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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
2 CASE NO.: ICTR-96-3-T THE PROSECUTOR

3 OF THE TRIBUNAL

4
AGAINST

5
6 GEORGES ANDERSON RUTAGANDA
18 MARCH 1999
7 0945

8
Before:
9 Madam Justice Navanethem Pillay, President
Mr. Justice Laity Kama
10 Mr. Justice Lennart Aspegren

11
For the Registry:
12 Ms. Marianne Ben Salimo

13 .
Courtroom Assistant:
14 Mr. Edward Matimanga

15
For the Prosecution:
16 Mr. James Stewart
Ms. Holo Makwaia
17

18 For the Defendant Rutaganda:
Ms. Tiphaine Dickson
19

20
Court Reporters:
21 Mr. Petrus S. Chijarira

Haruna Farage

22

23

24

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I N D E X

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

4 Georges Anderson Rutaganda Trial,

5 Continued

6 18 MARCH 1999

7 0945

8 MADAM PRESIDENT:

9 Good morning. We now open the resumed

10 session of trial proceedings in George

11 Rutaganda. Registry we must have protected

12 Witness DF. So can you take the usual

13 precautions and escort the witness in?

14 Good morning, Witness DF. We will now

15 continue with these proceedings and Mr.

16 Stewart has more questions of you, Mr.

17 Stewart?

18 MR. STEWART:

19 Thank you and good morning, Madam

20 President, good morning, Honourable judges.

21 I will continue in French.

22 BY MR. STEWART TO WITNESS:

23 Q. Good morning, good morning, Mr. Witness?

24 A. Good morning.

25 Q. Witness DF, yesterday you told us that Mr.

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1 Rutaganda saved the lives of several Tutsi
2 people?

3 A. I think that, yesterday, we didn't speak
4 much about it.

5 Q. Witness DF--.

6 MADAM PRESIDENT:

7 Just one minute, we didn't get the full
8 translation.

9 BY MR. STEWART TO WITNESS:

10 Q. Witness DF, the people in question were
11 they linked by marriage or any family or
12 blood to Hutu?

13 A. Some of those people effectively had
14 marriage links with the others but there
15 were others who did not have such links.

16 Q. Were there the people who were well
17 educated in their business or in their
18 occupations, people, average people or not?

19 A. Amongst them, amongst the people, there was
20 a particularly the person whose family was
21 taken to the Mille Collines hotel. With the

22 rest, with regard to the rest, I do not
23 know much on their financial recourses. But
24 there are others who we did not talk much
25 about who had financial resources.

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1 Q. Witness DF, can you tell us whether yes or
2 no, some these people paid Mr. Rutaganda
3 for their protection?

4 A. I do not think that they paid him. I spoke
5 with those people there. They had monetary
6 problems, I wonder where they could have
7 found money. Those persons who were taken
8 at Mille Collines did not have any money.

9 Q. You do not know, absolutely, yes or no,
10 this is just a deduction that you are
11 doing, isn't it?

12 A. I cannot confirm that they gave him money
13 because I was not present at the
14 negotiations between him and those people
15 determine the amount to be given but since
16 I know that they did not have money at that
17 time, they did not give him money because
18 thereafter he did not see those people.

19 Q. Witness DF, maybe it is normal in any
20 society but in Rwanda, is it normal that in
21 a situation of difficulty one should resort

22 to somebody who is, who one deems is able
23 to help one, a powerful person, a leader
24 of some who is capable of exerting
25 influence on events?

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1 A. In Rwanda, in accordance with our culture
2 people used to help each other as a fashion
3 of the problem that they faced. Therefore
4 with regard to the events that took place
5 at that time, in light of the fact that
6 they surprise us, they took us all by
7 surprise one had to for assistance to
8 anybody who was reachable but it depended
9 on the type of assistance one requested for
10 instance one could not seek help in terms
11 of transport from someone who did not have
12 the means to provide it.

13 Q. Mr. Rutaganda had the means to help these
14 people, didn't he?

15 A. Yes, he did have the means with regard to
16 transportation and finance.

17 Q. Now, Witness DF, I would like very quickly
18 to go through a few questions with you in
19 particular relating to the testimony that
20 you gave yesterday and comments that you
21 made; first on Sunday the 10th of April,

22 Mr. Rutaganda was in Kigali, you saw him,

23 didn't you?

24 A. Yes, I did saw him.

25 Q. And you talk about the situation about

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1 concerning the opening of caskets for those
2 who were manning a roadblock so that they
3 would ensure that there were no live
4 persons inside those caskets, is that
5 right?

6 A. That's right.

7 Q. For you that was shocking request, wasn't
8 it?

9 A. Indeed that request was shocking because in
10 general in Rwandese society people have
11 respect of human remains they cannot
12 dispose them anyhow.

13 Q. Those people what according to you were
14 they after?

15 A. On the basis of what they said, the
16 questions they put to us indeed since the
17 caskets were closed, they wanted to ensure
18 that inside those caskets there were
19 effectively cadavers and that it was not a
20 strategy that we were employing, that we
21 had invented in order to move people from

22 one neighbourhood to another.

23 Q. And what impression did you have, what kind
24 of people could you be transporting?

25 A. Those who manned the roadblocks said that

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1 the Inkontanyi were capable of using,
2 resorting to this kind of strategy to get
3 to the neighbourhoods over which they had
4 no control.

5 Q. Now, Witness DF, you went through
6 Nyamirambo in Kigali didn't you?

7 A. Indeed we did go use the road going through
8 Nyamirambo when we were going to the place
9 of the funeral. There was no other road
10 possible.

11 Q. At that time, were there many cadavers
12 lying by the wayside at Nyamirambo?

13 A. Yes, they were.

14 Q. And was it your impression and that of
15 everyone that these cadavers were those of
16 Tutsis who had been killed?

17 A. As I have already said, we were on board
18 vehicles, we did not come out of those
19 vehicles. We saw cadavers on the road, some
20 of the cadavers were face downwards and
21 some were lying in disorder and as I said

22 we did not stop to examine those cadavers
23 we were not there in a position to tell
24 whether they were Tutsi or Hutu.
25 Furthermore since there was fighting like

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1 in the Remera neighbourhood, we had to move
2 quickly. We had to carry out the burial
3 very quickly, by the way there was the time
4 that we wasted at the roadblocks therefore
5 as far as we were concerned we had to move
6 quickly.

7 Q. Nyamirambo was behind the government lines,
8 wasn't it?

9 A. Yes, Nyamirambo at that time was still
10 government control.

11 Q. Witness DF, you talked about a roadblock
12 which was in front of Amgar Garage, do you
13 remember?

14 A. The roadblock that I talked about was not
15 in front of the entrance into Amgar as you
16 say, I talked about the roadblock that was
17 close to Amgar which was located between
18 the shop that I mentioned yesterday and
19 restaurant Nectar, that is quite so.

20 Q. Witness DF, below the Hindimandal building
21 that is in the back of the premises of the

22 Amgar garage, was there an earth road?

23 A. Indeed there was a pass there which goes
24 through the Hindimandal building and gets
25 to the corner, it breaks into two, one goes

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1 towards the valley and the other one goes

2 up behind the fence of Amgar.

3 Q. Now along this earth path or track, there

4 was a roadblock as well, wasn't there?

5 A. I cannot confirm that barrier was there

6 because I did not go through there.

7 Q. Yesterday, you mentioned the fence in metal

8 sheet, didn't you?

9 A. Yes I did.

10 Q. On the other side of this fence there was a

11 vacant lot is that right?

12 A. On the other side behind the fence there

13 was a small parcel of land and that was

14 where through which the path that goes to

15 the Technical School that I mentioned

16 yesterday passes. Close to the fence, there

17 were vehicles, old vehicles that had been

18 deposited there. You know, parts of

19 vehicles by Amgar garage or by other

20 people.

21 Q. Now, according to some other testimonies

22 received or heard before the Chamber,
23 people were taken to this parcel to be
24 killed and this was during the period under
25 review spanning April to May 1994, what

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1 do you know about this?

2 A. Up to till the moment or at the moment when
3 the fence was constructed and that is when
4 we could look into that the area, I did not
5 see anybody killed there. That means that
6 following the construction of that fence I
7 am not in a position to say that people
8 were killed there or not because I could
9 not look and see that place.

10 I would add that when you are inside Amgar,
11 there are buildings that separate Amgar
12 from the other training parcel and from
13 there you cannot hear what is being done
14 outside Amgar Garage.

15 Whatever the case I didn't hear people
16 crying out because normally if a person is
17 being killed one would expect them to cry
18 or mourn, I didn't hear such any such
19 things.

20 Q. You did not hear any gunshots outside the
21 place which we are discussing?

22 A. I did not hear any gunshots at that
23 location that we are talking about, it was
24 rather from the valley just below
25 Hindimandal. We heard the gunshots there

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1 because there was a valley and we could
2 hear and there were echoes.

3 Q. To come back a moment to this metal fence
4 you said that there was no door that would
5 allow access from outside into Amgar Garage
6 into this area that you have just
7 described?

8 A. I confirm it because I did not see that
9 door, also I did not see any reason for
10 anybody to go there because there were
11 these scraps of vehicles that I have
12 mentioned which were dropped out there.

13 Q. You examined the fence face, did you?

14 A. I could see the fence, of course I never
15 went close to examine it but if there had
16 been a door, I could have seen it.

17 Q. Witness DF, I think that you are aware of
18 the importance of this question because
19 there are testimonies that have been heard
20 by this Chamber that say that during the
21 period under review and I am referring to

22 the period spanning April to May, 1994,
23 there was a door and people were taken from
24 inside the premises of Amgar Garage to the
25 outside in the lot to be killed?

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1 A. There was no door, furthermore people could
2 not be taken from inside Amgar to be killed
3 outside because there were never any people
4 who were gathered within Amgar in the
5 intention of being killed.

6 Q. Witness DF, let us came back to the
7 purchase of beer for a while. I had the
8 impression that yesterday that you were
9 suggesting that Tutsi were free to move
10 about and to go and buy beer from Amgar. Do
11 you pretend seriously, claim seriously that
12 could have been the case at the time in
13 Kigali?

14 A. As I have already said it is often
15 difficult to draw a line, between, to
16 distinguish a Hutu from a Tutsi, and
17 therefore I cannot confirm or infirm this
18 that Tutsi did come or did not come to buy
19 beer at this location. If Tutsi did come to
20 buy beer, I do not know, I did not check
21 because it was not my responsibility. I

22 never paid attention.

23 Q. Witness DF, allow me to say that in spite

24 of a certain logic in your answer, it is

25 completely at variable I am talking about

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1 April to May in 1994, are you saying that
2 it was possible for Tutsis to go and buy
3 beer just like that?

4 A. No, that is nothing that holds what you are
5 saying apart from the fact that Tutsis came
6 to buy beer, there even Tutsi who lived
7 inside Amgar. The person who was looking
8 after Amgar was Tutsi. George sent him out
9 and he came back and he went back and
10 forth.

11 Q. Did anybody know that he was Tutsi?

12 A. I did not know what the others thought but
13 I knew that he was Tutsi.

14 Q. Witness DF, Garage Amgar--.

15 MADAM PRESIDENT:

16 Judge Kama has a question.

17 JUDGE KAMA:

18 I would like to ask the witness how he
19 knows that this employee was a Tutsi since
20 he has constantly answered that he could
21 not distinguish a Tutsi from a Hutu?

22 A. It's the watchman himself who told me.

23 Q. Is it normal that questions about one's
24 ethnicity are asked because this kind of
25 question is not normal, was it usual for

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1 one ask that question of anybody else?

2 A. Before the events of 1994, people didn't
3 have any shame to declare their ethnicity
4 and I even knew this watchman before the
5 events.

6 MADAM PRESIDENT:

7 Thank you, Judge Kama.

8 BY MR. STEWART TO WITNESS:

9 Q. Witness DF, the Amgar Garage was never
10 attacked by anyone, was it?

11 A. The garage was not attacked as such in
12 other words, no people with weapons came
13 but I heard information which said that
14 these people could have been able to come.

15 Q. Was the--, were the premises ever searched
16 by anybody?

17 A. No, the garage was never searched
18 especially because it's near a shop
19 belonging to as business woman and her shop
20 had to be protected because the population
21 had to be fed. So since only they believed

22 that policemen were near they hesitated to
23 attack the Amgar Garage because the Amgar
24 Garage was quite close to the policemen.

25 Q. Now your--, in the area of pure conjecture

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1 Witness DF, are you not?

2 A. It's what I believe because I wasn't in
3 contact with these people who were supposed
4 to attach us and ask them what they were
5 going to do. I think that the situation was
6 as I have described it. What I am saying is
7 my own appreciation of that situation
8 because I didn't ask these people who were
9 supposed to come and attack us why they
10 didn't come and attack us.

11 Q. In any case Witness DF, George Rutaganda, a
12 member of the MRND and second vice
13 President of the Interahamwe, a businessman
14 who was very successful, very well known in
15 the world of sport, he was at the Amgar
16 Garage, this was his home and everybody
17 knew this?

18 A. Yes, everybody knew that particularly
19 because he was selling this beer I spoke to
20 you of and his stock were there and even
21 before the person--, there was an office

22 which was linked to his profession. So it
23 was not astonishing that he would be there
24 because moreover that land belonged to his
25 father.

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1 Q. Did Mr. Rutaganda trade only in beer?

2 A. Which period are you referring to, please?

3 Q. This period, May, April, of 1994?

4 A. Yesterday I told you that the sale of beer

5 didn't last a long time, he took advantage

6 of the shortage that there was but once the

7 situation was normal, he stopped it. Did he

8 not use this opportunity also to sell

9 vehicles in Zaire?

10 A. I don't know anything about that.

11 Q. According to you, did Mr. Rutaganda go to

12 Cyangugu and then to Zaire for purposes of

13 his trade or for purposes of security, his

14 own security?

15 A. When we went with him to Cyangugu together

16 with others, it was because of our

17 security because when you flee, you flee

18 for your own security.

19 Q. So was the impression that the war had

20 already been lost at that point in time?

21 A. There were some who believed that they had

22 not won the war but there were also other
23 people who thought that they had to flee
24 and leave whatever they had as in terms of
25 property in the country. That's how those

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1 who were fleeing thought that the war was
2 going to worsen in the city but those who
3 had remained in order to fight believed
4 that the RPF was not going to take over the
5 town very quickly.

6 Q. Witness DF, you say that you were a member
7 of an organization known as RDR?

8 A. That party never existed in Rwanda.

9 Q. I am speaking of the period after the war?

10 A. This party RDR was referred to in Zaire but
11 people didn't register to belong to RDR.

12 Q. Were you a member of the RDR?

13 A. No.

14 Q. Witness DF, you fled Rwanda in the company
15 of Mr. Rutaganda, did you not?

16 A. The first time when I fled, I fled and went
17 to Cyangugu and Rutaganda also came to
18 Cyangugu but later he left Cyangugu. So
19 finally to respond to your question I
20 would say that when I left the country I
21 wasn't with Mr. Rutaganda but when I went

22 to Cyangugu I was with Rutaganda.

23 MS. INTERPRETER:

24 That question wasn't interpreted, we didn't

25 get it in the booth?

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1 A. The answer to it was yes. No, I do not know
2 them.

3 Q. You are not aware of anyone, you do not
4 know anybody who came to testify here?

5 A. The persons that I know are the ones that I
6 met here when I arrived.

7 Q. Do you have a relationship with one of the
8 witnesses who testified earlier than you,
9 do you?

10 A. I have no relationship with any witness who
11 has testified before me or that I have
12 found here.

13 Q. Witness DF, you indicated on a piece of
14 paper and if I am not wrong, this would be
15 the Chamber's Exhibit number 1, maybe I am
16 wrong but in any case you mentioned the
17 name of a person with whom you were linked,
18 with whom you had a relationship?

19 A. Yes, it's correct.

20 Q. And that person did testify before you?

21 A. The person whom I said had a relationship

22 with myself, I think that person had

23 already testified.

24 Q. We are indeed referring to someone who

25 complained about some investigators of this

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1 Tribunal and it is you who was one of the
2 witnesses of his written testimony which is
3 now in the possession of the Chamber, is
4 that not so?

5 A. As far as I know, the only person for whom
6 I have appeared for as a witness is George
7 Rutaganda, I have not had anything else to
8 do with anyone else concerning this
9 Tribunal.

10 Q. Witness DF, please think about your answer
11 before you speak. Did you not sign a
12 document as a witness where it was a matter
13 of complaint against investigators of this
14 Tribunal?

15 A. I think that the witnesses that I found
16 here have never made any complaints
17 whatsoever. On the contrary I wrote on a
18 document belonging to someone who thought
19 that he was going to testimony here but I
20 do not whether or not that person has
21 indeed testified before this Tribunal. As

22 of now, I believe that since that time
23 maybe that person changed his mind and was
24 never brought to the Tribunal, before the
25 Tribunal to testify.

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1 Q. Did you discuss the---.

2 MADAM PRESIDENT:

3 Judge Aspegren has a question.

4 JUDGE ASPEGREN:

5 Mr. Prosecutor, if you have a document that

6 you are referring to, if you have the

7 document that you are referring to please

8 could you indicates to us which document

9 your referring to, could you show us a copy

10 thereof? It's difficult to follow your

11 questions when we do not know what you are

12 talking about, I presume that you are there

13 to convince the judges?

14 MR. STEWART:

15 Yes I am here indeed to convince the judges

16 Your Honour. The document I am referring to

17 is the testimony of Witness DS and he,

18 during his testimony referred to a problem

19 he claimed to have had with the

20 investigators of the Tribunal at a given

21 point in time we all examined documents.

22 This document I am referring to--.,

23 JUDGE ASPEGREN:

24 Sorry I am listening to you?

25 MR. STEWART:

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1 The document that I was referring to Your
2 Honour, is part of the file of the court.
3 It is not an exhibit as such. It certainly
4 could be shown to be witness but I believe
5 we have his answer. I have had to ask the
6 questions in the way that I did for obvious
7 security reasons to protect both this
8 witness and Witness DS. There is a name
9 that appears on the complaint which is the
10 name of this witness DF. I am simply trying
11 to demonstrate the connection between the
12 two. I believe it is the same DS that he
13 indicated was his relative.

14 JUDGE ASPEGREN:

15 I see. So is this to say that this paper
16 is supposed be a test to the redacted
17 statement by the Witness DS given to us on
18 the first of March this year?

19 MR. STEWART:

20 It should be part of that package of
21 documents. It was a matter of inquiry and

22 testimony whilst DS was testifying. I
23 should make it clear that I have finished
24 with this particular line of questions
25 because we have the witness' answers I

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1 wanted to demonstrate the relationship and
2 what is obviously causing a difficulty is
3 the name which is obviously much simpler
4 we can simply say the names, but I honestly
5 won't not do that.

6 MS. DICKSON:

7 Madam President--.

8 JUDGE ASPEGREN:

9 I am looking through but I cannot find it.
10 I have found an unredacted statement by the
11 Defence Witness DS. It is--, do you recall
12 of February or it should one redacted also
13 of first March as I told you before?

14 MR. STEWART:

15 Those dates don't actually ring a bell with
16 me. I seem to recall several statements
17 that were in the possession of the Chamber
18 one of them from 1997, one from 1998 and
19 attached to that last one was the complaint
20 which really is not a subject of any
21 litigation but simply a mechanism for me

22 to demonstrate the relationship between

23 this witness and DS.

24 JUDGE ASPEGREN:

25 I see, do you have it? All right my

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1 colleague seems to have the documents I can
2 borrow it from him I don't see it where it
3 should be according to you.

4 MADAM PRESIDENT:

5 Ms. Dickson, do you--, you are on your feet
6 do you have something to say?

7 MS. DICKSON:

8 Thank you, Madam President ah--.

9 MADAM PRESIDENT:

10 Yes, go ahead.

11 MS. DICKSON:

12 I don't know if you will permit me an
13 observation to refer, to review that I
14 bring this matter up in reexamination but
15 my learned friend mentioned that there is
16 not much he can do without naming the name.
17 I am not quite sure that the witness's
18 answer was as clear with all due respect as
19 my colleague thinks. He asked the question
20 in French person with a link and he is now
21 telling this Chamber that the Witness has

22 acknowledged that person was a family, a
23 relative. I don't think those two words
24 mean the same thing and perhaps even more
25 simply and I can do it myself in

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1 reexamination it would be my pleasure but
2 it would be to show Exhibit C1 to the
3 witness and perhaps ask him a very direct
4 question and I think perhaps anywhere, we
5 will see what the witness has to say but I
6 am afraid that we maybe sidetracked.

7 MADAM PRESIDENT:

8 This is prosecution's question as I
9 indicated and it's the answer they obtained
10 and what you are saying if you wish to put
11 that to.

12 MS. DICKSON:

13 Thank you, Madam President.
14 Judge Kama has a question.

15 JUDGE KAMA:

16 I want to ask the witness just now he
17 remembers having signed a document that's
18 what he said, what document was it that he
19 signed, don't give me the name, I am just
20 wanting to know the content the substance
21 of the document that you signed?

22 A. I remember that I am indeed referring to a
23 document and the author intended to come
24 here to testify but he had problems with
25 the investigators because they didn't agree

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1 on the questions that they were being
2 asked.

3 Q. Is that not the same question that you had
4 been asked by the Prosecutor and you said
5 that you didn't remember?

6 A. I said that I didn't remember because he
7 was saying that there were witnesses who
8 had testified here. I had no way of knowing
9 whatsoever that these people had testified
10 here or not.

11 Q. But now you are telling us you are
12 confirming that it was a document
13 concerning a complaint against the
14 investigators, can you confirm that?

15 A. Yes, I am confirming that.

16 MADAM PRESIDENT:

17 Thank you, Judge Kama. Mr. Stewart?

18 MR. STEWART:

19 Madam President, I am almost finished.

20 BY MR. STEWART TO WITNESS:

21 Q. Now this same person who had a complaint

22 that we are referring to, this person whose
23 name you indicated on a piece of paper
24 yesterday is it the same person?
25 A. I think that I wrote his name somewhere.

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1 Q. To state what, why did you write his name
2 down?

3 A. I was asked to the name of the person who
4 was in the company of George and had
5 brought a family in the Mille Colline
6 Hotel.

7 Q. Maybe I misunderstood the family
8 relationship.

9 MADAM PRESIDENT:

10 Witness that's the person you referred to
11 as your nephew do you recall?

12 A. Yes that's the person.

13 Q. Now I think we are in the clear. You
14 discussed events which took place at the
15 Amgar Garage in the company of this person
16 did you not?

17 A. It's not necessary that I call him
18 whatsoever because he was there also and he
19 saw what took place.

20 Q. So you are claiming that you never
21 discussed anything with him anything about

22 these events, that you never discussed
23 anything with this person?
24 A. Sometimes people meet and speak of events
25 which have happened to them but when we

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1 were speaking, it wasn't within the
2 framework of what we were coming here to
3 testify because we had as yet not decided
4 that we would be testifying here before
5 this Tribunal.

6 Q. You showed--, did he show you the testimony
7 that he made?

8 A. When he made the testimony I was.

9 Q. Did you show him your testimony?

10 A. I want to rectify, make a correction. The
11 statement he showed me is the one which I
12 signed and not the one concerning my
13 testimony.

14 Q. So you showed him a statement concerning
15 your own testimony is that what you are
16 saying?

17 A. No.

18 Q. You are Mr. Rutaganda's friend and you are
19 close to him, are you not?

20 A. I wouldn't say that he is only a friend. In
21 Rwandan culture, I would even go as far as

22 calling him a brother.

23 Q. You have already indicated under seal the

24 particular relationship that you have

25 between yourself and him?

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1 A. Yes I have done so.

2 Q. Witness DF, you will do anything to protect
3 your brother, wouldn't you?

4 A. When one speaks the truth on events that is
5 not necessarily a protection, a matter of
6 protection.

7 MR. STEWART:

8 Thank very much.

9 MADAM PRESIDENT:

10 Thank you, Mr. Stewart.

11 Judge Aspegren has a question.

12 JUDGE ASPEGREN:

13 Witness DF, please tell me during the
14 period of April, May that we are referring
15 to, did you see Mr. Rutaganda communicating
16 with the persons manning the roadblock near
17 the Amgar Garage?

18 A. The only time that there was any contact
19 which I could speak of was when we were
20 being checked and when we were being
21 checked I was with him. That is the only

22 contact that he had with those people.

23

24 Pages 1-29 by P S Chijarira

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1 JUDGE ASPEGREN.

2 Q. Did they ask Rutaganda the permission to
3 show his identity card?

4 A. Anyone who passed had the permission to
5 show their identity card.

6 Q. Did they ask Rutaganda to show his
7 identity card? Please, respond to the
8 question and nothing else?

9 A. Yes.

10 Q. And on that basis Mr. Rutaganda had the
11 permission to pass the roadblock?

12 A. It was not only Rutaganda who crossed,
13 they were other people too.

14 Q. Did they also cross and don't tell me
15 anything else?

16 A. Yes.

17 Q. And you too?

18 A. Yes.

19 Q. So, you didn't see Mr. Rutaganda,
20 distribute beer to the persons who were
21 manning the roadblocks in question?

22 A. No.

23 Q. Do you know if these people went to the
24 garage the permission to collect beer?

25 A. No. I didn't see anything like that.

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1 Q. Is it possible that they did that without
2 you being able the permission to see
3 them?

4 A. It's possible because I wasn't there all
5 the time and then-- it was also possible
6 that they had money and they would buy
7 the beer just like anyone else. In any
8 case, I didn't see them consume the beer
9 AT the roadblock-- at this particular
10 roadblock.

11 Q. But is it possible that these people
12 would have been able to received the beer
13 as a gift from Mr. Rutaganda, without you
14 seeing them. In other words, in your
15 absence?

16 A. I am speaking of things which I saw and
17 for things which I did not see or
18 witness, I can't say anything about them.

19 Q. Yes. You're quite right but what I'm
20 saying is that you cannot exclude that
21 possibility. Can you?

22 A. I cannot say that, that didn't take place
23 but I would see people coming buy beer
24 and I never saw people come to take beer
25 without making any payment.

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1 JUDGE ASPEGREN:

2 Thank you, very much.

3 MADAM PRESIDENT:

4 Thank you, Judge Aspegren. Judge Kama.

5 JUDGE KAMA:

6 Witness DF, you stated that you were very
7 close the permission to George Rutaganda,
8 and that you are more than a friend and
9 that in Rwanda tradition he-- you
10 considered him, your brother?

11 THE WITNESS:

12 Yes, that is so.

13 JUDGE KAMA:

14 Q. You also stated yesterday, that the
15 civilian population organised themselves
16 in a defence force and that this
17 population included all political
18 parties.

19 A. Yes, I did say that the neighbourhood
20 organised themselves.

21 Q. No. All I mean the permission to say is

22 whether you did state that fact?

23 A. Yes, I did say.

24 Q. So, now were you part of that civilian

25 population?

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1 A. Yes. Yes, I am a member of the civilian
2 population.

3 Q. Is George Rutaganda, a member of the
4 civilian population also?

5 A. I believe that he also is a member of the
6 civilian population.

7 Q. So, I've got only one question. George
8 Rutaganda is a member of the civilian
9 population, which included members of the
10 MRND and he was the second vice president
11 of an organisation, within the MRND.
12 Isn't it logical then, that he would
13 participate in this effort that the
14 population the civilian population was
15 making to defend itself against the RPF?
16 I am asking this question because he said
17 that he was very, very close to
18 Rutaganda, and apparently according to
19 his testimony, he would be aware, he
20 would know almost everything that
21 Rutaganda was doing. In other words, did

22 Rutaganda participate in this effort,
23 this civil defence effort by the
24 population? My question is very clear,
25 please. Did he participate in the effort

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- 1 made by the civilian population the
2 permission to protect itself against the
3 RPF, as far as he knows? That's all, I
4 want to know.
- 5 A. I believe that he participated, he played
6 a role.
- 7 Q. My question is to know how? How did he
8 do this? Did he go along with the
9 civilian population or did he contribute
10 any money to help in this effort? How
11 did he participate in this effort?
- 12 A. I didn't live in the same neighbourhood
13 as Mr. Rutaganda. Furthermore, the
14 organisation in the neighbourhood I was
15 speaking of, took place immediately after
16 the death of the president. So, in the
17 days that followed the death of the
18 president, before we saw one another, I
19 understand that he was supposed the
20 permission to have participated in this
21 effort within his own neighbourhood. So

22 from the time that we saw one another, he
23 was at Amgar, this was not his own-- it's
24 the place where he lived. At that time
25 he could move from place the permission

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1 to place but he was continuing his trade.

2 Q. I want him the permission to answer my
3 question. He is the one who said and
4 confirmed that George Rutaganda,
5 participated in the civil defence effort.
6 He said this before everybody. I am
7 asking how did he do this? He has sworn
8 the permission to speak the truth and if
9 he knows the truth, he just simply tell
10 us the truth.

11 A. Yes, I confirmed this. I did indeed
12 stated and when I was responding to you,
13 I was speaking to you about
14 neighbourhoods because George told me
15 that during the days following the death
16 of the president, in his neighbourhood,
17 they organised themselves and they
18 checked all the bushes in the
19 neighbourhood to make sure that members
20 of the RPF, did not-- were not hiding in
21 those bushes.

22 JUDGE KAMA:

23 I have no further questions.

24 MADAM PRESIDENT:

25 Witness, Witness DF, you had want the

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1 judges the permission to believe your
2 version of what happened at Amgar,
3 because you said, you described to us
4 what you saw and heard there.

5 THE WITNESS:

6 Yes, that's right.

7 MADAM PRESIDENT:

8 Q. As you've just said, you didn't live in
9 the same neighbourhood as Rutaganda.

10 A. That's correct.

11 Q. And you had no business functioning at
12 Amgar.

13 A. At that time, I was there at the same--
14 in the same capacity as other people who
15 were there, I had nothing else to do.
16 The only activity that was been carried
17 out there was trading. As far as I was
18 concerned, I had no activity.

19 Q. So, how often would you say you went to
20 Amgar premises, between the period after
21 the president's death and until your

22 departure in May?

23 A. I cannot say that I used to-- I was going

24 there because that was where I was,

25 rather. We can talk about when I left

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1 that place to go elsewhere.

2 Q. I don't think I understand your
3 question. You didn't move your residence
4 to Amgar premises. Am I right?

5 A. The witness says that the way-- the
6 question, the way he understood it was
7 this, did you want the permission to know
8 if he left, if he moved from his place to
9 live at Amgar?

10 Q. Yes.

11 A. I think it is difficult the permission to
12 answer that question because I would have
13 the permission to reveal my place of
14 residence and I may say-- I may talk
15 about the circumstances under which I
16 left that place of residence the
17 permission to go the permission to Amgar
18 and that is not good for security
19 reasons.

20 Q. I just want a yes or no question (sic)
21 because you told us you lived-- you

22 didn't live in the same neighbourhood as
23 Rutaganda. Now, at any stage, did that
24 situation change? Did you take up
25 residence at Amgar premises?

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1 A. When I said that I did not live in the
2 same neighbourhood as Rutaganda, the fact
3 that concern the period prior to the
4 death of the president and a few days
5 after the death of the president. But
6 from the moment we met we were together,
7 we lived together at Amgar.

8 Q. So when the civil defence was being
9 organised in the area, in which Rutaganda
10 lived, you were actually then present in
11 this area and not in your own area?

12 A. In the days following the death of the
13 president, I was in my neighbourhood,
14 Rutaganda was in his, as well. When I
15 said that within the framework of the
16 organisation, in that he participated in
17 the clearing of the environs for the
18 neighbourhood. Within that framework, I
19 did-- that was what he told me.

20 Q. So, within a few days following the death
21 of the president, you were with

22 Rutaganda, and were you with him then,
23 all the time from that date to the time
24 you left for Kigali or left Kigali?
25 A. If they said that I was always with him

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1 and if they insist that I was always with
2 him, that is not true. Because that is--
3 that would suppose that we never
4 separated because sometimes-- there were
5 times when he left Amgar to go elsewhere
6 whereas I remained there and vice versa.
7 That means that we were not always
8 together.

9 Q. Who is the president of the Interahamwe?

10 A. Should I give his name?

11 Q. Yes.

12 A. The president of the Interahamwe was
13 known as Robert Kajuga.

14 Q. Have you ever seen him with Rutaganda?

15 A. I did see them together.

16 Q. I am talking about this period April,
17 after the death of the president?

18 A. Yes, I did see them, then.

19 Q. Did Kajuga come to the Amgar premises?

20 A. Yes, he came once.

21 MADAM PRESIDENT:

22 Yes. Thank you. Judge Aspegren.

23 THE WITNESS:

24 I'd like the permission to complete my

25 answer. When he came, he came to borrow

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1 the telephone because he wanted the
2 permission to telephone somebody and he
3 did so and left.

4 MADAM PRESIDENT:

5 Yes. Thank you. Judge Aspegren.

6 JUDGE ASPEGREN:

7 Well, since I raised the question about
8 the document referred to by the
9 prosecutor, I would just like the record
10 the permission to reflect that I have in
11 my file, a document in French, so-called
12 declaration signed on the 23rd of April
13 1998, and witnessed by, also by Witness
14 DF, here, and that was received by me to
15 the dossier on the 17th of February 1999,
16 in French, original. But for some reason
17 or other, it was not translated into
18 English, that's why I didn't have it. So
19 I would just want the record the
20 permission to reflect that the French
21 original is in fact, in the file. Thank

22 you.

23 MADAM PRESIDENT:

24 Ms. Dickson, do you have any

25 reexamination?

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1 MS. DICKSON:

2 Yes, Madam President. Thank you, I do.

3 MADAM PRESIDENT:

4 Alright. You may begin although we intend

5 to break, to take a short break after

6 you've completed.

7

8 (REEXAMINATION OF WITNESS DF).

9

10 BY MS. DICKSON:

11 Thank you, Madam President.

12 Witness DF, in what neighbourhood did Mr.

13 Rutaganda lived in April 1994?

14 THE WITNESS:

15 During the early days of April, Mr.

16 Rutaganda was living in Kicukiro.

17 K-I-C-Y-K-I-R-O, (sic) but in the second

18 part of the month, he came and-- he took

19 up residence at-- he came and took up

20 residence at Amgar.

21 MS. DICKSON:

22 Q. Witness DF, you have talked about a
23 dwelling house within the premises of
24 Amgar. Was that the residence of Mr.
25 Rutaganda in 1994, except for the months

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- 1 that you have mentioned. That is the
2 second part of April and thereafter?
- 3 A. Kicukiro is K-I-C-U-K-I-R-O. Yes, he
4 lived there because that was the only
5 dwelling house there.
- 6 Q. Did he live there in January, 1994?
- 7 A. No.
- 8 Q. Did he live there in February, 1994?
- 9 A. No.
- 10 Q. Did he live there in March, 1994?
- 11 A. No.
- 12 Q. And did he live in the first two weeks of
13 April, 1994?
- 14 A. No.
- 15 Q. Witness DF, I would like the permission
16 to ask you with the leave of the
17 Tribunal, the permission to indicate on a
18 piece of paper, your relationship with
19 this parcel, with Amgar, your link-- your
20 relationship with Amgar?
- 21 A. The witness would like for you explain

22 what you mean by relationship or link?

23 MADAM PRESIDENT:

24 The Chamber would like you the permission

25 to explain that too.

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1 MS. DICKSON:

2 I think this may clear up what I believe,
3 may have been a misunderstanding by, by
4 links that the witness and the Chamber
5 and learned colleagues can better
6 understand. Why is it for example, he
7 knew to be at Amgar, during that period?
8 What does he-- why does he know Amgar?
9 Why was he there during that period?

10 MADAM PRESIDENT:

11 Well, that's very important. Ask the
12 witness to indicate what was he doing at
13 Amgar? What was his connection with
14 Amgar premises?

15 MS. DICKSON:

16 On paper, please.

17 MADAM PRESIDENT:

18 Judge Kama, has a question on that.

19 JUDGE KAMA:

20 Madam President, I would like to point
21 out that a while ago you asked him, if he

22 had taken up residence at Amgar and he
23 answered, if I told you I would tell
24 you-- I would have to tell you why I went
25 to Amgar. I think this is the time now

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1 and since the question has been asked to
2 him, I would be happy to have the
3 answer.

4 MS. DICKSON:

5 Maybe, the witness was hesitating to
6 answer and that is also why I have ask
7 the-- put the question the permission to
8 him so that he can clarify the Chamber.

9 MADAM PRESIDENT:

10 Witness, will you write on a piece of
11 paper, your connection the permission to
12 Amgar premises. Can you write that in
13 French and write on top Witness DF.

14

15 Ms. Dickson, while the witness is writing
16 that, how many questions do you have?

17 MS. DICKSON:

18 I'm going to have a few which shouldn't
19 be too long, I have some matters to
20 clarify. We had a rather long
21 cross-examinations, some of it-- some of

22 which was general, general political
23 matters not necessarily connected to the
24 witness. I am going the permission to try
25 and keep it short Madam President. But I

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1 would like to clarify some, some matters,
2 so I can't tell you the exact number, I'm
3 going the permission to try to keep it
4 within 15 minutes. And these are matters
5 all arising out of cross-examination.

6 MADAM PRESIDENT:

7 Yes. And your last witness is actually a
8 short witness. Isn't he?

9 MS. DICKSON:

10 Well, he was--

11 MADAM PRESIDENT:

12 He's indicate as a short witness?

13 MS. DICKSON:

14 The duration that have been provided the
15 permission to this court, was three
16 quarters of the day. So shorter than the
17 one day and a half witnesses. Yes.

18 MADAM PRESIDENT:

19 Alright. Ms. Dickson, you can continue
20 with your reexamination, we would be
21 taking a break after which we would begin

22 the other witness and of course, the
23 Chamber would determine, how long time
24 you would be spending with that, your
25 last witness.

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1 MS. DICKSON:

2 Thank you, Madam President.

3 MADAM PRESIDENT:

4 Ms. Dickson, that would be Defence

5 Exhibit 12?

6 MS. DICKSON:

7 I believe, it's D, D12, under seal.

8 MADAM PRESIDENT:

9 Yes. You may proceed, Ms. Dickson.

10 MS. DICKSON:

11 Thank you, Madam President. Under seal,

12 please.

13 Witness DF, do you remember that

14 yesterday, you wrote down on paper the

15 name of somebody. Do you remember?

16 THE WITNESS:

17 Yes.

18 MS. DICKSON:

19 Q. That person was a nephew. Was he?

20 A. He was a nephew of somebody.

21 Q. Was he your nephew?

22 A. No.

23 Q. Do you have any family link with him?

24 A. No. No, relationship at all.

25 Q. Now, the prosecutor asked you about

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1 somebody with whom you are, you have a
2 connection. How do you mean-- how did
3 you meant the permission to say, yes?

4 A. I said yes, and I answered yes, now.

5 Q. Once again Witness DF, I want you to
6 think carefully. Now, do you have any
7 family link whatsoever with the person
8 whose name you put down? Simply to
9 clarify the issue once and for all.

10 A. No. We have no family connection at
11 all. We have known each other for a long
12 time.

13 Q. And can this be verify, Witness DF?

14 MADAM PRESIDENT:

15 The permission to whose nephew was he?

16 Was he Rutaganda's nephew?

17 THE WITNESS:

18 I said he was the nephew of a man whose
19 family was living at Amgar. I said that
20 the plot in which this man lived was
21 adjacent to the Amgar plot.

22 MADAM PRESIDENT:

23 Thank you.

24 THE WITNESS:

25 But he left his place, he came the

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1 permission to Amgar and found his nephew
2 there.

3 MS. DICKSON:

4 Witness DF, this-- the uncle of this
5 nephew is from what ethnic group?

6 THE WITNESS:

7 I think that he is Tutsi.

8 MS. DICKSON:

9 Q. And his family?

10 A. When the head of a family belongs in one
11 ethnic group, it means that all his
12 progenitor is of the same ethnic group.

13 Q. Very well. I think, that's clarify now. I
14 thank you, DF. Witness DF, when Mr.
15 Rutaganda, said that before you met, he
16 had told you that before you met, he had
17 cleared. Did he tell you that he had done
18 the clearing of his own, of his own
19 volition?

20 A. He told me that in his neighbourhood,
21 people had got together and decided on

22 what should be done because in the
23 environs, there were bushes in which
24 somebody could hide. So they decided to
25 cut them down, to clear them.

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1 Q. And did he tell you under whose
2 leadership or responsibility this work
3 was done?

4 A. In each neighbourhood there was a
5 conseiller or a head of the cellule and
6 it was that person who was responsible
7 for this, for this job.

8 Q. Did Mr. Rutaganda tell you who did-- who
9 let this job. No. Did Mr. Rutaganda say
10 that it was his own idea or that it was
11 his initiative?

12 A. I said that this job was done at the
13 initiative of each neighbourhood and it
14 was the head of the cellule or the head
15 of the neighbourhood, who had the power
16 the permission to call a meeting in order
17 to organise this work to be done. And
18 George never told me, that he went over
19 the communication link. In other words,
20 the head of the cellule in order the
21 permission to take initiative to organise

22 this job to be-- for this job to be done.
23 Q. Witness DF, you explained to us that
24 quite close to the Amgar Garage, there
25 was a business woman whose premises were

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1 protected by two policemen. Do you
2 recall?

3 A. Yes, she's sold foodstuffs.

4 Q. Do you know that lady?

5 A. Many people knew her. Many people knew
6 her and I also knew her, she would sell
7 meat and other foodstuffs.

8 Q. Now, do you know if she carried on these
9 activities until your departure from
10 Kigali?

11 A. She continued the permission to carried
12 out her trade until our departure.

13 Q. Do you know, if you know, what ethnic
14 group she belong the permission to?

15 A. I cannot confirm anything about her
16 ethnicity but I know that her husband was
17 Tutsi.

18 Q. Witness DF, you stated that the watchman
19 who was working for Mr. Rutaganda, was
20 Tutsi because he had told you so,
21 himself. Do you remember?

22 A. Yes, I did state that.

23 Q. Did he tell you this because you ask him

24 or was it a piece of information which he

25 just gave you?

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- 1 A. No, I didn't ask him any question on it.
2 It's he himself who gave me the
3 information. Moreover, at that point in
4 time, people didn't have any difficulty
5 in discussing their ethnicity and he was
6 not the only watchman. There was another
7 whom I knew better than the one we are
8 referring to and who was also Tutsi.
- 9 Q. But what became of this person when you
10 left Amgar garage?
- 11 A. He stayed there.
- 12 Q. Why didn't you want the permission to
13 take him along with you?
- 14 A. He could have left if he wanted the
15 permission to, people could leave if they
16 decided. So, there are some who stayed.
17 He never ask to go with us, to go along
18 with us otherwise if he had, we would
19 have done so.
- 20 Q. Now, did he remain there all by himself?
- 21 A. There were other people who stayed with

22 him, I remember that.

23 Q. Without identifying these persons, could
24 you please described them to us?

25 A. These were young people. That's the only

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1 description I can because I don't have
2 their photographs. The watchman remained
3 with one man and one girl, they all
4 stayed at the Amgar Garage. Amongst the
5 men who remained there was one who was
6 the FIANCEE of the young lady I'm
7 referring the permission to.

8 Q. How many people remained behind
9 altogether?

10 A. About five or six people.

11 Q. Now, did these people ever tell you why
12 they choose not the permission to leave
13 together with you?

14 A. This young lady said that if we were to
15 go the permission to Cyangugu and that
16 she hadn't receive any news from her
17 home, she prefer to remain in Kigali,
18 because she was believing, she thought
19 that there had been some trouble at her
20 home area. Some young people said that
21 the war was not going the permission to

22 reach the city very quickly, so they
23 prefer to remained there whereas other
24 people thought differently.

25 Q. Witness DF, what was ethnicity of the

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1 people who remained at the Amgar Garage
2 when you yourselves, left?

3 A. There were Hutus and Tutsis.

4 Q. Witness DF, what else did you leave
5 behind when you left the Amgar Garage?

6 A. Since we had the permission to move
7 quickly, we were only able the permission
8 to take a few things. Things which
9 wouldn't be of a border and the other
10 things remained there, for instances,
11 vehicles and other household utensils.
12 All these things remained in the house.

13 MR. PRESIDENT:

14 Ms. Dickson, please, move on, because--

15 MS. DICKSON:

16 I was-- I just finish with that, Madam
17 President. Witness DF, you say that you
18 saw Mr. Rutaganda and Mr. Kajuga once,
19 because Mr. Kajuga, wanted the permission
20 to use the telephone. No, I would
21 reformulate the question. You said, you

22 saw Mr. Rutaganda and Mr. Kajuga,
23 together once. Mr. Kajuga, wanted the
24 permission to use the telephone. Is that
25 correct?

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1 THE WITNESS:

2 Yes, because in that house, there was a
3 telephone which had been installed for a
4 long time and all people, who lived in
5 that house found the telephone in placed.
6 And the day he wanted the permission to
7 telephone, he came, he found George
8 there, he telephone and then he left.

9 MS. DICKSON:

10 Q. Do you know why he wanted the permission
11 to use the phone?

12 A. I didn't ask him why he wanted the
13 permission to use the telephone but he
14 wanted the permission to telephone
15 someone who was abroad.

16 Q. And while he was there, did he speak to
17 you of any events which had happen the
18 permission to his family?

19 A. Yes, visibly, he was afraid and he seemed
20 broken down and he said that members of
21 his family who lived if not in Remera,

22 lived in Kicukiro. People had come and
23 found these members of his family and
24 killed them.

25 Q. I'm going the permission to speak about--

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1 no. You spoke, you spoke briefly of Mr.
2 Rutaganda's business activities with the
3 prosecutor. Do you recall?

4 A. Yes, I do.

5 Q. Do you know what is Mr. Rutaganda's
6 religion?

7 A. Yes.

8 Q. Which one is it?

9 A. He is a Seventh Day Adventist.

10 Q. And is he practicing as SDA, a Seventh
11 Day Adventist, as far as you know,
12 Witness DF? Is he a practicing Seventh
13 Day Adventist?

14 A. Yes, George did practice his religion
15 because his father was very close the
16 permission to his religion. He was
17 almost a pastor although he wasn't,
18 actually so. He wasn't really a pastor
19 wanted.

20 Q. Now, did Mr. Rutaganda ever speak to you,
21 of what his religion thought about money

22 business?

23 A. I don't recall having any discussion of
24 that nature with him.

25 Q. Now, during the events we have been

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1 referring the permission to over these
2 past couple of days Witness DF, did you
3 ever speak anything of-- did you speak
4 with Mr. Rutaganda, about religion at any
5 time?

6 A. No.

7 MADAM PRESIDENT:

8 Are you down to your final questions, now
9 Ms. Dickson?

10 MS. DICKSON:

11 I am down the permission to the final
12 questions, Madam President. Thank you.
13 Witness DF, do you know whether Mr.
14 Rutaganda knew the difference between the
15 terms Inkotanyi and Tutsi?

16 THE WITNESS:

17 Yes, he was able the permission to make
18 that distinction between the two,
19 Inkotanyi and Tutsi.

20 MS. DICKSON:

21 Q. According to you Witness DF, people who

22 were together with you, in the month of--
23 months of April and May, 1994. Were they
24 with Mr. Rutaganda, because he was
25 powerful?

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1 A. No, that's not it. Because none of the
2 people who were there came before
3 George's arrival, he found them there.
4 For instance, the man whom we referred
5 the permission to as the nephew, that
6 person arrived before George, and he came
7 with his family. This nephew came with
8 the family, the uncle also came with his
9 family and the two families came well
10 before George, was there. There are some
11 people who were fleeing the war and they
12 were coming from Gikongoro, they didn't
13 stay there long, they left. Those
14 persons also arrived well before George's
15 arrival. When George arrived after these
16 people, he saw that his parents were not
17 there, those ones living in Remera, he
18 began wondering about them and looking
19 for them to be brought there and finally,
20 he was able to do so.

21 MS. DICKSON:

22 Thank you, Witness DF. I have no further
23 questions for you.

24 MADAM PRESIDENT:

25 Witness DF, the Chamber would like the

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1 permission to thank you for coming here,
2 to the Tribunal and giving evidence as a
3 defence witness. And we wish you a safe
4 trip back. Thank you.

5 THE WITNESS:

6 Thank you.

7 MADAM PRESIDENT:

8 Would the registry escort the witness out
9 and bring in the next witness. Is the
10 next witness a protected witness, Ms.
11 Dickson?

12 MS. DICKSON:

13 The next witness is a protected witness
14 Madam President.

15 MADAM PRESIDENT:

16 He is a protected witness?

17 MS. DICKSON:

18 Yes. Witness DMM.

19 MADAM PRESIDENT:

20 Alright. So, keep the curtains drawn
21 while you bring in the next witness. The

22 judges intend to forego the break that
23 they had actually plan for eleven but we
24 do intend the permission to stop at
25 12.30.

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1

2 Ms. Dickson, just the permission to
3 assist the Chamber, did you file a copy
4 of the statement for this witness?

5 MS. DICKSON:

6 No, Madam President, there is no written
7 statement for this witness.

8 MADAM PRESIDENT:

9 You don't have the written statement?

10 MS. DICKSON:

11 No, I don't.

12 MADAM PRESIDENT:

13 Okay. Judge Aspegren, has a question.

14 JUDGE ASPEGREN:

15 Counsel Dickson, please. What we have
16 therefore, is the description, the
17 summary of the testimonies that you
18 disclosed on the 8th of February. There
19 is nothing else? This is on Witness
20 DMM.

21 MS. DICKSON:

22 On the 8th of February, in fact, there is
23 the summary which was produced pursuant
24 the permission to Rule 73 Tar. I'm not
25 very sure about the date but I will ask

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1 that the mention-- that mention should
2 not be made-- would not-- we would not
3 consider the incident of the Hotel Des
4 Milles Collines. You see that the first
5 page, the last-- on the last page of the
6 list, produce pursuant the permission to
7 Rule 73 Tar. This is a page which had a
8 pseudonym of three witnesses, two
9 pseudonym and one name.

10 JUDGE ASPEGREN:

11 Yes, I have it. I was referring actually,
12 just now to the English version but I
13 have now found the French version which
14 is dated 16th September, 1998. So it's
15 the attitude of the UNAMIR. Is that it?

16 MS. DICKSON:

17 Yes.

18 JUDGE ASPEGREN:

19 Thank you.

20 MADAM PRESIDENT:

21 Good afternoon, Witness DMM.

22 ENGLISH INTERPRETER:

23 Your microphone, please, Judge Pillay.

24 MADAM PRESIDENT:

25 Good afternoon, Witness DMM.

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1 THE WITNESS:

2 Good afternoon.

3 MADAM PRESIDENT:

4 Q. Can you indicate which language you would
5 like to use the permission to testify?

6 A. I am more comfortable in French.

7 Q. Alright. I would now like you the
8 permission to stand up, raise your right
9 hand and take the solemn declaration.
10 Raise your right hand and repeat after
11 me.

12

13 (OATH ADMINISTERED TO WITNESS DMM).

14

15 Thank you. You maybe seated.

16 A. Thank you.

17 Q. Now, because you are a protected witness,
18 you will be known during these
19 proceedings as Witness DMM. And you are
20 a witness and not an accused person, so
21 you may speak freely, except that you

22 should not disclose details of your name
23 and residence or work place. You will be
24 questioned by defence question and then
25 the prosecutor and the judges. Please, be

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1 brief and to the point and only give
2 explanations when you are ask the
3 permission to. Thank you, Ms. Dickson.

4

5 (DIRECT EXAMINATION OF WITNESS DMM).

6 BY MS. DICKSON:

7 Thank you, Madam President. Witness DMM,
8 good morning?

9 THE WITNESS:

10 Good morning.

11 MS. DICKSON:

12 Q. Of which country are you a citizen

13 Witness DMM?

14 A. I am a Rwandan.

15 Q. Witness DMM, with the permission of the

16 Chamber, would you be able the permission

17 to write on a piece of a paper the last

18 two occupations that you held in Rwanda?

19 A. No problems. I have no paper.

20 Q. Only when the Tribunal will have accepted

21 that request would you be giving a piece

22 of paper Witness DMM.

23 MADAM PRESIDENT:

24 Yes. Witness DMM, would you write the

25 details in French on the piece of paper

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1 given to you by the registry. The last
2 two occupations you hold in Rwanda. Any
3 particular period, Ms. Dickson?

4 MS. DICKSON:

5 Perhaps, it would be helpful--

6 MADAM PRESIDENT:

7 Before his departure?

8 MS. DICKSON:

9 Yes, before his departure. The last two
10 but he could perhaps indicate the time
11 frame as well, which might serve helpful
12 later on.

13 MADAM PRESIDENT:

14 Yes. Your last two occupations, and when
15 more or less, it dates when? So, Ms.
16 Dickson, that would be Defence Exhibit
17 D13, under seal.

18 MS. DICKSON:

19 Yes. Correct. Thank you, Madam
20 President.

21 MADAM PRESIDENT:

22 Okay. Yes.

23 MS. DICKSON:

24 Witness DMM, do you have any personal

25 knowledge of the activities-- do you have

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1 any personal knowledge of the activities
2 of UNAMIR, in Rwanda?

3 THE WITNESS:

4 Yes, I know something about that.

5 MS. DICKSON:

6 Q. Very well. And are you in a position the
7 permission to tell us anything about the
8 activities of UNAMIR in Rwanda, in 1993,
9 1994 and more particularly, in Kigali?

10 A. Well voluntarily but I would like to
11 perhaps make some reservations on certain
12 questions that you may want to put the
13 permission to me.

14 Q. And we will try the permission to
15 advance, to make progress in that
16 direction. Can you tell us Mr. DMM--
17 Witness DMM, what do you notice with
18 regard to the view that UNAMIR had of
19 their mission to Rwanda?

20 A. I have not quite understood the
21 question. Are you talking about the

22 strength of the elements of UNAMIR?

23 Now, at first when the mission arrived,

24 it was a team of essentially support

25 staff, that is the civilians. Then, the

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1 military contingent came afterwards--
2 came gradually. Otherwise, I do not have
3 any figures in my head but a good number
4 of countries were represented in the
5 mission.

6 Q. Very well. Were you able at a certain
7 point in time to notice the view that
8 people had once they had all arrived of
9 the nature and objective of their
10 assignment in Rwanda?

11 A. The-- on paper, the mandate of UNAMIR was
12 clear, the supervision of the Arusha
13 Peace Agreements. First, the putting
14 into place of a broad-based government,
15 other issues would follow. But your
16 question is global, I cannot say that
17 this was the conception, this or that was
18 the conception of the mission.

19 Q. Maybe, we are going to be more specific.
20 You have talked about the mandate of
21 UNAMIR. Do you remember if this mandate

22 provided for neutrality? Made any

23 provisions relating to neutrality?

24 A. Yes. Of course, the United Nations

25 provided for neutrality.

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1 Q. And Witness DMM, what did you notice in
2 the field as it were, of regarding the
3 concrete exercise of this neutrality that
4 was required by this mandate for UNAMIR?

5 A. In the field one notice a number of
6 things, things that remained in mind. I
7 have the opportunity of frequenting
8 people of UNAMIR, in the field as you
9 say. And I also have the opportunity of
10 deploring certain kinds of behaviour vis
11 a viz the neutrality aspect, that was
12 imposed upon the mission, as a golden
13 rule. And if the need arose I could-- if
14 the need arose I could cite an example.

15 Q. Maybe, Witness DMM, you can give us an
16 example of what you perceived to be a
17 shortcoming in regard to the-- in respect
18 of neutrality?

19 A. I would not go very much into detail. I
20 have been told that I should be very
21 brief in my interventions. I remember

22 one day, I was on board one vehicle with
23 members of the mission and it was
24 formally forbidden the permission to go
25 about with weapons. And the mission that

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- 1 I travelled with, had people of the
2 elements of the RPF, members of the
3 delegates-- government delegates, within
4 the civil and military framework. And
5 curiously and strangely, I saw a gun fall
6 off one of the soldiers of the RPF
7 pocket. We were escorted, there was no
8 need for us to be armed. Obviously, we
9 took that for a joke but in depth, it was
10 a shortcoming. Everybody took note of
11 this, no report was drawn up and since it
12 was normal, this is an example that I can
13 cite.
- 14 Q. Witness DMM, that is an example. But do
15 you think from what you have, what you
16 noted, that UNAMIR or beyond any incident
17 that might have occurred, might have
18 favoured one of the confronting parties
19 over the other?
- 20 A. It is not very easy the permission to say
21 but we should remember that we are human

22 beings, we have human attitude. But it
23 was clear, it was clear that as far as I
24 am concerned, that it was not equal
25 treatment. There was dialogue, that is

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- 1 the language that we speak, we can
2 analyzes and understand this that they
3 had and this is unfortunate, some leaning
4 towards the other party, the RPF.
- 5 Q. And do you think this poignant developed
6 with-- grew with time and as the
7 observations were made or did you notice
8 this, at another point in time?
- 9 A. Of course, these were, these were
10 preconceived ideas of a system that we--
11 they found in placed. The attitude of
12 various elements were going-- was going
13 the permission to influence the behaviour
14 of the mission. But it was clear that
15 there were prejudices from the beginning.
- 16 Q. According the permission to what you
17 notice, what were the level-- what was
18 the level of education of the people who
19 came the permission to participate in
20 this UNAMIR force, in Rwanda?
- 21 A. Well, the United Nations system, I am not