

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-00-56-T  
CHAMBER II

THE PROSECUTOR  
OF THE TRIBUNAL

v.

AUGUSTIN NDINDILIYIMANA  
FRANÇOIS-XAVIER NZUWONEMEYE  
INNOCENT SAGAHUTU  
AUGUSTIN BIZIMUNGU

THURSDAY, 17 FEBRUARY 2005  
1008H  
CONTINUED TRIAL

Before the Judges:

Joseph Asoka de Silva, Presiding  
Taghrid Hikmet  
Seon Ki Park

For the Registry:

Mr. Christopher Fry  
Mr. Abraham Koshopa

For the Prosecution:

Mr. Ciré Aly Bâ  
Ms. Ifeoma Ojemeni Okali  
Mr. Segun Jegede  
Mr. Moussa Sefon  
Mr. Alphonse Van  
Mr. Abubacarr Tambadou

For the Accused Augustin Ndindiliyimana:

Mr. Christopher Black

For the Accused François-Xavier Nzuwonemeye:

Ms. Danielle Girard

For the Accused Innocent Sagahutu:

Mr. Fabien Segatwa

For the Accused Augustin Bizimungu:

Mr. Gilles St-Laurent  
Mr. Ronnie MacDonald

Court Reporters:

Ms. Leslie Todd  
Mr. Haruna Farage  
Mr. Mark Porter  
Mr. Petrus Chijarira  
Ms. Sithembiso Moyo

I N D E X

WITNESS

For the Defence:

WITNESS GAP

Cross-examination by Mr. St-Laurent (*continued*).....2

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

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MR. PRESIDENT:

Good morning, ladies and gentlemen. Sorry for the delay. The registrar will announce the proceedings.

MR. FRY:

Thank you, Your Honour. Trial Chamber II of the International Criminal Tribunal for Rwanda, composed of Judge Asoka de Silva, presiding, Judge Hikmet and Judge Park, is now sitting in open session today, Thursday, the 17th of February 2005 for the continuation of the trial in the matter of the Prosecutor versus Ndindiliyimana et al., Case No. ICTR-2000-56-T.

Thank you, Your Honour.

MR. PRESIDENT:

Will counsel please state their appearances.

MR. BÂ:

Thank you, Mr. President. The Office of the Prosecutor is represented this morning by Mrs. Ifeoma Ojemeni Okali, trial attorney, Mr. Alphonse Van, senior trial attorney, Mr. Sefon – Mr. Moussa Sefon, trial attorney, Ms. Faria Rekkas, case manager, and I'm Ciré Aly Bâ, senior trial attorney.

MR. PRESIDENT:

Defence, please.

MR. ST-LAURENT:

Good morning, Mr. President, Your Honours. Gilles St-Laurent, lead counsel for Bizimungu. I'm accompanied by Mr. Ronnie MacDonald and Natalie Leblanc, assistant.

MR. SEGATWA:

Good morning, Mr. President, Your Honours. Segatwa, Fabien, lead counsel for the defence of the interests of Innocent Sagahutu. I'm assisted by Mathias Sahinkuye, legal assistant. Thank you.

MR. BLACK:

Good morning, Judges. Christopher Black, with Professor Claver Sindayigaya, for General Ndindiliyimana.

MS. GIRARD:

Good morning, Mr. President, Your Honours. Danielle Girard, co-counsel for the defence of François-Xavier Nzuwonemeye.

MR. PRESIDENT:

Yes, Defence counsel, you may proceed.

WITNESS GAP,

CROSS-EXAMINATION (continued)

BY MR. ST-LAURENT:

Q. Mr. Witness, is it correct to say that in your statement -- in your testimony before this Chamber referring to your meeting of 25 January 1991, you mentioned the following persons as having attended that meeting: That is, Augustin Bizimungu, Joseph Nzirorera, Juvenal Kajelijeli, Efrem Setako, Casimir Bizimungu, Baheza, the *responsable de cellule* and *conseiller de secteur*, is that correct?

A. That is correct.

Q. Is it also correct to say, Witness, once again with reference to your testimony before this Chamber, that you said Kajelijeli was the one who convened the meeting?

A. That is correct.

Q. And that that meeting of the 25th of January 1991 was chaired by Nzirorera and Augustin Bizimungu; is that correct?

A. That is correct.

Q. Witness, I would like to refer to your statement -- or your testimony in the matter of Casimir Bizimungu, dated 20th January 2004, page 6 of the transcript -- page 6 of the French version and page 5 of the English version. Page 6, French version; page 5, English version -- where the following question was put to you and you answered as follows --

MS. OJEMENI OKALI:

Which date, please?

MR. ST-LAURENT:

20th January 2004.

BY MR. ST-LAURENT:

Q. The question put to you was as follows: "Did anything happen in your locality following the attack launched against the Ruhengeri prison?"

Answer: "Following the attack on Ruhengeri prison, there was a meeting in Mukingo *commune*."

Question: "Who convened the meeting?"

Answer: "The meeting was convened by Nzirorera."

Do you admit having stated that in your testimony in the case of -- in the matter of Casimir Bizimungu?

A. Yes, I admit having made that statement.

Q. Why is it that in that testimony you stated it was Nzirorera who convened the meeting, whereas in your testimony before this Chamber you said it was Kajelijeli?

A. Let me explain this to you. It is the *bourgmestre* of the *commune* who was in charge of *communal*

administration, and he ought to convene all persons who had to attend the meeting, and he had to draft the invitation letters. And he had to introduce those who initiated the meeting. That means that it is Kajelijeli who invited the participants to the meeting, but it is Nzirorera who called the meeting.

Q. Who called the meeting, Witness, Nzirorera or Kajelijeli?

A. Kajelijeli drafted the invitation letter to be addressed to the participants, but when the meeting started, he introduced those who initiated the meeting.

MR. PRESIDENT:

Mr. Witness, are you saying that Nzirorera or Kajelijeli convened the meeting but Nzirorera presided over the meeting?

THE WITNESS:

Yes, that is what I'm saying, Mr. President. The meeting was convened by Kajelijeli, but it was chaired by Nzirorera and Bizimungu.

BY MR. ST-LAURENT:

Q. Witness, but in your testimony in the -- in your earlier testimony, you did not make reference to --

THE ENGLISH INTERPRETER:

Sorry. We didn't get the question.

THE WITNESS:

If I did not mention Augustin Bizimungu in my testimony in the Casimir Bizimungu case, I'm doing so today because I came here to testify against Augustin Bizimungu

BY MR. ST-LAURENT:

Q. But when you testified against Casimir Bizimungu, you mentioned Nzirorera.

A. Let me tell you this. In my statement, as well as my testimony, there are things that I decided to say before the Tribunal. If on that day I did not mention Augustin Bizimungu, I'm doing so today.

Q. Was Baheza present at the meeting of January 1991?

A. Yes.

Q. Then, Witness, why is it that Baheza does not appear in the lists of names that you gave in the *Casimir Bizimungu* case?

A. Today you are admitting that the meeting was chaired by Augustin Bizimungu and are you implying that there were no other participants, and yet you were not present in that meeting, Counsel.

Q. Witness, let me put something to you. It's just that I have difficulties in understanding, a lot of difficulties, and that kind of feeds my imagination. It is just when I put questions to you, you are -- you say a lot, and you say a lot in bringing out your information. But when you gave your testimony in other cases, you give the minimum answer to the questions that have been put to you, overlooking the facts and even overlooking the names of the persons who are supposed to have committed offences. How do you explain that, Witness?

A. But you yourself will recognise that to err is human, and instead of defending the interests of Casimir Bizimungu, you are defending that of Setako. You must then tell the Court that you stopped

1 defending the interests of Casimir Bizimungu.

2 MR. PRESIDENT:

3 Casimir Bizimungu --

4 THE ENGLISH INTERPRETER:

5 Sorry, Your Honour. It was the interpreter's mistake. You are defending the interests of  
6 Augustin Bizimungu.

7 MR. ST-LAURENT:

8 Mr. President, I'm making a lot of effort to put very clear, concise questions, but the witness takes a lot  
9 of time to answer, adding a lot of facts, justifications, and so on and so forth. I want to get through this  
10 cross-examination as quickly as possible, and if the situation continues, don't hold it against me, and  
11 things might drag on longer than anticipated.

12 MS. OJEMENI OKALI:

13 I wish to also draw my learned friend's attention to the fact that he puts long questions -- he should put  
14 specific questions -- and at times he argues with the witness, so he should bear that in mind also when  
15 the witness is responding.

16 MR. PRESIDENT:

17 You must also remember that since you are asking questions which warrant explanations from him, he  
18 has to give some explanation. So it might take a little time. But anyway, try to be specific and precise.

19 BY MR. ST-LAURENT:

20 Q. Witness, I'm going to ask you to reconcile what you said before this Chamber with your statement made  
21 on 21 April 1999 -- in the French version, it's page 8291 of the French version -- where you said: "In  
22 1990, at the outbreak of the war" --

23 MS. OJEMENI OKALI:

24 Your Honours, is it possible for my learned friend to also refer the interpreters to the English, because  
25 they have the statements and it would also assist in future reference.

26 MR. PRESIDENT:

27 Yes, please, Counsel, follow that procedure.

28 MR. ST-LAURENT:

29 That is one of the reasons why my assistant is present, Mr. President. Can I -- would it not be possible,  
30 because I always begin the reference with the French version, will it not be possible -- I won't be long,  
31 my learned friend -- will it not be possible for my learned friend to be able to locate the passage in the  
32 English version on page 8291?

33 MS. OJEMENI OKALI:

34 Your Honour, it's not a question of being able. We are talking of proper identification for the records  
35 and for future reference by others. This is the practice of the -- that I'm used to in the Tribunal, and I  
36 think my learned friend, at least before he comes to court for cross-examination, he already knows the  
37 areas that he intends to cross-examine on, so he should be able to, you know, at least before he starts

or while he is preparing his cross-examination, to identify both the French and the English. Not just for me, because, I mean, it is very easy, but for everybody to be on the same page and for proper identification in the records.

MR. PRESIDENT:

Yes, Counsel, I think you must make use of your time to do that.

Yes. Now we will just refer to the paragraph -- which paragraph?

JUDGE PARK:

Second.

MR. ST-LAURENT:

That is what I was going to do, Mr. President. It was the second paragraph, and I think that is easy to identify even in English.

BY MR. ST-LAURENT:

Q. I quote, Witness: "In 1990, at the outbreak of the war, Kajelijeli summoned a meeting of the *conseillers* of the *commune* and asked them to arrest all Tutsi intellectuals in Mukingo *commune*, of which he was the *bourgmestre*. The intellectuals were considered to be *Inkotanyi* accomplices. I did not attend the meeting, but as \*\*\*\*\* *de cellule* where the meeting was held, and \*\*\*\*\* the *commune* office, it was very easy for me to know the agenda. Also while giving an account of the meeting, the *conseiller* told us that a decision was taken to arrest Tutsi intellectuals."

Witness, do you acknowledge having given this statement, this portion I've just read to you in your statement dated 21 April 1999?

A. Yes, I gave that statement.

Q. Then tell me where is Nzirorera and Bizimungu in relation to the meeting of 25th January 1991, based on this statement you gave on 21 April 1999?

A. From what you've just read to me from that statement, that meeting was held by Kajelijeli, and it took place in 1990, at the beginning of the war, but the meeting that you are referring to was held in 1991. That is the one that was chaired by Bizimungu and Nzirorera and took place after the opening of the Ruhengeri prison. So you will understand that there are two different meetings: the one held by Kajelijeli in 1991, and another one chaired by Nzirorera and Bizimungu in 1991 after the jail break in Ruhengeri.

Q. Very well, Witness. But is it not correct to say that that meeting was summoned and brought together the *communal* authorities, and it was called by the *communal* authorities which brought together people who were normally in attendance in that kind of meeting where you have *communal* authorities or those who, on account of their function, were entitled to be at such meetings? That is the point of this meeting of 1990. It follows the same reasoning in the sense that it brings together the *communal* authorities. Is that not true?

1 A. That is correct.

2 Q. In your statement of 26 June 2000, page 8277 of the French version and page 8265 of the English  
3 version -- 8265 of the English version, last paragraph of the French version -- that is page 4 of the  
4 English version, paragraph 7 -- paragraph 7, page 4 of the English version, regarding the massacres of  
5 Tutsis by Kajelijeli and Joseph Nzirorera's men. "The first group of victims were murdered in late  
6 February 1991 by Kajelijeli himself and forces of the *communal* police." On to the next page is -- the  
7 next paragraph in the English version, "Before embarking on these killings, Kajelijeli, in his capacity as  
8 *bourgmestre* of Mukingo, had organised and presided over a meeting of the chiefs *de secteur* of his  
9 office. I'm not able to remember the date, but it was towards the end of February 1991. At that  
10 meeting, he announced all the Tutsis as being accomplices of the RPF. The chiefs *de secteur* were  
11 asked to write down the names of the Tutsis living in their respective *secteur*, and the lists were then --  
12 the lists were then used by the police to carry out arrests. This operation was basically aimed at the  
13 intellectuals who were automatically suspected of being RPF collaborators."

14

15 Do you admit having made that statement on the 26th June 2000?

16 A. Yes, I admit having made that statement.

17 Q. Where is Augustin Bizimungu, either as a participant or co-chairman of that meeting? He does not  
18 appear anywhere, Witness, in your statement of 26th June 2000. How do you explain that?

19 A. Here you are coming back to the issue we discussed yesterday. I told you yesterday that in 1998 up  
20 until 2000 I was not making reference to Bizimungu because I had not yet confessed my crime. I made  
21 reference to Bizimungu after I confessed. And from when I spoke about Bizimungu before the  
22 prosecutor and the *Gacaca* court, you will understand that this was after I confessed my crime.

23 Q. Witness, where were you during the meeting of 1990 which we referred to a while ago? According to  
24 your own statement, you did not attend that meeting, but you received -- a report was submitted to you.  
25 Where were you then during that meeting?

26 A. I told you that what was said at the meeting was reported to me, so I was not present at that meeting,  
27 so you cannot ask me where I was. I don't think that is important.

28 MR. ST-LAURENT:

29 I submit, Mr. President, that this is a relevant question, to know where the witness was during this  
30 meeting.

31 MR. PRESIDENT:

32 You have said that you only heard about the meeting, so in relation to that only, this question is put to  
33 you as to where you were on the day that the meeting was held. Can you remember?

34 THE WITNESS:

35 Yes, I remember where I was. I found out about the meeting when I was in Camp Mukamira.

36 BY MR. ST-LAURENT:

37 Q. Witness, please refer -- with reference to the meeting mentioned in the statement of 21 April 1999 and



26 July 2000, and with reference to the statements of 14th and 15th July 2003 with regard to the meeting of 25 January 1991 -- I'm referring to page 8204 in the French version and 8209 of the English version, bearing number K0500216. I quote from your statement to the investigators, Witness. "I recall that in January 1991, I attended a meeting chaired by Nzirorera at the conference room in Mukingo communal office. The main issue in this meeting was that the RPF had attacked Rwanda, and Nzirorera therefore requested a list of Tutsi accomplices be prepared. At that time Nzirorera was a prominent member of the MRND, and later he became the secretary of the MRND and minister of public works."

Do you admit to having made this statement to the ICTR investigators on the 14th and 15th July 2003?

A. Yes, I made that statement.

Q. Am I to understand that it is in fact Nzirorera who chaired that meeting, according to this statement?

A. I said that Nzirorera chaired the meeting in his capacity as civilian authority, given that Bizimungu was chairman in his capacity as a military officer.

Q. Witness, I submit that in your statement of the 14th and 15th July 2003, which statement you made before the investigators of the ICTR, you did not say that Augustin Bizimungu was chairing the meeting; rather, you said it was Nzirorera.

A. Let me put a question to you, Counsel.

MR. ST-LAURENT:

With your permission, Mr. President, I think it is a simple question, and I want to find out why he gave the name of Nzirorera in a statement, and I do not understand why he wants to put questions to me.

MR. PRESIDENT:

Witness, the question is in relation to the previous answer you gave, because you said that up to 2002 you had not decided to implicate Bizimungu, and now the counsel is asking with reference to the statement done by you in 2003, as to why there is no mention of Bizimungu's name. That is the question. You can answer it.

THE WITNESS:

In my statement of 29 September 2002, I said that Bizimungu chaired that meeting, and in the eight statements, there are some that mention Bizimungu. On that particular day, I did not mention Bizimungu because I was being asked questions about Nzirorera.

MR. PRESIDENT:

That's the answer he gives. He said that he had mentioned Bizimungu prior to the statement he gave on this date.

MR. ST-LAURENT:

I will take the answer for what it's worth, Mr. President.

MR. PRESIDENT:

If it is not true, you can contradict him with the statement he is referring to.

1 MR. ST-LAURENT:

2 I will come back to it in a few minutes, Mr. President.

3 BY MR. ST-LAURENT:

4 Q. Still, moving on to your statement of the 23rd of February 2003, Witness, and, to be specific, in the  
5 French version it is page 8197, and in the English version it is page 8190, K0278539. It is the first  
6 paragraph of page 8197, in which the witness said, and I read: "I remember a meeting held in 1991 at  
7 the Mukingo *commune* office, chaired by Nzirorera -- Joseph Nzirorera. At the said meeting, we were  
8 asked to identify Tutsis suspected to be accomplices of the *Inyenzi* enemy. I attended the meeting, but  
9 do not remember the exact date it was held. I attended the meeting but do not remember the exact  
10 date it was held."

11  
12 Witness, do you recall or recognise having made this statement to the investigators of the ICTR on  
13 23 September 2003?

14 A. Yes, I made that statement.

15 Q. Just -- please enlighten me. Were you there or not at the meeting in January? Where exactly were you  
16 standing? Were you in the room, at the door?

17 A. I was present.

18 Q. Where were you present at the meeting of 25 January 1991?

19 A. I took part in that meeting.

20 Q. In your statement dated 28 June 2000, you mentioned a meeting that took place in late February 1991.  
21 I'm not going to quote the portion to you for now, but I want to know whether the meeting of late  
22 February 1991, to which you refer in your statement of 28 June, is the same meeting as that of the end  
23 of January 1991.

24 MR. BÂ:

25 Counsel, I think it would be preferable that you quote -- I think they know me by now.

26 MR. PRESIDENT:

27 Yes.

28 MR. BÂ:

29 I think it would be best for you to quote the portion of text. You've been doing so since the start of your  
30 cross-examination. It is better you give the quotation so that we can all follow you and in order to avoid  
31 you giving your own summary.

32 MR. ST-LAURENT:

33 I understand there are more objections to make to that, but it appears there are two objections to my --

34 MS. OJEMENI OKALI:

35 For clarification, I had 28 of June -- are you referring to 28 June 2000? No, I had 28th or -- I don't have  
36 the statement of the 23rd, so if he can mention the correct date.

37

1 MR. PRESIDENT:

2 26th June.

3 MR. ST-LAURENT:

4 I apologise if I've misled the Court. It is actually the 26th of June.

5 BY MR. ST-LAURENT:

6 Q. With reference to the French version, page 8276, and in the English, it is 8265, K number K0167955,  
7 paragraph 1. This is page 4 of the English version, paragraph -- the last paragraph. "As being  
8 accomplices of the RPF, the chiefs *de secteur* were asked to write down the names of the Tutsis living  
9 in their respective *secteurs*, and the lists were then used by the police to carry out arrests. This  
10 operation was basically aimed at the intellectuals who were automatically suspected of being RPF  
11 collaborators." This statement to which we have already referred implies, Mr. Witness, that it was once  
12 again the *bourgmestre* who convened and chaired the meeting of the *conseillers*. Correct?

13 MS. OJEMENI OKALI:

14 The Defence has already referred to this and asked the same question a while ago.

15 MR. PRESIDENT:

16 Yes. Counsel, I think you have to clarify. You were referring to a meeting held in February 1990 and  
17 this meeting which is again in February 1991. So to which meeting are you referring to?

18 MS. OJEMENI OKALI:

19 Just to add, Your Honour, please, with your leave, he actually mentioned late February, and which is  
20 not here, and when he started -- when he said he wasn't going to read the paragraph, he mentioned a  
21 meeting that took place -- another meeting that took place --

22 MR. PRESIDENT:

23 He made the statements in the end of February.

24 MS. OJEMENI OKALI:

25 Yes, okay. But it's another meeting, when, in actual fact, he had previously referred to this meeting. So  
26 maybe that is why he didn't want to read it.

27 MR. ST-LAURENT:

28 Not at all. There is absolutely no bad faith. The only reason I'm reading this is in order for him to  
29 identify this as being the same meeting he referred to in other statements, because here there is talk of  
30 end of February 1991, whereas in other statements I've referred to, there is reference to the meeting of  
31 25 January 1991. That's the only reason I've read it out, and that's the only question I've put to him,  
32 and in order to save time I've asked him whether the meeting of late February, according to this  
33 statement, is the same meeting as the meeting in late January 1991. I have been asked to read it  
34 again, which I did. My question is simple: Is the witness referring to the same meeting when he says  
35 late February 1991 as the meeting of 25 January 1991?

36 THE WITNESS:

37 Both meetings had the same agenda but it was not the same meeting.

1 BY MR. ST-LAURENT:

2 Q. So this is not the meeting of 25 January 1991 that you had referred to in the passage that I read to you?

3 All right.

4  
5 In your testimony in the *Kajelijeli* trial -- and here I will endeavor to give very specific reference to the  
6 transcript --

7 MR. ST-LAURENT:

8 I apologise. I think we have a problem here. It appears we do not have the references in English of the  
9 transcript.

10 MR. PRESIDENT:

11 If you can give an indication to them of where you are reading, which page in French, and I think they  
12 might be able to take time, but in order to follow the proceedings, the Prosecution --

13 MR. ST-LAURENT:

14 I'm sorry, Mr. President. It appears, Mr. President, that we have a technical problem. Please allow me  
15 to -- would you give me a minute?

16 MR. PRESIDENT:

17 Yes.

18 MR. ST-LAURENT:

19 Mr. President, with your permission, I will come back to this issue.

20 MR. PRESIDENT:

21 Yes.

22 MR. ST-LAURENT:

23 The issue of the *Kajelijeli* trial. I will move on to another point so that before we go into break, I might  
24 be able to come back to the French version and give you the exact reference in English.

25 BY MR. ST-LAURENT:

26 Q. Witness, do you know the law governing the organisation of *préfectures*?

27 A. I do not know this law.

28 Q. I will read a number of articles to you, Witness, and I will ask you if you are aware of the context  
29 thereof, as well as the meaning of the contents of those articles.

30 MS. OJEMENI OKALI:

31 Your Honour, the witness has already said he is not aware of the law, so I don't know why my learned  
32 friend still wants to read that, the paragraph -- I mean the articles.

33 MR. PRESIDENT:

34 They don't want his opinion on the law. Mr. Counsel, I think the witness had said that he doesn't know  
35 the existence of those articles, so there is no point in pursuing on that line.

36 MR. ST-LAURENT:

37 But, Mr. President, I submit that I can put questions to him as to whether he knows the content of some

principles, principles regarding the organisation. He doesn't have to know the articles; he doesn't have to know the law. I can ask him if he knows which -- who is the leading authority in the *préfecture*.

One moment, please. Let me finish at least. Mr. President, it is really tiresome. Let me at least finish. The witness will not say anything compromising. Please.

What I want to say, Mr. President, is I can ask him if he knows, for instance, who is the *responsable de préfecture*. It is not just because it is contained in a context of law and because he is not a lawyer that he cannot say that the *préfet* is the main authority in the *préfecture*. That is the objective of that question. Now, I can ask him about the content --

MR. PRESIDENT:

Your question was whether he knows about the articles, and he said, "I don't know." So the last question you formulated is a legitimate question, and you can ask it. Yes.

MS. OJEMENI OKALI:

Your Honour, just -- I'm sorry I'm interrupting, but I only interrupt when it is relevant. I mean, we are all here to assist the Court in what we are doing here. If my learned friend -- I'm not saying that he cannot put a proposition which, you know, contains the law, but as long as it is not read verbatim from the article which the -- of a law which this witness has said that he is not aware of. He can put a proposition, he can make a statement, but he cannot read it.

MR. PRESIDENT:

He is putting it in a different form.

Yes, Counsel.

MR. ST-LAURENT:

Thank you, Mr. President.

BY MR. ST-LAURENT:

Q. To your knowledge, Mr. Witness, is it correct to say that the main official in charge of administration and development in the *préfecture* is the *préfet*?

A. Yes, it is the *préfet*.

Q. Is it correct to say, Witness, as far as you know, that it is for the *préfet* -- it is the *préfet's* duty to ensure peace and order, as well as safety of persons and property at the level of the *préfecture*?

A. That would not be correct because it is the area commandant who is in charge of security and ensuring public order.

Q. Witness, does the *préfet* have any role to play with regards to ensuring or providing public order in the *préfecture* where he is exercising his authority, to your knowledge?

A. He cannot do this without working closely with the area commander in terms of providing this security.

Q. Does the *préfet* have any say or role to play with regard to providing security and public order in the

1        *préfecture*, yes or no? Do you know?

2 A.     I told you that he has a limited role that is in collaboration with the area commander.

3 Q.     What commander are you referring to, Witness?

4 A.     It is the area commander. The area commander is an official who, prior to the war, would work with the  
5        *préfet* on security issues. During the war, his duties changed, and he was renamed commander of  
6        operational affairs, which was known by the French acronym OPS, and he was collaborating with the  
7        *préfet* on matters of security.

8 Q.     Who was the OPS commander on the 25th of January 1991?

9 A.     On the 25th of January 1991, the operational commander was Augustin Bizimungu.

10 Q.    We will come back to that, Witness.

11

12        When you referred to the meeting of 25 January 1991 during your testimony, was there a *préfectural*  
13        official who was involved either in the convening or the organisation or the proceedings of this meeting?

14 A.     The *préfectural* official who was responsible for security was present. That is Augustin Bizimungu.

15 Q.     Witness, you are saying that Augustin Bizimungu was representing the *préfectural* authority on  
16        25 January 1991? Is that what I heard you say?

17 A.     Bizimungu was present in his capacity as an official responsible for security in Ruhengeri. The *préfet*  
18        did not ask him why he had come --

19 THE ENGLISH INTERPRETER:

20        I'm sorry. I did not get the last part of that answer.

21 BY MR. ST-LAURENT:

22 Q.     Witness, how can you say that Augustin Bizimungu --

23 MR. PRESIDENT:

24        The interpreter said that she did not get the last part of the answer from the booth. It was mentioned  
25        that they did not catch the last part of the last answer by the witness.

26 MS. OJEMENI OKALI:

27        Your Honour, perhaps the witness can repeat his answer.

28 MR. PRESIDENT:

29        Yes, could you kindly repeat the answer, Witness, if you could remember?

30 THE WITNESS:

31        I would like the question to be repeated in order to facilitate my answer.

32 MR. PRESIDENT:

33        What you said was even in the 25th meeting in January 1991, Bizimungu was present and the *préfet*  
34        did not ask as to why his presence was there, but he was present. Did you say anything else?

35 THE WITNESS:

36        I made that statement.

37

1 BY MR. ST-LAURENT:

2 Q. Let me ask the question differently. Under what authority in the *préfecture* could Augustin Bizimungu  
3 represent the *préfet* or any other organisation at the *préfectural* level at that meeting of  
4 25 January 1991?

5 MR. PRESIDENT:

6 I think that is how your question is, represent the *préfet* -- how Augustin Bizimungu represented the  
7 *préfet*. I don't think he represented the *préfet*. Is that what you asked? This is what I noted down:  
8 Under what authority did Augustin Bizimungu represent the *préfet*.

9 MR. ST-LAURENT:

10 Or what *préfectural* organisation, et cetera. That was the sense of the question.

11 MR. PRESIDENT:

12 You could ask in what capacity he was present there. The question you put to us is that he represented  
13 the *préfet*. I think there is a mix-up. You may reframe it, yes.

14 BY MR. ST-LAURENT:

15 Q. Witness, under what authority was Augustin Bizimungu empowered to convene the meeting of  
16 25 January 1991?

17 MR. BÂ:

18 Counsel, he never said it was Augustin Bizimungu who convened the meeting. You are distorting his  
19 remarks.

20 MR. ST-LAURENT:

21 Chaired, I meant. I apologise. Chaired.

22

23 Shall I repeat my question, Mr. President?

24 MR. PRESIDENT:

25 Yes.

26 BY MR. ST-LAURENT:

27 Q. Under what authority could Augustin Bizimungu chair the meeting of 25 January 1991?

28 A. It was in his capacity as the area commander. He has the same status as far as security is concerned,  
29 the same status as the *préfet*, and he has extensive authority.

30 Q. What are you relying on to be able to assert that, Witness?

31 A. Ask those who know, and your client can explain that to you. Ask him the duties of the area  
32 commander and ask him how the area commander was regarded in those days in Rwanda.

33 Q. It is not to others that I am putting questions; it is to you. What are you relying on, what is your basis,  
34 for saying that Augustin Bizimungu could chair the meeting of 25 January 1991? It is not for me to ask  
35 others. You are the one answering questions this morning.

36 A. I have answered you that Bizimungu was an important personality. He could even arrest the *préfet* if  
37 they were not on good terms. But in any event, the area commander is in charge of the security in his

1 capacity as a military authority, and the *préfet* is in charge of security as the civilian authority. That  
2 means that the area commander has all the authority in the *préfecture* as of that date of 25 January  
3 1991.

4 Q. That is what you are asserting, Witness, and I'm asking you, what is your basis for making such an  
5 assertion? A law -- did Augustin Bizimungu have an inscription on his jacket to say that? What are you  
6 relying on to be able to say that?

7 MR. PRESIDENT:

8 Yes, Mr. Bâ?

9 MR. BÂ:

10 What I'm saying should not be interpreted to the witness. Thank you. May I go on? Very well. I think  
11 the question of my learned friend can lead to an impasse, because he is in the province of law, whereas  
12 the witness never said that it was a legal, statutory meeting. People who plot never bother about the  
13 law. He never said that it was a statutory meeting convened by the *préfet* in reliance on any law.  
14 Nzirorera, who was a minister in Kigali, could not convene a statutory meeting in Ruhengeri; he did not  
15 have the authority. When people are plotting, they do not bother themselves about legality.

16 MR. PRESIDENT:

17 For how long have you been living in this *commune*, Witness?

18 THE WITNESS:

19 I lived regularly in that *commune* since 1988 until we went into exile.

20 MR. PRESIDENT:

21 When did you start working with the *préfet* and the officials in that council?

22 THE WITNESS:

23 I started collaborating with the *préfet* and other authorities since 1990.

24 MR. PRESIDENT:

25 So are you giving your answer to the question that was put to you through experience?

26 THE WITNESS:

27 That is correct.

28 MR. PRESIDENT:

29 Yes, Mr. Counsel.

30 BY MR. ST-LAURENT:

31 Q. Witness, yesterday in your testimony, you made reference to the OPS commander in Ruhengeri. The  
32 OPS commander was a colonel of the gendarmerie, Uwihoreye. U-W-I-H-O-R-E-Y-E. Is that correct?

33 A. That was not my evidence. I said Uwihoreye was the area commander until the invasion of the  
34 Ruhengeri prison. After the invasion of the prison, Bizimungu became the area commander, and that  
35 changed -- the area commander became the OPS commander.

36 Q. That is correct, Witness, but I'm saying that as of 21 January 1991, and in answer to the question put to  
37 you yesterday, you did say that the commander, the OPS commander, was Uwihoreye. That is what



1 I'm saying --

2 MS. OJEMENI OKALI:

3 Objection, Your Honour.

4 THE WITNESS:

5 He was the area commander. He was not the OPS commander.

6 MS. OJEMENI OKALI:

7 If my learned friend really wants to pursue this line of questioning, then he might as well refer the  
8 witness to the particular question and the answer. And I have before me what the witness said in  
9 respect to the OPS commander, and, with your leave, I can read the question that was put. I recall my  
10 learned friend asking this witness: "And do you know until when he was commanding officer of  
11 Mukamira camp?" And the witness said, "I cannot tell you when, but in 1991 when Ruhengeri prison  
12 was liberated, he was appointed head of operations at Ruhengeri and he moved to Ruhengeri. His  
13 family stayed at Mukamira camp." He was referring to Augustin Bizimungu. And the question on where  
14 he said Uwihoreye was a different question. But if my learned friend still wants, I can refer him to the  
15 relevant page. So if he wants to pursue this line of question, then he might as well put proper -- I mean  
16 refer the witness because he has this draft.

17 MR. PRESIDENT:

18 Yes. I think, Counsel, we will adopt that method. Otherwise, the witness will be -- he will be in an unfair  
19 position; some certain questions may be quoted out of context. So in order to be fair with the witness, I  
20 think it is better always to refer to the context -- to the pages so that it will give him a fair chance of  
21 giving an answer.

22 MR. ST-LAURENT:

23 Yes, Mr. President. I was asking the witness if indeed he said that the gendarmerie commander,  
24 Uwihoreye, was OPS commander in 1991. If he says no, I can live with that answer, and I will continue,  
25 and I would not refer to the text. That is what I'm respectfully submitting to Your Honours.

26 BY MR. ST-LAURENT:

27 Q. Witness, on this question of the meeting which was held 25 January 1991, is it not correct to say that it  
28 was an official meeting, organised by local authorities of the *commune*?

29 A. It was not an official meeting.

30 Q. Was that meeting not convened by the *bourgmestre*, Witness?

31 A. The meeting was convened by the *bourgmestre*, but there were people who asked the *bourgmestre* to  
32 convene the meeting, and the meeting took place as a result of the opening of the Ruhengeri prison.  
33 The *bourgmestre* did not prepare the meeting.

34 Q. Correct me if I'm wrong, Witness, but did you not state that it was the *bourgmestre* who called the  
35 meeting, who sent out the invitations for that meeting to be held? Was that not your testimony a while  
36 ago?

37 A. Yes, that was my testimony. In any event, if somebody sends you an invitation, and you answer the

1 invitation, the person who sent the invitation introduces you, the officials are those who are going to  
2 chair the meeting, and that is what happened in the case of Kajelijeli.

3 Q. But, Witness, the *responsables de cellule*, the *conseillers* of the *secteur*, were they not present at that  
4 meeting of the 25th of January 1991?

5 A. They were present.

6 Q. What you are saying -- and correct me if you do not agree with me -- is that all *communal* authorities  
7 were in the service of other persons; they were puppets.

8 A. I did not understand your question.

9 (*Pages 1 to 16 by Leslie Todd*)

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2 BY MR. ST-LAURENT:

3 Q. I am putting certain things to you, you are going to say it is not correct, but let me make them  
4 nonetheless. In your *préfecture*, there is a *préfet*. The authority of the *préfets* are not suspended; is  
5 that correct as at January 1991?

6 A. The authority of the *préfet* was not suspended.

7 Q. There was no military government in existence in 1991; is that correct?

8 A. What was Habyarimana then? Habyarimana was the minister of defence and he was a soldier and he  
9 had a rank of major general.

10 Q. That is not my question, Witness. I am putting it to you that there were prefecture authorities in power  
11 you said; is that correct? And there were *préfecture* authorities which were in existence; is that correct?

12 A. *Préfecture* authorities did not exist yet. The Ruhengeri prison had been broken into; there was  
13 pandemonium. Did those *préfecture* authorities really exist?

14 Q. Thank you. Was there a *préfet* who exercise the function of *préfet* on or around 25 January 1991 in  
15 your *préfecture*?

16 A. As of -- on that date, I did not go to Ruhengeri. I did not see the *préfet*. Rather put the question to  
17 Bizimungu, the area commander who was collaborating with him. He came -- he did not come in the  
18 company of that *préfet*.

19 MR. PRESIDENT:

20 The question was whether there was a *préfet* in your area, not Ruhengeri, in your area?

21 THE WITNESS:

22 What he asked me is if on 25 January 1991, the *préfet* was there. And I answered that the *préfet* was  
23 not present. He did not come to the place.

24 MR. ST-LAURENT:

25 That was not my last question, Mr. President. I asked him if there was a *préfet* in existence on or  
26 around 25 January 1991, and if he was exercising his duties as a *préfet* in the *préfecture* on 25 January  
27 1991. I did not say whether he came to that meeting. Was there a *préfet*? Was the organisational  
28 structure in existence? I wasn't too sure of that, Mr. President.

29 BY MR. ST-LAURENT:

30 Q. Was the *communal* administrative structure functional on or around 25 January 1991?

31 A. Yes, the *communal* authorities were operational on that date.

32 Q. The meeting of 25th January 1991, as you mentioned, correct me if I'm wrong with respect to -- with  
33 regard to the meeting in the area of security. The meeting was on security; is that correct?

34 A. Yes, that is correct.

35 Q. And security was principally the duty of the *préfet*; is that correct?

36 A. It was, first and foremost, the area commander who had to ensure security.

37 Q. And secondly, who would be in charge?

- 1 A. The area commander would report to the -- would give a report to the *préfet* on security situation.
- 2 Q. Witness, why go through the *communal* organisation to convene people? Why go through so much  
3 problems? Would it not have been simpler, according to what you are saying, that the OPS  
4 commander would simply request people or convene people into his office?
- 5 A. Who would the area commander address himself to? The area commander asked the *bourgmestre* to  
6 convene the population, and the population answered the invitation of the area commander.
- 7 Q. Tell me, Witness, to your knowledge, was the Mukingo *commune* the only one threatened by RPF  
8 attacks which precede -- or to your knowledge, were there other *communes* which were threatened?
- 9 A. Maybe they left the Mukingo *commune* to go elsewhere, but what I do know is that the meeting took  
10 place in the *communal* -- the Mukingo *communal* office. The area commander was not working in a  
11 single place. He probably went round to hold meetings.
- 12 Q. The authorities that you mentioned as having attended that meeting of 25 January 1991, do you know  
13 all of them?
- 14 A. Apart from the *conseiller* of my *secteur*, the *bourgmestre* and probably the head of service, I did not  
15 know all the authorities. I only knew these authorities among the participants to the meeting.
- 16 Q. Do you know Efrem Setako?
- 17 A. I know him.
- 18 Q. Was he present at that meeting of 25th January 1991, Efrem Setako?
- 19 A. He was present.
- 20 Q. Witness, do you know if Efrem Setako was part of a group which was called group of neutral military  
21 officers, abbreviation, G-O-M-M?
- 22 A. I know it. I know it, but I don't know in which year he was a member of that group. In the -- during that  
23 year G-O-M-M did not exist.
- 24 Q. What were his duties? What were Efrem Setako's duties as of 25 January 1991?
- 25 A. I know he was a lieutenant-colonel, but I don't know his duties. He was not working in Ruhengeri in  
26 1991.
- 27 Q. To your knowledge, where was he working in January 1991?
- 28 A. I have told you that I don't know where he was working. I only saw him at the meeting.
- 29 Q. All the same, you knew that the group, G-O-M-M, did not exist as of 25th January 1991?
- 30 A. I think the G-O-M-M did not exist. I did not see it.
- 31 Q. On what date do you think G-O-M-M started -- was created?
- 32 A. Bizimungu and the others said that the other members of the population should hide their weapons in a  
33 jacket so that the observers of that group would not see it.
- 34 MR. ST-LAURENT:
- 35 If I may, Mr. President. I am asking him if he knows when GOMM, G-O-M-M was established, and he is  
36 telling me something else. If we are carrying on this way, we would never get through this.
- 37

1 MR. PRESIDENT:

2       Witness, answer the question that is directed to you.

3 THE WITNESS:

4       I understand, Mr. President.

5 MR. ST-LAURENT:

6       Mr. President, one question, do you intend to take a break this morning or you just intend to continue?

7 MR. PRESIDENT:

8       Since we started late, we will continue till 12:30.

9

10       Do you want a break?

11 MR. ST-LAURENT:

12       I will not hide the fact that if we took a break even only for five minutes.

13 MR. PRESIDENT:

14       Okay, we will take a break for ten minutes.

15

16       Court is adjourned.

17       (*Court recessed from 1129H to 1141H*)

18 MR. PRESIDENT:

19       Yes, Counsel.

20 MR. ST-LAURENT:

21       Mr. President, I have a request to make of you. Following my learned friend's or the Prosecutor's  
22       intervention, Mr. Bâ. Mr. Bâ raised an objection to the effect that -- with regard to the meeting of  
23       25 January 1991, the issue of accomplices, and so on and so forth. I submit that that was not the  
24       evidence established flowing from the witness's testimony, in the moments that preceded my friend's  
25       intervention. And I find it unfortunate, because this will now taint the case which will, of course, go to  
26       the advantage of the Prosecutor.

27 MR. PRESIDENT:

28       Mr. Counsel, I must mention that Mr. Bâ is not a witness, and what he had said about the evidence will  
29       not be taken into account.

30 MR. ST-LAURENT:

31       Thank you, Mr. President.

32 MR. BÂ:

33       Mr. President, I have a small observation to make. What I wanted to say is that this could tend to lead  
34       to a deadlock. He is putting questions about the *préfet*. Why not also ask if the public prosecutor of  
35       Rwanda was there.

36       We are aware it is the public prosecutor who is the overall *responsable* for the judicial police. So, how  
37       can you say that this was a statutory legal meeting, and a meeting that is called to ask the population to

1 kill another part of the population? How can that be made a statutory meeting? This line of question  
2 will definitely lead to a deadlock.

3 MR. ST-LAURENT:

4 Mr. President, I am -- I apologise, but I must respond to this last observation. This is gratuitous,  
5 Mr. President, as an assertion. The two of us are lawyers, the witness is not. And I believe that this  
6 was quite clear. There is a text in Article 8, subparagraph 2.

7 THE ENGLISH INTERPRETER:

8 Kindly wait for the interpreters to find their place.

9 MR. ST-LAURENT:

10 As the *préfet* in his capacity as the main administrator of the *préfecture* has, subparagraph 2, the  
11 responsibility of providing public order and the security of persons and assets. I could go on.

12  
13 And, therefore, Mr. President, how can anyone assert before you that the *préfet* has no authority, no  
14 role to play with regard to security following the invasion on the Ruhengeri prison which was a premise  
15 for the meeting of 25 January 1991.

16 MR. PRESIDENT:

17 I think what must be noted is, we all agree that *préfet* has the power or the duty to perform public or  
18 maintain public order, but he cannot do it on his own. He must have support or some authority. He  
19 doesn't have a private army or a private police. That is why the witness -- that he has to call the  
20 commanding officer of the area to implement the -- or to maintain the security. So, we know that he has  
21 the duty, but it has to be implemented through some intervention. So, I think we have understood that.

22  
23 Mr. Counsel, you may continue now.

24 MR. BÂ:

25 (*Microphone not activated*)

26 THE ENGLISH INTERPRETER:

27 Microphone for counsel.

28 MR. BÂ:

29 Just one thing: Mr. President, to say that these quotations are selective, if he were to read the whole of  
30 the act of 1994, you would see that the gendarmerie has the same sort of authority with regard to public  
31 order and security. If he were to read to you the text regarding *bourgmestre*, you would see that the  
32 *bourgmestre* has the same authority and exercises that within his *commune*. The same with regard to  
33 the gendarmerie and the army, that they have the same sort of duties with regard to ensuring public  
34 order and security. It is not that the authority he referred is the only authority that has such a power.

35 MR. ST-LAURENT:

36 Mr. President, I apologise. It is a fundamental issue on which my argument will hinge, is a *préfecture*.  
37 The functioning *préfecture* and within the organisation of the *préfecture*, it would be wrong of me to say

1 that it is solely the responsibility of the *préfet*. That is not the question. The question is who has  
2 authority in terms of public protection, safety and order? And, therefore, the *préfet* would not be the  
3 person called upon to organise meetings necessarily in every cellule or a *commune*, or he would not be  
4 there to rule on minor issues relating to public security. It would also be wrong to imagine by analogy,  
5 that the chief of staff of an army would be responsible for delivery of three Kalashnikovs to some part of  
6 the territory, but given that the *préfet* is the main authority within the organisation of the *préfecture*, and  
7 given that he is the representative of the government under Article 3, this would then indicate what the  
8 nature of this institution represented by the *préfet* and other institutions, the *préfectural* council,  
9 *préfectural* conference et cetera. In that context, he has a responsibility. And in that framework, he  
10 must assume his responsibility.

11  
12 Now, with regard to the meeting of 25 January 1991, it is a meeting that followed the invasion by the  
13 RPF. All I want to know is where was the *préfet*? How did he exercise his authority? We shouldn't be  
14 told that this was a meeting that simply included accomplices. There is much more to it than that.

15 MR. PRESIDENT:

16 I think, Mr. Bâ, we will allow him to ask the question, but I can't understand when you say that "Where  
17 the *préfet* was?" You said -- what do you mean that he was -- whether he was functioning or whether  
18 he was present in that locality?

19 MR. ST-LAURENT:

20 I think, Mr. President, that the witness already answered saying, "Yes, that the *préfecture* was  
21 functional.

22 MR. BÂ:

23 Mr. President, if you will allow me, I have just one observation. I opposed the last observation made by  
24 Counsel St-Laurent.

25  
26 With regard to public order, it is true what you say, but when you were talking of arrest, the main  
27 authority is the public prosecutor and, in this case, there was need to arrest persons. And given that  
28 the main authority for arrest, who guides the judicial police is the public prosecutor, according to  
29 Rwandan law.

30 MR. PRESIDENT:

31 I think we have to stop this debate now. We are not going anywhere. Mr. Counsel, you will continue.

32 MR. ST-LAURENT:

33 Thank you, Mr. President.

34 BY MR. ST-LAURENT:

35 Q. Witness, I put it to you -- rather, my assertion is you will -- I will make an assertion and you will confirm  
36 it.

1 On the 23rd of January 1991 when the RPF attacked Ruhengeri town, Augustin Bizimungu was in  
2 Byumba together with his battalion, to be specific at Kaniga, K-A-N-I-G-A. What do you say to that  
3 assertion?

4 A. That is information that you are aware of, but as for me, I know nothing of it.

5 Q. I put it to you, Witness, that on 23rd January 1991, the commander of the operational *secteur*,  
6 Ruhengeri, was colonel -- the commander that -- at the meeting of the  
7 25th January 1991, the person chairing that meeting was not Augustin Bizimungu, as you had said.

8 A. He was the commander. He was the OPS commander.

9 Q. I put it to you that the gendarme Colonel Uwihoreye was in actual fact the OPS *secteur* commander in  
10 Ruhengeri?

11 A. When Ruhengeri prison was opened on the 23rd, Bizimungu arrested Commander Uwihoreye the  
12 following day, accusing him of being an accomplice, and he was dispatched to Kigali. He was put in  
13 chains and transported. And the people who arrested him took him away. They were stepping down  
14 on him, and they took him away in a car.

15 MS. OJEMENI OKALI:

16 Your Honour, can we have these names spelt, and yesterday we didn't put it on the record?

17 MR. PRESIDENT:

18 What is the name?

19 MS. OJEMENI OKALI:

20 Uwihoreye, it's not recorded anywhere.

21 MR. PRESIDENT:

22 Witness, can you spell that name for the purpose of record, please?

23 THE WITNESS:

24 Uwihoreye is spelt, U-W-I-H-O-R-E-Y-E, Uwihoreye.

25 BY MR. ST-LAURENT:

26 Q. Witness -- Witness, I put it to you that on 25th -- as of the 24th, late in the day of the 24th and the days  
27 that ensued, the 24th, 25th of January 1991, Augustin Bizimungu was in combat with the RPF on the  
28 Kinigi access, and that he could, therefore, not have been present at the meeting you alleged took  
29 place on the 25th of January 1991?

30 A. But you have just answered your own question. Kinigi *commune*, which you are referring to where he  
31 allegedly was on the 24th borders Mukingo commune. He was, therefore, not in Mutara. And you have  
32 just said that he was fighting the *Inkotanyi* in Kinigi. And yet earlier on you said he was in Mutara. Can  
33 you not see, Counsel, that you yourself are causing now -- causing confusion?

34 Q. I am going to repeat my proposition, the whole of my proposition which I have broken up. It was to this  
35 fact that Augustin Bizimungu was at the Byumba front, and that he never -- he only got to the town of  
36 Ruhengeri in the afternoon of the 25th of January, where upon he was engaged on the Kinigi access  
37 and he was at that place on the 25th of January 1991, fighting the RPF. That is my suggestion.



1 A. You are saying then he got to Ruhengeri in the afternoon from Mutara, and that he went to Kinigi, but  
2 you are reversing the order. He left Mukingo *commune* to go to Kinigi *commune*.

3 Q. What do you know, Witness?

4 A. I'm telling you that the meeting took place on the 25th at the Mukingo *communal* office during the day  
5 and that Bizimungu was present, and you say that in the afternoon at 14 hours, Bizimungu was fighting  
6 in Kinigi *commune*. But if you go from Mukingo to Kinigi by car, such a trip wouldn't take even 30  
7 minutes.

8 Q. Augustin Bizimungu's presence at this alleged meeting in January 1991, you never even alluded to this  
9 in your testimony in the Kajelijeli trial; is that correct?

10 A. But right from the start, I have conceded that I never mentioned that fact in my testimony in the Kajelijeli  
11 trial. And I explain that I did not mention the part I played. I don't know why you are still labouring on  
12 that point.

13 Q. I just want you to tell the truth, Witness, it's as simple as that. We would come back to -- let's move on,  
14 but we would come to this issue of Kajelijeli. Let's move on to the second meeting that you alleged in  
15 your testimony. That meeting is alleged to have taken place beginning 1993 and it was -- the objective  
16 was the establishment of the *Interahamwe*. Is it true that during that second meeting, the one that took  
17 early 1993, the same persons are those who attended the meeting of 25 January 1991, also attended  
18 this meeting which took place early 1993? Was that your testimony?

19 A. Yes.

20 Q. Are you able to tell the Court exactly on what date that meeting of 1993 took place?

21 A. If I -- if I had -- if I recall the date, I would have said it.

22 Q. Are you able to give a date which is more specific than February 1993 -- like January 1993 --  
23 February '93? There are 12 months in a year. So give us an indication. Be a bit more specific,  
24 Witness.

25 A. I reckon that the meeting took place in the month of January, and I stand by that reckoning.

26 Q. In your statement dated 23 September 2003, page 8197 of the French version and page 8190 of the  
27 English version, K-number K0278539. I am going to read an extract of what you told the investigators  
28 of the ICTR, and then I am going to ask you if you admit having given that statement to the  
29 investigators. You did say and this is in paragraph 3 of the French version, "In late 1990" --  
30 paragraph 2 of the English version, "In late 1992 and early 1993, another meeting was held at the  
31 Mukingo commune office and chaired by Joseph Nzirorera. The purpose of the meeting was to create  
32 *Interahamwe* in the Mukingo and Nkuli *communes*. The following people attended: Augustin  
33 Bizimungu, Casmir Bizimungu, Colonel BONAVENTURE Ntibitura, Ntibitura, N-T-I-B-I-T-U-R-A;  
34 *Conseiller* Assiel Ndisetse, N-D-I-S-E-T-S-E, Assiel is A-S-S-I-E-L; the *Conseiller* Murara, Murara,  
35 M-U-R-A-R-A; Mossi, M-O-S-S-I, who was the *conseiller* of the Rwinzovu, Rwinzovu, R-W-I-N-Z-O-V-U,  
36 as well as Ndangiza, N-D-A-N-G-I-Z-A, who was *responsable* of one of the *cellules* in Rwankeri. You  
37 went on to say that it should be mentioned that not everyone was invited to the meeting, only authorities

mentioned above. *Conseiller* of *secteur* and *responsable de cellule* were invited. I attended the meeting in my capacity as \*\*\*\*\* of *cellule*", and I shall skip the word that appears before *cellule*. Do you admit having given that statement to the investigators of the ICTR on 29th September 2003?

A. Yes.

Q. Now, let us -- let us link up this statement to another statement which I am going to quote to you in a moment. This is a statement which you gave on 24th September 2002 to the investigators of ICTR, and which is on page 8252 of the French version and page 8260 and 8259 of the English version, K-number, K0245241 to K0245242. And you said this on 24th September 2002 to the investigators, last paragraph of the English version, page 3, last paragraph of the English version. "In 1993, war broke out again between the army and the RPF. Lieutenant-Colonel Bizimungu by then held another meeting at the Mukingo *commune* office. I attended that meeting. He asked everybody present to learn how to use rifles. He tasked all *conseillers* to prepare the list of all able-bodied young men in their area for training in Mukamira camp. The various *secteurs* trained intense at the camp. I accompanied the trainees from the *commune* office to the camp. Minister Nzirorera told us at this meeting that the *Interahamwe* movement has been recognised officially." Do you recall giving this statement to the investigators of the ICTR, 24th September 2002?

A. Yes, I do.

Q. Now, the few questions -- I have a few questions to put to you in relation to these two extracts. They are as follows: Was it really in the course of this alleged meeting of January 1993 that the *Interahamwe* movement was set up?

A. The meeting took place between the end of December and January -- beginning January in 1993. And it was in the course of that meeting that the *Interahamwe* militias -- militia was established and a store was set up on the Ruhehe hill and the list of persons to be trained in weapon handling was drawn up.

Q. If, indeed, the establishment of the *Interahamwe* took place in January, as you claim --

MR. ST-LAURENT:

I'm sorry, Mr. President. Just one second, Mr. President. I'm sorry about that, Mr. President.

BY MR. ST-LAURENT:

Q. If, indeed, the meeting of January 1993 was the forum for establishing the *Interahamwe*, how are you able to conclude or how are you able to reconcile that with the content of your statement of 24th September 2002, an extract of which I have just read to you?

A. Your question is too long. I could not understand your question. You made reference to September 2002, but I don't understand what it is that you are saying in relation to September 2002. Can you please repeat your question?

Q. Well, the Court will assess. The Court will assess that. My question was from what you are telling the Court this morning, it was in January 1993 that the *Interahamwe* was established. Is that what you are saying?

A. Yes.

1 MR. BÂ:

2 Objection. If I had understood him clearly, he said end of 1990 -- late or end of 1992, early 1993, early  
3 January 1993. That was exactly what he said. He did not say in 1993. He said end of 1992, early  
4 January 1990 (sic), that leave a margin of approximation. This should be in the transcripts. We can  
5 refer to the transcript.

6 MR. ST-LAURENT:

7 Except that, Mr. President, I have just put a question. I'm on my feet, my learned friend. I have just put  
8 a question to him, and when I speak, I presume that you sit just as I do when you are on your feet. I put  
9 a question to him that the *Interahamwe* took place in January 1993, and it seems he answered yes.  
10 That was my last question.

11 MS. OJEMENI OKALI:

12 Your Honour, I just wanted to react to what my learned friend said and draw the Court's attention to the  
13 transcript. It is very clear during examination-in-chief that he made -- he said exactly -- he said exactly  
14 end of -- and I have it before me.

15 MR. PRESIDENT:

16 (*Microphone not activated*)

17 THE ENGLISH INTERPRETER:

18 Your Honour's microphone, please

19 MR. PRESIDENT:

20 That is how it is recorded by us also, that is end of January or end of December or --

21 MS. OJEMENI OKALI:

22 Early January 1993.

23 MR. PRESIDENT:

24 But now he said it could be January.

25 MS. OJEMENI OKALI:

26 That was what he said before, but he corrected himself now again and said end of December 1992 and  
27 early -- between end of January 1992 (sic) and January 199 -- early January 1992.

28 MR. PRESIDENT:

29 Show me the notes that he has taken down.

30 MS. OJEMENI OKALI:

31 I have it here.

32 MR. PRESIDENT:

33 Yes, Counsel.

34 BY MR. ST-LAURENT:

35 Q. Witness, when you say that the war started again in 1993 between the army and the RPF, are you able  
36 to specify for the Court -- are you able to specify the date -- the date of the RPF attack, are you able to  
37 specify this to the Court?

- 1 A. The RPF attack took place during the first half of the month of January, between the 5th and  
2 10th January.
- 3 Q. Please reconsider your answer, Witness. If I were to put it to you that the RPF attack which you are  
4 referring to, rather took place on or around 8th of February 1993, would you still stand by your answer?
- 5 A. No, you have just given your version of events, and that would not make me change my version of  
6 events. What I'm saying is just an estimate of the date.
- 7 Q. Was Efre Setako really present at this meeting of early January 1993 -- end 1992, early 1993?
- 8 A. Setako was present.
- 9 Q. And Nzirorera was really present?
- 10 A. He was there.
- 11 Q. Ntibitura was also really present?
- 12 A. He was there.
- 13 Q. Witness, what kind of meeting -- what kind of meeting was this? Was it a meeting -- was it a formal  
14 meeting or an informal meeting?
- 15 A. But, in your opinion, do you think that the meeting was formal? This kind of meeting -- these types of  
16 meetings are not formal. Those people were holding particular meeting. It was a cliché of people who  
17 had an objective, and who were holding a meeting. It wasn't a regular meeting provided for by law.
- 18 Q. When you refer to that meeting, Witness, and you make reference to the war which had restarted with  
19 the RPF, are you able to say if the meeting took place before or after the beginning of the war with the  
20 RPF?
- 21 A. The meeting took place -- the meeting took place after the RPF had taken Ruhengeri town. But the  
22 meeting took place after the RPF element -- the RPF troop -- troops had been dislodged from  
23 Ruhengeri town.
- 24 Q. And you situate this meeting at how many days or how many weeks after the combat restarted between  
25 the army and the RPF?
- 26 A. I told you that the meeting took place after RPF troops took Ruhengeri town.
- 27 Q. Witness, in this second meeting, what were the *conseiller de secteur* and *responsable de cellule* doing  
28 there? What were they doing in that meeting, if it was not an official meeting?
- 29 A. The meeting was impromptu, but all the participants were invited by the *communal* administration, the  
30 communal administration invited the participants, and the leaders of the meeting were introduced and  
31 the participants were requested to draw the list of young men who were going to be trained in weapon  
32 handling. They also refer to the group that was to be the *Interahamwe*, and then they set up the store  
33 weapon on Ruhehe hill.
- 34 Q. Who convened the meeting, and how, in what manner was the meeting convened?
- 35 A. I have given you the entire program. It was the *bourgmestre* who was in charge of the organisation,  
36 and when the participants were there, he introduced those who were supposed to lead the meeting to  
37 them.

- 1 Q. And, please, tell me if there was reference to training -- weapon training in this meeting that was held  
2 end of 1992 and early 1993?
- 3 A. After the meeting, the training started. The *Interahamwe* militia was created; the weapon store was set  
4 up on Ruhehe hill and the list of young men who were to be trained in weapon handling was drawn up.  
5 So, the training started.
- 6 Q. Correct me if I am wrong. You mentioned in your testimony that in the Mukingo *communal* office, the  
7 training -- there was a training session in the Mukingo *communal* office once a week, training in  
8 weapons -- weapon handling; is that correct?
- 9 A. That is correct.
- 10 Q. You also made reference to exercise; you made reference to ideology following that meeting; is that  
11 correct?
- 12 A. That is correct.
- 13 Q. Let's now focus on the third meeting, the one that was allegedly held, according to you, at the end --  
14 end of '93 or beginning '94. And the objective of that meeting was to announce certain measures to be  
15 taken if the RPF restarted combat. Is it correct to say from what you said in this meeting that that  
16 meeting took place at the back of the *communal* meeting -- *communal* office?
- 17 A. Yes, this meeting took place at the back of the *communal* office on an open field which was there.
- 18 Q. Who convened that meeting, Witness?
- 19 A. It was the *bourgmestre* who convened the meeting, but it was Augustin Bizimungu who led the meeting  
20 -- who chaired the meeting.
- 21 Q. Now, tell me in as concise manner as possible how did the *bourgmestre* convene this meeting which  
22 took place end of 1993 and beginning of 1994?
- 23 A. Normally, to convene people to a meeting, a message is sent through the *conseiller de secteur* who  
24 would in their turn transmit them to the *responsable de cellule*, and they then would inform members of  
25 the population. That is the procedure that was used with regard to this meeting.
- 26 Q. Were you present at that meeting?
- 27 A. Yes.
- 28 Q. Approximately, how many people were there at that meeting?
- 29 A. There were a lot of people. I would say more than 500 persons because the entire population of the  
30 *commune* was invited.
- 31 Q. You did say and correct me if I am wrong, you did say in your testimony before this Chamber that Tutsis  
32 attended that meeting?
- 33 A. That is correct.
- 34 Q. You further said that during that meeting, the issue of -- the issue of continuation of patrols was  
35 discussed; is that correct?
- 36 A. Yes, that is correct.
- 37 Q. In both cases, these are completely new elements that you are mentioning and for the first time in your

1 testimony?

2 A. These are no new elements. Is it the first time that you are reading this information in my statement?  
3 But I have always spoken about it.

4 Q. Witness, you are saying that Tutsis participated in the patrol which was discussed during this third  
5 meeting of late '93 early '94 --

6 MR. BÂ:

7 Mr. President, I am a bit confused. Are you on the third -- second or third meeting?

8 MR. ST-LAURENT:

9 I did announce a while ago that you were on -- that I was on the third meeting.

10 BY MR. ST-LAURENT:

11 Q. Witness, during that third meeting, you ascribed a statement to Bizimungu, a statement which is found  
12 in your preliminary statement of 24th September 2002 and 23rd September 2003. In your statement of  
13 24th September 2002, page 8251 of the French version, and page 8259 of the English version,  
14 K-number, K02454 -- K0245242, in that statement of 24th September 2002, you referred -- or you said  
15 the following, and here I am reading from the middle of paragraph 3. That is paragraph 3 of page 4 of  
16 the English version. "Bizimungu" -- beginning of the paragraph -- "Bizimungu held another meeting at  
17 the *commune* office towards the end of January, early February 1994, for the population in the  
18 *commune*. I do recall that even some Tutsis attended this meeting. Colonel Bizimungu warned that no  
19 Tutsi would be spared in case of another attack by the RPF." How are you able to explain, Witness --  
20 how are you able to explain that before a group which includes Tutsi that Augustin Bizimungu could say  
21 such a thing?

22 A. Do you mean that he would not have dared to say anything like that? But when we were fighting the  
23 *Inyenzi*, there were Tutsis among our fighters, and we also had *conseillers* and *responsable* who were  
24 Tutsi. And at the level of the *communal* administration, there were Tutsis as well. He made this  
25 statement and he would not have -- he could not have skipped making reference to accomplices. The  
26 objective was to bring down the number of accomplices.

27 Q. Witness, you yourself stated in your testimony that Tutsis participated in the security patrols; is that  
28 correct?

29 A. That is correct.

30 Q. You have just confirmed that Tutsis attended a meeting of the population in January, early  
31 February 1994?

32 A. That is correct.

33 Q. And how can one imagine on account of what I have just said, and also on account of the fact that Tutsi  
34 soldiers were in the army -- were in the ranks of the army, which you yourself stated, how can one  
35 imagine that such a statement could be made publicly by Colonel Bizimungu during that meeting of  
36 January early, February 1994? Let's be serious, Witness. How possible -- how is this possible that this  
37 kind of statement is made by a high authority in the armed forces like Bizimungu to make this kind of

1 statement in this kind of meeting?

2 A. You think it is not possible. How then do you think we were able to perpetrate the massacres? We  
3 were able to carry out the massacres because statements which -- like those made in this meeting were  
4 made elsewhere, as well. Bizimungu did say that, "Dear Tutsis, if the RPF start hostilities once again,  
5 none of you would survive." He was talking to the Tutsis.

6 Q. Did the Tutsi say, "Thank you, we are happy to hear that; we love you so much Augustin Bizimungu"?

7 A. In their place, if you were told that kind of thing, would you say thank you or would you feel sad? If  
8 someone were to tell you that if you throw a stone at me again, I will kill your children, would your  
9 reaction -- your reaction would be to be sad.

10 Q. Even worse than that, Witness, knowing that there are Tutsis in the army, knowing that there are Tutsi  
11 who are striving to fend off the RPF attack, knowing that there were Tutsis who are working for security;  
12 knowing that there are Tutsis in the population who came to the meeting to listen to the message;  
13 knowing that there are Tutsis at all levels of administration, to say that to Tutsis in a public meeting, you  
14 think my reaction would just be to be sad? Let's be serious. This would not stand any test. And I put it  
15 to you that this has no sense. How did they react to this kind of statement made in the course of that  
16 meeting? Tell me you were present.

17 A. Yes, I was present. They behaved the way you are doing. You put your hand to your chin, they were  
18 surprised. They could not believe that a colonel would make such a statement.

19 Q. Witness, I put it to you that what you are saying is not only unlikely, but it's an insult to our intelligence.  
20 If those that the statement was addressed to, if their reaction was simply to put their hands on their  
21 chin, that would be something. But for somebody who had such an important function as  
22 Colonel Bizimungu, even if he had this -- the intention which was not in the -- which was not the case,  
23 he would have been intelligent enough not to tell them this in a public mission. Let's be serious,  
24 Witness. Find another excuse, another reason, another explanation. You are a master of that. Find  
25 another explanation for the Court and invent something. Just invent something, we believe in you.

26 MR. PRESIDENT:

27 *(Inaudible)*

28 THE WITNESS:

29 But he was a colonel. And if he made this statement, was he really intelligent? If he denies having  
30 distributed weapons to the population, is that really intelligent? Let that -- he is denying that today  
31 before the Court. How is he able to explain that members of the population had weapons if he did not  
32 distribute those weapons? He should admit that he distributes -- he distributed weapons to the  
33 members of the population, and we will know he is intelligent, otherwise, he would not continue denying  
34 his responsibility in the distribution of weapons. All members of the population had weapons in  
35 Rwanda. He was a commander; he was passing by the members of the population and he knew they  
36 had weapons.

37

1 MR. PRESIDENT:

2 You give him a lecture, and he gave you a lecture back.

3 MR. ST-LAURENT:

4 Yes, but, Mr. President, yes, but I'm giving a speech, but it's a preamble. It's an introduction which  
5 refers to statements that he made so as to shorten the discussion, otherwise, I would have to put  
6 22 questions. I did that and then he starts giving a lecture on another subject, and we know his thesis.  
7 My point, Mr. President.

8 MR. PRESIDENT:

9 Then he gave an answer, you make a comment and he tries to explain or respond to that comment.  
10 That is what happened. So, I think if you can, yes, do it in a better outline.

11 MS. OJEMENI OKALI:

12 Your Honour, just to make a comment. I almost rose when he was asking that question, but I just  
13 respected the -- I mean, I just didn't want to obstruct his trend of thought. But, really, my learned friend  
14 is going beyond bounds. He is asking several questions, putting questions and suggestions together.  
15 It's not clear.

16 MR. PRESIDENT:

17 This is a matter of human behaviour. We don't know psychologically how people act. So, he said that  
18 this is what your client said. So, the truth has to be ascertained. We'll adjourn now -- is it all right if we  
19 adjourn now?

20 MR. ST-LAURENT:

21 Just one more -- one more proposition to the witness.

22 MR. PRESIDENT:

23 We'll invite you then.

24 MR. ST-LAURENT:

25 Thank you, Mr. President.

26 BY MR. ST-LAURENT:

27 Q. I am going to make a proposition to you, Witness.

28 MR. PRESIDENT:

29 I will tell witness counsel is going to make a proposition, either you can accept it or deny it.

30 BY MR. ST-LAURENT:

31 Q. Witness, I put it to you that now your way of finding an escape from your lies is to have the guts to say  
32 that my client Augustin Bizimungu is not an intelligent person. I put it to you that that is yet another way  
33 for you to try and manipulate to your advantage the lies that you have recounted before this Court.  
34 That is my proposition to you.

35 MS. OJEMENI OKALI:

36 Your Honour, I object myself. I do object.

37



1 MR. PRESIDENT:

2 We'll really ask him to respond to it. We will see what he has to say. Yes.

3 THE WITNESS:

4 I am not lying about Bizimungu. You have just said it yourself that Bizimungu is not as -- is no nobody's  
5 idiot to be able to make that statement before a meeting that includes Tutsis. I answered that if he did  
6 say that, then he must have been stupid at that time. If he were intelligent, he would not have made  
7 that statement, whereas the people who had to be killed were present in the meeting.

8 MR. ST-LAURENT:

9 My last question, I assure you, Mr. President..

10 BY MR. ST-LAURENT:

11 Q. My proposition, Witness, is to tell you that you are trying to add to your lies insults and you are trying to  
12 drag into disrepute not only my client, Augustin Bizimungu and the person who is talking to you when  
13 you imitate body gestures in relation to the persons who were supposed to have attended that meeting.  
14 My proposition to you is that, Witness, not only are you a liar, but you are also trying to drag into  
15 disrepute people who do not agree with you.

16 MS. OJEMENI OKALI:

17 Your Honour, I object, and I think my learned friend should conduct this -- I mean, his  
18 cross-examination properly and diligently. If he is making reference to anybody, reference or -- well, I  
19 mean, a suggestion or people who are making suggestion -- body suggestion to the witness, he should  
20 be able to prove it. If he is also -- or mention those people. If he is also saying that the witness is  
21 lying, he is a lawyer, he should produce it. He should bring concrete evidence. I haven't seen any. If  
22 he doesn't have any -- any evidence -- contrary evidence to what the witness is putting -- I mean, has  
23 testified in this case, let him sit down.

24 MR. PRESIDENT:

25 Yes, your point is taken, but the only thing is now this proposition has been made to this witness, so we  
26 will get his response.

27 MS. OJEMENI OKALI:

28 Well, Your Honour, he has to -- he said something about people who are making body suggestions, he  
29 should be able to say so.

30 MR. PRESIDENT:

31 No, that is why I said that what you said is noted.

32 MS. OJEMENI OKALI:

33 Okay.

34 MR. PRESIDENT:

35 So, we'll get his response to what he said.

36 MS. OJEMENI OKALI:

37 Very well, Your Honour.

1 MR. PRESIDENT:

2 Yes. Yes, Witness, you heard about what the counsel told you, what is your response?

3 THE WITNESS:

4 Counsel for the Defence claims that I am drawing into disrepute, and that I am insulting, but he forgets  
5 that he started insulting me. He says, I am lying, whereas I am saying what I witnessed. He is talking  
6 about what Bizimungu told him and his own opinion, and he takes that to be the truth. I believe that at  
7 the appropriate time, Your Honours would examine my evidence and that of the Defence and put them  
8 together and draw -- make their finding.

9 MR. PRESIDENT:

10 Yes, Court is adjourned till 2:30.

11

12 Have you finished or you will be continuing after that? You will be continuing after that?

13 MR. ST-LAURENT:

14 Yes, Mr. President.

15 *(Court recessed at 1242H)*

16 *(Pages 17 to 32 by Haruna Farage)*

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1 (Court resumed at 1435H)

2 MR. PRESIDENT:

3 Yes, Counsel, you may continue.

4 MR. ST-LAURENT:

5 Thank you, Mr. President.

6 MR. PRESIDENT:

7 Mr. Witness, listen to the answers carefully -- the question carefully. These questions are put to you on  
8 behalf of the Court, so you have to be polite in your answers.

9 THE WITNESS:

10 Yes, I understand, Mr. President.

11 BY MR. ST-LAURENT:

12 Q. Referring, Witness, once again to the meeting at the end of January 1994 for a few minutes, can you  
13 tell the Court whether after that meeting, the Tutsi who were part of the population, who heard the  
14 words you allege Bizimungu spoke, those Tutsi, how did they react? That is to say, did they inform any  
15 organisation or authority what had been said by Augustin Bizimungu?

16 A. The one who could speak of it could do so, but when one realised that he had reported those  
17 statements, when he reported it to international organisations, he was hunted down and ran the risk of  
18 being killed.

19 Q. If I correctly understand, Witness, are you saying that Tutsi -- some Tutsi complained to international  
20 organisations about the words spoken by Bizimungu?

21 A. They wrote moreover a book entitled, *Le régime sanguinaire, Ingoma Y'amaraso*, which means,  
22 *The Bloody Regime*.

23 Q. Witness, I come back to my question: Did Tutsi complain to international organisations about the words  
24 spoken by Bizimungu?

25 A. I told you -- I answered yes, and over and above that, they wrote a book entitled, *The Bloody Regime*,  
26 and they gave that book to the international organisations.

27 Q. Very well. Furthermore, did those Tutsi complain to Rwandan governmental authorities after the words  
28 you allege Bizimungu spoke?

29 A. Listen, Colonel Bizimungu represented the authorities. The Tutsi couldn't complain to the authorities  
30 when Bizimungu had been brought to that area to kill the Tutsi accused of being accomplices, so they  
31 couldn't complain to the Rwandan government authorities for the words -- complain about the words  
32 spoken by Bizimungu.

33 Q. To your knowledge, did the Tutsi you were referring to, complain to the media, either in Rwanda or  
34 elsewhere?

35 A. I did not discuss this matter with the Tutsi. The Tutsi had their programme. And I think that Radio RPF  
36 was singing that Kajelijeli was in the pay of Bizimungu. So I would say that the media had been  
37 informed.

1 Q. As far as you are aware, did the Tutsi we refer to complain about Bizimungu's words to the so-called  
2 opposition political parties?

3 A. That was the business of the leaders of those political parties. If the Tutsi did do so, they weren't  
4 obliged to come and inform me thereof, so I cannot know that.

5 Q. To your knowledge, was there any reaction after the complaints that the Tutsi might have lodged with  
6 the authorities; for example, the human rights organisations? Was there any reactions by those human  
7 rights organisations after the complaints made by the Tutsi about the alleged words of Bizimungu,  
8 Augustin?

9 A. From 1990 to 1994, in Rwanda, no one was jailed for having harmed a Tutsi. I killed someone called  
10 Bajyagahe, but nobody arrested me to put me in prison. So there was no follow-up on such offences.

11 Q. From end of January, beginning of February 1994, who led the Rwandan government, Witness?

12 A. Juvénal Habyarimana.

13 Q. Who was the *bourgmestre* of your *commune* at the time of the meeting?

14 A. Harelimana, Emmanuel.

15 Q. Who was the prime minister of Rwanda at that time, Witness?

16 A. I don't remember very well, but I think it was Agathe.

17 Q. I put it to you, Witness, that if there was no follow-up to the complaints made by the Tutsi, as a  
18 consequence of the words spoken by Bizimungu, there was no to take -- it was not only Augustin -- to  
19 use the expression you used this morning, it wasn't only Augustin Bizimungu who was stupid but there  
20 were many other people who were also stupid among the Rwandan population.

21 A. At the time, the Hutu had lost their heads, because when they were with their backs against the wall,  
22 facing the RPF, they started attacking, slaughtering and killing the Tutsi children.

23 Q. You say that it's Harelimana who was *bourgmestre* of your *commune* at the time of the meeting. Am I  
24 to understand that, contrary to the two previous meetings we talked about, it was that Harelimana who  
25 called the third meeting at the end of January, beginning of February 1994?

26 MS. OJEMENI OKALI:

27 Objection, Your Honour.

28 THE WITNESS:

29 Yes.

30 MS. OJEMENI OKALI:

31 I think my learned friend is confusing -- I don't know which meeting. He said "this meeting." January.

32 So I don't know when -- it was 1994 before. So I really don't know which meeting he was referring to.

33 MR. PRESIDENT:

34 No. You spoke of one Emmanuel Harelimana. From which date he was *bourgmestre* in your  
35 *commune*?

36 THE WITNESS:

37 He was appointed *bourgmestre* in April 1993.

1 MR. PRESIDENT:

2 Was he there in 1994?

3 THE WITNESS:

4 He was in that position until President Habyarimana's death.

5 MR. PRESIDENT:

6 Third meeting you referred to was when?

7 THE WITNESS:

8 The third meeting was held between December '93 and January '94.

9 MR. ST-LAURENT:

10 Mr. President, if you'll allow me --

11 MR. PRESIDENT:

12 Yes, yes.

13 MR. ST-LAURENT:

14 I think I had made a correct reference.

15 BY MR. ST-LAURENT:

16 Q. I'm going to put a suggestion to you, Witness, and before that I shall put a question to you. Is it correct  
17 to say that in your testimony in the *Kajelijeli* trial, you did not at all mention any meeting at all called by  
18 Augustin Bizimungu?

19 A. You would be correct to say so. I told you that I never mentioned the name of Augustin Bizimungu in  
20 the *Kajelijeli* trial.

21 Q. My suggestion is therefore the following, Witness: You never gave -- mentioned the name of  
22 Augustin Bizimungu in your testimony in the *Kajelijeli* trial because that meeting of end of January --

23 THE ENGLISH INTERPRETER:

24 Counsel says first December '93, '94, and then end November '94.

25 BY MR. ST-LAURENT:

26 Q. -- never existed. It's a pure invention on your part.

27 A. Your suggestion is not grounded. If, after investigation, you decide that no such meeting took place,  
28 then let us meet here and you can affirm the opposite to me.

29 Q. Witness, was the *bourgmestre* involved in the calling of the third meeting which took place at the end of  
30 '93, beginning of '94? Was the *bourgmestre* involved in calling that meeting, yes or no?

31 A. Yes. The *bourgmestre* did play a part in the calling of the meeting.

32 Q. Why, then, Witness, do you not mention it in your testimony of the 24th of September, the extract I read  
33 to you this morning, 24th of September 2002, nor in your statement of 23rd of September 2003 that I  
34 read to you this morning? Why don't you speak of Harelimana as *bourgmestre* that took part in calling  
35 that meeting?

36 A. I told you that in all my statements, I was saying that the meetings were called by the *bourgmestres*. It  
37 wasn't therefore necessary to name them. All the *bourgmestres* in succession called meetings to

1 address the populace, and it was in the course of those meetings that they told them what was the  
2 purpose of the meeting in hand.

3 Q. That implies -- you will correct me if I'm wrong, Witness -- that implies that the *préfet* never chaired any  
4 meeting to which you are alluding, the three meetings you allude to; is that correct?

5 A. Yes, that is correct.

6 Q. Did the *préfet*, to your knowledge, chair another meeting on the same topic of security during the years  
7 1990 to the end of February 1994 in your *commune* in particular?

8 A. I should like to say the following to you: The people that I've named composed a clique, made up a  
9 clique, and in everything they did, the *préfet* did not take part. Augustin and Casimir Bizimungu came  
10 from the *communes* that had been occupied by the RPF. So they constituted this clique and they  
11 wanted to transpose that atmosphere into Mukingo *commune*, and they held those meetings at  
12 Nzirorera's place or at Nzirorera's mother's place. They were not formal meetings, therefore. I want to  
13 explain to you in a few words who were the people whom I have been talking to you about.

14 Q. That was not the point of my question.

15 A. I know that wasn't your question, but I'm giving you explanations so that you understand that the *préfet*  
16 never took part in any of those meetings.

17 Q. Witness, I think that with the permission of the President, it would be preferable if you answered briefly  
18 my questions. I'm convinced that the President, if not the Bench, will give you an opportunity to give  
19 any appropriate explanation.

20  
21 Tell me, Witness, are you aware that Kajelijeli, who took part in calling the first two meetings you  
22 referred to, are you aware whether Kajelijeli had been sacked by the coalition government?

23 MS. OJEMENI OKALI:

24 Objection, Your Honour.

25 MR. PRESIDENT:

26 That is a little -- can you put it in a little more clearer way, Mr. Counsel? I think coalition government  
27 existed when?

28 MS. OJEMENI OKALI:

29 Besides that, Your Honour, I have an objection. I didn't explore this area when I was conducting my  
30 examination-in-chief. I don't know what my learned friend is alluding to or what he wants to elicit from  
31 this witness, but if he does, I will definitely explore it if necessary during re-examination. But I just want  
32 to bring it to your attention that I didn't go to that area.

33 MR. PRESIDENT:

34 I think what I understand is that since he has given evidence in Kajelijeli's -- the other case, that he's  
35 tried to make a comparison and see that he said something different to what he's saying now. That is  
36 what he's trying to bring out.

1 MS. OJEMENI OKALI:

2 I'm certainly in your hands, but I just thought I should draw the Court's attention to that.

3 MR. PRESIDENT:

4 Yes.

5 MR. ST-LAURENT:

6 Thank you.

7 BY MR. ST-LAURENT:

8 Q. I'm asking you whether, Witness, you were aware that the coalition government had sacked Kajelijeli  
9 from his position.

10 A. Yes, I know that.

11 Q. Are you aware of the reasons for which he had been sacked from his post?

12 A. He was sacked because it was said that he was killing the Bagogwe, the Tutsi from Mukingo *commune*  
13 in Ruhengeri *préfet*.

14 Q. Thank you, Witness. At the time of the first two meetings, you associated Augustin Bizimungu to  
15 Kajelijeli -- associated Bizimungu with Kajelijeli. How do you explain that Kajelijeli had been sacked  
16 because of his conduct towards the accomplice of the Tutsi and that Augustin Bizimungu was not  
17 sacked -- quite the contrary -- whereas he was associated with Kajelijeli for reprehensible words and  
18 acts?

19 A. I should like to give you some explanation on that score. Bizimungu was a soldier and under the orders  
20 of President Habyarimana. No other person had any authority over him. And he was rewarded. But  
21 Kajelijeli was a civilian. He was under the orders of Agathe Uwilingiyimana, and he was simply sacked,  
22 but he was not otherwise punished, whereas he had killed people.

23 Q. Do you not think it is at least bizarre, that it is strange, that the government, having sacked Kajelijeli, the  
24 same government took no measure against Augustin Bizimungu in connection -- who was associated  
25 with Kajelijeli in reprehensible acts?

26 A. I have just explained that Bizimungu was a soldier in the military, under Habyarimana's orders, whereas  
27 Kajelijeli had been appointed by the prime minister, and the prime minister is the one who sacked him.  
28 The prime minister had no power to sack Bizimungu, who was a soldier.

29 Q. On what do you rely, Witness, to say that? Not only that Prime Minister Agathe had no power but that  
30 even the government had no power to retire Bizimungu from his position? On what authority do you  
31 say that?

32 A. Counsel, you are a legal expert. You know that a soldier can only be sacked by another soldier, and  
33 Bizimungu was never fired, never sacked, never -- never sacked.

34 MR. ST-LAURENT:

35 I'm sorry, Mr. President, I think I'm having some problems with this modern instrument here, this  
36 modern piece of technology.

37

1 BY MR. ST-LAURENT:

2 Q. Witness, are you aware that Bizimungu, after the third meeting to which you referred, was promoted to  
3 a rank? Are you aware that Augustin Bizimungu was promoted by the government to the rank of  
4 colonel in the high commanding council of the army which was a higher military organ that headed  
5 the -- was to head the army in the context of the Arusha Accords?

6 A. Under the military code in Rwanda, it is not the government that can give a soldier a rank. Only the  
7 chief of general staff can do that. If -- I think he was promoted to colonel -- major general in accordance  
8 with the Arusha Peace Accords, but to say that it was the government who promoted him, no, that is  
9 incorrect.

10 Q. On one hand, if I'm to rely on what you're saying, Witness, it appears that the high military command  
11 could not be commanded by just one person, and on the other hand, if I am to rely on what you were  
12 saying, Witness, I put it to you that you know absolutely nothing about the functions or dismissal by  
13 authorities. That's my first point, Witness. Tell me, Witness, was the chief of general staff above the  
14 law? And could he therefore not be replaced or dismissed by anyone? Is that what I'm to understand  
15 from what you're saying?

16 A. What I'm saying is this: The chief of general staff, or the supreme commander of the army, was the  
17 president of the republic, Major General Juvénal Habyarimana. He was republican president,  
18 commander-in-chief of the army and minister of defence. He was the one who could promote military  
19 officers, and it is after his death that Augustin Bizimungu was promoted general, a major general. I do  
20 know the law on military service.

21 Q. And armed with that knowledge, as you say you are, you still deny the fact that it is the council of  
22 ministers or the cabinet that had the power to appoint military officers to high ranks? Are you refuting  
23 that the council of ministers could do that?

24 A. I am firmly refuting that. No one was appointed to any post by the cabinet. I'm telling you that no  
25 military officer was appointed by the cabinet. It is being done at present. Promotion was done by  
26 decree, presidential decree.

27 Q. Witness, I put it to you once again that a government that dismissed Kajelijeli, whereas according to  
28 your statements, reprehensible acts are being ascribed to Bizimungu in collaboration with Kajelijeli, in  
29 this framework, how can you explain that there was no punishment whatsoever meted out to  
30 Augustin Bizimungu following the acts you are ascribing to him, whereas Kajelijeli, his so-called  
31 accomplice, was dismissed from his post for such reprehensible acts? How do you reconcile these two  
32 positions? I have great difficulty in following that argument.

33 A. But you're saying that he wasn't punished. But is he in not detention now? There are people who are  
34 still at large, even though they committed reprehensible acts, but he is in detention. Is that not a form of  
35 punishment?

36 MR. PRESIDENT:

37 The question is related to the time that Kajelijeli was sacked, as to why he was sacked and why



1 Bizimungu was not punished. That is the question that was put to you.

2 MS. OJEMENI OKALI:

3 Sorry, with all due respect, Your Honour, this witness has answered this question several times. He  
4 has given the answer.

5 MR. PRESIDENT:

6 Yes, I have the answer here, but, anyway, he's not satisfied with it.

7 MS. OJEMENI OKALI:

8 If he's not satisfied, perhaps he can put his client on the box to then -- I mean, give contrary evidence.

9 But if he has contrary evidence, let him produce it.

10 MR. PRESIDENT:

11 The witness gets confused and your suggestion put it there. I think he gave that answer, Mr. Counsel.  
12 He said that because Kajelijeli was a civil servant -- civilian doing civil work, he came under Agathe,  
13 and Agathe sacked him; because Bizimungu came under military and under president, he was  
14 (*inaudible*). That is what the witness says.

15 MR. ST-LAURENT:

16 I quite understand the witness's answer, Mr. President. Nevertheless, I'm putting it to him that it is  
17 really strange that no authority punished Augustin Bizimungu and that, to the contrary, he was  
18 promoted, he rose in the ranks, when someone else, another state employee, was sacked. I'll take his  
19 answer for what it's worth. I made a suggestion to the effect that it was, at the very least, difficult to  
20 understand.

21 BY MR. ST-LAURENT:

22 Q. Witness, we are now going to take a few minutes -- given that I'm eternally optimistic, I hope that I'll be  
23 able to keep my words to the Court. I'm doing my best.

24 MR. PRESIDENT:

25 You're doing your best, yes.

26 MR. ST-LAURENT:

27 I'm really making a great effort. And I hope it is a compliment.

28 BY MR. ST-LAURENT:

29 Q. Witness, we will now talk about the meetings that you say were summarily held at Nzirorera's house,  
30 not at his mother's house but at Nzirorera himself, his house. With regard to these meetings, which you  
31 claim took place, there are a number of your preliminary statements that could give clarification or not.  
32 First of all, there is your statement dated 21 April 1999. The reference in French is 8289 and 8288, and  
33 in the English version, it is 8281, K-number K0110929. In the French version, it is the third line from the  
34 bottom.

35 THE ENGLISH INTERPRETER:

36 The interpreter has not yet found the reference.

37

1 MR. ST-LAURENT:

2 (No interpretation)

3 THE ENGLISH INTERPRETER:

4 Your Honour, I still have not found the reference.

5 MS. OJEMENI OKALI:

6 My learned friend may have to start all over again because the interpreters could not get that, and they  
7 need to say so.

8 THE ENGLISH INTERPRETER:

9 I have said so.

10 MR. ST-LAURENT:

11 I will try to make -- mark a pause in order to allow the interpreters to get the reference.

12 MR. PRESIDENT:

13 Yeah.

14 MR. ST-LAURENT:

15 We can look at page 8289 of the French version, the last paragraph, the third line from the bottom,  
16 where there is reference to, "But between 1990 and 1991, when Nzirorera went home, he summoned  
17 the *bourgmestres* and *conseillers* of the *communes* and ordered them to search for *Inkotanyi*  
18 accomplices among the population. We knew" -- that is page 8288 in the French, "We knew what was  
19 discussed at these meetings, for after the meetings, the *conseillers* asked the inhabitants of the  
20 *secteurs* to look for accomplices who were no doubt the Tutsis (the Bagogwe). The *responsable de*  
21 *cellule* was responsible for drawing up the list of suspects reported by neighbours."

22 BY MR. ST-LAURENT:

23 Q. Do you acknowledge having made that statement to the investigators of the ICTR on 21 April 1999?

24 A. Yes. I made that statement.

25 Q. I'd like to draw your attention, Witness, to the following question: With regard to these meetings, as  
26 mentioned in your statement of 21 April 1999, were you present at these meetings?

27 A. Yes. I attended those meetings.

28 Q. Now, please refer to your statement of 24 September 2002. The statement of 24th September 2002,  
29 on page 8251 in the French; for the English, page 8259.

30 MR. ST-LAURENT:

31 Please excuse me, Mr. President, I'm finding the reference. Paragraph 2 in the French version, which  
32 read as follows: "The beginning of 1994, every week Nzirorera held meetings at his home. In  
33 attendance -- these meetings included Bizimungu, Kajelijeli, Harelimana, Emmanuel," and I'd say that  
34 he was a new member of the clique. Back to the quotation: "*Bourgmestre* of Mukingo, *bourgmestre* of  
35 Nyakinama, Karago, Gisenyi, Kinigi, businessmen, the presidents of political parties, and the directors  
36 of schools in the *commune*. I also attended these meetings. During the said meetings, Kajelijeli used  
37 to collect financial contributions to support the *Interahamwe*. I was given 5,000 Rwandan francs every

1 Saturday by Nzirorera. Discussions" --

2 THE ENGLISH INTERPRETER:

3 I'm sorry, counsel has jumped.

4 MR. ST-LAURENT:

5 "Discussions were also held on the security situation and how to reinforce the MRND -- strengthen the  
6 MRND party in the *commune*. Discussions were also held on the security situation and how to deal  
7 with Tutsi in case of another attack, as instructed previously by Bizimungu. Each *cellule* was given five  
8 rifles, since the arms depot was placed in front of the *commune* office."

9 BY MR. ST-LAURENT:

10 Q. Do you acknowledge having made what I've just read to you and having acknowledged this to  
11 investigators of the ICTR on the 24th of September 2002?

12 A. Yes, I made that statement.

13 Q. You clearly stated in that statement that meeting at Nzirorera's took place every Saturday; is that  
14 correct?

15 A. The meetings were held the last Saturday of every month.

16 Q. Witness, let me reread the specific portion. "Kajelijeli used to collect financial contributions during these  
17 meetings to support the *Interahamwe*. I was given 5,000 Rwandan francs every Saturday by  
18 Nzirorera." Is that to say that it was on every -- every Saturday that you received 5,000 Rwandan  
19 francs, or are you saying that you received 5,000 francs every time a meeting was held, or are you  
20 saying that you were receiving 5,000 --

21 A. I received 5,000 Rwandan francs the last Saturday of every month. It was not every Saturday. Rather,  
22 it was the last Saturday of every month. You can have a look at other statements and you will see that I  
23 talked of the last Saturday of the month.

24 Q. We will not go so far, Witness. Let us take the same statement and another extract. Right at the  
25 beginning, where you say, "At the beginning of 1990, Nzirorera held every week meetings at his  
26 house," five lines later, you talk of every Saturday. You will understand my question. Were meetings at  
27 Nzirorera's house held every Saturday, the Saturday -- every Saturday on a weekly basis?

28 A. I answered that meetings were held the last Saturday of every month; therefore, once a month.

29 Q. So what is not true? What you are stating now or what you stated on the 24th September 2002? Was  
30 it every Saturday on a weekly basis or was it the last Saturday of every month?

31 A. The truth is what I am telling the Court, which is that the meetings were held the last Saturday of every  
32 month, which is once a month.

33 Q. Witness, I'd like you to refer to your statement of 16th October 2002. In the French version, this is  
34 page 8230 -- 8238, rather, and in the English version, it is page 8244 to 43, K-number K0246317 to  
35 K0246318. And you said -- and you will correct me if it is wrong -- I read: "During this period, between  
36 January and April 1994" --  
37

1 THE ENGLISH INTERPRETER:

2 I do not have the reference for the paragraph, so I'm doing a free translation.

3 MR. ST-LAURENT:

4 I'm on page 8237 now in the French.

5

6 "Even if Setako was the representative of Rwanda in the GOM group, he had the time to --

7 THE ENGLISH INTERPRETER:

8 I'm sorry, I cannot find the reference.

9 MR. ST-LAURENT:

10 I apologise for this inconvenience to the interpreters.

11 MS. OJEMENI OKALI:

12 My learned friend can help the proceedings to be facilitated, if only he can make reference to the  
13 relevant paragraphs. He knows in English. The interpreters are also translating it for the court  
14 reporters in English. I mean, it doesn't cost anything. He has his people there, his assistants, who can  
15 assist him. And the interpreters keep saying that they cannot find it in English. They are doing free  
16 translation but after a while they stop. I mean -- it's only fair.

17 MR. PRESIDENT:

18 Yes, if Counsel can help the courtroom do that, I think we can move faster. I know that you are working  
19 in French but then at least to mark the English papers and give -- to refer to the paragraph, that would --

20 MR. ST-LAURENT:

21 I thought I had done so. I apologise if I didn't do it this time. So in the English version, it's page 8244,  
22 the last paragraph, and also moving on to 8243, the first six lines of that page.

23

24 Would you prefer that I start from the beginning, my reading of this quotation?

25 MS. OJEMENI OKALI:

26 Your Honour, I think it would be preferable because I did hear my learned friend, when he started, he  
27 said during -- he mentioned during the January 199' -- I mean, and April 1994, but the sentence he  
28 started with doesn't contain that really, so he actually should have started at the beginning of that  
29 paragraph.

30 MR. PRESIDENT:

31 So we will refer to the document. The document is K244 -- K0246317, and the last paragraph.

32 THE ENGLISH INTERPRETER:

33 Yes, Your Honour.

34 MR. PRESIDENT:

35 Started, "Colonel Setako went back."

36 MR. ST-LAURENT:

37 All right, Mr. President, it says, "During this period," in the text. Second sentence of that paragraph,

1 and basically in the preceding paragraph, there is a reference to the period of January to April, but I will  
2 now read it word for word and we will come back to the period.

3 BY MR. ST-LAURENT:

4 Q. So I resume the statement of 16th October 2002, with the references I have cited, and you said,  
5 "During this period, I used to see Setako in Nzirorera's house at Busogo *secteur* in Mukingo *commune*  
6 every Saturday. Even though Setako was the Rwandan representative in *Groupe d'observateurs*  
7 *militaire*, at this time he still had time to come to Nzirorera's house in Busogo every Saturday to hold  
8 regular meetings with Nzirorera, Major Bizimungu, political leaders and businessmen from Mukingo and  
9 Nkuli *communes*. This time, I had the opportunity of attending the meeting, because apart from being  
10 the \*\*\*\*\* of my *cellule*, I was also the \*\*\*\*\* *communal* police." I'll skip the next few words. "I  
11 was invited. There was a time after one of our Saturday meetings between the 1st and the 10th of  
12 February 1994, while I was coming down with Colonel Setako, that we met one Tutsi by the name  
13 Bajyagahe, Bernard."  
14

15 Witness, do you acknowledge having made this statement to the ICTR investigators?

16 A. I do acknowledge that statement, but not entirely. There is one point I disagree with. It wasn't every  
17 Saturday. It was, indeed, the last Saturday of every month.

18 Q. Witness, it is not with me that you disagree. You disagree with yourself. You made the statement,  
19 Witness. So tell me, which is it? These meetings at Nzirorera's house, were they being held every  
20 Saturday or just one Saturday per month, that is the last Saturday of the month? What is the truth?

21 A. The truth is these meetings were held the last Saturday of the month. That is my truth, which I am  
22 submitting to the Chamber.

23 Q. So on the 24th of September 2002, when you said that the meetings were held weekly, on Saturdays,  
24 and on the 16th of September 2002, when you say that meetings were held every Saturday, it is not  
25 true?

26 A. With regard to the issues discussed and participants, I told the truth, but with regards to the dates these  
27 meetings were held, I said these meetings were held the last Saturday of every month. But there is no  
28 issue as to the matters that were discussed in those meetings.

29 Q. Witness, you are not answering my question. Were the meetings held every Saturday or the last  
30 Saturday of every month?

31 MR. PRESIDENT:

32 He now says that it is last Saturday of every month, even though it is stated weekly. That is his  
33 position.

34 BY MR. ST-LAURENT:

35 Q. How do you explain, Witness -- how do you explain your contradiction of your very own preliminary  
36 statements of 24 September 2002 and that of 16th October 2002?

37 A. What I can tell you is that when you make a statement today, it is always difficult to always say the

1 same thing exactly the same way, which is why the ICTR called me, to speak the truth. Now I am  
2 present and I can tell you that the meetings were held every last Saturday of the month.

3 Q. Is that to say, Witness, that truth varies according to the date on which a question is put to you?

4 A. The truth does not change according to the date of questioning. If I came here to testify before the  
5 Chamber, it was to complete what I had said. If statements were taken for Holy Scripture, I wouldn't be  
6 here, and even you are asking questions because you're not satisfied with my statements.

7 Q. The fact whether I'm satisfied or not with your statements has nothing to do with it, Witness. I'm merely  
8 asking you to answer with the truth. Witness, I shall refer you to your statement of the 16th of October  
9 2002, which I have just -- from -- an extract of which I've just read to you, and you say there that it is  
10 the -- you mentioned something about the Rwandan representative within the observation force, the  
11 GOM. Was Setako a member of the GOM, the G-O-M, at the time?

12 A. At the time the meeting was held, Setako was part of the GOM.

13 THE ENGLISH INTERPRETER:

14 The MOG in English.

15 BY MR. ST-LAURENT:

16 Q. I refer you, Witness --

17 THE ENGLISH INTERPRETER:

18 The military observers group.

19 BY MR. ST-LAURENT:

20 Q. I refer you to a statement of the 17th of March 2003, on page 8230 in the French. In the English, it's  
21 8223 and 8222, pages 4 and -- pages 5 and 6, and we are beginning at the very last paragraph in the  
22 English. I will read it to you, Witness. "At the end of March 1994, another meeting took place at  
23 Nzirorera's home. In attendance were Messrs. Casimir Bizimungu, Joseph Nzirorera,  
24 Colonels Augustin Bizimungu and Ephrem Setako, Mr. Jean Damascène Niyoyita, N-I-Y-O-Y-I-T-A,  
25 N-I-Y-O-Y-I-T-A, chairman of the MRND at *communal* level, Mr. Yotamu Bambonye, B-A-M-B-O-N-Y-E,  
26 B-A-M-B-O-N-Y-E, and Yotamu is spelt Y-O-T-A-M-U, Y-O-T-A-M-U, chairman of the CDR at  
27 *communal* level, *conseiller* and *responsable de cellule*. On that occasion, Mr. Nzirorera had announced  
28 that if the RPF were resuming hostilities, that all the Tutsi were going to be killed. At that time, the RPF  
29 forces were already in Nyamugali *commune*, N-Y-A-M-U-G-A-L-I, N-Y-A-M-U-G-A-L-I *commune* in  
30 Ruhengeri *préfecture*. A buffer zone separated them from the Rwandan government forces.  
31 Mr. Casimir Bizimungu said neither he nor Augustin Bizimungu could go back to their homes. Casimir  
32 is a native of Nyamugali *commune*, while Augustin hails from Mukarange *commune*,  
33 M-U-K-A-R-A-N-G-E, M-U-K-A-R-A-N-G-E *commune*, Byumba *préfecture*, a part of which was then  
34 under RPF control."

35  
36 Do you recognise having made that statement to the ICTR investigators on the 17th of March 2003?

37 A. Yes.

1 Q. A simple question, Witness, which should bring a short and simple response: These meetings at  
2 Nzirorera's, did they come in addition to the meetings that you claim existed at Nzirorera's mother's  
3 house?

4 A. The meetings held after the 31st of March 1994 were held at Nzirorera's residence.

5 Q. And the meetings prior to the 31st of March 1994 were held where?

6 A. Whether it be the meeting held in February or the meeting held in March, both were held at Nzirorera's  
7 residence.

8 Q. So if I have understood correctly, there were no other meetings held on those dates elsewhere than at  
9 Nzirorera's house?

10 A. Quite.

11 Q. Witness, do you know where Augustin Bizimungu resided in March 1994?

12 A. In Rwanda.

13 Q. Could you be more specific, Witness?

14 A. He resided at Mukamira camp, but his office was in Kigali -- in Ruhengeri town, the bureau of the OPS,  
15 the OPS office, but his residence was at Mukamira camp.

16 Q. In March 1994, Witness, was the RPF army in Ruhengeri *préfecture*, to your knowledge?

17 A. Yes.

18 Q. To your knowledge, could you be more specific as to where the RPF was in Ruhengeri *préfecture*?

19 A. Yes, I can be -- mention specific places. The RPF occupied Nkumba *commune*, Kidaho *commune*,  
20 Kinigi *commune*, Cyeru *commune*, Butaro *commune*, and Nyamugali *commune*, and even Ruhondo  
21 *commune*. All those *communes* were occupied by the RPF.

22 Q. Now, Witness, the question I allow myself to put to you and the introduction is as follows: On the basis  
23 of the statements or the extracts of statements that I read to you, and taking for granted that what you  
24 said to the investigators is correct and that you said that it was mentioned at those meetings that if the  
25 RPF resumed hostilities, the Tutsis should be killed, how is it that you have just told us that the  
26 hostilities had resumed in all those *préfectures* and yet the same thing was being repeated in all the  
27 meetings you've alluded to?

28 A. What I can tell you on that is that after Ruhengeri was taken by the RPF, the Rwandan Army pushed  
29 them back, repelled them, and there was a sort of no-man's land, and they asked that the buffer zone  
30 not be crossed by either of the religions, and during those meetings, it was stated that if ever the RPF  
31 crossed the buffer zone, no Tutsi would survive.

32 (Pages 33 to 45 by Mark Porter)

33

34

35

36

37

1 1545H

2 BY MR. ST-LAURENT:

3 Q. So, I understand from your response that it was only if the RPF resumed hostilities beyond the buffer  
4 zone that the incitement to kill Tutsi would be valid; according to what you have said, that is what I  
5 understand from you?

6 A. The situation was as follows: If the RPF had crossed the borders of the buffer zone, no Tutsis would  
7 have survived.

8 Q. This matter, this issue of the buffer zone, you never mentioned it in your statements of the  
9 21st of April 1999, 24th of September 2002, 16 of October 2002, 17th of March 2003, and each time  
10 you merely said, "If the RPF resumed hostilities, it would be necessary to kill the Tutsi." Is this now a  
11 new thing, Witness, that you are speaking - - that it concerns only that you are saying that it only  
12 concerns the buffer zone?

13 A. I think that the Trial Chamber - - the Court is following us the instructions according to which if the RPF  
14 resumed hostilities, no Tutsi must survive.

15 Q. Now, how was the RPF going to resume hostilities without crossing the border, the buffer zone?

16 A. It means the RPF would have transgressed the agreements and I have said that because you have  
17 asked me the question.

18 MR. ST-LAURENT:

19 Might I suggest, Mr. President, that if you want to make a break, it might be preferable to do so right  
20 away, with all due respect, of course.

21 MR. PRESIDENT:

22 Court will resume at 4.

23 *(Court recessed from 1545H to 1600H)*

24 MR. PRESIDENT:

25 Yes, Mr. Counsel, I think I would mention this that there is a complaint from the French translators'  
26 branch, that that they cannot guarantee the accuracy if they don't go a little slower and we don't give  
27 the correct reference. So please keep that that the stenographers, stenographers, I mean I think - -.

28

29 Yes, Mr. Counsel.

30 MR. ST-LAURENT:

31 I will do my best, Mr. President. And I apologise to the stenographer

32 MR. PRESIDENT:

33 The problem - - but we have to get their assistance to do this properly. That is why - - but I am only  
34 conveying their request to you.

35

36 Yes.

37



1 MR. ST-LAURENT:

2 I easily understand, Mr. President.

3 BY MR. ST-LAURENT:

4 Q. Witness, can you tell me if at Nzirorera's after the 31st of March 1994, were there - - but before  
5 the 6th of April 1994, was there another Saturday meeting, if I may refer to it as such?

6 A. The meetings ended in March 1994.

7 Q. Do you remember the date, the exact date of the last meeting that took place?

8 A. The last meeting was held the last Saturday of the month of March.

9 Q. You said. Witness, in your statement to the ICTR investigators on 17 March 2003, which earlier on I  
10 mentioned to you that is, Casmir hails from Nyamugari whereas Augustin comes from  
11 Mukarangi *commune* in Byumba *préfecture* part of which was at the time occupied by the RPF. Is that  
12 not so, Witness?

13 A. That is correct.

14 Q. Would you tell the Court as far as you know since when was Byumba *préfecture* occupied by the  
15 RPF army?

16 A. The whole, not the whole of Byumba *préfecture*, it was not completely controlled by the RPF. The  
17 *communes* that were occupied were the ones that bordered Mutara including Bizimungu's *commune*,  
18 that is, Mukarangi *commune*.

19 Q. Are you aware, Witness, of where Augustin Bizimungu's family, and by that I mean his parents, his  
20 brothers, sisters, nieces, and nephews, do you know where members of Augustin Bizimungu's family  
21 resided?

22 A. I did not know.

23 Q. Nor do you know whether Augustin Bizimungu during this period, the period in question, that is,  
24 January to March 1994, whether he would visit members of his family?

25 A. I really do not know. All I know is that he lived in Mukamira camp. I do not know whether he had  
26 brought members of his family to this camp.

27 MR. ST-LAURENT:

28 Please excuse me, Mr. President.

29 BY MR. ST-LAURENT:

30 Q. And, I assume you also do not know what Augustin Bizimungu's activities were at weekends besides  
31 his military, customary military duties?

32 A. I know nothing about his activities other than his military activities.

33 Q. I understand, Witness, that you were not close to Augustin Bizimungu?

34 A. We have no relation. The only thing we have in common is the fact that we killed people.

35 Q. Are you alleging, Witness, what you are alleging, Witness, in a statement dated 23 September 2003,  
36 you gave explanations to justify your presence at the meetings of January to March 1994? And In your  
37 testimony before this Court, you also gave explanations to justify your presence at the meetings held

1 between January and March 1994 at Nzirorera's house. Would you kindly tell us with regard to each  
2 meeting the reasons for which you were attending these meetings? In what capacity were you  
3 attending?

4 MS. OJEMENI OKALI:

5 I hope, my learned friend directly recall yesterday, I didn't - - well after the first time, I didn't go into that  
6 simply because that might reveal his identity. Maybe he can rephrase it or find a way out and also  
7 witness to be careful not to reveal his identity.

8 MR. PRESIDENT:

9 I think, Counsel - - he gave his positions in the society which made him, that is, he said that. Those are  
10 the reasons why he went there after 1990. So we can keep it in mind and then - -

11 MS. OJEMENI OKALI:

12 And also, he had also mentioned categories of people who were - - you know - - invited to such  
13 meetings and he falls under that. So I don't know what else (*inaudible*)

14 MR. PRESIDENT:

15 That is why I said the position, his position must ---

16 MS. OJEMENI OKALI:

17 Okay, I am I sorry, Your Honour.

18 MR. PRESIDENT:

19 Get that in mind and then you can proceed.

20 MR. ST-LAURENT:

21 All right

22 BY MR. ST-LAURENT:

23 Q. Certainly, Witness, in answer to the question I put to you, it is not necessary for you to identify yourself  
24 completely with regard to the capacity in which you were participating at these meetings. But. having  
25 said that, Witness, can you tell this Court the reasons warranting your presence at the meetings of  
26 January to March 1994 without going into details that may reveal your identity?

27 A. My identity is known. I gave it during the Gacaca sessions. I, therefore, took part in these meetings in  
28 my capacity as a security officer in the *commune*. I was \*\*\*\*\* *de cellule*, the *cellule* in which the  
29 *communal* office is sited and numerous activities were taking place in that *cellule*, and that is why I was  
30 attending the meetings.

31 Q. Witness, I think you were paid - - were you paid to attend these meetings? Am I to understand that?

32 A. I was paid by the state, but since money was made available at the end of these meetings, I would  
33 receive some money that would enable me to go and buy myself a drink.

34 Q. Is it correct to say that you would receive 5,000 Rwandan francs every time you attended one of these  
35 meetings between January and March 1994?

36 A. Yes.

37 Q. And, Witness, were there any other benefits that were made available to you as a result of your

1 attending these meetings between January and March 1994?

2 A. I told you that that at the end of the month, I would receive my salary, and following each of these  
3 meetings, I would be given a sum of 5,000 francs. There were no other benefits. There was no other  
4 form of remuneration

5 Q. I am going to put the question to you again, Witness. Why did you not mention the meetings involving  
6 Augustin Bizimungu in your testimony in the Kajelijeli trial?

7 A. You are coming back to this question. I told you that in my testimony in the Kajelijeli case, I had not yet  
8 come forward to mention my participation in these meetings just as I had not mentioned Bizimungu's  
9 presence.

10 Q. Is it correct to say that you lied to the Chamber in the Kajelijeli trial by not mentioning the involvement or  
11 participation of Augustin Bizimungu or his failure to participate in your testimony in the Kajelijeli case?

12 A. I had come to testify against Kajelijeli and not against Bizimungu. I talked of Kajelijeli's actions and now  
13 I am reporting on Kajelijeli's actions as well as Bizimungu's and my own. Kajelijeli was convicted for his  
14 acts and now it is Bizimungu's turn.

15 Q. I suggest to you, Witness, that in your testimony in the Kajelijeli trial, you also did not talk about your  
16 own participation at those meetings; is that correct?

17 A. Yes, indeed I said that I had not taken part in those meetings, but I did say they had taken place.

18 Q. That is to say that you lied to the Chamber in the Kajelijeli trial; is that not so?

19 A. No, I did not lie to the Chamber. I accused Kajelijeli of what he had done. I am confessing to what I  
20 did. And I am accusing Bizimungu of what he did.

21 Q. You acknowledged your participation in those meetings, Witness; did you not? Why not then do so in  
22 the Kajelijeli trials in the testimony you gave in that trial?

23 A. There is room for that. Each man will be judged individually, and now I am here, I am an accused, and  
24 I have confessed. The court will hand out the appropriate sentence with regard to the acts I committed  
25 and the same will be done with Bizimungu as was done in the case of Kajelijeli.

26 Q. On the 28th of November 2001, Witness, in your testimony in the Kajelijeli trial on page 132, line 7 of  
27 the French transcript which is not available to the booth.

28 MR. ST-LAURENT:

29 I apologise, Mr. President, I do not have the have English version.

30 BY MR. ST-LAURENT:

31 Q. Page 132 of your 28th November 2001 testimony in the transcript, and the following question was put to  
32 you:

33 "Question: Witness, can you tell the Court which people attended this meeting, the meeting you have  
34 just referred to?"

35 And I'd like to specify, you would have to check on line 8 to see which meeting they are referring to and  
36 that gives the reference and with regard to the following assertion.

37 "Answer: all I know is that since 1994 in January, we were meeting at Nzirorera's house, as

of January 1994.” So to the question that is who participated in these meetings; the answer was the people who took part in these meetings which I have referred to are the MRND chairman, the CDR chairman, the school inspectors, the *conseiller* and a number of businessmen.

“Question: Can you give the names of these persons if you know them?”

“Answer: It is Niyoyita, Jean Damascene, Baheza, Edras, Nyabusore, as well as Kajelijeli. Those are the leaders of the groups”.

Was this indeed your testimony on the 28th of November 2001 in the *Kajelijeli* case?

A. Yes, that was my statement.

Q. At that time, you did not implicate Augustin Bizimungu nor did you implicate neither Casmir Bizimungu nor, Efre Setako; that is correct, is it not?

A. I did not implicate them at the time. I had come to testify against Kajelijeli and Nzirorera. Prior to my confession, I was still protecting the other accused.

Q. So, Witness, before the 12th of August 2002, you did not tell the truth, all the truth?

A. In my case, I never said the truth, I never said the whole truth, but once I appeared against a number of accused who are present here, I told the truth.

Q. And you did not tell the truth? You also did not tell the truth to the Court in Kajelijeli nor did you tell the truth to the ICTR investigators if we are to believe your assertions before the 12th of August 2002, that is; is that correct?

A. No, you are wrong to think so. I told the truth to the investigators with regard to Kajelijeli's acts and Casmir Bizimungu's as well as Bicampaka's. Now I am talking about the reprehensible acts of Augustin Bizimungu, and before the Rwandan authorities, I talked of the reprehensible acts that I committed. Bizimungu will be judged here, and I will be judged in Rwanda because it is in Rwanda that I am making confessions as to my crimes. With regard to Bizimungu's participation in those crimes, I am telling this Court.

Q. Witness, may I suggest that as you speak you have been convicted and that at this time, Augustin Bizimungu is just accused, Witness?

A. You are saying that I have been sentenced? What is my sentence, Counsel? If you say that I have been convicted, when was I sentenced?

Q. Tried, correction. In your testimony it appears that you pleaded guilty and that you are now waiting sentencing?

A. Yes, that is the case, but I have not yet been convicted.

Q. It is technically, Witness, basically you pleaded guilty. Would I be right in saying, Witness that in your remarks, be it to the courts or to the other authorities like the ICTR, after the 12th of August 2002 that that, in substance was the whole truth of the events you alleged with regard to the years 1991 to 1994?

A. After my arrest, I spoke the truth and in my very statements and testimony and when I confessed, I spoke the truth and even today, I am speaking the truth.

Q. Did you speak the whole truth in Casmir Bizimungu's trial?

1 A. In the Casmir Bizimungu's trial, I spoke the truth in the answers I gave.

2 Q. My question, Witness is; in your testimony in Casmir Bizimungu's trial, did you speak the entire truth  
3 and nothing but the truth?

4 A. I assert that in the Casmir Bizimungu's trial, I spoke truthfully answered truthfully all the questions that  
5 were put to me according to the way they were put to me.

6 Q. You are keeping exit doors for yourself, Witness; we will come back to this. Tell me why after your  
7 statement of 23rd of September 2003, the name of the *bourgmestre* Harilimana disappears when you  
8 mentioned the meetings of January to March 1994?

9 A. With regard, in respect to my statement of 23rd of September 2003, it was a summary of all the  
10 previous statements I had made. When the investigators came to meet me, I expressed myself  
11 succinctly. You will see that I refer to my prior statements. So, it was a summary.

12 Q. Well, we will come to that, Witness. For the time being, we will make a brief excursion into the  
13 meetings that were held not at Nzirorera's residence, but at Nzirorera's mother's residence. Can you  
14 tell the Trial Chamber, Witness, without going into the meeting of the 6th to the 7th of April which you  
15 claim to have attended, can you tell the Trial Chamber what meeting was allegedly held at Nzirorera's  
16 mother's residence excluding this meeting, the meeting of the 6th and the 7th April?

17 A. With the exception of social functions held at Nzirorera's mother's residence, held in full daylight and  
18 intended to welcome her son, there was no other meeting than that in the night of 6th to 7th April at  
19 Nzirorera's mother's residence.

20 Q. You attended those meetings at Nzirorera's mother's residence?

21 A. No, I am speaking of social functions, ceremonies, but I noted that they were those ceremonies those  
22 social functions at Nzirorera's mother's residence, but I did not attend.

23 Q. So there were no meetings at Nzirorera's mother's residence; is that correct?

24 A. The only meeting held at the that place was that held in the evening from the 6th to 7th of April.

25 Q. I take note of what you have said, Witness, but apart from the meeting of the 6th to 7th of April, there  
26 were no meetings at Nzirorera's mother's residence, but only ceremonies as you term them; is that  
27 correct?

28 A. That is correct, Counsel.

29 Q. Let - - let us begin to examine this famous meeting of 6th to 7th April which allegedly was held at  
30 Nzirorera's mama's residence, and before going full throttle into that meeting, I should like you to tell  
31 the Trial Chamber, what was your schedule of activities after lunchtime, noon on the 6th of the April  
32 without going into details, mainly your schedule of activities between noon on the 6th April and 10  
33 o'clock in the morning, 10 a.m. on the 7th of April? Can you tell the Trial Chamber what was your  
34 schedule of activities?

35 A. Very succinctly, I think that as of lunchtime, I was already at Nzirorera's mother's residence. And at  
36 5 p.m. I returned to the *communal* office. No, at mid-night, sorry - - as of mid-night - - as of mid-night, I  
37 was at Nzirorera's mother's residence and 5 a.m. I left to return to the *communal* office. At 8 a.m. I

1 returned to Byiangabo and at 9.a.m I returned to the *communal* office. Those were my various  
2 movements between the 6th and the 7th of April.

3 Q. So, I understand if I am following correctly to follow you correctly that on the 6th of April at noon you  
4 were at the *communal* office, is that correct?

5 MS. OJEMENI OKALI:

6 Objection, Your Honours there has been correction - - oh sorry, I am sorry, I am sorry.

7 MR. ST-LAURENT:

8 It's merely that -- I mean there is no trap. It's because things haven't been quite correct. I wanted to  
9 make sure.

10 BY MR. ST-LAURENT:

11 Q. At noon on the 6th of April, where were you, Witness?

12 A. I was at the *communal* office.

13 Q. At what time did you leave the *communal* office - - I am sorry, to come back to this question so that I  
14 can understand?

15 A. Between noon and the evening, I stayed - - you are asking for my schedule of activities as from noon?

16 At noon I was at the *communal* office. I left the *communal* office after 10 p.m. to go to Nzirorera's  
17 mother's residence where I arrived after mid-night. I left Nzirorera's mother's residence at dawn to  
18 return to the *communal* office.

19 Q. So on the 6th of April at noon you are at the *communal* office and you leave it to go to Nzirorera's  
20 mother's residence where you arrived mid-night; is that correct?

21 A. Yes.

22 Q. And you again leave at dawn, at dawn, at about 5 a.m.; is it, Witness?

23 A. I am speaking of dawn, daybreak, dawn, the first hours of the morning.

24 Q. At what time, Witness?

25 A. At about 5 a.m.

26 MS. OJEMENI OKALI:

27 Already he has answered this question; I don't know why my learned friend is going round and round.

28 Can we more on, Your Honour?

29 THE ENGLISH INTERPRETER:

30 Microphone, Mr. President, sorry.

31 MR. PRESIDENT:

32 *Microphone not activated.* Yes.

33 MR. ST-LAURENT:

34 There are two things and then I would be hurrying for this stage to finish. It's so that I could understand  
35 and the other thing is the attitude I encounter opposite, the visual attitude, I will react very soon, I am on  
36 the point of doing so, Mr. President.

37

1 MR. PRESIDENT:

2 I think it means that Mr. Counsel - - anyway we will. If he says that you are hostile - - towards - - but  
3 anyway - -

4 MS. OJEMENI OKALI:

5 I am not having any hostile attitude. I am merely asking - -

6 MR. PRESIDENT:

7 But maybe that is the impression that he is getting so we will - -

8 MS. OJEMENI OKALI:

9 I cannot in anyway do to so to my learned friend. I actually do call him my learned friend and I have  
10 extended hands of friendship to you, so I cannot.

11 MR. PRESIDENT:

12 Yes.

13 MS. OJEMENI OKALI:

14 And it's not possible. And if you get that impression I apologise that is not intended at all in anyway.

15 MR. ST-LAURENT:

16 I did not want to suggest a hostile attitude, not at all, Mr. President, I will beg you, you say it to look over  
17 the other side from to time to time and you will see what I mean. It's not, I am not going to do with  
18 hostility, but it is a conduct that is sometimes bothersome, Mr. President. That is what - I won't do  
19 anything.

20 BY MR. ST-LAURENT:

21 Q This being said, Mr. Witness, the only time you went to --

22 THE ENGLISH INTERPRETER:

23 Microphone.

24 MS. OJEMENI OKALI:

25 I do object to this allegation.

26 THE ENGLISH INTERPRETER:

27 Microphone, microphone.

28 MS. OJEMENI OKALI:

29 I do object to this allegation. If my learned friend has observed anything that he wants to bring to your  
30 attention, he might have done so right now.

31 MR. PRESIDENT:

32 No, he does say that when you get up I think he gets distracted.

33 MS. OJEMENI OKALI:

34 No, but he does that to me. So we do it, I mean it is the normal practice. I don't see anything wrong  
35 with that I haven't done anything improper. Perhaps he can explain it; I mean that way at least I will  
36 understand. I thought he meant hostility and I was trying to explain.

37

1 MR. PRESIDENT:

2 Hostility was the word that I used

3 MS. OJEMENI OKALI:

4 Okay, Your Honour, and that is why I apologised. But if I - - this given this response I wanted him to  
5 explain exactly what he means by that.

6 MR. PRESIDENT:

7 Let's forget about it now and carry on.

8

9 Yes, Mr. Counsel.

10 MR. ST-LAURENT:

11 Thank you, Mr. President .

12 BY MR. ST-LAURENT:

13 Q I return to my question; Witness, the only time you went to Nzirorera's mother's residence was in the  
14 night of the 6th to 7th of April 1994 for the purpose of a meeting?

15 A. Yes, that is correct.

16 Q. I will refer you, Witness, to your preliminary statement of the 17th of March 2003, page 8229 in the  
17 French and in the French version, it's the first paragraph, - - first paragraph of 8229, that's for the  
18 French, first paragraph it is on page - - it should be the last paragraph, page 8222 in the English, 8222  
19 in the second paragraph, page 270744, K 0270744. you state to the investigators since January 1994,  
20 a meeting would take place in a home of the lady named Nyiramakuba, N-Y-I-R-A-M-A-K-U-B-A,  
21 N-Y-I-R-A-M-A-K-U-B-A, N-Y-I-R-A-M-A-K-U-B-A, Nzirorera's mother in Rwankeli *cellule*,  
22 Busogo *secteur* Mukingo *commune* every last Saturday of the month. Six lines further you say - - ,

23 THE ENGLISH INTERPRETER:

24 I am sorry, Mr. Tim, I cannot find the sentence. Could the counsel please wait a second?

25 MS. OJEMENI OKALI:

26 I once again rise regarding the - - my learned friend's attitude of reading statements out of context and  
27 he knows why he omitted the last - - I mean some sentences within this particular paragraph he read  
28 out. We are dealing with previous statement of this witness. If he really wants to use this information in  
29 this paragraph to elicit certain evidence from this witness as to clarification of whatever, you know, that  
30 relates to his case, he should read the statement correctly. The witness doesn't have the statement in  
31 front of him. He needs to refresh his memory. Even if this witness says he knows that, he wouldn't  
32 know the context within which he made the statement, and we are all here to assist the Court to find out  
33 the truth about what happened in Rwanda, and we cannot do it if we have to continue this way.

34

35 So, Your Honour, I am making an objection that my learned friend should read properly the statement  
36 within context that the statements were made.

37



1 MR. PRESIDENT:

2 I think the problem arises because he is trying to read it from the French. The English version, maybe  
3 the translation starts differently.

4 MS. OJEMENI OKALI:

5 All because he said he was keeping some statements.

6 MR. PRESIDENT:

7 Yes, Mr. Counsel if - - I think - -

8 MR. INTERPRETER:

9 Mr. President, excuse me, the sentence that the counsel that last read stating that it was six lines  
10 further is actually absent in the English version, I have just been checking. It's only in the French.

11 MS. OJEMENI OKALI:

12 Your Honour, it is not. It is not missing but it is because he has missed the statement that should  
13 actually lead to this particular statement that he has read. It is there, I mean it's the last really - -

14 1, 2, 3, the fourth line after the last statement that he read, but he doesn't want to read the four lines  
15 and there is no way the witness can, you know, recollect the context within which he made his  
16 statement.

17 *(Pages 46 to 55 by Petrus Chijarira)*

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1 1650H

2 MR. PRESIDENT:

3 I think Counsel should read the entirety of the statement so that -- you have to be fair to the witness  
4 when you put something to him. And you have also to remember that he can't read, write and  
5 understand French nor English. He knows only Kinyarwanda and these statements are not in his  
6 language for him to go through. So, therefore, when we quote something at least we have to be fair to  
7 him, put the entire statement.

8 MS. OJEMENI OKALI:

9 Your Honour, just a point of correction. We are referring to the last paragraph --

10 MR. ST-LAURENT:

11 *(No interpretation)*

12 MS. OJEMENI OKALI:

13 Excuse me.

14 MR. ST-LAURENT:

15 Could I answer with the sentence -- I will be finished in 20 minutes, my learned friend.

16 MS. OJEMENI OKALI:

17 I am just clarifying what I said, that the paragraphs we are referring to are not statements. I am talking  
18 about the entire paragraph, for it to have a meaning within the context, but I read this statement.

19 MR. PRESIDENT:

20 What is it? Is it the last page? What is it?

21 MS. OJEMENI OKALI:

22 Yes, Your Honour, it is the last page, but he skips certain sentences and thereby the witness will not be  
23 able to understand the context within which the statements were made, and that is why the interpreters  
24 couldn't find the paragraphs -- I mean, the sentences that he was reading before my interjections.

25 MR. PRESIDENT:

26 Yes, Mr. Counsel, I think if we add up these sorts of items, we are not going to put the witness in a  
27 difficulty. You are putting the interpreters and court staff into difficulty, so we will put the whole  
28 paragraph, otherwise, it is difficult for the interpreters also to follow you.

29 MR. ST-LAURENT:

30 Will you allow me, Mr. President, to respond to the five or six excessive interjections by my learned  
31 friend? I could, Mr. President, have asked the witness if his presence at Nzirorera's mother's house --  
32 wouldn't that be in contradiction with the statement he made to the investigators on the 17th of  
33 March 2003, and I think -- and I could on a legal basis obtain an answer from him without referring to  
34 the text. You would then have been able to assess the credibility or the probative value of the response  
35 and you will, in fact -- I did not place before the witness the text which I was referring.

36  
37 And, secondly, Mr. President, I was trying to gain time, and I am not supposed to mislead the witness.

1 If that had been my intention, I could have, for the seventh time now, been able to trap the witness,  
2 which, you have noticed, I am sure has not been the purpose of my questions. Therefore, I have  
3 highlighted the section and the statement. Now if you wish me to read completely, I will read  
4 completely, but I merely wish to emphasise the contradiction between what the witness has said and  
5 what he has testified to and also mentioned.

6 MR. PRESIDENT:

7 *(Inaudible)*

8 MR. ST-LAURENT:

9 But that was not, Mr. President, at all with an idea to mislead him. From now on I wanted to save time,  
10 but I will systematically read the whole thing which would spare my learned friend from standing up.

11 BY MR. ST-LAURENT:

12 Q. Now, in the French, Witness, page 8229, 1st paragraph.

13 MR. ST-LAURENT:

14 Is there something funny? I am sorry.

15 BY MR. ST-LAURENT:

16 Q. Page 8222 in the French, the first complete paragraph: "Since January 1994, a meeting would take  
17 place in the home of a lady named Nyiramakuba, Nzirorera's mother in Rwankeli *cellule*, Busogo  
18 *secteur*, Mukingo *commune*, every last Saturday of the month. During these meetings the discussions  
19 dealt with the preparation of the genocide. The regular participants of these meetings were Nzirorera,  
20 the two Bizimungu, Setako, Kajelijeli and the leader of the *Interahamwe* militia in Busogo *secteur*,  
21 Michel Niyigaba, N-I-Y-I-G-A-B-A, Michel Niyigaba. The officials at those meetings would tell us that  
22 since we knew where all the Tutsis were, as well as their numbers in the *commune*, we should kill them  
23 all immediately the RPF launched its first attack. These instructions were meant in particular for the  
24 militia, but since the *communal* police supervised the militia, we were also concerned. I know that the  
25 army, on its part, was organising itself with the same result in mind."

26  
27 Next line. This is the sentence that is absent in English and it consists of the following: "Naturally, my  
28 functions -- my capacity obliging me to attend these meetings, I took part. "

29 MR. ST-LAURENT:

30 And there are three lines remaining, Mr. President. Shall I read them?

31  
32 "This is all I remember of the events of 1994 regarding Mr. Jérôme Bicomumpaka and  
33 Casmir Bizimungu. I will inform you if I remember other information which may be useful to you."

34 MR. PRESIDENT:

35 Counsel, three lines are missing in English. That is what the -- the French version contains three more  
36 lines than the English. That is the other difficulty. I know it is not your fault, but, then, we go through  
37 the danger of putting it to the witness because the quote should follow the English also.

1 MS. OJEMENI OKALI:

2 Your Honour, if I may say something on the missing part. I think the lines are missing after the last --  
3 just before the last paragraph.

4 MR. PRESIDENT:

5 Yes, three sentences are missing just before -- where it starts, "This is all I remember."

6 MR. ST-LAURENT:

7 What I see is that the three first lines are present in English at the top of the pages. Is that what you  
8 are saying, Mr. President? Is it the kind of words, no?

9 MR. PRESIDENT:

10 No, the last sentence starts with "This is all I remember." Three sentences prior to that are missing  
11 from this statement.

12 THE ENGLISH INTERPRETER:

13 One sentence, Mr. President. After -- where the paragraph ends, "With the same result in mind", and  
14 before "This is all I remember", in the French text there is an additional sentence which says, "Naturally,  
15 my official functions obliged me to attend those meetings, and, therefore, I attended them."

16 MR. PRESIDENT:

17 Anyway, what is the real question, Counsel, to the witness?

18 MR. ST-LAURENT:

19 It was a two-fold question, the first being -- I was going to ask if he recognised having made this  
20 statement, but my question was two-fold. On the one hand, it was to lead me to ask him if he attended  
21 all the meetings at Nzirorera's mother's house the last Saturday of every month, which contradicts his  
22 statement he has made in testimony. Whether the sentence is absent or not, I see the sentence is  
23 there with regard to the last Saturday of the month.

24 MR. PRESIDENT:

25 You can ask him whether he attended all the meetings at Nzirorera's. You can ask him that question.

26 BY MR. ST-LAURENT:

27 Q. Witness, did you indeed say that you would go to Nzirorera's mother's house, and this was as of  
28 January 1994, every last Saturday of the month in order to take part in a meeting?

29 A. As of January 1994 through to March 1994, every last Saturday of the month -- first of all, there was a  
30 ceremony held at Nzirorera's mother's house, and after that ceremony, the participants I referred to  
31 would go to Nzirorera's house where a meeting was held. So, first of all, there was a reception held at  
32 Nzirorera's mother's house followed by the meeting at Nzirorera's house, and the reception given by the  
33 minister, including others such as Bizimungu, was held in the daytime, and in the evening the  
34 participants would come to Nzirorera's house to plot and prepare the genocide, and it was at Nzirorera's  
35 house that the meeting was held. And at the house of Nzirorera's mother, that is where there was the  
36 reception for the minister. The meeting would then be held at Nzirorera's house.

37 Q. Witness, in the statement, both in English and French versions, you do not mention a reception; you

1 mention a meeting at Nzirorera's mother's house, and you even went as far as giving the agenda, the  
2 matters discussed in this meeting. And my question is: Were there meetings, and I don't mean  
3 reception ceremonies, I mean meetings at Nzirorera's mother's house; yes or no? That is my first  
4 question.

5 A. The only meeting held at Nzirorera's mother's house is the one that was held in the night of 6th to  
6 7th April. Other than that, with regard to the meetings every last Saturday of the month, first of all, we  
7 would have some festivities at Nzirorera's mother's house, and then the actual meeting took place at  
8 Nzirorera's house, and it was in the space of one day.

9 Q. But you seem to have given a new fact there. You will tell me if it is incorrect.

10 MR. PRESIDENT:

11 Witness, Nzirorera's mother's house is how far-away from Nzirorera's?

12 THE WITNESS:

13 Between the two houses there is a distance of about two kilometres.

14 MR. PRESIDENT:

15 But counsel says this -- the statement says that the meeting took place at Nzirorera's mother's house,  
16 and that is why this confusion starts.

17 THE WITNESS:

18 As far as the statement is concerned, the statement in question, I explained what the situation was,  
19 given that the content of the statement differs from my testimony, that is why I explained to the  
20 Chamber that, first, there was a social function at Nzirorera's mother's house. Nzirorera would be  
21 coming from Kigali and hosted at a reception by his mother. And in the evening Nzirorera and the  
22 participants he had invited would meet at his house to delve into the meetings.

23 MR. PRESIDENT:

24 Is that at both places, at the reception and as well as at the meeting? So you were invited to  
25 Nzirorera's house to attend both meetings?

26 THE WITNESS:

27 Yes.

28 MR. PRESIDENT:

29 Yes, Counsel.

30 BY MR. ST-LAURENT:

31 Q. Witness, we are not talking about a social function in your statement of 17th March 2003; we are talking  
32 about a meeting where genocide was plotted. That is not the same thing at all. Were you telling the  
33 truth on the 17th of March 2003 to the investigators, or is it now that you are telling the truth?

34 A. What I am telling you today is the truth. Here in the statement I was mistaken, but I cannot persist in  
35 this error. What I am saying today is the truth.

36 Q. So you were mistaken on the 17th of March 2003 when you made that statement; is that what I am to  
37 understand from your answer?

- 1 A. I told you that when my statement was read to me, reading my statement now, I note that my  
2 statements were not correctly taken down. My statement should not have been recorded the way you  
3 read it to me. First of all, there was a function at Nzirorera's mother's house and, at the end of the day,  
4 there was a meeting where they were to prepare what was to be done, and this meeting was held at  
5 Nzirorera's house. The same officials who were present at Nzirorera's mother's house at the social  
6 function would then participate in the meeting. Ordinary members of the public did not take part in the  
7 meetings held at Nzirorera's house.
- 8 Q. So you were mistaken with regard to the ceremony which was held at Nzirorera's mother's house  
9 before the meeting proper at Nzirorera's house; is that what your answer is?
- 10 A. I have just told you that, looking at my eight statements and testimony, the only place where this  
11 mistake appears is on the page in question, a page in this statement, and what I am telling you is the  
12 truth. It is the truth that I told the Chamber in my testimony today.
- 13 Q. There are two things I have noted from your testimony today that as of 12th August 2002 you gave the  
14 whole truth and nothing but the truth. And the second thing I have noticed is that in this statement you  
15 have endeavoured to explain a very glaring contradiction. Were you present at the reception at  
16 Nzirorera's mother's house?
- 17 A. But how can I be talking about it if I was not there.
- 18 Q. That is exactly what I was wondering as I put the question to you. Do you not know at what time the  
19 function at Nzirorera's mother's house would end, do you?
- 20 A. The function would end at around 1800 hours and then we could go up to Nzirorera's house where the  
21 meetings to prepare the massacres would take place. This preparation was done at Nzirorera's.
- 22 Q. Witness, you say that you are not in a position to talk about the function at Nzirorera's mother's house  
23 because you did not participate. And then, shortly after, you say that, "We went up to Nzirorera's to  
24 take part in the meeting."
- 25 A. Listen, the function was held at Nzirorera's mother's house, and for me, that is not an issue. The  
26 function is not reprehensible; what is reprehensible is the meeting that was held on the night of the 6th  
27 to 7th April 1994 at the same venue. That is why I said that, apart from this meeting, there was no  
28 other meeting at Nzirorera's mother's house.
- 29 Q. When did you tell the prosecutor of this error appearing in the 17th of March 2003 statement? You say  
30 you were mistaken. Did you advise the Office of the Prosecutor that you had been mistaken about the  
31 nature of the events at Nzirorera's mother's house every Saturday?
- 32 A. Which Prosecutor was I supposed to inform? In the statements I made thereafter, do you find any  
33 portion of text where I talk of this even? That shows you that I recognised my error because I knew that  
34 I had been mistaken.
- 35 Q. Trust me, Witness. There are many other passages that we will look at, but please answer my  
36 question. In -- this statement of 17th March 2003, was it reread to you before you signed it?
- 37 A. I told you that, as far as I was concerned, the statement in its present form is not my statement. My

statements were not correctly recorded. I think that if we could have a look at the original Kinyarwanda text, you would see that I had not mentioned that a meeting was held every last Saturday of the month at Nyiramakuba's house and that genocide was plotted there.

Q. My question, Witness, is this: Was this statement reread to you before you signed it, yes or no?

A. Let me tell you one thing: If the statement is recorded as you have read it, then I must have signed it without it being read to me.

Q. This is another new effect, Witness. Then tell this Court how many of the eight statements were signed by you without them being read back to you.

A. Give me the statements in question. I will ask for it to be read to me after I have left the stand so that I will be acquainted with the content of this statement.

Q. I put it to you, Witness, that you are in a corner; that is what I am suggesting to you. What do you say to that?

A. But you are telling lies. You were not at Nyiramakuba's house, and I am telling you there was no other meeting, apart from the meeting held on the night of 6th to 7th April, which meeting I attended.

Now, coming to the functions held every last Saturday of the month at Nzirorera's mother's house, I attended those. There was the function and then the meeting at Nzirorera's which I took part in. I am talking about the events that occurred because I was there. You were not there. I will ask that this statement be read to me tomorrow morning, this statement which you are using, so that I am made aware and so that I know whether it is truthful or not, and then I will be able to express myself on it.

MR. PRESIDENT:

Witness, you can't tell the Court or the counsel that counsel is lying. Counsel is putting questions on behalf of the Court, so don't use that word again. And this is a simple issue.

THE WITNESS:

*(No interpretation)*

MR. PRESIDENT:

Counsel says that in your statement it is recorded that the meetings were held at Nzirorera's mother's place. And your testimony is, at the mother's place there was ceremony or function and the meetings took place in Nzirorera's house. But counsel says that -- which one is correct, what you say here or what is stated in the statement. So you say that what is recorded in the statement is not correct, and that is why you are explaining now; what you say here is the correct testimony.

THE WITNESS:

Yes, Mr. President, that is what I have just stated.

BY MR. ST-LAURENT:

Q. Witness, I asked you at the very start of my cross-examination how these statements were recorded, and you told this Court -- you told this Bench that you were interviewed and that, in general, the following day, the corrected text of the statement you had given was brought back to you. The