

1 THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
2 CASE NO. ICTR 98-44A-T THE PROSECUTOR
3 OF THE TRIBUNAL
4 AGAINST
5 JUVENAL KAJELIJELI
6 3 OCTOBER 2001
7 930H
8 CONTINUED TRIAL
9 Before:
10 Judge William H. Sekule, Presiding
11 Judge Winston Churchill Matanzima Maqutu
12 Judge Arlette Ramaroson
13 For the Registry:
14 Mr. John Kiyeyeu
15 Mr. Abraham Koshopa
16 For the Prosecution:
17 Ms. Ifeoma Ojemeni
18 Mr. Ibukunolu Babajide
19 For the Defendant Kajelijeli:
20 Professor Lennox Hinds
21 Professor Nkey Makayi Bompaka
22 Court Reporters:
23 Ms. Regina Limula
24 Ms. Sithembiso Moyo
25 Ms. Kelly Allemang

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

2 MR. PRESIDENT:

3 Yes, the proceedings are called to order.
4 Could the registry introduce the matter
5 coming before the Trial Chamber for the
6 record, please?

7 MR. KIYEYEU:

8 Thank you, Mr. President. Trial Chamber II
9 of the International Criminal Tribunal for
10 Rwanda, composed of Judge William H. Sekule,
11 presiding, Judge Winston Churchill Matanzima
12 Maqutu, and Judge Arlette Ramaroson, is now
13 sitting in open session, today Wednesday the
14 3rd October 2001, for the continued trial
15 when Ms. Ojemeni, Counsel for the
16 Prosecution will continue with the
17 examination-in-chief of Witness GDD, PW 9,
18 in the matter of the Prosecutor versus
19 Juvnal Kajelijeli, Case No. ICTR-98-44A-T.
20 Thank you, Mr. President.

21 MR. PRESIDENT:

22 Thank you, Mr. Kiyeyeu for the Registrar.
23 Can we have the appearance of the parties,
24 starting with the Prosecution, please?
25

1 MS. OJEMENI:

2 May it please Your Honours. Ifeoma Ojemeni,
3 appears with Ibukunolu Babajide and
4 Marotine, Doroth e, for the Office of the
5 Prosecutor.

6 MR. PRESIDENT:

7 Thank you Learned Counsel. Can we also have
8 the appearance of the Defence, Please?

9 PROFESSOR HINDS:

10 Lennox Hinds, representing Mr. Kajelijeli,
11 and I am assisted by Professor Bompaka and
12 the Interpreter, Emil Dusabe.

13 MR. PRESIDENT:

14 Thank you very much Learned Counsel. Could
15 you please remind Witness GDD that the Trial
16 Chamber reminds him of the solemn
17 declaration he made yesterday, and that he
18 will continue his evidence today on that
19 same solemn declaration.

20 THE WITNESS:

21 Thank you.

22 MR. PRESIDENT:

23 Yes. Okay. Of course, we note that the
24 accused is not around here, and I think for
25 the reasons given and the ruling given. Is

1 that the position?

2 PROFESSOR HINDS:

3 That is correct, Your Honour. Mr.
4 Kajelijeli waives his right to be here
5 pending the resolution of his health
6 problems.

7 MR. PRESIDENT:

8 Okay. We will continue. Learned Counsel?

9 MS. OJEMENI:

10 Thank you, Your Honour. Your Honours, may I
11 crave your indulgence, before I get to the
12 last questions that I asked the Witness
13 yesterday --

14 MR. PRESIDENT:

15 Yes, you were talking about -- I think he
16 was talking about the groups --

17 MS. OJEMENI:

18 Yes, I do remember, but before I get there I
19 will want to clarify a few issues based on
20 his previous testimony that he gave before
21 my last question, just to put up a clear
22 picture before Your Honours.

23 MR. PRESIDENT:

24 Yes.

25 BY MS. OJEMENI:

1 Q. Witness, good morning.

2 A. Good morning.

3 Q. I will need you to clarify a few issues
4 based on the responses you gave me yesterday
5 to the questions I put to you. Firstly, you
6 did tell this Court that you were an active
7 member of the Interahamwe, and as a result
8 of that --

9 PROFESSOR HINDS:

10 Objection, Your Honour, to this whole form
11 of inquiry. The witness was asked questions
12 yesterday, he answered those questions. If
13 Ms. Ojemeni wants now to ask additional
14 questions she should put questions to the
15 witness as opposed to attempting to
16 characterise testimony that is in the record
17 and that this Chamber had heard. She should
18 not now be attempting to characterise the
19 testimony. She can put questions to him if
20 she wants to clarify certain issues which
21 she should not be now attempting to
22 characterise his testimony.

23 MS. OJEMENI:

24 Your Honour, as an officer of this Court I
25 need to assist this Court in reaching a

1 final determination on this issue, and, at
 2 least, to have a fair trial of the accused.
 3 And it is only on that basis that I am
 4 seeking clarification on issues that were
 5 raised on the, I mean, in the responses that
 6 the witness gave as a result of questions
 7 that I put to him yesterday. I will
 8 definitely ask questions. I will follow it
 9 up with questions.

10 PROFESSOR HINDS:

11 Your Honour, the rules are that she asks
 12 questions and elicit answers. If she does
 13 not get the answer that she wants she cannot
 14 now try to characterise the testimony of the
 15 witness.

16 MR. PRESIDENT:

17 Yes. Professor Hinds, we have heard you. I
 18 think our understanding was this was an
 19 introductory remark, and Counsel, I think,
 20 is entitled to that. And it is not a -- if
 21 she goes to characterisation and giving her
 22 own opinion, that will be a different
 23 matter. Could you proceed, Counsel.

24 BY MS. OJEMENI:

25 Q. Witness, did you tell this Court yesterday

1 that you were an active member of MRND, and
2 that because of that you were consulted, but
3 using your words that Kajelijeli got in and
4 told Shadreck Sendugu -- Shadreck got in
5 touch with you for the preparation of the
6 offence. You mentioned offence --

7 PROFESSOR HINDS:

8 That is not the witness's testimony. That
9 is the problem I am dealing with. She
10 should not now be attempting to
11 mischaracterise testimony that is in the
12 record. That is improper.

13 MS. OJEMENI:

14 The witness did say so, and my question is
15 which offence were you referring to.

16 PROFESSOR HINDS:

17 Objection, Your Honour. I mean this is
18 improper --

19 MR. PRESIDENT:

20 I think, Counsel, you can re-state your
21 questions. Give each other time for the
22 translation, please. Could you re-state
23 your question back on that issue so that we
24 can move forward.

25 BY MS. OJEMENI:

1 Witness, did you tell this Court yesterday
2 that, because you were an active member of
3 the Interahamwe, Mr. Juvnal Kajelijeli and
4 Mr. Sendugu Shadreck, the President of MRND
5 in Nkuli commune got in touch with you, for
6 the preparation of the offence, and my
7 question is, what offence are you referring
8 to?

9 PROFESSOR HINDS:

10 Objection, Your Honour. It is an improper
11 attempt to put a question. She should
12 simply ask the witness a question, but not
13 characterise the statement and then say,
14 isn't it true? I mean it is improper. What
15 she is attempting to do is simply not
16 applicable.

17 MR. PRESIDENT:

18 It might not be applicable, but as far as
19 these Rules of Procedure are concerned we
20 rule that this is a proper question and it
21 must be answered.

22 MS. OJEMENI:

23 Thank you, Your Honour. Witness, could you
24 tell the Court which offence you were
25 referring to when you said that Mr. Juvnal

1 Kajelijeli and Shadreck Sendugu got in touch
 2 with you for the preparation of the offence?
 3 A. I thank you. When I talked about offences,
 4 that was for the purpose of underscoring the
 5 orders given by the government. In other
 6 words, let me explain; in the official
 7 journal of the state, if my memory serves me
 8 right, it was number 928 of the month of
 9 January during the week of the 6th to the
 10 12th, in an editorial, President
 11 Habyarimana, President of the Republic
 12 declared -- approximately that he called
 13 upon all the Rwandans to serve the national
 14 unity and peace so that it doesn't slip
 15 between their fingers, in order that the
 16 Hutu Rwandans fall under the servitude.
 17 When he said servitude he meant CTC, that
 18 is, of the Hutu and the Tutsi.
 19
 20 Now, the minister was a member of the
 21 government, and when he made orders he gave
 22 directives to Kajelijeli who in turn is
 23 president of the MRND and was to implement
 24 those orders, and he was to implement them
 25 through ***** who was chief of

1 the active youth of the commune.

2

3 Now, it was often repeated, when I say it

4 was; it was Nzirorera, Kajelijeli and

5 Sendugu Shadreck in rallies that they did

6 not forget to remind the orders of

7 incitement to the population, because the

8 RPF attacked us, and I did say -- state so

9 yesterday, the RPF was -- used to tell us as

10 we too were composed of Tutsi that wanted

11 still to govern the country. Thank you.

12 Q. Witness, which offence did you prepare; that

13 is my question, which offence were you

14 referring to?

15 PROFESSOR HINDS:

16 Objection, Your Honour. Objection, Your

17 Honour. She asked the witness with respect

18 to orders. The witness gave whatever answer

19 he gave. Now, it is the question she put to

20 the witness. He just answered it.

21 MR. PRESIDENT:

22 I think you will come back to that. The

23 Lawyer on the other side is entitled to ask

24 any question, and it is the Trial Chamber

25 that will rule. We think she can ask; there

1 is nothing wrong in that question. Yes
2 please. What does he want to say?

3 THE WITNESS:

4 I am sorry, I see very clearly that Counsel
5 for Mr. Kajelijeli did not understand when I
6 talked about offences; that was the offence
7 for the elimination of the Tutsi.

8 BY MS. OJEMENI:

9 Q. When did it take place?

10 A. The preparations took place before 1994.

11 Q. Thank you. When you responded to my
12 question as to how you knew that Kajelijeli
13 was a member of the Prefectural committee
14 you said that you knew this because a list
15 was published. Which list?

16 PROFESSOR HINDS:

17 Objection, Your Honour. I mean what she is
18 doing now is just going over and
19 characterising testimony that we had
20 yesterday, and, again, that is improper for
21 her to do, because all she is attempting to
22 do is to reinforce what has been said
23 before.

24 MR. PRESIDENT:

25 Counsel, if you want to go back to whatever

1 you want, the witness has given answers.
2 You can ask him these questions afresh so
3 that at least introductory remarks are in
4 order. But at least if you want to develop
5 you don't have to review the entire evidence
6 that was given by the witness by that kind
7 of formulation. If you want to go back you
8 are entitled to do that. You can ask the
9 appropriate question and get the answers.
10 BY MS. OJEMENI:
11 Witness, you referred to a list yesterday.
12 Which list were you referring to that was
13 published?
14 PROFESSOR HINDS:
15 Objection. That was asked and answered.
16 That was asked and answered.
17 MS. OJEMENI:
18 Your Honour, my learned friend should be
19 reminded that the judges are responsible for
20 the conduct of this trial, and not my
21 learned friend. He should not be a judge
22 and at the same time a Defence Counsel.
23 PROFESSOR HINDS:
24 Your Honour, I have my responsibilities, she
25 has hers. My responsibility is to protect

1 the interest of my client within the rules
2 of this Court. I am to make appropriate and
3 legally sound objections. I think I am
4 doing that. The Court will rule. You rule
5 whether I am in order or out of order, and
6 we move on.

7 MR. PRESIDENT:

8 Yes. You can go on with that question,
9 Counsel.

10 BY MS. OJEMENI:

11 Witness, which list were you referring to
12 that was published during election?

13 A. Well, it was that list containing the names
14 of those that were elected as members of the
15 MRND prefectural congress. Moreover,
16 yesterday I did remember the name of
17 Nzirorera and the former Deputy Prefect,
18 Nzanana. I believe I did omit to mention
19 those two names because it has been a long
20 time.

21
22 Let me spell Nzanana, N-Z-A-N-A-N-A.

23 Q. Witness, is this prefectural congress the
24 same as the prefectural committee of MRND?

25 A. Yes, you had the congress and the

1 prefectural committee. In other words,
 2 those that were in the committee were
 3 automatically members of the prefectural
 4 committee. And the prefectural congress,
 5 rather, the prefectural congress was allied.
 6 But I did say very clearly, and for the
 7 prefectural committee there were eight, if
 8 my memory serves me right. Thank you.

9 Q. Is Kajelijeli a member of the Prefectural
 10 committee, and MRND congress as well?

11 A. Yes. Let me explain that. The members of
 12 the committee were automatically members of
 13 the congress, because in the prefectural
 14 congress you had, not only members of the
 15 committee, there were also those presidents
 16 that came from the various communes of
 17 Ruhengeri, including the president of MRND
 18 in each commune. So, you can see clearly
 19 that the congress was rather enlarged, and
 20 the committee was restricted to eight
 21 members.

22 Q. Is Ruhengeri a prefecture or commune,
 23 because I heard commune in the translation?

24 A. No. Ruhengeri is a prefecture and the
 25 prefecture is divided into 16 communes.

1 Q. Witness, before we adjourned yesterday, I
2 asked you a question in response to which
3 you said -- I withdraw -- I withdraw these
4 comments. Before we adjourned yesterday, you
5 told this Court who the members of -- who
6 the founders of Amahindure were?

7 A. The founding members of the Amahindure
8 Battalion, if I can remember correctly, we
9 had Juvnal Kajelijeli, you had the former
10 Colonel Ngiritura, and he was perhaps a
11 reflection of the former Nzirorera because
12 he was a military man. And there was
13 Sendugu Shadreck, president of the MRND, you
14 had the former Minister, Nzirorera, Joseph
15 as the chief responsible for finances. You
16 had the agitante -- Nkarorero of the former
17 Rwandan Forces, I can't remember his sir
18 name. There was Alex Serg , former commando
19 Hitimana Pierre, alias Agasiga. This is if
20 my memory serves me right.

21 Q. What is the meaning of Amahindure?

22 A. Amahindure was also called Virunga Force.
23 That was for -- the purpose was to defend
24 the region. But it would not be surprising
25 to see that these Amahindure or the Virunga

1 Force -- Mr. Kajelijeli -- most of them
 2 participated in the massacres of the Tutsi.
 3 Moreover -- I am sorry, I was going to go in
 4 another direction. I should leave it at
 5 this. Thank you.

6 Q. When did this massacre you mentioned take
 7 place?

8 A. The massacres took place as from the 7th
 9 April 1994.

10 Q. I will come back to that.

11 A. Thank you.

12 Q. Were the members -- were the Amahindures
 13 also called Interahamwes?

14 A. Yes, because the Amahindure/Virunga Force,
 15 was a group composed of the youth, that is,
 16 the youth of Nkuli commune and the Mukingo
 17 commune. But they were answerable to the
 18 communal office of Nkuli. In other words,
 19 in that official journal number 928 that I
 20 referred to, the journalist stated very
 21 clearly that it was the members of the MRND
 22 that wanted to become the Interahamwe. In
 23 other words, the youth was also Interahamwe,
 24 and when you say interahamwe you meant a
 25 defence element, or a young man in the

1 defence of the northern region. Nkuli is
 2 spelt, N-K-U-L-I, and Mukingo,
 3 M-U-K-I-N-G-O. You would allow me if I may
 4 explain; I can give you a photocopy of the
 5 writings of a journalist on the part
 6 concerning the MRND and the Interahamwe if
 7 you wish to have a copy of it.

8 Q. Thank you. What is then the difference
 9 between Interahamwe and the Amahindure?

10 A. There is practically no difference.

11 Q. The Amahindures, did they wear uniforms?

12 A. Yes. After the death of the President of
 13 the Republic, they received, if you allow me
 14 -- I was among them, so we received from the
 15 former Minister Nzirorera, on behalf of the
 16 MRND -- we received Interhamwe uniforms. It
 17 was Nzirorera that gave us these uniforms.
 18 Nzirorera had promised us these uniforms in
 19 a meeting held at Nkuli commune.

20

21 Let me explain that Kajelijeli brought these
 22 wraparounds and gave them over to the
 23 President of the MRND, who went to one of
 24 the rooms in the house of ** *****
 25 *****, and it was the President of MRND

1 who told me that those wraparounds were the
2 wraparounds that were promised by Nzirorera.

3 PROFESSOR HINDS:

4 I mean, what he is saying is what somebody
5 told him concerning uniforms and so on and
6 so forth.

7 MS. OJEMENI:

8 It is relevant.

9 BY MS. OJEMENI:

10 Q. Witness, we will come back to what you have
11 said now. My question is; did the
12 Amahindures have uniforms at the time that
13 you were training them?

14 A. At the time we supplied them with those
15 uniforms, the Amahindure did not have any
16 uniforms, but for the attacks they wore
17 uniforms of the interahamwe.

18 Q. What is the uniform of the Interahamwe?

19 A. These are MRND wraparound, yellow in colour,
20 yellow, green and blue, that is a sort of
21 sky blue.

22 Q. What material was it made of?

23 A. They were made of -- these wraparounds were
24 made of a material called Ibitenge in
25 Kinyarwanda. Ibitenge is spelt,

1 I-B-I-T-E-N-G-E, Ibitenge.

2 Q. Let us now go to the massacre you just

3 mentioned that took place on the 7th of

4 April 1994. Witness, can you recall the

5 date the President died -- President

6 Habyarimana, the day he died?

7 A. Yes, I do.

8 Q. Which date was it?

9 A. On the 6th April 1994.

10 Q. Where were you when you heard the news that

11 he died?

12 A. I was at home. I came to rest, because as a

13 ***** ** *** ***** before the commune,

14 I asked permission from my colleagues to go

15 and rest a little, have some food and to

16 come back latter on. I heard through my

17 little radio set about the death of the

18 President.

19 Q. Where was this roadblock set up?

20 A. On the main road linking Ruhengeri and

21 Gisenyi Prefectures. That is, the tarred

22 road and it was right in front of the camp

23 of the Amahindure Battalion in the Nkuli

24 commune.

25 Q. My question was, when was it set up?

- 1 A. It was before 1994.
- 2 Q. Where was it located?
- 3 A. On the Ruhengeri/Gisenyi road in front of
- 4 the Nkuli communal building.
- 5 Q. Why was it set up?
- 6 A. ** * ***, I was given orders to see
- 7 whether in various trucks, vehicles, there
- 8 were Tutsi that were supposed to go through,
- 9 and we were supposed to stop them and lead
- 10 them to the communal office.
- 11 Q. Who gave you the order?
- 12 A. It was Sendugu, Shadreck, Kajelijeli,
- 13 Juneval, the Bourgmestre of the Nkuli
- 14 commune, Dominic Jatsimbanyi.
- 15 Jatsimbanyi is spelt, J-A-T-S-I-M-B-A-N-Y-I.
- 16 Q. Now, you told this Court that you heard the
- 17 news about the death of President
- 18 Habyarimana while you were resting at home;
- 19 was it the same night he died?
- 20 A. I am sorry, could you kindly repeat your
- 21 question?
- 22 Q. You told the Court that you were resting at
- 23 home when you heard about the death of
- 24 President Habyarimana. Was it the same
- 25 night he died that you heard this news?

1 A. Yes, when I talked about the 6th of April,
 2 the President's -- I was even saying that it
 3 was on the 6th of April, during the day, but
 4 it was during the night of the 6th April,
 5 moving towards the 7th of April.

6 Q. When you heard this news, did anything
 7 happen shortly after, while you were still
 8 at home?

9 A. When I was at home, a police officer, a
 10 Brigadier called Ntabareshya Boniface, a
 11 Deputy Brigadier, he came to my house and
 12 asked me this question: "Chief, you are
 13 sleeping while as the President of the
 14 Republic has just been assassinated?" And
 15 he told me to expeditiously return to the
 16 commune and that Kajelijeli was looking for
 17 me. Now, Ntabareshya is spelt,
 18 N-T-A-B-A-R-E-S-H-Y-A, Ntabareshya,
 19 Boniface. And then I put on my clothes,
 20 that is, I adorned my military uniform
 21 because I had a camouflage uniform, I took
 22 my Kalashnikov and some charges -- bullet
 23 charges -- they contain six bullets each --
 24 I am sorry? I am sorry I interrupted you.

25 MS. OJEMENI:

1 Then I went -- then I went -- well, we went
2 the militia and myself to the commune, and
3 upon arrival at the commune I met
4 Kajelijeli, he was with the people in the
5 neighbouring area. There was Sendugu
6 Shadreck who was the president of the MRND,
7 and other people that were from the
8 neighbourhood. They were all very affected,
9 shocked by the death of the President of the
10 Republic. And Kajelijeli told us to go and
11 talk about the death of the President and to
12 organise ourselves as to how we react,
13 because -- who killed the President of the
14 republic -- in other words, the rest of the
15 population, especially intellectuals were to
16 be killed. So that we went into the commune
17 -- we were given some drinks by Kajelijeli
18 and we had drinks --

19 Q. Thank you, Witness. Now, but what time was
20 this that you got to the communal office?
21 Can you recall the time -- an approximate?

22 A. I do not remember the precise hour. It was
23 around between ten and eleven in the
24 evening.

25 Q. When did you meet Kajelijeli?

1 MR. PRESIDENT:
2 Was it -- he said --
3 BY MS. OJEMENI:
4 Was it night or evening?
5 MR. PRESIDENT:
6 He mentioned ten and what?
7 MS. OJEMENI:
8 Ten and eleven.
9 MR. PRESIDENT:
10 Of the evening. Which evening is it?
11 MS. OJEMENI:
12 6th, he is talking about the 6th, he said
13 it.
14 PROFESSOR HINDS:
15 I think the witness should answer the
16 question.
17 MS. OJEMENI:
18 I have already put that question to him --
19 PROFESSOR HINDS:
20 It is improper for you, Counsel -- for you
21 to give the answer, it is for the witness to
22 answer.
23 MS. OJEMENI:
24 Thank you, Professor.
25 MR. PRESIDENT:

1 No, I think it is -- because before that
2 Counsel he said that when this Brigadier
3 went to his house, he had already heard the
4 news, it was already at night, and he used
5 the words it was 6th approaching 7th.
6 MS. OJEMENI:
7 Night of 6th approaching --
8 MR. PRESIDENT:
9 So, when he says ten and eleven, is it the
10 same date. I think that is what we wanted
11 to find out.
12 BY MS. OJEMENI:
13 Q. Witness, about what time did you meet
14 Kajelijeli at the communal office?
15 A. Well, I said that it was during the night of
16 the 6th April, to the 7th of April,
17 Approximately -- in other words -- I am
18 sorry. Let me go back to what I said. Now,
19 the Deputy Brigadier came to my house,
20 between ten and eleven in the evening. In
21 other words, several minutes afterwards,
22 because from ** ***** ** *** *****, you
23 have approximately one hundred metres. In
24 other words, I had to take three to four
25 minutes to get to the commune. All the more

1 so as the problem was very urgent. And I
2 met Kajelijeli at the commune, in other
3 words, eleven -- several minutes past 11:00
4 pm, and then afterwards he invited us to the
5 officers mess or the canteen to better
6 discuss and organise ourselves as to how we
7 react to the event that took place -- react
8 on the morning of the 7th.

9 Q. About how many of you were there at the
10 canteen on this issue?

11 A. If my memory serves me right, we were about
12 ten.

13 Q. Can you recall some of the names that were
14 present at that meeting?

15 A. If my memory doesn't fail me, there was
16 Juvnal Kajelijeli, there was the Deputy
17 Brigadier Ntambareshya Boniface, and Senior
18 Brigadier Sebazungu. There was Sendugu,
19 Shadreck, MRND President, there was Karorero
20 -- because he was running the communal
21 canteen, he was formerly a Brigadier. There
22 was another fellow called Iyakaremye, there
23 was the CDR President. Sebazungu is spelt,
24 S-E-B-A-Z-U-N-G-U, Sebazungu. Sendugu is
25 spelt as S-E-N-D-U-G-U, Sendugu, Shadreck.

1 Karorero is spelt, K-A-R-O-R-E-R-O.
 2 Iyakaremye, is spelt I-Y-A-K-A-R-E-M-Y-E,
 3 Iyakaremye.
 4 Q. Witness, can you tell the Court what
 5 transpired at that meeting?
 6 A. Now, during that small meeting, Kajelijeli,
 7 first of all told us -- Mr. Sendugu,
 8 Shadreck -- please, remember that Mr.
 9 Sendugu, Shadreck was the president of MRND.
 10 He said you and the leaders -- what is wrong
 11 -- you are -- here behind the communal
 12 building there are Tutsis there, and you
 13 very well know that it was the Tutsi that
 14 killed -- that brought down the Presidential
 15 plane. What are you waiting for to
 16 eliminate the enemy? Do you want them to go
 17 ahead and kill yet another member of the
 18 government, or an administrative official?
 19
 20 Now, when he said what we needed, Sendugu,
 21 Shadreck said that we did not have arms --
 22 weapons -- material to attack the population
 23 there. Kajelijeli said just wait a minute;
 24 I will ask the Brigadier to lend him a
 25 telephone and they left together. They left

1 us there in the canteen. And whilst we
2 drunk at the counter they went into the
3 courtyard of the communal police because
4 there there was a telephone. We saw them
5 directly because we were -- since we were at
6 the bar of the canteen we saw the office or
7 the guard -- the police guard.
8
9 Kajelijeli stayed there a little, he said he
10 was going to call, to ask Major Bizabarumana
11 for some material. Kajelijeli didn't stay
12 long he came and said, yes, the equipment
13 has been granted to us by the Major -- the
14 material or equipment will arrive in the
15 morning here at the commune. Then, he
16 promised also, promised us reinforcements
17 from the Interahamwe of Muchingo to better
18 succeed in an attack in Kinyerwa -- that is,
19 in Kinyababa.
20
21 Well, Kajelijeli left -- I am sorry, there I
22 was going to omit something. We agreed that
23 he would come down with Iyakaremye, that is,
24 the CDR President, and then Kajelijeli left
25 to go back home to get some sleep because he

1 was tired as he said. We had our drinks,
2 and then I went back to the road-block to
3 join my colleagues there. In the morning of
4 the 7th --

5 Q. Before you continue, I need to clarify a few
6 things from you. Which Brigadier did you
7 refer to that went with Kajelijeli to make
8 the phone call?

9 A. It was the Deputy Brigadier Ntabareshya
10 Boniface.

11 Q. Where was this telephone call made? Which
12 telephone was used?

13 A. It was at the communal police station. I
14 don't know how to -- what the technical name
15 is, you know, the technical name of that
16 type of telephone. I mean, these are
17 telephones --

18 Q. I am only asking for the location of the
19 telephone used.

20 A. The telephone was in one of the rooms just
21 behind the commune. I don't -- maybe if I
22 drew a sketch I could tell you where
23 specifically that room or where that police
24 station was located. It is just behind the
25 communal office.

1 Q. Now, when Kajelijeli left that night, what
2 did those of you that stayed back do in the
3 canteen?

4 A. Well, Sendugu Shadreck and myself discussed
5 in an attempt to find out how we were going
6 to find the youths who were going to assist
7 us in killing the Tutsis. Sendugu Shadreck
8 said that it was my responsibility to summon
9 those youths, and I said I was ready and
10 that I would be ready in the morning of the
11 7th to look for some young people, because
12 when I called them, a lot of them came.

13 Q. Did Kajelijeli leave with anybody that
14 night?

15 A. Yes, he left with the senior Brigadier
16 Sembandugu (sic) who accompanied him right
17 to his house, because from the canteen to
18 Kajelijeli's house, well, it is
19 approximately about sixty to seventy metres.
20 It is not too far. And, by the way, the
21 lights in the communal office also lights
22 the streets right up to Kajelijeli's house.
23 It is not very far.

24 Q. What is the ethnicity of the people that met
25 that night?

1 A. It was the Hutu ethnic group only.

2 Q. Did the weapon arrive the following day as

3 he said -- as he promised -- as Kajelijeli

4 promised?

5 MR. PRESIDENT:

6 Material.

7 BY MS. OJEMENI:

8 Q. Oh, I am sorry. I withdraw that. Did the

9 material return -- I mean, did the material

10 arrive the following day as Kajelijeli

11 promised?

12 A. Yes.

13 Q. What was this?

14 A. There were Kalashnikovs, there were

15 grenades, cartridge -- boxes of cartridges,

16 if my memory serves me right. The material

17 was conveyed by a military land-rover.

18 There were three soldiers in it; the driver,

19 the wireless operator and someone else whose

20 function I didn't know.

21 Q. About what time did these weapons arrive?

22 A. Between five and six.

23 Q. How did you know?

24 A. Sorry? What is the meaning of the word

25 "know"? I didn't quite understand.

1 Q. How did you know that the time that the
2 weapons arrived?
3 A. I knew because there were policemen on
4 guard. They had watches. Sendugu Shadreck
5 had a watch, so there was no problem in
6 knowing when.
7 Q. Knowing when the weapons arrived?
8 A. Yes, the jeep that was coming from Mukamira
9 passed through the roadblock, and one of the
10 soldiers told me that they were bringing the
11 weapons to add to the weapon that we had
12 previously; because we just had a few
13 Kalashnikov at the roadblock, and I went to
14 the commune to meet Sendugu, Shadreck.
15 Q. Where were the weapons taken?
16 A. The weapons came from the Mukamira camp from
17 Major Bizabarimana who was the officer
18 commanding the camp, and he had made a
19 promise to deliver those weapons to
20 Kajelijeli on the night of the 6th to the
21 7th.
22 Q. Where were the weapons taken to?
23 A. They were deposited in front of the stairs
24 -- in front of the office of the lady
25 inspector of schools, that was the wife of

1 Sendugu Shadreck, and at the time Sendugu
2 Shadreck had the key for that office. He
3 opened the office, and we picked up the
4 material, and we stored them in the office
5 of that lady inspector of primary schools,
6 and, first of all -- and then to consider
7 how to distribute them and subsequently how
8 to carry out the attack.

9 Q. Where was this office located?

10 A. I don't know how to describe it to you.
11 Because I can make a sketch to show you
12 where the office is located. Where the
13 Canteen is, where you have the office of the
14 lady inspector. In fact, it was located
15 just behind ** *** ***** ** ***** *** **
16 ***** ** **** ***** *****, but we were
17 all in the same building.

18 Q. Was this office within the communal office;
19 Nkuli communal office?

20 A. Yes.

21 Q. Did you see Kajelijeli that morning?

22 A. Yes. When the jeep arrived, one of the
23 soldiers said that it was the commanding
24 officer of the camp who had instructed them
25 to deliver such material at the communal

1 office in the presence of Kajelijeli. At
 2 the time Kajelijeli was still at his house.
 3
 4 As I told you, it was quite early in the
 5 morning, and one of the police officers woke
 6 up Kajelijeli to inform him of the arrival
 7 of the material assistance from Mukamira
 8 camp. So, Kajelijeli came back with the
 9 police officer, and Kajelijeli for his part
 10 said, "well. Okay gentlemen -- (name struck
 11 out on Court's order), Sendugu, Shadreck, it
 12 is now your turn to act. I am leaving for
 13 Mukingo to monitor the situation, and we
 14 could get together again in the afternoon
 15 and then you would report to me on what you
 16 have done. Thank you.

17 MS. OJEMENI:
 18 Your Honour, may I crave your indulgence to
 19 delete a particular name, (name struck out
 20 on Court's order) because he is a protected
 21 witness.

22 PROFESSOR HINDS:
 23 How do you put the genie back into the
 24 bottle? I mean the name is there, out
 25 there.

1 MR. PRESIDENT:

2 Yes, it is unfortunate, it should have been
3 pointed out much earlier. But that name,
4 for the reasons advanced it should be struck
5 out because it is a name of a protected
6 witness -- from the record.

7 MS. OJEMENI:

8 As the Court pleases.

9 THE WITNESS:

10 Sorry, Mr. President. My testimony here is
11 absolutely true. I am not hiding anything.
12 Even in front of Kajelijeli. Thank you.

13 MR. PRESIDENT:

14 I don't know how it can be explained very
15 easily. It's just that nobody is
16 questioning your testimony. What is
17 happening is that there was a name which was
18 mentioned of a witness who is protected. We
19 have ways of going about of mentioning names
20 of that kind. So, that is what we are
21 trying -- is being done.

22 THE WITNESS:

23 Yes, thank you.

24 Q. Did Kajelijeli leave with anybody that
25 morning. Can you remember?

1 A. Yes. Now, in his pick-up, that is, in the
2 pick-up that he had privatised, it was a red
3 Hilux pick-up. There were, always in that
4 pick-up, two Interahamwe who were his
5 guards. So he picked them up, and for the
6 purposes of reinforcement of the
7 Interahamwes in Mukingo. Together with
8 Iyakaremye, the President of the CDR, he
9 went with Kajelijeli so as to guide those
10 Interahamwes who will be coming from
11 Mukingo. They were supposed to provide us
12 with reinforcement.

13 PROFESSOR HINDS:

14 Objection, Your Honour. I mean, now this
15 witness is going on with what Kajelijeli was
16 planning to do in Mukingo and so on, and we
17 have no predicate evidence to support how he
18 knew what Kajelijeli was doing, and we are
19 now into a whole line of projections and
20 speculations of this witness.

21 MR. PRESIDENT:

22 Unless, of course, he told them what he was
23 going to do.

24 PROFESSOR HINDS:

25 Absolutely.

1

2 MS. OJEMENI:

3 Your Honour, the witness has given testimony
4 on a meeting that took place and mentioned
5 the reinforcement of the Interhamwe, and I
6 asked a question; did he leave with anybody,
7 and he is telling us the reasons why he left
8 with that particular person.

9 PROFESSOR HINDS:

10 He indicated -- I think it was proper a
11 question and answer, he left with such and
12 such. And then he went on to talk about
13 what he was going to do in Mukingo and so
14 on, and there hasn't been, at least, any
15 predicate question that would lead us to
16 understand how this witness knew what was
17 going to happen.

18 MR. PRESIDENT:

19 Yes. Maybe, Counsel, you can bear in mind
20 that the -- we do -- in certain situations
21 yes, Court will accept it, but we would like
22 to know what is the basis of some the
23 conclusions that he is making.

24

25 So maybe you should go as much as possible

1 to ask questions -- to put questions to the
2 witness and to get his responses. It might
3 help -- I know it might help to go forward
4 with a lot of precision and not coming, you
5 know, up and forth, perhaps.

6 MS. OJEMENI:
7 Can my learned friend put off his
8 microphone. Your Honours, I cannot teach
9 the witness how to answer questions. But, I
10 will follow it up, I do know that you do
11 need everything to be clarified. I will now
12 follow it up with proper questions to find
13 out how he knew what he has just told us.

14 MR. PRESIDENT:
15 And if you can go stage by stage so that at
16 least we can have some precision, if
17 possible. Please go ahead.

18 MS. OJEMENI:
19 Maybe the witness wants to say something.

20 MR. PRESIDENT:
21 Yes, Witness?

22 THE WITNESS:
23 Yes, I am a bit surprised at what
24 Kajelijeli's Counsel has just said. I did
25 not say that I saw what Kajelijeli did in

1 Mukingo commune -- please, please, Counsel

2 --

3 PROFESSOR HINDS:

4 This witness should not be proffering
5 answers to questions that are not put to
6 him. So we shouldn't have the witness now
7 expounding without any questions being put
8 to him and now raising questions about
9 Kajelijeli's Lawyer. It is improper to have
10 such a witness making such commentary. The
11 witness should answer questions put to him.

12 MR. PRESIDENT:

13 Yes, thank you, Learned Counsel. Yes, could
14 you go on. You were saying?

15 THE WITNESS:

16 Thank you, President, Your Honours. Let me
17 say again; when I was talking about the
18 morning of the 7th, we agreed at the Canteen
19 that Kajelijeli was going to provide us with
20 reinforcements on the 7th. And I did say
21 that it was Kajelijeli himself who told us
22 that he would be going to Mukingo commune to
23 monitor the situation. I didn't say that I
24 saw Kajelijeli doing anything in Mukingo
25 commune. I am only talking about what I saw

1 with my own eyes and what I heard.

2 MR. PRESIDENT:

3 That is quite correct. That is your
4 evidence. But let me explain -- the Trial
5 Chamber explain that the trial -- the
6 Counsels for the Defence as well as for the
7 Prosecution have every right to raise any
8 issue before the Trial Chamber. It is for
9 the Trial Chamber to determine what -- the
10 conclusion of those issues. It is within
11 the purview of the process here. Please
12 proceed.

13 THE WITNESS:

14 Thank you.

15 BY MS. OJEMENI:

16 Q. Witness, when Kajelijeli arrived at the
17 communal office, did he say anything to you
18 -- that morning, when he arrived that
19 morning, did he say anything to you to those
20 of you who were present, when he saw the
21 weapons, can you remember?

22 A. When you talk about the commune, which
23 commune are you referring to?

24 Q. Nkuli Office, when he arrived that early
25 morning on the 7th and saw the weapons; did

1 he say anything to any of you that were
2 present there?

3 PROFESSOR HINDS:

4 Objection, Your Honour. The witness
5 answered that question, and the witness, in
6 fact, said: "I am leaving, it is time to
7 act, I am leaving for Mukingo to supervise
8 activities". I mean, that is a question
9 answered.

10 MR. PRESIDENT:

11 Let the Counsel ask the questions. Where
12 objection is warranted we will certainly
13 take note of it. Please proceed.

14 BY MS. OJEMENI:

15 Q. Can you answer my question, if you remember.
16 Would you want me to ask the question?

17 A. I would like you to repeat, because having
18 been interrupted by Counsel for Defence, I
19 wasn't able to properly follow the question.

20 Q. My question was; when Kajelijeli arrived at
21 the communal office that morning and saw the
22 weapons, did he say anything to any one of
23 you there or to all of you?

24 A. Yes, he reminded us of the words, the
25 conclusions we had arrived at in the night,

1 namely that we were going to attack the
 2 enemy. And the enemy in this case is the
 3 Tutsi ethnic group. And in the morning he
 4 told us: "It is your business to act.
 5 Sendugu and I myself are going to Mukingo".
 6 Thank you.

7 Q. Whom did he leave with that morning to
 8 Mukingo?

9 A. He was accompanied by two Interahamwes who
 10 were his messengers who provided protection
 11 for him, including Mr. Iyakaremye who was
 12 the President of the CDR in our commune.
 13 You will remember that we were with
 14 Iyakaremye at the canteen in the night. So,
 15 he left with Iyakaremye, and it was his
 16 responsibility to guide and bring in the
 17 reinforcement of the Interahamwe that had to
 18 come from Mukingo to come and join us at the
 19 place of the massacres. Thank you.

20 Q. Was this part of the agreement that you
 21 reached in the night of the 6th?

22 A. Yes.

23 Q. You told this Court that your duty was to
 24 call the youths; how did you call these
 25 youths, or rather, to mobilise the youth --

1 how did you mobilise the youths?

2 A. As usual I sounded a ***** ***** *** *****

3 ****. When I said A, B, *** ***** *****

4 ***** ***** ** ** ***** ***** *****

5 ***** ** * ***** *** ***** In other

6 words, on that morning on the 6th * *****

7 * ***** when going down towards Kinyababa

8 and the youths and the population -- a lot

9 of them came. And the population was coming

10 not to attack but mainly to loot. Thank

11 you.

12 Q. Did you say the morning of the 6th? Was it

13 the morning of the 6th that this happened?

14 A. No, it wasn't in the morning of the 6th, it

15 was the morning of the 7th.

16 Q. Was this after you received the weapons and

17 Kajelijeli departed?

18 A. Afterwards.

19 Q. Was it in the morning of the 7th, after the

20 weapons had been received and Kajelijeli

21 left for Mukingo and you mobilised the

22 youth?

23 A. Yes, after Kajelijeli left there was the

24 distribution of weapons -- distribution to

25 the youth who were present. And then we

1 also had to carry our weapons for
2 distribution on our way to the place of the
3 massacres.
4
5 So after the distribution at the commune,
6 what I didn't say -- now, among the
7 reinforcements from Mukamira, we shared what
8 we needed for ourselves. What was left over
9 was taken over by the commune for
10 distribution to other sectors. Thank you.
11 Q. Witness, when you refer to, "we" distributed
12 the weapons", who were you referring to?
13 Who distributed these weapons?
14 A. After Kajelijeli's departure I did say that
15 the officials who were left behind were the
16 President of the MRND, Sendugu, Shadreck,
17 and myself in-charge of these youths. We
18 were the ones who led the attack on the
19 Kinyababa cellule.
20 Q. To whom did you distribute these weapons and
21 when did you do so?
22 A. To the youths, and particularly to the
23 youths of the Amahindure battalion.
24 Q. How did you call those youths that morning?
25 A. With ** *****

1 Q. You said this attack at Kinyababa was
2 launched that morning, the morning of the
3 7th; about what time was this?
4 A. At about 9:00.
5 Q. How was this attack launched; can you
6 describe what happened after the youths had
7 received the weapons?
8 A. We went down, a lot of us went down to the
9 place where the attack had to be launched at
10 Kinyababa. In Kinyababa we had been
11 informed that most of the Tutsis had hidden
12 in the house of someone called Seruyombo --
13 sorry -- Ziragwira and Seruyombo. And so
14 some of these Tutsis were hiding in that
15 house, and we knew. And so we asked the
16 population -- because those who didn't have
17 guns had traditional weapons. And when I am
18 talking about traditional weapons I am
19 referring to spears, clubs, machetes
20 etcetera, because I do fully well remember
21 in the group there were soldiers who had
22 come from Mukamira. And those soldiers were
23 not wearing military uniforms, they were in
24 civilian attire. And it is most of those
25 soldiers who threw the grenades, because it

1 is a rather delicate exercise throwing
2 grenades, and we didn't want anybody to die
3 in our ranks, and we were decided that it
4 would be the soldiers who would be throwing
5 the grenades.
6
7 And so we lay down on the grass. It was one
8 of the tactics that we learnt. We were in
9 camouflage, we hid ourselves and the
10 populations used the weapons.
11
12 But when we noticed that the Tutsis came out
13 of those two houses that I referred to, they
14 wanted to attack us. They had their bows
15 and arrows and spears; and one of the Tutsis
16 wounded one of our Interahamwes on the right
17 thigh and Sendugu, Shadreck, then said it is
18 high time, otherwise we will be killed and
19 he asked us -- he gave us orders to open
20 fire, and we started shooting, throwing
21 grenades. And when the Tutsis who were
22 using their traditional weapons saw that we
23 had such weapons they hid in their houses.
24
25 Let me spell Seruyombo, S-E-R-U-Y-O-M-B-O.

1 ***** ** ***** *****

2 Q. Who led this attack?

3 A. It was the President of MRND and myself GDD.

4 Q. About how many of you -- about how many

5 people launched this attack, how many of you

6 were there; can you tell?

7 A. I can't know the exact number, we were -- we

8 were a lot of us. I don't know the number.

9 There was a group that came from Mukingo and

10 another one came from the commune. There

11 was a group belonging to the CDR party that

12 came from Mukamira. There were soldiers

13 from IGA wearing civilian attire. So, you

14 know -- by the way, I didn't know that we

15 were going to fail and we would be bound to

16 even run away from the country. So, I

17 couldn't count the number of the attackers

18 -- the invaders. Thank you. But

19 approximately more than a hundred.

20 Q. You just mentioned groups; were you in

21 groups, the attackers, were you in groups?

22 A. Yes, we were in groups. The group from

23 Mukingo with Iyakeremye leading them, that

24 was one group. There was another group that

25 came down from the Rukoma mountain, that is

1 from the area of the chief of staff -- the
 2 former chief of staff, Nsabimana, who died
 3 with the President, there was another group
 4 that came from the area of the President of
 5 the CDR in Mukamira. I think these were the
 6 groups that carried out the attack that
 7 attacked the Tutsi population in Kinyababa.
 8
 9 Let me spell Rukari (sic), R-U-K-O-M-A, that
 10 is Rukoma. Nsabimana, spelt
 11 N-S-A-B-I-M-A-N-A. Harerimana is spelt,
 12 H-A-R-E-R-I-M-A-N-A, Harerimana, Gerve,
 13 President of the CDR in the commune.
 14 Q. What is the ethnicity of these attackers?
 15 A. I did say that they were of the Hutu ethnic
 16 group.
 17 Q. You said the group from Mukingo were led by
 18 Iyakeremye?
 19 A. Iyakaremye was the President of the CDR
 20 party in the Gitwa secteur. He belonged to
 21 another commune. Gitwa is spelt, G-I-T-W-A,
 22 Gitwa. Let me also say that the CDR party
 23 came later to reinforce the activities of
 24 the MRND at the political level. There
 25 wasn't much difference between the two

1 parties, namely, CDR and MRND. When the
 2 youths of the MRND or the Interahamwe
 3 carried out their attacks they were assisted
 4 by the youths of the CDR. Thank you.

5 Q. Iyakaremye, was it the same man that left
 6 with Kajelijeli that morning?

7 A. No. Again, let me tell you that Iyakaremye
 8 did not leave in the night. He left in the
 9 morning in Kajelijeli's vehicle. It is the
 10 Iyakaremye, he was a former soldier.

11 Q. That was my question. Thank you. Did you
 12 attack only Tutsis that morning in
 13 Kinyababa?

14 A. Yes, that is morning of the 7th of April, we
 15 attacked only the Tutsi ethnic group because
 16 there were a lot of them.

17 Q. How long did the attack last. Can you
 18 remember?

19 A. Yes, in other words, the attacks -- I do --
 20 if I do remember well it was towards 4:00 pm
 21 or 5 pm. I don't know how to be more -- how
 22 to be specific regarding time or minutes.
 23 It is quite some time when these offences
 24 were committed. But I do remember it was
 25 towards the evening of the 7th.

- 1 Q. Can you recall about how many Tutsis were
2 killed on that day in Kinyababa?
- 3 A.
4 As I testified before the Court in
5 *****, I said that it was around 80 of
6 them, and I told the court that it was the
7 survivors of that genocide who could be more
8 specific as to the numbers. So, it was
9 approximately 80, and more than 12 families.
10 Thank you.
- 11 Q. What happened to the property of these
12 Tutsis that were killed?
- 13 A. Well, they were looted by the population.
14 Bricks, iron sheets, goats -- everything was
15 looted. That was -- during -- about
16 evening there were no longer houses left.
- 17 Q. When you say the population, are you
18 referring to the attackers?
- 19 A. No, the population that looted were the
20 assailants. So far as we were concerned,
21 between myself and Sendugu we took a cow and
22 killed it before the communal office and we
23 shared it before going to the canteen.
- 24 Q. When you entered the attack, what did you
25 do?

1 A. At the end of the attack, as I said, we
2 shared meat of the cow. Of course, we
3 didn't forget Kajelijeli. We sent him a
4 bucket full of meat because his wife was
5 there, Mkanze Lawrence. And after the
6 distribution of the meat we went to the
7 canteen because we had an appointment with
8 Kajelijeli who was to come in the evening to
9 see whether we had actually done as
10 promised. And before the arrival of
11 Kajelijeli since we had looted a lot there
12 was money, we bought ourselves some drinks.
13 Thank you.

14 Q. Did Kajelijeli come that evening, did you
15 see him as promised?

16 A. Yes, as he promised, he came back to see
17 whether we had implemented our promise.

18 Q. Where did you see him when he arrived?

19 A. Well, he came in his STB red car -- truck --
20 small truck. He came to the Canteen and
21 asked us -- well, gentlemen you have done
22 what we promised each other? Yes, we said,
23 we did. And because in front of the
24 communal canteen, at a bird's eye view you
25 saw the office; and we said; if you, Mr.

1 Bourgmestre, if you want to confirm that the
2 enemy has been taken, we could go there and
3 verify directly.

4 Q. Witness, are you talking about Mr.
5 Kajelijeli or Bourgmesse? My question was;
6 where were you when Bourgmesse -- I mean,
7 when Juvenal Kajelijeli arrived. Where were
8 you, where did you meet with him?

9 A. No, we didn't meet Kajelijeli as you said.
10 Kajelijeli came -- we got to the canteen
11 first to drink because we had already
12 looted, and then Kajelijeli from Mukingo
13 came in his truck and found us at the bar of
14 the canteen. I am sorry.

15 Q. Did he say anything?

16 A. Yes, I said so. He asked whether we had
17 acted as we promised, and we said yes, we
18 did. And to exemplify that we showed him
19 the smoke, and we said there is only the
20 smoke there, and if he wanted us to
21 eliminate the smoke also we could do so
22 immediately. It was a matter of a joke
23 actually.

24 Q. How did you show him the smoke?

25 A. We stopped before the communal canteen,

1 because from the communal canteen. You can
 2 see at a bird's eye view in the direction of
 3 Kinyowowa -- and we showed him -- and we
 4 pointed out and we said there you go, Mr.
 5 Juvnal, (sic) the only thing that remains
 6 there is the smoke. We have eliminated
 7 everything. Thank you.

8 Q. What did he say after you said that; did he
 9 say anything?

10 A. He said; "waiter, give these gentlemen
 11 something to drink -- to my people". So
 12 that we were given drinks, and later on he
 13 gave us 6,000 Rwandan francs cash and said
 14 -- well, in our tradition when you drink the
 15 person that buys the drinks gives the
 16 Agashinguracumu -- that is one for the road.
 17 But instead of one for the road he gave
 18 6,000 francs. Agashinguracumu, that is one
 19 for the road and that is the tradition.
 20 When you give someone a drink you give one
 21 for the road -- Agashinguracumu, that is the
 22 end of the drinking session.
 23 Agashinguracumu is spelt,
 24 A-G-A-S-H-I-N-G-U-R-A-C-U-M-U.

25 Q. After he gave the 6,000 francs did he do

1 anything again?

2 A. No, he left to go back home to his main

3 wife. Now, before he left he said; "now try

4 to fine-comb this area so that we do not

5 have any single Tutsi left in the Gitwa

6 sector". And then he left and we promised

7 that we would go through the area inch by

8 inch.

9 Q. Did you go through the area to carry out his

10 instructions later?

11 A. Yes.

12 Q. When was this, and where?

13 A. Well, we did so on the day of the 8th of

14 April and on the 9th. Now, we went to

15 Mbuka's house. Mbuka was a Hutu who was

16 married to Nyirabusoro, so that we massacred

17 Nyirabusoro, the lady, because she was Tutsi

18 and her children. It was even said that

19 even if her husband was Hutu her

20 grandchildren will have Tutsi blood, and we

21 eliminated them.

22

23 There is also a road that comes from

24 Ruhengeri that goes through Mbuka's house

25 towards one Rurehasis's house, and we were

1 told that there were two boys there,
 2 Seruyombo, the one that I talked to you
 3 about, and so we went to Seruyombo's house.
 4 I, myself, and a former *****
 5 ***** that I talked about at the Rwanda
 6 Court shot -- I shot at the ceiling and I
 7 killed the boy called Ndigigimana.
 8 Ndigigimana -- and also his sister -- if my
 9 memory serves me right -- yes, his sister
 10 was called Nyirabukobwa. Nyirabukobwa went
 11 out and she was clubbed down and killed.

12
 13 Let me spell the names. Mbuka, M-B-U-K-A.
 14 Nyirabosoro, N-Y-I-R-A-B-O-S-O-R-O.
 15 Rwankere R-W-A-N-K-E-R-E. ***** **
 16 ***** Ndagigimana,
 17 N-D-A-G-I-G-I-M-A-N-A. Nyirabukobwa,
 18 N-Y-I-R-A-B-U-K-O-B-W-A. I am sorry, the
 19 last two names were the children of
 20 Seruyombo who hid -- who were hiding at
 21 Rudihafe -- the Hutu's house.

22 MS. OJEMENI:

23 Your Honour, looking at the time, I think we
 24 can take the break.

25 MR. PRESIDENT:

1 Okay. Yes, we wanted to find a convenient
2 way to stop. Okay, we stop here and come
3 back at twenty five to twelve to resume
4 these proceedings.

5 MS. OJEMENI:

6 As the Court pleases.

7 (Court recessed at 11:15H)

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10 (Pages 1 to 54 by Regina Limula)

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1 1140 hours.

2 MR. PRESIDENT:

3 The proceedings are resumed. We continue

4 the evidence of Witness GDD.

5

6 Yes, Counsel.

7 MS. OJEMENI:

8 Your Honour, the Witness --

9 THE WITNESS:

10 May I ask? I am sorry to disturb.

11 Mr. President, Honourable Judges, kindly

12 remember that my health is not very well.

13 So, I would like you not to work too long

14 hours because that would tire me out. Thank

15 you.

16 MR. PRESIDENT:

17 Maybe we can explain the time frames in

18 which we work. But any time that you feel

19 you need a break, you should indicate. We

20 normally work from 9:30 in the morning to

21 one o'clock, with about 20 minutes breaks as

22 we did at about 11:15 a.m. or 11:10 a.m. We

23 are now supposed to go on up to 1 p.m. and

24 then we will take a break up to 2:30 p.m.

25 and resume the afternoon session, go on up

1 to five with a 15 minute break at about
2 4 p.m. So, those are the normal time
3 schedules we work but as you indicated, if
4 you feel at any time that you would like to
5 take a break or rest, please indicate.

6 THE WITNESS:

7 Mr. President, I thank you very much. I
8 didn't know your working hours and I see
9 that they are breaks that would allow me to
10 rest. Thank you.

11 BY MS. OJEMENI:

12 Q. Witness, you told the Court that the family
13 of Muvunga was headed by a Hutu, was this
14 head killed on the 8th, when you attacked
15 the family?

16 A. Yes.

17 Q. Was the husband killed of Mrs. Muvunga?

18 A. No. The husband was not killed because he
19 was from the Hutu ethnic group. We only
20 killed, massacred his wife Nyirahusoro and
21 his five children, I think there were five
22 children.

23 Q. Why did you kill the children who were Hutus
24 as well as, on one day?

25 A. That was upon the order of the authorities

1 and among other things, among others,
2 Nzirorera and Kajelijeli. We were ordered
3 to eliminate the Tutsis, because according
4 to them, any Tutsis knew that the
5 assassination of the President of the
6 Republic will be carried out, so that we
7 should fight again the enemy and precisely,
8 the enemy was the Tutsi ethnic group.

9 Q. When did you kill the two people you
10 mentioned that were residing in Ruhafi house
11 namely, Ndagijimana and Nyirabukowa?

12 A. At Ruhafi, as I clearly said, there is a
13 road, a small road coming from Ruhengeri
14 towards this Rukuma secteur, it is a small
15 road that goes in front of Muvuka and in the
16 morning they massacred Nyirahusoro and her
17 children. And in the afternoon, we went up
18 towards Ruhafi where the two children of
19 Seriyombo were hiding. One Ndagijimana who
20 was killed with a bullet from my Kalashnikov
21 because I shot at the ceiling and his small
22 sister Nyirabukobwa was killed with the
23 traditional club. Let me spell Ruhafi:
24 R-U-H-A-F-I, Rukoma is spelt: R-U-K-O-M-A.

25 Q. Was it the same morning on the 8th?

1 A. No, it was not in the morning because in the
2 morning, we went to Muvukas; Nyirahusoko was
3 Muvuka's second wife, he had two wives. So,
4 we massacred and looted the belongings in
5 Nyirahusoko's house and his wife and towards
6 the afternoon we went up, it was that same
7 day. You will kindly excuse me because it
8 is long time ago. I did not clearly say it
9 in my statement in Rwanda. I said that it
10 was between the 8th and the 9th and that
11 doesn't mean that we went to Ruhafi's on the
12 9th and the 8th at Muvuka's. So, we
13 massacred Mrs. Nyirahusoko and the children
14 the same day, but at different parts of the
15 day.

16 Q. Did you consider the children of Muvuka Hutu
17 or Tutsi, when you killed them?

18 A. Well, there was a small discussion among us
19 the assailants, some of them were saying
20 that we should kill, massacre
21 Mrs. Nyirahusoko only and the others were
22 saying no, we shouldn't leave the children
23 because these two children have the blood of
24 Muvuka running in them, he is Hutu and their
25 mother's blood Nyirahusoko and it was being

1 said that the child is three fourths more
2 respectful of the mother than the father, in
3 other words, that those children were from
4 the Tutsi group. We call then Ibyizimanye
5 in Kinyarwanda. Ibyizimanye is spelt:
6 I-B-Y-I-Z-I-M-A-N-Y-E. So that this
7 Ibyizimanye as was said, each and every time
8 would be more inclined to be Tutsi.

9 Q. Could you tell this Court why you and the
10 others, the other attackers obeyed the
11 instructions from Kajelijeli to eliminate
12 the Tutsis?

13 A. Yes, because Kajelijeli was the spokesman of
14 Nzirorera. Nzirorera was a member of the
15 Government of Rwanda and if one didn't
16 respect their orders, especially the
17 interahamwe, was to be punished most
18 severely because it was said, that if you do
19 not do what we want you to do, if you do not
20 fight against the enemy, the enemy that is
21 the Tutsi, that is tantamount to your being
22 on their side, in other words, to kill the
23 Icyitso, that is you are a Icyitso in
24 Kinyarwanda. I don't know how to explain
25 that in French, that is icyitso. I am sure

1 the interpreter can help me explain that
2 word. Icyitso is spelt: I-C-Y-I-T-S-O, and
3 that means an accomplice. And in order not
4 to be treated as an accomplice or
5 accomplices, we obeyed the other orders of
6 the authorities. Thank you.

7 Q. Who were these authorities who told you not
8 to -- that if you do not eliminate the
9 Tutsis, you will be accomplices; who were
10 these authorities?

11 A. These were Kajelijeli and Nzirorera. For
12 example, when I was at the roadblock, there
13 was a deputy preft that came through with a
14 Tutsi lady. The Tutsi lady who was killed
15 by the people at the roadblock of Ginda
16 secteur near Mukamira and I was stopped
17 there for three days because I shouldn't go
18 to the roadblock, because the Tutsi was
19 taken there, that was taken by Nyirakamanzi,
20 that is the preft of that secteur. I was
21 arrested for three days and then I came back
22 to *** ***** * *** great problems
23 explaining how that Tutsi lady had gone to
24 the roadblock. Ginda, I shall spell it:
25 G-I-N-D-A. Mukamira is spelt

1 M-U-K-A-M-I-R-A. Nyirakamanzi is spelt:
2 N-Y-I-R-A-K-A-M-A-N-Z-I.
3 Now, to explain she was councillor of the
4 Ginda secteur.
5 Q. How did you know that Juv nal Kajelijeli was
6 the spokesman of Joseph Nzirorera?
7 A. Well, because they were friends. I know
8 that they were very close friends and
9 Kajelijeli in my presence, in the meetings
10 that we organised, in the meeting we
11 organised in the pub of Mr. Nzirorera, it
12 was called Isimbi in the Mukingo commune,
13 Nzirorera clearly said it himself, that all
14 that Kajelijeli could give us as
15 information, we should understand that it
16 came from him, and that he was the minister
17 and that he received such instructions from
18 the Government, from the political point of
19 view. Let me spell Isimbi: I-S-I-M-B-I.
20 Q. Which meeting was this?
21 A. That was interahamwe meeting, Kajelijeli had
22 invited us. He told us the minister had
23 something to say to us. Nzirorera gave us
24 drinks that is at Isimbi house and requested
25 us to act on the orders of Mr. Kajelijeli.

- 1 Q. When was this meeting?
- 2 A. That was by end of 1993.
- 3 Q. Can you recall the people who were present
- 4 at this meeting, some of them that you can
- 5 remember?
- 6 A. I, so far as my commune and that is Nkuli
- 7 commune is concerned, I was with
- 8 Sharire Habyimana, that is the president of
- 9 the CDR party that I talked to you about. I
- 10 was with Sendungu Shadreck, the president of
- 11 the MRND. I was with -- without of course
- 12 forgetting the bourgmestre of the Nkuli
- 13 commune, Regazimbanyi Dominic he was, and
- 14 most of the interahamwe of Mukingo.
- 15 Q. Could you tell the ethnicity of the people
- 16 who were present on that day?
- 17 A. Well, it was the Hutu, there was not a
- 18 single Hutu that had the courage, even if --
- 19 he couldn't have the courage to come into
- 20 that room, not only on the day of the
- 21 meeting but in that pub. There was -- how
- 22 do you call it -- no Tutsi went to that bar
- 23 to have a drink because they knew about the
- 24 activities of Nzirorera and Kajelijeli.
- 25 They couldn't venture into that bar because

- 1 they knew that it was very dangerous for
2 them to do so.
- 3 Q. Where was this Isimbi located? Was it in
4 Mukingo or Nkuli commune?
- 5 A. It was in the Mukingo commune, just the
6 trading centre of Byangabo, in the Busogo
7 secteur. Let me spell Byangabo:
8 B-Y-A-N-G-A-B-O. And Busogo is spelt:
9 B-U-S-O-G-O. And almost all the meetings
10 took place in this bar. Happily enough, the
11 house was destroyed upon the arrival of the
12 RPF in power. Thank you.
- 13 Q. Where was the headquarters of the
14 Interahamwe located?
- 15 A. The Mukingo or the Nkuli interahamwe?
- 16 Q. The Mukingo?
- 17 A. The Mukingo Interahamwe often met in that
18 room of the Isimbi. This is all I know. I
19 believe so far as Mukingo were concerned
20 because I had to work with the Nkuli
21 Interahamwe.
- 22 Q. Do you recall any other issue that was
23 discussed at this meeting, if any?
- 24 A. No, if my memory serves me right, apart from
25 the order to eliminate, the main purpose of

1 those meetings was -- that meeting was to
2 remind ourselves that we should accept the
3 orders of Kajelijeli, because the orders
4 didn't come regularly, they came in during
5 the weekend because they said there were
6 busy in Kigali. So that in his absence,
7 there was Mr. Kajelijeli -- who was asking
8 us not to worry about what Mr. Kajelijeli
9 said to us, and I do not remember any other
10 matter that we talked about. We talked
11 about the uniforms of the Interahamwe,
12 because we had heard that in other communes
13 they had different uniforms. When I say we,
14 it is because I was there as a guest, it was
15 the representatives of the Mukingo
16 Interahamwe that solicited such assistance
17 and Nzirorera obliged. At least he promised
18 and he fulfilled his promise to give in wrap
19 arounds and wrap arounds were delivered.
20 I believe that is all I can say concerning
21 that meeting at this juncture.
22
23 Of course, I didn't talk about sensitisation
24 because sensitisation was about eliminating
25 the Tutsis, that is the great enemy of the

1 country.

2 Q. Witness, you said the uniform was delivered;

3 where was it delivered?

4 A. Could you repeat the question, please, I am

5 sorry.

6 Q. You said that the uniforms that Nzirorera

7 promised on that day was delivered. My

8 question is, where was it delivered; was it

9 to Mukingo or to Nkuli?

10 A. For the Nkuli Interahamwe, it was Kajelijeli

11 who brought us the wrap arounds, he gave

12 them to Sendugu, Shadreck in my presence and

13 Sendugu went to keep them in one of the

14 rooms rented by the MRND, ** ** *****

15 ***** and it was the Mukingo who

16 received the wrap arounds before we did

17 because I saw the uniforms, especially

18 uniforms with the two colours I talked to

19 you about. They wore that type of

20 Interahamwe uniform each and every time they

21 came with Kajelijeli. In other words, the

22 commune received -- our commune received the

23 wrap arounds of the MRND last, which

24 uniform, or which cloth or material we had

25 to sew ourselves. We had to sew shirts in

1 the same fashion in the form of Bubu or in
2 the form of blouses with trousers with the
3 material that was supplied to us.

4 Q. Witness, were you referring to the uniform
5 for the Interahamwe or for the MRND; which
6 one?

7 A. Now, the MRND followers wore wrap arounds
8 just like they wore wrap arounds usually.
9 But for the Interahamwe, it was uniforms
10 sewn, that is the material was used to sew
11 Bubus or long shirts with trousers, nobody
12 else wore such uniforms.

13

14 For example, if a person from the MRND party
15 wore the MRND shirt or trousers he was
16 automatically to be shot down(sic). It was
17 very strict.

18 MS. OJEMENI:

19 Witness --

20 MR. PRESIDENT:

21 I think, Counsel, I don't know -- when he
22 was discussing issues touching on his
23 brother, did he mention a name?

24 MS. OJEMENI:

25 He did. May I apply that the name be struck

1 out.

2 MR. PRESIDENT:

3 You have got to be very careful, otherwise

4 the whole process --

5 Professor Hinds, what do you say to that? I

6 think it is extremely --

7 PROFESSOR HINDS:

8 He is trying to put the gin back into the

9 bottle.

10 MR. PRESIDENT:

11 I know but there is nothing we can do. So,

12 I think when he was talking about a relative

13 of his, just because of his evidence, the

14 name was mentioned and that would lead to

15 his identification. That name should be

16 struck out. I can't remember the name now,

17 but a name was mentioned.

18 (Name of Witness' younger brother stricken

19 off the record by Order of Court)

20 MS. OJEMENI:

21 Perhaps, Your Honour, you can explain to the

22 Witness that he should not mention names.

23 MR. PRESIDENT:

24 Yes, what do you want to say, Witness?

25

1 THE WITNESS:

2 I am sorry, Mr. President, if I do remember
3 correctly, in my statement in Rwanda. I
4 very well said that I reserved the right to
5 add some information, if the information
6 came to me. I talked about my younger
7 brother because in the statement, I did say
8 that Sendugu receiving -- upon receiving the
9 wrap arounds, he kept them in that house, in
10 one of the rooms in that house. I am sorry
11 if I mentioned that name.

12 MR. PRESIDENT:

13 Your evidence has no problem so far. We are
14 only concerned about your mentioning names,
15 and that could be names of your relations
16 which might lead to some problem. That is
17 the only concern we had. It was perceived
18 that in the course of explaining the
19 evidence you have just explained, you may
20 have mentioned some names or perhaps the
21 name of your own brother and she was saying
22 that name should be struck out. And when
23 you talk about close relatives, please, if
24 you want to talk about your brother, talk
25 about your brother or mother and father, or

1 whatever, but don't mention names of your
2 relatives, other names you could mention;
3 does he understand? Do you understand?
4 THE WITNESS:
5 Yes, thank you.
6 BY MS. OJEMENI:
7 Q. Witness, can you tell this Court which
8 uniform was kept in **** * *****
9 *****; was it the interahamwe uniform or
10 MRND uniform that Joseph Nzirorera supplied
11 through Juvnal Kajelijeli that you have
12 just mentioned?
13 A. Well, ** *** * ** * *****
14 *****, there were wrappers or loins, not
15 uniforms and before distribution -- because
16 Kajelijeli brought money for the sewing, so
17 we kept wrappers not uniforms, wrappers with
18 MRND logo. So, there were some for
19 Interahamwe, for the population and if
20 someone wanted to buy, paid money and he was
21 given the fabric or the material and some
22 were given to Interahamwe for the sewing of
23 their uniform. Thank you.
24 Q. Which money did you mention now that
25 Juvnal Kajelijeli gave, which money; I am

1 talking about uniforms first?

2 A. It was money for the sewing because some of

3 Interahamwes were saying that they didn't

4 have the money to pay to the tailors.

5 Q. Now, you told this Court that

6 Joseph Nzirorera financed the Amahindure;

7 how did you know?

8 A. Sorry, could you repeat the question,

9 please?

10 Q. You told this Court earlier on in your

11 testimony, that Joseph Nzirorera was one of

12 the founders of Amahindure and he funded

13 Amahindure; how did you know?

14 A. Because I was one of the trainers, because

15 when we came, that is with regard to the

16 Amahindure group, I was a close friend of

17 theirs, I cooperated with them, I was in

18 charge of the youth and Sendugu, the

19 President of the MRND could not hide the

20 source of the funds and during the meeting

21 held by Nzirorera, he told us that when it

22 comes to the budget, do not have any fear

23 and he promised that he would fund any

24 activity aimed at accomplishing the orders

25 of the party, that is the MRND party.

- 1 Q. Are you referring to the meeting you said
2 was held towards the end of 1993, that you
3 attended?
- 4 A. Yes.
- 5 Q. Where did this meeting take place?
- 6 A. At the Nkuli commune, the population was
7 also present. At that meeting,
8 Mr. Nzirorera introduced the Amahindure
9 battalion to the population. He said to the
10 population, that it was this group in the
11 absence of the army at IGA which would be at
12 the front to fight against the RPF. In
13 other words, that area was going to be
14 protected by this new force, Amahindure or
15 Virunga force.
- 16 Q. This meeting you just mentioned, is it
17 different from the meeting that took place
18 in Isimbi?
- 19 A. Isimbi -- really it wasn't different apart
20 from the fact that the population were not
21 there at Isimbi. The purpose or the
22 objectives of the two meetings were the
23 same; sensitisation campaign, a form of
24 incitement of the population, so that they
25 fight against the Tutsi ethnic group. Most

1 times or each time he spoke and when I say
2 he, I am referring either to Kajelijeli or
3 Nzirodera. Each time they spoke, it was a
4 time of incitement, that was the main topic.
5 Of course, there were other issues, matters
6 of concern to the population, even personal
7 issues, but the main issue was one of
8 inciting the population namely; to defend
9 and safeguard national unity and peace.
10 Thank you.

11 Q. Can you recall the date this meeting at the
12 communal office took place, which the
13 population also attended?

14 A. I don't quite remember the date because it's
15 quite some time now. I think it was towards
16 the end of 1993; it was towards the end.

17 Q. How many people spoke on that day; can you
18 remember?

19 A. Yes, if I do recall, there was the former
20 minister Nzirodera Joseph, there was
21 Kajelijeli also who was adding to and
22 virtually repeating what Nzirodera said.
23 There was the bourgmestre of the Nkuli
24 commune and a certain Karori. There were
25 other members of the committee. There was

1 someone called Charles, he was a member of
2 the committee. There was Karori, he belonged
3 to the Ruhengeri prefecture. He was the one
4 representing the prefectural authorities,
5 that Charles and if I remember, there was a
6 representative of Bizabarimana who was the
7 officer commanding the Mukamira camp. There
8 was the former Member of Parliament,
9 Basebya Augustine. Basebya said something
10 because he was the only MP from the Nkuli
11 commune and he lived quite close, in front
12 of the commune. Let me spell Karori:
13 K-A-R-O-R-I. Let me spell: Bizabarimana:
14 B-I-Z-A-B-A-R-I-M-A-N-A. Basebya is spelt:
15 B-A-S-E-B-Y-A. Basebya Augustine.

16 Q. Was this meeting an MRND meeting or what?

17 A. Yes, it was an MRND meeting. Because if you
18 do remember, in one of the pages of the
19 Official Gazette 982, I did tell you, there
20 was a statement made by Gatera and that was
21 the name of the journalist.

22

23 Now, the journalist said that "He who was of
24 the party", in other words of the MRND party
25 was automatically an Interahamwe, in other

1 words, someone who is committed to the
2 defence of national peace and unit. So let
3 me spell Imvaho: I-M-V-A-H-O and Gatera :
4 G-A-T-E-R-A.

5 Q. You referred to a committee and you
6 mentioned the members; which committee were
7 you referring to that were present at this
8 meeting?

9 A. It was the prefectural committee and I said
10 so. I said that there were two committees,
11 at the prefecture there were two committees.
12 There was the MRND prefectural committee and
13 the Congress, in other words, the MRND
14 Prefectural Congress and I did indeed
15 emphasise the fact that the members of the
16 MRND Prefectural Committee had automatically
17 to be part of the Congress, the Prefectural
18 Congress and since in each commune, there is
19 was a committee of the commune and there was
20 a Congress responsible for the development
21 of the commune. So, the members of that
22 prefectural committee also had to be part of
23 the Congress of the commune that was in
24 charge of development matters. I hope I
25 have explained it clearly.

1 Q. What was the purpose of this meeting? What
2 was the purpose of that meeting?

3 A. Sorry, let me -- please be clear. Is it the
4 prefctural one or the one at the communal
5 level?

6 Q. You were telling the Court about the meeting
7 that took place at the communal office
8 towards the end of 1993.

9 PROFESSOR HINDS:

10 Your Honour, objection. You know -- maybe
11 the Learned Counsel is just attempting to
12 get information. But it just appears to me
13 that the question was asked and answered. I
14 mean the Witness said each time they spoke,
15 it was incitement, the defence and safeguard
16 national unity and peace. I don't know
17 maybe she just wants --

18 MR. PRESIDENT:

19 I think it was asked and I think he talked
20 at length about this meeting. Of course,
21 that is the problem of letting the witness
22 talk and then you go over it. That is the
23 problem, but I think he did explain and give
24 reasons why, the main purpose for these
25 meetings when he was referring to this

1 meeting, I suppose, as well the meeting that
2 took place at Isimbi.

3 MS. OJEMENI:
4 Very well, Your Honour, but I didn't get
5 that part.

6 BY MS OJEMENI:
7 Q. Now, Witness, could you tell this Court what
8 you said Nzirorera spoke. What did he say,
9 at the meeting that took place at the
10 communal office? Where he talked about
11 Amahindure; what did he say?

12 PROFESSOR HINDS:
13 Your Honour, again I just don't want to keep
14 on objecting. But the Witness, again was
15 asked that specific question. He said
16 Nzirorera instructed them to act on
17 Kajelijeli's instructions. You know --

18 MS. OJEMENI:
19 That was at Isimbi. You are not supposed to
20 give evidence from the dock, my
21 Learned Friend.

22 PROFESSOR HINDS:
23 No, I am objecting.

24 MS. OJEMENI:
25 I mean from the Bar, please.

1 PROFESSOR HINDS:

2 No, I am objecting, Counsel, because I have
3 said, it was asked and answered, and when
4 you make an objection, you are supposed to
5 lay out the foundation for it, Counsel and
6 that is all I am doing.

7 MS. OJEMENI:

8 We are talking about two meetings now, and I
9 am asking questions on one that took place
10 at the communal office. We are finished
11 with the other one.

12 MR. PRESIDENT:

13 Which one?

14 MS. OJEMENI:

15 The one that took place at Isimbi, where he
16 said exactly what he said, and what the
17 Learned Counsel just told us.

18 MR. PRESIDENT:

19 But I think the Witness, maybe you can
20 follow it up. When talking about the
21 meeting, one of these meetings and he was
22 asked a question or he did explain what
23 would be the role the Amahindure was
24 supposed to play in that part of the region
25 in his answer.

1 So, he may want to go back to it, but the
2 problem we have is, he gives the answers and
3 then you have to go back. Please, could you
4 ask the Witness to be as precise and follow
5 what you want. But I think he did answer
6 that question. You can ask him to confirm.

7 BY MS. OJEMENI:

8 Q. Witness, you are talking about a particular
9 meeting that took place at the communal
10 office towards the end of 1993; is that
11 correct?

12 A. Yes.

13 Q. Can you tell this Court what Nziropera said
14 on that day; if you can recall?

15 A. As I said clearly, the meeting that took
16 place at the Nkuli communal office and
17 convened by the various authorities,
18 Kajelijeli, Nziropera and the bourgmestre of
19 the commune -- I said that meeting was
20 intended or targeted at the same objective,
21 in other words, sensitisation, incitement of
22 the population to fight against the enemy,
23 the enemy being those of the Tutsi ethnic
24 group. And I said, the only difference
25 between the two meetings was that, during

1 the Isimbi meeting, personal issues were
2 raised, that is with respect to the
3 Interahamwe group and the Amahindure
4 battalion.
5
6 For instance, they were talking about what
7 they would need, what kind of activities are
8 to be carried out, what had to be modified,
9 et cetera. So, these were matters of
10 concern to the group, whereas at the Nkuli
11 communal office, at the meeting that took
12 place there, there was sensitisation,
13 incitement as I stated, I am sorry to be
14 repeating myself, an incitement of the
15 entire population; recruitment of people so
16 as to reinforce the Amahindure group and the
17 introduction of that group. So that the
18 population which was not aware, which was
19 not properly informed regarding that group
20 which was defending the country, so that
21 people cannot be taken unawares, you know
22 seeing an armed group circulating in their
23 midst. Thank you. I hope I have explained
24 it clearly.
25

1 Sorry, sorry. Please, do note the fact
2 that -- and I did say, maybe each time
3 those two gentlemen, Kajelijeli and
4 Nziorerera and even other authorities
5 including the bourgmestre, each time and at
6 each meeting they did not fail to sensitise
7 or incite the population to fight against
8 the enemy, the Tutsis enemy. Thank you.

9 Q. Witness, did you have any relationship with
10 Joseph Nziorerera?

11 A. Yes, we had some relations. ** ** *

12 ***** ** ** ***** ** *

13 ***** ** ***** ** *****

14 *** ***** ** ** ***** ** ** *****

15 ** *****

16 PROFESSOR HINDS:

17 Could the Witness repeat that, I just got a
18 little confused with that type of
19 formulation.

20 MS. OJEMENI:

21 Witness, could you repeat answering these
22 questions without giving names, please?

23

24 MR. PRESIDENT:

25 He said, ** ** ***** ***** and then he

1 went on to explain. Could he explain
2 without names?

3 THE WITNESS:

4 Yes, we are related somehow, that is with
5 Nzirodera because ** ***** **
6 ***** ** *** ***** ** ***** **
7 **** *** ** ** ***** **** **
8 *****

9 MS. OJEMENI:

10 Your Honour, can I just take two minutes to
11 consult my colleague.

12 MR. PRESIDENT:

13 Yes, please.

14 BY MS. OJEMENI:

15 Q. Witness, apart from what you have just told
16 this Court concerning the relationship
17 between Kajelijeli and Nzirodera, do you
18 have any other reason to say -- any other
19 reason for saying that they were best
20 friends?

21 A. Yes, all that I know -- all that I am aware
22 of, the tradition of Rwanda, to really show
23 or demonstrate that I am a friend of
24 someone, you give yourselves gifts,
25 property, cows. What I know is that

1 Kajelijeli gave a cow to Nzirodera and that
2 cow -- well let me, if I may use the word
3 loot, because Kajelijeli actually looted
4 that cow, it belonged to a certain Bukumba,
5 someone who had been killed. So, the cow
6 was looted and given to Nzirodera by
7 Kajelijeli. I was there at the ceremony.
8 Let me spell Bukumba: B-U-K-U-M-B-A.
9
10 Sorry, I am not finished yet. So to be a
11 bourgmestre, Nzirodera was the man who stood
12 for, who backed up Kajelijeli. In other
13 words, everyone knows, the entire population
14 knew that it was Nzirodera who gave the name
15 of Kajelijeli to the Government, the
16 population in the Nkuli commune and Mukingo
17 commune. There were wondering how come
18 Kajelijeli who had not even been to a
19 primary school, who is not well educated
20 could become the bourgmestre. Kajelijeli,
21 it was known belonged to Akazu. Akazu was
22 the group that was with President
23 Habyarimana. So, if it were not for the
24 Akazu, Kajelijeli was never going to be the
25 bourgmestre of the Mukingo commune, whereas

1 the other candidates were trained,
2 university trained, one of them director of
3 the Gatovu School, but then all these people
4 were set aside but Kajelijeli who did not
5 even have primary education, he became the
6 bourgmestre and the population were
7 wondering that, that is not possible.
8 Thank you. Let me spell Akazu: A-K-A-Z-U,
9 Gatovu: G-A-T-O-V-U; Kigombe: K-I-G-O-M-B-E
10 and Nyakinama: N-Y-A-K-I-N-A-M-A.
11 Q. Could the witness be shown Exhibit P7. Can
12 you take a look at photograph No.70?
13 A. Yes, I have before me that photograph.
14 Q. Can you recognise the picture?
15 A. Yes, I do recognise the picture. That is
16 the entrance into the Mukamira Camp.
17 Q. And what is Mukamira Camp?
18 A. Mukumira Camp was a military barracks for
19 those commandos who were very well trained
20 for defence of the country.
21 Q. Can you take a look at Exhibit 80. Sorry,
22 Photo No. 80, do you recognise the building?
23 A. Yes, that is the Nkuli communal office, the
24 building and on the right-hand side, sorry
25 lefthand side, there is the ceiling of the

1 communal canteen where we had the meeting
2 with Kajelijeli and just to the left of that
3 building, *** **** ***** ***** ** **** **
4 ** ***** ***** ** ***** ***** and there
5 is that empty space that is between the
6 ceiling and the communal office. That's
7 where the jeep came to a stop, the jeep that
8 brought the weapons, the materials for
9 reinforcement purposes.

10 Q. Do you recognise -- take a look at
11 photograph No. 81, do you recognise the
12 building?

13 A. Yes, I recognise that building. And the
14 photo clearly shows the door of the
15 inspectorate. You see people who are seated
16 on the lefthand side of the building. So,
17 the door of the inspector's office is quite
18 clear, that is where the weapons were kept
19 prior to distribution. It is the office of
20 the lady inspector, the wife of Sendugu, the
21 president of the MRND of the Nkuli commune.

22 MR. PRESIDENT:

23 Excuse me, Counsel, does he mean his right
24 or what?

25

1 MS. OJEMENI:
2 He said his left.
3 THE WITNESS:
4 I am talking about my own lefthand, on the
5 lefthand side of the building. I think on
6 your side, maybe it would be the right.
7 Sorry, I speak from my own position.
8 MS. OJEMENI:
9 What is this building?
10 PROFESSOR HINDS:
11 I just need to know what photo we are on.
12 MS. OJEMENI:
13 Photo 81.
14 MR. PRESIDENT:
15 Sorry, Professor Hinds, he is talking about
16 Photograph No. 81 and he was saying he was
17 seeing a door and some people are seated and
18 that is where the Inspectorate office was.
19 And I asked a question through Counsel, I
20 was trying to find out exactly which side of
21 the building as you face it. He is
22 explaining on his left -- I just want it to
23 be clear exactly what part of the building
24 he is referring to really, to be able to see
25 and understand where he says the office of

1 the school inspector was located.

2 MS. OJEMENI:

3 Perhaps, the Witness can come to the

4 projector to show.

5 MR. PRESIDENT:

6 Or, it is working?

7 MS. OJEMENI:

8 It should be working. The Court assistant

9 can check. That way it could be clearer

10 because there are other things he will

11 demonstrate as well.

12 MR. PRESIDENT:

13 Let us find out if it is working. Tell the

14 Witness to move to that machine. The

15 curtains are closed, so there is no problem.

16 You can take your machine.

17 BY MS. OJEMENI:

18 Q. Witness, can you describe to the Court what

19 you were talking about on Photo No. 81? Can

20 you describe what you just told the Court

21 about the jeep and the rest of it?

22 A. Yes, thank you.

23 MR. PRESIDENT:

24 Which photo?

25 MS. OJEMENI:

1 Photo 81. He was talking about 81.

2 MR. PRESIDENT:

3 You mentioned the jeep, I think you talked

4 about the jeep when he was talking about

5 Photo No. 80.

6 MS. OJEMENI:

7 It was 81, where the weapons were moved in.

8 MR. PRESIDENT:

9 Yes, that is exactly.

10 THE WITNESS:

11 Thank you. Sorry, on Photo No. 80, I did

12 not clearly see that side of the school

13 inspector's office. That is why I am going

14 again to talk about Jeep. I apologise.

15

16 Now, you see, this is the communal office.

17 This is the communal office and here, that

18 is the window of ** ***** ** * *****

19 ***** and the jeep which brought the

20 material required for the attacks on the 7th

21 stopped here. You would notice there is a

22 door here, that is the door of the

23 inspector's office and next to that door,

24 there is a window and on this other side,

25 there is a door. It might not be that

1 important, but that is the door of the
2 inspector's office.

3
4 On this other side we have Kajelijeli's
5 house. The small house with a roof is the
6 kitchen of Mr. Kajelijeli's house, and in
7 front you have a road where I am pointing,
8 it is a tarred road linking Ruhengeri and
9 Gisenyi, that is all I can say. If you have
10 any questions on the picture itself, I am
11 ready to answer. Thank you.

12 BY MS. OJEMENI:

13 Q. Can you now show Witness Photo No. 80. Can
14 you repeat what you told the Court about
15 this Photo?

16 A. Yes, thank you. You notice, this is the
17 communal office, that is Nkuli commune. It
18 is not quite clear but at the top there, it
19 says Nkuli commune, that is what is written
20 at the top there and again, there is **
21 ***** by the side where I am pointing to
22 and then you can see the ceiling or the roof
23 of the canteen, that is where we met with
24 Kajelijeli. Now, it is a bird's-eye view
25 really, when you are here, the direction of

1 Kinyababa is there behind. It's in that
2 direction and that is where we carried out
3 our attacks on the Tutsi ethnic group on the
4 7th of April 1994. This path, this small
5 road leads to the main tarred road that
6 links the two towns I referred to.
7
8 Now, on that right-hand side, that is the
9 house of Kajelijeli where his first wife
10 lives. As I showed you on Photo No. 81,
11 that building is on this side. Thank you.
12 Q. Could the Witness be shown Photo No. 82. Do
13 you recognise the building there?
14 A. Yes.
15 Q. Which building is it?
16 A. This is the Nkuli commune canteen, and it is
17 clearly indicated, you can read canteen
18 communal, but they did not insert Nkuli, but
19 this is the canteen of the Nkuli commune,
20 that is where we held our meetings.
21
22 So, I could explain that from this window,
23 in fact, that is a window and here there is
24 the door that leads into main hall where the
25 meetings took place. Thank you.

1 Q. Can the witness be shown Exhibit 83.

2 A. Sorry, before we get to the next picture, I

3 see here, that is Kinyababa behind on the

4 lower side of that hill, it is of the

5 Ruwamukeri cellule, it is almost there,

6 I am pointing to Kinyababa.

7 Q. Was it in the canteen that the meeting of

8 the 6th that you told the Court took place,

9 the 6th of April 1994?

10 A. Yes, that is correct, it was in that

11 canteen.

12 Q. Can the Witness be shown Photo No. 83? Do

13 you recognise the Photo?

14 A. Yes, I do recognise the photo.

15 Q. Can you tell the Court what you recognise?

16 A. So, there is the communal building here,

17 there is this building, it is a house

18 belonging to an organisation known as

19 Bon Fontein and here that is the building of

20 ** ***** who Sendugu Shadreck and

21 she set aside one of the rooms. So this is

22 the tarred road linking Ruhengeri and

23 Gisenyi prefectures. Close there, that is

24 where we had a roadblock that was ***** **

25 *****

- 1 Q. Sendugu Shadreck, is it the President of
2 MRND of the Nkuli commune?
- 3 A. Yes, that is very correct. Sendugu Shadreck
4 was the President of MRND party. He was a
5 primary schoolteacher.
- 6 Q. Does that house belong to him, the house you
7 have just mentioned?
- 8 A. This house, is it his house you are talking
9 about?
- 10 Q. Yes.
- 11 A. That's -- I am repeating myself. That one
12 with a green, yellow/green sheets, yes, that
13 is right. I am sorry, I am not going to
14 mention names. That is the house of **
15 ***** ***** *** ***** *** ***** *
16 **** ** **** ***** *** ***** *** *****
17 ***** ** *** ***** *****
- 18 Q. Do you recognise the road there?
- 19 A. Yes, I do recognise it. That is the tarred
20 road linking the two prefectures of
21 Ruhengeri on this side, that is on the left
22 and Gisenyi on the right.
- 23 Q. Where was **** ***** located, the
24 roadblock *** *****; where was it located?
- 25 A. Well, sorry. You see those trees, they are

1 on the edge of a small road that leads to an
2 old office, that is the former Nkuli
3 communal office. So that small road, that
4 small road got to the main tarred road and
5 you would see on the photo, maybe three
6 children or maybe men, and so, ** *****
7 was here where I am pointing to, that is the
8 roadblock ***** was there.

9 Q. Can the Witness be shown Photo No. 84?

10 A. Sorry, in front here, I can say that, that
11 is where the Amahindure Battalion used to
12 train. That is where they carried out their
13 training, where I pointed to.

14 Q. Thank you. Do you recognise the building on
15 that photo?

16 A. Yes, I do recognise that building. It
17 belongs to Kajelijeli, actually it belongs
18 to his first wife, Laurence Muhankutizi.

19 Q. Thank you.

20 MS. OJEMENI:

21 Your Honour, may I crave your indulgence to
22 show the Witness another exhibit while he is
23 standing here, so that he can describe that
24 to the Court.

25 MR. PRESIDENT:

1 What exhibit is that?

2 MS. OJEMENI:

3 It is an exhibit I wish to tender now. I
4 want him to recognise the document first.
5 Can this be shown to the Defence?

6

7 The Defence is looking at it, I don't know.

8 PROFESSOR HINDS:

9 Your Honour, we have an objection to this
10 document that I have seen here.

11 MR. PRESIDENT:

12 Counsel for the Prosecution, what do you say
13 about that? What is it supposed to be?

14 MS. OJEMENI:

15 That is a document that originates from the
16 Witness and I have given the Defence a copy
17 of it. I have since disclosed it to the
18 Defence.

19 PROFESSOR HINDS:

20 My objection is the following: It is a
21 document that we were shown only about two
22 days ago for the first time, that is number
23 one. Number two, it is a document that is
24 in French and quite frankly, I don't know
25 what it says. They are under an obligation,

1 if they are tendering some document, that is
2 in a language that certainly Counsel does
3 not speak to give us a translation of it. I
4 do not know what -- it purports to be a
5 diagram with notations on it, and based upon
6 what the notations say, I may have
7 objections, substantive objections to what
8 it purports to say. So, at this point and I
9 am objecting to the document on the grounds
10 that it is a document that is in -- first of
11 all it was given to us about two days ago.
12 I assume it is a document that was produced
13 by this witness at some point in time, in
14 French, and it has certain descriptive areas
15 in French.

16 MR. PRESIDENT:

17 Produced -- prepared by?

18 PROFESSOR HINDS:

19 I don't know who it was produced by. It
20 was just given to us with two unredacted
21 statements of the Witness GDD, but we do not
22 know who has prepared it, but my main
23 concern at this point is that, it is in
24 French with no translation given to us.

25 MR. PRESIDENT:

1 But Professor Hinds, the good thing of
2 course, the document must also always appear
3 as much as possible in the two languages of
4 the Tribunal. I think that is extremely
5 important. But one of the factors we have
6 on board, and in your case, you have your
7 co-Counsel speaking French. In order to be
8 able to move forward, I am sure some of
9 these things can be taken care of and that
10 is one of the main reason that kind of
11 arrangement sometimes is made.

12 THE INTERPRETER:

13 Microphone, Professor.

14 PROFESSOR HINDS:

15 I am saying when this document was given to
16 us, it was two days ago. This Court knows
17 very well my attempt to move this case
18 forward. For the last two days, all I have
19 been dealing with has been the health
20 problems of my client.

21
22 Now, the document was given to us, I had no
23 opportunity to get a translation of what is
24 purported to represent. I am saying based
25 upon translation, I may have substantive

1 objections but at this point, without
2 knowing what the document purports to say, I
3 think that we certainly need some time. If
4 you want me to get the translation, we can
5 get the translation over lunch, but at this
6 point, I don't know what the document says
7 and I don't want to agree to admit it,
8 without at least having some sense of what
9 the document purports to say.

10 MR. PRESIDENT:

11 Yes, thank you.

12

13 Counsel, what do you say to that.

14 MS. OJEMENI:

15 Your Honour, two days ago, indeed I gave it
16 to the Defence and it was as a result of my
17 duty to -- or rather in cooperation to us
18 amongst colleagues in assisting them for the
19 third time for the disclosure of the
20 unredacted statements of GDD. Same day, we
21 were served with a motion in French and we
22 did not complain. We still argued this
23 motion yesterday. I disclosed this
24 particular document to my Learned Friend who
25 speaks French and it is just a sheet of

1 paper, it won't take five minutes to
2 translate. This document is also drawn or
3 rather this diagram is drawn by the Witness.
4 The Witness would now explain what he has
5 drawn here.

6
7 So, I believe that my Learned Friend in the
8 same vein, could oblige the Prosecution, I
9 mean to allow us to produce this now through
10 this witness and not just allowing us, but
11 for this witness to explain what he has
12 drawn here. I don't speak French, and I
13 don't even know what is here, but like I
14 said, I gave it to my Learned Friends who
15 speaks French and I am sure my
16 Learned Friend must have translated it for
17 his Lead Counsel. I really do not see any
18 problem with this document, and it is a mere
19 diagram.

20 PROFESSOR HINDS:

21 I don't really have a problem with a witness
22 making a sketch now or in fact a witness
23 having a previous sketch. I mean the
24 witness can certainly identify a document
25 and take us through it. I am just saying

1 that, I am raising a question at this point
2 just on the issue of what is on that
3 document at this particular time. I would
4 certainly like to be able to find out what
5 it purports to say and if we could deal with
6 that over lunch, it is now 1 o'clock we
7 could move forward. I don't have a major
8 problem with an exhibit coming in this way.

9 MR. PRESIDENT:

10 I think, Counsel we can deal with it after
11 lunch. Let the Defence -- the Lead Counsel
12 have an opportunity to see and consult his
13 colleague. But at the same time, Learned
14 Counsel for the Prosecution, it might be
15 helpful to the Trial Chamber also to know
16 the background of that document, that means
17 that has to come from the Witness, before he
18 is given the document and attempts to have
19 it produced or identified. We have to know,
20 it might be useful for the Trial Chamber to
21 know what that document is, how it was drawn
22 and who drew it and how the Witness is privy
23 to that document, and that is at least
24 important before we can get to the stage you
25 were trying to get.

1

2 MS. OJEMENI:

3

4

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13 MR. PRESIDENT:

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I will definitely do that. But just to throw more light on this document. Usually before we disclose any document to the Defence, we usually pass it through our Evidence Unit. It should have got to the Defence long before that time but I waited for the Evidence Unit to have it in their custody, I mean, pass it through their normal channel before disclosing it the Defence and I apologise for late disclosure.

Okay, then. We will stop here and we will come back, start with this document in the afternoon. We will resume these proceedings at 2:40 p.m. Until then, these proceedings stand adjourned.

(Court adjourned at 1315H)

1

2

1440H

3

MR. PRESIDENT:

4

The proceedings are resumed. The problem

5

was being raised with us with regard to the

6

French translation. Could you please tell

7

us exactly what is the problem, Translators.

8

THE INTERPRETER:

9

Probably Mr. President, you should ask her

10

to --

11

MR. PRESIDENT:

12

Sorry, we are being told that it is not the

13

translators, it is the Court Recorders that

14

sometimes they don't quite get the French of

15

the Witness. Maybe, can he speak slowly, or

16

what would you want?

17

MS. OJEMENI:

18

I don't really know because I am just

19

hearing it for the first time.

20

MR. PRESIDENT:

21

We are being told that --

22

MS. OJEMENI:

23

I think he should speak slowly, maybe that

24

would help.

25

MR. PRESIDENT:

1 There is no problem with the translation but
2 the Court Reporters say that sometimes,
3 maybe if you can try to speak slowly and
4 pronounce maybe slowly to facilitate their
5 work. That was the concern that was
6 expressed to us. Alternatively they even
7 suggested -- I don't know how you can
8 translate French into French.

9 MS. OJEMENI:

10 The interpreter rather should interpret what
11 you've just said, because the Witness'
12 earphone was not on when you were talking.

13 MR. PRESIDENT:

14 All right, let's see. Slowly, and you can
15 even interpret so that the Court Reporters
16 follow very closely because they keep the
17 record as well, that is, we depend on them.

18
19 Can we start where we were. We were
20 discussing at the time we took a break about
21 a document that was about to be passed on to
22 the Witness.

23 MS. OJEMENI:

24 Yes, Your Honour.

25 BY MS. OJEMENI:

1 Q. Witness, in response to my questions, please
2 speak slowly so that everybody in the
3 Courtroom would follow.
4
5 Witness, in your testimony you had looked at
6 certain pictures just before we took a break
7 and you gave evidence of certain events that
8 took place in various locations represented
9 on those photographs. You also gave
10 evidence of events that took place in
11 certain locations not represented on the
12 photographs earlier on when you were giving
13 your testimony. Did you at any point in
14 time represent these locations that you have
15 given testimony on in this Court in a
16 sketch?
17 A. No, I didn't follow absolutely. Could you
18 kindly repeat?
19 Q. I said, just before we took a break, you
20 looked at certain photographs that were
21 shown to you and you commented on them or
22 you gave evidence on events that took place
23 at the various locations on the photographs
24 that you looked at. You also gave evidence
25 concerning certain locations in Nkuli in

1 your testimony today in Court and yesterday.
2 Did you at any point in time represent these
3 locations in a form of sketch; drawing if
4 you don't know what sketch means?

5 A. Yes, personally because I do know my region.
6 I know the various locations, especially in
7 those locations I participated in the
8 massacres.

9 PROFESSOR HINDS:

10 Your Honour, may I. Could the Court
11 instruct the Witness just to answer the
12 questions that have been put to him. Part
13 of the problem we have had is that he
14 rambles on. She has asked him a specific
15 question, he should just answer that. Now
16 he is going on and on.

17 MR. PRESIDENT:

18 Could you answer that question briefly,
19 please. Did you ever draw up a sketch or
20 document indicating the various aspect
21 Counsel is asking about?

22 THE WITNESS:

23 Yes.

24 MR. PRESIDENT:

25 And then he can explain. You can ask him

1 what it was.

2 MS. OJEMENI:

3 I didn't get what Your Honour said, myself.

4 MR. PRESIDENT:

5 Sorry.

6 MS. OJEMENI:

7 I didn't get the question you put to the

8 Witness.

9 MR. PRESIDENT:

10 Well, I was actually asking or repeating

11 your question.

12 MS. OJEMENI:

13 But I didn't get it.

14 MR. PRESIDENT:

15 I said that the question being asked by

16 Counsel was that, did he ever reduce into a

17 sketch or document the various areas that

18 you pointed out and he said, yes. So, maybe

19 you can ask what were those areas and how

20 did he go about it.

21 BY MS. OJEMENI:

22 Q. Why did you draw this? Why did you reduce

23 this evidence into a sketch form?

24 A. It was in order to better explain my

25 statement, that is to clarify my statement.

- 1 Q. What are the areas that you drew in the
2 sketch; can you remember some of the areas?
- 3 A. Yes, on my sketches, I showed especially in
4 colour, in black, the main road linking the
5 cities of Gisenyi and Ruhengeri. I also
6 showed the communal building, I also clearly
7 showed the distance between Kajelijeli's
8 house *** ** *****; I also clearly showed
9 the canteen and the Kinyirwasi building.
- 10 Q. Did you give this sketch to the officials of
11 ICTR?
- 12 A. Yes, I did.
- 13 Q. If you see this sketch today, will you be
14 able to recognise it?
- 15 A. Yes.
- 16 Q. Can the Court assistant assist me. Can you
17 show the Defence? Please can you take a
18 look at that and you confirm what this
19 document is, if it is the same document that
20 you just referred to?
- 21 A. Yes, it is myself that drew up the sketch.
- 22 Q. Can you take a look at the bottom of that
23 document; whose signature is that?
- 24 A. That is my own signature.
- 25 Q. Your Honours, may I crave your indulgence to

1 have the witness describe the document; he
2 has recognised the document.

3 MR. PRESIDENT:

4 Sorry.

5 MS. OJEMENI:

6 May I crave your indulgence to ask the
7 witness to come to the projection to
8 describe this document to the Court.

9 MR. PRESIDENT:

10 Maybe we should sort out the question of its
11 admission first; is it admitted?

12 MS. OJEMENI:

13 I thought I would admit it after I have
14 explained it to the Court, since he has
15 recognised the document.

16 MR. PRESIDENT:

17 Yes, if there is anything disputed then of
18 course, we have to go through that huddle
19 first. You see -- because if shown, then if
20 there is a problem at the end, then we have
21 -- any objection to the document being
22 admitted in the light of the explanation
23 given and that he was the one who drew up
24 the document himself.

25 PROFESSOR HINDS:

1 I just think that there should be one
2 predicate question that should be asked.
3 When did he pp this document? And if that
4 question is put to him, then I may not
5 object to its admission.

6 MR. PRESIDENT:
7 He was asked about whether he ever showed or
8 did show it to the investigators or to
9 officers of the Tribunal. It should be --
10 maybe you can put that question.

11 PROFESSOR HINDS:
12 I don't know, did he show it to them two
13 days ago? I don't know.

14 MS. OJEMENI:
15 Your Honour, I am sure my Learned Friend can
16 do all that during cross-examination, if it
17 is possible.

18 PROFESSOR HINDS:
19 Counsel, the issue in point is the
20 admissibility of the document, and I am just
21 saying that you should ask that predicate
22 question before I --

23 MR. PRESIDENT:
24 Maybe Counsel might think it could be
25 pre-1994, perhaps.

1

2 BY MS. OJEMENI:

3 Q. Witness, when was this document drawn?

4 A. Well, it was after the statements that I
5 made before the ICTR people. May I add if I
6 may, because I am a teacher, when I give a
7 lesson, I always use sketches in order to
8 allow students to better understand.

9 MR. PRESIDENT:

10 What could you remember the date, just about
11 the time when this sketch was drawn, that is
12 what Counsel are interested in at the
13 moment; if you can recall the date?

14 THE WITNESS:

15 The date, I cannot remember.

16 MR. PRESIDENT:

17 The year?

18 THE WITNESS:

19 It was after the events, that is the events
20 of 1994. It was simply after the arrival of
21 the ICTR investigators, because I said that
22 before the arrival, I should not have made
23 the sketch because I wasn't expecting it but
24 as soon as they started interviewing, yes.
25 As soon as I made my statement, the idea

1 came to me to prepare the sketch.

2 MR. PRESIDENT:

3 Any objection, Professor Hinds?

4 PROFESSOR HINDS:

5 No.

6 MR. PRESIDENT:

7 No objection.

8 MS. OJEMENI:

9 Your Honour, I seek to tender this document

10 having been recognised by the witness as

11 Exhibit P13.

12 MR. PRESIDENT:

13 Let the document drawn and recognised by the

14 witness be admitted as Exhibit P13.

15

16 (Exhibit No. P13 was admitted).

17 MS. OJEMENI:

18 May I crave the Court's indulgence to have

19 the Witness come to the screen.

20

21 (Pages 55 to 109 by Sithembiso Moyo)

22

23

24

25

1 1500H

2 MR. PRESIDENT:

3 Yes, you can have it screened. I hope there

4 is no name of the author, Counsel.

5 MS. OJEMENI:

6 No, I've looked at it, no.

7 BY MS. OJEMENI:

8 Q. Witness, can you explain to this Honourable

9 Court what you -- what this diagram, the

10 places you have and any other events that

11 took place at these places?

12 PROFESSOR HINDS:

13 Your Honour, just to protect the identity of

14 the witness, I think he has his brother's

15 first name on the document, so I don't know

16 if that's of any concern to the Prosecution.

17 MS. OJEMENI:

18 I've seen it. It doesn't have the brother

19 there, so no problem.

20 BY MS. OJEMENI:

21 Q. Can you explain the diagram? Can you

22 explain the sketch to the Court?

23 THE INTERPRETER:

24 I think there's a microphone problem there,

25 Mr. President. Fixing it. Yes, it is

1 working now.

2 MR. PRESIDENT:

3 Yes, could you, please, Interpreter, tell

4 the witness to go slowly.

5 MS. OJEMENI:

6 Please, Witness, don't mention anybody's

7 name that is related to you, please.

8 THE WITNESS:

9 Yes, Mr. President, I have carefully

10 listened to what you have said.

11

12 Now in colour here, in black, that is the

13 tarred road linking the two prefectures of

14 Ruhengeri and Gisenyi. Here, on this side,

15 around this turning point, we have the main

16 training field. That is the sports field.

17 Here you see this arrow, that shows the main

18 fence of where the authority stopped. That

19 is the roadblock. And here is Kajelijeli's

20 house. Here you see the letter "M." There

21 is letter "N" also. That is the region

22 (phonetic) of the senior officer. This is

23 the small road that goes from the commune

24 towards Kajelijeli's and mine. That is **

25 ***** and Kajelijeli's house. Now, here, we

1 have the board of the communal -- the board
2 showing the Nkuli Canteen. Here you have
3 the communal building. Now I tried to put
4 some details reflecting the various rooms,
5 the popular bank, the cells. Here behind
6 you have the police station or the guards'
7 office. Here from the guards' office you
8 can see the canteen here. And from the
9 canteen you can see when Kajelijeli was
10 there making a telephone call. We saw him
11 when we were at the canteen. That is on the
12 night of the 6th of April. Here you have --
13 you see that is ** *****. That is the
14 office of *** *****. The window is here.

15
16 Now, on this side, the jeep stopped here
17 when it brought the material promised by the
18 Mukamira Military Camp, Bizabarimana, and
19 they were stopped here in the inspector's
20 office. Now this is a small road that leads
21 to the canteen. Here we have the path or
22 small road, if I may call it so, from the
23 Ruhengeri Mission. Goes through the
24 cellule. All of this is Kinyababa cellule.
25 And here in the cellule you will see there

1 are dashes, that is the Rubaya cellule. So,
2 on the 7th of April, 1994, we left the
3 communal compound and went towards the
4 location where Ziragwira's family lived.
5 There is a small lake called Cyunyu. It is
6 right here, further on, a bird's eye view.
7 It is about 2 kilometres, approximately.
8 Approximately, I didn't really make any
9 proper mathematical competitions.
10
11 Now, after the 7th April -- that was the
12 8th, on the 9th now, we went as Kajelijeli
13 so required into the canteen after the 7th
14 to clean the area, so to speak. Now, to mop
15 up the area, we took the same path and went
16 to Mvuka's and massacred a Lady Mvuka,
17 Nyirahusoro, with her five children and then
18 we went along this road up in this direction
19 and we got to Rulhafi's house. And that is
20 his house and I shot Ndajijimana with a
21 rifle. He was hiding in the roof of
22 Nyirahusoro's house and Nyirabukobwa was
23 killed with a traditional weapon, that is a
24 club, and after that we return to the
25 canteen to have a drink. Now, here,

- 1 Nyirabukobwa had two children, two men, that
2 hid there in that Hutu house. I hope my
3 explanations are clear. If there are any
4 details you would wish me to give you, I am
5 prepared to do so.
- 6 Q. That will be all. Can you return to your
7 seat.
- 8 A. I'm sorry, I didn't show you. That's the
9 IGA Centre in which we taught people how to
10 read and write. And just before the main
11 fence, that was a training ground of the
12 Amahindure Group. I thank you.
- 13 Q. The roadblock that *** ***, is it on this
14 sketch?
- 15 A. Yes, that is it right down there at the
16 bottom of the main road. You see the block,
17 the roadblock next to this small road that
18 leads to the former communal office which is
19 here, and this is the IDR project. This
20 here was the training ground for the
21 battalion.
- 22 Q. The last two buildings on your left, what do
23 they represent? The three buildings on the
24 left?
- 25 A. Here? This is the Bernfonden Project. This

1 is a private house, and here, behind, is **
2 ***** *****. We lived very near the
3 ***** *****
4 Q. Why is the MRND there?
5 A. Yes, I wanted to show you from the room
6 behind, which was rented by Sendugu,
7 Shadrak, the President of the MRND, and
8 where the wraparounds of the MRND were stuck
9 before being distributed. I thank you.
10 Q. You can go back to your seat. That will be
11 all for the sketch.
12
13 Witness, did you ever leave Nkuli commune in
14 1994?
15 A. Yes, in '94, I was, for a certain time, in
16 the Mukingo commune in the Simba Bar for a
17 small interview. It was only on that day,
18 or I was coming out of my commune, to go to
19 the Rusogo Parish because I'm Catholic and
20 almost every Sunday I went to prayers.
21 Q. The question was: Did you leave Nkuli
22 commune after the attack in 1994?
23 A. After the attack in 1994, I did not go
24 anywhere because it was delicate, there were
25 killings and one could come across agents or

1 persons or person that could kill you
2 because there were killings all over and
3 there was no government, apart from these
4 people that were roaming about. The
5 administration -- the government was no
6 longer there, it came to a stand still. I
7 left the commune when -- that was around
8 July, to take refuge in the former *****
9 that is, the present-day *****.

10 Q. Did you see Kajelijeli again after July in
11 1994?

12 A. In 1994, I --

13 Q. Did you see Kajelijeli when you left Nkuli,
14 as you've told this Court? Yes or no,
15 please?

16 A. Yes, I saw him again, Kajelijeli.

17 Q. Where did you see him?

18 A. ** *** ***** ****.

19 Q. Where was ***** camp that you've just
20 mentioned?

21 A. *** ***** camp was between 7 and 9
22 kilometres from the town of Goma. Let me
23 spell ***** Goma, G-O-M-A -- Lake Cyunyu,
24 C-Y-U-N-Y-U.
25

1 Q. What were you doing there at that time?

2 A. Well, at that location, I took refuge

3 because we were scared of the RPF and we

4 took refuge in *****

5 MS. OJEMENI:

6 That will be all for the examinatin-in-chief

7 of this witness.

8 MR. PRESIDENT:

9 Thank you very much, Learned Counsel. That

10 marks the end of the examination-in-chief.

11

12 Any cross-examination?

13 Professor HINDS:

14 Yes.

15 MR. PRESIDENT:

16 Professor Hinds, please.

17 CROSS-EXAMINATION

18 BY PROFESSOR HIND:

19 Q. Good afternoon, GDD. Good afternoon.

20 A. Good afternoon.

21 Q. My name is Lennox Hinds and I represent

22 Juvnal Kajelijeli. I'll be asking you some

23 questions and I would like you to answer my

24 questions directly and only answer the

25 questions I put to you and nothing more. Do

1 you understand that?

2 A. I do understand you, Counsel, but it is also

3 my right to explain. It would all depend on

4 your question. If your question requires

5 explanations, some explanation, I would give

6 explanations. If your questions are to the

7 point, I shall be succinct in my answer.

8 PROFESSOR HINDS:

9 Your Honour, can you instruct the witness in

10 this regard?

11 THE PRESIDENT:

12 Yes, I think he has explained. Let's see

13 how far we go.

14 PROFESSOR HINDS:

15 Okay.

16 BY PROFESSOR HINDS:

17 Q. Sir, you gave a statement to the ICTR; is

18 that correct?

19 A. That is correct.

20 Q. I would like to show you a document and see

21 if you can identify it. You have the

22 document in front of you, sir?

23 A. Yes, I do.

24 Q. There's a cover page, turn to the next page.

25

1 But before giving the witness the document,
2 let's show it to the Prosecution, please, so
3 that they know exactly what we are
4 proffering to the witness.

5 THE PRESIDENT:

6 And if your could also indicate, Professor
7 Hinds, the text, is that the English text or
8 the French text?

9 PROFESSOR HINDS:

10 I'm giving him a document that he can read
11 in French because his signature is on it, so
12 I am going to do the proper job of dealing
13 with the document.

14 BY PROFESSOR HINDS:

15 Q. Turn to the cover page, to the first page
16 where there are signatures on it. Do you
17 recognize the signature on those documents?

18 A. Yes, Counsel, I recognize my signature.

19 Q. And, on the next page, is there a signature?

20 A. Yes, on the second page, I also see my
21 signature.

22 Q. And turn to the next page, is there a
23 signature on there?

24 A. Yes, my signature is there.

25 Q. And when was that statement given?

1 A. The date is spelled out there. It was the
2 26th of June, the Year 2000.

3 Q. I would like to show the witness another
4 signature.

5

6 Sir, I would like you to look at that
7 document, and again turn to the next page
8 and see if you recognize any signatures on
9 it?

10 A. Yes, I do recognize my signature.

11 Q. On the next page, is there a signature on
12 it?

13 A. Yes, quite correct, my signature is there.

14 Q. And on the next page?

15 A. On the next page I see no signature.

16 Q. Yes, two pages with signatures; is that
17 correct?

18 A. That is correct. I'm sorry, I'm sorry, I've
19 just noticed that this is in English, it is
20 the translation, so that the third page is
21 in English.

22 Q. I'm directing the question to you, sir,
23 concerning the pages that you signed, what
24 language is that statement in? The pages
25 you signed, what language is it in?

- 1 A. These pages are in French.
- 2 Q. Do you understand French?
- 3 A. Yes, I do. I'm a teacher.
- 4 Q. And you can read French; is that correct?
- 5 A. I'm sorry, can I have that question again?
- 6 Q. And you can read French, can you not?
- 7 A. Yes, indeed.
- 8 Q. Now, sir, when were you first approached by
- 9 the ICTR concerning the statement that you
- 10 gave, the first statement that you gave in
- 11 June of last year? Do you understand the
- 12 question?
- 13 A. Yes, I do. I was contacted by the agents of
- 14 the ICTR on the 26th June 2000.
- 15 Q. Was it the 26th and not the 23rd?
- 16 A. No, on the 23rd -- it was the 26th, and it
- 17 is clearly stated above my signature, as I
- 18 said to the ICTR agents, and then I signed
- 19 it on the 26th.
- 20 Q. You signed it on the 26th, I'm asking you
- 21 when were you first approached by agents of
- 22 the ICTR, was it on the same day that you
- 23 signed your statement?
- 24 A. Please, I gave my answer clearly. I do not
- 25 remember the other dates any more. I signed

1 on the 26th.

2 Q. I understand, sir, that you signed it on the

3 26th. The question I'm putting to you is:

4 Prior to you signing that statement, were

5 you contacted by agents of the ICTR? Do you

6 understand that?

7 A. Yes, at the *****

8 Q. When were you approached by agents of the

9 ICTR at ***** prior to July 26th

10 -- I'm sorry, June 26th of last year?

11 A. I don't remember the date any more because I

12 didn't notice.

13 Q. Was it in the month of June or was it prior

14 to June of last year?

15 A. If my memory serves me right, it was doing

16 the Year 2000.

17 Q. You signed a statement, sir, on June 26th,

18 and you've just told us that prior to you

19 signing the statement you were contacted by

20 agents of the ICTR ** *** *****

21 and I'm asking you whether it was prior to

22 the month of June when they first contacted

23 you or was it before then? Do you

24 understand the question?

25 A. I did answer that question, that the agents

1 of the ICTR contacted me before the 26th.
2 They prepared this statement and I signed
3 it.
4 Q. Did they contact you, sir, in June, earlier
5 in June, prior to June 26th?
6 A. What do I say? I'm saying that it is before
7 the 26th of June.
8 Q. I'm asking you, sir, was it earlier in the
9 month of June, or was it in May or was it in
10 April? If you don't remember the exact
11 date, I'm trying to find out: Was it within
12 the same month? Do you understand the
13 question?
14 MS. OJEMENI:
15 Your Honours, I think this witness has
16 answered this question.
17 MR. PRESIDENT:
18 Yes.
19 PROFESSOR HINDS:
20 Your Honour, I'm trying to ask this witness
21 to be as precise as he can with respect to
22 my questions. I don't want him rambling
23 along.
24 MR. PRESIDENT:
25 Okay. Counsel, please find the document on

1 the 26th of June, 2000. That he has
2 accepted. That's his evidence.

3

4 When did the agents of the ICTR contact you
5 before you signed the statement that he's
6 talking about, if he can remember?

7 THE WITNESS:

8 Could you repeat the question?

9 MR. PRESIDENT:

10 You signed the document, the statement on
11 the 26th of June, 2000, and you said that
12 before that, the agents of the ICTR had
13 contacted you?

14 THE WITNESS:

15 Yes.

16 MR. PRESIDENT:

17 Before you signed the statement?

18 THE WITNESS:

19 It was before the 26th.

20 MR. PRESIDENT:

21 In the same month?

22 THE WITNESS:

23 Yes, I believe that it was issued the same
24 month, if my memory serves me right once
25 again, because this has been a very long

1 time ago.

2 MR. PRESIDENT:

3 Yes, Professor Hinds.

4 BY PROFESSOR HINDS:

5 Q. Now, can you recall, sir, who from the ICTR

6 contacted you at the *****? Can

7 you describe the agents of the ICTR who

8 contacted you, as you say, at the *****

9 *****? If you could describe the people?

10 A. Please, I was not able to ask for their

11 identity. They told me that they were ICTR

12 agents, that was very clear. They told me

13 that they knew that I had pleaded guilty and

14 that they wanted some information from me,

15 and I told them that I was ready to tell

16 them all the truth about everything I knew

17 and saw. Thank you.

18 Q. Could you describe the people you say

19 contacted you, sir, at that time?

20 A. I do remember one gentlemen called Paul.

21 Q. How many individuals contacted you at that

22 time?

23 A. Well, there was yet another one who came to

24 take photographs, and to take my

25 photographs, they told me that it was for

1 the purpose of putting them in documents,
2 someone with passports and others, I don't
3 know. As I said, I was ready for that, and
4 I was photographed in the office of the
5 director in the corridor -- rather, of the
6 building of the directorate. I'm sorry, I
7 do not know how to describe this gentleman,
8 it's been a very long time ago.

9 Q. So there were two men who came to interview
10 you on the first time that you met agents of
11 the ICTR at the *****; is that
12 correct? There were two men?

13 A. I'm sorry, let me think about it, and then I
14 will give you an answer.

15 Q. Okay.

16 A. Yes, there were more than two people because
17 there were the interpreters.

18 Q. You said there were interpreters, was there
19 more than one interpreter at that meeting
20 that where you say you first met agents of
21 the ICTR? Two men, one by the name of Paul?
22 And now you say there were interpreters, was
23 there more than one interpreter accompanying
24 them at that meeting?

25 A. I talked with Paul, and there was one

1 interpreter because Paul spoke English and I
2 couldn't speak English, and so there had to
3 be an interpreter so that we can understand
4 ourselves.

5 Q. So there were two men and one interpreter;
6 is that correct?

7 A. I'm talking to you about Mr. Paul, so why
8 are you talking about two people? The first
9 time we met with Paul and he had his
10 interpreter, so, please, don't talk about
11 two officials, I was talking about one Paul.

12 Q. So at this meeting there were two
13 individuals; one was Paul, and an
14 interpreter. Only two individuals were
15 there with you when you were first
16 interviewed by agents of the ICTR; is that
17 correct?

18 A. Yes. I wouldn't really say two individuals.
19 There were three. There was Paul, the
20 interpreter and myself, so we are three in
21 the room.

22 Q. Now, sir, you said that someone said to you
23 that they heard that you had plead guilty
24 and asked you whether or not you would want
25 to give information to the ICTR; is that

1 correct?

2 A. No, he's not the one who told me that I had
3 pleaded guilty. I was the one who told him
4 that I am willing to talk about all that
5 happened in Rwanda during the genocide in
6 1994. Then I told him that I had pleaded
7 guilty.

8 Q. Sir, is it your testimony that when the
9 agents of the ICTR contacted you, that he
10 did not make any statement about the fact
11 that he knew you had plead guilty, you're
12 the one who volunteered that information; is
13 that correct?

14 A. Yes.

15 Q. What did the agent of the ICTR say to you
16 when he first met you? What was said to you
17 by him? Do you understand that question?

18 A. That question is too long. Could you make
19 it brief?

20 Q. What did the agent of the ICTR say to you
21 when he met you?

22 A. He asked me whether I was ready to -- sorry.
23 He told me, first of all, that he wanted to
24 thank me most sincerely for pleading guilty.
25 And that he was asking me if I could very

1 kindly provide him with information on the
2 events that occurred in 1994 and I said yes.

3 Q. Isn't it a fact that he told you that you
4 had plead guilty, didn't he?

5 A. I don't know how to answer your question
6 because he is not the one who told me. He
7 wasn't the one who was before the Court. I
8 was the one before the Court. I was the one
9 who was involved in the massacres, it's not
10 him, so he wasn't the one to inform me. I
11 was the one who told him that I pleaded
12 guilty, if my memory doesn't fail me.

13 Q. Sir, you just told us that the first thing
14 that this agent of the ICTR said to you is
15 that he thanked you for pleading guilty
16 before you even said anything to him; isn't
17 that correct?

18 A. Sorry, Counsel, you asked me if it was the
19 ICTR agent who told me -- you asked me
20 whether I pleaded guilty and I said "No."
21 And, in fact, on which date would he have
22 known, or would he know the Court where I
23 pleaded guilty? It was merely a matter of
24 information. I told him quite clearly that
25 I had pleaded guilty and for now I'm

1 prepared to say the same thing, if I'm so
2 requested, because I think it is good for me
3 to plead guilty so that we can get to
4 reconciliation and lasting peace in my
5 country.

6 MR. PRESIDENT:

7 Yes, Witness, but counsel wants to know when
8 the agents -- the representatives of the
9 ICTR came to you at ***** What
10 did they tell you at the beginning of your
11 interview of your discussion, or your talk
12 on that first day? I think that's what
13 you're trying to find out.

14 PROFESSOR HINDS:

15 And he answered that they thanked him for
16 pleading guilty.

17 MR. PRESIDENT:

18 And he went back.

19 PROFESSOR HINDS:

20 So he's going back and forth.

21 MR. PRESIDENT:

22 That's what he's trying to find out: When
23 you first met these people, what did they
24 say to you?

25 THE WITNESS:

1 Please, Counsel, you were the one who said I
2 should be brief in my answers, so if I have
3 to explain -- well, the -- a superintendent
4 of the Central Prison called me. I was in
5 the prison inside and I appeared and then
6 the other men asked me --

7 PROFESSOR HINDS:

8 Stop this, Witness.

9 PROFESSOR HINDS:

10 The question is: What did the agents of the
11 ICTR say to him? I have no interest about
12 what the superintendent of the prison did
13 because we are going to spend a long time
14 with this witness unless he answers
15 questions that are put to him. He's now
16 talking to us about the superintendent of
17 the prison. Who cares about what he did?
18 The question being put to him is a simple
19 one: What did the agents of the ICTR first
20 say to you when they met you?

21 THE PRESIDENT:

22 Yes.

23 THE WITNESS:

24 Sorry, Mr. President. I think it is my
25 right to properly explain and answer to the

1 questions of counsel. I don't think he
2 should take on me and say I should say this
3 or that, so let him allow me to say what I
4 want to say. Let him allow me -- it is my
5 right to express myself if he puts a
6 question to me. And he has repeated the
7 same question more than five times, and I've
8 been counting. I said Mr. Paul appeared,
9 reported to the prison yard and a prisoner
10 cannot come out of the prison yard without
11 the authorisation of the superintendent.

12 THE PRESIDENT:

13 All the formalities were observed. Counsel
14 wants to know when, ultimately, you were
15 together with the others of the ICTR for the
16 first time, what did they say to you? That
17 is what counsel is interested in, and the
18 Trial Chamber would like to hear what they
19 said to you. From there, you will move
20 forward.

21 THE WITNESS:

22 Thank you, Mr. President. The question is
23 very clear. So I appeared before that
24 gentleman, and he said to me, "My name is
25 Paul. I'm an agent of the ICTR. Would you

1 like to provide me with some information
2 regarding the genocide in Rwanda, which
3 genocide occurred in 1994?" And I told him,
4 I am ready to answer because, for instance,
5 I have already pleaded guilty and I knew
6 that I had pleaded guilty. The Prosecutor's
7 Office had already accepted my plea and the
8 Court itself had already accepted my plea of
9 guilty, and after that he started putting
10 questions to me.

11 BY PROFESSOR HINDS:

12 Q. Did he ask you questions concerning Juvnal
13 Kajelijeli at that time? This is when you
14 first met him.

15 A. I can no longer remember.

16 (Gap tapes, notes and disk missing)

17 A. And, subsequently, he asked me questions
18 about the genocide in Rwanda and in the
19 course of -- sorry, during that questioning,
20 if I may put it that way -- that in the
21 course of that questioning, that the name of
22 Kajelijeli came up. Did we do anything
23 together? And I explained everything to
24 him, all that I knew.

25 Q. Now, were any promises made to you, sir?

1 Did the agents of the ICTR make any promises
2 to you?

3 A. When you talk about promises, what are you
4 talking about?

5 Q. You were in prison and you had plead guilty
6 to crimes that you say you committed during
7 April of 1994; is that correct?

8 A. Yes.

9 Q. And, at that time, were you sentenced to a
10 term imprisonment of 14 years?

11 A. Yes.

12 Q. I'm asking you whether or not the agents of
13 the ICTR made any promises to you that if
14 you helped them, they would be able to help
15 you?

16 A. Well, I told him -- I asked him, you know,
17 if I were to give you information, what
18 would it be my interest, or what interest I
19 derive from it? He told me there wouldn't
20 be anything because ICTR -- how should I put
21 it? Yes, thank you. So he told me that
22 ICTR could not issue instructions or go
23 against instructions issued by Court in
24 Rwanda. So I said, thank you. I am
25 disappointed because I would want to be

1 released, but since ICTR cannot do anything
2 about my case, well, I will tell you the
3 truth.

4 Q. Did you, in pleading guilty, sir, did you
5 plead guilty so that you would have a
6 reduced sentence?

7 A. Could you repeat your question, please?

8 Q. When you plead guilty, sir, in Rwanda, did
9 you do so because you wanted to receive a
10 reduced sentence?

11 A. I pleaded guilty because the Rwandan
12 government had stated that in order to
13 achieve general reconciliation, it would be
14 necessary for those who had participated in
15 the genocide accept that they had committed
16 the genocide, or been involved in the
17 massacres, and in return, survivors of the
18 genocide would then be in a position to
19 pardon them, to forgive them. There is a
20 law like that and there is a certain
21 procedure to follow. That is for those who
22 are to plead guilty, and the sentencing or
23 the terms of imprisonment are determined by
24 the said law. Thank you.

25 Q. Did you hope, sir, to avoid the death

1 penalty by pleading guilty?

2 MS. OJEMENI:

3 Objection, Your Honour. This question is
4 not relevant to this case. This is a matter
5 that took place in Rwanda, it's not
6 relevant.

7 MR. PRESIDENT:

8 He's trying to find out, Counsel, whether
9 there was any motivation to any pleadings of
10 guilty of the witness, and any link, if any,
11 to the proceedings here. I mean, it's a
12 proper question that the witness can answer.

13 MS. OJEMENI:

14 Very well, Your Honour.

15 THE WITNESS:

16 Thank you, Mr. President.

17

18 To plead guilty you have to plead guilty,
19 you have to be courageous because they were
20 saying that I participated in the massacres,
21 and they accused me of having killed 200
22 people, and I wasn't afraid of death. I
23 didn't know that I would be -- there would
24 be a reduction of the sentence, so I did so
25 because in my heart, within me, I felt

1 affected, pained by participating in the
2 massacres. I asked my God for forgiveness,
3 and I wanted to act before the population,
4 particularly the survivors of the genocide
5 and to comply with the terms of that law,
6 particularly Article 6 of the said law.

7 PROFESSOR HINDS:

8 Now when you say you were involved in
9 killing of innocent people in April of 1994,
10 you have had experience of killing people
11 before, haven't you, before 1994?

12 MS. OJEMENI:

13 Your Honour, I object. The witness -- what
14 my learned friend -- the part my learned
15 friend is trying to turn now was never
16 brought out during examination-in-chief. I
17 know he is trying to probably attack the
18 credibility of this witness.

19 PROFESSOR HINDS:

20 Precisely, I'm going to impeach him, impeach
21 his credibility.

22 MR. PRESIDENT:

23 Yes, but of course, if you go to character,
24 Counsel, you must also be conscious that you
25 also put him on the line, the character of

1 your client.

2 PROFESSOR HINDS:

3 No question about it.

4 MR. PRESIDENT:

5 So you can go ahead.

6 BY PROFESSOR HINDS:

7 Q. Sir, was this the first killing that you

8 participated in that you say you pled guilty

9 to in 1994?

10 A. Please, Counsel, I think you know that the

11 genocide occurred just once on the 7th of

12 April, or 7th of the month of April.

13 Clearly there were attacks. There was a lot

14 of clean-up after that situation. But the

15 genocide didn't occur two or three times for

16 me to have participated. I was involved in

17 those massacres as from the 7th, as I

18 stated.

19 Q. The killing of innocent people, sir, that's

20 what I'm asking you?

21 A. Yes, it is the very first time.

22 Q. And you're telling us the truth today; is

23 that correct?

24 A. Why do you say, claim to be telling the

25 truth?

1 Q. You say that in 1982 you were convicted of
2 killing a man by the name of *****
3 ***** who was
4 a former --

5 THE INTERPRETER:
6 Could you read it out slowly or maybe even
7 spell it, please, Counsel?

8 BY PROFESSOR HINDS:
9 Q. ***** That's his last
10 name, who was the former project agronomist.
11 Isn't it a fact that you killed this man and
12 was convicted and sentenced to life
13 imprisonment?

14 A. Sorry, Counsel, please, with your
15 permission, before I answer, I am surprised
16 because this is a personal case file. It
17 has nothing to do with your client,
18 Kajelijeli, and the genocide period.
19
20 Well, if you wish. In 1982, on the issue of
21 the death of ***** -- well, I
22 did explain before the Court, and I
23 explained this matter to the Court, and
24 you'll be fully informed on what my
25 testimony was. I left the prison after

1 three years and six months, if you want to
2 talk about that matter. That's why I didn't
3 want to bring up this whole file of 1982.
4 Thank you.
5
6 Counsel, when you talk about my own file, am
7 I here for my own case, or to explain to you
8 what happened to me? I'm sorry I'm putting
9 this question to you.
10 Q. You are here to answer questions that are
11 put to you and nothing more. The question
12 I'm putting to you: Isn't a fact that you
13 were convicted of murder in 1982 and
14 sentenced to life imprisonment?
15 A. No, I was not sentenced to life
16 imprisonment.
17 Q. You were convicted of murder in 1982?
18 A. Counsel, what do you want me to say? I've
19 already answered.
20 Q. The question can be answered by either "yes"
21 or "no"?
22 MR. PRESIDENT:
23 "Murder" is a legal term.
24 BY PROFESSOR HINDS:
25 Q. Were you convicted of killing someone

1 wrongfully in 1982?

2 MR. PRESIDENT:

3 And the sentence.

4 PROFESSOR HINDS:

5 Well, I'm not looking for the sentence.

6 THE WITNESS:

7 Counsel, please don't oblige me to give you

8 this or that answer. I told you that

9 because of the death of *****

10 I was a teacher, and I was sentenced by the

11 Court of First Instance of Ruhengeri. We

12 were two of us, ** *****

13 *****. And if you

14 want me to take up the entire story, I told

15 you clearly.

16 MR. PRESIDENT:

17 Please be cautious of the names, Witness.

18 THE WITNESS:

19 Yes, I was coming from the breweries on that

20 day. I was a teacher and I had rented a

21 pickup, Diahatsu pickup.

22 PROFESSOR HINDS:

23 Tell them about the facts of how the man was

24 killed.

25

1 That may be a follow-up question that the
2 Prosecutor may want to get into to explain
3 this. I just wanted him to simply answer
4 whether he was convicted. If he says "no,"
5 we then deal with his files. If he says
6 "yes," we move to the next question. I'm
7 just trying to move him straight ahead.

8 MR. PRESIDENT:

9 You allow time to explain. What do you say
10 to the answer, if you understand the
11 question?

12 BY PROFESSOR HINDS:

13 Q. Were you convicted of killing one *****
14 ***** I've spelled the name before.

15 A. I said "yes."

16 Q. Now, your testimony, sir, is that you were
17 not sentenced to life imprisonment; is that
18 correct, for that killing?

19 A. Yes, and the person who provided you with
20 that information gave you absolutely false
21 information. I was not sentenced to life
22 imprisonment. Sorry, when you talk about
23 life imprisonment, my understanding is that
24 you're condemned for the remainder of your
25 existence, if I've understood you properly.

1 Q. What was your sentence, sir, if it was not
2 life imprisonment? What did the Court in
3 Rwanda sentence you to? What term of
4 sentence were you given, if you know?
5 A. Seven years.
6 Q. And of the seven years, how much of that
7 time did you serve?
8 A. Three years and six months.
9 Q. Now, when you plead guilty to genocide,
10 which occurred in 19 -
11 MR. PRESIDENT:
12 Maybe you can take a break for 15 minutes.
13 PROFESSOR HINDS:
14 Sure.
15 MR. PRESIDENT:
16 And come back at half-past four to continue
17 with the cross-examination of the witness.
18 PROFESSOR HINDS:
19 Okay.
20 (Court recessed at 1530H)
21 (Court resumed at 1550H)
22 MR. PRESIDENT:
23 Yes, the proceedings are resumed and we
24 continue with the evidence of the witness,
25 GDD, in cross-examination.

1
2 Professor Hinds, I think you had started
3 talking about the plea.
4 THE INTERPRETER:
5 The witness has his hand up.
6 PROFESSOR HINDS:
7 Yes?
8 THE WITNESS:
9 Mr. President, Your Honours --
10 MR. PRESIDENT:
11 Yes, could you start again, please?
12 THE WITNESS:
13 Mr. President, Your Honours, I would plea
14 with you to kindly say to Kajelijeli's
15 counsel not to go off topic anymore because
16 when he talks about 1982, or incidents that
17 occurred in 1982, if that was necessary, I
18 didn't prepare myself. I would have
19 explained the whole situation to him.
20 Kajelijeli is accused of the genocide that
21 occurred in 1994, so I don't see why he
22 should go back to 1982. It's more than 20
23 years, I literally don't remember what
24 happened. Thank you.
25 MR. PRESIDENT:

1 Could you please tell the witness that we
2 note his observation, but we would like to
3 explain the following: The Trial Chamber is
4 conscious and alive to all the issue being
5 raised here, and if a matter is not
6 relevant, or is not valid, the Trial Chamber
7 will say so. We follow the questions that
8 are being asked by counsel very carefully.
9 If they are not relevant, the Trial Chamber
10 will say so. We would ask the witness to
11 understand that there are procedures to be
12 followed here. Some of the issues could be
13 -- appear to be, perhaps, to a witness or to
14 a person, to be, maybe, out of scope. But
15 if they are authorised by the Trial Chamber,
16 it means they have relevance, so we will ask
17 him to respond to questions that are being
18 asked. If the question is not proper, is
19 uncalled for, the Trial Chamber will say so.

20 THE WITNESS:

21 Thank you, sir. Thank you, Mr. President.

22 PROFESSOR HINDS:

23 May I, Your Honour?

24 BY PROFESSOR HINDS:

25 Q. Sir, when did you plead guilty to genocide,

- 1 do you recall the date?
- 2 A. It was in 1999.
- 3 Q. Do you have any idea? Can you remember what
- 4 month in 1999 you pled guilty, sir?
- 5 A. No, I don't remember the specific date when
- 6 I sent the letter to the Office of the
- 7 Prosecutor. That is the letter containing
- 8 my guilty plea. Because my hearings took
- 9 place in 1999, took place in 1999 and the
- 10 sentence was handed down on the **** **
- 11 ***** if my memory doesn't fail me. Yes,
- 12 yes, indeed, **** ** ***** ****. In other
- 13 words, the hearings took place and lasted
- 14 one year.
- 15 Q. Now, sir, you have just told us that there
- 16 were hearings that were conducted in
- 17 connection with you pleading guilty; is that
- 18 correct?
- 19 A. Sorry, could you repeat the question?
- 20 Q. You have just told us, sir, that there were
- 21 hearings that were conducted in relation to
- 22 you pleading guilty to genocide; is that
- 23 correct?
- 24 A. Yes.
- 25 Q. And those hearings took place during the

1 Year of 1999 going into 2000 when you were
2 sentenced; isn't that correct?

3 A. Yes.

4 Q. Is it fair to say, sir, that the process of
5 you pleading guilty started with a letter
6 that you wrote confessing to your guilty
7 plea; is that correct?

8 A. Yes, during questioning by the Prosecution,
9 I pleaded guilty because I had first written
10 -- I had written seeking forgiveness. I
11 accepted that I had committed the offences.
12 I even mentioned names as the
13 co-perpetrator. And, subsequently, I was
14 questioned, or interviewed by the
15 Prosecutor, and the matter was taken to the
16 Court. That's what I can say.

17 Q. Sir, I want to take you back now to what you
18 say you first did. You say that you wrote a
19 letter, which you in fact confessed and
20 asked for forgiveness, and you name names;
21 is that correct?

22 A. No, maybe I should explain, or maybe I
23 expressed myself poorly. You see, because
24 to plead guilty, there is a law which serves
25 this basis. That is for those who want to

1 follow that procedure. The law says you
2 have to plead guilty firstly to the Office
3 of the Prosecutor. If you don't do that,
4 you can also plead guilty before the Court
5 during the very first hearing. For my part,
6 I started -- as the law provided -- I
7 started with the Prosecutor's Office. The
8 Prosecutor's Office accepted my confession.
9 I subsequently went before the Court, and I
10 think I had to appear for four successive
11 hearings; that is to defend my submission or
12 confession of guilty. Before the other
13 co-offenders or co-accused, the Court said
14 my confession was accepted. My plea was
15 accepted, and then they started questioning
16 us, if I may say so.

17 Q. Sir, the question that I'm putting to you,
18 and please listen very carefully: Did there
19 come a time when you wrote a letter setting
20 out what you said you did, and you named
21 names as part of your confession? Do you
22 understand that question?

23 A. Now, after writing that letter, about three
24 months, I believe, went by, because once you
25 write the letter --

- 1 Q. Is the answer "yes," that you wrote the
2 letter?
- 3 A. Yes, I wrote the letter to the Prosecutor's
4 Office.
- 5 Q. Now I'm going to put another question to
6 you, and I just want you to answer that next
7 question. Now, in that letter, did you name
8 names of individuals who said they committed
9 crimes with you, or crimes during that time
10 period of 1994, in that letter that you say
11 you wrote to the Prosecutor?
- 12 A. Yes, I named names. Without specifying the
13 number, I said in the very last sentence
14 that since those offences were committed in
15 1994, I told the Prosecutor's Office in the
16 event I were to remember all the names, I
17 would submit them. I believe I have
18 answered your question.
- 19 Q. When you named the names, did you also set
20 forth the facts what occurred, what acts
21 were committed by various individuals,
22 including yourself in 1994?
- 23 A. Yes.
- 24 Q. Did you, at that time, in your letter of
25 confession, tell the Prosecutor in Rwanda

1 what you have told the Court here today and
2 yesterday?
3 A. Yesterday and today -- well, I didn't
4 explain in detail because we didn't talk
5 about my own guilty plea or whether I wrote
6 a letter or not.
7 Q. I'm asking you, sir, whether when you wrote
8 your letter of confession, did you set forth
9 --
10 (Gap tapes, notes and disk missing)
11 -- you testified here today and yesterday?
12 A. If I remember, yesterday I did say that I
13 pleaded guilty and that I was sentenced, and
14 then today I'm saying it again, that I had
15 pleaded guilty and that I had been
16 sentenced.
17 MR. PRESIDENT:
18 Listen carefully to counsel's question.
19 PROFESSOR HINDS:
20 Let me try again, Your Honour.
21 BY PROFESSOR HINDS:
22 Q. In this letter --
23 MR. PRESIDENT:
24 The first letter?
25 PROFESSOR HINDS:

1 That's right.

2 BY PROFESSOR HINDS:

3 Q. In this letter that you say you submitted to
4 the authorities in Rwanda confessing your
5 guilt and naming names, I'm asking you
6 whether or not you said in that letter, the
7 acts that you committed, as you testified
8 yesterday before this Tribunal?

9 A. Yes, in the letter, I clearly indicated or
10 provided and explained my own involvement in
11 the genocide in the Kinyababa cellule. I
12 also mentioned the names of -- there are the
13 names of those who participated as myself,
14 same as I did before the Court in Rwanda.
15 If you need those names, I know them. They
16 also have been sentenced. They are in the
17 Ruhengeri Prison and I could tell you those
18 names. Thank you.

19 Q. I'll put another question to you, sir. Did
20 you name Juvnal Kajelijeli in that first
21 letter that you say you sent to authorities
22 in Rwanda in your confession? Do you
23 understand the question?

24 A. Yes, I've understood you fully well. And
25 let me answer. I did not mention the name

1 of Kajelijeli and the former minister,
2 Nzirorera. I only talked about the
3 reinforcements that came from Mukingo, which
4 got to us at Kinyababa, and all those who
5 actively participated with their weapons in
6 the exercise in Kinyababa. That's where --
7 that's the area to which I can find myself.
8 Q. So you did not tell the authorities in
9 Rwanda when you confessed about Kajelijeli's
10 ordering you to go out and kill Tutsi's; is
11 that correct?
12 A. So, in that document, when you look at
13 Article 6(1), we are told when you plead
14 guilty, mention the names of those who
15 actively participated in the massacre, and
16 that is why I did not mention the name of
17 the minister who gave us orders. I didn't
18 say all of that.
19 Q. Did their come a time when somebody asked
20 you to name Nzirorera and Kajelijeli?
21 A. Who is this someone you talked about?
22 Nobody asked me to name his name during the
23 hearings at the Court in Rwanda.
24 Q. In Rwanda you said you had a letter in which
25 you confessed and you did not mention

1 Kajelijeli; is that correct?

2 A. Yes, that is correct.

3 Q. Answer the question, and if there is

4 anything else that is required, Ms. Ojemeni

5 will ask you that on re-direct. You've

6 answered the question and I want to thank

7 you for it.

8

9 I am now going to put another question to

10 you. Were you subsequently interviewed

11 after you turned in that first letter? Were

12 you interviewed by Prosecutors during the

13 Year 1999 up to 2000 when you were

14 sentenced?

15 A. Well, I was interviewed after having sent in

16 that letter to the Prosecutor's Office. I

17 was summoned on several occasions by the

18 ***** Prosecutor's Office. The

19 Prosecutor's Office in ***** questioned

20 me.

21 Q. And is it fair to say, sir, based upon your

22 testimony here today, that you were, in

23 fact, interviewed on four separate

24 occasions?

25 MS. OJEMENI:

1 By who, please?

2 PROFESSOR HINDS:

3 By the Prosecutors at *****, or in

4 Rwanda, the Prosecutor's Office to whom he

5 confessed.

6 THE PRESIDENT:

7 That is before the matter was concluded.

8 PROFESSOR HINDS:

9 In June 22nd of 2000.

10 THE WITNESS:

11 I'm sorry, if you remember the penultimate

12 answer I gave you, let me repeat it. I was

13 summoned on several occasions by the Office

14 of the Prosecutor and I was interviewed by

15 the various substitutes or the alternates of

16 the Office of the Prosecutor.

17 BY PROFESSOR HINDS:

18 Q. Do you recall how many times you were

19 interviewed, sir?

20 A. Please, Counsel, I cannot tell you the dates

21 of these interviews. The only thing that I

22 can remember is the two names of the

23 alternates that interviewed me. I didn't

24 take care to note the dates of the hearings.

25 Would you kindly excuse me on that one?

- 1 Q. Now, with respect to the interviews that
2 were conducted, sir, do you know if there
3 were notes taken or were there any written
4 documents that were made of the interviews,
5 do you know?
- 6 A. Yes, I do remember clearly that before
7 appearing before the Trial Chamber of
8 *****, I read my case file myself.
- 9 Q. Okay. Now, were you ever given a copy of
10 your case file?
- 11 A. Well, so that -- I didn't get your question.
12 Were you talking about me being given the
13 case file? Do you mean that I was given a
14 case file to take it away or just to consult
15 it?
- 16 Q. You have said, sir, that you looked at your
17 case file; is that correct?
- 18 A. That is quite correct.
- 19 Q. I am now asking you whether or not you were
20 at any time given a copy so that you could
21 take away with you?
- 22 A. No.
- 23 Q. Now, when you looked into the case file, did
24 the case file contain that initial letter
25 that you say you wrote, which was your

1 confession?

2 A. Yes, quite correct, and moreover, the matter

3 was quoted that in 698 -- rather, 98, the

4 letter was in the case file.

5 Q. And do you have a recollection of what your

6 case file number is?

7 A. The number of my case file, yes, I do.

8 Q. Can you tell us what that is?

9 A. *****. It means the Prosecutor

10 of the Republic, PRORA, P-R-O-R-A. The

11 Prosecutor of the Republic. And there were

12 other numbers. There was the number of the

13 first trial. It is *****. Thank you.

14 Q. Now when you looked into your file, sir, did

15 you see copies of documents which --

16 withdrawn.

17

18 When you looked at the case file, sir, were

19 you able to see copies of the statements

20 that you made during the subsequent

21 interviews that you say you had with members

22 of the Prosecutor's Office?

23 A. Yes, indeed.

24 Q. Do you know, sir, whether or not you, as

25 someone who has plead guilty and been

1 sentenced, can you request a copy of your
2 file? Do you know whether under Rwandan
3 law, whether you are able to request a copy
4 --

5 MS. OJEMENI:

6 Your Honour, I object. I object. I do not
7 know the line of questioning. I do not know
8 what my learned friend is trying to
9 elucidate from this witness -- my question
10 -- through this line of questioning. I
11 really don't know the relevance of this
12 particular question to what is before this
13 Trial Chamber.

14 PROFESSOR HINDS:

15 Your Honour, this is no big surprise. We
16 have been raising this issue about
17 discovery. I am now just simply trying to
18 put in the record the existence of certain
19 information, which I believe is very
20 relevant with respect to the
21 cross-examination of this witness. We know
22 from a previous witness, he said that he was
23 entitled to get a copy of his file. He said
24 he got his file. I am now exploring whether
25 or not this witness who is now on the stand,

1 so I asked him whether he had a copy of the
2 file. He said "no." I am now asking --

3 MS. OJEMENI:

4 Your Honour, I want to be recorded, please.
5 I object. I just hope my learned friend is
6 not reopening the issue that was decided
7 yesterday. This Trial Chamber has ordered
8 him to file an application for the discovery
9 if he so wishes. The witness has nothing to
10 do with this discovery. It's something my
11 learned friend can pursue as ordered by this
12 Trial Chamber yesterday. The issue before
13 this Court is different and this particular
14 information he's trying to get was not -- I
15 mean, was not raised in
16 examination-in-chief. It is outside what
17 was said in the examination-in-chief of this
18 witness and I want to be recorded.

19 MR. PRESIDENT:

20 We note the objection of the Prosecutor.
21 But I think the issue is being dealt with is
22 whether or not the witness has had occasion
23 to make statements, and what, if at all,
24 what are those statements, whether he can
25 have access to those statements.

1
2 And, two, certainly cross-examination, if
3 you look at the rules, deals with matters
4 that have been raised in
5 examination-in-chief, but it is also this
6 Court dealing with questions of credibility.

7 PROFESSOR HINDS:

8 So, if the witness can say whether it's
9 possible to get his file, whatever, I think
10 that's perfectly within the ability of the
11 witness to say.

12 BY PROFESSOR HINDS:

13 Q. GDD, do you understand the question that is
14 before you?

15 THE PRESIDENT:

16 He wants to say something.

17 THE WITNESS:

18 Mr. President, Your Honours, I'm going to be
19 able to answer the question posed by
20 counsel, or counsel wants to pose to me, but
21 as I asked, as I prayed, he is preventing me
22 from better explaining myself to shed better
23 light on my answer. But he takes the
24 liberty of talking about my case file in
25 Rwanda. I don't know. I don't know your

1 method here. I'm sorry, but I see that he
2 is out of order. For the last question, I
3 dare say that in Rwanda, the accused cannot
4 take photocopies of his case file. It is
5 the counsel of the accused that can make
6 photocopies of the case file to better
7 defend him. I am not going to reject the
8 answer brought against me because I pleaded
9 guilty. I requested to see whether the
10 letter I sent to the Prosecutor's Office was
11 in there, but since I pleaded guilty, I did
12 not need that copy. Thank you, Mr.
13 President.

14 THE INTERPRETER:

15 Microphone.

16 PROFESSOR HINDS:

17 He answered the question in his way and I'm
18 satisfied with the answer that he has given.

19

20 Your Honour, are we going to 5.15?

21 THE PRESIDENT:

22 Yes.

23 PROFESSOR HINDS:

24 Okay.

25 BY PROFESSOR HINDS:

1 Q. Sir, you testified that you were a member of
2 the MRND; is that correct, sir?

3 A. That is correct, right.

4 Q. And how long were you a member of the MRND?

5 A. For a period of five years. Ever since the
6 beginning of the party, that's the creation
7 of MRND; in other words, around 1978,
8 '77/'78, if my memory doesn't fail me here.

9 Q. So between 1977 and 1978, you became a
10 member of the MRND; is that correct?

11 A. Well, since 1977, up to the time I was
12 incarcerated, as you mentioned it, in 1982.

13 Q. And when you got out of prison, did you
14 continue to be a member of the MRND in good
15 standing?

16 A. Well, in your question, do you mean as a
17 member of the committee or a simple party
18 member?

19 Q. No, I am just asking you as a simple party
20 member: Did you continue to hold a
21 membership in the MRND after you came out of
22 prison, that is sometime after 1982?

23 A. Yes, I was a member of the MRND until the
24 time when we took refuge in *****
25 *** **

1 Q. Now, can you tell this Court, this Tribunal,
2 what offices, if any, that you held in the
3 MRND? What offices? What titles? What
4 positions did you hold in the MRND from the
5 time you say that you became a member
6 sometime around 1977/1988 until when you
7 went into exile?

8 A. Well, if I remember correctly, I did mention
9 it. I was the head of the Kinyababa
10 cellule. So that within the MRND, we had at
11 the level of the cellule, we have the
12 cellule's committee that is composed of five
13 persons and I was the leader of the
14 Kinyababa cellule up to December. I believe
15 it was the **** ** *****, because
16 on the **** ** *****, I was removed
17 and I was imprisoned. And, after my
18 release, I was a simple member of the MRND
19 and not any official in the MRND committee.
20 But let me point out that as a cader, I
21 actively participated in MRND's congress
22 activity. That is in all the meetings of
23 the MRND at the level of the commune as a
24 cader because I was very near the
25 population. It was a matter of cause, it

- 1 was a matter of law. I was automatically a
2 member or participant in the MRND congress.
- 3 Q. Do you know when the multi-party system
4 begin or began?
- 5 A. I cannot tell you the exact dates. I do not
6 remember, it's been a very long time ago.
- 7 Q. To refresh your recollection, do you recall
8 that at around 1991, the multi-party system
9 began? Does that refresh your recollection,
10 that it was around 1991?
- 11 A. Yes.
- 12 Q. And as an MRND member in 1991, were you
13 familiar with the rules and procedures that
14 were being implemented concerning the
15 multi-party system in 1991?
- 16 A. Yes, we had to read the official journal.
17 We printed everything. But there were many
18 other newspapers from these parties, from
19 MRND and the party, especially a newspaper,
20 I believe it's Kangura, either Kangura that
21 is Mr. Ngeze's newspaper. That was the
22 newspaper that collected the greatest amount
23 of curiosity because we talked about a lot
24 of things.
- 25 Q. As a teacher, sir, did you read the official

1 gazette of the Republic of Rwanda, which set
2 forth the laws during that time period
3 dealing with the multi-party system?
4 A. Yes, I read the Invaro, we call it.
5 Q. I would just like to show the witness a
6 document and to see whether or not he
7 recognizes it, at least as a first page, as
8 an official document of the Republic of
9 Rwanda.
10
11 Show this to the Prosecutor first, please.
12 MS. OJEMENI:
13 Your Honours, this is a copy of a document,
14 and it doesn't really say much. I object
15 because it -- it doesn't contain anything
16 and it's not even legible. Secondly, it has
17 some notations on it, and this is not an
18 official document.
19 PROFESSOR HINDS:
20 Your Honour, she cannot say what it is.
21 MS. OJEMENI:
22 I don't know what it is and this is not the
23 -- the witness is not the originator of this
24 document and it's not known as an official
25 document. It cannot be tendered or shown to

1 the witness. I object.

2 PROFESSOR HINDS:

3 Your Honour, if the witness recognizes this

4 as an official copy of what he has read as

5 an official document, I would then make one

6 application. If the witness says, hey, I

7 don't know what this is, I've never seen it

8 before in my life, then I will go to

9 something else. But you cannot, Counsel,

10 make the statement.

11 MS. OJEMENI:

12 Your Honour, this document of yours will

13 confuse the witness.

14 PROFESSOR HINDS:

15 This witness is a teacher.

16 MS. OJEMENI:

17 It's not legible anyway. That document is

18 not legible and it is a map with notations

19 on it.

20 MR. PRESIDENT:

21 Yes, but those questions could variably be

22 safe by the witness.

23 MS. OJEMENI:

24 Absolutely.

25 MR. PRESIDENT:

1 If it can't be read, the witness would say
2 so.

3

4 Yes.

5 MS. OJEMENI:

6 As the Court pleases.

7 THE WITNESS:

8 Mr. President, I do have certain things to
9 explain. Counsel for Mr. Kajelijeli
10 requested me to say that there was an
11 official gazette. I said, yes, but he did
12 not say in his question what type of special
13 journal it was because the Invaro is an
14 official journal too. It is an official
15 journal of the Republic or Rwanda. If I
16 answered that there was an official journal
17 which embodied the decisions and orders of
18 the decision, there was also the Invaro
19 journal. Being a teacher doesn't mean
20 reading all the newspapers of the country.

21 MR. PRESIDENT:

22 You did state very clearly in your evidence
23 that in answer to that question that you are
24 referring to that you read the Invaro -- I
25 don't know if I am pronouncing it correctly.

1 That is quite perfect. Where the counsel
2 said he wants you to look at the document
3 and see whether you can identify what you
4 make out of it, whether you understand it or
5 whatever, that's all. And from there,
6 questions be raised. If you don't
7 understand it, you can recognize it, say so.
8 If not, say so also.

9 THE WITNESS:

10 (Gap Tape, Notes and Disk Missing)

11 THE WITNESS:

12 I cannot tell you anymore as to whether this
13 is an excerpt from a journal. If counsel
14 could give us the original of this copy, I
15 probably might be able to answer.

16 PROFESSOR HINDS:

17 I would now -- yes, of course, Counsel. We
18 show it to the Prosecution. And I think the
19 witness is correct, I just gave him a copy
20 of the first page.

21 MS. OJEMENI:

22 Your Honour, this is a copy of a document,
23 but I'll reserve whatever objection that I
24 have until I know what my learned friend
25 wants to do with it.

1 MR. PRESIDENT:
2 Yes.
3 BY PROFESSOR HINDS:
4 Q. Sir, I would like you to first look at the
5 document and tell us whether or not you as a
6 teacher, have you seen that document? Have
7 you read it? As an MRND person, do you know
8 what it is? Look through the whole
9 document. Did you hear my question, sir?
10 A. No, could you kindly repeat your question,
11 please.
12 Q. Sir, I would like you to look through the
13 document and tell us whether or not, first
14 of all, is it in a language that you
15 understand?
16 A. Yes, I can very well see this is not the
17 original either. This is a copy of an
18 official journal. In other words, I would
19 like to see the original, but it is clearly
20 here that it is the official journal.
21 Q. Is it your testimony that what you are now
22 holding in your right hand, as far as you
23 are concerned, is a copy of an official
24 journal; is that correct, sir?
25 A. No, no, I'm sorry, no, because in Rwanda,

1 there is not a copy of the official journal
2 this thick. I cannot tell you that it is an
3 official journal. If you tell me that it is
4 copies of the various official journals,
5 yes, I would say yes. But with this
6 voluminous document, this is not a copy or
7 an issue of an official document that I
8 haven't read.

9 Q. Sir, is it -- hold on to the document, I
10 still have some questions for you about it.
11 Is it your testimony that you have not seen
12 this document before in your life; is that
13 correct? You've never seen it before?

14 MS. OJEMENI:
15 The witness has answered this.

16 PROFESSOR HINDS:
17 No, the witness hasn't.

18 MS. OJEMENI:
19 I think he has answered this.

20 MR. PRESIDENT:
21 Counsel, I think, let the witness speak. I
22 mean all the parties, we get evidence from
23 what the witnesses say. If the witness can
24 say, if a question is not harassing or
25 embarrassing, I think he's entitled to

1 answer it.

2 BY PROFESSOR HINDS:

3 Q. Witness GDD, do you want me to repeat the
4 question?

5 MR. PRESIDENT:

6 Please repeat.

7 BY PROFESSOR HINDS:

8 Q. The question that I'm putting to you, sir,
9 is: Have you -- now that you've looked at
10 that copy -- have you ever seen that
11 document before? Not the copy, but the
12 original, have you seen the original before?
13 This is a copy. By looking through the
14 document, can you tell us whether you have
15 seen that document before?

16 A. No, it is precisely what I've said, and I am
17 astonished to see Rwanda official journal of
18 this thickness, how many pages? I've never
19 seen such an official journal in Rwanda.
20 The official journal in Rwanda is probably
21 this thick only. And, as compared to this,
22 this is a book. Now why don't you simply
23 bring me the original of this official
24 journal, and I would like to pray that the
25 President finds that the original should be

1 submitted and not copies of it. These are
2 copies that are not signed. If it's only
3 the counsel of Kajelijeli can tell us where
4 it is signed, he should probably indicate
5 the page.

6 Q. Now, sir, you have told us that you have
7 never seen that document before, and that is
8 the end of it, we move to something else.

9 MR. PRESIDENT:

10 Yes. And maybe this might be the opportune
11 moment to -- unless you have something that
12 you want to finish in a minute, otherwise
13 this might be the opportune moment to stop
14 and to start these proceedings tomorrow.

15

16 Do you want to say something?

17 THE WITNESS:

18 Yes, Mr. President, Your Honours. Once
19 again, I am praying that you tell the
20 counsel not to go too far. I am not a
21 politician, I am a simple witness. I have
22 told them that I was a member of the
23 committee of the cellule before my
24 imprisonment in 1982. And he brings me
25 documents of 1991. I am not a politician, I

1 was a simple cader. Let him put to me
2 questions concerning my functions as a cader
3 of the youth and of the cooperative, because
4 it was there that I met his very dear
5 client, and that's all I want to say. Thank
6 you.

7 MR. PRESIDENT:

8 We will answer the questions that are going
9 to be put to you by counsel, very important.

10

11 We'll stop here and we'll resume tomorrow,
12 and during this break until tomorrow, do not
13 discuss your evidence with anybody.

14

15 We'll stop here and we will resume our work
16 tomorrow morning at 9.30. Until then, these
17 proceedings stand adjourned.

18 (Court recessed at 1725H)

19 (Pages 110 to 172 by Kelly Allemang)

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C E R T I F I C A T E

We, Regina Limula, Sithembiso Moyo and Kelly Allemang, 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.

_____	(1 to 54)
Regina Limula	
_____	(55 to 109)
Sithembiso Moyo	
_____	(110 to 172)
Kelly Allemang	