

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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CASE NO.: ICTR-96-4-T

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  
Legal Officer, Office of Legal Affairs,  
Secretariat-General of the Organisation  
of the United Nations

Court Reporters:

Melinda M. Walker  
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Marilyn Young

MELINDA M. WALKER, OFFICIAL REPORTER  
ICTR - CHAMBER I

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MAJOR-GENERAL ROMEO DALLAIRE

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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.

1

2

Mr. President, considering the mandate of

3

the tribunal, the office of the

4

prosecutor will ask General Dallaire to

5

come and give testimony in other cases

6

before the tribunal. Taking into

7

consideration that our wish is that the

8

questions put to General Dallaire in the

9

Akayesu case will be relevant to the

10

matter before the tribunal, General

11

Dallaire will have to provide ample

12

information concerning the cases of other

13

accused who will appear here before the

14

court.

15

16

The chamber, therefore, is in power to

17

ensure the control of the conduct of

18

testimonies depending on the fundamental

19

principle of relevancy to the matter at

20

issue. That is the first point I wanted

21

to raise, that of relevancy.

22

23

The second point is related to the

24

expertise or expert report and is also

25

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.

3

4

5

(Witness enters courtroom.)

6

MR. PRESIDENT:

7

Major-General, you have been called as a

8

witness by the defence. Therefore, we

9

will give the floor to the defence so

10

that they can proceed with the

11

examination. However, we would, first of

12

all, like to ask you to introduce

13

yourself, your name, last name, your age

14

and profession. We'll ask you to do that

15

before making the solemn declaration

16

pursuant to the Rules.

17

THE WITNESS:

18

Mr. President, I'm Major-General Romeo

19

Dallaire. I am 51 years old. I am an

20

officer of the Canadian armed forces, and

21

I'm former force commander of UNAMIR.

22

MR. PRESIDENT:

23

Thank you, General. Before you testify,

24

you will make the following solemn

25

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 Kinihira 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.

1

2

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

3

4

5

There was tension when at one time we tried to chase out a RPF battalion at the

6

7

CND, and what happened on that occasion

8

9

was that elements, either paracommandos or presidential guards, were carrying out

10

physical training at the CND, and that

11

was provoking friction, and we attempted

12

to rectify that situation, but on the

13

whole, concerning the scenario with the

14

FAR, that's how it was.

15

16

With the gendarmerie, there were two

17

rapid intervention companies that were

18

often used and which were made

19

available. There were patrols,

20

communication with the gendarmerie. They

21

were all quite open with, of course, the

22

limits that they had based on their

23

resources, but it became more and more

24

difficult to have patrols and to have

25

meetings with them because in March they

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.

1

2

One of the battalions was deployed in

3

Kigali. It was a composed battalion,

4

that is to say, they took the best

5

elements from the other platoons so as to

6

create this battalion. There was a

7

reconnaissance battalion, an air defence

8

battalion with heavy weaponry, a missiles

9

battalion, ground-to-ground missiles,

10

mortar battalion.

11

12

They had a training centre near Mulindi

13

and another centre for rehabilitation in

14

the eastern wing or flank, whereas the

15

general or headquarters was at Mulindi.

16

17

Now, the quality of the troops, they were

18

disciplined. They were motivated. They

19

took very good care of their weapons.

20

They reflected seriousness in the

21

discharge of their duties when you saw

22

them as guards or in whatever capacity.

23

They discharged their duties with care.

24

I would say that there was leadership,

25

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.)

5

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## C E R T I F I C A T E

I, Melinda M. Walker, Official Court Reporter for the International Criminal Tribunal for Rwanda, do hereby certify that Pages 1-51 in the above-entitled cause was 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 nowise interested in the result of said cause.

  
\_\_\_\_\_  
Melinda M. Walker

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

AKAYESU

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 Kinyhura Accord,  
24 which permitted political meetings that would  
25 lead to elections.

REX A. LEAR, OFFICIAL REPORTER  
ICTR - CHAMBER I  
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AKAYESU

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.

REX A. LEAR, OFFICIAL REPORTER  
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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

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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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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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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?

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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

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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

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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

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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:

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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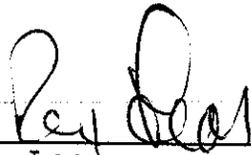
1 aspect, it had to look for resources to buy such  
2 equipment and also to make sure that they will  
3 be taken over once the equipment had been bought  
4 because after some time the United Nations has  
5 to provide food, medicines, ammunition and so on  
6 in replacement of the depleted stocks.  
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).  
13  
14  
15  
16  
17  
18  
19  
20  
21  
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23  
24  
25

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.



---

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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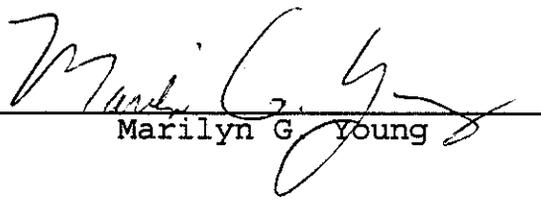
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C E R T I F I C A T E

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.

3

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.

8

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.

1

2

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.

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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.

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18 MR. TIANGAYE:

19

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.

20

21

22

23

24 MR. PRESIDENT:

25

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.

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

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## C E R T I F I C A T E

I, Melinda M. Walker, Official Court Reporter for the International Criminal Tribunal for Rwanda, do hereby certify that Pages 104-144 in the above-entitled cause was 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 nowise interested in the result of said cause.

  
Melinda M. Walker

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, Kibungo,  
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.



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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 RTL 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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(Hearing recessed at 1820.)

(Pages 180-229 reported by M. Young.)

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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