

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO. : ICTR-01-76-T  
CHAMBER I

THE PROSECUTOR  
OF THE TRIBUNAL  
v.  
ALOYS SIMBA

WEDNESDAY, 23 FEBRUARY 2005  
0940H  
CONTINUED TRIAL

Before the Judges:

Erik Møse, Presiding  
Sergei A. Egorov  
Dennis Byron

For the Registry:

Ms. Marianne Ben Salimo  
Mr. Edward Matemanga  
Ms. Rosette Muzigo-Morrison  
Mr. Joseph Essombè-Edimo (WVSS)  
Ms. Aminatta N'gum (DCMS)

For the Prosecution:

Mr. Richard Karegyesa  
Mr. Ignacio Tredici  
Mr. Didas Nyirinkwaya

For the Accused Aloys Simba:

Mr. Sadikou Ayo Alao  
Ms. Beth Lyons

Court Reporters:

Ms. Leslie Todd  
Ms. Roxane Lane  
Ms. Donna M. Lewis  
Ms. Diane Hermann  
Ms. Sherri Knox

I N D E XWITNESSESFor the Defence:

## WITNESS GK1

Examination-in-chief by Mr. Alao ..... 2

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## WITNESS SBL1

Examination-in-chief by Mr. Alao (*continued*) (*commenced in closed session*) ..... 34Cross-examination by Mr. Karegyesa (*commenced in closed session*) ..... 47EXHIBIT

Exhibit No. D. 96 ..... 1

## PROCEEDINGS

1

2 MR. PRESIDENT:

3 Good morning, everyone.

4 THE WITNESS:

5 Good morning, Mr. President.

6 MR. PRESIDENT:

7 You are a protected witness. You have to tell the truth, and the Registry will now take your solemn  
8 declaration.9 *(Declaration made by Witness GK1 in Kinyarwanda)*

10 MR. PRESIDENT:

11 Do you have two pages in front of you there, Mr. Witness?

12 THE WITNESS:

13 Yes, Mr. President.

14 MR. PRESIDENT:

15 Is it your signature on the second page?

16 THE WITNESS:

17 I can see two sheets of paper, and there is my signature on one of them.

18 MR. PRESIDENT:

19 Does this imply that the information given in that document is correct?

20 THE WITNESS:

21 Yes, the information is correct.

22 MR. PRESIDENT:

23 Thank you very much.

24

25 Mr. Matemanga?

26 MR. MATEMANGA:

27 P. 96.

28 MR. PRESIDENT:

29 Thank you very much. Under seal.

30 *(Exhibit No. P. 96 admitted, under seal)*

31 MR. PRESIDENT:

32 You will now be examined in chief --

33 THE WITNESS:

34 I did not quite understand what the President was saying.

35 MR. PRESIDENT:

36 What happened now is that we simply took note of your testimony, that the information in this document  
37 is correct. That's all we did.

1 THE WITNESS:

2 Yes, that information is correct.

3 MR. PRESIDENT:

4 Yes. So that will then be placed under seal, that document, so that no one can see it except for the  
5 Court staff.

6

7 Now, you will be examined-in-chief by the Defence now, Mr. Witness.

8

9 *Maître Alao.*

10 MR. ALAO:

11 Thank you, Mr. President.

12

WITNESS GK1,

13

first having been duly sworn,

14

testified as follows:

15

EXAMINATION-IN-CHIEF

16 BY MR. ALAO:

17 Q. Good morning, Witness GK1. This is how you are going to be referred to henceforth because you are a  
18 protected witness.

19 MR. ALAO:

20 Mr. President, perhaps before beginning this direct, I would like to put the Court on notice regarding the  
21 medical problems of this witness. This witness is taking anti-inflammatories and has been doing so  
22 apparently for about 10 years because of a hernia, and therefore these drugs have seriously affected  
23 his elocution and perhaps even his hearing. That said, you yourself should be able to assess or make  
24 an assessment.

25 MR. PRESIDENT:

26 Mr. Witness, we have noted what we just heard about the medical condition, and you must tell us if  
27 there are any problems because we have already postponed your testimony because of your health  
28 situation, and we will certainly make sure that now when the testimony begins that you feel at ease and  
29 that we are proceeding and communicating well. So just draw the attention of the Court to any problem  
30 you may have, if it should arise during the examination. Is that agreed?

31 THE WITNESS:

32 Mr. President, Your Honours, as the Defence counsel has just pointed out, I am suffering from an  
33 illness that has seriously affected my speech and hearing. And since I am still under medication, I have  
34 problems remaining seated or even standing for long periods, and if ever I feel tired of sitting, I may ask  
35 your leave to continue testifying while standing. And if there is any other problem, I will not hesitate to  
36 point that out to you.

37

1 MR. PRESIDENT:

2 That's very good. All right.

3 MR. ALAO:

4 Thank you, Mr. President.

5 BY MR. ALAO:

6 Q. Witness GK1, since you have sworn to tell the truth, it should not be a one-sided truth. Since you may  
7 be under the impression that you were called to testify in defence of Simba, your main concern should  
8 not -- or not be to protect Mr. Simba. So please just try to speak the truth to the best of your knowledge  
9 to this Court.

10 MR. PRESIDENT:

11 Mr. Alao, in view of the witness's health situation and the need to be extremely efficient here, I wonder  
12 whether we -- you know, what you are now saying is covered by the Court's general admonishment.  
13 We take it for granted that the witnesses come here to tell the truth and that they are unbiased. That is  
14 our point of departure. So maybe we should now proceed to the first question in order to -- not to  
15 prolong this testimony for this witness with his health situation.

16 MR. ALAO:

17 Very well, Mr. President. I was not speaking for the interests of the Court, but for the witness.  
18 Nevertheless, I will defer to your guidance.

19 BY MR. ALAO:

20 Q. And so, Witness GK1, with leave of the Court, we are going to move into closed session so as to  
21 protect your identity. And, please, in your answers try to cooperate with all the parties and specifically  
22 with the Prosecutor. Thank you.

23 MR. PRESIDENT:

24 No objection?

25 *(At this point in the proceedings, a portion of the transcript [pages 4 to 5] was extracted and sealed*  
26 *under separate cover, as the session was heard in camera)*  
27 *(Pages 1 to 3 by Leslie Todd)*

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1 BY MR. ALAO:

2 Q. Mr. Witness, we are now in open session, so you should be careful not to reveal your identity while  
3 answering, and if I make the mistake of putting a question to you that may reveal your identity, you  
4 should draw my attention to that.

5

6 Please tell this Court what happened in your locality after the death of the president .

7 A. Mr. President, Your Honours, in response to the question put to me by Defence counsel, it is true that I  
8 was in Kaduha on the day following the death of the president, and I believe this was on the 7th of April.  
9 Some Tutsis started coming to Kaduha. Initially, there were not many of them, and they were moving  
10 towards the Kaduha parish, and this continued until there were many people in that parish. And when  
11 the crowd of people grew large, people started saying that this group of Tutsis had come to wait for the  
12 RPF which was supposed to meet them at that place. That is all I can say.

13 Q. Thank you, Witness. Nevertheless, can you tell the President whether there were acts of violence in  
14 the area in which you were that could have justified the exodus of Tutsis, as you have just said, to the  
15 Kaduha parish?

16 A. As I have just stated, as from the 7th of April, militiamen started setting houses belonging to Tutsis on  
17 fire, and that is how come Tutsis started seeking refuge in the Kaduha parish. It started with those who  
18 were living in the neighbourhood of the parish, but later on, there were Tutsis coming from the  
19 Bunyambiri region. And the *communal* offices -- there were Tutsis even in the *communal* offices, but  
20 the vast majority of the refugees went to the Kaduha parish.

21 Q. Thank you very much. Now, tell this Court, do you know what happened at the Kaduha parish, that is,  
22 in connection with these refugees? What happened to them? If you know it, tell this Court, please.

23 A. As I have already told you, personally this Kaduha area was not my home area, and I was frightened by  
24 what was going on. Now, regarding the people who had taken refuge in Kaduha, specifically on the  
25 21st of April 1994, I was not a witness, but I heard about these events because I was in that area.  
26 There was an attack launched by soldiers. And I'm calling them soldiers because the majority of  
27 attackers were in military uniform. It was not possible to distinguish between gendarmes or soldiers  
28 from the army, but there were also militiamen amongst them, so it was this group of attackers who killed  
29 the refugees. But for my part, I was afraid because I was not sure of surviving. And the other people  
30 who, like myself, were not natives of this area also had problems.

31 Q. Now, Witness, please tell this Court, if you know, based on what you heard, when did -- when did guns  
32 start being fired? When did they start being fired in the Kaduha parish, to your knowledge?

33 A. The gunshots started on the 21st of April, and therefore this was two weeks following the death of the  
34 president. I confirmed that it was on the 21st, because I have a relative who died on the 14th of April,  
35 and the events of Kaduha took place one week after the death of this relative, which I'm using as a  
36 reference point. So that is how I can confirm that the events took place on the 21st of April 1994. I do  
37 not think that -- I don't know whether you want me to give you a specific time, because as I told you, I

1 was in this area, and even five kilometres away one could hear the gunshots.

2 MR. PRESIDENT:

3 Does this imply that you actually were five kilometres away from the place where the attack took --  
4 occurred?

5 THE WITNESS:

6 No. I was just giving an example. I was about two kilometres away.

7 MR. PRESIDENT:

8 All right. So you were two kilometres away from this attack. And based on what you heard, were you  
9 able to know the time of the day of this attack or the starting of the shooting? Was that what you  
10 wanted to tell us?

11 THE WITNESS:

12 The gunshots started at about 10 a.m., and at that time -- it was at that time that we heard sustained  
13 gunfire.

14 MR. ALAO:

15 Thank you, Mr. President.

16 BY MR. ALAO:

17 Q. Witness, tell this Court, did the gunfire go on for the entire day?

18 A. At around 2 p.m., the intensity of the firing had subsided, and we couldn't hear many gunshots.

19 Q. Now, based on the information that made you say that it was people in uniform who attacked the parish,  
20 did you see them travel or move to the parish, or is it just what people told you?

21 A. They were coming from various places, and it was possible to be informed of that through discussions  
22 with people, but it was also possible to see some of them. You could see soldiers and militiamen  
23 disguised as soldiers, and from my vantage point it was possible to see some of the attackers. But  
24 given that some attackers came from other directions, we were unable to see them, and it was after  
25 discussing with other people that we learned that there were other attackers who had come from other  
26 places. So I say, nevertheless, we saw some of them.

27 Q. Now, Witness, did those in uniform come on foot or on board vehicles?

28 A. Those that I saw were on foot. However, I saw a vehicle carrying some civilians, some people in  
29 civilian clothing. Otherwise, the others were on foot.

30 Q. Is it your testimony that the soldiers or gendarmes went to the Kaduha parish on foot? Is that what  
31 you're telling this Court?

32 A. What I'm saying is that they were on foot because we saw them pass by, and they were in uniform. We  
33 didn't see any vehicles. We did not know whether they had left the vehicle somewhere else, but as far  
34 as I could see, they were on foot. I cannot say that they were on board a vehicle; whereas, I had not  
35 seen any. And as I have already said, I saw only one vehicle in which there were people wearing  
36 uniforms.

37

1 MR. PRESIDENT:

2 Are you saying, Mr. Witness, that there were, in fact, persons on board the vehicle wearing a uniform?

3 THE WITNESS:

4 Yes, that is what I said.

5 MR. PRESIDENT:

6 So when you said in your first statement that the vehicle carried civilians --

7 THE WITNESS:

8 No, I never said such a thing. And if you so desire, I can explain myself, Mr. President. That is with  
9 your leave, of course.

10 MR. PRESIDENT:

11 Yes. What we would wish you to elaborate on, in view of your previous testimony, is simply: What kind  
12 of people did you see on board the vehicle?

13 THE WITNESS:

14 The people who were in the vehicle were in military uniform. I repeat, in the vehicle that I saw, there  
15 were people in military uniform.

16 MR. PRESIDENT:

17 Now, military uniform can cover at least two groups of persons. Were you able to identify what kind of  
18 military uniform they were wearing?

19 THE WITNESS:

20 As I've already said, Mr. President, Your Honours, amongst militiamen, there were some who could  
21 wear a military uniform. It was difficult to distinguish gendarmes from soldiers. But with regard to the  
22 people I saw in the vehicle, they were wearing the gendarmerie uniform.

23 MR. PRESIDENT:

24 So the persons on board the vehicle wearing the military uniform were actually wearing gendarme  
25 uniform. Is that the testimony?

26 THE WITNESS:

27 Yes, that was what I saw.

28 JUDGE EGOROV:

29 What was the distance between you and the car you just mentioned?

30 THE WITNESS:

31 When the vehicle passed by, we saw it. In that vehicle there were people in military uniform. The  
32 distance between the vehicle and myself was not big, because when you are by the road, you can see  
33 the vehicles passing on the road. And those people in military uniform in that vehicle went to kill people  
34 at Gasana's place, so we had the opportunity to see the uniform they were wearing.

35 JUDGE EGOROV:

36 Could you be a little bit specific: 10 metres? 100 metres, approximately? What's the distance?

37



1 THE WITNESS:

2 Since I know Kaduha well, I drew a sketch which I gave to Defence counsel. I don't know whether  
3 Defence counsel has already shown you that document, but that sketch shows that between the place  
4 where I was and where the vehicle passing on the road was, the distance was about five metres. We  
5 were next to a petrol station, and when the people in that vehicle got out of that vehicle, we could easily  
6 see them. And, actually, I would say that they were about 80 metres from where I was. So when they  
7 were -- they departed -- they passed by us, to the extent that we could see the people sitting in the  
8 cabin in front of the vehicle, as well as those who were in the rear part of the vehicle.

9 JUDGE EGOROV:

10 So did you mention five or 80 metres, the distance from which you saw those people?

11 THE WITNESS:

12 Approximately 80 metres.

13 JUDGE EGOROV:

14 Okay.

15 MR. ALAO:

16 Mr. President --

17 MR. PRESIDENT:

18 Was that the closest you were to the vehicle, 80 metres?

19 THE WITNESS:

20 Eighty metres, Mr. President.

21 MR. PRESIDENT:

22 Are you saying eight zero?

23 THE WITNESS:

24 Yes, 80 metres. Approximately 80 metres. And of course this is an approximate figure.

25 MR. ALAO:

26 I'm sorry, Mr. President, because our examination-in-chief system has been interrupted because the  
27 witness had to talk about different scenes regarding the Kaduha attacks. He is talking to you about the  
28 attack on Gasana's house. So I think there is a mix-up which has disrupted us, because we were  
29 talking about the Kaduha attack, but he had to divert from that and talk about another event. So I  
30 wonder if I could go back to my examination-in-chief in order to place a proper perspective on what  
31 actually happened. Thank you, Mr. President.

32 BY MR. ALAO:

33 Q. Witness, when you were next to the road and you saw pass by vehicles which had gendarmes, as  
34 you've just said, how far away did the vehicle pass by you when you were next to the road or when you  
35 were by the roadside?

36 A. I drew a sketch, and you can look at it. When you are coming from Gikongoro and when you go further  
37 up and take the bend, you will notice that I was standing in front of Mr. Nyabigwe's house and near the

1 petrol station, but Gasana's house was about 80 metres away. I don't know if you have understood  
2 what I am saying.

3 Q. Forget about Gasana's house at this point in time because we are not yet talking about it. We have not  
4 yet reached Gasana's house. You have totally strayed from the line of questioning. I was asking you  
5 about the vehicle which was going to the Kaduha parish, and in that vehicle you said you saw soldiers  
6 when you were by the road. How far away did that vehicle pass from where you were by the road?

7 A. Mr. President, Your Honours, Counsel has put a question to me, and I would like to thank him for doing  
8 so, but I would like to say that the vehicle came from the direction of Gikongoro. It did not go directly to  
9 the parish. This vehicle did not immediately go to the parish. What it did, it took a turn, and where it  
10 took a turn -- and from where it turned and from where we were, the distance was about ten metres. So  
11 the vehicle turned as if it was going to the trading centre; it did not go immediately to the parish. I don't  
12 know whether I've made myself quite clear.

13 Q. Thank you very much. We will come back to this matter. Earlier on, you said that the people who  
14 attacked the Kaduha parish were people in military uniform. Was this your testimony?

15 A. Yes.

16 Q. You also said that you were not there at the site; is that correct?

17 A. No, I was not at the massacre site.

18 Q. Now, following that attack, you were, however, able to know from rumours who the perpetrators of the  
19 attack were. That is, were you able to know who committed those massacres, I mean both soldiers or  
20 people who were not soldiers? Was it possible for you to know that?

21 A. The news that we received said that there was a first sergeant whose name was Ntamwemezi and  
22 people were saying that he was the one who led the attack, and that the attackers went up to him.  
23 Now, that is the military aspect. Now, with regard to the militiamen, they were led by a certain  
24 Rukokoma, who was a well-known person. There was someone else called Katasi or Katase. He was  
25 the head of the militiamen in the Karambo area, and then there was another gendarme called  
26 Musonera. People talked about him in Kaduha. So those are the people whose names were often  
27 mentioned, and therefore I was able to retain their names, to remember their names, but people talked  
28 a lot about First Sergeant Ntamwemezi. He was the chief of the orchestra, he was the conductor of the  
29 orchestra, and all of the attackers actually turned to him, looked up to him because he was their head.  
30

31 I don't know if I've answered your question, Counsel.

32 Q. Yes, you've answered my question. If you know, please tell the Court, were gendarmes protecting or  
33 guarding the Kaduha parish?

34 A. Yes. That is correct. The parish was guarded by the gendarmes. And Ntamwemezi was the leader of  
35 the gendarmes who were protecting the refugees who were at the Kaduha parish, but it was also he  
36 who subsequently attacked the very people he was entrusted with the task of protecting.

37 Q. Please tell the Court whether during that time you heard mention made of Colonel Simba in relation to

1 the Kaduha attacks, did anyone talk about him in respect of the attack at Kaduha parish?

2 A. No. I never heard Simba's name. We knew him, so -- and if people had mentioned his name, then we  
3 would have known it. He was one who was known everywhere. He was not someone who was not  
4 known. If people had seen him there, they would have talked about it, but I never heard his name being  
5 mentioned in relation to those events. Myself, I was in the Kaduha area, but I never saw him there.

6 Q. Maybe you didn't know about it, but did you hear subsequently that he had held a meeting on the eve,  
7 on the day prior or a few days before the killings in order to incite the people to go and commit  
8 massacres in Kaduha? Didn't he hold such a meeting -- if I put it to you that he held a meeting in order  
9 to incite people to go and commit massacres in Kaduha, what would you say?

10 A. I don't know anything about it and I've never ever heard anyone talk about such a thing, so if there are  
11 people who are saying so, then they should produce evidence to that effect. But I've -- I don't know  
12 about it; I never heard about it.

13 Q. But if that meeting had taken place, would you have necessarily heard about it in your capacity?

14 A. Yes. Because Colonel Simba was someone who was very well known in the Bunyambiri region. When  
15 he would pass by, people would say, "Oh, the colonel has just passed by." And if such a meeting had  
16 been held and people had attended it, then I obviously would have known about it, because you -- I  
17 held a specific post, so I definitely would have heard about such a meeting; that is, if such a meeting  
18 had indeed taken place.

19 Q. Witness, can you tell the Court -- you see, Mr. Simba -- you know that Mr. Simba has been arrested  
20 and the indictment sets out in paragraph 31 -- and I will read very quickly this paragraph. This is the  
21 indictment in the matter of the Prosecutor versus Simba. "On the 20th of April 1994, or about that date,  
22 Aloys Simba announced to the people who had gathered at the Kaduha trading centre that Hutus had  
23 no other choice but to kill all Tutsis, so he gave soldiers the order to start slaying Tutsi refugees at  
24 3 o'clock, and he enjoined the civilians to follow the soldiers in killing any surviving Tutsi. He also  
25 ordered soldiers to kill anyone who expressed cowardice during the attacks. Aloys Simba employed  
26 soldiers around the Kaduha parish." And it continues in paragraph 32 and in subsequent paragraphs,  
27 and it actually starts from paragraph 27, but I will not read out all that. I just want to tell you that there  
28 are 15 paragraphs which set out that Simba mobilised people in Kaduha in order for them to kill other  
29 people, and that he held a meeting, he gave out weapons, and he ordered them to kill other people.  
30 What do you think about such allegations?

31 A. Mr. President, Your Honours, Defence counsel has said a lot of things. I don't remember everything  
32 which he has just said. But as I said already, I was living in Kaduha, and I lived in Kaduha up to the 5th  
33 of July 1994 when I left Kaduha, but I never heard mention made of such a meeting which was  
34 supposed to have been held on or about the 20th, which referred to -- without even referring to a  
35 meeting allegedly held by Simba, I never heard about any other meeting which might have taken place  
36 there in order to incite people to kill Tutsis. You are saying that he allegedly ordered soldiers to go and  
37 kill Tutsis. That is something I'm not aware of. But according to the information I have, I know that he

1 was a retired military officer from the Rwandan army, and at that time, therefore, he was a civilian. And,  
2 therefore, I don't know whether he still had the power to order soldiers to do such-and-such a thing or  
3 commit such-and-such an act. But what I can tell you is that we never saw Simba in Kaduha around  
4 the date which you mentioned. I never saw him in Kaduha; I never heard about a meeting which  
5 allegedly was held in Kaduha. I don't know whether I have answered your question.

6 Q. Thank you, Witness. Do you know a certain Joachim Hategekimana?

7 A. I know him.

8 Q. Don't mention the area where you were; just tell us whether you know who he was, but don't say  
9 anything which might reveal your identity.

10 A. Joachim was the *sous-préfet* of the Kaduha *sous-* or *sub-préfecture*.

11 Q. Did you know him well?

12 A. I knew him very well.

13 Q. Now, let me read out to you something, and please make your comments thereon to the Court.

14 Paragraph 20 of the indictment: "On or about the 19th of April 1994, Aloys Simba and  
15 Joachim Hategekimana spoke at a gathering of Hutus at the Kaduha trading centre. Aloys Simba  
16 announced that he will go to Gikongoro in order to get firearms and ammunition which he would  
17 distribute upon his return." What do you think of this paragraph, Witness? Because you knew that area  
18 very well, you knew Joachim Hategekimana very well, you knew what happened in that area, so what  
19 do you think of this portion which I've just read out?

20 A. Mr. President, Your Honours, if it's possible, then I would like to request counsel be allowed to repeat  
21 the question.

22 MR. PRESIDENT:

23 We don't need to do that, Witness, because what he did was simply read out a passage from the  
24 indictment and that is something we are trying to avoid. The point is simply this: Do you know around  
25 the 19th, 20th, 21st of April 1994 whether Mr. Simba and Mr. Hategekimana met?

26 THE WITNESS:

27 As I've already said, to say that Joachim Hategekimana and Simba held a meeting on the 19th,  
28 according to the information I have and given the fact that I was there, then I would say that such a  
29 meeting could not have been held without my knowledge. Therefore, I think that assertion is a big lie.  
30 Simba did not come to Kaduha; I did not see him there. Furthermore, Joachim is a  
31 *sous-préfet*. I don't know of any meeting which he held in his capacity as a *sous-préfet*.

32 MR. ALAO:

33 Thank you, Mr. President. I will not dwell further on this issue of dates and massacres at Kaduha  
34 parish nor on Simba's presence, but we are going to handle the issue of Simba's presence via another  
35 question.

36 BY MR. ALAO:

37 Q. Witness, since you knew Gasana well, did you also know a lady known as Monique? And this is in

1 connection with Gasana.

2 A. I knew Gasana and I equally knew Monique.

3 Q. Can you tell the Court how you came to know Monique?

4 A. Monique was, we can say, Gasana's concubine. She was not his legitimate wife or lawfully-wedded  
5 wife. They had a child. She was a teacher at the Kaduha school. *(By order of the Court, this portion of*  
6 *the evidence has been extracted, and filed under seal)* And, by the way, her house was not far from  
7 Kaduha.

8 MR. PRESIDENT:

9 Mr. Witness --

10 THE WITNESS:

11 I wonder whether I have answered your question.

12 MR. PRESIDENT:

13 How many teachers were there at that house -- at that school? Sorry. How many teachers were there?

14 THE WITNESS:

15 Mr. President, I was neither a teacher nor a headmaster, so I cannot give you the exact number of  
16 teachers in that school complex. It was a big school complex. All that I know was that Monique was a  
17 teacher in that school.

18 MR. PRESIDENT:

19 Okay. But, anyhow, we will delete that from the record because we do not want this witness to be  
20 indirectly identified by adding elements of his testimony. So the profession of the witness's wife will be  
21 deleted from the record and removed from the Court video system.

22

23 Mr. Alao, please proceed.

24 MR. ALAO:

25 Thank you, Mr. President.

26 BY MR. ALAO:

27 Q. Can you tell this Court whether you were related to Monique?

28 A. No. There is no family relationship between us. You have seen my locality of origin. I was in that  
29 region \*\*\*\*\*, but we knew one another.

30 Q. Very well. Please tell this Court whether you witnessed the murder of Monique and Gasana. I mean,  
31 were you an eyewitness, not whether you heard it being said, were you an eyewitness?

32 A. Mr. President, Your Lordships, to answer Counsel Alao's question, I would like to give answers. When  
33 those people were shot, I was not there; I did not see when they were shot. But I was outside, and you  
34 can see on the sketch which I made the location where I was. I have told you that a vehicle arrived  
35 carrying people wearing military uniforms. And when that vehicle arrived at Gasana's place, the people  
36 who were in the vehicle got into Gasana's house and killed them. We were about 80 metres away. We  
37 heard gunshots at Gasana's house. I was not with those people when they were killed, but we could

1 see what was happening. We could see movement from the distance I just indicated.

2 MR. PRESIDENT:

3 The distance, Mr. Witness, can you repeat it, was it one eight or eight zero?

4 THE WITNESS:

5 Eight zero, 80.

6 MR. ALAO:

7 Mr. President, with your leave, I would like to provide the witness, the Court and the Prosecutors the  
8 sketch prepared for me yesterday by the witness, explaining what happened at that scene. And, with  
9 your leave, the Registry will hand the sketch to everybody so that the witness can explain to us exactly  
10 what happened. So perhaps I will append the original to the photocopy which you are going to show to  
11 the Prosecutor and the Court before you make the photocopies, but this sketch will be used as the  
12 exhibit.

13 THE ENGLISH INTERPRETER:

14 Mr. President, Counsel is speaking French and English at the same time. It is difficult for the  
15 interpreters to interpret.

16 MR. ALAO:

17 Mr. President --

18 MR. PRESIDENT:

19 Mr. Witness, have you seen this document before? Yes or no?

20 THE WITNESS:

21 Are you referring to the document before me, Mr. President?

22 MR. PRESIDENT:

23 Yes. Do you know who made it?

24 THE WITNESS:

25 I am the one who made it.

26 MR. PRESIDENT:

27 When did you make it?

28 THE ENGLISH INTERPRETER:

29 Mr. President, the interpreters, we beg your pardon. There is a technical problem here in the booth. If  
30 we can have a few seconds to sort it out.

31 MR. PRESIDENT:

32 Yes. You accused Mr. Alao of speaking many languages but you are certainly doing the same.

33

34 So, when did you make this sketch, Mr. Witness?

35 THE WITNESS:

36 I designed that sketch when I was told that I could come here to testify, so I started remembering the  
37 Kaduha plan as it was at the time of the events. So it was yesterday that I signed this sketch and

1 handed it to Defence counsel, but I designed the sketch before coming to Arusha here.

2 MR. PRESIDENT:

3 Thank you very much.

4

5 Now, you had a point about the original, Mr. Alao. You wanted to say something about that?

6 MR. ALAO:

7 Yes, Mr. President. I just wanted to make sure that you have seen the original and that the witness's  
8 explanation will be based on the original, so that it should not be said that there is a difference between  
9 the photocopy and the original. If he will make his comments on the original, that will be the only exhibit  
10 we will tender regarding this witness.

11 MR. PRESIDENT:

12 Okay. I'm sure the copy is the same as the original. Now, Mr. Matemanga, does the witness have the  
13 original?

14 MR. MATEMANGA:

15 Yes.

16 MR. PRESIDENT:

17 Thank you very much. Now, for the planning of our work, what is approximately the time left for  
18 examination-in-chief of this witness, *Maître Alao*?

19 MR. ALAO:

20 Mr. President, I am sorry, there is really a topsy-turviness here. Because of the interventions of the  
21 Bench, I have not been able to follow my sequence. I easily presume that it will not be too long but I  
22 cannot be too sure. We did not intend to have a lengthy examination-in-chief. All I can tell you is that it  
23 is not going to be lengthy.

24 MR. PRESIDENT:

25 Well, we haven't intervened that much. Could you just tell me in minutes or quarters of hours, where  
26 are you, because we just need to know because we have a witness waiting in The Hague and we have  
27 to communicate with The Hague in order to find out how to proceed in the best way. Now, let us now  
28 start with your time indication. Can you help us, please?

29 MR. ALAO:

30 Well, I will be obliged to look at my notes, and then I will tell you. I don't want to say something stupid.  
31

32 Mr. President, roughly speaking, we will not have to spend more than 30 minutes to end our  
33 examination-in-chief, that is, if everything goes along smoothly.

34 MR. PRESIDENT:

35 Thank you very much.

36

37 Now, Mr. Karegyesa, you have heard the witness's testimony and you have the two pages of the

1 declaration in front of you. What is your time estimate for cross-examination?

2 MR. KAREGYESA:

3 Five minutes, Your Honour.

4 MR. PRESIDENT:

5 Five minutes. Now, if that is the case -- if that is the case, and in view of the witness's condition, we  
6 think that the best would be to finish this witness now and rather delay or postpone the testimony of  
7 The Hague witness. So if the registry could simply inform The Hague that we will start with The Hague  
8 a little bit later today. So we will finish the witness and then have a little break before we start with  
9 The Hague. Thank you.

10

11 Please proceed, Mr. Alao.

12 MR. ALAO:

13 Thank you, Mr. President.

14 BY MR. ALAO:

15 Q. Witness, before you, there is this sketch which you had drawn up. It would perhaps be necessary for  
16 you to go to that device -- that other part of the room, and explain to us exactly where you were, and  
17 describe to us how Gasana was murdered, using the sketch you yourself drew. Is that possible?

18 MR. ALAO:

19 There is a device there which would enable everybody to see, but, obviously, the witness will need the  
20 assistance of the registry in that connection.

21 THE WITNESS:

22 Very well, Counsel. I'm going to do that because I personally drew the sketch.

23 MR. PRESIDENT:

24 All right, Mr. Witness. If you could now kindly take your headset with you. Just keep it on your head,  
25 and then move over to that teleskrater (*phonetic*) or whatever it is called. And if you could now, when  
26 you are asked questions by Defence counsel, kindly speak into the microphone which you see just  
27 above the screen.

28

29 *Maître Alao.*

30 MR. ALAO:

31 The overhead monitor is not yet set. I think there is need for some adjustment. I wonder if the lady is  
32 really that well-versed; perhaps a specialist can help her.

33 MR. PRESIDENT:

34 Now, this is perfect. Thank you very much. Go ahead.

35 BY MR. ALAO:

36 Q. Witness –

37



1 MR. KAREGYESA:

2 Before we proceed, I notice there is a difference between the photocopy we have and what is being  
3 reflected on the screen.

4 MR. PRESIDENT:

5 Mr. Alao, what is the thing on the right-hand side there?

6 MR. ALAO:

7 The lines to the right are caused by the overhead monitor, not the sketch. These are things we saw on  
8 the monitor, not the sketch. Perhaps we will need to remove it. Oh, now I understand. You see the  
9 overleaf, and there are some writings which have been reflected on the overhead monitor.

10 MR. PRESIDENT:

11 Mr. Karegyesa, the sketch is the same, but behind that piece of paper, someone has written something  
12 and that shines through, but it is legible.

13 MR. ALAO:

14 Mr. President, let me state this: Perhaps there is need for us to blot out the witness's name, which is on  
15 the bottom of the page, so that it will not appear through the monitor.

16

17 Have you understood what I was saying, ma'am? You see the witness's name is on the bottom of the  
18 page? We want to avoid it appearing on the monitor.

19 MR. PRESIDENT:

20 So she has now placed something on the top of that, and we can all ignore what we see on the  
21 right-hand side.

22

23 Let us now ask the first question.

24 MR. ALAO:

25 Thank you, Mr. President.

26 BY MR. ALAO:

27 Q. Witness, not for us to waste time on this, can you briefly explain to us where you were coming from on  
28 the sketch, how you got to reach the location where you observed what was happening at Gasana's  
29 house? Just indicate on the sketch where you were coming from.

30 THE ENGLISH INTERPRETER:

31 The witness's microphone is off.

32 MR. PRESIDENT:

33 Can you start again, Mr. Witness, from the beginning, please. The mike was off.

34 THE WITNESS:

35 This sketch, it is not possible to see the location I was coming from, because the paper is small in size.  
36 Otherwise, I was coming from the nursing school known as *L'esi*, and it is the road where you see the  
37 writing towards Kaduha. The nursing school is situated above the first house, which you see below

1 which there is written Parmagigwe (*phonetic*). So we were coming from the nursing school known as  
2 *L'esi*, and we arrived at the place where it is written *station d'essence*, or petrol station. But before we  
3 arrived at the petrol station, while we were still at the level of Parmagigwe's (*phonetic*) house, you see  
4 there is a road leading to Nsari, so we saw the vehicle coming from the other side and it negotiated the  
5 bend, to drive by in front of the filling station and continued. So we continued our way and arrived at  
6 the petrol station, and where there is a cross, there is written *station d'essence*. That is where the  
7 pickup parked, and it is in front of the house of one gentleman known as Nsengiyumva who was the  
8 neighbour to Gasana and Mutabazi. So it was in front of the gate -- to the fence leading to the  
9 compound where Gasana, the deputy prosecutor, lived. And when we arrived at the petrol station and  
10 we realised that the pickup had pulled over in front of Gasana's house, we stopped at the station to  
11 know what to observe -- what was going to happen.

12 BY MR. ALAO:

13 Q. Please try to point to us the place you referred to as petrol station on the sketch. Can you show us that  
14 with your pen?

15 A. This is where the petrol station was situated.

16 Q. Is that where you stood?

17 A. Yes, that is correct.

18 Q. Very well. A while ago you said "we." Please tell this Court the persons you were moving together with  
19 when you stopped at the petrol station .

20 A. At the petrol station, I was with one gentleman known as Edward Rukeribuga and another one known  
21 as Joseph Ntawubizigira. Those were the two people accompanying me, as far as I remember. So we  
22 were together, and we were waiting there to know what would happen after the arrival of the pickup.

23 MR. PRESIDENT:

24 What was the name of the second gentleman? We got Edward, but the second person?

25 THE WITNESS:

26 The second person was Joseph Ntawubizigira.

27 MR. PRESIDENT:

28 Can you spell that one, please.

29 THE WITNESS:

30 (*No interpretation*)

31 MR. PRESIDENT:

32 So now we have it in the original. Can we hear it in the English version.

33 THE ENGLISH INTERPRETER:

34 N-T-A-W-U-B-I-Z-I-G-I-R-A.

35 MR. PRESIDENT:

36 Thank you very much.

37

1 MR. ALAO:

2 Thank you, Mr. President.

3 BY MR. ALAO:

4 Q. Please tell the Court if there was a third person, unless the person was not at that location, but I have  
5 the impression there was a third person.

6 MR. PRESIDENT:

7 That is a leading question. I mean it is a blatantly leading question. Don't do that. You are just  
8 weakening the testimony.

9

10 So the question is, Mr. Witness, were these the only two in your company? With a full stop. That's the  
11 question.

12 THE WITNESS:

13 I no longer remember the other persons who were with me. Those events took place ten years ago,  
14 and I no longer remember all the persons who were with me. There were other persons around us, but  
15 I no longer remember their names. There was no particular reason why I had to remember the names  
16 of all those who were there.

17 BY MR. ALAO:

18 Q. Thank you, Witness. Please tell this Court whether the distance of 80 metres you referred to was from  
19 the petrol station and to which location?

20 A. The 80-metre distance which I gave was an estimate, and I measured it from the petrol station to the  
21 location where there is written "*Stationnement Camionnette*."

22 Q. Very well. Please continue. Just carry on. When you arrived there, what did you see?

23 A. As we were standing at the petrol station, we saw the vehicle carrying those persons in military  
24 uniforms pull over in front of the gate to the house of Gasana, the first deputy prosecutor, and the  
25 persons who were in the vehicle alighted. Gasana was at Mutabazi's place. He was with Mutabazi. So  
26 the persons called out to him, and we saw Gasana move to meet those people. Even though we could  
27 not overhear their discussions, we saw him move over to the people who had called him. There was a  
28 conversation between them, although we did not know the content of their discussion. And a short  
29 while afterwards, they continued down the road, going towards this *sous-préfecture* office.

30

31 Can I continue?

32 Q. Please indicate to this Court on the sketch, please, where Gasana was when the soldiers arrived. Can  
33 you show that on the sketch?

34 A. He was sitting at Mutabazi's place, at the location I was showing with the tip of my pen. He was sitting  
35 on the veranda, so he was at Mutabazi's place, and Mutabazi himself was with him. They were sitting  
36 in front of the house at the veranda.

37 Q. You can proceed now, and what happens next?

1 A. Those persons called him, and then Oscar went over to join them, and after they had discussed, he  
2 took his vehicle and then drove along the road I'm showing you leading to the sub-*préfecture* office.  
3 And the vehicle in which the people in uniform were followed him. And a short while later, we saw him  
4 return, so we did not know exactly where they had gone. We didn't know whether they had gone to the  
5 sub-*préfecture* office, but when we had realised that they were going, we felt that it was not normal. We  
6 stayed at the petrol station and observed them returning a short while later, and then they went to  
7 Gasana's house. That is what I saw. It was possible for us to see them. They led Gasana in through  
8 the gate, and they went inside the house, and a short while later, we heard gunshots.

9 Q. Can you locate, to this Court, on this sketch through which entrance they went into the house? Did you  
10 say they went through the gate?

11 A. You can see where it is indicated *chez* Nsengiyumva and *chez* Gasana, that is in between the two  
12 houses. There is a sort of fence, and then there was a gate between the two houses, and they went --  
13 Gasana went through this entrance with his vehicle, to go inside the fenced area. So they did not pass  
14 through the external -- the front door of the house. They went through the gate of the fence. I am not in  
15 a position to say that they went inside their house later, but I can confirm that they went through the  
16 gate into the compound.

17 Q. So it is your testimony that they did not go through the front door of the house, facing the street, but  
18 they actually went through the gate, into the compound with Gasana's vehicle, and that is the gate we  
19 can see between Nsengiyumva's house and Gasana's house. Is that your testimony?

20 A. Yes, that is correct.

21 Q. So you have just testified that after they had entered, you heard gunshots; is that correct?

22 A. That is correct. That is what happened.

23 Q. And what happened thereafter? Please tell the Court.

24 A. Before that, we had heard gunshots coming from the parish, and then after that, we heard gunshots in  
25 our own neighbourhood, and therefore we became afraid. Thereafter, we saw some rascals, some  
26 thugs who had gone to loot, and they were coming back out with personal effects. They were coming  
27 out from the house with -- carrying things. So people went into Gasana's house, and then afterwards, I  
28 myself, I went there, and then I realised that some people were dead. But those who were looting had  
29 already turned the house upside down, and they had even looted from the dead bodies.

30 Q. Thank you very much. Did you come to know those who committed those atrocities, those who killed  
31 Gasana and his concubine? Were you able to know them?

32 A. I cannot identify them with any certainty, but what I can say today is that they were killed by this group  
33 of soldiers who went into this compound. That is all I know. I did not know their names and I did not  
34 know them before. I did not even know them by sight. But I can confirm that it was that group of  
35 soldiers. Later on, there were rumours circulating that amongst the members of this group, there was a  
36 driver who was driving this vehicle and who was alleged to be the driver of a certain  
37 Captain Sebhura. But I cannot give you the identity of the person who actually shot at these people.

1 MR. PRESIDENT:

2       Witness, you entered the house, did you?

3 THE WITNESS:

4       No. I did not go inside the house. We went to see what had happened, because the dead bodies were  
5       inside the compound but outside of the house. That is where we found the bodies.

6 MR. PRESIDENT:

7       Did you recognise the bodies? Did you know them?

8 THE WITNESS:

9       Well, these were the bodies of Gasana and Munyana, and I knew them well.

10 MR. PRESIDENT:

11       Were there these bodies only?

12 THE WITNESS:

13       In Gasana's compound, only those two dead bodies were there. This means that the gunshots we had  
14       heard were the gunshots that killed these two people.

15 MR. ALAO:

16       Thank you, Mr. President.

17 BY MR. ALAO:

18 Q.   Did you hear anyone say on that day that Simba was amongst the attackers who came to kill Gasana?

19 A.   No, I did not hear anyone say that. And as I have already told you here, if Simba was amongst the  
20       attackers, I would have seen him, and I heard no one talk about his presence there.

21 Q.   Now, on that day when Gasana was killed, did you see the sub-*préfet*? That is the sub-*préfet* of  
22       Kaduha, of course.

23 A.   Yes, I saw him.

24 Q.   Please tell the Court where you saw him and under what circumstances.

25 A.   Mr. President, Your Honours, with your leave, I will explain briefly. As I have already stated, we had  
26       been with the sub-*préfet* near the Kaduha hospital, and thereafter, myself, Rukeribuga and  
27       Ntawubizigira went to see where our families were at the nursing school, and where they had gone for  
28       reasons of security. The sub-*préfet* went towards Nyabigwe's house, and that is the first house, but  
29       when we arrived at that point, he started -- he continued going down as if he were going towards his  
30       house, and upon the arrival of the pickup, the sub-*préfet* had already gone towards his house, and I did  
31       not meet him after that. But when the pickup came from Gikongoro, the sub-*préfet* had been with us a  
32       few moments before, and then he had just taken the road towards his house on the road that went to  
33       the sub-*préfecture* office.

34       *(Pages 6 to 21 by Leslie Todd)*

35

36

37

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2 BY MR. ALAO:

3 Q. Very well. So it is your testimony before this Court that a short while before seeing the vehicle of the  
4 soldiers, you were with the *sous-préfet*, but the *sous-préfet* had already gone when the vehicle arrived;  
5 is that what you're saying?

6 A. That is correct.

7 Q. Very well. Do you know Mr. Simba well?

8 A. Yes, I know him.

9 Q. How many times had you seen him before April 1994?

10 A. If there is no danger of revealing my identity, I will say that I saw him more than twice, but I saw him  
11 mostly during the electoral campaign of 1988, then I saw him again in 1992 and he was passing  
12 through a place where we were. Furthermore, I know his place of origin of Gifuwe (*phonetic*).

13 Q. Did you see Mr. Simba in April 1994?

14 A. No.

15 Q. Did you see him in May 1994?

16 A. I did not see him, nevertheless, I heard that he passed through Kaduha during the month of May, but I  
17 did not personally see him.

18 Q. Where did you hear that he had been in Kaduha?

19 A. I heard that he passed through Kaduha and that he had even visited a reverend sister called Milghita,  
20 but this was during the month of May and the events had already ended. I do not know the purpose of  
21 his visiting that locality. I only heard that he passed through there and he paid a visit to this nun.

22 Q. Did you hear anything about Simba during the month of May 1994, or did you meet him?

23 A. As I have already said, I heard that he had passed through there, but I did not personally see or meet  
24 him. And as I also said a short while ago, Simba was not someone who would have passed by on  
25 notice.

26 Q. Did you ever see him again after that?

27 A. No, I never saw him again. The last time that I had seen him was in 1992.

28 MR. PRESIDENT:

29 Mr. Witness, I think we've finished with this sketch, haven't we, Mr. Alao? The witness may sit down.

30 MR. ALAO:

31 Absolutely, Mr. Witness, but I had the feeling that he seemed to feel more at ease standing than  
32 seated.

33 MR. PRESIDENT:

34 Do you want to sit down, Mr. Witness? We have finished with the sketch now.

35 THE WITNESS:

36 Because of my illness I feel more at ease standing up. I do not know whether you can authorise me to  
37 stay standing because that would be better for me.

1 MR. PRESIDENT:

2 Good. So please remain standing where you were. That's fine.

3 MR. ALAO:

4 Thank you, Mr. President.

5 BY MR. ALAO:

6 Q. Do you know a certain Isaaca (*phonetic*)? Do you know a certain Isaaca?

7 A. Yes, I know him.

8 Q. Can you give the Court his particulars and tell the Court what he was doing in Rwanda in 1994?

9 A. Well, you know, when you spend a lot of time without meeting someone you forget certain details. You  
10 can even forget the names of his child. I know he was called Isaaca and I know he was in charge of the  
11 Musebeya health centre. He was a native of the Muko *commune* and he was married to a lady whose  
12 name I no longer remember. I only remember her first name which was Consensa (*phonetic*), and he  
13 was \*\*\*\*\*. Both of them were from the same region, and these are the only details that I  
14 can give you. I'm not that sure about his name. It could be Bizumuremyi, but I saw him for the last time  
15 in 1994 and I even know his area of origin.

16 Q. Very well. I will not dwell on this person. Now, when did you leave your country?

17 A. I left my country in July 1994.

18 Q. And where did you go?

19 A. I went to Congo -- Congo, Kinshasa.

20 Q. And for what reason?

21 A. I was going into exile.

22 Q. Can you tell us why?

23 A. Well, I was fleeing from the RPF.

24 MR. ALAO:

25 Mr. President, the Defence would like to thank the Court. We have no further questions, and we  
26 reserve the right to tender this sketch as a Defence exhibit under the number the Court would wish to  
27 use. Thank you, Mr. President.

28 MR. PRESIDENT:

29 Thank you.

30

31 Is your estimate still five minutes or a bit longer? Still five minutes. Okay, go ahead.

32

33 Mr. Witness, you're now cross-examined by the Prosecution. Yes, I see that you're raising your hand.

34 Please go ahead. What do you want to say?

35 THE WITNESS:

36 Mr. President, Your Honours, I would like to ask for leave to sit down.

37

1 MR. PRESIDENT:

2 Please do.

3 THE WITNESS:

4 Thank you, Mr. President.

5 CROSS-EXAMINATION

6 BY MR. KAREGYESA:

7 Q. Witness, as a person who was present when Gasana and Munyana were killed, and given your  
8 profession, did you ever report this double murder to any authority whatsoever?

9 A. Mr. President, Your Honours, concerning the Prosecutor's question, I think that in the answer that I will  
10 give, there are certain elements that could reveal my identity.

11 Q. Witness, you needn't disclose anything relating to your identity. It's simply a yes or no. Did you,  
12 subsequent to this murder, report this murder to any authority whatsoever; yes or no?

13 A. You're asking me to answer yes or no, but I do not think that type of answer would be possible. The  
14 Prosecutor already knows my answer and it is for that reason that I need to explain. But if I give that  
15 explanation, I would probably reveal my identity. But if you're asking me to answer with a yes, or a no, I  
16 think anybody could answer given the situation that was prevailing and that is why I was asking for  
17 leave to give an explanation which, unfortunately, may reveal my identity.

18 MR. PRESIDENT:

19 It is not absolutely necessary to have the response to that question in order to proceed with your  
20 cross-examination; is that correct, Mr. Karegyesa?

21 MR. KAREGYESA:

22 Your Honours, the next question depends on the yes or no.

23 MR. PRESIDENT:

24 Yes, okay.

25 MR. KAREGYESA:

26 If we need a explanation, we shall go into closed session.

27 MR. PRESIDENT:

28 Yes, okay, we go to closed session, now.

29

30 Mr. Witness, we are now going into a brief closed session so that you can give a full explanation to the  
31 question because the question is relevant.

32 MR. KAREGYESA:

33 Maybe, Your Honours, before we go into closed session I could ask another question so that once we  
34 go into closed session I'll wrap up. I only have two questions.

35 MR. PRESIDENT:

36 Yes. All right.

37



1 MR. KAREGYESA:

2 Registry, if you could kindly place the sketch back on to the screen.

3 BY MR. KAREGYESA:

4 Q. Now, Witness, we have to the extreme left a road leading to Kaduha parish; am I correct?

5 A. No, I cannot see that.

6 Q. Do you see to the extreme left corner the house labelled Mpanyabigwe (*phonetic*)?

7 A. (*No interpretation*)

8 Q. Right. And the road passing adjacent to his house leads to Kaduha parish, doesn't it?

9 MR. PRESIDENT:

10 What was the answer to the last question, interpreter?

11 THE ENGLISH INTERPRETER:

12 Yes.

13 MR. PRESIDENT:

14 You see, we didn't get the answer before the next question was asked. Can you remind the two  
15 questions, Mr. Karegyesa, so that we are absolutely certain what he said.

16 MR. KAREGYESA:

17 Witness, I am just repeating the questions for the interpretation and the record.

18 BY MR. KAREGYESA:

19 Q. In the extreme left-top corner of your sketch we have the house labelled Mpanyabigwe; is that correct?

20 A. That's correct.

21 Q. Adjacent to that house (*Microphones overlapping*)... that leads to Kaduha parish?

22 A. Yes.

23 Q. And from Mpanyabigwe's house to Kaduha parish is approximately half a kilometre, isn't it?

24 A. No, it is more than one kilometer, as far as I can remember. I think the distance is longer than one  
25 kilometre.

26 Q. And I'm putting it to you, Witness, that it is half a kilometre?

27 A. From Mpanyabigwe's house right up to the parish; is that what you're saying? I think between  
28 Mpanyabigwe's house and the parish the distance is longer than one kilometre, slightly above one  
29 kilometre. I never measured the distance, but when you consider the turns and bends on that road I  
30 think it is longer than one kilometre.

31 Q. And you would agree with me, Witness, that as a crow flies it would be less than a kilometre, isn't it?

32 MR. ALAO:

33 Mr. President --

34 THE WITNESS:

35 Well, if you do not take the bends into account, but if you consider those turns and bends, it is more  
36 than one kilometre.

37

1 MR. ALAO:

2 I withdraw what I was going to say, Mr. President.

3 BY MR. KAREGYESA:

4 Q. And when you say "more than one kilometer", Witness, are you in a position to be more exact? More  
5 than one kilometre could be five kilometres.

6 A. No, from the Kaduha training centre right up to the parish, the distance is about two kilometres, more or  
7 less two kilometres.

8 MR. KAREGYESA:

9 Your Honours, I have no further questions for this witness.

10 MR. PRESIDENT:

11 Thank you.

12

13 Any re-direct?

14 THE ENGLISH INTERPRETER:

15 Microphone was off.

16 MR. ALAO:

17 No questions, Mr. President.

18 MR. PRESIDENT:

19 Mr. Witness, what was the date when Mr. Gasana was killed, and Monique?

20 THE WITNESS:

21 The 21st of April 1994.

22 MR. PRESIDENT:

23 What time of the day was it?

24 THE WITNESS:

25 In the afternoon, but I do not remember the exact time, but I do know that it was in the afternoon.

26 MR. PRESIDENT:

27 The killers were dressed in military uniform; is that so?

28 THE WITNESS:

29 That is correct, and that is what I said.

30 MR. PRESIDENT:

31 Were you able to see what kind of military uniform?

32 THE WITNESS:

33 They wore military uniform, actually gendarmerie uniform, because I noticed that the uniform looked like  
34 the ones worn by the gendarmerie members. Yes, indeed, the uniform looked like those worn by the  
35 gendarmes.

36 MR. PRESIDENT:

37 So how do you distinguish the gendarmes uniform from the other uniforms belonging to the military?

1 THE WITNESS:

2 I would say that they were gendarmes, and the reason that they were coming from Gikongoro, and  
3 according to the information we heard, it was said that the pickup driver who was Captain Sebhura's  
4 driver, and Captain Sebhura was a gendarme from Gikongoro -- you see, at times military uniform and  
5 gendarme uniform are different, but those uniform I'm talking about were not camouflage uniform, but  
6 one could clearly see that those people were wearing military uniform, and another thing is that their  
7 driver was Captain Sebhura's driver and Sebhura was a gendarmerie officer in Gikongoro. I don't  
8 know whether I've answered your question, Mr. President.

9 MR. PRESIDENT:

10 How many persons did you see in the car?

11 THE WITNESS:

12 Five people, I saw five people there.

13 MR. PRESIDENT:

14 How many persons did you see enter the house before you heard gunshots?

15 THE WITNESS:

16 All those soldiers entered into the house. They all went into the compound.

17 MR. PRESIDENT:

18 Did you see any of their faces?

19 THE WITNESS:

20 No, I did not recognise any one out of them. We heard gunshots and we were scared and, as I said,  
21 we were not that close to them. There was some distance between us and them. However, we could  
22 see all their movement, but it was difficult for us to recognise the faces of those people. Furthermore,  
23 with regard to the driver, we were able to know his identity because there was someone who saw him  
24 and that person told us that the driver was actually Sebhura's driver; in other words, he was the  
25 person driving the vehicle, but, personally, I did not know that -- I did not know that person's face.

26 MR. PRESIDENT:

27 When did that person see Captain Sebhura's driver?

28 THE WITNESS:

29 People were talking about it everywhere. People were saying, "We saw Sebhura's driver", and that  
30 Sebhura's driver was driving the vehicle. So it was not one -- only one person. Actually, this was a  
31 rumour that was circulating at that time. And at that time people were talking, people were asking  
32 questions, and people were wondering how come a deputy prosecutor was killed. So when people  
33 were talking in that manner, the identity of the driver was given and people were saying that actually it  
34 was Captain Sebhura's driver.

35 MR. PRESIDENT:

36 Yes. So you do not know who saw Captain Sebhura's driver?

37

1 THE WITNESS:

2 I cannot give you a name because people almost everywhere were talking about it, so I'm not really  
3 able to give you a name of a specific person, one person who gave me that information, as such.

4 MR. PRESIDENT:

5 Now, when did you first hear that it was Captain Sebhura's driver who was involved? When was the  
6 first time you heard this rumour?

7 THE WITNESS:

8 On the 21st, that is on the very same day in the evening. We did not know those soldiers, so we kept  
9 asking questions about them. We were talking about the vehicle which brought the soldiers who killed  
10 those people, and people -- there were people who knew the vehicle's driver. And in the evening they  
11 told us that it was Captain Sebhura's driver.

12 MR. PRESIDENT:

13 Who was Joseph Ntawubigira, the man with whom you were with together, also in the company of  
14 Edouard Rukeribuga?

15 THE WITNESS:

16 He worked for the Kaduha court.

17 MR. PRESIDENT:

18 What was the name of the *sous-préfet*?

19 THE WITNESS:

20 The *sous-préfet* of Kaduha, Mr. President? His name was Joachim Hategekimana.

21 MR. PRESIDENT:

22 You wanted to give an answer in closed session. We want to hear that answer now. So we will go into  
23 closed session and get the answer to the question asked by the Prosecution. And you remember the  
24 question? When we come back to that the question was: why did you not report or did you report?

25 THE WITNESS:

26 Okay. Yes, I remember the question.

27 *(At this point in the proceedings, a portion of the transcript [pages 29 to 74] was extracted and sealed*  
28 *under separate cover, as the session was heard in camera)*

29 *(Pages 22 to 28 by Roxane Lane)*

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## C E R T I F I C A T E

We, Leslie Todd, Roxane Lane, Donna M. Lewis, Diane Hermann, and Sherri Knox, Official Court Reporters for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*stenotype*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

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

\_\_\_\_\_  
Leslie Todd

\_\_\_\_\_  
Roxane Lane

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Donna M. Lewis

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Diane Hermann

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Sherri Knox