

MR. PRESIDENT:

Mr. Registrar, could you assist the witness.

Good morning, Mr. Witness. Can you hear me now?

THE WITNESS:

Yes, I can hear you very well.

MR. PRESIDENT:

We thank you for coming to this Tribunal to give evidence. As your first step and you will have to make an oath or make a declaration to tell the truth, and Mr. Registrar will now administer that to you.  
*(Declaration made by Witness BRK in Kinyarwanda)*

1 MR. PRESIDENT:

2 Yes, now you will give your testimony by answering the questions put to you by the lawyers  
3 designated for that purpose, and we will start with the Prosecutor who will now commence her  
4 examination of you.

5 MS. SCHWARZ:

6 Thank you, Mr. President.

7 WITNESS BRK,  
8 first having been duly sworn,  
9 testified as follows:

10 EXAMINATION-IN-CHIEF

11 BY MS. SCHWARZ:

12 Q. Good morning, Mr. Witness.

13 MS. SCHWARZ:

14 Mr. President, with your leave, I would just like to ask for a brief closed session to go over the  
15 protected information of the personal information of this witness.

16 MR. PRESIDENT:

17 We will go into closed session now.

18 *(At this point in the proceedings, a portion of the transcript [pages 3 to 6] was extracted and sealed*  
19 *under separate cover, as the session was heard in camera)*  
20 *(Pages 1 to 2 by Regina Limula)*

1 MS. SCHWARZ:

2 Thank you, Mr. President.

3 BY MS. SCHWARZ:

4 Q. Mr. Witness, we are back in open session now. So if there is any -- in your answer, try not to reveal  
5 information that might reveal information about yourself. If there are answers that you would like to  
6 write down, you can also do that?

7

8 Now, Mr. Witness, do you know Siméon Nchamihigo?

9 A. Yes, I know him.

10 Q. How do you know him?

11 A. I knew him when he was the deputy prosecutor in Cyangugu.

12 Q. Did you speak with him when you were living in Cyangugu before the genocide?

13 A. Before the genocide I never talked to him.

14 Q. Mr. Witness, do you think you would be able to identify him today?

15 A. I think I can try, although it has been a long time since I last saw him.

16 MS. SCHWARZ:

17 With your leave, Mr. President, could the witness look around the courtroom to see if he can identify.

18 Mr. Nchamihigo?

19 MR. PRESIDENT:

20 Go ahead.

21 BY MS. SCHWARZ:

22 Q. Mr. Witness, can you identify the courtroom and see if you can identify Mr. Siméon Nchamihigo here  
23 in the courtroom?

24 A. He is here.

25 Q. Could you indicate where he is sitting?

26 A. He is sitting next to a lady who is sitting behind a white man.

27 MS. SCHWARZ:

28 Mr. President, could the record show that the witness has identified Siméon Nchamihigo?

29 MR. PRESIDENT:

30 Noted.

31 BY MS. SCHWARZ:

32 Q. Now, Mr. Witness, prior to the genocide, were you a member of a political party?

33 A. Yes.

34 Q. Which party were you a member of?

35 A. I was a member of the CDR.

36 Q. And when did you join?

37 A. I joined the CDR in 1993.

1 Q. And were you a member of the *Impuzamugambi* that is spelt, I-M-P-U-Z-A-M-U-G-A-M-B-I.

2 A. Yes, I was a member of the *Impuzamugambi*.

3 Q. When did you first become a member of the *Impuzamugambi*?

4 THE ENGLISH INTERPRETER:

5 Mr. President, if the Prosecutor would repeat the question.

6 THE WITNESS:

7 I do not recall the exact date, but it was in 1993.

8 MS. SCHWARZ:

9 Thank you. And my question was: "Mr. Witness, when did you first become a member of the  
10 *Impuzamugambi*?"

11 BY MS. SCHWARZ:

12 Q. Mr. Witness, could you tell us what the purpose of the *Impuzamugambi* was?

13 A. We were supposed to join forces in order to exterminate the Tutsis.

14 Q. What was the difference between the *Impuzamugambi* and the *Interahamwe*?

15 A. It was not possible to distinguish between the *Interahamwes* and the *Impuzamugambis*. The two  
16 groups worked together and had the same objectives.

17 Q. Thank you. Now, when you joined the *Impuzamugambi*, did you receive any training?

18 A. Yes, I received training in the handling of firearms and that was in mid-February 1994.

19 Q. Where did you receive the training?

20 A. We received that training in Nyirandakunzi forest.

21 Q. And who arranged for your training?

22 A. It was reservists, that is, the military reservists, who carried out that training.

23 Q. Now, Mr. Witness, where were you when you heard the President Habyarimana's plane crashing?

24 A. I was in the bar where I was a waiter.

25 Q. And what did you do when you first heard of the plane crashing?

26 A. Given that it was at night, I did not do anything. In the morning, people started shouting, saying that  
27 the killings had to be launched immediately.

28 Q. What killings were they talking about?

29 A. We had to start killing the Tutsis, because the members of the population said that it was the Tutsis  
30 who had shot down the plane of President Habyarimana, and also that they were the ones who had  
31 killed Bucyana.

32 Q. Who told you that it was time to kill the Tutsis?

33 A. It was the *conseiller* of Mutongo *secteur* who told me.

34 Q. And what was his name?

35 A. His name is Barati, Jean.

36 MS. SCHWARZ:

37 And that is spelt, B-A-R-A-T-I; Jean, J-E-A-N.

1 BY MS. SCHWARZ:

2 Q. So, while this was happening, what were you doing?

3 A. I was working as a waiter in the Mutongo bar.

4 Q. But in the morning after the president's plane was shot down and you said there was a lot of  
5 chatting -- people talking about killing Tutsis. So, what did you do?

6 A. On that day, I joined the members of the public, and we decided to go and look for the enemy.  
7 However, we were waiting for the instructions from the *conseiller* who had gone to attend the security  
8 meeting at the *préfecture*. This was an emergency meeting convened to deal with security issues.

9 Q. And did you get instructions from the *conseiller*?

10 A. Yes. In the afternoon the *conseiller* gave us the following instructions. The meeting had decided that  
11 the homes of the Tutsis had to be destroyed and burnt down, that the cows had to be looted, their  
12 properties taken and Tutsis killed.

13 Q. And that was in the afternoon on the day after the President's plane had been shot down?

14 A. Yes.

15 Q. Do you recall who you were with when the *conseiller* told you this?

16 A. There were very many of us. There were many members of the public and I cannot really give you  
17 names. Some people were inside the bar, others were outside and others still were just walking in the  
18 streets. There were too many of us.

19 Q. Did you actually hear the *conseiller* give you instructions? Did you hear him give those instructions in  
20 the afternoon?

21 A. Yes, I heard him, because the instructions were given in front of our bar, in Mutongo town centre, and  
22 everyone was there to listen to the instructions from the *conseiller*.

23 Q. So following when you received those instructions, what happened? What did you do?

24 A. We started looking for the Tutsis in the villages.

25 Q. Were people killed on that day?

26 A. Only one person was killed on that day.

27 Q. Now, Mr. Witness, you mentioned to us before that you were involved in three different attacks --  
28 specific attacks. I would like to talk about what happened at Mubilizi. Can you tell me when this  
29 attack occurred?

30 A. The attack took place in April 1994.

31 Q. Do you recall the date?

32 A. No. I no longer remember the date.

33 Q. Do you know, approximately, how long after the plane crash of the president occurred?

34 A. That was not our pre-occupation. We had simply received orders to go and kill people. Maybe you  
35 can ask those people who gave the orders. Maybe they were keeping track of the dates; because  
36 they had a plan to implement. As for us, we simply had to go and kill people.

37 Q. Can you tell us who organised the attacks?

1 A. When I am talking about those who planned the attacks, I am referring to Siméon Nchamihigo. He is  
2 the one who came and saw us at Mutongo town centre, and he told the *conseiller* to mobilise the  
3 members of the public to go and attack Mibilizi in order to avenge the death of a member of our party,  
4 Martin Bucyana.

5 Q. Did this occur before or after the plane of President Habyarimana was shot down?

6 A. It was after the death of President Habyarimana.

7 Q. Okay. Can you tell us -- at the town centre, while you were there, do you recall who you were with  
8 that day?

9 A. There were many, many of us. There were *Impuzamugambis* and *Interahamwes*, but I remember that  
10 the former president of the CDR, Nicodeme Ntanturo was there. There was *Conseiller* Jean Barati, of  
11 Mutongo *secteur*, who was also present. There was Mandevu, and many other people whose names  
12 I no longer remember because this was a long time ago.

13 MS. SCHWARZ:

14 Some spelling here, Nicodeme Ntanturo, N-I-C-O-D-E-M-E; and Ntanturo is N-T-A-N-T-U-R-O, and  
15 Mandevu is, M-A-N-D-E-V-U.

16 BY MS. SCHWARZ:

17 Q. So, just so that this is clear, at the Mutongo town centre there were lots of other people including  
18 these three whom you have just mentioned, were they with you at the centre?

19 A. Yes, all those people were there at Mutongo town centre.

20 Q. Okay. And at about what time were you there?

21 A. It was in the afternoon. It was not in the evening. I just remembered that it was during the afternoon.

22 Q. Now, you said that Siméon Nchamihigo came to the centre. How did he arrive at the centre?

23 A. He arrived on board a vehicle.

24 Q. You recall what type of vehicle?

25 A. It was a Suzuki Samurai jeep.

26 Q. And was there anybody else with him?

27 A. I remember that he was accompanied by Mark Ruberanzia, alias, Bikumago, and this person was a  
28 sergeant major.

29 MS. SCHWARZ:

30 Mark Ruberanzia is number 429 on the list.

31 BY MS. SCHWARZ:

32 Q. And when he arrived, did Mr. Nchamihigo get out of the car?

33 A. Yes, he got out of the car.

34 Q. And you said that he said something to the *conseiller*; could you actually hear what he was saying?

35 A. Given that this was the town centre, everyone rushed to get there. And so when he spoke to the  
36 *conseiller*, everybody could hear what he was telling him. He was actually reproaching him.

37 Q. What do you mean he was reproaching him? What was he saying?



1 A. He was asking why the *conseiller* who was aware that the Tutsis from Mubilizi had sought refuge in  
2 the church and the hospital had done nothing. He said the *conseiller* had not asked the members of  
3 the public to go and flush them out.

4 Q. And what happened after that?

5 MR. PRESIDENT:

6 I was just wondering, is this in the indictment?

7 MS. SCHWARZ:

8 The incident at Mibilizi is in the indictment, Mr. President.

9 MR. PRESIDENT:

10 Paragraph?

11 MS. SCHWARZ:

12 It is paragraph 35 of the indictment, and again --

13 MR. PRESIDENT:

14 Okay, thank you very much. Did you say paragraph 85?

15 MS. SCHWARZ:

16 Paragraph 35. It's also, Mr. President --

17 MR. PRESIDENT:

18 That is all right.

19 MS. SCHWARZ:

20 Okay.

21 BY MS. SCHWARZ:

22 Q. So, Mr. Witness, after approximately -- let me start another question. While Mr. Nchamihigo was  
23 saying this to the *conseiller*, approximately how far were you away from them -- were you?

24 A. There was really no distance, because there were lots of people who had stood -- who had blocked  
25 the road, and I was just in front of him.

26 Q. And after this exchange or conversation, what happened?

27 A. There were weapons stored in the *conseiller*'s house. The number of weapons was 7, and the  
28 *conseiller* went and fetched those weapons and distributed them to us because we had received  
29 training. Weapons had to be given to eight people, but since there were only seven weapons,  
30 Nchamihigo went and took another gun from the military camp. So, guns were distributed to eight  
31 people and we went to launch the attack.

32 Q. Okay. First of all, approximately how far away is Mibilizi from Mutongo centre?

33 A. It is a distance that can be covered by a vehicle in one and half hours, that is, a vehicle driving fast.

34 Q. So, how did you get to Mibilizi?

35 A. We went there on board to pick up, and those pick-ups were full of attackers.

36 Q. Approximately how many attackers were you?

37 A. There were more than one hundred of us. In any case, there were very many of us. Further more it

- 1 was not only those two pick-ups that went there. On our way, we met up with another vehicle on  
2 which people were boarding and then we went together.
- 3 Q. And, did Mr. Nchamihigo go with you to Mibilizi?
- 4 A. When we arrived there we saw Nchamihigo. He had gone before us.
- 5 Q. So, if I get the sequence of the events here, after the Mutongo centre and the guns were being  
6 distributed and you were waiting for cars, was Nchamihigo there or had he left?
- 7 A. He had already left. After giving the instructions he left for Mubilizi and asked for the two pick-ups. It  
8 was some traders in Mutongo who made them available to us.
- 9 Q. And who did Mr. Nchamihigo leave with?
- 10 A. When we arrived there, we saw him already there. He had parked his vehicle and he was with  
11 Sergeant Mark Ruberanzia. That is the person I have talked to you about, and his nick-name was  
12 Bikomago.
- 13 Q. So you drove to Mibilizi, and what happened when you arrived there? Where did you go first?
- 14 A. When we arrived Mibilizi, we surrounded the hospital and the church.
- 15 Q. Okay. And at the hospital and at the church, were you besides each other?
- 16 A. No, but there were very many of us, and we surrounded the two locations in order to avoid anybody  
17 escaping.
- 18 Q. How did you surround the two locations? Was it one big group that surrounded this location or a  
19 couple of groups?
- 20 A. We broke up into two groups. I was in the group which surrounded the church.
- 21 Q. When you arrived at the church, approximately how many people were in your group?
- 22 A. More than a hundred. You see, when we got to that location, we found local *Interahamwe* and  
23 *Impuzamugambi* who had come to join us in order to implement our plan.
- 24 Q. Can you describe the church for me a little bit? Is there a fence surrounding the church area?
- 25 A. There is a fence only to one side of the premises while the other side is not fenced.
- 26 Q. Is there a church on the premises?
- 27 A. There are some buildings behind the church building and on the other side of the church building, but  
28 in front of the church there is no other building.
- 29 Q. And what type of buildings are behind the church?
- 30 A. They are brick-built buildings.
- 31 Q. Are they offices for the priests or for the church staff?
- 32 A. That is a possibility, because some people had sought refuge in those buildings.
- 33 Q. So you arrived at the church and you had indicated that -- you arrived at the church; was  
34 Siméon Nchamihigo there?
- 35 A. Yes, he was there. He had already parked his vehicle and he was in the company of  
36 Sergeant Ruberanzia, alias Bigomago.
- 37 Q. Was he in his car or was he standing close by his car.

- 1 A. He was not in his car. He was standing close by.
- 2 Q. What was he doing?
- 3 A. I saw him standing there; maybe they were waiting for the vehicles bringing us to arrive.
- 4 Q. So once you arrived in your vehicles, what happened in the seconds you arrived at the church, what
- 5 happened?
- 6 A. We came out of those vehicles and our chief held a small meeting with us, then Siméon Nchamihigo
- 7 ordered us to begin killing those people.
- 8 Q. First of all, who was your chief?
- 9 A. Mandevu.
- 10 MS. SCHWARZ:
- 11 M-A-N-D-E-V-U.
- 12 BY MS. SCHWARZ:
- 13 Q. During the meeting, the small meeting that you had, what did Mandevu say to you?
- 14 A. Mandevu told us how to proceed in order to avoid wounding any of us, so we needed to be careful not
- 15 to shoot at other members of the group. That is why we needed to proceed cautiously and to make
- 16 sure that the person who was being shot at was truly an enemy, indeed.
- 17 Q. And then you told us that Nchamihigo ordered you to begin the killings – killing those people? Can
- 18 you tell me how that happened?
- 19 A. We were already in possession of weapons. He called us, and we went towards him. Then he told
- 20 us, you need not wait any further. We have learnt that people are hiding everywhere in these
- 21 premises. So I order you to break the doors of the buildings and to shoot at the people you find and
- 22 when you will have done, then I will tell you the next step.
- 23 Q. So what happened after that?
- 24 A. At some point, he told us to stop, and he said that if there are people who had not yet been killed we
- 25 should leave them alone. There were some wounded people and he asked us to bring them together
- 26 in front of the church. Many people had been wounded and one of them told us that some of the
- 27 wounded people were male, and that they were a danger, given that they could again rise up against
- 28 the country. So we then sorted out all the mates and killed them.
- 29 Q. How long did this attack last?
- 30 A. The attack lasted about two and half hours.
- 31 Q. Who were these individuals in the church whom you were killing?
- 32 A. They were Tutsi who had sought refuge there believing that no one would attack them in a church.
- 33 Q. You mentioned men; were there all men who were killed?
- 34 A. Yes, there were men, old men, young men, but there were also children, young girls and all
- 35 categories of people.
- 36 Q. Can you tell us, approximately, how many people were killed on that day, do you know?
- 37 A. It is very difficult for me to provide an approximate number. But many -- very many people were

1 killed. The courtyard was full of bodies. Those who tried to escape through the corridors were shot at  
2 as well.

3 Q. And, how were these individuals killed -- with what kind of weapons?

4 A. Guns, machetes, clubs, axes and other traditional weapons.

5 Q. What kind of weapon did you use in this attack?

6 A. I used the gun that was in my possession.

7 Q. What kind of gun was that?

8 A. I do not remember the type of firearm it was. You see, even during our training we were not told the  
9 specific types of weapons we were being given because our training did not take long. But the gun  
10 was not a long gun -- correction; it was a long gun.

11 Q. Once in the attack there was a halt, you stopped the attacks and you stopped killing, what did you do?

12 A. We stopped the killings immediately Nchamihigo ordered us to do so.

13 Q. And what happened after that then?

14 A. We went into the premises and started to loot the fridges and the television sets which were loaded  
15 onto a Stout vehicle and then we covered up the property that had been plundered. But let me say  
16 that it was Nchamihigo who ordered us to load the booty into that vehicle.

17 Q. Was Nchamihigo still there while the looting was going on?

18 A. Yes, he was there. After we loaded what had been looted into the vehicle, then, Nchamihigo went  
19 ahead of us in the company of Mark Ruberanzia, driving behind the gendarmerie vehicle in which we  
20 had loaded all the property that had been looted, and then the attackers followed in the last position of  
21 the convoy.

22 Q. Did you drive back to Cyangugu?

23 A. No, we went back to Mutongo centre. Nchamihigo drove towards Cyangugu along with the vehicle  
24 into which the looted property had been loaded.

25 Q. And you went back -- you drove back to Mutongo centre with the rest of the attackers; is that right?

26 A. Yes.

27 Q. And what happened once you got back to Mutongo centre?

28 A. Once we got back to Mutongo centre, the former CDR chairman, Nicodeme Ntaturu, that is, of  
29 Cyimbogo *commune* bought much beer, and we started to drink. About one hour after, Nchamihigo  
30 came back to Mutongo, and I was present. Nchamihigo thanked the CDR chairman, and he also  
31 bought us a lot of beer. I cannot even tell just how much beer he bought, but we spent that night  
32 drinking and dancing.

33 *(Pages 7 to 14 by Regina Limula)*

1 1012H

2 BY MS. SCHWARZ:

3 Q. Okay. I'm going to move on to another attack that you have mentioned your involvement in, and that's  
4 at Nyakanyinya.

5

6 Can you tell me when this attack occurred?

7 A. I was not very careful as to retain the date, but I -- I believe that it is those who planned that attack who  
8 are in a good position to tell you the date. We were interested in the killings.

9 Q. Can you tell us who planned this attack and who ordered you to participate in it, you to go?

10 A. It is Nchamihigo who ordered us to launch that attack. He convened members of the population,  
11 including the *conseiller*. And a small meeting was held at which he said that there were refugees, Tutsi  
12 refugees, at the Nyakanyinya school and that the refugees were attacking Hutus.

13 Q. Now, where was this small meeting that he called? Where was that held?

14 A. The meeting held at the *conseiller's* residence and lasted some 20 minutes. Nchamihigo was standing  
15 throughout the meeting.

16 Q. Were you at the meeting?

17 A. Of course. I had to be there. We were on the alert.

18 Q. Who else was at the meeting?

19 A. The Mutongo *conseiller* was present. The CDR representative in Cyimbogo *commune* was also  
20 present. Bantali -- or, rather, Nyandwi, Christophe, the MRND representative at the Cyangugu  
21 *préfectoral* level, was also present.

22 MS. SCHWARZ:

23 (*Microphones overlapping*)...N-Y-A-N-D-W-I.

24 BY MS. SCHWARZ:

25 Q. Mr. Witness, could you give us the name again of the CDR representative for Cyimbogo?

26 A. Ntanturo, Nicodème, is his name.

27 Q. Thank you. Who did Nchamihigo come to this meeting with?

28 A. Nchamihigo went around with Bikomago (*sic*) always. They were virtually inseparable.  
29 Christophe Nyandwi, the *Interahamwe* chairman at the Cyangugu *préfectoral* level, was also with them.

30 Q. So after this small meeting at the *conseiller's* residence, then what happened?

31 A. What happened is that traders brought in their vehicles, and we boarded those vehicles. But there  
32 were not enough attackers, so we went into bars and into restaurants and forced members of the  
33 population to board those vehicles. It was being said that there was an attack to be carried out in  
34 Nyakanyinya.

35 Q. So did you -- were you one of the individuals who went into the bars to get other people to come out  
36 and join the attack?

37 A. Of course.