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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

2

3 CASE NO.: ICTR-96-3-T

THE PROSECUTOR
OF THE TRIBUNAL

4

5

AGAINST

6

GEORGE RUTAGANDA

7

8

25 MAY 1998
0930

9

10 Before: Mr. Justice Laity Kama, President
11 Mr. Justice Lennart Aspegren
Madam Justice Navanethem Pillay

12 Courtroom Assistant:
Mr. Edward E. Matemanga

13

14 Registrar: Mr. Dr. Mindua

15 For the Prosecution:
16 Mr. James Stewart
17 Mr. Udo Gehring
Ms. Holo Makwaia

18 For the Defendant Rutaganda:
19 Mr. Tiphaine Dickson

20 Court Reporter:
21 Haruna Farage

22

23

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

2 Rutaganda Trial, Status Conference

3 25 May 1998

4 0900

5 MR. PRESIDENT:

6 The tribunal would like to start by
7 greeting all the parties defence and the
8 prosecution. We would say good morning
9 to everyone and we hope that we would
10 have a positive resumption of this trial
11 and we also wholeheartedly hope that, the
12 accused is feeling better and we have
13 much compassion for your health problems
14 and anytime that you do not feel well, do
15 not hesitate to say so. We wanted to
16 hold this status conference so that we
17 could take stock of the reality in this
18 trial. We began in March of 1997, it is
19 now May 1998, that is practical fourteen
20 months later. So, I think we need to take
21 stock of the situation to see what we
22 have done thus far and what we will do.

23

24 I have to remind the parties the terms of
25 Article 19 of the Statute, which one has

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1 often brandish here in the court to talk
2 about fair trials, but it also have
3 another objective that being a speedy
4 trial. To present, the tribunal has
5 given a lot of favour to the rights of
6 the accused as well as to the victims.
7 Our tribunal has been been accused
8 sometimes of working too slowly, many are
9 attempting to discredit this tribunal and
10 they are often using recent obscure and
11 not objective to do so. However, we
12 still want to bear in mind the
13 presumption of innocence of the accused,
14 we want to bear in mind these series of
15 accusation against the accused, we want
16 to have a fair trial and ensure that his
17 rights are ensured.

18
19 However, I feel, it is also time to think
20 about the rights of the victims and the
21 survivors and to make sure that there is
22 a balance strike between fairness and
23 speediness so that justice may be
24 rendered in a most diligent manner. That
25 is why we have decided and I think the

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1 parties would not disagree, that we can
2 draw up a work plan, so that we can work
3 more efficiently, more rapidly, well
4 still scrupulous information with respect
5 to the rights of the defence as we always
6 have. Having said that, I would like to
7 know, I would like to ask the prosecutor
8 to tell us how many witnesses you intend
9 to produce for the prosecution? And how
10 much time you will need in order to do
11 so? So, I will give you the floor.

12 MR. STEWART:

13 Thank you, Mr. President. Mr. President
14 we will have maximum five witnesses to
15 call and we will begin with a witness
16 this morning. We are still waiting for
17 confirmation from Kigali concerning the
18 availability of other witnesses. Other
19 witness that we wanted call, we no longer
20 be able to call because this witness
21 refuses to come. This person was here
22 after Easter but we did not realised the
23 unfortunate health of the accused and we
24 were not able to convince the witness to
25 come back. So, this witness refuses to

1 come now to give his testimony, in
2 anyway, we are counting on maximum five
3 witnesses.

4
5 Concerning the time we would need, we
6 hope and once again it depends on the
7 health of the accused, we hope that we
8 would be able to finish as quickly as
9 possible after the plenary sessions,
10 after the Judges plenary. That is to say
11 in the month of June after the plenary we
12 should be able to finish and close our
13 case.

14 MR. PRESIDENT:

15 But in the immediate, for this week, how
16 many witnesses do you have?

17 MR. STEWART:

18 We have one witness for the time being
19 and we are still expecting news from
20 Kigali to see whether we would able to
21 locate other witnesses. We have began to
22 make arrangements and as soon as we have
23 the news concerning the state of health
24 or the possibility of having Mr.
25 Rutaganda to be able to sit in trial this

1 week, we have been closely encountering
2 difficulties as it always the case and we
3 are expecting news today hopefully,
4 concerning the availability of other
5 witnesses. We hope to have at least
6 three witnesses this week but that of
7 course will depend once again on the
8 procedure to be followed because I
9 realised that we have to pay attention,
10 we have to perhaps make other
11 arrangements so that the accused does not
12 become too tired and can no longer sit in
13 trial. I believe we have suggestions to
14 propose concerning the timetable for this
15 week but for the time being, we have one
16 witness and we hope to be able to produce
17 another witness possibly too.

18 MR. PRESIDENT:

19 So, if I understand you there is another
20 for this week?

21 MR. STEWART:

22 Yes, Mr. President.

23 MR. PRESIDENT:

24 Very well. We understood that you have
25 five witnesses and that you think you

1 would be able to bring them in two
2 weeks?

3 MR. STEWART:

4 Yes. We hope to finish one week. Of
5 course that depends on the chamber, if
6 the chamber begin to sit immediately
7 after the plenary session, we would hope
8 to have our witness on the 11th and 12th
9 of June. If not, then we hope to
10 conclude in the week of the 15th. If we
11 go over that week, then hopefully, it
12 wouldn't be much that week.

13 MR. PRESIDENT:

14 As for the chamber's schedule, the
15 chamber will make a decision when the
16 time comes. But we wanted to have an idea
17 how much time you will need for your five
18 witnesses?

19 MR. STEWART:

20 Maximum two witnesses but I think even
21 less than that. Two weeks rather.

22 MR. PRESIDENT:

23 I now like to ask the defence, if the
24 prosecutor finishes with these witnesses,
25 would you be able to continue with the

1 defence witnesses because we need to make
2 progress in this trial. Is the defence
3 ready to produce witnesses? You know
4 that you have fourteen weeks rather to do
5 so.

6 MS. DICKSON:

7 Thank you, Mr. President. Your Honours,
8 I would like to first of all began by
9 thanking the Chamber, the Registry's
10 staff, Dr. Mindua and all others who have
11 been involved in the assistance that has
12 been given to Mr. Rutaganda for his
13 health, I thank you wholeheartedly. And
14 I believe, I should also thank God, I am
15 very glad sincerely. I have taken note
16 and Mr. Rutaganda has taken note of the
17 observations of the chamber concerning
18 the proceedings in this trial. Indeed,
19 we did begin this trial on 18th March
20 1997 but I believe, I counted that we
21 have done in trial for 43 days.

22

23 Before answering the question that was
24 asked to me by the bench, I would simply
25 like to make one observation concerning

1 the witnesses, the prosecutor intends to
2 call. He said maximum five witnesses,
3 two weeks to conclude but I need to
4 underscore Mr. President, Your Honours,
5 the fact that the identity of one of
6 these witnesses has still not been
7 disclosed to the defence and I would like
8 to remind my colleague since it is assume
9 this is a truce and part of the office of
10 the prosecutor, the terms of Rule 69 of
11 the rules are very clear, in that the
12 identity of witnesses must be disclose
13 before the beginning of the trial and in
14 sufficient time to allow the defence to
15 prepare. So, Mr. President, you talked
16 about a very sensitive balance between
17 having a speedy trial which is beneficial
18 also to the accused, which allows us to
19 have witnesses while memories are still
20 fresh and which is also advantageous for
21 the vision of justice sought. But also
22 for the office of the prosecutor, if they
23 don't respect the rules of a fair trial,
24 then the legitimacy of any decision would
25 have defects in its form.

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So, I think in this context, we need to look at a different balance which is the following:

Are we to allow this witness whose identity has still not been disclose on the 25th of May 1998 whereas as you have noted yourself Mr. President, this trial began on the 18th of March 1997?

Therefore, are we to allow this witness to be called to testify without the defence having the possibility of being able to prepare? Should we grant the defence an additional time limit to be able to make preparations which are entirely known on this circumstances? Or should we ask the prosecutor not to call this witness when in May of 1997, when the prosecutor was clearly ready to proceed without this witness? So, the defence would like to know why Witness JJ, why this witness testimony is so crucial, the witness whose identity is not been disclosed and if it is so crucial, then it is essential for the

1 credibility of this tribunal to be able
2 to have honour it's proceeding. This is
3 all within the scope of the justice
4 sought here and the seeking of truth.
5 So, if the defence does not have the
6 necessary time to prepare while balancing
7 the rights of fair trial and a speedy
8 trial, then I think the prosecutor will
9 have to make a decision which will be not
10 to have this witness.

11
12 Having said that, to answer your
13 question, when we would begin our case,
14 that's an interesting question. As the
15 chamber has just stated, we have had time
16 to prepare our case in the past
17 fifteen/sixteen months and indeed we have
18 made a monumental efforts in this sense.
19 As you all know, since February 1997, the
20 defence in this case, before the
21 beginning of the trial, filed a motion
22 even at that time by co-counsel at the
23 time who is now the counsel, a motion to
24 have protective measures for people at
25 risk, we lost those people. Following

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1 that, on the 6th of March 1997, we filed
2 a motion for protective measures, the
3 normal motion, that is to say protection
4 for the anonymity and guarantees of
5 nondisclosure of identities of certain
6 witnesses, we are still waiting for a
7 decision. This is a problem I believe, I
8 brought to the attention of the tribunal
9 several times. I also wrote to the
10 President of this of honourable chamber
11 most recently in order to draw to your
12 attention the fact that my report with
13 defence witnesses has been handicapped in
14 a serious way, in that I am not in a
15 position to guarantee them or promise
16 them any protective measures whatsoever.
17 And given the tragic events that happen
18 during the period when this trial was
19 suspended and I am talking in particular
20 of the assassination of Seth Sendashonga
21 and the events in Rwanda, that this has
22 cause a lot of shock concerning our four
23 defence witnesses, who even if they are
24 protected are still experiencing serious
25 fear which is completely justified in

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1 coming to testify here. I filed a motion
2 that was filed with the Registry on
3 Friday for protective measures, which ask
4 for a serious of measures considering the
5 fact that we don't have any at the
6 current time. We would like to be able
7 to ensure at least a degree of comfort or
8 a minimum security for our witnesses.

9
10 I also filed a motion last week, seeking
11 for orders by the chamber to open an
12 investigation concerning an event with
13 Amnesty International in which the
14 sixteen names of the TINGE TINGE
15 witnesses were allegedly disclosed by a
16 member of this tribunal to Amnesty
17 International and this following your
18 decision that these names should be kept
19 under seal. So, this was-- first of all,
20 these names were not put under seal and
21 then somebody violated the order and
22 disclose the names. And the Amnesty
23 International report in question was--
24 contained a lot of information concerning
25 these witnesses and we have serious fears

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1 that these names had been, considering
2 the fact that these were able to have
3 been disclosed. We have certain
4 witnesses who became aware of this report
5 and who talked to other people, which
6 means this is a very serious handicap now
7 for our case. This is a long of way of
8 telling you that Your Honours, that at
9 the current stage of the proceedings, it
10 would be difficult for us to be able to
11 present an adequate defence case and let
12 me underscore the fact that, there had
13 been so many events, so many difficulties
14 that I think and I highlight this, beyond
15 the control of the chamber and beyond the
16 control of the registry, that's clear.
17 And we are all trying to work to form the
18 context of a situation with a de facto
19 situation which sometimes goes beyond our
20 control despite our best intentions. And
21 that's why I made reference to this
22 motion with the TINGE TINGE witnesses but
23 notwithstanding this, there is still much
24 to be done by the defence, Mr. Rutaganda
25 need to present witnesses here and I

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1 would not be able to do so unless there
2 are minimal measures, orders granted for
3 protective measures for witnesses.

4 MR. PRESIDENT:

5 Counsel, I believe that you've raise a
6 lot of issues at the same time. You
7 talked about witnesses whose identity has
8 not yet been disclose and whom the
9 prosecutor intends to call, is that what
10 I understand? Prosecutor what is wrong
11 with that?

12 MR. STEWART:

13 Mr. President, this is Witness JJ and
14 this is special case. On our side, we
15 wanted to disclose the identity, Witness
16 JJ was the subject of a motion before the
17 chamber to let both the chamber and the
18 defence that there was a witness we
19 wanted to protect, to produce rather. As
20 my colleague said, when we began this
21 trial, we were not aware of the existence
22 of this witness, we thought that our case
23 file was consistent enough to be able to
24 proceed with this trial. However, we
25 feel that we need to present all the

1 pertinent facts mention in this case and
2 for us this witness is obviously an
3 important witness who can assist our
4 case.

5
6 Unfortunately, for reasons that are
7 described in our motion, there are other
8 pressures, there are difficulties that
9 are preventing us from making disclosure
10 that we would have like to have done.
11 Very soon as my colleague said, we will
12 have to make a decision, we are in
13 contact with our colleagues at the office
14 of the prosecutor to know when we will be
15 able to make this disclosure and we are
16 very aware of the fact that if this
17 disclosure comes too late, that we will
18 have to make a decision as to how to
19 proceed. However, I would like to wait as
20 soon as possible to make this decision at
21 least for sometime we will know that we
22 will have a policy of proceedings and we
23 would like to take advantage of this
24 natural bug if you will, which would
25 occur when the plenary session is being

1 held to be able to draw up take stock
2 rather of the situation.

3
4 However, as it stands Witness JJ is still
5 the subject of a motion that we filed at
6 Christmas time and we would do everything
7 in our power to resolve this situation.
8 It is true that we will have to make a
9 decision, if we cannot resolve the
10 situation rather quickly.

11 MR. PRESIDENT:

12 Anyway, Mr. Prosecutor, I will tell you
13 that on this point, the defence is
14 perfectly right. Logic would have that
15 you should disclose before the trial and
16 you have not done that and that is going
17 to bring problems that is going to
18 further delay the trial because the
19 defence is in its right to demand,
20 request the necessary time for
21 preparation, that would be one of the
22 reasons for the delay which would
23 attributed not to the defence but to the
24 office of the prosecutor. I simply
25 wanted to make this observation.

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1
2 Having said that, counsel Dickson, you
3 have raised two problems and I think, we
4 need to clarify them. You said that, you
5 filed a motion for witness protection
6 measures, we received a lot of motions
7 from you. We would not be able to figure
8 out exactly what's going on. So, we would
9 like to know exactly which witnesses are
10 you talking about? Are these witnesses
11 identified or are these potential
12 witnesses or the names of witnesses who
13 disappeared as in the TINGE TINGE case? I
14 am sure which witnesses are you referring
15 to you. I am not finish yet. You also
16 referred to the Amnesty International
17 report which was critical of the
18 tribunal. And concerning the incidence
19 of the TINGE TINGE camp, Amnesty
20 International was very harsh concerning
21 this tribunal, the chamber because it
22 said that, thanks to the negligence of
23 the chamber that did not hear the motion
24 in a reasonable amount of time and this
25 being an extremely urgent motion that

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1 because of this things the witnesses of
2 the TINGE TINGE disappeared.

3
4 So, Amnesty International simply said
5 that it was because of the tribunal's
6 delay that we didn't, that we lost these
7 witnesses. Who told Amnesty to say that?
8 Is that in the interest of the tribunal
9 for that to be said?

10 MS. DICKSON:

11 Mr. President, that's not what I was
12 raising, let me make a distinction.
13 Unfortunately Amnesty International wrote
14 concerning the filing of this motion, I
15 am not even talking about that, they
16 wrote what they wrote. I have no
17 knowledge, personal knowledge of what
18 happen beyond your decision which I read
19 very attentively and as I told you at the
20 time I was very grateful. What I do
21 underscore is an incidence which is
22 described elsewhere in the report, in the
23 heading of personal information. I was
24 not even aware of this, I read the report
25 just like everybody did and I learned

1 that in October or November of 1997,
2 representatives of Amnesty International
3 asked for a copy of the motion, that we
4 filed for the TINGE TINGE witnesses and
5 that a member of the tribunal got
6 obviously for reasons of confidentiality,
7 Amnesty does not mean, gave the motion as
8 well as the names of the witnesses and
9 this after you ordered that these
10 witnesses names should be sealed and that
11 they should not be disclose to the public
12 or the press, so that's what I am
13 raising.

14
15 There is somebody who allegedly did not
16 respect your order to have this sealed
17 and it's on page 43 of the Amnesty
18 report.

19 MR. PRESIDENT:

20 Does that concern the sixteen TINGE TINGE
21 witnesses?

22 MS. DICKSON:

23 Yes, the sixteen TINGE TINGE witnesses
24 and there is another second point
25 concerning protective measures.

1 MR. PRESIDENT:

2 We will come back to that but you're
3 talking about the TINGE TINGE witnesses,
4 they were identified? Are these witnesses
5 exist? Are potential witnesses or
6 witnesses we already have because we've
7 been talking about this TINGE TINGE
8 incidence or this TINGE TINGE witnesses
9 for year but without understanding who
10 they are?

11 MS. DICKSON:

12 These are witness that we included in the
13 motion, I took the time to ask that these
14 names be expunge, that they be deleted
15 from the documents of the achieves and
16 the documents that were to be made public
17 and for them to be kept in a seal.
18 However, for the protection of these
19 people, given that this was a recent
20 motion which I presented. You decided
21 that the names should be expunge from the
22 file, these names should not be disclosed
23 to the press or the public and these were
24 in fact disclosed. So, you are asking me
25 what happen to these people. Well, there

1 is one person out of the sixteen who has
2 been located, there are two who have been
3 potentially located, I still have to
4 confirm this. There are thirteen who
5 have disappeared from more than a year, I
6 cannot find them and I have to assume
7 that they have been killed. But I do not
8 know and if I have any evidence to the
9 fact that they were killed, then I would
10 submit to the chamber because I think
11 this is in the interest of everybody to
12 confirm this.

13 MR. PRESIDENT:

14 So, out of the sixteen, you have one who
15 has been located, who is possibly
16 located, these are witnesses who can be
17 call before the tribunal?

18 MS. DICKSON:

19 Yes. Now concerning the person who has
20 been located, the problem is the
21 following and that leads to my second
22 observation that I made. This person is
23 still not guaranteed any protective
24 measures, I filed a motion on Monday,
25 Friday rather.

1 MR. PRESIDENT:

2 But these they were the sixteen
3 witnesses? Are you talking about another
4 motion?

5 MS. DICKSON:

6 Is the same problem even with the
7 protection of this tribunal, as the
8 prosecutor office said, we are often
9 encountering problems with sovereignty of
10 States as is often observe even
11 yourselves. But this State in a
12 sovereignty concern, we are not going to
13 give evidence or documents rather to
14 these persons, if a Rwandan is in a
15 country other than Rwanda, this person
16 does not want to return to Rwanda for
17 justified, legitimate fears of being
18 executed. This person comes to the ICTR
19 to testify, the person, where does the
20 person to returns? Does he go back to the
21 host country or does he go back to
22 Rwanda? That's the problem we are facing
23 with this located witness, is that this
24 witness is not in Rwanda, the person is
25 in a third country and we do not have an

1 agreement with the third country to say
2 that this person will be taking back back
3 after his testimony to ICTR. Since we
4 are in a status conference, I think that
5 we have to discuss this now since the
6 prosecutor has the chance to respond and
7 perhaps we can be able to debate that
8 issued this week, that the prosecutor
9 take cognizance of this motion and we can
10 have a discussion.

11 MR. PRESIDENT:

12 Counsel, you filed the motion to an
13 investigation?

14 MS. DICKSON:

15 Yes, it was filed on the 18th of May.

16 MR. PRESIDENT:

17 So, you filed two motions?

18 MS. DICKSON:

19 Yes.

20 MR. PRESIDENT:

21 And the other one is? It's one for
22 witness protective motion for defence
23 witnesses, is that it?

24 MS. DICKSON:

25 Yes, that's right.

1 MR. PRESIDENT:

2 And that was filed on the 21st of May?
3 So, you can see that we did receive them
4 and you have entitled them extremely
5 urgent motion as you wish. But now it is
6 up to the Tribunal to decide what is
7 extremely urgent because we had to
8 determine otherwise everybody is going to
9 called a motion extremely urgent?

10 MS. DICKSON:

11 I qualify them as extremely urgent as I
12 have the motion that I filed in September
13 that we don't heard until now.

14 MR. PRESIDENT:

15 We will make a ruling on this during the
16 course of this week?

17 MS. DICKSON:

18 Unfortunately, Mr. President, if you
19 would excuse me I have to raise this
20 issue.

21 MR. PRESIDENT:

22 It is very good that you have done so
23 because now this allow us to see the
24 situation more clearly. Now, the
25 question that remains is you have one

1 witness who is been located, the
2 circumstances being what they are. If
3 this witness is not able to appear, whose
4 fault would that be? If a sovereign State
5 refuses, whose fault would that be? What
6 would we have to do in that situation, do
7 we have to continue or do we have to just
8 wait until this person can come?

9 MS. DICKSON:

10 Well, Mr. President the issue that you
11 are raising goes along the lines of what
12 I was saying earlier that I called
13 geopolitical phenomenon that go beyond
14 the control of the chamber, of the
15 prosecutor even the best intentions of
16 the registry. With the issue of arrest
17 warrants and so forth that have not been
18 followed, that have not been respected
19 and so it is up to the defence in this
20 case, we've given you a lot of motions as
21 you said because we are trying to do our
22 work to contribute to the trial. I am not
23 trying to attribute them Mr. President.

24 MR. PRESIDENT:

25 I was simply saying about by the number

1 of motions that you filed, we always
2 respond to motions. I simply said that
3 we needed to understand the situation of
4 the motions, we have 23 or 24, that's not
5 necessary motions, the issue, you can
6 file as many motions as you would like
7 but the problem that remains is a
8 concrete problem. The prosecution has
9 produced witnesses even in difficult
10 circumstances as you said this morning,
11 they don't exactly know what's going on
12 this week, there are problems in Rwanda,
13 that's clear. You have legitimate
14 difficulties as well, the real
15 difficulties because there are people who
16 have problems within Rwanda or coming
17 back to it and even in third countries
18 there are persons who cannot go back into
19 the country because sometimes these
20 people are refugees or in other difficult
21 situations, they don't even have travel
22 papers. So, let's look at the issue, if
23 for some reason, you were not able to
24 produce this witness, then what should we
25 do? That's the question I am asking you,

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1 it's not our fault, what should we do at
2 that point?

3 MS. DICKSON:

4 Maybe before answering that question, we
5 have some philosophical aspects I would
6 say, there would be a decision, a
7 decision that we are waiting for, there
8 was a motion that was filed by the
9 prosecutor and the defence on the 7th of
10 March 1997. At the time, the prosecutor
11 had already protection measures which
12 were granted in September 1996 and he was
13 asking for additional measures. On that
14 same date, the defence on her part, ask
15 for minimal protection measures. The
16 prosecutor has already given testimony to
17 this because he had minimum protection
18 measures, we do not have any protection
19 measures. At this point in time we do
20 not have any protection measures apart
21 from the witnesses of the TINGE TINGE but
22 for the other witnesses we are still
23 waiting. I made an oral plea and you
24 asked me to submit to you a written
25 motion, what I did, you even asked, you

1 even called me because there was sometime
2 passing and I gave you a written motion.

3

4 My colleagues and I were recalled or
5 reminded that we were waiting for the
6 decision. The problems between my
7 colleagues and I, is that my colleagues
8 had a decision of September 1996 whereas
9 we do not have any. Now whose fault is
10 it? Whose fault is it? I would not
11 venture to answer that, I do not think it
12 is my place to answer that. My place is
13 to protect the interest of Mr. Rutaganda
14 and try to contribute to the process of
15 truth in this trial and I hope this will
16 be so in the context of international
17 law, I say so humbly with limited
18 resources, the limited resources that I
19 have. Now what do we do? What do we do
20 in that case? Well, you should ask
21 yourself the question, has Mr. Rutaganda
22 benefited from a fair trial? And may be
23 this would be the subject of a request by
24 us at that time. I think, we should, I
25 think there are still means, this chamber

1 still has means to act on the the motion
2 that I filed, to ask other countries to
3 cooperate. I think the moral authority
4 of this chamber and the moral authority
5 of the Judges has in the past encouraged
6 greater international cooperation but if
7 indeed other countries over which we do
8 not have any control do not want to
9 cooperate with us, well, then
10 necessarily, this goes beyond the control
11 of the chamber and consequently the
12 responsibility may not be assign to the
13 chamber.

14 MR. PRESIDENT:

15
16 I asked the question because we should be
17 able to see what the future looks like
18 considering the present difficult
19 circumstances, the chamber is indeed, has
20 a clear concession in this. When you
21 made a motion, we did everything to
22 ensure a fair trial for the defence. As
23 you know, the chamber did everything as
24 far as Rutaganda is concern to give him a
25 fair trial. We wasted a lot of time in

1 this trial and as I said we are not
2 regretting. In fact, you made an estimate
3 of 43 days of hearing and the question is
4 why only 43 days of hearing? Well, this
5 was not the responsibility of the
6 chamber, in fact, whenever there were
7 motions for adjournment, we adjourned and
8 we adjourned because it was in the
9 interest of the accused to carry out the
10 adjournments. Therefore, the chamber
11 does not regret what happened, we have a
12 clear conscience, we took protective
13 measures for the witnesses you presented,
14 the sixteen witnesses of TINGE TINGE.

15
16 But the fact is that as of today, we are
17 certainly going to respond to your motion
18 for protection of witnesses. In fact,
19 that is the least we can do, for defence
20 witnesses but the problem still remain
21 unsolved. In the present circumstances,
22 I ask the question to know what do we
23 do? I can reassure everyone that the
24 chamber will assume its responsibilities
25 as concerns witnesses who cannot appear

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1 here both prosecution as well as defence
2 witnesses because we cannot wait
3 indefinitely. We do not want the
4 prosecution to be telling us that there
5 are so many problems in Rwanda therefore,
6 their witnesses cannot appear, I think,
7 we have to put an end to that situation.
8 And that is why I want to be very clear
9 on this, the circumstances are well
10 beyond our arms.

11
12 In any case, the chamber will make every
13 effort to do what it has to do to ensure
14 that your witnesses appeared, at least
15 that you should have the minimum number
16 of witnesses to appear before this
17 chamber. As you said, we use our moral
18 authority, we did so in the past, we do
19 not need to boast about this. I wrote
20 personally, witnesses came from Senegal
21 not long ago and some people know what I
22 did for the witnesses to come. So, we
23 will use our moral authority to ensure
24 that the witnesses come here. But it is
25 good raise a problem as of now, so as to

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1 be able to anticipate the difficulties in
2 the future. Any further comment
3 prosecutor, defence?
4

5 Well, we are going to call this status
6 conference to a closed if there are no
7 further comments. I think time and
8 again, I think we should have such
9 conferences in order to be able to see
10 what has been done and what could be done
11 for the trial to come to an end some day
12 and as soon as possible. But as I have
13 always said, there should be in full
14 respect of the rights of the accused. The
15 conference is adjourned, we resume in
16 five minutes.

17

18 (PAGES 1 TO 33 REPORTED BY H. FARAGE)

19

20

21

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25

1 were able to stay?

2 A. We stayed there again probably two or
3 three nights.

4 Q. And how did you cover events from that
5 base?

6 A. Okay, as I have said the convey, the
7 expatriates would come in and that was of
8 interest Internationally to see
9 expatriates being evacuated from the
10 city. To see foreign troops coming in
11 and going and to flow the convey back and
12 forth. On several occasions the convey
13 would come under in a very light gunfire
14 from a distance and the convey would stop
15 and you know, the French troops would
16 deploy and then may be a car broke down
17 and again the convey would then make its'
18 way to the airport.

19 MR. PRESIDENT:

20 Prosecutor, I think Judge Aspegren would
21 like to ask a question.

22 JUDGE ASPEGREN:

23 What were those? Who were those? Would
24 you describe them? From which country
25 could you see on the outside of them from

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1 which country they came?

2 A. I would say mainly French and Belgium but
3 there were also diplomatics staff there
4 were also Chinese. There were also other
5 Africans as we well. May be from
6 Cameroon or some other African countries
7 but mainly it was white families that
8 were being got out white European or
9 American.

10 Q. Could these expatriates have killed some
11 Rwandans?

12 A. Yes, No, with them they weren't
13 expatriates. They were Rwandans being
14 got out by the troops. They would either
15 hid or lie down on the floor. They would
16 be hidden under the seats in a truck or
17 they would be in the back of the jeep. I
18 remember one young man who was in-- the
19 French had picked up. I don't know where
20 he had came from. I don't know how they
21 found him. But he was sort of lying
22 under my feet in the back of the French
23 jeep. He was crossing his heart
24 continually. He was absolutely
25 terrified. I think he had a better idea

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1 of what was going on than I did at that
2 point.

3 JUDGE ASPEGREN:

4 But your guess is that most of those were
5 Europeans?

6 A. Yes.

7 JUDGE ASPEGREN:

8 Okay. Thank you.

9 MR. STEWART:

10 Thank you, Your Honour.

11 MR. PRESIDENT:

12 I would like to know from the witness.
13 You said that the Rwandans that were
14 hidden were frightened, is that true.
15 You said that the Rwandans that were
16 hidden were utterly frightened, is that
17 correct?

18 A. That is correct.

19 MR. PRESIDENT:

20 Why were they terrified? Is it because
21 they belonged to a given ethnic group or
22 what happened exactly?

23 THE WITNESS:

24 At that time I mean, I was well aware of
25 the ethnic rivalry between the Hutus and

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1 Tutsi in Rwanda. We were already being
2 told that Tutsis in Kigali were being
3 identified with RPF and were being killed
4 as they were being found. We were
5 already becoming aware of that at that
6 early date. I think at the time period
7 people were saying that any Tutsi in any
8 house must be hiding guns. Must be
9 working for the RPF. And I think people
10 who had sympathies for the government
11 regime were identifying any Tutsi with
12 the RPF, identifying them that they were
13 taking an active part in what had
14 happened with the shooting down of the
15 plane and with resumption of hostilities.

16 MR. PRESIDENT:

17 But for these people that were being
18 hidden, that were escaping along side the
19 expatriates, do you have an idea of their
20 ethnic group and why they were frightened
21 why they were being hidden?

22 THE WITNESS:

23 I think they were Hutus and Tutsis. I
24 saw people who I imagined were Hutu and
25 also who I guessed were Tutsi. It was

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1 also we will known amongst people you
2 would talk to that if anybody was not
3 sympathetic to the regime or if they were
4 members of the opposition who stood up
5 against the President who died
6 Habyarimana, that they were being
7 targeted as well with equal ferocity but
8 I think those people-- the thing is that
9 they were being named that if you were
10 known to be a sympathiser with the
11 opposition against the government, you
12 were being sort out whether you were Hutu
13 or Tutsi. It become more and more clear
14 that anyone who was a Tutsi who was just
15 staying in the house who may never have
16 shown any political sympathy or whatever
17 was being identified with the RPF.

18 MR. PRESIDENT:

19 Okay, thank you. The prosecutor has the
20 floor. Still on the map?

21 MR. STEWART:

22 Yes. Now if you can tell us what areas
23 of the city you were able to cover from
24 the French school and indeed what you
25 were perhaps able to observe from the

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1 French school itself that would be
2 helpful?

3 THE WITNESS:

4 Well, from the first days when we were in
5 the French school, the road from the
6 French school comes immediately down on
7 to the main-- one of the main routes
8 through the middle of Kigali. If you
9 look, the route that is normally used out
10 to the airport, goes through the Northern
11 side of the valley then the Southern
12 route goes through more suburbs. Either
13 of those road are good for the airport.
14 We mainly used the Southern route and
15 halfway on that road we entered the
16 suburbs. Went on the moron roads through
17 the suburbs and came to the airport. Now
18 the sort of thing that would happen is
19 that as we left the airport, as I said
20 two hundred meters there was one
21 particular spot where there was quite
22 intensive killing going on. I must have
23 seen 15 bodies just on the four times
24 that I travelled that route. On both
25 sides of the road at this particular shop

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1 frontal I remember seeing there was a
2 woman who had, had her legs cut off.
3 There was continuous pools of blood
4 there. They were many different bodies.
5 It is not possible to tell whether they
6 were Hutus or Tutsis. But every time
7 that I passed that spot there were fresh
8 bodies there, and those bodies were being
9 picked up in trucks and being taken
10 away. On the other side of the road as
11 we went through the moron area there
12 would be one or two, maybe more bodies.
13 I remember seeing a pregnant woman as we
14 sped past with what probably some members
15 of her family, lying on the grass, on the
16 side of the road. All the way through as
17 well outside the houses people would be
18 standing with a machete or with a stick.
19 That we immediately became interested in
20 that and we asked why that was. We asked
21 the troops, we asked the Rwandans and
22 they said that they had been told on the
23 radio to stand outside their houses. If
24 they didn't stand outside their houses
25 then obviously they had something to hide

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1 and that they should arm themselves as
2 they stood outside their houses to chase
3 off the enemy. To chase off whoever was
4 attacking that sort of thing. We would
5 see many bodies, we would see many people
6 standing outside their houses and
7 sometimes we would see groups of young
8 men. Usually near a body and they would
9 cheer the French as we went through or
10 may be ignore us. On some of the routes
11 like just here or before we joined the
12 main Tarmac road or when we were coming
13 back, there would be some spittle of gun
14 fire in the distance. I remember one
15 occasion when a landrover broke down and
16 the Rwandan occupants who were being
17 transported by the French. The French
18 deployed around that. They wanted to see
19 if the gunfire was being directed at
20 them. They then transferred the Rwandan
21 occupants to another car and brought them
22 to the airport. At the French school
23 there was quite a lot of gunfire. On two
24 occasions the French deployed just
25 outside. Sorry, outside the school on

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1 that road they brought a snuffer out to
2 see if he could identify where the
3 gunfire was coming. I think they were
4 quite that they were being shot at. But
5 this was quite a distance, I don't think
6 the danger was too great. I was with the
7 Belgians at the top of the school at one
8 point when definitely we were being shot
9 at, and they deployed, they searched for
10 whoever was firing at them and then the
11 gunfire died down. But they were very
12 weary of being shot at.

13 Q. Were you able to observe what was
14 happening in the city around you from the
15 French school, Mr. Hughes?

16 A. There was continuous gunfire in the
17 distance. I think most of it was coming
18 over from near where the parliament was.
19 Where the RPF, we were told deployed
20 outside the parliament and there was
21 gunfire going on there. But the gunfire
22 was also right, right away across the
23 city, not so much on our side. It must
24 be remembered that behind the French
25 school up on the hill there, was the

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1 barracks. And this was obviously a
2 strong point of the government forces.

3 Q. Could you see any activity down in the
4 streets below the French school?

5 A. Okay, when you are going down to the
6 suburbs people were standing outside
7 their houses. They were as I have said,
8 just to repeat continuous fresh bodies
9 along side of the road. So we would see
10 them on the route, on the Tarmac. When
11 we went up to the Milles Collin which is
12 at the hotel, the centre of town. We
13 would go up there and we would come
14 back. There was a large Tutsi population
15 hiding in that hotel. They were Tutsi
16 because they told us they were and on
17 that route to and from the French
18 school-- there was a particular
19 road-block with about three men guarding
20 it, and I remember seeing or if we
21 travelled that route, let us four times a
22 day on each occasion there would be a
23 fresh body there or two bodies. I
24 remember two bodies there and being told
25 that these are-- these two bodies were

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1 brothers. That they had been hiding in
2 the house next to the road-block. They
3 got desperate for food and that they had
4 come out. Someone had seen them in the
5 grounds of the house and they had gone in
6 and chased and killed and they were now
7 lying beside that road-block waiting to
8 be picked up by a truck.

9 Q. Mr. Hughes did you have any understanding
10 or receive any information about the
11 ethnicity of those two brothers?

12 A. Yes, I was told they were Tutsi.

13 Q. From the French school itself did you
14 make any observations perhaps that we are
15 going to see that you recorded?

16 A. Yes one of the points when one really
17 began to get the feeling that there was
18 something different going on here, I
19 think you have to remember this. First
20 few days that we were there. We knew
21 that there was killing going on and we
22 knew that there was-- we could see bodies
23 on the streets and we knew that there was
24 resumption of hostilities being used. We
25 knew that the RPF had declared that they

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1 were resuming hostilities and they were
2 matching on Kigali. You know, the war
3 had started again this time with the
4 ferocity. But we didn't know that there
5 was absolutely and systematic killing of
6 civilians. Now what began to bring it
7 home, I think, was when we began to see
8 the number of bodies, the way in which
9 people were being killed. That the point
10 when it came home to me I think, that is
11 always was in recollection, I think. You
12 know when one looks back at that day
13 later or four days later and you thought,
14 now hold on, what I have just filmed is
15 not a normal event. I haven't seen that
16 anywhere else. I know that whenever
17 there is hostility in Rwanda, civilians
18 get killed. There is instantly sort of
19 an ethnic killing. You expect that in
20 Rwanda. We have seen it before. Then
21 from the events we began to see-- we
22 realised there is something more here.
23 There is a larger killing going on. Not
24 so sporadic, noticed gangs roaming the
25 streets looking for somebody to kill but

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1 something much more systematic. What I
2 saw, I was in the French school, there
3 were Belgium power troopers there. They
4 had a rocket launcher on the top-- in the
5 top room of the French school. The
6 French school goes up the side of the
7 valley and over looks another road going
8 up the other side of the valley. Through
9 their sight they could see people being
10 killed on the other side of the road. I
11 became aware of this, I went down up
12 there, I looked, it was true, yes, there
13 were bodies on the other side of the
14 road. I went into the room next door, I
15 set my camera. At this point I was a bit
16 short of batteries a bit short of tapes.
17 When we would come into Kigali we
18 realised that maybe we were going to be
19 there more than two days, more than just
20 a quick sort of one new story, that this
21 really wasn't serious and that
22 hostilities weren't what we were going to
23 see. The U.N weren't going to get hold
24 on this. So I set up my camera. I
25 wanted to be careful of what I was

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1 filming but I was looking across from the
2 French school which is exactly here. On
3 the map it is marked Lasibukunga. And I
4 was looking across on the road which is
5 marked avenue Labutuba. Now on that,
6 that road goes the side of the opposite
7 valley over the centre disportive to
8 Kigali. I could see groups of people
9 walking up and down that road and I could
10 see piles of bodies. In between filming
11 the first time and the second time, I
12 think about two or three men had been
13 bought out and killed. You can see that
14 on the footage. You can see them still
15 being beaten. I think the interesting is
16 they weren't being killed. They were
17 being slowly beaten to death. The final
18 blow wasn't being delivered. So if you
19 like they were being tortured. On the
20 second time as I was watching, two women
21 were brought out and sat down in the pile
22 of bodies. There must have been may be
23 eight bodies by then. There is a group
24 of men on the other side of the road.
25 And they were investigating something.

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1 May be they were instead bothered about
2 these two women sitting in the pile of
3 bodies. One was kneeling, one was
4 sitting down. And the one who was
5 kneeling was begging for her life. This
6 went on for twenty minutes. Finally
7 quite nonchalantly, they would come
8 across and beat the men who were dying in
9 front of them and go away. And finally
10 they came and killed the two women with
11 severe blows.

12 Q. You caught that on film?

13 A. I caught that on film, yes. I suppose at
14 the time you know, one had seen so many
15 bodies around the city when we travelled
16 back and forth with military convoys that
17 it was surprising that we haven't
18 witnessed the killing of these people
19 more. Certainly nobody was going to kill
20 somebody in front of a camera if they
21 knew that was happening. And I suppose
22 because we were on one side of the valley
23 they didn't know they were being watched
24 they didn't know. What was going on
25 though was a systematic searching of that

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1 street. These people were going from
2 house to house. You can see them walking
3 backwards and forth across. You can see
4 more bodies coming on the side of the
5 road where these groups are. I think
6 they were probably looting the houses as
7 well as dragging people from their houses
8 and killing them.

9 JUDGE ASPEGREN:

10 Could you describe them, could you
11 identify them in some manner.

12 THE WITNESS:

13 If I had to say, they were 20 to 30 years
14 old. They were obviously quite at home.
15 This was their area. They knew where
16 they were. They were from Kigali if you
17 like. You got the feeling that they knew
18 the areas in which they were moving
19 around. There was a lot of people just
20 walking around the streets as well.

21 JUDGE ASPEGREN:

22 Were they men.

23 THE WITNESS:

24 Yes, they were men.

25 JUDGE ASPEGREN:

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1 Did they carry some kind of uniform.

2 THE WITNESS:

3 No, they had no uniform. They were
4 mainly dressed in poor clothes in a pair
5 of trousers and a T-shirt something like
6 that.

7 Q. Were they armed in some way?

8 A. Yes, almost universally they were armed
9 either a machete or a club or both and
10 then you would see some would have a
11 grenade or a stick grenade and a bolt in
12 their hand. You didn't see that many
13 with side arms, with pistols.

14 Q. No, firearms?

15 A. With firearms, yes.

16 Q. Did you pick up any information whether
17 they were Tutsis or Hutus?

18 A. Yes, universally we were told these
19 people are Hutus. We began to first then
20 hear the name Interahamwe. A group that
21 was leading the killing.

22 JUDGE ASPEGREN:

23 Thank you.

24 MR. STEWART:

25 Thank you, Your Honour. And the next

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1 question I would ask just relating to
2 what Honourable Judge Aspegren has asked
3 you is, by this time who in your mind
4 were these people being killed. These
5 people on the road that you saw?

6 THE WITNESS:

7 That they were Tutsis. It is my belief
8 that at the time universally we believed
9 them to be Tutsis. I think looking back
10 at it, I think there is probably quite a
11 number of Hutus there but in the majority
12 Tutsis. The cry of the people was on the
13 radio, on the people you would meet on
14 the streets, on the road-blocks as they
15 were looking for Tutsis. Certainly the
16 people who were hiding, we had access to
17 some people who were hiding in the Milles
18 Collin, in the French centre. People
19 being picked up. Here and there, there
20 was a group of Tutsis in a sort of barn
21 or farm somewhere around here. They were
22 coming together that these people were
23 Tutsis. These are the people who were
24 frightened.

25 Q. So this is was the kind of confirmation

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1 you had as a journalist that the victims
2 of the killings were in the vast majority
3 Tutsis?

4 A. Yes. We came to the conflict with
5 knowledge about the Hutus Tutsi divide if
6 you like. But I don't think at any point
7 we would have just assumed that the
8 people being killed were Tutsis. There
9 were a lot of people who were against the
10 government, who previous had been
11 attacked. But what was being said here
12 was that any Tutsi was an enemy, named
13 Hutus. You would have an individual Hutu
14 hiding for a particular reason because he
15 was a member of a party because he was
16 known to be anti- government in his area
17 or some such but any Tutsi. One, you
18 never met a Tutsi who said well,
19 obviously everybody knows I have pro-
20 government sympathies, therefore, I can
21 stay here quite safely. Every Tutsi was
22 hiding and in areas even where the
23 killing hadn't began this was the group
24 who were frightened, this was the group
25 who was worried and that increasingly

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1 became so. I can't say see from the
2 moment that we arrived we realised this.
3 It was a slow evolution of understanding
4 what was going on. But it became clear
5 and clear. I suppose you can't quite
6 believe your eyes if you see a group of
7 men systematically going house to house,
8 pulling someone out, killing them while
9 their neighbours watched. While children
10 walking the streets. While people go
11 about their normal business. This wasn't
12 a crime. This was something that was
13 being sanctioned. And the people who
14 they were going for, they weren't looking
15 for political people or anything like
16 that. What they were looking at was
17 their identification card. And an
18 identification card has their ethnicity
19 on it, and it says, Hutu, Tutsi or Twa or
20 other and it was quite easy then for them
21 to tell. So anybody who was Tutsi was
22 frightened. Someone who was a Hutu
23 whether he was-- I don't know his
24 politics etc. I don't know why some of
25 them were hiding but those who were

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1 hiding, were hiding because of their
2 political sympathies and they are known
3 political sympathies but it was the
4 Tutsis who couldn't walk in the street
5 while people were being killed. There
6 were Hutus walking in the street, going
7 about their business while people were
8 being killed.

9 Q. Now in answer to His Honour Judge
10 Aspegren's question, you identified the
11 perpetrators as Hutus and you also
12 mentioned that this was around the time
13 you began to hear the word Interahamwe.
14 What was it that you learnt about the
15 Interahamwe who were there, and did you
16 ever have the feeling that you were
17 watching the Interahamwe at any point?
18 A. Again it was very difficult. At no point
19 I think, we know exactly then who was
20 Interahamwe, who was not. What really
21 were the Interahamwe. There were a lot
22 of militia groups aligned to the
23 government. I think there is who knew
24 around and politics deeply, we would have
25 probably heard of them but wouldn't have

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1 thought that these people were going to
2 start building enormous power. People
3 began to talk of them, that was the
4 point. The Interahamwe are the people
5 who were leading the killing. So it came
6 to the point when anybody on a road-block
7 was identified as Interahamwe and that
8 wasn't the case. I don't think anybody
9 knew whether somebody on a road-block was
10 a member of Interahamwe. Whether there
11 wasn't anybody from the Interahamwe on
12 that road- block. I have met people who
13 said they were members of the Interahamwe
14 but normally is the case that people talk
15 about the Interahamwe coming and
16 organising people in that area to go and
17 find their Tutsis and kill them.
18 Threatening the people in that area to
19 reveal the Tutsi and bring them out and
20 kill them. It is not possible to say,
21 ' ah there is a road-block. There is
22 lots of militia or there is lots of young
23 men at that road-block armed with
24 machetes that they were Interahamwe, no.
25 But we began to hear that there was a

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1 group called Interahamwe who were being
2 involved in the killing, leading it.

3 Q. Alright. Now in the streets of the city
4 and on the road-blocks did you see
5 anybody wearing a uniform? You have
6 indicated that people you saw, you filmed
7 doing the killing were not uniformed, but
8 did you see any evidence of police or
9 soldiers involved in what was happening
10 in the city?

11 A. Right. The area behind the French school
12 was at that time controlled quite
13 securely by the government. We would see
14 pick-up trucks. We would see armoured
15 vehicles and we would see individual
16 soldiers and the pick-up trucks would be
17 carrying soldiers. May be carrying loot
18 back and forth. So the area, they were
19 not worried about security in that area
20 but the soldiers had free range. They
21 were not taking up positions or anything,
22 they were just moving about their
23 business but throughout that whole area
24 there were road-blocks. This is like a
25 normal suburb with a normal quiet leafy

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1 avenue and in the middle of it you have a
2 road-block may be a couple of bodies and
3 the people manning the road-block just
4 sort of idly sitting by. Along would
5 come a pick-up truck with some soldiers
6 on the back or an armoured vehicle. It
7 would pass easily through that
8 road-block. Sometimes they would stop
9 and they would talk to the people at the
10 road-block. Mainly they would just pass
11 through. There was no hint that they
12 were going to take action against these
13 people manning that road-block and ask
14 who the were dead bodies and who had
15 killed the people at that road-block. I
16 think both parties knew exactly who the
17 other one was and what the limitations
18 were here, there. There were very little
19 limitations.

20 Q. Were you able at some point to identify
21 any particular units of the Rwandese
22 armed forces?

23 A. Yes, at the time I think I could have
24 quite easily picked out who was a
25 gendarmes, who was a regular army force.

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1 And also in this area you had the
2 Presidential guard, who were well known
3 gone to be staunch government
4 sympathisers. And I think we often
5 identified them not just by their uniform
6 but that the President guard were better
7 equipped. They had a good equipment.

8 Q. And did you see Presidential Guard in the
9 city during this time that you were
10 there?

11 A. Yes, the closer you got to the barracks
12 obviously there were quite a number of
13 soldiers. But we would see their
14 armoured cars and we would see them
15 driving around, you know, universally.

16 Q. Did you get the opportunity while you
17 were at the French school to travel with
18 any French or Belgium conveys out in the
19 city?

20 A. Yes, I travelled with Belgium convey on
21 several occasions. The Belgians were
22 more interesting because they seemed to
23 go further into the areas held by militia
24 although the roads were dangerous to go
25 through, the French were going back and

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1 forth. Whenever the French passed they
2 could also pass quite easily. They were
3 seen to be supporters of the regime. The
4 Belgiuns were not popular amongst the
5 people manning the road-blocks. I
6 travelled with one Belgian convey.
7 Initially, I just followed them in a car
8 driven by my producer. We left the
9 French school. We went out to the main
10 round about in the centre of town. Once
11 again passing the road-block on that
12 hill.

13 Q. Going right the Northern direction?

14 A. That is right. Now at that round about
15 we went round and headed off on the road
16 to Nyamarambo as soon as we went on that
17 road and the further we got on that road,
18 the more road-blocks and the more bodies
19 we saw and the more destruction and
20 looting that we saw. I think with the
21 incident when I saw the two women being
22 killed and on this road, there is the two
23 incidents I think when I really touched
24 the evil of what was going on. The
25 nonchalant manner in which people were

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1 being killed and I suppose in retrospect
2 that is when I saw the hint of the
3 genocide that was going on. That time we
4 weren't aware there was some killing
5 outside Kigali or the word genocide, I
6 think was just beginning to be used by
7 journalists. As we travelled on that
8 road the problem was that I was in a
9 small car that had been taken from some
10 expatriates, when they left it at the
11 French school. In front of us there was
12 one armoured car and then there were two
13 trucks. The trucks painted white with
14 U.N written all over them and they had
15 Belgium soldiers on them. As we entered
16 that-- that road going to Nyamarambo and
17 the road-blocks got more numerous and--
18 Q. So you are coming back South now?
19 A. I am coming back south, yah.
20 Q. Down to Nyamarambo.
21 A. Down to Nyamarambo. I couldn't film
22 because as the convey went through a
23 road-block, first the armoured car would
24 go through, then the two trucks. And
25 people would be shouting viva vis, viva

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1 vis. Delighted to see what they thought
2 were the French soldiers. In the five or
3 ten seconds that it took to clear the
4 road-block. They were now screaming
5 insults at the Belgians and waving their
6 stick grenades or their machetes. And we
7 were in the small car low down at the
8 back and it was impossible to film. It
9 would have been much too dangerous, much
10 too easy for someone to throw in a
11 grenade. So I didn't even produce my
12 camera it was quite terrifying.

13 Q. At any point were you able to get on one
14 of the U.N vehicles, one of the military
15 vehicles?

16 A. Right. Okay just to go back what I saw
17 on that road, it was the nonchalant way
18 which people were walking past bodies,
19 past cars full of bodies and it sounds
20 like an exaggeration but most of the
21 bodies had been thrown out into the
22 gutter had their head or some parts of
23 them lying in the gutter. There is a
24 pavement going on along there. And there
25 was actually blood pooling down the

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1 street. I probably saw, you know, a few
2 hundred metres 50 bodies. Finished
3 bodies, lying in the road, pouring blood
4 or blood had been pouring out of them.
5 But more than that you could see whether
6 there had been other bodies or they were
7 hanging around that road. Black dark
8 stains with clotted blood that had been
9 pouring down the road. Past these bodies
10 walked people going shopping. I remember
11 a couple of sticks in my hand just
12 stepping over. They were chatting and
13 they just stepped over the body as they
14 walked down. There were shops along that
15 road. I seem to remember some of the
16 shops still open. Some of the shops were
17 looted. Some of the cars were smashed.
18 Some of the cars were going about their
19 daily business. It was an incredible
20 sight. It looked like hell. When we got
21 to the end, the Belgians stopped. They
22 stopped at past the stadium. There is a
23 church out up there and there were some
24 white fathers. We saw the white fathers
25 come out of their building. You could

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1 see they were instructing the Belgians to
2 pack their armoured personal car up
3 against a small house in the compound. I
4 briefly saw some people jumping into the
5 APC. At that time I didn't really have
6 the confidence of the Belgian commander
7 who was leading this convey. We had just
8 followed them. He had continually told
9 me I wasn't allowed in their trucks or
10 anything. I think it was at that point
11 that I asked him for about the third or
12 fourth time and just ignored him and
13 jumped in the truck and he just didn't
14 care where I was, and I should have done
15 that a lot earlier and I could have
16 filmed on that road. At that point as
17 people were getting in the APC, the
18 road-block behind us was becoming very
19 agitated. The one that we had just gone
20 through and you can see on the film
21 footage, I am having to film from the top
22 of the truck which is running and so it
23 is wobbling all over the place. You can
24 see the people manning that road-block
25 becoming very agitated. They were

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1 yelling insults at the Belgians who were
2 equally were yelling insults back and a
3 grenade went off and at that point things
4 became very agitated and we made
5 preparations immediately to leave. So we
6 were there for a very short period but by
7 then I was on the truck. You can see at
8 that time a Presidential Guard-- a
9 Presidential Guard armoured car come up
10 and you can see the men, the young men
11 manning the road-block discussing us.
12 Discussing the Belgians with the
13 Presidential Guard obviously wanting to
14 have a go at us but intimidated by the
15 armour that the Belgians had. I don't
16 know what was discussed then but just
17 before then and after then whistling
18 began. They began to blow whistles and
19 that whistling went out and out. It was
20 quite terrifying it worked very well. So
21 the whole area around us was-- you could
22 can hear people whistling down the
23 streets and it began to get louder and
24 louder sort of reaching the crusaders.
25 So the Belgians realised they couldn't go

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1 back to this road-block or come back to
2 where they came. They set off on a round
3 about route again on a small moram road
4 that took you on the other side of the
5 valley from Nyamarambo back to the French
6 school. You can just on the map here see
7 some of that road, it starts here to the
8 avenue Wamwampara. That's the route we
9 came back on down there. That was the
10 way that we had come. Now as we left and
11 went on that back route, as we came back
12 on to the facing side of Nyamarambo, the
13 valley side facing Nyamarambo hill the
14 whistling continued louder and louder and
15 then shots began to be fired at us. The
16 Belgians, I don't think they could really
17 see who was firing at them but they
18 answered. They fired back from both
19 trucks and that died down again and then
20 we come back round and when we came back
21 again on to the side of the valley facing
22 Nyamarambo, the shooting started again.
23 And they returned fire and finally we got
24 out of there. At that point I was on the
25 truck now, the producer who was in the

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1 car behind, in one of the exchanges, his
2 car stalled and he didn't manage to get
3 it started again,. The Belgiun officer
4 went running back to him and just pulled
5 him out of the car and throw him in the
6 truck. It was at that point that we lost
7 lots of television equipment. In that
8 car. We lost a saxophone and the tripod
9 batteries and this hastened my departure
10 because there was no reason for staying
11 if I couldn't charge my batteries and I
12 had lost some tapes.

13 Q. You just mentioned that you had lost some
14 tapes, did you lose some of the film
15 footage that you had already acquired in
16 Kigali?

17 A. Yes. Earlier that day we had been
18 filming the Sour famme church up in the
19 centre of town. On the main round
20 about. We had been filming large numbers
21 of Tutsis who had taken refuge there. In
22 the out buildings around that also there
23 is some sort of make shift rubbish dumps
24 and on all those rubbish dumps there were
25 bodies. I managed to film them before I

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1 was chased off by some of them. The men
2 in those up buildings around the church,
3 I remember them sort of shouting at me,
4 this does not concern you. You go away
5 or we will kill you, so I left. In that
6 church there must have been several
7 thousand Tutsis and the people around,
8 the bodies around the church-- I was told
9 the people who had tried to get into the
10 church or tried to flee the church and
11 had been caught. So those men who chased
12 me off those people around that church
13 were certainly the people who had killed
14 those bodies-- killed these people. I
15 wasn't so sure but I believe it is true.

16 Q. The individuals you were indicating were
17 they in military uniform or were they in
18 civilian garments?

19 A. No, again this is universal, militia
20 universal, volunteer who would be manning
21 road-blocks. I didn't never really saw a
22 road-block I think out and going into the
23 barracks or somewhere like that manned by
24 someone in a uniform with a gun. This
25 was-- it is an enormous number of young

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1 men in the streets armed with machetes or
2 grenades.

3 Q. And just so that the record is absolutely
4 clear case what information did you have
5 about their ethnic group?

6 A. Well, we were told that they were Tutsi.
7 We were told sorry, they were Hutus. We
8 were told that by everybody. I don't
9 think it was, the time, it was under any
10 double that these young men were Hutu and
11 that they had formed themselves into
12 militia. Everybody told us that.
13 Whether it was a Tutsi who was hiding,
14 whether it was the U.N force that was--
15 we were aware of those, whether they were
16 the Belgians or the French or whether it
17 was people we were talking to in the
18 French school, the Rwandans who were
19 themselves Hutus in the Milles Collin
20 when I was there. These were young Hutus
21 youths, men.

22 Q. Now did you eventually move to another
23 location in Kigali?

24 A. Yes, after about- after few nights in the
25 French school we moved out to the Milles

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1 Collin which is marked as number two on
2 this map on the legend. I must have
3 stayed there another couple of nights.
4 The Milles Collin at that time was full
5 of Tutsis who were hiding in each room
6 when you-- if you have got a glance
7 inside one of the rooms there might be
8 ten or more people. They were all
9 Tutsis. On the top of the Milles Collin
10 there is a large sort of conference
11 room. That was full of Tutsi. They were
12 terrified. I remember at one point I
13 wanted to film out of a closed window. I
14 just wanted to pop my camera lens through
15 the curtain from that room, you get a
16 good view over Kigali where you could see
17 tracer the sound of explosion and they
18 quite strongly told me not to do it, that
19 it will bring attention to them that they
20 might be killed.

21 Q. You have described a number of the scenes
22 that met your eyes as you travelled
23 around in the city of Kigali, did you
24 ever have the opportunity to travel with
25 other UN troops in an armoured personnel

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1 car or APC?

2 A. Yes, on my final journey I made my exit
3 with the Bagladeshis who had-- Bagladeshi
4 UN forces who had troops there, then they
5 had APCs and I left with them in an APC
6 and I left on the road that is the normal
7 route into Kanombe airport. The main
8 route. That route I hadn't travelled on
9 before. But all the way I saw one or two
10 bodies and I remember up somewhere on one
11 of the turnings near the stadium there
12 was a large moram road leading off inter-
13 housing and I saw a circle of bodies.
14 Must have been in a hundred two hundred
15 even more as we drove past.

16 Q. Were you able to film that.

17 A. No, I wasn't. I was in an APC and it has
18 a very small hole at the top. You can't,
19 unless you are going to sit up on the top
20 of the roof. On other occasions again
21 when we couldn't film at that main round
22 about in the centre of the town, just,
23 behind Sour Famme church, endless bodies
24 in the grass and I remember seeing
25 something I really saw was a municipal

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1 truck picking up bodies. The people
2 manning the truck were in the pink
3 uniform which we knew meant that they
4 were prisoners. They had a mask on and
5 groves and as the truck drove past down
6 the hill you could see it was full of
7 bodies and they were continually moving
8 around the city picking up bodies. I
9 think the petrol for them was paid for
10 them by the CRC.

11 Q. That is the Council Red Cross?

12 A. I think they were sort of supported that
13 time by the Red Cross.

14 Q. Mr. Hughes, You have already described
15 this aspect of your impressions that I
16 would like to draw attention to now but
17 it is important for us to have your
18 impressions as a journalist as a keen
19 observer who was present there at the
20 time. What was your sense of the
21 violence was this something that was just
22 spontaneously occurring or was it
23 something else?

24 A. As I have said we expected ethnic
25 killing. It was a universal feature than

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1 any conflict or even during peace times
2 we knew of or we had witnessed and
3 killing of civilians by militia or
4 military. And I suppose when coming to
5 that situation I believe that at the time
6 that what we were seeing was just going
7 on in Kigali, it wasn't until I think I
8 had left for-- as soon as I left, I was
9 on the flight to Ethiopia with some other
10 journalist I was working with. I really
11 didn't realise what I had seen wasn't the
12 right thing, wasn't normal. This was not
13 normal by Rwandan standards. I remember
14 endlessly repeating to them and to
15 myself, in that how can someone just go
16 and cut the legs of a woman. How can
17 they do that. I remember, sort of,
18 swings in moods as a result of the
19 killing and the bodies that I had seen.
20 I think the other journalist was pretty
21 much the same. You didn't come to the
22 situation where there is mass killings
23 going on here, you know. Really that is
24 what was going on in front of us. I
25 think what we thought was, this was the

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1 sort of killing that had happened before,
2 isolated, may be this time it was in
3 Kigali. But immediately looking back on
4 it. You know, the day that I left I
5 think, I began to realise that this was
6 something different, the ferocity, the
7 nonchalant killings, systematic killings
8 that I had seen in Kigali, the endless
9 bodies. The way the people were killed.
10 You know, like on the film you see
11 severely clubbing to death or torturing
12 people who were already in extremeness.
13 This was not something normal and it
14 began to dawn very quickly. I remember
15 one journalist Catherine Bond saying,
16 when we were there, there won't be any
17 Tutsi left by the time this war is over.
18 I know she didn't really know that I was
19 fully watching what she was saying but
20 that is how it was dawning on us after
21 one week there. That is the sort of
22 comment that we were making. We kept on
23 denying that there was always ethnic
24 killing but quite quickly within a week
25 we realised that this was on a completely

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1 different scale.

2 Q. Now you have indicated that this
3 impression really fixed itself in you
4 immediately that you had left and were
5 able to think back on what you had just
6 lived through. Can you estimate for us
7 roughly how long during April of 1994 you
8 were able to spend in Kigali.

9 A. I was in Kigali about six to 7 days.

10 Q. Mr. Hughes you are aware that we obtained
11 a video cassette from WTN in Nairobi
12 containing what was identified to us as
13 video footage from their archives that
14 you had actually taken. You are aware of
15 that?

16 A. I am aware of that.

17 Q. Have you had an opportunity to review
18 this cassette?

19 A. Yes, I have.

20 Q. And can you tell the chamber whether or
21 not it does indeed contain the video
22 footage that you yourself took?

23 A. It does.

24 Q. I should ask you of course just to
25 complete the length. Do you have a

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1 relationship with WTN? And obviously I
2 suppose you were in Kigali as you said
3 worked for WTN at the time we were
4 talking about?

5 A. Yes, I agree we were working together and
6 they used my footage and the syndicated
7 it.

8 Q. Now the video cassette that is available
9 to us can you just describe what it
10 contains? Is it finished material or is
11 it raw material, what is it?

12 A. It's a mixture. It's mainly it is
13 rashes. What we would call rashes but it
14 is just a raw of footage that comes
15 straight out of the camera. So you get
16 everything you get before the camera is
17 steady before you are taking the shot
18 that you are after. It is the general
19 pictures that you take. The complete
20 tape of what I showed.

21 Q. Mr. Hughes you are aware that we made a
22 copy of certain passages from the video
23 cassette that we have just been
24 discussing in order to isolate those
25 particular parts that we felt were

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- 1 particularly relevant. Were you
2 satisfied when you were able to look at
3 that copy with the quality of the image?
4 A. Just.
5 Q. Is it your preference that we use in
6 court the original cassette?
7 A. The original, yes that is acceptable.
8 Q. So, I think what we will do then for this
9 particular exhibit is to use the long
10 version and will you be able to fast
11 forward to those parts that we
12 particularly want to draw the chamber's
13 attention to?
14 A. Yes.
15 MR. STEWART:
16 Mr. President--.
17 MR. PRESIDENT:
18 Given the witness's response either that
19 he prefers to show his film, then we
20 would prefer first to see that film not
21 the one that you copied.
22 MR. STEWART:
23 Thank you, Mr. President. First of all
24 to explain.
25 MR. PRESIDENT:

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1 Without any comments?

2 MR. STEWART:

3 No, we have given all to the defence.

4 MR. PRESIDENT:

5 Very well but the Tribunal, we prefer to
6 have the original that is what we are
7 saying that is all.

8 MR. STEWART:

9 Very we will. We will do so.

10 MR. PRESIDENT:

11 Fine that is an observation you want to
12 make. I simply wanted to ask a few
13 questions. How long will this film last.

14 MR. STEWART:

15 If you will allow me that we can fast
16 forward through it and skip through
17 certain passages that are of less
18 interest, that perhaps could take half an
19 hour.

20 MR. PRESIDENT:

21 I am asking because given the accused's
22 state of health and the recommendations
23 given by Dr. Muhaando we decided that we
24 would not sit in the afternoon, that we
25 would only sit in the morning from 09:30

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1 to 1 pm because his state of health is
2 still fragile. Therefore, we will finish
3 at about 12:30 pm today. That will give
4 you time to show the film and then we
5 will have cross-examination tomorrow
6 morning. Is that convenient to you
7 counsel?

8 MR. STEWART:

9 Mr. President I don't believe I will have
10 finished because there is the video but
11 then also we have a very short passage on
12 another video cassette that I intend to
13 have this witness show.

14 MR. PRESIDENT:

15 Do you think that we could finish by 1 pm
16 because normally we will only sit up to 1
17 pm.

18 MR. STEWART:

19 Yes to conclude that but I will not be
20 able to finish the examination until
21 tomorrow morning.

22 MR. PRESIDENT:

23 That's fine if you do not finish by 1 pm
24 then you can continue tomorrow morning.
25 He is your witness, you have as much time

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1 you need
2 now I wanted to ask three questions so
3 that we can work more efficiently. These
4 are points of clarification. You are a
5 journalist. Earlier you said that on the
6 radio people were saying that they should
7 kill which radio station were you talking
8 about and what did you hear
9 specifically?

10 THE WITNESS:

11 Okay, just some clarification. I am
12 primarily a camera man that includes
13 quite a bit of a journalist work. In the
14 broad sense I am a journalist. At the
15 time there was the radio Milles Collin
16 that was broadcasting and you would see
17 many people listening to it with radios
18 in the street. And again we were told
19 through Rwandans people who were there.
20 People that we were talking to and people
21 who talked to Rwandans about what this
22 radio station was broadcasting.

23 MR. PRESIDENT:

24 So it was the Rwandans who told you what
25 they heard on the radio, you didn't hear

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1 it personally is that correct cost?

2 THE WITNESS:

3 I don't understand Kinyarwanda, so even
4 if I had heard it, I wouldn't know what
5 they were saying really. Sometimes the
6 radio would be on and someone would say
7 you should hear what they are saying.
8 And really they would give a brief of
9 what was being said.

10 MR. PRESIDENT:

11 Another point of clarification.
12 Prosecutor asked you a question
13 concerning the road-blocks. In your
14 opinion were these road- blocks
15 spontaneous or were because you said that
16 once you left you realised there is an
17 ethnic conflict and that it was not just
18 isolated killings. That you realised all
19 this. You realised the systematic and
20 wide spread nature but after you left.
21 So were the road-blocks that you saw were
22 they spontaneous or did that fall in the
23 context of these systematic and wide
24 spread attacks?

25 THE WITNESS:

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1 It followed in the context of a
2 systematic killing, yah. The road-blocks
3 were-- you know, armature road-blocks. I
4 think the road-blocks were a
5 demonstration of enthusiasm for this make
6 shift militia that we saw, for the task
7 they were carrying out, you know. The
8 more roads in the area, the more
9 enthusiastic the people in that area were
10 for carrying out killings. I think that
11 is true. So that answers your question.

12 MR. PRESIDENT:

13 Last point of clarification you said that
14 the killers the militias would go into
15 houses, take people out to be killed and
16 that sometimes they would even come out
17 with cadavers is that correct.

18 THE WITNESS:

19 Yes, that is correct.

20 MR. PRESIDENT:

21 So in your opinion why where they doing
22 this? Did you have the impression that
23 they had preestablished a list so that
24 they would go on to determine houses or
25 was it because they were neighbours where

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1 everybody knew everyone else?

2 THE WITNESS:

3 Again it was an evolution of
4 understanding of what we were seeing.
5 Initially we heard from the expatriates
6 who were coming down to the French
7 school. Their story is of what had
8 happened in their street or to their
9 neighbours. And they continually talked
10 about who was being killed. The Tutsi
11 were being killed. It was in a
12 systematic way. The Tutsi would be in
13 their house or in the school or somewhere
14 and the militia would arrive and then
15 they would work their way from one end
16 of the street to the other killing those
17 Tutsi. I think they would have the
18 assistance of some of the local people in
19 that street who would either show them
20 where they were or actually in assisting
21 in the killing. You will see on the
22 tapes the nature of how these groups
23 moved. But we continually heard from all
24 the expatriates who were coming down to
25 the French school or who we met at the

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1 airport. They would tell us stories that
2 this expatriate was just-- his house was
3 just above the school. There was
4 boarding school. His office had large
5 number of Tutsi in it. When the conflict
6 block out again those children couldn't
7 go home. There was no problem in that
8 area but one night probably about a week
9 after the plane was shot down all night
10 we heard screaming from the school and
11 then in the morning when the sun came up
12 the entire play ground below him was
13 littered with bodies and then the killers
14 moved on. They went-- it was systematic
15 in that it was a house to house. And
16 once they had gone from that road you
17 didn't see them back there.

18 MR. PRESIDENT:

19 Did you ever hear about lists at that
20 time, people being sought? And if so
21 fine and if not.

22 THE WITNESS:

23 Yes, we did. And the U.N troops told us
24 that on the night that the Presidential
25 plane was shot down the military

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1 Presidential Guard went round the city
2 looking for people on a list and they
3 were looking for members of the interim
4 government. They were looking for
5 opposition Hutus. They were looking for
6 senior Tutsi. I think the U.N troops
7 actually had with the death of the Prime
8 Minister. Sort of experienced this.

9 MR. PRESIDENT:

10 Thank you. Judge Aspegren has the floor.

11 JUDGE ASPEGREN:

12 I forgot a few questions about these
13 groups of young men which were named by
14 somebody to be militia called
15 Interahamwe. One question upon their
16 equipment, did they have any kind of
17 vehicles or did they walk around or
18 round, round?

19 THE WITNESS:

20 Right. In an area like Nyamarombo what I
21 saw there was-- what it looked like was
22 all the local youth had come out on to
23 that main road and were working together
24 with their neighbours to make these
25 road-blocks, to man these road-blocks, to

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1 set and search these houses and to kill.
2 So it was the local people in that area
3 whether they lived in that house directly
4 I don't know but that whole neighbourhood
5 would come to do the killing. I think in
6 the very early, that you see, to me like
7 I have been up and down to that road. I
8 was up there before the killing and I saw
9 the people standing outside their houses
10 and I came down back that road after the
11 killing that I saw and filmed, and it
12 looked much more like it this was a group
13 of youths who came and coerced local
14 people and to were the Tutsis were.
15 These were not-- they were definitely
16 enthusiastic militia, they were not in
17 uniform. They didn't seem to have any
18 purpose for them to kill.

19 JUDGE ASPEGREN:

20 But did they have vehicles.

21 THE WITNESS:

22 Sorry no, they didn't. Once or twice you
23 will see it on this video, you will see a
24 pick-up truck travelling as though there
25 might the somebody coordinating the

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1 killing. Definitely you wouldn't have
2 any purpose to be out in the vehicle
3 unless you were taking part in what was
4 going on so. So the few vehicles that I
5 did see I would be suspicious that these
6 vehicles were coordinating the killing
7 and delivering supplies may be grenades.
8 We even heard the drugs were being
9 delivered to the road-blocks. But no,
10 you are not talking about mobile militia
11 travelling around in vehicles, no.

12 JUDGE ASPEGREN:

13 Did you see some kind of sign of
14 leadership, organisation, inspiration or
15 whatever?

16 THE ACCUSED:

17 Both the couple of vehicles that we did
18 see moving around and you will see one
19 here and as I said I don't think that
20 vehicle would be there unless it was
21 taking part in the killing or something.
22 You did see people fleeing the city in
23 vehicles and that was quite obvious.
24 What that was there families and there
25 were people heading on a particular road

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1 out but just around the suburbs you saw
2 one or two pick-ups and I would suspect
3 that they were leading this. You also
4 saw some contact between the military
5 Presidential Guard. I don't know if I
6 wouldn't have said these people going and
7 giving instructions.

8 JUDGE ASPEGREN:

9 Alright. Is it your impression that
10 these Interahamwe or these groups were
11 acting under some kind of organisation.

12 THE WITNESS:

13 Yes, yes. In a systematic way that was
14 taking place.

15 JUDGE ASPEGREN

16 so it could more less be understood that
17 this was a spontaneous uprising by some
18 young who just suddenly had the idea and
19 would go out and kill somebody.

20 THE WITNESS:

21 I exclude that completely. It is not
22 possible but what we saw was
23 spontaneous. Right down to the method of
24 killing, the way-- if they wanted to kill
25 somebody instantly they would deliver

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1 blows to the side of the head.
2 Universally we saw that the side of the
3 head one single strong blow on that
4 person would be dead and the systematic
5 way in which it started while in the
6 street went all the way up to the top and
7 then you wouldn't see those militia men
8 again. The number of road-blocks, the
9 enthusiasm of the people, the relation
10 with-- the military knew exactly who
11 these people were on the road-blocks.
12 They quite obviously knew these people
13 had authority to be there. My experience
14 of Rwanda is that it is a highly
15 disciplined country. I had never seen
16 anybody do anything in Rwanda without the
17 authority to do it and these people had
18 been ordered and given authority to go
19 out in the streets to carry out the
20 killing. It is the sort of thing in
21 Rwanda if you see a traffic accident the
22 police would be down on those people
23 immediately but there maybe bodies lying
24 by the side of the road, that is
25 condoned, this is not. And I have seen

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1 that sort of action in Rwanda for many
2 years. So the chances of hundreds,
3 thousands of young men coming out setting
4 up road-blocks, talking the military,
5 systematically going from house to house
6 with an absolutely aim of finding Tutsi
7 or finding Hutu who are unsympathetic.
8 It's incompressible in the country like
9 Rwanda.

10 JUDGE ASPEGREN

11 wouldn't either be fair to say that the
12 only possible explanation to this events
13 which you saw yourself would be some kind
14 of, well, organised intention behind it?

15 A. Preplanned, absolutely preplanned.

16 Q. The only possibility? .

17 A. The only possibility, the only
18 explanation.

19 JUDGE ASPEGREN:

20 Thank you, very much.

21 MR. STEWART:

22 Mr. President, with your permission we
23 will proceed with the first video
24 cassette.

25 MR. PRESIDENT:

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1 One last question. That I would like to
2 ask first. Earlier you talked briefly
3 about these trucks that were driving
4 about and you had the impression they
5 were giving instructions and that they
6 furnishing ammunition. What was that
7 exactly. Did you hear about that? Did
8 you see it? What happened.

9 THE WITNESS:

10 Yes, we saw the arch type of situation
11 would be a pick-up with two people
12 inside, two people in the back. They
13 would drive up to a road-block. They
14 would have discussion with the people on
15 the road-block. They might hand
16 something over and then they would drive
17 on. It was like they were coordinating
18 making sure a job was being done. I
19 didn't have direct contact with the
20 people in these pick-ups but it's so
21 unlikely that someone would just be
22 driving around chatting to road-blocks in
23 a situation like this, in a very
24 dangerous situation without the full
25 authorisation to be there. I mean if it

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1 was somebody just in a pick-up driving
2 around, the chances are that they would
3 be shot at. They would be asked, what
4 are you doing here in our area. You
5 know, questions would be asked. So the
6 people on the road-blocks knew who these
7 people were in these pick-ups. There is
8 no doubt about that. People fleeing,
9 families in cars with all their
10 possessions etc. They were stopped at
11 the road- block. The identity cards were
12 asked for. You know if there was any
13 doubt they would be killed. So the
14 people in the pick-ups were known to the
15 people on the road-blocks. That's
16 somehow the connection.

17 MR. PRESIDENT:

18 Yes, I understood what you have just said
19 but you also mentioned that among other
20 things they were also giving drugs. How
21 did that come out? How did you know
22 about that?

23 THE WITNESS:

24 This was hinted out on the radio. And we
25 were told what was being broadcast on the

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1 radio that the radio Milles Collin was
2 broadcasting and saying to the people
3 manning the road-blocks, they must carry
4 on their job that they will get more
5 supplies of what they want. We were told
6 that this probably meant drugs. This is
7 from the radio through somebody
8 translating for us.

9 MR. PRESIDENT:

10 Have well, thank you. Prosecutor.

11 MR. STEWART:

12 I am just going to try and-- so the best
13 place for you to stand Mr. Hughes, it may
14 be with the President's permission here
15 so that you can describe what we are
16 going to see on the video and also
17 control the speed, again with the
18 permission of the chamber. We may on
19 occasion need to look at the map simply
20 to confirm where in the city we are.
21 Unfortunate we are rather clamped in this
22 courtroom. We can set that up and we can
23 go ahead.

24 MR. PRESIDENT

25 The television that is in the public

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1 gallery is that also working?

2 MR. STEWART:

3 Yes. Just for the record, this next
4 exhibit video cassette should be exhibit
5 467.

6 Q. Mr. Hughes even as you fast forward just
7 so that we have some knowledge of what it
8 is that we are seeing?

9 THE WITNESS:

10 What you can see here is French or
11 Belgium troops evacuating an orphanage.
12 You can see the children being carried
13 on. Here you can see French troops in
14 front of the Kanombe airport bringing in
15 expatriates you can see Bagladeshis,
16 Europeans, French. This would have been
17 probably on the first or second day and I
18 was there.

19 Q. And where was this, at the airport?

20 A. This is at the airport at Kanombe
21 airport.

22 MR. PRESIDENT:

23 Can't it be more stabilised? Can you not
24 use the tracker?

25 MR. STEWART:

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1 Now would you please go back and just
2 take us at a normal speed. Where is
3 this?

4 THE WITNESS: Okay, here you can see there is those--
5 let us just take another look at that.
6 It is a very good example--.

7 Q. Please go back because we are now at a
8 normal speed and---?

9 A. A very good example. Here I am on one of
10 French convey. You can see a French
11 soldier he is on the back of a pick-up.
12 We are making our way from the airport to
13 the French school. The group on the left
14 here is a very good example of a make
15 shift road-block or a gang on the side of
16 the road.

17 Q. Stop the film if you can?

18 A. Yah, it's not gonna stop.

19 THE PRESIDENT:

20 Is that a road- block there. If that is
21 a road-block then rewind a little bit so
22 that we can see the people who are
23 armed.

24 MR. STEWART:

25 Mr. President this is not a road-block

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1 but I would prefer the witness to--.

2 MR. PRESIDENT:

3 Yes, but I saw that there were people
4 there with machete. So I would like to
5 know where that is.

6 MR. STEWART:

7 You wear-- in the interpretations
8 earphones.

9 THE WITNESS:

10 Alright.

11 MR. STEWART:

12 Just a long pose there.

13 MR. PRESIDENT

14 Now before this, stop with that group of
15 people. It seems to me that they were
16 carrying weapons. That they are armed
17 persons. Fast forward a little bit and
18 then stop at the group of people to the
19 left. People to the left of the road.
20 There you are you. Have a group of
21 people persons there that we see at the
22 left. Right there stop there so that we
23 can see them a little bit and I can see
24 that they carrying clubs and machetes.
25 Is that indeed clubs and machetes? Are

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1 these people armed.

2 THE WITNESS:

3 Indeed clubs and machetes. This is
4 exactly what I have been taking about a
5 group of young men out in the suburbs
6 just outside the airport. They got
7 together. It was difficult you can't say
8 these people were Interahamwe that they
9 are under the leadership of somebody but
10 there is a good reason why they are
11 there. They would know why they are
12 there. Nobody is asking questions
13 hundred yards down the road and
14 definitely I am sure that these people
15 knew that there was a Tutsi in the house
16 opposite or somebody sympathising with
17 anti-government forces they would take
18 action. Normally what you would find
19 here is a body on somewhere behind them
20 or on the other side of the road.

21 MR. STEWART:

22 Mr. Hughes before you go on we may see a
23 gesture, A waving gesture from some of
24 the civilians along the side of the
25 road. You were travelling in this

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1 particular convey with troops of what
2 nationality?

3 A. France. You can see there the army band
4 of the soldier who is on the back of the
5 pick-up with me. They seem to be popular
6 with the militia.

7 Q. Alright, could we just go ahead at the
8 normal speed?

9 A. Okay, now this is a group of Tutsi who
10 have got together-- no, no I am sorry.
11 This is just militia on the side of the
12 road. Okay this is still on the road,
13 the back road going from the-- there is
14 another group waving at the French
15 soldiers on back road going from the
16 airport. You see a body there, people
17 have been asked to come out. They are
18 all standing, they are all armed with
19 some implement. They are joining the tar
20 mark. This is one of the two centres
21 right in the central of Kigali.

22 Q. Now we are in a Tarmac road.

23 A. So there is a good example of somebody
24 out and about, about business probably
25 looting I should think down here on the--

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- 1 Q. There you are.
- 2 A. There you are. People obviously taking
3 something out of this house and putting
4 it in the car. This is very, very
5 common. Once again it would be obvious
6 these people were known. You couldn't
7 just go into someone's house and loot.
8 This was something of an arch-coerce.
9 These people who have some authority to
10 be there and be looting.
- 11 Q. Now we are continuing with the convey?
- 12 A. Alright this is a U.N convey of UN
13 personnel leaving the city.
- 14 Q. And this is coming the other way. Your
15 convey stopped?
- 16 A. And they chatted with the gunmen, I
17 suspect soldiers there, I don't know.
- 18 Q. U.N convey is marked?
- 19 A. So this would have been U.N personnel
20 leaving the city. There is a Bagladeshi
21 APC. This is at the French school with
22 the Belgiun troops organising-- Belgiun
23 and French organising the expatriates to
24 leave. So you can see a lot of
25 expatriates and nuns, some of them in

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1 wheel chairs. This is an interview with
2 a man who working in Kigali about what he
3 had seen.

4 Q. Going fast forward just for the record.
5 Let us pick-up this, I think it is
6 important. Just to introduce what you
7 are about to show us, is this the film
8 which you took from the top of the French
9 school that you described in detail to
10 the chamber?

11 A. That is correct.

12 Q. Alright. Let us go back to the
13 beginning.

14 A. Okay, so, this is the road.
15 Q. Probably stop there.
16 A. Just to point out on the map here.
17 Q. Exhibit 1A?
18 A. The French school is here. This is a
19 valley. There is the river going
20 through. This is the French school
21 there.

22 Q. Is it marked with anything on the map for
23 the record?

24 A. Yah. No, it is marked Lasibukunga. It
25 was known as a French school. So I was

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1 on the top building of that French school
2 complex looking across the Centre de
3 supportive to Kigali. The road leading
4 away on the other side of the valley. I
5 could see through from that top room
6 through the trees, on the that road and
7 there are these houses all around up
8 there leading to some sort of T-junction
9 and more so about beyond. So I went up
10 to top room where a Belgian soldier let
11 me look through his rocket sight on his
12 rocket launcher and he had been
13 witnessing the killing of all these
14 people. From this picture you can see
15 probably about four bodies here. There
16 is another body there.

17 Q. On the left, I am sorry?

18 A. That is on the left. It's on the left on
19 the bottom left hand corner and there is
20 another body halfway up. There is about
21 four bodies here and another body there
22 and there is a group of men on the right
23 hand side of the road, about some
24 business in that house. You will later
25 see a man dying behind that tree there

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1 and I suspect what they are doing at this
2 point is that they are pulling him out.
3 Now on the next car when I was moving the
4 camera two people had already been
5 brought out and killed and you will see
6 them not killed. You will see them being
7 killed.

8 Q. Now going-- you are advancing now?

9 A. Yah, and you see two people just about
10 their business up here and this group
11 obviously working as a group up some
12 business at that house. You can see a
13 machete being moved there or a stick.
14 You see a lot of them really have
15 something in their right hand. Either a
16 machete or a club of some sort. There we
17 can see a child walking down the road
18 with a club coming to the other side of
19 the group. They are obviously discussing
20 something, either how to get the man out
21 this house or he is probably making his
22 case about why he shouldn't be killed and
23 they are deciding on that. You can see
24 the number of people up and down the road
25 as well. Okay, this is at the top of the

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1 road that T-junction and this just shows
2 that people were going about their
3 business. It wasn't completely deserted,
4 okay, I will just pose it there. Between
5 that I would just live to moved to that
6 so that you can see slightly at a
7 different angle and I missed the people
8 being brought out, that they are now
9 clubbing here. Though obviously not
10 clubbing them to death, they come back on
11 several occasions to club them. Not just
12 this once. So this obvious, this wasn't
13 just a blow to the head. I would
14 describe it as torture. If I go back you
15 will see that they are not there on the
16 previous shot okay, you see that the size
17 of that group of bodies must about let me
18 see, one, two, there and may be about two
19 people but there is nothing on the centre
20 of the road. When we go forward you can
21 see them clubbing right in the centre of
22 the road. These people are being brought
23 out. You can see the mans' feet. May be
24 his head and somebody else's foot there
25 is probably two people there being

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1 clubbed. Let us just see it again.

2 MR. PRESIDENT:

3 Come back. Rewind a little bit. We want
4 to see. It is important for us to see
5 how people are being clubbed. Rewind a
6 bit. We can see the people clubbing
7 other people right there.

8 THE WITNESS:

9 Now you will see those people there being
10 clubbed. Again you can see his head move
11 he is not dead. There, his head moves
12 again. He is trying to sit up. He his
13 being clubbed again. You will see one of
14 them in a minute have a go at this chaps'
15 head there, but he is still not dead.
16 That wasn't a blow. He is probably
17 begging for mercy or something. If they
18 wanted to kill him they would have killed
19 him immediately. They are torturing him
20 basically. You see it again. You can
21 see him moving.

22 MR. PRESIDENT:

23 Come back.

24 THE WITNESS:

25 This is a nonchalant killing. Nobody

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1 else here is looking back. They are not
2 paying attention. This is something
3 that-- this is the business they are
4 about. You can see, he still alive, he
5 has just moved. Now you can see two
6 woman here. There is the woman kneeling
7 and begging. You can see her arms she is
8 begging and just below her there is a
9 woman sitting down here. You just see
10 her move here. She sits back. I am not
11 sure why she is sitting down there. They
12 may have been clubbed on the back of
13 their heels, if we had seen that. You
14 can see this chap has a machete going
15 into this house. At a later moment you
16 will see that there is person living in
17 this house it is a woman. She looks like
18 she is living there. She is very much at
19 home. Comes out, she puts her head
20 around this door to see what is probably
21 happening to her neighbour. This woman
22 must have lived in a house just here.
23 Whatever discussion here is still going.
24 You will see there is nobody or anything
25 lying there. Later on you will see a man

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1 dying there. She pleaded for about 20
2 minutes. I could not film the whole
3 thing because again I was concerned about
4 my batteries and tape and they were not
5 going to kill her straight away. You can
6 see they sat both of them down just next
7 to these four or five bodies here. She
8 pleads the entire time. She pleads for
9 her life. There is a little boy here who
10 walks past. That man goes into that
11 house. He has got a hand in his pocket,
12 just wondering in. That is probably his
13 house. He probably knows this woman.
14 The discussion is still going in this
15 house, whatever. I think that when they
16 do kill her. You will see that they do
17 it quite quickly and I suspect that was
18 because she is a woman but that is just a
19 guess but they beat her straight on the
20 head. Okay, he is now beating the man
21 that we saw then being beaten before.
22 The two men there. They are not beating
23 either the woman sitting down or the
24 woman kneeling but obviously they are
25 watching what is going to happen to her.

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1 It is a man going in this house here. So
2 when they do beat her you will see that
3 they hit both of them on the head. Here
4 comes one of these trucks that I was
5 talking about. It is just passing by.
6 It is giving a wave. You see can there
7 is about five men in the back there. It
8 is not-- they are neither fleeing the
9 city nor they are officials. There is no
10 uniform there. Okay, you can now see a
11 body here, lying across there. You can
12 see that he is not quite died. Okay, he
13 comes and hits her on the head, and he
14 hits her straight on the head. When he
15 hits her, he hits her with such a force
16 that he breaks her. She falls back. She
17 puts her hand up before he breaks her
18 hand and then hits her on the neck.

19 MR. STEWART:

20 Two are being killed?

21 A. Two are being killed. And if you look
22 you can see this man he puts up his hand
23 up here.

24 Q. The body over on the right?

25 A. Yah, he is not quite dead. He is dying.

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1 His hand comes up and then goes down.
2 There still another man standing near him
3 and they walk off. There you can see the
4 hand move and the body there. Let me
5 just give you that again. It is
6 important to see that some of them
7 weren't just killed out right. I suspect
8 they were leaving-- left to die. They
9 knew they were going to die. There is
10 nobody standing gathering him but he is
11 lying obviously dying. He is lying
12 down. You will see his hand come up in a
13 minute, his arm. There is nobody
14 standing near him. There his hand comes
15 up and goes down. You can see exactly in
16 the series of death. Again you can just
17 see a man standing there on that previous
18 occasion. You see a woman. You can see
19 that nobody is questioning why these
20 people should be here. Why they should
21 be doing this. The neighbour who is
22 standing up this door isn't questioning
23 why this woman who must have been her
24 neighbour for the last 30 years is being
25 killed. Even the two woman who were

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1 going to be killed, they know that they
2 are going to be killed. They are not
3 questioning why they are going to be
4 killed. They know who these people who
5 are going to kill them are. They know
6 that they have the authority to do it.
7 They can't run away. They know that
8 everybody up the street would stop them.
9 The people who are going to kill them
10 have the authority to do it. There is no
11 attempt to escape because there is no
12 possibility of escape. It is not one
13 group of local militia doing this. It is
14 a systematic, up the street you can see
15 people having been brought out of their
16 houses and killed in front of their
17 houses. That is a systematic way of
18 doing it. It is not a round page into
19 someone's house, smash down the door,
20 kill them in the front room. You are
21 bringing them out, you are killing them
22 in a pile of bodies outside so that they
23 can easily be picked up and taken away.
24 There is no question at all that these
25 people believe they have absolutely every

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1 right to be there and to be doing that.
2 It's nonchalant, it's tiring. It's
3 work. So, just on this street you can
4 see, let us say there is five or six
5 seven, eight, nine, ten, eleven may be
6 twelve bodies on that street. That is
7 probably between that hundred metres that
8 is the Tutsis, that were still remaining,
9 they were being killed.

10 MR. PRESIDENT:

11 Were you able to see what weapons they
12 were using to kill with, were they clubs
13 or were they machetes they were hitting
14 them on the head.

15 THE WITNESS:

16 Both women of these woman are killed by
17 clubs. He has a machete in the other
18 hand and when he hits her with a club,
19 club the breaks. I suspect it is
20 something a bit like a bloom stick or a
21 bit thick not a very effective weapon but
22 on the original copy on the book, I would
23 call it a quality copy of this, you can
24 see the club break when he hits her on
25 the neck and her head goes right back.

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1 JUDGE ASPEGREN:

2 Could you please try and identify the
3 date and the place of this event.

4 THE WITNESS:

5 The date I can identify exactly as this
6 avenue dumburabutuba.

7 JUDGE ASPEGREN:

8 And the date please?

9 THE WITNESS:

10 So, it is just below the faculty Detroit
11 along the other side of the central de
12 supportive to Kigali. The date would
13 have been probably something like the 18
14 of April 1994.

15 JUDGE ASPEGREN:

16 Thank you.

17 THE WITNESS:

18 And the truck that goes past, the woman
19 is still begging for her life on a pile
20 of bodies. Those people on that truck
21 knew what was going on. They knew who
22 the people were on that street were.
23 They knew what they were going to do.
24 They don't pose. As they drive down one
25 of them gives a quick wave to somebody he

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1 probably knows. No attempt by anybody to
2 help. It is not like the person is being
3 punished and he is going to be taken back
4 into the house by his family. It is not
5 like he is somebody who has been punished
6 for being a member of the opposition and
7 just beaten, you know, whether he dies or
8 not it is not important. He is not being
9 taken back into the house. There is plea
10 he is going to die. Everybody on that
11 street knows that. His neighbours know
12 that and they know why he is going to die
13 and they know who is going to kill him.
14 There is no other explanation for that
15 sort of systematic killing.

16 JUDGE ASPEGREN:

17 Thank you.

18 MR. STEWART:

19 Mr. Hughes, we are going to leave what we
20 saw on that street and you now have what
21 looks like a military truck which you
22 filmed with civilians on the back.

23 THE WITNESS:

24 Okay, these are French soldiers and they
25 are making their way from the French

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1 school to the airport.

2 Q. And as you explained to the chamber
3 already it would appear that most of the
4 evacuees are European descent?

5 A. That is exactly it. And what is
6 interesting here on this particular
7 picture is that you can see this
8 particular truck has, let us say three
9 soldiers guarding it. There is little
10 doubt in anybody's mind that these people
11 are not really at risk. Unless there is
12 unfortunate accident. There is a
13 military car driving past here. You can
14 see the guns stuck out. You cannot see
15 whether soldiers or what but the
16 Europeans in that truck are not at risk.
17 Nobody is expecting them to be machine
18 gunned or attacked on the way to the
19 airport. It has got three soldiers
20 guarding it. It has got setting off by
21 itself going down the main road. Just
22 six hundred metres on the other side of
23 the road people are being clubbed to
24 death. There is a very good reason why
25 those people are in danger and these

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1 people out of danger so--.

2 Q. And Mr. Hughes, did you follow this
3 convey or we are just going to see some
4 more footage?

5 A. We will certainly follow this the
6 convey. You can there is a man outside
7 his house with a stick. Although this is
8 just approaching very close to the back
9 route into the airport. You can see it
10 on the moram road and these houses on
11 either side. Everybody is armed even the
12 children have some sort of club or
13 something. Now here is another group
14 here, they are all armed. They have all
15 got sticks. And not far up this road
16 they are killing people. The children
17 outside the front door nobody is
18 frightened that their children are going
19 to be taken way or killed. And here is
20 the truck with the expatriates goes
21 past. There is another scene of killing
22 outside this shop front which is being
23 looted. So if I go back to that, it
24 gives a good example. This is not
25 obstruct killing the neighbours in these

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1 other houses know that they are not at
2 risk and these militia men here who have
3 obviously killed these people are armed
4 with weapons. You can see the blood at
5 their heads as they are being beaten
6 brought to that spot and killed there.
7 Not killed at home and drugged out or
8 anything. And that property is being
9 looted. And that is five hundred metres
10 out to the airport where the U.N group is
11 stationed. These are soldiers in combats
12 they are just minding their own business
13 on the road while people are being
14 killed.

15 Q. You pointed to two people who appear to
16 be in uniform?

17 A. That is correct one woman and one man
18 they are not one hundred metre from
19 another set of bodies, the woman and a
20 man you. You can see he is strolling
21 around. And on the other side there is
22 no soldiers here.

23 Q. In amongst the civilians?

24 A. And on the other side of the road here
25 you have another three or four bodies.

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1 There is a man and a child and another
2 man over there.

3 Q. This is back at the airport?

4 A. This is back at the airport. So again
5 those are soldiers on that side of the
6 road they knew exactly what was going on.

7 Q. These are Belgian soldiers?

8 A. These are Belgian soldiers at the airport
9 preparing to leave.

10 Q. We are fast forwarding through a scene of
11 UN troops at the airport?

12 A. These are expatriates arriving before
13 they are checked in their passport and
14 they are shipped out on the next military
15 plane to come in.

16 Q. Among the expatriates do we see anyone
17 that you would identify as a Rwandese?

18 A. Definitely I did see Rwandese. I can't
19 say why they are being picked up by the
20 troops to be brought out. What I do know
21 is that not everybody was brought out.

22 There is one particular point of moment I
23 remember when we were driving out of that
24 exit at the back of the airport and while
25 we were still on the moram making our way

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1 round the back of the city, it was in a
2 French convey, past a field on the left
3 hand side the convey was making its' way
4 quite slowly. We were in a small car.
5 Across the field came run a young boy who
6 I would have identified as a Tutsi. He
7 came running up to side of the convey
8 just as the convey began to pass him. It
9 must have been about five or six cars and
10 he pleaded with the French soldiers on
11 the convey, not for himself but he turned
12 round and behind him following him
13 through the tough grass having a
14 difficult running through the grass there
15 was a young-- what I presume what must
16 have been his younger brother. A younger
17 brother what must have been his younger
18 brother came running up to tarsal and he
19 put his hands to the soldier and pleaded
20 quite obviously for the life of his
21 younger brother who was running through
22 the grass. I don't know why the UN
23 soldiers, the French or the Belgians
24 picked up some people and others they
25 didn't pick up but you can see there was

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1 no way they were picking up everybody if
2 they were not going to save the life of
3 this young child.

4 Q. Did they pick up those two?

5 A. No, they did not. These are interviews
6 with the expatriates--.

7 Q. These scenes are just expatriates being
8 interviewed at that it?

9 A. That is correct.

10 Q. About their experience?

11 MR. PRESIDENT:

12 Can we have a few interviews.

13 MR. STEWART:

14 Stop and just hear what this man is
15 saying.

16 Q. (not audible)

17 A. Of the last five days the status is
18 being quite difficult from our point of
19 view certainly. Especially since we had
20 several kids with us and in addition the
21 Sontas Fronteer had several teams through
22 out the country. Several of them were in
23 problems in various parts of the country
24 we were mainly concerned about a team
25 that was blocked in Northern Gisenye in a

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1 hotel and were facing quite a lot of
2 hostility and we had to evacuate in fact
3 all our teams in various phases.
4 Generally speaking it was hard, you know
5 since we had a lot of shootings and
6 shading and so on. And the hardest known
7 probably is when we were evacuated
8 yesterday morning, when we were under
9 direct attack and the soldiers escorting
10 us had to fight back which was quite hard
11 with the kids on the ground in the car
12 and so on. So that was the difficult.
13 Q. What sort of atrocities did you
14 witness.
15 A. We had not witnessed any atrocities
16 then personally because we had been in
17 the house of with Mr. Ephane, we had
18 instructions not to leave from the U.N.
19 So we hadn't seen anything directly. Now
20 our colleagues have reported an immense
21 amount of atrocities. Several massacres
22 one numbering three hundred and fifty, no
23 three hundred and fifty that was the
24 corpses discovered at the morgue in the
25 Central hospital. We had a tank or a

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1 bulldozer bulldozing a mass grave about a
2 hundred yards from our house. People,
3 Rwandese people were killed two houses
4 from ours, on either side. Especially
5 the guards were very afraid especially
6 when we had to leave and they had to stay
7 behind. So we heard many things. Some
8 of our people who eventually couldn't
9 make it to the hospital saw bodies
10 littering the streets.

11 MR. PRESIDENT:

12 That's alright.

13 THE WITNESS:

14 Okay, this is more expatriates that are
15 boarding AC 130.

16 MR. STEWART:

17 Perhaps you can fast forward just to the
18 next scene which I think positions
19 soldiers who are talking up around the
20 French school to provide security?

21 A. This is a scene in the grounds of the
22 French school with the troops here.
23 There has been a few shots fired at us
24 and the Belgium troops were taking up
25 their positions. Later on a motar came.

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1 Came down towards us and landed somewhere
2 off. There were more shots fired at us.
3 I don't think anyone was seriously
4 concerned but there wasn't a serious
5 attack or assault. Probably just a few
6 shots, hauling shots fired in our
7 direction. These are Belgian troops. It
8 could have been more shots that had been
9 just fired and-- that this is exactly
10 just the point of interest, that is
11 exactly the rocket launcher. I don't
12 know if it is the exact one but I would
13 have looked through here. There is no
14 locate in it at the moment but it is a
15 launcher that is what I would have looked
16 through when the Belgium soldiers had
17 pointed out on this barrel, on the other
18 side the people were being killed. This
19 is the Belgian commander warning anybody
20 who might have fired then the Belgian
21 soldiers would fire back. These are more
22 expatriates.

23 Q. This is the scene where we can see some
24 people being hidden on the back of
25 vehicles. And I think that is important

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1 for us to see?

2 A. Okay, these are expatriates boarding
3 Belgium military UN trucks. This is in
4 the court yard of the French school.

5 MR. PRESIDENT:

6 A questions by Judge Aspegren.

7 JUDGE ASPEGREN:

8 Can you tell me why did all these
9 expatriates leave. Were they at any
10 risk?

11 THE WITNESS:

12 Yah, I think it is normal in any war
13 situation where conflicts break out that
14 countries get their nationals out and it
15 is also usual for a European power to
16 take out any other fellow European power
17 as nationals. They left because there
18 was a war in Kigali that is the reason
19 not as a direct consequence of the
20 killing as such, that had happened.
21 There had been previous instances and
22 that is what had happened. This was
23 because of the full hostility between the
24 RPF and the government.

25 JUDGE ASPEGREN:

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1 Okay.

2 THE WITNESS:

3 You can see there, this Rwandese hiding
4 himself under the bench of the car. Here
5 he is putting himself under that bench
6 and he is hiding himself.

7 MR. STEWART:

8 These are Belgian soldiers? Mr. Hughes
9 these are Belgian soldiers.

10 THE WITNESS:

11 These are Belgian soldiers.

12 Q. Right?

13 A. This is the convey making its' way to the
14 airport with French soldiers this is a
15 separate convey not the one that you have
16 just seen. These are French soldiers
17 making their way around the back on
18 another occasion escorting several cars.
19 It was on this occasion that they come
20 under fire.

21 Q. Now we have got sound.

22 A. The vehicles of these conveys just came
23 from the expatriates that had driven
24 their cars down at the French school
25 leaving their keys there and then be

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1 driven to the airport so anybody could go
2 to that place and get on any of these
3 vehicles. These vehicles were used by
4 the troops and forth. This is the
5 outside of the French school again. This
6 is French troops coming under fire. You
7 could just hear some first hand shots
8 then. Here I am not sure whether they
9 were sure they were being fired directly
10 at them or they were just harassing fire
11 at them or what but they were quite
12 concerned.

13 Q. They deployed?

14 A. They deployed around the French school
15 this is the vehicle going past the French
16 school. You can hear the shots there
17 this is the French commander.

18 Q. Are they firing, Mr. Hughes?

19 A. That is firing what is interesting is you
20 can only hear one gun firing. You are
21 not hearing a return fire. You are just
22 hearing one gun firing. French troops
23 both has a sniffer raffle here that you
24 can see that if they can identity who was
25 firing they would return fire either they

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- 1 didn't. This is what we call paced
2 camera. It is a journalist speaking
3 phenomena.
- 4 Q. Is it furnished?
- 5 A. It is furnished yah. We can see some
6 government troops making their way around
7 this area and even the area that we heard
8 the gunfire from as such was quite
9 secure. Here is a group of government
10 soldiers. Let go back on that. These
11 are a lot of trucks with government
12 soldiers on it. This is another
13 government truck you can even see it has
14 got something looted on the back there.
15 This is another government truck you can
16 see they have got something looted on the
17 back they are feeling quite secure in
18 this area.
- 19 Q. These are soldiers too?
- 20 A. Soldiers.
- 21 Q. Rwandese?
- 22 A. Rwandese Government soldiers.
- 23 Q. We are back to evacuation scenes. This
24 is Catherine Bond?
- 25 A. This is Catherine Bond, yes.

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1 Q. Now if you can just move a little bit and
2 tell us where that is and what you saw?

3 A. This is in the valley opposite the French
4 school. This is the beginning of the
5 road where I filmed the woman being
6 killed. You can see what we assumed the
7 Presidential Guard armoured vehicles
8 making their way out there.

9 Q. Why did you assume that they were
10 Presidential guards armoured vehicles?

11 A. A Presidential Guards definitely had on
12 their vehicles like this in Kigali. And
13 they were the best equipped. So if you
14 saw any sort of descent military
15 equipment like an armoured vehicle, you
16 assume that it was theirs, the
17 Presidential guard. Okay this a--.

18 Q. Back with the French?

19 A. This is the French coming down bringing
20 more expatriates out on their way to the
21 airport.

22 Q. We can just keep that normal pace.

23 A. Okay. This is a typical convey. You can
24 see there is one two three four five
25 about six cars there. Three or four was

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1 expatriates in-- if you wanted to see the
2 way they are coming. They are coming
3 down from the French school. Here they
4 just trying this road here, the main road
5 they are taking the moram road through
6 the valley and then here they join the
7 moram road and to the back of Kanombe
8 airport.

9 Q. You are referring to the map exhibit 1A?

10 A. Yah. There you can see the whole of
11 Kigali going off North. On this road on
12 various occasions I had seen bodies again
13 when I was in a position not to film them
14 when I was either travelling alone and
15 there would be a group of people, a body
16 in the gutter on the side of the road
17 here. At this point they had some shots
18 and they worried that they were coming
19 under fire. This continued for about
20 five minutes, individual shots not--
21 nothing serious but what happened then
22 was one of the cars, I think when they
23 stopped behind some cover it wouldn't
24 start again so the commander with the
25 vehicle that I was in had to go back.

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1 That is some government troops going past
2 there. So he has turned round he is
3 going back to see why his convey is
4 stopped and you see the government troops
5 in the red pick-up just in front. The
6 militia men on the side there. He
7 deploys his group to see if it is
8 anything serious. This is the point when
9 the Tarmac gives way to the moram road
10 and they go round the back of the
11 airport. You can see this vehicle has
12 broken down and these are two Rwandese
13 who were obviously joining us.
14 Government troops with their bananas at
15 the back. You see how terrified that
16 woman is. You hear the shots there. I
17 think the French troops at this point
18 were worried because they were carrying
19 some Rwandese that is why they were being
20 shot at. I think that is the gist of the
21 affairs. That is where we join the rest
22 of the convey on the way to the airport.
23 Q. So we can fast forward this is the scene
24 at the airport again of troops.
25 A. Yah, there are troops arriving and

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1 leaving.

2 Q. I think the next points that we want to
3 come to is what you actually were able to
4 film. Is this the route that you had
5 just come down through Nyamarambo through
6 the road-blocks?

7 A. That is quite correct.

8 Q. You are now looking back at the way you
9 had come and this is when you were on the
10 truck filming back.

11 A. That is right, this is with a car. We
12 had come up the road on Nyamarombo. We
13 had gone into the centre of town, here.
14 This is where I was following in a small
15 vehicle. The Belgian convey who had come
16 all the way down to Nyamarombo where I
17 had seen so much death. Then when we had
18 reached the white fathers house and the
19 people in the house had been put into the
20 APC then left the armoured personnel
21 car. And left with them, a grenade went
22 off and it was at this point that I
23 managed to get into the Belgian truck.
24 And I was filming from the Belgian truck
25 back at the road-block, back down

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1 Nyamarombo. So, I am looking down this
2 way. And what you are actually seeing,
3 there is the militia men on the
4 road-block, getting very agitated about
5 the presence of Belgians. So this is
6 just after the grenade had gone off.
7 Here the cars are making their way very
8 quickly. They are just driving through
9 the road-block because of the sound of
10 the grenade explosion. I don't know
11 where the grenade came from or who threw
12 it or what. You can see the militia men
13 here they are all coming out here and
14 getting very agitated. Most of them are
15 armed. They do a sort of kanku fu dance
16 that chap is dancing a sort of kanku fu
17 dance. There is another chap who did
18 it. This chap here. This is the make
19 shift road-block. What is interesting is
20 where you can see that there is another
21 road-block down here and that is not even
22 fifty even metres away. And beyond that
23 there would have been another road-block
24 and beyond that another road-block. Now
25 you can hear the whistling and this

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1 whistling is spread out coming out
2 amongst-- you can see same chaps in the
3 concrete road-block. So in case you try
4 to make our way back that way. The
5 picture is all over the place because
6 most of us are taking cover behind the
7 trucks which were running. So the trucks
8 were wobbling with the engine. You can
9 see that.

10 Q. So the trucks were idling?

11 A. They were idling, yah. Okay, here comes
12 the soldiers but we assume their car will
13 show it certainly has, I am pretty sure
14 that these chaps in front of the
15 Presidential guard are the members of the
16 militia. They all come out immediately,
17 very friendly from the road-block behind
18 there. They are all coming running up.
19 They are absolutely delighted to see
20 these chaps from the army of the
21 Presidential guard. There are coming for
22 a discussion, for advice. What are they
23 going to do about the Belgians who were
24 sitting there with their two trucks?
25 Really quite venerable amongst about ten

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1 thousands Belgian soldiers up against
2 what must be about a hundred or. I am
3 trying to see if you can see some of them
4 are carrying grenades. You see the
5 soldiers looking back at us. They are
6 banging the truck. They are saying what
7 are you going to do about these Belgian
8 soldiers? The Belgians are very much
9 perceived to be against the government
10 and against them. The soldiers are
11 looking back and discussing. Let us just
12 go back and have another look at that.

13 Q. As you have indicated we can hear the
14 sound of whistles on the back ground on
15 occasion.

16 A. So this is a good picture of what the
17 road-blocks are like and how they were
18 set out. The sort of young men manning
19 them. The sort of arms they had. Their
20 attitude. The Belgian soldiers are quite
21 cool about this. They don't think in any
22 sense they were intimidated but it was
23 quite a worrying situation of someone had
24 brought a gun up and fired at them and
25 they had to fire back indiscriminately.

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1 Easily we could got into trouble at that
2 point.

3 Q. Are those the whistles Mr. Hughes are
4 those the whistles?

5 A. Yah, we can hear the whistles and that
6 carried on for quite sometime. Here is
7 the military, obviously they are very
8 pleased to see them but the banging them
9 about the presence of the Belgiun
10 soldiers. You can see them pointing at
11 us, looking at us, shaking hands there
12 with the soldier, very much friends.
13 This chap I think is pretty sure he is
14 carrying a stick grenade. They are
15 pointing at us again. At this point the
16 military here was hauling insults at the
17 Belgians and the Belgium were to present
18 them back either. The Belgiun commander
19 was deciding at this point that it is
20 quite impossible for him to get back down
21 this road. Every time that we had gone
22 through a road-block people would cheer
23 thinking they were French but by the time
24 the convey of four vehicles have passed
25 by they realised they were Belgians and

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1 they were hauling insults. Okay, now
2 what happened was the Belgians decided to
3 take the route on the other side of the
4 valley.

5 JUDGE ASPEGREN:

6 I have a question please. These Belgians
7 I understand they were under the U.N
8 troops?

9 THE WITNESS:

10 That is right.

11 Q. So they had U.N signs on their cars
12 maybe?

13 A. They did indeed. The two trucks you see
14 and the APC you don't see there. They
15 are completely painted white, which is
16 for military vehicles to be painted white
17 it is part of the United Nations and it
18 has UN in large black letters. You will
19 see that quite clearly identifiable. I
20 am pretty sure that the UN troops, there
21 is the Belgian troops at this time had
22 taken off their blue berets they were not
23 too happy with the U.N at this point.

24 Q. You mean the UN berets?

25 A. Yes of the blue UN berets and they had

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1 taken those off and they were not wearing
2 any U.N insignia. I don't think at this
3 point they would have actually considered
4 themselves under any U.N mandate. They
5 were there to get their nationals out.
6 As you know Belgian soldiers were killed
7 on the day after the President's plane
8 was shot down.

9 Q. Are you sure the French, they were acting
10 only as French soldiers they had red?

11 A. That is right.

12 Q. If any?

13 A. Yes, they had no-- they had just flown in
14 when the trouble started again. And
15 their presence is very controversial
16 because they were seen to be against the
17 RPF as part of the agreement for the
18 demilitarisation and peace agreement they
19 would have meant to have left. Then
20 again they came in themselves to assist
21 in the evacuation of their foreign
22 nationals those are the reasons.

23 Q. It was quite clear for everybody there
24 including Presidential Guards Militia and
25 so forth that these French men had

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1 nothing whatsoever to do with the U.N?

2 A. Quite clear.

3 Q. Quite clear?

4 A. The Londons were quite clear on the role
5 of different nationals. No one was seen
6 as a European at all. The Belgians stood
7 for this, the French stood for that, the
8 Americans stood for this, the Ghanians
9 for something else that was quit clear.

10 JUDGE ASPEGREN: Alright.

11 MR. STEWART:

12 THE WITNESS:

13 We going towards town on the main
14 Nyamarambo road. So from our position
15 here he went back on the back route on
16 the other side. You can see the river
17 there. This is the valley here. Were on
18 this side of the valley. Then we came
19 round on that road back down. Past where
20 the woman were killed and past where we
21 saw the trucks. So we are back to the
22 French school here.

23 Q. Now you have just pointed from the bottom
24 left hand corner of the map going up
25 towards the centre?

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- 1 A. Up towards the centre, that is correct.
- 2 Q. Perhaps we can see the video now?
- 3 MR. PRESIDENT:
- 4 Prosecutor, how much longer will you take
- 5 because it is almost one o'clock.
- 6 MR. STEWART:
- 7 Just few minutes may be five more minutes
- 8 and we can finish tomorrow with the
- 9 remaining bit.
- 10 MR. PRESIDENT:
- 11 If you have any specific questions
- 12 concerning the film go ahead.
- 13 MR. STEWART:
- 14 There are few important elements.
- 15 THE WITNESS:
- 16 In the suburb, on this valley you can see
- 17 all the way down the road, there are
- 18 youths with machetes on each side of the
- 19 road. This is the Belgium jeep I am on
- 20 the Belgium truck. There is another
- 21 truck.
- 22 Q. This convey came under fire?
- 23 A. This convey indeed came under fire twice.
- 24 Q. And did you capture that on film?
- 25 A. I did. We are going to see that.

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1 Q. We are going to see that now. Is that
2 the UN flag on the back that jeep?

3 A. Okay, so you can see all these vehicles
4 including the jeep is painted white.
5 This is where I had said we had taken a
6 wrong turning and we are now coming under
7 fire. That is the sound of the Belgians
8 returning fire. You will hear and you
9 can see this is the valley and we are
10 being fired at from the other side from
11 the Nyamarombo side. The Belgians are
12 trying to keep up speed in quite old
13 trucks down the valley, very bad road.
14 There you can hear in coming fire from
15 the machine gun. That is out going fire
16 that is out going, that is in coming.

17 MR. PRESIDENT:

18 Witness can you stop for a moment you
19 remember that you said that the young
20 people were armed only with sticks,
21 machetes and sometimes grenades but never
22 with guns or side arms. So can we
23 conclude that the gunshots were coming
24 not from young people but perhaps from
25 soldiers that they are the ones who were

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1 shooting at the Belgians.

2 THE WITNESS:

3 It is impossible to know. You might
4 think that the Presidential Guard that we
5 saw at the road-block has supplied them
6 with weapons to have a go at us just
7 because we are Belgians. It is
8 impossible that it is the Presidential
9 Guard. I have no idea who was firing at
10 us. What was evident was that the
11 militia on the other side had called
12 together everybody by blowing their
13 whistles. They had all come together.
14 They were all very much concerned that
15 there were Belgian troops in their
16 midst. Here you can see the U.N
17 insignia. It is quite plain. That is
18 the U.N truck. It is a good example that
19 the people on road-blocks were quite
20 clear in their definition between
21 Belgians and French. Whether that
22 matters or not it shows that they were
23 well informed that Belgians were not
24 welcome, French were. And again we came
25 under fire. They like machine guns

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1 although the Belgiun soldiers jammed.
2 You can hear that in coming fire.
3 There. I don't think at this point they
4 gave me an impression that the Belgiun
5 soldiers actually knew who was firing at
6 them or where the fire was coming from
7 but they were firing back in that general
8 direction just to discourage however was
9 taking shots at them. That is in coming.

10 Q. Did you catch glimpses of a civilian
11 woman?

12 A. There was a Russian woman in the truck
13 with me. Someone who that they had
14 picked up at the seminary. You can hear
15 that in coming fire there. In fact this
16 gun for this Belgiun soldier jams again.
17 That is in coming fire.

18 Q. This is part of the city was it
19 controlled by the government forces or--?

20 A. This was a security controlled by the
21 government forces there is no doubt about
22 that. This is the exact same road that
23 you saw the two armoured vehicles going
24 up earlier.

25 Q. Where are you back now?

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1 A. This is back at the French school. There
2 is another convey about to leave. You
3 can see the APC there. This is now the
4 evacuation of the Burundian Embassy which
5 was also done by Belgiun troops.

6 MR. STEWART:

7 I notice that we are past one o'clock
8 according to clocks here in the
9 courtroom. Perhaps we can stop there.
10 There is very little bit left on this
11 cassette but we can stop there if the
12 chamber wishes. We will complete it
13 tomorrow.

14 MR. PRESIDENT:

15 We are, therefore, going to adjourn the
16 session as agreed upon. We will begin
17 again tomorrow morning at 0930 am. The
18 session stands adjourned.

19 Time: 1305

20 (pages 26-133) reported by J. Kapatamoy,
21 court reporter)

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