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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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CASE NO.: ICTR-96-3-T

THE PROSECUTOR  
OF THE TRIBUNAL

4

5

AGAINST

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7

GEORGE RUTAGANDA

8

27 MAY 1998

9

0930

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

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Courtroom Assistant:

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Mr. Edward E. Matemanga

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Registrar: Ms. Prisca Nyambe  
Mr. Dr. Mindua

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For the Prosecution:

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Mr. James Stewart  
Mr. Udo Gehring  
Ms. Holo Makwaia

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For the Defendant Rutaganda:

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Ms. Tiphaine Dickson

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Court Reporters:

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Haruna Farage  
Judith Kapatamoyo

23

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I N D E X  
WITNESSES

For the Prosecution:

WITNESS Nick Hughes

Cross-Examination by Ms. Tiphaine Dickson.....40.  
Re-Examination by Mr. Stewart.....80.  
Cross-Examination by Dickson.....90

1                   P R O C E E D I N G S  
2                   Rutaganda Trial, Continued  
3                   27 May 1998  
4                   0930

4 MR. PRESIDENT:

5                   The proceedings are called to order.  
6                   Good morning. Good morning to the  
7                   accused, Mr. Rutaganda. Are you feeling  
8                   well this morning?

9 The ACCUSED:

10                   Little better.

11 MR. PRESIDENT:

12                   We hope that you will be able to follow  
13                   these proceedings. As we said yesterday  
14                   we will begin with Counsel Dickson's  
15                   motion. I believe that there are two  
16                   motions. Can you confirm that there are  
17                   two motions.

18 MS. DICKSON:

19                   Yes, Mr. President.

20 MR. PRESIDENT:

21                   We will take one and the other then.  
22                   We've asked the registry which has been  
23                   called into question by this motion to  
24                   provide a response to the motion. I  
25                   would ask the witness and victim support

1 section to also provide an explanation  
2 this morning as their professionalism is  
3 also been called into question. So, we  
4 will begin with the motion, in which you  
5 are asking for an investigation relating  
6 to the disclosure of the identity of  
7 witnesses who are subject of orders by  
8 this chamber. Please wait for me to give  
9 you the floor.

10 MS. DICKSON:

11 Thank you, Mr. President. Good morning.

12 MR. PRESIDENT:

13 Wait for me to give you the floor.

14 MS. DICKSON:

15 I am sorry Mr. President. I thought you  
16 already had.

17 MR. PRESIDENT:

18 This is the motion of 26 paragraphs? We  
19 received it, we have read it and as usual  
20 I will give you the floor to make a brief  
21 oral presentation?

22 MS. DICKSON:

23 Thank you, Mr. President.

24 Good morning. Good morning, Your

25 Honours. Before beginning, I would like

1 to first of all, indicate that I became  
2 aware of the fact that you asked the  
3 registry to present a response this  
4 morning and I received the written  
5 response at 9.20 this morning. I believe  
6 that they had made a few minutes to read  
7 my motion before reacting because I have  
8 very little time to be able to read the  
9 response and this is a response which is  
10 at least 12 pages, it has a lot of  
11 personal insults.

12 MR. PRESIDENT:

13 I am going to stop you right there. You  
14 are right, if you did receive it just  
15 this morning, then we can postpone the  
16 hearing of this motion until tomorrow.  
17 That will give you time to respond.

18 MS. DICKSON:

19 Yes, Mr. President. I think that's an  
20 issue of fairness.

21 MR. PRESIDENT:

22 You're talking about personal insults?

23 MS. DICKSON:

24 Yes, I can note some of the personal  
25 insults that are included here and in

1 fact, Mr. President, I've understood that  
2 everybody feels that a motion of this  
3 kind is problematic.

4 MR. PRESIDENT:

5 Counsel, I've tried to raise some  
6 issues. Don't look at the motion you  
7 receive the-- we have the motion and  
8 received these ones, either you want to  
9 put it this morning or if you want to  
10 have some time to look at the response,  
11 then we will go back to the other  
12 motion.

13 MS. DICKSON:

14 Yes, Mr. President. I would prefer  
15 that.

16 MR. PRESIDENT:

17 Fine. We would hear this motion tomorrow  
18 morning and that would give you time to  
19 read it. That then brings us to the  
20 second motion. This is the motion where  
21 you are seeking orders from the chamber  
22 to oblige the witness and victim support  
23 section to provide protection for defence  
24 witnesses, so that the accused will  
25 obtain the attendance and the examination

1 of witnesses on his behalf under the same  
2 conditions as prosecution witnesses and  
3 to furnish specific details concerning  
4 the measures to comprise the said  
5 protection?

6 MS. DICKSON:

7 In fact, Mr. President, that is the  
8 motion I was alluding to when I talked  
9 about the fact that the written response  
10 was received this morning that had a  
11 certain number of allegations in it. I  
12 would however be ready and I simply state  
13 this, I want to indicate this before  
14 beginning that I received the response at  
15 9.21 am. But concerning the motion for  
16 the investigation into the allegation  
17 made by Amnesty International, I am ready  
18 to submit that what was said was very  
19 simple.

20 MR. PRESIDENT:

21 Fine. So, you would like us to give you  
22 time to read the registry's response?  
23 Which is the response to your motion  
24 asking for an order to oblige the  
25 witnesses and victim support section to

1 provide protection?

2 MS. DICKSON:

3 Yes. That's the larger motion.

4 MR. PRESIDENT:

5 Yes. That was on 21 May and we saw that  
6 there were many paragraphs in this  
7 motion. So, we will hear this motion  
8 tomorrow morning.

9 MS. DICKSON:

10 Thank you, Mr. President.

11 MR. PRESIDENT:

12 So, in fact, I understand that you are  
13 ready to present briefly-- to briefly  
14 develop the motion concerning the  
15 investigation?

16 MS. DICKSON:

17 Yes. Thank you, Mr. President.

18 MR. PRESIDENT:

19 And this is of 18th May?

20 MS. DICKSON:

21 Yes, exactly Mr. President. I will  
22 indeed be quite brief on this issue. In  
23 support of this motion, you have only one  
24 annex and this is RD1, attachment RD1,  
25 it's a report from Amnesty International



1                   which is a Non Governmental Organization,  
2                   which has it's headquarters at the United  
3                   Nations. Which wrote a report studying  
4                   different aspects of the Tribunal's  
5                   operations and which was published on the  
6                   30th of April 1998 and this is a report  
7                   and I believe this is only written in  
8                   English right now but it's called the  
9                   International Criminal Tribunal for  
10                  Rwanda, Trials and Tribulations. I read  
11                  this report with great interest just as  
12                  everyone did I believe, and to my great  
13                  surprise because I was not even aware of  
14                  the fact that this allegation had been  
15                  made. I see on page 43 of the said  
16                  report, attached to the-- in support of  
17                  the motion, of my motion of May 18th  
18                  reference AD1, RD1 page 43 under the  
19                  heading Press and Information. And the  
20                  following paragraph in fact, it's the  
21                  second paragraph on page 43, Amnesty  
22                  International is very concerned at the  
23                  inadequate protection of confidential  
24                  information. Amnesty International  
25                  delegates were handed by a member of the

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1 tribunal staff a copy.

2 JUDGE ASPEGREN:

3 Where are you? Which page is that?

4 MS. DICKSON:

5 It's page 43.

6 JUDGE ASPEGREN:

7 I am very sorry. The pages on that  
8 paragraph are not in correct order but I  
9 have found where you are.

10 MS. DICKSON:

11 I am very sorry, Your Honour.

12 JUDGE ASPEGREN:

13 Everything is not in correct order but I  
14 have found it.

15 MS. DICKSON:

16 Thank you.

17 Again, this is the second paragraph of  
18 page 43 where it says; Amnesty  
19 International is very concerned of the  
20 inadequate protection of confidential  
21 information. Amnesty International  
22 delegates were handed by a member of the  
23 tribunal staff a copy of the urgent  
24 motion relating--

25 MR. PRESIDENT:

1 The interpreters are asking you to read  
2 more slowly

3 MS. DICKSON:

4 Amnesty International is very concerned  
5 at the inadequate protection of  
6 confidential information. Amnesty  
7 International delegates were handed by a  
8 member of the Tribunal staff a copy of  
9 the urgent motion requesting a  
10 teleconference deposition in the  
11 Rutaganda case, which included the names  
12 of the 16 witnesses. This was a direct  
13 contravention of the order of the Trial  
14 Chamber" that the names or other  
15 identifying information on the 16  
16 witnesses contained in the extremely  
17 urgent request made by the defence for  
18 teleconference deposition be sealed  
19 immediately and that their disclosure to  
20 the public, to the media or to anyone  
21 else be prohibited". At the end of this  
22 sentence, we see a reference to a  
23 footnote which is footnote Number 44 and  
24 which indicates the following: The  
25 Prosecutor versus George Rutaganda, Case

1                   Number ICTR-96-3-T, decision on the  
2                   defence motion for orders to expunge the  
3                   names of certain defence witnesses, 30  
4                   September 1997.

5  
6                   So, I repeat, it was in reading this  
7                   report that I became aware of this  
8                   allegations made by Amnesty  
9                   International. And what I am asking you  
10                  is quite simple, I am not attempting to  
11                  make any allegations. I am simply  
12                  bringing to your attention the fact that  
13                  an NGO, one which I believe is quite  
14                  credible in the world, in the field of  
15                  Human Rights, in the legal field. The  
16                  issue that was welcome here to the  
17                  tribunal because the tribunal feels that  
18                  this is a legitimate body, interested in  
19                  the tribunal and since Amnesty said this  
20                  happened to us, the report does not tell  
21                  you who did it but this said that it was  
22                  done and they were concerned about that.  
23                  Now, I can tell you that I am concerned  
24                  about this, I informed my client of this  
25                  and I also had to inform one of the

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1 persons who was included in the said  
2 motion, the only person who at present  
3 time, I am able to locate. You rendered  
4 a decision on 30 September 1997, which  
5 ordered a certain number of measures.  
6 You, after hearing this motion argued in  
7 an inter-parties hearing here, you made  
8 sure that these 16 persons would not be  
9 able to be identified by disclosing their  
10 names or any other identifying  
11 information and you also added that as of  
12 30 September 1997, these names should be  
13 immediately sealed. You asked that these  
14 names be replace by pseudonyms from DA to  
15 DP. You also asked that in any place  
16 where the name, place of residence or any  
17 other identifying information appeared in  
18 the tribunal means that these pieces of  
19 information be expunged from the records  
20 and you also said that these measures  
21 should take immediate effect, once again  
22 that would be 30 september 1997.

23

24 Now, I am asking you to open an  
25 investigation to order that an

1 investigation be open, so that we will  
2 know because I think everybody should be  
3 concerned about the fact that an NGO that  
4 once again is a credible one and covers  
5 special concern on the events in Rwanda  
6 and the tragedy that occurred in this  
7 country in 1994. But first of all, is it  
8 true, was your order to have the names  
9 sealed in fact, contravened? Did  
10 somebody actually give out the names of  
11 the witnesses to Amnesty International?  
12 Were there any other violations of your  
13 orders? What happened? I think that  
14 this is a question of interest to all of  
15 us.

16  
17 Now, I submit that you have inherent  
18 powers as a trial chamber to protect the  
19 integrity of the proceedings, to protect  
20 the respect of your own decisions. I  
21 believe that, that almost goes without  
22 saying. However, I am telling you  
23 anyway, in Rule 54 of the Rules, you are  
24 given the necessary powers to be able to  
25 ensure the proper administration of

1 justice and the proper conduct of the  
2 trials. As indicated in Rutaganda  
3 concerning the motion on change of  
4 counsel and in the Nyiramasuhuko's case  
5 also concerning the issue of counsel, the  
6 chamber recognised implicitly the duties  
7 that the chamber has to control the work  
8 of the registry. In international law,  
9 the principle of jurisdiction of the  
10 chamber, the implicit jurisdiction to  
11 have the necessary powers to obtain a  
12 subjective is recognised, references has  
13 been cited in the motion.

14  
15 And I therefore, submit in conclusion,  
16 that it is in the interest of all that  
17 such an investigation be ordered by this  
18 chamber. It is in the interest of the  
19 office of the prosecutor, I humbly  
20 submit, I assume it is most certainly in  
21 the interest of the accused and the  
22 defence and also in the interest of the  
23 chamber to ensure that the chamber's  
24 orders be respected. Now, if indeed the  
25 allegations made by Amnesty International

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1                   are true, then we have a problem. We  
2                   have a problem that can't be resolved,  
3                   perhaps your explanation but I cannot  
4                   provide these explanations.

5   MR. PRESIDENT:

6                   Counsel, you are asking for an  
7                   investigation?

8   MS. DICKSON:

9                   Excuse me.

10  MR. PRESIDENT:

11                   You are asking for the explanations, you  
12                   should simply ask for the investigation,  
13                   we don't need to get into the details of  
14                   if this is true or not.

15  MS. DICKSON:

16                   Fine, Mr. President. I don't even have  
17                   the motion, it is rather straight  
18                   forward, it's clearly explained.  
19                   However, I would like to emphasis the  
20                   concern that this paragraph on page 43 of  
21                   the Amnesty report has caused. And  
22                   especially on our part, we would like to  
23                   know what happened? And we would like to  
24                   see that, if in fact, you did render a  
25                   decision, if an investigation is opened,



1 we would especially like to see that  
2 appropriate sanctions be made.  
3 Respectfully submitted. Thank you, for  
4 your attention.

5

6 MR. STEWART:

7 I would be very brief, Mr. President.

8 MR. PRESIDENT:

9 I believe my microphone was not on. I was  
10 asking you if you have any comments to  
11 make?

12 MR. STEWART:

13 Yes. Very briefly Sir and it's counsel  
14 Gehring who will present our response.

15 MR. GEHRING:

16 Morning Mr. President. Morning Your  
17 Honours.  
18 We don't-- we think the first remark to  
19 make is very important to protect the  
20 witnesses and to ensure that the orders  
21 of the chambers be respected. So, we  
22 also think that the incident which is  
23 been reported in the Amnesty  
24 International report is a serious  
25 incidence.

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The same remark is that, it concerns the way these court orders should be ensured, should be enforced. Now, the chamber has done their work, the chamber has ordered that these names be kept under seal, a decision has been taken. If lapse like that happens, then it's the first duty of the registrar to follow up, to ensure that the order of the chamber is enforced and is put into action.

Now, this request of the defence should have been addressed to the registrar and perhaps the registrar should be heard on this matter. The defence bases her request on inter-alia on Rule 54, that the trial chamber can issue any orders which are necessary for the conduct of the trial. The question here is, is it necessary for the chamber to order investigation when the registrar has not even been addressed and we think this is not the case. Thank you, Mr. President.

MR. PRESIDENT:

1 Thank you, prosecutor.  
2 Counsel Dickson the tribunal would like  
3 to know in the reading of this report  
4 from Amnesty International and concerning  
5 this particular point that you raised in  
6 your motion. Did you contact the registry  
7 to see what happened or did you simply  
8 proceed with the motion for an  
9 investigation?

10 MS. DICKSON:

11 No, Mr. President, I did not contact the  
12 registry concerning this issue. I think  
13 that my legal prospective of the  
14 situation was that, we should submit this  
15 to the chamber, this is an alleged  
16 violations of a decision rendered by this  
17 same chamber.

18 MR. PRESIDENT:

19 No, I simply wanted to know because there  
20 are several different manners in which  
21 you could have proceeded. You could have  
22 contacted the registry to see what  
23 happened and if you were not satisfied  
24 with the answer you could have asked for  
25 an investigation, that would be the

1 manner to proceed, to save the time of  
2 the tribunal thereof. Thank you.

3 MS. DICKSON:

4 Thank you, Mr. President.

5 MR. PRESIDENT:

6 Registry has the floor. I want to ask  
7 the registry what happened and what they  
8 have to say about this allegation?

9 MS. NYAMBE:

10 Thank you, Mr. President. As my learned  
11 colleague from the office of the  
12 prosecutor has said, the motion was not  
13 specifically addressed to the registry.  
14 I became aware of this motion in the  
15 course of the status conference that was  
16 held and as such we have not had the time  
17 to read and be able to respond in full to  
18 the allegations that has been made by the  
19 report of Amnesty International as well  
20 as by the motion addressed by my learned  
21 friend.

22

23 On the face of it, I would like to say  
24 that the position of the registry with  
25 regard to protection measures and the

1 decisions made by the chamber is to  
2 respect the confidentiality of those  
3 documents. As such, am not aware of any  
4 member of the registry who handed over  
5 this motion to Amnesty International. In  
6 the event, my position is that, no member  
7 of the tribunal that I know of, handed  
8 over this document to Amnesty  
9 International. But we would like as the  
10 learned counsel has said for an  
11 investigation to be made to ascertain  
12 exactly in what circumstances this  
13 document was handed to Amnesty  
14 International, if at all.

15 MR. PRESIDENT:

16 Thank you.  
17 After having deliberated, the tribunal  
18 orders the registry to open an  
19 investigation concerning the allegations  
20 made by Amnesty International concerning  
21 the violation of an order of protective  
22 measures for witnesses which was rendered  
23 by this chamber. We ask the registry to  
24 produce a report of the results of the  
25 investigation 15 days from today. It is

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1                   been so decided. It is been so decided.

2   MS. NYAMBE:

3                   I just wanted to address the chamber on  
4                   the question of timing. As the chamber  
5                   is aware, the registry, the very people  
6                   that would be involve in this inquiry are  
7                   involved in the preparation for the  
8                   Plenary, so we may be handicapped in  
9                   meeting the deadline. I just request for  
10                  more time in order to hand over the  
11                  report to the chamber.

12   MR. PRESIDENT:

13                  The decision has been made. You have a  
14                  time limit of 15 days. If you have any  
15                  difficulties, then you report to the  
16                  chamber.

17                  The other motion will be heard tomorrow  
18                  morning. We thought about the  
19                  prosecutor's motion and we are asking for  
20                  the public gallery to be evacuated for an  
21                  in camera session.

22   MR. STEWART:

23                  If you would allow me Mr. President, we  
24                  could hear our motion tomorrow also  
25                  because there are also links between this

1 motion and the defence motion especially  
2 concerning the time limit requested by  
3 the defence.

4 MR. PRESIDENT:

5 What time limit?

6 MR. STEWART:

7 The three months in the defence motion  
8 for protective measures, there is a three  
9 month time limit. So, it would be very  
10 useful to hear both motions at the same  
11 time.

12 MR. PRESIDENT:

13 Now, we've had a schedule since  
14 yesterday, we have a schedule to hear  
15 these motions. Don't try to make the  
16 chamber's work more difficult. We will  
17 hear the motion in camera this morning?

18 MR. STEWART:

19 I agree with you Mr. President. But we  
20 just gave the motion to the defence and  
21 we thought that we would be able to hear  
22 both motions at the same time. So I am  
23 simply explaining the usefulness of doing  
24 this.

25 MR. PRESIDENT:

1 Which motion?

2 MR. STEWART:

3 The defence motion for protective  
4 measures.

5 MR. PRESIDENT:

6 Mr. Prosecutor, yesterday I told you that  
7 this morning we would hear the defence  
8 motion for protective measures for  
9 witnesses. You agreed with that, at that  
10 time, you did not say Mr. President, we  
11 are asking for additional time, you did  
12 not say that yesterday. Now today,  
13 Counsel Dickson asked for additional time  
14 you didn't ask that yesterday, I told you  
15 what the program was for this morning.

16 MR. STEWART:

17 Mr. President, that's the not issue. We  
18 are ready to hear our motion this  
19 morning, to proceed with this motion  
20 under the belief that we're also going to  
21 hear the defence motion, the two go  
22 together.

23 MR. PRESIDENT:

24 The in camera motion concerns Witness  
25 JJ. Why do you want us to have this



1 heard tomorrow? I want concrete  
2 explanation for why you don't want it  
3 this morning?

4 MR. STEWART:

5 The explanation Mr. President, is that,  
6 there are issues that have to be dealt  
7 with concerning the defence motion for  
8 protective measures which also concern  
9 this prosecution motion. In our opinion  
10 it's logical to hear the two together,  
11 there are certain--.

12 MR. PRESIDENT:

13 We don't see any link.

14 MR. STEWART:

15 Perhaps that would become clear when we  
16 make the request, Mr. President.

17 MR. PRESIDENT:

18 Prosecutor, you can make your request but  
19 the Tribunal does not have to necessarily  
20 accept it. You are only one party in  
21 these proceedings just to remind you.  
22 Your request may not be accepted by the  
23 tribunal.

24 MR. STEWART:

25 That's fine, Mr. President, I have taken

1 note.

2 MR. PRESIDENT:

3 We will hear the motion in camera this  
4 morning. Please clear out the public  
5 gallery?

6 Prosecutor your motion is dated 1st  
7 December 1997. Is that correct, 1st  
8 December?

9 MR. STEWART:

10 This is the English version.

11 INTERPRETER:

12 Prosecutor's comments were not heard by  
13 the interpreter.

14 MR. STEWART:

15 It's possible that the French version was  
16 filed after the English version. The  
17 English version is dated 9 December Mr.  
18 President. It was filed immediately  
19 thereafter.

20 MR. PRESIDENT:

21 I believe then the French version is 11th  
22 of December? What date do you have on the  
23 French version?

24 MR. STEWART:

25 It is also 9 December in our file, Mr.

1                   President, also the affidavit that's the  
2                   11th of December, that's possible.  
3                   Yesterday, there was an affidavit that  
4                   was given directly to the Judges.

5   MR. PRESIDENT:

6                   You have the floor to present your motion  
7                   and if there is any problems that you  
8                   need to draw to the attention of the  
9                   court, then you can do so.

10  MR. STEWART:

11                   I agree with you entirely Mr. President.  
12                   I am sorry, if it seems that I was not in  
13                   agreement with the decision of the  
14                   tribunal. Of course, we do comply with  
15                   the decisions of the Tribunal as always.

16  MR. PRESIDENT:

17                   Just a moment. The interpreters do not  
18                   have the motion.

19  MR. STEWART:

20                   It's been filed since September.  
21                   Can you follow us as we go along if he  
22                   speaks over.

23  MR. PRESIDENT:

24                   Mr. Mindua, if you have the French  
25                   version, can you give a copy to the

1 interpreters and give the English version  
2 to the English booth?

3 Mr. MINDUA:

4 Mr. President, we do not have a copy  
5 because the prosecutor did not think it  
6 would be useful to give it out.

7 MR. STEWART:

8 Mr. President the motions were filed with  
9 the registry. The material in support was  
10 given to the Judges, to the bench.

11 MR. PRESIDENT:

12 Yes, Mr. Prosecutor we understand exactly  
13 what's going on. This is been filed  
14 since December, what is going on  
15 registry?

16 There are a lot of mistakes in this  
17 file. It seems that one judge did not  
18 receive the affidavit in the English  
19 version. We find that this is very  
20 complicated and we are loosing time. So  
21 in the event, we will hear the motion  
22 tomorrow so that we can proceed and get  
23 everything. Judge Pillay has the floor.

24 JUDGE PILLAY:

25 Mr. Stewart, you might consider when

1                   you're addressing this motion tomorrow  
2                   that you have filed an additional  
3                   affidavit?

4   MR. STEWART:

5                   Yes.

6   JUDGE PILLAY:

7                   Which I am looking now April 7th?

8   MR. STEWART:

9                   Yes.

10   JUDGE PILLAY:

11                   Do you see the last line of that  
12                   paragraph.

13   MR. STEWART:

14                   You are right, I am aware of that line.

15   JUDGE PILLAY:

16                   You may have to address whether you still  
17                   wish to proceed with this motion?

18   MR. STEWART:

19                   Yes, I can alert the chamber right now to  
20                   the fact that, the position of lining in  
21                   that affidavit unfortunately has not  
22                   change. The date by which we hope things  
23                   would be accomplished is still being push  
24                   back, we are in contact with the people  
25                   responsible. And the reason I was

1 concerned and I said this with great  
2 respect is probably useful in the sense  
3 for us to deal with the two motions  
4 together, the defence motion and ours.  
5 The real issue here is how long a delay  
6 before defence can start its case. If  
7 it's a long delay, then we can hope to  
8 get relief from you with respect to this  
9 disclosure without causing any prejudice  
10 to the defence. But if it is a short  
11 delay, then we will put our choice in  
12 this case. We are very conscious of  
13 that.

14 JUDGE PILLAY:

15 Thank you.

16 MS. DICKSON:

17 May I have the floor please.

18 MR. PRESIDENT:

19 Allow me first. As I said prosecutor, we  
20 will hear this motion not because there  
21 is a link which I personally did not see  
22 but simply there has been a confusion.  
23 And since there are many missing  
24 documents we are not going to be able to  
25 hear it. We would ask the registry, the

1 registry does not seem to remember this,  
2 it seem that they said that the  
3 prosecutor didn't give them anything  
4 which would enable a response by the  
5 registry but we are going to try to  
6 clarify the confusion here tomorrow.  
7 Counsel Dickson has the floor.

8 MS. DICKSON:

9 Thank you very much, Mr. President.  
10 Following the question put to my  
11 colleague by Honourable Judge Pillay, I  
12 would like to reiterate to what extent it  
13 is difficult for us to follow this motion  
14 because we do not have knowledge of the  
15 affidavit in question. And I can imagine  
16 because I am only taking a guess, what  
17 the concerns of my colleague are, I don't  
18 know what they are of course. But they  
19 are adding things to the file and I hear  
20 for the first time that there was an  
21 affidavit furnished on the 7th of April.  
22 I think that the most basic or prudent  
23 thing would have been to furnish that  
24 there were elements added because if not,  
25 that means that the accused is also

1 excluded during these in camera  
2 proceedings and that's the only  
3 observation I wanted to make. So we  
4 would like to know how many documents  
5 are in the file? Thank you.

6 MR. PRESIDENT:

7 Would you like to have the affidavit of  
8 7th April?

9 MS. DICKSON:

10 No. I respectfully submit I would like to  
11 have them all and that's why I made my  
12 motion for inadmissibility. If you ask me  
13 to pull one only--

14 MR. PRESIDENT:

15 Let's be clear, the prosecution motion  
16 for JJ, did you receive that? Did you  
17 receive?

18 MS. DICKSON:

19 I never received the affidavits neither  
20 the first nor the second.

21 MR. PRESIDENT:

22 No, I am talking about the motion not the  
23 affidavit?

24 MS. DICKSON:

25 Yes, I was given the motion in a good



1 form except for the fact that affidavit  
2 was not given to me?

3 MR. PRESIDENT:

4 Fine. Now did you receive the first  
5 affidavit?

6 MS. DICKSON:

7 Never.

8 MR. PRESIDENT:

9 Second affidavit?

10 MS. DICKSON:

11 Never.

12 MR. PRESIDENT:

13 Prosecutor what do you have to say with  
14 that?

15 MR. STEWART:

16 Mr. President, our position is that the  
17 defence should not receive these  
18 affidavits. These are affidavits for the  
19 Judges only under Rule 66(C) and indeed  
20 my colleague did file a motion requesting  
21 disclosure and we are opposed to that.  
22 We responded in writing and all these  
23 documents are in the case file, the  
24 registry should have them. And the last  
25 time our position was concerning this

1 issue that the facts in support given in  
2 the affidavit rather the two affidavits,  
3 these facts were sufficiently exposed for  
4 the defence to be in a position to  
5 respond and to be able make their  
6 arguments concerning the interest at  
7 stake, the interest of the prosecutor to  
8 protect ongoing operations and the  
9 interest of the defence to have a  
10 disclosure in an efficient manner to be  
11 able to prepare their case. We did as  
12 much as we could to explain the  
13 difficulties, the stakes at hand and if  
14 the details had not been explain, is  
15 because we feel that, it is our position  
16 that these facts should not be explained  
17 to the defence without causing  
18 irreparable damage to the operations.

19 MR. PRESIDENT:

20 I like to know why you feel that the fact  
21 of disclosing these two affidavits to the  
22 defence would cause irreparable damage?

23 MR. STEWART:

24 Yes, Mr. President. We explained to the  
25 court in detail what was at stake and it

1 would be very dangerous for our ongoing  
2 operations to disclose any of these. I  
3 am not calling into question the good  
4 faith of the defence counsel but we have  
5 to be realistic, she is defending a  
6 client. I know that he is presumed  
7 innocent but we can't nonetheless  
8 disseminate information like that. We've  
9 provided this information to the Judges,  
10 to the chamber because it's necessary for  
11 the matter and the chamber has to have  
12 absolute verification of what is  
13 happening before it. We are bound to  
14 make a frank disclosure to the chamber  
15 but by doing so, we do not want to create  
16 any problems or create danger or risk for  
17 any people involved in the operations.  
18 Thank you, Mr. President.

19 MR. PRESIDENT:

20 Counsel Dickson, did you make a motion  
21 concerning these two affidavits or it's a  
22 general motion for disclosure?

23 MS. DICKSON:

24 Not the two affidavits that are in  
25 question because I only heard about the

1 second affidavit when the Judge Pillay  
2 asked the question.

3 MR. PRESIDENT:

4 But you received a motion concerning the  
5 first affidavit?

6 MS. DICKSON:

7 Yes, because the last remarks of my  
8 colleague are in the language I  
9 understand, he speaks in French, I speak  
10 French but I wonder what he is talking  
11 about. He claims that he gave a  
12 sufficient amount of information and that  
13 he is trying to protect the ongoing  
14 investigations but I do not represent the  
15 ongoing investigations. I represent the  
16 person behind me, he is presumed innocent  
17 and I mentioned it. I do not even have  
18 sufficient knowledge of what's going on  
19 to be able to provide an intelligent  
20 response and I find that, that is  
21 deplorable, that I am not in a position  
22 to supply arguments that you deserve to  
23 hear. Now on the other hand, concerning  
24 the fact that the affidavit was not given  
25 to me, that's go along with my motion for

1 inadmissibility. But who decided that  
2 the prosecutor has the right not to  
3 provide this affidavit? I seem to  
4 remember that the chamber made a  
5 decision-- I don't seem to remember the  
6 chamber making a decision allowing the  
7 prosecutor to not disclose it.

8 MR. PRESIDENT:

9 Did he say that?

10 MS. DICKSON:

11 No, he talked about Rule 66(C) of the  
12 Rules. So, I can only follow-- perhaps  
13 can follow what he has said right now but  
14 I can't follow the law. Rule 66 talks  
15 about tangible objects, it doesn't talk  
16 about affidavits or any other types of  
17 documents like that. There have been  
18 other pleadings before the court but I  
19 don't need to read it here but this puts  
20 us in a very unfortunate situation. And  
21 I know that my colleague has these  
22 documents that he has certain rights but  
23 we should have a certain amount of  
24 information to have a minimum knowledge  
25 of what he is talking about and of

1 course, this is some sort of a law that  
2 the prosecutor seems to be looking as in  
3 their interest but I don't see the  
4 relevancy of it.

5

6 Mr. President, given that we have such a  
7 lack of information, that I would not be  
8 able to make any further legal arguments  
9 other than that I've already made, this  
10 is as much I can tell you given our  
11 information.

12 MR. PRESIDENT:

13 This is not what I am asking you. I  
14 asked you, you did not receive all the  
15 affidavits, the first one or the second,  
16 is that clear?

17 MS. DICKSON:

18 No. Never, never.

19 MR. PRESIDENT:

20 Fine. Tomorrow morning, we will hear the  
21 prosecutor's motion and then we will have  
22 the time to come back to the issue of the  
23 two affidavits which in my opinion could  
24 violate the rights of the defence and the  
25 chamber will make a ruling thereon. Is

1                   that clear?

2                   Fine. Mr. Prosecutor, Counsel Dickson.

3                   We will hear your motion tomorrow

4                   prosecutor after Counsel Dickson's

5                   motion.

6   MR. STEWART:

7                   Thank you, Mr. President.

8   MR. PRESIDENT:

9                   It is so been decided. I would ask that

10                  the public gallery be reopen so that we

11                  may continue with the Rutaganda trial.

12   MR. STEWART:

13                  Mr. President, if you would allow me, I'm

14                  going to leave the room for a moment to

15                  ensure the witness is here, but he is

16                  already in the hall, Mr. Hughes who is to

17                  finish his cross-examination.

18

19

20

21

22

23

24

25

1 MR. PRESIDENT:

2 Do so.

3 The proceedings are called to order.

4 Bailiff, please bring in the witness.

5 Good morning, Mr. Hughes.

6 THE WITNESS:

7 Good morning.

8 MR. PRESIDENT:

9 I would like to give Counsel Dickson the  
10 floor to continue with her  
11 cross-examination of the witness.

12

13 (CROSS-EXAMINATION BY THE DEFENCE)

14 BY MS. DICKSON:

15 Thank you, Mr. President.

16 Q. Good morning Mr. Hughes.

17 A. Good morning.

18 Q. I like to speak to you a little today  
19 about the second video tape you showed us  
20 and that was admitted in evidence as  
21 Exhibit 468. You received this tape from  
22 the TV Rwanda studios a little bit after  
23 the 4th of July 1994. Is that correct?

24 A. That's correct.

25 Q. Is the TV Radio Rwanda building an



- 1 important buildings strategically, was it  
2 at that time?
- 3 A. No.
- 4 Q. It wasn't.
- 5 A. It was not. No.
- 6 Q. So, are you telling me that there was no  
7 military or police presence in front of  
8 that building when you arrived there to  
9 collect this footage?
- 10 A. No, the normal security guard, I suspect  
11 he is probably military at the gate of  
12 the house.
- 13 Q. Okay. Do you have any idea how many  
14 tapes you had an opportunity to go  
15 through that day?
- 16 A. An estimate of twenty.
- 17 Q. Twenty. And those twenty tapes had the  
18 technician's an idea already of what they  
19 were showing and what they were  
20 introducing to you may be interesting on  
21 one or other of the tapes?
- 22 A. Yes.
- 23 Q. Okay. So you didn't actually have the  
24 chance yourself to glean from the tapes  
25 that were on the floor or on the shelves

1 as you were mentioning yesterday?

2 A. I did pick tapes out at random and for  
3 instance, the tape of the Interahamwe  
4 chant and dance where they were holding  
5 the placard, that's the one I saw that  
6 was interesting for me. I think they had  
7 a slightly different agenda for what they  
8 were interested in when they were looking  
9 at to what I was.

10 Q. What of anything was this agenda that you  
11 are referring to?

12 A. I think, they are interested in the more  
13 sort of integral parts of the tape. For  
14 me, what was interesting was the placard  
15 that said Interahamwe, I don't think  
16 there were some dances or some evil  
17 chanting or something that would  
18 interesting but for me it was. I do not  
19 quite sure what their agenda is but I  
20 think, it is different from mine.

21 Q. Okay. You talked about more intricate  
22 parts of the tape. Am I to understand  
23 that there are more tapes than what we  
24 actually saw yesterday in court?

25 A. They have possibility hundred, two-

1 hundred tapes. What I did is, I quickly  
2 went through for a period of about four  
3 hours shuttling back and forwarding  
4 what's is interesting and I would ask  
5 them questions. And the man that they  
6 pointed out is one of the most senior man  
7 of the Interahamwe. They pointed him out  
8 and I would asked what he say, that tape  
9 is probably well over an hour long, half  
10 an hour long. So, I just picked a bit  
11 that was interesting.

12 Q. During that one hour, one and half hour  
13 that the original called Interahamwe tape  
14 last, did you notice any other speakers?

15 A. Yea. For instance, at the beginning,  
16 there is a very clip of one of the  
17 members standing up and introducing  
18 himself. Yea, there was a quite lot of  
19 that, it's a normal sort of rally that  
20 gets covered either in Kenya or Rwanda.

21 Q. So, they even looks like tapes of  
22 political rally that you have seen in  
23 Kenya?

24 A. That's correct.

25 Q. Okay. Now, once again just to may be

1 clear me up on this one point. You said  
2 that, you were sure what the agenda of  
3 the Radio Rwanda people was but you knew,  
4 you figure that it was different from  
5 yours, correct?

6 A. Yes. They were interested in, obviously  
7 the tape with the bodies on and the woman  
8 dying, that was one of the things that  
9 brought my attention to the fact that  
10 there would be interesting tapes.  
11 Someone said you know, we have some tapes  
12 showing people being killed, so, that's  
13 one of the reasons I went up there and  
14 they showed me that tape, that's a single  
15 tape and has just that footage on it. I  
16 don't know what the chance of the  
17 television station, they were looking for  
18 all the tapes, they had a couple of  
19 machines they were interested.

20 Q. And you had in fact, specific things or  
21 tapes or scenes that you were looking for  
22 when you went there?

23 A. That's correct. Yes.

24 Q. Okay. And you said, you went up there,  
25 had there been a price in fact, before

1 going to the TV Rwanda building that  
2 there might be some interesting footage  
3 for you?

4 A. Indeed. That's correct.

5 Q. Do you remember who had advice you of  
6 that?

7 A. I think, I'd to guess, it would have been  
8 someone in the RPA or the RPF. Someone  
9 in Wilson Rutsira office whom I probably  
10 met at the hotel, I think they didn't  
11 realised the value of the tape that they  
12 had. I think they just thought it was of  
13 interest and I quickly picked up when  
14 they said we have a tape with pictures of  
15 bodies on it.

16 Q. Okay. So, this person from the office of  
17 the German you referred to, who was  
18 Wilson?

19 A. Rutsira.

20 Q. Oh, Rutsira. Was the one helping you out  
21 really by referring to these tapes  
22 without really knowing the extent of or  
23 the quality of this footage?

24 A. Although, the interest would have been to  
25 the International community, sent it and

1                   come round to sell it. We would have  
2                   been discussing and I do remember him  
3                   saying, you know my goodness, we've got  
4                   material up at the television station  
5                   that shows people being killed and when I  
6                   got up there, that's what I saw. I  
7                   think, the actual person who told me  
8                   hadn't actually seen the tape, it was  
9                   growing in notoriety.

10    Q.            So, you figure that a number of people  
11                   had seen it before and at least this were  
12                   been discussed following the fall of  
13                   Kigali?

14    A.            Yes

15    MR. PRESIDENT:

16                   Judge Aspegren has the floor.

17    JUDGE ASPEGREN:

18                   What just struck me, it would be of  
19                   interest may be to know, do you have any  
20                   idea about those tapes are now? I mean  
21                   the other ones, those who didn't interest  
22                   you so much?

23    THE WITNESS:

24                   I think they are still at the London  
25                   Television Station.

1 JUDGE ASPEGREN:

2 In Kigali?

3 THE WITNESS:

4 In Kigali. They would been misused, the  
5 machines that were left over in the  
6 television station were not in a good  
7 condition and I could see that the tapes  
8 were been damaged as they were being used  
9 in the machine. So, they may no longer  
10 be there, that's one of the reason I  
11 wanted to collect it, I feel that there  
12 was a sense of urgency that this could  
13 just disappear.

14 JUDGE ASPEGREN:

15 Thank you.

16

17 (PAGES 1 TO 47 REPORTED BY H. FARAGE)

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HARUNA FARAGE, OFFICIAL REPORTER  
ICTR CHAMBER I  
47

1 27 May 98

2 Time: 1100.

3 MR. PRESIDENT:

4 Counsel Dickson.

5 MS. DICKSON:

6 Thank you, Your Honour. Did any other  
7 journalists get an opportunity to dab off  
8 as you say, to copy these tapes.

9 THE WITNESS:

10 No, I don't think they did. I think they  
11 could have that opportunity but they  
12 didn't.

13 Q. So what did you think was used?

14 A. I think I was there and I think I picked  
15 up on the fact that they might have  
16 something there. I have worked in  
17 television stations so I picked up on  
18 that fact.

19 Q. Okay. You indicated to us that you had  
20 signed a distribution contract with the  
21 people who worked at T.V. Rwanda  
22 regarding the place you had dabbed off  
23 correct?

24 A. That is correct.

25 Q. Did you sign this contract with some

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1 individuals who were there or with the  
2 T.V Rwanda per se?  
3 A. The man-- I think what happened was after  
4 I dabbed it off they begin to realise my  
5 interest and they were asking, well you  
6 know, is it valuable? And it wasn't any  
7 problem to me if television stations on  
8 the whole were going to pay money for  
9 it. So, I said yes," it is valuable. I  
10 think people will buy this and they will  
11 use it". And I said, you know," normally  
12 it would go for two hundred four hundred  
13 dollars a minute". And so he said "  
14 oh". His name was captain Yako and he  
15 quickly drew up a hundred on contract and  
16 I willingly signed it. And I did pay  
17 them some money at a later date. It was  
18 used by Belgium television, British  
19 Television and I think also American  
20 Television. I can't remember which one.

21 MR. PRESIDENT:

22 Counsel Dickson. How much did you say  
23 the cassettes would be sold for? You  
24 said you took twenty cassettes is that  
25 correct.

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ICTR - CHAMBER I



1 THE WITNESS:

2 I looked at about twenty cassettes and I  
3 took material--.

4 Q. How many cassettes did you buy?

5 A. Right, okay, what-- from about twenty  
6 cassettes that I looked at, I dabbed them  
7 off. I copied them on to one other. So  
8 I left with one cassette with material  
9 probably from about four other tapes.

10 Q. Fine. And how much did you pay for them,  
11 for it?

12 A. Okay, I didn't pay anything at the time  
13 but I gave an assurance and I signed  
14 the--.

15 Q. But later how much did you pay? Later  
16 you paid you said?

17 A. That is right three thousand dollars.

18 Q. So three thousand dollars later. So the  
19 question is the following, purchasing  
20 these cassettes what was the goal, to  
21 contribute to history or was it simply  
22 for financial reasons? When you bought  
23 these cassettes was it to show them and  
24 thereby contribute to the history of  
25 Rwanda? What happened to try to show

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ICTR - CHAMBER I



1 this or did you buy them to try and make  
2 a profit?

3 A. Okay, when I bought-- I didn't buy the  
4 cassettes. When I dabbed them off on to  
5 that one tape, I gave an assurance and I  
6 signed the document saying that I would  
7 pass on the money to-- anybody who used  
8 that paid me for it because television  
9 material it can be worth a lot of money  
10 and I did, I passed that on to BBC for  
11 instance and if they used two minutes  
12 they paid me eight hundred dollars and I  
13 passed that entire eight hundred dollars  
14 on to Rwandan Television. It was unfair  
15 I think if I kept that money. It wasn't  
16 my material I hadn't shot it. It would  
17 have been wrong of me to profit off out  
18 of their ignorance.

19 Q. So if I understand all the money that you  
20 received from the distribution of these  
21 cassettes you gave back to Rwanda.  
22 Therefore you did not keep anything for  
23 yourself?

24 A. That is correct.

25 Q. So that brings me back to my question.

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ICTR - CHAMBER I



1 Am I to understand then that the  
2 distributions of these cassettes for you  
3 that was to your way of contributing to  
4 helping people see what happened in  
5 Rwanda. It was not for financial reasons  
6 is that correct?

7 A. Yes. Yes, it is.

8 MR. PRESIDENT:

9 Fine counsel Dickson you have the floor.

10 MS. DICKSON:

11 Thank you, Mr. President. Now you signed  
12 this distribution contract with Captain  
13 Yako. Was captain his first name or was  
14 that indicative of rank?

15 A. No, captain was his rank. He was a  
16 member of the RPF.

17 Q. Okay, in the rest of the Interahamwe tape  
18 did you notice the use of any weapon  
19 whatsoever?

20 A. Actually being used on somebody else. I  
21 mean everybody was carrying weapons. No,  
22 either there wasn't any footage of  
23 anybody being killed as you saw in the  
24 other video that I showed.

25 Q. Were people displaying in the rest of

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1                   this tape part of which you dabbed off  
2                   displaying openly hand guns, rifles,  
3                   grenades, at this political rally which  
4                   looked a bit like what you had seen in  
5                   Kenya as you mentioned earlier?

6    A.             No not in that rally. That seemed to be  
7                   a normal political rally. There is the  
8                   other material on that tape in which a  
9                   member of the government, I think he is  
10                  the Prime Minister who you have here, is  
11                  handing out rifles and also giving a  
12                  speech if you like me to refer to it as  
13                  speech.

14   Q.            Were you-- you mentioned to us that you  
15                  were in Gitarama at one point during the  
16                  events. Had you had an opportunity to  
17                  interview members of the government in  
18                  Gitarama?

19   A.            No, I didn't go to Gitarama.

20   Q.            You don't?

21   A.            No. Not at that time anyway. I wasn't  
22                  there at that time when the interim  
23                  government moved to Gitaram.

24   Q.            So you never had an opportunity to film  
25                  any members of the interim government?

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- 1 A. No.
- 2 Q. Okay?
- 3 A. Not at that time.
- 4 Q. The people you met at radio Rwanda were  
5 they all journalists? Were they the ones  
6 that had been journalist from before,  
7 were they new the technicians that you  
8 stayed with?
- 9 A. They were a mixture. There was-- there  
10 was some RPF there. There were some  
11 original technicians there. The man who  
12 filmed that footage, the footage in  
13 Kigali where you can see bodies and  
14 things, he was pointed out to me. But I  
15 didn't talk to him, I mean, my French is  
16 bad anyway. He was just passing in the  
17 corridor and he was pointed out to me.  
18 He certainly wasn't a member of the armed  
19 forces than he had been before. There  
20 was other members of the television  
21 station there, and I think there were  
22 some new people as well who were not  
23 members of the RPF but may be not RPF. I  
24 am not sure.
- 25 Q. And had that been a group of people, the

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1 employees or journalist of T.V Rwanda  
2 that you had known in the past? That you  
3 had contacts with in the course of your  
4 work?

5 A. Yes, I think it was probably one or two.

6 Q. And were they still there when you  
7 arrived following the fall of Kigali and  
8 eventually dabbed off this footage?

9 A. Yes.

10 Q. They were both still there?

11 A. Yes, I cannot remember if I met them that  
12 day but they are working with London  
13 television.

14 Q. Okay. Who was it that told you that,  
15 that this camera man had accompanied the  
16 Presidential Guard? I think that is the  
17 second sequence that we see in exhibit  
18 468 which is this video, which is a  
19 result of dabbing off in Kigali after the  
20 fall of the city?

21 A. I think at the time there were very  
22 various people at the television station  
23 whoever I was with. I think they were  
24 two people there. Who told me that  
25 story.

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1 Q. And they confirmed to you that it was  
2 Presidential Guard?

3 A. That is what they said, yes.

4 Q. Okay.

5 MR. PRESIDENT:

6 This cassette which is a summary of the  
7 cassettes that you viewed, do you have it  
8 with you?

9 THE WITNESS:

10 It is in London with Insight Television.

11 MR. PRESIDENT:

12 In this cassette do you have a scene of  
13 the Prime Minister distributing arms?

14 A. Yes.

15 Q. Would you be able to provide the Tribunal  
16 with this cassette?

17 A. I believe that the prosecution have it  
18 and they have told me that they are going  
19 to show it at a later date. In another  
20 trial.

21 MR. STEWART:

22 Mr. President, I can confirm that we are  
23 in possession of the cassette in  
24 question, with these the images. On the  
25 cassette which is exhibit 468, we do see

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1 at the very beginning of this report, we  
2 see the Prime Minister who is walking  
3 along with others. And there is an  
4 entire report given in French and in  
5 Kinyarwanda concerning the speech made by  
6 Prime Kambanda.

7

8 MR. PRESIDENT:

9 It seems that will be interesting for us  
10 at this trial to see the distribution of  
11 arms, if the prosecutor could provide  
12 that.

13 MR. STEWART:

14 Yes, we can do that, Mr. President.

15 MR. PRESIDENT:

16 Fine. I see that you have given us your  
17 agreement in principle and then you can  
18 see if it is appropriate or not?

19 MR. STEWART:

20 Yes, we do have this cassette if the  
21 chamber would like to have it, then we  
22 can produce it. Now I would like to have  
23 to bring the witness back. But we can  
24 give you the cassette.

25 MR. PRESIDENT:

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1 That won't be necessary to bring the  
2 witness back. Thank you. Counsel  
3 Dickson you have the floor.

4 MS. DICKSON:

5 Thank you, Mr. President.  
6 Are you in a position to tell the  
7 difference between an MNRD political  
8 rally and an Interahamwe Zaoh MNRD rally.

9 THE WITNESS:

10 Only by what is being said. Any party  
11 colours that are being worn or symbols or  
12 posters or anything like that.

13 Q. Okay. So at that point how do you  
14 conclude that the Interahamwe rally scene  
15 that we see in the beginning of your  
16 second type, exhibit 468 how do we know  
17 that, that is an Interahamwe rally rather  
18 than an MNRD rally?

19 A. If I am correct it is both. You see both  
20 MNRD symbols, also posters saying  
21 ' Interahamwe'. The songs include both  
22 references of the MNRD and also the  
23 Interahamwe. They definitely came on all  
24 on the same tape and all at the same  
25 time. So I conclude that it is both.

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1 Q. And what in fact is the difference  
2 between MNRD symbols and Interahamwe  
3 symbols?

4 A. The Interahamwe symbol is a poster which  
5 says Interahamwe. The MNRD one, the  
6 songs and chants are about the MNRD and  
7 about the President.

8 Q. So, is that your way of saying that you  
9 don't know the symbols of the Interahamwe  
10 and the symbols of the MNRD?

11 A. I don't know the symbol of the  
12 Interahamwe, no.

13 Q. Okay?

14 A. MNRD, yah. They had a particular cap and  
15 a symbol. I can't quite remember what it  
16 was but if you showed it to me I  
17 probably, I would have to get that right  
18 I certainly could at that time. It was  
19 quite obvious.

20 Q. Okay. When you were watching this tape  
21 in Kigali did the people with you,  
22 captain Yako or any others identify any  
23 of the people that you saw speaking or  
24 singing at that rally?

25 A. Yes, they identified the second speaker

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1 the one who speaks for the long period  
2 that we had translated in full. They  
3 said that he was the most senior person  
4 in the Interahamwe and they may have  
5 identified him by name. I can't  
6 remember.

7 Q. So, you can't recall that name?

8 A. No.

9 Q. Okay. On the second portion of that tape  
10 ' were the cameras are extensively  
11 accompanying the Presidential Guard and  
12 we travelled through a square  
13 kilometre'. You have explained to us  
14 that we saw the showing of an ID card  
15 correct?

16 A. That is what I believed it to be, yah.

17 Q. And you have explained to us also that  
18 this ID card is about blueish tenz that  
19 is how you managed to identify that?

20 A. That is right, yah.

21 Q. Are you sure ID cards are in green?

22 A. It is a blue in green, if you like.

23 Q. Okay. And did you see when you were in  
24 Rwanda during that time, white documents  
25 that were circulation permits. Did you

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- 1 see those?
- 2 A. No.
- 3 Q. Did you hear of them?
- 4 A. No.
- 5 Q. Do you remember how much video material  
6 you disclosed to the Prosecutor's office,  
7 since you have been in contact with them?
- 8 A. Okay, some of the video material that I  
9 have in Nairobi, some was at WTA in  
10 Nairobi and I pointed them in the  
11 direction of Insight in London which have  
12 that particular tape. I think I have  
13 brought into their attention everything  
14 that I am aware off.
- 15 Q. And you remember when your first contact  
16 with the office of the prosecutor was?
- 17 A. Right, well, my first contact would have  
18 been on the day that Akayesu and  
19 Kayishema were indicted if I say that  
20 word, because I was here filming it.
- 21 Q. So, are we talking about 1996?
- 22 A. It seems even earlier than that but it  
23 could be yah. Certainly that was the  
24 day.
- 25 Q. And approximately when was the Insight

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1 material that has about used in this  
2 case? When did you advise the prosecutor  
3 of that or when was that, the  
4 arrangements made to turn that over do  
5 you know?

6 A. Right, I don't quite recall when I first  
7 brought it to their attention. A  
8 colleague of mine, Simon Cox testified  
9 here and the office of the prosecution  
10 came and looked at his material, some of  
11 which is in our office because he worked  
12 for us at that time. And I suspect at  
13 that time I probably brought it to their  
14 attention then. That is quite a long  
15 time ago but I don't recall exactly when.

16 Q. And is it safe to say that Simon Cox  
17 testified approximately in January 1997?

18 A. If you say so, yah.

19 Q. No, I am asking if you don't know say so?

20 A. No, I don't know. I can't recall.

21 Q. Okay. Now there is in the first video  
22 tape that was submitted in evidence as  
23 exhibit 467 and absolutely chilling scene  
24 of people being killed that you took from  
25 the top from the top of a French school,

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1 correct?

2 A. That is correct.

3 Q. Now if you would help me out to take me  
4 through a little bit how all this  
5 happened. Were you told by a Belgian  
6 soldier that this was happening?

7 A. I was not told by a Belgian soldier. I  
8 think, I don't recall someone down at the  
9 bottom of the Belgian school, the four  
10 courts at that-- the Belgians soldiers up  
11 the top can see people being killed. So  
12 I went up there and I found a Belgium  
13 soldier looking through his rocket sight  
14 his gun sight.

15 Q. Is it a rocket sight or a gun sight.

16 A. You can actually see it on the video. I  
17 pointed it out what it is. It's a  
18 missile sight, if you like of the machine  
19 that holds a missile has a sight on it.  
20 The missile wasn't loaded.

21 Q. And once again that was equipment that  
22 belonged to the Belgian soldiers that had  
23 been stationed at the airport, correct?

24 A. I don't know if they were stationed at  
25 the airport but I guess so, they were

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- 1                   stationed there. It could have been  
2                   stationed there stay.
- 3    Q.             And it was their equipment?
- 4    A.             It was their equipment, yes.
- 5    Q.             Okay. So by the time you arrived, how  
6                   many people were watching the scene, just  
7                   one soldier from his sight?
- 8    A.             Yah.
- 9    Q.             Okay. And did you know how long he had  
10                   been watching?
- 11   A.             I think he had been watching for  
12                   sometime. I don't think he was  
13                   obsessively watching but he was certainly  
14                   going back and looking and then I looked  
15                   through his sight. He showed me what he  
16                   had been looking at.
- 17   Q.             Okay. Now you had a chance to readjust  
18                   your shot. Right there, there was a  
19                   branch in the way at one point?
- 20   A.             Yes.
- 21   Q.             Okay. And you testified to the effect  
22                   that the scene lasted twenty minutes?
- 23   A.             Approximately.
- 24   Q.             Now it really was a shocking scene. I am  
25                   wondering, did at any point you or other

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1 soldiers wonder if you could react to  
2 this? Do something about what was  
3 happening to these women?

4 A. It is an interesting point and I think it  
5 was something that the Belgian soldiers  
6 probably thought about it a great deal.  
7 They, I imagined under quite strict  
8 orders having lost a group of their  
9 soldiers. In military terms they must  
10 have been thirty Belgian soldiers there.  
11 What was going through their mind I think  
12 that obviously, is, they were under still  
13 officially under U.N. They weren't  
14 allowed to open fire. That is-- the  
15 whole story of the intervention of the  
16 U.N in Kigali at that time so it is a big  
17 question yah.

18 Q. You mentioned to us yesterday that these  
19 Belgian soldiers had removed their blue  
20 berets. They no longer felt connected to  
21 U.N, is that correct?

22 A. They certainly felt very angry, yes.

23 Q. And they had taken off their blue berets?

24 A. They weren't wearing their blue berets,  
25 no but there was no break down of

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1 discipline or anything like that.

2 Q. Do you think in your opinion apart from  
3 shooting on people you think they could  
4 have fired a warning shot?

5 A. I think they would have liked to, yes.

6 Q. Do you think they could have shot a  
7 flare?

8 A. I don't know about a flare. I don't know  
9 about that much.

10 Q. You had indicated to us I believe the day  
11 before yesterday that it was your belief  
12 that these people wouldn't kill if they  
13 knew you were filming, is that correct?

14 A. I think, yah, they would have been more  
15 discrete, I think, yes.

16 Q. Now you talked about people who are all  
17 around this scene of killing and you  
18 showed us on the video, people moving  
19 around or standing around is that  
20 correct?

21 A. That is correct.

22 Q. And you indicated to us how this struck  
23 you that these people were not doing  
24 anything as these women were going to be  
25 killed, as another man lay dying

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1 correct.

2 A. I think it is something that strikes me  
3 after the event looking back at the video  
4 footage. I think it would strike  
5 anybody, yah.

6 Q. But just to mention that, I would just  
7 ask you again, the Belgians didn't do  
8 anything either, did they? The one who  
9 was watching with you?

10 A. No, you know, I spoke to many soldiers be  
11 they Ghanaians, Senegalese or whatever.  
12 Many of them performed amazing acts of  
13 heroism that were documented but at no  
14 time did they use their weapons. I know  
15 a Congolese soldier who waved his walkie  
16 talkie outside the Milles Collin hotel to  
17 get some Interahamwe to go away who  
18 wanted to come into the hotel for the  
19 purposes of attacking the Tutsis who were  
20 hiding there but I never heard a single  
21 event where the U.N soldiers fired on  
22 someone who is being killed. It is only  
23 the Ghanaians who used to shout abuse.  
24 They certainly told me that, you know, to  
25 try and stop people being killed but.

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1 Q. Make noise.

2 A. I am not exactly sure of what the U.N  
3 mandate was at that time but it was  
4 certain not to use force of arms to save  
5 civilians.

6 Q. But you are indicating so that there were  
7 other U.N soldiers like the Senegalese  
8 gentleman you are mentioning, that they  
9 used other creative ways to stop what  
10 could have been potential killings  
11 correct?

12 A. That is correct.

13 Q. So there was a way, some form of  
14 imagination and creativity too?

15 A. Yes, but in this case the French school  
16 had as you had seen on the footage come  
17 under fire. The Belgium soldiers were in  
18 a very precarious position because they  
19 were seen to be aligned with the RPF and  
20 the killing was taking place over valley  
21 253 hundred metres away. Not easy for  
22 them to do anything about that without  
23 using force of arms.

24 Q. Would it have been possible for them to  
25 have brought attention to themselves in

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1                   their way, three hundred metres away. Is  
2                   there a way of making noise? Of shading  
3                   some light on the fact-- shading light on  
4                   your positions so that these people would  
5                   know that they were being watched?

6    A.             I think, I am quite sure that the people  
7                   on that road had a good idea that there  
8                   were Belgian soldiers at the French  
9                   school because someone over on that  
10                  direction had been firing, hauling fire  
11                  down on them. Not hauling hailing fire  
12                  down on the French school and I think the  
13                  reason for that was to keep the Belgian  
14                  soldiers quite, to keep them within the  
15                  compound, you know to reduce their  
16                  confidence of going out. To let them  
17                  know that there was some arms out there  
18                  but that is a guess on my part.

19   Q.             Okay, and this footage was syndicated?

20   A.             Yes, that footage was, yes.

21   THE INTERPRETER:

22                   Inaudible comment by the President.

23   MS. DICKSON:

24                   With your permission, Mr. President, I  
25                   would ask if it would be possible to have

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1 five minutes to have a discussion with  
2 Mr. Rutaganda. We should be able to  
3 finish with Mr. Hughes pretty quickly but  
4 I would like to just make sure a few  
5 details to have a clear conscious.

6 MR. PRESIDENT:

7 You can go and see your client. You have  
8 always had the right to do that. We have  
9 always given you the right to discuss  
10 with your client.

11 MS. DICKSON:

12 I was making this request to know if we  
13 could have five minutes so that we can  
14 speak more freely concerning some  
15 details.

16 MR. PRESIDENT:

17 We will not listen to your conversation.  
18 We never had before, you can go and talk  
19 to him. You can have five minutes. This  
20 is the way were have always proceeded.  
21 We have never interrupted the proceedings  
22 provided if you ask to consult your  
23 client then you may consult your client,  
24 for five minute but no longer.

25 MS. DICKSON:

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1 Thank you, Mr. President.

2 MR. PRESIDENT:

3 Are we fine now. After that  
4 interruption, we now give the floor back  
5 to counsel Dickson.

6 MS. DICKSON:

7 Thank you, Mr. President, thank you  
8 witness for your patience. We have  
9 spoken a bit-- quite a bit in fact about  
10 militias during your testimony, do you  
11 recall? What is your definition of a  
12 militia not in the Rwandan context but in  
13 general. What would be your definition  
14 of militia?

15 A. My definition of militia, it is a civil  
16 group acting, organised civil group  
17 acting in a military context, something  
18 like that.

19 Q. Okay. You told us, do you recall about  
20 having seen in Rwanda make shift  
21 militias, you recall having said that?

22 A. Yes.

23 Q. And do you recall having told us about  
24 your sense that young men had formed  
25 themselves into militias?

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1 A. Yes.

2 Q. Do you think that these young men that  
3 you saw, those who were wearing in your  
4 words, civilian ordinary clothing, is  
5 that they formed themselves into these  
6 sorts of militias after the Presidential  
7 plane was shot down. What is your  
8 feeling on that?

9 A. My feeling is that, they already felt  
10 very much part of a group with a purpose  
11 before the plane was shot down. That  
12 would be my feeling and coming out on to  
13 the street and manning those road-blocks  
14 was an actual extension of that.

15 Q. Is it your sense because you pointed out  
16 many people to us, indicating that they  
17 were militia, so was it your sense that  
18 most of the people, most of these  
19 civilians who were outside and who were  
20 carrying weapons were militia?

21 A. I think most of the people outside  
22 carrying weapons knew why they were  
23 there. They knew that this was being  
24 demanded of them and they were showing  
25 willingness may be not to bring any

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1                   adversary action on them. I think, if  
2                   you like the make shift militia  
3                   identified themselves by place of  
4                   road-block, by their actions, checking of  
5                   cars and by the fact that they were  
6                   carrying something like a pang or machete  
7                   or club.

8    Q.             You also mentioned to us that while you  
9                   were in Kigali during this period you  
10                   have testified quite a bit about between  
11                   the 12 and the 19 of April 1994 that  
12                   anybody on a road-block was called an  
13                   Interahamwe. Do you remember having said  
14                   that?

15   A.             No, that is how it became afterwards.  
16                   The word Interahamwe at that time was  
17                   only just beginning generally to become  
18                   known. I am not sure amongst the  
19                   Rwandans or the people manning the  
20                   road-blocks because they at that time  
21                   immediately considered themselves part of  
22                   the Interahamwe. They certainly knew  
23                   about the Interahamwe at that period. We  
24                   didn't we were learning length about  
25                   that.

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1 Q. Okay. So had you heard the term  
2 Interahamwe Zaoh MNRD when you arrived in  
3 Kigali for that particular trip of the 12  
4 to the 19?

5 A. Yah, that is when I first heard it. I  
6 had heard about MNRD before but  
7 Interahamwe that was the first when I  
8 heard.

9 Q. And had you heard about Interahamwe Zaoh  
10 MNRD?

11 A. Sorry repeat the question.

12 Q. Had you heard about a youth group and  
13 that the MNRD-- there was part of the  
14 MNRD?

15 A. Looking back, before yes. We had been  
16 told by politicians and I think within  
17 someone who was under the U.N had-- that  
18 there was training of militias or youth  
19 groups or whatever taking place. I  
20 think, I was probably told clearly on one  
21 occasion and politically on another  
22 occasion but by a politician in-- a  
23 politician did tell us at one occasion.  
24 But it did not mean anything at the time.

25 Q. How much training do you think it takes

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- 1 to hit someone over their head with a  
2 bloom stick?
- 3 A. I think it takes, it takes some training  
4 because people always have to act with  
5 confidence if they are going to do  
6 something like that in a group it  
7 obviously takes some sort of leadership  
8 and that confidence and that leadership  
9 is built up during training.
- 10 Q. Have you ever heard of Impuzamungambi?
- 11 A. I have not heard about that, no.
- 12 Q. Have you ever heard of Abakombozi?
- 13 A. I have not.
- 14 Q. Have you ever heard about Inkuba?
- 15 A. I have not.
- 16 Q. Have you ever heard about 'JR'?
- 17 A. I have not.
- 18 Q. Have you ever heard about Kubohoza?
- 19 A. I have not.
- 20 Q. Were you ever in Rwanda before this trip  
21 of the 12 to the 19 1994, when there was  
22 war in the capital?
- 23 A. I was not.
- 24 Q. Have you ever heard of the name Robert  
25 Kajuga?

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1 A. I have not.

2 Q. Before being approached to testify for  
3 this case, had you ever heard about  
4 Georges Rutaganda?

5 A. I had heard about him in context with the  
6 Tribunal and I may have heard his name  
7 before that but I don't recall.

8 Q. So what you certainly have is that you  
9 heard about it in connection with the  
10 tribunal but you are not sure of having  
11 heard the name before?

12 A. That is correct.

13 Q. I have no further questions, Mr.  
14 President, thank you.

15 MR. PRESIDENT

16 Thank you counsel. In relationship to  
17 the question counsel Dickson just asked  
18 you, when you were in Rwanda, the people  
19 who gave you the information, you said  
20 earlier that, concerning the speakers at  
21 the meeting, the rally that you filmed,  
22 you said that you were told that it was  
23 the main figure or one of the key figures  
24 of the Interahamwe?

25 A. Okay, just to be correct, I did not film

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1                   that. That is part of the material that  
2                   was dabbed off.

3    Q.               That is fine, I mean the film that we had  
4                   watched. May be I was mistaken but at  
5                   any rate the film we watched. Earlier  
6                   you talked about the speaker and you said  
7                   that you were told that it was the most  
8                   important person in the Interahamwe is  
9                   that correct?

10   A.              That is correct and I was probably told  
11                   his name but I don't recall now.

12   Q.              I understand. Were you told anything  
13                   about the main leaders of the Interahamwe  
14                   including this person. Do you recall  
15                   that. Do you recall having been given  
16                   the names of Interahamwe leaders,  
17                   including the name of this person?

18   A.              I was probably given his name at the time  
19                   I do recall that I wouldn't remember and  
20                   I didn't not make a note of it. I am a  
21                   camera man, not a journalist who is  
22                   making note. Those are the people I work  
23                   with but and I have at other occasions  
24                   being told other things about the  
25                   Interahamwe and leaders within the

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1 Interahamwe.

2 Q. Among these leaders did you ever hear the  
3 name of Rutaganda?

4 A. Not that I recall.

5 Q. I would like to ask you another  
6 question. During your cross-examination  
7 we learnt that you had become pro- RPF is  
8 that correct?

9 A. At the time the resumption of hostilities  
10 in April 1994 when I was in Kigali. I  
11 was obviously horrified about what I was  
12 seeing and later on I became even more  
13 horrified. There was enormous questions  
14 being asked. It was one of the main  
15 topics of conversations amongst  
16 journalists about the role of the RPF.  
17 Were they killing as well? It was  
18 expected if you like and instances were  
19 discussed. Evidence, you know, come in  
20 through let us say rumour and I think it  
21 then became clearer, the more the  
22 journalist travelled with the RPF that  
23 they were not committing massacres and no  
24 journalist saw any evidence of that or  
25 passed it on in discussion. Everybody

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1 knew that the RPF was certainly killing  
2 people that they suspected of being in  
3 the Interahamwe and they had that as  
4 stated policy.

5 Q. Excuse me for a minute. Excuse me, Mr.  
6 Hughes, my question is, did you become  
7 pro- RPF, yes or no?

8 A. Not in that week. I think following  
9 that. Following the reasons I had given  
10 you. So if you want me to say whether I  
11 was pro- RPF--.

12 Q. Excuse me yes or no. Did you become  
13 RPF? And you didn't answer by yes, why  
14 then?

15 A. Yes.

16 Q. So when and why did you become pro- RPF  
17 and with that question I would like to  
18 ask you, did you have any contacts with  
19 the RPF or were there other circumstances  
20 that lead you to become pro-RPF those are  
21 my two questions?

22 A. I became pro- RPF increasingly as we went  
23 through-- came to the end of April, June  
24 July. I had actually at that time  
25 limited--really limited contacts with

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1                   anybody in the RPF. The reason I became  
2                   pro- RPF was because they did not seem to  
3                   be evidence that they were killing-- the  
4                   overwhelming evidence that the government  
5                   side and the militias were killing and  
6                   the army was supporting this. That I  
7                   felt that the RPF should have been  
8                   supported to a much greater degree at  
9                   that time by the International community.

10    Q.            Why?

11    A.            Because the genocide was carrying on.  
12                   The only places in which it really was  
13                   stopping, was areas that the RPF were  
14                   coming into control. And the  
15                   international community did not seem to  
16                   be supporting their efforts to gain  
17                   control of the entire country which would  
18                   have meant that the genocide would have  
19                   stalled.

20    Q.            Instead the International community took  
21                   other steps?

22    A.            Yes. But that's one issue that the  
23                   International community did not get  
24                   involved.

25    Q.            But the other issue is that you became

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1 pro- RPF. So my question is, and that's  
2 why I was asking you, what were the  
3 circumstances that lead you to be  
4 pro-RPF? If I understand clearly it is  
5 because you felt that only the RPF were  
6 in a position to stop the genocide, is  
7 that correct?

8 A. That is correct.

9 Q. So that is why you had sympathy for the  
10 RPF?

11 A. Indeed but at all time there was great  
12 suspicion an expectation. I have to say  
13 expectation that they would return in  
14 kind.

15 MR. PRESIDENT:

16 That is what I understood. Very well, I  
17 have no further questions, Judge Pillay  
18 has the floor.

19 JUDGE PILLAY:

20 Mr. Hughes in respect of these two  
21 exhibits 467 and 8 I would like you to  
22 please explain what you mean when you  
23 used the word dabbing that you had these  
24 tapes dabbed. I am seeking assurances  
25 about whether you dabbed these tapes in

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1 any way. Whether you selected material  
2 for sessional value for instance and just  
3 suppose that in between footage that you  
4 took. So did you select bits and pieces  
5 and put this together. What I would call  
6 doctoring with the free flow of footage  
7 as it was taken. Alright, so what do you  
8 mean by what you did, when you say, you  
9 dabbed the tapes?

10 A. Dab is a slang language, a technical word  
11 for duplicating. But what I was really  
12 doing was editing. So, I was taking a  
13 group of tapes, taking sections out of  
14 them and editing them down to one type.  
15 This edit, I would call a rough cut. In  
16 that it was just in order without thought  
17 to the order that it was being edited on  
18 to that other tape. There was no  
19 sequencing, there was no story trying to  
20 be built up. There was no fault to what  
21 shot followed what shot. The material  
22 that you see in Kigali, as you say the  
23 horrific, the sessional material of a  
24 women dying, of the bodies on the street  
25 that I took in its entirety. That was

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1                   one type and because the material on it  
2                   was so shocking, I just duplicated, I  
3                   just took the whole of that and put it on  
4                   another tape. So what you were seeing  
5                   there is as the camera man filmed it.  
6                   You are not seeing the whole thing  
7                   because what the prosecution has showed  
8                   you is a part of that. There is some  
9                   just shots, I think of driving around the  
10                  streets and things, I can't be sure. I  
11                  have to compare them to see what you have  
12                  seen. But there was no-- what you have  
13                  seen there is just as the camera man  
14                  filmed it. And there was no fault to  
15                  that editing, no. Not at that nor any  
16                  other.

17    Q.            And all the material that you put on this  
18                   tape is material that you found at that  
19                   time at the T.V station, plus the footage  
20                   that you took?

21    A.            Right, yah. The different exhibits that  
22                   you have had, one is taken from that tape  
23                   which is with Insight in London. The  
24                   other footage that I filmed is edited by  
25                   prosecution. They put it down from four

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1 tapes and those are the whole that I shot  
2 in Kigali at the time and they had taken  
3 a bit and put them on one tape.

4 Q. So apart from the rally which appears to  
5 be in earlier point in time, years in  
6 fact, the rest of the material you showed  
7 us, relates to events in Rwanda, like say  
8 between April and July 1994?

9 A. Yes, in April, we haven't seen anything  
10 in June or July.

11 Q. Well you placed a time focus on the  
12 footing that you took and that you  
13 accepted apart from the rally?

14 A. Yes, that rally I must say just to  
15 clarify something I was asked earlier,  
16 whether that material was before 1994.  
17 It was following on a comment from the  
18 prosecution who said that it was taken  
19 for the resumption of hostilities and  
20 Judge Aspegren said before 1994. I was  
21 thinking of the resumption of  
22 hostilities. It is possible that, that  
23 was taken in January, February, March of  
24 that year. I am sure it was before the  
25 resumption of hostilities, that is all I

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1 can say I don't know the exact dates at  
2 all. Yes, all the material that you have  
3 seen that I have taken was from the time  
4 that I was there. That was those five  
5 days from the 12 to the 19, something  
6 like that of April 1994. All that  
7 material I think that you seen, we  
8 haven't seen anything else.

9 Q. And the material you extracted and put  
10 into exhibit 468 that was the camera man  
11 taking it?

12 A. Yes.

13 Q. Did you give us an estimate?

14 A. Yes, I am pretty sure of that because of  
15 what you could see looking down the road  
16 on Nyamarombo that it must have been  
17 taken may be four or five days before my  
18 footage or even more than that. I would  
19 say, it was probably something like the--  
20 from what I know of events and from what  
21 you can see, it was probably something  
22 like the 10 of April 1994.

23 JUDGE PILLAY:

24 Yes, thank you.

25 MR. PRESIDENT:

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1 Judge Aspegren.

2 JUDGE ASPEGREN:

3 Excuse me. I just checked, the technic  
4 you used as you said, you edited these  
5 tapes into one, so to speak. Was that  
6 the normal professional technic to be  
7 used?

8 A. The normal?

9 Q. The normal professional way to do it?

10 A. Indeed, yah. The word dab it means you  
11 take a tape in its entirety and you it  
12 dab across to somewhere else.

13 Q. Yes.

14 A. With edit it means that you are taking  
15 sections and you are putting them across  
16 unto another tape. You can then say  
17 that, that is rough cut, a finished  
18 edit. It was a rough cut. It's a normal  
19 professional way of accumulating a whole  
20 group of different things that you want  
21 to put down on to one tape, that is  
22 correct.

23 Q. I understand that soon or later you must  
24 edit it?

25 A. Not if, yes in pieces--.

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- 1 Q. If you are going to use the material I  
2 mean?
- 3 A. That is exactly. Pieces will be taken  
4 out by people interested in one bit or  
5 another bit from that rough cut and laid  
6 down into a fine cut.
- 7 Q. Ooh. Can I also take it that when you  
8 are working as a camera man, that you are  
9 always more less working, cooperating  
10 with the journalist?
- 11 A. Yes.
- 12 Q. And that was the case also then in April?
- 13 A. That was the case. I was cooperating  
14 with.
- 15 Q. 107?
- 16 A. One producer and there were journalist  
17 around with whom we were working.
- 18 Q. 107?
- 19 A. Yes.
- 20 Q. Is it also the normal technic that you  
21 leave it with them to take notes say of--  
22 for instance leaders of the Interahamwe  
23 or names all things like that?
- 24 A. That is correct, they make the notes.
- 25 Q. It is not up to you?

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1 A. No, not to make the notes.

2 Q. You make the pictures?

3 A. That is quite correct.

4 JUDGE ASPEGREN:

5 Thank you.

6 THE WITNESS:

7 Thank you.

8 MR. PRESIDENT:

9 Prosecutor, you have the floor for  
10 re-examination.

11 MR. STEWART:

12 I just have one or two brief comments.  
13 Questions one question actually for the  
14 witness, but I just wanted to make the  
15 record very clear with respect to exhibit  
16 467 what has been produced to the court  
17 is, what we acquired in its entirety from  
18 WTN in Nairobi in December of 1997. In  
19 other words when we found out the quality  
20 of the material we wanted to us was not  
21 good enough on the copy tape we made to  
22 isolate certain parts. We have used what  
23 we got from Nairobi. So that entire tape  
24 as we got it from WTN, has obviously been  
25 put together as Mr. Hughes has described

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1           it. We would have shown that to you  
2           except for the fast forward through much  
3           of it in order to get to the parts were  
4           of interest and that is what Mr. Hughes  
5           himself shot in April 1994. With respect  
6           to exhibit 468, I misspoke myself.  
7           Yesterday when I said we got that from  
8           WTN. In fact we got through Insight in  
9           London. It was sent to us and we have  
10          that entire tape. It is all together in  
11          one tape. We made a copy and provided it  
12          to the defence as we did with the other  
13          exhibit but what we did is, we were able  
14          to produce a copy tape that was of  
15          sufficient quality to use in court. And  
16          exhibit 468 contains two bits from that  
17          entire tape. And the two bits were the  
18          Interahamwe rally and the nightmare drive  
19          through Kigali. And just that the record  
20          is absolutely clear, we can have this  
21          confirmed by the witness if necessary.  
22          We have reproduced on exhibit 468  
23          everything that we have from that  
24          Rwandese camera man. We have not in any  
25          way edited it and if the defence is in a

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1 position-- because we have house of the  
2 raw material that we took account. I  
3 wanted this to be very clear particularly  
4 given the questions of Her Honour Judge  
5 Pillay, and I wanted to reassure to  
6 reassure the chamber on those points.  
7 And I suppose the only other question I  
8 have directed to the witness is this.  
9 Speaking professionally and as  
10 subjectively as you can, as a witness  
11 from where you are sitting. Mr. Hughes  
12 do you feel that what has been shown the  
13 court through exhibit 467 and 468  
14 distorts what you, yourself saw and  
15 witnessed or do you feel that it is a  
16 fair representation of what you saw in  
17 April of 1994?

18 A. It's a fair representation absolutely.  
19 There is no distortion at all.

20 MR. STEWART:

21 Thank you.

22 MR. PRESIDENT:

23 Counsel Dickson.

24 MS. DICKSON:

25 One last question. When you mention that

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1 exhibit 467 and 468 don't distort what  
2 you saw you, mean to say that it's a fair  
3 representation of the tragic things you  
4 saw beside the road and elsewhere, the  
5 tragic of those scenes when they  
6 occurred, correct?

7 THE WITNESS:

8 Yes, I think as I described in my journey  
9 through Nyamarombo what you are seeing  
10 here is very much an understatement.

11 Q. Alright. But you did not film scenes  
12 since for example when you were having a  
13 beer with journalist at the Milles  
14 Collin, is that correct?

15 A. That's correct.

16 MS. DICKSON:

17 The questions is only about context,  
18 thank you.

19 MR. PRESIDENT:

20 That is certainly a context question.  
21 Prosecutor I believe that we have  
22 finished with this witness. Before I  
23 thank him I would like to ask you, what  
24 happens next? Do you have a witness?

25 MR. STEWART:

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1 We do not yet have the witness. We are  
2 still waiting for news. I have to tell  
3 you Mr. President, that there have been  
4 problems. Very serious security  
5 problems. This is not an administrative  
6 problem but based on what I have been  
7 told, according to the information I have  
8 this is a security issue in a certain  
9 region of the country in Rwanda. So that  
10 is what is preventing us from producing  
11 this witness whom we had intended to  
12 call. Now at the beginning the  
13 preparation from the witnesses section is  
14 aware she was here and she is aware of  
15 the situation and she trying to keep us  
16 abreast of the news. I don't know if we  
17 will have a witness tomorrow but we hope  
18 so.

19 MR. PRESIDENT:

20 So if I understand correctly this witness  
21 has not yet been brought to Kigali. He  
22 is still in his region.

23 MR. STEWART:

24 Yes, we have been trying to bring the  
25 person to Kigali.

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1 MR. PRESIDENT:

2 So the witness is not in Kigali.

3 MR. STEWART:

4 Yes, that was the case last night. We  
5 are still waiting for news this morning.  
6 But Mr. President I can also tell you  
7 that normally we would have two more  
8 witnesses to call. The witness we are  
9 waiting for and possibly depending on a  
10 decision by the chamber, witness, 'JJ'.  
11 So normally we would have two more  
12 witnesses.

13 MR. PRESIDENT:

14 Judge Aspegren has the floor.

15 JUDGE ASPEGREN:

16 Counsel Dickson for our information for  
17 the scheduling of the chamber, I would  
18 simply like to ask you a question, which  
19 is, how many witnesses do you intend to  
20 call for the defence.

21 MS. DICKSON:

22 Thank you, Your Honour. I think that I  
23 have a certain number of witnesses whom I  
24 would like to call. I believe that at the  
25 beginning of the trial we talked about

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1                   the number of 30 and most likely I will  
2                   have between 20 and 30 witnesses to call  
3                   if it is possible to bring them here with  
4                   protective measures and I think that by  
5                   tomorrow morning, we will be in a  
6                   position to try to explain to you the  
7                   concerns we have, concerning this issue  
8                   because the defence will be asking the  
9                   chamber to assist us in being able to  
10                  bring these people here.

11       JUDGE ASPEGREN:

12                   Can you try to be a bit more specific  
13                   between 20 and 30 that is quite a  
14                   difference.

15       MS. DICKSON:

16                   I agree with you, Your Honour. At the  
17                   current time if you would ask me how many  
18                   witnesses.

19       JUDGE ASPEGREN:

20                   Yes, that is what I am asking you.

21       MS. DICKSON:

22                   Well, I will explain this in my pleadings  
23                   tomorrow. I am not in a position to  
24                   confirm exactly the number and that by  
25                   virtue of the fact that I currently

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1 cannot promise any protective measures to  
2 these witnesses.

3 JUDGE ASPEGREN:

4 How many witnesses would you like to  
5 call. What is your intention.

6 MS. DICKSON:

7 As I mentioned my intention and I will  
8 try to be even more concrete. I intend  
9 to bring thirty witnesses, thirty.

10 JUDGE ASPEGREN:

11 And you also believe that you will be  
12 able to carry out this intention in a  
13 practical possibility.

14 MISS. DICKSON:

15 I hope so and I think that is entirely  
16 possible. That's why I am submitting  
17 this motion. I believe in the authority  
18 of the chamber.

19 MR. PRESIDENT:

20 That is not a good discuss. That's your  
21 opinion so you are saying 30.

22 JUDGE ASPEGREN:

23 Approximately 30.

24 MS. DICKSON: If you are asking my intention yes, Your  
25 Honour.

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1 JUDGE ASPEGREN

2 Yes, but you also have to have a  
3 realistic goal in mind.

4 MS. DICKSON:

5 I hope to have them.

6 JUDGE ASPEGREN:

7 You can't just have an intention you have  
8 to also know and take into consideration  
9 the logistics, the conditions in Rwanda  
10 or elsewhere. I don't know where these  
11 witness are.

12 MS. DICKSON:

13 Of course, Your Honour.

14 JUDGE ASPEGREN:

15 So, do you have any information about any  
16 of your witnesses who may have  
17 disappeared or anything that would have  
18 reduced the number of your witnesses.

19 MS. DICKSON

20 No.

21 JUDGE ASPEGREN:

22 So, 30. So we should plan on having 30  
23 witnesses.

24 MS. DICKSON:

25 That is my intention, Your Honour. I

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1 think that most likely to give you a more  
2 concrete picture if you would allow me in  
3 the hearing of the motion tomorrow  
4 morning to come back to this issue then I  
5 will be able to at that time, in the  
6 context of my pleadings give you a more  
7 concrete picture of the situation and  
8 then at that point in time we can  
9 determine, evaluate what would be  
10 realistic in the circumstances.

11 JUDGE ASPEGREN:

12 Yes but I would like to know what your  
13 assessment is. If you can't give it to  
14 me now then you can give it to me  
15 tomorrow, of course.

16 MS. DICKSON:

17 Thank you, Your honour.

18 JUDGE ASPEGREN:

19 Do you also intend among these 30  
20 witnesses to have Mr. Rutaganda testify.

21 MS. DICKSON:

22 That is a very good question, Your  
23 Honour.

24 JUDGE ASPEGREN:

25 Thank you, for your assessment.

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1 MS. DICKSON:

2 The Rules of Procedure and Evidence do  
3 allow Mr. Rutaganda to testify or to not  
4 testify. At the current time I cannot  
5 confirm that.

6 JUDGE ASPEGREN:

7 You don't know yet. So I have noted that  
8 you will also give us pretty details  
9 tomorrow morning. Thank you in advance.

10 MS. DICKSON:

11 Thank you.

12 MR. PRESIDENT:

13 I would like to thank Mr. Hughes, for  
14 having agreed to come to testify before  
15 the Tribunal. Your testimony has taken  
16 three days, given the fact that we were  
17 not in session in the afternoon so that  
18 the accused had the chance to rest. So  
19 we thank you for having made this trip  
20 and we are very appreciative of your  
21 testimony. We appreciate that you have  
22 contributed to this undertaking of  
23 justice before the Tribunal. So once  
24 again I thank you on behalf of myself and  
25 the Judges. Bailiff you may escort the

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1 witness out.

2 MR. PRESIDENT:

3 We are therefore, going to adjourn these  
4 proceedings, we will begin again tomorrow  
5 morning 9:30 am, for the hearing of the  
6 defence motion for protective measures  
7 for its witnesses and the prosecution  
8 motion that will be heard in camera  
9 concerning witness 'JJ'. So the session  
10 stands adjourned until tomorrow morning  
11 at 9:30.

12 Time: 1205

13 (Pages 48- 99 reported by Judith  
14 Kapatamoyo)

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