

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-00-56-T  
CHAMBER II

THE PROSECUTOR  
OF THE TRIBUNAL  
v.  
AUGUSTIN NDINDILYIMANA  
FRANÇOIS-XAVIER

NZUWONEMEYE

INNOCENT SAGAHUTU  
AUGUSTIN BIZIMUNGU

WEDNESDAY, 16 JULY 2008  
0910H  
CONTINUED TRIAL

Before the Judges:

Taghrid Hikmet, Presiding  
Seon Ki Park

For the Registry:

Ms. Aminatta N'gum  
Mr. Abraham Koshopa

For the Prosecution:

Mr. Alphonse Van  
Mr. Moussa Sefon  
Mr. Lloyd Strickland  
Ms. Felistas Mushi

For the Accused Augustin Ndindiliyimana:

Mr. Christopher Black

For the Accused François-Xavier Nzuwonemeye:

Mr. Charles Taku  
Ms. Beth Lyons

For the Accused Innocent Sagahutu:

Mr. Fabien Segatwa  
Mr. Seydou Doumbia

For the Accused Augustin Bizimungu:

Mr. Gilles St-Laurent

Court Reporters:

Ms. Alannah Murray  
Ms. Ann Burum  
Mr. Haruna Farage  
Ms. Robyn Harrell

I N D E XWITNESSFor the Defence:

SYLVESTRE NTIVUGURUZWA

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## PROCEEDINGS

1

2 MADAM PRESIDENT:

3 Ladies and gentlemen, good morning. Court is in session.

4

5 I think appearances as before.

6

7 For the purpose of the record, we will be sitting today pursuant to Article 15 *bis* for the absence of  
8 Judge De Silva.

9

10 Mr. Taku, you can proceed.

11 MR. TAKU:

12 Good morning, My Lords.

13 MADAM PRESIDENT:

14 Good morning.

15

16 This is your witness?

17 MR. TAKU:

18 Yes, My Lord, Witness JJO.

19 MADAM PRESIDENT:

20 Good morning, Witness.

21

22 Registry representative, you can address the oath.

23 MR. KOSHOPA:

24 Thank you, My Lord.

25 (*Declaration made by Witness Sylvestre Ntiruguruzwa in Kinyarwanda*)

26 MADAM PRESIDENT:

27 Yes, proceed.

28 MR. TAKU:

29 Thank you, My Lord.

30

SYLVESTRE NTIVUGURUZWA,

31

first having been duly sworn,

32

testified as follows:

33

EXAMINATION-IN-CHIEF

34 BY MR. TAKU:

35 Q. Witness, you have before you your personal information sheet. Please read through. If the information  
36 is correct, you will sign it and give it to the representative of the honourable registrar. If there's any  
37 errors, correct it and sign it, and give it to him.

1 A. Thank you, Counsel.

2

3 I do not know what this address, April 1994, means.

4 Q. That's your address as of that date.

5 MADAM PRESIDENT:

6 April 1994.

7 BY MR. TAKU:

8 Q. In April 1994, what was your address?

9 A. Thank you, Counsel, I've understood.

10 MR. VAN:

11 Madam President, is this witness going to testify without protection, because he's being asked about his  
12 address in an open session?

13 MADAM PRESIDENT:

14 Just continue and get the witness to sign the sheet.

15 BY MR. TAKU:

16 Q. Please correctly sign and give --

17 THE ENGLISH INTERPRETER:

18 The witness is asking the date.

19 JUDGE PARK:

20 16th.

21 MADAM PRESIDENT:

22 The confidential information witness sheet accepted, and should be kept under seal. Exhibit number?

23 MR. KOSHOPA:

24 D. 553.

25 MADAM PRESIDENT:

26 D. 553.

27 *(Exhibit No. D. 553 admitted)*

28 MADAM PRESIDENT:

29 Yes, Mr. Taku.

30 BY MR. TAKU:

31 Q. Witness, please tell Their Lordships, do you elect to testify in open session or in closed session?

32 What's your preference, now?

33 A. As far as I'm concerned, I have no problem when it comes to testifying without -- without being covered  
34 by a protection order.

35 MADAM PRESIDENT:

36 Since the witness has indicated his willingness to testify in open court, curtains will be removed.

37

1 MR. TAKU:

2 And we apply, Your Honours, that the information sheet which was placed under seal should now be  
3 put in open.

4 MADAM PRESIDENT:

5 No, I know.

6 BY MR. TAKU:

7 Q. Now, Witness -- sir, can you state your name for the Court?

8 A. My name is Sylvestre Ntivuguruzwa.

9 MR. TAKU:

10 The spelling, Your Honours, of Ntivuguruzwa, N-T-I-V-U-G-U-R-U-Z-W-A. Then the first name is  
11 Sylvestre.

12 BY MR. TAKU:

13 Q. Now, Witness, there's a need to speak slowly because the court reporters are recording every word,  
14 every answer you give, and the distinguished gentleman and lady over there are interpreting every  
15 word you are to hear, in the different languages of the Court. And, of course, and most important,  
16 Their Lordships need to hear your testimony. Do you understand that, sir?

17 A. I understand that, Counsel.

18 Q. Thank you.

19 A. Thank you, Counsel.

20 Q. Can you please tell the Honourable Court your educational and professional background?

21 A. You want me to give you my educational background from primary school, or would you like me to start  
22 with the time when I was recruited into the Rwandan armed forces? So, Counsel, where do you want  
23 me to start, with primary school or --

24 Q. From when you were recruited into the Rwandan armed forces.

25 A. Thank you, Counsel.

26  
27 I joined the Rwandan armed forces in 1986. I was at the Bugesera training centre. After Bugesera, I  
28 went to the commando camp in 1987. At the end of 1987, I completed my training at the  
29 commando camp. After that, I joined the national gendarmerie school, EGN (*sic*). So I was there from  
30 1987 to 1988.

31  
32 In 1988, I went for training in Kacyiru with the mobile group. From 1988 to 1989, I was there. And then  
33 in '99, I was transferred to Ruhengeri group and replaced soldiers who were guarding the  
34 Ruhengeri prison. We were known as the Ruhengeri prison intervention company. I was there  
35 between 1989 and 1992, when I was transferred to the Cyangugu group.

36  
37 At the end of 1992, I was transferred to Kigali, where I joined the headquarters company. I was

1 charged with protecting VIPs. At that time, I was the bodyguard of Prime Minister Nsengiyaremye. The  
2 VIP protection company was known as -- well, changed name, and later became known as the  
3 security company.

4  
5 I remained in the escort -- or, protection of the prime minister, whereas other colleagues in the  
6 security company protected VIPs as well. Up to the time when I left the country, I was assigned to the  
7 security company.

8 MR. TAKU:

9 Your Honours, Bugesera is B-U-G-E-S-E-R-A.

10 THE WITNESS:

11 Bugesera?

12

13 Oh.

14 MR. TAKU:

15 Now, let me spell -- EGENA is E-G-E-N-A. Kacyiru, K-A-C-Y-I-R-U. And, of course, Your Honours,  
16 SE -- I'm sorry, Your Honours. N-S-E-N-G-I-Y-A-R-E-M-Y-E, Prime Minister Nsengiyaremye.

17 And, of course, Ruhengeri is known to all, and Cyangugu.

18 BY MR. TAKU:

19 Q. Witness, in April --

20 A. If you allow me, I would like to complete my professional background. I had just said that when I left the  
21 country, I was in the security company. However, I would like to specify that, when I left Kigali, I went  
22 to Gitarama, where the government was based.

23

24 After Gitarama, I was transferred to Butare. That was the specification which I wanted to make in  
25 response of the counsel's answer. So I was there for about one month.

26 Q. Witness, remember to speak slowly for the interpreters. Every time when you finish answering, you put  
27 off the microphone, look left -- look to your right and see the gentlemen interpreting, and look this way  
28 and look at Their Lordships. Do you understand, sir?

29

30 Thank you.

31 A. I've understood you clearly, Counsel.

32 Q. In April 1994, what was your assignment?

33 A. Thank you, Counsel.

34

35 In April 1994, I was assigned to the platoon, charged with the close protection of the prime minister. I  
36 was assigned to protect her.

37 Q. Can you tell the Court the name of the prime minister?

1 Microphone, please.

2 A. The prime minister's name was Agathe Uwilingiyimana.

3 Q. Can you tell the Court who was your company commander?

4 A. The commander of the close protection platoon, which protected the prime minister,  
5 Agathe Uwilingiyimana -- well, the leader of that platoon was Mporendore.

6 MR. TAKU:

7 Your Honours, Mporendore is M-P-O-R-E-N-D-O-R-E.

8 JUDGE PARK:

9 Counsel, your question was who was the company commander, but his answer was that -- he gave the  
10 platoon leader.

11 MR. TAKU:

12 Yes, Your Honours.

13 BY MR. TAKU:

14 Q. Now, who was the commander of the VIP company?

15

16 Microphone.

17 A. Thank you for reminding me of the question.

18

19 The security company commander was Lieutenant-Colonel Bavugamenshi.

20 MR. TAKU:

21 Your Honours, the spelling is B-A-V-U-G-A-M-E-N-S-H-I.

22 BY MR. TAKU:

23 Q. Can you please tell the Court the mission of the VIP company?

24 A. Thank you, Counsel.

25

26 The company assigned to protect VIPs had the task of providing VIPs with security.

27 Q. On the 6th of April 1994, where were you assigned?

28 A. On the 6th of April 1994, I was on guard duty at the residence of the prime minister.

29 Q. Can you tell the Honourable Court when you started the assignment at the prime minister's residence  
30 prior to the 6th of April 1994? In other words, prior to the 6th of April 1994, how many days have you  
31 been on assignment at the residence of the prime minister?

32

33 Microphone, sir.

34 A. As you know very well, the 6th of April was a Monday. Every guard had to spend a week at the  
35 residence. On the 4th of April, I was assigned to the residence of the prime minister.

36 Q. Can you please describe the neighbourhood of the house of the prime minister to Their Lordships?

37 A. Thank you. I'll try to remember the location of the residence of the prime minister, but it is possible that

1 I might be mistaken with certain details.

2  
3 Now, I will start with the main entrance of the residence, which was off Paul VI Avenue. And the  
4 Paul VI Avenue -- on Paul VI Avenue, you would pass through ESM, then to St. Michel, and then the  
5 National Bank of Rwanda.

6  
7 The residence of Prime Minister Agathe Uwilingiyimana was located close to another road, which was  
8 between the ESM and the residence of Prime Minister Agathe. But, before you arrived at the ESM,  
9 there was a house belonging to the Americans. This is a road that was perpendicular  
10 to Paul VI Avenue.

11  
12 But from the prime minister's house onward, there was a house belonging to Nsanzimana, and the  
13 three houses after that, there was another house belonging to a white person. Then after that, there  
14 was the president's house -- the entrance to the president's house. And after that, there would be  
15 St. Michel. And above the house belonging to the Americans, there was the Russian embassy.

16 MADAM PRESIDENT:

17 Mr. Taku. Mr. Taku, can you ask him about (*microphone not activated*) to make a sketch  
18 to the --

19 THE WITNESS:

20 Next to the Russian embassy, there was a house inhabited by West Africans.

21 MADAM PRESIDENT:

22 Give him a sheet of paper to make a sketch.

23 MR. TAKU:

24 Thank you, My Lord.

25  
26 Please, registry, can you give a sheet of paper to the witness to make a sketch, please, repeating the  
27 areas you have testified about. Thank you, My Lord.

28  
29 Meanwhile, My Lords, while he does that, Nsanzimana is N-S-A-N-Z-I-M-A-N-A. And Gasarabwe is  
30 G-A-S-A-R-A-B-W-E.

31 MADAM PRESIDENT:

32 Witness -- Witness, we want general view. Have you finished?

33 THE WITNESS:

34 Thank you. Next to the ESM, there was a house belonging to Americans.

35 MADAM PRESIDENT:

36 Just wait, and take him to the --

37



1 MR. TAKU:

2 Yes, please, take him to the projector.

3 MADAM PRESIDENT:

4 -- to the projector.

5 MR. TAKU:

6 Can I see --

7 MADAM PRESIDENT:

8 If you have finished, go to the projector.

9

10 You go to the projector, not only the sheet.

11 THE WITNESS:

12 This is the road known as Paul VI Avenue, which was below the ESM.

13 BY MR. TAKU:

14 Q. Can you mark it.

15 A. This road continues to St. Michel, and even to the market.

16 MR. TAKU:

17 Ah, I think he said "bank", not "market", Your Honour, if I've understood -- from what I've been told.

18 Can he repeat again?

19 BY MR. TAKU:

20 Q. That road leads to which-and-which locations?

21 A. The road passes below the ESM, and that is Paul VI Avenue.

22 Q. Now, mark it right there "Paul VI Avenue", on that road. Write "Paul VI Avenue" on the road.

23

24 Yes.

25

26 Can you please show us where the house belonging to the Americans is? Indicate on that sketch  
27 where the house belonging to the Americans is.

28 A. This is the house belonging to the Americans.

29 Q. Can you indicate where the prime minister's house is?

30 A. And, now, this is the residence of the prime minister, next to the house belonging to the Americans.

31 And I have just indicated the main entrance of the residence of the prime minister.

32 Q. Now, where is the house you said belongs to Nsanzimana?

33 A. Thank you, Counsel.

34

35 This is Mr. Nsanzimana's house, right next door to the house of the prime minister, and its main  
36 entrance is also off Paul VI Avenue.

37 Q. Now, where is the house of Gasarabwe?

- 1 A. This is Colonel Gasarabwe's house. And I would like to point out to the Trial Chamber that all the main  
2 entrances to all those houses were on Paul VI Avenue.
- 3 Q. Now, going further down, can you show us the road that leads to the president's residence?
- 4 A. Thank you, Counsel.
- 5
- 6 This is Paul VI Avenue, and here you have the intersection. The last house that I am showing you  
7 belonged to a white person, and the road going up leads to the ministry of defence. And then this is the  
8 other road, going down to the residence of the head of state. And after the residence of the  
9 head of state, there was the residence of Ndindiliyimana and Kanyamibwa. It was a small road.
- 10 Q. Now, can you tell the Court -- can you describe Nsanzimana's house that you pointed out to the Court?  
11 What was the state of the house in 1994?
- 12 A. Thank you. Nsanzimana's was an up-storey building, and construction was still going on. It was not  
13 yet completed.
- 14 MR. TAKU:
- 15 Your Honours, can the witness now sit down, and maybe we'll ask further questions.
- 16 MADAM PRESIDENT:
- 17 Witness, thank you. Go to your seat.
- 18 MR. TAKU:
- 19 Now, Your Honours, the sketch which was ordered by the Court, may it be, Your Honours, admitted into  
20 evidence.
- 21 MADAM PRESIDENT:
- 22 Yes.
- 23
- 24 This sketch entered as an exhibit, I think D. 554.  
25 *(Exhibit No. D. 554 admitted)*
- 26 MR. TAKU:
- 27 Thank you, My Lord.
- 28 BY MR. TAKU:
- 29 Q. Now, Witness, I wish to remind you that you go slowly so that they can record and they can interpret  
30 into different languages of the Court.
- 31
- 32 Now, that said, Witness, the 6th of April 1994 --
- 33 A. Thank you for that reminder.
- 34 Q. Now, the 6th of April 1994, can you tell the Court how many of you gendarmes were in the  
35 prime minister's house for her protection, as of that date?
- 36 A. Thank you. There were ten gendarmes. Let me point out that there were nine gendarmes who were  
37 responsible for the close protection of the prime minister, and one other gendarme who was

1 permanently assigned to the residence of the prime minister. He was, in fact, the prime minister's  
2 driver.

3 Q. Who was your unit commander -- or, commander of the post? (*Inaudible*) you were posted to the  
4 prime minister's house on the 7th of April 1994. Do you know the name of the person that commanded  
5 that group that was in the prime minister's house on that day?

6 A. Thank you. On that day, the head of the guard unit was Sergeant Major Gasamaza.

7 MR. TAKU:

8 Your Honour, the spelling is G-A-S-A-M-A-Z-A.

9 BY MR. TAKU:

10 Q. Now, sir, when your rotation started in the prime minister's house, as you've testified,  
11 on Monday the 4th of April 1994, were there some other persons you know of that were assigned to the  
12 prime minister's house within the same period? If you know, tell the Court.

13 A. Counsel, I do not quite understand your question. Can you kindly repeat, please?

14 Q. Apart from the gendarmes -- you and the gendarmes -- were there some other group of persons that  
15 were assigned to the protection of the prime minister while you were there?

16 A. Thank you. Yes, apart from the gendarmes, you had UNAMIR blue helmets. There were white  
17 UNAMIR soldiers as well as black UNAMIR soldiers assigned to guard the prime minister. I heard that  
18 these people were Ghanaians, and they were speaking English.

19 Q. While you were in the prime minister's residence, was there any coordination with these Ghanaians for  
20 the purposes of performing your duty while you were there?

21 A. Thank you. The Ghanaians were there for the security of the prime minister, but they had their own  
22 organisation. They spoke English, while the gendarmes spoke Kinyarwanda, so we could not even  
23 communicate. There were two gendarmes at the guard post, while the Ghanaian blue helmets also had  
24 someone at the gate and who was responsible for opening the gate.

25 Q. Now, within the prime minister's residence, can you tell the Court where the gendarmes were located?  
26 Where were you staying in that compound?

27 A. Thank you. You want to know where the gendarmes were located? Some of them were at the  
28 entrance. Some of the gendarmes were at the entrance to the prime minister's office, while others were  
29 outside of the residence. They were on duty right at the gate into the residence of the prime minister.

30 Q. Now, if I heard -- well, did the witness -- they translated "prime minister's office".

31 THE ENGLISH INTERPRETER:

32 Correction, residence of the prime minister.

33 MR. TAKU:

34 Thank you, sir.

35 BY MR. TAKU:

36 Q. Now, Witness, you talked about white UNAMIR soldiers who were in charge of escorting the  
37 prime minister. Did they stay permanently in the prime minister's residence, or they came and went?

- 1 A. Thank you. The white blue helmets came very early in the morning. They would wait for the  
2 prime minister to leave her residence. And let me point out that there were two vehicles. One of the  
3 vehicles would be in front of the prime minister's vehicle, then you would have the vehicle belonging  
4 to the gendarmes. Then the third vehicle would be the prime minister's vehicle. The fourth vehicle was  
5 a gendarmerie vehicle, and then the fifth vehicle belonged to the UNAMIR soldiers.
- 6 Q. Now, Witness, you testified that -- that some of the gendarmes were outside the gate of the  
7 prime minister's residence -- if I understood you well, that two gendarmes were outside the gate of the  
8 prime minister's residence. Now, can you tell the Court about where this Ghanaian that you talk  
9 about -- what was his duty, of the Ghanaian you placed at the gate of the prime minister's residence?
- 10 A. Thank you, Counsel. With regard to the Ghanaians, they were responsible for the security of the  
11 prime minister, just like us. But they were always standing by the gate because it was their  
12 responsibility to open the gate whenever a vehicle was coming in or going out.
- 13 Q. Now, Witness, can you tell the Court how you learned about the assassination of  
14 President Habyarimana on the 6th of April 1994?
- 15 A. Thank you, Counsel. At around 8:30 p.m. I was on duty, and I was outside with a friend. As I said, at  
16 around 8:30 p.m. we heard explosions coming from the direction of Kanombe. We thought maybe  
17 these were bombs that had exploded. We did not know what was happening, so we stayed put. The  
18 head of the guard unit did not tell us anything.  
19
- 20 But three minutes later, he came and told us that the explosion was President Habyarimana's plane,  
21 which had just been shot down. He told us that the plane was still on fire. And that is how we learned  
22 about the attack against President Habyarimana's plane.
- 23 Q. Can you tell the Court again how many minutes later did the head of the guards come to tell you that it  
24 was President Habyarimana's plane?
- 25 A. Thirty (*sic*) minutes later.
- 26 Q. Thank you, sir. When you were given this information, what measures did you take? In other words,  
27 what measures did you, the gendarmes in that compound, take?
- 28 A. Thank you, Counsel. As I was saying, we were -- protected the prime minister, and we continued  
29 providing her with security because that was our duty. We do not know what other gendarmes in other  
30 places did. We continued providing security to the prime minister. The news of the downing of the  
31 plane concerned us. Everybody was concerned because the president of the country had just been  
32 killed. But we continued protecting the person we were assigned to protect.
- 33 Q. Can you tell the Court where the prime minister was at this time?
- 34 A. Thank you. I was outside the gate. The prime minister was in her residence. She was in her house;  
35 she did not go out. And, whenever she wanted to go out, she would pass through the gate, so she was  
36 inside her house.
- 37 Q. Now, the rest of that night, Witness, did you remain at the guard post outside the prime minister's house

1 throughout the whole night?

2 A. Two of us arrived there at 8 p.m. We were at the main gate. We were relieved from our post at 10 p.m.  
3 because, amongst the people who were inside the complex, some were actually resting, but, in view of  
4 the problem that had just emerged, no one was supposed to be on rest. So three posts were set up.  
5 On the lower side there was a post, another one at the guard post, and another one was on the upper  
6 side. Each of those guard posts had two gendarmes.

7

8 So we were there between 8 p.m. and 10 p.m. At 10 p.m. those who were -- of us who were outside  
9 the complex entered into the compound, and the gendarmes who were near the satellite dish relieved  
10 us, and they went outside the gate. On the following day, early in the morning, we went to our positions  
11 where we had been prior to 10 p.m.

12 Q. Now, when you went into the compound -- when you were relieved at the guard post and informed by  
13 your colleagues, and you went to the compound, where were you positioned?

14 A. I think I've just said that. Maybe you did not understand me clearly. I just said that there was a place  
15 where there was a satellite dish, a parabolic dish. So, when we were relieved from our posts outside,  
16 we went to the area where there was the satellite dish.

17 Q. Thank you, Witness. During this period that you were outside at the guard post, from 8 p.m. to 10 p.m.,  
18 did you see any armoured vehicle on the Paul VI Avenue, or any armoured vehicle from any direction,  
19 approaching the house of the prime minister?

20 A. No, I did not see armoured vehicles.

21 Q. Now, while you were at the gate of the prime minister's house, at that guard post, could you see the  
22 junction that you indicated on the sketch that you drew before this Court? Could you see the  
23 junction -- that junction to the president's residence from the guard post in the prime minister's  
24 residence?

25 A. No, we could not see that place.

26 Q. Can you please tell the Court, if you know -- or, estimate the distance from Prime Minister Agathe's  
27 residence to that junction?

28 A. I could estimate the distance between the two points as being about 600 metres.

29 Q. Now, sir, very early --

30 MR. TAKU:

31 One minute, Your Honours.

32 BY MR. TAKU:

33 Q. Yes. Witness, earlier, you stated that in the morning of the 7th of April you went back to  
34 the post -- to the guard post at the entrance of the prime minister's residence. At what time did you get  
35 back to that guard post?

36 A. In view of the fact that there were four teams relieving each other, between five and six in the morning,  
37 we returned outside, in front of the entrance.

1 Q. Now, sir, on that morning of the 7th of April 1994, between -- at about 5 a.m., did you observe anything  
2 unusual at the residence of the prime minister, Agathe? In other words, did you see any person arrive  
3 there? If you know, tell the Court.

4 A. Thank you, Counsel. There is a small detail which I did not give you. After the attack against  
5 the -- against Habyarimana's aeroplane, on the lower side of ESM, the ESM -- the military  
6 academy -- set up a roadblock, which was manned by soldiers from the ESM. That roadblock remained  
7 there up to early in the morning.

8  
9 At around five in the morning, white soldiers of the UNAMIR came there in four vehicles. And since I  
10 was outside the gate, we heard gunshots from individual weapons, and when I looked towards that  
11 direction, I saw vehicles arrive there. And when the Ghanaian who was at the entrance saw that  
12 it -- they were UNAMIR soldiers, he immediately opened the gate.

13  
14 Two vehicles went inside the compound immediately, and we saw that there had been a skirmish  
15 between those UNAMIR soldiers and the soldiers who were manning the roadblock.

16  
17 The people who came in those vehicles got off the vehicles and entered into the complex, and the  
18 vehicles turned around. Our leader told us that the -- there were problems, so we were asked to double  
19 our vigilance.

20 Q. Now, from the direction that you heard these gunshots, from your location at the guard posts, did you  
21 see any armoured vehicles at that position, where there was that roadblock?

22 A. No. I did not see any armoured vehicle.

23 Q. Did you see any armoured vehicle approach from the direction of the junction of the president's house  
24 towards the prime minister's residence?

25 A. I told you that I did not see any armoured vehicle in the ESM direction or on the avenue leading to the  
26 residence of the country's president. The roadblock which had been set up blocked roads to all  
27 vehicles which wanted to go to that direction. It was only early in the morning that we noticed that the  
28 UNAMIR -- the two UNAMIR vehicles -- or, rather, the UNAMIR vehicles had dared travel towards that  
29 direction.

30 Q. Can you tell the Court what kind of vehicles these UNAMIR white soldiers came with to the  
31 prime minister's residence that morning?

32 A. Thank you, Counsel. They were jeeps which were used for escort. So those soldiers came in that -- in  
33 those jeeps.

34 Q. Sir, after these Belgians arrived at the residence of the prime minister, did you leave your position at the  
35 guard's post, in front of the prime minister's gate, thereafter? If not, why?

36 A. Since we were positioned at that place between four and six in the morning, we remained there, up  
37 to six in the morning. We waited for other soldiers to come and relieve us. I was with a corporal known

1 as Nsengamungu.

2

3 At 6:30, I sent him to ask why no one had come there to relieve us on our guard duty. Our  
4 guard commander told us that we had to remain there because there were other problems which had  
5 to be resolved. And he promised that he would subsequently give us appropriate information. So we  
6 remained there, awaiting further instructions.

7 MR. TAKU:

8 Your Honours, Nsengamungu is spelt N-S-E-N-G-A-M-U-N-G-U.

9 BY MR. TAKU:

10 Q. Now, did your guard -- did your commander eventually tell you why he had to maintain you people  
11 on the spot? Did he tell you, as a promise, that -- there were problems, he would inform you later on,  
12 he would give you further instruction? Did he come to give you further instructions, or to tell you  
13 anything?

14 A. Thank you, Counsel. Yes, he came to explain to us, but it was only after eight or 8:30 that he came  
15 speaking there to give us those explanations. So he had just received information from Kacyiru,  
16 according to which members of the Presidential Guard were killing opposition politicians in Kimihurura.

17

18 After that -- he also told us that, in view of the fact that there were no reinforcements, we had to see  
19 how we could evacuate the prime minister, and we had to try to save her. So he told us that he was  
20 going to divide us in small groups. There were 10 of us. Nsengamungu and I were still in front of the  
21 gate, a Corporal Nsabimana and a driver -- we remained there. The remaining six people left with  
22 Gasamaza, who was our guard commander.

23 MR. TAKU:

24 Your Honours, let me ask him this question again for clarification, for one. But I think my learned friend  
25 has told me that it is "in view of the fact that reinforcement has not yet arrived". He didn't say there  
26 were no reinforcements. If we want, we can put the question back to him.

27

28 What do I do, Your Honours?

29 MADAM PRESIDENT:

30 Ask him.

31 BY MR. TAKU:

32 Q. Now, what did your guard commander tell you?

33 MR. VAN:

34 Mr. President -- Madam President, who is the witness here? Is it the legal assistant, or is it the witness  
35 in the box? Who is the witness here? We are against that manner of proceeding.

36 MR. TAKU:

37 Your Honours, you have the audios to verify this. My colleague has forgotten that we have technology.

1 In the trials I've done -- Your Lordships, I've been here probably longer than you -- we've always  
2 referred to the audios, if there's controversy.

3 JUDGE PARK:

4 Yes, your clarification is allowed.

5 MR. TAKU:

6 Yes, thank you, Your Honours.

7 BY MR. TAKU:

8 Q. Please, proceed. What did your guard commander tell you?

9 *(Pages 1 to 14 by Alannah Murray)*

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1 1030H

2 THE WITNESS:

3 I think that I have explained to you that at around 8 p.m. -- or, rather, sometime -- one and a half hours  
4 later, he had received information to the effect that members of the Presidential Guard were killing  
5 opposition politicians who were against Habyarimana's government. He told us that we had to  
6 evacuate the prime minister. He said that he would divide us in small groups. He said that he and five  
7 other persons were going to find ways of evacuating the prime minister and that four remaining soldiers  
8 had to stay there.

9 MR. DOUMBIA:

10 Madam President, I'm sorry. If I understood the witness properly, he had said around "8 or 8:30,"  
11 whereas now, in the -- in the French translation, it talked about "8 p.m." Was there no mistake?

12 THE ENGLISH INTERPRETER:

13 The Kinyarwandan interpreter acknowledges that it should have been "8" and not "8p.m.", or  
14 "20 hours."

15 THE WITNESS:

16 So what I said is that, after one and a half hours, we went to see him at 6:30 -- went to see him at 6:30,  
17 and then, one and a half hours later, he came to give us that information. So it must have been around  
18 8 in the morning and not 20 hours. So I'm sorry for that mix-up.

19 THE ENGLISH INTERPRETER:

20 Says the witness.

21 MADAM PRESIDENT:

22 Yes, Mr. Taku.

23 MR. TAKU:

24 Your Honours, yes. He gives the name of some people whom he said remained inside of the  
25 prime minister's residence, if I understood well. Can you give those names again, please?

26 THE WITNESS:

27 Yes, I can do that. There was myself, Ntivoruguruzwa and Nsengamungu. We were corporals -- or,  
28 rather, the other guy was a corporal. The gendarmes who were not -- who did not have military ranks,  
29 like corporal, could not be members of the VIP company. So Nsengamungu and I were in front of the  
30 gate. The first sergeant, who was a driver, who was called Bahizi, he was Musaburimana, who was a  
31 corporal. Those are the four people who remained at the residence of the prime minister. The two of  
32 us remained outside near the gate. The other two persons were at the guard post, or close to the guard  
33 post.

34 MR. TAKU:

35 Your Honours, Bahizi is B-A-H-I-Z-I. Musabyimana is M-U-S-A-B-Y-I-M-A-N-A.

36 BY MR. TAKU:

37 Q. Now, after your guard commander told you he took these measures, did anything happen again? Did

1 you hear or see anything happen after that?

2 A. After that information, according to which some of the guards had to stay inside the premises and  
3 others should be outside the prime minister's house, we stayed outside. We continued our security  
4 duties, and around 9:30 we saw soldiers at the level of the roadblock manned by ESM soldiers. This  
5 was about 100 metres away.

6  
7 We were conversing, and suddenly we heard gunshots. But since we did not see any bullets shot in  
8 our direction, we thought they were shooting in the air. Shortly afterwards we saw soldiers coming  
9 towards us, and we thought that they were going to the residence of the president of the republic. They  
10 were armed, and I realised some of these people were wearing red berets. I thought maybe they were  
11 gendarmes approaching us.

12  
13 When they came close to us, I realised that there were people behind them who were not carrying any  
14 weapons. I thought that these were reinforcements, that other gendarmes and soldiers had been sent  
15 to our location because our group was small.

16  
17 When they came close to us, they asked us to surrender. They seized our weapons. And while our  
18 weapons were being seized, some of the members of the group went into the premises. We had only  
19 small weapons, and they designated three soldiers to stay with us and to neutralise us. And the others  
20 went inside the compound. But since I was outside, I could not see what was going on inside. Shortly  
21 afterwards we were taken into the compound, but they continued guarding us.

22  
23 I realised at that time that they were members of the Presidential Guard. I had known some of the  
24 soldiers when we had gone for training in the Presidential Guard camp for training in providing security  
25 to VIPs. So I recognised one of the soldiers, when I realised that they were members of the  
26 Presidential Guard. They asked us where the person we were protecting was located, and I answered  
27 that we were outside the gate. We did not see her leave, and so she should be inside the compound.  
28 Because each time the prime minister went out, it was on board a vehicle. But since all the vehicles  
29 were still there, it meant that she was still inside the house.

30  
31 At around 10:30 a.m. -- but there is a detail that I had forgotten. After having disarmed us, they went  
32 into the compound and disarmed the UNAMIR soldiers, both the Ghanaians or the white -- and the  
33 white blue helmets.

34  
35 Shortly afterwards, a minibus with army numbers -- registration numbers arrived. It was a white  
36 minibus, and there was a driver in it. I also realised that there was another soldier in the vehicle who  
37 had the rank of major. He asked what was happening, and he said that the Ghanaians and the white

1 soldiers of UNAMIR should get on board the vehicle. They entered the vehicle, and we stayed where  
2 we had been placed under guard.

3  
4 At around 10:30 we thought we were going to be killed, but God was there, and God was protecting us.  
5 After 10:30 a.m. -- or, around 10:30 a.m. -- because you have to realise that at that time we were no  
6 longer allowed to even look at our watches -- we heard a noise coming from above the place of where  
7 we were. The soldiers guarding us forgot that they were supposed to be guarding us. I thought that  
8 they maybe had found the person that they were looking for.

9  
10 We rushed out of the compound. We passed through the Paul VI Avenue and went in the direction of  
11 the national bank. Given that we were wearing epaulets which showed our ranks, we thought that this  
12 could create problems for us. So we removed the epaulets and threw them away. And when we  
13 arrived at the place we thought that was safe, we sat down to rest.

14  
15 We waited for a vehicle to come and take us, but no vehicle came to take us to Kacyiru and so we  
16 decided to go there on foot. Now, if you want other details, you can ask me about them. But, for the  
17 time being, I will stop here.

18 Q. You say that these people came and arrested you, disarmed, intimidated you, you say they were  
19 Presidential Guard, did you recognise them, at least one of them? If you know, please give the name.

20 A. Thank you. The people who disarmed us were not on board a vehicle. They came on foot from the  
21 direction of the ESM. And there were people wearing red berets amongst them. I saw that these  
22 people were coming on foot, so we were thinking that they were coming to reinforce the people  
23 responsible for the guard -- the close protection of the prime minister.

24 Q. *(Microphones overlapping)*...Witness, we heard that story. You say you recognised that these were  
25 Presidential Guards. My question is, did you recognise at least one of them? If you knew of the name  
26 of one of them, give us.

27 A. Thank you, Counsel. I was able to recognise Corporal Bicamumpaka in that group. I recognised him  
28 because, when I was undergoing training at the presidential camp -- Presidential Guard camp, his  
29 superior told Bicamumpaka to come and be responsible for those of us who were in training. That is  
30 how I came to know his name, because his commander said, "Bicamumpaka, go and take care of these  
31 people who have come here for training.

32 MR. TAKU:

33 Bicamumpaka, Your Honours, is B-I-C-A-M-U-M-P-A-K-A.

34 BY MR. TAKU:

35 Q. Now, this Bicamumpaka was attached -- was in the Presidential Guard where?

36 A. Bicamumpaka was at the Presidential Guard camp. And, as I have said, I was able to recognise him.  
37 Because, when we went for training in the protection of VIPs, we were taught close combat. We were

- 1 taught to be shoot -- we were taught to be sharpshooters with pistols. And we also learned to carry  
2 weapons and that this Bicamumpaka was the one responsible for training us in the protection of VIPs.
- 3 Q. Within this period that you were captured and kept in that location in front of the prime minister's  
4 residence by the Presidential Guard, did you see any armoured vehicles around that location?
- 5 A. As I have already stated, those people came on foot. And when they reached our location, there was  
6 no vehicle. So I did not see any armoured vehicle in the area.
- 7 Q. Now, this group of Presidential Guard soldiers you saw, did you see anybody in command of this  
8 group?
- 9 A. Thank you. As you know, all soldiers have a leader, so the group had a leader. I know that the group  
10 had a leader, but I was not able to know his rank because he was wearing a camouflage jacket. I am  
11 saying this because I could see that person issuing instructions to his men.
- 12 Q. Now, you stated that you heard a noise and your captors, Presidential Guard captors, rushed in. You  
13 took advantage of that to flee. Can you phrase your itinerary once more for the Court, when you fled  
14 from that location.
- 15 A. Thank you, Counsel. It is clear that we could not go in the direction of the ESM, so we instead went  
16 towards the direction of the National Bank of Rwanda. So we moved along the Paul VI Avenue,  
17 through Saint Michel, up to the bank, the National Bank of Rwanda. And after that we arrived the  
18 intersection and then took the main road to Kacyiru. That is how we fled.
- 19 Q. When you reached the junction towards the president's residence, did you see any armoured vehicles  
20 at that junction?
- 21 A. I said that we used the Paul VI Avenue, and the residence of the head of state is below that avenue.  
22 And to go to that residence, you have to go through the other road, going down towards the residence.  
23 So we did not travel on that road. We simply ignored it and continued on Paul VI Avenue. We saw an  
24 armoured vehicle at the level of the bank national of Rwanda. There is a road separating the  
25 *Hôtel des Mille Collines* from the National Bank of Rwanda. It was on the side of the bank that this  
26 armoured vehicle was. So we passed on that road on our way to Kacyiru. So I am pointing out that I  
27 saw an armoured vehicle near the National Bank of Rwanda.
- 28 Q. From the house -- now, can you tell the Court the approximate distance from the -- the junction -- the  
29 junction to the president's house to the National Bank of Rwanda?
- 30 A. I will give you the approximate distances. Between the junction and the National Bank of Rwanda, the  
31 distance is about 2 kilometres. But, as I said, this is just an approximation.
- 32 MR. TAKU:  
33 Your Honours, that is all for the witness.
- 34 MADAM PRESIDENT:  
35 Thank you, Mr. Taku.  
36  
37 Mr. St-Laurent, do you have any question?

1 MR. ST-LAURENT:

2 We have no questions.

3 MR. PRESIDENT:

4 Mr. Black?

5 MR. BLACK:

6 Could we take the break now? I'd like to consult with my client before. I may have questions, I may  
7 have no questions. I would just like to talk to him about something, if I could.

8 MADAM PRESIDENT:

9 We take a break now for 15 minutes.

10 MR. BLACK:

11 Thank you very much.

12 *(Court recessed from 1055H to 1115H)*

13 MADAM PRESIDENT:

14 Yes, Mr. Black.

15 MR. BLACK:

16 Yes, ma'am. I'm sorry. I'm going to have to ask a few questions after all.

17

CROSS-EXAMINATION

18 BY MR. BLACK:

19 Q. Sir, just going back to when these four jeeps arrived, how many men were in each jeep, these white  
20 men that came?

21 A. Thank you, Counsel. Normally, there were three people in the jeep -- in a jeep, in other words, the  
22 driver and the other people in the rear of the jeep. But if I remember correctly, on board of one jeep,  
23 there were two persons. One of these jeeps came there. I was at the entrance of the residence.

24 Q. So you have 11 men -- 11 white men coming, at least, correct?

25 A. There were approximately 10 people.

26 Q. Why do you say that? You just said there were three in three jeeps and two in another. That makes  
27 11, sir. Isn't it approximately 11?

28 A. Normally in each jeep there was a driver and two people in the back part of the jeep. I just gave you an  
29 estimate, 10 people. So that is an approximate figure. If you suggest 11, that's possible. So I gave  
30 you an approximate number.

31

32 And, as I said, I had seen four jeeps arrive there. Therefore, it's possible that when they arrived there I  
33 did not count the number of people who were in those vehicles. What I know is that there were four  
34 jeeps, so if you just said that there were 11 people, but, as I said, there were approximately 10 people,  
35 that's another possibility. Because, as I am saying, my -- my figure is an approximate number.

36 Q. Okay. And how many Ghanaians were there?

37 A. There was no Ghanaian in the jeeps. The Ghanaians who were there had spent the night with us at the

1 residence in the four jeeps which had arrived there. Only UNAMIR soldiers were there, and those  
2 UNAMIR peacekeepers were white men.

3 Q. I'm sorry. I wasn't clear. How many Ghanaians were at the house with you?

4 A. The Ghanaian contingent made up at a team. I think that there were were five Ghanaians. But, once  
5 again, this is just an estimate.

6 Q. Did they have a radio?

7 A. Thank you, Counsel. The Ghanaians, just like us, were at the residence. They were protecting the  
8 prime minister. If my memory serves me correctly, those who had radio sets were white soldiers who  
9 were protecting the prime minister. The Ghanaians were at the residence of the prime minister, just like  
10 us, in that they were posted to the residence of the prime minister.

11 Q. Which white soldiers are you talking about now who had the radio sets? You mentioned -- let me ask  
12 you this: You -- just to be clear. You said that white soldiers would come to escort the prime minister  
13 when she had to travel, but were -- had white soldiers been there earlier in the day on the 6th at the  
14 residence?

15 A. Yes, I think that they were already at the residence because they came directly to the residence of the  
16 prime minister. And I think that there was a clash at the level of the ESM. There was a convoy of  
17 vehicles, but, out of those vehicles, only two managed to get on the premises of the prime minister's  
18 residence. The other vehicles remained on the road.

19 Q. I was talking about earlier on the 6th, but I'll leave it at that.

20  
21 So, you say -- you say the only people with radios were the whites in -- who came in those jeeps. So I  
22 take it your unit had no radio -- also had no radio?

23 A. Thank you, Counsel. In our group only the guard commander had a radio set. He used either the radio  
24 or the telephone. So we had two means of communication. We had a radio set which was in the  
25 possession of our commander, and then there was a telephone set and line which were available to the  
26 national gendarmerie there.

27  
28 Now, with regard to the Ghanaians, I cannot really tell you what means of communication they were  
29 using.

30 Q. All right. But you said the only people with radios were the white men in -- who came. Okay.

31  
32 What time did the Belgians arrive?

33 A. As I have already said, the Belgians arrived at around 5 in the morning.

34 Q. All right. And you say -- how many jeeps entered the premises, the compound?

35 A. I stand by my testimony. On that morning there were only two jeeps that entered into the compound of  
36 the residence of the prime minister. The other vehicles remained outside on the road. That is my  
37 testimony.

1 Q. And how many of these white men stayed outside with you?

2 A. Thank you, Counsel. No white soldier was outside the residence itself, as such. All the blue helmets  
3 who came there did everything possible to enter into the compound of the prime minister because they  
4 were entrusted with the task of protecting the prime minister. Therefore, they entered onto the  
5 premises of the prime minister's residence. And when they entered into the compound, I do not know  
6 what they did because I was outside the residence.

7 Q. But the gate stayed open, did it not?

8 A. Normally when we were outside the residence, the gate would always be closed. We would only open  
9 the gates when the prime minister went out with an escort. And we would shut the gate, and then we  
10 would open the gate when vehicles entered into the residence. So it was obvious that we could not  
11 have left the gates open throughout the day.

12 Q. All right. But you said that the gate was closed when these white men show up in these four jeeps.  
13 Now, you weren't expecting them to show up, were you? You had never been told that these men were  
14 coming.

15 A. Thank you, Counsel. That is a very good question. Normally UNAMIR peacekeepers would come  
16 there in white jeeps. And when they got there, the Ghanaians at the entrance -- upon seeing that the  
17 jeeps belonged to UNAMIR, and therefore could identify the peacekeepers through their uniform, the  
18 Ghanaians would automatically open the gates. That is how come the Ghanaians, upon seeing the  
19 blue helmets arrive there, opened the gate.

20

21 And the reason why some of the peacekeepers -- and that is why some of the -- some of the  
22 peacekeepers managed to enter upon the premises.

23

24 Do you want me to repeat my narration from the beginning?

25 Q. No, sir.

26 A. *(No interpretation)*

27 Q. So the gates close when they arrive, and these four jeeps drive up. They're not expected. Do you or  
28 the Ghanaians at the gate challenge them what -- why they're present, what their mission is?

29 A. I was inside the residence compound, but I knew how the peacekeepers worked. Normally white  
30 peacekeepers had their duties assigned to them. The white peacekeepers had their mission, and the  
31 Ghanaian peacekeepers had their mission. But when the vehicles arrived there, I was outside the  
32 residence and, therefore, I do not know what happened inside the compound when the  
33 peacekeepers -- white peacekeepers entered onto the premises. So I am saying that, since I was  
34 outside, I cannot really tell you what was said.

35 Q. Just answer my question. You're not answering my question. I asked you, when they arrived at the  
36 gate, you were outside, Ghanaians are outside, these men are not expected, did either you or the  
37 Ghanaians challenge them, the officer in command of that unit, and asked them why -- why they were

1 there or what their mission was before you allowed them entry, yes or no? Did you ask them? And, if  
2 so, what did they say?

3 A. Thank you, Counsel. I think your question should normally not be put to me. However, I'm going to  
4 answer you. As I have already said, the gendarmes who were at the residence had their own mission  
5 and organisation. Same thing applied to the Ghanaians. People who were in the escort had their  
6 mission and organisation. I have to say that people who were entrusted with the task of protecting the  
7 prime minister would escort the prime minister when she was on the move. In other words, they went  
8 with the prime minister when she would move.

9 Q. You're not answering my question. The question is very simple: These jeeps come up to the house.  
10 They're not expected. It's the middle of the night. You and the Ghanaians are outside guarding the  
11 gate. Do you ask them, you or the Ghanaians, when these men arrive, do you say to them, "Why are  
12 you here? What do you want here?" Did you ask them or not, anybody at that gate?

13 *(Pages 15 to 22 by Ann Burum)*

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1 1130H

2 BY MR. BLACK:

3 Q. So these white men drop in these jeeps, no words were exchanged between these white men and your  
4 group at all, the gate was automatically opened without questions being asked?

5 A. Thank you. Now, I will tell you how we work.

6 Q. I am not asking --

7 MR. TAKU:

8 Your Honours, we would like him to give the witness the opportunity to say that how they work. I don't  
9 want to repeat the answer. He has already answered several times. Let him say what -- how they  
10 work -- how the work was organised, whose duty it was.

11 BY MR. BLACK:

12 Q. Sir, I am not interested in how you worked on principle. I want to know what you actually did that night.

13 MR. TAKU:

14 He asserts that he didn't challenge. That is his answer.

15 MADAM PRESIDENT:

16 Let him answer that question.

17

18 Do you understand the question? Do you want the Defence to repeat the question again?

19

20 Mr. Black.

21 THE WITNESS:

22 Yes, I would like to request counsel to repeat his question.

23 BY MR. BLACK:

24 Q. All right. So, you say that -- I just want to clarify. I don't want to confuse you. So you are saying that  
25 the jeeps draw up, neither you nor the Ghanaians asked them any questions, there was no  
26 conversation at all between you and these Belgians; the gate just opened up, but no conversation; is  
27 that what you are saying?

28 A. No, that was not really what I said. What I said is that we had our own organisation, the Ghanaians had  
29 their own organisation. The Ghanaians at the gate were the ones who would open the gate. When the  
30 Ghanaians saw UNAMIR vehicle, they immediately -- or, he immediately opened the gate. So I did not  
31 ask him why he was opening the gate because it was his duty to open the gate upon recognising  
32 UNAMIR vehicles. Therefore, I did not have to ask him anything. We, gendarmes -- gendarmes were  
33 not allowed to open the gate, because that was the duty of the Ghanaian peacekeepers.

34 Q. All right. So the gate open, you say two jeeps enter and two jeeps stay outside. What could the men  
35 outside do with their jeeps?

36 A. With regard to the two jeeps which remained outside -- before I answer that question, I would like to say  
37 that there was a clash; there was skirmish between the peacekeepers and people manning the

1 roadblocks not far from the ESM. When the UN peacekeepers got to the residence, they were afraid  
2 and the peacekeepers who were in the two jeeps which remained outside alighted from their jeeps and  
3 rushed into the residence compound and joined their other -- their colleagues who had managed to get  
4 into the residence compound with their two jeeps.

5 Q. But your job was to protect the prime minister. You say you see a skirmish between these  
6 Belgians -- these white men and soldiers down the street, didn't you think possibly that the soldiers  
7 down the street were trying to stop the Belgians from doing something? Let me -- why did you think the  
8 Belgians were not a threat and they are just exchanging fire with your own men? Didn't you think that  
9 was strange? They are shooting at your own men -- or, exchanging fire with your own men, and then  
10 they rushed over to the prime minister's house, didn't you want to challenge them to find out why they  
11 were there, in case they endanger themselves? So you didn't know why the firing was going on;  
12 because I can't understand why you just let them in. What was your thinking?

13 MR. TAKU:

14 Your Honours, I think he didn't say he let them in. He says it was the duty of the Ghanaians. If he  
15 should rephrase his question and ask questions about this witness, he said it was the duty of the  
16 Ghanaians, when they ascertained that it is the UN vehicle, to let it in. And that's what the Ghanaians  
17 did. That's what he saw, and he didn't know what happened thereafter inside. So he didn't suggest  
18 that he just let them in. It's not correct. He can rephrase the question.

19 BY MR. BLACK:

20 Q. When you saw -- you are at the gate with the Ghanaians, you see an exchange of fire. You are not  
21 sure what was going on. It confused you. You see an exchange of fire down the street between these  
22 white men and your men, the Rwandan army men, you don't get worried, and when these white men  
23 proceeded to the prime minister's house, you don't try to challenge them and ask, "What's going on,  
24 why are you firing at our men and why are you here?" You just let the Ghanaians let them in? Your  
25 prime concern was to protect the prime minister, why didn't you challenge those men?

26 A. Thank you. I think you have forgotten that the peacekeepers were responsible for escorting the  
27 prime minister. Each time the prime minister had to go out, UNAMIR soldiers would come to the  
28 residence. You have told me that it was still daylight at 5 p.m. (*sic*). But when those UNAMIR soldiers  
29 had a skirmish with the soldiers not far away from the ESM, that was not our business. We were part of  
30 the personal guard detail of Prime Minister Agathe. And when the UNAMIR soldiers came to the  
31 residence, it was to escort her.

32 MR. TAKU:

33 The witness says 5 a.m., not 5 p.m., Your Honours.

34 MADAM PRESIDENT:

35 Okay.

36 BY MR. BLACK:

37 Q. But, sir, you don't know that. It's 5 o'clock in the morning -- sorry. Sir, normally, those men would come

1 to escort her to the office in normal working hours, normal business hours. You got men coming at  
2 5 a.m. in the morning. You didn't know why they were there. Why would they come at 5 o'clock in the  
3 morning? You have no idea why they were there at that time, correct, 5 a.m.? Anyway, you don't want  
4 to answer me on that. Let me ask you this: You say they arrived at 5 o'clock -- 5 a.m. How do you  
5 know that was the time?

6 A. Thank you, Counsel. I have already said that each time Prime Minister Agathe Uwilingiyimana had to  
7 go out, that escort always had to be present. And, as I have indicated, the escort was made up of  
8 Belgian blue helmets. You are asking me why those soldiers arrived at 5 a.m. The prime minister went  
9 out whenever she wanted. The prime minister occupied a political position. It was possible for her to  
10 return very late or to go out early. What do you mean by working hours? Since the prime minister  
11 occupied a political position, she could go out at any time. And each time she went out, she was  
12 accompanied by her escort made up of Belgian peacekeepers. You want to know why they arrived at  
13 5 a.m., I do not know. Maybe the prime minister telephoned them, and since the blue helmets  
14 responsible for opening the gate.

15 MADAM PRESIDENT:

16 Witness, listen to the question, carefully. He did not ask you about all these details. He asked you at  
17 what time you say that you came at 5 o'clock, how do you know that it at 5 o'clock in the morning? Do  
18 you have a watch?

19 THE WITNESS:

20 Thank you. I did not say that they arrived at exactly 5 a.m. I said they arrived at around 5 a.m. I  
21 arrived my work station at around 4 a.m., and when I took into consideration the time I had spent at  
22 work, it is for that reason that I say that those UNAMIR soldiers arrived at around 5 a.m. I did not say  
23 5 a.m. sharp.

24 BY MR. BLACK:

25 Q. You could be mistaken on that, correct? It's a long time ago. It could have been much later. I suggest  
26 to you that they didn't arrive until after -- just after 5:30 to 6:00, correct -- 6 a.m. -- 5:30 to 6 a.m. when  
27 they arrive?

28 A. I have told you that I gave you an approximate time. I cannot give you a precise time. I told you that I  
29 arrived my work station at around 4 a.m. And when I take into the consideration the time at which I  
30 arrived and when these UNAMIR soldiers arrived, then I gave you an approximate time. I cannot tell  
31 you whether your suggestion is correct or not.

32 Q. Well, I was just trying to point out, sir, that, you know, it's 14 years ago and it's a very confused night,  
33 and you may be mistaken in some of your observations when you try to remember them today. So it's  
34 possible they arrived around 5:30, because in the Kigali battalion report, which is the history of the  
35 Belgian contingent in Rwanda at that time, which is an exhibit in this trial, they state that they are at the  
36 house just around 5:35, they cross Saint-siège and enter the house some time after that, and they radio  
37 the commander they are there just before 6:00. So that be -- do you think that's -- that would be

1 reliable?

2 JUDGE PARK:

3 Counsel, he say that it is about 5 a.m. Therefore, it is possible.

4 MR. BLACK:

5 But I'm trying to fix it.

6 BY MR. BLACK:

7 Q. Sir, the Belgian says they got there some time after 5:35 up until 6:00. So I'm suggesting you've move  
8 the hour back -- the time back by about an hour because -- is it possible that that's what they say here  
9 is correct?

10 MR. TAKU:

11 Your Honours, that is a false premise. He has given an approximation and he answered his question  
12 why within the time that you gave, "I myself, I know that it was about this time." And he told  
13 Your Lordships how he -- he came to that time line, and that it was an approximation. He said that  
14 many times.

15

16 At any case, it's an exhibit; we would address the Court on that. I mean, we have pieces of exhibits  
17 saying almost the same thing or different things. We would address the Court on that. He was not the  
18 maker of the exhibit; he has never seen it. My colleague suggests to him and he says, "I am not going  
19 to fix myself on a particular time frame." But there is no reason to suggest that he moved the time  
20 backwards. He hasn't done so. He has been consistent that he is giving an approximation. And  
21 nobody ever testified in order to authenticate or to answer questions on these time frames in that  
22 KIBAT report. We don't even know who drew them up. We just know about this. The Belgians who  
23 came here, we tried to test their credibility on that, and they could not answer.

24 MR. BLACK:

25 Sorry --

26 MADAM PRESIDENT:

27 Mr. Taku, it's a suggestion. He can -- if he accept it, he say yes or he say no. So I think we will let him  
28 answer the question.

29 BY MR. BLACK:

30 Q. So my suggestion is, sir, that you may be mistaken on the time line. You suggested that it's  
31 approximately 5 a.m.; I am suggesting to you it's more likely approximately 6 a.m. Would you agree  
32 that's possible, sir, you might be mistaken on the time?

33 A. Thank you. When I gave you an approximate time, it is because I was there. Now if you say that the  
34 KIBAT peacekeepers arrived at around 6 a.m., that is their problem. I told you that I arrived my duty  
35 station at around 4 a.m., and when the blue helmets arrived, I think that I had spent about one hour at  
36 work. That is why I am saying that they arrived at around 5 a.m. So I stand by my testimony that  
37 considering the time I had spent at my position and the time at which the UNAMIR soldiers arrived, I

1 say that they arrived at about 5 a.m.

2 Q. All right. So you say that if they arrived at 5 a.m., everything stayed more or less quiet or calm until  
3 9:30 a.m., when you see soldiers moving around ESM roadblocks; is that correct, four and half hours  
4 later?

5 A. I told you that I had to be replaced at 6 a.m., and we continued right up to 6:30 without anyone coming  
6 to relieve us. So I asked Nsengamungu why we have not been relieved, and we were told that we had  
7 to stay put until new instructions were given. So he came and told me that, and then we stayed on till  
8 about 6:30.

9 Q. Sorry to interrupt you, sir. That's not my question. Listen to my question very simple.

10 JUDGE PARK:

11 Witness, listen to the question. Don't repeat your testimony again. The question was: When the  
12 Presidential Guard arrived at your residence, before that time the situation was calm or not?

13 THE WITNESS:

14 The UNAMIR soldiers stayed inside the compound. I was outside of the compound. They were  
15 discussing with other people over their radio sets. I did not know enough French, even though I could  
16 hear that some were speaking French, while others spoke English. So, I did not take any interest in  
17 their conversation. They stayed inside the compound. They did not come out. They continued  
18 speaking with other people. And that was up till the time that the Rwandan soldiers of the  
19 Presidential Guard arrived, the UNAMIR soldiers were still inside the compound. I believe that is the  
20 question that was put to me.

21 BY MR. BLACK:

22 Q. But now you confused me more. You said -- you just said that you heard they were talking on their  
23 radios outside and jeeps and you heard them talk in French. But before you said they'd all gone inside.  
24 Now you have men on the outside.

25 MR. TAKU:

26 Your Honours, I hope we will look at the transcripts, and everybody can see that as the court reporter's  
27 records. He never said whatever on their radios outside. If my colleagues doubts, the court reporters  
28 are here. They would help us. He said they were talking inside, he heard, but he didn't know what they  
29 were saying. So, I mean the records are here. It's not something that we would argue about. If he  
30 doubts, then you verify.

31 MR. BLACK:

32 All right, you have -- okay. Maybe I misunderstood.

33 MADAM PRESIDENT:

34 Outside or inside?

35 MR. BLACK:

36 Maybe I misunderstood.

37

1 BY MR. BLACK:

2 Q. You heard the men talking on the radios on jeeps inside the compound?

3 A. I was outside of the compound. So I do not know whether they were inside the jeeps or whether they  
4 had alighted. It is only the people who were inside the compound who can answer your question,  
5 because I was outside.

6 Q. Was the gate closed at that point? Was the gate close?

7 A. The gate was always closed. It was only open when someone had to go in or out.

8 Q. How do you know these men were talking on their radios? How could you hear that?

9 A. You want to know how I was able to hear and understand that they were using their radio sets. In fact, I  
10 could even hear the noise of the radios, but I could not see what was happening. In fact, there were  
11 spaces in the gate, some open spaces very small, but through which we could hear what was being  
12 said. It was easy to know that they were talking on radios because you could hear the echo.

13 Q. Did you hear your commander talking on the radio or the Ghanaians talking to their people on the radio  
14 as well?

15 A. Counsel, our commander had a simple Motorola. It was a small walkie-talkie, whereas the Ghanaians  
16 had sophisticated equipment, radio communication sets. So you cannot suggest that it was our  
17 commander who was speaking. Our commander could also use the telephone. And if he wanted to  
18 speak to us, he could come and see us. So I can -- I could easily make the difference, because if it is a  
19 white person speaking, you can easily know that it is a white person. The French spoken by Belgians is  
20 different from the one speak -- spoken by Rwandans. So if I speak French and a Belgian speak  
21 French, it is easy to make the difference between those two people. So that is how I knew that it was  
22 the Belgians who were talking on their radios.

23 Q. Perhaps you can assist us by keeping your answers shorter, sir, because I don't want to take this much  
24 time. Now, you say -- so you confirm that whatever time they arrived, between that time and 9:30,  
25 things were quiet and calm, correct, until the Presidential Guard soldiers arrived, everything is sort of,  
26 more or less, calm?

27 A. Thank you, Counsel. But I think that you should give me the opportunity to explain everything. I cannot  
28 answer with a simple yes or no. We were at our duty station and the UNAMIR soldiers had their own  
29 mission to carry out. You have said that between the time those soldiers arrived and the time the  
30 Presidential Guard soldiers arrived, there was security. Yes, because I had not heard any gunfire. This  
31 means that there was security.

32 Q. Okay, that's why I found it a bit curious, because in the same report by the Belgian army, they say they  
33 get a radio telecommunication from the Belgian officer that command that unit that went to the house at  
34 6:50 a.m., saying there are explosions taking place, grenade explosions and automatic weapon fire  
35 around the house, and they are ordered to take cover. And then, again, at 7:20, the same officer  
36 signals the radios that there were movements -- different movements and shots around the house,  
37 two separate occasions, 6:50 and almost half an hour later at 7:20, there were explosions, grenade

1 explosions and automatic weapon fire, but you don't hear any of that. I find that very curious, sir.

2 A. I have told you that the Belgians communicated, and you are telling me that they said this and that. I'm  
3 simply telling you what I saw, what I observed. I cannot tell you why -- what I did not see. I cannot say  
4 that I saw grenades being thrown, whereas there were no soldiers at that location at the time who could  
5 have exploded the grenades that you have mentioned.

6 Q. That's not quite true, sir. You said that when you saw the Belgians arrived --

7 MR. TAKU:

8 Your Honours -- I rise at this point, Your Honours. He has asked a specific question, right, and what he  
9 says is on the record. The witness has given his answer. To proceed further is to be argumentative.  
10 He has to take the answer he finds it, and move on. He cannot say that is not the case; that is  
11 not -- maybe he believes that version, but we all had the opportunity to bring these people here to  
12 explain exactly what they wrote, what they observed, we have that opportunity. You gave us that  
13 opportunity -- ample opportunity. There is still even time now, if anything, in the interest of justice to  
14 bring them, if possible. But for this witness, he has answered, "This is what I observed. This is what I  
15 saw. This is what I lived through." And now he cannot argue, because the presumption is that that  
16 version is right. It is for you to make a determination whether you believe that version or his version.  
17 He agreed to disagree with that version. And that's it, Your Honours.

18 MADAM PRESIDENT:

19 Thank you, Mr. Taku.

20

21 Mr. Black, please try to ask short questions to avoid all these details.

22

23 And, Witness, I want you to listen to the questions carefully. You can answer directly, shortly. If we  
24 want any explanation, any clarification, we will ask you another question. And at the same time, do not  
25 be angry, nothing personal against you from the Defence. We all cooperate to ensure justice and your  
26 testimony is very important. Please try to help us to expedite the proceedings.

27 MR. BLACK:

28 Madam, I am not trying to ask details -- expressed details as to the point to my questions -- as to a final  
29 point to objective.

30 BY MR. BLACK:

31 Q. Sir, despite what you just said, you told us that when the Belgians arrived, you heard shots fired,  
32 exchange between them and soldiers just down the road, correct? So, it's not true there were no firing  
33 at the house at all. But they say that you say everything was quiet until 9.30.

34 MR. TAKU:

35 Your Honours, I object to the comment. Firing around the house is different from down the road at a  
36 wrong point. Let us quote the witness accurately. He said when they were going through that  
37 roadblock at the junction, it was firing heard. Now, he has not put it around the house and to give the

1 impression that he is contradicting himself. That's not his testimony, Your Honours.

2 MR. BLACK:

3 Q. So you say that the Presidential Guard arrived around 9:30, yet again, referring to this KIBAT report,  
4 lieutenant -- the commander of that unit radios at 8:30 that there is MBS to get in to accompany them  
5 and get into a bus at 8:30, not 9:30 -- not after 9:30. So, again, I suggest to you, sir, that you are -- you  
6 are mistaken. Your memory is not clear as to what it was 14 years ago. Things get confused when you  
7 think about things over time, correct? So, again, I suggest to you that these things happened  
8 about -- your times are all wrong?

9 A. Counsel, I was the one who was there. I am the one who should tell you what happened. I am telling  
10 you about events that I personally witnessed. If you have other sources, then it is not up to me to  
11 explain to you what they said.

12 Q. And so you are saying that these soldiers, the white -- the UN soldiers, black and white, get on this  
13 UN -- or, this military bus around 10:30; is this correct what I heard you say, yes or no? Do you think  
14 they get on the bus around 10:30 a.m.?

15 A. You have said 10:30 a.m. I told you that it was at 10:30 that they saw Agathe. It was at that time that  
16 people started shouting that I left the place running. I did not say that it was at 10:30 that the vehicle  
17 arrived to take the UNAMIR soldiers.

18 MR. TAKU:

19 Your Honours, we protest the mischaracterisation of the witness -- the witness's statement and  
20 answers. It is becoming persistence. And I just want to put on record, Colonel Marchal -- I mean,  
21 because my colleague is relying on this Belgian KIBAT report -- Colonel Marchal came here and said  
22 that he never have any knowledge -- any communication between the Belgians in that compound and  
23 himself. I have cross-examined on that, he never heard it. So maybe we need some other person to  
24 authenticate the information there, and also we protest against mischaracterising the statements of this  
25 witness,

26 Your Honour.

27 MR. BLACK:

28 First of all, I never mention Colonel Marchal being involved in these communications. Secondly, I  
29 asked if I was correct -- I asked the witness if I was correct in my understanding. That's all, Mr. Taku.

30 BY MR. BLACK:

31 Q. So, sir, what time did they board the bus then?

32 A. As I have already said, the soldiers arrived and placed us under the guard of a small group. Other  
33 soldiers went to where the --

34 Q. It's like you have to reverse yourself and go forward again. Just let me know when you think these  
35 white -- the UN soldiers, white and black, boarded that bus, what time?

36 A. Thank you, Counsel. The vehicle in question came before 10:30. I think that you understand me very  
37 well. Soldiers arrived there at 9:30, and when the vehicles came there, they found us in a position that



1 had been assigned to us. So, the UNAMIR soldiers were asked to put their hands up and they were  
2 asked to board the vehicle, and I saw them move towards the direction of the ESM. Since that I was  
3 under the surveillance of another group of soldiers, I could not really find out what happened  
4 subsequently. But given that the soldiers came there at 9:30, and that at around 10:00, we had left the  
5 Agathe's residence running. That was actually around the time the vehicle left.

6 MADAM PRESIDENT:

7 Mr. Black, I think you covered this area of questions. You can move to a new point.

8 MR. BLACK:

9 Well, with regard, I can't because it's -- it's -- I'm not interested in the actual detail. I am interested in his  
10 capacity to observe and reliability of what he is saying. And there is an objective for me to go forward, I  
11 won't take very long, but there is a point to my questions.

12 MR. TAKU:

13 Your Honours, I rise to put a point. This witness has said several times when he was talking about his  
14 ability to observe, when he was in normal duty without any perturbation, he was able to give  
15 time frames and explained how he computerise timeframes. Now, he was under captivity of this other  
16 people and, therefore, he is able to say the circumstances under which this question was being asked.  
17 He has given that reply. I don't know how many times he will asked for somebody who is under  
18 captivity, sitting there with two guns on him, and the man say, "Look, maybe, he is just -- he is not  
19 giving specific time frames here, and that is the evidence here." So why must he want him to give  
20 specific time frame when the man had said that, "Look, I can only give approximation and I was  
21 hampered in giving specific time frame because of this condition?"

22 MADAM PRESIDENT:

23 Thank you. Proceed, Mr. Black.

24 MR. BLACK:

25 Maybe I can finish by lunch time if he answers shortly.

26 BY MR. BLACK:

27 Q. Sir, just give me a time when you think the Belgians and the Ghanaians left in that bus, what time do  
28 you think that was? Just give me an estimate, and don't give a long narrative to get there, just give me  
29 the estimate.

30 A. Counsel, as I have just said, I was under surveillance. Even if I had a watch, I would not have -- had  
31 the time to look at my watch, because we were told that if they fail to find the person they were looking  
32 for, they were going to kill us. So, the soldiers came there at 10:30, maybe between 9:30 and  
33 9:30 (*sic*), they were looking for her. We were under surveillance. We did not have our weapons. And,  
34 therefore, I cannot give the time when the vehicle left.

35 Q. All right. So, you are under guard where? I'm sorry. Let me ask you back one step. You are still  
36 outside and you say you see men coming towards -- from the direction of the ESM towards the house.  
37 How many were there?

- 1 A. Counsel, if I understand you, I think that you have put to me two separate questions. I would like to  
2 request you to ask me the question again, because I did not really quite get it.
- 3 Q. You say you saw men around 9:30. You put it at 9:30. You say you saw men coming towards the  
4 house, the prime minister's house from the direction of the ESM. My question is, how many were  
5 there?
- 6 A. When they arrived there, some were armed, some were not armed. I could estimate that the group was  
7 made up of between 30 and 50 people, but I did not count them.
- 8 Q. Thirty to 50 people, how many were armed?
- 9 A. I beg your pardon. What I said between 35 and 50, rather. So what I actually said was between 35 and  
10 50. Some of them were armed, some were not armed. So when we were disarmed, our weapons were  
11 given to the individuals in the group who did not have weapons.
- 12 Q. All right. But you see -- they came -- they look like they were -- they coming in a menacing manner?  
13 They look like they meant business while walking down the road, because you said that they were firing  
14 in the air, if I am not mistaken?
- 15 A. Counsel, I don't think that I said that they were furious when they came there. We heard gunshots from  
16 ESM. Later, they came there. They were calm. They came to where we were. If they had been  
17 shouting, we would have told the Belgians about it, as well as other people who were inside the  
18 compound. But what I said is that amongst the group, some men were wearing red berets. I thought  
19 that they were gendarmes like us. But when they came there, I saw one individual, who I knew very  
20 well called Bicamumpaka. He was a member of the Presidential Guard. So when they arrived there,  
21 they put us under guard, and I was wondering whether those people had come there as friends or as  
22 enemies.
- 23 Q. Sir, your commander told you at 8:30 a.m. that Presidential Guard people were killing people in the  
24 Kimihurura. So you could have expected trouble from these guys. You saw some of them were  
25 obviously wearing Presidential Guard uniforms, correct?
- 26 A. Counsel, I think that you are mischaracterising what I said. It was not at 8:30, rather it was at 8:00. No,  
27 it was not at 8:30. It was at 8 o'clock. He came there and said that people were being killed.
- 28 Q. All right. So you were prepared. You had been warned that the Presidential Guard may be roaming  
29 around killing people. So, my question again, is when you saw these men approaching, you saw that  
30 they were Presidential Guards people, correct?
- 31 A. It is only when they got very near us that we noticed that they were members of the Presidential Guard,  
32 otherwise, they were wearing the same uniform as other soldiers. Earlier on, I said that I had thought  
33 that they were gendarmes, because I'd seen them with red berets. And I clearly said that it was only  
34 when the group got close to us, that I was able to identify an individual who was a member of the  
35 Presidential Guard. And, therefore, I concluded amongst the group there were members of the  
36 Presidential Guard.
- 37 Q. So you get a group of armed men firing shots near coming towards the house; you've been warned that

1 Presidential Guard is on the move killing people, your job is to protect one of the VIPs they maybe after.  
2 And instead of getting inside that gate and locking the gate and taking defensive positions, with all the  
3 Belgians and the Ghanaians and you inside, you just stand there and let them approach. Is that how it  
4 happened? You did nothing to defend the prime minister?

5 A. Counsel, please listen to me carefully. I have just said that I recognised the Presidential Guard  
6 member only when he got close to me. By the time I recognised him, his group disarmed me. What  
7 could I have done? His group had just disarmed me. Therefore, I could not have protected the  
8 prime minister, whereas the group had forcibly taken my weapon away from me.

9 JUDGE PARK:

10 Counsel, he said when this group approached to this position, at that time he assumed they were  
11 reinforcement, but when they close, he realised one of them as Presidential Guard.

12 MR. BLACK:

13 All right.

14 BY MR. BLACK:

15 Q. Let me put it this way, sir. You have been warned that the Presidential Guard were on the move. You  
16 say you see these soldiers -- these men firing shots in the air at some point. You were supposed to  
17 protect the prime minister. You come here to say that you tried to do that, but, in fact, I suggest to you,  
18 sir, you didn't, that you let them get too close, because you had inside that compound 10 gendarmes,  
19 including yourself, five Ghanaians, and 10 to 12 Belgians. That's a lot of men all armed, but you let  
20 these men inside the gate. And I am suggesting to you, sir, that you say you were fooled because  
21 some of these men were wearing red berets and that's how you were fooled and let them get that close,  
22 because you want to cover up the facts. You were derelict in your duty and let them get that close  
23 when, in fact, they weren't wearing red berets at all. Because nobody in the KIBAT report mention  
24 gendarmes -- men wearing gendarmes berets at that place, sir; isn't that what you are doing?

25 MR. BLACK:

26 Let him answer the question, Mr. Taku.

27 MR. TAKU:

28 Your Honours, he never said they were wearing gendarme berets.

29 MR. BLACK:

30 What else is a red beret, Mr. Taku?

31 MR. TAKU:

32 Well, Your Honours --

33 MADAM PRESIDENT:

34 Mr. Taku, leave him to answer.

35 MR. TAKU:

36 Okay.

37

1 BY MR. BLACK:

2 Q. Isn't that what happened, sir? You don't know how to cover yourself, because you let them and your  
3 other comrades outside let them get too close before you realise the danger. Now you want to look like  
4 you did something, which was that you were fooled because they were wearing red berets and only  
5 later you realised that they were Presidential Guards, that covers you, correct? And the fact they were  
6 not wearing red berets, were they?

7 MADAM PRESIDENT:

8 Answer yes or no.

9 THE WITNESS:

10 Not all members of that group were wearing red berets. When we saw them come there, we saw that  
11 they were coming to reinforce our position. We effectively allowed them to come there because we  
12 thought that they were gendarmes coming to reinforce our position. You said that there were  
13 10 gendarmes, but when they got there, there were only four gendarmes left, two were inside the  
14 compound of the residence and two were outside the compound of residence. So, I am specifying that  
15 when the group arrived, there were not 10 gendarmes there, but only four. And when those -- that  
16 group came towards us, they were not firing at us, rather, they were shooting in the air, firing in the air  
17 when they were at the level of the ESM. That was what I said.

18 BY MR. BLACK:

19 Q. Just a couple of questions, sir. When these men arrived at the gate and confronted you, and you saw  
20 some of them wearing red berets, you said you knew one of them, Bicamumpaka, you knew him,  
21 comrade. I take it you asked him why his men were wearing red berets?

22 A. Well, this is a simple question. I said that when the group came there, they immediately disarmed me.  
23 So what could I have done? I was between life and death. Therefore, I could not react. I had just been  
24 disarmed. I was between life and death. So, how could I have spoken to any member of that group?

25 Q. You must be wondering what was going on. Your friend, Bicamumpaka, is right in front of you. You  
26 must have said, "Comrade, what are you doing? Why are you assaulting me? Why are you detaining  
27 me? And why you guys wearing red berets?" You must have asked him, correct, or it never  
28 happened? Did you ask him?

29 A. I did not speak to Bicamumpaka. I would like to inform you that he did not get to me personally. I saw  
30 him as being one of the people in the group, and they came there at the same time as the others. I  
31 recognised him because I knew him well before that. And, as I have already said, when the group  
32 came there, they immediately disarmed me. Therefore, I could not have spoken to Bicamumpaka.

33 Q. It's hard to believe, because you are the guard -- the protective guard, you must have asked when they  
34 approached, "Men, what are you here for?"

35 JUDGE PARK:

36 Counsel, he answered that he was in a corner of life and death.

37

1 MR. BLACK:

2 That's what he says, sir, or, was he? That what he says.

3 BY MR. BLACK:

4 Q. But, sir, there must been some conversation between you those men when they approached? They  
5 must have said, "We are here to do this; lay down your weapons, don't do anything because we wanted  
6 to do that." You must have some conversation with them, correct?

7 MR. TAKU:

8 Your Honours --

9 MADAM PRESIDENT

10 Mr. Black, I think he answered your question. He said, "I did not interfere. It is his responsibility I was  
11 getting at that time between life and death." So he answered your question and he said I did not spoke  
12 to him -- I did not speak to him at that time.

13 MR. BLACK:

14 All right.

15 BY MR. BLACK:

16 Q. And did you speak to -- how long were you with these men?

17 MR. TAKU:

18 Your Honours --

19 MR. BLACK:

20 Well, let me finish my question. Mr. Taku, can you sit down?

21 MR. TAKU:

22 He could, Your Honours, we are free. It's my right. Maybe let him please venture and ask whether this  
23 individual that he recognised, let's say, they ought to have a discussion, what cap he wore? Let him  
24 ask that. Maybe that might -- that might help to clear his curiosity on this issue because we are making  
25 many -- a lot of assumptions here.

26 MR. BLACK:

27 Thanks for giving him an answer, Mr. Taku.

28 BY MR. BLACK:

29 Q. Sir, anyway, when you were there and you saw Bicamumpaka and the rest, you realised that they were  
30 all Presidential Guard men, correct, that they told you? You know how to give a verbal answer.

31 A. Yes, when I recognised Bicamumpaka who was a member of the Presidential Guard, I said this group  
32 is made up of soldiers from the Presidential Guard.

33 MR. BLACK:

34 All right. Thank you. Those are my questions.

35 MADAM PRESIDENT:

36 Mr. Segatwa, do you have any questions?

37

1 MR. SEGATWA:

2 Madam President, I have no questions for -- I have no question for this witness. Thank you.

3 MADAM PRESIDENT:

4 Thank you, Mr. Segatwa. And now we'll adjourn until 2:15 to continue the cross-examination with  
5 Madam Prosecutor. Thank you.

6 *(Court recessed at 1230H)*

7 *(Pages 23 to 36 by Haruna Farage)*

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1 1420H

2 MADAM PRESIDENT:

3 Good afternoon. Court has resumed.

4

5 The Prosecutor, you can proceed.

6 MS. MUSHI:

7 Thank you, Madam President.

8

CROSS-EXAMINATION

9 BY MS. MUSHI:

10 Q. Good afternoon, Witness.

11 A. Good afternoon.

12 Q. How -- how many gendarmes did you say were at the residence of Agathe on the night of the 6th?

13 A. There were 10 gendarmes.

14 Q. Do you remember their names?

15 A. I remember some names, yes.

16 Q. Can you please give us the names?

17 A. I remember that there was particularly Sergeant Major Gasamaza who was the leader of that post.

18 There was also the first sergeant, Bahizi. Thirdly, there was Corporal Nsengamungu. The fourth was

19 Corporal Twizeyimana; and number 5 was Corporal Uwilingiyimana. Number 6 was

20 Corporal Nsabimana. Number 7 -- I'm listing the names of the corporals who were with me. So,

21 number 7 is Corporal Musabyimana. Number 8 was myself, Corporal Ntivuguruzwa. I do not

22 remember the names of two other gendarmes who were with us.

23 MADAM PRESIDENT:

24 Ms. Mushi, can you spell the names?

25 MS. MUSHI:

26 I think Gasamaza, the sergeant has already been spelt.

27 MADAM PRESIDENT:

28 Please, quickly, the spelling.

29 MS. MUSHI:

30 Gasamaza.

31 THE WITNESS:

32 Gasamaza.

33 MS. MUSHI:

34 G-A-S-A-M-A-Z-A. And then Bahizi, B-A-H-I-Z-I. Nsengamungu, N-S-E-N-G-A-M-U-N-G-U.

35 Twizeyimana, T-W-I-Z-E-Y-I-M-A-N-A. If I'm mistaken, someone can correct me. Uwilingiyimana is

36 known and Nsabimana and the witness.

37

1 BY MS. MUSHI:

2 Q. Witness, did you give us the name of Nsabimana twice or I got it wrong?

3 MR. TAKU:

4 Your Honours, in my hand -- it is N-T-I-V-U-G-U-R-U-Z-W-A. That's number 8. And Musabyimana is  
5 M-U-S-A-B-Y-I-M-A-N-A.

6 BY MS. MUSHI:

7 Q. Does this list include the driver of the prime minister?

8 A. The driver in question would spend the nights at the residence of the prime minister. During the day,  
9 the prime minister had a civilian driver. And at night, there was a driver on duty and that was  
10 gendarme.

11 Q. So he's not among these people that you listed?

12 A. The prime minister's driver is included in the names that I've just given you.

13 Q. So if we exclude the driver, those who were assigned to protect the prime minister were nine; is that  
14 correct?

15 A. Yes, that's correct.

16 Q. Thank you, Witness. And as a member of the close protection of the prime minister, can you explain in  
17 detail, what were your duties, your daily duties as a member of the close protection of the  
18 prime minister?

19 A. Thank you. I, myself, Corporal Gendarme Ntivuguruzwa, I was part of the security company and I was  
20 responsible for the protection of VIPs. And it was the company commander who would assign me to  
21 different posts or positions. At the time in question, I was responsible for the security of the  
22 prime minister.

23 Q. What I meant is what did you do to protect her, did you move around with her or did you stay in the  
24 house? What exactly did you do?

25 A. As I have already indicated, I was part of a platoon responsible for the prime minister's protection and  
26 we worked in rotation. It would happen that I was part of a team and that was to escort the  
27 prime minister. Other days I was assigned to remain at the residence of the prime minister. We  
28 worked in rotation. Some days I would be part of a team that would be escorting the prime minister and  
29 on other days, I was within the residence of the prime minister.

30 Q. And when you're not escorting her, what would you be doing in the house?

31 A. Thank you. When I was not part of the escort of the prime minister, I was on standby in the residence  
32 of the prime minister, and I was supposed to ensure the protection of her residence, but in her absence.

33 Q. Thank you, Witness. On the night of the 6th of April, before you heard the explosion, how long had you  
34 been in your guard post before you heard the explosion?

35 A. Thank you. Normally, the rotation would last for one week. Since I arrived at my post on the  
36 4th of April, which was a Monday, and the explosion took place in the night of the 6th of April, this  
37 means that I have just spent three days at the prime minister's residence.



- 1 Q. Let me rephrase. On that same day you must have been on rotation outside. When did you report to  
2 your guard post on the premises? I'm talking about the -- the day of the 6th?
- 3 A. I had just spent three days at the prime minister's residence. The explosion came about on a  
4 Wednesday and I had arrived at the residence on a Monday morning.
- 5 Q. Okay. What time -- what time did you go outside the entrance of the prime minister's house on the  
6 night of the 6th?
- 7 A. It was at about eight when I was on duty.
- 8 Q. When you started testifying you said that you were out with a friend. Were you referring to your  
9 colleague with whom you were on guard or to your personal friend?
- 10 A. When we were at work, one wouldn't be able to meet other people, so I was with my gendarme  
11 colleague, and this was -- let me specify that I was with Corporal Nsengamungu.
- 12 Q. And where are the rest of the gendarmes?
- 13 A. Thank you. The other gendarmes were within the residence of the prime minister.
- 14 Q. Were they resting or were they in their defensive positions? What exactly were they doing?
- 15 A. When one is on duty, we would divide ourselves into three teams. First of all, there was the duty guard.  
16 I was part of that group. Then there was the second group which is made up of the -- the -- which is  
17 within the -- within the residence, and the third group would be resting and would be in the location  
18 where we would sleep whilst waiting to relieve the colleagues who were on guard duty. This is how we  
19 worked when we were assigned to the residence of the prime minister for her protection and security.
- 20 Q. Where was the house located, the one that's used to rest while you're not on duty?
- 21 A. I thank you. The room which we slept which -- the house in which we slept was a building with  
22 two rooms and it was to the back of Agathe Uwilingiyimana's residence. If you take the main entrance,  
23 you would come to this building which was for the bodyguards where the gendarmes would rest and it  
24 was to the side of the house of the prime minister, and it was on the long side of the main entrance.
- 25 Q. And while outside on duty, what do you do? Do you have a place where you sit or stand or do you walk  
26 along the road?
- 27 A. Thank you. The duty guard would be there to observe, to see whether someone cannot come and  
28 disturb the security and safety of the person you're guarding. You could stand behind the gate or your  
29 colleague may stand outside to see what is on the outside. Since there's two of you, one would stand  
30 out so that they could look outside your *secteur* and the other colleague could look in the other direction  
31 towards the other *secteur* since you are two in number.
- 32 Q. Thank you. At the same time you had the Ghanaians in the compound; right?
- 33 A. Yes, the Ghanaian soldiers were also there in the compound.
- 34 Q. And I suppose they also came out of the compound to see what was going on inside -- outside; is that  
35 correct?
- 36 A. Yes, from time to time, they would be able to come and look outside, but they could not go and move  
37 too far away from the gate because they were responsible for opening the gate.

1 Q. So it's my understanding that if you are staying outside and the Ghanaians are inside, the purpose is for  
2 you to screen the people who are coming in before their -- they -- they get into the residence, is that not  
3 correct?

4 A. Yes, that's what we would do. We would signal to the Ghanaians to open the gates, because we  
5 couldn't communicate with them. We were unable to speak English. But when the UNAMIR officers  
6 came, it was not necessary for us to alert them in order to tell them to come. Because they could see  
7 quite clearly that it was their colleagues from UNAMIR who were coming to relieve them.

8 Q. Could they see outside from where they were inside the -- the compound?

9 A. No. Given the place they were located, they could not see outside, but from time to time they would be  
10 able to come out of where they sat and look outside, but they would not leave the gate.

11 Q. After you heard the explosion, it was 9:30 -- 8:30. Did you see any Ghanaian soldiers come on out to  
12 the street?

13 A. The Ghanaian soldiers never went out onto the road. They continued to do their job and we continued  
14 to do ours. And we were in Kiyovu, and the events were happening in Kanombe. We did not know  
15 what had happened.

16 Q. Are you saying none of the Ghanaian soldiers came out after the explosion?

17 A. I have just told you that the Ghanaians could come out, could go out for a few moments and then come  
18 back to the compound. But I also told you that we did not communicate with them. They only spoke  
19 English and we didn't speak English.

20 Q. Witness, I'm not asking you about whether they could. I'm asking whether you saw any of them coming  
21 out of the premises on that day.

22 A. I saw no one go out of the complex.

23 Q. Thank you, Witness. Were you alarmed when you heard the explosion?

24 A. No. I was not scared since I didn't know what had happened. The explosion took place very far from  
25 where I was. The only thing is that we wondered what might have happened, and we were wondering  
26 why those grenades were exploding. And by the way, we thought that these were bombs that were  
27 exploding, or mines, but we didn't know exactly what had happened.

28 Q. And you said that your guard commander came out and told you that the president -- the presidential  
29 plane had just been shot down. Did he assemble all the gendarmes or he came and told one after the  
30 other?

31 A. Thank you. That is a very good question. We were already on guard and he didn't need to assemble  
32 us. We couldn't go into the complex in order to join the others. He came and saw us. Now, as for  
33 those who were sleeping already and those who were mounting guard around the house -- well, he  
34 asked those who were in bed already to get up and he talked to them.

35 Q. How do you know while you're outside?

36 A. I'm not saying that he brought them together since he came from outside to give us informal -- so he  
37 came outside to give us the information. And as the guard commander he, as necessity, gave the

- 1 information to all our colleagues that were in charge of the prime minister's security. And besides, after  
2 having given us that information, everybody went back to take up their position and those who were  
3 sleeping, well, left their beds in order to take up their positions and what this means is he must have  
4 informed everyone.
- 5 Q. You say that you were relieved at 10, and you went inside your position. Where did you say you were  
6 positioned?
- 7 A. I took the place of those who had relieved us. I am referring to the post in front of Agathe's house by  
8 the U.S. embassy --
- 9 Q. Normally, how many hours --
- 10 A. -- or rather, I'm talking about the place where those working at the United States embassy were staying.
- 11 Q. How many hours did your duty take under normal circumstances; two hours; three?
- 12 A. We kept to our shift.
- 13 Q. And from where you are positioned after going inside the compound, could you see the Ghanaian  
14 soldiers in their positions?
- 15 A. The Ghanaian soldiers also took their positions. Besides, I told -- I told you there were two of us and  
16 there was a third Ghanaian, and further up there was another Ghanaian just as there was yet another  
17 Ghanaian on the other side and then there was one who was the guard commander who wasn't far  
18 from the gate.
- 19 Q. How did you position yourself? You said earlier that you had no communication because of language  
20 barrier. Now, how did you assign yourself within the compound, now, because you are two groups?
- 21 A. We could not communicate, but when he took his position following instructions given to him by the  
22 guard commander, we would also take up our positions following the instructions given by our own  
23 guard commander.
- 24 Q. From your position, could you see the main entrance to the prime minister's compound?
- 25 A. Your question is not clear to me.
- 26 Q. From where you're positioned inside the compound, could you see the entrance to the prime minister's  
27 residence?
- 28 A. I was positioned in front of the house. I -- well, I had a view of the entrance gate of the prime minister's  
29 residence.
- 30 Q. And during this time when you are inside, did you see any of the Ghanaian soldiers go out of the gate?
- 31 A. I have said that one of the Ghanaians was positioned near the gate because he's the one who had to  
32 open the gate. He was positioned some metres away from us. His colleagues were a little further up  
33 with the guard commander, but following the downing of Habyarimana's plane, they occupied different  
34 positions. I told you one of the Ghanaians was near us. His post wasn't far from ours. And I've told  
35 you that sometime later I was relieved and I went and took up the position that had been occupied by  
36 those who had come to relieve me.
- 37 Q. My question was when you were inside, did you see the Ghanaian soldier going out of the gate to the

1 street?

2 A. I didn't see any of them.

3 MR. TAKU:

4 Your Honours, there -- there are two things here, "opening the gate" and "went to the street." You had  
5 said that they didn't go to the street but they opened the gate. So I think that distinction should be  
6 made about opening the gate and looking out and going to the street. You had said today they couldn't  
7 go to the street.

8 MADAM PRESIDENT:

9 Witness, just for clarification, you said you were posted on the main gate. Do you mean the main gate  
10 or the main entrance? And what's the difference between main gate and entrance? Is it the main gate  
11 of the prime minister's residence who -- or the main gate on the fence outside?

12 THE WITNESS:

13 I am talking about the gate. It wasn't the door of the house but the gate of the fence. There wasn't a  
14 small door that led into Agathe's residence. There was a big gate outside and then there was an  
15 ordinary door. That is the door of Agathe's house.

16 BY MS. MUSHI:

17 Q. You see, Witness, we have a problem because we have evidence that the Ghanaian soldier who was  
18 sent, went out from time to time to see what was going on in the street. And you are saying you didn't  
19 see him go out.

20 A. I believe I said so. I told you that sometimes it would happen that he would go out of the fence and look  
21 outside. You asked me whether -- from where I was inside the fence, I saw the Ghanaian go out, and I  
22 told you I didn't see him do so, but from time to time they might go out in order to look what was  
23 happening outside the fence.

24 Q. Thank you. You said that you went back outside the entrance at 4 -- around 4 a.m.; is that right?

25 A. No, that wasn't my testimony. What I said is that I went back into the complex, into the compound at  
26 10 p.m., by the end of my shift, and then I went back outside at about 4 a.m. in order to resume duty.

27 Q. And that's when you saw the roadblock at ESM?

28 A. As far as the ESM roadblock is concerned, after the downing of President Habyarimana's plane, I still  
29 had one and a half hours before completing my shift. And so we got the news that the plane had been  
30 shot down. And it is then at that moment that the roadblock was erected at that location.

31 Q. And according to your testimony you said it was about a hundred; is that correct?

32 MR. TAKU:

33 Your Honour --

34 MADAM PRESIDENT:

35 A hundred or better.

36 THE WITNESS:

37 No. That is not what I said. One hundred people, that would present a whole company. If you put

1 100 people at a roadblock, where are you going to find soldiers said to be deployed elsewhere?.

2 BY MS. MUSHI:

3 Q. How many were there if you could estimate, was it 20, 10, 30?

4 A. Most of those who were at that roadblock were students of ESM. I did not make a head count of them,  
5 but I think they -- there were some 11 of them that could make up a section, and I'm talking about that  
6 specific evening.

7 *(Pages 37 to 43 by Robyn Harrell)*

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1 1500H

2 BY MS. MUSHI:

3 Q. Let's get this clear, Witness. When was the first time that you saw this roadblock?

4 A. That roadblock in question was set up between 8:30 and 10 p.m. because it was set up before I  
5 finished my shift and returned to the compound. Don't ask me, therefore, the specific time at which the  
6 roadblock was set up. The important thing was that I saw the roadblock.

7 Q. What made you think that there were students from ESM?

8 A. Thank you. You know, the people who were in the -- in ESM were the career officers, studying in their  
9 school. It is, therefore, only normal that that roadblock that was set up near the military school -- it is  
10 normal that it must have been the students that set up the roadblock near that ESM.

11

12 Can you imagine that the commander of that school might have gone to ask for reinforcements to come  
13 and erect the roadblock that was near that school? This is the reason wherefore I think that it were the  
14 students of that military school that were manning that roadblock, all the more so as the roadblock was  
15 located near the higher military school.

16 Q. So we agree that we have no way of knowing whether there were students or not because you were not  
17 there, and the only reason you say there were students is because it was close to the ESM. Right?

18 A. That is correct. I was never at that roadblock.

19 Q. Could you tell whether they had weapons?

20 A. You know, if you're a soldier and you are asked to man a roadblock, it would only be normal that you  
21 should be armed. A soldier who was manning a roadblock would normally be equipped with a weapon.

22

23 You, therefore, should understand that those career officers, or students, that were manning the  
24 roadblock near the advanced military academy were armed. They weren't just students that were  
25 carrying, you know, clubs and machetes, et cetera. These were soldiers -- student soldiers that were  
26 carrying firearms.

27 Q. And when you reported on duty outside the entrance in the morning, you say that you saw  
28 UNAMIR soldiers having a clash -- having a conflict with these people who were manning that  
29 roadblock. Is that correct?

30 A. That is not what I said. Let me tell you what my testimony before this Trial Chamber has been. When  
31 the -- the blue helmets came to that roadblock, I think that they were coming from the direction of  
32 Hotel Kiyovu. And once they got to that roadblock, I heard noise -- or, a sound, probably of gunshots  
33 that must have been fired by people that were manning the roadblock. And when I heard the gunshot, I  
34 looked to the direction from which the gunshots were coming. And when I looked to that direction, I  
35 saw blue helmets there. And that is the reason why I said there must have been a clash between the  
36 blue helmets and the career officers of the ESM, because when the blue helmets got to the level of the  
37 roadblock, I heard the gunshots.

1 Q. How long did it take for the UNAMIR soldiers to -- from the moment you saw them, to get to the  
2 entrance of the prime minister?

3 A. I haven't said that I saw those blue helmets stop at the roadblock. I said that it was at the time that they  
4 were about to reach that roadblock that I heard the sound of gunshots originating from that roadblock.  
5 And that roadblock was at about 100 metres from the residence of the prime minister.

6  
7 And I meant to point out that the blue helmets passed by that roadblock but did not stop there. It is  
8 when the blue helmets were at the level of that roadblock that I heard the gunshots. And when those  
9 gunshots were -- when -- were fired, the blue helmets went towards the residence of the prime minister.

10 Q. Did they fire back, the UNAMIR soldiers?

11 A. To my knowledge, none of either blue -- none of the blue helmet soldiers of the UNAMIR fired  
12 a gunshot.

13 Q. When you were testifying, you said that no vehicles passed through that roadblock, but the UNAMIR,  
14 they had crossed that roadblock. What did you mean? Were they not supposed to cross -- because  
15 you told us they used to come to the prime minister's house?

16 A. That is not what I said. What I said is that, when President Habyarimana was killed, vehicles no longer  
17 passed by that place, but, since the blue helmets were authorised to move about, it was possible for  
18 them to move about freely. It's civilian cars that I -- could not move about. But, since the blue helmets  
19 were soldiers, they could move about just as the soldiers of the national army.

20  
21 And I -- I would imagine that, when the blue helmets went up, passing through the  
22 Kiyovu neighbourhood, and passing not far from the Hotel Kiyovu, at a location where there was  
23 a restaurant called Petit Kigali, there was a position -- a military post there that was manned by  
24 Belgians. And I suppose they came from the post that was coming not far from the restaurant that was  
25 near Hotel Kiyovu.

26  
27 When the career officers of ESM shot in the air, the blue helmets came quickly, right up to the  
28 residence, and I never saw them stop at the roadblock. Now, concerning the movement of other  
29 vehicles, civilian vehicles could not move about, but army vehicles could be driven about between the  
30 ESM and where the Americans -- where there was a roadblock, not far from there.

31 Q. I didn't ask you all that, Witness, and I'm sure you said -- you used the phrase that the UNAMIR -- they  
32 had to cross that roadblock. But, since you say you didn't say that, let us move on.

33  
34 Now, by the time they came, were you already advised by your unit commander to be vigilant following  
35 the crash of the presidential plane?

36 A. Thank you. About 30 minutes following the downing of the presidential plane, our unit head asked us  
37 to be more vigilant, and he positioned his gendarmes at various locations within the premises of the

1 prime minister's residence. I understand that, before the blue helmets came, our unit head had  
2 informed us about what had happened and had asked us to be more vigilant.

3 Q. What did "vigilance" mean to you as a soldier?

4 A. When a soldier is asked to be more vigilant, this means that he must -- he should be very alert and  
5 should pay attention to any movement.

6 Q. I know you were asked, but now I'm asking you again: Did you ask these UNAMIR soldiers why they  
7 were coming to the house of the prime minister at that particular time? And you, knowing that your  
8 president had just died, and you didn't know who killed him, did you stop them to ask them where they  
9 were going or what they wanted?

10 A. I thank you. Those of us who were at the residence of the prime minister -- and I am talking about  
11 myself specifically, I did not ask the UNAMIR soldiers why they were coming to the prime minister's  
12 residence. You know, customarily, UNAMIR soldiers came to the residence. And even the Ghanaian  
13 who was in charge of -- who was responsible for opening the gates of the prime minister's office didn't  
14 ask them, because it was normal for the blue helmets -- or, the UNAMIR soldiers to come to the  
15 prime minister's residence. I, therefore, could not address them, and to ask them why they were  
16 coming to the residence, since we usually saw them come there.

17 Q. Witness, we agreed that that was not just another normal, ordinary day. It was a night when your  
18 president has been killed by an unknown person. And you heard shooting. Your own compatriots had  
19 been shooting at these people, and you let them in without asking them. Were you not scared? Were  
20 you not vigilant?

21 MR. TAKU:

22 Your Honours, I don't know what to make of this lengthy address. He has just --

23 THE WITNESS:

24 *(No interpretation)*

25 MR. TAKU:

26 He has just answered the question, and this lengthy address is unnecessary. I do not want to address  
27 the question of unknown or known people. I don't want to be dragged into that debate now, once more.  
28 But the question did he ask the soldier -- it was not his duty. These were people who were familiar;  
29 they were supposed to come there. And the Ghanaians were there *(inaudible)*. That answer has been  
30 answered this morning. It has been answered again. So what is the address all about? Maybe  
31 learned counsel would have acted differently, but the witness has said what he did, and what the  
32 soldiers are prepared to do in this circumstance.

33 MADAM PRESIDENT:

34 Mr. Taku, we know that he answered this question in the morning, but let him answer the question  
35 again.

36

37 Ms. Mushi, can you repeat your question?



1 BY MS. MUSHI:

2 Q. Do you remember what I asked you, Witness, or should I repeat?

3 MR. TAKU:

4 Just ask her to repeat the question, Your Honours. I think she should repeat the question.

5 MS. MUSHI:

6 I thought maybe he was about to respond, because I've been --

7

8 Okay.

9 BY MS. MUSHI:

10 Q. Witness, I was saying this was not a normal day, because during that night you lost your president, and  
11 you were warned to be vigilant, and you saw Rwandan soldiers shooting at the UNAMIR. That should  
12 have been enough to tell you that there's something wrong somewhere. Were you not vigilant enough  
13 to ask them what was wrong, what was happening, given that it was so early in the morning?

14 A. Thank you. I personally had nothing to say to the UNAMIR soldiers. Well, as to whether the situation  
15 had changed -- well, there was nothing I could ask the blue helmets. I might have -- I could have asked  
16 them questions if these were people who did not customarily come to the prime minister's residence.

17

18 Now, you were saying that these UNAMIR soldiers came at an unusual hour. But you know that,  
19 whenever they were escorting the prime minister, it -- they could also come back to the residence very  
20 late. And, when I saw them coming to the residence, I told myself that they were coming to back up the  
21 troops that were at the prime minister's residence. Thank you.

22 Q. And when they reached the entrance, you were standing there with your colleague, right?

23 A. Yes, I was with my colleague because there were two of us posted to that location.

24 Q. What happened? Did they hoot to let you know that they wanted to get in, or you just stood by, or get  
25 out of the way so that they could get in? What happened?

26 A. Thank you. That is a good question. I have told you that the gate was guarded by a Ghanaian, and  
27 this Ghanaian soldier could see what was happening outside. When the UNAMIR soldiers arrived, the  
28 Ghanaian had heard the noise of the vehicles. He said that the UNAMIR soldiers were signalling to go  
29 into the residence of the prime minister. When he realised that the UNAMIR soldiers' vehicles were  
30 following each other, he immediately opened the gate.

31 Q. While they were inside -- the UNAMIR soldiers were inside the compound, did you hear any exchange  
32 amongst themselves, or between them and your unit commander?

33 A. Thank you. Yes, they exchanged words. They even used their radio transmitters, but I do not know  
34 whether they had any discussion with our unit commander. When they arrived, I was outside the  
35 compound, and my unit commander did not tell me whether he had talked with the UNAMIR soldiers or  
36 not.

37 Q. Did you hear them knock at the door of the prime minister's house?

1 A. I have no idea. I have said that I was outside the compound.

2 Q. Thank you, Witness. You say that you were supposed to be relieved by 6:30 in the morning, and that,  
3 when you realised that you were not being -- nobody was coming to relieve you, you sent your  
4 colleague to ask your guard commander as to why nobody came to relieve you. Is that correct?

5 A. No, that is not what I said. I said that I had to be relieved at 6 a.m. sharp. And we waited right up  
6 to 6:30 a.m. and, since no one was coming to relieve us, we went to ask why we were not being  
7 relieved. And our unit commander asked us to return to our position and that he would tell us why we  
8 had not been relieved.

9 Q. Okay. And then you say that he later came and told you that, since the Presidential Guard had been  
10 killing people -- if I'm mistaken, you correct me, because I can see the counsel is about to stand -- that  
11 the PG has been killing people in the streets and that you should be there while he, himself, and others  
12 go and try to rescue the prime minister. Is that correct?

13 A. Let me repeat my testimony before this Trial Chamber. About one hour thirty minutes later -- that is,  
14 about 8 a.m. -- our unit commander came and told us that we had to stay at our positions. He told us  
15 that we had to stay at the residence to provide security for the prime minister. He told us that the  
16 members of the opposition were being killed in Kimihurura. And the unit commander told us he -- that  
17 he was going to see how to evacuate prime minister Agathe Uwilingiyimana, to protect her from the  
18 killings that were going on here and there.

19 Q. And you said four of you remained when your unit commander left. Can you tell us who-and-who  
20 remained at the residence of the prime minister?

21 A. Thank you. I will begin with myself. I was at the entrance. Then there was Nsengamungu. The two of  
22 us were at the entrance. Musabyimana, who is deceased today, unfortunately. And then there was  
23 Bahizi, who was first sergeant and driver. He and Musabyimana stayed near the guard post. The other  
24 five with the unit commander went out with the prime minister.

25  
26 But, since I remained at the residence of the prime minister, I cannot tell you where they went, and I  
27 cannot even tell you at what time they left the prime minister's residence.

28 Q. Thank you, Witness. Let us talk about the Rwandan soldiers that you saw coming from the direction of  
29 the ESM. How many were there, if you can approximate?

30 A. There were between 35 and 50 of them. This was a group of people numbering more than the strength  
31 of a platoon.

32 Q. And you say that you thought they were coming to reinforce you because some of them had red berets.  
33 From what distance did you see these red berets?

34 A. Thank you. I have already said -- well, I do not know whether you know the location of the  
35 prime minister's residence, from the ESM to the residence of the prime minister's -- to -- of the  
36 prime minister. The distance is no more than 100 metres. So 100 metres is not very far.

37

1 So I could see people wearing red berets from my post at the entrance of the prime minister's office.  
2 So I saw them at the level of the roadblock near ESM. But, unfortunately, I subsequently understood  
3 that I had been mistaken, because these people were not coming to reinforce us at the residence of the  
4 prime minister.

5 MR. TAKU:

6 "Prime minister's residence", not "office", I think I heard.

7 JUDGE PARK:

8 Yeah.

9 BY MS. MUSHI:

10 Q. Witness, you say that you saw these red berets from the ESM. Was it daylight by the time you saw  
11 them?

12 A. Yes, it was daylight. It was around nine, 9:30 a.m. This is daylight, right?

13 Q. Right. And, if you could see red berets, you could also see the ones that are not red, correct?

14 A. If I had seen people wearing berets of a colour other than red, I would have said so. The other  
15 members of the group were not wearing berets, but they were wearing camouflaged clothes. That was  
16 a strategy. Some were wearing red berets, whereas others were not wearing any berets. I think they  
17 wanted to have us believe that the entire group was made up of gendarmes with red berets. It was  
18 when the group came close that I realised that there was a soldier of the Presidential Guard that I had  
19 known before.

20 Q. Are you saying that there were only two groups of people in that one group? One having berets, which  
21 are red, and the other had no berets of any other kind? Is that your evidence?

22 A. I have just said that I think that was a strategy adopted by that group. Usually, it is gendarmes who  
23 wear red berets. I cannot even tell you where they found those red berets, which are usually worn by  
24 the gendarmes.

25  
26 When I saw them approaching with their red berets, I thought they were gendarmes. But, given that  
27 some of them were wearing red berets, while the others were not wearing anything, I personally thought  
28 that they were members of the same group who were coming to reinforce us in providing security for  
29 the prime minister, even though she was no longer at the residence.

30 Q. What I want to know, Witness, is, apart from the red berets that you saw, no other person wore  
31 anything on their head?

32 A. I have just told you that the other members of the group were wearing the normal military uniform but  
33 without any berets.

34 Q. So, among this group, how many were armed, because you say some were armed and some were not  
35 armed?

36 A. I did not have the time to count those who were bearing weapons and those who were not. It was  
37 a mixed group of people. In any case, I can say there were about 20 of them who were armed. I

1 observed that most of the members of that group did not have weapons, but the soldiers of the  
2 Presidential Guard were armed. They were well armed.

3 Q. What kind of weapons did you see?

4 A. They were carrying personal weapons.

5 JUDGE PARK:

6 Counsel.

7

8 Witness, in the morning, you identified a soldier, the name Bicamumpaka -- paka. Did he wear  
9 a red beret?

10 THE WITNESS:

11 Bicamumpaka was not wearing a red beret.

12 JUDGE PARK:

13 Was he a soldier or a gendarme?

14 THE WITNESS:

15 He was a soldier of the Presidential Guard. He was a corporal.

16 BY MS. MUSHI:

17 Q. Can you explain to us what was the -- their mood like as they advanced? Were they shouting? Were  
18 they just walking silently?

19 A. They started shouting when they reached the roadblock at the ESM. That is where we -- when we  
20 heard the gunshot. But, when they approached us, we knew they had no problem, until they came very  
21 close to us, and the situation completely changed. They asked us to raise our hands.

22 Q. Witness, I don't understand these shoutings. When they reached the ESM roadblock, they started  
23 shouting. Were they saying anything, or just shouting, just like that?

24 A. I, myself, am also wondering about that. Since they had just met their companions, maybe they had  
25 something to talk about.

26 Q. Let me take you back a little bit. If you go down the road, after the ESM, where -- where does -- does  
27 that road lead to, where they were coming from, these soldiers that you saw?

28 A. Just below the ESM, you have the Paul VI Avenue. It is the road that leads to the  
29 Rwandan national bank. Their roadblock was erected just slightly below the ESM, that is, near the road  
30 from Kiyovu hotel. This is the same road that was used by the members of that group.

31

32 I believe I showed you that road on my sketch. The road is just slightly below the ESM, that is, from the  
33 direction of Hotel Kiyovu.

34 Q. So you saw them as they came from that road up to the ESM roadblock; is that what you are saying?

35 A. You have the Paul VI Avenue, and then there is a line of houses slightly below the road, and another  
36 line of houses above the road, including the residence of the prime minister. So I saw them when they  
37 reached the Paul VI Avenue. When they met with the group at the roadblock, that is where they started

1 shouting and then started coming in our direction.

2

3 I think that maybe they congratulated themselves for having erected a roadblock at that location. But,  
4 really, I do not know what they were talking about. I have told you that the distance between them and  
5 us was about 100 metres, so I could not know what they were talking about.

6 Q. You agree with me, Witness, that, since that roadblock was at the junction, and you saw these soldiers  
7 when they were shouting, you have no way of knowing from which direction they came from?

8 A. Given the location of the ESM, when you are below the ESM, you have to deviate a little bit before  
9 reaching the road to Bilyogo. So I said that they came from below, that is, from the  
10 Kiyovu neighbourhood.

11  
12 When I saw the group approaching us, I told myself that they had to have come from the road below,  
13 leading to Kimihurura. And, in fact, I told myself that they were coming from Kimihurura.

14 Q. My point is -- and please be short when you answer because I only want a short answer. But you saw  
15 them at the roadblock, and there was a junction. You have no way of knowing from which road they  
16 came from; is that not correct?

17 A. I have just given you sufficient explanations, and I have nothing to add to them.

18 Q. Thank you. And so, when they got to the entrance of the prime minister, did they ask you anything, or  
19 did they just told you -- tell you to put down your weapons and sit down?

20 A. When they arrived at the entrance, they asked us to raise up our hands, and then they told us that they  
21 had come to look for Agathe because she was an accomplice in the death of President Habyarimana.  
22 That made us afraid, and we laid down our weapons.

23  
24 I had thought that they were not -- there was not going to be any problem, because some of them were  
25 wearing red berets. But we were surprised when they disarmed us; they took our weapons and handed  
26 them over to their colleagues. I do not know what -- what was the problem, what happened  
27 to Bicamumpaka. And so they had us sit down before moving on. They spoke to us in Kinyarwanda.

28  
29 Maybe if they had spoken in French, then the UNAMIR soldiers would have heard them. But,  
30 immediately after their arrival at the gate, they entered the compound.

31 Q. Who opened the gate for them?

32 A. They, themselves, opened the gate. When they asked us to surrender, they also asked the Ghanaians  
33 to lay down their weapons. Most of the UNAMIR soldiers were whites. They had not deployed  
34 to positions like ourselves. They were speaking on their radios. It is for that reason that they were  
35 disarmed. And, shortly after that, they ordered us to enter inside the compound. And then they told  
36 us, "If we do not find the person you are guarding, you will die in her place."

37 Q. Witness, just answer my questions, because you are giving me explanations which I did not ask. I just

1 wanted to know who opened the gate for them. You say that they opened by themselves, but they  
2 could not see the Ghanaian from inside. The Ghanaian had the door closed -- or, was it not closed?  
3 Was it open?

4 A. The gate was closed. It was the newly arrived soldiers who opened the gate themselves. This was  
5 a fence made of grille and papyrus, so when you are outside you can actually look in and see what is  
6 happening inside.

7 Q. Witness, did they take you with them inside when they entered?

8 A. Our entrance was a little unique. They went in and disarmed the UNAMIR soldiers, and then they  
9 asked us to enter inside the compound. We were not tied up, but we were compelled to obey because  
10 they asked us to get inside the compound and sit on the ground.

11 Q. And I suppose that the Ghanaians and the -- the Ghanaian soldiers were scattered -- were in their  
12 different defensive positions. Is that not correct?

13 A. The Ghanaians had kept their various positions. At some point in time, they were ordered to lay down  
14 their weapons as well.

15 Q. So whoever issued the order issued to the ones that he saw, and the others were maybe behind the  
16 house, just came with their weapons and put them down -- or, what happened? Or, from the inside you  
17 could see all of them, from their defensive positions?

18 A. I am talking to you about defence positions inside the compound. I have told you that there were also  
19 white UNAMIR soldiers inside the compound. Since all the soldiers had been disarmed, what could the  
20 Ghanaians do? And there were three or four in number. The Ghanaians were not in a position to do  
21 anything and so could not react. And, by the way, they were at various -- different positions. They  
22 weren't together.

23 Q. Witness, this is my problem. You say they were in the different defensive positions. How were they  
24 disarmed, because they were in their different positions? Whoever issued the order -- where did he  
25 direct his order to, because others were elsewhere?

26 A. Now, this is a tactic. If you tell someone, "Raise your hands in surrender," you do this, or you take such  
27 a person by surprise. So you use the surprise factor, and what was done to -- and this is what was  
28 done to a Ghanaian and his unit chief. There was another Ghanaian in the corner, and he had just  
29 been disarmed as well. He was positioned not far from the antenna.

30  
31 In any case, if your colleagues have been disarmed, what can you do? You cannot shoot at the many  
32 people that had just gotten into the compound.

33 Q. Witness, did the Rwandan soldiers shoot at any point either -- whether they were outside or inside the  
34 compound, before disarming the Belgian soldiers or Ghanaian soldiers?

35 A. Very well. Very good question. When they arrived in the compound, they did not shoot. In any case,  
36 they were threatening people with their guns, with the barrels of their guns, just in their face. So the  
37 people were forced to lay down their arms.

1 Q. So you are telling us that there was no shooting at all before the disarmament -- disarming these  
2 UNAMIR soldiers?

3 A. No gunshot was fired. I never saw anyone shoot, not even in the air -- into the air.

4 Q. Witness, you talked about a bus that took the UNAMIR soldiers out of the premises. When did you see  
5 the bus, when you were outside or inside the premises?

6 A. I said that the vehicle came, and, after, we had been ordered to go into the compound, but the gate  
7 was not closed. So the vehicle came and parked in front of the gate. But, since we had raised our  
8 hands in -- our arms in surrender, I tried to open my eyes, and I saw a driver and another person that  
9 was driving the car.

10

11 Now, the person who was in the vehicle said, "Give me those (*inaudible*) so that I can evacuate them."  
12 Now, helter-skelter, the prisoners with their arms raised moved towards the vehicle, and they were  
13 Ghanaian and Belgian soldiers. So they were boarded into the minibus. And it started off. From the  
14 noise made by the vehicle -- by the bus, I concluded that it must have been driving towards the  
15 advanced military academy, ESM.

16 Q. So that person did not come out of the bus; you just heard him say, "Give me those people"?

17 A. I confirm that the person never left the vehicle, but he wound down the windows of the vehicle and he  
18 leaned against the windows and said that those people should be handed over to him.

19 (*Pages 44 to 53 by Alannah Murray*)

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1 1600H

2 BY MS. MUSHI:

3 Q. Did he appear to you to have come to rescue the UNAMIR soldiers?

4 A. I personally think that he had come to bring them assistance, since he asked what happened here and  
5 he was a higher-ranking officer. Those who were there complied with his order, and that is how those  
6 people were handed over to him and that he took them away.

7 Q. Witness, you were allied with your gendarme colleagues, as well as the UNAMIR soldiers. This person,  
8 who is of the higher rank, according to you, comes to rescue the UNAMIR soldiers. Why didn't you  
9 shout for help, for him to help you, who was under arrest for no reason?

10 A. Actually, the situation was such that, given the circumstances under which we found ourselves, well, we  
11 had just been told that if the prime minister was not located, we were going to die in her place. How  
12 could we, therefore, ask that officer to help us? We would have been killed. We preferred to stay quiet  
13 and to be calm.

14 Q. So, according to you, you thought that even that officer could not help you because the mission was to  
15 get the person that you were protecting? Is that your reasoning?

16 A. Given the prevailing situation, well, it isn't a gendarme that was leading that group. If it had been a  
17 gendarme, we probably would have pleaded with him to assist us. But since -- well, he wasn't a soldier,  
18 and we did not want to expose ourselves by arguing or discussing with him.

19 Q. Okay. So the UNAMIR soldiers left. What happened next? Did they search the house?

20 A. The UNAMIR soldiers were disarmed while they were still there. So after the soldiers had been  
21 disarmed, well, there's a group that disarmed the UNAMIR soldiers. Another group kept watch over us,  
22 and another group got into the house in order to conduct a search thereof.

23 MADAM PRESIDENT:

24 Ms. Mushi, how long time do you need to conclude?

25 MS. MUSHI:

26 Ten to fifteen minutes, madam.

27 MADAM PRESIDENT:

28 You may continue. Proceed.

29 BY MS. MUSHI:

30 Q. My point is, after the UNAMIR soldiers left in the bus, what happened to you and to the soldiers who  
31 were in the compound? What were they doing?

32 A. After the -- after the departure of the UNAMIR soldiers, we remained in the compound. We were under  
33 watch, and the objective remained to be seen because the objective was to find the prime minister,  
34 failing which, we would be killed.

35

36 Now, as to what happened, the group got into the house in order to conduct a search. And I heard  
37 people screaming in the neighbouring compound. I think that they found the person that they were



1 looking for. And when they heard people screaming in the neighbours' compound, now, the entire  
2 group rushed into the other compound, and they took advantage of the situation to escape.

3 Q. What happened to the weapons dropped down by the UNAMIR soldiers?

4 A. Thank you. I told you that they collected our weapons. And, just as they did with our weapons, they  
5 also collected the firearms of the UNAMIR soldiers and gave them to some of the members of their  
6 group that were not armed.

7 Q. So as at that particular time, everybody in the group of the soldiers were armed, because you were  
8 almost 20, and almost 30 of them were armed when they came. So with your weapons, almost every  
9 one of them was armed; is that correct?

10 MR. TAKU:

11 Your Honours, I rise again. This is mischaracterising the evidence (*unintelligible*) that 30 of them were  
12 armed. I'm hearing that from learned counsel. If learned counsel has any difficulty in understanding  
13 the evidence, he should ask him, he will give the answer, but not to completely distort what this witness  
14 said.

15 MADAM PRESIDENT:

16 It seems he is very happy. Let him answer the question.

17 MR. TAKU:

18 Well, Your Honours, if there is a concern, I defer to the Court. Your Honours, I think it is -- it is  
19 (*unintelligible*) how the -- the learned counsel is trying to characterise this important issue to us. And  
20 that is why the witness finds it amusing, because he has said this more than five times today, what has  
21 happened, and I think we should move on.

22 MS. MUSHI:

23 You are right for once, Mr. Taku, that I -- because he -- almost 20 of them were armed. So 20 plus the  
24 other 20, or 19 weapons, so the majority of soldiers were armed. Okay?

25 BY MS. MUSHI:

26 Q. Do you agree with me that, as of the time when you heard the screams, almost every soldier was  
27 armed -- was armed?

28 MR. TAKU:

29 Your Honours, what -- I cannot understand this question. This witness said between 35 and 50, and  
30 now for my colleague, who made additions and presumed that the specific number, to the extent,  
31 saying that almost every soldier was armed, Your Honours, is simply not correct. I think she should try  
32 to qualify her question and -- so as to reflect exactly what the witness said.

33 MS. MUSHI:

34 If the under 50 is all the better because now there are almost 40. Now he is saying between 35 and  
35 50 people and is saying almost everyone was armed. If they were below 50 -- or, do you want me to  
36 say there were more than 50?

37

1 MR. TAKU:

2 Your Honours, let me repeat my objection. Learned counsel said that "Oh, about 20 were armed, and  
3 there were 19 arms," or something, and I said no. Almost all the soldiers said no. She should be in the  
4 position to base the premise of the question of the evidence and not to -- to -- to give approximations by  
5 saying that "almost all." What does "almost all" mean in this -- in this respect? So if she were to say  
6 that if there were 50 and (*unintelligible*) then this -- then this would mean that these people were armed.  
7 So put the question directly that way, and not to try to use -- qualify exactly what was said. It means  
8 something different from what the witness said.

9 MADAM PRESIDENT:

10 Your objection is upheld.

11

12 Proceed.

13 BY MS. MUSHI:

14 Q. Witness, you said that you finally escaped and that you went down the Paul VI Avenue towards  
15 national bank and that you sat somewhere, waiting for your vehicle. None came, and so you walked  
16 down to Kacyiru camp. Is that what you said?

17 A. Yes, indeed.

18 Q. Where did you expect the vehicle to take you to Kacyiru to come from?

19 A. Thank you. It so happens that we saw a gendarmerie vehicle passing by. We also saw a vehicle of the  
20 national army. And what we understood is that a military vehicle could pass by where we were and we  
21 would seize the opportunity to ask for a lift and to be taken to Kacyiru. So while we were there, hoping  
22 that a military or gendarmerie vehicle would pass by that place, we thought that we were losing time, so  
23 we decided to start going on foot.

24

25 You would recall that we were in dire circumstances before we left the residence of the prime minister.  
26 We were really traumatised. And when we waited for the possible arrival of a gendarmerie or national  
27 army vehicle, and when we didn't see any vehicle pass by where we were, we decided to go on foot.

28

29 Thank you.

30 Q. Thank you.

31 MS. MUSHI:

32 There was a map that I distributed before lunch. Can this be placed before the witness, please?

33 MR. TAKU:

34 Your Honour, I haven't seen the map, and I don't remember having seen the map.

35 MADAM PRESIDENT:

36 Yes, Mrs. Mushi.

37

1 MS. MUSHI:

2 I want the witness to show -- yes, it is part of the -- no this one. I think this one is clearer --

3 MADAM PRESIDENT:

4 *(Microphone not activated)*

5 MS. MUSHI:

6 -- it is part of the *(unintelligible)* report.

7

8 Can the witness please go to the projector so he can explain assistance?

9 MADAM PRESIDENT:

10 Witness, you can go to the projector.

11 JUDGE PARK:

12 Yes, Counsel, proceed.

13 BY MS. MUSHI:

14 Q. Witness, can you see the prime minister's house from that map? Can you identify it?

15 THE ENGLISH INTERPRETER:

16 The witness is asking for a pen that he could use to point out where the prime minister's residence was  
17 located. Thank you.

18 THE WITNESS:

19 Now, you see on this map Avenue Paul VI. It is here. This is a road that is situated between the ESM  
20 and the building that belongs to the Americans.

21

22 Now, this is the road that leads right up to the Petit Kigali restaurant and Hotel Kiyovu. This is a road  
23 that goes right up to Rugunga neighbourhood.

24 BY MS. MUSHI:

25 Q. Witness, don't show me everything. I just want to ask you specific questions.

26

27 Can you mark where you saw the soldiers before they came to you, the soldiers that came to the  
28 interest of the prime minister? Can you mark where you first saw them, where they were shouting?

29 A. You mean when there was shouting coming from which direction? There was a group of soldiers who  
30 made noise where they were by the ESM. There was another group of soldiers who shouted when they  
31 were coming to Prime Minister Agathe Uwilingiyimana's residence. Now, this is the residence of  
32 Prime Minister Agathe, and I think that the noise came from the direction in which the house that was  
33 occupied by people from West Africa --

34 MADAM PRESIDENT:

35 *(Microphones overlapping)*

36 MR. TAKU:

37 *(Microphones overlapping)*...Your Honours, I want my client to distinguish the event. Is it the first event

1 that happened shortly after the -- the -- after the assassination of the president, the shooting down of  
2 the plane, or the soldiers that later on came in the morning of the 7th? She should try to be very  
3 specific because the witness will be confused about the two events.

4 BY MS. MUSHI:

5 Q. Witness, where was the roadblock? Mark the place where there was a roadblock.

6

7 Can you write there "RB" for roadblock?

8 MADAM PRESIDENT:

9 Write "RB" to mark the roadblock, roadblock. Put "MR" on the roadblock -- write the letters "RB." Write  
10 the letters "RB" where you marked the roadblock. Write it.

11 BY MS. MUSHI:

12 Q. In this way you saw it's almost hundred metres from this gate to the prime minister's residence, right?

13 A. That's correct. But that distance that I gave is early and approximate distance.

14 Q. Can you please put arrows to indicate the road you used going out to Kacyiru Camp from the  
15 prime minister's residence in the morning of the 7th.

16 A. Thank you. This is the prime minister's residence. We took the Paul VI Avenue, and we got to that -- to  
17 this junction. We continued, and Avenue Paul VI -- Paul the Sixth Avenue, and we arrived at the  
18 National Bank of Rwanda.

19

20 And it is at this point that I saw an armoured car, whose cannon was -- was -- nozzle was directed  
21 towards the roundabout. And this is where we rested a little bit before continuing on our way to go to  
22 Kacyiru.

23

24 Have I answered your question properly?

25 Q. Yes. Mark for me where the national bank is. Put a mark there.

26 A. I think it is somewhere here where I'm pointing with my biro.

27 Q. Can you please put in the letters "NB" for "National Bank" so that we can identify it.

28

29 Just put in a mark the letters "NB" where you have pointed.

30

31 I remember you said that from the national bank to the prime minister's house is almost 2 kilometres; is  
32 that correct?

33 A. Yes, that is what I said. But, as I pointed out, this is simply an approximation. It could be more. It  
34 could be less. This was simply an estimation.

35 Q. Witness, we have an evidence here that four armoured vehicles left Camp Kigali a few hours after the  
36 crash of the president's plane and one of the armoured cars went to the national bank. What road  
37 would they use if they were to go to the national bank? If this the same road, would they use the

1 Paul VI -- or, what do you think would be leading to the national --

2 MR. TAKU:

3 *(Microphones overlapping)*...speculative -- speculative question because -- please, Your Honours, let  
4 the witness sit down except she wants to use the map again. *(Unintelligible)*...that's very, very  
5 speculative question. He -- she knows that that except on record -- except on record, she has in the  
6 transcripts someone who had testified, showing the itinerary that led to that location. She cannot  
7 speculate.

8  
9 This question is not based on anything. She has no grounds. She has no foundation, Your Honours,  
10 and I think it should be disqualified outright. I mean, I don't know why -- why counsel should be asking  
11 that question at all. That is not evidence. It is mere speculation, and it is not this witness saying that  
12 the four vehicles left. If he had testified that four vehicles left and went to that location that we're asking  
13 which itinerary these vehicles take. That question, unfortunately, Counsel, was never asked by you  
14 when you presented your case, was never asked, and the witness never testified. It doesn't exist in the  
15 record of this Court. It is speculative, and it ought not to be allowed.

16  
17 And, secondly, this witness was not a member of the recce battalion. He has not testified about  
18 recce battalion. He doesn't know exactly the movement of the vehicles of the recce battalion.

19 Your Honours, this question should be disallowed.

20 MADAM PRESIDENT:

21 Yes, Thank you, Mr. Taku.

22

23 Mrs. Mushi, did you finish?

24 MS. MUSHI:

25 I withdraw that question.

26 MADAM PRESIDENT:

27 *(Microphones overlapping)*...from the map?

28

29 Let him go to his seat.

30 MS. MUSHI:

31 Thank you, Witness. You can go back to your seat.

32 MADAM PRESIDENT:

33 And try to conclude.

34 MS. MUSHI:

35 *(Inaudible)*

36 BY MS. MUSHI:

37 Q. Witness, when you were fleeing from the prime minister's residence, you were saving your life, right?

1 A. Yes, you are correct. We were saving our lives.

2 Q. Can you tell me why didn't you go to the nearest military camp.

3 A. Thank you. You will recall that we were gendarmes. We were not members of the Rwandan army.

4 And after the incident at the residence of the prime minister, as gendarmes we had to return to the  
5 gendarmerie camp to brief our superiors on what had happened at the prime minister's residence. So it  
6 is only logical for us to have gone to the gendarmerie camp to inform our superiors of what had  
7 happened and not to a military camp nearer to the residence of the prime minister.

8 Q. I agree with you on the second part of your response, Witness, but, all the same, are you suggesting  
9 that gendarmes are not part of the Rwandan army?

10 MR. ST-LAURENT:

11 But this is obvious ever since the beginning of this trial, that the gendarmerie is not part of the  
12 Rwandan army. Even in your indictment you refer to the Rwandan armed forces and to the army.

13 MS. MUSHI:

14 *(Microphones overlapping)*...sorry. I was referring to armed forces.

15 JUDGE PARK:

16 *(Microphones overlapping)*...sorry, it is not clear.

17 MS. MUSHI:

18 Yeah.

19 BY MS. MUSHI:

20 Q. My last question, Witness: When you were leaving, were the jeeps -- were the UNAMIR jeeps here at  
21 the prime minister's residence?

22 A. Thank you. When we fled, the UNAMIR soldiers' jeeps were still at the residence of the prime minister.  
23 Some of the vehicles were inside the compound of the prime minister's residence, while the others  
24 were parked on the road.

25 Q. Thank you, Witness. I have no further questions.

26 MS. MUSHI:

27 Thank you, Madam President.

28 MADAM PRESIDENT:

29 Mr. Taku -- do you have any questions?

30 MR. TAKU:

31 Your Honours, no re-examination of this witness.

32

33 Thank you, Witness, for coming to testify.

34

35 Your Honours, we will make a very humble request for this witness to meet Major Nzuwonemeye and  
36 probably any other member here who would like to meet him.

37

1 Thanks.

2 MADAM PRESIDENT:

3 Witness, no more questions. Thank you for coming and testifying in court. You may go now. And if  
4 you wish to meet General Nzuwonemeye, you are allowed, and the registry arrange for your meeting.

5 MR. TAKU:

6 "Major," Your Honours, "Major."

7 MADAM PRESIDENT:

8 Major -- Major, General. We are sorry.

9

10 I want to say "the Accused," so I say "the General." It's better than "The Accused."

11

12 And before you leave -- before you leave --

13 THE WITNESS:

14 *(No interpretation)*

15 MADAM PRESIDENT:

16 -- you stopped smiling. Keep smiling. You can go.

17 MS. MUSHI:

18 I'm sorry, Your Honour. Can I tender this map?

19 MADAM PRESIDENT:

20 Yeah.

21 THE WITNESS:

22 *(No interpretation)*

23 MADAM PRESIDENT:

24 The map by the Prosecutor P. 2 -- P. 255.

25 *(Exhibit No. P. 255 admitted)*

26 *(Witness excused)*

27 MADAM PRESIDENT:

28 Mr. Taku, this is the last witness, I think.

29 MR. TAKU:

30 Yes, Your Honour.

31 MADAM PRESIDENT:

32 I think there is another one but is not feeling well, and you can take his testimony, if he recovers for the  
33 next session.

34 MR. TAKU:

35 Thank you, Your Honours. Thank you so much.

36 MADAM PRESIDENT:

37 And with respect to the Defence counsel request to adjourn the proceedings for the coming session, the

1 Chamber hereby inform the parties that the proceedings in this case resume on 8th of September 2008  
2 for full-days sessions.

3  
4 Mr. Segatwa, I remind you to start your case when Mr. Taku closes. And, at the same time, to disclose  
5 all the documents related to your case before 21 days from the beginning of the session -- from the  
6 beginning of the session, before 8th of September 2008.

7  
8 Now, we will adjourn the case until September 8th, 2008, wishing you all good health, happiness,  
9 progress, prosperity, and peace, which our world needs in these days.

10  
11 Thank you.

12 *(Court adjourned at 1632H)*

13 *(Pages 54 to 62 by Ann Burum)*



## CERTIFICATE

We, Alannah Murray, Ann Burum, Haruna Farage, and Robyn Harrell, Official Court Reporters for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*stenotype*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

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

\_\_\_\_\_  
Alannah Murray

\_\_\_\_\_  
Ann Burum

\_\_\_\_\_  
Haruna Farage

\_\_\_\_\_  
Robyn Harrell