

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-99-50-T
CHAMBER II

THE PROSECUTOR
OF THE TRIBUNAL
v.
CASIMIR BIZIMUNGU
JUSTIN MUGENZI
JÉRÔME-CLÉMENT BICAMUMPAKA
PROSPER MUGIRANEZA

WEDNESDAY, 23 MAY 2007
0915H
CONTINUED TRIAL

Before the Judges:

Khalida Rachid Khan, Presiding
Lee Gacuiga Muthoga
Emile Francis Short

For the Registry:

Mr. Issa Toure
Mr. John Tumati

For the Prosecution:

Mr. Paul Ng'arua
Mr. Ibukunolu Babajide
Mr. Justus Bwonwonga
Mr. Elvis Bazawule
Mr. Shyamlal Rajapaksa

For the Accused Casimir Bizimungu:

Ms. Michelyne C. St-Laurent
Ms. Alexandra Marcil

For the Accused Justin Mugenzi:

Mr. Benjamin Gumpert
Mr. Jonathan Kirk

For the Accused Jérôme-Clément Bicamumpaka:

Mr. Pierre Gaudreau
Mr. Michel Croteau

For the Accused Prosper Mugiraneza:

Mr. Tom Moran
Ms. Marie-Pierre Poulain

Court Reporters:

Ms. Sherri Knox
Ms. Leslie Todd
Ms. Sithembiso Moyo

I N D E XWITNESSFor the Defence:

CASIMIR BIZIMUNGU

Examination-in-chief by Ms. St-Laurent (*continued*) 2EXHIBITS

Exhibit No. 1D. 47E..... 2

Exhibit No. 1D. 48E..... 2

Exhibit No. 1D. 191..... 25

Exhibit No. 1D. 192..... 34

Exhibit No. 1D. 193E and 1D. 193F..... 58

PROCEEDINGS

1

2 MADAM PRESIDENT:

3 Good morning to all. The Court is in session now.

4

5 May we have the appearances, beginning with the Prosecution?

6 MR. NG'ARUA:

7 May it please the Court, Madam President, Your Honours, the appearance for the Prosecutor is as
8 before.

9 MADAM PRESIDENT:

10 Thank you.

11

12 And the Defence.

13 MS. ST-LAURENT:

14 For the Defence, Madam President, the Defence teams remain unchanged.

15 MADAM PRESIDENT:

16 Thank you, Madam St-Laurent.

17

18 Good morning, Dr. Bizimungu.

19 THE WITNESS:

20 Good morning, My Lords.

21 MADAM PRESIDENT:

22 Yes, Madam St-Laurent, you have the floor.

23 MS. ST-LAURENT:

24 Yes. Madam President, yesterday we had the minutes of the second meeting of the ministerial
25 committee and the third meeting of the ministerial committee. These documents have already been
26 tendered as 1D. 47 and 48. However, the English versions were never tendered into evidence, and I
27 wish that to be done now.

28

29 John, please, in binder -- for the registry, which we have given to the witness, there's an English
30 version. If you can please take the English versions of documents 3 and 4 in the binder that you have,
31 and we wish to have them tendered as -- no, they have been tendered as 1D. 47 and 1D. 48. In
32 binder K, John, please go to binder K, number 173 and 174. The Judges have the English version.

33 MADAM PRESIDENT:

34 Madam St-Laurent --

35 MS. ST-LAURENT:

36 And the registry, also. Yes, Madam President.

37

1 MADAM PRESIDENT:

2 Is the English version an official translation?

3 MS. ST-LAURENT:

4 Yes, Madam President. You had it yesterday, by the way, in your binders, Your Honours.

5 MADAM PRESIDENT:

6 So English text will be 1D. 47E?

7 MS. ST-LAURENT:

8 Yes, that's right.

9 *(Exhibit No. 1D. 47E admitted)*

10 MS. ST-LAURENT:

11 And 1D. 48E regarding that of the third meeting.

12 MADAM PRESIDENT:

13 Okay. So the next would be 1D. 48E.

14 *(Exhibit No. 1D. 48E admitted)*

15 MADAM PRESIDENT:

16 Thank you. Go ahead.

17 MS. ST-LAURENT:

18 Madam President, also in the binders that we have distributed, the additional binder at tab 87, we
19 received yesterday by fax a document to be added. That was something from the international --
20 Intercontinental Hotel, Grand Hotel. This comes under 87, tab 87. This is the receipt of Grand Hotel,
21 which was formerly the Intercontinental Hotel. Yesterday I received a fax from that Grand Hotel, which
22 confirms that in 1994 Grand Hotel was known as the Intercontinental Hotel. They faxed this to the
23 DCMS, and I'm -- I gave the original to the registry and the registry --

24
25 Please, John, there's a copy for the Judges, one for the Prosecutor, and one for the witness's binder.
26 So here you have all the copies, including the original. The original for the registry binder and copies
27 for the Judges and the Prosecutor.

28
29 Interpreters have received copies of these documents this morning, Madam President. And this is to be
30 put into tab 87. Are we all together now? May we continue?

31

32 Good day, Madam President.

33

CASIMIR BIZIMUNGU,

34

EXAMINATION-IN-CHIEF *(continued)*

35 BY MS. ST-LAURENT:

36 Q. Good morning, Dr. Bizimungu.

37 A. Good morning.

1 MADAM PRESIDENT:

2 Which binder are you going to use today, Madam St-Laurent, so we should have it before us?

3 MS. ST-LAURENT:

4 Madam President, maybe binder A, J -- even if I've given you everything -- let me repeat what I said,
5 and I'm going to request that we don't mix things up. This document from the Grand Hotel goes under
6 tab 87 of the new documents that you have.

7 THE ENGLISH INTERPRETER:

8 Is counsel addressing the Court or not, Your Honours?

9 MADAM PRESIDENT:

10 She says no.

11
12 Madam St-Laurent, please, when you speak with your co-counsel or to yourself, even, switch off the
13 mike.

14 MS. ST-LAURENT:

15 This document here from the Grand Hotel in Kinshasa should go into your binders under J143.

16 JUDGE MUTHOGA:

17 Did you say J?

18 MS. ST-LAURENT:

19 J, as in John, John. J143, for this document which I've just handed over to you. So the binder which is
20 now complete and should be shown to the witness, maybe John can help me with that later on, that will
21 be at number 19.

22
23 Sometimes it's a little bit complicated, Madam President. I do apologise.

24
25 This goes under J143 for the Judges, and here I have the original that I gave you, and that should go
26 under tab 19. You have the original. Please put it under tab 19. Is that all right?

27 MADAM PRESIDENT:

28 Can we start now, Madam St-Laurent?

29 MS. ST-LAURENT:

30 Yes. Yes, Madam President.

31 BY MS. ST-LAURENT:

32 Q. Dr. Bizimungu, if you recall, yesterday you said that you had gone to Rwanda to see
33 President Museveni around the 25th of September 1990. That's where we ended up.

34 MADAM PRESIDENT:

35 Where did he go? Rwanda or Uganda?

36 MS. ST-LAURENT:

37 Uganda. Uganda. Uganda.

1 THE WITNESS:

2 Yes, that's what I said yesterday.

3 BY MS. ST-LAURENT:

4 Q. Dr. Bizimungu, where were you when Rwanda was attacked on the 1st of October 1990?

5 A. I was a member of a delegation, which was led by the head of state, to the United States of America. A
6 delegation had gone first to the United Nations for a summit on children. In French they called it
7 *Le sommet de l'enfance*. From New York the delegation went to Washington, DC, because at that
8 particular moment Rwanda was negotiating, for the first time, a structural adjustment programme. That
9 was the purpose of the mission to Washington, DC. And while we were in Washington, DC, we were
10 informed by the Uganda delegation, which happened to be also with us in the same hotel, we were
11 informed about the attack of Rwanda on the 1st of October 1990.

12 Q. Dr. Bizimungu, when you went to New York and to Washington, when you refer to the Rwandan
13 delegation which you were part of, who was with you at that point in time?

14 A. I have just said that the delegation was led by President Habyarimana, who was then head of state. It
15 was a big delegation comprising a number of ministers, cabinet ministers, and many high-level civil
16 servants. I remember, for example, that the minister of planning was part of the delegation. I
17 remember that the person in charge of ORINFOR -- ORINFOR is spelled O-R-I-N-F-O-R. That was the
18 national office for information, which was in charge of broadcasting and also in charge of government
19 official newspapers. So the managing director was also part of the delegation, and many other people.

20 MADAM PRESIDENT:

21 What was the name of minister of planning and head of ORINFOR?

22 THE WITNESS:

23 The minister of planning, his name was Augustin Ngirabatware. I will spell the name. Augustin,
24 Augustin, that's the first name. And the last name is N-G-I-R-A-B-A-T-W-A-R-E. The managing
25 director of ORINFOR, his name was Christopher -- Christophe Mfizi. I will spell Christophe,
26 C-H-R-I-S-T-O-P-H-E. And Mfizi was -- is M, as in Mary, F-I-Z-I.

27 BY MS. ST-LAURENT:

28 Q. Now, Dr. Bizimungu, you were saying that this was the Ugandan delegation which advised you on the
29 attack on Rwanda when you were in Washington, together with the president. Is that correct?

30 A. Yes, I said that we got the information from the Uganda delegation which was staying at the same hotel
31 as the Rwanda delegation.

32 Q. And now, Dr. Bizimungu, what was your reaction, as well as that of President Habyarimana at that
33 time?

34 JUDGE MUTHOGA:

35 Let's have each person's reaction separately. Start with Bizimungu's reaction and then Habyarimana's
36 reaction.

37

1 MS. ST-LAURENT:

2 Yes, I wanted the witness to answer one after the other.

3 BY MS. ST-LAURENT:

4 Q. That is, your personal reaction and thereafter that of the president.

5 A. The information -- the information was given to me directly, and it was very early in the morning in
6 Washington, DC, probably any -- sometime between 5 a.m. and 6 a.m. It was very early in the
7 morning. So my reaction was to look for one of the security officers who would try to locate -- I mean,
8 to get close to the president. He was still sleeping. So the officer, I gave him the -- gave him the
9 information that I wanted to see the president very urgently. And the president got up -- got up in his
10 pajamas and received me in the -- in the living room of his suite. So, I gave him the information. I gave
11 him the information.

12
13 After I had given him the information, the president convened -- the president -- his reaction, first of all,
14 was to check back in Rwanda by telephone if the information was correct. He checked and he was told
15 that, as a matter of fact, fighters had attacked Rwanda through -- through a place known as Kagitumba.
16 Kagitumba, it is somewhere in the northeast of Rwanda. I will spell Kagitumba, K-A-G-I-T-U-M-B-A. It's
17 a very well-known place for Rwandans. They know Kagitumba.

18
19 So the attackers had gone -- had attacked through Kagitumba into Rwanda; the information was
20 confirmed. So after the information was confirmed, the president held a meeting with the -- some of the
21 delegation members, namely the ministers who were present, the director of ORINFOR and other
22 officials whom I don't remember. The decision which was taken was for the president to go back to
23 Rwanda immediately because this was a very emergent situation.

24 Q. Was President Museveni in Washington with you, that is, in the Ugandan delegation?

25 A. The delegate -- the Ugandan official who came to convey the information regarding the attack of
26 Rwanda on the 1st of October was the private secretary of President Museveni. I remember she was a
27 lady, and if my memory doesn't fail me, her name was Hope, Hope, H-O-P-E, Kivengere,
28 K-I-V-E-N-G-E-R-E. She had been given a directive by President Museveni, who was staying -- staying
29 in the same hotel, to come and inform us that -- the news of the attack of Rwanda early -- early -- in the
30 early hours of the 1st of October 1990.

31 Q. You have said that the president decided to return to Rwanda. Now, on this 1st of October, can you tell
32 us whether the president effectively returned to Rwanda immediately?

33 A. The president immediately left -- left Washington, DC. He went to Rwanda but through Europe. He
34 passed through Paris and from Paris he went to Kigali.

35 Q. As from the 1st of October, what were the priorities --

36 MS. ST-LAURENT:

37 Madam President, before dealing with that question, I will be referring you to tab 39. And for the

1 Judges, it is the C binder, C section, number 45. C section, number 45.

2 MADAM PRESIDENT:

3 Madam St-Laurent, are you referring to 1D. 137?

4 MS. ST-LAURENT:

5 1D. 137. In French I had heard 1D. 147, but it is indeed 1D. 137, Madam President.

6 JUDGE MUTHOGA:

7 Madam St-Laurent, that particular tab appears to be missing from my binder. Could you tell me what it
8 is?

9 MS. ST-LAURENT:

10 It is section C, White Paper, number 45. It talks about what -- the Rwandan army was a victim of this
11 attack on the 1st of October 1990. And to go faster, Your Honour, Judge Muthoga, we can lend you a
12 copy.

13 JUDGE MUTHOGA:

14 Just confirm that it's not there.

15 MS. ST-LAURENT:

16 John, it's number 45, *livre blanc*.

17
18 Yes, you really do not have number 45, Judge Muthoga. You are not dreaming, so right now we are
19 going to give you a copy. This is a Francophone expression.

20
21 Madam President, do you have number 45?

22 MADAM PRESIDENT:

23 I do. I do.

24 JUDGE SHORT:

25 How come you didn't ask whether I have it?

26 MS. ST-LAURENT:

27 Because I'm very sure, Judge Short, that you have all your documents. I can always see you taking --
28 looking at your documents. Judge Muthoga usually takes out his documents, but I know that you never
29 take your documents out of the binder.

30 MR. NG'ARUA:

31 Madam St-Laurent, are you flagging for an appeal here?

32 MS. ST-LAURENT:

33 No, not at all.

34 MADAM PRESIDENT:

35 Please continue.

36 MS. ST-LAURENT:

37 Unless it is a telephone call, this is a play on words.

1 Madam President, we will move on.

2 BY MS. ST-LAURENT:

3 Q. Dr. Bizimungu, what were the priorities of the Rwandan government as from the 1st of October 1990?

4 But before coming to that, I will refer you to document number 39. Do you recognise that document,

5 Dr. Bizimungu?

6 A. If you are talking about the *livre blanc*, yes, I do -- I recognise -- I recognise it.

7 Q. And this was published by the government at that time; is that the case, Dr. Bizimungu?

8 MADAM PRESIDENT:

9 Madam St-Laurent, you refer to 39.

10 MS. ST-LAURENT:

11 That is because in the documents of the witness and in my document we have new binders,

12 Madam President. So we are indeed referring to the White Paper, the *livre blanc*. So for us it's

13 number 39, but for the Judges it is number 45 of the C binder, and that applies for the Prosecutor also.

14 BY MS. ST-LAURENT:

15 Q. You spoke about the war of the 1st of October 1990. Did people speak about the combatants who had
16 attacked the country and the weapons that they were using?

17 A. I don't know whether the question has been well translated, but I will try to answer.

18

19 On the 1st of October 1990, Rwanda was attacked by armed -- armed elements coming from the --

20 from the -- from Uganda, and the attackers, as well as the Uganda government, quickly recognised that

21 these were Rwandans whose -- Rwandans who were mainly composed of people who had been in the

22 NRA so who had attacked Rwanda.

23 MADAM PRESIDENT:

24 When did you return to Rwanda?

25 THE WITNESS:

26 I -- I arrived in Rwanda -- personally, I remained -- I remained behind, I remained in Europe, and I

27 arrived in Rwanda on the 6th of October 1990.

28 MS. ST-LAURENT:

29 Are we all right, Madam President?

30 MADAM PRESIDENT:

31 How did you learn that the attackers were using the weapons and they were the Rwandans in exile?

32 THE WITNESS:

33 It's because the first person to say it was the president of Uganda himself. On the 1st of October he

34 made a declaration, which was broadcast all over the world, saying that unruly elements, who were

35 mainly Rwandese, had left his army and attacked Rwanda. So that was the first source of information.

36 MADAM PRESIDENT:

37 Go on.

1 MS. ST-LAURENT:

2 Madam President, I did not receive any translation. It looks like the French booth has a problem with
3 their microphone. I did not receive any translation of what Dr. Bizimungu had just said.

4 MADAM PRESIDENT:

5 It seems that they are having problems with the mike.

6 BY MS. ST-LAURENT:

7 Q. Dr. Bizimungu, you have no choice --

8 MS. ST-LAURENT:

9 So, Madam President, could you ask the questions again and then Dr. Bizimungu will answer them? Is
10 that all right?

11 MADAM PRESIDENT:

12 Yes. Sure. My question was, how did Dr. Bizimungu get to know that the attackers were using the
13 weapons and arms and they were, in fact, the Rwandans living in Uganda?

14

15 Now you give your answer, Dr. Bizimungu.

16 THE WITNESS:

17 Yes, My Lord. The information -- I got the information through the press, through the radios and
18 television, because the first person who gave the information was the president of Uganda himself, who
19 declared on the 1st of October that unruly elements from his army who were of Rwandese origin had
20 attacked Rwanda and even take -- and had taken even weaponry from the NRA. So that was the first
21 source of information.

22 BY MS. ST-LAURENT:

23 Q. Dr. Bizimungu, what were the priorities for the Rwandan government as from the 1st of October 1990?

24 A. Starting from that day, Rwanda -- the Rwanda government had two -- two priorities. The first priority, of
25 course, was to -- to fight the war, to defend the Rwandan territory. And the second -- the second
26 priority was to do whatever was possible to obtain a ceasefire. And we worked very hard in that
27 direction.

28 Q. When you say that you worked very hard in that direction, that is, for a ceasefire, can you kindly
29 elaborate, Dr. Bizimungu?

30 A. Between October 1990 and March 1991, a lot of meetings were held in order to find -- to get a cease --
31 to get a ceasefire. I cannot remember all the locations we went to. I remember that heads of state in
32 the region, I remember that European Union, the OAU were also involved in helping us to get a
33 ceasefire. The meetings that were held to that effect were held in -- in Dar es Salaam, in Arusha, in
34 Zanzibar, in Nairobi, in Kinshasa, in Gbadolite. Gbadolite was the location where President Mobutu
35 used to live because he had preferred not to live in Kinshasa. I will spell Gbadolite. It's
36 G-B-A-D-O-L-I-T-E. We also had meetings in a location called Cyanika. Cyanika is a location at the
37 border between Rwanda and Uganda. And Cyanika is spelled C-Y-A-N-I-K-A. We also had a meeting

1 in Rwakitura. Rwakitura, that is the place where the private residence of Museveni is located, in his
2 place of origin. It is spelt R-W-A-K-I-T-U-R-A. These are the locations I remember. I'm sure we -- we
3 also went to Kampala. So we went to many places. And finally we were able to have the first ceasefire
4 agreement signed on the 29th of March 1991.

5 Q. Dr. Bizimungu, when you say "we", did you yourself, as minister of foreign affairs, participate in the
6 negotiations -- in the various meetings and in the signing of the first ceasefire agreement on the 29th of
7 March 1991?

8 A. As foreign affairs minister, I was in all -- in all those locations. I attended all those meetings I have
9 mentioned. And finally I was in Kinshasa for the signing of the first ceasefire agreement on March 29th,
10 1991.

11 MADAM PRESIDENT:

12 And who were the signatories of the agreement?

13 THE WITNESS:

14 The signatories of that first agreement were: On the side of Rwanda, I signed. On the side of the RPF,
15 Paul Kagame himself signed. And we also had the facilitator -- no, I will say the mediator, Mobutu was
16 called the mediator; he signed himself. And we also had the OAU present at that ceremony in
17 Kinshasa, but I don't remember the exact person who signed.

18 BY MS. ST-LAURENT:

19 Q. And now, Dr. Bizimungu, on the 29th of March 1991, you participated in a ceasefire convention
20 between the RPF and the Rwandan government. Can you tell this Trial Chamber whether that
21 ceasefire convention had any effect, did it have any impact? Was it complied with, that is, the first
22 ceasefire of the 29th of March 1991?

23 A. That first ceasefire -- the first ceasefire agreement was not complied with because it was violated as
24 soon as it was signed. As a matter of fact, about six hours later, or so, there was an attack by the RPF
25 on the side -- in the northern part of the country in the area of the -- where the volcanoes are situated.
26 So that was -- but it was a very serious violation.

27 MADAM PRESIDENT:

28 And what were the terms and conditions of the agreement?

29 THE WITNESS:

30 I don't remember the terms, because I tried to look for the document itself; I could not get it. However,
31 the understanding was that we wanted to have a ceasefire so that negotiations between the two parties
32 could begin. But I don't remember the -- the terms. I tried to locate the document and I have failed to
33 get it, My Lord.

34 MADAM PRESIDENT:

35 Go on.

36 BY MS. ST-LAURENT:

37 Q. During the signing ceremony, you were present and Mr. Kagame was also present. At that time, did

1 you actually speak with Mr. Kagame during that ceremony? Did you speak to each other?

2 A. It was the first time that we met. After -- after -- after the signing ceremony, the authorities of Zaire
3 organised a luncheon -- a big luncheon at the Intercontinental Hotel. They called it a reconciliation
4 luncheon. We went there and we had a luncheon which lasted for about four hours. And during the
5 four hours I was talking with him because we were seated next to each other.

6 Q. What was the atmosphere like while you were speaking with Mr. Kagame?

7 A. The atmosphere was -- was cordial. We -- we chatted, we spoke of many, many things and it gave me
8 hope that maybe something good would come out of the -- the signing ceremony. We really chatted for
9 four hours and it was -- it was very interesting.

10 JUDGE MUTHOGA:

11 In what language did you chat?

12 THE WITNESS:

13 We spoke in Kinyarwanda and English.

14 BY MS. ST-LAURENT:

15 Q. You had a friendly conversation for about four hours, but despite that, after about six hours after the
16 signing of this agreement there was a new attack; is that correct?

17 A. Yes, that's correct.

18 Q. Dr. Bizimungu, let us backtrack a bit. We talked about October, but there is the White Paper, the
19 *livre blanc*, which was published by the government on the 15th of January 1991. It was deposited on
20 the 15th of January 1991. Can you tell us, if you know, who attacked Rwanda?

21 THE ENGLISH INTERPRETER:

22 Can counsel repeat? Can counsel kindly repeat?

23 BY MS. ST-LAURENT:

24 Q. Did those who attacked announce why they were attacking?

25 A. Yes, those who attacked had a programme and they announced why -- why they had attacked. And
26 the main points that kept coming back in the -- in what the RPF-*Inkotanyi* were saying were mainly two
27 major points. The first point was that the government of Rwanda -- they had to attack so that the
28 refugees may get back to their country because the government in place had refused to solve the
29 problem of refugees. And, secondly, they were also saying that there was a lack of democracy; that
30 they had to fight, come back, bring back refugees and install real democracy in Rwanda.

31 MADAM PRESIDENT:

32 And this time the attackers were again the Rwandans in exile?

33 THE WITNESS:

34 Yes, My Lord.

35 BY MS. ST-LAURENT:

36 Q. What did you think about the reasons put forward by the RPF for attacking the country, that is, those
37 two reasons?

1 A. When the RPF attacked, Rwanda was in the process, in fact, of -- of democratisation. In July -- on the
2 1st of July 1990, the head of state had set up a committee -- a commission which was in charge --
3 which was entrusted with what he called *aggiornamento*. I think it's a word of Italian origin. I will spell
4 it. It's A-G-G-I-O-R-N-A-M-E-N-T-O. The political *aggiornamento* was nothing else but democratising
5 the political landscape in Rwanda. And I remember that the commission started working as early as
6 July 1990. In my own personal view, I believe that something was under way, something good in the
7 sense of democratising the political landscape of Rwanda. Secondly, the issue of refugees was being
8 addressed very seriously by the government in place. These are the comments I can make.

9 MADAM PRESIDENT:

10 Who were the members of the commission?

11 THE WITNESS:

12 I -- I -- My Lord, I cannot -- I remember only one person. I know that the minister of the interior at that
13 time was a member of the commission. It was a very large commission with religious people, with
14 members of the civil society, with some high-level politicians. So, it was a mixture of people, but since I
15 was never a member of the commission and I never attended their meetings, it's difficult for me to
16 remember the members. But I'm sure the person who was minister of the interior at that time was a
17 member.

18 MADAM PRESIDENT:

19 What was his name?

20 THE WITNESS:

21 His name was Faustin, F-A-U-S-T-I-N, Faustin, Munyazesa, M-U-N-Y-A-Z-E-S-A.

22 BY MS. ST-LAURENT:

23 Q. Dr. Shimamungu -- I'm sorry, Dr. Bizimungu. I did the same thing as the President.

24 JUDGE MUTHOGA:

25 (*Microphones overlapping*)...after calling Shimamungu Bizimungu.

26 MS. ST-LAURENT:

27 Thank you, Judge Muthoga. You are smiling at my misfortune.

28 BY MS. ST-LAURENT:

29 Q. Dr. Bizimungu, can I refer you to the White Paper or the *livre blanc*, page 32. You have just mentioned
30 a commission. Look at page 32, paragraph 2, as from the second paragraph.

31 A. I would like to say that I don't have the entire White Paper. I don't have the entire *livre blanc*. I happen
32 to have just two pages of the *livre blanc*. So you can be of great help if you give me the entire book so
33 that I can read.

34 Q. I'm going to give it to you, Dr. Bizimungu. We do apologise. You have just spoken about a
35 commission, Dr. Bizimungu, which was established at the time with these famous Italian words. Can
36 you please take this paragraph on page 32, and it was published on 5th of July 1990. That's where it
37 begins.

1 MS. ST-LAURENT:

2 No, let me repeat the dates. I was talking about the book which was published in 1991, but I was telling
3 Dr. Bizimungu to begin at page 32 with the paragraph which begins with "The 5th of July 1990".

4 BY MS. ST-LAURENT:

5 Q. Are you with me, Dr. Bizimungu?

6 A. Yes. Am I going to read the last paragraph on page 32 or I begin in the middle of the page?

7 MADAM PRESIDENT:

8 Paragraph 2? Did you say 2, Madam St-Laurent?

9 MS. ST-LAURENT:

10 Yes, from the second paragraph which begins "5th of July 1990".

11 THE WITNESS:

12 "On the 5th of July 1990, during the 28th anniversary of the national independence, the president of the
13 republic announced concrete measures to be taken in order to be able to face up to the democratic
14 changes which were required. Thus, while appreciating the positive support of the -- of the national
15 revolutionary movement for development, he thought that in-depth reflection concerning the internal
16 organisation and the operations of that political formation was necessary in order to identify the
17 inevitable modernisation which was desirable of those aspects which no longer responded to the
18 requirements of the day.

19

20 "Within that framework, he suggested that a political charter be drafted which will redefine the new rules
21 of the democratic game plan. Faithful to his promise which he made in 1990, he established a national
22 synthesis committee whose mandate was to draw up a draft national political charter to carry out a
23 broad national consultation in order to determine all the dimensions of the political reforms to be carried
24 out, such that the consultation and the discussions that would be engaged in in that manner can enable
25 the synthesis committee to finalise the draft charter which will then be submitted through a referendum
26 to the Rwandan people for approval.

27

28 "In this way, ways and means were now being made available to all Rwandans who wished to
29 participate in a new political background."

30 BY MS. ST-LAURENT:

31 Q. That is quite enough. Thank you. Dr. Bizimungu, in 1990, especially the month of -- of September
32 1990, refugees from Rwanda, under the supervision of the UNHCR, were to come to visit Rwanda so
33 that they can settle. In 1990 we see that there was a commission which was charged with reforming
34 the political framework and then we also see the attack of October 1990. What do you think?

35 MADAM PRESIDENT:

36 It's a leading question, Madam St-Laurent.

37

1 MR. NG'ARUA:

2 Madam President, not only is it a leading question, but also the statement of fact that the refugees were
3 coming to settle in September 1990 is not what the Accused person Casimir Bizimungu testified to. My
4 recollection is that they were coming to survey, to look around, and not to settle. This is a very
5 significant deviation, and I request the Court to direct my learned friend to withdraw that statement and
6 to rephrase it properly.

7 MADAM PRESIDENT:

8 Rephrase it, Madam St-Laurent.

9 MS. ST-LAURENT:

10 Madam President, I think the witness understood, as well as the Court, that when the Rwandan
11 refugees were coming for a visit --

12 MADAM PRESIDENT:

13 Let's go on. Put a question to the witness.

14 MS. ST-LAURENT:

15 Yeah, that's right.

16 BY MS. ST-LAURENT:

17 Q. Dr. Bizimungu, please, can you tell the Court what were the conclusions -- when you were seeing
18 things from such close range, what were the conclusions that you drew regarding the attack on the
19 1st of October 1990 and the events that followed that attack?

20 A. I will say that my analysis is that when the RPF attacked on the 1st of October 1990, and that they
21 announced their programme because they said why they had attacked, I'm of the view that many things
22 were being done, namely, the issue of refugees was being solved. It had not yet been solved. We
23 were on the path towards solving it, in collaboration with a number of states, as well as the international
24 community.

25
26 And then the question of having a democratic -- or having democracy in Rwanda was being addressed
27 as it has just been read in the White Paper. So my conclusion would be that when this attack was
28 done -- when this attack took place, the RPF did not necessarily announce its true -- its true -- the true
29 purposes of the attack.

30 JUDGE MUTHOGA:

31 You are saying in your opinion it was not justified?

32 THE WITNESS:

33 Yes, My Lord. I'm saying that the attack was not justified.

34 BY MS. ST-LAURENT:

35 Q. Dr. Bizimungu, please take the White Paper at 62 -- page 62. I'm not going to -- page 62 to 95. I'm not
36 asking you to read it.

37

1 THE ENGLISH INTERPRETER:

2 Madam President, I'm having difficulty interpreting this speaker. She is not speaking into her
3 microphone. If she is addressing the Court, she should do so.

4 JUDGE MUTHOGA:

5 Madam St-Laurent, let us all help the interpreters. No interpreter will be able to interpret you if you
6 don't let them hear you. If you don't speak into the microphone, you will not be heard; consequently,
7 you will not be interpreted. Therefore, all you are speaking -- all the energy you spend in giving those
8 words will be wasted. So when you are speaking, speak into the microphone.

9

10 And tell me, do we have an English copy of the White Paper?

11 MS. ST-LAURENT:

12 No, Judge Muthoga.

13 BY MS. ST-LAURENT:

14 Q. Dr. Bizimungu, let me repeat. At page 62 to 89 there are pages which we don't see because they are
15 blackened out.

16 MS. ST-LAURENT:

17 In any case, Madam President, we have the original.

18 BY MS. ST-LAURENT:

19 Q. I'm going to ask you now -- have you looked at it, Dr. Bizimungu? Were you aware at the time during
20 the events of the 1st of October who were the attackers and what materials did they use?

21 MADAM PRESIDENT:

22 You are repeating the question, Madam St-Laurent. He has already answered the question.

23 MS. ST-LAURENT:

24 Yes, I'll repeat my question and we have --

25 MADAM PRESIDENT:

26 No, no. This question which you put to the witness now is a repetition. Dr. Bizimungu has already
27 answered this question.

28 MS. ST-LAURENT:

29 Yes, but Madam President, there is an extra element. There is something supplementary. When I said
30 who were the attackers and he had said from where they came, who were the attackers and what
31 weapons or material did they use.

32 JUDGE MUTHOGA:

33 We have previously been told that President Museveni offered them the information that Rwandese of
34 -- an unruly part of his army which is of Rwandese origin had attacked using, stealing or taking away
35 weaponry from the National Resistance Army. That was answered already. You want another answer
36 or the same?

37

1 MS. ST-LAURENT:

2 No, the same answer, but it has several supplementary points. Please go to the page 62,
3 Judge Muthoga, where you have photographs. I'm not going to be giving the answer.

4 BY MS. ST-LAURENT:

5 Q. Dr. Bizimungu, you talked about attackers from Uganda. Can you tell us, according to what the press
6 said at the time the photographs that were taken, who were the attackers and what equipment did they
7 use?

8 A. Later on during the war, of course, more information came -- came to our knowledge -- to the
9 knowledge of the Rwanda government, and that's why you were able to establish for -- that not only
10 were the attackers made up of people of Rwandese origin, but there were also genuine Ugandans who
11 were fighting on their side.

12
13 We were also able to know that vehicles of the National Resistance Army were being used to ferry -- to
14 transport armaments, to transport ammunition, and even fighters. We were able to establish -- if you
15 look at page 63, you will see that some of the Ugandan identity cards were -- were -- were found on
16 some of the fighters. When you go to page 71, you find that children of course were fighting people.
17 Here we have a child of 15 years of age who was fight -- who was arrested in Mutara, Nyagatare.
18 Mutara is spelt as M-U-T-A-R-A. Nyagatare is N-Y-A-G-A-T-A-R-E. And when you look at page 74 and
19 75, we realise there is a description of some of the armaments that were found or were seized from the
20 fighters. So these are some of the comments I can make at this moment.

21 Q. Dr. Bizimungu, are you aware of the arrest of the -- of the accomplices --

22 THE ENGLISH INTERPRETER:

23 I'm sorry, Your Honours, she went much too fast for me to get those dates. Could she be requested to
24 repeat the question?

25 MS. ST-LAURENT:

26 Yes, I'll repeat the question.

27 BY MS. ST-LAURENT:

28 Q. Dr. Bizimungu, are you aware of the arrest of the so-called RPF accomplices on the night of the 4th to
29 5th October 1990?

30 A. Yes, I am aware of the -- of the arrest of people who were labelled or called RPF accomplices in the
31 night of the 4th to the 5th of October 1990.

32 Q. Could you please tell the Court the difficulties that took place during the night of 4th to 5th October
33 1990?

34 A. First of all, I will say that what happened in Kigali between the -- in the night of the 4th to 5 October
35 1990 happened in my absence. At that time I was travelling from Paris towards Rwanda via Nairobi, so
36 while there was firing in Kigali during that night I was on a plane. I got to be informed of the firing when
37 I reached Kigali on the 6th of October.

1 Why did I arrive in Kigali on the 6th and not the 5th of October? What happened is that the plane
2 bringing -- which was the French airline, plane, bringing me from Paris to Nairobi, when we reached
3 Nairobi we were told -- when I say "we", it's because there were other Rwandese on the plane, as well
4 as the person who was ambassador of France to Rwanda at that time. We were told that we couldn't
5 go to Kigali directly because there had been fighting during that night.

6 We tried to get information from our embassy staff in Nairobi. They couldn't get much. All they told us
7 was that there was -- there was a curfew, there was a curfew in Kigali, a day and night curfew. So we
8 stayed a few hours in Nairobi, but later on we went to Bujumbura so as to be close to Rwanda and see
9 how we can -- we could get to Kigali.

10
11 From Bujumbura we learned, once again, there was a curfew in Kigali, that there had been fighting in
12 the night of the 4th to 5th of October. But finally, a small aircraft was sent to us from Kigali to
13 Bujumbura and we were able to -- to -- to go to Rwanda.

14
15 As I said, I arrived in Rwanda on the 6th of October and found that there was -- there was indeed a
16 curfew in Kigali. My wife informed me of the shooting that had gone on starting probably from 11 p.m.
17 until early morning, 4 or 5 a.m., but she didn't know much. All she knew is that people were terrorised.
18 She had not been able to sleep because there was a lot of shooting in Kigali.

19
20 It was maybe a day and two -- or two later that I was able to meet with the cabinet director in the
21 ministry of defence. At that time the cabinet director was a man called Colonel --
22 Colonel Leonidas Rusatira. The first name is L-E-O-N-I-D-A-S, and Rusatira is R-U-S-A-T-I-R-A.

23
24 I spoke with him, and he told me that, as a matter of fact, before the 4th of -- before the 4th of October,
25 that is, on the 3rd of October, he had been informed by the person in charge of the CIA at the US
26 embassy in Kigali that the RPF would attack the capital city, that they had already infiltrated their own
27 elements, so he conveyed the same information to the army. He, being the cabinet director in the
28 ministry of defence, he took that information to the army. Then what followed was then the shooting
29 throughout almost that night.

30
31 Now, as a result of what happened on the 4th -- of the night from the 4th to the 5th of October, there
32 were plenty of arrests. That is a fact. Plenty of people were arrested, and the majority of them were
33 Tutsis. There were also Hutus, but the majority of those who were arrested in that night were Tutsis.
34 *(Pages 1 to 16 by Sherri Knox)*

1 1030H

2 THE WITNESS:

3 They were taken -- they were taken to the small stadium of Kigali -- Nyamirambo. That is the
4 Nyamirambo, N-Y-A-M-I-R-A-M-B-O, stadium. They were taken to Nyamirambo stadium in
5 thousands -- not tens, but there were thousands of people. Depending on whom you read, some
6 people say there were 5,000 people, others will speak of 8,000 people, but the truth is that there were
7 many people.

8
9 After, I think, two or three -- no, after one or two days of staying in Nyamirambo stadium, some were
10 released, but the few that were released went back home and the majority of them were taken to
11 prison. This became a problem, a matter of great concern, and I personally and other people had to
12 work very hard on this problem to get it solved.

13 BY MS. ST-LAURENT:

14 Q. Dr. Bizimungu, you were at the time the minister of foreign affairs. When you saw the situation, what
15 did you do?

16 A. When I saw the situation, first of all, I was very perplexed. It was very disturbing, as far as I'm
17 concerned. As far as I was concerned, I said, "Do we have -- do we have proof that these are real
18 accomplices? Were they caught with armaments or caught with some other -- any other type of proof
19 to show that they were collaborating with the other side?"

20
21 Now, we -- what happened is that -- what happened is that I personally requested that we have a
22 commission, a commission that would try to solve the problem, but -- in the sense of releasing people if
23 there was nothing against them. I requested from the head of state to have a commission put into
24 place. It was put into place, and the commission was composed by the following people: I was a
25 member of the commission, the foreign affairs minister, the minister of justice was a member of the
26 commission, Colonel Léonidas Rusatira was a member of that commission, we also had a colonel who
27 at that time was in charge of intelligence services in the gendarmerie. His name was -- he was
28 Colonel Rutayisire, R-U-T-A-Y-I-S-I-R-E. Then we had the prosecutor general in Kigali. His name at
29 that time -- his name was Alphonse Nkubito, N-K-U-B-I-T-O. And we also had the security general of
30 the intelligence services as a member of the commission. His name was Augustin --
31 Augustin Nduwayezu, N-D-U-W-A-Y-E-Z-U. This was the commission. Since we had the prosecutor
32 general as a member of the commission, we asked him what was the status of the cases against each
33 of the persons who had been arrested. He worked very diligently, and we began saying people have to
34 be released, and people began getting released even in October 1990. The process began and
35 continued until -- until the end of March 1991. That's when I think almost all people were released. But
36 our commission did a lot of work on this, and our point of view was if there are no founded serious
37 allegations against someone, he should go and be set free. The other thing we did -- the other thing we

1 did was to -- to ask that people be reintegrated into their former jobs, or people who had had substantial
2 or evident financial loss, that they be compensated for that loss. And we know that in many cases this
3 was done. I will not say that in every place people were reintegrated, but in many cases, people were
4 reintegrated and others were compensated.

5

6 That is what I can give you in terms of an answer.

7 MADAM PRESIDENT:

8 What made you to believe that the innocent people, those who were arrested and who were found out
9 to be innocent later on, should be arrested?

10 THE WITNESS:

11 My Lord, I don't think I said that those who were found to be innocent shall be arrested.

12 MADAM PRESIDENT:

13 No. But those who were later on found out by the commission innocent, they were released.

14 THE WITNESS:

15 Yes, My Lord.

16 MADAM PRESIDENT:

17 But why were they arrested? How were they arrested? By whom were they arrested? They were in
18 their jobs, they were in --

19 THE WITNESS:

20 Yes, My Lord. The arrests were done by the army in the night of the 4th to the 5th October 1990, so it
21 was done by the army, and we don't know on what grounds they were arrested.

22 MS. ST-LAURENT:

23 The interpreters are telling me that the Anglophones have to be reminded to also observe the pause. Is
24 that all right?

25 BY MS. ST-LAURENT:

26 Q. To follow up with the President's question, Dr. Bizimungu, you were a member of this commission of
27 investigation. During enquiries, did you come across any facts that made you feel these people were
28 innocent?

29 A. As far as the work of the commission is concerned, I can state without hesitation that we did not find
30 facts or substantiated allegations against the people whose files came across our eyes, and so we
31 requested that they be released.

32 MADAM PRESIDENT:

33 And they were released because they were innocent, right?

34 THE WITNESS:

35 Yes, My Lord.

36 MADAM PRESIDENT:

37 Yes.

1 BY MS. ST-LAURENT:

2 Q. Dr. Bizimungu, you, yourself -- I'm not talking about the entire commission -- you, yourself, personally,
3 did you do anything with regard to these detained persons? Were those people only kept in the
4 stadium or were they subsequently transferred to the prisons? Please explain the situation to the
5 Judges, according to what you saw.

6 A. I have already said that after a short stay at the Nyamirambo stadium, they were transferred -- some
7 were released, and the majority -- because the majority of them had not been released, they were
8 transferred to prison. Now, one initiative I took as foreign affairs minister was to suggest to the
9 diplomatic community in Kigali to visit them in prison and see their conditions of living. So after that,
10 which I don't remember well but which must be in October 1990, we went to visit the arrested people in
11 Kigali prison. We found them -- we found them there. They were, of course, very worried, like any
12 arrested person can be. We talked to them. We spoke with the prison commander, to ask him what --
13 if the conditions of living were okay, were they getting food, were they getting drinks, things like water or
14 other drinks, but we intentionally spoke to him to make sure that at least their basic rights would be
15 respected. We made the visit to Kigali prison.

16 Q. Dr. Bizimungu, when you talk about diplomats, can you tell us which of the diplomats?

17 A. On this entire occasion we invited the entire diplomatic community in Kigali. I don't remember the
18 number of embassies or consulates that were represented in Rwanda at that time. It must be
19 somewhere around 30 -- 30 or 35, but we know that they all came -- they all sent at least one
20 representative, and generally the most highly-placed representative came, meaning the ambassador.
21 Many ambassadors came to participate in the visit.

22 Q. When you talk about Alphonse Nkubito, was this person a member of the government or was he
23 appointed to any position after July 1994 in Rwanda?

24 A. Mr. Alphonse Nkubito, as I said, he was the general prosecutor in Kigali, and he maintained that
25 position until -- until -- well, until July '94. When the first government -- RPF government came into
26 being in July 1994, Nkubito was appointed minister of justice in that government.

27 MADAM PRESIDENT:

28 What was his ethnicity?

29 THE WITNESS:

30 He was a Hutu.

31 BY MS. ST-LAURENT:

32 Q. Dr. Bizimungu, I don't know whether I did not hear the answer or it was something else, but when you
33 went to visit the prisoners, can you tell us what you observed?

34 A. When we went to visit the prisoners, the first thing I said we noted was that they were worried, like any
35 person who has just been arrested. We -- we checked whether they were receiving food, drinks, and
36 whether they had a place, at least, where to sleep in prison. We were shown where they were staying
37 and assured by the commanding officer of the Kigali prison that all that was being done, but we insisted

1 on -- we insisted, while speaking with him particularly, that he should strictly observe and respect the
2 rights of the arrested people.

3 Q. Were you at any one point during your commission aware of complaints related to torture, for example?

4 A. In our commission, we never received such information. And my point of view is that had it been done,
5 at least the prosecutor general who was a member of the commission would have known it and told us.

6 Q. Were there any NGOs in Rwanda during that period?

7 A. In 1990, there were NGOs in Rwanda. And I think it's a period when we started seeing what I would
8 call some kind of renaissance in the establishment of NGOs, human rights NGOs. It was really -- two
9 or three NGOs were founded in 1990. It's at that same period, 1990, that we saw the birth of many or
10 plenty of private newspapers in the country, so NGOs were there.

11 Q. Dr. Bizimungu, my last question on this topic. I don't know whether I understood you well. You say that
12 the prisoners were released gradually up to 1991. Were there any of them who were convicted or who
13 were made to undergo trials?

14 A. To my knowledge, the majority -- the majority of the people arrested on the night of the 4th to the
15 5th of October 1990 were released. I say that the great majority were released, but I remember that a
16 few people remained in prison -- remained in prison and had to go -- to undergo trials. Yes, I remember
17 that. And I would also like to clarify, I said that the releases, although gradual, were for people who had
18 nothing, had no case to answer at all. This was done and accomplished by March 1991.

19 Q. We will move on to another topic. You mentioned diplomats accredited to Kigali, Dr. Bizimungu. What
20 was the frequency of your meetings with the diplomats accredited to Kigali during your tenure as
21 minister of foreign affairs?

22 A. By definition, a minister of foreign affairs is a diplomat and works with the diplomatic community. So we
23 met frequently, some almost on a daily basis, others once or twice a week, but the meetings with
24 diplomats were very frequent, of course.

25 Q. Who -- with whom did you meet during that period, or was that frequency applicable to all diplomats, or
26 did you meet with some more frequently than with others?

27 A. Well, I recall that I met more frequently with certain ambassadors from Western countries. I would
28 mention the United States, France, Belgium, as well as the nuncio, the representative of the
29 Vatican City, because it was a tradition in Rwanda for the nuncio to be the head of the diplomatic corps.
30 So these are Western diplomats with whom I met the most frequently. However, on the African
31 continent there are other diplomats whom I met with also very frequently. It is quite imaginable that in
32 the period of 1990, 1991, because of the war situation, I met frequently with the ambassador of
33 Uganda; I met frequently with the ambassador of Zaire, because President Mobutu was mediator in the
34 conflict and he remained mediator until the end of the war. So diplomats from neighbouring countries
35 were also part of the ambassadors I met with frequently.

36 Q. When you talk about the American diplomat, can you give us his name?

37 A. In the period -- in the period of 1990 to December '93, the American ambassador was Mr. Flaten.

1 Flaten is spelled F-L-A-T-E-N.

2 Q. Could you, once again, tell us the period that you referred to, Dr. Bizimungu? I'm not sure I received
3 the correct translation in French.

4 A. I say that during the period 1990 to 1993, the US ambassador to Rwanda was Mr. --
5 His Excellency Robert Flaten.

6 MS. ST-LAURENT:

7 Thank you. Dr. Bizimungu, Judges and my learned colleagues, please refer to document number 8.

8 You have that in the new bundle of documents that I distributed to you.

9 BY MS. ST-LAURENT:

10 Q. Dr. Bizimungu, before dealing with the document itself, how -- can you describe the conversations that
11 you had with the diplomats at the time, for example, the ambassadors of the US, France and Belgium --
12 how was the situation exactly? -- as well as the nuncio?

13 A. The contacts with the ambassadors you have mentioned, as I said, were on a frequent basis. We
14 spoke very openly and frankly about the prevailing situation in the country, and I did not hesitate to ask
15 for advice, to seek solutions, because these were problems we could not manage alone. And the
16 diplomats I met at that time were really also forthcoming, they had goodwill, and they were very much
17 willing to help us. I found that they were genuinely -- working genuinely towards helping the
18 government. But what was most important, as far as I was concerned, was to be very open and tell
19 them what our problem was and discuss with them.

20 Q. You have talked about the American ambassador, Mr. Flaten. Was this someone who knew you well?

21 A. Yes, Ambassador Flaten knew me very well; very well. We met very frequently not only in my office,
22 but also at various gatherings. I remember that Ambassador Flaten, whenever he went to see the
23 president, because the president did not speak English at all, I was frequently called to attend his
24 meetings with the president and played the role of a translator. So it's a person whom I knew very well
25 and whom I met very frequently.

26 Q. During Ambassador Flaten's discussion with the head of state, and you were present during some of
27 these meetings, do you remember whether Ambassador Flaten mentioned to you other conversations
28 that he had had with the president?

29 A. Yes, he mentioned some other contacts he had with the president, because I simply -- I couldn't attend
30 all the meetings. A foreign affairs minister travels a lot so they cannot attend until you come back to
31 have a meeting. He spoke about different other meetings he had with the head of state.

32
33 If you allow me, I would like to say that Ambassador Flaten, for example, insisted a lot about
34 democratising Rwanda, about political polarism. He spoke frequently about it with the president, and
35 the president listened and implemented what Flaten had advised. This was just one point I remember.
36 I know that Ambassador Flaten had a lot of contacts and very fruitful contacts with opposition political
37 parties. A person like Justin Mugenzi met Flaten on a very frequent basis, and many other opposition

1 leaders. So he was a very active ambassador.

2 MADAM PRESIDENT:

3 Could Flaten speak French?

4 THE WITNESS:

5 Flaten spoke French -- yeah, he spoke some French. He could speak French.

6 MS. ST-LAURENT:

7 Madam President --

8 THE ENGLISH INTERPRETER:

9 Can counsel repeat? It is not clear what she is saying.

10 MS. ST-LAURENT:

11 I had difficulties speaking with him in French, Madam President.

12 MADAM PRESIDENT:

13 Okay. We will take a short break for 15 minutes. Thank you.

14 *(Court recessed from 1100H to 1130H)*

15 MADAM PRESIDENT:

16 Continue, Madam St-Laurent.

17 MS. ST-LAURENT:

18 I will continue, Madam President.

19 BY MS. ST-LAURENT:

20 Q. Dr. Bizimungu, do you recall your conversation with Ambassador Flaten after the Nsanzimana

21 government was sworn in? N-S-E-N-G-I-U-M-A *(sic)* --

22 THE ENGLISH INTERPRETER:

23 Can she repeat the spelling again, Madam President?

24 MADAM PRESIDENT:

25 Madam St-Laurent, can you repeat the spelling?

26 MS. ST-LAURENT:

27 N-S-A-N-Z-I-M-A-N-A.

28

29 Are we all right now?

30 MADAM PRESIDENT:

31 Yes, go ahead.

32 MS. ST-LAURENT:

33 Very well.

34 BY MS. ST-LAURENT:

35 Q. Did you understand the question, Dr. Bizimungu?

36 A. Yes, I did.

37

1 I met Ambassador Flaten on very numerous occasions, and it would be very difficult for me to pinpoint
2 an exact moment I met him before or after the Nsanzimana -- the installation of the Nsanzimana
3 government. However, there is no doubt that I met him on very frequent occasions.

4 JUDGE MUTHOGA:

5 You were asked whether you can remember your conversation with him.

6 THE WITNESS:

7 I remember discussing with him the issue of the installation of the Nsanzimana government. That one I
8 remember, yes.

9 BY MS. ST-LAURENT:

10 Q. When was that government sworn in? Do you remember?

11 A. The Nsanzimana government was sworn in on December 30th, 1991.

12 Q. You have just said that you had many conversations with Ambassador Flaten. Did you discuss that
13 government with him?

14 A. Yes, I discussed with him the issue of the new government. It was at a time when there were many
15 political parties within the country. Some of the major opposition parties wanted to share power with
16 the MRND. And the political context in Rwanda was such that any solution that did not involve the
17 major opposition political parties was doomed to fail. So we discussed, and I expressed the view to him
18 that we needed -- it was time -- it was high time we had a government where all the major political
19 forces in the country could put their minds together and their energies to solve the war problem, of
20 course, by discussing and negotiating with the RPF.

21 Q. And now, so as to better enlighten the Judges, who actually composed the Nsanzimana government?
22 Which political parties were included in that government?

23 A. The Nsanzimana government was made up of, I think, 19 or 20 MRND ministers, plus one minister from
24 the PDC. The PDC is -- was -- well, I would allow myself to call it a small party. In French, it is
25 *le Parti démocrate chrétien*, a Christian democratic party. And when the government was sworn in, it
26 was called a multiparty government. So this is the issue I discussed with Flaten, and I told him that we
27 needed a better solution.

28 MADAM PRESIDENT:

29 So you believed that it was not a multiparty government?

30 THE WITNESS:

31 Yes, My Lord. That's what I told Flaten. I said a new government has been sworn in, but my point of
32 view was that it wouldn't be able to deliver, to bring about the needed solutions to solve the war
33 problem, and I didn't think that it was really multiparty. We needed the real multiparty government.

34 MS. ST-LAURENT:

35 Dr. Bizimungu, and for the Judges, document number 8 in the new binder, Madam President. And also
36 for the witness, Dr. Bizimungu.

37

1 BY MS. ST-LAURENT:

2 Q. Dr. Bizimungu, we can see that this document is dated January 1992.

3 MS. ST-LAURENT:

4 For the Judges and for the Prosecutor, look to the left. There are figures indicated and the date there is
5 January 1992.

6 BY MS. ST-LAURENT:

7 Q. Dr. Bizimungu, can you read the paragraph below the indication "Confidential"? It is indicated page 02,
8 and on the same page underneath it is page 1.

9

10 Have you located the paragraph, Dr. Bizimungu?

11 A. No, it's not clear. Would you repeat the instructions, please?

12 Q. Very well. Look at page 1 of that document. Are you there now? At the bottom you have the last
13 paragraph and it talks about you, by the way. I hope you have the correct document. That is under
14 tab 8.

15 A. Okay.

16 Q. Can you see that?

17 A. Yes. Yes, I can see. "Confidential" -- no, let me start with point 2. "The opposition political parties
18 spent New Year's Eve denouncing the new government, but they insisted that they were willing to
19 continue negotiations with a view towards joining a transition government. Speaking for many in the
20 MRND, Foreign Minister Bizimungu told me he is also unhappy, believing that only a broad coalition
21 would enable him to negotiate peace with the RPF. We have suggested some approaches but have
22 declined to mediate the issue. The opposition plans protest demonstrations next Tuesday, Wednesday
23 and Thursday." End of summary.

24 Q. Dr. Bizimungu, you had just told this Court that you frequently discussed with Ambassador Flaten, and
25 you also discussed the government of Nsanzimana with him.

26

27 Now, based on this unclassified document, can you explain what you have just read to this
28 Trial Chamber?

29 A. The way the political situation was in Rwanda at that time was that we had clearly evident other political
30 forces in the country. Among those I mentioned, besides the MRND, we had the MDR party, which was
31 a strong party, we had the PSD party, we had the PL party, and it was quite clear that to have a
32 consensus on the future of the nation, it was necessary to bring all those forces together, namely, in a
33 coalition government and then discuss -- discuss peace, discuss the end of war with the RPF. That
34 was my point of view, my point of view which I shared with many colleagues within my party. And I also
35 told it to the head of state, that if we needed to have a solution, we needed a real coalition government
36 but not the government which was sworn in on December 30th, 1991.

37 Q. If I have understood you well, Dr. Bizimungu, you have said that you informed the president of this; is

1 that correct?

2 A. Yes, that's correct.

3 Q. Can you give us a brief account of how this happened? Did you go there personally or how exactly did
4 it happen?

5 A. We should remember that at the beginning of 1992, we were in a complete war situation, but there was
6 also the emerging multiparty situation. Many parties were being formed. Many had -- many had been
7 formed towards the end of 1991, so we had a totally new political context. But because of the war --
8 because of the war and the numerous contacts which we were making as a government, I had
9 opportunities to see the head of state frequently. So on one occasion I told him what I felt after it had
10 been announced -- after it had been announced that the Nsanzimana government was a multiparty
11 government, I told him my personal feelings, and I know that some other people within the MRND told
12 him the same thing.

13 Q. Dr. Bizimungu, to really enlighten the Judges on this document --

14 MS. ST-LAURENT:

15 Madam President, there is a place, RO31, January 1992.

16 BY MS. ST-LAURENT:

17 Q. Can you see the location, Dr. Bizimungu? Below, there is FM2. That is from FM2. Where did these
18 facts originate from and where was it being sent to, so that the Judges should better understand?

19 A. This is a message which was sent by Ambassador Flaten, because it can be seen at the end -- on
20 page -- on page 7, you can see that the sender of the message on page 7, at the end, is
21 Ambassador Flaten, and in his capacity as ambassador of the US in Rwanda, he was sending a
22 message on the political situation in Rwanda to the secretary of state in Washington, D.C., as you can
23 read on the document. And he informed a number of American embassies -- he informed the
24 American embassy in Brussels, the American embassy in Bujumbura, the American embassy in
25 Dar es Salaam, the American embassy in Kampala and the American embassy in Paris --

26 MS. ST-LAURENT:

27 Madam President, so as to move fast with the documents, I would like to tender this document into
28 evidence right now.

29 MADAM PRESIDENT:

30 This document is entered as an exhibit, 1D --

31 MR. TUMATI:

32 1D. 191.

33 MADAM PRESIDENT:

34 1D. 191.

35 *(Exhibit No. 1D. 191 admitted)*

36 MS. ST-LAURENT:

37 There is no problem. That document is in English, Madam President.

1 BY MS. ST-LAURENT:

2 Q. Now, to your knowledge, was Ambassador Flaten concerned by or interested in the democratisation
3 process in Rwanda?

4 A. Ambassador Flaten was very active. He discussed on many occasions with the president of the
5 republic about the need to democratise Rwanda, about the need to have really functioning political
6 parties, about the need to have political polarism. He was one of the ambassadors that actively worked
7 on that issue.

8 Q. Dr. Bizimungu, I'm being told that you are speaking too fast, and we have to go slowly.

9

10 Now, can you tell us whether he followed up this process inside the MRND party?

11 A. Yes. It is true that the process of the democratisation did interest my own political party, to the extent
12 that not only the opposition parties, but also some people within the MRND, we asked
13 President Habyarimana to relinquish his position of political party president, to relinquish being a
14 chairman of the party. You know, sometimes in the African context --

15 Q. Just a moment. There is a problem of translation. Can you repeat your answer, Dr. Bizimungu,
16 because there is a problem in the French translation? And please speak slowly.

17 A. Ambassador Flaten was involved also in the democratisation of the MRND party, because at one point
18 in time there was a need felt or expressed not only by opposition political parties, but also by some
19 people within the MRND, to see the head of state relinquish his position of political party chairman.

20

21 I was about to say that in Africa for quite a long time, we have seen heads of states who were at the
22 same time founders of political parties and who retained both positions. So Ambassador Flaten was on
23 a regular basis in discussion with people like me and other cabinet ministers and many opposition party
24 leaders on this question of seeing Habyarimana relinquish his position of political party chairman.

25 Q. Did President Habyarimana relinquish that position of party chairman?

26 A. Yes. The -- President Habyarimana left the position of MRND party chairman in 1993. There was an
27 election of a new party chairman in July 1993.

28 Q. With regard to those events --

29 MS. ST-LAURENT:

30 And Madam President, Judges, Dr. Bizimungu, let me refer you to tab 41.

31 MADAM PRESIDENT:

32 Before we go to tab 41, Dr. Bizimungu, then who was the newly-elected chairman of MRND?

33 THE WITNESS:

34 The newly-elected chairman of MRND was Mr. Mathieu Ndirumpatse. And do I need to spell
35 Ndirumpatse?

36 MADAM PRESIDENT:

37 That's okay. No. Okay. We go to tab 41.

1 BY MS. ST-LAURENT:

2 Q. And it is in English. Dr. Bizimungu, there is the first page there, but it is particularly on the second page
3 that we are referring to, and it is indicated March '93. There is page 2, signed Flaten, where it is
4 indicated page 2 below, and then you also have the rest of the document.

5

6 What I'm asking you to do is to quickly peruse the document.

7 A. Are you talking of a page 2 where we read there is a point 3, point 4, point 5, and point 6 on that page?
8 Is that the page you are talking about? And it is written, "The moderates and the president"?

9 Q. It should be that, Dr. Bizimungu.

10 JUDGE MUTHOGA:

11 There are two page 2s, so we have to choose which one.

12 BY MS. ST-LAURENT:

13 Q. Dr. Bizimungu, I'm asking you to comment because the other parts concern other issues, and you start
14 from page 1.

15 A. Now, in the document I have before me, it's a document of five pages. On the first page we see the
16 date of March -- well, there is a date, and then March '93, from the embassy in Kigali to the secretary of
17 state, Washington, D.C., with copies of information to a number of American embassies. This
18 document is a document of five pages. And what I heard was that you are interested in the comments
19 or the reading, I don't know, about the MRND and the president.

20 MR. NG'ARUA:

21 My Lords --

22 MADAM PRESIDENT:

23 Yes. Yes.

24 MR. NG'ARUA:

25 Just a small point of housekeeping, really. All these documents do have a K number. I would
26 appreciate very much if my learned friend could direct the witness to the K numbers as well so that it is
27 easy for us to follow.

28 MADAM PRESIDENT:

29 Okay. I think that's a very reasonable suggestion.

30 MS. ST-LAURENT:

31 What we are going to do, Madam President, with regard to this document, given the subject of the
32 document, even if it comes from Ambassador Flaten, I'm going to deal with it in another chapter, under
33 another topic. Is that all right?

34 THE WITNESS:

35 As you please.

36 MADAM PRESIDENT:

37 Should we have the K number first? The K number of this document is K0425066, and it goes to the

1 fifth page as K0425070.

2 MS. ST-LAURENT:

3 What I have is K0425065 instead of 66. This is something that we will sort out in a short while,
4 Madam President. In the meantime, I will move on so as not to waste time. I will deal with this under
5 another topic.

6 BY MS. ST-LAURENT:

7 Q. Is that all right, Dr. Bizimungu?

8 A. Okay.

9 *(Pages 17 to 28 by Leslie Todd)*

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1 1200H

2 BY MS. ST-LAURENT:

3 Q. Now, we are going to look at a different topic. Tell the Court the kind of relations you had with Tutsis
4 when you were working in Butare.

5 A. When I worked -- I worked in Butare -- first of all, I started in Butare. I did my university education, the
6 medical education in Butare, after which I worked for about two years. I went for further studies and
7 came back to work in Butare. So, over those numerous years I had been able to build relations with
8 different people in the city of Butare, Hutus, Tutsi, expatriates. I had a variety of friends in that city, and
9 I cannot enumerate all of them. But I will just mention a few people. I had a chance to be a neighbour
10 of the former queen of Rwanda, Mrs. Rosalie Gicanda. The first name is R-O-S-A-L-I-E and the last
11 name is G-I-C-A-N-D-A. We got to know each other, my family and her family. And because she had a
12 family -- she had family members living with her, we all became friends.

13
14 There were other families in the city. I would mention -- I can mention the Semanzi family,
15 S-E-M-A-N-Z-I. But before I leave my relationship with the queen, at one moment she asked me
16 whether I could help her. She had a chronic condition. She asked me whether I could help and treat
17 her at home. I said, okay, I am a qualified physician, I am licensed. I became -- for the time I was in
18 Butare, I would be her private physician and really, we went along very well because she was a nice
19 person to talk to.

20
21 At one point in time she told me she was the aunt of Mr. Kagame, Paul, and she even gave me a
22 message to deliver to Kagame at one point in time when I had become minister and I delivered the
23 message. But I can go on and on. I had many families, individuals, who were friends.

24
25 In Butare -- in Butare, I informed the Court that I was in charge of a university public health centre
26 which had about anywhere between 75 and 100 employees. It had about anywhere between 75 and
27 100 employees and the majority of the employees were Tutsis, probably 60 percent of the employees. I
28 know I had a very good time. They appreciated me being their director.

29
30 There was a wonderful celebration when I left for Kigali, but each time I came back to Butare to teach, I
31 went to visit them. And I don't think there is anybody who said I molested him because of his or her
32 Tutsi ethnicity. This is the answer I can give you, in a nutshell, regarding my stay in Butare.

33 Q. When you got to Kigali, how were your relationships with Tutsis? How did you live with them?

34 A. When I arrived in Kigali, I assumed my responsibilities of minister of health. I was the same person. I
35 never changed my attitude towards the Tutsis. I was in charge of a ministry, that is, the ministry of
36 health has employees all over the country. So we have some employees in office at the central level in
37 Kigali. But -- well, most of the employees are people who work in the hospitals, people who work in

1 health centres, in other health related institutions and those go very far in the country. They go very far
2 because we even have health institutions at the *commune* level. So I remained the same person who
3 believed that people must be recruited and appointed on the basis of their qualifications, on the basis of
4 their competence. I kept that same philosophy all the years I was in the ministry of health, and my
5 relationships with the Tutsis never changed.

6 Q. You are saying that you knew -- you appointed people because of their qualifications. Did you appoint
7 any Tutsis to positions of responsibility?

8 A. Yes, I did, when I got an -- whenever I got an opportunity to do so, I did. To illustrate my answer, I will
9 just say that when we had a new organisational chart for all the ministries in the country, that was in
10 September 1992, it was for me an occasion to have individuals whom I believed were competent
11 without considering their ethnicity to occupy certain positions. I will just name a few examples. We
12 named -- there was a reshuffle in the individuals who were to occupy posts of medical -- regional
13 medical directors. Regional medical directors are physicians who, on the basis of their experience,
14 their competence, are appointed to be responsible for all the health services in the implementation of all
15 the health positions in the country at the level of a *préfecture*. So in 1972 --

16 Q. No, there is an error in the French. You said 1972, but in the English -- I am sorry, it would seem there
17 is an error here.

18 MS. ST-LAURENT:

19 Madam President -- I am sorry, Madam President, would you allow me three to four minutes break? I --
20 may I leave the room for three or four minutes, please?

21 MADAM PRESIDENT:

22 Sure.

23 MS. ST-LAURENT:

24 Thank you, Madam President.

25 BY MS. ST-LAURENT:

26 Q. Let's continue, Dr. Bizimungu, shall we?

27 A. I was saying that in September 1992, the appointment of a medical director for Kibungo -- Kibungo, the
28 *préfecture* of Kibungo, that is K-I-B-U-N-G-O, the person who was appointed was Dr. Thomas,
29 T-H-O-M-A-S, Karengera, K-A-R-E-N-G-E-R-A. The person who was appointed to be regional director
30 for Cyangugu was named Dr. Ignace, I-G-N-A-C-E, Nagapfizi, N-A-G-A-P-F-I-Z-I. All the people I am
31 mentioning were Tutsis -- are Tutsis. The person who was named regional director in Byumba, his
32 name is Diocles, D-I-O-C-L-E-S, Twagiramungu T-W-A-G-I-R-A-M-U-N-G-U. These are examples of
33 regional medical directors who were appointed because I felt they were very competent, very
34 experienced. I knew them, they knew me and they were appointed as regional medical directors. In
35 this Court, I think we have spoken frequently about Dr. Vincent Biruta. I will spell his name; the first
36 name is V-I-N-C-E-N-T, Biruta, B-I-R-U-T-A, Biruta. When -- first of all, I personally looked for him
37 because I knew his competence. He had just finished a course -- in course in Belgium. I asked from

1 somebody who knew how I could reach him. I reached him by telephone, and I told him that in the
2 ministry of health we were about to create a new division of private medical practice. It was totally new.
3 It was a new division in the sense that it had to deal with the regulation of pharmacies, medical clinics,
4 private hospitals, regulations monitoring and evaluation of these private institutions. It was a big work.
5 It was a big job and I needed someone whom I felt was very competent and who worked very hard. I
6 reached him by telephone in Belgium. He accepted. He came back and he occupied the position. So
7 in terms of appointment, I can just give some of these examples, but one can go on and on.

8 MADAM PRESIDENT:

9 Are you saying that they all were Tutsis?

10 THE WITNESS:

11 Yes, My Lords.

12 BY MS. ST-LAURENT:

13 Q. We will come back to this together with the documents, Dr. Bizimungu. Did you know the wife of
14 Fidèle Uwizeye?

15 A. Yes, I knew the wife of Fidèle Uwizeye. Her name is -- she is a medical doctor. She is
16 Dr. Barbara Mukamabano, M-U-K-A-M-A-B-A-N-O. Dr. Barbara Mukamabano worked in the ministry of
17 health for a number of years. She was in charge of the division of maternal and child health care, but
18 later on, she chose to go -- she preferred to go to the central hospital -- the Central Kigali hospital, to
19 the department of paediatrics. These are the posts that I remember she occupied while in Kigali before
20 she was transferred to Gitarama.

21 MADAM PRESIDENT:

22 And what was her ethnicity?

23 THE WITNESS:

24 She was a Tutsi, My Lord.

25 BY MS. ST-LAURENT:

26 Q. You said that she was transferred to Gitarama. I am going to look at the documents now. For what
27 reason was she transferred?

28 A. She was transferred to Gitarama upon her own demand. Her husband, Fidèle Uwizeye, had been
29 appointed *préfet* for Gitarama and it was in 1992, somewhere between June and September 1992.

30 MS. ST-LAURENT:

31 Madam President, please look at section A of your binder and number 4 is the tab. For the witness --
32 for Dr. Bizimungu, it is number 5 of the binder that you have before you. And we are going to try and
33 take out two documents at the same time. This is the first one, section A, number 4. And for
34 Dr. Bizimungu, in your binder it is number 5.

35 BY MS. ST-LAURENT:

36 Q. Dr. Bizimungu, just a moment ago, you gave a list of names and you said that those people were
37 appointed by you at the ministry of health when you were minister of health. Now, here we have a

1 presidential decree of the 23rd of September 1992 concerning the establishment of the commissioning
2 and assignment of first class officers in the central administration; is that right -- is that correct? Can
3 you please mention what appointments you made? You said that you had appointed some people who
4 were Tutsis. Can you please show us who they were?

5 A. I would like, first of all, to say that the list we have before our eyes concerns people who occupied what
6 I would call the highest positions, the first category, the highest positions, administrative positions in the
7 ministry and I would like to mention that in terms of sequence of -- okay -- you see that on this list you
8 have a director general, he is number one. I think it is the highest grade, according to our civil service
9 organisation. But after the director general you have a director. You will see that is number 7.
10 Number 7 is a director and we have also directors from number 17 to number 25. What I am trying to
11 point out is that regional medical directors had the rank of directors. The names I mentioned a while
12 ago are number 20 -- number 20, number 24, number 25 and number 11.

13 Q. Dr. Bizimungu, when you appointed Fidél's wife to the post of regional medical director in Gitarama,
14 had she been appointed earlier? Would we have been able to find that position or function in this
15 diagram or organogram? Do you understand my question?

16 A. I understand the question, but allow me to clarify for the Bench. The position which the wife of -- the
17 spouse of Uwizeye occupied in Gitarama was not the position of medical regional director. She was
18 appointed to be director of the Cyakabiri health centre, so it's totally a different position. Cyakabiri is
19 spelt C-Y-A-K-A-B-I-R-I. It was a position which she maintained until June, until she left Gitarama. The
20 good thing I want to know or to note is that she kept working in Cyakabiri. That location was close to
21 Murambi where the government was located. And, to my knowledge, many people went to seek health
22 care from her directly and she provided health care to children, women and men who went there
23 coming from Murambi.

24 Q. Before we leave this organogram, let's continue. Do you have any other examples of positive actions
25 that you carried out, for example, any other activities that you had in relation to people during that
26 period of time 1992, 1993, 1994?

27 A. The question is not clear, but I will attempt to answer it.

28 JUDGE MUTHOGA:

29 Ask for it to be clarified. You might answer the wrong question.

30 BY MS. ST-LAURENT:

31 Q. Dr. Bizimungu, you appointed people. You said that there were Tutsis people you appointed to
32 high-ranking positions in the ministry of health. Are there any other positive activities that you did for
33 Tutsis, maybe access to scholarships, for instance, trips abroad?

34 MADAM PRESIDENT:

35 *(Inaudible)* you don't have to --

36 MS. ST-LAURENT:

37 All right. Yes, Madam President.

1 THE WITNESS:

2 I get the question. I get the question. As I said earlier today and yesterday -- as I said today and
3 yesterday, my philosophy never changed. It was a philosophy which I probably acquired when I was in
4 the United States. I have always believed that at work, in a workplace, people must be rewarded, must
5 be stimulated, must be compensated for being competent, for being qualified, for working hard. That
6 was my basic driving, I should say, principle. And so while I was in the ministry of health I tried to apply
7 it every day, every hour, every minute.

8
9 Before speaking, even addressing an issue such as the -- issue of scholarships or attending seminars
10 or going on missions within the country or outside the country -- I just want to give an example. I did
11 not reserve my attention to people who were just around me in Kigali. We went as far as the *commune*
12 level. When I got a request from a *commune* level, let's say, people complaining that so-and-so is not
13 good, so-and-so should be replaced and moved to a far away health centre, I had to examine the
14 problems, the services; I had to examine, of course, the problem first. But if the issue became a very
15 thorny issue to bring to the attention of the minister, I examined it in the most objective manner.

16
17 One example I will give is about a medical assistant who had been working for about probably 20 or
18 25 years. He was a hard-working man, very competent, but I guess that he had local problems within
19 the *commune*. So he worked in the *commune* of Bicyumbi, and I got proposals which the director
20 general -- the *directeur de cabinet* had been unable to solve. They were obliged to bring the issue up to
21 the level of the minister regarding suggestions to move him far away from Bicyumbi. This is a person
22 who had been in Bicyumbi for many years. He had a house or houses in Bicyumbi. His children were
23 going to school in that particular location. After having examined all the aspects of the problem before
24 me, I had to make a decision that the man should stay in the same *commune* but change location
25 because they had three health centres. He was a Tutsi, and I know he was very grateful for this
26 particular decision. All that motivated me was to make sure that I take care of his personal problems,
27 but -- and also look at his performance at work. This one, I did.

28
29 Regarding the question of scholarships or sending people to seminars or missions, as far as the
30 ministry of health was concerned, we had to always look at objective criteria and send people to
31 seminars or grant them scholarships. And Hutus and Tutsis got scholarships. Hutus and Tutsis went
32 abroad on mission. They attended seminars in the country. We had many seminars financed by the
33 World Health Organisation, seminars financed by the UNICEF and also by USAID. These were very
34 frequent, and I can be proud of my record because we tried our best and we were very objective in
35 what we did.

36
37 In terms of example, I will say that when -- by 1994 we had certain individuals who were outside the

1 country on long-term or short-term training. Among them I would like to mention people like
2 Dr. Marcel Manzi. Marcel is M-A-R-C-E-L. Manzi, M-A-N-Z-I. He was on long-term training in Belgium.
3 He was a Tutsi. We had a person like Dr. Kalita, K-A-L-I-T-A. He had been sent for a special course
4 on advanced human biochemistry. These are just names I am able to remember, and the selection
5 process was very rigorous, very rigorous. If it had been a question of saying the minister wants to go in
6 favour of so-and-so, things could have been otherwise. We had credible objective criteria and I made
7 sure that we abided by those objective criteria.

8 BY MS. ST-LAURENT:

9 Q. Dr. Bizimungu, we are going to move on to document number 9, the organisation chart of the ministry of
10 health.

11 MADAM PRESIDENT:

12 We used document number 4. Do you intend to enter the document into evidence, Madam St-Laurent?

13 MS. ST-LAURENT:

14 Yes, Madam President.

15

16 Just a moment. It was number 4 for you, but it was a different number for me. It was number 5 in my
17 binder. We wish to tender that document into evidence. And the K number is K0240938. It begins with
18 that K number and there are three pages after that. Is that all right, Madam President?

19 MADAM PRESIDENT:

20 Yes, but the next K number is K0240950, and the third page is K0240951. This would be exhibit --

21 MS. ST-LAURENT:

22 That is correct.

23 MADAM PRESIDENT:

24 This document is entered as Exhibit 1D?

25 MR. TUMATI:

26 1D. 192.

27 MADAM PRESIDENT:

28 1D. 192.

29 *(Exhibit No. 1D. 192 admitted)*

30 MS. ST-LAURENT:

31 Now, we should look at the organisation chart of the ministry of health. This has already been tendered
32 under 1D. 27 and it is document number 9 in your binders. It is in the extra binder that was distributed
33 to you, Madam President, the extra binder of this morning, extra binder number 9. Do you have
34 number 9?

35 MADAM PRESIDENT:

36 Yes, we do.

37

1 MS. ST-LAURENT:

2 Okay.

3 BY MS. ST-LAURENT:

4 Q. Dr. Bizimungu, you have here the organisation chart of the ministry of health during the period when
5 you were minister of health, November 1992. I will show you that organisation chart. You take a look.

6
7 Can you explain to the Court the conditions under which this organisation chart was prepared?

8 A. The organisation chart we have before us, as you can note, was officially adopted by -- or published in
9 the Rwanda official gazette in November 1992. This was after -- after the government had -- were
10 talking of a coalition government which was composed of five political parties. They decided -- I mean,
11 the government decided to introduce what we call cabinet. These were new positions which did not
12 exist before that. Previously -- previously, if you allow me, we have the last page -- we have a last page
13 that contains some drawings summarising the whole organogram. That -- the last -- previously, the
14 organisation chart we had indicated minister, and directly under minister you has secretary general, and
15 under him came director generals, but this time it was a complete change. We have a minister and
16 sideways they indicate cabinets, these were political cabinets within each ministry. And the cabinet
17 comprised a cabinet director, a councillor for administrative and political affairs, and councillor or
18 technical affairs and a press attaché.

19
20 Now, still looking at this drawing, we see that under minister this time we have a director general, who
21 comes directly under the minister for all the technical matters within the ministry. He was the
22 coordinator of technical issues, financial management, logistics and so on and so forth. He coordinated
23 all that for the ministry. So this was the major change which was introduced by the coalition
24 government which came into being in April 1992.

25 Q. Dr. Bizimungu, before going back to the ministry of health and continuing with the organisation chart,
26 you talked about the coalition government; is that correct?

27 A. Yes, I did.

28 Q. The 22 that you have and myself, numbers 10 and 11, for the Judges it is 22, section A, numbers 1
29 and 2; that is for the Judges, 22, section A, numbers 1 and 2.

30 MADAM PRESIDENT:

31 Madam St-Laurent, can you state the K numbers, please?

32 MS. ST-LAURENT:

33 The K number -- there is no K number. In the binder it is section A, that is all binders, section A,
34 1 and 2. For the number 1 in K001 --

35 THE ENGLISH INTERPRETER:

36 Can counsel repeat? She said it too fast.

37

1 MS. ST-LAURENT:

2 Maybe this is the French version. I have an English translation, Madam President. There was a
3 French -- an English version, so that will be quick for you.

4 MADAM PRESIDENT:

5 Madam St-Laurent, are you referring to A1 and 2?

6 MS. ST-LAURENT:

7 Yes, I am referring to A1 and A2 and, fortunately, today I have just received document A1 in English. It
8 was translated by the official translation service, and there are copies here for the Prosecutor and the
9 Judges.

10

11 John.

12 MADAM PRESIDENT:

13 The K number of the French text of A1 is KA010686. I repeat, KA010686.

14 MS. ST-LAURENT:

15 That is correct, Madam President. And I will give you the English version now, as well as to my learned
16 colleague. It should also be given to Dr. Bizimungu. Is it in his file? Very well. So for my learned
17 colleagues and for the Judges, as well as the interpreters.

18

19 John, please take extra copies for the interpreters.

20 MADAM PRESIDENT:

21 The document which you gave us just now, is this the English version of the French text, the K number
22 for which I read a while ago?

23 MS. ST-LAURENT:

24 Yes. Yes, that is the English version of your document number 1, that is document KA010686.

25 MADAM PRESIDENT:

26 And this document, the French -- the English text also has the K number. It is K0358890.

27 MS. ST-LAURENT:

28 That is correct, Madam President.

29 MADAM PRESIDENT:

30 And page 2 -- there are three pages from zero to 2, 90 to 92.

31 MS. ST-LAURENT:

32 Yes, that is correct, Madam President. So this document, we want to tender it in English and French.

33 BY MS. ST-LAURENT:

34 Q. Dr. Bizimungu, you have just said that with the new government there was a new organisation chart.
35 Before we go back to the ministry of health and talk about the new organisation chart, let us talk about
36 this government. How was this new government formed, and it was the result of which political
37 process?

1 A. The new government of April 1992 was a result of negotiations between five political parties, and those
2 are the MDR, MRND, PL, PSD and PDC. At the end of political negotiations they decided to sign a
3 memorandum of understanding which was -- which reflected a new programme -- a new programme of
4 action for that coalition government. And that memorandum of understanding was signed on the
5 7th of April 1992.

6 JUDGE MUTHOGA:

7 1992?

8 THE WITNESS:

9 It was signed on the 7th of April 1992.

10 JUDGE MUTHOGA:

11 The one we have just been given is done at Kigali, 8th April 1994.

12 THE WITNESS:

13 It is a wrong document. It is a wrong document. There is another -- there is a protocol of
14 7th of April '92.

15 MS. ST-LAURENT:

16 Judge Muthoga, we can see that the translation of the document was badly done. 7th April 1992 and
17 then in the translations -- then there is one done in Kigali 8th April 1994. There were two translations.
18 Just a moment.

19
20 There is surely a translation error because inside the document we can see 7th April 1992. And in the
21 French translation it is said done in Kigali, 8th April 1994, memorandum of understanding,
22 7th April 1992.

23 MADAM PRESIDENT:

24 Yes.

25 MS. ST-LAURENT:

26 *(Microphones overlapping)*

27 THE WITNESS:

28 Madam President, I just wanted to help. I would like to help. There is a mix-up. The document
29 concerning the government which was put into place on -- in April 1992 is under tab 10, while the
30 document concerning 1994 is under tab 11. So these are two different documents. Tab 10 in my
31 binder -- because it is 10 and 11, they are two different protocols.

32 JUDGE MUTHOGA:

33 The heading of the document we have just been given is "Additional protocol to the protocol of
34 understanding between political parties invited to participate in the transitional government, signed on
35 the 7th April 1992, between MRND, MDR, PSD and PDC and PL political parties." That document, at
36 the end it says: "The provisions" -- Article 5 says: "The provisions of the protocol of understanding of
37 7th April 1992 not amended or replaced by the present protocol shall remain in force," and that is the

1 one which is done at Kigali, 8th April 1994. Is there another document?

2 THE WITNESS:

3 Yes, this document -- this document, it is called additional because it is a document which presided
4 over the installation of the interim government, this one you have just referred to. But then we have
5 another protocol -- we have another protocol which in my binder is under tab 10. It has been translated
6 and it is called "Memorandum of understanding between the political parties invited to participate in the
7 transitional government."

8 MADAM PRESIDENT:

9 I, Dr. Bizimungu, didn't get you properly. Why does this one document bear two dates?

10 JUDGE MUTHOGA:

11 I have two dates.

12 THE WITNESS:

13 My Lord --

14 JUDGE SHORT:

15 What you are saying is that this document which was made in 1994 is an additional protocol to the one
16 referred at the heading made in 1992?

17 THE WITNESS:

18 Yes, My Lord.

19 JUDGE SHORT:

20 *(Inaudible)*

21 MS. ST-LAURENT:

22 In order to explain things, we made an error on the number. Just one moment, Madam President.

23

24 What I gave you a short while ago, number 2 in your binder, was the additional protocol, whereas
25 the original memorandum of understanding is number 1 in your binder, and you should have the
26 English version. Do you have the English version?

27 MADAM PRESIDENT:

28 This is the English version you gave us just now.

29 MS. ST-LAURENT:

30 In the extra documents. What I am asking you is whether you have the English version. It begins with
31 the word "memorandum". It is document number 1 of your A1 binder.

32

33 Do you have the English version?

34 MADAM PRESIDENT:

35 This is document number 2 of our binder. But I don't understand, why do we have different numbers for
36 the French and English binders?

37

1 MS. ST-LAURENT:

2 There is something wrong here. The document that begins with "memorandum" in English is supposed
3 to go hand-in-hand with document number 1 in your binders. But if I follow -- that is, if I follow what I
4 have on my sheet of paper here, it looks like the documents were inversed or switched. In any case,
5 the document is the memorandum of understanding and the other one is the additional protocol.

6 MADAM PRESIDENT:

7 Madam St-Laurent, the binder which I have, tab number 2 is the memorandum of understanding
8 between the political parties invited to participate in the transitional government.

9
10 So we take our lunch break and you sort out all these numbers and these documents. Thank you.

11
12 We resume at 2:30 p.m.

13 *(Court recessed at 1256H)*

14 *(Pages 29 to 39 by Sithembiso Moyo)*

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1 (Court resumed at 1440H)

2 MS. ST-LAURENT:

3 Very well, Madam President.

4 MADAM PRESIDENT:

5 Yes.

6 MS. ST-LAURENT:

7 Madam President, off we go. So we're going to be looking at binder A and please consult tab 2 in
8 binder A. And, of course, for Dr. Bizimungu, this will start with the English version, memorandum of
9 understanding. Are you with me, Madam President?

10 MADAM PRESIDENT:

11 Yes, I am.

12 MS. ST-LAURENT:

13 Binder A, tab 2.

14 MADAM PRESIDENT:

15 (Microphone not activated)

16 MS. ST-LAURENT:

17 Very well. And for the witness, for Dr. Bizimungu, that is, it's number 10.

18 BY MS. ST-LAURENT:

19 Q. Dr. Bizimungu, this morning you talked of the new organogram or organisational structure. This was a
20 new government you were referring to. Now, before going into the ministry of health in more depth, I'm
21 showing to you a document for the setting up of the understanding at that moment in time. This
22 document is entitled "Memorandum of understanding between the political parties invited to participate
23 in the transition government."

24 THE ENGLISH INTERPRETER:

25 I repeat -- I can't.

26 BY MS. ST-LAURENT:

27 Q. Dr. Bizimungu, could you please tell us what the objectives of this new government, that is, the
28 transitional government, were and could you also please comment on this with reference to the
29 objectives that are outlined in the document? And this document was signed by the relevant political
30 parties.

31 THE ENGLISH INTERPRETER:

32 Document entitled "Memorandum of understanding between the political parties invited to participate in
33 the transitional government." For the court reporters.

34 THE WITNESS:

35 As the document indicates, a transitional government, also known as the coalition government, set up
36 in April 1992 was a result -- came as a result of negotiations and understanding between five political
37 parties. As the document shows it, article 1, article 1 contains, in very specific terms, the objectives or

1 the programme of that transition government.

2

3 With the authorisation of the Bench, I could probably read the eight -- the seven objectives.

4

5 The aim -- it's article 1 on page 1 of the -- I think on page 2 of the memorandum. The aim of this
6 memorandum is to define the conditions under which MRND, MDR, PSD, PDC and PL political parties
7 shall accept to participate together in transition government which shall implement, apart from the
8 day-to-day management of the country, a programme comprising at least the following items: One,
9 negotiating peace.

10 MADAM PRESIDENT:

11 Madam St-Laurent, do we need -- is there a need to read all these articles?

12 MS. ST-LAURENT:

13 No, the witness will not read through all the articles, Madam President. He will be reading the articles
14 that are relevant to the government and then he will comment on what was done. He will not go
15 through all the articles in their entirety.

16 MADAM PRESIDENT:

17 Okay. Continue.

18 THE WITNESS:

19 One, negotiating peace. Two, ensuring internal security. Three, evaluating and streamlining
20 government departments, including *préfectoral* and *communal* services, organising national defence
21 and diplomatic missions and consulates of Rwanda so as to ensure their effectiveness and neutrality.
22 Four, stimulating the economy through the structural adjustment programme. Five, organising a
23 national debate on the programme of a national conference and deciding on when it should be
24 convened in the light of the conclusions of the debate. Six, resolving the refugee problem. Seven,
25 organising general elections.

26

27 So these are the goals or the content of the programme of the transition government which went into
28 place in April 1992.

29 BY MS. ST-LAURENT:

30 Q. Dr. Bizimungu, what comments do you have with reference to the objectives of the government that
31 were implemented and also with reference to this memorandum of understanding, even if you have not
32 read it in its entirety?

33 A. The comment I will make is that, of course, the government put into place in April 1992 was going to
34 deal with issues of national security because the country was at war at that particular moment. They --
35 it was of course obvious that we had to -- to stimulate the economy which was in a bad shape through a
36 structural adjustment programme, and we realised that the first item -- the first point on the programme
37 was negotiating peace. And as a matter of fact, peace negotiations began as soon as that government

1 was put into place.

2

3 I also realised that the government was concerned with good governance. We see that in point number
4 three. The government was concerned with evaluating and streamlining government departments to
5 make sure that all goes well, that the public servants or civil servants were individually deemed to be fit
6 to be in their positions within the various ministries in the country.

7

8 I will also say that some of the objectives that -- that figure on this programme were not eventually
9 reached or realised. It is the case of item number 7, organising general elections. I know that this was
10 the ultimate purpose of the peace negotiations, because in the end, we wanted to say peace will be
11 negotiated, a new broad-based government will be put into place, and in the end there will be general
12 elections. But we never had a chance to reach that stage or that step.

13 Q. Dr. Bizimungu, this is where we come to article 6, which is the sharing of portfolios or allocation of
14 portfolios as follows: The ministry of health was given over to the MRND; is that correct?

15 A. That's -- it's exact.

16 Q. As far as this government is concerned, that is. Now, you talked this morning -- and we shall return to
17 the organisational structure chart, which is number 9.

18 THE ENGLISH INTERPRETER:

19 Message from the English interpreter: Could we please have a reminder as to the binder with tab 9,
20 please?

21 MS. ST-LAURENT:

22 Madam President, you referred this morning to this organisational structure chart of the ministry of
23 health. That is document -- I think it's in the new binder, which is number 9. This was the exhibit that
24 was tendered as 1D. 27. Are you following me, Madam President?

25 MADAM PRESIDENT:

26 Yes.

27 MS. ST-LAURENT:

28 Very well.

29 BY MS. ST-LAURENT:

30 Q. You went through this organisational structural somewhat talking about the appointment of
31 *directeur de cabinet*. Now, the -- these --

32 THE ENGLISH INTERPRETER:

33 Could counsel please repeat her question? She is going far too fast for purposes of interpretation.

34 JUDGE MUTHOGA:

35 Madam St-Laurent, you are guilty of your own offences. You are moving too fast for interpretation.

36 MS. ST-LAURENT:

37 Very well. I shall make the same remark to Dr. Bizimungu who has also been speeding up somewhat.

1 We'll go slower.

2 BY MS. ST-LAURENT:

3 Q. Now, if you look at this organisational structure chart, could you tell us where the administrative and
4 financial management responsibilities and in whose hands they were placed with reference to the
5 organisational structure chart?

6 A. We should go to page 2 of the document, page 2 of the document, and read -- read the left column.
7 There we see in French written, "Administrative and financial affairs division". This is the person who
8 was in charge of administrative and financial matters in the ministry and this particular authority worked
9 under the direct authority of the director-general of the ministry of health.

10 Q. If we look at the organisational structure chart at the end of this tab --

11 MS. ST-LAURENT:

12 Madam President, Your Honours, you have this chart before you, and I believe that you can read the
13 very few French words.

14 BY MS. ST-LAURENT:

15 Q. Now, in this chart we find this division which is the administrative and financial division which is under
16 the *directeur général* or the director-general. Can you see this on the organisational structure chart?

17 A. Yes, I can see that. I can see it.

18 Q. Who at the time was the *directeur général* or director-general?

19 A. In September or November 1992 the director-general was Mr. François Munyantwali. François,
20 F-R-A-N-C-O-I-S. Munyantwali is spelled M-U-N-Y-A-N-T-W-A-L-I.

21 Q. And from November 1992 until 1993, who was the director-general?

22 A. It was always Mr. François Munyantwali.

23 Q. As minister which portfolio took up most of your time during that period as minister of health, that is,
24 during that period from 1992 until April 1994?

25 A. From -- from September or November 1992, and given the situation we were going through, the first
26 item that took up most of my time was attending cabinet -- cabinet ministers' meetings so long as they
27 were held. Because I wish to inform the Court that towards the end of 1993 the prime minister no
28 longer convened the cabinet ministers' meetings. But I will say that between -- between September --
29 between April '92 and December '93 we had plenty of cabinet meetings for the major reason that taking
30 decisions from ministers coming from five different political parties often took a lot of time. We had to
31 do a lot of discussing and this took a lot of our time. That is item number one.

32

33 Point number two is that in my capacity as health minister, I was confronted since February '93 to the
34 existence of a camp of displaced -- internally displaced people in Nyacyonga. Nyacyonga is spelt as
35 N-Y-A-C-Y-O-N-G-A. Nyacyonga was located at about 10 to -- 10 to 15 kilometres from the city centre,
36 and that's where we had this huge camp, huge camp with about -- with about one million displaced
37 people. So that took a lot of my time. I had not only -- I went to Nyacyonga camp many times. There

1 were issues of epidemics in the camp. There were serious problems of nutrition. And as a government
2 we had to solve these problems in close cooperation -- in close collaboration with international
3 organisations. Among the organisations who helped us are -- I remember the ICRC, I remember -- I
4 remember ICRC. I remember the Caritas Rwanda. Caritas is written C-A-R-I-T-A-S, Caritas Rwanda.
5 I remember an NGO -- a French NGO called *Médecin du monde*, *Médecin du monde*, that's world
6 physicians, I guess. We also had action against hunger, *Action contre la faim*, ACF; that's another
7 organisation. I'm sure there are some others whom I have not remembered, but I also do recall that
8 due to excellent bilateral relations that Rwanda had with some countries, I remember that Belgium,
9 France, and the United States through USAID, I remember that they helped a lot also in financing the
10 various activities that were going on in Nyacyonga.

11 Q. Dr. Bizimungu, you said that there had been ministerial committees until 1993. In December 1993, who
12 was the prime minister?

13 A. The prime minister was Mrs. Agathe Uwilingiyimana.

14 Q. Now, Dr. Bizimungu --

15 MS. ST-LAURENT:

16 Madam President, Your Honours, number 13 or tab 13 in your new binder, please. Madam President,
17 you have the English version. It is -- on the second page you have the English version K0157677,
18 K0157677. This was -- this was a text that was already tendered as 2D. 102. Is that all right,
19 Madam President?

20 BY MS. ST-LAURENT:

21 Q. Dr. Bizimungu, you said that the ministerial committee had convened on a regular basis until
22 December 1993. What happened subsequently?

23 THE ENGLISH INTERPRETER:

24 Madam President, counsel is still going very fast. Could she please slow down?

25 MADAM PRESIDENT:

26 Madam St-Laurent, can you please slow down?

27 MS. ST-LAURENT:

28 Yes, I shall speak more slowly. If this goes on, I'm going to have to do something. Very well, I'll start
29 again.

30 BY MS. ST-LAURENT:

31 Q. Dr. Bizimungu, you have just told the Court that until the month of December 1993, there were
32 ministerial committees that were convened and that subsequently --

33 JUDGE MUTHOGA:

34 Cabinet meetings, not ministerial meetings.

35 MS. ST-LAURENT:

36 Yes, okay. Cabinet meetings. Yes, you're right.

37

1 BY MS. ST-LAURENT:

2 Q. What happened subsequently?

3 A. When -- when ministers realised that cabinet meetings were not being held, it became obvious that
4 something was missing. So, in January in 1994, ministers from the MRND, from the Liberal Party, and
5 from PDC wrote a letter to the prime minister requesting that she -- she reconvenes cabinet meetings
6 so that we may be -- we may be able to address some of the very pressing issues that were facing the
7 nation. And when I say pressing issues, it's particularly issues in the area of security.

8 Q. And when you say that -- well, your signature was appended to this document dated the 14th of
9 January 1994. Was it not?

10 A. Yes, it's -- the letter is dated January 14th, 1994.

11 Q. Dr. Bizimungu, in French you said that there were some urgent matters and you had asked that the
12 council of ministers' meeting be resumed in French. Can you please read the eighth paragraph of that
13 letter, eight. Read this document from paragraph 8, please.

14 A. Which version do I read, English or French?

15 Q. In English, I don't know where the place comes.

16 A. I have found where it is in English.

17 MADAM PRESIDENT:

18 In English we don't have eighth paragraph.

19 MS. ST-LAURENT:

20 It's because in the English version several paragraphs have been merged into one. They didn't
21 separate the paragraphs as they have done in the French.

22 BY MS. ST-LAURENT:

23 Q. So if you can read from "In this way". Are you with me, Dr. Bizimungu?

24 MADAM PRESIDENT:

25 Can you identify the paragraph in the French version?

26 MS. ST-LAURENT:

27 Yes, Madam President. It's paragraph number 8. In the French version we can look at the second
28 page, paragraph 3, almost in the middle, and it begins with "In this way". If it were to be read in French,
29 we will see what the interpretation will bring out.

30 MADAM PRESIDENT:

31 Okay. Go ahead, read it in French, Dr. Bizimungu.

32 THE WITNESS:

33 I start with *(French spoken)*?

34 BY MS. ST-LAURENT:

35 Q. Begin with *(French spoken)*.

36 A. "In your flight" --

37

1 MR. GUMPERT:

2 (Microphone not activated)

3 THE WITNESS:

4 "In your evasive attitude you take delight in saddling the president of the republic with the responsibility
5 for matters which normally should be discussed in the council of ministers, especially matters relating to
6 the economic crisis and security. As a matter of fact, measures to be taken in order to cope with the
7 economic crisis and famine, as well as the budget, can only be adopted in the council of ministers.

8
9 "As for -- as concerns security, remember that as prime minister you are the chairman of the national
10 security council and that, furthermore, the intelligence services are under your orders. Nothing,
11 therefore, permits you to shirk your responsibilities in matters of security."

12 BY MS. ST-LAURENT:

13 Q. Let's stop there, Dr. Bizimungu. Now, can you say what is the attitude of the prime minister, what is her
14 reaction or what does she think about security in the country?

15 A. My answer to the question is that, first of all, the prime minister argued -- was arguing that the
16 government no longer existed practically since the signing of the Arusha Accords. And the ministers
17 who signed this letter, we were saying that according to the Arusha agreement, the council of ministers
18 will continue functioning until a new government -- a government of the broad-based transitional
19 government is sworn in. So it was a deadlock, we never got a solution, and matters remained at that
20 stage.

21 Q. Let's continue, Dr. Bizimungu. In there, mention was made of efforts in order to cope with the economic
22 crisis and famine and that the budget could only be adopted by the council of ministers. Can you
23 please tell us what the situation prevailing in the country was at the time, economically speaking?

24 A. The economic situation of the country -- the economic situation in the country was very, very -- I would
25 say was disastrous. In many parts of the country farmers were no longer able to do their farming
26 because of the war. We had -- besides the one million internally displaced people in Nyacyonga, we
27 had thousands of displaced people in the *préfectures* of Ruhengeri, in the *préfecture* of Kibungo, so the
28 number -- the total number of the displaced, in fact, was somewhere -- somewhere around 2 or
29 2.5 million people in the country. And here we are talking of a very big number of families that were no
30 longer able to till the land or to carry out other activities than -- that could provide them with income.

31
32 The war had not yet ended. We remember that after the February '93 military offensive by the RPF,
33 once again, the international community intervened and they requested that both belligerents to stop
34 fighting -- to stop fighting until the peace negotiations were over.

35
36 Now, the general atmosphere in the country was one of panic. People were just waiting for peace to
37 come back. I think that many families were no longer able to take care of their daily needs. Things like

1 food, drinking water had become a very big problem for the ordinary person, and the government had to
2 deal with this very difficult situation. We had to rely on donors, donors to provide us with food aid.
3 Food aid was very important; it was very much needed in the country. And the economy had very
4 much collapsed. That's what I can say about the existing situation at that particular moment.

5 Q. Was that situation close to what had happened in the second republic?

6 A. Could you repeat the question, because -- could you repeat the question, please?

7 Q. Under President Habyarimana, up until 1989, the situation that you have just described as being
8 prevailing in the country, was it the same as it was before 1989? In other words, what was the situation
9 in the country before 1989, Dr. Bizimungu?

10 A. Under President Habyarimana, Rwanda enjoyed -- for a number of years enjoyed a period of economic
11 prosperity in the '70s and the '80s. And, in fact, Rwanda was cited as a model of -- of good
12 management by institutions such as the World Bank, the IMF, et cetera. But starting in 1988 -- or 1987,
13 '88, Rwanda ran into economic problems, especially when the price of its main export products, coffee
14 and tea, when the prices collapsed, then Rwanda started having serious economic problems.

15 Q. I'm going to ask you a question. I don't know whether you know the answer. Do you know why the
16 price of coffee collapsed, and the price of tea? Why did the prices collapse?

17 A. I don't know why.

18 Q. Dr. Bizimungu, you made reference to that period of time which you said was unstable. Now, at the
19 ministry of health, and using the organogram, can you explain why the new organogram or
20 organisational chart included a *directeur de cabinet*?

21 A. The introduction of -- of a political staff within the ministries was introduced by the transitional
22 government led by Prime Minister Dismas Nsengiyaremye. Dismas is D-I-S-M-A-S, Nsengiyaremye is
23 N-S-E-N-G-I-Y-A-R-E-M-Y-E.

24
25 The cabinet director, the counsellor for technical affairs, the counsellor for administrative and political
26 affairs, and the press attaché were appointed within each ministry, and they were individuals issued
27 from the same political party as the minister in a given ministry. So this was an innovation which was
28 introduced by that government and we had to live with that innovation.

29 Q. What was the name of your *directeur de cabinet*?

30 A. The cabinet director in the ministry of health in September 1992 was Mr. Gaspard Musabyimana. I will
31 spell the name. G-A-S-P-A-R-D. Musabyimana is M-U-S-A-B-Y-I-M-A-N-A.

32 Q. Could you please explain to the Court how this person was recruited to the ministry of health?

33 A. When the time came to fill the new positions, I first -- as minister of health, the first person I went to was
34 the person who was secretary general in the ministry of health before the change of the organisational
35 chart. That person was François Munyantwali. We spoke about him a while ago. I asked
36 Mr. Munyantwali whether he would be interested to help me as a cabinet minister, but I also made it
37 clear that he had to be a -- a member of my political party. He told me that he had no political party. So

1 because of that, I waited for a few days before I could -- I happened to meet with Gaspard who had
2 come from his studies -- from further studies in France. We spoke and I asked him whether he would
3 be interested to be a cabinet -- a cabinet director. But, first of all, I checked with him on his party
4 belonging. I asked him, "To which party do you belong?" He confirmed that he was a member of the
5 MRND. Then I began discussing with him. I asked him, "When did you go to study? What is the status
6 of your file within the ministry of public service?" He told me that he had been given a leave of two
7 years to go and study in -- have further studies in France. I asked him whether he had -- he had had
8 any sanctions from his superiors. He told me that by the time he left for further studies to France, he
9 had never had a problem at work and that his file was fine.

10
11 So after conversing with him and being satisfied with the status of his administrative situation, I was
12 able to present his name to the MRND political party so that -- to propose him as cabinet director.

13
14 One thing I want to clarify is that the president of the republic could not know what was going on. The --
15 the whole process was an administrative process, contacting the individual who is concerned,
16 presenting his name for clearance to the political party, and then finally bringing his name to the
17 minister to the -- to the cabinet minister meeting which discussed finally all the names from various
18 ministers. It was after the cabinet -- cabinet meeting had approved all the candidates that their names
19 were sent, of course, to the prime minister's office and later to the president's office for signatures.

20
21 So what I want to make clear is that at no step or no stage did the prime minister or the president of the
22 republic have to know who was being selected. This was work being done at the level of each minister,
23 at the level of each political party, and then at the level of cabinet meeting where all ministers were --
24 were gathered.

25 Q. In the selection of candidates for the post of director of cabinet, would -- the fact of being of the MRND
26 or whatever party one was belonging to, what would be the qualities that you were looking for in your
27 candidates?

28 A. Since the time I became the health minister for the first time, I felt there was a need to have a person of
29 a different background from that of the minister. I -- being of the medical professional, I always try to
30 have either somebody who had specialised in administration or somebody from the legal profession.
31 And I would like to -- to inform the -- the Court that the first secretary general I had in the ministry of
32 health was a lawyer -- was a lawyer, and this was different from the previous traditions. Previously we
33 had the minister who was a medical doctor and his secretary general was a medical doctor. So I felt
34 that different competencies were needed for a better running of the ministry.

35
36 My first secretary general -- permanent secretary was a lawyer. The second -- when the lawyer was
37 appointed to other -- other more important responsibilities, the second permanent secretary I had was

1 Mr. François Munyantwali who also -- who had a master's degree in administration. And this time the
2 qualities I was looking for in Mr. Musabyimana were the qualities of a person --

3 MADAM PRESIDENT:

4 Too fast. Slow down.

5 THE WITNESS:

6 And this time the qualities I was looking for in Mr. Musabyimana, it was his master's degree in public
7 administration. This -- this was the line of thinking, and that's why I looked for a person like Gaspard or
8 François Munyantwali or Mr. Ruhumuliza, Gaspard. Mr. Ruhumuliza, Gaspard, I want to spell his
9 name. Gaspard is G-A-S-P-A-R-D. Ruhumuliza is R-U-H-U-M-U-L-I-Z-A.

10 BY MS. ST-LAURENT:

11 Q. Dr. Bizimungu, you spoke of François Munyantwali. Was he an efficient and capable manager?

12 A. Mr. François was a very efficient manager, was a very hard working person, very intelligent. He -- he
13 had a superb performance.

14 Q. Dr. Bizimungu, during your mandate you had said that at this point in time there was one million
15 internally displaced persons. Can you please tell us what happened to these people after the
16 6th of April 1994?

17 A. The one million displaced people living in Nyacyonga had been expecting to go back to their respective
18 *communes*. The great majority, probably 85 per cent, if not more, of the displaced in Nyacyonga came
19 from the *préfecture* of Byumba. They had been expecting to go back home, but the way events evolved
20 after April 6, 1994 was such that they couldn't go back home. They had to pick up their utensils, their
21 clothes, for those who had -- for those who had things to pick up, they had to pick up whatever they had
22 and walk southwards, going towards Gitarama, Butare, to run away and flee from danger. That's --
23 that's what happened to the IDPs who were living in Nyacyonga.

24 Q. Now, we've talked about the recruitment of the *directeur de cabinet*, as well as the adviser for political
25 affairs -- political and administrative affairs and the adviser for technical affairs. Now how about the
26 press attaché, how was he recruited?

27 A. Could you please repeat the question? It is not clear.

28 Q. I'm going to go about it more slowly, and I'll make it more simple. Could you please tell us how the staff
29 under the ministry of health were recruited, the lower echelons?

30 THE ENGLISH INTERPRETER:

31 I believe counsel intends to say. I'm sorry, Madam President, I don't understand the question.

32 THE WITNESS:

33 Okay. The interpreter is not sure whether you are talking about the lower echelon staff or the higher
34 echelon staff.

35 MADAM PRESIDENT:

36 Repeat your question, Madam St-Laurent, please.

37

1 BY MS. ST-LAURENT:

2 Q. Could you please tell us how the staff -- the staff in the ministry of health, how were they recruited?

3 THE ENGLISH INTERPRETER:

4 Counsel is making reference to "*sous statut*", and I'm not quite sure I understand what she means.

5 MADAM PRESIDENT:

6 Can you be --

7 JUDGE MUTHOGA:

8 Madam St-Laurent, the interpreter says she is not sure she understands what you mean. If you want
9 her to interpret you, simplify yourself.

10 MADAM PRESIDENT:

11 Be more specific, Madam St-Laurent.

12 MS. ST-LAURENT:

13 Madam President, I cannot be any simpler. It's a term which has been used throughout this trial, this
14 term "*sous statut*", "under contract". *Sous statut et sous contrat*. We will ask somebody to interpret
15 those -- those terms for us. One particular witness spoke about this and many other witnesses also.

16 JUDGE MUTHOGA:

17 I'm sure Dr. Bizimungu will understand. His French is very good.

18 MS. ST-LAURENT:

19 Should I have him translate this and then we'll recruit him as an interpreter?

20 BY MS. ST-LAURENT:

21 Q. How can we put this in English? Please, can you translate it? How would -- the personnel staff,
22 *sous statut*, at the ministry of health, how were they recruited?

23 A. Thank you very much for the compliment, but, however, I don't think I'm able to -- I don't see the exact
24 term for the word "*sous statut*" in English. It doesn't exist. But I can define it for the Bench.

25 MADAM PRESIDENT:

26 Please go ahead.

27 THE WITNESS:

28 In our administration at that time, *sous statut* meant people who had studied up to at least the level of
29 secondary school, the level of secondary school, from six -- what they call from six year in Tanzania.
30 People who had finished at least six years of secondary school and had a certificate. Going upwards,
31 you take people with the bachelor's degrees, master's degrees, doctorates, all those were recruited by
32 the ministry of public service under what we call -- they will call the *sous statut*, people who had statute.
33 So, under the statute of the ministry of -- of -- of civil service, as opposed -- as opposed to the
34 recruitment of other categories of workers, like, you know, recruiting drivers, recruiting people who had
35 done less studies, who had lower -- lower studies. They were recruited in our system as *sous contrat*.
36 That's the difference between the two terms.

37

1 JUDGE SHORT:

2 Dr. Bizimungu, when you use the word "statute", I'm sure you meant "status". Did you mean "statute"?

3 THE WITNESS:

4 No, My Lord, My Lord, the word "*sous statut*" refers more in this word. It refers more to statutes than to
5 status.

6 JUDGE SHORT:

7 So statute?

8 THE WITNESS:

9 Yes.

10 JUDGE SHORT:

11 Statute of the ministry?

12 THE WITNESS:

13 Not of the ministry.

14 JUDGE SHORT:

15 Of what?

16 THE WITNESS:

17 Let me make myself a little bit clearer. In fact, My Lord, Judge Short, what -- what I think the whole
18 thing means is that applicants who had had access to at least a certificate of six years of
19 secondary school or above had a more stable status, as a matter of fact. They were more stable, they
20 were more protected by the whole legal system, as opposed to contractors who, I think, were more
21 vulnerable in terms of status.

22 JUDGE SHORT:

23 They had a more permanent status.

24 THE WITNESS:

25 Exactly, My Lord. Exactly, My Lord.

26 BY MS. ST-LAURENT:

27 Q. Well, you've sorted the matter out. After those people, how were they recruited?

28 A. The personnel referred to --

29 MADAM PRESIDENT:

30 What do you mean by "they", Madam St-Laurent? Can you specify it, please?

31 MS. ST-LAURENT:

32 My question is: How was this personnel recruited and assigned duties subsequently? What was the
33 process for the recruitment? And the witness began by talking about that, and then I want him to tell us
34 about how they were assigned to their duties.

35 THE WITNESS:

36 The applicants -- the applicants who were degree holders or certificate holders, they directly applied for
37 work at the ministry of civil service. Then the ministry processed, of course, their files. And when you

1 were recruited, in fact, you got -- you got a decision announcing your recruitment. You were given also
2 a number identifying you as a public servant of the state of Rwanda.

3
4 So if you were a pharmacist, a laboratory technician, a medical assistant, a medical doctor, you were
5 automatically -- the decisions were sent to the ministry, and you were -- you had to come to the -- to the
6 office of personnel, which was under the director-general, and just ask, "Where shall I go to work?"
7 You are a doctor, the ministry is -- we are always in need of doctors or pharmacists or the qualified
8 personnel. So, according to our needs, you -- and eventually, according to the desires that the person
9 would eventually express, but it's first of all his qualifications, his competence, he was effected to
10 central hospital of Kigali, to the hospital of Byumba, to the hospital of Ruhengeri, and so on and so
11 forth. But the work was done essentially in the ministry of civil service.

12 JUDGE MUTHOGA:

13 So they reported to the ministry for posting?

14 THE WITNESS:

15 Yeah, they reported to the ministry for posting.

16 BY MS. ST-LAURENT:

17 Q. Dr. Bizimungu, and the secretaries, what category did they belong to? Were they -- were they
18 members of the personnel who had status or who were under contract?

19 A. The secretaries were the category of *sous contrat*.

20 JUDGE MUTHOGA:

21 So nonpermanent and nonpensionable?

22 MADAM PRESIDENT:

23 Go on.

24 BY MS. ST-LAURENT:

25 Q. Dr. Bizimungu, if we were to take the example of witnesses whose synonym I'm going to give you, GAT
26 and GIB, were these people who were *sous statut* or were they *sous contrat*?

27 A. GAT, GAT was *sous contrat*.

28 MADAM PRESIDENT:

29 Say it in English so it should be on the record.

30 THE WITNESS:

31 I'm speaking in English, Madam President.

32 MADAM PRESIDENT:

33 No --

34 JUDGE MUTHOGA:

35 Permanent -- let's call the *sous contrat* permanent, let us call the other one contractual.

36 THE WITNESS:

37 It's the other way around, My Lord.

1 JUDGE MUTHOGA:

2 *Sous statut*, permanent; *sous contrat*, contractual.

3 THE WITNESS:

4 GAT worked on a contractual basis, while GIB was -- had permanent -- a permanent status.

5 BY MS. ST-LAURENT:

6 Q. Dr. Bizimungu, could you give us a list of personnel who were contractual?

7 A. Did you want names or categories of professions?

8 Q. No. Well, I wouldn't call them categories -- or professional categories because you said that contractual
9 people were those who had a lesser level of education, but I'm going to ask you what category of
10 personnel were called contractual or considered to be contractual?

11 A. Among the contractuels, I will mention the drivers, the orderlies, I will mention the typists or secretaries,
12 depending on who is speaking, typists or secretaries, and the watchmen, watchmen in the ministry; we
13 had watchmen. These are categories of employees who were not considered as having permanent
14 status.

15 JUDGE MUTHOGA:

16 And the cleaners.

17 THE WITNESS:

18 And the cleaners, My Lord, yes, and the cleaners.

19 MS. ST-LAURENT:

20 Judge Muthoga, I was going to put that question to him and I wasn't going to dare because I would
21 have been accused of being leading, would I not?

22 BY MS. ST-LAURENT:

23 Q. Now, as far as --

24 JUDGE MUTHOGA:

25 Judges don't lead.

26 MS. ST-LAURENT:

27 No, I wasn't saying that you were leading, Judge Muthoga. That's not at all what I was saying. What
28 I'm saying is that whatever the case may be, those with a good level of -- level within the organisation
29 were those who were permanent.

30 BY MS. ST-LAURENT:

31 Q. Now, how did the recruitment of contractual personnel occur?

32 A. The recruitment of contractual personnel occurred between the services who need them immediately
33 and the division of financial and administrative management. Hospitals, health centres did also address
34 themselves to that particular division for recruitment of contractual personnel.

35 *(Pages 40 to 53 by Sherri Knox)*

36

37

1 1545H

2 BY MS. ST-LAURENT:

3 Q. Dr. Bizimungu, could you tell the Trial Chamber how large the ministry of health was within Rwanda by
4 mentioning, for example, the institutions that it comprised?

5 A. The ministry of health was large in terms of coverage. It covered the whole country, because we had --
6 we had many hospitals in the country, but some of the hospitals were not government run. There were
7 hospitals which were run by missionaries, others belonging to the university, but I think the greatest
8 number of hospitals belonged to the ministry of health. We had plenty of health centres in the country.
9 And I know that, once again, the government owned probably 60 per cent of the health centres, and
10 40 per cent were owned by churches and religious organisations, but we covered the whole country.
11 So we had employees all over the country up to the *commune* level. Because at the level of the
12 *commune*, the unit -- the medical unit you had there was either a health centre or a dispensary. We
13 defined them differently, a dispensary being less complete than a health centre.

14 Q. As minister of health, and especially during that period, Dr. Bizimungu, did you take part in the
15 recruitment of permanent personnel -- no -- contractual personnel: drivers, orderlies, typists, cleaners,
16 watchmen, et cetera? Did you take part in the recruitment of contractual personnel?

17 A. This is a task in which I never participated, and even if I -- I wonder whether, had I even wanted to get
18 into that, I would not even get time to do it. The task had been totally delegated to the director-general
19 in the division of administrative and financial management. I did not intervene into the recruitment of
20 contractual workers.

21 JUDGE SHORT:

22 But you could influence the recruitment of such people, couldn't you?

23 THE WITNESS:

24 My Lord --

25 JUDGE SHORT:

26 You could, for example, recommend somebody or you could use your office to ensure that somebody
27 got recruited.

28 THE WITNESS:

29 I told you, My Lords, yesterday that I made it a principle, as far as I'm concerned, to look for
30 competence as a prime criterion for recruitment, and I -- there is no point for me -- if three people come
31 pretending to be drivers, all they had to do was go directly to the financial management or to the
32 directors of the hospitals and apply and then be called for examinations. But as far as -- I was very
33 strict on this criteria. I refused to intervene on the recruitment of contractual workers.

34 JUDGE SHORT:

35 You are saying that nobody ever requested your assistance or help in getting employed in the ministry
36 of health; no -- no one whatsoever came to you and said, "Can you help me get a job in your ministry,"
37 and then you referred the person to the appropriate officials?

1 THE WITNESS:

2 No, My Lord, as a minister, you cannot fail to get requests of those kinds.

3 JUDGE SHORT:

4 You got plenty of them, right?

5 THE WITNESS:

6 When I got the requests, I referred them very objectively to the services concerned.

7 JUDGE SHORT:

8 Objectively, what do you mean by that?

9 THE WITNESS:

10 Objectively, meaning you come to me, you say, "Mr. Minister, I have a person who would like to be a
11 driver, let's say, in the hospital of Jumba, as an example," my response was quite -- was very uniform:
12 "You go to see the director of the hospital of Jumba, make the applications and it will go through --
13 through the normal process."

14 JUDGE SHORT:

15 So how many cases of such nature do you remember you had? How many people came to you and
16 sought your assistance for employment in the ministry of health?

17 THE WITNESS:

18 Well, I do remember maybe about ten or so. But after, you know, people discuss among themselves,
19 when they know that you have a way of proceeding, they communicate with others. They don't keep
20 coming to see you.

21 JUDGE SHORT:

22 Okay.

23 JUDGE MUTHOGA:

24 You were not dependent on their votes.

25 THE WITNESS:

26 I was not, My Lord. I was not, My Lord.

27 JUDGE MUTHOGA:

28 Whereas, other politicians take that very seriously.

29 MADAM PRESIDENT:

30 Are you telling us that you have not -- you had not helped a single soul to get into the service on your
31 recommendation?

32 THE WITNESS:

33 No, My Lord. What I am saying is I adopted a behaviour towards that problem, and I kept that
34 behaviour, which was to refer them. You come and say, "I want somebody to go to Byumba" --
35 because I cannot deny having been approached; as a minister you cannot say that you have not been
36 approached -- but my approach to the problem was to refer them. Because I said, in the end, if you end
37 up recruiting a wrong driver or a person who cheated to get his driving license, I don't want that. They

1 have to go through the normal process, pass an exam; if they are okay, if they are competent, if they
2 succeed, then they can be recruited.

3 JUDGE MUTHOGA:

4 What you are being asked is, very, very frequently, people who get that kind of thing and who you don't
5 want to interfere would normally give a little note, "Mr. Director, I'm here with so-and-so" or "this
6 constituent of mine is looking for a job as a driver; do what you can." And that would suggest to the
7 person that you have sent it to that the minister would be pleased if they would oblige. We are asking
8 you, nothing like that ever happened? You just told them go back, you know, because half of them
9 would normally know where they should have gone; even when they are coming to the minister, they
10 know who recruits drivers, but they expect the minister through his word --

11 THE WITNESS:

12 No, My Lord. I told you that I refrained from such a practice. I got solicitations, I guess, as each
13 minister gets them, for one or the other kind of service or favour, but I adopted that behaviour. I'm sure
14 I made some people angry, but I did it that way.

15 BY MS. ST-LAURENT:

16 Q. Dr. Bizimungu, we are going to make a -- we are going to distinguish between two categories of
17 employees. Now, as far as the contractual personnel is concerned, that is to say, the lower level, if you
18 like, did you ever intervene in order to give one of these people a position as a contractual employee?

19 A. I think I have answered the question, but -- unless it has been stated otherwise and I do not follow it.

20 Q. It's that we have not made the distinction between contractual personnel and permanent personnel. I
21 am asking you specifically about contractual personnel. Have you ever intervened with regard to
22 contractual personnel?

23 MR. NG'ARUA:

24 My Lords, this has been asked and answered.

25 THE WITNESS:

26 Can I answer the question?

27 MADAM PRESIDENT:

28 It has been answered.

29 JUDGE MUTHOGA:

30 You have answered it several times.

31 JUDGE SHORT:

32 Madam St-Laurent, your client says that he upheld the highest moral and ethical standards, so he never
33 allowed himself to be influenced by anybody. That's what he said.

34 JUDGE MUTHOGA:

35 And, further, that not only applies to contractual staff, because the other staff was recruited by the
36 public service ministry -- civil service ministry and sent over to the department, probably never even to
37 see the minister.

1 MS. ST-LAURENT:

2 One moment. But you are forgetting another point, Judge Muthoga. There are categories of personnel.

3 BY MS. ST-LAURENT:

4 Q. When you talked about Dr. Vincent Biruta and you talked about other members of personnel, such as
5 Dr. Barbara, within the contractual members of personnel, did you require the intervention of the
6 minister, or did at any moment in time you -- did you ever intervene as to the granting of a position to
7 any member of contractual personnel?

8 A. My answer is that, regarding the contractual personnel, I personally refrained myself from intervening in
9 any way regarding the contractual personnel. However, regarding the permanent personnel who are
10 called (*French spoken*), because we were often obliged to place people in positions of responsibility,
11 then the minister was -- had to intervene, for example, to appoint somebody in charge of a very specific
12 department, of a specific health centre. I spoke about how I transferred Barbara to the Cyakabiri health
13 centre, but I had to make a choice between Barbara and other staff to see who would be the person
14 managing the centre. The minister had to intervene when he requested to have a person in charge of a
15 pharmacy in particular or in particular places. That I did so as far as the permanent personnel are
16 concerned; they are a different category from the contractual personnel.

17 JUDGE MUTHOGA:

18 In the permanent category, you would be employing or you would be posting?

19 THE WITNESS:

20 There is the general principle of posting. There is a general principle of posting, but there is also a
21 different principle of, let's say, knowing who would be in charge in a particular place. If, let's say, you
22 have three -- two or three positions in the Cyakabiri health centre, somebody had to make a decision as
23 to who will be the man running the centre. If, let's say, we create -- we have a research centre on
24 herbal medicines and the minister intervenes to appoint a managing director, there the minister
25 intervenes and appoints the managing director. But for people joining particular posts without particular
26 responsibilities, once again, the intervention of the ministry was not requested.

27 MADAM PRESIDENT:

28 It's almost four. We'll take a short break for 15 minutes.

29 MS. ST-LAURENT:

30 Very well, Madam President.

31 (*Court recessed from 1600H to 1622H*)

32 MS. ST-LAURENT:

33 Madam President, before we continue, for me not to forget, I wanted to tender this with others, but I will
34 go and do it right now. But this is under tab 10, the memorandum of understanding between the
35 various political parties. Let me tender it now before I forget. It's number 10, tab 10, in both English
36 and French versions, please.

37

1 MADAM PRESIDENT:

2 Again, which binder?

3 MS. ST-LAURENT:

4 In the new binder, it will be number 10 there.

5 MADAM PRESIDENT:

6 In the new binder.

7 MS. ST-LAURENT:

8 And for yourselves, it would be under A, number two.

9 MADAM PRESIDENT:

10 Okay.

11 MS. ST-LAURENT:

12 The memorandum of understanding between the political parties.

13 MADAM PRESIDENT:

14 Okay, yes, so this is the memorandum of understanding, number two. This memorandum of
15 English text -- memorandum of understanding between the political parties invited to participate in the
16 transitional government is Exhibit 1D --

17 MR. TUMATI:

18 1D. 193.

19 MADAM PRESIDENT:

20 193.

21 MS. ST-LAURENT:

22 We will have "E" for the English and "F," in forks, for the French.

23 MADAM PRESIDENT:

24 "E" for the English and "F" for French. Okay. Thank you.

25 *(Exhibit No. 1D. 193E and 1D. 193F admitted)*

26 JUDGE MUTHOGA:

27 What about the additional protocol? Do you want to tender it?

28 MS. ST-LAURENT:

29 Not right away, Judge Muthoga. Because as you can see, it was an additional protocol which applied in
30 April 1994. Is that okay? Very well. Judge Muthoga is nodding his head. Normally that means yes.

31 BY MS. ST-LAURENT:

32 Q. Let's continue, Dr. Bizimungu. As minister, did you have to see to the management of vehicles?

33 A. As a minister of health, I did not manage the vehicles of the ministry. They were under the
34 management of the chief of division for administrative and financial affairs, who was under the direct
35 authority of the director-general.

36 Q. And as minister did you have to manage the drivers?

37 A. Also the drivers, as well as the vehicles, were managed by the financial and the administrative chief of

1 division, under the authority of the director-general.

2

3 I would like to add that for specific project vehicles, because you had vehicles donated by, let's say, the
4 World Health Organisation, or by the USID for specific projects -- I can think of the tuberculosis project;
5 I can think of the -- I have in mind the malaria -- anti-malaria programme and many other
6 programmes -- those were managed directly by the project directors, but they all always made sure that
7 the director-general knew how the vehicles and the drivers did their work. As for the case of more
8 decentralised institutions, such as hospitals, health centres, the managing directors of hospitals, the
9 directors of health centres were also in charge of managing the vehicles and the drivers under their
10 authority.

11 Q. Who was responsible for the management of petrol or fuel vouchers at the ministry?

12 A. Fuel vouchers were in the office of the financial and administrative chief of division, and to my
13 knowledge also directors of special projects had petrol vouchers at their own disposal for the vehicles
14 which had been donated through bilateral cooperation or multi-lateral cooperation.

15 Q. You spoke of health centres, hospitals, and all these different institutions. The management of those
16 institutions, was it decentralised?

17 A. The management of hospitals, the management of special programmes, the management of special
18 institutions, such as OPHAR -- OPHAR is spelt O-P-H-A-R -- that was -- it means the office for
19 pharmaceutical supplies. That office was in charge of managing medical supplies, medical equipments
20 and distributing them throughout the country. So all those institutions were decentralised and were
21 directly managed by their own managing directors.

22 Q. Now, Dr. Bizimungu, could you please tell the Court when the Bugesera events occurred -- the
23 Bugesera events occurred?

24 A. The Bugesera events occurred on the 3rd and the 4th of March 1992.

25 Q. Apart from those that occurred at the beginning of March of the year 1992, could you tell the
26 Trial Chamber whether there were any other events that occurred in Bugesera? When I say "offence," I
27 mean massacres. Were there any other massacres that occurred in Bugesera, apart from those that
28 occurred in March 1992?

29 A. Massacres that occurred in Bugesera to my knowledge and have been reported and have been
30 investigated by different organisations and some experts and all the available publications indicates that
31 massacres in Bugesera occurred on the 3rd, the 4th of March 1992, and no other occurred there
32 before, between that date and the 6th of April 1994.

33 Q. In March 1992, were you at the head of any ministry? And if so, please tell us which ministry.

34 A. In March 1992, I was minister for foreign affairs and international cooperation. I went back to the
35 ministry of health on the 16th of April 1992.

36 Q. Could you tell the Trial Chamber, if you know, the *communes* that comprised the *sous-préfecture* of
37 Kirambo in 1992?

1 A. The *sous-préfecture* of Kirambo was made up -- was composed of the *communes* of Nyamugali,
2 N-Y-A-M-U-G-A-L-I, of the *commune* of Cyeru -- Cyeru is C-Y-E-R-U -- of the *commune* of Butaro --
3 Butaro is spelled B-U-T-A-R-O -- and of the *commune* of Kidaho. Kidaho is K-I-D-A-H-O.

4 Q. Dr. Bizimungu, in order for the Bench to understand, when we are talking about the massacres in
5 Bugesera in March 1992, could you tell us exactly where these massacres occurred?

6 A. Would you be more precise in your question?

7 Q. Is Kirambo part of Bugesera?

8 A. Kirambo is different from Bugesera. Kirambo -- or, Bugesera is located in the *préfecture* of rural-Kigali,
9 while Kirambo was -- or, is located in the *préfecture* of Ruhengeri.

10 Q. Dr. Bizimungu, could you please consult the administrative and roads map?

11 THE ENGLISH INTERPRETER:

12 Madam President, could the interpreters please have the reference for this map?

13 MADAM PRESIDENT:

14 Which map are you referring to, Madam St-Laurent?

15 MS. ST-LAURENT:

16 This is the map, Madam President. I shall tell you precisely which one I'm referring to. You will find it --
17 it is in binder K, tab 180. That is Exhibit 1D. 24 and 34A, and it is an exhibit that the witness began to
18 complete with details. This is the map that we are referring to, Madam President. Could we please
19 hand over to the witness the map that he started to append details to when he gave us the location of
20 his site of birth, for example, place of birth? I know that you also have a blown-up version. Are you
21 following me?

22

23 Have you found yours, Judge Muthoga?

24 JUDGE MUTHOGA:

25 I haven't found mine, but I am following you.

26 MS. ST-LAURENT:

27 Very well. Is that all right?

28 MADAM PRESIDENT:

29 Now, where is the map for the witness? You have it? Okay. Okay.

30 MS. ST-LAURENT:

31 The witness has the map, Madam President.

32 BY MS. ST-LAURENT:

33 Q. Dr. Bizimungu, what does the term "DMZ" refer to?

34 A. DMZ refers to demilitarised military zone.

35 Q. Could you tell us from what date the DMZ existed?

36 A. The DMZ came into being after the RPF offensive of 8th February 1993. We shall remember that there
37 was an attack in the *préfectures* -- in the *préfectures* of Ruhengeri and Byumba and, as a matter of fact,

1 RPF soldiers gained so much ground that they went so far as Rulindo, which is not far from the city of
2 Kigali. So what happened is that there was an international -- an international intervention, diplomatic
3 intervention which requested that a demilitarised zone be created. So the new zones which had been --
4 were conquered by the RPF in 1993 were converted into what was termed demilitarised zone, meaning
5 that it was to be administered by a neutral party, without the presence of either the RPF or the
6 Rwandese army, and we had such a zone in the *préfectures* of Ruhengeri and the *préfecture* of
7 Byumba.

8 Q. Dr. Bizimungu, you have a map before you. Could you circle the area that comprised the DMZ and
9 please write the letters "DMZ" in that area.

10 A. May I have a yellow pen or a red pen to have different colours?

11 MADAM PRESIDENT:

12 Do you have --

13 MS. ST-LAURENT:

14 We shall use this one -- or, would you prefer this one? Please take both these pens to Dr. Bizimungu.
15 We've already had green, the colour of hope, so we will let him do what he likes today.

16

17 Madam President, you will have a very colourful map for your discussions.

18 THE WITNESS:

19 My Lords, I have indicated the DMZ on the side of Ruhengeri. I don't remember the *communes*
20 comprising the DMZ on the side of Byumba. I've just shown those of Ruhengeri.

21 MADAM PRESIDENT:

22 Can we have a look?

23 MS. ST-LAURENT:

24 John, please show it to the Prosecutor and then to myself. Thank you. Very well. We can see it in
25 orange as well. Thank you.

26 MADAM PRESIDENT:

27 You want the witness to have the map back, Madam St-Laurent?

28 MS. ST-LAURENT:

29 Yes, Madam President.

30 BY MS. ST-LAURENT:

31 Q. Dr. Bizimungu, did you ever hear that ministry of health vehicles went into the DMZ on the 17th and
32 18th of November 1993?

33 A. I never heard -- I never heard that vehicles of the ministry of health -- that is, while I was still in Rwanda,
34 I never heard that vehicles of the ministry went -- of the minister of health went to the DMZ. And I
35 believe it was impossible because there were strict rules that would not permit their entrance into the
36 DMZ. For an official vehicle coming from the side of the government to enter the DMZ, first of all, the
37 sending party -- it means the ministry sending the vehicle -- had to get in touch with the UNAMIR, that's

1 number one, and then number two, UNAMIR had to get authorisation from the RPF, and if the vehicle
2 was to enter into the DMZ, it had to be -- it had to enter there with an escort from UNAMIR. Those were
3 the conditions. I never heard that vehicles from the ministry of health made an intrusion into that zone.
4 I heard it here in the Court but never before.

5 Q. Dr. Bizimungu, did you ever hear that one or two vehicles from the ministry of health came into an
6 accident in the *sous-préfecture* -- or, were involved in an accident in the *sous-préfecture* of Kirambo?

7 A. I never heard that. I heard that in the Court here. I never heard that before.

8 Q. In order to enlighten the Bench, could you please indicate on the map where Kirambo is located?

9 A. Yes, I would like to -- I would like to make a clarification. Kirambo is the name for a sub-*préfecture*,
10 made up of many *communes*. So I don't know whether you want to know or to have a demarcation of
11 all of the *communes* that were parted of Kirambo.

12 Q. No, not at all. Please indicate on the map the sub-*préfecture* of Kirambo. You might circle it and then
13 write "Kirambo" inside that circle in order to make it clear for the Bench.

14 A. You want to know the headquarters of the sub-*préfecture*?

15 Q. I would like to know where Kirambo's sub-*préfecture* is located. Have you understood?

16 A. No. No. I'm not getting you because -- let me recapitulate. When you say sub-*préfecture* of Kirambo,
17 we are talking of a number of *communes*. That is, the *commune* of Nyamugali, the *commune* of Cyeru,
18 the *commune* of Kidaho, and the *commune* of Butaro. Those compose the sub-*préfecture* of Kirambo.

19
20 Now, if you want to know where the office of the sub-*préfecture* was located, then I can draw it on the
21 map.

22 Q. No. I am happy that you've told the Court where Kirambo is located in the sense that it comprises the
23 *communes* of Nyamugali and the others that you gave. Now, you gave us the *communes*, the names
24 of the *communes*. Could you please circle that area on the map? For example, you gave us the name
25 of Nyamugali and other locations. Could you please circle that area on the map, the *communes* that
26 are comprised within that area, i.e., the *sous-préfecture* of Kirambo?

27 A. Yes, I'm done.

28 Q. Could you please show us? Did you highlight it in yellow?

29 A. Yes. Yes.

30 Q. So we've got orange, blue, green, yellow on this map now.

31 MS. ST-LAURENT:

32 Would you like any coloured pens, Madam President?

33 MADAM PRESIDENT:

34 I have this one.

35 MS. ST-LAURENT:

36 John, please show this to the Prosecution before showing it to me.

37

1 Judge Short, do you require a blown-up version of the map? I haven't given you one. Do you need a
2 larger-scale version?

3 JUDGE SHORT:

4 I'm quite satisfied with the one I have. Thank you anyway.

5 BY MS. ST-LAURENT:

6 Q. Dr. Bizimungu, at an earlier stage, you said that, to your knowledge, no ministry of health vehicle went
7 into the DMZ on the 17th and 18th of November 1993.

8 JUDGE MUTHOGA:

9 Madam St-Laurent, that is not what he said. He said he never got to hear that any vehicle had gone to
10 the demilitarised zone.

11 MS. ST-LAURENT:

12 You are right. You are right, Judge Muthoga.

13 *(Pages 54 to 63 by Leslie Todd)*

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1 1700H

2 BY MS. ST-LAURENT:

3 Q. Dr. Bizimungu, you told the Court that you never heard that vehicles from the ministry of health went
4 into the DMZ on the 17th and 18th of November 1993. Could you tell the Trial Chamber precisely at
5 that date, did anything unusual or specific happen in Kirambo *préfecture*, that is, on the 17th and
6 18th of November 1993?

7 A. In the night of the 17th to the 18th of November 1993, some elected officials living in the -- in that area
8 in the *communes* of Nyamugali, Cyeru, Kidaho, namely, were killed during the night. And later, of
9 course, we were not able -- it was not possible to establish who had done the killing. There were just
10 suspicions, but many, many years after the events it has been established that the killings were
11 perpetrated by the RPF in the night of the 17th to the 18th of November 1993.

12 Q. Dr. Bizimungu, could you please consult exhibit or document 14 in the binder?

13 MS. ST-LAURENT:

14 And, Madam President, Your Honours, this is in the new document binder that we handed over to you.
15 Do you follow me?

16 BY MS. ST-LAURENT:

17 Q. Dr. Bizimungu, in view of the fact that we do not have an English version of this, could you read on
18 page 208, beginning by, for example (*French spoken*) --

19 JUDGE MUTHOGA:

20 Madam St-Laurent, where in this binder is the document to be found?

21 MS. ST-LAURENT:

22 It is document 14, under tab 14, Judge Muthoga.

23 JUDGE MUTHOGA:

24 Fourteen or 41? 14 is this one.

25 MS. ST-LAURENT:

26 Fourteen.

27 MADAM PRESIDENT:

28 Madam St-Laurent.

29 MS. ST-LAURENT:

30 Yes.

31 MADAM PRESIDENT:

32 Do you want this map --

33 MS. ST-LAURENT:

34 Excuse me.

35 MADAM PRESIDENT:

36 This map to be entered as an exhibit?

37

1 MS. ST-LAURENT:

2 Not straightaway, Madam President, not immediately. We might add a little more colour to it at a later
3 stage.

4 BY MS. ST-LAURENT:

5 Q. Dr. Bizimungu, page 208 from the words "By example (*French spoken*). In English, "For example, in
6 the night of the 17th to the 18th of November 1993."

7 A. "For example, in the night of the 17th to the 18th of November 1993, the Rwandan Patriotic army led
8 incursions into the *communes* of the demilitarised area in bracket, (the buffer zone) of Ruhengeri. That
9 is to say, the *communes* of Cyeru, Nyamugali and Kidaho, with a view to killing people who had in
10 advance been identified as being people who did not support the RPF.

11
12 "In the vicinity of Nyamugali and Cyeru these operations were carried out by elite members of the
13 59th battalion, 59th battalion under the command of Charles Ngoga. Teams have been put together
14 and were led by SO Eric Murukore, JO1 Jacob Tumunywe, JO1 Mubaraka Mugisha, JO2 Rwamupfizi
15 and Sergeant Jean Gahigana were also amongst those people. All the other people were employees of
16 the intelligence agency and other people who had been selected without knowing what mission they
17 were going to accomplish.

18
19 "In Kidaho the operation was supervised by JO1 Moses Rubimbura. These incursions took place at
20 virtually the same moment in time, and approximately 40 individuals were killed. These incursions on
21 the part of the Rwandan patriotic army also had the objective of -- of having an effect on people; in the
22 sense that it would -- what -- it would incite people to violence. That is the message behind it: To
23 create disorder in order to show the lack of power on the part of the state and to give the RPF
24 arguments in order to take power by force. That was the trap."

25 Q. Please stop here, Dr. Bizimungu. Can you please tell us who is making this announcement?

26 A. This was written by Lieutenant Abdul Joshua Ruzibiza, who at that time was an active member -- I am
27 sorry, I have to go back.

28
29 This was written by Lieutenant Abdul Joshua Ruzibiza, who was at that time a member of the
30 Rwandese patriotic army. He wrote this story in his book, a book which was written while he lived in
31 exile in Europe.

32 Q. Now, you have told us about the events that took place in the night of the 17th to
33 18th of November 1993 in that particular area. Was there any special investigation carried out following
34 those attacks?

35 A. The UNAMIR conducted its own investigations by sending a team composed of UNAMIR specialists,
36 members of the Rwanda -- members of the team who were given by the Rwanda government,
37 members of the team who came from the RPF. So it was made up of people from the UNAMIR, the

1 Rwanda government and the RPF. They conducted an investigation in the areas where the massacres
2 had occurred.

3 Q. Now, Dr. Bizimungu, please take tab 15.

4 MS. ST-LAURENT:

5 Madam President, for you, this morning, since you have tab 15 under C at tab 31, and since you have
6 only part of the report, in other words, the summary at the beginning, we have added copies of the
7 report which we gave this noon (*sic*). The extra copies were given to John, I believe, at noon. Have
8 they been placed in the binders?

9

10 Yes, it is under C, binder C, tab 31.

11 MADAM PRESIDENT:

12 Yes, go on.

13 MS. ST-LAURENT:

14 Are you there?

15 BY MS. ST-LAURENT:

16 Q. Dr. Bizimungu, according to Ruzibiza, who was in the RPF armed forces and according to the UNAMIR
17 investigations, the killings of the 17th to the 18th November 1993 in this *sous-préfecture* of Kirambo and
18 the responsibility of the MRND, the *Interahamwe* --

19 THE ENGLISH INTERPRETER:

20 I am sorry, Madam President, I didn't understand that question. Towards the end it just didn't make
21 sense to me. I am very sorry.

22 JUDGE SHORT:

23 Was that a question?

24 MS. ST-LAURENT:

25 Should I repeat it?

26 MADAM PRESIDENT:

27 Are you leading the witness or what? Was it a question?

28 MS. ST-LAURENT:

29 Yes, I was putting a question to the witness. I was saying that according to document 14 and
30 document 15 -- unless you want me to have him read the document, I am asking whether the killings
31 which took place in that Kirambo *sous-préfecture* were blamed on the MRND, the *Interahamwe* of the
32 MRND or the RPF, according to those documents.

33 MADAM PRESIDENT:

34 Has he read the document?

35 MS. ST-LAURENT:

36 He has read Ruzibiza's document. He has just done a reading of that. And the other document, the
37 investigation report, if you want us to have it read, Madam President, the first part will be translated into

1 French. There is no French version.

2 BY MS. ST-LAURENT:

3 Q. Dr. Bizimungu, have you read these documents -- this document, this particular document, the
4 preliminary investigation report of UNAMIR on the events of the 17th to 18th November 1993? Have
5 you read this document?

6 A. Yes, I have read the document.

7 Q. Can you please tell the Court -- and I am going to ask you because it is very important, please begin
8 with K0091068 so that it can be interpreted into French.

9 A. "Confidential, preliminary investigation report surrounding the massacre of some villagers in the
10 Ruhengeri *préfecture* on the night of 17th to 18th November 1993."

11 Q. I am going to stop you there, Dr. Bizimungu, for a minute. Please skip that paragraph and move to the
12 summary of investigation, which is at the next paragraph.

13 A. "Summary of investigations conducted on 18th to 19th November 1993. One: A special preliminary
14 team of investigation designed by the force commander left Kigali by helicopter the 18th at 11:15 a.m.
15 and arrived at Ruhengeri at 11:45. The team was composed of the following: A, Colonel I. D. Tikoca,
16 CMO; B, Colonel Ephrem Rwabalinda, CLO, RGF; C, CNE Cherif Mbodji, ADC.

17
18 "Two: After arrival, the team went directly to meet the *préfet* of Ruhengeri who handed them a copy of
19 the message number 710 sent to the minister of interior relating the killings in the *communes* of
20 Nyamugali, Cyeru, Kidaho and Nkumba."

21 Q. Dr. Bizimungu, can you please go a bit more slowly, if you can?

22 A. "After that, the CMO decided to visit Ruhengeri hospital to meet the wounded persons. The first one
23 was the mother of the *bourgmestre* of Nyamugali. She was wounded with weapons between (foot,
24 chest and arms). Her name is Nyiramakwengeri.

25
26 "The second wounded was named Rebura from Kidaho *commune*. He was aggressed (*sic*) by a big
27 stick. According to him, 12 armed men came to him during the night of the 17th to 18th November to
28 aggress (*sic*) his son and his family. They took away 11,000 Rwandan francs from him and 40,000
29 from his son. They killed his wife, his son and his daughter-in-law. After, the team went to see a child
30 who is brought by his uncle alive at the hospital, but sometime later he died from his pain. He was
31 between seven and eight years old.

32
33 "Three: At 13:05 the team went to Nkumba with a vehicle borrowed from the RGF commander of
34 Ruhengeri. Another vehicle was given by the sector commander to team C. On the way to Nkumba we
35 met the *bourgmestre* from Nkumba who declared that seven persons were killed in the *secteur* of
36 Kinoni. He certified that the killers were in arms and uniforms.

37

1 "Elsewhere in the *secteur* of Muzanzu the mother of the three children of the municipal *conseiller* was
2 killed. He noticed that the RPF is seen most of the time in the following *secteurs*: Rutamba, Maya,
3 Mloiko, Ruhondo, Kabayo, Gahenga, Gorutete.

4
5 "The *bourgmestre* of Nkumba also declared that 30 persons were killed at Rugarama. After the team
6 went to Nkumba UN headquarters where he met Captain Badizone" -- I don't see the letter very well,
7 some letters are missing -- "where he met Captain Badizone from team A, who declared that his team
8 left Ruhengeri in the morning for normal patrol activities in their *secteur*. When they got to Kagano they
9 had been informed by the local population that during the night of 17th to 18th of November gunshots
10 had been heard in the vicinity of Muzanzu.

11
12 "Based on the information collected, two persons have been killed. The events happened during the
13 night between 11:00 and 1 p.m. Non-identified persons came during the night to the house of the
14 councillor in the village where they killed his wife. He was not at home. A grenade had been thrown.

15
16 "After that, team A went to Kinoni where they saw that the political *conseiller*, his wife and gardener had
17 been killed.

18
19 "Point Four: According to the population, it seems that the RPF is behind the killings, that there were
20 some RPF candidates who were not elected, and with their complicity, the killings were executed. The
21 population of Kinoni could not say if they were in uniforms or not. Confirmation was given that RPF
22 deserted their houses.

23
24 "After Nkumba, the team went to Gafumba to visit the three persons killed in the same house with knife
25 and bayonets.

26
27 "Then to Rugarama at 15:10 in the *cellule* of Kanyangezi where 12 persons had been killed, among
28 them a baby. The list is as follows: 1, Kanyambura, Charles (father). 2, Nyirakimonyo, Venety
29 (first wife). 3: Mukankuzu, Speciose (second wife). 4, Nyakage, Bernadette (third wife).
30 5, Uwimana, Emmanuelle. 6, Nyabasita, Emaculé. 7, Hakizimana, Tiogene. 8, Umamahoro,
31 Beatrice. 9, Nyiramajoro, Esperance. 10, Mukundufite. 11, Wasine. 12, a little baby.

32
33 "Killers utilised guns, knives and bayonets. An MRND flag was covering one baby, and the father was
34 a big businessman and president of MRND. 250,000 Rwanda francs cash and 250,000 cheques were
35 stolen.

36
37 "Five: According to the population, RPF held meetings once in a while. Nobody is missing in the

1 village. One child of 15 years old was met in the village. He declared that around 11:00 in the night a
2 guide from the neighbouring village came to their house and knocked out the door. He said he was
3 with visitors from Ruhengeri. When the gardener saw the people with boots, he alerted by crying that --
4 he alerted by crying that RPF members were out the door. When the family was trying to escape, they
5 realised that they were surrounded.

6
7 "Based on the child, the killers were speaking in Kinyarwanda and Swahili. When they got to the house
8 they used a knife to kill. After that, they started shooting in the air.

9
10 "The child of 15 years and his brother of 13 years were not killed. Colonel Tikoca asked if the killers
11 were saying something. The boy told me, 'no, they were quick during their actions.' I don't know what
12 it means.

13
14 "At 16:15, the team went to Gitare, where running candidate of *bourgmestre* was killed,
15 Mr. Kanyamihigo. The body was not found. According to his wife, a group of three came during the
16 night to take her husband away to be killed near Muhabura volcano. She said that the RPF elements
17 used to come to the village. First they received a visit of 10 persons. After, three RPF guys came over
18 again. Two days before the murder when they came, they told her husband, 'Join RPF and stop
19 supporting MRND.' That also he should come to their territory and visit them.
20 Colonel Tikoca asked if she could identify the aggressors. She said, 'No, it was dark.'

21
22 "The gardener of the house declared first that he did not recognise anybody, after he said that he
23 recognised one of them who was an RPF soldier whose name is Minani. According to him, he wore
24 boots and he used to come to the village. The population of those villages are very anxious.

25
26 "Six: Information provided by locals say that RPF distributed papers saying that they will attack the
27 population of Burera during the night of 18th to 19th November. Rwandese TV was on the spot and
28 was visiting the village; also humanitarian organisations were present, Red Cross,
29 *Médécins sans frontières*.

30
31 "After that, the CMO tasked team A, B and C to visit killings sites in Kinihira, Kidomo, Kanaba, Cyeru,
32 Nyamugali. According to the report given by the teams, the following have been killed. Details of all
33 these murders are attached as annex B1 to B --"

34 Q. Dr. Bizimungu, in view of the fact that the report is far more bulky than this, when we only have it in
35 French, we have included the results of the investigation, the preliminary investigation. And the first
36 question that I am going to put to you, this preliminary report that was done by the UNAMIR, was there
37 a follow-up or was there a final version of this report?

1 A. I haven't seen any report after this preliminary investigation report. I haven't seen any other report
2 following this preliminary one.

3 MS. ST-LAURENT:

4 Madam President -- okay.

5 MADAM PRESIDENT:

6 Okay. We stop here for the day.

7
8 And, Dr. Bizimungu, please do not discuss the evidence of the proceedings of the Court with anyone
9 outside the Court.

10

11 We resume tomorrow morning at 9:00.

12 *(Court adjourned at 1735H)*

13 *(Pages 64 to 70 by Sithembiso Moyo)*

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CERTIFICATE

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

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

_____ Sherri Knox

_____ Leslie Todd

_____ Sithembiso Moyo