

ICTR
CRIMINAL REGISTRY
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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE No.: ICTR-98-38-DP

THE PROSECUTOR
OF THE TRIBUNAL

AGAINST

JOSEPH NZIRORERA

16 July 1998
0945

Before: Mr. Justice Laity Kama, President

Registrar: Ms. Prisca Nyambe

For the Prosecution: Mr. Jonah Rahetlah

For the
Accused: Mr. Frederick Kinabo

Court
Reporter: Marilyn G. Young

1 MR. PRESIDENT:

2 I would like to ask Mr. Joseph Nzirorera to come
3 before the Tribunal.

4

5 Are you indeed Mr. Joseph Nzirorera?

6 THE INTERPRETER:

7 He is asking for the French channel.

8 MR. PRESIDENT:

9 Are you indeed Mr. Joseph Nzirorera?

10 THE ACCUSED:

11 Yes, Mr. President, my name is indeed Joseph
12 Nzirorera.

13 MR. PRESIDENT:

14 Where were you arrested?

15 THE ACCUSED:

16 I was arrested in Cotonou, in Benin, on the 5th
17 of June, 1998.

18 MR. PRESIDENT:

19 And you were transferred to the detention
20 facility in Arusha on what date?

21 THE ACCUSED:

22 On the 10th of July, 1998.

23 MR. PRESIDENT:

24 Now, as I have said to the persons who came
25 before the Tribunal before you, you are

1 appearing here before the judge who ordered your
2 transfer to Arusha as well as your detention
3 here so that we can verify and that we assure
4 ourselves that your rights have been respected
5 as provided for by Rule 42 of the Rules of
6 Procedure and Evidence governing this Tribunal
7 and which is entitled, "Rights of the suspects
8 during investigation."

9
10 Now, I'm putting it to you, did you meet any
11 investigators of the Office of the Prosecutor
12 who may have questioned you?

13 THE ACCUSED:

14 Yes.

15 MR. PRESIDENT:

16 Where?

17 THE ACCUSED:

18 Mr. President, I met two investigators in
19 Cotonou, two investigators of the Tribunal from
20 Kigali.

21 MR. PRESIDENT:

22 Do you remember the date possibly?

23 THE ACCUSED:

24 I was questioned twice, on the 12th and the 13th
25 of June, 1998.

1 MR. PRESIDENT:

2 12th and 13th June?

3 THE ACCUSED:

4 Yes, yes, I was questioned on those days.

5 MR. PRESIDENT:

6 Now, before you were questioned on the 12th and
7 13th of June, on the 12th of June in particular,
8 by the investigators of the prosecutor, were you
9 informed of your various rights?

10 THE ACCUSED:

11 Yes, yes, Mr. President. The investigators read
12 fully the rights of the suspect. Yes, they read
13 fully that text to me as well as the material
14 text mentioning my rights. In other words, I
15 could respond to some questions without a
16 lawyer.

17 MR. PRESIDENT:

18 So this was done in due form. You were very
19 clear.

20 THE ACCUSED:

21 Yes, I'm not just being very clear. I studied
22 exact sciences.

23 MR. PRESIDENT:

24 So we have to be exact in what we are saying.

25 THE ACCUSED:

1 That is so, Mr. President.

2 MR. PRESIDENT:

3 Now I shall give the floor to your counsel, Mr.

4 Kinabo.

5 THE ACCUSED:

6 I have a small question.

7 MR. PRESIDENT:

8 I will give you the floor later.

9 Counsel Kinabo, please. Could you, please,

10 introduce yourself, Mr. Kinabo?

11 MR. KINABO:

12 May it please, Mr. President, my name is

13 Frederick Kinabo, duty counsel for Joseph

14 Nzirodera.

15 MR. PRESIDENT:

16 Do you have any observations to make following

17 what he has said?

18 MR. KINABO:

19 My instructions are as presented by the suspect

20 and I have nothing to add.

21 MR. PRESIDENT:

22 Okay. Thank you very much.

23

24 Mr. Prosecutor.

25 MR. RAHETLAH:

1 I have no observations, Mr. President.

2 MR. PRESIDENT:

3 Mr. Joseph Nzirorera, all your rights have been
4 respected as a suspect. Now I give you the
5 floor if you have any further observations.

6 THE ACCUSED:

7 Yes. I thank you very much, Mr. President. I
8 have two small things, if not three.

9
10 When I was with the investigators when they
11 arrested me I asked them to show me the warrant
12 of arrest on the basis of which I was arrested.
13 They said nothing to me. That's No. 1.

14
15 No. 2, I asked what were my crimes for which I
16 was accused. I was told that this would be told
17 to me later.

18
19 Thirdly, they have taken things from my
20 documents. They took away these documents
21 without any report and I didn't sign anything
22 concerning the list of the documentation that
23 they have taken away from me and I don't know
24 where they are now and we are dealing with a
25 delicate issue.

1
2 So this is what I would like to inform the Court
3 of but otherwise all the other procedures were
4 respected and I thank you, Mr. President.

5 MR. PRESIDENT:
6 I told your colleagues that the prosecutor had
7 the right to request for your arrest if there
8 are other things which were done, if there were
9 things which were taken from you by the police
10 in Benin.

11 THE ACCUSED:
12 Yes, it is the Benin police following
13 instructions from the investigators. I would
14 wish that the list of documents be identified so
15 that one day or another I can indeed say that
16 these documents indeed did come from my
17 residence.

18 MR. PRESIDENT:
19 Yes, during the seizure there should be a report
20 which you were supposed to sign. So we have
21 taken due note of this.

22 THE ACCUSED:
23 I thank you very much, Mr. President.

24 MR. PRESIDENT:
25 Thank you, Mr. Nzirorera. You may withdraw.

(Hearing was adjourned.)

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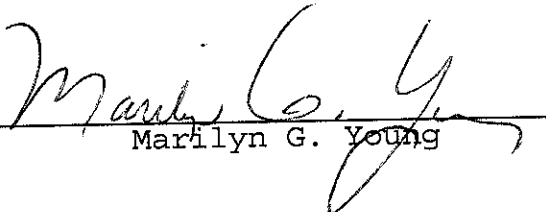
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C E R T I F I C A T E

1
2 I, Marilyn G. Young, Official Court Reporter
3 for the International Criminal Tribunal for Rwanda, do
4 hereby certify that the foregoing proceedings in the
5 above-entitled cause were taken at the time and place as
6 stated; that it was taken in shorthand (Stenotype) and
7 thereafter transcribed by computer under my supervision and
8 control; that the foregoing pages contain a true and
9 correct transcription of said proceedings to the best of my
10 ability and understanding.

11 I further certify that I am not of
12 counsel nor related to any of the parties to this cause and
13 that I am in no wise interested in the result of said
14 cause.

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17 
18 Marilyn G. Young
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