

1 THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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

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

TUESDAY, 21 NOVEMBER 2006  
0915H  
CONTINUED TRIAL

Before the Judges:

Dennis Byron, Presiding  
Emile Francis Short  
Gberdao Gustave Kam

For the Registry:

Ms. Rose-Marie Kouo  
Mr. Vincent Tishekwa

For the Prosecution:

Mr. Don Webster  
Mr. Iain Morley  
Mr. Saidou N'dow

For the Accused Édouard Karemera:

Mr. Moussa Félix Sow

For the Accused Mathieu Ngirumpatse:

Ms. Chantal Hounkpatin

For the Accused Joseph Nzirorera:

Mr. Peter Robinson  
Mr. José Patrick Nimy Mayidika Ngimbi

Court Reporters:

Ms. Sherri Knox  
Ms. Verna Butler  
Ms. Donna M. Lewis  
Ms. Ann Burum

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I N D E X

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WITNESS HH

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## PROCEEDINGS

1  
2 MR. PRESIDENT:

3 Good morning, everybody.  
4

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

6 MS. KOOU:

7 Yes, Mr. President. Thank you.  
8

9 Trial Chamber III of the International Criminal Tribunal for Rwanda, composed of Judge Dennis Byron,  
10 presiding, Judge Emile Francis Short and Judge Gustave Kam, is now sitting in open session today,  
11 Tuesday, the 21st of November 2006, for the continuation of trial in the matter of the Prosecutor versus  
12 Karemera et al, Case No. ICTR-98-44-T.  
13

14 Thank you.

15 MR. PRESIDENT:

16 Thank you, Madam Registrar. The appearances are the same.  
17

18 Good morning, Mr. Witness. Mr. Robinson --

19 THE WITNESS:

20 Good morning, Mr. President.

21 MR. PRESIDENT:

22 *(Microphones overlapping)*... cross-examination now.  
23

24 Mr. Robinson.

25 MR. ROBINSON:

26 Thank you, Mr. President. Good morning. Mr. President, I want to advise you that I still haven't  
27 received the letter, despite diligent efforts of your own judgement coordinator. So, I think, in light of  
28 that, I will just go on with the rest of my cross-examination, and we can keep the witness here, because  
29 we also have your own decision that we are awaiting. If I have any further cross-examination based on  
30 the letter, we can deal with it at some other time.

31 MR. PRESIDENT:

32 Yes. We have noted that that was the position, and we are trying to take steps to correct it, but that  
33 seems to be the best way of managing the situation.

34 MR. ROBINSON:

35 Okay. Thank you.  
36  
37

1 WITNESS HH,

2 CROSS-EXAMINATION (continued)

3 BY MR. ROBINSON:

4 Q. Witness HH, *Mwaramutse*. *Amakuru ki?*

5 A. Good morning. Everything is okay.

6 Q. Witness HH, I want to ask you about the confessions that you made in Rwanda on the \*\*\*\*\*  
7 19 -- actually, 2004. And the first document I'm referring to is the record of confession, guilty plea,  
8 repentance, and apologies that was filed in the Gacaca court for your *cellule*, and this has the number  
9 of D. NG41 for our trial.

10  
11 And in this document you are indicating that the three offences that you're confessing to are, number  
12 one,\*\*\*\*\*; number two, illegal possession of firearms; and number  
13 three, looting of a vehicle. Is that correct?

14 A. Yes, it is.

15 Q. And when you gave the details of the -- of your confession with respect to the first offence, \*\*\*\*\*  
16 \*\*\*\*\* , you said that\*\*\*\*\*  
17 \*\*\*\*\* . "Since some  
18 of the youths had been involved in the atrocities of April 1994 and had carried out killings, I admit my  
19 responsibility\*\*\*\*\*. I, therefore, plead guilty and ask for forgiveness. I also admit that I did  
20 not take the necessary measures to prevent the perpetration of these offences." So is that what you  
21 confessed to with respect to the offence of\*\*\*\*\*?

22 A. So far, as everybody says and knows, those *Interahamwe* committed atrocities. Now, regarding those  
23 things, I had already confessed to that charge.

24 Q. With respect to the possession of weapons, illegal possession of firearms, in your confession you say,  
25 "I was given the weapons and uniform by the solders, including Lieutenant Miruho." M-I-R-U-H-O.  
26 Now, was your confession with respect to the illegal possession of firearms?

27 A. I know that I have to explain all that in details, but that is the wording I used. Well, once I will be in court  
28 for my trial, then I will have the time to explain all those things in detail.

29 Q. And we can recognise, can't we, that at the same time that you were telling the court in Rwanda that  
30 you were given weapons from soldiers, you were telling the prosecution, even on the same day, that  
31 you were -- that you had received a large number of weapons from the Diplomat hotel and Robert  
32 Kajuga, correct?

33 A. I don't remember that. I do not think that is the way it was couched. I acknowledge that soldiers  
34 distributed firearms, and at that time I did not want to go into specifics. I thought that if I were to start  
35 giving details, it would be contrary to my interest when my trial will start. I did not want to go into the  
36 details because I thought it would be not in the best of interests of my trial.

37 Q. Okay. So can we agree that the document that was filed with the Gacaca court does not fully address

1 the nature and scope of your criminal activities in Rwanda?

2 A. You see, when you choose the confession and guilty plea procedure, you are not actually defending  
3 yourself. I made my confession, but when I will be tried, I will have to give more information, I will have  
4 to be more forthcoming regarding those criminal activities.

5 MR. PRESIDENT:

6 Mr. Robinson, we think that this line of questioning is sufficiently sensitive in relation to his judicial  
7 proceedings in Rwanda to require that it be conducted in closed session.

8 MR. ROBINSON:

9 Very well.

10 MR. PRESIDENT:

11 For the benefit of the public, the questions that the witness has been asked now are matters which the  
12 Chamber considers should not be published, and so we are going to go into closed session.

13

14 For approximately how long, Mr. Robinson? For 15 to 20 minutes?

15 MR. ROBINSON:

16 Yes.

17 MR. PRESIDENT:

18 We will go into closed session for approximately 15 to 20 minutes. We will go into closed session now.

19 *(At this point in the proceedings, a portion of the transcript [pages 4 to 14] was extracted and sealed*  
20 *under separate cover, as the session was heard in camera)*

21 *(Pages 1 to 3 by Sherri Knox)*

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1 BY MR. WEBSTER:

2 Q. Now, Mr. Witness, tell us --

3 MR. WEBSTER:

4 I'm sorry.

5 MR. PRESIDENT:

6 Yes, you may continue now.

7 MR. WEBSTER:

8 Yes.

9 BY MR. WEBSTER:

10 Q. Witness, who was Colonel Muberuka? What was his status, as far as you understood, when this  
11 incident occurred?

12 A. From the information I received, he was one of those people charged with leading combat in Kigali  
13 city.

14 Q. Would you describe him as a military authority in your region during the events of April 1994?

15 A. I don't know exactly what the extent of his territorial jurisdiction was, but he summoned me to the  
16 \*\*\*\*\*. However, I  
17 cannot explain to you what was the extent of their territorial jurisdictions.

18 Q. Well, it seems to me that with respect to this particular order from Colonel Muberuka, he was able  
19 to impose his authority, or you respected his order. Yet, in cross-examination, one is left with the  
20 impression that the military could not order around an *Interahamwe* leader such as yourself. Can  
21 you think about that and then respond to that statement, please? What was it that led you to  
22 respect Colonel Muberuka when he commanded you to come to him in -- with respect to the  
23 \*\*\*\*\*?

24 A. That is the reason why I did it. Even before that incident, I knew him as a senior officer. But we  
25 had been asked to respect and cooperate with soldiers. Point number one, I respected his rank.  
26 But even before then, we had always received instructions to cooperate with soldiers. We could  
27 not disobey an order given by a soldier.

28 Q. And in that context it seems as if he was ordering you not to kill. Would you agree with that?

29 A. I do not know how he got that information. However, when speaking to me, he mentioned that  
30 man who was a Hutu, but it was quite surprising, all the same. He did not say it to me regarding  
31 somebody else, but it was -- the *bourgmestre* was a Hutu, and it was about that person that he  
32 asked me to do what he asked me to do. He even added that people were taking it out on the  
33 man because he was a member of a different political party. If he had not been a Hutu, I would  
34 not have understood that. It would not have gone down well with me.

35 Q. Well, you have to explain that a bit for us. Are you suggesting that you would not have followed  
36 the colonel's orders if the man was a Tutsi?

37 A. You see, given the allegations against him, I do not think I would have found him alive if he had

1 been a Tutsi, or I would not have been able to cross the \*\*\*\*\*bridge with that man, given  
2 that soldiers were present there. I did what I did because there were some unverified allegations  
3 against him, but if he had been a Tutsi, frankly speaking, I can tell you that I would not have even  
4 found him there alive.

5 Q. Well, I understand from your response that he would already have been killed had he been Tutsi.  
6 Am I understanding you correctly?

7 A. Quite so. That is really what my position and understanding was.

8 Q. Thank you very much, Witness. But there is an issue with this portion of your testimony that still  
9 intrigues me, and I'd like to clarify it, because what I'm trying to understand is the nature of  
10 Colonel Muberuka's authority over you, because in this instance, you have suggested that when  
11 he commanded you to come, you came. When he told you not to kill, you didn't kill. And you even  
12 went so far as to take the issue to Murambi. So what I would like you to clarify for the Court is if in  
13 that instance this military authority was able to exert his influence over you.

14 A. I was duty bound to comply with his orders, given that even when the war started, the  
15 *Interahamwe* senior leaders had told us to respect and cooperate with the *Interahamwe*.  
16 Accordingly, when he called me up, I immediately understood what he told me, and I understood  
17 that I had to comply. Furthermore, in order to avoid that gentleman being killed by other people  
18 and for me to be accused of killing him, I decided to go and evacuate him from where he was.  
19 That was my reaction to the request made.

20 Q. All right. Thank you, Mr. Witness.

21 MR. WEBSTER:

22 I see the hour, Your Honour, but I want -- I just want to clarify one thing in the witness's last  
23 response.

24 BY MR. WEBSTER:

25 Q. Because it came through in the translation that you were ordered to cooperate with the  
26 *Interahamwe*, and it seemed to me you were talking about military authorities. So clarify that for  
27 us, please. Who were you, as the *Interahamwe*, ordered to cooperate with?

28 A. We had been told to cooperate with soldiers.

29 MR. WEBSTER:

30 If the Court wants to take the break now, we can -- we can break and come back.

31 MR. PRESIDENT:

32 Yes, we better take the recess now.

33 *(Court recessed at 1034H)*

34 *(Pages 15 to 16 by Sherri Knox)*

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37

1 (Court resumed at 1100H)

2 MR. PRESIDENT:

3 Mr. Webster, you may continue.

4 MR. WEBSTER:

5 Thank you. Before I continue with the questioning, I am wondering whether it was an oversight not to  
6 admit the Rule 68(D) notice of the 30th of March 2006 in evidence. This was the document that was  
7 used by Mr. Robinson and Mr. Weyl to cross-examine the witness on inconsistency, and I notice that all  
8 the other documents were admitted in evidence. I'm not sure about this one.

9 MR. ROBINSON:

10 Yes, Mr. President, I think it should be admitted. I forgot to do that. So, if we could have that as  
11 D. NZ203.

12 MR. PRESIDENT:

13 Admitted as D. NZ203.

14 (Exhibit No. D. NZ203 admitted)

15 MR. ROBINSON:

16 Thank you.

17 MR. WEBSTER:

18 And it does exist in both English and French.

19 MR. PRESIDENT:

20 The registrar has both versions, both languages?

21 MR. WEBSTER:

22 If not, we can look about that afterwards.

23 MR. PRESIDENT:

24 Thank you.

25

26 Mr. Robinson has been helpful, so thank you.

27 MR. WEBSTER:

28 I thank the Court, and I thank Mr. Robinson as well.

29 BY MR. WEBSTER:

30 Q. Mr. Witness, when we left, you told us that the *Interahamwe* were ordered to cooperate with the  
31 military. Who ordered you to cooperate with the military?

32 A. I received that order from Kajuga on the 8th of April when he was at my place. Also present was  
33 Lieutenant Miruho.

34 Q. Now, still with this incident involving the\*\*\*\*\* , you mentioned going to Murambi  
35 and seeing Ngirumpatse there. Are you telling us of yet a third visit to Murambi, or is this part of the  
36 other two? Distinguish that for us, please.

37 A. What would have been the third time?



1 Q. Are you able to situate this third visit to Murambi in time? Perhaps if you used

2 President Sindikubwabo's speech in Butare as a marker in time, was this third visit before  
3 Sindikubwabo's speech or after it?

4 A. I think that even though those events occurred a long time ago, it must have been one day after or one  
5 day before the speech made by Sindikubwabo. It was during that period that I made that trip to  
6 Gitarama.

7 Q. When you think back to the conversation you had with Mathieu Ngirumpatse at that time, can you tell  
8 us what you discussed and what he said to you?

9 A. It was not a lengthy conversation. I explained under what circumstances I had taken that *bourgmestre*  
10 to that place, the reason for his arrival to that place. But as far as I can remember, he thanked me for  
11 my initiative. He told me I had done the right thing by taking him to that place.

12 Q. Well, in that context, what did you understand to be the "right thing"? Was the right thing saving the  
13 *bourgmestre*, or was the right thing following the instructions of Colonel Muberuka?

14 A. The fact that I was able to save that man's life.

15 Q. Now, when you met with Ngirumpatse on that occasion, did he comment to you at all about your own  
16 behaviour at that point in time? And when I say "your behaviour", I'm not talking about bringing the  
17 *bourgmestre* to him; I am talking about the activity that was transpiring at the roadblock and the killings.  
18 Did Ngirumpatse say anything to you about the killings when you met him on that occasion?

19 A. He didn't tell me anything about that.

20 Q. Did he criticise you at all about the killings that you were involved with up until that time?

21 A. No, he did not in any way criticise me.

22 Q. Were -- the killings that were going on in your area, or on the roadblocks generally, was that common  
23 knowledge by the time you had this third meeting with Ngirumpatse?

24 A. It was something which was known. You, yourself, can understand that if that person had been killed, I  
25 would have had to answer for it. So, it was a matter of public knowledge.

26 Q. Well, the matter of public knowledge that interests me is the killings of Tutsi and of civilians that was  
27 going on generally in your region and at the roadblocks. That's what I'm referring to and I just want you  
28 to clearly understand that.

29 A. Everyone was aware of that. I mean, it was a matter of public and common knowledge that people  
30 were being killed.

31 Q. Well, can you explain to us why Mathieu Ngirumpatse, himself, would have been aware about your  
32 involvement in such killings by the time you saw him on that third occasion?

33 A. In any case, he was aware of that. He was made aware from the reports which he received from  
34 *Interahamwe* officials. That was how he was kept in the know.

35 Q. Now, Mr. Witness, during this period, and I'm talking about towards the end of April 1994, in order for  
36 you to carry on your activities in your area, did you have to receive any weapons or supplies or  
37 provisions from the authorities?

1 A. With regard to firearms, some of them were given to me when Turatsinze was distributing them. There  
2 were four firearms, because the fifth one had been confiscated. Subsequently, other weapons were  
3 given. To sum up: we did not have any problems with regard to firearms. And, here, I rely on the  
4 number of people who could handle such weapons.

5 Q. Thank you, Mr. Witness. But for the question that I'm asking you now, I'm not concerned about the  
6 guns that were distributed on the 10th or the 11th of April; I am talking about how you and your  
7 *Interahamwe* were provisioned towards the end of the month of April and going into May. So, if you  
8 think of that period, did you require, during that period, additional supplies of ammunition, for example?

9 A. Regarding ammunition, in fact, we were in need of ammunition on several occasions. Apart from the  
10 distribution system which we had already discussed, I will tell you that Miruho issued us with other  
11 weapons. For instance, when soldiers or *Inkotanyi* had been killed on the war front, or when weapons  
12 were confiscated from people fleeing the combat, as was being said, or people who left Kigali to go to  
13 other *préfectures*, all those weapons were given to the *Interahamwe*.

14 Q. Did the MRND leaders have any role in making those things available to you and your *Interahamwe*?

15 A. I said that they had a role in that matter. There was collaboration. When military officers gave us  
16 firearms it was all recorded in a register, and there were times when a meeting would take place at  
17 Maniragaba's home. There was Kamanzi, Cyaka and Lieutenant Miruho present. During that meeting  
18 they talked about the progress in the killings. They also discussed collaboration between the  
19 *Interahamwe* and the soldiers. All this makes me say that they were aware of that cooperation.

20  
21 Furthermore, when we went to Murambi on two occasions we mentioned the shortage of ammunition.  
22 It was an issue which was brought to the attention of Mathieu Ndirumapatse and he promised us that  
23 ammunition would be made available without delay, and a few days afterwards, if I'm not mistaken,  
24 Lieutenant Miruho distributed huge quantities of ammunition to us to avoid a situation whereby we  
25 would have to regularly go to request ammunition from soldiers. So, that was under the circumstances  
26 that Lieutenant Miruho distributed ammunition to us.

27 Q. Did Lieutenant Miruho tell you who provided the ammunition to him, or under whose authority the  
28 ammunition was being distributed to you? Did you have any understanding at all of who he -- who  
29 authorised him to make those things available to you?

30 A. I'm saying so because I know that the issue was mentioned in Murambi, and Mathieu promised us that  
31 we would receive ammunition. And, indeed, about two days later on, the ammunition was made  
32 available. So, I'm saying that they were in cahoots as far as the ammunition distribution activity was  
33 concerned.

34 Q. What about things like gasoline for your car, just using that as an example? How did you obtain  
35 gasoline on a regular basis in order to move about? Was this something that you bought yourself, or  
36 was this something that was made available to you by authorities?

37 A. It was necessary to personally procure fuel. When you do not have the resources, then you could

1 contact some of those authorities, the high-level *Interahamwe*. There were some filling stations in  
2 Kigali and we could get fuel from those filling stations. After contacting one of those high-level  
3 *Interahamwe*, one could get fuel.

4 Q. Do you know if *Préfet* Renzaho or any of the administrative officials in Kigali had any role to play in  
5 making fuel available to \*\*\*\*\*?

6 A. Regarding an official of Renzaho's rank, apart from \*\*\*\*\*and which  
7 \*\*\*\*\* , well, given that  
8 there was\*\*\*\*\*  
9 \*\*\*\*\* , always.

10 Q. Well, when you mention these passes, or these documents that Renzaho gave you, are you talking of  
11 something that was given to you late into the month of April, or are we talking about things that you  
12 received much earlier? I'm trying to place that event in time.

13 A. I can't quite remember when I got that document, but I think it may have been in the month of April,  
14 towards late April. That was the time when I started getting out of my area. I could even go as far as  
15 \*\*\*\*\*  
16 \*\*\*\*\* . Now, to  
17 answer your question, I don't quite remember the date, but I think that document was issued in late  
18 April.

19 Q. Was that document -- was that document issued to you directly by Renzaho or by one of his  
20 assistants?

21 A. It is one of his assistants working in the *préfecture* office, but he is the one who had to give the  
22 authorisation for the document to be granted. He was the one to sign the document.

23 Q. Well, given the procedure for signing the document, was it apparent -- or, would it have been apparent  
24 that the materials were for you, or that the authorisation was for you, \*\*\*\*\*?

25 A. Yes. That was mentioned on the pass. It was the *responsable de secteur* of your area of residence  
26 who had to approve it, and the document would bear the name of the driver driving the vehicle or the  
27 name of the person accompanying you. The names of those who were making the trip would be on the  
28 document. Actually, you mentioned the name of the person who is with you, and that person also had  
29 to be known.

30 Q. Was there ever any occasion where you requested supplies or food or permits specifically in order  
31 make those things available to your *Interahamwe*?

32 A. Generally, it was not meant for *Interahamwe* only. Of course, there were *Interahamwe* who benefitted  
33 from it, but it was intended for the population at large because the population also \*\*\*\*\*  
34 \*\*\*\*\*because amongst the population were ordinary citizens in town.

35 Q. Well, Mr. Witness, do you know the *préfet*, Renzaho, personally?

36 A. Yes, I know him.

37 Q. Did you ever see him or have any personal interaction with him in late April or May of 1994?

- 1 A. I will not remember the dates when I saw him but, roughly speaking, I would say I met him in the month  
2 of April. That was when I saw him.
- 3 Q. On those occasions did he ever criticise you or tell you what you were doing was wrong? And, here, I  
4 am referring to the killings on the roadblocks.
- 5 A. Counsel, I learnt of all those things here in this court. He never did such a thing. How could he have  
6 criticised me during the prevailing times? He could not have done so at the same time maintaining me  
7 in my position in that neighbourhood. At no point in time did he ever criticise me. It's only in this  
8 Tribunal that I learnt of that.
- 9 Q. Did *Préfet* Renzaho have any authority as a military figure?
- 10 A. Well, an officer of his stature who, furthermore, is an official in Kigali city, well, I will confirm that on the  
11 basis of such a capacity he had authority.
- 12 Q. Could he have ordered soldiers to either arrest you or force you to dismantle your roadblock or force  
13 you to abandon your roadblock, had that been his inclination?
- 14 A. Absolutely, and I say that with conviction. If the idea had occurred to him, as Counsel Robinson claims,  
15 he could have done anything and everything, either by getting assistance from the soldiers or from the  
16 policemen at the *préfecture*. I don't see how I could have resisted the orders of a colonel. It is a lie, a  
17 big lie, to say that I resisted an order from that colonel. It is impossible.
- 18 Q. Now, Mr. Witness, when you think of your location, was that a point at which you had been able to  
19 observe authorities of the government going into Kigali?
- 20 A. Listen, at the place \*\*\*\*\*-- or, from that place, it was possible for me to see the authorities enter  
21 Kigali town. Even if I wasn't always\*\*\*\*\* , regarding some well-known authorities, I  
22 could know that they had passed there.
- 23 Q. Well, when you put yourself back in the frame of mind of April, the end of April 1994, did you ever  
24 receive any messages from the authorities that your roadblock should be dismantled, or that  
25 *Interahamwe* on that roadblock was something undesirable?
- 26 A. Mr. Prosecutor, I shall tell you the truth. On the basis of what was said by the Defence counsel, in  
27 cross-examining me, I should like to tell you that that was never said. No one said that at my roadblock  
28 there were criminals or looters, as Defence counsel claimed. If that was said, my roadblock would not  
29 have survived because there was no higher authority at the roadblock other than the military and  
30 civilian authorities. It was\*\*\*\*\*  
31 \*\*\*\*\* , and others. How can it be claimed that if someone had  
32 asked that the roadblock be dismantled, that I, in my weakness -- they all knew me. How could I have  
33 resisted such an order? I think that the Judges are wise and will take the time to consider with wisdom  
34 what was said by Defence counsel in that regard.
- 35 Q. Did there come a time that you saw Mathieu Ngirumpatse in Rwanda after that third meeting in  
36 Murambi?
- 37 A. *(By order of the Court, this portion of the transcript has been extracted and kept under separate cover)*

1 MR. ROBINSON:

2 First of all, the second part -- I'm sorry to interrupt, but he's now answering the question that wasn't  
3 asked him, because he was asked when he saw Mr. Ngirumpatse in Rwanda. But, secondly, I make a  
4 motion to strike his answer to this last question as being beyond the scope of direct examination.

5 Thank you.

6 MR. WEBSTER:

7 I was actually --

8 MR. ROBINSON:

9 *(Microphones overlapping)* ... in cross.

10 MR. WEBSTER:

11 I was not interested in the portion of the witness's answer outside of Rwanda, so I have no problem with  
12 that being stricken. But the other portion of the question is certainly pertinent for my re-examination. It  
13 has to do with Mathieu Ngirumpatse's awareness of what this witness did during April and May, and  
14 how -- I haven't asked this -- the follow-up question is what Ngirumpatse said to him about his own  
15 activity during that period. So, it's certainly pertinent. It goes to what Ngirumpatse knew about this  
16 witness's activity and how he expressed either approval or disapproval of it, so that is certainly within  
17 the realm of a proper redirect.

18 MR. ROBINSON:

19 Well, Mr. President, I respectfully disagree because, first of all, this was an event that was never  
20 touched upon in the direct examination, nor in the pre-trial brief or in the witness summary. So, the  
21 Prosecutor can make a point, but he can't make a point by bringing in absolutely -- completely new  
22 events beyond those which were pled and beyond those which were inquired of in cross-examination.  
23 So I think he has -- if he wants to make the point that Mr. Ngirumpatse was aware of this witness's  
24 activities, he has to do it through some other means than introducing elements of a new meeting that  
25 are not pled nor covered in cross-examination.

26 MR. WEBSTER:

27 Your Honour, this goes directly to the issue of whether Ngirumpatse ever discouraged the witness or  
28 criticised him for behaviour that was quite well known, according to this witness's testimony. And it's  
29 pertinent for this Court to know whether in June, having gone through the months of April and May, if  
30 Mathieu Ngirumpatse said anything that would have criticised or sanctioned him for what he describes  
31 as his bad acts. So, it's clearly within the scope of redirect. It's in the witness's statements. There's no  
32 element of unfair surprise here. The issue is not surprise. Mr. Robinson, I assume, is referring to the  
33 pleadings of the indictment. It was not pleaded in the indictment. Had it been in the indictment, I would  
34 have elicited it on direct examination. But it's a relevant question for the redirect in view of the points  
35 that were made, or the line of questioning from the Defence in their cross-examinations.

36 MR. ROBINSON:

37 Excuse me, Mr. President. I think it would be relevant if he asked him if Mathieu Ngirumpatse ever

1 abraded him for his conduct. But to bring in the elements of what was discussed in a meeting, I think, is  
2 beyond what he should be allowed to do. Thank you.

3 MR. PRESIDENT:

4 We think the question arises from the cross-examination and permit it. We strike the portion of the  
5 answer relating to activities outside of Rwanda.

6 BY MR. WEBSTER:

7 Q. So, Mr. Witness, let's return to that question. When you saw Mathieu Ndirumutse in June in Gisenyi  
8 did he criticise you at all for any of your activities that preceded that meeting; in other words, the killings  
9 in Rwanda in Kigali?

10 A. No, he never criticised me. If he had criticised me, he would at least have advised us, "Listen, you  
11 have to remain vigilant and courageous on the frontline." On the other hand, he told us, that "If you  
12 leave Kigali, all the population will leave Kigali", and to prove that what I'm saying was grounded, he  
13 even gave us a 5,000 franc bank note. I was with\*\*\*\*\*. Defence counsel has often raised this  
14 question. I was never criticised. It is only here in this courtroom that I heard it. No one ever criticised  
15 me. No one ever blamed me for having reacted against the criticism at the time when the interim  
16 government was in place, or the -- nor did the soldiers in my area ever criticise me. All that is  
17 something that Defence counsel is trying to put forward to defend his clients. Otherwise, it never  
18 happened.

19 Q. Well, did you sense that the interim government supported what you were doing, or was against what  
20 you were doing? And, here, again, I am referring to the killings on the roadblocks.

21 A. To my -- in my view, the interim government knew that, and did not condemn it because that  
22 government had all the means necessary to dismantle the roadblock. I say that that government had  
23 all the necessary authority to dismantle the roadblock. People should not go round saying that they  
24 would have done this or that. For example, I can speak of a document -- or, rather, what was written in  
25 Mrs. Nyiramasuhuko's diary. That is something cooked up, concocted. People sat down and decided  
26 to do something, but it is in no way grounded.

27 Q. During your cross-examination, Mr. Witness, by Mr. Robinson at one point you had explained that you  
28 did not need to receive an order to kill on the 7th of April, that a decision to kill had already been taken.  
29 Do you remember that portion of your cross-examination?

30 A. If I spoke of that, even if on the 8th I received an order, I say so because there were other declarations  
31 made before the assassination of President Habyarimana, which is why I say even if Kajuga had not  
32 come to give us instructions, it's because the instructions had already been given well before.

33 Q. Thank you for that, Mr. Witness, but now I'm going to ask you to explain what you mean. Tell me us  
34 exactly how you received these instructions. What led you to believe that a decision had already been  
35 taken by the time we get to the 8th of April? Explain that for us.

36 A. I'll begin with 1992. In 1992, if I begin with the trouble in Shyongiri and even before Shyongiri, at the  
37 time of rallies -- at the rally in Ruhengeri, Mathieu Ndirumutse spoke and said that we would not

1 continue to leave unpunished the people who send their children to the *Inkotanyi* people, people who  
2 make financial contributions to the RPF-*Inkotanyi*. He said we are not going to continue allowing these  
3 people go unpunished, and apart from the troubles in Shyorongi -- disturbances in Shyorongi where  
4 there were assassinations, it was the person concerned who went to get a lawyer, a certain person --

5 THE ENGLISH INTERPRETER:

6 Whose name has escaped the interpreter.

7 THE WITNESS:

8 -- who was a member of the CDR, and it was Mathieu Ngirumpatse what went to fetch that lawyer -- to  
9 bring that lawyer. At the time of meetings at the headquarters of the MRND, we prepared lists of  
10 people who sent their children to the *Inkotanyi*. We drew up lists of people who were in the opposition,  
11 and when the *bourgmestre* --

12 THE ENGLISH INTERPRETER:

13 Name again missed.

14 THE WITNESS:

15 -- was assassinated, we put together a conspiracy to defend him.

16 BY MR. WEBSTER:

17 Q. Mr. Witness, I appreciate your answer, but we're going to have to take it a bit slower because the  
18 interpreters cannot keep up with you, so we'll take things bit by bit. Now, I interrupted when you were  
19 starting to speak about a *bourgmestre* -- I don't want to misquote you, but let's go back to the  
20 *bourgmestre* that you were mentioning. I think you said Rwambuka, which is R-W-A-M-B-U-K-A. What  
21 is it that you wanted to say about Rwambuka?

22 A. Regarding Rwambuka, I'd like to say that when he was shot dead, the man responsible for us,  
23 Turatsinze, came to see us very early in the morning and told us that we should go to Bugesera to  
24 avenge the death of *Bourgmestre* Rwambuka who had been shot dead. We didn't hesitate.  
25 Immediately, we donned our uniforms and went off. When we arrived in Nyamata, we worked out a  
26 plan of attack to hit the people who should be hit, such as Gahima -- one Gahima, who is in the  
27 PL party. While we were working out our plan to arrest that person, we went off --

28 MR. PRESIDENT:

29 I said that --

30 MR. WEBSTER:

31 *(Microphone not activated)*

32 MR. PRESIDENT:

33 *(Microphone not activated)*

34 THE ENGLISH INTERPRETER:

35 Microphone, Your Honour.

36 MR. PRESIDENT:

37 Let him complete the answer then and show the connection. It had seemed to me, I had not

1 recollected that it had been raised in cross-examination.

2

3 MR. WEBSTER:

4 No, it's an incident that he described. The name is the same. I haven't been able to elicit the place, but  
5 I'll do that.

6 MR. PRESIDENT:

7 Okay. Thank you.

8 BY MR. WEBSTER:

9 Q. Let's go back to this issue. We are going to abbreviate your story a bit, because you've discussed  
10 some of this already in your previous examination. What concerns me is what you said to Ngirumpatse  
11 and what he -- how he responded when the attack in Bugesera was called off; in other words -- I  
12 believe you said that was an incident in 1993. Is that so? Let's start there.

13 A. Yes.

14 Q. And this is when your *Interahamwe* were going to retaliate against the people in Rwambuka's area; is  
15 that correct?

16 A. Yes.

17 Q. You had been told to go to that area by Kajuga or Turatsinze, but Ngirumpatse arrived and told you not  
18 to attack; is that also your testimony?

19 A. No. We were with Turatsinze at Rwambuka, the deceased's, house. We were trying to see how many  
20 people were there and who they were. Mathieu arrived with the minister, Munyaseza. On their arrival  
21 we explained how the -- the situation was, and they told us there were even soldiers and he, himself, in  
22 person, told us, "You have to stop that; forget your plan, because it is something which makes things  
23 easier for the enemy. And the international community might, on that basis, tell us the *Interahamwe* are  
24 exterminating the Tutsi", and asked us to cease the attack. Turatsinze said, "They are killing us; they  
25 are killing our leaders, and what will happen when it's your turn? Then we will no longer be able to hold  
26 back and we will be obliged to do what has to be done." Because we had to respect the orders from  
27 our superiors, we withdrew the *Interahamwe* from their position and, moreover, before the funeral, we  
28 returned to Nyamata to tell the *Interahamwe* of that area not to do anything. That is how the situation  
29 was in regard to the Rwambuka affair.

30 Q. Now, in your response it's not clear to us what exactly Ngirumpatse, himself, said. So, limit your  
31 response to what it is in the content of Ngirumpatse's response to that makes it important.

32 A. He answered Turatsinze, who had put a question to him, in my presence, saying to him, "You must  
33 abandon this plan because you run the risk of strengthening the enemy's hand. It is he who said those  
34 words. I was there, and what he said was followed.

35 Q. Yes, and in response to the question that either you or Turatsinze put to him as to what should happen  
36 if other leaders were killed, what was Ngirumpatse's response that question?

37 A. He said, "You understand what you will have to do at that time because we would be at the end of our

2



1 patience."

2 Q. Is there anything else that Ngirumpatse, or Nzirorera, or Karemera said to you, or said to the  
3 *Interahamwe*, that led you to believe Tutsi should be attacked, that Tutsi -- ordinary Tutsi -- were the  
4 enemy?

5 A. According to my recollection, and now I'm speaking of Nzirorera, on the eve of the swearing-in of  
6 Habyarimana, we were invited to Kimihurura.

7 MR. ROBINSON:

8 Mr. President, you have already ordered this meeting excluded. This was a subject of a motion. The  
9 Prosecution agreed, and their evidence was excluded because it was not in the indictment -- not in the  
10 indictment, or the pre-trial brief, so it's improper that this now be heard. It certainly wasn't gone into in  
11 the cross-examination.

12 MR. WEBSTER:

13 Your Honour, my question was not directed to this particular meeting. I'm asking the witness: can he  
14 give us other instances where the actual speech, the words of the Accused left him with the impression  
15 of who the enemy was? The question is a bit broad, but it's a legitimate question in view of the line of  
16 cross-examination.

17 MR. ROBINSON:

18 Well, Mr. President, the Trial Chamber's orders have to be respected, so the witness can be directed  
19 not to address an issue where evidence has already been excluded, or Mr. Webster can reframe his  
20 question so he doesn't elicit inadmissible testimony.

21 MR. WEBSTER:

22 I'll rephrase the question.

23 BY MR. WEBSTER:

24 Q. Mr. Witness, you mentioned a number of rallies. You've mentioned the rally in Ruhengeri in 1992.  
25 You've mentioned a number of MRND rallies across the country in 1993, and you mentioned -- you  
26 identified two specific rallies that you attended in Nyamirambo. When you think back to this series of  
27 public gatherings, can you tell us: was anything said during any of those particular rallies that led you to  
28 believe that ordinary Tutsi were being identified as the enemy of the country?

29 A. Well, I would begin with the meetings that were held at party offices and then the reports that we sent,  
30 more particularly regarding the accomplices. I remember that that took place after the death of a lady  
31 who was a *conseiller* for Nyarugenge *secteur* whose name was Sikora. Some people said that --

32 MR. ROBINSON:

33 Mr. President, the Sikora and the Nyarugenge incident has been excluded by the Court. It's one of  
34 three incidents that were excluded. Now, I'm wondering if this witness is doing this on purpose,  
35 because now he has hit just about everything that you have already excluded. So, I think the witness  
36 needs to be instructed not try to subvert the ruling of the Trial Chamber, and Mr. Webster needs to  
37 frame his questions in a way that that's not done. Thank you.

1 MR. WEBSTER:

2 I'll reframe the question and try to make it more specific. But, you know, it's clear that this witness's  
3 answer -- quite often the question as it's posed doesn't generate the response that we expect. It was  
4 the same on cross-examination. And I'll try to be a bit more concise in my questions.

5 BY MR. WEBSTER:

6 Q. Mr. Witness, we are going to get to everything that you want to tell us, but let's now confine ourselves to  
7 the large public meetings. When you think of them collectively, the large rallies that you attended, was  
8 there anything in the nature of those rallies that led you to believe that Tutsi civilians were being  
9 characterised as the enemy of the country?

10 A. Regarding large meetings, as I said before, I didn't listen to that closely. But regarding your question as  
11 to what was said in the large rallies, concerning the fact that Tutsi were the enemy, it was obvious and  
12 clear. It wasn't said at the large-scale rallies, it couldn't be said in public, but it was something that was  
13 said indirectly; for example, when they said that they would not continue letting go unpunished the  
14 people who killed members of their party, when they said that there were limits to everything. It was  
15 another way of saying it, but they didn't say it explicitly in public.

16 Q. Well, were those public meetings followed up with more restricted meetings with the *Interahamwe*?

17 A. I remember very well that there were meetings, during which he were explained who the enemy was  
18 and what the purposes of the enemy were. And after such important rallies -- and, here, I am referring  
19 to rallies which took place in 1994 -- I do not think there are many other meetings, because there were  
20 assassinations; for instance, the murder of Katumba, the murder of Bucyana. There were some smaller  
21 scale meetings here and there, during which people were told that they had to protect themselves.

22 Q. Mr. Witness, when you think back to April of 1994 and you bring to mind the speech of  
23 President Sindikubwabo in Butare on the 19th of April, what did you recall about that speech?

24 MR. ROBINSON:

25 Mr. President, please, there is nothing from the cross-examination that could elicit this speech -- and  
26 I'm going to be asking for redirect -- for recross-examination if this continues.

27 MR. WEBSTER:

28 Your Honour, Mr. Robinson cross-examined this witness and made reference to 50 speeches that he  
29 put in evidence or that were already in evidence where the interim government called for the end to the  
30 killings. He elicited testimony in response to specific speeches by Renzaho, by Kambanda, by  
31 Sindikubwabo, for at least 20 minutes, going through speech, by speech, by speech, and reading the  
32 excerpts of the speeches and asking the witness if he had heard those speeches. I would think that if  
33 Mr. Robinson can ask questions over a course of at least 20 to 30 minutes about speeches calling for  
34 an end of the violence, I should be able to put questions to the witness about one specific speech that I  
35 suspect he will be able to comment on.

36 MR. PRESIDENT:

37 Mr. Webster, that's not a proper response. You are dealing with re-examination.

1 MR. WEBSTER:

2 This is re-examination, Your Honour, because --

3 MR. PRESIDENT:

4 What's the basis on which you are asking the question?

5 MR. WEBSTER:

6 If the cross-examination is the interim government was calling over and over again for a stop to the  
7 violence, I should be able to rebut that with a reference to a specific speech where the opposite was  
8 being elicited.

9 MR. ROBINSON:

10 Mr. President, the witness has testified under direct examination that he never heard any calls for the  
11 stopping of the killing, and to impeach that he was asked about many speeches in which calls were  
12 made to stop the killing, that doesn't open the door now for the Prosecutor to bring in speeches that he  
13 likes and then have me recross-examine on those issues. I think you've already -- this does not open  
14 the door to hearing other speeches that were made in Rwanda that the Prosecutor likes.

15 MR. WEBSTER:

16 Maybe the witness should take off his earphones, because I don't want to prejudice his answer, but I  
17 have a response that.

18 MR. PRESIDENT:

19 Witness, take off your headphones, please.

20 MR. WEBSTER:

21 I have not characterised this speech in my question to the witness. I'm asking him did he hear the  
22 speech by Sindikubwabo on the 19th April in Butare --

23 MR. PRESIDENT:

24 So my question is: out of what question in cross-examination did that question arise?

25 MR. WEBSTER:

26 From Mr. Robinson's questions about the many speeches that he referred to when he was  
27 cross-examining the witness. If Mr. Robinson is eliciting information about the speeches that the  
28 authorities made, I should be able to ask this witness did he hear a specific -- I'm sorry.

29 THE ENGLISH INTERPRETER:

30 Mr. President, from the interpreters, the French interpreters are having serious difficulties because  
31 there is more than one speaker speaking at the same time.

32 MR. WEBSTER:

33 I'm sorry; my apologies. If Mr. Robinson can cross-examine the witness on speeches and  
34 communiqués from the interim government, specifically from President Sindikubwabo, I should be able  
35 to rebut that by asking the witness one question, or making a reference to one specific speech that has  
36 been mentioned numerous times in this trial that I suspect this witness may have heard. Now,  
37 Mr. Robinson disputes the content of that speech, so it's not clear to me that there should be any

1 objection simply on the basis of me asking about that speech. Because his cross-examination -- or, the  
2 way he has led his Defence case is to suggest that the content of that speech was not a call for  
3 violence. We will see what the witness has to say when he tells us what he understood that speech to  
4 be -- to mean, if he heard it. But, to me, it's a legitimate question.

5 MS. HOUNKPATIN:

6 Mr. President, before you deliberate on this, I would like to back the explanation given by my learned  
7 friend Mr. Robinson regarding the various speeches. The witness said systematically that he did not  
8 hear any of those speeches which was proposed to him, he did not hear the speeches -- even the  
9 particular speech which my learned friend Webster is referring to in his response to the objection.

10 MR. PRESIDENT:

11 We do not allow the question. We don't agree that it arises from the cross-examination of this particular  
12 witness, and the explanations that you have given suggest that it really was a matter that should have  
13 been addressed in-chief as you are using it to rebut a general Defence proposition, but which was not  
14 utilised during this part of the cross-examination.

15 MR. WEBSTER:

16 Okay.

17 MR. PRESIDENT:

18 He was not cross-examined on this witness -- on this speech.

19 MR. WEBSTER:

20 Thank you.

21

22 The witness could put his headphones back on.

23 BY MR. WEBSTER:

24 Q. Mr. Witness, I would like to ask you a few questions about Turatsinze. Were you friendly with  
25 Turatsinze, beyond your formal relationship with him through the *Interahamwe* organisation?

26 A. Throughout the time when he was an *Interahamwe* we had friendly relations. Our conversations were,  
27 rather, those of friends.

28 Q. When did Turatsinze's betrayal become known to you at your level of the *Interahamwe*? And by his  
29 "betrayal", I am suggesting to you his revealing the MRND secret to UNAMIR. When did that come to  
30 your attention?

31 A. They started suspecting him at some point in time and, actually, two people started suspecting him:  
32 Sèraphin Twahirwa and Aloys Ngirabatware. Subsequently, there were Gaparata and  
33 Claude Nshimiye. They said that, in connection with his work, he was arrogant and power hungry, all  
34 such qualifications and characterisations. In fact, initially when they told me that, my opinion was that  
35 they were jealous of him. In turn, he told me that those *Abakiga* did not take to him kindly, and he,  
36 himself, said that he still maintained his position thanks to Mathieu who was the president and that if it  
37 depended on Nzirorera only, he would have already left the position he was holding. So, that climate

1 remained unchanged and the situation (*unintelligible*) from the month of January when people started  
2 saying that he had sold firearms. They started saying that they no longer trusted him and that he was  
3 perhaps feeding information to the *Inkotanyi*. Turatsinze spoke to me as friend, and when he told me I  
4 said that all what was being said about him was out of sheer jealousy because there were people who  
5 coveted his position. The situation continued up until when he left in 1994. All those things were being  
6 said about him.

7 Q. Thank you, Mr. Witness, but what interests me is when did it become known to you that Turatsinze had  
8 revealed the MRND secret to UNAMIR. So, I understand what you were saying about the jealousies of  
9 other *Interahamwe* and the rumours about his selling weapons, but my concern is specifically on the  
10 issue of him exposing the MRND secrets to UNAMIR. When did that become apparent to you?

11 A. It was Sèraphin Twahirwa who told me of that. It must have been late January or February -- or, early  
12 February, and he told me that the gentleman had apparently given some secrets to the UNAMIR, and  
13 as I tried to reminisce about all that, he had already left for Mwanza.

14 Q. Did Ngirumpatse or Nzirorera ever talk to you or to the *Interahamwe* generally about Turatsinze's  
15 betrayal?

16 A. To be candid, as far as I am concerned, no one spoke to me of that incident. I'm referring, here, to  
17 those two people; neither of them mentioned that to me.

18 Q. What do you think Turatsinze's motivation was for revealing the MRND secret to UNAMIR?

19 MR. ROBINSON:

20 Excuse me, Mr. President. I am going to object to that. It's calling for speculation.

21 MR. WEBSTER:

22 Your Honour, the witness has described himself as a friend of Turatsinze. Throughout his testimony he  
23 described his working relationship with Turatsinze. He described -- on that basis, I am asking him does  
24 he have a basis to conclude -- or, does he have any opinion about the motivation for Turatsinze to  
25 reveal the MRND secret to UNAMIR.

26 MR. PRESIDENT:

27 We allow this question. We think it arises directly from the cross-examination.

28 BY MR. WEBSTER:

29 Q. So, Mr. Witness, when you reflect back on Turatsinze, the man, how have you come to understand --  
30 or, what is your understanding or your assessment of his motivation to reveal the MRND secret to  
31 UNAMIR?

32 A. From what I could observe and understand, during that period, I think there were some reasons why I  
33 believe what he had done. Firstly, he confiscated weapons of *Interahamwe* leaders, telling them that  
34 he would replace those weapons. Later on, it was said that those firearms had been sold. So, I  
35 thought that he could not explain that to the *Interahamwe* and he thought that the *Interahamwe* could  
36 kill him. I also rely on the fact that, during my discussions with him, he said on account of the prevailing  
37 circumstances the *Interahamwe* could topple the government. So, he spoke to me perhaps in order to

1 try and win me to his cause. And I'm also relying on that story of the sale of firearms. So, I think that all  
2 those aspects may have been the reason for his act, and I also think that those leaders may have  
3 wished to sort him out.

4  
5 Also, he left from Tanzania to go and recover his wife who had taken refuge in the Congo. He passed  
6 through\*\*\*\*\*, knowing full well that I was there. He did not try to meet with me. Subsequently, I got to  
7 know that he had learnt that I was present there. It's someone who saw him in Bukavu who told me  
8 that. And during all those occasions he tried to hide, he tried to use tricks to recover his mother, but in  
9 vain, because he returned without succeeding in his mission. All those things make me think that he  
10 had revealed party secrets to UNAMIR.

11 Q. The last portion of your answer where you mention Turatsinze being present in\*\*\*\*\*, when was that;  
12 was that in 1994 or afterwards?

13 A. It was in 1994 after we had gone into exile. We passed through Kigoma and entered the Congo  
14 through \*\*\*\*\*and yet at that time I was at\*\*\*\*\*.

15 Q. Thank you, Mr. Witness. Right, Mr. Witness, I am at the tail end of your redirect examination and I'd  
16 like to shift away from the events of 1994 and talk about things that had happened since 1994, and,  
17 here, I'm referring to your own statements in relation to your testimony today, the statements that you  
18 gave to the Office of the Prosecutor in 2005. Now, you met with representatives of the Office of the  
19 Prosecutor before your testimony last week, did you not?

20 A. Yes, I met with them.

21 Q. Were you advised to always tell the truth in your testimony before this Trial Chamber?

22 MR. ROBINSON:

23 Objection. Leading.

24 MR. WEBSTER:

25 Should I simply ask him what he was advised to do and then have him give us an account for the next  
26 20 minutes?

27 MR. ROBINSON:

28 I would be interested in that.

29 MR. PRESIDENT:

30 It's a leading question.

31 MR. WEBSTER:

32 No doubt, it's a leading question, Your Honour, but sometimes leading questions are appropriate. I'll  
33 rephrase it if the Court requests that I do.

34 BY MR. WEBSTER:

35 Q. Mr. Witness, what did the Prosecutors – or, representatives of the Prosecutor tell you in regard to how  
36 you should conduct your testimony, how you should respond to the answers of the Court or the  
37 attorneys?

1 A. He told me of what would be my conduct before the Court and I was also told to answer the questions  
2 being put to me, and that if I wished to speak to the Trial Chamber, then I would seek the leave of the  
3 presiding Judge. He also asked me to say the truth. That is the crux of what I was told when I met with  
4 officials of the Prosecutor's office.

5 Q. Were you advised to answer the questions from the Prosecutor any differently than the questions put to  
6 you by the Defence or the Trial Chamber, itself?

7 A. From my recollection, I was told that when in court I have to be of proper conduct and also well  
8 disciplined. I was never told that I have to answer Prosecution counsel in a given way, which will be  
9 different from the way I would answer Defence counsel and the Judges. I was told to display exemplary  
10 discipline before the Court when giving my answers.

11 Q. When you met with representatives of the Prosecutor before you testified, before you began your  
12 testimony, you had an opportunity to discuss -- did you have an opportunity to discuss the statements  
13 that you had made previously, whether that be to the OTP, the ICTR or to the authorities in Rwanda?

14 A. Concerning the statement I gave to Rwandan authorities, I only told them that I had opted for the guilty  
15 plea and confession procedure. They asked me whether I remembered this or that piece of  
16 information. In my statement I told them that I could always remember my statements, notwithstanding  
17 the toll each has taken, but I told them that I could remember a significant amount of information  
18 contained in my statement.

19 Q. Did you discuss your statement of the 9th of November 2005 that you gave in relation to Karera?

20 A. At no point in time did I have any discussion with the Prosecutor's representative regarding that  
21 statement.

22 Q. Why did you not inform the representatives of the Prosecutor that you had lied in that statement, which  
23 is what you have told this Court last week?

24 A. If I had mentioned it, it would have been useful. I now realise that, but I think that the fault is mine. If I  
25 had not mentioned it, it was a mistake I made to heed the request of a friend, but I did not have the  
26 courage to inform the Prosecutor of that. I must acknowledge that I didn't do it.

27 Q. *(By order of the Court, this portion of the transcript has been extracted and kept under separate cover)*

28 MR. ROBINSON:

29 Mr. President, that's a very leading question. I'll object on that ground.

30 MR. WEBSTER:

31 Your Honour, I am looking at the hour and I would like to conclude this before 12:30. That's why I am  
32 trying to push it along.

33 MR. PRESIDENT:

34 But it's a sensitive issue.

35 MR. WEBSTER:

36 So, maybe we should adjourn now and come back to it.

37 MR. PRESIDENT:

1 No, try and finish it, if you can.

2

3 MR. WEBSTER:

4 It's not going to finish in two minutes. So, my suggestion is that we simply take a luncheon recess and  
5 we address this for 15 minutes when we come back. But that was my intention, Your Honour, to try and  
6 move through quickly so that we can conclude at lunch time. I can push ahead, but it seems pretty  
7 impracticable to me.

8 JUDGE SHORT:

9 How long will it be?

10 MR. PRESIDENT:

11 Fifteen minutes, or so?

12 MR. WEBSTER:

13 Or less, less than 15 minutes.

14 MR. PRESIDENT:

15 We prefer to finish and then we will have just a 90 minutes' resumption.

16 MR. ROBINSON:

17 Excuse me, Mr. President, I'm going to be making a request for a recross-examination of an issue that  
18 has now become new in the redirect, so --

19 MR. PRESIDENT:

20 What issue is that?

21 MR. ROBINSON:

22 The meeting between Ngirumpatse and this meeting in Gisenyi. I think I am entitled to know -- to find  
23 out who was present, when it occurred, et cetera. It has now become an issue that was never raised  
24 before.

25 MR. PRESIDENT:

26 Wasn't that the issue you promised to give us information about?

27 MR. WEBSTER:

28 I don't recall, Your Honour. The Court made a ruling that it was admissible to go into that issue  
29 because it addressed something that had been raised in the cross-examination.

30 MR. PRESIDENT:

31 Yeah.

32 MR. WEBSTER:

33 I'm not understanding the Court's inquiry.

34 MR. PRESIDENT:

35 No, Mr. Robinson suggested that this was a matter that was raised by you for the first time with this  
36 witness.

37 MR. WEBSTER:



1 The incident, itself, was raised for the first time, but I didn't elicit the information to bring out a separate  
2 meeting. I elicited the information to bring out Ngirumpatse's awareness of this witness's behaviour  
3 during the course of April and May and up to June, and whether Ngirumpatse had expressed any  
4 disapproval or tried to sanction him at all, which was a legitimate line of redirect. To my mind, it's not  
5 appropriate to go back to that for recross. It was -- I went into it for that limited purpose. It's not to bring  
6 out the circumstances of the meeting and everything that was discussed at the meeting; in fact, I kept  
7 my questioning on that matter quite narrow and --

8 MR. PRESIDENT:

9 But the --

10 MR. WEBSTER:

11 -- it's just a matter of what --

12 MR. PRESIDENT:

13 -- question is, is the Defence supposed to accept the allegations without challenging the accuracy;  
14 right?

15 MR. WEBSTER:

16 It's for the Court's discretion.

17 MR. PRESIDENT:

18 Yes, that's the point. I must say, I don't regard it as a new issue at the time, but I think we will have to  
19 allow recross-examination.

20 MR. ROBINSON:

21 I will give you an opportunity to -- we can strike the evidence and then I won't have to recross.

22 MR. PRESIDENT:

23 Mr. Webster, we have decided that as a result of your concessions that it is a new matter that we  
24 should not allow it on the record. It is going to open the trial -- we are going to have admit  
25 recross-examination and we don't know what else afterwards. If it was important to your case, then it  
26 should have been part of your examination-in-chief.

27 MR. WEBSTER:

28 It's important to the case because of the thrust of the cross-examination, which is that the authorities,  
29 specifically, Ngirumpatse and Nzirorera, tried to discipline -- or, call to order the *Interahamwe* and  
30 didn't -- and were unsuccessful in doing so. Mr. Robinson's cross-examination was that this witness  
31 was more powerful than their own structures of control within the MRND. And what I would like to  
32 assert, through this witness's testimony, is that as late as June of 1994 in meetings -- or, encounters, it  
33 wasn't even a meeting; it's simply an encounter between Mathieu Ngirumpatse and this witness -- there  
34 was no suggestion that anything he had done was wrong or worthy of being sanctioned. So, to me, it's  
35 right on point in terms of the -- the -- a response or rebuttal of what was put forward in  
36 cross-examination. If things of this nature should only come through in the direct examination, it means  
37 that direct examinations are going to be longer and I would battle out the issue of notice during the

1 course of the direct examination, because this is pertinent to this case. I will rely on the Court's  
2 discretion. If it's excluded, then I'll simply conclude with this witness and I'll move on to the next one.  
3 It's really a matter for discretion of the Court.

4 MR. PRESIDENT:

5 Okay, Mr. Webster, we have considered your submissions and we have decided to exclude.

6 MR. WEBSTER:

7 Mr. Witness, we are -- I'm still focussed -- I'd still like to focus on the statement that you made in 2005.

8 Did --

9 MS. HOUNKPATIN:

10 I'm sorry; we are having a problem regarding the way your ruling, just handed, was interpreted,  
11 Mr. President. To be of assistance, what we hear is that the interpreter did not follow what the  
12 President said.

13 MR. PRESIDENT:

14 Yes, we considered the submissions made by the Prosecutor and decided to disallow the question and  
15 exclude the evidence.

16 MS. HOUNKPATIN:

17 Thank you, Mr. President.

18 BY MR. WEBSTER:

19 Q. Right. Mr. Witness, in view of the false statement that you made in November of 2005, can you explain  
20 to this Court now and to the parties to these proceedings, the Defence as well as to the Prosecutor,  
21 why we should believe your testimony in Court today or over the course of the past week and a half?

22 A. Concerning your question, let me say that when the attorney raised that question I told him that I had  
23 been misled and that I sort of realised that, but that, as a matter of fact, I had heeded the request of that  
24 person. But, actually, I ought to have sought the advice of the Prosecutor or someone else to clarify  
25 the situation. Well, the fact of the matter is that I was misled by a friend, and in order to oblige him I  
26 heeded his request in order to make him to avoid going to prison. He wanted to save his head and in  
27 order to save his head I had given a statement regarding Karera. He came and saw me, requesting me  
28 to back him and I fell into that trap. I am not denying that. So I admit that there was a mistake, but  
29 what I'm saying is that you should not rely on that because I did not give evidence regarding that issue  
30 in the court of law.

31 Q. Yes, I understand, Mr. Witness, but now the question for us is: has anyone motivated you to come and  
32 testify falsely against any of these three Accused?

33 A. Nobody. No one.

34 Q. What else can you tell us that would make this Trial Chamber to believe that you just said no court --  
35 *(microphone not activated)*?

36 THE ENGLISH INTERPRETER:

37 Counsel, microphone, please.

1

2 The witness's microphone is off, too.

3 THE WITNESS:

4 It is not trumped-up evidence. I hereby confirm that my evidence is truthful, because if you need proof,  
5 then you, yourself, can conduct an inquiry to ascertain the truth of what I said before this Court because  
6 I know that I am not the only one to have received those orders or to have witnessed what I said.  
7 Nobody forced me, or coerced me, or requested me to say what I have said before this Court, and it is  
8 something you can ascertain yourself. That is what I have to say.

9 BY MR. WEBSTER:

10 Q. Is there anything about any aspect of your testimony over the past two weeks that you wish to correct  
11 or amend in light of your commitment to telling truth about what happened in 1994?

12 A. Thank you. Regarding my testimony, what I would like to correct is what I said regarding the rally at  
13 Ruhengeri. I thought I said that I had seen Nzirorera in Ruhengeri, but when the video footage of that  
14 rally was shown me I realised that I had been mistaken. There is someone else that I had mistaken for  
15 Nzirorera. That is the only place where I mistook someone for somebody else. I saw somebody else,  
16 but he was not the one. Well, for the rest, I think it would be a bit too lengthy because I would like to  
17 come back to the statements I had given before 2004 and the reasons I gave those statements which  
18 today I consider unacceptable. If I am given leave, then I am going give you the reasons why I made  
19 those statements which I am denying today. For the rest, I believe I have said what I have said taking  
20 into account the truth, and I said the things the way I saw them.

21 Q. Thank you, Mr. Witness. We are not interested in going back to your various statements because you  
22 have spent quite a bit of time correcting information and clarifying the information. My main concern is  
23 the statement of November 2005 where your testimony in court, by your own admission, was that you  
24 gave false information. Would you agree that that's a very serious admission, or a very serious act on  
25 your part?

26 A. I do admit that. And for that reason, I was misled so I'm asking that what I said then should not be  
27 taken into consideration. I was misled. And I withdraw what I stated because I tried to sacrifice myself  
28 for a friend, at the same time imperilling somebody else's life.

29 Q. Can you give us your assurance that your testimony thus far has been truthful, to the best of your  
30 ability?

31 A. Let me reassure you all what I've said in this trial I am asking you to consider it as legal experts, and, if  
32 necessary, you can carry out investigations to double-check what I've told you.

33 Q. Has anyone asked you, for any reason, to give false information against Mathieu Ngirumpatse?

34 A. I did not have any discussion with anybody and nobody asked me to do such a thing.

35 Q. With respect to Joseph Nzirorera?

36 A. Nobody.

37 Q. And Édouard Karemera?

2

1 A. Ditto. I've told you that the reason why I withdrew some the statements I had given. For personal  
2 circumstances, I did not deem it necessary.

3 Q. Right. Thank you.

4 MR. WEBSTER:

5 I have no further questions, Your Honour. If the Court would like to make its own enquiry of this witness  
6 in regard to the last portion of the redirect examination, I would invite it to do so.

7 MR. PRESIDENT:

8 Invite or instruct?

9 MR. WEBSTER:

10 I certainly couldn't instruct, but if the Court has any disquiet on this issue, it seems to me to be  
11 appropriate for the Court to pose questions of its own.

12 MR. PRESIDENT:

13 We don't think we can resolve any disquiet we might have in this manner and we don't have any  
14 questions to ask this witness.

15  
16 Mr. Witness, your testimony is completed except in relation to one matter on which we had undertaken  
17 to give a ruling. Now, we expect that we will be giving our ruling on that matter this afternoon. Subject  
18 to that, we are -- your testimony has been completed, unless in our ruling there is any additional  
19 directive that we make. In the circumstances, we now excuse you from our trial and thank you for  
20 coming to be a witness here. We are going continue with another witness this afternoon and so you  
21 are now excused.

22 THE WITNESS:

23 Thank you.

24 MR. PRESIDENT:

25 We continue at 2:30 this afternoon.

26 *(Witness excused)*

27 *(Court recessed at 1254H)*

28 *(Pages 17 to 37 by Verna Butler)*

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1 (Court resumed at 1440H)

2 MR. PRESIDENT:

3 Good afternoon, everybody.

4

5 Good afternoon, Mr. Witness.

6 THE WITNESS:

7 Good afternoon, sir.

8 MR. PRESIDENT:

9 As a preliminary step to the -- your testimony, you will have to make a solemn declaration, or take an  
10 oath to tell the truth. And we'll ask the registrar to administer it to you now.

11 (*Declaration made by Frank Claeys in English*)

12 MR. PRESIDENT:

13 Thank you. You may be seated.

14 MR. ROBINSON:

15 Excuse me, Mr. President, before the witness commences I actually have two pieces of good news  
16 instead of -- I am not going to quarrel over his pseudonym, since he has none. But first of all, I received  
17 the letter from Witness HH, and I don't have any questions arising out of that, so I wanted to let you  
18 know.

19

20 Secondly, I received your decision concerning the UNAMIR documents and the modalities of admission  
21 of exhibits. And I've implemented your request that we notify the Prosecutor of any exhibits to which  
22 we don't object. And I've indicated to Mr. Morley we, from Mr. Nzirorera's defence, do not object to  
23 numbers 1 through 11 on his list. So, I wanted to let you know that.

24 MR. PRESIDENT:

25 Thank you, very much.

26 MR. MORLEY:

27 May it please, Your Honours.

28 MR. PRESIDENT:

29 Yes, Mr. Morley.

30 MR. MORLEY:

31 It may be helpful if the record reflects, as I think Your Honours know that I haven't been in  
32 Your Honours' court very often, that on behalf of the Prosecution, I, Iain Morley, am present to assist  
33 Your Honours with this witness, the witness, Frank Claeys, an unprotected witness who will give his  
34 evidence in open court before the public. And I am assisted behind me by my intern, doubling as my  
35 pupil, Ms. Alinda Vermeer. With that said, may I make two opening offerings.

36

37 The first is in relation to UNAMIR documents, Your Honours may appreciate that there was quite a lot of

1 activities about those. Your Honours' decision which arrived this morning has put the UNAMIR  
2 documents in a certain context, but to assist the Defence, we have, in fact, organised as much as we  
3 could find of UNAMIR documents, in a chronological fashion on CD-ROM. And we propose to disclose  
4 those to the Defence, but not offer them as we thought we might pending Your Honours' decision into  
5 evidence as an exhibit. So, if I may take a moment now, with the assistance of Mr. Vincent, to  
6 distribute to the Defence a copy each of the CD-ROMs which we had finally burnt this morning, so that  
7 they, at least, had those.

8

9 Mr. Vincent, if you might approach me, please.

10 MR. ROBINSON:

11 Mr. President, while that is being done, I would like to thank Mr. Morley for that disclosure.

12 MR. MORLEY:

13 My second offering at this stage is, do Your Honours have in hard copy a bundle of documents  
14 paginated in the bottom right-hand corner to the number 40, distributed by myself and to  
15 my learned friends earlier on today? I just want to be sure that the documents are, in fact, present  
16 before Your Honours, and that my learned friends defending, have the documents as well. If I see  
17 nobody shaking their heads, I will proceed.

18 MR. PRESIDENT:

19 We do not have the documents in hard copy. I am enquiring from our clerk if we have them in  
20 electronic form.

21 MR. MORLEY:

22 They have been sent in electronic form on the email today.

23 MR. PRESIDENT:

24 Yes, we do have them now. Thank you.

25 MR. MORLEY:

26 With all of that said -- with Your Honours' leave, I will proceed.

27 MR. PRESIDENT:

28 Yes, please go ahead.

29

FRANK CLAEYS,

30

first having been duly sworn,

31

testified as follows:

32

EXAMINATION-IN-CHIEF

33 BY MR. MORLEY:

34 Q. Witness, what is your name?

35 A. My name is Frank Claeys; Christian name Frank, family name Claeys.

36 Q. Is it right that you were born in Kinshasa in, I think, then called the Congo?

37 A. That is correct.

2

1 Q. Most of your upbringing was there, and you joined the army in Belgium when you were a young man; is  
2 that right?

3 A. That is correct. I joined the military academy at the age of 18 years.

4 Q. Are you presently within the Belgium army?

5 A. I am presently in the Belgium army.

6 Q. How many years experience of the military have you had?

7 A. My experience is close to 30 years in the Belgium defence.

8 Q. Is your present occupation with the Belgium army classified?

9 A. My present occupation is classified, indeed.

10 Q. And that occupation began in October of this year; is that right?

11 A. That is correct, since the beginning of October, the 9th to be precise.

12 Q. Just pausing there.

13 MR. MORLEY:

14 With Mr. Vincent's assistance can we have a piece of paper and a pen. And the witness will write down  
15 his present occupation for Your Honours' eyes and my learned friends' eyes.

16 THE ENGLISH INTERPRETER:

17 Could Counsel please be requested to observe a pause between the question and the answer? Thank  
18 you.

19 MR. PRESIDENT:

20 Mr. Morley, do you have your headphones on?

21 MR. MORLEY:

22 I heard Ms. Seymour. I was expecting some contribution from her at some stage.

23 MR. ROBINSON:

24 Mr. President, now that I received the classified information from the Belgium government I'm  
25 wondering if I have a security clearance, such that I could now receive the information from Witness T  
26 that has been withheld.

27 MR. MORLEY:

28 Another argument for another day.

29

30 Perhaps if that piece of paper might be entered as a Prosecution exhibit under seal, forgive me for not  
31 knowing what number we have got to at this stage.

32 MS. KOUO:

33 P. 38, Your Honour.

34 MR. PRESIDENT:

35 Admitted under seal.

36 *(Exhibit No. P. 38 admitted, under seal)*

37



1 BY MR. MORLEY:

2 Q. Witness, what is your present rank within the Belgium army?

3 A. I have been promoted at the rank of lieutenant colonel.

4 Q. Prior to October of this year, what was your occupation with the Belgium army then?

5 A. I have been in charge for more than four years of the Belgium Special Forces.

6 Q. When you say "in charge", were you the Belgium special forces commanding officer?

7 A. That is correct.

8 Q. As a career member of the Belgium military, did you have occasion to go to Rwanda in  
9 October of 1993?

10 A. Yes, I was part of a reconnaissance party from the Belgium para commando brigade.

11 Q. Can you recall now the approximate date that you first arrived in Rwanda?

12 A. We departed on the 25th of October '93 and our arrival was on the 26th, my recollection.

13 Q. How many from Belgium went to Rwanda in your mission?

14 A. By recollection this reconnaissance party was composed -- this reconnaissance party, team, was about  
15 ten people.

16 Q. When you arrived on around the 26th of October 1993, was UNAMIR already present on the ground?

17 A. There was a small, so to say, embryo of the UNAMIR mission on the ground, as their headquarters  
18 were at that moment still in some apartments of *Hôtel Mille Collines*. So the real headquarters were still  
19 not set up at that moment.

20 Q. Was General Dallaire all right on the ground?

21 A. Yes, General Dallaire was already there.

22 Q. How long had UNAMIR been present, approximately?

23 A. Where the UNAMIR mission was concerned, I think they were there for a fortnight.

24 Q. When you arrived, were you at that stage, formally, part of UNAMIR?

25 A. Not really because we were still part of a reconnaissance mission, so we were still not blue helmets, so  
26 to say.

27 Q. What was the purpose of your reconnaissance mission?

28 A. For every military operation, some reconnaissances are executed in order to do some fact finding about  
29 the execution. And you wear your hat to execute a mission on the following moments, weeks or  
30 months. So we had to do some fact finding in order to advise the headquarters back in Brussels about  
31 to wear the hats.

32 Q. Did you become a member of UNAMIR?

33 A. Yes, I became a member of UNAMIR.

34 Q. When was that?

35 A. When the reconnaissance mission was supposed to go back to our capital, around the  
36 3rd of November, my recollection, I was ordered to stay in Kigali with another officer and three  
37 communication operators to be able to send more information on the request from Brussels.

1 Q. Did you then become what you've termed a blue helmet?

2 A. At that moment, yes I was issued a UN ID card and became part of the UNAMIR mission.

3 Q. Who was the other officer who also became part of UNAMIR?

4 A. The officer was Major Kesteloot, who later on became one of the deputies or the operation officer of the  
5 *secteur* headquarter, led by Colonel Marchal.

6 MR. MORLEY:

7 Your Honour, Kesteloot is item 14 on the spelling list, which I hope was distributed last night.

8 BY MR. MORLEY:

9 Q. When you became formally a member of UNAMIR in November of 1993, what was your function?

10 A. Belgium asked me to fill the post of military information officer at the force headquarters. And they  
11 promised me to send somebody to replace me whenever the new staff officers from Belgium would be  
12 sent to Kigali.

13 Q. Where was force headquarters within Kigali?

14 A. In the beginning of November, General Dallaire moved his installations from *Hôtel Mille Collines* to  
15 *Hôtel Amahoro*, which was a small hotel near the Amahoro sports stadium.

16 Q. What was the role of a military information officer?

17 A. Military information officer is supposed to -- you are supposed to brief incoming troops, staff officers or  
18 visitors about the military situation of the mission. Next to that, you are also responsible of distributing  
19 maps of the area of operations.

20 Q. How do you get the information with which to brief incoming staff about the military situation?

21 A. The information that we used was information from open sources, so we had country study, we had  
22 some history books. And then we had the overview of the recent history, recent wars, and recent  
23 incidents that took place in the last years, months and weeks.

24 Q. Who was responsible for gathering the information about the incidents over the last years, months and  
25 weeks within UNAMIR?

26 A. Within the headquarters of UNAMIR, the branch 3 and branch 2 were supposed to feed headquarters.  
27 So in the deployed troops, if they were already there, we were supposed to get some information. On  
28 the other hand, the day-by-day activities and/or incidents offered us the possibility to register everything  
29 and feed them back to incoming staff members or visitors.

30 Q. Whose office was registering incoming information?

31 A. That was the responsibility of the MIO office, military information office. And so I was responsible there,  
32 together with Captain Deme from Senegal, both of us were working together.

33 Q. To assist with the spelling, Deme is spelt D-E-M-E.

34

35 How did your office work? Can you give the Judges an idea of how information would be gathered and  
36 registered and so on?

37 A. Every day we tried to get information through the open channels as they were, the international press,

1 the national press, that one that we could understand, so it is in French. Also, we listened to the radio,  
2 and we watched television. And we had also talks with the local population, with staff members and  
3 with expatriates that lived in Kigali already for some time. This all was brought into reports and put on  
4 the map in the operation's centre.

5 Q. Were you able regularly and systematically to monitor what was being printed in Kinyarwanda in  
6 newspapers and what was being said in Kinyarwanda on the radio?

7 A. As none of us, and I speak about Captain Deme and myself, did speak or read Kinyarwanda, we were  
8 relying on some Rwandese working in the force headquarters, which put our attention to certain  
9 hearsays in the local press, being newspapers or being pamphlets, leaflets being distributed on the  
10 streets.

11 Q. Was there through some Kinyarwanda speakers set up by your office a systematic daily review of  
12 everything coming out in the press and on the radio in Kinyarwanda?

13 A. No, that was not the case.

14 Q. You have described yourself as a military information officer. What is the difference between military  
15 information and military intelligence?

16 A. Information is what you collect as a raw product, everybody has access to it. It only becomes  
17 intelligence at the moment that different sources, or different origins of this information can be  
18 cross-checked. Of course, you need different sorts of origins for this information. It would be all  
19 information coming from open press, then this information could be spoiled by the press system. So,  
20 you need to cross-check with other sources from other origins. Only then you get intelligence that can  
21 be analysed, or has been analysed, and it can then get a qualification of reliance.

22 Q. Was the information that was being gathered in your office the subject of regular cross-checking and  
23 cross-referencing so that it became military intelligence, or did it remain largely information flowing into  
24 the office?

25 A. Indeed, Your Honour, it was mostly information flowing into the office from different sources. We had  
26 no capacity of analyses; we were only two. Analyses are done by a complete study group. So we were  
27 just making up a picture of what happened on the ground without being able to make any analysis.

28 Q. Did you have an informant network in the sense of an organised, filed series of informants registered  
29 with specific handlers?

30 A. No, also that was not possible at that moment. You should know, Your Honour, that to build up a file  
31 contact list is a business of months and years. And you need a complete network of handling officers  
32 covert human contacts, human intelligence contacts to build up a network of informants. So we had no  
33 file contact list.

34 Q. When you were in Rwanda, had you had -- or had your colleague, Captain Deme, had any training in  
35 handling informants?

36 A. No, we were not trained in that matter.

37 Q. What was your rank at this stage in Rwanda?

1 A. I was captain when I was deployed in Rwanda for the whole period.

2 Q. Have you since had training in the handling of informants?

3 A. Yes, indeed.

4 Q. Have you had any training in how to assess informants?

5 A. Yes, that was also the case.

6 Q. How would one assess an informant?

7 A. To assess an informant, you have different methods where the body language of the person is an  
8 important factor. And to assess this reliability, you need also to draft a personal file. And this personal  
9 file is given some description of his dos and don'ts, his characteristics, his way of behaving. And it is  
10 only after cross-checking with different other sources that you can assess his reliability.

11 Q. At the time in Rwanda, had you had any experience of dealing with assessing informants?

12 A. No, that was not the case.

13 Q. Have you heard the name Jean-Pierre Turatsinze?

14 A. Yes, I have heard that name.

15 Q. Did you meet Jean-Pierre Turatsinze?

16 A. Yes, I did meet Jean-Pierre Turatsinze at different times.

17 Q. How often did you meet him?

18 A. By recollection, and it is now more than 12 years ago, I met him more than ten times.

19 Q. How many hours did you spend in his company, if you add up the number of times that you met him?

20 A. I think this must be between --

21 THE ENGLISH INTERPRETER:

22 Sorry, could you please repeat that question, Counsel?

23 THE WITNESS:

24 Eighteen hours, approximately in total.

25 MR. MORLEY:

26 There is a request to repeat the question.

27 BY MR. MORLEY:

28 Q. How many times -- I'll stop. How many hours did you spend in the company of Turatsinze if you add up  
29 the number of times that you met him? That was the question.

30

31 And if I might return to the witness, can you repeat the number of hours, please?

32 A. By recollection, this must be between 14 and 18 hours, approximately.

33 Q. I would like, please, for you to have sight of a bundle of documents, with the assistance of Mr. Vincent.

34 MR. MORLEY:

35 Your Honours have this bundle. My learned friends defending have it.

36 BY MR. MORLEY:

37 Q. Colonel, if you look at what is marked as page 2 in the bottom right corner you will see a photograph.

1 This is our exhibit, Prosecution Exhibit 6. Who is that person in the photograph; can you tell us?

2 A. I recognise this photograph as being the person I have met at different times under the name  
3 Jean-Pierre Turatsinze.

4 Q. When did you first meet him?

5 A. The first meeting with Jean-Pierre took place in the evening of the 10th of January 1994.

6 Q. Approximately when did you last see him?

7 A. I reckon that I saw him for the last time somewhere end of February, from the same year.

8 Q. Do you know what has happened to him?

9 A. I have not the slightest idea.

10 Q. Prior to your meeting Jean-Pierre Turatsinze on the 10th of January 1994, had you encountered an  
11 organisation called the *Interahamwe*?

12 A. Yes, I have.

13 Q. Prior to your meeting Jean-Pierre Turatsinze, what did you think the *Interahamwe* was?

14 A. In the beginning of our stay in Rwanda, this movement was considered to be a youth movement of the  
15 MRND party.

16 Q. Had you seen the *Interahamwe* at any demonstrations prior to meeting Turatsinze?

17 A. Yes, I had seen them on demonstrations -- during demonstrations.

18 Q. Approximately how many demonstrations had you seen them present at?

19 A. If we speak about demonstrations with some aggressive character, prior to that meeting I remember  
20 only once. But they often trained in the streets, which was also a kind of demonstration that only  
21 showed the flack. In their typical coloured uniforms, doing some speed marching in the streets.

22 Q. Taking the speed marching for a moment, what do you mean by that? You mentioned they're being in  
23 their uniform and speed marching. Describe that in more detail, please.

24 A. They were structured in a kind of squad or platoon size troop wearing combat boots, and had also  
25 some colourful trousers which made them recognise -- or identifiable. And mostly they had no T-shirts,  
26 or were just bare, with their upper body bare naked, marching and singing in the streets, on the roads,  
27 around CND force headquarters, Remera, Kicukiro, all of these areas where we were operating, so to  
28 say.

29 Q. You used the term "speed marching" is that a military term or what do you mean about it?

30 A. Speed marching is a military term that we use when troops are marching on a quicker pace than normal  
31 parade marching. And mostly there is one leader shouting a certain pace, and the troops are  
32 responding, singing or also with some voice expression to keep the pace for a certain time.

33 Q. When showing their colours, were they ever armed, to your observation?

34 A. I have not seen them armed during these exercises, or demonstrations.

35 Q. What was the occasion of the demonstration where you recall seeing the *Interahamwe*?

36 A. It concerns the demonstration of the 8th of January, a Saturday, where they blocked the crossroads at  
37 the Méridien roundabout, and at the crossroads from the force headquarters to the CND.

1 Q. How many *Interahamwe*, approximately, were part of that demonstration?

2 A. By recollection, I would say that on both places, at least 100 men were present.

3 Q. Prior to the demonstration of the 8th of January of 1994, what was your impression of how many  
4 *Interahamwe* there were in Kigali?

5 A. Just by seeing, it was difficult to put a number on their -- on their number, or how many they were. But  
6 we -- we reckoned by seeing different platoon-sized training that it must be around 200.

7 Q. Prior to your meeting with Turatsinze on the 10th of January, had you received any detailed information  
8 about the *Interahamwe*?

9 A. We had been told that there was some ongoing training but not specifically concerning a certain group  
10 of persons.

11 Q. What sort of training?

12 A. By hearsaying people, youngsters, who were gathered near the para dropping zone of Kanombe, close  
13 to the airport at night, and then brought with buses outside of Kigali to some training camps, military  
14 training camps.

15 Q. Prior to your meeting with Turatsinze, did you know what sort of military training the youngsters were  
16 receiving, or over what period of time they were receiving it, or how many had received it; can you  
17 help?

18 A. We didn't really have much details about this training. The only detail we had is that the transport they  
19 used were the public buses that were identifiable as being donated by Japan. So the light green, dark  
20 green buses were donations from Japan. These were the buses that, apparently, brought these guys  
21 to the training camps.

22 Q. On the 8th of January of 1994, what was the effect of the demonstration at the round about?

23 A. The effect was to avoid any public circulation coming from Kigali or from the other direction through  
24 these two blocked cross points. It hampered also the -- it was a Saturday, the staff members of  
25 UNAMIR to join their office, because most of them were coming from *Hôtel Méridien* and had difficulties  
26 to reach their office on Saturday.

27 Q. How many people were in the crowd, if you add up, approximately, the numbers that blocked the road?

28 A. At Meridien roundabout, I counted slightly over 100 people. They were blocking this one street going  
29 towards the CND in Remera. And at the other cross point, close to *Hôtel Chez Lando* and force  
30 headquarters, it must be the same.

31 Q. How was the crowd behaving?

32 A. We would call that under control. They were shouting. They were hampering the traffic, but they were  
33 not aggressive.

34 Q. Were any Belgian troops deployed to monitor the demonstration on the 8th of January?

35 A. As you might know, Your Honours, the headquarters of the KIBAT, which was a nickname for the  
36 Belgium battalion, was between the roundabout of the Meridien and the Meridien hotel, so there was a  
37 platoon sized troop deployed near this roundabout to monitor this demonstration at the Méridien

1 roundabout.

2 Q. How many soldiers in a platoon?

3 A. Generally, you speak of about 30 persons in a platoon, but a para commando platoon is around 25  
4 normally, three light trucks and the four-by-four for the platoon commander, as far as vehicles were  
5 concerned.

6 Q. What was the purpose of the demonstration on the 8th of January, as you understood it?

7 A. Being that they were the deputies that were earmarked on the list for the broad based transition  
8 government they would have the opportunity to be sworn in, and that the new government could start  
9 its work. Some days before the president himself had taken the oath to become the president of the  
10 new broad based transition government of Rwanda. That was on the 5th of January.

11 Q. And what was the effect of the demonstration with regard to the broad based transitional government  
12 beginning its work?

13 A. As I said, before they hampered the traffic which had as consequence that the deputies couldn't reach  
14 the CND building, and thus were not able to swear in, and to be the deputies of the new government.

15 Q. All right, now we turn to the 10th of January and Turatsinze.

16 MR. MORLEY:

17 I'll pause for a moment. I noticed Your Honour looking at me rather quizzically about two minutes ago.  
18 I hope I wasn't blundering about like an elephant.

19 MR. PRESIDENT:

20 No, just reminding you to pause a little bit between question and answer.

21 MR. MORLEY:

22 Thank you.

23 MR. PRESIDENT:

24 I thought you picked it up.

25 MR. MORLEY:

26 Thank you. Thank you, Your Honour.

27 BY MR. MORLEY:

28 Q. On the 10th of January, you told us that you met Turatsinze. Tell us how that came about, please?

29 A. On the 10th of January I was called together with Captain Deme to the office of the force commander,  
30 General Dallaire, who asked us to get in contact with the prime minister designate,  
31 Mr. Faustin Twagiramungu, in his office. And that we would be put in contact with somebody through  
32 his information.

33  
34 So we went to the office of the prime minister designate where he personally handed over a telephone  
35 number and also the name and family name of the contact we would meet in the evening, Jean-Pierre  
36 Turatsinze.

37 Q. Just pausing there, when you received instructions from General Dallaire to go to the prime minister

1 designate, were you told the nature of the material the informant would offer?

2 A. No, in no way we had any idea what kind of information we would receive, except a contact and a  
3 telephone number.

4 Q. When you went to the prime minister designate's office and you were given the telephone number and  
5 name, were you told anything of the nature of the information you would receive?

6 A. No, at no point did we receive any detail what to expect.

7 Q. Having received the telephone number from the prime minister designate, where did you go then?

8 A. We went back to the -- our office in the force headquarters to use the landline telephone. And we  
9 called the given telephone number to reach Mr. Jean-Pierre Turatsinze.

10 Q. Did you get through, and if so, what arrangement was made?

11 A. So, indeed, we got through to him. He made us knowledgeable by responding to us as Jean-Pierre,  
12 and we made an appointment for that evening, without more detail. We would pick him up at night.

13 Q. Did you pick him up at night, and, if so, from where?

14 A. Yes, we used a civilian car from the UN to pick him up at from the parking place of a nightclub in Kigali  
15 known as Kigali Night, and brought him to the headquarters of the *secteur* where Colonel Marchal and  
16 Major Kesteloot had office.

17 Q. Pausing there. When you telephoned Jean-Pierre, did you discuss anything of the information that you  
18 were going to receive?

19 A. No, we didn't discuss. We did only discuss the way of getting in contact.

20 Q. When you drove him from the pick-up point to the office of Colonel Marchal, did you discuss anything of  
21 the information that you had received?

22 A. No, also there we did not disclose any information or he didn't disclose any information. He only  
23 disclosed the fact that he was wearing a weapon.

24 Q. What sort of weapon?

25 A. He had a small pistol in his trousers, which he showed and then put back in his trousers.

26 Q. Did you disarm him, and, if not, why not?

27 A. As I was myself not wearing a weapon, I did decide not to disarm him. And as there was a  
28 spontaneous contact also that was a reason not to disarm him.

29 Q. At this point in time, travelling with Jean-Pierre armed in your civilian vehicle, were you aware of any  
30 hostility towards Belgian troops or UNAMIR generally?

31 A. Except of some leaflets being distributed in Kigali with, maybe, anti Belgian attitudes, I never  
32 experienced any anti Belgian feeling.

33 Q. At this point in time, did you think that Belgians were in any danger?

34 A. Neither the Belgium military, neither the Belgian civilians being present in Kigali.

35 Q. Sure that Jean-Pierre had been armed, was that allowed?

36 A. At that point in time the free circulation of weapons in Kigali was forbidden. So, in fact, he was not  
37 allowed to carry a weapon when he was in plain clothes, in civvies.



1 Q. To your knowledge, were there weapons going round in Kigali, or would it have been rare to find  
2 somebody with a weapon.

3 A. To my knowledge, it was not rear. There were -- there had had been different incidents, where at  
4 checkpoints at roadblocks, people had been found with weapons or ammunition, that's on one side. On  
5 the other hand, it was also wide spread that grenades were available on the public market, because it  
6 was kind of currency used to pay or -- yes, to pay for black women in Kigali.

7 Q. At night in Kigali, prior to your meeting Turatsinze did you ever hear gunfire or grenades going off,  
8 anything like that?

9 A. Yes, we were getting used to it that sometimes at night grenades exploded, or somewhere some fire  
10 shots were hearable, without real explanations.

11 MR. MORLEY:

12 I am looking to Your Honours at this stage, I note that there was a moment on the Bench -- am I  
13 straying beyond Your Honour's normal time for a break or should I go through until 4 o'clock.

14 MR. PRESIDENT:

15 Yes, we thought that since we started at 2:30, we would go to 4 o'clock. I'm sorry we didn't announce  
16 it.

17 MR. MORLEY:

18 Very well, thank you.

19 BY MR. MORLEY:

20 Q. What did it tell you, if anything, that Turatsinze was armed?

21 A. It told me that if he, what he would disclose later, had a certain responsibility, that he was not afraid to  
22 carry a weapon and that he was not embarrassed to show it. So that he could have a certain immunity.

23 Q. What time was it when you got to the office of Colonel Marchal?

24 A. My recollection says to me that we picked him up closely after 7, and that we must have arrived to the  
25 *secteur* headquarters somewhere between half past 7 and quarter to 8.

26 Q. How long was Turatsinze at the colonel's -- I will ask that again. How long were you in company with  
27 Turatsinze interviewing him after he arrived?

28 A. The time he spent with us, giving information, must have taken one and a half hours.

29 Q. In what sort of room was the information offered?

30 A. The *secteur* headquarters comprised two floors, but, in fact, the ground floor was partially digged in, so  
31 you had to reach the ground floor by the backside. And this room was darkened. And we just used a  
32 candle on the table, so that we would not be exposed from any sighting from outside.

33 Q. Did the room have windows?

34 A. The room did have windows just on one side, but not with direct view inside.

35 Q. Was there electricity, or why did you use a candle?

36 A. There was electricity, because this was also the communication room of the headquarters in an annex  
37 room, but just for reasons of discretion and not being viewed by outside -- from outside, we used a

1 candle around the table, sitting in the middle of the table and sitting around it.

2 Q. Who was present?

3 A. So, Jean-Pierre was present, and then there were four UN officers, Captain Deme, Major Kesteloot,  
4 Colonel Marchal and myself.

5 Q. Did you take any notes of what was being said?

6 A. Yes, I was taking notes during the whole interview on a small booklet.

7 Q. Was anybody else taking notes?

8 A. Also Colonel Marchal was taking notes.

9 Q. After the first meeting with Turatsinze, were you able to take notes in his presence again?

10 A. No, in the aftermath he asked not to take notes. He didn't give a real explanation, but he asked not to  
11 do it anymore.

12 Q. Do you still have the notes that you took on the night of the 10th of January?

13 A. No, all my notes were left back in the headquarters of UNAMIR when I went on leave on the  
14 29th of March.

15 Q. When you returned after being on leave, on your return to Rwanda, were you then still a member of  
16 UNAMIR?

17 A. No, when I came back from leave, I -- headquarters in Brussels had sent a fax to HQ UNAMIR to say  
18 that I would not return to Rwanda for family reasons, which I was not aware of. But I changed helmets,  
19 or berets, departing back on the 8th of April from Brussels.

20 Q. All I am trying to get to at the moment, we will have the full story later, it is about your notes. When you  
21 came back to Rwanda after leave, is it right that you were no longer a member of UNAMIR. So if not a  
22 member of UNAMIR, what happened to your notes?

23 A. So, I came back in Kigali on the airport with the expeditionary force that was sent to evacuate the  
24 expatriates, and I found it quite embracing towards UNAMIR to go and fetch my equipment or my  
25 material in headquarters where I was not supposed to belong anymore due to a national decision.

26 Q. Do you know what happened to your notes which had been in your office in the UNAMIR offices?

27 A. No, I have no idea.

28 Q. We return again, please, to the 10th of January. What is the first thing that Jean-Pierre did when he  
29 was in the room being interviewed by you and others?

30 A. He showed this identity card to show his name and, as you might know, Your Honour, on the  
31 Rwandese identity cards it is also mentioned the ethnic origin of each person. So he showed us  
32 his -- on his identity card the fact that he was a Hutu put specified that he was issued from a mixed  
33 marriage, Hutu father, Tutsi mother.

34 Q. Was that specified on his identity card that he was from the mixed marriage, or is that something he told  
35 you?

36 A. That is, indeed, something he told us because there is no further explanation on the identity card.

37 Q. Was the significance of his describing his coming from a mixed marriage of Hutu and Tutsi apparent to

1 you when he mentioned it at first?

2 A. No, not immediately. It would only come out in his explanations about the motivations of his  
3 declarations.

4 Q. Did he ask for a drink?

5 A. We proposed to him a drink, and he just asked for a soda. So, he was given a coke cola.

6 Q. Who conducted the interview and in what language, please?

7 A. Colonel Marchal being the highest ranked officer in the office was conducting the interview, with some  
8 questions also coming from Major Kesteloot. And the interview was conducted in French, as that was  
9 the language next to Kinyarwanda that he was speaking.

10 Q. As a result of talking with Turatsinze, was a fax sent to UNHQ in New York?

11 A. Yes, that was the final issue of the meeting of that evening.

12 Q. How soon after Turatsinze finished his interview was the fax sent?

13 A. You will understand, Your Honour, that we were not entitled to send a fax to New York from the HQ of  
14 the *secteur*. This was an entitlement for the force headquarters. So it took some time to debrief this  
15 meeting to the force commander, to draft a fax, a code cable, because it was not just fax but coded,  
16 with a signature of the general to the headquarters. So it just took at least three or four hours before  
17 we were able to send it to New York.

18 Q. The fax is dated the 11th of January, does it follow that it was being sent from Kigali in the early hours  
19 of the morning on the 11th of January?

20 A. That is correct; the general wanted the fax to be sent before the working hours in Kigali, but during the  
21 working hours in New York. So, he needed this fax to be sent out during the night or the morning, early  
22 morning of the 11th of January.

23 Q. Approximately, what time did the meeting with Turatsinze end?

24 A. The meeting was probably finished around 9:30.

25 Q. Approximately what time was the fax sent?

26 A. The fax must have been sent between 1:30 and 2 o'clock in the morning. I remember, by recollection,  
27 of course, that it was around 2:00 that I was in my room in *Hôtel Méridien*.

28 Q. After the meeting with Turatsinze, was General Dallaire briefed on what had been said by Turatsinze?

29 A. Yes, indeed, Colonel Marchal went by himself directly to the general's residence. Meanwhile,  
30 Captain Deme and myself brought Jean-Pierre back to the pick up point to his vehicle. And then we  
31 joined at the residence of the force commander.

32 Q. For how long was the force commander briefed on what Turatsinze had said before the fax started to  
33 be created.

34 A. Colonel Marchal was able to brief the force commander before we came back, so they must have lost  
35 at least one hour before we were back at his residence. He took some more time in my presence  
36 before we started to draft the code cable on his computer.

37 Q. He took some time, how much more time? We have an hour so far with Colonel Marchal. How much

1 more time before the fax starts to be drafted?

2 A. I think it must have taken another hour.

3 Q. Who was present at the briefing of General Dallaire. You have mentioned Colonel Marchal. You say  
4 you yourself made an appearance, who else was there?

5 A. The other persons that were present in the residence of the general were also the people that were  
6 living with him in this residence. So there was his driver, his -- *aide-de-camp* and Dutch captain, and  
7 his military assistant, Major -- a Canadian named Major Beardsley.

8 Q. In terms of military staff then, Marchal, Beardsley, *aide-de-camp*, you and General Dallaire; is that  
9 right?

10 A. That is right.

11 Q. On whose computer was the fax drafted?

12 A. The code cable was drafted on the personal laptop of General Dallaire.

13 Q. Who typed the words?

14 A. The military assistant, Major Beardsley was the typist of the code cable.

15 Q. Did you make any contribution to what Beardsley was being told to type?

16 A. As I had taken notes during the interview of Jean-Pierre, I had all of the figures, facts and figures he  
17 mentioned during his interview. So, I was able to spell and dictate the different numbers and facts to  
18 Major Beardsley.

19 Q. Did the general, General Dallaire, have any input on what words to use in the fax?

20 A. As English is not my mother tongue, the drafting of the fax, of course, got some personal input from the  
21 general in more, maybe, diplomatic words and sentences? So the basic draft that we put in the  
22 computer, was then amended with words from the general, which he typed himself.

23 Q. At the time of the typing of the fax by Major Beardsley as a draft on the computer, was  
24 Colonel Marchal still around?

25 A. No, Colonel Marchal returned to his headquarters.

26 Q. Was Captain Deme around?

27 MS. HOUNKPATIN:

28 Excuse me, I would like to interrupt if I may because things are moving forward very fast, indeed, and  
29 there are sections of what are being said that have not appeared in the transcript. And I believe that  
30 this will pose a problem subsequently for the transcripts. Thank you.

31

32 My learned friend, Mr. Morley, would need to breathe in rather deeply between uttering his question  
33 and the response that is then provided by the lieutenant colonel, and if Mr. Claeys could do likewise,  
34 then the interpreters might be able to follow, as could, also, the court interpreters. And, of course, I  
35 thank you.

36 MR. MORLEY:

37 Your Honour, I fully take the point. I'm, perhaps, a little overexcited by the fact that I'm dealing in

1 English with the witness before the Court. And I'm not alive to the fact that everything I say is also  
2 being translated into French; and for that, my apologies.

3 BY MR. MORLEY:

4 Q. Colonel, we were talking a moment ago about the moment that the fax was being typed you told us that  
5 Colonel Marchal had left, and you were about to answer whether Captain Deme had been present; was  
6 he?

7 A. Captain Deme had also left the residence of the general, and he took the civilian vehicle that we used  
8 to pick up and bring back Jean-Pierre Turatsinze to go to his place where he lived.

9 Q. All right, thank you. So he was not present?

10 A. He was not present.

11 Q. At the time the fax was being typed, the only person who had been at the interview with Turatsinze was  
12 you; is that right?

13 A. That is correct.

14 Q. Is it right that you have, in the past years, seen a lot of the fax of the 11th of January?

15 A. I have, indeed, seen quite often, especially in this court, this famous fax of the 11th of January, sent out  
16 on the 11th of January '94.

17 Q. Perhaps, if you turn to page 3 of the bundle, and page 4, do you recognise that as being a copy of the  
18 document that was ultimately printed out from the computer, and faxed to New York?

19 A. This is, indeed, a copy of an outgoing code cable of the 11th of January.

20 MR. MORLEY:

21 Your Honours will observe that on pages 5, 6, 7, 8 and 9, the original has been translated into French,  
22 insofar that it is of help.

23 BY MR. MORLEY:

24 Q. Turning to the original document in English, does this document reflect the detail of what Turatsinze told  
25 you and Colonel Marchal and Captain Deme and Major Kesteloot?

26 A. This is, indeed, the reflection of the interview with Jean-Pierre.

27 MR. MORLEY:

28 Although, Your Honour, the document is already an exhibit, P. 6, it occurs to me that it could be offered,  
29 or used by this witness as a memory refreshing document, because it follows within hours of the  
30 interview the original notes having now been lost, the evidence being that it reflects the details of what  
31 Turatsinze was saying. With that said, I see the time and before we dip into the details of this famous  
32 fax, Your Honours may wish to have a break.

33 MR. PRESIDENT:

34 Yes, we will take our mid-afternoon recess; that is approximately 15 minutes.

35 *(Court recessed at 1600H)*

36 *(Pages 38 to 53 by Donna M. Lewis)*

37

1 (Court resumed at 1624H)

2 MR. MORLEY:

3 It appears our special --

4 MR. PRESIDENT:

5 You can continue, Mr. Morley.

6 MR. MORLEY:

7 It appears our special forces colonel has gone off to do some derring-do. No doubt he'll parachute in in  
8 a moment.

9 (Witness entered courtroom)

10 MR. PRESIDENT:

11 You may continue.

12 MR. MORLEY:

13 Thank you.

14 BY MR. MORLEY:

15 Q. Now, Colonel, using the document which is our P. 15, Prosecution Exhibit 15, page 3 of the bundle, as  
16 it assists you for memory refreshment, I'd like to take you through the facts, and I would like you to help  
17 us with what it was Turatsinze had been saying and where there may be any difference between what  
18 he said and what appears in the fax. Do you understand what I've said?

19 A. All the figures -- and let me start otherwise. We have --

20 Q. Let me help you. All I want you to tell me is that you understand what I've said.

21 A. I did understand.

22 Q. Thank you. We notice also that you often pause, although you are answering questions in English. Are  
23 you also monitoring the French translation?

24 A. No, I'm just following to know when the translation is finished to start my answer.

25 Q. That's helpful. Thank you. You're probably doing a better job than me, then.

26  
27 Looking at the fax, first paragraph, in the first paragraph it says, second sentence, "Informant is a  
28 top-level trainer in the cadre of *Interahamwe* armed militia of the MRND."

29  
30 Is that what Turatsinze said?

31 A. This is not what Turatsinze said literally.

32 Q. Who is the origin of that summary of Turatsinze's position?

33 A. This is one of the final touches made by the general.

34 Q. From the debriefing with the general, did you become aware that he was aware of the status of  
35 Turatsinze from before you interviewed him?

36 A. No, it was never clear to me that the general might have already other informations.

37 Q. What did Turatsinze say was his role in the *Interahamwe*?

1 A. By recollection, he said that he was responsible for training but not the top level of -- at the top-level  
2 trainer in the cadre of *Interahamwe* armed militia. Also the facts of speaking about armed militia were  
3 not -- not his literally words. He was speaking later on about armament and distribution of armament.

4 Q. In paragraph two it says, "He informed us he was in charge of last Saturday's demonstration, which  
5 aims were to target deputies of opposition parties coming to ceremonies and Belgian soldiers."  
6

7 Is that what Turatsinze said?

8 A. No, this is again a summary made up by the final touch of the general. He expressed this point  
9 different -- in different sayings and was -- yes, that was it.

10 Q. What did you understand was Turatsinze's role in the demonstration of the 8th of January?

11 A. The way he explained it was that he was in charge of the organisation. And, as I said before, he -- he  
12 was able to hold them back and just organise it on a proper way.

13 MR. PRESIDENT:

14 Mr. Morley, we have another request for you to moderate the speed.

15 MR. MORLEY:

16 My apologies.

17 MR. PRESIDENT:

18 Yeah.

19 BY MR. MORLEY:

20 Q. Help us, please, with what concerns Turatsinze offered about the demonstration of the 8th of January.

21 A. Yes, indeed. He expressed it -- his concern about the fact that if he wouldn't have been able to contain  
22 his demonstrators, and that there would be some provocation or escalation, this issue could be -- could  
23 be what is then written in the paragraph, "Some casualties amongst the Belgian," being UN, "soldiers."  
24 And also his concern was then what follows, that it could have also resulted later on in a Belgian  
25 withdrawal from Rwanda.

26 Q. Now, just pausing there, what had happened in Somalia?

27 A. I -- I think is what happened in Somalia is that in the famous clashes in Mogadishu, where the US  
28 troops -- US -- United Nations troops encountered serious casualties, it was then decided to  
29 withdrawal -- to withdraw the American troops from Somalia. So he referred probably by analogy to  
30 that situation.

31 Q. Who was Turatsinze concerned might get hurt?

32 A. So his concern was the escalation, and following this escalation, then casualties in general, to start, not  
33 specifically, to my opinion, to the Belgians.

34 Q. Who else might get involved if the situation was to escalate on the 8th of January?

35 A. Well, as the situation depicted before at the roundabout, you had demonstrators. You had a Belgian  
36 platoon-size monitoring detachment. You had also the deputies in their vehicles trying to get to the  
37 CND to reinvest it. And if we look further, we have also the RPF battalion in his -- in his quarters next to

1 the CND. So there were at least three or four parties involved in maybe casualties.

2 MR. ROBINSON:

3 Excuse me, Mr. President. I'm wondering whether it could be clarified whether that's something that  
4 Turatsinze said or that's what the witness is hypothesising.

5 MR. MORLEY:

6 Very well.

7 BY MR. MORLEY:

8 Q. Is the concern about there being potentially three or four parties to casualties something that you  
9 deduced from what was being said or something Turatsinze was saying?

10 A. No, it is not an interpretation, because he spoke about provocation of the RPF. And, of course, as I  
11 said before, the deputies were trying to get to the CND. So he -- he knew also that they were there, so  
12 he spoke about they were hampered to -- to get to the CND.

13 MR. MORLEY:

14 Mr. Webster was trying to get my attention, as Your Honours were, to tell me that Your Honours were  
15 trying to get my attention.

16 MR. PRESIDENT:

17 I had hoped he was going to tell you what I was about to tell you, that you have to wait for the  
18 translation to be completed before you ask a question. So your -- your -- your question is overlapping  
19 the completion of the translation into French.

20 MR. MORLEY:

21 Your Honour, yes. I am sorry. Because I am listening in English, I am not hearing the French. It's my  
22 apologies again.

23 BY MR. MORLEY:

24 Q. What sort of provocation of the RPF was envisaged as being possible?

25 A. I would say that the facts that deputies were not able to reach the CND and that any violent action  
26 against them could bring the RPF battalion to retaliate from their positions.

27 JUDGE SHORT:

28 Just one second. The witness has not been very explicit. It's not clear to me how the casualties were  
29 going to occur. And when he says that the deputies would not be able to reach the CND and violent  
30 action against them could bring the RPF battalion to retaliate, could the witness explain exactly what  
31 Turatsinze said was going to happen? Could he be more explicit in what -- what Turatsinze's -- said  
32 was going to happen, or his concerns?

33 MR. MORLEY:

34 Your Honour puts the question perhaps better than me. What does the witness say?

35 BY MR. MORLEY:

36 Q. Colonel, what's your answer to Judge Short?

37 A. He -- he explicitly pronounced the words "to assassinate the deputies."



1 Q. Who would assassinate the deputies?

2 A. As I said, the demonstrators could be the ones involved because he was in charge of keeping them in  
3 the hand. But if they would force their passage, then there could be an escalation in the demonstration,  
4 which then would involve the deputies wanting to go through this demonstration force. The  
5 demonstration was the obstacle for the arrival of the deputies to the CND.

6 Q. So that we have the picture, there are people stopping the movement of the deputies to the CND. If the  
7 deputies forced their way through the people, Turatsinze expressed a concern they could get killed. Is  
8 that right?

9 A. Yes. He expressed that, of course, some days later. So they could have been killed. That were his  
10 words, because we couldn't say that in advance. We only met him on the 10th, and the demonstration  
11 took place on the 8th.

12 Q. When you say he expressed the concern the deputies could get killed by pushing their way through the  
13 crowd, do you mean he said that on the 10th of January, or do you mean he said it later than the  
14 10th of January?

15 A. No, he said it on the 10th.

16 Q. What did Turatsinze say that he thought would happen if the demonstrators began killing the deputies?

17 A. As he -- as he put it, the violence would increase, probably UN would then intervene, which then would  
18 result in a new escalation. Because they were there standing, apparently, unarmed, but, of course, the  
19 soldiers monitoring the demonstration were armed.

20 Q. Let's look at the fax for a moment. Second sentence, second paragraph, "They hoped to provoke the  
21 RPF battalion to engage," brackets, "being fired upon, the demonstrators."

22

23 Is that what Turatsinze said was being hoped would happen?

24 A. Yes. The provocation was directed to the RPF, and the RPF, being a battalion, full combat-ready in his  
25 garrison around the CND, behind fences, they would only be able in the first instance to react with their  
26 weapons, so they would fire on the demonstrators.

27 Q. Was Turatsinze saying that was the plan, or was he saying that was the concern?

28 A. This -- this was the scenario he was depicting about what the issue would be after each step:  
29 Provocation, retaliation, escalation.

30 Q. The fax goes on, "Deputies were to be assassinated upon entry or exit from parliament."

31

32 Did he say that? What did he say?

33 A. He pronounced the words "assassination."

34 Q. Did he say they were to be assassinated? Did he say that was what was expected or that was his  
35 concern?

36 A. This was also, indeed, a concern that he expressed.

37 Q. Did he use the expression "civil war" in the sense it would follow from such a reaction from the RPF to

1 assassinations?

2 A. I don't recall the use of the words "civil war."

3 Q. The paragraph goes on, "Belgian troops were to be provoked."

4

5 Did he say that? Was it a plan, or was it a concern?

6 A. This -- this was, again, his concern.

7 Q. The paragraph goes on, "And if Belgian soldiers resorted to force, a number of them were to be killed."

8

9 Did he say that, or was that his concern?

10 A. So he expressed that also as a -- as a concern.

11 Q. And it continues, "Were to be killed, and thus guarantee Belgian withdrawal from Rwanda."

12

13 Did he say that was a plan, or did he express it as a concern?

14 A. This also was a -- his concern because he couldn't possibly look into the crystal ball how Belgian  
15 politics would react.

16 Q. From where did the language in paragraph two in the fax come?

17 A. This is clearly not a Belgium English, but an English used by somebody using this as his mother  
18 tongue, a more diplomatic tinted -- taint.

19 Q. Well, whose language is it?

20 A. So this is the way General Dallaire has formulated the different points we brought to his attention after  
21 the debriefing.

22 Q. Now, you've told us that General Dallaire had input on paragraph one and paragraph two. Let's look  
23 now at paragraph three. "Informant confirmed 48 RGF paracommandos, and a few members of the  
24 gendarmerie participated in demonstrations in plain clothes. Also, at least one minister of the MRND  
25 and the *sous-préfet* of Kigali were in the demonstration. RGF and *Interahamwe* provided radio  
26 communications."

27

28 Did Turatsinze give you that information?

29 A. Yes, this is information we got clearly, and this has almost not been altered by the general, as noted  
30 during the interview.

31 MR. MORLEY:

32 I see Your Honour looking at me. Am I going too quickly?

33 MR. PRESIDENT:

34 No. We -- the way this testimony is coming out is causing us some -- some concern. What is it he is  
35 actually doing? Is he commenting as an expert on the document, or is he giving testimony on what  
36 Turatsinze said to him?

37

1 MR. MORLEY:

2 He's not commenting on it as an expert. He was present and participated in its construction as a review  
3 of what Turatsinze said. And we're using the document to refresh his memory from what he was  
4 present for constructing in the fax, referring back to what he remembers Turatsinze was saying. So  
5 he's a factual witness on what Turatsinze said, and he's a factual witness on the origin of the  
6 paragraphs within the fax. He was present for both. And each, what Turatsinze said and what is in the  
7 fax, is something that he can speak about.

8 JUDGE SHORT:

9 But could he, as much as possible, confine himself to saying exactly what he recollects Turatsinze  
10 said?

11 MR. MORLEY:

12 We are doing that. I've taken the decision to do it through the use of the fax rather than simply ask the  
13 witness for a narrative history of what he recalls off the top of his head. As Your Honours will see, as  
14 we descend into the next paragraphs, the witness will be able to assist Your Honours with the precision  
15 of what Turatsinze was saying. Paragraphs one and two are interesting. The remaining paragraphs  
16 have a different complexion, as Your Honours will find. We look at paragraph three, Your Honour --

17 MR. PRESIDENT:

18 Continue for now. We have not decided to stop you as yet, but it was something that was concerning  
19 us.

20 MR. MORLEY:

21 I understand the concern.

22 BY MR. MORLEY:

23 Q. And if we look at paragraph three, there is hard information. There's reference to 48 para --

24 MR. PRESIDENT:

25 No. Mr. Morley, you don't need to make a speech about it anymore. You can ask the question now.

26 MR. MORLEY:

27 I am. I'm sorry.

28 BY MR. MORLEY:

29 Q. In paragraph three there's reference to 48 RGF paracommandos. Where did the number 48 come  
30 from?

31 A. They were given by Jean-Pierre and noted by me during the interview.

32 Q. There's reference to one minister from the MRND. Where did that information come from?

33 A. Straight from him.

34 Q. Was it noted?

35 A. It was noted.

36 Q. There's reference to the *sous-préfet* of Kigali being present. Where did that information come from?

37 A. From the same origin, on the same way, and noted by me.

1 Q. There is reference to RGF and *Interahamwe* radio communications. Where did that information come  
2 from?

3 A. Came also from him, and he gave some more explanation that the communications assets they used  
4 were from a civilian type known as Motorola and that they were used within certain units of the RGF to  
5 run these governmental forces and that he could dispose of them to organise demonstrations.

6 Q. Did he give you any information about hidden arms?

7 A. Yes, indeed. He -- he spoke about weapons that were disposed in the drains around the roundabout,  
8 which then could be used in case of escalation of the demonstration.

9 Q. Who did you understand he was saying had distributed weapons around the drains?

10 A. He didn't speak about the particular unit, but the weapons were provided by the governmental forces.

11 Q. Who did he say would use the weapons?

12 A. That was neither specified. It was within the demonstration.

13 Q. How many weapons?

14 A. I don't remember him specifying at that time the number of weapons available in the drains.

15 Q. Was there one hiding place or more than one hiding place? Did he mention?

16 A. He only spoke in general about the drains around the roundabout, so probably at the part where they  
17 were staying.

18 Q. Paragraph four goes on to say, "Informant is a former security member of the president."

19

20 Did he say that?

21 A. Yes, that were his words.

22 Q. What did you understand he had been doing as a former security member?

23 A. Well, for me, this spoke for itself. There was Presidential Guard battalion, which in history would be  
24 called the praetorian guard. They are responsible at all times during movements of the president of the  
25 country for his security, and I understood then that he had been part of this Presidential Guard in the  
26 past.

27 Q. Did he say the words "Presidential Guard"?

28 A. He didn't say he had been member of the Presidential Guard.

29 Q. It also goes on to say, paragraph four, "He also stated he is paid 150,000 Rwandan francs per month  
30 by the MRND party to train *Interahamwe*."

31

32 Did he say that?

33 A. Yes, that was what he said.

34 Q. Did you note the figure?

35 A. I noted the figure.

36 Q. What --

37 A. (*Microphones overlapping*)

1 Q. What did -- what did you understand the money was for?

2 A. I understood that this was his salary, his wage.

3 Q. Did he say, "This is my wage"?

4 A. No, he didn't speak about the salary.

5 Q. What -- what sort of training of the *Interahamwe* was he referring to?

6 A. He spoke about general, physical, close combat; discipline training.

7 Q. Did you know then whether training of that nature of the *Interahamwe* would cost money and require a  
8 monthly budget?

9 A. No, this was not something I related to any working budget for training.

10 Q. How much was 150,000 Rwandan francs, approximately, in 1994?

11 A. I think if we would convert it to Euros at this moment, or even US dollars, I think it's about 2,000 Euros.

12 Q. In 1994, was 2,000 dollars -- I'm sorry, 2,000 Euros a month a considerable wage?

13 A. Absolutely. It was a huge wage.

14 Q. Were you aware of any examples of any other Rwandans earning anything approaching that sum?

15 A. No, I had no reference of any other salaries.

16 Q. Why do you think it was a wage rather than a budget?

17 A. It didn't cross my mind that it would be necessary as a working budget because I knew by experience  
18 that, in the armies in Central Africa, a lot of the cost of the training of the troops is taken in charge by  
19 defence. The soldiers live with their family in barracks provided by national defence. They get the food  
20 and even a beer ration a day. So for the kind of training they needed, I didn't cross-reference it to any  
21 working budget.

22 Q. While your observations about the funding of members of the army may well be true, what makes you  
23 think members of the *Interahamwe* being trained by the army were part of the army and being funded in  
24 the same way as the army?

25 A. Can you repeat the question, please.

26 Q. Why did you think the *Interahamwe* was part of the army in the sense that any training the  
27 *Interahamwe* would receive would be the same, in terms of funding, as any ordinary member of the  
28 army?

29 A. Well, as we had already some information before about resembling (*sic*) youngsters at the Kanombe  
30 parachuting range and bringing outside Kigali with public transport to training camps, I could expect that  
31 in these training camps they would be fed and also accommodated without having to pay for.

32 Q. What makes you think the buses were free? What makes you think the food was free? What  
33 information do you have that the army paid for the *Interahamwe* rather than the MRND?

34 A. I have no information about that.

35 Q. In 1994, January, did you understand, or have detailed knowledge of, the relationship between the  
36 MRND, the *Interahamwe*, and the army?

37 A. Until the 10th of January, we had not real -- any information about that. It's only by the disclosure of

1 Jean-Pierre that apparent links were brought to our attention.

2 Q. If we continue looking at paragraph four, having said he receives 150,000 Rwandan francs a month  
3 from the MRND party to train *Interahamwe*, it goes on, "Direct link is to chief of staff, RGF, and  
4 president of the MRND for financial and material support."

5  
6 Did he say that? What language did he use? Can you describe the relationship he described between  
7 the *Interahamwe*, the MRND president, and financial support?

8 A. I can't recall the aspect of the financial support. But concerning the material support, he also  
9 mentioned it before because they got the communication assets from the RGF to organise the  
10 demonstrations. So there was already a link in the material support.

11 Q. Thank you. That describes material support from the army. What did he say of financial support from  
12 the MRND president?

13 A. The thing I remember is that he had direct link, so he was in close contact with the president of the  
14 MRND party. I don't recall him giving any detail about the financial support.

15 Q. Can you recall what he said was his relationship with the president of the MRND?

16 A. He had direct access to him and got his direct orders for (*sic*) him.

17 Q. What did you understand was the -- I'll start that again.

18  
19 In receiving orders from the MRND president, what did you understand the orders were about?

20 A. After the meeting or during the meeting?

21 Q. During the meeting.

22 MR. PRESIDENT:

23 You see -- you see, Mr. Morley, this -- your questions are ambiguous because it's not certain that you  
24 are asking him to report what was said at the meeting.

25 MR. MORLEY:

26 Your Honour, yes. The difficulty, as Your Honours may immediately appreciate, is this witness  
27 recollecting from some time ago, 12 years ago, without personal notes --

28 MR. PRESIDENT:

29 We have not stopped you from using the notes, but we -- but, you see, the way you put the questions to  
30 him, it is not clear whether you are asking him about his general knowledge or about what was said at  
31 the meeting.

32 MR. MORLEY:

33 It's supposed to be about what was said at the meeting.

34 MR. PRESIDENT:

35 But, you see, it's not clear to him, and it's not clear to us -- to me.

36 MR. MORLEY:

37 Your Honour, yes.

1

2 MR. PRESIDENT:

3 And he -- he asked you to clarify, as an example, just now. So I've made my comment because I have  
4 also been wondering about the way the questions are being formulated --

5 MR. MORLEY:

6 Very well. I'll ask him --

7 MR. PRESIDENT:

8 -- as to whether you're inviting him for his general, all-in-all knowledge on these subjects or you're  
9 getting him to report what was said at the meeting.

10 MR. MORLEY:

11 Your Honour, yes.

12 BY MR. MORLEY:

13 Q. What did Turatsinze say were the types of orders he received from the MRND president at the meeting  
14 of the 10th of January 1994?

15 A. It concerned the organisation of demonstrations. And by his saying that he was responsible for the  
16 training, these instructions also came through the leadership of the party.

17 *(Pages 54 to 63 by Ann Burum)*

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1 1715H

2 BY MR. MORLEY:

3 Q. If we look at paragraph 5, it says, "*Interahamwe* has trained 1,700 men in RGF military camps outside  
4 the capital." Did he say that?

5 A. Yes, indeed.

6 Q. Did you note the figure?

7 A. Yes, the numbers -- the figures were noted by myself.

8 Q. It says in the next sentence, "The 1,700 are scattered in groups of 40 throughout Kigali." Did he say  
9 that?

10 A. Yes, that was his explanation about the organisation.

11 Q. Did you note the figure?

12 A. Yes, again.

13 Q. In the third sentence it says, "Since UNAMIR deployed, he has trained 300 personnel in three-week  
14 training sessions at RGF camps." Did he say that?

15 A. Yes, these words were also from him.

16 Q. Was the figure 300 and the period three weeks noted?

17 A. Yes, that was what I had noted during the interview.

18 Q. It goes on, last sentence, paragraph 5, "Training focus was discipline, weapons, explosives, close  
19 combat, and tactics." Did he say that? Were these his words or a military summary of what he was  
20 saying?

21 A. No, no, these were his words that we have noted and then put back on the fax.

22 Q. Describe his manner as he was speaking with you. Was he anxious? Was he relaxed? Was he  
23 speaking very quickly? Was he speaking slowly? Give Their Honours some idea of the personality  
24 giving you this information.

25 A. He was very convincing, not hesitating. He -- he was speaking on normal pace, and he answered the  
26 questions as they were put to him by Colonel Marchal. He -- he never had to look for his words or to  
27 think long time to put figures forward. He was convincing.

28 Q. Was he comfortable with military matters in the sense -- or familiar with them from the way he spoke  
29 with you and your colleagues?

30 A. Yes. Using the words "discipline" and "close combat" is not something that -- the words that somebody  
31 not belonging to the armed forces or security services would -- would use.

32 Q. Did he say whether he himself had had military training?

33 A. I don't recall if he spoke about that that day, but he spoke about it during our meetings, that he had  
34 undergone some training abroad.

35 Q. In which country?

36 A. I recall something like Egypt or Israel. It's in this region of the world.

37 Q. Turning now to paragraph 6, it says, "Principal aim of *Interahamwe* in the past was to protect Kigali

1 from the RPF." Did he say that?

2 A. Yes, he -- these were also his words.

3 Q. And what did you understand by "in the past"? What time frame?

4 A. I understood this as being the two years before, after the -- what happened in the war of 1990, where  
5 RPF, during one of his offensives, came closely towards Kigali and that the party at that time which had  
6 a youth movement would also use this youth movement to reinforce the defence of Kigali.

7 Q. Well, having said that was its aim previously, the paragraph goes on, "Since UNAMIR mandate, he has  
8 been ordered to register all Tutsi in Kigali." Did he say that?

9 A. Yes, he said it insofar that he spoke about the places where Tutsi lived in Kigali, the houses inhabited  
10 by Tutsis.

11 Q. Did he refer to all Tutsi or some Tutsi?

12 A. All Tutsi.

13 Q. Where he said he was registering them, can you recall what language he used, perhaps in French?

14 A. The word he used in French was "*fait l'inventaire*", making an inventory.

15 Q. Did he say whether the inventory had been completed?

16 A. No. What was clear, and he said it also, was that the lists -- the inventory was still not finished. It was  
17 still in process.

18 Q. Did you ask to see the inventory?

19 A. Yes, this was one of our concerns, and we asked, me or Colonel Marchal, if it was possible to see  
20 these lists.

21 Q. What was his response?

22 A. It was then that he said that the lists were not finished and that this was the reason that he couldn't  
23 hand them over.

24 Q. Did he want anything from you in exchange for the lists?

25 A. Yes. When we asked what his motivations were to disclose this kind of information to UNAMIR, he --  
26 he didn't ask for any financial advantage but that he wanted to have a safe haven for his family and  
27 himself at a certain point.

28 Q. The third sentence of paragraph 6 in relation to the inventory reads, "He suspects it is for their  
29 extermination." Did he say that?

30 A. Yes, that was the concern he was expressing by giving also the figures that will follow.

31 Q. What was the word he used to express extermination in French?

32 A. This is a literal translation from *extermination*.

33 Q. The next sentence is, "Example he gave was that in 20 minutes his personnel could kill up to 1,000  
34 Tutsis." Did he say that?

35 A. Yes, these were the figures he gave us.

36 Q. Did you note them?

37 A. I did note them.

1 Q. Twenty minutes and 1,000?

2 A. Indeed.

3 Q. What did you understand he was describing to you?

4 A. The way I understood these figures, and as he said before, his personnel was scattered over Kigali in  
5 40 different places, so entering houses probably during the night would make them able to kill people  
6 living in these houses that were earmarked and that, due to this scattering over Kigali and with the  
7 number of personnel trained, it would not last longer than 20 minutes to have a thousand deaths.

8 Q. From his description of having an ability for his personnel to kill up to 1,000 in 20 minutes, from your  
9 understanding of what he was saying to you, was he describing a general capability or a one-off event?

10 A. I think it was something like a general capacity or capability.

11 Q. What did you make of this when he told you about his personnel being able to kill a thousand in  
12 20 minutes, scattered in cells, 40 strong, 1,700 men throughout Kigali?

13 A. This was very appealing. It's -- if you speak about a thousand deaths, whoever, in less than half an  
14 hour, it is quite appalling.

15 Q. Well, when you started your answer a moment ago, you said something was appealing and you ended  
16 the answer by saying it was appalling.

17 A. No, it's the -- appealing, yes, it should shock you.

18 Q. I think you mean appalling. All right, thank you.

19

20 In paragraph 7, he -- it says, "Informant states he disagrees with anti-Tutsi extermination. He supports  
21 opposition to RPF but cannot support killing of innocent persons." Did he say that?

22 A. Yes, he -- that was the word he used also to prove and that was, let's say, following also his beginning  
23 statements about his ethnical origin.

24 Q. What does that mean? What was his concern about his ethnic origin?

25 A. Being issued from a mixed marriage, Tutsi mother, he didn't want to be involved in the killings of  
26 innocent Tutsi. He would only be involved in confrontation with Tutsi armed forces but not with innocent  
27 people.

28 Q. And finally in paragraph 7, it says, "He also stated that he believes the president does not have full  
29 control over all elements of his old party faction." Did he say that?

30 A. Yes, these were also his words.

31 Q. Which president?

32 A. He was then referring to the head of state.

33 Q. Which party?

34 A. Until the multipartyism, President Habyarimana had been also president of the MRND party, the only  
35 party present in Rwanda at that time.

36 Q. What did you appreciate Turatsinze meant by not having full control over all elements of his old party?  
37 What was the meaning to you of what Turatsinze was saying?

1 A. Well, President Habyarimana was head of state, was not the leader of the party anymore, and that he  
2 was not aware what was happening within the party or not aware about everything that happened in the  
3 party behind the curtains.

4 Q. And what things were happening behind the curtains that he did not have control of, as you understood  
5 it, from Turatsinze?

6 A. I understood that he probably was not aware about these figures, numbers or activities that Jean-Pierre  
7 disclosed during the interview.

8 MR. MORLEY:

9 Your Honour, is that a convenient moment?

10 MR. PRESIDENT:

11 Yes, I think so.

12

13 Mr. Witness, we take our adjournment now. We resume tomorrow morning at 8:45. I should inform you  
14 that you remain a witness during the adjournment so that during this or any other adjournment during  
15 your testimony you should not discuss the case or your testimony with anybody at all. Do you  
16 understand that?

17 THE WITNESS:

18 I understand that, Your Honour.

19 MR. PRESIDENT:

20 Thank you. We will take the adjournment now.

21 *(Court adjourned at 1733)*

22 *(Pages 64 to 67 by Sherri Knox)*

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3 CERTIFICATE  
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5

6 We, Sherri Knox, Verna Butler, Donna M. Lewis and Ann Burum, Official Court Reporters for the  
7 International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the  
8 above-entitled cause were taken at the time and place as stated; that it was taken in shorthand  
9 (*stenotype*) and thereafter transcribed by computer; that the foregoing pages contain a true and  
10 correct transcription of said proceedings to the best of our ability and understanding.  
11

12  
13 We further certify that we are not of counsel nor related to any of the parties to this cause and that we  
14 are in nowise interested in the result of said cause.  
15

16  
17  
18 \_\_\_\_\_ Sherri Knox  
19

20  
21 \_\_\_\_\_ Verna Butler  
22

23  
24 \_\_\_\_\_ Donna M. Lewis  
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26  
27 \_\_\_\_\_ Ann Burum  
28