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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE No.: ICTR-96-3-T

THE PROSECUTOR
OF THE TRIBUNAL

AGAINST

GEORGES ANDERSON NDERUBUMWE RUTAGANDA

26 May 1998
0945

Before: Mr. Justice Laity Kama, President
Mr. Justice Lennart Aspegren
Madame Justice Navanethem Pillay

For the
Registry: Dr. Antoine Mindua

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

For the
Defence: Ms. Tiphaine Dickson

Court
Reporters: Marilyn G. Young
Sally G. Kohn

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I N D E X

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

2
3 Rutaganda Trial, Continued

4 Date: 26 May 1998

5 Time: 0945

6 MR. PRESIDENT:

7 The proceedings are called to order. This
8 morning we are going to continue with the trial
9 of Georges Rutaganda. Yesterday we were hearing
10 the witness Nick Hughes and this morning we will
11 continue with the examination in chief of the
12 witness, examination in chief by the
13 prosecution. We hope that this morning we will
14 begin with the cross-examination by the defence
15 counsel.

16
17 Counsel Dickson, finally we received the motion
18 you filed from Friday. We received it only
19 yesterday evening or maybe this morning so I
20 would like to inform the parties that we will
21 examine the two motions tomorrow morning at the
22 very beginning of the hearing.

23
24 If the prosecutor has any response he could do
25 so. If he has a written report, rather, a

1 response to file he could do so today.
2 Otherwise he will make an oral presentation of
3 his response.

4
5 Please, Bailiff, bring in the witness.

6
7 Mr. Prosecutor, it would appear that you also
8 asked for an in camera hearing for Witness JJ.

9 MR. STEWART:

10 Yes, we asked for an in camera hearing for
11 disclosure, the disclosure I think of the
12 identity of JJ.

13 MR. PRESIDENT:

14 I think we could have the in camera session
15 tomorrow morning maybe after or before the
16 motion filed by defence counsel.

17
18 As of now we will be dealing with the witness,
19 we will be hearing the evidence of witness Nick
20 Hughes. I will give the floor to continue the
21 examination in chief.

22 MR. STEWART:

23 Good morning. Good morning, your Honours.
24 Good morning to you, Mr. Hughes.

25 THE WITNESS:

1 Good morning.

2 EXAMINATION IN CHIEF, Continued

3 BY MR. STEWART:

4 Q Mr. Hughes, when we left off yesterday we were
5 just about at the end of the video rushes as you
6 have described them on the video cassette
7 Exhibit 467 and what I'm going to ask you to do
8 this morning just to complete your evidence with
9 respect to that exhibit is to rewind just to
10 capture the images of the evacuation of the
11 embassy of Burundi and we will just take it to
12 the end. I think there are only a few more
13 minutes left of tape that is particularly
14 pertinent to these proceedings.

15
16 I will ask the president's permission for you to
17 come forward and I will ask for technical
18 assistance to get the video screen on again.

19 MR. PRESIDENT:

20 I think the witness could move closer to the
21 video screen.

22 MR. STEWART:

23 Mr. Hughes, if you will just press "Play" and
24 then take us back to the scenes.

25 (Videotape was played in open court.)

1 BY MR. STEWART:

2 Q I believe you identified these as the evacuation
3 of the Embassy of Burundi in Kigali.

4 A That's correct.

5 Q This is the return of the convoy we saw
6 yesterday and now we are at the embassy, are we?

7 A Right, this is the full court of the Burundian
8 Embassy and you can see that there are people
9 being loaded into a UN truck. This is a Belgian
10 UN truck and, as far as I was aware, most of
11 these people were Burundian citizens. Their
12 baggage is being loaded on.

13

14 This event took place -- the Burundian Embassy
15 is -- on the map it's just below the main
16 roundabout by the Sans Famille Church.

17 Q You are looking at Exhibit 1A, the map of
18 Kigali.

19 A Okay, we are now on the road adjoining the
20 Burundian Embassy. You can see a tank that's a
21 Belgian tank. There is also a red pickup with
22 some soldiers from the Rwandan army.

23

24 I am now in a vehicle being used by the Belgian
25 soldiers. They are being escorted by the tank

1 down the road past the, past the red pickup with
2 soldiers in it from the Rwandan army.

3
4 Okay, this is the main road going down from the
5 Milles Collines Hotel down to the French
6 school. This is of interest here because the
7 roadblock halfway down -- and this is a normal
8 suburb -- it is not a suburb. It is in the very
9 center of the city. This is the central bank
10 building here on the right. There is another
11 group of soldiers on the left-hand side.

12
13 This roadblock, what you are seeing here now,
14 that's a typical roadblock and right in the
15 middle of the city controlled -- the whole area
16 completely controlled by the Rwandan soldiers.
17 This is not a half a kilometer away from the
18 main barracks that held out so long against the
19 RPA.

20
21 You will see the people manning that roadblock
22 on the side there. They are coming across to,
23 to move one of the sticks that forms the
24 roadblock that's on the road, takes it away
25 there for the Belgian tank to go through.

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Now, that roadblock, because we went up and down this road so many times between the Milles Collines Hotel where there were some journalists and, as I said, there were a lot of Tutsi, in the French school at the bottom which were used by expatriates, where the foreign soldiers, the French and the Belgian, were taking people out, on this roadblock I saw each time I came up and down bodies.

The only reason I could film at this time is because I was with a tank. They definitely had a gun on this side here and, as you can see, there is a lot of soldiers moving around, why I have a roadblock in the central city just next to the barracks manned by militia, a lot of soldiers around which you have seen two pickups full of soldiers.

On the side here, just here, I particularly remember two brothers, the bodies of two brothers who had been killed earlier. They were in one of the houses adjoining this road and we were told that they, they had made some movement

1 during the day, and just here on the side here I
2 remember their bodies. They had been bludgeoned
3 about the head and they were in one of the
4 houses on the left-hand side here. They had
5 made some movement. The militia had seen them,
6 had gone in and pulled them out and killed them
7 and laid them down there. We were told that by
8 some of the residents of this area who we were
9 in contact with.

10 Q Mr. Hughes, you mentioned that during the course
11 of your evidence before we started looking at
12 the video, is that correct, those two brothers,
13 that incident? I believe you did.

14 A Did I? Yes.

15 Q Correct. And that's the incident you are
16 referring to.

17 A So once again this is obviously an area where
18 there isn't any, any direct combat in this
19 area. There is no, no fighting in this area.
20 Okay, that's the end of that.

21 Q The rest are just rushes of the airport and
22 that sort of thing?

23 A That's right. This is a military plane taking
24 in and bringing out journalists.

25 Q So you are just going fast forward through that

1 last bit of footage.

2 A That's right.

3 Q And that's the end of Exhibit 467, I believe.

4 A That's correct, yes.

5 Q Now, perhaps I can just turn the lights back on

6 for a moment. I have a few questions to ask you

7 before we get to the next exhibit.

8

9 Mr. Hughes, what I would like to do is to jump

10 ahead for a moment in the chronology. I'm going

11 to come back and deal with the other trips you

12 made into Rwanda during the conflict but I

13 wanted to ask you whether or not after the war

14 but still within the year 1994 you returned to

15 Kigali.

16 A That's correct.

17 Q At that time were you able to collect any video

18 footage that you understood had been shot by

19 other people?

20 A That's correct.

21 Q Where was it that you got the video footage?

22 A Okay. I went up to what was the Rwandan

23 Television buildings which had been looted but

24 not completely. There were tapes there that

25 were left over, scattered in the floor, piled on

1 shelves, and there was one or two video machines
2 still left over that hadn't been looted.

3 Q Can you recall approximately when that was in
4 1994?

5 A That was probably June I would think.

6 Q So just after the war?

7 A The end of June.

8 Q The end of June. All right. So the war wasn't
9 even yet over?

10 A No, no, the war wasn't over at all.

11 Q Did you have any assistance from anybody in the
12 building?

13 A Yeah, there were some technicians. I think most
14 of the original people had fled and they had
15 obviously taken -- they had taken most of their,
16 most of the equipment from the television
17 station, the trucks, everything, but there were
18 people there and they were gathering up.

19

20 I had met one of them and one of them said they
21 had tapes that showed killing and that sort of
22 thing. I went up there and I stayed there
23 probably a whole afternoon dubbing off these
24 tapes.

25 Q I will come to that in a moment. I just want to

1 get the time frame a little more exactly. Was
2 this after the city had fallen to the RPA?
3 A This is immediately after, yes.
4 Q All right. So if we can agree that the city
5 fell on July the 4th, 1994 it would be --
6 A Quite right, quite right.
7 Q -- immediately after? When you used the
8 expression dubbing off I guess we would say --
9 A Copying.
10 Q -- copying.
11 A Copying.
12 Q All right. And did you have an opportunity to
13 actually see the video material that you were
14 copying?
15 A Yeah. They had hours and hours and hours of
16 tape. They had been looking through it and I
17 think they had sort of just been showing it to
18 themselves and to other members of the RPA who
19 had been through there. Some of it was in quite
20 bad condition but there was lots of it and, you
21 know, it was your typical sort of news footage,
22 but for me I was interested in this one tape
23 that they had, and what they said about this one
24 tape was that a cameraman with the Rwandan
25 television had gone out with the Presidential

1 Guard and he had filmed very briefly with them
2 under their protection.
3
4 They jokingly said that the Presidential Guard
5 and the militias who he was filming didn't know
6 that he did not sympathize with that regime and
7 with those actions and that's how they came by
8 the tape.
9 There was other tapes as well which is copied on
10 to this VHS and that shows previous to the
11 resumption of the hostilities. It shows -- it
12 shows the Interahamwe at a rally.
13 Q You have identified two particular passages that
14 are of interest to us in this case that you have
15 reviewed. Is that correct?
16 A That's correct.
17 Q And those bits of footage, they have been put on
18 a tape that you have had an opportunity to
19 review?
20 A That's correct.
21 Q And are you satisfied that what we see on the
22 tape represents what you were able to copy back
23 in 1994 in Kigali?
24 A That's correct.
25 Q Let me just ask you generally speaking with

1 respect to those bits of footage and the other
2 material that you copied what was the interest
3 that you had in acquiring such material. How
4 was it useful to you?

5 A Okay. I realized that this was, some of this
6 material was unique and some of it was very
7 useful historically and that documentary makers
8 who I was working with would be interested in
9 this and that was certainly the case.

10
11 I actually signed a contract with the television
12 station there that I would distribute that for
13 them and any income I would pass on to them.
14 And it was used. It was used extensively over
15 the next eighteen months in documentaries made
16 about Rwanda, made about the Interahamwe.

17 Q And the tape that you made particular reference
18 to that really caught your attention, the trip
19 with the Presidential Guard, was that used as
20 well in the production of documentaries?

21 A It was.

22 Q Did you get a time frame for that tape from the
23 people you were working with in the T.V.
24 studio?

25 A Yes. They suggested it was shot within the

1 first few days after April the 6th.

2 Q Mr. Hughes, you have had an opportunity to
3 review that material and I should ask you
4 whether or not, first of all, you recognize the
5 various locations more or less where the events
6 are taking place that we see in that video.

7 A Yes, I recognize locations almost entirely
8 through the video and they all seem to have been
9 shot within, let us say, about a kilometer of
10 the television station of the very center of
11 Kigali.

12
13 I can point that out on the map. The television
14 station is right about there. It's just next to
15 the American Embassy.

16 Q Now, in terms of what we actually see in the
17 video, the scenes that we see in the video, when
18 you were in Kigali for about a week from April
19 the 12th of 1994 did you encounter similar
20 scenes?

21 A Yes, on the road that I took to Nyamirambo that
22 was the -- these are the sort of things that I
23 saw and there is also other very interesting
24 points on the video concerning roadblocks and
25 checking of ID cards.

1 Q Did you see that sort of thing in Kigali when
2 you were there?

3 A I did.

4 Q Now, with respect to the Interahamwe rally that
5 you have referred to, what was your particular
6 interest in taking that? You, I believe,
7 described it as something that happened before
8 the final conflict.

9 A That's correct. By this point the Interahamwe
10 were notorious and so any reference to them
11 prior to the resumption of hostilities was very
12 interesting. You know, whether they were,
13 whether they were well known, you know, just
14 some pictorial evidence that they were there
15 before the resumption of hostilities was very
16 interesting.

17 MR. STEWART:

18 All right. Now, with the permission of the
19 Chamber I'm going to produce to you a video
20 cassette that's entitled, "Rwanda Finding the
21 Way Home" which I suggest contains the two
22 passages that have been taken off a video
23 cassette of more material that you acquired and
24 I will just explain for the moment to the
25 Chamber what we are doing.

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Mr. President, we have disclosed the video cassettes, the material. A lot of the images are not extremely pertinent but we have isolated -- in fact, what we did was we isolated the two passages that are important and that are really pertinent for this particular trial. There is perhaps other material that will be important for other trials but for this case we have isolated, first of all, the meeting of the Interahamwe which allegedly took place before the breakout of the war in 1994 and also then this filming of Kigali that was filmed by the Rwandan journalists. Those are the two passages that are of particular importance for us.

Mr. Hughes will be able to give you comments especially concerning the second part and there is also a speech made by one of the participants at the rally and we have made arrangements so that this can be interpreted from Kinyarwanda into English and then, of course, from -- Kinyarwanda into French and then French to English.

MR. PRESIDENT:

1 Who filmed the meeting? Is this the same
2 cassette filmed by the journalist?

3 MR. STEWART:

4 I will ask the question, Mr. President.

5 BY MR. STEWART:

6 Q The question that has arisen, Mr. Hughes, do you
7 know who it was that took the film of the
8 Interahamwe rally? Was it the same journalist
9 who rode with the Presidential Guard or do you
10 know?

11 A I do not know but I do know it was taken by
12 someone at State Television in Rwanda. That's
13 all.

14 MR. PRESIDENT:

15 Prosecutor, the cassette that you have, was that
16 given to you by Mr. Hughes or did you get it
17 because it was in the form of a documentary that
18 was filmed or shown on television?

19 MR. STEWART:

20 Mr. President, we obtained this cassette from
21 the same place where we obtained the cassette we
22 had just saw, that is to say from WTN in
23 Nairobi, and I showed the cassette to Mr. Hughes
24 to confirm that this was indeed the material
25 that he had obtained in the circumstances that

1 he just described. He confirmed that. He has
2 just confirmed it also today.

3

4 He reviewed these cassettes and when I ask this
5 witness to present these images I will simply
6 explain that we are going to try to identify or,
7 rather, we are going to avoid identifying. We
8 attempted to identify the journalist who rode
9 with the Presidential Guard but to no avail. We
10 obtained another witness and we also disclosed
11 the contents of this witness' statement of the
12 interview and this witness' identity.

13 Unfortunately it seems that this witness is no
14 longer available so, frankly, I'm trying to do
15 everything with Mr. Hughes so that we can
16 present this evidence and I will ask you to
17 kindly accept this with all necessary
18 reservations and this on the basis of the
19 testimony that Mr. Hughes is able to provide.

20 MR. PRESIDENT:

21 I will give you the floor. Just wait. I have
22 seen that you want to take the floor but please
23 wait.

24

25 Mr. Hughes, am I to understand that you were the

1 one who gave the cassette to WTN? Are you the
2 one who gave the cassette to WTN?

3 THE WITNESS:

4 It is a very small point. It wasn't -- I
5 acquired the tape. It wasn't through WTN. It
6 was through another news company based in
7 London. The other tape was from WTN. This
8 particular tape was from a news company called
9 Insight but all of them came through me and I
10 acquired this tape in Kigali.

11 MR. STEWART:

12 I'm sorry, Mr. President. He is right. It was
13 from Insight in London that we obtained this
14 cassette. I'm sorry.

15 MR. PRESIDENT:

16 Well, that's what I wanted to know. I wanted to
17 know what the source was of this video cassette.

18 MR. STEWART:

19 That's right. So it came from him and then he
20 confirmed after that that he was the one who
21 obtained this material. So that's the chain of
22 continuity, if you will.

23 MR. PRESIDENT:

24 Has the cassette been disclosed to the defence?

25 MR. STEWART:

1 Of course, Mr. President.

2 MR. PRESIDENT:

3 You have the floor.

4 MS. DICKSON:

5 Mr. President, I thank you and good morning.

6 Good morning, your Honours.

7

8 Concerning disclosure, the first point, I
9 learned this morning that there is a portion of
10 a speech that is going to be translated from
11 Kinyarwanda into French. I am hearing this at
12 the same time that you are here in the trial.
13 That has not been disclosed, Mr. President.

14

15 I would have liked to have reviewed this
16 translation. I would be interested in knowing
17 who was the translator. I would have liked to
18 have known if there was another translator
19 used.

20

21 We have been made to understand that Kinyarwanda
22 is a very complicated language and that
23 sometimes there are different translations
24 coming out of the same text. So I strongly
25 object to this since this has not or at least

1 this part of the speech has not been disclosed
2 to me.

3

4 I think that we should bear in mind one thing
5 and everybody is perfectly aware of this. This
6 is a trial here that is an international trial.

7 MR. PRESIDENT:

8 Continue, Counsel.

9 MS. DICKSON:

10 I'm sorry, Mr. President. I think that in any
11 legal system of the world there are fundamental
12 rules of procedure and if we discuss, for
13 example, the principle of hearsay in common law
14 or the principle of the best evidence in civil
15 law the principle remains the same.

16

17 We are told that there is a journalist who
18 traveled with the Presidential Guard. Where is
19 this journalist?

20

21 Mr. Hughes is telling you that someone told him
22 that a person traveled with the Presidential
23 Guard. I think that we are starting to get a
24 bit far from the rule of the best evidence.

25

1 Now, you have the possibility if it were
2 absolutely necessary for the prosecutor in
3 exceptional cases to introduce evidence that
4 would go against the rules, the rules which
5 dictate that we admit the best evidence or that
6 we avoid hearsay as in common law, but again
7 this is the same principle if on the one hand
8 this evidence is reliable and necessary and if
9 on the other hand it has a very strong probative
10 value and if its probative value is more
11 important than its prejudicial effect then that
12 we see people in the streets, that we see
13 roadblocks, we see people being killed, we saw
14 this yesterday, Mr. President --

15 MR. PRESIDENT:

16 Don't get away from your point. Make your
17 point. I would like to specify. I would like
18 you to ask your question concerning the
19 pertinence of the evidence and the probative
20 value. That is, who, who. That's the question
21 I ask. Who is to determine this?

22 MS. DICKSON:

23 It's the Chamber, Mr. President.

24 MR. PRESIDENT:

25 Fine. Then continue.

1 MS. DICKSON:

2 Yes, because indeed if you do determine that it
3 has probative value or if you determine that the
4 probative value is not stronger than the
5 prejudicial effect that could be caused, if you
6 determine that it is necessary for the
7 prosecutor's case, and I submit that it is not,
8 and if you determine that it should be admitted
9 as evidence then what is the situation?

10

11 Mr. Hughes has shown us a cassette that was very
12 useful and it was tendered as evidence yesterday
13 that he himself filmed. Now, today we are
14 trying to have evidence admitted, a cassette
15 whose author is unknown.

16

17 The prosecutor told you that he contacted a
18 journalist but this journalist was not the
19 producer of the video either or the videos and
20 the video that we are trying to have entered as
21 evidence today.

22

23 Now, that is pertinent to the admissibility of
24 the evidence, Mr. President, and I would like to
25 conclude by coming back to my first point.

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At any rate, if there is a translation that has been made of the speech without this translation being disclosed prior to the defence then this translation -- and if this translation has not been verified for its authenticity then we strongly object to the admissibility of this cassette and especially, especially of this translation that I have just learned the existence of today.

And I would submit, I would humbly request that if this cassette is admitted that you would give me at least the possibility of being able to see the translation and not to just hear of it in the middle of the trial but that proper and legal disclosure is made pursuant to the statutes and the rules. And as I said yesterday, the disclosure is to be made before the trial starts and not on this day of the proceedings itself.

Once again this is an international trial for crimes of genocide. I think that we need to do this with full respect of the law.

1 MR. PRESIDENT:

2 I would begin where you left off. This is not
3 an ambush -- I hope you understand that -- that
4 this is a fair trial. We are not trying to
5 ambush you.

6
7 Everything has been done very clearly here.
8 This is getting a little bit repetitive. This
9 is an international trial and a fair trial and I
10 want that to be clear once and for all. You are
11 always making the same observations.

12
13 We will not allow anyone to use, to make a
14 mockery of this trial. This is a particularly
15 shocking observation.

16
17 The second point, presenting evidence is one
18 thing but determining the probative value is
19 something else. So we are perfectly able to
20 watch the video and to draw the necessary
21 conclusions just as you yourself are able to
22 draw the necessary conclusions. We can see the
23 evidence without necessarily taking account of
24 it. That's one point.

25

1 Secondly, I'm going to consult with my
2 colleagues concerning an important issue that
3 you have raised and that would be indeed the
4 translation from Kinyarwanda into French that
5 has not been disclosed.

6 MR. STEWART:

7 If you allow me, Mr. President, to explain -- I
8 explained myself poorly earlier -- there is no
9 translation. Perhaps I expressed myself badly.

10

11 What I said is that I have made arrangements so
12 that the speech can be interpreted. In fact, I
13 should have used the word "interpreted" and not
14 "translated."

15

16 I have asked the interpreters of the Tribunal to
17 be available so that they can make an oral
18 interpretation as we do with all the
19 Kinyarwandan witnesses.

20

21 That's it simply. That's just for the
22 comprehension of the Chamber.

23 MR. PRESIDENT:

24 Thank you for your clarification.

25 MS. DICKSON:

1 If you will allow me with your permission, Mr.
2 President, to make two comments that I
3 unfortunately failed to do earlier.

4 MR. PRESIDENT:

5 You may, Counsel.

6 MS. DICKSON:

7 Thank you for your patience. Now, concerning
8 the translation, I appreciate the prosecutor's
9 clarification on that point.

10

11 What I would like to know, before the prosecutor
12 produces this evidence does he intend to have
13 this translation verified because when he says
14 that he is going to use the services of the
15 interpreters of the Tribunal as we always do for
16 the witnesses normally in those cases I receive
17 the statement from the witness that has been
18 translated from Kinyarwanda into French and I
19 have time to prepare.

20

21 So that's my first question that I wanted to ask
22 you. I think it would be interesting to know if
23 indeed the prosecutor is going to, is going to
24 be able to verify what's being said just as I
25 would have to as the defence, the prosecutor or,

1 rather, the Office of the Prosecutor, because
2 I'm not talking about a particular individual.

3
4 Second point, Mr. President, unfortunately I
5 understand that only two passages are being
6 selected out of a cassette that has been
7 disclosed to me. I took good note of your
8 concern yesterday that the first cassette should
9 be shown to the Chamber in its entirety. I
10 think that this is a very pertinent concern and
11 that we have to take that into context, that we
12 can't take elements out of context.

13
14 If you accept this cassette as evidence by
15 virtue of the fact that you are accepting the
16 legitimacy of the manner in which Mr. Hughes
17 collected these films, then at that point I
18 think that it would be most likely difficult to
19 only choose two passages and I think that also
20 this would raise the following issue. The
21 number of the exhibit, would that be relative to
22 the entire cassette or relative only to the two
23 excerpts that the prosecutor has chosen to show
24 you?

25

1 That's what I failed to mention earlier and I
2 thank you for giving me the floor again.

3 MR. PRESIDENT:

4 Did you receive the entire cassette?

5 MS. DICKSON:

6 Yes, the entire cassette.

7 MR. PRESIDENT:

8 So during your cross-examination nothing
9 prevents you from asking the Court to show
10 elements that are favorable to your client if
11 you so desire.

12
13 The prosecutor is within his rights to show
14 certain passages and we will do that under the
15 control of the witness.

16
17 Yesterday it was a different situation. The
18 prosecutor told us that he had manipulated, so
19 to speak, the cassette but today the prosecutor
20 is perfectly within his right to choose to show
21 only certain passages under the control of the
22 owner, the proprietor, if you will. I don't
23 know how you would call it since he is not
24 really the author of the cassette. But I think
25 that this is a rather complex issue.

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Now, I will consult with my colleagues concerning the fact that there was a translation from Kinyarwanda into French. My colleagues feel that this is still within the context of the presentation of evidence, that the judges have noted that if these are Tribunal interpreters that they are sworn interpreters and that their interpretation will have a certain value.

So that's the decision of the judges and we will without further ado move on to the presentation of the cassette.

MR. STEWART:

Thank you, Mr. President.

MR. PRESIDENT:

It's clear that Counsel Dickson, along with the assistance of Mr. Rutaganda who will have his word to say, if there are any doubts whatsoever concerning the interpretation as usual then you listen and listen to the interpretation and you can draw our attention if they are as normal. If there are any words that have not been properly interpreted then you can inform your

1 counsel as we always do.

2 MR. STEWART:

3 Thank you, Mr. President. If you will allow me,
4 what we can do is we can listen to the entire
5 speech without any comments.

6 MR. PRESIDENT:

7 No, let the interpreters do the interpretation
8 today, yes, and then we can go back because we
9 will have to cut it up. That's a very good
10 proposal.

11

12 So the interpreters will interpret directly as
13 they do for the witnesses and this will be done
14 with the interpreter -- rather, the accused and
15 the counsel verifying.

16 BY MR. STEWART:

17 Q I would like to return now to the next tape.
18 This is the second videotape and this particular
19 tape contains the two passages that I wanted to
20 present to the Chamber and this video cassette
21 containing the two passages should be marked as
22 Exhibit 468.

23

24 And perhaps, Mr. Hughes, you could just come
25 forward again with the permission of the Chamber

1 and activate the video and the first, the first
2 scenes will come on.

3

4 Could you just tell us what you understood was
5 happening or what you can remember what you were
6 told?

7 MR. PRESIDENT:

8 Excuse me, Prosecutor. The Kinyarwandan
9 interpreter has come especially for the speech.

10 THE INTERPRETER:

11 Yes, that's correct.

12 MR. PRESIDENT:

13 You may have a seat there. Interpreter, have a
14 seat there. Have a seat, please. When we show
15 the speech you don't need to necessarily see the
16 image. You can just listen to it and interpret
17 directly. Are there not two chairs there?

18 MR. STEWART:

19 Mr. President, given that it's difficult to
20 interpret this rapidly with the fact that the
21 speech is so quick and it is not like the normal
22 situation in chambers with question and answers,
23 would it be possible to watch the entire speech
24 and then to go back for the interpretation and
25 do it bit by bit allowing the interpreter to do

1 his work?

2 MR. PRESIDENT:

3 I don't really understand your proposal.

4 MR. STEWART:

5 What I'm suggesting is that we watch the entire
6 passage without any comments, without any
7 interpretation, and then we go back for the
8 interpretation. That could, perhaps, even help
9 the accused to understand exactly what this is
10 if you will allow, Mr. President.

11 MR. PRESIDENT:

12 Very well.

13 MR. STEWART:

14 What I would like to do then with the
15 permission of the Chamber is have you play this
16 first tape in just a moment.

17

18 We are going to play it right through to the end
19 of the Interahamwe rally and then we will go
20 back to the beginning and allow the interpreter
21 to give us a sense of what is being said so that
22 we have the full picture.

23 BY MR. STEWART:

24 Q But I just wanted to ask you if you can recall
25 any information that you were given by the

1 technicians or the people working with you in
2 the T.V. studio about who the principal actors
3 were in this particular video.

4 A Okay, at the time there was obviously a lot of,
5 a lot of tapes as I was being guided by them and
6 we were looking at various tapes and they were
7 pointing out interesting parts and interesting
8 bits of the tapes and they came to this tape and
9 they said this is interesting because you can
10 see one of the most senior people or the most
11 senior person in the Interahamwe giving a
12 speech.

13

14 I then remember that I also saw it later on
15 there was some dancing and that the dancers were
16 holding up as they were singing a placard saying
17 "Interahamwe" so I thought that was very
18 interesting and I put that down but at the time
19 that's what I was told.

20 Q All right. And did you understand, did you have
21 any sort of notion of the time frame of this
22 tape? Were you given any information about
23 that, as to when this rally would have occurred?

24 A This was during the time when multiparty was
25 allowed within Rwanda.

1 Q Before the war?

2 A Yes, before the resumption of the conflict.

3 Q And where does the rally take place apparently

4 as far as you can tell?

5 A I can recognize the main stadium, the Amahoro

6 Stadium in Kigali.

7 MR. STEWART:

8 Then with the Chamber's permission could you

9 start playing Exhibit 468?

10 (Video was played in open court.)

11 MR. PRESIDENT:

12 I would like to ask the interpreter to come

13 stand before the screen. Perhaps you will hear

14 better. Please start the passage again for the

15 interpreter.

16 MR. STEWART:

17 Would you, please, back it up to the beginning

18 and we will start it up again so that the

19 interpreter can observe.

20 MR. PRESIDENT:

21 Interpreter, if you need a table to write on

22 then ask or if not take a seat there. There is

23 a chair there.

24

25 You may start.

1 (Videotape resumed playing in open court.)

2 MR. STEWART:

3 That's it. That's it. Run back, Mr. Hughes, to
4 that first passage. We will just go through and
5 have the interpreter assist us so that we can
6 appreciate what's being said and complete the
7 picture that we see there.

8 BY MR. STEWART:

9 Q Mr. Hughes, may I ask you, the placard that you
10 referred to earlier in your testimony with the
11 word "Interahamwe" on it, did you note that in
12 the film?

13 A I did. It was on the second-to-last group.

14 MR. STEWART:

15 All right. If the interpreter would indicate to
16 us if we have to stop any point so that he can
17 catch up.

18

19 I may need your assistance, Mr. Hughes, to
20 stop.

21 (Videotape resumed playing.)

22 THE INTERPRETER:

23 Therefore, I am here before you. I think that
24 the Interahamwe who have a word to say will
25 probably explain to us the strategy of the youth

1 wing of the MRND to defend the country today and
2 in the future. I wish you long live and have a
3 good day.

4 MR. STEWART:

5 Okay.

6 (Videotape resumed playing.)

7 THE INTERPRETER:

8 And you courageous people, we are here to talk
9 about our acts together with other militants of
10 the MRND.

11 MR. STEWART:

12 That's the song. Go ahead.

13 (Videotape resumed playing.)

14 MR. STEWART:

15 Stop. The rest of the song.

16 THE INTERPRETER:

17 Let's go ahead. We are ready to overwhelm
18 them. Victory to the MRND, the party for unity
19 and peace. Victory to you within the context of
20 multiparty politics. Let us work for peace.
21 Courage, Habyarimana. We should all consolidate
22 our unity. Courage, Habyarimana. Victory to
23 you, Habyarimana.

24 JUDGE ASPEGREN:

25 Prosecutor, as you know, I love dates. Is it

1 possible to have an idea of the date of the
2 event that we are viewing now?

3 MR. STEWART:

4 Your Honour, all I can tell you is that this
5 rally took place during the period of
6 multiparty politics. That is before the war.
7 So, therefore, this was around 1990, 1992, or
8 1993, somewhere thereabout. That is all I can
9 say.

10 JUDGE ASPEGREN:

11 In any case, this is before 1994?

12 MR. STEWART:

13 Yes.

14 MR. PRESIDENT:

15 According to you, what is the date of this
16 meeting at the Amahoro Stadium? On what date
17 did this meeting, this rally take place?
18 Certainly you must have had the information with
19 the journalists in Rwanda, the journalists of
20 the Rwandese Television.

21 THE WITNESS:

22 I cannot tell you with any certainty when the
23 date is.

24 JUDGE ASPEGREN:

25 Mr. Hughes, can you agree it was before '94?

1 THE WITNESS:

2 Absolutely.

3 JUDGE ASPEGREN:

4 Okay.

5 MR. PRESIDENT:

6 Okay.

7 MR. STEWART:

8 I'm sorry. Now, just for the purpose of the
9 record, the first passage that was interpreted
10 was the speech by the older man as yet
11 unidentified; then we had the song that's been
12 interpreted in two parts and now we are coming
13 to the younger man's speech just so that the
14 record is clear.

15 (Videotape resumed playing.)

16 MR. STEWART:

17 Stop.

18 THE INTERPRETER:

19 Interahamwe, my colleagues, militants of the
20 movement, among other things I had to ask the
21 secretary general to support us in order to
22 increase the membership of Interahamwe
23 throughout the country but since he himself is
24 vigilant he realized that this is a
25 long-standing wish and he has reserved an

1 answer. He had an answer for us before we even
2 asked him the question.

3 (Videotape resumed playing.)

4 THE INTERPRETER:

5 It has been noticed and it will be noticed that
6 the forces of the party, the Interahamwe are
7 supporting their party without any reservation.

8 (Videotape resumed playing.)

9 THE INTERPRETER:

10 That is why as promised by the secretary general
11 if there are representatives of the prefectures
12 here we will immediately ask them, we will urge
13 them to implement this immediacy program. It is
14 up to them to draw up this program. We are
15 ready to execute it at any moment, even from
16 tomorrow, Monday evening.

17 (Videotape resumed playing.)

18 MR. STEWART:

19 Stop. Stop.

20 THE INTERPRETER:

21 Provided that we achieve the goals that we have
22 set for ourselves, as the secretary general
23 declared, I would like that you, the
24 Interahamwe, should know that none of our
25 members henceforth should no longer be aggressed

1 by worthless people.

2 (Videotape resumed playing.)

3 THE INTERPRETER:

4 This plot hatched by about twenty people to whom
5 beer is given, we should remember that who is
6 not -- whoever is not under the effect of
7 alcohol is weakened. Once you blow him he falls
8 apart.

9 MR. PRESIDENT:

10 Whoever is no longer under the effect of
11 alcohol, what does that mean, the sentence?

12 THE INTERPRETER:

13 Whoever is no longer under the effect of alcohol
14 is weak. Therefore, once you blow him he will
15 clear the way. That is from the moment he is no
16 longer under the effect of the alcohol the
17 person is weakened and once you blow him he will
18 fall off, fall away.

19 (Videotape resumed playing.)

20 THE INTERPRETER:

21 As concerns increasing the number of members of
22 the Interahamwe, I think some of the presidents
23 are here present. We ask you, members of the
24 national secretariats, to help us to strengthen
25 our party so that it should forge ahead by

1 increasing the number of Interahamwe throughout
2 the country.

3 (Videotape resumed playing.)

4 THE INTERPRETER:

5 Today we all are aware that our country was
6 recently the subject of an attack by an enemy,
7 an enemy that nobody wants to name. For us
8 those persons have also become our enemies.

9 MR. STEWART:

10 We are finished with the speech and we are now
11 going to the chant.

12 (Videotape resumed playing.)

13 MR. STEWART:

14 Stop a moment. The accused has an observation.

15 MR. PRESIDENT:

16 You make your comments as the film goes on. You
17 take the floor immediately after the comments
18 have been made.

19 THE ACCUSED:

20 I would like us to go over the portion talking
21 about alcohol. I did not quite understand what
22 the interpreter -- rather, what the speechmaker
23 said and what the interpreter said. I thought I
24 was going to react immediately. I reacted
25 immediately but you did not see my hand up.

1 MR. PRESIDENT:

2 Fine. So we are going to come back to see the
3 portion, to review the portion concerning the
4 effect of alcohol, the translation that didn't
5 seem to me to be very clear.

6

7 I would call on the accused to say whether the
8 interpretation is correct, the person who is no
9 longer under the effect of alcohol or under the
10 influence of alcohol.

11 (Videotape resumed playing.)

12 MR. PRESIDENT:

13 Is that the portion?

14 THE ACCUSED:

15 Yes, that is the portion.

16 MR. PRESIDENT:

17 And what did you understand, the accused?
18 Accused, what did you understand, who is under
19 the influence of alcohol or who is no longer
20 under the influence of alcohol?

21 THE ACCUSED:

22 The speaker is saying, he is talking about
23 somebody who is no longer under the influence of
24 alcohol, that those who are making preparations
25 by giving people alcohol, when those persons

1 will no longer be under the influence of alcohol
2 they could be blown away.

3 MR. PRESIDENT:

4 So I think that agrees with the interpretation
5 that was made. The Chamber has understood.

6

7 Any comments, any further comments from the
8 accused? Could we continue?

9 MR. STEWART:

10 Yes, we could continue.

11 MR. PRESIDENT:

12 The accused, please.

13 THE ACCUSED:

14 The issue of the enemy, we should come back to
15 the portion on the enemy.

16 MR. PRESIDENT:

17 Is it before this portion or after this portion?

18 THE ACCUSED:

19 I think it is after this portion.

20 MR. PRESIDENT:

21 So unwind the cassette. On the issue of the
22 enemy I think I will have to go review that part
23 of the cassette.

24 MR. STEWART:

25 I think fast-forward the tape, please.

1 THE WITNESS:
2 I think it is soon after this.

3 MR. STEWART:
4 Yes, yes.
5 (Videotape resumed playing.)

6 MR. PRESIDENT:
7 Mr. Rutaganda, what did you understand?

8 THE ACCUSED:
9 The Kinyarwanda is not easy to translate but the
10 speaker said -- well, he is quoting it in
11 Kinyarwanda. The quotation is in Kinyarwanda.
12 I think the speaker said we were attacked by an
13 enemy, an enemy that some people do not want to
14 call an enemy, but he did not say that they were
15 attacked by an identified enemy. He just talked
16 of an enemy, an enemy that some people did not
17 want to identify.

18 MR. PRESIDENT:
19 He didn't add that those people who didn't want
20 to identify their enemies would become the
21 enemies?

22 THE ACCUSED:
23 Yes, he said so. He said that those who do not
24 want to identify the enemy would become the
25 enemies.

1 MR. PRESIDENT:

2 Fine. Now we move on to the song.

3 (Videotape resumed playing.)

4 THE INTERPRETER:

5 We are together in the context multiparty
6 politics. We are together. We, members of the
7 movement, will never -- we will never stop
8 praising you.

9 (Videotape resumed playing.)

10 THE INTERPRETER:

11 We are the Interahamwe of the MRND with the same
12 objective. We like peace, unity, and the
13 development. We are vigilant. Our objective is
14 the following. We will not attack. We come to
15 aid of someone. We will not be harassed. On
16 the contrary, we harass. We are not
17 frightened. On the contrary, we frighten
18 others. We would not allow ourself to be
19 trampled on. On the contrary, we trample on
20 others.

21 (Videotape resumed playing.)

22 THE INTERPRETER:

23 And we silence the evil-doers and we are coming
24 from a battlefield singing our exploits. The
25 youth of the MRND, what are your

1 characteristics? What is your identity? We are
2 recognized from our good-heartedness and our
3 good education which we owe to our father
4 Habyarimana who taught us to love our country
5 and the people of Rwanda.

6 (Videotape resumed playing.)

7 THE INTERPRETER:

8 He gave us peace and we can sleep at peace. We
9 think we are independent and we are instilled or
10 imbued of the principles of democracy.

11 MR. STEWART:

12 The last bit of interpretation is that next song
13 that we are looking at. Is that the case, Mr.
14 Interpreter?

15 THE INTERPRETER:

16 Yes. The last part begins with, "We think."
17 The last part begins with, "We think."
18 (Videotape resumed playing.)

19 MR. STEWART:

20 Stop. I'm sorry. Could we get the
21 interpretation of that last little bit of song.

22 THE INTERPRETER:

23 The last part of the song begins with, "We think
24 we are independent. We are instilled with the
25 principles of democracy." And then there is a

1 single word pronounced by the speaker you saw.
2 The message doesn't seem to be very coherent.

3 MR. STEWART:

4 Mr. President, it is true there is the image of
5 a person whom we saw in the cassette but which
6 is not relevant for our purposes.

7

8 We are now going to move on to the second part.
9 Maybe with your permission the interpreter could
10 stay on. There are a few words. There are a
11 few things. There are words spoken here and
12 there. Time and again they could be useful --
13 it could be useful if the words were
14 interpreted.

15 MR. PRESIDENT:

16 I will ask the accused if on this first part,
17 the part concerning the meeting, if he agrees
18 subject to the observations that you made
19 concerning the interpretation or, rather, the
20 corrections that you made concerning the
21 interpretation.

22 THE ACCUSED:

23 I agree. I agree with this first part.

24 MR. PRESIDENT:

25 We put down on the record that the accused said

1 he agreed with the interpretation. We move on
2 to the second part.

3 BY MR. STEWART:

4 Q We are now going to the second part of the
5 tape, this Exhibit 468, and this is the tape
6 that you described relating to the ride through
7 Kigali with the Presidential Guard. Is that
8 correct?

9 A I haven't seen it yet. One moment.

10 (Videotape resumed playing.)

11 THE WITNESS:

12 Yes, yes, it is.

13 MR. PRESIDENT:

14 Can we know where this is taking place and what
15 it is all about for purposes of records and the
16 date if it is possible?

17 MR. STEWART:

18 I'm sorry.

19 BY MR. STEWART:

20 Q Just once again to reiterate what you related to
21 the Court, what time frame are we as far as you
22 are aware?

23 A Again I cannot give you any absolute date at all
24 but it would seem to me that this is the week,
25 sometime in the week following April the 6th,

1 maybe even April the 8th, something like that.

2 BY MR. STEWART:

3 Q Is that the information you were provided at
4 T.V. Rwanda?

5 A I was indeed, yes.

6 Q And as I have asked you before, the images that
7 we are going to be seeing in this tape, did you
8 see similar images when you were there during
9 the week following April the 12th?

10 A I did indeed. One of the reasons that makes me
11 think that it is immediately the week following
12 is that you can see in this image here, for
13 instance, a great many people fleeing the city.
14 That stopped quite quickly or it reduced
15 continuously.

16
17 At the time that I was leaving there would be
18 just one or two cars leaving the city. Here you
19 can see there is a great number. There are
20 still things sort of strewn around the street.
21 It looks to me that this was immediately after
22 the resumption of hostilities.

23 Q Now, can you tell us where in the City of Kigali
24 we are in this image?

25 A I can indeed. I will just take you back to that

1 previous, previous shot.

2

3 Okay, this is immediately above the Church Sans
4 Famille which is just here to the right so we
5 are on the -- this is the slipway on to the main
6 roundabout just above Sans Famille in the very
7 center of the city.

8 Q So as we go down the road where are we heading?

9 A Okay, this is an interesting shot. We saw a
10 lot of young men like this. He is obviously not
11 a disrespectful sort of chap. He has got a nice
12 jacket but he is holding something that he has
13 taken from the kitchen. He has got a large
14 knife in his hand. He has obviously been told
15 or he feels that he should be out in the streets
16 with a weapon for some reason.

17 Q I'm sorry. Just where are we headed? Where are
18 we headed? Down this road?

19 A This is again just here you can see the top of
20 that roundabout. We are not off that yet. We
21 are just going on to that main roundabout. If I
22 refer to the map there, it is just above the
23 Sans Famille and below the Milles Collines
24 Hotel.

25 Q And for the record the map is Exhibit 1A.

1 A This is the road leading off that roundabout.
2 This is the road that would lead you -- if you
3 carried on on that road would lead you down to
4 Butare or the turning for Ruhengeri but again we
5 only traveled here a hundred yards of some
6 such.

7
8 What you are seeing here is a road going down
9 the hill from the center roundabout in Kigali.
10 You can see -- you can see about eight, nine
11 cars. You can see some sort of roadblock. You
12 can see that there is bits of paper all over
13 the -- all over the road. There has been some
14 looting or something.

15 Q All right. Let's continue with forward.
16 (Videotape resumed playing.)

17 A And here is a body that's been bludgeoned
18 around the head. You can see blood pouring out
19 on to the, on to the sidewalk. There are some
20 papers around him. There are people just
21 walking past nonchalantly, someone with a
22 machete glancing back, someone with a child.

23
24 Here you can see just the edge of a uniform.
25 This gives me the impression that what I was

1 told was true, that this cameraman was being
2 accompanied by some military and that's how he
3 was able to move around with some sort of
4 impunity. So the man standing next to him is
5 definitely wearing a military uniform.

6
7 Now, this is very interesting. This is a
8 roadblock. There is military all around. They
9 are all armed. They have got clubs. They have
10 got machetes and this man here has a knife.
11 They are obviously feeling very comfortable
12 interrogating the people as they go through.
13 They look like they feel they have every right
14 to be there. Every car is being stopped.

15
16 There is a large barrier down there. Every
17 single occupant -- now, this is very interesting
18 here. You just saw the woman in the back there
19 handing over which I'm sure is an identity
20 card. This, the man in the front as well is
21 handing up an identity card.

22
23 I would imagine at this point that what the
24 militia are looking for is their ethnicity on
25 the card, whether they are Hutu, Twa, or Tutsi

1 or other.

2 Q Just before you go on, when you say the woman in
3 the back and the man in the front --

4 A Let me just show you that again.

5 Q -- you are referring to a motor vehicle --

6 A A motor vehicle, yes.

7 Q -- for the record?

8 MR. PRESIDENT:
9 Stop there so that we can see clearly.

10 THE INTERPRETER:
11 The president's microphone, please.

12 MR. PRESIDENT:
13 We should stop there so that we can clearly see
14 that the people in the vehicle are showing their
15 ID cards.

16 THE WITNESS:
17 I will show you that several times and I will
18 pause and also run it all the way through
19 first.
20

21 So there is the identity card there. Also he
22 has his identity papers in the front which you
23 will see him hand up in a minute.
24

25 There we go. He is holding his identity card.

1 It has a slight bluish color. If you know the
2 Rwandan identity card it's a sort of blue, a
3 sort of purply blue color.

4
5 So here we are again. There is the identity
6 card and he in the front there has two bits of
7 paper, one which again has that bluish color,
8 and I would imagine his identity card and he is
9 showing the militia at that roadblock.

10
11 Okay, you can see people have armed themselves
12 with all sorts of things: a machete, a club,
13 young children out on the roads with clubs here,
14 everybody on the move. We are seeing people
15 sitting by the side of the road with large
16 amounts of possessions.

17
18 Let us go back on that. You can see a man
19 standing in front of them with a club, with a
20 machete again. There you can see him with his
21 machete just going to sit down with his
22 belongings.

23
24 Again I will just tell you this is on the road
25 out, out of Kigali from the main roundabout down

1 leading towards the turning for Ruhengeri or
2 straight on to Butare.

3
4 Now, here is a body again. He has been
5 bludgeoned around the head. There is blood
6 pouring out down the road. There is a man with
7 a machete and a knife walking past him.

8
9 Now, here we have a whole pile of belongings
10 strewn around about six bodies. There is one
11 body here. There is one body here. You can see
12 this body's feet here. There is another body
13 here. There is his feet and there is another
14 body curled up there.

15
16 People are looting their possessions and
17 checking what they were carrying and all of them
18 are just piled in one pile. Their shoes are
19 being removed and their belongings strewn
20 around.

21
22 There we are again. You can see the man with
23 the club there, the man with the machete. Both
24 of them, I would imagine, took part in the
25 killing. These are fresh bodies you can see

1 here. You can see the blood is not yet
2 clotted. It is still flowing.
3
4 Okay, here is the lead-up to another roadblock
5 which we have down here. There are many buses
6 and cars and people all queuing up. I imagine
7 that the cameraman was able to go past in this
8 red pickup that you can see because he was, he
9 was traveling with the Presidential Guard.
10 Therefore, he is just driving past this
11 roadblock.
12
13 Another red pickup, piles of people on the back
14 fleeing the city with their possessions.
15
16 There is a soldier there, another soldier at
17 this roadblock. So here you have soldiers at
18 this roadblock. This roadblock must have
19 been -- from what I recognize here, this is
20 just down at the bottom of the hill before the
21 turning that goes up to the north.
22
23 You can see soldiers here with machetes. In the
24 previous shot you could see soldiers. In the
25 roadblock that we just saw before that, that

1 roadblock must have been maybe two or three
2 hundred meters behind this one. This one is
3 manned by soldiers. Here you can see soldiers
4 going through belongings.

5 Okay, now we are coming back up on another
6 hill. There is a young woman. She is lying
7 down on the ground twitching and dying. She
8 looks unconscious, twitching as she tries to
9 breathe. There is a graphic closeup.

10
11 What you will notice about her is that she is
12 dressed in her Sunday best, looks more like she
13 is going to a disco, obviously not someone who
14 got up that morning and believed that she was
15 dressing to flee the country or dressing for a
16 war zone. She is dressed in colorful clothes.
17 She had no idea that she was going to be
18 killed.

19 (Pages 1-59 reported by M. Young.)

20

21

22

23

24

25

1 MR. PRESIDENT:

2 Could you continue, please? Continue, please.

3 A. Okay. Here we can see another body lying in the
4 side of the road. His shoes have been removed,
5 he's been looted, he's just been bludgeoned.

6

7 Another four people, one of them twitching;
8 again, they've been looted. They've been rolled
9 over on the side of the road. They must have
10 been killed here. You can see their legs are
11 crossed, so they've obviously been rolled over
12 onto that side of the road. They were probably
13 killed on the street there by that roadblock.

14 Q. Mr. Hughes, before we go on, please, just go back
15 to that last scene with the four people, four
16 bodies, one person still quite alive. I have to
17 ask the question. Stop there, please. I notice
18 in this case, and I believe in some of the other
19 cases, the pants of the individuals seem to be
20 down to some degree. Is this something that you
21 observed with respect to some bodies that you
22 saw?

23 A. I would imagine it was the result of the people
24 having their belts removed, their trousers
25 removed, and their pockets gone through.

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You can see some papers that must have been in this man's pocket. It even looks like his pockets have been ripped. He must have protested when he was being stopped, and they've ripped his trousers open to see if there's any money or anything in his pockets.

Q. All right. Please go ahead.

MR. PRESIDENT:

Judge Aspegren has a question.

EXAMINATION

BY JUDGE ASPEGREN:

Q. I understand that this picture was taken by some cameraman from the state television or something.

A. That's correct, as far as I know.

Q. Could you guess why he was taking these pictures?

A. I was told that he was not sympathetic to the Habyarimana regime or the activities of the Interahamwe or any other militia. That's what I was told. And I was told that he had gone out with the army, possibly the presidential guard, and filmed what you see here. Those people did not suspect that he was not sympathetic. If he was thought to be sympathetic, yes, he obviously -- well, if he was thought to be sympathetic to

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1 the Habyarimana regime, then he could film these
2 things because he was traveling with the
3 military. Why he filmed them, I don't know.

4
5 I'm a cameraman. If you film news, you feel it's
6 somehow your duty to go out and film something.
7 I think that's probably what went through his
8 head. These are historic events. He knew that
9 he wanted to capture some of it.

10 Q. But obviously he was not hindered by the
11 government people.

12 A. No. He was obviously traveling with soldiers,
13 and because of that the militias didn't question
14 him.

15 Q. So, they didn't -- well. They must have been
16 conscious about the fact that now this was
17 documented, so to speak?

18 A. Yes, I think there is some truth to that, yeah.

19 JUDGE ASPEGREN:

20 Thank you.

21 MR. STEWART:

22 Thank you, Your Honour.

23 EXAMINATION IN CHIEF, CONTINUED

24 BY MR. STEWART:

25 Q. Please go ahead with the film that this man took.

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1 A. What's to note here, the streets that we were
2 traveling around that I recognize are within,
3 let's say, one square kilometer below the main
4 roundabout. So, the number of bodies that you
5 are seeing and that you're going to see, it shows
6 the concentration of the killing, the ferocity of
7 it. This is all probably filmed within one
8 hour. These bodies would have been removed
9 later.

10

11 Okay. Now he's coming back up the hill. You can
12 see another roadblock. This is the road as far
13 as I can see that is parallel to the road to
14 Nyamirambo. You can see again the sort of
15 roadblock that was. They're listening to the
16 radio here, they would have been listening to
17 RTL, armed with cludgeons. Here's a pile of
18 bodies outside some gates. There must be about
19 ten bodies there; one, two, three, four, five,
20 six, seven, eight, nine, ten, something like
21 that. Again, there's a man who has had his head
22 beaten open. Quite fresh bodies.

23

24 I would suspect at this point that the truck that
25 they were traveling in with the soldiers had seen

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1 another -- has passed by another army truck, and
2 they've stopped to have a chat, and the soldiers
3 were obviously quite happy to have their picture
4 taken by this cameraman. You can see it's a
5 military jeep. Must be about ten soldiers in it.
6 They've got a machine gun mounted on the back.

7 MR. PRESIDENT:

8 Not the jeep, but the image there, can you please
9 tell us about this image? What do you see there?
10 This person, what is he doing with the machete?

11 THE WITNESS:

12 Okay. This is a bit of a sick joke. I saw it
13 as well and other people saw it and we talked
14 about it at the time. Because people were told
15 to stand outside their front doors with machetes,
16 they would often clear away the vegetation
17 outside. Whether they wanted to be seen to be
18 doing something or not seen to be doing something
19 I don't know. But they made their time useful.

20 MR. PRESIDENT:

21 Yes. I think it's useful for you to make
22 comments because we might have thought he was in
23 the midst of killing someone. So, it's useful
24 for you to make comments.

25 THE WITNESS:

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1 I will.

2 A. Okay. Here we have another roadblock. Again,
3 this is about a few hundred meters from the
4 previous roadblock. They are waving through the
5 truck that he's on.

6
7 Now, this is in Nyamirambo. This is very
8 interesting. This is the road that I came down
9 and described to you. So, now he's come 'round
10 the road that was parallel to the road into
11 Nyamirambo, drawing that road into Nyamirambo,
12 and he's heading back into the centre of town.
13 This is the main Nyamirambo road. This is the
14 road that I traveled in the opposite direction
15 that he's traveling in, and I suspect that I was
16 on that road, let's say, six days after him when
17 the killing in Nyamirambo was beginning to -- was
18 reaching a crescendo.

19
20 Here you can see there's already roadblocks being
21 put up. There's one roadblock here, there's one
22 roadblock where that green bus is. There might
23 well be some more up there. This is identified
24 as the road up to Nyamirambo by the mosque at the
25 top of the hill there.

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These are more people fleeing. Here we have another whole set of bodies, maybe thirty bodies, on the side of the road. I would suspect that they were killed just off this road and then dragged and laid out in a neat line for collection later. You can see this woman has her pants down. This seems to be a pregnant woman. Again, all their shoes are removed. They're laid out in a very neat line. These two must have been killed here because there's still blood coming out and staining the road but not elsewhere. Most of them are young men, but there's also women there.

There's one man wrapped in a sheet, so you can see he must have been dragged. I suspect he was being followed by the jeep there that we saw earlier. I suspect that most of these people, other than those three, were killed nearby and dragged onto the road quite purposely so that they could neatly be cleared up at a later date when the municipal trucks came 'round picking up bodies.

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1 Once again, this is within that square kilometer
2 that I'm talking about. It shows the amount of
3 people who are being killed.

4 Q. (By Mr. Stewart) Mr. Hughes, might I interrupt
5 you for a moment and ask if the interpreter can
6 interpret what was said by whoever said it. Some
7 direction was given.

8 THE INTERPRETR:

9 The only word that is understandable is slowly,
10 slowly, but it's not clear who is saying it.
11 Again, it's slowly.

12 MR. STEWART:

13 Before we go on, I don't want to go back to the
14 frightful scene of the young woman in her last
15 agony, but can the interpreter tell us what was
16 being said at that time. There was somebody
17 speaking, a voice perceptible, at the time that
18 scene was filmed.

19 THE INTERPRETER:

20 There was a sentence that is audible. It was
21 saying that it was the wife of a boss. It was
22 somebody who was commenting on it, on the person,
23 but you can't see who was saying it. They said,
24 "That's the wife of the boss."

25 MR. STEWART:

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1 Thank you.

2 Q. (By Mr. Stewart) Mr. Hughes, please continue
3 with the Nyamirambo road.

4 THE INTERPRETER:

5 Slowly, slowly.

6 A. I suspect that is the cameraman asking the driver
7 to go slowly. This is the road coming down from
8 the barracks. The Save the Children Fund office
9 is up there on the left. You can branch off from
10 the Nyamirambo road down. He's actually
11 beginning to do a second circle.

12 Q. (By Mr. Stewart) I believe that's it. Again,
13 for the purposes of the record, we caught just a
14 glimpse of the prime minister at the time, Jean
15 Kambanda, on a state visit of some sort. We've
16 eliminated that from this particular cassette.

17

18 Mr. Hughes, thank you for taking us through that
19 video material. That's the end of the videotape
20 evidence.

21 MR. STEWART:

22 Thank you, Mr. President.

23 MR. PRESIDENT:

24 You have the floor, Prosecutor.

25 MR. STEWART:

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1 Thank you, Mr. President.

2 Q. (By Mr. Stewart) Mr. Hughes, before we leave
3 Kigali during the period of this time that you
4 spent there that you described yesterday, there's
5 one more piece of information I think that I
6 would like to gather from you. In answer to a
7 question, I believe from his Honour Judge
8 Aspegren yesterday, you related one of the
9 accounts that you had received from an ex-patriot
10 relating to the killing of school children. And
11 in the same vein as a journalist did you receive
12 any other particularly striking accounts that
13 have remained in your mind that you would like to
14 relate to the chamber from other eyewitnesses?

15 A Yes. There was one occasion when I was at the
16 airport. There were two -- there were two Polish
17 soldiers, one of whom I had possibly the previous
18 year or the year before that flown in to Kigali
19 on the same plane with. I remember him as a big,
20 strong man and we'd talked when he'd first
21 arrived in Kigali, and I told him of my
22 experiences there, and he told me what his job
23 was going to be working with the United Nations.

24

25 I met him again in April '94 in that week at the

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1 airport, and he took me aside and related a story
2 that went like this. He often, he said, went to
3 a local church that was of the same denomination,
4 same religion as himself. He went there with
5 another Polish soldier, a colleague. He said he
6 went there on the week after the president's
7 plane was shot down. I would think this is like
8 sort of four days after. He went there every
9 day.

10

11 And on this occasion, while he was in the church,
12 the church at this point obviously was full of
13 Tutsi. He related there must have been hundreds
14 of Tutsi in this church, and this church was in
15 the suburbs of Kigali. While he was there the
16 presidential guard came and sealed off the
17 church, sealed off the road. After they had
18 sealed off the road, some trucks came with
19 militiamen, people not in uniform, and they tried
20 to enter the church to set about to kill the
21 occupants of the church. They were held back,
22 they were fought off.

23

24 So, the presidential guard -- at this point he
25 was in the church. The presidential guard at

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1 this point forced their way in with their
2 weapons, obviously fired indiscriminately so
3 everybody ran away from the doors. The people in
4 the church weren't armed.

5
6 He then tried to approach the officer who was
7 with the presidential guard and was told that he
8 should stand back, that he should pay no
9 attention to what was going on, he should stand
10 there and not move of pain of death. He did
11 that. And at that time the presidential guard
12 let in the militia who set about every single
13 person in that church killing them in front of
14 his eyes. Some of them ran down to the crypt
15 where they were chased. They were killed there.

16
17 He said that well over a hundred people, maybe
18 over two or three hundred people were killed in
19 that church in front of him. The presidential
20 guard went away. The militia went away and he
21 was able to leave.

22 Q. Mr. Hughes, did it appear to you that this event
23 had affected this man?

24 A. Yeah. He trembled when he spoke about it. He
25 didn't want to talk to other journalists about

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1 it. I think he talked to me because I approached
2 him and we started talking, and he related that
3 story to me.

4
5 I subsequently know that the fellow Polish
6 soldier who was with him had something I think
7 approaching to a mental breakdown back in
8 Poland.

9 Q. You've heard this?

10 A. I've heard this.

11 Q. All right. Mr. Hughes, you've indicated that you
12 were able to leave Kigali in a Bangladeshi APC,
13 part of UNAMIR forces. Did you return to the
14 city either that month or later during the course
15 of the conflict?

16 A. Yes.

17 Q. Could you tell us just very briefly how long
18 those sojourns were and what your purpose was?

19 A. I was filming with different companies. Two I
20 can name was Channel 4 Britain, and also the BBC.
21 We were filming different documentaries; another,
22 Yorkshire television. I traveled around the
23 country in the Operation Turquoise zone and also
24 in the RPA zone.

25 Q. All right. I'm going to come to your travels in

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1 the wider country in a moment, but just to finish
2 with Kigali, were you back in the airport or any
3 part of the city before it fell on July 4th, '94?

4 A. I visited the airport on two occasions just for a
5 day.

6 Q. And as you've indicated, you were in the city
7 right after it fell. That's when you got the
8 material that we've seen in Exhibit 468, is that
9 right?

10 A. That's correct.

11 Q. With respect, then, to your film work in the rest
12 of Rwanda, what I would ask you to do, if you
13 would, is take the map, Exhibit 241, have that
14 put up here with the president's permission, I'll
15 simply ask you to indicate the areas of Rwanda
16 you were able to visit and then please just
17 relate to the chamber very briefly some of the
18 observations you made. We just want to get a
19 sense of what you saw in the country itself,
20 given that you were an eyewitness and it's
21 perhaps important for the chamber to get the
22 broader picture.

23

24 With the chamber's permission, I would ask you to
25 come to the map and just indicate some of the

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1 areas that you were able to visit during the
2 conflict.

3 A. Yes. I returned to Kigali. I also made my way
4 up on one occasion from Burundi, up on the
5 entrance -- the border crossing here at Muyinga.
6 From there, I went through to just below Gitarama
7 to a place called Nyanza which I think is the
8 ancient capital of Rwanda and stayed there. I
9 also went up near Nyamata and Kanzenze and into
10 Ntarama.

11
12 On another occasion I crossed the border again
13 from Burundi into Zaire where I tried the lower
14 border crossing at Bukarama, but had to make my
15 way around to Bukavu where I flew with the French
16 troops and also traveled with the French troops
17 in -- in Zone Turquoise.

18 Q. Would you just give us, then, an overview of
19 observations that you made and how they impressed
20 you.

21 A. Okay. On returning to Kigali, I can remember
22 wherever we went we found bodies or body parts.
23 I remember in one place at the market on the
24 other side from the Amahoro stadium, I remember
25 finding a headless body in an alley way.

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When I traveled up through this part, the war was

3

very much still on and I got a feeling even then

4

the Zone Turquoise was just being set up, but

5

there was a still a front line at Gitarama, it

6

was still in government hands, and that's one of

7

the reasons that we had to come 'round here. I'm

8

not sure that even Butare had fallen. It was in

9

the process of falling, and the RPA had come down

10

through this area.

11 MR. PRESIDENT:

12

Prosecutor, how much longer do you intend to

13

take? Do you have other relevant evidence for

14

the trial?

15 MR. STEWART:

16

Mr. President, I just want to have this overview

17

of the observations he made in the rest of the

18

country to complete his testimony, but we are

19

coming to the very end of his testimony. This,

20

of course, is evidence concerning the context,

21

the contextual situation.

22 MR. PRESIDENT:

23

That's fine. But we can do it briefly. We

24

don't need to have personal impressions. That's

25

what I'm asking.

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1 Q. (By Mr. Stewart) Yes. Mr. Hughes, if you would
2 continue, you indicated you were in south central
3 Rwanda with reference to Exhibit 241, the map of
4 the country. If you could, just briefly
5 summarize observations that you made.

6 A. Okay. Obviously in the church at Nyamata it was
7 still full of bodies, quite fresh bodies. The
8 church just below that at Kanzenze, the bodies
9 had just been taken out. There was blood all
10 over the floor. There was a mass grave behind
11 the church. There was shrapnel holes in the
12 ceiling. That's something that I've seen in
13 churches all over Rwanda, around Kibuye,
14 Gitarama; I've been to churches there. You find
15 the same pattern, you find bloody hand marks on
16 the walls, you find shrapnel marks in the ceiling
17 from grenade attacks, and you find a mass grave
18 at the back of the church. I found that
19 countless times.

20
21 At Nyanza -- it's not marked on this map, but
22 it's just below Gitarama -- we came across a
23 whole group of survivors. They had machete
24 wounds to the back of the head, back of the neck;
25 they had lost limbs; they had lost their arms or

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1 they'd been cut in the leg or the back of the
2 foot. There was an ICRC hospital there.

3 Q. Mr. Hughes, how did these survivors identify
4 themselves with reference to ethnicity?

5 A. They were Tutsi.

6 Q. And on the basis of information you received, and
7 please tell us the sources you were using, what
8 had happened at these various churches that
9 you've been describing?

10 A It always seemed to follow the same pattern,
11 whether we were at -- there's another church here
12 at Nyarubuye, an infamous massacre there. What
13 would happen is we were told that the Tutsi would
14 go into the church and around the compound of the
15 church; different churches, you might have
16 hundreds, you might have thousands of people.

17
18 If the local people were more sympathetic to
19 them, they were not under any -- they were not
20 being attacked or they were not being harassed at
21 all until the arrival of some Interahamwe from a
22 neighbouring town or even from Kigali. The
23 Interahamwe would then organize the local people,
24 even sometimes against the wishes of the local
25 people to attack the Tutsi. And if even then

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1 that failed, some military firearms would be
2 brought in or someone from the army would be
3 brought in who would destroy any resistance.

4
5 At that point, there would be complete panic and
6 the Interahamwe would go in and bludgeon everyone
7 to death. And you could see the method by which
8 people were being killed. It was almost
9 universally either a cut to the head or
10 bludgeoned on the side of the head.

11 Q. All right.

12 A. I saw this in churches all the way across Rwanda.

13 Q. Summarize, then, your observations.

14 A. My observations in what was then the Operation
15 Turquoise Zone where the French soldiers were, I
16 remember one incident when I was trying to cross
17 the border at Bugarama, I got there at two
18 o'clock at night from Burundi. What I saw and
19 what was interesting was there was no electricity
20 on the Zairean side, but the lights were still on
21 on the bridge that crosses the river that makes
22 that border crossing. And I could see what I
23 thought was somebody being killed by a group of
24 men halfway across. And then the Zairean
25 soldiers came back with the bicycles of the

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1 people who were killed. It was two o'clock at
2 night, it was in silhouette. But that's what I
3 believe I saw. I can't be absolutely certain.

4
5 When we were with the French, we went to several
6 towns up on the lake just inland. And one town
7 we went to, there's a large church as usual in
8 Rwanda on the top of the hill. I remember we
9 arrived there with the Foreign Legion who had
10 information that there might have been a Tutsi
11 surviving somewhere there. They'd been given
12 that information. They didn't find him. They
13 certainly searched for him. What we found there
14 was that in the back of the church there was a
15 room, let's say, the size of this courtroom where
16 the -- there were two holes, one hole by the door
17 that had been knocked through the masonry; there
18 was another hole over by the window. And what
19 was interesting was that when we arrived the
20 floor was still wet and obviously just been
21 washed. But when you looked, you could find
22 caked-in flakes of blood. I think the story --
23 that told the story, this room was obviously full
24 of people who'd been massacred, and the door had
25 been forced and so had the window.

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Outside that, in that town there were some toilets nearby. They all had machete slashes in them. And down the hill and around the top of the hill there were a lot of houses that had been razed. They had been collapsed and burned, and the local people just stood around mute as the French soldiers made their way through the town looking for this person that they had information was there, but they didn't find him.

One of the most poignant moments that sort of brought it home to me was I took a helicopter flight with the French troops, and we went over quite a bit of territory from Cyangugu inland. And I remember looking down from the helicopter, and on all the hilltops the houses had been razed or destroyed, or there was evidence of some sort of destruction.

It is known that the Tutsi traditionally occupy the top of the hill because they are traditionally pastoralists and so they have their cattle around them and their houses on the top of the hill. And below in the valley the Hutu

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1 agriculturists are working the fertile fields
2 that go between the valleys. And what you could
3 see was as we flew over mile after mile after
4 mile after mile after mile after mile, hundreds
5 and thousands of houses on the top of the hills
6 that had been destroyed. And that certainly
7 brought it home to me, what had happened in that
8 area which was then the Zone Turquoise.

9 Q. Mr. Hughes, you say it is known. Did someone
10 provide you with this information about the
11 settlement pattern in these areas of the country?

12 A. Yes. I mean, I think anybody who knows about
13 Rwanda would verify that. If you go back
14 historically, that was the case then and it's
15 still certainly the case -- it was certainly the
16 case then.

17 Q. And was that the explanation offered to you why
18 all these hilltop dwellings were smashed?

19 A. No. That was my assumption.

20 Q. That was your assumption. Mr. Hughes, are there
21 any other observations you would like to report
22 to the chamber with respect to this period of
23 time?

24 A. No. That's fine.

25 Q. Mr. Hughes, thank you very much.

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1 MR. STEWART:

2 Mr. President, I have no further questions.

3 MR. PRESIDENT:

4 Have you finished?

5 MR. STEWART:

6 Yes, Mr. President, I've finished.

7 MR. PRESIDENT:

8 The accused has the floor.

9 THE ACCUSED:

10 Mr. President, I would like to request a break
11 before we start with the cross-examination.

12 MR. PRESIDENT:

13 The proceedings are rejoined for ten minutes.

14 (Recess.)

15 MR. PRESIDENT:

16 The proceedings are called to order. I'll give
17 the floor to Counsel Dickson for the
18 cross-examination of the witness. Counsel, you
19 have the floor.

20 MS. DICKSON:

21 Thank you very much, Mr. President. I will do
22 the cross-examination with your permission in
23 English.

24 CROSS-EXAMINATION

25 BY MS. DICKSON:

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1 Q. You've told us a certain number of things, and I
2 would like to begin by perhaps clarifying with
3 you a number of your sources, if you permit. You
4 explained to us yesterday morning that you had
5 spoken to a number of people at the Mille
6 Collines Hotel, Rwandans at the French school,
7 Belgian soldiers, and French soldiers. Is that
8 correct?

9 A. That's correct.

10 Q. I would ask you to turn on your microphone, if
11 you would, for the record. Sorry about that. Is
12 that correct?

13 A. That's correct.

14 Q. Now, was the French school at that time
15 controlled to your knowledge by the Belgian UN
16 soldiers?

17 A. By the Belgian and the French.

18 Q. Do you know how long the Belgian soldiers had
19 been at the French school by the time you got
20 there?

21 A. I don't know, no. I could guess. It would have
22 been a few days. It would have been from about
23 the 8th, I should think.

24 Q. And what do you base that on?

25 A. Well, that's when the evacuations began. But I

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1 have no definite knowledge, no.

2 Q. Did you ever check to see whether or not that was
3 a base for them, or you're assuming that they
4 arrived at the French school at about the same
5 time as the evacuations of ex-patriots began?

6 A. Yeah, they and the French -- well, the French
7 came later. They were carrying out evacuations.
8 The Belgians were based not at the French school,
9 they were based at the airport.

10 Q. Okay. So, you know that this contingent that you
11 were with at the French school was, in fact,
12 based at the airport?

13 A. Yes.

14 Q. And do you know which Belgian battalion this
15 was? Do you know which group of Belgians within
16 the Belgian contingent this was?

17 A. I'm not absolutely certain, no.

18 Q. Okay. Do you have an idea?

19 A. No.

20 Q. No idea?

21 A There were paratroopers there. There were also
22 some armored cars and things. They would have
23 been from an armored division, but precisely no,
24 absolutely not.

25 Q. Okay. How many times approximately did you go to

1 the Mille Collines Hotel?

2 A. Probably two or three times a day, and then I
3 stayed there overnight.

4 Q. Okay. You stayed there overnight around which
5 day within this period that --

6 A. That would have been at the end of the period
7 that I was there.

8 Q. Now, you spoke to a number of people at Mille
9 Collines, correct?

10 A. Uh-huh.

11 Q. Did you speak to the manager of Mille Collines?

12 A. At the time I wasn't sure. There was a Belgian
13 manager there. I think -- I don't think I saw
14 him. I think he may have already left. There
15 were still amazingly people working at the Mille
16 Collines. I can remember there was a man called
17 Zuzu who I still meet when I go back to the Mille
18 Collines. We remember each other. And there
19 were some other people who may have been involved
20 with the hotel. There was one man I think who
21 was part owner who was there.

22 Q. And you're referring -- this gentleman that you
23 met who is part owner, you're referring to a
24 Rwandan gentleman, is that correct?

25 A. Yes, that's correct.

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- 1 Q. And did you get information from this Rwandan
2 gentleman about the people who were staying at
3 Mille Collines?
- 4 A. Yes. We -- one would, yeah. That's correct,
5 yes.
- 6 Q. I take it, just to be more specific, that you
7 therefore specifically asked him questions about
8 who, in fact, was staying at the Mille Collines?
- 9 A. What -- I can't say that we interviewed him or
10 anything like that. But I do, for instance, know
11 we did spend some time with him, as many people
12 did, because he had a supply of beer. That was
13 one of the reasons we would go to his room, maybe
14 see if we could get a beer.
- 15 Q. Do you remember his name?
- 16 A. I do not.
- 17 Q. Not his first name?
- 18 A. Not his first name.
- 19 Q. All right. Now, in asking him who was staying
20 at Mille Collines, isn't it true that he
21 indicated to you that there were a good number of
22 Hutus as well staying at the Mille Collines? Do
23 you recall that?
- 24 A. I can't say actually that it was discussed in
25 such a manner because it was just recognized by

1 everybody who was staying there that the majority
2 were Tutsi. I don't think that was the thrust of
3 the questioning, actually. The thrust of more of
4 the questioning was, what was to come of them
5 rather than who they were.

6 Q. Because you have indicated to this court,
7 Mr. Hughes, that you knew that the vast majority
8 of the people staying there, if I'm correct, were
9 Tutsi, but now is your answer that, in fact, you
10 did not actually ascertain that since it was
11 known by all?

12 A. That's correct. I did not ascertain it from that
13 man that I'm talking about who we discussed the
14 situation. But certainly we were talking to many
15 people there. And the conversation doesn't go,
16 "Are you a Tutsi?" The conversation goes, "They
17 are killing Tutsis. They are killing us. Please
18 don't put your camera out the window," you know,
19 "they will see us." I didn't have to ask
20 whether that person was Tutsi, Are you Tutsi?
21 That was an overwhelming fact at that time.

22 Q. Okay. And had you had conversations with people
23 where they were saying, "They're killing us" or
24 "They're killing political opponents" or "We're
25 in danger for any other reasons"? Did that ever

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- 1 come to the fore in discussions that you would
2 have had with people at Mille Collines?
- 3 A. Yes, indeed. The killing of members of the
4 government and also killing of political
5 opponents was discussed, if you like, more
6 because there you were talking about individuals,
7 you were talking about parties, you were trying
8 to find out detailed information about who was
9 being killed and why. It was known that if you
10 were a Tutsi you were at risk.
- 11 Q. Now, you're often referring to "we" when you
12 describe discussions that you have had with
13 people. Just to make it very clear for the
14 court, when you refer to "we," who are you
15 referring to?
- 16 A. I'm referring to myself, maybe the journalist I'm
17 working with, maybe another journalist.
- 18 Q. And when you say the journalist you are working
19 with, that would be who?
- 20 A. At that time there were three. There was a
21 producer called Ken Herron. There was a Belgian
22 journalist called Els de Temmerman and a British
23 called Catherine Bond.
- 24 Q. Are you aware of the fact that Els de Temmerman
25 testified before the Belgian Commission of

1 Inquiry into the Rwandan matter?

2 A. Yeah, I think I am, yes.

3 Q. And are you aware of the fact that Els de
4 Temmerman held during that senate of inquiry very
5 specific political opinions about Rwanda? Are
6 you aware of that?

7 A. I think I am aware. I'm not aware that that's
8 what she testified, but I think I know that she
9 has strongly held views. I'm not aware
10 particularly of those views. They may have
11 changed since then. I have met her a couple of
12 times since then, but we haven't discussed
13 individual political events.

14 Q. Are you aware of the fact that at the time, in
15 1994, when you were with Ms. de Temmerman at the
16 Mille Collines that, in fact, she strongly held
17 views supporting the RPF? Do you recall that?

18 A. I wasn't, as far as I remember, at the Mille
19 Collines with Els de Temmerman. I was certainly
20 with her at the French school. What would
21 happen, as a cameraman you're in some demand in a
22 situation like that because people want to not
23 only use your pictures, they want you to record
24 them being there, and making, as we say, a piece
25 de camera, standup, a statement about the

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1 situation.

2

3 Els de Temmerman's views, yes, I know that she
4 has strongly held views. At that time, yes, I
5 think I do recall that she was strongly pro-RPA,
6 or RPF. My views with her not on that but on
7 other things can differ. I'm not swayed at all
8 by what she might believe.

9 Q. But you claim that on that point your opinions
10 did not differ, however, in the point of being
11 strongly pro-RPA, or RPF?

12 A. At that time, at that situation, yes, I would say
13 my opinion was, I was very strongly pro-RPA, or
14 RPF, yes.

15 Q. When you had been to Mulindi before with the
16 RPF, or the RPA, was that the beginning for you
17 of your sympathy for them, or did that create a
18 strong pro-RPF opinion for you?

19 A. No. I think I really became strongly pro-RPA, or
20 RPF, during that time in April. We had traveled
21 with them since 1991, and in one particular
22 report that I was involved in it was highly
23 critical of the RPA and RPF. And my opinion is
24 not universally pro-RPA, or RPF. But at that
25 time, in April, and I think for the rest of that

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1 year, maybe even another eighteen months after
2 that, I certainly supported the military aims of
3 the RPA after April, yeah.

4 Q. You mention now that at one point you had made a
5 report that was very critical of the RPF. Could
6 you tell us a bit why you were critical? Did
7 this have anything to do with the way in which
8 the war was being carried out, difficulties with
9 civilians, for example, in Ruhengeri, Byumba?

10 A. Yes, that's quite correct, particularly
11 Ruhengeri.

12 Q. So, this report was critical of massacres of
13 civilians in the Ruhengeri area?

14 A. Not of massacres, no. Of one individual killing
15 and also what we believe to be the destruction of
16 some of the infrastructure, particularly a
17 hydroelectric plant.

18 Q. And the destruction of that hydroelectric plant
19 would be around 1993, is that correct?

20 A. Yes, I think February. No, I'm not sure of the
21 -- I can't remember. Whenever they took over the
22 area that later became the demilitarized zone.
23 So, I'm not sure of the date.

24 Q. Do you ever recall a Rwandan minister having
25 denounced the destruction of that infrastructure

1 that you're referring to?

2 A. I don't.

3 Q. Okay. During your stay, then, in Rwanda in the
4 week we're the most interested in between the
5 12th and the 19th, approximately, of April 1994,
6 were you then discussing these issues that you
7 were witnessing, that you were filming with Ms.
8 de Temmerman and Ms. Bond mostly?

9 A. No. I spent most of my time with Ken Herron. It
10 was his first time in Africa, so he was quite
11 confused about the events.

12
13 But I did spend some time with both those people,
14 as well as other journalists. There was Dominic
15 Cunningham-Reed. There was a Canadian camera
16 crew there and journalists. There were a number
17 of journalists. I can't recall them all.

18 Q. Do you recall who the Canadian crew was?

19 A. They were from CBC, and I don't recall their
20 name, though I have met them subsequently.

21 Q. Okay. Now, were your discussions with the
22 Belgian soldiers that you encountered at the
23 French school and elsewhere during that week
24 enlightening for you and helpful to interpret
25 what you were seeing and what you were filming?

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1 A. Yes. That wasn't the main thrust of what we
2 asked them.

3 Q. What would have been the main thrust of what you
4 were asking them?

5 A. The main thrust was what they had witnessed on
6 the night of the presidential plane being shot
7 down, because they were at the airport and some
8 of them had seen it; and also the events later
9 when their soldiers were killed.

10 Q. So, you would be, in fact, staying at the French
11 school with Belgian soldiers who at that time had
12 been at the airport, some of whom had witnessed
13 the shooting down of the president plane?

14 A. That's correct.

15 Q. Okay. Did these Belgian soldiers give you an
16 impression, or did they help you, even though
17 that wasn't the thrust of it, interpret what you
18 were seeing, these traumatic events you were
19 witnessing?

20 A. Not especially.

21 Q. However, they did tell you, is it true, that
22 there had been lists established to proceed to a
23 series of assassinations the night of the 6th to
24 the 7th?

25 A. Yes, that certainly was discussed. I can't

1 remember the person who first mentioned it, but
2 it was a matter of discussion amongst the
3 journalists and was obviously brought up with the
4 soldiers, Belgian soldiers.

5 Q. Okay. And did you ever ask them if, in fact,
6 this theory had been put forth, what their
7 sources of information were for this?

8 A. Usually someone in telling their interpretation
9 of what was going on to something would mention
10 about who had told them what, but I can't
11 remember especially. No, I cannot remember a
12 Belgian soldier telling me particularly.

13 Q. Now, you have told this court that you also had
14 discussions with Rwandans who were at the French
15 school, is that correct?

16 A. That's correct.

17 Q. And is it safe to assume that the Rwandans at the
18 French school held similar political opinions
19 regarding the Rwandan issues?

20 A. Yes. I think -- I don't know if that's true. I
21 think they would have been both Hutu and Tutsi
22 and people from different political persuasions.
23 One would meet them briefly before they were
24 evacuated or some such.

25 Q. I was asking you not about ethnicity but about

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1 political views. So, therefore, the answer to
2 your question is you did speak to people at the
3 French school who had opinions which may not have
4 been yours or the Belgians', for example.

5 A. That's right.

6 Q. Okay. And did you ever interview those people?

7 A. No.

8 Q. And those people were at the French school, is it
9 therefore safe to assume that they were also
10 looking for shelter, they felt in danger?

11 A. That's right. It was quite evident that there
12 were a lot of people who wanted to be evacuated
13 and it was a limited number of places.

14 Q. Okay. You've also mentioned to us that you
15 gained knowledge of a certain number of things
16 that had been said over the radio. You told us
17 also that, given your rusty Kinyarwanda, that
18 these things had been translated for you, is that
19 correct?

20 A. That's correct.

21 Q. Do you recall who was doing this translating for
22 you?

23 A. Well, that issue would have been discussed at the
24 Mille Collines, at the French school. Who
25 actually was doing the translating, no, I don't

1 recall.

2 Q. Was it Rwandans? Was it Belgians?

3 A. Again, it was part of a matter of sort of general
4 discussion. You would have discussed it with
5 different people, both the French, the Belgians,
6 the Rwandans, people at the Mille Collines. In
7 discussion about what was happening, you know,
8 people would discuss the role of the radio.

9 Q. So, for example, if you were having a discussion,
10 general discussion, with Belgians about what was
11 being said on the radio, RTLM in particular, is
12 it safe to assume that the Belgian explaining to
13 you what had happened had also had it translated
14 for him?

15 A. Absolutely, yes.

16 Q. Okay. Did you ever report on the role of the
17 radio during the course of 1994?

18 A. On some of the films that I -- some of my
19 pictures were used in, yes, the role of the radio
20 was brought up as an issue.

21 Q. During the week that we have been discussing the
22 most, that is, the week of the 12th to the 19th?

23 A. No. I had no control over what my pictures were
24 being used for at that time. They were just
25 shipped to Nairobi.

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1 Q. And did you feel comfortable with what was being
2 said regarding the radio, given the fact that it
3 was secondhand or perhaps even thirdhand
4 information that was being transmitted to you?

5 A. No. I think at that point the radio was never
6 brought up in any news report. That was a matter
7 of discussion in Kigali. That was much more sort
8 of -- you've seen the graphic nature of the
9 pictures. That's what people were interested in
10 in that week.

11
12 I don't know what people were saying over my
13 pictures. In some cases those pictures would
14 just be sent to a country and they would take
15 what was on the Reuters wire and add that.

16
17 In subsequent documentaries and pieces that may
18 have been a year later, the issue of the radio
19 was brought up, usually with a translation from a
20 recording. I do also remember on the issue of
21 the radio when we were in Mulindi for those first
22 two days, I think that was the first time that I
23 heard the issue of the radio being brought up and
24 someone from the RPA brought that issue up. I
25 think, if I recall, that's the first time that I

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1 heard that.

2 Q. Now, we can perhaps target that more closely. Is
3 it your testimony that someone from the RPA in
4 Mulindi is bringing up the issue of RTLM radio,
5 or is it the radio in general as a phenomenon?

6 A. I don't recall it being -- I just recall it as
7 the radio in general at that point. We weren't
8 down to specifics. At that point we didn't even
9 know people were being killed.

10

11 We were also interested in the Rwandan radio.
12 They issued the declaration of the resumption of
13 hostilities on that radio.

14 Q. Who issued a statement of resumption of hostility
15 on Radio Rwanda?

16 A. Not on Radio Rwanda, on the RPA radio.

17 Q. I see.

18 A. So, what I am saying, while we were in Mulindi we
19 were listening to all the radios and the radio
20 was a matter of discussion. It was a matter of
21 discussion because we -- the first that we heard,
22 there might be killing and the first that we
23 heard that the RPA was mobilizing and was
24 resuming hostilities was on the RPA radio. And
25 at the same time we were also listening and

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1 having translated for us by people, be they RPA
2 soldiers or be they our driver or whatever.
3 There was inflammatory statements on Rwandan
4 state radio. At that time I hadn't heard of
5 Mille Collines or RTLM or anything like that.

6 MS. DICKSON:

7 My apologies to the translators. I'm very
8 sorry. We're fast talkers, the both of us. I
9 will try to slow down. Thank you very much.

10 Q. (By Ms. Dickson) And when you refer to RPA
11 radio, we're talking about Radio Muhabura, is
12 that correct?

13 A. I don't recall the exact name. I knew it as the
14 RPA radio.

15 Q. Now, you indicate to this court that they had
16 been reporting that there was going to be
17 killings, RPA radio. Do you have an idea at what
18 date that would have been?

19 A. No, that's not quite correct. There was a long
20 statement about the action that the RPA was going
21 to take, and I remember it being translated for
22 me. And it dawned on us the importance of the
23 statement because they basically said that they
24 were going back to war. But I do recall that
25 they stated that there was killing, that there

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1 were atrocities, there were horrendous acts
2 taking place, and these must stop immediately.
3 And those people who knew that they were doing it
4 and were responsible for it, the RPA would seek
5 them out.

6 Q. And are you in a position to approximately date
7 that statement on Radio RPA?

8 A. If I had my passport. At the time I could tell
9 you exactly. It would have been, let's say, the
10 10th or the 11th, something like that, of April.

11 Q. And do you remember in the course of that
12 statement a declaration that foreign troops
13 should leave Rwanda; otherwise, they would be
14 considered by the RPA as enemy troops?

15 A. I don't recall that, no.

16 Q. Okay. We briefly discussed yesterday the matter
17 of RTLM perhaps offering drugs or whatever to
18 people at the roadblocks. Do you recall?

19 A. I do.

20 Q. And you had mentioned at that time witnessing the
21 exchanges occurring at roadblocks with pickup
22 trucks. Do you recall?

23 A. Yes.

24 Q. Do you have any way of confirming that what was
25 exchanged was not an identity card or bribes for

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1 people to pass or any other object? thing?

2 A. No, absolutely not. I have no idea. I was never
3 at a roadblock when anything was exchanged. I
4 was a good way off or some way behind. My only
5 point there that's interesting is some cars,
6 pickups in particular, could pass freely and some
7 could not. Some were checked.

8 Q. So, you, as a journalist, trying to reconstitute
9 what is a very complex story, are drawing
10 conclusions from what you see and from your
11 knowledge in the region, is that correct?

12 A. That's afterwards. At the time, no.

13 Q. We've talked a bit about pickup trucks, and I
14 would like to ask you maybe just a couple short
15 questions on that point. On your video we see
16 pickup trucks with soldiers in them, is that
17 correct?

18 A. That's correct.

19 Q. Did you have knowledge of the fact that civilian
20 vehicles were being requisitioned for the army?

21 A. The vehicles looked like civilian vehicles. I
22 never witnessed a vehicle being taken and used by
23 the army, no.

24 Q. Okay. You also mentioned that army vehicles
25 could pass roadblocks without difficulty, and I

- 1 would like to ask you, in the context of the
2 resumption of hostilities, war, what would be
3 surprising about that?
- 4 A. Nothing. What was surprising was that, if you
5 like, the other way around, that the army were
6 not concerned about the roadblocks. They were
7 happy that they were there. They would stop and,
8 as you've seen on the video, have a few words
9 with the people there.
- 10 Q. You covered the Somalien conflict, isn't that
11 true?
- 12 A. That's right.
- 13 Q. You saw roadblocks in Somalia as well, in
14 neighbourhoods?
- 15 A. Yes. We saw a few roadblocks, not in
16 neighbourhoods. Usually at the entrance or the
17 exit to a town like Baidoa, Mogadishu, or nearing
18 the front line, what was known then as the Green
19 Line in Mogadishu. No, there were not roadblocks
20 in neighbourhoods.
- 21 Q. Now, we've gone over this, but you had covered
22 the Rwandan conflict from the beginning of the
23 war -- after the beginning of the war in October
24 1990?
- 25 A. Uh-huh.

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1 Q. And were you aware of the fact that from October
2 1990 on roadblocks had been established in the
3 course of this war?

4 A. That's quite true. And once again, it was
5 usually at the entrance or the exit of a town or
6 at a T junction. Even the French had a roadblock
7 on the Byumba-Kigali road themselves manned by
8 Foreign Legion soldiers.

9 Q. You are also aware of the fact that Belgian
10 troops had set up a number of checkpoints that I
11 imagine would be analogous to roadblocks during
12 their tenure in Rwanda?

13 A. I don't recall that.

14 Q. Okay. And when you were in Rwanda in the
15 government side before the shooting down of the
16 plane, were you in a position to notice that
17 roadblocks were quickly set up when there were,
18 for example, demonstrations of a certain
19 importance that were occurring in Kigali?

20 A. I don't recall that. I wasn't there for any
21 particular demonstration.

22 Q. And having been in Mulindi with the RPF, I
23 believe they were the RPF at the time you were
24 there, are you in a position to ascertain whether
25 their military tactics were conventional warfare

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1 or rather towards guerrilla type warfare?

2 A. It was interesting to be there at that time for
3 those two days. They did seem to be -- I think
4 this was quite important personally for me, they
5 did seem to be in some confusion. They certainly
6 became very tight. They didn't talk to
7 journalists. They didn't offer anything to us.
8 They seemed to be battenning down the hatches, and
9 nobody met any of the high command. They seemed
10 to be suddenly extremely busy.

11
12 Their warfare that I witnessed from then on
13 became not guerrilla warfare at all. This was
14 pretty standard conventional warfare.

15 Q. I was, in fact, referring to the week that you
16 had been to Rwanda in 1991 --

17 A. In 1991.

18 Q. -- with Catherine Bond again. How would you
19 evaluate the type of warfare that had been
20 adopted by the RPF at that time?

21 A. It was much more analogous to trench warfare.
22 They had dug thousands of covered -- what's the
23 word? Anyway, protected trenches where the
24 soldiers would be when they were being shelled.

25

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1 And when we were there they had just begun to
2 move forward out of that situation and take
3 ground. They certainly did some, and they used
4 to talk about some sort of guerrilla activity
5 behind the lines. But that was not the main
6 thrust of their warfare at all. That was much
7 more analagous to ambushes and things behind
8 enemy lines.

9 Q. Apart from these types of ambushes, were you
10 aware of the use of infiltration as a military
11 tactic adapted by the RPF, RPA?

12 A. Infiltration of military units, they talked about
13 that. And, you know, they gave some evidence for
14 it. But, no, the main -- they were beseiging
15 hilltop forts that the government had.

16 Q. And that was in 1991?

17 A. That was in 1991.

18 Q. I'm going to permit you to finish the end of your
19 last answer because it did not go through
20 interpretation. I think once again I'm asking
21 questions too quickly.

22

23 The question was regarding the type of warfare
24 that was being used by the RPF, RPA in 1991. So,
25 I'll let you finish your answer on that so we can

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1 have it on the record.

2 A. Yeah. They talked about guerrilla action. They
3 talked about ambush, infiltration only in a
4 conventional sense, a military unit making its
5 way through government lines, carrying out a
6 mission and coming back.

7

8 What I saw was really quite conventional
9 warfare. There was a front line. There were
10 beseiged hilltop forts, and there were safe
11 areas, if you like, of RPA control, very much
12 under their control, and the same from the
13 government side that I saw.

14

15 They obviously talked about any military success
16 that they had had involving ambush or something,
17 but I don't think there was any -- no one ever
18 said that there were units operating permanently
19 behind enemy lines. But they may not have told
20 us that if that was the case, but not to my
21 knowledge.

22 Q. Did you hear from 1994 onwards about RPF, RPA
23 brigades that would have been established by
24 infiltration in the city of Kigali itself?

25 A. Yes, there was -- they had a battalion at the

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1 parliament building, yeah.

2 Q. I'm referring, in fact, not to the battalion but
3 to other brigades that would have been outside
4 the CND and in the city. Had you ever heard
5 about that?

6 A. No. Once again, I think it looked quite
7 conventional. You can tell from the type of
8 gunfire and where it's coming from what's going
9 on. You can -- if there's sporadic gunfire from
10 an area, you know that's probably front line.
11 You can hear it coming in, you can sometimes see
12 it coming in and going out.

13
14 They did organize, I remember, one particular
15 commando raid, one particular raid to save some
16 people from a church. But otherwise it was
17 pretty conventional warfare.

18
19 On the government side, those areas controlled by
20 the government, the soldiers moved around with
21 confidence. There was no air of fear that they
22 might be ambushed or some road might not be safe,
23 might be mined or something.

24 Q. And there were quite a number of roadblocks, as
25 you pointed out, established in those very

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1 neighbourhoods, correct?

2 A. That's correct.

3 Q. Now, once again, the week of the 12th to the 19th
4 of April 1994, did you see or film RPF, RPA in
5 the city or prefecture of Kigali?

6 A. No. I think if you -- anybody who made their way
7 up towards the parliament building was going
8 towards the front line, and that was dangerous.
9 There was an enormous amount of gunfire in that
10 direction.

11 Q. Do you recall who the RPF or RPA spokespeople
12 were at that time, in 1994?

13 A. I think the man's name was Frank Mugabuge
14 (phonetic). He was certainly spokesman at some
15 point. He wasn't called spokesman, he was called
16 a political commissar.

17

18 But we got very little information from the RPA.
19 That's one of the reasons why we stayed only a
20 very short time. It wasn't until some time later
21 that I know some journalists had some success in
22 traveling with the RPA. There was a Kenyan
23 cameraman who went overland with them to Kigali
24 to their battalion that they were relieving at
25 that time.

1 Q. Now, in your discussion with your sources, be
2 they at the French school or Mille Collines or
3 elsewhere, had you heard about a raid, RPF, RPA
4 raid that occurred in Remera wherein quite a
5 number of civilians had been killed selectively?
6 Had that ever been a subject of discussion?

7 A. No. What was a subject of discussion was who was
8 killing who. That was a permanent and, you know,
9 we did talk to people who we later did not give
10 credence to who said that it was both sides
11 killing. One of the reasons I think why I can at
12 a later date sort of discount that is because I
13 think the areas in which they were talking about
14 killing were actually under government control.

15
16 But there was an enormous amount of discussion
17 about whether the RPA was killing and that went
18 on right up to the end of the war, and then
19 resumed again with the conflict in Zaire. It's a
20 big question mark and one that journalists would
21 be skeptical about, and we certainly were at that
22 time. We didn't know that the RPA wasn't
23 killing.

24

25 But I think we had no evidence that any serious

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1 or mass killing went on. I certainly never
2 talked to anybody with any credence who suggests
3 that the RPA were committing massacres.

4 Q. And is that your opinion now, even as regards to
5 former Zaire, now Democratic Republic of Congo?

6 A. No, that is not my opinion now.

7 Q. Is that still your opinion now regarding the
8 resumption of hostilities in Rwanda in 19 --

9 A. Yes. I think it is my opinion the RPA stated
10 that anybody who they thought was Interahamwe
11 they would kill, and there was evidence later of
12 that. And you would find people who possibly had
13 arms and individuals who had been killed, they
14 later changed that policy and I think to some
15 extent their actions changed with that.

16 Q. Are you aware of the fact that today people
17 considered Interahamwe or rebels are now once
18 again pointed out to be killed in Rwanda?

19 A. Yes. There's a great deal of debate about the
20 actions of the RPA, particularly around
21 Ruhengeri. And there's considerable evidence
22 that last year atrocities took place. The RPA
23 does not deny it itself.

24 Q. Does not?

25 A. The RPA does not deny it itself.

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- 1 Q. Okay. Now, you've told us that you arrived in
2 Kigali approximately the 12th of April 1994,
3 correct?
- 4 A. That's correct.
- 5 Q. Do you recall when the interim government left
6 Kigali for Gitarama?
- 7 A. No. I wasn't aware, and I don't recall whether I
8 was in Rwanda at that time. I think I wasn't.
- 9 Q. So, it is your testimony that during the period
10 that you were in Rwanda, approximately the 12th
11 of April 1994 to the 19th, you were not aware of
12 the government leaving or having left Kigali for
13 Gitarama?
- 14 A. No.
- 15 Q. Did anyone ever discuss the government or where
16 it was in the course of the discussions that we
17 have referred to you were having with people?
- 18 A. Yes. I remember meeting two journalists who had
19 actually been to Gitarama with the government and
20 the soldiers there. We met and discussed. I
21 seem to remember in Bukavu, and...
- 22 Q. During that week, 12th to the 19th of April 1994,
23 again, do you recall having filmed a UN
24 spokesperson of any kind?
- 25 A. No, I don't think so. I can't remember who it

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1 would have been, no.

2 Q. Do you recall in that week having filmed a
3 Rwandan government spokesperson?

4 A. No.

5 Q. And do you recall during that week having filmed
6 a Rwandan army spokesperson?

7 A. No.

8 MR. PRESIDENT:

9 The way which you are forming the questions
10 seemed to lead us to believe -- we're not sure
11 what it is you're trying to ask. In the French
12 interpretation we're not sure what you're asking,
13 Do you know if you filmed? Or, Did you film?
14 Let's make the questions more clear. Did you
15 film? That's how you should ask the question.

16 MR. TIANGAYE:

17 Thank you, Mr. President.

18 MR. PRESIDENT:

19 So, did you film or not? Do you remember if you
20 filmed? That's implying that you don't know if
21 you filmed or not.

22 MR. TIANGAYE:

23 Thank you, Mr. President. I have taken due
24 note.

25 Q. (By Ms. Dickson) For the record, I'm going to do

1 it directly, but I will put all three in the same
2 bag, we can save some time. Did you film a
3 government army, a government, or a UN
4 spokesperson during the week of the 12th to the
5 19th of April 1994?

6 A. No.

7 Q. I would just ask you maybe a few technical
8 questions to better the court and certainly my
9 understanding of these technical matters. How
10 long does your tape last in your camera?

11 A. Thirty-six minutes.

12 Q. And how long does your battery last on your
13 camera?

14 A. At that time those batteries would have lasted a
15 considerable time, possibly an hour and a half,
16 something like that of continual use.

17 Q. Now, just to understand, what date approximately
18 was your equipment lost when your producer was
19 taken out of his stalled vehicle?

20 A. I would say it was probably on the 18th or 19th.

21 Q. So, how many tapes, blank tapes, I suppose, were
22 you left with at that time?

23 A. I don't recall, but I suspect probably about -- I
24 think we probably went in with ten tapes, I shot
25 four, one was lost, maybe four tapes, something

1 like that.

2 Q. So, you only lost one tape?

3 A. Only lost one tape.

4 Q. So, did the rushes we saw, your first tape, that
5 was a compendium of many different tapes?

6 A. That's correct. Four or five tapes.

7 Q. Four or five tapes. So, it's not all the same
8 day?

9 A. No.

10 Q. Are you in a position to tell us how many days
11 are depicted approximately on that tape?

12 A. Trying to recall. Certainly up until the last
13 day. That was the fire fight that the Belgians
14 were involved in. I'm trying to think if any of
15 the first two days was there. It would be five
16 or -- five days. I'm really not exactly sure. I
17 could work it out but it would take some time.

18 Q. You've mentioned to us that riding with the
19 Belgians was more interesting and perhaps more
20 dangerous than riding with the French. Is that
21 correct?

22 A. Yes.

23 Q. In your opinion, did that have anything to do
24 with the routes that the Belgians chose or the
25 behavior, for example, that the Belgians would

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1 display, or is it something else altogether?

2 A. I was surprised that they took that route. The
3 Belgians were at greater risk. They were not
4 welcome when they passed by roadblocks. My
5 assumption at the time was that they were keeping
6 a much lower profile. They were certainly not
7 going into such dangerous places as the French,
8 we were told.

9
10 But as you can see from that, I think they wanted
11 to, you know -- they wanted to do their job, and
12 I think they didn't want to be put off by the
13 fact that they were unwelcome there.

14 Q. For example, would it have been necessary for the
15 Belgians in the course of their job to pass
16 through a neighbourhood like Nymyurangu?

17 A. Well, their job was to go and get ex-pats,
18 foreign passport holders, out. And they would
19 have been told where that ex-pat was, they would
20 have taken the nearest road. And that's exactly
21 what they did: go directly to that white father's
22 house.

23 Q. Well, let's take as an example the incident that
24 you witnessed and that you captured on film which
25 was, I believe, in your words, correct me if I'm

1 wrong, the hurling of insults at a roadblock
2 between the civilians manning that roadblock and
3 the Belgian soldiers. Can you give us an idea of
4 what these insults consisted of on each side and
5 without necessarily getting into impolite
6 language, but perhaps in a nutshell so that we
7 understand the type of feeling that's being
8 demonstrated by both sides.

9 A. I can't tell you exactly what the Rwandans on the
10 roadblock, they were shaking their fists, they
11 were pointing, they were shouting. I don't know
12 what they are saying. I know what the Belgium
13 soldier who was beside me, because we were behind
14 the truck, we didn't want to be completely in the
15 line of fire, he was quite fearless. He stepped
16 out from the truck and he splayed his legs,
17 grabbed his genitals, and basically that's what
18 he -- it was a physical display.

19 Q. But you also refer to hurling insults. Are we to
20 assume that there were no verbal insults being
21 made by the Belgians toward the Rwandan civilians
22 at that roadblock?

23 A. I can't recall. I can't recall exactly whether
24 they were shouting back, but the body language
25 certainly was everything.

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1 Q. Is it correct that in your tape, the first tape
2 that was put in evidence regarding your
3 testimony, that there's not sound all the way
4 through this video cassette?

5 A. There is sound.

6 Q. So, there is sound all the way through?

7 A. Uh-huh.

8 Q. Have you noticed that there are parts of the
9 video that we don't hear as well as other parts?

10 A. That's correct. This is a duplicate copy. It's
11 not the original.

12 Q. During this exchange of, we will call it, vulgar
13 body language at the roadblock, you've told the
14 court that a grenade was thrown.

15 A. I heard a grenade explode, to be exact.

16 Q. Okay. And in your opinion does that sound come
17 out very well in your video?

18 A. No. I wasn't filming at that point because I was
19 still trying to negotiate with the Belgian
20 commander to be on his truck. And when the
21 grenade exploded, you see I stopped filming
22 immediately because I realized that something is
23 going to happen here.

24

25 And you can see on the video the people reacting,

1 jumping in their cars and leaving. They also
2 realized that there's going to be trouble.

3 Q. And your reaction when you hear this grenade
4 explode is that it's now time to capture this on
5 film, correct?

6 A. Yeah.

7 Q. You told us, however, that when you heard
8 whistles it was, in your words, I believe,
9 terrifying, correct?

10 A. Yes.

11 Q. But a grenade exploding did not terrify you?

12 A. It's interesting. I think the whistles probably
13 were more terrifying. Often the lead-up to
14 fighting or conflict is more terrifying than once
15 it actually starts. Then, you're lost in
16 whatever you're doing, whatever you've got to do.

17 Q. But despite this terrifying moment you did manage
18 to preserve enough calm to film the scene,
19 correct?

20 A. Yes. As you can see on the video, I had climbed
21 up onto the truck and I was -- the camera was
22 leaning over the side and so the picture was not
23 steady. I was not at that point taking any
24 risks. I think once you know what's coming, if
25 you like, when the fire fight started later, you

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1 begin to get the parameters of what's going on
2 here. When the whistling's coming, you -- it's a
3 deliberate thing. It builds up tension. It
4 gives the other person the impression that you've
5 got trouble in store for them, and it works very
6 well.

7

8 But once you realize that they're just going to
9 fire at you with small arms, I think that's also
10 not so worrying.

11 Q. At that time you had been living in Nairobi
12 approximately four years?

13 A. That's correct.

14 Q. And had you heard whistles before, for example,
15 watchmen in Nairobi blowing whistles? You never
16 heard it before?

17 A. I know it does happen. I think you're talking
18 about one or two people, a few watchmen in
19 places. No. This was a lot of whistles and it
20 went right down the valley.

21 Q. Now, when this occurred --

22 MR. PRESIDENT:

23 A question by Judge Aspegren.

24 EXAMINATION

25 BY JUDGE ASPEGREN:

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- 1 Q. As a matter of fact, you are not the first
2 witness to tell us about this whistling. We
3 heard quite a few Rwandese witnesses, also. And
4 if I remember, we asked one of them, "Why did you
5 find whistling terrifying?" If I heard whistling
6 in the city where I'm living, I wouldn't be
7 terrified at all. On the contrary, I would just
8 wonder what's this about? Why are they
9 whistling? That's all. Why were you terrified
10 there at that place then?
- 11 A. I think whistling is --
- 12 Q. Can you explain it?
- 13 A. Yeah. Whistling is not defined. You can't say
14 that man is whistling over there. What you begin
15 to hear is a slow build-up to what could be a
16 crescendo. The sound of whistling is ill
17 defined. You can't say right now we're going to
18 have to be dealing with something over there, but
19 it slowly begins around the roadblock and then
20 you hear it go out and maybe coming up behind
21 you.
- 22
- 23 So, it just becomes ever more present, and you
24 can't define where it's coming from. But you
25 know that it means something. You know that it's

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1 emanating from a roadblock that is hostile to
2 your presence there, and you know that it's
3 highly likely to be calling people in. That's
4 somehow the idea of whistling. And I think
5 that's what they were using it for. It's an
6 alert. In this sense, I think it was a bit of a
7 war cry.

8 Q. I see. Was that some kind of a convention, so to
9 speak, tradition?

10 A. For whistling, no. I had not heard it before in
11 Rwanda. But people had whistles and I had never
12 heard that before, seen that before. But there
13 are a great number of whistles to make that sound
14 because we weren't right on top of the roadblock.
15 You can see we were fifty meters from it or
16 something, and the whistling was behind that, so
17 to create this impression. And then when we
18 drove on the side and the whistling went down the
19 valley as we were going down. Yeah, it was
20 terrifying, in some sense more frightening than
21 actually being shot at.

22 Q. As you see it, is it a coincidence that people
23 were walking around with whistles in their
24 pocket?

25 A. I don't think it was a coincidence at all.

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1 Q. It was organised?

2 A. Highly likely.

3 Q. Was it a call for friends, or was it also meant a
4 threat to possible enemies?

5 A. If you wanted my guess on it, and also that I've
6 heard from Tutsi survivors of the genocide, the
7 whistling -- if you were a Tutsi in a village and
8 you had been hiding out somewhere and you started
9 to run out of the village or through fields or
10 whatever, and people often talked about lookouts
11 being placed around the village, their
12 neighbours, and they would whistle to call
13 attention to the fact that someone was leaving,
14 not always, some people said they shouted, you
15 know, on occasions.

16 Q. And they had a pipe for whistling?

17 A. I can't say I saw it. I can't say that I ever
18 saw someone carrying a whistle. I wasn't
19 looking. It could be they all had them hanging
20 from their pocket.

21 Q. Maybe using their fingers or something like that?

22 A. No, no. This was a whistle. It was continuous
23 and sustained. You can hear it on the video.

24 JUDGE ASPEGREN:

25 Okay. Thank you.

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1 MR. PRESIDENT:

2 Counsel, you can continue.

3 MS. DICKSON:

4 Thank you, Mr. President. Thank you, Your
5 Honour.

6 Q. (By Ms. Dickson) You described to His Honour
7 Judge Aspegren a war cry, correct?

8 A. (Witness nods affirmatively.)

9 Q. Actually, the war had resumed, correct?

10 A. (Witness nods affirmatively.)

11 Q. And a grenade had just exploded, correct?

12 A. (Witness nods affirmatively.)

13 Q. You may have to answer for the record.

14 A. Yes.

15 Q. Since you have guessed before, could this
16 perhaps have been whistles to indicate that there
17 had been a grenade that had exploded so that
18 people could get organized to react to what may
19 have been perceived as a threat?

20 A. That was certainly not the way that I was feeling
21 it at the time. It didn't seem to be the
22 reactions of the people in the roadblock on the
23 other side.

24

25 Just to clarify, my definition that I'm using,

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1 war cry, is not a cry that happens before the
2 battle, before fighting, before war, as a sort of
3 warning that it's going to take place. It sort
4 of happens during fighting to raise the spirits
5 of the people who are going to be in the combat.

6 Q. But that's your perception as someone who hadn't
7 heard whistles before?

8 A. Yes.

9 Q. And that's the perception that you had at the
10 time in a very stressful dangerous sort of
11 standoff situation?

12 A. Yes.

13 Q. And had you ever heard whistles being blown when
14 a grenade hadn't just exploded?

15 A. No.

16 Q. Did the Belgians deploy after this whistling
17 started?

18 A. No, I don't think they did. They stayed quite
19 close to their vehicles, and they were still
20 getting people out of the -- I think also the
21 commander was looking at the map to see which way
22 he was going to leave the situation.

23 Q. Okay. Now, following this, we see and hear on
24 your video gunshots that you've described as
25 being incoming and outgoing, correct?

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- 1 A. That's correct.
- 2 Q. Now, when we say incoming -- or when you say
3 incoming, are you in a position to tell us if
4 your vehicle or any vehicles around were hit by
5 this gunfire?
- 6 A. No. I don't think they were. But I'm certainly
7 not in a position -- it was not pointed out to
8 me.
- 9 Q. And was it pointed out to you that shots or
10 bullets struck anywhere close to where the
11 vehicles were?
- 12 A. No. I was not aware of that at all.
- 13 Q. And was anyone in the car struck or hit by the
14 bullets?
- 15 A. No, they were not.
- 16 Q. Did you notice on your video that we can observe
17 at one point during that sequence Belgian
18 soldiers sort of smiling, it seems?
- 19 A. That's correct.
- 20 Q. Was the gunfire very close actually to where you
21 were? Are you in a position to determine that?
- 22 A. No. I suspect -- well, the gunfire was on the
23 other side of the valley. A small arm like a
24 Kalashnikov would have a sort of deadly range,
25 250 meters, 350 meters. Once you get to 500

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1 meters or something, one, it's not very accurate;
2 two, it's not so deadly. I suspect we were
3 probably, at a guess, 400 meters on the other
4 side. We were a small target, we were a moving
5 target. I don't think that the Belgian soldiers
6 were seriously concerned or frightened, and
7 that's the reason that that Belgian soldier was
8 smiling.

9
10 Even if it was dangerous, I think once they
11 passed through the danger, that euphoria that a
12 soldier can feel after he's been in a gunfight
13 would certainly be the reason why he's smiling.
14 It's a confidence-building thing, and he's
15 rubbishing the enemy.

16 Q. You have, Mr. Hughes, identified for us
17 presidential guard on your video, is that
18 correct?

19 A. Not conclusively. I wouldn't say that I
20 identified them absolutely. Government soldiers,
21 yes.

22 Q. Okay. In fact, how would you describe to us
23 presidential guard uniform, for example, as
24 opposed to FAR government soldiers?

25 A. Looking back, I seem to remember that they had

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- 1 black berets, that they had slightly distinctive
2 uniform, better condition than some of the other
3 soldiers. They were slightly better turned out
4 with better equipment. But I couldn't now
5 identify absolutely whether they were
6 presidential. Each soldier also usually has a
7 badge on his beret and something on his lapel or
8 somewhere to identify him. I seem to remember at
9 the time I had a pretty good idea who was who,
10 who was a gendarme, who was a regular army, who
11 was a presidential guard.
- 12 Q. Okay. Similarly, I believe at one point you had
13 identified to us two soldiers, one of whom was a
14 woman. Do you recall?
- 15 A. Yes.
- 16 Q. How do you know that those are not gendarmes?
- 17 A. I'm not sure. They could well be gendarmes.
- 18 Q. Okay. And --
- 19 A. In fact, I suspect they were. I seem to remember
20 when I pointed them out that I said they could be
21 gendarmes.
- 22 Q. And to your knowledge, was the gendarmerie making
23 efforts to ensure some semblance of safety in the
24 city of Kigali while you were there?
- 25 A. No. I think that's the point about those two

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1 soldiers or gendarmes. And then there's some
2 more uniformed people just past them. On that
3 stretch of road, within that close vicinity,
4 people had been killed and there's bodies on the
5 other side of the road. They are quite relaxed,
6 they are taking no action at all to stop
7 anything.

8 Q. Okay. Were you aware of the fact that UN troops
9 had liaison officers with the gendarmerie?

10 A. Not in particular with the gendarmerie, but yes,
11 I often met some of the liaison officers who were
12 at the Mille Collines. They were Senegalese and
13 Congolese, and they were doing an excellent job,
14 I must say.

15 Q. And were you ever made aware of the fact that
16 gendarmes had been called punctually to observe
17 the passage of convoys, UN convoys? Had you been
18 made aware of that?

19 A. Yes. I think you might even see it in some of
20 that video. There's certainly, for instance,
21 outside of the Burundian embassy, it's possible
22 that those soldiers were called to see the safe
23 exit of those Burundians. I think I was well
24 aware of that.

25 Q. Is it possible as well that those gendarmes could

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1 have been posted along the route of the convoys
2 especially in more doubtful neighbourhoods?

3 A. No. I don't think that those gendarmes, if they
4 were gendarmes, that we saw there were there for
5 that purpose. I've got a feeling they're not --
6 two of them weren't even carrying their guns or
7 anything. There was a lot of local populace
8 around. It certainly wasn't a dangerous area as
9 such.

10 MS. DICKSON:

11 Mr. President, with your permission, it's one
12 minute to one o'clock. I have just finished with
13 a series of topics.

14 MR. PRESIDENT:

15 (Not interpreted.)

16 MS. DICKSON:

17 I would have liked to continue with another
18 series of questions tomorrow morning. The
19 questions tomorrow morning should not be very
20 long. They should not take more than one hour
21 tomorrow.

22 MR. PRESIDENT:

23 But you can start now. The time is still five
24 minutes to one.

25 MS. DICKSON:

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1 Thank you, Mr. President. Please excuse me. I'm
2 going to find my place. My apologies to the
3 chamber.

4 MR. PRESIDENT:

5 Well, if you have problems finding your notes,
6 then we could take a break. Apparently you were
7 not ready to start the second part now. Well, if
8 that be the case, then the chamber will be
9 understanding. The chamber will be
10 understanding, but we have lost five minutes
11 which are very precious.

12 MS. DICKSON:

13 I think I'll make every effort for us to make up
14 for the time lost.

15 MR. PRESIDENT:

16 I hope you will do that tomorrow.

17 MS. DICKSON:

18 Yes.

19 MR. PRESIDENT:

20 So, we're going to adjourn the proceedings, and
21 we will resume at 9:30. And I would like to
22 inform you that we will be beginning with the
23 motions.

24

25 Mr. Prosecutor, your second witness, is he not

1 here yet, or are we going to end this week
2 without a witness from you?

3 MR. STEWART:

4 All I can tell you, Mr. President, is that we
5 have received a message during the hearing, a
6 message to the effect that Witness BB will arrive
7 in Kigali this evening, and the unit responsible
8 cannot bring him here today. So, I presume that
9 he can only be brought here tomorrow. And if he
10 came here tomorrow, it will be impossible to
11 bring him to court tomorrow.

12 MR. PRESIDENT:

13 No. This is not what I said. I was asking
14 whether you had a witness for the week.

15 MR. STEWART:

16 Yes. I hope we will have a witness for the week.

17 MR. PRESIDENT:

18 That is the only question I'm asking, if we have
19 a witness tomorrow, given that we will not be
20 sitting in the afternoon, then the witness can
21 only be taken on Thursday. We hope we will have
22 a witness. We cannot lose the whole week without
23 a witness.

24

25 Okay. The proceedings are adjourned. We will

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resume tomorrow at 9:30 a.m.
(Court adjourned at 1300.)

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