

1 THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
2
3 CASE NO.: 98-44A-T THE PROSECUTOR
4 OF THE TRIBUNAL
5 AGAINST
6
7 JUVÉNAL KAJELIJELI
8 13 MARCH 2001
9 0942H
10 TRIAL
11
12 Before: Mr. Justice Laity Kama, Presiding
13 Mr. Justice William H. Sekule
14 Mr. Justice Mehmet Güney
15
16 Trial Chamber II Coordinator:
17 Ms. Cecile Aptel
18
19 Courtroom Officer:
20 Mr. John Kiyeyeu
21
22 Courtroom Assistant:
23 Mr. Abraham Koshopa
24
25 For the Prosecution:
Mr. Ken Fleming
Ms. Ifeoma Ojemeni
Mr. Jayantha Jayasuryia
For the Defendant:
Mr. Lennox Hinds
Court Reporter:
Ms. Geraldine O'Loughlin

KAJELIJELI

DATE

1 I N D E X

2

3 W I T N E S S

4 For the Prosecution

5 Mr. Antonius Maria Lucassen
Examination-in-chief by Mr. Fleming.....29

6

7 E X H I B I T S

8 Prosecution Exhibit No. 1.....36

9

Prosecution Exhibit No. 2.....40

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Prosecution Exhibit No. 3.....43

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Prosecution Exhibit No. 4.....50

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

2 MR. PRESIDENT:

3 Session called to order. Registrar, you
4 have the floor.

5 THE REGISTRAR:

6 Trial Chamber II of the International
7 Criminal Tribunal for Rwanda, composed of
8 Judge Laïty Kama, presiding, Judge William
9 H. Sekule and Judge Mehmet Güney, is now
10 sitting in open session, today, Tuesday, the
11 13th of March 2001, for the commencement of
12 the trial in the matter of the Prosecutor
13 vs. Juvénal Kajelijeli,
14 Case No. ICTR-98-44A-T. Thank you,
15 My Lords.

16 MR. PRESIDENT:

17 Thank you, distinguished Registrar.

18
19 Okay. Now, we shall begin this sitting with
20 the Accused Juvénal Kajelijeli. And it is
21 the practice that he introduces himself. I
22 should like the Prosecutor to appear for the
23 trial. You have the floor -- not for the
24 opening statement, presentation of the
25 Office of Prosecutor.

1 MR. FLEMING:

2 Thank you, Your Honour. Your Honours, I
3 appear with my learned friends Ms. Ojemeni
4 and Mr. Jayasuryia. I'm Ken Fleming, senior
5 trial attorney.

6 MR. PRESIDENT:

7 Thank you very much. We know also Professor
8 Hinds, but you have to.

9 MR. HINDS:

10 Lennox Hinds representing Mr. Kajelijeli,
11 and I am assisted by Ms. Lilian Sepulveda,
12 who we introduced to the Court yesterday.

13 MR. PRESIDENT:

14 Thank you, very much, Defence. I shall now
15 give the floor to the Prosecutor, if he
16 wants to make an introductory remark
17 pursuant to Rule 44. You can have the
18 floor.

19 MR. FLEMING:

20 Thank you, Your Honours. In respect of
21 Rule 44, Your Honour said?

22 MR. PRESIDENT:

23 No. Forty.

24 MR. FLEMING:

25 I'm sorry, Your Honour. I thought I might

1 have missed something.

2 MR. PRESIDENT:

3 Maybe the translation. I know the Rules.

4 MR. FLEMING:

5 Your Honours have before you an indictment
6 in respect of Juvénal Kajelijeli, the
7 precise particulars of which I will come
8 back to subsequently.

9
10 Your Honours, in the ICTY in the Prosecutor
11 vs. Furundzija, before the Court at first
12 instance, and at page 183, the learned Trial
13 Chamber said this:

14
15 "The essence of the whole corpus of
16 international humanitarian law, as well as
17 human rights law, lies in the protection of
18 the human dignity of every person, whatever
19 his or her gender."

20
21 May I interpose there, or race or ethnic
22 origin.

23
24 "The general principle of human respect for
25 human dignity is the basic underpinning and,

1 indeed, the very raison d'être of
2 international humanitarian law and human
3 rights law. Indeed, in modern times it has
4 become of such paramount importance as to
5 permeate the whole body of international
6 law. This principle is intended to shield
7 human beings from outrages upon their
8 personal dignity, whether such outrages are
9 carried out by unlawfully attacking the body
10 or by humiliating or debasing the honour,
11 the self-respect or the mental well-being of
12 a person."

13
14 That statement appeared within a reasonably
15 narrow context of that case, and I will
16 return to it within that narrow context.

17
18 However, it is a statement applicable to
19 human rights law as is developing in
20 tribunals such as this. The very
21 underpinning of human rights law is the
22 dignity of every person, whether that
23 dignity be a physical dignity or a mental
24 dignity.

25

1 There have been few disasters in the recent
2 history of mankind to parallel the brutality
3 and the aggression which was seen in Rwanda
4 in 1994. There may perhaps have been world
5 disasters, from natural disasters and
6 disease, but we tend to give them
7 pseudonyms. We say, for example, they are
8 an act of God, they're an event of nature,
9 or some such thing. The difference between
10 that sort of event and the event which
11 occurred in Rwanda lies in human
12 accountability. For some of those natural
13 phenomena which cause so much grief and loss
14 of life there is nobody to be called to
15 account. But for at least the last 50 years
16 since the end of the Second World War there
17 has been a view amongst humankind that
18 people who cause atrocity and human
19 suffering ought to be made accountable for
20 that -- the very purpose why this Tribunal
21 is established.

22

23 If there is a right to human dignity, then
24 the reverse side of that right is to make
25 those accountable who abuse that human

1 dignity, and that is why, we would submit,
2 that Juvénal Kajelijeli is on trial here
3 today.

4
5 It is, of course, this Trial Chamber's
6 responsibility to make a person accountable.
7 It is not the Prosecutor's responsibility.
8 This Trial Chamber supervises, from the
9 outset, a process against an individual.
10 The Prosecutor stands as the vehicle for
11 proposing the evidence before this Court and
12 making legal submissions. It is not our
13 responsibility to reach a conclusion about
14 anybody's guilt or innocence; but, rather,
15 Your Honours, it is yours. We shall, of
16 course, assist by the presentation of
17 evidence and the making of legal
18 submissions, but the responsibility belongs
19 to this Trial Chamber to determine whether
20 or not the Accused here is accountable for
21 an abuse of human rights.

22
23 Of course, this Trial Chamber must be
24 satisfied that those abuses are established
25 beyond reasonable doubt. That is a standard

1 of proof accepted by so many jurisdictions
2 around the world and cannot be doubted, and
3 we, of course, strictly adhere to that
4 proposition. Your Honours must establish
5 the guilt of Mr. Kajelijeli beyond
6 reasonable doubt.

7
8 It is our submission that as a matter of law
9 Your Honours will do so, because of the
10 evidence that we intend to call.

11
12 Turning then, specifically to the
13 indictment, the Accused is charged with
14 11 separate charges.

15
16 Count 1 -- he is charged with a conspiracy
17 to commit genocide.

18
19 Count 2 -- he is charged with the committing
20 of genocide.

21
22 Count 3 -- in the alternative to Count 2, he
23 is charged with complicity in committing
24 genocide.

25

1 Count 4 -- he is charged with direct and
2 public incitement to genocide.
3
4 Count 5 -- he is charged with crimes against
5 humanity, specifically murder.
6
7 Count 6 -- he is charged with crimes against
8 humanity, specifically extermination.
9
10 Count 7 -- he is charged with crimes against
11 humanity, specifically rape.
12
13 Count 8 -- he is charged with crimes against
14 humanity, specifically persecution on
15 racial, political or religious grounds.
16
17 Count 9 -- he is charged with crimes against
18 humanity, which are other inhumane acts.
19
20 Count 10 -- he is charged with serious
21 violations of Article 3 common to the Geneva
22 Conventions and Additional Protocol, and
23 specifically with murder as well as cruel
24 treatment, such as torture, humiliation,
25 corporeal punishment and the like.

1 And, Count 11 -- again, serious violations
2 of Article 3 common to the Geneva
3 Conventions and Additional Protocol II; he
4 is charged specifically that he is
5 responsible for causing outrages against
6 personal dignity, in particular humiliating
7 and degrading treatment, rape and other
8 matters.
9
10 Your Honours, the events about which we will
11 speak occurred the morning after the
12 shooting down of President Habyarimana's
13 plane. It is none of our case to attribute
14 blame to the shooting down of that plane.
15 It is of no consequence in this case, except
16 to say that it was the starter's flag for
17 one of the most barbaric episodes in the
18 history of modern man. The precise extent
19 of the barbarism isn't known because nobody
20 could count the bodies, and nobody can give
21 an exact census of how many there were
22 before the atrocity and how many there are
23 after the atrocity. But we know that it was
24 barbarism beyond what has been known in the
25 modern world in a long time.

1 We, of course, not only have to prove that
2 there was genocide; specifically, we have to
3 prove that the Accused had a role in that
4 genocide and specifically those matters
5 which we have just enumerated.

6
7 To encapsulate the case -- and this is all I
8 wish to do because so much of the evidence
9 is available, and there has been a
10 revelation of most of the evidence, if not
11 all of the evidence within documents that
12 are before this Court -- so I wish only to
13 encapsulate the case.

14
15 This case is about three horrifying days in
16 Ruhengeri, an area in the north of the
17 country which was the stronghold of
18 President Habyarimana. The President's
19 plane was shot down on the evening of the
20 6th of April 1994. On the 7th of April 1994
21 there began a series of massacres early in
22 the morning of the 7th of April in Mukingo,
23 Nkuli, Busogo parish and, a couple of days
24 later, at the Ruhengeri Court of Appeal.

25

1 Your Honours will find it ironic that two
2 places where modern man attempts to find
3 some reconciliation in life became the
4 venues of such a massacre. At Busogo parish
5 where people went to pray, at Ruhengeri
6 Court of Appeal, where people went for
7 justice, both became places of massive
8 injustice and massive violation of human
9 rights.
10
11 Our evidence will include some of the
12 following. Very early in the morning at
13 markets that are called Byangabo markets, a
14 group was formed by the Accused -- that is,
15 perhaps, within 10 hours of the shooting
16 down of the plane. I will come back to some
17 of those propositions later to put them in a
18 context. The Accused was there and he
19 gathered together a group of young men, the
20 MRND -- I'm sorry, the Interahamwe, who were
21 attached, or the young wing of a political
22 party known as the MRND. He took these men
23 back to his home and he said to them: "Go
24 and kill. Exterminate the Tutsi".
25

1 Leading the charge, then, he went out in his
2 red utility, or his red pickup -- and there
3 will be some considerable reference to this
4 vehicle because it was seen by many
5 witnesses and it was seen being driven by
6 the Accused -- to the homes of two families.
7 The Ziragwera and the Seruyombo families --
8 Tutsi. Eighty people lived there; two
9 survived.

10

11 We have witnesses from outside of the house,
12 and we have witnesses who were inside of the
13 house -- two survivors. We have witnesses
14 who participated in the killing and who have
15 confessed their complicity, their
16 responsibility in another place. They saw
17 the Accused drive up, from inside of the
18 house, and they were rounded up like sheep.
19 And when they were gathered in the one place
20 at the one time, without weapons, it was
21 then that the cowardly killing commenced.
22 There were people with Kalashnikov weapons,
23 there are people with grenades, there were
24 people with cudgels, with nails through the
25 cudgels. And so began the shooting, the

1 throwing of grenades, the smashing of
2 peoples' heads and bodies with cudgels and
3 whatever the killers could find. And all of
4 the time present and supervising the process
5 was the Accused.

6
7 Later that day they went to Busogo parish,
8 where people were gathering -- people
9 seeking protection and sanctuary -- and
10 again Kalashnikovs, grenades, cudgels with
11 nails and anything else people could lay
12 their hands on were used to kill within that
13 sanctuary.

14
15 On the 7th of April, the same day,
16 roadblocks were set up. The Accused came
17 regularly to the roadblocks to supervise
18 what was happening as people were being
19 singled out and people were taken out of
20 vehicles, and people were stopped. There is
21 an infamous hill called Busogo, where people
22 were taken and there they were murdered in
23 whatever way they could be murdered.

24
25 The young men who were with the Accused were

1 dressed in a uniform as they went out to do
2 their killing, and as they went they often
3 sang "Let's exterminate them. Let's
4 exterminate them" -- tubatsembetsembe --
5 "Let's exterminate them. Let's exterminate
6 them".

7
8 Later on the day of the 7th of April there
9 is evidence that people went back to a bar.
10 They drank beer; they congratulated each
11 other. And on the 7th of April, after the
12 first two massacres, the Accused came,
13 congratulated them and urged them to do more
14 killing -- more killing of Tutsi, because
15 after all they were the enemy. So the
16 following day the killing continued.

17
18 On the 8th there is evidence of the
19 roadblocks continuing, of the Accused being
20 at those roadblocks. On the 8th they went
21 to the home of a Mrs. Mvuka and her five
22 children. She was married to a Hutu man.
23 They killed her and her five children but
24 left the Hutu. If there was evidence of
25 wanting to kill an ethnic group, that's very

1 clear evidence of that.

2

3 On the 9th of April they went to the home of
4 a Hutu by the name of Rulihafi. She was a
5 kindly woman who had given refuge to two
6 Tutsi children from the Seruyombo house,
7 which had been the target of the massacre
8 two days before. They came and they took
9 those two Tutsi children and they murdered
10 them. And so it continued day after day for
11 three or four days.

12

13 Some very telling evidence is on the 12th of
14 April all of the young men who participated
15 in many of these killings were summoned to a
16 particular petrol station and there the
17 Accused sent them off to collect money from
18 Hutu traders. They were to collect 5,000
19 Rwandan francs from each of the traders and
20 that was to be their pay for the four days'
21 work up to the 12th of April.

22

23 Your Honours, I want to deal with a couple
24 of specific issues. I want to move away
25 from the facts now, except for those facts

1 that relate to these issues.

2

3 We acknowledge that in genocide there must
4 be the *dolus specialis*-- the special intent
5 to kill. We submit that that will be
6 readily established in the following way:

7 On the 7th of April, the comment I have
8 already mentioned -- "Go and kill;
9 exterminate the Tutsi". Second, there was
10 an explosion of violence over three days
11 which commenced within ten or so hours of
12 the shooting down of Habyarimana's plane.
13 In that time, the evidence will be that the
14 Accused was able to mobilise some
15 600 uniformed, trained, and armed men to go
16 about this killing spree over the next three
17 or four days.

18

19 In 1991 an organisation was formed by the
20 Accused, the Amahindure -- which was
21 translated, apparently, a volcanic explosion
22 -- in both Mukingo and in Busogo. I shall
23 come back to Busogo because that's where
24 another player who is not in this Court
25 today lived. His name was Nzirorera, a

1 member of government.

2

3 We can say further that if there is need to
4 establish the specific intent any further,
5 the fact that they went off singing,
6 "Tubatsembetsembe", "Let's exterminate
7 them", there was, in fact, a specific intent
8 to exterminate the Tutsi.

9

10 Dealing with conspiracy -- the allegation is
11 that there was a conspiracy at least between
12 Nzirodera, whom I have mentioned, and
13 Kajelijeli and others. The evidence of this
14 conspiracy will go along these lines:
15 First, Kajelijeli was Nzirodera's right-hand
16 man. In fact, the evidence will be that if
17 you wished to have an interview with
18 Nzirodera, you had to go through Kajelijeli
19 to get there.

20

21 I've already mentioned the fact that the
22 Interahamwe were both uniformed and were
23 armed, and they were with the Accused. The
24 person who distributed uniforms -- and there
25 will be evidence of this -- was Nzirodera.

1 And he said in respect of that: "Wear your
2 uniforms, carry your guns and go to work,
3 exterminate for me all the Tutsi remaining
4 in the commune".

5
6 We go back a little further, in 1993.
7 There'll be evidence of somebody who went to
8 a meeting and heard at the same meeting,
9 speaking, Nzirorera and the Accused. The
10 meeting was essentially a recruiting meeting
11 for the Interahamwe.

12
13 Shortly after that meeting a number of young
14 men from the Interahamwe planted a tree in
15 front of Nzirorera's house, and after that
16 that's where the meeting was held --
17 meetings were held for the Interahamwe,
18 that's where the Interahamwe flag was flown;
19 in fact, on the tree that they had planted.

20
21 There can be no doubt that collectively both
22 Nzirorera and the Accused conspired to give
23 effect to this heinous plan to -- what was
24 it -- go to work, exterminate for me all the
25 Tutsi remaining in the commune. And to that

1 work the Accused lent himself with abandon.

2
3 We deal for a moment with incitement. We
4 accept that it must be direct and we accept
5 it must be public. We go back to the
6 comments that were made previously in
7 respect of the evidence, I should say, that
8 we've opened previously in respect of those
9 elements. And we accept that it must be an
10 incitement which directly provokes the
11 perpetrators. All of those comments are
12 taken from cases which, in time of course,
13 we will argue before Your Honours.

14
15 If there was a need for any evidence of the
16 directly provoking, we go back to the
17 comments made before that the Accused told
18 them to go out and to kill the Tutsi, go and
19 kill and exterminate the Tutsi -- a comment
20 made by Nzirorera and the recruitment into
21 an Interahamwe which became an armed
22 organisation.

23
24 There will be evidence that the training was
25 conducted by various people, was attended on

1 a regular basis by the Accused, who oversaw
2 the training of the Interahamwe, so that
3 this very vigorous force of young, often
4 unemployed men, was built up to about
5 600 people by the 7th of April.

6
7 Your Honours, it's our submission that there
8 is no other conclusion that could be reached
9 in this case than that this was a carefully
10 orchestrated, planned and engineered
11 massacre of Tutsi -- a genocide of the likes
12 hadn't been seen by mankind for a long, long
13 time.

14
15 I wish to deal with only one other matter,
16 and that is rape. Rape appears in a couple
17 of different places in the indictment, but
18 we are also concerned with crimes against
19 humanity, which includes the causing of
20 human suffering, and that human suffering
21 can relate not only to people who underwent
22 physical violence themselves, but who also
23 underwent the mental anguish of watching
24 things happen.

25

1 One of the survivors of the first massacre
2 on the 7th of April escaped to the rear of
3 the house and hid in a hen house, a chicken
4 house, under the manure and under the feed
5 for a number of days. And from there they
6 watched as -- there that person watched as
7 they went through the bodies to see whether
8 or not the bodies inside the enclosure were
9 still alive and they found this person's
10 mother, and the Accused said, "Bury her
11 alive". And so they took her out into the
12 claypit in the rear of the house and there
13 they threw her, and then the other bodies on
14 top of her, so that she finally suffocated.

15
16 Another mother who had took flight -- she
17 had two small children with her aged three
18 years and three months. She had another
19 daughter about 15 months (sic) of age and
20 they were hiding some three metres apart in
21 a forest.

22
23 "My daughter was in the same forest as we
24 were but in a place which was about three
25 metres away. As for the Accused, he was

1 about 50 metres from my hiding place. I
2 could see him, but I do not recall the
3 colour of his clothes. I saw him and heard
4 him give the following order to the
5 Interahamwe: "Search for the girls, rape
6 them and kill them afterwards". He remained
7 in his vehicle.
8
9 "An Interahamwe discovered my daughter and
10 called out to the others that he had just
11 found an Inkotanyi. The other Interahamwe
12 flocked around and fished her out of the
13 forest. I didn't see the Interahamwe
14 undress my daughter but I saw her lying down
15 on her back with the lower part of her body
16 naked. I saw the Interahamwe raping her. I
17 cannot say the number of Interahamwe militia
18 who raped her because when they started
19 raping my daughter another group also
20 discovered me. The other group was among
21 the attackers, but when they got there the
22 Interahamwe split into two groups. One
23 discovered and raped my daughter while the
24 other continued searching for refugees.
25 When the Interahamwe were raping my

1 daughter...". I'm sorry, Your Honour.

2 MR. PRESIDENT:

3 I have some problems following you.

4 MR. FLEMING:

5 I'm sorry, Your Honours. I was too fast.

6

7 "When the Interahamwe were raping my
8 daughter she cried for help and that may be
9 why the other group found us. She was aged
10 15 at the time of the rape. When the
11 Interahamwe started raping my daughter and I
12 was still in my hiding place, I saw
13 Kajelijeli coming to talk to the rapists,
14 but I did not hear what he said to them as
15 that was when the other group discovered me
16 and started beating me. I had a baby on my
17 back. They removed the baby and beat me on
18 the spot. They then undressed me and left
19 with all my clothes. I was stark naked and
20 fainted because of the blows that I had been
21 dealt".

22

23 There is no more chilling comment from a
24 mother than the 15-year-old crying out as
25 she was being raped and then the mother

1 saying and maybe that's why the other group
2 found us, because at that point, no doubt,
3 the mother could restrain herself no more.

4
5 Your Honours, there will be other evidence
6 of rape and there'll also be other evidence
7 of the inhuman suffering through which some
8 of these people went.

9
10 Your Honours, we come back to where we
11 started: If there are to be human rights in
12 this world, the reverse is that there must
13 be human accountability. It is for that
14 reason that we come to this Court with the
15 evidence that we do. We have some
16 15 witnesses over a short period of time,
17 because in our submission it will be
18 sufficient to establish the charges as they
19 are laid. It will be our submission, at the
20 end of the day, that the evidence will be
21 sufficient not only to establish the
22 prima facie case that has already been
23 established, but also to establish the
24 charges beyond reasonable doubt. Thank you,
25 Your Honours.

1 MR. PRESIDENT:

2 Thank you, Prosecutor. I should like to
3 recall Rule 84 -- 85, rather, 84 -- before
4 presentation of evidence by the Prosecutor,
5 each party may make an opening statement,
6 but the first may however elect to make a
7 statement after the Prosecutor has concluded
8 the presentation of evidence and before the
9 presentation of evidence of the Defence.
10 Mr. Hinds, what is your decision?

11 MR. HINDS:

12 Thank you, Your Honour. I've listened
13 carefully to Mr. Fleming for the last
14 20 minutes. Mr. Kajelijeli defers making an
15 opening statement until the end of the
16 Prosecutor's case, pursuant to Rule 84, and
17 before the Defence puts on its case. But
18 with the Court's indulgence I would like
19 just to make one comment.

20
21 Article 20, subsection (3) establishes what
22 this Tribunal has held, and most
23 international tribunals have held: The
24 presumption of innocence. Mr. Fleming has
25 made statements and laid out his case, but

1 nothing he has said today is evidence.
2 Nothing he has said today can be taken and
3 used by this Tribunal. If this Tribunal
4 were required to go out right now and reach
5 a decision concerning Mr. Kajelijeli's guilt
6 or innocent, this Tribunal would have to
7 vote that he is innocent. That is the
8 essence of the presumption of innocence. So
9 all that he has said is what the Prosecution
10 has a burden to prove, and the burden is on
11 them. They have all of the things they said
12 they will prove; we will hold them to it.
13 They have to prove each and every element of
14 a crime beyond a reasonable doubt. Thank
15 you.

16 MR. PRESIDENT:

17 Thank you, Professor Hinds. Let us take a
18 short break before we come to the initial
19 interrogation of the Prosecutor -- the
20 examination-in-chief by the Prosecutor. We
21 shall take a short break.

22

23 We shall take a 20 minutes' break and come
24 back later on.

25 (Court recessed at 1027H until 1055H)

1 MR. PRESIDENT:
2 The session now resumes. Prosecutor?
3 MR. FLEMING:
4 If the Court pleases, I call Antonius Maria
5 Lucassen.
6
7 Thank you.
8
9 I'm sorry, Your Honour.
10 MR. PRESIDENT:
11 I am giving you the floor to introduce the
12 investigator and then we'll hear him.
13 MR. FLEMING:
14 Mr. Lucassen, if you turn your microphone
15 on. Would you tell this Trial Chamber your
16 name, please?
17 MR. LUCASSEN:
18 Investigator, Tony Lucassen.
19 MR. FLEMING:
20 What is your full name?
21 MR. LUCASSEN:
22 My full name is Antonius Maria Lucassen.
23 MR. FLEMING:
24 And what's your occupation?
25

1 MR. LUCASSEN:

2 I'm working as investigator at ICTR.

3 MR. FLEMING:

4 And where do you reside?

5 MR. LUCASSEN:

6 I come from Holland.

7 MR. FLEMING:

8 Do you presently reside in Rwanda.

9 MR. LUCASSEN:

10 Presently, and for the last few years I have
11 been living in Rwanda, yes.

12 MR. FLEMING:

13 Thank you, Your Honours.

14 MR. PRESIDENT:

15 Thank you. Before I give the floor to the
16 Prosecutor we are going to ask you to swear,
17 as follows. In other words, you declare
18 solemnly that you will tell the truth, the
19 whole truth and nothing but the truth.

20 (Oath administered to witness)

21 ANTONIUS MARIA LUCASSEN,

22 first having been duly sworn, testified as follows:

23 MR. PRESIDENT:

24 Prosecutor.

25

1 E X A M I N A T I O N - I N - C H I E F

2 BY MR. FLEMING:

3 Q. Mr. Lucassen, what's your preferred language
4 in this exchange in court?

5 A. I will speak in English.

6 Q. Would you tell us a little of your
7 background? How long have you worked for
8 ICTR investigations? I'm sorry -- yes.

9 A. I have a background in police and security,
10 and I've been working with ICTR
11 investigations currently for about a year
12 and a half, and then a year before that for
13 another eight months. So together it is
14 well over two years.

15 Q. Mr. Lucassen, prior to coming to ICTR, what
16 was your occupation?

17 A. Before ICTR I did some things as security
18 advisor in refugee camps in Congo when
19 Rwandese refugees were there. In between my
20 ICTR work I have been in Kosovo for the
21 Organisation of Security and Cooperation in
22 Europe, kind of observing there.

23 Q. All right. Now, have you been involved to
24 any great extent in the investigation of
25 this Accused, Mr. Kajelijeli?

- 1 A. I've not been involved to a great extent in
2 the investigations.
- 3 Q. Would you tell us when your involvement
4 began?
- 5 A. My involvement, I can look up the dates, but
6 it was one week I think in January this year
7 when I've been to Ruhengeri préfecture
8 making sketches and photographs of areas
9 that I was asked to sketch and photograph.
- 10 Q. Would you please have a look at some
11 documents that we'll now produce. Do you
12 have a copy of those yourself with you?
- 13 A. Yes, I have a copy myself.
- 14 Q. Now, are they documents prepared by you and
15 photographs taken by you?
- 16 A. They are. To make it exactly, a small part
17 of the work has been done by a colleague,
18 Mkumbo, Kitila. His name is also mentioned.
19 But I checked everything of his work and I
20 can agree it is correct and I would have
21 done the same thing. So if ever a
22 photograph I didn't take it myself, I can
23 guarantee about the fact that it's right.
- 24 Q. Would you please hand those to the Court
25 service so that they can now distribute

1 them, and once they're in the hands of the
2 Trial Chamber we will attempt to explain
3 exactly what they are and what we intend to
4 do with them.

5 MR. FLEMING:

6 Your Honours, there should be four separate
7 documents that we will go through in a
8 moment. And the photographs, please,
9 Abraham, as well. The photographs as well.
10 There should be some more there for the
11 ALOs. It's okay. They have them. The
12 interpreters have copies.

13 THE INTERPRETER:

14 Sorry, the interpreters don't have the
15 pictures. Sorry.

16 BY MR. FLEMING:

17 Q. Mr. Lucassen, can we work through these
18 documents one by one, leaving the
19 photographs aside for the moment. Can you
20 look, firstly, at the document which is
21 headed "Maps" and bears the identification
22 "K0164878"; do you that document?

23 A. Yes, I have it in front of me.

24 Q. What is the origin of this document?

25 A. They come from the UN office in Kigali. It

1 was UNDP. They are the ones who store maps
2 of Rwanda.

3 Q. Are these maps still to scale?

4 A. Yes. These maps are to scale and the scale
5 is mentioned on each map.

6 Q. All right, then. Would you take us to each
7 of the maps. The first page which is
8 numbered then "K0164879". It has in the top
9 left-hand corner, "Ruhengeri Base Map". Is
10 that the préfecture of Ruhengeri in that
11 map?

12 A. That is correct. This is préfecture
13 Ruhengeri.

14 Q. According to the map that you are reading,
15 that's the préfecture? You got your
16 information from another map?

17 A. Okay. I got my information from another
18 map, maybe from the link which is seen in
19 the upper right corner, where you see the
20 whole of Rwanda divided into préfectures,
21 and Ruhengeri préfecture is the one that is
22 just under the U of Uganda. So that's the
23 one we are seeing here.

24 Q. The second page which bears the same
25 numbers, except that this is 80 and it's

1 headed Kinigi commune.

2 A. Yah, the second, third and fourth pages are

3 communes on the west sides of Ruhengeri. So

4 if you look at the Ruhengeri préfecture map.

5 Q. So if we go back to the first page, the full

6 map of Ruhengeri, yes?

7 A. Then on the full map of Ruhengeri on the

8 left side, one can see the three communes

9 Kinigi, Mukingo and Nkuli. It is these

10 three communes that have been mapped in

11 detail on the following three pages.

12 Q. All right. Have you any experience in

13 cartography?

14 A. Yes, I do.

15 Q. I'm not going to ask you to verify the

16 accuracy of this map, obviously because you

17 have obtained it from another source.

18 MR. FLEMING:

19 Your Honours, subject to any objections that

20 my learned friend has, I want to tender

21 those maps, purely for informational

22 purposes that you have the locations before

23 you during this trial. Yes, Your Honours.

24 That document, Your Honour. The first

25 document marked "Maps", bearing the numbers

1 "K0164878" to "K0164882". I tender that and
2 ask that it be marked as an exhibit.

3 MR. HINDS:

4 Your Honour, I had a previous discussion
5 with Mr. Fleming concerning the procedures,
6 and to facilitate this Court so that we can
7 move forward, Mr. Kajelijeli will not at
8 this moment challenge the documents. But we
9 reserve our right to voir dire Mr. Lucassen
10 and to raise any objections with respect to
11 the admissibility. But we do not have any
12 objections for these documents to be marked
13 for identification purposes only.

14

15 We note that there are some errors in there,
16 but we will not deal with those issues at
17 this time, because we will not even
18 cross-examine him because we were only given
19 the documents late yesterday.

20 MR. FLEMING:

21 Your Honours, we have no objection to that
22 procedure.

23 MR. PRESIDENT:

24 This will be entered into the trial record
25 for purposes of information; of course,

1 subject to any objections that will be
2 subsequently raised by Professor Hinds.

3 MR. FLEMING:

4 Thank you.

5 BY MR. FLEMING:

6 Q. Mr. Lucassen, would you go to the next
7 document, please, which is headed
8 "Mukingo/Nkuli - Sketch"?

9 A. Yes.

10 Q. And this bears the number "K0164869" on the
11 front page.

12 A. Yes. This is a document that I prepared
13 myself and it is more or less a detailed
14 view of part of two communes that one could
15 have seen in the earlier maps also --

16 MR. PRESIDENT:

17 Prosecutor, you told us, or we've already
18 said that these documents would be put into
19 the trial record. What is the exhibit
20 number? What would be the number?

21 MR. FLEMING:

22 It can be marked as Exhibit 1 for
23 identification.

24 MR. HINDS:

25 Is it being marked as Prosecutor's

1 Exhibit 1, so as to distinguish it from
2 other exhibits?

3 MR. PRESIDENT:

4 Of course. Okay, Prosecution Exhibit 1.

5 MR. FLEMING:

6 I'm sure it won't take us long to iron out
7 some of these small glitches, Your Honours.

8 BY MR. FLEMING:

9 Q. Mr. Lucassen, we then went to the next
10 document which bears the numbers "K0164869",
11 through to "K0164873", and it's headed
12 "Mukingo/Nkuli - Sketch". It has a date on
13 it "between 15 and 19 January 2001"; what
14 does that date mean?

15 A. This is the date that I have been in
16 Ruhengeri préfecture and did the actual
17 field work to make this sketch.

18 Q. Right. Are you a cartographer?

19 A. Well, I am an investigator, but I have wide
20 experience with the use of maps and making
21 of, what I prefer to call, sketches.

22 Q. All right. On the first page of that --
23 perhaps I should get this right. Let's call
24 the front page the first page. The second
25 page, numbered 70, there is a sketch and you

- 1 have at the top "Mukingo/Nkuli - sketch".
- 2 Is that the map that you did?
- 3 A. That is correct.
- 4 Q. If we go to the third page, which is
- 5 numbered on the top right-hand corner "71",
- 6 but confusingly then has in the middle of
- 7 the page "page 1" -- which we'll ignore for
- 8 the moment -- it says "Legend of the
- 9 Mukingo/Nkuli - Sketch". Would you go then
- 10 to the first line under that. It says
- 11 "Scale: 1:50 000"; did you draw it to scale?
- 12 A. Yes, I did.
- 13 Q. If you go below that again, you see that
- 14 your signature appears there; is that so?
- 15 A. That is correct.
- 16 Q. And then below that you come to an index,
- 17 1 through to 17 on that page, and then on
- 18 the next page 18 to 22. Do those numbers
- 19 relate to the numbers on the previous page
- 20 where you made the sketch?
- 21 A. Yes, they do.
- 22 Q. And is the description beside the number a
- 23 description that you can apply to the number
- 24 on the page on which the sketch is made?
- 25 A. Yes, it is.

1 Q. All right. And if we go to the last page,
2 which has the number 73 on it, you have
3 there recorded the sources of the
4 information given on the Mukingo/Nkuli
5 sketch. Did you obtain information from
6 other people from time to time?

7 A. Yes, of course I did. When I am in this
8 area drawing sketches information comes from
9 people around. But the information I used
10 here is confirmed by the people I mention
11 here, and it is just that sometimes local
12 persons -- peasants working there confirm it
13 also.

14 Q. Did you confirm the information personally
15 from your own observations? Perhaps I
16 should ask you an earlier question: Were
17 you able to confirm the information from
18 your own observations?

19 A. Yes, I've been in all these places. Some
20 things, like whether there's a mass grave
21 somewhere which has been exhumed, is
22 something which cannot be observed anymore.
23 But the other things, like a church, for
24 instance, somebody can tell it to me, but
25 then I can see that it's true, and those are

1 most items.

2 Q. All right. So at the top of the page, on

3 the page numbered 73, you've recorded

4 sources of information and then below that

5 you have sources for each number on the

6 Mukingo/Nkuli sketch. Have you recorded,

7 then, specifically, in relation to each of

8 the locations the source of your

9 information?

10 A. Yes.

11 Q. And do the numbers 1 to 22 go back to the

12 numbers on the sketch page?

13 A. Yes, that's true.

14 Q. All right. So, in summary: You drew a

15 sketch; on the next page you identified

16 those locations on the sketch by numbers and

17 a description; and then on the final page

18 you identified specifically your sources of

19 information in respect of each of those

20 numbers?

21 A. That's correct.

22 Q. All right. Your Honours, I tender that

23 document on the same basis as the previous

24 document, and can it be marked Prosecution

25 Exhibit 2? And for a precise description

1 for the record, it is a document headed
2 "Mukingo/Nkuli - sketch" and it bears
3 identifying numbers "K0164869" through to
4 "K0164873".

5 MR. HINDS:

6 Subject to the same conditions as P1,
7 Prosecutor's Exhibit 1.

8 THE REGISTRAR:

9 Maybe, Your Honours, just for the record, it
10 should be Prosecution ID 1 and 2, and so on.
11 First, to distinguish between the
12 Prosecutor's Exhibits when they are
13 tendered, because my understanding is that
14 for the time being those are just for
15 identification.

16 MR. PRESIDENT:

17 We were quite clear. I don't need to teach
18 the Registry to do its business. We have
19 said Prosecution Exhibit No. 1 for
20 identification. So that's clear. The same
21 basis: This document "Mukingo/Nkuli -
22 Sketch" will then be Prosecution
23 Exhibit No. 2 for identification, subject to
24 the remarks by Professor Hinds.

25

- 1 THE REGISTRAR:
2 Thank you, My Honours.
3 MR. FLEMING:
4 Thank you, Your Honour.
5 BY MR. FLEMING:
6 Q. Mr. Lucassen, would you go then to the
7 document which is headed "Busogo Parish
8 Sketch", and it bears the numbers "K0164874"
9 through to "K0164877". Do you have that
10 document?
11 A. Yes, I have it in front of me.
12 Q. Page 1 is the cover sheet, signed by you; is
13 that so?
14 A. It is correct.
15 Q. Page 2 is headed "Busogo Parish Sketch"; is
16 this a sketch that you did?
17 A. That's a sketch that I did.
18 Q. It's signed by you at the bottom, as well as
19 by one of your colleagues, Mr. Mkumbo?
20 A. That's correct.
21 Q. Anything contributed by Mr. Mkumbo, did you
22 verify yourself?
23 A. I made the drawing. We were walking along
24 the area together.
25 Q. All right. And if we go to the next page,

1 did you follow the same procedure as you
2 followed in the previous document, which is
3 now Prosecution Exhibit 2?
4 A. The procedure is the same. The difference
5 maybe is that the scale here is different.
6 Q. Okay. It's a somewhat larger scale?
7 A. Yah, somewhat larger and less exact.
8 Q. All right. So the numbers in the index
9 refer to numbers on the previous page on the
10 sketch?
11 A. That's correct.
12 Q. The description is beside those numbers?
13 A. That's correct.
14 Q. And then on the next page, the final page of
15 that document bearing the number "K0164877";
16 have you recorded the sources of your
17 information in the same manner as you
18 recorded them in the previous exhibit?
19 A. That's correct.
20 Q. Thank you.
21 MR. FLEMING:
22 Your Honours, again, subject to my learned
23 friend's rights, we tender that document,
24 and could it be marked Prosecution
25 Exhibit 3?

1 MR. PRESIDENT:

2 Again, subject to the same reservations
3 entered by the Defence, this document will
4 bear the number Prosecution Exhibit No. 3
5 for identification.

6 BY MR. FLEMING:

7 Q. Can we come, then, to the third document --
8 I'm sorry the fourth document which is
9 headed "Cover Page Photographs" and it is a
10 document which bears the identifying numbers
11 "K0167242" to "K0147249". Is that a
12 document you prepared?

13 A. It is.

14 Q. If we go to the second page, it is headed
15 "Information With Photographs", and we won't
16 go through all of the detail, but you
17 describe who took the photos, the type of
18 equipment that you used, and so on. And
19 then you come down to the sources of
20 information. Is that recorded in the same
21 manner as was recorded in the previous two
22 exhibits? There are sources of information
23 that you obtained for the purposes of
24 creating this document; is that so?

25 A. Yah, it is in the same manner.

- 1 Q. All right. We go then to the next page,
2 "Comments on photographs" and we have there
3 "Remarks: The photographs have been filed
4 on compact disc", I understand with some
5 difficulty at the end of the day. But then
6 you number the photographs, and this goes
7 right through to 0114. Can you confirm
8 that?
- 9 A. That's correct.
- 10 Q. All right. Now, under each particular
11 item -- let us take 0001, is that a
12 description of a photograph that you have
13 recorded there?
- 14 A. That's a description of Photograph No. 1.
15 Can I remark that I want to make three minor
16 corrections and add one word in this
17 document, if you can give me the opportunity
18 to do that later?
- 19 Q. All right, if we come back to that. But
20 let's work out how the document was created
21 first. So, under a number you have recorded
22 a specific description of something in each
23 case; is that so?
- 24 A. That is so.
- 25 Q. Then underneath that you have a source; and,

1 for example, on 0001 "own observation" --
2 and that's right down, in fact, the whole of
3 that page. Does this relate back to the
4 source of information that you have on the
5 previous page?
6 A. Yes, it does.
7 Q. All right. So if we find, for example, a
8 name mentioned -- and let's take at the
9 bottom of the next page 0030, you see a
10 name. Please don't repeat the name, but you
11 see a name there?
12 A. Yah, I see it.
13 Q. All right. And is that name then appearing
14 on the second page of that document as being
15 one of your sources of information?
16 A. Exactly.
17 Q. All right. Now, would you go to the bundle
18 of photographs, please. And are these the
19 photographs, copies of the photographs that
20 you took?
21 A. Yes, they are.
22 Q. Are they the photographs which are then
23 described, starting at No. 1, in the
24 document that we have just worked our way
25 through.

- 1 A. Yes, they are.
- 2 Q. So if we want to see, for example,
3 photo 0010, we simply find the photograph
4 numbered 10 in the photograph album?
- 5 A. That's correct.
- 6 Q. And then your description of it is "This is
7 Mukingo communal office", "Source: Own
8 observation". And then underneath that
9 there is "Mukingo/Nkuli-sketch nr. 3". So
10 can we relate this, then, back to the
11 document headed "Mukingo/Nkuli - Sketch",
12 which was Prosecution Exhibit No. 2?
- 13 A. Yes, we can.
- 14 Q. All right. Now, two further matters in
15 respect of this document. First you said
16 you wanted to make some changes. Would you
17 tell the Trial Chamber what those changes
18 are that you would like to make?
- 19 A. The first one is on page -- the second page,
20 that ends with 243.
- 21 Q. It's the second page, headed "Information
22 with photographs"; is that the page?
- 23 A. Yah, exactly. It's on that page. Halfway
24 down that page it is written "Number of
25 photographs: 44". This is wrong. There

1 are only 42.

2 Q. So if we change that to 42. The next

3 correction you would like to make?

4 A. The next correction is on the next page that

5 ends with 244 and then for Photograph

6 No. 0003.

7 Q. Yes.

8 A. There is written "This is front view and

9 left view of Ruhengeri Court of Appeal". It

10 should be "This is front view and right

11 view...", so "left" should be "right".

12 Q. Any other alterations?

13 A. One more, for Photograph No. 0080.

14 Photograph No. 0080, there is written that

15 this can be seen on Mukingo/Nkuli sketch

16 No. 11.

17 Q. If we pause there for a moment. 0080 is on

18 the second last page of that document. This

19 is Nkuli communal office; is that the one

20 we're talking about?

21 A. Yes.

22 Q. And what correction do you wish to make to

23 that?

24 A. The correction is that it is written

25 "Mukingo/Nkuli-sketch nr. 11". This number

1 should be 13 -- one, three.

2 Q. So on the last line, "Mukingo/Nkuli-sketch

3 nr. 13".

4 A. One more.

5 Q. And one last matter.

6 A. I've one more.

7 Q. One more, I'm sorry.

8 A. Sorry, about the confusion. It's not a

9 correction, it's something I want to add.

10 It is on the last page, the page after this,

11 where it is for photograph 0100. I wrote a

12 description. I wrote the source but I

13 forgot to write --

14 Q. Excuse me one moment. Are you going to name

15 a further source?

16 A. No. I'm going to name the sketch and the

17 number on the sketch where this photograph

18 can be found on the sketch.

19 Q. All right.

20 A. It can be found on "Mukingo/Nkuli-sketch,

21 under nr. 22".

22 Q. So after the source, if we simply add there,

23 "Mukingo/Nkuli-sketch, nr. 22". That's to

24 the end of 0100. All right.

25

1 When we look through that list it becomes
2 obvious on the first page that we have
3 numbers 1 through to 6 and then number 10.
4 The next page, 11, and then number 20. Did
5 you take more photographs than appear in
6 this schedule?
7 A. Yes, I took more photographs.
8 Q. Now, how, then, did you select the
9 photographs that you wanted to include in
10 this?
11 A. A combination of looking at the quality of
12 it and talking with your colleagues about
13 the use of it for Prosecution.
14 Q. So it was a question of quality and
15 relevance to this particular Prosecution?
16 A. That's it.
17 Q. All right. Your Honours, I tender this
18 document -- that is, the document headed
19 "Cover Page Photographs", bearing the
20 numbers "K0167242" to "K0167249",
21 accompanied by 42 photographs, which are in
22 a folder bearing the heading "Kajelijeli
23 KD00-0062", as Prosecution Exhibit No. 4,
24 subject, of course, to our learned friend's
25 previously stated reservations.

1 MR. PRESIDENT:

2 Subject to the reservations that will
3 subsequently be entered by Defence Counsel,
4 this document, together with the photographs
5 that go with it, are entered as Prosecution
6 Exhibit No. 4 for identification.

7 MR. FLEMING:

8 Thank you. Your Honour, that's the
9 evidence-in-chief of this witness. We don't
10 seek to detain him any further. But, of
11 course, he will be back so that our learned
12 friend can exercise his rights when the
13 trial next starts.

14 MR. PRESIDENT:

15 Trial has started.

16 MR. FLEMING:

17 When it next resumes, Your Honour.

18 MR. PRESIDENT:

19 Prosecutor, could you allow this Chamber to
20 do its job.

21 MR. FLEMING:

22 Of course, Your Honour, that's why I'm here.

23 MR. PRESIDENT:

24 Thank you.

25 Professor Hinds, the Trial Chamber would

1 like to confirm what we seem to have
2 understood. You would like to defer your
3 cross-examination to some other time?
4 Because if that is the case, that's not what
5 was agreed upon. What was agreed was that
6 -- well, the Prosecutor said experts and
7 investigators would appear. They would be
8 examined and cross-examined. Now, as for
9 witnesses, and on the merits of the case,
10 you will be given time to get a co-counsel;
11 and so now I don't understand.
12
13 You've received the documents. The Chamber
14 can allow you, say, two days or this
15 afternoon to consult with your client and
16 embark on the cross-examination.
17
18 I don't think it would be proper for the
19 Chamber to bring back this investigator for
20 the cross-examination, unless we are not
21 properly informed. But I thought that was
22 what the decision was. Professor Hinds.
23 Professor Hinds, are you following me?
24 Professor Hinds.
25 In other words, you're being asked by the

1 Chamber if you cannot, say, today, tomorrow,
2 after tomorrow, it depends, you know, have
3 time to consult with your client and then
4 embark on the cross-examination, because it
5 would not be practical to bring back this
6 investigator, you know, when we'll be moving
7 on to the examination of the Prosecution
8 witnesses.

9 MR. HINDS:

10 Thank you, Your Honour. I am endeavouring
11 as much as possible to move this process
12 forward, but I have been trying diligently
13 to make sure that we in the Defence are not
14 prejudiced by getting information late. And
15 I would like again to draw attention to the
16 Court that on January 26th, when Judge Güney
17 was presiding, at the end of the time when
18 Mr. Kajelijeli plead, I said, concerning
19 this precise issue -- and I would like to
20 read it into the record:

21
22 "I indicated then that if he" -- that is
23 Mr. Fleming -- "planned to put on these
24 investigators, I needed to have their
25 statements and any other exhibits that they

1 plan to introduce before I leave Arusha
2 today."

3
4 I went on further. I said:

5
6 "So I spoke to Mr. Fleming today and he said
7 they would make all efforts to provide me
8 with the information. If I don't have the
9 information, then I've indicated that I may
10 have to reserve cross-examining those two
11 witnesses to when we reconvene at the end of
12 June."

13
14 That is the first point, and I said that on
15 the record. I didn't say it because, quite
16 frankly, I just wanted to talk. I said it
17 because I felt that in terms of protecting
18 Mr. Kajelijeli's rights, we needed the time.

19
20 We were given the documents last night.
21 Mr. Kajelijeli had no opportunity to consult
22 with me. The guards were taking him out in
23 handcuffs. I had to run behind the guards
24 to hand them a copy of the documents.

25

1 This witness is only testifying with respect
2 to photographs, and so on, and locations. I
3 would not know, with respect to certain
4 objections to be made, without sufficient
5 time to consult with my client. I don't
6 know whether or not I would be available and
7 be able to do it in 24 hours, or 48 hours.
8 Clearly, the Prosecutor had enough time to
9 figure out what they wanted to do. They've
10 had Mr. Lucassen go out with another
11 investigator, collect the documentation;
12 they've had weeks and months dealing with
13 it. Then we are being asked -- because they
14 hand us the information late, we are being
15 asked now to proceed, to my client's
16 prejudice, to rush the cross-examination. I
17 think it is unfair.

18
19 I am trying my level best to work with the
20 Court to move this case forward, but I can't
21 do it and make a guarantee to the Court that
22 I'll be able to cross-examine him in
23 24 hours. If after I talk to my client I
24 find that we are able to do it, I have no
25 problems informing the Court that, on short

1 notice, we could deal with it before I
2 leave. I'm leaving here on Friday, so we
3 could deal with it before then.

4 MR. PRESIDENT:

5 Thank you, Professor Hinds, for those
6 explanations and your understanding. It is
7 for purely practical reasons out of the
8 question, acting in breach of the rights of
9 the Accused -- we're most conscious, most
10 alive to the rights of the Accused. You are
11 quite right. Actually you received the
12 photographs quite late and we believe, for
13 practical reasons, we didn't think the
14 investigator should be coming back, if we
15 were to adjourn this until the next time.
16 But, since you're here until Friday, you
17 could consult with your client and see
18 whether this would be possible. You cannot
19 be obliged. We want to serve the interests
20 of justice without acting in breach of the
21 rights of your Accused -- I mean, if this is
22 possible. Of course, if it is not possible,
23 the Chamber will act accordingly.
24 Professor Hinds, do you think you'll be in a
25 position to give us an answer, when, to this

1 Chamber, so as to know whether you would be
2 prepared to cross-examine prior to your
3 departure or not, because we would need your
4 answer so as to determine a date to which
5 this should be adjourned?

6 MR. HINDS:

7 Your Honour, I can't give you a time now.
8 But I would be able to inform the Court
9 before the end of the day today exactly what
10 our position is.

11 MR. PRESIDENT:

12 Okay. Maybe tomorrow also. You have time
13 to talk with your client.

14
15 So we will rise and resume tomorrow at
16 10 a.m. so as to hear Professor Hinds.
17 Tomorrow 10 a.m. So we rise until tomorrow
18 morning, 10 a.m.

19
20 (Court adjourned at 1147H)
21 (Pages 1 to 56 by Geraldine O'Loughlin)

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C E R T I F I C A T E

I, Geraldine O'Loughlin, Official Court Reporter for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (stenotype) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of my ability and understanding.

I further certify that I am not of counsel nor related to any of the parties to this cause and that I am in no way interested in the result of said cause.

Geraldine O'Loughlin

(1 to 56)