

1 THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
2 CASE NO.: ICTR-97-20-T THE PROSECUTOR
3 OF THE TRIBUNAL
4
5 AGAINST
6
7 LAURENT SEMANZA
8
9 13 FEBRUARY 2002
10 0900H
11 CONTINUED TRIAL
12
13 Before: Judge Yakov Ostrovsky, presiding
14 Judge Lloyd G. Williams
15 Judge Pavel Dolenc
16
17 For the Registry:
18 Mr. Constant Hometowu
19 Mr. Ramadhani Juma
20
21 For the Prosecution:
22 Mr. Chile Eboe-Osuji
23
24 For the Accused:
25 Mr. Charles Taku
Mr. Sadikou Ayo Alao
26
27 Court Reporters:
28 Ms. Karlene Ruddock
29 Mr. Petrus Chijarira
30 Ms. Judith Kapatamoyo
31 Ms. Sithembiso Moyo
32
33

1 I N D E X

2

3 WITNESSES

4

For the Defence:

5

LAURENT SEMANZA

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Examination-in-chief by Mr. Taku 17

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

2 MR. PRESIDENT:

3 The proceedings are called to order. I ask
4 the registrar to introduce the matter coming
5 to us this morning.

6 MR. HOMETOWU:

7 Thank you, Mr. President. Trial Chamber III
8 of the International Criminal Tribunal for
9 Rwanda, composed of Judge Yakov Ostrovsky,
10 presiding, Judge Lloyd G. Williams, and
11 Judge Pavel Dolenc is now sitting in open
12 session, today, Wednesday the 13th of
13 February 2002, for the continuation of the
14 trial in the matter of The Prosecutor v.
15 Laurent Semanza, Case No. ICTR-97-20-T.
16 Thank you.

17 MR. PRESIDENT:

18 Thank you. For the record, the appearance
19 of the Prosecution.

20 MR. EBOE-OSUJI:

21 May it please the Court. Eboe Osuji, for
22 the Prosecution, and appearing with me is
23 Mr. Seye, my case manager.

24 MR. PRESIDENT:

25 Thank you. The appearance of the Defence.

1 MR. TAKU:

2 May it please Your Lordship. Charles Taku
3 for the Defence, with me my learned
4 colleague, Barrister Sadikou Alao.
5 Mr. Joseph Mushyandi is our legal assistant.

6 MR. PRESIDENT:

7 Well today, Mr. Taku, you have the Accused
8 as a witness in his own defence, and you may
9 start the examination-in-chief.

10 MR. TAKU:

11 Yes, My Lord. The Defence intends to call
12 Mr. Semanza in his own defence, My Lord.

13 JUDGE WILLIAMS:

14 You need to have him stand while he is
15 making his declaration.

16

17 (Declaration made by the witness in Kinyarwanda)

18 MR. PRESIDENT:

19 Mr. Semanza, it appears to me that you will
20 not be able to speak French. Will you then
21 need the assistance of an interpreter?

22 THE WITNESS:

23 No problem of that.

24 MR. TAKU:

25 May it please Your Lordships. Before we

1 proceed to hear Mr. Semanza in evidence, we
2 would like to inform Your Lordships at this
3 time in point, My Lord, that because of the
4 difficulties we expressed yesterday, this is
5 a very complex stage of the case. We are
6 coming to the end of the case with
7 Mr. Semanza.

8
9 Your Lordships, we crave your indulgence
10 that because of those difficulties and the
11 way we are organizing our material, the
12 entire case of Semanza, Mr. Semanza, I'm not
13 talking about the evidence in chief, the
14 entire case will be conducted by both of us
15 because various aspects of the case will be
16 handled differently, My Lord.

17
18 We crave your indulgence that Your Lordships
19 will consider this very specially, from this
20 point Your Lordships will know that we have
21 these difficulties. It is for the efficient
22 handling of the case and also for the very
23 -- we will go very, very fast, My Lord.

24 MR. EBOE-OSUJI:

25 Your Honours.

1 MR. PRESIDENT:

2 Mr. Osuji?

3 MR. EBOE-OSUJI:

4 Your Honours, I believe that there has been
5 the practice established in this Chamber
6 that one counsel takes one witness. There
7 is no compelling reason to change that
8 practice, and we will be opposing the
9 application now made by the Defence.

10

11 And while I'm on my feet, Your Honour, I
12 wish to advise that I had tried to approach
13 the Defence Counsel for purposes of meeting
14 to find out whether there were any
15 difficulties counsel by themselves and
16 Prosecution and Defence could talk about so
17 that we can iron out any wrinkles that we
18 need not present to the Chamber. But they
19 blatantly refused to have any meeting with
20 the Prosecutor.

21

22 We don't mind that, but I thought I should
23 state that for the record, because we had
24 made efforts to try and see what we can sort
25 within ourselves if there were any

1 difficulties. But the Defence say they
2 prefer not to communicate with the
3 Prosecutor. I thought I should put that on
4 the record. Thank you.

5 MR. PRESIDENT:

6 Thank you.

7 MR. TAKU:

8 My Lord, let me just say something, My Lord.
9 The accused person is not just any type of
10 witness. He is different from the ordinary
11 witnesses in this case. He is the one who
12 is having his day in court. I have seen
13 very serious charges against him, a 14-count
14 indictment. It is a very heavy
15 responsibility for the Defence. And we came
16 to Your Lordships, My Lord, with all
17 humility this morning to make this special
18 appeal.

19
20 Your Lordships have a discretion in the
21 matter. We are appealing to your
22 discretion. We are not talking about any
23 particular rule. In this particular case,
24 My Lord, I don't think the Prosecutor has
25 anything to say about that. It's the

1 Defence case. It's an appeal to your
2 discretion that this is a very serious
3 matter, very, very serious matter indeed,
4 and that because of the difficulty we
5 expressed we are prepared to go along, My
6 Lord, as expeditiously as possible.

7
8 But for certain reasons, My Lord, we just
9 want that certain aspects of the case, Your
10 Lordships could determine which aspect and
11 at what time that might be possible, because
12 Your Lordships have the power to control.
13 The text gives you the right to control the
14 proceedings. But Your Lordships will make
15 your directives in a way that will not delay
16 the proceedings further, My Lord.

17
18 I will just say, My Lord, that to give this
19 man, he has been waiting for this day for
20 the past six years and that Your Lordships
21 should consider this with favour, My Lord.
22 With the other issue, My Lord, we don't
23 intend to answer it.

24 MR. PRESIDENT:

25 Thank you. Just a moment. Judge Williams

1 would like to clarify something.

2 JUDGE WILLIAMS:

3 If the Trial Chamber should allow this, how
4 is it going to work? Will one counsel do
5 examination-in-chief up to a certain point
6 and then he is finished and the other
7 counsel begins, or you are going to be
8 having interchange one counsel do this then
9 after a while another counsel jumps up and
10 he does this? You know, because we don't
11 want to get a state of confusion. So how is
12 it, if we should grant it, how is it
13 proposed to work in practice?

14 MR. TAKU:

15 Thank you, My Lord. We divided the work in
16 the manner -- we are going to follow the
17 indictment very scrupulously and there are
18 certain counts in the indictment and other
19 aspects of the case that we hope, My Lord,
20 that one person will handle and stop and we
21 will not intervene any longer and the others
22 will follow and continue to the
23 re-examination. That is what we intend to
24 do, My Lord

25

1 MR. EBOE-OSUJI:

2 If it pleases the Court.

3 MR. PRESIDENT:

4 Do you want to add something?

5 MR. EBOE-OSUJI:

6 Yes, Your Honour. Your Honours, it isn't
7 quite clear to me what Mr. Taku's
8 explanation or answer to Judge Williams'
9 question was. He talked about Indictment,
10 following it scrupulously, and he talked
11 about counts in the Indictment. I'm not
12 sure if he is suggesting that one counsel
13 will move from one point up to another point
14 and sit down forever while the other counsel
15 finishes.

16
17 Your Honours, the difficulty I see even with
18 that is that I do foresee an opportunity for
19 confusion and wrangling and extended debate
20 about how to proceed if the Court allows
21 that. We will, I do foresee a situation
22 where one counsel goes back to try and recap
23 or correct something the previous counsel
24 may or may not have missed, or may or may
25 not have done to his case, and then we get

1 into extended argument for 30 minutes about
2 the explanation they were giving to the
3 judges at the beginning of the questioning
4 or at this stage of the proceedings, and
5 then we extend time debating it what was
6 meant, and then when there is a ruling there
7 might be arguments about the ruling and so
8 on and so forth.

9
10 Your Honours, this is not the first time in
11 a criminal case that the defendant is taking
12 the stand in his own defence. There have
13 been lots of cases in this Tribunal where
14 one counsel did all the work for the
15 Defence, just like almost in the case for
16 the Prosecutor in this case one counsel
17 almost did the work.

18
19 Your Honour, in Musema we did not have split
20 examination-in-chief of the defendant. In
21 Akayesu the same thing. In the national
22 jurisdictions often you have counsel, one
23 counsel, representing a defendant and then
24 proceeding to do the case all alone,
25 including examination of the defendant in

1 the case. I do see some confusion, sir, and
2 it is not necessary to do it in this case.

3
4 These are capable counsel, each of them in
5 their own right, Mr. Taku and Mr. Alao.
6 They both, each of them, can represent this
7 client from beginning to end, let alone
8 taking one witness, one witness, that is,
9 the defendant, in the examination-in-chief.

10
11 I foresee some difficulties, sir. There is
12 no compelling reason advanced apart from
13 vague references to, here is a defendant who
14 is now to testify after about six years.
15 That is not compelling enough to vary the
16 practice of this Tribunal in this case, and
17 I see a variance will result in confusion.
18 Thank you.

19 MR. PRESIDENT:

20 Thank you. Mr. Taku, I think maybe it's not
21 necessary to continue the discussion,
22 because your point of view is clear and the
23 point of view of the Prosecutor is clear.

24

25 What do you want to say, Mr. Taku?

1 MR. TAKU:

2 My Lord, I did not want to start the day or
3 to defer to Mr. Semanza without honour or
4 intention. And I do not even intend in the
5 course of Mr. Semanza's evidence there
6 should be any tension. That is his wish. I
7 want to convey that to the Court. I want
8 everybody to calm down and handle every
9 aspect of the proceedings with a very cool
10 head.

11
12 My Lord, to suggest that there will be
13 confusion in the way, that is to doubt the
14 ability of the trial judges to control these
15 proceedings, and I don't doubt your ability
16 to stop at any time and say, this issue is
17 brought to an end. We are almost at the end
18 of these proceedings, and we do not want to
19 end the proceedings in a state of confusion.

20
21 The question in general is, what will best
22 be in the interest of justice? What will
23 best guarantee the right of Mr. Semanza, the
24 right of the Defence at this point in time?
25 It's not whether the Prosecutor understands

1 or not. It is whether the Judges understand
2 that what matters, because at the end of the
3 day Your Lordships will take the decision.

4
5 From my point of view, My Lord, we express
6 any difficulties, and we stated clearly, My
7 Lord that what will best guarantee the right
8 of Mr. Semanza will be if this proposal were
9 accepted, and I undertake that at no point
10 we interfere, or my colleague when the other
11 person is up. At no time will anybody get
12 up to say, this is what we intended.

13
14 The reason is very clear, My Lord. Your
15 Lordships have the right to put questions to
16 counsel to any of the parties in the
17 proceedings at any time for any explanations
18 Your Lordships will wish. Until Your
19 Lordships ask this question, the counsel has
20 the right to get up and talk.

21
22 So if I start I will not be in a position to
23 interfere, My Lord. Besides, My Lord, the
24 cases cited by my colleague that in national
25 jurisdictions, I beg to differ. I practice

1 across the world, in my own country right to
2 the Supreme Court. I handle some of the
3 most complex cases in that country, and in
4 those cases, My Lord, the Defence were one
5 and divisible, just as the Prosecution was
6 one and divisible, and all the counsels did
7 the examinations.

8
9 Your Lordships made this rule just because
10 Your Lordships wanted better management of
11 judicial time and no waste of time in the
12 course of the proceedings. We defer to
13 that, your understanding of that, My Lord,
14 and we saw that Your Lordships were right.
15 Today, My Lord, because of difficulties we
16 expressed to Your Lordships, we appeal to
17 your discretion again that Your Lordships
18 should at least, My Lord, accommodate us
19 when we go to a certain point and one
20 counsel stops no other counsel will
21 interfere and I undertake that we make sure,
22 My Lord, that this is respected. That is
23 our humble application, My Lord.

24 MR. PRESIDENT:

25 Okay, thank you. The decision of the

1 Chamber --

2

3 Okay. The decision of the Chamber, or of
4 the majority of the Chamber. The Prosecutor
5 is absolutely right that the decision of the
6 Chamber was one witness, one counsel. But
7 in this particular case the majority is
8 inclined to accommodate the Defence with two
9 reservations. One reservation, the
10 procedure should be like it was explained by
11 Mr. Taku, not to create difficulties in this
12 procedure, and the second reservation is
13 that if we see that such a procedure creates
14 substantial difficulties for our
15 proceedings, the Chamber could take the
16 necessary measures and reconsider the
17 decision because for us, for us, the main
18 thing is to have the smooth proceedings and
19 not to create the difficulties.

20

21 And one more I would like to add. I
22 understand that the time of the Defence is
23 very limited. From this point of view, I
24 would like to reconsider our previous
25 decision and to start our afternoon session

1 not at 2:30 but at three o'clock. The
2 Defence will have some more time, and one
3 more issue raised by the Prosecutor about
4 the meeting with the Defence. I hope and I
5 understand that it was no meeting not
6 because of the lack of this spirit of
7 cooperation from the part of the Defence. I
8 understand and I hope the Defence Counsel
9 are very busy and I understand that such a
10 cooperation will be resumed because such a
11 cooperation is necessary, not to create
12 unjustified difficulties for one party to
13 another party.

14
15 This is what I would like to say on this
16 matter, and I understand that Judge
17 Williams, who did not share the point of
18 view of the majority, would like to express
19 his point of view.

20 JUDGE WILLIAMS:

21 Yes, thank you. I heard Mr. Taku raise
22 issues about the rights of the accused. I
23 don't see that one counsel conducting the
24 examination-in-chief in any way affects the
25 rights of an accused. This happens all over

1 the world in different courts and has been
2 happening here, and in fact that was the
3 ruling of this Chamber and that is the rule
4 which we have been following.

5
6 I don't see any necessity at this stage for
7 an exception to be made. This has taken
8 place in all the other Trial Chambers where
9 one counsel has carried out the examination
10 of the accused, and I think we could be
11 beginning to set a very dangerous precedent
12 by departing from that procedure.

13
14 Mr. Taku talk about in his national
15 jurisdiction where certain things might
16 happen, which is probably a departure. I
17 know in my own jurisdiction, from which I
18 come, one counsel carries out the
19 examination-in-chief or the
20 cross-examination as the case may be. And
21 so for that reason I have grave reservations
22 and I depart from the view of the majority
23 on this issue. Thank you.

24 MR. TAKU:

25 Mr. Semanza, good morning.

1 MR. PRESIDENT:

2 You may proceed.

3

4 LAURENT SEMANZA

5 first having been duly sworn,

6 testified as follows:

7

8 EXAMINATION-IN-CHIEF

9 BY MR. TAKU:

10 Q. Mr. Semanza.

11 A. Good morning, Counsel.

12 Q. Mr. Semanza you have been waiting for this
13 day for the past six years, and I will start
14 by asking you, can you give your full names
15 to Their Lordships.

16 A. My name is Laurent Semanza. I was born in
17 the Musasa commune, the Coko commune, in the
18 préfecture of Kigali-rural. I spell
19 "Musasa", M-U-S-A-S-A. I spell "Coko"
20 C-O-K-O, and I was born in 1944.

21

22 My father is called Mbanzagukeba, Thomas.

23 "Mbanzagukeba" is spelled as follows:

24 M-B-A-N-Z-A-G-U-K-E-B-A, Mbanzagukeba. My
25 mother is called Kiyange Marie. "Kiyange"

- 1 is spelled as follows: K-I-Y-A-N-G-E,
2 Kiyange Marie.
- 3 MR. PRESIDENT:
4 Mr. Taku the question was to give his name;
5 therefore, you have to control the
6 proceedings - the question, the answer, and
7 not the narratives.
- 8 MR. TAKU:
9 Yes, My Lord.
- 10 BY MR. TAKU:
11 Q. Now, Mr. Semanza you did give to Their
12 Lordships the names of your parents. Where
13 in Rwanda, in which commune were you born?
14 A. I was born in the Musasa commune.
15 Q. Mr. Semanza, did your parents also reside in
16 Musasa commune?
17 A. Yes they lived in the Musasa commune.
18 Q. Now, tell Their Lordships in which locality
19 in Rwanda did you attend primary school?
20 A. I attended primary school in the Rwamakuba
21 parish which is in the Rushashi commune. I
22 spell "Rwankuba": R-W-A-N-K-U-B-A.
23 "Rushashi" is spelled as follows:
24 R-U-S-H-A-S-H-I.
25 Q. Now, in that primary school that you

1 attended, can you tell Their Lordships the
2 ethnic composition of the pupils that were
3 in that primary school that you attended?
4 A. There were Tutsis and Hutus at that time,
5 such that even on my school bench I was
6 sitting with Tutsi girls.
7 Q. Now, tell Their Lordships in what year did
8 you attend primary school in that locality?
9 A. I attended primary school from 1953 to 1959.
10 Q. Now, you just stated that in that primary
11 school you had Tutsi and Hutu pupils. Did
12 you have any personal friends among the
13 Tutsi, Tutsi people in that school?
14 A. I had Tutsi neighbours with whom I used to
15 attend school, and we used to share our
16 meals.
17 Q. Can you give the name of very few, not all
18 of them, some of them to Their Lordships, to
19 the Court?
20 A. Among the pupils that I attended school
21 with, there was Kabanyana,
22 K-A-B-A-N-Y-A-N-A. There was also
23 Mukayisenge, M-U-K-A-Y-I-S-E-N-G-E. There
24 was also Nzabakurana, N-Z-A-B-A-K-U-R-A-N-A.
25

1 MR. PRESIDENT:
2 You may proceed.
3 BY MR. TAKU:
4 Q. Mr. Semanza, did you maintain that personal
5 friendly relationship with these Tutsis, up
6 to when you were arrested?
7 A. Our friendship continued. Some of my
8 friends were even married in Kigali, living
9 in Kigali. We used to visit each other. In
10 short, our friendship continued.
11 Q. Now, Mr. Semanza, tell Their Lordships to
12 what religion do you belong?
13 A. I am a Catholic.
14 Q. Can you tell Their Lordships what religion
15 your parents belonged?
16 A. They are also Catholics.
17 Q. Now, take your mind back to the date in
18 Musasa. Can you tell Their Lordships your
19 relationship between your family and the
20 Roman Catholic Church?
21 A. My parents had very good relationship with
22 the Catholic Church. My big brother was a
23 mass server. He chaired Christian meetings,
24 and he was in charge of the Coko centre,
25 such that when the priest came to say mass

1 at the Coko centre it was my big brother who
2 acted as the mass server.

3 Q. Now, Mr. Semanza, without revealing the
4 names, if you know that any person has
5 testified before this Court, you know that
6 they are protected witnesses so don't reveal
7 their names. Just say to a religious
8 person.

9
10 Can you tell Their Lordships whether in the
11 course of these relationships between your
12 family and the Catholic mission your family
13 made gifts, specific gifts to the Catholic
14 mission, or to a particular priest in the
15 catholic mission? Don't reveal the names,
16 don't reveal the name because during the
17 closed session we will come back and we will
18 call the name.

19 MR. EBOE-OSUJI:

20 Your Honour, if my friend, for witness
21 protection purposes, will be going into
22 closed session, perhaps it will be best if
23 he reserves sensitive questions that may
24 risk revelation of identities of protected
25 witnesses to such a closed session. I

1 believe that we can be able to follow in
2 closed session what it is he would have
3 liked to ask in open session but couldn't.

4 MR. TAKU:

5 My Lord, I think for the open session, if
6 they made a gift to a particular individual
7 in the Catholic mission, the name will be
8 revealed in the closed session. We should
9 limit what goes to the closed session. We
10 want the people to hear his testimony, My
11 Lord. We make sure he doesn't reveal the
12 name, nor the --

13 MR. PRESIDENT:

14 Mr. Taku, maybe not to come to this matter
15 twice, maybe it will be better, as the
16 Prosecutor is saying, to deal with this
17 matter in the closed session, because it
18 will be easier to understand what is the
19 relevance because when, when the question is
20 raised in such a way it's a little bit
21 difficult.

22 MR. TAKU:

23 Okay, My Lord.

24 BY MR. TAKU:

25 Q. Now, Mr. Semanza, you talked about your days

- 1 in the primary school. Can you tell Their
2 Lordships when you went to secondary school?
- 3 A. I said that I did the 7th preparatory at the
4 teachers training school of Zaza. "Zaza" is
5 Z-A-Z-A. "Kibungo" is K-I-B-U-N-G-O. Then
6 I went to Kucyciro (ph) in a professional
7 school. I spent a year there. It's a
8 school of Salesian priests. I spent a year
9 there and then I left school and went into
10 civil life, normal civil life.
- 11 Q. Can you tell Their Lordships what year you
12 went to secondary school?
- 13 A. I was in secondary school from 1960 to 1962.
- 14 Q. Yes, Mr. Semanza, while in secondary school,
15 can you tell Their Lordships the ethnic
16 composition of the students who were in that
17 secondary school?
- 18 A. It was mixed. There were Hutu and there
19 were Tutsi.
- 20 Q. Can you tell Their Lordships if you had
21 personal friends, Tutsi friends in that
22 secondary school in particular that were
23 very close to you, close friends of yours.
24 Could you tell Their Lordships?
- 25 A. I had Tutsi friends, such that even when I

- 1 was going to school I would spend the night
2 with my Tutsi friends who lived close to
3 Zaza, before going to boarding school.
- 4 Q. Can you tell Their Lordships some of the
5 names, not all but some, few of those names?
- 6 A. My close friends were the following: Charles
7 Kayitare and I often spent the night in his
8 house. "Kayitare" is spelled as follows:
9 K-A-Y-I-T-A-R-E. The other one was called
10 Albert Kayitana. "Kayitana" is spelled:
11 K-A-Y-I-T-A-N-A. I had other friends, but
12 those two I have just mentioned were my best
13 friends, and they used to come and visit me
14 during the holidays.
- 15 Q. And do they remain your friends up to today,
16 Mr. Semanza?
- 17 A. When I became a bourgmestre, these friends
18 used to come and visit me often because Zaza
19 is very close to Bicumbi. The two communes
20 are separated by Lake Mugesera. I spell
21 "Mugesera": M-U-G-E-S-E-R-A.
- 22 Q. And Mr. Semanza, you stated that when you
23 left secondary school you now went into the
24 civil society. Now when you left secondary
25 school, what did you do? What became your

- 1 profession when you left secondary school?
- 2 A. From 1962, I applied for a job in Kigali,
- 3 and luckily I got the job and I was
- 4 transferred to the préfecture of
- 5 Kigali-rural and I worked till 1963. I
- 6 therefore worked there for a year.
- 7 Q. What job did you get in Kigali?
- 8 A. I was in charge of the telephone exchange in
- 9 Kigali, and I transferred calls to the
- 10 ministries and other préfectures.
- 11 Q. Now, Mr. Semanza, in this position when you
- 12 worked in Kigali, did you have any Tutsi
- 13 friends?
- 14 A. I had a lot of Tutsi friends, some of them
- 15 even left their place of birth following the
- 16 events of 1959. They came to seek refuge in
- 17 Kigali. These are the friends who shared
- 18 everything with me. We shared everything in
- 19 ordinary life.
- 20 Q. Now, can you give the name of a few of them
- 21 to Their Lordships?
- 22 A. There was Esias (ph) Gasirikare,
- 23 G-A-S-I-R-I-K-A-R-E. There was also Emile
- 24 Nyarwaya. "Nyarwaya" is spelled as follows:
- 25 N-Y-A-R-W-A-Y-A. There was also Frudoise

1 (ph) Nkubiri, N-K-U-B-I-R-I, and others; in
2 fact, there were many.

3 MR. EBOE-OSUJI:

4 Your Honours, may I reflect for the record
5 that it was my observation that the names
6 listed by the witness were not exactly
7 flowing as he was listing them. There was
8 what appears to me as such, for information,
9 and then the videotape will reflect or will
10 reveal what I'm talking about if it is
11 played back. I just thought I should
12 reflect that on the record.

13 MR. TAKU:

14 May it please Your Lordships. I wonder why
15 I need to answer to this observation. It's
16 a pure waste of time, and may I continue, My
17 Lord?

18 MR. PRESIDENT:

19 You may proceed.

20 BY MR. TAKU:

21 Q. Mr. Semanza you made allusion to the fact
22 that these friends -- you made allusion to
23 the fact that some of these friends escaped
24 the events of 1959, took refuge and lived in
25 Kigali. Can you tell very briefly, very

- 1 briefly, which events of 1959 are you
2 referring to?
- 3 A. These are events relating to the revolution
4 of 1959. Indeed, power was in the hands of
5 the Tutsis for 400 years, and in 1959 the
6 Hutu took back power which they shared with
7 the Tutsi who accepted democracy.
- 8 Q. Now, Mr. Semanza, when you left that post in
9 Kigali which other post did you take up, if
10 any? Tell Their Lordships.
- 11 A. From 1963, I was appointed an accountant for
12 the Gahengeri commune up until 1969. I
13 spell Gahengeri: G-A-H-E-N-G-E-R-I.
- 14 Q. Now, Mr. Semanza, can you state for the
15 record your ethnic group, to Their
16 Lordships?
- 17 A. I'm a Hutu.
- 18 Q. Now, Mr. Semanza, you did state that you
19 were born in Musasa. Can you tell Their
20 Lordships where Musasa is, in the north or
21 in the south of Rwanda?
- 22 A. Musasa is to the north of Kigali-rural
23 préfecture.
- 24 Q. Yes. But I wanted to know whether in Rwanda
25 if you, -- I don't know. In Rwanda is it

1 north in Rwanda or south in Rwanda?

2 A. I would say that Musasa is practically in
3 the centre of Rwanda.

4 Q. Now, tell Their Lordships, in Rwanda were
5 you, Mr. Semanza, considered as a Hutu from
6 the north or Hutu from the south of Rwanda?

7 MR. EBOE-OSUJI:

8 Objection Your Honour: I believe the witness
9 has indicated that his place of birth was in
10 the south -- sorry, in the centre, in the
11 centre of Rwanda. My friend appears to be
12 forcing a certain answer for which there is
13 no foundation for that question. If the
14 witness had said he was born in a commune
15 that is in the centre of Rwanda, it appears
16 to me that there is some difficulty with the
17 question, "Are you considered from the north
18 or from the south" especially as there has
19 been no foundation that leads up to that
20 different type of questioning.

21 BY MR. TAKU:

22 Q. Mr. Semanza, in the Rwandese context you
23 said that you came from the centre. How
24 would ordinary Rwandese consider you, when
25 you say you come from the centre? Would you

1 be considered as a Rwandese from the north
2 or from the south?

3 A. It is true that that problem existed, but we
4 were not considered to be either from the
5 north or from the south. We were considered
6 to be people of the centre, the north being
7 known as Rukiga, R-U-K-I-G-A, and the south
8 being considered as Nduga, N-D-U-G-A.

9 Q. Yes. We will come to these names, Rukiga
10 and Nduga, later.

11

12 Let's move back now, Mr. Semanza. Can you
13 tell Their Lordships whether you are
14 married, or not?

15 A. I am married and a father of eight children.
16 Initially I had ten children, but I lost two
17 of them.

18 Q. Yes. We will come to the children first.
19 Can you tell Their Lordships the name of
20 your wife?

21 A. My wife is called Mukamukwiye, Godberthe. I
22 spell Mukamukwiye: M-U-K-A-M-U-K-W-I-Y-E.

23 THE INTERPRETER:
24 Could he also spell "Godberthe", please. He
25 didn't seem to be very clear.

1 BY MR. TAKU:

2 Q. Yes, Mr. Semanza, if you know how to spell

3 "Godberthe" for the interpreters, please?

4 THE INTERPRETER:

5 The witness says I should help him spell the

6 name "Godberthe." I will endeavour:

7 G-O-D-B-E-R-T-H-E, Godberthe.

8 MR. TAKU:

9 Q. Yes. Can you tell Their Lordships the year

10 in which you got married to Mukamukwiye,

11 Godberthe?

12 A. I married Godberthe in the month of December

13 1962 -- or rather, 1966.

14 Q. From what part of Rwanda does Godberthe come

15 from? Can you tell Their Lordships?

16 A. Godberthe hails from the Shyorongi commune

17 in Kigali-rural préfecture. I spell

18 Shyorongi: S-H-Y-O-R-O-N-G-I.

19 Q. You stated that you had, I think ten

20 children with Mukamukwiye Godberthe. Can

21 you tell Their Lordships the name of your

22 first child?

23 A. My first child is called Mukankaka,

24 Lawrence. I spell "Mukankaka":

25 M-U-K-A-N-K-A-K-A, Lawrence.

- 1 MR. PRESIDENT:
- 2 (Not interpreted)
- 3 BY MR. TAKU:
- 4 Q. Is it a man or a woman?
- 5 A. The child in question is a girl.
- 6 Q. Can you tell Their Lordships what year she
- 7 was born?
- 8 A. She was born in 1968.
- 9 Q. Can you tell their Lordships which school,
- 10 if any, she attended?
- 11 A. She attended primary school in Gahengeri in
- 12 Bicumbi commune. She attended secondary
- 13 school at the nursing school of Rwamagana.
- 14 I spell Rwamagana: R-W-A-M-A-G-A-N-A, and
- 15 she attended university in Russia.
- 16 Q. Now, Mr. Semanza, this primary school in
- 17 Gahengeri where your daughter Lawrence
- 18 attended, did you know that primary school?
- 19 A. Yes. I know the primary school because it
- 20 was located very close to my house.
- 21 Q. Now, can you tell Their Lordships the ethnic
- 22 composition of this primary school your
- 23 daughter attended that was very close to
- 24 your house?
- 25 A. In that school, there were pupils of various

- 1 ethnic groups, the Tutsi and Hutu, and for
2 greater clarity I would say that the
3 Gahengeri secteur was inhabited by about or
4 50 percent, about 50 percent of the
5 inhabitants of that sector were Tutsi.
- 6 Q. Now, Mr. Semanza, did you know or you do not
7 know whether this your daughter who attended
8 primary school had friends, Tutsi friends?
- 9 A. Yes. She had Tutsi friends. Her friends
10 often came to my place when they visited
11 her.
- 12 Q. Now, this other school you say, the nursing
13 school she attended in Rwamagana, can you
14 tell Their Lordships if you knew that
15 school, the nursing school?
- 16 A. Yes, I know the school in question. It is a
17 school that was managed by the Bernadine
18 Sisters. Very often I went there to visit
19 my daughter. I knew the headmistress and
20 the other sisters of the school.
- 21 Q. Now, can you tell Their Lordships whether in
22 that school your daughter had Tutsi friends?
- 23 A. Yes, she had Tutsi friends. I noticed that
24 during holidays, because my residence would
25 look almost like a school. My daughter

- 1 received both her Hutu and Tutsi friends.
2 Very often they would be at my place during
3 their holidays.
- 4 Q. Now, Mr. Semanza, tell me, how would you
5 rate the academic performance of your
6 daughter when she was in the nursing school
7 at Rwamagana? Did you want to know whether
8 she had results when she came from holidays?
- 9 A. She used to show me her school reports, she
10 never went beyond the eighth position while
11 she was at that school.
- 12 Q. What would you say, Mr. Semanza, to anyone
13 who says that you intervened, you influenced
14 the results of that your daughter Lawrence
15 when she was in nursing school in Rwamagana?
16 What would you say to that allegation?
- 17 A. I would also -- in that case I will ask her
18 the question to know whether I went with her
19 to Russia to study in her place.
- 20 Q. Now, Mr. Semanza, back again to your wife
21 Mukamukwiye Godberthe. Did you know,
22 Mr. Semanza, or not, whether that your wife
23 had Tutsi friends. Before then, what ethnic
24 group was your wife, Mukamukwiye Godberthe?
- 25 A. Mukamukwiye, Godberthe, is Hutu. As

1 concerns my wife's friends, her friends were
2 Hutu and some Tutsi. She used to pray with
3 both Hutu and Tutsi. She was somebody who
4 was very religious-minded. Furthermore, we
5 had a chapel at home. I used to see her
6 pray with Hutu and Tutsi.

7 Q. Now, Mr. Semanza, you talked about your
8 first daughter, Lawrence. Can you give to
9 Their Lordships the name of your second
10 child and state whether that child is male
11 or female?

12 A. My second child is a girl. She is called
13 Uwuingabiye, Godelive. I spell
14 "Uwuingabiye": U-W-U-I-N-G-A-B-I-Y-E,
15 Godelive, which is spelled as follows:
16 G-O-D-E-L-I-V-E.

17 Q. Could you tell Their Lordships when she was
18 born?

19 A. She was born in 1969.

20 Q. Where was she born?

21 A. She was born at the Rwamagana Hospital.

22 Q. Where did she go to primary school, if at
23 all she did?

24 A. She went to primary school in the Gahengeri
25 secteur where I lived.

- 1 Q. Now, what year did she go to secondary
2 school -- to that school, primary school,
3 I'm sorry?
- 4 A. In fact, my children went to primary school
5 at the age of 7. So she went to primary
6 school in 1976.
- 7 Q. Now, Mr. Semanza, without revealing names
8 because of witness protection concerns, can
9 you tell Their Lordships if this, your
10 daughter, had Tutsi friends. Don't reveal
11 the names because of witness protection
12 concern, but tell us whether she had Tutsi
13 friends?
- 14 A. Yes, she had Tutsi friends. Moreover she
15 was the godmother of her Tutsi children.
- 16 Q. Now, she was a godmother of Tutsi children.
17 Did these children used to visit your house
18 in Gahengeri, with your daughter?
- 19 A. Very often.
- 20 Q. Now that you talk about godmother, let us
21 just clear that aspect first so we don't go
22 forward and backward.
- 23
- 24 Among the Tutsi friends that your wife had,
25 did she have a goddaughter, was she

1 godmother of some of them?

2 A. My wife was a godmother of more than ten

3 Tutsi children, including godmother for

4 their mothers as well.

5 Q. Now before we go, what about you yourself?

6 Were you a godfather to any Tutsi children?

7 A. I do not remember some of them, but I was

8 godfather for more than 15 Tutsi children.

9 Q. Now, let's start with your wife. Can you

10 give us the names of some of the Tutsi

11 children and their mothers that your wife

12 was their godmother?

13

14 Very few, Mr. Semanza, very few, we don't

15 want too -- there were more than 15, but

16 very few, very, very few.

17 MR. EBOE-OSUJI:

18 May the record reflect that the witness

19 appears to be reading from a list. He put

20 on his glasses and he pulled out a sheet of

21 paper and he is reading from it.

22 MR. PRESIDENT:

23 Mr. Taku, if it is so, this is against the

24 procedure. The witness has to --

25 BY MR. TAKU:

1 Q. Mr. Semanza, don't read. If you want to
2 refresh your memory you inform me and I
3 apply to the judges. But do not read until
4 you tell me that you want to refresh your
5 memory, and I can apply to the judges.

6

7 Explain to him.

8 A. You would understand that I have been in
9 prison for a long time. I have been in
10 prison for about seven years. I have not
11 seen the persons in question. That does not
12 mean that I do not know them; however, I
13 have just forgotten them.

14 MR. PRESIDENT:

15 Witness, if you have forgotten something you
16 could say so. You could say that you do not
17 remember, you have forgotten. But you
18 cannot take advantage of written
19 information.

20 MR. TAKU:

21 My Lord, at this stage that if he wants to
22 refresh his memory over any issue he can
23 indicate to me and I make the appropriate
24 application and Your Lordship will rule at
25 that point in time. Not that he cannot

1 consult paper at all -- please, please, I'm
2 still up.

3
4 In the course of these proceedings, My Lord,
5 we have been referring to so many papers, so
6 many exhibits, and that is why I say if he
7 intends to refresh his memory at any point
8 in time he should tell us, "I want to
9 refresh my memory on this" we make the
10 application and you rule on the spot. But
11 there cannot be a blanket rule that he
12 cannot consult any paper at all.

13 MR. EBOE-OSUJI:

14 I rose to agree with Defence Counsel. He
15 thought I was opposing him, but I wasn't. I
16 was going to say it is quite proper where a
17 witness has lost his memory that that should
18 be established that the witness has no
19 memory of the information being sought.
20 And the witness may refresh that witness'
21 memory with papers and other things. But
22 the opposing party would be entitled, then,
23 naturally, to view that and have copies made
24 and be used as well. Thank you.

25

1 MR. PRESIDENT:

2 Yes. But, Mr. Taku, there is every fact
3 should be considered on its merit.

4 MR. TAKU:

5 Yes, My Lord, yes, My Lord. When the time
6 comes we make the appropriate application.
7 As to whether he could view the papers,
8 private papers is another issue. But we
9 make the application at the appropriate
10 moment.

11

12 (Pages 1 to 39 by Karlene Ruddock)

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- 1 1030H
- 2 Q. Now, Mr. Semanza, I did ask you whether you
- 3 could remember some of the names, one or two
- 4 or three, if possible, who were goddaughters
- 5 to your wife, and tell us whether they were
- 6 Tutsis? If you have forgotten, say that you
- 7 have forgotten, they will know what you do?
- 8 A. Among my wife's goddaughters, I would name
- 9 Odette Tesire, T-E-S-I-R-E, Laurance
- 10 Kayirame, K-A-Y-I-R-A-M-E, Bernadette
- 11 Mukankuba, M-U-K-A-N-K-U-B-A, Donatille
- 12 Mukankusi, M-U-K-A-N-K-U-S-I, and Aulerie
- 13 Mukabatanga, M-U-K-A-B-A-T-A-N-G-A.
- 14 Q. Mr. Semanza --
- 15 THE INTERPRETER:
- 16 Counsel, the interpreters would like the
- 17 first names to be spelled for the purposes
- 18 of the record, please.
- 19 THE WITNESS:
- 20 Odette, O-D-E-T-T-E, Laurance,
- 21 L-A-U-R-A-N-C-E, D-O-N-A-T-I-L-L-E, Dative,
- 22 D-A-T-I-V-E, Aulerie, A-U-L-E-R-I-E,
- 23 Aulerie.
- 24 BY MR. TAKU:
- 25 Q. Now, Mr. Semanza, can you tell Their

1 Lordships, whether you know, whether you
2 know that up to, when you left Rwanda, and
3 fled into exile, whether the relationship
4 between your daughter, the goddaughters of
5 your daughter, and the goddaughters of your
6 wife, whether the relationship was
7 maintained, these Tutsis whose names you
8 gave this morning?

9 A. Until our departure for the exile, the
10 relationships were always very good.

11 Q. Now, you did tell us about your personal
12 sons and daughters, presumably I not know,
13 but can you tell Your Lordships, can you
14 give the names to Their Lordships, the
15 Tutsis, some of the names of the Tutsis who
16 were your godsons? Now, if you have
17 forgotten, there is no problem. How many
18 have you given already?

19 A. I have just given five names. I have just
20 given five names. They are Jean Rutayisire,
21 R-U-T-A-Y-I-S-I-R-E, Eugene Kandagare,
22 K-A-N-D-A-G-A-R-E, Emile Nakubana,
23 N-A-K-U-B-A-N-A, Jean Gashumba,
24 G-A-S-H-U-M-B-A, and Enos Rugenera,
25 R-U-G-E-N-E-R-A.

1 MR. EBOE-OSUJI:

2 It appears to me the witness had difficulty
3 remembering some of these names. Again, the
4 video tape will speak to that when one looks
5 at it. I am only observing, noting for the
6 record my own observations. Thank you.

7 MR. TAKU:

8 My Lord, I wonder whether this is worth
9 replying to because the composition of human
10 beings are different. The witness has own
11 is personal -- as Your Lordships can observe
12 his demeanour and make your own findings.
13 It is not for the Prosecutor to make these
14 comments, My Lords, they are completely
15 inappropriate.

16 MR. PRESIDENT:

17 You may proceed.

18 MR. EBOE-OSUJI:

19 Your Honour, I also wish to observe as well
20 that there is a name he began to give and
21 then stopped and gave another name. I
22 thought I discern that. Now, obviously that
23 didn't smoothly come out in the
24 interpretation but it was quite obvious that
25 he began to give a certain name and then

1 changed his mind about it. Again, the
2 record, the audiovisual record of the
3 testimony will speak to that, in the event
4 that it becomes an issue for this Court at
5 the end of the day. Thank you.

6 MR. TAKU:

7 The Defence will choose to ignore
8 completely, My Lords, to ignore these
9 comments.

10 JUDGE DOLENC:

11 Mr. Prosecutor?

12 MR. EBOE-OSUJI:

13 Your Honour?

14 JUDGE DOLENC:

15 Are you alleging that this last incident,
16 the Accused read something from his notes,
17 or what was your objection or your
18 allegation?

19 MR. EBOE-OSUJI:

20 Clearly it was not an objection, it was an
21 observation that the witness had some
22 difficulty remembering some of the names,
23 and in relating, sorry, in relationship to
24 the name, I believe, Eugene Rugenera was
25 given, it was my observation he began giving

1 another name and changed his mind and ended
2 with the name Eugene Rugenera, I believe.
3 Again, it is an observation. We may have to
4 debate the significance of all of that at
5 the end of the day, but I do not want to
6 start discussing it because the witness is
7 on the stand and the Counsel has not
8 finished his examination-in-chief. But
9 there is something I have in mind. I will be
10 speaking to -- depending, of course, on My
11 Learned Friend makes of this exercise of
12 asking the witness, "Do you have Tutsi
13 friends, of have wife of Tutsi friends, of
14 sons and daughters and so on and so forth".

15 MR. TAKU:

16 My Lord not to lose focus, I want the
17 translations to be done immediately because
18 we are going to lose focus here. This is a
19 welcome distraction.

20 MR. PRESIDENT:

21 Mr. Taku, before you -- and after that the
22 witness would -- Mr. Semanza would you like
23 to clarify the situation. What would you
24 want to say?

25

1 MR. TAKU:

2 I just want to be able to continue my
3 Examination-in-chief, My Lord. I just
4 ignore, I mean because there is no Rule, we
5 look at the Rules that give the Prosecutor
6 the power to attack evidence and see the
7 misdemeanour of people Your Lordships, at
8 the end of the day, it will draw inferences.
9 I say no.

10 MR. PRESIDENT:

11 You may proceed but, Mr. Semanza wanted to
12 clarify something, maybe, he could do it.

13 MR. TAKU:

14 Thank you, My Lord.

15 MR. PRESIDENT:

16 Mr. Semanza, what do you want to say on this
17 matter?

18 THE WITNESS:

19 Thank you, Mr. President for giving me the
20 floor. I pray that you should not take into
21 consideration the Prosecutor's intervention
22 because even if the Prosecutor was asked to
23 tell us what he said yesterday, or before
24 yesterday, I don't think that he will be
25 able to remember everything whereas he is

1 just about 40 years old, can he remember all
2 that was said yesterday or before yesterday.
3 You must take into account my age, and
4 furthermore, I have spent about six years in
5 prison. I pray the Prosecutor to understand
6 the situation unless, he doesn't want me to
7 write so that I should be able to remember
8 the names of people with whom I met.

9 MR. PRESIDENT:

10 There is a misunderstanding. What is the
11 question? It is quite natural that it is
12 difficult to remember everything, but if you
13 mention the name and this name was mentioned
14 in a wrong way, and after that you correct
15 it, it should be said that this name that
16 this name I mentioned before it is wrong.
17 The right name is such as such. That is the
18 idea because in the record it could be the
19 name of a person, but at the same time after
20 that this name was corrected without any
21 indication that it was a wrong name and this
22 name was corrected later. This is the only
23 problem.

24 MR. TAKU:

25 My Lord, may the interpreters do their job

1 and translate what he said, so we know
2 whether there is a correction or not. So
3 far this has not been done. So I cannot
4 understand what the Prosecutor jumped up on
5 when that has not been.

6 MR. PRESIDENT:

7 Mr. Taku, the opinion was that he mentioned
8 one name and after that he corrected it. It
9 is natural to try and remember and it is
10 natural that before he could say something,
11 which is not correct, and after that
12 immediately he remembered the right name and
13 he mentioned the right name.

14 MR. TAKU:

15 Yes, My Lord. What he said is what you and
16 me do not know yet. Let the translator and
17 interpreters do their job. At the end of
18 the day, we will know whether that is the
19 situation which occurred or not, as of now,
20 this interference has made it impossible for
21 them to translate with the possibility that
22 we may go back again and start questioning
23 all over. Let them do their job, I will
24 know whether that situation occurred.

25

1 MR. PRESIDENT:

2 I agree. Let's proceed, and you may
3 proceed.

4 BY MR. TAKU:

5 Q. Yes, can go ahead then with Semanza the
6 answer that he gave?

7 THE INTERPRETER:

8 The witness had given names and at the end
9 he gave another name which I did not
10 interpret. The name which he added was
11 Alfred Basomingera. I spell Basomingera,
12 B-A-S-O-M-I-N-G-E-R-A.

13 BY MR. TAKU:

14 Q. Yes, Mr. Semanza, still on course, I hope
15 you have not been stuck there with what the
16 Prosecutor said. Now, these names you gave
17 your godsons, can you tell Your Lordships,
18 if there was any special relationship
19 between you and them, apart from you being
20 just a godfather, apart than that, was there
21 any special relationship between you and
22 them, tell Their Lordships?

23 A. Before being the godfather of these
24 children, there was a friendship between me
25 and their parents, and if I accepted to be

1 their godfather, it is because I enjoyed
2 good relationships with their parents and
3 this good relationship continued.

4 Q. Can you tell Your Lordships, when you talk
5 about good relationship with their parents,
6 what nature of the good relationship, what
7 did you do to each other? Tell Their
8 Lordships.

9 A. For purposes of an illustration, there were
10 still children in school whose parents were
11 poor. I would pay their schoolfees. I
12 would pay the schoolfees of such children.
13 During holidays, such children would come
14 and pay me a visit. They would return with
15 their schoolfees, and to kind of reward me,
16 their parents would give them to me so that
17 I become like their own real father. To me
18 this was some kind of like reward.

19 Q. Now, Mr. Semanza, tell Their Lordships, if
20 up to the time you left Rwanda, did you
21 maintain this good relationships between
22 these godsons and their father, their
23 parents, their Tutsi parents?

24 A. Yes, we still maintain the good relations
25 and even while we were in exile, we used to

1 exchange correspondences. They would write
2 to us to enquire about our situation.

3 Q. Now, Mr. Semanza, can you tell Their
4 Lordships the name of your third child and
5 also state for the record whether it was a
6 boy or girl, a male or female?

7 MR. PRESIDENT:

8 Mr. Taku?

9 MR. TAKU:

10 Yes, Your Lord?

11 MR. PRESIDENT:

12 I did not understand the answer to the
13 previous question. Mr. Semanza said when we
14 have been in exile we had the correspondence
15 with these friends, Tutsi. I did not
16 understand whether the friends, Tutsi also
17 had been in exile? You only mentioned that
18 these friends, Tutsi, remained in the
19 country.

20 BY MR. TAKU:

21 Q. Yes, Mr. Semanza, please His Lordship wants
22 to know whether these Tutsi friends --
23 whether they remained in Rwanda or they also
24 fled in exile, whether this exchange of
25 correspondence took place from Rwanda,

- 1 whether they remained in Rwanda and
2 exchanged correspondence with you or they
3 too fled into exile?
- 4 A. Those who with whom I exchanged
5 correspondence remained in Rwanda.
- 6 Q. Yes, Mr. Semanza, now, can you answer the
7 question I asked about your third child and
8 state whether the child is male or female?
- 9 A. My third child is called Fortune Mujawase.
10 She is a girl. I spell, M-u-j-a-w-a-s-e.
11 M-A-J-A-W-A-S-E.
- 12 Q. Mr. Semanza, please just forgive me for just
13 trying to establishing -- before I pursue
14 the question about your third daughter.
15 Now, these friends you said communicated
16 with you from Rwanda, did the friends now
17 know you have been prosecuted for various
18 crimes before this Tribunal, now?
- 19 A. Yes, they know that I am being prosecuted by
20 the International Criminal Tribunal for
21 Rwanda. Some of them even had to come here
22 to testify, but they withdrew as a result of
23 fear.
- 24 Q. So, they maintain their relationships, their
25 opinion of you does not change in fact of

- 1 the fact that you are standing trial; is it
2 so?
- 3 A. There is no problem. They continue
4 exchanging correspondence with my children.
5 There is no problem. The relationships have
6 been maintained.
- 7 Q. Now, Mr. Semanza, you spoke about your third
8 daughter and her name is Fortune. Can you
9 tell Your Lordships when she was born?
- 10 A. She was born in 1970.
- 11 Q. Can you also tell Your Lordships where she
12 went to school, in which locality and
13 commune, locality and commune?
- 14 A. She went to school in the Nyarugenge
15 commune, Nyarugenge, N-Y-A-R-U-G-E-N-G-E,
16 and this is in Kigali town. At that time,
17 I had transferred my children to Kigali and
18 that is where they were going to school
19 because I had a house there.
- 20 Q. Yes, Mr. Semanza at some point in time we
21 will come to the house or houses, but for
22 now, tell Their Lordships whether this
23 daughter had Tutsi friends known to you?
- 24 JUDGE WILLIAMS:
- 25 Maybe you can help me here. Are we going

1 through these eight children and what
2 friends they had?

3 MR. TAKU:

4 If Your Lordships, if Their Lordships are
5 patient you will see the names will
6 continue. We have the indictment at mind.
7 The names will start to emerge as we
8 proceed. Your Lordship will understand why
9 we asked about these Tutsi friends at some
10 times. We do not want to violate witness
11 protection concerns, but I will prepare Your
12 Lordships will see why a particular child
13 had particular friends and how they are
14 related to this particular case.

15 JUDGE WILLIAMS:

16 But I can understand, I can understand a
17 general question to him; did all your
18 children have Tutsi friends? I can
19 understand a question like that, and if he
20 says yes, that will satisfy the issue, but
21 to take us through eight children and for us
22 to have to listen to each child, what was
23 their Tutsi friends, it seems to me as it
24 sort of really not having regard of judicial
25 time.

1 MR. TAKU:

2 Okay, My Lord, it depends on what Your
3 Lordships think, if that is the procedure
4 will conduct, we will accept because it is
5 for the understanding of Their Lordships.
6 We will defer to whatever what Your
7 Lordships decide.

8 JUDGE WILLIAMS:

9 It is just that the amount of time that it
10 is going to take to go through eight
11 children -- name exactly who their Tutsi
12 friends are and their names.

13 MR. TAKU:

14 We want to establish the existence, the real
15 existence of these people because in a
16 criminal matter it is material. The real
17 existence of the people are mentioned in the
18 course of the proceedings, and thereafter we
19 will see the role that they played, My Lord.

20 JUDGE WILLIAMS:

21 Very well, do you think it is necessary, it
22 just occurred to me that we are going to
23 have the tea with this, but it is up to you.

24 MR. TAKU:

25 We will try to go as fast as possible, at

1 times when we get to some of the children,
2 will try to answer the questions together.

3 JUDGE WILLIAMS:
4 Yes.

5 MR. TAKU:
6 We will get the older children, we will get
7 them one by one.

8 JUDGE WILLIAMS:
9 I can understand if you think that there is
10 some particular relevance with regard to
11 some particular Tutsi friends you want to
12 identify, but for us to be just going on the
13 entire process, it seems a little tedious
14 for me, but you proceed.

15 MR. PRESIDENT:
16 Just a moment, Mr. Taku, it is 11 o'clock.

17 MR. TAKU:
18 I leave everything to your wisdom, My Lord.

19 MR. PRESIDENT:
20 Maybe --

21 MR. TAKU:
22 But we just wanted the witness to answer
23 this question, then we can take the break.

24 MR. PRESIDENT:
25 Okay.

- 1 BY MR. TAKU:
- 2 Q. Mr. Semanza, Fortune went to school in
- 3 Kigali. Can you tell Their Lordships if she
- 4 had Tutsi friends while she was in school in
- 5 Kigali?
- 6 A. Yes, she had Tutsi friends so much so that
- 7 one of her friends even lived in my place.
- 8 Q. Okay, without giving that name now, the name
- 9 will be given later, did she also have Hutu
- 10 friends who used to come to your house?
- 11 A. Yes, she had both Hutu and Tutsi friends.
- 12 Q. I will not ask you to give the names of the
- 13 Hutu friends nor will I ask you to give the
- 14 names of the Tutsi friends now. When we
- 15 come back, I will put some questions of this
- 16 category of particular friends to the
- 17 Chamber, to you to answer to the Chamber.
- 18 My Lord, we can take the break now.
- 19 MR. PRESIDENT:
- 20 Now, we will break for 15 minutes.
- 21 (Court recessed at 1105H)
- 22 (Court resumed at 1125H).
- 23 MR. PRESIDENT:
- 24 The proceedings are resumed. You may
- 25 proceed.

- 1 BY MR. TAKU:
- 2 Q. Yes, Mr. Semanza, you told Your Lordships
3 that Fortune had Tutsi friends who used to
4 come and live in her house. Do you know the
5 name of that Tusti friend who used to come
6 and live in her house, who was a friend to
7 Fortune? If you know, please tell Your
8 Lordships?
- 9 A. The friend of Fortune was called Alice Toto.
10 I spell Toto, T-O-T-O, Alice, A-L-I-C-E.
11 She lived with my children in the house
12 where she stayed for about five years.
- 13 Q. Can you tell Their Lordships from what
14 period to which period did she live with
15 your children for five years?
- 16 A. I believe, he(sic) stayed with me in my
17 house from 1970 to 1974.
- 18 Q. Now, Mr. Semanza, I believe you can give the
19 name of the fourth child to Their Lordships
20 and tell us whether that child was please,
21 male or female?
- 22 A. She was called Ndacyayisenga Angelic. She
23 is a girl. I spell, Ndacyayisenga
24 N-D-A-C-Y-A-Y-I-S-E-N-G-A.
- 25 Q. Can you also give the name of -- no, when

- 1 was she born and where?
- 2 A. She was born in 1972 at the Kigali hospital.
- 3 Q. Can you also give the name of your fifth
- 4 child and say whether she is, and say
- 5 whether that child is male or female?
- 6 A. He is called Nsengiyumva, Semanza Laurent.
- 7 I spell Nsengiyumva, N-S-E-N-G-I-Y-U-N-V-A,
- 8 Semanza as in Semanza, Laurent as in
- 9 Laurent.
- 10 Q. Now, Mr. Semanza, to be a bit faster, did
- 11 your daughter Angelic have Tutsi friends, to
- 12 your knowledge?
- 13 A. Yes, he(sic) had Tutsi friends.
- 14 Q. Now, let's stop here, let's stop a while on
- 15 Nsengiyumva, Semanza, Laurent. When was he
- 16 born?
- 17 A. He was born in 1974.
- 18 Q. Can you tell Their Lordships whether or not
- 19 you know Nsengiyumva Semanza Laurent,
- 20 whether he had Tutsi friends?
- 21 A. Rather his godfather was a Tutsi.
- 22 Q. Can you give the name of the godfather of
- 23 Nsengiyumva Semanza Laurent, who was a
- 24 Tutsi, who is a Tutsi?
- 25 A. He is called Hitimana Joseph, I spell

- 1 Hitimana, H-I-T-I-M-A-N-A.
- 2 Q. Can you tell Your Lordships who this
- 3 Hitimana, Joseph who was or is, whom he was
- 4 between 1974 and 1994?
- 5 A. He was a trader.
- 6 Q. Where did he reside?
- 7 A. He lived in Rwamagana.
- 8 Q. Tell Your Lordships if there was any
- 9 personal relationships between you and this
- 10 Hitimana who was a godson for your son
- 11 Nsengiyumva Laurent Semanza, if there was an
- 12 special relationship to him in addition to
- 13 him being the godfather of your son?
- 14 A. It is obvious that having accepted him as
- 15 the godfather of my child, we must have had
- 16 relationships before.
- 17 Q. Yes, I want you to tell Your Lordships about
- 18 this relationship between yourself and this
- 19 Hutu businessman called Hitimana, this
- 20 Tutsi?
- 21 A. When I arrived in Bucumbi in 1963, he
- 22 welcomed me and from then on, we established
- 23 a relationship, and besides he had property,
- 24 land property in Bucumbi, and in that manner
- 25 the relationship developed. When there was,

1 when he had a wedding, he invited me and
2 when there was a wedding in my house, I also
3 invited him.
4 Q. (Pages 40 to 60 by Petrus Chijarira)
5
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1 1130H

2 MR. TAKU:

3 Now, Mr. Semanza, let us move quickly to

4 your sixth child. Can you give the name,

5 the date of birth and the sex?

6 A. This sixth child is dead, and I don't think

7 it is necessary to talk about him.

8 Q. Okay, but can you give us the name?

9 A. She was called Nisengwe Elithe. I spell

10 Nisengwe N-I-S-E-N-G-W-E.

11 Q. Can you tell us when and where Elithe died?

12 MR. EBOE-OSUJI:

13 Perhaps, we should get the spelling of the

14 first name. Of the name just given, because

15 this name appears to have recurred somewhere

16 on the record, so that we can get the

17 spelling now instead of calling Elika, Elita

18 and all kinds of names into the record.

19 Thank you.

20 THE INTERPRETER:

21 Elithe. The witness has told me how he

22 thinks the name is spelt. It is

23 E-L-I-T-H-E.

24 BY MR. TAKU:

25 Q. The question, Mr. Semanza, is, can you tell

1 us when and where Elithe died?

2 A. Elithe died in Ngoma following a cholera

3 attack. Ngoma, in Zaire.

4 Q. Now, Mr. Semanza, can you tell Your Lordship

5 if Elithe had a friend, without calling the

6 name of the friend, a Hutu friend, who

7 visited your home, who used to come and

8 spend holidays in your home regularly?

9 A. Yes, Elithe had friends who used to come and

10 spend their holidays with us. It was not

11 just one or two friends, they were many.

12 And in my house during the holidays, there

13 were several children.

14 Q. Mr. Semanza --

15 MR. TAKU:

16 Can the Registrar help, please. Registrar.

17 Just one moment, My Lord, we want to show

18 Mr.Semanza an exhibit. Yes, D25.

19

20 Now show it to the Prosecutor, Your

21 Lordships, then show Mr. Semanza.

22 THE INTERPRETER:

23 The witness says he has taken a look at the

24 document.

25

- 1 BY MR. TAKU:
- 2 Q. Yes, Mr. Semanza, we are not going to call
3 any name --
4
- 5 My Lord, the witness has identified D25.
6
- 7 Now you have recognised -- you have
8 identified D25. Do you know the person
9 whose name is listed in D25?
- 10 A. Yes, I have recognised the person.
- 11 Q. Mr. Semanza, do you know -- can you tell us
12 whether you know or not that person, whose
13 name is listed in D25, was a friend to your
14 daughter Elithe?
- 15 MR. EBOE-OSUJI:
- 16 Your Honour, I believe that question was
17 leading. I believe the question could have
18 been asked without suggesting that answer.
- 19 BY MR. TAKU:
- 20 Q. Mr. Semanza, do you know whether there's any
21 relationship, any affinity or any
22 relationship between your daughter, Elithe,
23 and that person listed in D25, if so what
24 nature of relationship?
- 25 A. The child whose name appears on Exhibit D21

1 attended school in Apenga which was close to
2 my house, and when my daughter Elithe was on
3 holidays, during long vacations or the other
4 holidays, this child would come home.

5 Q. Can you tell Your Lordships --

6 JUDGE WILLIAMS:

7 I don't know if I am mistake but I heard him
8 saying D21, I think he means D25. I may be
9 mistaken but I seem to have heard D21.

10 MR. TAKU:

11 Thank you, very much, My Lord, D25, My Lord.

12 JUDGE WILLIAMS:

13 Very well.

14 BY MR TAKU:

15 Q. Mr. Semanza, take your mind back. Take your
16 mind to April 1994, did you see that person
17 listed in D25 in your house any time in
18 April 1994?

19 A. I believe I have seen the person whose name
20 appears on Exhibit D25, in April 1994.
21 Because there were several children who used
22 to come and visit us, and, during that
23 period, there was an unfortunate event in
24 our family and several children came to
25 visit, and I believe I saw this child among

1 the others.

2 Q. Can you tell Your Lordships from when to
3 when in 1994, you saw this child? I mean in
4 your house? I am going to limit it, to when
5 you saw her in your house.

6 A. Yes, I saw her. She came during the week,
7 and that we were closing the funeral
8 arrangements of our child who died.

9 MR. EBOE-OSUJI:

10 Your Honour, this is not an objection, of
11 course, and it's entirely up to my learned
12 friend to proceed as he wishes, but I am not
13 sure if there's any difficulty mentioning
14 the pseudonym of the person appearing on
15 Exhibit D25 now, as long as the name also is
16 not mentioned, so that way the Judges
17 wouldn't have, at the end of the day, to
18 start figuring out who it is that one is
19 talking about. It is my impression that
20 Exhibit D25 does not necessarily bear the
21 pseudonym, of that person, and I haven't
22 linked the name to the pseudonym but it's up
23 to Defence Counsel to proceed as they wish.
24 It might be easier in the end.

25

- 1 MR. TAKU:
- 2 Yes, My Lord, it's KNU. Witness KNU.
- 3 BY MR. TAKU:
- 4 Q. Now, Mr. Semanza, tell Your Lordships. Do
5 you remember the exact dates, from which
6 date you saw this witness in your house or
7 approximate? If you remember, tell Your
8 Lordship.
- 9 A. Since I was not living in my house, given
10 the fact that we had funerals on our hands,
11 I think this child was in my house from 1st
12 April until when we went into exile.
- 13 Q. And when did you go into exile? Tell Your
14 Lordship the date, if you know? From your
15 house, I am talking about your house?
- 16 A. I left my house with my children on 8th
17 April 1994 at 2300 hours.
- 18 Q. And what happened to this Witness KNU when
19 you were leaving your house, did you leave
20 with that witness or you left the witness
21 behind?
- 22 A. I saw this child again the day after, where
23 we spent the night. We continued on our way
24 together with her, all the way to Gitarama,
25 where we stayed for a while. The child left

- 1 us there to go home in Musasa, and that was
2 not far from Gitarama.
- 3 Q. Mr. Semanza, if you are having any
4 difficulties, personal emotions, because of
5 this, please let us know, so that Your
6 Lordships can give us time. Because I see,
7 My Lord, that the witness is having a
8 difficult time, weeping, and we do not know
9 whether he is having any particular
10 difficulty in this area.
- 11 A. It's all right, we may continue.
- 12 Q. Mr. Semanza, we will come back to the
13 funeral of the other child who died later
14 on, but we want to move on to some other
15 item. We will come back to the funeral that
16 you talked about later on.
- 17
- 18 Now, Mr. Semanza, can you tell us the name
19 of the seventh child?
- 20 A. My seventh child is called Nkezingabo
21 Jean-Marie. I spell Nkenzingabo,
22 N-K-E-N-Z-I-N-G-A-B-O, Jean-Marie?
- 23 Q. Can you tell Your Lordships when that child
24 was born?
- 25 A. I believe he was born in 1976.

- 1 Q. What about --
- 2 THE INTERPRETER:
- 3 The witness corrects that he was born in
- 4 1978.
- 5 BY MR. TAKU:
- 6 Q. Now, again, did he have Tutsi friends, to
- 7 your knowledge?
- 8 A. Yes, he had Tutsi friends and, indeed, most
- 9 of my neighbours were Tutsis and when their
- 10 children grew up they realised that I was in
- 11 good terms with Tutsis and they could not
- 12 have behaved otherwise.
- 13 Q. We will come back to the aspect of your
- 14 neighbours shortly. Can you tell us about
- 15 the ninth child? If I reach the one that
- 16 you said died, we jump and go to the next
- 17 one. We will come back to that later on.
- 18 The next child?
- 19 A. My ninth child is called Jean de Deu
- 20 Nsanzibandi, he is a boy. Nsanzibandi is
- 21 spelt as follows: N-S-A-N-Z-A-B-A-N-D-I.
- 22 Q. Did that child also have Tutsi friends?
- 23 A. Yes, absolutely, he had Tutsi friends.
- 24 Q. What about the last one, the one surviving
- 25 -- the last surviving child, not about the

1 one who died, that you said there was a
2 funeral. We will come back to that. That's
3 what I told you earlier. What about the
4 last one whom you have not mentioned?
5 A. He is called Celesta Nkulikiyabandi,
6 N-K-U-L-I-K-I-Y-A-B-A-N-D-I.
7 Q. Now, Mr. Semanza, you have stated that all
8 your children had Tutsi friends and that
9 they visited you, and also your neighbours.
10 Now I want to ask you one question.
11
12 Mr. Registrar, please, can you give us
13 Prosecution Exhibit.
14 MR. EBOE-OSUJI:
15 I see the photo.
16 MR. TAKU:
17 Number 5.
18 MR. EBOE-OSUJI:
19 Number 5.
20 MR. TAKU:
21 Five, yes. Can you show Your Lordship?
22 There are some pictures that are opened up.
23 MR. EBOE-OSUJI:
24 Your Honours, perhaps, I see that what has
25 been handed up -- I am not sure that that is

1 the Court exhibit. Just so that there's no
2 misunderstanding. I am not suggesting that
3 there's any difficulty, necessarily. But I
4 just saw that there's no -- can we take it
5 from the Court's own exhibit?

6
7 Yes, that appears to have come from the
8 Defence. Your Honour, I believe that when
9 the Prosecution tendered that Exhibit P5, an
10 album of photographs was tendered. Now, I
11 can see that the Registry has a thick
12 binder. It maybe that the registry may have
13 rearranged things to their own convenience,
14 but the photo album came in a separate
15 album, a smaller binder that was tendered in
16 court as Exhibit P5. Of course, not all the
17 photos were numbered according to the
18 numbers of photos in Exhibit P5 so that the
19 first photo would be P5-1, P5-1a, and so on
20 and so forth, as numbered.

21 JUDGE WILLIAMS:

22 This one is P5a? The one I am looking at
23 now is P5a?

24 MR. EBOE-OSUJI:

25 P5a, I stand corrected, the photo album came

1 also with a table of contents, so it's
2 annexed and that's where we would have P5a,
3 but the photo album, itself, was P5 and
4 individual pictures and number serial item
5 after 5, so that the first photo would be
6 P5-1 or P5-2 and so on up to -- Judge Dolenc
7 says 75, but I think that sounds very
8 correct to me. So that would be P5-1 to
9 P5-75, I think, for the photo album.

10 JUDGE WILLIAMS:
11 Yes, it is 75. I see P5 so and so it is
12 different.

13 MR. PRESIDENT:
14 What is your reference?

15 MR. TAKU:
16 My Lord, our reference, I think it's 9A, B,
17 C, and D.

18 JUDGE WILLIAMS:
19 Of P5?

20 MR. TAKU:
21 Yes, My Lord.

22 JUDGE WILLIAMS:
23 Okay, A, B, C, D.

24 MR. TAKU:
25 Yes, My Lord.

1 JUDGE WILLIAMS:

2 Yes, very well.

3 MR. EBOE-OSUJI:

4 Your Honours, please, I want to correct
5 something, which is an exhibit, which myself
6 and Judge Dolenc -- Judge Dolenc mentioned
7 P5-75 and I agreed the same. I think I need
8 to explain. There are actually 75 pictures
9 in there, that doesn't mean P5-75 is an
10 appropriate number. What would happen is
11 potentially we would have 1a, 1b, 1c, if one
12 counted all that one would come to the
13 number of 75, but it doesn't follow that
14 there was necessarily or there is P5-75.

15 JUDGE WILLIAMS:

16 Because some of the numbers have been
17 duplicated.

18 MR. EBOE-OSUJI:

19 Yes, Your Honour.

20 JUDGE WILLIAMS:

21 You have a number of 9, you have a number
22 this, you have a number of that, and then
23 you add them all together.

24 MR. EBOE-OSUJI:

25 75.

1 JUDGE WILLIAMS:
2 Very well.
3 MR. TAKU:
4 A, B, C, D, and E. E also.
5 JUDGE WILLIAMS:
6 From 9A to --
7 MR. TAKU:
8 9E, My Lord.
9 JUDGE WILLIAMS:
10 Thank you.
11 MR. TAKU:
12 Mr. Registrar, show Mr. Semanza those
13 pictures, oh, no, exhibits.
14
15 The one -- the exhibit of the court, the one
16 with Your Lordship.
17
18 Any way that you could put them, we still
19 can see from the screen, they will be okay,
20 but the Defence does not really have any
21 problem. Perhaps, can you borrow --
22
23 Mr. Registrar, please, can you put them on
24 the screen?
25

1 JUDGE WILLIAMS:
2 Starting with A?
3 MR. TAKU:
4 Starting with A, My Lord.
5 JUDGE WILLIAMS:
6 Okay, very well.
7 JUDGE WILLIAMS:
8 You don't need to take out all of them, you
9 just need to take out from 9A to E.
10
11 You have to be careful you don't mix up the
12 order in which they are, so that when we put
13 it back together we don't have them all
14 mixed up.
15 BY MR. TAKU:
16 Q. Yes. Mr. Semanza, look at that picture, I
17 mean that Exhibit P5-9A. Can you see it?
18 A. Yes, I can see it.
19 Q. Can you recognise it?
20 A. Yes, I recognise it.
21 Q. Tell Your Lordship what it is.
22 A. On this photograph I can see my residence in
23 Gahengeri. The photograph also shows the
24 fence, as well as the main gate.
25 Q. Yes, Mr. Semanza, still on this picture.

- 1 You told Your Lordship that the Tutsis --
2 the all your neighbours were Tutsis, is that
3 correct?
- 4 A. I did not say that all my neighbours where
5 Tutsis. What I said is that most of my
6 neighbours were Tutsis.
- 7 Q. Yes, can you give some of their names to
8 Your Lordships?
- 9 A. Among my neighbours I would name Nyamunanage
10 N-Y-A-M-U-N-A-N-A-G-E, Rwambali
11 R-W-A-M-B-A-L-I. Nyiragukura
12 N-Y-I-R-A-G-U-K-U-R-A. Nkubana
13 N-K-U-B-A-N-A. Kayirame K-A-Y-I-R-A-M-E. I
14 will also name Nkusi N-K-U-S-I and Ntambara
15 N-T-A-M-B-A-R-A. I will add Gafirira
16 G-A-F-I-R-I-R-A. There is also Ruterana
17 R-U-T-E-R-A-N-A.
- 18 MR TAKU:
19 One minute, My Lord.
- 20 BY MR. TAKU:
21 Q. Mr. Semanza, can you tell Your Lordships,
22 between the 6th and the 8th, the 6th and the
23 8th of April 1994, which of these neighbours
24 took refuge in your house, because you
25 stated before that some of them came to your

- 1 house?
- 2 A. Many people sought refuge in my house, but I
- 3 cannot remember everyone's name. I will
- 4 only mention Ruterena, Rwambali and Mkusi.
- 5 Q. Can you tell Your Lordship whether some of
- 6 them were Hutus and Tutsis?
- 7 A. It was a mixture of people. They all came
- 8 to find out what was going on, and they came
- 9 to inquire where the gunshots they were
- 10 hearing came from.
- 11 Q. Do you know where all these mixture of
- 12 people are today?
- 13 A. I was made to understand that the RPF, on
- 14 its arrival, killed some people. Some of
- 15 its people.
- 16 Q. Can you tell Your Lordship the names of
- 17 these people that you were made to
- 18 understand the RPF killed on arrival, in the
- 19 locality?
- 20 A. There were very many. There were my
- 21 brothers, there were my Tutsi and Hutu
- 22 friends. On the whole they could be
- 23 estimated at over 84.
- 24 Q. Yes, Mr. Semanza, go ahead. How did you
- 25 know about this? Yes, continue, Mr.

1 Semanza. Continue.

2 A. Among the people I knew and who were killed

3 by the RPF I will mention Nyamunanage,

4 N-Y-A-M-U-N-A-N-A-G-E. Kuramukobwa

5 K-U-R-A-M-U-K-O-B-W-A. Rwambari

6 R-W-A-M-B-A-R-I. Nkubara M-K-U-B-A-R-A.

7 Alphonse Niyonzima. N-I-Y-O-N-Z-I-M-A.

8 Benia Nzabonigaba N-Z-A-B-O-N-I-G-A-B-A.

9 Kayonga K-A-Y-O-N-G-A. Ntambara

10 N-T-A-M-B-A-R-A and Nkubana N-K-U-B-A-N-A.

11 I will also add to this list Barahira

12 Everiste. Barahira I spell that

13 B-A-R-A-H-I-R-A. Barahira, Everiste.

14 Q. Yes, Mr.Semanza, you stated that when the

15 RPF arrived they killed many people,

16 including whom you said were family members,

17 as well as your Tutsi friends.

18

19 Now, I would like you to inform Your

20 Lordships how you came to know about this,

21 since you were no longer in the locality?

22 A. I learnt about that from the refugees who

23 meet us in Ngoma. They said the refugees

24 fled after us. On their arrival they told

25 us that they had barely managed to escape.

1 MR. PRESIDENT:
2 The people whom you named and who had been
3 killed, were they Tutsi or Hutu.
4 THE WITNESS:
5 They were Hutu and Tutsi.
6
7 When they came -- whenever they were able to
8 know a Tutsi who was my friend or whose
9 child had been a godfather of, they would
10 kill that Tutsi.
11 MR. TAKU:
12 Now, Mr. Semanza, the Registrar just showed
13 you the picture of --
14 MR. PRESIDENT:
15 Maybe we can adjourn now. What is the
16 situation?
17 MR. TAKU:
18 Okay, My Lord.
19 MR. PRESIDENT:
20 Okay, the lunch break and we will resume, as
21 I said before, at three o'clock.
22 (Court Recessed at: 1230H
23
24
25

1 1500H

2 MR. PRESIDENT:

3 The proceeding are resumed. Mr. Taku, you

4 may proceed.

5 MR. TAKU:

6 Thank you, My Lord

7

8 Yes, Registrar, can you take that picture to

9 Mr. Semanza, 9A?

10 BY MR. TAKU:

11 Q. Now, before I ask you a specific question,

12 Mr. Semanza, did witness, who was

13 Prosecution Witness VI, was he one of your

14 neighbours at the house at 9A, Gahengeri?

15 A. Witness VI, had separated from -- or the

16 residence of Witness VI was separated from

17 my house by two cellule. So I would say

18 there were about six kilometers between my

19 house and his house.

20 Q. Now, can you also tell Your Lordship whether

21 your house, which you have identified as

22 P5-9A, whether there was a bush surrounding

23 those premises?

24

25 Registrar, please, put on the screen so that

- 1 he can see it. Thank you.
- 2 A. When I was living there, there was no bush
- 3 around the house, because the land was
- 4 cultivated and it appears to me that the
- 5 picture was taken later, when I was no
- 6 longer living there, and that the bush grew
- 7 around the house. And then around this
- 8 house we used to grow food stuffs around the
- 9 house.
- 10 Q. Can you tell Your Lordships what type of
- 11 food stuffs?
- 12 A. These food crops were beans and sweet
- 13 potatoes.
- 14 Q. Now, Mr. Semanza, looking at 9A, as it is
- 15 now at the time the picture was taken, look
- 16 at it now. Now, as you see the picture now
- 17 before you, is there any location where
- 18 anybody could hide? The type of bush that
- 19 you see around, is that the type where
- 20 anybody could hide and he would not be seen
- 21 by people?
- 22 A. I was also surprised to hear that a witness
- 23 said that he hid in that place, whereas one
- 24 could even see a snake in the bush around
- 25 the house.

- 1 Q. Now, Mr. Semanza, tell Your Lordship, how
2 far is your house from the road? The
3 distance from the road, from the street, I
4 mean. From the street, I am sorry.
- 5 A. If we leave aside the road that leads to my
6 house, my house is about two hundred meters
7 from the street that leads to my house -- to
8 the bureau communal. Two hundred meters
9 away from the street that leads to the
10 bureau communal.
- 11 MR. TAKU:
12 Now, Registrar put picture No. 9B on the
13 screen.
- 14 BY MR. TAKU:
15 Q. Now, Mr. Semanza, look at picture, number
16 9B. You said you could recognise it. Could
17 you recognise that picture, picture No. 9B?
- 18 A. Yes, I recognise this photograph.
- 19 Q. What is that photograph?
- 20 A. This photograph shows my Gahengeri house.
- 21 Q. Mr. Semanza, can you tell us, is that how
22 the house was when you left the house on the
23 8th of April 1994?
- 24 A. It is obvious that the house had been
25 destroyed after we left.

- 1 Q. Do you know who destroyed the house?
- 2 A. Considering the conditions under which I
- 3 fled, I believe it is the RPF that destroyed
- 4 my house, because they wanted to kill me,
- 5 but, thanks to God, I was able to escape
- 6 their plan.
- 7 Q. Now, Mr. Semanza, can you tell Your
- 8 Lordships, if somebody were to stand outside
- 9 the fence, I don't know, the wall, of the
- 10 gate of your house, would he be able to
- 11 hear? Would somebody be able to hear the
- 12 voice of that person from within your house
- 13 that was inside?
- 14 A. You mean behind the fence of the house or
- 15 behind the house?
- 16 Q. Behind the fence of the house?
- 17 A. That was not possible.
- 18 Q. Now if somebody stood from that road that
- 19 you say was only two hundred meters away and
- 20 stopped, would that somebody be able to hear
- 21 somebody from your house?
- 22 A. That was not possible, because we could not
- 23 even hear the sound of engines of cars that
- 24 were going down that road.
- 25 Q. Yes, Mr. Semanza, if somebody stood, for

1 example, from the road which you say was two
2 hundred meters away and fired gunshots
3 towards the direction of your house could
4 somebody hear from inside your house?
5 A. That was possible during the night, but
6 during the day that was not possible.
7 Q. Now, if several people stood outside your
8 gate and shouted at the top of their voices,
9 could you hear inside your house?
10 A. Yes, we could hear their voices.
11 Q. Now, look again at the picture number 9B.
12
13 Registrar. You will be able to see the
14 first house. Can you describe to Your
15 Lordships the other house we see behind.
16 Can you tell Your Lordships what that house
17 is?
18 MR. PRESIDENT:
19 We don't see the picture.
20 BY MR. TAKU:
21 Q. On the screen, okay. Behind, by the side.
22 Can you tell Your Lordship what that house
23 is?
24 JUDGE WILLIAMS:
25 I am not sure if I am mistaken, I thought

1 you said photograph C, but I see photograph
2 B, on the screen?

3 MR. TAKU:

4 I am talking about 9B, we have not yet
5 talked about 9C.

6 JUDGE WILLIAMS:

7 All right, thank you.

8 THE WITNESS:

9 The house that you see there in the
10 background is a house that children used. It
11 had four rooms and the children could share
12 these rooms. And to the side you see the
13 kitchen.

14 BY MR. TAKU:

15 Q. Now, Mr. Semanza, on the 7th and 8th of
16 April 1994 were your children living in this
17 room, in this house which you have just
18 shown to Your Lordship in 9B?

19 A. The boys lived in this house, but the girls
20 lived with us in the main house.

21 Q. Now, Mr. Semanza, if somebody fired a
22 gunshot across your compound in 9B from any
23 location, if anybody fired gunshots across
24 your compound, would you be able to hear at
25 anytime?

- 1 A. Yes, necessarily, we could hear that
2 gunshot.
- 3 Q. Now, Mr. Semanza, look at the picture 9C.
4 Place it up on the screen. Could you
5 recognise that house? Can you recognise
6 what that picture 9C on the screen?
- 7 A. This is the other side of the same house.
- 8 Q. Now look at picture number 9D, can you
9 recognise it?
- 10 A. Yes, that is the other side of the same
11 house.
- 12 Q. Now look at picture 9E, can you recognise
13 it?
- 14 A. I don't seem to recognise this photograph.
- 15 Q. Okay, we will come to that later on. We
16 will come to that picture later on. Now,
17 Mr. Semanza, earlier you told Your Lordships
18 that Witness KNU was a student in a school
19 called Apenga, do you remember that?
- 20 A. Yes, I remember.
- 21 Q. Can you tell Your Lordship how far that
22 college was from your house which you had
23 identified in 9A, 9B, 9C?
- 24 A. This school is about 800 meters from my
25 house.

1 THE INTERPRETER:
2 The witness would like to know from Counsel
3 if he can see the picture that was shown to
4 him a while ago. If he can see it again.
5 MR. TAKU:
6 Okay, with the Lordship's permission let him
7 be shown the picture again.
8
9 Registrar can you show him picture No. 9E.
10 It's there on the screen.
11 BY MR. TAKU:
12 Q. Can you look at it witness -- Mr. Semanza, I
13 am sorry?
14 A. Yes, I can see the photograph.
15 Q. Yes, can you identify it now?
16 A. Yes, these are the classrooms of Apenga.
17 Q. Mr. Semanza, we will come back to some other
18 aspects of the question I asked you this
19 morning. Now, this morning you told Your
20 Lordship that you were employed in the
21 commune of Botambi as an accountant, do you
22 remember that?
23 A. Yes, that is true.
24 Q. Can you tell Your Lordships what year you
25 became an accountant in the commune of

- 1 Botambi?
- 2 A. I was an accountant in Botambi commune from
- 3 September 1963 until August 1969.
- 4 Q. Now, from August 1969 what did you become?
- 5 A. From that day I was appointed bourgmestre of
- 6 the Bicumbi commune, which was no longer
- 7 referred to as the Gahengeri commune due to
- 8 the fact that the seal of the commune had
- 9 been stolen. And if the chamber will allow
- 10 me, I can explain how this change of name
- 11 happened -- sorry, this appointment
- 12 happened.
- 13 Q. Yes, Mr. Semanza we will come to the
- 14 appointment. Your Lordship will allow you
- 15 to explain how the appointment came about,
- 16 but before you became the bourgmestre of
- 17 Bicumbi who was your predecessor?
- 18 A. My predecessor, as bourgmestre, was called
- 19 Kanyambitanda Clavel. Kanyambitanda is spelt
- 20 K-A-N-Y-A-M-B-I-T-A-N-D-A.
- 21 Q. Can you tell Your Lordships, very briefly,
- 22 the nature of the relationship between you
- 23 and your predecessor?
- 24 A. When I was his accountant we had good
- 25 relationship for a certain period.

1 Following that he became a drunkard and he
2 spent all his time drinking. And in 1997
3 elections were held. I stood for elections
4 along side him and another person. There
5 were three of us, candidates. He won, he
6 was voted in and I came in second position.
7 And during that period, in accordance with
8 the laws in force, when the bourgmestre was
9 unable to act, it was the person who came in
10 second position who was deputized for him,
11 and that is how come I had to replace him.

12 Q. Now, Registrar, can you show picture
13 No. 8A, 8B, 8C to the witness.

14

15 (Pages 61 to 88 by Judith Kapatamoyo)

16

17

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- 1 1530H
- 2 Q. Mr. Semanza would you look at Picture 8A;
- 3 can you recognise it?
- 4 A. Yes, I recognise this photograph; this is
- 5 the communal office of Bicumbi and I built
- 6 this communal office.
- 7 Q. Can you point out, is it possible to see the
- 8 place called the canteen, in this picture
- 9 8A?
- 10 A. No, you cannot see the canteen on this
- 11 photograph. The canteen is on the other
- 12 side, about 300 metres from the communal
- 13 office.
- 14 Q. In fact, you are telling Your Lordships,
- 15 that the canteen and the office are not in
- 16 the same compound; is that what you are
- 17 telling Your Lordships?
- 18 A. No, these two buildings were different.
- 19 Q. Now, Mr. Semanza, you had -- I will rephrase
- 20 that. Mr. Semanza, in this building in 8A,
- 21 can you show Your Lordships the office of
- 22 the Inspector of Education for Bicumbi? If
- 23 the office is visible, please point it out
- 24 to Your Lordships on the screen?
- 25 A. From this side, one cannot see the office.

- 1 The office is on the other side, to the
2 right.
- 3 Q. Now, the police -- the communal police, did
4 they have an office within the same building
5 in 8A, if it is visible, can you point it
6 out on the screen?
- 7 A. Yes, the office of the communal policemen is
8 to the left of the photograph; it is the
9 first office you see.
- 10 Q. Was this office -- now, tell Your Lordships,
11 was this office close to the office of the
12 Inspector of Education or they are at
13 different angles of the building, totally?
- 14 A. The office of the policemen was not close to
15 the office of the inspector. It was rather
16 the depot of the policemen which was close
17 to the office of the inspector.
- 18 Q. Now, these communal policemen who worked in
19 the commune, do you know, Mr. Semanza,
20 whether they had arms?
- 21 A. When I left my post as Bourgmestre, there
22 were 18 policemen, including the brigadier
23 and these policemen had guns. There were in
24 fact 20 guns or rifles. One of the guns was
25 not in use, such that each policeman had a

- 1 gun and one for reserve. And for each gun,
2 we had 20 rounds of ammunition only.
- 3 Q. Now, can you tell Your Lordships where these
4 guns were kept, did they take them to their
5 homes or they kept them somewhere in this
6 office, Exhibit A1?
- 7 A. The policeman did not go home with their
8 weapons. It is policemen who were on duty
9 who carried weapons, otherwise the weapons
10 or the guns were kept in the depot or the
11 store that the inspector also used.
- 12 Q. Now, Mr. Semanza, these policeman you said
13 they were 18 in all, who recruited them?
- 14 A. These policemen were recruited by the
15 communal council made up of the conseiller
16 of the commune and the Bourgmestre.
- 17 Q. Now, can you tell Your Lordships, if you
18 know, who gave the authority for this
19 council to recruit policemen, where the
20 authority came from?
- 21 A. The law that regulated the communes
22 indicated that it was a communal council
23 which hired and fired employees of the
24 commune.
- 25 Q. Can you tell Your Lordships, if you know the

- 1 ethnic composition of these policemen, they
2 were of which ethnic group, these 18
3 policemen that were there?
- 4 A. Amongst these 18 policemen, there were
5 15 Hutu and 3 Tutsi.
- 6 Q. By the time you left your duties as the
7 Bourgmestre of Bicumbi, were these police
8 people (sic) still on duty?
- 9 A. Yes, the number was still the same, they
10 were still 18, except for those who were
11 dismissed and replaced by others, but they
12 were still 18 in number. I would like to
13 add that policemen were recruited in
14 relation to the number of secteurs in the
15 commune.
- 16 Q. Yes, Mr. Semanza, and for how long did that
17 number of 18 remain when you were the
18 Bourgmestre of Bicumbi commune?
- 19 A. The commune had eight policemen since 1985.
- 20 Q. Now, Mr. Semanza, did you say that -- how
21 many communal policemen did you say the
22 commune had since 1985, can you give the
23 number again?
- 24 A. They were 18.
- 25 Q. Now, Mr. Semanza, you did mention that some

- 1 policemen were dismissed. Can you tell
2 Your Lordships why they were dismissed and
3 by whom?
- 4 A. Six policemen were dismissed for various
5 reasons, for example, embezzlement of taxes.
6 There were some who unjustly beat up the
7 people, some of them were dismissed for
8 alcoholism problem, some for lateness.
9 There were instances of people who were put
10 on notice and if this happened on two
11 occasions, then the person was dismissed by
12 the préfet.
- 13 Q. Now, Mr. Semanza, can you tell
14 Your Lordships when these people were
15 dismissed, was it when you were Bourgmestre,
16 when these six people were dismissed, or
17 before or after?
- 18 A. If I may estimate, one policeman was
19 dismissed a year -- that is before I became
20 a Bourgmestre, and even while I was a
21 Bourgmestre, you will understand that all
22 the 18 policemen cannot be correct or just,
23 that is why some of them were dismissed due
24 to various reasons.
- 25 Q. The question, Mr. Semanza, is, how many of

- 1 them were dismissed at the time you were
2 Bourgmestre of Bicumbi?
- 3 A. This question is a bit complex. Ever since
4 we dismissed policemen and replaced them
5 with others, I believe between six and eight
6 policemen were dismissed.
- 7 Q. Now, you did inform Their Lordships that
8 they were dismissed by the préfet and not by
9 the communal authority, can you tell
10 Your Lordships why it had to be the préfet?
- 11 A. The communal council would take a decision
12 and it so happened that the policeman who is
13 being dismissed will appeal to the préfet
14 and when the préfet considered his case, the
15 person will be maintained pending the
16 decision of the préfet.
- 17 Q. When you were in charge of that Bicumbi
18 commune, did any of those policemen appeal
19 against the decision taken by the council
20 when you were the Bourgmestre?
- 21 A. I recall that two persons appealed to the
22 préfet. And when the préfet conducted his
23 investigations, he realised that these
24 persons were wrong and he upheld the
25 decision of the communal council and these

- 1 people were dismissed.
- 2 Q. Now, can you give to Your Lordships the name
- 3 of the préfet at the time between 1990 and
- 4 1993 when you left office?
- 5 A. One of the préfet was called Komi Bizimungu,
- 6 B-I-Z-I-M-U-N-G-U. The other one was called
- 7 Emmanuel Bagambiki, B-A-G-A-M-B-I-K-I.
- 8 Q. Can you tell Your Lordships where
- 9 Mr. Bagambiki is now; do you know his
- 10 whereabouts?
- 11 A. We are detained together.
- 12 Q. What about Mr. Bizimungu, Komi?
- 13 A. He is a refugee and I don't know in which
- 14 country he is currently.
- 15 Q. Now, Mr. Semanza, can you tell
- 16 Your Lordships the role of these policemen,
- 17 the attributions, why did the council need
- 18 policemen? Can you tell Your Lordships, if
- 19 you know, why they needed communal policemen
- 20 in Rwanda?
- 21 A. There was a specific law that regulated the
- 22 communes. The communes need the policemen
- 23 to ensure security. The communes had a
- 24 separate administration and it was even
- 25 intended that they will become autonomous

1 administrations, therefore, they would not
2 need to refer to the préfet or another
3 higher authority.

4 Q. These policemen who were supposed to
5 maintain peace and order in the commune, did
6 they also have as part of their functions to
7 guard the premises of the Bourgmestre?

8 A. I personally never had any policeman
9 guarding me, but from 1990 with the
10 beginning of the war and following the
11 situation of insecurity, Bourgmestres were
12 assigned policemen who protected them.

13 Q. Now, Mr. Semanza, when you were dismissed as
14 a Bourgmestre, did you have any influence or
15 control whatsoever over communal police in
16 Bicumbi commune, if yes, whatever influence,
17 if no, explain to Your Lordships.

18 A. To my knowledge, when one was no longer in a
19 position of authority, one was kind of
20 ignored. As far as I am concerned, I never
21 returned to the commune office. When I left
22 my post, I took care of my other activities.
23 I never needed a policeman, and moreover,
24 that was not allowed.

25 Q. Now, Mr. Semanza, since you left your office

1 as the Bourgmestre of Bicumbi commune, do
2 you know whether or not the number of
3 policemen changed from the 18 that you knew,
4 either increased or decreased; did you know?

5 A. I don't know anything about that, and I
6 cannot tell you anything about it.

7 Q. Mr. Semanza let us keep our minds at the
8 time when you were in authority in Bicumbi
9 as Bourgmestre. Now, when these policemen
10 were recruited, can you explain to
11 Your Lordships whether they underwent any
12 form of training and if so, where?

13 A. We had instructions to recruit or bring on
14 board reservist soldiers who had finished
15 with the army but who were not yet on
16 retirement. So, it was with them that we
17 started the course of recruitment.

18

19 However, it happened that in some secteurs,
20 they did not have the reservist soldiers and
21 in such case we would be compelled to
22 recruit civilians. In such case it would
23 contact the commander of the area in which
24 the commune was, and he would be the one to
25 programme the training. The training could

1 last one or two days depending on the budget
2 available to the group commander.

3 Q. Now, Mr. Semanza, when you talk about the
4 group commander, what do you mean; who is
5 this group commander you are referring to?

6 A. The group commanders I mentioned, or rather
7 the group commander was an officer assigned
8 to the préfecture. His role was that of
9 ensuring coordination between the préfecture
10 and the Ministry of Defence. His duties
11 also included supervising the communal
12 police service, and the control of the army
13 within the préfecture. It was to him that
14 we resorted or it was to him that we turned
15 to. It was him we contacted for the
16 training of the communal policemen.

17 Q. Mr. Semanza, apart from this initial
18 training you talked about, did these
19 policemen themselves undertake regular
20 training within the commune, to your
21 knowledge?

22 A. Communal policemen did not undergo routine
23 training at the level of the commune. All
24 they did was physical exercises. Moreover,
25 they did not -- they were not trained in

1 shooting because we did not have enough
2 ammunition.

3 Q. These physical exercises you talked about,
4 did these physical exercises take place in
5 the Bicumbi commune when you were
6 Bourgmestre, the physical education you
7 talked about, if yes, in which precise
8 location?

9 A. The physical exercises were conducted in the
10 courtyard of the commune. When the
11 policemen arrived in their office, they
12 could run for one hour and then return to
13 their duty posts.

14 Q. Now, Mr. Semanza, within the period you were
15 Bourgmestre of Bicumbi, did you ever see
16 these communal policemen -- do you know
17 whether these communal policemen also
18 trained civilians in the courtyard of the
19 commune?

20 A. After I left the position of Bourgmestre,
21 such things did not exist. Why did they
22 have to provide such training to civilians,
23 for what purpose?

24 Q. I want just to know when you were there,
25 when you were Bourgmestre, did the communal

- 1 policemen train civilians in the courtyard
2 of the commune, I am talking about you, not
3 somebody else?
- 4 A. On no occasion did that ever exist. I know
5 that once a year there were recruitments on
6 behalf of the army. To that end, a team
7 sent by the Ministry of Defence came from
8 Kigali to our commune. Before they arrived,
9 we would inform everyone in the secteur,
10 asking them to tell young people or capable
11 young people that there would be a test.
12 That team chose among the young people those
13 of them who were capable of undergoing the
14 service or the training, but communal
15 policemen never provided such training.
- 16 Q. Now, when this team from the Ministry of
17 Defence came to recruit these young men,
18 where did this team train the young men?
19 Did they organise the training at the
20 communal level or they took them away to
21 camps elsewhere, to the military camps as to
22 train them?
- 23 A. It was in the courtyard of the communal
24 office that the selection was made.
- 25 Q. After the selection, what happened to the

- 1 people who were retained for the army
2 service as you specified, what happened?
3 Were they left behind, did they continue
4 with the military training in the commune or
5 after the recruitment, did they take them
6 away to somewhere else for further training?
- 7 A. The young people were taken to military
8 camps where a second selection was done.
9 Those who were not selected at that second
10 stage returned to the commune. But in
11 general, most of them were selected to serve
12 the army.
- 13 Q. Now, Mr. Semanza, let's go back to the 18
14 guns you talked about. Did you know who was
15 responsible for the maintenance of the guns
16 of the communal policemen, the 18 guns you
17 said were in the communal office. You told
18 Your Lordships one was bad, was useless --
19 I am sorry, was reserved. Now, who was
20 responsible for the maintenance of these
21 weapons?
- 22 A. It was the brigadier.
- 23 Q. Now Mr. Semanza, can you tell Your Lordships
24 what political party you belonged to before
25 you were dismissed as Bourgmestre?

- 1 A. I was a member of the MRND party.
- 2 Q. Can you tell Your Lordships if you occupied
- 3 any position within the Bicumbi commune in
- 4 the MRND party?
- 5 A. Whilst the MRND was the sole party, that was
- 6 possible. One could be a Bourgmestre and at
- 7 the same time Chairman of the MRND party.
- 8 But on the advent of multiparty politics,
- 9 that was no longer possible. The
- 10 Bourgmestre could not show his political
- 11 inclinations, otherwise the other parties
- 12 would accuse him and ask that he be
- 13 replaced.
- 14 Q. Now, Mr. Semanza, when you were the
- 15 Bourgmestre of Bicumbi, did you know a group
- 16 of people called Interahamwe?
- 17 A. Yes, I knew the Interahamwe while I was
- 18 Bourgmestre of Bicumbi commune.
- 19 Q. Can you tell Your Lordships who were the
- 20 Interahamwe when you were the Bourgmestre of
- 21 Bicumbi commune?
- 22 A. The Interahamwe were the youth wing of the
- 23 MRND party. Their role was to sensitise the
- 24 population to the ideals of the MRND party
- 25 and also to recruit members for that party.

1 Moreover, other political parties also had
2 their youth wings which did the same thing,
3 namely, recruitment and sensitisation on
4 behalf of their parties. For purposes of
5 illustration, the MDR had a youth wing which
6 was known as Inkuba. I spell Inkuba,
7 I-N-K-U-B-A. The PSD party had its youth
8 wing known as Abakombozi, I spell that,
9 A-B-A-K-O-M-B-O-Z-I. I do not remember very
10 well the name of the youth wing of the PL
11 party but all the major parties had a youth
12 wing which talked to people about their
13 ideals and which participated in the
14 recruitment of members for their parties and
15 this, for the purpose of winning elections
16 at the appropriate time.

17 Q. When did you first know about the existence
18 of Interahamwe, Mr. Semanza?

19 A. I became aware of the existence of
20 Interahamwe in 1992.

21 Q. Now, from 1992 to when you were dismissed as
22 Bourgmestre in 1993, Mr. Semanza, did you
23 ever see the communal policemen of Bicumbi
24 training the Interahamwe in the courtyard or
25 behind the communal office, that is the

1 communal office listed in P5, 8A?

2 A. I heard or got that information here when
3 Prosecution witnesses were giving their
4 testimonies. Until the time I left Rwanda
5 and while I was still at the head of the
6 commune, I never knew of the existence of
7 such things.

8
9 For more clarity, I think the witnesses
10 confused matters when they talked about the
11 communal dance groups which was in charge of
12 animation which participated in competitions
13 organised at the level of the préfecture, or
14 rather, at the level of the commune. The
15 dance groups carried out their training
16 twice a week or twice a month, correction --
17 the dance groups comprised 100 people.

18
19 We had this dance group because in the
20 Bicumbi commune, we had several projects and
21 the dance group enabled us to provide
22 entertainment to those who came to
23 inaugurate the projects. When the dance
24 group presented or sung cultural songs, I
25 think this is what the Prosecution witnesses

- 1 relied on to say that there was training.
- 2
- 3 In my opinion, Mr. President, that is a lie.
- 4 It is a lie which the witnesses told to this
- 5 court.
- 6 Q. Now, Mr. Semanza, from 1992 when there was a
- 7 multiparty system to when you were dismissed
- 8 as a Bourgmestre, who was the president of
- 9 the MRND party in Bicumbi?
- 10 A. The leader of the MRND was called
- 11 Bisangabagabo, Joel. I spell Bisangabagabo,
- 12 B-I-S-A-N-G-A-B-A-G-A-B-O.
- 13 Q. Now, Mr. Semanza, to your knowledge, did the
- 14 Interahamwe exist in Bicumbi? Were they in
- 15 Bicumbi from the formation of -- from the
- 16 start of the multiparty system in Rwanda, in
- 17 Bicumbi commune.
- 18 A. Can you repeat the question, Counsel,
- 19 please?
- 20 Q. I just want to find out whether you knew
- 21 about the existence of the Interahamwe as
- 22 the youth wing of the MRND party in Bicumbi
- 23 from 1992 to 1993, in Bicumbi commune?
- 24 A. Yes, I knew the Interahamwe in Bicumbi. I
- 25 knew of their existence in Bicumbi in 1992,

1 because in each secteur where the parties
2 had many members, they had their youth
3 wings. The youth could be seen by everyone
4 in every secteur where there were many
5 members of the party. They were the youth
6 wings of other parties like the Abakombozi
7 and the JDR, which means the same as Inkuba.
8 Q. Mr. Semanza, as the Bourgmestre of Bicumbi,
9 between 1992 and 1993 when you were
10 dismissed, did you take any role in
11 recruiting members of the Interahamwe?
12 A. Yes, I remember that at some point in time,
13 the youth wing of the MRND party as well as
14 the youth wing of the MDR party in the
15 Rubona secteur, confronted one another
16 during political rallies. Sometimes they
17 would uproot coffee trees during what was
18 called Ukubuhiza, I spell that,
19 U-K-U-B-U-H-O-Z-A.
20
21 I organised a meeting during which I
22 cautioned the young people. The
23 confrontations were due to the fact that
24 sometimes these youth wings had or would
25 wear the emblems of their political parties.

1 And when some of them noticed that the
2 authorities were opposed to disorder, they
3 stopped causing this kind of disorder and
4 peace was restored.

5
6 During a meeting that I organised, I invited
7 in particular the leaders of their parties
8 and I cautioned them.

9 Q. Yes, Mr. Semanza, I will come to that later.
10 Thank you for answering that. But did you
11 as Bourgmestre, your role as Bourgmestre,
12 did you in any way recruit members for the
13 Interahamwe in Bicumbi between 1992 and
14 1993?

15 A. That was not possible. That was not
16 possible because each party sought to exert
17 influence over the other party. It was
18 known that a Bourgmestre who showed an
19 inclination towards his party ran the risk
20 of being dismissed.

21
22 Furthermore, I would tell you that I was an
23 adult, I was old, therefore, I could not
24 sensitise the young people to the ideals of
25 the party. There were also instructions

1 which did not allow Bourgmestres to show any
2 political leaning.

3 MR. TAKU:

4 Mr. Registrar, show Exhibit P9, first show
5 this to Your Lordships, to the Honourable
6 Prosecutor and to Mr. Semanza, then I will
7 ask the question. It is Prosecution Exhibit
8 P9, the manuscript document that was
9 obtained from Semanza.

10

11 Mr. Registrar, give this to the Prosecutor
12 to compare and give this copy to the
13 translators. Those are copies which are not
14 marked, but the ones which are marked, I
15 will show you now. Those are copies we had,
16 the translated copies. We want you to
17 compare and see whether it is exactly as the
18 exhibit, the marked copy. If that is the
19 case, then you can give them to the
20 translator.

21

22 We want to add that the Prosecutor tendered
23 P9 through Witness VN stating that they were
24 taken from Mr. Semanza's office when he was
25 still in office as Bourgmestre, because he

1 knew that sometimes it could be useful, that
2 is why he sent them. Give to the
3 interpreters first and then you will show
4 Mr. Semanza, and I will ask Mr. Semanza
5 questions.

6

7 Now, have you shown Mr. Semanza, does
8 Mr. Semanza recognise the handwriting?

9 BY MR. TAKU:

10 Q. Do you recognise that handwriting, is that
11 your handwriting, Mr. Semanza?

12 A. Yes, that is my handwriting and that is the
13 agenda of the meeting during which I
14 criticised the behaviour of those who had
15 started the crisis and who wanted to turn
16 the population around.

17 MR. TAKU:

18 Now, let me read this very short -- the
19 English translated copy and you will give
20 this to Mr. Semanza, for him to confirm
21 whether that translates essentially what the
22 handwritten document talks about.

23

24 With your kind permission, My Lord, it is
25 short. Let me read it out. I am sure the

1 Honourable Prosecutor will look at his own
2 copy to ensure that the reading is correct.
3 It is in French, My Lord. I have the
4 English, My Lord, I am sorry. It is at
5 page 1732bis. "Problems caused by the
6 leaders of MRND and MDR political parties -
7 citizens to be put in prison "illegible"
8 mainly those who belonged to the MDR -- wear
9 the emblem of the party during working hours
10 instead of posting them when there are
11 meetings of political parties. Subheading:
12 Explanation. The regimes revenge due to the
13 mistake that the MDR has made of wanting to
14 topple it "illegible" -- for example, the
15 refusal to pay tax "illegible" by the MDR
16 "illegible" -- they disobey the authority.
17 -- the fact that "illegible" and MDR "suit"
18 close the offices of secteurs -- when MDR
19 meeting "illegible" the leaders during the
20 meetings organised by the MDR -- take over
21 the power. For example, give the
22 "illegible" -- the fact that you the
23 Bourgmestre have come "illegible" to
24 organise the meeting for the party, whereas
25 you are a "leader" seek support from people

1 who come from other secteurs -- the problem
2 of the plots that the conseiller has given
3 somebody, the latter has uprooted coffee
4 trees "and built a house in that place".
5 Q. Mr. Semanza, does that reflect what you
6 intended, in some respects, because there
7 are inverted commas, open and close and
8 there are illegible portions; does that
9 reflect in substance what you intended?
10 A. This definitely is what I wrote, even if
11 those who presented a document have deleted
12 some passages which were in my interest.
13 But the idea contained in this document is
14 mine, it is my handwriting. The situation
15 at the time dictated that we take some
16 measures and took those measures as to
17 restore peace.
18 Q. Where did this meeting take place, can you
19 tell Your Lordships in which locality in
20 Bicumbi commune?
21 A. I believe this meeting took place in the
22 communal office in 1992.
23 MR. TAKU:
24 Now, while I finalise the question,
25 Registrar, let me have D19. Let me have

1 exhibit D19, that is the Witness HDN1. The
2 Defence Witness HDN1, let me have D19.

3 BY MR. TAKU:

4 Q. Now, Mr. Semanza, now that you told
5 Your Lordships that some of your ideas were
6 deleted, you are here now, can you explain
7 to Your Lordships exactly what you intended.
8 Now, look at the first point "Problems
9 caused by the leaders of MRND and MDR
10 political parties", what were these
11 problems?

12 JUDGE WILLIAMS:

13 Excuse me. I specifically asked for the
14 document because I wanted to see what was
15 deleted. But I am afraid from the copy I
16 have here, I don't see what is deleted.
17 Maybe if you have the original.

18 MR. TAKU:

19 My Lord, we are not talking about the
20 translated copy, we are talking about the
21 Kinyarwanda -- he will point that out once
22 we put the question to him because they
23 translated it from Kinyarwanda and I don't
24 know -- he will explain that to us.

25

1 JUDGE WILLIAMS:

2 But isn't it --

3 MR. TAKU:

4 It was clearly deleted, it was clearly
5 deleted from the document, My Lord. So, we
6 will put the question to him and he will
7 tell us exactly the areas which he says were
8 deleted. The translation is correct and
9 perhaps the others were not legible but the
10 areas he says were deleted were favourable
11 to him.

12 JUDGE WILLIAMS:

13 Isn't this the Kinyarwanda copy that I have
14 here? It is in a language that I don't
15 know, but I assume it's a Kinyarwanda
16 language but I can't make out the deletion.

17 MR. TAKU:

18 Well, we don't know, My Lord, but he himself
19 Mr. Semanza is here.

20 JUDGE WILLIAMS:

21 All right, maybe he can tell us.

22 MR. TAKU:

23 Mr. Semanza, can you tell Their Lordships --

24 MR. PRESIDENT:

25 Judge Dolenc would like to ask a question.

1 MR. TAKU:

2 Yes, My Lord.

3 JUDGE DOLENC:

4 Actually, it is more of a suggestion than a
5 question. I think that it should be more
6 appropriate if the Accused simply reads his
7 letter and the interpreters will translate
8 in French and English language and that he
9 himself can speak than result in long
10 explanations of what he intended was the
11 omitted part of the letter.

12 MR. TAKU:

13 Thank you very much, My Lord.

14 Mr. Interpreter, tell the --

15 JUDGE WILLIAMS:

16 If you have an extra copy, I would like to
17 have it, so that I can follow when he gets
18 to places where he says are deleted.

19 BY MR. TAKU:

20 Q. Mr. Semanza, you said that some areas have
21 been deleted, which you said were favourable
22 to you, they were deleted, but His Lordship
23 wants you to read the entire document since
24 it was your handwriting in Kinyarwanda
25 language, the interpreters will interpret

1 into French and it will be translated to
2 their Lordships. Whenever you get to the
3 place that you say was deleted, you will
4 stop and indicate.

5 MR. PRESIDENT:

6 Mr. Taku, my concern is that, it will take a
7 certain time and now it is 5 o'clock, or
8 maybe it will be better to adjourn and come
9 back to this issue tomorrow morning.

10 MR. TAKU:

11 I am most obliged, My Lord.

12 MR. EBOE-OSUJI:

13 Your Honour, might I make a suggestion for
14 my learned friend to consider, since we will
15 now be looking at the Kinyarwanda document,
16 the Judges have the document and we will be
17 following it. Perhaps my friend would
18 consider marking each page of this
19 Kinyarwanda document and each paragraph so
20 that when we say, we are now at page 1,
21 paragraph 1, this is what he says, so
22 everybody can follow that. This is just a
23 suggestion, Your Honour.

24 MR. PRESIDENT:

25 Thank you.

1 JUDGE WILLIAMS:

2 I do see the numbering on the page, I see 1,
3 I see 2, and I see 3. But with regard to
4 the paragraphs, we can determine that
5 ourselves, can't we; because we can see
6 where one paragraph finishes and where one
7 starts.

8 MR. EBOE-OSUJI:

9 Your Honour, what we can see are dashes and
10 there might be some confusion, what dash are
11 we talking about on the record?

12 JUDGE WILLIAMS:

13 I see. Very well.

14 MR. TAKU:

15 My Lord, there are four pages in
16 Kinyarwanda. I can understand what the
17 Witness is saying, because we have to --
18 there are four pages not three.

19 JUDGE WILLIAMS:

20 No. Let us get it clear. What I am saying
21 is that three pages are numbered and the
22 fourth page doesn't carry a number -- that I
23 have. I see 1, and I see 2 at the top, and
24 I see 3 at the top and I don't see any
25 number at the top of page 4.

1 MR. TAKU:

2 Your are right, My Lord.

3 JUDGE WILLIAMS:

4 Well, that is what I was doing. I would
5 like to be very clear about what I am doing
6 all the time. So, when I say three pages
7 are numbered, that is correct. There are
8 four pages here but there are three pages
9 numbered.

10 MR. PRESIDENT:

11 Mr. Taku, maybe to facilitate the matter,
12 you enumerate the paragraphs as it was
13 suggested by the Prosecutor. It will
14 facilitate the matter in future.

15 MR. TAKU:

16 Yes, My Lord, we will do that, My Lord.
17 Thank you.

18 MR. PRESIDENT:

19 Therefore, we will resume tomorrow morning
20 and the proceedings are adjourned until
21 tomorrow morning at 9 o'clock.
22 (Court adjourned at 1700H)

23

24 (Pages 89 to 117 by Sithembiso Moyo)

25

1 C E R T I F I C A T E

2

3 We, Karlene Ruddock, Petrus Chijarira,
4 Judith Kapatamoyo, and Sithembiso Moyo, Official Court
5 Reporters for the International Criminal Tribunal for
6 Rwanda, do hereby certify that the foregoing proceedings
7 in the above-entitled cause were taken at the time and
8 place as stated; that it was taken in shorthand
9 (stenotype) and thereafter transcribed by computer under
10 our supervision and control; that the foregoing pages
11 contain a true and correct transcription of said
12 proceedings to the best of our ability and
13 understanding.

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

18 _____ (pages 1 to 39)
19 Karlene Ruddock

20 _____ (pages 40 to 60)
21 Petrus Chijarira

22 _____ (pages 61 to 88)
23 Judith Kapatamoyo

24 _____ (page 89 to 117)
25 Sithembiso Moyo