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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-97-20-T

THE PROSECUTOR
OF THE TRIBUNAL

AGAINST

LAURENT SEMANZA

24 OCTOBER 2001
1130H
TRIAL CONTINUED

Before: Judge Yakov Ostrovsky, Presiding
Judge Lloyd G. Williams
Judge Pavel Dolenc

For the Registry:
Mr. Constant Kwaku Hometowu
Mr. Thobias Ruge

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

For the Accused:
Mr. Charles Acheleke Taku
Mr. Sadikou A. Alao

Court Reporters:
Mr. Haruna Farage
Ms. Judith Kapatamoyo

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I N D E X

WITNESSES

For the Defence:

WITNESS MTP

Examination-in-chief by Mr. Alao 8

EXHIBITS

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

2 MR. PRESIDENT:

3 First of all, the proceedings are resumed.
4 And I would like to ask the Registrar to
5 introduce the matter coming to us this
6 morning.

7 MR. CONSTANT:

8 Thank you, Mr. President. Trial Chamber III
9 of the International Criminal Tribunal for
10 Rwanda, composed of Judge Yakov Ostrovsky,
11 presiding, Judge Lloyd G. Williams, and
12 Judge Pavel Dolenc, is now sitting in open
13 session, today, Wednesday, the 24th of
14 October, 2001, for the continued trial in
15 the matter of the Prosecutor versus Laurent
16 Semanza, Case No. ICTR-97-20-T. Thank you.

17 MR. PRESIDENT:

18 Thank you.

19

20 For the record, the appearance of the
21 Prosecution.

22 MR. EBOE-OSUJI:

23 If it pleases the Court, Eboe-Osuji with Ms.
24 Wildermuth for the Prosecution. And sitting
25 at the bar with us is Mr. Rashid Rashid, our

1 case manager.

2 MR. PRESIDENT:

3 Thank you. The appearance of the Defence.

4 MR. TAKU:

5 May it please Your Lordship. My name is

6 Charles Acheleke Taku, I appear for the

7 Defence. With me, my learned colleague,

8 Mr. Sadikou Alao -- Ayo Alao, Mr. Joseph

9 Mushyandi, our legal assistant, and

10 Ms. Lilian Lyimo.

11 MR. PRESIDENT:

12 Thank you. And the witness, I understand,

13 MTP.

14

15 MR. TAKU:

16 Yes, My Lord. But before we get him, Your

17 Lordship just say that I should repeat the

18 names and put it on the record, then we can

19 proceed. I don't know what should we do

20 now; should we call the witness or this

21 matter is kept for another period, the

22 question we raised in the status conference

23 about the expert witnesses?

24 MR. PRESIDENT:

25 No, we finished with the expert witnesses.

1 The only -- to help us, you have the right
2 to make an oral application, but taking into
3 account that there are some difficulties.
4 If it is not difficult for you, just you can
5 give us the paper and you indicate what is
6 your application, and what expert witnesses,
7 who, from your point of view, should be
8 called. And that's all.

9
10 And, after that, as I said, we'll choose the
11 time during our proceedings, and we'll
12 discuss the matter. And only after that the
13 Chamber will be able to take a decision.

14

15 MR. TAKU:

16 Thank you, My Lord.

17 MR. PRESIDENT:

18 This is in accordance with the requirements
19 of the Rules. The only thing, you don't
20 forget the requirements of the Rule 94bis.

21 MR. TAKU:

22 Yes, My Lord. I'm aware of that, My Lord.

23 MR. PRESIDENT:

24 And I would like the Registrar to introduce
25 the witness.

1 MR. TAKU:

2 So, My Lord, can I place my application on
3 the record just by reading the names, as
4 Your Lordship said, or we can do that
5 subsequently, or Your Lordships --

6 MR. PRESIDENT:

7 I think it is better to give us in the
8 paper, because not to postpone our
9 proceedings.

10 MR. TAKU:

11 Okay, My Lord.

12 MR. PRESIDENT:

13 Yes, it's not difficult.

14

15 MR. TAKU:

16 Most obliged, My Lord.

17 MR. PRESIDENT:

18 Because an oral application was made, but
19 you have only given the name, our
20 application to include in the list of
21 witnesses, such and such expert witnesses,
22 and without arguments. Arguments will be
23 when we discuss the matter. Your arguments,
24 the arguments of the Prosecutor, the
25 discussion will be with their arguments, but

1 not at this stage.

2 MR. TAKU:

3 The arguments come under 94bis, as Your
4 Lordship says, that's when arguments could
5 be raised.

6 MR. PRESIDENT:

7 94bis, this is not the arguments. You see --

8 MR. TAKU:

9 When the statement is submitted, and they
10 can now --

11 MR. PRESIDENT:

12 Yes, the report should be circulated, and
13 what is indicated, the terms.

14

15 MR. TAKU:

16 Yes, My Lord.

17 MR. PRESIDENT:

18 Yes. And, as I understood, you accepted the
19 request of the Chamber to inform the
20 Prosecutor about the statements, and, if it
21 is necessary, summary, but if there are
22 statements, I don't think that summary are
23 necessary of the new five witnesses who are
24 included.

25

1 MR. TAKU:

2 Yes, My Lord, Mr. Alao would handle that
3 because he is in charge of disclosures in
4 our team. So, Mr. Alao will reply to that,
5 My Lord.

6 MR. PRESIDENT:

7 I think if you receive the full statement,
8 Mr. Osuji, it's not necessary summary?

9 MR. EBOE-OSUJI:

10 Quite so, Your Honour.

11 MR. PRESIDENT:

12 Yes. Okay, the witness has to make a solemn
13 declaration.

14 (Declaration made by Witness MTP in
15 Kinyarwanda)

16 MR. PRESIDENT:

17 Well, you are protected witness. I don't
18 know whether you speak French or English;
19 will you check?

20 THE WITNESS:

21 I will speak in Kinyarwanda, my mother
22 tongue.

23 MR. PRESIDENT:

24 You could speak Kinyarwanda. This is your
25 right. Try to understand the questions and

1 to answer the questions. This is the
2 procedure. And the witness has to answer
3 the questions, before the questions of the
4 Defence, and after that, the questions of
5 the Prosecution.

6
7 If you don't know, you have to say so. If
8 you don't remember, you have to say. I
9 think you understand the procedure. The
10 answer should be very concrete, not long and
11 without any statements, any recommendations,
12 any declarations, only answers to the
13 questions.

14
15 You may proceed, who -- Mr. Alao.

16
17 I think -- interpreter, I think I understand
18 you translated what I said.

19
20 You may proceed.

21 MR. ALAO:

22 Thank you, Mr. President.

23 WITNESS MTP

24 first having been duly sworn,
25 testified as follows:

1 EXAMINATION-IN-CHIEF

2 BY MR. ALAO:

3 Q. Good morning, Witness MTP.

4 A. Good morning, Counsel.

5 Q. I hope you are conscious of the fact that

6 you are under oath. And that when one is

7 under oath, one may not lie to this Court.

8 You would also remember that Semanza's

9 counsel told you that they are the ones

10 responsible for Semanza's Defence and that

11 is not your role. Your role is only to

12 enlighten the Court on what you know or what

13 you don't know. On this understanding I

14 would like to make sure that the

15 identification that we made, the information

16 you disclosed to us is not contrary to the

17 reality.

18

19 I would request you to kindly look at this

20 document, this form, so that we are certain

21 that the identification is correct.

22 MS. WILDERMUTH:

23 Your Honour, for the record, the Prosecution

24 was not supplied a copy of the document that

25 was referenced by the Defence attorney.

1 MR. ALAO:

2 Mr. President, that duty will be performed
3 when we are sure.

4 THE WITNESS:

5 What is contained in this document is in
6 agreement with my identity.

7 MR. ALAO:

8 Registry, please, could you show that
9 document to the Prosecutor?

10 MR. PRESIDENT:

11 Did you receive a copy?

12 MS. WILDERMUTH:

13 Yes, the Prosecution did, Your Honour.

14 MR. PRESIDENT:

15 Thank you. What was your suggestion?

16 MR. ALAO:

17 Mr. President, with your leave, the Defence
18 would like to tender this document as
19 Exhibit D15. Of course, with your leave.

20 MR. PRESIDENT:

21 No objection?

22 MS. WILDERMUTH:

23 No objection, Your Honour, but we would note
24 that the Prosecution was given access to the
25 document, but did not receive a copy for the

1 Prosecution.

2 MR. ALAO:

3 That is correct, Mr. President.

4 MR. PRESIDENT:

5 Registrar, I understand that the Defence
6 gave a copy for the Prosecution.

7 MR. RUGE:

8 This is a copy for filing, My Lordship.
9 It's not specially for the Prosecution.

10 MR. PRESIDENT:

11 Yes, but -- a copy should be given to the
12 prosecution.

13 MR. ALAO:

14 Mr. President, I would like us to agree on
15 this point. From the beginning we said that
16 for the disclosure of this document, we will
17 respect the rule or would comply with what
18 the Prosecutor had done. What does that
19 mean?

20

21 When the Prosecutor presented their
22 witnesses, and when they disclosed documents
23 relating to the identification of the
24 witnesses, the Defence became aware of the
25 identification in the same form. We were

1 never given a copy of the identification.
2 And I cannot, therefore, understand on what
3 basis the Defence should give the Prosecutor
4 a copy of the identification information.

5 MR. PRESIDENT:

6 For the time being, the Prosecutor is a
7 party to this case and we cannot work
8 without the Prosecutor having a copy of the
9 document. So, I think it seems to be
10 necessary that you should give a copy of
11 that document to the Prosecutor, and not
12 aggravate and further complicate the
13 situation.

14
15 As I remember, maybe I am mistaken, in this
16 case, the Prosecutor could correct, we have
17 unredacted form of the statement of the
18 witnesses of the Prosecutor with indication
19 of all the --

20 MR. ALAO:

21 Mr. President --

22 MR. PRESIDENT:

23 Just a moment.

24 MR. EBOE-OSUJI:

25 Your Honour, can I clarify the situation?

1 MR. PRESIDENT:

2 Yes.

3 MR. EBOE-OSUJI:

4 Please. The point that my learned friend
5 made, my learned friend from the Defence
6 made, was indeed correct. When we tendered
7 one piece for everyone, we made a special
8 motion that it may not be copied without an
9 order of the Chamber and that entered. That
10 was one piece that went around for the
11 Judges and everyone, and went to the record.
12 So, we want to note that for the record.
13 But my friends never made an application to
14 receive a copy then. That's one situation.

15
16 And, secondly, sir, secondly, we are now --
17 my learned friend, my colleague,
18 Ms. Wildermuth was only noting for the
19 record, so that there is no confusion in
20 future that we did not receive that. What
21 we will do, though, is collect the document
22 later on from the Registry, and make our
23 notes on it. So, we don't need to waste too
24 much time on this.

25

1 MR. PRESIDENT:

2 Okay. Okay. This is the way out.

3

4 You may proceed.

5 MR. ALAO:

6 Thank you, Mr. President, for your great
7 wisdom.

8 BY MR. ALAO:

9 Q. Witness MTP --

10 MR. PRESIDENT:

11 Mr. Alao, a ruling has been made on your
12 proposal; namely, to have, or rather, the
13 ruling was not made, a decision was not
14 taken.

15 MR. ALAO:

16 Well, I thought you told the Registry to
17 consider this document as a Defence Exhibit
18 15.

19 MR. PRESIDENT:

20 No, not yet, because, first of all, we must
21 know the Prosecutor's position.

22 MR. ALAO:

23 I am sorry, Mr. President, about that
24 misunderstanding.

25

1 MR. PRESIDENT:

2 No objection?

3 MS. WILDERMUTH:

4 No objection, Your Honour.

5 MR. PRESIDENT:

6 Okay, it will be admitted as D15. Okay, you
7 may proceed.

8

9 (Exhibit No. D15 was admitted)

10 MR. ALAO:

11 Thank you, Mr. President.

12 BY MR. ALAO:

13 Q. Witness MTP, this is how I will be referring
14 to you. I will be asking you questions
15 which may reveal your identity, but there
16 will be a special closed session for such
17 questions. At present, we are in an open
18 session. And if in replying to my
19 questions, you have to reveal information
20 which should not be revealed in an open
21 session, please you could harassed us and
22 inform us that you would reveal such
23 information later on. My first question
24 which is a routine question would be to make
25 sure that you know Mr. Semanza, well.

- 1 A. I know him.
- 2 Q. Do you know him to the point of being able
3 to tell the Court if there is anyone in this
4 courtroom who answers that name?
- 5 A. Yes, I know him, and I could point at him.
- 6 Q. Please, Witness MTP, do that?
- 7 A. Can I stand up and point at him?
- 8 Q. Yes, certainly?
- 9 A. It is -- he is the old man sitting behind
10 the gentleman wearing a wig. He is directly
11 behind the person wearing a wig. And next
12 to him, there is a person. There is
13 someone.
- 14 MR. PRESIDENT:
- 15 It will be reflected in the record that the
16 witness recognised the Accused.
- 17
- 18 MR. ALAO:
- 19 Thank you very much, Mr. President. And
20 thank you, Witness, for having identified
21 the Accused. We would now go straight to
22 the subject.
- 23 BY MR. ALAO:
- 24 Q. My first question to you, Witness MTP, you
25 still don't have -- you remember you don't

1 have to reveal your identity, Witness,
2 because I know it may be possible in your
3 reply to this question. I would like to
4 know if you know, if you are aware of the
5 events which happened at the Musha church in
6 April, '94?

7 A. Do you want me to talk about all the events
8 which happened at Musha?

9 Q. In April 1994?

10 MR. PRESIDENT:

11 Do you know what happened, the events in
12 Musha, this is the question?

13 THE WITNESS:

14 Yes, I am aware of the events which happened
15 in Musha parish in April 1994. I could give
16 you explanations. Can I continue, Counsel?

17 Q. Yes, please, do.

18 A. At Musha church Hutu and Tutsi refugees
19 gathered in the month of April 1994, as you
20 all know, the President of the Republic died
21 in that month in 1994, people became afraid
22 and took refuge in that church. Information
23 -- according to information available, it
24 was said that the people who were at the
25 church were armed and the communal police

1 officers went to verify whether, indeed,
2 those people where armed.

3 MR. PRESIDENT:

4 A moment, please.

5

6 The Prosecutor, do you want to say
7 something?

8 MS. WILDERMUTH:

9 Your Honour, I just wanted to verify that
10 the witness is not reading from any
11 materials. I cannot see from where I am
12 positioned. And I am concerned because it
13 appeared she was reading, that may not be
14 the case, but I would like to verify with
15 the Counsel that the witness has no
16 materials at the witness table.

17

18 MR. PRESIDENT:

19 But, Registrar, I understand there is no
20 paper. Yes. Therefore --

21 MS. WILDERMUTH:

22 Thank you very much.

23 MR. PRESIDENT:

24 Yes. Okay. You may proceed.

25

1 MR. ALAO:

2 That is an unusual practice. However, we'll
3 proceed.

4 THE KINYARWANDA INTERPRETER:

5 The witness wants to make sure that I
6 interpreted what she said. And I was just
7 reassuring her that I have interpreted what
8 she said.

9 THE WITNESS:

10 The police, as I said, want to verify
11 whether the people who had taken refuge at
12 the Musha church were armed. And when they
13 arrived there, the people who were in the
14 church threw a grenade at them. Having
15 noticed that a grenade was thrown at them,
16 the police returned, running. On their way
17 back, they came, along with civilians from
18 the Gikoro commune, as well as soldiers who
19 had left the Mutara war front. The people
20 who were inside the church, having noticed
21 the arrival of the civilians and the
22 soldiers who were coming back from the
23 Mutara war front, started shooting and
24 throwing grenades. Since the soldiers who
25 had returned from the war front were also

1 armed, they returned fire. There were
2 exchange of gunfire. In short, I would say
3 there was a war.

4
5 I was a witness of those events because I
6 was very close to the church. I saw that
7 the people inside the church were shooting.
8 They were firing guns and throwing grenades.
9 Those outside returned fire, we became
10 afraid, some of us ran. Those who had
11 weapons continued fighting, but I did not --
12 I don't know how the war or the fighting
13 ended. So, this is what I saw at the Musha
14 parish.

15 Q. Thank you, Witness MTP. Perhaps, still
16 without revealing your identity, if that is
17 possible, if not, we could revisit the
18 question later on. Maybe you could tell the
19 Court, how, on that day, it happened that
20 you were a witness?

21 A. As usual, I woke up to go to work. I am not
22 going to tell you where I was working,
23 because you have warned me that this could
24 reveal my identity. And this is how I
25 witnessed those events.

- 1 Q. Thank you.
- 2
- 3 Were you alone to witness those events; was
4 there a crowd that also witnessed the
5 events?
- 6 A. There was a huge crowd. I was not alone.
- 7 Q. Did you see whether many people died?
- 8 A. As I told you, I did not stay at that place
9 until the end of the fighting. However, I
10 noticed that two soldiers and two police
11 officers outside the church died. While we
12 were trying to flee, we were moving from
13 left to right, I saw their bodies.
- 14 Q. Thank you, very much.
- 15
- 16 At the Musha church, were there both Hutus
17 and Tutsi?
- 18 A. Yes, there were Hutu -- the Hutu and the
19 Tutsi.
- 20 Q. And those who died, were they from both
21 groups?
- 22 A. I told you that I saw with my own eyes two
23 soldiers and two policemen, but later on we
24 learnt that people died. They were perhaps
25 both Hutu and Tutsi. And when there is

1 death, it is announced. We were told that
2 the Hutu and the Tutsi had been killed
3 during that fighting.

4 Q. Thank you, very much.

5
6 Witness MTP, I would like to ask you a
7 question that may disturb you. Nobody has
8 asked you that question, so far. Have you
9 ever heard anyone talk of moderate Hutu; do
10 you know what that expression means?

11 A. Yes, I have heard people talk about moderate
12 Hutus.

13 Q. Can you tell the Court, what, in your
14 opinion, this means?

15 A. I heard people talk about moderate Hutus,
16 but since I did not take keen interest in
17 politics, I think I'm not well placed to
18 explain to you what moderate Hutus, or what
19 was meant by moderate Hutus.

20 Q. Should I conclude that it is not possible
21 for you to know whether those who were in
22 the church were moderate Hutus or just
23 Hutus?

24 A. I may say that in the church, there were
25 Hutu, because some of them were my

1 neighbours. I would also say that there
2 were Tutsis in that church because there
3 were Tutsis there who were my neighbours,
4 but to say, whether they were moderate Hutus
5 or just Hutus, it is difficult for me to
6 know that.

7 Q. Thank you, Witness MTP. Your neighbours
8 who were in the church, did they ever tell
9 you that they were moderate Hutus, or did
10 you ever learn that they were moderate
11 Hutus, that is throughout your period of
12 relationship with them?

13 A. They did not tell me anything about being
14 moderate or not being moderate Hutus.

15 Q. Did you learn, or did you hear or see during
16 the shooting, during the fighting, did you
17 see the soldiers or gendarmes attempting to
18 separate the moderate Hutus from the Hutus,
19 in short, in order to be able to kill?

20 A. As I told you, when the soldiers arrived,
21 they did not enter the church immediately,
22 they did not have the luck of entering the
23 church to be able to separate one group from
24 another. There was fighting. There was an
25 exchange of gunfire.

1 Q. Thank you. Can you tell the Court if you
2 stayed at the place of the shooting while
3 the shooting was going on?

4 A. I had answered that question. However, I
5 will repeat my answer. When there was an
6 exchange of gunfire, we fled, because we
7 were not armed. And we were in the presence
8 of gunfire, we went far away. I did not
9 stay on the spot.

10 Q. Thank you. You, nevertheless, returned to
11 the site at the end of the fighting; did
12 you?

13 A. I was not able to return to that site at the
14 end of the fighting.

15 Q. Thank you. At the site, before you fled,
16 apart from the soldiers and the police, were
17 you able to notice the presence of any
18 political or administrative authority?

19 A. While I was at the site, I saw several
20 civilians from the Gikoro commune. The only
21 person -- the most important person, I may
22 say, who was there, was a certain Mukwiye
23 who was the head of the Interahamwe in
24 Gikoro commune. Apart from him, I did not
25 notice the presence of any other important

- 1 personality.
- 2 Q. Can you tell the Court Mukwiye's ethnic
3 origin?
- 4 A. Mukwiye was Tutsi.
- 5 Q. Thank you, Witness. Can you tell the Court
6 if you saw Semanza at that site on that day?
- 7 A. I did not see him.
- 8 Q. And Mr. Bisengimana, Do you know him?
- 9 A. Yes, I know Bisengimana. He was bourgmestre
10 of the Gikoro commune. I cannot be mistaken
11 about him.
- 12 Q. Was he present at that site?
- 13 A. He was not there.
- 14 Q. And Mr. Rugambarara, do you also know him?
- 15 A. Yes, I also know Rugambarara.
- 16 Q. Was he present?
- 17 A. No, I did not see him with my own eyes at
18 that place.
- 19 Q. Before we move to another question, can you
20 specify to the Court, if you remember, when
21 the events of the Musha church took place?
- 22 A. I no longer remember the date, nor the day.
23 But I know that the said event occurred one
24 week after the death of the President of the
25 Republic.

1 MR. PRESIDENT:

2 Mr. Alao, what do you think, whether we can
3 make, on this point, the lunch break?

4 MR. ALAO:

5 Maybe for some discipline in the Defence
6 team and to enable the Prosecution to have a
7 package, so to speak, with respect to a
8 specific situation, perhaps, we would need
9 about 10 minutes so that we should disposed
10 off the events of Musha.

11

12 Mr. President, if we are in a position to
13 continue up to 3 p.m. and to finish with
14 this witness.

15 MR. PRESIDENT:

16 No, no. A break is necessary. In that
17 case, perhaps, we could take our break now,
18 and you could continue from 3 o'clock.

19 MR. ALAO:

20 We are always guided by the wisdom of the
21 Court.

22 MR. PRESIDENT:

23 Very well. If that be the case, we will
24 take our break, and we resume the
25 proceedings at 3 o'clock.

1 MR. ALAO:

2 Thank you.

3 MR. PRESIDENT:

4 The proceedings are adjourned, and we'll
5 resume at 3 o'clock.

6

7 (Court recessed at 12:30 and resumed at
8 1500H)

9 MR. PRESIDENT:

10 The proceedings are resumed.

11

12 And, Mr. Alao, before you continue your
13 examination-in-chief, I would like to
14 clarify one issue, taking into account that
15 the Prosecutor raised the question about the
16 Witness KM, I would like to say that the
17 order which was made today is retroactive.
18 It concerns this witness, too, and all the
19 five witnesses, and, in particular, this
20 witness, who appeared before the Chamber,
21 before our order to grant the leave. But I
22 would like to emphasise that this order is
23 retroactive, and it concerns, in particular,
24 also, Witness KM.

25

1 Now, you may proceed with your
2 examination-in-chief.

3 MR. ALAO:
4 Thank you, Mr. President.

5 BY MR. ALAO:
6 Q. Witness MTP, good afternoon.
7 A. Good afternoon, Counsel.
8 Q. If you are feeling well, may we continue?
9 A. No problem, Counsel.
10 Q. Very well. Thank you very much.

11 MR. PRESIDENT:
12 Mr. Alao, would you take into account that
13 we are a little bit behind our schedule.
14 Try your best --

15 MR. ALAO:
16 I'm trying to put the witness at ease,
17 Mr. President.

18
19 MR. PRESIDENT:
20 You may proceed.

21 MR. ALAO:
22 Thank you, Mr. President.

23 BY MR. ALAO:
24 Q. This morning you talked about certain events
25 which took place at the Musha church. I do

1 not want to repeat them, but could you tell
2 the Court how did the soldiers and other
3 police officers go to the Musha church, that
4 is if you know the answer?

5 A. They went to the Musha church on foot.

6 Q. As a Roman Catholic, could you tell the
7 Court whether you have the habit of going to
8 the Musha church?

9 A. I used to go to the Musha church every
10 Sunday, and even during other days, that is
11 ordinary days, at the church, that is at the
12 parish, there were various activities, such
13 as plays, which we attended. Sometimes we
14 used to go there for dancing. So, I used to
15 go there quite often.

16 Q. Thank you.

17
18 Could you tell the Court whether you know
19 the priest of the Musha church, and if you
20 can give his name to the Court?

21 A. If my memory serves me well, because it's
22 been a long time since the events in
23 question, the priest was Danco. There were
24 many priests, but if my memory serves me
25 well, the Church priest name was Danco,

- 1 D-A-N-C-O.
- 2 Q. Before moving on to the closed session, I
- 3 would like to ask you another line of
- 4 questions. We would come back to the Musha
- 5 church events, but looking at those events
- 6 from another dimension.
- 7
- 8 Witness MTP, are you aware of a meeting that
- 9 took place near Lake Muhazi?
- 10 A. When?
- 11 Q. In 1994. Or did you hear about training of
- 12 Interahamwes?
- 13 A. In 1994, no meeting was held near Lake
- 14 Muhazi. There were no military training
- 15 sessions of the Interahamwe there.
- 16 Q. Witness -- Witness MTP, could you tell the
- 17 Court whether there were political meetings
- 18 in 1994 in your area?
- 19 A. In 1994, there were no political meetings in
- 20 our area because the people were waiting for
- 21 the establishment of the broadbased
- 22 transitional government. So, there were no
- 23 political meetings in our commune.
- 24 Q. However, Witness MTP, there was a meeting,
- 25 unless I'm wrong, of course, I don't know,

1 maybe I'm wrong, but I think that at Rutoma
2 there was a big meeting, a rally; was that
3 not a political meeting?

4 MR. PRESIDENT:

5 Mr. Alao, please ask questions. Do not make
6 statements. The witness answered your
7 question. She said that there was no
8 meetings. So, I think that you should not
9 make any statements. And you may proceed.

10 MR. ALAO:

11 But, Mr. President, I cannot put questions
12 to the witness without actually using some
13 sentences before the question.

14 MR. PRESIDENT:

15 But, Mr. Alao, the witness has answered your
16 question.

17 BY MR. ALAO:

18 Q. So, if there were no meetings in 1994 -- are
19 you aware of the fact that between 1990 and
20 1994, there was a big rally at Rutoma --

21 MS. WILDERMUTH:

22 Objection, Your Honour. This question is
23 leading. It's the exact question that was
24 asked before which you --

25

1 MR. PRESIDENT:

2 Objection is sustained.

3 BY MR. ALAO:

4 Q. Witness MTP, was there any big political
5 rally in Rutoma in 1993?

6 A. If I remember correctly, there was a meeting
7 in 1993, but I would not call it a political
8 meeting. If my memory serves me well, that
9 meeting took place in August 1993. And the
10 aim of the meeting was actually the
11 reinstatement of a bourgmestre who had been
12 suspended from his functions, and who was --
13 but later reinstated to his function. The
14 meeting took place in Rutoma in August 1993,
15 and not in 1994.

16 Q. Could you tell the Court whether you
17 attended that meeting or that rally?

18 A. I was present.

19 Q. If you prefer, you can tell the Tribunal,
20 because I'm going to ask you in what
21 capacity did you attend the meeting? But if
22 you think that my question, or rather, your
23 answer might reveal your identity, then I
24 would rather put that question to you in the
25 closed session.

- 1 A. I attended the meeting as a member of the
2 population. Almost all members of the
3 population, that is almost all the people,
4 were present at that meeting.
- 5 Q. Thank you.
- 6
- 7 Could you tell the Court whether Semanza was
8 present at that meeting?
- 9 A. Semanza was at that meeting.
- 10 Q. Did he speak at that meeting?
- 11 A. Semanza did not speak at that meeting. The
12 person in charge of protocol was the person
13 who had replaced the bourgmestre who had
14 been suspended.
- 15 Q. Was Mr. Bisengimana, Gikoro's bourgmestre,
16 present at that meeting?
- 17 A. He was present.
- 18 Q. Could you tell the Court whether he spoke at
19 that meeting?
- 20 A. During the meeting, the bourgmestre of the
21 Gikoro commune, Mr. Bisengimana, did not
22 speak. I will spell Bisengimana,
23 B-I-S-E-N-G-I-M-A-N-A. However, after the
24 meeting, there was a reception at Iga of the
25 commune. I will spell Iga, I-G-A. And

- 1 during the reception, he spoke in order to
2 thank the invited guests.
- 3 Q. Were you present at the reception?
- 4 A. Yes, I was there.
- 5 Q. Could you tell the Court, in what capacity
6 did you attend the reception?
- 7
- 8 It's not the same thing. There was a
9 meeting and then there was a reception. The
10 meeting was public. Following the meeting,
11 there was a reception. I hope that you are
12 following me.
- 13 .
- 14 Q. First, you should not say anything that
15 might reveal your identity during this
16 session. I would like to repeat that. Of
17 course, if you wish, we might talk about
18 that issue later.
- 19 A. I attended the reception, as one of the
20 waitresses. There were many girls who
21 actually worked there as waitress.
- 22 Q. Thank you very much. Was Mr. Semanza
23 present at that reception?
- 24 A. Yes, he was present.
- 25 Q. Thank you very much.

1

2

Witness, could you tell the Court whether

3

you noticed at the reception that

4

Mr. Semanza spoke?

5 A.

I did not see Semanza speak at the reception

6 Q.

Thank you, Witness MTP.

7

8

I would like -- now like to move on to

9

another line of questions. Maybe I will ask

10

you for the last time a question on the

11

reception. Did you notice that there were

12

any authorities present at the reception

13

that you -- whose names you would like to

14

mention for this Court?

15 A.

There were many officials at the reception.

16

I cannot give their names, all of them.

17

However, I can mention the names of the most

18

important officials. Almost all the

19

bourgmestre in the Kigali-Rural préfecture

20

were there; Gatete was there. He was the

21

Murambi bourgmestre. And Murambi is in

22

Byumba prefecture. I will spell Gatete,

23

G-A-T-E-T-E. I will spell Murambi,

24

M-U-R-A-M-B-I. I will spell Byumba,

25

B-Y-U-M-B-B-A (sic). The Minister of

1 Defence was present; the Minister of Home
2 Affairs was present; the Kigali
3 préfet was there. In short, there were
4 several senior officials.

5

6 (Pages 1 to 35 by Haruna Farage)

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- 1 1530H
- 2 MR. ALAO:
- 3 Thank you witness MTP. Can you tell the
4 Court if you know a certain Muhozi. Mukuzi
5 rather. Muhozi, M-U-H-O-Z-I.
- 6 A. I know Muhozi.
- 7 Q. Can you tell the Court what he did? What
8 his occupation was?
- 9 A. I would say that Muhozi was still young,
10 after his secondary education he went to the
11 ESM. He was dismissed from that school, I
12 do not remember when, then he went to teach
13 in the Muhazi commune, M-U-H-A-Z-I, Muhazi.
14 When he died he was still a teacher.
- 15 Q. Witness MTP, can you tell the Court if you
16 know why he was dismissed from the higher
17 education school or rather the military
18 academy, the ESM?
- 19 A. It is said that he was dismissed because he
20 was undisciplined in the military academy.
- 21 Q. Thank you. Can you tell the Court the
22 political party to which he belonged, if you
23 know?
- 24 A. He was a member of the MDR party. He was
25 also a youth -- a member of the youth wing

- 1 of the MDR, which was also known as the JDR.
- 2 Q. Witness MTP, if you know, can you tell the
3 Court how he was killed?
- 4 A. Towards the end of 1992, beginning of 1993,
5 I do not remember the month, there were
6 demonstrations organised by all the parties
7 to express their discontent regarding the
8 Arusha Accords. Muhuzi was hiding
9 somewhere. He threw a grenade at the
10 demonstrators. The grenade wounded some
11 people, he was pursued by the demonstrators,
12 and he was killed.
- 13 Q. Thank you. Witness MTP, I would now like to
14 ask you if you know a certain Manda; a
15 certain Manda in your locality, of course?
- 16 A. Yes, I know Manda in our locality.
- 17 Q. Can you tell the Court what his occupation
18 is?
- 19 A. Manda was the driver of the Communal
20 vehicle.
- 21 Q. Did you ever see him in 1994?
- 22 A. I used to see him.
- 23 Q. Can you tell the Court if he committed any
24 act that you would like to talk about to the
25 court?

1 A. Counsel, your question is not clear, what is
2 it related to?
3 Q. I was talking about any act of destruction.
4 I wanted to avoid being precise,?
5 A. I did not see any act of destruction
6 committed by the said person.
7 Q. Did you hear anyone talk about any act of
8 destruction committed by the said person?
9 A. I did not hear anything of the sort.
10 Q. Last question in the open session.
11
12 Do you know a certain Butarano in your area?
13 A. I do not know him.
14 MR. ALAO:
15 Q. Thank you, witness that would be all for
16 open session?
17 MR. PRESIDENT:
18 We will go to the closed session.
19
20
21 (At this point in the proceedings, a portion
22 of the transcript (pages 39 to 73) was
23 extracted and sealed under separate cover as
24 the session was heard in camera)
25 (Pages 36 - 73 by J. Kaptaymoyo)

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C E R T I F I C A T E

We, official Court Reporters for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause was taken at the time and place as stated; that it was taken in shorthand (Stenotype) and thereafter transcribed by computer and revised under our supervision and control; that the foregoing pages contain a true and correct transcription of the said proceedings to the best of our ability and understanding.

Haruna Farage

(Pages 1-35)

Judith Kapatamoyo

(Pages 36-73)