

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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CASE NO.: ICTR-96-4-T

1998 FEB 26 P 3 52

THE PROSECUTOR
OF THE TRIBUNAL

AGAINST

JEAN-PAUL AKAYESU

25 FEBRUARY 1998
0930

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

Courtroom Assistant:

Mr. Thobias F. Ruge

For the Registry:

Ms. Prisca Nyambe
Dr. Antoine Mindua

For the Prosecution:

Mr. Pierre-Richard Prosper
Mr. James Stewart
Mr. Luc Cote

For the Defence:

Mr. Nicolas Tiangaye

Other Representatives:

Ms. Daphna Shraga
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of the United Nations

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Melinda M. Walker
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MELINDA M. WALKER, OFFICIAL REPORTER
ICTR - CHAMBER I

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

2 Akayesu Trial, Continued

3 25 February 1998

4 0930

5 MR. PRESIDENT:

6 The session is called to order. I will
7 ask the registry to tell the chamber the
8 matter on the cause list this morning.

9 MS. NYAMBE:

10 Thank you, Mr. President. The Trial
11 Chamber 1 of the International Criminal
12 Tribunal for Rwanda, composed of Judge
13 Laity Kama, presiding, Judge Navanethem
14 Pillay, and Judge Lennart Aspegren, is
15 now in session for the hearing of the
16 continued trial in the matter of the
17 Prosecutor versus Jean-Paul Akayesu, Case
18 Number ICTR-96-4-T. I'm obliged.

19 MR. PRESIDENT:

20 I will ask the representative of the
21 prosecutor to introduce themselves this
22 morning.

23 MR. PROSPER:

24 Good morning, Your Honours. On behalf of
25 the office of the prosecutor, my name is

1 Pierre Prosper, and with me today at
2 counsel table is James Stewart and
3 Mr. Luc Cote. Thank you.

4 MR. PRESIDENT:

5 Thank you, Mr. Prosecutor. The
6 representative of the defence, please.
7 Registry, you do not have any information
8 on the defence?

9 MS. NYAMBE:

10 Thank you, Mr. President. We have no
11 information from the defence. We expect
12 he's on his way to the courtroom. Thank
13 you.

14 MR. PRESIDENT:

15 The chamber notes that this is the third
16 time that the defence is coming late. It
17 is a matter of principle that we are
18 raising.

19 MS. NYAMBE:

20 Mr. President, I'm informed that the
21 defence lawyer is just on his way into
22 the courtroom. Yes, Mr. President. The
23 representative of the Secretary-General
24 is present in court.

25 THE COURT:

1 Would the representative of the
2 Secretary-General introduce herself or
3 himself to the court, the parties present
4 themselves to the court. Where is the
5 representative of the Secretary-General?
6 Please introduce yourself to the court.
7 It is tradition.

8 MS. SHRAGA:

9 Daphna Shraga, and I am a senior legal
10 officer at the Office of Legal Affairs in
11 the United Nations. I'm here as an
12 amicus curiae of the tribunal to present
13 on behalf of the United Nations its
14 submission on the question of the scope
15 of the waiver granted to General Dallaire
16 by the Secretary-General of the United
17 Nations.

18 MR. PRESIDENT:

19 In what language do you want to express
20 yourself, English or French? In what
21 language?

22 MS. SHRAGA:

23 I will express myself in English, but of
24 course, I hear both.

25 MR. PRESIDENT:

1 Since the defence is here, we'll begin
2 the hearing, and once again, we regret
3 that the defence came late. We hope this
4 will be the last time.

5 MR. TIANGAYE:

6 I would like to apologise to the Court.
7 It was a matter of transport.

8 MR. PRESIDENT:

9 This is the third time that the chamber
10 was waiting. I hope there will be no
11 fourth time. Thank you.

12
13 If the parties are ready, we are going to
14 give the floor to the representative of
15 the Secretary-General who will be
16 speaking as an amicus curiae. You have
17 the floor, Madam.

18 MS. SHRAGA:

19 Thank you, Mr. President. May I now
20 proceed to read the submission.

21
22 Mr. President, on 19 November 1997 the
23 International Criminal Tribunal for
24 Rwanda summoned Major-General Dallaire to
25 appear as a witness for the defence in

1 the case of Jean-Paul Akayesu and
2 requested the Secretary-General of the
3 United Nations to waive the immunity he
4 enjoys by virtue of his position as the
5 former force commander of UNAMIR.

6
7 In agreeing to waive the immunity of
8 General Dallaire, the Secretary-General
9 conceded both the obligation to cooperate
10 with the tribunal and assist it in the
11 administration of justice and the
12 interest of the United Nations in
13 general.

14
15 Accordingly, the waiver in the form
16 prescribed in the letter of 13 January
17 1998 to the president of the tribunal
18 indicates that this waiver is limited to
19 General Dallaire's appear as a witness
20 before the tribunal and to matters of
21 direct relevance to the charges made
22 against the accused. The waiver does not
23 relate to the release of confidential
24 documents of the United Nations which is
25 the subject of the authorisation of the

1 Secretary-General. It is the purpose of
2 this submission to assist in the
3 understanding of the scope of the waiver
4 and its limitation to the relevancy of
5 the testimony to the charges made against
6 the accused.

7
8 Mr. President, as the force commander of
9 UNAMIR and a witness to the events which
10 unfolded in its area of operation,
11 General Dallaire may certainly enlighten
12 the tribunal on such matters which are of
13 direct relevance to the charges made
14 against the accused. In that capacity,
15 however, he was also privy to the
16 decision-making processes relating to the
17 operational activities of UNAMIR.
18 Questions pertaining to such processes
19 are regarded, for the reasons explained
20 below, beyond the scope of the waiver,
21 unless they are of direct relevance to
22 the determination of the individual
23 criminal responsibility of the accused.

24
25 The establishment of a peacekeeping

1 operation, its mandate, nature,
2 operational activities and resources,
3 both human and material, are the product
4 of decision-making processes of the
5 Security Council and of individual member
6 States. While such decisions may be
7 subject to different appreciations, the
8 trial of an individual accused charged
9 with genocide, crimes against humanity
10 and violations of Article 3 of the Geneva
11 Conventions, is not the appropriate
12 context within which the performance a
13 peacekeeping operation, the propriety and
14 adequacy of its mandate, its operational
15 activities and the decision-making
16 processes relating thereto, should be
17 assessed.

18
19 The limited waiver of immunity granted to
20 General Dallaire must also be seen in a
21 broader context than the present case.
22 The limited waiver is intended to ensure
23 that high level officials of the
24 organisation, including force commanders
25 of peacekeeping operations, are not

1 indiscriminately subpoenaed before
2 international tribunals. There may be
3 many instances in the future where the
4 parties would like to have such officials
5 appear before them, and although each
6 request for waiver of immunity must be
7 assessed on its own merits, the general
8 consideration will be that when called
9 upon to appear as witnesses, they should
10 not be compelled to testify on questions
11 of a general nature which either fall
12 outside their official competence or
13 otherwise bear no direct relevance to the
14 charges made against the accused.

15
16 Mr. President, may I revert now to
17 another aspect of the matter.

18
19 In granting leave to make the present
20 submission, the tribunal drew the
21 attention of the United Nations to the
22 need to become acquainted with other
23 testimonies given in this case and those,
24 in particular, pertaining to UNAMIR.
25 Having done so, we believe that it may be

1 useful to set out before the tribunal the
2 fundamental principles of peacekeeping
3 operations which are important to the
4 understanding of the mandate, powers and
5 authority of UNAMIR at the time of the
6 events. This includes three important
7 elements: the distinction between
8 peacekeeping operations and enforcement
9 actions; the political and operational
10 command and control structure of
11 peacekeeping operations; and the
12 dependency of the force on arrangements
13 made with States that contribute
14 contingents.

15
16 Peacekeeping operations of the
17 traditional, consensual type, the
18 so-called Chapter 6 operations, are
19 deployed in an area of conflict with the
20 consent of all the parties or other
21 factions concerned. Their task is to
22 maintain or restore international peace
23 and security. Peacekeeping operations of
24 this consensual type -- and here lies the
25 main difference between them and

1 enforcement actions -- have no combat
2 mission. They involve military personnel
3 equipped with light defensive weapons,
4 but may use force only as a last resort
5 and in self-defence. Enforcement
6 actions, on the other hand, are conducted
7 under Chapter 7 of the United Nations
8 Charter with specified political and
9 military goals. Such operations have the
10 power to use force in the pursuit of
11 their mandate. By their very nature,
12 therefore, enforcement actions are not
13 based on the consent of the parties.
14 Indeed, more often than not they are
15 conducted against the will of the host
16 country or the parties involved.

17
18 Peacekeeping operations of both types --
19 peacekeeping and enforcement actions --
20 are established by the Security Council.
21 The political direction of the force is
22 vested with the Security Council
23 throughout the operation. The
24 operational command and control is
25 exercised by the Secretary-General under

1 the authority of the Security Council.
2 The force commander in the field heads
3 the military component and exercises full
4 command authority over the force. He
5 operates under the instructions of the
6 Secretary-General and is operationally
7 responsible to him for the performance of
8 all functions assigned to the force by
9 the United Nations.

10

11 The military component of peacekeeping
12 operations is composed of national
13 contingents contributed by member
14 States. For the purpose and the duration
15 of the operation, these contingents are
16 placed under the authority of the
17 Secretary-General. Contributing States
18 are responsible for ensuring that their
19 personnel are trained and prepared, that
20 all equipment meets the operational and
21 technical requirements specified by the
22 Secretariat and that personnel
23 contributed to the operation are able to
24 operate the equipment.

25

1 The understanding of UNAMIR's role,
2 powers and competences at the time of the
3 events lies in the understanding of the
4 foregoing principles. UNAMIR was
5 established as a peacekeeping operation,
6 a so-called Chapter 6 operation, and
7 remained so throughout its existence.
8 Therefore, like all other peacekeeping
9 operations, it was authorised to use
10 force only in self-defence. Similarly,
11 like all other United Nations operations,
12 UNAMIR was dependent on States
13 contributions, and its performance was a
14 reflection of the commitment of its
15 member States in both human and material
16 resources.

17
18 Mr. President, we have elaborated on the
19 constitutional and legal principles of
20 peacekeeping operations in order to put
21 in perspective earlier testimonies to
22 which the tribunal has referred us and to
23 clarify the scope of what the United
24 Nations considers relevant to the
25 determination of the individual criminal

1 responsibility of the accused. In
2 waiving the immunity of General Dallaire,
3 the Secretary-General has demonstrated
4 his desire to cooperate with the
5 tribunal. The Secretary-General is
6 convinced, however, that it is in the
7 interest of all concerned that questions
8 put to the witness are limited to matters
9 of direct relevance to the charges made
10 against the accused. It remains, of
11 course, for the tribunal to decide on the
12 admissibility and the relevancy of any
13 particular question.

14
15 I thank you, Mr. President.

16 MR. PRESIDENT:

17 Thank you, madam. Mr. Prosecutor, do you
18 have any comments to make?

19 MR. STEWART:

20 Thank you, Mr. President, and good
21 morning. Good morning, Your Honours.
22 Good morning, everyone.

23
24 I have three points to raise very briefly
25 and I will do so in two minutes.

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Mr. President, considering the mandate of the tribunal, the office of the prosecutor will ask General Dallaire to come and give testimony in other cases before the tribunal. Taking into consideration that our wish is that the questions put to General Dallaire in the Akayesu case will be relevant to the matter before the tribunal, General Dallaire will have to provide ample information concerning the cases of other accused who will appear here before the court.

The chamber, therefore, is in power to ensure the control of the conduct of testimonies depending on the fundamental principle of relevancy to the matter at issue. That is the first point I wanted to raise, that of relevancy.

The second point is related to the expertise or expert report and is also related to relevancy once again. The

1 fact of having been the former
2 commander-in-chief of UNAMIR and having
3 been present during the events in Rwanda
4 in 1994 means that General Dallaire is an
5 ideal witness of the events. However,
6 the defence seems to give us the
7 impression that for the chamber to be
8 able to appreciate the scope of his
9 testimony and to ensure appropriate
10 control of the discussions it is
11 necessary for us to know how the defence
12 considers General Dallaire as an expert
13 witness beyond a witness who witnessed or
14 a person who saw the events in Rwanda.

15
16 Finally, Mr. President, we will be
17 talking about the issue of immunity.
18 There has been a waiver of immunity for
19 all matters relevant to this case. We
20 simply reserve the right to discuss the
21 issue of immunity on the day when this
22 immunity will not be lifted, but it is
23 not necessary to open a discussion on
24 this today.

25

1 For us, the criterion that applies is
2 that of relevancy. Thank you,
3 Mr. President.

4 MR. PRESIDENT:

5 Thank you, Mr. Prosecutor. The tribunal
6 has taken note of your comments.

7 MR. TIANGAYE:

8 Mr. President, Your Honours, once again,
9 I would like to reiterate my apologies
10 for the delay which was beyond my
11 control. It was due to the lack of a
12 vehicle for transport.

13
14 Having said this, I would like to comment
15 on two points in a very brief manner.
16 This concerns the amicus curiae and the
17 disconnection. I would simply say that
18 the defence is not bound by this
19 opinion. The defence intends to ask all
20 questions that it deems related to the
21 criminal responsibility of Mr. Akayesu
22 but also the general context that
23 prevailed in Rwanda.

24
25 It will, therefore, be up to the witness

1 to see whether the questions asked go
2 beyond the immunity that has been granted
3 by the Secretary-General of the United
4 Nations and, of course, all of this under
5 the control of your tribunal.

6
7 As concerns the quality or the status of
8 the witness, we simply would like to say
9 that General Dallaire is not appearing
10 here as a defence witness but rather as
11 an expert witness who has specific
12 knowledge, privy knowledge of the events
13 that took place in Rwanda.

14
15 These are the clarifications I wanted to
16 make, Mr. President. Thank you.

17 MR. PRESIDENT:

18 The tribunal has heard the representative
19 of the Secretary-General who has appeared
20 as an amicus curiae. The tribunal has
21 heard the prosecutor and the defence
22 counsels. We think there will be no
23 debate.

24
25 We will always respect the principles

1 that have always guided us in our work,
2 namely, that everything will be done
3 under the control of the tribunal, and
4 you will remember that this is not the
5 first witness we are having. Whenever
6 questions have been asked to the witness,
7 questions which have no relevancy to the
8 facts before the tribunal, the tribunal
9 has always reacted and refused that such
10 questions be asked. I, therefore, think
11 there will be no debate on this.

12
13 We'll hear the witness. We'll hear the
14 questions put to the witness, and
15 whenever we think that the question
16 doesn't have a direct bearing (sic) on
17 the facts brought against the accused or
18 that the question asked is not relevant
19 to the specific context, the tribunal
20 will assume its responsibilities. I want
21 this to be very clear.

22
23 We've always worked like this. This is
24 not a novelty, I think, how you work
25 under the control of the tribunal.

1

2

Madam, we thank you. We'd ask you now to withdraw. We'll ask the bailiff to bring in the witness, General Romeo Dallaire.

4

5

(Witness enters courtroom.)

6 MR. PRESIDENT:

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16

Major-General, you have been called as a witness by the defence. Therefore, we will give the floor to the defence so that they can proceed with the examination. However, we would, first of all, like to ask you to introduce yourself, your name, last name, your age and profession. We'll ask you to do that before making the solemn declaration pursuant to the Rules.

17 THE WITNESS:

18

19

20

21

Mr. President, I'm Major-General Romeo Dallaire. I am 51 years old. I am an officer of the Canadian armed forces, and I'm former force commander of UNAMIR.

22 MR. PRESIDENT:

23

24

25

Thank you, General. Before you testify, you will make the following solemn declaration, repeating after me.

1 (Oath administered to witness.)

2 MR. PRESIDENT:

3 Thank you. Without further ado, I will
4 give the floor to the defence to begin
5 with the examination of the witness.
6 Counsel Tiangaye, you have the floor.

7 MR. TIANGAYE:

8 Thank you, Mr. President.

9 MAJOR-GENERAL ROMEO DALLAIRE,
10 first having been duly sworn, testified as follows:

11 EXAMINATION IN CHIEF

12 BY MR. TIANGAYE:

13 Q. Good morning, Major-General. I would
14 like to thank you for having agreed to
15 come testify here in Arusha in the case
16 of Akayesu. I am going to ask you a few
17 questions.

18
19 You were the force commander of the
20 UNAMIR forces. I would, first of all,
21 like to know on what date did you arrive
22 in Rwanda?

23 A. The first time I arrived in Rwanda was
24 the 17th of August, along with the
25 technical team, the reconnaissance team,

1 and that was in order to analyse the
2 possibility that the United Nations would
3 have of being able to send a UN mission
4 in order to enforce the Arusha Peace
5 Accords.

6
7 If memory serves me, I left on the 31st
8 of August, and then I came back on the
9 22nd of October as force commander and at
10 that point in time head of the UNAMIR
11 mission.

12 MR. PRESIDENT:

13 Major-General, what was the year?

14 THE WITNESS:

15 Excuse me, that was 1993.

16 MR. PRESIDENT:

17 Thank you.

18 Q. (By Mr. Tiangaye) And you left Rwanda on
19 what date?

20 A. I left Rwanda on the 19th of August 1994.

21 Q. Thank you. What is UNAMIR?

22 A. UNAMIR was an assistance mission at the
23 United Nations for Rwanda. This was a
24 mission that had a mandate from the
25 Security Council dated the 5th of October

1 1993 in order to assist the two parties
2 to the conflict in Rwanda in order to
3 implement the Arusha Peace Accords which
4 were signed on the 4th of October 1993.

5 Q. In the context of UNAMIR, could you
6 briefly talk to us about the Arusha Peace
7 Accords?

8 A. The Arusha Peace Accords called for the
9 presence of an international force, a
10 neutral force, in order to help with
11 security for the overall territory of
12 Rwanda, and the second objective was to
13 have a presence in order to help
14 demobilise the two armies and to
15 reconstruct the national forces and the
16 gendarmerie.

17
18 According to the peace accords, there
19 should be a presence for about 23 months
20 in Rwanda so that we would be able to
21 conduct the political process in a
22 peaceful atmosphere which was to lead to
23 democratic elections that was planned for
24 October of 1995, I believe.

25 Q. Major-General, before you arrived in

1 Kigali, how did you assess the political
2 situation that was reigning in that
3 country?

4 A. Do you mean during the reconnaissance
5 mission or the mission itself?

6 Q. During the mission itself.

7 A. During the mission itself, it was a
8 situation that was unusual in that on the
9 21st of October there was a coup d'etat
10 in Burundi. Moreover, I almost was not
11 able to go to Kigali on that date because
12 there weren't enough seats on the plane,
13 but with the coup d'etat in Burundi, a
14 lot of seats were, therefore, freed up
15 because people could no longer fly to
16 Bujumbura on the 22nd.

17
18 Therefore, I arrived and I was received
19 by the authorities of the coalition
20 government, and during these meetings,
21 they announced their concern that the
22 date on which the two sides were hoping
23 to have the presence of UNAMIR and the
24 broad-based transitional government, that
25 is to say, around the 10th of September,

1 that we had already gone beyond that date
2 by almost six weeks, and therefore, they
3 were concerned that UNAMIR should be able
4 to come play its role as a neutral
5 international force and assist the
6 process to continue.

7 Q. Major-General, you were talking about the
8 events in Burundi. The assassination of
9 President Ndadaye, did that have any
10 influence on the political process in
11 Rwanda?

12 A. Yes. The situation did not go
13 unnoticed. This disaster for democracy
14 in Burundi was brought about by the
15 political authorities, both by the
16 coalition government and by the RPF. It
17 was brought up by both of these parties
18 in that they felt that there was a risk
19 in being able to apply the principles of
20 democracy and that they had to be very
21 vigilant in implementing the Arusha
22 Accords.

23 Q. When you arrived in Rwanda was the
24 ceasefire being respected by the two
25 belligerents?

- 1 A. Yes. The two opposing camps were on each
2 side of the demilitarised zone. There
3 was already the observation group, the
4 GOMN, that was organised by the
5 InterAfrican Unity Organisation. I
6 believe there were about a hundred of
7 them. There were also partners of the
8 two belligerents who were formerly
9 members of the GOMN. They were
10 monitoring with very limited resources,
11 therefore, monitoring the demilitarised
12 zone, and in Mulindi, Kagame, who was
13 commander of the Rwandan Patriotic Front
14 in Kigali, was also assisting.
- 15 Q. In your opinion, did the parties have the
16 willingness to respect the Arusha
17 Accords?
- 18 A. They were all showing a desire to make
19 progress in the peace accords. Of
20 course, this was the impression in the
21 discussions that I had with political
22 authorities who I was able to meet in
23 fulfilling my duties, up until the time
24 when the special representative came to
25 the post around the third week of

1 November when at that point in time the
2 political aspect came under his
3 responsibility, and I was the Number 2
4 participant to some of the meetings and
5 discussions, but I did not participate in
6 all of them necessarily.

7 Q. On that topic, Major-General, concerning
8 the composition of the National Assembly
9 for the transition government, the RPF
10 was opposed to having the CDR. Do you
11 know anything about this?

12 A. Yes. The CDR, I don't remember the exact
13 term, but they were involved in political
14 acts, violating political ethics I
15 believe it was, going along the lines of
16 the Arusha Accords, and the CDR did not
17 have access to the participation in the
18 assembly.

19
20 There was a lot of opposition to the
21 presence of the CDR in this context and
22 not necessarily only by the RPF but also
23 by other political parties that were
24 also involved in the negotiation of seats
25 for the assembly and also for the

1 cabinet.

2 Q. During your stay in Rwanda did you have
3 any contact with the prefet and the
4 bourgmestres? Do you know what their
5 true authority was over the
6 population?

7 A. Prefets, bourgmestres, we were mainly
8 involved in Kigali and in the
9 demilitarised zone, because according to
10 the peace accords, and I believe it was
11 the Kinyihira Accord which requested that
12 elections be held in the communes within
13 the demilitarised zone and that that be
14 observed or even managed by the neutral
15 international force, i.e., the UNAMIR.
16 Therefore, we were involved with these
17 people in the demilitarised zone.

18
19 In the other zones, in Kigali, for
20 example, this was a zone of about ten
21 kilometres around the capital city. We
22 had discussions with the bourgmestres,
23 but it was mainly with those who were
24 within a zone of the city, and these
25 discussions were held mainly during the

1 period when tensions were mounting. This
2 is end of January, February, even March
3 1994, a time when there were protests,
4 demonstrations.

5
6 There were misunderstandings concerning
7 our role, the role of the gendarmerie,
8 concerning the whole issue of security,
9 and the bourgmestres at that time asked
10 that we were present at some of the
11 meetings with their citizens so that they
12 could explain our role and also answer
13 any questions concerning security and our
14 presence in Kigali.

15 Q. The RPF and the MRND were responsible for
16 the political obstruction. According to
17 you, was it the RPF or the MRND who was,
18 in fact, responsible for this political
19 obstruction, for blocking the
20 implementation of the Arusha Peace
21 Accords?

22 A. There was a political stagnation that
23 began to be felt as of December, and it
24 was for that reason that we had the
25 meeting on the 10th of December with the

1 joint chairmanship of the special
2 representative of the United Nations,
3 that is to say, the head of UNAMIR, and
4 the prime minister, Mr. Twagiramungu, and
5 that was held in order to reach an
6 agreement with the different parties to
7 ensure that we would be able to pursue
8 the agenda that had been announced in the
9 UNAMIR's mandate, that is to say, to
10 establish the broad-based transitional
11 government by the 31st of December. That
12 was the date on which normally the
13 transitional government's mandate was to
14 end.

15
16 During the months of January, the rest of
17 December, people wanted to establish the
18 transitional government. There were
19 different issues which arose.

20
21 On the 5th of January, the President was
22 sworn in, but even at that time, we saw
23 that there was political stagnation
24 concerning the nomination of having
25 different seats or positions within the

1 cabinet, the different tendencies among
2 the political parties, and the debate was
3 particularly fierce within the MDR and
4 the PL parties where there were two
5 different wings which were diametrically
6 opposed.

7
8 One wing was called a moderate wing, and
9 then there was a much more hard liner
10 wing, that is to say, one that had a
11 certain political orientation, and the
12 presence of these two wings led to
13 different alignments being made, one on
14 the RPF side, one on the MRND side.
15 Therefore, there were problems within
16 these different parties, and there was a
17 whole issue of distribution of the
18 cabinet posts, and that was actually the
19 heart of the issue, and that went on for
20 many weeks, if not many months.

21 Q. If I understand you correctly, there were
22 two tendencies, one that was more
23 favourable to the implementation of the
24 Arusha Accords and another that was
25 against?

1 A. That's not the question you asked me.
2 The question was concerning the political
3 orientations, and people were debating
4 about how to implement the broad-based
5 government. At that point in time, there
6 was not yet an issue of do we want the
7 broad-based government or not. The issue
8 was rather who would be the
9 representative, which tendency, which
10 wing, which party would represent, which
11 of the different political party factions
12 would have the greatest representation in
13 the cabinet.

14 Q. What were the relations that you had with
15 the RPF, the government in place and the
16 other political parties?

17 A. What were the relations? Within a United
18 Nations mission, it's our duty to be
19 exactly what the Arusha Peace Accords
20 asked us to be, that is to say, to be an
21 international force, a neutral force.
22 Therefore, it was our duty to have open
23 communication and permanent
24 communication, ongoing communications
25 with the two belligerents, both on the

1 political level but also on the military
2 level, also with the gendarme, the
3 security organisations, in order to
4 fulfil the role, the mandate that we were
5 given and to also help these parties to
6 implement the peace accords.

7
8 Therefore, there were periods when I was
9 the head of the mission, but then after
10 that the special representative came, and
11 then I was head of the mission again, and
12 then there was another special
13 representative. So there were times when
14 I acted as head of the mission, and there
15 were other times when I acted as force
16 commander or the Number 2 person in
17 command of the mission.

18 Q. In that respect, what was Mr. Booh-Booh's
19 role, the special representative of the
20 Secretary-General of the United
21 Nations?

22 A. As the title says, he is the
23 representative of the Secretary-General.
24 His responsibility is for all of the
25 mission, both on the political and the

1 military sides, also administrative,
2 security, and within that context,
3 the political aspect was directly under
4 his responsibility when he was in the
5 post.

6 Q. Did you have to work with him on
7 different issues?

8 A. Of course. That was part of my
9 responsibility as his Number 2. First of
10 all, I was there before he arrived;
11 therefore, I had to hand over the
12 responsibility of the mission when he
13 arrived. I worked with him. I kept him
14 up-to-date as to my activities. I also
15 worked with his office. We discussed the
16 situation, and when he left, then I took
17 over his responsibilities until the new
18 special representative arrived.

19 Q. Did he also intervene on military issues?

20 A. No. Of course, I would keep them
21 up-to-date on the security situation, the
22 situation with the gendarmerie. He had a
23 direct link with the chief of the UN
24 police which we called the UNCIVPOL,
25 civilian police. The head of UNCIVPOL

1 reported directly to him; therefore, he
2 received reports and had discussions with
3 this person.

4
5 Concerning operations, if I was to launch
6 an operation, if I had to redeploy troops
7 for military reasons or reasons of
8 security, I would coordinate with the
9 patriotic front or with FAR or with the
10 gendarmerie, and I would, of course, keep
11 him up-to-date.

12
13 If I wanted to take initiatives, I would
14 make sure that I reported to him before
15 so that there would not be a political
16 misunderstanding and that there would not
17 be any problems within the whole
18 framework of the negotiations for the
19 peace accords.

20 Q. Concerning the situation in Kigali, did
21 you have any links with the Rwandan
22 gendarmerie?

23 A. Yes, both at the beginning, at my arrival
24 in the month of August when we went for
25 our technical reconnaissance mission. At

1 that time, already the head of the
2 gendarme chief of staff, Colonel
3 Ndiriyamana was very cooperative with us,
4 and as of when we arrived in October, he
5 showed a great willingness to cooperate
6 with us, just as the chief of staff of
7 the FAR commander and the commander of
8 the RPF forces. We met either with him
9 or with the chief of staff of the FAR or
10 we met with both together or with the
11 minister of defence. Therefore, we would
12 meet regularly.

13 Q. Are you satisfied with the relations you
14 had with the minister of defence and with
15 the Rwandan army in general?

16 A. We had a lot of discussions. You're
17 asking me a question about something that
18 evolved with time.

19
20 Of course, during our reconnaissance
21 mission in August of 1993, and also
22 during the months of October, November
23 and December, we had several discussions,
24 sometimes heated debates, sometimes they
25 were very amicable meetings, but I always

1 felt that they were very professional.

2

3 There were occasions where I was not
4 satisfied with the responses that I
5 received, just as I'm sure the minister
6 was not happy with the answers I gave
7 him. There were periods during which I
8 would see that there was an atmosphere of
9 more dynamic cooperation, and then at
10 other points in time that was not case.
11 So, it covered a lot of ground. Perhaps
12 you should be more specific.

13 Q. What was the state of the relations
14 between the FAR soldiers and the
15 peacekeepers before 17 April 1994?

16 A. Concerning the Rwandan armed forces, the
17 FAR and the chief of staff, also in the
18 field there were not any problems with
19 establishing an atmosphere of cooperation
20 with them. However, there were moments
21 of tension when we implemented the
22 arms-free zone, which was established in
23 Kigali, because there were several
24 battalions in Kigali in addition to the
25 staff headquarters, and at that point in

1 time, there was friction between
2 different units in order for these units
3 to respect the arms-free zone, and we had
4 to discuss at length with the authorities
5 of the FAR, and the chief negotiator at
6 that point in time was Colonel Bagosora
7 who signed the agreement along with us
8 concerning the arms-free zone, but it was
9 not easily accepted by all the
10 authorities.

11
12 At certain times there was friction.
13 There was the paracommando in Kanombe,
14 the presidential guard and the
15 reconnaissance battalion in particular
16 that did not show themselves to be
17 extremely cooperative and did not seem
18 favourable to respecting the rules of the
19 arms-free zone.

20
21 Now, to the south of the demilitarised
22 zones, the troops in place there were
23 troops that were not necessarily of the
24 same type as those sent to Kigali, but
25 these were troops that, generally

1 speaking, were attentive to our passage.
2 They would answer our questions in the
3 Ruhengeri sector. At that time the
4 commander was Colonel Bizimungu. We had
5 meetings with him that were quite open.
6

7 On the eastern flank, there was a change
8 of authority and there were different
9 altercations that led to friction, led to
10 rumours, and this led to different
11 problems, for example, in the Akagera
12 park, and problems among different units,
13 and I often went out to see and concluded
14 that there were different recruitments
15 going on in Byumba.
16

17 There were problems with the posts
18 guarding the road to Kigali, especially
19 when we announced the demilitarised zone,
20 but these were problems that were not out
21 of the ordinary. When you have two
22 armies that are in their trenches and
23 when they're trying to implement a peace
24 agreement, there will, of course, be
25 tension.

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Concerning the gendarmerie -- to conclude first with the FAR, there was tension in Kigali when there were demonstrations.

4

5

There was tension when at one time we tried to chase out a RPF battalion at the CND, and what happened on that occasion was that elements, either paracommandos or presidential guards, were carrying out physical training at the CND, and that was provoking friction, and we attempted to rectify that situation, but on the whole, concerning the scenario with the FAR, that's how it was.

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With the gendarmerie, there were two rapid intervention companies that were often used and which were made available. There were patrols, communication with the gendarmerie. They were all quite open with, of course, the limits that they had based on their resources, but it became more and more difficult to have patrols and to have meetings with them because in March they

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1 started to run out of petrol for their
2 vehicles and they were not able to pay
3 their troops' salaries. They didn't have
4 supplies. So, it was a period that was
5 much more difficult for us to meet them.

6 Q. In the context of your mission, you were
7 certainly on the field. Certainly you
8 carried out an evaluation of the balance
9 of military forces between the Rwandese
10 armed forces and the RPF. I would like
11 to know whether you could give us
12 information concerning the organisation
13 of the Rwandese armed forces and the RPF,
14 both from a point of view of strength and
15 operational forces and level of
16 battalions and training centres and so
17 on.

18 A. If I would begin with the RPF, which was
19 around the south, the RPF was estimated
20 to have about 12 to 13,000 soldiers
21 deployed in three groups: Two groups for
22 reaction in the western flank of the
23 demilitarised zone and another group in
24 the eastern flank with six independent
25 battalions.

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One of the battalions was deployed in Kigali. It was a composed battalion, that is to say, they took the best elements from the other platoons so as to create this battalion. There was a reconnaissance battalion, an air defence battalion with heavy weaponry, a missiles battalion, ground-to-ground missiles, mortar battalion.

They had a training centre near Mulindi and another centre for rehabilitation in the eastern wing or flank, whereas the general or headquarters was at Mulindi.

Now, the quality of the troops, they were disciplined. They were motivated. They took very good care of their weapons. They reflected seriousness in the discharge of their duties when you saw them as guards or in whatever capacity. They discharged their duties with care. I would say that there was leadership, leadership which was well-structured and

1 which was answerable to the authority and
2 which respects instructions.

3
4 As concerns the Rwandese armed forces,
5 their number was estimated at about
6 35,000. About 23,000 of them were in an
7 area of about five to ten kilometres in
8 the southern area of the demilitarised
9 zone. They were highly concentrated in
10 Byumba and Ruhengeri.

11
12 Three brigades were available at this
13 sector with independent battalions in the
14 Kigali garrison which, according to our
15 estimates, had about 7,000 troops. Then
16 the rest of the troops were deployed in
17 the various garrisons around the country,
18 in the training centres, like in
19 Ruhengeri or the centre near Gisenyi for
20 the paracommandos.

21
22 Other troops were based in Kigali, the
23 artillery battalion, the reconnaissance
24 battalion, the support battalions, the
25 military police battalions, and there was

1 also the gendarmerie which had about
2 6,000 troops deployed across the country
3 with these two rapid action companies
4 based in Kigali.

5
6 It was realised that certainly in the
7 northern part of the country the
8 battalions were not of a very high
9 calibre. When I went to visit that area,
10 there were very few support equipment,
11 very few garrisons. Moreover, the
12 battalion in the eastern sector told me
13 that about 20 percent of their troops
14 were inactive because of malaria. They
15 took good care of their weapons. They
16 were not particularly motivated in their
17 trenches. They needed the support of
18 those around them to help them, to
19 provide them food and other things.

20
21 The Ruhengeri sector nevertheless was
22 much more dynamic. It was stronger. It
23 was more motivated. There was also the
24 training gendarmerie, training camp in
25 Ruhengeri. This was a garrison which was

1 serious and which, in my opinion, was
2 really worth its salt.

3
4 In the Kigali garrison, one could find
5 the best troops of the Rwandese armed
6 forces who were better trained, better
7 equipped and better motivated. They were
8 better fed and they had better support.
9 They had a better leadership, a much more
10 formal structure, were better organised.
11 They were better off. On the whole one
12 could recognise their role or their
13 responsibilities.

14
15 My analysis was that the best troops were
16 necessarily concentrated around the
17 capital and in the capital, and the less
18 competent troops were in the north, and
19 the best units in the north concentrated
20 in the Ruhengeri sector.

21 MR. TIANGAYE:

22 With the authorisation of the tribunal,
23 the defence would like to ask the witness
24 to show on a map the position of the two
25 belligerents and the demilitarised zone.

1 THE WITNESS:

2 Mr. President, if you would permit me, if
3 it is desired that I identify sectors on
4 this map, I think I should have some
5 markers in the office in which I was. I
6 think it will be easier for me to use the
7 markers to indicate whatever you want me
8 to indicate on the map, if someone would
9 look for the markers.

10 MR. PRESIDENT:

11 The accused could come forward. Do you
12 want the witness to come closer to show
13 whatever you want on the map?

14 MR. TIANGAYE:

15 That is the situation. The witness
16 should come closer to the map.

17 THE WITNESS:

18 I will show on the map. Now,
19 Mr. President, it's not a traditional
20 demilitarised zone. It is a zone that
21 was negotiated at the peace accord, and I
22 had to respect it, and of course, in the
23 peace accord it was requested that, if we
24 came to the demobilisation phase, UNAMIR
25 should be responsible for creating a new

1 demilitarised zone so as to meet our
2 security standards, which in this context
3 required that there be a minimum distance
4 of 25 percent higher than the range of
5 weapons possessed by each side.

6
7 So we estimated this area or distance to
8 be 15 kilometres. In some areas we don't
9 have 15 kilometres. In some areas we
10 have only 100 metres, particularly on the
11 eastern wing where there was fighting
12 around the end of February and March in
13 Byumba also, but in the rest of the
14 western part, the distance varied to
15 about eight kilometres.

16
17 No force within this demilitarised
18 zone --

19 Q. Could you show us the position of the
20 belligerents on the map?

21 A. Basically, what we see here is
22 approximately the major divisions on the
23 side of the patriotic front. The
24 majority of troops are near the line of
25 the demilitarised zone with three major

1 brigades, and within this area, you have
2 a number of independent battalions. As I
3 said earlier on, the headquarters is here
4 at Mulindi.

5
6 On the southern side of the Rwandese
7 armed forces you had the high
8 concentration of battalions around the
9 Byumba sector. This was estimated at
10 four battalions within this sector and
11 the major zones of Ruhengeri in the
12 centre. In the east, you also had the
13 FAR forces, the F-A-R forces.

14
15 The concentration area is -- this is
16 approximate -- the concentration area is
17 around here in the south. In this
18 sector, we estimated that there were
19 about seven or eight battalions of the
20 Rwandese armed forces and their
21 gendarmeries in their area of
22 concentration in Kigali. FAR or RAF
23 helicopters were also in Kigali, that is,
24 the Rwandese armed forces, R-A-F.
25 Q. Could you find citizens in the

1 demilitarised zones?

2 MR. PRESIDENT:

3 General, Judge Aspegren has a question to
4 ask on the map before you go to the other
5 question asked by the defence.

6 JUDGE ASPEGREN:

7 Thank you, Mr. President. General, my
8 question is for the purposes of records.
9 Could you show us on the map the position
10 of Taba, Taba commune?

11 THE WITNESS:

12 Taba is in the northwest of Kigali.

13 JUDGE ASPEGREN:

14 I do not know whether Taba is mentioned
15 or shown on the map.

16 THE WITNESS:

17 No, it isn't. If I understand correctly,
18 Taba was in the northwest sector of
19 Kigali, but I cannot confirm whether it
20 was in the arms-free zone or not.

21 MR. PRESIDENT:

22 Council Tiangaye, I'll give you the floor
23 to continue with the examination in
24 chief. Have you finished with the map or
25 do you still need the map?

1 MR. TIANGAYE:

2 For the time being, no.

3

4 (Pages 1-51 reported by M. Walker.)

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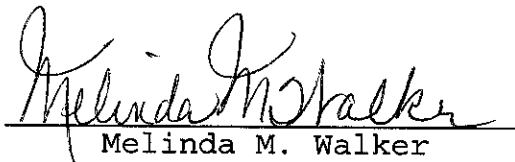
24

25

1 C E R T I F I C A T E

2 I, Melinda M. Walker, Official Court
3 Reporter for the International Criminal Tribunal for
4 Rwanda, do hereby certify that Pages 1-51 in the
5 above-entitled cause was taken at the time and place as
6 stated; that it was taken in shorthand (stenotype) and
7 thereafter transcribed by computer under my supervision
8 and control; that the foregoing pages contain a true and
9 correct transcription of said proceedings to the best of
10 my ability and understanding.

11
12 I further certify that I am not of
13 counsel nor related to any of the parties to this cause
14 and that I am in nowise interested in the result of said
15 cause.

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17 
18 Melinda M. Walker

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MELINDA M. WALKER, OFFICIAL REPORTER
ICTR - CHAMBER I

1 MR. TIANGAYE:

2 General, very often UNAMIR has been accused and
3 the mention has been made of infiltration -- of
4 the infiltration of RPF troops from Burundi and
5 CND towards the capital and within the country.
6 Did you have any information in this
7 connection?

8 MR. PRESIDENT:

9 Counsel, could you repeat the question please we
10 did not quite understand the question?

11 BY MR. TIANGAYE:

12 Q. UNAMIR has often been accused of having allowed
13 people to infiltrate, that is it was accused of
14 having allowed the RPF people to infiltrate
15 towards the capital and within the country.
16 What could you say in connection with these
17 accusations or charges?

18 A. The supply of the RPF battalion or supplies were
19 done under UNAMIR's escorts on a daily basis
20 from Mulindi. I should tell you that -- I'd
21 like to inform you that there were occasions
22 when a few lorries were loaded with wood or
23 material, my staff or troops were not always 100
24 percent vigilant, but all troop movements for
25 all troop movement or rather people were

REX A. LEAR, OFFICIAL REPORTER
ICTR - CHAMBER I

1 registered and they were checked again at the
2 entrance of the CND and escorted by UNAMIR. And
3 the same thing was done on the reverse side.
4 Any movement from CND towards Mulindi was done
5 under the control of UNAMIR, through a checklist
6 that the escort used and this, up to the point
7 of disembarkation in the Mulindi sector of the
8 RPF.
9 In the demilitarized zone there was a
10 spontaneous return of about six thousand people
11 who were in the southern part of the
12 demilitarized zone. Moreover, when I arrived in
13 the month of October people were still moving
14 within the demilitarized zone.
15 These movements were done in reasonable calm,
16 except a few cases of occasions. In some cases
17 mines were left or people were wounded. A
18 factory vehicle was blown up by mine, there were
19 two killings.
20 There were some killings in the evening of 17th
21 December, 1993.
22 The presence of the RPF, from a political point
23 of view, was permitted in the Kinihura Accord,
24 which permitted political meetings that would
25 lead to elections.

- 1 In that context UNAMIR was responsible for
2 supervising, for making sure that things were
3 done in proper manner, and if the parties wanted
4 to send representatives to the discussions we
5 provided them with escorts.
- 6 Q. As concerns the escort of RPF troops, UNAMIR--
7 or control did it extend to the control of
8 vehicles?
- 9 A. Yes. It was our responsibility to search
10 vehicles.
- 11 Q. General, there were acts of terrorism in Rwanda
12 before the 6th of April, 1994. In almost
13 everywhere in the country, but particularly in
14 the town of Kigali and in the buffer zone thus
15 Mr. Falezzi Mugezi, Minister of Public Works, and
16 executive secretary of PSD, that is a social
17 democratic party, was assassinated on 21
18 February, 1994. On the following day Mr. Bucyi
19 Martin, president of the CDR, was also
20 assassinated in Butare. The defence would like
21 to know whether UNAMIR carried out
22 investigations of those two killings or
23 assassinations, political assassinations?
- 24 A. Yes, investigations carried on jointly with the
25 gendarmere.

1 Our responsibility was, according to our
2 mandate, was not to carry out investigations
3 alone or of any infractions, whatsoever, but
4 rather to help the authorities on the spot, be
5 they the FAR authorities or RPF authorities to
6 carry out clearly any investigations relating to
7 security matters. Therefore, the Civpol, civil
8 police worked with gendarmere authorities, and
9 they also worked with the police in Kigali, to
10 carry out an investigation, certainly on the
11 case of minister Mugezi, the president of the
12 CDR. We had an observation team which also,
13 well, in this case, unfortunately, it was a
14 crowd that attacked his vehicle and lynched
15 him. He was lynched by a crowd and the
16 observers made their report, their reports were
17 received on a daily basis, they showed up the
18 second census of the assassination.

19 In the case of Mugezi, there has never been a
20 conclusion. There was a lot of discussion on
21 the method of investigation that was carried
22 out, the investigations that were carried out by
23 Rwandese authorities, investigations of
24 testimonies and the evidence or exhibits to the
25 best of my knowledge, even up to the point where

AKAYESU

1 I left, there was no conclusion as to who
2 perpetrated this assassination.

3 Q. In the same line of thinking, on 3 December,
4 1993, in Taba commune, and a truck with a
5 boobytrap grenade cost the life of several
6 school children. In this connection did UNAMIR
7 carry out any investigation?

8 A. As far as I recollect, there were incidents in
9 the periphery of the capital, but a specific
10 incident with the date you have given, as far as
11 I recollect, I cannot tell you that that was an
12 incident that I remember.

13 I should, nevertheless, qualify my response,
14 because we were not particularly well endowed,
15 up to the end of January beginning of February,
16 we did not have the necessary capacity for
17 investigations.

18 I had a legal capacity for investigations -- I
19 had Civpol, but they were not yet deployed,
20 neither was their equipment available to enable
21 us to carry out our role. I only had observers,
22 military observers who are used to carry out
23 analysis, military, purely military analyses, in
24 cases of conflict. The fact in civil matters
25 they are not well prepared to give conclusive

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ICTR - CHAMBER I

1 evidence or investigation. Certainly this did
2 not help role to work in this atmosphere.

3 THE PRESIDENT:

4 General, are you aware of this explosion that
5 the defence is referring to, the boobytrap that
6 exploded in Taba?

7 THE WITNESS:

8 I'm afraid I cannot give -- I would say that I
9 do not personally recollect that. I received,
10 every day, from my observers, daily reports on
11 the situation. There were reports on the
12 incidents that occurred. Maybe in these reports
13 that incident may be contained, but, from my
14 memory, I do not recollect that.

15 BY MR. TIANGAYE:

16 Q. Was UNAMIR not worried by increasing insecurity
17 in the country?

18 A. Pardon me?

19 Q. Was UNAMIR not worried by increasing security in
20 the country?

21 A. At what time.

22 Q. During the beginning of October, 1994?

23 A. Yes. We were worried to the extent that the
24 recommendation I made was approved by the
25 Secretary General and the Security Council, the

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ICTR - CHAMBER I

1 recommendation was that we should advance the
2 deployment of troops of Phase 2, which included
3 almost 1,000 troops, the majority of whom were
4 Ghanians and this deployment had to take place
5 only when the broad based transitional
6 government had been installed. But to carry out
7 my responsibilities, both in Kigali and the
8 demilitarized zone, where political activities
9 took place, where elections were taking place,
10 where tension prevailed, where there was
11 political unrest, I thought it was necessary
12 that I needed advanced deployment of the second
13 phase troops. So advanced deployment of these
14 troops, the troops of Phase 2.
15 The troops arrived on the field at the end of
16 February, but the equipment never arrived.

17 Q. Very often mention is made of a certain informer,
18 called Jean-Pierre. Have you ever heard of this
19 Jean-Pierre?

20 A. Yes.

21 Q. What do you know about him?

22 MR. PRESIDENT:

23 General, is this information you received in the
24 context of your mission is it classified
25 information or not, the information you received

1 on the informer?

2 THE WITNESS:

3 Well, the individual in question was reported to
4 me on by very distinguished person, a Rwandan
5 personality, he was mentioned to me by a
6 Rwandese personality, I, personally, did not
7 meet this individual call Jean-Pierre but
8 through my officers I had all the reports on
9 their meetings and discussions.

10 MR. PRESIDENT:

11 Are these reports classified reports or did you
12 forward them to your superiors, do you consider
13 them as confidential reports or not?

14 THE WITNESS:

15 Yes, they are confidential reports. They are
16 available to the peace maintenance section in
17 New York.

18 MR. PRESIDENT:

19 Therefore it seems to me they are not useful to
20 the defence of the accused. The witness has
21 talked of the confidential reports, that have
22 been sent to New York. It doesn't seem to me
23 that they are necessary for the defence of the
24 accused.

25 Do you have any other question to ask?

REX A. LEAR, OFFICIAL REPORTER
ICTR - CHAMBER I

1 BY MR. TIANGAYE:

2 Q. General, did you hear any mention of
3 Interahamwe?

4 A. Yes.

5 Q. What personal knowledge do you have of the
6 Interahamwe?

7 A. The Interahamwe were the youths, the young
8 people of a political party, that is the MRND
9 party. Several political parties had their
10 youth wings, which they developed, depending on
11 the knowledge we have of the country, the
12 political organization of the country. Their
13 purpose was to forestall the democratic spirit.
14 The Interahamwe was a group, a very active
15 group, very dynamic group. Very often they
16 deployed themselves or came out in the outfit.
17 Their outfits were very conspicuous,
18 particularly on some days they would come
19 together in lorries, they would move about in
20 the towns with whistles, they would be singing,
21 they would -- sort of moving about boisterously
22 or roughly.
23 My knowledge of the others grew with time. When
24 we entered the complicated period of political
25 stagnation there were demonstrations. During

1 these demonstrations I heard, through my staff,
2 my personnel, I also heard through Civpol that
3 there were Interahamwe who made demonstrations
4 difficult. They were a part of the activists
5 who carried out disturbances on the road against
6 the establishment of the transition government.
7 They did not want this transition government to
8 be sworn in. I also have reports that I
9 received and also instructions to communicate
10 with the Interahamwe authorities, that was
11 especially done during the war. Before the war
12 direct meetings with the Interahamwe, I did not
13 personally have any, my officers met some of
14 them at different areas throughout the territory
15 and, of course, we talked about the Interahamwe
16 when we would talk with the authorities of the
17 MRND party and, of course, we also had different
18 discussions about this with the president.

19 Q. Did they have uniforms?

20 A. Yes, they had -- their uniform was a rather
21 colorful bright uniform with sort of a special
22 hat, but they did not always wear the uniform.

23 Q. To your knowledge, did they receive military
24 training?

25 A. According to the reports I received, it

1 indicated that there was military training being
2 conducted in small group units, platoons, if you
3 will, of the Interahamwe.

4 Q. And in the reports, was there information as to
5 where they were being trained and by whom?

6 A. I'm trying to recall this, but these are
7 confidential reports I gave to the United
8 Nations, so I don't really know to what extent
9 information is available and what information
10 can not be discussed.

11 I received this information from discussions
12 with people from the RPF. I also knew about
13 this -- received information from other people
14 who were more of the MRND tendency and, then,
15 there were also the official reports.

16 Q. Did UNAMIR receive information concerning arms
17 caches?

18 A. Yes.

19 Q. Were the arms search operations carried out by
20 UNAMIR in the governmental zone and in the zone
21 occupied by the RPF?

22 A. There were not any reports on arms stocks in the
23 RPF zone. In the RPF zone we estimated that
24 there were not even 7,000 people in the
25 northwest area of their zone that was surrounded

1 by the military organization of the RPF.
2 There was a spontaneous return of refugees into
3 the RPF zone, as of January. This increased in
4 February and March and, essentially, these were
5 men and young boys, also their cattle, and our
6 observers from the UNAMIR mission, that is to
7 say the mission for Uganda and Rwanda, also
8 observed this phenomenon of the return of
9 refugees to the Rwanda side. I don't have any
10 report on arms caches. My information was more
11 concerning the deployment of troops according to
12 the ceasefire.
13 In the southern region there were many scenarios
14 of different arms situations, there were weapons
15 that were distributed by the presidential guard
16 for self-defence in certain sectors. There were
17 also weapons that were authorized by the MINIF,
18 the Ministry of Information, for protection,
19 personal protection of people, and the Minister
20 of Defense, interpreter's correction. There
21 were also weapons -- reports on arms caches,
22 weapons coming into the country in a rather
23 secretive manner, illegal manner, of course,
24 certainly not under our supervision.
25 I had redeployed troops to the bordering region

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1 to the maximum of my extent, to the extent of my
2 mandate, in order to control the border region.
3 We had stopped a plane that landed in Kigali
4 that was full of weapons.
5 We stopped a truck from Kigali, also full of
6 arms. Arms could be bought on -- in the market,
7 in particular grenades, they could be bought for
8 hardly anything. So there was a quantity of
9 weapons that was distributed and not necessarily
10 weapons that were coming from identified
11 sources, from army barracks.
12 We had some information saying there were arms
13 caches in other regions of the country, as well,
14 but the majority of the reports that I received
15 concerning arms caches were always reports that
16 there were based more on one political side and
17 not on the other side, which made the situation
18 quite difficult in order to maintain balance and
19 neutrality

20 MR. PRESIDENT:

21 Naturally but there were arms caches in Kigali
22 sector?

23 THE WITNESS:

24 Yes.

25 MR. PRESIDENT:

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1 Major general, can you confirm that there were
2 arms caches only on one side and not on the
3 other?

4 THE WITNESS:

5 Yes, because on both sides, Mr. President, it
6 was -- the troops were only used and deployed
7 according to the crease fire.

8 MR. PRESIDENT:

9 So, you are saying, then, there was a cache of
10 arms stocks on one side but not on the other?

11 THE WITNESS:

12 Well, Mr. President, I'm using the term arms
13 cache or stocks in terms of weapons that were
14 not under military supervision or under the
15 control of the military organization.

16 MR. PRESIDENT:

17 Yes, we've under understood. Counsel, you may
18 continue.

19 MR. TIANGAYE:

20 Q. What did UNAMIR do when they would discover arms
21 stocks?

22 A. If we discovered this and confirmed it we would
23 establish a report that this arms cache existed
24 and that we were available to launch operations,
25 that I would qualify as offensive operations,

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1 but I modified the term later and used an
2 English term, deterrent operations, in order to
3 recuperate these weapons.

4 Q. Therefore up UNAMIR was only limited to
5 deterring?

6 A. No, because in April we did launch an operation
7 and we carried out searches, discriminate
8 searches, within the context the of our
9 responsibilities in the arms free zone in
10 particular where the UNAMIR contingents
11 constructed road blocks and they would search
12 vehicles and so forth, there were also searches
13 conducted, especially of the trucks coming back
14 from Mulindi, and the troops in the
15 demilitarized zone also had a responsibility for
16 carrying out searches.

17 Q. Did UNAMIR have the opportunity of recuperating
18 arms?

19 A. We recovered very few weapons, maybe a dozen,
20 and in our agreement, or according to the terms
21 of our agreement, we gave these weapons over to
22 the gendarmere for official control of them.

23 Q. When UNAMIR would carry out the official escort
24 missions of the RPF would the Rwandan
25 authorities be informed of this?

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- 1 A. Yes, I should say that the procedure that we had
2 in the arms free zone of Kigali and also with
3 the situation of having so many different
4 authorities, you had the belligerence within the
5 zone, within one zone controlled by other
6 belligerents. None of this facilitated the
7 task, to say the least, therefore, we had to
8 create a procedure in order to deal with this
9 special scenario that we were having to deal
10 with under the Arusha Accords. When we
11 implemented this, in particular when we
12 established this concept of the arms free zone
13 and the control procedures between Mulindi and
14 the CND, this was all under the responsibility
15 of UNAMIR to alert and to coordinate with the
16 FAR, the gendarmere, and to alert them as to the
17 convoys that were to be established.
18 I cannot say that it was always done perfectly,
19 but that was the procedure. We had to elaborate
20 procedures and we had to follow through with
21 them.
- 22 Q. At the time the Rwandan government complained
23 that a Belgian contingency of UNAMIR went to the
24 national park without the knowledge of the
25 Rwandan authorities. What do you have to say to

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1 that?

2 A. I am not aware of that event, at all.

3 Q. In January of 1994 the RPF demanded that planes
4 taking off and leaving from the Kanombe airport
5 in the center of Kigali, that they be
6 forbidden. Are you aware of this ban, this
7 flight ban?

8 A. It was a ban that was until supported by UNAMIR
9 in the context of being able to avoid any
10 possible conflict. We didn't want planes to be
11 flying near the RPF battalion at the CND. In
12 the past, depending on the situation, sometimes
13 the planes would be allowed to land near the
14 Kanombe airport. Sometimes they would come very
15 close to the Amahoro stadium or the CND
16 building, therefore we implemented this flight
17 restriction zone that banned planes from using
18 the path that went over the Amahoro stadium and
19 CND and allowed them only to land from the
20 Kanombe side.

21 Q. Was this militarily defensible?

22 A. Well, I think it was logical to avoid the
23 possibility of having any tension or conflicts,
24 of allowing anybody to have the potential
25 possibility to react.

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1 This battalion was established in the CND and
2 had been in that sector since the 28th of
3 December, I believe, and it was, therefore,
4 limited -- confined to the compound of CND and
5 it wasn't only soldiers confined there. It was
6 very difficult to maintain discipline. So it
7 seemed reasonable, to me, to not offer an
8 opportunity or even allow any incidents to
9 happen.

10 There was an incident in the past that had led
11 to gunfire, so it seemed very appropriate to me
12 to ask for this flight ban. And concerning the
13 flight path and so forth the airport authorities
14 felt they could controlled air traffic just as
15 well with this ban.

16 Q. Did the Rwandan army have attack planes, fighter
17 planes that could shoot at the RPF Battalion
18 housed at the CND?

19 A. They had four Gazelles, two of which had
20 missiles, and they were housed at the Kigali
21 airport.

22 Q. They were equipped with air-to-air missiles or
23 ground-to-air missiles?

24 A. They were ground-to-air missiles.

25 Q. Coming back to the UNAMIR,, when you arrived in

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1 Kigali, did UNAMIR have sufficient means to
2 carry out its task according to the mandate that
3 had been given to it by the security council?

4 A. The answer at the beginning was no. And the
5 answer on the whole was that we did not have all
6 the resources that had been requested. The
7 contributing countries and the different
8 administrative structures of UNAMIR had been
9 requested for these but we did not all that we
10 requested to carry out our mission.

11 Q. What was with the number of troops in UNAMIR?

12 A. In the report that was approved by the Secretary
13 General that was part of -- an integral part of
14 may mandate of 5 October, 1993, the number of
15 troops was not a set number throughout the
16 entire period of the mission. The mission was
17 divided into four phases. For the end of phase
18 one, which was for the establishment of the
19 transitional government, I was supposed to have
20 approximately 120,000 (sic) troops at the end of
21 December. In terms of the number of troops, I
22 had 1,200 troops, but I didn't have enough
23 material.

24 In phase two there was supposed to be deployment
25 of another thousand, a thousand five hundred

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1 troops, they arrived in the field around
2 mid-March. They were -- around mid-March they
3 were finally all deployed, once again without
4 the necessary equipment to carry out their task.

5 Q. What types of arms did you have?

6 A. We requested arms according to the guidelines of
7 the countries contributing. It was supposed to
8 be light artillery, it was supposed to be
9 defensive weapons, light defensive weapons that
10 would allowed the battalions to be deployed
11 according to our organizational instruction,
12 that would include support weapons, as well,
13 heavy artillery and mortar, and we were also
14 supposed to have vehicles for communications,
15 resupplying, medical needs, enough vehicles to
16 support a battalion in action for two months
17 without having to be resupplied, because the
18 whole process of resupplying through the United
19 Nations takes a certain amount of time. So the
20 battalions that were to be deployed through the
21 mission were supposed to be able to go two
22 months without having to be resupplied or have
23 two months worth of resources.

24 Q. How many countries furnished troops to UNAMIR?

25 A. At the end of March I had 26 countries.

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1 Q. Did these countries furnish only troops or did
2 they also furnish equipment?

3 A. That depended on the task that the country was
4 being asked to accomplish. Some countries,
5 furnished a complete battalion such as Ghana.
6 Other countries furnished half battalions, if
7 you will, such as Belgium and Bangladesh, other
8 countries furnished UN observers, military
9 observers who were not armed, other supplied
10 material for their -- equipment for their
11 staff. At different points in time there were
12 countries who furnished equipment, especially
13 during the period of war, that is to say under
14 UNAMIR 2.

15 Q. Which country played the core role within
16 UNAMIR, that is to say the core role which
17 UNAMIR was provided? Which country was the core
18 group of UNAMIR?

19 A. My concept of the operation was not a concept
20 that was based upon a particular core group,
21 rather the unit that arrived with the greatest
22 amount of equipment to support its troops in the
23 field and the unit that had the most mission
24 experience, not necessarily Chapter 6
25 peacekeeping, but the most mission experience,

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1 in general, and that was supplied the best by
2 its country, it was the Belgium contingency.
3 The other contingents, the Ghanaians never
4 received their equipment before the war began.
5 And the Bangladeshi troops were very limited in
6 terms of resources. They had a lot of
7 difficulty in being able to have enough
8 equipment to carry out their task.
9 It was the same situation with the Tunisian
10 troops.
11 I had received them from the Gonn, the equipment
12 that Gonn used, when they fell under the command
13 of UNAMIR on the first of November, 1993. We
14 were obliged to return this equipment to the
15 countries that had supplied it, that is to say
16 France and Belgium, or at least two of the
17 countries I remember in particular.

18 Q. Major general, I'd like to know if countries
19 such as Bangladesh or Ghana, who furnished a
20 rather large contingency, because they had the
21 most amount of troops, were the troops of these
22 countries operational?

23 A. The Ghanaian contingency had a lot of experience
24 in peacekeeping missions.
25 They were a well-structured battalion, a

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1 battalion that had served also in Liberia.

2 And they were well-structured in order to meet
3 the requirements of a Chapter 6 mission.

4 My chief, my deputy chief, was also Ghanaian.

5 The Bangladesh contingency had different levels
6 according to the structure.

7 The battalion was a composed battalion, if you
8 will, not a traditional battalion, in that they
9 had collected various individuals to compose
10 this. It was not the normal battalion. It was
11 a group that was composed, sort of piecemeal and
12 they had no experience in terms of peacekeeping
13 missions.

14 The logistics company, the Bangladeshi, was also
15 very limited, in terms of equipment.

16 The Bangladeshi engineers also did not have
17 enough equipment, they also served in the
18 infantry division and they served well and then
19 there were also the military observers here and
20 there.

21 Q. Were the countries that sent troops -- did they
22 do so on a voluntary basis?

23 A. Well, that's perhaps one of the basic issues,
24 being able to fulfill our mandate, one of the
25 main problems, that is its a completely

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1 voluntary exercise. The United Nations is not a
2 sovereign country, it's a compilation of all
3 sovereign countries and when these same
4 sovereign countries with concern of security
5 decide to give a mandate for a mission, at that
6 point in time the secretariat has to go out open
7 handed begging and grovel before countries to
8 ask them to furnish the resources to fulfill
9 this mandate, the mandate that, perhaps, other
10 countries have decided to establish. So in this
11 context it's purely voluntarism.

12 Q. Major general, was not the colonial past of
13 Belgium a problem, in terms of sending troops to
14 Rwanda?

15 A. According to the traditional standards, in my
16 country, and in my experience, it was unheard of
17 for a country that would have had former links
18 in the past with the country to which troops
19 were being deployed would deploy troops, in
20 fact.

21 Having said that, the United Nations did,
22 nonetheless, consult with the belligerents and
23 would consult to see whether or not a
24 contingency would be acceptable by all sides
25 and, therefore, the secretary-general and, I

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1 assume, the Security Council also consulted and
2 had to be consulted concerning the concerns of
3 the belligerents of different parties that may
4 be sent in the mission.
5 In our discussions with the representatives of
6 the two countries, and I should say that these
7 are people with whom we met, minister --
8 Minister of Foreign Affairs and so forth from
9 the coalition government and also from the RPF,
10 that these authorities did not state any
11 objections to the presence of Belgian troops.
12 In the negotiations, as it was reported to me,
13 there was objections to French troops being sent
14 and also in the peace accord it also called --
15 they also stated that the foreign troops would
16 leave when UNAMIR was brought in so at that
17 point in time there was no objection to Belgium
18 troops and I did not see any formal or informal
19 political or military opposition from the
20 coalition government or from the side of the RPF
21 concerning the presence of Belgium up until the
22 7th of April of that day.
23 Of the course there are some who linked us to
24 the historical past, but there was cooperation
25 between the different contingencies and also

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1 with the FAR, who were the there up until the
2 6th of April. These people worked within the
3 military organization, the gendarme and the FAR.

4 Q. So, at the beginning there was no anti-Belgium
5 feeling sentiment against UNAMIR?

6 A. That's another issue. You asked me concerning
7 the specific mission.

8 Now, if you are asking me about the reaction,
9 there were comments made that this was unusual.
10 I did have to go before the Rwandan media to
11 explain that the troops that were sent in the
12 UNAMIR mission were not troops representing
13 their countries, but that they were UN troops
14 and that in this context they were under the
15 authority of the United Nations and they
16 reported and responded to the rules of
17 engagement to the mandate of the United Nations
18 and that their country had allowed these troops
19 to be commanded by the United Nations, therefore
20 they were not Belgium troops, they were not
21 troops from Bangladesh, they were international
22 troops of an international neutral force.
23 My sector commander in Kigali, Commander
24 Marshall, also intervened. He had meetings with
25 the burgomestres of the arms free zone, because

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1 the Belgians were concentrated in that zone and
2 these meetings were between citizens,
3 discussions between citizens and the authority.
4 They had different meetings with the press to
5 explain their presence.

6 It is true that the media did state opinions
7 about the Belgians, but they were not
8 necessarily taken against Belgians within
9 UNAMIR, it was more statement concerning the
10 past colonial presence in the field.

11 Q. Because of the dispersal of the contingent in
12 small groups in Kigali town that UNAMIR
13 commandant have any plans for bringing the
14 troops together?

15 A. The concept of deployment I which I had in the
16 arms free zone was the following: The vital
17 terrain, that is for a soldier this is a place
18 or a terrain which he can never permit himself
19 to lose unless he has to endanger his own
20 mission, so the vital terrain in the deployment
21 was the airport. Because this was a point of
22 arrival and take off of our supplies,
23 communications and so on.
24 You know, this country doesn't have access to
25 the sea and that is the only immediate available

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1 airport, therefore I had troops deployed at the
2 airport.

3 I also had troops deployed who were -- who
4 manned certain checkpoints, this was the case of
5 the Bangladesh, the Tunisian, and Ghanian troops
6 whom I deployed in Kigali.

7 The others had to provide supplies to the
8 checkpoints.

9 Very often there are vital points or strategic
10 points that must be protected and the soldiers
11 were deployed at those points throughout the
12 City of Kigali. They were deployed in areas
13 like the CND or in residences or offices and
14 other strategic points. They were deployed in
15 the homes of important people or critical
16 infrastructure of the country.

17 In the center of the town I also deployed
18 troops. I deployed troops to ensure that there
19 was the UN presence in the center of the town so
20 as to be able to react in the context of Chapter
21 6 mission, if the gendarmeries, if there were
22 any excesses, if the gendarmes needed help, if
23 spot checks were necessary, and also to hoist
24 the UN flag, because on the Chapter 6 the two
25 belligerents want the presence of the UN.

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1 The troops that were deployed in Kigali were in
2 excess of what I wanted, but this was a decision
3 between the contingent, myself, and the UN
4 authorities.
5 The rapid deployment force, which I had
6 requested, which I made up from bits and pieces
7 from the half battalion of the Belgians, which
8 needed armored cars and so on, was never at a
9 level where it could be deployed. We were still
10 training it to assume its functions and this
11 happened up to the month of April.
12 And armored cars, I had just about 40 percent
13 armored cars and many of them had broken down
14 because there were no spare parts or mechanics.
15 The best I could say for the deployment,
16 furthermore the Belgian contingent had radios,,
17 portable radios, their major task, therefore,
18 was to be the mobile troops in the sense that
19 they had to patrol, carry out spot checks,
20 escort ministers or various personalities
21 between the various parts of the town. They
22 could also work with the various forces. The
23 arms free zone required the presence of UNAMIR
24 troops to ensure that they followed up, that
25 instructions were followed and that there was no

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1 friction.

2 MR. TIANGAYE:

3 Mr. President, with your authorization I'd like
4 us to go back to the map to locate UNAMIR
5 positions with regard to its deployment in
6 Kigali, well, in the country.

7 MR. PRESIDENT:

8 Could you put up the map, once again?

9 THE WITNESS:

10 What was the question?

11 BY MR. TIANGAYE:

12 Q. The question was to aid us where UNAMIR troops
13 were deployed in Kigali and the other regions of
14 Rwanda?

15 A. At what stage of the operation?

16 Q. This is before the 5th of April.

17 A. Fine. At Mulindi I had a group of observers,
18 they were not organized troops at first.

19 I will begin at the very beginning at Kabale,
20 there was a UNAMIR mission under my command and
21 in Kabale I had the control of Kabale.

22 Q. I think we'll change the marker to better
23 identify the areas where you were deployed.

24 MR. PRESIDENT:

25 Do we have the laser beam, we usually have the

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1 laser beam? Do we have it today.

2 MR. PROSPER:

3 Mr. President may we have this marked as an
4 exhibit? I believe it should be Number 140.

5 MR. PRESIDENT:

6 Repeat.

7 MR. PROSPER:

8 May we have this marked as an exhibit? I
9 believe the number should be Exhibit Number
10 one-four-zero?

11 THE WITNESS:

12 Mr. President, the circles you have here are the
13 locations where there were observers. I had
14 more than 320 of them who were deployed on some
15 occasions together with Civpol, UN civilian
16 police. Their role, from this point -- well,
17 there were about 20 of them, and their role was
18 to patrol in sector to see, to ensure that there
19 were no excesses and to participate in a showing
20 in ensuring security in the country.

21 They did this in conjunction with the FAR and
22 the gendarmes.

23 In the RPF zone I had about 50, almost 60, who
24 were deployed in the Mulindi sector, but those
25 is who belonged to UNAMIR were deployed in five

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1 points, which were used for crossing around the
2 border.
3 There were observers, there were also civilian
4 police.
5 In the demilitarized zone we had people here at
6 Byumba and other observers in the entire
7 southern portion of the demilitarized zone in
8 Kigali.
9 For the deployment of troops in the
10 demilitarized zone I had about 600 Ghanians of
11 the Ghanian battalion deployed in platoon. They
12 were deployed from the west to the east.
13 The headquarters of the battalion was at Byumba
14 because this was a most sensitive point and from
15 there it was easier to go to all the entire
16 demilitarized zone. In Byumba I also had the
17 civilian engineering corp. Their responsibility
18 was to improve the roads in the demilitarized
19 zone and to come to the aid of the authorities
20 for the reconstruction of infrastructure and
21 also for de-mining operations, mine clearance.
22 In fact there were many mines in the northern
23 part of the demilitarized zone.
24 In the Kigali sector I had the logistics
25 company, which comprised only 15, about 15

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1 trucks, and I had the two half battalions that
2 is including the half Belgian battalion and half
3 Bangladeshi battalion and I had a company which
4 I took from the demilitarized zone to come
5 reinforce the Bangladeshi, so as to ensure
6 control in the town.

7 The HQ of this operation was in Kigali in a
8 hotel, Amahoro hotel.

9 The support, UN support structure, was based in
10 Kigali in various spots. I'm talking of the
11 civilian component.

12 The communications were mainly civilian, because
13 no country gave me military transmitters. I had
14 two helicopters at a certain time. I had up to
15 four, they were part of the UNAMIR mission.

16 They were patrolling the border and when we were
17 negotiating for the authority to patrol in the
18 south these negotiations never ended
19 conclusively, but I started receiving
20 helicopters in Kigali at the beginning of the
21 war.

22 The observers particularly those in the
23 demilitarized zone had to patrol and contact
24 authorities in the municipalities and to be
25 present and respond to any request from a point

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1 of view of security.

2 The headquarters of Kigali had also the

3 responsibility of verifying, of carrying out

4 verifications in the demilitarized zone. They

5 were deployed in small groups of observers.

6 The last group of observers I had were comprised

7 about eighty people, it was deployed throughout

8 Kigali and their responsibility was to be

9 continuously present in all the barracks, in

10 Kigali, so as to ensure the application of

11 instructions and the directives for the

12 confinement of weapons, that is to say to ensure

13 that the weapons were locked up somewhere, that

14 the locks were secure, and make sure that troops

15 did not move about without authorization.

16 They were deployed throughout in all the

17 barracks in Kigali.

18 My command and control system was as follows,

19 the headquarters in Kigali, the headquarters of

20 the entire UNAMIR operation. The Kigali

21 headquarters was under Commander Marshall, there

22 was the headquarters were for all observers who

23 were also based in Kigali. There was a

24 headquarters in Byumba and headquarters of the

25 southern region, which was in the plan I

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1 submitted in September, 1993, but because of the
2 coup d'etat in Burundi there were about 300
3 refugees in the south and there was a lot of
4 tension. I modified my original deployment plan
5 to send more observers to the south to meet or
6 to respond to cases of incidents in the event of
7 refugees.

8 Q. How do you explain the presence of observers in
9 Uganda?

10 MR. PRESIDENT:

11 Counsel Tiangaye, could you repeat your
12 question?

13 BY MR. TIANGAYE:

14 Q. How do you explain the presence of observers on
15 Ugandan territory?

16 A. At the request of the president of Uganda and
17 also according to the development of
18 negotiations in Arusha, a request was sent to
19 the United Nations to deploy an observer mission
20 on the border between Uganda and Rwanda but this
21 area was close to the Patriotic Front Zone. The
22 purpose of that was to ensure that there were no
23 weapons, no activities that could be considered
24 military between Uganda and Rwanda to make sure
25 that there was no reinforcement, ammunition and

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1 things of that nature, any military type
2 equipment which came into the Patriotic zone had
3 to be checked.

4 The first mission I had from 22 June was to
5 command UNAMIR. I took command of UNAMIR on the
6 first week, in the first week of July I was in
7 New York preparing the deployment of UNAMIR and,
8 at that time I was also given responsibility to
9 command UNAMIR, because the peace agreement was
10 being signed.

11 Q. Is it true that at that time the beginning of
12 UNAMIR lacked sand bags, of food, supplies and
13 so on?

14 A. At the beginning of what, at the beginning of
15 the mission or the beginning of the war?

16 Q. The beginning of the mission?

17 A. Well, I can tell you that at the beginning of
18 the war there was a shortage, yes, even at the
19 beginning of the war.

20 Q. This means that militarily UNAMIR did not have
21 all its means on the 5th of April, 1994?

22 A. I had troops on the field. I had 2,500 troops
23 or soldiers. There was about 100, 120 civilians
24 with their families, but there were still
25 significant shortages in our operational

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1 capacity. At the beginning I said that from a
2 -- I describe some shortages from a purely
3 military point of view, accommodation and so on,
4 there was a shortage of armored cars, but on 5th
5 of April the mission, from a point of view of
6 operational capacity, was not yet deployed. It
7 was not yet in a position to be able to meet all
8 requirement and support its operations.

9 Q. And how do you explain this short coming?

10 A. You asked me before whether the countries
11 volunteered, yeah, the countries volunteered but
12 they volunteer with the means at their
13 disposal.

14 Eminent in the directives that we -- or
15 guidelines that we give the countries -- and I'm
16 talking I here mean the United Nations prepare a
17 the guidelines for deployment -- we ask country
18 to provide light battalions which have autonomy
19 to be able to operate in an autonomous manner
20 for a minimum period of two months and also to
21 be able to sustain themselves in a crisis
22 situation. Nevertheless, in spite of those
23 guidelines many contingents did not have these
24 resources.

25 Since the United Nations did not budget for this

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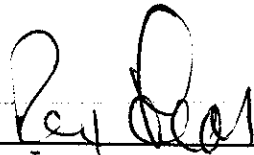
1 aspect, it had to look for resources to buy such
2 equipment and also to make sure that they will
3 be taken over once the equipment had been bought
4 because after some time the United Nations has
5 to provide food, medicines, ammunition and so on
6 in replacement of the depleted stocks.
7 The mandate was signed on 5 October. On 6
8 April, that is 6 months later, for a mission
9 which was hardly two years old, we were still
10 far from having the resources necessary to
11 accomplish our mission.
12 (Pages 52 through 89 by R. Lear).

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C E R T I F I C A T E

I, Rex A. Lear, Official Court Reporter for the International Criminal Tribunal for Rwanda, do hereby certify that the recording of foregoing proceedings in the above-entitled cause were recorded at the time and place as stated; that they were thereafter transcribed by computer under my supervision and control; that the foregoing pages contain a true and correct transcription of said proceedings to the best of my ability and understanding.

I further certify that I am not of counsel nor related to any of the parties to this cause and that I am in nowise interested in the result of said cause.

A handwritten signature in dark ink, appearing to read 'Rex A. Lear', is written over a horizontal line.

Rex A. Lear
Official Court Reporter - ICTR

1 Q What concrete steps did you take to remedy the
2 situation?

3 MR. PRESIDENT:

4 General, you answered the question earlier. Do
5 you recall the question and this is true? The
6 United States is -- sorry -- the United Nations
7 appeals to member countries to contribute and
8 the contributing countries did not contribute so
9 I think the general has answered the question.
10 The question is repetitive. We could go on to
11 another question. The major general has already
12 answered the question.

13 BY MR. TIANGAYE:

14 Q What I would like to know, Mr. President, is
15 that -- what I would like to know, whether the
16 general had warned the United Nations that he
17 was -- it was not possible for him to carry out
18 his mission as a result of shortage of means.

19 MR. PRESIDENT:

20 Counsel Tiangaye, I do not want to take the
21 floor from you.

22 MR. TIANGAYE:

23 I cannot hear you, Mr. President.

24 MR. PRESIDENT:

25 I am saying that we have had an implicit and

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1 tacit agreement. The relations between General
2 Dallaire and his superiors, which have been the
3 subject of correspondence, should not be
4 revealed here.

5
6 His answer is enough. He said that he didn't
7 receive the means because of contributing states
8 did not make the means they promised available.
9 He cannot do more than that.

10
11 The fact that whether he warned his superiors or
12 not would not advance your case so I think you
13 could move on to another question. That would
14 enable us to make progress.

15 BY MR. TIANGAYE:

16 Q Were all the UNAMIR contingents in a position
17 to carry out their mission?

18 MR. PRESIDENT:

19 I think he has already answered that question
20 also. He said that he did not have the means
21 necessary. That's what the general said, isn't
22 it, General?

23 THE WITNESS:

24 Mr. President, there is the training component
25 and the material component. Under the training

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1 component there were some shortcomings. Under
2 the material component there were also other
3 shortcomings.

4
5 I would not here want to point an accusative
6 finger at countries that contributed troops
7 because nevertheless we should say that there
8 were generals. By just distinguishing the
9 desire to contribute troops they simply didn't
10 have resources and there was no country which
11 wanted to provide resources for the work to be
12 done. So we were in a situation where on the
13 one hand the United States -- the United
14 Nations, sorry -- did not have the necessary
15 resources and neither did we have contractors
16 to -- or contributing states to make resources
17 available so as to enable us to meet our
18 mission.

19
20 There were countries that were ready to provide
21 resources but they did not have the resources
22 except the Belgian contingent which was -- which
23 is a NATO country and had the resources. It
24 will be -- it was unfair to say that the
25 countries shed their responsibility vis-a-vis

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1 the mission. In fact, my analysis has always
2 been that the countries did what they could and
3 their intention was to help but they were
4 limited in their or by their resources.

5 Q Major General, could you tell us, talk to us
6 about what is referred to as rules of
7 engagement?

8 A Maybe you could be more specific because we
9 would talk at length under this arrangement or
10 these rules.

11 Q Could UNAMIR use force?

12 A Absolutely, yes, yes, we could use force. In
13 peace maintenance or peacekeeping missions, in
14 missions other than war and even in cases of
15 war, there are rules of engagement, be it under
16 the Geneva Convention or the limitations that we
17 impose ourselves in operations. That is to say
18 we have to use minimum force to attain our
19 objectives even in the event of war. We do not
20 have to ravage and kill everyone. We try to use
21 only the force that is necessary to enable us to
22 attain our objectives. Therefore, United
23 Nations missions in which we were limited by a
24 mandate necessarily there are instructions,
25 instructions for the use of force and the

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1 instructions are more complex and demanding.
2 They also call on the part of -- they also
3 require on the part of troops a more discrete
4 knowledge, more attention to these limitations
5 so I would say, yes, it was part of my attempts
6 of reference or mandate I had to respect the
7 rules of engagement. That is to say the United
8 Nations must produce rules of engagement.

9
10 In the month of September when my report, the
11 reconnaissance report -- I'm referring to
12 September 1993 when I submitted my
13 reconnaissance report at the beginning of the
14 month of September 1993 -- this report was under
15 study; I was getting ready for deployment. I
16 was getting ready to receive a mandate and I
17 produced, among other documents, rules of
18 engagement in New York. I used those rules of
19 engagement during my mission.

20 Q These rules of engagement, were they distributed
21 to all the troops, to all the soldiers?

22 A The rules of engagement which were defined were
23 for the forces. Therefore, they have all the
24 details concerning the use of a force by the
25 mission as subject to the circumstances that may

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1 arise that the mission may face. The two
2 belligerents -- our role is to inspire
3 confidence and to ensure that the two
4 belligerents follow the rules of the game.
5 These are rules of -- they are not the rules of
6 engagement of deployment forces which at that
7 time would call for the use of offensive forces.
8 Therefore, in the context of Chapter 6 my rules
9 of engagement, which are as rules must be, that
10 is to say very explicit and detailed, are
11 distributed to each contingent when the duty
12 reconnaissance or when contingent shows an
13 interest or where a country shows an interest
14 from New York. In fact, they can receive a copy
15 of the rules and they can use the rules. Each
16 country at that time must study the rules of
17 engagement, must make its analysis of the rules
18 because if the rules of engagement violate the
19 laws of the country necessarily troops on that
20 country will not be free from the rules of their
21 country and in that case the countries that will
22 contribute troops can come back to the mission
23 directly or to New York and make comments on the
24 rules of engagement saying, for example, in this
25 or that part we do not agree with this rule,

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1 this rule violates the rules of our country, and
2 in that case they can have explanations or
3 discuss with the authorities who approved or who
4 initiated the rules of engagement. This is the
5 process that is contingent, therefore, receive
6 the rules of engagement and have the opportunity
7 of discussing them.

8 MR. PRESIDENT:

9 Judge Aspegren has a question to ask.

10 JUDGE ASPEGREN:

11 Thank you, Mr. President.

12 BY JUDGE ASPEGREN:

13 Q Major General, I would like to take advantage
14 of your presence here for some information. You
15 were just talking about the two belligerent
16 camps. I understand that to mean the military
17 camps, that is to say the FAR forces and the RPF
18 on the other side.

19
20 What I do not entirely understand, considering
21 the fact that I come from a different system, is
22 the role of the gendarme and the Presidential
23 Guard. I'm not going to talk about the commune
24 police system because I come from a different
25 system in terms of that as well, in terms of our

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1 police system, but in terms of military we don't
2 have a Presidential Guard or gendarmerie so I
3 would like to know what their role is in
4 relation to these two structures and, in your
5 opinion, what was their responsibility.

6 A The gendarmerie is a paramilitary organization,
7 that is to say that they receive military
8 training but they also receive civilian security
9 training so in that context they report to the
10 minister of defence and, according to our
11 discussions with -- and perhaps I should call
12 them now the ex-belligerents -- according to our
13 discussions with them, it was understood that in
14 a situation of war the gendarme or the
15 gendarmerie would fall under the command of the
16 FAR, the army.

17

18 Now, the gendarmerie in terms of coordination
19 could deploy battalions. They could group
20 themselves into battalions and they could
21 furnish light infantry groups with light arms
22 because essentially these are -- these were only
23 rifles and light guns in order to reinforce
24 operations of the army. The commune police
25 officers were just individuals with very

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1 outdated weapons. They didn't really
2 participate in the operations. There were also
3 different problems in that the gendarmerie if it
4 was fully deployed would be under the control of
5 the army but would nonetheless still remain the
6 gendarmerie in other sectors where there wasn't
7 fighting and in the field we saw that the
8 gendarmes did remain in the different
9 prefectures and they did continue to carry out
10 their role as gendarmes.

11
12 Now, considering the Presidential Guard, the
13 Presidential Guard it's almost a puzzle insofar
14 as there were meetings during which we spoke
15 with the chief of staff of FAR and the minister
16 of defence and it was quite clear that in their
17 discussions concerning the application of the
18 rules for the arms free zone and so forth that
19 these were all taken with the idea that the
20 Presidential Guard was under their command.
21 Now, on other occasions it was indicated to us
22 that, no, we have no authority over them and
23 they respond directly to the president.
24 Therefore, there was an ongoing nuance. We knew
25 that the Presidential Guard was responsible for

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1 guarding the president. They had a certain
2 degree of mobility. Their task was well
3 identified. We had observers there as well and
4 we well observed their camp. But this army was
5 used differently according to the scenarios, if
6 you will. Yes, if information was to be sent on
7 or instructions to be given they could do that.
8 Other times we were told, no, they report
9 directly to the president and I have to discuss
10 directly with the president or his cabinet.
11 Q So if I understand correctly, there was a
12 certain ambivalence concerning the role and the
13 responsibility of the Presidential Guard.
14 A If you are referring to this in a pejorative
15 sense it was flexible. Perhaps that's the
16 term.
17 Q Flexible?
18 A Yes, that I would say in a pejorative sense.
19 Q For armed forces normally having too much
20 flexibility concerning their responsibility,
21 that could perhaps lead to problems I would
22 assume. I'm asking you a question as a career
23 officer.
24 A Well, that's something that's very foreign to
25 me. I could not understand that at all, this

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1 situation. Moreover, that's something that was
2 often the subject of discussions. When we
3 wanted to be able to ensure, when we were asked
4 does that include the Presidential Guard we were
5 told, yes, and then other times it was not the
6 case. Especially when we were negotiating the
7 weapons free zone with Colonel Bagosora we
8 specified clearly or it was specified clearly to
9 us that the Presidential Guard was part of the
10 troops and that for the president there were a
11 few paragraphs in the Accords that specifically
12 described the structure of the guard that was to
13 provide ongoing protection for the president in
14 the zone.

15 JUDGE ASPEGREN:

16 Thank you, General. Thank you, President.

17 MR. PRESIDENT:

18 Judge Pillay has the floor.

19 BY JUDGE PILLAY:

20 Q Major General, you gave the evidence about lack
21 of resources and lack of trained, properly
22 trained troops, and Counsel Tiangaye was putting
23 to you that your evidence was that it was not
24 possible for you to carry out the peacekeeping
25 mission at all because of these shortages. Now,

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1 that's not my impression of your evidence so can
2 you clarify for me whether that is what you said
3 or whether what you intended to say was that it
4 hampered you in carrying out this mission?
5 A My mission was not fully effective six months
6 into the mandate. It was able to conduct
7 operations but it was not able to conduct the
8 full gamut of operations nor have all the
9 support elements it should have had should this
10 situation degenerate as it did. Now, again that
11 is both by contractual arrangements that the UN
12 has got to go through and its financial
13 limitations and budgeting and so on on one side
14 and on the other side forces being deployed by
15 nations who simply don't have the full resource
16 base to be able to deploy them with all the
17 tools to do the job.
18
19 I would not -- I would be totally misconsidered
20 here in saying that my mission, my force was not
21 able to conduct its mission. However, if it had
22 had the tools it would have been a lot more
23 effective. If we had had the mobility we needed
24 in the DMZ we could have given much better
25 account of ourselves there. If the training in

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1 certain contingents had been to the levels
2 required we would have avoided probably some
3 frustrating encounters and also provided a
4 higher level of security and deterrence to those
5 who would not -- who were not willing to go
6 along with the peace agreement.

7
8 I had a number of bodies on the ground --
9 forgive me -- a number of troops on the ground
10 but I had to continuously redeploy them to be
11 able to get the maximum out of them but at that
12 we were taking significant risks and I
13 acknowledge it.

14
15 When we moved that RPF battalion from Mulindi to
16 Kigali we did that with the Phase 1 level troops
17 but not with all the resources to do it and we
18 took an enormous risk and it came off for there
19 was such a, such a sense of urgency of meeting
20 the milestones. We were already months late and
21 there was this sense that if we weren't going to
22 continue to advance the situation would continue
23 to get more difficult and as such it was my
24 professional decision that even with the
25 limitations we take the risks we did. We were

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1 successful then. We took other risks and we
2 were not successful.

3 JUDGE PILLAY:

4 Thank you.

5 MR. PRESIDENT:

6 I believe we will take a break now because we
7 will have a hearing. After this we will begin
8 this case again at 1500 hours. The session
9 stands adjourned until 1500 hours.

10 (Hearing was recessed at 1205.)

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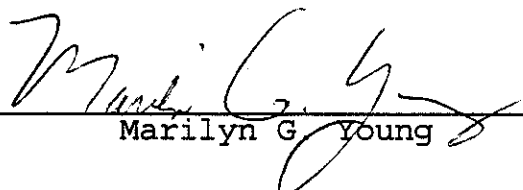
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C E R T I F I C A T E

I, Marilyn G. Young, Official Court Reporter
for the International Criminal Tribunal for Rwanda, do
hereby certify that Pages 90-103 in the foregoing
proceedings in the above-entitled cause were taken at the
time and place as stated; that it was taken in shorthand
(Stenotype) and thereafter transcribed by computer under my
supervision and control; that the foregoing pages contain a
true and correct transcription of said proceedings to the
best of my ability and understanding.

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


Marilyn G. Young

1 (Proceedings resumed.)

2 MR. PRESIDENT:

3 The session is back in session. Bailiff,
4 please bring in the witness.

5 (Witness enters courtroom.)

6 MR. PRESIDENT:

7 Major-General, good afternoon. I'll say
8 good afternoon to you again this
9 afternoon. Defence has the floor to
10 continue with the examination in chief.
11 Counsel Tiangaye, you have the floor.

12 MR. TIANGAYE:

13 Thank you, Mr. President.

14 Q. (By Mr. Tiangaye) Major-General, before
15 the break we were discussing the rules of
16 engagement. I would like to know if the
17 rules of engagement were interpreted
18 differently by the different contingents
19 that composed UNAMIR?

20 A. As I said this morning, each country has
21 a duty to revise the rules of engagement,
22 to make any comments and to act according
23 to the directives of the rules of
24 engagement as amended and under the
25 guidelines of the force commander.

1

2

Essentially, the rules of engagement were

3

accepted by all the contingents. There

4

were some minor amendments made by the

5

Belgian contingent. There was one

6

particular aspect concerning possible use

7

during demobilisation of troops, being

8

able to use civilian troops as well in

9

cases of riots and so forth, which were

10

not according to the rules of the Belgian

11

army, and to my knowledge, these were the

12

modifications that were made.

13

14

Now, in terms of application, did all the

15

contingents understand fully the rules of

16

engagement during that period of 1993?

17

Almost all the armies that were involved

18

in the new generation of peacekeeping

19

operations, that is to say, those other

20

than war operations, that they were all

21

in a phase of learning, learning the

22

rules of engagement. There were a lot of

23

different discussions, debates about

24

different aspects, and different

25

countries saw them differently. Some had

1 almost no notion of these types of rules
2 as we define them. Therefore, we had to
3 train them in the field, if you will, and
4 others knew the rules, but in terms of
5 applying them, in terms of understanding
6 them from the highest ranking officer to
7 the soldier in the field, that often
8 would vary.

9 Q. In interpreting the rules of engagement,
10 is that why the Bangladeshi soldiers
11 would often refuse to obey orders?

12 A. Often refuse to obey orders? The
13 commander of the contingent has a
14 responsibility. If he feels that an
15 order is not appropriate for the use of
16 his contingent, then it is his
17 responsibility towards his country to
18 raise this with the force commander, and
19 that is one of the reasons why the force
20 commander would meet regularly with the
21 commanders of the contingents, in order
22 to ensure that we were always working
23 along the same lines in our concept of
24 how to use forces.

25

1 The Bangladeshi contingent, in terms of
2 refusing orders? There were elements of
3 discussion. They asked for
4 clarification. On several occasions they
5 felt that a certain action was not
6 appropriate, but in most cases, these
7 were decisions of the subordinates. Once
8 the commander of the contingent and
9 myself or my deputy had already had an
10 occasion to speak to them, then we could
11 resolve the situation. But they were
12 very centralised, and in their concept,
13 receiving orders from staff of other
14 countries or other contingents was
15 something that had to be verified by
16 their contingent commander. Essentially,
17 that was the constraint in terms of their
18 methodology.

19 Q. Major-General, was there not confusion
20 between the mandate that defines,
21 generally speaking, a peacekeeping
22 operation and the rules of engagement
23 that deal with the use of force?
24 A. The Arusha Peace Accords asked for a
25 neutral international force to undertake

1 a series of actions. The mandate of 5
2 October was even more limited than what
3 was being requested under the Arusha
4 Accords. Therefore, in the
5 reconnaissance mission that I carried out
6 in October '93 and subsequently on
7 occasions when I would have discussions
8 to explain that even if the peace accords
9 asked for the neutral international
10 force, that is, UNAMIR, to do a certain
11 action, our mandate had other limits.

12
13 We wrote the rules of engagement
14 according to the interpretation of the
15 mandate that was to be published, and in
16 my opinion, I went to the maximum extent
17 possible being able to use force, if
18 necessary, in a scenario that necessarily
19 would be a defensive situation under
20 Chapter 6, but it's true that there was a
21 certain discrepancy between what the
22 mandate said and what my rules of
23 engagement said, and I often had many
24 discussions with New York on this issue.
25 Q. In your opinion, do you feel that the

1 rules of engagement were interpreted in a
2 minimalist way or in a more maximalist
3 way?

4 A. Minimalist. It was an inherent problem
5 in almost all of our missions, and it's
6 almost second nature for our forces. The
7 forces that are used to preparing
8 themselves for war would imagine
9 themselves in a situation where the
10 restrictions on the use of force would be
11 there, and they would tend to perceive
12 them in a negative manner, these
13 restrictions.

14
15 Now, if the chain of command did not
16 explain, did not study and if there was
17 not training done in detail at every
18 level with training based on different
19 scenarios, different situations that
20 would allow people to understand to what
21 extent they can use force, then the
22 natural reaction of the troops would be
23 to go to the minimum out of a fear of
24 using too much force and then afterwards
25 being perceived as having overstepped the

1 bounds of their mandate or their
2 responsibility, but a contingent would
3 experience this problem just as here
4 you're asking me about my experience, and
5 I would say that this was an issue of
6 substance, something that we experienced
7 on a daily basis and that we learned
8 through training.

9 Q. The minimalist interpretation of the
10 rules of engagement, did that not
11 somewhat handicap the contingents?

12 A. I could answer that by saying that it is
13 probable, yes, according to my
14 experience, that the troops were not
15 always used to their maximum potential
16 under the rules of engagement which
17 requires the minimum amount of force in
18 situations that are purely defensive. It
19 is something which is very easy for the
20 soldier in the field in situations of
21 crisis and in more complex situations
22 that you would see in cases -- in Rwanda,
23 for example.

24 Q. Do you feel that using the principle,
25 defence force is used only in defensive

1 situations, was sufficient for the
2 peacekeepers?

3 A. I'm not sure if I understood the way in
4 which you were asking the question, where
5 you were heading with that. You could
6 rephrase it perhaps?

7 Q. Do you think that the use of the
8 principle of legitimate defence in the
9 case of an attack against peacekeepers,
10 do you think that is sufficient?

11 A. It was inherent in the very concept of
12 peacekeeping, in the concept of the
13 mandate that was given to us, that we are
14 in the field because the former
15 belligerents no longer wanted to wage
16 war, and so it's in this context that the
17 use of force through a force under
18 Chapter 6 is only there for defence of
19 itself or to help with other defence that
20 can be established according to the
21 people, the strategic elements,
22 checkpoints and that sort of thing.

23
24 In the idea of an offensive operation,
25 using heavy artillery and so forth, it's

1 not inherent in this type of an idea to
2 use this in such situations because that
3 was not the type of scenario under our
4 mandate.

5 Q. Did UNAMIR use the principle of
6 legitimate defence during your time in
7 Rwanda?

8 A. Yes. There was an ambush, and I do not
9 recall the date, but if I'm not mistaken
10 it was near the end of February 1994,
11 when the RPF convoy coming from Mulindi
12 was ambushed, and there was an exchange
13 of gunfire in the troops that were
14 withdrawing.

15
16 There were a few incidents in Kigali in
17 the month of March, which had not yet
18 been reported when the war began.

19
20 On the 7th of April, there were a few
21 incidents where there was the use of
22 gunfire in order to retreat from a
23 difficult situation, and this was by
24 certain contingents.

25 Q. Thank you, Major-General. I asked you

1 questions concerning the political
2 situation that reigned in Rwanda before
3 the events of 6 April. I also asked
4 questions concerning the UNAMIR mandate,
5 and this now brings me to the events of 6
6 April. How were you informed of the
7 attack that cost the lives of the
8 President of Rwanda and the President of
9 Burundi?

10 A. I received a phone call at my residence
11 saying that there was an explosion at the
12 Kanombe airport. The first report that
13 came to me said that there seemed to have
14 been a munitions stock that exploded
15 somewhere. Subsequently, between 8:30,
16 9:30, there were other calls from other
17 individuals, and in particular, the
18 liaison officer from FAR indicated that
19 the presidential plane had been shot
20 down.

21 Q. What was your immediate reaction?

22 A. My reaction was to, first of all, analyse
23 the situation, to communicate with my
24 subordinates, my deputy chief, to try to
25 send somebody to the headquarters. Calls

1 were coming in from several people to my
2 residence, including the prime minister
3 and others who were very concerned about
4 the situation, and I called or gave the
5 orders for a Code Red for the forces, if
6 I remember correctly, and when the
7 liaison officer from the FAR called,
8 Colonel Ephraim Rwabalinda asked me to go
9 to the FAR HQ because there was a meeting
10 being held of the superior officers in
11 order to discuss the situation and to see
12 how we could react.

13 Q. I would like to know which political and
14 military authorities of UNAMIR took the
15 decision to send soldiers to protect
16 Prime Minister Agathe Uwilingiyimana?

17 A. It was me.

18 Q. Very well. And what were the
19 circumstances in which you were led to
20 take this decision?

21 A. During the meeting, which was at the FAR
22 headquarters, Colonel Bagosora was the
23 president, and there was also the chief
24 of staff of the gendarmerie who was there
25 attending, as well as other superior

1 officers of the FAR and the gendarmerie,
2 and essentially, they were discussing how
3 to control the situation so that there
4 was not a crisis, a situation of
5 insecurity, and they were trying to avoid
6 finding themselves in a situation of
7 civil war. So they were attempting to
8 maintain control over the situation
9 realising, so that the political
10 authorities could re-establish the future
11 of the country, if you will, in terms of
12 political authority.

13
14 The person who remained in the hierarchy
15 who seemed to me to be in a position to
16 be able to help in this mission of
17 maintaining control, that was the Prime
18 Minister Agathe who was well-known. She
19 was the prime minister of the coalition
20 government, and although the officers
21 present did not feel that the suggestion
22 was useful, that that would help the
23 situation, I was able to confirm with the
24 special representative of the
25 Secretary-General, Mr. Booh-Booh, I

1 telephoned him and told him I felt that
2 we should nonetheless pursue this idea of
3 ensuring that Ms. Agathe would remain
4 available.

5
6 And I believe I also called Ms. Agathe
7 either at that time or shortly
8 thereafter, and during this whole time
9 when we were coordinating, meeting, which
10 includes a period during which I
11 personally brought Colonel Bagosora to
12 the residence of the special
13 representative for other discussions to
14 see where we were heading and to allow
15 him to also speak to the special
16 representative, and we concluded that a
17 meeting with the ambassadors of certain
18 countries should also take place the
19 following morning, and we agreed with my
20 suggestion that we should do everything
21 to allow Ms. Agathe to be able to go and
22 speak to her country through the means of
23 the radio.

24
25 And we felt that it was essential to use

1 the radio because the method of
2 communication in Rwanda is the radio.
3 There's the RTLM and also the government
4 radio station, and people lived through
5 their means of the radio, and if she was
6 able to communicate with the people, that
7 would have been a great aid in attempting
8 to keeping the situation under control.

9 Q. Major-General, how many radio stations
10 are there in Rwanda?

11 A. There are three stations -- well,
12 actually there are four. If you will
13 allow me, there are three Rwandan
14 stations and then there is a very
15 short-wave radio station of the Belgian
16 contingent, which was a radio station
17 used by the Belgian contingent. There
18 was Murahura radio which was used by the
19 RPF. There was the Rwandan government
20 radio station and then there was RTLM.

21 Q. Major-General, what do you know about the
22 death of the ten Belgian peacekeepers?

23 MR. STEWART:

24 Mr. President.

25 MR. PRESIDENT:

1 Wait.

2 MR. STEWART:

3 I wanted to draw the attention of the
4 tribunal to --

5 MR. PRESIDENT:

6 I was going to do that.

7 MR. STEWART:

8 Thank you.

9 MR. PRESIDENT:

10 Counsel, the case of the Belgian
11 peacekeepers is part of another case.

12 MR. TIANGAYE:

13 What I wanted to know was the state of
14 the relationship between UNAMIR and the
15 FAR after the death of the ten Belgian
16 peacekeepers.

17 THE WITNESS:

18 The death of the ten peacekeepers was not
19 confirmed to me until about 9:30 on the
20 evening of the 7th because throughout the
21 day people continued to tell me that
22 negotiations were under way at the Kigali
23 camp to be able to pull them out of their
24 difficult situation, and it was not until
25 I insisted that I would not leave the

1 Kigali camp and go back to my HQ until I
2 had seen the Belgian soldiers who at that
3 time it was not confirmed whether it was
4 ten, thirteen or eleven. There were
5 three numbers being thrown out.

6 MR. PRESIDENT:

7 Major-General, the question is to know,
8 what was the relationship between UNAMIR
9 and the FAR after the death of the ten
10 soldiers?

11 THE WITNESS:

12 From the time then when this was
13 confirmed on that evening, the
14 relationship was strained and became more
15 and more tense, if not even impossible.
16 It was during that day that it was the
17 first time that I heard different
18 authorities indicating to me that it
19 would be very wise for the Belgian
20 contingent to leave as soon as possible,
21 to leave Rwanda, that is.

22
23 It was also reported by my officers that
24 RTLM radio had announced it, as well as
25 the RTLM announcement about the death of

1 the soldiers, it was also announced on
2 RTLM that the Belgians had brought down
3 the presidential plane. So in every
4 subsequent meeting I was under great
5 pressure to try to take out the Belgian
6 contingent as soon as possible, and the
7 contingent left. The last officers left
8 I believe on the 21st.

9
10 There were conflicts between the FAR and
11 the Belgian contingent on several
12 occasions. There were other altercations
13 that did not lead to death or to any
14 serious injuries.

15 Q. At the time of the crash of the plane
16 which military forces were in charge of
17 security at the airport?

18 A. The security of the airport grounds,
19 there's the main building and then
20 there's the air hangar and then you have
21 the runways, and on the other side you've
22 got another air hangar where there were a
23 few planes, including a hangar for the
24 presidential plane. Around this entire
25 complex there's a fence, and security

1 within this area was the joint
2 responsibility of UNAMIR and the FAR, the
3 air battalion unit of the FAR. I also
4 had UN military observers who were on
5 site at the airport to monitor all planes
6 landing in Kigali.

7
8 Outside the airport I didn't have any
9 patrols per se, but at the Kanombe camp I
10 had a few officers who were observers
11 just as at all of the garrisons in
12 Kigali, and these people were in charge
13 of ensuring that the weapons-free zone
14 was enforced.

15
16 So, again, outside the compound of this
17 area there was not any specific
18 deployment of troops. It was just like
19 the rest of the country, except that they
20 were the observers at Kanombe camp, and
21 on the other side at the presidential
22 palace you had the presidential guard.
23 Q. After the crash did UNAMIR go to the spot
24 or only to the area where the missiles
25 had been shot?

1 A. That took up to late May for UNAMIR to be
2 able to go to the site of the crash of
3 the plane. The presidential guard
4 categorically refused. That same evening
5 I requested that troops be sent
6 immediately so as to surround the site in
7 order to initiate international
8 investigation. I had already made
9 contacts with some countries so that they
10 should send emergency teams or neutral
11 teams that would carry on the
12 investigations.

13
14 We have never been able to go too close
15 to the site because of the presence of
16 the presidential guard. At that time it
17 wasn't clear that two missiles were
18 shot. In fact, it took time to establish
19 that it was missiles that brought down
20 the President's plane. The investigation
21 led to this conclusion.

22 Q. Did UNAMIR organise an investigation of
23 the assassination?

24 A. The former two belligerents, the RPF and
25 the FAR at the time, they were --

1 particularly Bagosora who was the
2 authority in charge of the FAR -- at that
3 time already the situation of the prime
4 minister had been solved. The patriotic
5 front was in agreement that in the
6 afternoon of the 7th a neutral country
7 should send a team of inspectors that
8 would carry on the investigation of the
9 site, but for the FAR it took some time.
10 It took time for them to send me an
11 answer. In any case, we at UNAMIR as
12 such had never initiated -- I never at
13 that time initiated an investigation.
14 The special representative, there was
15 some communication, but I do not remember
16 the conclusions of the investigation.
17
18 We should remember that during the first
19 five or six days during the beginning of
20 the civil war, all the policemen, the
21 UNCIVPOL had been evacuated. So I no
22 longer had investigators on the field
23 except soldiers or military men.
24 Q. The crew was French and the French
25 apparently asked for investigation.

1 A. I was in the first session in my
2 discussions with FAR in the evening of
3 the 6th or the 7th. Two French officers
4 came in uniform to ask me what I was
5 doing in connection with the
6 investigation. They told me that they
7 had a team of investigators that were
8 available -- I do not remember the names
9 of the investigators -- and they wanted
10 to know whether I wanted those people to
11 come and do the investigation.
12
13 I told them that I was also in contact
14 with the Americans. I do not know
15 whether I was able to communicate with
16 the Germans, but in any case they weren't
17 on my list because the Americans have a
18 team in Germany that can be brought in
19 within 24 hours. So I thanked them for
20 the information and told them I was
21 communicating with the two sides, but
22 later on I never saw them.
23 Q. Major-General, you participated in the
24 meeting of the chief of staff of the
25 Rwandese army in the night of 6th to 7th

1 April 1994 and in the military academy on
2 7th April 1994 at 10:00 a.m. What was
3 the purpose of these meetings?

4 A. The meeting of 6th to 7th April was --
5 well, I was invited to that meeting. In
6 any case, we were in contact to know what
7 our next activities will be in this
8 situation of crisis, and as I said
9 earlier, Colonel Bagosora was managing
10 the meeting with senior officers, and
11 their objective, which they announced to
12 me, was to simply ensure or assure the
13 population that the situation was under
14 control from a point of view of security
15 and that as soon as possible they would
16 hand the situation over to the political
17 authorities to carry out their role, and
18 I also gave you their opinion on
19 Ms. Agathe.

20
21 The meeting at 10:00 a.m. on the 7th, I
22 went to the city centre. The meeting of
23 9:00 a.m., which was a political meeting,
24 did not take place. The ambassadors were
25 unable to go to the residence of the

1 American ambassador to have a meeting
2 with the special representative.

3
4 You know, the political aspect at that
5 time was really, really difficult. You
6 had to communicate with the person who
7 was in authority or who was in charge of
8 the situation so as to know where we
9 should proceed in this situation of
10 crisis. In fact, we were moving towards
11 a civil war. There was a battalion of
12 the patriotic front which was very
13 close.

14
15 Was it a coup d'etat? Was the situation
16 for UNAMIR exceptionally one of risk?
17 The UNCIVPOL of UNAMIR, were they safe?
18 Had my mandate come to an end? Did I
19 still have a role to play to save the
20 peace accords? All of this was part of
21 the reflection.

22
23 So I went to this meeting which was a
24 meeting -- in fact, I do not remember how
25 I knew that the meeting was taking

1 place. I was going to the headquarters
2 of the FAR, but in the final analysis, I
3 saw a senior officer in town, in fact,
4 and I went to this meeting which was
5 chaired by Colonel Bagosora. It
6 comprised all the senior officers of the
7 FAR forces and also the officers of the
8 gendarmerie. So I went to the meeting.
9 I went to that meeting.

10 Q. Did you realise that the soldiers were
11 trying to take over power or not?

12 A. As far as I can remember, the discussions
13 were -- well, in fact, Kinyarwanda was
14 being used so I could not understand
15 everything. I think it is crucial, if
16 you want to carry out a mission in a
17 country, to understand the language
18 spoken in that country. That was a
19 weakness.

20
21 There was some discussions on the
22 creation of a crisis committee that
23 should manage the crisis. There were
24 discussions on a release that had to come
25 out at 2:00 p.m. that afternoon so as to

1 bring down the tension in the
2 population.

3
4 Well, I was invited -- I was asked to
5 speak. I spoke. After that there were a
6 few meetings or I met with a few people,
7 but certainly, as time went on, as I took
8 the pulse of the situation, both for the
9 Rwandans, as well as for UNAMIR, my
10 responsibility -- in fact, I had more
11 difficulty understanding that there were
12 options -- that it was potentially a coup
13 d'etat. In fact, the fact that they
14 didn't want to communicate with
15 Ms. Agathe while she was still living,
16 the fact that there was no other
17 political authority who seemed to be
18 available anywhere, there was no minister
19 who could be found and the ministers who
20 were communicating with us were being
21 killed left and right or they escaped or
22 simply they disappeared at night.
23 Ms. Agathe telephoned me and told me she
24 could no longer communicate with the
25 MRND, that they had all left and that

1 others were calling her for assistance.

2

3 In that situation, although I saw in the
4 room many members of the crisis
5 committee, that is, the officers who had
6 been chosen to be part of the committee,
7 there were moderates, people I would call
8 moderates, that is, people who were in
9 agreement with the peace agreement and
10 who wanted to foster the peace
11 agreement.

12

13 The impression one had was that an
14 attempt was made to manage the situation,
15 but I could not clearly see the political
16 evolution. I do not have the exact
17 definition of a coup d'etat, but
18 certainly, there was the impression that
19 the political situation was no longer
20 there and that we were in the presence of
21 two military groups and that their
22 express desire was, yes, we want to
23 maintain the Arusha peace process. That
24 was said, that was repeated to me by many
25 of them or several of them in the

1 meeting. They said, yes, we do not want
2 any war between the two armies. This was
3 said on several occasions. They also
4 said, yes, we want UNAMIR to help them in
5 this crisis period.

6 Q. And the approaches that you made towards
7 the RPF?

8 A. At the RPF I contacted somebody and my
9 assistant also went there. My objective
10 in contacting them was to ensure during
11 that meeting and later on that
12 communication with the RPF was
13 maintained, certainly the communication
14 between the military men or the military
15 men and the FAR and the political
16 authorities who were still at the CND.
17 At the CND you didn't have significant
18 personalities of the RPF because the
19 majority of them had returned to Mulindi
20 in the month of March because there was
21 stagnation. The conditions were
22 disappointing for them at the CND.

23
24 So I succeeded in the course of that
25 afternoon to establish communication. I

1 succeeded to ensure that my assistant,
2 that all information was put over to the
3 RPF. I also realised that the FAR
4 authorities, Colonel Ndiriyamana, who was
5 the chief of staff of the gendarmerie
6 and -- I do not remember his last name --
7 and another authority of the RPF were
8 able to talk over the telephone that
9 afternoon, and the objective was to
10 continue discussing with the others so as
11 to avoid excesses on the side of the RPF
12 which continuously put pressure on us
13 because the RPF was receiving a lot of
14 information. They heard that people were
15 being killed left and right and that they
16 were hemmed within the CND.

17
18 I also succeeded to contact the people of
19 Kagame in Mulindi who was willing to send
20 a battalion to reinforce the other
21 battalion so as to help put back into the
22 barracks the forces that had already gone
23 out of control, who had violated the
24 arms-free zone regulations. These were
25 mainly the presidential guard, the

1 paracommando battalion, the
2 reconnaissance battalion and the Camp
3 Kigali troops.

4 Q. At what time did hostilities begin from a
5 military point of view?

6 A. Around 5:00 p.m. I had a call telling me
7 that a company of the patriotic front had
8 left the CND and that it was taking a
9 defensive position; that it was shooting;
10 that it was receiving gunshots; and that
11 they could not continue supporting or
12 defending their positions without being
13 redeployed.

14
15 According to the RPF, calls for
16 assistance from various people were
17 increasing so they unilaterally took the
18 position, that is, the RPF, unilaterally
19 took the position to go beyond the CND
20 premises. My troops were jostled. They
21 could not execute their mandate. In
22 fact, we had very little equipment. We
23 were set aside, and the RPF deployed in a
24 more advantageous position to defend
25 itself.

1 Q. In other words, UNAMIR could not prevent
2 the RPF battalion to leave the CND
3 premises?

4 A. I worked in a context that I still had a
5 mission, the mission to maintain peace
6 within the premises or within the context
7 of the peace agreement, and in that
8 respect what I had to -- well, there was
9 a serious political crisis, and I had
10 oral assurances from the two sides that
11 they will continue controlling the
12 situation.

13
14 Therefore, up to that point, it could be
15 said that there was a chance, there was
16 opportunity to bring the situation under
17 control, but when the patriotic front
18 told us that they were going out of the
19 CND premises to defend themselves, at
20 that time I was no longer in a peace
21 maintenance mission because now the two
22 belligerents had decided to make war, and
23 in such a context, if the two
24 belligerents could no longer control
25 themselves, if it was no longer

1 skirmishes in the demilitarised zone as
2 we saw in the month of March, then, as
3 you'd see, my troops would no longer be
4 mandated to restrain the patriotic front.
5 Q. Therefore the need to amend or to change
6 the mandate.
7 A. Well, that is to say at that moment the
8 question is, is there still a mandate, a
9 mandate to be fulfilled, to be carried
10 out? This is the subject of one of the
11 communications that we were having with
12 New York with a lot of regularity.
13 Q. Major-General, could you tell us when the
14 massacre of civilians started?
15 A. According to reports and following what I
16 was able to see, there were roadblocks
17 that had already been erected around
18 10:00 or 11:00 p.m. in the evening of the
19 5th. There were troops of the
20 presidential guard. In fact, I had to
21 pass by their camp. In fact, I had to go
22 to the house of the representative of the
23 UN and we saw them together, that is,
24 Bagosora and the representative, but they
25 were already arresting people. It was a

1 kind of control. This is what we were
2 told. This is what was reported to us.

3
4 But it is in the course of the night and
5 in the morning, that is, early in the
6 morning, that is, about 4:00 or 5:00
7 a.m., 6:00 a.m., that there were
8 increasing reports that in Kigali people
9 were being kidnapped, that the troops or
10 people located somewhere had either been
11 taken away or imprisoned and that people
12 whom they were protecting had been
13 abducted and killed.

14
15 I received reports that in some
16 neighbourhoods there were groups of
17 people in uniform, FAR uniform. I do not
18 remember at that time whether it was
19 gendarmes, but there were FAR people or
20 the presidential guard who went to
21 specific houses or homes to kill.
22 Sometimes they would go to one house,
23 kill about four or five people and then
24 move on to another house. So that is
25 when the killing started.

1

2

The reports at that time came mainly from Kigali. Excesses in other parts of the country were reported on later on.

4

5 Q.

During this period did you have troops deployed in other parts of the country?

6

7 A.

Yes. According to the deployment plan, I had troops in the major towns and in the various sectors.

9

10 Q.

Major-General, what was the balance of forces between the two belligerents when war started in Kigali?

11

12

13 A.

In Kigali?

14 Q.

Yes.

15 A.

In Kigali, well, the instructions concerning the arms-free zone allowed for a battalion of five, six of the patriotic front, but even if it was a battalion comprising according to what we were told, what other observers told me, even if it was a battalion comprising the best platoons of the patriotic front, that is a battalion comprising several troops, in fact, the battalion was solid, maybe 500, 550 troops, but as I said earlier, maybe

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1 the controls were not 100 percent sure.

2 In any case, this was the opinion of my

3 officers who visited the area. The

4 number could be estimated at about 600.

5 In the Kigali garrison, according to me,

6 we estimated the number of troops there,

7 including gendarmes, was about 7,000.

8 Q. Therefore, when war resumed, the units
9 that were fighting with one another, the
10 RPF, against which, the FAR troops?

11 A. There was the RPF, the presidential
12 guard, the paracommando battalion and the
13 reconnaissance battalion, the artillery
14 battalion, the air defence battalion.

15 There was a redeployment of the defence
16 battalion the way of reintegrated defence
17 plans and, of course, the support troops.

18 Q. Major-General, I would like to know
19 whether from a military point of view it
20 is possible that 600 troops of a RPF
21 battalion would be able to face several
22 units of FAR in Kigali town?

23 A. Yes, they did so, and I do not want to be
24 wicked or flippant. When we negotiated
25 where we'd put the RPF battalion, among

1 the four places that were recommended by
2 us both to the FAR government was in CND,
3 the city centre, the heart of the
4 centre. This was a situation where the
5 communication access could be controlled,
6 where the supply routes could be
7 controlled.

8
9 And the CND was on a hill and if the RPF
10 deployed beyond the premises, they would
11 dominate most of the Kigali town, and
12 they were almost on an equal footing with
13 the troops of the presidential guards.
14 The airport was a little bit far away.
15 The other battalions were in the city
16 centre in Kigali, therefore, the
17 presidential guard battalion which had
18 already deployed many troops in a quarter
19 of the town, in fact, and the
20 paracommandos which had to go to the
21 airport towards the CND had to climb a
22 hill so as to be able to attack the RPF
23 positions. Therefore, from a tactical
24 point of view, this was a very good
25 position, a very good tactical position.

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18 MR. TIANGAYE:

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24 MR. PRESIDENT:

25

There were three other options which we recommended, but the final choice was made by the government. The minister of defence and the FAR decided that the RPF troops be put at the CND so we put them there and that gave them an advantageous position, a tactical, advantageous position right from the beginning.

It took about 48 hours, according to my estimates, for infiltrations coming from the north to join the CND so as to reinforce them, and this was done at night in groups of four to ten, twelve troops who infiltrated to reinforce RPF troops.

Mr. President, with your authorisation, the defence would want to use a map once again so that the witness should be able to explain to us how this happened from an operational point of view.

Counsel Tiangaye, what is your question?

1 What do you want the general to show
2 you?

3 MR. TIANGAYE:

4 Mr. President, what I wanted to say is
5 that when hostilities resumed in Kigali,
6 the RPF battalion with 600 troops
7 confronted several units of the Rwandese
8 army. I would, therefore, want to know
9 the positions where they were deployed,
10 where the RPF troops were deployed in
11 Kigali, whether the battalion left the
12 CND over what distance or did the
13 battalion adopt a tactical position, a
14 defensive position. I would also want to
15 know the specific spots where the other
16 units of the Rwandese army were found.

17 THE WITNESS:

18 Mr. President, I cannot talk to you about
19 a deployment unless I have a Kigali map.
20 This is necessary, but on the basis of
21 this map, I could give you the tactical
22 scenarios.

23

24 In the context when the war began, the
25 garrisons in the Kigali region were not

1 all deployed in a defensive position. In
2 the centre of the town, there were troops
3 which were deployed here on the hills in
4 the surrounding areas. So they were not
5 all mutually in communication so as to be
6 able to take defensive positions. It was
7 necessary for them to redeploy themselves
8 to do that. Therefore, the police
9 military battalion, which was in Camp
10 Kigali, they were more separated from the
11 others. Therefore, they did not have the
12 capacity of concentrating themselves
13 rapidly so as to unite all their units
14 against the RPF unit, and of course, the
15 hills prevented a tactical operation of
16 this nature.

17
18 Another aspect is that there was another
19 battalion here. It would not necessarily
20 eliminate that battalion because the
21 battalion was in any case isolated.
22 There were about 20 troops between the
23 patriotic front here and Kigali. So,
24 therefore, the tactical option was to
25 isolate the troops, prevent it from

1 spreading, and then hem it in so as to
2 control it.

3

4 In my opinion, this is my perception of
5 the tactical situation in the early hours
6 of the conflict.

7

8 The first report that I received from my
9 observers who were at the headquarters in
10 the evening of the 7th was that Kagame
11 had moved towards the east and that the
12 others were on watch, that there were no
13 significant movements except at the
14 higher level. They moved to a higher
15 level of preparedness.

16

17 I was told that there was no troop
18 movements or reinforcements coming into
19 Rwanda. On the contrary, the RPF was
20 evacuating families towards Uganda.

21

22 It is only the following day, on the 8th,
23 that we started seeing troops
24 infiltrating from the two sides of Byumba
25 and that troops started infiltrating

1 across the hills and valleys to come and
2 strengthen this battalion. There was a
3 road that they could use to break through
4 the defence and join or reinforce their
5 battalion.

6
7 In any case, this operation continued,
8 and the RPF started in the days that
9 followed operations towards the east in
10 order to control the main route towards
11 the south and they started encircling
12 Byumba and bringing together their
13 forces.

14
15 Unless I have a Kigali map, a map of
16 Kigali, from my memory this is all I
17 could show you. Therefore, the FAR
18 troops had to look or watch the two
19 directions. They had to watch towards
20 the inside, that is where the RPF
21 battalion was, and they also had to watch
22 outside for infiltrations.

23 Q. Major-General, how was the RPF battalion
24 armed in Kigali?

25 A. All of the details concerning the arms of

1 this battalion was negotiated with the
2 FAR under the chairmanship of Colonel
3 Bagosora in the demilitarised zone when
4 we reached the agreement on the terms for
5 the arms-free zone, and this was supposed
6 to be a traditional, light battalion,
7 that is to say, a battalion that had the
8 right to bring in mortars, light mortar
9 and also light anti-tank weapons and also
10 light anti-plane weapons, that is to say,
11 mounted machine guns that could serve as
12 a defence against planes, but it was
13 constituted according to the traditional
14 structure of a light weight battalion.

15

16 (Pages 104-144 reported by M. Walker.)

17

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1 C E R T I F I C A T E

2 I, Melinda M. Walker, Official Court
3 Reporter for the International Criminal Tribunal for
4 Rwanda, do hereby certify that Pages 104-144 in the
5 above-entitled cause was taken at the time and place as
6 stated; that it was taken in shorthand (stenotype) and
7 thereafter transcribed by computer under my supervision
8 and control; that the foregoing pages contain a true and
9 correct transcription of said proceedings to the best of
10 my ability and understanding.


11

12 I further certify that I am not of
13 counsel nor related to any of the parties to this cause
14 and that I am in nowise interested in the result of said
15 cause.

16

17

18


Melinda M. Walker

19

20

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22

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25

MELINDA M. WALKER, OFFICIAL REPORTER
ICTR - CHAMBER I

AKAYESU

1 Q. Did he have any heavy artillery?

2 A. At that time it was only heavy machineguns,
3 these were 120 millimeter machineguns, these
4 are, basically, support weapons for a normal
5 battalion. They also included rocket propelled
6 grenade launchers and antitank weapons.

7 Q. What was the necessity of them having weapons,
8 then, such as anti-air machineguns?

9 A. Well, you're touching upon the discussion that I
10 had in the month of August when I came for the
11 reconnaissance mission, that is August '93.
12 Just a few days before leaving I received the
13 Arusha Peace Accords and we studied it on the
14 plane as we were going to Kigali.
15 Now, my plan for reconnaissance included two to
16 three meetings in the DMZ with the highest
17 ranking authorities as possible, both from the
18 FAR and the RPF, in order to review all the
19 articles of the peace accords, in order to be
20 sure that everyone understood what the articles
21 were saying, that is to say what all -- how all
22 three parties or sides were interpreting the
23 articles, that is to say so that the FAR, RPF,
24 and UNAMIR interpretation was all the same and,
25 if there were any discrepancies, then we needed

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1 to resolve them immediately, before UNAMIR was
2 even deployed. So we spent two days doing that
3 on two different occasions.
4 Again, Colonel Bagosora was there representing
5 the FAR, then there was also the current
6 president, Pasteur Bizimungu who also
7 participated in these negotiations and when we
8 arrived, got to this infamous battalion in
9 Kigali I attempted to change the agreement in
10 that tried to convince them it was not the
11 easiest methodology in order -- in terms of
12 implementing the accords, because it would have
13 been much easier to make Kigali a completely
14 weapons free zone and therefore, out of
15 transparency, the RPF, the FAR and the UNAMIR
16 troops would all patrol and ensure that there
17 were no arms entering into that zone. That was
18 refused by all the sides, both by the FAR,
19 because they wanted to keep their weapons for
20 their defence, and also by the RPF who did not
21 want to send in their political authorities
22 without appropriate protection.
23 So that's when we began discussing all the
24 details of this battalion and all the details
25 were discussed, the number of troops, the number

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1 of platoons, the weapons, and so forth, that was
2 all included in the accords and that was signed
3 -- that is to say we agreed that it was to be a
4 lightweight battalion with traditional weapons.
5 And in the month of November, December, then we
6 entered into all the minor details and the
7 details linked to the actual structure.

8 Q. Did you participate in the implementation of the
9 interim governing body of the interim government
10 prime minister, Kambanda's government?

11 A. On the morning of the eighth, when I went back
12 to HQ, I had a gendarme escort, and when we got
13 near HQ there was an ambush and the people
14 stayed with us, because they had been shot at by
15 the FAR in this ambush.

16 The following morning I returned to the ministry
17 of defense to try to contact them, to explain
18 where we were with the situation, from a
19 military point of view, and also to see what the
20 political situation was.

21 When I arrived at the ministry of defence I went
22 into the conference room, which was near the
23 office of where we had the meeting of the
24 different politicians that Colonel Bagosora
25 presided. I recognized some of them, at that

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1 time. As being police officers of the -- being
2 politicians, rather, of the former government
3 and they were very surprised by my presence. We
4 exchanged polite conversation and then the
5 Minister of Defence left the room to tell me
6 that they were trying to discuss the composition
7 of the transitional government, interim
8 government. Because they had told me that
9 before that on the 7th and the evening of the
10 6th that they did not want this to remain a
11 military structure, that they had to implement
12 this political structure as soon as possible.

13 Q. Did you make any attempt, after the hostilities,
14 to reach a cease fire between the two
15 belligerents?

16 A. For three and a half months I managed to have a
17 few agreements, especially in the first few
18 weeks, to help the outside forces who were
19 coming into expatriate. We negotiated exchanges
20 of moderate Tutsis who were behind the FAR lines
21 in exchange for Hutu moderates who were behind
22 the RPF lines, but under our protection.
23 We established an official structure for
24 negotiations, to negotiate a cease fire. This
25 was helped greatly by the arrival of Mr. Riza

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1 and Jean Beret around the 24th of May, which led
2 to a second round of more serious negotiations,
3 which was held at my HQ, along with myself and
4 my deputy.

5 And throughout the month of April, April-May
6 there were almost daily -- there were daily
7 meetings in an attempt to stop the fighting and
8 also to assist and coordinate to help people who
9 had been victims of the events that were
10 occurring.

11 Q. What can explain the fact that the negotiations
12 failed? What were the arguments advanced by the
13 different belligerents?

14 A. As of the 9th, if memory serves me, the crisis
15 committee, which was comprised of several
16 moderates, and the chief of staff, the interim
17 chief of staff of the FAR, wanted a cease fire
18 and this was the information that I took to the
19 RPF and the authorities of the patriotic front
20 were mainly those who were still at the CND.
21 There were three political officials that were
22 there and they were in communication with
23 Mulindi and the RPF authorities there.
24 They wanted an immediate cease fire, a return of
25 the RPF in the north in the sector, they wanted

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1 a return of their troops to their barracks and
2 reestablishment of the arms free zone.
3 The RPF, its argument, they had established
4 different conditions to be met before they would
5 even begin negotiating.
6 One of these conditions was that the
7 presidential guard had to be put under the
8 immediate control and be identified as an entity
9 that reported directly to the authorities.
10 Second condition, the massacres had to stop
11 immediately and that unless there was a showing,
12 a significant showing that the massacres were
13 stopping, the RPF would not come to the
14 negotiating table.
15 Third condition, that they would not negotiate
16 with the interim government, that they did not
17 recognize, but they were willing to negotiate
18 with the FAR authorities, in particular the
19 committee crisis, and the interim chief of
20 staff.
21 There was a 4th condition, which I no longer
22 remember, but it was not as significant.
23 Now, when I brought these conditions for
24 negotiation back to the crisis committee, which
25 was dispersed very rapidly with the

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1 establishment of the interim government. At
2 that time I was still in communication with the
3 interim chief of staff, Colonel -- or with
4 Colonel Bagosora and the FAR position was that
5 they could not stop the massacres behind their
6 lines, because they did not have the resources
7 to do so, because their resources were all
8 devoted to fighting against the RPF.
9 Therefore, unless the RPF would stop their
10 offensive operations then the others could not
11 bring back enough troops in order to take
12 control over the situation with the excesses of
13 certain organizations, certain units, the
14 militia, the police, all taking place behind
15 their lines. So you can see that this was a
16 never ending cycle which allowed only for 24
17 hour, 48 hour cease fires and allowed us to
18 transfer several thousand soldiers between the
19 lines, but there was never a true cease fire in
20 good and due form.
21 At any rate, the negotiations were still under
22 way and the RPF declared a cease fire on the
23 18th of July, but they had taken all the country
24 except for the zone that was under humanitarian
25 protection under operation Turquoise.

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1 Q. Were the FAR able to stop the massacres behind
2 their lines and, at the same time, face the
3 attacks of the RPF?

4 A. The FAR and gendarmere?

5 Q. Yes, that's correct.

6 A. The argument that they were using, the FAR and
7 the gendarmere, this was also us announced on
8 RTLM before the war occurred -- I had no
9 translator available to me, except for
10 occasionally I didn't have any neutral people
11 that I could count on to translate the
12 Kinyerwanda and explain what was happening, but
13 in the first few days of the war there was a
14 person who was brought to HQ for protection and
15 who helped translate everything that was
16 happening. So then I had translations. But the
17 person was under our protection so you still had
18 to be careful about the validity, his
19 credibility.

20 But RTLM was announcing it and the minister of
21 defence, who, at that time, had come back and
22 the authorities including, at that time,
23 Bizimungu, who had taken command of the FAR, and
24 also the other authorities with whom we were
25 dealing, political that is, who at that time had

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1 gone to Gitarama were saying that they were
2 facing not a structured army, like the RPF, but
3 a rebel army and in that context the concept of
4 self-defense was fundamental, as they had
5 implemented in 1992-1993, during the last
6 conflict, they were again encouraging people,
7 the militias and also elements of the FAR and
8 the gendarmere were on the roads, were on all
9 the paths and who were stationed sometimes every
10 500 metres and establishing roadblocks to
11 control and to verify people passing at day and
12 night. This was a way for them to control,
13 behind their lines, the possibility of
14 infiltration by the rebel army of the RPF.
15 So, according to them, it was a defensive tool
16 and they believed that that should remain.
17 I am personally convinced that a determined
18 effort and a restructuring of their tactical
19 concept in the field could have stopped the
20 killings behind their lines, yes.
21 Without, nonetheless, demanding a cease fire
22 everywhere in the sector, I think that there
23 could have been at least signs, more
24 demonstrative signs on the part of the FAR that
25 they were attempting to maintain control at a

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1 given point in time, for example, there were
2 complaints from the interim government that the
3 humanitarian aid was not going behind the lines,
4 it was only going behind RPF lines and they felt
5 the international community was there supporting
6 the Patriotic Front. I told them if they could
7 at least give a minimal amount of protection to
8 the humanitarian agencies then they would come
9 in and they promised and we tried, and, in fact,
10 they were surrounded, they were killed, vehicles
11 were looted, material was stolen, and they
12 barely even got out.

13 So there was not an energetic showing of an
14 attempt that they were at least trying to
15 control the situation.

16 There were terrible massacres in Kabgaye, which
17 was right near where the interim government was
18 based in Gitarama.

19 Q. Concerning RTLM radio, what is your assessment
20 of this radio station?

21 A. I pleaded with the international community, in
22 particular through the media, because I did have
23 communication with New York and with other
24 people who wanted to communicate with me, who
25 could communicate with me, and I explained that,

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1 at all costs, we had to neutralize RTLM, RTLM
2 was inciting people to kill, RTLM was explaining
3 to people how to kill, RTLM was helping people
4 choose whom to kill.
5 They were including whites in that list, they
6 were including myself, as well, and other people
7 from UNAMIR. So, when you have an instrument of
8 propaganda that incites people to crimes against
9 humanity, it seems to me that this is a workable
10 target that the international community could
11 have targeted this. And I had responses, oh,
12 given the sovereignty of the country we can't be
13 involved and so forth, but we never succeeded in
14 stopping them.
15 And there was one occasion where the RPF had
16 managed to hit their site, but they had mobile
17 stations, as well, and they managed to continue
18 broadcasting and disseminating propaganda
19 throughout the territory.
20 I was interviewed, even, by them.
21 Q. Major-General, do you recognize having been or
22 acknowledge that you were interviewed by their
23 radio station after 6th April, 1994.
24 A. Having been interview? Yes.
25 Q. After the 6th of April?

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- 1 A. Yes, it was at the beginning of May, end of
2 April, beginning of May I was interviewed, yes,
3 I was interviewed. I remember very clearly that
4 it was at the Diplomat Hotel, most of my
5 meetings were with authorities of the FAR, or
6 Government officials, either in Gitarama or at
7 the Diplomat and I believe there were three
8 journalists.
- 9 Q. Major-General, why did you agree to give an
10 exclusive interview to a radio station that was
11 supposedly inciting people to massacres?
- 12 A. Well, the best defence or the best tool to try
13 to neutralize something is to attack it full
14 on. I was afraid they were going to continue
15 broadcasting this and that they were going to
16 start broadcasting slogans against UNAMIR. So I
17 was called by them. I agreed to the interview.
18 It was not the best interview of my life, but I
19 was at least able to express my opinions. Of
20 course it was censored quite a bit, they didn't
21 broadcast the full interview.
- 22 Q. What did you say, General?
- 23 A. You mean on the interview?
- 24 Q. Yes, during the interview?
- 25 A. Well, as far, as I remember, this idea of

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1 inciting people in the way in which they were
2 doing it, I was giving you my comments. I,
3 basically, said that it was inappropriate, that
4 they were attacking us as being allies of the
5 RPF. I also remember having listed -- gone over
6 a series of specific points, the same points
7 that I had discussed with the Minister of
8 Foreign Affairs, I believe, on the evening of
9 the 8th or 9th of April and also with the prime
10 minister, the interim government in Gitarama,
11 because they were accusing UNAMIR of being the
12 precursor group of the RPF.

13 Every time UNAMIR arrived, it seems as though
14 the RPF would arrive 5, 6, 7 days afterwards.
15 But I was traveling to maintain contact with
16 them and I had liaison links with them and so,
17 necessarily, we were following them, we were
18 monitoring them.

19 Q. Was that the best solution, especially given
20 that you had a force in Kigali, would it have
21 not been better to just shut down RTLM radio?

22 A. Well, first of all, I would have had to find it,
23 I had no means of finding it.
24 Second of all, I didn't have a mandate to close
25 it down. I did not have an explicit mandate,

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1 but when there crimes against humanity and with
2 my rules of engagement, having troops and
3 resources to do so, yes, I could have, but at
4 that point in time I was reduced to barely 400,
5 500 troops spread throughout Kigali and also in
6 the northern region and I did not have enough
7 force to be able to attack a position, such an
8 important strategic position, that based upon
9 the forces I actually had.

10 Q. When did you begin vacating foreigners from
11 Rwanda?

12 A. I received notice only 45 minutes beforehand
13 that the French troops had landed either on the
14 9th or the 10th, the evening of the 9th or the
15 10th and the French troops were deployed within
16 about 48 hours, followed by Belgian troops, and
17 then Italian troops, and we had already, in the
18 arms free zone, established an evacuation plan
19 for the UN civilian staff in concert with the
20 expatriates, the diplomatic corp and the
21 expatriates, and this evacuation plan had been
22 drawn up in the month of March. I believe it
23 was near the end of March, sometime around
24 there, and the coordinator of this plan, in
25 terms of the diplomatic corp and the

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1 expatriates, was the Belgian ambassador and my
2 sector commander in Kigali was working with him
3 to coordinate this. So when the foreign troops
4 began to arrive the evacuation plan was simply
5 implemented.

6 Q. When the foreigners were evacuated and UNAMIR
7 was withdrawn, did UNAMIR attempt to save the
8 people from the massacres?

9 A. In essence, UNAMIR retreated from five defensive
10 positions in Kigali and it opened its doors to
11 any person who could make it to their position.
12 There were about 30,000 people. We maintained
13 the troops at the airport to try to keep the
14 airport open. We sent mobile teams to
15 specifically look for people in homes who were
16 calling us or about whom about we received
17 information from our observers who were
18 sometimes armed, sometimes unarmed and the rest
19 of the country, the Ghanaian contingent that was
20 in the DMZ and was under gunfire of the RPF was
21 put in a defensive position and they did not
22 withdraw until the decision was taken to pull
23 out the Belgian contingent. I had had to, at
24 that time, bring the Ghanaian contingent from
25 the north to bring them to replace the Belgians

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1 in Kigali. The observers who were spread
2 throughout the country, some of them were told
3 to leave the country, they left in all
4 directions. But the majority of them remained
5 in their posts up until they could no longer do
6 so because of their security and at that point
7 in time they then pulled out and went to
8 neighboring countries, but UNAMIR did not ever
9 launch an offensive operation that would have
10 been on a scale large enough to stop the
11 killings.

12 Q. Did you have to cooperate with American,
13 Italian, and French troops that came to evacuate
14 the internationals?

15 A. I was told that Americans had deployed troops in
16 Bujumbura, American and Canadian expatriates had
17 been evacuated by UNAMIR, in fact UNAMIR
18 evacuated other people by road towards Burundi.
19 There were other contingents, Zairian and so on
20 which also helped.

21 With regard to the French and Belgian contingent
22 and Italian contingents, which arrived a little
23 bit later, we established communication with
24 them. They were mandated to take out
25 expatriates and -- but they had no other

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1 instructions to be under my command nor to do
2 any other thing, other than some collaboration
3 wherever possible.

4 In fact they received orders from their
5 countries to take away -- to take out their
6 nationals.

7 Q. From the very first days that followed the
8 attack, did UNAMIR troops have the possibility
9 of moving about freely in Kigali town?

10 A. The Belgian contingent was very, very limited,
11 it could only move about in an armored car.
12 Basically, they were redeployed increasingly
13 towards the airport so as to control -- to keep
14 the airport area under control, which was a
15 vital sector.

16 The other contingents were immobilized, they did
17 not have the means of transportation. The
18 logistics company of the Bangladeshi was caught
19 in a sector where fighting continued, so it
20 could hardly leave from their barracks.

21 The observers, armed observers who had vehicles,
22 some of them were able to move about, but they
23 took a lot of risks, they were not armed, they
24 saved many people, nevertheless. We didn't even
25 have the resources to defend ourselves

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1 reasonably, let alone to help the people who
2 were coming to us. There was a shortage of
3 medicines, but we did not have the medicines, we
4 did not have medicines. I did not have the
5 defensive material to enable me to
6 systematically defend an attack from either
7 side. There was a prime minister designate,
8 Faustin Twagiramugu in my headquarters and at
9 some point in time the FARs were coming in and
10 the FAR commanded battalion was also coming and
11 we had nothing and the area was getting full of
12 people who were running away, so this was a
13 scenario in which we found ourselves.
14 There was no indication coming from the
15 international community that we received
16 reinforcement or supplies.
17 There were countries that sent troops to take
18 away their nationals, they came and took away
19 their nationals and left. Belgian contingent,
20 for example, stayed, the contingent that was
21 with me, it stayed beyond orders. Colonel
22 Marshall promised me that he would not leave
23 Kigali, the airport, until when he could be
24 replaced by Ghanians, contrary to the orders of
25 his superiors.

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1 The Belgian paracommandos stayed in the region
2 and were available for almost one week after, in
3 order to take us out, if ever I received orders
4 to evacuate the mission, but on the 21st I
5 received orders to evacuate almost everyone and
6 this was done by the Kigali airport.

7 I stayed with about 450 troops.

8 Q. If you were attacked by one of the forces on the
9 field, would you have been able to resist?

10 A. No. All my garrisons, well, a decisive attack
11 or even a decisive bombardment, because the FAR
12 and RPF had enough weapons, they knew our
13 positions, our positions were limited. Our
14 positions were very easy to identify on the
15 maps, so they could have bumped us as they
16 pleased and I did not have any defensive
17 equipment, at least to be able to dig trenches
18 and install equipment for reasonable defense.
19 Moreover I lost several Ghanians who were
20 injured, one of them was killed by bombing
21 and the bombing took place on that side and also
22 at my HQ a lot or several Rwandese were killed
23 and wounded.

24 Q. Did you have to move your headquarters?

25 A. I often pose myself this question because I was

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1 in the heat of the battle and I believed moving
2 myself to a safe place, where was a safe place?
3 The fighting was very mobile at that time.
4 Secondly the headquarters was not tactical,
5 which could be deployed, it was a headquarters
6 for a peacekeeping mission which is static. It
7 was like a garrison, so there was no system of
8 communication which would last. We did not have
9 means of transport even to pick up those who
10 were still left and redeploy them in a more
11 convenient manner so as to set up another
12 headquarters.
13 I do not have means of transport to move them,
14 there was no electricity, there was no telephone
15 working. Therefore, even if the interim
16 government accused me of wanting to stay behind
17 the front of the lines of the Patriotic Front,
18 because at some point in time the majority of my
19 troops were behind their lines, I had no option
20 but to stay there because I was not capable of
21 redeploying the troops I had. The only
22 redeployment I anticipated and which we
23 practically set in motion was a total evacuation
24 once, when the headquarters was attacked and
25 bombed in a significant manner and another

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1 occasion when the Turquoise operation mission
2 arrived.

3 Q. At some point in time did minuet troops leave
4 the airport?

5 A. There was always the UN flag at the airport,
6 whether it is sufficient or not that is a
7 different matter, but the UN flag was never
8 brought down at the airport. Moreover, the
9 almost 200 Belgians who replaced the Belgians
10 from 21 April when the airport was the subject
11 of fighting significant or heavy fighting, spent
12 almost four days continuously under bombardment
13 because they were in the heart of the fighting
14 between FAR and the RPF and they had injured
15 personnel.

16 Q. Major-General, when Belgium and Bangladesh
17 decided to withdraw their troops from UNAMIR
18 what was the alternative you had?

19 A. The Bangladeshi never offered the troops to
20 withdraw, it nevertheless submitted directly to
21 me, through its head of contingent, I was in New
22 York, the conditions for maintaining the troops
23 on the field, that is true.
24 Furthermore they requested the mandated and role
25 be revised. When I was asked to withdraw the

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1 troops I withdrew all of them except a few who
2 were there at the beginning who were at my
3 headquarters, but what I wanted to do was to
4 reduce the number of contingents and concentrate
5 on only a few of them, because in that way
6 control would be much easier. My assistant was
7 Ghanian, he communicated with his country and
8 his country, with a lot of courage, decided to
9 keep its contingent on the field. So most of my
10 personnel were Ghanians with observers from many
11 African countries, but the troops were Ghanians
12 and Tunisians. I think Tunisians also stayed
13 throughout the conflict.

14 Yes, when I received information that the
15 Belgium contingent was going to retreat or
16 withdraw I made a military assessment of the
17 situation, which I submitted to New York with
18 three options, one of them was total withdrawal
19 of UNAMIR, and that was an option which I
20 categorically refused to endorse.

21 The preferred option was reinforcement.

22 The option -- the other option which I submitted
23 to New York was to keep enough troops on the
24 field so as to maintain our presence, so as to
25 continue negotiations for a cease fire and in

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1 this way protect the 30,000 or so Rwandese on
2 the two sides behind the two fighting lines. I
3 wanted to make sure that we should be a basis of
4 coordination for humanitarian aid and also have
5 our eyes on the field so as to receive any force
6 that may come to reinforce us, so as to
7 stabilize the situation.

8 Q. The third option, which was the strengthening of
9 the mandate of UNAMIR, could it be envisaged
10 under Chapter 7 of the United Nations Chapter?

11 A. Yes, this was a point of debate, Chapter 7 was
12 envisaged. I believed that in my rules of
13 engagement and in my mandate for security,
14 security for Rwandese, I thought when there were
15 crimes against humanity I could use the force,
16 if I had the force. So it was important to have
17 Chapter 7, because this would necessarily render
18 the task easier.

19 Q. I would like to know how we moved, from UNAMIR
20 one, UNAMIR one to UNAMIR 2?

21 A. Very painfully, very painfully.
22 It was an exercise in frustration, inconceivable
23 or unimaginable frustration. When the decision
24 was taken to reduce the mission, a mission that
25 was mandated by the security council on the 21st

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1 of April, in fact from that moment I submitted
2 restructuring plans of the mission so as to meet
3 two needs, one, and in my opinion this was the
4 most urgent need, that is the need to stop
5 massacres, and, two, ensure that there was a
6 cease fire. Therefore, there was a lot of going
7 forwards and backwards with the two belligerents
8 and also with New York, going forwards and
9 backwards on the responsibility of bringing in
10 forces to Rwanda.

11 There was a resolution of the 17th May which led
12 to the creation of UNAMIR -- the creation of
13 UNAMIR 2 and advancing the deployment of this
14 mission.

15 But when I left on the 19th of August, one month
16 after the end of the war, the five thousand
17 troops that I had requested for rapid deployment
18 in the month of May or April-May, in fact we had
19 barely 3,000 on the field and, once again,
20 several countries, which were willing to provide
21 troops, simply didn't have the equipment. So I
22 found myself of troops which I had to
23 demonstrate that they were credible. In Kigali,
24 in the presence of the two belligerents, I had
25 to marry the equipment of the troops, train them

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1 and then redeploy them.

2 This kind of methodology does not lead to a lot
3 of confidence, so, basically, UNAMIR was
4 launched on paper on 17th May, and I think the
5 last troops arrived at the end of September.

6 Q. Did UNAMIR two become operational before the
7 arrival of the Turquoise operation?

8 A. Absolutely not. There was practically nothing
9 on the field. What I had, once again, the
10 Ghanians came to reinforce a battalion.

11 Q. In the month of July I had reinforcements from
12 England, Canada, Australia, particularly from a
13 humanitarian point of view hospitals and so on,
14 and Canada, Canada provided all the
15 communications that we did not have, because
16 when the civilians left you only had four
17 civilians who volunteered to stay with me and
18 when they left all the communication collapsed,
19 around 21st April. In July how Ghanians came
20 back, they returned and at that time, with the
21 presence of the Canadians who came to the field,
22 we peacefully redeployed the Ghanians toward the
23 southwest so as to begin to replace the
24 Turquoise operation troops. On the 15th or 16th
25 of August the first battalion, sizable

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1 battalions of UNAMIR two arrived. These were
2 Ethiopians. They came but not with a lot of
3 equipment. They were sent to the Cyangugu
4 sector almost immediately.

5 Q. What -- on what date did UNAMIR complete its
6 mission, that is UNAMIR two, when did UNAMIR two
7 complete its mission.

8 Q. The year, in what year did UNAMIR 2 complete its
9 mission?

10 A. I think at the beginning of 1996.

11 Q. Major-General, coming back to the killings,
12 UNAMIR remained almost impotent and this is
13 deduced from your own statements, it was even --
14 UNAMIR was even passive in the presence of wide
15 scale killings that took place in Rwanda, yet
16 Article 17 of the directives provides, in a
17 clear manner, the rules of engagement and
18 Article 17 makes it possible to intervene when
19 crimes against humanity are committed and
20 paragraph 17 clearly stipulates that in the
21 exercise of its mandate UNAMIR could be
22 confronted with criminal acts motivated by
23 ethnic considerations or political
24 considerations which would morally compel it and
25 legally to intervene, with or without the

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1 collaboration of the local authorities, so as to
2 ensure that crimes against humanity are not
3 committed.

4 Why did UNAMIR not apply Article 17?

5 A. There were lots of interventions, individual
6 interventions by members of the UNAMIR for
7 several months. I did not order offensive
8 operations, decisive offensive operations
9 against militia structures, paramilitary
10 structures, and what have you in Rwanda because
11 I was not, fundamentally, neither equipped nor
12 provided with enough supplies, neither was I
13 fundamentally mandated and this was confirmed to
14 me by my superiors. I was not mandated to
15 undertake offensive operations. There were
16 countries, which had troops on their fields
17 which ordered their troops not to leave their
18 barracks, to stay on the spot.
19 Other countries ordered their troops not to
20 allow Rwandese to get in their vehicles.
21 There were countries that did not want to expose
22 other soldiers to risks, as we had already lost
23 10 Belgian soldiers and we also had other
24 soldiers wounded.
25 In my -- among my forces I did not have the

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1 capacity, apart from the Belgian contingent,
2 which had the means of mobility, but it was also
3 militarized by the FAR. I did not have the
4 force to regroup these soldiers, neither did I
5 have the right to give them the order to
6 systematically attack those who were carrying
7 out the killings or massacres.

8 Well, in that case you have the moral question
9 of the rules of engagement and I would say that
10 we have the right -- and if you look at my
11 mandate of 5 October you would not see any
12 reference, any reference to write what I wrote
13 under paragraph 17, so, as a matter of
14 necessity, we were in a complex situation of
15 interpretation, but from a purely tactical point
16 of view on the field these soldiers were not in
17 a position to defend themselves, to defend the
18 positions that we had already established with
19 thousands of Rwandese behind the two fighting
20 lines and along side this carry out offensive
21 operations.

22 One may practically say or one may say that on
23 the evening of 7th of April, technically
24 speaking, I no longer had a mandate and
25 technically, on the 7th of April, I could simply

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1 have ordered that people should pack up and
2 leave, but we should also say that I was number
3 two, I was not the leader of the mission, but
4 from a purely technical point of view, when the
5 two belligerents go back to war, then, from that
6 moment there is no peacekeeping mission any
7 longer, there is no longer a peace mission,
8 because the two belligerent are at war and the
9 countries that provided -- that contributed
10 soldiers to help Rwandans to maintain peace were
11 not willing, automatically, to place their
12 soldiers and troops at my disposal if I decided
13 to go against, if I decided to go to war against
14 the FARS or the presidential guards, therefore
15 each head of the various contingents could
16 simply have refused to obey my operational
17 orders and we had several discussions on this
18 point.

19 Q. Major-General, on first October, 1997, Captain
20 Lemeire, who was part of the Belgian contingent
21 of the UNAMIR, was heard by the International
22 Criminal Tribunal for Rwanda as a prosecution
23 witness in the Rutaganda case and, according to
24 the statements of this witness, his company had
25 only limited resources to defend the ETO School

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1 and he added that his missions survived from a
2 very narrow mandate that sometimes weapons like
3 heavy automatic weapons of 50 millimeters
4 installed on defensive would have required the
5 express authorization of the secretary general
6 of the United Nations before being used. What
7 do you think of such a statement?.

8 A. That is false. That is false. In the rules of
9 engagement, depending on the level,.

10 Q. It is true that in the rules of engagement for
11 heavy weapons of caliber of 50 millimeters
12 before using such weapons you need the
13 authorization of the commander of the forces and
14 that I was the one. The sector commander, while
15 there was a series of weapons that he could
16 ordered to be put in use, the battalion
17 commander also had a series of weapons which he
18 could put into operation, and the rules of
19 engagement it is also explicit that when a force
20 finds itself in a situation wherein itself
21 defense effort or in the accomplishment of its
22 mission, a peace mission, when it must have
23 recourse to the use of force and if its troops
24 are in a situation of eminent danger they would
25 have the right to use all the force that is

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1 necessary to defend themselves, but they would
2 also have to use a minimal force, because we are
3 not mandated to escalate the use of force. On
4 the contrary, we have to use some force to
5 avoid, to prevent other people from using
6 force.

7 In such a context, such weapons, 50 millimeter
8 caliber weapons could be usee for self-defense,
9 can be used for offensive operations, or rather
10 for them to be used for offensive operations
11 that should have required my authorization.

12 Q. General, I would talk to you of scenarios that
13 were imagined by certain persons to intervene in
14 Rwanda and I would also like to have your
15 precision on this. For example I'll take the
16 statement made by Mr. Reyntjens, Professor
17 Reyntjens. According to him the balance of
18 powers between the foreign troops and the
19 Rwandan troops should have made it possible for
20 international community to intervene.

21 I quote Professor Reyntjens, we had 410 troops,
22 450 troops of the para brigade barracks and a
23 reserve of 800 in Nairobi, 450 French, 80
24 Italians and 800 troops from the American
25 Special Force base in Bujambrin, 200 Ghanians

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1 present in the sector, plus 600 in reserves and
2 60 Tunisians. On the whole we had about 2,500
3 troops.

4 Professor Reyntjens of Belgian nationality is of
5 the opinion that with all these forces of these
6 troops are available in neighboring countries,
7 all these forces could have done something to
8 forestall the massacres. What do you think of
9 this affirmation, from a military point of
10 view? Was this feasible?

11 A. I do not want to discuss figures.

12 We have different figures, but, on the whole,
13 there were about almost 1,500 troops in addition
14 to the UNAMIR troops who were deployed in the
15 region.

16 I had arrived at an estimate of about 1,500 who
17 were deployed in Kigali during the beginning or
18 the beginning of the war.

19 The reports I received from my observers, from
20 the rest of the country, showed that massacres
21 were taking place in Gisenyi, Cyangugu, Kibungu,
22 in fact the reports that I remember -- have I
23 already talked of Cyangugu -- in fact the
24 reports I received were talking about killings
25 which started within a 24-48 hours. So there

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1 were regions where there were no killings,
2 Butare, Gikongoro in the north, fighting was
3 taking place, Ruhengeri, I did not hear of
4 killings in that area, so there were many crimes
5 in the capital region and in the other places.
6 The question is, a structured force, a mandated
7 force an equipped force with the specific
8 intervening against any force which attempted to
9 use bladed weapons or other weapons to kill
10 innocent citizens, could such a force have been
11 able to stop the killings? And I was public, I
12 have been saying, yes, absolutely.
13 I think that we had a time frame of about two
14 weeks, easily, in which we could have deployed
15 troops and we could have made the task -- we
16 could have made the task of killing much more
17 difficult for these people. According to the
18 reports from my agents and from what I was able
19 to assess people were killed because or people
20 were killing, rather, because they were
21 intimidated into killing. Many people were
22 killing for those reasons, then others were
23 killing simply because they were in -- such
24 people who were drug addicts, alcoholics and so
25 forth and were in that type of a state.

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1 Now, if we had had a force that could have
2 easily convinced them that it was much more
3 risky for them to enter the barricades than to
4 remain at their homes and refuse to go to the
5 roadblocks, then I think that we could have
6 significantly eliminated, especially on the day
7 and on that evening we would have made it much
8 more complicated for the killings to continue.
9 Because people could go to the roadblocks with
10 complete impunity and they could kill with
11 impunity, wherein people were threatening them
12 to either kill or be killed. Well there were
13 many other options, other clear options. Their
14 options, at that point in time, were actually
15 kill or be killed or see their families killed,
16 and so, of course, their decisions were made on
17 that basis and it was a complex situation, but
18 they didn't have a third option, that is to say
19 they were not offered an option which would
20 allow them to see that if they had gone to the
21 roadblocks we would have killed them and that
22 they would have been in danger if they had gone
23 to the roadblocks, because, at that point in
24 time, they would have been going against the
25 mandate that we should have had, that is a

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1 mandate under Chapter 7 would have allowed us to
2 stop the massacres and to stop the crimes
3 against humanity and, at that time, that moment
4 in time we would have had the mandate so if
5 anybody tried to stop a humanitarian convoy or
6 transfer of troops, transfer of humanitarian aid
7 or in any way tried to prevent people from
8 freely moving about either without orders from
9 the gendarmere or other orders then we would
10 have been able to stop them and we never had
11 that option.

12 (Pgs 145 through 179 R. Lear)

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C E R T I F I C A T E

I, Rex A. Lear, Official Court Reporter for the International Criminal Tribunal for Rwanda, do hereby certify that the recording of foregoing proceedings in the above-entitled cause were recorded at the time and place as stated; that they were thereafter transcribed by computer under my supervision and control; that the foregoing pages contain a true and correct transcription of said proceedings to the best of my ability and understanding.

I further certify that I am not of counsel nor related to any of the parties to this cause and that I am in nowise interested in the result of said cause.

A handwritten signature in dark ink, appearing to read 'Rex A. Lear', is written over a horizontal line.

Rex A. Lear
Official Court Reporter - ICTR

1 Q It seems as though you regret that, Major
2 General.
3 A You cannot even imagine.
4 Q Do you know Mrs. Allison Des Forges?
5 A Yes.
6 Q Did you ever have the opportunity to meet her?
7 A A few times, yes, since I returned from Rwanda.
8 Q This is what Mrs. Des Forges stated and I'm
9 quoting her. "General Dallaire convinced me
10 that it would have been risky for UNAMIR to
11 begin attacking if it had been alone but at the
12 end of the first week the elite forces of
13 Belgium and France were there. American
14 soldiers were in Bujumbura and Italian soldiers
15 as well as Belgian reinforcements were in
16 eastern Africa. If all these troops had been
17 grouped together we could have controlled the
18 situation and the genocide would not have
19 occurred." End of quote.
20
21 Did you make this statement to Allison Des
22 Forges?
23 A That goes along the lines of my ideas, of
24 course. It would not have been easy, of course,
25 to have brought all these people together in

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1 terms of command or control, but if the mandate
2 had been given to me or even given to someone
3 else at that point in time I no longer had a
4 mandate. I was there with troops in the field,
5 the majority of whom I couldn't even use, so if
6 there had been another commander who had been
7 assigned with troops to bring this all together
8 then he could have done so also. He also could
9 have controlled the situation. But there is
10 something very important in that. Imagine if
11 the troops had come. The Italians came at one
12 point to expatriate but I'm not really sure
13 exactly what their plan was. They arrived well
14 after our evacuation plan was established. The
15 French were the first to arrive but the French
16 ~~were the enemies of the RPF~~ and there had to be
17 negotiations so that the RPF would not fire at
18 the airport while the French troops were being
19 deployed. So we had to ensure that the French
20 would not come close to the RPF deployments in
21 Kigali. So here we have a force that's coming
22 and it's already marginalized by one side. Now,
23 I will come back to that. The other force was
24 the Belgian force and it's marginalized by the
25 other side. The FAR no longer wanted to have

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1 anything to do with the Belgians and on the
2 contrary that caused a lot of problems because
3 Belgian reinforcements at that time were
4 creating a difficult situation with the FAR who
5 for their part for a few days had been telling
6 me to get the Belgians out as soon as possible.
7 So I'm taking some out and then we have got
8 reinforcements coming in so it was a bit of a
9 crazy situation but in the end that was all
10 resolved.

11
12 Now, two of the two major components of this
13 possible force which could have been used were
14 already marginalized by the troops. Now, these
15 troops, first of all, were at risk of possible
16 confrontation with the two different camps but
17 if we had been able to deploy them into a
18 situation where they could establish security
19 sites behind the FAR lines in particular without
20 actually participating in an intervention force
21 between the two belligerents then I think we
22 could have used them in that capacity but once
23 again we are talking about theoretical
24 situations, scenarios. This is in April of
25 1994. The Americans had lost eighteen soldiers

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1 plus several wounded in Mogadishu. The
2 Pakistanis had also lost several in Somalia. So
3 the Americans had already announced how their
4 troops would be used in missions. The United
5 Nations were spread out in sixteen or seventeen
6 different missions throughout the world and we
7 had just lost ten Belgians and I had lost others
8 as well. So here I am with this situation. I
9 have very few resources, I'm in a situation that
10 is very confusing in the field and countries
11 that have already seen their troops, already
12 seen losses among their troops and other
13 complications, you can see that it was not a
14 politically easy situation or neither was it a
15 militarily, military situation that was easy to
16 be reinforced with troops. It was not
17 impossible but it was not easy either.
18 Possible -- I think it could have been possible
19 to do something especially in the first two or
20 three weeks when the killings were mainly
21 concentrated in the northwest, the east, and in
22 Kigali and also Cyangugu. So I believe that
23 there was a margin for maneuver. Now, there, of
24 course, we had the Americans, the Italians, but
25 they were not even in the country so I really

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1 didn't even have contact with them.

2 MR. PRESIDENT:

3 Major General, Judge Aspegren would like to ask
4 a question.

5 BY JUDGE ASPEGREN:

6 Q This is concerning what you just said regarding
7 the French troops. I would simply like to know,
8 if I understood correctly, that these French
9 troops were not under your orders. Therefore,
10 what was the relationship between you and these
11 French soldiers?

12 A We were in communication, the commander of the
13 French forces and myself, and we worked together
14 to assist with establishing truces. They took
15 some of my vehicles which had to be rectified
16 because, in fact, they were not able to or
17 allowed to use UN vehicles because this was
18 equipment that belonged to my mission so we had
19 to resolve all the issues of their using UN cars
20 for their own needs.

21
22 The evacuation plan that they were establishing
23 was part of the overall evacuation plan for the
24 expatriates, the one that I talked about where
25 the Belgian ambassador was the person in charge

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1 of this. So they were managing this, they were
2 the central point for communication, but it was
3 not an operation that was closely coordinated.
4 There were troops that came. They had a mission
5 to fulfill. My work consisted in doing what I
6 determined was necessarily -- was necessary,
7 rather. I had to see how we could accomplish
8 this as easily as possible. The issue of using
9 UN vehicles did cause a few problems that had to
10 be resolved.

11 Q So I understood that the Belgians, on the other
12 hand, were under your orders.

13 A No.

14 Q They weren't either?

15 A No, only the Belgian contingent that was already
16 with me and they remained under my orders but it
17 would be false to say that I had complete
18 control over the deployment of the Belgian
19 contingent. With Colonel Marchal, who was the
20 sector commander, we would redeploy with as much
21 logic as possible the Belgian contingent in
22 order to maintain the airport, to guard it until
23 the Ghanaians arrived, but amongst the Belgian
24 troops who came to bring out the expatriates I
25 found people, Belgians who had been under me in

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1 my mission and who had gone on leave in Belgium
2 and then came back under the mandate with these
3 other troops, under the command of these other
4 troops. There were a lot of them, my driver and
5 many others, who were actually a part of my
6 mission. So they were not still under my orders
7 at that point but we had much more communication
8 with them through Colonel Marchal and so forth
9 but they were not under my orders.

10 JUDGE ASPEGREN:

11 Thank you. I believe I will refrain from
12 continuing. Thank you, Major General.

13 MR. PRESIDENT:

14 Counsel Tiangaye.

15 BY MR. TIANGAYE:

16 Q Major General, I would like to know if UNAMIR
17 II received orders such as in Somalia and
18 Bosnia. Did they have any recourse to force?
19 A No, it was not a Chapter 7 mission and it was
20 clear that on the RPF side they would not ever
21 agree to an intervention force. They were
22 willing to allow UNAMIR II to come in order to
23 assist in stopping the massacres and the
24 killings behind the lines. They were willing to
25 have UNAMIR troops deployed behind their lines

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1 as well but it was never ever a question of
2 UNAMIR troops being involved as an intervention
3 force between the two fighting armies.

4 Q Could we say that Operation Turquoise suffered
5 from the shortcomings or filled in the gaps that
6 were created by UNAMIR II?

7 A Could you repeat the question.

8 Q Could we say that Operation Turquoise was able
9 to fill in the gaps of UNAMIR II insofar as they
10 were --

11 A Are you saying filling in the gaps in terms of
12 being able to meet my needs?

13 Q No, I'm saying UNAMIR II was established very
14 late in the game. Was Operation Turquoise able
15 to carry out its operations under the aegis of
16 the Security Council?

17 A Operation Turquoise did help significantly in
18 the southwest sector once they were deployed in
19 order to help stabilize the situation and to
20 allow the humanitarian agencies to penetrate the
21 region, but also in particular they were able to
22 help convince the almost one and a half million
23 displaced persons who were already there, who
24 were just in the region, to not do what had
25 happened in Goma in the north, that is to say to

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1 go through the forest and create a second Goma
2 in the Bukavu sector in Zaire. So their
3 presence was certainly instrumental in
4 convincing these people, this tidal wave of
5 humans, to not continue moving towards the west
6 and at that point in time the UNAMIR was able to
7 work with them to be able to start gaining
8 ground more and the first troops that I deployed
9 was the Ghanaians in order to start taking over
10 after the French left and then I sent in the
11 Ethiopians. I believe it was around the 22nd of
12 August when the French left.

13 Q How were the troops of Operation Turquoise
14 perceived by the two belligerents?

15 A I will begin with the FAR. The announcement
16 that the French troops were coming was reported
17 on RTLM and through the networks of
18 communication. Those who were still in Kigali
19 because Kigali fell on 4th July and Operation
20 Turquoise, the first rumors about it began to be
21 known around the 18th, 19th of June.
22 Essentially it was perceived as being
23 reinforcements who were finally arriving. There
24 were French flags flown in Kigali and in other
25 cities as well and most certainly my meetings

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1 with authorities of the FAR were meetings which
2 changed in nature. Up until that point in time
3 I was discussing with the FAR chief of staff,
4 who was continually having to withdraw, retreat,
5 and who at that time was less willing vis-a-vis
6 the situation in the field to begin negotiating
7 a cease-fire.

8
9 Now, on the part of the patriotic front it was
10 much more complicated. Operation Turquoise was
11 an operation in which the majority of the troops
12 were French but it was formed out of a coalition
13 of other countries, French-speaking African
14 countries. It was countries such as Senegal,
15 Congo, four to five different countries.

16
17 The RPF considered still that the French were
18 the enemy troops and so there I was in a
19 situation where almost all the troops that I
20 had, still my four hundred, four hundred and
21 fifty who were still with me at that time, that
22 almost all of my troops were behind the
23 patriotic front line, and during Operation
24 Turquoise we had French-speaking Africans who
25 also participated in my mission so the RPF told

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1 me the UN Secretary-General and the Security
2 Council had given authorization for Operation
3 Turquoise to be deployed under Chapter 7 and
4 they had agreed, were in agreement with these
5 troops as well as with the troops of the
6 French-speaking African countries the French are
7 our enemies and these troops from these
8 French-speaking African countries are,
9 therefore, also our enemies and so the troops
10 that you have from these countries in UNAMIR are
11 also our enemies and within the space of
12 twenty-four hours almost all of my
13 French-speaking African troops were either
14 arrested, they were beaten up, they were
15 harassed by people from the RPF because here
16 they were saying to themselves, well, the UNAMIR
17 has enemy troops behind their lines. So it took
18 a few days of negotiating in order to bring
19 everyone back, bring all my troops back and
20 along with my deputy chief who was Ghanaian we
21 were able to negotiate the departure of my
22 French-speaking African troops from UNAMIR. So
23 at the point in time when I am supposed to be
24 reconstituting for the second time in order to
25 fulfill the mandate of 17 May and reinforce the

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1 one of June I find myself in a situation where
2 my troops are leaving and in particular some of
3 my more effective troops because the Canadians,
4 first of all, were the only ones who spoke
5 French and they were very effective in the field
6 in order to bring information and to help in
7 transferring people from one side to the other
8 and they were also serving as liaison officers
9 with the interim government and with different
10 authorities of the FAR so here I see all my
11 troops being taken away at a time when I need
12 more information for the oncoming scenario and
13 when you find yourself with a Chapter 7 force
14 which is coming from the west towards the east
15 and you have got one of the two belligerents
16 that considers them as being reinforcements and
17 is speeding up their pace towards them and then
18 on the other side you have the other
19 belligerents treating them as enemies and when
20 you are caught between the two with a Chapter 6
21 mission then you are no longer able to act and I
22 found myself straddling the line between the
23 Chapter 7 Operation Turquoise and then the
24 belligerents on the other side and in fact I was
25 the one who played the role of guard and ensured

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1 supervision and decided along with the two
2 different camps, those of Kigali on one side and
3 on the other side, to negotiate what would be
4 the definitive line, the definitive boundary
5 line for Operation Turquoise. There were a few
6 altercations but that was resolved very soon
7 thereafter.

8
9 So it was a complex scenario. I believe if it
10 had been more complex it would have been
11 impossible, but there you go. I could talk
12 about it for hours and hours but I don't believe
13 that's what I'm before the Court to do.

14 MR. PRESIDENT:

15 It's useless, as you said, to speak about this
16 at length.

17 MR. TIANGAYE:

18 Thank you, Mr. President.

19 BY MR. TIANGAYE:

20 Q Concerning Operation Turquoise, I would like to
21 know how the humanitarian corridor was
22 established, the humanitarian corridor of
23 Operation Turquoise.

24 A The humanitarian corridor, Turquoise was
25 deployed in Goma and in Bukavu and it was in the

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1 zone that went up to Gitarama, yes, Gitarama,
2 and up to Kibuye. Within the zone they had
3 subdivided the zone into sectors that were
4 controlled by different elements of the zone.
5 Some Kibuye, for example, were controlled by the
6 French-speaking Africans and the rest by the
7 others.

8
9 I admit that I don't understand what you mean by
10 humanitarian corridor. They had an air link
11 between Bukavu and Goma. They were at the
12 border of Goma and Gisenyi within Rwanda. There
13 was not a corridor in the north and in the south
14 perhaps along the road but the road belonged to
15 them because they controlled that whole sector
16 so I don't have any other information concerning
17 the corridor.

18 Q Do you believe that Operation Turquoise allowed
19 people to be saved, civilians?

20 A Oh, absolutely. There is no doubt about that.
21 There is a -- there have been figures that have
22 been advanced and I agree with you that there
23 were many, many people in this sector because
24 they were able to stabilize. Humanitarian aid
25 was able to be restructured, in particular aid

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1 coming from Burundi, but also coming in from
2 Bukavu in order to assist them, but the major
3 issue in all that was that they convinced the
4 one and a half million displaced persons -- in
5 fact, at one time it was almost higher than two
6 million displaced persons -- that they convinced
7 them to do the same thing that had happened in
8 the north, that is to say, to flee Rwanda
9 through Bukavu and at that point in time we had
10 five hundred thousand in Tanzania, three hundred
11 thousand in Burundi, and a million and a half to
12 two million in Bukavu and another million and a
13 half in Goma so there were probably maybe a
14 million or so left and that began to be
15 complicated within the country.

16
17 So Operation Turquoise, because of that people
18 did not flee the RPF advance and humanitarian
19 aid was able to come in and to convince them
20 that they were not obliged to become refugees in
21 order to receive humanitarian aid as was the
22 case with Goma because once they left Gisenyi
23 and went to Goma they were no longer displaced
24 persons but they became refugees and then the
25 humanitarian aid -- in my opinion, anyway too

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1 much humanitarian aid was sent there and the
2 displaced persons in the country because of
3 Turquoise, it allowed for humanitarian aid to
4 come from Burundi.

5
6 The Red Cross had a lot of people and many
7 others were able to come in and they were also
8 able to go up to Kigali through Butare and
9 Gitarama and especially on the French side to be
10 able to pass through by means of Bukavu and
11 Cyangugu. I'm perhaps speaking too quickly.

12 MR. PRESIDENT:

13 Major General, you are saying that the
14 Turquoise Operation was able to save many
15 civilians. Why did Turquoise not make it
16 possible for the militia who killed to also
17 escape or did it permit them to also escape?

18 THE WITNESS:

19 When I was negotiating the human protection zone
20 between the RPF and Turquoise we negotiated that
21 any person in the Turquoise zone would be
22 disarmed. It took some time for FAR to realize
23 that by entering in the zone they would not be
24 behind the protection lines to counterattack the
25 RPF but that they would be disarmed. When the

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1 FAR realized that it was not an intervention
2 force for reinforcement but rather a Chapter 7
3 force which was, therefore, humanitarian aid
4 that accelerated withdrawal towards the
5 northwest towards Goma. At that time when they
6 crossed the border the French forces were there,
7 the Zairean forces were there and it was up to
8 them to disarm. I was able to go to Goma when I
9 was going to Kibali and I brought along a
10 captain who took me to Goma so I had several
11 meetings there. I was, therefore, able to see
12 that people were disarmed here and there. My
13 opinion is that the majority of the forces, FAR
14 forces withdrew, retreated. They were on the
15 periphery.

16 MR. PRESIDENT:

17 Counsel Tiangaye.

18 BY MR. TIANGAYE:

19 Q Coming back to the president's question, were
20 these troops able to leave Rwanda? The FAR
21 troops, were they able to leave Rwanda?

22 A Yes, absolutely. They were prisoners but the
23 international Red Cross intervened. They were
24 FAR prisoners. When the RPF attacked the
25 Kanombe camp a good part of a complete battalion

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1 surrendered. In fact, the UN troops which were
2 there as observers now had to cope with
3 prisoners so we had to negotiate with the RPF
4 for the security of these prisoners, for their
5 security and the transfer, but there were not
6 many prisoners, as far as I know. The majority
7 were retreating as the RPF was advancing.

8 Q Major General, I think I should be able to
9 complete by coming back to two public statements
10 which you made. The first is that you declared
11 publicly, you declared publicly that if you were
12 given a mandate to intervene with fifty thousand
13 troops with the necessary equipment you should
14 have been able to stop the massacres which were
15 spreading in massacres behind FAR lines. Are
16 you ready to repeat such a statement in the
17 presence of or before the Tribunal?

18 A Not only did I make that statement but I even
19 made a military estimate that was necessary to
20 carry on this operation and that was one of the
21 bases for my military estimate which I submitted
22 to New York for UNAMIR II. So I think I stick
23 to my analysis that complete areas of Rwanda,
24 which would have been saved from massacres and
25 other areas where protection sites may have been

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1 developed, that if were able to withdraw within
2 the first two or three weeks of the conflict our
3 troops would have been able to save the lives of
4 hundreds of thousands of Rwandese.

5 Q Thank you. The second statement, "All member
6 countries of the UN have blood on their hands in
7 the Rwandan drama," unquote. What significance,
8 what meaning do you give to this statement?

9 A It seems -- it seems to me unimaginable that
10 everyday in the media we see people being
11 massacred and yet fold your arms, remain
12 unperturbed, remain isolated without wanting to
13 come to aid, to their assistance.

14
15 In my opinion, it has always been very easy to
16 accuse the United Nations of not having
17 intervened, but the United Nations are not a
18 sovereign country. The United Nations are we,
19 all of us, and if the United Nations did not
20 intervene this means that by extension all of us
21 failed, that all of us for almost -- that all of
22 us have a responsibility for the genocide that
23 continued in Rwanda for almost four months.

24 MR. TIANGAYE:

25 Thank you, Major General. I have finished, Mr.

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1 President.

2 MR. PRESIDENT:

3 The prosecutor, you have the floor for your
4 cross-examination.

5 CROSS-EXAMINATION

6 BY MR. STEWART:

7 Q Major General, we appreciate, we highly
8 appreciate your presence here. I have only a
9 few questions.

10

11 You talked about the massacres of civilians. I
12 would like to know whether, according to the
13 information you had, there was a sector, a
14 particular sector of the population that was
15 targeted in these killings or massacres. I am
16 talking -- I am making reference to an ethnic
17 group.

18

19 According to the information that you had at the
20 time, was there any particular ethnic group that
21 was targeted?

22 A At the beginning of the killings, that is during
23 the first days of the killings, I determined
24 through the reports that I received and also the
25 information that I had that there was no doubt

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1 that there was -- there were efforts being made
2 to eliminate the moderate wing or factions, that
3 is those who were ready, who were ready to
4 accept the Arusha peace accord, those who were
5 ready to share power, those who were disposed or
6 favorably disposed to reconciliation.
7 Therefore, this means that people of the ethnic
8 group but also a number of people among the Hutu
9 population. As far as I remember, it was about
10 the fourth or fifth day when this started in a
11 much more obvious manner at least following the
12 reports from my observers and the information
13 that I received from NGOs and from people who
14 were still in Kigali who knew the place. The
15 report showed that the Tutsis were targeted and
16 that if there was any doubt on the individual he
17 was simply eliminated.
18
19 There were cases where we could mention the use
20 of identity cards as tools of segregation so as
21 to determine who was to be killed and who was
22 going to cross a roadblock.
23
24 On another occasion we tried to go to an
25 orphanage. There were twenty-three roadblocks

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1 that we had to cross. People, people had to
2 kind of make some statements on each roadblocks,
3 on each roadblock, so they ran the risk of being
4 taken, being mistaken for someone else, and the
5 more we crossed the -- the more roadblocks we
6 came across the more people we saw who were
7 drunk, who were out of their minds, people who
8 had lost control over themselves, people who
9 were very --

10 Q Major General, you talked about intimidation.
11 During your examination in chief you talked
12 about intimidation at roadblocks. According to
13 you, the massacres you talked about, did they
14 take place in an organized manner, in a directed
15 coordinated manner?

16 A If one thousand people are capable of
17 displacing three to four thousand people in a
18 period of three and a half months without the
19 technology that was in other parts of the world
20 in this century in fact this is at least a
21 significant mission.

22
23 There are a number of reports which would
24 demonstrate that in close periods at various
25 places people received or had to receive

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1 instructions because things started all of a
2 sudden. There was always the RTLM which
3 dished-out orders. You should remember that
4 apart from the RTLM there were many other means
5 of communication because in almost the
6 twenty-four hours when the war started, in at
7 most twenty-four hours, the telephone system in
8 Rwanda completely collapsed and in forty-eight
9 hours we were practically isolated from the
10 outside world except through some satellites and
11 our own communication system but the government
12 structure of communication was completely
13 isolated. Therefore, it was necessary or one
14 would think there was some kind of (Inaudible).
15
16 People who were at one hundred twenty kilometers
17 away started killing and it required some
18 coordination and orders for people one hundred
19 and kilometers away to start killing.

20 MR. STEWART:

21 Major General, I would like to thank you. Those
22 are all the questions that I had for you.

23

24 Thank you, Mr. President.

25 By PRESIDENT KAMA:

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1 Q Thank you, the Prosecutor. Major General,
2 earlier on you said or you used the term,
3 namely, genocide. Why did you use that term?
4 What meaning do you give to that word?
5 Massacres are not necessarily genocide. When
6 you used the word genocide what do you mean?
7 A I must confess that this term was foreign to me
8 for over a long time. I used this term or I
9 came back to its use later on in the month of
10 April, May specifically, because I did not have
11 any copy in my headquarters. People were spread
12 almost everywhere. I had a copy of the Geneva
13 Conventions or I didn't have a copy of the
14 Geneva Conventions and the head of the
15 international Red Cross who was still there with
16 the small hospital and the Medecins sans
17 Frontieres who still remained with us, Philippe
18 Gaillard, I called him on our network and I
19 asked him for the book and he gave me a copy and
20 I looked through it and tried to look at
21 definitions and I realized that when a group was
22 targeted, when an attempt was made to eliminate
23 a specific group that this would be -- and this
24 is fundamentally what we saw on the field. This
25 is what was reported to me by the NGOs and the

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1 expatriates who were being taken out of the
2 country. This is what was being reported to me
3 by Rwandese or other moderate persons whom we
4 met who talked to us about this systematic type
5 of killing. But the killing component was a
6 component which I anticipated as a possibility
7 during my mission because there were massacres.

8
9 Everything is relative. That is true. There
10 were massacres of a few thousand in 1990, a few
11 others in 1992. There were tens of thousands
12 from 21 October in Burundi. The rivers were
13 full of corpses when I arrived. Massacres, yes,
14 but the elimination of a political -- the
15 elimination of a political wing, yes, and that
16 is why we deployed forces to protect them maybe
17 not in an effective manner but when this spread
18 as some poison, when this spread as a cloud
19 suddenly a place which was relatively calm, when
20 killings suddenly started I think at that time
21 especially as the same group was targeted,
22 especially as the people who resembled those
23 persons or people who were sympathetic to them,
24 when all of these persons were targeted I
25 thought I had to embrace a definition of

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1 genocide.

2 Q I would like to come back on the accident, the
3 plane crash, the crash of the president's
4 plane. According to many reports, there is some
5 kind of agreement between this accident and the
6 beginning of the killings before they spread. I
7 would like to know whether before what you call
8 genocide it would appear that the killings that
9 we first saw were political assassinations, that
10 is, political personalities were targeted, be
11 they personalities on the government side like
12 the prime minister or members of the opposition
13 that is the moderate Hutus. Is that the case at
14 the beginning? Was it political
15 assassinations?

16 A Yes, during the first twenty-four hours the
17 entire moderate opposition, the entire -- the
18 opposition was no longer, could no longer be
19 found. They had either been killed, they had
20 hidden themselves or they had fled or some
21 people had hidden them. In fact, they had
22 simply disappeared from the map and the only
23 persons who we could find on the field was
24 Faustin Twagiramungu, the prime minister
25 designate. It is my Belgian colleagues who were

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1 able to take him out seven days later but the
2 others simply disappeared and on the morning of
3 the 8th I did not see or recognize the faces of
4 people whom I knew who were moderates around the
5 table of discussions at the minister of
6 defence.

7
8 Communications were not easy with my external
9 post or antenna. It is only on the 9th that I
10 had a report from my team which was at Mulindi.
11 They had a report -- and this is thanks to the
12 communication network. They had a report from
13 the team which was in Gisenyi and the team in
14 Gisenyi had reported that from the 7th that the
15 killings of Tutsis started. The report clearly
16 pointed this out.

17 Q I am not talking of opponents who disappeared.
18 I am talking of opponents who were killed. The
19 prime minister was not an opponent. He was a
20 member of government. He was killed. Two
21 ministers were killed. But who killed these
22 persons? For example, Mrs. Agathe, who killed
23 her? Was it an organized force that killed
24 them? Was it the Presidential Guard? Was it
25 the paracommandos or the militia? Who killed

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1 her?

2 A UNAMIR troops were deployed for the protection
3 of important personalities, moderate political
4 personalities. I offered this protection to the
5 other party but it is only the moderates who
6 accepted UNAMIR soldiers for protection. My
7 soldiers were deployed in consultation with the
8 security guards provided by the gendarmerie and
9 all the FAR. Therefore, of those specific
10 points these individuals had either gendarmes or
11 FAR or gendarmes and FAR and the UNAMIR troops.
12 Persons who were under our control or, rather,
13 persons who were given protection by us were
14 kidnapped and killed. Who by? Who kidnapped
15 and killed them?

16
17 The methodology that was used is that the FAR
18 would arrive giving the impression that they
19 were simply replacing the guards on duty. They
20 would arrive in considerable number in a
21 platoon. They overwhelmed the team, the
22 (inaudible). Whether they were FARs who came to
23 replace other FARs, they would come in great
24 numbers and they were overwhelmed by soldiers
25 who were Ghanaians, Bangladeshi in particular.

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1 They took away their weapons. They would take
2 them somewhere else. They beat them up or sent
3 them away and the persons who had been
4 identified as being the person of the
5 Presidential Guard because of their helmet, the
6 others would come in or sometimes you heard a
7 noise on the field. The people were kidnapped
8 and taken away.

9
10 In the discussions I had on the 8th and the 9th,
11 for example, I insisted that we should try to
12 see to cases like that of Mrs. Agathe and I was
13 told that they had been buried in Camp Kanombe.

14 Q Was that on the 8th or the 9th?

15 A I think this was in the early days of not later
16 than the 9th.

17 Q And Mrs. Agathe, how did it happen? I think she
18 was protected by you, I believe.

19 A Yes.

20 Q You even said that you would have liked that she
21 go to the radio to address the population.

22 A Yes.

23 Q How was she killed? How did it happen?

24 A The reports that we saw show that, one, radio
25 stations refused to receive her. I personally

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1 intervened. We are a government radio station
2 and the RTLM, the RTLM categorically refused.
3 The RTLM did not at all want to receive her.
4 The government radio station, the director
5 general -- I do not remember his name -- said
6 that maybe he would receive her but later on he
7 told me it was impossible because the area had
8 been overtaken by the Presidential Guard so I
9 asked whether this could be done by telephone,
10 whether she could be contacted by telephone.
11 Well, I was told that security could not be
12 guaranteed so that information was related to
13 Mrs. Agathe.

14
15 The objective was to keep her, to protect her
16 with additional forces that I had asked the
17 marshal to send to guarantee her protection even
18 if we had to identify the situation that
19 prevailed on the field later on.

20
21 I later on received a report that they were
22 attacked, that Mrs. Agathe escaped behind her
23 residence which was adjoining to the UNDP
24 building. The UNDP informed me.

25 One of my objectives when I was going to the

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1 center of the town was to go to the UNDP to find
2 out what was happening. I went to the UNDP. We
3 crossed the roadblocks on foot. I no longer had
4 my vehicle. At the UNDP there was nothing.
5 When I went to the minister of defence I went to
6 the minister of defence and the road would lead
7 me to the residence of the UNDP staff. There I
8 met an officer and I went to another meeting.
9 According to reports which I had, it was midday
10 after the meeting, I went, I returned to the
11 minister of defence to continue my negotiations
12 with Colonel Bagosora and the gendarmerie chief
13 of staff Ndiriyamana. At some point in time the
14 others left. They said continue the
15 negotiations, eat and so on and so forth.
16
17 I had left from the minister of defence and I
18 went to the residence of the UNDP to see if Mrs.
19 Agathe was still there or what was happening.
20 When I succeeded to enter the premises she had
21 already been killed and kidnapped with her
22 husband. We found her children and about thirty
23 other UNDP staff who were there. There was
24 another observer from the UN and another staff
25 of the UNDP. In the afternoon we were able to

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1 extract them from there and take them to the
2 Mille Collines Hotel and from there they were
3 able to be evacuated.

4 Q According to you, the FAR action immediately on
5 the 8th, on the 9th which constitute, which led
6 to the killing of many people, was it related to
7 this isolated action or was it an action that
8 derived from instructions received because we
9 are dealing with soldiers? You said that the
10 Presidential Guard was ambivalent. You didn't
11 know whether it was exclusively under the
12 authority of the president or sometimes under
13 the military authority. But I suppose that the
14 FAR were a military organization which was
15 armed. Their action, in your opinion, did they
16 receive instructions or were they carrying out
17 isolated actions?

18 A When I was able to communicate with my
19 headquarters after the morning meeting the
20 reports I received from my team of -- head of
21 observers showed that there were people who
22 stayed almost everywhere in the town and that
23 they saw people enter systematically in homes.
24 They knew that the homes they were entering were
25 the homes of some people -- were the homes of

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1 people of some authority or standing and that
2 showed that the people were targeted. They were
3 kidnapped and taken away. They had addresses.
4 They knew where they were going to.

5
6 As concerns what is related to Mrs. Agathe, it
7 is a significant force that came to the site to
8 take her away. It was a force which had
9 received orders to do that. In fact, this was a
10 significant detachment of UNAMIR, which they had
11 to cope with significant detachment of UNAMIR,
12 but they held their ground and pursued their
13 objective which was to look for the prime
14 minister and kill her.

15
16 Now, one could ask the question, who was the
17 Presidential Guard answerable to? It could be
18 Bagosora or Habyarimana or the minister of
19 defence. In fact, they could tell me they were
20 not capable of controlling them. The interim
21 commander of the FAR told me he could not
22 control the Presidential Guard. Even if that
23 was the case it was answerable to someone who
24 was in charge of the Presidential Guard. The
25 Presidential Guard were present with their

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1 troops when killings were reported. For
2 example, when killings started at Butare some
3 people were able to escape. I was told that
4 there was no Presidential Guard but suddenly
5 they arrived and the killings started. So I
6 cannot tell you that I personally saw a soldier
7 of the Presidential Guard kill anyone but
8 nevertheless there is all this information that
9 was reported to me and I also have soldiers who
10 saw killings.

11 Q What was the attitude of the government when
12 they retreated to Gitarama? Were there speeches
13 made, the prime minister, members of the
14 government given the situation?

15 A They did withdraw to Gitarama. The media was
16 there. The mobile unit to the radio station was
17 there. Moreover I was also interviewed there
18 after a meeting. They received emissaries from
19 left and right everywhere. The minister of
20 information was there as well as other ministers
21 also.

22
23 I would say I didn't see the offices established
24 and I didn't see how the bureaucratic
25 establishment was set up but they considered

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1 themselves to be the transition government which
2 was duly responsible for the situation which was
3 to unfold and they expected to undertake
4 negotiations again once the cease-fire was
5 signed, negotiations with the patriotic front,
6 so there was no doubt and it was clear in my
7 meetings and in the messages that I brought
8 back.

9
10 Now, considering the RPF they refused to
11 recognize them. The United Nations did not
12 recognize them officially, I believe, except
13 that they did agree that I could communicate
14 with them so that I could at least know who they
15 were and what they were doing and what their
16 train of thought was.

17 Q The question I was asking you was what was the
18 attitude of this government towards the
19 massacres especially when they became
20 widespread. Were there speeches made by this
21 government, speeches maybe not necessarily to
22 calm the situation but to talk to people about
23 self-defence of civilians?

24 A The whole concept of self-defence, of
25 maintaining the roadblocks and manning the

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1 roadblocks, be it either the militia, the
2 Interahamwe militia or people from the FAR,
3 deserters or gendarme, they understood that and
4 they moreover accepted it, encouraged it because
5 they felt that they were facing a rebel army.
6 Therefore, there was no question of removing
7 anything in the field in terms of roadblocks and
8 in terms of the people manning the roadblocks.
9 It was reported to me that the prime minister
10 had given a speech in Butare and following that
11 speech there were massacres but I would have to
12 have access to the notes to be able to confirm
13 exactly who reported that and when and how. I
14 would also have to have the translations of the
15 RTLM broadcasts that they were broadcasting
16 everyday. Necessarily they were very openly
17 worried by the situation of killings, massacres
18 as being reported. They were concerned with the
19 aspect of security because it was very difficult
20 for the NGOs to carry out humanitarian actions
21 but they held very firmly to this idea of the
22 cease-fire first and foremost. My analysis
23 would be that they wanted to stop the RPF from
24 gaining ground and once they did that then we
25 would have to intervene as a force between the

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1 two and then we would be able to have
2 negotiations and automatically or by default it
3 would have been up to them. The situation would
4 have been resolved, the massacres would have
5 been resolved, or maybe would not have been, but
6 the element that dominated their thinking, at
7 least in my discussions with them, remained the
8 cease-fire and stopping the RPF advance and the
9 killings behind the lines was, and to use their
10 term, unfortunately were just excesses.
11 Therefore, they were minimizing the impact.
12 Q You said that the Tutsis were targeted as being
13 Tutsis and that's why you were led to use the
14 expression genocide. Now, my question is why
15 were the Tutsis targeted. As some of our
16 witnesses have said here, was it because they
17 were considered as being Ibitso, that is to say
18 RPF accomplices? Was that also not a factor?
19 A Yes, I believe that is a very appropriate
20 conclusion. I must say that the Rwandan
21 population, the majority of the population don't
22 have a formal education and they were available
23 to follow the instructions of those in
24 authority. Moreover there is a whole
25 psychological aspect of the radio that I have

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1 never encountered in other places. That is to
2 say, everyone had a radio. Even the displaced
3 persons in the Turquoise zone had radios. They
4 could scrounge up whatever batteries they could
5 find to have their radios. And so the radio
6 dominated. It was an influence on them and we
7 would hear on the radio a lot of anti-Tutsi
8 slogans that are beyond imagination.

9
10 They would say, for example, that soldiers of
11 the RPF were eating children with the teeth and
12 eyes of the devil and they were using all kinds
13 of examples like that saying that the RPF would
14 eliminate anybody who was not of their wing and
15 that the RPF was fundamentally the Tutsi army
16 coming back.

17
18 We cannot forget the influence of the situation
19 in Burundi, that that did not help the
20 situation. In all the discussions it was very
21 difficult. This was a hard blow to our mission
22 because we were fighting against the problems
23 and the democratic issues in Burundi as well.
24 So you can say that there is a very close link
25 between the RPF and the Tutsis. At least that's

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1 what was being portrayed to people and that
2 that's what they were being told.

3 Q But you had just said that the people were not
4 well educated and that is why especially with
5 the influence of the radio they were willing to
6 follow all these orders, the special orders
7 coming from authorities.

8
9 My first question then is since we are talking
10 about authorities, and you talked about it
11 earlier, what is the power of a prefet or a
12 burgomaster over the people?

13 A Mr. President, the same holds true with what we
14 saw in Rwanda. When the country -- it's a
15 country that the people -- it's a culture for
16 whom I have great respect but when the people,
17 people whom I respect, people who have a lot of
18 tradition, people who are people of the field
19 who want to live off the land, live in their
20 hills, who want to raise their children and hope
21 to have a better future for their children and
22 the vast majority of the population, or at least
23 based on what I saw during my time there, had
24 this philosophy of life and they had a very
25 deep-rooted culture of the land and of their

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1 ancestors but they were also very much imbibed
2 with this idea of respecting authority and if
3 this had been an enlightened respect then so
4 much the better but if it had been used for evil
5 purposes, well, then we saw the consequences of
6 that.

7
8 This is a people that was greatly influenced by
9 religious organizations, authorities,
10 discipline, disciplinary structures. It's a
11 very structured culture. These are people who
12 have respect for people who are educated and who
13 have authority. That's my own analysis. But
14 these are also people who could react very
15 promptly and could move very easily from a state
16 of great joy to a state of anger in a
17 nanosecond.

18
19 The history, the tradition of morals is very
20 rampant. It's rare to be able to meet one or
21 two Rwandans. You would always encounter
22 several because these were always people who
23 were interested in knowing what was going on,
24 people who were interested in seeing who we
25 were, knowing us, and we would always have

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1 people gathering around us. It was very easy,
2 therefore, to group these people and to speak to
3 them.

4 MR. PRESIDENT:

5 Thank you, Major General. Judge Aspegren has
6 the floor.

7 BY JUDGE ASPEGREN:

8 Q Major General, you said that there were a lot of
9 radios, a lot of people had radios. What
10 explains that, in your opinion? Why were there
11 so many radios? Were they expensive radio
12 sets? Were they transition -- transistor radios
13 that could be easily bought on the market?

14 A Well, you had the whole gamut. You had all
15 types of radios. You had ones that were
16 homemade going up to the plastic type of radio
17 sets, pieces of radios that were put together by
18 people. People would gather together in the
19 evenings. Two three families would get together
20 to listen to the radio. It was an object that
21 was highly appreciated.

22 Q Would it be possible that the fact that there
23 were so many radio sets distributed that this
24 was part of a policy of a group or a part of the
25 government or is it solely the individuals

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1 themselves who felt that it would be amusing,
2 interesting to have a radio set?

3 A If you are asking me if it would be possible
4 that perhaps radios may have been distributed or
5 made available on the hills so that people could
6 be informed of what was happening, well, that's
7 entirely possible.

8
9 When I arrived along with my mission in Cambodia
10 I learned a very important lesson, that you
11 should always have a UN radio available so that
12 you could be able to have a neutral position.
13 You could explain to people what the UN was
14 doing there and you could also allow the
15 different camps to find neutral ground and be
16 able to discuss.

17
18 We did not have a radio station. We had asked
19 for one but we never had one per se. So we had
20 to resort to the RPF and to the government RTLM
21 to be able to broadcast. So we would ask and
22 when they knew what it was that we were dealing
23 with they would perhaps sometimes allow
24 interviews. But there was never an attempt by
25 the government to specifically explain what we

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1 were doing there and often we would have
2 meetings with the different people -- the
3 minister of information, minister of defence and
4 so forth -- and we would ask them why don't you
5 give us any air time so that we can broadcast
6 this message because we would say the people
7 want to hear it, people out in the hills want to
8 know. And in fact the radio system, the radio
9 network is very effective.

10
11 Towards the end of January, February we finally
12 managed to have a half hour at the end of the
13 week -- I believe it was on Sunday -- half hour
14 of air time on the government station to be able
15 to broadcast messages and we began very slowly
16 to start broadcasting. But I didn't have any
17 means, any financial means. I didn't have any
18 people who spoke Kinyarwanda. I couldn't hire
19 anybody who spoke Kinyarwanda to be able to
20 speak so basically we would either broadcast in
21 French or in English which really did not
22 because most of the people don't speak French or
23 English. They speak Kinyarwanda.

24 Q I would like to move on to another question
25 dealing with the developments in April of 1994.

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1 Could you explain to us or attempt to explain
2 how it is that even in regions of the country
3 that were relatively calm, let's say after the
4 6th or the 7th of April or towards mid April,
5 how can you explain after a certain period of
6 time, a few weeks maybe, massacres occurred also
7 in these regions? How do you explain that
8 because, for example, the role of the
9 authorities either in the region or in the
10 commune, these authorities played a certain role
11 in the development of the events, a negative
12 role?

13 A Well, I would say there were also people who
14 played a positive role in these regions. That's
15 just as plausible as saying there were people
16 who played a negative role. In the south, which
17 is a region recognized politically as being a
18 more moderate region, a region that's more
19 likely to accept power sharing, we didn't see
20 any explosions, killings as was reported to us,
21 for example, from Gisenyi, in Bukavu, and in
22 certain sectors of Kigali town. Therefore, if
23 the political authority, the local political
24 official was of a certain affiliation and
25 followed the directives he would be able to

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1 influence the people. But you need to have a
2 structure in order to lead people to start
3 killing on a major scale.

4

5 Before these acts of violence it was maybe in
6 smaller groups but in order to start killings
7 and to establish a whole series of roadblocks in
8 sectors of cities this has to be something
9 that's organized and it's in this, these
10 circumstances when you would see people, there
11 were some who were dressed like the FAR, others
12 dressed in gendarme uniforms, we were never sure
13 if they were deserters or not. Occasionally as
14 I said you would see members of the Presidential
15 Guard and you could recognize them by their

16 beret. The Interahamwe were more difficult to
17 identify because they didn't have a uniform but
18 people would say they knew them and so we would
19 take the information as best we could.

20 Q According to the prosecutor, there was a militia
21 known under the name of Interahamwe that played
22 a certain role during the massacres. Did you
23 hear about this? I assume you know this
24 militia. I understood that you or the soldiers
25 under your orders noticed that many members of

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1 the militia in carrying out their duties were
2 not only armed but also sometimes under the
3 influence of drugs. Could you explain this fact
4 to us? How is it that these people could be
5 high on drugs? Was it very easy to find
6 alcohol, drugs? Were they easily available? Or
7 behind this phenomenon maybe there was also some
8 sort of organization, a willing organization.
9 A Alcohol which is also a drug, as essentially
10 banana beer, and that's widely available and
11 they would drink it in great quantities in the
12 heat of the day at the roadblocks. People would
13 get drunk and then hit people with machetes.
14 The drugs as reported to us were light, light
15 drugs, minor drugs, if you will, local grown.
16 We had report but we couldn't confirm that in
17 the Ruhengeri sector the garrison there was
18 involved with the production or the growing of
19 these drugs -- the name of it escapes me. It's
20 a local drug -- and that this was even done at
21 the level of the garrison and that it was known
22 by the authorities at the highest levels. So it
23 was available. In terms of distribution I never
24 had enough people to be able to investigate and
25 pursue that. We didn't have enough people to be

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1 able to observe the involvement of the
2 structures in the drug market.

3 Q Thank you. I would conclude and perhaps you may
4 have something that you would like to add on
5 your own initiative that could help enlighten us
6 as to the circumstances in this case.

7 A Concerning this specific case, your Honour, you
8 have allowed me to express my opinion. I could
9 perhaps speak at length for years but I don't
10 believe at this point in time I have any other
11 comments.

12 JUDGE ASPEGREN:

13 Thank you, Major General. Thank you,
14 President.

15 MR. PRESIDENT:

16 Defence has the floor if you have any
17 re-examination.

18
19 We have also finished earlier than we thought.
20 The defence had said that it would take perhaps
21 three days and we have noted that we have only
22 needed one day to ask the pertinent questions.

23

24 MR. TIANGAYE:

25 That is just to show you, Mr. President, that we

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1 are not using delaying tactics.

2 MR. PRESIDENT:

3 Well, I thank the defence for that.

4

5 Major General, we thank you for having agreed to
6 come before this Tribunal to testify. I am
7 convinced that all the parties to this trial, be
8 it the prosecution or the defence and even the
9 judges because we are also a party, I believe
10 that everyone has taken great interest, has
11 benefitted from your testimony today.

12

13 You have enlightened us as to what happened in
14 Rwanda in the month of April 1994 because, as we
15 have said, you were a privileged witness because
16 you were there. Others can report from the
17 outside but you were on site so you are a
18 privileged witness and we have heard your
19 testimony. Because we have never yet had such
20 great assistance since the Tribunal began we had
21 to have your testimony here, the privilege, the
22 honour of having you here, to be able to have
23 the international press with us, so it is
24 perhaps thanks to you and your testimony that we
25 have finally had international coverage and so,

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1 as I said, it has been useful for everyone.

2

3 I would also like to thank the Secretary General
4 of the United Nations through his representative
5 because in the spirit of cooperation the
6 Secretary General has agreed to follow through
7 on the Tribunal's order to waive the immunity
8 and to allow you to testify today.

9

10 I don't believe there is anything else to add.
11 I would just once again thank you, Major
12 General, and I would wish you a very good trip
13 back to Canada.

14

15 Bailiff, can you, please, accompany the
16 witness.

17

18 Counsel Tiangaye, do we have a witness for
19 tomorrow in order to continue this trial?

20 MR. TIANGAYE:

21 Yes, Mr. President.

22 MR. PRESIDENT:

23 And, therefore, the session will be adjourned
24 and will begin again tomorrow morning at 9:30
25 A.M.

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1 (Hearing recessed at 1820.)
2 (Pages 180-229 reported by M. Young.)
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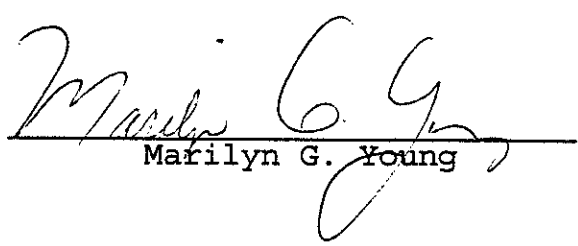
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C E R T I F I C A T E

I, Marilyn G. Young, Official Court Reporter
for the International Criminal Tribunal for Rwanda, do
hereby certify that Pages 180-229 in the foregoing
proceedings in the above-entitled cause were taken at the
time and place as stated; that it was taken in shorthand
(Stenotype) and thereafter transcribed by computer under my
supervision and control; that the foregoing pages contain a
true and correct transcription of said proceedings to the
best of my ability and understanding.

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


Marilyn G. Young