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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-99-54A-T

THE PROSECUTOR
OF THE TRIBUNAL

AGAINST

JEAN DE DIEU KAMUHANDA

28 AUGUST 2002
0900H
CONTINUED TRIAL

Before: Judge William H. Sekule, Presiding
Judge Winston Churchill Matanzama Maqutu
Judge Arlette Ramaroson

For the Registry:
Mr. John Kiyeyeu
Mr. Abraham Koshopa

For the Prosecution:
Mr. Douglas Marks Moore
Mr. Ibukunolu Babajide

For the Accused Kamuhanda:
Ms. Aïcha Condé
Ms. Patricia Mongo

Court Reporters:
Mr. Petrus Chijarira
Mr. Haruma Farage
Ms. Regina Limula
Ms. Judith Kapatamoyo

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I N D E X

WITNESS

For the Defence:

WITNESS JEAN de DIEU KAMUHANDA

Cross-examination by Mr. Moore.....3

Re-examination by Ms. Condé.....101

EXHIBITS

Prosecution Exhibit No. 37.....129

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

2

3 MR. PRESIDENT: The proceedings are called to order. Could
4 the Registrar introduce the matter coming before the
5 Trial Chamber this morning?

6 MR. KIYEYEU: Thank you, Mr. President. Trial Chamber II of
7 the International Criminal Tribunal for Rwanda composed
8 of Judge William H. Sekule, presiding,
9 Judge Winston Churchill Matanzima Maqutu and
10 Judge Arlette Ramaroson is now sitting in open session,
11 today, Wednesday the 28th of August 2002 for the
12 continuation of the Defence case when Prosecution
13 counsel, Mr. Moore, will continue the
14 cross-examination of Mr. Kamuhanda (DW1) in the matter
15 of the Prosecutor v. Jean de Dieu Kamuhanda,
16 Case No. ICTR-99-54A-T.

17

18 I am most obliged, My Lord.

19 MR. PRESIDENT: Thank you Mr. Kiyeyeu for the registry. May
20 we have the appearance of the parties starting with the
21 Prosecution for the record please?

22 MR. MOORE: My name is Moore and I am senior trial attorney.
23 I am assisted by Ms. Dorothee Marotine, our case manager
24 this morning. Thank you.

25 MR. PRESIDENT: Thank you, Learned Counsel. May we also have
26 the appearance for the Defence please for the record?

27 MS. CONDÉ: Yes, Mr. President, Your Honours. I am
28 Aicha Condé. Lead counsel for Jean de Dieu Kamuhanda, my
29 co-counsel is Patricia Mongo and our legal assistants
30 are Anta Guisse and Seynabou Benga.

1 MR. PRESIDENT: Thank you, Learned Counsel.

2 Yes, Accused, we remind you again of the solemn
3 declaration you made previously and that you will
4 continue with your evidence today on that same solemn
5 declaration.

6 THE ACCUSED: Yes.

7 MR. KIYEYEU: I am sorry, My Lord, if I remember well
8 yesterday, counsel for the Prosecution said that today,
9 it will be -- we will be in open session, I don't
10 know -- if we can confirm that.

11 MR. MOORE: There is one small area and we will take no more
12 than ten minutes in closed session and then we can go
13 into open session.

14 MR. PRESIDENT: All right, we will continue the closed
15 session for the time being and we will go into open
16 session when we are ready. Can the Registry make
17 sure that we are -- the closed session is operational?

18 MR. KIYEYEU: Yes, My Lord, the technicians indicate that we
19 are ready for the closed session.

20
21 (At this point in the proceedings, a portion of the
22 transcript (pages 3 to 8) was extracted and sealed under
23 separate cover as the session was heard in camera)

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- 1 MR. KIYEYEU: We are ready for the open session, My Lords.
- 2 MR. PRESIDENT: Yes, Mr. Moore.
- 3 MR. MOORE: Thank you very much.
- 4 BY MR. MOORE:
- 5 Q. Mr. Kamuhanda, you said that you arrived in Gitarama,
- 6 you arrived on the 18th, you arrived in Gitarama when?
- 7 A. We arrived in Gitarama on the 18th between 8 and 8.30
- 8 pm.
- 9 Q. And on your route to Gitarama, it is right, is it not
- 10 that you had to go through roadblocks?
- 11 A. Yes, that is correct a few roadblocks.
- 12 Q. And the roadblocks were controlled by whom?
- 13 A. I did not ask the names of the persons who were at the
- 14 roadblock. I was sitting in the bus. I did not get up
- 15 and go and seek out the persons at the roadblock.
- 16 MR. PRESIDENT: Is he asking for the names?
- 17 BY MR. MOORE:
- 18 Q. Can we assume that you are not trying to suggest that it
- 19 was the RPF at the roadblock, are you? I mean, was it
- 20 the army, the Rwandese Army that controlled the
- 21 roadblocks, I am not looking for names just who
- 22 controlled them?
- 23 A. I answered that I was sitting in the bus just as the
- 24 other passengers in the bus and that I did not get up to
- 25 see who were manning the roadblocks. I do not know
- 26 whether the RPF were manning the roadblocks or whether
- 27 the others who were manning the roadblocks.
- 28 Q. Can I suggest that is a completely , the English word
- 29 disingenuous reply because the bus had windows, hadn't
- 30 it? Didn't it? The bus had windows?

1 A. I have been the accused and have been accused since
2 November 1, 1999. I have said that the charges that
3 have been brought against me are defamatory, slanderous
4 and full of lies and you can state whatever you want
5 that is your prerogative. Nevertheless, I said that I
6 did not get up in the bus. I was sitting next to
7 Enzi Muleka's wife who is a Tutsi and I did not get up.
8 I have no idea who was manning these roadblocks. All I
9 know is that there were roadblocks and to tell you who
10 mans them I will be frank with you and tell you that I
11 do not know who manned these roadblocks.

12 Q. May I suggest firstly that you are trying to avoid the
13 question as I suggested equally yesterday you gave long
14 speeches. Now, can you please today try and answer the
15 question? The question is perfectly easy; did the bus
16 have windows yes or no?

17 MR. PRESIDENT: Yes, maybe before that question is answered,
18 we would like to say that the question being put should
19 be answered in short form give the answers that are
20 expected or demanded by the person if you know the
21 answers.

22
23 And as to the accusations, that is why we are here at
24 the end of the day to see the evidence that has been
25 given here and to be able to determine about the -- all
26 the charges. So we would expect you as the accused
27 person to address questions, to answer the questions
28 appropriately because they may be able to help in
29 determining the truth in this matter and as a person who
30 is, I am sure understand these things, we would expect

1 clear answers where clear answers where clear answers
2 are demanded whichever way. So that we can move
3 forward -- so that the proceedings can move forward.
4 THE ACCUSED: I am sorry, Mr. President. I apologise. It is
5 just that I am trying to wear two hats, that of the
6 accused and that of the witness that every time I try to
7 give an answer, I try to defend myself. So, I am sorry,
8 please forgive me, but --
9 MR. PRESIDENT: Please go ahead.
10 THE ACCUSED: But I have answered his question.
11 MR. PRESIDENT: The other thing my attention has been drawn to
12 names. I know it can -- these things can easily be
13 forgiven. So please keep your presence about the
14 mentioning of names. Okay. We won't go into that
15 because that won't be helpful. So use pseudonyms.
16 MR. MOORE: So I -- sorry, apologies about that.
17 BY MR. MOORE:
18 Q. The bus had windows, didn't it?
19 A. Yes. The bus had windows like all buses.
20 Q. And all I am suggesting to you is that here you are
21 going to Kigali in a bus not knowing what the situation
22 was in the country whether you were going to run into
23 the RPF, what exactly was happening, the one thing that
24 would be greatest concern to you in that bus is if you
25 are being stopped who is controlling the roadblocks
26 because it would mean the difference between life or
27 death. It is as simple as that. Now I am suggesting
28 now to you, and I am suggesting that you would know who
29 would be controlling the roadblock. Was it the
30 Interahamwe, was it the soldiers? Who Mr. Kamuhanda,

- 1 who did you have to show your papers to?
- 2 A. I answered by saying that I do not know who was
3 controlling these roadblocks. All I know is that we
4 came across roadblocks.
- 5 Q. But if my note is correct and it proved fallible in the
6 past, I seem to remember you saying you had to show a
7 card, that is your identification. Now is that right
8 or not, you had to show a form of identification so that
9 the people in the roadblock would know who they are
10 dealing with from the other side. So, is it right you
11 had to show your card?
- 12 A. Yes, we had to show our identity cards.
- 13 Q. So who did you show your identity card to? Were they in
14 uniform or were they not in uniform?
- 15 A. These persons were not wearing uniforms.
- 16 Q. And with regard to not wearing uniform, did you see any
17 of them by any chance wearing kitenge clothing? You
18 know these are the uniforms of the Interahamwe, just in
19 case you didn't know them.
- 20 A. I have said that the persons that we showed our identity
21 cards did not wear uniforms.
- 22 Q. Were they carrying guns?
- 23 A. The persons, I believe this happened on one or two
24 occasions, the persons whom we showed our identity cards
25 were not carrying weapons. In any case, I did not see
26 any weapons. And I should add that because the Trial
27 Chamber must understand I was sitting next to a woman,
28 next to a Tutsi woman. I remember telling her, "Cover
29 yourself, cover your face." When people ask for
30 identity cards just make this gesture and I would do the

1 same thing so people would not even look at the person.
2 People were even basically worn out that even looking at
3 people's identity cards and the person who came to check
4 identities cards did not enter the bus to check every
5 identity card in the bus but remained at the entrance of
6 the bus. They would ask, "Do you have your identity
7 card?" And we would say yes and show the identities and
8 those I think that maybe people didn't come into this
9 bus because the soldier who was accompanying the bus
10 said you are not to come in verify the identity of these
11 people. These are the families of soldiers who are
12 being evacuated from Kigali and that is what happened.

13 Q. So, can I just see if I have got this correct; you were
14 covering your face on this trip down when it came to the
15 roadblock if people were looking, is that right? You
16 are nodding your head, Mr. Kamuhanda but the evidence
17 that you have given is you told the lady beside you and
18 also yourself to put your hands up so you basically
19 would not be identified isn't that right; isn't it?

20 A. That is not what I said. I am sure you misunderstood
21 me. I said I asked that lady to cover herself and I
22 didn't cover myself.

23 Q. That is the impression I got and I seek some help from
24 the Bench on this but the impression that I got was that
25 you put your hands up as well to hide your face and I do
26 not know whether that is agreed. Are you saying now
27 that you didn't put up your hands to hide your face, we
28 can check the transcript?

29 A. I am here to repeat what I said, I said that I asked the
30 lady who was sitting next to me to cover her face and

1 whether it would be necessary to show the card, she
2 would show it this way and I would do it the same way,
3 I wasn't covering myself, she was covering herself. In
4 fact by the way she was holding her child and since she
5 was holding her child to her breast she used one hand to
6 cover her face and was showing -- holding her child and
7 showing her identity card. But these identity cards
8 were not systematically controlled or checked.

9 MR. MOORE: I would ask the Bench that the transcript of what
10 Mr. Kamuhanda has said about not covering his face
11 because my recollection and the impression given to me
12 is that Mr. Kamuhanda was saying that he covered his
13 face as well. I would submit I don't want to take a bad
14 point but equally if it is what he said I submit that is
15 a very important point and I think in fairness, that
16 should be clarified.

17 MR. PRESIDENT: But clarification takes a very long time to go
18 back to the transcripts but we could note perhaps take
19 note of this matter.

20 MR. MOORE: Yes, I know but and I appreciate that point but
21 can I merely suggest that as Your Honours have been
22 practitioners the root of cross-examination would differ
23 depending on the answer.

24 MR. PRESIDENT: Yes, Counsel?

25 MS. CONDÉ: I simply wish to point out to the Prosecutor that
26 he is here to put questions to the witness. If there
27 are things that are not the clear, he can seek
28 clarifications. He should not try to twist the
29 testimony of my witness. I mean, he has been
30 cross-examining him for the last two days just put other

1 questions to him.

2 MR. MOORE: Let me try and behave in a professional way? I
3 don't twist anything. I work on the evidence and I seek
4 clarification to make sure that there is no false point
5 taken. That is exactly the point.

6

7 I have also sought clarification and it is also an
8 important and a point that needs clarification. That is
9 why I sought for guidance.

10 MR. PRESIDENT: Recorders, how soon can you get to that? The
11 Prosecution contents that the previous answer was that
12 the accused had covered himself as well. Is that
13 correct apart from the lady who was sitting next to him.
14 And a subsequent answer is that it was a lady in fact
15 who had covered herself in the manner the witness
16 demonstrated. How soon can we get back to that, can you
17 find out? (A after a short consultation among the Bench)
18 She will read the portion, the English translator,
19 recorder, will write and then she will get back the
20 proceedings in that way. She got earlier area was.

21 THE ENGLISH INTERPRETER: At a dictation speed, Sir.

22 MR. PRESIDENT: At a dictation speed, slowly.

23 A: The person and then -- I think this was done once or
24 twice. The persons to whom who showed our identity
25 cards were not carrying weapons. In any case I didn't
26 see weapons. Here, I am must state because all the same
27 the Court must follow. I was sitting down next to a
28 lady, a Tutsi lady, and I do remember that I told her,
29 "Cover your face." When they asked you to show us
30 identity cards, "Do like this." And I was doing same so

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1 much so that we were not looking at the person who was
2 asking for those cards.

3 MR. PRESIDENT: Thank you. Well, then you will do the
4 arrangement later to do the portion that you were not
5 able to get as you were reading that passage.

6 MR. MOORE: May I thank the Court for that.

7 BY MR. MOORE:

8 Q. Now, Mr. Kamuhanda --

9 MR. PRESIDENT: Right, we will proceed, I think the recorder
10 are ready and we appreciate.

11 BY MR. MOORE:

12 Q. So, Mr. Kamuhanda the record clearly shows that you were
13 showing the woman how to hide her face and you were
14 doing the same, you were hiding your face that's what
15 you told us, and I would equally suggest you realised
16 what you had said the error you had made and that is why
17 you changed your story. That is right, Mr. Kamuhanda,
18 you did cover your face?

19 A. What she has read out is not a reflection of what you
20 have just told me.

21 Q. I would suggest it most certainly is a reflection. You
22 told the Tusti woman to cover her face and I did the
23 same. What does that mean in English or French, I did
24 the same, cover your face from whom?

25 MS. CONDÉ: No, I object. He has again twisted the testimony
26 of my client. He said I asked the lady to cover her
27 face, cover your face when you are being asked to show
28 your cards and I did same, so he is twisting it and this
29 is not done.

30 MR. PRESIDENT: Counsel, I think we should not waste a lot of

1 time on this matter. The witness can answer that
2 question and if he does not understand it he will say
3 so, and we will clarify it. And I think the question is
4 very clear and the witness understands it and if there
5 are difficulties, he will say that to the Trial Chamber
6 and the Trial Chamber will direct the necessary that
7 directions need to be made. But that is a clear
8 question which can be answered.

9 THE ACCUSED: I have no difficulty at all in answering that
10 question. Let me repeat what I said; I said, I asked
11 the Tutsi lady sitting next to me to cover her face
12 when identity cards would be asked for, show it this way
13 and I would be doing same in other words, I would be
14 showing the identity card in the manner in which I asked
15 her to show the identity card. That is what I said. I
16 didn't say that I was covering my face.

17 Q. I suggest, you not only gave the account of saying to
18 the woman cover your face and you held up your two
19 hands, to demonstrate how she should cover the face when
20 you said when you said, I did the same it was with the
21 two hands raised, it was nothing whatsoever to do with
22 handing over the documentations. It was the covering of
23 the face Mr. Kamuhanda that you are talking about. That
24 is what I am suggesting to you.

25 A. I dispute that interpretation. I could not cover myself,
26 I had nothing to use in covering myself. What I said
27 was that, I asked the woman cover your face, show your
28 identity card in this manner and I did the same showing
29 my identity card in the same manner. That is all I
30 said, and that is the truth.

1 MR. PRESIDENT: I have heard sufficient enough on this matter.

2 Can you move on?

3 MR. MOORE: Yes, and I will.

4

5 BY MR. MOORE:

6 Q. Why should you tell a Tutsi woman to cover her face?

7 What is the significance of that Mr. Kamuhanda? What is
8 the significance of Tutsi as supposed to the woman next
9 door I told her to cover her face? Why did you tell us
10 that it was a Tutsi woman?

11 A. It is because I knew that the Tutsis were a lot more
12 targeted than Hutus at the time. This was known.

13 Q. And might it also be that the reason if it is true that
14 you told her to cover her face is that you knew
15 perfectly well those roadblocks were almost certainly
16 controlled by the Interahamwe who were targeting Tutsis
17 and killing them and that is why you have told us about
18 a Tusti woman and covering her face if it's true?

19 A. That is not the reason why I asked her to cover her
20 face. I simply asked to cover her face so that she
21 should not be too noticed. And by the way I think that
22 the fact that I protected that woman assuming that at
23 the roadblock, Hutus were hunting for Tutsis, protecting
24 that woman in my view is an honourable thing for which I
25 have to be commended. I protected that woman and that
26 woman is still alive.

27 Q. I said if it is true, Mr. Kamuhanda, but, of course,
28 this woman would have nothing to fear from the RPF if
29 she was a Tutsi, isn't that right, if it was an RPF
30 roadblock, she would have nothing to fear whatsoever.

1 That is correct, isn't it?

2 A. I don't know whether what you are saying is true because
3 I said from the outset, that in the RPF, there were
4 Hutus and Tutsis. The President of the republic,
5 Pasteur Bizimungu who was sacked about a year or two
6 ago, he was a Hutu. He led the RPF delegation in Arusha
7 during the Accords. Alexis Kanyarengwe who was the
8 leader of the RPF, he was Hutu. Sendashonga who was
9 killed in Nairobi when he resigned from the government
10 in Kigali, a former minister of the interior, he was a
11 Hutu. So in the RPF, there were Hutus and Tutsis not
12 because she was a Tutsi that she was not afraid of the
13 RPF. That's not it. That is not because she was Tutsis.

14 Q. We have been through this now, I think twice the simple
15 matter if what you say is right by putting your hands
16 up, aren't you drawing your attention to the woman for
17 everyone in the bus so that they could be identified?

18 A. I didn't ask this lady to raise her two hands. I asked
19 her to show her identity card, the way in which she was
20 showing was just to exhibit her identity card.

21 Q. It is not right because if my memory serves correct you
22 showed two hands to the Bench and then you changed your
23 account and said well actually she only used one hand
24 because I think there was a child involved?

25 MR. PRESIDENT: We will come to that one in the record. These
26 are the matters that you could comment on when we review
27 the evidence at some stage. Answers that have been
28 given by the witness as indeed by any other witnesses
29 are recorded for that purpose so that one could come
30 back for them. So, we don't have to argue the case right

1 now. You go ahead.

2 MR. MOORE: Very well.

3 MR. PRESIDENT: You proceed.

4 BY MR. MOORE:

5 Q. And so each and every roadblock you remained in your
6 seat; is that right Mr. Kamuhanda? You didn't get up
7 and speak to anyone; is that right?

8 A. Yes, that is what I said.

9 Q. Did you ever hear from anybody in the bus bearing in
10 mind the family of the military, the government that in
11 actually in all rights the roadblocks are Interahamwe or
12 military or it is not all right it is the RPF? Didn't
13 word go round the bus that the roadblocks who actually
14 controlled were the Interahamwe or not? Didn't you ever
15 hear that from anyone?

16 A. I had no comment in the bus particularly as there were
17 several women or children. As for the men, I think were
18 about three in the bus.

19 Q. So let me see if I got this right, you go through from
20 Kigali to Gitarama in the war zone with roadblocks
21 knowing perfectly well along the roadblock, there is a
22 high likelihood you could be shot or killed and you
23 neither enquire nor see or hear who controlled those
24 roadblocks. Is that actually what you are saying to
25 this Court, the three monkeys; see no evil, hear no
26 evil, speak no evil? Is that right, you didn't know
27 about anything?

28 A. I spoke to no one except to my neighbour by my side. I
29 spoke to no one except my neighbour next to me. I was
30 afraid like everyone else because if we had taken that

1 bus it was because we were afraid. When we were in
2 flight, it was because we were afraid of staying in the
3 capital and the area that we went through in our
4 movement in Gitarama was the most secure one. So we did
5 not across a combat zone to go to Gitarama.

6 Q. But that is not correct either, is that correct,
7 Mr. Kamuhanda because the evidence which you gave, you
8 told us about a weapon on top of a hill shooting at the
9 vehicles. Do you remember that shooting at the hills
10 and how terrified you were, shooting at the vehicles is
11 that not a combat zone? Does that suggest that you
12 could be killed if you had a weapon on top of the hill
13 shooting at you, you would be terrified?

14 A. That was in Kigali not in Gitarama.

15 Q. But that was why you were in the bus that is right;
16 isn't it?

17 A. Yes, we were in the bus and that is when it occurred.
18 But let me be specific; it was the Kigali area not in
19 Gitarama.

20 Q. When you got to Gitarama which you have told us about,
21 you stayed the night in the stadium, is Friday, isn't
22 that right?

23 A. That's right.

24 Q. Did you see (Name deleted) when you got to the Gitarama?

25 I understand, my apologies to show how easy it is --

26 MR. PRESIDENT: It should not be developed further.

27 BY MR. MOORE:

28 Q. The person, I mentioned, did you see him in Gitarama?

29 A. Yes, the person you mentioned was seen by me in Gitarama
30 but not on the 18th.

1 MR. PRESIDENT: ALB, according to the Defence information we
2 got right? ALB?

3 THE ACCUSED: Yes, that's correct.

4 BY MR. MOORE:

5 Q. And at that time you had travelled with ALS and her
6 family?

7 A. That correct.

8 MR. PRESIDENT: Proceed.

9 (Pages 1 to 22 by Petrus Chijarira)

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2 MR. PRESIDENT: Proceed, we will come back to it later.

3 MR. MOORE: Perhaps that reference can be expunged from the
4 record.

5 MR. PRESIDENT: That is exactly what we want to raise. We
6 will go into closed session at some stage before you
7 finish your cross-examination. If you don't intend to
8 go into closed session then deal with some matters
9 arising from some of these issues.

10 BY MR. MOORE:

11 Q. So, it is a case of ALB and the family -- ALR and the
12 family; is that correct -- in the stadium?

13 A. Yes, are you referring to ALB and his whole family? Or
14 who exactly are you referring to?

15 Q. No, I am not asking about ALB's family. I am just
16 asking about ALB at the moment. You say that you did
17 meet him but I haven't actually clarified where it was.
18 I was finding out who you were with in the stadium and I
19 think it is right to say that that was ALS and family --
20 ALR and the family; is that correct?

21 A. Yes, at the stadium I was with ALS's family and ALR's
22 family.

23 Q. And what about ALA/ALC -- forgive me, did they get to
24 the stadium or not -- did they travel with you?

25 A. I have said that I travelled with the family of ALA and
26 that his wife had left well before on the 14th, but at
27 the stadium I spent the night with ALS, ALR and ALA.
28 But ALA was there without his wife, they were recently
29 married.

30 Q. So, the following day, you went to, I think, to your

- 1 mother in-law's house; is that correct, is that the
2 sequence, at Nyabikenke?
- 3 A. Yes, that's what happened.
- 4 Q. Now, had you met ALB before travelling to Nyabikenke?
- 5 A. ALB took me to Nyabikenke and I had -- I came across him
6 in the city of Gitarama, very close to the stadium on
7 the 19th in the early afternoon.
- 8 Q. So, if you arrived then on the 19th, you stayed over
9 night on the 19th; this is what you say. On the 19th is
10 it by chance you meet ALB or is it by agreement you meet
11 ALB?
- 12 A. I met him by chance.
- 13 Q. So he takes you and your family to your mother-in-law
14 and your other child is there; that is the correct
15 scenario, isn't it?
- 16 A. Yes, that is what is what happened.
- 17 Q. If you were so concerned about the welfare of ALS, why
18 didn't you let your wife and your children go to your
19 mother in-law's and you remain in Gitarama?
- 20 A. I went with my family to my mother in-law's, and then I
21 immediately returned to the stadium and spent the second
22 night with these families with the exception of ALS.
- 23 Q. And the aim as you say, was to ensure that ALS managed
24 to leave, and I think it is correct to say, and I hope I
25 am right, to go to Butare; is that right?
- 26 A. Yes, that is what I stated.
- 27 Q. And as we know, Butare is in the south of the country,
28 and it is on the way to Burundi. That is correct, isn't
29 it?
- 30 A. That is correct.

1 Q. You have told us about the deteriorating situation that
2 everyone was aware of, I suggest. Now, the government
3 had moved, you were part of the government, you were
4 just an ordinary individual. Why didn't you collect,
5 maybe, your mother in-law and go to Butare yourself and
6 flee the country like thousands of other people did on
7 that 19th of April?

8 A. I have answered stating that when we left Kigali the
9 situation in Gitarama was safe. No fighting was taking
10 place in Gitarama, and this was even more so the case in
11 Nyabikenke, which was 40 kilometres away from Gitarama.
12 This was a safe place. Up to that point that area had
13 been calm and the reason I did not flee towards Burundi,
14 like the others that you are referring to, that, by the
15 way, I do not know. I have already answered this
16 question by saying that people did not want to leave
17 their country, they were hoping that the situation would
18 improve. Everyone -- we all hoped that the
19 international community was going to do everything
20 possible to restore peace in our country and that is why
21 even when people were fleeing they did not go very far
22 for the most part. And I should also add that you must
23 not forget that I had no means of transportation
24 available to me. I have never owned a vehicle, moreover
25 I did not know how to drive.

26 Q. But, Mr. Kamuhanda, your situation was a slightly
27 unusual situation, because your wife was ill and getting
28 worse. Indeed, you have even told us that you were
29 trying to get medicines for her because of her own
30 illness. You had a son who was traumatised and hadn't

1 spoken for four days. And I think it is right to say
2 that same son caught hepatitis. I am not saying he got
3 it on the 19th or 20th, but the fact of the matter is,
4 you had ill members of your family that needed medical
5 care and you had a deteriorating military situation.
6 And I am suggesting the reason why you didn't leave
7 there was because you were up to no good, being involved
8 with the destruction of the Tutsi people, do you
9 understand, Mr. Kamuhanda? You were staying close to
10 government, that is why you didn't leave. Now, what do
11 you say to that?

12 A. I strongly dispute what you have just said, because once
13 again you are making statements that I was a member of
14 the government. You have investigated me, you know that
15 I did not become a member of the government until the
16 25th of May. When you say that I was involved in the
17 government actions in which I was not involved, I
18 believe that that, once again, is an unfounded and
19 gratuitous statement and I want to say that I have told
20 you what path I followed, and I believe that road that I
21 followed is one that is easily understood. I have told
22 you my story as I lived through it, and if you interpret
23 it as being a pack of lies, that is your prerogative,
24 but I am telling you my story, how I lived through it,
25 and I was never involved in any act of destruction.

26 Q. I didn't say that you were part of the government. I
27 suggest, as a director, in the position that you held,
28 you were close to the government; you became a member of
29 the government in May. I accept that. But what I am
30 suggesting is that you told this Court that you were

1 shuttling back and forward. Your wife was sick with
2 migraines. We also know that at that stage she had what
3 is called an ectopic pregnancy and she was getting
4 sicker by the day; that's right, Mr. Kamuhanda? This
5 was not a well woman.

6 A. What is true is that she was in poor health. But I have
7 told you that I left Kigali without any money. And to
8 try and arrange for my wife to be treated or my son to
9 be treated I needed money and to get money I needed to
10 find it somewhere, and the only place I could find it
11 was in Gitarama where I would find a bank that would be
12 open. And so when I went back and forth between
13 Gitarama and Nyabikenke it is because I was trying to
14 get money. If you are trying to say that I went back
15 and forth, that I shuttled back and forth just to
16 destroy Tutsis, you have brought no evidence with
17 respect to that before this Trial Chamber. You have
18 brought no evidence before this Trial Chamber of this.
19 The only evidence that you have brought is on the
20 massacres in Gikomero, and I have explained what
21 happened at that time and I can provide additional
22 information if required. I have witnesses from Gikomero
23 who will come; both Hutus and Tutsis.

24 Q. Yes, Mr. Kamuhanda, and the Court has now asked you on
25 several occasions to keep your answers simple. At no
26 time have I said you were shuttling back and forwards
27 destroying Tutsis. What I have suggested to you is that
28 you were sympathetic to that government -- that interim
29 government who were instrumental in the destruction of
30 Tutsis, and that you could have left Gitarama, and you

1 did not because of your sympathies with the interim
2 government. That is what I am suggesting and you know
3 that perfectly well. Now, you said that you got money
4 from -- trying to get money --

5 MR. PRESIDENT: Yes, can you answer.

6 THE ACCUSED: No, I dispute that as well. This is what I
7 also dispute. I went to Gitarama; if I had been a
8 member of the Government or close to the government, do
9 you think that I would have spent two nights at the
10 Gitarama stadium? Do you think, Mr. Prosecutor, that
11 such a high ranking and influential person, without
12 transportation, without a driver, would have slept in
13 the stadium with an open sky? Do you think an
14 influential person -- the influential person you are
15 referring to would have been living in the conditions I
16 was living? I mean, really --

17 BY MR. MOORE:

18 Q. Mr. Kamuhanda, you wouldn't want to know what I think.
19 Now, shall we proceed, please? What I am suggesting is
20 that you were close to that government because of your
21 influential position as a director, and you remained in
22 Gitarama.

23 MR. PRESIDENT: I think that point has been answered.

24 MR. MOORE: No, I accept that.

25 BY MR. MOORE:

26 Q. You remained in Gitarama -- now, you have told us about
27 monies. Did you manage to get any monies out of the
28 bank when you were in Gitarama?

29 A. Yes, I was able to get some money in the bank in
30 Gitarama once the bank of Kigali reached Gitarama.

- 1 Q. And how much money did you take out from the bank in
2 Gitarama. Can you remember in general terms?
- 3 A. I think I withdrew 70,000 Rwandan francs.
- 4 Q. And forgive me, my rate of exchange isn't very good
5 recollection for 1994, can you put that into dollars for
6 us -- because you would have used dollars in the past as
7 we know.
- 8 A. I think the exchange rate at the time was 200 Rwandan
9 francs to the dollar. And so you should be able to
10 calculate that.
- 11 Q. Well, I thought you said 70,000 Rwandan Francs. In that
12 case my calculation is \$350.00 dollars, but I don't
13 guarantee that. How much money did you actually have in
14 the bank at that time?
- 15 A. At the time on my bank account there was exactly 85,000
16 Rwandan francs in the bank.
- 17 Q. So you were left with 15,000 francs in the bank; is that
18 right?
- 19 A. Yes, that is correct.
- 20 Q. If you were so concerned with matters, why didn't you
21 just withdraw all the money? Isn't it better to have
22 cash on hand in a situation like that, or was it the
23 case, perhaps, you were intending to stay? Because,
24 people, you see, if there is a war coming they go and
25 withdraw everything they can lay their hands on. They
26 don't leave a significant amount in the bank, do you
27 follow?
- 28 A. I have answered this question by saying that when people
29 were fleeing, they were not going far from the house,
30 and so when you withdrew money you wouldn't just have

1 emptied your account, because we thought -- we believed
2 the situation would improve. We never thought that we
3 were going to have to go live abroad, I mean, we
4 realised that after we had left the country.

5 Q. Again, I suggest that is not absolutely correct. You
6 have a government who has had to remove itself from
7 Kigali -- from the capital. So, it was an extremely bad
8 situation. I suggest your suggestion that this is just
9 some little sojourn in the country is complete nonsense.
10 You had a government who had just left; you had serious
11 apparent in the country; and you had the RPF that was
12 advancing into the country. So this wasn't just some
13 peaceful stay, wasn't it, Mr. Kamuhanda, things were
14 very bad. So why didn't you just withdraw all the
15 money?

16 A. I did not empty my country for the reasons that I have
17 told you. To say that the international community had
18 abandoned that government -- the international community
19 might have abandoned that government, but I did not
20 think that the international community had abandoned the
21 Rwandan people. I always believed, up until the time
22 that we left the country, that the situation was going
23 to improve.

24 Q. But forgive me; were you not aware of the reports,
25 because of the modern ability with the journalists, you
26 weren't aware of the reports on the international
27 community filtering back into Rwanda the suggestion that
28 there was a wholesale slaughter going on in the
29 mid-October of Tutsis? Weren't you aware of that?
30 Didn't even a whisper reach you --

1 MR. PRESIDENT: October of which year?

2 MR. MOORE: What did I say? I should have said, April, I am
3 sorry. It should have been mid April, I don't know why
4 I said October.

5 BY MR. MOORE:

6 Q. But weren't you aware of that; weren't you aware of the
7 international community condemnation of what was going
8 on, and that the Tutsis were being targeted?

9 A. I was not aware of the condemnation that had been made
10 by the international community. I had concerns. The
11 only thing I could hear was the news on the radio. I
12 could not have access to other sources of information to
13 find out what the international community thought of the
14 information in Rwanda. But, like all the Rwandans, I
15 was hoping that the situation would improve. Otherwise
16 I had no contacts with anyone.

17 Q. But you had said all the way down you had been aware
18 that the Tutsis were being targeted; were being
19 principally targeted -- targeted by whom?

20 A. I was aware that the Tutsis were being targeted in the
21 area where we were, and I should specify that I am
22 referring to the area where we were. Because, according
23 to the information that people were sharing with me --
24 they were sharing with us, they were saying that in fact
25 the Hutus had more problems than the Tutsis. So, the
26 situation was actually reversed according to the
27 information that I was receiving.

28 Q. I suggest that is absolutely inconceivable. The news,
29 generally, I am not saying necessarily always
30 internally, but generally there was very definite

1 expressed concern and television footage of refugees
2 fleeing and the suggestion that the Tutsis were being
3 slaughtered at that time by mid-April, moving on to the
4 third week of April. Now, are you saying that you were
5 unaware of that? Is that what you are saying?

6 A. I don't know if you know what the situation was like in
7 Rwanda in 1994, but there were no working televisions,
8 There was no television at the time, and, in fact,
9 Rwanda had just recently received access to television
10 not even a year before. So, there were very few
11 Rwandans with televisions. I had left my television in
12 Kicyiru.

13 Q. So, let me just see if I have got this right. Right up
14 to the end of April, and I am going to stay to the end
15 of April, I am moving on in time. You were saying that
16 you were unaware of the international concerns, and
17 indeed the reports coming out of Rwanda that the Tutsis
18 were being -- now, I use my word -- slaughtered -- at
19 that time. Did you hear anything at all suggesting
20 that?

21 A. The only thing I heard -- the information I received was
22 on the radio, and the radio depicted a different
23 picture. And so we would take the information that we
24 chose to hear and I didn't listen continuously to the
25 radio.

26 Q. To which radio station did you listen -- when you were
27 in Kigali, did you listen to radio mills collines?

28 A. When I was in Kigali my favourite radio station was RFI,
29 Radio France International. That is the station that I
30 gathered my information from, but I also listened to

1 RTLM as well as the RPF radio, Radio Muhabura. I
2 listened to radio Rwanda. I sometimes listened to the
3 BBC in French or the voice of America in French and also
4 sometimes Radio Vatican.

5 Q. So you had a fairly good coverage, I suggest, when you
6 were in Kigali. If we set away -- set aside RTLM, did
7 you, when you were listening to the radio, because you
8 told us you left on the 17th/18th of April, did you hear
9 anything from, for example, the BBC or the French radio
10 -- any of those other radios, the RPF radio, did you
11 hear any suggestion, at all, about what was going on in
12 Kigali, namely, that the Tutsi were being targeted?
13 Wasn't there anything at all about that being said that
14 caught your attention?

15 A. In the news I heard on the radio, I heard that people
16 were being killed and that amongst those being killed
17 there were both Hutus and Tutsis, and I can even give
18 you names of Hutus and Tutsis that were killed. So, it
19 wasn't just an open Tutsi hunt.

20 Q. Well, I am suggesting to you, that, in actual fact, the
21 coverage, and, indeed, as time progressed, the
22 international coverage of the stations that you referred
23 to would be stating quite clearly the concerns that the
24 Hutus were targeting Tutsis and that the Tutsis were
25 being slaughtered in large numbers. Maybe there were
26 the odd Hutu killed, I don't mean that in a pejorative
27 way, but the whole direction of the reporting at that
28 time was that the Tutsis were being targeted, the Tutsis
29 were being killed. That's right isn't it,
30 Mr. Kamuhanda? That was the general tone and tenor of

1 those radio broadcasts?

2 A. That is possible because I did not bring my radio with
3 me when I left Kigali, but when I had opportunity to
4 listen to those stations, it is true that they were
5 saying that in several regions Tutsis had been targeted.
6 That was being said.

7 Q. And what is more, when you were in Gitarama, knowing
8 perfectly well the background, it is right to say, isn't
9 it, that the other thrust was that the government, the
10 interim government, which was an exclusively Hutu
11 government, were either instrumental in organising it
12 with the army and were not protecting or trying to stop
13 the carnage. That is the other limb of the reporting,
14 isn't it?

15 A. I have told you that when I heard the names of the
16 members of the government over the radio, I did not know
17 who was Hutu, who was Tutsi. It is true that I knew
18 some of the people in the government, but I did not know
19 them all, and I did not know that there were no Tutsis
20 in the government.

21 Q. I suggest, that, again, is complete nonsense. You knew
22 perfectly well the power structure that existed in that
23 interim government. You had been close to that
24 government. You knew the names of the people in
25 government. You were a political animal, if I may use
26 that phrase. But the fact of the matter is, and my
27 question again to you is, you knew the international
28 community was suggesting that government was
29 instrumental in organising that carnage, or they were
30 doing nothing to protect the Hutu -- the Tutsi in the

1 street. That is right, isn't it? That was the concern,
2 nobody was doing anything to protect them?

3 A. I never knew that the government had organised the
4 massacre of Tutsi. I never heard this information on
5 the radio, I never heard that the Government was
6 organising the massacre of the Tutsis. What I did hear
7 about the Government was that the Government was doing
8 everything possible to get in touch with the RPF. And
9 the international community was trying to assist so that
10 the parties would agree, the governmental side and the
11 RPF side, so that there could be a cease fire. That is
12 basically what they were saying on radio Rwanda almost
13 every day.

14 Q. But you weren't only listening to radio Rwanda, were
15 you, you have told us that you were listening to
16 international stations. That is correct, isn't it?

17 MR. PRESIDENT: That is his answer.

18 MR. MOORE: He has answered, but I am entitled to make a
19 point. It may well be his answer, but I am entitled to
20 ask the question, am I not, with the utmost respect,
21 when he gives an answer which, I would suggest, cannot
22 be right. Now, I would merely ask that I be allowed to
23 clarify that point. That must be --

24 MR. PRESIDENT: You can clarify, but, of course, that point
25 has been raised over and over again, that is what I
26 mean.

27 MR. MOORE: Well, I will ask him one more time, if I may.

28 BY MR. MOORE:

29 Q. But I would suggest, Mr. Kamuhanda, the answer you are
30 giving is not a truthful answer. I am suggesting that

1 your source of information was an international sources
2 as well as a local source. The international source
3 were the ones which were saying the Tutsis were not
4 being protected and that the government was instrumental
5 in it; that is right, isn't it?

6 A. I told you that the international news that I used to
7 listen to were radio stations that I used to listen to
8 before I left Kigali. Once I left Kigali, I rarely
9 listened to the radio. The radio station that I would
10 listen to was the national radio station. I would
11 occasionally, rarely, listen to RTLM and I would, on
12 occasion, listen to the RPF radio station, Radio
13 Muhabura, M-U-H-A-B-U-R-A, that was the RPF radio
14 station. So, as to get the national news, those were
15 the three stations one had to listen to. And so when I
16 had the opportunity to do so I would do so. As to the
17 international radios that I referred to, it was only
18 when I was in Kigali, not when I was in Gitarama that I
19 listened to them. Because in Gitarama the stations that
20 we used to listen to were to monitor -- to follow the
21 situation in the country, because the international
22 station would not have stated that RPF is holding this
23 position, the Rwandan forces are in this other position.
24 We needed to know what was going on at a national level.
25 And when I was referring to those international stations
26 it was before the 6th of April.

27 Q. But didn't you have a radio; didn't your mother-in-law
28 have a radio at Nyabikenke?

29 A. In Nyabikenke there was my mother-in-law's radio, which
30 we listened to.

- 1 Q. And when you listened to your mother-in-law's radio,
2 presumably your wife and your mother-in-law listened to
3 that radio as we well. Wouldn't that be right?
- 4 A. That is correct. My mother in law didn't speak any
5 foreign language. She listened to radio Rwanda,
6 Muhabura and RTLM, which were the only ones that spoke
7 Kinyarwanda.
- 8 Q. Muhabura was the RPF radio and it was suggesting that
9 Tutsis were being slaughtered and that the Hutus and the
10 government were the cause of that carnage; that is
11 right, isn't it?
- 12 A. RPF was working against the government and so it was
13 entitled to say whatever it was saying.
- 14 Q. That is not what I suggested to you. I am suggesting to
15 you that the Muhabura was saying on it's radio,
16 consistently, "Abaya," that the Tutsis were being
17 targeted and being slaughtered in large numbers by
18 Hutu/the Government, isn't it. That is right, isn't it?
19 That is what they were saying, whether you believed it,
20 whether you didn't, that is what they were saying; isn't
21 that correct?
- 22 A. Yes, that was being said by Muhabura. Same as the radio
23 -- national radio RTLM, were saying that on the other
24 side the Hutus were being massacred. I mean, this was
25 war propaganda.
- 26 Q. No, I am asking a very simple question, and I know -- I
27 suggest you are giving that answer to try and cover your
28 back. What I am suggesting to you is that the Muhabura
29 was saying that Tutsis we were being slaughtered and
30 that the government, the Hutus, basically, were one and

- 1 the same. That is what they were saying; that is right,
2 isn't it? Yes or no, Mr. Kamuhanda? That is what they
3 were saying. Whether it wasn't accurate, it doesn't
4 matter for the moment?
- 5 A. No, he even said more than that. He said that the
6 Tutsis were being massacred. It also said that moderate
7 Hutus were being massacred. So, it added further that
8 moderate Hutus were being massacred.
- 9 Q. And moderate Hutus were synonymous with opponents of the
10 interim government, isn't that right? Moderate Hutus
11 means moderate in view. Who do you think was
12 slaughtering the moderate Hutus then, Mr. Kamuhanda?
13 What did you think they meant by that?
- 14 A. I didn't carry out any particular analysis of that.
15 That characterisation of a Hutu as moderate could really
16 not be verified. In my opinion anyone who was in
17 opposition -- anyone who would have had a contrary view
18 might even be considered as an accomplice of the RPF,
19 and anyone considered as an accomplice of the RPF was
20 viewed as a moderate Hutu. So, that was the position of
21 the RPF. For instance, all other persons were
22 accomplices.
- 23 Q. Accomplice to whom?
- 24 A. Someone opposed to the government party was considered
25 as an accomplice of the RPF, and it is that person
26 characterised by RPF as moderate.
- 27 Q. So, what we have got is slaughter of Tutsis, this is
28 what you have said to us -- Tutsis and moderate Hutus
29 and they being synonymous with the opposition to the
30 government. Am I right in that analysis of repeating

1 what you say?

2 A. Yes, you could put it that way.

3 Q. And so if we look now at what I will call the
4 information equations; the information equation at that
5 time was what Radio Muhabura was saying about moderate
6 Hutus being killed; Tutsis being killed in large
7 numbers. We have got international radio stations
8 expressing concerns and reporting the slaughter upon the
9 government of mostly Tutsis; isn't that right? That is
10 the way matters stood, to your knowledge, at the end of
11 April?

12 A. At the end of the month of April, I didn't't exactly
13 know that was happening. What I know is what I have
14 told you what I heard from the radio.

15 Q. I would suggest, so there was no misunderstanding, you
16 knew what was going on not only because you were an
17 insider, but you also knew what was going on from
18 reports from the outside. That is what I am suggesting
19 to you. Now, can I then just clarify it in this way;
20 your wife was getting progressively sicker. Your son --
21 when did he go down with hepatitis?

22 A. You have asked me several questions, I don't know how to
23 start. Let me answer the first one which I have
24 understood. I have said, and let me repeat myself; I
25 did not belong to any circle -- I did not belong to any
26 circle. If you want to talk about the Government, I was
27 not in the Government in April. If you want to talk
28 about political parties, it is obvious, and I did say
29 that I was a member of the MRND, but I did not belong to
30 any structure. You have the evidence. We had to look

- 1 for MRND documents to give them to you, the structure of
2 the MRND was shown to you; the members of those
3 structures were shown to you. You didn't see my name in
4 there. I was not an insider, I was an administrator.
- 5 Q. When did your son go down with hepatitis? Simple
6 question; when did your son go down with hepatitis?
- 7 A. In Nyabikenke we noticed that the child's eyes were
8 becoming yellowish -- slightly yellowish and we went to
9 a traditional healer and the child became well very
10 easily.
- 11 Q. So, the traditional healer diagnosed hepatitis, did he?
- 12 A. We noticed that the eyes of the child were yellowish and
13 so we resorted to the services of a traditional healer
14 and the child became well pretty easily.
- 15 Q. Well, I will not dwell on that, but when did that occur?
- 16 A. That occurred when we were in Nyabikenke in the month of
17 May, I think. April/May.
- 18 Q. So, it might have been towards the end of April, is that
19 right, is it?
- 20 A. I did not remember the date but it might have been in
21 April or May. I didn't remember the date.
- 22 Q. You say that you then went back to Nyabikenke after you
23 had ensured that your friends had managed to get away to
24 Butare. Why didn't you just stay --
- 25 MR. PRESIDENT: We are about ALS?
- 26 MR. MOORE: I can tell you exactly, it is ALS. I am sorry I
27 didn't mention the pseudonym.
- 28 MR. PRESIDENT: Because that also gives the time frames.
- 29 MR. MOORE: Yes, thank you very much.
- 30 BY MR. MOORE:

1 Q. So, when ALS went to Butare you went back to Nyabikenke;
2 is that right?

3 A. The truth is not that version. When ALS left for Butare
4 and the wife of ALR was picked up by the family of the
5 cousin of her husband, that is when I went to
6 Nyabikenke. I wanted to be sure that the two families
7 were in safe custody on their way back to Nyabikenke.

8 Q. Well, All right then, tell us when you went back to
9 Nyabikenke?

10 A. I went back to Nyabikenke on the 20th of April.

11 Q. And forgive me, I just can't find it in my notes; how
12 did -- Nyabikenke was 40 kilometres away from there; how
13 did you get there?

14 A. Nyabikenke is 40 kilometres from, Gitarama, and to go
15 from Gitarama to Nyabikenke I had to look for someone to
16 take me there, and since there were vehicles moving in
17 that direction, I took one of the vehicles that were
18 going there.

19 Q. Well, it is an interesting answer. What sort of --
20 where were these vehicles coming from; were they just
21 members of the public who just happened to be driving
22 down the road, were they from a vehicle pool? Can you
23 lift the curtain a little and let us know where the
24 vehicle came from?

25 A. It was a private vehicle -- private individual which I
26 took. I don't know -- I no longer know who that was.

27 Q. Let me see. Was it the case of you starting to walk
28 along the road to Naybikenke and him coming by and you
29 getting a lift, or was it the case of finding, by pure
30 chance, someone who was going in the direction of

- 1 Nyabikenke and asking for a lift? Can you just tell us
2 so we know?
- 3 A. From the Gitarama stadium up until Gitarama town I went
4 on foot. It was in Gitarama town itself that I met
5 someone who could take me by vehicle to Nyabikenke.
- 6 Q. But again I asked the question, how did you meet him?
7 Is it the case you met him in an office, you met him in
8 a bar, you met him in a streets? I mean, how do you
9 know -- I mean I could go out into Arusha and walk down
10 the road, but it doesn't necessarily mean I will know
11 where people are going or where the cars are going by or
12 are going. How did you know this man was going to
13 Nyabikenke?
- 14 A. Gitarama is not a very big town and there were a lot of
15 people who were moving, and I asked someone whether he
16 was not going to Gitarama and he said, yes. And he took
17 me to Gitarama, I don't recall who that was.
- 18 Q. I am sorry, the answer that I got in translation was
19 that you walked from the stadium to Gitarama. I am
20 asking you a very simple question now. What are you
21 saying; that you got a lift now from the stadium to
22 Gitarama?
- 23 THE ENGLISH INTERPRETER: It was the interpreter's mistake.
24 It was to Nyabikenke. It was the interpreter's mistake,
25 sorry.
- 26 BY MR. MOORE:
- 27 Q. It doesn't tally. So you bumped into someone by pure
28 chance in Gitarama who happened to be going to
29 Nyabikenke; is that what you are saying?
- 30 A. Yes, that is what I am saying.

- 1 Q. Tell me, did you find it difficult finding somebody
2 going on to -- Nyabikenke is quite small, isn't it?
3 Nyabikenke is not a large town, isn't it?
- 4 A. It is not even a town, not at all. But it took quite
5 some time for me to find someone in Gitarama going
6 there.
- 7 Q. By any chance you can't remember his name, can you,
8 because it must have been -- you must have been
9 extremely grateful to get a lift straight to Nyabikenke
10 without any stops enroute, I mean, to change vehicles?
- 11 A. Yes, I was lucky, and I must also add that I have been
12 very lucky in my life.
- 13 Q. Well, we will have to wait and see about that. But in
14 any event, did that man come from Nyabikenke?
- 15 A. I told you that I no longer remember who that individual
16 was. Someone who was going to Nyabikenke itself or was
17 going past Nyabikenke, I really do not know.
- 18 Q. So, you get back to Nyabikenke; was it your intention to
19 stay in Nyabikenke until things became quieter?
- 20 A. Yes, that was my intention.
- 21 Q. And is it right that when you went to Nyabikenke, the
22 only people you had really come across were the
23 individuals whose pseudonyms we know, I needn't repeat
24 them, and the driver who propitiously was going to
25 Nyabikenke. Those were the only people you had dealings
26 with at any depth; is that right?
- 27 A. Well, I told you Gitarama is a small town. It was full
28 of people -- refugees coming from more or less
29 everywhere, most of them from Kigali. So, there were a
30 lot of people moving in and out of Gitarama.

1 Q. But, forgive me for just enquiring, because, I am afraid
2 I don't quite understand the following: If your
3 intention was to stay in Nyabikenke, how did you end up
4 going back to Gitarama? There you were with the family;
5 with the food, presumably; safe; children -- one of them
6 having been ill; wife definitely ill; mother-in-law --
7 why didn't you just stay in Nyabikenke, Mr. Kamuhanda?
8 How did you end up going back to Gitarama?

9 A. I believe I have already answered that question. In
10 Gitarama it was to look for money, and I already spoke
11 about the amount I withdrew. In Gitarama, again, it was
12 to look for medicines. I looked for them and I found
13 them, and that is why I had to go to Gitarama often.

14 Q. But in actual fact that can't be right, can it? Because
15 you go back to -- you are in Gitarama, didn't you go to
16 the bank for those two, three days when you were in
17 Gitarama, didn't you get your medicines then, because
18 you knew your wife was there, you knew the situation.
19 Didn't you do your shopping then?

20 A. When I was in Gitarama I did not have money. My bank
21 account was at the bank of Kigali in Kigali. Now, in
22 order to withdraw that money from the bank of Kigali in
23 Kigali, I had to wait for the bank of Kigali in Kigali
24 -- I had to wait for it to come to Gitarama. So, my
25 shuttling, going to and fro, was among other reasons, to
26 find out whether the bank de Kigali had already moved to
27 Gitarama. So, I could not automatically withdraw the
28 money from Gitarama, my bank account being in Kigali.
29 And I could not withdraw my monies in Kigali because in
30 Kigali the bank de Kigali was not functioning at the

- 1 time.
- 2 Q. But your wife was a member and employ of the Bank of
3 Kigali, isn't that right?
- 4 A. Yes, my wife was an employee of the Bank de Kigali in
5 Kigali.
- 6 Q. Yes, and how long before you actually got the money from
7 the Bank of Kigali in Gitarama. Put the time scale on
8 it for us, will you?
- 9 A. I do -- I no longer remember how long it took; but it
10 took a long time.
- 11 Q. So, when did you find a hundred dollars in the bag -- a
12 hundred dollar note, a third of the size of your
13 savings?
- 14 A. The one hundred dollar note was not in my bag. When we
15 got to Naybikenke, my wife, searching through her bag,
16 saw that she had one hundred dollar note and our first
17 trip to Gitarama was to try to change the one hundred
18 dollar note.
- 19 Q. Well, I presume, given the circumstances and the
20 situation at the time, most people would have eaten your
21 hand off to get foreign currency in exchange for
22 Rwandese Francs. Didn't you get your medicine when you
23 went in with that hundred dollar note, wasn't that
24 enough to buy your medicine?
- 25 A. You talked about French francs?
- 26 THE ENGLISH INTERPRETER: Sorry, it was the interpreter's
27 mistake. Sorry.
- 28 THE ACCUSED: Yes, with the one hundred dollar note, which I
29 changed not at the bank but in the black market, I was
30 able to buy part of the medicines.

1 Q. I would suggest that you would have had to have very
2 expensive medicines to use up a hundred dollar note.
3 Now, what I am suggesting to you is this; you had more
4 than enough money to buy the medicines for your wife at
5 that time. Isn't that right? You would have had tons
6 of money.

7 A. No, no, it is not with the one hundred dollars that I
8 bought the entire prescription. I changed the one
9 hundred dollar note, used part of it in purchasing some
10 of the medicines and I went back with some of the money.
11 And it was with that money that we were able to live in
12 Nyabikenke.

13

14 As for the point you made regarding me having a lot of
15 money, the Office of Prosecutor has the means and the
16 opportunity to go and investigate my financial situation
17 in Rwanda, and they bring that evidence before the
18 Court; we shall determine what is the reality.

19 Q. I have never suggested that you have tons of money. I
20 suggest that that is just another red herring you
21 dragged in front of this Court to distract their
22 attention. What I am suggesting is that you had the
23 hundred dollars which could be converted in to Rwandese
24 francs and allowed you to buy medicine for your wife,
25 because your wife at that time, I think, was suffering
26 from bad headaches. Isn't it right? You don't need to
27 spend a hundred dollars for bad headaches, Mr.
28 Kamuhanda, do you? And she hadn't been diagnosed for
29 illness prior to Nyabikenke.

30 MS. CONDÉ: Sorry, sorry, I think there is a problem with

1 that headache. That headache does not arise from my
2 examination. In fact, it arises from the interview of
3 the Office of the Prosecutor, you know, he had with the
4 other lady. I mean, if you look at the minutes or the
5 records that headache doesn't occur then, it is some
6 information comes from elsewhere.

7 MR. MOORE: Thank you for giving evidence again. But all I
8 am trying to do is to put to the witness a suggestion of
9 the nature of Mr. Kamuhanda's illness. Now, if he
10 doesn't agree with that then he can tell us exactly what
11 the illness was as it was diagnosed. But I am Perfectly
12 entitled, provided I have an evidential basis for doing
13 so, of putting material to Mr. Kamuhanda. It is as
14 simple as that, unless I have completely left this
15 planet.

16 MR. PRESIDENT: I think we have heard quite a bit, unless, of
17 course we -- he has explained how, according to him, in
18 his evidence how he spent his one hundred dollar and
19 part -- you know, part of it bought some medicine and
20 part of it, according to the evidence, that is what they
21 lived on when they were in Nyabikenke.

22 MR. MOORE: All right, I will move on --

23 MR. PRESIDENT: So, it is quite a lot of questioning, then
24 we have to see, unless there is some specific relevance
25 about the headache and what-have-you, but I think the
26 account about that money has already been given by the
27 Accused person.

28 MR. MOORE: Can I then move on to what has been the core
29 question?

30 MR. PRESIDENT: Yes.

1 BY MR. MOORE:

2 Q. It is, quite simply this: Why on earth did you go back
3 to Gitarama? Okay, you had the money; you bought the
4 medicine; you had the money for the food; you get food
5 in Nyabikenke; why did you have to go back to Gitarama?
6 Now, there is the move on?

7 MR. PRESIDENT: And that was already answered, and, in any
8 case, he has said he had gone after his money or to
9 enquire about the money, the bank open -- the opening of
10 the bank in Gitarama, and what-have-you. So, unless
11 there is some specific aspects about those trips, maybe
12 raise it to him. We have already spent a lot of time on
13 that.

14 MR. MOORE: Well, the reason that I do this, is because I am
15 sure the Court will remember that Mr. Kamuhanda said he
16 went back to eventually work there.

17 MR. PRESIDENT: We have that recollection.

18 BY MR. MOORE:

19 Q. Yes. So, how is it you regained your employment, or
20 were employed in Gitarama?

21 MR. PRESIDENT: That would be a different matter. The time
22 span -- the time frame is also important.

23 MR. MOORE: I understand that.

24 MR. PRESIDENT: Maybe before we embark on that, it is about
25 eleven, can we take a break?

26 MR. MOORE: Yes, certainly.

27 MR. PRESIDENT: And, Learned Counsel for the Defence, we
28 would like to know; In case the testimony of this
29 witness is completed, who is your next witness?

30 MS. CONDÉ: ALS will be available. ALS will be available at

1 2:30. Yes, ALS.

2 MR. PRESIDENT: Yes, we are asking this question, if you want

3 -- what we would like to know is that, we want to know

4 if the witness was connected with the matter that you

5 raised the other day. But we see from the information

6 we get here that he or she is not concerned. Very good.

7 All right then we take a break and resume our work at

8 quarter past eleven.

9 (Court recessed at 1100H)

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11 (Pages 23 to 49 by Regina Limula)

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2 MR. PRESIDENT: Yes, the proceedings are resumed. We continue
3 the cross-examination of the witness by Mr. Moore,
4 Learned Counsel of the Prosecution.

5 BY MR. MOORE:

6 Q. Your employment in Gitarama, how were you told that
7 there was a requirement for help necessary to call back
8 some employees, how were you informed of that?

9 A. On the 23rd of May 1994 someone came to my house. A man
10 and he said that the Prime Minister and the President
11 wanted me to go on the 24th to the office in Murambi.

12 Q. Can I just interrupt that's not the question I am asking
13 you. Your employment, do you remember you said that
14 there had been requirement about foreign students. I
15 want you to deal with that. Did that not come first
16 Kamuhanda?

17 A. Yes, I remember that happened before but it is because I
18 heard the translation or rather the interpretation that
19 dealt with my appointment.

20 MR. PRESIDENT: Yes, I think the translation was not correct.
21 Can you, please, Mr. Moore, put the question again to
22 the witness?

23 MR. MOORE: Yes, I will right down directly what I want to
24 deal with and that is you had told us in evidence that
25 there had been a call -- a call back to do urgent tasks
26 and from your evidence you had said it was about
27 students who were abroad. I don't wish to say anymore
28 because you actually should be aware of this. So, but I
29 am directing your attention when you went back to
30 Gitarama in what I would call an official capacity.

1 When did you go back to Gitarama in an official
2 capacity?

3 A. Yes, that is about approximately what happened.

4 Q. Well, can you just tell us please how it was, you were
5 notified of that?

6 A. I was in Gitarama and while in Gitarama I heard that
7 Minister Mbangura, who was the Minister who was in
8 charge of Higher Education and Scientific Research had
9 concerns or worries about those Rwandans who were
10 studying abroad and who held scholarships, and he wanted
11 me to go and see him, and that is how I went to where he
12 was.

13 Q. So, what you are saying then is that it was as a result
14 of someone saying something to you that you went to see
15 the minister, is that correct? Just purely fortuitous
16 conversation?

17 A. It was indeed fortuitous conversation between herself
18 and someone else, another person who knew that the
19 minister and had various concerns and wanted to see me.

20 Q. And what is the name of that other person?

21 A. I don't remember, if it was one of his former advisors
22 but I think that it was one of his former advisors.

23 Q. Who was that?

24 MS. CONDÉ: No, that would be one of our alibi witnesses or
25 rather one of our Defence witnesses.

26 MR. MOORE: Well, I may not always know the name of the
27 Defence witnesses. It can be written down and then on a
28 piece of paper so that I can see it and that way it
29 doesn't go into the public domain, but I have got to
30 know the name.

1 MR. PRESIDENT: Yes, or if there's a pseudonym already you can
2 use the pseudonym.

3 MS. CONDÉ: I think the pseudonym is GIT1.

4 MR. PRESIDENT: Sorry?

5 THE ACCUSED KAMUHANDA: His pseudonym is GT2, I believe.

6 MR. PRESIDENT: This would be G -- Can you repeat.

7 THE ACCUSED KAMUHANDA: Capital G, capital T, 2.

8 MR. PRESIDENT: Capital G, Capital T, 2.

9 MS. CONDÉ: The first three letters of Gitarama actually says
10 G-I-T and then one. I wasn't very clear, was I? It's
11 GIT1.

12 MR. PRESIDENT: Repeat, GIT1. Would that be enough Mr. Moore
13 or would you like to have the name.

14 MR. MOORE: I think the name would certainly be helpful but
15 it could be put down on a piece of paper and then it can
16 be either destroyed or become a document but it can be
17 put under seal if need be.

18 MR. PRESIDENT: We are always very reluctant to admit pieces
19 of paper for obvious reasons. Sometimes they get
20 misplaced easily and then when you really need them they
21 are not easily available. Okay, well, get the name,
22 write it on a piece of paper, take note of it and then
23 when we get back because I think we shall get back to
24 the closed session, maybe at the end of your
25 cross-examination then we can have the name read into
26 the record.

27 MR. MOORE: Yes, I will certainly do that.

28 MR. PRESIDENT: Yes.

29 MR. MOORE: If I can get someone who can remind me.

30 MR. PRESIDENT: Yes, we'll all try -- there are two aspects.

1 I hope Registry please take note of the name written
2 instead of formally admitting the name on a piece of
3 paper, we'll have it read into the record when we are in
4 closed session. That is the actual name of the
5 Witness GITY. I am sorry, GIT1.
6 MR. KIYEYEU: We have taken note My Lord.
7 MR. PRESIDENT: Yes.
8 MR. MOORE: Okay if I can proceed, if it doesn't create any
9 problems.
10 MR. PRESIDENT: We just told him that just put the date, just
11 in case we don't come back. We will come back to it
12 certainly but just in case we don't then we have the
13 date indicated on that piece of paper.
14 MR. MOORE: So, may I proceed?
15 MR. PRESIDENT: Yes, yes, please.
16 BY MR. MOORE:
17 Q. And so Mr. Kamuhanda --
18 MR. PRESIDENT: Would you like to show the piece of paper to
19 the other party?
20 MR. MOORE: Well, I am anticipating that the name is known to
21 her.
22 MR. PRESIDENT: Yes, please go on.
23 MR. MOORE: Yes please.
24 BY MR. MOORE:
25 Q. So in actual fact Mr. Kamuhanda what we are talking
26 about here you being spoken to by this person GIT1, now
27 what was his position in life. What was his job?
28 A. Sorry, I was saying that I believed that Witness GIT1
29 was the person and *****
30 *****.

1 Q. And had you known him before?

2 A. Yes, this was someone I knew very well as I had met him
3 at the National Training college in Butare.

4 Q. And what was his job?

5 MS. CONDÉ: We can't go into that because if we do we'll
6 reveal his identity. I mean you all know his
7 employment. You are continuing on that matter we cannot
8 go any further, I am sorry.

9 MR. MOORE: Then we go into closed session.

10 MS. CONDÉ: If you want to but you should not really go into
11 the details. You need to think of this person as well.

12 MR. PRESIDENT: I think that is because his functions are
13 stated and tied up somebody at that particular time.
14 Now if you want we could go into closed session for a
15 short while.

16 MR. MOORE: It will only be for a very short while
17 Mr. President.

18 MR. PRESIDENT: Okay.

19

20 (At this point in the proceedings, a portion of the
21 transcript (pages 55 to 64) was extracted and sealed
22 under separate cover as the session was heard in camera)

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- 1 MR. PRESIDENT: Yes, Mr. Moore.
- 2 BY MR. MOORE:
- 3 Q. So what you are saying is you knew --
- 4 MR. MOORE: I beg your pardon.
- 5 MR. KIYEYEU: I was waiting for the indication from the
- 6 technicians. Now it is ready we can continue.
- 7 BY MR. MOORE:
- 8 Q. So you don't believe that I would never -- were aware
- 9 that any government individual was responsible for the
- 10 slaughter of the Tutsis, is that what you are saying?
- 11 A. That is my testimony.
- 12 Q. Well. Who on earth was organizing the slaughter of well
- 13 over half a million to approximately eight hundred
- 14 thousand people? Did that question ever arise through
- 15 the months of April May and June. Did you ever wonder
- 16 how that was happening?
- 17 A. I do not know the person who organised the massacres of
- 18 those people. You have every possibility to conduct
- 19 investigations to find out exactly who carried out that
- 20 act. That avenue is open to you. I guess at the end of
- 21 these proceedings the guilty parties will be known.
- 22 Q. -- (inaudible) whoever, I have the ability in OTP to ask
- 23 these questions because we all know what the answers are
- 24 there. I am asking you, Mr. Kamuhanda, a man who was
- 25 listening to the radio hearing the National
- 26 condemnation, I am asking you, who did you think at that
- 27 time was organizing this? How was this happening, the
- 28 murder of every hundred of thousands of people in a
- 29 small? Didn't you ever ask yourself that question?
- 30 MR. PRESIDENT: Would you answer to that question.

1 THE ACCUSED: I do not know who was the brain behind those
2 massacres. I am not in a position to tell you who was
3 behind those massacres. I didn't carry out an
4 investigation. However, I know how I got into that
5 government. That is a matter I can explain.

6 Q. I am not asking you about that Mr. Kamuhanda. I am
7 asking questions which I suggest are perfectly
8 reasonable bearing in mind your position?

9 MR. PRESIDENT: He says he doesn't know according to his
10 evidence so you can move on.

11 MR. MOORE: I know that but I am going to press on if I may
12 if the court wants to stop me then of course that's the
13 court prerogative.

14 BY MR. MOORE:

15 Q. But your state of knowledge I suggest is very important
16 for this Tribunal. Your state of knowledge was coming
17 through the radio. You have already told us that you
18 have already told us about the concerns that were being
19 expressed. The numbers that were being killed. Now who
20 did you think was responsible. You are an intelligent
21 man?

22 MR. PRESIDENT: I think he has given the answer. We know it's
23 on record the answers he gave previously about listening
24 to the radio and all these other things. We don't have
25 to argue with the Witness. The conclusions will be
26 drawn if any, from the facts that have been testified
27 on.

28 MR. MOORE: But with the uttermost respect am I not entitled,
29 given a set of --

30 MR. PRESIDENT: You have done. He has answered this question

1 twice or thrice. Can you move on.

2 MR. MOORE: Very well.

3 MR. PRESIDENT: Yes.

4 MR. MOORE: Did you ever ask Mr-- did you ever ask any of the

5 people that you were meeting in Gitarama, how has this

6 happened? How has this slaughter occurred.

7 A. I didn't raise that problem but let me tell you what

8 happened. In early April I do not know whether it was

9 the 8th or the 9th, I lost a very dear friend, very dear

10 friend. It was a Hutu, his wife was Tutsi, we were very

11 good friends. He was like my father. In April, the

12 house of my brother in-law was attacked and my son was

13 there, and he was so shocked, he was traumatized. On

14 the 30th of April 1994, the God-mother of my -- the

15 God-father of my daughter Rozin was murdered in Gitarama

16 and further, following that murder I went and complained

17 at the control station, I went and screamed there,

18 because in my mind it was getting a bit too much. I do

19 remember what I said at the time, really they are saying

20 that they are killing Tutsis, my father Geragera was

21 murdered, my friend the God-father of my daughter had

22 just been murdered. So what is happening? Could

23 someone explain this to me. I shouted like a madman

24 there. I was shouting like a madman. It was at the

25 control station.

26 MR. PRESIDENT: Is there a chance that you can repeat,

27 Mr. Moore, your question. Could you repeat your

28 question, please?

29 MR. MOORE: I am afraid it has gone on for so long, I can not

30 remember what my question is. I suspect it probably

1 along the lines. Did you -- I will use your phrase now,
2 scream like a madman when you went in to speak to an
3 interim government minister who is being blamed. Did
4 you do that Mr. Kamuhanda, scream like a madman then,
5 about the killing of not one Tutsi but hundreds of
6 thousands of them.

7 A. I screamed like a madman following the murder of my
8 friend Emmanuel, the god-father of my daughter.

9 Q. Well, I will ask the question again for the third time.
10 I will use your phrase. Did you scream like a madman
11 when you went to see that interim government minister to
12 clarify who was killing hundreds of thousands of Tutsis.
13 Did you say anything to the man, did you scream in anger
14 at him?

15 A. No, I did not scream at him.

16 Q. Did you scream at GIT who had been a member or linked to
17 that interim government and, say; "who has been
18 responsible for this, killing all these Tutsis? Who is
19 responsible", did you, Mr. Kamuhanda?

20 A. No, I did not do so, but I complained like everyone,
21 including himself. In fact that government minister you
22 are talking about, when we met he said he had lost his
23 own brother in-law.

24 Q. Did you refuse to work for the government on what could
25 only be described as a very peripheral matter namely
26 that students were outside the country and safe, did you
27 refuse to do that?

28 A. My problem I told you, my problem was a concern conveyed
29 to me by the minister, in my view it was a humanitarian
30 problem and I tried to resolve it and unfortunately I

1 did not succeed. Well, if you characterized that as
2 working for the government, so be it I tried to work for
3 children who no longer had means of survival
4 unfortunately I did not succeed.

5 Q. And did you work for the humanitarian problem of
6 children who didn't have parents. Parents who had been
7 slaughtered at that time? Did you express any concern
8 at all about that? I would suggest that's a proper
9 humanitarian problem existing in mid-May in Kigali and
10 the surrounding area in Rwanda, did you express any
11 concern for that humanitarian problem?

12 A. I was concerned about my wife, my children, and my
13 mother in-law and let me state, she was also Tutsi. I
14 was concerned about my own life, and I survived.

15 Q. And if you were concerned for your own life why didn't
16 you leave the country, like hundreds of thousand of
17 other people when you had the opportunity.

18 A. I did not have that possibility and when it occurred I
19 left the country.

20 Q. Tell us of one attempt by you in April or early May to
21 leave the country?

22 MR. PRESIDENT: Mr. Moore, I think when we were in closed
23 session we went through these questions unless you want
24 them to be done again here, when -- at the start of your
25 cross-examination or during his alleged evidence about
26 how we came to leave his country.

27 MR. MOORE: I am asking him though, tell us please of any --

28 MR. PRESIDENT: Unless you want them repeated.

29 MR. MOORE: I would -- well, it depends in context it has to
30 be looked at in context of evidence but I would

1 respectfully suggest, there's a question that I am
2 entitled to ask and I would equally suggest it's an
3 important question when one bears in mind the issues
4 that the court have to determine under sub-section
5 (iii).

6 MR. PRESIDENT: We are aware of that but at least we are aware
7 of what we are saying some of these issues were raised
8 so unless you can show the actual new context that you
9 want to address that maybe it.

10 MR. MOORE: Very well.

11 MR. PRESIDENT: So.

12 MR. MOORE: Can I then just move on.

13 BY MR. MOORE:

14 Q. So the fact of the matter is you are concerned about the
15 humanitarian aspect of students abroad and you then
16 proceeded to work on that issue, is that right, that
17 humanitarian issue?

18 A. Yes. In my view that was a humanitarian matter.

19 Q. And at any time from the moment that you started working
20 again for the government until you became a Minister did
21 you register any significant protest or inquiry about
22 what was happening in the country and who is
23 responsible?

24 A. Let me state; I was not working for the government, I
25 was at the service of the Ministry of Higher Education
26 and more specifically working for the students who were
27 abroad and could not get their scholarships and who
28 might be loitering in the streets. Apart from that I
29 was concerned about my wife and my children, and let me
30 add that I had no other possibility rather than dealing

1 with that problem.

2 Q. I suggest you had numerous possibilities. You could
3 have escaped without any difficulty at all like other
4 people and you chose deliberately not to do so
5 Mr. Kamuhanda, do you agree?

6 A. I do not agree with you. I dispute that submission of
7 yours. You have not shown this court what possibility I
8 had.

9 Q. You then become a government Minister, now let's just
10 look at your state of mind before your state of
11 knowledge, before you became a government minister. We
12 know about the state of knowledge and the end of April
13 we know about your state of knowledge by mid-May, and
14 you were working now for a government department and
15 again were you still going back to your mother in-law's
16 house in Nyabikenge. I seem to remember the phrase
17 shuttling back and forth. Were you shuttling back and
18 forth from Gitarama to Nyabikenge from the time that you
19 started working until the time you became the government
20 Minister? I am using the phrase that was translated for
21 me?

22 A. I was not always shuttling between Gitarama and,
23 Nyabikengi because we were able to rent a house in
24 Gitarama, close to the Gitarama market, and we were
25 living in that house. We worked in that house, and I
26 didn't go or I went to Nyabikenge only on weekends to
27 spend two or three days, maybe.

28 Q. Sorry, I had clearly not heard this. I am sure it's my
29 fault. When did you hire a house in Gitarama? Put it
30 into context for us please, was it before that you spoke

- 1 to the witness GIT1?
- 2 A. This was afterwards once we had decided to work on the
3 cases of those children.
- 4 Q. So did you bring your wife and children then into
5 Gitarama in this hard house, cemented house?
- 6 A. No, my wife and children stayed in Nyabikenge. And
7 that's why I went there on a regular basis.
- 8 Q. And so by the time that you were approached by this
9 individual offering you -- telling you that you must be
10 a government Minister things had moved on had they not
11 with regard to information because it was being screamed
12 from the roof tops by every International station and
13 other Internal stations that there was a genocide being
14 undertaken in Rwanda and the interim government was
15 believed to be behind it that's right isn't it? That
16 was the allegation. That's right isn't it
17 Mr. Kamuhanda?
- 18 A. When I entered the government the information that I had
19 available to me was the same information that all
20 Rwandans had available to them. I did not have any
21 special information, any specific information.
- 22 Q. But let's look at the elements that I suggest you must
23 have had and you did have because you told us. One,
24 there was an allegation of genocide by the Hutu against
25 the Tutsi. Do you accept that? I suggest you must do
26 as you have been telling us about that not only in April
27 but also in May?
- 28 A. I have said and I also said that they weren't speaking
29 of just Hutus rather Tutsis. They were also speaking of
30 moderate Hutus.

1 Q. So we are talking about genocide against Tutsis and
2 moderate Hutus do we agree with that?

3 A. Yes, I agree that's what they were saying.

4 Q. And the finger of accusation was being pointed at the
5 Interim government that's right, isn't it? As
6 organizing it along with the Interahamwe and the
7 soldiers. That's correct, Mr. Kamuhanda, isn't it?

8 A. Yes, those were the allegations I was hearing on the
9 radio.

10 Q. And so when it comes to May, you tell us about -- I
11 understood it to be a mystery man who came along and
12 said basically you have got to appear tomorrow morning
13 or you have got to make other arrangements. Something
14 like that wasn't it? Now, I will just read from my
15 notes to try and be fair. I am sorry, Mr. Kamuhanda I
16 don't mean to interrupt you. What I have got here is
17 that you heard on the 23rd of May some man came to our
18 office and he said; we know you very well you are hiding
19 yourself and then it seems you don't want to be a
20 minister but if tomorrow at 10 o'clock you are not
21 before the Prime Minister and the President you have to
22 make some other arrangements. Now in general terms is
23 that correct?

24 A. Yes, that is correct and the person who came was not
25 just a mysterious man, this person existed. I can give
26 you this person's name.

27

28 (Pages 50 to 73 by Judith Kapatamoyo)

29

30

- 1 1220H
- 2 Q. Well, I do not know if he is one of your witnesses or
- 3 not. If he is one of your witnesses, then we'll have
- 4 the same procedure, we'll have a pseudonym. If he is
- 5 not one of his witnesses, and you know who they all are,
- 6 may we have his name because all I got was "a person",
- 7 that's what you said, or "a man" came in to see you?
- 8 A. You will understand, of course, that this person cannot
- 9 come and testify here, but I can give you his name.
- 10 It's not a problem to me, I can give you his name.
- 11 Q. We'll start with you giving us his name then, please?
- 12 MR. PRESIDENT: He is not a protected witness or she is not a
- 13 protected witness, if not, then can --
- 14 MR. KAMUHANDA: No, this is not one of our witnesses, in any
- 15 case, and he cannot be one of our witnesses.
- 16 MR. PRESIDENT: Yes. Go ahead, Mr. Moore.
- 17 BY MR. MOORE:
- 18 Q. Well, would you like to tell us the name of this
- 19 individual, the man that you failed to mention before by
- 20 name?
- 21 A. This persons name is Pierre Kayondo; K-A-Y-O-N-D-O;
- 22 Kayondo.
- 23 Q. Forgive me, I -- why can he not come to give evidence?
- 24 Is he dead?
- 25 A. I do not know whether he is dead or alive. But he is
- 26 not one of our witnesses.
- 27 Q. But you see, you --
- 28 A. But he must certainly -- he is probably alive.
- 29 Q. Well, it's for me to suggest how to -- the Defence to
- 30 conduct their defence, but here is a witness, here is a

1 person who can confirm probably the most important piece
2 of evidence in relation to the allegations of your being
3 appointed a minister. Did you make any attempt to find
4 this person, Mr. Kayondo?

5 A. I could not. I cannot contact this man, Mr. Kayondo,
6 who intimidated me for very simple and serious reason.
7 And I don't know if I said this; it is because this
8 person before the death of my daughter's godfather. My
9 daughter's godfather had told me. "If I were ever to
10 die, it would be this man's fault". And so, you can
11 imagine how -- the extent to which this man intimidated,
12 frightened me. I knew and I believe that he is the
13 person who organised the murder of my daughter's
14 godfather. So, of course, I could not bring him in here
15 to testify.

16 Q. But you most certainly can bring him in here to testify,
17 firstly, you know the name and he can be approached, he
18 can be spoken to by your investigators. There is
19 absolutely nothing to stop that being done. Now, did
20 you tell your Defence team or suggest that he should be
21 spoken to.

22 MS. CONDÉ: I'm sorry --

23 MR. PRESIDENT: We'll take into context of his evidence at
24 some stage. Could you go on, Mr. Moore?

25 BY MR. MOORE:

26 Q. I will ask the question, was there any attempt to speak
27 to Pierre Kayondo, simple?

28 MR. PRESIDENT: But --

29 THE ENGLISH INTERPRETER: Your Honour's microphone, please.

30 MR. PRESIDENT: Yes, I think he has answered that question.

- 1 You can move on to the next question.
- 2 MR. MOORE: Very well.
- 3 BY MR. MOORE:
- 4 Q. So, when you were approached by this man, Pierre
- 5 Kayondo -- and we've only got your word that was him --
- 6 this was a situation where you were being asked to
- 7 attend the next day or you would have to make some other
- 8 arrangement. Now, can I just clarify this situation.
- 9 You of your own volition, you voluntarily had gone in to
- 10 see a minister and offered to help this interim
- 11 government in one of its task, that's right; isn't it?
- 12 They didn't seek you out, it was purely by chance
- 13 meeting and you of a good as of your heart went in and
- 14 helped people in this particular task. That's right;
- 15 isn't it?
- 16 MR. PRESIDENT: I think we are now addressing the question --
- 17 his time as a minister?
- 18 MR. MOORE: Well, I am.
- 19 MR. PRESIDENT: Are you going back to the time when he met
- 20 his, according to his evidence, the adviser to the
- 21 Minister of Higher Education?
- 22 MR. MOORE: No. The issue is this, isn't it, that here is
- 23 Mr. Kamuhanda who has done nothing wrong. In actual
- 24 fact, he has been extremely helpful. Why on earth
- 25 should Mr. Kamuhanda --
- 26 BY MR. MOORE:
- 27 Q. Mr. Kamuhanda, why on earth should they make threats to
- 28 you saying that you had not attempted to help, when in
- 29 actual fact or been hiding, when in actual fact you had
- 30 been doing quite the reverse? You had been helping

1 them. Now why should they make any threat to you at
2 all, you are on their team?

3 MR. PRESIDENT: Who made the threat?

4 MR. MOORE: Well, I'm sorry.

5 MR. PRESIDENT: We want to follow your -- we want to
6 understand exactly the context of your question?

7 MR. MOORE: The threat, if my recollection is correct is;
8 Mr. Kayondo coming along and saying "You either there at
9 10 o'clock tomorrow morning or you going to have to make
10 some arrangements".

11 MR. PRESIDENT: Yes.

12 BY MR. MOORE: And Mr. Kamuhanda, in his evidence, basically
13 said, really that he had no other choice, but to do
14 that. Now, in my language that would be a threat. So,
15 I am saying, why on earth would they threaten you when
16 in actual fact you've been helping them?

17 MR. PRESIDENT: Yes.

18 THE ACCUSED KAMUHANDA: I've said that I felt this as a
19 threat. I perceived this as intimidation. And this
20 threat, this attempt to intimidate me, scared me,
21 frightened me. And this was -- to this was added, I
22 remembered when it happened that is last of close
23 friends, the murder of my daughter's godfather and the
24 visit to my brother-in-law, who was considered as an RPF
25 accomplice. And all of these frighten me. And I
26 thought that I had no choice, and if you were to refer
27 to the statement made by Kambanda on the appointment of
28 ministers, you can refer to that, I was in that same
29 position.

30 MR. PRESIDENT: That may be so, but Mr. Moore, Learned Counsel

1 for the Prosecution would like to know by his question
2 as to why they would threaten you when in fact you have
3 been helping them or rather working with them?

4 THE ACCUSED KAMUHANDA: Thank you, Mr. President. I hadn't
5 understood the question properly. I felt that I was
6 being threatened because I don't know if I had stated
7 this clearly, but that's not the only thing he said. He
8 said, "You should have been sworn in today on the 23rd,
9 but we know that you've been hiding". Because after the
10 appointment of Minister Mbangura to be director of
11 cabinet to the president, names were banded about, and
12 my name was mentioned. And so, I had been afraid since
13 the moment I heard that my name was being mentioned.
14 And from the time my name was -- started to be
15 mentioned, I started to hide myself because I did not
16 want to be a member of this government. There was
17 nothing to encourage me to be a part of this government.
18 And it was on the 23rd that he came to tell me, "We know
19 that you have been hiding, but if you do not go to the
20 office of the prime minister and the president tomorrow,
21 you will have to assume responsibility for your
22 refusal". And so, this led me to understand that I had
23 no choice, because I also was concerned about my wife
24 who was considered to be a Tutsi woman. I was thinking
25 of my mother-in-law, and so I realised that I had no
26 choice because of the situation that was surrounding me.
27 And what I did -- the manner in which I behaved in this
28 government, I have explained my position, my behaviour
29 before this Trial Chamber.

30

1 BY MR. MOORE:

2 Q. I would suggest that's complete and utter nonsense. On
3 the 23rd, you said a man came to you and said, "You
4 should have been sworn in on the 23rd, i.e. today". Is
5 that right? We'll break it into parts, is that correct,
6 a man came and said, "You should have been sworn in on
7 the 23rd?"

8 A. That is what that man said. To say that people were
9 looking for me, but they could not find me.

10 Q. But is it not right to say, Mr. Kamuhanda, that you were
11 actually working for the government in your capacity in
12 trying to help these foreign students in the
13 humanitarian aspect of your work. So you were actually
14 working in an office in Gitarama at that time; isn't
15 that right?

16 A. I think what you have just said is incorrect, and I
17 believe that my activities in Gitarama are purely
18 humanitarian in nature for these children that I was
19 afraid would be reduced to begging in the streets. And
20 it wasn't because I supported the government that I
21 participated in that work, it's because I was concerned
22 for those children. That was the only reason.

23 Q. The point, Mr. Kamuhanda is very simple. You had been
24 to see a government minister; you had informed them that
25 you would help; you had spoken to GIT-1, who was a
26 person of influence; you had indicated you would help to
27 him; you were working in Gitarama in an office in
28 Gitarama, and you had moved to Gitarama. So, how could
29 anybody logically say that you had been avoiding them?
30 They all knew where you were in work and when you were

1 staying at night. That's right; isn't it?

2 A. I do not even know whether the minister knew where I was
3 working, because the government was not in Gitarama, the
4 minister was in Murambi and I was in a neighbourhood in
5 Gitarama near the market, and I had not moved, I just
6 lived in that house in which I was working. I had not
7 moved neither from Kigali.

8 Q. The fact of the matter is when somebody comes and say,
9 "But, you should have been sworn in on the 23rd", are
10 you saying that was the first time that you had being
11 told that you were going to be a minister?

12 A. I have answered this question by saying that since the
13 appointment of Mr. Mbangura to the director of cabinet,
14 many names had been mentioned including mine.

15 Q. But I am suggesting to you that your story on any
16 sensible examination doesn't hold any credibility at
17 all. I am suggesting you were known; your location was
18 known for work; your location was known for -- was known
19 for where you were staying; you had been helping people,
20 and it is inconceivable that they did not know where you
21 were?

22 MR. PRESIDENT: His evidence is that, if you understand it
23 correctly, maybe that can be verified. After the
24 appointment of the Minister for Higher Education, names
25 were floating around for possible appointment including
26 his, and that he went into hiding, or he was not -- he
27 made himself not available. I think that's what he
28 said. It was in that context that, according to his
29 evidence, if you understand it correctly, that the man
30 on the 23rd come to say what he said.

- 1 MR. MOORE: But might I submit -- sorry.
- 2 MR. PRESIDENT: Well, you can verify, but that is what --
- 3 MR. MOORE: But I am entitled to test his account, I would
- 4 submit.
- 5 MR. PRESIDENT: Well, that is different. If that were the
- 6 case, that would be different from his -- the angle of
- 7 having been an employee working for ministry, working
- 8 for the government, that is, which the premises, I think
- 9 that is -- you have been raising questions on.
- 10 MR. MOORE: Yes. I mean I don't want to give away my thought
- 11 process, as if, indeed, I may be able to do so, but --
- 12 MR. PRESIDENT: You can verify if that is his evidence and we
- 13 can continue. We are not saying that you shouldn't, but
- 14 I think the context, in fairness, we would like to see
- 15 exactly what is being raised and what is being sought to
- 16 be achieved, because the questions have a purpose of
- 17 facilitating the course of justice. So, we would like
- 18 to be very clear exactly the scope and what is supposed
- 19 to be achieved, and that you two people understand one
- 20 another so that we can move forward by way of questions
- 21 and answers.
- 22 MR. MOORE: And I certainly understand Mr. Kamuhanda, but what
- 23 I would suggest is that he had not been hiding.
- 24 BY MR. MOORE:
- 25 Q. That's right, isn't it Mr. Kamuhanda, the man was wrong?
- 26 Your office was known; your house was known; you were
- 27 working in the ministry. So, what he was saying was
- 28 complete nonsense to you; isn't that right?
- 29 A. What I am saying -- I believe that what I am saying is
- 30 true. There was no sign in front of the house that I

- 1 was working; I was sleeping in that office. And it was
2 in that office -- and there was no distinctive sign --
3 and to say that my reason does not hold water is
4 incorrect. I was afraid and I made myself scarce. That
5 is the truth, and that is truth that can be verified.
- 6 Q. Well, I suggest there is nothing like the truth. The
7 fact of the matter is that you are saying this so that
8 you can justify to Their Lordships that you had no
9 choice but to be a minister. That's why you are saying
10 it, Mr. Kamuhanda. That's why you are putting it in the
11 way that you are, and I am suggesting to you even on
12 your explanation is complete nonsense. That's what I am
13 suggesting, do you follow?
- 14 A. I follow you, but I dispute your conclusions. I am sure
15 that the Trial Chamber will determine.
- 16 Q. In any event, you become a government minister you say
17 unwilling. And I seem to remember what you were saying
18 is that when you were sworn in, was it the 25th of May;
19 is that right?
- 20 A. No, that is not correct.
- 21 Q. When was it? Can you just remind me, is it the 27th? I
22 got here two days actually; 27th of May, I took an oath
23 for the minister, and then 25th of May, the swearing in.
24 Can you just us tell the dates so we are precise?
- 25 A. The correct date on which I was sworn in was the 25th of
26 May 1994.
- 27 Q. And I think you told us that really it wasn't
28 particularly special, it wasn't a special event, there
29 was only the president, the prime minister, the lady
30 speaker of the national assembly and just three or four

- 1 ministers; is that right? Were those people present?
- 2 A. Those three persons were present, and I added lastly
3 speaker of the national assembly is currently in Rwanda.
4 She is working in Rwanda, I added that.
- 5 Q. Now, what else did you take, Mr. Kamuhanda, on that
6 occasion? Is it the one that read as follows: "I" and
7 then it would be the name, "Jean de Dieu Kamuhanda, in
8 the name of God Almighty do swear to the nation that I
9 shall loyally carry out my duties, be faithful to the
10 Republic of Rwanda and the head of state, and promote
11 the interest of the Rwandese people with all respect to
12 the constitution and the law". Was that the oath you
13 took?
- 14 A. Yes, something along those lines, but I don't remember
15 exactly what were the exact words that were used for the
16 oath.
- 17 Q. You say that you attended I think two government cabinet
18 meetings, is that right? I'm going to try now and deal
19 with things in very general terms.
- 20 A. Yes, that is what I have said.
- 21 Q. Now, can you tell this Court of any record or indication
22 of you expressing concern or dissatisfaction or
23 criticism of that interim government?
- 24 A. The only evidence I can give to this Trial Chamber, you
25 have it, and this is -- and this is in the statement
26 that Kambanda gave you about me as a minister. That is
27 the only proof, the only evidence available.
- 28 Q. Do you remember, Mr. Kamuhanda that Mr. Kambanda pleaded
29 guilty? You will remember that, won't you? When you
30 left Rwanda you went to a number of countries; you went

- 1 to Kenya; you went to Cameroon; you went, I think, to
2 France. Now, that was through a five-year period,
3 that's correct; isn't it?
- 4 A. I arrived in France in 1998, at the end of February, and
5 I had left Kigali in April 1994. So five years had not
6 being reached.
- 7 Q. But you were arrested in 1999. So, it's a five-year
8 period. It's slightly over five years actually, but we
9 won't get technical about it. So, that's right, isn't
10 it, you were away from Rwanda for a five-year period?
- 11 A. Yes, that is correct.
- 12 Q. And you had been a member of that interim government
13 from the 25th-27th of May; isn't that right, 1994,
14 that's correct; isn't it, you've just told us?
- 15 A. Are you dating the date on which I became a member of
16 the government? Because you don't seem to know the
17 exact date.
- 18 Q. Mr. Kamuhanda, I'd asked you quite simply, a very simple
19 proposition that you became a member of the government,
20 let's say, the 25th of May, I'm not taking any point on
21 one or two days, 1994, that's right; isn't it, you've
22 been a member of that interim government since then?
- 23 A. That is correct.
- 24 Q. And you left Rwanda when?
- 25 A. I left Rwanda on the 17th of July 1994.
- 26 Q. When you were abroad, whether it be Kenya, whether it be
27 Cameroon, whether it be France, did you at any time make
28 any public pronouncement criticising that interim
29 government?
- 30 A. I never made statements.

1 Q. But you knew as time was developing through those years,
2 firstly, this Tribunal was set up and they were
3 enquiries being made about what had gone on in Rwanda,
4 that's correct; isn't it?

5 A. Yes, I was fully aware, and I was most happy about it.

6 Q. And once more, you were aware that the genocide had
7 continued right through May and June. Isn't that
8 correct, through the period when you were a government
9 minister?

10 A. That one I do not know. What I know and which is on
11 paper and there is a written reference, what I know --
12 in fact, I read about it in Des Forges's book and who is
13 an expert witness of this Tribunal. Des Forges wrote
14 that "On the 30th of April 1994, the genocide had come
15 to an end". That appears in Des Forges's book. In
16 other words, on the 25th of May when I got into that
17 government it was -- or, according to that book by
18 Des Forges, which I am referring to, the genocide had
19 come to an end.

20 Q. I would suggest killings continued in May and June. I
21 suggest it may not have been at the peak it was in April
22 and early May, but it certainly continued and you know
23 that. That's been the suggestion, isn't it,
24 Mr. Kamuhanda?

25 A. The truth is that the slaughtering of Rwandans a long
26 time after that, the next year even including the
27 following year. That is the truth. Because the
28 slaughtering of Rwandans continued right up to Zaire.

29 Q. I am suggesting to you using your words, "the
30 slaughtering of Rwandans was going on when you were a

1 member of the interim government". That's right, isn't
2 it by your own analysis?

3 A. What is correct is what I have read in Des Forges's
4 book, that is, with respect to genocide.

5 Q. Why didn't you when you had left the country express
6 either a horror or regret or even suggest to help track
7 the killers of these innocent people? Why didn't you do
8 that?

9 A. I told you that when the International Criminal Tribunal
10 for Rwanda was established, I was very pleased. I
11 didn't say so over the radio; I didn't say so in the
12 newspapers, but I was pleased. I was very pleased. It
13 is necessary for the perpetrators, the brains behind
14 what happened in Rwanda, that those people should be
15 tracked down and severely punished. This is the only
16 opportunity that I have to say so officially. You
17 wanted me to go to which radio station? It's now that I
18 am saying it. And let me say that when the ICTR was
19 established, I was most pleased.

20 Q. And what offer of help did you make to ICTR or OTP in
21 the tracking down of these guilty people? Because I
22 suggest you didn't lift a finger to help anyone at all.
23 That's right, isn't it, you made no offers of help?

24 A. The ICTR had the list of government ministers. If they
25 had looked for me, I would have gone along with the
26 suggestion or proposal they might have made to me. They
27 didn't look for me. I didn't have the resources to look
28 for ICTR. If they had looked for, I would have assisted
29 them.

30 Q. Have you heard a thing called the telephone? Have you

- 1 ever tried to telephone and say, "My name is Jean de
2 Dieu Kamuhanda, I not only was a director of higher
3 education, I became a Minister on the 25th of May 1994,
4 can I help you in anyway". Did you ever do that,
5 Mr. Kamuhanda? What's the answer, Mr. Kamuhanda, yes
6 or no?
- 7 A. No, I did not take that initiative.
- 8 Q. And why didn't you, Mr. Kamuhanda? If you were so
9 pleased with the setting up of ICTR, why didn't you try
10 and help to bring the culprits to justice, as you would
11 say?
- 12 A. In the situation in which I found myself as a refugee,
13 as an asylum seeker, I even had difficulties of
14 survival. And so to find the opportunity or directly to
15 seek to assist the Tribunal, whereas I was unstable, I
16 think that's asking a bit too much.
- 17 Q. You were in Nairobi for how long?
- 18 A. I stayed in Nairobi for about eight months.
- 19 Q. You were in contact with many members of the Rwandan
20 community, isn't that right?
- 21 A. That is correct.
- 22 Q. There was your Rwandan embassy, is there not, in
23 Nairobi?
- 24 A. Yes, there was one.
- 25 Q. Did you ever go to the Rwandan embassy explaining and
26 say, I may be able to help, perhaps not much, but I am
27 willing and able?
- 28 A. No, I did not go there for that. But let me say that
29 when I was in Nairobi, the embassy there -- the embassy
30 there was that of the former government.

- 1 Q. Well, you can always go to the French embassy. You got
2 strong links with France, you got strong links with
3 Belgium, you could have always gone there, couldn't you,
4 Mr. Kamuhanda?
- 5 A. I had no links with Belgium. And when you talk about my
6 links with France, I don't know what you are talking
7 about.
- 8 Q. You were perfectly able to telephone the France embassy
9 and the Belgium embassy or any other embassy and offer
10 help, if you would wish to, that's right, isn't it,
11 Mr. Kamuhanda?
- 12 A. I didn't think of that and I don't know whether I left
13 Nairobi in 1995 in April whether the Tribunal had
14 already started operating.
- 15 Q. And so, we just put it into perspective; the people that
16 you were friendly with and lived next door to or beside
17 in Nairobi, were people like Mugiraneza, isn't that
18 right, one of the government ministers who would often
19 you would meet frequently with family -- with family,
20 isn't that correct, another defendant at this particular
21 Tribunal, that's right; isn't it?
- 22 A. I didn't quite understand your question because you've
23 said so many things at once, sir.
- 24 Q. I am saying that in actual fact you were friendly in
25 Nairobi in particular with the family of Justin Mugenzi
26 -- sorry, not Justin Mugenzi -- Mr. Mugiraneza, that's
27 right, isn't it? Mr. Mugiraneza who is a defendant here
28 charged with conspiracy to commit genocide, you remember
29 him?
- 30 A. Oh, yes, we were in the same neighbourhood in Nairobi.

1 Q. And also Rwamakuba?

2 A. Rwamakuba did not reside in Nairobi. He was on transit.
3 I saw him when he was on transit in Nairobi.

4 Q. And so, in actual fact you never made any attempt
5 whatsoever to contact the embassies in Nairobi. When
6 you got to Cameroon, did you make any attempt to assist
7 ICTR or Office of the Prosecutor in hunting the people
8 who were responsible for this appalling atrocity?

9 A. No, no one approached me. And I know, I know that there
10 were people of the Tribunal who came by Cameroon, none
11 of them approached me.

12 Q. And it's right, isn't it, that when you were speaking to
13 various individuals from the agencies, did you ever say
14 to them, "I can help you get hold of ICTR or OTP, I may
15 be able to help; let's catch these bad people". You
16 never did any of that either; did you?

17 A. No, I never said anything of the sort, but I did
18 explain. First of all, I wasn't aware that I had to do
19 so, but beyond that I did not have the resources to do
20 so. I had other concerns like my survival. That was my
21 concern. I went to the UNHCR, which is a UN agency.
22 Immediately upon my arrival in Cameroon, the first thing
23 I did was to report at the UN High Commission for
24 Refugees. And that agency knew that I had been a
25 minister in that government. I was interviewed and I
26 explain my situation and they accepted to place me under
27 their protection, under their jurisdiction. That was a
28 UN agency. If they had told me or if they had asked me
29 anything whatsoever I would have been willing and with
30 pleasure complied.

1 Q. -- Mr. Kamuhanda has given lengthy explanations to try
2 and draw red herrings across this Tribunal. You -- you
3 perfectly well know that you were government minister
4 and if you were the honest and decent man that you say
5 you are, you would have been offering to help. I
6 suggest the reason you didn't make any offer was because
7 you were concerned about your own welfare; namely, being
8 caught. That's what you were being concerned with,
9 Mr. Kamuhanda, isn't that right?

10 A. I firmly dispute and object. I told you in April 1995,
11 I reported to a UN agency, the UNHCR, and in the course
12 of the interview that I had with the UNHCR, that agency
13 got to know that I was a minister in the government that
14 you are incriminating. The interview was a lengthy one
15 and it resulted in my being granted international
16 protection. I was placed under the jurisdiction of the
17 UNHCR. If that UN agency had believed that I would be
18 in a position to assist in any manner whatsoever, they
19 knew where they could find me. They would have got in
20 touch with me; they could have even given my name to
21 this Tribunal. The Tribunal would have looked for me
22 and I would have assisted the Tribunal. I did not go to
23 the embassy of France or the embassy of Belgium in
24 Nairobi, but I appeared before a UN agency in Yaounde,
25 Cameroon.

26 Q. So, you were hiding, Mr. Kamuhanda. What was it that
27 basically stopped you from coming forward? What was it
28 that you had done; nothing at all?

29 A. I reported willingly to a UN agency in Yaounde,
30 Cameroon, that agency was the UNHCR.

- 1 Q. And that goes much more further than that I would
2 suggest, because when you were abroad, did you ever
3 contact your family back in Gikomero to see if your
4 mother was all right or your brothers or your sisters,
5 did you ever do that?
- 6 A. I was -- I did not contact. I did not get in touch with
7 Rwanda.
- 8 Q. So, your mother is in Gikomero; the country has been
9 torn apart; basically, the murder of hundreds of
10 thousands of people, why didn't you phone up at some
11 time in that three- to four-year period, to find out if
12 your family were all right? Why didn't you do that, if
13 you are the innocent man that you say you are?
- 14 A. I was worried about the situation of my younger brothers
15 and sisters, same as I was concerned about my mother. I
16 am sure that they on their part were concerned about
17 what was happening to me. Unfortunately, I did not have
18 the means to get in touch with them and I learnt of the
19 death of my mother in September 1997, whereas she had
20 died in July -- in July of that year. So this is just
21 to tell you that I am claiming to be somebody decent.
22 Quite frankly, I didn't have any resources or
23 possibility of contacting them. And you can't tell me
24 that I don't love my family.
- 25 Q. Did you have the ability to put pen to paper and write a
26 letter and address it to the Gikomero commune? Was
27 there anything to stop you doing that?
- 28 A. Nothing prevented me from doing so. But I needed to
29 know, first of all, whether they were alive.
- 30 Q. Why didn't you just write a letter, care of Gikomero

- 1 commune, explain who you are because you are well known,
2 and give them your address so somebody could contact
3 you, why didn't you do that?
- 4 A. That country is one I had escaped from. I was an asylum
5 seeker out of that country. Now, when one is an asylum
6 seeker in a country, it is because that person is not
7 protected or, let me say, you are not too sure of being
8 protected by the country of which you are a national.
9 So, I had no reason to get in touch with that country
10 from which I was escaping. Of course, that stated, I
11 was still worried about the situation of my relatives,
12 particularly of my mother who was sickly.
- 13 Q. So, why didn't you actually write and enquire whether
14 they were alive or indeed to inform them without any
15 address on it that you were alive, your wife was alive
16 and your children were alive? Why didn't you do
17 anything, Mr. Kamuhanda, that would disclose your
18 existence and your place of abode?
- 19 A. I did not take that initiative.
- 20 Q. May I suggest why you didn't take that initiative, it
21 was because you knew either -- well, you knew because
22 you had participated in it, but you also knew through
23 the Rwandese community that you were friendly through
24 that five-year period, there was a high likelihood that
25 you would be coming to justice eventually because of
26 what you had done and you didn't want to help your
27 discovery in any way, that's why you didn't do it,
28 Mr. Kamuhanda. What would you say to that?
- 29 A. Let me answer. I object. I dispute that and I told you
30 when I got to Cameroon I reported to the UNHCR. They

1 knew where I lived in Yaounde; they knew me. The UNHCR
2 knew my wife and my children, so I was not hiding. I
3 was not in hiding in Yaounde. I was not hiding or
4 avoiding the international community since I was known
5 by that community via the UNHCR.

6 MR. PRESIDENT: Yes, I think we have that account that you
7 have given, Mr. Kamuhanda, but could you please respond
8 to the question put by Mr. Moore, and the suggestion put
9 to you by him in his last question? It was very
10 specific, we would like to see what answer do you give
11 to that question.

12 THE ACCUSED KAMUHANDA: In that last suggestion, he said that
13 I was in hiding, that I didn't want to get in touch with
14 my relatives because I was hiding. And my answer was I
15 was not hiding, never hiding. I never hid myself. When
16 I got to Cameroon, I reported to the international
17 community, the UNHCR, a UN agency. When I got to
18 France, I sought asylum at the airport, and I was taken
19 to a reception centre that is officially known. I never
20 hid myself. Never.

21 BY MR. MOORE:

22 Q. The reason, Mr. Kamuhanda -- the reason why you were
23 avoiding detection, I would use the phrase "avoiding
24 detection", and the reason why you didn't contact
25 Gikomero was because the people in Gikomero knew what
26 you had done. You knew there were a lot of enquiries
27 going on all around Rwanda, and you were keeping as low
28 a profile as you could possibly keep in the hope that it
29 would all pass by. That's why you didn't bother to
30 contact anybody in Gikomero, Mr. Kamuhanda; do you agree

1 with that or not? I suspect not.

2 A. Well, you know my answer. I have explained to the best
3 of my ability. The Rwandan government carried out an
4 investigation on the genocide and massacres in Gikomero,
5 you have the exhibits. It's quite clear therein. The
6 Rwandan government talks about the Ministry of Higher
7 Education by the way, and they carried out
8 investigations into the genocide and massacres in
9 Gikomero, they didn't find me being involved there.

10 Q. I did differ, Mr. Kamuhanda. There was a provisional
11 report prepared and we know from GET, he gave
12 information later that very clearly put your name in the
13 frame for Gikomero, and that has been the evidence. So,
14 I do not accept on behalf of the Crown or on behalf of
15 the Prosecution, that's the case. Do you follow? GET
16 gave evidence?

17 A. Again, I dispute that version. GET was the main
18 informant of that inter-ministerial committee. GET was
19 the main informant of the inter-ministerial commission.
20 GER, who is a Prosecution witness really exculpated me
21 in the case of Gikomero.

22 Q. I am not going through this constant repetition of your
23 proof. The fact of the matter is I've asked you a
24 perfectly reasonable question on a perfectly reasonably
25 evidential basis, and I've suggested why you didn't
26 contact Gikomero, do you accept that or not?

27 MR. PRESIDENT: Yes. Can we have an answer to that, of the
28 alleged failure on your part to contact Gikomero for the
29 reason given by the Prosecutor, what do you say to that?
30 That's the specific aspect, is it true or is it not?

1 We've heard these other accounts but I think we would
2 like to get your answer to this last proposition with
3 regard to the -- your alleged failure to contact
4 Gikomero during the time when you were out of the
5 country.

6 THE ACCUSED KAMUHANDA: The reasons why I did not contact
7 Gikomero or not even identify with whatever were
8 happening in Gikomero since I was not involved in what
9 took place in Gikomero. These are pure -- purely for
10 personal reasons. They have nothing to do with what
11 happened in Gikomero, because what happened in Gikomero
12 --

13 MR. PRESIDENT: That is an account. The proposition is given
14 specific; are you -- is it true or would you deny it? I
15 mean it's a specific question with a specific
16 suggestion.

17 THE ACCUSED KAMUHANDA: I deny that proposal.

18 BY MR. MOORE:

19 Q. And my final question, and I'm sure it would be much
20 relief for having expressed their view or proposition is
21 quite simply this: That when you went to France, and you
22 appealed against your decision for asylum, you
23 basically, in the document which your counsel produced
24 said that "Inappropriate weight had been given, but they
25 had disregarded the several attempts to hide and
26 escape". That was actually within the document. What
27 several attempts to hide and escape did you make?
28 You've given evidence for five days, what - what efforts
29 have we seen in your account?

30 MR. PRESIDENT: What document are you referring to?

- 1 MR. MOORE: It's the document that Ms. Condè attempted to
2 place before the Court. It is the refusal by the judge
3 in Paris, when Mr. Kamuhanda attempted to get political
4 asylum.
- 5 MR. PRESIDENT: It's not before us and you --
- 6 MR. MOORE: It never went in as an exhibit, but it was dealt
7 with evidentially. And -- well, excuse me, just one
8 moment -- and what was said in evidence, and that's why
9 I deal with it because it is in evidence, is that there
10 were several attempts to hide and escape. That was the
11 phrase used. And all I am saying is quite simply this
12 -- I see Judge Maqutu look, but -- well, I'm sorry, that
13 is what was said in the document, and why else would I
14 have it? But what I am suggesting to you is this --
- 15 MS. CONDÉ: I know that that was in the document. It was
16 ruled out and you are again twisting my statements.
17 Well, let them refer to the evidence.
- 18 MR. MOORE: Well, the document is not an exhibit, I accept
19 that, I make no submission on that, but what was put
20 quite simply is the document that Mr. Kamuhanda had --
21 Your Honours may remember, he tried to or did indicate
22 that he had sought a process to try and get --
- 23 MR. PRESIDENT: The appeal process.
- 24 MR. MOORE: -- the appeal process. And the phrase that he
25 used was that there had been by him --
- 26 MR. PRESIDENT: Yes. Then you don't have to refer to the
27 document which was -- I think you did object.
- 28 MR. MOORE: I did.
- 29 MR. PRESIDENT: And we said that at some stage that, "Well,
30 for reasons that were given in that part of the

1 proceedings that it could go in, but the Prosecution --
2 your colleague, on the other hand withdrew it, and, I
3 mean didn't want to pursue that matter. That's our
4 understanding.

5 MR. MOORE: No, I understand that. What I am saying is that
6 the evidence --

7 MR. PRESIDENT: If it is in the evidence, then you don't have
8 to refer to the statement -- to the document, refer to
9 in the context of the evidence.

10 MR. MOORE: Yes.

11 MR. PRESIDENT: Because otherwise, then at least you want to
12 follow it up so that we can have the full context.

13 MR. MOORE: Well, all I'm simply saying is this: That the
14 evidence that was given was that Mr. Kamuhanda had said
15 in the document that there were several attempts by him
16 to hide and escape, several attempts by him to hide and
17 escape.

18 MR. PRESIDENT: Yeah, but that is his evidence.

19 MR. MOORE: Yes. But I am --

20 MR. PRESIDENT: There is no reference -- he didn't refer to
21 the document. You know where the source is.

22 MR. MOORE: I do.

23 MR. PRESIDENT: So, if you want to operate within the context
24 of the evidence, go ahead and do it. And if you want to
25 expand it and make that reference to the document, which
26 of course, the Trial Chamber -- it's not before the
27 Trial Chamber, then that would be, unless you want it to
28 -- you want to have it introduced, because we have to
29 know the context.

30 MR. MOORE: Well, all I'm suggesting is quite simply this:

1 That it's basically a pretence statement by Mr.
2 Kamuhanda and that was a lie. It was a lie put before
3 the Court to try and obtain asylum and that his evidence
4 which he has given for five days has not demonstrated
5 any attempt to hide or escape.

6 BY MR. MOORE:

7 Q. Now, unless there are some of other things,
8 Mr. Kamuhanda, that is right, isn't it? You made no
9 attempts to hide and you made no attempts to escape?

10 MS. CONDÉ: Hide and escape, I mean, this is just creating
11 confusion. Are we in France or are we in Rwanda here?

12 MR. MOORE: It's my learned friend's document. She adduced
13 the evidence, I deal with the evidence.

14 MR. PRESIDENT: No, but Mr. Moore, we must know that that
15 document was never dealt with. If in
16 examination-in-chief, some aspects of that document were
17 introduced, and are, indeed, part and parcel of the
18 proceedings, part of the evidence adduced, you can make
19 reference to it in that context. But you wouldn't go
20 back to a document that was not produced, was not part
21 of the evidence, unless you want to reintroduce it
22 afresh.

23 MR. MOORE: No, I don't want to introduce the document afresh.
24 That's the first point. I don't wish to do it. But the
25 evidence was given that there were several attempts --
26 the evidence was given from the document, but then it
27 was not admitted -- that there had been several attempts
28 by Mr. Kamuhanda to hide and escape. That's what he was
29 saying. And I am merely putting to him that we have
30 listened to his account here for five days and there has

1 never been any evidence given by him of his attempting
2 to hide or escape. And what I am suggesting is that
3 when he said that to the magistrate or to the court, it
4 was a lie. So, I'm dealing with the evidence, I don't
5 want the document in, because the document was denied by
6 the court, and that's perfectly reasonable.

7 MR. PRESIDENT: No, we didn't deny it. You objected this
8 document to be produced except your colleague didn't
9 want to pursue it. That's all.

10 MR. MOORE: Well, I can finish off in any event, and we can
11 look at it and come back if necessary.

12 BY MR. MOORE:

13 Q. What I am suggesting, Mr. Kamuhanda, is quite simply
14 this: Not only were you instrumental in organising of
15 the atrocities at Gikomero and Gishaka, places where you
16 had significant influence, but you also were part of
17 that interim government throughout a period where the
18 genocide continue and you did nothing to try and stop
19 it. Do you understand? That's what I'm suggesting to
20 you?

21 A. Yes, I have understood your proposal, but I dispute it.
22 What you are saying there have no bearing on the truth.
23 I organised nothing in Gishaka nor in Gikomero. I did
24 not organise any massacres; I did not participated in
25 any massacres. I could not -- myself Jean de Dieu
26 Kamuhanda, I could not in my own conscience as Jean de
27 Dieu Kamuhanda, the way I am, I could never have
28 organised a massacre of this nature. I have Tutsi
29 friends; I have taken in wedlock a woman from the Tutsi.
30 I have no -- I have relatives who are Tutsis. I have no

1 course to murder Tutsis in Rwanda. You will remember
2 those who came and testified here against me.
3 MR. PRESIDENT: Yes.
4 MR. MOORE: But I put a simple proposition to him, and I see
5 Ms. Condè smiling, I don't know whether it is an
6 organised technique or not, but the fact of the matter
7 is, I put a simple question to Mr. Kamuhanda, does he
8 accept it, does he not?
9 THE ACCUSED KAMUHANDA: I vehemently dispute that.
10 MR. MOORE: Yes. Thank you very much.
11 MR. PRESIDENT: Are you through, Mister --
12 MR. MOORE: Yes. Sorry. I'd finished. Thank you very much.
13 MR. PRESIDENT: -- your cross-examination?
14 MR. MOORE: I have. Thank you very much.
15 MR. PRESIDENT: Okay. Thank you very much.
16
17 All right, then, we'll adjourn at this stage, when we
18 come back -- we'll come back at three and we'll start
19 with the re-examination of the witness; 3 o'clock. So,
20 until then these proceedings stand adjourned.
21 (Court recessed at 1320H)
22 (Pages 74 to 100 by Haruna Farage)
23
24
25
26
27
28
29
30

1 1500H

2 MR. PRESIDENT: Yes, the proceedings are resumed. Yes, the
3 cross-examination had ended, any re-examination Learned
4 Counsel for the Defence?

5 MS. CONDÉ: Yes, Mr. President, very briefly. I would like
6 Mr. Kamuhanda to be shown Prosecution Exhibit P4.

7 MR. PRESIDENT: Okay, is it all right, do you get the
8 translation through?

9 THE ACCUSED: Yes, Mr. President.

10 MR. PRESIDENT: Exhibit?

11 MS. CONDÉ: P4.

12

13 RE-EXAMINATION

14 BY MS. CONDÉ:

15 Q. Mr. Kamuhanda, you have before you Exhibit P4, namely,
16 two photographs, well, a group photograph and then an
17 enlargement of that photograph. It was shown to you by
18 the Prosecutor and you indicated that you were not on
19 that photograph. Are you on the photograph, yes or no?

20 A. I said that I was on that photograph.

21 Q. Would you remember when that photograph was taken?

22 MR. PRESIDENT: He said that he was on the photograph?

23 MS. CONDÉ: Yes. No, that is his answer to me now.

24 MR. PRESIDENT: He is on the photograph?

25 MS. CONDÉ: Yes.

26 MR. PRESIDENT: In the earlier -- in the course of
27 cross-examination he said that he could be, isn't it?
28 So, he is now saying -- we get it that he is on that
29 photograph for sure?

30 MS. CONDÉ: Yes.

- 1 MR. PRESIDENT: Okay.
- 2 MS. CONDÉ: Yes.
- 3 MR. MOORE: I am sorry, I would like to know how this has
4 developed, because I have said to my learned friend she
5 can speak to Mr. Kamuhanda, Mr. Kamuhanda was highly
6 cross-examined on this for ages and he basically said he
7 didn't think he was on the photograph. How is it
8 suddenly the first question of re-examination on a very
9 specific point an affirmative answer suddenly arises?
10 Has this been discussed by my learned friend? Because
11 it is a very, very unusual question to ask when your
12 client is basically not being sure. Has my learned
13 friend been discussing this case with Mr. Kamuhanda or
14 is it just pure chance she asked this question?
- 15 MR. PRESIDENT: What is the basis for that? I think we take
16 note of the answer that has been given through the
17 proceedings of this trial. As we said, I think that is
18 what our reflection was, in cross-examination he did
19 say, and it wasn't once or twice, a number times on that
20 he said he could be there.
- 21 MR. MOORE: Basically the tenor was that he could be there
22 but he wasn't sure.
- 23 MR. PRESIDENT: That is it. Now, Counsel is saying that in
24 his question -- his answer now is affirmative, that he
25 was on that photograph, and we take it that way.
- 26 MR. MOORE: Yes, but what worries me, with the utmost
27 respect, is I was asked whether in actual fact I
28 objected to my learned friend speaking to Mr. Kamuhanda,
29 and I said no, as long as the case isn't discussed.
30 Now, with the utmost kindness, is it just pure fluke or

1 good chance, or good fortune, that the first question
2 that is asked is; is that you, Mr. Kamuhanda? And he
3 suddenly comes out with, "yes". Has this question been
4 discussed between Counsel and Mr. Kamuhanda?

5 MR. PRESIDENT: Those are comments. Let's get what answer is
6 going to be given or developed on that. We will take it
7 that is the answer of the Accused and witness now.

8 BY MS. CONDÉ:

9 Q. Mr. Kamuhanda, in your opinion when was this photograph
10 taken?

11 A. In my opinion I cannot recall exactly when this
12 photograph was taken.

13 Q. Would you know the circumstances it might have been
14 taken if you are not aware of the year?

15 A. The way I see it, I can imagine that it was during the
16 burial following the death of my sister.

17 Q. Why did you tell the Prosecutor that it might happen to
18 be you or not you?

19 A. I told the Prosecutor that it might happen that I am not
20 the one, simply because of the, manner in which it was
21 presented. The stain or mark that appears on this
22 shirt, I don't know whether that is the colour of the
23 shirt, or something else that was added on. I never
24 wore any attire like this one, and that is the reason
25 why I said to the Prosecutor, that it might just happen
26 not to be me.

27 Q. Thank you. Mr. Kamuhanda, you need to be careful
28 regarding the next series of questions. Please, mention
29 only the pseudonyms. The Prosecutor told you that your
30 house was a fortress compared to that of ALS, where as

- 1 your testimony was that ALS's house was safer or more
2 secure than yours. Could you explain to us, in simple
3 terms, why your house was less secure than that of ALS?
- 4 A. I am of the view that ALS's house was more secure than
5 mine for the simple reason that my house was open. It
6 did not have any fence on the lower side whereas
7 *****, when it comes to stray bullets or
8 bullets that might be aimed at our houses, ALS's house
9 was sheltered by mine. Furthermore, ALS's house was
10 protected by a tree and in a natural manner, if I may
11 say so. I therefore felt that ALS's house was more
12 safe, or more secure when it comes to bullets that may
13 land on them.
- 14 Q. Would you be more at ease if this was a closed session?
- 15 A. No, no, that is fine. I will check myself.
- 16 Q. The Prosecutor also implied that the fact that you did
17 not tell the investigators that you were at ALS's house,
18 and the fact that you had filed a motion for the
19 correction of some material facts regarding your notice
20 of alibi that that was a fabrication; did you, yes or
21 no, fabricate your alibi?
- 22 A. I did not, at all, fabricate my alibi. Let me repeat;
23 my alibi is the following; I stand charged with having
24 been to Gikomero to massacre people and I said I never
25 went to Gikomero, because during the period referred to
26 I was in the Kigali Prefecture in Kacyiru. So, my alibi
27 in Kacyiru, I did not leave Kacyiru to go to Gikomero.
- 28 Q. Before the 18th of April 1994, was it possible for you
29 to leave Kigali?
- 30 A. Before the 18th of April 1994, I had no possibility of

1 going out of Kigali.

2 Q. The Prosecutor also implied that you were close to
3 government, to members of the government in the later
4 part of his cross-examination. I am going to mention
5 names of ministers, and you will tell me, I will say so
6 quickly, we don't need to waste time there. You just
7 tell me whether you know them. Do you know Kashmir
8 Bizimungu?

9 A. Kashmir Bizimungu I know. But I didn't know where he
10 lived in Kigali and he, for his part, did not know where
11 I lived in Kacyiru.

12 Q. Do you know Justine Mugenzi?

13 A. Justine Mugenzi is known to me as chairman of the
14 Liberal Party, but he saw me for the first time on the
15 18th of July in Zaire, and that is where I met him for
16 the first time.

17 Q. Do you know Jerome Mpicampaka?

18 A. Jerome Mpicampaka was seen by myself for the first time
19 in Gitarama in April 1994.

20 Q. Prosper Mugiraneza?

21 A. Prosper Mugiraneza is someone whom I know. I know him
22 well because he was a neighbour to my brother-in-law.
23 So that is someone I know well. But in 1994 I didn't
24 know where he lived because he no longer lived with my
25 brother-in-law, and he, for his part, didn't know where
26 I lived.

27 Q. The brother in-law is the person that you talked about
28 during the examination-in-chief?

29 A. Yes, that's the brother in-law in whose house my son
30 was.

- 1 Q. Augustin Ngirabatware?
- 2 A. Augustin Ngirabatware I really do not know. I only know
3 that he was a minister, I didn't know where he lived and
4 he did not know where I lived. We did not share
5 anything.
- 6 Q. When did you meet him? Could you fit it in a time
7 frame?
- 8 A. I also met him in Gitarama.
- 9 Q. Pauline Nyiramasuhuko -- that is it?
- 10 A. Yes. Pauline Nyiramasuhuko I knew -- I knew that she
11 was the wife of the Rector of the national university of
12 Rwanda. She didn't know where I lived and I didn't know
13 where she lived in Kigali. We didn't frequent each
14 other.
- 15 Q. Eliézer Niyitegeka?
- 16 A. Eliézer Niyitegeka I met at the national pedagogic
17 institute in 1994 -- '74, sorry.
- 18 Q. So, what was your relationship with him?
- 19 A. None. He didn't know where I lived in Kacyiru, and I
20 didn't know where he lived in Kigali.
- 21 Q. Edward Karemera?
- 22 A. Edward Karemera, same thing. I didn't know where he
23 lived, he didn't know where I lived; no relations
24 whatsoever.
- 25 Q. André Rwamakuba?
- 26 A. André Rwamakuba -- I knew André Rwamakuba very well
27 because he comes from the Gikomero commune. However in
28 1994 he didn't know where I lived, and I didn't know
29 where he lived.
- 30 Q. Augustin Bizimana.

1 A. Augustin Bizimana, well, I simply know that he was
2 minister of defence. We didn't frequent each other, no
3 relations.

4 Q. Kalixte Nzabunimana?

5 A. Kalixte Nzabunimana was minister of youth, but we didn't
6 frequent each other.

7 Q. It would appear -- in case that is my own understanding.
8 It would appear the Prosecutor did not act (sic). What
9 could you have done to prevent what happened in Rwanda
10 in 1994?

11 A. I, Jean de Dieu Kamuhanda, could do absolutely nothing
12 to prevent what happened in 1994. I could do absolutely
13 nothing. I am not involved in any manner whatsoever in
14 what happened in Rwanda.

15 MS. CONDÉ: I have no further questions, Mr. President.

16 MR. PRESIDENT: The Judges have some few questions for the
17 witness.

18 JUDGE RAMAROSON: Mr. Kamuhanda, did looting start the day
19 after the news of the death of the President?

20 THE ACCUSED: Apparently, yes. The looting is supposed to
21 have started the day after the death of the President,
22 Because in our neighbourhood, as I testified, when ALB
23 called me, he told me that passers-by were saying there
24 was looting going on, so we must be careful, we have to
25 organise ourselves to counter it.

26 Q. You talked about the looters, who were those looters,
27 and why were they engaged in looting?

28 A. The looters were robbers, those who could take advantage
29 of the chaos to do about anything to steal anything.

30 Q. What chaos, chaos had not yet started -- who were those

- 1 looters? Were they people -- civilians, people in
2 uniforms -- could you tell us -- could you describe to
3 us how they looked, the looters?
- 4 A. I did not see the looters, fortunately they did not come
5 to our neighbourhood. But I think, I imagine that these
6 were all these people and they could be both soldiers
7 and civilians, they could take advantage of that
8 situation to raise the atmosphere of chaos so they can
9 do whatever they wanted to do.
- 10 Q. So, if they were looting it was just only to raise the
11 situation of chaos, to worsen the situation of chaos. I
12 just want to know what they were doing; why?
- 13 A. Well, the reasons I didn't know. I don't know why they
14 were looting, maybe to enrich themselves, maybe to take
15 advantage and enrich themselves.
- 16 Q. What kind of weapons were they carrying, traditional
17 weapons, or as you said, shells?
- 18 A. I did not see the looters, so I didn't see what kind of
19 weapons they were carrying. As for shells, there were
20 shells that fell on houses.
- 21 Q. There is a witness who said at some point -- he alluded
22 -- I am not too sure -- isn't there some gendarmerie
23 camp at Kacyiru; is there a gendarmerie stationed there?
- 24 A. Yes, at the summit of Kacyiru there was a gendarmerie
25 camp.
- 26 Q. Were there policemen too?
- 27 A. Communal policemen in my neighbourhood -- I didn't see
28 them.
- 29 Q. So, what was the purpose of the gendarmerie camp? The
30 gendarmes were not intervening when this looting was

- 1 taking place?
- 2 A. I saw two gendarmes who wanted to attack ALR, they tried
- 3 to attack him, to assault him. They asked him for
- 4 money. Those are the only ones I saw.
- 5 Q. So, according to you, the gendarmes were among the
- 6 robbers, among the bandits.
- 7 A. Well, as far as I am concerned, those two gendarmes were
- 8 behaving like bandits.
- 9 Q. Were there Interahamwes in the Kacyiru area; were
- 10 Interahamwes there? Did you know that there was some
- 11 training of Interahamwes more or less everywhere?
- 12 A. In my area there were no Interahamwes.
- 13 Q. I am talking about the Kacyiru commune, your secteur?
- 14 A. Interahamwes were everywhere, in my area there were
- 15 Interahamwes.
- 16 Q. What were they doing in Kacyiru?
- 17 A. In Kacyiru, I did not see them in my particular
- 18 neighbourhood, I mean, in the commune.
- 19 Q. So maybe you heard, so what were they doing in your
- 20 commune? What were they doing there? Were they silent
- 21 -- what were they doing? What role were they playing?
- 22 A. I wouldn't be able to tell you what role they were
- 23 playing, because I didn't see them during that period.
- 24 I did not go away from the road that I showed you.
- 25 Q. Now, with respect to the roadblocks, were there
- 26 roadblocks in Kacyiru?
- 27 A. On my road there were no roadblocks.
- 28 Q. In the Kacyiru commune, were there roadblocks?
- 29 A. When I went to look for my son --
- 30 Q. No, no, I will talk about Kimuhurura later. I want to

- 1 know whether, in Kacyiru commune, there were roadblocks?
- 2 A. Kimuhurura is in Kacyiru commune.
- 3 Q. But there is a secteur, I am trying to look at the map.
- 4 You have the Kacyiru commune then the Kacyiru Secteur.
- 5 In that secteur there were no roadblocks?
- 6 A. In that Secteur I don't know whether there were no
- 7 roadblocks or not. The only roadblock that I saw was
- 8 when I was going to Kimuhurua.
- 9 Q. You went then, to Kimuhurura to look for your son. You
- 10 saw a roadblock. Who was manning that roadblock?
- 11 THE ENGLISH INTERPRETER: Mr. President, the interpreter is
- 12 trying to follow this rapid fire exchange, so --
- 13 JUDGE RAMAROSON: So, let me -- you were in Kimuhurura, which
- 14 is in Kacyiru commune, and I think your area -- were
- 15 just side by side, that is Kacyiru and Kimuhurua; you
- 16 went through a roadblock; you were afraid; then you went
- 17 back home. Then there was a second attempt and you were
- 18 able to go through. Who was manning that roadblock at
- 19 that time?
- 20 A. I have a feeling that that roadblock was manned by the
- 21 Interahamwes.
- 22 Q. It is not an impression; you saw with your very own
- 23 eyes. You saw the people who were manning the
- 24 roadblock. So, who were those people? Were they
- 25 Interahamwes wearing uniforms, what are you trying to
- 26 say?
- 27 A. There were no uniforms -- there were no people in
- 28 uniforms.
- 29 Q. So, why were you saying that they were Interahamwes?
- 30 A. I called them Interahamwes simply because I think that

- 1 they were just Interahamwes who would manning the
2 roadblock.
- 3 Q. So, what purpose did that roadblock -- what purpose was
4 it there for? Why did it exist? Why was it mounted?
5 Why was that roadblock there?
- 6 A. I don't know why there was a roadblock. I don't know
7 who mounted it. All I know is that when I tried to go
8 through I wasn't able to go through there. I was pushed
9 back by some gunfire.
- 10 Q. So, they shot at you?
- 11 A. They shot at us, and that is why we went back home and
12 in our second attempt we went by that roadblock.
- 13 Q. Now, the next question, you also said that the people of
14 your neighbourhood were also guarding your house?
- 15 A. No, not exactly that. I was saying that the people of
16 the area were guarding the road that was passing by our
17 houses. So, they were guarding the road --
- 18 Q. Did your house have some special guards, was it
19 specifically guarded? Why did they not go to guard
20 their own houses, and you would also have guarded your
21 own house?
- 22 A. It was because from the road we can be able to guard all
23 the houses, all entrances to our respective houses.
- 24 Q. You also said that for services I used the ministry
25 vehicle for emergency cases. What vehicle are you
26 talking about?
- 27 A. The ministry had several vehicles and I could use one of
28 them.
- 29 Q. Which one did you use to use?
- 30 A. There was not any particular vehicle that was assigned

- 1 to me, I took any vehicle.
- 2 Q. Now, among the vehicles of the ministry, was there a
3 blue Diahatsu?
- 4 A. Among the vehicles of the ministry there was no Diahatsu
5 -- blue. There was no Diahatsu.
- 6 Q. But would there have been a blue vehicle?
- 7 A. I can't remember. I remember that there was a Peugeot
8 305, blue, that was for the director of the cabinet.
- 9 Q. And could you have used that vehicle?
- 10 A. That was a vehicle assigned to the director of cabinet,
11 you couldn't have used it.
- 12 Q. Did you know Nzaramba, a driver from the health centre?
- 13 A. No, I didn't know any driver called Nzaramba.
- 14 Q. Now, Michel Doni, the priest, did you know him?
- 15 A. Yes.
- 16 Q. Did he know you?
- 17 A. Yes, he knew me very well. Your Honour, I am done with
18 this.
- 19 MR. KIYEYEU: I am sorry again. We have some new court
20 reporters who are not familiar with the names. If
21 somebody can spell out Nzaramba, please, I think the
22 Accused can help us. For the court reporters.
- 23 MR. PRESIDENT: I think you could help us -- Nzaramba, I
24 think --
- 25 THE ACCUSED: Very well. Nzaramba is N-Z-A-R-A-M-B-A,
26 Nzaramba.
- 27 MR. PRESIDENT: Judge Maqutu.
- 28 JUDGE MAQUTU: Well, I have about four questions just to help
29 me understand what has been going on. The first one is
30 this one: There has been evidence from many witnesses,

1 some of them from Kigali rural, who claim there was
2 massive movement of people -- refugees of one kind or
3 another, after the President's plane was shot. Could
4 you comment of this? Did they come to your area where
5 you were on guard?

6 A. What I saw is people coming from Kigali in the direction
7 of the west, I saw people fleeing.

8 Q. So, you confirm that you saw people fleeing, but did
9 they come to your area -- these fleeing people, did they
10 use your area for their exodus from one point to
11 another?

12 A. I did not see any in my area, but you know that Rwanda
13 has many hills. If you are on one hill you can see
14 another hill. If I am in Kacyiru I can see people
15 moving in the Nyarugenge hill, for example. I think
16 this is the first time I mention this name. Nyarugenge
17 is spelt, N-Y-A-R-U-G-E-N-G-E, Nyarugenge. So, from the
18 other hill you can see people moving.

19 Q. There was also something in one of the statements that
20 was read. Was it to the French Court or was it an
21 appeal or something like that to the effect that
22 General Gatsinzi was your neighbour and I didn't hear
23 you mentioning him among your neighbours?

24 A. In truth, General Gatsinzi had a house in the Kacyiru
25 Secteur, but not in our street -- but he didn't live
26 there since General Gatsinzi was posted in Butare, he
27 was the commander of the ESO in Butare, the ESO. And in
28 1994, when he was appointed the interim Chief of staff
29 of the Rwandan army, he was in Kigali, sir.

30 Q. I see. Then again, as you were being questioned by

1 Mr. Moore, you seemed to contradict what most witnesses
2 before this Court had said that people who were
3 suspected of being sympathisers of the RPF were likely
4 Tutsi. Could you clarify this, because it created a
5 little misunderstanding, or was that really what you
6 meant?

7 A. The people that were sympathetic to RPF were not
8 necessarily affiliated with the Tutsi. We simply called
9 them accomplices, so that all people that were suspected
10 of working surreptitiously with the RPF were called the
11 accomplices of the RPF -- those that worked
12 surreptitiously with them.

13 Q. Yes. You see, the real issue is, is it true, witnesses
14 here said that these accomplices were largely Tutsis?
15 That is, simply, my question.

16 A. That is correct, the majority of those people were
17 Tutsi; that is correct.

18 Q. And my final question is this, although it may have some
19 bits depending on your answer. You told us that the
20 first thing when these people arrested you, you told
21 them that you had never been to Gikomero. This is what
22 you said?

23 A. The statement I made, according to which I was not in
24 Gikomero, I made that statement following a statement
25 that was recurrent, according to which -- why didn't I
26 go to Gikomero whilst I had a mother and I was the
27 eldest son of the family; why didn't I go to Gikomero.

28 Q. Yes, you see, the impression you gave is that these
29 people just, as they came to you, they said, "Why didn't
30 you go to Gikomero," and that I find puzzling. That the

- 1 people who arrested you just, for no apparent reason,
2 just asked; "Why didn't you go to Gikomero?"
- 3 A. No, sir, it was not like that. The first question they
4 put to me was as follows; I remember this very well.
5 They said, "Mr. Kamuhanda, what were you doing in April
6 1994?" And I answered: "In April 1994 I was Director
7 General at the ministry of Higher Education and
8 Scientific Research and Culture". And I remember their
9 reaction when I gave them that answer. They looked at
10 each other. I do remember that, and they continued
11 putting questions to me. At the middle of it all, they
12 asked me whether I went to Gikomero. I told them even
13 if I wanted to go to Gikomero I couldn't have done it
14 because it was then that the war came. And they
15 insisted and that is when I swore on my mother's head
16 that I never went to Gikomero, and the answer was quite
17 instinctive. As far as I am concerned.
- 18 Q. You said even before you knew you were charged of crimes
19 concerning Gikomero, you were already putting across the
20 alibi concerning Gikomero?
- 21 A. When I talk about alibi, it is an inference, because
22 when they put certain questions to me concerning
23 Gikomero, I told them that I had not gone to Gikomero.
24 And it was when I had the indictment for this afterwards
25 that I found that there were charges on the fact -- on
26 my having gone to Gikomero to massacre people. This is
27 why I was saying that, at any rate, at my interview I
28 told them that I had never gone to Gikomero. That is
29 what I call an alibi.
- 30 Q. Thank you for that because you had given an impression,

1 to me at, any rate, that even before you knew that you
2 were charged of crimes concerning Gikomero you were
3 already saying; "I never went to Gikomero." At least
4 you have explained yourself. Thank you very much.

5

6 (Pages 101 to 116 by Regina Limula)

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- 1 1540H
- 2 MR. PRESIDENT: Thank you, Judge. I also have a few questions
- 3 really for -- in clarification. How long is Gikomero
- 4 from the location of your home at Kacyiru, how long?
- 5 JUDGE MAQUTU: How far?
- 6 MR. PRESIDENT: How far?
- 7 THE ACCUSED KAMUHANDA: Now, from Kacyiru where I lived to my
- 8 parent's house, the shortest link was not less than
- 9 35 kilometers, 35 kilometers.
- 10 MR. PRESIDENT: How long would one take to drive if one had a
- 11 car, I suppose from Kigali or from your location to
- 12 Gikomero, that area that you have just pointed out?
- 13 THE ACCUSED KAMUHANDA: Rwandan roads being what they are or
- 14 what they were, and according to the period of the
- 15 sessions it could have taken one hour to one hour and
- 16 half, to two hours.
- 17 MR. PRESIDENT: One hour to two hours to make the trip to
- 18 Kacyiru to Gikomero?
- 19 THE ACCUSED KAMUHANDA: And Gikomero to my parents residence.
- 20 MR. PRESIDENT: And what would be the direction of Gikomero
- 21 from your home? How would you describe it? Easterly,
- 22 on the West on the South, from your home location?
- 23 A. To go to Kacyiru to my parent's house one would go
- 24 Northerly. Northerly that is towards Uganda.
- 25 MR. PRESIDENT: Yes, you have just -- in your answer just made
- 26 you said that there were indeed people fleeing or
- 27 passing by, fleeing in your area during the period that
- 28 you stayed there between 7th April to about 18th April,
- 29 is that correct?
- 30 THE ACCUSED KAMUHANDA: Yes, Your Honour, that's correct.

1 There were some people that went by -- went through
2 during that period.

3 MR. PRESIDENT: By what means? Generally.

4 THE ACCUSED KAMUHANDA: They were on foot because they were
5 people who were running away from the fighting that was
6 happening on the other side of the hill of Kacyiru
7 because at that particular point there was fighting on
8 the other side of the hill of Kacyiru.

9 MR. PRESIDENT: Yes, another question again in clarification.
10 You have said in your evidence that during your stay
11 away from -- when you went out of Rwanda for a period of
12 about four/five years, is it correct -- you affirm that
13 during that period of time you did not in any way and in
14 any manner try to contact your relatives, your mother in
15 Gikomero or some relatives in Rwanda?

16 THE ACCUSED KAMUHANDA: Yes, I said so I never contacted them.

17 MR. PRESIDENT: You never even attempted, did you try -- was
18 it possible if you tried to get through to Gikomero or
19 to Rwanda, if you tried.

20 THE ACCUSED KAMUHANDA: The only attempts I made were indirect
21 attempts. Let me explain, I have a small brother in
22 Belgium. A small brother in Belgium and when I could
23 write to him because it was difficult to find money to
24 send letters, he was the only one that could tell me
25 what was happening at home so that he was the one that
26 went forth after the death of my mother in 1997 that is
27 two years after I had left.

28 MR. PRESIDENT: So that is the only contact you had.

29 THE ACCUSED KAMUHANDA: That was the only contact that I could
30 have even for him he had problems in Belgium because he

1 did not have any scholarship. So it was difficult for
2 him. It was two/three months subsidies that he had.

3 MR. PRESIDENT: Did I hear you correctly, maybe it could be a
4 question of interpretation. Did I hear you correctly
5 saying that you came to know about the death of your
6 mother two years later because we understand in the
7 course of your evidence in cross-examination -- I stand
8 to be corrected, I think it was two years that is July
9 to -- she died in July and you were informed in
10 September is that correct?

11 THE ACCUSED KAMUHANDA: I think that's an interpretation
12 error. It was two months after her death that I knew
13 it.

14 MR. PRESIDENT: Now in your location at Kacyiru you said in
15 your evidence that you stayed outside your houses day
16 and night from the 7th of April to about 17th or 18th of
17 April when you left because of problems of looters and
18 you have just said in answer to a question put to you by
19 Judge -- one of my colleagues here that in your area you
20 did not have occasion to see the looters in your
21 particular location. I think that's what you said. Now
22 my question is, is it the situation obtaining in your
23 area or during the entire period you were there. That
24 is from 7th April to 18th April, that is no looters
25 showed up in your area is that correct?

26 THE ACCUSED KAMUHANDA: The only looters I saw in my area were
27 two gendarmes that came to our -- ALR's place.

28 MR. PRESIDENT: Because I remember we heard you at least I
29 heard you that I did not see any looters, I did not see
30 them in my particular neighbourhood. So my particular

1 question that I am asking you, was it during the entire
2 period of eight or ten days that you were there guarding
3 your location?

4 THE ACCUSED KAMUHANDA: Yes, what I am saying is about the
5 whole period that whole period.

6 MR. PRESIDENT: None came to your area?

7 THE ACCUSED KAMUHANDA: None, except those two gendarmes at a
8 date that I couldn't remember.

9 MR. PRESIDENT: When did this happen? Was it a single
10 incident?

11 THE ACCUSED KAMUHANDA: It happened in one incident, one day,
12 sir.

13 MR. PRESIDENT: Despite that lay criminal activities in your
14 area you felt it was necessary to keep vigil you talked
15 about in your testimony.

16 THE ACCUSED KAMUHANDA: Yes sir, we thought it was necessary
17 to keep vigil because we didn't know when anything could
18 have happened.

19 MR. PRESIDENT: Thank you. Judge Ramaroson has one question.

20 JUDGE RAMAROSON: Now in your -- your commune was it in the
21 majority Tutsi or Hutu?

22 THE ACCUSED KAMUHANDA: Well, according to census and I found
23 this in some literature, the majority in Gikomero was
24 Hutu.

25 JUDGE RAMAROSON: And in your secteur?

26 THE ACCUSED KAMUHANDA: In our secteur the majority was Hutu.
27 It's the same thing.

28 JUDGE RAMAROSON: The Witness has said that Remera is near
29 Kacyiru. A Witness said that the Tutsi that were chased
30 from that commune for example those that were killed

1 from Gishaka came from all the areas including Remera,
2 and Remera is next to yours, Kacyiru.

3 THE ACCUSED KAMUHANDA: No, Remera is in the Kacyiru commune
4 but between Remera and Kacyiru you had a big hill called
5 Kimihurura. You had to get to Remera through the
6 Kimihurura hill.

7 JUDGE RAMAROSON: Yes, but did you know that the Tutsi in the
8 area had all fled as was said earlier on? Did you know
9 they all fled and why did they all flee?

10 THE ACCUSED KAMUHANDA: I didn't know that all Tutsi in the --

11 JUDGE RAMAROSON: I am not saying all but there were some
12 Tutsi. There were some Tutsi not the -- I can't
13 remember what the Witness said -- the Witness said the
14 Tutsi -- there were Tutsi that were from Remera and the
15 neighbouring areas. Did you know that there were Tutsi
16 that were fleeing from Kacyiru. The Kacyiru commune
17 were there Tutsi that were really running away?

18 THE ACCUSED KAMUHANDA: The reality is that everybody was
19 running away because the fighting was all over.

20 JUDGE RAMAROSON: But fighting there between who and who?
21 Looters -- you are talking about looters, are looters
22 fighters?

23 THE ACCUSED KAMUHANDA: It was a fighting area between the RPF
24 and government forces.

25 JUDGE RAMAROSON: I am talking about the 7th of April.

26 THE ACCUSED KAMUHANDA: From the 7th of April RPF was there
27 fighting with the government forces.

28 JUDGE RAMAROSON: And the government forces were composed of
29 what -- who? Were there Interahamwe amongst those
30 government forces for example?

- 1 THE ACCUSED KAMUHANDA: The government forces was an
2 established force.
- 3 JUDGE RAMAROSON: Of whom?
- 4 THE ACCUSED KAMUHANDA: Of Rwandans.
- 5 JUDGE RAMAROSON: Of Rwandan Hutus, Tutsi, or what?
- 6 THE ACCUSED KAMUHANDA: In the army there were Tutsi and Hutu
7 but the majority was Hutu.
- 8 JUDGE RAMAROSON: So that it was as from the 7th of April that
9 there were combat zones between the RPF and the
10 government forces. Is that what you are saying?
- 11 THE ACCUSED KAMUHANDA: Yes, this is what I am saying. This
12 is what I am asserting from the 7th of April there was
13 fighting between the government forces and the RPF. At
14 any rate this is what we were told over the radio.
- 15 JUDGE RAMAROSON: So that the Hutu and Tutsi were running
16 away?
- 17 THE ACCUSED KAMUHANDA: Yes.
- 18 JUDGE RAMAROSON: Thank you.
- 19 MR. PRESIDENT: All right -- yes, learned Counsels, our
20 attention has been drawn to some exhibit which -- before
21 this witness steps down from the Witness box. Which
22 should be addressed. We have the video by the Defence
23 and then I think Mr. Moore's video, a copy with specific
24 markings and --
- 25 MR. MOORE: With the timings.
- 26 MR. PRESIDENT: With the timings, yes.
- 27 MR. MOORE: I wonder if the --
- 28 MR. PRESIDENT: The photographs were formally admitted into
29 evidence so we have no problem with that.
- 30 MR. MOORE: The way I would suggest putting the video would be

- 1 -- put it as an original, as a number and then give it
2 what I call the copy with the timings on it to give that
3 a "C", standing for "copy". So for example Prosecution
4 43 would be the original, or Defence 43 and then 43C so
5 the court would know exactly which is which. C is
6 standing for copy. I don't know what it is in French.
7 I am perfectly at ease at this time but that's just a
8 suggestion.
- 9 MR. PRESIDENT: I think what we are going to do, we'll deal
10 with the Defence exhibit first as an exhibit, if there
11 are no objections and then we'll deal with the copy with
12 the timings as the Prosecution exhibit, you know, they
13 all talk about the same thing. It might be easier that
14 way. So can we get back to the Defence, Learned
15 Counsel. Do you want to produce that exhibit? That
16 video as an exhibit?
- 17 MS. CONDÉ: Yes, Mr. President, I would like to mark it as
18 41 -- D14.
- 19 MR. PRESIDENT: All right, any objection, Mr. Moore?
- 20 MR. MOORE: I think that's a proper course.
- 21 MR. PRESIDENT: Okay, so let the video -- how do we call it?
- 22 MR. MOORE: I would be inclined to call it, video of the
23 location of the houses of Kamuhanda.
- 24 MR. PRESIDENT: Yes. The video --
- 25 MR. MOORE: Or of Mr. Kamuhanda.
- 26 MR. PRESIDENT: Of Mr. Kamuhanda's home location.
- 27 MR. MOORE: Yes.
- 28 MR. PRESIDENT: Let it be admitted as Defence Exhibit No. 41.
29 (Exhibit No. 41 was admitted).
- 30 MR. MOORE: Yes.

- 1 MR. PRESIDENT: In Kacyiru. His home location in Kacyiru.
- 2 MR. MOORE: I am told that the copy in French is a copy.
- 3 MR. PRESIDENT: So there are French copies.
- 4 MR. MOORE: No, no it is just for the exhibit list which is in
5 English and French.
- 6 MR. PRESIDENT: Yes.
- 7 MR. MOORE: So what I am suggesting is that the copy to be
8 just given 41C.
- 9 MR. PRESIDENT: We don't -- I think there are --
- 10 MR. MOORE: Because all it is -- it's the Defence Exhibit with
11 the time prints on it to help the court. We haven't
12 modified it in any way we have just added the timings to
13 save complications.
- 14 MR. PRESIDENT: What do you say to that? Do you want to have
15 the copy also admitted as Defence exhibit with the
16 timings? What does the Defence say on that?
- 17 MS. CONDÉ: Yes, it's because we have done the same thing and
18 we felt that it would be good for there to be this kind
19 of timing so that we can fit ourselves to a certain time
20 frame.
- 21 MR. PRESIDENT: Well, in that case we'll take the original
22 video of the home location of Mr. Kamuhanda at Kacyiru
23 to be admitted as Defence Exhibit No: 41A, and the copy
24 made -- the copy of that video with timings on be
25 admitted as Defence Exhibit number 41B. All right.
26 Okay, Counsel for the Defence is that okay.
27
- 28 (Exhibit No. 41A and 41B was admitted)
- 29 MS. CONDÉ: Absolutely.
- 30 MR. MOORE: Yes, I have no problems with that.

1 MR. PRESIDENT: Okay. All right. So can we have that copy
2 please, formally. I think the Registry do not have it.

3 MR. MOORE: Well, it was used by the video technicians I
4 imagine it is still residing with them.

5 MR. PRESIDENT: Can you make sure you have it. Can we have a
6 look at it. Bring it so that we see that it is there.
7 We wouldn't like to admit an exhibit which is not
8 available and then it will be a problem.
9

10 Yes, do you have it? All right. Any other exhibit that
11 has not been addressed, Mr. Moore?

12 MR. MOORE: Yes, there's one exhibit which I referred to. It
13 was a document that was created by the Defence to amend
14 the original alibi notice.

15 MR. PRESIDENT: Okay.

16 MR. MOORE: And that clearly went in, and was cross-examined
17 on it. I am entirely in the Court's hands in relation
18 to this and perhaps the court's guidance. The amendment
19 itself and the original document would have resided
20 within the registry. And consequently it really brings
21 the question whether it is an official court document.
22 For my part I think the best course would be for the
23 documents to remain with the Registry other documents
24 that mirror those two to be given to the Court officers
25 and to be used as exhibits and then give them A and D
26 number.

27 MR. PRESIDENT: I think we must have copies of that -- of
28 those documents and they can formally be tendered into
29 these proceedings as exhibits.

30 MR. MOORE: Yes.

1 MR. PRESIDENT: For ease of reference we cannot be going back
2 to the registry every time there's a need to have a look
3 at those documents.

4 MR. MOORE: What I would do, I don't know what has been done
5 before I will ensure that the document --

6 MR. PRESIDENT: Any objection to that, Learned Counsel for the
7 Defence.

8 MS. CONDÉ: I thought all the rulings of this Chamber that
9 were entered were part of the records and all documents
10 were part of the documents and I thought all my exhibits
11 including my first alibi notice. I thought all these
12 were part of the record. So these are part of the
13 proceedings. They don't necessarily come in as
14 exhibits. I think it is part of the proceedings and is
15 all part of the records.

16 MR. PRESIDENT: They are part of the record for ease of
17 reference. Some of these specific aspects could be put
18 in, we propose. We have these documents, they are part
19 of the record yes, but I think it's a question of
20 easiness, ease of reference for a particular point and
21 it's more focused that way. The documents will remain
22 for a particular demonstration of the issue that was
23 involved. It might be easier to come back to them in
24 that way.

25 MS. CONDÉ: Once I can make references -- as long as I can
26 make references to them then I have no objection to
27 that.

28 MR. PRESIDENT: So, we will -- do you have those documents
29 ready, Mr. Moore?

30 MR. MOORE: We have some of the documents ready. I want them

1 both to be in French and in English.

2 MR. PRESIDENT: Yes.

3 MR. MOORE: And so would you just forgive me for one moment,

4 please.

5 MR. PRESIDENT: Yes, because we intend to -- if they are not

6 ready we will be taking a 15 minutes break at this

7 juncture when we come back to start -- when we come back

8 to start the testimony of the Witness. The witness is

9 here.

10 MS. CONDÉ: Yes, absolutely, Mr. President.

11 MR. PRESIDENT: So, we'll take a 15 minutes break and when we

12 come back we'll finalize dealing with the documents that

13 relate to the evidence of the accused person before he

14 steps down from the Witness box and before the next

15 witness is called. Okay, all right. So we'll take a 15

16 minutes break and we came back at 25 past four.

17 (Court recessed at 1610H)

18 (Court resumed at 1630H)

19 MR. PRESIDENT: The proceedings are resumed. Yes, Mr. Moore.

20 Do you have the documents.

21 MR. MOORE: Yes, we have got the documents. The motion to

22 rectify the material error we have in both French and

23 English.

24 MR. PRESIDENT: Yes.

25 MR. MOORE: Which I pass forward. The Registry have got the

26 numbers.

27 MR. PRESIDENT: What else do you have?

28 MR. MOORE: And then we have got the original alibi notice

29 that has been served.

30 MR. PRESIDENT: Yes.

- 1 MR. MOORE: And that is a document that is dated -- excuse me.
- 2 MR. PRESIDENT: Both in English and French as well?
- 3 MR. MOORE: No, the original was in French.
- 4 MR. PRESIDENT: The original was in French.
- 5 MR. MOORE: Was in French only.
- 6 MR. PRESIDENT: All right let's start with the original notice
7 of alibi in French dated which date?
- 8 MR. MOORE: Would you just forgive me for just one moment
9 please.
- 10 MR. PRESIDENT: Yes.
- 11 MR. MOORE: Yes, this is the statement dated the 29th of
12 March.
- 13 MR. PRESIDENT: 29th of March.
- 14 MR. MOORE: 2001.
- 15 MR. PRESIDENT: 2001. That's the notice for alibi.
- 16 MR. MOORE: That is what I call the general knowledge of alibi
17 in French.
- 18 MR. PRESIDENT: In French. And you want it produced?
- 19 MR. MOORE: Yes, I do, please.
- 20 MR. PRESIDENT: Okay, no objection I think we discussed this
21 matter, Counsel.
- 22 MS. CONDÉ: No, no objection but they called it general notice
23 of alibi? Notice of alibi. I don't think there should
24 be any sub-titles. There's a title to it.
- 25 MR. MOORE: I am quite happy to call it that -- not that it
26 doesn't have a title but I am quite happy because all
27 one is trying to do is put an index to identify it.
28 "Notice of alibi".
- 29 MR. PRESIDENT: "Notice of alibi" dated 29th March 2001 in
30 French, no objection from the Defence. Let the said

1 document be admitted as Prosecution Exhibit number --
2 MR. MOORE: Yes, I wonder if the Registry can help me with
3 that.
4 MR. KIYEYEU: It will be Exhibit No. 37 My Lord.
5 MR. PRESIDENT: 37?
6 MR. KIYEYEU: Yes, My Lord.
7 MR. PRESIDENT: You have a problem?
8 MS. CONDÉ: No, I thought it was one of my own exhibits. You
9 know I was thinking about the number but otherwise no.
10 MR. PRESIDENT: It's a Prosecution exhibit, so it will be
11 Prosecution exhibit number 37 and then the other one is
12 what.
13 (Exhibit No. 37 was admitted)
14 MR. MOORE: Then this is the motion to rectify material error
15 I got this in English and that's stated on the 11th of
16 March 2002.
17 MR. PRESIDENT: Two thousand and two. Motion to rectify?
18 MR. MOORE: Motion to rectify material error.
19 MR. PRESIDENT: Just a minute. Motion to rectify material
20 error. Yes, of which date, you say?
21 MR. MOORE: Well, it's signed or it's dated 11th of March --
22 it's almost a year exactly afterwards.
23 MR. PRESIDENT: 2002.
24 MR. MOORE: Correct.
25 MR. PRESIDENT: It is in French and in English.
26 MR. MOORE: Well, that's the document in English I will just
27 pass that forward and then I have got the same document.
28 MR. PRESIDENT: In French.
29 MR. MOORE: In French.
30 MR. PRESIDENT: Okay. I think it could be suspected that this

1 must have been done in French. Was it? The original is
2 the French version -- the French text. We start with
3 the French. The only thing we cannot -- how do you call
4 it, Madam Learned --

5 MS. CONDÉ: The exact title is a motion for the rectification
6 or correction of material errors.

7 MR. PRESIDENT: Okay. You have no objection to the --

8 MS. CONDÉ: No, sir.

9 MR. PRESIDENT: The documents with regard to -- regarding the
10 motion to rectify material error dated 11th March 2002,
11 these documents could be admitted in the following
12 manner. The French will be Prosecution exhibit number
13 38(a) the French and then the English text of that
14 document be admitted as Prosecution Exhibit No. 38(b).
15 38(b) okay.
16 (Exhibit No. 38(a) and 38(b) was admitted)

17 MR. KIYEYEU: I am sorry, My Lord, I think there will be
18 containing some confidential materials.

19 MR. PRESIDENT: Okay, those two documents might -- all the
20 documents, I don't know it is Exhibit 37 and 38 that
21 might contain some names of the protected witnesses.

22 MS. CONDÉ: And a notice of alibi and the motion to rectify
23 the material errors. Both carry the names -- full names
24 of witnesses and even their addresses.

25 MR. PRESIDENT: Okay. As these documents that is Exhibit 37
26 and Exhibit 38(a) and 38(b) contain names of protected
27 witnesses the same document shall be kept under seal.

28 MR. KIYEYEU: We have taken note, My Lord.

29 MR. PRESIDENT: Yes. All right anything else? No. Okay.

30 Kamuhanda this marks the end of your evidence on your

1 own behalf. We thank you. You may take -- you may go
2 back to your seat.

3 THE ACCUSED KAMUHANDA: I thank you, Mr. President and the
4 entire Bench.

5 (Pages 117 to 131 by Judith Kapatamoyo)

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1 1545H

2 MS. CONDÉ: Yes, Mr. President, apart from my first two or
3 three questions, all the others deal with the alibi, so
4 I was wondering whether we can have a closed session
5 right from now even the very first question, since I
6 will be asking in which neighbourhood she lived in 1994.
7 We'll go straight to the main point.

8 MR. PRESIDENT: Mr. Moore, any objection, the Defence proposed
9 to go in closed session?

10 MR. MOORE: No, I would have thought that's probably correct.

11 MR. PRESIDENT: Okay. All right. But I hope, Learned
12 Counsel, in the course of the testimonies of these
13 witnesses, we will have time to go into open session,
14 where warranted.

15 MS. CONDÉ: The witness had asked that she be heard in closed
16 session, and I respect her wishes. And the whole
17 gymnastics of pseudonyms maybe would be a problem, but
18 the whole thing revolves around the alibi.

19 MR. PRESIDENT: We'll go in closed session for the reasons
20 given by the Defence Counsel, and there is no objection
21 because we are told the evidence straight away will
22 touch on issues concerning a location where protected
23 witnesses may also be mentioned.

24
25 All right. Registry, can we see to it that the closed
26 session is in place.

27 MR. KIYEYEU: Yes, My Lord, I am just waiting for the
28 indication.

29 MR. PRESIDENT: Okay.

30 MR. KIYEYEU: Yes, My Lord. We are ready to go in closed

1 session.

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4 (At this point in the proceedings, a portion of the
5 transcript (pages 134 to 144) was extracted and sealed
6 under separate cover as the session was heard in camera)

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9 (Pages 117 to 135 by Judith Kapatamoyo)

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C E R T I F I C A T E

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

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in nowise interested in the result of said cause.

_____	(Pages 1 to 2)
Petrus Chijarira	(Pages 3 to 8)closed
	(Pages 9 to 22)
_____	(Pages 23 to 49)
Regina Limula	(Pages 101 to 116)
_____	(Pages 50 to 54)
Judith Kapatamoyo	(Pages 55 to 64)closed
	(Pages 65 to 73)
	(Pages 117 to 133)
	(Pages 134 to 135)
_____	(Pages 74 to 100)
Haruna Farage	(Pages 136 to 145)closed