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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-96-10-T THE PROSECUTOR
ICTR-96-17-T OF THE TRIBUNAL

AGAINST

ELIZAPHAN NTAKIRUTIMANA
GÉRARD NTAKIRUTIMANA

5 FEBRUARY 2001
0850H
CONTINUED TRIAL

Before: Judge Erik Møse, Presiding
Judge Navanethem Pillay
Judge Andrézia Vaz

For the Registry:
Ms. Marianne Ben Salimo
Mr. Edward Matemanga

For the Prosecution:
Mr. Charles Adeogun-Phillips
Ms. Wallace Kapaya
Ms. Boi-Tia Stevens

For the Accused Elizaphan Ntakirutimana:
Mr. Ramsey Clark

For the Accused Gérard Ntakirutimana:
Mr. David Jacobs

Court Reporters:
Ms. Geraldine O'Loughlin
Ms. Verna Butler
Ms. Shannon Fleming Eboe-Osuji

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For the Defence

MR. FAUSTIN TWAGIRAMUNGU

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

2 MR. PRESIDENT:

3 Good morning. The Court is in session.

4

5 Good morning, Mr. Twagiramungu. You are, of
6 course, still under the obligation of
7 yesterday.

8

9 Mr. Phillips, please proceed.

10 MR. ADEOGUN-PHILLIPS:

11 Thank you, Your Honour. Good morning,
12 Your Honours.

13 MR. CLARK:

14 May it please the Tribunal. One matter
15 before we proceed.

16 MR. PRESIDENT:

17 Mr. Clark, you have anything?

18 MR. CLARK:

19 Yes, thank you. We've asked the Prosecution
20 this morning whether they have any further
21 documents. I mean, as you saw yesterday, we
22 had no advance notice or copies of
23 documents. I was told that they might have
24 two or three and asked for them, but we
25 haven't seen them yet. So if they have any

1 documents, as we have said, they should give
2 us copies so we can examine them.

3 MR. ADEOGUN-PHILLIPS:

4 Your Honour, even my learned friend is
5 familiar that even in the US, it's his
6 witness and I don't have any obligation to
7 give him documents beforehand. They never
8 gave us any documents used to impeach our
9 witnesses during the course of the
10 Prosecution's case. I'm cross-examining the
11 witness, Your Honour. He's made statements,
12 and I can impeach him on prior inconsistent
13 statements. I don't have any disclosure
14 obligations to him in that regard.

15 MR. PRESIDENT:

16 We are not talking about disclosure
17 obligations towards the witness, only so
18 that the Defence, when this is coming up
19 during, say, five or ten minutes during your
20 cross-examination, that they will have the
21 time just to have a look at the documents.

22 MR. ADEOGUN-PHILLIPS:

23 Well, I did that yesterday, Your Honour.

24 MR. PRESIDENT:

25 Okay, so there is no further documentation?

1 MR. ADEOGUN-PHILLIPS:

2 Well, we have some that we're going to refer
3 to, but as and when the issue comes up, we
4 will have them circulated, as we always do.

5 MR. PRESIDENT:

6 And Mr. Clark's request is whether you will
7 kindly circulate them now so that they will
8 get, say, five or ten minutes just to have a
9 look at them. That's the issue, I
10 understand.

11 MR. ADEOGUN-PHILLIPS:

12 I can't circulate them now, because I'm not
13 sure I want to use them. I will use them
14 depending on if I need to use them,
15 Your Honour. So giving it to him beforehand
16 is not very helpful to me. I only use those
17 documents if I need to impeach the witness's
18 credibility.

19 MR. PRESIDENT:

20 The Judges have deliberated. We all agree
21 that there is no obligation on the part of
22 any party, according to the Rules of the
23 Statute, to provide a document in advance.
24 It's only a matter of courtesy whether that
25 should be done. That expression of courtesy

1 is reiterated, but we cannot, in view of the
2 response of Mr. Phillips, force him to do
3 that because it is not obligatory under the
4 Rules, but it is simply stated that it
5 facilitates the smooth working relations in
6 Court if a party submits it in advance when
7 the party knows that that document is to be
8 used.

9
10 So that's the ruling of the Chamber.

11
12 Please proceed, Mr. Phillips.

13 MR. ADEOGUN-PHILLIPS:

14 Grateful, Your Honour.

15 CROSS-EXAMINATION (continued)

16 BY MR. ADEOGUN-PHILLIPS:

17 Q. Good morning, sir.

18 A. Good morning.

19 Q. I'm going to continue asking you just a few
20 questions this morning from where we left
21 off yesterday.

22 A. Yes.

23 Q. Sir, in your testimony yesterday, you had
24 stated, in response to a question by learned
25 counsel for the Defence, that in your

1 opinion you didn't accept the notion that
2 there was a plan, an existing plan, in
3 Rwanda in the period running up to
4 April 1994, a plan by extremists to commit
5 genocide. Do you recall saying that?
6 A. Yes, but I have to stick to the definition I
7 have given to both planning and genocide.
8 Q. And, in particular, you replied that, "I
9 believe I was a VIP, and, as such, I could
10 get information. Nobody talked about any
11 plan for genocide". That was your
12 testimony, wasn't it?
13 A. That's right.
14 Q. Sir, why in your opinion would you have been
15 privy to any plan to commit genocide, if
16 there was one? Why would you?
17 A. I would specify that starting from 1992,
18 precisely from 17th of April '92, we were in
19 control of the government and security
20 services were in our department, controlled
21 by the prime minister of MDR. Therefore, if
22 there has been any plan of that kind, I
23 think that we had the capacity to know about
24 it, using those services we were
25 controlling.

1 Q. Sir, whether the MDR controlled or held the
2 prime ministerial post or not, you, as a
3 person, were in no position to know about a
4 plan for genocide by extremists because you
5 were considered an RPF accomplice at best
6 and a Hutu democrat at worse. How could you
7 have come across a plan for genocide?

8 A. Well, being accomplice -- into brackets, or
9 into quotation, if you wish -- does not mean
10 that one is deaf or blind or not be
11 informed. So, these services, I believed in
12 them. They could have controlled and
13 informed me.

14
15 Second, I have to add to this: there has
16 been a famous information, or informer, who
17 sent messages -- and I have read newspapers
18 about the famous fax sent by Dallaire. And,
19 as a matter of fact, it is mentioned in all
20 documents, a VIP has been informed. The
21 people who did inform us were from MRND.
22 They never talked about a plan. They talked
23 about arms hidden.

24 Q. But my issue to you, and my question to you,
25 sir, is that you had no official position

1 that would have enabled you to know about a
2 plan of genocide by extremist Hutus. You
3 were not part of them, were you?

4 A. You are wrong, because I was prime minister
5 designate officially, and the document of
6 appointment was signed on the 5th of August
7 1993. Therefore, I was entitled to all
8 privileges including being informed about
9 government matters.

10 Q. Sir, with all due respect, your designation
11 as prime minister was on a piece of paper;
12 it was never implemented. Is that not
13 correct?

14 A. This is frankly to ignore how we were
15 proceeding, because I had an office near
16 President Habyarimana's office. I had
17 escort and I had all privileges of an
18 official personality. Therefore, I can't
19 believe and I can't understand how I could
20 not have discussed the matters concerning my
21 country, concerning the planning of
22 exterminating my people.

23 Q. Sir, but by your own admission, you
24 testified yesterday that you were alienated
25 by the government of Habyarimana. He

1 refused to swear you in. How privileged
2 could you have been at that time, sir? Can
3 you help me with that.

4 A. Well, I think Habyarimana used, I have to
5 repeat, delaying tactics. He was not the
6 one to be there to be our formal -- and for
7 me to be sworn in. We had the president of
8 the supreme court, the one who was in
9 charge, and, you know, this was into a
10 system, within the system. It was not a
11 matter of Mr. Twagiramungu and
12 Mr. Habyarimana themselves.

13 Q. Sir, I'm also correct in saying that as of
14 the 19th of April you had to be evacuated
15 from Rwanda despite your VIP status; is that
16 not correct?

17 A. Could you repeat the question, sir?

18 Q. Would I be correct in saying that on the
19 19th of April you were evacuated by UNAMIR
20 from Kigali, despite your VIP status as
21 prime minister designate, in fear for your
22 life?

23 A. Unless we forget the context we were in.

24 Q. Can you answer my question, please? Were
25 you or were you not evacuated?

- 1 A. The question is, have you been evacuated,
2 yes or no. I have been evacuated, yes.
- 3 Q. Were you evacuated for fear of your life and
4 that of your family?
- 5 A. Surely.
- 6 Q. Would you like to reconsider your stand as a
7 privileged VIP status at that stage.
- 8 A. Well, I don't think that VIP status means to
9 expose yourself or commit suicide.
- 10 Q. Why were you sought if you were a VIP, sir,
11 by extremists?
- 12 A. I think to be VIP was not to go and join
13 Kambanda's government or to be killed. If I
14 were killed, probably, I would have been
15 taken as a VIP dead; but I am still alive,
16 and I was evacuated being a VIP.
- 17 Q. Sir, you had a mandate on a piece of paper.
18 By your own admission, the Arusha Accords
19 gave you mandate, "prime minister
20 designate".
- 21 A. Right.
- 22 Q. Why didn't take you take power. April --
23 the president is dead. Can you help me with
24 that?
- 25 A. Well, I think this is, frankly, out of

1 context. I was not, according to the peace
2 agreement, the person to take over if
3 Habyarimana was killed or he had fled the
4 country or being absent otherwise.

5 Q. I will move on.

6
7 Yesterday, sir -- this is now a separate
8 topic -- you testified that you were unaware
9 of the ministers in Kambanda's cabinet. Do
10 you remember saying that?

11 A. Yes. I have to add, not all.

12 Q. Well, you knew at least 11 of them.

13 A. Well, Kambanda, when he published his
14 government, frankly, I was not consulted.
15 But during -- I mean, reading the newspapers
16 we came to know the people who were
17 appointed in Kambanda's government.

18 Q. Now, are you saying that your discussion of
19 the ministers in your statement to ICTR of
20 13th of April 2000 was based on newspaper
21 reports and not first-hand knowledge?

22 A. Exactly. I have not been consulted. I have
23 to repeat this, and it's very important for
24 people to understand it: I met people from
25 Prosecution, in Brussels, in Hotel Sheraton.

1 They had a list of people who were in
2 government, in Mr. Kambanda's government,
3 asking me every name: "Do you know the
4 person?" I said, "Yes." "Do you know
5 this?" All of them, I know them. You know,
6 I know them. These are Rwandans. They were
7 in the MRND; others were in the MDR; others
8 were in the Parti Social Démocrate. So I
9 can't pretend that I don't know them.

10 Q. But that's not what you said yesterday when
11 I asked you if you were familiar with those
12 who served under Kambanda. You said you
13 didn't know the members of his cabinet.

14 A. I still have to insist, yes. And I give an
15 example. There has been a minister
16 for finance, who finally was, I think,
17 caught in Brussels and brought here. I
18 haven't seen the gentleman in my life. I
19 don't know him. So, today, I can't be
20 forced and say I know them all. I know some
21 of Kambanda's team government, but I don't
22 know them all.

23 Q. Well, it so happens that the 11 that you
24 mention in your statement are all described
25 by you as dangerous extremists or extremists

1 in one fashion or the other. How do you
2 explain that?

3 A. Well, I can still explain it. They are
4 individuals who were extremists. What I
5 hate is to say that all Hutus are
6 extremists. This, I would never buy it, and
7 I would never accept it.

8 Q. Sir, with all due respect, I'm not
9 interested in whether or not all Hutus were
10 extremists. I'm interested in those Hutus
11 who formed part of the Interim Government
12 with Kambanda?

13 A. Unless you probably state the contrary, but
14 I will stick to what I said.

15 Q. Is it your testimony, sir, then, that
16 Kambanda's government was made up of Hutu
17 extremists?

18 A. Well, if there are exceptions, I think we
19 shall find out, but within the situation of
20 that period, I think there's a certain
21 responsibility, probably, to be borne by
22 that government.

23 Q. Responsibility in what regard, sir?

24 A. With regard to events that happened in
25 Rwanda.

1 Q. Is it your testimony, sir, that that
2 government made up of extremist Hutus was
3 responsible for the planning of the genocide
4 that took place in Rwanda?

5 A. If I was not government, I would bear this
6 responsibility. This is very important; it
7 is very important, and I have to say
8 something about it. We don't go in a
9 government for privileges only; we go in a
10 government to serve, to assume our
11 responsibility. If events did take place in
12 Rwanda, there are parties or government
13 bodies who certainly have to take certain
14 responsibility. What happened in Rwanda --
15 RPF and people in government by the time,
16 they will never deny that they don't have to
17 bear responsibility. This is my statement.

18 Q. I'm interested in the Interim Government,
19 sir.

20 A. If they have responsibility, yes.

21 Q. Is it your testimony then, sir, that the
22 Interim Government made up of Hutu extremist
23 ministers belonging to MRND was responsible
24 for the genocide; your opinion, sir. Can
25 you help me with that.

1 A. My opinion is that you're wrong, because --

2 MR. CLARK:

3 Just a moment, Mr. Prime Minister.

4 Your Honour, I'm going to object to that
5 question as having nothing to do with the
6 cross-examination of this witness. It's a
7 continuation from yesterday of an effort to
8 smear or indict other people in this case
9 who are not on trial here, who don't have
10 lawyers here. There's nothing in this line
11 of questioning that has anything to do with
12 the prime minister here and whether he's
13 credible. He's trying to -- I mean, after
14 all, the Kambanda government was formed
15 after he left. He had no contact with them.
16 He read about them in the newspaper. He
17 wasn't there. He didn't meet them in the
18 room and say, "Goodbye, I'm leaving". And
19 now he's being asked what did they do after
20 he left. He doesn't know what they did
21 after he left.

22 MR. PRESIDENT:

23 Mr. Phillips.

24 MR. ADEOGUN-PHILLIPS:

25 Your Honour, I never asked what they did

1 after he left. I asked him, rather, what
2 did they stand for, in his opinion -- two
3 separate issues. He knows that.

4 MR. PRESIDENT:

5 I understand that the issue is the plan,
6 isn't it?

7 MR. ADEOGUN-PHILLIPS:

8 Yes, what did they stand for.

9 MR. PRESIDENT:

10 And that's a continuation.

11 THE WITNESS:

12 Yes.

13 MR. PRESIDENT:

14 Proceed.

15 THE WITNESS:

16 Yes, but the question is asking, frankly --
17 I don't know the rules of the Court, and I
18 should know. What I have is to respect the
19 Court. But I can't get continuously
20 confused by saying that the government of
21 Kambanda was composed by people of MRND.
22 You are wrong. This is a government of
23 different political parties, not MRND
24 government.

25

1 BY MR. ADEOGUN-PHILLIPS:

2 Q. Sir, were there any Tutsis to your knowledge
3 in Kambanda's Interim Government?

4 A. I have no idea about that question, sir.

5 Q. Sir, what do you know about the civil
6 defence programme that was in place in
7 Rwanda in 1994?

8 A. Well, this civil defence was a project in
9 reaction to what happened in January 1993.
10 That project, has it been put into -- or
11 implemented or not, I have no idea. I have
12 no recollection about that.

13 Q. So, it's your position that you are not
14 aware of any documentation that legitimised
15 the civil defence programme in Rwanda,
16 between '93 and '94?

17 A. People talking about it, yes; but documents,
18 no.

19 Q. Now, can you help the Court with this: what
20 exactly did the civil defence programme
21 comprise of at this time? What was it all
22 about?

23 A. Not as a programme. What I told your people
24 was that some people were talking about
25 civil defence in their political parties.

1 To simply say, by the way -- this I heard it
2 in MDR, not in other party. Not in MRND.
3 Not in PL. Not in PSD. You know.

4
5 A gentleman stood up and said, "Well, we
6 should defend our country by all means,
7 taking whatever we can have in our hands".
8 What I know, I objected to that kind of
9 reaction. You can't just stand in front of
10 people, having Kalashnikov and you have a
11 machete and think that you're going to fight
12 them.

13 Q. Sir, would I be right in saying that the
14 civil defence programme that you are
15 referred to involved the widespread
16 distribution of weapons to the civilian
17 population in Rwanda?

18 A. That's not my idea.

19 Q. What is your idea then?

20 A. My idea was not the distribution of
21 firearms. I have to stick to what I said.
22 I said that a gentleman stood up in the MDR
23 and proposed that a civil defence should be
24 set up to defend the country because it was
25 going to be taken by RPF -- January 1993 --

- 1 by using all means possible, machetes, what
2 you call traditional arms, but not firearms.
- 3 Q. Sir --
- 4 A. And, frankly, to say that it was a
5 programme, it simply means that it must have
6 a kind of planning also.
- 7 Q. Sir, the very nature of the term "civil
8 defence" implies that you were arming the
9 civilian population with arms, didn't it?
10 Civilian population, defence of the country;
11 is that not what it means?
- 12 A. Well, for the French we used at that time
13 and now is correct, yes.
- 14 Q. Thank you. And is it your testimony, sir,
15 that at some stage there was a policy in
16 place to arm civilians with machetes in
17 defence of their country against
18 infiltrators?
- 19 A. Could you repeat your question?
- 20 Q. Is it your testimony, sir, that at some
21 stage in Rwanda, between '93 and '94, there
22 was a plan in place to arm the civilian
23 population in defence of their country
24 against infiltrators?
- 25 A. Yes.

- 1 Q. Sir, yesterday we spoke about the difference
2 in Hutu and Tutsis, and you talked about
3 identity cards; we both talked about
4 identity cards. Sir, do you know whether or
5 not roadblocks were a common feature in
6 Rwanda in the period January to April 1994?
- 7 A. Well, I don't -- I don't understand the
8 question. In relation to Tutsi and
9 roadblocks, I don't understand. Could you
10 repeat?
- 11 Q. Do you know whether or not roadblocks were
12 erected in your country in 1994, sir?
- 13 A. Well, the meaning "to know" -- the words "to
14 know", it does not mean I hope to have seen.
15 I haven't seen, but what I know, roadblocks
16 existed, yes.
- 17 Q. Do you know what happened at those
18 roadblocks, from what you are heard, sir?
- 19 A. Yes.
- 20 Q. Can you tell the Court, please?
- 21 A. From what I know, not from what I have seen.
- 22 Q. Yes, sir.
- 23 A. Yes, people were being killed; yes.
- 24 Q. What sort of people were being killed at
25 roadblocks, sir?

1 A. That's a very good question. This is a
2 question which offers me an opportunity to
3 explain. Rwandans were killed, including
4 Hutu and Tutsis. People from my own party
5 were killed, in tens of hundreds -- or tens
6 of thousands, I should say, if not even
7 hundreds. Could the Court allow me to add
8 this?

9 Q. Sir --

10 A. The confusion, the confusion, the confusion.
11 And yesterday I insisted that we have the
12 duty to write our own history. The people
13 who were killed had no colour; they were all
14 Rwandans, black Rwandans. I lost my own
15 people who looked like Tutsis, confusing
16 people, they are Tutsi, you kill them. The
17 intention was not to kill Tutsi only, but
18 people from the opposition, Tutsi
19 included -- should I once more repeat --
20 millions of people who were in opposition
21 were not only Tutsis.

22 Q. Sir, I'm interested in talking with you
23 about roadblocks, and the very nature of a
24 roadblock means that it has been set up to
25 be able to screen people, otherwise if all

- 1 Rwandans were killed, then you wouldn't need
2 roadblocks, would you, you would just go
3 after them wherever they are? You don't
4 need a roadblock to go after all Rwandans,
5 do you, sir?
- 6 A. I don't know how it works in other
7 countries. In Rwandan it works that way.
- 8 Q. Let's look at it objectively, sir. Let's
9 reason together. You have a roadblock in
10 this courtroom. You set up that barrier for
11 a purpose. If you intended to kill
12 everybody, God forbid, in this courtroom,
13 you don't need a barrier, do you?
- 14 A. Your Honour, I think I am not going to
15 answer this question.
- 16 Q. That's very well.
- 17 A. It is -- I can't bear this. I know what
18 happened to me. I know how many people of
19 mine died on roadblocks, so the gentleman
20 cannot continue telling me only Tutsis were
21 killed on roadblocks.
- 22 Q. Sir --
- 23 A. I don't want to answer this question.
- 24 Q. Sir, let's move on.
- 25

- 1 Sir, you seem to suggest to the Court that
2 the problem in Rwanda was between the MRND
3 and the RPF; do you remember saying that?
- 4 A. I continue saying it, yes.
- 5 Q. Isn't it true that the MRND was made up
6 predominantly of Hutus?
- 7 A. I am not a Belgian. I did not say that
8 10 per cent are Hutus and 90 per cent are
9 Tutsis -- I mean, 10 per cent are Tutsis and
10 90 per cent are Hutus, or otherwise.
- 11 Q. Sir --
- 12 A. Well, according to statistics, how could it
13 be that MRND be composed of the majority of
14 Tutsis? It was impossible. So, therefore,
15 in the conclusion, people who were in MRND
16 were Hutus, yes.
- 17 Q. Is it not true also, sir, that those who
18 were in the RPF were predominantly Tutsi?
- 19 A. I did not make that investigation. What I
20 know, RPF was mostly controlled by Hutus.
21 Kanyarengwe was the chairman. Mr. Lizinde
22 was a colonel and a former colleague of
23 Habyarimana, was in control of political
24 commission, and many other Hutus who were in
25 RPF.

- 1 Q. Including yourself, I dare say so, sir.
- 2 A. Your Honour, I object to this. I never got
3 a card off RPF. I was the chairman of MDR.
- 4 Q. Sir --
- 5 A. And I don't want, frankly, to be
6 continuously threatened being an RPF here.
7 I am not RPF, sir.
- 8 MR. PRESIDENT:
9 That was the answer to the question.
- 10 MR. ADEOGUN-PHILLIPS:
11 Yes, I moved on already.
- 12 BY MR. ADEOGUN-PHILLIPS:
- 13 Q. The term "Inkotanyi", what does that mean to
14 you, sir?
- 15 A. Could you repeat your question?
- 16 Q. "Inkotanyi", what do you understand by that
17 term? Pardon my pronunciation.
- 18 A. Well, I am not a specialist of Rwandan
19 semantics, but Inkotanyi is equivalent of
20 RPF because they write in their documents
21 "RPF-Inkotanyi".
- 22 Q. Were people --
- 23 A. Can I explain more, Your Honour. This word
24 is drawn from old oligarchy armies of
25 Rwanda, so this is to signify that Inkotanyi

1 was an army of the king before. If these
2 people pretend to be a new king, that's
3 their business. That's the meaning of the
4 word.

5 Q. The term "Inyenzi".

6 A. This, I know it quite well.

7 Q. What does it mean?

8 A. And I -- Your Honour, I repeat this, once
9 more. Rwandans must write, or re-write
10 their own history. You read the book
11 Rwandan-Burundi written by a professor in a
12 university in Florida, a gentleman called
13 Ronald Marchand (phonetic). He will give
14 you the definition of Inyenzi. This word
15 was invented by the rebellion in the '60s,
16 from 1960 up to 1967. So it is an
17 abbreviation saying, well, "Inyenzi, abagabo
18 b'indwanyi bagomba kuba ingenzi". This is
19 an abbreviation of the word. So, in
20 Kinyarwanda, Inyenzi means roaches -- how
21 you call it in English?

22 Q. Cockroaches.

23 A. Right. It is exactly the same word. But
24 today people tend to believe, "Ah, Hutus are
25 calling them cockroaches. This word has not

1 been invented by the Hutus; it has been
2 invented by the people who wanted to invade,
3 conquer and possess the power they had lost.

4 Q. Now, is it also true, sir, that the term
5 Inkotanyi was used to refer to both the RPF
6 and people who were sympathetic to the RPF
7 and Tutsis generally?

8 A. Well, this is for the benefit of the Court
9 of course; I have to explain. This is
10 typical African politics, where probably we
11 don't yet understand the meaning of
12 opposition. People to insult you, they
13 would treat you as, you know, a traitor.
14 Being a traitor is somebody who opposed the
15 regime, you know: you are Inyenzi; you are
16 Inkotanyi; you are so forth. Of course,
17 people were mentioning all these sort of
18 things. But I did not pay too much
19 attention to those kinds of things in
20 newspapers in magazines, everywhere. My aim
21 was to continue fighting for truth, peace
22 and the continuation of democratic process,
23 full stop.

24 Q. Sir, would you ever have used the term
25 Inkotanyi in any statements that you have

- 1 made?
- 2 A. Probably, many times. This is official name
3 of RPF. What I can I do; not insulting
4 them, probably.
- 5 Q. And would you have used the term "Inkotanyi
6 and associates", as in people who were
7 sympathetic to the RPF?
- 8 A. Could you repeat this, sir?
- 9 Q. Would you have used the term "Inkotanyi and
10 their associates"; is that the sort of
11 phrase that you used?
- 12 A. Well, it could be, yes. Why not? There's
13 no problem.
- 14 Q. Sir, did you ever become aware at some stage
15 that you were blamed, or accused, of the
16 death of Bucyana, for example?
- 17 A. Well, not only Bucyana; I have to probably
18 assist you on this issue. I have been
19 accused of having killed Emmanuel Gapyisi,
20 of my own party. I have been accused of
21 having killed Mr. Bucyana, the chairman of
22 CDR. I have been accused of being involved
23 in the killing of Habyarimana, and so forth.
24 But my conscious is quite clean. I did not
25 kill anybody and I did not enter any

1 complicity to kill anything.

2 Q. Gapyisi was your brother-in-law, was he?

3 A. Exactly.

4 Q. You were accused of killing your own

5 brother-in-law, sir.

6 A. That is very surprising.

7 Q. A very serious allegation to make, wouldn't

8 you say?

9 A. Well, I hope you are not making one.

10 Q. Sir, you were accused of killing these three

11 men because of your close relationship, or

12 your perceived close relationship with the

13 RPF at the time; is that not correct?

14 A. It is not correct. I can't be accused of

15 being close to RPF, frankly, I have to

16 insist. But your question gives an

17 opportunity to the Court to understand the

18 climate in which we were in Rwanda.

19 JUDGE PILLAY:

20 Mr. Twagiramungu, who made these accusations

21 against you?

22 THE WITNESS:

23 This is newspapers in Rwanda, and

24 particularly newspapers. And I remember

25 RTLM also did.

1 JUDGE PILLAY:

2 And they were false?

3 THE WITNESS:

4 Of course, this is false accusations,
5 because they did it even on the death of
6 Mr. Gatabazi, I mentioned yesterday, myself
7 I heard. It said Mr. Faustin Twagiramungu
8 has killed Gapyisi and now has killed
9 Mr. Gatabazi, my brother-in-law. Can you
10 imagine? Gatabazi was a friend of mine.
11 And Habyarimana. Frankly, I have to get all
12 the means to kill a president. This was
13 false accusations and sometimes ridiculous.

14 BY MR. ADEOGUN-PHILLIPS:

15 Q. Sir, are you aware of that several eminent
16 Rwandan scholars have accused of you being
17 behind these murders?

18 A. I don't -- could you repeat the question?

19 Q. Are you aware, sir, that, apart from the
20 RTLM and other newspaper reports, several
21 eminent Rwandan scholars have accused you,
22 in their books, of being behind these
23 murders?

24 A. That is -- it is very good you asked that
25 question. Scholars also can be wrong, you

1 know. If they did, it's their business.
2 Being here in such a court is very important
3 for me. I have to repeat.

4 Q. Sir --

5 A. Would I kill them to present evidence; but I
6 can't prevent people from being wrong, you
7 know. They can write whatever they like.

8 MR. PRESIDENT:

9 Mr. Phillips, if you hold such an accusation
10 against a witness, well, first, you have to
11 indicate the source for it, and the first
12 part was newspaper source, now you are
13 saying several --

14 THE WITNESS:

15 Scholars.

16 MR. PRESIDENT:

17 Are you going to continue with this?

18 MR. ADEOGUN-PHILLIPS:

19 I needed him to agree or not, and if he has
20 agreed with me, I don't need to push it any
21 further. That is the extent to which I need
22 to go. It's not in dispute, sir.

23 BY MR. ADEOGUN-PHILLIPS:

24 Q. Sir, you have in turn accused the RPF of
25 being behind the killing of these

1 politicians, haven't you?

2 A. Well, I suspect that RPF was behind the
3 killings.

4 Q. You also suspect that RPF was behind the
5 killing of the president, didn't you?

6 A. I still stick to what I said, yes.

7 Q. Now, let's deal with these three gentlemen
8 first. What do you base your allegation
9 that the RPF was behind the killing on?

10 A. Well, the suspicions I think is to be
11 analysed. I don't confirm what I suspect.

12 Q. Sir, you've given several interviews between
13 the 12th of August 1994 and recently in the
14 year 2000. You have spoken about these
15 murders but you haven't apportioned blame on
16 the RPF; why are you doing so now?

17 A. Well, I did it several times. If people did
18 not take note, this is not my business.

19 Q. I see. So your testimony is that you have
20 always held the RPF responsible for your
21 brother-in-law's death but you just never
22 mentioned it.

23 MR. JACOBS:

24 Your Honour, just for the record, that is
25 not what the witness just said.

1 MR. ADEOGUN-PHILLIPS:

2 What did he say?

3 MR. JACOBS:

4 My understanding is that the witness said
5 that he said those things and people may not
6 have taken them down.

7 MR. PRESIDENT:

8 Mr. Jacobs is quite right.

9 MR. ADEOGUN-PHILLIPS:

10 I stand corrected.

11 BY MR. ADEOGUN-PHILLIPS:

12 Q. Sir, you enjoyed -- you had a long-standing
13 relationship with the RPF in the years
14 leading to 1994, didn't you?

15 A. Well, you know, after all, if you've really
16 followed me, I am a peaceful man. I am the
17 first person to have proposed that we should
18 sit with RPF and negotiate. This was on
19 11th of August 1991. So if I had
20 relationship, I don't know what people call
21 relationship. My idea is to have peace with
22 anyone who happens to be Rwandan. So
23 special relationship, I don't see any
24 special relationship. I don't see any.
25 When my name was presented here as the prime

- 1 minister designate by the government of
2 Rwanda and political parties, RPF accepted.
3 So this is not a special relationship.
- 4 Q. You had an uncompromising determination to
5 become prime minister of Rwanda, didn't you?
- 6 A. Could you repeat this?
- 7 Q. You had an uncompromising determination,
8 sir, to become prime minister of Rwanda and
9 the RPF supported you in that determination.
- 10 A. Well, I object to the word "uncompromising".
11 I am not a dictator. My name has been
12 accepted by all parties involved, so that's
13 nothing special of being uncompromising to
14 be prime minister.
- 15 Q. Including the RPF, sir.
- 16 A. "Including RPF," you mean?
- 17 Q. Supported your nomination as prime minister
18 designate, didn't they?
- 19 A. I appreciate, yes.
- 20 Q. You had very great hopes in seeing the
21 implementation of the Arusha peace accords,
22 didn't you, sir?
- 23 A. So much so, yes.
- 24 Q. Your expectations were dashed having
25 returned to Rwanda in July 1994, were they

1 not?

2 A. "Dashed" is what? Can you explain it?

3 Q. You were disappointed. You had great hopes.

4 A. No. No. That's a word according to you. I

5 was not disappointed. If I were, I would

6 not have gone back to Rwanda. My ambition

7 was still there.

8 Q. Sir --

9 A. I have lost my people. We have lost our

10 people, I should say, but I still hope that

11 we could build our country; induce people to

12 live in a peaceful coexistence. If I fail,

13 other people probably will do it.

14 Q. Sir, you were nominated as prime minister

15 designate before the president died. He

16 played tactics with you; you never realised

17 your ambition. The genocide started; you

18 never realised your ambition. Your only

19 opportunity to do it was in July 1994,

20 wasn't it, with the RPF?

21 A. To realise my ambition, means what? To

22 realise my ambition means what?

23 Q. To become prime minister, in layman's

24 language.

25 A. Well, this is our own African way of looking

- 1 at things. I think that to be prime
2 minister does not mean that Mr. Faustin
3 Twagiramungu to have privilege, you know.
4 This was a kind -- a special business of
5 being appointed by all political parties,
6 including MRND and the president himself.
7 So I was not so disappointed as an
8 individual. I think the system probably was
9 disappointed.
- 10 Q. Sir, you were not disappointed. The prime
11 minister -- the Arusha peace accord gave the
12 prime minister enormous powers, didn't it?
- 13 A. It did, yes.
- 14 Q. Paul Kagamé, in July 1994, prevented you
15 from exercising those powers, didn't he?
- 16 A. Not prevented Mr. Faustin Twagiramungu.
17 It's, rather, to manipulate the peace
18 agreement. That's what I contested, and I
19 still contest it.
- 20 Q. Paul Kagamé and his government rendered you,
21 in effect, a lame-duck prime minister,
22 didn't they?
- 23 A. What is a "lamb duck"?
- 24 Q. A prime minister without much powers.
- 25 A. Well, that's what I mentioned yesterday. Do

- 1 I have to repeat it?
- 2 Q. I just want you to accept it.
- 3 A. I have to accept it.
- 4 Q. Now, you felt used by the RPF, didn't you?
- 5 A. Used?
- 6 Q. Yes. You felt betrayed by the RPF?
- 7 A. That's the exact word -- not "used";
- 8 "betrayed", yes.
- 9 Q. Now, what was your relationship like with
- 10 your Hutu kinsmen? They perceived you as a
- 11 traitor, I presume.
- 12 A. I did not have Hutu kinsmen. What does that
- 13 mean?
- 14 Q. Fellow Hutus, like those in the Interim
- 15 Government, those in exile now, in Belgium
- 16 and other places. They consider you a
- 17 traitor, don't they?
- 18 A. I have not conducted any investigation of
- 19 that nature.
- 20 Q. Sir, you go off with the opposition and the
- 21 RPF, you become prime minister with Paul
- 22 Kagamé, you are targeted for elimination by
- 23 the Interim Government, and you say you have
- 24 not considered that element, that you might
- 25 have been considered a traitor by the Hutu

1 extremists?

2 A. Well, I did not sign any contract to the
3 Hutus, frankly, to, you know, to serve as
4 what -- I don't know. I am a man of the
5 people, not a man of the Hutus.

6 Q. Sir, you have serious scores -- you have
7 scores to settle with Paul Kagamé, don't
8 you, and the RPF?

9 A. No.

10 Q. You are grieved, aren't you, sir?

11 A. No, I don't have no scores. What I want is
12 to give peace to my people, not individuals.
13 Kagamé, frankly -- I have to tell you in
14 this Chamber I have nothing against Kagamé
15 as an individual.

16 Q. Now, you accuse Kagamé and his men, the RPF,
17 of shooting down the president's plane, an
18 allegation which you haven't made before
19 now.

20 A. Well, a suspicion is not a sin. I think I
21 will repeat it, unless it is proven
22 otherwise.

23 Q. Why didn't you have that suspicion when you
24 served in his government for a whole year,
25 sir?

- 1 A. Could I inform you that I raised this
2 question in cabinet, asking that
3 investigation be conducted to find out how
4 Habyarimana died. You know what has been
5 the answer? The answer was, he's a man like
6 any others who died.
- 7 Q. Sir, how did your family join you in
8 Brussels in -- whenever the date?
- 9 A. Does this question have anything to do with
10 the procedure?
- 11 Q. It is very relevant, sir. How did your
12 family join you in Brussels?
- 13 A. Well, they arrived by plane.
- 14 Q. From where?
- 15 A. From Rwanda, Congo and then to Brussels.
- 16 Q. How were they evacuated from Rwanda and
17 Congo?
- 18 A. Sir, yesterday, yesterday, I said -- no,
19 this -- I was answering the question of the
20 Defence, asking me if I was related to
21 Kayibanda. Those who wrote -- sorry. Those
22 who read books and who also read some
23 official writings of RPF would realise that
24 Kayibanda was a Hutu extremist. My wife --
25 my wife was hunted down like an animal, with

1 my four children. The way they were saved
2 is -- it can take hours to explain this, but
3 shortly they reached Gisenyi. They all
4 changed their way of presenting themselves;
5 they could not mention the name of
6 Twagiramungu. From Gisenyi they went to
7 Goma. From Goma they had been picked up by
8 the French, evacuated, Marseilles-Paris,
9 Paris-Brussels. That's how they joined me,
10 in short. Otherwise, I don't, frankly, want
11 to go into the details. It's very painful
12 for me.

13 Q. Sir, did the RPF have anything to do with
14 the evacuation of your family?

15 A. Never.

16 Q. Sir, did you ever tell anyone that the RPF
17 had anything to do with the evacuation of
18 your family?

19 A. Your Honour, I have to specify this,
20 probably for your own understanding. While
21 I was in Brussels, in Brussels I suffered so
22 much because I did not know where my family
23 was, ringing almost every day to General
24 Dallaire to find out. So in final analysis
25 I had to go to the office of RPF: "Could you

1 assist us, assist me?" They refused. They
2 said, "You go and write a letter". I wrote
3 a letter. I did never get an answer. You
4 know.

5
6 So, fortunately, somebody told me that my
7 wife and my children are hiding somewhere,
8 threatened twice to be killed in Gisenyi.
9 So what I did, I know a gentleman who helped
10 me. He said that probably Opération
11 Turquoise could help, and yes, Opération
12 Turquoise would warn, who did whatever it
13 could to evacuate my family from Goma to
14 Bangui, Bangui-Marseilles, Marseilles-Paris,
15 Paris-Brussels. That's all. So RPF did not
16 do anything whatsoever to save me or to save
17 my family.

18
19 The same question was asked me in London and
20 this had been put in many newspapers: "We
21 saved Mr. Faustin Twagiramungu". RPF did
22 not save me. I don't know how much I will
23 have to repeat this.

24 Q. Sir, when did your family arrive in
25 Brussels?

- 1 A. On 29th of June 1994.
- 2 Q. When did they flee Rwanda for Goma, or for
3 the Democratic Republic of Congo?
- 4 A. This I can't tell. I don't know the dates.
- 5 Q. Did you ever ask them?
- 6 A. Well, I asked, but the dates I don't have
7 them in mind.
- 8 Q. Were they in Rwanda in the month of April?
- 9 A. They were.
- 10 Q. Were they in Rwanda in the month of May?
- 11 A. Yes.
- 12 Q. Under the protection of who, sir?
- 13 A. No one.
- 14 Q. Sir, you feared for your life, you evacuated
15 a week after the genocide started, your
16 family remained in Rwanda for two months and
17 they wanted the protection of no one; you
18 want this Court to believe that, sir?
- 19 A. Well, all Rwandans who did not die were not
20 under the protection of anybody, you know.
- 21 Q. Certainly, sir.
- 22 A. My wife had no credential of going to
23 present herself to the Rwandan army, my god.
24 Now, you know, Your Honour, this is a very
25 difficult moment for me. Do I have to tell

1 without mentioning any embassy or the name
2 of the ambassador? In the night of
3 7th April 1994, my wife, with my four
4 children -- the youngest was 6 years old --
5 they went to the residence of an ambassador
6 who was hiding other people. It was about
7 10 in the night. The ambassador refused to
8 just receive them at his residence, while
9 they heard other Rwandans hiding there. So
10 what they did, how they were saved, it will
11 take a long time to explain here. But I
12 thank God.

13 Q. Sir, yesterday you testified about the role
14 of the church and the relationship between
15 the church, the Catholic Church and the
16 government of Rwanda, didn't you?

17 A. Yes.

18 Q. Now, did you ever become aware of massacres
19 in parishes and such places during April,
20 May and June 1994?

21 A. I have to recall, I was in UNAMIR
22 headquarters 7th April 1994, in the
23 afternoon, and I left UNAMIR on 19th April
24 1994, in the afternoon. So I spent there
25 about two weeks. The information I had of

1 people being killed in the church were given
2 to me by people in UNAMIR. I remember a
3 tall gentleman from Poland who was working
4 for UNAMIR. He was weeping, actually, about
5 what he had seen in the church in Gikondo --
6 Gikondo church was not far from the UNAMIR
7 headquarters -- telling me, explaining to me
8 how people have been killed by grenades and
9 machetes and so forth. This is the only
10 news I had about the killing in the church,
11 then I to leave. I did not follow all
12 events of people being killed in the church.

13 Q. Sir, I'm very curious. You say people were
14 killed with grenades in churches; weren't
15 they Tutsi civilians?

16 A. It's very good. This question is very
17 important for me. The people who were
18 killed in the church were not only Tutsis;
19 they were people who lived in Gikondo. I
20 worked in Gikondo for about eight years and
21 I know what is Gikondo. I know people who
22 were living there. I know people who were
23 in my party mostly who died in that church,
24 like other people who died in Kicukiru. I
25 had a lot of relatives who died in Kicukiru.

1 So, today, we tend to believe that people
2 were hiding in the church, hiding
3 everywhere. They are people who were
4 Tutsis. I will give another image you can
5 control: people who were killed in a
6 psychiatric hospital Ndera. There were
7 pictures where UNAMIR people, Belgians,
8 wanted to pick up a Belgian lady living
9 behind hundreds, if not thousands, of
10 people. Pictures are there. They pick up a
11 white woman; they left the others. Those
12 people were killed afterwards. These people
13 were not Tutsis only. So we have pictures,
14 we have pictures, we can't -- I regret very
15 much my brothers and cousins and Tutsis
16 among them my cousins, died. This is a
17 fact. But what I don't like is to simply
18 say, "Well, anyone who died in Rwanda is a
19 Tutsi. Anyone who is alive, being a Hutu,
20 is probably Interahamwe". I can't buy that.

21 Q. Sir, you are from Cyangugu préfecture,
22 aren't you?

23 A. Very much so, yes.

24 Q. Did you ever come to hear about any
25 massacres in Cyangugu, in parishes, just

1 parishes?

2 A. Can you precise the time?

3 Q. Mibilizi parish, are you familiar with that

4 location?

5 A. That's right, yes.

6 Q. Yes. Did you hear of any massacre in

7 Mibilizi parish?

8 A. Not hear.

9 Q. Did you see it?

10 A. Not only hear, what I know. We went to bury

11 people who were killed in church in

12 Mibilizi, so I know Mibilizi because this is

13 where I attended my elementary school.

14 Q. How many people did you bury from Mibilizi

15 parish?

16 A. I can't count, I can't count. We were told

17 that 2,000 people were killed, but those who

18 were buried I think were less than 2,000.

19 Q. Two thousand Tutsis?

20 A. No.

21 Q. Shangi parish?

22 A. This, I don't know.

23 Q. S-H-A-N-G-I.

24 A. Shangi, I know, but the fact that people

25 were killed in the church, I have no idea.

1 MR. ADEOGUN-PHILLIPS:

2 Your Honours, Mibilizi is spelled M for
3 mother, I-B-I-L-I-Z-I.

4 THE WITNESS:

5 Right. Mibilizi, I know it quite well. One
6 the day of the burial, I saw all people
7 weeping. Myself, I was weeping. I saw some
8 of my relatives who came there and many
9 others. And I know in Nyamasheke, people
10 were killed there. But Nyamasheke, I know
11 it very well.

12
13 Well, people wouldn't come from ten miles to
14 come and hide in the church, you know.
15 People who were hiding in the church were
16 just people living in the surrounding of the
17 church. People who were living in that kind
18 of surrounding of the churches were not all
19 Tutsis. There were Tutsis, of course, but
20 also people from the opposition. These
21 people forget.

22 MR. ADEOGUN-PHILLIPS:

23 Sir, Nyamasheke is spelt --

24 MR. PRESIDENT:

25 This activity in Mibilizi took place when?

1 THE WITNESS:

2 Very early. Actually, I think -- the
3 killing or the burial?

4 MR. PRESIDENT:

5 The burial.

6 THE WITNESS:

7 The burial, I attended this burial, I think
8 it was probably in September, September.

9 BY MR. ADEOGUN-PHILLIPS:

10 Q. And Hanika parish, have you ever heard of
11 it?

12 A. I know Hanika and I know where it is, but I
13 had no -- I have not heard of people being
14 killed in that church. It could be.

15 Q. So between Mibilizi and Nyamasheke --
16 Nyamasheke is spelled N-Y-A-M-A-S-H-E-K-E.
17 Between Mibilizi and Nyamasheke parishes,
18 how many people would you estimate were
19 killed, in those parishes?

20 A. Well, to just give an estimate myself would
21 be to tell the lie to the church frankly.

22 Q. You estimated Mibilizi as 2,000. Can you
23 estimate --

24 A. That's what we were told at the burial.

25 Q. Okay.

1 A. People said 2,000 people were killed in the
2 church.

3 MR. JACOBS:

4 I'm sorry. I should interrupt. The
5 Prosecutor has just said to the witness that
6 the witness estimated the number of people
7 killed at 2,000. The witness actually said
8 that during the burial there were less than
9 2,000 but that people had said 2,000, so he
10 didn't make such an estimate.

11 MR. ADEOGUN-PHILLIPS:

12 I stand corrected.

13 THE WITNESS:

14 Exactly. That's what I wanted to repeat to
15 the Court. We were told 2,000, but the
16 people we buried, frankly, were not 2,000.

17 BY MR. ADEOGUN-PHILLIPS:

18 Q. And did you get any numbers or any idea of
19 the numbers at Nyamasheke parish?

20 A. Get numbers officially, no.

21 Q. Unofficially?

22 A. Unofficially, people said, in the church,
23 they had killed 10,000. But I know the
24 dimension of the church in Nyamasheke. Ten
25 thousand people cannot fit in that church.

1 It is impossible.

2 Q. So between those two parishes, give or take
3 a couple of hundreds of thousand, 12,000
4 people were killed in one préfecture; is
5 that not the case, sir?

6 A. Well, arithmetically, yes. I don't say no,
7 but I don't confirm.

8 Q. When you started your testimony earlier on
9 this morning, you gave us an indication of
10 the Gikondo in the Kigali-rural préfecture
11 of attacks in parishes over there; is that
12 not what you said?

13 A. Could you repeat your question, sir?

14 Q. Gikondo.

15 A. Gikondo, yes.

16 Q. You heard of an attack there as well, in the
17 parish?

18 A. Mm-mmm.

19 Q. Yesterday you testified that you thought
20 that the attacks, the genocide in Rwanda
21 were acts of the spontaneity, spontaneous
22 attacks, sir. These examples -- is this
23 your idea of what is a spontaneous attack,
24 12,000 people in your préfecture?

25 A. Could you repeat where I said a spontaneous

1 attack?

2 Q. You said that the genocide was not planned.

3 You didn't think it was.

4 A. Ah, that is different. I have to repeat, I

5 have to repeat, and, frankly, if you allow

6 me, Your Honour, I have to repeat this. I

7 don't want people to get confused about the

8 issue of planning. What I said, people did

9 not sit down and make a contingent planning

10 or have set -- I mean, sit down to make

11 phases of a master plan to kill Tutsis.

12 That's what I said.

13 Q. So, attacks were taking place --

14 MR. PRESIDENT:

15 We have clearly understand that that is the

16 view.

17 BY MR. ADEOGUN-PHILLIPS:

18 Q. So attacks were taking place in Kigali and

19 they were taking place in Cyangugu around

20 about the same time, and in your opinion

21 nobody sat down to plan it.

22 A. When you say "at the same time" -- well, I

23 don't want to use very hard words, but I

24 think you are mistaken.

25 Q. Now, these people who were attacked in

1 parishes, what do you think they were doing
2 there? In Cyangugu, for example, let's take
3 Nyamasheke. What were they all doing in
4 that parish?
5 A. They were hiding.
6 Q. Hiding from what, sir?
7 A. From people willing to kill them.
8 Q. What sort of people were willing to kill
9 them, sir?
10 A. Armed people.
11 Q. Armed people?
12 A. Yes.
13 Q. Did they belong to any particular ethnic
14 group?
15 A. Well, they could be Hutu, yes.
16 Q. And those who were being targeted could have
17 been Tutsi and moderate Hutus, democrats
18 like yourself?
19 A. First the word -- please the Court to allow
20 me once more to clarify the situation.
21 First, when you said that spontaneously --
22 it's not correct. If you take the
23 préfecture of Butare, people were not killed
24 in April mainly; in Cyangugu, not exactly.
25 So many other préfectures were still kind of

1 stand-by: being feared, getting information,
2 people telling them that they should hide,
3 you know, hiding in the churches, waiting,
4 you know. So your question now is, people
5 who were in the church were moderates --
6 Hutu moderates and Tutsis.

7
8 It's just incredible how the western world
9 can give us different names. We, in Rwanda,
10 in my particular party we did never use that
11 names or epithets or attributes of
12 moderates.

13
14 I know Hutu in the opposition were hiding in
15 the church, along with the Tutsis. And when
16 people came to kill, they did not separate
17 them: "You are a Hutu moderate, as you call
18 them; you are a Tutsi. We're going to start
19 with Tutsis and then second phase we kill
20 Hutus". They were all killed at the same
21 time.

22 Q. Sir, one of these Hutu moderates was a man
23 called Zacharie Serubyogo, the MDR chairman
24 in Cyangugu, wasn't he?

25 A. I did not tell -- what is the last name?

1 Q. Zacharie, S-E-R-U-B-Y-O-G-O.
2 A. It's not very well written. It's
3 S-E-R-U-B-Y-O-G-O.
4 Q. That's what I said. Can you pronounce it
5 for us, please?
6 A. Serubyogo.
7 Q. Serubyogo.
8 A. Right.
9 Q. He was killed alongside other moderate Hutus
10 at Cyangugu, wasn't he?
11 A. Do you know where he has been killed?
12 Q. No. You tell us.
13 A. You see, not in the church. Well,
14 Serubyogo, in the first place, he was not
15 chairman of our party -- I have to correct
16 this. He was vice chairman.
17 Q. I see.
18 A. Yes.
19 Q. Thank you.
20 A. I was chairman in Cyangugu. And a gentleman
21 died because -- it's long story to explain.
22 A young fellow come and say, "Well, keep on
23 hiding in the house at some place". But
24 Serubyogo said, "Well, I give you 20 francs,
25 you're going to buy a coke for me". So when

- 1 the gentleman went to buy a coke, he
2 revealed where Serubyogo was hiding. So
3 people came to pick him up. He never
4 appeared and he was killed, you know.
- 5 Q. Sir, you were not in Kibuye préfecture
6 during the months of April, May and June
7 1994, were you?
- 8 A. Ninety-four?
- 9 Q. Yes.
- 10 A. Well, with reference to what I said, I left
11 the 7th of April, come to headquarters of
12 UNAMIR. I stayed there and left on
13 19th April 1994. So it did not -- it is not
14 possible for me to have been in Kibuye and
15 Brussels and the headquarters of UNAMIR.
- 16 Q. And I would also be correct in saying that
17 you had no knowledge of anything that went
18 on at Mugonero, Bisesero or Murambi at this
19 time, do you, sir?
- 20 A. I haven't seen and followed events, but I
21 heard of them.
- 22 Q. Indeed, sir, because you describe
23 Niyitegeka, Mr. Niyitegeka, as being behind
24 the Bisesero killings. How did you come
25 about that information, sir?

1 A. Well, there has been a report, an
2 investigation made in 1993, and in that
3 report the name of Niyitegeka was mentioned.

4 Q. Sir, are you aware that Bisesero was the
5 last outpost for Tutsis in Kibuye
6 préfecture, the préfecture with the largest
7 number of Tutsis in Rwanda?

8 A. Well, I had not finished. When I said there
9 has been a report in '93, I also had to add
10 that, according to what I heard, there has
11 been some decisions to find out if RPF has
12 not reached Bisesero.

13 MR. PRESIDENT:

14 Mr. Witness, you have now mentioned 1993
15 twice for the date of the report. Is that
16 the testimony, 1993?

17 THE WITNESS:

18 Yes.

19 BY MR. ADEOGUN-PHILLIPS:

20 Q. Sir, I just said to you that were you aware
21 that Bisesero was the last outpost, final
22 place, or refuge for Tutsi civilians in
23 Kibuye préfecture, the largest -- the
24 préfecture with the largest number of Tutsi
25 refugees in Rwanda, in April to May and June

1 1994; are you aware of that fact?

2 A. "Aware" and "being informed", I don't know

3 if they're the same. But what I read from

4 July -- 19th of July '94, published about

5 events in Rwanda, you are correct.

6 Q. Sir, is it not true, also, that when you

7 returned to Rwanda after July 1994, you and

8 other members of government paid a visit to

9 Kibuye préfecture?

10 A. Yes.

11 Q. Is that not correct?

12 A. Yes.

13 Q. What was the purpose of that visit, sir?

14 A. I participated once more in the burial of

15 people killed in a stadium in Kibuye.

16 Q. Can you help this Court with the number, the

17 estimated number of people, as you put it,

18 that were killed at Kibuye stadium in 1994,

19 that you participated in their burial?

20 A. Well, you know people say that the stadium

21 had 80,000, that's what I heard, 80,000

22 people, and I remember where we buried those

23 people, but we did not bury 80,000 people.

24 Eighty-thousand people means it's like

25 having three -- I mean, populations of three

1 communes, you know.

2

3 This was -- I think I can recall, if I
4 remember quite well, it was -- was it on the
5 25th or 26th? Why -- because the next day
6 we went to Kibeho to count the dead killed
7 by RPF, you know. This was on 27th April.
8 I will never forget. You remember that. We
9 said that RPF killed -- not, we said; the
10 media said 6,000 people were killed in
11 Kibeho --

12 Q. Sir, we're still talking about Kibuye --

13 A. Okay, we are talking about Kibuye. I
14 repeat, 80,000, but we could not probably
15 bury all of them, but we did not bury
16 80,000.

17 Q. 80,000 civilians?

18 A. That's what I heard --

19 Q. What was the population of Kibuye
20 préfecture, do you know, in 1994?

21 A. Well, I don't have the right figure, but
22 Kibuye is among the préfecture or
23 préfectures which had the less population
24 than others, Kibuye, Cyangugu and Kibungo.
25 Around 400,000, it's probably more, but not

- 1 to have reached 500,000 people.
- 2 Q. Five hundred thousand people in Kibuye
- 3 préfecture?
- 4 A. Not 500, it could be.
- 5 Q. And would I be correct in saying that Kibuye
- 6 stadium was just one of the many places that
- 7 attacks were launched in Kibuye between
- 8 April and June 1994?
- 9 A. How should I know?
- 10 Q. Prime minister designate.
- 11 A. Oh-la-la. Would I have to repeat that the
- 12 events in April, starting from 7th, I was
- 13 right in UNAMIR and then left for Belgium?
- 14 Q. Sir, but you returned in July to bury people
- 15 in Cyangugu and Kibuye stadiums. Where else
- 16 did you go to bury people, sir?
- 17 A. I went to Nyanza.
- 18 Q. How many people did you bury at Nyanza?
- 19 A. In Nyanza we were told there were 40,000, I
- 20 think. Can you imagine to bury 40,000 in
- 21 one day?
- 22 Q. You were told 80 one place, 40 in another,
- 23 that's 120, plus another 12, that's 132,000
- 24 people, in three locations.
- 25 A. So what's your question, sir?

1 Q. I'm just putting it to you, sir, is this
2 your idea of the genocide that was not
3 planned? You visited, helped in burying
4 people in July 1994, a month after the
5 genocide had stopped, 138,000 people, by
6 your own admission.

7 A. Yes, but don't tell me that all those buried
8 were Tutsis.

9 Q. That's not the point, sir.

10 A. The point is, I come back to what I said.
11 Do I have to define what I understand by
12 planning or no?

13 MR. ADEOGUN-PHILLIPS:

14 Your Honour, I have no further question for
15 this witness.

16
17 Your Honour, can I enter into evidence two
18 documents that I produced in court
19 yesterday.

20 MR. PRESIDENT:

21 You start with the New York Times document?

22 MR. ADEOGUN-PHILLIPS:

23 Yes. With the help of the Registry, can I
24 just be appraised of our last exhibit
25 number?

1 MR. PRESIDENT:

2 And the second one will be the witness
3 statement of 13th April.

4 MR. ADEOGUN-PHILLIPS:

5 13th April, Your Honour, yes.

6 MR. PRESIDENT:

7 Can you help us with the numbers,
8 Mr. Matemanga, please?

9 MR. ADEOGUN-PHILLIPS:

10 Your Honour, I'm informed that the New York
11 Times document will be Prosecution
12 Exhibit 30 and the ICTR statement of
13 13th April for this witness will be
14 Prosecution Exhibit 31, P31.

15 MR. PRESIDENT:

16 P30 and P31, not under seal.

17 MR. ADEOGUN-PHILLIPS:

18 Not under seal.
19 (Exhibit Nos P30 and P31 admitted)

20 MR. ADEOGUN-PHILLIPS:

21 Your Honour, I'm grateful for your
22 assistance.

23 MR. PRESIDENT:

24 Thank you very much. Any questions arising,
25 Mr. Clark?

1 MR. CLARK:

2 May it please the Tribunal. I really don't
3 have any questions, but I will try to
4 clarify a couple of matters, and I'll start
5 with this last one.

6 RE-EXAMINATION

7 BY MR. CLARK:

8 Q. Mr. Prime Minister, the Prosecutor has been
9 telling you that you said that the body
10 count, the number of people killed in these
11 three places that you visited was 60,000
12 here, 80,000 -- do you know how many people
13 were buried there?

14 A. We did not count, but, according to me, it
15 is quite impossible to bury, in a few hours,
16 80 or 17 -- I mean 10 or 2,000 within three
17 hours. This is quite impossible.

18
19 In Cyangugu where I went we had about three
20 mass graves of -- what dimension here? --
21 probably three metres by four. In Kibuye I
22 remember it was near the stadium, just near
23 the stadium, but the massacres we had there
24 could not contain not even 2,000 people, you
25 know. In Nyanza we had one mass grave. I

1 am afraid it could not have contained 1,000.

2

3 So all these accounts -- to just give a
4 chance to the people of Rwanda to know the
5 truth, we have to conduct investigations. I
6 give an example of a school in Gikongoro,
7 where they said that the school, probably
8 less bigger than this Chamber, less larger,
9 said it contained 40 to 60,000 people. Just
10 imagine.

11

12 I have seen people packed in prisons. I
13 make just a parallelism, or a comparison --
14 this was in Gitarama -- a prison which was
15 built to contain only 1,000 people. Sixty
16 thousand were in that jail. You could
17 see -- people could not stand up. It was
18 just incredible to see that kind of image.
19 So imagine people hiding in a small room,
20 40,000 people?

21

22 Statistics, well, would probably tell us the
23 truth. I don't deny the fact that people
24 were killed in both places. I don't deny
25 the fact that Tutsis were killed in those

1 places, but they were not alone.

2 Q. So when the Prosecutor says that you admit
3 that 80,000 people were buried at Kibuye
4 stadium when you were there in July of '94,
5 he misstates your testimony and your belief;
6 is that correct?

7 A. Well, I don't think this was the question.
8 He asked me how people "you think". What I
9 was told was that 80,000 people were in the
10 stadium. And I don't know if that stadium
11 could have contained such a figure. I know
12 the biggest stadium we have is in Kigali,
13 the Amahoro Stadium. It's the biggest; a
14 stadium built by the Chinese. It can only
15 contain 25,000. So I know the Kibuye
16 stadium, a very small one.

17
18 When I say that they told us 80,000, it's
19 just to give you an idea how people can
20 exaggerate. So the remaining people we did
21 not bury, where are they? We have also to
22 bury them.

23 Q. But his question says, so you admit that
24 80,000 were buried at Kibuye stadium and
25 60,000 here. You don't admit any thing such

1 thing, is that correct?

2 A. It has to be corrected. I don't admit. I
3 was not there when people were killed in
4 Kibuye. When I went there and the speeches
5 said 80,000 people were here. So would it
6 be eight with three zeros, or eight with
7 four zeros? I could probably misstate, but
8 I am telling what I heard. But I don't
9 admit to have buried those people. It's
10 impossible. I have to repeat it. I don't
11 admit it and I say it is impossible.

12 Q. The Prosecutor also said -- and the
13 documents speak for themselves, of course,
14 but he said you had, when you went through
15 this painful business about your being
16 accused of murdering people, he said, only
17 now are you saying that the RPF may have
18 been responsible. Do you recall telling
19 these investigators that, that you spent six
20 hours with in the Sheraton Hotel in
21 Brussels -- it appears on page 393, the last
22 three numbers -- when they were asking
23 you -- and of course they wrote this
24 document -- they were asking you about the
25 murders, finally, and you say -- do you

1 remember telling them, "I believe the
2 murders were the work of the RPF" at that
3 time?

4 A. That's what I told the Court yesterday. The
5 people accusing RPF are not only
6 Twagiramungu, Faustin. The RPF is being
7 accused by its own people. Most of them are
8 in Belgium; others are in USA. So there's
9 nothing to hide here. What is remaining is
10 to conduct an investigation and to find out.

11
12 And what hurts us is to, you know, to
13 continue dealing with the problems of Rwanda
14 while other people are sitting in Kigali as
15 if they were innocent. This is, you know,
16 the analysis of saying, "Well, there are
17 some angels, victims, and others are
18 demoralised and you know they are killers".
19 It's unacceptable.

20 Q. And you had expressed the belief before
21 today that these murders that you were asked
22 about were the work of the RPF. In fact,
23 you told investigators on Prosecutor's staff
24 that that's what you believed when you had
25 this examination with them; is that correct?

1 A. Well, I have been using the word I
2 "suspect", because if I was asked by the
3 Court to hand over the evidence, I wouldn't
4 hand them over to them. But nobody will
5 contradict me and I will never renounce to
6 repeat what I said. It is, rather, RPF to
7 prove the contrary. I still believe that
8 RPF is involved in most of these killings
9 and assassinations, including the
10 assassination of President Habyarimana. I
11 repeat it here. When I will be proven
12 wrong, then that will be all right.

13 Q. That's all I wanted to ask you about,
14 Mr. Prime Minister. And, again, we thank
15 you much for your sacrifice in coming here.

16 A. Thank you.

17 JUDGE VAZ:

18 Good morning, Witness. I would like to ask
19 you for a number of clarifications, if you
20 will.

21 THE WITNESS:

22 Yes, I will.

23 JUDGE VAZ:

24 You told us that it is almost a battalion of
25 UNAMIR which stopped you from holding a

1 meeting to support the government. Can you
2 give us a few more details?

3 THE WITNESS:

4 Well, I did not quite get the translation.
5 What is the relation to battalion of UNAMIR?
6 Could you clarify? Or you speak in French
7 if you wish, I can speak in French.

8 MR. PRESIDENT:

9 If Judge Vaz could repeat the question and
10 if you could take the earphones off and we
11 change into French now in order to
12 facilitate the interchange.

13 JUDGE VAZ:

14 Now, I was saying that you talked to us
15 about difficulties you encountered when you
16 were accomplishing your duties and you also
17 talked about a meeting which you wanted to
18 hold to support the government. And you
19 told us on that occasion that a battalion of
20 UNAMIR -- you used the word "almost"; that
21 is what I heard from the translation into
22 French -- that they prevented you from
23 holding that meeting. So I would like to
24 have further details.

25

1 THE WITNESS:

2 You're right, if that was what came through,
3 it was false. I would like it to be
4 corrected. What I said was as follows. On
5 the 20th of February we wanted to hold a
6 meeting to support the suffering population
7 of a million which was in Nyacyonga,
8 displaced persons. That's one.

9
10 Secondly, we also had the ambition to show
11 all Rwandans that we supported the
12 Broad-Based Transitional Government. In
13 fact, what we were asking was that an end
14 should be put to -- how do I put it? -- the
15 delaying tactics, which I will call, in
16 French, maniere dilatoire. Our objective
17 as usual, was to preach peace, peaceful
18 coexistence in Rwanda. That was the
19 objective of the meeting. And we invited
20 members of MDR from all parts of the
21 country.

22
23 There was a coalition of parties against us
24 who brought young people together, who burnt
25 tyres on the road, who threw stones, and a

1 colleague told me that I should not go; but
2 I wanted to march with Mrs. Uwilingiyimana
3 and the other parties. So we could not hold
4 the meeting at ten, as scheduled. It wasn't
5 meeting, it was a rally.

6
7 But to get to the point, UNAMIR helped us,
8 along with the Rwandan gendarmerie. They
9 organised a special escort which brought
10 together a number of blue helmets -- in any
11 case about 20 of them -- and that is where I
12 exaggerated when I said almost a battalion.
13 But without the participation of UNAMIR, I
14 assure you we would not have been able to
15 hold that rally, which did not bring
16 together many people because we held it at
17 2 p.m., whereas it was scheduled to be held
18 at 10. That was the clarification.

19 JUDGE VAZ:

20 Thank you. That is very important. I did
21 not understand how a battalion of UNAMIR
22 could prevent the holding of a rally.

23 THE WITNESS:

24 Thank you very much for asking the question.
25 I think that correction has been noted.

1 JUDGE VAZ:

2 Now, you also said that it was the quest for
3 power which provoked all these killings,
4 and, as far as you are concerned, you
5 believed that it is not a matter of
6 Hutu-Tutsi but, rather, a quest for power.

7
8 Now, I would like to ask you, even given
9 that this power is being sought by the
10 various political parties existing in
11 Rwanda, if through these parties we still do
12 not get to this Hutu-Tutsi component, taking
13 into account the composition of the members
14 of the various parties in Rwanda. I thank
15 you.

16 THE WITNESS:

17 Once again, that is a very good question
18 which gives me the opportunity to further
19 clarify. The parties which were in Rwanda
20 were honestly not set up on ethnic bases, as
21 from 1991 right up to the events of 1994.
22 There were Tutsis within my party, and not a
23 few of them. They were killed. There were
24 Tutsis within the PSD party that were
25 killed. There were some who escaped death.

1 There were Tutsis within the Parti Libéral,
2 many of them; some of them were killed. I
3 imagine that there were Tutsis within MRND.
4 When they say that the president of the
5 Interahamwe was a Tutsi, it's not a joke. I
6 know others who were members of the
7 Interahamwe who were Tutsis and who were
8 killed by the RPF. On what basis they had
9 thought they were being smart that there
10 were Tutsi Interahamwe, but they were simply
11 just killed.

12
13 The Tutsi-Hutu, problem or matter, arises
14 just when people are in a quest for power.
15 In 1990 when RPF attacked, 8,000 people were
16 arrested, and the international media,
17 radio, said that people -- that 8,000 Tutsis
18 were arrested. That was extraordinary. In
19 the final analysis 90 per cent of those
20 arrested were Hutus.

21
22 When RPF took up weapons -- you cannot
23 contradict us anyway. RPF would mention
24 that they took up arms to defend the Tutsis.
25 They say that it was to defend Rwandans, and

1 that is why the most important Hutus were
2 recruited, including Mr. Kanyarengwe, who
3 organised the coup d'état in 1973, who
4 became the strongest person of the RPF;
5 other personalities, who were colleagues,
6 even all of them from the north, if I have
7 to add that. So it was not on political
8 party affiliations or Hutu-Tutsis.

9
10 But in 1994, in April, this issue suddenly
11 cropped up as if an argument was being
12 sought for things to be pursued. People
13 said, "Hutus be careful. The Tutsis will
14 exterminate you". That is how it started.

15
16 And, in my point of view, I don't think the
17 idea was to systematically kill the Tutsis.
18 The radio definitely raised the people's
19 awareness to frighten them: "If you do not
20 kill, you are going to be killed; the
21 accomplices, the Inyenzi, the Tutsis".
22 Those were the words used. That is the
23 clarification I can make.

24 JUDGE VAZ:

25 Thank you, Witness. I note, therefore, that

1 it was as from 1994 that emphasis was
2 actually placed on this Hutu-Tutsi dichotomy
3 with a certain propaganda on the radio and
4 in the press to get people to rise and end
5 up with these killings that we all condemn
6 today.

7 THE WITNESS:

8 Without exaggerating, may I add the
9 following: frankly I regret that individuals
10 are being used, poor individuals who are not
11 even aware of politics in this business.
12 But in order to have the support of the
13 international community, arguments have to
14 be created for people to be remain in power,
15 arguments have to be brought up, parties
16 have to change, the system has to be
17 supported and people have to say that they
18 have to be totally exterminated. Well and
19 good. That trial was not done by the
20 Rwandans; it was done by the international
21 community and the media.

22 JUDGE VAZ:

23 Thank you for those details. You told us a
24 while earlier that you attended several
25 burial ceremonies. Apparently you are not

1 in a position to tell us how many people
2 were buried in your presence, but I would
3 like to ask you, in any case, if before the
4 burial ceremonies authorities did not go to
5 those places to at least try to get an
6 approximate number of the people concerned,
7 and if a physician was not called upon to
8 determine the cause of the deaths of these
9 people. Because, as much as possible, we
10 should try to know if traditional weapons
11 were used, if firearms were used. In the
12 absence of any forensic determination, was
13 there any report or anything done for
14 history's sake at least?

15 THE WITNESS:

16 Thank you very much for asking that
17 question. Yesterday, I said that we should
18 all bear certain responsibility for what
19 happened. I was prime minister, but I
20 should assure you that the manner in which
21 we buried those people was disgraceful: no
22 physician, not even a priest, be the priest
23 a Catholic or a Protestant; people were
24 digging up where they were asked to dig up;
25 officials went there; mass graves were dug;

1 bones were placed and covered -- that's it.

2 JUDGE VAZ:

3 One last question. You told us at one point
4 in time that 40 members of your party were
5 killed.

6 THE WITNESS:

7 Yes, in Gikondo.

8 JUDGE VAZ:

9 Could you give us further details?
10 Unfortunately, we keep talking about Hutus
11 and Tutsis. Could you tell us were they
12 Hutus or Tutsis or both of them? What were
13 the circumstances? Did you ask for an
14 investigation? Was there a report following
15 those killings?

16 THE WITNESS:

17 There was no report, but since we were
18 interested -- I'm talking about an official
19 report of the gendarmerie or the army,
20 especially of the gendarmerie, there was
21 none. But in that place, the neighbourhood
22 where Bucyana was living, that was a place I
23 knew very well. I had worked there for
24 about -- I said eight years yesterday, but
25 it is actually 11 years. And since I got

1 into politics people were happy to become
2 members of my party. So most of those who
3 lived there were people who were working in
4 a firm called Maginot (phonetic). These
5 were ordinary people; most of them Hutus, if
6 you want. But it doesn't stop Tutsis from
7 being there, because they were not selected
8 Hutus.

9
10 Within my party we had problems in all
11 préfectures -- Ruhengeri, Byumba, all those
12 who belonged to MDR, members of
13 Twagiramungu's party, as is said, people who
14 were claimed as traitors, invaders, they
15 were killed systematically, and that is why
16 I am insisting that not only Tutsis were
17 killed.

18 JUDGE VAZ:

19 Thank you.

20 THE WITNESS:

21 Thank you, Your Honour.

22 JUDGE PILLAY:

23 Mr. Twagiramungu, if you can switch into
24 English again. I first have a question
25 about your evidence relating to the death of

1 Prime Minister Madam Agathe Uwilingiyimana.
2 Where were you when you received this
3 message from her that she was surrounded by
4 soldiers?

5 THE WITNESS:

6 I was at my house.

7 JUDGE PILLAY:

8 And was this a direct communication from
9 her?

10 THE WITNESS:

11 Yes, it is a direct communication
12 because from -- well, from 8:45 in the
13 evening of the 6th April '94, we kept
14 communicating, exchanging views what we
15 shall do, what is going to be done. You
16 know, we decided to make a statement to the
17 nation, and this was her responsibility,
18 nobody else. So we had decided that she
19 should go to the radio a quarter to five in
20 the morning. And she contacted Dallaire and
21 I also informed Mr. Booh-Booh, who knew that
22 she was going to go there. They sent UNAMIR
23 soldiers to escort her.

24 JUDGE PILLAY:

25 And did she make a statement?

1 THE WITNESS:

2 Unfortunately not. When she was ready to
3 get out of her house, the Rwandan soldiers
4 erupted and interrupted the UNAMIR soldiers
5 to proceed and to enter the compound. And
6 then the shooting started on.

7 JUDGE PILLAY:

8 I was going to ask you about soldiers, but I
9 see you have just mentioned that they were
10 Rwandan soldiers.

11 THE WITNESS:

12 The ones who prevented the blue helmets to
13 enter, yes, they were Rwandan soldiers.

14 JUDGE PILLAY:

15 And when she said she was surrounded by
16 these soldiers --

17 THE WITNESS:

18 That's right. She expected that probably it
19 was going to be solved. They had not
20 entered the compound yet, until about 8:30
21 or a quarter to nine.

22 JUDGE PILLAY:

23 Well, then we're clear that it's not RPF
24 soldiers --

25

1 THE WITNESS:

2 No, no, no. It is not RPF soldiers, no.

3 JUDGE PILLAY:

4 No. So she, as the prime minister,
5 shouldn't she be the supreme authority
6 giving orders to those soldiers.

7 THE WITNESS:

8 Yeah, that's what people believed, but that
9 was not so. Well, in the other
10 circumstances, in the other countries, yes;
11 but it was shameful, it was really shameful.
12 She wanted to make a statement to the
13 nation, she was prevented from doing it.
14 She had no authority on the army, nor on the
15 gendarmerie, only begging.

16 JUDGE PILLAY:

17 Can you help us here then, Mr. Twagiramungu.
18 Who do you think was giving the orders to
19 the military on the night of the 6th April?

20 THE WITNESS:

21 Well, I contacted Booh-Booh around -- was it
22 around one in the morning. So he said
23 people came to see him and he advised them
24 that Madam Uwilingiyimana should take the
25 government business in her hands. So they

1 objected. They said, "No, we think we had
2 high command and we have appointed a new
3 chief of staff".

4
5 So I asked Booh-Booh who was the new chief
6 of staff. He told me a certain gentleman
7 who was in Butare by that time, who was
8 called Gatsinzi. So Gatsinzi came early in
9 the morning to be chief of staff. So, in
10 other words, in order to be short, the high
11 command of the army was giving directions.

12 JUDGE PILLAY:

13 Did you know any of these individuals, who
14 they were?

15 THE WITNESS:

16 Personally?

17 JUDGE PILLAY:

18 Yes.

19 THE WITNESS:

20 Well, I think the people who were in
21 command, you have Gatsinzi, you have General
22 Ndilindiliyimana, you have a certain
23 Bagosora and the others, I do not know.

24 JUDGE PILLAY:

25 Would you say that they belonged to the

1 extremist MRND group?

2 THE WITNESS:

3 They are supposed not to be in a political
4 party; they are soldiers.

5 JUDGE PILLAY:

6 Do you think that they, in turn, were being
7 instructed by politicians?

8 THE WITNESS:

9 No, because there were no politicians on the
10 7th. We had no government. Madam
11 Uwilingiyimana, Agathe, contacted ministers.
12 The only ministers who responded were
13 ministers in the opposition. The others had
14 run away, that is what I said yesterday. So
15 there was no government, actually.

16
17 If the prime minister cannot make a
18 decision, cannot make a statement, there's
19 no government. So the government -- I was
20 going to say the so-called, but, I think,
21 the Interim Government was in place only on
22 the 9th. So from six in the night up to the
23 9th of April '94, for me, there was no
24 government, so there has been a high command
25 giving instructions.

1 JUDGE PILLAY:

2 We listened very carefully to your evidence,
3 but here we have the current prime minister,
4 who was killed, and we have you, who was the
5 popular choice of all the negotiating
6 parties in the Arusha Accords, the popular
7 choice for prime minister, and yet you had
8 to flee because you feared for your life and
9 your safety.

10

11 In the light of your evidence, I would like
12 to then understand the source of this threat
13 that resulted in the death of the prime
14 minister and resulted in your fleeing. So I
15 would like, then, to focus on what you said,
16 that people who were politically opposed to
17 the MRND were at risk.

18

19 You, Mr. Twagiramungu, are a person
20 committed to democratic governance, and you
21 are a person who was concerned for the
22 welfare of all Rwandans, and so you stood in
23 opposition to people in the MRND who didn't
24 follow those principles.

25

1 THE WITNESS:

2 I did not get the last sentence.

3 JUDGE PILLAY:

4 You were then in opposition, or you were not
5 accepted by individuals in the MRND who were
6 against those principles -- that is,
7 democracy and a nation for Rwandans.

8 THE WITNESS:

9 That's right. There's a clarification to be
10 made here. It's really difficult to
11 understand that MRND, which, along with
12 other political parties, accepted that I be
13 the prime minister designate, refused to
14 accept me at the time the president died.

15
16 But in the course of events there has been
17 some reactions against me, because I did not
18 accept the delaying tactics of not having
19 this broad-based government; one. Second,
20 because I refused to support the idea of
21 dismantling our political parties and allow
22 the president to have a minimal majority in
23 the parliament.

24

25 And another issue is that among the

1 ministers I was going to appoint, the
2 minister of justice was to be a Tutsi and
3 some people objected.

4
5 So, therefore, given the fact that all my
6 people were killed in the morning -- I mean
7 ministers of the MDR -- under threat, I felt
8 that it was impossible for me to be
9 acceptable to those people, I mean to MRND
10 system -- the army and their politicians.
11 And given the fact that I was warned by
12 Booh-Booh, my place was no longer there,
13 because Booh-Booh told me that he discussed
14 with them. Dallaire was there, they
15 refused. They don't want a lady; they did
16 not even mention the name of
17 Mr. Twagiramungu. The lady was insulted;
18 they said that she was incapable. We knew
19 she was capable.

20 JUDGE PILLAY:

21 What do you mean when you describe these
22 individuals as "extremists"?

23 THE WITNESS:

24 Well, extremists for me are people who don't
25 tolerate others; let them be in the

1 opposition or let them be in the so-called
2 ethnic group of Hutus. They could be found
3 among Hutus; they could also be found
4 amongst Tutsis.

5 JUDGE PILLAY:

6 Yes, but the extremists whom you have spoken
7 about to this Tribunal are people who
8 supported Hutu power; is that not so?

9 THE WITNESS:

10 That is exact, because there is intolerance,
11 just like selecting only a group to be a
12 party of your political party. For me this
13 is unacceptable. The views must be
14 expressed wherever you like, not being
15 limited.

16 JUDGE PILLAY:

17 Yes. They would not then accept you as a
18 leader because you stood for a Rwandan
19 nation.

20 THE WITNESS:

21 That's exact; but not only that, but also
22 negotiating with RPF. Because the view of
23 some people after the death of Habyarimana
24 was to fight and not allow the government to
25 be set in place, because if the government

1 is in place, it means power sharing. The
2 conflict between those people and RPF was --
3 for RPF, either I take it entirely, and the
4 other is I keep it entirely. This was the
5 conflict. So I wouldn't be acceptable,
6 because for me it is the symbol of power
7 sharing.

8 JUDGE PILLAY:

9 Yes, thank you, Mr. Twagiramungu. I just
10 have a question following on Judge Vaz about
11 the burial ceremonies you attended while you
12 were prime minister of Rwanda from July '94
13 to '95, when you left. I know you spoke
14 about mass graves and people who were
15 buried. Did you see any remains of Rwandans
16 who had not been buried?

17 THE WITNESS:

18 Well, you mean left out, like?

19 JUDGE PILLAY:

20 Did you see remains such as skeletons and
21 skulls?

22 THE WITNESS:

23 Nearby the burial, no.

24 JUDGE PILLAY:

25 Did you see the memorials?

1 THE WITNESS:

2 Memorials, by that time, we did not have.
3 As I mentioned, it was just a ceremony,
4 because people were buried, but they said
5 they were not buried with honour, in
6 dignity. What we did was to dig other mass
7 graves and just throw the bones inside.
8 That's all.

9

10 And, finally, I have to tell the truth, I
11 refused to a continuing -- to continue
12 attending these kinds of burial. The last
13 in Kibuye, I did not go.

14 JUDGE PILLAY:

15 Why is that?

16 THE WITNESS:

17 Simply because those kind of ceremonies were
18 creating conflicts: conflicts in number,
19 conflicts also in frustrating other people
20 who lost theirs. And I give you an example.
21 It is just terrible.

22

23 We appointed a prefect in Kibuye under the
24 advice of the minister of interior,
25 Mr. Sendashonga, who was a member of RPF --

1 a Hutu by the way, if we have to go into
2 this connotation -- who made the plan,
3 political plan for RPF -- a friend of mine.
4 Indeed we shared some views.

5
6 The time he arrived at Kibuye, people
7 started making, you know, noise, saying that
8 he's a brother of a killer because his
9 brother was a bourgmestre. He was saved by
10 the soldiers. Can you imagine? A brother
11 of a killer. His brother was put in jail;
12 he died about three months ago.

13
14 His young brother was put in jail. Maybe he
15 also died. His sister was stressed out and
16 he left for Congo with a child on the back,
17 and her husband. Maybe they died now in the
18 Congo.

19
20 So, finally, me, I tried no longer to attend
21 those kind of ceremonies. There's no
22 priests, there's no -- I don't know the
23 technical expression she has used to detect
24 and know how these people have been killed.
25 It's like taking them and dumping them to

1 some other place. No burial -- you don't
2 build anything, no memorial. What's the
3 difference? And we were trying to make kind
4 of political meetings. All refugees were
5 there, because Kibuye is not far from Congo.
6 We are going to bring them back by force.

7
8 And other people who were put in jail in
9 Kibuye because of that préfet, you know,
10 it's -- to understand what happened in
11 Rwanda, it's not easy.

12 JUDGE PILLAY:

13 Yes, thank you.

14 MR. PRESIDENT:

15 Now, following up on one of the issues
16 raised by Judge Pillay. Your view is as
17 stated: rights for all Rwandans, ethnicity
18 shouldn't play any role, democracy. Now,
19 that view, was that broadly shared within
20 your own party, or you indicated that there
21 was a split within your party, in your
22 testimony yesterday, did the other faction
23 of the party hold a different view?

24 THE WITNESS:

25 That's an interesting question. When we

1 started in 1991, particularly in August,
2 yeah, there are some Rwandans around who
3 could probably be honest and respond. Our
4 party was most popular among Hutu and
5 Tutsis. What we were teaching was
6 excellence -- tolerance, peaceful
7 coexistence, negotiating with the RPF; all
8 of us can live together. We don't want a
9 regional government. We don't want a
10 regional army. All of us, we must get
11 involved in the government business. Let --
12 or give our chance to our children to go to
13 schools, and so forth. So we were the most
14 popular political party.

15
16 So to answer your question, how did it
17 happen. Because of political interests and
18 power struggle, you know. This power
19 struggle led us to the peace agreement, of
20 course, sharing power, but some did not like
21 it because of the stricture in the
22 parliament, particularly, because parliament
23 also had -- I mean, it's a powerful position
24 in the process of making decisions.

25

1 So picking individuals from our party and
2 teaching them that if they tend to be Hutu
3 majority, then we can win the war. That's
4 how it happened.

5
6 So most of -- a part of, a part of members
7 of our party did not share my views, because
8 my views were looked at, you know, something
9 which is not leading us to victory. That's
10 how it happened.

11 MR. PRESIDENT:

12 Now, my question is, then, whether the other
13 faction within your party was more concerned
14 or more in favour of ethnicity as a relevant
15 factor in the political struggle.

16 THE WITNESS:

17 The answer is yes.

18 MR. PRESIDENT:

19 Would this faction include persons like
20 Mr. Karemera?

21 THE WITNESS:

22 Exact; yes.

23 MR. PRESIDENT:

24 Would that faction include persons like
25 Mr. Murego, Donat Murego, or was he not in

1 your party?

2 THE WITNESS:

3 He was.

4 MR. PRESIDENT:

5 Yes.

6 THE WITNESS:

7 He was, and yes, he seemed to be informed.

8 MR. PRESIDENT:

9 Now, to take these two persons, do you know
10 whether they ever made public statements
11 based on ethnicity?

12 THE WITNESS:

13 Exactly.

14 MR. PRESIDENT:

15 They did?

16 THE WITNESS:

17 They did.

18 MR. PRESIDENT:

19 Do you know whether they played any role
20 after the 6th of April, any of them on the
21 side of the perpetrators?

22 THE WITNESS:

23 Well, what I know is that they used both
24 radios. You know, they used both radios,
25 trying to explain how the war can be won,

1 you know. So they were not idle; I think
2 they were active.

3 MR. PRESIDENT:

4 Did you ever hear Mr. Murego make any
5 utterance to the effect that persons should
6 be killed, for instance?

7 THE WITNESS:

8 A soft-spoken person, yes, in a very good
9 voice, I heard him, once, yes, in April,
10 while in the headquarters of UNAMIR.

11 MR. PRESIDENT:

12 He was then in favour of killing, was he, in
13 his soft-spoken voice?

14 THE WITNESS:

15 Well, he did not say, "You kill", but, "You
16 know, you had to defend yourself", because
17 people were creating fear. People feared
18 RPF from 1993, but I think they wanted to
19 accentuate the fearing (sic). If you don't
20 kill, you'll be killed.

21 MR. PRESIDENT:

22 I'm changing the subject now. You first met
23 members of the Ntakirutimana family at the
24 wedding in 1988. Is that the first time
25 ever you had contact with the family?

1 THE WITNESS:

2 This is exact and I can explain this. My
3 brother-in law, meaning that the brother of
4 my own wife, is married to the elder sister
5 of Ntakirutimana's wife. So you understand
6 it was a duty for me to be there, and we met
7 and finally we became friends.

8 MR. PRESIDENT:

9 You stress that you mostly knew the sons of
10 the family, with the exception of Gérard.

11 THE WITNESS:

12 That's exact.

13 MR. PRESIDENT:

14 Now --

15 THE WITNESS:

16 Sorry, to interrupt you. There is also the
17 sister --

18 MR. PRESIDENT:

19 Rachel.

20 THE WITNESS:

21 Grace.

22 MR. PRESIDENT:

23 Grace.

24 THE WITNESS:

25 Grace, I don't know her; yes.

1 MR. PRESIDENT:

2 Okay, Grace.

3

4 Now, how often did you meet with the
5 children of the Ntakirutimana family in the
6 years following 1988? Let's start with
7 Jérôme.

8 THE WITNESS:

9 Well, Jérôme, it was not quite too often,
10 but somehow regularly while I was coming to
11 the office of Madam Uwilingiyimana, and even
12 before. So we knew him because he was a
13 very good man. Indeed, we recruited him to
14 come to the office of the prime minister for
15 that. As -- that's how Jérôme sometimes
16 also would come to greet members of my
17 family, you know. He knew I was in contact
18 with his brother, Dr. Eliel.

19 MR. PRESIDENT:

20 What was the functions of Jérôme at the
21 prime minister's office?

22 THE WITNESS:

23 Well, he was working in his public
24 administration, as such. He was not a high
25 personality.

1 MR. PRESIDENT:

2 Do you know his post, or the level?

3 THE WITNESS:

4 He was not a director. They had what you
5 call chef du bureau, you know, chef du
6 bureau or chef du section. I can't recall
7 the level actually, the level he was,
8 because I knew he worked under the directeur
9 du cabinet, chief of staff, who later on was
10 appointed as a minister of education and who
11 is now in Laussane and he is still a friend
12 of mine.

13 MR. PRESIDENT:

14 Do you know how long he worked here, for how
15 long time?

16 THE WITNESS:

17 Yes, he started right in 19 -- when we had
18 this government of coalition, appointing
19 Mr. Dismas Nsengiyaremye, when we named the
20 chief of staff -- who is from this place, by
21 the way -- it was '92. And, of course, like
22 anybody in '94, he had to go.

23 MR. PRESIDENT:

24 From '92 to '94?

25

1 THE WITNESS:

2 Yes.

3 MR. PRESIDENT:

4 Did he have any political membership in any
5 party?

6 THE WITNESS:

7 Well, you know, to work in those delicate
8 offices, most cases we did not want to
9 recruit people from political parties, as
10 such, but we would recruit sympathisers, you
11 know.

12 MR. PRESIDENT:

13 Sympathiser. Do you know whether he had
14 sympathy in one direction or the other?

15 THE WITNESS:

16 He had sympathy for MDR -- positive MDR, I
17 have to add.

18 MR. PRESIDENT:

19 He was not a member?

20 THE WITNESS:

21 I did not check this, if he had a card or
22 not. This, I did not check. I have to be
23 clear on this.

24 MR. PRESIDENT:

25 What about Pastor Ntakirutimana? You met

1 him in the wedding, but, then, how
2 frequently did you meet him later in life?

3 THE WITNESS:

4 Well, on several occasions, like in usual
5 circumstances of marriage, for instance,
6 without discussing, but greeting each other.
7 But there is one episode I will not forget.
8 He came to Kigali. I don't remember if he
9 was with Rachel, but we chatted and he
10 mentioned to me, "Well, we can't go into
11 politics, but I heard you are doing very
12 well, accepting tolerance to live with one
13 another. I pray for you", which simply
14 meant I support you, I hope.

15 (Pages 1 to 97 by Geraldine O'Loughlin)

16
17
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24
25

1 1100H

2 MR. PRESIDENT:

3 Did you interpret that sentence to mean that
4 he was not a member of any political party?

5 THE WITNESS:

6 He was not.

7 MR. PRESIDENT:

8 Do you know whether he had any sympathy with
9 any political party?

10 THE WITNESS:

11 No. To my own knowledge, I think I have to
12 say no.

13 MR. PRESIDENT:

14 How often did you meet him then, could you
15 be a bit more precise, until 1994?

16 THE WITNESS:

17 Yes. Not more than twice. The person who
18 was in contact was a conseiller who was
19 living very far, making contact by
20 telephones, you know. And the sister also
21 had a pick-up that could easily come, but
22 the Pastor, I think he had his own duties in
23 Kibuye, and to come from Kibuye to Kigali
24 was not easy, I have to confess. We had no
25 tarmac road, and I don't think that

1 Ntakirutimana had business in Kigali to come
2 there very often, probably for his own
3 duties. But, you know, certainly I could
4 not go to Kibuye every time. I did not go
5 to Kibuye very often, by the way.

6 MR. PRESIDENT:

7 So, you met the Pastor twice physically,
8 leaving aside phone conversations?

9 THE WITNESS:

10 Physically, that's what I remember.

11 MR. PRESIDENT:

12 Yes. You met him twice in the period from
13 1988 to 1994?

14 THE WITNESS:

15 Right.

16 MR. PRESIDENT:

17 Did any member of the Ntakirutimana family,
18 to your knowledge, have any political
19 affiliation? We have disposed of Jérôme
20 now.

21 THE WITNESS:

22 Well, I know Calvin. I don't think he had
23 any affiliation to any political party. If
24 he would have, of course he could not
25 escape; he would be a member for MDR because

1 I could recruit him very easily. Another
2 one is -- well, I mentioned Jerome; I
3 mentioned Calvin. Rachel and her husband
4 don't have any political affiliations, as
5 far as I know. Gloria was young, but could
6 also be a member of a party, but didn't
7 have any affiliation whatsoever to any
8 political party.

9
10 In short, the family of Ntakirutimana was
11 not involved in the politics supporting MDR,
12 supporting RPR, PSD or MRND, as far as I
13 know. The person who was interested
14 somehow, because we discussed the issue, is
15 Eliel, but being an American he could not
16 have left USA to come and be a member of my
17 party. But he encouraged me and, you know,
18 he was advising me to have a democracy like
19 in the USA. It was very complicated in this
20 particular country of Rwanda, but I
21 appreciated the ideas.

22 MR. PRESIDENT:

23 Do you have any further details to provide
24 as to the exact functions of Jérôme at the
25 prime minister's office.

1 THE WITNESS:

2 You know, it is very important to say this.
3 My position did not allow me to intervene in
4 the positions of others, you know. The
5 Prime Minister Dismas was there -- then
6 Prime Minister Dismas Nsengiyaremye was
7 there; and then Prime Minister Uwilingimana.
8 They could recruit people they knew who were
9 positive to their own political line. The
10 people who could know and intervene as far
11 as the party was concerned was the prime
12 ministers, secretary generals and the deputy
13 secretary generals; at that level. The
14 others, it was a matter for the ministers,
15 themselves.

16
17 What I know is Jérôme. When I used to
18 contact my friend in Lausanne who was chief
19 of staff, he appreciated very much a very
20 positive guy, working very well, very well
21 trained. This was the appreciation we got.
22 But he was not in a decision-making process,
23 no.

24 MR. PRESIDENT:

25 From the discussion you held with Jérôme,

1 you said he was an MDR sympathiser.

2 THE WITNESS:

3 Right.

4 MR. PRESIDENT:

5 Now, do you know which faction of the MDR he
6 was sympathising with?

7 THE WITNESS:

8 Of course; it's my own, surely.

9 MR. PRESIDENT:

10 If there are no further questions, and there
11 would seem to be none, I would like to thank
12 you for having come this very long way to
13 give testimony before this Tribunal, and we
14 wish you a very safe journey home. We have
15 now reached a point where we usually take
16 our morning break, and the Court will resume
17 in approximately 15 minutes with the new
18 witness. Thank you.

19 THE WITNESS:

20 Thank you very much also. You know, I
21 appreciate it very much. The attitude you
22 have shown me encouraged me to say what I
23 had in my heart. Thank you very much.

24 (Witness withdrew)

25 (Court recessed between 1110H and 1135H)

1 MR. PRESIDENT:
2 Good morning, Mr. Witness.
3 THE WITNESS:
4 Jérôme Natakiki.
5 MR. PRESIDENT:
6 Now, Jérôme --
7 THE WITNESS:
8 N-A-T-A-K-I.
9 MR. PRESIDENT:
10 May we have your date of birth, please.
11 THE WITNESS:
12 September 12, 1960.
13 MR. PRESIDENT:
14 Occupation?
15 THE WITNESS:
16 I am an RN, registered nurse; RN, nurse.
17 MR. PRESIDENT:
18 Your address.
19 THE WITNESS:
20 Texas; Laredo, Texas.
21 MR. PRESIDENT:
22 And you are the son of.
23 THE WITNESS:
24 Pastor Ntakirutimana, Elizaphan.
25

1 MR. PRESIDENT:

2 And Jérôme is your entire name, Jérôme
3 Ntakirutimana?

4 THE WITNESS:

5 Yes.

6 MR. PRESIDENT:

7 Thank you very much. The registrar will now
8 administer the solemn declaration before
9 Mr. Jacobs will ask you some questions. And
10 afterwards, you would be asked questions by
11 the Prosecution. Registry, please.

12 (Declaration made by Jérôme Nataka in
13 English)

14 MR. PRESIDENT:

15 Please proceed, Mr. Jacobs.

16 MR. JACOBS:

17 Thank you very much, Your Honour. May it
18 please the Court. If the Court wishes to do
19 this, I have this document which sets out
20 name, date of birth and so on, which I think
21 the witness has to sign. Would you like me
22 to do that now?

23 MR. PRESIDENT:

24 If the witness could sign that in the lunch
25 break and then we will -- because you have

1 no other exhibits in the first hour to
2 produce, have you?

3 MR. JACOBS:

4 No, Your Honour.

5 MR. PRESIDENT:

6 No. So, we will do it in the lunch break
7 and then we'll enter it as an exhibit after
8 the lunch break. Please proceed.

9 MR. JACOBS:

10 Thank you, sir.

11 JÉRÔME NATAKI,
12 first having been duly sworn,
13 testified as follows:

14 EXAMINATION-IN-CHIEF

15 BY MR. JACOBS:

16 Q. Your name is Nataki?

17 A. Nataki, N-A-T-A-K-I; yes, sir.

18 Q. And I assume that -- if the Prosecutor and
19 the Court don't mind me leading on some
20 non-controversial matters -- I assume that
21 your full name is Ntakirutimana, but you may
22 have changed it in the United States.

23 A. Yes, sir.

24 Q. For what reason have you changed it?

25 A. It's just to facilitate -- I mean,

1 Ntakirutimana in the United States is a very
2 big name and sometimes they just overlook --
3 it's for facilities.

4 Q. Okay. I'm going to ask you some questions
5 and take you through a number of different
6 things. One, I'm going to talk to you about
7 your life at home, your family, your father,
8 your brother, Dr. Gérard. I'm going to ask
9 you then about your career, your experience
10 in Rwanda, and your experiences in Rwanda
11 leading up until July of 1994. And I'm
12 going to start off by asking you some
13 questions about your life.

14
15 Now, first, you are the younger brother by
16 about two years of Dr. Gérard; is that
17 correct?

18 A. Yes, sir.

19 Q. Okay, thank you. And how would you describe
20 your relationship with Gérard?

21 A. Growing up, I had very good relationship
22 with Gérard. As a matter of fact, I was
23 looking up to him and he always tried to
24 help me in whatever problem I had when I was
25 growing up.

- 1 Q. Did you attend school together?
- 2 A. Yes. We went -- in primary school, we went
3 to the same primary school in Mugonero. At
4 that time it was called école primaire de
5 Ngoma. After that, we went to l'école
6 secondaire de Gitwe. He went two years
7 before I went.
- 8 Q. Okay. And I know His Honour has asked you a
9 little before, but could you say who your
10 father is?
- 11 A. My father is Pastor Ntakirutimana,
12 Elizaphan.
- 13 Q. And your mother?
- 14 A. My mother is Rois Nyirahakizimana.
- 15 Q. And when you and Gérard were growing up, as
16 you talked about, when you were in primary
17 school and so on, you both lived at home
18 with your mother and father; is that
19 correct?
- 20 A. Yes, sir.
- 21 Q. Okay. You went to secondary school
22 together, you and Gérard?
- 23 A. Yes, sir; but he went two years before me.
- 24 Q. He went two years before you?
- 25 A. Uh-huh.

- 1 Q. Okay. You were at school both together
2 after two years?
- 3 A. We were not in the same classroom because he
4 was, I mean -- he was two years in advance
5 of me; I mean in front of me.
- 6 Q. Okay, I understand. And the secondary
7 school was in Gitwe, you said?
- 8 A. In Gitwe.
- 9 Q. When you were in secondary school, did you
10 ever know Gérard to preach?
- 11 A. Yes, as a matter of fact, most of the time
12 he was a leader of a Sabbath school over
13 there, and sometime he would preach in the
14 -- I mean, the students at college; I mean,
15 the secondary school we were going to.
- 16 Q. Okay; and this was the Seventh-Day
17 Adventists?
- 18 A. It was at the Seventh-Day Adventist
19 secondary school.
- 20 Q. Would you describe your brother as a
21 religious person?
- 22 A. Yes, sir. He was religious, and that's why
23 they gave him the responsibilities of
24 heading a Sabbath school.
- 25 Q. Okay. And your -- I suppose it's safe to

- 1 describe him as a religious person as well?
- 2 A. Yes, sir.
- 3 Q. And did you attend church regularly where
4 your father preached?
- 5 A. Yes, sir.
- 6 Q. And let me ask you about how things were at
7 home. Was your father ever, to your
8 knowledge, a person who had any political
9 involvement?
- 10 A. No, sir; not at all.
- 11 Q. Did your father have an opinion that he
12 described to you at any point in time about
13 politics or whether one should be involved
14 in politics?
- 15 A. Never.
- 16 Q. Did your father have any religious views on
17 being involved in politics?
- 18 A. For him, the religion would not have to be
19 mixed with politics. Politicians have to
20 do politics and religious people have to
21 save souls.
- 22 Q. Okay. Thank you. After you finished --
23 I'm sorry, let me ask you about Gérard. As
24 far as you know and to date is Gérard
25 involved in politics?

- 1 A. No. I never -- as far as I know, he has
2 never been involved in politics.
- 3 Q. Okay. After secondary school, do you know
4 where Gérard went to university?
- 5 A. He went to l'Université Nationale du Rwanda
6 at Butare.
- 7 Q. And are you aware what he studied there?
- 8 A. Medicine studies.
- 9 Q. Okay. Let me ask you to describe your
10 formal education. Where did you go to
11 school, post-secondary?
- 12 A. I went to school in France, at the
13 University of Besaçon in France. Actually
14 they call it l'Université de la Franche
15 Comté also.
- 16 Q. And what year was that that you went?
- 17 A. It was in 1980s.
- 18 Q. In the 1980s?
- 19 A. It was in September 1980, that's where I got
20 it.
- 21 Q. In 1985, is that correct?
- 22 A. I left in 1985. From 1980 to 1985, I was in
23 business school.
- 24 Q. And what degree, if any, did you achieve at
25 that university?

1 A. I had a degree in -- a masters in
2 engineering; chemical engineering, to be
3 exact.
4 Q. A masters degree in chemical engineering?
5 A. Yes.
6 Q. So when did you return to Rwanda?
7 A. I returned to Rwanda in 1985.
8 Q. And did you return to Mugonero at that time?
9 A. Yes, I did return to Mugonero, but I didn't
10 stay in Mugonero.

11 THE ENGLISH INTERPRETER:

12 Counsel -- could counsel make a pause
13 between the questions and the witness's
14 answers, please, thank you very much, for
15 the interpretation?

16 MR. PRESIDENT:

17 You heard that, Mr. Jacobs.

18 MR. JACOBS:

19 Could I make a pause between the question
20 and the answer; does that mean the witness
21 has to pause a little before answering?
22 It's difficult for me --

23 MR. PRESIDENT:

24 Once there is an answer from the witness, if
25 you shoot immediately with a question, then

1 there is no translation; and it's the same
2 for the witness, actually.

3 MR. JACOBS:

4 I see.

5 MR. PRESIDENT:

6 Mr. Nataki --

7 THE WITNESS:

8 Nataki.

9 MR. PRESIDENT:

10 Yes. I'm just mentioning to you that you
11 should also make that little pause.

12 THE WITNESS:

13 Yes, Your Honour.

14 MR. PRESIDENT:

15 Okay? Thank you.

16 MR. JACOBS:

17 Just wait a few seconds before answering my
18 questions so they can translate, and I'll
19 attempt to wait a few seconds after you've
20 made your answer before I ask my next
21 question.

22 BY MR. JACOBS:

23 Q. I'm sorry; just to go back to the last
24 question, it is my understanding that you
25 returned to Mugonero but you didn't stay

1 there.

2 A. No, I didn't.

3 Q. What did you do?

4 A. I went to Kigali, the capital of Rwanda, to

5 look for a job over there.

6 Q. Did you get a job?

7 MR. PRESIDENT:

8 The pause, the pause.

9 MR. JACOBS:

10 I'm sorry. I'll get used to this in about

11 two weeks.

12 BY MR. JACOBS:

13 Q. And did you get a job?

14 A. Yes. I did get a job with -- yes, I did get

15 a job, sir.

16 Q. And what job was that?

17 A. I got a job with a company call ELECTROGAS,

18 which was a company that was managing

19 electricity and water in Rwanda.

20 Q. Okay. And how long did you work there?

21 A. I only worked there for two months.

22 Q. Okay. And then it's my understanding -- I'm

23 sorry. Okay. Then, it's my

24 understanding --

25

1 MR. JACOBS:

2 I'm getting all sorts of hand signals from
3 the translators.

4 BY MR. JACOBS:

5 Q. It's my understanding that you then went to
6 work for the Ministry of Industry; is that
7 correct?

8 A. Yes, I went to work for the Ministry of
9 Industry by an official appointment by what
10 they call the ministry of public -- le
11 ministère de la fonction publique, ministry
12 of public function.

13 Q. Public affairs?

14 A. It's not -- I don't know how to say it in
15 English. In French, it's le ministère de la
16 fonction publique.

17 Q. All right. How --

18 MR. PRESIDENT:

19 Could it be the ministry for administrative
20 affairs, for instance, mainly occupied with
21 the administration of the state?

22 THE WITNESS:

23 No, normally it's a ministry that's in
24 charge of all the people who work for the
25 government.

1 MR. PRESIDENT:

2 Exactly; administratively?

3 THE WITNESS:

4 There was another minister of administrative
5 affairs, le Ministre de l'intérieur des
6 affaires administratives.

7 MR. JACOBS:

8 We'll get to it, Your Honour, I think.

9 BY MR. JACOBS:

10 Q. Sorry; how did you come to be assigned that
11 job?

12 A. It's just because -- when I was in France, I
13 had a scholarship by the government of
14 Rwanda, so coming back from France, I had to
15 be assigned a job by the government of
16 Rwanda. When I was working for ELECTROGAS I
17 looked for the job myself, but it's --
18 that's the way it was in Rwanda. But every
19 time somebody went on with the government
20 scholarship, the government has to give him
21 a job at the end of his studies.

22 Q. Okay. And according to my notes, your
23 position with the ministry -- whatever the
24 ministry is called -- was a secretary of
25 administration in the agro-industry

1 department; is that correct?

2 A. Yes, sir.

3 Q. And you worked there for two years; is that
4 correct?

5 A. I worked in that ministry for a little bit
6 over two years; like, three years. Yes.

7 Q. And can I ask -- I'm sorry. Can I ask --
8 I'm sorry; I am giving apoplexy to people in
9 the translators' office. I'm going to try
10 very hard from now on.

11 MR. PRESIDENT:

12 Don't comment on this because that takes
13 time also.

14 MR. JACOBS:

15 I'm sorry.

16 MR. PRESIDENT:

17 Just -- go on.

18 BY MR. JACOBS:

19 Q. Can I ask what your job entailed?

20 A. In the Ministry of Industry, I was just
21 helping with the agro-industry, with
22 initiating new projects for the
23 agro-industrial projects in the country,
24 promoting them, helping people -- private
25 investors -- to do their study, the studies

1 of industries they want to implant in the
2 country, the factories they want to bring
3 into the country.

4 Q. Okay. And my understanding is that,
5 following that job, you went to work for the
6 Ministry of Planification?

7 A. Yes, sir.

8 MR. PRESIDENT:

9 Before we move on there, what exactly was
10 the level of your position as secretary?
11 There is in an administration a hierarchy.

12 THE WITNESS:

13 It is not a high-ranking position. I was
14 working under a director of the
15 agro-industry. And I was just like a
16 helping hand. He would assign me a job and
17 I would do it.

18 BY MR. JACOBS:

19 Q. So, it's my understanding that from 1989 to
20 '91 you worked for the Ministry of
21 Planification.

22 A. Yes, sir.

23 Q. And following that you resumed your studies?

24 A. Yes, sir, I resumed my studies in Egypt,
25 University of Senegal, where I went to study

1 environment; environment.

2 MR. PRESIDENT:

3 But do we have it clear now? Okay.

4 Returned in 1995; two months in ELECTROGAS

5 and then two years at the Ministry of

6 Industry. That is from 1980 --

7 THE WITNESS:

8 That's a little bit more than two years, I'm

9 sorry.

10 MR. PRESIDENT:

11 From 1985.

12 THE WITNESS:

13 From 1985 to 1988.

14 MR. PRESIDENT:

15 To the end of the year.

16 THE WITNESS:

17 I cannot be really -- I don't remember

18 exactly the dates.

19 MR. PRESIDENT:

20 Did you have any work between the Ministry

21 for Industry and the Ministry for

22 Planification?

23 THE WITNESS:

24 When I left the Ministry of Industry, I went

25 to work in a cement factory, but I was on

1 assignment from the Minister of Industry.

2 But I worked also in a factory, in a
3 laminate factory. That was a private
4 factory, but the cement factory was a
5 government factory.

6 MR. PRESIDENT:

7 And how long were you there in these two
8 places.

9 THE WITNESS:

10 For the cement factory, because I didn't
11 like -- I mean, I didn't like the
12 appointment, so I didn't stay that long and
13 I came to the laminate factory, and there I
14 stayed for one year.

15 MR. PRESIDENT:

16 All right, so you worked there until 19 --

17 THE WITNESS:

18 I worked there until 19, I would say 1999.

19 MR. PRESIDENT:

20 Nineteen --

21 THE WITNESS:

22 No; '89; I'm sorry, 1989.

23 BY MR. JACOBS:

24 Q. Okay. Thank you. From 1991 to 1993 you
25 were in Egypt, and did you return to Rwanda?

1 MR. PRESIDENT:

2 Well, you were at the Ministry of
3 Planification from '89 to '91; is that so?

4 THE WITNESS:

5 I'm sorry; the director of environment in
6 the Ministry of Planification.

7 MR. PRESIDENT:

8 Okay. And what was your post there?

9 THE WITNESS:

10 I didn't have a title, sir. It was just
11 under the director of environment and we
12 were doing studies, because the World Bank
13 at that time would require for every project
14 being financed by the World Bank to have an
15 environmental plan for that project.

16 MR. PRESIDENT:

17 And the level of employment, even if you
18 didn't have a title?

19 THE WITNESS:

20 The level was the same as secretary
21 administrative.

22 MR. PRESIDENT:

23 Okay, now we are leaving for Egypt.

24 BY MR. JACOBS:

25 Q. Okay. I'm sorry; so you studied in Egypt,

- 1 starting in 1991. I think you said you were
2 studying environmental studies, advanced
3 environmental studies.
- 4 A. In management of the environment.
- 5 Q. Okay. How long did you spend in Egypt?
- 6 A. Two years, sir.
- 7 Q. That would be till 1993?
- 8 A. Three, yes sir.
- 9 Q. You have to pause a couple of seconds before
10 you answer my question.
11
- 12 After you completed your studies in Egypt,
13 did you return again to Rwanda?
- 14 A. Yes, sir. I did return to Rwanda.
- 15 Q. Did you return to a job in Rwanda at that
16 time?
- 17 A. I had to look for a job at that time when I
18 went back.
- 19 Q. And did you find a job?
- 20 A. Yes, sir. I did find a job with the
21 European Community office. That was located
22 in the prime minister's building.
- 23 Q. Okay. What was your title?
- 24 A. Once again, I didn't have a title.
- 25 Q. Okay. And when did you commence that job?

- 1 A. Sometime in July of '93, August '93.
- 2 Q. Who was your immediate superior?
- 3 A. My immediate superior was an expert from
4 France called Patrick Deveaux. He was a
5 direct employee of the European Community at
6 that office.
- 7 Q. Okay. And who was responsible for paying
8 your salary?
- 9 A. European Community.
- 10 Q. What were your duties?
- 11 A. At that time the European Community was
12 financing mainly NGO activities because of
13 the displaced people inside Rwanda because
14 of the war. The office I was working for
15 was just coordinating the activities of
16 those NGOs. And my job consisted of going
17 to the field, to the camps, the refugee
18 camps and see if everything those NGOs was
19 saying was really being done by them in
20 those camps.
- 21 Q. Who did you submit your reports to during
22 that period?
- 23 A. I was submitting my reports to Patrick
24 Deveaux, but I was also in contact with the
25 director of cabinet of the prime minister

1 because that office was directly aimed at
2 the director of cabinet of the prime
3 minister.

4 Q. Who was the director of cabinet of the prime
5 minister at that time?

6 A. When I started working over there the
7 director was Jean-Marie Vianney Mbonimpa.

8 MR. PRESIDENT:

9 Could you take that a bit more slowly
10 please; maybe spell the last name?

11 THE WITNESS:

12 Mbonimpa is M-P-O-N-I-M-H-A (sic); Mbonimpa.

13 MR. JACOBS:

14 Maybe I could assist the Court by -- I think
15 the spelling --

16 THE WITNESS:

17 Maybe it's "P" instead of "H"; I'm sorry.

18 BY MR. JACOBS:

19 Q. I think it's M-B-O-N-I-M-P-A; is that
20 correct, Mr. Nataki?

21 A. Okay, it would have to be that; I'm sorry.

22 Q. Okay.

23 MR. PRESIDENT:

24 Now, your pauses are too long, Mr. Jacobs.

25

1 MR. JACOBS:

2 Okay. Thank you, Your Honour.

3 BY MR. JACOBS:

4 Q. Who was the prime minister at that time?

5 A. When I started working there it was
6 Mr. Dismas Nsengiyaremye, N-S -- okay, let
7 me write it down. So, it's
8 N-S-E-G-I-Y-A-R-E-M-Y-E (sic).

9 Q. You say -- at that time did your office
10 serve under other prime ministers later?

11 A. Yes, sir.

12 Q. And who was that?

13 A. Later on, it was Agathe Uwilingiyimana, U --

14 MR. PRESIDENT:

15 You don't have to spell that name.

16 BY MR. JACOBS:

17 Q. Thank you. When you were employed by the
18 European Community, where were you living?

19 A. I was living in Kigali.

20 Q. Okay. At that time were you involved in
21 politics in any way at all?

22 A. Not at all, sir.

23 Q. Were you -- so you were not a member of MDR?

24 A. No, sir.

25 Q. Did you attend the MDR meetings at all?

- 1 A. Yes, many of them.
- 2 Q. Why did you do that?
- 3 A. Because I wanted to hear what they were
4 talking about. I mean -- and most of my
5 friends were members of the MDR, and most of
6 the time they were telling me, "Okay, come;
7 listen to what we have to present to the
8 country, what is our plan for the future of
9 the country". And most of the time I agreed
10 with their vision of the future for the
11 country.
- 12 Q. Okay. Let me just go back to one point in
13 your family life and then I'm going to bring
14 you back again to discuss a bit more your
15 work around displaced persons. We were
16 talking about your relationship with your
17 father and with your brother at home. Let
18 me just ask you a few other questions
19 before, to introduce it.
- 20
- 21 You have brothers and sisters, other than
22 your brother Gérard?
- 23 A. Yes, sir.
- 24 Q. Can you name them?
- 25 A. The eldest of the family is Rachel,

1 Mukandanga. Do you want me to spell,
2 Your Honour? Does the Court want me to
3 spell them?

4 MR. PRESIDENT:

5 Yes.

6 THE WITNESS:

7 Mukandanga is M-U-K-A-N-D-A-N-G-A. And
8 after Mukandanga, there is Eliel
9 Ntakirutimana, and there is John Calvin
10 Ntakirutimana.

11 MR. PRESIDENT:

12 John Calvin?

13 THE WITNESS:

14 John Calvin.

15 MR. PRESIDENT:

16 And how do you spell Calvin?

17 THE WITNESS:

18 Calvin is C-A-L-V-I-N. And there is myself.
19 There is Grace Mukamana. Mukamana is
20 M-U-K-A-M-A-N-A. And there is Gloria
21 Ntakirutimana.

22 BY MR. JACOBS:

23 Q. Would you describe your relationship with
24 your father as close?

25 A. Yes, sir.

- 1 Q. Would you describe your relationship with
2 your brother Gérard as close?
- 3 A. Yes, sir.
- 4 Q. Now, I want to talk a little bit about Hutus
5 and Tutsis and I want you to answer some
6 questions about that. I'm going to ask you
7 a few questions about that.
8
- 9 Were you ever aware of your father
10 discussing persons in terms of their
11 ethnicity?
- 12 A. Never.
- 13 Q. To your knowledge, did your father ever
14 discriminate against people according to
15 whether they were Hutu or Tutsi?
- 16 A. Not as far as I know.
- 17 Q. Your brother Gérard, did he discriminate
18 against people according to whether they
19 were Hutu or Tutsi?
- 20 A. Not as far as I know, sir.
- 21 Q. Did your brother, Gérard, associate with
22 friends who were both Hutus and Tutsis?
- 23 A. Yes, sir.
- 24 Q. Did your brother Gérard work with people who
25 were both Hutus and Tutsis?

- 1 A. Yes, sir.
- 2 Q. Did your father associate as friends with
3 people who were both Hutus and Tutsis?
- 4 A. Yes, sir.
- 5 Q. Did your father work with people who were
6 both Hutu and Tutsis?
- 7 A. Yes, sir.
- 8 Q. Do you identify yourself now as Hutu?
- 9 A. I am an American now.
- 10 Q. You are an American now. But in Rwanda,
11 would you be considered a Hutu?
- 12 A. I will be considered a Hutu in Rwanda.
- 13 Q. Have you always understood that to be the
14 case, or was there any time that you didn't
15 know that to be the case?
- 16 A. Not until I was 12, and that is -- I -- the
17 first time I heard that there was Hutus or
18 Tutsis, it was in 1972 when my family was
19 living in Burundi and at that time there was
20 civil unrest in Burundi. There was many
21 killings, and from what I understood Hutu
22 were being killed by Tutsis in Burundi
23 and somebody who was working for our family
24 came to ask us -- me and Gérard and my
25 sisters, little sisters -- if we were Hutu

1 and Tutsis -- or Tutsis, and nobody among us
2 was able to answer that question. So, after
3 that -- that's when we started going and
4 asking, are we Hutu or are we Tutsis.
5 That's the first time I heard of those
6 differences between Hutus and Tutsis.
7 Q. Okay. So, let me come to your own personal
8 family life. I understand that you are
9 married; is that correct?
10 A. Yes, sir.
11 Q. And you have children?
12 A. Yes, sir. I have two kids.
13 Q. And my understanding is you got married
14 in 1988.
15 A. Yes, sir.
16 Q. And your wife's name is Marie Rose?
17 A. Yes, sir.
18 Q. Is she a Hutu or a Tutsi?
19 A. She qualified herself as Tutsi, herself.
20 MR. PRESIDENT:
21 What do you mean by that formulation,
22 please.
23 THE WITNESS:
24 I'm sorry.
25

1 MR. PRESIDENT:

2 What do you mean by the sentence, "she
3 qualifies herself as Tutsi".

4 THE WITNESS:

5 Because at some point people have to say --
6 I mean, when I met her I never asked her if
7 she was Tutsi or Hutu. And later on, during
8 the trouble we had in our country, she -- I
9 mean, she told me -- I mean, I could see
10 that her father was a Tutsi and she told --
11 I mean, she told me that she was a Tutsi.
12 But I never asked her if she was a Tutsi or
13 a Hutu.

14 MR. PRESIDENT:

15 When did you meet her?

16 THE WITNESS:

17 I met her sometime in 1985.

18 BY MR. JACOBS:

19 Q. So you knew she was Tutsi at the time you
20 got married?

21 A. No. I never asked her if she was Tutsi.

22 Q. You knew sometime shortly afterwards?

23 A. Afterwards.

24 Q. And the other members of your family -- your
25 father, your brother -- also knew that

1 ethnic identification, yes?
2 A. I don't know.
3 Q. Okay. Did the other members of your family
4 ever express any concern about her ethnic
5 identification?
6 A. No.
7 MR. PRESIDENT:
8 When did you get married.
9 THE WITNESS:
10 In 1988, sir.
11 BY MR. JACOBS:
12 Q. Were you ever concerned about whether any
13 other members of your family would have
14 concern that you had married somebody who
15 was a Tutsi?
16 A. Never.
17 Q. And I understand that Gérard got married
18 sometime after your marriage?
19 A. Yes, sir.
20 Q. Did you attend the wedding?
21 A. Yes, sir.
22 Q. You attended it together with your wife?
23 A. Yes, sir.
24 Q. Okay. I want to go back to the European
25 Community position which you had. I

1 understand that part of your duties -- this
2 is July 1993 through April 1994 -- while you
3 were dealing with displaced people -- issues
4 of displaced people within the country was
5 that you served on a joint committee which
6 included members of the RPF; is that
7 correct?

8 A. Yes, sir; that's correct.

9 MR. PRESIDENT:

10 This displaced person thing, was that part
11 of your function during the European
12 Community job?

13 THE WITNESS:

14 My function exactly was as I said before --
15 because I was working for the European
16 Community, and the European Community was
17 financing most NGOs who were working with
18 refugees. So, my function was to go and see
19 if those NGOs were doing exactly what they
20 were coming to us and saying they were
21 doing, if they were giving the help to the
22 refugees, the help they needed; like
23 bringing water, drinking water, building
24 what they call latrine. I don't know the
25 word in English.

1 MR. JACOBS:

2 The same word.

3 THE WITNESS:

4 Providing with sheets; all that.

5 BY MR. JACOBS:

6 Q. So, let's be clear about what we are talking
7 about when we are talking about refugees.
8 You used the term "displaced people". Is
9 that what you are talking about when you
10 talk about refugees?

11 A. Yes, sir.

12 Q. And these are people internally displaced
13 within the country; is that correct?

14 A. Yes, sir.

15 Q. Firstly, can you tell me how many people
16 fell into this category of displaced persons
17 who you were dealing with?

18 A. At that time I was working with the European
19 Community office; there was more than one
20 million, a little bit more than one million
21 displaced people in the country.

22 Q. And who had they been displaced by?

23 A. They had been displaced by the fighting
24 between RPF and the Rwandese government.

25 Q. And what had happened to their homes and

- 1 property, to your knowledge?
- 2 A. Most of them were destroyed, especially --
- 3 most of those homes were destroyed,
- 4 completely destroyed, because many of them
- 5 were displaced for more than three, four
- 6 years, most of the people in those camps.
- 7 Q. Do you know how their homes would have come
- 8 to be destroyed?
- 9 A. You know, the kind of house most Rwandese
- 10 people have, they need to be
- 11 entertained (sic). If nobody lives in
- 12 there, they're going to be destroyed, and
- 13 some of them were destroyed just by the war
- 14 activity.
- 15 Q. Okay. And in order to do your work, you
- 16 visited camps of displaced people throughout
- 17 the country?
- 18 A. Yes. Most camps I visited at the beginning
- 19 were in the préfectures of Ruhengeri,
- 20 Byumba, Kigali and Kibungo.
- 21 Q. Okay. You, I think, said the period where
- 22 you worked, from roughly July-August 1993
- 23 through April of 1994, during that period
- 24 did any of these refugees resettle at all in
- 25 their home areas?

1 A. After the Arusha Accords, some of the people
2 who -- there was a demilitarised zone.
3 There was a demilitarised zone. There was
4 no military in that zone between the RPF and
5 the government of Rwanda. After the
6 signature of the Arusha Accords, some of
7 those people -- very few of them; it's not
8 many, but some of them went to the
9 demilitarised zone.

10 MR. JACOBS:

11 Excuse me, the Court's indulgence for just
12 ten seconds. Thank you, Your Honour.

13 BY MR. JACOBS:

14 Q. Okay. Now let's move into the period
15 April 1994.

16 MR. PRESIDENT:

17 Did you work in the European Community
18 office until April 1994.

19 THE WITNESS:

20 Yes, Your Honour.

21 MR. PRESIDENT:

22 Thank you.

23 BY MR. JACOBS:

24 Q. Were you -- did you have any consciousness
25 of the political situation in Rwanda in the

1 months leading up to April of 1994?
2 A. At that time in the city of Kigali there was
3 a lot of tension going around.

4 Q. Can you describe for me anything that you
5 saw that might have be causing the tension?

6 A. First of all, there was some political
7 killings that were happening. The first was
8 Mr. Gatabazi who was a leader of the PSD
9 party, who got killed. And then there was
10 Bucyana.

11 Q. I'm sorry, go ahead.

12 A. And there was Bucyana who was killed. He
13 was the leader of the CDR party. After
14 their death -- I mean, there was a lot of
15 trouble in Kigali and the surrounding area.
16 And then there was the signature of the --

17 MR. PRESIDENT:

18 Mr. Jacobs, we know that there was a lot of
19 political tension in the months before
20 April. Can you guide this witness to the
21 point you want to make, please?

22 MR. JACOBS:

23 Thank you, Your Honour. I was trying to
24 steer away from leading.

25

1 BY MR. JACOBS:

2 Q. Was there any effect on the atmosphere in
3 Kigali from the battalion of RPF troops who
4 were stationed in Kigali in the beginning
5 of 1994?

6 A. Yes, sir.

7 Q. Can you describe why that was?

8 A. The RPF military, they were allowed to go
9 around Kigali with guns. I mean, when they
10 were supposedly protecting the leader of the
11 RPF party, they were going around the city
12 with guns and at that time the gendarme
13 of -- who were in Kigali were not allowed to
14 carry guns except those who were working
15 with the UNAMIR. So that caused a lot of
16 tension in the city of Kigali.

17 Q. Were you aware of RPF soldiers ever
18 arresting people in Kigali?

19 A. No, sir.

20 Q. Okay. Now, let me ask you about April 6.
21 Tell me what happened to you on April 6.

22 A. On April 6, actually at night, at night, I
23 was in the part of the city of Kigali called
24 Nyamirambo, and I was visiting with friends,
25 and I was living on the other side of

1 Kigali, an area called Kicukiro. And at
2 night I left Nyamirambo to go home. It was
3 around -- I don't remember exactly, but was
4 around, like, 9 or 10.

5 MR. PRESIDENT:

6 In the evening.

7 THE WITNESS:

8 In the evening, yes; p.m. And at that time
9 in Kigali the UNAMIR army would do some
10 roadblocks in the city of Kigali. It seemed
11 like it was for security, to check if there
12 was people carrying guns. And when I was
13 going home I got stopped on a roadblock by
14 the UNAMIR. That roadblock was in the area
15 of Kigali called Gikondo. And when they
16 were checking the car I was driving, these
17 military -- they said they were from the
18 garde présidentielle. They came like --
19 they were driving very fast and when they
20 got to the roadblock they got stopped also,
21 like everybody else.

22 MR. PRESIDENT:

23 Mr. Jacobs, where do you want us to go with
24 all this? I mean we are certainly
25 interested in the testimony of this witness,

1 but you want something particular here.
2 Please lead the witness, not lead but guide
3 him and let us get to the points.

4 MR. JACOBS:

5 All right. Thank you very much,
6 Your Honour.

7 BY MR. JACOBS:

8 Q. In any event, I'm assuming that at this
9 roadblock that is where you heard about the
10 death of the president.

11 A. Yes, that's where I heard; on that roadblock
12 when the garde présidentielle was, that's
13 where I heard the plane of the president had
14 been downed.

15 Q. And what was your reaction when you heard
16 this?

17 A. I was scared. I was really scared because I
18 knew that something wrong was going to
19 happen at that point.

20 Q. What do you mean by that?

21 A. I mean that there was going to be some civil
22 unrest in the city of Kigali, because after
23 the death of Gatabazi there was many
24 killings and PSD party had very few
25 supporters. After the death of Bucyana

1 there was many killings, and CDR party had
2 very few supporters, but the MRND were,
3 like, the biggest party in the country.
4 That meant really big trouble.

5 Q. Okay. So, you went home. I'm going to ask
6 you about what happened to you the next day.

7 A. The next day when I was at my house, it was
8 around 10 in the morning, I got a visit from
9 some men in uniform with guns and hand-held
10 grenades and people also in plain clothes
11 that started telling me that I was
12 working -- I was a member of the RPF and
13 that I was working for the RPF and this was
14 because I was working in the prime
15 minister's building -- I mean, my office was
16 located in the prime minister's building.
17 So my neighbours -- I mean, people around me
18 who were seeing me going around there, they
19 were -- I mean they were categorising me as
20 working for the RPF because there were
21 people working for the prime minister at
22 that time who were considered to be working
23 for RPF.

24 Q. Okay. So, what happened? These people came
25 to your home and accused you of working for

1 the RPF?

2 A. They accused me of working for the RPF and I
3 completely denied it. I told them I was
4 working for the European Community but that
5 my office was located in the building where
6 the prime minister had his office.

7 Q. So, what happened next?

8 A. Next, they were very menacing to me. And at
9 that time the only thing you could do --
10 because you just try to buy your life
11 because they had the hand-held grenade
12 already opened, but they were holding it
13 just ready to release it and explode. I was
14 begging for my life. I offered them money,
15 the few money I had at my house, and I gave
16 them the money I had in my house. But they
17 said it was too little money. My wife was
18 there and she went to the neighbour to try
19 to ask for the money also; I mean, to try to
20 increase the amount we wanted to give to
21 them. My wife didn't get anything.

22
23 So, it's at that same time -- they had a
24 hand-held radio -- they got a call from, I
25 think, from the other military that the

1 garde présidentielle camp that was nearby
2 was being attacked by the RPF army. So they
3 had to leave and, by chance -- I don't know
4 what happened, why they didn't kill me at
5 that time, but they left. They asked me to
6 drive them because -- they asked me to drive
7 them near the military camp. And I drove
8 them to the military camp, and when I got
9 there they told me to leave. I left them
10 with the car and everything.

11 Q. Did you ever see the car again?

12 A. Never.

13 Q. Did you return to your house again after
14 that incident?

15 A. Never.

16 Q. Where did you go immediately?

17 A. I went to a neighbour's house. I had a
18 neighbour and I went to his house, because I
19 was afraid that they may come back and try
20 to kill me.

21 Q. What about your wife and children?

22 A. Everybody went to the neighbour's house.
23 Before I leave -- before I drive those
24 military, I told my wife and my kids to just
25 go to a neighbour's house and stay over

1 there, because I didn't know if I was going
2 to come back or not.

3 Q. So, fine. Apart from your family and your
4 neighbour's family were there any other
5 people at the neighbour's house?

6 A. Yes. I mean, everybody in the surrounding
7 area wanted to be in the same place. So,
8 there were many people at the neighbour's
9 house, at that house.

10 Q. Why did you say that many people wanted to
11 be in the same place?

12 A. Because when you are many people -- I mean,
13 in that condition, you feel more safe; you
14 comfort each other.

15 Q. And, to your knowledge, all of those people
16 staying in that house, are you aware of what
17 ethnic identification they had?

18 A. I know they were both Hutus and Tutsi in
19 that house.

20 MR. PRESIDENT:

21 What kind of house was this.

22 THE WITNESS:

23 It was just a normal house, a private
24 residence; but it was pretty big.

25

1 MR. PRESIDENT:

2 Who lived there?

3 THE WITNESS:

4 It was a businessman who was living there.

5 MR. PRESIDENT:

6 Which identity did he have, ethnic identity,
7 this businessman?

8 THE WITNESS:

9 I really don't know, but I think he was
10 Hutu.

11 MR. PRESIDENT:

12 What was his name?

13 THE WITNESS:

14 I don't remember.

15 BY MR. JACOBS:

16 Q. How long did you stay in this house?

17 A. I stayed, like, for two weeks. I never went
18 to my house. Until I left Kigali, two weeks
19 after I was staying at this house.

20 Q. While you were in the house, were you aware
21 of fighting, gunfire?

22 A. Yes, sir. Where I was living, as I said
23 before, there was the garde présidentielle
24 camp close by. There was CND; where the RPF
25 army was stationed was close by. So the

1 fighting was going around us a lot, a lot of
2 fighting.

3 Q. And just to be clear, how were you aware of
4 the fact there was fighting going on?

5 A. I could hear the noise of the bombs and
6 gunfire. I could hear it.

7 Q. Okay. And during those two weeks -- I'm
8 sorry; you said you were at the house for
9 about two weeks. Am I right?

10 A. Almost two weeks.

11 Q. Almost two weeks. During that period did
12 you have any contact with your father or
13 Gérard?

14 A. Never.

15 Q. With any other members of your family?

16 A. No.

17 Q. Okay.

18 MR. PRESIDENT:

19 So, this -- these two weeks started on which
20 date and ended on which date.

21 THE WITNESS:

22 They started on the 7th, but when they
23 end -- it's almost two weeks, because I
24 don't have any dates really; sorry, sorry.

25

1 BY MR. JACOBS:

2 Q. Okay. And what happened -- I'm sorry. And
3 tell me what happened at the end of that
4 two-week period, nearly-two-week period?

5 A. At the end of those two weeks we tried to
6 get out of Kigali because we didn't have
7 anything to eat. We ate everything we had.
8 There was no running water in the city,
9 where we were living. There was no
10 electricity. There was nothing.

11
12 And the RPF army was getting very close to
13 where we were staying, and at that time
14 whenever the RPF was getting -- occupying a
15 space it would take everybody to camps.
16 They had some special camps; I don't know.
17 But they would not let them stay in their
18 house; they would take them somewhere. So
19 we said, "Okay we have to leave this place".

20
21 So, the neighbour where I was staying had a
22 minivan. So most people who were there just
23 got on that minivan and we tried to leave
24 Kigali.

25 Q. And were you eventually able to leave

1 Kigali?

2 A. Yes, sir, after two attempts.

3 Q. Why did it take two attempts?

4 A. Because, on the first attempt, there were
5 many roadblocks in the city of Kigali and it
6 took us forever to cross, like, three
7 roadblocks. It took us, like, more than
8 three hours to cross those three roadblocks.
9 And we said there's no way we can get out of
10 Kigali at this speed, so we went back.

11
12 When we went back the fighting became very
13 intensified between the RPF and the army of
14 the government. The RPF was getting very
15 close. So we said, okay, we have nothing to
16 lose. After two days -- I mean, on the next
17 day we said, we have nothing to lose; let's
18 go now. At that time we got lucky. We
19 spent, like, eight hours or nine hours to
20 get out of Kigali, which is not more than
21 three kilometres, but it took us like nine
22 hours. But we finally got out of Kigali,
23 and that's what happened.

24 Q. And you went out in this minivan; is that
25 correct?

- 1 A. Yes, we went in the minivan.
- 2 Q. Roughly, how many people were in the
3 minivan, do you know?
- 4 A. I would say, like, 12 people because we
5 had -- some people had some belongings with
6 them. We were, like, 12 people in the
7 minivan.
- 8 Q. And, apart from yourself and your wife and
9 so on, did you have any conception of the
10 ethnicity, so to speak, of the people in the
11 minivan?
- 12 A. No.
- 13 Q. So after leaving Kigali where did you go to?
- 14 A. After leaving Kigali, I went to Gikongoro
15 through Ruhango where I stayed one night, at
16 Butare where I stayed two nights.
- 17 Q. Okay. And during that period when you were
18 in Ruhango and then in Butare, did you
19 manage to get in contact with your father or
20 your brother Gérard?
- 21 A. In Ruhango and Butare, I couldn't get into
22 contact with them.
- 23 Q. Okay. And who did you stay with in Ruhango?
- 24 A. I stayed with my brother-in-law, my wife's
25 brother.

- 1 Q. And after Butare where did you go?
- 2 A. I went to Gikongoro.
- 3 Q. How did you get there?
- 4 A. There was a friend of mine who was the
5 director of a water production facility in
6 Gikongoro. He was the director of that
7 facility and he had a car. I -- we used
8 radio because the phones were not working.
9 We used radio to contact him and he came to
10 pick us up in Butare.
- 11 Q. Just explain that to me, how you used the
12 radio to contact him?
- 13 A. At that time the only way you could contact
14 somebody was through ORINFOR, the office of
15 Rwandese information, and put an
16 announcement on the radio. That's the only
17 way you could communicate with people, or if
18 you see somebody who is going over there,
19 you just give him the message and he goes
20 over there and delivers the message.
- 21 Q. And again -- I'm sorry, how long were you in
22 Gikongoro?
- 23 A. I stayed in Gikongoro two to three weeks.
- 24 Q. So, and from Gikongoro where did you go?
- 25 A. From Gikongoro I went to Mugonero.

1 MR. PRESIDENT:

2 And what was the period in Ruhango?

3

4 THE WITNESS:

5 Ruhango, the spelling?

6 MR. PRESIDENT:

7 The time you spent there.

8 THE WITNESS:

9 Just one night.

10 MR. PRESIDENT:

11 Only one night.

12 BY MR. JACOBS:

13 Q. Just to be clear, you went from Ruhango to

14 Butare to Gikongoro?

15 A. Yes, sir.

16 Q. And do you know, roughly, the date you left

17 Gikongoro?

18 A. It was at the beginning of the -- of May. I

19 would -- I really don't have a good memory

20 of the date, but it would be around the

21 10th of May.

22 Q. Okay. And how did you get from Gikongoro to

23 Mugonero?

24 A. My brother Gérard came to pick me up.

25 Q. Okay. And how did Gérard know to come and

1 pick you up?

2 A. Again, I put an announcement on the Radio
3 Rwanda through the ORINFOR office in
4 Gikongoro. So they put an announcement on
5 the Radio Rwanda, telling -- addressed to
6 Gérard and my father, telling them I was
7 alive, because they didn't know if I was
8 alive or dead. They didn't know that I was
9 alive or that I was staying in Congo at that
10 time, and I would like to get in contact
11 with them.

12 Q. Now, who travelled with you -- with Gérard
13 back to Mugonero from Gikongoro?

14 A. From Gikongoro, it was my wife, my son, my
15 wife's niece and her son.

16 MR. PRESIDENT:

17 This announcement on the radio, was it
18 formulated like that -- "I'm alive" -- or
19 was it only a matter of "come and get me";
20 how was it done.

21 THE WITNESS:

22 At that time many people got killed and most
23 of the announcements on the radio were just
24 to make the family aware that you were still
25 alive and where you were, and the

1 formulation was that I was still alive and
2 that I was in Gikongoro and I would like to
3 get into contact with them.

4 MR. PRESIDENT:

5 Did you hear the announcement on the radio?

6 THE WITNESS:

7 I don't remember hearing it, but people in
8 Gikongoro told me that they had heard it.

9 MR. PRESIDENT:

10 Did you ask the radio to say that you were
11 still alive.

12 THE WITNESS:

13 Yes I did.

14 BY MR. JACOBS:

15 Q. Thank you. So, you mentioned that your
16 brother picked up yourself, your wife, your
17 son, your wife's niece and her son. My
18 understanding from your testimony at the
19 beginning is that you still have a son and a
20 daughter. Where was your daughter at this
21 time?

22 A. At -- right before the war started, I went
23 to visit my sister who was living at
24 Gisenyi, Mudende. There was a university,
25 Adventist university, there and my sister

- 1 was working in that university. So, I went
2 along with my daughter, and my daughter
3 wanted to stay with my sister at that time,
4 just for one week. She was on vacation at
5 that time, so she stayed with my sister at
6 Mudende.
- 7 Q. Okay. I'm sorry -- let's, just for the
8 record, get your daughter's name.
- 9 A. My daughter is Aniella Nataki.
- 10 Q. Can you spell Aniella?
- 11 A. Aniella is A-N-I-E-L-L-A.
- 12 Q. Okay. So you are saying when war started.
13 Can you put a date to that? I'm sorry.
- 14 A. Exactly when I went to Mudende?
- 15 Q. Yes.
- 16 A. I think it was -- okay, it was right at the
17 weekend before -- the 6th, April the 6th was
18 on -- I don't remember what day it was. The
19 weekend before, it was right on the weekend
20 before April the 6th.
- 21 Q. Okay. And Aniella --
- 22 A. Aniella.
- 23 Q. -- was staying with which sister?
- 24 A. Grace Mukamana.
- 25 Q. In Mudende?

1 A. Yes.

2 Q. So what had happened to her between the time
3 you dropped her off in Mudende and the time
4 you went to Mugonero?

5 A. She fled to Zaire with my sister and her
6 husband. They went to Zaire. At that time
7 it was called Zaire.

8 Q. Okay.

9 MR. PRESIDENT:

10 They fled in the month of April '94, or
11 May '94, or later.

12 THE WITNESS:

13 From Mudende?

14 MR. PRESIDENT:

15 Yes.

16 THE WITNESS:

17 From what they told me they fled, like --
18 in the month of April, within one week after
19 the events started.

20 MADAM PRESIDENT:

21 Your sister and your daughter.

22 THE WITNESS:

23 My sister, my daughter and the husband.

24 MR. PRESIDENT:

25 Why did they flee to Zaire.

1 THE WITNESS:

2 Just for the record, my brother-in-law is
3 not a Rwandese. He's a citizen of Congo.
4 He's Congolese, so he had to go back to his
5 country.

6 MR. PRESIDENT:

7 They went back to his country.

8 THE WITNESS:

9 No, to Zaire, where -- I mean, the husband
10 of my sister -- is from.

11 MR. PRESIDENT:

12 Yes. They went --

13 THE WITNESS:

14 They went.

15 MR. PRESIDENT:

16 -- back to Zaire. They went back to Zaire.

17 THE WITNESS:

18 Uh-huh.

19 MR. PRESIDENT:

20 Now, the permanent residence of that family,
21 was that in Zaire or in this part of Rwanda.

22 THE WITNESS:

23 It was in Mudende. At that time, when the
24 war started, their residence was in Mudende.

25

1 MR. JACOBS:

2 Your Honour, I'm about to start a whole new
3 area. I notice it's about ten to one. I
4 was just wondering whether it is convenient
5 to take a lunch break now.

6 MR. PRESIDENT:

7 Well, as with Mr. Phillips yesterday, we
8 would like to stick to the schedule. So, if
9 you could start with the new area, that
10 would be helpful, if that's possible.

11 MR. JACOBS:

12 I am in the Court's hands, as always,
13 Your Honour.

14 MR. PRESIDENT:

15 Yes, please do. Make an attempt, will you,
16 please? Thank you.

17 MR. JACOBS:

18 Okay. If I could beg the indulgence of the
19 Court for a minute.

20 MR. PRESIDENT:

21 Is everything all right?

22 MR. JACOBS:

23 Yes.

24 MR. PRESIDENT:

25 Please.

1 MR. JACOBS:

2 I'm sorry; I wasn't up.

3 BY MR. JACOBS:

4 Q. So, you were telling us that your brother
5 Gérard, brought you, your wife, son, wife's
6 niece and son back to Mugonero around May
7 the 10th.

8 A. Yes, sir.

9 Q. And where did you go to when you got back to
10 Mugonero?

11 A. I went to my father's house.

12 Q. And where did you stay when you were in
13 Mugonero?

14 A. At my father's house.

15 Q. And just to be clear at the outset, how long
16 did you stay in your father's house in
17 Mugonero?

18 A. Until we fled for Zaire, so that's almost
19 from the 10th until mid-July, so that would
20 be two months.

21 Q. And how many other members of your family,
22 if any, stayed with you at your father's
23 house in Mugonero?

24 A. All the members of my family and everybody
25 who came with me from Gikongoro stayed with

1 me at my father's house.

2 MR. PRESIDENT:

3 So, who were these family members, please?

4 Can we --

5 THE WITNESS:

6 It was my wife; my son; my wife's niece; and
7 her son.

8 BY MR. JACOBS:

9 Q. And was your father -- were your father and
10 mother staying with you at the house as
11 well?

12 A. Yes, sir.

13 Q. And where was your brother Gérard's house in
14 relation to your father's house?

15 A. It was located almost -- like, I would say,
16 like, 500 metres from my father's house.

17 Q. Okay. When you got to Mugonero on the 10th
18 of May, did you see your father?

19 A. Yes, sir.

20 Q. And can you describe his mood at the time?

21 A. When I saw him he was really different from
22 the man I knew before. He was -- first of
23 all, he had lost a lot of weight and he was
24 not as talkative as he used to be. He was
25 very calm. I mean, he was completely

- 1 different from the man I knew before.
- 2 Q. Okay. Would you describe him as happy, sad,
3 upset? How would you describe his mood?
- 4 A. He look like really depressed and sad.
- 5 Q. Okay. And in that period, the period you
6 were in Mugonero, was your father still
7 preaching?
- 8 A. Yes, sir.
- 9 Q. And where was he preaching?
- 10 A. At church -- when I was there he preached
11 once at church at Mugonero, but he was most
12 of the time going in the churches
13 surrounding Mugonero on Saturdays.
- 14 Q. Did you attend church with him?
- 15 A. Yes, sir.
- 16 Q. And did you hear his sermons?
- 17 A. Yes, sir.
- 18 Q. And describe his sermons at that time.
- 19 A. You know, at that time, there was still some
20 unrest in the region and in his sermons most
21 of the time he was trying to pacify people,
22 telling them to calm down, to live, I mean,
23 a good Christian life and helping each
24 other, not getting involved in any routing
25 or any bad things that were going on around

1 the country.

2 Q. Did Gérard attend church?

3 A. Yes, sir.

4 Q. Did you ever hear Gérard -- I'm sorry, I'll
5 just wait for the Judges. Did you ever hear
6 Gérard speak up in church in that period?

7 A. Yes I did.

8 Q. And could you describe what he spoke about
9 in church?

10 A. He was talking mostly about encouraging
11 people to come to help cleaning up the
12 hospital, because most of the hospital was
13 completely destroyed, so he was trying to
14 start a clinic over there at the hospital
15 and he was telling people to come and help
16 with the clean-up of the hospital.

17 MR. JACOBS:

18 Your Honours, I now am actually going to
19 move into this area a bit deeper and I'd
20 appreciate it -- it appears now to be the
21 proper time.

22 MR. PRESIDENT:

23 That is quite all right of course. So, we
24 will take the break now and resume at 2:30.
25 Mr. Nataki, you must not discuss your

1 testimony with anyone during the break.

2 (Court recessed at 1300H)

3 (Pages 98 to 161 by Verna Butler)

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1 (Court resumed at 1434H)

2 MR. PRESIDENT:

3 Please proceed, Mr. Jacobs.

4 MR. JACOBS:

5 Thank you, Your Honour. Thank you,

6 Mr. Nataki. Thank you.

7 BY MR. JACOBS:

8 Q. We ended before lunch going to the period
9 when you had gone to live with your father
10 and we ended on discussion about your living
11 with your father and his mood, and so on.
12 I'd like you to tell us, if you can, your
13 father's daily routine while you were
14 staying in his house in Mugonero between
15 beginning of May and the end of July -- the
16 middle of July 1994.

17 A. He would wake up around six in the morning
18 and get ready to go to work, and he always
19 left home around seven in the morning, go to
20 his office, walking. He was walking. Every
21 time he was walking to his office, and stay
22 there, come back for lunch sometime around
23 one to two and then go back to his office.

24 Q. Now, during that period, what were you
25 doing, during that whole two-month period?

1 A. Because I didn't have anything to do, so I
2 would stay at home, and everyday, almost
3 everyday, I would go to the hospital to see
4 my brother who was working over there and go
5 to -- sometime go to my father's office
6 and --

7 Q. Did you go to your brother Gérard's house as
8 well?

9 A. Sometimes I would go to his house.

10 Q. Okay. So, how did your father get to his
11 office everyday?

12 A. He was walking to his office.

13 Q. How far was it from his home to his office?

14 A. Around, I would say, around 500, 600 metres.

15 Q. Okay. Did your father have a vehicle at
16 that time?

17 A. Yes, he did.

18 Q. Do you remember what kind of vehicle?

19 A. It was a Toyota pickup.

20 Q. And do you recall that it was your father's
21 practice to lend his vehicle out to other
22 people to drive, including yourself?

23 A. No.

24 Q. So when your father went to his office, then
25 he left his vehicle at home?

- 1 A. Always.
- 2 Q. And your father returned home from his
3 office in the evening. Around what time did
4 he return home?
- 5 A. Mostly it was around six, six in the
6 evening.
- 7 Q. Okay. When we are talking about his going
8 to his office, this is six days a week?
- 9 A. Yes, that's six days a week, because on
10 Saturdays he would go to church.
- 11 MR. PRESIDENT:
12 What do you mean by that? So which days are
13 we talking about here?
- 14 THE WITNESS:
15 From Sundays to Fridays.
- 16 BY MR. JACOBS:
17 Q. Just to clarify that. Your family are
18 Seventh-Day Adventists, correct?
- 19 MR. PRESIDENT:
20 I've understood that.
- 21 MR. JACOBS:
22 Okay. I'm sorry. I'm just catching up a
23 little.
- 24 BY MR. JACOBS:
25 Q. And from time to time you went with your

- 1 father to his office in the morning?
- 2 A. I didn't go with him, my father, in the
3 office, but I would go there to see him,
4 like, during the day.
- 5 Q. Okay. When you got to Mugonero in May and
6 you first saw your father's office, how
7 would describe it? What kind of condition
8 was it in?
- 9 A. Most part of the office was destroyed.
10 There was some destruction in the office.
11 He was using a part of the office building
12 and the other part was somehow destroyed.
- 13 Q. When you say "destroyed", can you describe
14 it? Can you describe what was destroyed,
15 what it looked like?
- 16 A. Some of the materials, of his materials,
17 which were completely destroyed, the
18 windows. Yeah, mostly that; there was no
19 chair, nothing.
- 20 Q. Okay. And were -- was your father involved
21 in cleaning up the office or had it been
22 cleaned up at all by the time you got there?
- 23 A. When I got there most of the cleaning work
24 had already been done in his office. He was
25 -- one part of the office was closed

1 completely because it was unusable and he
2 was using the other part of the office where
3 he set up his office and some of his
4 (inaudible) had set up a place where to
5 work.

6 Q. Okay. So going back to your father's
7 vehicle, you have advised us that for six
8 days a week, Sunday through Friday, he
9 walked to work, to his office, and he didn't
10 use his vehicle. I'm assuming he used his
11 vehicle from time to time. Do you know on
12 what occasions he was using his vehicle?

13 A. When I say he was going everyday, I mean,
14 it's not the whole time during those three
15 months, I mean two months. Sometime I
16 remember like a couple times I went with him
17 to Kibuye, and I also used his car to take
18 to Kibuye one of her (sic) secretaries who
19 was going over there, and that's mostly it.

20 Q. Okay. For what purpose did he go to Kibuye?

21 A. When I went with him, we went to a church.
22 There was a church in Kibuye. We went to
23 that church, as far as I can remember, and
24 we went to the local -- the bank because we
25 didn't have any bank in Mugonero, so we went

1 to the bank in Kibuye at that time. And,
2 what else? I visited also a cousin who was
3 living in Kibuye, who was working at a
4 guesthouse over there.

5 MR. PRESIDENT:

6 Is this Kibuye town?

7 THE WITNESS:

8 Yes, Kibuye town, yes.

9 MR. PRESIDENT:

10 When was this?

11 THE WITNESS:

12 I don't recall the dates exactly, but it
13 would be sometime in May, June, the
14 beginning of June.

15 JUDGE PILLAY:

16 Are you talking about the times that you
17 used the vehicle? The question was about
18 the times that your father used the vehicle.

19 THE WITNESS:

20 Oh, the times my father was using the
21 vehicle?

22 JUDGE PILLAY:

23 Yes.

24 THE WITNESS:

25 It was mostly on Saturdays because he would

1 go in the surrounding churches with other
2 pastors to preach.

3 MR. PRESIDENT:

4 You said that you went with your father in a
5 vehicle to Kibuye town on a couple of times.

6 THE WITNESS:

7 Kibuye town.

8 MR. PRESIDENT:

9 Yes. Now, these two occasions, when were
10 they?

11 THE WITNESS:

12 I'm sorry. Can you repeat the question?

13 MR. PRESIDENT:

14 Yes. You mentioned that you went with your
15 father a couple of times in his vehicle to
16 Kibuye town. Now, can you recall the date,
17 approximately, of these two visits to Kibuye
18 town?

19 THE WITNESS:

20 The exact date, I can't recall, but I know
21 it was sometime in May, end of May,
22 beginning of June.

23 BY MR. JACOBS:

24 Q. And I also understand you said you took your
25 father's secretary to Kibuye ville, I

1 suppose, on occasion; is that correct?

2 A. Yes, sir.

3 Q. And that was on the instructions of your

4 father?

5 A. Yes, sir.

6 Q. And do you know the reason you are taking

7 her to Kibuye ville?

8 A. Most of the time it was just to go to the

9 bank, to the local bank to deposit the

10 donation, the church donations.

11 MR. PRESIDENT:

12 How often was this, these trips with the

13 secretary? I mean, what span, which date?

14 THE WITNESS:

15 I'm sorry, but I have to say that I don't

16 have the date, the exact date. That was

17 during the period I was in Kibuye, sometime,

18 May, at the end of May and beginning of

19 June.

20 BY MR. JACOBS:

21 Q. Okay. Other than the time when your father

22 asked you to take the secretary to Kibuye to

23 -- on these errands, were there any other

24 occasions that your father let you use his

25 vehicle?

1 A. No.

2 Q. And when you drove with your father to
3 Kibuye ville, did you do the driving?

4 A. Yes, I was doing the driving.

5 Q. Let's now discuss the daily routine of your
6 brother Gérard, okay. Did you see
7 Dr. Gérard everyday?

8 A. I was seeing him everyday.

9 Q. Okay. Did you eat meals with him during the
10 day?

11 A. Sometime, not every time, but sometime I was
12 eating lunch with him.

13 Q. Okay. Now, when you saw Gérard everyday was
14 that generally during the daylight hours?

15 A. During the daylight, yes.

16 Q. And at that time was Gérard -- I'm sorry,
17 what were Gérard's daily activities? What
18 was he doing?

19 A. As I said, at the hospital of Mugonero there
20 had been a lot of destruction at that
21 hospital, so at the beginning he was trying
22 just to set up a clinic where he could
23 receive, like, out-patients; mostly
24 outpatients, customers who were coming over
25 there, and at that time he was trying to set

1 up that clinic, doing the clean-up in the
2 hospital.

3 Q. Okay. So was he, like your father,
4 attending to -- trying to set up the clinic,
5 working there six days a week, Sunday
6 through Friday, like your father?

7 A. Yes, he was working over there six days a
8 week.

9 Q. And on the seventh day, on the Saturday, I
10 assume both he and your father went to
11 church?

12 A. Yes, sir.

13 Q. Okay. And do you know during that period
14 when your brother, Dr. Gérard, was going to
15 the hospital/clinic each day how he got
16 there?

17 A. He was walking.

18 Q. Did he have a vehicle at that time?

19 A. There was a hospital vehicle he was using
20 sometime.

21 Q. Did he have his own vehicle?

22 A. Yes, his vehicle had been destroyed by a
23 hand grenade, so it was non-functional.

24 Q. Now, you said that Dr. Gérard was trying to
25 set up a clinic at the hospital. Do you

- 1 know, when you got there around about the
2 beginning of May, whether the hospital was
3 operational at that time?
- 4 A. The hospital never get operational.
- 5 Q. When you say "never get operational" you
6 mean never got operational in that whole
7 two-month period while you were in Mugonero?
- 8 A. No, it was just a clinic.
- 9 Q. Tell me what kind of condition the hospital
10 was in when you got there, then.
- 11 A. I mean, there was nothing. The hospital was
12 destroyed. I mean, there was no windows,
13 there was no beds -- a hospital is supposed
14 to have some beds -- there was no beds. I
15 mean, it was incredible, because I have
16 known the hospital when it was functional,
17 and at that time when I went back I couldn't
18 even imagine what happened over there.
- 19 Q. Okay. So you describe Dr. Gérard as trying
20 to set up a clinic, so I assume from that
21 that the clinic wasn't set up when you first
22 got to Mugonero; is that true?
- 23 A. No, not completely. They had already
24 started the clean-up activity, but the
25 clinic was not completely set up.

- 1 Q. Okay. And did you assist Gérard at all in
2 trying to clean up and get the clinic set
3 up?
- 4 A. Sometime I would do it.
- 5 Q. Could you describe that?
- 6 A. Like, I mean, I was not -- I was not
7 required to do it, so when I was going over
8 there to see him, and if I saw him doing
9 some clean-up activity, like moving -- or
10 removing broken glasses, removing woods, I
11 would just help him do the clean-up.
- 12 Q. Okay. So when you saw Dr. Gérard going to
13 the hospital or coming back from the
14 hospital or at the hospital, what sort of
15 clothes was he wearing?
- 16 A. After the clinic was set up he would be
17 wearing a lab coat, but before the clinic
18 was completely set up he was wearing, like,
19 normal clothes; I mean, working clothes just
20 to clean up the place.
- 21 Q. Okay. Do me a favour. Describe what you
22 mean by "normal clothes", "working clothes".
23 These are my normal working clothes.
- 24 A. Just slacks and a shirt and shoes, normal
25 tennis shoes or sometime -- yeah.

1 Q. Thank you. So do you know when Gérard had
2 the clinic up and running?

3 A. It was like -- two weeks after I got there
4 the clinic was up and running, even though
5 it never ran, like, completely as -- I mean,
6 as a good clinic, receiving many people, but
7 it was somehow helping the community.

8 Q. Okay. And was Dr. Gérard the only doctor
9 there?

10 A. At the clinic, yes.

11 MR. PRESIDENT:

12 Why did you say "at the clinic, yes"? Were
13 there other doctors in the hospital at that
14 time or in the surroundings?

15 THE WITNESS:

16 In the surroundings in Kibuye.

17 MR. PRESIDENT:

18 That's what you meant.

19 THE WITNESS:

20 Um-hum.

21 BY MR. JACOBS:

22 Q. Okay. And during that period people were
23 coming to the clinic with what types of
24 ailments or injuries or worries?

25 A. It was mostly, like, headaches, stomach

1 ache, and I think one time, I think there
2 was some ladies who were going to give
3 birth, as far as I can remember. I don't
4 know exactly what kind, because I wasn't
5 staying there everyday and when he was going
6 in his consultation I wouldn't stay in his
7 office.

8 Q. Okay. Do you know if there was any
9 medication available at the clinic?

10 A. Very few medication available.

11 Q. Do you know what your brother Dr. Gérard did
12 to pick up medical supplies?

13 A. I remember one day I went with him to Kibuye
14 to pick up some supplies, some medical
15 supplies to Kibuye. The Red Cross was
16 giving out some medication. I went with him
17 to pick up those medication.

18 Q. I know, Mr. Nataki, it is very difficult to
19 remember back now eight years and try to
20 remember what day you did little things like
21 this. Is there any way you can remember
22 roughly, or as precisely as you can, when
23 you took Dr. Gérard for medical supplies?

24 A. The dates, these, no, I can't remember the
25 dates. It was during that period, during

1 that period I was in Kibuye -- I mean, in
2 Mugonero from mid-May to June.

3 Q. Okay. And when you accompanied Dr. Gérard
4 to Kibuye, I take it that's Kibuye ville
5 when you say Kibuye?

6 A. Kibuye ville, yes.

7 Q. When you accompanied Dr. Gérard to Kibuye
8 ville to pick up these medical supplies, how
9 did you travel there?

10 A. We travelled with the hospital pickup.

11 Q. Okay. So do you know how many times you
12 went to Kibuye ville with Dr. Gérard to pick
13 up medical supplies?

14 A. I just went once, just once.

15 Q. Okay. Did you see any other doctors when
16 you went to Kibuye ville with Dr. Gérard.

17 A. The only doctor I remember seeing is
18 Dr. Kayihigi because he was a doctor from
19 Kigali and I personally knew him in Kigali.
20 So when we were in Kibuye I saw him and I
21 recognised him and I went to say hello to
22 him.

23 MR. PRESIDENT:

24 The name was Kayihigi?

25

1 THE WITNESS:

2 Kayihigi, K-A-Y-I-H-I-G-I.

3 BY MR. JACOBS:

4 Q. Now, when you are describing your knowledge
5 of the types of patients who were coming in
6 to see Dr. Gérard at the clinic, you were
7 describing people, I think -- people without
8 serious ailments and so on. Do you know
9 what Dr. Gérard did when critical patients,
10 or patients with more complicated problems,
11 came to Mugonero?

12 A. He would mostly try to stabilise them and
13 take them to Kibuye, because it was the only
14 hospital available close by.

15 Q. Okay. And, again, do you know when this
16 would have happened or on how many
17 occasions?

18 A. I don't know how many occasions. I don't
19 know. I don't really know how many
20 occasions, but I heard that he was taking --
21 sometime he was taking patients to Kibuye.

22 Q. Okay. All right. I'm going to move to a
23 new topic now.

24 MR. JACOBS:

25 I'm sorry. I wonder If I can ask the Court,

1 is there any way the air conditioning could
2 be made to work here because my glasses are
3 slipping off my nose.

4 MR. PRESIDENT:

5 Mr. Matemanga, could you check whether the
6 air conditioner is normal or whether we can
7 assist in any way.

8 MR. JACOBS:

9 I'd appreciate that. I'm sorry.

10 BY MR. JACOBS:

11 Q. I'm going to talk about some general other
12 things that were happening with you and your
13 brother and your family in Kibuye at that
14 time. Now, were you aware whether the water
15 supply to Mugonero was ever cut off during
16 the period when you were there?

17 A. Yes, sir.

18 Q. Can you tell me a bit about that? Was it
19 working or cut off when you got there?

20 A. When I got there it was working.

21 Q. Yes.

22 A. The water supply was coming. We had no
23 problem. But at some point we started -- I
24 mean we didn't have any more water, so we
25 thought something was wrong from at the --

1 with the pipe, the pipe that were bringing
2 water to Mugonero.

3 Q. Okay. So did you take any part in
4 attempting to restore the water supply?

5 A. My brother Gérard was trying to go and fix
6 them with a technician, the hospital
7 technician, and, as I said, I didn't have
8 anything to do, so I proposed myself to
9 accompany him, just walk over there and
10 accompany him, see how it goes.

11 Q. So I take it then you did accompany him to
12 fix the water?

13 A. Yeah, I did accompany him.

14 Q. Again, do you know when that was?

15 A. I think at that point it was sometime in
16 June, because I'm sure it was in June,
17 because the French soldiers were already in
18 Rwanda at that time.

19 MR. PRESIDENT:

20 What was the name of the technician; do you
21 recall?

22 THE WITNESS:

23 I think it's -- I really don't remember, I'm
24 not sure, but I think it's Sebera
25 (phonetic), or I'm not sure.

1 MR. JACOBS:

2 Okay. Thank you, Your Honour.

3 BY MR. JACOBS:

4 Q. The French soldiers I think got there
5 sometime around June 19th.

6 A. It had to be at that moment because the
7 French soldiers were there at that time.

8 Q. Okay. We're going to come back to the
9 French soldiers and talk about that in a
10 little while.

11 MR. JACOBS:

12 I thank the Court for putting the air
13 conditioning on. Appreciate it.

14 BY MR. JACOBS:

15 Q. Okay. So, let me ask you then again about
16 the restoration of the water. Where did you
17 have to go to in order to restore the water
18 supply?

19 A. Because Mugonero, it is surrounded by
20 mountains, and there was this mountain, and
21 Mugonero -- I think the name of the mountain
22 is Murambi. That's M-U-R-A-M-B-I. I think
23 that's the name of the mountain. I'm not
24 sure; I'm not one hundred per cent, but I
25 think that's the name. So we went to that

1 mountain where the pipe was broken to try to
2 fix that pipe.

3 Q. And how did you travel to that location?

4 A. We walked.

5 Q. You walked. And you walked with Dr. Gérard
6 and the technician from the hospital?

7 A. I think there was another one or two other
8 persons with us. I don't remember very
9 well.

10 Q. Okay. And was the pipe, in fact, broken
11 when you got there?

12 A. Yes.

13 Q. And how did you repair it?

14 A. It was just -- how do you call it? Where
15 there was ramification (sic) between two
16 pipe, so we had just to screw them again.

17 Q. Okay. Do you know how the pipe had been
18 broken?

19 A. I don't know.

20 Q. Okay. So during the time that you were at
21 your father's home over these two months, do
22 you know if your father received any
23 visitors?

24 A. Neighbours, neighbours was visiting.

25 Q. Okay. A little bit earlier we

1 talked -- sorry.

2

3 A few minutes ago you mentioned the French
4 soldiers coming, do you recall? Well,
5 firstly, let's talk about this. A few
6 moments ago you discussed French soldiers
7 coming. Let me ask you this: who are the
8 French soldiers that you are describing?

9 A. The soldiers who came in there, Turquoise,
10 the mission Turquoise.

11 Q. Okay. Operation Turquoise --

12 A. Operation Turquoise.

13 Q. -- in English. And did soldiers from the
14 Operation Turquoise come to your father's
15 house?

16 A. Yes. Once they come. They wanted to talk
17 to the conseiller of the secteur Ngoma.

18 Q. Okay. Thank you. I'm sorry. Go head.

19 A. They wanted to talk to the conseillers of
20 the secteur Ngoma and they wanted somebody
21 to translate for them, so they can -- I
22 guess they asked around if there was anybody
23 who could speak French, and I don't know how
24 they pinpoint my father's house. But they
25 came to our house; they needed some help to

- 1 translate for the conseiller of the secteur.
- 2 Q. Okay. Let's just go through this bit by
- 3 bit. Who was the conseiller of the secteur?
- 4 Do you remember?
- 5 A. The name, no, I don't remember.
- 6 Q. Okay. And when they came to your
- 7 father's --
- 8 A. Oh, I remember. It's Haberi (phonetic)
- 9 Bahundi; yeah, I remember now.
- 10 Q. I think that you have to spell that for the
- 11 Court.
- 12 A. Yeah. Haberi Bahundi, it's B-A-H-U-N-D-I.
- 13 Q. Okay. So you now described the French
- 14 soldiers come to your father's house seeking
- 15 assistance in translating on their behalf
- 16 with the conseiller. And when they were at
- 17 your house did they ask you for your
- 18 assistance?
- 19 A. Yes, sir, they did.
- 20 Q. Okay. And did you agree to assist them?
- 21 A. Yes, sir.
- 22 Q. Okay. So tell me what happened then; did
- 23 they take you somewhere?
- 24 A. Yeah. They took me to where the conseiller
- 25 was -- I'm sorry -- at that time. And

1 mostly they wanted me to tell the conseiller
2 what was the mission in that region, that
3 their mission was to try to keep peace and
4 at that moment there was some kind of
5 fighting in the region of Bisesero -- that's
6 close to Ngoma -- and they were telling the
7 conseiller that he wouldn't allow anybody
8 from Mugonero to go to Bisesero because
9 right now they had to assure the security of
10 that region, right now.

11 Q. So, just to be clear, the French soldiers
12 wanted to tell the conseiller, or rather,
13 wanted to get the conseiller to tell people
14 not to go to Bisesero; is that correct?

15 A. Yes, sir.

16 Q. Okay. And did you convey that message to
17 the conseiller?

18 A. Yes, I did.

19 Q. And that was in the presence of the French
20 soldiers?

21 A. Yes, sir.

22 Q. And anything else happen then that you
23 recall?

24 A. The only thing I may recall is that the
25 conseiller -- the conseiller of the secteur

- 1 said that at that time he didn't have
2 control, real control over everybody over
3 there. That's what I recall the conseiller
4 tell the French soldiers.
- 5 Q. Now, did the French soldiers also ask you to
6 relay this message to other people in
7 Mugonero?
- 8 A. No.
- 9 Q. Okay. Still dealing with the subject of
10 visitors to your father's home, let me ask
11 you this: do you personally know Sikubwabo,
12 the bourgmestre?
- 13 A. Yes, sir.
- 14 Q. In the time you were in Mugonero, did he
15 ever visit your father's home?
- 16 A. Never.
- 17 Q. Okay. Other than the French soldiers, who I
18 assume may be carrying arms, during that
19 time you were in Mugonero did any other men
20 carrying arms, or women carrying arms for
21 that matter, ever visit your father?
- 22 A. No, sir.
- 23 Q. Again during that time, May, June, July in
24 Mugonero, and again other than the French
25 soldiers, did any other armed men or women

- 1 ever visit your brother Dr. Gérard?
- 2 A. No, sir.
- 3 Q. Okay. While we're talking about arms, did
4 your brother Gérard own a gun?
- 5 A. No, sir, not as far as I know.
- 6 Q. Have you ever seen him hold a gun?
- 7 A. Never.
- 8 Q. And your father, did your father own a gun?
- 9 A. No, sir, not as far as I know.
- 10 Q. Had he ever owned a gun?
- 11 A. No, sir.
- 12 Q. Had Dr. Gérard ever owned a gun?
- 13 A. No, sir.
- 14 Q. Have you ever seen your father hold a gun?
- 15 A. No, sir, never.
- 16 Q. During that time that you were in Mugonero
17 -- again, May, June, July of 1994 -- did you
18 ever see your father together with a
19 Mr. Ruzindana?
- 20 A. No, sir, never.
- 21 Q. With a Mr. Kayishema?
- 22 A. No, sir.
- 23 Q. Mr. Muhimana?
- 24 A. I'm sorry. Could you repeat the name?
- 25 Q. Muhimana, Mika Muhimana?

- 1 A. No, sir.
- 2 Q. Did you ever see your father with a
3 Mr. Niyitegeka?
- 4 A. No, sir.
- 5 Q. Did you ever see your father with any armed
6 people during the entire time you were in
7 Mugonero in 1994?
- 8 A. Never.
- 9 Q. While you were in Mugonero, sir, in 1994,
10 May, June, July, did you ever see
11 Dr. Gérard, your brother, with
12 Mr. Sikubwabo?
- 13 A. No, sir.
- 14 Q. Mr. Ruzindana?
- 15 A. No, sir.
- 16 Q. Mr. Kayishema?
- 17 A. No, sir.
- 18 Q. Mr. Muhimana?
- 19 A. No, sir.
- 20 Q. Mr. Niyitegeka?
- 21 A. No, sir.
- 22 Q. Did you ever see, during that entire period,
23 sir, did you ever see Dr. Gérard with any
24 armed people whatsoever?
- 25 A. Never.

1 Q. During that entire time, sir, did you ever
2 see or were you ever aware of your father
3 attending any meetings with armed men?

4 A. Never, not as far as I know.

5 Q. Again, did you ever see or were you ever
6 aware of your brother Dr. Gérard ever
7 attending any meetings with armed men in
8 that period, sir?

9 A. No, sir.

10 Q. I wanted to go back to some areas just to
11 clarify some areas in the testimony that you
12 gave earlier this morning, if you don't
13 mind.

14 MR. JACOBS:

15 Sorry, Your Honour.

16 BY MR. JACOBS:

17 Q. Okay. I wanted to -- I touched only very
18 briefly, too briefly, I think, on the period
19 when you were working in -- for the European
20 Community, dealing with displaced persons
21 issues. We mentioned just very briefly, and
22 I really want to go into this with you in
23 much more detail than you have explained
24 this to us now. You say at one point you
25 worked with a joint commission, with two of

1 whose members were members of the RPF in
2 that period when you were -- this is between
3 July, August of 1993 and April 1994; is that
4 correct?

5 A. Yes, sir, that is correct.

6 Q. And I'm correct in understanding this was a
7 joint commission set up under the Arusha
8 Accords; is that correct?

9 A. Yes, sir.

10 Q. And I think that this joint commission was
11 under the United Nations authority. Am I
12 right about that?

13 A. Yes.

14 Q. Okay. Now, this -- can you tell us
15 something about the commission, what its
16 mandate and role was?

17 A. The commission I was participating in was a
18 commission that had a mission to evaluate
19 the destruction that have been made in -- by
20 civil unrest in the known war zone, because
21 in Rwanda there was a war zone what was
22 defined as a war zone; that was Ruhengeri,
23 Kigali, Byumba and Kibungo. And the rest of
24 the country was considered as a non-war
25 zone. So our commission was to evaluate the

1 damages done by civil unrest in those
2 region.

3 Q. Now, as part of your -- I'm sorry.

4
5 As part of your work with the joint
6 commission, did you go to Kibuye?

7 A. Yes, sir.

8 Q. Is this part of a war zone area?

9 A. There was in Kibuye in '92, I think, there
10 was some -- I mean, some civil unrest -- I
11 mean, fight, I would say, fight or clash
12 between the population in the region. The
13 region where we went was Kigarama in Kibuye,
14 exactly in the commune of Gishyita.

15 Q. Okay. And what did you see as your role,
16 you and the commission, in Kibuye with
17 regard to the fighting between communities n
18 Gishyita in 1992?

19 A. You mean my role in that commission?

20 Q. I suppose I'm going to break it down into
21 two questions just to be clear. One, the
22 first question is, what was the commission
23 doing there? What was it intending to
24 accomplish? And, two, what part did you
25 play in that? So maybe we can go to the

1 first question first. What was the
2 commission intending to accomplish there?
3 A. The commission was just evaluating the
4 damages done. If there was, like, a house
5 destruction, if there was, like, cattle
6 killed by those unrest whereby the
7 population around there -- and if, I mean,
8 every kind of damages that have been done by
9 the local population during those civil
10 unrest.

11 Q. Okay. And what was your role within that
12 commission at that time?

13 A. My role in that commission, I was a part of
14 the government of Rwandan delegation,
15 because there was a government of Rwanda
16 delegation and the delegation from the RPF.
17 And I was part of the Rwandan delegation,
18 and what we would do, we would go over
19 there, interview the population, see exactly
20 what went on, if those destruction were
21 consequences of the civil unrest and then we
22 would evaluate the damages done and make an
23 estimate on how much money would be needed
24 to restore those properties.

25 Q. Okay. And was that with the intention of

- 1 compensating people --
- 2 A. Yeah, compensating.
- 3 Q. -- people who had lost their properties?
- 4 A. Yes, sir.
- 5 Q. And were you aware of what ethnic group
- 6 those people might have been from?
- 7 A. I was supposed to be -- most of the people
- 8 that had damages on the properties was
- 9 Tutsis.
- 10 Q. That was from 1992 in Gishyita?
- 11 A. 1992.
- 12 Q. I see. And that process of evaluation and
- 13 communication was something that had been
- 14 mandated under the Arusha Accords, to the
- 15 best of your knowledge?
- 16 A. Yes, sir.
- 17 Q. Okay. And just continuing with -- I'm
- 18 sorry. Just to understand that you say you
- 19 are representing the government of Rwanda,
- 20 and I'm assuming that that's -- assumed your
- 21 responsibilities under the direction of the
- 22 director of cabinet; is that correct?
- 23 A. Yes, sir. But I was not representing. I
- 24 was part of the delegation of the government
- 25 of Rwanda, just was a member of the

1 delegation.

2 Q. I see. Thank you for the clarification.

3 And, again, during this period when you've
4 advised us that you worked for displaced
5 persons, you had been advised that there
6 were a million people that had been
7 displaced from their lands and homes. Who
8 was occupying the area where their lands and
9 homes were at that time, at that time where
10 they were displaced?

11 A. The RPF army.

12 Q. You also said that in February of 1994 some
13 of the displaced persons returned to their
14 homes or to demilitarised areas. Have you
15 any idea out of that million you discussed
16 how many people of that million returned to
17 their homes in that period?

18 A. I don't have an exact number, but there were
19 very few.

20 Q. Okay. Now, I'm just going to wind up with a
21 few more questions and the Prosecutor is
22 going to have some questions for you, maybe.
23 And before that my learned friend Mr. Clark
24 may have some questions for you. But let me
25 just finish with these questions.

1 You lived at home, I think, for the first
2 one or two decades of your life; am I
3 correct?

4 A. Yes, sir.

5 Q. You lived with your father, Pastor
6 Ntakirutimana, and your brother, Dr. Gérard
7 Ntakirutimana?

8 A. Yes, sir.

9 Q. During that time or at any time since have
10 you heard your father, the Pastor, express
11 any animosity or any hatred towards any
12 group of people?

13 A. Never.

14 Q. I'm going to ask you the same question about
15 Dr. Gérard. Have you ever heard him express
16 any animosity or any hatred toward any group
17 of people?

18 A. Never.

19 Q. You've heard your father give sermons in
20 Mugonero and elsewhere, I think, in the
21 period May, June, July, 1994. Again, during
22 this period, did you ever hear your father
23 inject into a sermon anything that would
24 indicate animosity towards any people or any
25 group of people?

1 A. No, sir.

2 Q. In short, sir, have you ever in your life
3 heard your father express animosity or
4 hatred towards any group of people?

5 A. Never.

6 Q. Particularly, sir, and I understand this
7 answer is contained in your last answer, but
8 the emphasis is important, have you ever
9 heard him express any animosity or any
10 hatred towards Tutsis?

11 A. Never.

12 Q. Same question about your brother Gérard.
13 Have you heard him ever express animosity or
14 hatred towards Tutsis?

15 A. Never.

16 Q. I'd like you to -- starting with your
17 father, maybe you can describe to the
18 Tribunal what they should know about your
19 father, about the nature of your father,
20 what kind of a person your father is,
21 knowing what he has been charged with,
22 accused of very terrible things.

23 A. Ever since I was a little boy living with my
24 father, my father was a caring, a really
25 caring man. And for me and from what I have

1 heard, I mean, for me he was very nice to be
2 around and most people I know at that time
3 were very pleased to have him as a friend.
4 He had many friends at that time and those
5 friends were of both ethnic groups, Tutsis
6 and Hutus. And he consecrated his life to
7 the job he was doing; that is, of being a
8 pastor of spreading the good news to the
9 Rwandese people. He worked in Rwanda most
10 of his life and he worked in Burundi also
11 for a good part of his life.

12
13 And when, for the first time I heard that my
14 father was accused of these kind of
15 atrocities, I couldn't really believe it,
16 because I know that there is no way, in any
17 way, my father can do such things. You
18 know, when, for a religious man like him, I
19 mean, when they were accusing him, he say
20 maybe that's what God wants. I mean, maybe
21 God wants to show me something, but within
22 himself and myself I am convinced, I'm
23 really convinced that my father never did
24 any of those atrocities that they were
25 accusing him. And that comes from his

1 character, the character that I know when I
2 was growing up around him and from what most
3 people were saying about him.

4 Q. Let me ask you the same question, sir -- I
5 understand this is difficult -- about your
6 brother. Can you describe to the Court what
7 do you think the Court should know about him
8 as a person?

9 A. You know, Gérard, Gérard is one of my
10 brothers I spent the most of my time with
11 because --

12 Q. Take your time. Take your time.

13 A. I'm sorry. When I was doing my primary
14 schooling, we were going to the same, exact
15 same school. When we went to college, I
16 mean, high school -- I'm mixing it because
17 in Rwanda high school we call it college;
18 secondary school we call it college. So
19 when we went to high school we were
20 together, we lived together in primary
21 school, and in high school we were
22 frequenting the same school and he was a
23 really very, very nice guy with everybody,
24 with everybody who was around him. And for
25 me he was, like, my role model. And as far

1 as I know, there is no way, somebody who
2 have been good all his entire life can come
3 all of a sudden and start killing people
4 like they are accusing him that he had done.
5 I mean, I can't imagine. He is a guy who is
6 very friendly with everybody. And I'm sure
7 there are many people, many other people --
8 even people who were accusing him of doing
9 those atrocities, but I know that there are
10 many people would come forward and say that
11 how good he is.

12
13 And this is very hard for me because it's my
14 -- he is my own brother. We spent -- I
15 spent the most time with. And I know for
16 sure that there is no way he can do the
17 atrocities that they are accusing him.

18 Q. My last question to you, sir. During the
19 entire time you were in Mugonero, May, June,
20 July 1994, did your father or brother ever
21 go into Bisesero?

22 A. Never. I never saw them or heard of them
23 going over there or -- never.

24 MR. JACOBS:

25 I have no further questions for you. My

1 learned friend who is acting on behalf of
2 your father may have some questions. Thank
3 you, Witness. Thank you, Your Honour.

4 MR. PRESIDENT:

5 Thank you, Mr. Jacobs. Do you have
6 questions, Mr. Clark?

7 MR. CLARK:

8 No, Your Honour. I think it's been very
9 well covered.

10 MR. PRESIDENT:

11 Thank you very much.

12 MR. PRESIDENT:

13 Prosecution.

14 MR. KAPAYA:

15 Thank you, Your Honour. Good afternoon,
16 Mr. Nataki.

17 CROSS-EXAMINATION

18 BY MR. KAPAYA:

19 Q. Now, I have a couple of questions to ask you
20 on behalf of the Office of the Prosecutor.
21 Could you tell Their Honours whether your
22 family is in any way related to Mr. Faustin
23 Twagiramungu?

24 A. Faustin Twagiramungu is a friend of the
25 family.

1 Q. Does the relationship between your family
2 and his family go beyond friendship?

3 A. The only thing I know is, from my brother
4 who is a doctor in the United States, his
5 wife -- okay. How could I put it? His
6 wife, the sister of his wife got married
7 with the brother-in-law of Faustin. At very
8 -- it's very far, that's why.

9 Q. Yeah, but still.

10 A. It's a friendship that comes from marriage
11 in the family.

12 Q. Mr. Nataki, would I be correct in saying
13 that it was Mr. Twagiramungu who helped you
14 secure employment with office of the prime
15 minister?

16 A. No, that's not true.

17 Q. And is it correct, Mr. Nataki, that in the
18 office of the prime minister one of the
19 people you reported to was the chief of
20 staff?

21 A. Yes, sir, that's true.

22 Q. Could you tell us what the name of this
23 person is?

24 A. First of all, it was Mr. Mbonimpa
25 Jean-Marie, I was reporting to, and it's

- 1 him, actually it's him who helped me secure
2 the job -- in the job that I was doing. And
3 after that he left, there was Dismas
4 Nsengiyaremye who became director of the
5 cabinet of the prime minister.
- 6 Q. Okay. The person you have just mentioned,
7 is it correct that he comes from Mugonero,
8 just like you?
- 9 A. Jean-Marie Mbonimpa?
- 10 Q. Yeah.
- 11 A. No. He doesn't come from Mugonero. He
12 comes from Gisovu. It's close by.
- 13 Q. Is there anybody in the office of the prime
14 minister you worked with who came from
15 Mugonero?
- 16 A. Not as far as I can remember.
- 17 Q. Now, Mr. Nataki, you said that part of your
18 business was to visit camps of displaced
19 persons.
- 20 A. Yes, sir.
- 21 Q. Now, can you tell us how many such camps
22 were established at that time?
- 23 A. There were a lot. I mean, they were
24 scattered all over the war zone. I would
25 say those camps were located in the

1 perimeter of Ruhengeri, Kigali, Byumba and
2 Kibungo.

3 Q. Now, was there any common character among
4 the displaced persons? For instance, would
5 I be correct to say that most of them were
6 of the Tutsi ethnicity?

7 A. No, most of them were Hutu -- of the
8 displaced people, the majority of them were
9 Hutu, not Tutsi.

10 Q. The majority were Hutu?

11 A. Yes.

12 Q. Okay. Now, you testified before this
13 Tribunal that when the violence broke out
14 you were in Kigali following the death of
15 the president.

16 A. Yes, sir.

17 Q. Now, did anybody say -- did the radio say
18 who was responsible for the shooting of the
19 president?

20 A. Not as far as I remember. Right away, like
21 about -- in the morning that's where they
22 start saying that it was the RPF army that's
23 downed -- with the help of UNAMIR, that
24 downed the president's plane. But right
25 away on the radio there was just music,

1 mourning music at that night.

2 Q. So it was said it was the RPF that was
3 responsible --

4 A. In the morning the radio was saying, pretty
5 much saying that the RPF had downed the
6 plane of the president with the help of the
7 UNAMIR.

8 Q. And is it correct to say, Mr. Witness, that
9 Tutsi were considered then to be accomplices
10 of the RPF?

11 A. There are many people who viewed Tutsi as
12 accomplices of RPF, not all the Rwandese, of
13 course, many people, but many people viewed
14 the Tutsis as accomplices of the RPF.

15 Q. Did the government in power then view Tutsi
16 as accomplices of the RPF?

17 A. There is no way I can say -- know the point
18 of view of the government at that time.

19 Q. Did the MRND view Tutsi as accomplices of
20 the RPF?

21 A. Again, there is no way I can know what the
22 MRND thought at that time.

23 Q. Now, you told us that following the shooting
24 down of the president --

25

1 MR. PRESIDENT:

2 But why, Mr. Nataki? You were interested in
3 politics. You went to MRND meetings. You
4 tried to make up your mind. You had to find
5 out where you belonged in the political
6 landscape.

7 THE WITNESS:

8 As I said before I went to the MDR meetings
9 because they viewed MDR as putting forward
10 -- were represented what myself, as I was
11 envisioning for the future of the country.

12 MR. PRESIDENT:

13 Yes, but that shows that you are interested
14 in politics and you have to make a choice
15 where you belong.

16 THE WITNESS:

17 Of course I was interested in politics.

18 MR. PRESIDENT:

19 Let's assume for a minute, then, wouldn't
20 you then be interested in the view of other
21 political parties?

22 THE WITNESS:

23 What the other political parties -- where
24 they stand, you know, I knew exact -- I
25 mean, I didn't know completely where the

1 MRND stands on every subject. There's no
2 way I could know that. But for me, they
3 represented stagnation because the MRND was
4 in power since '73 when Habyarimana took
5 power in Rwanda in 1973 and not too many
6 things changed in my country. There was
7 still no democracy, the economy was, I mean,
8 not very good. So I thought some change
9 would be good for the country.

10 MR. PRESIDENT:

11 What was your question, what was your last
12 question to the witness before I
13 interrupted? Could you repeat that
14 question, please?

15 MR. KAPAYA:

16 My last question, if I recall it,
17 Your Honour is whether the MRND considered
18 Tutsi as accomplices of the RPF.

19 MR. PRESIDENT:

20 Yes. And the answer to that, Witness?

21 THE WITNESS:

22 My answer was, there is no way I can know
23 the view of the MRND to answer that
24 question. I don't know the view of the MRND
25 to answer that question.

1 BY MR. KAPAYA:

2 Q. And how about the MDR?

3 A. The MDR didn't consider Tutsi -- I mean,
4 from the meetings I was participating in,
5 they were not considering all the Tutsis as
6 supporting the RPF.

7 Q. Now, you told this Tribunal in the morning
8 that there was violence in Kigali following
9 the shooting down of the presidential plane.
10 Now, can you tell us who was attacking who
11 at that time?

12 A. You know, at the beginning when, I mean,
13 right, the first few days it was mostly,
14 from what I had seen, was mostly people in
15 military uniform with people in plain
16 clothes attacking mostly the people from the
17 opposition.

18 Q. Is it correct to say that when you refer to
19 people in military clothes you are referring
20 to the gendarmes, presidential guard and
21 members of the Rwandan army?

22 A. Yes, some of them.

23 Q. And is it correct to say, also, that when
24 you talk of people in civilian clothes you
25 are referring to Interahamwe?

- 1 A. There is no way I can know that.
- 2 Q. But do you know who Interahamwe are?
- 3 A. From what I heard, Interahamwe were the
4 youth of MRND, youth, yeah. It's an MRND
5 branch that was composed mostly of young
6 men.
- 7 Q. Now, you stated that you went to hide in the
8 house of a neighbour. Could you help us
9 with his name, please. What was the name of
10 this neighbour?
- 11 A. As I said, I don't recall.
- 12 Q. For how long has this person been your
13 neighbour before the 6th of April?
- 14 A. You know, I had just moved in that
15 neighbourhood and I didn't know everybody
16 who was living over there. And, for sure --
17 no, I know his name, but it has been seven
18 years now and I don't remember his name.
19 And, for sure, when I moved over there he
20 was already living there. So there was no
21 way I can know for how long he had been
22 living there.
- 23 Q. Mr. Nataki, you cannot recall the name of a
24 person, you have lived in his house for a
25 good two weeks and saved your life. Do you

- 1 want this Tribunal to believe you when you
2 say that?
- 3 A. That's the truth.
- 4 Q. Do you want this Tribunal to believe you
5 when you say you do not know this person
6 when he is the person who provided his van
7 to take you to various places out of Rwanda?
- 8 A. That's the truth.
- 9 Q. Now, you told us that you escaped with about
10 12 other people in the van of the neighbour
11 you say you do not know.
- 12 A. I don't remember his name. I remember his
13 face and everything but I don't remember his
14 name.
- 15 Q. That's fine. Now, could you perhaps recall
16 what was the ethnic group of the 12 people
17 you travelled with?
- 18 A. There is no way I can know that.
- 19 Q. Are these the same people you stayed with in
20 the house of this neighbour of yours?
- 21 A. Yes, sir.
- 22 Q. And you stayed with those people for a good
23 14 days in that house, I mean, two weeks?
- 24 A. Yes.
- 25 Q. And you don't know whether they are Hutu or

- 1 Tutsi or Twas?
- 2 A. I was not interested in knowing their ethnic
3 composition.
- 4 Q. Now, it is your testimony also that in your
5 endeavour to escape you spent about eight
6 hours trying to cross roadblocks; is that
7 correct?
- 8 A. Yes, sir.
- 9 Q. Now, can you help us as to who was manning
10 these roadblocks?
- 11 A. There was -- some roadblocks was military
12 people -- mostly it was military people with
13 some people civilian clothes.
- 14 Q. When you talk of military people, to which
15 army are you referring to?
- 16 A. The FAR, the Rwandese army, because at that
17 time they were controlling the city of
18 Kigali.
- 19 Q. Now, at these roadblocks, is it correct that
20 your identity cards were checked?
- 21 A. Yes, they were.
- 22 Q. And your ID read that you were a Hutu?
- 23 A. That is correct, yes, sir.
- 24 Q. And how about that of your wife?
- 25 A. It read Hutus also.

1 Q. But you know she was not Hutu?

2 A. I knew she was not Hutu.

3 Q. Could you tell us the circumstances under
4 which she came to carry a Hutu ID card?

5 A. At that time in Rwanda when you go to get
6 your ID card you had the opportunity to say,
7 okay, I am Hutu or Tutsi. I mean, it was
8 the card -- the ID card in Rwanda didn't
9 mean that what was in the ID card was the
10 truth; not at all.

11 Q. When did your wife's ID change from reading
12 Tutsi to reading Hutu?

13 A. I don't know when. Ever since I met her she
14 had the same ID. She never changed her ID.

15 Q. Now --

16 MR. PRESIDENT:

17 When was the first time you saw her ID?

18 THE WITNESS:

19 I saw her ID?

20 MR. PRESIDENT:

21 Yes.

22 THE WITNESS:

23 When we got married.

24 MR. PRESIDENT:

25 When you got married.

1 THE WITNESS:

2 Yes, because at the civil ceremony we have
3 to present our IDs.

4 BY MR. KAPAYA:

5 Q. So from 1998 to 1994, March, the ID of your
6 wife read Hutu?

7 A. Hutu, Hutu, was reading Hutu.

8 Q. It was reading Hutu all along?

9 A. Yes.

10 Q. Although you knew that she was Tutsi?

11 A. Yes.

12 Q. Do you know of any people who changed their
13 IDs at that time?

14 A. You know, in Rwanda, as I am going to say
15 again, many people who were a Tutsi carried
16 ID with Hutu IDs, many people.

17 Q. Why was it necessary for your wife to change
18 her ethnic group, on her card at least?

19 A. I don't know why she changed it. I really
20 don't know.

21 Q. You didn't discuss this? This is your wife.

22 A. No, we never discussed the card.

23 Q. Now -- sorry. What was the ethnic group of
24 the wife of your niece (sic)?

25 A. Of whom, I'm sorry?

- 1 Q. Your niece's -- did you say your niece?
- 2 A. No. It's the nieces of my wife.
- 3 Q. Okay. What was her ethnic group?
- 4 A. She was a Hutu.
- 5 Q. She was a Hutu, okay. You also said that
- 6 you travelled with your small child; is that
- 7 correct?
- 8 A. Uh-huh, yes, sir.
- 9 Q. Now, in Rwanda, if a Hutu has a child born
- 10 of a Tutsi mother, the child is considered a
- 11 Hutu; is that correct?
- 12 A. Yes, sir.
- 13 Q. So you had no problem with your son to pass
- 14 through the roadblocks?
- 15 A. Nobody in my family had any problems to pass
- 16 the roadblocks.
- 17 Q. So ethnicity in Rwanda is passed through the
- 18 paternal line; is that correct?
- 19 A. Yes, sir.
- 20 Q. Now, while at roadblocks did you see any
- 21 people being detained there; that is, not
- 22 allowed to proceed with journeys?
- 23 A. You know, on those roadblocks some people
- 24 took a long time to pass, like, as we were
- 25 taking on every roadblock, we were talking

1 about sometime 30 minutes, sometime an hour
2 and some people who would just come in and
3 pass though without any problem. So I saw
4 many people who were staying over there. I
5 don't know if they were detained, but they
6 were standing over there on the roadblock
7 and they were checking the IDs.

8 Q. Now, Mr. Witness, did you say that you were
9 an MDR sympathiser?

10 A. Yes.

11 Q. And don't you think that that is the reason
12 why it gave you troubles crossing at those
13 roadblocks because you were considered an
14 MDR sympathiser, and therefore RPF
15 sympathiser?

16 A. Nobody knew that I was an MDR sympathiser at
17 those roadblocks.

18 Q. But you said you used to attend MDR rallies.

19 A. Well, I was not a big figure in the MDR. I
20 was just a sympathiser. I was just
21 participating in the meeting like anybody
22 else. I don't think anybody cares really.
23 I was not a big personality in the country.

24 Q. You stated that after leaving Kigali you
25 stayed overnight at Ruhango?

- 1 A. Uh-huh.
- 2 Q. Could you help us with the name of the
3 person in whose house you stayed?
- 4 A. The person I stayed with was my
5 brother-in-law, and his name is -- his name
6 is Hilderbrandt, but we just call him Hild.
- 7 Q. And is it correct to say he was Hutu?
- 8 A. No, he was Tutsi.
- 9 Q. Did he carry a Tutsi ID?
- 10 A. No, his ID was Hutu.
- 11 Q. So he was known in the community --
- 12 A. As a Hutu.
- 13 Q. -- as a Hutu. Although you knew privately
14 he was Tutsi?
- 15 A. Yes, I knew.
- 16 Q. Now, did he belong to any political party?
- 17 A. No, not as far as I know.
- 18 Q. Now, you stated, Mr. Witness, that while at
19 Ruhango somebody from Butare, a friend, came
20 to pick you; is that correct?
- 21 A. No, my brother-in-law provided me with a
22 ride to Butare. It is from Butare going to
23 Gikongoro, somebody from Gikongoro came to
24 pick me up in Butare.
- 25 Q. Now, who is this person who came to pick you

- 1 from Gikongoro?
- 2 A. It's the person who -- he was, as I said, he
3 was a director of water facility, our
4 treatment facility in Gikongoro.
- 5 Q. Now, would you tell us his name, please, if
6 you recall?
- 7 A. His name is Damascène -- because I am still
8 in contact with him, that's why I remember
9 his name. His name is Damascène Huzaricyiro
10 (phonetic).
- 11 Q. And would I also be correct to say that he
12 was of the Hutu ethnic group?
- 13 A. I believe so.
- 14 Q. Now, you said that you stayed at Gikongoro
15 for a good two weeks; is that correct?
- 16 A. Yeah, two to three weeks, yes.
- 17 Q. Now, during those two to three weeks did you
18 venture out in the streets?
- 19 A. No. No, I really had no business going
20 outside. The only time I went outside, I
21 can tell them, it was just going to the
22 office of the ORINFOR to give the radio
23 announcement to tell my father where I was
24 and if they can come into contact with me.
- 25 Q. Now, Mr. Witness, from Butare to Gikongoro,

1 these are two different préfectures, right?

2 A. Yes, but it is very close. There is like
3 25 to 30 kilometres from those two.

4 Q. And how many communes do you cross between
5 these two places? I mean, when you
6 travelled from Butare to Gikongoro how many
7 communes do you pass?

8 A. That's tough because I don't really know;
9 maybe two or three.

10 Q. Now, at that time, was it not a requirement
11 that when you moved from one commune to
12 another you got to present yourself to the
13 communal authorities?

14 A. No, it was not required. You go to the
15 roadblock and on the roadblock they just
16 check you and they let you go, but you are
17 not supposed to go to present yourself to
18 the communal authority.

19 Q. Now, Mr. Witness, you told this Tribunal
20 that your family got to know where you were
21 after placing an announcement through
22 ORINFOR, and I understand ORINFOR to be the
23 information department in the Rwandan
24 government?

25 A. Office Rwandaise d'Information. It was

- 1 managing Radio Rwanda.
- 2 Q. Okay. Now, would a Tutsi, for instance,
- 3 place an announcement in this organisation,
- 4 say, "I am so and so, I'm here, please come
- 5 and collect me". Would a Tutsi do that?
- 6 A. Why not? It was a public office.
- 7 Q. Do you know of any Tutsi who placed
- 8 announcements in the same way you did?
- 9 A. There is no way I can know.
- 10 Q. Now, can you tell us the car with which your
- 11 brother came to pick you in Gikongoro?
- 12 A. It was my father's car.
- 13 Q. He used your father's car?
- 14 A. Yes, sir.
- 15 Q. Now, how far is it from Gikongoro to
- 16 Mugonero?
- 17 A. It has to be a good 40 -- I mean, from where
- 18 I was to where my family -- have to be a
- 19 good 40 kilometres, 40-45 kilometres.
- 20 Q. Can you tell us the route you took from
- 21 Gikongoro to Mugonero?
- 22 A. Like, which commune we passed?
- 23 Q. Yes.
- 24 A. I don't know. That was -- the region was
- 25 unknown completely for me, the roads we

- 1 took.
- 2 Q. Now, did you encounter any roadblocks on the
- 3 way?
- 4 A. Yes, there was.
- 5 Q. Were you stopped at these roadblocks?
- 6 A. Yes, we were.
- 7 Q. Did your brother carry an ID?
- 8 A. I'm sorry?
- 9 Q. Did your brother Gérard, did he carry an ID?
- 10 A. Of course. Everyone was required to carry
- 11 an ID.
- 12 Q. And what did his ID read?
- 13 A. Hutu.
- 14 Q. Now, you have just told us that Dr. Gérard
- 15 came to pick you in your father's car,
- 16 right?
- 17 A. Yes, sir.
- 18 Q. Could you please describe the type, the type
- 19 of car that your father owned?
- 20 A. It's a Toyota pickup.
- 21 Q. What colour?
- 22 A. What colour? It's not grey. It's, like,
- 23 clear brown. Clear brown, yellow to brown.
- 24 Q. Would you know the make -- I mean, the year
- 25 of make, for instance?

1 A. No, I don't recall.

2 Q. Now, what time did you say you arrived at
3 Mugonero?

4 A. He came to pick me up around May the 10th
5 and the same day we arrived in Mugonero, the
6 same day.

7 Q. Did you arrive in the morning, the afternoon
8 or in the evening?

9 A. It had to be in the afternoon because he
10 came to pick me in the morning, so that's
11 45 miles of bad road. That's more than two
12 hours of drive, and going back that's also
13 more than two hours of drive. It had to be
14 in the afternoon.

15 Q. Now, was this your first visit to Mugonero
16 in the year 1994?

17 A. In 1994, after the event was the first time,
18 but in 1994, as I said before, I went to
19 Mugonero but not to visit my family but in
20 the commission I was participating in, to
21 evaluate the damages done during the war.

22 Q. Now, let's move to your father's residence.
23 Was it a private house or was it a house
24 which was provided to him by the West Rwanda
25 Association or the Mugonero complex

1 authority?

2 A. It was -- the house my father was living in?

3 Q. Yes.

4 A. It was a private house.

5 Q. And would you tell us how many rooms there

6 were in that house?

7 A. Inside the house there was, like, three

8 bedroom and there was annex with two

9 bedroom, and there was the living room, the

10 kitchen and dining room and restroom and

11 bathroom.

12 Q. Mr. Witness, you have told us that you have

13 grown up in Mugonero and that you have been

14 there on several occasions. Now, can you

15 tell us who the neighbours of your father

16 were, the immediate neighbours?

17 A. We were living in a commercial centre. It

18 is a small commercial centre where my father

19 had houses, so there were many people who

20 were living around, and there was, like, one

21 -- do you need names or, I'm sorry?

22 Q. Give me a few names, those that were in the

23 immediate vicinity of your father's house.

24 A. There was Nduramungu (phonetic), Edouard.

25 There was Manaseban, Manasse (phonetic);

- 1 there was -- names just escaping me.
- 2 Q. Okay, now, were there any signs of looting
- 3 in these -- were these houses of your
- 4 neighbours destroyed?
- 5 A. Yes, some houses were destroyed in the
- 6 neighbourhood.
- 7 Q. Now, what was the ethnic group of the
- 8 neighbours' house that were destroyed?
- 9 A. Tutsis.
- 10 Q. And what was the state of the houses of your
- 11 neighbours who were Hutus?
- 12 A. They were still standing.
- 13 Q. Now, did you see any animals in the
- 14 compound?
- 15 A. Animals in the compound?
- 16 Q. Yes, your father's compound. Did he keep
- 17 cattle, chicken?
- 18 A. Yes, there was chicken. There was, yeah.
- 19 Q. Was there cattle?
- 20 A. I'm sorry?
- 21 Q. Cattle, cows?
- 22 A. Yes, there were some. I think there was one
- 23 or two cows over there.
- 24 Q. Now, tell us whether there was -- did you
- 25 see a cattle corral in the compound?

- 1 A. A crowd (sic) of cattles.
- 2 Q. A corral, a place where cattle are kept?
- 3 How do you call that?
- 4 A. I mean, like, kept there during the day and
- 5 -- I'm sorry. I don't get what you are
- 6 saying.
- 7 Q. Maybe let me rephrase my question. Now, did
- 8 your father own any animals? Did you find
- 9 any animals when you went there on the 10th
- 10 of May 1994?
- 11 A. What I can say is at night sometime there
- 12 were cattle -- cows that were coming at my
- 13 dad's house, because he owns cattles even
- 14 before. He always owned cattles.
- 15 Q. Now, at the time -- I'm talking about the
- 16 date of the 10th of May -- were there any
- 17 cattle that your father --
- 18 A. Okay, when I got there?
- 19 Q. Yes.
- 20 A. No, there was not.
- 21 Q. There was no cattle in that place?
- 22 A. In the house over there? No, there was not.
- 23 Q. All right. And when you arrived at your
- 24 house, did you find your mother at home?
- 25 A. Yes, she was.

- 1 Q. Could tell us what she was doing?
- 2 A. I don't remember.
- 3 Q. You don't remember. And how about you
- 4 father?
- 5 A. I think my father was at the office at that
- 6 time, but he got home as soon as I got
- 7 there.
- 8 Q. Now, in your close of your stay at Mugonero,
- 9 did you hear about the massacres that took
- 10 place on the 16th of May in that place?
- 11 A. Yes.
- 12 Q. Did you hear that thousands of Tutsis taking
- 13 refuge in the complex were massacred on the
- 14 Sabbath day of the 16th of April?
- 15 A. They told me that there were people in the
- 16 hospital facilities. There had been some
- 17 fighting at the hospital facility and that
- 18 many people died over there.
- 19 Q. Didn't they tell you that the majority of
- 20 the people seeking refuge there were Tutsi
- 21 and that they were massacred on the 16th of
- 22 April? They didn't tell you that?
- 23 A. From what I heard and what people were
- 24 telling me, there was people who took refuge
- 25 over there at the hospital, and on the 16th

1 there had been some fights over there and
2 many people were killed.

3 Q. Did they tell you roughly how many people
4 were killed on the 16th?

5 A. No, they told me many people were killed,
6 but, like, as far as numbers, they didn't
7 tell me how many people.

8 MR. PRESIDENT:

9 Who were "they"? Who told you this?

10 THE WITNESS:

11 People around, people were talking and I was
12 also talking to everybody, to Gérard
13 to -- yeah.

14 BY MR. KAPAYA:

15 Q. Now, since you appeared to -- since you
16 virtually -- I mean, there was almost
17 nothing to occupy your time. Did you
18 venture to maybe find out what had really
19 happened that caused the death of all those
20 people there?

21 A. You know, at that time it was very hard to
22 know exactly what happened because not many
23 people were willing to talk about it,
24 because when such thing is happened, I mean,
25 that's something very hard, I mean, many

1 people died right there, I mean, in the
2 facility close, by and the facility that was
3 providing care to the whole community was
4 completely destroyed. So there were very
5 few people were willing to come forward and
6 describe exactly, I mean, in dramatic term
7 what was going on. And myself, I didn't try
8 to ask because I was almost -- I knew,
9 almost as was I was going, because it was
10 not an isolated event. It was going on
11 throughout the country, so.

12 Q. Did you hear whether your father or
13 Dr. Gérard took any steps in connection with
14 what had taken place there?

15 A. No.

16 Q. No, what does "no" stand for?

17 A. I didn't hear anybody saying that either my
18 father or Gérard took -- participated, took
19 any steps in those events.

20 Q. Did you talk to your father about that
21 event?

22 A. You know, as I said, when I got there my
23 father was really in a very depressed mood.
24 He was, he was saddened by what happened
25 over there, and it was -- we just talked

1 about it a little bit. He was telling me
2 that what happened was really a big -- but I
3 didn't want to expand on that because I knew
4 that he was completely demolished by what
5 happened; I mean, he was very sad by the
6 events.

7 Q. Did he tell you who was responsible for the
8 killing of those people?

9 A. No.

10 Q. Did he tell you whether he reported the
11 incident to the authorities in Gishyita?

12 A. I'm sure that from the beginning the
13 authority of Gishyita knew that there was a
14 concentration of refugees there because
15 gendarme guarding those refugees, that means
16 the authorities of the region of the
17 gendarmes -- there was only gendarmes in
18 Kibuye. So that would mean the authority of
19 Kibuye was aware because they sent
20 gendarmes, and for sure the authority of the
21 commune were aware of the presence of
22 refugees at that facility.

23 Q. Who told you that there were gendarmes
24 guarding that place?

25 A. I mean, people in -- everybody said there

- 1 were gendarmes. People in the area at
2 Mugonero were talking about it.
- 3 Q. That included your father and your brother?
- 4 A. As I just said, I never talked with my
5 father about that. My brother, yes, we did
6 talk about that.
- 7 Q. Okay. What did your brother tell you about
8 the incident?
- 9 A. That there were some gendarmes over there
10 and guarding the refugees who were in the
11 hospital, and there was a big, I mean, a big
12 clash that happened on the 16th, that many
13 people died.
- 14 Q. Did he tell you how many gendarmes were
15 there?
- 16 A. No.
- 17 Q. Did he tell you where the arms that were
18 there came from?
- 19 A. No, but from what I heard over there most of
20 them came from the region of Cyangugu.
- 21 Q. Now, when you got there on the 10th of May,
22 did you see any dead bodies around the
23 compound?
- 24 A. No, no.
- 25 Q. Did you see any mass graves, signs of mass

- 1 graves around?
- 2 A. Yes, there were.
- 3 Q. How many? Can you tell us how many?
- 4 A. The graves, the mass grave?
- 5 Q. Yes.
- 6 A. I saw two.
- 7 Q. And did you visit those places?
- 8 A. I'm sorry?
- 9 Q. Did you visit them?
- 10 A. Yes, they were there. I visited them.
- 11 Q. Could you tell us where they were located,
12 please?
- 13 A. They were located in -- it was on the
14 street, I mean, anybody could see them
15 because they were located not very from my
16 father's office, and the other one was
17 located on the hospital grounds.
- 18 Q. Okay. The one -- let's talk about the one
19 near your father's office. How far was it
20 -- how far was it from your father's office?
- 21 A. It's like, I don't know, like 50 yards.
- 22 Q. Fifty yards. Now, did they tell you about
23 how many were there in that mass grave?
- 24 A. No.
- 25 Q. How about the other one, where was it?

1 A. At the hospital, across to the hospital.

2 Q. What part of the hospital?

3 A. I'm sorry, I don't understand.

4 Q. What part of the hospital was the other mass
5 grave located?

6 A. Because -- okay, if you have a map of the
7 hospital I can show you. There was a
8 dispensary, there was a surgical facilities
9 and there was -- they were on a road going
10 up to the hill where the hospital was
11 located. But, I mean, there is no way I can
12 tell you if I don't have a map of the area.

13 MR. KAPAYA:

14 Your Honour, maybe the registry could help
15 us with Exhibit P2, of Mugonero.

16 BY MR. KAPAYA:

17 Now, Mr. Witness, I'll show you some
18 photographs on Prosecution Exhibit P2 --
19 these run from photograph No. 17 to -- 17 to
20 30 -- and ask you to identify the places
21 where you say you were told there were mass
22 graves. Seventeen to 30; photograph No. 17
23 to 30.

24 MR. PRESIDENT:

25 Are you going to do anything about the

1 titles under the photos before you start
2 questioning this witness?

3 MR. KAPAYA:

4 Your Honour, this is a witness who had been
5 at the place, so I think he is in a position
6 to say whether what is written there is
7 correct or not correct.

8 MR. PRESIDENT:

9 You want him to confirm whether the text
10 under the photos is correct?

11 MR. KAPAYA:

12 If he can do it to that extent, it's fine
13 with me.

14 THE WITNESS:

15 What is photo No. 17? It's very hard for me
16 to know exactly where the grave is located,
17 because there is no way I can know if it's
18 the front or the back of this building. So
19 is this the front of the building or the
20 back of the building?

21 BY MR. KAPAYA:

22 Q. Mr. Nataki, I thought you said you were born
23 at Mugonero.

24 A. Yeah, I was there.

25 Q. You stayed there for about eight years. You

1 should know this better than --

2 MR. PRESIDENT:

3 Listen. You must speak one at a time. All
4 right. So now it's your turn, Mr. Nataki.
5 You were asked whether you were able to
6 recognise photo 17 and your answer is that
7 it is difficult. And if you could kindly
8 push your button, please.

9 THE WITNESS:

10 I'm sorry. I'm able to recognise this
11 photo. This has to be the photo of this
12 dispensary of the hospital, but from this
13 view, there is no way I can know if it is
14 the front or the back of the building.

15 BY MR. KAPAYA:

16 Q. Would you just flip through those 17 to 30
17 and tell us whether you can see the two mass
18 graves you told us about? Just flip through
19 those photographs and then we'll move on.

20 MR. PRESIDENT:

21 Can you see which one is the school church
22 here? Can you see the school church on this
23 photo 17?

24 THE WITNESS:

25 Yes. This building right with the big

1 windows have to be the -- I think they have
2 to be -- it has to be the building. No this
3 is not the school church.

4 MR. PRESIDENT:

5 My colleague here suggests that maybe if the
6 photos are difficult could you start using
7 the photos and saying where were the mass
8 graves? Can you recognise anything here
9 between 17 and 30 which indicates?

10 THE WITNESS:

11 Yeah. I'm sorry.

12 JUDGE PILLAY:

13 Mr. Natiki, you said you had a knowledge of
14 this hospital, didn't you?

15 THE WITNESS:

16 Yes.

17 JUDGE PILLAY:

18 Well, from your knowledge of the hospital
19 complex can you tell us the vicinity where
20 this grave was, near which building, for
21 instance?

22 THE WITNESS:

23 Thank you, Your Honour. It was close to the
24 dispensary, the dispensary and the surgery,
25 what used to be the surgery complex.

1 BY MR. KAPAYA:

2 Q. Is that the area where others refer to as
3 the parking lot where motor vehicles were
4 parked?

5 A. A parking lot?

6 Q. Yeah. Because I understand the parking lot
7 faces the front of the hospital and the
8 pharmacy.

9 A. Was there a parking lot? I don't see a
10 parking lot where I saw those graveyards.

11 Q. Were you referred to a mass grave being in a
12 septic tank? Did people say that one of the
13 mass graves -- some of the places where dead
14 bodies can be found is in the hospital
15 septic tank?

16 A. I don't have no knowledge of that.

17 Q. Didn't your brother tell you anything about
18 that?

19 A. No, sir.

20 Q. Right. Now, let's move to the routine -- of
21 what has been described as the routine of
22 your father. You have said he usually woke
23 up around six; is that correct?

24 A. My father, yes.

25 Q. And usually what time would you see him,

1 would you go to see him at his place of
2 work?
3 A. At his place of work?
4 Q. Yes.
5 A. I would see him in the morning when he was
6 leaving, and I would go to his place of work
7 not everyday but, most of -- very often
8 around 11, 12, just visiting, walking by.
9 Q. So let's say between 7 and 12, that is about
10 six hours, right?
11 A. Yes; yes, sir.
12 Q. Now, at that time you would be at your
13 father's residence, right?
14 A. Yes, I would be there.
15 Q. In other words, during this span of six
16 hours you wouldn't be seeing your father?
17 A. Yes, sir; I wouldn't be seeing him.
18 Q. And naturally you wouldn't know what he
19 would be doing those six hours, would you?
20 A. I knew he was at his office.
21 Q. You would assume he was at his office; is
22 that correct?
23 A. Yes, sir.
24 Q. And how often, say, in a week would you go
25 to his office?

1 A. I wouldn't say everyday, but I would go over
2 there very often, and not everyday at the
3 same time. Sometime I would go even in the
4 morning, like, when he told me like I had to
5 take his secretary to Kibuye or if I had to
6 go with him to Kibuye.

7 Q. And for all the times you were not with him
8 you wouldn't actually know where he was or
9 what he was doing, other than assuming he
10 would be in his office?

11 A. I'm sure he was in his office.

12 Q. Now, you talked about travels. How often
13 did you travel with your father between May,
14 June and July?

15 A. As I said, we went to Kibuye a couple of
16 times together.

17 Q. How often did he travel alone? That is, did
18 he travel alone leaving you behind?

19 A. On Saturdays he would travel around with
20 other pastors to go to churches.

21 Q. Say in a month, how often would he preach at
22 the Mugonero hospital (sic) and how often
23 would he, say, visit these other parishes?

24 A. When I was there, as far as I can remember,
25 I think he stayed at the Mugonero

- 1 hospital -- church, like, two or three
2 times. The other times he was going to the
3 surrounding churches.
- 4 Q. That is two or three Saturdays, right?
- 5 A. Mmm.
- 6 Q. Now, how many Saturdays -- let me put it
7 this way. There are four weeks in a month,
8 right?
- 9 A. Uh-huh.
- 10 Q. And you were there for three months?
- 11 A. No. Two months, because we left in July,
12 mid-July; it was two months. It was, like,
13 eight, nine -- nine weeks, nine, eight, ten
14 weeks.
- 15 Q. So out of 9 weeks he was at Mugonero church
16 for three Saturdays?
- 17 A. I'm not sure, but he was, like, three, two
18 to three Saturdays. I'm not sure. I am not
19 a hundred per cent positive.
- 20 Q. Okay, three to four, three to four
21 Saturdays?
- 22 A. As I say, I am not a hundred per cent sure
23 on that.
- 24 Q. And would you help us with the names of the
25 parishes that he visited, if you know them?

- 1 A. It was mostly the surrounding parishes, like
2 Kigarama, Gishyita, those surrounding
3 parishes.
- 4 Q. You said Kigarama, Gishyita and?
- 5 A. It's most of the surrounding parishes around
6 Ngoma.
- 7 Q. I'm interested in the names, please.
- 8 A. There is no way I can know those names. I
9 don't remember all the names of the
10 parishes.
- 11 Q. About how many were there? Could you at
12 least guess the number?
- 13 A. No, I don't have a number, sir. I don't
14 have an exact number.
- 15 Q. Could it have been ten or more?
- 16 A. As I said, again, I don't know. I don't
17 have a number.
- 18 Q. Okay. So what time would he normally leave
19 to go to those other parishes on Saturdays?
- 20 A. On Saturdays he would leave around eight,
21 nine in the morning.
- 22 Q. Yeah, and what time would you see him again?
- 23 A. In the afternoon, like four, five in the
24 afternoon.
- 25 Q. Four, five. So for a span of ten hours or

1 so, he would be outside your vision; right?

2 A. Yes, sir.

3 Q. And naturally you wouldn't know what he was

4 doing or where he is?

5 A. I knew that he was going to the churches,

6 surrounding churches.

7 Q. And you have said that he used to leave with

8 priests; is that what you said?

9 A. I'm sorry? He used to --

10 Q. To go to these parishes with others priests?

11 A. Other pastors.

12 Q. Pastors, I am sorry. Can you tell us,

13 please, who these pastors were?

14 A. I remember some names like Pastor (By order

15 of the Court, this name has been extracted

16 and filed under seal) -- I forgot his last

17 name, and Pastor (By order of the Court,

18 this name has been extracted and filed under

19 seal), Pastor (By order of the Court, this

20 name has been extracted and filed under

21 seal).

22 Q. So, you remember these three?

23 A. Yeah, mostly.

24 Q. Were there others?

25

1 MR. PRESIDENT:

2 We need the spelling of these names. Shall
3 we take them one by one?

4 THE WITNESS:

5 Okay. There's (By order of the Court, this
6 name has been extracted and filed under
7 seal).

8 MR. JACOBS:

9 Excuse me, Your Honour, I had thought -- and
10 I am late in this game -- that this Court
11 had some sort of standard policy against
12 giving people's names. Well, my
13 understanding, maybe I can be corrected, but
14 I understand that when Defence has been
15 asked about names, they have been told,
16 well, people have been protected; it's a bit
17 dangerous and so on. Certainly in this
18 situation where names are being given of
19 people who were with the pastor and so on,
20 this may lead to danger to people who are
21 still living inside Rwanda. Rwanda is not a
22 terribly friendly government to dissidents
23 or people perceived to be dissidents.

24 MR. PRESIDENT:

25 Now, thank you very much for that remark,

1 Mr. Jacobs. There are two issues. One is
2 whether there is a risk that any of the
3 names given by this witness, may, because of
4 future testimony, be identified and the
5 future testimony being the testimonies of
6 the protected witness. There I agree with
7 you. That's one issue. But the fact
8 generally that names are mentioned, if there
9 is no such link, then there is no problem
10 even if people are living in Rwanda.

11
12 Now, are you indicating that these names
13 should be written down on a piece of paper
14 instead of being read out in public? Is
15 that what you are saying?

16 MR. JACOBS:

17 Let me consult for a second if you don't
18 mind, Your Honour.

19 (Pages 162 to 240 by S. F. Eboe-Osuji)

20

21

22

23

24

25

1 1630H

2 MR. JACOBS:

3 Your Lordship, I have had just had time to
4 consult with my learned friend here. I
5 think that's a most acceptable solution to
6 write the names down. The two concerns
7 which you have addressed: the people may be
8 subject to hostile behaviour because of
9 being identified here; and, secondly, it may
10 help people to identify witnesses who are
11 protected. So writing it down on a piece of
12 paper is what it seems to be appropriate in
13 these circumstances, in my submission,
14 Your Honour.

15 MR. PRESIDENT:

16 So your submission is that if you go on with
17 names like that, we may end up with some of
18 the names on the witness list.

19 MR. JACOBS:

20 It's possible, Your Honour.

21 MR. PRESIDENT:

22 Your remark was not crystal clear,
23 Mr. Jacobs. Are you indicating that any of
24 the 34 here may be names that we are about
25 to mention, and are you positive about that,

1 because that's our only concern? The only
2 concern is whether we are now about to
3 mention protected witnesses which will be
4 called later. That's the only reason. And
5 are you saying that there is concrete risk
6 of that based on the --

7 MR. JACOBS:

8 There's a concrete -- sorry, I should stand,
9 Your Honour. There's a concrete risk that
10 the information given here will assist
11 people in identifying protected witnesses.
12 I'm not sure that I can speak more clearly
13 than that, Your Honour, but I -- that's
14 correct.

15 MR. PRESIDENT:

16 Yep. Okay, let's move to the written
17 procedure, then. Please write these names
18 on a piece of paper. Mr. Matemanga.

19
20 Mr. Witness, you have now indicated three
21 names on a piece of paper. Were these
22 people with whom your father went to
23 parishes?

24 THE WITNESS:

25 Most of the time, yes.

1 MR. PRESIDENT:

2 Is this -- yes. Before we move on with
3 documents, the signed document, the personal
4 sheet of this witness has not yet been
5 formally tendered, I think.

6 MR. JACOBS:

7 Yes, that's correct, Your Honour. There
8 were a couple of errors on it that have to
9 be redone and we spoke to the Court and
10 we're going to change it and file it
11 afterwards, with the leave of the Court.

12 MR. PRESIDENT:

13 All right. But, because that exhibit comes
14 before the present one, if any, in number of
15 course, so that's the only concern. All
16 right. But please proceed. You have now
17 three name. You can proceed with questions.

18 MR. KAPAYA:

19 Yes, Your Honour, and I also wish to make a
20 remark that, if anything, this is going to
21 be a Prosecution witness (sic), so it may
22 not affect the numbering of the Defence
23 exhibits.

24 MR. PRESIDENT:

25 That is true, but I still want some order in

1 the exhibiting here. Thank you. But you're
2 quite right. If you are going to request
3 that document, yes.

4 BY MR. KAPAYA:

5 Q. Now, Mr. Nataki, would you help us with the
6 first names or second names of these people.
7 Do you know only one name from each of
8 these? Would you wish to add to that list
9 their first or second names?

10 A. I don't remember exactly the first names.

11 Q. Okay. Now, could you -- do you recall
12 whether -- can you tell us the ethnic group
13 of these pastors, these three pastors?

14 A. I believe they were Hutu.

15 Q. You believe they were Hutu. And can you
16 tell us whether there was any one Tutsi
17 pastor you know of at this period?

18 A. During the period when I was in Mugonero?

19 Q. Yes, please.

20 A. I don't know. There is -- I don't remember
21 meeting any Tutsi pastor.

22 Q. Now, were you informed that on the 15th of
23 April Tutsi pastors wrote to your father a
24 letter asking him requesting him to save
25 them, to save them from an impending attack

1 on the 16th of April? Did you hear about
2 that?

3 A. Yes, I did.

4 Q. And are you aware, also, that your father
5 could not save these Tutsi pastors as
6 requested?

7 A. I am aware -- because he didn't have any
8 kind of authority at that time to say that.

9 Q. Did you discuss with him about this issue?

10 A. I didn't discuss --

11 MR. JACOBS:

12 I'm sorry. I have to interrupt for a
13 second. I heard the Prosecutor's question
14 as, "Did you know they'd requested your
15 father to save them". I'm sorry, I don't
16 have the text of the letter in front of me,
17 but that's not my understanding of the text
18 of the letter. My understanding of the text
19 of the letter is that it requested the
20 pastor to go to visit the bourgmestre to see
21 if the bourgmestre could assist them.
22 That's quite different and I would
23 appreciate it if the Prosecutor could quote
24 it correctly, if I'm correct about it.

25 MR. PRESIDENT:

1 Mr. Witness, do you know of a letter where
2 your father was asked to intervene in order
3 to save lives?

4 THE WITNESS:

5 He was not -- it was to tell him --
6 intervening on behalf of them to the
7 bourgmestre.

8 MR. PRESIDENT:

9 Who told you about this letter?

10 THE WITNESS:

11 The first time I heard about this letter
12 was -- I think I was in Zambia.

13 MR. PRESIDENT:

14 When was that?

15 THE WITNESS:

16 It was some time in June, in June of '94 --
17 '94, yes.

18 MR. PRESIDENT:

19 Did you ever hear about this letter before
20 June '94?

21 THE WITNESS:

22 No.

23 MR. PRESIDENT:

24 There was no mention of this letter within
25 your family during the time you were there?

1 THE WITNESS:

2 No.

3 MR. PRESIDENT:

4 Did you hear anyone else talk about this
5 letter during your period in Mugonero, these
6 nine weeks?

7 THE WITNESS:

8 No.

9 BY MR. KAPAYA:

10 Q. Now, is it possible, is it an explanation
11 that there were Tutsi pastors because they
12 were all killed on the 16th of April? Would
13 you say that?

14 A. Can you repeat the question, please?

15 Q. The question is, is it now possible to say
16 that because all the pastors -- all the
17 Tutsi pastors were killed at the Mugonero
18 hospital on the 16th of April, that is why
19 you -- there were only Hutu pastors who
20 could accompany your father around the
21 parishes at that particular time.

22 MR. PRESIDENT:

23 You are asking a lot of this witness now,
24 Mr. Kapaya. Do you think you should split
25 up this question in stages and take it one

1 by one?

2 THE WITNESS:

3 I'm sorry. It's addressed to me?

4 MR. PRESIDENT:

5 The Prosecution has been asked to
6 reformulate the question.

7 BY MR. KAPAYA:

8 Q. Mr. Witness, you stated that all these three
9 are Hutu pastors; is that correct?

10 A. I believe so; I said I believe so.

11 Q. And you also stated that to the best of your
12 knowledge there were no Tutsi pastors in
13 May, June, July in Mugonero.

14 A. I didn't see -- I mean, I don't remember
15 seeing any Tutsi pastor.

16 Q. Now, is it possible -- that is my question,
17 is there a possibility, deduction, from
18 deduction, is it possible that you didn't
19 see or hear about any Tutsi pastors of the
20 SDA because they were killed on the 16th?

21 MR. JACOBS:

22 Your Honour, I have to interrupt. What is
23 the usefulness of that question? The
24 witness can't possibly know anything is
25 possible.

1 MR. PRESIDENT:

2 Mr. Witness, do you have any explanation why
3 you apparently didn't see any Tutsi pastors
4 in that period?

5 THE WITNESS:

6 There's no way I can know that.

7 BY MR. KAPAYA:

8 Q. But prior to that period, prior to
9 April '94, did you know whether there were
10 Tutsi pastors at Mugonero, in the Mugonero
11 parishes?

12 A. There were.

13 Q. Do you know where these Tutsi pastors went
14 after April '94?

15 A. There is no way I can know that, sir.

16 Q. Thank you, Mr. Witness.

17

18 Now, you talked about going to Kibuye with
19 your father. How often did you go -- did
20 you travel with him to Kibuye?

21 A. As I said before, it was a couple of times.

22 Q. About how many times?

23 A. Two times.

24 Q. And what time would you leave Mugonero
25 normally?

- 1 A. Mostly in the morning.
- 2 Q. And what means would you use?
- 3 A. A car.
- 4 Q. Which car?
- 5 A. A pick -- my father's pickup.
- 6 Q. And where would you get the fuel to take you
7 to Kibuye?
- 8 A. The fuel, we got -- I mean, he had -- in his
9 car he had a tank full and we would get the
10 fuel in Kibuye. When we were coming back we
11 would fill it up at Kibuye.
- 12 Q. You are saying there was a pump or a tank at
13 Mugonero hospital?
- 14 A. At Kibuye there was fuel. At Mugonero
15 hospital, I don't remember -- I don't recall
16 if there was a tank or not. I don't recall.
- 17 Q. Now, when you say you went to Kibuye, you
18 normally went through Gishyita; is that
19 correct?
- 20 A. That's true.
- 21 Q. Now, how far is it from Kibuye from Mugonero
22 to Gishyita?
- 23 A. It's like, I would say, like, five
24 kilometres.
- 25 Q. Five kilometres. And how far is it from

- 1 Gishyita to Kibuye?
- 2 A. Um -- I'm sorry. Around 25 to
- 3 30 kilometres.
- 4 Q. And how long would it normally -- did it
- 5 normally take you to drive from Mugonero to
- 6 Kibuye.
- 7 A. It's about one hour because the road was
- 8 pretty bad.
- 9 Q. Now, were there any roadblocks between
- 10 Mugonero and Kibuye at that time?
- 11 A. Yes, there were some.
- 12 Q. Can you tell us where these roadblocks were
- 13 placed?
- 14 A. There was one roadblock close to the -- at
- 15 Mugonero. There was another roadblock at
- 16 Gishyita. And I remember there was another
- 17 roadblock at Mubuga. And the last roadblock
- 18 was close to Kibuye. I'm not sure; it was
- 19 close to Kibuye.
- 20 Q. Now, let's talk about the one near -- the
- 21 one near Mugonero. How far was it from the
- 22 Mugonero complex?
- 23 A. It was like -- it's, like, one kilometre
- 24 from the Mugonero complex.
- 25 Q. And could it have been between the entrance

1 of the complex and Ngoma -- Ngoma trading
2 centre down there?

3 A. The road was -- the roadblock was at the
4 road, because there was a road going to
5 Cyangugu and another small road coming to
6 Ngoma, to Mugonero hospital. So the
7 roadblock was located at those two -- I
8 mean, intersection.

9 Q. At the fork of those two roads?

10 A. Yes.

11 Q. Okay. Now, could you tell us, first,
12 whether you know the time this roadblock had
13 been in existence?

14 A. There is no way I can know.

15 Q. You don't know. Can you tell us who manned
16 that roadblock?

17 A. It was -- I'm not sure, but I think it was
18 by the conseiller of the secteur.

19 Q. Was it manned by soldiers, security
20 personnel?

21 A. No, there were no soldiers. When I got at
22 Mugonero, there were no soldiers at that
23 roadblock.

24 Q. So it was manned by civilians?

25 A. It was manned by civilians.

- 1 Q. Did you know them?
- 2 A. I knew some of them.
- 3 Q. Let me ask you my famous question again:
4 were they Hutu or Tutsi?
- 5 A. I guess most of them were Hutu, or all of
6 them were Hutu.
- 7 Q. Now, how about the one at Gishyita, who
8 manned it?
- 9 A. The communal police.
- 10 Q. About how many communal policemen did you
11 see there?
- 12 A. You know, it would change. Sometimes you
13 would see one policeman, sometimes you would
14 see two policemen. It would change.
- 15 Q. And how about the one at Mubuga?
- 16 A. Civilians.
- 17 Q. And they were, of necessity, Hutu civilians,
18 or do you know that?
- 19 A. I mean, there is no way -- I mean, there's
20 no way I can know that, but I guess maybe.
- 21 Q. Yeah, and the one at Kibuye?
- 22 A. The one at Kibuye, there were some gendarmes
23 at Kibuye.
- 24 Q. And how many gendarmes did you see there?
- 25 A. Again, it would change. It would change

1 most of the time, like one or two.

2 Q. Now, during your trips to Kibuye, were you

3 ever stopped at any of these roadblocks?

4 A. Yes.

5 Q. At which ones?

6 A. All of them.

7 Q. And what did they look for?

8 A. They were looking for people they don't

9 know, and sometimes they would be looking

10 for what you were carrying in the car.

11 Q. Mr. Nataki, the son of the pastor, the

12 president of the WRA, were you really

13 stopped at the Mugonero --

14 A. Yes, sir.

15 Q. And these are the people you know then?

16 A. Yes.

17 Q. Okay. Now, during the time that you went to

18 Kibuye, would you know where Gérard would be

19 at the time?

20 A. Um, the few times, because I went to

21 Kibuye -- I didn't go every day, but the few

22 times I went to Kibuye I would assume he was

23 doing his normal -- what he would be doing

24 every day; that's going to the hospital and

25 seeing his patients. I mean, to the clinic.

- 1 Q. And for how long would you stay in Kibuye?
- 2 A. Like, maximum five, six hours.
- 3 Q. All right. Now, let's talk about your
- 4 brother, Gérard. How often did you meet
- 5 Gérard during May, June, July when you were
- 6 at Mugonero?
- 7 A. I met him every day.
- 8 Q. You mean virtually every day?
- 9 A. Every day.
- 10 Q. What was his -- did you go with him to his
- 11 place of work?
- 12 A. No, I didn't go with him but I was going
- 13 over there, and I was going to his house --
- 14 Q. Okay --
- 15 A. -- regularly.
- 16 Q. In May did you go to his place of work every
- 17 day?
- 18 A. I wouldn't say every day I would go to his,
- 19 but very often I would go there.
- 20 Q. So there were times in May, June, July you
- 21 didn't go to Mr. Gérard's workplace?
- 22 A. Yes. There are times I didn't go to his
- 23 workplace.
- 24 Q. And isn't it logical to say that during the
- 25 times you were not there you wouldn't know

1 where he was?

2 A. No, I knew where he was because most of the
3 time I would meet him during the evening, I
4 would go to his house, I would talk to his
5 wife who knew where the husband was.

6 Q. Mr. Nataki, during May, June, July, did
7 anybody bring medicines at the clinic your
8 brother was trying to set up?

9 A. I wouldn't know that. There's no way I can
10 know if somebody brought medicine.

11 Q. And you wouldn't know because you weren't
12 with him all the time, would you? Isn't
13 that so?

14 A. No, I was not staying with him all the time,
15 so there's no way I can.

16 Q. Yeah, but if somebody brought medicines,
17 that presupposes that they would come there
18 in a car, right?

19 MR. JACOBS:

20 Excuse me, sir. The Prosecution is asking a
21 question for which he's laid no foundation.

22 Is it the evidence of the Prosecution or the
23 position of the Prosecution that somebody
24 did bring evidence -- bring medicines, or is
25 he merely speculating? Otherwise, it's a

1 completely inappropriate question.

2 MR. PRESIDENT:

3 Mr. Nataki, do you know whether anyone
4 brought medicine to the clinic during the
5 period you were there?

6 THE WITNESS:

7 I'm sorry, bringing medicine to the clinic?

8 MR. PRESIDENT:

9 Yes. Do you know whether anyone brought
10 that?

11 THE WITNESS:

12 There's no way I can know that, sir.

13 BY MR. KAPAYA:

14 Q. Now, was there a time when you and Gérard
15 travelled anywhere?

16 A. As I said, we went to Kibuye together, in
17 the hospital car.

18 Q. And how often did you make --

19 A. Just once.

20 Q. Could you tell us what things you -- what
21 was the purpose of your trip to Kibuye?

22 A. When we went to together he went to pick up
23 some hospital supplies from the Red Cross at
24 Kibuye hospital where the Red Cross was
25 working there.

- 1 Q. Okay. How far is it from the Red Cross
2 centre to the Kibuye hospital?
- 3 A. The Red Cross centre was located in -- had
4 its office in the Kibuye hospital at that
5 time.
- 6 Q. Okay. Who was the head of the Red Cross
7 centre?
- 8 A. I don't know.
- 9 Q. Who was the head of the Kibuye hospital?
- 10 A. I don't know.
- 11 Q. Were these two different people?
- 12 A. There's no way I can know that.
- 13 Q. From whom did you get the medicines?
- 14 A. It's not me who was getting the medicine,
15 it's Gérard who was getting the medicine, so
16 I stayed outside, talking to people outside.
17 I didn't go inside to get the medication
18 because I didn't have any business to do
19 with it.
- 20 Q. Was there an occasion where Dr. Gérard left
21 the hospital without you, alone? Do you
22 recall such an occasion?
- 23 A. Left the hospital to go to Kibuye?
- 24 Q. Anywhere.
- 25 A. It's possible. I mean, I know that he left

- 1 many times -- not many times, but he went to
2 Kibuye, like, for his business at that small
3 clinic at Mugonero.
- 4 Q. Okay. Mr. Nataki, could you help us. How
5 often do you know, you recall, he went to
6 Kibuye alone?
- 7 A. There's no way I can say that.
- 8 Q. Could it have been four, five, six times?
- 9 A. As I said, there's no way I can know that.
- 10 Q. Where else did he go, apart from Kibuye, to
11 your knowledge?
- 12 A. With the car?
- 13 Q. With the car or on foot.
- 14 A. I don't know any other place he would be
15 going to. I don't think he went anywhere
16 besides Kibuye.
- 17 Q. Now, let's talk a little bit about the
18 patients. You said these were -- did you,
19 when you went to the hospital, did you see
20 any patients there?
- 21 A. Yes, I did see some patients going to the
22 hospital.
- 23 Q. Among those patients, did you on any
24 occasion see soldiers, soldier patients?
- 25 A. No, sir.

- 1 Q. And would you know the nature of the
2 ailments of these people?
- 3 A. There's no way I can know, sir. But I guess
4 because it was a first-aid clinic it was not
5 something very complicated, because they
6 didn't have any other material.
- 7 Q. And it was your testimony, Mr. Witness, that
8 for serious cases, the doctor would ferry
9 these people to Kibuye hospital, right?
- 10 A. Yes, sir.
- 11 Q. How often do you recall the doctor made such
12 trips to Kibuye hospital, taking serious
13 patients?
- 14 A. As I said, I don't know how often he made
15 those trips.
- 16 Q. Could it have been ten times perhaps?
- 17 A. I don't know.
- 18 Q. Now, to your -- how many -- did you see any
19 nurses at the hospital?
- 20 A. Yes, there were.
- 21 Q. Do you know them?
- 22 A. No, I don't have any names of those nurses.
- 23 Q. Did you know them in person or --
- 24 A. In person, no. But I can recognise them if
25 I see them, like, somewhere, I can recognise

- 1 them, of course.
- 2 Q. So you don't know their names.
- 3 A. I don't remember their names.
- 4 Q. And do you know whether the school of
- 5 nursing was operational at that time?
- 6 A. It was not.
- 7 Q. It was not?
- 8 A. No.
- 9 Q. Why not?
- 10 A. Because of the condition the country was in.
- 11 The country was in total war at that time.
- 12 Q. Now, did you visit that place during the
- 13 course of your stay at Mugonero?
- 14 A. Yeah, I visited the hospital, the whole
- 15 hospital.
- 16 Q. No, I'm talking about the school of nursing
- 17 now.
- 18 A. As far as I know the school of nursing was
- 19 inside the complex of the hospital.
- 20 Q. And you -- to the best of your knowledge, it
- 21 was not operational during that period?
- 22 A. It was not operational during that period.
- 23 Q. Now, do you know who the conseiller of Ngoma
- 24 secteur was?
- 25 A. Yes, sir. I think I stated his name earlier

- 1 during my testimony.
- 2 Q. Did you talk about the conseiller of the
- 3 secteur or you talked about the leader of
- 4 cellule?
- 5 A. At that time he was the conseiller of the
- 6 secteur of Ngoma.
- 7 Q. Did you know somebody called Vincent
- 8 Rutaganira?
- 9 A. No, sir.
- 10 Q. You didn't know that guy?
- 11 A. No.
- 12 Q. Now, you said that there was a time when you
- 13 and Dr. Gérard went to the Murambi area to
- 14 fix the -- what is it, the water system; is
- 15 that correct?
- 16 A. Yes, sir.
- 17 Q. How far is it from Mugonero to Murambi?
- 18 A. It's, like, one kilometre and a half to two
- 19 kilometres. It would be one kilometre,
- 20 because it's on a hill so you have the
- 21 impression that it's very far and it's not
- 22 really very far.
- 23 Q. Now, where this water source was located,
- 24 how far was it from Murambi church?
- 25 A. It's pretty far from the Murambi church.

1 You have to go all the way on top of the
2 hill and the pipes are in the middle of the
3 hill.

4 Q. Now, did you have occasion to visit the
5 Murambi church?

6 A. No, sir.

7 Q. Did you hear, or do you know, that the
8 Murambi church was destroyed in the course
9 of the war?

10 A. Yes, I heard about that.

11 Q. And did you hear also that your father and
12 your brother were said to be responsible for
13 the destruction of the Murambi church?

14 A. No, sir.

15 Q. You didn't hear that?

16 A. I didn't hear that.

17 Q. Nor did your father nor Gérard talk about
18 it?

19 A. No.

20
21 Sir, can I just take a break to the
22 restroom, please?

23 MR. PRESIDENT:

24 I think it's five o'clock now, and that's
25 where we usually break. That's also in the

1 interest of the parties.

2

3 How much time do you have left, Mr. Kapaya,
4 it being understood that remaining questions
5 from others in the courtroom may come
6 tomorrow? What is your timetable now,
7 approximately?

8 MR. KAPAYA:

9 You mean for the rest of my
10 cross-examination?

11 MR. PRESIDENT:

12 Yes.

13 MR. KAPAYA:

14 Maybe half an hour.

15 MR. PRESIDENT:

16 Okay. Then we will take a break now and
17 we'll meet tomorrow morning at 8:45.

18

19 I would appreciate if counsel could join me
20 in the Judges' lounge for a minute in order
21 to discuss a practical matter just
22 immediately after this session. Thank you.

23 (Pages 241 to 264 by Geraldine O'Loughlin)

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C E R T I F I C A T E

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

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

_____ (pages 1 to 97)

Geraldine O'Loughlin (pages 241 to 264

_____ (pages 98 to 161)

Verna Butler

_____ (pages 162 to 240)

Shannon Fleming Eboe-Osuji