

1 THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA  
2  
3 CASE NO.: ICTR-98-44A-T THE PROSECUTOR  
4 OF THE TRIBUNAL  
5 AGAINST  
6 JUVÉNAL KAJELIJELI  
7  
8 6 December 2001  
9 1008H  
10 CONTINUED TRIAL  
11  
12 Before: Judge William H. Sekule, Presiding  
13 Judge Winston Churchill Matanzima Maqutu  
14 Judge Arlette Ramaroson  
15  
16 Registry: Mr. John Kiyeyeu  
17 Mr. Abraham Koshopa  
18  
19 For the Prosecution:  
20 Mr. Kenneth Fleming  
21 Mr. Ibukunolu Babajide  
22 Ms. Ifeoma Ojemeni  
23 Ms. Melinda Pollard  
24 Mr. Jayantha Jayasuriya  
25  
For the Accused Kajelijeli:  
Professor Lennox Hinds  
Professor Nkeyi Makanyi Bompaka  
Court Reporters:  
Rex Lear  
Regina Limula  
Judith Kapatamoyo  
Kelly Allemang

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

2 THE WITNESS:

3 Thank you, Mr. President. I agree.

4 PROFESSOR HINDS:

5 May I, Your Honour?

6 MR. PRESIDENT:

7 Yes, please.

8 BY PROFESSOR HINDS:

9 Q. Sir, you testified that on the day after the  
10 events that you described at Byangabo, the  
11 killings that occurred there, that is on the  
12 8th of April, that the Interahamwe organised  
13 a celebration or a feast at Kajelijeli's bar  
14 and they sang a song Tuzu Semba Sembe. I'm  
15 sure I'm not doing justice to this song, to  
16 the name. But, can you tell this Chamber why  
17 you never mentioned anything about this in  
18 the statement that you made to  
19 representatives of the ICTR when you gave  
20 your statement in June of last year?

21 A. Thank you, Mr. President. I would like the  
22 Court to tell counsel that the question can  
23 lead on to another question. Now, the  
24 letter he has shown me is not referred to in  
25 my statement and is not part of my

1 statement. I say so because there are too  
2 many things that I know about Kajelijeli,  
3 but which I have not mentioned in my  
4 statement. Thank you, your Excellency the  
5 President.

6 Q. Sir, again, on the 8th, when you testified  
7 here in this, before this Tribunal, you told  
8 this Tribunal, concerning an incident at a  
9 roadblock where you say a woman, a Tutsi  
10 woman, was taken out of a car and this woman  
11 was killed.

12 MR. PRESIDENT:

13 And a child?

14 PROFESSOR HINDS:

15 That's right, with a child.

16 BY PROFESSOR HINDS:

17 Q. Now, you mentioned the woman had a husband  
18 by the name of Kanoti. Did you know that  
19 person before that incident, that is, did  
20 you know Kanoti, K-A-N-O-T-I, before the  
21 incident of the barricade?

22 A. Thank you, Mr. President. I would like  
23 counsel to understand that I know Kanoti  
24 very well. He's the son of Manyori and he  
25 comes from Rwinzovu. That is the secteur

1 from which Kajelijeli comes, so I know  
2 Kanoti deeply.

3 MR. PRESIDENT:

4 Yes.

5 BY PROFESSOR HINDS:

6 Q. Now, sir, do you know if Kanoti had more  
7 than one wife?

8 A. Thank you, Mr. President. Since yesterday  
9 I've made statements here and notes were  
10 taken and I said that Kanoti was a driver  
11 and he was engaged in transportation between  
12 Kigali and Mombassa. The woman in question  
13 was wedded to Kanoti somewhere else, not in  
14 our area, and so when the Interahamwes of  
15 Kajelijeli killed her they were saying that  
16 they had just caught the woman whom Kanoti  
17 wanted to hide, that they had caught a woman  
18 whom the son of Konyeri wanted to hide. So,  
19 to ask me whether Kanoti had several wives,  
20 really, I wouldn't know what to say or  
21 answer, because that woman never lived in  
22 our area.

23 MR. PRESIDENT:

24 The question was whether you know, Witness  
25 GDQ knows Kanoti had more than one wife.

1 Was he aware of that fact or not?

2 THE WITNESS:

3 Mr. President, let me apologise. My  
4 reaction has been triggered by counsel. I  
5 know fully well that we need to testify to  
6 what we witnessed. I know that the woman in  
7 question, well, never lived in our area.  
8 Kanoti never got her to live in our area, so  
9 I don't know whether Kanoti had any other  
10 wives, unless counsel proves otherwise.

11 MR. PRESIDENT:

12 Next question, Counsel.

13 BY PROFESSOR HINDS:

14 Q. Sir, just to clarify your testimony, do you  
15 know that the woman you said was killed was,  
16 in fact, Kanoti's wife.

17 MR. PRESIDENT:

18 Sorry?

19 BY PROFESSOR HINDS:

20 Q. Witness, just to clarify your testimony, do  
21 you know, for a fact, that the woman who you  
22 say was killed at the roadblock was Kanoti's  
23 wife?

24 A. Thank you, Mr. President. Let me repeat  
25 myself. I know Kanoti very well. The woman

1                   who was killed, together with her child,  
2                   was, indeed, Kanoti's wife and I have  
3                   evidence. She was killed at a hill behind  
4                   my place of residence. Thank you.

5                   (Pages 27-31 by Rex Lear)

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1 1100H

2 BY PROFESSOR HINDS:

3 Q. Sir, in your testimony before this Court you  
4 indicated that one child was killed. In  
5 your statement before the ICTR you indicated  
6 the woman and her children were killed;  
7 Which is correct?

8 A. Thank you, Mr. President, Your Honour. Let  
9 me inform Defence Counsel that even himself  
10 that is free, he is not in jail, does forget  
11 sometimes and sometimes apologises for his  
12 omissions. What about me? I have just  
13 spent seven years in prison, does he think  
14 that the statements that I made in 1994 or  
15 in 1999 could always come back to my mind,  
16 all of it, while as I have other concerns  
17 about my case? Let me say, again, that the  
18 Interahamwe of Kajelijeli did kill Kanote's  
19 wife and her child.

20 Q. Sir, can you tell this Tribunal what time of  
21 day -- I am sorry -- sir, can you tell this  
22 Tribunal what time of day you say you saw  
23 Kanote's wife and child being killed?

24 A. Mr. President, Your Honour, I should like to  
25 pray that you impress upon Defence that I am



1 not responsible for time keeping for the  
2 killers. That question should be put to  
3 Kajelijeli, he was their representative and  
4 he was the one who told them who to kill. I  
5 thank you, sir.

6 MR. PRESIDENT:

7 Yes, tell Witness GDQ that questions that  
8 are being asked, and the ones allowed to be  
9 asked are valid questions and they go to  
10 assist the Trial Chamber to find out the  
11 facts in the search for the truth and  
12 justice. So you should listen to them very  
13 carefully, answer them briefly, if we may  
14 remind him again, and in doing so we also  
15 save a lot of time and be able to complete  
16 his testimony in the shortest possible time.  
17 So, it is important that these questions are  
18 answered appropriately.

19  
20 Counsel would like to know when was, if he  
21 recalls, when was Kanote's wife and child  
22 killed? The Trial Chamber thinks that the  
23 witness can tell, not specific times, but at  
24 least if it was in the morning, in the  
25 afternoon, or in the evening. Those are the

1 time frames and those could be useful to the  
2 Trial Chamber.

3

4 Can he tell us then, when this happened?

5 THE WITNESS:

6 Thank you, Mr. President, Your Honour. I  
7 believe that it was on the, 8th if my memory  
8 serves me right. I don't know whether  
9 Counsel mentioned the date of the 8th and  
10 what I am saying, I am saying as a witness  
11 that saw what happened in the area that I  
12 lived in. Now, when the events occurred on  
13 that date we were burying people that had  
14 been killed and out of those people that we  
15 were burying other people were added, that  
16 is, other people that were killed who  
17 managed to hide hitherto. So that I was not  
18 concerned about the hour at which the events  
19 started at the time, I was busy burying  
20 victims and this is why I am not in a  
21 position to tell you the precise hour, sir.  
22 Thank you.

23 MR. PRESIDENT:

24 Was it in the morning or in evening; can you  
25 tell us, Witness GDQ, if you recall?

1 THE WITNESS:

2 Mr. President, Your Honour, Counsel should  
3 not complicate matters for me. I repeat  
4 that I swore before the Court, and I swore  
5 to testify on the facts that I saw with my  
6 own eyes and not to talk about estimates. I  
7 am not in a position to make an estimate of  
8 the time. I thank you.

9 MR. PRESIDENT:

10 I think we have assisted you quite a lot,  
11 Professor Hinds. Can we go to the next  
12 question?

13 BY PROFESSOR HINDS:

14 Q. Sir, is it your testimony that when this  
15 woman and her child were killed that Juvénal  
16 Kajelijeli was present at the roadblock?

17 A. Mr. President, Your Honour, I should like  
18 this Court to impress upon Defence that I  
19 have evidence to prove what I am saying. I  
20 thank you.

21 MR. PRESIDENT:

22 Witness, no, no, no. Witness GDQ, could you  
23 please help the Trial Chamber to answer the  
24 questions, if you can answer them? Counsel  
25 wants to know. It is an important question.

1                   When Kanote's wife and child were killed,  
2                   was Kajelijeli there? That is an important  
3                   question, it has a lot of bearing on your  
4                   evidence here before the Trial Chamber. Can  
5                   he answer precisely without many words. If  
6                   yes, yes, if no, no. We have to know to  
7                   move forward.

8       THE WITNESS:

9                   I crave your indulgence, Mr. President, Your  
10                  Honour. Perhaps you do not understand what  
11                  I am saying because I am speaking in  
12                  Kinyarwanda. But I did clearly explain that  
13                  Kajelijeli himself was there on the spot, in  
14                  front of that store, in front of a shop when  
15                  the Interhamwe were with him and came to  
16                  present him with the lady they discovered at  
17                  Manyoni's and Kajelijeli ordered those  
18                  Interahamwe to do to that woman what they  
19                  had done to other people. They went and  
20                  killed the woman at the hill that I  
21                  mentioned, so that Kajelijeli was there. I  
22                  thank you.

23       BY PROFESSOR HINDS:

24       Q.               Sir, was it your testimony before this  
25               Tribunal that at the time the woman was

1                   taken and the children were taken out of the  
2                   car that Kajelijeli said to the Interahamwe,  
3                   no Tutsis were to be spared; is that your  
4                   testimony, that that is what Kajelijeli said  
5                   at that time?

6           A.           Mr. President, Your Honour, I repeat that  
7                   Counsel should understand what I am saying  
8                   clearly. I never pinpointed, for example,  
9                   the gender of the child in question. I  
10                  didn't say that the child was a boy or a  
11                  girl. Now regarding Kajelijeli, it was him  
12                  that gave all the orders out in  
13                  collaboration with his accomplices, and it  
14                  was him that said that all Tutsi should be  
15                  exterminated in the Mukingo commune, which  
16                  commune was considered by Kajelijeli as his  
17                  own personal property. I thank you.

18       PROFESSOR HINDS:

19                   Your Honour, I have asked the witness a  
20                   specific question and I want him to answer  
21                   that question.

22       MR. PRESIDENT:

23                   Tell Witness GDQ, that if he has a problem  
24                   of understanding the question, can he listen  
25                   carefully. We follow his evidence. There

1 is a specific question that has been asked.  
2 If he has an answer he can say so, if not,  
3 he can also say so. The question is very  
4 specific. Can he answer that without  
5 addition? We already have his evidence. We  
6 are already aware of his evidence in these  
7 proceedings. These specific questions have  
8 their purpose. So he can answer them  
9 specifically.

10 PROFESSOR HINDS:

11 Your Honour, the question that I am putting  
12 to the witness is the following:

13 BY MR. HINDS:

14 Q. Is it the witness's testimony that at the  
15 time that he says the woman was taken out of  
16 the car with her child or children and  
17 killed that Juvénal Kajelijeli said that no  
18 Tutsis were to be spared, or words to that  
19 affect, whatever his testimony is with  
20 respect to what Kajelijeli said, was it at  
21 that time?

22 MR. FLEMING:

23 Your Honours, may I make an objection. The  
24 simple answer to that is, yes that is his  
25 testimony and it is contained in the

1 transcript of yesterday. However, is my  
2 learned friend trying to test his memory on  
3 what he said yesterday, or is he trying to  
4 test his memory on what happened on the day?  
5 The questions, in my respectful submission,  
6 are confusing in themselves because he has  
7 already answered and I can see the way in  
8 which everybody is at cross-purposes during  
9 this process. The witness is struggling to  
10 know whether or not he is actually being  
11 asked whether it is his testimony now,  
12 whether or not it was his testimony  
13 yesterday, whether that is what he saw on  
14 the occasion. So, it is a confusing  
15 question, with respect. If my learned  
16 friend says; was it your testimony yesterday  
17 that you said this, well, it is quite  
18 obvious that it was because it is in the  
19 transcript or not in the transcript, and he  
20 is testing his memory of yesterday or is he  
21 testing his memory on what actually happened  
22 on the day?  
23  
24 Now, cross-examination, is not, with the  
25 greatest respect, a test of memory in

1                   respect of peripheral matters, rather  
2                   cross-examination is to verify issues and  
3                   these aren't helpful questions that my  
4                   learned friend is asking and, indeed, I can  
5                   take it further and say they are an entire  
6                   waste of time of this Court's than of  
7                   anybody else's because it an entirely  
8                   improper question in cross-examination,  
9                   simply to ask whether or not somebody asked  
10                  some questions yesterday.

11       PROFESSOR HINDS:

12                   Your Honour, Mr. Fleming has just entered  
13                   the room and chooses --

14       MR. PRESIDENT:

15                   I think, this matter, we wanted an answer  
16                   from the witness and we think it is a  
17                   relevant question and it is an important  
18                   question, because, from the proceedings, the  
19                   Trial Chamber has been following so far,  
20                   when counsel was out, is that whether or not  
21                   those words were attributed to the accused,  
22                   and that is extremely important question.  
23                   That is one. Two, it is true, in  
24                   examination-in-chief, these matters were  
25                   spelt out, no doubt about it. But I think



1                   it is important -- this particular question  
2                   is important for the witness to answer in  
3                   that light. So, we will allow that question  
4                   to be answered and overrule your objection.

5

6       MR. FLEMING:

7                   Your Honour, can I ask then -- Your Honour,  
8                   can I ask then that the question be  
9                   clarified? Is it your evidence now, was it  
10                  your evidence yesterday or was it your  
11                  evidence at some other time, so that there  
12                  is some clarity in the question before the  
13                  witness.

14      BY PROFESSOR HINDS:

15                  Your Honour, if Mr. Fleming wants to ask a  
16                  question he will ask his question but he  
17                  will not dictate the form in which the  
18                  Defence will put a question.

19      MR. FLEMING:

20                  With respect, I will, if it requires an  
21                  objection.

22      MR. PRESIDENT:

23                  We will proceed. Can the question be put to  
24                  the witness, please?

25      PROFESSOR HINDS:

1                   Your Honour, do you want me to repeat my  
2                   question again?

3       MR. PRESIDENT:

4                   Yes, please.

5

6       PROFESSOR HINDS:

7       Q.           Sir, is it your testimony before this  
8                   Tribunal that at the time that you say that  
9                   a woman was taken out of her car and her  
10                  child or children were killed at the  
11                  roadblock, that Juvénal Kajelijeli was  
12                  present and said, no Tutsis were to be  
13                  spared or all Tutsis were to be killed?

14      A.           Mr. President, Your Honour, I should like to  
15                  plead with the Chamber to tell Counsel that  
16                  I should continue to testify and to repeat  
17                  the same words each and every time that I am  
18                  called upon to testify before jurisdictions  
19                  concerning genocide.

20

21                  Now, regarding my utterances, sir,  
22                  Kajelijeli, I said, did make such utterances  
23                  on his own part. He is here and he can  
24                  confirm it and if Counsel wants more  
25                  evidence on that, he can come with me and we

1 will go to the areas where the crimes were  
2 committed. I thank you, sir.

3 Q. Sir, if what you are saying today is true,  
4 why didn't you say this to the  
5 representatives of the ICTR when you gave  
6 them your statement in June of last year?

7 A. Thank you, Mr. President, Your Honour.  
8 Defence Counsel should understand, should  
9 clearly understand, as a matter of fact,  
10 that when I was interviewed I did answer the  
11 questions put to me. Now today Counsel is  
12 putting forth to me other questions and I am  
13 answering those questions depending on the  
14 manner those questions are put to me and he  
15 is trying to find out all the truth.

16  
17 Now, the investigators that interviewed me  
18 told me that I may have to go elsewhere, to  
19 another location, to explain in greater  
20 detail all that I knew, and it was thus that  
21 I am here answering Counsel's questions such  
22 as they are put to me, and I repeat; what is  
23 he trying to do? Is he trying to bring out  
24 the whole truth? I told him that if he  
25 wants information that is not contained in

1 my former statements I can give this piece  
2 of information to him. I thank you.

3 PROFESSOR HINDS:

4 Your Honour, I may be finished with my  
5 cross, I just need to consult with my client  
6 concerning this.

7 MR. PRESIDENT:

8 Yes, and that is his explanation on this  
9 point. Yes, you can consult.

10 THE WITNESS:

11 Mr. President, Your Honour, may I crave your  
12 indulgence to allow me one or two minutes  
13 out because of my physiological infection, I  
14 should probably go and wash my hands, if you  
15 may allow me, Mr. President, may I just take  
16 a few moments?

17 MR. PRESIDENT:

18 Just a minute, perhaps we might be -- if you  
19 can stand it for a minute or two, the  
20 Defence have indicated that they might be  
21 finished with their cross-examination. They  
22 are consulting, we want to find out if they  
23 are doing that then we can have a long  
24 recess after that. That is if he can stand  
25 it for a minute. Tell the witness

1 immediately. Can he stand it a minute or  
2 two?  
3 THE WITNESS:  
4 Yes, sir, I could stand.  
5  
6 MR. PRESIDENT:  
7 Yes, Professor Hinds, are you through?  
8 PROFESSOR HINDS:  
9 No, sir, I have not. I have a few  
10 questions.  
11 MR. PRESIDENT:  
12 Oh, a few questions, how long?  
13 PROFESSOR HINDS:  
14 Your Honour my client has instructed me to  
15 ask a few questions, and I think that we are  
16 entitled to ask the questions. They are  
17 questions that are pertinent to him that he  
18 wants asked and if you want us to take a  
19 break I --  
20 MR. PRESIDENT:  
21 We will take a break for ten minutes. We  
22 will come back at ten to twelve.  
23 PROFESSOR HINDS:  
24 Thank you, Your Honour.  
25 (Court recessed at 1130H)

1

2

(Court resumed at 1150H)

3

MR. PRESIDENT:

4

Yes, the proceedings are resumed.

5

6

PROFESSOR HINDS:

7

Thank you, Your Honour. Just a couple of

8

questions. May I?

9

MR. PRESIDENT:

10

Yes.

11

BY PROFESSOR HINDS:

12

Q.

GDQ, you have testified, sir, that at the

13

time you say you made your observation at

14

the roadblock, that you were in the process

15

of burying bodies; is that correct?

16

A.

Mr. President, I would like the Chamber to

17

advise Counsel that I have made a solemn

18

declaration to tell the truth and that what

19

he is asking me is the truth.

20

MR. PRESIDENT:

21

Witness GDQ, Counsel would like to know that

22

at the time you observed the killings --

23

PROFESSOR HINDS:

24

No, at the time that he said that his

25

observations at the roadblock he was in the

1 process of burying bodies; is that correct?

2 MR. PRESIDENT:

3 On what date?

4

5 PROFESSOR HINDS:

6 This is the 8th, we are now dealing with the  
7 8th that we are talking about this roadblock  
8 which he says he made these observations.

9 MR. FLEMING:

10 Your Honour, what I have understood the  
11 witness as just saying is that I said that I  
12 will say the truth and what Defence Counsel  
13 said was the truth. That is what I  
14 understood him to respond.

15 MR. PRESIDENT:

16 Oh, all right. It is poetic.

17

18 MR. FLEMING:

19 Yes, it is typical.

20 PROFESSOR HINDS:

21 You know, I quite -- in all deference, I am  
22 not sure that I want to stand on record with  
23 Mr. Fleming's testimony because he is not in  
24 the witness stand. Unless he wants to  
25 substitute himself with the witness.

1 MR. FLEMING:

2 It wasn't my testimony --

3 PROFESSOR HINDS:

4 Counsel, I have the floor, please! Now,  
5 Your Honour, I would like the witness to, in  
6 fact, clarify that point.

7 MR. PRESIDENT:

8 Yes, for the record, because that seems to  
9 be very useful interpretation, Mr. Fleming,  
10 if it turns out to be the truth.

11 MR. FLEMING:

12 I didn't interpret it, Your Honour, and  
13 there are others in the Courtroom who heard  
14 those words, that is exactly what he said.  
15 The record will stand.

16 MR. PRESIDENT:

17 Yes, maybe for the sake of verification,  
18 Witness GDQ, you have said in answer to the  
19 question put to you by Counsel, whether or  
20 not at the time you made the observation at  
21 the roadblock you were burying bodies.  
22 Forgive me if I make a mistake, and in  
23 answer to your question you said that you  
24 have sworn to speak the truth and that what  
25 Counsel said was the truth -- what Counsel



1                   said was the truth.

2       PROFESSOR HINDS:

3                   Oh, okay then --

4

5       MR. FLEMING:

6                   That is what he said. That is why I tried

7                   to explain.

8       MR. PRESIDENT:

9                   Well, I think --

10       PROFESSOR HINDS:

11                  Okay, well taken, sir.

12       BY PROFESSOR HINDS:

13       Q.           Sir, can you then tell this Chamber where

14                   you were burying bodies, where were the

15                   sites, the burial sites located?

16       A.           Thank you, Mr. President. I have stated in

17                   this Court that I was a neighbour to the

18                   families of the victims, and we are talking

19                   about 24 families. The victims who were

20                   fleeing were killed on the way. Kajelijeli

21                   is here, let him contradict me if I am

22                   telling lies. When we were burying people

23                   from Muhinda's place, Muhinda is,

24                   M-U-H-I-N-D-A. When we were burying people

25                   from Muhinda's house, Kajelijeli was in his

1 bar together with his Interahamwe and he  
2 could see us. What I am saying here did not  
3 fall from heaven. I witnessed it with my  
4 own eyes. Kajelijeli could see us because  
5 we were burying people in front of his bar.  
6 Q. Sir, the actual place where you were burying  
7 the people was in front of Kajelijeli's bar  
8 in Byangabo; is that correct?  
9 A. Yes, Mr. President. That is true.  
10 Q. But, sir, at what time, if you recall the  
11 day, did you get the order to bury the  
12 bodies?  
13 A. Mr. President, I don't know why Counsel is  
14 dwelling on time. I have already said that  
15 I was not in charge of checking the time all  
16 the time. But when Habyarimana came to look  
17 at the condition of the bodies, he gave us  
18 instructions, and that was 9:30. He went on  
19 his way to observe the killings that took  
20 place at the parish and the convent of  
21 Busogo.  
22  
23 We buried the bodies from 9:30 to 5 pm  
24 given the number of bodies that were all  
25 over the place. Okay.

1       Q.               Now, sir, is it your testimony that someone  
2                       standing at Juvénal Kajelijeli's bar at  
3                       Byangabo is able to see bodies being taken  
4                       from Muhinda's, M-U-H-I-N-D-A's home?

5       A.               Mr. President, I have appealed to Counsel on  
6                       several occasions for the proceedings to be  
7                       adjourned for him to come with me and  
8                       observe the facts. But Kajelijeli is  
9                       present here, he can testify to the fact  
10                      that Muhinda lives next to his bar and he  
11                      can further testify to the fact that there  
12                      were several bodies between Muhinda's house  
13                      and his bar. I would like Counsel to leave  
14                      this courtroom knowing that my testimony is  
15                      not a lie. I would like to request the  
16                      President to give me the opportunity to say  
17                      a few words on the letter that Counsel has  
18                      produced here, so that we all know that  
19                      there is no change on what I have said.

20      MR. PRESIDENT:

21                      Tell the witness that we took his evidence  
22                      on that and he need not worry on that one.  
23                      Okay? Yes, Mr. Fleming, do you still have  
24                      --

25      PROFESSOR HINDS:

1                           Oh, Fleming?

2       MR. PRESIDENT:

3                           Oh, I beg your pardon. I meant Professor

4                           Hinds.

5       PROFESSOR HINDS:

6                           I don't even have a wig on! Okay, Your

7                           Honour, I just would like to, based upon the

8                           witness's answer, to show him what has been

9                           marked the Prosecutor's Exhibits, some

10                          photograph concerning the bar. He has made

11                          a statement and I would like now to show him

12                          the documents. So I just need a minute to

13                          get that.

14       MR. PRESIDENT:

15                          What exhibit is that?

16       PROFESSOR HINDS:

17                          That is Exhibit P-7 which deals with the

18                          photographs, Your Honour, and within the

19                          photographs --

20       MR. PRESIDENT:

21                          In the meantime, Interpreter, could you

22                          translate what I said to the witness?

23       PROFESSOR HINDS:

24                          We are now at P-7.

25       MR. PRESIDENT:

1 Yes, P-7?

2 PROFESSOR HINDS:

3 Let me just -- I know we have one  
4 photograph, I just want to make sure -- I  
5 want to show the witness all the photographs  
6 rather than going back to them. I just want  
7 to consult with the client with respect to  
8 the photograph.

9  
10 We would like to show the witness, Your  
11 Honour, with respect to P-7 photograph No.  
12 23. Do the Prosecutor have that Exhibit?

13 MR. PRESIDENT:

14 Let me say that these exhibits were admitted  
15 really -- and they are re-admitted --  
16 whether the numbers are still the same.

17 PROFESSOR HINDS:

18 They were admitted, Your Honour, and I think  
19 we all have the same books with the same  
20 documents that were identified by their  
21 witness, Lukasa. So I am now dealing with  
22 picture No. 23.

23 MR. PRESIDENT:

24 Yes, what does the witness want to say,  
25 Interpreter?

1 THE WITNESS:  
2 I would like to appeal to the President to  
3 give me just a few minutes to say a few  
4 words which I am sure will not disturb your  
5 proceedings.  
6 PROFESSOR HINDS:  
7 Your Honour, there is no question pending  
8 before the witness.  
9 MR. PRESIDENT:  
10 Perhaps it is important. Does it concern  
11 his health, perhaps? That is important.  
12 THE WITNESS:  
13 These are very important things. But  
14 regarding my health, only God knows how my  
15 health is.  
16 MR. PRESIDENT:  
17 Can we now listen to the question?  
18 PROFESSOR HINDS:  
19 Your Honour, does the witness have a health  
20 problem?  
21 MR. PRESIDENT:  
22 No, apparently, not.  
23 PROFESSOR HINDS:  
24 Oh, okay.  
25 BY PROFESSOR HINDS:

- 1 Q. Witness, I show you what has been admitted  
2 into evidence as photograph and I would like  
3 to ask you whether or not you can identify  
4 that photograph?
- 5 A. No, I cannot remember this place.
- 6 Q. Witness, look at the photograph very  
7 carefully, are you sure you cannot remember  
8 this place?
- 9 A. I have already said that I do not remember  
10 this place and I have been in detention for  
11 7 years now, and if that building exists, I  
12 do not know. And let me add that during  
13 that period there has been a lot of  
14 modification, so I am not in a position to  
15 recognise this place and I would wish that  
16 you do not insist on that.
- 17 MR. PRESIDENT:
- 18 Yes, that is the witness answer to that.
- 19 PROFESSOR HINDS:
- 20 Your Honour, I just need now --
- 21 MR. PRESIDENT:
- 22 Well, I think --
- 23 PROFESSOR HINDS:
- 24 I have finished one round of questions. I  
25 just wanted to check with my client. I

1                               would like to check with my client.

2       MR. PRESIDENT:

3                               We can't go on indefinitely, certainly.

4                               This should be the end. I mean we have been

5                               given the opportunity for cross-examination

6                               with all the time-frame. In fairness I

7                               think that should come to an end.

8       PROFESSOR HINDS:

9                               Your Honour, we have no further questions.

10      MR. PRESIDENT:

11                              Any re-examination, Mr. Fleming?

12      THE WITNESS:

13                              Mr. President?

14      MR. PRESIDENT:

15                              Yes?

16      THE WITNESS:

17                              Mr. President, I do not understand why you

18                              do not want to give me the opportunity to

19                              address the Court, I believe that is my

20                              right.

21      MR. PRESIDENT:

22                              You can, if you want, before the

23                              re-examination. We want to hear you. What

24                              do you want to say? Mr. Fleming, can you

25                              wait for a minute? What does he what to



1 say? Very briefly, because we want to  
2 conclude his evidence soon. If he can  
3 understand that.

4 THE WITNESS:

5 If you allow me, Mr. President, I will try  
6 to be very brief.

7 MR. PRESIDENT:

8 What do you want to say?

9 THE WITNESS:

10 Mr. President, the letter which was produced  
11 here, to disorient the Court, it is a letter  
12 that was drafted in 1972 and it is true that  
13 in 1972 -- 1992, it is true that in 1992 --  
14 yes, it was written in 1992 and at that time  
15 there was no genocide in Rwanda. So,  
16 Kajelijeli who had killed long ago, I  
17 thought he was going to talk to us about  
18 people he killed then.

19 MR. PRESIDENT:

20 The Trial Chamber is -- we have told the  
21 Interpreter to tell you that the Trial  
22 Chamber was aware of what he has just said  
23 before on this matter and it is -- the Trial  
24 Chamber -- it is aware of what he said about  
25 that document and will be considered like

1 any other evidence that is going to be  
2 adduced in this Court.

3 THE WITNESS:

4 Thank you, Mr. President.

5

6 MR. PRESIDENT:

7 Yes.

8

RE-EXAMINATION

9 BY MR. FLEMING:

10 Q. Witness, just when Mr. Hinds started  
11 cross-examining you, and I think, really, to  
12 in answer to the first question you made  
13 reference to seeing Professor Hinds when you  
14 where in detention; can you tell us when  
15 that was?

16 A. Thank you, Mr. President. As I testified,  
17 Counsel for the Defence of Kajelijeli came  
18 to the Ruhengeri prison yard to meet us.  
19 We were more than 10 in number and this took  
20 place on the 25th of May 2001.

21 Q. Were you interviewed by Professor Hinds?

22 A. Thank you, Mr. President. When I learned  
23 that the person concerned was Counsel for  
24 Juvénal Kajelijeli, against whom I  
25 testified, I told him that I would not allow

1 him to interview me and he is there, he can  
2 so testify. He approached me when he saw me  
3 at the Ruhengeri hospital where I went for  
4 treatment.

5 Q. What did he say to you?

6 A. Mr. President, Counsel for Defence came and  
7 he was engaged in carrying out  
8 investigations into what Kajelijeli did in  
9 the Mukingo commune. He interviewed some of  
10 those who were with me, And once I learnt  
11 that he was representing Juvénal Kajelijeli  
12 before the International Criminal Tribunal  
13 for Rwanda I told him that I would not be  
14 willing to talk to him. Thank you.

15 MR. FLEMING:

16 Thank you, Your Honour. That is the  
17 evidence of this witness. I have no further  
18 re-examination. May the witness be excused?

19 MR. PRESIDENT:

20 Yes. Thank you, Mr. Fleming. Judge  
21 Ramaroson has one question to ask.

22 JUDGE RAMAROSON:

23 Witness, were all the Tutsis of the Mukingo  
24 commune killed or exterminated, and could  
25 you give us an approximate figure of the

1 number of persons who died?

2 THE WITNESS:

3 Thank you, Mr. President. The question that  
4 has been put to me by the Lady Judge is a  
5 very good one and I would like the Court to  
6 understand that it is only Kajelijeli who  
7 was the bourgmestre of the Mukingo commune,  
8 it is only him who is able to know the  
9 number of Tutsis and to talk to the Court  
10 about it. Personally, I know that the  
11 Tutsis who were killed were very many in  
12 Mukingo and even in the neighbouring  
13 communes.

14

15 Unless I am asked to provide an estimate or  
16 an approximate figure, that is, of the  
17 Tutsis who were my neighbours, unless that  
18 is the case I wouldn't really be in a  
19 position to provide an estimate on  
20 approximation on the number of Tutsis who  
21 were killed or elsewhere or close to my  
22 place.

23 JUDGE RAMAROSON:

24 Thank you. Witness, you said that there  
25 were victims who were buried, by yourself

1                   and by other members of the population, were  
2                   they buried in a specific place or just  
3                   anywhere and can you give us an approximate  
4                   figure for those who were buried?

5       THE WITNESS:

6                   Thank you, Mr. President. I also wish to  
7                   thank the lady judge because the questions  
8                   she is putting to me are quite interesting  
9                   and very clear. It is true, on the 8th of  
10                  April, together with others, I was involved  
11                  in burying the victims and I have just  
12                  testified before the Court that I am not in  
13                  a position to provide an approximate figure  
14                  of the number of dead, and that I am only  
15                  able to give an estimate of the deceased who  
16                  were my neighbours. If you so desire, I  
17                  might even give you their names and their  
18                  approximate number. Thank you.

19       JUDGE RAMAROSON:

20                  Thank you. That is all.

21       MR. PRESIDENT:

22                  Yes, could you please --

23       PROFESSOR HINDS:

24                  Your Honour, before we excuse the witness,  
25                  the Defence reserves the right to recall

1                   this witness based upon our pending request  
2                   which has not been responded to adequately.  
3       MR. PRESIDENT:  
4                   Noted. Could you please tell Witness GDQ,  
5                   that this marks the end of his evidence. We  
6                   thank him. We shall have opportunity to  
7                   consider his evidence together with all the  
8                   other evidence that is going to be adduced  
9                   in the course of this trial.  
10  
11                  Once again we thank him. If there are --  
12                  are there any Exhibits to be tendered?  
13       PROFESSOR HINDS:  
14                  What we have, Your Honour, are prior  
15                  inconsistencies with respect to the  
16                  statement, the same as we have with GAP.  
17       MR. PRESIDENT:  
18                  Which have not been finalised?  
19       PROFESSOR HINDS:  
20                  Which have not been finalised.  
21       MR. PRESIDENT:  
22                  Those could be dealt with in the absence of  
23                  the witness, Mr. Fleming, of course?  
24       MR. FLEMING:  
25                  Yes. Mr. President.

1 MR. PRESIDENT:  
2 All right, the witness can leave.  
3 THE WITNESS:  
4 Thank you, Mr. President.  
5 MR. FLEMING:  
6 Thank you, Your Honour. It is ten to one,  
7 the next witness is not particularly well,  
8 but I can usefully take up the next few  
9 minutes in a couple of matters that I want  
10 to raise. And if it was suitable to the  
11 Court we could commence the next witness  
12 immediately after the luncheon adjournment.  
13 MR. PRESIDENT:  
14 Okay.  
15 MR. FLEMING:  
16 Your Honour, there are two issues that we  
17 want to raise. The first is what my learned  
18 friend has just said about we haven't  
19 responded adequately to his request. My  
20 understanding is that we have, in that we  
21 have no materials. We have been told we are  
22 not going to get any materials. We would  
23 continue that debate with Rwanda because  
24 obviously this is not the only case in which  
25 this matter is in issue and the moment we

1 obtain this material we will pass it on.

2

3 The second matter is one which is concerning  
4 us. It goes back to an argument that we had  
5 earlier on in this matter, and that was in  
6 respect of the role as we call it in Brown  
7 and Dan. Now, Your Honours might well  
8 recall that this was raised at the end of  
9 one witness and where nothing was put to  
10 that witness in respect of the Defence case.  
11 It was at that point in time, for the first  
12 time, we discovered there was going to be an  
13 alibi evidence. So, it is the same  
14 argument, again, Your Honours. It would be  
15 a mistake if my learned friend thought that  
16 I didn't know what has been going on in this  
17 courtroom because I am well-informed and we  
18 can, in fact, listen to the proceedings in  
19 any event.

20

21 But let me take a simple example of our  
22 concerns. The Rule in Brown and Dan is a  
23 rule of fairness. The witness is entitled  
24 to be given the opportunity to say what he  
25 can about any particular matter, especially



1                   if there is going to be an inference drawn  
2                   against a particular witness, in, for  
3                   example, in respect of credibility.  
4  
5                   Now, the simple example I gave is the last  
6                   photograph that was shown to the witness.  
7                   All that we got from our learned friend was  
8                   an enigmatic smile rather than as one would  
9                   have expected in compliance in the Rule of  
10                  Brown and Dan that he be informed that,  
11                  despite his lack of memory, that this was a  
12                  particular location; now, what do you say  
13                  about that?  
14  
15                  He was left with nothing. If our learned  
16                  friend is going to make an inference, and I  
17                  use only this one example and there were  
18                  many others, if he is going to make an  
19                  inference in respect of the credibility of  
20                  this witness, in that he didn't recognise  
21                  that particular place, then he had an  
22                  obligation to put to the witness what that  
23                  place was and to have the witness comment on  
24                  it.  
25

1 Now, I recognise that this is a rule  
2 peculiar to those systems which have  
3 followed the British system more closely and  
4 I recognise that it is not a rule that is  
5 practised in the US and they have, of  
6 course, argued vehemently against it because  
7 they take a view that it constitutes giving  
8 evidence from the bar table, in fact.

9  
10 So, we recognise the rule as one relating to  
11 a narrow section of the legal community, but  
12 it is something which this Court obviously  
13 has to determine whether or not it wants the  
14 rule applied or doesn't want the rule  
15 applied.

16  
17 I say no more on that matter than that, Your  
18 Honour, but we will be making submissions at  
19 the end of the day if those matters haven't  
20 been put to various witnesses.

21  
22 I said more by way of alerting the Court and  
23 my learned friend to this proposition.  
24 Thank you, Mr. President.

25 MR. PRESIDENT:

1                   Thank you, Mr. Fleming. Do you want to  
2                   comment on Mr. Fleming's observations?

3       PROFESSOR HINDS:

4                   Yes, Your Honour, I was just going to say,  
5                   briefly, that the record so far with respect  
6                   to detained witnesses is very clear. The  
7                   Defence has made our request for disclosures  
8                   in writing on the record by way of motions  
9                   and the Court has ruled with respect to  
10                  that. We have a communique from the  
11                  Prosecutor General from the Republic of  
12                  Rwanda dated November 26, 2001, in which he  
13                  set out, by way of reference, the request  
14                  for copies for statements for confessions by  
15                  Rwandan detainee witnesses appearing before  
16                  your Chamber and the Court is aware of the  
17                  contents of that letter.

18  
19                  In substance, we received nothing. These  
20                  witnesses have testified, we believe there  
21                  may be relevant and probative evidence with  
22                  respect to their testimony which we are  
23                  entitled to pursuant to Rule 68 and in the  
24                  interest of justice the Defence intends,  
25                  Your Honour, to follow a supplemental motion

1 with respect to the enforcement of your  
2 order.

3  
4 Now, we realise there are limits with  
5 respect to Article 28 and we understand  
6 that this Court is limited with respect to  
7 what you can do pursuant to Rule 7 bis and  
8 so that may be the limits with respect to  
9 what this Chamber may do in this regard.

10  
11 But that would not be the end of the problem  
12 because we then have a situation where a  
13 Defendant stands accused of one of the most  
14 horrible crimes that any individual could be  
15 accused of, and we have witnesses where the  
16 truthfulness of what they have said before  
17 this Tribunal may very well be refuted by  
18 statements in the hands of the Rwandese  
19 authorities who should be interested in the  
20 same thing we are interested in, which is  
21 what? The truth. Nothing more but the  
22 truth. And so, therefore, in this letter of  
23 the 26th they talk about security issues,  
24 safety of survivors, potential witnesses and  
25 so on. No offer is made to redact anything

1 out of it. The very same witnesses have  
2 made statements before the ICTR. They name  
3 names and so on and so forth. But the only  
4 statements that are being withheld are  
5 statements that may, in fact, cast doubt on  
6 the truthfulness of what they have said  
7 here and I think that this Chamber, and we  
8 will be making an application with respect  
9 to this Chamber responding in the  
10 appropriate fashion to the November 26th  
11 letter because it impacts on how we go  
12 forward.

13  
14 Now, with respect to the commentary on  
15 whether or not there is a duty on the part  
16 of the Defence, if the Defence presents  
17 evidence to a witness and the witness says  
18 that he does not, in fact, remember, does  
19 not recognise the document. Whether or not  
20 I am under any duty to notify the witness, I  
21 say categorically, no. Mr. Fleming got up  
22 and he has the right, the duty, somewhere he  
23 even said, obligation, to, in fact, during  
24 his re-direct, to clarify, assist the  
25 witness, do whatever.

1

2

To suggest that there is some burden on us  
is not only unfounded but there is no  
basis.

5

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MR. FLEMING:

24

25

However, it will become necessary to address  
that issue soon because despite the fact

1           that Your honours have made orders in  
2           respect of protection of witnesses, our  
3           learned friends want us to enter into  
4           agreements over and above the orders that  
5           Your Honours have made. Now, if I am not  
6           going to be bound by one of your orders in  
7           respect of that -- those witnesses then I am  
8           certainly not going to be bound by an  
9           agreement. However, we give this Court the  
10          solemn undertaking that I will be bound by  
11          the orders of this Court. One attracts  
12          contempt, the other might only attract  
13          damages and I am more than happy to go by  
14          the one that attracts contempt and we will  
15          abide by the order of the Court in respect  
16          of those witnesses. Thank you, Your  
17          Honours.

18       MR. PRESIDENT:

19           Yes, thank you, Counsel. I think we can  
20           only take note of what has been said by  
21           Counsel on this matter, Mr. Fleming, and the  
22           response made by Professor Hinds. There is  
23           no formal issue raised before the Chamber  
24           for determination, but there are, no doubt,  
25           very, very important issues that will need

1 to be addressed as we go along.

2

3 The first one dealing with the question of  
4 the statement, the Trial Chamber has, as you  
5 both rightly observed, had made a ruling on  
6 that and we have to take note that Mr.  
7 Fleming has said that they are still and  
8 will continue to follow this matter with the  
9 authorities in Rwanda. And reading also the  
10 letter of the 26th November that has been  
11 referred to, one tends to think it does not  
12 close the door in the sense that I think the  
13 last paragraph seems to suggest that they  
14 could open for consideration in dealing with  
15 specific requests, if our reading is  
16 correct.

17

18 On the second issue raised by Mr. Fleming  
19 there are two -- one touching on the element  
20 of alibi which both of you, I think, have  
21 touched on. I hope this matter will be  
22 sorted out soon and as the Prosecution  
23 rightly pointed out Rule 67, of course,  
24 gives a time frame within which issues of  
25 Rules of Procedure and Evidence -- issues of



1 alibi are to be worked out and the  
2 importance of it is that it is true that  
3 witnesses who appear before the Trial  
4 Chamber and place an accused person or  
5 accused persons to a particular place, they  
6 must be given opportunity to comment on any  
7 possible absence of that particular accused  
8 person at that particular place and at that  
9 particular time. These questions are  
10 extremely important, these witnesses must be  
11 given opportunity to respond to that. I  
12 hope this is being done so that we don't  
13 have to go over again at a later stage. So,  
14 I think it is very valid in that context  
15 that these aspects were sorted out as soon  
16 as possible.

17  
18 The other matter of a general nature dealing  
19 with the principles that have been raised by  
20 Mr. Fleming and responded to by Professor  
21 Hinds, we are in the process, as it were,  
22 the Tribunal, of developing the  
23 jurisprudence on all these issues and the  
24 Rules are permissive, in particular Rule  
25 89(B) but the underlying principle is

1 fairness in dealing with the nature of our  
2 work and to act in consonant with the spirit  
3 of the statute and the rules. That is a  
4 duty that enjoined on all of us and to the  
5 Counsels as officers of the Court. But we  
6 take note of those observations.

7  
8 So, we will adjourn the proceedings to 2:30  
9 when we shall have the next witness. The  
10 proceedings stand adjourned until 2:30.

11 (Court adjourned at 1305H)

12

13 (Pages 32 to 74 by Regina Limula)

14

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1 1435H

2 MR. PRESIDENT:

3 The proceedings are called to order. Yes,

4 your next witness.

5 MS. OJEMENI:

6 May it please, Your Honours. The

7 Prosecution calls Witness GDT.

8 MR. PRESIDENT:

9 GDT. This will be PW12, I suppose?

10

11 Could you please, swear the witness.

12

13 (Witness GDT, duly sworn in)

14 MR. PRESIDENT:

15 Yes. Interpreter, could you please tell

16 Witness GDT that she has just made a solemn

17 declaration and that if she is not familiar

18 as to how our evidence is being taken here,

19 we'll explain a few essential things. She

20 will be led in her evidence in chief by the

21 Prosecution who are seated on this side of

22 the courtroom. Thereafter questions will be

23 put to her in cross-examination by the

24 Defence who are seated on this side of the

25 courtroom. The Judges sitting in front of

1 her, may also ask questions if they have  
2 such questions to ask, to seek clarification  
3 of her evidence as she gives it.

4  
5 Yes. If a question put to her is not clear  
6 or she does not understand it she should say  
7 so and it will be repeated or explained.  
8 Yes, these are the few essential things we  
9 want to tell her before she begins her  
10 evidence.

11  
12 Yes. Learned counsel for the Prosecution,  
13 please.

14 MS. OJEMENI:

15 Thank you, Your Honour.

16 PROFESSOR HINDS:

17 Can we have the witness seat closer to the  
18 microphone, please?

19 MR. PRESIDENT:

20 Yes.

21

22 EXAMINATION-IN-CHIEF

23 BY MS. OJEMENI:

24 Q. Witness, I will show you a document --

25

1 MR. PRESIDENT:  
2 Maybe she can come near to the microphone so  
3 that she can be heard when she speaks. Can  
4 she come forward and she can speak loudly in  
5 Kinyarwanda so that those who  
6 understand Kinyarwanda can follow her.  
7  
8 Okay, please, Counsel.  
9 BY MS. OJEMENI:  
10 Q. Witness, I will show you a document. I  
11 would like you to take a look at this  
12 document and confirm if the details are  
13 correct?  
14 MR. PRESIDENT:  
15 Yes, please show it to her.  
16 BY MS. OJEMENI:  
17 Q. Are the details correct or not?  
18 A. Yes, that is correct, madame.  
19 Q. Your Honour, I seek to tender the document  
20 as Exhibit P17.  
21 MR. PRESIDENT:  
22 Yes.  
23 MS. OJEMENI:  
24 And I request that the document be kept  
25 under seal because it contains the

1                               particulars of this witness who is  
2                               protected.  
3  
4       MR. PRESIDENT:  
5                               Yes, any objection from the Defence.  
6       PROFESSOR HINDS:  
7                               No objection.  
8  
9                               (Exhibit No. P17 was admitted)  
10      MR. PRESIDENT:  
11                              Yes, so let the document containing the  
12                              particulars of Witness GDT be admitted as  
13                              Prosecution Exhibit 17 and that it be kept  
14                              under seal to protect the details which  
15                              belong to a protected witness.  
16      MR. KIYEYEU:  
17                              We have taken note, My Lord.  
18      MS. OJEMENI:  
19                              As the Court pleases.  
20      MR. PRESIDENT:  
21                              Yes, Counsel.  
22      BY MS. OJEMENI:  
23      Q.                      Witness, I will be asking you a series of  
24                              questions and I want you to answer these  
25                              questions as precise as possible.

- 1
- 2                    Could you tell this court if you heard about
- 3                    the death of President Habyarimana?
- 4       A.            Yes, I learnt about the death of President
- 5                    Habyarimana over the radio.
- 6       Q.            Can you recall the year he died?
- 7       A.            He died in 1994.
- 8       Q.            Could you recall the date of the morning you
- 9                    said you heard about his death?
- 10      A.            Yes, that was one morning at five o'clock in
- 11                    the morning when I switched on my radio, it
- 12                    was the 7th of April.
- 13      Q.            Where were you when you heard about his
- 14                    death? Where were you?
- 15      A.            I was still in bed it was very early in the
- 16                    morning.
- 17      Q.            You were in bed where, home or outside home?
- 18      A.            At home, madame.
- 19      Q.            Is home where you were in 1994, as stated in
- 20                    the document that I showed you which is now
- 21                    admitted as Exhibit P17?
- 22      A.            Yes, madame.
- 23      Q.            Who was with you at this time when you heard
- 24                    about his death?
- 25      A.            I was with my husband and my children,

1                   madame.

2       Q.           How did you feel when you heard about his

3                   death?

4       A.           I was frightened.

5       Q.           Why were you frightened?

6       A.           I was frightened because we had just lost

7                   the head of state, and I was frightened.

8       Q.           What is your ethnicity?

9       A.           I am Tutsi, madame.

10      Q.           What did you then do when you heard about

11                  his death? Did you do anything?

12      A.           I remained at home up to 5:30 in the

13                  afternoon when we heard somebody called

14                  Kanuma Joseph, knock at our door.

15      Q.           What happened when he knocked at your door?

16      A.           We opened the door and he came into the

17                  house and announced the death of the

18                  President, and then he told us at the same

19                  time at that very moment that blood was

20                  flowing, and blood was being spilt, rather,

21                  and in Kigali blood was flowing already. He

22                  told my husband, you, too, you are not going

23                  to get away from this because of your wife.

24      Q.           Why did he say that to your husband?

25      A.           He told him that because my husband was Hutu



- 1 and I am Tutsi and at that very time they  
2 were killing the Tutsi and not the Hutu,  
3 madame.
- 4 Q. Who is this Joseph Kanuma that you have just  
5 told this court that said this to your  
6 husband?
- 7 A. I am sorry, madame.
- 8 Q. Who is Kanuma Joseph that you said came to  
9 your house and told your husband that he  
10 would not be spared because of his wife, who  
11 is he?
- 12 A. He was a peasant farmer but a friend.
- 13 Q. What is his ethnicity, do you know?
- 14 A. He too was Hutu. Let me spell Kanuma.  
15 K-A-N-U-M-A.
- 16 Q. Did any other person come to your house that  
17 same day?
- 18 A. After his departure a child come at around  
19 10 o'clock. The child came from the other  
20 side of the river. We were neighbours with  
21 the child's family but between Mukingo and  
22 Kinigi there's a river which is the boundary  
23 so that we were neighbours apart from this  
24 river that went across.
- 25 Q. Now you said this child came after Joseph

1 left, at about ten, is that correct?

2 A. That is correct, madame.

3 Q. Ten in the morning or in the night?

4 A. It was 10 in the morning, madame.

5 Q. When did Joseph Kanuma come, can you recall

6 the time?

7 A. He arrived at 5:30. That is between 5:30

8 and 6 o'clock in the morning, madame. I

9 didn't look at the o'clock. This is just an

10 estimate.

11 Q. When Joseph told your husband that blood was

12 flowing, did he explain what he meant by

13 that?

14 A. Well, he told him that in Kigali people were

15 being killed and it was thus because people

16 were being killed he added that even in the

17 streets they were saying that all the Tutsi

18 will be killed as well as those that were

19 married to Tutsi.

20 Q. The child that came thereafter, did he say

21 anything to you or to your husband or to

22 your hearing?

23 A. Well, he turned to me and said that it was

24 his or her mother that sent him or her to

25 warn me that an attack was going to be

1                   launched against me and that we were to run  
2                   away and hide. And he added that the  
3                   mother-in-law of my father had just been  
4                   killed and that we should try to flee and  
5                   seek refuge somewhere.

6       Q.           What was the ethnicity of your mother-in-law  
7                   that was killed?

8       A.           That was the maternal aunt of my father.

9       Q.           Yes, what was her ethnicity?

10      A.           She was Tutsi, madame.

11      Q.           Can you recall the name of the mother of  
12                   this child that came to give you this  
13                   message?

14      A.           Yes, madame.

15      Q.           Can you give us the name?

16      A.           Yes, I could give you the name but perhaps  
17                   if I tell you the name that might reveal my  
18                   identity, madame.

19      Q.           I am referring to the mother of the child  
20                   not the mother of your father?

21      MR. PRESIDENT:

22                   That's her fear anyway. Maybe try to find  
23                   out --

24      BY MS. OJEMENI:

25      Q.           If that will reveal your identity then I

1 pass for this question. I withdraw it.

2 A. But I can write it down.

3 MS. OJEMENI:

4 It's no problem. Don't bother, I withdraw

5 the question.

6 MR. PRESIDENT:

7 Maybe you can come back to it.

8 MS. OJEMENI:

9 Yes, My Lord.

10 BY MS. OJEMENI:

11 Q. Now when this child left, after you heard

12 this news, did you do anything?

13 A. I did not do anything because after a few

14 moments the attacks started.

15 Q. Which attack are you referring to?

16 A. The attack I am talking about or the attack

17 as per the group of Interahamwe that

18 arrived, that I started hearing boisterous

19 noise and the noise was coming from Mukingo.

20

21 Now, since I realised that I couldn't do

22 anything I hid myself under the bed and I

23 said to myself, let them come and do what

24 they want to do. They came and entered the

25 house. From where I was, I could hear some

1 of them taking objects in the house and  
2 others were saying, well, start by looking  
3 for the woman. They saw me and drew me  
4 outside.

5 MS. OJEMENI:

6 Can you translate, please?

7 MR. PRESIDENT:

8 No, let the translation to come through  
9 easily.

10 THE WITNESS:

11 Once we were out, I realised that they had  
12 also found my husband, who had been hiding  
13 in the toilet. They took him and told him,  
14 "we are going to kill your wife, and you,  
15 too, we are not going to spare you". They  
16 took me and took me along. And along the  
17 way they were beating me. They made me  
18 cross a road and then we took a path that  
19 was going down the hill, and one of them  
20 told me that Kajelijeli told them that he  
21 was in the bar and told them, "you must  
22 bring me that lady before I finish drinking  
23 this bottle".

24 Q. Where were your children at this point? Can  
25 you recall?

- 1       A.               No, I learnt about the place where my  
2                        children were once I returned after the war,  
3                        from my place of refuge.
- 4       Q.               You said they took you. Where did they take  
5                        you to?
- 6       A.               They took me very near a river, called river  
7                        Kazi. Kazi is spelt, K-A-Z-I, madame.
- 8       Q.               This person who told you about Kajelijeli  
9                        did he say anything else to you?
- 10      A.               No, the person in question was not talking  
11                      to me. He was rather talking to his  
12                      Interahamwe colleagues and he spoke to them.  
13                      On the way, he told them, among other  
14                      things, that if a link were made between the  
15                      killers of Rwenkeri then he would be the  
16                      first among the killers.
- 17      Q.               Who would be the first among the killers?  
18                      Who are you referring to?
- 19      A.               It was Kajelijeli.
- 20      Q.               Did you hear them say anything else?
- 21      A.               No, sir, those were the only statements I  
22                      heard them make because when they finished  
23                      making that statement we got to the river  
24                      and as soon as we got to the river they  
25                      pushed me down and I must say that at that

1 stage I was very tired. Very tired because  
2 of the blows that they gave me. They started  
3 spreading my legs and started raping me at  
4 the river.

5 Q. Can you estimate the distance between your  
6 house and to this river where you were at  
7 this point, that's river Kazi? The distance  
8 between your house and the river, is it  
9 possible for you to give this court an  
10 estimate in meters?

11 A. It is not a very long distance. It should  
12 be between thirty and forty steps.

13 Q. We will come back to the rape you just  
14 mentioned. I would want you to describe to  
15 this court what you mean by the word  
16 Interahamwe?

17 A. The Interahamwes are special persons who are  
18 of Hutu ethnic origin and used to go around  
19 with weapons, axes, spears, clubs. Clubs  
20 that were called Namungano (sic). I spell  
21 N-T-A-M-U-P-O-N-G-A-N-O, Namungano (sic)  
22 Witness adds, Y-'-U-M-W-A-N-Z-I. They also  
23 wore cups, which distinguished them from  
24 other civilians or soldiers. Besides some  
25 of them had guns and they would go around

1 making a lot of noise. These are the people  
2 that are called the Interahamwe or the CDR.  
3 Q. Now on that day that you were being taken  
4 down to the river, can you recall if it was  
5 only Interahamwes that were amongst the  
6 people taking you down to the river?  
7 A. There were soldiers, as well, and I saw  
8 them.  
9 Q. About how many people did you see on that  
10 day taking you down? About how many of them  
11 did you see taking you to the river, can you  
12 remember, just an approximate?  
13 A. There were many about 20. Their colleagues  
14 stayed behind in my house and continued with  
15 the looting.  
16 Q. Did you recognise anybody amongst the people  
17 talking you down?  
18 A. Yes, I was able to recognise some of them.  
19 Q. Can you give us the names of the people you  
20 recognized?  
21 A. I remember one Gahamanyi Munyarimbaje and  
22 Bugeru. I spell Gahamanyi  
23 G-A-H-A-M-A-N-Y-I, Ngahamanyi. The other  
24 was Bugeru B-U-G-E-R-I. These were the two  
25 that I recognized among the people who took



- 1 me to the river. Regarding the third person  
2 that I mentioned, that is Munyaribazhe, he  
3 was not with us when we went down to the  
4 river. I spell Munyaribanje  
5 M-U-N-Y-A-R-I-B-A-N-J-E, Munyaribaje.
- 6 Q. Can you tell this court where these people  
7 were coming from?
- 8 A. These persons came from Mukingo.
- 9 Q. I would like you to explain for us about  
10 these three people. Gahamani, was he a  
11 soldier, Interahamwe or a civilian, would  
12 you tell?
- 13 A. Gahamani was a soldier.
- 14 Q. Bugeri, would you also tell?
- 15 A. Bugeri was a forest ranger who worked at the  
16 park.
- 17 Q. Was he an Interahamwe or a civilian?
- 18 A. He was forest ranger.
- 19 Q. Would you tell us what he was wearing on  
20 that day, is it possible?
- 21 A. He was wearing the uniform of forest  
22 rangers.
- 23 Q. Munyaribaje, was he an Interahamwe or  
24 military or civilian, would you tell?
- 25 A. Munyaribaje was an Interahamwe.

- 1 Q. Could you tell the ethnicity of these three  
2 persons?
- 3 A. These three persons were Hutus.
- 4 Q. About what time? Can you recall the time  
5 that they were taking you to the river?  
6 About what time was that?
- 7 A. I told you that I saw them at ten. They  
8 came to my house at ten. It is true that  
9 time did not stop at that time, but I was  
10 not able to check the time. So I am just  
11 giving you an approximate time.
- 12 Q. Were these people armed? Could you tell?
- 13 A. All these people were harmed.
- 14 Q. Can you tell the court some of the types of  
15 weapons you saw with them?
- 16 A. I told you that that they had guns,  
17 machetes, spears, sticks, and clubs. Clubs  
18 that had been nicknamed Nabogano Imazi.  
19 All these people were armed.
- 20 Q. I would want you now to describe to this  
21 Court what happened to you at that river?
- 22 A. When we got to the riverside, they pushed me  
23 down, spread my legs, one person held one  
24 leg and another person held the other leg.  
25 They then spread my legs and started raping

- 1 me. I don't know if you understand what I  
2 mean. What it means, to force somebody to  
3 have a sexual relationship with you.
- 4 Q. Can you explain to this court what you mean  
5 by having sexual relationship with you?  
6 Describe exactly what they did to you if it  
7 is possible?
- 8 A. Well, if that's what you want, I will give  
9 an explanation, the way you want it. By  
10 that I mean that all these people took their  
11 turns in inserting their sexual organs in my  
12 sexual organ, one after the other, and when  
13 the 6th person finished raping me I became  
14 unconscious and I was unable to count the  
15 number of the persons that raped me.
- 16 Q. Did you resist at any point in time?
- 17 A. No, I was unable. I could not resist them.
- 18 Q. Why? Why couldn't you resist them?
- 19 A. They were many and they were armed while I  
20 was not armed and even if I was armed I  
21 think my weapon would have been useless.
- 22 Q. Did they do anything else to you, apart from  
23 penetrating your sexual organs? Did they do  
24 anything else to you?
- 25 A. Subsequently I realised that they had cut

1                   off a part of my sexual organ, but I cannot  
2                   tell the weapon or the tool that they used  
3                   to cut it off but I observed a cutting.

4       Q.           Could you tell this court exactly what part  
5                   of your sexual organ that was cut off?

6       A.           I don't know how to say it but they cut off  
7                   a portion of the skin, which is part of the  
8                   sexual organ.

9       Q.           What did you do hereafter, if any?

10      A.           I didn't do anything else. In fact they cut  
11                   off that part before they left, and they  
12                   thought I was dead, and I remained there.  
13                   In the evening I moved slowly, got closer to  
14                   the path. I intended to show myself so they  
15                   can finish me off because there was no  
16                   reason for living, and the following day I  
17                   heard voices coming from the road. People  
18                   were carrying each other saying that, "Run  
19                   because the Inkotanyi are coming," but I  
20                   remained there. Then I saw the soldiers  
21                   pass by. Then I called. My voice was very  
22                   low. I did not know that the Inkotanyi  
23                   could save me, because I did not know them,  
24                   but the reason for calling the soldiers was  
25                   to ask them to finish me off. One soldier

1                   came in answer to my call. He got closer to  
2                   me and took me with him. When the soldier  
3                   realised that I was not able to walk, he  
4                   called his colleagues and they took me to a  
5                   place called Butaro, that is where I was  
6                   evacuated and that was where I was treated.  
7                   I spell Butaro, B-U-T-A-R-O. And when I  
8                   got to Butaro I met my husband and my  
9                   children, who had already gotten there.  
10                  They were also evacuated by the Inkontanyi.  
11        Q.           Can you recall how long the bleeding lasted?  
12        A.           The bleeding lasted one week and during that  
13                   one week I was being treated.  
14        Q.           What do you mean by the word Inkontanyi?  
15        A.           The Inkotanyi make up the current Rwandan  
16                   army, and that is how they were called at  
17                   the time.  
18        Q.           Did any member of your family, sorry, I  
19                   withdraw. Was any member of your family  
20                   wounded, as well, during this period? Can  
21                   you recall?  
22        A.           Who were wounded?  
23        Q.           I withdraw this question. I will ask it in  
24                   another way. Did anything happen to any  
25                   member of your family? Your family, I mean

- 1                   your kids and husband?
- 2       A.           My elder daughter was shot at, at close  
3                   range, and she lost one leg. And my parents  
4                   were massacred.
- 5       Q.           Where was your daughter shot? Where was it?  
6                   On the same day that Interahamwes and the  
7                   soldiers came to your place?
- 8       A.           My father was, first of all, locked up in  
9                   1990 on the charges that he was an  
10                  accomplice. He used to work in Mukingo and  
11                  that is where Kajelijeli arrested him and  
12                  locked him up.
- 13      Q.           Witness, my question was, was it the same  
14                  attack that took place on the 7th that  
15                  caused your daughter's leg to be shot? Was  
16                  it that same date that your daughter was  
17                  shot? And where did this take place?
- 18      A.           Yes, it was the same day.
- 19      Q.           Could you recall where it took place? Was  
20                  it at your house or somewhere else?
- 21      A.           She was shot at when she was running from  
22                  our house. I did not see her when she was  
23                  being shot at, but I got to know when she  
24                  came back from her hiding place.
- 25      Q.           How old was she at the time when she was

1 shot? How old was she?

2 A. She was 16 years old but following that I

3 was told that she was shot at when she was

4 in the maize farm.

5 Q. You said you lost your father in 1994, is

6 that correct?

7 A. I told you that she (sic) was locked up.

8 She (sic) was killed in 1991 when they

9 arrested the people they referred to as

10 accomplices.

11 PROFESSOR HINDS:

12 Your Honour, I think that the Prosecutor

13 should direct the witness with respect to

14 events preceding 1994, in terms of where we

15 are going.

16 MS. OJEMENI:

17 I am sure my learned friend heard my first

18 question.

19 MR. PRESIDENT:

20 I think --

21 MS. OJEMENI:

22 I have confined myself to events in 1994.

23 MR. PRESIDENT:

24 Can you try?

25 MS. OJEMENI:

1                               And I was waiting for a response before I  
2                               say something.  
3       MR. PRESIDENT:  
4                               Okay. You can find a way, perhaps, of  
5                               having your question answered in a specific  
6                               way.  
7       BY MS. OJEMENI:  
8       Q.                     Witness, is your father alive?  
9       A.                     Yes, he is alive.  
10      Q.                     Is your mother alive?  
11      A.                     No, she is not alive.  
12      Q.                     Can you tell me in which year she died, just  
13                             the year?  
14      A.                     My mother?  
15      Q.                     Yes.  
16      A.                     She died recently during the period referred  
17                             to as abachechezi, that was in 1998.  
18  
19                             (Pages 75 to 96 by Judith Kapatamoyo)  
20  
21  
22  
23  
24  
25



1 1600H

2 Q. Thank you. Witness, you mentioned that one

3 of the attackers, you overheard your

4 attackers say that, you overheard them

5 saying that Kajelijeli was waiting at a bar

6 and had asked that you be brought; is that

7 correct?

8 A. Yes, that is correct.

9 Q. Do you know Kajelijeli?

10 A. I saw him only once.

11 Q. Where was this?

12 A. I saw him at the Kinigi communal office. I

13 spell Kinigi, K-I-N-I-G-I.

14 Q. Can you recall the year that you saw him?

15 A. That was a long time ago, I do not recall.

16 Q. Could you recall what you were doing there

17 at the Kinigi communal office on that day?

18 A. I was a cellule member.

19 THE ENGLISH INTERPRETER:

20 But the witness has just told me that she

21 sees that he resembles that man.

22 THE WITNESS:

23 I was a cellule member.

24 BY MS. OJEMENI:

25 Q. Which man are you referring to?

1       A.               The one over there towards the back.

2       Q.               What is he wearing?

3       A.               He is wearing a tie and glasses, spectacles.

4       Q.               You said you saw this man a long time ago,

5                        didn't you?

6       A.               Yes, that was a long time ago.

7       Q.               Are you sure about what you are telling this

8                        Court now, that he resembles the man there?

9       A.               Yes, I am sure.

10      MS. OJEMENI:

11                      Your Honours, may the record reflect that

12                      the witness has identified the Accused.

13      THE ENGLISH INTERPRETER:

14                      Microphone, Counsel.

15      PROFESSOR HINDS:

16                      Your Honour, I am not prepared to stipulate

17                      there has been any ID made. You know, I

18                      have done so in the past, but I don't think

19                      that we have an ID.

20      MR. PRESIDENT:

21                      I think the most we can say, Counsel, is

22                      that the witness points at the Accused as

23                      being the person resembling the person she

24                      saw.

25      MS. OJEMENI:

1 Thank you, Your Honour.

2 MR. PRESIDENT:

3 The record must reflect what the witness has  
4 said.

5 MS. OJEMENI:

6 Thank you, Your Honour. May the record  
7 reflect that the witness has identified the  
8 Accused as the person that she saw on that  
9 day. I mean resembles the person she saw on  
10 that day.

11 MR. PRESIDENT:

12 Yes.

13 BY MS. OJEMENI:

14 Q. Now, Witness, you said you were a member of  
15 cellule, could you explain exactly what you  
16 mean by that? What do you mean by a member  
17 of cellule?

18 A. A member of the committee of the cellule.  
19 Members of the committee of the cellule were  
20 responsible for settling disputes or  
21 problems that might occur within the local  
22 community.

23 Q. How many members are there in one committee,  
24 in a cellule committee? How many members  
25 are usually -- how many members are

- 1 usually -- make up a cellule committee? How  
2 many are you? Can you remember?
- 3 A. The committee was made up of five members.  
4 We were four and the person in charge, the  
5 responsible was the fifth. And the local  
6 problems, which could not be resolved by the  
7 responsible, were forwarded to the  
8 conseiller, that is at the sectoral level.  
9 And each member of the cellule had an  
10 appropriate responsibility. I was  
11 responsible for women, creating awareness  
12 amongst them; for instance, with regard to  
13 immunisation campaigns; for instance, to  
14 make sure they had their children  
15 vaccinated.
- 16 Q. Can you remember how long you were a member  
17 of the cellule committee? Can you remember  
18 the year and for how long?
- 19 A. I do not remember the years, but we were  
20 elected by the people.
- 21 Q. When did you cease to be a member, can you  
22 remember?
- 23 A. Our term came to an end with the defeat of  
24 the former regime. I want to talk about my  
25 own personal case, that is my own term of

1 office. I was no longer a member of the  
2 cellule committee when the war erupted.

3 Q. Which war are you referring to?

4 A. I am talking about the war which started in  
5 1990.

6 Q. When did you say your tenure ceased?

7 A. At the beginning of the war in 1990, there  
8 were meetings. The purpose of those  
9 meetings was to plan how to kill the  
10 Bagogwes. The holding of those meetings was  
11 hidden from me --

12 Q. Witness, please, could you answer my  
13 question before we come to that. When did  
14 your tenure as a member of cellule committee  
15 cease? Save your answers, I'll ask you the  
16 right questions.

17 THE ENGLISH INTERPRETER:  
18 It is in the latter part of her answer.

19 THE WITNESS:  
20 The holding of such meetings was hidden from  
21 me. Sometimes I was informed when the  
22 meetings were over. On one occasion, I  
23 appeared at the meeting and I was thrown out  
24 of the meeting and I did not go back to the  
25 meetings of the committee.

1 BY MS. OJEMENI:

2 Q. Could you recall the year this happened?

3 A. Yes, I remember it was in 1993.

4 Q. The other four members of that committee,  
5 were they in office up to 1994, can you  
6 recall?

7 A. Yes.

8 Q. Now why did you stop going to meetings?

9 PROFESSOR HINDS:

10 Objection, Your Honour, I thought that was  
11 asked and answered. Objection, Your Honour.  
12 I thought that was answered. She stopped  
13 going to meetings because she was thrown  
14 out.

15 MS. OJEMENI:

16 Your Honour, this question is very relevant  
17 and it has probative value. It's on  
18 background information.

19 PROFESSOR HINDS:

20 Your Honour, my objection is that the  
21 counsel is asking the witness: Why didn't  
22 she continue to go to meetings? The  
23 witness, I thought, had answered that she  
24 was thrown out of one of the meetings and  
25 never returned. I thought that was

1 answered.

2 MR. PRESIDENT:

3 That was the answer of the witness, but she  
4 said that she was thrown out or she found  
5 out some meetings where she was not --  
6 either being not accepted and then, after  
7 that, she stopped.

8 MS. OJEMENI:

9 Your Honour, the answer will lead to another  
10 question.

11 MR. PRESIDENT:

12 Okay, you can ask for--

13 MS. OJEMENI:

14 --verification purposes.

15 BY MS. OJEMENI:

16 Q. Witness, could you answer my question: Why  
17 did you stop going to meetings in 1993 when  
18 others continued up to 1994?

19 A. The reason is that once I appeared at the  
20 meeting and I was expelled, and I was not  
21 sick, and I did not ask for leave, and I  
22 wasn't the only one because all Tutsis who  
23 were members were expelled. Something else,  
24 what I had learned about the resolutions of  
25 the meeting, now the other members of the

1                   cellule told me that it would serve no  
2                   purpose for you to come back to the meeting.  
3       PROFESSOR HINDS:  
4                   Objection, Your Honour.  
5       MR. PRESIDENT:  
6                   What would be your objection, Counsel?  
7       PROFESSOR HINDS:  
8                   Your Honour, what we are hearing now is she  
9                   was not at a meeting and now she's talking  
10                  about what others told her occurred at the  
11                  meeting.  
12       BY MS. OJEMENI:  
13       Q.           Witness, did you later find out why all  
14                   Tutsis were sent out of that meeting?  
15       A.           Yes, I got to know.  
16       Q.           Can you tell this Court why or what your  
17                   findings were?  
18       A.           After we left, I went back home and a member  
19                   of the cellule who attended the meeting came  
20                   and told me it's better --  
21       PROFESSOR HINDS:  
22                   Objection, Your Honour. Again, it's the  
23                   same basis. This witness is now talking  
24                   about after she went home, somebody came and  
25                   told her.



1 MS. OJEMENI:  
2 Your Honour --  
3 MR. PRESIDENT:  
4 It's permissible under the rules. But,  
5 Counsel, you must determine -- you're  
6 talking about events after 1993 and the  
7 relevance of it and the probative value, so  
8 you can ask it for whatever it is worth.  
9 MS. OJEMENI:  
10 Thank you, Your Honour.  
11  
12 Please, Interpreter, could you interpret the  
13 answer?  
14 MR. PRESIDENT:  
15 I hope you move to the next issue after  
16 this.  
17 MS. OJEMENI:  
18 I'll try, Your Honour.  
19 THE WITNESS:  
20 After we left, I went back home to my house  
21 and a member of the cellule came and told  
22 me. It was good as you were not at the  
23 meeting because the discussions revolved  
24 around contributions to be made with respect  
25 to desensitisation of members of the

1 community, so as to urge them to massacre  
2 Tutsis at the appropriate time.

3 BY MS. OJEMENI:

4 Q. Is it possible for you to recall the name of  
5 this person that told you this?

6 A. Yes, I remember his name. But, if I were to  
7 mention his name here, his identity would be  
8 disclosed.

9 Q. You mean his identity --

10 THE ENGLISH INTERPRETER:

11 My identity -- sorry, interpreter's error --  
12 my identity would be disclosed.

13 BY MS. OJEMENI:

14 Q. Could you then write it down?

15 A. Yes.

16 MR. PRESIDENT:

17 Yes, show it to counsel, and counsels on the  
18 other side.

19

20 Mr. President, the witness has further  
21 stated that she has just inserted the first  
22 name of the person as it is stated in  
23 Kinyarwanda, as it appears in Kinyarwanda.

24 MR. PRESIDENT:

25 It seems to me as stated.

1 MS. OJEMENI:  
2 The first name is a Kinyarwandan word, not  
3 English.  
4 MR. PRESIDENT:  
5 Okay, fine.  
6  
7 But having seen it, Counsel, is it  
8 understandable?  
9 MS. OJEMENI:  
10 Yes, the last name can be understood.  
11  
12 Your Honour, looking at the time, I don't  
13 know if you want to take the break now or I  
14 should continue?  
15 MR. PRESIDENT:  
16 You still have a long way to go, Counsel?  
17 MS. OJEMENI:  
18 About 30 more minutes.  
19 MR. PRESIDENT:  
20 All right. That means, perhaps, that would  
21 be dealing with the examination-in-chief of  
22 this witness only because -- so take maybe  
23 -- even for the witness to -- is she saying  
24 anything?  
25 THE WITNESS:

1                   Before coming here, I just gave birth and it  
2                   was under Cesarean, and so I would plead  
3                   with you, if it is possible, since I came  
4                   with the kid, to allow me from time to time  
5                   to go and breast feed my kid, you know,  
6                   still breast feeding, so it has nothing else  
7                   to eat. It was a sacrifice on my part to  
8                   come here and testify.

9           MR. PRESIDENT:

10                   Tell the witness we understand and whenever  
11                   she feels she needs it's the time to go and  
12                   feed her child, or to attend to any of her  
13                   personal problem in the light of what she  
14                   said, she should indicate and the  
15                   Trial Chamber will consider to facilitate  
16                   that kind of opportunity.

17  
18                   Right now we are taking a break for 15  
19                   minutes. And, when we come, we will take  
20                   her evidence up to about a quarter past five  
21                   when we are fully adjourned to a subsequent  
22                   day.

23           PROFESSOR HINDS:

24                   Your Honour, given the lateness of the hour,  
25                   we are going to come back at a quarter of

1                   five. The witness is not going to be  
2                   finished today and in deference to her, I  
3                   mean, given her situation, it would appear  
4                   to me that we should break early and let her  
5                   take care of her personal matters. I don't  
6                   see what we are gaining by holding her for  
7                   another 30 minutes.

8       MR. PRESIDENT:  
9                   The child is not around here, I suppose?

10      MS. OJEMENI:  
11                  She's around here, the child is here. I  
12                  think it will be proper for us to finish her  
13                  examination-in-chief today, 20 minutes and  
14                  I'll be done.

15      MR. PRESIDENT:  
16                  Let us take the 15 minutes up to quarter to  
17                  five. You'll have your half hour to finish  
18                  your examination-in-chief and then we shall  
19                  see what happens about cross-examination.  
20                  Her health is not in danger, she's not ill  
21                  as such.

22      MR. PRESIDENT:  
23                  We'll adjourn for 15 minutes and when we  
24                  come, we'll continue.

25                  (Court recessed at 1630H)

1 (Court resumed at 1650H)

2 MR. PRESIDENT:

3 Yes, the proceedings are resumed. Could you  
4 please continue, learned counsel for the  
5 Prosecution, in your re-examination of the  
6 witness? Sorry? Evidence-in-chief.

7 BY MS. OJEMENI:

8 Q. Witness, before we took a break, we were  
9 talking about this meeting where you were  
10 sent out and you told the Court certain  
11 things you said -- certain things a member  
12 of the cellule committee told you about what  
13 transpired at that meeting?

14 A. Yes.

15 Q. Well, after he informed me of that, there  
16 was another meeting in the course of which a  
17 proposal was made to the population to  
18 receive guns. The volunteers were told to  
19 come and get some guns, but I asked the one  
20 I was talking to who those persons were that  
21 ran that meeting and he told me that it was  
22 Kajelijeli and Joseph --

23 PROFESSOR HINDS:

24 Objection. Your Honour, what we are dealing  
25 with here again is a meeting in which there

1                   are allegations of guns being -- discussions  
2                   about where people should go to get guns and  
3                   this witness (a) was not at the meeting; has  
4                   no direct knowledge. But now what is coming  
5                   into evidence is that someone told her that  
6                   Kajelijeli and Nzirorera were at the  
7                   meeting, and I am objecting to all of this,  
8                   Your Honour. If we're going to have  
9                   evidence, although under Rule 89, any  
10                  probative evidence could be admitted, but we  
11                  can't move on the basic elements of the  
12                  indictment to take evidence on hearsay.

13       MR. PRESIDENT:

14                   Yes, Counsel.

15       MS. OJEMENI:

16                  Your Honour, I cannot put words in the mouth  
17                  of this witness. I will just listen to what  
18                  this witness has to say and I will direct  
19                  her to, you know, answer my questions. I do  
20                  recognize that what she's saying is not in  
21                  response to what I have asked her and I  
22                  cannot stop her in the middle of her answer.  
23                  I'll come back to that meeting because I  
24                  asked a particular question, which she has  
25                  not answered and is very relevant for

1                   conspiracy purposes and I will establish it.

2       PROFESSOR HINDS:

3                   Your Honour even dealing with conspiracy, we

4                   can't deal with hearsay based upon hearsay.

5       MS. OJEMENI:

6                   It is relevant, Your Honour.

7       PROFESSOR HINDS:

8                   Okay, we have an objection.

9       MR. PRESIDENT:

10                  Yes. Can you finish?

11       MS. OJEMENI:

12                  It's very relative and it has probative

13                  value and I rely on Rule 89(b).

14       MR. PRESIDENT:

15                  We don't know, Counsel, how far you intend

16                  to go on this, but to the stage where you

17                  are, we do appreciate hearsay under Rule 89

18                  is permissible, provided it has probative

19                  value, and the probative value can sometimes

20                  not be fully established at the beginning of

21                  things.

22

23                  But there is another factor also that has to

24                  be taken into account is also the possible

25                  prejudicial effect to an accused in whether



1 or not the admissibility of that hearsay at  
2 the stage of a submission should be allowed.  
3 In the light of the information we have at  
4 this stage, we are inclined to sustain the  
5 objection of the Defence in this matter, and  
6 we do so.

7 MS. OJEMENI:

8 Your Honour, I can still ask questions  
9 concerning the meeting, but not -- I mean  
10 differently?

11 MR. PRESIDENT:

12 If it's not from her own personal knowledge  
13 on or some other matter, I am sure you can  
14 address the aspect that you would have.

15 BY MS. OJEMENI:

16 Q. Witness, can you recall names of important  
17 personalities that you saw at the venue or  
18 meeting before you were asked to leave, if  
19 any?

20 A. Now, so far as the very important  
21 personalities that are concerned that I saw  
22 at those meetings, I did not see any  
23 personality, apart from the bourgmestre of  
24 the Kinigi commune, that is before he died.  
25 Now after he died, meetings were held in the

1 Mukingo commune because after the death of  
2 the bourgmestre of Kinigi, the Kinigi  
3 commune had no bourgmestre any more, so that  
4 all the meetings were held in the Mukingo  
5 commune. I am referring particularly to  
6 those meetings that were preparatory to the  
7 massacres. And at the time those meetings  
8 were held, they were already massacres  
9 because the killings and massacres had begun  
10 in 1991.

11 Q. Witness, my question --

12 PROFESSOR HINDS:

13 Your Honour, again, the kind of -- the  
14 problem we are having is because the witness  
15 is not being given sufficient direction in  
16 terms of her testimony and the counsel, the  
17 Prosecutor, knows where she wants to take  
18 the witness, I assume, and should direct the  
19 witness and I think leading would be  
20 permissible under these circumstances. But,  
21 what we are getting here is a witness  
22 without guidance who is simply now giving  
23 testimony about massacres that occurred in a  
24 certain period of time and she's talking  
25 about meetings. First of all, we started

1 off with meetings that occurred in 1993.  
2 She talked about one meeting where she was  
3 thrown out and then she started talking  
4 about, at a following meeting where she was  
5 not present and she began to talk about  
6 that. Now, counsel has not taken her to  
7 either one of these meetings, but just asked  
8 about meetings and now she is now talking  
9 about things in general. And so that is  
10 where we are running into the problems,  
11 Your Honour.

12 MR. PRESIDENT:

13 We take note of your observation, Counsel.

14 MS. OJEMENI:

15 Witness --

16 THE KINYARWANDA INTERPRETER:

17 The interpreter hasn't yet finished the  
18 answer of the witness, if I may proceed.

19 THE WITNESS:

20 Now, when those meetings were being held,  
21 there were killings. I am referring to the  
22 period from 1991, that is the 1991 period.  
23 And during that period intellectuals,  
24 especially, were killed. From 1990, certain  
25 intellectuals were arrested and others were

1 killed. So that there were no more  
2 important personalities at those meetings,  
3 apart from Nzirorera and Kajelijeli, about  
4 which I was told, I was told that they were  
5 there and that they distributed guns.  
6  
7 Now regarding the communal meetings, those  
8 that participated were the bourgmestre, the  
9 secteur conseiller and cellule leaders, and,  
10 of course, members of the cellule  
11 committees. There were no more important  
12 personalities in those meetings. Now the  
13 meetings in which I took part in, were  
14 mostly administrative meetings. Now  
15 regarding the meetings preparatory to the  
16 massacres, I was excluded from those  
17 meetings.  
18 MR. PRESIDENT:  
19 Counsel, I think this witness, you have to  
20 guide her. You are dealing with extremely  
21 important issues and as officer of the  
22 Court, as you have already observed, I think  
23 we have a responsibility to ensure that the  
24 correct evidence, whether through a witness,  
25 is properly organized and adduced.

- 1 MS. OJEMENI:  
2 Most obliged, Your Honour.
- 3 BY MS. OJEMENI:  
4 Q. Witness, I refer you to a particular meeting  
5 that you said was held in 1993 where you  
6 were sent out of that meeting, can you  
7 remember?  
8 A. Yes, I do.
- 9 Q. My question is: Can you remember any  
10 important personality, any important  
11 personality you saw at that particular  
12 meeting before the Tutsis, including  
13 yourself, were sent out? And I will want  
14 you to answer yes or no before I ask my next  
15 question.
- 16 A. Nzirorera and Kajelijeli were always in  
17 their offices. But when I was there, it was  
18 being said that Nzirorera had come and their  
19 vehicles were there on the spot.
- 20 Q. Did you see the two of them on that day, yes  
21 or no?  
22 A. No, I did not see them.
- 23 Q. Thank you. Do you know Joseph Nzirorera?  
24 A. No, I did not know him. I did not know him,  
25 but I saw him once on board a vehicle. It

1                   was driving past very near my residence and  
2                   he was accompanied by soldiers. I don't  
3                   know him physically, but I know the bad  
4                   things he did.

5       Q.           By virtue of your position as a member of  
6                   the cellule committee, did you receive  
7                   information concerning his participation at  
8                   a particular meeting?

9       PROFESSOR HINDS:

10                  Your Honour, what Counsel is doing is trying  
11                  to elicit naked hearsay about Nzirorera's  
12                  involvement at meetings. I think the Court  
13                  has directed her to ask questions based on  
14                  what the witness saw, observed, and the  
15                  witness has clearly said, she's seen the man  
16                  once driving by in an entourage of soldiers.  
17                  Now she's asking her about, can you tell us  
18                  about bad things he has done?

19       MS. OJEMENI:

20                  Your Honour, this witness has told the Court  
21                  that she held an office in the cellule by  
22                  being a member of the committee and for some  
23                  reason she was asked to stop coming -- or,  
24                  she, on her own, stopped coming to meetings.  
25                  And, as a member of that committee, it is

1 common knowledge that she's likely to  
2 receive information about meetings that he  
3 couldn't attend from her colleagues. And if  
4 she can give the source of the information,  
5 even if it's hearsay, it's relevant, because  
6 what the line of question I am about, or the  
7 issue I want to pursue now, is conspiracy.

8 MR. PRESIDENT:

9 But, Counsel, I mean hearsay must have some  
10 probative value.

11 MS. OJEMENI:

12 Yes.

13 MR. PRESIDENT:

14 But whatever the issue you're dealing with,  
15 the need for the probative to be showing to  
16 be there. So if you are dealing with  
17 certain issues and you ask her, you ask a  
18 witness whether she got any information,  
19 regardless of where, is it from the same  
20 members of the committee or anybody in the  
21 area? I mean, what's the probative value,  
22 Counsel, that you want to show? That is  
23 one.

24

25 And two, if counsel, we know the hearsay

1 under Rule 89 is permissible, but the  
2 guiding principle of fairness and justice  
3 must be also borne in mind. If you intend  
4 to call -- you had indicated a name that was  
5 written by a -- I hope that is a potential  
6 witness, but if it's just anybody she may  
7 possibly have met, what would be the  
8 probative value of that hearsay? You must  
9 also consider the possible -- outweigh and  
10 consider the possible produced effect of an  
11 accused person. These are balancing things  
12 that need to be taken into account. Unless  
13 there is a foundation established for this  
14 question, I don't think that that question  
15 is relevant and valid for the reasons given.

16 MS. OJEMENI:

17 As the Court pleases, I'll withdraw it.

18 BY MS. OJEMENI:

19 Q. Witness, do you know who was responsible for  
20 what happened to you in 1994, the incident  
21 of rape that you suffered or you were  
22 subjected to? Do you know who was  
23 responsible for that?

24 PROFESSOR HINDS:

25 Your Honour, again, I am not sure what she's



1                   trying to elicit from this witness. The  
2                   witness' testimony is very clear. I mean,  
3                   what is she asking this witness to speculate  
4                   about? The witness' testimony is very clear  
5                   about what happened.

6       MS. OJEMENI:  
7                   Your Honour, if the witness' testimony is  
8                   very clear, let me just verify it.

9       MR. PRESIDENT:  
10                  I don't know what the opinion of the --  
11                  okay, it can be her answer for whatever it's  
12                  worth.

13       BY MS. OJEMENI:  
14       Q.           Witness, can you answer my question? And my  
15                   question is: Do you know who is responsible  
16                   for the rape you were subjected to on the  
17                   7th of April 1994, which you have told this  
18                   Court about?

19       A.           It was Kajelijeli, madam.

20       Q.           Why do you say so?

21       A.           I am saying that it was Kajelijeli that is  
22                   responsible for what happened to me. First  
23                   of all, because the people who came to take  
24                   me from my house and who attacked me  
25                   subsequently did say that Kajelijeli told

1           them to be quick about it and to go back to  
2           where he was before he finished drinking his  
3           bottle of beer. And secondly, one of my  
4           aggressors did say that if an investigation  
5           was carried out in Ruhengeri to determine  
6           the main killers, Kajelijeli would be number  
7           one among the killers. Thirdly, I am saying  
8           this because of the meetings he organized,  
9           and in the course of which he distributed  
10          guns to the population and those guns were  
11          meant to kill people. Those guns were  
12          distributed. I witnessed the distribution  
13          of those guns and killings took place and  
14          went until 1994. And everybody knows and  
15          sees -- I mean, saw all these killings.

16  
17          And then, I, myself, saw a young man from my  
18          village who came from the place where guns  
19          were being distributed. He, himself, had  
20          received one. And even the man that I had  
21          talked about here that gave me information,  
22          also received a gun. But, unfortunately for  
23          him, one of his children that was a pupil,  
24          did play with a gun and shot himself  
25          fatally. There was a bullet left in the gun

1                   and the child was playing with the gun and  
2                   the child killed himself. Now, these are  
3                   the so many reasons why I am saying it is  
4                   Kajelijeli that is responsible.

5       Q.           Witness, did you attend this meeting that  
6                   you just mentioned, yes or no?

7       A.           No.

8       Q.           You said, Witness, the distribution of the  
9                   guns; is that correct?

10      A.           No, I didn't say that I was an eyewitness of  
11                   the distribution of the guns, but I saw the  
12                   guns after they had been distributed.

13      Q.           Thank you.

14      PROFESSOR HINDS:

15                   Your Honour, I am objecting to the whole  
16                   line of questions and answers that have been  
17                   given for all of the reasons that I have  
18                   already put on the record, and I really  
19                   don't want to trespass upon the Court's  
20                   patience in going over it.

21      MR. PRESIDENT:

22                   We take note of the observation that you  
23                   have made and we are aware of the answers  
24                   given by the witness and at an appropriate  
25                   time, the Trial Chamber is capable of

1                   dealing with them.

2       BY MS. OJEMENI:

3       Q.           Witness, can you tell this Court -- I am

4                   referring to the -- I want to take you back

5                   to the skin that you said was cut off from

6                   your sexual part. Can you tell this Court

7                   if it has any adverse effect on your health?

8       A.           Yes, it has affected my health.

9       Q.           Can you explain how it has affected your

10                  health?

11      A.           The effect of that gesture on my health was

12                  such that I was no longer able to give birth

13                  normally. I had the child that I mentioned

14                  here by C-section, and even the one before

15                  this one, an operation of that type was

16                  necessary, that procedure was necessary.

17      MS. OJEMENI:

18                  That will be all for this witness.

19      MR. PRESIDENT:

20                  Thank you, learned counsel. Well, we are

21                  past our normal time. We have, I am told,

22                  learned counsel, that we are coming back

23                  when? Monday?

24      MS. OJEMENI:

25                  We are certainly in your hands, Your Honour.

1                   We are ready to come tomorrow morning, if  
2                   it's convenient for this Court. We are  
3                   certainly in your hands.

4       MR. PRESIDENT:

5                   Professor Hinds, do you have an idea how  
6                   long your cross-examination is likely to be  
7                   on this witness?

8       PROFESSOR HINDS:

9                   Your Honour, I would endeavour to be as  
10                  swift as I can. The witness has -- I do not  
11                  intend to go into any --

12      MR. PRESIDENT:

13                  Just have an indication, if you can give us  
14                  an indication about it, we don't tie you to  
15                  that.

16      PROFESSOR HINDS:

17                  You've always tied me to any figure I give  
18                  you, that's exactly what I am tied to.

19      MR. PRESIDENT:

20                  Have to plan. I'll explain why after giving  
21                  your answer.

22      PROFESSOR HINDS:

23                  Your Honour, I don't think I will take any  
24                  more time than the Prosecutor's case  
25                  in-chief.

1 MR. PRESIDENT:  
2 That's about two hours and a half because  
3 around that period of time --  
4 PROFESSOR HINDS:  
5 Two hours and a half. It took her to 5.30.  
6 MR. PRESIDENT:  
7 That's why I say around that time.  
8 MS. OJEMENI:  
9 Took two breaks.  
10 MR. PRESIDENT:  
11 One break. We're a bit late to start, but  
12 we do realize about two hours, two hours and  
13 a half.  
14 PROFESSOR HINDS:  
15 I think I could do it in a half a day, the  
16 half a day that we work from.  
17 MR. PRESIDENT:  
18 About three hours?  
19 PROFESSOR HINDS:  
20 Yes. Your Honour, let me just say tomorrow  
21 would not be convenient for us at all.  
22 MR. PRESIDENT:  
23 We are saying so, it must be tomorrow  
24 because, you know, the Tribunal is not  
25 working on Monday, so if we can finish this

1 witness tomorrow, she doesn't have to stay  
2 here up to Tuesday when we would resume. So  
3 that's the reason.

4 PROFESSOR HINDS:

5 I would like to indulge the Court as much as  
6 I can. I am facing an emergency problem  
7 right now within my team. I am facing a  
8 problem of enormous consequences, I can't  
9 even deal with it between the hours of 9.30  
10 and 5.00, so I am here. We all have  
11 problems, all I am saying is that for the  
12 Defence, I am putting on the record that the  
13 problem that I am having, that I am trying  
14 to deal with, we had planned to deal with  
15 that with the client tomorrow to see if we  
16 can resolve that, which would not,  
17 hopefully, impact on our ability to proceed  
18 next week. I am dealing with that problem  
19 right now. The client has also informed me  
20 that he has problems with his health and  
21 seeing a doctor scheduled for tomorrow. I  
22 am just finding this out.

23 MR. PRESIDENT:

24 You can find out the time frames because the  
25 problem that we have, if those things do not

1 concern this particular witness, whom the  
2 Defence has any notice, then, possibly, some  
3 of this could be addressed on Monday as  
4 well. But show it to your client and let's  
5 see.

6 PROFESSOR HINDS:

7 Your Honour, my client has put another  
8 restriction on me. He has told me if I  
9 could quickly do my cross up to twelve  
10 o'clock, it would not affect him. So, aside  
11 from you, I now have some other pressures to  
12 complete the cross by twelve o'clock.

13 MR. PRESIDENT:

14 That would be nice. So tomorrow we'll come,  
15 we'll adjourn these proceedings until  
16 tomorrow to deal with the evidence of this  
17 witness in cross-examination. The time  
18 frames have been indicated and I hope the  
19 Prosecution will also be thinking about what  
20 possible areas, but I know you have to hear  
21 what the cross-examination will be all  
22 about. So we meet tomorrow morning at 9.30  
23 in the morning to continue with the evidence  
24 of this witness in cross-examination.

25 MS. OJEMENI:



1                   Your Honour, I don't know if the witness can  
2                   leave, I have just one short information to  
3                   give the Court.

4       MR. PRESIDENT:

5                   Okay. All right, we draw the curtain, but  
6                   tell the witness that she'll be coming here  
7                   to court at 9.30 and she may not discuss her  
8                   evidence with anybody.

9       THE WITNESS:

10                  I couldn't talk to anybody about what's  
11                  happening here because the people with me do  
12                  not speak my language, Your Honour.

13       MR. PRESIDENT:

14                  It's a procedural explanation that we give  
15                  to witnesses.

16

17                  Yes, Counsel?

18       MS. OJEMENI:

19                  Your Honour, I would like to crave the  
20                  Court's indulgence to alter the order of  
21                  calling witnesses because we are presently  
22                  having problems with some of our witnesses.  
23                  The next witness has medical problems, in  
24                  fact, she's can't talk, she's in Arusha, but  
25                  she has a dental problem, but she will

1                   definitely be put on stand after the next --  
2                   I mean, ACM, which comes after her. After  
3                   GAS, so that's the information I have, just  
4                   to crave your indulgence, to apply to alter  
5                   the order of calling witnesses because of  
6                   the problem we are having.

7       PROFESSOR HINDS:  
8                   I don't have any problem with the  
9                   application, Your Honour. I just need to  
10                  know exactly what is now the order as seen  
11                  by the Prosecutor's Office.

12       MR. PRESIDENT:  
13                  So can you be specific, learned counsel?

14       MS. OJEMENI:  
15                  GAS is supposed to be the next.

16       MR. PRESIDENT:  
17                  GAS.

18       MS. OJEMENI:  
19                  But we're not calling her here, we'll call  
20                  her after ACM.

21       PROFESSOR HINDS:  
22                  The order that I have, and counsel you may  
23                  not need, quite frankly, to make any  
24                  application. I had GAP, GDQ, GDT, ACM, GAS,  
25                  GAR and GBW. That is your letter to me of

1 November 13th, 2001.

2 MS. OJEMENI:

3 Fair enough.

4 PROFESSOR HINDS:

5 So is there something else we're dealing  
6 with?

7 MR. PRESIDENT:

8 You're going to too fast for the  
9 translation. Could you please repeat what  
10 you just said?

11 PROFESSOR HINDS:

12 Your Honour, I have had a communiqué from  
13 Ms. Ojemeni dated November 13th, 2001. The  
14 order of witnesses at that time that she  
15 proposed was GAP, was number one; GDQ,  
16 second; GDT, third; ACM, fourth; GAS, fifth;  
17 GAR, sixth, and GBW, seven. Now, what I  
18 understand she is saying is that she's not  
19 proposing that order that existed.

20 MS. OJEMENI:

21 Can I clarify the issue myself? I didn't  
22 realize that you got that list because I  
23 know that I sent it to you by email and at  
24 the same time by fax, and I got a letter  
25 still requesting for that. Now that you

1                   have it, that's exactly the order we are  
2                   going to abide by. But, perhaps, it might  
3                   be better for me to now inform the Court  
4                   that within this trial period, we would not  
5                   be in a position to call GAR and GBW, we'll  
6                   stop at GAS.

7       MR. PRESIDENT:

8                   That is actually obvious from the time  
9                   frames that remain. So, in any case, we  
10                  also have that order. We have GAP, GDQ, we  
11                  have already done, and then the next Witness  
12                  GDT, whom is being -- we're dealing with,  
13                  and the next witness is ACM, and then the  
14                  next is GAS.

15      MS. OJEMENI:

16                  GAS.

17      MR. PRESIDENT:

18                  And then GAR.

19      MS. OJEMENI:

20                  GBW. So the order still remains the same,  
21                  but I said that given the time frame, we  
22                  will not be able to call GAR and GBW.

23      MR. PRESIDENT:

24                  GAS --

25      MS. OJEMENI:

1 GAR.  
2 MR. PRESIDENT:  
3 GAR, okay.  
4 MS. OJEMENI:  
5 And GBW.  
6 MR. PRESIDENT:  
7 Where do you intend to stop?  
8 MS. OJEMENI:  
9 We'll stop at GAS.  
10 MR. PRESIDENT:  
11 At GAS, okay. All right. The proceedings  
12 are adjourned until tomorrow at 9.30.  
13 (Court adjourned at 1740H)  
14 (Pages 97 to 133 by Kelly Allemang)  
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C E R T I F I C A T E

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

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

|                   |               |
|-------------------|---------------|
| _____             | ( 1 to 31 )   |
| Rex Lear          |               |
| _____             | ( 32 to 74 )  |
| Regina Limula     |               |
| _____             | ( 75 to 96 )  |
| Judith Kapatamoyo |               |
| _____             | ( 97 to 133 ) |
| Kelly Allemang    |               |