

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-98-44-T  
CHAMBER III

THE PROSECUTOR  
OF THE TRIBUNAL  
v.  
ÉDOUARD KAREMERA  
MATHIEU NGIRUMPATSE  
JOSEPH NZIRORERA

TUESDAY, 15 APRIL 2008  
0902H  
CONTINUED TRIAL

Before the Judges:

Dennis Byron, Presiding  
Gberdao Gustave Kam  
Vagn Joensen

For the Registry:

Ms. Marianne Ben Salimo  
Mr. Issa Mjui

For the Prosecution:

Mr. Don Webster  
Mr. Iain Morley  
Ms. Alayne Frankson-Wallace  
Mr. Saidou N'dow  
Ms. Gerda Visser

For the Accused Édouard Karemera:

Ms. Dior Diagne-Mbaye  
Ms. Moussa Félix Sow

For the Accused Mathieu Ndirumpatse:

Mr. Frédéric Weyl

For the Accused Joseph Nzirorera:

Mr. Peter Robinson  
Mr. José Patrick Nimy Mayidika Ngimbi

Court Reporters:

Ms. Jean Baigent  
Ms. Sithembiso Moyo  
Ms. Claudette Ask

I N D E XWITNESSFor the Prosecution:

WITNESS BTH

Re-examination by Mr. Webster (*continued*).....2EXHIBIT

Exhibit D. NZ462.....2

## PROCEEDINGS

1

2 MR. PRESIDENT:

3 Good morning, everybody.

4

5 Madam Registrar, could you open the proceedings, please.

6 MS. BEN SALIMO:

7 Thank you, Mr. President.

8

9 Trial Chamber III of the International Criminal Tribunal for Rwanda, composed of Judge Dennis Byron,  
10 presiding, Judge Gberdao Gustave Kam and Judge Vagn Joensen, is now sitting in open session  
11 today, Monday (*sic*), the 14th (*sic*) of April 2008, for the continuation of the trial in the matter of the  
12 Prosecutor versus Karemera et al, Case No. ICTR-98-44-T.

13 MR. PRESIDENT:

14 Thank you.

15

16 The appearances are the same.

17

18 Good morning, Witness.

19 THE WITNESS:

20 Good morning, Mr. President.

21 MR. PRESIDENT:

22 Your testimony will continue -- the Prosecutor will continue his re-examination of you. I remind you that  
23 you are under the same oath to tell the truth that you took when your evidence began.

24

25 Mr. Robinson?

26 MR. ROBINSON:

27 Yes, excuse me, Mr. President, just one housekeeping matter. Yesterday, you issued a decision  
28 admitting the statement of Bonaventure Ubalijoro, and I would now like to ask that that be admitted as  
29 Exhibit D. NZ462; it was previously ID. NZ15.

30 MR. PRESIDENT:

31 Mr. Registrar?

32 MR. MJUI:

33 Yes, Your Honour, I confirm that the document will be D. NZ462. Thank you.

34 MR. PRESIDENT:

35 Thank you.

36 MR. ROBINSON:

37 Thank you.

1 MR. PRESIDENT:

2 So ordered.

3 (*Exhibit D. NZ462 admitted*)

4 MR. WEBSTER:

5 Good morning, everyone. Good morning to the Chamber. On another housekeeping note, this  
6 morning I handed out a corrigendum for the list of potential exhibits that I will be showing this witness;  
7 so it should be in front of the Chamber. The exhibit bundle is paginated in the lower right-hand corner.  
8 So that information is -- is added.

9 WITNESS BTH,

10 RE-EXAMINATION (*continued*)

11 BY MR. WEBSTER:

12 Q. Good morning, Mr. Witness.

13 A. Good morning, Mr. Prosecutor.

14 Q. You have to forgive me, but I have to start by asking you: You didn't per chance discuss your testimony  
15 of yesterday with anyone at the safe house last night, did you?

16 A. I did not talk about my testimony with anybody else. There are no other witnesses with me in the  
17 safe house; there were only officers of the WVSS in my company.

18 Q. Well, thank you for that.

19

20 Now, let's pick up where we finished yesterday. When we concluded, I believe we were agreed that  
21 Nzirorera's presence at the reinstallation of *Bourgmestre* Juvénal Kajelijeli was not something that you  
22 cooked up with number four; it was actually reliable information from number four that you repeated.  
23 That's where we left off. Now, I'm asking you --

24 MR. ROBINSON:

25 Excuse me, I didn't catch that from yesterday's testimony at all. I wonder if Mr. Webster can put the  
26 question to the witness whether or not he agrees with that statement, because I believe it's assuming a  
27 fact that's not in evidence.

28 MR. WEBSTER:

29 I'm sure the witness will comment.

30 BY MR. WEBSTER:

31 Q. Mr. Witness, you have that opportunity now since Mr. Robinson --

32 MR. PRESIDENT:

33 Mr. Webster, you can rephrase the question.

34 BY MR. WEBSTER:

35 Q. Would you agree, Mr. Witness, that when we finished last evening, it had got to the point in your  
36 evidence today -- in your evidence during this proceeding of Nzirorera's presence at the reinstallation of  
37 Kajelijeli not being a lie that you cooked up with number four, but being information from number four

1 that you repeated. Would you agree?

2 A. I do not quite grasp your question, Mr. Prosecutor, but in order to answer to the best of my  
3 understanding, I shall repeat the answer I gave you yesterday. I told you that whether it be in my  
4 statement of before 2006, or whether it be in my testimony itself, this is all a tissue of lies. I was not  
5 present at the ceremony to be able to testify as to what happened during that ceremony, and I went on  
6 to add that all the testimony I provided -- or statements I provided was a tissue of lies that we had  
7 concocted with other witnesses.

8 Q. But, Mr. Witness, I can read your testimony back to you. When you testified on the 12th of June -- and,  
9 I believe this is on page 32 -- you didn't say you were present. You said you got the information that  
10 day or the next day from number four. So the proposition I'm offering you is really very simple: It was  
11 not a tissue of lies, it was simply information from number four that you repeated. You can answer that  
12 yes or no.

13 A. What I do know and what I am repeating to you today is that we were -- sat together. Whether this is a  
14 piece of information verified -- a piece of information that he gave me -- well, that doesn't change  
15 anything, because to my mind, this is a lie. All of my testimony and all of his testimony of 2006 is a  
16 tissue of lies, and it is only today that I'm telling the truth. And that I confirm that all of the testimony we  
17 provided in the past was a tissue of lies -- whether this be a piece of information that he gave me, this  
18 changed noth- -- changes nothing. The entire testimony was a tissue of lies.

19 Q. Okay. I'll move on. You also mentioned that number four and others had also reported to you that the  
20 *Amahindure* paraded at that event. And here, I'm still talking about the reinstallation of  
21 *Bourgmaster* Kajelijeli. You did not say that you were present; you said that others told you that the  
22 *Amahindure* were there and that they paraded.

23  
24 Now, was that information also a tissue of lies or is this -- or was that information simply what  
25 number four told you that you repeated?

26 A. It was a lie because we sat down together and we agreed as to what each and every one of us was  
27 going to say, in view of fact that we had already been informed that, before the Trial Chamber,  
28 questions would be put to us and we might be asked to give the name of an individual who could  
29 corroborate our version. This is why we came to an agreement amongst ourselves that each of us  
30 would corroborate the testimony provided by the others, and this is what I've been trying to explain to  
31 you from the outset.

32 Q. All right, Mr. Witness, you stated in your direct examination that there were never any *Amahindure* in  
33 Mukingo. You maintain that -- that there were never *Amahindure* in Mukingo in 1994; is that still what  
34 you're saying?

35 A. I shall confirm this fact once again. In all my previous statements I said that I had taken part in the  
36 *Amahindure* meetings, and I even gave the names of those in attendance, but this was all a concoction  
37 because this is what had been asked of us; that we came -- that we come to tell this in our testimony

1 before the Tribunal. But I retract this. I never took part and I never followed any training -- any training  
2 that might have been dispensed to the members of the *Amahindure*, and I never saw anybody draw up  
3 a list of the members of this organisation.

4  
5 We, quite simply, told this lie with a view to bringing the burden of the responsibility to the accused; i.e.,  
6 of having set up this armed militia, but this was pure invention. I told this lie because of the pressure  
7 exerted upon my person; however, today, this pressure no longer exists and I can confirm to you today  
8 that this information is a tissue of lies. And these lies are lies which we all agreed upon previously, so  
9 that each and every one of us would corroborate the testimony or evidence of the other witnesses.

10 Q. Mr. Witness, your testimony last Thursday was that there was no such thing as the *Amahindure*; that  
11 the *Amahindure* did not exist in Mukingo, that even the name *Amahindure* was something that you all  
12 invented, that there was no *Amahindure* in Mukingo. That's what I'm asking you. So, it's not a question  
13 now of whether you were a member of the *Amahindure*.

14 A. I cannot confirm the existence of an organisation of which I was not a member, and which I did not see  
15 in the field. What I am saying is with regard to testimony, I agreed upon with other witnesses, but I was  
16 never a witness to any such fact.

17 Q. Okay. When you were testifying about the *Amahindure* in June of 2006, you mentioned that  
18 Joseph Karorero, the warrant officer, as the person that was dispensing the training. Do you recall  
19 that?

20 A. I do remember that -- and I provided a good number of other names in addition to that of Karorero,  
21 alleging that these were the individuals who dispensed the training; but this was still in the context of  
22 the false testimony we had elaborated. And, I must say that I don't even know this Karorero individual.

23 Q. You don't know him now or you didn't know him back in 1994?

24 A. I did not know him in 1994 and, until this day, I do not know him. This is a name that was suggested to  
25 us and we quoted this name; however, I must admit that I did not know him. I do not know whether his  
26 name was suggested by other individuals who suggested to us the contents of the text of the testimony,  
27 or whether this name was given by any of the other witnesses.

28  
29 However, what I can say is that we had been given a list of names of people who we were to mention,  
30 and who we were supposed to say were allegedly individuals who had dispensed training. This does  
31 not mean that there are other individuals on the list of names of people I know, but with reference to  
32 Karorero, I must say that I do not know this individual, and even up to today, he is unknown to me.

33 Q. So he was not one of the -- one of the prisoners in Ruhengeri prison with whom you concocted stories?  
34 You can answer that simply yes or no.

35 A. I do not know Karorero. I have never seen him and I did not know him in Ruhengeri prison. Therefore,  
36 he cannot be one of the group of witnesses with whom I concocted the testimony I was to provide  
37 before this very Tribunal.

1 Q. Would it surprise you that Karorero himself admits to training the *Amahindure* in June of 1994?

2 A. It would not surprise me; however, I believe that this would be of use to you because you might have  
3 heard this from an eyewitness. However, personally, I was never an eyewitness to these facts or  
4 events. I do not know Karorero; I do not know of the existence of this -- the training sessions. I never  
5 took part in the meetings of the *Amahindure*, and everything I told back in 2006 is a tissue of lies.

6  
7 I would not be surprised -- however, I continue to claim that I lied because I have never taken part  
8 personally in the meetings, I had never attended the training sessions, and I do not even know of the  
9 existence of such training sessions.

10 Q. Well, Mr. Witness, let me read to you a portion of your response to a question from the lawyer for  
11 Bicomumpaka, when you met with him on the 8th of February of 2008, just two months ago. You were  
12 being asked about number two -- number two on the list that we've been discussing -- and I'll direct the  
13 Chamber and the parties to page 37 in our bundle.

14

15 You were asked about number two and this is your response:

16

17 "I wasn't part of the *Amahindure*. I could see them -- him and it was obvious when they were  
18 undergoing military training, but I was not part of it. Even this information I could get from people who  
19 were" -- and then it trails off.

20

21 That was your response just two months ago. Didn't you just say -- didn't you just say 30 seconds ago  
22 that you had never even seen the training of the *Amahindure*?

23 A. Before answering, I would like you to read to me the question I was providing an answer to in the month  
24 of February 2008, because my answer will be in connection to the question put to me.

25 Q. Mr. Witness, I can read to you the question, but your answer -- the answer speaks for itself. The  
26 answer is a very simple statement and I'll read it to you again:

27

28 "I wasn't part of the *Amahindure*."

29

30 That's consistent with what you just said; I have no quarrel with that.

31

32 "I could see them -- him" -- referring to number two, "and it was obvious when they were undergoing  
33 military training, but I was not part of it."

34 A. I have grasped the answer, but I would insist -- and I would request of you, once again, that you read to  
35 me again the question that was put to me that actually gave rise to the answer.

36 Q. The question starts on the preceding page, page 36: "So this meeting took place in February of 1992?"

37

1 The answer as it was translated: "Yeah, that is to go and ask someone who was present, and when he  
2 refreshes your mind, you can come back" -- and says -- and it trails off.

3  
4 The question picks up: "So that meeting that you were not present at in 1992, did someone tell you that  
5 this meeting happened or was it a story of fabrication?"

6  
7 It goes on, your response eventually: "There were some guy called" -- and then there's a name,  
8 number two, "who was a policeman", and "he say that...and all of us agreed in...and started talking  
9 about it."

10  
11 And then you gave the answer that you have problems in reconciling now with your testimony. You  
12 gave the answer that you weren't part of the *Amahindure*, but you saw them and you saw number two  
13 training them, which is what is presenting you with a problem right now.

14 MS. DIAGNE-MBAYE:

15 I apologise, Mr. Prosecutor, I have in front of me your bundle and I have, in fact, found these excerpts  
16 you are consulting with the witness, and I can see the -- the version in English and in Kinyarwanda, but  
17 I can't see anything in French. I just wanted to know whether there was a French version, because I  
18 can't see it in here, and I would request that you tell me whether there has been a French version  
19 disclosed or not.

20 MR. WEBSTER:

21 No, my apologies to the French speakers, I only have the text -- the transcription which goes back and  
22 forth between all three languages. So what we see is what we have, unfortunately.

23 BY MR. WEBSTER:

24 Q. But, now, Mr. Witness --

25 MR. ROBINSON:

26 Excuse me, Mr. President, the official language section transcript is in French; it's D. NZ461. So it's  
27 possible the French speakers can consult that transcript to find the passage, but it wouldn't have the  
28 same page numbers.

29 MR. PRESIDENT:

30 Thank you, Mr. Robinson.

31 MR. WEBSTER:

32 If that's so, it's my oversight. I've been working with a -- an enhanced transcription, which was only --  
33 which was made on the basis of the -- the original transcription.

34 MR. PRESIDENT:

35 Mr. Robinson -- Mr. Webster --

36 MR. WEBSTER:

37 Mmm.



1 MR. PRESIDENT:

2 The pugilistic contest between you and Robinson has been so fierce that, I must say, he won that  
3 round.

4 MR. WEBSTER:

5 Which round? The round is beginning, you're -- you're -- you're going very quickly, Mr. -- Mr. President.

6 BY MR. WEBSTER:

7 Q. But now, Mr. Witness, you've had, at least, three or four minutes to think about your answer.

8 A. Firstly, I would like to point out to you that the statement was not read back to me, the statement I gave  
9 on the 8th of February 2008, but I do remember the question that was put to me as to revealing the  
10 identity of the person who had given the information to me, and I did give the name. But when you say  
11 that I saw military training being dispensed, well, I shall say that I never claimed that -- and I do not  
12 know whether you should not actually give to me the text of this very statement so that I can confirm to  
13 you whether or not it is my own statement.

14

15 I can say that the interview was recorded on video cassette and we might even be able to play back this  
16 cassette. I would say, once again -- well, when you claim that I allegedly saw number two on the list  
17 dispensing military training to the *Amahindure*, I shall repeat here, this is false.

18 Q. Well, Mr. Witness, I think that --

19 MR. PRESIDENT:

20 Mr. Webster, we have the same problem again with speed, so we have to ask the witness to  
21 consciously slow down while he speaks and you as well.

22 BY MR. WEBSTER:

23 Q. Mr. Witness, I think that's a very good suggestion. So when you complete your evidence, we can  
24 request the WVSS to allow you to view the video and then you can examine it for yourself, and if you  
25 have problems at that point, you communicate with us. But for right now, we're going to rely on the  
26 transcription. And, for your information, the language section listened to an audiotape of that  
27 video tape and came up with a transcription, and what I've read to you, that paragraph is exactly what  
28 the language section transcribed from that audiotape. But we'll continue.

29 MR. WEYL:

30 Mr. President --

31 THE ENGLISH INTERPRETER:

32 Says Counsel Weyl, rising.

33 MR. WEYL:

34 -- Mr. President, for my part, I did work with the exhibit or the document disclosed by my learned friend,  
35 Robinson, under the reference he provided. And I referred to pages 35 -- 367 *bis* and 35 -- 366 *bis*.  
36 These are the -- pages 20 and 21 of the second cassette, and what I am reading is not quite what  
37 Mr. Webster read to us earlier. The transcription of the cassette does not reflect the contents that

1 Mr. Webster just read to us with a view to refreshing the witness's memory.

2 MR. WEBSTER:

3 Perhaps Mr. Robinson can help us, since he is familiar with his exhibits and I am familiar with mine.

4 But if you look on that page, Mr. Robinson -- if he is perturbed by my reading of the transcription -- will  
5 alert me, if in English, what I have read is any different from what is on his transcript.

6 MR. ROBINSON:

7 Mr. President, I'm not good at reading French. I'm not -- I can't really accept that role. I think if my  
8 colleagues are reading from the French, they're in a better position than I am to speak to Mr. Webster  
9 about this issue.

10 MR. WEBSTER:

11 Well, you know, this is going to become -- this is a ridiculous point, number one, because I'm assuming  
12 that Mr. Weyl is hearing what I say in English in French, because I'm assuming that he's hearing it from  
13 the -- from the translation booth. Now, if there's a problem with the exhibit, it should have been raised  
14 earlier.

15 JUDGE KAM:

16 Mr. Weyl, the Trial Chamber would like you to point out precisely the part of the text which is different  
17 from what Mr. Webster has read out.

18 MR. WEYL:

19 Mr. President, Your Honours, maybe that is a solution, but I would prefer that the Trial Chamber should  
20 themselves refer to the pages that I have read out because the statement was not made in French.

21 There is a succession of interventions in English when it is an anglophone speaking; in French, when  
22 the interpreter is speaking in -- or translating from English to French, and in Kinyarwanda when it is the  
23 witness who's speaking, so there are various languages here --

24 MR. PRESIDENT:

25 Mr. Weyl -- Mr. Weyl, please, we don't want to spend too much time on a very simple matter. We have  
26 before us the English text, and the reading has been faithful to it. If you have a text which is different,  
27 just point it out to us. It doesn't take any time; it doesn't need any speech.

28 MR. WEYL:

29 What I've seen in the document that I have with me, Mr. President, is that the first person mentioned  
30 the *Amahindure*, and then the -- that is the representative of the Defence of Bicomumpaka; it was not  
31 the witness.

32 MR. PRESIDENT:

33 Mr. Webster, you can continue.

34 MR. WEBSTER:

35 Thank you. Just to clarify matters, the -- the bulk of the interview took place -- excuse me, was  
36 conducted in English. So when this witness was speaking in Kinyarwanda, it was translated or  
37 interpreted into English and that is what has been recorded in the transcription.

1 So even if Mr. Weyl quarrels with the translation, what I'm reading is the most authoritative transcription  
2 of what the witness said, because the answer was given in English when it was on the videotape.

3 But, let me continue.

4 BY MR. WEBSTER:

5 Q. Right, Mr. Witness, you also claimed that there was no *Interahamwe* in Mukingo when you were giving  
6 your direct evidence on Thursday; do you recall that?

7 A. Yes, I do recall that.

8 Q. And you stated that you were not an *Interahamwe*. Is that still your evidence?

9 A. I stand by my statement and I'm prepared to give reasons for that.

10 Q. I don't want to hear the reasons now. Let me continue and you can give your reasons when we  
11 proceed with the questioning.

12  
13 I'd like you to hear what you said on the 8th of February 2008, just two months ago, and I'll refer the  
14 parties to page 36 in the bundle. The investigator asked you a question: "Were you a member of the  
15 *Interahamwe*?"

16  
17 You responded in Kinyarwanda; it was translated. The answer that was interpreted: "Yes."

18  
19 Another question followed: "And did you hold any office at any level of the *Interahamwe*." The answer  
20 you gave on the 8th of February 2008: \*\*\*\*\*

21  
22 Question: "Of the *commune*?" "Yes." And then it continues.

23  
24 Doesn't that seem at odds with what you said just last week -- what you said just two minutes ago?

25 A. That is what I wanted to explain to you and you did not want to listen to me. I believe that you should  
26 have listened to me in order to understand why I had given that answer.

27  
28 In order for one to be an *Interahamwe* officially, one had to have a membership card. This means that  
29 the leaders of the *Interahamwe* at the national level, or at the *communal* level recognised you, but this  
30 never happened in our *commune*. If we said that there were *Interahamwes* in our *commune*, it was  
31 simply a title that we had given to ourselves. No *Interahamwe* leaders came to sort of create the  
32 *Interahamwe* in our *commune*. But given that most of us were members of the MRND, we said that we  
33 were *Interahamwes*, but if ever we had been given to -- we had been asked to produce membership  
34 cards, we would not have been able to do so.

35 Q. So, in other words -- in other words, the *Interahamwe* existed; you just didn't have the membership  
36 cards. Isn't that it?

37 A. I would say that the *Interahamwes* did not exist. It is just people who had -- or proclaimed themselves

1 as such. They were not recognised at the level of the *commune* or at the national level. If ever you  
2 consulted with the *Interahamwe* leaders at the national level, they would tell you that they did not know  
3 these people who claimed to be *Interahamwes*. So you have to bear in mind the situation which was  
4 prevailing at the time. Anyone could wear a military uniform and claim to be a soldier, and many other  
5 such things; that is how we took the liberty of referring our -- to ourselves as *Interahamwes*. What I'm  
6 telling you is that the *Interahamwe* did not exist in our *commune* officially.

7 Q. Mr. Witness --

8 A. Let me also point out that we all agreed that we would say that we were *Interahamwes*; we agreed that  
9 we would claim that we were *Interahamwes* at the level of the *commune*, and we operated only at the  
10 level of our *secteur*, not even at the *commune* level.

11 Q. Yes, but then the point is on Thursday, just a few days ago, you were saying that your group  
12 proclaimed yourself to be an agricultural organisation. Now, you're saying you proclaimed yourself to  
13 be the *Interahamwe*, and the only reason you're admitting that portion of your evidence now is because  
14 we have caught you by what you said in February when you were being interviewed and audiotaped.

15 A. Yes, I know what I said and I admit it. But what I wanted to explain to you is that I have said that when  
16 our group was created, they were supposed to be responsible for agriculture and livestock breeding. It  
17 is only subsequently that our objective changed, and this was because of people who came to influence  
18 us. So initially when our group was created, it was not an -- a group of *Interahamwes*; it was an  
19 association of farmers and livestock breeders. It was later that we decided to refer to ourselves as  
20 *Interahamwes*.

21 Q. Even after July of 1993, when Joseph Nzirorera became the national secretary of the MRND,  
22 Joseph Nzirorera that \*\*\*\*\* you're going to tell me that after July of 1993, the MRND  
23 played no role in setting up the *Interahamwe*?

24 MR. ROBINSON:

25 Excuse me, Mr. President, I think there's been a mistranslation in French, so perhaps he can repeat the  
26 question, but I've been told that it was stated that Mr. Nzirorera was the national secretary of the  
27 *Interahamwe*. So that's not what I heard Mr. Webster say in English, but that's how it came out in  
28 French, so perhaps he can re-ask that question.

29 BY MR. WEBSTER:

30 Q. Mr. Witness, are you asking this Tribunal to believe that even after July of 1993, when Joseph Nzirorera  
31 became the national secretary of the MRND party, Joseph Nzirorera who hails from \*\*\*\*\*, are  
32 you asking us to believe that the MRND party did not play a role in setting up the *Interahamwe* in  
33 Mukingo?

34 A. Let me just simply tell you that no authority ever came to our locality to set up the *Interahamwes*. No  
35 authority from the national level, the *préfectoral* level, or the *commune* level came to officially set up the  
36 *Interahamwe* either at the \*\*\*\*\* *commune* or in our \*\*\*\*\* (*phonetic*) *secteur*. You have to  
37 understand that this could never have taken place because the *Interahamwes* were never set up at the

1 level of the Ruhengeri *préfecture*. Amongst all the members of our association, there was no one who  
2 was ever issued a card -- a membership card of the *Interahamwe*. These are people who simply  
3 referred themselves as such in order to intimidate people or to be able to perpetrate certain acts  
4 because they wished to do so.

5 Q. Mr. Witness, you yourself are a member of the MRND party. You have already stated as such; right?

6 A. Correct.

7 Q. Are you aware that in April of 1992, at an MRND party congress, the national organs of the MRND  
8 decided formally to assist in the expansion of the *Interahamwe* nationwide? Are you aware of that?

9 A. During the period that you are referring to, I was not interested in politics; I was only a simple citizen.  
10 Furthermore, I was a student, so I was preoccupied with my education -- so I have no idea whether the  
11 congress declared that or not. I was not concerned, and it is for that reason that I cannot give you an  
12 answer to your question.

13  
14 Politics was not my interest. You have to know that not all Rwandan citizens were supposed to be  
15 aware of what that congress had declared. I had other concerns, and those declarations were not of  
16 interest to me.

17 Q. Well, let me inform you that it's a matter of record in this trial on the basis of an exhibit that was  
18 tendered into evidence previously from a videotape of the MRND congress, held in April of 1992, where  
19 the national secretary of the party stated, quite clearly, that the party at the national level was going to  
20 extend the *Interahamwe* across the country. Accepting that, wouldn't it be preposterous to suggest that  
21 everywhere in Rwanda there were *Interahamwe* except Ruhengeri?

22 A. But, Counsel, the question I would like to ask you is as follows. You have told me that there are video  
23 images that were tendered into evidence. What I would like to ask you is: Did you see me in any of  
24 these videos? You have to begin by proving that you saw me in those pictures in order to be able to  
25 ask me that question.

26  
27 What I can say is that there were no *Interahamwes* in our *commune*. I know very well that it would be  
28 very difficult for you to meet anyone from our locality who can tell you that they received a membership  
29 card of the *Interahamwes*, because when someone decided to become an *Interahamwe* member, they  
30 would be issued a membership card.

31  
32 So if ever that card was given to me, I would be able to say that this is a card that was signed by  
33 Mathieu Ndirumapfse and so on and so forth. So these are simply things that we invented in order to  
34 achieve our purposes, so there -- there were no *Interahamwes* in our *secteur*, none in our *commune*,  
35 and not even at the level of our *préfecture*.

36  
37 Maybe, there was a plan to set out -- or, rather, set up the *Interahamwes* in our locality, but at the time

1 that the war broke out, nothing was represented on the field. No authority had come to our locality to  
2 set up the *Interahamwes*.

3 Q. All right, Mr. Witness, I'm going to move on to something else.

4 MR. WEBSTER:

5 If I could have the registrar's assistance to show this document to the witness? This is something that  
6 was circulated to the parties earlier this morning. I believe a copy was also left for the -- for the Bench.  
7 This is what the witness should see. The witness is only being asked to look at the second page of  
8 what we've shown to the Bench.

9 MR. PRESIDENT:

10 Is this on your list?

11 MR. WEBSTER:

12 It's not on the list; it was a separate document that was distributed this morning. I gave it to the registry  
13 to hand out to everyone in the courtroom, and what you have is two pages, but the witness has only  
14 one page.

15 MR. PRESIDENT:

16 Thank you, we have got it now.

17 BY MR. WEBSTER:

18 Q. So, Mr. Witness, I'd like to continue the practice we had adopted yesterday. In other words, there are a  
19 list of names in front of you, numbered 1 to 26. The first nine names have the same numbers that were  
20 used yesterday, so there should be no confusion on the record between your testimony yesterday and  
21 the testimony you're going to give to us now. But after number nine, which are the nine names that you  
22 mentioned to Mr. Robinson, the list continues. And I'd like you to just take 30 seconds and look over  
23 those names and then I'm going to ask you some questions.

24  
25 Now, the first nine names are persons that have some sort of connection to Ruhengeri prison. When  
26 you look at the numbers 10 to 26, I'd like you to tell us, just by giving us the number, if there's anyone  
27 on that list that had some connection to Ruhengeri prison or not. So if you go from 10 to 26, tell us if  
28 you know the person -- if you know them from the prison.

29 A. Can I proceed?

30 Q. Yes, please.

31 A. Number 10, number 11, number 12 is not in any way connected to Ruhengeri prison, but instead it is  
32 number 13. But number 14 has nothing to do with Ruhengeri prison. Numbers 15 and 16 do have a  
33 connection, but not number 17. Numbers 18, 19 and 20. Number 21, if this is, indeed, the name of the  
34 person that I know very well -- maybe, I'll explain that to you later. Number 22, yes, but not number 23.  
35 Number 24, yes, and number 25. As to number 26, I believe, no, if that is, indeed, the individual that I  
36 know.

37 Q. All right, thank you for that, Mr. Witness.

1 Now, with respect to the individuals that you say have no contact to the prison, among those individuals  
2 are there any that you know personally? In other words, with number 12, you've already told us that  
3 you don't know that individual personally, right?

4 A. I believe that I have already explained that to you. I told you that the name is familiar to me, and I  
5 explained to you the circumstances in which I knew that individual, but I added that I never saw him in  
6 Ruhengeri *préfecture*. I arrived Ruhengeri prison on a specific date, and I left that prison on a specific  
7 date. So if that individual came there after my departure, then it is no business of mine.

8 Q. All right, thank you. But it's a very simple question, so I don't need a lot of information now. All I'm  
9 asking you is if you know these people personally. So you said you don't know number 12 personally.  
10 Do you know number 14 personally?

11 A. I told you that I knew number 13 at the Ruhengeri prison.

12 Q. Mr. Witness, number 14 -- my question is simple, you can answer it yes or no -- do you know that  
13 individual personally?

14 A. I know him, but he has nothing to do with the Ruhengeri prison.

15 Q. And number 17, do you know that individual personally?

16 A. Yes, I know him.

17 Q. And number 23, do you know that person personally?

18 A. Yes, I do.

19 Q. And 26, I believe you said you knew him, for number 26?

20 A. Yes.

21 Q. All right, that's all I wanted to know.

22  
23 Now, many of these names were taken from your own statement that you made in February of 2008,  
24 not the ones we've just discussed, but the others for the most part is information that you gave us in  
25 February when you spoke to the Bicomupaka Defence team. Did any of the individuals that we have  
26 just discussed, numbers 12, 14, 17, 23 and 26, did you consult with them or did the prisoners consult  
27 with those individuals when you were cooking up stories in the prison? Yes or no; it's a simple  
28 question.

29 A. Counsel, I cannot answer with a simple yes or no, because I realise that you mentioned the names of  
30 more than one individual. I would have thought that the best way to go about it would be to go one by  
31 one.

32 Q. All right, let's do that. With number 14, did you ever consult with that individual? Did he come into the  
33 prison and converse with you and numbers 1, 2, 3, 4 and 5?

34 MR. ROBINSON:

35 Excuse me, Mr. President, Mr. Webster has a habit of asking multiple questions. There are two  
36 questions in there, at least: Did you consult that with individual; and the second question, did he come  
37 into the prison. So I think he needs to (*microphones overlapping*)...

1 MR. WEBSTER:

2 All right, I was actually trying to move things quickly, but I will go step by step, so my apologies.

3 BY MR. WEBSTER:

4 Q. Limiting ourselves to number 14, did you see that individual any time after you were arrested in 1995?

5 A. Firstly, I told you that this individual had nothing to do with Ruhengeri prison. I never saw him there as  
6 a detainee. You should know that this is the period I spent in Ruhengeri prison.

7  
8 Secondly, I know this individual because it is a witness in one of the cases before this Tribunal, and  
9 after I was released I saw him, and I know only too well that he came to testify before this Tribunal.

10 Q. But you had not met him during the period when you were in prison from 1995 to 2003?

11 A. No.

12 Q. Okay. I'd like you to give us the same information for number 17. Did you meet that person any time  
13 between 1995 and 2003 when you were arrested -- when you were in prison?

14 A. No, I never met him, but his son was one of my co-detainees, and after I was released I saw him.

15 Q. What about number 23?

16 A. I never saw him throughout the period I spent in detention; however, after I was released I saw him and  
17 I know that he has testified before this Tribunal.

18 Q. But those three individuals -- well, let me withdraw that and rephrase it.

19  
20 All right, let me move on to something else; we'll come back to this list in a few minutes, Mr. Witness.

21  
22 Now, you were arrested in 1995. How soon after your arrest did you become \*\*\*\*\* the prison?

23 A. This was after a lengthy period; however, I did occupy other posts beforehand before I became the  
24 \*\*\*\*\*, and the posts I occupied or held before that were of equal importance. So I became \*\*\*\*\* after  
25 a lengthy period. It was only after I had gone through the guilty plea and confession procedure that this  
26 post was allocated to me. However, you should know that before that time, I occupied or held other  
27 positions that were just as important within the prison walls.

28 Q. Okay. So you were appointed \*\*\*\*\* some time after 2002 -- some time after September of 2002 when  
29 you made your confession and plea; that's accurate?

30 A. Indeed.

31 Q. What were the other equally important positions that you held in the prison before you became \*\*\*\*\*?

32 A. \*\*\*\*\*

33 \*\*\*\*\* . And it was only after I made my confession and plea that I became \*\*\*\*\* - that is to say, in  
34 charge \*\*\*\*\* .

35 Q. You also referred to yourself as the \*\*\*\*\*, among the prisoners. When  
36 did you get that post?

37 A. I no longer recall the date; however, I know that I spent at least two years in that position.



- 1 Q. And that was after you became \*\*\*\*\* , I'm assuming is a more senior position; is  
2 that correct?
- 3 A. (No interpretation)
- 4 Q. You can explain it to me then.
- 5 A. No. I can give you an example: The president or chairman is above the chief of police, and the person  
6 \*\*\*\*\* , including  
7 the \*\*\*\*\* , and even those who are in charge of the other services within the prison.
- 8 Q. So when did you become \*\*\*\*\*? That was before 2002?
- 9 A. Yes.
- 10 Q. And you say you occupied that position for approximately two years; right?
- 11 A. I said that I spent approximately two years in that position of \*\*\*\*\* before being appointed  
12 \*\*\*\*\* .
- 13 Q. So would it be fair to say that you became \*\*\*\*\* in approximately 1999 or thereabouts? Or  
14 you can explain it to me if I'm incorrect there.
- 15 A. It was either in 1999 or 2000.
- 16 Q. Now, when you were \*\*\*\*\* , that gave you an entitlement \*\*\*\*\*  
17 ground, isn't that correct? You could \*\*\*\*\* .
- 18 A. That is correct.
- 19 Q. And based on what you've just been saying, it sounds as if it's a position of some responsibility in the  
20 prison, would you agree with that?
- 21 A. Yes.
- 22 Q. You would have to \*\*\*\*\* other prisoners? Or give us some idea of what you would have to do as  
23 \*\*\*\*\*
- 24 A. A detainee cannot take any measures against a co-detainee; \*\*\*\*\*  
25 \*\*\*\*\* . And one might also \*\*\*\*\*  
26 \*\*\*\*\* , and then it is up to the assembly -- general (*sic*) to adopt or  
27 take measures against the detainee. So, even the \*\*\*\*\* cannot unilaterally take any  
28 disciplinary measures against a co-detainee.
- 29 Q. But in any case, you were in direct liaison with the authorities of the prison in order to \*\*\*\*\*  
30 \*\*\*\*\* among the rest of the prisoners. Would that be an accurate way of describing what you did?
- 31 A. No, that is not correct because I was supposed \*\*\*\*\* to the *capita général*, who then  
32 would \*\*\*\*\* to the management of the prison. So I could not talk directly to the director of  
33 the prison, I always had -- always had to go via the *capita général*.
- 34 Q. But in any case, you seemed to be an extension, as you describe it, of the prison administration into the  
35 population of the prison -- into the prison population. You were helping to \*\*\*\*\* the other  
36 prisoners. Is that a fair statement or not?
- 37 A. You might not have understood me correctly. In the prison there are wardens who are in charge of

1 surveillance for the prisoners. And the \*\*\*\*\* is himself a detainee, and he is not above the  
2 administrative structure of the prison because he himself is a detainee.

3  
4 However, amongst co-detainees, those who live in the same block can reach an agreement and can  
5 choose representatives, and those representatives then help the *capita général* in the management of  
6 detainees.

7  
8 I do not agree with you when you say that I was part of the administration within the prison, because the  
9 management of the prison had its own security apparel; and the management of the prison had the  
10 prison wardens at its disposal. So I would say that it was the wardens who were, really, the people to  
11 help the administration in terms of security. And it was the *capita général* only who can be a member of  
12 the board of administration of the prison while still being a detainee. No other detainee is a member of  
13 that board. Even if we did hold positions of responsibility, we were limited in a number of fashions and  
14 we still remained detainees.

15 Q. Yes, but you admit that you must have been giving some assistance to the wardens \*\*\*\*\*

16 \*\*\*\*\*

17 A. It is possible, but when I say that one could provide them with assistance, it was not in the escort of  
18 prisoners, for example, or with reference to the mistreatment inflicted upon the detainees. It --  
19 whenever it was necessary -- well, we could not place ourselves above the wardens of the prison in our  
20 duties.

21 Q. Okay. Thank you. So tell us, when was it that the pressure from the authorities of the prison started to  
22 weigh on you in terms of pressuring you to plead guilty and to fabricate stories? When did that  
23 pressure begin?

24 A. Before I opted for the confession and guilty plea -- well, that is to say, before the time when I drafted the  
25 documents produced here.

26 Q. Could you estimate how long before? The document that we have looked at in this trial is dated the  
27 12th of September 2002 -- excuse me, yes, the 12th of September 2002. When, before then, did the  
28 prison authorities start to pressure you?

29 A. It was during that very same year.

30 Q. During the year of 2002?

31 A. Yes.

32 Q. So that would be after the -- do you recall if it was before or after the introduction of the Gacaca law?

33 A. I no longer recall.

34 Q. Was it the same for some of the people that you have mentioned to us, numbers -- one, for example, on  
35 the list? Were you aware of if or when the prison authorities placed the pressure on him?

36 A. I cannot speak about what concerns him because all that I saw was when he boarded a vehicle with a  
37 view to -- to going to Arusha. Sometimes they were summoned and they were taken to the court of

1 appeal, but we did not know what they were going to do there. I do not know the procedure they  
2 followed at all. I do not know how they were brought to do what they finally did.

3 Q. Well, Mr. Witness, I'm not talking about being transported from Ruhengeri to Arusha to testify. I'm  
4 going into your evidence because it was your evidence that the prison authorities forced people to  
5 concoct stories, and that's what I'm trying to find out from you.

6  
7 Now, you said that happened to you in 2002. And, if you know, you can tell us when that happened to  
8 number one, and then I'll ask you about number two and number three. If you don't know, "I don't  
9 know" is a fair answer. And if you do know, you can tell us and why.

10 A. That is what I was explaining to you. I do not know what happened with reference to these other  
11 witnesses. I said that when those witnesses left the prison in order to go to Arusha, we saw them  
12 leaving. That's what I wanted to say.

13 Q. Okay. But that does not mean that they were being pressured by the prison authorities at that time.

14 A. Well, that does not exclude the fact that they might have come under certain pressure from the prison  
15 authorities. I cannot confirm this fact, but nor can I deny it, because I do not know exactly what  
16 happened with reference to these individuals.

17 Q. In your --

18 MR. WEBSTER:

19 I think (*inaudible*).

20  
21 May I continue?

22 MR. PRESIDENT:

23 The audio seems to be back. The video is not back yet.

24 MR. WEBSTER:

25 Oh, I'm sorry.

26 MR. PRESIDENT:

27 It seemed to have been a power failure -- a temporary power failure.

28  
29 Mr. Webster, we're coming up to the mid-morning recess. We're going to want to resume after the  
30 mid-morning recess at 2 p.m. to facilitate one or two other functions that you need to perform. So you  
31 have to select a convenient time, bearing that in mind.

32 BY MR. WEBSTER:

33 Q. Mr. Witness, in your evidence from Thursday, you also told us about prisoners getting together to  
34 concoct their stories. Do you remember when that started in the prison?

35 A. I said that I sat down with other detainees and that we invented a number of accounts, and that this  
36 happened after I was convinced that I should make my confession and plea. So I understood that this  
37 would happen once I decided to opt for this procedure.

1 Q. So would that be after 2002 or during 2002? You mentioned or we've already taken note that your  
2 confession was signed on the 12th of September 2002. This sitting down with the other prisoners to  
3 concoct stories, was that taking place in the year 2002, after that, before that? Give us some idea,  
4 specifically, if you can.

5 A. With reference to myself, it was during the year 2002 that this began.

6 Q. That was after the Gacaca legislation had been passed; is that correct?

7 A. I was in prison, so I could not be informed of what was going on outside. I do not know what -- at what  
8 date the law governing Gacaca courts was voted, so I did not know what was going on outside the  
9 prison. I do not know at what date those individuals were appointed.

10 Q. Well, Mr. Witness, you of all persons should know, since the law directly impacted upon you. You were  
11 arrested under the law of 1996; you were charged with crimes. With that law, there was still a provision  
12 for pleading guilty, but it was not very liberal. But after the introduction of Gacaca, it seemed as if  
13 pleading guilty brought considerable advantages -- or the advantages were promised with the  
14 introduction of that law, and this was explained to the prison population.

15  
16 So you of all people should have some idea of when things changed with regard to how your case file  
17 was managed. So just give us some idea, because I'm trying to situate the pressure that was brought  
18 on you in time.

19 A. This might be your way of seeing things; however, when one is a detainee, one's first worry is survival;  
20 and secondly, one's release. I did not pay attention to what was going on with reference to the  
21 introduction of the Gacaca law or the appointment of the individuals concerned. I was in prison, and I  
22 did not leave prison -- and, at that moment in time I had not even taken the decision to make my  
23 confession and plea. However, each individual has their own approach, and each individual has their  
24 own plans, and there are other people who might have gone about it in a different manner.

25 Q. All right. Let me ask you another question: When did you first observe prisoners getting together to  
26 concoct stories? I'm not talking about when you joined in. When was your first observation that  
27 prisoners were doing that?

28 A. I apologise for the answer I shall be providing, because it is motivated by the question you just put to  
29 me. I cannot confirm something which I did not see, and I would like to say that I can only confirm the  
30 fact that some detainees would sit down together and invent statements only from the date at which I  
31 joined that group myself. Because were I to talk about the period which preceded this -- which  
32 preceded my joining this procedure as such, that would mean that I was spying on other detainees.

33  
34 From the date at which I joined their group, it was suggested to me what I should say. And I was  
35 surprised to see that those individuals, who were supposed to be far away from the sites when things  
36 occurred, were actually going to give information and testimony saying that they were present on the  
37 scene at the time of the events.

1 When I joined the group, the members of the group requested that I corroborate accounts that they had  
2 invented previously, but I'm not in a position to tell you at what date they commenced their invention of  
3 these accounts. But, the fact that they requested that I corroborate what they had already said went to  
4 prove that they had begun inventing certain accounts at a date well previous to that.

5 *(Pages 1 to 19 by Jean Baigent)*  
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1 1030H

2 MR. WEBSTER:

3 Your Honour, this would be a convenient time to stop and then I will pick it up when we reconvene.

4 MR. PRESIDENT:

5 Mr. Witness, we're going for a break. I remind you that you are not to discuss your case, or your  
6 testimony with anybody during this or any other break.

7 *(Court recessed from 1031H to 1427H)*

8 MR. PRESIDENT:

9 Good afternoon.

10

11 Mr. Webster, about how much more time do you think you have?

12 MR. WEBSTER:

13 I would really like to finish today. I think we will go at least until the end of the day, and depending on  
14 the pace, it may be spilling over. I would like to avoid that, but I have a line of questioning that I would  
15 like to complete. We are being slowed down by the prolixity of the witness's responses. I will try to  
16 control that, but on the one hand, we want him to be able to respond fully, given the importance of the  
17 issue, but I will try to speed it along.

18 MR. PRESIDENT:

19 Very well, Mr. Webster. You are wondering why I am smiling.

20 MR. WEBSTER:

21 Yeah.

22 MR. PRESIDENT:

23 You see, you have often frustrated my own time scheduling policies.

24 MR. WEBSTER:

25 Yes.

26 MR. PRESIDENT:

27 Today, I am going to frustrate yours because we intend to adjourn at 4 o'clock this afternoon, whatever  
28 happens, and resume tomorrow morning.

29 MR. WEBSTER:

30 Okay. Well, sir, I don't think we are going to finish by 4 o'clock, unfortunately. And I would much rather  
31 dispense with the issue entirely today, but --

32 MR. PRESIDENT:

33 But we have to break at 4:00, and we will see how far -- I hope you can get as far as you can. You can  
34 organise your timing. So we are not having a mid-afternoon break at 3:30.

35 MR. WEBSTER:

36 We will just go straight.

37

1 MR. PRESIDENT:

2 We will go through to 4 o'clock and then end the day there.

3 BY MR. WEBSTER:

4 Q. Good afternoon, Mr. Witness.

5 A. Good afternoon, Mr. Prosecutor.

6 Q. Mr. Witness, could you tell us when -- you mentioned during your direct examination that at a certain  
7 point in time, prisoners from Kigali and Gitarama were brought to Ruhengeri, and that they were part of  
8 the prison's effort to coax guilty pleas out of the prisoners in Ruhengeri. Do you remember when this  
9 occurred?

10 A. It must have been in 2002. I know that at the beginning of 2003, they were still there. When we left the  
11 prison, they were still there, but they had not been there for a long time. So, that is why I am saying  
12 that they arrived there in 2002.

13 Q. How long do you remember them staying in Ruhengeri, in other words, when you left the prison in  
14 January 2003, how much time had they spent in your presence, approximately?

15 A. I would say, approximately, two months.

16 Q. Which would suggest that they arrived some time in October or November of 2002; wouldn't you agree  
17 with that?

18 A. They got there at the end of 2002, either in November or December, maybe even in October, but I no  
19 longer remember very well, but it was during that period.

20 Q. Okay, thank you. Because my information is consistent with what you have said. The information I  
21 have is that they arrived some time in November or December of 2002. Now, isn't it true that there was  
22 a religious gloss to the arrival of these prisoners from Gitarama? And if you want me to explain myself  
23 a bit further -- didn't they talk to the prisoners in Ruhengeri about being reconciled with God because  
24 they had confessed their crimes? Wasn't that what they were saying?

25 A. They did not come there in a religious context. They were not members of a religious order, as you  
26 seem to be saying. They did not come there to preach the word of God. They came there in order to  
27 raise the awareness of the inmates so as they should resort to confession and making guilty pleas.  
28 They explained to us that they were prisoners like us, though they were wearing civilian clothes. They  
29 said that they had received authorisation to no longer wear prison uniform. They did not come there to  
30 preach. They came there to raise the awareness of other prisoners so that the other prisoners could  
31 plead guilty, and they did not do that within a religious context.

32 Q. Okay. Well, even if you did not perceive -- you did not see the religious side of what they were doing,  
33 certainly, you are not suggesting that encouraging others to confess their crimes meant that they were  
34 encouraging you to lie.

35 A. What I can tell you is that they never drafted the confession documents in public. The accused  
36 persons -- they gave us testimonies regarding what they had done and requesting the other prisoners  
37 to do the same; that they should plead guilty. They explained to them the procedure. And if you

1 agreed to resort to that procedure, they would assist you in drafting the documents relating thereto. No  
2 one brought this document in public, and they were never drafted in public. So people were not aware  
3 of the contents of those documents. So there was a public aspect of this procedure, and then another  
4 part of the procedure that was carried out in private with the prisoners who had accepted to plead guilty.

5 Q. Yes, but based on what you are telling us, my statement still stands. They were not encouraging you to  
6 lie.

7 A. You are putting words into my mouth. I never said that I cooperated with that -- that I never cooperated  
8 with that group. I simply told you that that group arrived as part of that programme. And I gave you the  
9 names of the people that I cooperated with.

10  
11 Regarding my testimony, it was a group -- another specific group of prisoners with whom I collaborated.  
12 So these are two different things.

13 Q. Yes, but when you gave your direct evidence, you seem to imply that this group was brought from Kigali  
14 and Gitarama to influence the prisoners of Ruhengeri to lie in their confessions. And I am suggesting to  
15 you that that's false, and you have just admitted that that is false.

16 A. Let me repeat my answer. There was public awareness raising, and there were also sessions that  
17 these prisoners held in their houses; that is when they were drafting confession documents for the  
18 detainees, and these documents were sent to the prison administration. No one ever saw those  
19 documents.

20  
21 With regard to the drafting of documents, there was a group which was in charge of that. There was a  
22 group of prisoners in Ruhengeri that drafted documents for other prisoners, but, subsequently, other  
23 prisoners arrived to assist them. So there was some similarity between the two groups because those  
24 documents were drafted in secret. We do not know whether the contents of those documents were  
25 correct or not.

26 Q. Well, let's personalise it. With respect to you, they never influenced you in the drafting of your  
27 confession, did they?

28 A. When they arrived, I had already had my own document drafted. I had already pleaded guilty by the  
29 time they arrived.

30 Q. That's exactly my point, Mr. Witness. You and number 1, and number 2, and number 3, and number 4  
31 on the list had already pleaded guilty, and had already confessed your crimes by the time this group  
32 arrived from Gitarama. So they had -- could not have been the ones that influenced the content of your  
33 confessions or your guilty pleas.

34 A. I continued giving statements right up to 2006, giving testimonies. So someone can influence you,  
35 simply, through speaking. For example, when we were in the solidarity camps, we gave other  
36 testimonies. I mention this group to show you that there was a select group in Ruhengeri. And that in  
37 order to sensitise more detainees, other inmates were brought from other prisons to encourage the



1 Ruhengeri prisoners to plead guilty after learning of the benefits involved. I mention that group because  
2 they were brought by the prosecutor general and the other people that I have mentioned. The  
3 prosecutor general was very active when it came to identifying, or gathering testimonies for the Arusha  
4 trials.

5 Q. Let me focus on the first portion of your answer, because what you have said about the Arusha trial, is  
6 a separate issue that I will address later. But what you said for the three quarters of your response is  
7 exactly the point I am making, or trying to make, or bring to your attention, which is, that there is a  
8 difference, wouldn't you agree, between sensitising prisoners about the advantages of pleading guilty  
9 on the one hand, and then telling them to lie, and lie against the authorities on the other; those are two  
10 different things? Can you agree to that? And all you have to say is, yes or no. It really is a simple  
11 question.

12 A. Maybe that is a simple question for you, but you were not present. So you have to allow me to explain  
13 what happened. I am the one who gave that testimony that we are talking about, and so you should  
14 give me the possibility to explain myself. In that group, there were leaders, and there were others who  
15 were responsible for cooking, for example. Still, others were responsible for sensitisation, and some of  
16 them were in charge of drafting, or assisting the prisoners in drafting the confession documents. This  
17 group had a connection or a link with another group of inmates who were still in prison, but who had  
18 pleaded guilty. So there were various members in that group. And when they explained to the  
19 prisoners how to have recourse to that procedure, they did it in the same way. So there was really no  
20 difference between the group which was doing this in Ruhengeri and the other groups from Gitarama  
21 and Kigali. The only difference was that they had come from elsewhere, but they did, practically, the  
22 same thing as the group in Ruhengeri.

23 Q. Well, when you were talking about the group in Ruhengeri, or the group of prisoners that you knew in  
24 Ruhengeri, you said that they concocted lies together, and that they followed the instructions of the  
25 prison authorities to accuse people and invent evidence that wasn't true. And it is clear from your  
26 response that that was not the situation with the group from Gitarama, that there is a difference  
27 between sensitising prisoners about the advantages of the Gacaca law and inventing evidence. Can  
28 you simply agree to that?

29 A. I do not agree with you. If you want, I can explain.

30 Q. No, I don't want another explanation. We will go on.

31  
32 When the persons responsible for sensitising the prisoners, or the persons from the  
33 *parquet* -- representative of the *parquet* and the prosecutor's office asked those who were pleading  
34 guilty and confessing to explain who gave them orders, that's not the same thing as asking prisoners to  
35 invent evidence. Would you agree that those are two different things?

36 A. I did not quite understand your question. Could you kindly repeat, Mr. Prosecutor?

37 Q. Yes, I will.

1 And I will put it to you in a different way. Yesterday, when I asked you if you thought you were being  
2 courageous by coming here and testifying, you said yes; right? All it takes is, yes or no.

3 A. That was not the question you put to me yesterday.

4 Q. Mr. Witness --

5 A. You asked me -- that was not the question you asked me, Counsel.

6 Q. Yesterday, I asked you if you thought it was courageous to join a mob, attack people, and drive around  
7 the *Interahamwe* so that they could attack people. And you said, yes, you were courageous because  
8 you were following orders. Do you recall saying that yesterday?

9 A. That is not what I said. That is not at all what I said. I remember the question that you asked me, and I  
10 remember the answer that I gave you. And if you wish, I could repeat them. If you want, I can repeat  
11 the question that you put to me yesterday.

12 Q. What I would like you to do is answer the questions I am giving (*sic*) you today.

13 A. I am listening.

14 Q. Yesterday, didn't you say you couldn't be blamed for the killings that took place on the 7th of April  
15 because you joined the mob, or drove around the *Interahamwe* because you were following orders? It  
16 is a simple question to say, yes or no.

17 A. That is not what I said.

18 Q. All right. You tell us what you said. What did you say?

19 A. You started by asking me the following: What Defence Counsel for Ngirumpatse has just said that you  
20 are courageous, do you agree with it? And I said, yes, I agreed with what he said because everybody  
21 saw things in his own way. I said it was courageous on my part because I admitted having lied, and  
22 people could take things one way or the other based on their interest.

23  
24 You asked me a second question. You asked me whether I thought it was courageous to have killed  
25 people -- to have killed people with a machete. I told you that I had not killed anyone. You told me that  
26 I had been driving around attackers onboard a vehicle. I said that was, indeed, what had happened. I  
27 explained that I showed courage because I was able to save one of my relatives, who is still alive.  
28 Those are the answers I gave to you. I know that I committed crimes, and I was punished for those  
29 crimes. I have pleaded guilty, and I admitted to what I did.

30 Q. And you also said that you drove around the *Interahamwe* because you were following someone's  
31 orders. You don't recall saying that yesterday?

32 A. I explained that there were several reasons which prompted people to become involved in those  
33 events. I admitted that I had driven that vehicle, and I explained the circumstances under which I drove  
34 that vehicle.

35 Q. Because you were following orders from others, that's what you said. It is a simple proposition.

36 A. I said it. I do not know whether you want to know those people who gave us the orders. But I would  
37 like to point out that it was neither Nzirorera nor any of the accused here; even a thug can tell you that

1 they will do something, and then they do it.

2 Q. Okay, that's fair, because that is exactly the point, Mr. Witness, that I am trying to examine with you.  
3 When someone confesses their crimes, there is absolutely nothing wrong with asking them who  
4 ordered them to commit a crime; wouldn't you agree?

5 A. I agree with you.

6 Q. So, even sensitising prisoners about the advantages of the guilty plea process, if the prison authorities  
7 asked you who ordered you to commit your crimes, that does not mean that they are telling you to  
8 accuse anyone in particular; wouldn't you agree?

9 A. There is something I would like to explain to you.

10 Q. Before you explain -- and you can explain, but before you explain, answer the question, yes or no.

11 A. No, that is not normal. The prison administration comes under the authorities of internal security,  
12 whereas our case files are managed by the judicial system. So the prison administration should not  
13 have been involved in anything concerning our judicial records.

14 Q. My question to you, which you have avoided, is whether there was anything wrong with the authorities  
15 that were sensitising the prison population about the advantages of confessing their crimes and  
16 pleading guilty, to ask those prisoners when admitting their crimes, to specify who ordered the crimes.  
17 If that is what they were saying to defend themselves against the allegation. Do you understand the  
18 statement I have just made?

19 A. I have understood you well, Counsel, and I will respond. The problem is that the prison administration  
20 asked the prisoners to accuse the authorities. The problem is that sometimes you know who gave you  
21 the order, but you were being told to mention such-and-such a person and claim that it was that person  
22 who gave you the order. The administration told you that the person who gave you the orders was not  
23 an authority, and asked you to mention another person, who is -- or, who was an authority, as the  
24 person having issued the orders. That is the reality.

25  
26 In my statements, I already said that certain people had asked me to drive a vehicle, but, subsequently,  
27 I was told to change that statement and say that it was Nzirorera and others, who had asked me to do  
28 so. That is where the problem lies. They should have allowed us to say exactly what had happened  
29 because we were the ones who were present when the crimes were committed, instead of compelling  
30 us to accuse people who had not been involved.

31 Q. Well, didn't that happen in the Gacaca that you organised in the prison?

32 A. If what happened in the prison was referred to as Gacaca, it is because that's what we called it, but it  
33 did not operate as the other Gacaca jurisdictions outside of the prisons. This was something that had  
34 been decided upon by the prisoners themselves in order to dis -- exculpate themselves. It was a  
35 Gacaca court like those that are outside. So, there was a difference between what happened inside of  
36 the prison and what happened outside.

37 Q. Okay. But let's focus on this prison Gacaca, the unofficial prison Gacaca, do you remember when that

1 took place?

2 A. No, I do not remember the date, but I remember that when that happened, I was still in prison.

3 Q. And it was before or after you made your own confession and guilty plea -- was it before or after you  
4 made your own confession and guilty plea?

5 A. I remember that it was before my confession and guilty plea.

6 Q. And during that proceeding -- and the prison authorities did not tell you who to accuse during that  
7 proceeding, did they?

8 A. But, Counsel, I believe I have already explained everything. The Gacaca sessions inside the prison  
9 were different from those outside the prison. I no longer remember the date on which the law governing  
10 the Gacaca jurisdictions was adopted. But I know that what happened inside the prison was a way of  
11 defending oneself; that is, the prisoners defending themselves. It did not have any impact on what  
12 happened outside. It was simply a pack of lies in order to exculpate ourselves.

13 Q. And the prison authorities were not involved in telling you what to say; right?

14 A. I should also point out that from 1995 to 2002, we did not have the same authorities. It, therefore,  
15 depended on the individual director, or authority at the prison. There were some who were very  
16 interested in the procedures and others who were not so interested. If you want, I can give you -- tell  
17 you about those individuals who were very interested. It was possible for one director to be very  
18 interested, while others were not.

19 Q. Mr. Witness --

20 A. This is not something to which a lot of importance was attached. I do not remember appending my  
21 signature to any Gacaca document drafted inside the prison.

22 Q. And the question that I have asked you still remains unanswered. The prison authorities did not  
23 influence what you said, or what the prisoners said in that Gacaca proceedings, yes or no?

24 A. I think that I have answered that question, Counsel. I think that I have told you that I no longer  
25 remember the names of those people and the time that interests you.

26

27 Secondly, I told you that I did not attach importance to that because that was something which was not  
28 serious. I have told you that certain officials could be interested in that issue, but other authorities could  
29 not have been interested in such a thing. What I would like to tell you is that when the law governing  
30 Gacaca courts was enacted, that is, when all those things started to be taken seriously. That is during  
31 the time the chief warden of our prison received instructions to the effect that from that time onwards,  
32 everything should be taken seriously. So that is my answer to your question.

33 Q. Okay. Well, the document that was produced at that particular proceeding, the one that was organised  
34 in the prison, was entered into evidence when you testified in June of 2006. Do you remember that?

35 A. Yes, I remember.

36 Q. And when you gave testimony in June of 2006, you told this Chamber that you were the one that  
37 drafted that document for the persons that were participating in that exercise. Do you remember that?

1 A. No, I don't remember having said that. I only remember that I had emphasised the fact that I had not  
2 signed that document. And you, if you have that document, you could show it to me so that I can say  
3 whether or not I recognise it, because I remember that I had written another document when I was at  
4 the solidarity camp. Maybe you are mixing up the two documents. But if you -- if it's possible, please  
5 show me the document you are referring to so that I could tell you whether or not that -- that is the  
6 document in question.

7 Q. It's not a problem, Mr. Witness, because both documents were entered into evidence when you were  
8 here in June of 2006, so both of them are part of the record. And the document that I was referring to  
9 from the informal Gacaca, is exhibit -- I believe -- if you give me one moment.

10

11 It is D. NZ136. I have a copy. It's not the official copy, but I will ask the assistant of the registrar just to  
12 show it to you.

13 MR. WEBSTER:

14 You can show it to the Judge first.

15 BY MR. WEBSTER:

16 Q. Is that the document that you drafted on behalf of the 47 prisoners that participated in that exercise?

17 A. Thank you for giving me this document. The information I was looking for is contained here. This  
18 document has three parts, but --

19 Q. I am not asking you for an explanation. I asked you one question: Is that the document that you  
20 drafted on behalf of the 47 persons that participated in that exercise? If it is, say, yes; if it's not, say no.  
21 That's all.

22 A. I cannot answer with just a yes or a no. I am going to give you some explanation. The part which I  
23 wrote is only the list of the 47 people. Let me explain. I am sorry, please excuse me for that. But I  
24 cannot say that I wrote the entire document because I did not do so. The first part was written by  
25 \*\*\*\*\*. The tables were prepared by \*\*\*\*\*. I wrote the part concerning only  
26 the list of those individuals, therefore, I did not write the entire document.

27 Q. All right. Thank you. Other than this exercise, which, according to the document, took place in  
28 August of 1999, do you know of any other instance when the prisoners got together to discuss their  
29 crimes from 1994? In other words, prior to this date, was there any exercise of this nature, to your  
30 knowledge?

31 A. I don't know. I don't have a document which I could give you, but what I know is that there were  
32 discussions between the prisoners, which were organised on the basis of the various areas of the  
33 prisoners, but since I don't have a document to produce here, I cannot really say that such a thing did,  
34 indeed, take place.

35 *(Pages 20 to 27 by Sithembiso Moyo)*

36

37

1 1515H

2 BY MR. WEBSTER:

3 Q. Mr. Witness, we both know that this document concerns Busogo *secteur*, your home *secteur*. Isn't  
4 that the case? Isn't that what we are discussing here?

5 A. The document talks about people who were in the same case, but I think that they were from different  
6 *secteurs*. The person who wrote the document is from Rwisomvu, but herein there are people from  
7 Busogo and other places. What I know is that this document covers the people who are in the same  
8 case whose number is actually written on the document. As you know, each trial is a case, which is  
9 given a case number.

10 Q. And what I gather from your responses so far is that you were not aware of any other occasion prior to  
11 this particular exercise when prisoners got together to discuss their crimes. Isn't that what you just  
12 said, that based on your personal knowledge, there was no other occasion?

13 A. I think that the answer which I gave you is clear. I said that the only occasion on which I participated  
14 in that exercise was when this document was drafted. I took part in that because I was involved in  
15 that case. So other prisoners who were under the same case could meet and discuss about the  
16 crimes that they had committed, but I cannot tell you that such a thing did indeed take place simply  
17 because I was not an eye witness to it.

18 Q. Okay. But we both know that number 2 on your list, on our list, participated in that exercise, as did  
19 number 3. Wouldn't you agree? You can look at the last page where all 47 names are listed, and you  
20 can reflect back to your own recollection, since you were there.

21 A. Yes, they were present.

22 Q. And it's your evidence from last Thursday that the reasons that the prisoners started to accuse  
23 Joseph Nzirorera was because they were instructed to do so by the authorities, right?

24 A. I said that I started accusing Joseph Nzirorera after the authorities asked me to do so. However, prior  
25 to that, other prisoners had done such a thing. And after me there are others who did the same thing.  
26 That's what I said.

27 Q. Okay. You made your confession, which included an accusation against Joseph Nzirorera, in  
28 September of 2002, right? And you said --

29 A. Yes.

30 Q. And you said that pressure was brought against you by the authorities during the period 2002 to 2006,  
31 right? The answer is not in the document. I'm asking you to think back to your evidence and think  
32 back to your experience. You told us that the pressure -- I'm sorry.

33 A. I'm listening to you, Counsel. I notice that you're asking your question, and actually I noticed that it  
34 was not time for me to answer it yet.

35 Q. You told us that the pressure from the authorities which influenced you to accuse Joseph Nzirorera  
36 started in 2002 and continued from there, right?

37 A. Yes.

1 Q. On Thursday you also told us that the prisoners would get together and discuss their crimes and  
2 decide who was going to be held responsible for what, right?

3 A. I'm listening to you, Prosecutor.

4 Q. I'd like an answer. Yes or no.

5 A. This is what I have to say in that regard --

6 Q. The question can be answered by --

7 A. And this is what I told you yesterday. Counsel, one can answer with a yes or a no, but one also has  
8 to explain, depending on how the question is put.

9 Q. Mr. Witness, I'm not trying to prevent you from explaining, but I would like you to answer the question  
10 first. So try it again.

11 A. I do not quite understand your question. Could you kindly repeat it? I think that the question is not  
12 clear because you include so many details, and, therefore, it's not easy for me to grasp all of them at  
13 the same time.

14 Q. Okay, I'll try again. When you gave your direct evidence on Thursday you told us that there were  
15 instances of the prisoners getting together and discussing amongst themselves the crimes that they  
16 committed in 1994, and that in the process of doing so, they would agree amongst themselves of how  
17 they were going to confess and what they were going to say about 1994. Isn't that what you told us  
18 on Thursday?

19 A. If I understand you, I think that's not what I said. I said that prisoners would gather in order to discuss  
20 testimonies that they were going to give and that they had to agree on the detainees who had to be  
21 held responsible, that is, detainees who had to be accused.

22 Q. And in your response around ten minutes ago your evidence was other than this Gacaca exercise in  
23 August of 1999, you knew of no prior instance when prisoners did that. Isn't that what you just said?

24 A. Counsel, your questions are not clear at all. This is what was explained to me. I was asked whether  
25 the prisoners had met in order to decide how they should narrate the crimes they had committed in  
26 1994. That was what was explained to me. The question that had been put to me earlier was  
27 whether such a thing had taken place prior to 1999. I answered your question by saying that I was  
28 not sure whether such a thing had taken place or not. That is what I said. If you want me to answer  
29 your questions clearly, please answer -- ask short and clear questions. And, if possible, I would like to  
30 request you to give me the opportunity to be able to comment on the documents which you have  
31 given me.

32 Q. Mr. Witness, what I am suggesting to you is that the efforts of the authorities to get prisoners to talk  
33 about their crimes and to mention all of the persons that were responsible for those crimes started  
34 after 2001 when the Gacaca law was introduced. The Gacaca law was introduced in January of  
35 2001. And everything you have said so far seems to be consistent with that statement. You told us  
36 that you, yourself, were pressured after 2002. You told us that the prisoners were brought from  
37 Gitarama towards the end of 2002. You told us that prior to actually pleading guilty on the

12th of September 2002, that during the course of the year 2002 is when you felt pressured or influenced to plead guilty by the authorities. Can we agree on that?

A. I agree with what you have just said. However, in 2001 I did not say that that is when the authorities started putting pressure on prisoners. You're the one that just said that.

Q. Okay. And then you also told us that the prisoners would get together and agree amongst themselves about the crimes they committed and that this took place in the exercise that produced the document that's in front of you in August of 1999. Can we agree on that?

A. No. That question is not clear either. What I'd like to tell you is that when I said that people came together to discuss certain matters, that was on another occasion. It was not when this document was written. When this document was written, it was written by people who had met and were ready to write anything, even attributing to yourself comments you had never made. And on that occasion you could hear people say, "I said this or that regarding this or that person, so please be ready to corroborate what I said." You're talking about a document written in 1999. I was aware of the entire machination, which was set up during the time, and that is one of the reasons -- or, rather, the reason which made me not append my signature on this document. The meeting was held amongst 47 detainees, and it was different from other subsequent meetings.

Q. What you said on Thursday was that prisoners from Ruhengeri were being coaxed to accuse the authorities in their pleas and in their confessions so that they could go to Arusha and testify in the Kajelijeli trial. Isn't that part of what you said?

A. Yes, that is what I said. I clearly said that people were sought to come and give false testimony against the accused in Arusha. In fact, the actual number is much higher than the number featured on this list.

Q. Yes, and you mentioned the person at number 2 in particular, right? Number 2 on the list that we were referring to yesterday and number 2 on the list that I gave you earlier this afternoon.

Number 2 and number 3, you mentioned those two persons among those who had been influenced by authorities to wrongly accuse Kajelijeli and Nzirorera.

A. On the list that I have with me, I'm not able to determine whether it is the first page or the last page. Which list are you referring to? Is it the list on which you have the signatures of those individuals or the other list?

Q. No, Mr. Witness. I was referring to the list that we've been using to identify some of the people that you know so that we can avoid saying their names in open court. So on that list you talked at great length about number 2 and number 3.

A. I thought we -- you were discussing the list that had just been given to me. On that list you had the names of people who had participated in the various meetings.

Q. I'm sorry, I thought you had retained the exhibit that I had distributed earlier. Mr. Issa Mjui has just given you the list that I'm referring to. And we were talking about number 2 and number 3 on that list.



1 A. It is true that numbers 2 and 3 are amongst those who were ordered to give false testimony. I was  
2 specifically asked to contact number 2 to assist me in fabricating that evidence. I do not know when  
3 they received the orders to give false testimony. I did it subsequently after they had already given  
4 their own testimonies.

5 Q. Okay. But on the issue of when, according to you, they were influenced by authorities to falsely  
6 accuse Kajelijeli and Nzirorera, that's the issue that I'm trying to explore with you. And I've been  
7 trying to do it by backtracking through documents that you are familiar with. So we can try again.

8 A. I believe I have already given you an answer to that question. I told you that I did not know when they  
9 started giving orders to prisoners to come and give false testimony. I learned about it only when I was  
10 contacted. But this activity had already started previously. Those people had already given false  
11 testimony. So I can only tell you about the time at which I was contacted. It is not possible for me to  
12 know when the others were contacted to give false testimony.

13 Q. Okay. So you were contacted in 2002, right?

14 A. Yes, that was when I was contacted. And it was at that time that I was able to speak with the other  
15 prisoners to ask them how they had gone about giving that testimony.

16 Q. And you participated in this Gacaca exercise with numbers 2 and 3 in August of 1999, right?

17 A. I think that they were there. Allow me to check. If their names are on this list, it means they attended  
18 those sessions. But I no longer remember exactly what they said during that Gacaca exercise in  
19 prison.

20 Q. Well, Mr. Witness, what I am suggesting to you is if you were right, that number 2 and number 3 were  
21 being coaxed or ordered to mention the name of Joseph Nzirorera on a document that was intended  
22 to be handed to the prison authorities, wouldn't it be reasonable to expect to see the name of  
23 Joseph Nzirorera on that document in August of 1999?

24 A. I think that at that time people spoke to this person whose name is in this document under that  
25 number. They did not talk about actually such and such a specific person. So, whether these people  
26 mentioned Nzirorera or not in this document, I really do not see why they should have done so  
27 because during that period when the prisoners started giving their statements, they did not want to  
28 involve other people. Their statements were more confidential at that time. I believe that if those  
29 prisoners had implicated someone else, they would not have talked about it in a group. They mainly  
30 talked about the accused concerned by this particular file whose number appears on the document  
31 that I have before me.

32 Q. Isn't that the exact opposite of what you were saying on Thursday? On Thursday you told us that  
33 prisoners got together to manufacture stories against the authorities. Now, you're saying they only  
34 spoke about their crimes individually.

35 A. You have just asked me a question on a document dated 1999. What I said is that it concerned only  
36 those whose names are mentioned in this document in 1999. It is not during that meeting of  
37 47 accused persons that this evidence was concocted. This was done later. It is not the same

context.

Q. Which was done later? The evidence was concocted later, or the document was done later?

A. Let me be clear. I have told you that I do not know at what time they started asking people to give false testimony. I only became aware of it when I, myself, was contacted to give false testimony. I would like that to be clear.

Q. In 2002.

A. Yes. It was at that time that I learned that false testimony was being given. Today I would like to explain to you that I did not recognise this document, and I did not sign it. I do not attach any relevance to it because I did not sign it. You, yourself, can crosscheck. This means that I do not recognise the contents of this document. I simply wrote down the names of the people who were present at the meeting. I know that you have previously asked me questions on that document.

Q. All right. Mr. Witness, I want you to hear what number 2 said about Juvénal Kajelijeli and Joseph Nzirorera in 1999. And I'm not reading from the document you have in front of you. I am actually looking at page 191 in the bundle.

"In 1994 Kajelijeli led a group of 600 *Interahamwe* from all of Mukingo and Nkuli communes. These people were often called Kajelijeli and Nzirorera's men. These youths had their military training in broad daylight at the Mukingo *commune* office." And then it goes on into greater detail.

On the following page, 192 in the bundle, at the bottom of the page number 2 reports, "I should point out that the *Interahamwe*'s program of activities in Mukingo and Nkuli was drawn up at Nzirorera's house, which the *Interahamwe* visited every Saturday."

At the bottom of that paragraph he goes on to say, "Kajelijeli's *Interahamwe* had planned to kill the Tutsis in Busengo *sous-préfecture*. Nzirorera had to telephone Kajelijeli and tell him that the Tutsis in Busengo *sous-préfecture* were going to be transferred to Ruhengeri where it would be easier to get rid of them." This is what number 2 was saying in 1999.

A. I do not see the problem, but I would like to know in which statement he said that. Was it during the Gacaca exercises or in this Tribunal, or did he say that to the Tribunal investigators?

Q. This is a statement that number 2 made to the investigators of the OTP on the 21st of April 1999, at least four or five months prior to the document you have in front of you from your informal Gacaca proceedings, at least two years prior to his testimony in the Kajelijeli trial, and at least three years prior to your first observation, according to you, of the prison authorities influencing anyone to accuse the authorities in 1994.

A. Let me answer you, and I thank you for your explanations. As I have already said and repeated, numbers 2, 1 and 3 started giving false testimony well before. If they had given that testimony in 2000 or 2002, I would be mistaken. But I have told you that I do not know when they were ordered to

1 give false testimony. I have also told you precisely when I was contacted to give false testimony.

2 That is clear. It is clear that the prison authorities and the other authorities had contacted them a long  
3 time before. I, therefore, do not see where the problem is. They were contacted, and this person  
4 gave a statement or this statement two years later after having been contacted.

5 Q. I'm not suggesting that there's a problem. I'm just laying out the sequence in which information was  
6 provided and documented. And I am relating it to your evidence of last week and yesterday and this  
7 morning, because just awhile ago, you told us that you only had personal knowledge of the prison  
8 authorities exerting influence after 2002. And when I gave you an opportunity to tell us when  
9 prisoners got together to discuss and concoct the stories of their crimes, your testimony just  
10 twenty minutes ago was that you couldn't comment on anything other than the Gacaca proceeding,  
11 which is documented in the exhibit laying right in front of you, which took place in August of 1999.  
12 And here I have a statement of number 2 where he's saying exactly what you claim is a lie and  
13 exactly what you claim was concocted with others, but he's making this statement in April of 1999.

14 A. I agree with you that number 2 is one of the people who assisted me, and this shows that he had  
15 already started giving false testimony. But I do not know as from when. I have told you that I do not  
16 know when the others started giving false testimony. All I know is that he had done so before me. I  
17 became aware that this was being done when I was contacted, when I was put in touch with other  
18 prisoners. I know that these were lies, and I can explain to you why they were -- they were lies, why  
19 this was false testimony. So he was contacted well before. And I explained to you that I was put in  
20 contact with him because he had already given false testimony.

21 Q. And, Mr. Witness, what I am suggesting to you is that the very fact that this information is documented  
22 in April of 1999 makes it more reliable because it's long in advance of what you have stated was the  
23 first time you became aware of prison authorities influencing prisoners, and it was also several  
24 months in advance of the prisoners getting together to discuss their crimes.

25 A. I do not think that this document is reliable because I know that this person lied. The meetings that  
26 are supposed to have been taking place on Saturdays and that he talks about did not take place. The  
27 meetings at Nzirorera's mother's home did not take place. He's the one who gave me information to  
28 include in my testimony. He gave me that fabricated evidence because I was not aware of it. He is  
29 not credible. Promises had been made to him. He had been told that he would be released. In fact,  
30 he was surprised because he was not released. I know him very well. He's the one who advised me  
31 on what to say. He's the one who fabricated the information according to which the firearms had  
32 come from Ruhehe, spelled R-U-H-E-H-E.

33 Q. Mr. Witness, let me tell you what number 3 said in his statement.

34  
35 "The next day" -- and I am reading from page 181 -- "7th of April, I defied the radio communiqués  
36 forbidding us from leaving our homes, and I went to the market to find out if I could work. I met  
37 Kajelijeli there. He was with" -- and he mentions several other people, including Kararero. "They

summoned the MRND youth." It goes on. "We went into Kajelijeli's home, and he told us, 'Go and kill and exterminate the Tutsis. They are the ones attacking us.'"

This is a statement that number 3 made in May of 1999, several months before the only exercise that you can recall of the prisoners getting together to discuss their evidence years in advance of the only evidence you can provide about the prison authorities influencing prisoners to accuse the authorities.

A. It is true that he gave that statement. But it is a false statement. I can tell you what is false in it. But before I do that, I would like to explain to you that since we were asked to go and contact those people at numbers 2 and 3 before giving false testimony, it is because they had already given false testimony. But when he talks about the presence of Kararero that morning, it is not true. This person lived far away. For example, he talks about Kajelijeli's house, whereas Kajelijeli did not live in this area. He lived rather in Mukingo *commune*. I know very well that these people were not there. I know what crimes they committed. You should not rely on this statement. If we read the entire statement, I will tell you which lies are included in it.

Q. Let me read something else to you, Mr. Witness.

MR. ROBINSON:

Excuse me, Mr. President. Before we do that, I think there may have been a translation error in the English. The *commune* that Mr. Kajelijeli lived in, can we get that answer again? Because it was interpreted as Mukingo.

BY MR. WEBSTER:

Q. Mr. Witness, can you clarify what *commune* Kajelijeli's residence was located?

A. Kajelijeli had two residences, one in Nkuli *commune* and another in Mukingo *commune*, but not at the Byangabo centre. He lived rather near the volcanoes, not in the Byangabo centre. So this person who says that Kajelijeli took him to his house is not telling the truth.

Q. Well, I would venture to say that the word could be retranslated as building, and Kajelijeli did have a building right in the centre of Byangabo. Isn't that true? Yes or no. We both know that Kajelijeli had a bar and a building right in the centre of Byangabo, which was a hangout for the *Interahamwe*. But let me go on to something else. Let me read something else to you, Mr. Witness. Let me continue.

MR. ROBINSON:

Excuse me, Mr. President. I don't know what Mr. Webster's -- whether he's doing a monologue or a comedy or what, but he made a bunch of statements, withdrew his question, and when the witness attempted to make a response, he very rudely said, "Let me continue." I don't think that that kind of behaviour is something that the Trial Chamber should allow towards the witness.

MR. WEBSTER:

I will withdraw the question because there is a question that I would like to have answered before we disperse today, and it is almost 4 o'clock, and we can go back to this issue -- or the issue of Kajelijeli's building or residence tomorrow.

1 BY MR. WEBSTER:

2 Q. So let me read something else to you, Mr. Witness. "Specifically as to Nzirorera's involvement with  
3 the *Interahamwe*, I saw Nzirorera coming to a business centre called Byangabo in Busogo *secteur* in  
4 Mukingo commune." And here I am reading from page 222 in the bundle. "And I saw him meeting  
5 the *Interahamwe* there. Sometimes they were in uniform, and other times they were not. This was in  
6 1992 and 1993. I saw Nzirorera there several times. I saw Nzirorera meeting the *Interahamwe* in a  
7 bar called Bar Byangabo." And then it goes on. It provides additional details and it continues on the  
8 next page.

9  
10 Does that sound like something that was concocted in the prison among the prisoners and ordered as  
11 instructed by the prison authorities? Is that what you would suggest about that type of information?

12 A. Yes, these are lies concocted by the prisoners following orders they had received. At that time the  
13 accused person was someone very important. How do you imagine that he could have gone to a bar  
14 with this person? These are inventions. And I know what I'm talking about because I also invented  
15 some information. We were asked to say improbable things against those accused. Let me give you  
16 an example, an example that I have not given before.

17 Q. Mr. Witness --

18 A. Let me say it because it concerns this witness.

19 Q. The statement or the portion of the statement that I just read to you was recorded in July of 1998.  
20 You describe it as lies that were manufactured in the prison, right?

21 A. Yes.

22 Q. And what I'd like you to know is that that information came from number 14 on your list, a person who  
23 you say had no connection to the prison, who was not part of your band of prisoners who you claim  
24 were being manipulated by the authorities.

25 A. I said that that person had nothing to do with the prison, but he was a witness who had testified before  
26 this Tribunal. And I have to point out that it was people from outside who gave instructions to the  
27 prisoners. So you should instead ask me how I came to know that this person testified in this case.

28 Q. Well, Mr. Witness, you've never told us that anyone from outside the prison influenced the prisoners  
29 about what to say.

30 MR. ROBINSON:

31 Excuse me, Mr. President. That's not an accurate statement. We heard testimony. He gave the  
32 names of the Rwandan prosecutor general, someone working for the public prosecutor. What  
33 Mr. Webster has just said is factually inaccurate. I don't think he should be allowed to put that to the  
34 witness in that way.

35 MR. WEBSTER:

36 Mr. Robinson should recall that when we went down the list of 26 names this witness identified those  
37 persons as having a connection to the prison, which they did.

1 MR. PRESIDENT:

2 Okay, perhaps we can resume this. I think we should take the adjournment now. It's 4 o'clock.

3 MR. MORLEY:

4 May I mention a matter to Your Honours very briefly. It concerns the BDW enquiry. Just to update  
5 Your Honours, I set in motion further enquiries this morning. Last week in Rwanda understandably  
6 the public officers were quiet in respectful commemoration of the genocide. We are poised to have  
7 an investigator go to Gitarama hopefully tomorrow but maybe Thursday. In Gitarama we understand  
8 the prison records have now been collated.

9  
10 I mention this now as Your Honours rise because tomorrow morning, one anticipates, we will have  
11 BDW back in the witness box. But there is the prospect of an answer possibly tomorrow evening or  
12 possibly on Thursday morning or evening that the document may have then been found. So I am  
13 letting Your Honours know that when we see BDW tomorrow, the enquiry, which I'm sorry to report  
14 has taken more time than I had anticipated, is on the cusp of some sort of result.

15 MR. PRESIDENT:

16 Okay, thank you very much.

17  
18 Witness, we are adjourning for the day now. Your testimony will resume tomorrow and probably it will  
19 be completed tomorrow morning. I remind you that you're not to discuss the case or your testimony  
20 during this or any other adjournment.

21 *(Court adjourned at 1610H)*

22 *(Pages 28 to 36 by Claudette Ask)*

## CERTIFICATE

We, Jean Baigent, Sithembiso Moyo and Claudette Ask, 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.

\_\_\_\_\_  
Jean Baigent

\_\_\_\_\_  
Sithembiso Moyo

\_\_\_\_\_  
Claudette Ask