

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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

THE PROSECUTOR  
OF THE TRIBUNAL  
v.  
AUGUSTIN NDINDILIYIMANA  
FRANÇOIS-XAVIER NZUWONEMEYE  
INNOCENT SAGAHUTU  
AUGUSTIN BIZIMUNGU

MONDAY, 9 MAY 2005  
0907H  
CONTINUED TRIAL

Before the Judges:

Joseph Asoka de Silva, Presiding  
Taghrid Hikmet  
Seon Ki Park

For the Registry:

Mr. Roger Noël Kouambo  
Mr. John Kiyeyeu  
Mr. Abraham Koshopa

For the Prosecution:

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

For the Accused Augustin Ndindiliyimana:

Mr. Christopher Black

For the Accused François-Xavier Nzuwonemeye:

Ms. Danielle Girard

For the Accused Innocent Sagahutu:

Mr. Fabien Segatwa  
Mr. Seydou Doumbia

For the Accused Augustin Bizimungu:

Mr. Gilles St-Laurent  
Mr. Ronnie Macdonald

Court Reporters:

Ms. Karen L. Holm, Ms. Gifty C. Harding, Ms. Judith Kapatamoyo  
Mr. Rex Lear, Ms. Roxane Lane, Ms. Regina Limula

I N D E XWITNESS/ESFor the Prosecution:

## WITNESS HP

Examination-in-chief by Mr. Sefon ( <i>commenced in closed session</i> ) .....	10
Cross-examination by Mr. Segatwa .....	30
Cross-examination by Mr. Black .....	51

EXHIBITS AND EXTRACTS

Prosecution Exhibit No. P. 32 .....	8
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## PROCEEDINGS

1

2 MR. PRESIDENT:

3 Good morning, ladies and gentlemen. I hope you had a good holiday.

4

5 I call upon the registrar to open the sessions.

6 MR. KIYEYEU:

7 Thank you, Mr. President. Trial Chamber II of the International Criminal Tribunal for Rwanda,  
8 composed of Judge Joseph Asoka de Silva, presiding, Judge Taghrid Hikmet and Judge Seon Ki Park  
9 is now sitting in open session today, Monday, the 9th of May 2005, for the continuation of the trial in the  
10 matter of the Prosecutor versus Augustin Bizimungu, Augustin Ndindiliyimana, Francois-Xavier  
11 Nzuwonemeye and Innocent Sagahutu, case no. ICTR-00-56-T. Thank you, Mr. President.

12 MR. PRESIDENT:

13 Thank you. Mr. Prosecutor, you may enter your appearances.

14 MR. BÂ:

15 Mr. President, Your Honours, the Office of the Prosecutor is represented this morning by  
16 Mr. Alphonse Van, senior trial attorney, Mrs. Ifeoma Ojemeni Okali, trial attorney, Mr. Moussa Sefon,  
17 trial attorney, Mr. Segun Jegede, trial attorney, Mr. Abubacarr Tambadou, legal officer,  
18 Ms. Anne Bodley, case manager, Ms. Nicole Fomété, legal intern, and I am Ciré Aly Ba, I'm senior trial  
19 attorney. Thank you.

20 MR. PRESIDENT:

21 Thank you. Defence, please.

22 MR. ST-LAURENT:

23 Good morning and good session, Mr. President, Your Honours. For the Defence of  
24 Mr. Augustin Bizimungu, Miss Nathalie Leblanc, legal assistant, Mr. Ronnie MacDonald, co-counsel,  
25 and myself, Gilles St-Laurent.

26

27 Mr. President, if I have your permission, I will need one minute to make an announcement for the period  
28 of the presentation. Thank you.

29 MR. BLACK:

30 Good morning, Mr. President, Your Honour, Christopher Black for General Ndindiliyimana, assisted by  
31 Professor Clavier Sindayigaya. My co-counsel is not available. She has a serious infection in her eye  
32 so she has to stay in Montreal for a little while.

33 MR. PRESIDENT:

34 Yes, Mr. Segatwa.

35 MR. SEGATWA:

36 Good morning, Mr. President. Good morning, Your Honours. For the Defence of Innocent Sagahutu,  
37 Counsel Fabien Segatwa, lead counsel, and I have with me Counsel Seydou Doumbia, co-counsel, and

1 we are assisted by Mathius Sahinkuye, legal assistant. Thank you, Mr. President.

2 MS. GIRARD:

3 Good morning, Mr. President, Your Honours. Danielle Girard, co-counsel for  
4 François-Xavier Nzuwonemeye and I would like, before the beginning of the session, that the -- I'd like  
5 to request for a closed session, to discuss an issue touching on -- a professional issue. Thank you.

6 MR. PRESIDENT:

7 Yes, Mr. St-Laurent.

8 MR. ST-LAURENT:

9 Very briefly, Mr. President, I just want to inform me -- as my counsel is informed, that the counsel for  
10 Bizimungu would file a motion on the appearance of certain witnesses, and this on account of some  
11 difficulties encountered about sending a mission to Rwanda, and something which is not the making of  
12 this Defence team, but that is necessary for the presentation of the cross-examination of the witnesses  
13 who are to appear. So I just want to inform you.

14 MR. PRESIDENT:

15 Thank you very much.

16 MR. ST-LAURENT:

17 And that this motion will be filed.

18 MR. BÂ:

19 Mr. President, I just want to inform you that we have very little room for manoeuvre. We have only  
20 three witnesses in Arusha and we cannot postpone the appearance of the witnesses unless we  
21 completely adjourn the hearing. The appearance of witnesses is constrained by budget. They bring us  
22 these witnesses with a lot of difficulties and we cannot postpone the appearance of some witnesses  
23 without affecting the normal -- the normal proceedings.

24 MR. PRESIDENT:

25 Yes, Counsel. Mr. Registrar, sessions will be closed for -- how long will it take, Counsel?

26 MS. GIRARD:

27 About ten minutes -- five minutes, possibly.

28 MR. PRESIDENT:

29 Sessions will be closed to the public for 10 minutes.

30 *(At this point in the proceedings, a portion of the transcript [pages 3 to 7] was extracted and sealed*  
31 *under separate cover, as the session was heard in camera)*

32 *(Pages 1 to 2 by Karen L. Holm)*

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1 (Witness entered courtroom)

2 MR. PRESIDENT:

3 Mr. Prosecutor, you may lead the witness.

4

5 Registrar.

6 MR. KIYEYEU:

7 Witness, could you kindly stand up, please?

8 (*Declaration made by Witness HP in Kinyarwanda*)

9 MR. SEFON:

10 Good morning, Mr. President, Your Honours. I am Moussa Sefon and I will lead Witness HP on  
11 behalf of the Office of the Prosecutor.

12

13 First of all, Mr. President, I would like to submit this identity or identifying document and ask the  
14 witness to confirm whether the information contained in the personal information sheet is correct. I  
15 think the witness will require the assistance of an interpreter from the Kinyarwanda booth because  
16 he only speaks Kinyarwanda.

17 THE KINYARWANDA INTERPRETER:

18 The witness confirms that all information contained in the document is correct.

19 MR. SEFON:

20 Does he also confirm that this is his signature on the document?

21 THE ENGLISH INTERPRETER:

22 "Yes," said interpreter.

23 MR. SEFON:

24 Mr. President, since the witness has confirmed the identification details, I would ask you to kindly  
25 accept this document as an exhibit of the Prosecution and to accept it under seal. I believe the  
26 registry is in a position to give us the exhibit number.

27 MR. PRESIDENT:

28 Yes, this document is accepted -- marked as P. 32 and should be kept under seal.

29 (*Exhibit No. P. 32 admitted, under seal*)

30 MR. SEFON:

31 Mr. President, the first part of my examination-in-chief will deal with the personal details of the  
32 witness and will have a bearing on his identity. Therefore, I would therefore request that for about  
33 10 minutes, we hold a closed session.

34 MR. PRESIDENT:

35 Yes. Counsel says that since the information regarding the witness will lead to disclosure of his  
36 identity, he requests to have a closed session for about ten minutes. The session will be closed to  
37 the public for 10 minutes.

1       *(At this point in the proceedings, a portion of the transcript [pages 10 to 13] was extracted and*  
2       *sealed under separate cover, as the session was heard in camera)*  
3       *(Pages 8 to 9 by Karen L. Holm)*

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1 BY MR. SEFON:

2 Q. Witness, in April 1994, where was the recce battalion based?

3 A. It was based in Camp Kigali.

4 Q. In which neighbourhood was Camp Kigali located?

5 A. Camp Kigali is located in town, in town centre, in Nyarugenge.

6 Q. Who was the commanding officer of Camp Kigali?

7 A. In 1994, the commander was -- commanding officer was Mubaha (*phonetic*). It was Major Mubaha  
8 who was commanding officer in 1994, but he had just replaced one Nkizinkiko.

9 MR. SEFON:

10 Once again, I would like to request the Kinyarwanda booth to spell Nkizinkiko for the Court.

11 THE KINYARWANDA INTERPRETER:

12 Nkizinkiko is N-K-I-Z-I-N-K-I-K-O.

13 BY MR. SEFON:

14 Q. Witness, how was the recce battalion organised?

15 A. It was made up of three companies.

16 Q. And which were these companies?

17 A. There was Squadrons A, B and C.

18 Q. Who was in charge of Squadron A?

19 A. It was Captain Sagahutu.

20 Q. And who was in charge of Squadron B?

21 A. It was under Captain Dukuzumuremyi.

22 MR. SEFON:

23 That name is item 2 on the list of common names.

24 BY MR. SEFON:

25 Q. And who was in charge of Squadron C?

26 A. Squadron C was commanded by Captain Sebahinzi, but he was replaced by  
27 Lieutenant Sebagande.

28 MR. SEFON:

29 Sebahinzi is item 19 on the list of common names. Can the Kinyarwanda booth spell Sebagande  
30 for the Court?

31 THE KINYARWANDA INTERPRETER:

32 It was Lieutenant Sebagande. Sebagande is spelt S-E-B-A-G-A-N-D-E.

33 BY MR. SEFON:

34 Q. Very well. Witness, which squadron did you belong to?

35 A. I was in Squadron A.

36 Q. In the absence of the commanding officer of the battalion who would normally take over?

37 A. He was replaced by Captain Sagahutu in his absence.

- 1 Q. Witness, what were the functions of the recce battalion?
- 2 A. The recce battalion was in charge of finding out where the enemy was based and fighting them,  
3 and when there was intensive fighting, then they will intervene.
- 4 Q. Why will the recce battalion intervene when there was intensive fighting?
- 5 A. Because that battalion had a lot of weapons compared to other battalions.
- 6 Q. And what were these weapons that were available to the recce battalion?
- 7 A. The recce battalion had armoured vehicles, as well as jeeps upon which were mounted machine  
8 guns.
- 9 Q. Witness, where were these jeeps and armoured vehicles kept?
- 10 A. We had a park where -- in Camp Kigali where these vehicles were kept.
- 11 Q. Witness, in 1994, where were these weapons kept?
- 12 A. These weapons were kept within Camp Kigali in the parking lot department.
- 13 Q. Witness, where were you in the evening of the 6th of April 1994?
- 14 A. I was in Camp Kigali, but more specifically I was in a room with a corporal called \*\*\*\*\*.
- 15 Q. And what were you doing in that room?
- 16 A. I was just in his room. I went to visit him and I was chatting with him.
- 17 Q. Witness, did anything in particular happen while you were in that corporal's room?
- 18 A. Yes, something special happened.
- 19 MR. SEFON:
- 20 \*\*\*\*\* , Mr. President, is item 6.
- 21 BY MR. SEFON:
- 22 Q. What happened, Witness?
- 23 A. While we were in that room, we heard the soldiers screaming, and when we looked in the skies of  
24 Kanombe, there was a plane on fire.
- 25 Q. And what did you do?
- 26 A. At that time the company commanders called us to assembly and each soldier joined the unit he  
27 belonged to.
- 28 Q. Which unit did you join?
- 29 A. I went to Squadron A, to which I belonged.
- 30 Q. Who was at that assembly?
- 31 A. We assembled in front of the store and our squadron commander, that is, Captain Sagahutu,  
32 opened the store and we took our individual weapons.
- 33 Q. During the assembly, did anyone speak or address you?
- 34 A. Are you referring to that time when we took our weapons?
- 35 Q. Yes.
- 36 A. After we took our individual weapons, we went to the parking lot.
- 37 Q. I was asking you whether, during the assembly, somebody took the floor, somebody addressed



- 1       you.
- 2 A.     Yes, somebody addressed us.
- 3 Q.     Who was in person?
- 4 A.     It was our commanding officer; that is Captain Sagahutu.
- 5 Q.     *(No interpretation)*
- 6 A.     He told us to be in a state of alert while waiting for further instructions.
- 7 Q.     Witness, when did you hear about the death of President Habyarimana?
- 8 A.     We heard about his death between 3:00 and 4:00 a.m. That is when we heard that it was his  
9       plane which was on fire and that he was dead.
- 10 Q.    Who told you about his death?
- 11 A.    It was our commanding officer, Captain Sagahutu, who came to tell us that he had just heard that  
12       the plane on fire was President Habyarimana's plane.
- 13 Q.    Witness, at that time did you know where Major Nzuwonemeye was?
- 14 A.    He was also there.
- 15 Q.    "There," meaning where?
- 16 A.    He was there on the parking lot, but, more specifically, in his office.
- 17 Q.    And the commander of Squadron B, where was he?
- 18 A.    The commander of Squadron B, I'm not too sure of his location. I know the armoured vehicles he  
19       was in charge of were at Kiyovu. I also know that, subsequently, six armoured vehicles arrived in  
20       the camp. I believe that these armoured vehicles came from Kiyovu and those armoured vehicles  
21       were for Squadron B. I don't know if he was in the camp or whether he was in Kiyovu, where his  
22       squadron was based.
- 23 Q.    You said his squadron was based in Kiyovu. Exactly where?
- 24 A.    This was the residence of President Habyarimana. That's where the president lived.
- 25 Q.    What is the distance? Approximately what is the distance between Camp Kigali and the residence  
26       of President Habyarimana in Kiyovu?
- 27 A.    It is not that easy for me to estimate, but I might say that there's a distance of 800 metres between  
28       the two places.
- 29 Q.    The Squadron B which was at the president's residence in Kiyovu, how many armoured vehicles  
30       did it have?
- 31 A.    It's not easy for me to give the exact number of these armoured vehicles. I can give an estimate of  
32       the number of armoured vehicles at Kiyovu, and if I should estimate, I would say there were  
33       about 13.
- 34 Q.    This squadron, did it have other weapons, apart from the armoured vehicles? Squadron B, we are  
35       referring to Squadron B.
- 36 A.    They also had small jeeps.
- 37 Q.    And do you know the number of these small jeeps?

1 A. I believe there were about four jeeps, about four jeeps.

2 Q. Witness, let's now move on to the third squadron, that is, Squadron C. Where was the  
3 commanding officer of Squadron C?

4 A. The commanding officer of Squadron C was at Gasiza.

5 MR. SEFON:

6 *(Microphone not activated)*

7 THE ENGLISH INTERPRETER:

8 Microphone for counsel, please. Microphone for counsel, please.

9 BY MR. SEFON:

10 Q. In which *commune* was Gasiza?

11 A. Gasiza is located in -- Gasiza is in Rambura.

12 MR. SEFON:

13 Once again, I would like to request the Kinyarwanda booth to spell Rambura.

14 THE KINYARWANDA INTERPRETER:

15 Rambura, R-A-M-B-U-R-A.

16 BY MR. SEFON:

17 Q. Witness, in which *préfecture* was Rambura?

18 A. In Gisenyi *préfecture*.

19 Q. Now, this squadron C which was located in Gasiza, how many -- or did it have armoured vehicles?  
20 Or how many armoured vehicles did it have?

21 A. If I should estimate, I would say that Squadron C had about 10 armoured vehicles and about five  
22 jeeps.

23 Q. Witness, at the beginning of your testimony, you said all the weapons of the battalion were in  
24 Camp Kigali. Now you say that some were in the residence of the president in Kiyovu and others  
25 in Gasiza. Would you know why these weapons, armoured vehicles, jeeps, were moved to Kiyovu  
26 and Gasiza?

27 A. At that time, following the signing of the Arusha Accords, some weapons were being hidden. They  
28 did not want the UNAMIR to know the quantity of weapons available. We therefore wanted to hide  
29 these weapons from the UNAMIR control.

30 Q. Witness, with regard to Squadron B, you said that Captain Dukuzumuremyi came with his  
31 squadron to Camp Kigali.

32 A. Yes, he did come during the night.

33 Q. And are you able to say exactly when during the night?

34 A. This is just an estimate because this happened a long time ago, but I do recall that in that night  
35 when the plane was on fire, he came immediately to the camp. And we know that the plane  
36 burned down around 20 hours, 2000 hours.

37 Q. And at what time did your assembly take place with Captain Sagahutu? I'm referring to the

1 assembly of your squadron.

2 A. We assembled soon after the plane was burnt down. We took our individual weapons. We  
3 listened to -- we took our individual weapons and we were waiting for instructions.

4 Q. And what did you do for the rest of the night, Witness?

5 A. During that night, four armoured vehicles were sent outside.

6 MR. SEFON:

7 Mr. President, I did not hear the end of the interpretation.

8 THE ENGLISH INTERPRETER:

9 In the course of that night, four armoured vehicles were deployed outside the camp.

10 BY MR. SEFON:

11 Q. Witness, who deployed these armoured vehicles outside the camp?

12 A. It was Captain Sagahutu who deployed them outside the camp.

13 Q. And this deployment, approximately when did it take place?

14 A. They were deployed between midnight, 12:30 a.m. and 1:00 a.m. That is, of course, just an  
15 estimate.

16 Q. Witness, what soldiers were assigned to this deployment of four armoured vehicles?

17 A. I remember the names of three of the drivers, but I do not remember the name of the fourth driver.

18 Q. Can you give us the names of these three drivers?

19 A. Corporal Ntegereje, Corporal Nabakujije, and Sergeant Karimunda.

20 MR. SEFON:

21 Mr. President, these names are at items 5, 10 and 13 of the spelling list.

22 *(Pages 14 to 18 by Karen L. Holm)*

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1 1030H

2 BY MR. SEFON:

3 Q. Who was commanding the soldiers who went with the four on the vehicles?

4 A. The soldiers were commanded by Warrant Officer Boniface Bizimungu.

5 Q. Witness, do you know how many soldiers were assigned to this mission?

6 A. Those who boarded the armoured vehicles were 12 in all. However, there is a detail I could not provide  
7 earlier and if you wish, I can give it now.

8 Q. Go ahead, Witness. What piece of information is this?

9 A. There was a platoon, an infantry platoon that had come to the parking lot that had come just before.  
10 They were 13, and they went with the armoured vehicle as well. They said they were going to protect  
11 them. I did not mention it earlier but I think it is important to mention it now.

12 Q. Where were you when Captain Sagahutu gave the order for these armoured vehicles to leave the  
13 camp?

14 A. We were at the assembly point, that is, at the parking lot where everybody was.

15 Q. Where were you in relation to Captain Sagahutu when he was issuing this order? How far were you  
16 from him?

17 A. We had all gathered and he was standing in front of us giving us instructions. There was no more than  
18 three metres separating me from him. And you would therefore understand that we were close to each  
19 other.

20 Q. Since you were standing close to Captain Sagahutu, do you know in which direction the armoured  
21 vehicle headed as they left the camp?

22 A. The armoured vehicles went to Kiyovu. To the president, President Habyarimana's residence -- BNR  
23 and the president's residence. That is where these armoured vehicles parked.

24 Q. Witness, what did you do the rest of the night?

25 A. Thereafter, the same night, the armoured vehicles that had remained in the camp, we were told to  
26 remain on standby in order to take instructions. So we stayed in our positions. Nothing particular  
27 happened.

28 Q. Now, on the 7th, Witness, 7th of April, where was Squadron C, commanded by Lieutenant Sebagandi?

29 A. During the night of the 6th to 7th, this squadron was still located in Gasiza. But early in the morning, at  
30 around 6:00, it was already -- it had already arrived in camp Kigali.

31 Q. And the morning of 7th April, did something happen, Witness?

32 A. Yes, something did happen.

33 Q. What happened?

34 A. The armoured vehicles that had left returned to come and see Captain Sagahutu in the morning.

35 Q. About what time did that happen?

36 A. It was around 5:30 or 6:00 a.m.

37 Q. Where was Captain Sagahutu?

- 1 A. He was at the parking lot where our offices were located.
- 2 Q. And where were you?
- 3 A. I was also there.
- 4 Q. What did you hear or observe?
- 5 A. Warrant Officer Boniface Bizimungu called him and told him that many UNAMIR members had arrived  
6 at the prime minister's residence, and that they were shooting there. And he indicated that they too  
7 were armed and had returned fire.
- 8 Q. Warrant Officer Bizimungu, where was he at that time?
- 9 A. Warrant Officer Bizimungu was at Kiyovu, outside the camp, that is, at the prime minister's residence.
- 10 Q. With what -- what means did he use to communicate with Captain Sagahutu?
- 11 A. They used radio sets that were installed in his armoured vehicle.
- 12 Q. What about Sagahutu, what equipment did he use to communicate?
- 13 A. There was a jeep that had been fitted with a P13 radio and this vehicle was parked in front of the office.  
14 And that is what we used to communicate.
- 15 Q. At that time, how far were you from Captain Sagahutu?
- 16 A. You mean very close to the jeep?
- 17 Q. I mean from Captain Sagahutu, what was the distance separating you from Captain Sagahutu?
- 18 A. I was, let us say, between two and three metres.
- 19 Q. Were there other people other than yourself when Captain Sagahutu was communicating?
- 20 A. There were many soldiers within the parking lot and we were all present.
- 21 Q. Which units did these soldiers belong to?
- 22 A. They were colleagues of mine within the squadron, as well as members of other companies, and we  
23 were all there.
- 24 Q. Witness, earlier on you said that Warrant Officer Bizimungu was at the prime minister's residence.  
25 Which prime minister are you referring to?
- 26 A. It is Agathe.
- 27 Q. Can you give the full name of Agathe?
- 28 A. The other name is Uwilingiyimana.
- 29 MR. SEFON:
- 30 Mr. President, this is item 20 on the spelling list of common names.
- 31 BY MR. SEFON:
- 32 Q. Witness, can you give an estimate of the distance between the prime minister's house, Prime Minister  
33 Agathe, that is, and camp Kigali?
- 34 A. Not more than 50 metres. The two places are close to one another.
- 35 Q. What about President Habyarimana's Kiyovu residence in relation to Prime Minister Agathe's residence,  
36 can you give us an estimate of that distance?
- 37 A. It is hard for me to estimate. It has been a long time since I went to that place, but I would say there

- 1 were -- there is about 30 to 40 metres perhaps.
- 2 Q. All right, Witness. Can you tell us what time this conversation between Captain Bizimungu -- I correct
- 3 myself -- between counsel -- between Captain Sagahutu and Warrant Officer Boniface?
- 4 A. You mean in the morning when they had the conversation? I did not quite understand.
- 5 Q. At what time did the conversation take place?
- 6 A. I said it was very early in the morning, around 6:00; 6:00.
- 7 Q. That day, was there further communication between Captain Sagahutu and Warrant Officer Boniface
- 8 Bizimungu?
- 9 A. Yes, they did speak again.
- 10 Q. And what time did this second conversation take place?
- 11 A. Between 9:00 and 10:00 a.m.
- 12 Q. Did another conversation follow?
- 13 A. Yes, another did take place.
- 14 Q. At what time?
- 15 A. It was around 1600 hours. There, I am estimating. Let us say between 1530 and 1600.
- 16 Q. During the second conversation, which you say took place between 9:00 and 9:30, do you know what
- 17 was said?
- 18 A. I know that Bizimungu called back and told him that they had found Agathe, and he requested
- 19 permission to bring her over. And the other replied, "Why do you want to bring her here? What do you
- 20 want to do?"
- 21 Q. What do you mean when you say "the other"?
- 22 A. Captain Sagahutu.
- 23 Q. And where were you at that moment?
- 24 A. I was at the parking lot where we were awaiting further instructions.
- 25 Q. How far were you from Sagahutu -- from Captain Sagahutu when that conversation took place?
- 26 A. Regarding the distance between us, I was not far. I was sitting opposite the offices, and the vehicle
- 27 was parked about three metres from the place where I was.
- 28 Q. What were you seated on?
- 29 A. There was a bench that we were in the habit of sitting on, and that was where I was seated.
- 30 Q. What device did Captain Sagahutu use to communicate this time?
- 31 A. He had a radio set in the armoured vehicle, and Sagahutu had a radio in the jeep that was stationed in
- 32 front of the office, and that is the device he used -- the radio he used.
- 33 Q. Witness, after you heard that conversation, what activities did you engage in the rest of the morning?
- 34 A. Nothing was done before noon. We remained within the camp. We did not do anything else.
- 35 Q. And you, personally, Witness, what did you do?
- 36 A. Between 12 and 13 hours, I went to resupply the people who were deployed outside the camp,
- 37 including Warrant Officer Boniface Bizimungu. I took food to them.

- 1 Q. When you were taking food to them, where were they?
- 2 A. I found them along the road, and they were standing about 20 metres away from Agathe's residence.
- 3 That is where I found them.
- 4 Q. You found how many people with Warrant Officer Bizimungu?
- 5 A. At that time he was with soldiers who had left with him. Some were sitting in the armoured vehicle,
- 6 others were seated on the ground, but many other soldiers were moving along that road, and I am not
- 7 in a position to give you the exact number.
- 8 Q. Can you tell us the units to which these other soldiers belonged?
- 9 A. I mentioned one platoon that left the camp, and there was also the GP unit. I don't know their name,
- 10 but if I were to estimate, I would say they were about 40 or 50; between 40 and 50.
- 11 Q. What does GP mean?
- 12 A. That is a unit that was responsible for close protection of President Habyarimana. It is the Presidential
- 13 Guard.
- 14 Q. Witness, when you came to the place where Warrant Officer Bizimungu and the other soldiers were,
- 15 what did you observe?
- 16 A. Upon my arrival, as I took -- brought the food for them to eat, I noticed they were drinking beer and that
- 17 they were sitting on top of their armoured vehicle. And Bizimungu asked me what I had brought for
- 18 them. I told him I had brought food and beer, and he said, "No, what we were looking for, we have
- 19 found." And he said to me I should go and look for a bitch that they were looking for in the area. So, I
- 20 headed to the prime minister's residence and I found four corpses on the ground, four bodies including
- 21 that of the prime minister.
- 22 Q. And the prime minister's body, where was it?
- 23 A. The body was lying in the verandah in the back of the courtyard, the rear courtyard. And another body
- 24 was lying on a bed in a bedroom, another body also lay in the rear courtyard; a third, very close to the
- 25 prime minister's body as well.
- 26 Q. Having seen all these bodies, Witness, take the prime minister's body, what did you notice about these
- 27 bodies or on these bodies?
- 28 A. I noticed that all these bodies were naked and that they had been shot.
- 29 Q. These shots, where were they on their body?
- 30 A. Around the mouth area, the abdomen, and on one leg.
- 31 Q. You said you found a second body in one of the bedrooms. What did you notice on this second body?
- 32 A. The body in the bedroom was covered, but had a bullet that had gone into the head.
- 33 Q. You say it was covered. How did you know that a gun -- a bullet had perforated the head?
- 34 A. The body was not completely covered. It was covered but the head was visible, and the blood that had
- 35 flowed onto the bed.
- 36 Q. Did you recognise the person whose body laid there?
- 37 A. The soldiers who were present, in answer to my question, said that it was the body of the prime

1 minister's husband.

2 Q. What was the unit of the soldiers who told you that?

3 A. There were many soldiers at that place. I did recognise one, namely, Corporal Nabakujije. I spoke to  
4 him. However, the other soldiers were so many that I could not know their names.

5 MR. SEFON:

6 The name Nabakujije is item number 9 on the list.

7 BY MR. SEFON:

8 Q. Witness, now let us move on to the third body that you saw. Can you tell the Court once again where  
9 you saw this third body?

10 A. The third body fell further on in the backyard. He was wearing a suit. It was a person who was bald  
11 and whom I was not able to identify.

12 Q. What did you observe on his body?

13 A. He was also shot in the head.

14 Q. With what, according to you?

15 A. In any event, it was a firearm. It was clear that the body had received bullets.

16 Q. Now, on to the last body that you saw. Where did you see it again?

17 A. The last body was further back in the backyard, but I did not get close to it to see which part of the body  
18 had the bullet wound. I did not pay particular attention to that body.

19 Q. Were you able, all the same, to identify it?

20 A. Those who were there told me that he was a domestic servant in the house.

21 Q. Who told you that it was the body of a domestic servant in the house?

22 A. The soldiers who were present told me this. I asked them questions, but it is difficulty for me to say  
23 who said who (*sic*). There were various soldiers within the unit and I'm not able to say exactly who said  
24 what. The only person I was able to identify is the one I mentioned to you and who is called Nabakujije,  
25 otherwise, there were several other soldiers.

26 MR. SEFON:

27 Mr. President, by your leave, can we take the break now?

28 THE ENGLISH INTERPRETER:

29 Microphone for Your Honour, please.

30 MR. PRESIDENT:

31 Court is adjourned for 10 minutes.

32 (*Court recessed from 1105H to 1126H*)

33 MR. PRESIDENT:

34 Yes, Counsel, you may proceed.

35 MR. SEFON:

36 Thank you, Mr. President:

37



1 BY MR. SEFON:

2 Q. Witness, before the break you did say that you were in the residence of the prime minister where you  
3 saw four bodies. My next question is as follows: How long did you remain in the prime minister's  
4 residence?

5 A. I remained in the prime minister's residence for about five minutes.

6 Q. And what did you do subsequently?

7 A. Subsequently, I took the supplies that I brought to the soldiers in the prime minister's residence, put  
8 them in a vehicle, and took them to camp Kigali.

9 Q. And are you able to say at what time you returned to camp Kigali?

10 A. I took the supplies to them between 12:30 and 1300 hours, and I went back to the camp around 13:30.

11 Q. And when you went back to the camp, did you leave the camp again?

12 A. Yes, I went out of the camp.

13 Q. Where did you go?

14 A. I went out around 1630 hours, once again to take provisions to the soldiers who were in the  
15 prime minister's residence.

16 Q. Which soldiers are you referring to?

17 A. The same soldiers whose armoured vehicles were parked at that place. They were still there.

18 Q. Who was the commanding officer of those soldiers?

19 A. It was W.O. Boniface Bizimungu.

20 Q. And when you got to that place what did you see?

21 A. When I got to that place, I saw UNAMIR troops.

22 Q. And where did you see Bizimungu and the other soldiers?

23 A. Bizimungu and the other soldiers were between the road that goes down to the Kiyovu neighbourhood,  
24 and the one that goes to the prime minister's residence. And the UNAMIR troops were on the road  
25 leading to the Rwandan National Bank.

26 Q. And what was Bizimungu and the other soldiers doing at that time?

27 A. Bizimungu and the other soldiers were attempting to prevent the UNAMIR troops from getting into the  
28 prime minister's residence. The UNAMIR troops had armoured cars.

29 Q. And what happened?

30 A. At that time, Warrant Officer Bizimungu called Captain Sagahutu and told him that the UNAMIR troops  
31 wanted to go to the prime minister's residence where there were bodies, and he wanted to know  
32 whether the bodies had to be removed. Captain Sagahutu told him to load the bodies on to a vehicle  
33 and take them to Kanombe.

34 Q. During this conversation, at what distance were you from Warrant Officer Bizimungu?

35 A. I was next to his armoured vehicle, next to W.O. Bizimungu.

36 Q. Are you able to estimate the distance for the Chamber?

37 A. Not even one step. I would say zero metres.

- 1 Q. And with what equipment was W.O. Bizimungu communicating?
- 2 A. He was using a radio which was installed in his armoured vehicle.
- 3 Q. Following that conversation, what took place?
- 4 A. After that conversation, I did not execute the order to carry the bodies to Kanombe, and I went back to  
5 the camp, and I told the captain that I could not do that job.
- 6 Q. Who gave you that order?
- 7 A. The WO gave me this order and I refused, and I went back to the camp. Now, when I got back to the  
8 camp, the captain asked me to go and load these bodies in my vehicle and take them to Kanombe  
9 hospital.
- 10 Q. Which warrant officer is this that you are referring to?
- 11 A. Warrant Officer Boniface Bizimungu.
- 12 Q. And did you execute the order given to you by Captain Sagahutu to ferry the bodies?
- 13 A. Yes, I carried out the orders.
- 14 Q. At what time did you go to -- did you go for these bodies?
- 15 A. This was around 1630 hours.
- 16 Q. And this conversation between Captain Sagahutu and WO Bizimungu, at what time did it take place?
- 17 A. The conversation took place around 16 hours, and this is just an estimate.
- 18 Q. When you came back to load these bodies, where did you find them?
- 19 A. I saw these bodies where I saw them previously.
- 20 Q. Who was present at that place?
- 21 A. There were soldiers, soldiers who were moving around within the premises, and there were others who  
22 were on the road.
- 23 Q. So which unit did these soldiers belong?
- 24 A. The soldiers present, well, at least those I was able to identify -- I was able to identify, belonged to the  
25 Presidential Guard. There was a large number of soldiers, and I was not able to identify some of them  
26 but those I was able to identify belonged to the Presidential Guard.
- 27 Q. And where was W.O. Bizimungu at the time?
- 28 A. W.O. Bizimungu was on the road facing the UNAMIR troops who wanted to enter the prime minister's  
29 residence.
- 30 Q. How did you load these bodies?
- 31 A. I found soldiers at the place and they loaded the bodies into my vehicle, then I went to Kanombe with  
32 about seven soldiers who climbed aboard my vehicle, and we went to Kanombe where we off-loaded  
33 the bodies.
- 34 Q. The soldiers who loaded the bodies, to which unit did they belong?
- 35 A. I did not know their unit. I was only able to identify one soldier. They helped me move the body and we  
36 went to our designation, and from there, split off -- headed in separate directions.
- 37 Q. What is the name of the soldier you were able to identify?

1 A. Ndagijimana.

2 MR. SEFON:

3 The name Ndagijimana is number ten on the list of common names

4 BY MR. SEFON:

5 Q. How many soldiers accompanied you?

6 A. Look, it was a vehicle that did not have a large capacity. If I were to estimate, there were about seven  
7 of them.

8 Q. To which unit did they belong?

9 A. I do not know the units they belonged to. I came back with the soldiers and made them -- they alighted  
10 at the place from which we had left.

11 Q. Witness, can you tell us what route you used to go to Kanombe?

12 A. I used the road that goes down to Kiyovu; I went on to Gikondo, Kicukiro, Remera and Kanombe.

13 MR. SEFON:

14 Kiyovu is 52 on the list; Kanombe is 49. Could the Kinyarwanda booth assist with the spelling of  
15 Gikondo?

16 THE KINYARWANDA INTERPRETER:

17 Gikondo is spelt, G-I-K-O-N-D-O; Kicukiro, K-I-C-U-K-I-R-O.

18 BY MR. SEFON:

19 Q. Kanombe is located in which town, Witness?

20 A. I think Kanombe is in Kigali-Ngali or rural Kigali. I do not think it is within the city of Kigali.

21 Q. When you got to Kanombe, what did you do?

22 A. When we got to Kanombe, we met Warrant Officer Ntahomvukiye, who was a medical assistant. I told  
23 him I was bringing the bodies to him. He told me to place them in the morgue and said he would report  
24 it to the doctor who was not there at that time. Once we placed the bodies in the morgue, I left and  
25 went on my way with my car.

26 MR. SEFON:

27 Ntahomvukiye is number 12, Ntahomvukiye.

28 BY MR. SEFON:

29 Q. What about the soldiers who were escorting you, where did they go after you dropped the bodies off;  
30 where did they go?

31 A. I took them back to the place where I had picked them from. So I made them alight at the place where  
32 the armoured vehicles were stationed and I headed back to the camp, though the Ndagijimana I  
33 mentioned remained with me because he had come along at the time when I had taken the provisions  
34 to the soldiers based at the prime minister's residence.

35 Q. Witness, we are now going to deal with the 8th of April 1994. On that day, did something particular  
36 happen within your battalion?

37 A. Yes, a particular event did take place on that day.

1 Q. What event is that?

2 A. Two armoured vehicles were sent to Nyamirambo, and it was said that there were *Inkotanyi* in that  
3 place, which is why those armoured vehicles were deployed there.

4 Q. Who gave the order for the vehicles to be deployed in Nyamirambo?

5 A. The armoured vehicle was sent by Captain Sagahutu and they belonged to the squadron.

6 MR. SEFON:

7 Nyamirambo is 60, six-zero, on the names of groups and places.

8 BY MR. SEFON:

9 Q. Witness, how did you know that it was Captain Sagahutu who had ordered the vehicles to go to  
10 Nyamirambo?

11 A. When Captain Sagahutu gave instructions for the armoured vehicles to be sent out, we were all present  
12 at the parking lot, and we were also present as the armoured vehicles were deployed. We were all  
13 there when the vehicles left, which is why we were there in the first place, so we could hear the orders  
14 being issued.

15 Q. What was the distance between yourself and Captain Sagahutu as he gave those orders?

16 A. Less than four metres. We were all in that place where Captain Sagahutu was too.

17 Q. How many armoured vehicles left on that mission?

18 A. Two armoured vehicles were deployed.

19 Q. Did you know the soldiers who took part in that mission?

20 A. I only know the drivers of those vehicles. And it has been so long, there is no way I can remember the  
21 names of the soldiers other than the drivers who took part in the mission.

22 Q. Can you give the names of the drivers?

23 A. There was Corporal Ntegereje and Corporal Kamurase.

24 MR. SEFON:

25 Ntegereje is 13 on the list, and Kamurase is number 4.

26 BY MR. SEFON:

27 Q. What exactly was the mission that these soldiers were to undertake?

28 A. They said there were *Inkotanyi* in the Baobab bar and these soldiers were entrusted with the mission of  
29 going to fire on these *Inkotanyi*.

30 Q. Do you know whether there were *Inkotanyi* in the bar?

31 A. I did not personally go to the Baobab Hotel, but those who did go there said there was a warrant officer  
32 who was an *Inkotanyi*. All I know is that they did shoot at that bar.

33 Q. Witness, we will now move on to another matter. Witness, can you -- would you recognise  
34 Major Nzuwonemeye if you saw him today?

35 A. Yes, I can recognise him.

36 Q. Can you tell this Court if Major Nzuwonemeye is in this room?

37 A. Yes, he is in this room.

1 Q. Can you point him out?

2 A. I can do that.

3 Q. How is he dressed?

4 A. He is wearing a black suit.

5 Q. What about Captain Sagahutu, are you also in a position to recognise him today?

6 A. Yes, I can.

7 Q. Can you tell the Court if he is present?

8 A. Yes, he is.

9 Q. Can you point him out to us?

10 A. He is at the far end and he is spotting a big beard.

11 MR. SEFON:

12 Mr. President, I would like you to take note of what the witness has acknowledged in session, that he  
13 has recognised the two Accused.

14 MR. PRESIDENT:

15 Yes, at this point the witness points out -- the witness recognises the two Accused in this case, namely,  
16 Nzuwonemeye and Captain Sagahutu.

17 MR. SEFON:

18 The captain.

19 MR. PRESIDENT:

20 Major Nzuwonemeye, Captain Sagahutu.

21 MR. SEFON:

22 I have finished, Mr. President. Thank you.

23 MR. BLACK:

24 Mr. President, I'd like to ask a kind of question. Why was the line of questioning about the events of the  
25 8th brought up? I'm not sure what relevance it has to the charges. Is the -- are they relying on the  
26 events of the 8th as some sort of criminal act? Otherwise, why are they bringing that up?

27 MR. SEFON:

28 The witness said he was a member of the Recce Battalion and that to be specific, he was a member of  
29 Squadron A. So that if he was a member of these two units, his superiors would be aware of that, and  
30 if that is so, it is only right for him to tell us today.

31 MR. BLACK:

32 My friend has not answered my question. The question is why were the events of April 8th brought up?  
33 A unit being sent out to kill enemy soldiers or attack enemy soldiers, so what? Are they relying on that  
34 as a criminal act? In other words, why are they raising that -- that particular day?

35 MR. PRESIDENT:

36 Mr. Black, why are you raising it if it is in your favour?

37

1 MR. BLACK:

2 Well, I want to know whether we have to address it or not. Are they relying on that as a charge or --

3 MR. PRESIDENT:

4 No, if it is not in the charge then --

5 MR. BLACK:

6 Well, why did they raise it? Why not raise the 10th, the 20th or the 6th of June? Why bother?

7 MR. PRESIDENT:

8 Who is going to start?

9

10 Mr. Segatwa, it's your turn now.

11 MR. SEGATWA:

12 Yes, Mr. President, with your permission, I would like you to grant me little time to confer with my client  
13 and with the Defence team, given that I had prepared my cross-examination based on previous  
14 statements, but I have noticed that actually there are issues that were not dealt with by the Prosecutor  
15 and other points that he did deal with, so that I would like to first of all confer with my client in order to  
16 do my cross-examination. I am therefore respectfully asking that I may be allowed to begin  
17 cross-examination this afternoon. Thank you.

18 MR. PRESIDENT:

19 Yes, Court is adjourned till 2:00. We can have lunch and come.

20 *(Court recessed at 1156H)*

21 *(Pages 19 to 29 by Gifty C. Harding)*

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1 (Court resumed at 1410H)

2 MR. PRESIDENT:

3 Yes, Mr. Segatwa, you can start your cross-examination.

4 MR. SEGATWA:

5 Thank you, Mr. President.

6

7 I cannot see the witness, Mr. President.

8 MR. PRESIDENT:

9 That is because you are short.

10 MR. SEGATWA:

11 Thank you, Mr. President.

12

CROSS-EXAMINATION

13 BY MR. SEGATWA:

14 Q. Good afternoon, Witness.

15 A. Good afternoon, Counsel.

16 Q. Witness, this morning, you told the Court that you knew Captain Innocent Sagahutu. Is that true?

17 A. Yes, I know him.

18 Q. Since when have you known him?

19 A. Since 1987 when I joined the Squadron.

20 Q. Squadron A, that you joined, was it made up of troops from all ethnic groups; that is, Hutus and Tutsi?

21 A. Yes.

22 Q. And during the time that you knew him, did you observe that he had -- he treated troops of his  
23 Squadron differently?

24 A. No, I have never -- I never observed any kind of difference in treatment to the troops.

25 Q. Thank you, Witness. I also think that you have been with him on the warfronts?

26 A. I am not too sure.

27 Q. But have you been with him on the warfronts?

28 A. Yes, I was on the warfronts with him.

29 Q. And according to you -- well, would you say that Captain Sagahutu is a courageous leader?

30 A. Can you clearly explain what you mean, Counsel.

31 Q. I am asking, Witness, if you did not observe great courage in Captain Sagahutu at the warfront?

32 A. Yes, in terms of courage, yes, he was a very courageous man on the warfront.

33 Q. Thank you, Witness.

34

35 Now, Witness, you did say that you listened to a radio conversation between W. O. Boniface Bizimungu  
36 and Captain Sagahutu. Do you confirm that?

37 A. Yes, I do.

1 Q. The language -- the language used during that conversation, is it the normal language that is used in  
2 radio communication?

3 A. When a soldier wanted to talk to another one they would call each other on radio, and then  
4 communicate on radio; that is how you operate when you are a soldier.

5 Q. The one who called -- the one who calls, does he introduce himself or you identify him by his voice?

6 A. At that time there were codes. The speaker would not give his name. He would rather identify himself  
7 by his code. And when he speaks to you he would refer to you by your code.

8 Q. Do you know the code, the codes of all radios in store in all --?

9 MR. SEFON:

10 *(No translation)*

11 BY MR. SEGATWA:

12 Q. Sorry, did you know the codes of the drivers who were driving all vehicles of Squadron A?

13 A. As an example, people would be called 1-5, 1-6, and we knew who that referred to without the name of  
14 the person being mentioned.

15 Q. Witness, did you receive training in radio operation for you to know the codes of these persons that you  
16 are referring to us, 1-5 and so on?

17 A. All soldiers of the Squadron have had that kind of training because most of the soldiers of the Squadron  
18 should know how to handle radios because most of the time we drove vehicles with radio installations.  
19 So you cannot drive a vehicle without knowing how to handle the radio which is installed in that vehicle.

20 Q. Thank you, Witness, for your clarification. Let us move on to something else. Witness, you said that  
21 you knew the composition of the Recce battalion, please tell the Court again the Squadrons and  
22 companies that made up the Recce battalion?

23 A. Yes, I told you that the Recce Battalion is made up of Squadron A, B and C. There's one that I forgot. I  
24 don't know if you will give me the opportunity to mention it.

25 Q. *(No, interpretation)*

26 A. There was another Squadron which was called; chief of -- the general staff and services.

27 Q. Did you not also forget another Squadron or company which was part of the Recce Battalion?

28 A. No, I believe I have given everything.

29 Q. Did the Recce Battalion not include a company of infantry?

30 A. No, we had these troops whenever there's new recruitment, but once they finished their training they  
31 would leave. They were not part of our battalion. That company only existed when people were  
32 brought in for training, and whenever they finished their training they would go back. They would no  
33 longer be part of that company.

34 Q. Witness, when these recruits were part of the battalion were they not under the command structure?  
35 Were they not answerable to that company?

36 A. I have told you that it is not a permanent company. Whenever those troops came they were -- they  
37 were made -- they were part of the support platoon, and when the Squadron had an assembly they



1 would go with them. So they did not have a separate command structure.

2 Q. Witness, my question is; what was the situation in April 1994? What was the situation of this company  
3 which was referred to as infantry? Did it exist or did it not exist? I am referring to 6th April, more  
4 specifically.

5 A. Let me give you this explanation. There was a time a company was sent to a Squadron but for a brief  
6 period. Whenever it was necessary they would go on a field for support -- to support other troops. So  
7 they came to reinforce other troops as reservists. They had their own lieutenant who was in charge of  
8 that group. They did not even -- this lieutenant did not even have a room. He used to sleep in the  
9 parking lot.

10 Q. Do you recall the name of this lieutenant who was in charge of that company?

11 A. I have explained to you that he used to come and spend a very brief period. It's therefore not possible  
12 for me to know his name. I did not live with those people. They would come for a brief period and then  
13 go and come back later on. So, I did not live with them for a long time to be able to know the name of  
14 their commanding officer.

15 Q. Do you agree with me that nonetheless they had a commanding officer?

16 A. Yes, when they came they had a lieutenant who was in charge but I don't know the name of this  
17 lieutenant. And this lieutenant did not have a room. He used to live in the parking lot. I therefore  
18 cannot remember the name of that company commander. I only know the names of people that I lived  
19 with for a long time.

20 Q. Witness, you lived -- or you were in Squadron A for fairly a long time. Are you able to mention the  
21 names of the drivers of Squadron A, who were driving the commanding officer Innocent Sagahutu?

22 MR. SEFON:

23 Objection, Mr. President. The question is still very vague. He entered the battalion in '87 up until 1994.

24 It's possible that there were several drivers. So, can counsel specify the question he is referring to?

25 MR. SEGATWA:

26 Thank you, once again, Prosecutor. I am going to be very precise, very specific.

27 BY MR. SEGATWA:

28 Q. Do you know the drivers of Captain Innocent Sagahutu between -- on the dates of 6th, 7th, 8th April  
29 1994? I mean since the crash of the presidential plane.

30 A. He was driven by Corporal Nzeyimana at that time; Nzeyimana. But sometimes when he wanted to go  
31 out there was also what was referred to -- those who were referred to as messengers, and it is possible  
32 that he is driven by one of these messengers.

33 Q. Witness, you said a while ago that you knew the code of the armoured vehicle drivers and members of  
34 Squadron A?

35 A. I think you misunderstood me, Counsel. That is not what I said.

36 Q. Can you then repeat what you said so that the Court can understand you?

37 A. You did not ask me about the code of drivers. You spoke to me about the conversation between

1 Bizimungu and Captain Sagahutu; that is what you spoke about. Because not all drivers had code.

2 We spoke about these officers. We did not speak about the code of drivers.

3 Q. Are you able to tell us the code of W.O.? Bizimungu?

4 A. I think -- do you expect me to remember the code he had after ten years? It was not a permanent  
5 name -- it was a code that was referred to him for a certain period. So you cannot -- it's not possible to  
6 remember this code that was assigned to him for a short period.

7 Q. Witness, I understand, this was 11 years ago and you might have forgotten. And you have also  
8 forgotten the code; Captain Sagahutu's code which he had on the dates 6th, 7th, 8th April 1994.

9 A. No, I think you are making things difficult for me. I told you that this code was assigned to him  
10 temporarily. I know he was a commanding officer of Squadron A. So don't ask me questions about his  
11 code. I don't know his code. It was not a permanent name that he had.

12 Q. Thank you, Witness, but I can assure you that it is not my intention to make things difficult for you. I just  
13 wanted to know if based on your memory, you could recall. But I do agree with you that with time you  
14 may have forgotten. So don't hold it against me. It's not intended to make things difficult for you. I just  
15 want to know the truth.

16  
17 Now, Witness, let's move on to something else. You did say, Witness, that there were armoured  
18 vehicles which were hidden at Gasiza. I think this was at Gisenyi in Rambura *commune*. Are you able  
19 to say approximately during which period these armoured vehicles were deployed in that area?

20 A. These armoured vehicles were deployed in Gasiza, and they used to take turns. Those that were  
21 deployed in Gasiza would come back and other armoured vehicles were deployed in their place. I  
22 recall that it was -- this was a few days after I had returned from Gasiza. But I was telling you that since  
23 or following the signing of the Arusha Accords when UNAMIR started checking armament; that was the  
24 period that the armoured vehicles were being deployed in that manner.

25 Q. To your knowledge when did the first deployments take place in Gisenyi *secteur*? I want to know the  
26 dates of the first deployment, that is if you know.

27 A. All I know is that armoured vehicles were hidden in Gisenyi. As to the exact date of the first deployment  
28 that I do not know. If I were in a position to give these, I would. All I know is that these were deployed  
29 in three stages, I think. As for the exact date, I do not think I am in a position to remember it. All I can  
30 say is that the armoured vehicles were deployed in that *secteur*. If you doubt me you can ask other  
31 colleagues who may confirm what I am saying.

32 Q. Witness, can I put it to you that these armoured vehicles were deployed on the occasion of the war  
33 against the RPF? What would you say to that?

34 A. I did not quite understand your question, Counsel. Kindly repeat and clarify your question.

35 Q. I will make it clearer.

36  
37 Were you aware that these armoured vehicles were deployed in Gisenyi *secteur* in order to fight the

1 RPF?

2 A. Yes, at one point the armoured vehicles were deployed into Ruhengeri *secteur*. But with regard to  
3 Gisenyi *secteur* those armoured vehicles were never deployed there for the fighting. It is true that the  
4 armoured vehicles were deployed in Ruhengeri, but they were never deployed in Gisenyi unless you  
5 mean that they operated in that *secteur* when we were carrying out our searches because we did go all  
6 over the area. That is one of the places we operated in.

7 Q. Thank you, Witness, we will now move on to something else.

8 MR. KIYEYEU:

9 Normally, I have heard all along -- we have heard all along that when there are uncommon names,  
10 reference is made to the numbers that there are names. In this case I have not heard with regard to  
11 Rambura and Gasiza. I hope if they are not in any list they should be spelt out for the record.

12

13 Thank you, My Lord.

14 MR. PRESIDENT:

15 Yes, Mr. Segatwa, if you come across a name which is not here earlier, please try to give the spellings.

16 MR. SEGATWA:

17 Thank you, Mr. President. I apologise to the registry and the Court Reporters. I will provide the spelling  
18 for the word Rambura. It is spelt; R-A-M-B-U-R-A. Gisenyi is spelt; G-I-S-E-N-Y-I.

19 MR. KIYEYEU:

20 There was another one, Gasiza.

21 MR. SEGATWA:

22 Gasiza is spelt; G-A-S-I-Z-A, No. 38 on the list. I will endeavour to spell any new names that may  
23 appear, although I do not seem to have in my possession the list that the Prosecutor gave us.

24

25 May I proceed, Mr. President?

26 MR. SEFON:

27 Would you like a copy of the list?

28 BY MR. SEGATWA:

29 Q. Witness, I would like to know if you drove Captain Innocent Sagahutu either on the 6th, 7th, or 8th?

30 A. I did not drive him.

31 Q. Can you recall which driver served Captain Sagahutu, the day of the 7th April 1994?

32 A. I said his driver's name was Corporal Nzeyimana.

33 Q. Can you confirm if it was just Nzeyimana who drove him during the day on the 7th?

34 MR. SEGATWA:

35 Nzeyimana is spelt; N-Z-E-Y-I-M-A-N-A.

36 THE WITNESS:

37 Such a question would be hard to answer for anybody. I cannot confirm if that was the only person who

drove him around. It was not my responsibility to know which drivers were acting for him. I told you he had a driver this driver, was Nzeyimana, and he was able to use any driver he wanted to use in the absence of his driver. Even I could have driven him. So, that I cannot give you the names of the drivers who took it in turns to carry out this duty, otherwise it was his own driver who ferried him around in the field of action.

Q. Witness, you stated or rather reported radio conversations or communication between Captain Sagahutu and W.O. Boniface Bizimungu. You did this twice, I believe. Can you tell us how many hours you spent with Captain Sagahutu, the morning of the 7th of April 1994?

A. I told you we were all assembled at the parking lot. He and I were both constantly at the parking lot. So, I could say we spent the whole day together although I cannot give you the hours.

Q. Yes, Witness, can you confirm for us that Captain Innocent Sagahutu remained in Camp Kigali for the whole of April 1994?

A. All I know is that we were together at the parking lot. I do not know if he took the vehicle to go to the headquarters or elsewhere. I was not responsible for monitoring his movements. I cannot tell you if when it got dark whether he left or spent the whole day there. I have given you explanations, perhaps he went home to take a meal.

Q. But, Witness, I would like you to help us by being specific. Was Captain Sagahutu in the camp between 8:00 and 9:00 a.m, thereabout?

A. It is not easy for me to answer questions on time frames. If I had been wearing a watch perhaps. However, I did not have a wrist watch and, therefore, it would be difficult for me to answer such a question, even for yourself if I was asking you questions today about something that happened a day earlier, it would be difficult, and I think these questions are not justified. I was not tasked with noting down timings.

Q. But Witness, the problem we face is that you mentioned exact times, and indeed we want to know whether the times you mentioned, Captain Sagahutu, whether he was in the camp indeed.

A. You have asked me questions regarding the number of times he spoke to Captain Sagahutu, but to ask me if he spent all his time on the premises; it was not my task to monitor him. I was not there to monitor his movements, his coming in and going out. And I see you are making matters difficult for me, for no reason at all. I am not in a position to give you details on that subject.

Q. Witness, you do not know the times or hours Captain Sagahutu spent in the camp, but can you at least remember when he was not in the camp whether he would take the jeep which was fitted with a radio?

A. He was entitled to move about in the jeep because it was his. I was not there to count the number of times he went in that jeep or to determine when he would move.

Q. Can we therefore conclude that with the passing of time and your memory failing you, you are not sure of the times you heard conversations between Boniface Bizimungu and Captain Sagahutu, is that it?

A. You asked me the times, the number of times they spoke. There I gave estimates with regard to the time. But now when you ask me when he went out and how long he went out throughout the day, that

would be difficulty; in my place, even you would not be able to answer such a question with this.

Q. Witness, as far as you are concerned, did you remain in the camp the whole day with the exception of the time that you went to feed the troops that were outside the camp?

A. I stayed in the camp compound except for the time that I went to feed the troops who were outside the premises.

Q. Witness, as you set out to go on the mission of feeding those people, did you go in a convoy or did you venture out alone?

A. I told you that when I went on the resupply mission I went with private Ndagijimana. He escorted me.

Q. Thank you, Witness, we will now move on to another matter. Witness, you made a statement to investigators of the International Criminal Tribunal in 1998; is that true?

A. I think you are right.

Q. Where did the meeting take place?

A. We met at Kibungo, at the bursary.

MR. SEGATWA:

Kibungo is spelt; K-I-B-U-N-G-O.

BY MR. SEGATWA:

Q. Witness, Kibungo is quite far from Kigali. Did they not tell you how they had found you?

A. They did not tell me how they had found me. They found me at my home. I do not know how they came to find me. I just saw them arrive but they did explain why they had come to see me, just as you could come to my place without previously knowing where it is.

Q. Can you tell us the reasons they gave; that's their purpose for coming to see you? Why did they say they had come?

A. They found me at my house. In fact, I was sick at the time. And could not go very far. They said they needed me. I did not know why they needed to see me. So at first, I refused. However, later I saw there were even white people in the group and I ended up accepting, agreeing to go to Kibungo to Saint Joseph, where they put questions to me. I told them I had no answers to their questions, and they said that I knew how I could answer the questions they were putting to me. So they put questions to me. I answered some and did not answer other questions, and that is how they came to see me.

Q. Witness, you referred to the death of Agathe, and you said that W.O. Boniface Bizimungu sent the first message. Can you recall the first message sent by W.O. Boniface Bizimungu with regard to Agathe and at what time you got this message?

A. With regard to this message, I got it in the morning, around 6:00. It was early in the morning.

Q. And do you recall the very words used during that message?

A. I told you that that morning I heard the following. He asked the question -- he put the question as follows: "UNAMIR troops are already in great number at Agathe's residence. They are going to shoot at us." And he replied that they also had weapons, and that they should shoot back in case they were attacked.

1 Q. Witness, that was the first message. And you also received the second message. And, once again can  
2 you tell the Court the very words which were used? And I want you to take it slowly, Witness, because  
3 it's a very important issue. Can I give you a piece of paper? So, you can write down in Kinyarwanda  
4 because I suppose you received this message in Kinyarwanda. So you can write down the exact words  
5 that were used during the second message?  
6

7 Well, can the registry assist?

8 MR. SEFON:

9 Objection, Mr. President. I don't see the relevance of the witness writing something in Kinyarwanda  
10 which will be translated into French or English. My colleague can put the question and the interpreters  
11 will translate for all of us. I really do not see the need for him to write before the translation is done.

12 MR. SEGATWA:

13 Mr. President, if I can answer.

14 MR. BÂ:

15 I will add one thing. There's a preliminary question that has to be put to him. Does he recall the exact  
16 words or does he remember -- does he recall the substance of the message. This question has to be  
17 put before you move on to the next. You take it for granted that he remembers. Ask him if he  
18 remembers the exact same words that were used or whether he remembers just the substance?

19 MR. PRESIDENT:

20 Yes, Mr. Segatwa.

21 MR. SEGATWA:

22 Mr. President, can the interpreters not interpret this to the witness.  
23

24 Prosecutor, it is just that in the statement and testimony is put in quotes. The words translated in  
25 French, we do not know if the French translation faithfully reflects what was said in Kinyarwanda. If  
26 I am putting this question to him, I am putting this question to him, and if the Kinyarwanda booth would  
27 translate this, we cannot discuss the exact contents of -- or the exact interpretation of the tense that I  
28 used. It is if -- if I am saying this it is just because the words that were used were put in quotes. And I  
29 just want to know if these words can be translated just as the Prosecutor has done.

30 MR. BÂ:

31 A literal, brief comment, Mr. President. I think this is the time for this issue to be clarified. This  
32 statement was given to all of us not in our presence. We were not there; the Judges were not there,  
33 you were not there. This is the time to put the question to him whether he remembers the exact same  
34 words that were used or whether it is just a content of something he heard.

35 MR. SEGATWA:

36 We want him to tell us the exact words just as he did for the first conversation. We want him to give us  
37 the exact same words that were used during the second conversation. And for us, this is very important

1 that these words be in Kinyarwanda, written in his hand, and that this be entered into evidence, to  
2 demonstrate that the translation that was done was a translation which, in Latin, as we say  
3 *traduttori-traditori*, to know whether the Prosecutor's translation is faithful to the original that was said.  
4 And for purposes of the discussion, we want him to be able to put this in writing and then later on we  
5 can revisit this, possibly in our final submissions?

6 *(Pages 30 to 38 by Judith Kapatamoyo)*  
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1 1500H

2 MR. PRESIDENT:

3 Ask the witness if he can remember what transpired, and if he says yes, you can ask him what he  
4 remembers.

5 MR. SEGATWA:

6 Thank you, Mr. President.

7 BY MR. SEGATWA:

8 Q. Witness, do you recall the exact words that were used in Kinyarwanda by WO Boniface Bizimungu  
9 during the second conversation?

10 A. Yes, I do.

11 Q. Witness, are you able to write?

12 MR. SEFON:

13 Objection, Mr. President, he's not here for a written statement but to give testimony.

14 MR. PRESIDENT:

15 You asked him what he remembers. He said that he can't remember.

16 MR. SEGATWA:

17 By your leave, Mr. President, I would like him to put in writing on hard paper because we're going to  
18 have to discuss this subsequently, because I don't see the difference between the spoken word and  
19 the written word, because the exact terms in Kinyarwanda will not be reproduced in the transcript, and  
20 that's why we want them in Kinyarwanda, because they cannot be transcribed in the transcript in  
21 English or French.

22 MR. PRESIDENT:

23 He is asking what he remembers and he will say that, what is the point in writing? You can ask him,  
24 he can talk.

25 BY MR. SEGATWA:

26 Q. Witness, are you able to tell the Court, very slowly, the exact words that you heard being said by WO  
27 Bizimungu and Captain Innocent during the second conversation?

28 A. I told you that warrant officer Bizimungu said the following thing. "We found in front of us, take her.  
29 And the other one said, "Take her, to do what?"

30 Q. Witness, if I refer to the French translation that came from the booth, it says to "Bring her here. For  
31 her to do what?" Is that a faithful translation of what you said?

32 A. What do you want me to tell you? What kind of Kinyarwanda do you want me to speak?

33 MR. SEGATWA:

34 Mr. President, I would like to tender to you I'm convinced that the Prosecutor's translation is not  
35 faithful to the original Kinyarwanda that was used. Would you allow me to ask the witness, and write,  
36 to put on paper, the exact words that were used in Kinyarwanda because we are discussing in French  
37 words which were originally used in Kinyarwanda. And I understand the witness when he asked me,



"Do you want me to say it in Kinyarwanda?" But I'm saying that when the booth says, "You bring her here. For her to do what?" It is not the same as when the Prosecutor says, "What are you bringing her for?" That is completely different. When you say, "For what?" And when you say, "What, you are bringing her to come for her to do what?" I don't think the two are not exactly the same.

MR. SEFON:

Mr. President, I honestly do not see the difference. I do not see the deference. And secondly, I do not see the relevance of writing something in Kinyarwanda that is going to guarantee the accuracy of this translation. Is it my learned friend, Mr. President, and I suppose you do not speak Kinyarwanda. The first person who is authorised -- the only person here authorised to do the translation is the interpreter and the interpreter has translated what he said. So I do not see the importance, the relevance of this being put on paper.

MR. SEGATWA:

Mr. President, when you are writing at a crucial stage in a trial I believe the Defence will be entitled to say that the translation done by the booth is not accurate and we could request for another translation, particularly because if my client is here, it is because of this word, because of this word.

MR. BÂ:

*(No interpretation)*

THE ENGLISH INTERPRETER:

Your Honour, can counsel for the prosecution give the interpreters time?

MR. PRESIDENT:

You are creating difficulties for the interpreters.

MR. BÂ:

Yeah, what is in the statement is the sense of what has been said here, is the essence of what has been said here: What the witness is saying has been rendered in English and French by the official interpreters, but if you have any other translation, then say it and bring an expert linguist for him to give his other interpretation.

MR. SEGATWA:

Mr. President, this is precisely the purpose of this exercise. I want this thing to be put on paper in Kinyarwanda and at the appropriate time I could ask for another translation.

MR. PRESIDENT:

Mr. Segatwa, what matters here is the witness said, I was there. I heard this conversation." So the truth of it doesn't matter, but he heard Bizimungu said this, and as a reply he heard this coming over the radio. That was the response.

MR. SEGATWA:

Mr. President, I want to be clearly understood. If I take into account what my assistant has taken in Kinyarwanda then there is a slight difference which does constitute a difference between what I heard from the booth and what I understand of the Kinyarwanda. My suggestion for the translation, if you

1 want me to make a suggestion, is as follows: "Are you going to bring her here for her to do what?"

2 Would the Prosecutor accept that translation?

3 MR. BÂ:

4 For us it is the same thing as what is contained therein, "Bring her here. For what?" What is the  
5 difference?

6 MR. SEGATWA:

7 The problem, Prosecutor, is as follows. In the quotation marks, which you have in the statement, the  
8 Prosecutor said, "To what?"

9 MR. BÂ:

10 "To do what? For what?"

11 MR. SEGATWA:

12 To bring her to the camp, "To do what?" That, indeed, is a correct translation, "To bring her to the  
13 camp for her to do what?"

14 MR. PRESIDENT:

15 It could be in a different form, when the person asked him, "I have found the person. Shall I bring her  
16 there?" The other person says, "Why do you want to bring her, to do what?" So what does it matter?

17 MR. SEGATWA:

18 The nuance, Mr. President, is "to bring her here to the camp," because he was in the camp, "to bring  
19 her to the camp. For her to do what?" Well, everybody will say, "You can bring her to the camp. For  
20 her to do what?" .

21 MR. BÂ:

22 Mr. President, I think here we are testifying in place of the witness and I don't think that is our rule.  
23 Ask him simple questions and he will answer and they will be transcribed in the transcript. At the  
24 appropriate time you can draw your conclusions.

25 MR. PRESIDENT:

26 We move on now. We're just wasting time. If you have any translations that you think is correct you  
27 put to the witness and ask him to translate. I think he knows his language better than all of us.

28 MR. SEGATWA:

29 We'll move on, Mr. President. We'll continue, Mr. President. I think things have been clarified.

30 BY MR. SEGATWA:

31 Q. Witness, have you ever heard from Innocent Sagahutu an order for the prime minister to be killed?

32 A. When Innocent Sagahutu sent the soldiers, he asked them to go to the prime minister's residence. I  
33 did not hear him give specific instructions for the prime minister to be killed. But since he sent the  
34 soldiers to the prime minister's residence and that they killed her, I can conclude that he ordered the  
35 killing of the prime minister. That is the answer I can give to your question. I cannot say. I cannot  
36 say that I heard him give specific instructions for the prime minister to be killed, but he sent his  
37 soldiers for the prime minister's security and the prime minister was killed. I can therefore conclude

that he entered the order for the killing of the prime minister.

Q. Witness, did you ever say that Captain Innocent Sagahutu sent the armoured vehicles to the prime minister's house or you said they were sent to the residence of the president of the republic?

A. The armoured vehicles were sent to the president of the republic and they were troops of the Presidential Guard, and these troops of the Presidential Guard left the president's residence to go to the prime minister's residence. So why are you denying the fact that these soldiers, who were in the residence of the president of the republic, went to the prime minister's residence to kill her? When I went to the prime minister's residence for the second time I found them there. I did not find them in Habyarimana's residence.

Q. Witness, from your knowledge, do you know the exact circumstances in which the prime minister was killed?

A. I told you that WO Bizimungu told Captain Sagahutu that the UNAMIR troops were firing at them. And he replied. Can you please repeat your question, Counsel? I did not clearly understand the question you put to me.

Q. I will repeat it. Do you know the exact circumstances in which the prime minister was killed?

A. I told you how I saw the bodies. When I got to the place, the persons in question were already dead. I cannot tell you who killed them. Maybe you should ask WO Bizimungu who killed these persons, particularly the prime minister. He is the one who can tell who killed the prime minister. I saw the bodies, and I was told to take their bodies from that place and that was an order. If you have any other questions, I will answer you.

Q. So, Witness, when you said that because the soldiers were sent to the president and that they could also guard the residence of the prime minister, they are able to conclude that Captain Innocent Sagahutu might have given the orders is just speculation?

A. Let me tell you this, I told you that the vehicles were deployed in Kiyovu. The vehicles deployed in Kiyovu did not go immediately to the residence of the president. Now get this clearly. When WO Bizimungu called Captain Sagahutu to say that the UNAMIR troops were firing at them, it is because he was there and Captain Sagahutu asked him to shoot back. But Captain Sagahutu did not ask WO Sagahutu why he was at that place, whereas he was deployed to the residence of the president. Are you able to explain this? I'm telling you about events that I experienced. Maybe you have a truer version than mine, in which case you can tell the Court. I am telling you the -- those things that I experienced.

Q. Witness, there's another witness who came before you and he said that when Captain Sagahutu heard about the death of the prime minister, he said, "But why was she killed?"

MR. SEFON:

Objection, Mr. President. Is counsel able to tell the Court in which portion of the testimony the witness said this?

1 MR. SEGATWA:

2 Prosecutor, I -- you have this in the testimony. I don't want to enter this into evidence but this was  
3 part of the testimony of Witness DA.  
4

5 I proceed, Witness.

6 BY MR. SEGATWA:

7 Q. Therefore, you do not know the exact circumstances surrounding the death of the prime minister.  
8 You only found the bodies of the prime minister and others after their death?

9 A. I have told you that it was WO Bizimungu who told me to "Go and look at the bitch which we are  
10 looking for. We have found the bitch which we were looking for." And he was making reference to  
11 the prime minister Agathe Uwilingiyimana. I'm telling you what I saw and what I was told, and let me  
12 repeat it. WO Bizimungu told me to go into the back yard. "We have found the bitch that we were  
13 looking for." And this was referring to Agathe Uwilingiyimana, and you are telling me what I was  
14 saying. Now, if he was deployed to the residence of the president of the republic, what was he doing  
15 at this place? Maybe the captain can say that, "WO Bizimungu did not obey the instructions I gave  
16 him." Otherwise you can say that what I am saying is not the truth.

17 Q. Witness, based upon your recollection, would you know where WO Bizimungu is located this day?

18 A. I'm not in charge of monitoring WO Bizimungu. When he left the country he went his way and I went  
19 my way.

20 Q. Witness, if I were to put it to you that he's dead, would you have any reason to deny that?

21 A. Who is dead?

22 Q. If I were to tell you that WO Bizimungu is dead, would you have any reason to challenge that?

23 A. Well, I wouldn't know. He is not my neighbour. We do not hail from the same region. If you were to  
24 tell me that, you would be the first person to tell me. I have no news about Boniface. That is all I  
25 know is that when I went to Tanzania I left him in Zaire. He was still alive. I don't know if he went  
26 home from exile or whether he is alive or whether he is dead.

27 Q. Witness, it's often said that the dead do not speak. Is it not because of this certainty of the silence of  
28 the dead that you are ascribing all that you are saying to him?

29 A. Listen, I have told you I do not know whether he is alive or not. He's from Gisenyi. I'm from Kibungo.  
30 He went in Zaire and I to Tanzania. I do not know whether he is alive or not. So don't put that  
31 question to me. I don't see the importance or relevance of the question you put to me.

32 Q. Well, Witness, let me move on to something else. You said that when you got into the compound of  
33 the prime minister's residence you found the bodies within the compound, is that true?

34 A. That is true.

35 Q. Are you absolutely sure none of the four bodies was outside the perimeter fence of the house?

36 A. I referred to the bodies I saw. I told you that I saw four bodies. I did not look outside the perimeter  
37 fence to see any body. I am referring to the bodies I saw. I don't know anything about the possibility

of any bodies being outside the fence.

Q. Witness, can you look at me? I'm telling you that I have nothing against you. All I want is for you to tell us the truth the way you saw it. I have nothing against you. You are a witness. I want you to be at ease for you to be able to answer my questions yes or no. I have nothing against you, and my client has nothing against you. He knows that you were sent to do your duty.

Let me ask you another question. Are you sure that when you came back at 16 (*sic*) hours for distribution of the second rations you found the body of the prime minister within the compound?

A. I told you that I found the bodies in the same place that I found them at noon.

Q. Thank you, Witness.

MR. SEGATWA:

I would like to ask him if a witness who unfortunately is protected was present, but how should I do it? Should I put the name down on a piece of paper? How should I proceed, Mr. President?

MR. PRESIDENT:

Put the name down on a piece of paper.

Well, Mr. Segatwa, do you want a closed session to ask this question because one might lead to another and that might create problems later. So if you want, I'll give you five minutes closed session. Would the name be then what you want it to be?

MR. BÂ:

Does the witness read French?

MR. SEGATWA:

Pardon?

MR. BÂ:

Does he read French?

MR. SEGATWA:

He knows names and first names he knows.

MR. BÂ:

If you say them for him he might be able to know them, but does he know French?

MR. SEGATWA:

Look, why don't we just go into a short closed session and then we'll have done with it?

MR. PRESIDENT:

That's what I'm asking.

MR. SEGATWA:

Yes, a five minute-session so that we don't go around in circles.

MR. PRESIDENT:

Counsel has asked for a closed session for five minutes. Session will be closed to the public for five

1 minutes.

2 *(At this point in the proceedings, a portion of the transcript [pages 46 to 47] was extracted and sealed*  
3 *under separate cover, as the session was heard in camera)*

4 *(Pages 39 to 45 by R. Lear)*

1 MR. SEGATWA:

2 May I proceed, Mr. President?

3 MR. PRESIDENT:

4 Yes.

5 BY MR. SEGATWA:

6 Q. Witness, when you came into the -- or entered the prime minister's residence you saw the prime  
7 minister's body, as well as the bodies of others. As far as you recall, did you notice any marks on the  
8 body other than the bullets that had been shot at them?

9 A. All I saw was the bullet that had gone into the body.

10 Q. Witness, I think we have just a few minor questions that will not take up much time. With regard to the  
11 issue of the deputy commander, Captain (*sic*) Rwendeye, Captain Sagahutu's commander. I believe  
12 you were assigned to the recce battalion in 1997, is that correct?

13 A. Yes.

14 Q. And from that time you remained in that battalion?

15 A. No, I did not leave the battalion.

16 Q. You are, therefore, supposed to be aware of movements of officers who are assigned to the  
17 battalion?

18 A. What movements are you referring to, Counsel? I did not quite understand you.

19 Q. I mean, you witnessed promotions in the ranks between 1987 and 1994?

20 A. Do you mean the senior officers who were assigned to the recce battalion?

21 Q. Yes, just that.

22 A. When I was assigned to the recce battalion Major Rwendeye was commander of that battalion. He  
23 died in October 1990 by which time he had already been promoted to the rank of Colonel but he had  
24 not yet begun to act in that function. When I was assigned -- first assigned to the battalion Innocent  
25 Sagahutu was a second lieutenant. I believe he was promoted captain in 1991. The other officer --

26 Q. What I want to put to you --

27 A. I know that there were other promotions, but I do not know the years or when these promotions took  
28 place. I mentioned Innocent Sagahutu, because he was my hierarchical superior, with regard to other  
29 senior officers I cannot be this specific.

30 Q. As far as you know, between Rwendeye and the others, was there no Major Turuknkiko  
31 T-U-R-U-K-N-K-I-K-0, Turuknkiko?

32 A. I will reply. I think -- look, Major Rwendeye was replaced by many other commanding officers, but I  
33 need to refresh my memory somewhat. There was Mudacumura, Mugihuracuro, if my memory serves  
34 me right, rather, there was Tulinkuniko and I think he was replaced by Major Nzuwonemeye. Some  
35 officers would account for a year or less. I do not -- or had not remembered the officer by the name of  
36 Turuknkiko but I think he was our commanding officer. I think I must have mentioned him in my  
37 statement when the investigators then asked me to focus solely on the commanding officers in 1994.

1 Yes.

2 Q. When a commander, a battalion commander, recce battalion commander was appointed, was he  
3 provided with a deputy?

4 A. No, the deputy commander was the highest ranking officer amongst the other senior officers in the  
5 battalion. I think that was provided for in the regulations.

6 Q. Witness, do you mean to say that based upon your knowledge of the non-commissioned officers --  
7 that the second commander was not appointed?

8 A. No, I do not have that knowledge. All I know is that with regard to the recce battalion, this is not how  
9 we provided. In the absence of the commanding officer the deputy was the highest ranking senior  
10 officer, therefore a non-commissioned officer could not act as deputy commanding officer, at least that  
11 is the case for the recce battalion.

12 Q. In conclusion, therefore, Captain Innocent Sagahutu was never appointed deputy commanding officer  
13 of the recce battalion, as far as you can recollect?

14 A. As far as I know, I have provided explanations on this. Counsel, do you want to know who was acting  
15 as deputy commander when the battalion commander was absent? There was, in fact, a roster of  
16 names of the commanding officer, deputy commanding officer. There was a table that showed the  
17 commanders and the command structure that was applied in the camp.

18 Q. Witness, I want to know because as a non-commissioned officer you were aware of the structure of  
19 the army. Just a minute, Witness. I apologise. I am told you were a \*\*\*\*\*, not a commissioned  
20 officer, but what matters was were you not in a position to know that the deputy commander oversaw  
21 all the squadrons of recce battalion? If he had a deputy officer did he not exercise power over all the  
22 company -- squadrons of the recce battalion?

23 A. No, he did not have authority over these squadrons. He was a battalion NCO and could, therefore,  
24 not act as or conduct himself as senior officer or battalion commander. However, I heard of no such  
25 thing happening at the time, unless it is happening now. However, in our days that was not possible.

26 Q. Witness, you said that Captain Sagahutu would replace the battalion commander in his absence?

27 A. Yes, I said so and I reiterate that. In the absence of the battalion commander, Captain Sagahutu  
28 would act as deputy commander because he was the most senior officer and he would automatically  
29 step in to act in the absence of a commanding officer. He was deputy and would sort out any  
30 problems that arose within the battalion and when the commanding officer returned, upon his return  
31 he would report to him upon the situation. I know that that was also the case in other battalions.

32 Q. Witness, let us talk about the period spanning 6th of April 1994 and 8 April 1994. Did you notice that  
33 the commander in chief of the battalion was absent?

34 A. No, the battalion commander was present.

35 MR. SEGATWA:

36 I'm sorry, Mr. President, I'm sorry, Witness, I was distracted getting other information. I did not quite  
37 hear your answer.



1 BY MR. SEGATWA:

2 Q. Did you see?

3 A. Indeed, the battalion commander was present.

4 Q. In other words, Witness, Captain Sagahutu did not have to exercise the functions of acting  
5 commander during the period of 6 April the 8 April 1994, is that correct?

6 A. All I can say is that as a company commander he would give instructions to his company. I can also  
7 add that since I knew how things were done, I was aware of the procedure, instructions were issued  
8 from the top down so that even privates were aware of the instructions. And the reason he was given  
9 instructions was he had received instructions from his superiors. I do not know where they came  
10 from. Perhaps the instructions had been passed down by the headquarters, by the highest ranking  
11 officers. All I know is that they did emanate from somewhere and filtered down to the company  
12 commander. Maybe he could tell you where these instructions came from.

13 Q. Yes, Witness. I think, in due course, you (*sic*) will be able to say so but for the time being you are on  
14 the witness stand. Did you witness a period during which Sagahutu commanded all the battalion  
15 squadrons? Do you recall such a time?

16 A. No, he never did exercise authority over all squadrons, each officer exercised -- commanded his own  
17 company.

18 Q. Thank you, Witness.

19  
20 Witness, I would like to ask you a very small question regarding the 8th of April 1994. You said that  
21 Captain Sagahutu sent armoured vehicles to Nyamirambo, is that correct?

22 A. Yes, that is what I said, and, indeed, the armoured vehicles were deployed in Nyamirambo, which is  
23 why I have maintained that it was perhaps not his initiative to take such a decision from his superiors.  
24 Perhaps, he may explain it that way. All I know is that they were sent to Nyamirambo, the armoured  
25 vehicles, that is, were sent to Nyamirambo by him. We were fighting the *Inkotanyi* in that area. I do  
26 not know whether those who went there actually found *Inkotanyi*. At any rate, when our troops  
27 returned they said they had found one *Inkotanyi*.

28 MR. SEGATWA:

29 Thank you, Mr. President. Just one minute to confer with my client, so I know whether there are other  
30 questions to be put.

31  
32 Mr. President, I think that my Defence team will stop at that. Thank you. I also would like to thank the  
33 witness for his cooperation. Once again, I would like to let him know if there were any questions that  
34 irritated him it was not my intention to irritate him.

35 MR. PRESIDENT:

36 Thank you, Mr. Segatwa.

1 THE ENGLISH INTERPRETER:

2 Your Honour's microphone.

3 MR. PRESIDENT:

4 Thank you, Mr. Segatwa. Other counsel who wishes to ask questions?

5 MR. BLACK:

6 In that case, I do.

7 CROSS-EXAMINATION

8 BY MR. BLACK:

9 Q. So you left the country on July 4. Where did you go? In 1994 where did you go?

10 A. I went to Zaire.

11 Q. With whom?

12 A. I was driving Captain Sagahutu and there were other soldiers with me.

13 Q. So I take it the entire unit left intact and went to Zaire?

14 A. No, when I got to Zaire, where I spent two months. I left Zaire for Tanzania. I therefore left the rest of  
15 my unit in Zaire.

16 Q. And why did you leave your unit?

17 *(Pages 48 to 51 by R. Lear)*

1 1600H

2 BY MR. BLACK:

3 Q. And why did you leave your unit?

4 A. At that time, we were all refugees and each one was trying as best he could. You could go anywhere  
5 you wanted to go. I was no longer a soldier.

6 Q. That's not true, sir. You were still a member of the Rwandan Armed Forces. You had retreated into the  
7 Congo, into Zaire, so why did you leave your unit? Did you get permission?

8 A. No, I'm telling you the truth, counsel. When I got to Zaire, I spent two months there, one month, in fact,  
9 because it was in the course of the second month that I left Zaire. And since my family was in Zaire I  
10 went to Tanzania. My other friends who were in Zaire joined me in Tanzania. There was no training.  
11 There were no military regulations to follow when we were in Zaire. I got to Tanzania in October 1994,  
12 2nd October more specifically.

13 Q. I ask you again: Did you get permission to leave your unit in Zaire or did you desert?

14 THE ENGLISH INTERPRETER:

15 Can counsel please repeat the question for the French booth, please.

16 THE WITNESS:

17 No, when I left Zaire I wanted to join my family which was in Tanzania.

18 BY MR. BLACK:

19 Q. Did you get permission to leave your unit or did you desert?

20 A. No, we did not need permission. When we got to Zaire, each one was on his own. And one knew  
21 where his colleagues were, so you could go wherever you wanted to go. One did not need any  
22 permission to go anywhere.

23 Q. Your squadron left in tact with this equipment into the Congo -- Zaire?

24 A. No. We left the military equipment in Zaire military camp in Katingo (*phonetic*), that's why they took our  
25 weapons. And all military equipment we had was given -- was handed over to the Zaire army.

26 Q. And when did you leave Tanzania?

27 A. I left Tanzania in 1996 -- December of 1996, and I went to Rwanda.

28 Q. And why did you return to Rwanda?

29 A. Life as a refugee was becoming very difficult, that's why I decided to go back home.

30 Q. But hadn't you heard that the RPF was massacring Hutus on a mass scale in Rwanda at that time, just  
31 before? Why did you go back?

32 A. Yes, there were rumours, but sometimes when you get to the country, when you're inside a country,  
33 you realise that the situation was the opposite. The fact -- the truth is that I arrived in Rwanda and  
34 nobody killed me.

35 Q. Why did you flee the country in the first place then?

36 A. Yes, there was war and we lost. And when you lose a war, you flee.

37 Q. Well, why would you flee? Why didn't you just surrender, stay on the spot and surrender to them? Why

1 leave the country at all?

2 A. Yes, we first of all fled so that the RPF anger can abate, so that the situation will settle down a bit.

3 Q. But you were -- you were -- your unit was ordered to leave, wasn't it, with the rest of the Rwandan  
4 Armed Forces? The Rwandan --

5 THE ENGLISH INTERPRETER:

6 Can you please repeat your question, Counsel.

7 BY MR. BLACK:

8 Q. (*Microphones overlapping*)... is that the Rwandan army retreated in good order into Zaire with this  
9 equipment in tact and its organisation in tact. You received orders to retreat; isn't that correct?

10 A. Yes, I came back to Rwanda because I have the right to come back to my country, like any other  
11 Rwandan. But since you're saying that they all withdrew with their weapons, what did they do with their  
12 weapons, if you insist that I should stay in Zaire?

13 Q. Just answer my question. Your unit, like the rest of the Rwandan Armed Forces, under the government  
14 itself, retreated into Zaire, in tact. It never surrendered; it retreated into Zaire and you were a member  
15 of those armed forces, right, that's why you left?

16 A. Yes, that is the case. Everyone was fleeing with his personal weapon.

17 Q. So you went into Zaire as a member of your unit, an active serving member of your unit; correct?

18 A. Yes, I went to Zaire as a soldier, but I explained to you that when we got to Zaire, we first lived in the  
19 Katingo camp. And they took all our weapons, they disarmed us. We left that camp to go to the  
20 refugee camp where refugees just are anyone else. We could not fight when we had been disarmed.  
21 We were ordinary refugees.

22 Q. No, you weren't ordinary refugees, sir; you were a member of the Rwandan army which had retreated  
23 into Zaire. Did you receive permission from your immediate commanding officer to depart from that  
24 camp, or you just left?

25 A. No, no one instructed me to leave the camp. I told you that I came to Tanzania to join my family which  
26 was already in Tanzania.

27 Q. So you deserted the army in Zaire. You left your comrades to fight the RPF in Zaire, and you left --

28 A. No, I did not desert because I didn't even know the RPF was going to come to Zaire. When the RPF  
29 attacked Zaire, I was getting ready to go back to Rwanda.

30 Q. Right. Tell me again why you -- after you -- despite the fact you heard rumours the RPF were  
31 massacring Hutus on mass in Rwanda, you came back, why? Or you went back. Why did you go  
32 back?

33 A. I told you that I was tired living at a refugee, and I knew I had a right to go back home, and I saw people  
34 going back home. And when I got to Rwanda, I did not have any problem. It is my absolute right to go  
35 back home. No one could take that from me. Each one of us had the right to go home. In the same  
36 manner, those who did not want to go home did not go to Rwanda up to today.

37 Q. All right. When you went back, where did you go?

- 1 A. When I came back from exile, I remained in Rwanda until today.
- 2 Q. Would you please answer my question: Where did you go in Rwanda when you went back? Where did  
3 you enter Rwanda, first of all?
- 4 A. I entered through Rusumo border and then I went to Kibungo.
- 5 Q. Okay. Can you tell the Judges where that is in relation to Tanzania because we have not got a map in  
6 front of us? I take it this is north Tanzania somewhere you crossed into Rwanda. Where?
- 7 A. Before I answer your question, I would like to throw it back to you. Why do you want to know the  
8 geographic position of Kibungo? I don't know why you want to know where I live, where I entered from,  
9 and the geographical situation of Kibungo. Why do you want to know all of that?
- 10 Q. It's none of your business, sir, just answer my questions. I am the one asking the questions, not you.  
11 Where did you enter Rwanda exactly? And tell the Judges where that is in relation to, say,  
12 Bukoba (*phonetic*) or some other town in Tanzania so they can have an idea. The Judges have no  
13 map in front of them. Sir, they don't know what you are talking about and nor do I. So where did you  
14 enter Rwanda?
- 15 A. This is the first time I'm coming to Arusha and I would not even be able to tell you the position of  
16 Rwanda in relation to Tanzania. I need to be able to orient myself and know where Arusha is before  
17 knowing the position of Kibungo.
- 18 Q. You say you've never come here before?
- 19 A. Yes, I've been to Arusha. Even if it is not the first time, I will not be able to tell you the direction of  
20 Rwanda, if I did so, I would be telling you lies. But since I know my country, I believe that Kibungo is to  
21 the south of Rwanda.
- 22 Q. Okay. Thank you for that. Why did you tell me -- why did you make that little small lie and said you  
23 hadn't been to -- here before? Are you that loose with the truth all the time?
- 24 A. No, I'm not lying; I told you that it is not the first time I'm coming here, but that I cannot orient myself,  
25 and that even if I've been here for -- on more than one occasion, I would not be able to locate my  
26 *préfecture* in relation to Arusha.
- 27 Q. When you crossed the border into Rwanda, did you come into contact with any Rwandan -- the RPF  
28 authorities when you crossed the border?
- 29 A. Yes. There were RPF authorities, but I did not speak to them. There were even RPF soldiers. I was in  
30 the company of other refugees. We crossed the border. And I did not hold any lengthy discussion with  
31 the RPF authorities.
- 32 Q. Well, did you cross at an official border point so that you were questioned and searched while -- when  
33 you entered the country, or did you evade the border crossing point?
- 34 A. To tell the truth, nobody stopped me to search me or to ask me questions. I just crossed the border on  
35 my way to -- into the country.
- 36 Q. Okay. When you crossed the border, did you pass through a border post or did you just cross into the  
37 country through the bush?

- 1 A. Yes, I entered through a border post.
- 2 Q. All right. So you must have been stopped by the soldiers guarding that post. What did they do with  
3 you?
- 4 A. No, I was not alone; I was in the company of several other persons. When we got to the border post,  
5 they allowed us to go through and asked us to continue on our way. Besides, we came aboard an  
6 UNHCR vehicle; I did not go on foot.
- 7 Q. Okay. Why didn't you tell us that before? It would have made it much simpler. So you came in on an  
8 UNHCR bus from where? Which refugee camp in Tanzania?
- 9 A. The UNHCR vehicles took us from the Musehura (*phonetic*) camp.
- 10 Q. And did they -- did you tell them of your involvement in the war, the UNHCR and the Rwandan Armed  
11 Forces?
- 12 A. No, no one asked me any question in relation to that.
- 13 MR. BÂ:
- 14 I wanted to tell the Chamber that we have not had any break this afternoon. The witness may need to  
15 have some rest.
- 16 MR. PRESIDENT:
- 17 Yes. We'll adjourn for ten minutes.  
18 (*Court recessed from 1620H to 1637H*)
- 19 MR. BLACK:
- 20 Now, I can't see the witness. I'm a bit taller than -- oh, there he is.
- 21 MR. PRESIDENT:
- 22 Yes, Mr. Black, you can continue.
- 23 BY MR. BLACK:
- 24 Q. So we're discussing you crossing into the -- with the UNHCR bus. So when you -- did you -- when the  
25 bus crossed the border, did the people in that bus have to get out and present your documents so the  
26 new authorities in Rwanda could register your entrance, or did they do that on the bus, or not at all?
- 27 A. We were not presenting documents. We just alighted from the bus with our luggage and then we  
28 continued on our way until we got to our destination.
- 29 Q. And how did you continue on your way; on foot, or in the same vehicle, or another vehicle?
- 30 A. The bus offloaded us at the *communal* headquarters and we continued our journey on foot.
- 31 Q. So you were stopped at the border post, you get out of the bus with your luggage, and then you go to  
32 the *communal* office at Kibungo; is that right?
- 33 A. No. When we arrived, we did not alight from the bus. It was the drivers who presented the documents,  
34 that is, the nominal list of passengers. And after this identification process, the driver would take the list  
35 back and we would continue along the way. No further questions asked.
- 36 Q. All right. And you go to your *commune*?
- 37 A. Yes. The next stop took place -- or, the next stop was the *communal* office.

1 Q. And what did you do there?

2 A. Once we got to the *communal* office, we spent the night there given that we arrived there very late.  
3 And the following morning, we went away to our homes.

4 Q. And when you went to your home was anybody else occupying that place, that home, or was it still  
5 empty?

6 A. As far as I'm concerned, since my family had already come home, I found my mother in my house;  
7 whereas, those who found their houses occupied asked their people who had occupied their houses to  
8 vacate so that they could get in. Those refugees who came back, or could not recover their houses  
9 were helped to rebuild.

10 Q. Why could they not recover their houses, because the invading RPF soldiers had taken them and their  
11 families, or what?

12 A. I have not quite understood your question. Could you repeat it?

13 Q. Those that could not recover their houses -- I'm asking you why was that so. Was that because they  
14 were occupied by the Tutsi forces which came from Uganda?

15 A. No, that was not the case. There were refugees who had previously fled the country and who came to  
16 take over the houses of refugees who left in 1994. And when the 1994 refugees came back home, they  
17 would recover their houses. And the refugees from previous years went to other places, thereby,  
18 vacating the houses of the 1994 refugees.

19 Q. What do you mean by previous refugees before 1994? Who were they? You mean the Tutsis from  
20 Uganda?

21 A. Yes.

22 Q. Well, they weren't refugees, sir. Most of them have been born in Uganda, so why do you say they were  
23 refugees?

24 A. That is what I thought. I felt they were refugees because they were living outside the country. All those  
25 living outside the country I consider to be refugees.

26 Q. You didn't consider that before when you were in the Rwandan Armed Forces. They were the enemy,  
27 right, they were the *Inkotanyi*? What made you change your mind about that?

28 A. The reason I changed my opinion is that before, as soldiers, we fought, and after the fighting -- well, it is  
29 true that these people were our enemies when we fought them, but I did not continue thinking this after  
30 I came back because they were our neighbours now.

31 Q. No, they weren't, sir; they were people who invaded your country and took your property. Why would  
32 you consider them neighbours? They killed your comrades in your unit. Why would you consider them  
33 neighbours? Did you go to a solidarity camp when you went back to Rwanda?

34 MR. SEFON:

35 Objection, Mr. President. He has put two questions: "Why consider them neighbours?"; and then, "Did  
36 you go to a solidarity camp?" That is a multipart question. Could he put his questions one at a time.

37

1 MR. PRESIDENT:

2       (*Microphones overlapping*)... and break that question up.

3 MR. BLACK:

4       Sure.

5 BY MR. BLACK:

6 Q.    When you get back to the *communal* office and you are there and you go back home, did you ever  
7       attend or were you required to attend a solidarity camp?

8 A.    No, I did not go to a solidarity camp.

9 Q.    You had no further contact with the Rwandan -- the new Rwandan authorities between the time you  
10       entered the country in December 1996 and meeting the ICTR investigators in 1998? You had no  
11       contact with them?

12 A.    No, we had no contact. We did not meet. They did not ask me questions, nothing.

13 Q.    So the Rwandan army or police never came to you to ask you what your role had been during the war  
14       at any time?

15 A.    No one asked me questions about that.

16 Q.    Did you talk about, to your neighbours, about your experiences during the war?

17 A.    No, we did not broach that subject.

18 Q.    Not to anyone?

19 A.    Nobody. I could not discuss this issue with people who know nothing about it. One cannot discuss  
20       matters relating my profession as a soldier to people who know nothing about it.

21 Q.    Well, then, can you explain to us how on earth the ICTR investigators became aware of your position  
22       and your existence and what story you had to tell since nobody in the country knew what that story  
23       was?

24 A.    I explained that I just saw these people come to my house. I cannot explain how they knew. I don't  
25       know who could have talked to them about me. I don't know how they came. All I know is I saw them  
26       come to my house.

27 Q.    Did you ever try and join the RPF army after your return to Rwanda?

28 A.    No, I did not even think about it.

29 Q.    Some of your comrades did think about it and actually did join them. Why didn't you think about it?

30 A.    Because I did not feel able. I had no energy, physical energy.

31 Q.    Right. So from that point on you engaged in the occupation of \*\*\*\*\*?

32 A.    Yes, and that is what I am doing to date.

33 Q.    Were you ever approached by the Rwandan -- the RPF army to join them? You had specialised  
34       training, you were a commando. Did they ever ask you to join?

35 A.    No, I was not contacted. Those who wanted to join the RPF army, one was free to come back home  
36       and stay at home, but those who sought to join the army went ahead and did so, but nobody was forced  
37       to join the RPF army.



- 1 Q. And you had, you say, no energy for it. Why was that?
- 2 A. Given that I do not feel able physically, this is due to the fact that I once fell and broke a rib or some  
3 part of my chest, and so I, therefore, do not feel strong enough to take up the duties.
- 4 Q. All right. Going back to -- you spoke to no one in Rwanda at all about your experience during the war,  
5 so -- I'm coming back to this question about how the ICTR came upon you. Wait for my question,  
6 please. When you say people showed up at your house and, at first, you refused, who were these  
7 people that showed up?
- 8 A. No, there you're describing things I did not say. That is not what I stated. You're putting words in my  
9 mouth there.
- 10 Q. (*Microphones overlapping*)... first you refused, then you saw there were white people, then you said  
11 okay. So I want to know --
- 12 A. I told you when they came to interview me I was sick and could, therefore, not travel far on foot. And  
13 they asked me to follow them so that we could meet at Kibungo. I could not refuse as I did not know  
14 why they were at my house. You have distorted my statement. I would have done so if I could have  
15 once and for all.
- 16 Q. How many people came to your house that day?
- 17 A. Sometimes there were five, other times four. Sometimes they would drive in two vehicles, sometimes  
18 they would come aboard just one vehicle. And they would come many times. I can, therefore, not  
19 describe the circumstances of each individual visit.
- 20 Q. Well, how many -- okay. Your statement is dated -- it's dated 26 February 1998, but signed March 3rd.  
21 When was the first visit made by these people? Which month was that?
- 22 A. It was during the first visit that we met and that I -- and that my remarks were recorded. And then they  
23 came on other occasions so that -- they did not come on two separate occasions. Because I was sick,  
24 they would interview me, bring me home. Once I remained in Kibungo. And on another occasion, they  
25 came to collect me. That is why I say they came to see me on several occasions. And because I was  
26 sick, I could not sleep at the bursary office for two to three days at a time.
- 27 Q. Don't go off on tangents. Just answer my questions, it will be much faster. When did these people first  
28 come to see you, what month?
- 29 A. I remember the year, but not the month because I didn't write any of this down. I think it was in 1998. I  
30 don't remember the exact month.
- 31 Q. Okay. And they came that -- first time -- how many people came that first time, five or four?
- 32 A. I was sick. I don't recall clearly, but I think there were four.
- 33 Q. Who were they? They must have identified themselves. Who did they say they were?
- 34 A. I have forgotten their names. I would have to look at the place where I wrote down their names. I had  
35 taken their names down on a piece of paper, but I did not bring it with me. It is in my house. And if I  
36 had that, I would be able to remember their names.
- 37 Q. Were they white men and women, or Africans, or another nationality?

1 A. They were men. I think they were white men or persons -- rather, two white persons in the group.

2 Q. And did they tell you where they were from?

3 A. Yes, they told me.

4 Q. All right. What did they tell you?

5 A. They said they were from Arusha.

6 Q. Did they tell you they were with the Tribunal here?

7 A. Yes.

8 Q. Did they tell you why they wanted to see you?

9 A. Yes, they explained the purpose of their visit.

10 Q. Tell us what they said.

11 A. They told me they wanted to interview me, find out what I knew and what I had seen from the place  
12 where I resided in Kigali.

13 Q. Did they tell you why they had come to you?

14 A. No.

15 Q. Did you ask why they were interested in you?

16 A. No, I did not ask them such a question.

17 Q. Why didn't you ask them such a question?

18 A. Because they had given me explanations and I was not the only person they were asking to see. There  
19 were two, three or four people. And when I noticed that I was not the only one they were seeing, that  
20 was that.

21 *(Pages 52 to 59 by Roxane Lane)*

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1 1700H

2 BY MR. BLACK:

3 Q. How do you know they were seeing more people than you?

4 A. Sometimes I would meet these others at the Kibungo bursary office at St. Joseph, because that's where  
5 the interviews were taking place.

6 Q. You say they came to your house?

7 A. Yes, they did come and see me at my house, but the interview took place at the bursary office.

8 Q. And, sir, four people from this international war Tribunal showed up at your house out the blue, and  
9 some white people included, and you don't ask them how on earth they thought you could help them?

10 A. What I can say is when the interview took place there were other people; four or five, who were being  
11 interviewed as well. I was therefore not the only person. That's why I did not seek further information  
12 on those people since there were many of us who had been contacted. If you think any other people  
13 came to see me; there were none. It is just those people who came to interview me. And that is how I  
14 came here. I have no other explanation to give you.

15 Q. Well, you can tell me the truth for a change. You are sitting there, an ex-soldier – just a minute, sir-- a  
16 peasant \*\*\*\*\* sitting in the middle of nowhere and four important people from this Tribunal come to your  
17 house out the blue; and you have no idea why, and you don't ask them why and how they located you.  
18 You don't ask that question? Nobody is going to believe it.

19 A. I asked them why they came to see me, and they said they wanted to speak to me, which indeed we  
20 did do. We went to Kibungo, and when we got to Kibungo, they took my statement. They first told me  
21 they were working in Arusha and explained why they had come, and then the interview began. I had no  
22 other questions to put to them, because they had told me why they had come. If you want their names,  
23 since I have written them down somewhere, I can provide these for you later when I get back home. I  
24 can send them to you.

25 Q. Never mind that. Just tell me then what they told you. How they located you, why they thought you  
26 were of interest and why they traveled all that way just to see little old you; a mere chauffer in the RECE  
27 battalion and now a peasant \*\*\*\*\* . Why did they spend all that money to go and see you, since you had  
28 not even told anybody in Rwanda your experience in the war?

29 A. But I have nothing to hide from you.

30 Q. Well, you do tell me the truth.

31 A. They were asking questions, and during the interview, they would ask you if you know a colleague who  
32 knows of the events, and if you give the contact of that person they would go for him. It is in those  
33 circumstances that they identified me. Possibly the person that they spoke to previously told them  
34 about me. Otherwise, they would not be able to identify me and know where I lived.

35 Q. That is not what I asked you sir, because you told us that you told no one in Rwanda -- anybody --  
36 about your experience in the war. So, no one knew what you did in the war and you did not give them  
37 anything of interest. So, that it is a lie -- (*microphones overlapping*) -- so, can you tell us the truth about

1 that investigation or not?

2 MR. PRESIDENT:

3 I think, Mr. Counsel, that question is a little vague, because what he said was that after returning to  
4 Rwanda he did not speak about his experience.

5 MR. BLACK:

6 He said he told no one -- authorities or civilians about his experience.

7 MR. PRESIDENT:

8 After his return, that's right.

9 BY MR. BLACK:

10 Q. Sir, is it not more correct that you contacted them, you contacted the local authorities and you told them  
11 that you had a story to tell, and that is how you got into contact with the ICTR; is it?

12 A. No, not at all. I explained to you that when they interviewed someone, they were asking him if he knew  
13 someone else who could give similar information. When a name is given, this staff of the Tribunal  
14 would go and look for that person. I did not speak about my military experience to anyone. Those who  
15 came to see me came from Arusha.

16 Q. And the only way they could have contacted you, sir, is that you contacted the authorities first.  
17 Otherwise, they would never know even if you were alive or existed. You contacted them through the  
18 local authorities, didn't you?

19 MR. SEFON:

20 Objection, Mr. President. That is your opinion and that was not the case. The witness is not an  
21 investigator and he doesn't know the inner workings of the Office of the Prosecutor, and he is not in a  
22 position to know.

23 MR. BLACK:

24 Perhaps the Prosecution, you tell us how they got wind of this guy?

25 MR. PRESIDENT:

26 Mr. Black, he has answered that question. He doesn't know.

27 MR. BLACK:

28 I don't believe it. He doesn't know?

29 BY MR. BLACK:

30 Q. Sir, I will ask you one more time. How do you know the investigators did that -- asked other people for  
31 other contacts?

32 A. I know that because at the end of my own interview they asked me a similar question.

33 Q. And did you refer them to other people?

34 A. As far as I was concerned, I told them that I knew no one else who could be a witness.

35 Q. You said you met with them how many times? Several times -- how many times did you meet with  
36 them?

37 A. They came to my -- they came to me on four occasions, but on each occasion, they were asking me the

1 same questions. I told you I was not well when they came. They would come and take me, ask me  
2 questions, bring me back home and they would come back to continue with the interview and then take  
3 me back home at the end of the interview. That is how it went until the end of the interview.

4 Q. And how many -- in what period of time did these interviews take place? Weeks, months, days?

5 A. I believe the interview covered a period of five days. I could not speak much because I was very sick  
6 and I could not speak to them for a long time.

7 Q. Why did they insist on interviewing you when you were ill? Why wouldn't they wait till you were better?

8 MR. PRESIDENT:

9 He cannot answer that question.

10 MR. BLACK:

11 Okay.

12 BY MR. BLACK:

13 Q. Did they tell you why they insisted on speaking to you when you were ill?

14 A. Ask them that question. They knew I was ill and yet they interviewed me.

15 Q. Why did you agree to be interviewed when you were ill? Why did you not say, "No, I am not ready to do  
16 this right now, come back some other time".

17 A. Well, I realised they came from far and I was not going to make their work difficult for them.

18 Q. Well, they came to -- spent a certain amount of money to see someone they don't know if they existed.  
19 Why wouldn't they come back?

20  
21 Anyway, what was the first question they asked you?

22 A. Except if I am allowed to remind myself with the statement, I would not remember -- otherwise, I cannot  
23 remember the first question they asked me.

24 Q. In general terms, they came to you -- you are going to a room with them and they say, "We are  
25 interested in this or that." So what were they interested in finding out?

26 MR. SEFON:

27 Objection, Mr. President. The witness wouldn't know whatever interest the investigators had in asking  
28 him questions.

29 MR. PRESIDENT:

30 But he is asking whether they informed him. So he can answer that question.

31 BY MR. BLACK:

32 Q. So, again, sir, in general terms, what did they tell you they were interested in -- why they had come to  
33 see you?

34 A. Counsel, I have given you my answer.

35 Q. No you haven't. Tell me what they wanted to talk about?

36 A. I told you that when they came they said they wanted to talk to me about events that took place in  
37 Kigali, because that is where I lived previously.

1 THE WITNESS

2 Mr. President, I would like to request if you allow the cross-examination to stop at this point, because I  
3 feel very tired and we can continue tomorrow.

4 MR. PRESIDENT:

5 Mr. Black do you have any more questions?

6 MR. BLACK:

7 Yes, My Lords. Maybe another hour or less than an hour.

8 MR. CIRÉ BÂ:

9 Mr. President, I would like to know if other Defence counsel would like to cross-examine this witness.

10 MR. MAC-DONALD:

11 Mr. President, depending on Mr. Black's cross-examination, of course, I might not.

12 MR. PRESIDENT:

13 You will line up the next witness for the afternoon tomorrow.

14 MS. GIRARD:

15 Yes, I intend to cross-examine, yes -- no, about an hour -- about an hour.

16 MR. PRESIDENT:

17 So you have the witness for the afternoon.

18

19 Proceedings are adjourned to 9:00 tomorrow.

20 *(Court adjourned at 1715H)*

21 *(Pages 60 to 63 by Regina Limula)*

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

We, Karen L. Holm, Gifty C. Harding, Judith Kapatamoyo, Rex Lear, Roxane Lane and Regina Limula, Official Court Reporters for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*stenotype*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

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

\_\_\_\_\_ Karen Holm

\_\_\_\_\_ Gifty Harding

\_\_\_\_\_ Judith Kapatamoyo

\_\_\_\_\_ Rex Lear

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

\_\_\_\_\_ Regina Limula