

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
7 4 OCTOBER 2001
8 930H
9 CONTINUED TRIAL
10
11 Before: Judge William H. Sekule, Presiding
12 Judge Winston Churchill Matanzima Maqutu
13 Judge Arlette Ramaroson
14
15 For the Registry:
16 Mr. John Kiyeyeu
17 Mr. Abraham Koshopa
18
19 For the Prosecutor:
20 Ms. Ifeoma Ojemeni
21 Mr. Ibukunolu Babajide
22
23 For the Accused Kajelijeli:
24 Professor Lennox Hinds
25 Professor Nkey Makayi Bompaka
26
27 Court Reporters:
28 Ms. Regina Limula
29 Ms. Kelly Allemang
30 Ms. Shannon Fleming
31
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33
34
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1 I N D E X

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3 WITNESSES

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6 For the Prosecution:

7 PW9 - WITNESS GDD

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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 this
6 morning.

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, Thursday,
14 the 4th of October 2001, for the continued
15 trial when Mr. Hinds, Counsel for the
16 Accused, will continue to examine Witness
17 GDD, PW9, in the matter of the
18 Prosecutor v Juvenal Kajelijeli,
19 Case No. ICTR-98-44A-T. I am most obliged,
20 My Lord.

21 MR. PRESIDENT:

22 Thank you. Can we have the appearances of
23 the parties, starting with the Prosecution?

24 MS. OJEMENI:

25 With the utmost respect, Your Honours.

1 Ifeoma Ojemeni, appearing with Ibukunolu
2 Babajide and Dorothe Marotine for the
3 Office of the Prosecutor.

4 MR. PRESIDENT:

5 Thank you, Learned Counsel. Can we also
6 have the appearances of the Defence, please?

7 PROFESSOR HINDS:

8 Lennox Hinds, representing Mr. Kajelijeli,
9 assisted by Professor Bompaka and
10 Interpreter Emil Dusabe.

11 MR. PRESIDENT:

12 Thank you, Learned Counsel. Professor
13 Hinds, the Accused is not in Court for the
14 same reason, I suppose?

15 PROFESSOR HINDS:

16 I set forth in the record over the last
17 couple of days.

18 MR. PRESIDENT:

19 Okay, thank you. Witness GDD, we remind you
20 of the solemn declaration you made the other
21 day and that you will continue with your
22 evidence today on that solemn declaration.
23 Yes.

24 THE WITNESS:

25 Thank you, Mr. President.

1 MR. PRESIDENT:

2 How are you, Witness GDD? You are fine?

3 THE WITNESS:

4 Yes, I am a bit better.

5 MR. PRESIDENT:

6 So, feel free whenever as we said that,
7 whenever you feel that you need a rest or a
8 break, to indicate to the Trial Chamber
9 accordingly.

10

11 Yes, Professor Hinds, please.

12 CROSS-EXAMINATION (continued)

13 BY PROFESSOR HINDS:

14 Q. Good morning, GDD.

15 A. Good morning.

16 Q. GDD, yesterday you indicated that you were
17 aware that the multi-party system started in
18 1991; is that correct?

19 A. Yes, if my memory does not fail me, I think
20 it was in 1991.

21 Q. Do you recall whether or not based upon your
22 experience as one of *** ***, at the
23 cellule committee prior to 1982 that there
24 was a statute of the MRND which was filed in
25 1991 as part of the new multi-party system?

- 1 A. Yes.
- 2 Q. And do you know whether or not that statute
- 3 that was filed set forth the leadership of
- 4 the MRND within each of the communes and
- 5 each of the prefectures throughout Rwanda?
- 6 A. Sorry Counsel, when you are talking about
- 7 the statute, are you referring to the
- 8 statute of the MRND or the statute of the
- 9 other parties?
- 10 Q. I am talking only now about the MRND, and I
- 11 am asking you as someone who was * * * * * at
- 12 the cellule, prior to 1992, whether you had
- 13 any knowledge of the content of the statute
- 14 that was filed in 1991 during the
- 15 multi-party system? Do you understand the
- 16 frame-work of the question?
- 17 A. Yes. Now, before I went to prison in 1982,
- 18 I do remember that there was -- I don't
- 19 think I would call it a statute, I think
- 20 there were rules to be followed at the
- 21 cellule level or the committee at the
- 22 cellule level. We were five of us at the
- 23 cellule committee of * * * * *. There was
- 24 the president, there was the secretary. In
- 25 any case we shared out duties for the

1 development -- the political development of
2 the cellule.

3 Q. Very good. What I am asking you is whether
4 or not you are familiar with statutes which
5 form the MRND which set forth the rules, the
6 structure of the MRND at the prefecture
7 level, at the commune level, and then
8 setting forth the leadership of the MRND in
9 each of the prefects in 1991 when the
10 multi-party system was, in fact, initiated.
11 Are you familiar with that process?

12 A. Well, yes. All that I know is that before
13 1982 -- all I know is before 1982, because
14 subsequently towards 1989 I was no longer *
15 ***** at the cellule level, I was no longer
16 * *****, I was a ***** -- it is
17 just to say that I was no longer a
18 ***** as from 1989.

19 Q. I understand, sir, that you were no longer
20 in the ***** level at the cellule. I
21 am now asking you whether or not you were
22 familiar, either by reading the national
23 gazette, the national journal of the Rwanda
24 setting forth the Statutes of the MRND
25 around 1991; did you read any information

1 setting forth the rules, or setting forth
2 the leadership of MRND during that time
3 period, please?

4 A. In the case of the official gazette or
5 official journal, let me tell you quite
6 sincerely that I never read that document.
7 I was not a subscriber. When the official
8 journal came to our level, it was only for
9 the Bourgmestre.

10
11 The paper that I read a lot was the Journal
12 Afrique. That was the one that I liked.
13 Then there was the Invaho newspaper, one
14 they sent to us ** ***** ** *****, it was
15 sent to us freely. As for the official
16 gazette or official journal, let me assure
17 you I never read it, I just ran through.
18 Really, I didn't look at it, because usually
19 they just put in things like government
20 decisions, etcetera -- I wasn't interested.

21 Q. Now sir, did you know Juvenal Kajelijeli in
22 1991?

23 A. In 1991 I knew Kajelijeli.

24 Q. You said he was Bourgmestre --

25 A. Sorry -- sorry. It was even before 1991,

- 1 because he was the accountant at Nkuli
2 commune.
- 3 Q. I am only asking you about 1991, and please
4 sir, listen to the questions I am putting to
5 you and only answer that and nothing more.
6 Do you understand that? Do you understand
7 what I have just said, sir?
- 8 A. Yes, Counsel, but don't try to compel me to
9 answer, I will answer briefly as the
10 President has told me. Don't compel me to
11 answer in a particular way because you would
12 have had the answer already.
- 13 Q. Now, you say you knew Kajelijeli in 1991,
14 did you know that he was Bourgmestre of
15 Mukingo?
- 16 A. Yes, I knew.
- 17 Q. And did you know whether or not he was a
18 leader of the MRND at that time as you said?
- 19 A. Yes.
- 20 Q. And was he a member, as you said, of the
21 Prefect committee of Ruhengere of the MRND
22 at that time?
- 23 A. When he was Bourgmestre of Mukingo?
- 24 Q. In 1991?
- 25

1 MR. PRESIDENT:

2 It is a factual statement?

3 PROFESSOR HINDS:

4 Yes, I am asking him that -- I am just
5 telling him the time-frame under which I
6 want him to answer whether he knew whether
7 Kajelijeli was a member of the Prefect
8 committee of the MRND.

9 MR. PRESIDENT:

10 But according to your question, he was
11 indeed a Bourgmestre that time?

12 PROFESSOR HINDS:

13 Yes. This is what the witness said, and now
14 I must be dealing with the time-frame in
15 1991; was Juvenal Kajelijeli, as he knows, a
16 member of the prefect committee?

17 THE WITNESS:

18 Well, Counsel, you now compel me to talk to
19 you about the activities of the agents in
20 another commune. He was not a Bourgmestre
21 of the Nkuli commune, he was Bourgmestre of
22 the Mukingo commune. Now, during the
23 elections, and during the meeting of the
24 congress at the prefectural level, well, I
25 did say that Kajelijeli was one of the eight

1 people, and I mentioned the names yesterday.

2 BY PROFESSOR HINDS:

3 Q. Do you know, sir, whether or not Juvenal
4 Kajelijeli was a member of the prefect
5 committee, that is, for Ruhengeri of the
6 MRND in 1994? Do you understand the
7 question? Was Juvenal Kajelijeli a member
8 Ruhengeri prefect committee of the MRND in
9 1994?

10 A. Could you repeat your question, please?

11 Q. Did you testify, sir, that Juvenal
12 Kajelijeli was one of eight people who were
13 members of a Prefect committee, the Prefect
14 of Ruhengeri for the MRND? Was that your
15 testimony?

16 A. Yes.

17 Q. Oh. Do you know whether or not he was a
18 member of that committee in 1991?

19 A. Counsel, I am sorry, I said on many
20 occasions that issues of dates -- because it
21 is quite some time since those events
22 occurred, because I might contradict myself.
23 There is a problem of dates. I hope you
24 have understood me.

25 Q. Is it your testimony, sir, that you have no

1 recollection now whether or not Juvenal
2 Kajelijeli was a member of the prefect
3 committee that you have testified about in
4 1991?
5 A. I do remember that he was a member, but
6 please don't ask me to specify the year.
7 Q. You have said you have known Kajelijeli for
8 a long time, didn't you?
9 A. Yes, I have known him.
10 Q. And you have even testified concerning his
11 educational background which goes back to
12 primary and secondary school; didn't you?
13 A. Yes.
14 Q. And you have also --
15 A. Please Counsel, please -- please do not
16 interrupt me. Allow me to answer your
17 question. I said that I knew Kajelijeli.
18 First of all if you want to know, he worked
19 with the Priests at the Mukingo Parish as
20 carpenter, and that's after primary school,
21 because he went to the same school as
22 Nzirorera. They are older than myself, I
23 was behind them.
24
25 Now, when he came to the Nkuli commune he

1 was an accountant, and I explained clearly
2 that at the time I was what they call *****
3 *****. He was the one who
4 collected the fees paid by the kids, and ***
5 collected those monies and *** **** pay them
6 to the council -- the commune. Then he
7 lived ***** and I told
8 you on the picture where he was living, you
9 know, with his first wife, Mukariziji,
10 Lawrence, who -- which woman * *****
11 *****. As for going into his
12 private life, quite frankly that's none of
13 my business. All I can talk about is about
14 him professionally. I said he was a good
15 friend of the former Minister, Nzirorera
16 Joseph.

17 Q. Now, sir, I am trying to find out what your
18 knowledge was about Kajelijeli as a leader
19 of the MRND? And you have said that you
20 don't have a recollection of any of the
21 dates when he was a leader of the MRND at
22 the prefect level; is that correct?

23 A. He was a leader of the MRND, I do remember
24 quite clearly. As for the dates, I am
25 sorry, it is too far back.

- 1 Q. Now, you testified that you saw a document
2 in which Juvenal Kajelijeli was listed as a
3 member of the prefect committee, is that
4 correct?
- 5 A. Yes, that is when the elections took place
6 at the stadium of the Ruhengere Prefecture.
7 I was there.
- 8 Q. Do you recall, sir, the date when that took
9 place?
- 10 A. No, I don't remember.
- 11 Q. You do not recall the year?
- 12 A. Counsel, let me repeat; I did not know that
13 this was a matter that was going to come up.
14 I did not know that I was even going to
15 appear before the International Tribunal. I
16 wasn't expecting such questions. So I did
17 not take down the dates, at least to refresh
18 my memory, if I may say so. As for dates, I
19 can't be specific. Let me say I can only
20 remember as from say, 1993, '94 I might
21 slightly recall, but --
- 22 Q. Do you slightly recall whether or not these
23 elections took place either in 1993 or '94?
- 24 A. No.
- 25 Q. Do you recall who were the individuals who

1 were running for election, or what offices
2 they were running for?

3 A. Please, I didn't have the opportunity to see
4 the list of all the candidates because I was
5 not among those who were to vote for the
6 members of the committee. The names were
7 shown to us, and I didn't take down the
8 names, and after the elections the results
9 were proclaimed and then the people were
10 shown to us.

11 Q. Can you tell us what offices were being
12 contested. Just list the offices that were
13 being contested. You can't remember the
14 year, you can't remember the candidates, now
15 tell us what offices were being contested?

16 A. Sorry, I am sorry, I thought I did say to
17 you that as from 1986 when I was *****
18 ***** *****, I was not a politician. When
19 we went to the Prefecture to follow the
20 election of the members of the committee, I
21 had no interest or any reason to know about
22 the candidates, particularly as we had been
23 told at communal level that it was an MRND
24 business. And each commune had a candidate
25 and we had to make sure that that candidate

1 be elected.

2

3 In the case of my commune, I will tell you
4 that the President of the MRND was standing,
5 he was a former Bourgmestre Kazimanyi. As
6 for Mukingo commune I don't know who stood
7 there. I don't even know the political set
8 up in the Mukingo commune. It is just that
9 during the elections I was present and I saw
10 the candidates were introduced.

11

12 I followed the balloting, and then
13 subsequently they introduced those who were
14 elected. I think they were eight of them,
15 and I believe I gave you their names
16 yesterday. Kajelijeli was one of them. And
17 if I say that Kajelijeli was a member of the
18 committee, it is very true, it is
19 mathematically proven.

20 Q. Sir, you have just said to us that
21 candidates were introduced, candidates for
22 what positions were introduced at this
23 elections?

24 A. Counsel, we are talking about candidates
25 from whom eight people had to be elected to

1 part of the prefectural committee.

2 Q. Were there any other committees where or any
3 other structures for which there were
4 elections besides the prefect committee --

5 A. There was a committee at the prefectural
6 level, and a congress also at the
7 prefectural level. There was a communal
8 committee, and a communal congress. In
9 each commune there was even a committee at
10 the cellule level, and the committee at the
11 sector level. And if I do remember well,
12 that was the MRND structure.

13 Q. Sir, I am asking you; at this election you
14 say that took place at the stadium where you
15 say Juvnal Kajelijeli was elected to the
16 Prefect committee, I am asking you whether
17 or not there was any other elections to any
18 other structures of the MRND at that
19 meeting?

20 MR. PRESIDENT:

21 Yes.

22 THE WITNESS:

23 Mr. President, can I plead with you? I
24 don't want him to confuse me. I was not a
25 politician. When it comes to political

1 matters he wants to confuse me, he is laying
2 traps for me. I was not a politician. Ask
3 me questions on my duties **** * *****
4 ***** *** *** * *****. Don't go and mix
5 me up with your MRND politics. I was
6 Interahamwe. Well, ask me what was my
7 activities as Interahamwe in the region, and
8 I am going to answer. I am not the one who
9 was organising those things. Thank you.

10 MR. PRESIDENT:

11 Thank you, Witness GDD. Counsel just wants
12 to know that apart from the election of the
13 eight members to the prefectural committee
14 that you have talked about, were any
15 election on that day conducted for any other
16 post in the MRND structure?

17 THE WITNESS:

18 And so for the one last time, let me -- no.
19 If you want me to explain how it happened --

20 MR. PRESIDENT:

21 The question has been answered. So there
22 were no elections according to the answer?
23 Yes. Can we move forward.

24 BY PROFESSOR HINDS:

25 Q. GDD, can you tell us where this election

1 took place; what commune -- the location?

2 A. Please, Counsel, if you do remember, so that
3 I don't repeat the same thing, I told you
4 that the elections took place at the stadium
5 of the Ruhengere Prefecture.

6 PROFESSOR HINDS:

7 Your Honour, you just tell the witness to
8 answer -- direct the witness to answer the
9 questions so we don't have any unnecessary
10 interplay between him and me.

11 MR. PRESIDENT:

12 Yes. Where was it done; just answer the
13 questions, Yes.

14 THE WITNESS:

15 Sorry, maybe I slightly went against the
16 rules that apply in this Court, I am sorry.
17 He is trying to restrict me, and I cannot
18 explain. I told you -- and he has asked me
19 where the elections took place and I did
20 say, Mr. President that -- I did say that it
21 took place -- I did say the prefectural
22 elections took place at the stadium of the
23 Ruhengere Prefecture at the -- if he wants
24 to know which commune, it was at the Kigombe
25 urban commune. Thank you.

1 PROFESSOR HINDS:

2 Your Honour, would you please tell the
3 witness that if he answers the question then
4 we move on to another question without all
5 the commentary.

6 MR. PRESIDENT:

7 Please move on to the next question.

8 BY PROFESSOR HINDS:

9 Q. Now, you were removed ** * ***** at the
10 cellule level of the MRND when you went to
11 jail; is that correct?

12 A. Yes.

13 Q. And, were you ever ***** **
14 ***** to any position ** *****
15 within the MRND after you got out of jail?

16 A. No.

17 Q. Now, did you know why you were removed at
18 elections as a leader when you went to jail?

19 A. Yes, the answer is there. It is just
20 because I went to jail, so there had to be
21 somebody to replace me.

22 Q. And, do you know why you were never
23 ***** ** ***** to any position of
24 the MRND -- in any ***** position after
25 you got out of jail?

1 A. So, there was a Ministerial decision if I do
2 remember, which -- it was issued by the
3 Minister in-charge of Youth and Associations
4 asking us to no longer to be involved in
5 political matters. In other words, I could
6 no longer stand in view of the fact that I
7 was involved in *****. That is the
8 first reason.

9
10 Second reason; personally, I didn't want to
11 get involved in those scuffles -- political
12 scuffles. And, apart from that, I was a
13 young man, I didn't want to get involved in
14 solving problems, for instance, within a
15 family when they had problems which had to
16 be resolved, and as a young man I could not
17 -- I didn't want to get involved in all
18 those family quarrels. So, for all those
19 reasons, I didn't want to stand, I just
20 continued with my work **** * *****

21 Q. And is it your testimony, sir, that someone
22 who went to jail, and who was convicted of a
23 crime involving killing someone, that
24 individual was not prevented from holding
25 office of leadership within the MRND; is

1 that correct?

2 A. Yes, not only in the case of the MRND, but
3 other services.

4 Q. So, there were no rules and regulations that
5 prevented you from either standing for
6 office, or being in office just by the mere
7 fact that you were convicted of a crime; is
8 that correct?

9 A. Yes, there are rules saying that anyone sent
10 to prison for more than six months could no
11 longer stand for political office. I spent
12 *****
13 *****. I could not stand and I knew this
14 fully well.

15 Q. So, another one of the reasons, other than
16 those that you had given to this tribunal,
17 why you were not in a position of an elected
18 position of leadership or appointed in a
19 position of leadership is because of the
20 reasons that you have just described that
21 you, in fact, had gone to jail for more than
22 six months; is that correct?

23 A. Yes.

24 Q. Now, you testified yesterday, sir, that you
25 met with representatives of the ICTR at some

1 time prior to you signing your statement.
2 Is that correct; that is your first
3 statement?
4 A. Yes.
5 Q. And did there come a time when after you met
6 with those individuals, you, in fact, were
7 contacted to come back and to go over a
8 statement that you had given them?
9 A. Could you repeat your question, please?
10 Q. After you initially -- the first time that
11 you met with representatives of the ICTR,
12 and you gave them a statement, did they, in
13 fact, contact you a second time and go over
14 that statement with you, read that statement
15 to you or allow you to read the statement
16 that you had given them?
17 A. Yes, they gave me the opportunity before I
18 appended or affixed my signature. I read it
19 and I said that indeed it was true; I mean
20 my statement.
21 Q. Yes. And was that statement given to you in
22 a language that you understood?
23 A. Yes.
24 Q. And you went over that statement in terms of
25 accuracy; is that correct?

- 1 A. Yes, and I even asked them to make a few
2 corrections because there were, among other
3 mistakes, typographical errors. Because if
4 you look at my -- the copy of my statement,
5 I talked about Karorero who was a warrant
6 officer -- chief warrant officer. I think
7 they had put in -- maybe it was a problem
8 with the Kinyarwanda language. Anyway, at
9 the end I signed the statement.
- 10 Q. And at that time, sir, did they ask you
11 whether or not you wanted to add anything to
12 the statement?
- 13 A. At very end of my two statements, I did say
14 -- I said -- I expressed my apologies
15 because the offences on which I was being
16 asked, that is, in connection with the
17 genocide. I did say that it was quite some
18 time since they occurred, and that if I did
19 recall or remember some further information
20 or specific dates that I would not hesitate
21 to communicate them to those people. But as
22 of now I didn't add anything.
- 23 Q. Sir, at the time that you signed the
24 statement, were you asked at that time, that
25 is the first statement that you signed, that

- 1 is June 26th, you say of last year. At the
2 time that you signed that statement, did
3 they ask you at the time whether or not
4 there was any additional information you
5 wanted to give to them on June 26th?
- 6 A. No, it is not the agents of the ICTR who
7 asked me that question. I was the one who
8 told them or asked them whether I would be
9 allowed to add any further ideas in the
10 event I were to remember some other
11 information. I was the one who asked.
- 12 Q. Did they ask you, sir, to tell them about
13 what roles you played and the roles other
14 people played with respect to the crimes
15 that were committed in April 1994 in your
16 community?
- 17 A. Yes.
- 18 Q. Did they ask you to describe for them the
19 activities that occurred on the morning of
20 April 7th when you say you were involved in
21 activities in your community in the
22 massacres or other crimes that were
23 committed?
- 24 A. I am sorry. So far as I am concerned I see
25 two questions there; the involvement in the

1 massacres and the very first sentence that
2 you said -- I didn't get it very clearly.
3 Could you repeat the first sentence?
4 Q. Your involvement in the massacres and other
5 crimes that were committed by you on April
6 7th of 1994?
7 A. Yes, I explained everything, all the more so
8 as I pleaded guilty at the Tribunal. I
9 explained everything, how the events
10 unfolded, that is, the massacres or the
11 genocide at the level of our commune.
12 Q. So, on July 26th of last year, sir, you
13 talked about your role with respect to those
14 massacres, and you talked about other people
15 such as Shadreck Sendugu, who you say was an
16 official of the MRND, and you also mentioned
17 Joseph Nzirorera, a Minister, and you
18 mentioned what role Juvenal Kajelijeli
19 played at that time; didn't you?
20 A. I have an answer to that, but we are talking
21 about last year. What do you mean by that,
22 Counsel?
23 Q. The question I am putting to you, sir, and
24 if you don't understand I will repeat it.
25 Just tell me you don't understand and I will

1 repeat it. The question I am putting to you
2 is; when you gave your statement on July
3 26th, you named individuals other than
4 yourself who were involved in crimes that
5 were committed during that time period, and
6 you mentioned in particular, Shadreck
7 Sendugu, Joseph Nzirorera, and Juvenal
8 Kajelijeli: Didn't you?

9 A. Yes, I did.

10 Q. Okay. And you set forth at that time, the
11 crimes that you say they committed; is that
12 correct?

13 MR. PRESIDENT:

14 He did what, you say Counsel? You used the
15 word what -- and you support -- or what?
16 What was the question you have just made?

17 PROFESSOR HINDS:

18 I am having some interference in this mike.

19 MR. PRESIDENT:

20 I beg your pardon.

21 BY PROFESSOR HINDS:

22 Q. The question I am putting to you, sir; the
23 individual whom you named at the time that
24 you gave your statement on July 26th, those
25 were individuals who you say committed the

1 crimes that you set forth in your statement
2 to the ICTR on that date; is that correct?

3 A. In my two statements I didn't cite all the
4 names.

5 Q. I am only asking you about three names, sir;
6 Sendugu, Kajelijeli and Nzirorera. Those
7 are the only three names I am asking you
8 about, and the question I am putting to you,
9 sir, is that at the time that you told the
10 members of the ICTR that they committed
11 crimes, those were the crimes that you
12 remembered at that time; is that correct, on
13 July 26th, those crimes that you put in your
14 report those were the crimes that you
15 remembered on that day; is that correct?

16 MS. OJEMENI:

17 Objection, Your Honour. My learned friend
18 is confusing the witness. On the 26th of
19 July, he never talked about Joseph
20 Nzirorera.

21 PROFESSOR HINDS:

22 Object, Your Honour, objection -- Your
23 Honour, what -- I am trying to set out the
24 rules of procedure. Your Honour, let me
25 make the application that, if Counsel wants

1 to make an object I would like the witness's
2 earphones to be removed. I do not want the
3 witness to be instructed by --

4 MS. OJEMENI:

5 My learned friend --

6 PROFESSOR HINDS:

7 Let me make my application, Counsel.
8 Normally what is done is that if it is a
9 lengthy objection and reasons given the
10 witness is excused. I don't want the
11 witness to be influenced or directed by what
12 Counsel is saying. And so therefore, if she
13 wants to make and put under record, which
14 she is entitled to, the reasons for her
15 objection, I would like the witness's
16 earphones to be removed so he is not
17 influenced. We want his testimony unbiased
18 by anything either I may say or she may say.

19 MR. PRESIDENT:

20 First and foremost, when an objection --
21 Counsel stands up to raise an objection, I
22 think courtesy demands that that takes
23 precedence, at least.

24 PROFESSOR HINDS:

25 That is correct, Your Honour, but what I

1 wanted to make sure was that we did not have
2 a problem with the witness being
3 contaminated, and that is the only point I
4 am trying to make here.

5 MR. PRESIDENT:

6 So, could you sit down, please?

7 MS. OJEMENI:

8 My objection is based on what -- please sit
9 down. My objection is that my learned
10 friend is confusing the witness. The
11 witness never talked about Joseph Nzirorera
12 in the statement that my learned friend is
13 referring to. Perhaps the witness could be
14 given the statement to refresh his memory,
15 but he did not talk about Joseph Nzirorera
16 in his second statement dated 26th July
17 2000. And my learned friend is an officer
18 of this Court and should not misrepresent
19 facts.

20 PROFESSOR HINDS:

21 May I be heard?

22 MR. PRESIDENT:

23 Yes.

24 PROFESSOR HINDS:

25 First of all, Your Honour, the application I

1 made was an application that I think deals
2 with the interest of justice and fairness,
3 and there is no prejudice to anyone for the
4 witness not to, in fact, be influenced by
5 anything that I may say or that Counsel may
6 be saying. But if the Court does not want
7 to deal with that the record will speak for
8 itself.

9
10 Now, I asked this witness questions relating
11 -- oh!

12 MR. PRESIDENT:

13 Well, as we said at the beginning, let us
14 once again underscore one matter. That is
15 the procedure with regard to how proper
16 procedures are going to be observed here and
17 will have to be followed very closely. If a
18 Counsel stands up to raise an objection,
19 that has to be respected so that we can have
20 some order, system, and proper conduct of
21 proceedings. That's number one.

22
23 Number two, we cannot -- we cannot -- the
24 Trial Chamber cannot all the time know
25 exactly what line counsels are pursuing in

1 trying to develop their case. It is their
2 right and we encourage them to do that. But
3 at the same time, the interest of justice
4 must always prevail and is paramount.

5
6 If, for example, we don't know which line
7 Professor Hinds is leading to. We shall be
8 able to do so in the course of time, I
9 suppose. But a statement made by an accused
10 person perhaps may be referred to and he has
11 every right to deal with issues that may
12 need to refresh his own memory.

13
14 So, these are issues that will have to be
15 considered into -- taken into account. The
16 other thing is that we presume, generally,
17 that unless there are reasons to justify the
18 proposal that was made by Learned Counsel,
19 Professor Hinds, for the witness to remove
20 his earphone, whatever it is, unless it is
21 clearly a matter that needs to be dealt with
22 that way we don't see how or why we would,
23 you know, instruct a witness to remove the
24 earphones when there is no specific issue
25 that needs to be raised, and particularly

1 that we would expect, generally, that
2 counsels as officers of the Court would be
3 raising issues that of general interest and
4 importance to the fair conduct of the
5 proceedings and the search for the truth, of
6 course, and justice.

7
8 And in conclusion, we will certainly urge
9 counsels to respect that when one is
10 speaking one must wait for his turn. We
11 proceed.

12 PROFESSOR HINDS:

13 May I be heard? Your Honour, I made an
14 application, because in the jurisdictions in
15 which I practice, if counsel is making a
16 lengthy objection and putting it on the
17 record we move for a side bar, and the
18 reason for that is so that the witness is
19 not contaminated by the interplay.

20
21 Yesterday, for example, we raised a question
22 concerning a document, and in fairness --

23 MR. PRESIDENT:

24 That was ruled upon, Professor Hinds, we are
25 not going to go back to that.

1 PROFESSOR HINDS:

2 I am not asking for reviewing -- I am not--

3 MR. PRESIDENT:

4 There is no reason to go into this kind of
5 history --

6 PROFESSOR HINDS:

7 Your Honour, if I may, I am attempting to
8 set forth the reason. I mean, if we are
9 just going to proceed without even hearing
10 that there is a rational basis, that there
11 is a reason for what I am doing. I am not
12 just jumping up and down like a mad man --

13 MR. PRESIDENT:

14 Okay, please do. Can you be very brief,
15 please, so that we can go forward, Professor
16 Hinds.

17 PROFESSOR HINDS:

18 Your Honour, look, if you are not interested
19 in what I have to say I will move on.

20 MR. PRESIDENT:

21 No, you can say it, we want to hear you.

22 PROFESSOR HINDS:

23 Okay.

24 MR. PRESIDENT:

25 Briefly.

1 PROFESSOR HINDS:

2 I am saying to you, that my application is
3 in the interest of justice. There is no
4 prejudice to anyone. If either I or my
5 opponent wishes to put a lengthy objection
6 on the record and set forth reasons that do
7 not impact and affect the testimony of the
8 witness with respect to that material fact
9 that is being contested. And, generally,
10 there might be an objection concerning a
11 document or whether or not the witness
12 understands, etcetera, and we are all
13 experienced lawyers and we know that a
14 witness can be influenced by the nature of
15 the objection of his Lawyer, and that is all
16 I am trying to deal with.

17 MR. PRESIDENT:

18 Yes. Thank you. And that is what we are
19 saying, generally speaking, there must be a
20 way -- position situations that would
21 require that kind of, you know, that kind of
22 request -- that kind of prayer that you are
23 making. And, you have, in your own words,
24 used the right words that a lengthy and
25 perhaps more pointed objection that might

1 have that kind of influence. But there must
2 be a showing -- there must be a showing of
3 that kind of possible eventuality. We are
4 aware of that. Can we proceed.

5 PROFESSOR HINDS:

6 Your Honour, may I?

7 MR. PRESIDENT:

8 Yes.

9 PROFESSOR HINDS:

10 Your Honour, Ms. Ojemeni suggested that I
11 was in error in asking the question -- the
12 client, the question with respect to three
13 witnesses; Kajelijeli, Nzirodera and
14 Shadreck Sendugu, and she said in her
15 application that the witness did not mention
16 anything about that particular individual
17 Nzirodera on July 26th 2000.

18
19 We are only addressing July 26th -- July --
20 June, rather, 26th of 2000, which is what
21 the witness said that he signed the
22 statement on June 26th, and it is in that
23 statement that he mentioned Nzirodera.

24 Okay.

25 MR. PRESIDENT:

1 Proceed.

2 BY PROFESSOR HINDS.

3 Q. Sir, when you get -- there is no question
4 before this witness, Your Honour. And could
5 you instruct him that he is not to answer
6 unless there is a question before him.

7 MR. PRESIDENT:

8 Listen to Counsel very carefully, Witness
9 GDD, unless you have a problem -- yes?

10 THE WITNESS:

11 Mr. President, I am asking him not to repeat
12 because I haven't forgotten what he said. I
13 should give him the answers. His question
14 was asked, why should he repeat it while as
15 I didn't ask him to repeat it. Counsel, I
16 am sorry, let me answer your question. You
17 talked about Nzirorera, Sendugu and
18 Kajelijeli.

19 PROFESSOR HINDS:

20 Your Honour, there is no question before the
21 witness.

22 MR. PRESIDENT:

23 Could you repeat the questions, please?

24 PROFESSOR HINDS:

25 And, can you instruct the witness that

1 counsel has a right to ask him questions as
2 many times unless the Court orders counsel
3 not to.

4 MR. PRESIDENT:

5 Yes, I think the witness -- Witness, you
6 listen very carefully to the questions put
7 to you by Counsel, indeed any other counsel,
8 they are important for determination of the
9 issues under discussion for the Trial
10 Chamber as indeed in any Court of law. So,
11 you listen very carefully and answer. If
12 you do not understand the question it will
13 be explained or repeated. Okay, GDD.

14 THE WITNESS:

15 Yes, Mr. President.

16 BY PROFESSOR HINDS:

17 Q. On June 26th when made your statement, and
18 you said that Kajelijeli was involved in
19 various activities. Those were all of the
20 activities that you recalled at that date
21 that Kajelijeli was involved in; is that
22 correct?

23 A. That is correct.

24 Q. And when you gave your statement to the
25 members of the ICTR and you said that during

1 the 1994 events I saw Kajelijeli doing
2 various things. That is what you recalled
3 at that time; is that correct?

4 A. That is correct.

5 Q. And, were you asked by any members of the
6 ICTR, whether or not Kajelijeli was doing
7 anything other than what you reported to
8 them on that date in June of 2000, last
9 year?

10 A. I am sorry counsel, you said something that
11 I did not say. You said "they" or in French
12 "en, which is quite general. Are you
13 referring to the ICTR officials?

14 Q. Yes, those are the only people that I am
15 talking about now, sir. The people whom you
16 made the statement to on June 23rd, and
17 which you signed on June 26th of the year
18 2000, that's the "they", the people who you
19 talked to when you told them what you said
20 Kajelijeli was doing?

21 MR. PRESIDENT:

22 I hope he recalls what is in his statement.

23 PROFESSOR HINDS:

24 I am looking at the statement right here.

25

1 MR. PRESIDENT:

2 But he is also looking at the statement of
3 all that he said? Would you like to refresh
4 his memory?

5 PROFESSOR HINDS:

6 Only if the witness says I do not have a
7 present recollection then --

8 MR. PRESIDENT:

9 No, I mean, we are interested.

10 PROFESSOR HINDS:

11 Your Honour, let me make the application --

12 MR. PRESIDENT:

13 Okay.

14 MS. OJEMENI:

15 Your Honour, can I --

16 MR. PRESIDENT:

17 No, just a minute.

18 PROFESSOR HINDS:

19 The Witness; (A) is required to testify
20 based upon his knowledge, unsolicited by any
21 notes. Those are the rules. If the witness
22 says I cannot recall, the rules then provide
23 for the witness to be refreshed -- his
24 memory to be refreshed by a document. The
25 witness at this point --

1 MR. PRESIDENT:

2 Now, Counsel, wait a minute, Counsel?

3 PROFESSOR HINDS:

4 Yes.

5 MR. PRESIDENT:

6 You are asking him about a statement he
7 made?

8 PROFESSOR HINDS:

9 Correct.

10 MR. PRESIDENT:

11 You are asking him about certain things he
12 said -- he is alleged to have said about
13 particular individuals?

14 PROFESSOR HINDS:

15 Right.

16 MR. PRESIDENT:

17 You are asking him further whether that is
18 all that he said.

19 PROFESSOR HINDS:

20 Yes.

21 MR. PRESIDENT:

22 Okay. Without -- whether exactly without
23 him knowing what exactly he said and, two,
24 that is number one, and secondly, this is a
25 trial before a Trial Chamber. It is not a

1 trial between the advocate and the accused
2 person. We would like to be able to know.
3 Supposing we were to end there, what sense
4 does it make?

5 PROFESSOR HINDS:

6 Well, Your Honour, the statements are not
7 admissible as evidence under these rules.

8 MR. PRESIDENT:

9 Yes.

10 PROFESSOR HINDS:

11 Okay? The witness has made a prior
12 statement. The rules are that if the
13 witness says I do not -- I can't remember,
14 the witness can be refreshed.

15 MR. PRESIDENT:

16 No, you are examining him on his statement
17 and he has a right to make reference to
18 issues that he made in the statement for
19 proper ventilation, and for us to follow.

20 PROFESSOR HINDS:

21 Your Honour, only if the witness in the
22 first instance indicates he does not have a
23 recollection, otherwise what we would do is
24 just hand the witness the statement.

25

1 MR. PRESIDENT:

2 No, we have --

3

4 PROFESSOR HINDS:

5 And the witness can read from the
6 statements.

7 MR. PRESIDENT:

8 No, we have had a procedure whereby if an
9 accused -- if the witness is being examined
10 on the statement --

11 PROFESSOR HINDS:

12 Yes --

13 MR. PRESIDENT:

14 He should be given -- if you are leading --
15 perhaps that is where you are leading to, he
16 must be given to explain any differences,
17 any discrepancies that might be there in the
18 statement that he made, as well as his oral
19 testimony.

20 PROFESSOR HINDS:

21 Absolutely, but at this point, we are now at
22 the preliminary stage where I am asking him
23 -- the witness has not indicated that he
24 does not have a recollection of what he
25 said. If the witness says that, we then

1 give the witness the statement so that he
2 can refresh his recollection. Otherwise
3 what we do is we hand the witness the
4 statement and he reads it.

5 MR. PRESIDENT:

6 No, that is not the procedure. I am sure,
7 Professor Hinds, you know -- okay, go on, we
8 shall see how far you go. No, wait, just go
9 on.

10 THE WITNESS:

11 Mr. President, thank you --

12 MR. PRESIDENT:

13 You may put the question, please.

14 PROFESSOR HINDS:

15 There is no question before him, and he
16 shouldn't be trying to answer anything.

17 MR. PRESIDENT:

18 Please go on -- wait, witness.

19 BY PROFESSOR HINDS:

20 Q. Sir, did you, in fact, testify that you
21 heard of the President's death some time in
22 the evening of July 26th -- June --
23 withdrawn. Do you recall testifying that
24 you heard of the death of the President some
25 time in the evening of April 6th of 1994?

1 A. I do remember, but I did not say in the
2 evening of the 6th of June. I said during
3 the night. Thank you.

4 Q. The month was April, wasn't it, sir? The
5 month was April of 1994; isn't it? I
6 mentioned June, but it was my error, it was
7 April; isn't it?

8 A. Yes, that is correct.

9 Q. Okay. Now, you also told us that part of
10 your responsibilities at the commune was, in
11 fact, ***** is that
12 correct?

13 A. That is correct.

14 Q. And you also talked about ***** of those
15 ***** at a place called ***** is
16 that correct?

*

17 A. Yes, that is the **** that is
18 correct.

19 Q. Now, you also said that you *****
20 ***** the use of weapons
21 including the Kalashnikov rifle; is that
22 correct?

23 A. Yes, not only the Kalashnikov, but the ML4
24 as well.

25 Q. And you said that you were told to teach

1 them on the orders of the local politicians,
2 Kajelijeli and the military commando; is
3 that correct?
4 A. That is correct.
5 Q. And what you have told the Tribunal
6 concerning this training conducted by you on
7 the orders of Kajelijeli is the truth; is
8 that correct?
9 A. Could you kindly repeat the question,
10 Counsel?
11 Q. What you have told the Tribunal, concerning
12 *** *****
13 ***** ***** , in the use of the
14 Kalashnikov, ML4s, and whatever other arms
15 was on the orders of Kajelijeli and other
16 local politicians, that is true; is that
17 correct?
18 A. That is correct.
19 Q. And did you, in fact, tell members of the
20 ICTR either in your statement that you gave
21 on June 26th or the statement that you gave
22 on July 6th, a month later? Did you ever
23 tell them any of that?
24 A. No, I succinctly said, just as you are
25 telling me to be succinct -- I said

1 succinctly to them that if it was necessary
2 I would add information, but if I would say
3 everything that would take a hundred pages.

4 Q. Then did you to tell them that the training
5 was conducted by commando instructors -- are
6 you a commando instructor? Those are two
7 questions.

8 A. Please, I said that I am a *****
9 *****. I was very well
10 ***** So far as
11 ***** is concerned, there were
12 people, that is, the Amahindure leaders,
13 they ***** participate in terms of
14 input concerning the manipulation of arms.
15 And I promised them that following the
16 *****, or after such and such a
17 period, we will review -- *****
18 *****, the manipulation of weapons.

19 Q. Sir, I want to show you the statement that
20 you say that you signed on June 26th of the
21 year 2000, and ask you whether anywhere in
22 that statement -- can you show me, anywhere
23 in that statement where you told the members
24 of the ICTR that you were asked by
25 Kajelijeli, or anyone else, to *****

1 ***** in the use of weapons, including
2 the Kalashnikov and the ML4s. Point it out?
3 A. I am sorry, Counsel, I don't need the
4 statement because I do remember everything
5 that I did. In 1994, I am telling you that
6 I do understand that I told you that I
7 remember 80 per cent of what happened. But
8 I don't need the statement. My statement is
9 succinct. Now, if you want me to expatiate
10 upon them, I will expatiate upon them.
11 Q. Sir, I am asking you a simple question. I
12 am asking him, isn't it a fact that he never
13 told members of the ICTR -- his first
14 statement June 26th, that Kajelijeli, or
15 anybody else ordered him ** *****
16 in the use Kalashnikovs, ML4 or any other
17 weapons? And if he says that is true we
18 move to next question.
19 A. Sorry, Counsel. I told you the names of the
20 founders of the *****, and the names of
21 the trainers. Now, please, I think I can
22 never get involved in the ***** ***
23 ***** without the permission of the
24 authorities, that is, the founders of the
25 *****. It is they that asked me. They

1 asked because I was responsible for *****
2 ***** *** *****, but they knew that I
3 knew how to manipulate weapons, how to
4 shoot, and they came to me and asked me
5 whether I could assist them in ***** ****
6 *****. I agreed, even if it is not in the
7 statement but I am here to say so, I mean,
8 to explain to you.

9 MR. PRESIDENT:

10 The question by -- the Learned Counsel's
11 question was whether or not that fact you
12 have explained is reflected or is in the
13 statement that is under discussion. I think
14 that's basically the --

15 PROFESSOR HINDS:

16 That is it. But, Your Honour, we are going
17 to be here all day if the witness is not
18 instructed just to answer the question and
19 we move to the next question.

20 MR. PRESIDENT:

21 Yes. Could you answer the question?

22 THE WITNESS:

23 Mr. President, may I ask you to ask Counsel
24 not to get nervous. I have a right to
25 answer. If the answer is not positive --

1 but he should not get nervous. I know that
2 he is defending his client.

3 MR. PRESIDENT:

4 Yes, okay. Witness GDD, we have heard your
5 explanation and could you now answer the
6 question -- Counsel's question. It is
7 important. Would you like him to repeat it
8 -- do you remember it?

9 THE WITNESS:

10 Yes, I do. May he repeat it then.

11 BY PROFESSOR HINDS:

12 Q. Sir, isn't it a fact that on June 26th when
13 you signed that statement you never
14 mentioned that Kajelijeli or anyone else
15 told you *** ***** on
16 Kalashnikovs, ML4s, or any other weapons;
17 isn't that true? It's nowhere in that
18 statement?

19 A. No, it is not in my statement.

20 Q. Isn't it a fact, sir, that in the statement
21 you specifically said that that training was
22 conducted by Para Commando officers, or
23 instructors? Isn't that a fact?

24 A. Yes, Para Commando instructors of
25 Kamukamira, one Hitayezu, Pierre, alias

1 Gasiga, is an ex-RAF and the warrant officer
2 Kamore of the former Rwandan army, I did say
3 so, yes. That is correct. There were more
4 than three instructors -- Para Commando
5 instructors, and sometimes we were --
6 trainers were sent in, and if there were
7 problems, it was the Para Commando from
8 Nkukumira that came to help. But the
9 founders were Kajelijeli and Nzirorera and
10 they were there to supervise the activities,
11 because if I remember, I did explain very
12 clearly that after each training of the
13 battalion, that is the Virunga Force, there
14 was a meeting -- a sensitisation meeting was
15 held for the youth.

16 Q. Did you, in fact, sir, -- and look through
17 that statement carefully -- did you, in
18 fact, tell members of the ICTR that
19 Juvenal Kajelijeli was the main founder of
20 the Amahindure?

21 A. That is correct.

22 Q. Can you point out exactly where in your
23 statement, sir, where you said Juvnal
24 Kajelijeli was the main founder of the MRND?
25 Read it to the Tribunal. Point it and read

1 it.

2 A. I am sorry; if you look at page five of my
3 statement Kajelijeli Juvenal is number one.
4 That is page five, and Nzirorera comes
5 afterwards because as far as Nzirorera was
6 concerned, it was a question of funding.
7 But Kajelijeli was number one, the number
8 one founder. What do you want me to explain
9 further?

10 Q. Did you say, anywhere, that Kajelijeli was
11 the main founder? Did you say that?

12 MR. PRESIDENT:

13 What does the list show?

14 PROFESSOR HINDS:

15 There is a list --

16 MR. PRESIDENT:

17 Which shows what?

18 PROFESSOR HINDS:

19 Juvenal Kajelijeli, his name is first --

20 MR. PRESIDENT:

21 And that is the list of founders?

22 PROFESSOR HINDS:

23 This is the list of founders. We have
24 Kajelijeli's name, then somebody by the name
25 of Timpitura, going down, and then Nzirorera

1 is at the bottom.

2 MR. PRESIDENT:

3 Okay.

4 PROFESSOR HINDS:

5 So, I just wanted to have him read anywhere
6 in the statement in which he said what he
7 just testified to here that he was the main
8 founder.

9 MR. PRESIDENT:

10 The statement seems to show that he is just
11 a founder, one of the founders --

12 PROFESSOR HINDS:

13 In fact the statement says some of the
14 founding members of the group were -- and
15 then he listed.

16 MR. PRESIDENT:

17 He was one of the founders according to the
18 statement?

19 PROFESSOR HINDS:

20 According to the statement, he was one of
21 the founders; that is what the statement
22 says.

23 MR. PRESIDENT:

24 Okay.

25

1 MS. OJEMENI:

2 May I be heard?

3 MR. PRESIDENT:

4 Yes.

5 MS. OJEMENI:

6 Your Honours, the transcript is there to
7 reflect all the witness said yesterday
8 regarding this particular issue. Kajelijeli
9 was mentioned as one of the founders as well
10 -- just to assist the Court.

11 PROFESSOR HINDS:

12 Your Honour, I think the Court has it's own
13 recollection -- she is -- Ms. Ojemeni is
14 absolutely correct the transcript is here.
15 My recollection is he said "one of the
16 founders" then and he emphasised the main
17 founder. That is my recollection, and I am
18 now pointing out the inconsistencies within
19 what he has said in terms of him attempting
20 to emphasise that point.

21 MR. PRESIDENT:

22 Yes. I think the point is made as to
23 exactly what it will amount to -- maybe it
24 can be determined unless you will develop
25 further.

1 PROFESSOR HINDS:

2 No, I am moving on to another -- as long as
3 the witness answers the question I will move
4 to the next question.

5 (Pages 1 to 53 by Regina Limula)

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1 1100H

2 PROFESSOR HINDS:

3 Now, sir, looking at your statement --

4 MR. PRESIDENT:

5 Yes, Witness.

6 THE WITNESS:

7 Yes, Mr. President, thank you.

8 MR. PRESIDENT:

9 He's speaking in French. It's okay, the
10 issue has already been answered.

11 THE WITNESS:

12 Mr. President, I had an idea to offer to the
13 Tribunal before referring to the other
14 question from counsel. If it please you, I
15 have listed as -- if he wants me to say why
16 I put Nigatura (phonetic) in the second
17 place and then it should be -- it's not
18 Kandura, it's Karorero. Very well, thank
19 you, Mr. President.

20 MR. PRESIDENT:

21 Answer the questions as they arise. If
22 there is any problem, the Trial Chamber will
23 raise it. Yes.

24 BY PROFESSOR HINDS:

25 Q. Sir, you testified that you were an

1 Interahamwe; is that correct?

2 A. Yes, that is correct, * *****

3 *****.

4 Q. Did you tell that to members of the ICTR?

5 A. Yes, I told them that I was *****.

6 That I was organised with the President of

7 the MRND. We organised the attacks. I told

8 them that we organised the attacks and we

9 attacked. We went out into the field to

10 massacre the Tutsi.

11 Q. The question that I'm asking you very simply

12 is: Did you tell members of the ICTR that

13 you were a member of the Interahamwe, and as

14 you've just said, at a *****? Did you

15 tell them that? Yes or no?

16 A. No, I said that * ***** and I

17 participated and I was *** *****. That

18 is all I said.

19 Q. Now, when you talked about the supervision

20 of training, which was conducted by

21 Kajelijeli and Shadrak Sendugu, did that --

22 did you, in fact, tell that to anyone at the

23 ICTR?

24 A. Yes, I told them clearly and I gave them a

25 list.

1 Q. Can you show members of the Tribunal and
2 read out where you said that training,
3 military training was supervised by
4 Juvnal Kajelijeli and Shadrak Sendugu?
5 Juv nal Kajelijeli and Shadrak Sendugu. Can
6 you point to anywhere in your statement of
7 June 26th of 2000, where you say you made
8 that statement?

9 A. On page 5, the second sentence, I, on
10 several occasions, participated in meetings
11 organised by the latter and Kajelijeli
12 between 1992 and 1993. And because of those
13 meetings, we were told very often that the
14 country was attacked by the Tutsi RPF
15 fighters and that we should be wary of the
16 Tutsi that were with us. To protect the
17 country against the RPF, these young people
18 were recruited in a group called Amahindure.
19 The recruitment was carried out by whom --
20 it was carried out by the leader,
21 Kajelijeli. That is self-evident. In
22 Kinyarwanda, "a knife in his place."

23 Q. Please do not give your testimony other than
24 what you're reading.

25

1 THE INTERPRETER:

2 The Interpreters do not have that particular
3 statement, Mr. President.

4 MR. PRESIDENT:

5 Could you make a copy available to the
6 Interpreters? In the two languages,
7 perhaps.

8
9 Yes.

10 THE WITNESS:

11 Mr. President, Counsel of Mr. Kajelijeli's,
12 Juvnal, is really compelling me to give
13 certain answers. Did I answer the question?
14 It is for the Court to say so, it's not for
15 him to tell me whether I have answered the
16 question correctly or not.

17 MR. PRESIDENT:

18 You have read the paragraph and the
19 interpretation will be made by the Court.
20 The Trial Chamber is following all that is
21 going on here and we'll have opportunity to
22 revert to all the issues that are being
23 ventilated here and other questions will
24 also be asked by other parties, perhaps on
25 the same issues. So listen carefully to the

1 questions --

2 BY PROFESSOR HINDS:

3 Q. Sir, I asked you to read out the paragraph,
4 or any paragraphs where you said that
5 Juvnal Kajelijeli and Shadrak Sendugu had
6 supervised the training of the Amahindure,
7 but you have not been able to find anything
8 there saying that; is that correct?

9 A. That is correct, but I was saying that
10 Amahindure means "a volcanic eruption."

11
12 Now, among the founders, I will mention
13 Kajelijeli, Juv nal, retired colonel, always
14 present at all the rallies and meetings
15 organised Joseph Nzirorera. Warrant
16 officer, Karorera; Sendugu Shadrak, MRND
17 Chairman for the Nkuli commune; former Fire
18 Sergeant Hitimana, alias Gasiga;
19 Joseph Nzirorera, Treasurer of the
20 organisation. Thank you.

21 PROFESSOR HINDS:

22 We'll be here all day if this witness is not
23 instructed to answer the questions,
24 otherwise we'll just be here --

25

1 MR. PRESIDENT:

2 Listen carefully to the questions that are
3 being asked by counsel. You'll have time to
4 explain, if need be, at a later stage. Make
5 sure and try to understand the questions,
6 okay?

7 THE WITNESS:

8 Mr. President, Counsel asked me to read the
9 passage carefully. I have just read the
10 passage carefully because I couldn't stop
11 without getting out the list. The list is
12 there in the passage. The list complements
13 the passage. That is the first passage that
14 I read out. I thought that I should re-read
15 the list, perhaps you will bear with me if I
16 really should not have done so. Thank you.

17 BY PROFESSOR HINDS:

18 Q. Now, sir, you testified yesterday that as **
19 ***** **** the Interahamwe, you were asked to
20 stop Tutsis and lead them to the Nkuli
21 commune on orders that were given by
22 Kajelijeli, among others; is that correct?

23 A. No, I said that I was the leader, I mean the
24 ***** before the
25 communal on the road linking Gisenyi and

- 1 Ruhengeri and that if a Tutsi were to cross
2 the ***** in any vehicle, one should
3 catch the Tutsi and take him to the
4 bourgmestre's office in Nkuli. This is all
5 I said. I did not say that I was the leader
6 of the Interahamwe. I never said so.
- 7 Q. Were you instructed on orders of Juvnal
8 Kajelijeli, among others, to, in fact, take
9 Tutsis that you found at the ***** to
10 the commune office? That was your
11 testimony, wasn't it?
- 12 A. That is correct.
- 13 Q. Did you tell that to members of the ICTR
14 when you saw them on June 26th, or when you
15 signed your statement on June 26th of last
16 year?
- 17 A. Well, I said that this statement -- those
18 statements were succinct. In other words,
19 in all that I said, I will never contradict.
20 But please allow me, as I have said, I could
21 have added some ideas to better shed light
22 on what I said in the statements.
- 23 Q. You said, no, that you did not include it in
24 there; is that correct?
- 25 A. It's up to you to decide.

1 PROFESSOR HINDS:

2 Your Honour, can you instruct the witness to
3 answer the question? I mean, otherwise,
4 we'll be here all day.

5 MR. PRESIDENT:

6 Is the answer "yes" or "no," did you tell
7 that to the ICTR in answer to his question?

8 THE WITNESS:

9 Mr. President, Mr. President.

10 MR. PRESIDENT:

11 There could be some explanation, but what is
12 the answer to that question? And you
13 understand the question?

14 THE WITNESS:

15 Yes, I understood the question very clearly.
16 But, Mr. President, if I may, Counsel is
17 trying to play with words. I was not the
18 leader of the Interahamwe. Yesterday, if
19 you remember quite correctly, I said I was
20 responsible for the *****.

21 MR. PRESIDENT:

22 We understand all that you are saying.
23 Counsel, in his questions are important and
24 have got to be answered. And if there is
25 any explanation that may be required, it is

1 possible other parties might ask you. But
2 could you please answer the question if you
3 understand it. If we allow a question to be
4 answered, that means that it is a proper,
5 valid question, and that will help us to
6 move forward and finalise these issues.

7 THE WITNESS:

8 Thank you.

9 MR. PRESIDENT:

10 Could you answer that question if you
11 remember it?

12 BY PROFESSOR HINDS:

13 Q. Do you remember the question, or do you want
14 me to repeat it?

15 MR. PRESIDENT:

16 Could you repeat, please?

17 BY PROFESSOR HINDS:

18 Q. Sir, isn't it a fact that you never told
19 anyone at the ICTR on June 26th when you
20 signed your statement of last year that
21 Juvnal Kajelijeli and others ordered you to
22 stop Tutsis at ***** and take them to
23 the Nkuli commune office?

24 A. I did not say so.

25

1 MR. PRESIDENT:

2 Perhaps, Professor Hinds, if it doesn't
3 interrupt with your flow --

4 PROFESSOR HINDS:

5 This is a good place.

6 MR. PRESIDENT:

7 Yes, can we take a break? We will take a
8 break and also to give opportunity for the
9 interpreters for 20 minutes. We'll come
10 back -- that will be 25 to noon. Until
11 then, these proceedings stand adjourned.
12 (Court recessed from 1115H to 1135H)

13 MR[. PRESIDENT:

14 Yes, the proceedings are resumed.

15

16 Professor Hinds, could you please continue
17 your cross-examination.

18 PROFESSOR HINDS:

19 Yes, Your Honour.

20 BY PROFESSOR HINDS:

21 Q. Witness GDD, you testified yesterday
22 concerning events on April 6th, the evening
23 that you said you heard of the President's
24 death, whom did you say notified you of the
25 President's death?

1 THE INTERPRETER:

2 His microphone.

3 THE WITNESS:

4 The first, the very first information got to

5 me when I was home resting a bit. I got it

6 from my small radio set. Then the second

7 time was *****

8 ***** , who came and woke me up. He told

9 me, "Why are you lying down in bed when the

10 President of the Republic had been

11 assassinated?"

12 BY PROFESSOR HINDS:

13 Q. Sir, do you have your statement in front of

14 you? Are you looking at the statement as

15 you are testifying?

16 A. No, I'm saying I don't need the statement,

17 I'm merely answering your questions.

18 Q. Can you put this statement to the side and

19 give us just your testimony, please?

20 A. Yes.

21 Q. In the statement, the Court would instruct

22 you so that you can refer to the statement

23 in terms of your testimony.

24 A. Could you say that again, please? You can

25 even take it.

- 1 Q. Sir, do you recall testifying when you found
2 out of the President's death that you were
3 told that Kajelijeli had required your
4 presence at the *****, do you recall that,
5 saying that?
- 6 A. Yes, I did say so.
- 7 Q. And did you consider that to be an important
8 matter that this Tribunal should know about
9 while you testified about that yesterday?
- 10 MR. PRESIDENT:
11 What's your question, Professor?
- 12 PROFESSOR HINDS:
13 I asked him: Did you consider that fact to
14 be important why you testified about it
15 yesterday?
- 16 MR. PRESIDENT:
17 What do you mean?
- 18 PROFESSOR HINDS:
19 Well, the witness said that he was
20 instructed that Kajelijeli wanted to see him
21 at that *****.
- 22 MR. PRESIDENT:
23 Yes.
- 24 PROFESSOR HINDS:
25 And I'm asking him if he considered that to

1 be an important fact about why he testified
2 about that yesterday.

3 MR. PRESIDENT:

4 That's why he talked about it, perhaps.

5 PROFESSOR HINDS:

6 Now the next question, you see --

7 MR. PRESIDENT:

8 I know -- yes, okay. I know where you are
9 leading by the way the question is being
10 put.

11 PROFESSOR HINDS:

12 Absolutely, because I'm anticipating what
13 his answer is going to be. Do you follow?
14 Tell the witness if he doesn't understand
15 the question, I will put it again to him.

16 MR. PRESIDENT:

17 These are our own exchange, Witness. Please
18 proceed. What problem do you have?

19 THE WITNESS:

20 Yes, I have a problem because counsel has
21 said that I was informed by Kajelijeli to go
22 to the ***** but that's not what I said.

23 MR. PRESIDENT:

24 You can always come back to it, but listen
25 very carefully to the questions, and if you

1 can answer precisely and briefly, we will be
2 able to move forward to come to an end of
3 this matter.

4 BY PROFESSOR HINDS:

5 Q. Now, sir, you testified that *****
6 ***** by the name of *****
7 *****, informed
8 you of the President's death and also told
9 you that Juvnal Kajelijeli had requested
10 your presence at the *****; is that
11 correct?

12 A. Yes.

13 Q. Now, you said that on hearing of this you
14 took your Kalishnikov and you put on your
15 camouflage outfit and you took a clip with
16 16 bullets of ammunition with you to this
17 meeting; is that correct?

18 A. No, two clips, each with 60 cartridges.
19 That is the way it is in the case of the
20 Kalishnikov. It is 60 cartridges in a clip
21 and I took two clips and my Kalashnikov and
22 then I put on my uniform, if I remember.

23 Q. Why did you take your Kalashnikov, two
24 clips, each having 60, as you say,
25 cartridges, when you heard of the

- 1 President's death and that Kajelijeli had
2 summoned you? Why did you take all of this
3 ammunition and weapon to this meeting?
- 4 A. Yes, I did, because with the information
5 that had been made available to me, that is
6 by RTLM, actually; what it was saying is
7 that we had to be ready. We had to be ready
8 and I had to be ready with my weapon and the
9 cartridges, and don't forget, I was just
10 taking a short rest. My team, which was
11 under my command, was still at the
12 *****, so I had to be prepared to go
13 back to the *****.
- 14 Q. Did you say any of that to members of the
15 ICTR on June 26th when you signed your
16 statement that you've just told us here
17 today?
- 18 A. The question was not put to me. They did
19 not put that question to me.
- 20 Q. What question did they put to you concerning
21 Kajelijeli?
- 22 A. Well, they asked me what happened that night
23 after the news of the assassination of the
24 President of the Republic and I explained.
- 25 Q. The fact that you were called by Kajelijeli,

1 and you say that Kajelijeli told you to, in
2 fact, get prepared to kill Tutsis, wasn't
3 that an important fact of what happened the
4 night the President was killed?

5 A. Yes, I did say so to the ICTR agents. I
6 told them that we met with Kajelijeli and he
7 gave us drinks. In fact, before getting to
8 the ***** -- I think I need to make a
9 slight correction. When Kajelijeli sent the
10 ***** *****, I returned with him and we
11 met Kajelijeli in front of the hiding place
12 of the prison yard of the commune, and I did
13 describe this in the sketch. And we
14 discussed the assassination of the President
15 and the fact that we had to organise
16 ourselves. Thank you. And I did say so to
17 the ICTR agents.

18 Q. You said that to the ICTR agents because it
19 was important, wasn't it?

20 A. Yes.

21 Q. Then why didn't you tell them that on June
22 26th when you gave your first statement?

23 A. Same as yourself, they just asked me
24 questions that were limited to a particular
25 area and that's what I answered. I thought

1 -- I went into all of these explanations in
2 front of the Court.

3 Q. Sir, you, on June 26th, talked about
4 activities that took place in Nkuli commune;
5 is that correct?

6 A. Yes.

7 Q. You talked about the killings that took
8 place in Nkuli commune; is that correct?

9 A. Yes.

10 Q. And you also talked about the role that
11 Juvnal Kajelijeli played during the events
12 of April 7th of 1994 and during that whole
13 period of the killings; isn't that correct,
14 in your statement on June 26th?

15 A. Oh, sorry, I did explain the role of each
16 and everyone during that genocide period.

17 Q. And isn't it a fact, sir, that on June 26th
18 of last year you never mentioned any
19 statement about Juvnal Kajelijeli in a
20 ***** ordering anyone to kill Tutsis;
21 isn't that a fact?

22 A. I, indeed, did say that we had a meeting at
23 the ***** and it grouped Kajelijeli,
24 Sendugu Shadrak; *****
25 *****. We had a

1 meeting at the ***** and it was at that
2 meeting that he asked us what we were
3 lacking, what we did not have. And it was
4 at that meeting that he asked the brigadier
5 to give him the telephone so that he can
6 call the commandant of the Mukamira Camp,
7 Nsabimana, and for action to be taken. I
8 did say so.

9 Q. Sir, you have your statement in front of
10 you, I would like you to now refer to the
11 statement you say you signed on June 26th of
12 2000, and can you read to this Court that
13 which you've just testified about? Anything
14 about Juvnal Kajelijeli at a canteen? The
15 statement of June 26th, 2000.

16 THE INTERPRETER:

17 Excuse me, Counsel, are you talking about 23
18 June or 26 June, because what we have...

19 PROFESSOR HINDS:

20 There is a document, I think this may be --
21 the Interpreter is asking the question.
22 There is a document that on the first page
23 is June 23rd. The witness testified that he
24 signed that document --

25

1 THE INTERPRETER:

2 Sorry, my apologies, I found it.

3 PROFESSOR HINDS:

4 -- that is the document.

5 MR. PRESIDENT:

6 The Interpreter follows, understands.

7

8 Yes, Counsel?

9 MS. OJEMENI:

10 Your Honour, I object. The witness made two
11 statements, I thought all of his statements
12 would be given to him. He has only one
13 statement before him. That's just my
14 objection.

15 PROFESSOR HINDS:

16 The witness is being examined with respect
17 to a June 26th statement. That is what I am
18 talking to the witness about. The witness
19 said he doesn't need this statement. I am
20 now referring him to his statement of June
21 26th and asking him to point out where in
22 that statement he, in fact, made any
23 reference to the points he has just said.
24 And I don't know what the objection is. We
25 examined him with respect to only one

1 statement at this time.

2 MR. PRESIDENT:

3 He hopes to come back to the other
4 statement, I suppose.

5 PROFESSOR HINDS:

6 Well, it doesn't matter, I could give him
7 the statement, but I am now asking him about
8 June 26th.

9 MR. PRESIDENT:

10 I mean, we appreciate the point you are
11 making, Professor, but we would like to
12 underscore one important fact. This is not
13 a game of chance, so we must give
14 opportunity to see that justice is done. We
15 are not going to suggest how counsel deal
16 with the issue. They can do whatever they
17 want, and the way they understand it didn't
18 fit. So I know some of the issues can be
19 raised. But at least -- that's one.

20

21 Second, of course, the Tribunal does not
22 have these kind of statements, but I think
23 with that observation, you can go on.

24 PROFESSOR HINDS:

25 Well, Your Honour, look, I don't want it to

1 appear as if I am taking advantage of
2 anybody because, I mean if that is the
3 impression I'm giving, I don't want to give
4 that impression. I'm asking the witness
5 about a single statement around a certain
6 time period and that's all I'm asking him
7 about.

8 MR. PRESIDENT:

9 Can he answer that? Can he look through the
10 statement?

11

12 Do you have the statement, Witness GDD?

13 PROFESSOR HINDS:

14 This is a statement that he signed on June
15 26th. He doesn't have it? What statement
16 does he have? Yes, on the face of it, it
17 says 23rd. But he signed that statement on
18 the 26th. His signature says the 26th.

19 THE WITNESS:

20 Yes, I have it, Counsel. The question put
21 to me -- well, before I answer, because I
22 see the answer before me. Well, this is the
23 first time I'm coming before this
24 International Court. Usually, in my
25 country, when the Prosecutor is questioning

1 you, you answer the questions, but then you
2 reserve any defence, any further defence you
3 would like to make before the Court. Now,
4 on page 6, that is at the very end, page 6
5 of the French version it says:
6 "I reserve the right to give further details
7 should I remember anything else." It
8 appears on page 6 also of the English
9 version.

10 MR. PRESIDENT:

11 That might be so. Will you now answer the
12 question put to you by counsel for the
13 Defence?

14 BY PROFESSOR HINDS:

15 Q. The question, sir -- let me just repeat it
16 for you -- can you point out anywhere in
17 that statement that is before you that you
18 signed on June 26th, anywhere that you said
19 Juvnal Kajelijeli made any statement at the
20 *****? Point it out.

21 A. No such sentence appears in this declaration
22 -- in this statement, sorry.

23 Q. And so all of the events that you have
24 testified before this Tribunal concerning
25 what Juvnal Kajelijeli told you, telephone

1 calls that were made, weapons that were
2 obtained from the Mukamira Camp, and all of
3 that, none of it is included in your first
4 statement to the ICTR; is that correct?

5 A. Please, please, Counsel. I think, and if
6 you refer to the two statements -- if you
7 refer to just this one, or if you refer
8 exclusively to what appears in the
9 statement, then my presence here would serve
10 no purpose. I briefly answered questions
11 that were put to me and my very last
12 sentence -- you might have missed it -- if
13 necessary, I would give further details.
14 That is in answer to questions that would be
15 put to me, so don't tell me that it would be
16 necessary to insert from A to Z how the
17 genocide took place in Rwanda in 1994.

18 MR. PRESIDENT:

19 Could you answer that question that has been
20 raised by counsel for the Defence? Is it
21 reflected? Would you like him to repeat
22 your question precisely and answer it? The
23 other conclusions will be for the Trial
24 Chamber to determine.

25

1 THE WITNESS:

2 The meeting that took place at the canteen,
3 I believe, I did not talk about it if I
4 remember well.

5 BY PROFESSOR HINDS.

6 Q. Now, sir, you also testified that Kajelijeli
7 promised reinforcement of the Interahamwe
8 from Mukingo at that particular meeting; is
9 that correct?

10 A. Yes.

11 Q. Did you, in fact, make that statement to the
12 ICTR on the 26th of June?

13 A. Yes, Kajelijeli promised us assistants and
14 reinforcements and that's what happened in
15 the morning of the 7th.

16 Q. Can you point out where you say Kajelijeli
17 made those promises of reinforcements of
18 Interahamwe from Mukingo in the statement on
19 June 26th?

20 A. No, because the question was not put to me.

21 Q. With respect to weapons that were used to
22 commit all of these massacres, and the
23 distribution of those weapons, did you make
24 any reference to distribution of weapons and
25 obtaining of weapons by Kajelijeli in your

1 statement, your first statement on June 26h?
2 And look at that statement again.
3 A. Well, I have said; in fact, I did say so.
4 Give me a minute. Sorry, I have a problem
5 with reading this, but give me a minute.
6 Sorry, Counsel, why don't you show me the
7 second statement?
8 Q. Would you like to see the second statement?
9 A. Yes, because...
10 MR. PRESIDENT:
11 Do the Interpreters have a copy of that
12 statement?
13 THE INTERPRETER:
14 Yes, My Lord. Yes, My Lords.
15 MR. KIYEYEU:
16 I'm sorry, My Lords, if the Registry can be
17 heard, there is a situation here that we
18 have. The witness who speaks directly in
19 French --
20 MR. PRESIDENT:
21 What is it?
22 MR. KIYEYEU:
23 We have a procedure that at least the names
24 or the persons or places in Kinyarwanda
25 should be spelled out for purposes of the

1 transcripts. There is a moment the
2 Interpreter couldn't do so because the
3 Defence didn't give him that opportunity, so
4 if you can direct that so he doesn't repeat
5 because, otherwise it will cause some
6 problems in the transcript. Thank you,
7 My Lord.

8 MR. PRESIDENT:

9 We take note of that. That we should give
10 time for the translation of the names that
11 are in Kinyarwanda for the purposes of the
12 record. We take note of that, Registry.

13 THE INTERPRETER:

14 Your microphone.

15 PROFESSOR HINDS:

16 I spelled out the name, should I do
17 something more than what I'm doing?

18 MR. PRESIDENT:

19 No, the Interpreter will always at the end,
20 where there are names mentioned, will
21 normally will read out the names for the
22 record. But if you are using the name
23 yourself, you can also spell them out.

24 PROFESSOR HINDS:

25 That's what I did, but I'm trying to

1 understand, should I do something other than
2 what I've done?

3 MR. PRESIDENT:

4 No, it is really the Interpreter who is
5 sitting next to the witness.

6 MR. KIYEYEU:

7 No, My Lords, if the names are spelled out
8 by counsel or anybody, there's no problem.
9 The problem is when the witness that
10 testifies and mentions some names that are
11 not spelled out; now, when the interpreter
12 wants to spell out, he's not given that
13 chance.

14 PROFESSOR HINDS:

15 I see. Okay, all right.

16 MR. PRESIDENT:

17 We'll take note of that.

18 MR. KIYEYEU:

19 Thank you, My Lords.

20 MR. PRESIDENT:

21 It's important for the record.

22

23 Yes, okay. Go on.

24 THE INTERPRETER:

25 Microphone. Thank you.

1 THE WITNESS:

2 Yes, Counsel, in answer to your question,
3 let me read the sentence on page 4, second
4 paragraph. The first statement that you
5 gave me. Yes, 26th June.

6 BY PROFESSOR HINDS:

7 Q. The question that I had put to you is:
8 Could you identify anywhere in that
9 statement where you said that
10 Juvnal Kajelijeli promised reinforcements
11 of Interahamwe from Mukingo? You're now
12 going to read that, please.

13 A. No, you've changed your question. This is a
14 second question you're asking me. The first
15 thing you asked me was to show you the place
16 in my statement, which clearly says that the
17 weapons used in the attacks on *****
18 were distributed or came from the Mukimara
19 Camp? That was your first question, if you
20 do remember, Counsel. And so allow me to
21 answer, and then after that, you can ask me
22 any other question.

23 PROFESSOR HINDS:

24 Your Honour --

25

1 MS. OJEMENI:

2 Your Honour, that was his question. I have
3 it recorded.

4 PROFESSOR HINDS:

5 The question that I asked him was: Could he
6 show in the first statement where there was
7 any statement made concerning distribution
8 of weapons that took place at the commune
9 office? That's what I'm talking about.
10 Now, I don't want the witness to answer
11 questions other than what I've put to him.

12 MR. PRESIDENT:

13 But you recall, Counsel, in your -- I can't
14 recall which question, but I think you did
15 raise issues concerning whether the
16 procurement of weapons, the distribution of
17 weapons--

18 PROFESSOR HINDS:

19 Yes.

20 MR. PRESIDENT:

21 --and the role, of course, the accused could
22 have played in these things.

23 PROFESSOR HINDS:

24 Yes, I was dealing with events this witness
25 testified about.

1 MR. PRESIDENT:

2 And the emphasis that was being put, whether
3 these kinds of activities attributed to the
4 accused were anywhere reflected in the
5 statement --

6 PROFESSOR HINDS:

7 In the first statement?

8 MR. PRESIDENT:

9 Yes.

10 PROFESSOR HINDS:

11 Let me hear what he has to say.

12 MR. PRESIDENT:

13 Could you read?

14 PROFESSOR HINDS:

15 Okay.

16 MR. PRESIDENT:

17 Go ahead, and maybe make reference to which
18 statement, paragraph and --

19 PROFESSOR HINDS:

20 There is only one statement he is looking
21 at.

22 MR. PRESIDENT:

23 Okay, all right.

24 PROFESSOR HINDS:

25 The June 26th statement.

1 MR. PRESIDENT:

2 Yes, and he had asked for a second
3 statement, which you have also given to him;
4 isn't it?

5 PROFESSOR HINDS:

6 Yes, but I don't want to, please, confuse
7 the question. I'm asking this witness about
8 only one statement.

9 MR. PRESIDENT:

10 Okay.

11 PROFESSOR HINDS:

12 I've given him the second statement because
13 he wants it, but I don't want confusion
14 between the two statements.

15 MR. PRESIDENT:

16 Let him read, okay. Yes, go ahead.

17 THE WITNESS:

18 Yes, the sentence is in my statement of --
19 which I signed on the 26th of June, 2000.
20 Second paragraph, if you allow me, I'm going
21 to read the entire paragraph.

22

23 It's on page 3 of the English version,
24 statement of 26th June.

25

1 On 7 April 1994, I participated actively in
2 the massacre of several Tutsi families
3 living in ***** cellule, ***** secteur,
4 Nkuli commune, like I did. As a matter of
5 fact, from 9.00 a.m. to about 4.00 p.m., the
6 other assailants and I attacked the
7 residences *****
8 *****.

9
10 And the sentence that answers your question
11 is the following: There were 12 families in
12 all gathered in those two residences. We
13 used traditional weapons, such as spears,
14 clubs, bows, arrows and firearms furnished
15 by the Mukamira Military Camp commanded by
16 Major Bizabarimana, a native of Nyiratovu.
17 The arsenal consisted of Kalashnikovs, L4s
18 and grenades. The MRND chairman for Nkuli
19 commune, Shadrak Sendugu, collected the
20 arms and then distributed them to us. Over
21 80 persons were killed during the 7 April
22 attack. Thank you.

23
24 So I think you have fully well understood
25 where the weapons came from and who

1 distributed them. Yesterday I talked about
2 a jeep that came from Mukarmira in the
3 morning of the 7th and those weapons were
4 deposited at the inspector's office, if you
5 remember. Thank you.

6 BY PROFESSOR HINDS:

7 Q. Sir, is there anywhere in your statement
8 where you have indicated Juvnal Kajelijeli
9 played any role with respect to the
10 distribution of those arms, or the
11 procurement of those arms that you have just
12 talked about? Did you make any statement
13 about Juv nal Kajelijeli's role on June
14 26th?

15 A. No, same as I did not mention all those who
16 were involved in the attack.

17 Q. But you consider Juvnal Kajelijeli one of
18 the main founders of the Amahindure, didn't
19 you?

20 A. But I've already given you the answer. He
21 was one of the founders, that's correct.

22 Q. Wasn't he the main founder, as you said, or
23 are you changing your testimony?

24 A. No, I'm not changing my testimony, I did
25 say, at least for now, he was even the

1 President. In fact, that is why I mentioned
2 him as number one on the list.

3 Q. And even though he was number one, and the
4 main person, you never mentioned his role in
5 procurement of any arms for the attacks when
6 you made your statement on June 26th; is
7 that correct?

8 A. Regarding the distribution in the morning --
9 now during the meeting *****
10 following the night of the 6th -- he
11 promised to provide weapons. In the
12 morning, I don't see why that is important.
13 I did say that Sendugu did receive those
14 weapons and he's the one who distributed
15 them.

16 Q. You're saying to us, sir, that it was
17 important that Juvnal Kajelijeli in the
18 morning made the arrangements for getting of
19 the weapons; is that correct?

20 A. Could you repeat the question, please? I
21 was slightly distracted.

22 Q. You said, sir, that Juv nal Kajelijeli,
23 sometime in the morning of April 7th, made
24 arrangement for the procurement for
25 obtaining -- for getting the weapons and

1 that was important; isn't that correct?

2 A. Sorry, Counsel, I didn't say in the morning,
3 it was in the night of the 6th in the
4 ***** when the meeting took place. In the
5 morning, I clearly stated yesterday, the
6 Jeep came carrying military material with
7 three soldiers coming from the Mukamira
8 Camp. That's what I said yesterday before
9 this Court.

10 Q. In the evening, you say that
11 Juvnal Kajelijeli made arrangement for the
12 procurement or the obtaining of the arms --
13 the weapons that were used in the massacres,
14 and you told that to members of the ICTR
15 because that was important; isn't that
16 correct?

17 A. Sorry, could the question be repeated?

18 PROFESSOR HINDS:

19 Your Honour, do we have a provision here
20 where we have the Court Reporter just read
21 back the question? This is about the third
22 time.

23 MR. PRESIDENT:

24 We might move faster by repeating your
25 question, Professor, perhaps.

1 Listen very carefully, Witness GDD, to the
2 question. If you don't understand it, say
3 so. It could be explained. Listen very
4 carefully. You can rephrase it or make it
5 shorter, if you may.

6 PROFESSOR HINDS:

7 I'll try.

8 MR. PRESIDENT:

9 Try, good. Listen to the question, please.

10 THE WITNESS:

11 Mr. President, to make things easy for me,
12 you see I had said that this is the first
13 time that I am appearing before this Court.
14 Is it some fault or error on the part of a
15 witness, you know, to put aside some ideas,
16 you know try to expand on them before the
17 Court? Is there something wrong with that?
18 Because it gives me the impression that
19 everything that I say must appear in my
20 statement. In Rwanda, there are things you
21 don't say in your statement and you come
22 before the Court and you expand on them.
23 And that's why I have not put on my
24 statement everything. So there are ideas
25 that do not appear here. And if I had to

1 say everything that happened, it would take
2 about 1,000 pages and I've shortened it.

3 MR. PRESIDENT:

4 These are the issues that the Trial Chamber
5 will determine upon: Whether the situation
6 did happen, or the expression that's been
7 given in that kind of, you know, account.
8 So you listen very carefully to questions
9 that are being put by counsel. Okay.

10 THE WITNESS:

11 Yes, thank you, Mr. President. And please
12 be indulgent with me for having disturbed
13 you.

14 PROFESSOR HINDS:

15 Your Honour, I want the Court Reporter to
16 read back the question. I would like the
17 Court Reporter to read back the question.

18 MR. PRESIDENT:

19 Can it be done?

20 PROFESSOR HINDS:

21 Yes, I mean what is the problem? The Court
22 Reporter reads back the question. I mean,
23 I've repeated it three times. You know, if
24 the facilities are here, generally the court
25 reporter finds a place where that question

1 is --

2 MR. PRESIDENT:

3 Do you remember your question otherwise?

4 PROFESSOR HINDS:

5 I'm trying not to give him another
6 formulation of the question and then run
7 into a problem again.

8 MR. PRESIDENT:

9 I know. Repeat your question so that we can
10 move forward, please. We don't have to go
11 to that kind of -- if you need be, it's your
12 right, but we ask you to repeat your
13 question.

14

15 And listen very carefully --

16 PROFESSOR HINDS:

17 Well, I don't want a situation where the
18 witness now says that is not the question
19 that was asked before.

20 MR. PRESIDENT:

21 No, it is for the Trial Chamber, we are
22 following the proceedings.

23 THE WITNESS:

24 Well, let him listen to my answer. I shall
25 give him the answer.

1 MR. PRESIDENT:

2 Yes, Professor, you got your question?

3 PROFESSOR HINDS:

4 I'll move to another question. I don't
5 think that's fair.

6 MR. PRESIDENT:

7 No, I think it's important.

8 PROFESSOR HINDS:

9 The simplest is to have the Court Reporter
10 read back the last question.

11 MR. PRESIDENT:

12 It takes time. That's what normally it
13 takes.

14 PROFESSOR HINDS:

15 I'll just check with my team.

16 MR. PRESIDENT:

17 I've been given the impression it will take
18 a half an hour, about half an hour. So it's
19 not a question of really of lack of trying.

20 PROFESSOR HINDS:

21 All right. Let me just put another
22 question. Tell the witness there is no
23 question before him.

24 MR. PRESIDENT:

25 Please, listen to the Counsel's questions.

1 We would like to move forward.

2 BY PROFESSOR HINDS:

3 Q. Now, Witness GDD, you testified that
4 Kajelijeli promised reinforcements of
5 Interahamwe from Mukingo; is that correct?
6 Do you remember saying that yesterday?

7 A. That is correct.

8 Q. Can you find anywhere in your statement of
9 June 26th, which you say you signed, where
10 you made that statement that Kajelijeli
11 promised reinforcements?

12 A. No, I didn't note it.

13 Q. You testified, sir, that yesterday that
14 someone by the name of Iyakaremye,
15 I-Y-A-K-A-R-E-M-Y-E -- should I wait for
16 something to happen over on this side before
17 I proceed?

18 MR. PRESIDENT:

19 I think you've spelled it out.

20 PROFESSOR HINDS:

21 Yes.

22 BY PROFESSOR HINDS:

23 Q. That he was instructed by Kajelijeli to
24 bring back reinforcements. This was an
25 agreement reached with Kajelijeli, is that

1 anywhere in your statement of June 26th or
2 your statement of July 26th?

3 A. Well, it is not written in my statement
4 here, but Kajelijeli told us so at the
5 canteen, and I'm sorry, I've just seen a
6 passage in the second statement in which
7 Kajelijeli called the camp, he and Sendugu,
8 to ask for material assistance.

9 Q. I'm simply asking you a question, and I want
10 you to direct yourself just to the question
11 I've asked you.

12 A. I know, Counsel, the answer is here. No, it
13 is not written in my statements.

14 Q. Now you are here testifying at the trial of
15 Juvnal Kajelijeli; is that correct?

16 A. That is correct.

17 Q. And you're giving testimony about what role
18 Juvnal Kajelijeli played in crimes that
19 were committed in 1994; is that correct?

20 A. That's is correct.

21 Q. And on June 26th, when members of the ICTR
22 asked you to sign a statement concerning
23 activities that occurred in Rwanda, they
24 told you they wanted you to give those
25 statements in respect to Juvnal

1 Kajelijeli's trial; isn't that correct?

2 A. They asked me to tell them briefly about the

3 way the genocide unfolded and those that

4 participated in the genocide and I told them

5 briefly.

6 Q. Are you telling this Tribunal that you were

7 not told on June 26th when you signed your

8 statement, that this statement was going to

9 be used in a trial of Juv nal Kajelijeli, is

10 that what you're telling us today?

11 A. I'm sorry, could you repeat that question?

12 Q. Are you telling this Tribunal, sir, that

13 when you gave your statement on June 26th,

14 you did not know that you were going to be

15 testifying in the case of

16 Juvnal Kajelijeli; is that correct?

17 A. No. I knew it, but I said to you that this

18 is Rwandan habit, I kept some ideas, the

19 details, in order to be able to give them to

20 the court later on.

21 Q. You knew that you were testifying, you were

22 going to testify in the Juvnal Kajelijeli

23 case; is that correct? That is on June

24 26th.

25 A. They asked me for information. I didn't

1 know that I was going to appear before
2 court. I thought all the information I gave
3 them was sufficient. I answered questions
4 they put to me and that was all.

5 Q. The question I'm asking you, sir: Did you
6 know that you were given information that
7 would be used in the trial of
8 Juv nal Kajelijeli?

9 A. Yes, if this is a second question to you, I
10 knew very well that those were the ICTR
11 investigators and that during the trial, my
12 statements were going to be used, but I
13 didn't know that I was going to appear as a
14 witness.

15 Q. And when you were given statements
16 concerning activities that took place in
17 April of 1994, the members of the ICTR asked
18 you to give statements that would be used in
19 the Juvnal Kajelijeli trial, didn't they
20 tell you that?

21 A. I'm sorry, Counsel, as I said -- that is,
22 you asked the number of my case file. I
23 said that if there is any further
24 information that they wanted on the
25 unfolding of the genocide in April, 1994,

1 that they should refer to my case file at
2 the level of the ***** *****.
3 And if you ask me all that --

4 MR. PRESIDENT:

5 THat is not the answer to the question put
6 to you by counsel--

7 THE WITNESS:

8 Mr. President --

9 MR. PRESIDENT:

10 --is very clear. Is whether the ICTR
11 representative made it known to you that
12 whatever information you're going to give
13 would be used at the trial of
14 Juvnal Kajelijeli. That's the substance of
15 it and that is his question. Did they tell
16 you that?

17 THE WITNESS:

18 They asked me how the genocide was conducted
19 and the participants, and I explained to
20 them, I gave them names. You see, there are
21 several names.

22 MR. PRESIDENT:

23 That the information that you would give, or
24 you were giving, could be or would be used
25 at the trial of Juvnal Kajelijeli at the

1 ICTR. Did they tell you that? Is that the
2 question counsel is asking you?

3 THE WITNESS:

4 Mr. President, I say yes.

5 BY PROFESSOR HINDS:

6 Q. Now, sir, the fact that they told you this
7 on June 26th, the information that you gave
8 them then was all of the information that
9 you could remember at that time; isn't that
10 correct, concerning Juv nal Kajelijeli?

11 A. Counsel -- Mr. President and Counsel, I have
12 a problem answering Kajelijeli's counsel
13 because he's cornering me to say yes or no.
14 He doesn't want me to explain anything.

15 MR. PRESIDENT:

16 If the questions need explanation, the Trial
17 Chamber will allow you to explain. If they
18 don't, you answer them accordingly. It's
19 not a dialogue between you, as a witness, to
20 any of these counsels. It's a dialogue
21 between you and the Trial Chamber through
22 the questions being asked by counsels from
23 both sides.

24

25 I hope you have not forgotten your question

1 again. Please ask your question.

2 BY PROFESSOR HINDS:

3 Q. Were you aware that the information that you
4 were given to the investigators would be
5 used in a case of Juvnal Kajelijeli?

6 MR. PRESIDENT:

7 He has answered that question.

8 THE WITNESS:

9 Yes, I did say "yes."

10 BY PROFESSOR HINDS:

11 Q. So, sir, when you gave your answers on June
12 26th, 2000, those were answers that you were
13 giving concerning what you recalled at that
14 time, were crimes that you thought were
15 committed by Juv nal Kajelijeli during April
16 of 1994 correct?

17 A. Yes.

18 Q. Now, you testified yesterday that Kajelijeli
19 on leaving Nkuli told you and others that he
20 was going off to supervise activities in
21 Mukingo; is that correct?

22 A. Yes.

23 Q. And that this man by the name of
24 I-Y-A-R-A-R-E-M-Y-E, Iyararemye, was going
25 to come back from Mukingo with reinforcement

1 of the Interahamwe; is that correct?

2 A. That's correct.

3 Q. But you never mention any of that in your

4 statement of June 26th; is that correct?

5 A. No, I didn't note that. I didn't say that.

6 Q. And you never mention any of that in your

7 statement of July 26th; is that correct?

8 A. Yes, I answered questions they put to me,

9 just as you're putting questions to me.

10 Q. The question that I'm asking you, sir:

11 Isn't it a fact that neither in your

12 statement of July 26th of 2000, or in your

13 first statement of June 26th of 2000, did

14 you make any reference to Juvnal Kajelijeli

15 leaving to supervise activities in Mukingo

16 on the morning of April 7th; nor did you

17 make any reference to any reinforcements

18 being sent back by the Interahamwe; isn't

19 that a fact? You made no reference in

20 either of those statements?

21 A. Well, I didn't say so for purposes of the

22 safety of this witness, Iyararemye, because

23 it was him who should explain whether he

24 went with Kajelijeli in the morning to bring

25 back -- fetch the reinforcement. This is

1 why I didn't mention it.

2 MR. PRESIDENT:

3 He never made any mention of it.

4 THE WITNESS:

5 Yes, Mr. President.

6 MR. PRESIDENT:

7 Is the answer that was required.

8 PROFESSOR HINDS:

9 Thank you, Your Honour.

10 BY PROFESSOR HINDS:

11 Q. Now, sir, you testified that you used --
12 withdrawn.

13
14 In your testimony yesterday, you indicated,
15 sir, that the weapons that were distributed
16 on the 26th, were stored in an office of the
17 lady inspector of the primary school, a wife
18 of Shadrak; is that correct?

19 A. No, I didn't say the 26th, I said in the
20 morning of the 7th, April, 1994, and the
21 counsel is talking about the 26th. I said
22 another date.

23 PROFESSOR HINDS:

24 If I did say that, then I stand corrected.

25

1 BY PROFESSOR HINDS:

2 Q. In your statement of July 26th, you made
3 reference to weapons that were brought to
4 the commune being stored in the office of
5 the lady inspector of the primary school,
6 the wife of Shadrak; is that correct?
7 Withdrawn. Withdrawn?

8 MR. PRESIDENT:

9 Was it in his statement or in his evidence?

10 PROFESSOR HINDS:

11 It was in his testimony.

12 MR. PRESIDENT:

13 Yes, yes. I think he did say that in his
14 evidence.

15 PROFESSOR HINDS:

16 Absolutely. Let me start all over again.

17 MR. PRESIDENT:

18 Well, if it is in his statement --

19 PROFESSOR HINDS:

20 No, no, let me start all over again.

21 BY PROFESSOR HINDS:

22 Q. Sir, do you recall in your testimony of
23 yesterday that you testified that on April
24 7th, sometime in the morning, that weapons,
25 which were obtained from the Mukamira Camp,

1 were stored and deposited in the office of
2 the lady inspector of the primary school,
3 the wife of Shadrak Sendugu? Do you
4 remember making that statement yesterday?
5 A. Yes, I do.
6 Q. Were the weapons stored before they were
7 distributed? Are you reading your
8 statement? Sir, are you reading your
9 statement? Sir, are you reading your
10 statement now as I'm talking to you?
11 A. Yes, you asked me --
12 Q. If you do not remember, then -- if you don't
13 remember your statement, the Court will give
14 you an opportunity to refresh your
15 recollection by reading the statement before
16 you answer. But you shouldn't be reading
17 your statement as I'm asking you a question.
18 MR. PRESIDENT:
19 Yes, could you listen carefully.
20 THE WITNESS:
21 I'm sorry, Counsel, kindly take back your
22 statement. I shall answer because I can do
23 that off-the-cuff. I'm sorry, I cannot
24 answer another question if you don't take
25 your statement back -- this statement back.

1 MR. PRESIDENT:

2 Witness GDD --

3 THE WITNESS:

4 Mr. President --

5 MR. PRESIDENT:

6 Witness GDD, you can put it aside, you might

7 need it at some stage. So, but listen

8 carefully to the questions being put by

9 counsel. Could you put your question,

10 please?

11 BY PROFESSOR HINDS:

12 Q. You testified, sir, that the weapons were

13 deposited in the office of the wife of

14 Shadrak Sendugu before distribution; is that

15 correct?

16 A. Yes, for several minutes.

17 Q. Now, what time did the weapons arrive?

18 A. Between five o'clock and six o'clock in the

19 morning.

20 Q. And did you testify that the weapons came in

21 a Jeep, a Landrover Jeep?

22 A. Yes.

23 Q. And did you also testify, sir, that in the

24 Jeep there were three officers; is that

25 correct?

1 A. That is correct, and I explained the role of
2 each of them.

3 Q. Now, can you again for us, tell us who were
4 the people at the commune level who were
5 meeting earlier that evening when the
6 decision was being made to obtain the
7 weapons? Who were the individuals who were
8 in the commune office? The names of each of
9 them?

10 A. Were you talking about the eve, is it the
11 morning of the 7th? What do you mean the
12 eve? Is it the eve of the 7th or the
13 morning?

14 Q. The morning of the 7th, or the evening of
15 the 6th. I'm talking about the time when
16 you say decisions were taken to procure the
17 weapons, to obtain the weapons? There was a
18 meeting that you were summoned to, that you
19 said where there was a decision taken to
20 obtain weapons that were being used to
21 commit these massacres. I'm now asking you
22 to list the people who were there, and their
23 titles?

24 A. Now, if my memory doesn't fail me here, I
25 said that in the *****, as I said

1 yesterday, we had the president, Sendugu
2 Shadrak, President of the MRND. There was
3 an orderly of the Gahungu commune. Yes,
4 Gahungu, Jacques -- I'm sorry, I'm sorry.
5 It was Ndazigafuye, Alias Gahungu; Jacques,
6 the orderly of the commune, and there were
7 the two brigadiers and the senior brigadier,
8 Sebazungu. And the deputy brigadier,
9 Boniface Ngabarigha. There was Karorero,
10 the warrant officer. He is an ex-warrant
11 officer, I'm sorry. Now, and of course,
12 myself, GDD, I'm sorry. There was -- yes,
13 there was the secretary of the wife of
14 Sendugu, who was called
15 Shadrak Nikobasanzwe. If my memory serves
16 me right, these were the people. And it
17 should be noted, perhaps, if we talk about
18 Karemie, who was there, he was president of
19 the party of CDR. It's not necessary for me
20 to mention his name, but he was there also.
21 Ndazigaruye, Jacques, N-D-A-Z-I-G-A-R-U-Y-E.
22 For Gahungu, G-A-H-U-N-G-U. Nikobasanzwe,
23 N-I-K-O-B-A-S-A-N-Z-W-E. I'm sorry, don't
24 say that I didn't talk about Kajelijeli
25 because he was not working for the Nkuli

1 commune.

2 BY PROFESSOR HINDS:

3 Q. Was there a judge who was also present at
4 this meeting, a judge of the Nkuli commune?

5 A. Yes, a judge, a tribunal judge. Thank you
6 for reminding me.

7 Q. What was his name?

8 A. I have forgotten his name, but he was a
9 teacher at the Ruhengeri College and he
10 lived in APARP. That is at the bottom of
11 the college. If I remember it in due
12 course, I shall make it available to you.

13 Q. So the people you say who were at this
14 meeting was there were two brigadiers; one
15 was a senior and the other person was a
16 deputy. There was a president of the MRND.
17 There was an ex-warrant officer. Now, the
18 lady inspector of the primary school, she
19 was also there; is that correct? That was
20 Shadrak Sendugu's wife?

21 A. I said the secretary of Sendugu's wife, the
22 secretary. Nikobasanzwe Shadrak she was
23 called, as a secretary.

24 Q. Not his wife who is the lady inspector of
25 the primary school; is that correct?

1 A. Yes, it was through the night, the wife
2 wasn't there. I talked about the Lady
3 Sendugu. As I explained, Ms. Shadrak was
4 the secretary of the inspectorate working
5 under Mrs. Sendugu. This is why I mentioned
6 the wife the Sendugu Shadrak.

7 Q. It was her secretary who was at the meeting;
8 is that correct?

9 A. No. Let me be clearer. Sendugu Shadrak is
10 president of the MRND. His wife is
11 inspector of primary schools. And then,
12 because there is a secretary for the
13 inspectorate, the -- I'm sorry, the
14 secretary of the inspectorate that was there
15 and not the inspector that is Mrs. Sendugu.

16 Q. Okay. Now you also mentioned that there was
17 an orderly who was there; is that correct?
18 His name is Jacques. The orderly?

19 A. Yes.

20 Q. What does an orderly do? What is an
21 orderly? Did you understand the question?
22 What is the job of an orderly?

23 A. Well, I did understand the question, but to
24 define the functions of an orderly, at this
25 time you could be sweeping, cleaning at one

1 time. He could be a messenger. He could be
2 a courier. I don't know, an orderly is
3 there to put some order in the office or
4 something like that.

5 Q. Well, is the orderly a sergeant of arms? Is
6 there somebody -- when you say "an orderly,"
7 is that somebody who is what is called "a
8 sergeant of arms," who makes sure that the
9 meetings take place and are in order and if
10 someone is out of place, they are ejected
11 from the meeting? Is that what you then
12 mean by an orderly, or is it just a
13 messenger or -- I'm trying to understand
14 what an orderly is.

15 A. Yes, Counsel, an orderly at home is a daily
16 paid worker because he has no status. He's
17 there only. I remember that he was a member
18 of the committee of the Ruvuyo cellule.
19 That is *****

20 Q. So he was actually an elected member of the
21 local cellule; is that correct? That was
22 his position, he was a --

23 A. That is quite correct, Counsel.

24 Q. So at this meeting we had political leaders,
25 military leaders, a judge and a secretary of

1 what you call the inspectorate; is that
2 correct? These are all of the titles of
3 these people who were there; is that
4 correct?

5 A. Yes, it was not something planned. We were
6 not prepared. We were not informed. We
7 didn't know that the President's plane was
8 going to be brought down. That is during
9 the night. For example, the chief brigadier
10 was at ***** and the others as well. So
11 ***** and the others as well. So
12 my answer is it was these people, the names
13 of whom I've just cited, at least those who
14 had responsibility at the level of the
15 commune that were there with me at the
16 ***** for that very short meeting.

17 Q. Now, sir, you have just testified and you've
18 listed a number of people who were at the
19 meeting and each of those individuals had
20 some responsibility, either elected or some
21 appointed role. You were the only
22 individual who had no official, appointed
23 role; is that correct? You were not a
24 member of the cellule committee?

25 A. Me?

1 Q. You were the only individual at that meeting
2 who did not have some appointed or elected
3 role; isn't that correct?

4 A. Yes, politically. I had no leadership role
5 in 1994, but I was * *****, a cadre
6 that went to school, incidentally. That it
7 was not those leaders that were there alone
8 in the *****, there were other people from
9 the local population that were *****
10 *****

11 Q. Sir, you mentioned the people who were at
12 this meeting who were making decisions, and
13 you were the only individual who had no
14 elected or appointed role; is that correct?
15 And you said you were there.

16 A. Yes, I attended that meeting.

17 Q. Now, you claim that after the weapons were
18 distributed, in your testimony --

19 MR. PRESIDENT:

20 Professor Hinds, if you are moving on to a
21 new point --

22 PROFESSOR HINDS:

23 New area.

24 MR. PRESIDENT:

25 Perhaps this might be an opportune moment to

1 stop here. It's one o'clock, we'll take a
2 break and resume these proceedings at 2.30.
3 So until then, these proceedings stand
4 adjourned.
5 (Court recessed at 1300H)
6 (Pages 54 to 112 by Kelly Allemang)
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1 (Court resumed at 1435H)

2 MR. PRESIDENT:

3 The proceedings are resumed. We continue
4 with the evidence of Witness GDD in
5 cross-examination. Learned Counsel,
6 Professor Hinds, please.

7 PROFESSOR HINDS:

8 Thank you.

9 BY PROFESSOR HINDS:

10 Q. GDD, I draw your attention to your testimony
11 that you gave yesterday concerning events
12 that took place during the 7th of April
13 of 1994. Sir, you told us yesterday that
14 after Kajelijeli left there was a
15 distribution of weapons to youth and they --
16 and the weapons were distributed at the
17 place of the massacres; is that correct?

18 A. Yes.

19 Q. Were there any other distributions of
20 weapons that were made, other than at the
21 place of the massacres?

22 A. Before the 7th or after the 7th?

23 Q. No. I am just asking you about the 7th of
24 April 1994, and the question I am asking
25 you, sir: Besides the distributions that

1 were made at the places of the massacres,
2 were there any other distributions made?

3 A. No.

4 Q. Weren't distributions made right there at
5 the commune office?

6 A. Yes, in front of the school inspectors's
7 office.

8 Q. So there were distributions that were made
9 in front of the commune office in addition
10 to distributions that were made at the
11 places of the massacre; is that correct?

12 A. Sorry. At the place of the massacres there
13 wasn't distribution of weapons. The weapons
14 were distributed in front of the school
15 inspector's office on the 7th of April 1994.

16 Q. Sir, didn't you testify yesterday that after
17 Kajelijeli left, there was a distribution of
18 weapons to the youths and those weapons were
19 distributed at the place of the massacres;
20 didn't you say that?

21 MS. OJEMENI:

22 No. I'm so sorry. Your Honour, I'm so
23 sorry. Objection. My learned friend is
24 confusing the witness.

25

1 PROFESSOR HINDS:

2 I'm asking the witness a question, and if
3 the witness says, no, I didn't say that,
4 then the record will speak for itself.

5 MS. OJEMENI:

6 It's confusing the witness. The record did
7 not say so.

8 MR. PRESIDENT:

9 Let's hear from the witness.

10 BY PROFESSOR HINDS:

11 Q. Witness, do you understand the question I am
12 putting to you?

13 A. Yes. I did say clearly that the
14 distribution took place in front of the
15 school inspector's office. And on the way
16 when * ***** *** ***** *** ***** *****
17 who were not armed, then *****
18 weapons to those people. But this was on my
19 way, before we got to the place of the
20 massacres. That's the problem that I had
21 when you talked about the place of the
22 massacres.

23 Q. So after *****
24 ***** , that was at
25 that point in time that *****

1 ***** of weapons at the place of the
2 massacres; is that correct?
3 A. Yes.
4 Q. Okay. Now, prior to *****
5 *****
6 *****
7 distribution of the weapons were made on a
8 secteur-by-secteur basis; is that correct?
9 MR. PRESIDENT:
10 Secteur-by-secteur basis?
11 PROFESSOR HINDS:
12 Yes.
13 BY PROFESSOR HINDS:
14 Q. Did you say that in your statement to
15 members of the ICTR?
16 MR. PRESIDENT:
17 Counsel, you, previously -- you are talking
18 about his testimony here.
19 PROFESSOR HINDS:
20 I talked to him about his testimony.
21 MR. PRESIDENT:
22 In court.
23 PROFESSOR HINDS:
24 In court.
25 MR. PRESIDENT:
 Regarding the distribution of weapons.

1 PROFESSOR HINDS:

2 After he uses *****.

3 MR. PRESIDENT:

4 Yes.

5 PROFESSOR HINDS:

6 Now I am asking him with respect to his
7 statement --

8 MR. PRESIDENT:

9 Yes.

10 PROFESSOR HINDS:

11 -- whether or not he said the weapons were
12 distributed on a secteur by secteur basis.

13 MR. PRESIDENT:

14 Maybe you can draw -- you can draw his
15 attention to his statement.

16 PROFESSOR HINDS:

17 That's what I'm --

18 MR. PRESIDENT:

19 Because it was not very clear.

20 PROFESSOR HINDS:

21 Okay.

22 MS. OJEMENI:

23 Your Honours, for purpose of clarity and the
24 witness to appreciate the question that is
25 being put to him, can his attention be drawn

1 to a particular statement?

2 MR. PRESIDENT:

3 Yes, thank you.

4 BY PROFESSOR HINDS:

5 Q. Sir, did you in fact say to representatives
6 of the ICTR, on July 26th of 2000, that the
7 distribution of the weapons were done on a
8 secteur-by-secteur basis; is that correct?

9 A. Yes, I told them, but then I emphasise the
10 fact that I was not the one who distributed
11 those weapons in other secteurs.

12 Q. Sir, that is not -- I haven't asked you
13 anything about other secteurs. Just listen
14 to my question and just answer that, and
15 we'll move quickly along.

16

17 Now, with respect to the distribution of
18 weapons, did you say that conseillers
19 received weapons for each secteur in your
20 statement of July 26th?

21 A. No.

22 Q. You did not say that. I draw your
23 attention, sir --

24 MR. PRESIDENT:

25 Yes.

1 BY PROFESSOR HINDS:

2 Q. -- to your statement on July 26th. And I
3 want you to look at that statement and see
4 whether or not you didn't say that
5 conseillers were supposed to receive the
6 weapons, conseillers from each secteur.

7 MR. PRESIDENT:

8 Which paragraph, Counsel, and the text?

9 PROFESSOR HINDS:

10 I'm now into the English.

11 MR. PRESIDENT:

12 Page and paragraph?

13 THE WITNESS:

14 Sorry. I don't need these statements.

15 MR. PRESIDENT:

16 Listen. Wait a minute. Wait, Witness.

17

18 Interpreter -- Witness -- no, no, no.

19 Listen, Witness GDD. He's going to make the
20 counsel refer to a specific paragraph. You
21 had better have a look at that statement.

22 It's procedural.

23 THE WITNESS:

24 I have understood, Mr. President. Can I
25 plead with you to say something?

1 MR. PRESIDENT:

2 Yes, what do you want to say?

3 THE WITNESS:

4 I notice that the counsel is going around
5 these two statements. I did say and sign
6 the statements on the 26th of June. This is
7 to confirm what I'd said at the time. If it
8 appears in this statement, this is indeed
9 that I said so.

10 MR. PRESIDENT:

11 I understand that. That is not his
12 question. Listen very carefully, and you
13 keep those statements at this time. You
14 will need to refer to them closely. Okay.

15 BY PROFESSOR HINDS:

16 Q. Sir, I asked you previously: Wasn't it a
17 fact that you said on July 26th of 2000, in
18 your statement to the ICTR, that the
19 conseillers were supposed to receive the
20 weapons at the point of distribution at the
21 commune. And you said, no, you didn't say
22 that. Was that your testimony just a few
23 minutes ago? Do you understand what I am
24 saying, sir? You are reading.

25

1 PROFESSOR HINDS:

2 Your Honour, could you instruct the witness
3 to please --

4 THE WITNESS:

5 You have given me the statement for me to
6 read; is that correct?

7 MR. PRESIDENT:

8 No.

9 PROFESSOR HINDS:

10 No.

11 MR. PRESIDENT:

12 The statement -- listen. The statement has
13 been given to you so that there would be
14 references made to specific aspects in that
15 statement and at that time your attention
16 should be drawn to those areas of concern
17 arising from the questions that are going to
18 be asked. But, for the time being, could
19 you please listen to the counsel's question.

20 THE WITNESS:

21 Please.

22 MR. PRESIDENT:

23 Just listen. We'll go faster that way.

24 THE WITNESS:

25 I'm confused; that's why.

1 MR. PRESIDENT:

2 Listen. Your attention will be drawn to the
3 statement -- to the end of the statement of
4 concern. But listen to his question
5 carefully. We shall come to that, perhaps.

6 BY PROFESSOR HINDS:

7 Q. Sir, do you recall that I asked you, just a
8 few minutes ago, whether or not in your
9 statement on July 26th of 2000 to the ICTR,
10 you said that the conseillers from each of
11 the secteurs were supposed to receive
12 weapons and you said no. Is that correct?
13 Is that correct? Is that what you said just
14 a few minutes ago?

15 A. No. It's not the same question. You talked
16 about a distribution in which I was
17 involved. And I told you I was involved
18 only in the *****
19 cellule. As for the other secteurs, I'm not
20 the one who was involved in the said
21 distribution.

22 Q. Sir, again, I'm repeating the same question
23 to you. Didn't you tell members of the ICTR
24 on July 26 of 2000 that the conseillers of
25 each of the secteurs were supposed to

- 1 receive weapons. Didn't you say that?
- 2 A. Yes.
- 3 Q. And didn't you also say at that particular
- 4 time that they were there and everyone, each
- 5 of the conseillers, received their
- 6 proportion except in *****. Isn't
- 7 that correct?
- 8 A. Yes.
- 9 Q. And didn't you say that Shadrak Sendugu, in
- 10 fact, received the portion or the
- 11 distribution for *****; is that
- 12 correct?
- 13 A. Yes.
- 14 Q. And Kajelijeli wasn't there when this was
- 15 going on; is that correct?
- 16 A. I said so yesterday.
- 17 Q. Okay. Now, you also said yesterday that
- 18 there were 100 attackers, is that correct,
- 19 who in fact were involved in the massacres
- 20 that occurred on the 7th; is that correct?
- 21 A. Approximately.
- 22 Q. And you said that these individuals were all
- 23 Hutus; is that correct?
- 24 A. Yes.
- 25 Q. Did you indicate any of that to members of

1 the ICTR on the 26th of July?

2 A. No. I answered the questions they put to

3 me.

4 Q. And you didn't tell them, sir, that there

5 was another group -- withdrawn. And you

6 didn't tell them that these 100 people were

7 organised into groups, including one group

8 that came from Mukingo under the leadership

9 of I-K-A -- I'm sorry. I-Y-A-K-A-R-E-M-Y-E.

10 Is that correct?

11 A. Iyakaremye. Sorry, Counsel. Yesterday, I

12 testified before the Court that

13 approximately 100 people were not made up of

14 the four groups I had referred to. About a

15 hundred of us moved or went down towards

16 *****, and I was referring to the group

17 that came from the commune and moving

18 towards *. I wasn't referring to

19 all the assailants, all the attackers at the

20 place of the attack, because you had to

21 include those of CDR that came from

22 Mukamira, those of Mukingo, plus the people

23 that came from our commune. Thank you.

24 Q. With respect to all of the people you have

25 just mentioned and named just a minute ago,

1 you did not tell anyone from the ICTR about
2 that on July 26th, did you?

3 A. I want to say that all the questions they
4 put to me I answered, and these appear in my
5 statements.

6 Q. Sir, I am asking you a question; I would
7 like you to answer that question. Did you
8 tell representatives of the ICTR, when they
9 interviewed you on the 26th of July of 2000
10 or either on June 26 of 2000, anything about
11 the number of attackers or their composition
12 or whether anybody came from Mukingo? The
13 answer is either yes or no. If you want to
14 refer to your statements, you can look at
15 the statements. Did you make any reference
16 to these facts in your statement to members
17 of the ICTR?

18 MR. PRESIDENT:

19 Counsel, it is a complicated statement. You
20 have read the statement. You are talking
21 about number, composition and where they
22 come from. That's what you are saying?

23 PROFESSOR HINDS:

24 All of that that he has testified to. I'm
25 asking him did he tell the members of the

1 ICTR anything about that.

2 MR. PRESIDENT:

3 Okay.

4 PROFESSOR HINDS:

5 I mean, it's a simple question.

6 MR. PRESIDENT:

7 Have you understood the question,

8 Witness GDD?

9 THE WITNESS:

10 I have understood the question well,
11 Mr. President. When talking about 100,
12 that's where I have a problem, 100 at the
13 place of massacre. I can't say yes or no.
14 If he asked me about the group that came
15 from Nkuli, I can say very easily, yes. But
16 let him be specific.

17 MR. PRESIDENT:

18 No, he's asking -- it's a general question.
19 Number, composition and maybe where they
20 came from. So if it is a number, I think
21 you can understand; you can say. If there
22 was any number mentioned as to whether they
23 came from Nkuli commune, that might be a
24 different matter. I think that is the
25 substance of the question.

1 PROFESSOR HINDS:

2 The question is whether he told the members
3 of the ICTR, either on the 26th of June or
4 the 26th of July, if he made any statements
5 concerning those facts. And it's either yes
6 or no.

7 THE WITNESS:

8 No.

9 PROFESSOR HINDS:

10 Okay.

11 BY PROFESSOR HINDS:

12 Q. Now, concerning the sharing of loot, the
13 sharing of booty, the sharing of the cow --
14 you remember your testimony about the bucket
15 of cow meat? Do you recall your testimony,
16 sir, about the bucket of cow meat?

17 A. Yes.

18 Q. And you told this Chamber that you met with
19 Kajelijeli the evening of April 7th and
20 Kajelijeli came to make an inquiry
21 concerning what accomplishments were made
22 that day; is that correct?

23 A. Yes.

24 Q. And you said that you showed him the smoke
25 and told him that you had accomplished your

1 task, and if he wanted you to eliminate the
2 smoke, you would do that, too; is that
3 correct?

4 A. Yes, I did say so, Counsel.

5 MR. PRESIDENT:

6 There is one thing, Professor Hinds, we want
7 to draw your attention to. Where it is
8 being sought to indicate discrepancies
9 between the oral testimony of the witness
10 here in court with what he may have said to
11 the investigator and borne out in the
12 statement, we would like to have that
13 specific aspect spelt out, clearly, so that
14 the witness can explain himself. The idea
15 of that question being put to the witness
16 is, to him or her, opportunity to explain
17 himself or herself, so that, at the end of
18 the day, when the time comes, the Trial
19 Chamber will evaluate, consider and
20 determine if, indeed, there were perceived
21 contradictions and whether or not they are
22 material or otherwise. So it is extremely
23 important.

24

25 Two, if you go, perhaps, the way you have

1 been going without being specific, it means
2 the entire statement of the accused -- of
3 the witness; I beg your pardon -- you may
4 have to produce as a whole, and then leave
5 it to the Trial Chamber at a later stage to
6 determine the context and the scope of the
7 issues that are being raised. It's up to
8 you.

9 PROFESSOR HINDS:

10 I am quite familiar with the procedures that
11 the Court had indicated in the prior
12 witnesses' testimony. And now I just assume
13 that this was the practice of this Tribunal
14 and that's what we are dealing with. I also
15 know, according to the practice in this
16 Tribunal, that after I am finished with
17 cross-examination, that we have counsel for
18 the Prosecution who would re-examine the
19 witness, and under the Rules, that person
20 would rehabilitate that witness. Those are
21 the Rules.

22 MR. PRESIDENT:

23 We are raising this because, instead of
24 going to specific -- or drawing specific
25 attention to certain aspects, that I think

1 you are alluding to, to be either omissions
2 or were not included or were asked
3 differentially, there is no specific
4 attention being drawn clearly to the witness
5 to be able to explain himself.

6 PROFESSOR HINDS:

7 Well, I, Your Honour, what I am doing is
8 cross-examining. All right. And I am using
9 the techniques of cross-examination that I
10 think are proper. I'm putting questions to
11 this witness dealing with contradiction.
12 If, in fact, there is a need to rehabilitate
13 the witness, and for the witness then to
14 explain, et cetera, that would be provided
15 at the appropriate time. But at this time,
16 I am pointing out the contradictions that
17 exist.

18 MR. PRESIDENT:

19 We are not talking about rehabilitation.
20 That might be done. We are talking about
21 drawing specifically in what is contained in
22 the statement, those aspects that you are
23 seeking to establish that are different or
24 show some discrepancy between his testimony
25 and that statement. In other words, we

1 would prefer, for the better understanding
2 of the Trial Chamber, to have those aspects
3 clearly laid out, drawn to his attention
4 specifically, rather than, you know --

5 PROFESSOR HINDS:

6 Your Honour, we are dealing with omissions;
7 how do you deal with omissions. But, in
8 fact, to say to the witness, did you in fact
9 say this on such and such a day? And if the
10 witness says, yes, then we know it's there;
11 if the witness says no, then we bring it
12 out.

13 MR. PRESIDENT:

14 The omissions have no problem because that
15 means that it's not there, but when you, you
16 know, you remember there was a time we
17 wanted you to -- in fact you were trying to
18 find out what paragraph it was you were
19 referring to, that's the kind of thing, in
20 such situations, we would expect that the
21 witness's attention should be specifically
22 drawn to.

23 PROFESSOR HINDS:

24 If there is a particular statement, and
25 that's what we are dealing with; for

1 example --

2 MR. PRESIDENT:

3 We are not going into argument with counsel.

4 We are telling you what -- we are just

5 making an observation. We are not going to

6 engage ourselves with this kind of thing.

7 We are just stating what we expect.

8 PROFESSOR HINDS:

9 All right. Now we are dealing with an

10 omission; dealing with the bucket of meat.

11 The bucket of cow meat. That's where I am.

12 MR. PRESIDENT:

13 Counsel.

14 MS. OJEMENI:

15 Yes, Your Honour, just to assist the Court

16 for the -- to arrive at a, you know, a

17 definite conclusion on this matter

18 concerning the statements. My learned

19 friend so far as been asking general

20 questions on the statement; no specific

21 paragraph has been drawn to the attention of

22 this witness. And he owes this Court a duty

23 to ensure that justice is done in this

24 matter. And my learned friend should abide

25 by the rules and regulations of this

1 Tribunal, and by so doing, he has to comply
2 with your ruling.

3
4 I have been watching here with -- I mean, I
5 don't want to interrupt, but I know that he
6 -- I mean, he owes the Court a duty to
7 ensure that the valuable time of the Court
8 is not wasted. And I rise to say that he
9 should comply by your rulings by drawing
10 your specific, you know -- specific
11 attention of the witness to -- I mean,
12 drawing the attention of the witness'
13 specific paragraphs, you know, where he
14 feels omissions have been, you know,
15 committed. So that's just what I want to
16 say on this matter.

17 PROFESSOR HINDS:

18 May I, Your Honour?

19 MR. PRESIDENT:

20 If you like.

21 PROFESSOR HINDS:

22 May I proceed with the questions?

23 MR. PRESIDENT:

24 Yes. But please bear in mind what we've
25 said. Please go ahead.

1 PROFESSOR HINDS:

2 I'm now asking this witness whether or not
3 he, in fact, made a statement concerning
4 Kajelijeli coming to the canteen sometime in
5 the evening of the 7th to, in fact, inquire
6 concerning the accomplishments of that day.
7 Your Honour, this is an omission with
8 respect to all of his statements. So we are
9 clear on this. So I can't refer to a
10 paragraph.

11 MR. PRESIDENT:

12 We know, Professor Hinds. We know exactly.
13 And I think the procedure is well known.
14 And the observation we made certainly may
15 not have concerned omissions. Please go on.

16 BY PROFESSOR HINDS:

17 Q. Sir, did you, in fact, say anywhere in your
18 statement on July 26th or June 26 of 2000
19 anything concerning the sharing of cow meat
20 with Kajelijeli when he returned the evening
21 of the 7th?

22 A. No, I didn't do so.

23 Q. And, in fact, you did not make any reference
24 to Kajelijeli returning in order for you to
25 give him any reference to the

1 accomplishments of that day, did you?
2 A. No. You are saying -- well, I made that
3 statement to the ICTR people. You are
4 compelling me to say or to answer yes or no.
5 Why don't you want me to expand on my
6 question; whereas, you are expanding the
7 question?

8 MR. PRESIDENT:

9 That question is very clear, Witness GDD.
10 You can just answer it very briefly. You'll
11 get an answer, I suppose.

12 BY PROFESSOR HINDS:

13 Q. Is the answer no?

14 A. Yes, my answer is no.

15 Q. And isn't it a fact that you made no
16 statements before the ICTR that Kajelijeli
17 was -- in fact, gave each of you 6,000
18 Rwandan francs, as you said, one for the
19 road. You never said that to the ICTR, did
20 you?

21 A. I said so yesterday and you were present,
22 Counsel.

23 PROFESSOR HINDS:

24 Your Honour, could you instruct the witness
25 to answer this question, please, so that we

1 can move on?

2 MR. PRESIDENT:

3 Yes. Would you answer that question? To
4 the ICTR, not to agents; you said that
5 yesterday, Witness.

6 THE WITNESS:

7 I was expecting to expand on it before this
8 Court.

9 MR. PRESIDENT:

10 Okay. What's the answer then?

11 THE WITNESS:

12 My answer is no, I made no such testimony.

13 BY PROFESSOR HINDS:

14 Q. Now, sir, you also said yesterday that
15 Kajelijeli asked you to make sure that no
16 Tutsis were left in your secteur, that you
17 should comb the secteur to make sure that no
18 Tutsis were left in there. Do you remember
19 testifying about that yesterday?

20 A. I said so yesterday.

21 Q. And that, as a result of Kajelijeli telling
22 you that, you went forth and you killed,
23 between the 8th and the 9th, the various
24 families, the *****
25 and you proceeded to kill other people. Do

1 you remember saying that?

2 A. Yes.

3 Q. Did you, in fact, say to representatives of
4 the ICTR that you proceeded to kill these
5 families, because on the evening of
6 April 7th Kajelijeli ordered you to comb the
7 area and make sure that no Tutsis were left
8 in ***** secteur. Did you
9 say that to the representatives of the ICTR?

10 A. No.

11 Q. Now, you testified, sir, yesterday, that in
12 the killing of those people, that is, the
13 *****
14 *****
15 *****
16 ***** that
17 Kajelijeli ordered you to kill them,
18 including the children. Was that your
19 testimony yesterday?

20 A. Yes, Counsel.

21 Q. Isn't it a fact, sir, that you never told
22 representatives of the ICTR, either on
23 June 26 or July 26 of 2000, anything about
24 such orders of Kajelijeli for you to kill
25 these people plus the children. Isn't that

1 a fact? There is no such statement that was
2 made, either on the 26th of June or the
3 26th of July of last year.

4 A. I didn't make that statement because I was
5 expecting to expand on it when I appeared
6 before the Court. I put it aside, and I
7 said so clearly.

8 Q. Now, you also testified, sir, yesterday,
9 that you obeyed Kajelijeli because he was a
10 spokesman of Nzirodera, and they said if you
11 don't kill Tutsis who were enemies, you were
12 accomplices; is that correct? Was that your
13 testimony yesterday, sir?

14 A. Yes.

15 Q. And isn't it a fact that you never told
16 representatives of the ICTR that Kajelijeli
17 or Nzirodera ever told you anything like
18 that. Is that the fact?

19 A. I say, yes, but I have something to say on
20 this one, Counsel. I noticed that you have
21 before you my statements. If what I said
22 before the Court yesterday does not appear
23 in those statements, clearly they don't
24 appear there. So the answer is there. Why
25 should I be repeating the same thing over

1 and over? I'm sorry. You can continue.

2 PROFESSOR HINDS:

3 Your Honour, can you instruct him just to
4 answer the questions, please. He probably
5 doesn't understand that he is required to
6 answer the questions.

7 MR. PRESIDENT:

8 Yes. The issues being raised are important.
9 Just answer them, please. The statement is,
10 in this particular situation, the statement
11 is in the possession of the Defence counsel.
12 The Trial Chamber would like to know what we
13 get from what may be in your statement from
14 these questions.

15 THE WITNESS:

16 Mr. President, sorry. I have heard the
17 counsel say that he was aware or familiar
18 with the procedure. I don't know the
19 procedure. And since I don't know it,
20 that's why I break the rules. Counsel has
21 just said he knows the procedure. I don't
22 know it.

23 MR. PRESIDENT:

24 Okay. The procedure is that you answer
25 those questions. They are important.

1 Please go ahead.

2 BY PROFESSOR HINDS:

3 Q. No, sir, you talked about hearing Nzirorera
4 giving instructions to Kajelijeli at a
5 meeting that was held in 1993; is that
6 correct?

7 A. Yes.

8 Q. And you, in fact, told us who was at that
9 meeting which was held at the end of 1993;
10 is that correct?

11 A. Yes.

12 Q. Okay. Can you tell us again who was at that
13 meeting, at the end of 1993, where
14 Nzirorera, you say, instructed you to act on
15 Kajelijeli's instructions?

16 A. There was the members of the Amahindure
17 group, if I do remember. There was the
18 population from the neighbouring areas,
19 because, as I testified yesterday, it was to
20 introduce the Amahindure group to the
21 population and to explain to them the
22 reasons for their existence; namely, the
23 protection of the area. That's my answer.

24 Q. Was Shadrak there, Sendugu?

25 A. He could not but be there because he was one

1 of the founding members and he was president
2 of the MRND.

3 Q. Was Dominic there?

4 A. Gatsinbana, the bourgmestre, yes.

5 Q. Now, did Nzirorera organise that meeting, to
6 the best of your knowledge?

7 A. No. For any meeting to be held, it is the
8 communal administration that convenes or
9 summons the people concerned, so it is a
10 communal administration that invited the
11 population to attend the meeting. And those
12 who had to chair the meeting introduced
13 themselves or appeared in front of the
14 commune office at Nkuli, to be specific.

15 Q. Was this meeting held in Nkuli or Mukingo,
16 this meeting that you said took place at the
17 end of 1993?

18 A. I have just answered that. It was Nkuli; it
19 was Gatsinbana who invited the population,
20 who was a bourgmestre. So the meeting
21 wasn't held in another commune.

22 Q. Where is the place called Isimbi. What
23 commune is it in?

24 A. In the Mukingo commune, a few metres from
25 the commercial centre of Wasungu (sic) -- I

1 am sorry. The trading centre in the Msungu
2 (sic) secteur.

3 Q. Didn't you say yesterday, sir, that there
4 was a meeting in which Shadrak, Dominic, the
5 Interahamwe of Mukingo was held at ***** --
6 didn't you say that yesterday -- at the end
7 of 1993?

8 A. No, Counsel. I said that we held a meeting
9 at the *. It was not with all of the
10 Interahamwe; if my memory serves me right,
11 that is. If not, Counsel, if you want an
12 Interahamwe meeting, that hall would be too
13 small.

14 Q. Sir, I'm asking you whether or not at the
15 meeting you say that Nzirorera instructed
16 you to act on Kajelijeli's instructions, was
17 it at a meeting that was held at the *****
18 *, at the end of 1993? Was that your
19 testimony yesterday?

20 A. There were several meetings, including the
21 meeting at *. We were at the *****
22 meeting several months or several days
23 afterwards, after the Nkuli commune meeting,
24 so that we had the meeting at the Nkuli
25 commune. It was convened by the bourgmestre

1 Dominic, and then some days after that, we
2 organised a small meeting with the former
3 Minister Nzirodera and Kajelijeli; so at the
4 *****.

5 Q. And none of those meetings that were held,
6 either at Nkuli or at Mukingo, were called
7 by Nzirodera; is that correct?

8 MR. PRESIDENT:

9 I think he just talked about the first
10 meeting at Nkuli, that was called by the
11 bourgmestre. I think that was the most
12 recent evidence on that. So maybe he hasn't
13 said anything about who called the meeting
14 that was heard at *****. But he has a very
15 clear position, and he has explained his
16 evidence why the bourgmestre somebody --
17 Dominic -- should have been the one calling
18 that meeting.

19 PROFESSOR HINDS:

20 I'm now addressing the one at *****

21 MR. PRESIDENT:

22 Yes. If you can confirm that.

23 BY PROFESSOR HINDS:

24 Q. The one at *****, was that called by
25 Nzirodera?

- 1 A. I'm sorry, Counsel. Let us speak the same
2 language. At ***** we are talking about a
3 meeting, but that was sort of a
4 consultation; it was not a meeting like the
5 one that was held at Nkuli.
- 6 Q. Sir, I'm asking you with respect to the
7 meeting, if you want to call it a
8 consultation, that was held at the *****
9 *****, was that called by Nzirodera? That's
10 what I'm asking.
- 11 A. Yes, it was upon the initiative of
12 Nzirodera. It was during the weekend.
- 13 Q. And at that meeting you said that Nzirodera
14 instructed you, among others, to act on
15 Kajelijeli's instructions; is that correct?
- 16 A. That is quite correct.
- 17 Q. Do you recall in your statement to members
18 of the ICTR, sir, that you said that you
19 attended several meetings organised by the
20 population, but not those convened by
21 Joseph Nzirodera. Do you remember saying
22 that?
- 23 MR. PRESIDENT:
- 24 That's para what, page what?
- 25

1 PROFESSOR HINDS:

2 I am now in the English. My colleagues here
3 are going to assist me. This is a statement
4 made on June -- signed on June 26, 2000.

5 MR. PRESIDENT:

6 French, would be what?

7 PROFESSOR HINDS:

8 The French would be -- it is page 5 of the
9 French, the 2nd paragraph from the top, "Je
10 particip"; "I attended".

11 MR. PRESIDENT:

12 That's the ***** meeting.

13 PROFESSOR HINDS:

14 I don't know. It doesn't say here. I don't
15 know.

16 MR. PRESIDENT:

17 Please, go on.

18 BY PROFESSOR HINDS:

19 Q. Sir, I direct your attention to page 5, the
20 second paragraph from the top, starting with
21 "Je particip". Do you recall saying to
22 members of the ICTR that you attended
23 several meetings organised by the population
24 but not those convened by Joseph Nzirorera?
25 Do you remember saying that?

- 1 A. Here, let me explain. I said I attended
2 meetings organised by the population. Here,
3 I didn't express myself clearly. It was not
4 the population who organised. There were
5 the organiser, the officials. It is,
6 rather, to the contrary. The population
7 came upon the invitation of the
8 administrative -- the commune administrative
9 authorities -- I'm sorry -- these meetings
10 organised by the population. Now, they were
11 all meetings organised by the population.
12 You can understand that this is a mistake.
- 13 Q. Sir, didn't you say that you did not attend
14 those meetings convened by Nzirorera because
15 he invited only the bourgmestres and traders
16 to his meetings? Didn't you say that?
- 17 A. These were a few interviews only. Because I
18 did say in my statements, yes, indeed, to
19 obtain an audience with Nzirorera, the
20 minister, one had to go through Kajelijeli
21 and the traders or the commission of the
22 centre. I didn't give all the details to
23 the investigators.
- 24 Q. But didn't you tell the investigators that
25 you did not attend any of the meetings

1 organised by Nzirorera because he only
2 invited bourgmestres and traders; didn't you
3 say that? The answer is either yes or no.
4 Did you say that at page 5, paragraph 2 of
5 your statement of July 26 of 2000? Didn't
6 you say that?

7 A. Counsel, why are you forcing me to say yes
8 or no.

9 PROFESSOR HINDS:

10 Judge, can you just instruct the witness to
11 answer the question, which is a very simple
12 question. He either looks at the document
13 and says, "I said it" or "I didn't say it".

14 MR. PRESIDENT:

15 I think he has answered that question,
16 hasn't he?

17 PROFESSOR HINDS:

18 Has he? He's done a lot of dancing. I
19 don't know what he's said. Yes or no.

20 MR. PRESIDENT:

21 Did you make that statement, the one you are
22 reading?

23 THE WITNESS:

24 Yes, but I am saying that there is a mistake
25 here. You shouldn't forget -- Counsel,

1 please do not interrupt me. I am answering
2 your question, if I may. And this is what
3 you want me to do, isn't it?

4 PROFESSOR HINDS:

5 Your Honour, could you instruct this
6 witness --

7 THE WITNESS:

8 Let me answer your question.

9 BY PROFESSOR HINDS:

10 Q. Answer the question, please.

11 MR. PRESIDENT:

12 You'll have occasion, perhaps, to explain
13 whatever you want to explain. The Defence
14 counsel wants an answer to his question, and
15 he has got it. That's correct. And any
16 other matter you might wish to explain, I
17 suppose you, perhaps, have an opportunity to
18 explain.

19 PROFESSOR HINDS:

20 Thank you, Your Honour.

21 MR. PRESIDENT:

22 There would be an opportunity for that, I
23 believe.

24 THE WITNESS:

25 I didn't know that there would be

1 opportunity for that, Mr. President. I did

2 say so, Honourable Counsel, I did say so.

3 BY PROFESSOR HINDS:

4 Q. Okay. Now the fact that you said that you
5 did not attend any of the meetings convened
6 by Nzirorera, how do you explain you
7 attending a meeting at ***** that you said
8 Nzirorera organised, in which he gave you
9 instructions? How do you explain that?

10 A. It was an interview, consultation, not a
11 meeting. Because all meetings were convened
12 by the administration. And in ***** I
13 didn't say it was the Mukingo communal
14 administration that invited us. It was an
15 interview or consultation because we were
16 called by Nzirorera through Kajelijeli.

17 Q. Now, sir, you told this Tribunal that you
18 have known Juvnal Kajelijeli for a very
19 long time; is that correct?

20 A. That is quite correct.

21 Q. You also told this Tribunal that Nzirorera
22 is *****; is that correct, or
23 stated differently --

24 A. Yes, correct.

25 Q. Okay. Now, you've indicated that Juv nal

1 Kajelijeli owes his political career to
2 Nzirorera; isn't that correct?

3 A. Yes.

4 Q. And you also indicated that Kajelijeli paid
5 for those political favours with gifts, for
6 example, by giving Nzirorera a cow that was
7 looted; isn't that your testimony yesterday?

8 A. No. I said a cow and not a bull.

9 Q. A cow, C-O-W. Do you know what a cow is?
10 C-O-W, cow. Did you, in fact, say that
11 Kajelijeli gave Nzirorera a gift of a cow,
12 C-O-W, which was looted? Do you recall
13 saying that?

14 A. No, didn't say stolen. There are words that
15 you use. I said looted. They took it by
16 force, and I said it was from a Tutsi, and
17 the Tutsi was killed. So it was not stolen,
18 it was taken by force.

19 PROFESSOR HINDS:

20 I don't know what the translation is, but I
21 am using the word looted and the witness is
22 talking about stolen. But it's the same
23 thing, for all intents and purposes.

24 MR. PRESIDENT:

25 You say it's not the same thing, stolen and

1 looted.

2

3 PROFESSOR HINDS:

4 I said looted, but I don't know what is
5 being translated.

6 MR. PRESIDENT:

7 That's possible, yes, because I hear you.

8 PROFESSOR HINDS:

9 You hear me say looted, and he is hearing
10 whatever.

11 BY PROFESSOR HINDS:

12 Q. But your testimony, sir, is that Kajelijeli
13 gave Nzirorera a looted cow as a gift for
14 political favours that were given to him; is
15 that correct?

16 A. Yes, Honourable Counsel.

17 Q. And you also said, sir, that everyone knows
18 that Kajelijeli could not have obtained the
19 political position that he obtained, because
20 he was what you call an Akazu; is that
21 correct? Whatever that means, Akazu. Is
22 that your testimony?

23 MR. PRESIDENT:

24 Akazu is the opposite, perhaps.

25

1 PROFESSOR HINDS:

2 I don't know what it is.

3

4 MR. PRESIDENT:

5 You better find out from the witness.

6 PROFESSOR HINDS:

7 I am asking the witness, Your Honour --

8 MR. PRESIDENT:

9 Yes.

10 PROFESSOR HINDS:

11 -- whether that is his testimony. He can
12 say yes, no, whatever. That is my question
13 to him.

14 THE WITNESS:

15 Could you repeat the question? I shall give
16 you the answer, Counsel.

17 BY PROFESSOR HINDS:

18 Q. Did you say that everyone knew that
19 Kajelijeli was an Akazu, was an uneducated
20 man; he didn't have even a primary
21 education? Did you, in fact, say that
22 yesterday in your testimony?

23 A. Yes, I did assert that. I, indeed, said
24 that was the Akazu that supported
25 Mr. Kajelijeli. The Akazu means those that

1 are very near or within the circle of the
2 former President Habyarimana. The people of
3 the inner circle of the president.

4 Q. So it was the Akazu who, in fact, helped him
5 to get into the position where he was, an
6 uneducated man even without a primary
7 education; is that correct? Was that your
8 testimony?

9 A. That's correct, because in the Ruhengeri
10 prefecture it was Kajelijeli, himself, who
11 had the primary, sort of, education level,
12 so that there must have been somebody to
13 help him to get into the Mukingo
14 administration. And all the population was
15 talking about that. That's what I said
16 yesterday, Counsel.

17 Q. So did you know, sir, that Kajelijeli got
18 his primary education at the Busogo commune
19 in Mukingo; did you know that?

20 A. It was at the Mukingo commune. If he went
21 to secondary school, he should say so to the
22 Court. I am here; let him say whether he
23 went to secondary school.

24 PROFESSOR HINDS:

25 Can you tell him to just answer the

1 question?

2 MR. PRESIDENT:

3 Yes, I think he's answered that he went to
4 primary school in Mukingo. Whatever.

5 THE WITNESS:

6 I answered the question.

7 BY PROFESSOR HINDS:

8 Q. Do you know, sir, that Kajelijeli, Juv nal,
9 attended secondary education at the Shyira,
10 Gisenyi? Do you know that?

11 A. Well, perhaps that true. But the word
12 Shyira -- Shyira is a group.

13 Q. S-H-Y-I-R-A -- G-I-S-E-N-Y-I. Do you know
14 that Juvnal Kajelijeli obtained his
15 secondary education there?

16 A. No, Counsel. Because this is the first time
17 that I hear the same. That establishment
18 didn't exist in the Gisenyi pr fecture. I
19 can tell you all the secondary schools
20 officials, and even the private secondary
21 schools. I know them. And he should
22 perhaps give you an idea of the commune in
23 which that establishment was.

24 Q. Did you know, sir, that Juvnal Kajelijeli
25 obtained training in management and

1 accountancy at the training centre of the
2 Cadres of Gitarama, CFC; did you know that?
3 A. CFC; the centre for cadres in Gitarama?
4 That information, well, I have been to
5 Gitarama on several occasions, but I cannot
6 say whether I have studied arts plus
7 whatever I have studied. I know he's
8 undergone some training here and there, but
9 if he doesn't tell us whether he went to
10 secondary school or he tells us that he has
11 gone to secondary school that existed or did
12 not exist in Rwanda, I'm baffled.
13 Q. Were you aware that Kajelijeli, Juvnal,
14 received management and accountancy training
15 at the facility that I have just mentioned?
16 A. Well, I answered that question. I know --
17 Q. You don't know; is that correct?
18 A. I say, yes, I do know.
19 Q. Oh, you know he received that training?
20 A. Yes, Counsel.
21 Q. And knowing that the man received training
22 in management and accountancy, you have
23 indicated that he, in fact, had no skills
24 that would prepare him to be a bourgmestre;
25 is that correct?

1 A. Because, as a Rwandan, as a humanist, I know
2 that one had to have a training, varying
3 from arts plus several years in academic or
4 higher education establishments before that
5 qualification.

6 Q. Do you know that Mr. Kajelijeli, Juv nal,
7 was an accountant of the commune of Nkuli,
8 from '77 to '80?

9 A. Yes, I did say so. He was accountant of the
10 Nkuli commune when I was the ***** --
11 I paid moneys into his accounts.

12 Q. Were you aware that he was an accountant of
13 the commune of Mukingo from 1980 to 1988?

14 A. Yes, for those dates, because he used to
15 change functions all the time. So far as
16 the date is concerned, I'm sorry, but I know
17 that he was an accountant of the Mukingo
18 commune only. For example, he was
19 bourgmestre in 1993. And, well, I'm sorry.
20 So he was bourgmestre. He replaced one
21 Rugamba (phonetic) who went to RTD. Let me
22 explain to you, so that you see a picture of
23 the functions occupied by Kajelijeli --

24 Q. Sir, I am just asking you specific
25 questions. Just answer those questions,

1 please -- it's going on quarter to four --
2 so we can move and finish your testimony.
3 Just answer my questions.

4
5 Were you aware that he was an accountant of
6 the commune Mukingo from 1980 to 1988? Were
7 you aware of that?

8 A. I know he was accountant for the Mukingo
9 commune, but I cannot tell you the dates.
10 Unless you give me time to recollect, I may
11 be able to give you an answer.

12 Q. All of the dates I'm giving you, sir, are
13 prior to him becoming mayor. I am dealing
14 with his qualifications. But you said he
15 had no qualifications. All of the dates I
16 am giving you are prior to him becoming the
17 mayor of Mukingo. Were you aware --

18 MR. PRESIDENT:

19 Mayor or bourgmestre?

20 PROFESSOR HINDS:

21 Oh, bourgmestre. I assumed they were
22 translating it from the English into French.

23 BY PROFESSOR HINDS:

24 Q. Were you aware that he was a member of the
25 technical commission of the commune of Nkuli

1 from 1978 to 1987?

2 A. Counsel, are you telling me that he had an
3 education level to be able to run a commune?
4 Could you ask him to draw up a communal
5 plan, and he does it if he has that level?
6 A bourgmestre who cannot draw up a simple
7 plan, what can he do? I'm sorry --

8 PROFESSOR HINDS:

9 Your Honour, can you ask the question, so
10 that we can move forward, to answer the
11 specific questions that are put to him. Was
12 he aware that Juvnal Kajelijeli was a
13 member of the technical commission of the
14 commune of Nkuli from '77 to '78. I'm
15 sorry, '78 to '87.

16 BY PROFESSOR HINDS:

17 Q. Answer the question.

18 A. Yes.

19 Q. Were you aware that Juvnal Kajelijeli was
20 vice president of the Banque Populaire from
21 the pr fecture of Ruhengeri and Gisenyi?
22 Were you aware of that?

23 A. That he was president of the Banque
24 Populaire.

25 Q. Vice president.

1 A. That is totally wrong. That is hyper wrong,
2 actually. He was elected by whom? He was
3 *****
4 *****. I'm sorry, Mr. President.
5 I was *****
6 *****. I know, and, as I was the *****,
7 I was the *****
8 *****. This information
9 is falling on me like a brick. I'm asking
10 the Court -- it is true -- to go and get
11 information if what I am saying is not
12 correct.

13 Q. Sir, the question is being put to you and
14 the Court will instruct you to answer it.
15 If you say that you are unaware and that
16 that information is false, I'm sure you will
17 get the information to your counsel and they
18 will present it to impeach the credibility
19 of Mr. Kajelijeli. But I'm asking you a
20 question.

21
22 Were you aware that Juvnal Kajelijeli was
23 vice president of Banque Populaire of the
24 prefect of Ruhengeri, Gisenyi. Were you
25 aware of that? Even though it may fall on

1 you like a ton of bricks, were you aware of
2 it?

3

4 MR. PRESIDENT:

5 Yes. Were you aware whether he was vice
6 president?

7 THE WITNESS:

8 Counsel, I think you are confusing the
9 pr fectures and communes. I'm sorry.

10 PROFESSOR HINDS:

11 Your Honour, can you have the witness answer
12 the question that I have put to him?

13 THE WITNESS:

14 I am going to answer. I did not know that.
15 I told you that.

16 PROFESSOR HINDS:

17 There's no other --

18 THE WITNESS:

19 No, no, no. Don't limit me.

20 PROFESSOR HINDS:

21 Your Honour, there is no question before
22 him.

23 MR. PRESIDENT:

24 Yes, let us proceed.

25

1 THE WITNESS:

2 I clearly said --

3 MR. PRESIDENT:

4 No. Let us proceed.

5 THE WITNESS:

6 I clearly said, Counsel, don't limit me.

7 This is the very first time that you are

8 telling me that Kajelijeli had this title at

9 the level of the prefecture. I was shocked.

10 That's probably why I was out of order. I'm

11 sorry. You may proceed, Counsel.

12 BY PROFESSOR HINDS:

13 Q. Now that you have received an education
14 about the background of Juv nal Kajelijeli,
15 do you now understand why he was able to run
16 a commune as bourgmestre from 1988 to 1993?
17 Are you now in a position to understand how
18 he was able to run the commune?

19 A. No, I couldn't understand that, because you
20 are giving me ideas that are erroneous. I
21 cannot understand, and I will never
22 understand that. I know that he had some
23 training after 1994, the time he went into
24 exile -- I don't know where. Probably he
25 went out to learn English or French. But

1 don't tell me he was there and there was
2 additional training. I'm sorry, but thank
3 you very much.

4 Q. Now, sir, you testified at the meetings that
5 you say you attended at the end of 1993,
6 that at each of these meetings the
7 individuals were given incitement to defend
8 and safeguard national unity and peace; is
9 that correct?

10 A. That is correct.

11 PROFESSOR HINDS:
12 No further questions of this witness.

13 MR. PRESIDENT:
14 Thank you, Learned Counsel.

15 THE WITNESS:
16 Thank you.

17 MR. PRESIDENT:
18 Your statement.

19 PROFESSOR HINDS:
20 The statement. We will highlight those
21 portions, as the Court has instructed in the
22 past with respect to other witnesses, to the
23 extent that we wish to make any submissions.

24 MR. PRESIDENT:
25 Yes, okay.

1 PROFESSOR HINDS:

2 And we do intend.

3 MR. PRESIDENT:

4 Yes. And maybe if it can be done --

5 PROFESSOR HINDS:

6 It will be done before I leave here.

7 MR. PRESIDENT:

8 -- before the evidence of this witness is
9 concluded, so that if there were any areas
10 that may not have been brought to his
11 attention, he has an opportunity to --

12 PROFESSOR HINDS:

13 Your Honour, before the witness leaves, we,
14 of course, reserve our right to recall the
15 witness based upon if we obtained any
16 information --

17 MR. PRESIDENT:

18 We shall come to that.

19 PROFESSOR HINDS:

20 -- from Rwanda, with respect to his files.

21 MR. PRESIDENT:

22 We are aware of that. We shall come back to
23 that. I'm talking about the highlighting of
24 the areas that the Defence perceives may
25 have contradictions or discrepancies, that

1 they should be done as soon as possible so
2 that --

3 PROFESSOR HINDS:

4 We are working on that now, Your Honour.

5 MR. PRESIDENT:

6 -- so if anything may be brought up to the
7 attention of the witness may be so brought
8 before he leaves. But the other matter, we
9 shall come back to that when we finish up,
10 before we adjourn these proceedings.

11 THE WITNESS:

12 Excuse me.

13 MR. PRESIDENT:

14 Yes, what is it?

15 THE WITNESS:

16 I'm sorry. I have just heard that counsel
17 over there are asking whether they could go
18 back to Rwanda. Well, I am against such
19 information because, Mr. President, I could
20 swear -- I swear before you -- I saw with my
21 very own eyes one of Kajelijeli's lawyers
22 giving money out, that is 5,000 francs, when
23 I was in *****. I saw it with my very
24 own eyes.

25

1 MR. PRESIDENT:

2 That is not an issue that is open for
3 discussion here. We are talking about
4 matters of procedure.

5

6 THE WITNESS:

7 Thank you. Thank you.

8 MR. PRESIDENT:

9 Any re-examination for counsel for the
10 Prosecution?

11 MS. OJEMENI:

12 Yes, Your Honour.

13 MR. PRESIDENT:

14 Yes, please.

15 RE-EXAMINATION

16 BY MS. OJEMENI:

17 Q. Witness, good afternoon.

18 A. Good afternoon.

19 Q. I would like to ask you a few questions, and
20 I want you to answer with a yes-or-no
21 answer. If I want you to explain, I will
22 tell you.

23 A. Very well.

24 Q. In response to questions put to you by the
25 learned counsel on the other side, you told

1 this Court a few things, and I will ask you
2 questions based on your responses to those
3 questions, some of them.

4 A. Very well.

5 Q. You told this Court that you were convicted
6 in **** for murder; is that correct?

7 A. Quite correct.

8 Q. Is it your testimony that you were sentenced
9 for ***** but you served *****
10 *****

11 A. That is correct; I recognise that.

12 Q. Why were you released early?

13 A. That was conditional release.

14 Q. What do you mean by that?

15 A. Well, it is a release in the attributions of
16 the Ministry of Justice. The minister is
17 authorised, on the basis of reports
18 submitted by the directorate of prisons, to
19 the director, request the minister to grant
20 a conditional release of a prisoner after
21 the latter has served at least half of his
22 or her sentence, if the minister will say
23 yes or no. Luckily enough, that conditional
24 release was granted me by the Minister of
25 Justice. And this is a law in our national

1 statutes.

2 Q. Thank you. Is it also your testimony that
3 you are currently a convict in Rwanda for
4 the massacre of Tutsis that took place in
5 *****, in Nkuli commune, in Ruhengeri
6 prfecture? The massacre took place in
7 1994, April 1994.

8 A. That is correct.

9 Q. Is your testimony before this Court
10 influenced by the two convictions you have
11 just testified about?

12
13 I repeat my question. Do you want me to
14 repeat? Was your testimony before this
15 Court influenced in any way by the two
16 convictions you have just -- I have just
17 asked you questions on?

18 A. I do not really understand your question.

19 Q. My question is this. I asked you questions
20 concerning your conviction in ****. You
21 said -- you confirmed you were actually
22 convicted. I asked you another question
23 concerning your present position in Rwanda
24 for the conviction, that for your presence
25 -- the fact that you are an ex -- I mean, a

1 convict in Rwanda for the massacre that took
2 place in 1994. I'm now asking you, the
3 testimony you've made before this Court
4 concerning events that Mr. Juvnal
5 Kajelijeli took part in 1994, is this
6 testimony in any way influenced by the fact
7 that you were an ex-convict and now you are
8 a convict?

9 A. No.

10 Q. Have you told the whole truth to this Court
11 concerning the events you talked about that
12 took place in 1994?

13 A. Yes. I swore to tell the whole truth and
14 nothing but the truth, and this is what
15 happened.

16 Q. Did the authorities that approached you --
17 when I talk about authorities, I am
18 referring to Juvnal Kajelijeli, Joseph
19 Nzirorera and the rest that you testified
20 about that approached you to train the
21 ***** in the use of gun and also approached
22 you in the night of the 6th for the
23 preparation of the massacre that took place
24 in ***** on the 7th -- were they aware
25 of your previous conviction in ***** ****

1 ***** Were they aware?

2 A. Yes.

3 Q. Do you know --

4 A. I'm sorry. If I may add something. Well,

5 he knew it very well, but because *****

6 *****, myself, because I was helped by

7 Nzirorera, he knew it very well, because the

8 rules and regulations in Rwanda say that a

9 person that was sentenced for more than six

10 months and imprisoned cannot exercise any

11 function whatsoever in Rwanda. But *****

12 *****, and I just came out of prison so

13 that I have somebody to help me, that is,

14 from the Akazu.

15 Q. Was it, then, by virtue of your past

16 conviction that they approached you knowing

17 that you will agree to assist in eliminating

18 the Tutsis in 1994?

19 A. Yes.

20 PROFESSOR HINDS:

21 Okay, Your Honour. Even on redirect, I

22 mean, this form of questioning is -- and

23 even if we want to save time -- is really

24 not proper. I mean, she is asking him

25 questions, but you cannot just -- I mean,

1 this is so patently leading. Even if we
2 want to save time it's improper.

3 MR. PRESIDENT:

4 Yes. And questions must arise from the
5 cross-examination made.

6 MS. OJEMENI:

7 Your Honour, reference was made to a
8 conviction in ****, which was not raised in
9 examination-in-chief. I'm merely asking
10 questions based on this conviction in ****.

11 PROFESSOR HINDS:

12 Your Honour, she can ask the witness to
13 explain without leading the witness this
14 way. I mean, it's improper.

15 MR. PRESIDENT:

16 At least that, if you need to follow up, if
17 you feel the need to follow up that aspect
18 as well.

19 MS. OJEMENI:

20 The witness has just told this Court that he
21 couldn't have held any position in Rwanda as
22 an ex-convict. The only position he can
23 hold, I am now asking questions on it.

24 MR. PRESIDENT:

25 Okay.

1 PROFESSOR HINDS:

2 And the question is to put to the witness --

3 BY MS. OJEMENI:

4 Q. Witness, can you answer my question, please?

5

6 MR. PRESIDENT:

7 What is the question?

8 BY MS. OJEMENI:

9 Q. Do you know whether it was by virtue of your
10 past conviction --

11 PROFESSOR HINDS:

12 Again she is leading.

13 MR. PRESIDENT:

14 Let him say why he thinks he was picked, if
15 he knows.

16 PROFESSOR HINDS:

17 Absolutely.

18 BY MS. OJEMENI:

19 Q. Why were you picked, as an ex-convict, to
20 assist the authorities in the preparation of
21 the massacre of Tutsis in 1994?

22 A. Yes, I did it. I went into the massacres,
23 although I knew that after the success of
24 the war -- or after the war between the
25 Rwanda authorities and the RPF, I was going

1 to benefit from Kajelijeli and Nzirodera. I
2 was going to enjoy a high-level post, higher
3 level function. That was why I religiously
4 respected all they told me to do.

5 Q. Witness, how many -- can you recall how many
6 times you gave a written statement?

7 A. The number of times, I can't remember. I am
8 sorry.

9 MR. PRESIDENT:

10 Yes, could you go on, Counsel, please?

11 Could you repeat your question?

12 MS. OJEMENI:

13 Yes, can witness be shown the two statements
14 he made.

15 BY MS. OJEMENI:

16 Q. Do you have the two statements? Do you have
17 the two statements you made to the officials
18 of the ICTR?

19 A. No, I don't. Well, I returned them.

20 Q. I want you to look at the two statements
21 and --

22 PROFESSOR HINDS:

23 We'd like to give the witness two clean
24 statements. I think the statements he has
25 are statements with marks on them.

1 MR. PRESIDENT:

2 Perfect. Yes, Counsel.

3 BY MS. OJEMENI:

4 Q. Witness, can you take a look at the two
5 statements and tell me the dates that appear
6 beside your signatures, the two signatures
7 on the two statements. Do you recognise
8 your signatures on the two statements?

9 A. Yes, I do recognise them.

10 Q. What is the date on the one you are holding?

11 A. It is the 26th of June, the year 2000.

12 Q. Yes, the second one?

13 A. The date here is 21st of July, the year
14 2000.

15 Q. Did you make any statement on the
16 26 July 2000? Is there any statement there
17 dated 26 July 2000?

18 A. If I am not mistaken, I was interviewed.

19 Q. I'm asking about the two statements you are
20 holding. You've told me the dates. Did you
21 make any other statement dated 26 July 2000.
22 That's just my question.

23 A. Could you say it again, Madam Counsel?

24 Q. My learned friend, during your
25 cross-examination, made reference to a

1 statement dated 26 July 2000. So I am just
2 clarifying from you whether you have any
3 statement there dated 26 July 2000?

4 A. No.

5 Q. You told this Court that if you told the
6 ICTR officials all you know about what
7 happened, the events that took place in
8 Nkuli commune, particularly *****, the
9 preparation and then the execution, that it
10 would take at least 1,000 pages; is that
11 correct?

12 A. Yes, that's very correct.

13 Q. The details you've told of the massacre of
14 Tutsis -- when I'm talking about details,
15 I'm talking about the preparation all and up
16 to the time the massacre was executed, the
17 details you've given this -- you testified
18 about in this court, are they the truth? Or
19 did you tell the truth about the details
20 that you've testified about in this court?

21 A. Yes, it is the truth. Yesterday, I gave the
22 details in addition to what appears in this
23 statement.

24 Q. Now, Witness, you were asked a few questions
25 on the two statements you have. I'll draw

1 your attention to the statement dated
2 21st July 2000. Could you take a look at
3 paragraph -- page -- I mean, K-- statement
4 -- I have the English. Could you look at
5 the French version with K number K0141008?
6 A. Yes.
7 Q. Could you take a look at the second
8 paragraph on that page? Have you seen the
9 paragraph?
10 A. Yes. But, sorry, Prosecutor. I have a
11 problem with my eyesight. I don't see too
12 well. I can try. I can try all the same.
13 Q. I can read it in English, and then the
14 interpreter will interpret to you.
15 MR. PRESIDENT:
16 Yes.
17 BY MS. OJEMENI:
18 Q. Is that okay? I'll read it in English.
19 A. Yes, yes, okay.
20 Q. I want to ask you questions on two issues.
21 You were asked if you made mention of the
22 meeting that took place in the canteen and
23 you were asked to point out in your
24 statement, the statement dated 20th -- I
25 mean, 26th of June, if you made mention of

1 this meeting. You were also asked about the
2 firearm -- I mean, the role of Kajelijeli in
3 the procurement of the firearms you used on
4 the 7th of April. And I am going to read.

5

6 PROFESSOR HINDS:

7 Your Honour, I'm not sure where we are.
8 Counsel is referring to a statement that was
9 made on the 20th of July, signed on the
10 21st, and asking him whether or not I made
11 -- I asked him a question concerning
12 statements that he made to the ICTR on
13 another date, on June 20th. Now she's
14 reading portions of the July statement. I
15 mean, is this an attempt to confuse everyone
16 or --

17 MR. PRESIDENT:

18 No. It is a follow-up to that issue of
19 details of the -- what the witness said. We
20 referred to -- reference was made to
21 contents of the statement of 26th of June
22 2000, but there was clear evidence -- we
23 referred to it as well -- that he made a
24 statement, another statement on the 21st --

25

1 PROFESSOR HINDS:

2 That's correct.

3 MR. PRESIDENT:

4 -- July 2000.

5 PROFESSOR HINDS:

6 So now she is reading that statement.

7 MR. PRESIDENT:

8 She is reading the statements. I think the
9 purpose might appear, if it is not
10 completed, to say that he never made mention
11 of this kind of thing.

12 PROFESSOR HINDS:

13 No. No. I just want to make sure what she
14 is doing, if she is attempting to establish
15 that he, in fact, did say that at some point
16 in time.

17 MR. PRESIDENT:

18 Yes.

19 PROFESSOR HINDS:

20 Okay. There is no problem with that.

21 MR. PRESIDENT:

22 The ICTR represented him --

23 PROFESSOR HINDS:

24 Yeah, that he said it in some point in time.

25 Okay. No problem with that.

1 MS. OJEMENI:

2 Thank you, Your Honour. May I crave your
3 indulgence to read this paragraph?

4 MR. PRESIDENT:

5 Yes.

6

7 BY MS. OJEMENI:

8 Q. Witness, in answer to several questions put
9 to you, you said: "Coming back to the
10 events of 1994" -- perhaps, let me start
11 with the first paragraph: "This is my
12 second meeting with the investigators of
13 ICTR. During the first meeting, I made a
14 statement of the activities of the
15 Interahamwe in Nkuli commune. During the
16 events in Nkuli commune, during the events
17 of 1994, I am still willing, ready to give
18 evidence on any new issues that were not
19 raised in my previous meeting with the
20 investigators".

21

22 I read: "Coming back to the events of 1994,
23 it was in the night of 6th to 7th April that
24 I heard on radio RTLM that the enemies of
25 the country had shot down the president's

1 plane as it returned from Arusha, killing
2 the president and his army chief of staff,
3 Colonel Nsabimana, together with six
4 officials close to the head of state, whose
5 name I do not remember. It was between 10
6 and 11 p.m. I was already in bed. I was
7 awoken by a communal policeman who was on
8 guard duty at Nkuli commune office. I
9 immediately went to the commune office to
10 join the other ***** who had already
11 assembled there. I immediately went to the
12 commune office to join" -- sorry, excuse me.

13
14 "I found there was Juvnal Kajelijeli, who
15 had spent the night at the home of his first
16 wife in Nkuli, the commune judge, retired
17 warrant officer Karorera and several other
18 people who lived near the commune office.
19 The people were visibly shaken. Suddenly,
20 Kajelijeli addressed us and asked us to take
21 action against the Tutsis in our commune.

22
23 "Shadrak Sendugu, the MRND secretary for the
24 commune, supported against the Tutsi" --
25 sorry. Sorry -- "supported Kajelijeli's

1 proposal. There and then, they telephoned
2 the camp commander and told him that they
3 will need weapons to be used in attacking
4 the Tutsis. Kajelijeli said that every
5 Tutsi was aware of what was happening in the
6 country. On 7th April between 5 and 6 a.m.
7 a military jeep brought weapons to the
8 commune office, where *****
9 ***** had been waiting for them
10 since 5 a.m."

11
12 Did you tell the officials of the ICTR all
13 that happened that night, in this paragraph,
14 as you have told this Court, in your
15 testimony before the Court?

16 PROFESSOR HINDS:

17 Can we have a date? The date that we -- he
18 made the statement.

19 MS. OJEMENI:

20 I said 21st July --

21 PROFESSOR HINDS:

22 Okay. Very good.

23 MS. OJEMENI:

24 -- 2000.

25

1 PROFESSOR HINDS:

2 Very good.

3 BY MS. OJEMENI:

4 Q. My question is, did you tell the officials
5 of ICTR all that you knew that took place in
6 your presence on the night of the 6th to 7th
7 and the early morning of the 7th, in this
8 paragraph?

9 A. Sorry. Before I answer --

10 Q. Witness. Yes or no, please, before you give
11 an explanation.

12 A. Yes -- no, I didn't say everything --

13 Q. Thank you.

14 A. -- to the ICTR agents.

15 Q. Thank you.

16 A. So if you now allow me, there is an error.
17 Instead of talking of the president of the
18 MRND, they are talking about the secretary.
19 Sendugu was not the secretary, MRND
20 secretary. And, again, in the last part of
21 that same paragraph, you are talking about
22 Sendugu, Shadrak, being the president. He
23 was supported by the MRND secretary for the
24 commune. Shadrak Sendugu was not the
25 secretary.

- 1 Q. Thank you very much. All right --
- 2 A. It is, yes. Okay, thank you.
- 3 Q. Thank you. I'll ask -- could you take a
- 4 look at the statement dated 26th June, in
- 5 response to a question put to you concerning
- 6 the meeting, that you told this Court
- 7 yesterday took place at *****. You said it
- 8 was more or less a consultation amongst -- I
- 9 mean, within the Interahamwe member -- or
- 10 within the Interahamwes; is that correct?
- 11 A. Yes, that's very correct; I didn't say so to
- 12 the ICTR representatives.
- 13 Q. When you say you didn't say so, what exactly
- 14 are you saying? You didn't say what?
- 15 Before I asked you this question --
- 16 A. Sorry. I didn't say everything, that is
- 17 with respect to what happened in 1994, you
- 18 know, the entire year. I just briefly -- I
- 19 just was brief.
- 20 Q. I understand. Yes, I understand.
- 21 A. Thank you.
- 22 Q. I'm referring to the meeting that took place
- 23 at *****. Now, can you turn to the
- 24 statement -- well, the English version; it's
- 25 on K0152049. French, Je particip. In

1 French it is the second paragraph. Would
2 you want me to read the English or would you
3 want to look at it and I'll ask you a
4 question? Your attention was also drawn to
5 it by my learned colleague.

6 A. Yes, you can ask me questions on this
7 paragraph.

8 Q. You told this Court there is a mistake in
9 this paragraph. Can you point out the
10 mistake?

11 MR. PRESIDENT:

12 Can you read it for us?

13 MS. OJEMENI:

14 Yes. The paragraph states: "I attended
15 several meetings organised by the population
16 but not those convened by Joseph Nzirorera,
17 as he invited only the bourgmestres and
18 traders to his meetings. On the contrary, I
19 attended many rallies that he organised with
20 Kajelijeli -- that he organised with
21 Kajelijeli between 1992 and 1993. During
22 those rallies he would say that RPF
23 combatants of the Tutsi party were attacking
24 the country and that we must be aware of the
25 Tutsis within whom we are co-habiting".

1 BY MS. OJEMENI:

2 Q. My question now is, did you attend any
3 meeting, because in the French it says
4 "meeting" not "rallies", as stated in this
5 paragraph. The translation says "rallies"
6 and the French says "meetings". Did you
7 attend any meeting that Nzirorera organised
8 with Kajelijeli between 1992 and 1993, as
9 stated here?

10 A. I said, the very first sentence, "I attended
11 several meetings organised by the
12 population"; it is a contradiction. I said,
13 but not those convened by Joseph Nzirorera.
14 There is an error. I think there is an
15 error in translation. And, in addition, it
16 was not the population that was organising
17 the meetings. You are fully aware, the
18 population doesn't organise meetings. It is
19 the administration of the commune or of the
20 prfecture that organises meetings.

21 Q. In this paragraph did you -- were you
22 referring to the meeting you've told this
23 Court that took place in *****?

24 A. Sorry. Not only that meeting.

25 Q. Did you included it in this meeting; yes or

1 no, were you referring to it here?

2 A. Yes.

3 Q. As part of the meeting you referred to? You

4 told the Court in your cross-examination

5 that it was more of a consultation and not a

6 meeting. Were you referring to the meeting

7 here?

8 PROFESSOR HINDS:

9 Your Honour, is she attempting to impeach

10 her own witness?

11 MS. OJEMENI:

12 I am not.

13 PROFESSOR HINDS:

14 He has given her an answer.

15 MS. OJEMENI:

16 I am not.

17 PROFESSOR HINDS:

18 If she wants to impeach him --

19 MS. OJEMENI:

20 I am not.

21 MR. PRESIDENT:

22 Yes.

23 THE WITNESS:

24 If you allow me, can I just give a slight

25 explanation? You are asking me and

1 compelling me to say yes or no, same as --

2 MS. OJEMENI:

3 Can you explain.

4 THE WITNESS:

5 -- as Defence counsel.

6

7 Yes. I said it was -- these were
8 consultations instead of meetings, in the
9 case of *****. It was not a meeting. It
10 was consultations, and so I attended
11 meetings that took place at the Nkuli
12 commune.

13 BY MS. OJEMENI:

14 Q. Once more, could you tell this Court if the
15 testimony you have given in this Court is
16 the truth and nothing but the truth?

17 A. Yes, I can again affirm before the Court
18 that, apart from those mistakes in the
19 paragraph I have just referred to, it is the
20 truth. And may I add that if there were
21 explanations, further explanations, I would
22 be ready to provide them, and that's why I
23 didn't say everything in this statement.

24 Thank you.

25

1 MS. OJEMENI:

2 That will be all for this witness.

3 MR. PRESIDENT:

4 Okay. Let's make the end of the
5 recognition.

6

7 Only one question to you: What was your
8 ethnicity?

9 THE WITNESS:

10 *****

11 MR. PRESIDENT:

12 And the last question, Witness GDD: It is
13 your evidence that after the news of the
14 president's death that night of
15 6th April 1994 you were later called for a
16 meeting by somebody whom you have explained
17 in your evidence. My question is simply
18 this, and this is in clarification, and very
19 briefly, if you may: Why were you called to
20 that meeting that night?

21 THE WITNESS:

22 Mr. President, I was called, firstly,
23 because I was *****
24 ***** in the Nkuli commune, because I was
25 trained by the soldiers of the *****

1 *****, and I stated during the hearing that I
2 was a *****. That's the
3 reason why I was called. Thank you.

4 MR. PRESIDENT:

5 Thank you. Yes, Professor Hinds. This
6 would otherwise mark the end of the witness
7 testimony, but are you through with the
8 highlighting?

9 PROFESSOR HINDS:

10 No. We are not through with the
11 highlighting. We are working on that. And
12 we will not be through with the highlighting
13 until after 5 o'clock.

14 MR. PRESIDENT:

15 Until after 5. But you think you will be
16 through today?

17 PROFESSOR HINDS:

18 It wouldn't be -- let me ask
19 Professor Bompaka.

20 MR. PRESIDENT:

21 Ms. Ojemeni, learned counsel for the
22 Prosecution, what is your position with
23 regard to this matter, the witnesses?

24 PROFESSOR HINDS:

25 Your Honour, I can give you an answer

1 concerning the question you put to me.

2 MR. PRESIDENT:

3 Yes.

4 PROFESSOR HINDS:

5 Professor Bompaka tells me we would be

6 finished with the highlighting by 6.

7 MR. PRESIDENT:

8 By 6.

9 PROFESSOR HINDS:

10 Yes.

11 MR. PRESIDENT:

12 All right.

13 MS. OJEMENI:

14 When do we get it so we can have a look at

15 it?

16 PROFESSOR HINDS:

17 We would be ready to give it to you by

18 6 o'clock.

19 MS. OJEMENI:

20 That's fine.

21 PROFESSOR HINDS:

22 Your Honour, I think that we could resolve

23 that matter the way we've resolved other

24 statements. I don't see there would be a

25 big problem, would it --

1 MR. PRESIDENT:

2 We would like the witness to be around when
3 this matter is finally concluded, because,
4 otherwise, that's what we had in mind when
5 we were asking these questions anyway.

6 PROFESSOR HINDS:

7 If the parties can reach an agreement, if
8 counsel for the Prosecution and us could
9 reach some agreement with respect to the
10 submissions that we submit the statements.

11 MR. PRESIDENT:

12 Yes, but of course the document agreed upon
13 will have to be formally produced in these
14 proceedings in court.

15 PROFESSOR HINDS:

16 Yes. Just as we did with the last
17 witnesses.

18 MR. PRESIDENT:

19 Okay. All right.

20 MS. OJEMENI:

21 Your Honours, does that mean we have to
22 bring back the witness again tomorrow
23 morning? If my learned friend can, you
24 know, rush the whatever, the highlighting,
25 we can finish it by 5. I mean, I don't

1 mind, you know, stepping aside with the
2 co-counsel to get it done and we produce it
3 while the witness is still around, because,
4 you know, the witness should be leaving, you
5 know. I mean, I don't know what the WVSS
6 position is.

7 PROFESSOR HINDS:

8 Your Honour, we will have the document ready
9 by 6. That is what Professor Bompaka tells
10 me.

11 MR. PRESIDENT:

12 Okay.

13
14 Okay. I think what we'll do, Witness,
15 Witness GDD, this marks the end of your
16 testimony. We thank you. We'll have time
17 to review your evidence together with all
18 the other evidence that is going to be
19 adduced during the course of this trial at a
20 later stage. We thank you. Tomorrow, there
21 will be a procedural -- can you translate?

22
23 Tomorrow there will be a formal sitting with
24 regard to your statements, to be
25 reformulated or otherwise to be highlighted

1 into evidence. You may not be required, so
2 you need not come, but you should be around.
3 Wherever you are, you don't need to come to
4 court, because we don't expect any problem.
5 So you don't have to come. Okay. That's
6 one.

7
8 Secondly, there is the ongoing problem of --
9 it's going to be resolved later. There is
10 the ongoing issue of the statements of this
11 kind which could have made elsewhere. So
12 that one remains alive, and it will need to
13 be addressed as soon as possible, so at
14 least these witnesses, particularly who are
15 concerned with these aspects that are being
16 raised before they go, these issues are
17 determined. Okay. So that is the other
18 observation I wanted to make.

19
20 So we will give you time, Counsel, both
21 counsel, for Defence to work on the
22 statements. You make the necessary
23 consultations on this issue, and tomorrow at
24 the usual time, at 9:30, we come down for
25 the single reason of going through the

1 process of admitting, or otherwise, the
2 document that will have been highlighted.
3 Okay.

4 MS. OJEMENI:

5 If the Court please. I think we have a
6 housekeeping matter. Maybe the witness can
7 go.

8

9 MR. PRESIDENT:

10 Yes, you can go. You may leave,
11 Witness GDD. Thank you.

12 THE WITNESS:

13 Thank you, Mr. President. I want to thank
14 the International Tribunal. Thank you.

15 MR. PRESIDENT:

16 We thank you, too.

17 (Witness excused at 1648H)

18 MR. PRESIDENT:

19 Yes, learned counsel for the Prosecution.

20 MS. OJEMENI:

21 Your Honour, in view of the fact that this
22 proceeding was interrupted at the beginning
23 of this week, we were supposed to have
24 started on Monday, in which case we would
25 have taken the three witnesses that we have.

1 We have a witness that is waiting in the
2 witness room. We don't know what the
3 Court's position is as regards the other
4 two, so we would like to hear from the Court
5 what the position is. That's the only issue
6 we want to bring to your attention.

7 MR. PRESIDENT:

8 Yes, thank you, Learned Counsel. Yes.

9 PROFESSOR HINDS:

10 Your Honour, that is tied, obviously, to the
11 motion that we have with respect to the
12 other witness who has already testified and
13 whose statements we have obtained from
14 Rwanda. And that witness, of course, hasn't
15 given -- that witness has given testimony
16 before, and if we are in a position to
17 examine him, we would want to do so. I
18 don't know what the Court's schedule is, but
19 that is a matter that we want to resolve.

20
21 And as the Court has indicated, I think that
22 we have to resolve these discovery issues so
23 that we don't spend this kind of time with
24 witnesses coming back and forth. And the
25 ruling of the Court was for me to use my own

1 due diligence. I've done that with respect
2 to one witness. I've gotten documents -- we
3 now have it in our possession -- that I
4 received last week. I intend to, if it
5 isn't coming forward from the Prosecution, I
6 intend to go back and try to get documents
7 with respect to these other witnesses.

8
9 But the problem that we have is that we are,
10 we feel, we are entitled to this
11 information. Certainly, it goes to the
12 question of the credibility of these
13 witnesses, what they are saying to us, and
14 any prior inconsistent statements that
15 they've made. I don't know how the Court
16 wants to rule. The Court asked to us file a
17 motion; we filed a motion.

18 MR. PRESIDENT:

19 Have you?

20 PROFESSOR HINDS:

21 Yes. We filed a motion yesterday.

22 MS. OJEMENI:

23 We have not been served.

24 PROFESSOR HINDS:

25 It's been served on the Registry, with

1 carbon copies to all of the parties. This
2 was October 3rd.

3 MR. PRESIDENT:

4 Professor Hinds, have you -- with regard to
5 the document you may have secured concerning
6 the previous witness, has the other party
7 been informed, the Prosecution?

8

9 MS. OJEMENI:

10 No. We are just hearing it for the first
11 time.

12 PROFESSOR HINDS:

13 We didn't give them that document. Our
14 position, quite frankly, is that their
15 witness, their witness said he had his file.
16 That's what he said. They forced us to
17 proceed. We came back with the document.
18 If the Court wants us to give it to them,
19 we'll give it to them. All right. But, you
20 know, my position is very clear.

21 MR. PRESIDENT:

22 Yes.

23 PROFESSOR HINDS:

24 It's their witness. I mean, this is not a
25 matter of us just going through hurdles.

1 MR. PRESIDENT:

2 We shall go into it when the issue is
3 ventilated formally. But, of course, we are
4 just talking as a matter of -- to be able to
5 proceed. I mean, the disclosures have got
6 to be made to all the parties concerned. I
7 mean, that is basic. So that all of you are
8 in a position to assist the Trial Chamber
9 when the issue is actually raised, and how
10 we proceed from there.

11
12 When are you planning to get back to -- when
13 were you planning to leave, the Defence?

14 PROFESSOR HINDS:

15 When am I planning to leave --

16 MR. PRESIDENT:

17 Yes.

18 PROFESSOR HINDS:

19 -- Arusha? On the first plane out of here
20 tomorrow; on the first plane out of here. I
21 don't intend to spend another minute other
22 than that time, unless I am going to get a
23 divorce. I do not intend.

24 MR. PRESIDENT:

25 We are asking this question because we have

1 to consider the time frames we have and the
2 issues that we dealt with.

3 PROFESSOR HINDS:

4 I have not been home since the 9th of
5 September and I have to go.

6 MR. PRESIDENT:

7 Yes, counsel for the Prosecution, I think it
8 is not possible -- we've lost a lot of time.
9 It's not possible to take up another witness
10 tomorrow and be able to finish him or her in
11 the course of the day. So we'll have to
12 take up these other following witnesses when
13 we next meet, which the schedule is very
14 clear.

15

16 The other issues by way of administrative
17 arrangements, we shall deal with them
18 tomorrow so that we have a clear picture of
19 how we are going to deal with these issues
20 and also how we think, perhaps, the
21 witnesses who have already testified and who
22 may be required, should be, you know, should
23 be handled. So maybe we'll deal with it
24 tomorrow morning after the initial -- after
25 the admission or otherwise of the documents

1 concerning Witness GDD.

2 MS. OJEMENI:

3 Your Honours, before we adjourn, I've just
4 been informed of two issues, or rather, let
5 me put it this way, to borrow the word of
6 GDD -- two issues have just come to me as a
7 surprise like a ton of bricks. We are just
8 hearing for the first time that the Defence,
9 you know, have got the statements from
10 Rwanda, without disclosing the statements to
11 us. If they intend to recall the witnesses,
12 I'm sure they know what to do.

13
14 And, secondly, the issue of motion, we have
15 just been informed they have filed a motion.
16 I thought we had established a rapport with
17 the Defence. In the past the Defence used
18 to fax or send a notice to us. I'm just
19 hearing this for the first time that the
20 motion was actually filed yesterday. So I
21 just thought I should bring it to the
22 attention of this Court, and express our,
23 you know, the displeasure that the Defence
24 -- or disappointment that the Defence had to
25 tow that line, I mean, at the end of the day

1 when we finished almost half of the
2 witnesses. I thought in the spirit of
3 cooperation amongst colleagues, he would
4 have at least put us on notice. Thank you.

5 MR. PRESIDENT:

6 Thank you, Learned Counsel. We haven't seen
7 it either. It must be somewhere. Okay.
8 You want to say something?

9 PROFESSOR BOMPAKA:

10 Yes, Mr. President. I would like to say
11 something. The motion was filed with the
12 central services yesterday on the
13 3rd of October in the afternoon, and it is
14 that service which is supposed to ventilate
15 or circulate that motion to all other
16 parties. And, unfortunately, it is sad for
17 us to note that that motion has not reached
18 you. It was filed on the 3rd of October in
19 the afternoon.

20 MR. PRESIDENT:

21 Okay. We will just take note of that and
22 see what is being done about it and make
23 sure that the parties, including the
24 Chambers, do get that motion by the end of
25 the day. But a little time remains for

1 that.

2 PROFESSOR HINDS:

3 With respect to the other matter. We have
4 the statements which we will give to our
5 learned counsel, pronto. This would be --
6 it's here. Through our diligence and
7 efforts, we will give it to you, although we
8 know you have it.

9 MR. PRESIDENT:

10 Okay. Until tomorrow at 9:30 in the
11 morning, these proceedings stand adjourned.
12 (Court adjourned at 1755H)
13 (Pages 113 to 201 by S. Fleming)

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25

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

2 We Kelly Allemang, Regina Limula and
3 Shannon Fleming, Official Court Reporters for the
4 International Criminal Tribunal for Rwanda, do hereby
5 certify that the foregoing proceedings in the
6 above-entitled causes were taken at the time and place
7 as stated; that it was taken in shorthand (stenotype)
8 and thereafter transcribed by computer under our
9 supervision and control; that the foregoing pages
10 contain a true and correct transcription of said
11 proceedings to the best of our ability and
12 understanding.

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

10

11

12 _____ (pages 1 to 53)
Regina Limula

13

14

15 _____ (pages 54 to 112)
Kelly Allemng

16

17

18 _____ (pages 113 to 201)
Shannon Fleming

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