

RUTAGANDA

17 MARCH 99

1 THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
CASE NO.: ICTR 96-3-T THE PROSECUTOR
2 OF THE TRIBUNAL
AND
3 GEORGES RUTAGANDA
17 MARCH 1999
4 9:30 a.m.

5 Before:

6 Mr. Justice Navanethem Pillay, Presiding

7 Ms. Justice Lennart Aspegren

8 Mr. Justice Laity Kama

9 For the Office of the Prosecutor:

10 Mr. James Stewart

11 Ms. Holo Makwaia

12 For the Defendant Rutaganda:

13 Ms. Tiphaine Dickson

14 For the Registry:

15 Ms. Marianne Ben Salimo

16 Courtroom Assistant:

17 Mr. Tobias Ruge

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19 Gifty C. Harding

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21 Haruna Farage

22 Judith Kapatamoyo

23

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1 MADAM PRESIDENT:

2 This is a resumed session of the
3 Rutaganda proceedings. Registry, will
4 you bring the last witness in? Ms.
5 Dickson, we spent a few moments with the
6 Witness Protection Unit this morning and
7 learnt that -- of the late arrival of
8 your two potential witnesses. All right,
9 so then it's all the more reason why we
10 should streamline our process and
11 accomodate those witnesses and
12 accommodate you. So if we can have a
13 longer or an earlier lunch break, we may
14 well be in a position to begin at 2:30 or
15 even 2:00.

16 MS. DICKSON:

17 Thank you, Madam President.

18 MADAM PRESIDENT:

19 Witness DD, you are still under the
20 solemn declaration that you took
21 yesterday and the evidence in chief,

22 questioning by Defence Counsel will now

23 resume. Ms. Dickson?

24 MS. DICKSON:

25 Thank you, Madam President. Mr.

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1 President, Your Honour, good morning.

2 Good morning, witness DD.

3 THE WITNESS:

4 Good morning.

5 Q. Witness DD, do you remember talking
6 yesterday about activities of sale of
7 beer crates?

8 A. Yes, I remember.

9 Q. And can you tell us where this beer came
10 from?

11 A. I told you that Rutaganda had a stock.
12 So that beer came from that stock which
13 was at Garage Centre Ville Auto.

14 Q. And can you tell us the proportion of his
15 time that Mr. Rutaganda devoted to his
16 activities of beer selling, do you know?

17 A. I explained that I went to that location
18 often but that I didn't live there and
19 each time I went there, I saw many people
20 who were waiting and who wanted to buy
21 that beer.

- 22 Q. And when you went through that place,
23 where was Mr. Rutaganda, generally
24 speaking, and what was he doing?
25 A. When Rutaganda was not in front of or at

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1 the said stock, he was at the house, the
2 dwelling house, his dwelling house that I
3 mentioned yesterday.

4 Q. With your leave Witness DD, let us go
5 back to that roadblock that was just ten
6 meters away from garage Amgar. Witness
7 DD, did you know the political leanings
8 of the people that you saw at that
9 roadblock?

10 A. It's difficult to say because at the
11 roadblock, there were people and it is
12 quite difficult and I think I will be
13 lying if I dared to say the political
14 leanings of those people.

15 Q. Witness DD, did you notice for instance,
16 in those people who were at the roadblock
17 distinct signs or symbols that might have
18 linked them to political parties? Did
19 you notice any such thing?

20 A. I did not see any such thing.

21 Q. You -- yesterday you also mentioned other

22 roadblocks including that of Gakingiro.

23 Do you remember?

24 A. Yes, I do remember.

25 Q. And do you know the officials of the

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- 1 Gakingiro roadblock?
- 2 A. I did not go to find out the names of
- 3 those who were responsible for the
- 4 roadblock. That was not my duty.
- 5 Q. Did you know a certain Kajabo?
- 6 A. Yes, I do know this boy known as Kajabo
- 7 whom I saw at the roadblock ten meters
- 8 away from Amgar garage who was Tutsi.
- 9 Thereafter, he fled. We fled together.
- 10 Q. Do you know one Ndaysaba?
- 11 A. I know a driver by name Ndaysaba, who
- 12 used to frequent that location but I do
- 13 not know whether you are referring to
- 14 that Ndaysaba because there are many
- 15 people who go by that name, the name
- 16 Ndaysaba.
- 17 Q. The driver Ndaysaba that you know, did --
- 18 do you know who he worked for?
- 19 A. No, I do not remember the person he
- 20 worked for.
- 21 Q. And do you remember the vehicle that he

22 drove?

23 A. I do not remember the vehicle.

24 Q. Witness DD, do you know whether in 1994,

25 Mr. Rutaganda, practiced or was involved

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1 in political activities?

2 A. I never saw him participate in political
3 activities during the 1994 war.

4 Q. Do you know whether prior to the 1994
5 war, Mr. Rutaganda might have exercised
6 political activities?

7 A. What I know in this regard is that he was
8 member of the MRND youth wing, he was by
9 the way vice president or vice chairman.
10 It was said everywhere and including on
11 radio.

12 Q. And Witness DD, were you a member of a
13 political party?

14 A. Personally, I never got enrolled in any
15 political party. I never possessed
16 political -- a card for any political
17 party but deep inside my heart, I
18 sympathised with the MRND. I liked the
19 MRND -- the MDR, sorry, the MDR.

20 Q. Did you have any preference DD, deep in
21 your heart for any particular faction of

22 the MDR?

23 A. I liked the discourse of Mr. Twagiramungu

24 because I thought he was the one who

25 spoke the truth about what was happening

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1 in our country then and even on the
2 events that had happened -- that had
3 taken place.

4 Q. And Witness DD, do you feel at ease to
5 tell us what your prefecture -- native
6 prefecture is?

7 A. As I have already said in this
8 connection, I do not think that I can
9 express publicly -- express myself
10 publicly on this matter but if there is
11 another means that can be resorted to, I
12 could do something about it.

13 MS. DICKSON:

14 Madam President, with leave of the court
15 -- to make the witness to indicate his
16 commune and prefecture of origin on paper
17 and that document be put under seal.

18 MADAM PRESIDENT:

19 Witness, will you write down those
20 details in French if possible, and write
21 your Witness DD, under that and the date.

22 You wanted the commune?

23 MS. DICKSON:

24 Yes, Madam President.

25 MADAM PRESIDENT:

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1 Commune. Prefecture?

2 MS. DICKSON:

3 Yes, as well. I think it may be helpful.

4 MADAM PRESIDENT:

5 All right, that would be Exhibit D 10,

6 under seal. Go ahead with your next

7 question.

8 Q. (By Ms. Dickson) Witness DD, do you have

9 any idea, if you do know, about the

10 majority political following the -- in

11 your prefecture of origin or commune?

12 A. In our commune, members of the population

13 in majority were members of the MDR.

14 Other parties were almost inexistence.

15 Q. And Witness DD, do you know if there were

16 Interahamweza MRND present or active in

17 your native commune?

18 A. I did not live in my native commune. I

19 went there from time to time, sometimes

20 to visit with my parents. Consequently,

21 I never ever witnessed any activities of

22 these Interahamwe. I therefore cannot
23 confirm if they were many or few.
24 Q. Witness DD, do you have any idea about
25 the attitude of Mr. Rutaganda toward

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1 people of Tutsi ethnicity?

2 A. Personally, I noted that Rutaganda,
3 maintained good relations with people of
4 Tutsi ethnicity. Amongst his employees
5 there were many Tutsi, even the doctor
6 who treated his mother was Tutsi. The
7 people who built his houses were Tutsi,
8 his lawyer was of Tutsi ethnicity, as
9 well as his guard and even his cook,
10 cooks when he was at Amgar.

11 Q. And do you know Witness DD, if there are
12 or if there was between the family of
13 Rutaganda and people of Tutsi ethnicity,
14 any family links?

15 A. Wherever one went, one would hear that
16 Mr. Rutaganda's mother might be of Tutsi
17 ethnicity. I cannot say anything about
18 that because I don't know much about it.
19 Furthermore, Rutaganda's family gave in
20 wedlock some girls to Tutsi families. I
21 know that his older sister married -- was

22 married to a Tutsi with whom she had
23 three children. Rutaganda's sister, his
24 younger sister, the one who comes
25 directly after Rutaganda, was married to

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1 a Tutsi and the Benjamin of the family of
2 Mr. Rutaganda was said to have married to
3 a Tutsi or if that boy was not Tutsi, he
4 was from a mixed family, mixed couple
5 that is, a Tutsi father or Tutsi mother,
6 I do not know for sure. But one thing is
7 certain that the couple is mixed.

8 Q. Now Witness DD, when you interacted with
9 Mr. Rutaganda at that place known as
10 Amgar or Centre Ville Auto or -- and even
11 before that, did you hear Mr. Rutaganda
12 make comments that could be racist or
13 ethnicist toward Tutsi?

14 A. In that connection, I gave you a
15 brilliant example. Mr. Rutaganda
16 employed almost exclusively people of
17 Tutsi origin and I have told you the kind
18 of people that I found at Amgar at that
19 time. There was hamony amongst them. I
20 never heard any such comments.

21 Q. And according to you, could Mr. Rutaganda

22 draw the line between an Inkontanyi and a
23 Tutsi?
24 A. No, I cannot tell anything -- I cannot
25 say anything about that, I think he alone

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1 is capable of saying.

2 Q. Did you hear comments of Mr. Rutaganda --
3 from Mr. Rutaganda for instance, that
4 might indicate that he was incapable of
5 making that distinction that is, between
6 Tutsi and Inkontanyi?

7 A. I have told you that most of the people
8 with whom he lived were Tutsi. I do not
9 therefore understand how he could speak
10 thus. Whereas in Rwanda, there was a
11 problem that was very well known
12 nationally namely, the problem of
13 Inkonntayi. He could therefore not speak
14 thus and still live in hamony with those
15 people.

16 Q. And can you tell us rather quickly,
17 Witness DD, whether -- what was the
18 relationship between the three main
19 ethnic groups in Rwanda - Tutsi, Hutu and
20 Twa?

21 A. As far as I'm concerned, I lived in

22 hamony with people of Tutsi origin. That
23 was indeed the case for everybody of the
24 post 1959 revolution that is, those who
25 were born after the revolution of 1959

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1 had no problem at all apart from this,
2 that the ethnic group -- the ethnic
3 problem was seen when we discussed the
4 history of the country. This ethnic
5 issue did not resurface until the war of
6 1990.

7 MADAM PRESIDENT:

8 Ms. Dickson, do you want a long answer
9 from this witness or you're happy with
10 the answer he's given so far?

11 MS. DICKSON:

12 Madam President, the question was asked
13 regarding his commune of origin, so
14 perhaps if he gave a mark regarding
15 himself -- so perhaps if he could answer
16 on the point of his commune and we'll be
17 willing to move along.

18 MADAM PRESIDENT:

19 He said there was -- he said the ethnic
20 problem did not resurface until the '90s.

21 MS. DICKSON:

22 Okay. But for the record Madam
23 President, although I'm not going to
24 insist and I'm definitely endeavouring to
25 do this within the time limit prescribed

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1 by this Honourable Chamber --

2 MADAM PRESIDENT:

3 It's not the time limit, you asked him to
4 be brief in his response. You could see
5 he's about to enter into history, so
6 bring him down to what you are expecting.

7 MADAM PRESIDENT:

8 Yes, thank you, Madam President. My only
9 preoccupation would be that the witness'
10 answer be translated just for the record.

11 MADAM PRESIDENT:

12 Counsel would like to know the
13 relationship between Hutu, Tutsi and Twa,
14 in your commune -- which period, Ms.
15 Dickson?

16 MS. DICKSON:

17 Between 1990 and 1994.

18 MR. PRESIDENT:

19 All right, so you got that question, just
20 in your commune, in that period and
21 please be brief.

22 A. We lived in hamony with the Tutsi, even
23 with the Twa, whether in the cellulés or
24 in the secteurs and we invited each other
25 to marriage feasts. The commune

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1 activities brought together everybody,
2 examples are there.

3 MADAM DICKSON:

4 Thank you Witness DD. Thank you for your
5 intervention, Madam President.

6 Q. (By Ms. Dickson) Witness DD, did you ever
7 see or even here that Mr. Rutaganda, had
8 taken people from the roadblock next to
9 Amgar to imprison them?

10 A. I never heard about that, that is the
11 first time I ever heard of it.

12 Q. Did you in 1994, Witness DD, witness the
13 distribution of weapons?

14 A. I never saw Georges distribute weapons to
15 -- in any place whatsoever.

16 Q. Might you have seen a stock of weapons at
17 Amgar, Witness DD?

18 A. I never saw any weapons stocks in Amgar.

19 Q. Do you know if the people who were in
20 Amgar had to pay Mr. Rutaganda or someone
21 else for their presence there?

- 22 A. I don't understand. I don't understand,
23 payment in what sense?
24 Q. Witness DD, do you know if the people at
25 Amgar had to pay Mr. Rutaganda or someone

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- 1 else for their protection?
- 2 A. I remember only once there was lady who
3 had sought refuge at the Amgar garage
4 with her family and she wanted to give
5 Rutaganda a certain amount of money back,
6 money which Rutaganda had paid at the
7 roadblock for her and Rutaganda refused
8 to take the money. The lady is still
9 alive, she is living in Rwanda. Maybe
10 you can ask her questions on this matter.
- 11 Q. Witness DD, did you see any forced labour
12 being carried out at Amgar?
- 13 A. I never saw anyone doing any forced
14 labour at Amgar. What I know is that
15 there had been someone whose name I
16 forget who had signed a contract with
17 Rutaganda so that he can construct the
18 iron sheeting enclosure I referred to
19 earlier.
- 20 Q. Witness DD, do you have any idea on what
21 date this enclosure was constructed even

22 if it were to be an approximate date?
23 A. I wouldn't be able to tell you exactly on
24 what date the enclosure was built but I
25 believe it was around the 26th of April.

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1 Q. Yesterday, you told us that on the other
2 side of that enclosure was a pit or a
3 hole, a ditch, on the other side and that
4 oil was -- used oil was poured into this
5 ditch, this hole. Do you remember?

6 A. Yes, I do recall.

7 Q. Witness DD, from April, 1994, did you see
8 or hear people in and around this area?

9 A. I told you that during this period of
10 time, I never went to that place. There
11 was a lot of movement around that place
12 and I never went there.

13 Q. Are you able Witness DD, to tell us to
14 whom this location was accessible from
15 April 1994, if you know?

16 A. I told you that I never knew what was
17 happening outside and that I never went
18 there because there were bushes there.

19 Q. Witness DD, during the period of the
20 events we are referring to from April
21 1994, did you ever go to the Hotel De

22 Milles Collines?
23 A. I passed in front of Hotel De Milles
24 Collines towards the end of May, but I
25 never went inside the hotel.

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- 1 Q. Why were you in front of the Hotel De
2 Milles Collines?
- 3 A. When I passed in front of the Hotel De
4 Milles Collines, I was with Rutaganda who
5 was going to drop someone off there and
6 later Georges came back to the house with
7 me and he left immediately after.
- 8 Q. Was it easy to get into the Hotel De
9 Milles Collines, Witness DD?
- 10 A. In front of the Hotel De Milles Collines,
11 at the entrance, there was a roadblock
12 manned by gendarmes and no one could go
13 into the hotel except those people who
14 had authorisation. I knew -- I saw that
15 there was a document that people showed
16 before they entered into the hotel, but I
17 don't know what kind of document it was.
- 18 Q. Witness DD, when, on what date
19 approximately did you leave Kigali?
- 20 A. I left Kigali on the 27th of May.
- 21 Q. Where did you go to?

22 A. I left the Centre Ville Auto in the
23 company of the Rutaganda. We dropped off
24 some people and we continued until we
25 reached home.

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1 Q. What did you find when you got home?

2 A. When we reached home, we found many
3 refugees there who had come from
4 locations at which the struggle had
5 arrived, the war had reach, especially
6 people from Nyanza. Nyanza is spelt,
7 N-Y-A-N-Z-A, and others who came from
8 Ruhango, I shall spell that,
9 R-U-H-A-N-G-O, Ruhango, and there were
10 even people from our region who were
11 preparing themselves to flee because the
12 war was reaching near. We spent the
13 night there and the next day. But on the
14 third day, we fled with the others.

15 Q. Witness DD, with whom did you leave?

16 A. I left with my family. I had a vehicle
17 at that point in time. Georges also left
18 with his family and there were many other
19 people who had vehicles who had come from
20 Ruhango, in particular. So we made a
21 convoy of all these vehicles. There were

22 more than fifteen families when we left.

23 Q. Do you have any idea Witness DD, of the

24 ethnic composition of the group which was

25 in this convoy?

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1 A. Yes, I know the ethnic groups of several
2 persons with whom we left, we fled.

3 Q. And can you give us an idea of what
4 groups were involved, the groups that
5 were in this convoy with you?

6 A. Most of the men were Hutu men who had
7 Tutsi wives and there were also other
8 people who had Tutsi employees who were
9 with them. I don't know how I can tell
10 you exactly, but maybe if I were to give
11 you the name of each person and it's --
12 and his or her ethnic group that would be
13 easier, but I cannot do this in public
14 for security reasons but if you want
15 this, I can write this on a piece of
16 paper. So we left and went up to
17 Cyangugu.

18 Q. Amongst the Hutu who were with you in
19 this convoy, were there any people
20 according to you, were potentially in
21 danger?

22 A. In truth we had a lot of difficulty in
23 crossing the roadblocks so much so that
24 we had to pay the people who were manning
25 the roadblocks. We would contribute as

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1 families to pay at the roadblocks because
2 at the roadblocks, we were being asked
3 why we were fleeing. It was being said
4 that this would make others have -- be
5 afraid and that we should stay there. To
6 get up to Chyangugu, it took us three
7 whereas normally, it will took only six
8 -- four to six hours, that is from the
9 point of departure, the place where we
10 were previously.

11 Q. Witness DD, were you -- did go directly
12 to Cyangugu?

13 A. I told you that our trip lasted three
14 days because we had difficulties crossing
15 the roadblocks that we came across.

16 Q. Within the group, were there any
17 children?

18 A. In the convoy there were two children
19 whose father is currently one of the most
20 powerful men in Rwanda. He was a major
21 personality within the RPF. He himself

22 can explain that to you if you were to
23 ask him.
24 Q. Do you know why his children were with
25 you?

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- 1 A. I don't know why they were with us, but
2 these children were there.
- 3 Q. Witness DD, when did you actually leave
4 Rwanda?
- 5 A. When I reached Cyangugu, I went to look
6 for a place where my family could live so
7 much so that I made several trips between
8 Cyangugu and Bukavu, but I finally left
9 Cyangugu on the 17th of July.
- 10 Q. Were you with Mr. Rutaganda, in Cyangugu?
- 11 A. In Cyangugu, I would often see Rutaganda.
12 I knew where he was living with his wife
13 and children and I knew where the other
14 members of his family were living and it
15 was near where I was living so when he
16 would come to see them, I would see him.
- 17 Q. Do you know Witness DD, if from the time
18 that Mr. Rutaganda settled down in
19 Cyangugu he may have gone back to Kigali?
- 20 A. When we were in Cyangugu, at a certain
21 point in time, I heard it said that

22 Rutaganda had gone to Zaire in Uvira to
23 look for a house for his wife and
24 children. I don't know whether he went
25 back, I mean that he went to the place

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- 1 from where he had come.
- 2 Q. Witness DD, did you ever make a written
3 statement for the defence of Mr.
4 Rutaganda?
- 5 A. Yes.
- 6 Q. Do you remember where you were when you
7 made that statement?
- 8 A. Yes, I was in Zaire.
- 9 Q. Can you tell us exactly where in Zaire
10 you were?
- 11 A. I was in a camp. I was in one of the
12 camps in Bukavu.
- 13 Q. Do you know a little some of the other
14 people, or do you know if other people
15 also in that location, made written
16 statements as you did in the defence of
17 Mr. Rutaganda?
- 18 A. Yes.
- 19 Q. Do you know these people?
- 20 A. Yes, I knew some.
- 21 Q. Now, when exactly was it in Bukavu? You

22 stayed there, didn't you?
23 A. We stayed in Bukavu right up to the
24 beginning of the war, the war which took
25 place in Bukavu.

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1 Q. What happened subsequently?

2 A. At the beginning of the war, we fled
3 because this is what happens in times of
4 war. But amongst the people who were
5 fleeing there were some who were lost,
6 others were forcibly repatriated back to
7 Rwanda. So the people who gave their
8 written statements, I was only able to
9 find one person.

10 Q. Did you go through other refugee camps in
11 Zaire, Witness DD?

12 A. Yes, I went to another refugee camp but I
13 think it was the last camp which existed
14 in Zaire.

15 Q. Can you tell us near which camp that --

16 MADAM PRESIDENT:

17 Ms. Dickson, what is the point of these
18 questions?

19 MS. DICKSON:

20 Madam President, I understand your
21 concern. First of all, I am endeavouring

22 to finish this in the allowed time.

23 Eventually --

24 MADAM PRESIDENT:

25 Please don't keep referring to the time

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1 limit you're placed on, just respond to
2 this. This is just not matters material
3 to the indictment about what happened to
4 him in exile. I allowed your other
5 questions because I think you wish to
6 place on record Defence efforts at making
7 -- at obtaining statements.

8 MS. DICKSON:

9 There is a further foundation. I'm going
10 to attempt to be rather quick about it
11 that I am attempting to establish for a
12 subsequent motion. We may find ourselves
13 in a situation where we might want to be
14 introducing hearsay in the form of
15 written statements and so it's an attempt
16 to establish that foundation based on
17 where was the witness. He is telling us
18 that he made a written statement in
19 Zaire. He knows of others who did and we
20 are really wrapping up on this question,
21 Madam President.

22 MADAM PRESIDENT:

23 All right, please do so as soon as

24 possible.

25 MS. DICKSON:

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1 Rather than have the witness come back
2 and testify in a motion. Thank you for
3 your indulgence, Madam President, Mr.
4 President, Your Honour.

5 Q. (By Ms. Dickson) Witness DD, were you
6 ever in contact with the UNHCR, as from
7 March 1997?

8 A. Yes, I did indeed have contacts with the
9 UNHCR.

10 Q. Did these contacts take place after March
11 of 1997?

12 A. These contacts took place in July, in
13 July 1997.

14 Q. Very briefly please, what was the content
15 of the meetings that you had with the
16 UNHCR in July 1997? Witness DD, please
17 could you allow the interpreter to
18 interpret a brief piece of what you are
19 saying?

20 A. Given the fact that we had security
21 problems in the location where we were,

22 we were lucky when the UNHCR reached the
23 location and I contacted UNHCR and I told
24 them, the officials, the conditions in
25 which we were living, that we were

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1 fearing for our future. I said that I
2 was one of the people who was to appear
3 as a witness in front of the -- before
4 the International Criminal Tribunal for
5 Rwanda. I told them that I had already
6 made a written statement. They accepted
7 to help me but about two weeks later,
8 they placed me in contact with a
9 representative of this Tribunal because
10 the UNHCR was saying that there was a way
11 for the Tribunal to help persons who were
12 going to be called as witnesses but that
13 was not the case because what the
14 representative of the Tribunal said to me
15 was really shocking.

16 Q. What did he tell you?

17 A. When the UNHCR put me in touch with the
18 ICTR representative, I was asked about my
19 identity and the name of the accused for
20 whom I was going to testify. We had in
21 fact a conversation and afterwards, he

22 asked me questions concerning the
23 testimony I was going to give. I
24 responded to his questions and finally, I
25 asked him of the news concerning the

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1 accused for whom I was going to testify
2 and the answer he gave me surprised me
3 because even doctors would not dare give
4 such an answer.

5 MADAM PRESIDENT:

6 Are you done with this subject, Ms.
7 Dickson? Can we hear your final question
8 now?

9 MS. DICKSON:

10 Yes, Madam President. Just so that I can
11 be clear, final being one or final theme
12 of two or three questions?

13 MADAM PRESIDENT:

14 How many questions do you have?

15 MS. DICKSON:

16 Perhaps I can finish with five, Madam
17 President.

18 MADAM PRESIDENT:

19 Okay. You are done with this subject,
20 will you move on?

21 MS. DICKSON:

22 Yes, I will. Thank you.

23 Q. (By Ms. Dickson) Did you ever go back to

24 Rwanda, Witness DD?

25 A. Yes, I did go back to Rwanda.

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1 Q. And in Rwanda, did you ever hear mention
2 made of this trial?

3 A. Yes.

4 Q. In Rwanda, did you ever hear mention made
5 of witnesses in this trial?

6 A. Yes.

7 Q. What was being said?

8 A. You know when people come together they
9 say anything and for instance, in the
10 rural area where I was living, there were
11 people who said that witnesses -- that
12 prosecution witnesses would come and
13 testify against somebody who they didn't
14 know very well -- they didn't know very
15 much about because, because these were
16 people whose hiding places or places of
17 refuge were known while the war was
18 taking place.

19 Q. And what was being said Witness DD,
20 concerning Mr. Rutaganda's trial in
21 particular?

22 A. I told you that I was following this
23 closely because I was from the same area
24 as Mr. Rutaganda and this is how I knew
25 about this. And even when these

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1 witnesses returned they organised a
2 party.

3 Q. Do you know the word Ebuka, Witness DD.

4 A. Yes.

5 Q. And have you heard this word in relation
6 to the stories that you are hearing
7 concerning the testimonies made during
8 this trial?

9 A. What I have -- what I heard is that
10 because I hadn't been long in that area,
11 it was said that it was the Ebuka who had
12 gone to look for these witnesses because
13 others could not be found and this is
14 what is still being said even today.

15 MS. DICKSON:

16 Thank you, Witness DD. I have no further
17 questions for you.

18 MADAM PRESIDENT:

19 Thank you, Ms. Dickson. Prosecutor?

20

21 CROSS EXAMINATION OF WITNESS DD BY

22 MS. MAKWAIA:

23 Good morning, Madam President, Your

24 Honours. Good morning, Mr. Witness.

25 A. Good morning.

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1 Q. Mr. Witness, can you tell us your age
2 please?

3 A. I'm 34 years old.

4 MS. MAKWAIA:

5 And I would ask the registry to give you
6 a piece of paper so you can tell us what
7 your profession was in 1994, please, with
8 the Chamber's permission, of course.

9 Q. Now were you ever employed by Georges
10 Rutaganda?

11 A. I never worked for Mr. Rutaganda.

12 MADAM PRESIDENT:

13 Does this have a exhibit number?

14 MS. MAKWAIA:

15 No, that would be one of the prosecution
16 exhibit. If the registry can assist us
17 with a number, it would be under seal.

18 MADAM PRESIDENT:

19 Registry, mark this as Witness DD. This
20 would be under seal and as soon as we
21 have the Exhibit number we'll record

22 that. Show it to the Defence.

23 Prosecution Exhibit 471.

24 MS. MAKWAIA:

25 We are obliged, your Honour.

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1 MADAM PRESIDENT:

2 Four, seven, one (471). Sorry.

3 Q. (By Ms. Makwaia) Now Mr. DD, after

4 President Habyarimana's death, Cyahafi

5 was a calm area, wasn't it?

6 ENGLISH INTERPRETER:

7 Could Counsel, please repeat the question

8 for the interpreter?

9 Q. I had said after President Habyarimana's

10 death, Cyahafi area was a calm place,

11 wasn't it?

12 A. I don't quite understand your question.

13 Q. The weeks, about two weeks following the

14 death of President Habyarimana, on the

15 6th of April Mr. Witness, wasn't Cyahafi

16 a calm area?

17 A. Since the death of the president,

18 President Habyarimana, there was disorder

19 everywhere. There was no security any

20 where at all.

21 Q. I did not ask you about security, I asked

22 you whether the area was calm Mr.

23 Witness, it's very simple?

24 A. Cyahafi area is quite large, I wasn't

25 able to visit it in all it's entirety.

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1 The part of Cyahafi that I knew is the
2 road which I used, that's the road I used
3 to go to the Centre Ville Auto.

4 Q. All right, then the road that you were
5 using, that area, wasn't it calm for the
6 first ten days or so after the death of
7 the president, Mr. Witness?

8 A. I have already told you that in the
9 morning of the 7th, I used that road.
10 Already, there were four roadblocks on it
11 and that was unusual. So one could --
12 one say that there was any security with
13 those roadblocks in place.

14 Q. Now this area had a lot of the people
15 from the opposition parties living in it,
16 didn't it?

17 A. That is true, I know about that. I know
18 that it is -- that this region was lived
19 in by the Abakombozi and other persons
20 known as the JDR. They were in fact,
21 people belonging to the opposition.

22

23 (Pages 1 - 33 by G. Harding, Reporter)

24

25

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1 CROSS-EXAMINATION continued.

2 MADAM PRESIDENT:

3 And the Abakombozi are the youth wing of
4 the PSD party and they had tried to protect
5 the neighbourhood in the early days, didn't
6 they, Mr. Witness?

7 A. I wasn't a witness of that and if I were to
8 speak of it, I would be telling lies.

9 Q. At this time and period, Mr. Witness, the
10 radios were also blaming the Tutsis for
11 killing the president, weren't they?

12 A. The Tutsis were not being blamed because of
13 that but it was rather the Inkontanyi who
14 were being blamed for that incident.

15 Q. And the Inkontanyi at a certain stage were
16 identified as Tutsis, weren't they, Mr.
17 Witness?

18 A. I would be telling lies if I were to say
19 that the Inkontanyi were identified as
20 Tutsi. I would be telling lies if I were to
21 say so.

22 Q. Who were the Inkontanyis?

23 A. As far as I know, the Inkontanyi were a

24 group of people who came together in 1990

25 and they attacked Rwanda and they were

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1 known as the RPF group. Moreover in their
2 songs, they referred to themselves as
3 Inkontanyi. So they are not known as Tutsis
4 as such.

5 Q. Now, is it not true Mr. Witness that Tutsis
6 were identified RPF or sympathizers of the
7 RPF in 1994?

8 A. I have had to repeat that this is not quite
9 right apart from the people who were
10 identified as such, as sympathizers or
11 those who were caught as red-handed as it
12 were sympathizing with the Inkontanyi, it's
13 not all Tutsis that were identified as the
14 Inkontanyi.

15 Q. In any event, the Interahamwe broke the
16 resistance of the Abakombozi in Chahafi and
17 took over that area some point in April,
18 didn't they?

19 A. I didn't quite understand that question.

20 Q. I said in any event the Interahamwe broke
21 the resistance of the Abakombozi in Chahafi

22 in April and took over that area, didn't

23 they?

24 A. I said that I passed through this area

25 several times. I didn't live there. I saw

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1 the Interahamwe often and there was no
2 confrontation between the Interahamwe and
3 the Abakombozi because I never saw anybody
4 bearing the distinctive sign of the MRND
5 and the Interahamwe.

6 Q. So it's your testimony there was never any
7 confrontation between the Abakombozi and
8 the Interahamwe in Chahafi in April?

9 A. I wasn't witness of that in 1994.

10 Q. Now you told the Court yesterday, first of
11 all to enter the Amgar Garage, you do this
12 through the Avenue De La Justice, is that
13 right Mr. Witness?

14 A. I think that is indeed the name of the
15 street.

16 Q. Now as you--?

17 A. Yes, it's true when you go towards Amgar
18 from the Brigade, you take the Avenue De La
19 Justice, but I am not very sure where
20 Avenue De La Justice comes to an end.

21 Q. I didn't ask about where it ended, the

22 question was simply to enter the Amgar
23 Garage, you do so from the Avenue De la
24 Justice Mr. Witness? All right as you go
25 inside the Amgar Garage to the left there

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1 is an office, right?

2 A. Yes, that is so.

3 Q. And as you keep going down further as you

4 described to the Court yesterday, there is

5 a field and there is houses in there, is

6 that right?

7 A. That is not how I expressed the reply

8 myself.

9 Q. I am not going to repeat verbatim the way

10 you phrased it but there is buildings

11 inside the Amgar compound, isn't there?

12 A. Yes, I know there are buildings within the

13 premises of Amgar but I never said that

14 after having passed the office you come to

15 a field. I didn't say that.

16 Q. Well there is an empty space in between,

17 isn't it there?

18 A. I believe I said yesterday that there was a

19 garage and that below the garage there was

20 an empty space in which vehicles could be

21 parked.

22 Q. I don't need these details. You also said
23 that Rutaganda was selling beer within the
24 Amgar Garage, do you remember this?

25 A. Yes, I did state that and I could repeat

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1 it.

2 Q. Was he using the office to the left that he
3 had told you to do this?

4 A. Rutaganda never used that office because
5 normally he was not selling beer from that
6 place. It was rather the place where he
7 kept the stock. So Rutaganda was there and
8 the guard who would sell the beer would
9 give him the money and that was it.

10 Q. So he didn't sell the beer in there but
11 this is the place where he interrogated
12 people who were brought to Amgar who had
13 been arrested on the roadblock isn't it,
14 Witness?

15 A. Everyone would say what they understand but
16 I knew that know there was a stock of beer
17 and that he was selling the beer and even
18 those people who were Rwanda know that even
19 people who were with him at that time can
20 tell you the same.

21 Q. I am not disputing you that beer was also

22 stocked in the office, the question was Mr.
23 Witness, this is where Rutaganda
24 interrogated people who were arrested on
25 the roadblocks and brought to the Amgar

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1 garage, isn't it?

2 A. I told you on several occasions that I
3 never saw that with my own eyes but that I
4 knew Rutaganda was selling beer from those
5 premises.

6 MADAM PRESIDENT:

7 Ms. Makwaia we intend to take 10 minutes
8 break now.

9 MS. MAKWAIA:

10 I am obliged, Your Honour.

11 MADAM PRESIDENT:

12 Is that all right for you?

13 MS. MAKWAIA:

14 That's fine.

15 MADAM PRESIDENT:

16 Thank you.

17 The court will now take ten minute break.

18

19 COURT ADJOURNS FOR TEN MINUTES:

20

21 COURT RESUMES.

22 .

23 MADAM PRESIDENT:

24 Witness DD, the Judges would like to you

25 to--, in your responses to answer directly

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1 to the point and avoid comments. Ms.

2 Makawaia?

3 MS. MAKWAIA:

4 Thank you, Your Honour.

5 WITNESS:

6 Yes, I agree.

7 BY MS. MAKWAIA TO WITNESS:

8 Q. Mr. Witness, the roadblock which was
9 outside the Amgar Garage that you told you
10 us about yesterday, did Rutaganda also sell
11 beer to the men who were manning this
12 roadblock?

13 A. Rutaganda was selling beer within the
14 buildings of the Amgar premises so I don't
15 know whether the people who went in there
16 to buy beer came from the roadblock or from
17 elsewhere.

18 MADAM PRESIDENT:

19 A question from Judge Aspegren.

20 JUDGE ASPEGREN:

21 Witness DD, when you say that Mr. Rutaganda

22 sold beer, how do you know that he sold
23 beer for instance that he didn't give beer
24 to the people who came from the roadblock?
25 A. I told you that in that place there were

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1 many people who came in order to buy beer
2 and they came from different places.

3 Q. That was not my question at all, my
4 question is how do you know that it was a
5 matter of a sale and not a gift especially
6 with regard to the people manning the
7 roadblock?

8 A. I know that whoever received beer had
9 already paid money so I don't whether there
10 was any matter of gift if these people from
11 the roadblock were still receiving beer.

12 Q. You are still not answering my question,
13 how do you know that the people who were
14 going to had paid for this beer?

15 A. The sale was not being done in hiding
16 within the house. It was being done in the
17 view of everyone. Outside the house in the
18 buildings there was a long queue of people
19 who were waiting to be served, so each time
20 one had paid the guard, the watchman would
21 give him the beer.

22 Q. Did you see these people making the

23 payments?

24 A. Yes I saw that with my own eyes.

25 Q. All these people in that long queue that

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1 you saw?

2 A. That happened in the same way every day, it
3 didn't happen only one day, it happened
4 throughout the period during the periods
5 that George was selling.

6 Q. Now, if you are claiming that you saw that
7 each person who was taking away beer had
8 paid maybe you could tell me that there
9 amongst those people there were people who
10 came from the roadblock which was quite
11 close to garage?

12 A. I have told you that I didn't know the
13 people who were manning the roadblock. I
14 only passed by there because I was
15 supervising my property which was near by.
16 I was not an employee of Mr. Rutaganda, and
17 I didn't stay there the whole day.

18 Q. You didn't stay there but at least you saw
19 that everyone was paying for beer?

20 A. Yes that I did see.

21 Q. How could you see if you were absent?

22 A. I didn't say that I was remaining there all
23 day, I was saying each time I passed there
24 I saw what was happening.

25 Q. So there were many times that you were not

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1 there and people could have taken beer and
2 you wouldn't have known whether they paid
3 for it or not?

4 A. What I am sure of is that two days didn't
5 pass before I passed by this place except
6 on occasions when I went to visit my family
7 other wise--.

8 Q. In other words, you only saw on a few
9 occasions that you saw people pay and that
10 there were several other occasions that you
11 didn't see people pay, please answer my
12 question? I am waiting for your answer, is
13 it yes or not?

14 MS. DICKSON:

15 Excuse me, I think Mr. Rutaganda has an
16 observation on the interpretation.

17 Q. Yes, but I am waiting for the answer of yes
18 or no first?

19 MS. DICKSON:

20 Maybe the answer or the question was not
21 properly interpreted.

22 Q. I am expressing myself quite clearly, I am
23 waiting for a yes or a no, I think I am
24 being very clear?

25 A. I didn't quite understand the question, I

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1 would like some explanations please.

2 MADAM PRESIDENT:

3 Mr. Rutaganda, we are going to have the
4 question repeated and I think we should
5 have the matter clarified.

6 JUDGE ASPEGREN:

7 Witness DD, is it correct that you were
8 unable to observe for some moments whether
9 people who were taking beer from Mr.
10 Rutaganda's garage paid for the beer or
11 stated that they were going to pay for the
12 beer? I am interested in your observations
13 and not your conclusions, your conclusions
14 are of no interest to me, have you
15 understood my question now?

16 A. Yes, I understand.

17 Q. So what is your answer please?

18 A. Each time that I saw this beer being sold,
19 I was able to see him receive the money and
20 it was he who was given the money and it
21 was the watchman who served the beer.

22 Q. Does that not mean that there were many
23 occasions on which you were unable to see
24 whatever was happening?

25 A. I explained that I was never an employee of

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1 Mr. Rutaganda, I was never any servant or
2 server of beer at Mr. Rutaganda's place, I
3 just observed this in passing.

4 Q. And not in a constant manner either?

5 A. I said that I saw this as I was passing and
6 I would often pass there because I had
7 property next door.

8 Q. I would like you to answer my question and
9 you do not need to repeat yourself, repeat
10 what you have already said, I was asking
11 you whether it wasn't correct that you
12 didn't see the distribution rather than the
13 sale of beer on a constant basis? Let try
14 yes or no for once?

15 A. No.

16 Q. It is not true, you are claiming that you
17 were not there, are you claiming that you
18 were not there throughout?

19 A. No, I am stating that I wasn't there all
20 the time.

21 JUDGE ASPEGREN:

22 Finally, thank you, Witness DD.

23 BY MS. MAKWAIA TO WITNESS:

24 Q. Mr. Witness, you told the Court you do not

25 know the men who were manning the roadblock

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1 outside the Amgar garage, do you remember
2 this?

3 A. The roadblock I referred to is the one that
4 is 10 metres from the Amgar on Avenue De La
5 Justice. I do not know of any other
6 roadblock which was outside or behind
7 Amgar.

8 Q. It is the roadblock that I am talking about
9 Mr. Witness, you did not know the men who
10 were manning it, did you, that's what you
11 just told us?

12 A. Actually I never said to myself that I was
13 going to check out on who these people were
14 I was not responsible for inspecting the
15 people who were manning the roadblock.

16 Q. That is not the question, now listen very
17 carefully; did you or did you not know the
18 men at the roadblock?

19 A. I did not know the people who were manning
20 the roadblock.

21 Q. So for all you know they could have been

22 Interahamwe, couldn't they?
23 A. I have already told you that this area was
24 lived in by opposition elements so at the
25 roadblock I saw people who belonged to the

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1 population, I couldn't say from which party
2 they belonged because I didn't see any
3 distinctive signs which would help me make
4 that kind of statement and I told you also
5 that what I saw is what I saw at the
6 roadblock as I passed by.

7 Q. So now you remember that the opposition was
8 living this area, Mr. Witness, is that what
9 you are telling us?

10 A. It was publicly known that the PSD, MDR,
11 PDS, PL parties didn't speak the same
12 language as it were with the MRND Party,
13 the party of the President, this is why I
14 am saying that these people were from the
15 opposition.

16 Q. Do you also remember my question when I
17 asked that at some point in April, 1994,
18 the resistance of the Abakombozi in this
19 area was broken by the Interahamwe, do you
20 remember this question, Mr. Witness?

21 A. I remember you asked me a question

22 concerning the confrontations or
23 hostilities between the opposition elements
24 living in this area and Interahamwe of the
25 MRND, I answered by saying that I was never

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1 a witness of any such hostilities which may
2 have taken place between the Interahamwe
3 and the opposition elements in this area.

4 Q. Now, I put it to you the resistance was
5 broken by the Interahamwe in April, at some
6 point in 1994, do you agree or do you not
7 agree so that we move on Mr. Witness?

8 A. I was not a witness of any such.

9 Q. All right, now I am going back to my
10 original question for all you know those
11 manning the roadblock could have been
12 Interahamwe couldn't they, just yes or no,
13 Mr. Witness?

14 A. No, I didn't know them.

15 Q. During your stay at this area, you have
16 told the court that you were there often,
17 did you ever hear of this roadblock which
18 was referred to as George's roadblock?

19 A. I never heard anyone say that.

20 Q. Did you ever hear any gunshots or grenades
21 exploding around the area at this time that

22 you were there in April for example?

23 A. At Amgar I never heard any gunshots at any

24 point in time.

25 Q. Let's focus in April, towards the 14th or

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1 15th of April, were you present at Amgar? I
2 am waiting for an answer?

3 A. I didn't quite understand the question. Are
4 you having problems with the interpretation
5 or the earphones, Mr. Witness, why didn't
6 you understand the question it was very
7 straight forward?

8 MADAM PRESIDENT:

9 Repeat the question, Ms. Makwaia.

10 Q. I had asked him, did you hear and grenades
11 or gunshots while you were at Amgar and I
12 focused to the month of April, around 14th,
13 15th 16th at about that time period?

14 A. During the period around those dates, I
15 never heard of any explosions from grenades
16 or gunshots.

17 Q. And you were at Amgar garage during this
18 period?

19 A. During those days, I did pass by, I passed
20 by every day and I never heard any such
21 noise obviously, I would pass by during the

22 day when I would be going home.

23 Q. Now what would you say, Mr. Witness--?

24 MADAM PRESIDENT:

25 Judge Kama has a question.

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1 MS. INTERPRETER:

2 Microphone please?

3 JUDGE KAMA:

4 Madam President, I would like to seek
5 clarification on the question which has
6 just been asked by the prosecutor because I
7 am very sure whether Witness understood
8 the questions. I would like to reformulate
9 the question to re-cast it. First of all a
10 clarification, was it around the 14th, 15th
11 or 16th of April there were no gunshots in
12 the whole of Kigali because the war had not
13 started?

14 A. On the 14th of April throughout, almost
15 throughout the whole of Kigali gunshots
16 were being heard, in fact it is the time
17 when people started to flee especially
18 people who were living Muhima and Gisanze
19 and we would even see--.

20 Q. So throughout the city of Kigali there were
21 gunshots, is that what you are saying?

22 A. Every where one could hear gunshots in the

23 city of Kigali.

24 Q. So I think question you are being asked is

25 not, is that not only in the Amgar Garage

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1 but around the Amgar Garage whether there
2 were any gunshots, that's what I understood
3 the question being put to is whether there
4 were any gunshots in the vicinity of Amgar
5 was elsewhere in the town? The question is
6 very precise, you understand French very
7 well, there's no point in turning about,
8 since in the whole of Kigali there were
9 gunshots, is it not true also that in the
10 vicinity of Amgar Garage one could hear
11 gunshots, that's the simple and clear
12 question, I am putting to you?

13 A. Every where there were gunshots.

14 Q. That is what I had understood as having
15 been asked by Madam Prosecutor.

16 MADAM PRESIDENT:

17 Thank you, Judge Kama.

18 A. I had understood that I was being asked
19 whether I had heard gunshots shots at Amgar
20 or nearby.

21 MADAM PRESIDENT:

22 That is what I also understood as being
23 the question put to you by the prosecutor.

24 BY MS. MAKWAIA TO WITNESS:

25 Q. So did you hear gunshots adjacent to the

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1 Amgar Garage or not?

2 A. In any case you when you hear gunshots, it
3 is not easy, you cannot determine the
4 origin of the gunshots even shots if we
5 were to hear gunfire here, we would find it
6 difficult to determine the origin. So I
7 wasn't able to tell whether it was far away
8 or very far away from the Amgar Garage
9 that these gunshots were coming from the
10 ones that I was hearing.

11 Q. All right at the roadblock, did you hear
12 that people were arrested there, did you
13 see people being arrested at the roadblock?

14 A. As I have already explained I was never
15 attentive to the activities that were
16 going on the roadblock. When I passed by I
17 showed my identity documents and I don't
18 know whether there were any people who were
19 arrested there or not.

20 Q. You showed your identity card and it was
21 written Hutu inside and you were let

22 through, Mr. Witness, isn't it?

23 MADAM PRESIDENT:

24 You were asked a question, Witness DD, you

25 were asked a question when you showed your

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1 ID, you were let through or not?

2 A. Yes, I showed my identity card and it was
3 given back to me.

4 MADAM PRESIDENT:

5 Yes thank you. If you are asked further
6 explanations, then you go into them. Mr.
7 Rutaganda is standing, yes, what is it?

8 MR. RUTAGANDA:

9 It's the same situation for which I had to
10 intervene a few moments ago. The words of
11 the witness were not interpreted. I believe
12 that what he was saying was useful and he
13 has not had his answer interpreted. That
14 was the case a few moments ago and if the
15 interpretation of the witness's answer
16 could be allowed, I think Judge Aspegren
17 would have had satisfaction even just now
18 with due respect I would request that the
19 answer being given by the witness by the
20 witness be interpreted in full, Madam
21 President. I thank you.

22 MADAM PRESIDENT:

23 Mr. Rutaganda we require the witness to

24 answer briefly to a brief question. Now the

25 Prosecutor is conducting her

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1 cross-examination and it is left to her to
2 ask for explanations, and of course if you
3 think there is something important then
4 your Counsel would have an opportunity to
5 re-examine. All right, proceed Ms. Makwaia.

6 BY MS. MAKWAIA TO WITNESS:

7 Q. And now you said I had asked--, can you
8 speak up Mr. Witness we can't hear what you
9 are saying?

10 A. I wanted to say that when you asked me
11 questions, you are asking me for
12 explanations so I am noting how I can
13 explain so briefly since you are asking me
14 to interrupt my answer.

15 Q. The question was you had an identity card,
16 inside it was written Hutu and you were let
17 through, yes or no?

18 A. Yes, I was let through.

19 Q. Was it written Hutu inside or not?

20 A. Yes, the term Hutu was on my card.

21 Q. Now there were other people who had

22 identity cards with Tutsi inside and they
23 were kept aside on roadblocks weren't they,
24 Mr. Witness?
25 A. I never witnessed any such things.

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1 Q. So according to you the roadblocks were set
2 up there to control Hutus so that Hutus can
3 pass through that's all?

4 A. That was not the case.

5 Q. And what was the case?

6 A. I don't think that the roadblocks had been
7 set up for that reason. It was said that
8 people fled, there were people who fled who
9 had collaborated with the Inkontanyi and
10 at the roadblocks when they lifted their
11 identity cards they ensured that you spoke
12 Kinyarwanda properly and when they looked
13 to see whether you did not have a V in the
14 two sheets that comprise the card, they
15 said that there would inscriptions on
16 certain photographs. They also looked at
17 the models of the identity cards. They said
18 there was a model, they talked about a
19 model 4. They also looked for your
20 residence permit, and asked for the name of
21 the priest of your parish or even the name

22 of your pastor. So it was not just the
23 ethnic entry that was sought after.

24 Q. Mr. Witness, you just told this Court that
25 you couldn't verify who the men were who

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1 were manning the roadblock outside Amgar
2 Garage, so how did you come across all this
3 information if all you did was just to pass
4 through, can you please assist us and
5 briefly?

6 A. What I said concerned all the roadblocks in
7 general, I am not talking exclusively of
8 the Amgar garage roadblock. That concerns
9 all the roadblocks that I went through.
10 That is what I saw there.

11 Q. All right let's agree on a few facts,
12 Kigali was an area in combat in 1994, there
13 was between the RPF and the ex FAR, is that
14 right?

15 A. That's right.

16 Q. And you spent most of your time at Amgar
17 and this was behind the government lines,
18 yes wasn't it?

19 A. At that place where I worked and even where
20 I worked the whole place was under
21 government control.

22 Q. And the ex-FAR soldiers were fighting at

23 the front, weren't they?

24 A. In Kigali city, it is true that the

25 soldiers were on the front but the

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1 gendarmes remained in the city.

2 Q. Thank you for that information. Now the
3 civilian population was an intergral part
4 of the defence, wasn't it?

5 A. What I know is that this defence system
6 started when it was officially declared
7 that civilians had to defend themselves. It
8 was from then on that civilians
9 collaborated with the army.

10 Q. My question was the civilians were an
11 intergral part of the defence weren't they?

12 A. I never saw the civilians go to the front
13 but at the roadblocks, there were
14 civilians.

15 Q. And at these roadblocks manned by civilians
16 they did things, they did to you, they
17 controlled your identity cards, didn't
18 they?

19 A. Yes, quite so.

20 Q. And young men like yourself, Mr. Witness
21 were expected to be part of this defence,

22 weren't they?

23 A. It was not mandatory. It was done

24 voluntarily at that time. I wouldn't say

25 that all the young people went to the

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1 roadblocks or that they went to the front,
2 if there were some who did.

3 Q. We are not talking about roadblocks and I
4 said that young men like yourself, Mr.
5 Witness were expected to take part in this
6 civil defence, weren't they?

7 A. I did not quite understand what you mean by
8 young people like myself but what I know is
9 that it was a personal decision whoever
10 wanted to do so, could be part of that
11 civilian defence that was being set up, but
12 it was not obligatory.

13 Q. Now, you were young, you were flexible, you
14 were moving around, Mr. Witness, why didn't
15 you want to defend your country against the
16 Inkontanyi?

17 A. Each person does what they like with their
18 lives. I have never wished to be a soldier
19 and it is not at this advanced age that I
20 would decide to become one.

21 Q. All the people manning the roadblocks were

22 not soldiers Mr. Witness, most of them were
23 civilians weren't they?

24 A. That's true.

25 Q. You know what was happening at these

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1 roadblocks, don't you?

2 A. I cannot say that I know what was happening
3 at the roadblocks. I knew what was
4 happening when I myself went through there.
5 I saw hat happening but I was not always at
6 the roadblocks. I was not manning
7 roadblocks.

8 Q. I didn't tell you that. I said you know
9 what was happening there you know that
10 Tutsi were being killed there at the
11 roadblocks, Mr. Witness, why don't you just
12 tell us?

13 A. I never saw any Tutsi killed at a
14 roadblock. I gave you the example of people
15 with him I left. I told where we went. I
16 never saw any Tutsi killed at a roadblock
17 because I never stayed at any roadblock.

18 Q. Do you know who Chuma was?

19 A. Chuma?

20 A. He doesn't know says, Witness. I do not
21 know him.

22 Q. And you do not know what work Francois

23 Ndayisaba, do you?

24 A. I know one Ndayisaba who was a driver I

25 know nothing else in relation to him.

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1 Q. How about Zuzu, do you know who Zuzu was?

2 A. I know Zuzu.

3 Q. Isn't it true, Mr. Witness all these people

4 you are giving names of were Interahamwe in

5 1994 in Rwanda, isn't it true ham?

6 A. That I cannot say because to know

7 somebody's political party or leanings is

8 not easy I cannot only if these

9 Interahamwe, I have no way of knowing. The

10 only person I was sure of being Interahamwe

11 was George because as all radio stations

12 said so that he was vice chairman of the

13 Interahamwe.

14 Q. Mr. Witness, why do you have problems in

15 identifying or simply knowing simply if a

16 person was Interahamwe what's wrong with

17 being an Interahamwe, can you tell us?

18 A. I have told you that a person can know

19 whether he is Interahamwe or not and noone

20 else would know. You cannot read in

21 somebody's heart, we cannot tell what

22 anybody's activities are, I cannot say that
23 somebody is Interahamwe whereas I was not
24 the one who issued him with the Interahamwe
25 card, I cannot say so.

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1 Q. Did you agree that Interahamwe was the
2 youth wing of the MRND, wasn't it?

3 A. Yes, I agree with that.

4 Q. And Rutaganda was the second vice president
5 of the Interahamwe on a national level?

6 A. That's correct.

7 Q. And you were very close to Rutaganda or a
8 friend somebody you knew for a long time,
9 didn't you?

10 A. That's correct.

11 Q. Didn't you know?

12 A. Yes.

13 Q. And Rutaganda was also very prominent
14 member in society, wasn't he?

15 A. I don't think that he was such an important
16 person in society. I know that he was a
17 simple businessman like others. I do not
18 know that his importance might have been
19 attributed to the fact that he was the vice
20 president of the Interahamwe, I do not know
21 whether he was important.

22 Q. And that at this time you were going around
23 with Rutaganda a war was raging in Kigali,
24 wasn't it?

25 A. I have told you that I went about, I

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1 travelled with Mr. Rutaganda only once and
2 on that occasion took somebody else at
3 Hotel Mille Collines and then we went on
4 our way.

5 Q. You also told us you saw him often and you
6 fled with him?

7 A. I told you that I saw him often at that
8 place where he worked or where he sold
9 beer, and I told you that we fled together
10 and that I saw him at the place where we
11 had taken refuge, that is at Cyangugu but I
12 never said I saw him often at other
13 occasions.

14 Q. Now you are telling us that you didn't see
15 him often, that is your testimony?

16 A. What I mean to say is that I travelled with
17 Rutaganda only once, but at Amgar I saw him
18 often but I didn't go about with him.

19 Q. And Rutaganda was an active leader of the
20 Interahamwe at this moment in time, wasn't
21 he, Mr. Witness, very briefly please we

22 want to finish?

23 A. I cannot say that he was an active chief of

24 the Interahamwe. I know that he held that

25 position within the Interahamwe but he

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1 never performed the activities inherent in
2 that position. By the way I did not even
3 know what were the political activities
4 pertaining to that position. All I saw him
5 do was sell beer.

6 Q. All right we will come to the place where
7 you said you were found and you saw
8 Rutaganda after. Now you had the
9 opportunity to observe what was happening
10 at the Amgar Garage, didn't you?

11 A. Yes.

12 Q. And what was happening at the Amgar Garage
13 was not simply selling beer as you are
14 portraying to the Court, is it?

15 A. I did not see anything absolutely
16 whatsoever at Amgar besides the sale of
17 beer.

18 Q. And you told the Court that many people
19 came there to buy beer, Mr. Witness, isn't
20 it true that most of these people were
21 Interahamwe?

22 A. I have already said on several occasions
23 that during this period of 1994, I saw none
24 carry a distinctive sign of any political
25 party. It would be truly difficult to say

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1 that anybody was Interahamwe without seeing
2 distinctive sign of his party for instance
3 the uniform. I didn't see any such thing.

4 Q. Isn't it also true that Rutaganda was
5 distributing weapons at this time, Mr.
6 Witness?

7 A. I have already said it and I repeat that I
8 never saw Rutaganda distribute weapons.

9 Q. Now you have also told the Court about the
10 area where the pit is found the area
11 adjacent to Amgar garage, do you remember
12 this?

13 A. Yes, I remember.

14 Q. In fact you told the court several times
15 that you never went there but you knew
16 there were bushes there do you remember
17 this too?

18 A. Yes I remember.

19 Q. And in these bushes, Mr. Witness a person
20 can hide, can't they?

21 A. How would I know that maybe somebody could

22 go and hide there, I could not tell.

23 Q. You are the one who told us about these

24 bushes, and I am simply telling you that

25 somebody can go and hide in those bushes

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- 1 and not be seen, is that correct or not?
- 2 A. It is possible.
- 3 Q. And you told the Court that you never heard
- 4 any gunshots being firing there, are you
- 5 aware that people were shot and bludgeoned
- 6 on this adjacent area to the Amgar, are you
- 7 aware of this, Witness?
- 8 A. That I do not know.
- 9 Q. Mr. Witness, the court has heard witnesses
- 10 here who have told then about this? They
- 11 have--, do you have any comments?
- 12 A. The fact that witnesses have come here and
- 13 related that, recounted that is perhaps
- 14 because each person testifies on what they
- 15 saw and on what they heard.
- 16 Q. Precisely and they told this Court at least
- 17 one of them was hiding in the bush and he
- 18 saw Rutaganda killing people on this filed,
- 19 Mr. Witness?
- 20 A. If that person said so maybe they saw it
- 21 but I never saw anybody die in that part of

22 land. I say that I never spent the--, I did
23 not spend the night there and I went there
24 and I went back home and I never saw such
25 thing.

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1 Q. They told the Court that this didn't take
2 place at night, Mr. Witness and that this
3 was during the day and if you were there,
4 you must at least have heard about this?

5 MS. DICKSON:

6 Madam President, with your permission, I
7 would like to make an observation?

8 MADAM PRESIDENT:

9 Yes?

10 MS. DICKSON:

11 Very quickly, I realize that this is
12 cross-examination, however, probably I have
13 to note that I am not hearing many
14 questions imposed. These are comments the
15 witness seems to be responding to comments
16 and I am just wondering if the court could
17 direct that questions be posed despite the
18 fact that that it's cross-examination?

19 MADAM PRESIDENT:

20 All right the Court sees these are
21 questions. I was going to say Ms. Makwaia

22 what's the point in following when the
23 answer is clearly that he testifies to what
24 he saw and other people testified to what
25 they saw but then your last question is

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- 1 whether he didn't hear this, isn't this
2 your last question?
- 3 A. Yes, this was the last question--.
- 4 Q. All right, did he answer that question?
- 5 A. No, there was an objection by Counsel, Your
6 Honour.
- 7 Q. So Witness, did you get the last question?
- 8 A. Yes, I remember the question.
- 9 Q. Ya, well I think the question relates to
10 what the prosecutor said, what is your
11 answer?
- 12 A. The answer I give is that if this person
13 says that he saw somebody kill somebody
14 else, I cannot assert saying the fact that
15 it happened during the day also this is
16 something I cannot assert this is their
17 personal testimony and it is up to you to
18 draw a conclusion. Besides, I cannot see
19 how somebody who was hiding none sheet
20 fence I cony somebody hiding brushes could
21 see inside since there was an iron sheet