

1 THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA  
2 CASE NO.: ICTR 97-20-T  
3 THE PROSECUTOR  
4 OF THE TRIBUNAL  
5 AGAINST  
6 LAURENT SEMANZA

7 26 OCTOBER 2001  
8 0900H  
9 CONTINUED TRIAL

10 Before: Judge Yakov Ostrovsky, Presiding  
11 Judge Lloyd William  
12 Judge Pavel Dolenc

13 For the Registry:  
14 Mr. Constant Kwaku Hometowu  
15 Mr. Thobias Ruge

16 For the Prosecution:  
17 Mr. Chile Eboe-Osuji  
18 Ms. Patricia Wildermuth

19 For the Accused Semanza:  
20 Mr. Charles Acheleke Taku  
21 Mr. Sadikou Alao  
22 Mr. Joseph Mushyandi  
23 Ms. Lilian Lyimo

24 Court Reporter:  
25 Ms. Judith Kapatamoyo  
Ms. Karlene Ruddock  
Mr. Haruna Farage

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

2 MR. PRESIDENT:

3 The proceedings are called to order. I ask  
4 the Registrar to present to us this case.

5 MR. HOMETOWU:

6 Thank you, Mr. President. Trial Chamber  
7 three of the International Criminal Tribunal  
8 for Rwanda, composed of Judge Yakov  
9 Ostrovsky, Judge Lloyd Williams, and Judge  
10 Palvec Dolenc, is now sitting in open  
11 session, on this day, Friday, the 26th of  
12 October, 2001, for a continued trial in the  
13 matter of the Prosecutor versus Laurent  
14 Semanza, case Number ICTR-97-20-T. Thank  
15 you.

16 MR. PRESIDENT:

17 Thank you. For the record, the appearance  
18 of the Prosecution.

19 MR. EBOE-OSUJI:

20 Eboe-Osuji and Ms. Wildermuth for the  
21 Prosecution. And also with us is Mr. Rashid  
22 Rashid. Thank you.

23 MR. PRESIDENT:

24 The appearance of the Defence.  
25

1 MR. TAKU:

2 May it please Your Lordships, Charles Taku  
3 for the Defence. With me my learned  
4 colleague, Mr. Sadiku Alao; Mr. Joseph  
5 Mushyandi is our legal assistant and  
6 Ms. Lilian Lyimo.

7 MR. PRESIDENT:

8 Thank you. Now I understand the Defence  
9 will start with the Witness MLZ, the  
10 examination-in-chief. We invite the Witness  
11 MLZ, and I was informed that this witness  
12 has to leave tomorrow. Therefore, I think  
13 the efforts will be made, if this is so,  
14 just to finish with this witness today. And,  
15 if we are successful, I would like on Monday  
16 an hour in the morning to spend for the  
17 discussion of the matter of expert witnesses  
18 because we have to proceed with this issue  
19 and to try to prepare the decision of the  
20 Chamber.

21 MR. EBOE-OSUJI:

22 Your Honour, did you say on Monday?

23 MR. PRESIDENT:

24 I mentioned Monday.

25

1 MR. EBOE-OSUJI:

2 Oh, thank you, sir. Before the witness  
3 comes in, and while the witness is coming  
4 in, we might as well dispose of some  
5 outstanding matter from yesterday. Your  
6 Honour, the Defence, if you remember, had in  
7 the morning requested for the report made by  
8 the WVSS defence section be allowed in as  
9 part of the record of proceedings, and I had  
10 advised then that I would deal with the  
11 matter by lunch session yesterday and we all  
12 forgot about it. But I want to bring that  
13 back and quickly say I have no objection to  
14 the report forming part of the record.

15 MR. PRESIDENT:

16 There's no objection on the part of the  
17 Prosecution, therefore it will be done as  
18 the Defence suggested to do.  
19 Now the witness has to make a solemn  
20 declaration.

21  
22 (Witness MLZ, affirmed)

23  
24 now witness you are on affirmation and the  
25 procedure is such that you have to answer

1 the questions. You are a protected witness.  
2 All the measure are taken not to disclosure  
3 your identity. Try to understand the  
4 question and to give a concrete answer  
5 without narratives, without declarations,  
6 without comments. You may proceed.  
7 Just a moment, the Registrar, taking into  
8 account a few minutes ago, we satisfied the  
9 suggestion of the Defence, the question is  
10 whether the number is necessary for this  
11 report, and if it is, tell us what is the  
12 number.

13 MR TAKU:

14 My Lord, it is the document of the Court.  
15 The report was ordered by Your Lordship, so  
16 Your Lordships will give the number to it,  
17 My Lord.

18 JUDGE WILLIAMS:

19 It is court document number so and so. Do  
20 we have any other court document?

21 MR. RUGE:

22 No, we don't have it yet. We can assign  
23 that as --

24 JUDGE WILLIAMS:

25 Court document number one.

1 MR. RUGE:

2 Yes, court document number one.

3 (Court Document number one, admitted)

4 MR. PRESIDENT:

5 Okay. Court document number one as decided.

6

7 Now you may proceed with

8 examination-in-chief.

9 MR. ALAO:

10 Thank you, Mr. President.

11 EXAMINATION-IN-CHIEF.

12 BY MR. ALAO:

13 Good morning Witness MLZ.

14 A. Good morning Counsel.

15 MR. PRESIDENT:

16 Before beginning, I would like to remind you

17 of the obligations attached to the oath you

18 have sworn. As Counsel for Semanza asked

19 you, your presence here is not intended to

20 have you help Semanza. You are here to help

21 in the manifestation of the truth and to

22 facilitate or help the Court in making its

23 assessment or evaluation of your testimony.

24 There are Counsels to defend Semanza and

25 that is their duty.

1 MR. ALAO:

2 So speak only the truth and only what you  
3 know. Having said this, Witness MLZ,  
4 perhaps it will be important for me to make  
5 sure that we have identified you correctly.  
6 In this regard I would seek the assistance  
7 of the Registry to show you this document.

8  
9 Have you looked at the document Witness? Do  
10 you think the document, the information on  
11 the documentation is correct?

12 A. Yes, the information contained in the  
13 document is correct.

14 Q. Please, Registry, could you show the  
15 document to the Prosecutor?

16 MR. PRESIDENT:  
17 Witness, Counsel will be putting questions  
18 to you in French, if you understand the  
19 questions you could answer them in  
20 Kinyarwanda without waiting for  
21 interpretation. If you do not understand  
22 the questions you could wait for  
23 translation. Have you understood me.

24 THE WITNESS:  
25 I prefer waiting for the interpretation of

1 the question into Kinyarwanda.

2 MR. PRESIDENT:

3 Well, that is for you to choose.

4 MR. ALAO:

5 Mr. President, if the Prosecutor has no  
6 objection, the Defence would like to tender  
7 this document as Exhibit D17.

8 MR. EBOE-OSUJI:

9 No objection from the Prosecutor.

10 MR. PRESIDENT:

11 No objection from the Prosecutor, therefore,  
12 it will be admitted as a piece of evidence  
13 number D17. It is so decided.

14

15 (Exhibit D17 admitted).

16 MR. ALAO:

17 Mr. President, before explaining to the  
18 witness the procedure, before the open  
19 session and the closed session, I would like  
20 to draw your attention, as well as that of  
21 the Prosecutor, to a special situation here.

22

23 Perhaps it may be necessary to avoid paying  
24 attention to some errors committed by the  
25 witness with regard to some information.

1 MR. PRESIDENT:

2 It seems to me, to put the question --

3 MR. ALAO:

4 We do not have the possibility of avoiding  
5 -- we do not have the possibility of  
6 avoiding the emergence of some errors. I  
7 cannot be clearer than that.

8 MR. PRESIDENT:

9 Now that we are in open session tell the  
10 witness that he should not say something  
11 that may reveal his identity.

12 MR. EBOE-OSUJI:

13 May it please the Court. I do not know what  
14 my friend is driving, at but whatever it is  
15 should have been discussed with the  
16 Prosecution side before we come to court.

17  
18 Your Honours, it appears that it may be  
19 appropriate if my friend chooses for the  
20 Court to adjourn for five minutes so that he  
21 can tell me what it is he wants to talk  
22 about, because we do not want a situation  
23 where in cross-examination somebody says:  
24 "Yes that is the problem we were trying to  
25 explain to you before". Your Honour, if you

1 see where I am coming from. So if there's  
2 anything my friend wants to talk about  
3 perhaps, we can adjourn briefly so that he  
4 can tell me what it is if he is minded  
5 because I do foresee a situation where  
6 during cross-examination something emerges  
7 and he says that's what I was trying to  
8 explain to the court but the court would not  
9 let me do so.

10 MR. ALAO:

11 The Prosecutor's concerns are well taken.  
12 Although I am much older than him I think I  
13 will move over to him, to explain to him  
14 what I am referring to.

15 MR. PRESIDENT:

16 A moment. The Prosecutor has proposed that  
17 we take a break.

18 MR. ALAO:

19 It's not necessary, Your Honour. I will  
20 move over to his bench and then explain to  
21 him what I have in mind.

22 MR. EBOE-OSUJI:

23 Your Honour, my friend has advised me of his  
24 concerns and he says it has to do with  
25 nothing more than a witness protection issue

1 and he says that if any error is made in  
2 that regard, there's a need to not highlight  
3 it by discussing it in open session.

4 MR. PRESIDENT:

5 Thank you. It's 920 and my question is  
6 whether you may start the  
7 examination-in-chief?

8 MR. ALAO:

9 Thank you, Mr. President, and our apologies  
10 for having lost all this time.

11 BY MR. ALAO:

12 Witness MLZ, we are in open session, you  
13 should be very careful, as the President  
14 told you. You should make sure that you  
15 should not make many statements to reveal  
16 your identity or any statement that may make  
17 it possible for you to be identified in  
18 terms of your whereabouts or any other  
19 information.

20  
21 Thank you. I would first of all like to  
22 make sure that you know Mr. Semanza well.  
23 Even if it is clear that you have not seen  
24 him for a long time, if you know him well  
25 try to identify him, locate him in this

- 1 courtroom, of course, without getting out of  
2 the witness stand.
- 3 A. There he is, behind there.
- 4 Q. Behind who?
- 5 A. He is wearing a gray coat.
- 6 MR. ALAO:
- 7 Mr. President, I believe the witness has  
8 identified Mr. Semanza and I would like this  
9 to be taken note of.
- 10 MR. PRESIDENT:
- 11 Let the record reflect that the witness has  
12 recognised Mr. Semanza.
- 13 MR. ALAO:
- 14 Thank you, Mr. President.
- 15 BY MR. ALAO:
- 16 Q. Witness MLZ, since you know Mr. Semanza, can  
17 you tell the Court what he was doing in  
18 Rwanda, if you know his occupation, his  
19 profession, his occupation?
- 20 A. He was Bourgmestre of the Bicumbi commune.  
21 Later on he was dismissed by the government.
- 22 Q. After his dismissal did he engage in other  
23 activities?
- 24 A. I don't know anything about that.
- 25 Q. Without revealing anything, do you know

- 1 Semanza's house very well?.
- 2 A. I know it.
- 3 Q. Did you go there usually? Do not reveal  
4 anything because we will come back to that  
5 question in a closed session.
- 6 A. Yes.
- 7 Q. Do you know Semanza's family members, that  
8 is most of the people? Do you know most of  
9 his family members?
- 10 A. I know them.
- 11 Q. Very well, we will come back to that. Let  
12 us move on to general facts and, of course,  
13 you should still remain conscious, don't  
14 reveal anything about yourself. I would  
15 insist very much on this, Witness MLZ. Can  
16 you tell the Court when Semanza was  
17 bourgmestre what were his relations with the  
18 people of Gahengere, if you know?
- 19 A. Semanza enjoyed good relations with his  
20 people. He was a good man, he was  
21 understanding and, in addition to that, he  
22 is someone who developed his commune.
- 23 Q. At any given time did you hear that there  
24 was any quarrel between Semanza and the  
25 Tutsis? Did you hear that Semanza, hated

- 1 the Tutsi?
- 2 A. I didn't hear that.
- 3 Q. But did Semanza have Tutsi friends?
- 4 A. Yes.
- 5 Q. Can you name some of them to the court,  
6 since you know him well?
- 7 A. Amongst his Tutsi friends I would name  
8 Nyamunanage N-Y-A-M-U-N-A-N-A-G-E. I will  
9 also name the old Pierre Crevalle Miryo and  
10 Semanza was the godfather. Miryo is spelt  
11 as follows M-i-r-y-o.
- 12 Q. Can you tell the Court if you know whether  
13 these people are still alive?
- 14 A. Some of his friends were killed by the RPF.
- 15 Q. Can you tell the Court if you know why and  
16 how you came to be knowing about it?
- 17 A. The persons were killed because they were  
18 his friends. I obtained this information  
19 when I arrived in Ruhango. I learnt of it  
20 from the refugees who had taken refuge  
21 there. I heard about it from people who  
22 fled later on.
- 23 Q. Given that you know Semanza well and also  
24 taking into account other circumstances  
25 which I will not reveal here, can you say

- 1                   whether you ever saw or you heard about the  
2                   training of soldiers or Interahamwe in  
3                   Semanza's residence?
- 4       A.           I didn't hear anyone talk about the  
5                   training.
- 6       Q.           And you, did you see, because you had some  
7                   privileged -- you were in a privileged  
8                   situation. You did not hear, but did you  
9                   see?
- 10      A.           I did not see anything and that did not even  
11                   take place.
- 12      Q.           Thank you, very much. Still remaining  
13                   cautious, as I requested of you, can you  
14                   tell the Court whether your attention was  
15                   attracted by any important event on the 5th  
16                   of April, 5th of April, 1994?
- 17      A.           On that date, at night, the plane of  
18                   President Habyarimana Juvenile was shot  
19                   down.
- 20      Q.           Can you tell the Court how you heard of that  
21                   incident?
- 22      A.           It was announced over the radio.
- 23      Q.           And where were you?
- 24      A.           I was in my house.
- 25      Q.           And what was your reaction on that day?

- 1 A. I was afraid.
- 2 Q. Were you able to know the reaction of other  
3 people. People within your circles. People  
4 within your locality without naming anyone  
5 of them?
- 6 A. It was at night. I was not able to know  
7 their reaction.
- 8 Q. Can you tell the Court if, during that  
9 night, if you still heard over the radio  
10 that there was a reaction on the part of  
11 public authorities?
- 12 A. Nothing happened during that night.
- 13 Q. Very well. Can you therefore tell the Court  
14 what the situation was the following day,  
15 that is on the 7th of April?
- 16 A. In the morning it was decreed that everyone  
17 had to stay home. At night we heard  
18 gunshots from the forest of Gihumuza. I  
19 spell Gihumuza, G-I-H-U-M-U-Z-A, Gihumuza.
- 20 Q. Did you say that it was the night of 7th of  
21 April?
- 22 A. Yes.
- 23 Q. During that night did you have an idea of  
24 those who were shooting?
- 25 A. I had no idea of who they were because it

- 1 was at night.
- 2 Q. And you said that the gunshots were coming
- 3 from the forest, the forest called Gihumuza;
- 4 is that what you said?
- 5 A. That's correct.
- 6 Q. And did the shooting continue throughout the
- 7 night or did it stop at any point in time?
- 8 A. The shooting stopped at some point in time.
- 9 Q. Very well. Can you tell the Court what
- 10 happened the following day?
- 11 A. The following day I saw gunfire coming from
- 12 the hill that I do not want to name because
- 13 that may reveal my identity.
- 14 Q. Did you see or hear gunshots?
- 15 A. The gunshots targeted the hill where I
- 16 lived. I saw gunshots coming from that area
- 17 and the gunshots were aimed at the area
- 18 where I lived.
- 19 Q. So you are confirming to the Court that you
- 20 saw and heard?
- 21 A. I saw.
- 22 Q. Are you aware of any reaction from the
- 23 public authorities regarding the gunshots?
- 24 A. No.
- 25 Q. And talking about public authorities, I am

- 1                   referring to the forces of law and order,  
2                   that is the police and soldiers?
- 3       A.            I heard that there were the police who were  
4                   very near the forest at the Gihumuza forest.
- 5       Q.            To your knowledge was the presence of the  
6                   police indicative of confrontation between  
7                   the police and those who were shooting?
- 8       A.            I don't know anything about that.
- 9       Q.            But the shots which hit the locality of the  
10                   hill in which you lived, did they cause any  
11                   panic?
- 12      A.            Yes.
- 13      Q.            What type of panic?
- 14      A.            People ran away, and it is at that time that  
15                   I also ran away.
- 16      Q.            You have just told the Court that in that  
17                   panic you ran away. You fled. To where did  
18                   you flee or towards which direction did you  
19                   flee? I am talking about the residence,  
20                   without you revealing anything about it?
- 21      MR. EBOE-OSUJI:  
22                    My learned friend should stop suggesting  
23                    answers to the witness.
- 24      MR. PRESIDENT:  
25                    Will you try to avoid the leading questions?

1 MR. TAKU:

2 I think that the Prosecutor understands very  
3 well why I had disarranged. He knows?  
4 Because I explained that to him.

5 MR. EBOE-OSUJI:

6 That is not the same thing at all. What I  
7 am saying is that my friend should stop  
8 suggesting the answer he wants the witness  
9 to give, to the witness.

10 MR. PRESIDENT:

11 We will take it into account, there's no  
12 need for discussion. Mr. Alao, you may  
13 proceed but when you are raising the  
14 questions in what direction, it's a little  
15 bit difficult to answer. There's a south,  
16 there's a west, east.

17 MR. ALAO:

18 Of course, Mr. President, that's why I had  
19 to add a certain verification. I am trying  
20 my best, Mr. President.

21 MR. PRESIDENT:

22 It seems to me that that is not important.

23 MR. ALAO:

24 I am going to ask the question differently.

25

1 MR. PRESIDENT:

2 Yes, please go ahead.

3 BY MR. ALAO:

4 Q. So when you ran away you left your house and  
5 where did you go to?

6 A. I left my house, I went to a place that I am  
7 not going to mention here lest I reveal my  
8 identity, because I thought that by going  
9 there I would be saved from the bullets.

10 Q. Yes, I know that at least at this stage you  
11 can give us the name of the owner of the  
12 place you went to.

13 A. I went to hide at Semanza's place, where I  
14 knew there was a compound which had a burnt  
15 brick wall around it, and where I could be  
16 safe from the bullets.

17 Q. Very well, thank you. When you fled from  
18 your house did other people in your locality  
19 also flee from their houses?

20 A. Yes, there were other people who were  
21 fleeing and I was among a group of people  
22 who were trying to get away from the  
23 bullets.

24 Q. When you got to Mr. Semanza's house did the  
25 shooting continue?

1 A. Yes.

2 Q. And how did you enter into his house?

3 A. When we reached the gate and since that was  
4 the place I used to frequent, I opened this  
5 small door, got inside and closed the door.

6 BY MR. ALAO:

7 I think rather when I reached the gate and  
8 not when we reached the gate.

9 Q. And on the side of the gate through which  
10 you entered Semanza's house, was there no  
11 danger of being hit by a bullet?

12 A. Bullets were flying over the compound. Some  
13 bullets hit the other side of the gate. I  
14 went into the compound from the side facing  
15 the road.

16 THE INTERPRETER:

17 The witness is making a rectification. He  
18 says that the bullets hit the walls and he  
19 went into the house using the gate which was  
20 facing the road. The bullets hit the wall  
21 which was not on the side where the gate was.

22 BY MR. ALAO:

23 Q. Very well, I think that the Court has  
24 understood your description. However, the  
25 door through which you entered the compound

- 1 was not locked with a key?
- 2 A. Normally they did not lock the door with a
- 3 key.
- 4 Q. Very well. When you got to Mr. Semanza's
- 5 house did you enter just like you entered
- 6 the mill or was there someone who actually
- 7 received you?
- 8 A. I was met by children of my age and who were
- 9 my friends.
- 10 Q. And did they normally meet you when you went
- 11 to that house?
- 12 A. Yes.
- 13 Q. When you entered the house, did you see
- 14 Mr. Semanza?
- 15 A. I did not see him immediately.
- 16 Q. Could you tell the Court when did you see
- 17 Mr. Semanza?
- 18 A. I saw him when he was going out, when the
- 19 gunfire -- there was a lull in the shooting.
- 20 Q. Was this during the day of the 8th of April?
- 21 About what time was it?
- 22 A. It was about 4 p.m.
- 23 Q. Can you tell the Court, when you got to
- 24 Semanza's house, did you see motor vehicles
- 25 at the house?

- 1 A. I saw only one vehicle there.
- 2 Q. If you know, could you tell the Court what  
3 kind of vehicle did you see there?
- 4 A. It was a AUDI 100.
- 5 Q. So you are saying that when you were at  
6 Semanza's place -- maybe it would be  
7 interesting for you to confirm to the court  
8 at what time did you get to Semanza's place  
9 or at about what time did you get there?
- 10 A. Since we started hearing gunshots at 11 a.m,  
11 I got to the house at 1200.
- 12 Q. When you got there Semanza's children  
13 received you at a time when there was  
14 shooting. Apart from those children, did  
15 you see other people there during the  
16 shooting?
- 17 A. When there was still shooting I did not see  
18 any other person.
- 19 Q. However, at Semanza's house that you are  
20 going to describe later where did you take  
21 refuge at that house?
- 22 A. I went to the building which was nearby  
23 where male children slept.
- 24 THE INTERPRETER:  
25 The witness is making rectification. He

1                    says that he went to the house which was on  
2                    a certain side where male children slept.

3

4

5                    (Pages 1 to 23 by Judith Kapatamoyo)

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1 1000H

2 BY MR. ALAO:

3 Q. So you stayed at that place up to when the  
4 shooting stopped; that is, at about 4 p.m.  
5 Right?

6 A. Yes.

7 Q. And you said that you saw Semanza only after  
8 the shooting had stopped; when he left he  
9 got out of his apartment. Right?

10 A. Yes, that is when I saw him.

11 Q. You also saw other persons, that is, after  
12 the shooting stopped, that is, other than  
13 the children who were your friends?

14 MR. PRESIDENT:

15 No. You are still talking about the house?

16 MR. ALAO:

17 Yes, I am still talking about their presence  
18 in the house. We are not out of the house.

19 MR. PRESIDENT:

20 But he answered that question already.

21 MR. ALAO:

22 No. I asked him whether, apart from the  
23 children who were his friends and apart from  
24 Semanza, whom he saw when the shooting  
25 stopped, did he see other people in the

1 house.

2 MR. PRESIDENT:

3 Nothing? You may proceed.

4 A. Yes, I saw other people.

5 Q. Could you tell the Court, who else did you

6 see? What other people did you see there?

7 MR. PRESIDENT:

8 And in the house?

9 BY MR. ALAO:

10 Yes, Mr. President, in the house.

11 Q. What other people did you see at Semanza's

12 house when the shooting had stopped?

13 A. I saw a trader whose name was Ndabubaha. I

14 will spell "Ndabubaha": N-D-A-B-U-B-A-H-A.

15 Q. Did you see other people?

16 A. I saw people who were between the two

17 houses; that is, the house in the southern

18 side and the house in the northern side. I

19 also saw someone whose name was Cyril.

20 However, there were people who were in the

21 other house who I did not see, who I did not

22 see.

23 THE INTERPRETER:

24 The witness is making rectification. He is

25 saying that probably there were other people

1                   who were there, but that he did not see  
2                   those people.

3       A.           Probably, there were other people who I  
4                   might not have seen.

5       MR. EBOE-OSUJI:  
6                   Just for the record, the witness appears to  
7                   be correcting the Kinyarwanda interpreter as  
8                   the Kinyarwanda interpreter was speaking  
9                   French; just for the record so we know that  
10                  the witness does understand French.

11       MR. PRESIDENT:  
12                  Your statement will be reflected in the  
13                  record.

14  
15                  Mr. Alao, you may proceed.

16       BY MR. ALAO:

17       Q.           Thank you very much, Mr. President.

18  
19                  If you are able to answer this question,  
20                  could you tell us whether there were  
21                  domestic workers at Semanza's house; in  
22                  other words, did Semanza have domestic  
23                  workers at his house?

24       A.           Yes, he had domestic workers.

25       Q.           On the 8th of April when you got there, did

- 1                   you see those domestic workers?
- 2       A.           I saw them when the firing stopped.
- 3       Q.           Can you tell the Court how many of them were
- 4                   there and whether you knew some of them?
- 5       A.           I know that there were about five of them.
- 6       Q.           Do you know some of their names, given the
- 7                   fact that you knew the house very well? At
- 8                   least do you know their sex?
- 9       A.           I know their sex, because often when I went
- 10                  there it was to talk with the children, and
- 11                  most of the time I was at school.
- 12      Q.           Can you tell the Court how many men and how
- 13                  many women were there among the domestic
- 14                  workers at Semanza's house?
- 15      A.           I know that there were three boys and two
- 16                  girls.
- 17      Q.           Thank you very much. On the 8th, you were
- 18                  received by your friends; that is, Semanza's
- 19                  children. Can you give us the names of the
- 20                  children who were at the house on that day,
- 21                  and the children that you saw there on that
- 22                  day?
- 23      A.           Yes.
- 24      Q.           Please give their names to the Court?
- 25      A.           I found at the house Jean Marie Nsanza - I

1 will spell "Nsanza": N-S-A-N-Z-A – and the  
2 third one was a child known as Moto.

3 Q. Were there girls there as well?

4 A. Yes.

5 Q. Can you give their names to the Court?

6 A. Among the girls there were Elita, I will  
7 spell "Elita" E-L-I-T-A; there was Fortunée,  
8 Angelique, and I forgot to mention one boy  
9 whose name was Nsengiyumva. I will spell  
10 "Nsengiyumva": N-S-E-N-G-I-Y-U-M-V-A.

11 MR. EBOE-OSUJI:

12 Your Honour, can we have another spelling?  
13 There was another spelling that was missed,  
14 just for record. I think it was "Moto" or  
15 something like that. It wasn't spelled.

16 THE INTERPRETER:

17 The witness says that he does not know the  
18 spelling of Moto's name; however, we could  
19 use "M-O-T-O."

20 BY MR. ALAO:

21 Q. When the shooting stopped, did you see Mr.  
22 Semanza's wife there?

23 MR. PRESIDENT:

24 Are you still taking about the house?

25 MR. ALAO:

- 1 Yes, Mr. President, I am still talking about  
2 the house.
- 3 A. I did not see her, because she was inside  
4 the house, which was on the northern side of  
5 the compound.
- 6 Q. How did you know that?
- 7 A. Because I used to go to that house often,  
8 and I know that she normally was in that  
9 house.
- 10 Q. On that day, at Semanza's house, you said  
11 that you went into one of the rooms in the  
12 quarters, or rather, the house which was for  
13 the male children; right? Did you have a  
14 room on your own, or did you share a room  
15 with someone else?
- 16 A. You mean, the room in which I slept, or the  
17 room to which I went immediately after  
18 getting there?
- 19 Q. Very well. We will talk about that later.  
20 Do you know whether during the time Semanza  
21 had lost a child?
- 22 A. Yes, he lost a child.
- 23 Q. Can you tell the Court what was the child's  
24 name?
- 25 A. She was a young girl who was called Mubyeyi.

- 1 I will spell "Mubyeyi": M-U-B-Y-E-Y-I.
- 2 Q. When you got to Semanza's house, regardless
- 3 of the firing, did you notice that there was
- 4 an atmosphere of mourning?
- 5 A. I didn't quite get your question, Counsel.
- 6 Q. Very well. I am going to explain to you
- 7 what I mean. You know, when there is a
- 8 death in the family --
- 9 MR. EBOE-OSUJI:
- 10 Your Honour, my friend had asked a leading
- 11 question; I decided to let it drop. I don't
- 12 want him to explain clearly to the witness
- 13 what the witness should be telling him.
- 14 Perhaps we should be very careful. He
- 15 should ask questions, nonleading questions,
- 16 instead of explaining to the witness what he
- 17 should be replying to when he asks him a
- 18 question.
- 19 MR. ALAO:
- 20 Mr. President, I did not intend to explain
- 21 to the witness the answer that he should
- 22 have given me, because I don't know the
- 23 answer, personally.
- 24
- 25 My problem is as follows: when you get to a

1 house where a death has taken place and that  
2 at the same time there is an external event,  
3 such as a shooting, I want to know what was  
4 the atmosphere that was in the house. I  
5 don't know what atmosphere was there. I  
6 don't know why the Prosecutor is really  
7 always suspicious with regard to many of our  
8 questions.

9 MR. PRESIDENT:

10 Mr. Alao, we understand your difficulty.  
11 Sometimes your questions are formulated in  
12 such a way to avoid the disclosure of the  
13 identity of the witness, but at the same  
14 time I think if there are some difficulties  
15 it is better, it's better to avoid the  
16 leading questions, to raise these questions  
17 during the closed session.

18 MR. ALAO:

19 Thank you, Mr. President, for your  
20 assistance. But this question is in no way  
21 connected to questions that we should put  
22 here during a closed session.

23

24 I just wanted to know, regardless of the  
25 firing that was going on, whether there was

1 an atmosphere of mourning in the house which  
2 could be perceived. That's all that I  
3 wanted to know, really, Mr. President.  
4 Maybe he might not have noticed anything. I  
5 don't know anything about that.

6 MR. PRESIDENT:

7 Well, what is the answer of the witness?

8 THE WITNESS:

9 Mr. President, before answering that  
10 question I would like to tell you that I had  
11 not heard the interpretation well.

12 MR. PRESIDENT:

13 Well, in this case if the matter is he  
14 didn't hear the interpretation you have to  
15 repeat it.

16 MR. ALAO:

17 Did the interpreter understand the question?

18 THE INTERPRETER:

19 Yes, he did.

20 MR. ALAO:

21 Thank you very much.

22 THE WITNESS:

23 Yes, there was an atmosphere of mourning  
24 that could be perceived.

25 BY MR. ALAO:

- 1 Q. Thank you very much. I will ask nothing  
2 further with regard to that issue, in this  
3 level, that is, at this stage, that is.  
4
- 5 On the 8th, can you tell the Court whether  
6 you spent the night at Mr. Semanza's house?
- 7 MR. PRESIDENT:
- 8 But, Counsel, maybe it is better to get the  
9 whole situation. Maybe you should be more  
10 specific; for instance, how long did the  
11 witness stay at Semanza's house.
- 12 MR. ALAO:
- 13 No, Mr. President. With your indulgence,  
14 please allow me to ask the question. I  
15 would like the witness to tell the Tribunal  
16 whether he spent the night of the 8th of  
17 April at Mr. Semanza's house.
- 18 A. I spent the night there.
- 19 Q. In the room that was shown to you by the  
20 son, or by Semanza's children?
- 21 A. Yes.
- 22 Q. And you spent the night in that room alone?
- 23 A. I was with another boy whose name was Cyril.
- 24 Q. Can you tell the Court, who is Cyril?
- 25 MR. PRESIDENT:

1 Judge Williams has a question.

2 JUDGE WILLIAMS:

3 Mr. Alao, we really need all these details  
4 about what he is doing and what is happening  
5 at Semanza's house?

6 MR. ALAO:

7 Mr. President, it is absolutely necessary  
8 when you listen to what is going to follow.  
9 My learned friend may reproach me for my  
10 comments. So I would allow you to allow the  
11 proceedings to continue.

12 MR. PRESIDENT:

13 Maybe, maybe, it will be proper to find out  
14 what is the situation. Will you ask the  
15 witness, and will you tell him, the  
16 interpreter, that the counsel will try to  
17 complete their examination today. But, but,  
18 I would like to find out, in the case if  
19 they are not successful, whether the witness  
20 can be available on Monday.

21 MR. EBOE-OSUJI:

22 Your Honour, sir, I am not trying to put  
23 myself between you and the witness. This  
24 witness is a witness of the Court and  
25 Witness should stay here until the witness

1                   -- the business of the Court is done. Your  
2 Honour, that is how we have always seen it  
3 done. We are not here at the behest of  
4 witnesses.

5 MR. PRESIDENT:

6                   But, therefore, I would like to be sure that  
7 he will be on Monday because I was told that  
8 he is leaving on Sunday. Therefore, I would  
9 like to find out what is the situation.

10 MR. EBOE-OSUJI:

11                   Your Honour, I believe the Court can direct  
12 the VWSS --

13 MR. PRESIDENT:

14                   It's not necessary, Mr. Osuji, it is not  
15 necessary to direct if the witness, the  
16 answer will be that he will be available.

17 MR. EBOE-OSUJI:

18                   Your Honour, if the witness says "no" what  
19 are we going to say?

20 MR. PRESIDENT:

21                   After that we will see. Why to be in a  
22 hurry? We see what can be the answer of the  
23 witness.

24 THE WITNESS:

25                   It is difficult for me to do that because

1 the boss for whom I work gave me permission,  
2 which ends on the 28th of this month.

3 MR. ALAO:

4 Mr. President, we will try to do our best  
5 not to take more than one hour so that the  
6 Prosecutor also could conduct his  
7 cross-examination. So we are going to do  
8 our best.

9 MR. PRESIDENT:

10 In any case, I understand that all the  
11 parties will do their best; however, I would  
12 like the situation to be clarified. If the  
13 examination is not completed today it would  
14 be necessary to continue on Monday.

15 MR. ALAO:

16 If the Court can repair the subsequent or  
17 consequent damage, then the Defence will not  
18 have any objection because he is in the  
19 danger of losing his job.

20 MR. PRESIDENT:

21 But I want also to know whether those  
22 details concerning the house are necessary;  
23 however, you may continue.

24

25 JUDGE WILLIAMS:

1                   When you say "an hour" you mean an  
2                   additional hour? because you have gone over  
3                   an hour already. You mean you need an  
4                   additional hour? I hear you make mention to  
5                   an hour.

6       MR. ALAO:

7                   We will not go beyond one hour.

8       JUDGE WILLIAMS:

9                   You have already gone beyond an hour.

10      MR. ALAO:

11                  You will understand well the importance of  
12                  the witness, Mr. President.

13      MR. PRESIDENT:

14                  It's not an hour; it's an hour and a half.  
15                  As I told you yesterday, until 12 or at  
16                  least 12:30.

17      MR. ALAO:

18                  In order not to lose more time I will try to  
19                  go faster.

20      MR. PRESIDENT:

21                  Go on, Counsel.

22      BY MR. ALAO:

23      Q.           My question was, I wanted to know the name  
24                   of the person who slept with you in the same  
25                   room. You gave a name. I believe the Court

- 1 heard that name. I would like you to tell  
2 the Court who is that person, because up to  
3 now you had not mentioned his name.
- 4 A. The person's name, the person used to visit  
5 Semanza's house and that is where he often  
6 lived.
- 7 Q. How old was he?
- 8 A. He was 20 years old.
- 9 Q. Can you tell the Court whether he was a  
10 friend to one of Semanza's children, a  
11 friend to Semanza, or a relative of  
12 Semanza's?
- 13 A. I used to meet him there. I don't know  
14 anything about his relationship with the  
15 Semanzas.
- 16 Q. Thank you very much. Can you tell the Court  
17 at about what time you went to bed?
- 18 A. We went to bed at about 7 p.m.
- 19 Q. Between 4 p.m. and 7 p.m., did you have any  
20 other activity, apart from eating and  
21 drinking in Semanza's house?
- 22 A. We were chatting with the children as usual.  
23 We were chatting in the room in which we  
24 were.
- 25 Q. Throughout the night, were you not woken up

1 by gunshots?

2 MR. EBOE-OSUJI:

3 Objection, Your Honour: This witness  
4 understands French and my friend keeps  
5 feeding him the answer he wants the witness  
6 to give.

7 MR. ALAO:

8 Mr. President, it was never said that the  
9 witness does not understand French. I do  
10 not understand the extreme excitement of the  
11 Prosecutor. What is happening to you,  
12 Mr. Prosecutor, in this courtroom? What is  
13 happening to you, Prosecutor? It has never  
14 been said the witness doesn't speak French.

15 MR. PRESIDENT:

16 That means that you should avoid leading  
17 questions.

18 MR. ALAO:

19 The question is clear. He said that  
20 shooting stopped at 4 p.m., and I wanted to  
21 know whether the night was also calm.

22 MR. PRESIDENT:

23 From the point of view of the Chamber, the  
24 question was leading; therefore, you have to  
25 take into account.

1 BY MR. ALAO:

2 Q. Witness MLZ, how was the night? Was there  
3 shooting?

4 JUDGE WILLIAMS:

5 But I want to know, what was the situation  
6 during the night. That is the question.  
7 Not those words that you are using, because  
8 that is leading.

9 MR. ALAO:

10 To ask him if shooting continued during the  
11 night?

12 JUDGE WILLIAMS:

13 Yes, yes, what you say what happened during  
14 the rest of the night, then he will tell you  
15 what happened.

16 MR. ALAO:

17 Okay, fine, Your Honour.

18 BY MR. ALAO:

19 Q. Can the witness tell the Court what the  
20 situation was at night?

21 A. On that night I did not hear anything.

22 Q. And when you woke up the following day, that  
23 is on the 9th, what happened? Was there  
24 anything new in your house, that is, in the  
25 house where you spent the night?

- 1 A. Are you referring to the premises inside the  
2 fence?
- 3 Q. If you please, the following day in the  
4 morning, did you see Semanza?
- 5 A. I did not see him.
- 6 Q. Did you have any news of him that morning?  
7 Did you hear anything about him that  
8 morning?
- 9 A. I ask the employees and they told me he had  
10 left at 11 p.m.
- 11 Q. Did they tell you how he left?
- 12 A. Yes.
- 13 Q. Can you tell the Court how he left?
- 14 A. He told me that he left in a vehicle  
15 accompanied by a pick-up, a pick-up truck.
- 16 Q. Did he leave together with his family or did  
17 he leave alone?
- 18 A. He left together with his family.
- 19 Q. Didn't he leave with some household staff?
- 20 A. That morning we were with the household  
21 staff, or servants.
- 22 Q. Did he or didn't he go with his friend  
23 Ndabubaha?
- 24 A. I saw Ndabubaha later on when he woke up.
- 25 Q. And since that day, you never had any news

- 1 of Semanza, did you?
- 2 A. No.
- 3 Q. Tell the Court if you ever saw, while you  
4 were at Semanza's house, Interahamwe?
- 5 A. I did not see them.
- 6 Q. You know what the Interahamwe, who the  
7 Interahamwe are?
- 8 A. Yes, I know them. I heard people talk about  
9 them.
- 10 Q. Can you tell the Court what people said?
- 11 A. It was said that the Interahamwe were the  
12 youth wing of the MRND.
- 13 Q. Do you know whether they were armed?
- 14 A. I did not see them armed, but when I went to  
15 Kigali they were shown to me as the  
16 Interahamwe, but I did not see them armed.  
17 Whenever I went to Kigali during meetings,  
18 whenever I went to Kigali during or to  
19 attend meetings they were shown to me as  
20 Interahamwe.
- 21 Q. Would you yourself be an Interahamwe?
- 22 A. I was not an Interahamwe because at that  
23 time I was a pupil and pupils were not  
24 allowed to become members of political  
25 parties.

1 Q. While you were in Semanza's house on the 8th  
2 of April, did you see soldiers or military  
3 vehicles at Semanza's residence?

4 A. I did not see them, and I do not even  
5 understand why they would come to that  
6 place, because Semanza was not an authority.

7 Q. During the day of 8th April, did you ever  
8 hear anyone talk of scenes of horror – of  
9 people killed, of corpses of women at the  
10 residence of Semanza on the 8th of April?

11 A. I did not see them, although -- or rather, I  
12 did not see them while I was inside.

13 Q. Did you hear anyone talk about them?

14 A. I did not hear anyone talk about them, for  
15 the simple fact that that did not happen.

16 Q. You didn't hear shouts?

17 A. No.

18 Q. Since you know Semanza's house, can you  
19 describe it to the Court; that is, the  
20 inside of the house. If you can describe  
21 the inside of the house, the compound?

22 A. First of all, there was a brick fence on  
23 which was also used filtered sand. The  
24 filtered sand had been put on the wall with  
25 the use of a machine. At the northern end

1                   there was a big house. There was another  
2                   house at the southern end which had about  
3                   four rooms. It was built in the form of a  
4                   school. On the perpendicular side, there  
5                   was a kitchen.

6  
7                   The two houses in question were joined by  
8                   the same roof, the roof built of translucent  
9                   sheets. In the middle, between the two  
10                  houses, there was some empty space which was  
11                  like the rear courtyard where people came  
12                  together, where people would sit down.

13        Q.           Can the witness tell the Court whether  
14                      around Semanza's house there was a brush, or  
15                      a small forest?

16        A.           There was none.

17        Q.           Thank you very much.

18        MR. PRESIDENT:

19                      Counsel, I apologize to you. You came to  
20                      Semanza's house, Witness, on the 8th of  
21                      April, as you said. My question is, how  
22                      long did you stay at Semanza's house?

23        THE WITNESS:

24                      I arrived there on the 8th, and I left on  
25                      the 10th.

1 MR. PRESIDENT:

2 Thank you very much.

3 MR. ALAO:

4 Can I continue, Mr. President?

5 MR. PRESIDENT:

6 Yes, you may.

7 BY MR. ALAO:

8 Q. Thank you. Just a short question. On the  
9 8th of April while you were going to  
10 Semanza's house, did you see a roadblock at  
11 APEGA?

12 A. No.

13 Q. Thank you very much. You have just told the  
14 Court that you left Semanza's house on the  
15 10th of April. Can you specify to the Court  
16 when it was, what time it was?

17 A. It was in the morning.

18 Q. Was the situation still calm?

19 A. During that period, people were still  
20 afraid, but there was some kind of calm,  
21 there was a seeming calm.

22 Q. Can you tell the Court where you went to  
23 after leaving Semanza's house?

24 A. I went to the person called Maboti. I went  
25 to Maboti where young people of my age were.

- 1 I spell "Maboti": M-A-B-O-T-I. Among the  
2 children there, there were my friends.
- 3 Q. The house of your friend Maboti, how far  
4 away was it from Semanza's house?
- 5 A. First, I would like to clarify that Maboti  
6 was not my friend. It was rather his  
7 children who were my friends. Maboti was an  
8 old person.
- 9
- 10 Now, with your permission, I would like to  
11 continue answering your question.
- 12 Q. Yes. How far away was his house from  
13 Semanza's house?
- 14 A. The distance between the two houses wasn't  
15 much. These were neighbouring houses.
- 16 Q. Up to when did you stay in that house?
- 17 A. I stayed there until the 13th.
- 18 Q. Until the 13th of April, 1994. Is that what  
19 you mean?
- 20 A. That's correct.
- 21 Q. And on that date, where did you go to when  
22 you left the house?
- 23 A. On that date, I went into exile.
- 24 Q. But why did you leave on that date?
- 25 A. On that date, I moved from that place and

- 1 fled.
- 2 Q. Yes. You can tell the Court why you fled on
- 3 that day.
- 4 A. It is because on that date in the morning
- 5 there were many RPF soldiers who had come
- 6 from the Gikoro commune and from all sides.
- 7 We saw Semanza's house being torched, we saw
- 8 a huge flame, and we left, or rather, we saw
- 9 a huge column of smoke, and we left.
- 10 Q. While you were going into exile, did you
- 11 meet Semanza?
- 12 A. No, I did not meet him. But when I reached
- 13 Ruhango I heard that he was in Gitarama.
- 14 Q. So you did not meet him?
- 15 A. No, I did not meet him.
- 16 Q. Still while you were going into exile, did
- 17 you come across roadblocks?
- 18 A. I saw a roadblock that was manned by
- 19 soldiers. It was between the Gashora
- 20 commune and the Bicumbi commune. It was
- 21 around Kabukuba. I am going to spell
- 22 "Gashora": G-A-S-H-O-R-A. I will also spell
- 23 "Kabukuba": K-A-B-U-K-U-B-A.
- 24 Q. And who manned the said roadblock?
- 25 A. The roadblock was manned by soldiers.

- 1 Q. Were there any special formalities to be  
2 fulfilled prior to crossing the roadblock?
- 3 A. It was necessary to produce one's  
4 identification papers.
- 5 Q. While you were crossing the roadblock, did  
6 you see or hear of any scenes of violence at  
7 the roadblocks?
- 8 A. No. I did not witness that.
- 9 Q. Now you can answer briefly to the coming  
10 question so that we proceed thereafter to  
11 the closed session. Can you tell the Court  
12 if you know a certain Gatwa, Tharcisse?
- 13 A. Yes, I know him.
- 14 Q. Can you tell the Court who he was?
- 15 A. He had been a teacher at the Bicumbi school  
16 complex. There were demonstrations at that  
17 school. He was sent away because he was  
18 accused of having caused the disturbances  
19 which occurred at the school. He was taken  
20 by the APEGA school at Gahengeri; that is,  
21 Mr. Semanza's school.
- 22
- 23 (Pages 23 - 48 by Karlene Ruddock)
- 24
- 25



- 1 11:30H
- 2 BY MR. ALAO:
- 3 Q. Thank you very much. Do you know his ethnic  
4 origin?
- 5 A. It was said that he was Tutsi.
- 6 Q. Thank you. Do you -- did you also know a  
7 certain Mukarukaka?
- 8 A. Mukarukaka was an old woman who lived at  
9 Kinyovi. I spell Kinyovi, K-I-N-Y-O-V-I.
- 10 Q. Did you hear of killings that allegedly took  
11 place at that lady's house, that was around  
12 the 7th of April 1994?
- 13 A. I did not hear of those killings, and I know  
14 that there was no such thing.
- 15 Q. If you know, could you tell the Court what  
16 was the relationship between that lady and  
17 Mr. Semanza?
- 18 A. They did not have a relationship.
- 19 Q. You mean to your knowledge?
- 20 A. As far as I am aware, there was no  
21 relationship between those two people.
- 22 Q. Do you also know one Singinankabo?
- 23 A. Counsel, could you spell it?
- 24 Q. S-E-N -- S-I-N-G-I-N-A-N-K-A-B-O.
- 25 A. Yes, I know him.

- 1 Q. Can you tell the Court what was his  
2 occupation?
- 3 A. I know him as someone who worked at the  
4 Nzige Canteen. I will spell Nzige,  
5 N-Z-I-G-E.
- 6 Q. Could you tell the Court, that is, if you  
7 know, whether this gentleman had a  
8 relationship with Mr. Semanza?
- 9 A. As far as I'm aware, there was no  
10 relationship between the two people.
- 11 Q. Can you tell the Court whether one of  
12 Semanza's sons called Nsengiyumva was a  
13 leader of the Interahamwe, or led the  
14 Interahamwe?
- 15 A. That is not true, because he was a student  
16 at the secondary school.
- 17 Q. Why a secondary school student cannot be a  
18 member of the Interahamwe?
- 19 A. That was not possible, because it was  
20 forbidden.
- 21 Q. However, if you were told that the son, that  
22 I have just mentioned, and Mr. Singinankabo  
23 led Interahamwe attacks in Kinyovi on the  
24 7th of April 1994; what would you say?
- 25 A. That was not possible, because before the

1                   7th, the 7th has come, and, on the radio,  
2                   instructions had been given to the effect  
3                   that everybody should remain indoors.  
4                   Moreover, there was a helicopter hovering  
5                   over the area in order to see to it that the  
6                   instructions was indeed followed.

7           THE KINYARWANDA INTERPRETER:

8                   According to the witness, the helicopter  
9                   went throughout the country to see to it  
10                  that the instructions that had been given  
11                  were respected.

12          BY MR. ALAO:

13          Q.           However, could you tell the Court whether  
14                        you also know one Kayondo, K-A-Y-O-N-D-O?

15          A.           Yes, I knew Kayondo.

16          Q.           Could you tell the Court what was his  
17                        occupation?

18          A.           Kayondo was someone who had been attacked  
19                        with machetes and he was cut on the head and  
20                        in the legs. So, he was physically  
21                        disabled. He could, however, move about.  
22                        He was a farmer. And he gathered the  
23                        property belonging to one Zimulinda. I will  
24                        spell Zimulinda, Z-I-M-U-L-I-N-D-A.

25          Q.           Can you tell the Court whether you know if

- 1 Mr. Kayondo was an Interahamwe?
- 2 A. I don't know anything about that.
- 3 Q. Did you see him at Semanza's place during  
4 your stay there, that is from the 8th of  
5 April up to the 10th of April?
- 6 A. I did not see him there.
- 7 Q. Do you know whether he had any relationship  
8 with Mr. Semanza?
- 9 A. He did not have a relationship with  
10 Mr. Semanza.
- 11 Q. Did you happen to have heard that he had  
12 killed someone in front of Semanza's house?
- 13 A. Such a thing did not happen, because he did  
14 not even get to that place.
- 15 MR. ALAO:  
16 Mr. President, I would like to thank you for  
17 your indulgence. And I would like to  
18 request you to allow us to move into a  
19 closed session.
- 20 MR. PRESIDENT:  
21 We go to the closed session.  
22
- 23 And, Mr. Alao, you are with this witness two  
24 hours 15 minutes. And I would like to find  
25 out how much time do you need to complete

1                   your examination-in-chief?

2           MR. ALAO:

3                   Mr. President, given the fact that we asked  
4                   all the questions -- our basic questions,  
5                   most questions, the closed session will take  
6                   us -- we'll take a very brief moment, ten  
7                   most, probably less than 15 minutes.

8

9

10

11                   (At this point in the proceedings, a portion  
12                   of the transcript (pages 54 to 60) was  
13                   extracted and sealed under separate cover as  
14                   the session was heard in camera)

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25

1 BY MR. EBOE-OSUJI:

2 Q. Sir, is it -- sorry.

3 MR. PRESIDENT:

4 We are in the open session.

5 MR. EBOE-OSUJI:

6 Thank you.

7 BY MR. EBOE-OSUJI:

8 Q. Sir, we are now in the open session. And  
9 this is where you will refrain from putting  
10 your personal identification or information  
11 very close around you into your answers,  
12 because people in the public might hear you.  
13 So, try and keep your answers short and  
14 simple.

15  
16 Is it your position that Semanza had a  
17 private residence of his own in Kigali, the  
18 town?

19 A. That is correct.

20 Q. And he had established that residence at  
21 least during the period from 1993 to 1994 --  
22 April 1994, to be exact, after he stopped  
23 being the Mayor of Bicumbi?

24 A. He has spent his time between the two  
25 residences. He came to Gahengeri sometimes.

- 1 Q. Very well. But he had that residence in  
2 Kigali, we would talk about the one in  
3 Gahengeri later, but for now, concentrate on  
4 the one in Kigali, that Semanza, to the best  
5 of your knowledge, spent some of his time  
6 there between 1993 and April, 1994; is that  
7 your understanding?
- 8 A. I have already said it.
- 9 Q. Thank you. Now, let's move now, turn your  
10 mind to the residence in Gahengeri and your  
11 evidence relating to what happened there,  
12 according to you, on the 8th of April, 1994.  
13 Is it -- just to be clear, is it your  
14 position that Semanza's house came under  
15 gunfire attack on the 8th of April, 1994,  
16 let's be clear?
- 17 A. That is what I said. I said that the house  
18 was fired at.
- 19 Q. That is what you were describing in your  
20 examination-in-chief; is that it?
- 21 A. That's correct.
- 22 Q. The attackers, can you tell us who you said  
23 they were?
- 24 A. Counsel, I said that the house was fired at.  
25 I did not talk about attackers.

- 1 Q. Can you tell us now who the attackers were?
- 2 A. As I said when I was interviewed, I stated  
3 in my statement that those who were  
4 attacking the house -- I take that again. I  
5 said that the shots were coming from  
6 Rwamashyongongo. I spell Rwamashyongongo,  
7 R-W-A-M-A-S-H-Y-O-N-G-O-N-G-O. This  
8 locality is inhabited by the people referred  
9 to as Abasamunyiga. I spell that,  
10 A-B-A-S-A-M-U-N-Y-I-G-A.
- 11 Q. You said that you had said in your statement  
12 that the shots were coming from  
13 Rwamashyongongo; is that what you just said  
14 right now, sir?
- 15 A. I said that the shots were coming from  
16 Rwamashyongongo, a hill which was inhabited  
17 by the people called Abasamunyiga.
- 18 Q. And you say you had said stated that in your  
19 statement; is that correct?
- 20 A. That is what I said.
- 21 Q. Have you got a copy of your statement there  
22 with you, sir? If the interpreter has it,  
23 the interpreter can help the witness look at  
24 it, the French version. Is that your  
25 statement you are looking at, sir?

- 1 A. Yes, it is the same statement.
- 2 Q. Can I have a look, please? Thank you.
- 3
- 4 Now, let's continue, sir, about still what
- 5 happened on that date at that place. Now,
- 6 you said you ran up to Semanza's house to
- 7 take refuge at his house; is that right,
- 8 because there were brick walls that you felt
- 9 would stop the bullets from hitting you?
- 10 A. That is what I said.
- 11 Q. And when you got to Semanza's house those
- 12 people you just talked about continued to
- 13 shoot at the house; is that your evidence?
- 14 A. That's correct.
- 15 Q. Thank you. Now, on whatever date it was
- 16 that that attack you described took place,
- 17 it is your evidence that those who were
- 18 shooting at the house did not come inside;
- 19 is that right?
- 20 A. Which date are you referring to, Prosecutor?
- 21 Q. Forget about the date now. Forget about
- 22 dates. I'm saying on whatever date that
- 23 event took place, just in case you are
- 24 mistaken or maybe not, but on whatever date
- 25 it was, the attack you described, the people

1                   who were carrying it out did not come within  
2                   the walls of Mr. Semanza's residence; is  
3                   that the position?

4       MR. ALAO:

5                   Objection, Mr. President.  Objection,  
6                   Mr. President.  I think the Prosecutor  
7                   should remember the number of attacks  
8                   against Semanza's house and differentiate  
9                   them from those that the witness did not see  
10                  with his own eyes, since he was not at site.

11       MR. EBOE-OSUJI:

12                  That is not an objection, and my friend is  
13                  interrupting.  He shouldn't interrupt.  We  
14                  want to finish quickly, Your Honour.

15       MR. PRESIDENT:

16                  Yes.  This is not an objection.

17       MR. EBOE-OSUJI:

18                  Thank you.

19       MR. PRESIDENT:

20                  The question is just when the witness was  
21                  within the house.  This is the situation.

22       BY MR. EBOE-OSUJI:

23       Q.           Witness, the attackers did not come within  
24                    the walls of Semanza's residence; is that  
25                    correct?

- 1       A.           Mr. Prosecutor, I talked of the events of  
2                    8th and 13th of April. I do not know which  
3                    date you are referring to.
- 4       Q.           Let's assume you are right, that the attack  
5                    you described that we've just discussed up  
6                    till now happened on the 8th of April 1994,  
7                    let's assume that you are correct on that  
8                    date. My question to you is, those who  
9                    carried out the attack did not come within  
10                   or inside the walls of Semanza's residence?
- 11      A.           The attackers did not enter inside Semanza's  
12                    compound. I said they were shooting at the  
13                    house.
- 14      Q.           That would be, sir, would it not, because  
15                    there were people against whom they were  
16                    exchanging gunfire, people who were based at  
17                    Semanza's residence; is that not correct?
- 18      A.           I did not say that.
- 19      Q.           But that's okay. But you were there at the  
20                    time, is that not right?
- 21      A.           I was there. And that did not happen.
- 22      Q.           Witness, I just looked at the statement you  
23                    gave to me, that you had when I asked to see  
24                    it, and it does appear to me that that  
25                    document appears to be different from

1 another document which we received in the  
2 Office of the Prosecutor purporting to be  
3 your statement. Can you please, for me,  
4 read out question 4 on your own statement?  
5 Read it in French, please? Can you read  
6 exactly what appears as question number 4?

7 THE KINYARWANDA INTERPRETER:

8 The witness says that he wants to use  
9 Kinyarwanda, and no other language.

10 MR EBOE-OSUJI:

11 Very well, I think it's okay, but the  
12 Kinyarwanda interpreter can read it for us,  
13 since you have identified the document as  
14 your own statement. If the Kinyarwanda  
15 interpreter please assist the Court and read  
16 precisely the question posed as question  
17 number 4?

18 THE KINYARWANDA INTERPRETER:

19 "What were the social relations between  
20 Semanza and the Tutsi population of  
21 Gahengeri?"

22 MR. EBOE-OSUJI:

23 What appears on my own is this, and I quote,  
24 Your Honours: "It is said that Semanza did  
25 not speak well of the Tutsi. That he said

1 the Tutsi were the enemies of the Hutu."

2 Did you hear that?

3

4 Your Honour, these are completely different

5 questions. And the dates on both are at

6 same. The date -- can the interpreter

7 please tell the exact date on that

8 statement, on the front page? What does it

9 say?

10 THE KINYARWANDA INTERPRETER:

11 19/4/2001.

12 MR. EBOE-OSUJI:

13 That is precisely what appears on the

14 document that I also read out, 19/4/2001.

15

16 Now, again, staying with that document,

17 Your Honour, I believe that the best thing

18 to do, instead of taking the Court through

19 it in this tedious manner, is, for me to

20 submit what I have as exhibit and indicate

21 the differences I was able to spot, and we

22 will address that at the end of the day, the

23 significance of it.

24 And our indication -- what we wish to

25 indicate to the Court is that question 4, as

1 is seen, is quite different.  
2  
3 Question 3 appears to be missing some lines  
4 in the response.  
5  
6 Question 4, itself -- sorry, response to  
7 question 4, now we are back to question 4.  
8 Response to question 4 is different in what  
9 we have, and much longer. There is no  
10 question 4bis in what we have. There is  
11 question 4bis -- it doesn't say bis, there  
12 is a question 4, and there have been a lot  
13 of questions that there is no indication.  
14 So, we are taking liberty to call it 4bis.  
15  
16 And question 5, there is no bis as well in  
17 what we have with us.  
18  
19 And the point then becomes what is going on,  
20 Your Honours? And we will submit this to  
21 the Court as exhibit in the proceedings so  
22 that the Court can see exactly what we are  
23 talking about. I would take that time to  
24 consider it. I don't want to take the  
25 witness through all the differences.

1 MR. ALAO:

2 Mr. President, I would like to know if I can  
3 speak.

4 MR. PRESIDENT:

5 Yes, you may, Counsel.

6 MR. ALAO:

7 I think, regarding the substances of the  
8 concerns raised by the Prosecutor, the  
9 Prosecutor is indeed right. The redacted  
10 document submitted to the Prosecutor, which  
11 -- whose disclosure to the Prosecutor we  
12 allowed, does not reflect exactly the typed  
13 statement which we submitted to you in the  
14 paragraphs concerned. It is obvious that  
15 what is important is the witness' testimony  
16 before the Court. However, the Prosecutor  
17 still has the right, in our understanding,  
18 to question the witness on the basis of the  
19 two documents if he notices any  
20 contradictions therein. That's it.

21 MR. EBOE-OSUJI:

22 Your Honours, finally, I don't wish to draw  
23 this thing out much longer. If Your Honours  
24 would note this, there was another witness  
25 who had shown up here, and there was a

1 question about when this witness signed the  
2 statement. The question then becomes, are  
3 statements changing form and content between  
4 dates and still showing up in Court bearing  
5 the same date, that is the concern we have,  
6 Your Honours.

7  
8 And this begins to make a lot of sense when  
9 we make our submission on the belated alibi  
10 that the Defence has raised in this case.  
11 Your Honour, on that note, I wish to advise  
12 that I have got no more questions for this  
13 witness.

14 MR. PRESIDENT:

15 Thank you very much. My only question is do  
16 you have the statement of the witness in  
17 French or in English also?

18 MR. EBOE-OSUJI:

19 Your Honour, I think we don't need to  
20 belabour the point. My friend has admitted  
21 that there are some discrepancies in both.  
22 I think that should be enough for us.

23 MR. ALAO:

24 Mr. President.

25

1 MR. PRESIDENT:

2 Yes, Mr. Alao, what do you want to say?

3 MR. ALAO:

4 Thank you, Mr. President.

5

6 I think it is not necessary to make a storm  
7 out of this. I am sorry. Allow me to  
8 speak, Mr. President. This is a question of  
9 law. The documents that we tendered or  
10 produced, which are referred to as witnesses  
11 statements, are not considered authentic  
12 documents in the civil law system, they are  
13 extracts of statements.

14

15 And what is important, according to your own  
16 jurisprudence, it is the witness' testimony  
17 before the Court when the witness is  
18 submitted to questions, not only from the  
19 Defence, but also questions during  
20 cross-examination by the Prosecutor. You  
21 told us to cooperate with the Prosecutor and  
22 to give him -- to disclose to him, in our  
23 generosity, the documents in our possession.  
24 If, in the meantime, after having disclosed  
25 to him redacted documents, the Defence

1 notices that certain questions were too  
2 leading, and changed or amended those  
3 questions without having taken the  
4 precaution to draw the attention of the  
5 Prosecutor to those substantive changes so  
6 as to avoid asking leading questions, that  
7 cannot entail the consequences that the  
8 Prosecutor is inferring. These statements  
9 are not necessarily legal and do not bind  
10 the Defence. Consequently, if the  
11 Prosecutor has no further questions to put  
12 to the witness, after having given to you  
13 the documents that he mentioned, we would  
14 all draw the necessary conclusions on that  
15 situation. Thank you.

16 MR. PRESIDENT:

17 Thank you. I would now like to ask the  
18 Registry, in my understanding, as soon as  
19 the statements are filed with the Chamber,  
20 the Defence accept it in the spirit of  
21 cooperation that the Prosecutor has and  
22 could receive the same statements. We have,  
23 in English and in French, the statement of  
24 the witness.

25

1                   And for me, it's not clear why, why the  
2                   Prosecutor doesn't have these statements  
3                   taken into account --

4       MR. EBOE-OSUJI:

5                   Your Honour, sorry, sir. I see where you  
6                   are heading. That's not a concern at all of  
7                   ours. There is no issue arising there.  
8                   The real question, Your Honour, is what my  
9                   friend just indicated. Parties are free to  
10                  take supplementary statements. That is  
11                  perfectly proper, but you don't leave your  
12                  original date of the statement of that and  
13                  then pretend as if that document, the  
14                  supplementary document, was taken on the  
15                  same date as the first one, or is the same  
16                  document. That is the problem. That is the  
17                  confusion.

18  
19                  If my friend had taken a supplementary  
20                  statement, that supplementary statement  
21                  should bear the date on which it was taken.  
22                  He just said in the meantime. That means  
23                  it could not have been on the original date  
24                  on the original statement. That's the  
25                  concern, Your Honour. We are not --

1 MR. PRESIDENT:

2 If the question is about the date, I think  
3 it could be accepted. The date should be  
4 proper.

5 MR. ALAO:

6 Mr. President, we are not blaming the  
7 Prosecutor. What he is saying is a  
8 substantive error. What is it? It is a  
9 document -- it is a typing error, a typing  
10 error which could be corrected at any time.  
11 And this is what we were explaining to the  
12 Prosecutor. If it raises a substantive  
13 issue, he should put questions to the  
14 witness so as to clarify any doubts on the  
15 substantive issue. We have nothing to hide  
16 here.

17 MR. EBOE-OSUJI:

18 Your Honour, I do not accept that this is a  
19 typing error. I was willing to accept to  
20 say we don't put the document in, since he  
21 had admitted that there were discrepancies.  
22 But if he says it is a typing error, then I  
23 would push to tender what we have on the  
24 record as an exhibit. Your Honours have the  
25 unredacted version with you. We can also

1 make those -- the Registry can assist and  
2 put the French version, unredacted version,  
3 in as an exhibit together with the redacted  
4 version so that we can see the discrepancies  
5 whether they are typing errors or whether  
6 somebody had gone to the statement, opened  
7 them up, changed them, still retaining the  
8 first date. That's the issue.

9 MR. ALAO:

10 Mr. President, that is a translation error.  
11 It is not a typographical error that we are  
12 talking about. Well, the French expression  
13 is error material. It is clerical error.

14 THE ENGLISH INTERPRETER:

15 Well, that's what our dictionary tells us.  
16 Maybe we do not have --

17 MR. ALAO:

18 From a legal stand point, an error material,  
19 is an error that could be corrected, whose  
20 consequences can be corrected at any moment.  
21 Just like I was telling the Prosecutor, we  
22 should have informed him that this statement  
23 is not in agreement with the redacted  
24 statement given to him. And it is because  
25 -- well, we apologise for not having done

1 so. It is not a typical error, a  
2 typographical error, but we should have  
3 corrected it in line with what he says, but  
4 that has nothing to do with the substance.

5 MR. PRESIDENT:

6 Judge Dolenc would like to ask the question.

7 JUDGE DOLENC:

8 Mr. Alao, I see that interview with this  
9 witness was in Kinyarwanda. Did witness  
10 signed his statement in Kinyarwanda  
11 language?

12 MR. ALAO:

13 No, Mr. President. The statement was signed  
14 in French.

15 JUDGE DOLENC:

16 And the statement which I have is in French,  
17 this statement is not signed by anybody.

18 MR. ALAO:

19 That's correct. It is very important to  
20 explain to you, and perhaps to take the same  
21 opportunity to explain to the Prosecutor  
22 what is happening.

23

24 When we were at the hearing, you would  
25 remember, we told you that all the

1 statements were not ready. And you told us,  
2 or, furthermore, we said that some of them  
3 were not signed. And you told us that in  
4 any case, that we should give them out  
5 first, or disclose them. Because, with  
6 respect to this statement and other  
7 statements, we were reviewing the statements  
8 to see whether the questions were too  
9 leading. And there were other concerns.  
10 This led to these changes in order to avoid  
11 the situation where we would be told that,  
12 well, the answers to the questions are  
13 known. That is it. The first redacted  
14 statement was amended at the places pointed  
15 to by the Prosecutor. And we did not inform  
16 the Prosecutor of that. And we apologise  
17 for that, but it has nothing to do with the  
18 substance.

19 JUDGE DOLENC:

20 Defence Counsel, obviously, arrange for  
21 another translation for another statement of  
22 the witness which is not signed, and without  
23 consent, without showing these changes to  
24 the witness; isn't so?

25

1 MR. ALAO:

2 No, because at the time we reviewed, indeed,  
3 the investigator returned to see the witness  
4 to give him explanations on the fact that  
5 certain questions were too leading. We  
6 demanded that before transmitting the  
7 document on an urgent basis to the  
8 translation service.

9  
10 But, in the meantime, obviously, we  
11 wondered, well, the statement were  
12 transmitted in their entirety, as concerns  
13 the first witness, they were transmitted to  
14 the Prosecutor. So, after that we should  
15 also have transmitted to him the corrected  
16 new statement. But, in the meantime, we  
17 have the incident during the hearing. So,  
18 he obtained this statement not from us.  
19 Therefore, the cooperation that we put in  
20 place did not function, otherwise he should  
21 have known why these changes were made.

22  
23 In addition, the Prosecutor, Mr. President,  
24 should have drawn our attention, telling us  
25 that we have not disclosed to him the

1 statement or that he has received the  
2 statement, but there is a problem with the  
3 redacted statement and he would have asked  
4 us for explanations. Perhaps, we would not  
5 have been in this situation that we are in  
6 now.

7 MR. PRESIDENT:

8 Judge Williams.

9 JUDGE WILLIAMS:

10 Mr. Alao, I don't recall the Chamber telling  
11 you that you could submit statements that  
12 were not signed. What the Chamber told you  
13 is that you could submit the statements,  
14 although they had not been translated.  
15 That is what I understood, they could be  
16 submitted although they were not translated.

17  
18 Anyway, I will move on to my next point.

19  
20 I don't see that the Prosecutor can tender  
21 the document. I think what he needs to do,  
22 if he is concerned about discrepancies, then  
23 he can point out what the various  
24 discrepancies are on record. And if he  
25 wants to get the date on which they were



1                   made and so forth, but the question of  
2                   putting in the document, I don't think that  
3                   is appropriate. What he should do is point  
4                   out on the record what are the differences,  
5                   if there are differences, and find out from  
6                   the witness what date the respected  
7                   statements were signed. I think that is the  
8                   appropriate way to go about it, and not just  
9                   get up and say, well, I'm tendering this  
10                  document.

11       MR. EBOE-OSUJI:

12                  Very well. Your Honour, what I was hoping  
13                  to do, so that instead of leaving this to  
14                  extended debate and a possibility of  
15                  confusion, I thought that it was best that  
16                  the matter is before the Judges, so that the  
17                  documents speak for itself, as opposed to me  
18                  giving it my interpretation, and the Defence  
19                  giving it his interpretation. This is a  
20                  question of procedure, sir.

21       JUDGE WILLIAMS:

22                  It's not a matter of interpretation, just  
23                  say what is on the document with regard to  
24                  the issues you are raising. And that's it.  
25                  Nobody -- you cannot interpret it. It will

1 interpret itself, and the Chamber will make  
2 its interpretation. But, you can't just  
3 say, I want to put in the document in that  
4 way. You can highlight the issues you want  
5 to highlight. And then we move on, because  
6 we wasted more time, and if you had followed  
7 that procedure, by now, we, probably, would  
8 have finished.

9 MR. EBOE-OSUJI:

10 Your Honour, some things happen in the  
11 dynamics of trial and people notice things  
12 as they are happening. So, this is part of  
13 what happened, sir. What I will -- I  
14 believe I've already pointed out the  
15 problems already when I raised the issue the  
16 first time. And, my friend then generously  
17 admitted that we were quite right in the  
18 discrepancies. What I hadn't done -- the  
19 only other missing thing that I hadn't  
20 pointed out was what His Honour,  
21 Judge Dolenc, alluded to, when he asked his  
22 question to Mr. Alao, and that is the  
23 question of signature.

24  
25 Indeed, the redacted version that I was

1                   complaining about, that has discrepancy, has  
2                   what I presumed to be a signature at the  
3                   last page, that although it is redacted,  
4                   because it should have been redacted at that  
5                   time, but there is a signature there. My  
6                   friend can confirm that that it is redacted  
7                   on the redacted document, whereas the  
8                   unredacted one is quite clean. It does not  
9                   contain anything that even looks like a  
10                  signature, redacted or unredacted. So,  
11                  that's the only thing -- the only other  
12                  thing I wish to point out.

13  
14                  And, Your Honours, I do not intend to  
15                  cross-examine the witness on the  
16                  discrepancies. My only intention is to  
17                  point out that there appears to be a system,  
18                  or statements changing, and yet retaining  
19                  the same date. That is the only point I  
20                  wish to make. I didn't wish to bother this  
21                  witness with it. It may not be his fault  
22                  after all.

23                  MR. PRESIDENT:

24                                 Yes. And taking into account that the  
25                                 Defence recognised that this is an error, I

1 think all the discussion was reflected in  
2 our record, and we could put an end to this  
3 discussion.

4  
5 Any re-examination?

6 MR. ALAO:

7 Mr. President, the Defence has no further  
8 questions.

9 MR. PRESIDENT:

10 Your testimony is over. Thank you,  
11 very much, for your cooperation. You can  
12 go, and the Registrar will accompany you.

13  
14 And I would like to draw your attention that  
15 on the schedule which was available, and  
16 following from the section of the protection  
17 of the witnesses on the 22nd -- on 26 and  
18 27, three witnesses have to come. And,  
19 therefore, I mean the witnesses which are  
20 indicated; CBM1, CBN and CDN1, I would like  
21 to find out in what order, on Monday, the  
22 Defence would like to examine these  
23 witnesses?

24  
25 No, on 26 and 27 October we plan to bring

1 three more witnesses. Therefore, therefore,  
2 on Monday we can deal with these witnesses.  
3 The question is, are we able to deal with  
4 the witnesses on Monday not on Sunday.

5 MR. TAKU:

6 Yes, My Lord, on Monday, we will be able to  
7 put these witnesses, bring them here, if  
8 they arrive, My Lord.

9  
10 And also inform Your Lordships that we would  
11 like to maintain the order listed by the  
12 Witness Protection Unit.

13 MR. PRESIDENT:

14 Therefore, I understand that on 29, this is  
15 a Monday --

16 MR. TAKU:

17 Yes, My Lord.

18 MR. PRESIDENT:

19 We can deal before with the witness CBM1.  
20 After that Witness CBN and CDN1.

21  
22 Mr. Taku, this is the order?

23 MR. TAKU:

24 Yes, My Lord.

25

1 MR. PRESIDENT:

2 This is my question. The second question:  
3 We received the paper -- application of the  
4 Defence for leave to add new witnesses,  
5 expert witnesses.

6 MR. TAKU:

7 Yes, My Lord.

8 MR. PRESIDENT:

9 And, therefore, taking into account that in  
10 October, we'll have three days in October;  
11 29, 30 and 31, 31st.

12 MR. TAKU:

13 Yes, My Lord.

14 MR. PRESIDENT:

15 And three witnesses. I would like on  
16 Monday, in the morning, to spend an hour for  
17 discussion of the list of --

18 MR. TAKU:

19 Witnesses.

20 MR. PRESIDENT:

21 Yes. But, I would like to inform you what  
22 will be the organisation of this discussion  
23 to avoid the difficulties. I am not  
24 prepared to discuss all the witnesses  
25 together, the witness by witness.

1                   Therefore, we'll start, for example, from  
2                   General Kwami Anyidoho; when we finish,  
3                   we'll discuss the next witness and so far.

4  
5                   And I would like to say that we would like,  
6                   during this discussion, to receive, to  
7                   receive the answer to the following  
8                   question:

9  
10                  The first question, what is the purpose of  
11                  calling expert witness General Kwami  
12                  Anyidoho?

13  
14                  The second question, what is the topic of  
15                  his testimony?

16  
17                  The third question, whether this witness has  
18                  a specific and relevant information or  
19                  knowledge on this matter, on the matter of  
20                  his testimony?

21  
22                  Question 4, concise information on his  
23                  studies, training, skills and competence,  
24                  experience, professional reputation?

25

1 Five, whether there are the documents  
2 attesting to his special knowledge,  
3 competence, experience, training or  
4 education?

5  
6 When is this witness able to appear before  
7 the Chamber, with understanding that, in  
8 accordance with the Rule 94bis, the witness  
9 has to file with the Chamber his statement  
10 21 days before his appearance?

11  
12 And the last question, when will the full  
13 statement of his -- of this expert witness,  
14 his statement be disclosed to the  
15 Prosecution? It should be done as early as  
16 possible, but, therefore, the question  
17 arises, therefore, the procedure will be the  
18 following:

19  
20 The submission of the Defence to inform us  
21 and to answer these questions which are  
22 necessary to help us take a decision. After  
23 that, the statement of the Prosecutor, and  
24 your reaction of the statement of the  
25 Prosecutor. And after that we can go to the

1 next witness and to consider your  
2 application about these expert witnesses one  
3 by one. Is it clear?

4 MR. EBOE-OSUJI:

5 It is clear, Your Honour, but for just one  
6 detail arising from the last instruction  
7 Your Honour added. Does it mean that we  
8 should be prepared to discuss all these  
9 witnesses on Monday, but only to do it  
10 seriatim?

11 MR. PRESIDENT:

12 No, no, no. I mean to spend an hour. I  
13 don't know how much we can do during this  
14 hour.

15 MR. EBOE-OSUJI:

16 I see what you mean.

17 MR. PRESIDENT:

18 But after that, after that, we'll use our  
19 time taking into account how the examination  
20 of witnesses could go on.

21 MR. EBOE-OSUJI:

22 So, we would begin with seriatim discussion  
23 within one hour.

24 MR. PRESIDENT:

25 We will begin with General, and after that

1 we'll continue step by step, taking into  
2 account that we cannot postpone this matter,  
3 the application. Last time I said we have  
4 no such application, now we have such  
5 application, therefore, we have to proceed.

6 MR. TAKU:

7 My Lord, with deepest respect, My Lord, on  
8 this question of the expert witnesses, Your  
9 Lordship permit me to ask Mr. Alao to react  
10 and to give you some information, My Lord.  
11 It is a very, very vital information. At  
12 this point in time --

13 MR. PRESIDENT:

14 But not now, now, we are discussing only  
15 organisation of our work.

16 MR. TAKU:

17 Just on that point, My Lord.

18 MR. PRESIDENT:

19 Just a moment. Before your statement, I  
20 would like to say that all the questions are  
21 based on the Rule of Procedure, and on the  
22 directive of the assignment of the expert  
23 witnesses.

24 Just a moment.

25

1 Mr. Alao, you have the floor.

2 MR. ALAO:

3 Thank you, Mr. President.

4

5 I think the Defence was concerned about the  
6 requirements of the Rules with respect to  
7 expert witnesses, in particular as concerns  
8 General Anyidoho. We had to seek the  
9 cooperation of the Registrar, because we met  
10 General Anyidoho and the Chief of Staff of  
11 the Ghanaian Armed Forces, as well as their  
12 legal department. They told us that before  
13 General Anyidoho gives information on his  
14 competence, his intellectual status, in the  
15 form of an affidavit, they must first  
16 receive from the Tribunal a specific request  
17 for them to be able to authorise the general  
18 to give us such information, officially.

19

20 We, therefore, contacted the Registry. The  
21 Registry contacted the United Nations to  
22 make sure that they could take such steps in  
23 relation or towards the Ghanaian authorities.  
24 They obtained the green light. The Registry  
25 has, therefore, written to the Ghanaian

1 authorities. They gave us a copy of the  
2 letter to the Ghanian authorities so that we  
3 should go and collect the information  
4 sought.

5  
6 Unfortunately, the program of hearings that  
7 -- the program of hearings, since one week  
8 when we received that information, did not  
9 allow us to go and collect such technical  
10 information concerning General Anyidoho.  
11 And I do not see, in the present  
12 circumstances, how we can have the two  
13 documents referred to under point 5 and 6, I  
14 believe, which you logically request or  
15 demand, if we do not go to Ghana to have the  
16 affidavit and the documents that support the  
17 content of the affidavit.

18 MR. PRESIDENT:

19 Mr. Alao, you did not understand. Number 5,  
20 we are saying whether there are the  
21 documents attesting, it's enough, but as the  
22 Registry is concerned, this is the directive  
23 provides, "The witness shall provide the  
24 following documents attesting --"  
25 therefore, now, there is no question, just

1 to show us these documents, but, only to  
2 give us the information taking into account  
3 that at a later stage, it will be necessary  
4 the witness shall provide the following  
5 documents attesting to his special  
6 knowledge, et cetera, et cetera.

7  
8 Therefore, we are not requesting the  
9 documents at this stage.

10 MR. ALAO:

11 You missed the information, the information  
12 that -- Mr. President, the information you  
13 are relating to. The General and the Chief  
14 of Staff are saying that the General cannot  
15 give us that information before having been  
16 authorised by the chief of staff. And the  
17 chief of staff, herself, must be requested  
18 by the Registry. Now, that has been done.  
19 We don't even have justifying documents, but  
20 the information itself.

21 MR. PRESIDENT:

22 You should avoid a confusion. It seems to  
23 me that these are questions and the  
24 information is important to us. The  
25 information should enable us to take a

1 decision. After that, if there are some  
2 practical questions, as you mentioned, then  
3 we could solve such practical questions.  
4 But what I said, and my understanding is,  
5 that for the Chamber to take a decision, it  
6 is necessary for the Chamber to have answers  
7 to the questions that are provided for in  
8 our Rules as well as Directives relating to  
9 expert witnesses. That is what I said.

10  
11 This is important, because as concerns 6-20  
12 -- this is 94bis, because you remember in 21  
13 days his statement should be filed with the  
14 Chamber. And, as soon as early as possible,  
15 they should be disclosed to the Prosecution.  
16 This is the questions which arise, because I  
17 don't want to have a discussion. Mr. Alao,  
18 I don't want to have a discussion which is  
19 not helpful. Therefore, the questions are  
20 formulated just to show what information we  
21 would like to receive during your  
22 submission. This is - it's clear Mr. Taku?

23 MR. TAKU:

24 Well, My Lord, we understand exactly your  
25 position. The only problem is we would try

1 to get in touch with General, but it's not  
2 always on the same, being a military man,  
3 you know. It is at times very, very  
4 difficult. We've spoken to him and some of  
5 this information has to be released on us --  
6 to us. The procedure has been very long,  
7 unfortunately. It has not been very easy,  
8 considering the position he held in Rwanda  
9 at the time in the United Nations Peace  
10 Keeping Mission in Rwanda. It was a very  
11 sensitive position; that is the reason why  
12 all these precautions had to be taken, both  
13 by the United Nations and by his home  
14 government, so that there should be no  
15 confusion between the information that can  
16 be disclosed at this point in time, the  
17 information which the UN would like to  
18 protect, and the information that should be  
19 released. It is only on this call alone,  
20 because, most of the Secretary General  
21 replied, the Assistant Secretary General  
22 replied saying yes, he can testify. But at  
23 the same time he said that there are some  
24 information which may be very, very  
25 sensitive which the UN might like to

1 protect. You see, it is in this call alone  
2 that we are taking this precaution to make  
3 sure that the Ghanian authorities and the  
4 UN, they discuss, so we don't come here  
5 divulging information or getting into  
6 situations in which the information which  
7 might not be helpful to the situation may be  
8 brought. Although we are here, we are  
9 lawyers here, but all the same we are  
10 laymen, it's not all the information that we  
11 might have access to. So, it's a matter of  
12 time that on Monday -- we wanted just to  
13 inform Your Lordships on time that on  
14 Monday, much as we have some information  
15 about him, not all the information that  
16 might be available on Monday, because --

17 MR. PRESIDENT:

18 Mr. Taku, maybe, maybe you prefer to start  
19 with Professor Pascal, I don't know, it's up  
20 to you.

21 MR. TAKU:

22 Yes, My Lord. We will, My Lord.

23 MR. PRESIDENT:

24 Okay, let's start with Professor Pascal.

25

1 MR. TAKU:

2 Yes, My Lord.

3 MR. PRESIDENT:

4 Okay, this one thing. The second, what I  
5 would like to draw your attention, there is  
6 a difference. No doubt, this General could  
7 be a witness, but the question is whether he  
8 could be the -- a simple witness or is  
9 expert witness, because there are special  
10 requirements to the expert witnesses.

11

12 From this point of view, because you have  
13 some, as you are saying, difficulties with  
14 the General, okay, let's start with  
15 Professor Pascal, and after deliberation, we  
16 have to go and to consider another  
17 candidate.

18 MR. TAKU:

19 Okay, My Lord.

20 MR. PRESIDENT:

21 Yes. Okay. Therefore, we'll start with  
22 Professor Pascal.

23

24 MR. TAKU:

25 Most obliged, My Lord.

1 MR. PRESIDENT:

2 Yes. Okay.

3

4 And if everything is clear, I would like to  
5 wish everybody happy weekend, or nice  
6 weekend. And we'll resume our work on  
7 Monday.

8

9 If I suggest to resume our work at  
10 9 o'clock, Prosecutor has some difficulties?

11 MR. EBOE-OSUJI:

12 Your Honour, Prosecutor does not have a lot  
13 of difficulties at all. If Your Honours  
14 want at nine, we can start at nine.

15 MR. PRESIDENT:

16 Nine.

17

18 Therefore, we'll work with the expert  
19 witness Pascal until ten. And after that  
20 we'll start the examination-in-chief of your  
21 witness in the order which was mentioned.

22 MR. TAKU:

23 Yes, My Lord.

24

25

1 MR. PRESIDENT:

2 Okay. The proceedings are adjourned until  
3 Monday, 9 o'clock.

4

5 (Court recessed at 12:45H)

6

7

8 (Pages 1 to 99 by Haruna Farage)

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C E R T I F I C A T E

We, Judith Kapatamoyo, Karlene Ruddock and Haruna Farage, Official Court Reporters for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (stenotype) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in no way interested in the result of said cause.

\_\_\_\_\_ (pages 1-23)  
Judith Kapatamoyo

\_\_\_\_\_ (pages 24-48)  
Karlene Ruddock

\_\_\_\_\_ (pages 49-99 open)  
Haruna Farage (pages 54-60 closed)