

## The trial of PHILIPPE HATEGEKIMANA (alias Manier)

Court of Assizes, Paris. May-June 2023



### Daily Trial report

(translated from the French report by Alain Gauthier. Original on CPR website - <https://www.collectifpartiescivilesrwanda.fr/proces-philippe-manier>)

#### Day 33: Wednesday 28 June

Before the deliberations, which will continue all day behind closed doors, the floor is given to the accused, who makes a short statement:

"I trust your judgment. I know you will listen to reason and your heart."

**The VERDICT** is delivered at 8.50pm:

**the accused is found guilty and sentenced to life imprisonment** for the crime of genocide and crimes against humanity.

Details of the reasons for this decision will be published at a later date.

#### Day 32: Tuesday 27 June

##### CLOSING ARGUMENTS BY THE DEFENCE LAWYERS

This 32nd day of hearings was devoted to the defence, which is composed of four lawyers: Maître GUEDJ, Maître DUQUE, Maître ALTIT and Maître LOTHE.

Maitre ALTIT began the defence case with an introduction summarising the defence arguments that had been put forward since the beginning of the trial. He invited the court to grasp the complexity of the Rwandan context that led to the genocide: "We must avoid all shortcuts and amalgams, be wary of simplism and caricature, and avoid the trap of judging what is far away in time and space". Maître ALTIT went on to explain that the context that had been presented to the jury was not complete and that it was in fact more complex than that. The defence's interpretation of this context is that the road blocks were erected solely for preventive purposes, to protect the safety of citizens and their property from foreigners and the RPF, and that murderers took advantage of these barriers to

commit crimes. It also states that the NYANZA gendarmes were too few in number to stop the genocide.

Maître ALTIT said that such a complex reality told us nothing about who the accused really was. He goes on to paint a portrait of Philippe HATEGEKIMANA, whom he presents as someone who had no power to prevent and stop the genocide and who did everything he could to try to save the Tutsis. He then asked how to judge when we know nothing about Rwandan society and the chaos that preceded the genocide, chaos that was obviously, according to the defence, generated by RPF attacks. And in this chaos, it was difficult for the gendarmes to go against the orders of the high command.

Maître ALTIT then addressed the issue of false testimony, about which we have already heard so much. He asserts that Rwanda is a dictatorship and that witnesses are at the mercy of the powerful. Testimonies are contradictory and give different versions of the same facts, and since the descriptions of the 60 mm mortar varied from one witness to another, and in the presence of doubts, the court and the jurors must discard any testimony that mentions this mortar. Maître ALTIT then attacked the prosecution and the court, which, in his view, had only called witnesses for the prosecution without exercising any critical control over their credibility. They immediately assumed that the witnesses were telling the truth. The president, for his part, did not compensate for the failings of the investigation by refusing the defence's late requests for documents. Maître ALTIT explained that the prosecution and in particular the investigating judge had lacked critical sense and rigour by not questioning the CPCR's methods for obtaining testimony.

However, he quoted from Alain GAUTHIER's hearing on Monday 19 June, during which GAUTHIER once again explained the process used to request prisoners' testimonies from prison directors. Maître ALTIT again questioned the anonymous nature of the letter received by the CPCR informing it of Philippe MANIER's situation.

He then asked why it was Philippe HATEGEKIMANA who was in the dock today, and replied by saying that he was simply there and that he was merely a "scapegoat drawn into a political relationship that goes beyond us". This political relationship would be that of the Rwandan dictatorial regime, which, in its need for legitimacy, seeks to set itself up as the defender of the victims and of justice.

It was then Maître DUQUE's turn to take the stand. She began by saying that although the defence had been described by the parties as negationist, this was not the case: "To understand a genocide in which almost a million people died is to understand that history is neither white nor black". She goes on to explain that the accused's decision to remain silent is not an admission of guilt, but his right. In an attempt to humanise the accused, Maître DUQUE explained that it had been difficult for him to spend the last five years in solitary confinement at the Nanterre prison, and that contrary to what the press portrayed, he had expressed sadness on several occasions during the testimonies, which he had tried to hide by covering his face, so as not to cry. It would therefore simply be shyness and difficulty in expressing his feelings that are at the root of his coldness. She says: "This glass that separates us prevents us from seeing his true face".

Maître DUQUE spoke about the accused's responsibility for the road blocks in the sub-prefecture of NYANZA, in particular the road blocks at AKAZU K'AMAZI and BUGABA. She explained that the barriers were to be distinguished from the checkpoints. The gendarmerie was only in charge of the checkpoints, whereas the barriers were controlled by militiamen. In the defence's view, extremist gendarmes could slip through the barriers, and gendarmes like BIGUMA tried to dissuade these extremist gendarmes. Maître DUQUE then proceeded to list the prosecution witnesses concerning the barriers and attempted to discredit them one by one, asserting each time either that these

witnesses had not personally seen anything, or that they contradicted themselves, or that they were lying: in all cases, these testimonies were unreliable and could not be taken into account.

The defence then referred to an alleged risk of contamination between the witnesses, since several of them were together during the re-enactments. In these circumstances, the defence asked that the accused be acquitted for his role at the barriers.

Maître LOTHE took over and began the same exercise, but for the attacks on NYAMURE hill and the ISAR SONGA site. He explained that for NYAMURE, 18 people had been heard, including 11 civil parties. For ISAR SONGA, 12 civil parties were heard, and all of them had either never heard of BIGUMA, or had heard that he was responsible from other people, or contradicted each other. Maître LOTHE also mentioned the presence of false testimony in the file, without really proving it. However, he points out that in a case of genocide in Rwanda, the presence of false testimony is "almost common knowledge".

Finally, Maître GUEDJ took the floor. He was asked to talk about the execution of Burgomaster Narcisse NYAGASAZA. He used the same reasoning for these facts, focusing in particular on the witness Israel DUSINGIZIMANA, whom he considered dubious because he was one of the witnesses cited in the CPCR's complaint and because he intervened a great deal in Rwanda with detainees to encourage them to confess their guilt before the Gacaca courts (Note: Contrary to what Maître GUEDJ claims, Alain GAUTHIER did not refuse to explain the CPCR's methods. He is lying. Please refer to the questions that his colleague put to the President of the CPCR during his hearing). Then Maître GUEDJ repeated the same arguments as his colleagues concerning the lack of credibility of the testimony. He insisted on the fact that Rwanda was an authoritarian regime and that people were tortured and killed in Rwandan prisons. He addressed the court and the president, saying that they should have cut short the testimony of witnesses who were lying instead of thanking them for their testimony.

Maître GUEDJ criticised the background witnesses who had been called and who, according to him, either "don't know much about it, or work with civil parties". In particular, he mentions Hélène DUMAS, who had not answered his question about the authoritarian nature of the Rwandan government. However, he once again cited Professors REYTJENS and GUICHAOUA, who had spoken on the issue of false testimony in ICTR cases.

Maître GUEDJ then left his bench to take the stand. Closer to the jurors, he tried to put pressure on them, to make them feel bad if they were to convict his client. He warned them against "instrumentalising Rwandan power" (sic). He even criticised President LAVERGNE for the way he conducted the hearings.

Maître GUEDJ then attempted to convince the court that Philippe HATEGEKIMANA was not present in the NYANZA region at the time of the murders. He explained that Colonel NDINDILYIMANA, who was heard by videoconference, spoke of the transfer of BIGUMA to KIGALI but did not specify a date. However, he did mention one event, that of the establishment of the provisional government. However, Maître GUEDJ said that this took place in April.

Finally, in conclusion, Maître GUEDJ argued that the defence had had limited means since their client was receiving legal aid, and that they had therefore not had the means to go and investigate on site. When they made requests for documents and expert reports, these were refused on the grounds that they were made too late in the proceedings, i.e. during the trial. Maître Guedj said that he had the impression that he was dealing with a case where the prosecution's case was a foregone conclusion. In conclusion, he congratulated the jurors for their effort and attention and reread to

them the jurors' oath, which states that jurors must follow their conscience and their inner conviction. He added: "You must judge the accused without prejudice, following your conscience and your inner conviction in complete impartiality". Maître GUEDJ concluded his closing argument by asking the court and the jury to acquit Philippe HATEGEKIMANA of all charges.

The Chairman adjourned the hearing to 9 a.m. the following day. The accused will be given the floor, should he wish to speak, and the court will then retire to deliberate. The verdict should be announced at the end of the day.

### **Day 31: Monday 26 June**

The day was devoted to the public prosecutor's closing arguments. The two public prosecutors, Ms VIGUIER and Ms AIT HAMOU, shared the floor throughout the day.

Ms Céline Viguié, the public prosecutor, began with an introduction that took stock of the two months of hearings: '106 people heard, long, tense and difficult debates, 288 hours of debates to be exact. We are well aware of how difficult it is for the jurors to hear complex events that took place on the other side of the world, and to have heard horrifying accounts'. The Advocate General then wished to clarify three points.

The first concerned the role of the prosecution, which consisted of objectively analysing the proceedings before them and defending and supporting the prosecution in court.

Secondly, the prosecution wished to explain why a Rwandan genocidaire is being tried in France. French courts have jurisdiction to try such crimes on the basis of their universal jurisdiction, which derives in particular from a United Nations Security Council resolution creating the ICTR. (Note: It should not be forgotten that the Cour de Cassation has always refused to respond positively to international arrest warrants issued by the Rwandan authorities. Hence the large number of cases clogging up the French justice system). At this point, Ms Viguié reviewed the difficulties that can arise from a case of genocide in Rwanda being tried in France, and in particular the question of the reliability of witness testimony, which the defence tends to attack. Ms Viguié recalled that at the ICTR, only one case had revealed false testimony that had in fact been initiated by the defence.

On the third point, the General Counsel for the Public Prosecutor's Office explained the procedural rules and the law applicable to our case. She pointed out that French procedure is quite distinct from the Anglo-Saxon procedure found in international courts, which the defence has constantly tried to incorporate into the hearings, in particular by cross-examining witnesses and criticising a witness for not respecting the presumption of innocence of his client. Ms Viguié set about defining, under French law, the crimes of which Philippe MANIER is accused, i.e. the crime of genocide, the crime against humanity, and the crime of conspiracy.

The public prosecutors decided to divide their requisition into four parts.

The context in which the genocide was committed and the role of the gendarmerie in carrying it out.

Ms AIT HAMOU recalled the history of the Tutsis in Rwanda, from the arrival of the Belgian colonists to the genocide in 1994. She explained the various methods used to discriminate against the Tutsis, leading to a concerted plan and a final solution. These methods included the assignment of identity, discriminatory measures in education and administration, and the use of the press and propaganda channels. She then went on to describe the specific features of the BUTARE prefecture before and during the genocide.

The implementation of the genocide in the NYANZA gendarmerie.

Ms AIT HAMOU described the Rwandan gendarmerie. It was created by decree in 1974 and had two types of mission, ordinary missions consisting of the prevention and repression of insecurity throughout the country, and extraordinary missions that were slightly less regulated. The NYANZA gendarmerie company came under the BUTARE prefecture gendarmerie and covered the whole of the NYANZA sub-prefecture, which had a population of between 30,000 and 50,000 and was estimated to have around one hundred staff. Chief Warrant Officer HATEGEKIMANA was posted to the NYANZA gendarmerie in 1993. He had a role similar to that of a human resources manager, assigning tasks to gendarmes throughout the company's jurisdiction. The accused said that he had been transferred before the start of the massacres, whereas many witnesses saw him in the gendarmerie, on duty, until the second half of May 1994. The prosecuting lawyers went on to specify the number of witnesses who had referred to the accused as BIGUMA, since he had repeatedly denied having this nickname, just as he had also admitted it on several occasions.

The scenes of crimes and massacres for which Mr MANIER is accused.

The public prosecutor then listed the acts for which Philippe HATEGEKIMANA is accused and, for each act or crime scene, listed the witnesses who accused him or who saw and/or recognised him. As a reminder, he is accused of having participated in and led security meetings aimed at making the population aware of the genocide. He is also accused of having set up and controlled barriers, organised patrols, kidnapped and ordered the execution of the mayor of NTYAZO, Narcisse NYAGASAZA, and of having killed several groups of Tutsis, either himself or on his orders. Finally, he is accused of having coordinated and participated in the massacres on the hills of NYABUBARE, NYAMURE and at the ISAR SONGA site.

Legal analysis of the facts and the criminal consequences for the accused

The General Counsel pointed out that the ICTR and the French courts had established that genocide had occurred. Under French law, a person can be the perpetrator of genocide either by committing the genocide himself or herself, or by having these acts committed by a person over whom he or she has authority. For crimes against humanity, the modes of liability are classic: a person is an author if they commit the crime themselves, or an accomplice if they commit it by aiding or abetting. Philippe HATEGEKIMANA is accused of being a perpetrator of the crime of genocide and an accomplice to crimes against humanity for having ordered the commission of offences and crimes. With regard to the classification of the crime of conspiracy, this is the first time that a French Assize Court has been asked to classify this crime on the basis of such facts.

Concerning the qualification of the accused's intentional element, Ms VIGUIER pointed out that although Philippe MANIER had mentioned having saved Tutsi families, he had also admitted that he had done so because he was carrying out missions given to him by his superior. She asked that the jurors, during their deliberations, take into account the personality of the accused given the facts. In this case, in view of his attempt to flee to Cameroon, in view of his oral statement last week to the effect that the witnesses heard before the court had all lied, and in view of his behaviour throughout the trial, the accused appears to show little or no sign of remorse. "He is not a 'little fish', he is not a simple executor but a fundamental link in the implementation of the genocide' of the Tutsis in Rwanda in 1994," she concluded.

The prosecution asks the court and the jury to sentence the accused to life imprisonment.

## **Day 29: Thursday 22 June**

At the beginning of the hearing, Maître KARONGOZI announces eight new civil parties.

The President asks the parties if they have any comments on the list of questions submitted the day before, questions that will be submitted to members of the jury.

Maître PHILIPPART wanted the Assize Court to be able to rule on the massacres that had been perpetrated in KARAMA: in her view, the fact that the accused was not being prosecuted for these acts was the result of an "error" on the part of the investigating judges. She therefore asked the President to put a question about these facts. (Note: This request was opposed by the public prosecutor following Ms VIGUIER's intervention). She also asked that Philippe NDAYISABA be recognised as a victim of ISAR SONGA [massacre at Agricultural college].

The President indicated that he would modify the title of the questions: instead of saying: "Did Mr HATEGEKIMANA commit...", he preferred the wording: "Is Mr HATEGEKIMANA guilty of...".

Mr BERNARDINI said that he agreed with the CPCR lawyer's request. In his opinion, the facts concerning NYAMURE and KARAMA must be linked.

Ms VIGUIER, for the Public Prosecutor, told the court: "You are not required to judge all the crimes in the commune of NYANZA. The crimes of Karama are not before the court. There has been no investigation into the facts on this hill: that is the mistake. Mr MANIER was not questioned about KARAMA. The accused has the right to know what he is accused of in order to prepare his defence. This position was obviously shared by the defence and the prosecution, as the facts of KARAMA were not covered by the OMA.

After an hour and a half of deliberation, the court returned. It confirmed that the crimes committed at Karama would not be taken into account. The court will retain the charge of "complicity in crimes against humanity".

Hearing of Mrs Adélaïde MUKANTABANA, representing the CAURI association.

The witness began by pointing out that she was a Tutsi, an identity that was not spoken of in the family. She went on to say that the hunt for Tutsis began in 1959. She worked as a teacher.

In 1990, after the RPF attack, Tutsis were insulted, their homes were broken into: they were seen as accomplices of the RPF, as enemies from within. This climate of hatred continued for three years.

On 17 June, the witness was evacuated to Burundi by a doctor. In the meantime, she stayed at home with her two young children (twins) and one of her daughters? Her other children, who had taken refuge with their grandparents, were killed in NYANGE.

In 1994, the witness moved to Bordeaux, to live with her sister. She obtained French nationality in 2005.

In 2002, she took part in the creation of IBUKA France and set up the CAURI association with Gilles DUROUX. They filed a complaint against Sosthène MUNYEMANA. In 2004, CAURI joined forces with SURVIE Aquitaine. The witness ended her testimony with these words: "I stand before you in the name of my people, in the name of the CAURI activists. I have faith in justice.

No questions were put to the witness.

After announcing the Court's decisions, the President suspended the hearing and scheduled the civil parties' closing arguments for 9 a.m. the following day.

## **Day 28: Wednesday 21 June**

Hearing of Régine WANTRATER, clinical psychologist, context witness called by the Public Prosecutor's Office at IBUKA's request.

Régine WAINTRATER is a clinical psychologist who has written several books on the memory of survivors of genocides and major traumas. She began working with the testimonies of survivors of the Holocaust, then of the Armenian genocide, and finally of the genocide in Rwanda. She was contacted by IBUKA and has been to Rwanda several times. She sometimes sees survivors for psychological assistance.

She begins by talking about the testimonial process for survivors. She describes it as a crucial moment, expected and also feared by the survivors. Testifying in court is an indispensable step, as it is the recognition by the law of what was inflicted on them. It's important for survivors to come to a place where the law will be applied, even though they have lived through genocide, a phenomenon where arbitrariness reigns. So there's a fear of thinking back to those moments, and there's also a fear of not giving a satisfactory account.

Régine WAINTRATER describes traumatic memory, starting by distinguishing it from ordinary memory. With traumatic memory, you don't forget. She goes on to explain that traumatic memory manifests itself as hypermnesia or total forgetfulness. This is explained by the mechanism of cognitive dissociation. To avoid going mad, the ego folds into two parts. One part acts on "automatic pilot". So it happens that when survivors return to the scene of traumatic events, they don't understand how they were able to survive or do certain things to save their lives. It's a self-defense mechanism. The "self" doesn't come together in the aftermath. The survivor has to confront both sides. It's as if one part has broken away and has to be dealt with. This memory is not coherent. And yet, what is required of the witness is coherence, the presentation of a narrative. So we end up with sometimes contradictory testimonies. Legal time is not the same as genocide time. The latter is an incoherent time. The witness no longer lives in this common time.

During questions from the president and the civil parties, the witness says that memory can be both very vague and very precise, and that traumatic memory and ordinary memory can coincide.

The defense, through Maître GUEDJ, asked the witness about the phenomenon of memory contamination or modified consciousness. She replies that this can happen in a situation like ours, but that the temporality is not the same and that these inconsistencies are not fundamental. The defense then asked her about her work with IBUKA. She replied that she had been contacted by IBUKA 10 years ago on the occasion of a commemorative conference at UNESCO. She explained that she did not deal with IBUKA survivors and that her two trips to Rwanda had not been paid for or organised by the association, but that she had been accompanied by members of the association. She also stated that she had not gone there to gather testimony but for personal reasons, to exchange ideas and to learn more.

Maître GUEDJ asked Mrs WAINTRATER about the phenomenon of dissociation among witnesses, and she replied that this is a constant, whatever the culture, and that contradictions in an account do not imply that there is dissociation. She corrected him by reminding him that dissociation is not a pathology.

Hearing of Mr Jean-Marie Vianney NZAPFAKUMUNSI, called MUNSI since his naturalisation in France, heard on 22 May 2023. The witness could not be questioned by the parties [1].

Jean-Marie-Vianney NZAPFAKUMUNSI, now called MUNSI, was heard on Monday 22 May. The Chairman had to suspend the hearing before it was completed. He therefore returned today to finish answering questions from the defence. Maître ALTIT asked him about his flight from Rwanda and his life in a refugee camp. The witness gave information about the structure of the camp and the buildings. He described clashes in KIGALI between the RPF and the Rwandan armed forces before and after 7 April 1994. He claims that the Rwandan army forces had little ammunition and that the RPF was well armed. He then asserts that according to what he heard, it was the RPF that fired on President Habyarimana's plane because at the site of the attack there were traces of Russian missiles and the Rwandan army did not have any Russian missiles. He knows this because he did a research paper at the end of his military studies on supplying the Rwandan army.

Jean-Marie-Vianney NZAPFAKUMUNSI then said that in KIGALI, the RPF regularly violated the cease-fires established between them and the FAR and that the various political party militias clashed violently with each other. The defence questioned the witness several times about the abuses committed by the RPF, who replied each time that the RPF massacred and caused thousands of refugees to flee.

The president wished to read out a sealed document found at the accused's home during the searches. Here is its content.

The Chairman read out a note that had been found in the accused's home by the French investigators and that resembled a to-do list. He asked the accused if he recognised this handwriting. Philippe HATEGEKIMANA replied that he did not and that it was not his. On this list, which is not completely legible, the following inscriptions can nevertheless be deciphered:

Putting things in order before finding witnesses  
Problems in the association  
GAUTHIER patriotic, INYENZI  
Non-commissioned officer  
Tutsi and Hutu relations  
Show human side  
Major impact  
Find a reason for name change

Lie to get the papers

The chairman asked the accused if he had any idea who had drawn up this document. The chairman insisted and asked him what "dad's project" meant (Note: Indication mentioned in the header) but Philippe HATEGEKIMANA remained silent once again.

Hearing of Mr Lameck NIZEYIMANA, heard on 24 May 2023. He was summoned again, as the parties had not had time to question him. By videoconference from KIGALI.

Domitille PHILIPPART: You mentioned the arrival of BIGUMA at the RUKARI gate around 20/21 April. On that occasion, you spoke of the murder of a certain NGABONZIZA, a death that was said to have been made an example of. Do you remember the deaths at that roadblock, and why do you remember the death of NGABONZIZA in particular?

The witness: He wasn't the only one killed. I remember that first victim because that death was the trigger (Note: From then on, people could kill without fear).



Ms AÏT HAMOU, for the prosecution: You said that the killings began on 22 April "at home". Where was "at home"?

The witness: It's in RUKARI, RWESERO sector.

Ms AÏT HAMOU: BIRIKUNZIRA and BIGUMA incited you to kill the Tutsis, how precisely?

The witness: On 23 April, I and others went to the RUKARI roadblock. The two gendarmes found us at the roadblock with other gendarmes. The cell leader, MATABARO, had asked everyone to come to the barrier. We went because the massacres had started. We hesitated because we weren't used to killing.

Ms AÏT HAMOU: Did BIGUMA ever come alone to this roadblock?

The witness: I saw BIGUMA again at the home of the other councillor, Gervais TWAGIRIMANA, to pick up a Hutu identity card. The witness confirmed that Tutsi had indeed been killed in the gendarmerie's avocado field.

Maître GUEDJ, for the defence: there is no point in attempting to give an exhaustive account of this episode, which lasted almost three hours, interspersed with a number of incidents with the president and the public prosecutor.

Maître GUEDJ bombarded the witness with a multitude of questions to catch him out, even calling him a "liar". The lawyer made many approximations in interpreting what the witness had said during his various hearings. This provoked the irritation of the president and the prosecuting lawyers.

Moreover, it is not certain that the witness understands all the questions put to him. Sometimes the chairman asks the lawyer to formulate them differently, more simply.

Ms VIGUIER takes over the witness examination: the tone rises so much that the chairman intervenes again to calm things down and ask the lawyer to "respect" the witness.

Imperturbable, but quite irritated, Maître GUEDJ has every intention of asking the questions he wants, as he wants. He continued his questioning, which was beginning to become unbearable for many. The lawyer knows that this is his last witness of the trial, and he doesn't want to give up. After three hours of questioning, he finally gave in.

To end the day, the president suggested that the parties try to ask the accused questions, even though he had announced that he would not speak. His word was kept. Despite numerous questions from both the civil parties' lawyers and the public prosecutor, Mr. HAREGEKIMLANA/MANIER invariably replied that he did not wish to answer. On one occasion, he was surprised by Ms AÏT HAMOU and declared: "I am not BIGUMA".

The Chairman adjourned the hearing to 9 a.m. the next day to hear one last civil party and try to get the accused to yield. He is unlikely to succeed. He will probably have to content himself with reading out certain passages from the defendant's testimony. Friday will be devoted to the pleadings of the civil parties.

### **Day 27: Tuesday 20 June**

Deliberation on the applications filed the previous day by the defence.

The defence requested that extracts of decisions of the Gacaca [community] courts referred to during the trial be disclosed. The defence also requested that telegram K0026 from a case before the ICTR be disclosed. In addition, the defence requested that an expert ballistics report on the mortar fire be ordered.

The court deliberated without the assistance of the jurors. Although the defence stated that it was addressing these requests to the President, the latter convened the court.

On the extracts from the GACACA judgments:

The court considered that the requests were indeterminate, not specifying the date or the parties concerned. They were late requests, and almost all of the witnesses indicated at the beginning of the hearing whether they had been convicted. The defence was perfectly aware of this and did not consider it necessary at the time to request these extracts. The Court considers that the measure requested is not necessary and its implementation would require a request for international mutual assistance in criminal matters, the outcome of which is uncertain and which would entail postponement of the case to a later date, which would be contrary to the requirements of reasonable time.

On the application relating to Mr KAYITANA's telegram to the ICTR:

The Court noted that the text appears in a transcript of the proceedings in a case before the ICTR, and that it is therefore not necessary to make an application to obtain this telegram. Such a request would require recourse to the Residual Mechanism of the International Criminal Tribunal for Rwanda: the result is uncertain and would be incompatible with the requirement of reasonable time limits.

On the ballistics request:

The facts date back more than 29 years. The request does not appear to be necessary and here again its implementation would require postponing the hearing to a later date. The outcome would be uncertain and would result in significant delays that would be incompatible with reasonable time requirements.

Postponement of the defence case:

The defence requested that the President order that it be given additional time to prepare its case by setting the date for 12 July. The president indicated that the date had been set a long time ago and that this would be tantamount to interrupting the proceedings. The trial before the Court of Assize is subject to the principle of continuity of the proceedings, pursuant to article 307 of the Code of Criminal Procedure: "The proceedings cannot be interrupted and must continue until the Court of Assize has ruled". It was up to the defence to take all necessary steps to prepare its defence in time. The application is therefore dismissed.

President LAVERGNE reads a document seized from the accused. These are handwritten notes. We have reproduced the transcript almost in its entirety.

Why did you change the name?

The killings in NYANZA (sic)

Harassment since June and November 2012, file in support.

Can I report the current harassment to the police to ask for (illegible word).

What should I say to the journalists if they ever turn up in front of me?

As for the name change we're talking about, it's true that I changed my name to something closer to mine, with the same meanings, HAKIZIMANA, all to protect my little family, especially the kids. And

then I didn't change the name of my commune or my first name and the names of my children. All this was done to obtain the right to asylum, which is not easy to obtain for those who had served in the gendarmerie or army. That's why I didn't report it. We had to find a way to save these young kids at all costs. Before I fled the country in July 1994, I was a chief warrant officer with the Gendarmerie in Kigali. I worked as a non-commissioned officer in the NYANZA company from December 1993 to 18 April 1994. My job was to manage the gendarmes within the company (...) When I see that Mr GAUTHIER is calling me a genocidaire before the 21st commemoration of the Rwandan genocide and lodging a complaint against me has become commonplace (sic) and KIGALI's technique remains the same and also for Mr GAUTHIER to bring in money and also for the Rwandan government to continue to harass all those who have opinions contrary to their own (sic). It's also an opportunity for him to show that he's hunting down the genocidaires. I have learned that he has travelled to Rwanda in recent months to meet the (illegible word) of NYANZA to build a case against me. He went round the MPANGA and NYANZA prisons looking for witnesses against me, promising them that they would be released or that their sentences would be reduced and, above all, giving money to their families. All the charges against me were trumped up in MPANGA prison, and that's no surprise, because that's how Mr GAUTHIER and the Rwandan government proceed in order to have the most solid and convincing evidence to have us arrested. How can we continue to believe in Mr GAUTHIER, who hides behind the CPCR to continue to make a good living out of serious and savage lies? In his complaint, he talks about the massacres committed in NYANZA by myself. I say that these are lies of all kinds (sic). After the death of President HABYARIMANA I was transferred to the KIGALI garrison and I am sure that the transfer telegram exists.

The accused then spoke of having been placed at the disposal of Colonel RUTAYISIRE, who lives in Belgium, and of his involvement in associations. He then accused Epiphane HANYURWIMANA of having betrayed him because of his political opinions. He is said to have escaped an ambush: he had a large stone on his windscreen and lodged a complaint. He added: "And now this has led to GAUTHIER lodging a complaint against me".

GAUTHIER says that we are hiding, it has been 21 years since the genocide, and I have never been bothered by Interpol or anything else.

The accused then talks about his duties in NYANZA. He knows nothing about the barriers.

Witnesses for the prosecution are people who are prepared in advance; at the beginning they are asked to say that they would like to see the person who has done them great harm and that this is how they will be able to mourn. They are asked to cry in front of the investigators to show that they are very saddened by their loved ones who have died. (...) End of text that is difficult to understand).

Hearing of Mr Philippe OUDY, expert psychologist.

I examined Mr Manier on 16 October 2019 at the Nanterre prison. He was in good general somatic condition, with high blood pressure. When he fled to Rwanda, he was scared on several occasions. Contact was established easily, without reticence. Cooperative atmosphere. His speech was well organised and sufficient for him to express himself. His intelligence works harmoniously. His career path has been smooth. He continued his career until he fled Rwanda in 1994.

He describes conformist family interactions, and warm interactions with his parents. He mentions no complaints about his family environment. He seems to be well integrated. He got married when he was 36. He describes a harmonious couple and family life. No underlying dissociative themes or processes.

As for the facts, I can read the statement he made, which sums it up: "I don't recognise the facts at all". He gives an account in which he exonerates himself of any responsibility. He stated that he had not taken sides and presented himself as a victim of RPF assailants who had persecuted him and his family.

Psychologically, he describes himself as an intelligent man. The analysis dates from 25 years after the events, which took place in a particular context in which group effects may have come into play.

As far as group effects are concerned, the analyses show that there were groups in conflict. The emotional situation and the aggressive behaviour were fuelled by a group perception that defined the other as the bad object to be eliminated, as the object of legitimate reformation and aggression.

In conclusion, the psychological examination showed me someone who is not alienated. He is capable of giving and repeating a specific and detailed account. His personality shows no discordance. Despite an account in which he had lost close relatives, I found no psycho-traumatic syndrome. He denies any involvement in the events, so it is impossible to study his possible motives.

#### QUESTIONS FROM THE COURT

CHAIRMAN: So I understand that he has all his intellectual faculties, he is adapted, he has no problems, and he says that he is the victim of the actions of the RPF, and the victim of denunciations that he considers to be false?

P. OUDY: Yes.

CHAIRMAN: And if the facts of which he is accused proved to be true, what he may have said in this regard would be completely subconscious?

P. OUDY: Yes.

PRESIDENT: There is no involuntary concealment?

P. OUDY: No.

CHAIRMAN: He told you that everything was calm in his family life, he mentions good relations with his parents. We learned that his father was a polygamist.

P. OUDY: I don't think that's an original element.

CHAIRMAN: He has a nickname, his nickname is BIGUMA. The meaning as I understand it is "it doesn't work". It was a nickname that had also belonged to one of his instructors. In his ability to adapt, he can make statements that can be described as misleading. For example, to come to France, he used a false identity and made false declarations to the OPFRA [French Refugee commission], which are disconnected from reality. He explains that he is acting out of concern for the protection of his family, saying: "When you apply for asylum, you have to be convincing, I was asking for protection". Is he someone who is very adaptable?

P. OUDY: Very likely.

PRESIDENT: You saw him in October 2019, he is someone who has a special detention regime because he is placed in isolation. He has few activities, I believe he does weight training, is not subject to any incidents. He's been in solitary confinement for almost four years, it's complicated.

P. OUDY: That's the image he wants to give of himself.

PRESIDENT: We haven't heard from any of his family members. One of the daughters in Cameroon has never been heard from, one of the sons said that he was an extraordinary father, another son, Gilbert, has had his phone tapped, revealing that he witnessed certain acts of violence and barriers. When he had to be interviewed, he refused. Mrs Manier, on the other hand, has sometimes been rather inconsistent in what she has said. She has cited health problems as a reason for saying that she could not travel and that she could not be heard by videoconference either. Does this raise questions about compartmentalisation?

P. OUDY: Yes, it's surprising. It's difficult to draw conclusions.

JUDGE ASSESSOR: In your opinion, does his personality leave any room for a critical analysis of the facts?

P. OUDY: (not heard the answer).

QUESTION FROM THE CIVIL PARTIES

MR GISAGARA: Is everyone capable of empathy?

P. OUDY: It depends on how you were brought up as a child and the circumstances.

Ms GISAGARA: Did you feel anything about that in relation to the accused?

P. OUDY: I did not feel any particular coldness by Mr Manier.

questions from the prosecution

MP: On the account as presented to you by Mr MANIER of his experience in the gendarmerie, reference DC/4, he says: "I was a chief warrant officer in the gendarmerie, it was very good". Can you confirm that?

P. OUDY: He was satisfied with his career.

MP: You mentioned something about the trauma of the fear of dying, he linked it by presenting himself as a victim of aggressors under the acronym RPF. I didn't notice that this fear of dying was linked to anything else?

P. OUDY: No.

MP: This episode took place after the flight from Rwanda, did Mr. MANIER mention to you in his account any elements about threats that he might have received from extremist Hutus?

P. OUDY: He told me: "There were abuses against everyone, they were shooting at us, the RPF infiltrators". Maybe that was before the camps too. He said that he had been prosecuted.

MP: You said that he was very well adapted, but the feeling we get is that he's someone who doesn't react much, who is very withdrawn, very much in control. Did you notice this control or withdrawal?

P. OUDY: Withdrawal, no, because he used to express himself without reticence, now it's a speech where there's little affect, little commitment. I wouldn't call it withdrawal.

QUESTIONS FROM THE DEFENCE

MR DUQUE: Did he talk to you about his wife's health problems?

P. OUDY: I don't remember.

MR DUQUE: Did he talk to you about his fear of death?

P. OUDY: Yes, that's right.

Ms DUQUE: Did he talk to you about his mother's death?

P. OUDY: I understood that relatives had been killed, but he didn't specify or express any particular feelings at that time.

Ms DUQUE: You spoke of a group effect but you also said that it wasn't possible to study his motives. Is that contradictory?

P. OUDY: It's not contradictory because I'm the one talking about a group effect. He was in a group opposed to another, so he was subject to a group effect.

Mr DUQUE: Did he deny the existence of genocide?

P. OUDY: He didn't mention it.

MR DUQUE: Did he use the word genocide?

P. OUDY: Yes.

Mr GUEDJ: We talked about withdrawal, you said that the accused was not overflowing with emotion, you had already worked on Rwanda before this report?

P. OUDY: It wasn't me who spoke of withdrawal.

Mr GUEDJ: You spoke of one group opposing another. Did you do any research on Rwanda before the report?

P. OUDY: No.

Mr GUEDJ: Had you ever worked on Rwandan culture?

P. OUDY: No.

Ms GUEDJ: Not audible

P. OUDY: I said that he was limited in terms of affect.

Ms GUEDJ: You might think that this is linked to his culture as a gendarme?

P. OUDY: I don't know how to interpret the gendarme culture.

Ms GUEDJ: Someone who takes orders, who is an authority figure?

P. OUDY: A denominational distortion (?) is possible. I interpreted him more as someone who has difficulty expressing his feelings.

Ms GUEDJ: How do you see it?

P. OUDY: In his answers, it was very automatic.

Mr GUEDJ: Yesterday a witness spoke about the accused and said that he had cried when he heard his accusation.

P. OUDY: It's possible that a dimension of the character is missing. His situation is very particular emotionally. Perhaps his emotions manifested themselves in tears.

Spontaneous statement by the accused.

While Mr Philippe HATEGEKIMANA had been silent since the start of his trial, even appearing to have no interest in it, he decided to make a statement. Taking out a few sheets of paper from his pocket, he declared:

Mr President, thank you for giving me the floor. Since 10 May 2023, I have been locked in this box. I hear all these people accusing me of unimaginable crimes. I don't know most of these people. You can see from their accounts how inconsistent they are, and how contradictory they all are. I can't take it any more, it's all too much for me. That's why I've decided not to say anything outside this short statement, as is my right. I've heard atrocious things, I've lived through this period. I sincerely sympathise with the suffering endured by the victims. The genocide against the Tutsis happened and I witnessed it, but I have nothing to reproach myself for. On the contrary, I risked my life to save people under threat, in particular François KABURIMBO, his wife and seven children; the brother-in-law of the Secretary General, known as IYAMUREMYE. At the time, I was seeing another woman with whom I had a daughter. I didn't want to talk about it because society in Rwanda is very traditional in that respect. As for the rest, I was not in NYANZA at the end of April 1994 or in May 1994. At that time, I was in the army, it was wartime, I was with Colonel RUTAYISIRE who gave me intelligence missions that the hierarchy ordered him to carry out. It was chaos, the RPF was attacking everywhere, there were massacres everywhere.

Mr President, I have been subjected to unjust accusations and imprisonment for over five years. My life has been destroyed, my life has been ruined. But I understand that your role is to uncover the truth and bring justice. So I know that in a short while, justice will be done and my innocence will come to light. Acknowledging my innocence does not mean denying the genocide or the suffering of the victims. It simply means accepting the complexity of the situation at the time. I'm exhausted, this has been going on for five years. I've said everything I needed to say to the examining magistrate. In the meantime, my lawyers are here to represent me and speak on my behalf.

Hearing of Mr René Gaspard BIZIMANA, summoned at the request of the defence.

SPONTANEOUS STATEMENT

I have known Philippe MANIER under the name HATEGEKIMANA since 1978. I was a non-commissioned officer cadet. He had just finished his studies. He was also a non-commissioned

officer. We first got to know each other through sport. We were athletes. I represented the NCO school, and he represented where he was posted because he had just finished his training.

My first impressions of him were that he was a happy man. Sometimes, during competitions, he was conciliatory, saying that you had to concentrate on the competition to succeed. The objective was to get points. After that, he put on a good show wherever he was. Some people said: "You don't know if he can get angry or not". He preached love between people. Social life? I didn't live with him because I was in a different army corps. We only met through sport. He was a physical education instructor and studied in Belgium. I replaced him to become a physical education instructor myself. We grew together. It was part of our job to organise competitions where we were. During the competitions, we organised exchanges, and he was someone who accomplished his mission without hesitation. Sometimes he was in charge of the instructor officers. He would tell them which tasks had to be done without fail.

From 79/80/81 to 1985, I was in BUTARE, where I was an instructor, while he was in the gendarmerie. In those years, I trained at ESO, he was often in military training, and I knew him in those activities.

In the 90s, we weren't together when the years started, until there was a truce in 1992/1993, a time of cease-fires, and that's when we started meeting. We could move around, we met in KIGALI where I was posted. We had mutual acquaintances, we said that the war prevented us from continuing our sporting activities. It was not without respite. The war started again. We lost the time to see each other because of the war. We left our country and crossed the border to take refuge outside. Everyone had gone their own way, but everyone was looking for information about their friends, to find out who was still alive. When I arrived in France in 2002, he was already there, he heard I'd arrived and came to see me. He was happy to see me after all that time. He said: "There are a lot of people who are no longer alive who were members of our sports speciality". He said, "You're alive, I'm alive, we thank the Lord". We'd say, that's how it is, you have to listen if there's information to follow. If you want to do something else, there will be training courses. It was he who encouraged me to study in France. Unfortunately, I learnt that he had been arrested for killing, genocide and all that, I don't know how I can describe it. I wasn't really at ease. I don't know what he's accused of.

On questioning from the Chairman, the witness talked about the steps he had taken to obtain French nationality. He didn't have to lie, didn't change his name, and didn't hide the fact that he had been a soldier.

When asked about his activities at the ESM in KIGALI, it was difficult to get him to say that there had been genocide: "According to the information, there were killings. I can't say whether there was genocide. There was a war and there were killings, which later became genocide. Before the killings I didn't know the word genocide.

Regarding the relocation of the ESM to NYANZA, the witness said that he had only made a stopover in that town before continuing on to KIGEME. He did not have time to "listen" to whether any Tutsis had been killed there! He then talks about his escape to ZAIRE via the border town of CYANGUGU. He passed through the border without any problems. He heard that people were being arrested.

The witness states that he crossed the border without his weapons, which were entrusted to those in charge of logistics. In KASHUSHA, he saw BIGUMA again. Life was complicated because of the Congolese soldiers guarding the camps. Then came the RPF attacks in 1996. It took him seventeen months to reach Congo Brazzaville.



They managed to reach the Ubangui river at a place called "Congo Belge", and smugglers helped them to reach Congo Brazzaville. There they found a situation of war between SASSOU NGESSO and ISUBA. Members of MSF [Doctors without Borders] helped them to continue their journey. Members of MSF will help them to continue their journey (Note: The fact remains that a "benefactor", a Spanish priest, will help them to find papers, "real or false papers", says the chairman. A question that doesn't get a precise answer].

When he arrived in France, the witness was a little lost. He was visited by Philippe HATEGEKIMANA.

Maître PARUELLE tried to get some details out of him about where he lived in KIGALI, in REMERA, near the AMAHORO Stadium, about his activities in the early days of the genocide, but he had to be pulled in and the information he gave remained vague.

Maître EPOMA wanted to know whether, after the attack, the FAR [Rwandan Armed Forces] had been consigned to barracks. Without really answering the question, Mr MUNYEMANZI stated that in KIGALI it was UNAMIR and the Belgian Blue Helmets who were in command. At the ESM, there was shelling, shots were fired at the RTLM: shells even fell on the ESM. As for the death of the ten Belgian Blue Helmets at Camp KIGALI on 7 April, he knows nothing about it!

Maître GISAGARA was astonished by the witness's statement that in 1994 he did not know the word genocide. He was also surprised that the witness mentioned "shooting from both sides"! And the witness declared his attachment to the country he had left: "If peace returns, I will return to Rwanda".

Ms VIGUIER, for the public prosecutor, asked the witness if he knew of an alias for the accused. "He was a friend at first. I knew he was called BIGUMA but as he was my superior, I could not use his alias.

The defence will have few questions. It allows the witness to say that he does not deny the existence of genocide, without specifying who the victims were.

Hearing of Mr Déogratias MAFENE, former Tutsi gendarme, summoned at the request of the public prosecutor, by videoconference from KIGALI.

Déogratias MAFENE is retired from the army and was heard by videoconference due to health problems. He worked in the NYANZA gendarmerie as a nurse before 1991, when he was transferred to KIGALI. He then attended the NCO school and returned to the NYANZA gendarmerie in July 1993. He therefore worked with Philippe HATEGEKIMANA in the gendarmerie. At the end of the genocide, he joined the RPF forces and remained there until 2014.

The witness, who appears to be in poor health, takes his time to explain his background. The chairman suggested reading out his previous statements to save time and effort. Maître Guedj protests and asks the chairman to let the witness speak alone. The parties explained that the witness was ill and the chairman asked him to calm down before continuing the hearing.

In the course of the questions put to him, Déogratias explained that he had an identity card marked Tutsi but that he had thrown it away in 1993 because it was causing him difficulties. Quite quickly, the witness affirmed that it was BIGUMA who directed the gendarmes when they went to kill Tutsis. He saw the gendarmes leave the gendarmerie camp and return boasting of having killed Tutsis and pillaged their property. Concerning Captain BIRIZUNZIRA, the witness said that he behaved

differently from BIGUMA; he organised the killings in secret and did not show his face. He gave instructions when he was in his office.

As to the date of the accused's transfer to Kigali, he said that he had only left after the massacres, since he was the one who sent the lower-ranking gendarmes out to kill. He had heard from the gendarmes and members of the population about the massacres in the hills of NYAMURE and ISAR SONGA. At the request of the President, the witness mentioned the names of colleagues who had taken part in the massacres, such as GAHUTU, who was nicknamed ICYURWARA, Corporal NTIDAKUNZE, Corporal MYUKIYAJYANBERE, the wrestler, MUSAFIRI and César.

When he was shown the accused in the box, he said he recognised Philippe HATEGEKIMANA, who did not recognise him. Déogratias had heard the accused say at the time of the genocide that the Tutsis had to be exterminated, and he confirmed that he had a gun on his belt.

Hearing of Mr Daniel ZAGURY, psychiatric expertise of the accused.

The witness said that he had met the accused at Nanterre prison. Despite being held in solitary confinement, he did not complain about his situation. He denied all the crimes of which he was accused. According to his version of events, it was the gendarmes who prevented him from killing. He himself was in danger because he was considered a "moderate man, too soft", and was therefore threatened. As he has always claimed, he was transferred 15 days after the attack.

Mr HATEGEKIMANA refuted these accusations. He has no criminal record. He tells the expert about his life in the Congo, his journey through the forest to Congo Brazzaville, where he found help in a convent.

In Rennes, where he eventually settled, he worked as a security guard, played football and jogged. With others, he set up a "cultural" association, AMIZERO, where he had problems with a certain Epiphane.

He talks about his training as a gendarme and denounces the politicians responsible for what happened in Rwanda. He is said to have been threatened for his benevolence towards the Tutsis.

The interview he had with the psychiatrist went well, and the contact was good. According to Mr Zagury, the detainee seemed to be taking it in his stride.

Mr. ZAGURY points out, based on his experience (he has met around ten Rwandans) that the defendant's story overlaps with that of others in his situation: "They all tell the same story, lead a quiet life in France, and have seen their children continue their studies". He had no psychiatric problems and showed little emotion (a man cries on the inside!).

Mrs AÏT HAMOU told the doctor that a witness had said that BIGUMA had cried when he learned that he was being prosecuted. The psychiatrist explained that this was not abnormal, but that it had happened before he was incarcerated.

To Maître LOTHE who was surprised that it could be said that they all had the same story, Mr ZAGURY replied that the ten or so Rwandans he had seen, some of whom may have been convicted, told the same type of story. The Nazis said the same thing.

**Day 26: Monday 19 June**

## Hearing of the Civil Parties to the case

For Association SURVIE, Laurence DAWIDOWICZ.

Laurence DAWIDOWICZ is being heard as the representative of Survie, which has brought a civil action in the trial. His hearing consists solely of her spontaneous statement, as the parties were not asked any questions. In his statement, Laurence presented facts about the association, which employs two people, was created in the 80s and redirected its activities at the time of the genocide of the Tutsis in Rwanda. Survie mobilised during and after the genocide to inform institutions and public opinion, and to ensure the prosecution of genocidaires internationally and in France. The association has been a civil party in several trials such as the SIMBIKANGWA case [in 2014].

For the IBUKA [survivors of the genocide] France Association, Mr Marcel KABANDA, President.

Marcel KABANDA was heard in his capacity as president of the association IBUKA France. IBUKA means "Remember" in Kinyarwanda. Since the question had been asked at the beginning of the trial, the president asked Marcel KABANDA to specify the nature of the links between the various IBUKAs and in particular between IBUKA Rwanda and IBUKA France. He replied that the only link was the object that the associations had in common, that of the memory of the genocide.

The witness then presented the role of IBUKA and the difficulties they can encounter in the work of remembrance, since most of the people who lived through the genocide are no longer alive. He also explained that, after the genocide, the killers had time to flee and that, with time, the memory of the survivors of the events and the faces of these killers is weakening.

The defence asked the witness about the links between IBUKA France and the other IBUKA associations, and Marcel KABANDA was obliged to explain the distinction again. He then asked him for details of the association's financial contributions and whether he had ever encountered any difficulties with visiting witnesses in prison. Marcel replied that he had never been to prison, but had met survivors or free witnesses (Note: The defence lawyer clearly had the wrong witness. It is the representatives of the CPCR who frequently visit Rwandan prisons to gather testimony from detainees). Finally, the defence cited passages from the works of professors such as Professor GUICHAOUA on the judicial difficulties concerning the truth of certain testimonies. Marcel KABANDA replied that it was up to the judges and the court to assess the veracity of each testimony.

For the CPCR, Alain GAUTHIER, President.

I am speaking as President of the CPCR. The association was created in 2001 with the aim of prosecuting people suspected of having taken part in the genocide of the Tutsis who live on French soil. France has the power to judge under the law of universal jurisdiction. I am also intervening as the family of victims, since my wife's family was exterminated. I would like to thank our lawyer, Domitille PHILIPPART, who has also assisted us in this trial and in other cases.

I'm going to start my statement quite far back in time, in 1961. I was in Year 5, and a missionary, Père Blanc, came to show a documentary entitled "Charles LWANGA and the Martyrs of Uganda". At the end of the screening, I scribbled a few words on a piece of paper: "I want to be like you". He replied: "You're in Year 5, take your A-levels and we'll see". If I relate this anecdote, which may seem trivial to you, it's because, in 1994, it was in the parish of "Charles LWANGA and the Martyrs of UGANDA" in NYAMIRAMBO that my mother-in-law, Suzana MUKAMUSONI, was murdered on the morning of 8 April.

Later in 1968, I entered the Catholic Faculty of Theology in Strasbourg. After two years of study, it was time to do my military service. I signed up for two years. The Bishop of BUTARE, Monsignor Jean-Baptiste GAHAMANYI, needed volunteers. When I arrived in Butare, the bishop appointed me as a French teacher in Save, a hill about ten kilometres north of Butare. SAVE is the first parish in Rwanda, founded in 1990. The king had sent missionaries to this hill because the inhabitants had a bad reputation.

I spent two years there as a French teacher. I also coached the football team. There were a group of Rwandan teachers, including Straton GAKWAYA, a young priest who was murdered on 7 April at the Christus Centre in KIGALI, and Boniface NKUSI, who was also killed during the genocide. And there was also a royalist Hutu, Xaveri NAYIGIZIKI. Alongside this group was a congregation of Flemish brothers, the VANDALES (that's their real name) who had been expelled from CONGO, and who didn't mix much with the others. At the end of 1971, one of them wrote an anonymous letter to my parents denouncing my bad behaviour. The author, who was finally denounced, was expelled from Rwanda by the Bishop of BUTARE. I was to learn later that the bishop had placed me in this establishment to create links between the groups, but this was not possible.

The only distraction on this hill, where there were many schools, was football. We set up a team of teachers who travelled around the region at weekends, and I was given a nickname: KANYAMUPIRA. On 1 May 1972, we went to Burundi for two matches. My passport had expired, so I left accompanied by a Greek shopkeeper from BUTARE who said to me: "Don't worry, I know everyone". Indeed, we crossed the border without any problems. After a few kilometres, we were stopped by heavily armed soldiers who finally let us through. This happened several times before we reached BUJUMBURA, without anyone giving us an explanation. When we arrived, we learned that there had been a coup d'état during the night: lorries full of corpses criss-crossed the town. As I had no papers, we hid in the Grand Séminaire and, after obtaining a pass from the French embassy, we left in a convoy, eight days later, escorted by Burundian soldiers, to the ZAIRE border, near the town of UVIRA, to return to RWANDA via CYANGUGU. My return to SAVE was a cause for celebration.

In July 1972, I had to leave RWANDA and I resumed my studies in Nice, in Modern Literature, and the following year at the University of Grenoble, my home town. In 1973, the Tutsis were expelled from the administration, colleges and universities, including my wife, who took refuge in Burundi. In the summer of 1974, Henri BLANCHARD, the parish priest in SAVE when I was in RWANDA, who had come on holiday, told me that a young lady had come to see him in Ambierle, near Roanne, in the Loire. I had met her in SAVE and, from my neighbouring ARDÈCHE, I went to see DAFROZA. After visiting her the following Christmas in BRUSSELS, we began our story together. We married in 1977 and had three children. We stayed in Rwanda several times until 1989. RPF attacks made visits difficult.

In February 1993, after Jean Carbone's speech on France 2 [linking the French government to the Habyarimana regime and the massacres that it was undertaking], we got involved for the first time. I wrote to François Mitterrand to ask him what France was doing in Rwanda. I received a letter from the Élysée Palace and another from the Ministry of Foreign Affairs saying that they were doing their utmost to bring peace to Rwanda. On 4 August 1993, we celebrated the Arusha agreements in BRUSSELS. In February 1994, my wife went to visit her mother, who told her to return to France at a time when the situation was tense in Kigali. We never saw her again.

On 7 April 1994, the President's plane was shot down. I heard about it on the radio and woke up my wife. At first, she was enthusiastic, but I told her: "Be careful, the Tutsis may pay the price". The next day, I phoned Father BLANCHARD at the parish where my mother-in-law and her cousins had taken refuge and I learned that my mother-in-law had been murdered that morning in the parish

courtyard. That evening, when I got home, I had to break the terrible news. DAFROZA started screaming so much that I had to go and explain the situation to our neighbours. Our eleven-year-old son EMMANUEL said: "Mama, I will avenge you".

And so began our daily battle. In the press, I write to the newspapers to denounce what is happening in RWANDA. The newspaper La Croix published one of my appeals for help. I was the first to announce that Agathe Habyarimana had been welcomed to France with money and a bouquet of flowers. We replied to faxes from survivors of the Hôtel des Milles Collines. During this period, we organised a demonstration in Reims under the slogan "Rwanda, la honte" ("Rwanda, the shame").

Two children of my wife's cousin, Jean-Paul and Pauline, aged seven and eleven, were found by the Red Cross in BUJUMBURA and we did everything we could with the Ministry of Foreign Affairs to welcome them. They arrived on 14 August. The family grew from three to five children. In August 1996, we returned to Rwanda and found few survivors. The only members of our family were refugees from Congo. Over the course of the year, we began to collect the first individual testimonies. My wife had a cousin who was a survivor of the Sainte-Famille in KIGALI, who helped us to collect testimonies from survivors. We gave them to a lawyer who had been working on the MUNYESHYAKA case, which had been the subject of a legal action since 1995. After more than twenty years of proceedings, the case was finally dismissed, much to the despair of the survivors.

In the spring of 2001, the first trial took place in BRUSSELS: the BUTARE Four. Among the accused were a former minister and head of a match factory in BUTARE, a university professor and two nuns. At the end of the trial, our friends who had initiated the complaint asked us: "And you, what are you doing in France? As soon as the trial was over, we brought together a number of friends and set up the CPRC. We are going to join as a civil party in six complaints that were "sleeping" on the examining magistrate's desk: Abbé Wenceslas MUNYESHYAKA, Doctor Sosthène MUNYEMANA, who will be tried in November, Laurent BUCYIBARUTA, former prefect of GIKONGORO, tried and convicted last year, Fabien NERETSE, whom we had tracked down in Angoulême under a false name and who was later extradited to Belgium and convicted, Cyprien KAYUMBA and Laurent SERUBUGA.

We were soon working on new legal actions. Each time we learned of the presence in France of a person suspected of having taken part in the genocide of the Tutsis, we went to the scene and sought out witnesses whose testimony would be used to support the complaint that we submitted to the investigating judges. The first was against Agathe Habyarimana, on 13 February 2007: she is still living in France, without a refugee or residence permit, and lives in Courcouronnes, on the outskirts of Paris. We have lodged around thirty complaints, all of which have been followed by a judicial investigation. The investigating judges have always taken our complaints very seriously. Five cases have been dismissed.

We often travel to Rwanda. The witnesses are survivors, but survivors are not always the best witnesses because they were often in hiding. We meet prisoners who have either been released or we go to prisons to hear their testimonies. This is not a favour done to us; anyone wishing to meet prisoners must request authorisation from KIGALI's public prosecutor and the director of prisons. That's what we do and that's what we did in this case. Now, the public prosecutor prefers to extract them from prison and bring them to the public prosecutor's office where they can give us their evidence. That's the work we're doing.

Another date that comes to mind is June 2004. We were warned that a mass grave was going to be opened in NYAMIRAMBO, at the parish. My mother-in-law had been killed near there, so we went there and they opened the grave in front of us. The people digging have to go slowly when you see bones. We soon saw the body of a young man in a basketball outfit, then bones and skulls that my

wife looked at carefully to try and find clues that would enable her to recognise her mother. To no avail. The bodies were removed, washed, put in basins of water, cleaned with toothbrushes, dried in the sun and then put in coffins for a dignified burial at the GISOZI memorial in KIGALI.

In 2012, the crimes against humanity unit was set up at the Paris High Court. Previously, complaints had to be lodged at the homes of the accused. For example, we tracked down the former sub-prefect of GISAGARA, Dominique NTAWUKURIRYAYO, in CARCASONNE, where he worked for the diocese. We were told that he was not at the address we had given, and a year later he was arrested at that precise address. At my school, I was part of a committee that gave discounts to needy families. I came across the name Arsène NTEZIRYAYO, and realised that he was the son of the last prefect of BUTARE. His wife had come to live in the suburbs of Reims and had declared, at the time of registration, that her husband was a "political prisoner" in ARUSHA, even though he had been sentenced there for genocide.

In the HATEGEKIMANA case, in 2013, we found an anonymous letter in our mailbox saying that this man worked at the University of Rennes II. Precise details enabled us to begin our investigation. There was also a second name, that of Mr Ignace MUNYEMANZI, who will be heard later this afternoon. The bulk of our activities are devoted to prosecuting people in France. We also work in the field of education, giving regular talks in secondary schools and universities. Teachers now have the right to choose genocide as a subject. I regret the absence of Madame Manier, because I would have liked her to explain what she said about us in the phone taps. She claims that I know the man who betrayed her husband and that I paid him handsomely. We receive a lot of attacks on social media.

We also regret the decision of the Cour de Cassation, which refuses to extradite to Rwanda people who are the subject of international arrest warrants, thereby encumbering French justice. For us, this refusal is a scandal. Investigations are becoming increasingly difficult, many witnesses have died, three in this trial alone. Memory is failing. Some witnesses are still afraid to testify. We have to take great precautions to gather testimony from survivors who wish to meet us in secret locations. More and more killers are getting out of prison and going back to their hills, which worries the survivors. There is also a major mental health problem in Rwanda.

I would like to thank Florence PRUDHOMME and Michelle MULLER who are doing their utmost to publish survivors' testimonies, Les Cahiers de mémoire. The crime of genocide is a crime against humanity from which there is no recovery.

At the end of Alain GAUTHIER's hearing, President LAVERGNE read out the anonymous letter that had just been mentioned.

Only Maître ALTIT, for the defence, will put questions to the witness, for 45 minutes.

QUESTIONS FROM THE COURT :

CHAIRMAN: It seems to me that before the complaint, an article had been published in Ouest France?

Alain GAUTHIER: Yes, but I can't remember the date.

QUESTIONS FROM THE DEFENCE :

ME ALTIT: You said in your hearing (D652): "One day we received an anonymous letter....". How do you know that these were students from Rennes and survivors?

Alain GAUTHIER: These are deductions I made because there was talk of Rennes II and the accused continued to harass these people. It's still an anonymous letter.

ME ALTIT: What seems striking is the abundance of details about the accused, his address, his first name, certain facts about his naturalisation. How is it that students have access to these files?

Alain GAUTHIER: If they're students, that's possible.

ME ALTIT: Hm!

Alain GAUTHIER: On two or three occasions.

ME ALTIT: Your first instinct is to ask if it's true, if it's not dangerous, do you weigh up the pros and cons?

Alain GAUTHIER: No more than when we discover a person by any other means. We travelled quickly to the scene of the massacres in Rwanda, we collected the testimonies, once we have the testimonies we try to group them together, and then we use them to draft the complaint, we don't have too many reasons to doubt. However, we have sometimes discarded testimony that wasn't very credible.

ME ALTIT: Aren't you afraid of being manipulated and of having it written by representatives of the Rwandan services?

Alain GAUTHIER: We have nearly twenty-five years of work and experience behind us, and all our complaints have been followed by the opening of an investigation by an examining magistrate. I don't understand your question about access to the file.

ME ALTIT: When did you receive the letter?

Alain GAUTHIER: As I recall, it was in the summer of 2013.

ME ALTIT: On 13 August 2013 you were in Rwanda.

Alain GAUTHIER: If the testimonies date from August, then we must have received it before then.

ME ALTIT: A month before? Two months before?

Alain GAUTHIER: I don't know, some dates are clear in my mind, others less so.

ME ALTIT: You said you filed around thirty complaints?

Alain GAUTHIER: Yes.

ME ALTIT: So you were involved in several cases in France?

Alain GAUTHIER: Not in all of them, we are not aware of all the judicial investigations opened by the Public Prosecutor's Office since 2019. I know that there is one where we were informed and asked if

we wanted to be a civil party. Otherwise, it is the CPR that has filed all the complaints since 2001. Without the CPR, there would not have been any trials in France if we had not done this work.

ME ALTIT: The Libération newspaper ran a front-page story about a man who came to testify. Did you see him?

Alain GAUTHIER: Yes, I saw him.

ME ALTIT: Did you give any information?

Alain GAUTHIER: I gave it to the journalist months or even years ago.

ME ALTIT: There's a witness who comes to give information and he's accused in the press, do you understand that that poses a problem?

Alain GAUTHIER: It wasn't me who published it and I wasn't asked my opinion.

ME ALTIT: What is your annual budget?

Alain GAUTHIER: For a long time we operated on a family budget. I can't give you the budget, I'm not the treasurer, but during the first trial we obtained aid from the Rwandan government. Since then, we have received a relatively large amount of aid from a Danish foundation, and otherwise we operate on membership fees and donations.

ME ALTIT: What is your annual budget?

Alain GAUTHIER: €20,000, without any certainty.

ME ALTIT: €20,000?

Alain GAUTHIER: From the sum received by the foundation I've just mentioned, we still have a small operating fund. We also have lawyers to defend us pro bono.

ME ALTIT: You have a small fund in addition to an annual budget. How much is this small fund? You took an oath!

Alain GAUTHIER: No, counsellor, I'm a civil party, I didn't take an oath. (Note: The lawyer feels a little embarrassed by this misunderstanding). I don't have to say it.

ME ALTIT: How many times a year do you go to Rwanda?

Alain GAUTHIER Three or four times a year, on average.

ME ALTIT: Who pays?

Alain GAUTHIER: The association, we don't have any major expenses on site. We don't stay in hotels.

ME ALTIT: Do you have a car that is lent to you?

Alain GAUTHIER: Yes, from relatives.



ME ALTIT: You say in your interview that you work closely with IBUKA?

Alain GAUTHIER: We worked closely with the head of IBUKA NYANZA who testified in this trial.

ME ALTIT: With IBUKA Rwanda?

Alain GAUTHIER: I've just told you that the local president of IBUKA is a civil party. I don't see why he would refer the matter to IBUKA national.

ME ALTIT: You're sending the examining magistrate elements that are statements made by people you've met. Why didn't you attach the Gacaca trials to which the witnesses refer, that would have helped us a lot.

Alain GAUTHIER: It's not always easy to get them quickly and when we do get them, they're not very precise: there are the names of the judges, the penalty, the name of the person.

ME ALTIT: It's always useful to know.

Alain GAUTHIER : It's not us who do the work of justice, it's the examining magistrates, and this is being done today. In a few days' time, when the verdict is delivered, the "judicial truth" will be given.

ME ALTIT: In the summer of 2013, you left for Rwanda. On 13 August 2013, you went to NYANZA prison and you heard prisoner testimonies? (he mentions names).

Alain GAUTHIER: That's correct, but when we arrived, prisoners were brought in and they wrote down their statements. Sometimes they let us meet them alone. There are often two of us, my wife and me. They, on the other hand, are always alone with us.

ME ALTIT: Who are you with?

Alain GAUTHIER: I'm with my wife.

ME ALTIT: And no civil party?

Alain GAUTHIER: I don't remember.

ME ALTIT: Did you write to the Rwanda prosecutor's office saying: "I want to hear from such and such a person"?

Alain GAUTHIER: We asked if we could hear people imprisoned in MPANGA prison.

ME ALTIT: Do you know how many prisoners there are?

Alain GAUTHIER: I don't know how many there are, but I do know that there are foreigners, Liberians and Sierra Leoneans. MPANGA is a modern prison that meets international standards.

ME ALTIT: I want to understand why you write that you are going to see NYANZA detainees.

Alain GAUTHIER: How can you expect NYANZA prison not to have any prisoners from NYANZA?

ME ALTIT: Is that a bet?

Alain GAUTHIER: It's a logical deduction.

ME ALTIT: Does the prosecutor authorise you to go to prison?

Alain GAUTHIER: He's aware of the work we've been doing for years, and he's given us this authorisation.

ME ALTIT: In what capacity are you appearing?

Alain GAUTHIER: As President of the CPCR.

ME ALTIT: You're not a prosecutor, you're not a lawyer?

Alain GAUTHIER: I've answered you, I ask for authorisation and I get it. There are other associations that go into prisons to visit prisoners.

ME ALTIT: But they have statutes?

Alain GAUTHIER: We too have articles of association, they couldn't be clearer.

ME ALTIT: You introduce yourselves to the prisoners?

Alain GAUTHIER: That's how we operate, with the approval of the Rwandan judicial and prison authorities.

ME ALTIT: He asks the prison governor ...

Alain GAUTHIER: That's how it works.

ME ALTIT: Does your wife have any links with a member of the government?

Alain GAUTHIER: I was waiting for this question. I saw that you had contributed an article to the debate, an article that says: "Alain GAUTHIER admits to being in a family relationship with James KABAREBE" (Note: Former Defence Minister, now advisor to the President of the Republic). To "confess" you have to feel guilty. I simply admitted the truth. Is there any shame in that? It was following a question from a defence lawyer in another trial that this 'malicious' article was published. I acknowledged that Mr KABAREBE had married one of my wife's cousins.

ME ALTIT: You have Rwandan nationality?

Alain GAUTHIER: Yes, and French. I obtained Rwandan nationality in 2009.

ME ALTIT: Have you been rewarded by President KAGAME?

Alain GAUTHIER: Yes, we were decorated by President KAGAME. The IGIHANGO medal. But we also received one from the city of Reims.

ME ALTIT: There are four witnesses in the prison?

Alain GAUTHIER: Yes, some came and said: "We know what you are doing, we don't want to talk to you".

ME ALTIT: Then, some stayed and others left?

Alain GAUTHIER: They were put in a room and they wrote down their statements.

ME ALTIT: You know that most of them can't read or write?

Alain GAUTHIER: The ones we met could read and write.

ME ALTIT: I understand the process, but there's a catch. You know that the Rwandan authorities have been criticised for the conditions in which prisoners are held?

Alain GAUTHIER: I read as you do, but we have the same conditions in some French prisons.

ME ALTIT: People who don't know you, how do you know they're going to tell you the truth? (to name the IBUKA association)

Alain GAUTHIER: You're the one who said it, I'm not a member of this association, despite all the respect I have for them. We hand over these testimonies to examining magistrates, who in turn investigate on the basis of letters rogatory.

ME ALTIT: In view of the 2021 report by the United Nations High Commissioner for Human Rights, aren't you afraid that these people will tell you things that have been whispered to them?

Alain GAUTHIER: You're the one who's afraid.

ME ALTIT repeats the question.

Alain Gauthier: We're suspicious of certain testimonies. We didn't provide all the testimonies because some didn't seem credible enough.

ME ALTIT: They give you their written testimony?

Alain GAUTHIER: In that case, yes.

ME ALTIT: So you don't have an exchange, they give you the testimonies?

Alain GAUTHIER: The director gathers them together and certifies their veracity with a stamp from the prison.

ME ALTIT: Are any of the names I'm giving you people you've come across in previous cases?

Alain GAUTHIER: I don't know.

ME ALTIT: Israel? You haven't met him anywhere else?

Alain GAUTHIER: No. He's in prison.

ME ALTIT: Lameck?

Alain GAUTHIER: The same.

ME ALTIT: Even before?

Alain GAUTHIER: No, even before.

ME ALTIT: Mathieu?

Alain GAUTHIER: The same.

ME ALTIT: You say in your interview: "Prisoners we hadn't planned to meet come in". How does that work?

Alain GAUTHIER: I don't have any more explanations to give you.

ME ALTIT: Are there detainees in general who are emissaries of the authorities and who go around prisons looking for people to testify against someone?

Alain GAUTHIER: No, I'm not aware of that.

ME ALTIT: You mentioned prisoners who refused to talk to you. Did you know them so that they refused to talk to you?

Alain GAUTHIER: We don't have the names, but he was an intellectual who spoke very good French.

ME ALTIT: What did you say to them?

Alain GAUTHIER: I said: "I know that you know the person against whom we want to lodge a complaint, you don't want to talk to me, I take note of that". And he left.

ME ALTIT: Were there people who wrote testimonies down for them?

Alain GAUTHIER: Some of them are illiterate, and they need someone to take their testimony under dictation.

ME ALTIT: The people fill in their paper, you're saying that, from your point of view, nobody prepared them?

Alain GAUTHIER: I don't think so.

ME ALTIT: Are you with your wife?

Alain GAUTHIER: Yes, we go together as often as possible. It's possible that the IBUKA representative in NYANZA, Canisius KABAGAMBA, was there that day, I can't remember. But we are often alone, just the two of us.

ME ALTIT: To your knowledge, has there ever been any prefabricated testimony?

Alain GAUTHIER: That's what the defence claims.

ME ALTIT: That's not true.

Alain GAUTHIER: Yes, that's what they keep telling us.

ME ALTIT: Do you know who pays for the clothes of the people who come here?

Alain GAUTHIER: Not at all. Does this question have much relevance to the case before us?

Despite the length of this episode, we thought it would be a good idea to transcribe almost all of this "interrogation" in order to show how difficult it can sometimes be to "confront" the defence. It's a real arm-wrestling match. The CPR is their favourite target.

For the CPR, Mrs Dafroza GAUTHIER MUKARUMONGI, founding member.

Hearing of Mr Eric GILLET (former lawyer for civil parties in trials in Belgium), by videoconference from the TARBES Judicial Court.

Eric GILLET is a lawyer who worked for years with the FIDH [international Federation of Human Rights] in Rwanda. He began his hearing with a spontaneous statement in which he announced that he had gone to Rwanda in 1991 for the first time at the request of a human rights committee of civil parties that had been set up in Belgium following the imprisonment of the Ibyitso - RPF 'accomplices'. He then went back to Rwanda with the FIDH to investigate disappearances and a massacre in the north of the country. A report was published in 1993 on human rights violations throughout the country, describing what was to become the modus operandi of the genocide, i.e. state and media actors claiming that the Tutsis had drawn up a plan to massacre the Hutus.

The witness then recounts how agreements such as the ARUSHA accords were signed between the RPF and the Rwandan government to set up a multi-party system. Éric GILLET and his team found notes that proved the existence of a genocidal plan from then on, mentioning arms deliveries and the creation of a free radio station, RTLM [Hutu hate radio]. The witness then mentioned the first signs of preparation for the genocide in January 1994, the attack on President Habyarimana's plane on 6 April 1994 and the assassination of Belgian UNAMIR [peacekeeping] soldiers on 7 April 1994. Éric GILLET mentions the KIBUNGO trial in Belgium in 2005, which was a revealing trial concerning the preparation of the genocide and the attack on President HABYARIMANA's plane.

The witness was then part of an FIDH team mobilised in BUTARE, with Alison Des Forges, which led to the writing of the book "No Witness Should Survive: The Genocide in Rwanda". In their book, the FIDH team demonstrates how the genocide of the Tutsis was a state enterprise. All parts of the state were involved, in particular the army and the gendarmerie. We can speak of an economy of genocide, the entire economy was put at the service of the genocide because the State financed the genocide and ensured that merchants made their logistics available to the Interahamwe. Mr GILLET explained that the embargoes had been abused in every way and that several countries, including France, had breached the embargo. Rwanda received arms until the end of the genocide.

The Chairman asked the witness a few questions about RPF abuses and Mr GILLET stated that there had indeed been forced displacements in the north of the country and military operations that targeted areas occupied by civilians. The distinction had not been made sufficiently. President LAVERGNE asked the witness about a phenomenon he had begun to mention, that of mirror accusations. This is the practice used by the Hutu leaders before and at the time of the genocide to accuse the Tutsis of what they themselves were doing. The aim of this practice was to justify the

genocide and present it as a "preventive genocide". It is a propaganda technique that dates back to Nazi Germany.

Maître AUBLE, counsel for the IBUKA association, asked the witness if he could talk about the use made of the word of the survivors. He replied that at the time of the first trials, academics claimed that witnesses lied and were prepared before their hearings. The witness said that he had never encountered such problems and that it was important to compare the different testimonies and sources. He explained that Rwanda is a very bureaucratic country, and has been since colonisation. Many minutes and transcripts of meetings supported the witness's testimony and proved the genocidal plan and intention.

The public prosecutor asked the witness how the road blocks worked. He replied that the barriers had in fact been in use before the genocide, but that they had been particularly effective at the time of the massacres. The witness confirmed that the gendarmerie was heavily involved in the genocide throughout the country. He also confirmed that some Tutsis were spared, sometimes in rather inexplicable ways, and that it was not surprising that some Tutsis could have been spared within a gendarmerie itself.

On the particularity of the BUTARE prefecture, Éric GILLET explained that the prefecture had a large number of Tutsis, and a greater tolerance towards them. It was also headed by Prefect Jean-Baptiste Habyarimana, who delayed the start of the genocide. It was for these reasons that the prefecture resisted the spread of the massacres for a time and it was necessary for the Head of State to raise awareness in order to "make up for the delay".

The defence questions the witness about the conditions under which prisoners were detained in Rwanda after the genocide, and it comes as no surprise to learn that there was prison overcrowding for a time. Maître GUEDJ then questioned the witness's word, which he seemed to feel was not very objective.

Hearing of Mr Ignace MUNYEMANZI, character witness called by the public prosecutor at the request of the defence.

Spontaneous statement: I decided to come and testify for Philippe HATEGEKIMANA for three reasons:

I was an investigator at the ICTR and I know how it happened.

I am a witness to the tragic history of Rwanda

I have known the accused since 1999 and I know his nature.

Questions :

President: You say that you were an investigator at the ICTR, that you knew Philippe HATEGEKIMANA in 99 and that you know his nature?

Ignace MUYEMANZI: Absolutely.

Chairman: What do you mean when you talk about your position as an investigator at the ICTR?

Ignace MUYEMANZI: Incomprehensible remarks. I wasn't obliged to testify on behalf of Philippe Hategekimana, but I know him and I'm not going to leave this boy, whom I worked with for 20 years, like that.

Chairman: We're going to try to separate things, your knowledge of the accused in particular, you didn't know him before?

Ignace MUYEMANZI: Not at all.

Chairman: Do you know Nyanza?

Ignace MUYEMANZI: Not at all.

Chairman: What you're saying is "be careful, don't judge on the spur of the moment, there may be witnesses who speak on the spur of the moment, we know that testimony has been inaccurate and has not convinced the judges at the ICTR". But you also say that you know nothing about (the situation in) Nyanza or the personal situation of BIGUMA when he was in Rwanda?

Ignace MUYEMANZI: Absolutely.

Chairman: Were there any acquittals at the ICTR?

Ignace MUYEMANZI: Yes.

President: I don't know if you know, we heard from around a hundred people in this trial, so it's not just one testimony in the heat of the moment, it's several testimonies that we were able to analyse. We're going to take a very serious look at all of this. You worked as an investigator for a defence team, not in the prosecutor's office. The system in force at the ICTR has no equivalent in French law; we don't have an investigator for the Defence. What you were able to do in Arusha is inconceivable in France. What was your situation during the genocide, where were you and what was your background? Are you trained as a judicial police officer?

Ignace MUYEMANZI: No.

Chairman: What were you doing during the genocide?

Ignace MUYEMANZI: In Rwanda, I was national coordinator of the public works programme. Before that, I did something else. I'm an agricultural engineer. In the 90s and 94s, I was director of a project called "rural markets". That was my last position in Rwanda.

Chairman: Where did you work?

Ignace MUYEMANZI: The offices were in Kigali, but I went out into the field from time to time, to places around Kigali. Because of the war, we were told to limit our travels in the field.

Chairman: These projects were mainly in the agricultural sector?

Ignace MUYEMANZI: Yes, but not only that. Agricultural engineering in Rwanda wasn't just about agriculture. We were also involved in water management \*\* not very audible\*\*\*. I was applying the concepts I had learned in Canada and the USA.

President: For example, you were responsible for ensuring that funds were used properly?

Ignace MUYEMANZI: Not just that. We noticed that the men were monopolising a lot of the funds, so they were getting more money than the women. That, for example, was one of the areas we were developing. We worked with the ILO [Labour ORGANISATION]

Chairman: In 94, where were you?

Ignace MUYEMANZI: In Kigali.

Chairman: What happened to you?

Ignace MUYEMANZI: I'm married with three children. On 6 April, the news came through that the plane had crashed. There was general panic and we heard gunshots left and right. My first instinct was to call the Canadian consul to inform him. On 7 April, we heard that people had been killed. The consul told me to take precautions because he was overwhelmed by what was happening. We stayed at home for a week. I come from Cyangugu, a relatively calm region. I thought the only solution was to go home, to my region. I fled Kigali on the 12th to go to Cyangugu. I saw the situation on the roadblocks everywhere we went, you could see the corpses, it was terrifying. We used every means to escape, we gave money. The lucky thing for me was that I had children in the car who were crying a lot. We were able to get through.

Chairman: Were your identity cards marked Hutu or Tutsi?

Ignace MUYEMANZI: I'm Hutu.

President: Did you see dead bodies everywhere?

Ignace MUYEMANZI: It was 12 April, so they weren't everywhere, we didn't see them all the time. As I was working for the Canadian Cooperation, I had a registration for expatriates. When I arrived, some people thought I was an expatriate, so it was easy for me to pass through.

President: So when did you move to Cyangugu?

Ignace MUYEMANZI: On 12 April.

Chairman: Did it take you a day to get there?

Ignace MUYEMANZI: Yes.

Chairman: How long did you stay in Cyangugu?

Ignace MUYEMANZI: Until July, then we crossed into Zaire. When I arrived, the situation was relatively calm. As time went by and the situation became more critical, we decided to leave.

President: In any case, July was the general evacuation?

Ignace MUYEMANZI: \*\* inaudible\*\*

President: You leave Rwanda, you go to Zaire, how long do you stay?

Ignace MUYEMANZI: I stayed in Zaire for a year and then we moved to Kinshasa.



Chairman: Is Kinshasa still Zaire?

Ignace MUYEMANZI: Yes, but we were in Bukavu and then we moved to Kinshasa.

Chairman: Who did you stay with in Kinshasa?

Ignace MUYEMANZI: There was a family member studying theology there, he put us up.

Chairman: How long are you staying?

Ignace MUYEMANZI: \*\*\*

Chairman: When you crossed the country to go to Cyangugu, did you see gendarmes at the roadblocks?

Ignace MUYEMANZI: I didn't find any. Except in Butare, I saw traffic gendarmes.

Chairman: You didn't see any gendarmes on the roadblocks before Butare?

Ignace MUYEMANZI: I didn't see any.

Chairman: You stayed in Cyangugu for almost three months? How was the situation?

Ignace MUYEMANZI: \*\* inaudible \*\*

Chairman: This is towards the end of your stay?

Ignace MUYEMANZI: It was around May-June, I don't remember.

Chairman: I suppose there must have been a lot of people interested in leaving Rwanda and going to Zaire?

Ignace MUYEMANZI: Not at all. People thought the situation was going to calm down and that we could go home. This desire to leave came later, I think.

President: So the people who thought they were staying in Zaire, you knew a lot of people who were refugees who obtained false identity cards?

Ignace MUYEMANZI: No, I don't know them.

Chairman: Wasn't it common practice to obtain false identity cards?

Ignace MUYEMANZI: Frankly, I don't know.

Chairman: You ended up leaving Zaire for Togo and then France. When did you arrive in France?

Ignace MUYEMANZI: In 1998.

Chairman: When did you meet Philippe HATEGEKIMANA?

Ignace MUYEMANZI: I arrived in France in 1998. I applied for refugee status. I was then offered to go to a temporary accommodation centre, and I chose to go to Brittany. I went there in '99. I arrived there and was greeted by the director of the accommodation centre. He'd received a letter from my former manager at the CADA [Canadian development Association] in Asnières. He told me about the situation with the Rwandan refugees, that it was explosive because there were people there who had been through tragedies, and we had to try to ease the tension. I met several people. They told me about someone called Philippe, that he's good. He often comes to the hostel to play with the children, ... we set up a traditional dance association together to try to clean up, get together and talk about our misfortunes. The aim of the association was to promote integration and solidarity between Rwandans. Philippe HATEGEKIMANA joined the association and explained the benefits of dance. Philippe gave it his all. I was impressed. It was thanks to him that the association developed, and we toured Brittany. After that he became vice-president. In 2013, we learned that the new president was out to get Philippe and that he would never forgive him. That said, Philippe came to see me with a fax he'd just received from the university. The fax said that there was a genocidaire working at the faculty in Rennes, and that the victims of the genocide couldn't stand him. Terrible accusations. The fax was sent from an office 500 metres from the faculty in Rennes. We were all appalled by the fax. It was Philippe's way of trying to work things out that caused him so much harm. The fax said that Philippe had blood "on his hands", which is a literal translation of the Kinyarwanda. It appeared in Ouest France. Philippe was crying, it was the first time I'd seen him cry. Philippe has the same fault as all Rwandans: he doesn't show his feelings. He said that what saddened him was people saying that he had killed all his friends. I told him it was in the paper and that it would pass. He was as good as dead. He filed a complaint with the police and told me we'd look into it. He was saddened that his friends might think he was a genocidaire. I was convinced that this was not the case. The fax bore the letterhead of the IBUKA association, which replied that the fax was a forgery and that Philippe was not known, and that they reserved the right to prosecute the author. Around 2018 or 2019, Philippe told me that he was looking for new projects as retirement was approaching. He said he wanted to go to Cameroon with his daughter. He called me a little later and told me that his daughter had a project that was going well. \*\*\* I heard in the press that a genocidaire had been arrested by the police in Cameroon and that he was going to be extradited. I was shocked. Philippe on the run, I told myself it wasn't possible. I said to myself in my heart that I had to testify. I know that testifying for the defence is a risk, but for my own personal conviction I have to do it. I know him well enough, I saw the genocide.

Chairman: You have told us your conviction. But Philippe HATEGEKIMANA told you about what happened in Nyanza in 94?

Ignace MUYEMANZI: He told me that there was tension with him and his managers, who suspected him of being pro-FPR. After that, an officer in his department, a Burundian officer I think, who also had the same problems in the army, called on Philippe. He left, I think at the end of April, and unfortunately when he left, the massacres in Nyanza were still going on. He told me that it was sad, that it broke his heart that these people were being killed, but that if he had stayed, he would have been killed with them.

Chairman: There was indeed a fax with IBUKA's letterhead that was sent, and a police report was filed with the police in Rennes. An anonymous letter was also sent to the CPR. In this anonymous letter, they targeted Philippe HATEGEKIMANA, but they also targeted you. Did you know that you were being targeted?

Ignace MUYEMANZI: No.

Chairman: It talks about you in terms that are not very flattering because it describes you as living in Rennes, originally from Cyangugu, that you were working at the Ministry of the Interior on a Canadian project, that you lived in Kigali at the bottom of the Sainte Famille. It is stated that you controlled the road blocks in KIYOVU des Pauvres with militias from Cyangugu and you are accused of having looted and killed in your neighbourhood. Then you went to Cyangugu and did the same thing. No action was taken unless I am mistaken.

President : You tell us that there was no follow-up and that you were not prosecuted in France, but you should have known that.

Ignace MUYEMANZI: OK.

Assessor 1: Going back, you explain that on 12 April, you left home with your children. We know that very quickly there were roadblocks and that it was impossible to go through them without showing a CNI [national ID card] that didn't say Hutu. The Tutsis or those who didn't have an identity card couldn't go through. You explain that you weren't asked for an identity card and that you managed to get through because the children in the back of the car were crying. Doesn't that run totally against what we've heard?

Ignace MUYEMANZI: In the traumatic history of our country, stories can vary; everyone tells what they have experienced. I owned a car with expatriate registration plates, which gave me a certain advantage. Also, if you had a ticket or whatever, it worked. As for the identity cards, from what I've seen, I don't think they saved anyone. From what I've seen, some people have been killed who may have had a CNI. When you're known in the village, no one's going to ask you for your identity card.

Assessor 1: Someone who had a Hutu identity card and was known as a Tutsi was killed?

Ignace MUYEMANZI: Yes, that's right.

Assessor 1: But someone we didn't know who had a Hutu ID card, we wouldn't kill them?

Ignace MUYEMANZI: No, but you should know that many were illiterate too.

Assessor 1: But sir, when you go from Kigali to Cyangugu, you're not known at all the roadblocks, are you? When you have a Tutsi national identity card, are you killed?

Ignace MUYEMANZI: Yes.

Assessor 2: You say that you arrived in Cyangugu, between that time and your departure for Zaire, your account is a little succinct, you say that you hid children, that you took them to Zaire, but as for the rest, what happened? What did you witness, what did you see? Especially as you were there for about three months, in an area that was initially somewhat spared, but then the genocide happened. In the end, we heard nothing from you.

Ignace MUYEMANZI: In the 2nd week of April, there was an officer in Cyangugu who was very active, who was killing people. This officer was convicted and put in prison. He went round inciting people to massacres. On my hill we were outraged and finally the mayor said he wanted everyone to try to mobilise to prevent this man from bringing massacres to our region. At this meeting, one man stood up and said: "I don't want to take part in a meeting where there are accomplices". The mayor said that we should keep an eye on things and stay at home because this man was stronger than we were. The next day, this man said that the intellectuals had to be massacred. I was told that they

wanted to massacre me. At that point, the prefect of Cyangugu came to my house and told me that I was target number 1 because I was against the militia. The prefect said to me: "Ignace, the situation is complicated". People were then massacred. Among them were people who were staying with me. (Note: It's strange, it's as if he's not at all convinced of what he's saying). When you see all this, you don't do anything, you just keep quiet.

Chairman: Did you go back and forth between Cyangugu and Congo to see this man's wife?

Ignace MUYEMANZI: Yes, my father.

Chairman: There was no telephone?

Ignace MUYEMANZI: No, not at that time.

Chairman: And you say that the situation was safe enough to go back and forth?

Ignace MUYEMANZI: Our region is right next to the border and there was nothing there for us. He had entrusted his belongings to my father.

Chairman: These were business trips of a sort?

Ignace MUYEMANZI: Yes.

Substitute assessor. You said earlier that you saw the accused crying and that he was distressed when he learned of the article. Can you explain why he didn't lodge a complaint and why he didn't ask the newspaper for a right of reply?

Ignace MUYEMANZI: I'm the one who told him to lodge a complaint and in fact he did. I don't know why he didn't.

Substitute assessor. Ignace MUYEMANZI: You were heard on 15/11/2019, when you were asked about the past of Philippe HATEGEKIMANA (1022/4) did he tell you about this traumatic experience and his journey into exile?

Ignace MUYEMANZI: No, he did not confide anything to me, apart from the fact that he was a gendarme.

Chairman: Did you recover your memory or did you get more information?

Ignace MUYEMANZI: inaudible

Chairman: Earlier you explained that he had told you that he had left at the end of April-May?

Ignace MUYEMANZI: Yes, but he didn't tell me about his traumatic experience.

Chairman: You didn't think to say that in front of the gendarmes?

Ignace MUYEMANZI: Er, no, I don't know.

Additional assessor: you also gave his rank earlier.

Ignace MUYEMANZI: No, I didn't say that.

Additional assessor: Yes, you mentioned it earlier.

Ignace MUYEMANZI: I really didn't know his rank.

A number of other questions will be put to the witness, which will provide some clarification.

Requests from the defence at the end of the day.

After a number of readings from the case file, the defence, through Maître ALTIT, makes a number of requests to the President. The defence asked for the case to be suspended until a number of documents could be transmitted and added to the case file. It asked that requests be made to obtain extracts from the judgments of all the Gacaca referred to in the case file. The defence also requested that the KAYITANA telegram used in a case before the ICTR be filed. The defence requested that a new ballistics expert report be ordered in order to observe the possible presence of craters in the ground at the sites of the attacks on several hills. Lastly, Maître ALTIT asked that the defence case be postponed until 12 July so that it would have more time to prepare.

The president responded by saying that a jury trial must respect the principle of continuity in the proceedings. Maître ALTIT replied that the defence must also be given reasonable time to defend the accused properly. Maître PHILIPPART was heard on behalf of the civil parties and explained that, according to the civil parties, the defence only wanted to find excuses to save time. With regard to the Gacaca judgements, the requests were not very precise and did not mention any particular decisions, dates or names. She then recalled that each witness who had been heard had specified at the beginning of his or her hearing whether he or she had already been heard or convicted by a court, and that at this stage of the proceedings, the defence had not made any requests. She decided to do so as we reached the end of the debates. Mr PHILIPPART also questioned the usefulness of the other applications. The two Advocates General for the Public Prosecution each argued against these applications and the President stayed the proceedings. He will announce his decision tomorrow.

Note: It is clear that these are delaying tactics that President LAVERGNE will reject. The defence knows this, but it is doing everything it can to gain time and delay the end of the trial.

### **Day 25: Friday 16 June**

Hearing of Ms Marie INGABIRE, who wishes to appear as a civil party at the hearing, assisted by Maître BERNARDINI, summoned by virtue of the discretionary power of the president, by videoconference from KIGALI.

Marie INGABIRE, a civil party in the trial, was 7 years old at the time of the genocide. She, her parents and her siblings of ten children lived near the hill of RWEZAMENYO. They first saw refugees heading towards the hill, and then saw houses being burnt down. The family then decided to flee up the hill themselves. Marie stayed with her mother while the other part of the family split up. The Tutsi refugees in RWEZAMENYO saw several small attacks coming, which they repelled with stones.

At the time of the big attack on the hill at RWEZAMENYO, Marie saw her mother cut up before her eyes. The Interahamwe saw her and instead of killing her immediately, they asked her to accompany one of their children who was blind and who had followed them. She agreed, but in fact took him close to her home so that she could hide there. When she arrived, Marie hid in a field behind a neighbouring house. She then changed her hiding place several times.

The witness's account was interrupted by the chairman, who asked her counsel how her account related to the facts that concern us. Counsel replied that she had then gone to the KARAMA hill, which was included in the OMA (Ordonnance de Mise en Accusation). The President reminded her that the case had been referred to the Assize Court and that the facts mentioned in the referral order should be taken into account.

The plaintiff resumes her testimony. She recounted that she had gone to the hill of Karama where she found her father and some members of his family. Once again, a major attack decimated the refugees on the hill. Marie lost her father, one of her brothers and his pregnant wife, as well as other members of her family who were present at the time of the attack. She fled and hid in the bushes until the next morning. She then changed her hiding place several times over several weeks before the Inkotanyi retook the region. They found her on the NYANZA side, at a place called ARETE. Of her family, only four children survived. One brother, two sisters and her.

Hearing of Ms Gloriose MUSENGAYIRE, who wishes to appear as a civil party at the hearing, assisted by Maître BERNARDINI, summoned by virtue of the discretionary power of the president.

Gloriose, who is also a civil party in the trial, is the sister of Marie, the witness we have just heard. She was 15 years old in April 1994. Her story begins in much the same way as that of her sister. She explains, however, that two of her brothers were not with them when the genocide began, one of whom had joined the Inkotanyi.

After hiding for several days, Gloriose and the rest of her family were separated from Marie and their mother and went to the hill of KARAMA. Once in Karama, she was separated from her family on 28 April, the day of the attack, and arrived at ISAR SONGA with one of her sisters and her cousin. Most of her family died in Karama.

Gloriose goes on to say that she lived in SONGA for about a week. One day, she saw a helicopter fly over the hill, and the next day there was a major attack by ISAR SONGA. As she fled, Gloriose was held back by a pregnant neighbour. The two of them hid in the marshes, where they could hear the gunfire and explosions. When night fell, killers arrived with dogs to flush out the last survivors. After several days in the marshes, the woman she was hiding with, Yvette MUKAWERA, felt contractions coming on. They left their hiding place and arrived at the house of a man who recognised Yvette and told them to go to the health centre. So that's what they did, following the road he had shown them and, passing a barrier, thanks to the money Glorieuse's father had given her, they were able to continue on their way.

Yvette was able to give birth at the RUYENZI health centre and rest there for a few days. Then the Interahamwe came and found the refugees at the health centre, took them out and put them in a pit to kill them. Gloriose then raised her hand to make herself heard and pretended to be a Hutu so that the Interahamwe would not kill her. She gave the name of her Hutu neighbour and said that she was his daughter and that Yvette was his brother's wife. The deception worked, as the two young women were able to return to the health centre.

After several more days, a new group of Interahamwe arrived to choose Tutsi women for themselves. One of the Interahamwe chose Yvette. Before leaving with him, Yvette recognised a medical assistant she knew and asked him to take Gloriose with him. So, for several weeks, Gloriose lived with this medical assistant and his wife, who was hostile to the idea of taking in a Tutsi and wanted to kill her several times.

One night, she heard the soldiers come to the home of the medical assistant and say that the Inkotanyi were arriving. The family fled in the days that followed and Gloriose was saved by the Inkotanyi. When she returned home at the end of the genocide, she found the only survivors of her family, two of her brothers and two of her sisters, including Marie.

The defence noted several family links between the witness and other civil parties at the trial, and asked her if she had spoken to them about the facts before the trial. Gloriose replied that, of course, they talked about it every day: "It's our life, we remember our lives".

Hearing with Pierre Laurent, ballistics expert.

Pierre LAURENT introduces himself as a ballistics engineer. He began by explaining what a 60 mm mortar was, a weapon mentioned on the NYABUBARE and ISAR SONGA sites. It is in fact a smooth-bore tube fixed to a tripod on the ground. This weapon is easy to install. A day's training is all it takes, he would later tell us, to operate this device, which fires 60 mm shells. The range can go from 100 metres to 1.2 km. Each shell weighs between 1.2 kg and 1.4 kg and only explodes when it hits the ground.

The witness then looked at each of the two sites concerned. To make his calculations, he relied on the GPS coordinates provided by the investigating judges. The defence had him confirm, and seemed to reproach him for this, Mr LAURENT never travelled to Rwanda.

At NYABUBARE, the witness estimated that the mortar had been placed less than 500 metres as the crow flies from the hill where the refugees had massed. It would seem that it was the presence of the soldier Pierre Nginshuti, who was himself armed, that justified the intervention of the gendarmes. The villagers were unable to overcome the Tutsi resistance. The shots were fired from the hillside so that the gunmen could see what they were doing. Each shell took around 8 to 10 seconds to hit its target. The survivors, who had only been wounded, were finished off by the locals armed with machetes and clubs.

At ISAR SONGA, as at NYABUBARE, the refugees were standing on the hillside, about 650 metres from the mortar. Although soldiers and gendarmes intervened, only one mortar had been set up on the opposite hill.

The mortar was positioned opposite the hill where the ISAR SONGA refugees were, just above the marshes on the other side of the road.

The witness's testimony continued with the projection of a number of different types of weapons.

Mr Laurent commented on and explained about these. In particular, he pointed out that there had been no intensive firing because a truckload of shells would have been needed. However, the size of the shells confirms that the witness was able to transport them in a box measuring 40 cm by 20 cm. The shots were fired on sight.

On questioning from the civil parties' lawyers, the witness noted that the noise made by the mortar firing was not enormous, that a little smoke came out of the tubes when the shots were fired, that the trajectory of the shells could be improved and that they could be followed with the naked eye.

Ms VIGUIER, for the prosecution, asked about the witness's professional background: he was an energy engineer and trained as an artilleryman. He explained that only one person could use the mortar. There can be a firing chief and an observer, the latter's role being to correct the shot with the naked eye.

The defence was surprised by the statements made by Mr Laurent in support of his explanations. Mr LAURENT explained that he was aware of a certain number of testimonies contained in the file.

Hearing of Mr Josias SEMUJANGA, Professor at the University of Montreal, background witness proposed by the CPCR, by videoconference from MONTREAL.

Josias Semujanga, professor at the University of Montreal.

The witness began by saying that he was in Paris in April 1994. A refugee in Burundi in 1973, he left that country for CANADA in 1987. In Paris, he was surprised by the "naivety" of the people he met, even though massacres had already taken place in Gikongoro on 12 April. The massacres had already begun, with images of the massacres coming from the Pallotin Fathers' parish church to the south-east of GIKONDO.

In November 1994, on reading Colette Braeckman's book, *Histoire d'un génocide*, he was surprised to find stereotypes from another era: the Hutus liked to marry Tutsi women who were "more modern" than Hutu peasant women.

Mr SEMUJANGA then tried to demonstrate how an ideology can give rise to social practices. The propaganda invented the notion of the "scapegoat". How can the mass participation of the population in such massacres be explained?

The witness evokes the founding myth of Rwanda. GIHANGA (from the verb meaning "to found") had three sons: GAHUTU, GATUTSI and GATWA (which referred to social rather than ethnic categories). It was also possible to change category. 90% of the Tutsis did not belong to the ruling class: they lived like the Hutus. Peasants lived in very precarious conditions, subject to the vagaries of the climate. As for cow owners, they were favoured by the fact that they could move around according to the pastures.

The country was ruled by a king who stood "above the fray". He was said to have been born "mythologically". It was he who appointed the three chiefs: that of the grass, that of the earth and that of arms. Conflicts existed, but between lineages, not between Hutu and Tutsi. The Hutu/Tutsi opposition arose at the time of colonisation.

King YUHI MUSINGA, who refused to be baptised, was dismissed and exiled to neighbouring Congo. The coloniser chose his son, MUTARA RUDAHIGWA, who, once baptised, renounced all ancient attributes. He went so far as to consecrate Rwanda to Christ the King (editor's note: name of the college in NYANZA, the royal capital).

In the 50s, the elites in turn defined themselves as HUTU and TUTSI. Political parties were created: the monarchist UNAR, APROSOMA and PARMEHUTU. The BAHUTU Manifesto, published in 1957, developed Hutu propaganda: as the HUTU were in the majority, they should govern. The TUTSI were defined as foreigners and the HUTU as the country's original inhabitants. The Belgian colonisers then supported PARMEHUTU (editor's note: Party of the Hutu emancipation movement). The TUTSI were displaced and, at independence in 1962, became second-class citizens.



In 1973, during General Habyarimana's coup d'état, the Tutsis were expelled from the administration, schools and universities. A policy of "ethnic balance" was introduced, coupled with a rhetoric of peace. Dissension then arose between the HUTU in the north and the HUTU in the south and centre of the country. "Peace is given to the Tutsis, sheet metal to the TWAs and everything else is reserved for the Hutus" was the ironic comment.

After the LA BAULE speech in June 1990, the Tutsi exiles, former refugees from the late 50s who had found refuge in UGANDA, returned to the country by force of arms (1 October 1990). New political parties were born in Rwanda. During this time, Habyarimana became sectarian: the MRND joined forces with the CDR (Hutu extremist party), while the other parties defined themselves as more liberal: the MDR, the PL and the PSD.

The Ten Commandments of the Hutu (a reference to the Bahutu Manifesto) appeared in December 1990 in the extremist newspaper KANGURA. They became the "bible" of the HUTU. All the liberal parties were considered the enemy, with TUTSI becoming the "enemy within". The same liberal parties split in two, each creating a PAWA (extremist) section. Hence the use of the gendarmerie and the army.

Mr SEMUJANGA then drew a parallel between the traditional practice of hunting in ancient Rwanda and the behaviour of the Interahamwe during the genocide. Just before and during the genocide, RTLM [Hutu hate radio station] was a formidable tool for breaking down the resistance that some people still had to killing: "Even God has abandoned them", it proclaimed.

In conclusion, the witness recalled that anti-Tutsi propaganda was in full swing, propaganda that went so far as to eliminate Hutu opponents on the night of the attack. Contrary to what happened in 1973, the population has to be kept under control so that no one escapes. The language was now "tainted": terms that previously had no pejorative meaning were used in a negative sense. The ambivalence of words was played on (Gukora, travailler = to kill, Interahamwe = those who fight together, a word that had a positive meaning).

Genocide denial is constructed at the same time as it is perpetuated. If everyone killed, it was to avenge the death of the president, there were other massacres, hence the thesis of double genocide. Social networks facilitate the spread of denial. So much so that Rwandan deniers celebrate 6 April while forgetting the death of opposition HUTUs.

And the witness asked: "Why didn't the people of the GITARAMA and BUTARE prefectures flee when the genocide had not yet reached them?"

Many questions were put to the witness. Regarding the fate reserved for the victims (bodies thrown into latrines, abandoned to dogs), Mr SEMUJANGA said that the desecration of bodies was specific to the genocide. In ancient Rwanda, the ritual of revenge ended in reconciliation: women and cows were given to each other, even if a dead man could not go unpunished. But in a totalitarian state, the citizen has the choice between murder and murder (reference to Hannah ARENDT).

On questioning by a lawyer for the civil parties, the witness defended himself from having used the expression "ancestral hatred" between HUTU and TUTSI. It was quite the opposite that he wanted to demonstrate. It was the propaganda of the elites that created this antagonism by implying that HUTU and TUTSI were different "races".

Maître PHILIPPART, after thanking the witness, returned to the stigmatisation of Tutsi women (several witnesses admitted having been raped in 1994). Josias SEMUJANGA recalled that in the old

days of Rwanda, after reconciliation, women were exchanged to act as mediators between the two camps. From 1990, HUTUs were forbidden to marry Tutsi women: there was no longer any possibility of an alliance between HUTUs and Tutsis. The first commandment of the Hutu states that the Tutsi woman is in the pay of the enemy: she is beautiful and is therefore considered a forbidden object but one that always attracts (see the cartoons in the newspaper KANGURA in which the Tutsi woman is always presented as a whore).

Other questions were put to Mr SEMUJANGA. The Chairman reminded the audience that it was getting late and that it would be a good idea to bring the witness's testimony to an end. After thanking the witness, he informed the lawyers and the public that two witnesses had just indicated that they would not appear to be heard. These were Ms. MANIER (who had produced a medical certificate), whose refusal was "regrettable" to say the least, and Father Eros BORILE.

The meeting was scheduled for Monday morning at 9am. Representatives of the civil parties (Survie/Ibuka/CPCR) will be given the floor.

#### **Day 24: Thursday 15 June**

Hearing of Ms Sapientia RUGEMANA, summoned by virtue of the discretionary power of the president, wishes to appear as a civil party at the hearing, assisted by Maître GISAGARA, by videoconference from KIGALI.

Sapientia RUGEMANA began her testimony by talking about the discrimination she had witnessed and suffered during her studies. On hearing about the attack on the President's plane on the radio on 7 April 1994, Sapientia and her family quickly became worried because her father had left for Kigali the day before. Her family consisted of her parents and nine young children.

Four days after the attack, Sapientia saw people coming to search their house. A young man who worked in her mother's business came to give them information about the situation. For several days, Sapientia and her family spent their days lying in bed and their nights hiding in the bush. One Wednesday morning, the same young man told them that their names were on a list of people who were going to be killed. Sapientia's mother decided to take her children to NTYAZO, where she was originally from. They managed to reach their destination by passing through a market in the town of NYANZA and blending into the crowd.

Once in NTYAZO, Sapientia and her family took refuge with a paternal uncle who advised them to flee to BURUNDI. As they tried to follow his advice and flee, they were stopped at a barrier and dispersed. Sapientia and one of her sisters returned to their uncle, while the rest of her family managed to reach Burundi. The next day, the two sisters, who had found themselves with a large group of Tutsi refugees, headed for the RWEZAMENYO hill.

The next morning at around 6am, Interahamwe armed with rifles attacked the hill. The group fled towards the neighbouring KARAMA hill. During the attack, Sapientia's nine-year-old sister was hit in the ribs by a stone. The witness said that she felt very helpless as her sister asked her for care and food.

During the night, Sapientia was woken by the cries of the Interahamwe, who were calling to each other, saying "GP" and "Pawa! Pawa". This was their rallying cry. As she fled, she was separated from her sister, and after a few days on the run, Sapientia found herself following a group of Tutsis heading towards ISAR SONGA. She spent four days there, during which time the Interahamwe regularly attempted small attacks with machetes. The witness then said that she saw a khaki-coloured military

helicopter fly over them. She said she thought it was a government helicopter coming to help them. She and the Tutsis around her shouted for help, but to no avail.

On the day of the major attack on ISAR SONGA at around 3pm, Sapienta and her cousin were washing. Hearing the sounds of bullets and explosions, they lay down on the ground as they had been told to do. They went a little higher up the hill but found themselves in the middle of Interahamwe and gendarmes killing. At that moment, she witnessed a scene that haunts her to this day. She saw a father and his two sons being stripped of their clothes, emasculated and killed. Sapienta ran to escape.

The witness describes the explosions, the bits of human flesh and the cows that died in the explosions. As she fled, she followed a group heading towards Burundi. This group was stopped on the MYIRAMAGELI bridge by Interahamwe. The killers told the Hutus to get up and go home. Several of them had followed the Tutsis without knowing that they were not wanted. The Interahamwe separated the men from the women and chose women from among the Tutsis to marry. A woman who was related to Sapienta and who had been chosen to marry one of the Hutus insisted that she come with them. The two girls were taken to the home of this Interahamwe and spent several weeks there doing domestic chores.

When the RPF took over the region, they accompanied the Interahamwe and his family as they fled towards Gikongoro. When the group was arrested by Inkotanyi, Sapienta told them she was a Tutsi and was taken home a few weeks later, once the fighting was over. She was then reunited with her family who had returned from Burundi.

When her counsel asks her what her life is like now, she replies that, like all Rwandans, she has tried to rebuild her life and that she now works for herself to offer her family a future. Little by little, she tells her story to her children.

Hearing of Mrs Chantal Uwamariya, summoned by virtue of the president's discretionary power, who wishes to appear as a civil party at the hearing, assisted by Maître Paruelle, by videoconference from Kigali.

Chantal was 9 years old during the genocide. Her family, as well as her father's and mother's families, were all neighbours and lived in RUSATIRA near ISAR SONGA. She lived with her parents and 4 brothers and sisters. One day, she saw part of her family arrive from GIKONGORO. She mentioned in particular another civil party, SINZI Tharcisse, her uncle. Her family was then attacked and the adults tried to defend themselves by blocking the road to the Interahamwe and destroying a bridge that separated them.

The family headed towards ISAR SONGA. When they reached the road between ISAR SONGA and the next hill, SAZANYE hill, they saw armed gendarmes in a SUZUKI car with a megaphone. They were raising awareness among the population to encourage them to kill the enemy. The adults around Chantal said they were NYANZA gendarmes. The witness said that once they reached the ISAR SONGA hill, living conditions were very difficult. Chantal and her family returned home.

After a few days, one morning at around 7am, Interahamwe attacked their home. Chantal's father hid the children in the false ceilings. When the Interahamwe saw Chantal's parents, they killed them, threw a grenade into the house and ended up burning it down. The false ceiling made of reeds collapsed, revealing the hidden children. Children wearing nylon clothes were caught in the flames and were unable to remove their burning clothes, which clung to their skin. Once out of the house, Chantal heard loud gunfire and explosions coming from ISAR SONGA. She then saw Tutsis returning

wounded from ISAR SONGA who told her about the attack. Chantal lost two of her brothers at SONGA.

After this major attack, Chantal was alone and had nowhere to go. She wandered from family to family and from hiding place to hiding place. She was almost killed by assailants who made her dig her own grave. They asked some children to kill her, but the children refused and told her to run away. She left quickly and then went to stay with a Hutu man called GATERA who knew her father well. When the Inkotanyi arrived, she fled with him towards Gikongoro. When GATERA, himself heavily involved in the genocide, wanted to kill her, a woman called Domitille, who lived near GATERA and a group of Interahamwe, and who was hiding several Tutsi children, warned Chantal and told her to flee before they killed her.

After the genocide, Chantal was reunited with her 8-year-old brother, GATARI. The two of them are the only survivors of their family. The witness explains how traumatised she was by what happened to her. She says she has never been able to return to her home town because of the memories she has of it. Nor has she been able to tell her children that she is a genocide survivor, for fear that they too would be traumatised.

Hearing of Ms Longine RWINKESHA, already a civil party (CPCR), assisted by Maître Domitille PHILIPPART, by videoconference from KIGALI.

When the genocide started, we heard the sound of a gun. We fled to ISAR SONGA with our father, our mother (MUKABARISA), and the other members of my family: Dieudonné RUTABINGWA, Georgette MUKAYIZIGA, Julienne UMUHIRE, Credo RUZINGANA, and Grâce MUKANDUHUYE, my brothers and sisters. We were one big family.

First, the Interahamwe arrived, carrying banana leaves. They were armed with machetes, clubs, hammers and spears. There were many Tutsis who had taken refuge there. They started killing us. In the meantime, we picked up stones and gave them to the men. They threw them at the Interahamwe. In the end they were pushed back and left.

Five days later, I think, a plane arrived and circled over us and ISAR several times. This went on for a while. It left without landing. One or two days later, gendarmes and soldiers from NYANZA came. All they did was shoot at a very large number of people. They fired several times during the day.

After killing, many Interahamwe passed among the bodies with their machetes. That's when they found me and took me away. They asked me to dig my own grave and to take off my clothes. They gave me a hoe and I dug a pit. I got into it. At that point, a vehicle drove by with some gendarmes. One of them took me out of the pit and then hit me.

I was put in the back of the car and taken to where the gendarme lived. I lived with him for a long time. He held me captive and raped me. I had a child, a daughter who is still with me today.

When they learned that the Inkotanyi were arriving, they fled as far as Gikongoro and the gendarme abandoned me in the Kibeho camp. My journey ended there. I found out that I was pregnant and I gave birth to this child on 26 February 1995.

On questioning by the President, the witness stated that she was living in NTARE/KINAZI in 1994, that she belonged to the ABAGINA clan and that she was the only survivor in her immediate family. Her clan comprised more than 180 people.

She said that the assailants were carrying rifles and that there was a heavy weapon, but as she was lying among the corpses, it was difficult for her to be more precise. As for the gendarmes, they were wearing red berets. Injured during the attacks (she now walks on a crutch), she still has many scars from these events. She is being helped by the FARG [survivors fund] and receives regular treatment at KANOMBE hospital in KIGALI. Her daughter, Evelyne ULIHO, is also deeply traumatised.

She would like to add that those who killed her family should be punished.

On questioning by her lawyer, the witness stated that the bodies she had seen before going to Songa, she had indeed seen at the ARETE trading centre. She added that she had rebuilt her life, married and had four other children, but that her husband had abandoned her because of her disability.

The defence asked quick questions about the time of the attack (Note: Witnesses said that one hour could seem like ten years to them!), the colour of the helicopter, the dress of the gendarmes and the soldiers: if she was able to say that the gendarmes had come from NYANZA, it was because they were boasting about their exploits (note: she was being held at the home of a soldier).

Hearing of Mr. Tharcisse SINZI, already a civil party (CPCR), assisted by Maître Domitille PHILIPPART. I'll start by defining my name. SINZI means "I don't know". I was born as a Tutsi in the BUTARE area. The GIKONGORO Hutus came to the BUTARE area in 1963. One of my father's friends found my father in the forest and asked him if he could give me a name. He told him "SINZI".

I went to primary school. As I was Tutsi, in 1974, I couldn't go to secondary school. I stayed at home with my father for 3 years. In 1977, I went to Burundi. Once there, as I'd just gone three years without studying, I was placed in the 5th year of primary school.

I started secondary school when my class in Rwanda finished. I did secondary school at Collège Saint-Albert, a school for Tutsi refugees in Burundi.

In 1988, I returned to Rwanda with a diploma. I started karate in 1978 in Burundi. I got my black belt in 1984. When I returned home, I was lucky enough to get a job at the National University of Rwanda. They had a karate club and were looking for a coach. I got the job. I also worked as a laboratory assistant in the Belgian-funded medicinal plant research centre.

As I was a Tutsi, they made me sign a document stating that I was not allowed to train a Tutsi. I could only coach Hutus and I couldn't open my own club outside the university. Generally speaking, athletes' ethnicity was specified on their identity cards.

In 1990, I was considered an Ibyitso - an accomplice of the RPF. I had given orientation courses at the Belgian and French schools. I wasn't put in prison because the children's families came to the prosecutor's office to protest.

In 1994, when Habyarimana's plane was shot down, I returned to my father's home on the hill where I was born. I had a wife and a child. I left BUTARE to go to my father's house in SONGA. I arrived at my father's house on the night of 12 April. As in 1959, 1963, 1973 and 1990, BUTARE was never affected by the massacres, unlike the other prefectures. In 1959, GIKONGORO was separated by the MUWOGO river and was close to BUTARE.

The massacres had started in GIKONGORO. The night I arrived at my father's house, Tutsi refugees were arriving. We built a barrier. The population, Hutu and Tutsi, was united. The resistance began on 13 April on the MUWOGO river. Because I was strong enough, I organised meetings with the

population. I explained to them that we had the same arms, the same legs, the same blood, and that we had the same traditional weapons. I explained that we were going to fight them (GIKONGORO's Interahamwe). We held out from 13 to 21 April. There were around 300 of us, all pulling together.

A group of gendarmes arrived on the GIKONGORO side. They fired with rifles. The group I was in fled (including me) because it was the first time we'd heard gunfire. We went to the SAZANGE hill, which is the neighbouring hill to SONGA. The first group managed to cross the main road towards KIGALI, passing through BUTARE. The second group was pushed back. The group that crossed the main road went to SONGA. As the attacks were strong, we decided to continue towards BURUNDI. I was in the first group.

When we got to the other side of Songa, we continued towards Burundi. We were pushed back, and we returned to ISAR SONGA. We returned to Songa at 4am on 22 April.

Once we arrived in Songa (I should point out that I no longer had any members of my family), I realised that I had to fight for my life. I got everyone together. We chose a spot between three hills. From there we had a good view of the surrounding area.

We organised ourselves to resist. Every day, from 8am, we were attacked by the Interahamwe. Like them, we had traditional weapons. We held out from the 22nd to the 27th. A helicopter arrived on the 27th. It flew over the whole mass and got close to it. We could smell the air. They stuck their heads out and used their binoculars. On the 28th we were massacred.

On the 28th, they pretended not to attack. They disguised themselves, rolled up and hid their rifles with a tablecloth, they had a few things on their heads. They would get close to us and then disappear. At 4 p.m., we came under gunfire that made a lot more noise. You could see a hundred people jumping. They bombed the hills for 30 minutes, a second seemed like a year. I had a watch. We left in a stampede, our ears plugged, we didn't know where to go.

We set off down one of the valleys between the hills I mentioned. There was only one road. The Interahamwe were on a hill but there weren't enough of them to stop us. So they had to separate us. There were so many of us that if anyone fell, they were trampled underfoot.

On the night of the 28th, we came up against a strong barrier. The Interahamwe had bows. They were shooting at us. We pelted them with stones. They thought we were armed but that wasn't the case. We were able to make them flee.

Then we reached MUYAGA. We lost the way. There was a 13-year-old boy who told us that you could see Burundi from the MUYAGA hill. He used to go there because his aunt lived on the hill. We decided to go up the hill at around 9 o'clock to take a break.

We split into two groups. The group that went to the right was surprised by an Interahamwe barrier and was shot at. We had gone to the left, but we were stopped by the fence of the owner's fields. After walking for several hours, we reached the AKANYARU river.

There was a lot of water. We had to swim across. I managed to get across, took off my clothes and went back to my group. We made a rope from the clothes of the whole group. One of the group wanted to hang himself. I tried to reason with him. My group hadn't understood that they had to hold the end of the rope. They thought I was going to pull them.

Once we were on the other side of the river, we decided we had to get help. There was no path. It took us two hours to make our way through the papyrus. We thought we had reached Burundi. We had lost our compass. We came across two dogs, four men and a woman, and I greeted them in Burundian. The problem was that they replied in Kinyarwanda. So we weren't sure we'd arrived in Burundi. I then signalled to the other members of the group to get ready to attack in case the four men turned hostile. They had machetes.

These four men told us they had to take us to the village chief. MATHIEU. He wanted money in exchange for his help. A military station told MATHIEU that if any member of our group was missing, his village would suffer the consequences. After an hour, we returned with the Burundian soldiers. It was four o'clock in the morning. We found my team. My group, who in reality had no money, had to give up clothes and shoes to pay.

I remarried in 1998. I had children and was able to go to university.

A series of questions allowed the witness to clarify a few points that had remained somewhat in the dark. The defence, sensing that it was dealing with a slightly "tougher" witness, lost its nerve a little.

The Chairman adjourned the hearing to the next day. Two witnesses who wish to appear as civil parties at the hearing will be heard, followed in the afternoon by a ballistics technician, and ending with a final background witness, Josias SEMUJANGA, by videoconference from Canada, at the request of the CPRC.

### **Day 23: Wednesday 14 June**

Hearing of Mr Jean-Marie Vianney KANDAGAYE, detainee, summoned at the request of the public prosecutor, by videoconference from KIGALI.

Jean-Marie Vianney KANDAGAYE was heard by videoconference as he was being held at the NYANZA penitentiary. He began by stating that he did not know Philippe, who was on trial, but that he had heard that he had organised attacks.

Jean-Marie Vianney was a school inspector until 1992, then a teacher at KINAZI primary school in the commune of RUSATIRA until March 1994, when he was appointed president of the [local] MRND. Finally, he was appointed burgomaster on 20 June 1994.

The chairman began by asking him whether he had witnessed discrimination against Tutsis regarding access to education and teaching. He replied that, in his opinion, there was no discrimination, that the majority of teachers were Tutsi and that both Hutus and Tutsis passed the secondary school entrance exam. The chairman was surprised but continued his questions. He asked the witness to give him the names of the administrative and political leaders in the commune of RUSATIRA in April 1994. Jean-Marie Vianney listed the burgomasters who had preceded him, ending with Vincent RUKERIBUGA, who had been burgomaster just before him.

The chair then asked the witness what he knew about the MRND youth movement, the Interahamwe. The witness said that they were not very active in his locality because the majority parties were the PSD [Social Democratic party] and the MDR [Movement for Democratic Reform]; he also said that he did not know the person in charge. The President, still astonished, asked him if he knew the names of the assailants and the names of the municipal police officers in his locality; he mentioned in particular Michel NKURUNZIZA, Lieutenant-Colonel HABIMANA and Burgomaster Esdron NYAWENDA. For each name mentioned, Jean-Marie Vianney replied that he knew them but

had not seen them during the genocide. Overall, he replied that he knew nothing about their involvement.

The witness did admit that he had taken part in a security meeting, but according to him, its purpose was simply to erect barriers to control people entering the country without identity documents.

With regard to the attacks that he witnessed or in which he participated, the witness mentioned an initial attack in SOGWE that began after some Tutsis had hit a man by the name of Dieudonné. The soldiers then arrived and found the population angry; they launched an attack but, according to the witness, no one died during the attack. The attackers simply searched the houses without setting them on fire or looting them, causing the Tutsis to flee.

The witness then recounted the attack on ISAR SONGA [Agricultural college]. He explained that it was a Saturday. The gendarmes came to the gate of the place called ARETE. They gathered together the people who were there and told them that they had to go and chase the Tutsis away from Songa because they feared insecurity. Jean-Marie Vianney then said that the Tutsis who had taken refuge at ISAR SONGA had killed a Hutu who had come to bring them food and that it was for this reason that the gendarmes had ordered the population to go and kill the Tutsis. The gendarmes were the first to arrive on the scene and the population walked about three kilometres, arriving after the gendarmes who had already started shooting at the refugee camp. He did not see any people die, just Tutsis running out of Songa. He confirmed that they were gendarmes because they were wearing khaki uniforms and red berets; there were about ten of them. The witness said that he had heard from the local population that it was BIGUMA who had brought the gendarmes.

When the President asked the witness whether he knew how many people had died in the attack, he replied that he had not tried to find out whether anyone had died because he did not think that there would be any consequences and that he would be asked questions. He had not heard any explosions but had heard bullets being fired. The president read the witness his statements at the time of his hearings before the ICTR investigators and before the French investigators, during which he had given more information on the role of the gendarmes and on BIGUMA. His answers remained vague and he said he did not remember.

He said that there was indeed a helicopter piloted by a soldier called Xavier MUNYURANGABO. He did not see it fly over ISAR SONGA but he learned that this soldier had landed at his father's house before leaving for KIGALI.

After several questions about BIGUMA, the witness finally said that he had not heard BIGUMA's name on the day of the events but later, although he had clearly stated the opposite during his testimony. Jean-Marie Vianney KANDAGAYE was sentenced to life imprisonment by the Gacaca [community] court in the GAHANA sector.

During questions from the civil parties, Maître PHILIPPART asked him whether he knew that Pascaline, Antoine NTAGUGURA's daughter and a civil party for the CPCR, had been hidden at his home by his wife Xaverina MUKAMUVARA, and that it was there that she had learned of the arrest of her father and brother. He replied that he knew this but that he knew nothing about what had happened to them. The witness affirmed that at the barrier on the ARETE road, which he had held on several occasions, all the people who passed through had their Hutu identity cards and had passed through unhindered.

Maître ALTIT, for the defence, asked whether the witness had been promised a benefit in exchange for his testimony. He replied that when he had received his summons, someone had told him that he



would receive a meal on the day of his testimony but that he had not yet received it. The defence then asked him about the information gathering he had been part of in prison in 2001, and asked him about his flight to Congo. The witness explained that RPF forces arrived on 28 June and that he left on 30 June. He took refuge in the KASHUSHA camp until 3 November 1994, when he fled the camp while it was under attack. He returned to Rwanda on 16 December 1996 and was arrested on 25 December.

Hearing of Mr Léonard PFUKAMUSENGE, summoned at the request of the public prosecutor, by videoconference from KIGALI.

In April 1994, Léonard PFUKAMUSENGE was living in GITOVU, in HANIKA, near ISAR SONGA. He had worked at ISAR SONGA for eight years until January 1994. President LAVERGNE questioned the witness about the administrative officials in his sector. The witness gave names and mentioned soldiers who had come near his home and had ordered that a roadblock be erected, that Tutsis who passed through be killed and that their property be taken. The barrier was at a place called GAKONI, on the border between HANIKA and NYARUGUNGA, about five kilometres from ISAR SONGA.

At the start of the genocide, Léonard, who was Hutu, went to take refuge for two days at ISAR SONGA with his Tutsi neighbours. A man came among the refugees to tell the Hutus that they could go home and that they were not concerned. Léonard says that he then understood why he had been asked to erect a barrier. After he returned home, he saw other barriers being erected at all the crossroads, and he saw Hutus burning and looting houses.

During the genocide, Léonard held the roadblock near his home on several occasions. He witnessed the murder of around thirty Tutsi men, women and children on the fence. The witness said that at ISAR SONGA, before the big attack, he saw a soldier go from time to time to shoot at the Tutsis and then leave. He also saw a helicopter fly over the hill at around 10 a.m. two days before the major attack.

On the day of the ISAR SONGA massacre, Léonard was at home when he saw gendarmes passing by with rifles and boxes of ammunition. They told him to join them, and Léonard then joined a large group of 100 to 200 Hutus heading for the Tutsi refugee camp. Once there, a gendarme gave the witness a box containing bullets. During the attack, he stood about ten metres from a weapon that he said looked like a mortar. He saw the gendarmes insert the ammunition he was holding into the barrel of the gun and fire up the hill. The gun made a lot of noise and smoke. He estimates that there was about a kilometre and a half between the gun and the target. He remembers seeing them fire about ten times.

Once the shells had been fired, the civilians and gendarmes dispersed and the sound of bullets could be heard. During questioning by the court, the witness confirmed that they were gendarmes, describing them as wearing military-style uniforms but with red berets. He specified that the attack began between 3 and 4pm and ended when night fell at around 5:30pm.

Léonard did not flee at the end of the genocide. He was arrested on 27 February 1995 and transferred to NYANZA prison on 2 April 1995. He was tried and sentenced in 2007 to 17 years' imprisonment. He was released from prison on 2 April 2012. He ended by saying that he knew a BIGUMA, but that the latter was his neighbour, was not a soldier and that he was in prison with him.

Hearing of Mr Albert MUGABO, summoned by the public prosecutor at the request of the CPR, by videoconference from KIGALI. Wishes to appear as a civil party at the hearing, assisted by Maître PHILIPPART.

The witness said that he left his home on 21 April, as his wife, a Hutu, wanted to stay with their three children. While fleeing towards Burundi, he was stopped by gendarmes arriving from NTYAZO. He was then at a place called KAMURETI, near Philippe NDAYISABA's home.

Another vehicle, with security officer Joseph NKUSI on board, tried to reassure the people who were fleeing: in reality, the attackers were nothing more than "bandits" who had come from GIKONGORO to eat their cows. At the sight of a lorry loaded with soldiers, the witness fled with his cows. He spent the night in the NYARUGUNGA forest, near the Adventist church.

A certain Samuel NDAYISABA arrived with his brother and was surprised to find refugees there. He asks them to leave with their cows, an order that is repeated when they pass a barrier: "Go and join your fellow Tutsis at ISAR SONGA", they are told. According to the witness, more than three thousand Tutsis were gathered there. The attackers put up a fight, but they resisted. April 25 and 26 were two days of calm. The next day, a helicopter flew over the group of refugees and then left.

It was on the 28th that "atrocious things" happened. Many soldiers surrounded ISAR SONGA, wearing red berets (editor's note: they were gendarmes). They set up a machine opposite, on the Buremera hill. The local people were there with traditional weapons. The gendarmes then fired on the refugees: cows and people's bodies were "catapulted". The witness managed to escape with others as far as the AKANYARU river. Luckily, night had fallen.

Arriving at KANTANO, they came across another military vehicle that wanted to kill them at the MUYAGA communal office. Tharcisse SINZI, a karate teacher (Editor's note: he will be heard the next day) led the group and told them to hide in the bush. It was between midnight and 1am.

When they arrived at the AKANYARU, after going around the fences where the killers were sleeping, SINZI got into the water. They tied themselves up with their clothes, still under the guidance of the karate teacher. Dead bodies were in the way. SINZI eventually crossed and returned with Burundian soldiers and boatmen. The soldiers fired in the direction of Rwanda to protect the survivors' crossing.

Questioning helped to refine the witness's statements, and he admitted to having memory and concentration problems. When questioned by the chairman, he admitted that every month a certain Thérèse came to meet him to talk, play games and do breathing exercises. After experiencing such events, you can't help but be traumatised," he admitted. What's more, he lives alone, having divorced his wife who took part in the genocide.

Asked if he wished to add anything to his testimony, Albert MUGABO asked the President to bring back to Rwanda all those who had killed their own people and were living abroad.

Maître PHILIPPART asked him a few questions about the gendarmes and whether he had been injured. The witness showed a scar on his shoulder and declared that his entire family had been killed at ISAR SONGA.

Mrs AÏT HAMOU, for the prosecution, made him repeat that the soldiers he had seen were indeed wearing red berets and that they belonged to the NYANZA brigade.

The defence's questions did not provide the clarifications it sought. His ex-wife was not tried for participation in the genocide.

The witness, having seen Tharcisse SINZI on the videoconference screen, gives him a sign to which the latter responds: a smile from the court and the audience.

Hearing of Ms Chantal Kayiranga, already a civil party (CPCR), assisted by Maître Domitille Philippart.

The witness began by saying that their home had been attacked by Interahamwe on 21 April 1994: they wanted to seize their cattle. The residents defended themselves. The family home was filled with people from elsewhere: more than 25 people had gathered. When they went to the parish of the Canadian father SIMART, he told them that he could not welcome them. So Chantal and her family decided to go to ISAR SONGA.

The refugees endured several difficult days there: hunger, thirst, insecurity, heavy rain. Anyone who ventured out to get something to eat was killed by the Interahamwe. His mother had become seriously ill and some young men took her to a health centre. A few days later, a plane circled over the refugees. The witness later said it was a helicopter.

The next day, children the witness's age went to wash in the valley. They heard gunfire and the children began to cry. Gendarmes arrived at the ISAR SONGA dairy. The adults threw stones at them, but the refugees began to feel weaker and weaker.

We started running," Chantal continues, "and crossed the hills via MAYAGA to try and reach Burundi. Interahamwe arrived in a vehicle and fired into the air". The refugees split into two groups: one heading for the commune office, the other led by SINZI.

The Interahamwe promised the children that they would not harm them. A woman who had lost her child gave a dress to her younger brother. The next day, the men are stripped naked and their arms are tied behind their backs. They will be lined up...

As for the women and girls, there was no question of killing them. They had to be saved so that they could then be raped. When questioned by the president, Chantal admitted that she was present during the rapes. As for the children, they were taken to be used in Hutu homes. Placed with an old woman who mistreated her, she was later entrusted to another woman who took good care of her and her new companion. Her brother, in the care of a teacher, was also mistreated and eventually joined her.

This old Hutu woman looked after them until the arrival of the Inkotanyi. His mother was taken by the Interahamwe and raped. On questioning by the president, the witness explained why their family had chosen to go to ISAR SONGA: it was a public establishment where one could neither kill the State's cows nor kill Tutsis.

Chantal admits that it is difficult to rebuild one's life after such events. She has five children and works in a mutual health insurance company.

Maître PHILIPPART asks the witness a question: "Your husband Léopold is also a civil party in this case. Can you talk about what happened to him during the genocide?"

"There were 16 children in his family and only 2 survived. His family was killed in NYABUBARE. It's difficult for him too, but life goes on," she replies.

The defence will try to confront her with her contradictions, especially with regard to what she said about the gendarmes.

### **Day 22: Tuesday 13 June**

Hearing of Ms Apollonia CYIMUSHARA, civil party (CPCR) assisted by Maître Domitille PHILIPPART. Apollonia CYIMUSHARA is a civil party of the CPCR. She currently lives in KIGALI. For Apollonia, today is a happy day, as it is the day she can tell the story of her clan, the ABAJII clan. This clan comprised thirteen Tutsi families, each with around ten members.

Apollonia comes from the same region as her mother, Karama. After finishing primary school and working as a teacher in this region, she moved to KIGALI to become a trader. After the genocide began, two of her brothers were killed near Kigali. To escape the massacres, she returned to her native region, where she was reunited with her mother and her clan. When she arrived, Apollonia took part in a meeting at which she recounted what was happening in KIGALI. Following this account, the ABAJII refused to flee and decided to organise their defence. During the genocide, these families defended themselves a great deal and Apollonia herself was in charge of food and medical care.

Around 9 April 1994, the ABAJII who had taken refuge in the KARAMA sector were joined by a large number of refugees from other regions, particularly NYAKIBUNGO, who had heard that this clan was able to defend itself and protect them. Several clan leaders trained the other Tutsi refugees in archery and the use of shields. For several days, the refugees repelled attacks from Hutu assailants.

One day, a shopkeeper from NTYAZO came to warn the Tutsis that the military and gendarmes were arriving and that the situation was serious. She told them about Burgomaster NYAGASAZA and said that it was HATEGEKIMANA who was responsible for his death. Three days later, BIGUMA arrived with three other gendarmes. The Tutsis managed to make them flee and, in the process, captured the wife of a Hutu shopkeeper and burnt the car in which the gendarmes had come. The captured woman confessed, under pressure, that she had come with HATEGEKIMANA and that they had come to measure the Tutsi forces present on the hill. Apollonia says that the son of the former burgomaster NZARAMBA was killed during these attacks.

On the morning of the final attack, at around 10.15am, Apollonia saw several buses full of soldiers, gendarmes and Interahamwe arrive. She also saw a helicopter flying over the hill from Songa. Apollonia, her son ANGE and a group of women from her family fled as the attack began. They took refuge in the fields. Apollonia saw the attack continue until 3pm. She also saw the assailants chase down the fleeing Tutsis in order to kill them.

While she and the group of women were hiding in a banana field, Hutus fired on her cousin who was in labour. A man whom Apollonia knew well, Augustin SEKAMONYO, called an adjutant. Apollonia cannot confirm the identity of this warrant officer, but she heard him say that the child in her cousin's womb had to be killed before it grew and tried to kill them. The sergeant disemboweled Apollonia's cousin. When he saw her move, he stomped on her back and left arm with his boots to make sure she was dead.

As night fell, the survivors gathered. They were mainly children who had been hidden in plants or fields. In the morning, one of the children who was looking for food was spotted by Hutus who were looking for the survivors to kill them. The man who spotted him, Martin GIKONGORO SEKAMANA, offered him manioc to appease him and asked him to get the other children out. Once the children had been brought out of their hiding places and gathered together, the man called the Interahamwe, who arrived and surrounded the group of children. They put the children in large sacks, usually used

to carry vegetables. Then they hit the sacks with spiked clubs. Apollonia could hear the children's screams and see the blood spurting around the group. The Interahamwe stripped the bodies and left.

After this episode, Apollonia left KARAMA with several refugees, mainly women. The group crossed the NYABUHOGO river. Near the river, Interahamwe stopped them. One of these Hutus took the women to his home and locked them in a house next to his. He took the money that the Tutsi women had and, when evening came, he ordered Apollonia to come with him to his house where he raped her. After a few days, the Interahamwe took the other women of Apollonia's family to the NYAMURE hill where he killed them, because he did not want to spill blood in his home. His home was on the outskirts of NYABURONGO. Shortly afterwards, the Inkotanyi arrived in the area.

Today, Apollonia remains handicapped and is demanding that justice be done and that she receive damages. When Maître PHILIPPART asked her about her clan, Apollonia explains that, for a long time, she didn't dare tell her story out of shame at what had happened to her. But then she made lists of ABAJILI members, and wrote down what she knew about the clan. She says she'd love to write a book if one day she had the money to do so. In the meantime, she writes and tells their story so that they are not forgotten. Apollonia says that without BIGUMA's intervention, no one would have been able to stand up to the ABAJILIs.

Hearing of Ms Foïbe MUHIGANYANA , wishing to appear as a civil party at the hearing, summoned by virtue of the discretionary power of the president, assisted by Maître GISAGARA.

Foïbe Muhiganyana is a civil party. She began her account and the president quickly realised that she had been the victim of acts committed in NYABUBARE and not in NYAMURE. He addressed counsel for the civil party who explained that there had indeed been a mistake. President LAVERGNE became enraged, saying that it was not just a simple error, but that it had been several times that the lawyer had had witnesses heard who had too little to do with the facts of which the accused was accused.

The plaintiff resumed her story. She said that she was originally from NYAMIYAGA but that after the genocide began, she and her sister found themselves on the NYABUBARE hill with other Tutsi refugees. She said that soldiers and Interahamwe attacked the hill. She heard a Tutsi next to her say: "It's BIGUMA who's coming, it's over". The gendarmes fired and Foïbe saw smoke. She lost one of her brothers at NYABUBARE, KAYIHURA Juvénal. She and her sister hid in ravines until nightfall. They then headed for their original cell.

Once they were reunited with their family in NYAMIYAGA, the group of refugees there also came under several attacks before being hit by a final attack led by gendarmes and soldiers. They surrounded the hill and fired on the Tutsis with guns. Foïbe was injured when she was clubbed in the back during the attack. At the end of the attack, in the evening, Foïbe took refuge in the corpses and spent the night there to avoid being spotted.

The next day, Foïbe says she returned home to find her house burnt down and her cows killed or stolen. She tried to return to the area around the corpses to look for survivors. She found her mother's body, stripped of her clothes. She also found the bodies of her older sister and her brother. She heard voices ordering the bodies to be buried to hide the evidence.

The witness explained that she then went to the home of her maternal aunt, who had been killed near her home with her family shortly after she arrived. Foïbe then returned home and hid below her house in a furrow for several days before being found by Interahamwe who took her and other Tutsis to be thrown into the river.

On the way to the river, near the Adventist church on the road leading to GIKONGORO, the group saw a vehicle arrive and the Interahamwe said: "There's BIGUMA".. Later, Foïbe was thrown onto the opposite bank of the river while most of the other Tutsis were thrown into the water and swept away by the current. After wandering for several days, Foïbe arrived at the home of a cousin in MUSHIRARUNGU, who tried to treat her wounds, which were beginning to fester. Her cousin and her husband hid her from the assailants by putting her under a wine press. After a while, her cousin's husband came back for her and they were both rescued by the Inkotanyi who took charge of them. They looked after them, washed them and fed them. Today, Foïbe still has scars and is still receiving treatment.

Hearing of Mr Philippe NDAYISABA, summoned at the request of the public prosecutor, wishing to appear as a civil party (CPCR) assisted by Maître Domitille PHILIPPART.

The witness heard today began by stating that in 1993 a census had taken place in Rwanda and that this could have been linked to the genocide that was to be perpetrated a few months later.

The genocide perpetrated against the Tutsis in his region began later than elsewhere in the country. Many people began to flock from Gikongoro and elsewhere to take refuge in Burundi. The barriers had been erected under the orders of the local authorities, the burgomaster Esdron NYAMWENDA or Colonel Michel HABIMANA.

One day, a communal policeman from RUSATIRA came to tell the people who had gathered at ISAR SONGA that only Tutsis were wanted. He used a megaphone: the Hutus immediately returned to their homes. It was then that the attacks began. Gendarmes and Interahamwe attacked the Tutsis, who repelled them. The attacks lasted five days. A helicopter even came to fly over the refugees. In the morning, gendarmes drove up to the ISAR SONGA stable, without attacking the Tutsi group.

On 28 April, a large-scale attack began, involving gendarmes and civilians. They set up a mortar on the side of the neighbouring house opposite. Shots tore through the refugees and their herds. The witness recalls pieces of flesh falling to the ground, amid the smoke and upturned earth.

The mortar was placed opposite, just above the marshes, on the other side of the road. The people who had managed to escape the massacre fled at night. When they arrived in Muyaga, they faced an attack that divided the survivors into two groups. One group was decimated, while the other, led by Tharcisse SINZI, ended up in Burundi. It was in June that the witness returned home to learn that his wife and children had been killed. His property had been looted. The witness has rebuilt his life. He has remarried and now has seven children.

Hearing of Captain Christophe CONSELIN, from OCLCH [office that investigates crimes against humanity] summoned at the request of the public prosecutor.

In the presence of Captain Christophe COUTELIN, an investigator with the OCLCH, who had participated in re-enactments of the events at NYABUBARE, NYAMURE and ISAR SONGA, the President showed photographs taken during those re-enactments. The witness was invited to comment on these illustrations. In addition to the three places mentioned above, the location of the barriers was also discussed.

The defence questioned Captain CONSELIN about the credibility of the witnesses he had met. He was obliged to point out that it was the judges who passed on the list of people to be questioned. As for the members of the OCLCH, although they do not receive specific training for this type of

investigation, he explained that everyone does their utmost to inform themselves through reading or other means. The defence lawyer expressed doubts about the credibility of witnesses imprisoned in Rwanda for genocide. Captain CONCELIN reassured him. The questions put to the witnesses were open-ended, allowing them to give unrestricted answers.

Mrs AÏT HAMOU, for the public prosecutor, pointed out to the witness that all the photos had been taken in the presence of the French investigating judges.

For once, the accused was going to answer questions when the photos were shown. It has to be said that what he was asked had nothing to do with the charges against him.

A somewhat tedious hearing for the public, but probably an important one for the jurors. In the future, perhaps it would be a good idea, especially when the maps are projected, to use a laser pointer so that the public can follow the various explanations with interest.

### **Day 21: Monday 12 June**

Hearing of Mrs Anne-Marie MUTUYIMANA, who wished to appear as a civil party at the hearing, assisted by Maître KARONGOZI, summoned by virtue of the discretionary power of the president, by videoconference from KIGALI.

Anne-Marie MUTUYIMANA, who joined as a civil party, lived in the NYAMURE sector, next to the NYAMURE school. She was part of a family consisting of her parents and five children, one boy and four girls, the youngest of whom was 2 years old. Her father was secretary of the NYANZA parish, he also worked for CARITAS and ran the NYAMURE parish branch.

A few days after the genocide began, her father saw that road blocks had been erected. In the days that followed, Anne-Marie saw the situation deteriorate. She and her family took refuge on the NYAMURE hill for several days. Her father had information about a possible attack by the NYANZA gendarmes. So he took his family away from the hill to the home of an acquaintance of his. Once they had taken refuge in this house, Anne-Marie and the rest of her family heard shooting and loud noises, which she describes by saying: "It was as if the hill was going to collapse". They heard footsteps and shouting. During the attack, the witness lost her paternal grandparents and several of her uncles and cousins.

The man who had taken them in asked them to leave so as not to endanger himself. When night fell, the family was separated and Anne-Marie was left with only two of her sisters and her brother. They then tried to return home, only to find that their house had been destroyed. They hid in a nearby field and cried together. A group of attackers found them and Anne-Marie and the rest of her siblings scattered.

The witness explained that she then spent several days hiding in bushes and fields before finally trying to return to the place where she had last seen her father. She found him and one of her sisters. They headed for the house of one of her father's friends, but as secretary of the parish, he was one of the Tutsis who were being actively sought.

Unable to stay with their friend any longer, Anne-Marie and her family travelled to her mother's home region of KIRUNDO. Once there, they were seized by a group of Hutus who recognised the witness's father and led them to a barrier near the centre of KIRUNDO. At the roadblock, the Hutus tortured Anne-Marie's father before killing him and his uncle. They told Anne-Marie's grandmother, whom they had found a few days earlier, to walk to NYAMURE so that she could be killed there.

A few days later, the Inkotanyi [RPF] arrived in the locality where they were staying and fighting began between them and the Interahamwe. Anne-Marie and her family fled. Finally, the RPF took control of the area and offered care and food to the survivors, including Anne-Marie. She was able to find her mother and the rest of her siblings intact.

Hearing of Mrs Florence NYIRABARIKUMWE, who wishes to appear as a civil party at the hearing, assisted by Maître PARUELLE, summoned by virtue of the president's discretionary power, by videoconference from KIGALI.

Florence is also a civil party to the trial. She was nine years old at the time of the genocide and lived with her parents and four brothers and sisters in the GATARE cell, below the NYAMURE hill.

One day, Florence saw her mother's family from the RUHANGO district arrive at her house. They arrived saying that a war had started in their area. From then on, the situation went from bad to worse and people started burning down their houses. Florence and her family took refuge on the NYAMURE hill. After a few days on the hill, Hutus arrived carrying banana leaves on their heads. To defend themselves, the children and women, including Florence, gathered stones and gave them to the men, who threw them at the attackers. One day, at around 2pm, Florence and her mother saw a car approaching from below. At that moment, her mother told Florence that they were finished, because the gendarmes had just arrived.

Florence heard the sound of bullets and saw body parts falling near her. She then saw nothing more until she woke up in the night. She then saw people coming to strip the bodies of Tutsis. Later that night, she heard a voice calling her. It was one of her neighbours. He advised her to play dead. For several days, Florence stayed close to the bodies of her mother and siblings, which had been cut up during the attack. Florence herself had received blows to the temples and wrists.

After staying on the hill for a long time, Florence decided to leave. She went to stay with her great aunt, the wife of her father's paternal uncle. After she had stayed there for several days, a man came to tell them to leave. He told them that if they didn't leave when he came back, he would kill them. The woman left on her own and Florence hid in the bushes and lived there for several weeks until the end of the genocide.

Florence ends her spontaneous statement by saying that today she is alone, she has no one to ask for advice or to talk to when she is sad. Only one of her brothers survived. She was able to complete her studies and have some of her braces fitted thanks to the FARG [Fund to assist victims of the genocide], but she has never managed to start a family. She asked the president if she could ask the accused a question: "When you killed our people, you killed your neighbours, didn't your conscience tell you anything?"

During President LAVERGNE's questions, we learn more about the life of the Tutsis on the hill before the attacks. There were children, pregnant women, old women, the elderly, there was no care. The Tutsis couldn't leave the hill and go out into the fields because there were attackers all around. In the evening, they went out to get food and gave priority to the children. Florence didn't see the gendarmes herself, just their vehicle.

The chairman gave the accused the opportunity to respond to the witness' question, but his answer came as little surprise: "I can't react because I wasn't there".



Hearing of Mr Eugène HABAKUBAHO, who wishes to appear as a civil party at the hearing, assisted by Maître PARUELLE, summoned by virtue of the discretionary power of the president, by videoconference from KIGALI.

Eugène lived with his family of six children in the commune of NTYAZO, GISASA sector in 1994. He was 11 years old at the time and in the 4th year of primary school. About a week after President HABYARIMANA's plane went down, when the massacres began in the region, Eugène and his family fled further into the commune of NTYAZO. They learned that the burgomaster NYAGASAZA had just been killed by gendarmes. Eugène's father went to see a friend of his who was a priest. He advised him to take refuge at ISAR SONGA [Agricultural college]. When they left, Eugène's family was dispersed.

Eugène, his father and younger brother stayed at ISAR SONGA for about three days, during which time there were several small attacks. Eugène says he saw a helicopter fly over the site. The Tutsis managed to fend them off by throwing stones at the attackers. Eugène explained that on 28 April, at around 3/16pm, gendarmes and Interahamwe arrived from NYANZA. They fired on the Tutsis on the hill. Eugène saw explosions and was hit by shrapnel. He saw the gendarmes in khaki uniforms with red berets, armed and mixed up with the Interahamwe, who were wearing banana leaves on their belts and around their necks. It was on that day that the witness's father and brother were killed, as were his maternal aunts. Eugène's mother died later on a nearby hill, CYOTAMAKARA.

Eugène then fled with other Tutsis to Burundi. He narrowly escaped from the Interahamwe who were killing Tutsis in a swamp. Eugène got as far as the former commune of MUYEGA. He was then intercepted and received a blow to the back of the neck, the scar of which he still retains today, by a Hutu who was walking behind him. He lost consciousness and woke up the next day. A man found him, took him into his home, treated him and gave him water. Eugène stayed with this man until the RPF soldiers arrived.

At the end of the genocide, Eugène was able to find two older brothers who had been separated from the rest of the family and learn how his mother had died. During questions from the president, he explained that at the end of the genocide, the people who had survived were poor and had no homes. Eugène had to wait three years before being able to return to primary school, when the FARG was able to finance his studies. He is now a trader in Kigali, married with two children.

Hearing of Mrs Grâce BYUKUSENGE, who wishes to appear as a civil party at the hearing, assisted by Maître GISAGARA, summoned under the discretionary power of the president.

When the genocide began, I had already reached the age of discernment, I was 15. Sometime before, one of my aunts had lived in Gitarama. It hadn't been long since her husband had been killed as part of the hunt for the Ibyitso, the accomplices [RPF], which had taken place before the genocide. Just before the genocide, I was staying with this paternal aunt. As the situation in Gitarama was not good, I had to tell her that I wanted to go back home to NYAMURE. So off we went. On the way, we met an old woman who asked her where she was taking this child. I wanted to go back home, because if I were to die, I would die with my own parents.

My aunt decided not to take me to NYAMURE and decided to go home. After some hesitation myself, I decided to continue on my way. I took a bus from the bus station to BIGEGA. From there, I continued on foot. She'll arrive home in the night. A lot of people thought I was in GITARAMA during the genocide.

As we were a large family, when I arrived at the house, I found many people, members of the family and other people who were not members of the family. We spent the night there. The situation there hadn't deteriorated much. The next day, Interahamwe attacks began in our locality. It was said that the Interahamwe came from Bugesera. Our people, both Hutu and Tutsi, went to block the road on the NYARUBOGO river side. Our people said they didn't want these things that were happening elsewhere to happen again in the area. The women and children stayed at home; it was the men and young men who went to fight the attackers.

The attackers realised that it was impossible to cross the river to reach NYAMURE. They called some Hutus and asked them to go towards them because they had things to tell them. These Hutus left and came back. Probably the attackers had told them that they were only targeting Tutsis. They told them: "It's over for you".

After hearing that it was all over for us, our relatives thought it appropriate to say that we should go to NYAMURE, on the hill, where other people had taken refuge.

Let me go back a little. At the end of my 6th year of primary school, I had passed the entrance exam for secondary school but my place was taken by someone else who was called BYUKUSENGE like me. There was a teacher called Jean-Pierre, the godfather of one of my brothers, who said that it was inconceivable that a Tutsi child could go to school. My father, after hearing that, said it was all over for us. It reminded him of what had happened to him and his own father in 1973.

My father said that we absolutely had to flee. We said no, that nothing was going to happen to us. I should point out that my mother was from Kibuye. My brother RUDASINGWA lived in the area where my mother was born. My mother said that she had to go and bring her son back, referring to my brother, so that if he had to die, he would die with the others. My mother was regularly beaten. She had a name she didn't like, NYINAWUMWAMI ("the king's mother"), and people asked her how she could be the king's mother. They asked if we were the kings, her children.

When the genocide took place, my mother was in her home region, in Kibuye. It was against this backdrop that we climbed the hill to get to NYAMURE. That's us and the extended family, in particular the family of my paternal uncles. I remember that we probably arrived in NYAMURE on the 22nd. It was from the 22nd, 23rd and so on until the 26th that the Interahamwe attacks took place. It is possible that these Interahamwe went to ask for reinforcements. On the 27th, a vehicle with gendarmes and police arrived. They came from MIGINA in a Toyota Bleu-Rouge. They got as far as the NYAMURE school, at last the road ended at that school. I should point out that the road was later extended to Nyamure so that the commemoration ceremonies could take place.

They killed people, including the cows of those who had been able to take refuge there with their livestock. There were Tutsis of all categories there, including women and children. All the Tutsis from NYAMURE were there, including others from elsewhere, particularly Gikongoro and Gitarama. I remember there was a woman who was about to give birth. The other women surrounded her and spread their loincloths to protect her from the large crowd. As a very curious little girl, I went over to see how a woman gives birth. As we stood there, people saw the gendarme vehicle and started to say that probably, for us, that day was going to be the last. Those who were praying began to pray, others began to sing songs of praise so that at least, if we had to die, we would die in the presence of God. People said to themselves that it was no longer going to be possible to fight with bullets. Before, we children and women used to gather stones to give to the others who threw them. But we said to ourselves that this time it wasn't going to be possible.

The vehicle stopped and the gendarmes got out. But before they reached us, they stopped for a moment to consult. In the old days in Rwanda, people were afraid of anyone in uniform. It's only now that we feel comfortable around them. At the sight of them, everyone started backing away to flee. I, small as I was, crept towards the back. What made me realise that it was BIGUMA was that he walked in front of the others. He took 2-3 steps and it was he who fired first, as if to say "Go ahead". At the time I didn't know whether what he fired was a bullet or something else, but in any case it fell where the women were surrounding the woman who was giving birth. When the people heard the bullet, they fled. Otherwise the others stayed where they were. Other people came afterwards to finish off the wounded with machetes. I was one of those who fled. I ran down the hill towards our house. Once there, I saw that there was nothing left, that the house had begun to be destroyed.

As it was mid-day, around 2pm, I tried to hide. I hid somewhere until nightfall. During that time, the killers walked around bragging. I remember that when they passed by where I was, they talked about my father who was called RUSATSI. When they came down, they also mentioned my older sister's name, Claudine, and a first cousin, Clotilde. They came down quoting these names. When these people came down, they said they were going to make my sister and my first cousin the wives of young men and a certain BUDIBAWEHO. I heard this and I deduced that these people had taken them to go and rape them. I went to see these girls. I was just about to approach them when my sister Claudine said to me: "Go away, go and hide". I left immediately to go and hide again. Shortly afterwards, I went to GATARE, which was in the same cell but not quite next door to our home. One of my paternal aunts had married a Hutu called Eliab. He was the head of the Interahamwe in his capacity as head of the MDR [mainly Hutu opposition party].

My two paternal uncles went to his house, as did my paternal grandmother. I thought I should go there too. Finally, I saw an attack on the other bank of the river. I stayed put. Day broke. Until then, I didn't know that my father was also hiding in this place. What told me was that my father had been found and caught by an attack from a place called NYARUBUNGA. These people directly robbed my father of the money he had in his pocket. My father asked them not to kill him and that he would show them where my grandmother was. This happened three times.

The witness continued his account by saying that his father was finally recaptured and killed a little further on, at the home of a certain SEFIGI. A young man took them to a property belonging to religious people in KABUBARI. Wishing to reach NYABISINDU, the witness met Interahamwe at a roadblock. With those accompanying her, she had to lie on the ground and those around her were killed.

One of the killers then asked her who she was and where she was going. She lied and said she was going to her aunt's house, who had married a Hutu. She is clubbed and eventually realises that she made a bad choice in taking refuge there. Led by soldiers, she went to a religious centre, but the gate was closed. After forcing her way in, she went into a room from which she immediately emerged. Women and girls were raped. The witness remained in this situation until the Inkotanyi arrived.

Hearing of Ms Grâce KEZUMUKIZA, who wished to appear as a civil party at the hearing, assisted by Maître GISAGARA, summoned under the discretionary power of the President.

The witness began by saying that she was not in NYAMURE when the genocide began. She had been with her father in BUTARE since 5 April. His wife was a trader and often went to CONGO. Her sister, also a trader, lived in TUMBA.

In BUTARE, the Tutsis were beginning to be afraid: their houses were being destroyed and the attackers were beating and killing them.

A gendarme from the same area as her, BURARA, visited them and told them that several members of his family had been killed. He came to join them where she was hiding. Grace asked him to help her. This gendarme's mother was her own mother's godmother.

Another gendarme she knew also arrived: how could she get to NYAMURE? The gendarme asked the witness if she had her identity card (in reality, she had thrown it away so that no one would know she was Tutsi).

The witness first went on foot to the ESO (École des Sous-Officiers, near the hospital) and then to the stadium, where they took a car. The accompanying gendarme, who had a Tutsi wife, took care to give her his own parents' names to avoid checks.

The President, obviously tired and pressed for time, asked the witness to get to the heart of the matter: the NYAMURE massacres.

The witness continued his account. Arriving at BIGEGA, at the junction of the road leading to NYAMURE, Grâce asked her companion to take her home. But he told her that her family had been exterminated and that they could not make the journey. They went to the NYANZA gendarmerie camp. Before continuing towards KIGALI, the gendarme entrusted the witness to a family he knew.

The Inkotanyi were close. She then fled to CONGO with those who were taking her in, as far as the PANDI camp. Before arriving there, she met a certain MUHUKAZI, her godmother. She was then entrusted to an Interahamwe who would consider her his wife. She ran into militiamen from her home, who were surprised to see her alive.

Grâce KEZUMUKIZA would have liked to go home, but she was afraid she would not find any of her family. Later, when she had the courage to return, she discovered a grave where around fifty people had been buried. She returned to her cousin's house in NYANZA. She took in some of the surviving children, married and had three children of her own. It was when she was pregnant with the third that she went to build a real monument in NYAMURE to bury the victims of her family with dignity. It was when she went to sit on this grave that she gradually regained her peace. Since then, her child, who is now seventeen years old, has shown signs of trouble: he is always sad.

The chairman asks the witness to give the names of those in her family who died at NYAMURE. Grâce goes through the names of the deceased one by one.

The substitute assessor asked for news of her traumatised child. He needs psychological counselling.

When her lawyer asked her client to give the names of the deceased members of her family in NYAMURE, the president did not fail to point out that she had just answered this question.

A photo was then shown, showing some of the deceased members of the witness's family.

## **Day 20: Friday 9 June**

Hearing of Jean-Baptiste MUSABYIMANA, aged 68, detainee, summoned at the request of the public prosecutor, by videoconference from KIGALI

Jean-Baptiste MUSABYIMANA took part in the attack on NYAMURE. At the time of the genocide, he lived at the foot of the NYAMURE hill, near the trading centre. He said he did not know the accused.

On the day of the final attack on NYAMURE, he was manning the roadblock near his home on a road that went down towards the health centre and continued towards MUYIRA. It was Councillor MURINDAHABI who had ordered the erection of this barrier, and it was he and the cell leader who gave instructions once on the barriers. Jean-Baptiste saw soldiers arriving in a red Toyota vehicle, and they were telling the civilians they met to come with them. He claims that the attack was carried out by the military. When the Chairman asked him, he said that he couldn't tell the difference between the gendarmes and the military. They were wearing "khaki-coloured uniforms with spots on them". He had heard that they had red berets.

When he arrived at the meeting point, he saw a crowd of civilians from several different communes and sectors. He says he doesn't know how the people had all gathered there at the same time. They had traditional weapons, some of them stones. The soldiers had rifles. He saw the soldiers put something over the muzzle of a rifle and fire it into the hill opposite. It exploded. The projectile left the NYAMURE hill and fell on the hill opposite. They killed the Tutsis on the NYAMURE hill and those who were trying to escape. Jean-Baptiste, for his part, was armed with a club and a machete.

When the president asked him how many people had died on the hill, Jean-Baptiste said he did not know because he had already been arrested at the time of the burial of the bodies, but that there had been many. He was arrested on 12 November 1994. He was sentenced to 30 years' imprisonment for his part in the massacre, and he is due to be released in 2024. According to him, around 6,000 people died on the hill, but he later heard it was more. He confirmed that Tutsi property had been looted and their houses burnt down, but said he had not heard of any rapes.

As for the number of soldiers, he saw 3 in the vehicle but many more on the hill. He said that there had been no attack in NYAMURE before this one. When Maître PHILIPPART asked him to clarify, he said that there had been small attacks by bandits and Tutsi resistance, but that there had only been one final attack. He did not remember the date but said that, according to him, this final attack took place between 23 and 28 May.

Hearing of Ms Julienne NYIRAKURU, civil party already constituted, CPCR, assisted by Maître Domitille PHILIPPART.

The witness began by thanking the court for giving her the opportunity to testify.

In 1994, Julienne's life was a real field of crosses: "We were hunted down and killed. This was not the case before, there were good relations between neighbours. But things changed after the attack on President Habyarimana's plane. The neighbours became arrogant and the Tutsis had to spend the night in the bush. One day, one of their neighbours and friends came to tell his father: "I've been told I have to kill you! Her father got angry and told her to go and get what he needed to kill him. Julienne's family then thought of taking refuge in Burundi.

They were not the only ones to try to reach the Akanyaru, but the Interahamwe prevented them from crossing and started killing them. Her father was "cut up" in front of her eyes.

Frightened, the witness turned back with her three brothers and four sisters. They took circuitous but dangerous routes, encountering roadblocks and Interahamwe. Her sisters got lost: she would never see them again. Julienne and her brothers continued their journey to reach the NYAMURE hill where many Tutsis were already there. The survivors were trying to defend themselves against the Interahamwe, whom they managed to repel. On the spot, the witness met up with one of his maternal aunts. "Every day was our last," she added, weeping.

As they could see that they would not get the upper hand, the Interahamwe called in the gendarmes. With a group of children, somewhat unaware, Julienne approached the gendarmes' cars parked at the foot of the hill, near the school. There were two vehicles. SEMAHE, an Interahamwe, welcomed them and said that one of them was called BIGUMA. He was quoted as saying: "What are they doing there, those Tutsi dogs? Haven't you killed them yet? The Interahamwe complained that they did not have enough tools. The gendarmes lifted the car cover and handed out machetes. The children then went back up the hill. "I told my aunt that we were all going to be killed. My brothers were still on the hill".

"The Interahamwe and the gendarmes came up and started shooting. My brothers were killed and my aunt was shot in the leg". The child lay next to her and an Interahamwe cut off her head. Believing Julienne to be dead, the Interahamwe left. Julienne lay next to her aunt all night, refusing to leave her alone.

The witness then left NYAMURE at dawn. She walked for several hours, not knowing where she was going. She eventually arrived at her aunt's house, in a field of ruins, and hid in a sorghum field. Neighbours were looting the house. "When they recognised me, they refused to take me to my relatives in Karama". Then her uncle arrived: he had come to get cooking supplies for his children in Karama. Julienne followed him there, where she found her cousins and some neighbours.

In Karama, the Tutsis continued to defend themselves by throwing stones at the attackers. The people of Karama were traditionally known for their resistance. The Abaji have always resisted all forms of oppression. This is why many Tutsis had joined them). Many soldiers and gendarmes arrived. An old man, an excellent archer by the name of MBIGIGI, went to kill the burgomaster's son. It was he who told the children that BIGUMA had arrived, leading his gendarmes and many Interahamwe.

Julienne and those with her started running towards the valley, towards Songa. Having encountered the Interahamwe, they were made to sit down on the grass. His sister begged them to give her time to pray before she died. The killers thrust a spear into her chest and another cut her neck.

Julienne took refuge in a ruined house and witnessed the massacres: bodies were thrown into the ruins, alive or dead. She continues her way of the cross until she reaches the pit where her older sister was thrown. Hit with a club by an Interahamwe, she falls into the pit, from which she eventually pulls herself out.

A little further on, she met some cowherds who invited her to stay with them. Left alone with one of them, she was raped. She was eventually saved by an Interahamwe who had fought with one of her brothers over who would keep her. Her saviour took her to his home and his wife became a "good mother" to her. She stayed there until the arrival of the Inkotanyi.

The president then launched into a series of questions to "clarify" some of what the witness had said. He ended by asking how she had been able to rebuild her life. The defence, in turn, tried to point out the witness's contradictions, without forgetting to tell him that his testimony differed from that of Mr BAYINGANA, who had testified the day before.

Hearing of Mr Léopold MUKIGA, already constituted civil party, CPR, by videoconference from KIGALI, assisted by Maître Domitille PHILIPPART.

Léopold thanked the court and the French and Rwandan authorities for allowing Philippe HATEGEKIMANA to be tried for his crimes on the hills of NYAMURE, KARAMA, ISAR SONGA and other neighbouring hills. Léopold was originally from the hill of KARAMA in the commune of NTYAZO.

When the genocide began, Léopold and his family were separated as Interahamwe and Hutu civilians attacked them. The witness said that he took refuge on the NYAMURE hill with his sisters, his aunt and his maternal uncle. While he was on the NYAMURE hill, the NYANZA gendarmes carried out an attack. The witness places this attack between 28 and 30 April 1994. He lost his brother Paul KANZAYIRE and his sister Béatrice MUNYERAGWE.

During this attack, Léopold and several other Tutsi refugees left for the KARAMA hill. Once there, Léopold found survivors of the ISAR SONGA attack. These refugees said that it was Philippe HATEGEKIMANA who had led an attack there and that he had collaborated with soldiers from the ESO [military school]. They had used a helicopter that had come from BUTARE. This helicopter was flushing out people in the bushes of Songa.

In KARAMA, there had already been an attack during which the Tutsis had defended themselves, a police car had been burnt and the son of the burgomaster NZARAMBA had been killed. The burgomaster then sent for BIGUMA and the NYANZA gendarmes, accompanied by soldiers, who then carried out the attack on KARAMA. The witness puts this event at 1 May. The helicopter used at ISAR SONGA was used again. During the attack, the Tutsis who had come from SONGA pointed to a white pick-up parked on the hill near the gendarmes, saying that it was the same vehicle that BIGUMA had used at ISAR SONGA.

The witness then recounted the atrocious scenes he had seen during and after the massacre. He said that the assailants came to finish off people who could not flee. Several people had been injured during the NYAMURE and ISAR SONGA attacks. These wounded, as well as young children, were killed. Léopold says he saw a girl whose face had been cut off, he says he saw limbless bodies cut up, and the bodies of pregnant women disembowelled. He saw the gendarmes throwing grenades or burning the houses in which the Tutsis had taken refuge. He says that women and girls were raped and then killed. At the end of the attack, as he was hiding, he heard the attackers boasting about their killings, and then saw them leave with the cows of the Tutsis who had hoped to escape with their cows.

Finally, Léopold recounted that after the soldiers and gendarmes had left, the Interahamwe and Hutu refugees from Burundi continued to kill after 1 May. Léopold ends his spontaneous statement by thanking the RPF soldiers who saved them. He said that during the genocide, he lost his wife and four children, as well as his brother and sister, his sister's children and his uncle. He again thanked the French court and the Rwandan state, which had helped them to rebuild their lives. He asks the court to punish the accused for his crimes. Today, Léopold is remarried and has two children. He has managed to rebuild his life thanks in part to FARG, the fund for refugees from the genocide.

During questions from the court, the president pointed out to the witness that in his statement as a civil party, he had not said that he had been in NYAMURE at the time of the attack. He replied that he had not said so because he did not think he should mention all the hills he had been on during the genocide. He said that he had not mentioned other hills on which he had been, such as the hills of SARUHEMBU and RUBONA. In particular, he had used these hills to try to flee to Burundi before finally having to make a U-turn to return to the NYAMURE hill.

Maître GUEDJ, for the defence, asked the witness questions about the fact that he had not seen BIGUMA himself and that he had learned of his role in these attacks from other people. He asked for

their names and the witness replied that they included Valens BAYINGANA (Editor's note: who had testified the previous day).

Hearing of Ms Apollinarie GAKURU, civil party already constituted, CPR, assisted by Maître Domitille PHILIPPART.

After thanking the president, the court and those present in the room, Apollinarie GAKURU denounced the actions of the accused in the genocide of the Tutsis in Karama in 1994.

At that time, the witness was 15 years old and living with her family. Very quickly, she saw many people arriving at their home and they began to spend the night outside, with the Hutus. As a refugee in Karama, she had to endure attacks from the local population, which were often repelled by the refugees.

One day, a vehicle arrived in SHARI (KARAMA) that belonged to a shopkeeper whose wife was there, along with BIGUMA. Once again, the refugees defended themselves with stones and set fire to the vehicle after spraying it with petrol. Meanwhile, the gendarmes continued to fire.

The next day, when the gendarmes had left, the refugees buried the first victim, a young man named BIKINGA. During another attack, the son of the burgomaster NZARAMBA was killed by an arrow and the refugees took his rifle, which they broke into several pieces and buried.

After the last attack, the witness decided to leave Karama. As she fled with her mother and sisters, she encountered Interahamwe but managed to escape. Her mother, on the other hand, was killed by the killers. Hiding in the tall grass, she met her godmother's son, who was killed a little later by the Interahamwe.

On a fence, she is raped several times. The rest of her story is a real ordeal. Taken to the RUSATIRA roadblock by one of her rapists, she decided to confess that she was a Tutsi so that they would kill her. Miraculously, she escaped death and took refuge with a family where she found her sister, who decided to go into hiding elsewhere. She remained in hiding until the arrival of the Inkotanyi [RPF]. However, she fled with the Hutus as far as Gikongoro.

The witness ended her testimony by again thanking the court for listening to her. Speaking brought her some peace.

Apollinarie GAKURU was then subjected to numerous questions, both from the president and the defence. Maître PHILIPPART, her lawyer, did not wish to ask her any questions, simply to find out whether she had been able to build a new life since then. The witness told her that she had a husband and three children.

### **Day 19: Thursday 8 June**

Hearing of Mr Jean-Damascène MUNYESHYAKA, detainee, summoned at the request of the public prosecutor.

The witness, who is in HUYE prison, asked that his identity not be revealed. He fears for his safety. The president told him that it was too late, that everyone knew him now. He tried to reassure him. Mr MUNYESHYAKA finally agreed.



He was sentenced to 19 years' imprisonment for genocide by the Gacaca of the MUYIRA sector, but for crimes also committed in the GATONDE and NYAMURE sectors. He is due to be released on 24 October 2024.

In 1994, he was a waiter at the IDEAL bar in NYANZA. The owner of the establishment was Benoît MUJEJENDE, a Tutsi whose house was destroyed. He was allegedly killed in BUTARE.

Before the genocide, he had been temporarily imprisoned for playing Radio MUHABURA, the RPF's radio station, in the bar but he did not know the identity of the gendarmes. He had the opportunity to meet Philippe HATEGEKIMANA, a friend of his older brother. This gendarme, also known as BIGUMA, used to come and have a drink in a bungalow in the company of Major BIRIKUNZIRA.

His older brother, known by the pseudonym COMPAGNIE, was Vincent SINDAZIGAYA, an extremist and leader of the MRND [political party of the President] in GATONDE. He worked with Samuel NSENGIYUMVA, a teacher in charge of the PAWA [Hutu 'Power'] youth wing of the MDR [Main Hutu opposition party]. It was they who came to fetch the gendarmes for NYAMURE. With a Tutsi father who had changed his identity card and a mother who was also Tutsi, he went to his home area on 13 April because he did not feel safe: the bar had been looted.

In the early days of the genocide, Hutus and Tutsis were together, but they became separated because the new burgomaster, Mathieu NDAHIMANA, said that only Tutsis were wanted. On questioning by the Chairperson, the witness said he knew NYAGASAZA [the local mayor]: he had learned that he had been killed trying to cross the border near AKANYARU.

At an impromptu meeting, this Mathieu is said to have said: "Are you still hesitating? Don't you know that our enemy is the Tutsi"? Following these remarks, Fidèle MURWANYASHYAKA and his wife, Tutsis from KARAMA, were killed, along with a certain MUDAHERANGWA.

The first attack on KARAMA was repulsed, which is why the gendarmes were called in to reinforce the attack. COMPAGNIE is said to have said: "I'm going to fetch my friend BIGUMA". The attack took place in KARAMA, at a place called SHARI. The witness said that more than 2,500 people died. Only a few Tutsis survived. The population, gendarmes and soldiers took part in the massacres. The same thing happened in NYAMURE.

On questioning by the Chairman, the witness said that he regretted what had happened and asked God for forgiveness, hoping that such things would not happen again. He said that he had not recognised anyone on the photograph shown to him by the French investigators. He justifies himself by saying: "They showed me a photo of my son and I didn't recognise him. He therefore could not recognise the accused".

When questioned by the civil parties' lawyers, the witness was unable to give precise dates for the events in Karama and Nyamure. As for differentiating between soldiers and gendarmes, he could simply say that the gendarmes were wearing red berets. He had heard of machine guns. The CPR's lawyer wanted to know whether the massacres of SHARI and KARAMA had taken place at the same time and was told that it was because the Tutsis had resisted that the gendarmes were sought. The witness also mentioned the burning of the car used to transport the killers. On that occasion, the son of Burgomaster NZARAMBA was killed by an arrow. Finally, the witness specified that SHARI was indeed in the KARAMA sector.

Mrs AÏT HAMOU, for the prosecution, asked whether BIGUMA had stars on his shoulders and whether the witness had seen BIRIKUNZIRA. He probably crossed paths with him. She asked the

witness to repeat that BIRIKUNZIRA had been replaced by BIGUMA. The latter had a weapon, in KARAMA, a small calibre rifle.

The defence intervened in turn with a volley of questions revolving around five areas of interest: the reasons for the witness's fear, the death of NYAGASAZA about which the witness knew nothing, whether or not he knew the MUSHIRARUNGU sector councillor and Radio MUHABURA, the RPF radio station. As the lawyer asked a question to which the witness had already given an answer, the president, ironically, intervened: "Maître, are you having problems with your hearing"? The lawyer did not appreciate the humour: " Because of my age, yes".

The final question concerned the witness's statement to the French investigators: "I think that only the gendarmes can testify about BIGUMA", implying that what the witness was saying was not too reliable. In reality, this answer had to be put into context. The gendarmes are indeed in the best position to talk about BIGUMA. And the witness added: "If the cows are causing problems, it's not them we're asking questions about, it's the keeper"!

Hearing of Mr Téléspore NSHYMIYIMANA , detainee, summoned at the request of the public prosecutor.

Téléspore NSHYMIYIMANA, at the beginning of his hearing, announces that he does not want to give his name for security reasons. The chairman tried to understand why and asked him if he had any fears. He said he had not received any threats but was afraid of possible reprisals. He finally agreed to give his name and reconfirmed his desire to testify.

The witness said that he knew the accused because BIGUMA had "made him work during the war". He said that when he met him, he was "a man with a complexion that was half dark, half light, whose hair started far back on his head and who had big eyes". He knew him as second-in-command of the NYANZA gendarmerie and deputy to Captain BIRIKUNZIRA. He saw him in town in NYANZA, driving around in his vehicle in his capacity as chief warrant officer.

Téléspore said that he had been in the military since 1 January 1992. In 1994, he was in the GITARAMA platoon. In April 1994, he saw Chief Warrant Officer BIUGMA when they helped each other during several attacks on hills, in particular that of NYAMURE and KARAMA.

Sergeant Emmanuel NDINDABAHIZI was the witness's superior. One day, the sergeant's brother came to tell him that his father had been wounded during an attack on Tutsis. The sergeant then went to BIGUMA for help, who gave him some gendarmes. On 14 April, with the NYANZA gendarmes, soldiers from the Téléspore platoon went to attack Tutsi refugees on the hills of GISAKIRA, in particular the hill of GISEKE.

The witness said that then, around 24 April, BIGUMA asked him for reinforcements to go and attack NYAMURE. He said that in NYAMURE there were about 35 soldiers, gendarmes, about 30 Interahamwe and civilians. The next day or the day after, they attacked another hill, which he said was a second hill in NYAMURE, smaller and right next to the big one, in order to hunt down the Tutsis who had managed to escape.

On 28 April, his platoon was again mobilised for the attack on the KARAMA hill. He says that BIGUMA took them away with his gendarmes. He says that one of their vehicles was set on fire by the Tutsis and that a judicial police officer, Joseph, was killed. On the day of the attack, Téléspore was wounded in the thigh by a Tutsi arrow. His platoon and the gendarmes returned on the 30th, but this time the witness did not go because of his injury.

The witness said that during these various attacks, he saw the accused, and it was he who led the gendarmes. In NYAMURE, they had walked together with BIGUMA to the trading centre and had come across a group of Tutsi women, one of whom was in labour. He shot the woman with his pistol and the group dispersed. They then went up to surround the hill. When they arrived, they saw Mathieu and some Interahamwe. They killed the Tutsis who had taken refuge on the hill and left.

It should be noted that the witness spoke of the "1994 war" when referring to the massacres and referred to the accused as "the honourable BIGUMA". Télesphore was sentenced in 2008 by the Gacaca of KINAZI. He still has 1 year to serve. He was initially sentenced to life imprisonment, but on appeal his sentence was reduced to 30 years. He recounted that in 2020, after being questioned by the French gendarmes, one of BIGUMA's relatives, Bernard MUHAHIMANA, who was detained with him, persecuted him for a while because he was accusing his relatives, before being released.

The defence questioned the witness about some contradictions between his testimony on the number of vehicles and the colour of the vehicles and the exact position of BIGUMA during the attacks.

Hearing of Mr Valens BAYINGANA, civil party already constituted, assisted by Maître Julia CANCELIER.

Valens and Appolonia in NYAMURE, a hotbed of Tutsi resistance. Valens is one of the few survivors of NYAMURE.

The witness, who lost almost all of his family on the NYAMURE hill, lived not far from there, near the school and church located at the foot of the hill. The Tutsis, as in many other places in Rwanda, began by resisting the attackers by throwing stones. The attackers then decided to call in the gendarmes. BIGUMA was indeed present at the scene of the massacre, and it was he who fired the first shot.

The president then put questions to the witness who, in 1994, was living with his parents in the GATARE cell, close to the top of the NYAMURE hill. If the Tutsis took refuge on the hill, it was because the understanding between Hutus and Tutsis had deteriorated because of politics. It was only when he grew up that he realised that the Tutsis did not hold important positions in the country. There was what was known as the quota policy: since Tutsis represented only 12% of the population, only 12% of children, for example, could go to secondary school.

The first attacks came from NYAMIYAGA and KAYANZA. The attackers used traditional weapons and farming tools. On the hill where many Tutsis from all over had gathered, living conditions were difficult: no food, no water. You had to take advantage of the night, taking risks, to get supplies. The refugees had a little milk for the children by milking the cows. It was impossible to return home, as the houses had been looted and destroyed.

The witness said he stayed on the hill for several days. It was on 29 April that he was able to break through the attackers' "wall".

The witness continued his account. He saw a vehicle arriving from KAVUMU carrying gendarmes. They stopped near the church and continued on foot towards the top of the hill, climbing in two separate groups through the forest. When they reached the top of the hill, they mingled with the population. A veritable "human wall" faced the refugees. One of the gendarmes - the witness will recognise BIGUMA - fired at a group of women who were assisting one of their own who was giving birth.

Valens BAYINGANA then launched himself at the assailants, trying to avoid being shot at. After crossing an initial "barrier", he came across killers who were cutting up a man and a young girl with machetes. To get through the barrier, he threatened them with his machete. He thought he was going to die, but miraculously managed to get through.

When he arrived at the home of a cowherd he knew, the cowherd refused to hide the machete. The witness then took refuge in a banana plantation and hid in a hole where bananas ripen when beer is made. He covered the hole with leaves and continued to hide until the RPF soldiers arrived. When he returned to the hill at the end of the genocide, he discovered the bodies of his family and buried them. He is the only survivor of his siblings. He goes on to list all the victims in his immediate and extended family.

On the photographic card presented to him, he recognised BIGUMA, even though he had aged. He had also recognised him during a confrontation with the accused. Presented again to BIGUMA, who was standing in the box, he said that it was indeed him. As for BIGUMA, of course he does not know the witness.

The witness mentions the death of around 11,000 Tutsis on the NYAMURE hill. They arrived at this estimate by counting the skulls during burial. Some of the bodies had been eaten by dogs. Rapes? He didn't witness any. Perhaps there were some after he left. He can't say for sure.

The question of vehicles and weapons was then raised. A helicopter did fly over the area. From the top of the hill, we had very good visibility, except from the forest. Asked again about his escape, Valens says he was hidden in the false ceiling of a house by a Hutu friend for a week. After that, he lived in the bush.

A series of questions from the bench of the civil parties, the prosecution and the defence will provide some clarification. However, quite often the answers have already been given by the witness. Valens stated that all the women around the woman in labour had been killed and that the assailants had wrapped banana leaves around their heads or waists.

Hearing of Mr Silas MUNYAMPUNDU, summoned at the request of the public prosecutor.

Silas MUNYAMPUNDU is originally from NYANZA. Before April 1994, he was a judge at the MUYIRA district court. When the genocide began on 21 April, he fled to Burundi. On his return in July 1994, he was appointed mayor of NTYAZO. As part of his duties as mayor, the authorities gave Silas the task of gathering information about what had happened. He rounded up the survivors, rounded up the killers and tried to obtain information about who had been killed, by whom and where the bodies were.

With regard to Burgomaster NYAGASAZA Narcisse, the authorities asked Silas to find out where NYAGASAZA had been arrested and killed. So he conducted his investigation by questioning people at AKANYARU, MUSHIRARUNGU and NYANZA. That's how he found out that NYAGASAZA had been arrested and brutalised at AKANYARU by a gendarme called BIGUMA. In NYAMURE, he saw the cut-up bodies, and was told by the local population that, once again, it was BIGUMA who was behind the scene.

Sometime later, several assailants and killers began to return to Rwanda after having fled. When they returned, they confessed to their crimes, either out of guilt or fear of suffering the consequences of their actions. This is how Silas was able to talk to the former burgomaster Mathieu NDAHIMANA,

who told him everything that had happened in NTYAZO, again mentioning BIGUMA and his involvement.

When the Gacaca courts began, Silas was able to find out more through the information gathering stage and then learned that the burgomaster had been killed by BIGUMA at MUSHIIRARUNGU, he had confirmation of this from Israel, MUSHIIRARUNGU's former adviser, who also confirmed the accused instructions regarding the barriers.

The President asked the witness if he recognised the accused. The President then asked him how he knew the accused, to which he replied that he would like to ask the accused if he recognised him. Philippe HATEGEKIMANA said that he did not recognise him. The witness then said that he knew him because they were both at the collège des humanités modernes in NYANZA in 1972/1973, and they played football together for several years. Then he knew him as a gendarme in NYANZA. On questioning by the President, the accused said that he had indeed been at that college and stated: "I said that I did not remember him, I did not say that I did not know him".

The witness stated that he had learned from survivors that a helicopter had flown over the NYAMURE hill before heading towards ISAR SONGA.

The defence, through its questions, insisted on the fact that the witness had seen nothing for himself and asked him from whom he had heard the information he listed. The witness tried to make Maître GUEDJ understand that he had heard it from the general public. The defence insisted. He then repeated the names he had mentioned before: Mathieu, Israël and a certain AZARYA.

Maître GUEDJ asked the witness when the Burgomaster had been arrested. The witness replied that Philippe should be asked, as he was the one who should know. Maître GUEDJ got angry, telling the witness that he did not have the right to say that and that the accused was still presumed innocent. The President asks Maître Guedj to change his tone. Maître GUEDJ continued by asking the witness to repeat the people who had given him information about BIGUMA. The president pointed out to Maître Guedj that he was having hearing problems for the second time that day. Mr Guedj again became angry, saying that the Chairman's comments were inappropriate and asked him to treat him with respect. Questioning resumed in a tense atmosphere, forcing the witness to repeat what he had already said.

### **Day 18: Wednesday 17 June**

Hearing of Mr Eric MUSONI, detainee, summoned at the request of the public prosecutor, by videoconference from KIGALI.

The witness began by admitting that he had taken part in the attacks in his sector of GATONDO, NYAMUKONDO at the time, in the commune of NTYAZO. The sector councillor, Isaïe MULINDAHABI, organised awareness-raising meetings, but not in the same cell as his own (KAVUMU).

The Tutsi burgomaster Narcisse NYAGASAZA, who was killed, lived far from his home. During the attacks in which he took part, there were no police officers or gendarmes. He only saw gendarmes during the attack on the NYAMURE hill. As he lived by the roadside, he saw BIGUMA bring gendarmes from NYANZA. The witness joined them with other assailants and went to the NYAMURE hill where the Tutsis had taken refuge, at the top of the hill. BIGUMA was clearly present. The refugees defended themselves by throwing stones at the attackers. The gendarmes retaliated with gunfire.

"As we had become evil, we cut up the survivors", continued the witness, under the direction of a former gendarme, Godefroid NGIRABATWARE, an expert in the art of shooting. BIGUMA was at the head of the attack.

The person who had gone to get him in NYANZA was talking about him. He was a trader called COMPAGNIE, based at the GATONDE trading centre. A dozen gendarmes were present and numerous attackers had surrounded the hill. This attack had obviously been planned by the directors. Before the gendarmes arrived, the attackers had suffered a setback and had to retreat. According to the witness, the attack took place between 2 and 4pm at the end of April. There were a large number of casualties.

A message from a megaphone was reportedly addressed to the population: "Come to NYAMURE with us to kill our enemies who are capable of killing us".

The witness said that he knew Mathieu NDAHIMANA but did not know whether he was involved in the attack. The assailants came from everywhere (Note: The NYAMURE hill was stony and high, giving a view of the various valleys and hills in the distance. Today, a communications aerial stands on its summit. From certain places, you can see the hill of Karama in the distance).

The president asked the witness about his convictions, which the defence returned to with such insistence.

By testifying against BIGUMA, he was asked, "did you expect something in return"? The witness replied in the negative; only the truth mattered to him.

Asked the usual question about the gendarmes' vehicle, he indicated that it was a DAHATSU. During his interview, he had mentioned a light brown TOYOTA STOUT.

Asked if he recognised BIGUMA in the box, he stared at him attentively and pointed: "That's him! And added: "I told the truth". BIGUMA, of course, does not know him.

A discussion followed about the weapons used. The witness awkwardly describes things being put into a tube from which smoke was coming out. Probably a mortar.

When questioned by the civil parties' lawyers, the witness said that after the attack he had stayed at home and did not know what had happened to the bodies of the victims. He knew of no other BIGUMA than the one in the box, whom he also knew as Philippe HATEGKIMANA. He was wearing a gun on his belt.

Ms AÏT HAMOU, for the prosecution, pointed out to him that during his hearing he had spoken of a certain COMPAGNIE. But also of Sylvestre NTEZIMANA. This suggests that several people mentioned BIGUMA? The witness confirmed. The real name of COMPAGNIE was Vincent NSENGIYUMVA.

They had received orders before the attack, but during it they knew what they had to do: kill the Tutsis. They surrounded the hill, which was very large at the base but narrow at the top. The attackers had girded their heads with banana leaves to identify each other. Some of the gendarmes had mixed with them. The Tutsis had come from all over the country. The witness recognised some of his neighbours who had come with their cows, which they had eaten.

The defence was heard. The lawyer expressed surprise that the witness had travelled so far to attack the Tutsis. The assailants were very numerous. The witness placed the scene several days after the

attack. At the lawyer's insistence, he finally gave an estimate: less than a month, twenty days! It was because the refugees had repelled the attackers several times that the gendarmes were called in.

The president intervened, pointing out that the witness had not recognised anyone on the photographic plate presented to him. "He did not appear in the photos we were shown," he added. And the president added: "What if I told you that he was?"

The defence returned to the witness's convictions, asking him whether he had had the assistance of a lawyer during the Gacaca. (Note: He should know how Gacaca worked!) The witness was given the opportunity to say that the Gacaca had not respected the law by sentencing him to life imprisonment on appeal.

Maître ALTIT took advantage of the fact that the witness said that he had a document at home concerning his judgment and that he was willing to produce it, to ask the President to note the promise that Mr MUSONI had just made.

Ms AÏT HANOU protested: "How can he make such a commitment without knowing the possible consequences"? And the Chairman added: "I'm not going to give a request for an act at this stage".

The witness admits that he pleaded guilty in the belief that he would receive a reduced sentence, as provided for by law. He spoke of a plot hatched against him by influential people whose names he could not reveal.

The defence lawyer pointed out that in 2018 he had stated that he had been convicted for NYAMURE even though he had not participated in the massacres. Today, he is saying the opposite. So where is the truth?

"The truth is today's truth", concluded the witness.

Hearing of Ms Charlotte Uwamariya, civil party already constituted (CPCR), assisted by Maître Domitille Philippart.

Charlotte Uwamariya is a CPCR civil party. She lives in KIGALI. She began her spontaneous statement by thanking the French court for rendering justice to the victims, and then thanked the Rwandan State, which had stopped the genocide, and President Paul KAGAME.

At the start of the genocide, Charlotte was 16 years old and lived in MAYAGA, a town inhabited by a large number of Tutsis. This presence of a Tutsi community can be explained by the fact that, in the past, the war and conflicts against the Tutsis had not managed to reach the locality. In 1994, the Tutsi genocide began on 22 April. From that date onwards, Charlotte saw a large influx of Tutsis from other localities as the Hutus began to kill and burn their homes.

On Saturday 23 April, Charlotte and her family of 5 children took refuge on the RWEZAMENYO hill, not far from the NYAMURE hill. The civilian population noticed the group of refugees and launched an initial attack led by Mathieu NDAHIMANA, the burgomaster who replaced NYAGASAZA after his death. The Hutu civilians surrounded the hill and killed many of the Tutsis present. Mathieu approached Mathilde UWIMPUHWE, Charlotte's sister who was in secondary school. He gouged out her eyes, saying: "We'll see if you can continue your studies now". He cut the skin on her face and left. Charlotte's father went to collect Mathilde after the attack. Between 23 and 26 April, the Tutsi refugees were subjected to several attacks and managed to repel them.

This is how many Tutsis reached the hill of KARAMA. KARAMA was in the former commune of NTYAZO, near MUSELI. Around 26 April, there was a rumour that the Hutus were going to spare the women and girls and that they could return home. Charlotte's family of thirteen women returned home. On 28 April, Charlotte and her sister Florence had gone out to find water when they heard screams. When Charlotte and Florence returned, they found their mother, two of her sisters and the other women in her family brutally murdered with machetes, their bodies and their house looted. As Charlotte tried to lift her sister's body, she realised that her head had been half cut off.

After this trauma, and realising that the rumour was false, Charlotte headed for the hill of KARAMA to find the rest of her family. But once there, another attack began. The Tutsis tried to defend themselves with stones that the women gathered in their loincloths. The Rwandan Hutus, finding themselves in difficulty in the face of this defence, called in the Burundians who were camped at NTYAZO. A little later, the Burundians arrived with Interahamwe to reinforce the civilian population. Charlotte saw a Daihatsu vehicle arrive and saw cans of petrol. The Hutus then attacked the Tutsi refugees who, in their attempt to repel the assailants, killed the son of Burgomaster NZARAMBA. Following his death, the attackers turned back.

In the days that followed, other Tutsi refugees arrived, including survivors of the attacks on the NYAMURE hills and ISAR SONGA. The Hutus called in reinforcements from the gendarmes and Interahamwe arriving from all parts of BUTARE prefecture. People could be heard saying: "It's BIGUMA who's coming back". The assailants opened fire on the KARAMA hill. Charlotte saw everyone around her running, falling and dying. By the end of the attack, Charlotte had been separated from the rest of her family. She and other survivors who had hidden in the bushes scoured the hill for survivors but saw only dead bodies.

Charlotte was reunited with her grandmother and a few members of her family, but this was without counting the Interahamwe who were combing the hill to finish off the survivors and loot their belongings. There were around 30,000 Tutsis on the KARAMA hill and few survived. Charlotte remained in the bush until the arrival of the Inkotanyi.

During questions from the defence, the lawyer told the witness that BIGUMA was not being prosecuted for the events that occurred at KARAMA. In reality, this question had yet to be decided by the court, and this was confirmed by President LAVERGNE after Maître PHILIPPART had challenged the defence question. In the end, the president said: "That will be discussed. This is not the time to talk about it".

Hearing of Mathieu NDAHIMANA, summoned at the request of the public prosecutor, by videoconference from KIGALI.

Mathieu NDAHIMANA was a Hutu who was very active during the genocide. He was initially a medical assistant, then it was he who was appointed burgomaster of NTYAZO after the murder of NYAGASAZA. He started working in NYAMURE in 1992, coming from another health centre in KIGALI.

The witness said that he met Philippe HATEGEKIMANA for the first time in 1993 during the election of the burgomaster of NTYAZO in which Mathieu was a candidate. BIGUMA had been sent by the regional committee to preside over the ceremony. It was there that Burgomaster Narcisse NYAGASAZA was elected. He also saw him before the genocide when he was looking for a swindler at the health centre where Mathieu worked in the MAYAGA region. After that, he saw him during the genocide. Mathieu said that he recognised the accused, who, as usual, did not recognise the witness.



Mathieu NDAHIMANA quickly says that BIGUMA played a very important role in the genocide. On 23 April, Mathieu witnessed the arrest of Burgomaster NYAGASAZA. He was in a cabaret in the centre of GATI when he saw BIGUMA greet him and say, pointing to NYAGASAZA: "Here's this gentleman, we're taking him with us, you too must do something". He said that without BIGUMA's words, the population would not have become involved in the massacres.

Mathieu then said that in the afternoon, there had been an attack on civilians in MUYIRA in MUSENI's cell. He went to ask for reinforcements from BIGUMA and Captain BIRIKUNZIRA, who sent him three gendarmes. They reportedly spent the night with Mathieu at the health centre. The next day, an attack was carried out at RWEZAMENYO, not far from the health centre, in the CYIMVUZO sector. The president then asked the witness if he knew Mathilde, Charlotte UWAMARIYA's sister, whom he had tortured on that hill. He confessed that he had hit her on the head with a machete, and there was agitation and emotion in the room, particularly among the civil parties present.

Mathieu was then questioned about the attack on NYAMURE. He said that it had taken place between 25 and 28 April. He stated that it was led by Chief Warrant Officer Philippe HATEGEKIMANA, alias BIGUMA. He saw BIGUMA arrive in a white double-cab gendarmerie van carrying gendarmes armed with light and heavy calibre rifles. BIGUMA was seated on the passenger side of the cab. The witness said he did not take part in the attack but saw it unfold from a small hill nearby. He saw the gendarmes firing and the population following with traditional weapons. He saw black smoke and heard the sound of bullets.

Mathieu admits to having taken part in the attack on the KARAMA hill, which he puts at 30 April. He says that there were in fact several attacks. The Tutsis were defending themselves. Mathieu had gone to NTYAZO for reinforcements and had returned with some gendarmes. There were also Burundians. It was on the 30th that the judicial police officer, Joseph, son of the burgomaster NZARAMBA, was killed by the Tutsi refugees. It was after this attack, which was repelled by the Tutsis, that the father of the judicial police officer went to BUTARE and the NYANZA gendarmerie to ask for reinforcements in order to avenge the death of his son. The attackers, who included civilians, soldiers, gendarmes and Interahamwe, had in their possession rifles and grenades distributed by the NYANZA gendarmerie.

After the attack, the witness said he only saw the accused again on 22 May at a meeting at the NYANZA stadium, during which he and Captain BIIRKUNZIRA distributed weapons and encouraged the population to kill.

Mathieu fled Rwanda at the end of the genocide. He claims that after several years, he felt guilty and decided to return to Rwanda and present himself to the public prosecutor of NTYAZO and the judicial police officers in order to surrender and plead guilty. He was imprisoned and in 1999 transferred to NYANZA prison, where he was finally tried in 2009. Mathieu was tried and sentenced by the Gacaca of NTYAZO and MUYIRA to 30 years' imprisonment. On questioning by the president, he stated that he had been heard as a witness in cases in Sweden, Canada and at the ICTR in several cases, in particular those of Colonel Alphonse NTEZIRYAYO and the mayor of NGOMA, Joseph KANYABASHI.

After questioning from the civil parties, Mathieu said that he advised Philippe HATEGEKIMANA to accept to ask for forgiveness for these acts; the acts of which he was accused had been recognised; he had pushed them to commit these crimes. He goes on to say that he is a member of a unity and reconciliation club that teaches others how to behave in relation to the genocide. In conclusion, he said: "We want this never to happen again".

Hearing of Mr Ildephonse Kayiro, summoned at the request of the public prosecutor. He said that he would like to appear as a civil party, but at this stage he will give his testimony.

In his spontaneous statement, the witness announced two aspects: the arrest of Narcisse NYAGASAZA, the mayor of NTYAZO, and the massacres on NYAMURE hill.

With great detail, Ildephonse KAYIRO recounts the arrest of NYAGASAZA. He said he had been present at the scene and gave information that no other witness had provided.

The President recalled the statements he had made to the French gendarmes: "All I know is what I learnt during the genocide in April when Mathieu NDAHIMANA (Note: The witness who was heard just before him by videoconference from KIGALI) took up his post (Note: In reality, at the end of May 1994). MULINDAHABI, the sector councillor, told them that NYAGASAZA had been arrested at AKANYARU as he was trying to cross the river to take refuge in BURUNDI. He was arrested by the gendarmes and then taken back to NYANZA where he was killed".

The Chairman also pointed out that he was the only one to have noted that the Burgomaster had been hit in the temple. The Chairman was surprised that the witness had been able to give so many details in court. These details contradicted his statements to the French investigators.

The witness tried to explain himself, but it was not certain that he had convinced the court.

After answering a few questions from the defence, the witness was invited to address the second part of his testimony: the NYAMURE massacres. Here too, he gave precise details of the attack on the hill where several members of his family had been killed: he listed the names of the victims.

The President then remarked that he did not see what questions he could put to the witness insofar as the accused had always said that he was not in NYANZA at that time.

Neither the lawyers for the civil parties nor the public prosecutor wished to question the witness further. Only the defence wished to intervene to find out where the witness was. When the witness replied that he was on a hill opposite NYAMURE, the lawyer challenged the validity of his testimony, pointing out, with a map and scale, that the two hills were at least two kilometres apart.

The President and the prosecuting attorneys contested the defence's estimate.

The Chairman adjourned the hearing to 9am the next day. The first witness will be heard by videoconference and three others in person.

### **Day 17: Tuesday 7 June**

Hearing of Mr Emile HAKIZIMANA, who wishes to appear as a civil party at the hearing, by videoconference from KIGALI, summoned by virtue of the discretionary power of the president. Assisted by Maître KARONGOZI.

In 1994, the witness was ten years old and an only child, his father having died before the genocide. With his family, he lived in the hills of GACU and NYAMIYAGA.

Émile HAKIZIMANA recounts in great detail his journeys, from hiding place to hiding place, when he and his mother returned to live with his maternal grandparents. On several occasions, he owed his life to Hutus to whom his mother had given money. Leaving on his own, he was confronted with

several executions of Tutsis, including that of his aunt Immaculée, who had been kept as a sex slave before her head was cut off.

Seriously injured himself by a blow from a nail-studded club, he returned to his mother, who asked him to leave. Hiding in the false ceiling of a house, he was found and taken to the Interahamwe [Hutu youth militia], who threw him into a pit covered with a heavy metal plate, surrounded by corpses. He eventually managed to get out of the pit by widening a gap. He then headed for the MUNINIYA hill where his father came from. A young man helped him through the MUSHIRARUNGU barrier to reach his mother.

As he passed by the house of Councillor Israël, he was arrested at the barrier and tortured with iron spikes heated by fire. He ended up going to Israël's mother, who gave him food and asked him to return to NYAMIYAGA. When the Inkotanyi [RPF] arrived, the inhabitants fled in the direction of GIKONGORO. He left for BUGESERA before returning home. He was adopted by an uncle who died in a road accident. Another uncle took him in and a new life began for him.

The president, somewhat annoyed, tried to find out if the witness knew the accused. In fact, he had heard about it from adults who had survived.

It turns out that this testimony, which lasted more than two hours, had nothing to do with the charges against the accused.

Hearing of Mrs Marthe NYIRANTAMATI, who wishes to appear as a civil party at the hearing, summoned by virtue of the discretionary power of the President. Assisted by Maître KARONGOZI.

Marthe is a schoolteacher who currently lives in NYANZA's cell. When she arrived, she began by expressing her thanks to the French State. Marthe was in NYABISINDU when the genocide broke out, and after the plane crashed, Marthe and her family learned of the death of a Tutsi in NYARUSANGE. Her family hid in a wood opposite the NYABUBARE hill after they heard and saw the killers starting to burn the houses of the Tutsis.

One day, assailants attacked them in this wood. As she ran, Marthe heard the Tutsis around her saying: "Let's run, BIGUMA is coming with people who are going to shoot at us". And the shooting started. Marthe and her family ran to escape the bullets, but also the people armed with machetes and spiked clubs.

Trying to escape the killers, Marthe managed to hide in a tree with falling branches. Then, seeing her brother moving away, she climbed down and ended up hiding in a field. After a while, she returned home to see if her brother was there and found his body lifeless. All her other siblings and almost all her first cousins had been killed in that wood. Marthe then set off towards her mother's region of origin. To avoid the paths, she went through the bushes and fields.

On her journey, she met her cousin and they walked together towards her mother's region of origin. They both took refuge at ISAR SONGA [Institute of Rural farming of Rwanda]. But they didn't stay there long, as they soon heard people fleeing and again saying: "It's BIGUMA who's coming, he's coming to shoot at us again". Marthe saw the gendarmes firing bullets at the Tutsis at ISAR SONGA and her cousin was shot dead.

As she fled, she went to her mother's family home to find that it had been looted. Continuing her journey, she came across a teacher who hid her in a classroom. After a few days, she, the teacher and several other Tutsis headed for ISAR RUBONA, where many other Tutsis had taken refuge. The group

came across a roadblock. Several of the Tutsis were cut up by members of the population holding the barrier. Just as Marthe had received a blow, a Hutu man arrived and prevented the Hutus from killing her and the teacher, who had already received several machete blows. They spent the night with the man who saved them. The next morning, they set off again and when they reached a new barrier, the teacher was buried alive.

Marthe managed to continue on her way and reach the home of her sister and her Hutu husband, who hid her in some reeds. Her sister's husband dug a pit in which she stayed hidden during the day. In the evening, she returned to their house. After several days, she learned that her mother and one of her brothers had been killed. She left to go and stay with her maternal aunt who, on seeing her, refused to take her in. She then found a family of strangers who agreed to hide her. The witness says that this family hid her but persecuted her at the same time.

One day, Marthe heard that the French were coming and the family who were hosting her told her to tell the French that the ruins that could be seen around had been caused by the Tutsis. The Hutus cremated the Tutsi bodies to hide the evidence. And on 4 July, Inkotanyi arrived in the locality where Marthe was hiding. She fled with her family and after a few weeks, Marthe was able to find out about the surviving members of her family. She was able to find some of them and they put their family back together. In the end, she said, "The population had no intention of attacking their neighbours; if BIGUMA had not intervened, there would have been many survivors".

Hearing of Mr Juvénal NYAKAYIRO, who wishes to appear as a civil party at the hearing, summoned by virtue of the president's discretionary power. Assisted by Maître PARUELLE.

Very quickly, as the witness was giving his evidence, the Chairman became annoyed and asked why this witness had joined the civil action. He then challenged his lawyer: "I don't want to spend my afternoon talking about NYARUSHISHI. Does your client know what this is about? What is the link with BIGUMA? A question that went unanswered, as the lawyer clearly did not know what his client was going to say.

The president said he was "astonished" by this statement. He asked the witness again: "What are you an eyewitness to? You are not a witness to anything that concerns the case!

On questioning by the president, the witness ended by saying that several members of his family had died on the NYABUBARE hill, which made him a legitimate civil party. However, he would like the facts of NYAGISOZI to be held against BIGUMA. The president explained that these facts had not been retained by the judges and that they could not be imputed to the accused. He added: "Your lawyer did not know this because he was not a party to the proceedings".

The witness asked whether BIGUMA agreed with what he had just said. Obviously NOT, because the accused does not even know him. And regarding the dates he gave for having known the gendarme at the NYANZA camp, between 1986 and 1989, the latter stated that he was then at the KACYIRU camp and at the Ecole supérieure militaire in KIGALI.

The defence lawyer ventured to ask two or three questions.

"Who told you what you have just said"?

"People who were there. Some of them are also present at this trial".

"Were you a civil party in the Gacaca [Community Courts]"?

This question went unanswered. The lawyer should have known that there were no civil parties in the Gacaca proceedings.

Hearing of Ms Primitive MUKAWAYEZU, already a civil party (CPCR). Assisted by Maître PHILIPPART. Primitive MUJAWAYEZU is a civil party of the CPCR. She currently lives in the NYANZA district, NTYAZO sector and is a farmer. She began her spontaneous statement by expressing her gratitude to the French authorities and State for seeking justice for the people they lost during the genocide.

She and her family lived in the commune of NTYAZO. On the morning of Saturday 23 April, they left NTYAZO to take refuge in the MBUYE sector. A large number of refugees gathered around burgomaster NYAGASAZA and Pierre NYAKARASHI, Primitive's father. At the time, his father was a farmer and a former policeman. The two men then led the group of refugees towards the AKANYARU river. They split into two groups, one led by the burgomaster and the other by Pierre NYAKARASHI. When they arrived near the river, Primitive saw a white vehicle arrive with three gendarmes on board. They stopped near the AKAZARUSENYA centre.

The gendarmes then approached Burgomaster NYAGASAZA, who was leading the first group and who was standing by the river. They began to assault him before making him get into the vehicle. They then seized Primitive's father, kicked him and made him get into the same vehicle. One of the gendarmes, whose identity Primitive later learned, ordered the other gendarmes and the Interahamwe present at the centre to shoot at the groups of Tutsis. Many of the Tutsis died at that moment and Primitive was hit by a bullet. She had given birth to her son only five days earlier and the baby she was carrying on her back fell off.

Despite her injury, Primitive tried to flee. She managed to reach the river and cross the border into Burundi, but her mother, three of her brothers and three of her cousins did not. Once in Burundi, Primitive was treated.

Later, at the time of the NYANZA Gacaca trial, Primitive learned from the testimony of Israël DUSINGIZIMANA, former councillor for the MUSHIRARUNGU sector [see 31st May testimony], that the gendarme who had ordered the death of her family was BIGUMA and that her father had been killed, as had NYAGASAZA.

After speaking, the witness asked the President if she could ask Philippe HATEGEKIMANA if he would confirm the facts that she had reported and if he could confess where the bodies of his family had been buried. To which the accused replied: "At the time of NYAGASAZA's arrest I was not there, I had left for KIGALI".

After several questions from the President, forcing Primitive to repeat the facts she had just mentioned, she burst into tears and the President suspended the hearing until she had recovered from her emotions. When the hearing resumed, Maître PHILIPPART asked the witness to confirm that Burgomaster NYAGASAZA had not entered the gendarmes' vehicle without coercion, something that had been said by a previous witness. To which Primitive replied ironically: "Do you think that he entered the vehicle without coercion because BIGUMA was going to give him a job?"

During questions from the defence, Maître LOTHE mentioned a telegram from the sub-prefect Gaëtan KAYITANA, addressed to the Ministry of the Interior, which provided information on the instructions concerning the death of the burgomaster NYAGASAZA and the Tutsis who were trying to flee to the border. This telegram had not been used as evidence in an ICTR hearing in 2005. The President read it out.

The President adjourned the hearing to 9 a.m. the next day.

### **Day 16: Monday 6 June**

Hearing of Mr Festus MUNYANGABE, summoned at the request of the Public Prosecutor, by videoconference from KIGALI.

At the request of President LAVERGNE, the witness stated that in 1994 he was living in MUSHIRARUNGU, opposite the NYABUBARE hill. He continued: "The Tutsis were victims of nameless misfortunes". He then mentioned the death of a certain RUGEMA, who worked at the Public Prosecutor's Office, one of the first victims. When he went to NTASHAMAJE's house, he saw many dead people. He recalled his amazement at the sight of the corpses.

He and the others just stood there, not knowing what to say or do. In the afternoon, the gendarmes arrived at the Blanc Bleu Centre and asked where Councillor Israel was; they went to get him. BIGUMA held a meeting to say that the Tutsis had to die. Many Tutsis then left their homes for the NYABUBARE hill.

The witness and the other assailants left in large numbers, armed with machetes and clubs, towards NYABUBARE. The witness then spoke of a certain Joseph NGIRINSHUTI, whose first name he corrected during further questioning by the President: it was indeed Pierre NGIRINSHUTI, a former soldier who fired into the air. Some "soldiers", in fact gendarmes, went to get "a very large weapon", while the witness remained on the spot with the Israel advisor. On seeing the gendarmes, Pierre NGIRINSHUTI left for CYABAKAMYI. They learned later that he would be killed.

Still under questioning from the President, the witness confirmed that he was there with a dozen gendarmes. He did not know any of them but when he saw their uniforms, he concluded that they were gendarmes: khaki uniform and red beret. The vehicle they were using was a white, double-cab all-terrain vehicle. He knew that BIGUMA was present when the crimes were committed. It was on that day, in front of the councillor's home, that he learned BIGUMA's name, the very person who gave his instructions. BIGUMA is also said to have led a meeting attended by many people from NYABISINDU, but he does not remember the date.

When questioned by the ICTR investigators, by the French and by the OPJ [Officer of the Judicial Police] of the GFTU [Genocide tracking unit], a large number of contradictions emerged (Note: It must be said that many years separate each of these hearings). This was emphasised by the chairman when he read the witness statements.

During the attack, the assailants carried traditional weapons while the gendarmes fired their rifles. Many Tutsis were killed. When asked about the "patrols", the witness admitted that he had taken part in them. After the massacres, they were told: "Go ahead, all the cows are yours". He admitted that "the rounds were terrible". The NYABUBARE victims were originally from NYANZA, but some had come from elsewhere. Moreover, the Hutus in the neighbouring prefecture accused them of having sheltered Tutsis.

Sentenced to ten years in prison, he served twelve.

One of the prosecuting lawyers asked him if there was a barrier at Bleu Blanc. The witness confirmed this, adding that he himself was standing on another barrier. He knew that only Tutsis were targeted. The lawyer reminded him that Mr MUNYANGABE had spoken to the French gendarmes about the installation of a "very heavy weapon".

Hearing of Mr Samson MATAZA, summoned at the request of the public prosecutor, detainee, by videoconference from KIGALI.

Samson MATAZA is a farmer from the MBUYE cell. He is currently being held following his arrest on 16 September 2009 and his sentencing by the MBUYE Gacaca[4] to 15 years in prison. He is due to be released next year.

Samson was at the AKAZARUSENYA shopping centre when Burgomaster NYAGASAZA was arrested. When the chairman asked him what date it was, he said it was 13 April. However, we now know that the arrest took place on Saturday 23 April, on the morning of the attack on NYABUBARE hill. The President tried to help him situate himself in time in relation to the attack on President Habyarimana's plane on 6 April, but the confusion persisted and the witness ended up saying that "when you are in prison, you lose track of time".

The witness therefore went to a drinking establishment in AKAZARUSENYA near the port, close to the AKANYARU river, with Councillor Abiya UKWIZABIGIRA and other civilians. When they arrived, they saw a white gendarme car and three gendarmes, including BIGUMA. They sat down and started drinking banana beer when they saw Burgomaster NYAGASAZA walk past them, dressed in a black suit and carrying a satchel of the same colour. He stopped to greet the councillor he knew. Shortly afterwards, he saw the gendarmes stop him and take him into the vehicle. They also witnessed the arrest of another Tutsi, Pierre NYAKARASHI. The adviser informed the witness that these people were gendarmes and that one of them was BIGUMA. This information was later confirmed to him by the former sector councillor Israël DUSINGIZIMANA.

When questioned about the situation in AKAZARUSENYA, Samson stated that there were many Tutsis trying to cross the border into BURUNDI. With the unrest that was building up near the border, he heard shots fired in the air from the Burundi side and saw a man die in the confusion.

Hearing of Mr François HABIMANA, civil party already constituted. CPCR, assisted by Maître Domitille PHILIPPART.

François HABIMANA is one of the CPCR's civil parties. He is a farmer and now lives in RWABICUMA. He decided to begin his hearing with an emotional spontaneous statement.

On Friday 22 April 1994, François saw the situation deteriorate, people fleeing towards MUNINYA and houses being burnt down. He saw his own house burn down and decided to flee with his mother to Munyinya. He and a large group of Tutsis from the region and neighbouring areas gathered on the NYABUBARE hill with the soldier Pierre NGIRINSHUTI. In the evening, François and the other numerous refugees saw a white vehicle approach the hill and then leave. The population had been afraid of the group, who had gathered stones to defend themselves.

The next morning, at around 10am, a white vehicle came down with around seven gendarmes in it. They stopped below the home of Councillor Israël. The gendarmes and the population surrounded the hill and the shooting began. François says that he saw people falling and dying around him, women, men, children and the elderly. Like many others, he tried to hide from the gunfire and saw the person hiding next to him die from a bullet.

On seeing the civilians armed with machetes, spears and clubs, François decided that he was going to surrender and ask to die from a bullet rather than from traditional weapons. He walked with his hands up towards the bottom of the hill where the gendarmes were. As he went down to surrender,

he could hear the Hutus around him insulting him and his family. He then came face to face with a gendarme called SAFIRI who recognised him. He knew his brother-in-law and advised François to go and speak to Chief Warrant Officer BIGUMA, specifying who his brother-in-law was. On his way to the gendarmes, François was stopped by another gendarme who asked him for his identity papers. Looking at the wallet, he saw that François was a Tutsi, but concentrated on the money inside and let him pass.

On reaching BIGUMA, François told him that his brother-in-law was Vincent MUNYARUYONGA. Vincent was a Hutu married to François' sister, a Tutsi, but he was also a friend of BIGUMA and a great killer during the genocide. BIGUMA then told him to sit down next to him and wait. He said he would take him to Vincent and they would see if he was telling the truth.

Luckily, two people, including Councillor Israël DUSINGIZIMANA and Esdras SINDAYIGAYA, recognised him but decided not to report him.

But it was then that several dozen Tutsis who had seen François approach BIGUMA decided to do the same, thinking that they too could be spared. BIGUMA then ordered a gendarme armed with an R4-type rifle to shoot them, killing the group of Tutsis in front of François' horrified eyes. BIGUMA is reported to have said at the time: "I will never tolerate being led by Tutsi dogs". The gendarmes then took the machetes and clubs and finished off anyone who was still alive. Since the population had become afraid of Pierre NGIRINSHUTI's defence of the Tutsis, BIGUMA ordered his house on the same hill to be looted. He then threw a grenade into the house, which exploded.

After this episode, François got into the white vehicle with the gendarmes and allowed himself to be driven to NYANZA. On the road, the car stopped at several barriers and BIGUMA told the people to work. On this occasion he is said to have hinted that he would soon take care of the NYAMYAGA "cockroaches", but that for the moment he was tired of his day's triumph and wanted to rest.

Once he arrived at the gendarmerie camp, BIGUMA told François to go and find his brother-in-law, who lived below the gendarmerie, so that he could come and confirm to BIGUMA that he was indeed a Hutu. Once there, his sister and her husband welcomed him, feeding him and offering to let him wash and rest. Vincent, who was very involved in the massacres, went to the gendarmerie to lie to BIGUMA and say that François was a Hutu. About three hours later, BIGUMA came down in front of their house to ask to greet the Hutu who had almost died for nothing. François, who was afraid of being recognised by the neighbours, asked his sister to tell him that he was asleep. After BIGUMA had left, François' sister informed him that the gendarmes were going to go and get Burgomaster GISAGARA to punish him for opposing the genocide and protecting the Tutsis.

François ended his account by thanking the authorities who had arrested BIGUMA. He said: "After hearing that BIGUMA was going to be tried in court, I said to myself that I could finally die in peace. After giving my testimony, I will leave in peace". He went on to say that there was no doubt about BIGUMA's guilt and that during the commemorative events, the authorities and the population only talked about BIGUMA and his participation in the genocide: "He killed with great zeal, he spared no one".

After questions from the President, François turns to the defendant's box and says he recognises him. Philippe HATEGEKIMANA said he did not know him. We then learn during the questioning that François' sister's family fled to Congo at the end of the genocide and that her brother-in-law was sentenced to 15 years in prison.



When Maître PHILIPPART asked him if he felt any form of gratitude for BIGUMA who had spared him, the witness replied: "Given the corpses he dropped in front of me, I can't thank BIGUMA for anything. How can I thank him? He exterminated all of NYANZA".

During questions from the defence, Maitre GUEDJ asked the witness about any contradictions that might be found between his hearing before the French gendarmes and his hearing today. He asked him about the duration of the attack, the number of Tutsis present on the hill and the weapon carried by BIGUMA. François answers each of these questions by saying that at the time of the attack, he didn't have time to look at his watch, count the number of bodies or analyse the gendarmes' weapons: "I made estimates, I wasn't counting the hours, I was just watching people die".

Hearing of Ms Odetta MUKANYARWAYA, a civil party of CPR, assisted by Maître Domitille PHILIPPART.

Mrs MUKANYARWAYA began by thanking the French government and the President of the Republic, as well as the French justice system.

In an emotional but restrained account, the witness informed the court that practically her entire family had been exterminated on the NYABUBARE hill. Out of a hundred people, less than ten survived.

Referring to the memory of Pierre NGIRINSHUTI, Mrs MUKANYARWAYA revealed that he was her father's brother. BIGUMA came looking for Pierre, the soldier. He sent a policeman with the following message: "Go and tell him that if he doesn't want his family exterminated, we must meet! The reply: "Let him come himself!

The next day, Friday, BIGUMA returned and gathered the people together. No one had been killed yet. The refugees picked up stones, shouted and the police car drove off.

On Saturday, the gendarmes returned: many Tutsis had gathered on the hill opposite. Orders were given to surround the NYABUBARE hill on all sides. The refugees began to flee and disperse. The witness left in the company of her little sister. A shell fell on her uncle Pierre's house. The witness, who lost almost his entire family, never knew who died or where.

The Chairman then took up the witness's statements and asked her to explain the composition of her family. Some of the members of her family, she later learned, were killed in the parish of CYANIKA (Note: On the massacres in the prefecture of GIKONGORO, see the reports of the hearings in the trial of Laurent BUCYIBARUTA, the prefect of GIKONGORO).

Mrs MUKANYARWAYA then spoke of her two-year-old daughter, whom she had entrusted to her godmother and who had been trained in ZAIRE. She was not reunited with her until several years later: the child was now ten years old. The Red Cross brought her back to her.

BIGUMA? Voices" were saying that it was he who was inciting people to kill. And the witness returned to the story of his uncle Pierre, a valiant man who, following a number of unexplained transfers, had decided to leave the army after bringing his family back to NYANZA.

The shells? She heard the sound of shells being fired at the top of the hill, but she had already fled. It was impossible for her to recognise the attackers. It was a question of "saving her life". On her return, she came across the bodies of her family being devoured by dogs. Before these three days of

misfortune, people got on well together. It was mainly the people from GIKONGORO, beyond the MWOGO, who came to kill them.

After the genocide, during the Gacaca [community courts], some of the killers pleaded guilty and apologised to the survivors: "We have forgiven each other. Today, we are trying to rebuild Rwandan society.

Invited by the chairman to add something, the witness said: "BIGUMA, who exterminated our family, saw his family grow, unlike ours. We are asking for compensation. We are invalids, our property was not spared, our goats, our cows, all our belongings were stolen. I was the oldest of the surviving children. No one was yet twenty.

Justice? "It's a form of therapy for us".

Maître PHILIPPART asked the witness to describe the circumstances of his uncle Pierre's return to NYANZA. The gendarmes wanted to take him back to the GAKO camp that he had left. But it was a lie: he would be killed. If the gendarmes had not intervened, the refugees would not have died. They stood together with their Hutu neighbours. On questioning by the lawyer, the witness recalled his passage through NYAMURE with his sister Bernadette MUKANGAMIJE, who was heard in the proceedings. Of all their looted property, she recovered nothing.

Mrs AÏT HAMOU pointed out to the witness that Odetta was her first name in Kinyarwanda. She also spoke of a certain KAYIRANGA who had gone by motorbike to find the gendarmes and kill her uncle.

The defence ended the hearing with a series of questions to which we are now accustomed: did the witness testify in other cases, what car did the gendarmes use, its colour, make, the identity of the gendarmes... Questions that may seem outdated insofar as BIGUMA has always said that he left NYANZA around 20 April! In his box, the accused seemed unconcerned by what was happening in the courtroom. He did not answer any questions and never took any notes. There are still more than three weeks of testimony to allow the jurors to form their own convictions.

PS. It should be noted that listening conditions in the courtroom are not optimal. All too often you have to bend your ear without being sure that you have heard correctly. This could lead the authors of our reports to make transcription errors.

## **Day 15: Friday 2 June**

Hearing of Mr Callixte GASIMBA, summoned at the request of the public prosecutor, by videoconference from KIGALI.

In 1994, the witness lived near the NYABUBARE hill. He knew Israël DUSINGIZIMANA, one of the leaders in the area, who was his neighbour. He learnt about the attack on President HABYARIMANA from Radio Rwanda. As for RTLM, Radio Télévision Mille Collines [Hutu hate radio], he heard about it from people close to him. In KIGALI, the killings began just after the attack, but in NYANZA, it was later, around 11 April (?) Gendarmes arrived in a white pick-up, people were afraid of the refugees who had gathered in the commune of MUNINYA where the witness lived. Four Tutsis were killed in RWESERO by the former gendarme BARAHIRA, which caused the refugees to flee as far as the NYABUBARE hill.

A former soldier in Habyarimana's army was there and people thought he was going to protect them. The Israeli councillor then went to get some gendarmes who went back to get a 120mm mortar. In the car was the mayor of NTYAZO, Narcisse NYAGASAZA, whom they were going to kill in GISORO. BIGUMA and his gendarmes set up the mortar opposite NYABUBARE, about 500 metres away. The accused then ordered them to surround the hill on which there was a soldier with a weapon, an R4 rifle. Obed BAYAVUGE and Israël were also there. BIGUMA ordered the first shot but no one was hit. When the second shot was fired, many people were torn to pieces. According to the witness, four shells were fired. Those who were wounded or managed to flee were killed by the population. Three days later, the population was asked to cover the bodies with earth. BIGUMA allegedly pursued the survivors to the NYAMYAGA hill to kill them.

On questioning by the President, the witness said that he did not know the difference between soldiers and gendarmes. As to whether it was indeed BIGUMA, Callixte GASIMBA replied that everyone was saying so. He admitted that he himself had taken part in three attacks, began by denying that he had killed three people and ended by admitting it. He had heard of NYAGASAZA being killed at GISORO, in the direction of NYABUBARE. Although he had stated that he had not seen BIGUMA, the witness now says that he saw him from a distance of about 400 metres. On the photograph presented to him by the investigators, he did not recognise anyone. As for the patrols, they were indeed intended to "hunt down the enemy, the Tutsis".

The defence lawyer returned to the subject of the mortar. He wanted to know how it had been set up. Three gendarmes had taken it out of the car and placed it on the ground. The vehicle was parked about ten metres away. He was told that it was a 120mm mortar set up about 500 metres from the refugees. It is impossible to assess the number of deaths: he gives an estimate of 500, perhaps more. He himself was tried and sentenced by the Gacaca for killing the three people he has already mentioned. He was carrying his own machete.

The lawyer asked the witness whether he had had a lawyer during the Gacaca trials. He should know that in the Gacaca trials there were no lawyers or magistrates, just 9 judges considered to be "wise men", (the "Inyangamugayo").

When asked about the sentence he had been given, the president asked the witness not to answer a question he had already answered.

The defence lawyer became angry: "You don't have a monopoly on judicial speech, Mr. President". He asked his question again and, having received the answer he was waiting for, decided to leave the courtroom in a hurry.

Hearing of Mr. Canisius KABAGAMBA, civil party already constituted (CPCR), by videoconference from KIGALI.

Canisius KABAGAMBA is one of the CPCR's civil parties. He was a teacher in MATARA at the time of the genocide and lived in NTAYZO in the NYANZA district. He is now retired and is being heard in court.

At the start of the genocide, Canisius quickly became one of the wanted Tutsis because he was known as a teacher. On Friday 22 April, he saw the gendarmes set up barriers and burn down Tutsi homes. So on the morning of Saturday 23, he tried to flee to the AKANYARU river, near his home. When he reached the barriers, he was able to pass thanks to some former pupils who recognised him. He had left without any bag so that no one would suspect he was fleeing. When he arrived at

GASHURISHURI, it was again parents of pupils who recognised him and guided him to the small port of MPANDA, passing through fields and small paths.

Once he arrived at AKANYARU, Canisius found many Tutsi refugees trying to flee across the river into Burundi. Just before crossing the river himself, some refugees informed him that his friend, Mayor NYAGASAZA, had been arrested by gendarmes. Only later, on his way back, did he learn what had happened to the mayor.

He boarded a canoe that took him to the other bank. As he approached the border, he heard a gendarme giving orders, then another gendarme firing at him. The bullets did not hit him, but the witness confirmed that they were aimed at him in particular. He then saw several refugees go to warn the Burundian soldiers and Red Cross workers that the fire had been opened by the Rwandan gendarmes, and that several people had been killed upriver. The Burundian soldiers fired in the air to scare away the gendarmes and Interahamwe present and helped the refugees to get back to their homes.

Canisius returned to Rwanda at the end of the genocide and learned that it was BIGUMA who had ordered that he be shot, and who had also ordered the death of NYAGASAZA. During the questions from President LAVERGNE and the lawyers for the civil parties, the witness told us that his parents had been killed a few days after his departure by the Interahamwe, and that according to him, he had been particularly targeted because known Tutsis were killed publicly to set an example and to sensitise the population.

Canisius subsequently held a number of positions. In particular, he was responsible for the operation of the Gacaca courts. Then he was the survivors' representative in his sector, then in his district, and he was president of IBUKA [Survivors charity] in the commune of NYANZA.

Hearing of Mr Charles MPORANYI, a witness called under the President's discretionary power, by videoconference from KIGALI.

The President summoned this witness following the testimony of Colonel Laurent RUTAYISIRE, former Director of External Security at the Ministry of Defence. Living in BELGIUM, he refused to respond positively to the summons.

On questioning by President LAVERGNE, the witness said he did not know the accused, he had only heard of him. The latter had intervened on his behalf in 1994. Mr MPORANYI, a "moderate" Hutu, needed to be evacuated from KICUKIRO (the district of KIGALI where he lived at the time) and Colonel RUTAYISIRE had sent three gendarmes to take him to MUSAMBIRA, about ten kilometres from GITARAMA. The witness was in charge of a large insurance company, SORAS.

When the chairman asked him to specify the date of this evacuation, the witness said that it was 19 April. However, he did not know the gendarmes who were escorting him, nor did he speak with them: he followed the gendarmes' van at the wheel of his own car.

Does Philippe HATEGEKIMANA know the witness? He does not know him, but he did evacuate an important person to Musambira in the evening, with his wife and children. Colonel RUTAYISIRE had told him that one of his friends was in danger and that he had to leave KIGALI for MUSAMBIRA.

The President addressed the witness and asked him if he was sure that this evacuation had indeed taken place on 19 April. The colonel said that BIGUMA had arrived at the KACYIRU camp in mid-May. Finally, the witness stated that it was perhaps 19 May. On the way, there were roadblocks that they

passed through without a hitch. The massacres had not yet started in Mussambira, as the genocide had not yet reached there. "People were divided, but I didn't go out much. Mr MPORANYI saw Colonel RUTAYISIRE again in BELGIUM, but he had no news of the gendarmes who had come to get him.

Questioned by the president, who was surprised that the accused had never spoken of this event during his hearings, the accused replied that he had saved Mr MPORANYI. He was not the only person he had saved. And he gave the names of several others.

The president was surprised because Colonel RUTAYISIRE had set the accused's arrival in KACYIRU for mid-May. Moreover, Augustin NDINDILYIMANA, former chief of staff of the gendarmerie, who had been heard by the court on 16 May, had stated that BIGUMA had been transferred because there were problems at the NYANZA brigade. BIGUMA simply stated: "He says what he wants".

The President returned to the witness to talk about the date of his evacuation and the identity of the gendarmes. "All I know is that I was evacuated," he said.

Lawyers for the civil parties asked the witness and the accused for further details. The accused reiterated that he could not remember the date and that he had been transferred to Kigali in the second half of April 1994. If we wish to know more, he lets his counsel answer for him.

Mr. President: "When were you appointed chief of escort to Colonel RUTAYISIRE?"

The accused: "One or two weeks after my arrival at camp KACYIRU...".

The President: So, at the beginning of May? Your alibi is 19 April. But on that date, you were not under the orders of RUTAYISIRE!

The witness, heard on 21 November 2019, stated that he had never heard of MPORANYI before. The witness had no explanation!

On questioning by another lawyer for the civil parties, the witness said that the atmosphere was confused in KIGALI, that things were going in all directions. He did not know exactly who was threatening him. He had nevertheless been imprisoned in 1990, considered an "Ibyitso", an accomplice of the RPF. This is why he did not want to join Habyarimana's former army. He went to Byumba and then to Uganda when the RPF arrived.

Mrs AÏT HAMOU, for the prosecution, addressed the accused: "You spoke of several evacuations, was it always on the orders of RUTAYISIRE?"

The accused, looking like a perfect gendarme, laconically said: "Affirmative".

The defence lawyer, in a poor position in this hearing, had no questions for the witness. His client's alibi begins to crack.

Hearing of Mr Israël DUSINGIZIMANA, detainee in prison in Rwanda, summoned at the request of the public prosecutor, by videoconference from KIGALI. His hearing had been suspended on Wednesday 31 May due to illness.

Since the hearing of Israel DUSINGIZIMANA was suspended earlier in the week due to health problems, it has been resumed this afternoon. President LAVERGNE had already asked his questions,

but he resumed the examination of the witness by asking him whether he recognised the accused. He replied that he did.

Israel, who was sector councillor at the time of the genocide, said that he often saw BIGUMA at security meetings. These meetings had already taken place before the genocide began, but they were opened to the public in April 1994 to raise awareness. The agenda had also changed and was used to organise the genocide in the region. The witness then confirmed that, during the attacks on the Tutsis, the attackers were ordered to dress in banana leaves to distinguish themselves from the Tutsis and to bring traditional weapons. These orders came from the sub-prefecture, the gendarmerie commander and the sector councillor.

Concerning the attack on NYABUBARE, Israel confirms that there were around 300 deaths. It was he who directed the burial of the bodies the following day. The attack is said to have taken place from 11 a.m. to 2 p.m., after which the Hutus present went to loot "everything they could loot".

When the witness was asked what other attacks he had participated in or witnessed, he replied that the following day, Sunday 24th, a new attack was launched in the GASHU sector, organised by the gendarmerie and led by BIGUMA. The same weapons were used, i.e. a 60 mm mortar installed at Joseph KAJEGUHAKWA's home and traditional weapons. The witness himself saw BIGUMA using this mortar again.

Israel is said to have taken part in other attacks, such as the one at the home of Silas TWAGIRUMUKIZA, the brother of Sergeant Pierre NGIRINSHUTI, also a soldier. He was arrested in a bar near BLEU-BLANC, then handed over to Captain BIRIKUNZIRA, who ordered him to be killed by the population. The population started hitting him, and Israel told the policeman with him to shoot him. He then took Silas' hat. He also confessed to stealing a motorbike from a deceased Tutsi.

Concerning the death of the mayor of NYANZA, Jean Marie Vianney GISAGARA, the witness said that he had fled when he was arrested. He was tied to the back of a Toyota vehicle and dragged around the town on the back of that vehicle to make an example of him. Once the vehicle had stopped at the communal office, members of the population began to kill him with pickaxes. He asked to be shot dead. But the gendarmes refused.

When questioned about the organisation of the genocide, he said that the planning and organisation started from the top down, first by the person in charge of the sector and then by the members of the cell, in order to know which Tutsis were still alive and which were to be killed. When the civil parties' lawyers asked him about the nature of the relationship between Sub-Prefect Gaëtan KAYITANA, Major BIRIKUNZIRA and BIGUMA, he replied that they were "like water and flour, they were the same, they had the same thoughts and agreed on everything".

The witness said that if he had organised so many massacres and killings, it was because he was afraid of being punished if he did not obey. He says that he regrets it today, and that it is for this reason that he is helping the investigators and the survivors by telling the truth about what happened: "You know, when you have been involved in evil, you do not have a heart that regrets it, but today I regret it, and that is why I am telling the truth and helping people to understand". He went on to say that he saw BIGUMA controlling the barriers until May.

When a lawyer for the civil parties asked him if he had any message for the accused, he replied that: "Admitting his guilt is a good thing; I would ask him to have courage and take responsibility for his actions, he should apologise. His actions are public knowledge, no one is unaware of what he did.

And he suggested that he read a passage from Saint Paul's Epistle to the Romans, giving the exact references.

Israel gave a few more details about the day of the NYABUBARE massacre, saying that there had been about 100 assailants. That it was BIGUMA who gave orders to the gendarmes and he who gave orders to the civilian population. He obeyed Chief Warrant Officer BIGUMA. The instructions he gave were "more important" than the instructions he himself gave.

Finally, he mentions the meeting in May 1994 below in a cypress wood led by Captain BIRIKUNZIRA, during which the Captain used the proverb that is now well known: "When the snake wraps itself around a gourd, you have to break the gourd".

When the questions from the defence came, Maître GUEDJ mainly made him repeat information that had already been stated earlier, in particular concerning the number of Hutus during the attack on NYABUBARE, the time of the attack, the number of victims, the type of mortar, and the circumstances of the death of Burgomaster GISAGARA.

Hearing of Mr Etienne SAGAHUTU, summoned at the request of the public prosecutor, assailant of the NYABUBARE hill.

The last witness of the day is Etienne SAGAHUTU, a resident of the village of NYABUBARE, in the MUSHIRARUNGU cell. His house was at the top of the NYABUBARE hill, which is how he witnessed the attack on 23 April and he even says that he fled with the Tutsis who had taken refuge on the hill while he was a Hutu.

He saw Hutus coming with soldiers and attacking the Tutsis on the hill. He heard everyone around him say that it was BIGUMA who was firing mortars. Later, during the genocide, he took part in patrols to kill Tutsis who tried to flee during the night. His patrols were organised under the orders of Israël DUSINGIZIMANA. He allegedly killed three Tutsis. He was tried, pleaded guilty and was sentenced to 13 years' imprisonment. He was released in 2005 after completing his sentence with community service.

#### **Day 14: Thursday 1 June**

Hearing of Mr Silas SEBAKARA, detainee, by videoconference from KIGALI, summoned at the request of the public prosecutor.

On questions from the Chairman, the witness said that he was born in 1960. In 1994, he was a simple farmer. He lived in the cell of MBUYE, NYANZA commune, which he knew well.

In the commune, there were communal police officers and a gendarmerie detachment. In NTYAZO there was a camp for Burundian Hutu refugees (Note: Many of these refugees, in certain parts of Rwanda such as GISAGARA, near BUTARE, took an active part in the genocide).

After the attack on President Habyarimana's plane, the witness acknowledged that genocide had been committed against the Tutsis but that, in Ntyazo, it had started after 20 April. Until then, Hutus and Tutsis had enjoyed good relations. With the attack, everything changed.

It was Philippe HATEGEKIMANA – BIGUMA - who told them to kill the Tutsis. When the Tutsis were fleeing, he went to where they were and encouraged them to kill.

The witness stated that he had seen BIGUMA carrying Burgomaster NYAGASAZA when he was near his home in MUKONI and that the Tutsis had started to flee. Silas SEBAKARA saw the people fleeing towards the RUKORE hill. A vehicle arrived with BIGUMA and gendarmes on board. This vehicle was heading towards the AKANYARU river after passing through MUKONI. The white double-cab stopped at their level: it was morning. On board were several gendarmes and a few men in the back. Burgomaster Narcisse NYAGASAZA was inside the cab.

The mayor greeted the witness and asked him to ensure security. He seemed constrained and BIGUMA waved him down. BIGUMA gathered them around the vehicle and told them that the people fleeing were Tutsis. He asked them to stop them, to take their cows and if possible to kill them; then to throw their bodies into the AKANYARU river.

He asked the people if anyone knew how to handle a gun or a grenade. As no one knew, he asked them to go and find traditional weapons. He showed them NYAGASAZA and told them he was going to kill him. That's when the car set off again.

A young man who had arrived on a motorbike, Jérôme NTIKURIRIYAYO, an official, asked them if BIGUMA had just driven by. This is how they learned the identity of the gendarme who had spoken to them.

The witness stated that he had not witnessed the death of Burgomaster NYAGASAZA. It was during the gathering of information at NYANZA prison that they learned that he had died at MUSHIRARUNGU. After this execution, the Tutsis began to be killed. He had taken part in other attacks against his Tutsi neighbours who had stayed behind or against those who had come from elsewhere to hide.

In the vehicle in question were, among others, MUSONERA de NTYAZO, a shopkeeper, and Pierre NYAKARASHI, a former communal policeman. The witness admitted that he himself had been tried by the MBUYE Gacaca [community court] and sentenced to life imprisonment.

If he agreed to speak, it was to serve the truth, not to gain any advantage. When the investigators showed him the photographic plate, he recognised BIGUMA in photo number 4. Whereas he had recognised BIGUMA during a confrontation with the accused, today he does not recognise him!

Ms PHILIPPART points out that Mr MUSONERA's daughter and son-in-law are civil parties in this trial. She asked the witness if he knew the victim's first name. He did not remember, but when the CPR's lawyer suggested Apollinaire, he agreed. The witness was asked to specify that MUKONI's cell was two or three kilometres from the AKANYARU river. He did not hear any gunshots coming from that river, not on that day in any case.

Questioned by another civil party lawyer, the witness admitted that the massacres that took place the following day were indeed linked to what BIGUMA had said that day. He also knew the family of a teacher called Antoine: his mother's name was MUKAMIBIBI. But he does not know the circumstances of her death. According to him, all the massacres in RUKORE are linked to what BIGUMA said.

In response to a question from Mrs AÏT HAMOU, the Defence Counsel, he said that NYAGASAZA was a good man who loved both Hutus and Tutsis. He was arrested because he was helping Tutsis to cross the border on the AKANYARU river. He himself then had to flee.



Again, on questioning by the prosecution, the witness said that it was not easy to tell the difference between the gendarmes and the communal police officers: they had a "whitish khaki" uniform and a beret of the same colour. As for the car, it was, as he had already said, "not very light white". All the tracks were dirt (Note: On the approach to AKANYARU and in the commune, they are still made of laterite).

On questions from the president, who took over again, the witness said that there was no road block at the AKANYARU river and that the goods of the traders had indeed been looted. But he knew nothing about the massacres at ISAR SONGA.

The few questions from the defence did not add much to the knowledge of the events mentioned.

Hearing of Mr Eliezer NSENGIYOBIRI, summoned at the request of the public prosecutor.

In 1994, Eliezer NSENGIYOBIRI was a farmer from the MUSHIRARUNGU region. On Friday 21 April 1994, he heard a soldier tell the Hutus in his region to go and kill the Tutsis and eat their cows. He said they were going to kill Tutsis the next day. Eliezer learned from the sector councillor, Israël DUSINGIZIMANA, that this soldier was Captain BIRIKUNZIRA. During the day, the witness said that several barriers had been erected, in particular the one at the place known as BLEU-BLANC. The witness admitted that he had already taken part in rounds.

On Saturday 23 April 1994, the Sabbath day, Eliezer said that he went to church in the morning, then headed for the top of the hill opposite the NYABUBARE hill to see his family. At that point, he says he saw Area Councillor Israël leave and return with BIGUMA. When they arrived, Israël was in a vehicle, and in front of him, BIGUMA was in another white double-cabin vehicle carrying gendarmes and the burgomaster NYAGASAZA. The vehicles stopped near the MUSHIRARUNGU sector office, which was under construction.

Several members of the population went towards the vehicle that had just parked. Elieser knew that the gendarme who had got out of the vehicle with NYAGASAZA was BIGUMA from Israel. BIGUMA spoke to the people around the vehicle and said that they had just caught this man, pointing to the burgomaster NYAGASAZA as he was taking Tutsis across the border. He then asked NYAGASAZA questions, including where the Inkotanyi [RPA] were. NYAGASAZA replied that he had no information. BIGUMA reportedly said: "Do you see the arrogance of this man here? Then he asked him to take out what he had in his pockets and withdrew a 1000 franc note. BIGUMA then asked him to lie down on the ground. The soldier who was with him shot him on BIGUMA's orders. HATEGEKIMANA ordered people around to bury the burgomaster's body.

Then, according to the witness, BIGUMA went down below with several gendarmes who had remained near the vehicle and they fired on the people in NYABUBARE. He saw around 50 assailants marching towards the top of the NYABUBARE hill where the Tutsis were. From there, he said he did not know where exactly BIGUMA and the gendarmes were positioned, but he heard explosions and saw the earth rise.

The witness, who said that he himself had not been on the NYABUBARE hill, admitted all the same that he had taken part in attacks, particularly at BITARE in NDUZI in May 1994 and on the NYAMIYABA hill. He was convicted and asked for forgiveness.

Hearing of Mrs Marie-Jeanne MUKANSONEYE, by videoconference from KIGALI. Marie-Jeanne MUKANSONEYE is a civil party in the case represented by the CPR. She is originally from the commune of NYABUBARE. She is originally from the commune of NYABUBARE. Her family had a total of 10 members; her father and two of her brothers died before 1994. There were only 3 survivors of

the genocide, the others were all killed in April 1994. Marie-Jeanne was 9 years old at the time of the events.

In a spontaneous statement, Marie-Jeanne says that after the attack on the President's plane, she and her family started sleeping outside to escape the killers. As they came across many Tutsis fleeing the attacks, a good number of them got together and decided to take refuge on the top of the NYABUBARE hill to organise themselves and defend themselves: "We told ourselves that we wouldn't be killed if we were all together". The group stayed there for several days. Then they saw gendarmes arrive looking for Pierre NGIRINSHUTI, a former gendarme who had also taken refuge on the hill. The gendarmes had searched his house and threatened to kill all the Tutsis present if they did not find him.

After they had left, Pierre told them that they didn't want to kill just him, but all the Tutsis. He then trained the refugees to fight and defend themselves. For several days, gendarmes and civilians tried to attack the hill but were repelled by the Tutsis, who defended themselves with sticks and stones. After around 4 attacks, the final attack came. Marie-Jeanne recounts that she saw the gendarmes arrive and that Pierre said it was BIGUMA. The gendarmes set up a mortar on the hill opposite, the hill of MUSHIRARUNGU. The Tutsis were then bombarded by shells that lifted the earth and bodies. They scattered and tried to flee. The Interahamwe surrounded them and killed those who had survived the shellfire and bullets with their traditional weapons.

Marie-Jeanne and her mother were separated by a shell that fell on them. Marie-Jeanne tried to flee up the hill. She says she found a child still suckling her mother's corpse. She took the child with her to save him, but a little further on, an Interahamwe intercepted them and after snatching the child from Marie-Jeanne's hands, he killed the child with his machete. He then raised his machete to kill Marie-Jeanne, whom he managed to touch, but she managed to slip between his legs and run off bleeding.

As she fled, Marie-Jeanne didn't realise that she had been shot in the thigh. She fell into a pile of bodies and lay buried for 3 days. When she woke up, she managed to free herself by pulling on a tree and continued on her way. She tried to return home to hide, but found one of her neighbours and her husband also in hiding. At nightfall, they set off together in the direction of MUSHIRARUNGU, but while walking through the BISHYA marshes, Marie-Jeanne sank into some mud.

Interahamwe found them as she was trying to get away. They started beating them with machetes and spiked clubs. Then the neighbouring husband managed to convince the assailants that they were Hutus fleeing the armed former soldier Pierre NGIRINSHUTI. The Interahamwe, convinced, helped them and drove them to REMERA.

Once at REMERA, NYANZA's adviser, ELIYA, recognised Marie-Jeanne and decided to take her to her maternal aunt who was married to an Interahamwe, saying that this way her husband could kill her himself. The counsellor then put her in a vehicle with other Tutsis and made several stops along the way, gradually killing the passengers. In particular, he stopped at the NYAMAGANA pond, where he killed and tortured many Tutsis, and at the GAKENYERI orphanage.

After these arrests, the counsellor took Marie-Jeanne to her aunt and her family who were preparing to flee to Gikongoro and who agreed to take her with them. Marie-Jeanne arrived in GIKONGORO in the Turquoise zone [French military zone in south east]. She had lost her aunt, who had fled elsewhere, and joined a refugee camp. In the camp, she again survived an attack by an Interahamwe who recognised her. And she witnessed the torture and murder of Azaliya MPIRWA by several

gendarmes following a meeting that BIGUMA had allegedly organised in GAHONGO, during which he had called for the "killing of the one who had prevented the killing of the Tutsis".

Later, a man helped Marie-Jeanne to join the RPF, which was on the other side of the MWOGO river, by getting her on board a boat containing 18 other Tutsi refugees. By the time they reached the RPF soldiers, many of them had drowned in the boat. After the journey, Marie-Jeanne was cared for, fed and protected by the RPF soldiers, who then handed her over to her maternal uncle. She was reunited with her two surviving brothers a few years after the genocide.

Hearing of Mr Esdras SINDAYIGAYA, summoned at the request of the public prosecutor.

In response to questions from President LAVERGNE, the witness gave details of his activities during the genocide in NYANZA in 1994.

"In 1994, I was a farmer. I learned about the attack on President Habyarimana's plane like the others. I saw the genocide with my own eyes. In 1994, when the "war" broke out, I was already a man and I saw people being killed and cows being eaten. Back home, the massacres started on a Friday and continued on the Sabbath. That was in April. I lived in Mushirarungu, as I do today.

The Chairman suggested showing a map of the commune of NYANZA. For those in the audience, it was impossible to locate the places mentioned. The president asked the witness about the location of the barriers. He knew only that of GAKONI, near the Adventist church. As for the barrier at MUSHIRARUNGU, it was the one at the Blanc-Bleu shopping centre.

According to the witness, the attacks on Friday, which were not widely known, were postponed. However, he was an eyewitness to those that took place on Saturday. It was on that day that Mayor NYAGASAZA was shot dead near the communal office. The Tutsis had been fleeing their hills for two or three days. The patrols had started with people from GIKONGORO, but later people from MUSHIRARUNGU joined in.

It was the advisers who asked them to fight against the Tutsi enemy: Israël DUSINGIZIMANA, Emmanuel KAMUHANDA and NGIRABATWARE. During the patrols, the houses of the Tutsis were searched and even burnt down. All his Tutsi neighbours left their homes.

On the day of the major attack, the gendarmes arrived with Israel, led by Philippe HATEGEKIMANA, alias BIGUMA. The witness lived very close to Pierre Nginshuti.

How did he know that BIGUMA was present at the scene of the massacres? The witness said that he had known him before, since they were young. He was originally from RUKONDO, now NYAGISOZI. Mr SINDAYIGAYA did not speak to him, but when he addressed the population, he began by saying: "Me, BIGUMA". He added: "The Tutsis must be killed".

Concerning the events that took place at Pierre Nginshuti's house, the witness reported that a grenade was first thrown at the house, but Pierre was not there. Many of the Tutsis present were killed, and some managed to escape. The soldiers (or gendarmes) had firearms; the population had traditional weapons.

According to the witness, there were more than two hundred victims that day, buried at the request of Councillor Israel. The scattered bodies were gathered together and thrown into a hole they had had to dig, as if they had taken part in Umuganda (community work).

The witness took part in the attack because he had to. He was armed with a club. If a Tutsi they met was not killed, they could be killed themselves.

Concerning François HABIMANA, a witness who will be heard on Thursday 5 June, he knew him very well. Maître PHILIPPART asked him what he knew about him. "It was he himself who suggested that he tell BIGUMA that his mother was Tutsi and his father Hutu, that he was the brother-in-law of a certain Vincent, a well-known Interahamwe". This is how the accused got him into his car, promising to kill him if he lied to him. HABIMANA was the only one to be saved in this way.

Asked to look towards the box where BIGUMA was sitting, the witness said that it was indeed BIGUMA. BIGUMA, on the other hand, as on each occasion that he has been asked the question, does not know who is doing this. On questioning by Mrs AÏT HAMOU, the witness was asked to explain the oft-quoted proverb: "If the snake wraps itself around the jug, you must kill the snake and the jug with it". This means that if a Hutu hides a Tutsi, he will suffer the same fate as the one he was protecting.

Although he had recognised BIGUMA on the photographic plate presented to him by the French investigators, he contested the words of the public prosecutor. In reality, he had probably not understood the remark that had just been made to him.

The witness's hearing ended with a flurry of questions from the defence counsel. More than fifty questions that irritated the witness. In the National Assembly, this would be called "obstruction". The lawyer did not fail to point out the witness's contradictions, but in his desire to do too much, he went so far as to ask him whether MUSHIRARUNGU depended on KIGALI. The lawyer wanted the witness to say at all costs that he had been "prepared" before coming before the court, a hackneyed argument that is heard at every trial. The questioning ended in confusion, with the defence lawyer going so far as to reproach the president for having shown his annoyance, which could have influenced the jurors. It's not certain that this method will help his client, who, in his box, seems to have lost interest in what's going on in the room. Every time he is given the opportunity to speak, he replies that he has nothing to say.

### **Day 13: Wednesday 31 May**

Hearing of Mr. Israël DUSINGIZIMANA, Sector Councillor, by videoconference from KIGALI, summoned at the request of the Public Prosecutor, detained.

Israël DUSINGIZIMANA was heard by videoconference from Rwanda, where he has been imprisoned since 10 May 1996. He was tried and sentenced for genocide by the Gacaca court of RWABICUMA to 24 years' imprisonment. He has now been serving this sentence for 3 years and is awaiting his release ticket. In 1994, he took part in massacres in NYABUBARE and assassinations and pillaging in the MUSHIRARUNGU sector, now renamed RWABICUMA.

Mayor GISAGARA Jean Marie Vianney.

In April 1994, Israël had been a local councillor in the MUSHIRARUNGU sector in the NYABISINDU commune since 1990. When he became a councillor, the mayor of ... was Denis SEKIMONYO. SEKIMONYO was accused of being an accomplice of the RPF and in 1993 he was replaced by Burgomaster GISAGARA. Both died during the genocide.

Israel recounts that at the start of the Tutsi genocide, the sub-prefect, Gaëtan KAYITANA, encouraged the population to kill the Tutsis, saying that they were the enemy. At a meeting on 22 April 1994,

during which he was raising awareness among the population, he spoke to Captain BIRIKUNZIRA, saying that the Captain was going to make men, vehicles and weapons available. Following this meeting, the barriers were erected. Israel took part in the erection of the barriers at MUSHIRARUNGU, RWABUYE and the place known as BLEU-BLANC. At these roadblocks, he often saw Philippe HATEGEKIMANA coming and checking. He sometimes spoke with him on those occasions. The witness then said that he had already seen the accused at security meetings, accompanied by Captain BIRIKUNZIRA.

On 23 April 1994, the day of the attack on NYABUBARE, Israel went to the NYANZA gendarmerie early in the day to look for reinforcements for the attack. Many Tutsis from the region and surrounding areas had taken refuge on the NYABUBARE hill and among them was a soldier armed with a rifle. While he was asking Captain BIRIKUNZIRA for reinforcements, he saw BIGUMA arrive in a white double-cabin vehicle that was also carrying the mayor of NTYAZO, Narcisse NYAGASAZA, 5 other Tutsis and gendarmes. BIGUMA had just arrested the mayor in NTYAZO.

When HATEGEKIMANA arrived, the captain asked him to take weapons and a 60 mm mortar and to leave for the NYABUBARE hill, taking the burgomaster with him. The witness saw them loading the mortar and left with them. The vehicle first stopped in front of NTASHAMAJE's home. The gendarmes, under the orders of BIGUMA, searched the five Tutsis, took their money and shot them dead on the road.

Then they got back into the vehicle: "It took between one and three minutes". The gendarmes continued along the road and arrived in front of the MUSHIRARUNGU sector office, which was under construction. They got out of the vehicle and went up the road into a small wood. Chief Warrant Officer BIGUMA ordered that the mayor be searched. The gendarmes took 1,000 francs out of his pockets. The mayor lay on the ground on his left arm. Two gendarmes shot him twice in the ribs, again on BIGUMA's orders.

After that, Chief Warrant Officer HATEGEKIMANA said to the Hutus around him: "This is an example of what you are going to do to the Tutsis on the NYABUBARE hill". The people, who were a little higher up the hill, came down. Everyone walked 500 metres and the gendarmes set up the mortar. The population went back up the hill with traditional weapons. The gendarmes, including BIGUMA, stayed next to the mortar. They fired into the hill. The witness said he saw "things going up in the air". The assailants rushed towards the Tutsis with their traditional weapons and began the massacre. While the population killed the Tutsis with their edged weapons, the gendarmes continued to fire grenades and individual rifles. The attack is said to have lasted from 11 a.m. to 2 p.m.

Before starting to fire, Chief Warrant Officer BIGUMA raised his voice to call on the soldier Pierre NGIRINSHUTI, who was taking refuge with the Tutsis, to surrender. The soldier replied: "No, I'm not answering you, I know what you've come for, do what you have to do". Sergeant NGIRINSHUTI managed to escape but, according to Israel, he was killed further on in the NYABIMYENGA sector by GAKUBA Théodore.

When the President asked the witness what had happened to the bodies of the victims, he replied that he was not feeling well and that he was suffering from hypoglycaemia. The hearing was interrupted and Israël DUSINGIZIMANA was taken to hospital. He is now feeling better but his hearing has to be postponed.

This record of the hearing will be completed once the witness has been heard again.

Hearing of Mr Célestin NIGIRENTE, by videoconference from KIGALI, summoned at the request of the public prosecutor.

It was via the radio that the witness learned of the attack on President Habyarimana's plane. For the first few days, everything was calm, but the problems would come a little later. He lived in MUSHIRARUNGU, and the local councillor was Israël DUSINKIZIMANA. Emmanuel UWITEJE and his brother Obed, who were heard the day before, were not very close neighbours. They lived about two kilometres from his home.

After the attack, from 22 April 1994, people started killing Tutsis. A gendarme called BIGUMA gathered the population at the Centre Bleu Blanc at around 4pm. He gave the order to eat the Tutsis and their cows. Personally, he didn't see the gendarme until the next day, because when he arrived at the Centre, BIGUMA had already left. But he had raised awareness among the population, who didn't know what to do. That was the day they erected a barrier, on BIGUMA's orders. The Bleu Blanc Centre was at a crossroads, with shops and drinking establishments.

They killed Charles KAREMERA, who ran a bar and was quite well off. They set fire to Tutsi houses in KARWA. The witness lived in the GISORO cell and returned home with a neighbour, NGARUYE. They stayed for a long time in front of his house in Bleu Blanc. Just below his house, houses were on fire. Cows had been stolen.

They spent the night under the stars, not really knowing what to do. The next day, around ten o'clock, they gathered at MPYA, in the GISORO area. They saw BIGUMA and some gendarmes arrive, accompanied by Councillor Israël DUSINGIZIMANA. The latter asked them to follow them: their white car with a back box was on its way to MUNYINYA, now NYABUBARE.

The witness stated that Mayor NYAGASAZA was killed in his presence. He was in the gendarmes' vehicle and it was BIGUMA who introduced him to them. The mayor was shot dead at GISORO, below the sector office, on the road leading to NYABUBARE.

On questioning by the President, the witness stated that he was on the road next to the gendarmes' vehicle. The gendarmes made him get out and took him to an elevated place. He was accused of having helped Tutsis cross the border into Burundi.

After insulting him, BIGUMA told him to empty his pockets: they confiscated a thousand francs and documents, as well as his identity card. BIGUMA told him to turn around and behave himself. It was he who fired the shotgun and asked for the body to be buried.

Asked to respond to these testimonies, Mr MANIER, as usual, declared that he had nothing to say.

Ms AÏT HAMOU, one of the general counsel, wanted to know more about the uniform that BIGUMA was wearing. The witness replied that he was wearing khaki trousers, a camouflage jacket and a red beret on his shoulder. He was carrying a small weapon. Still on questions from the prosecution, the witness said that he had seen the gendarmes especially in town before 1994. As for NYAGASAZA, he was unable to describe the state in which he was. It was difficult for him to say who killed the burgomaster: there were two gendarmes, but it was BIGUMA who was speaking.

Madame VIGUIER, the other public prosecutor, asked the witness if it was the presence of gendarme Pierre NGIRINSHUTI that had pushed the Tutsis to regroup on the NYABUBARE hill. For Célestin NIGIRENTE, the presence of the Tutsi gendarme was an open secret: everyone knew it.

Augustin fled Rwanda in April 1994 and arrived in BURUNDI, in a Hutu refugee camp in RUKURABIGABO. He later moved to another camp, RUKORE in Tanzania. At the end of the genocide, in January 2003, he returned to RWANDA and learned what had happened to Burgomaster NYAGASAZA. His father had returned to UGANDA with his second wife and children. He is still there.

To close the day, the President read out the testimony of three witnesses who had died in the weeks or months preceding the trial. These were Charles NKOMEJE, Assiel BAKUNDUKIZE and Yobo KAYIRANGA. At the request of the defence, the hearing of Mr Callixte MUNYANGEYO will be read out.

### **Day 12: Tuesday 30 May**

Hearing of Ms Eugénie MUREBWAYIRE, by videoconference from KIGALI, who wishes to appear as a civil party at the hearing, convened by virtue of the discretionary power of the president.

Before the genocide, we had a family of 15 members, today we are only 3, the others were killed during the genocide. Of the 3, I'm the only one who was at home and knows everything that happened.

During the genocide, we all went to school; I had just finished the 1st year of primary school. All the others were studying too, they were all intelligent, but after primary school it was difficult to get into secondary education. My father was a vet. My older sister was in charge of social affairs in a locality. My father was known as a Tutsi and that was detrimental to us, because we couldn't take the competitive exams for secondary school. Even if we passed the exam, my father had to bribe the commandant to get a place in public schools.

The genocide ideology had been around for a long time, given the difficulties in gaining access to education, and we were asked questions about our ethnicity. When we left school, we had to run home because the children and some of the teachers hit us, especially the teacher Agnès.

We were a well-off family, we lacked nothing. We had rented houses. Finally, the situation started to deteriorate and we were stripped of our land. My father preferred to keep quiet because he suspected what would happen next. I remember that when we were at primary school, people were happy about the death of RWIGEMA. Fred RWIGEMA was the leader of the RPF and was killed at the start of the fighting). The genocide had been brewing for a long time.

In 1994, there was only one political party, the MRND [Party of the President]. The MDR [Movement for democratic Reform party] and the PSD [Social Democratic Party], and Pawa [Hutu Power = racists extremist section of political parties] began preparing for the genocide. I remember that at the beginning the Interahamwe [youth militia] of the MDR came to search the house for weapons that had been given to us, but it wasn't true. They hit my father and searched everywhere.

After my older sister finished school, she wanted to go to university but she couldn't get a place. Things went from bad to worse until 1994 and the plane crash. I was the only girl at home, so I ended up in the bedroom with my brothers. I saw that everyone was scared, so I asked what had happened, and they said that Habyarimana had died. The neighbours had said that we were going to die at any moment. What scared us was that one day, we were out in the courtyard playing like children. Someone came along and asked us why we were grouped together. It was our farm worker. With his machete, he hit one of our children on the buttocks. We ran home to tell our mum. She said we had to be brave, that it was all over for us and that we were going to be killed.

This intimidation continued. At home in NYABUBARE, we were the first on the list. We were a well-known family, so we started sleeping outside. We left our house and went to NDUNZU. When we got there we were told that it wasn't safe either. In NDUNZU, we intended to hide with a family. We had come by road and it was a long way. We spent the night in the rain. This situation lasted from the death of the president until 21 April. During that period, we were told that no Tutsi was allowed to spend the night at home. It was a difficult situation, it's even difficult for us to repeat it, but we're keeping our courage up.

The genocide in NYANZA and the BUTARE region did not start at the beginning as it did in KIGALI, it started around 21 April. The burgomaster of NYANZA had opposed the genocide and they killed him first. They arrested him and tied him up. They dragged him upside down. That encouraged the others and that's how the genocide started in NYANZA. They dragged him all over the territory of NYANZA saying that the genocide could begin. In the meantime, the gendarmes and soldiers were holding meetings and setting up barriers, distributing weapons that were to be used in the massacres. We knew that we were the first people on the list to be killed. That's why my family went into hiding further away in the locality of NYABUBARE.

Mama told us that we had to separate for our survival. Dad stayed behind with the children. Mum went into hiding. Dad offered people money to hide us, but it was all in vain. I don't remember the date, but I do remember that it was around 3pm when my mother hid me with a family friend. It was hard for me to imagine being separated from my mother, in fact I wanted to follow her, but she begged me to stay. They came to our house, destroyed the house and killed our cows. They took everything, we had a lot of cows. They left nothing. The only thing I found was a calabash for making butter.

People started dying in droves, including our neighbours. I kept moving from place to place to save my life. One Saturday, with many bullets whistling around us, I ran away from the family I was hiding with. I ran into a valley and came face to face with the military, near a fence. Last night, I had to go back to the family I was hiding with. The place where my father and some of my brothers were was on the hill of NYABUBARE, they were with many Tutsis who had gathered to defend themselves. But they didn't manage to do so. The children and women picked up stones and the men threw them at the Interahamwe. When the attackers saw that the Tutsis were defending themselves, they went to the gendarmes to ask for reinforcements. They surrounded the top of the hill. The gendarmes went up to kill. I remember the vehicles that went up with a big gun in the back.

They climbed the hill without being seen. There were a lot of them. I saw it with my own eyes before I went into hiding. It was around 4pm but I'm confused about the dates. We heard an explosion and saw black smoke coming from where my relatives were. That was the day my father died, along with some of my siblings. My father was killed on that hill and the people scattered.

Rewards were promised to anyone who went to find my father. The killers wanted to make sure that the known Tutsis and their children were really dead. After my father's death, the Interahamwe said of my father: "His son who had joined the RPF [6] only had to come and save him". But these were unfounded allegations. He was studying, he hadn't joined the RPF.

When I had a bit of strength, I went to see this place, and I saw that my father, who was thirsty, bent down in a pond and drank some water. My father had some medicine in his jacket to try and cure the people who were there. There was this medicine and in the other pocket he had some money. It was very difficult for me to see this from my hiding place. I couldn't help them. As for my brother, he was thrown into the river alive. He was in his second year of secondary school. They were very intelligent children. They were at the top of their class at school.



As for the other members of my siblings, there was Vincent, he was killed in NYANZA, I found him not completely dead. He was hidden in the false ceilings of a house we had rented out. The only way he could look after himself was to use the medicines my father used to treat the cows. He got infections in his wounds. He was killed. There were gendarmes who controlled the region. BIGUMA had the last word on the NYANZA barriers, as well as NYABUBARE. He didn't know I was there but he came because it was a friendly family. Before he arrived, my two other brothers had come. They came from my older sister's house. She had started a family. She had three children and was 8 months pregnant with her fourth child. She was due to give birth in a week's time, but she was killed.

When my brothers left this locality, that's when the Interahamwe started killing in this locality. My older sister and her family tried to fend off the killers by giving them money, but they killed her when she was pregnant. She vomited because she was dizzy and hungry. One of the killers hit her on the head with a club after they were told not to kill her in front of her children. She fell down the stairs and they clubbed the child she was carrying to death.

My brothers were hiding behind the house and saw all this. My sister's children saw it and fled. One of them was hit by a stick thrown at him by the killers. He fell to the ground, they hit him on the head and his brain came out. They killed the other child by hitting him with a club. They laid them on the ground, using their bodies as a barrier. They stripped the women naked, they wanted to see what Tutsi women looked like naked. My sister hadn't died yet. The child she was carrying was still alive, but they cut it open with a knife. They said they wanted to pull a snake out of her womb. That's what the Interahamwe called the Tutsis.

The bodies lay there for several days. Her husband was hiding in the church. He wanted to give some money, but it was no use as they ended up surrounded. To get them out, the locals burnt banana leaves inside. The refugees didn't come out. When the gendarmes arrived, they threw a grenade. After the explosion, people scattered and my brother-in-law went down to where my sister was lying and hugged her, saying "Let's die together". They were a very loving couple, very united, I never saw them angry with each other. It saddens me so much every day because that whole family is gone.

A dump truck arrived and their bodies were thrown in and dumped in a pit. In NYANZA, if Philippe had wanted to, they could have saved the people, but instead he encouraged people by saying: "Work, work". People feared him because he was a very bad man.

My brothers had left that house and they came to my hiding place at 10am the next day. I've been asking myself questions ever since my brothers told me that my sister's family had been killed; I wonder why they didn't show mercy to this mother who was pregnant.

When my brothers arrived at the shops, a gendarme saw them and slapped them, they lied and said they were Hutu. So they continued on their way. They spent the night there and the next day at around 10am, they arrived where I was. A communiqué had been sent out saying that those who were hiding people had to get them out. They'd also said that children, young girls and women weren't going to be killed, but that was a lie in order to herd people into one place.

The head of the family's household took my brothers to the gate and said they were his children. They were spared. When they saw me, they cried and told me what had happened, but I kept silent because I couldn't do anything. I'll never forget my brothers giving me money and telling me that if I survived I could use it. They told me that I wasn't going to die. But I don't know why they were so sure. We stayed together for a few days.

Then the Interahamwe came to take them away and kill them. They came to get me to kill me because I was on the list of people to be killed. They had a list of all the people to be killed and when the people were dead they ticked off their names, but I was still alive on the list. These Interahamwe knew I was in this family because they arrested a girl who was hiding with me and they raped her. The next day, a lot of Interahamwe came and found my brothers outside the courtyard of the house. I was in a bushy tree. A child from this family told me to stay in the tree because the Interahamwe were coming. In my tree, I could see the Interahamwe, there were lots of them and I was very scared. They had lots of traditional weapons, machetes. I recognised some Interahamwe from our neighbourhood, in particular an agricultural worker who used to work for us. He said to my brother ROGER: "Who are you with? He replied that he was with Olivier and Eugénie. He said he was with me and Olivier because they'd scared him and told him that if he answered they wouldn't kill him. They went to kill them by going another way.

I was saved because they didn't go by the side I was on. They went to our house to kill them. They took the girl and raped her, but they didn't kill her that day. I couldn't stay here because the Interahamwe knew I was there. I left for another locality. I took small paths, we avoided going through the fences. I went to the house of some cousins and the cousin's wife tortured me because I had told her everything that had happened. She asked me if we were Tutsis and I said yes. She went to tell her maternal uncle who was a soldier, Martin, known for his active participation in the genocide. When people begged him to let them live, he cut off their heads. He came around 9 o'clock in the morning. He asked me what ethnic group I was. The woman's husband was called Philippe. I was scared, he hit me and I told him the truth. He asked me who my father was. I don't know how to lie, so I ended up telling him the truth. He arrested me. He was wearing grenades on his belt.

I went with him and he led me down an embankment. He asked me to dig my own grave. They had said that any assailant who killed someone had to bury him. It was the gendarmes and soldiers who had given this order. He tried to force me to drink banana beer and I refused because I don't drink alcohol. When I refused, he said: "That's what characterises the Tutsis". He told me to kneel down. I asked him to let me pray. He pointed his bayonet at me. When he raised the bayonet, Phillippe, my husband, told him not to kill me because I was Hutu. Philippe saved me, he wasn't among the people being hunted down. He said I had come to visit as newlyweds. He said that if I was Tutsi, he was going to cut my throat with his bayonet. He said he was going to kill me like he had killed a young girl whose head he had cut off.

In the evening, my brothers' family came to the family I was staying with and they took me with them.

It was difficult to go by road because my family was well known, so to hide me they put leaves on my head so that people wouldn't recognise me. We passed by a pond. We went through a barrier manned by gendarmes and members of the local community. I was with a member of a family who wasn't being chased. When we got to the barrier, a few metres before it, they told me what I had to answer: they knew the questions that the people at the barriers were asking. When they saw us, they whistled, which meant we had to stop. The people with me said they were being vigilant, it was a code word for who they were. They told me I had to hurry, because the person in charge of the barrier was BIGUMA, and if he saw me he was going to kill me straight away and throw me into the pond. I'm still afraid of that place.

When I arrived in this family, I knew that my brother was hidden. They gave me food but I couldn't eat. I couldn't eat because I wanted to find at least one member of my family who had survived. They told me: "If they show you a member of your family and ask you questions and hit you, aren't you

going to say where they are?" I said I wouldn't say anything, even under torture. I hadn't been able to eat all day, and I saw my brother at around 4pm. I was in the living room and my brother was in a small annexe. It was raining and an old man had come to take shelter in this family, he was the father of an Interahamwe who saw my brother. When he saw my brother, he said: "Ah, there are some who are hiding, you've seen how tall he is! He was skinny, tall. He came up to me and told me to get out. He knew that my brother was in that family. When I saw my brother I was happy, but I didn't know he had injuries. He took off his jumper and showed me all his wounds. He was seriously injured. His clothes were stuck to his body because of his wounds. His complexion was light but it had turned black. He told me that the Interahamwe had hit him, he had thrown money on the ground and while they were fighting for money he had taken advantage of the situation to run. We massaged him with hot water and cow's milk because we had no other medicine. Every evening, I would sit next to him and he would say that if the Interahamwe found him they would kill him.

What hurts me today is the memory I have of the last evening I was with him. I was with him and he told me he was very scared. The next morning, the Interahamwe came to arrest him at 10 o'clock. They weren't Interahamwe from this neighbourhood, they'd come from elsewhere. They knew we were hiding because this old man had seen us. They came and knocked on the gate. They hid me in a calabash that was being used as a water tank and put up an umbrella. They put a lid on it. They searched everywhere, every room. My brother had been hidden in a room where they'd put a padlock. I got out of that hiding place and went through a gap in the fence below the house. They went out to look at the back. One of the boys in the family kept us informed: he told us they were coming from the back, so I went to the front. Then came a third attack from the locals: they broke the door where the padlock was. There was an order not to kill the girls because they were going to be "married off" to the boys (NDR. This expression means that young girls were given as sex slaves to young Hutu men).

They came into the room and seized her. That was the last time I saw him, and he waved goodbye. He was sent to his neighbourhood, he tried to give money, but he died in GATAGARA. It was a big barrier, that's where he died.

People knew I was Tutsi, so it became hard for me. One evening, there was a theatre, and I was told that I had to leave this house. This family showed me the way. But I got lost because I didn't know the paths. I kept walking all night. I almost fell on a fence but I turned around. I arrived at the orphanage at around 10am. It took me a long time to get there because I had to take the back roads. I was very cold. There was a fence in front of the orphanage. It was run by BIGUMA. I saw an Interahamwe, who was a colleague of my father, who was a vet, called Alfonse, and I thought he was going to spare me. He had a club. He took me to his house and it was his wife who hid me. He was going to get someone to kill me but his wife hid me in the toilet. He said I was the only one of Laurent's children who hadn't died yet.

When her husband came back to kill me, she lied and said I'd left because I was in the same class as her little sister at primary school. Thirty minutes later, she drove me to the orphanage. A boy helped me into the orphanage. There was still a barrier, but this barrier was the orphanage's barrier, which stopped people from coming to sort out the children in this institution. An Italian father agreed to take me in. He said that my mother had just been killed. My mother died in the MUSHIRARUNGU field, she was in agony for three days. When we were at the orphanage, the gendarmes came to try to separate the Tutsi and Hutu children. But when they arrived, we changed our names. I remember one Sunday when the gendarmes came and slapped the priest when he asked who was a Tutsi and he said: "They are all my children, there are no Tutsis or Hutus". As the priest didn't want to give names, they shot a child. Afterwards, the Inkotanyi [RPF] arrived in NYANZA. They came and reassured us. They made us move to another place. They had set up a gun to shoot at the orphanage

because they knew that many children had taken refuge there. They took us to NYAMATA because there was no security in NYANZA.

We came back to NYANZA later when it was safer, but there was a bad smell and lots of dead bodies. They saved us. They gave us water and clothes. They took care of us and then put us back in school because we had no parents. My brother came to get me from the orphanage and we went to see our house, where he was a student in Muganzé. We found the house burnt down. I found my brothers thanks to the dogs, they were in a banana tree behind the house. I found my father's body; it had been cut in two. Later, they found my mother's body with the child she was carrying on her back. We buried them. What hurts is that the people who did this don't want to say so. It was difficult to study and to live my marriage without a family. That's how it was yesterday.

Hearing of Mr Élie MUSHYITSI, by videoconference from KIGALI, summoned at the request of the public prosecutor.

In my cell, I saw what happened at the AKAZU K'AMAZI roadblock. When we were at the roadblock, the gendarmes, César and HATEGEKIMANA, arrived and gave the signal for the killings to begin in that locality. They went down to the place where they found people who used to gather and told them: "Come, we'll show you what you have to do". Then they said we could start searching the houses. They destroyed the houses and when people came out, HATEGEKIMANA fired in the air to scare people. He left that place and came across someone who had been hiding and he killed him. When he arrived at the fence, he told the people who were there to start destroying the houses, he killed a cow and some old ladies who were there. Someone showed Caesar where the old ladies were hidden. That's when they started killing all the Tutsis near the AKAZU K'AMAZI roadblock. They killed all the Tutsis in that locality. César gave a specific task to everyone who was on the fence. He ordered certain people to stay at the roadblock and others to control the houses. He asked the whole population to go to the barrier. My job was to search the people going through the barriers.

Boniface's house on the Akazu k'amazi roadblock

On questioning by the president, the witness said that he knew Boniface's house, which he showed to the investigators. People were locked up in the house and killed at night.

The witness was rather confused in what he said, stating that HATEGEKIMANA and BIGUMA were two different people and mentioning several makes of car. At the roadblock, he was in charge of checking identity cards. Tutsis were either killed on the spot or locked up in the house. He says he was acquitted during the Gacaca [post genocide community courts].

The questions put by the defence did not shed much light on the matter, particularly with regard to the vehicles used by BIGUMA.

Hearing of Ms. Yvette NIYONTEZE, by videoconference from KIGALI, who wished to appear as a civil party at the hearing, convened by virtue of the president's discretionary power.

I come from the district of NYANZA. In the period before the genocide, the gendarmes came to search the guns. Personally, I didn't know the ins and outs of it all. We didn't understand what it was all about. It was around 1990 that the searches began at our home. Between 1990 and 1994, people were arrested and accused of being Inkotanyi accomplices. As far as I was concerned, I always stayed in our neighbourhood and didn't go into the centre of NYANZA. I didn't know many people; it was only after the genocide started that I got to know people.

We started not spending the night at home. One day I came home and saw my father. The next morning I saw my father, my mother and my little brother and the old lady, a grandmother, she was the same age as my mother but she lived with us. In the morning, we were all there, everyone had come from where they'd spent the night. We were having breakfast. Then we saw a police car parked opposite our house with six policemen in it. My father told us to go through the backyard and that everyone should go back to where they'd spent the night. Everyone went back to their hiding places.

My father went downstairs to see his mother. In the afternoon, they started going into people's houses. They started searching Hutu homes to see if they were hiding anyone. The Interahamwe [5], led by a gendarme, found me and four other children who were my neighbours.

There were gendarmes or soldiers in every attack. They asked us where our home was. We said it was upstairs. They asked us to show them where we lived. They made us go upstairs. We went back there, each one pointing to his home. They asked us to stay there until our parents returned. That was the last time I saw those children. Everyone was waiting for their own parents to return. Towards nightfall, a soldier tried to make a phone call from our home. Then there was an attack. There were two of them, a soldier and a gendarme, and they came in. I didn't have the strength to open the door; I was stunned on the stairs in the backyard.

When nobody opened the door, they fired. The door blew open. They went inside, one of them started phoning, the soldier, and the other, the policeman, walked around the house and saw me. I said I didn't know and that I was hiding with my godmother, her husband was Hutu. I said I didn't know if we were Tutsi.

The gendarme asked people who recognised me. The gendarme said he'd give me a chance if he saw that I wasn't a boy, I had short hair and shorts. I told him I was a girl, and several in the group confirmed it. He said he wasn't going to kill me that day. He asked where I thought I could go. I had nowhere to go as everyone had fled.

Our neighbour was the headmaster of our primary school. The headmaster asked the man to take me in for as long as I needed. He said that when the time was right he would come and take me. That's how I ended up in the house next door to ours. He said not to kill me, that he was going to kill me himself. That's when I started identifying people I didn't know before. Opposite our house there was a crossroads and a barrier. All the killers came to the director's house talking about the people they had killed.

Attacks were frequent and carried out by the gendarmes. It was in this context that I learned the name BIGUMA. The name BIGUMA always came up in people's mouths when they talked about places where they had killed people or places where they had pillaged. I recognised him when he was leading a large-scale attack. There was an attack on the hill, and that's where I lost my elder sister. I had been suffering from malaria for a few days. Someone told me that BIGUMA had given instructions that no Tutsi was to survive that day. And that day arrived. Several people were carrying banana leaves. They had machetes and clubs. They searched everywhere. Before entering the house, the others made me climb up into the false ceilings. The ceilings were made of reeds. We were lying down and we could see what was happening below. I saw them all. I could see them searching everywhere. That's how I survived, but almost everyone was killed. That evening, people started talking about the people who had been killed and they said that the gendarme in question was BIGUMA. That was the day I left NYANZA. The consequences of genocide are countless. You can imagine what it's like to lose parents, brothers and sisters killed by human beings. It's something beyond comprehension and you can never find the words to explain it. I've seen a lot, but I've only talked about the most important moments.

Hearing of Mr Emmanuel UWITIJE, summoned at the request of the public prosecutor, attack on NYABUBARE hill, brother of Mr Obed BAYAVUGE.

Emmanuel UWITIJE was a farmer in the village of NYABUBARE at the time of the massacre on the hill. He did not make an unsolicited statement and, in response to questions from the President, stated that he had heard of BIGUMA at the time but said that the inhabitants did not dare approach the gendarmes or soldiers.

He says that on the day of the attack on the NYABUBARE hill, it was the Sabbath, and many Tutsis had taken refuge there. Emmanuel was present with the population and the sector councillor Israël DUSINGIZIMANA, who was raising awareness among the population. The councillor and a shopkeeper went to the NYANZA gendarmerie to ask for reinforcements. He heard from the councillor that BIGUMA was in charge of the gendarmerie. The gendarmerie then arrived in a white vehicle which was also carrying the mayor of NTYAZO, whom they then killed. The witness heard people around him and Councillor DUSINGIZIMANA say that it was BIGUMA who had killed him. After that, some people took his shoes. He saw the accused give instructions. After the burgomaster's death, they came down to get closer. He saw that the gendarmes had set up "big guns on the ground" below the hill, near a wood. These were large machines that "threw people into the air". They started shooting up the hill.

Emmanuel and the rest of the people were armed with clubs, machetes and big sticks. BIGUMA had given orders: the 5 or 6 gendarmes were to fire shells first, then the young people were to surround the hill to prevent people escaping and the old people were to come afterwards. The witness was tried, pleaded guilty and asked for forgiveness, and was sentenced to 13 years' imprisonment.

Hearing of Mr Obed BAYAVUGE, summoned at the request of the public prosecutor, attack on NYABUBARE hill, brother of Mr Emmanuel UWITEJE.

Obed BAYABUGE was a farmer in NYABUBARE in April 1994. He is the brother of Emmanuel UWITIJE, the previous witness. Obed witnessed the attack by the gendarmerie on the NYABUBARE hill. Questioned by the president, he said he had seen BIGUMA leading the attack. He saw him join the people who were already on the hill in a white double-cabin vehicle. He saw him and other gendarmes set up a "big gun" down below and fire at the hill. When the President asked him what the big gun was, he replied that it was a 120 mortar.

After the attack, Obed witnessed the murder of Jacqueline NYIRABUREGEYA, a Tutsi soldier's wife, who lived not far from his house. The gendarmes, accompanied by BIGUMA, led Jacqueline to believe that she was going to be sheltered and protected, and then killed her.

Obed was tried and sentenced by a Gacaca to 13 years' imprisonment. He spent 8 years in prison and finished his sentence with an alternative prison sentence by doing community service.

## **Day 12: Friday 26 May**

Hearing of Mr Olivier KAYITENKORE NSHIMIYIMANA, a civil party at the hearing, summoned by virtue of the president's discretionary power.

The day opens with the hearing of Olivier KAYITENKORE NSHIMIYIMANA, currently a pharmacist in KIGALI. The witness is a civil party in the trial. He begins to tell us his story. Olivier was born in Burundi because his parents fled Rwanda in 1973. His family returned to Rwanda in 1975 and settled

in NYANZA. During his primary education, there was already segregation between the Hutus on one side and the Tutsis on the other. During his secondary education, the Hutu students called him a "snake". Olivier didn't understand the meaning of this insult at the time, but he did later. From 1990 onwards, he began to understand and he saw the situation gradually deteriorate. He was often woken in the middle of the night by gendarmes who came to search his house with weapons. He explains that he felt like a criminal without ever having done anything.

Olivier learned of the attack on 6 April 1994 the next morning and felt his parents' fear. During the day, he could feel the agitation mounting as his family called to tell them that massacres had begun in Kigali. In the days that followed, Olivier and his family didn't sleep at home for fear of being evicted in the night. They heard the sound of bullets as they hid with other Tutsis.

On 21 April, after President SINDIKUBWABO's speech [inciting genocide in Butare], Olivier went into the centre of NYANZA with his mother, where he said he saw soldiers with guns and clubs. They both returned home in the evening in fear and silence: "It was the first time that a parent had nothing more to say to their child". The family, which consisted of six children, sat down to dinner, but no one was able to eat. At this point, Olivier wanted to leave the house so as not to die in the same place as his family. He left home and found a group of Tutsis who had planned to flee NYANZA.

Olivier's journey began and for two months he walked from hiding place to hiding place to escape the killers. The group walked to MAYAGA, taking small paths to avoid the road blocks. Once they reached MAYAGA, the group split up. Then Olivier, accompanied by two friends, again came across another group of Tutsis who had tried to arm themselves to defend themselves. When they reached a road block, the Hutus guarding it let them through. The group later defended themselves against Interahamwe who were armed with bows and arrows. They then reached a river, where only those who could swim were able to cross. After a chase with the Interahamwe, Burundian soldiers defended them and took them to a refugee camp on the border. Olivier spent the rest of the genocide there following news of it on the radio.

On learning that NYANZA had fallen, Olivier returned to find his family, only to discover that only one of his younger brothers and sisters had survived. He found his house completely destroyed. Investigating among the inhabitants of NYANZA, he learned that the gendarmes had killed his little brother with a club in front of his mother before beating her too, and throwing her into a pit while she was still alive. She lay dying in the pit for several days before dying.

After the genocide, he and his sister managed to go back to school and start their own families. Today, they never know what to say to their children when they ask what happened to their grandparents. Olivier still bears the scars of his trauma, particularly in his dreams and fears.

During questioning by his lawyer, the witness confides that the work of commemoration helps him a great deal to ease his pain and to honour the victims of the genocide. He often joins survivors' groups within associations.

Hearing of Ms Marie-Claire KAYITESI, a civil party at the hearing, summoned under the discretionary power of the president.

The second witness, Marie-Claire KAYITESI, is also a civil party to the trial, currently a trader in KIGALI. In a spontaneous statement, Marie-Claire recounted that before 1994, her parents had sent her to join her uncles who had taken refuge in CONGO, in order to complete her secondary education and get around the discriminatory measures against the Tutsis. Her parents were shopkeepers in Kigali. In 1992, she returned to NYANZA to study.

In 1994, her parents advised her not to return to Kigali for the holidays because of the threats they had received. Her father brought the rest of the family to NYANZA to join her, and then returned to KIGALI. As he was from NYANZA, he would have been recognised and killed directly. Marie-Claire, her mother and her 7 brothers and sisters hid in a house belonging to business friends in the centre of NYANZA. After learning of the President's death on 6 April, Marie-Claire and her mother called their neighbours in Kigali to ask for news of her father. They told them that he had been killed, stabbed and thrown into a pit.

When the situation in NYANZA deteriorated on 21 April, there were gunshots everywhere. A friend of Marie-Claire's mother brought them food. She and her family stayed in hiding, not going out, and heard gunshots regularly. One day, gendarmes came knocking on the door of the house where they were staying. Her mother came out to talk to them. After asking her several questions, they told her they would be back the next day and left. Marie-Claire and her family moved from their hiding place to the small back room of a shop. Marie-Claire's mother asked her friend who was helping her hide if it would be possible to spread them out over several hiding places to improve their chances of survival. So it was that her little brother was taken in at a nearby locality and was later killed with the group of Tutsis living there. And another of his little brothers was taken in by the NYANZA orphanage, only to be killed later.

After a few days, the people who were helping the family to hide asked them to leave after receiving threats from killers. They told them that if they were caught harbouring Tutsis, they would be killed with them. Marie-Claire and her family returned to their first hiding place and found the house looted. After a few more days there, the fighting intensified and drew closer to the house where they were hiding. NYANZA had fallen into the hands of the RPF. They heard people speaking in Swahili and came out of hiding.

In September, they returned to KIGALI and found their house looted. Her mother, unable to bear the death of her husband and several of her children, fell ill and died in 1997. Marie-Claire tried to resume her studies and enable her brothers and sisters to continue theirs. They were able to finance their studies thanks to the Fund for Genocide Survivors (FARG).

Hearing of Françoise MUTETERI, who is a civil party at the hearing, convened by virtue of the president's discretionary power.

The witness will give a poignant account of her testimony. On several occasions, she had to pause, weeping. We let her speak to remain as faithful to her as possible.

"I am the daughter of MUNYEGANGO Athanase, a teacher. I am the eldest in a family of three children. At the end of primary school, I thought I would go to a school in Karubanda, in Butare, but without understanding why, I didn't pass the entrance exam. At that time, given the quota system that limited the number of places for Tutsis, it was common for a Tutsi child who had passed not to be admitted to secondary school). My parents enrolled me in a public school where you also had to indicate your ethnicity. It wasn't until 1990 that I began to understand the situation.

On 20 April, they started killing Tutsis in NYANZA. My father asked me to go into hiding at the Ecole Technique Féminine (ETF) where he taught, but the headmaster refused.

On 21 April, we continued to beg Dad to take us to MUGANGAMURE to the house of a friend whose wife was Hutu, Mr RUTAYISIRE.



On 22 April, as the lady of the house was preparing breakfast, someone came knocking at the door. I went to open the door. I came face to face with a gendarme. I immediately lay down on my stomach while my parents and little sister sat up. The gendarmes asked for our identity cards: only RUTAYISIRE's wife was allowed to leave the group.

Mama got down on her knees and begged the gendarmes to give us time to pray so that we could prepare to go to heaven. It was in this position that the witness found her mother's body. (Photos will be shown during the hearing). The gendarmes then opened fire on us. While the members of my family were shot to death, I personally was shot in the back and left alone among the corpses.

As my mother worked at the Kavumu health centre, a woman she treated regularly arrived. I lifted my head. This lady picked me up, put me in an annexe and took me home: I was bleeding profusely. That evening, her husband chased me out of their house and I was taken to a place where many children were hiding. We spent the night in the rain. One person had gone to get some clothes but never came back.

The group of children was attacked by Interahamwe. As I couldn't run, I lay down on the ground. The Interahamwe thought I was dead and continued to chase the other children.

I dragged myself to a house. The lady who lived there took me in but she didn't know where to hide me. She had dug a hole in the ground to ripen the bananas, so she put me in and covered the hole. She had made a small hole so that I could breathe. No one could see me. To make banana beer, the fruit is buried in a heated hole so that it can ripen for a few days).

This lady regularly brought me food: milk, maize and eggs. At night, she would bring me out of my hiding place and look after me. I stayed there until the Inkotanyi arrived. The lady went to meet them and told them she was hiding someone. She called me but I didn't answer, thinking she was coming back with people to kill me.

In fact, it was RPF soldiers who had arrived in NYANZA. They took me out of my hiding place where a snake had got in: I thought to myself that animals are nicer than people. The soldiers sent me off with the old lady and some other people. First they took us to their superiors. Among them were some doctors who looked after me. I was having a lot of trouble breathing and I still had a bullet in my back.

After the fall of KABGAYI, they took me to hospital. After the capture of KIGALI on 4 July, I was taken to an officer who took me in. They continued to help me until February 1995. I was then operated on to remove the bullet from my back.

Hearing of Mr Innocent MUNYANKINDI KAYIRANGA, a lawyer by profession, who appeared as a civil party at the hearing and was summoned by virtue of the President's discretionary power.

My parents were teachers in NYANZA, one of the rare professions that Tutsis could practice. Something surprised me at the end of the genocide. Some members of my family who had taken refuge abroad told me that it was astonishing to see that my father had died in the same way as his own father. My grandfather had died in 1959, also killed by the Hutus. My father had kept that from me.

My parents were wage earners, and their situation had enabled them to buy a house and two cars. Yesterday, there was talk of a vehicle transporting the corpses, and the lorry in question belonged to

us. We led a decent life. Our parents kept certain things from us, so we weren't properly informed about the threats we were facing.

The problems erupted with the RPF attack on 1 October 1990. That was two months after my father returned to France. He had come to follow a training course. And there were suspicions that he had gone to meet Inkotanyi in Europe. What's more, he was suffering from diabetes. He was arrested and detained for three months as an "Ibyitso", an accomplice. He was then released. But that didn't stop us continuing to pursue him and keep a close eye on his every move.

We were a family of seven. I was the eldest son. I had five sisters and a younger brother. My father had fathered him when he got out of prison. There was a gendarmerie in NYANZA, there was no other organisation, everything that happened in NYANZA was the responsibility of the gendarmerie. They were the ones who came to search our homes because there were searches at that time. The gendarmerie was the only security body in NYANZA.

On 7 April, my mother came to see me in my room and asked me if I had known that HABYARIMANA had died. I saw that the situation had changed and that parents were afraid. In NYANZA, there were instructions that everyone had to stay at home. We could only go out two days a week. Those were the days when the shops were open and we could go shopping. This lasted from 7 to 21 May, but personally I couldn't go on staying at home all the time.

At the time, a friend sometimes spent the night at our house. For a fortnight, the fear was immense. Our parents dispersed us among the Hutu families. I couldn't go on changing homes every night, so I asked this friend to take me to his house. I told my father and mother that I was going to leave with BARUSHYA: that was his nickname, his real name was Jean-Pierre SEBASHI. When I told my parents that I was leaving with this person, my father was relieved. You could see that he was in over his head. He couldn't see any solution to the problem.

My mother asked me where this person was taking me. He was a "street kid" and Mum asked me why I trusted him. She even wondered if he had a family. My father told us to leave, but first he had to give us some money. So we set off a dozen kilometres from NYANZA, to a small hill opposite SONGA. We went on foot to the boy's home. His father had died. They welcomed us but the conditions were inferior to what I knew at home. I slept on the floor.

We stayed a few days and then we wanted to go back to NYANZA to get some money. That's when the famous speech was made [of President Sindikubwabo in Butare inciting genocide]. And the population started to flee. From where I was, I could see on the hills opposite that houses were being burnt down. The situation was becoming increasingly critical. People were being killed. The situation changed. I didn't know where to go. We thought about it. I snuck into a hiding place. I left their house to live in a hole. I heard the sounds of massacres all day long. I stayed hidden where I was.

In the evening, the sounds of bullets stopped. The young man came to see me and told me that the situation was critical and that the Tutsis were being killed. The sound of bullets was coming from Songa. The bullets stopped but the next day they started again. He explained to me that those who were still alive were being killed. The extermination of the Tutsis took another two weeks.

SONGA was a gathering place for refugees trying to flee to Burundi. Only a hundred or so made it. I went back to the house, but I fell ill, I think I'd caught malaria. When the young man saw that my health was getting worse, he wanted to go and get some medicine in NYANZA. He went to a friend of my father's to get the medicines. In the meantime, he asked for information about my parents. He told me that my mother was in hiding. I had been lied to, told that nothing had happened to the

women and children. Later I found out that my family had gone to MWENDO where a paternal aunt lived.

I tried to find out what the situation was over there and I was told that this family had been exterminated. They said that even the children who had dispersed had been killed towards Songa. The person brought me back some medicines. She told me that there was no one left. I had a little hope because one of my sisters was at nursing school. I stayed in the same place, and thanks to the medication I recovered from the illness. I waited to return to NYANZA towards the end of June.

My "friend's" family helped me and passed me off as the head of this household. We had a password. When someone came, we talked about the head of the family. When I returned to NYANZA at the end of June, I found our home burnt down. The information people gave us indicated that the gendarmes had thrown a grenade at our house.

Later, I saw RPF soldiers in a garage, and I told them I was in my 4th year of mechanics studies. At 19, from one day to the next, I became responsible for my family. Luckily, not all the houses had been destroyed. I learned that my sister was still alive and was in the [French] Turquoise Zone: the French had found the student nurses and had left with my sister.

At the end of the genocide, there were only two of us left in a family of nine. My parents had been killed in the town of NYANZA, and I wanted to bury them with dignity. I thought it was dishonourable to imagine my parents lying in the latrines. It was in November 1995 that I buried them. I gave up my studies. I had to give up my dream of becoming an engineer because I had to look for money to ensure our survival. I went to get the pension to which my parents were entitled. There were documents to fill in, but I had to be 21 or come accompanied by a family member. I went to the public prosecutor and he told me to apply for emancipation. I had to file a petition with the court. That's when I thought about it and realised that my situation was becoming a legal matter.

I decided to study law. That's how I applied for legal emancipation and got it. I was able to recover my parents' pension. My father hadn't yet registered his name. People tried to swindle me out of buildings. I realised that you have to know the law to cope with this life. My sister was able to finish school.

At each commemoration time, I don't know where to look for these children, if I have to go to Songa. I wonder if these children are still alive. But that's not possible. One important question I have is about the role of the gendarmes. In NYANZA, there was no other body that ensured the security of the population. I have a question: is the person alleging that it wasn't the gendarmes who killed them, saying that it was someone else who did it? It's as if they're telling a fiction, something that didn't happen. At night, the killers went to rest, they left barriers to continue killing people. From the information I've received, I've never heard of anyone being killed at night; it happened in broad daylight, in full view of everyone. We victims can't understand the situation we have to face after all these years. We are grateful to the French justice system and to this process, which has given us the opportunity to bring a civil action. We believe that everyone must do their bit to ensure that this never happens again.

On questioning from the Chairman, the witness was asked about his grandfather, who was killed in 1959: his father had never spoken to him about it. "Our parents didn't talk to us about these problems, it was so as not to hurt us and to protect the children. They thought it was too early to talk about it.

CHAIRMAN: Would you like to add anything?

Innocent MUNUANKINDI KAYIRANGA: I would like to thank you for giving us this opportunity to explain to the world what happened to us. Some people say it didn't happen, but the reality is that we suffered a lot. I don't know how I'm going to explain to my children what happened to me. I have children and I don't have the strength to say what happened to me. My wife's family was lucky to have had many survivors. My children thought I was my wife's mother's brother, because I don't have anyone on my side. Especially as my sister couldn't bear living in Rwanda, she went to live in Canada. I want to thank you. You will be our spokesperson.

JURY: How do you go about finding your family's remains when so many people have died?

Innocent MUNUANKINDI KAYIRANGA: I started researching quite early on, in 1995, a year later. People were still talking about what had happened. Today, things are different. I got information from people who were prosecuted for the crimes they had committed.

His lawyer takes the floor to talk about the difficulty of proving that the civil parties are legitimate. It is sometimes difficult to obtain "notoriety certificates" in place of death certificates.

PS. With regard to this witness, we have also decided to reproduce his spontaneous statement as it was given, without attempting to summarise it.

### **Day 10: Thursday 25 May**

Hearing of Mr Albert KABERA, aged 68, perpetrator at the road block of the Akazu K'amazi, summoned at the request of the public prosecutor, by videoconference from Kigali.

#### PRESENTATION OF THE WITNESS

He is a farmer, from RWESERO cell, NYANZA, who knows P. HATEGEKIMANA: "He used me during the genocide".

#### SPONTANEOUS STATEMENT of KABERA:

I would like to talk about the circumstances in which BIGUMA killed Jean SIBUGOMWA, his wife and his two children. BIGUMA went to kill Tutsis who had taken refuge on the NYAMIYAGA hill, then had the corpses loaded onto a lorry and taken to the MWOGO river.

On the 24th, BIGUMA went to kill people on a hill. He was in a gendarmerie vehicle. The Tutsis were confronted by the Interahamwe: BIGUMA arrived because the Tutsis had managed to repel the militiamen.

#### QUESTIONS FROM THE JUDGES

On questions from the president, the witness said that in April 1994 he was a farmer in RWESERO and said that he had stopped farming. They were asked to go and set up fences.

I knew BIGUMA," he continued, "because he used to come to see ESDRAS, whose wife was the sister of BIGUMA's wife. I spoke to BIGUMA at a roadblock, and he came to give us a gun and fired it into the air so that we could hear the sound of a gun. I hadn't spoken to him before, but I could see him.

He was light-skinned. He was fat and short. I also knew Major BIRIKUNZIRA. He was a little taller than BIGUMA. The defendant was a senior deputy.

He had stars on his shoulder. BIRIKUNZIRA also had stars on his shoulder. BIRIKUNZIRA had three stars, BIGUMA only one.

Still under questioning from the president, he recalled the roadblocks and tried to locate them by name, both those in his neighbourhood and those in the town of NYANZA. The gendarmes were assigned to the roadblock he frequented, at KABERA. But the witness was more precisely at the Akazu k'amazi roadblock. Burundians and pupils from Christ-Roi also came.

"Did you hear about the murder of NZEHIMANA?" asked the president.

"Yes, he was fleeing into the avocado field, we followed him and he was killed by BIGUMA.

The roadblock was at the bottom of GERVAIS's house and below the gendarmerie. And there was a field of avocado trees.

PRESIDENT: Did you pursue this young man?

KABERA: No, I didn't chase this young man, but BIGUMA shot at him, he had taken refuge at his grandfather's house and we heard the shot. I saw him because I was asked to move the barrier a little further away because refugees were leaving and we had to protect our homes. We were asked to move the barrier towards BUGABA. César and HAVUGIMANA stayed on the barrier. We went to the BUGABA roadblock.

PRESIDENT: What happened at that roadblock?

KABERA: Nobody died at that roadblock, it was just to ensure security because our women were afraid that refugees would kill them. I used to run this roadblock during the day.

PRESIDENT: You were at the Akazu k'amazi roadblock?

KABERA: I used to work there before and then at BUGABA.

It was the captain of the gendarmerie and BIGUMA who had the barrier erected. There was a secret meeting to prepare the genocide. At Captain Pascal BARAHIRA's house. There were leaders of public establishments, I was transporting planks of wood to Mama Augustine's. I saw all these people and after given instructions, they started to erect barriers. The first person was killed by BIGUMA.

The witness continued to explain how the barriers were organised and who was responsible for them. The young people had grenades given to them by BIRIKUNZIRA, and the gendarmes had rifles. The order was to kill the Tutsis. We had to check identities and go into households to get the Tutsis out. Those who brought them were people who worked at the Akazu K'amazi roadblock, and they put them in Boniface's house. There were 28 Tutsis locked up in that house. On the orders of the gendarmerie, they were to be killed. Boniface himself admits having played a role in the killings. The bodies were buried the next day. Orders had also been given to eat the cows and set fire to the house.

The victims were people of all ages, from old people to children.

PRESIDENT: You mentioned an attack on the NYAMYAGA hill?

KABERA: Yes. The attack came from NYARUSANGE. The refugees defended themselves and the gendarmerie arrived with BIGUMA who had a high calibre weapon. There was a soldier who also had a rifle, he tried to defend those who were with him but when he realised that the other weapon was more powerful. He said he had to protect himself. That's when BIGUMA started using the mortar. I am an eyewitness.

Still under questioning from the President, the witness recounted the attack on this hill. BIGUMA installed a heavy weapon there. At the end of the attack, the bodies were transported to the MWOGO river.

When asked about the weapons used, the witness knew very little. He eventually admitted that a mortar had been used, placed about 300 metres from the hill.

PRESIDENT: Did you take part in other attacks?

KABERA: I heard that BIGUMA had been in the NYAMURE attacks. I have not seen him but I have heard people say so.

PRESIDENT: Would you like to add anything?

KABERA: He must be prosecuted and tried like the rest of us.

#### QUESTIONS FROM THE CIVIL PARTIES

Lawyers for the civil parties question the witness to find out whether he knows the names of victims whose families are civil parties, in particular Mrs Immaculée KAYITESI, the president of the association of genocide widows, AVEGA, whose husband, Narcisse MAKUZA, was killed by BIGUMA.

It is possible that the witness confused the hill of NYAMYAGA with that of NYABUBARE, which could be the same, but with a different name. As for NYAMURE, it's another hill that we'll talk about later.

Maître PHILIPPART: You confirmed some of the names of the Tutsis killed at the roadblock near Boniface's house. The witness does not remember, but other people could give names.

#### QUESTIONS FROM THE PROSECUTION

**Prosecutor:** When you were questioned on 22 November 2016, you said that several people had been killed, you went to see what had happened, you said that Gervais had passed from family to family and that when he arrived at your house, he told you that the enemy had invaded the country and that this enemy was the Tutsi. You also mentioned that when you were drinking banana beer, you came across a car that looked like an ambulance with gendarmes in it. This vehicle stopped and BIGUMA said that we had to go to the barriers to prevent the enemy from infiltrating. Can you confirm that?

KABERA: I confirm this.

**Prosecutor:** How many of you were drinking banana beer with the others?

KABERA: There were 3 of us when he arrived.

**Prosecutor:** You said that BIGUMA did not have a vehicle but that he always travelled with those of the gendarmerie, sometimes it was a white vehicle, sometimes a red vehicle and sometimes a military jeep, can you confirm that?

KABERA: Yes

**Prosecutor:** You said that Lameck NIZEYIMANA was at this roadblock, how did you know?

KABERA: I found it out it when the French came.

**Prosecutor:** Were you a militiaman?

KABERA: No, I was a simple peasant but I was the one who taught the songs to the youth of the MDR (political party).

**Prosecutor:** It is said in your interview that you had raised awareness among the population, what did you do and why?

KABERA: We had been educated by magistrates in prison, then we taught people in prison to plead guilty and then we went to do it outside the prison so that problems could be solved so that Rwandans could live together.

**Prosecutor:** Did you receive rewards when you did well?

KABERA: No, but people went into the houses afterwards to loot them.

**Prosecutor:** Concerning BIGUMA, did you hear him making anti-Tutsi remarks before the genocide?

KABERA: It had been in their attitude for a long time, in his home town they hated the Tutsis.

The defence, led by Maitre DUCE, asked a large number of questions that did not make it possible to gain any further insight into the facts of which his client was accused. A certain number of these questions are redundant and correspond to things that have already been said previously. The Chairman reminded him of this.

Hearing of Ms Sabine Uwase, who wishes to appear as a civil party at the hearing.

Statement:

I was 16 at the time of the genocide. And I couldn't see any difference between the Hutus and the Tutsis. It was in 1990, when my father was arrested, that I realised there was a problem. One evening after school, my father was arrested and my mother was asked why he didn't come home. My mother was told that my father was part of the group of 'accomplices', the 'Ibyitso'.

As children, we didn't understand. We couldn't go and visit him, they had forbidden my mother to go and see him too. After 2 months, when I came home, there was a gentleman there, he'd shaved off his hair and was wearing a khaki uniform. That evening we asked our father: "What have you done? He tried to explain to us why he had been imprisoned. I thought something was wrong. Afterwards, he was told not to go anywhere in the town of NYANZA. One weekend, he left, without announcing that he was leaving. I don't know how the gendarmerie found out that my father had been out and about. The gendarmes came to the house and said: "We told you not to leave". And he went back to prison.

Afterwards, they killed the president. In the town of NYANZA, people still lived in harmony, we had Hutu friends, they came to the house, we lived in harmony. After 7 April, we started to get scared. We wondered what was going to happen. In the first two weeks afterwards, we were told not to sleep at home. It was dangerous to sleep at home at night because they could come and get us. We had to sleep somewhere else. We didn't sleep at home for a fortnight. When we heard that the gendarmes had come from Kigali, the whole population said: "We're going to kill you".

On the evening of the 21st, we didn't spend the night at home. We went back to the house of the old lady I mentioned, where we slept outside her house. We used to go back and forth. My father told us that the news that had circulated the day before was serious. He told us it was better to split up and not stay together. I was very tired. We'd just spent two weeks in difficult conditions. My grandfather and grandmother lived on the outskirts of Nyanza. I told my little brother that I was going to stay with my grandmother. That's how I got separated from the rest of my family.

I stayed with her for two days. My grandfather was 70 and my grandmother 68. At around 2 in the morning, I heard someone knocking on the door. I went to open it and it was my little brother who had come too. In the morning, the Interahamwe came: there were a lot of them, they had different weapons including machetes, studded clubs, and they were dressed in banana leaves and big hats. When they arrived, they said: "It's over for the Tutsis, the die has already been cast".

My grandfather was a medical assistant but he had asthma problems. When he saw them, he had an asthma attack and started breathing badly. They told us all to get out. There were Tutsi neighbours too, so we asked them all to leave. There were five of us children, my little brother and my cousins. The family next door had two children and the family next door had three. They told us to get in the vehicle. They took us towards NYANZA. After about ten metres, they told grandfather to go home because he was breathing badly. When we got to the road going up to NYANZA, there were two barriers on the road. When we got to these barriers, we found Interahamwe wearing the same clothes as those who were driving. There was a young man who used to look after the cows at my grandfather's house. He told me he was going to try and hide my little brother. He gave my little brother a club. I agreed. That's when I separated from my brother. The Interahamwe took us to the NYANZA prison.

Once there, they opened the cells, which were already full; there were a lot of gendarmes at the NYANZA prison. They asked where we had come from. They told the Interahamwe to take us with the people who were in the cells. When we got to the cell, I don't know where the people came from, but they came from different parts of NYANZA. Two days later, they told the fifty people to come out. The people who came out, they took them to the NYANZA stadium to kill them. I was the oldest of the children there. We had just spent three days without eating or drinking. The gendarmes had no pity for us. They could see we were hungry and thirsty, but they said they would be merciless.

#### Nyanza stadium

I told the children who were with me to go to the back of the dungeon so that we wouldn't be killed. The younger children said to the gendarmes: "Have pity on us". We went to the back of the cell and the children said they were hungry and thirsty. The gendarmes refused to give these young children water. I told our group: "We're going to pray before we die". Then they went back to the back of the cell. A gendarme came into the cell, trampled on me and I looked him in the face. I asked if he could give us some water. He said, "What's your name? I replied. He went outside, then sent another gendarme who said "Sabine, you can come out".

The gendarme told me to follow him. I followed him and he took me through a window into another room. He told me I had to stay there until he told me to come out. Then I heard banging, the



gendarmes were shouting and saying that the commander had told everyone to get out of the cell. They took everyone and went to kill them at the NYANZA stadium. When we saw the gendarmes, we saw that they had just come out. I told myself that the NYANZA gendarmes were there to ensure the safety of the population. They said they had to look in all the rooms.

The gendarme came back at the end of the day at around 7pm. He asked me if they had seen me, and I said no. He told me that we were going to look in every room. He told me that everyone had been killed. He asked me where I was from and I gave him my father's name. He said: "I have no choice, I can't turn you in, otherwise it would have consequences for me". At around 4 in the morning, he came back. He'd brought me a helmet and a military uniform. He told me to get out and I asked him where he was taking me. He said he was taking me outside the camp.

We went through the gate past the gendarmerie, and he took me to a house near the gendarmerie where the wives of the gendarmes and soldiers lived. He took me to a house where there was a woman. His wife told me that my father had been found and that he had been taken to the stadium and that he had been shot at the NYANZA stadium.

I lived with her and she hid me in a small room. They were soldiers' wives from the north. When evening came, many gendarmes would come to drink at this place. In the discussions they had, they rejoiced over the Tutsis they had killed in the NYANZA region. In NYANZA many Tutsis lived who had a good situation. They said that their wives and daughters had been raped, that their property had been looted, that it was the Interahamwe who were taking their property. I stayed there for about two weeks. I asked if the gendarme knew that I was here. He came to NYANZA. He took me to BUGARAMA and asked someone who was there if he could keep me. I stayed in BUGARAMA for a week. There was a lot of fighting, KIGALI was falling, people were fleeing. I fled with that family. I felt that nobody recognised me very well, that I was in a crowd of Interahamwe. Once, when I was with the children of these people, we went to fetch water, there were people from NYANZA. One of the children from NYANZA who had his father in my class went to tell the other Interahamwe that they had seen my father's child. He said: "I saw the child of a snake, I don't understand how she escaped us.

They all came to get me and took me to a pit. I started shouting, saying that they had confused me and that I wasn't that child from Nyanza. That they should take me back with these people who were with me. These people didn't know where I was from, so they said I was from BUTARE. As people didn't know me, they kept saying I wasn't from NYANZA. They ended up believing it.

After the genocide, I went back with those people. They killed my parents and my brothers and sisters. I always wondered about my brother, when he left I always thought we were going to see each other again. After the genocide, people told me they had seen him in Gikongoro, so he came to Gikongoro. I went back to NYANZA, I thought I was going to recognise the place, I went there, but I continued on my way, I didn't stop, because I didn't recognise the place, everything had been destroyed, the walls had come down. It was the neighbours who said we'd just passed by.

Finally, I'd like to thank the court for giving me the opportunity to give this testimony. The gendarmerie bore a great responsibility for the death of my family and my community. If today I no longer have parents, brothers and sisters, they have not fulfilled their role. Today, as a mother, I understand how my parents died with a great deal of grief. Not being able to find somewhere to put their children and not being able to protect them. Not being able to answer the questions they asked them. I don't have any answers for my own children. Because they ask me why they don't have a grandmother, they go to school and the other children tell them that they went on holiday to their

grandmother's house. I'm asking the court for the justice we need, and you're the one who can give it. If we have no parents, it's because someone killed them.

Hearing of Mr Emmanuel Kamugunga, summoned at the request of the public prosecutor. Appears as a civil party at the hearing.

PRESIDENT: How old were you in 1994?

KAMUGUNGA: I was 10 years old.

PRESIDENT: What is your date of birth?

KAMUGUNGA: 1984.

PRESIDENT: You said 1977 when you were questioned by the ICTR investigators.

KAMUGUNGA: It could be that they got it wrong.

PRESIDENT: What did your parents do?

KAMUGUNGA: My parents lived in the RWESERO cell. Today it's a cell, at the time it was a sector.

PRESIDENT: How many brothers and sisters do you have?

KAMUGUNGA: There were 4 of us. I was the 3rd child.

PRESIDENT: Did you live with your parents?

KAMUGUNGA: As far as the genocide is concerned, I remember one day that was the longest,

PRESIDENT: Did you go to school?

KAMUGUNGA: Primary school.

PRESIDENT: What do you remember when you talk about Corporal César and the others?

KAMUGUNGA: They drank together, they were the ones who initiated the genocide with the magistrates who came from different prefectures.

PRESIDENT: You mentioned Philippe?

KAMUGUNGA: Yes, it's BIGUMA, the adjutant.

PRESIDENT: He used to come and see the gendarmes you mentioned, they used to go drinking together, you could hear their conversations?

KAMUGUNGA: Yes, sometimes we went to play at a place called GACYAMBA, that's where the NYANZA memorial was.

PRESIDENT: What were you hearing?

KAMUGUNGA: I'm talking about the way the genocide was launched. It was a Sunday.

PRESIDENT: On that Sunday, what do you remember?

KAMUGUNGA: I was with my friend Gérard, we were going to play football. We came across Warrant Officer BIGUMA.

PRESIDENT: Was he walking?

KAMUGUNGA: Yes and he wasn't alone, he was with the magistrates. There were also teachers, including one who was KAYISHEMA's father-in-law, he was a doctor.

PRESIDENT: What were they doing together?

KAMUGUNGA: They asked us where we were going. Some boys ran behind us and they stayed put. We went back to the path leading to our house. Before coming up behind us, they had just put up a fence. Our pen was closed. They pushed the pen open and the cows came out. That's where they started. They called the people, they shot at the trees. The cows escaped and they shot all the cows. Then they set fire to our home.

PRESIDENT: Which cell was your home in at the time?

KAMUGUNGA: RUGARAMA. Shortly afterwards, the OPJ (OPJ: officer of the judicial police) came, they had just caught him and taken him away. His colleague Jean-Baptiste walked behind him. He didn't know that the genocide had started. They hit him on the neck. He wasn't dead yet, but they grabbed him by the legs and threw him into the ravine. Then someone came and asked why his colleague had been killed for nothing.

PRESIDENT: Who had arrested him?

KAMUGUNGA: The gendarmes in the car I mentioned.

PRESIDENT: Commander BIRIKUNZIRA was there?

KAMUGUNGA: He came later, in a red vehicle.

PRESIDENT: So there were 2 vehicles?

KAMUGUNGA: Yes, one and a second that came later.

PRESIDENT: Who was in the first one?

KAMUGUNGA: Gendarmes including those whose names I gave you, there was Gervais.

PRESIDENT: Who was he?

KAMUGUNGA: He was a court judge. Then in the evening, the sons of this judge started to mobilise the population. They killed Tutsis in Akazu k'amazi. They were killed by Adjudant BIGUMA, the gendarmes and the sons of the judges I mentioned. They killed them with sticks and clubs.

PRESIDENT: Where were you?

KAMUGUNGA: I was very close by, in an avocado grove, just a few metres away.

PRESIDENT: Nobody noticed that you were in the avocado grove?

KAMUGUNGA: Nobody, because it was dark. Then I came down from the avocado tree and fled.

PRESIDENT: How many people did they kill that day?

KAMUGUNGA: I can't tell you the number because when I came down, I went to the top of a hill and I crossed a river called NTARUKA.

PRESIDENT: Was RUGEMA killed at the same time as the others?

KAMUGUNGA: No. I knew that RUGEMA was in his vehicle because I heard Jean-Baptiste ask why they had stopped him in his vehicle.

PRESIDENT: Who was thrown into the ravine?

KAMUGUNGA: REBERUKA . He succumbed to his injuries during the night.

PRESIDENT: And then?

KAMUGUNGA: I joined a group of people, and there was Burgomaster SEKIMONYO. My little brother and sister were also there. Warrant Officer BIGUMA found us in GISEKI wood. He threw a grenade into our group and we got separated. The grenade blast wounded me in the head. I kept running and people were going left and right. Then I went near a building next to a cassava field. There was a man who worked in a court. He was from GIKONGORO.

PRESIDENT: Did they kill him?

KAMUGUNGA: Yes, they killed him later.

PRESIDENT: How long did you stay in hiding?

KAMUGUNGA: I stayed a long time.

PRESIDENT: How did you manage to survive?

KAMUGUNGA :

PRESIDENT: Do you remember the vehicles you saw them using?

KAMUGUNGA: They used their vehicles, a red Toyota and vehicles they had taken from the Tutsis. As far as Philippe is concerned, he was with BIRIKUNZIRA, with other gendarmes. They went to the homes of rich Tutsis to take their vehicles and when they wanted to shoot someone they did so, otherwise they asked the Interahamwe to do it.

PRESIDENT: Do you know what a mortar is?

KAMUGUNGA: Yes, what I saw were rifles and grenades.

PRESIDENT: Did you see a mortar?

KAMUGUNGA: Yes, they had this weapon in the vehicle and they carried it when they got out.

PRESIDENT: Do you want to add anything?

KAMUGUNGA: Just that with time, you don't remember everything. But we want justice.

QUESTIONS FROM THE CIVIL PARTIES

Lawyer: Could you explain how you managed to survive when you were in hiding? Especially to eat?

KAMUGUNGA: To eat, where I was hiding there was a cassava field.

Mr President resumes.

PRESIDENT: Did other members of your family die?

KAMUGUNGA: My sister, my older brother, my younger brother and my mother.

PRESIDENT: And your father?

KAMUGUNGA: He had died before.

QUESTIONS FROM THE PROSECUTION

MP: Can you confirm that you were heard by investigators for the International Criminal Court and not in Arusha?

KAMUGUNGA: Yes.

MP: It says that you were a pupil at the Saint Emmanuelle school in NYANZA, can you confirm that?

KAMUGUNGA: I had just finished primary school.

MP: Did you have any health problems?

KAMUGUNGA: No, I'm not ill, but during the commemorations, people can express their emotions differently. Some people cry, shout, and some keep things to themselves and that can develop traumas. In 2017, I experienced trauma and saw doctors.

QUESTIONS FROM THE DEFENCE

Maître DUCE: Have you testified in other cases?

KAMUGUNGA: Yes.

Maître DUCE: You say that you know the accused very well, but you were 10 years old.

KAMUGUNGA: Yes.

Maître DUCE: You knew him because he was seeing a certain Jeanne?

KAMUGUNGA: Yes.

Maître DUCE: How did you know that?

KAMUGUNGA: Everyone knew, they walked together, they sang together.

Maître DUCE: You said he was fat, but he was athletic. Can you describe his clothes?

KAMUGUNGA: It's a khaki uniform, with stars.

Hearing of Mr Emmanuel Rubagumya, summoned at the request of the public prosecutor. The witness will appear as a civil party at the end of his hearing. It should be noted that this witness had given his testimony to the CPR in 2013, which is included in the complaint.

After declaring his identity, the witness did not know whether he would join the civil party case. He was going to testify, which was why he had come.

He knew BIGUMA who used to come and eat kebabs at his cafe. He gives a vague physical description and describes his uniform: a red beret and a star on his shoulder. He knew him as BIGUMA NDAGIJIMANA, but admitted he had made a mistake.

The witness went on to say that after 7 April the Tutsis began to be killed. He witnessed the death of a young man, killed in the gendarmerie's avocado field. The next day, the accused went to arrest the mayor of NTYAZO. At the wheel was Paul NYONZIMA. NYAGASAZA was killed by the accused, below the house of NTASHAMAJE Antoine, where, the day before, they had killed RUGEMA, his wife and children, as well as AMON. A bricklayer, Pierre NTEZIMANA, was also killed, shot by the gendarmes. His children told him this.

The president then confronted the witness with his many contradictions, so much so that he asked him if he had memory problems.

He left with others for RUSATIRA, where he found many refugees with their cows. BIGUMA arrived with his chief and they shot at them. Later, they hit him and threw him into a hole. More than 80 bodies were thrown at him. They also killed his pregnant wife, but the witness gets lost and has difficulty specifying the circumstances in which all this happened.

Mr Rubagumya is one of the witnesses that the CPR heard when the complaint was lodged.

Today, he lives on a "pension" from FARG, a fund to help genocide survivors. With the 12,000 francs he receives every month, he can go to Kigali for treatment. He has a sight problem. When he was shown the photographic plate, he clearly recognised Mr BIGUMA in photo number 4.

The President asked the witness to look at the accused. He obviously couldn't see very well, so he approached, looked carefully and stretched out an arm towards the accused. He looked at him for quite a long time and in a whisper: "It's him!"

Ms. AÏT AMOU, for the prosecution, reminded the witness that he had testified before the CNLG (Rwanda Genocide Commission) and that on that occasion he had already named the accused NDAGIJIMANA. He had also testified against BIGUMA and Pascal BARAHIRA in the RWESERO Gacaca.

The defence was going to ask some questions in turn, but the president pointed out to the lawyer that some of the answers had already been given: there was therefore no point in making the witness repeat what he had already said. As the witness did not answer as she would have wished, she also wondered whether he might have memory problems.

Hearing of General Jean VARRET, summoned under the President's discretionary power.

Summoned by the Chairman very recently, General Jean VARRET took the witness stand: "You have a long career, you know what it is to be a soldier. You have a long career, you know the context. We are judging the Rwandan genocide! I think this is a clumsy shortcut. It is Mr Biguma who is on trial for the genocide of the Tutsis of Rwanda.

The witness talked about his responsibilities in the early 90s. He was appointed head of military cooperation, a responsibility that covered 26 countries. His attention was drawn to Rwanda. Under his command was Colonel GALINIÉ, who kept him regularly informed of the situation. His first trip to Rwanda in 1990 confirmed his fears: it was the extremists from the north who were in power, the BAKIGA, around Madame Agathe HABYARIMANA.

Having requested a meeting with the Rwandan gendarmes, he heard Colonel Pierre-Célestin RWAGAFILITA [then Head of the Gendarmerie] demand heavy weapons. At the end of the meeting, RWAGAFILITA asked General VARRET for a face-to-face meeting and repeated his request: "These weapons will help us solve the problem: the Tutsis. He therefore wanted the Tutsis to be exterminated.

The general talked to the ambassador who got him a meeting with President Habyarimana. The latter expressed his anger: "He told you that, that idiot, I'll fire him". It was not until two years later that the decision was taken to dismiss him.

But what brought General VARRET to the stand were the remarks that Colonel ROBARDEY allegedly made to the witness. He allegedly said that General VARRET was a "liar" and that this episode could not possibly have existed. Having been informed of Colonel NDINDILYIMANA's testimony reporting Michel ROBARDEY's reaction, General VARRET wanted to know for sure. In a fax addressed to him, which the general was authorised to communicate to the court, Colonel ROBARDEY wrote: "I have always indicated that I was not present at the interview, that knowing RWAGAFILITA, his words are plausible and that there was no question of this interview during the trial of Pascal SIMBIKANGWA [in 2014].

Maître Jean SIMON asked the witness whether the Rwandan gendarmerie had mortars and helicopters. To his knowledge, no, but the Rwandan army did, the helicopters having been supplied by France.

Why was President Habyarimana furious? Two hypotheses: either he was furious that RWAGAFILITA had revealed his intention to start a genocide, or he was simply furious with his Chief of Staff of the Gendarmerie for having dared to make such threats. We will never know.

Maître BERNARDINI, referring to the book by Raphaël DORIDANT and François GRANER, recalls that General VARRET was considered an "obstacle". The COS [Special Operations Forces] was then entrusted to General LANXADE, which deprived General VARRET of control of the paratroopers.

The witness added: "I was gradually sidelined". He was no longer obeyed by some of the French military.

Major QUESNOT, François MITTERRAND's Chief of Staff, finally acknowledged that General VARRET's warnings were "credible" and regretted that they had not been heeded.

He went on to talk about the famous "FACHODA complex", France's military doctrine that led to its involvement with a genocidal regime (a conflict between Anglo-Saxon and French influence). France was afraid, with the attack by the RPF supported by UGANDA, of losing its land.

The defence wanted the witness say that it was the RPF that exterminated the "moderate Hutus" (Note. We're talking about opposition Hutus), whereas in reality it was the Presidential Guard that, from the morning of 7 April, exterminated a large number of Hutus opposed to President Habyarimana.

RWAGAFILITA had indeed said that he wanted to exterminate the Tutsis and not the RPF soldiers, the witness said. The meeting he had with RWAGAFILITA was indeed a "tête à tête".

### **Day 9 Wednesday 24 May**

Hearing of Damascene BUKUBA, 69 years old, killer, at the RWESERO roadblock, summoned at the request of the prosecution, by videoconference

The first witness of this ninth day is Damascene BUKUBA. He was a tailor who lived in RWESERO at the time of the Tutsi genocide. He was heard by video conference and said he knew the accused. During questions from President LAVERGNE, the witness stated that he had served at a roadblock in RWESERO. It was sector councillors who had decided to set up the road blocks, in particular councillors Gervais TWAGIRIMANA and RUDAHUNGA. He said that he saw BIGUMA coming often to the barrier to talk with the sector councillors. He never participated in the "incitement" meetings, but he had been ordered to go to the roadblock.

When the president asked the witness why the roadblocks were erected, he replied that it was to ensure the security of the population, which meant arresting and killing Tutsis. The barrier he held was installed next to the house of Jean-Pierre NGIRINSHUTI, a Tutsi. Concerning the accused, Damascène confirmed that he often came to travel by motorbike, and that he was known as "not a good person".

Hearing of Lameck NIZEYIMANA, aged 47, assailant, barrier of RWESERO, summoned at the request of the prosecution, videoconference.

(His state of health does not allow him to travel, which is why he will be heard by videoconference from Kigali).

The second witness of the day is Lameck NIZEYIMANA, who is also being heard by videoconference from KIGALI. He is currently a bricklayer and farmer, but in 1994 he was 18 years old and a secondary school student. He comes from RUKARI, a small commune near NYANZA. In his spontaneous statement, he began by saying that he had come to testify against Philippe HATEGEKIMANA concerning his role during the Tutsi genocide. Mr. NIZEYIMANA was part of a group of killers who



operated at the RUKARI barrier and who were led by the secretary of the NYABISINDU sub-prefecture, Jean Damascène MUGENZI.

He said that after the attack of President HABYARIMANA, the Tutsis started to hide and groups of Hutus composed of northerners started the massacres. When the President mentioned the CDR (extremist Hutu political party) and Hutu Power (extremist Hutu ideology) to the witness, he said that several members of these groups were in charge of industrial, medical, judicial and school establishments in NYANZA. They organised political meetings at the NYANZA stadium before the genocide began. On 22 April 1994, Captain BIRIKUNZIRA and Chief Warrant Officer HATEGEKIMANA started to incite the population to kill Tutsis by showing an example of "how to kill". On 23 April, Mr NIZEYIMANA received the order to post himself at the RUKARI roadblock. At the barrier, he and the other Hutus present were armed with sticks, machetes and clubs.

The witness recounts various anecdotes involving the accused. One day, Captain BIRIKUNZIRA and BIGUMA arrived in a car, with gendarmes in the back. They gave them the order to kill the Tutsis, to eat their cows and to destroy their houses. The witness then recounted that, one day a little later, since he did not have an identity card, he went to ask Gervais TWAGIRIMANA for an attestation at another roadblock to prove that he was Hutu. When he arrived at the roadblock, he saw the accused and other gendarmes telling people to kill the Tutsis gathered at the roadblock in the avocado field, which was located a little further away.

Mr. NIZEYIMANA then launched into a striking account of a massacre in an ADEPR Pentecostal church. Captain BIRIKUNZIRA and the gendarmes asked someone to come and get gasoline to burn the houses of the Tutsis and asked them to bring a whistle to warn the gendarmes when they needed reinforcements. With this petrol, the group of civilians of which the witness was a member burnt down the church which contained several Tutsi refugees. Seeing that the Tutsis had not died in the fire, the group took them out and used the whistle as BIRIKUNZIRA and BIGUMA had indicated. Then, gendarmes who were committing massacres at the NYANZA stadium and at the KABARE forest arrived and killed the group of about fifteen Tutsis with firearms. The church was then looted and the corpses buried.

When the president asked him what had happened at the NYANZA stadium and at the KABARE forest, the witness said that he had seen a group of gendarmes and civilians kill Tutsis. Before killing them, they stripped the rich Tutsis and raped the women.

Finally, the witness responded to the Chairperson's question about the end of the roadblocks by saying that they remained in place until the RPF took the city on May 30, 1994.

Mr. NIZEYIMANA was sentenced to 15 years in prison. He pleaded guilty and asked for forgiveness. The questions of the civil parties, the prosecution and the defence were postponed until later in view of the time and the upcoming witnesses who had travelled to be heard by the court.

Hearing of Mr Alfred HABIMANA, assailant, at the Akazu k'amazi road block, summoned at the request of the prosecution.

The witness had been sentenced to 14 years in prison, including five years of community service. He was released in 2015. He reported that he was injured in KIBEHO during the dismantling of the refugee camp. Hence his memory problems since then. He assisted manning the roadblock at RUGANO, very close to the communal office of RWESERO.

It was the gendarmes, including BIGUMA, who told them to erect the barriers. It was they who requisitioned them while they were having a drink in a bar.

On the same day, the witness confessed to killing a woman they had gone to flush out of her house: EPIPHANIE, that was her name, was a judge and was taken to the gate and executed. They also looted the house, as they were asked to do. Mr. HABIMANA said that he asked for forgiveness for this crime.

The witness is suspicious. He did not want what he said to be turned against him. The president reassured him that he was not on trial.

Boniface's house on the Akazu k'amazi road block .

The witness said that he had seen the bodies of people who had been locked up in BONIFACE's house on the Akazu k'amazi fence. If they went to look for EPIPHANIE, it was because the gendarmes reproached them for staying without doing anything.

Mr HABIMANA said that he did not know the accused but people were saying "here is BIGUMA". He did not know his rank but he was always accompanied by gendarmes.

"We were asked to go to work and if we refused, we were killed. This is what happened to his brother NZANMURAMBANO. Many of his family members died in exile but, he adds, "we can't talk about it. The survivors can talk but we can't."

Asked whether he speaks about BIGUMA, he says it is in the name of truth and not because he has to. He added: "If the gendarmes had not incited us to kill, nothing would have happened.

A few questions from the parties will help to clarify one point or another. It was Maître GUEJ who had the final word, not at all convinced by the sincerity of the witness: "In fact, you never saw BIGUMA. You did not recognise him on the photographs presented to you by the investigators and yet, today, you say, by looking at him, that his face tells you something!

Hearing of Mr Michel MBYARIYINGOMA, alias KACERI (wrestler), assailant at the RUGARAMA roadblock, summoned at the request of the prosecution.

The witness reported that after the attack against President HABYARIMANA, there were changes in the population. Councillor Gervais TWAGIRIMANA convened a meeting during which it was decided to erect barriers. The aim was "to flush out the Tutsis, to hunt them down everywhere, to eat their cows and to loot their houses. This meeting was held in the 'gendarmes' wood', very close to their camp, below the communal office. The civilian population was present. Many authorities were present, including the commander of the gendarmerie and his men, Councillor Gervais, the director of the dairy and the director of the forge. Among the gendarmes, the witness recognised César. During his hearing by the French gendarmes, he said that he had also seen BIGUMA!

After the meeting, according to the witness, the gendarmes went to flush out the Tutsis and bring them back to the roadblocks. He himself stood at the Akazu k'amazi roadblock. He said that he then went to look for a certain VENANTIE, without forgetting to take his cows which they slaughtered and ate at the roadblock. Without giving further explanations, he said that this woman would have been saved and that she would still be alive today.

The witness then recalled the episode of the death of the Tutsis locked up in Boniface's house. He was there when they were executed the next day. Among the victims, about thirty people, mostly old men. However, no women were raped. The massacres lasted until the arrival of the RPF.

When asked about BIGUMA, his height, his build, etc., he contradicted himself and ended up admitting, following the President, that he was not sure of anything about BIGUMA.

This is another witness who did not really shed any light on what happened at the road block. One sometimes wonders why this or that witness was summoned.

To close the day, the President proposed that the documentary "Kill them all" be shown.

Four witnesses should be heard tomorrow: Albert KABERA, the assailant of the Akazu k'amazi barrier, Sabine UWASE, Emmanuel KAMUGUNGA and Emmanuel RUBAGUMYA.

### **Day 7: Monday 22 May**

Hearing of Mr Callixte KANIMBA, retired Gendarmerie Colonel, by video conference from KIGALI.

The witness knows Philippe HATEGEKIMANA, they fought together in RUHENGERI. He has been retired since 2014.

At the request of the President, Mr KANIMBA outlined the stages of his career. He held an important position in KACYIRU, as commander of four gendarmerie companies: NYAMIRAMBO, GIKONDO, REMERA and NYARUGENGE. The KANOMBE airport company was under the command of Colonel Jean-Marie Vianney NZAPFAKUMUNSI who will be heard in the morning.

The witness said that some officers had an escort. This was the case of Laurent RUTAYISIRE (Editor's note: he refused to testify and was reportedly concerned about his safety).

The witness knew the nickname BIGUMA of the accused, the only gendarme to bear that pseudonym. They stayed together for three years in RUHENGERI.

Throughout his testimony, the witness stated that Philippe HATEGEKIMANA arrived in KIGALI with the BUTARE company on 19 April under the command of Cyriaque HABYARABATUMA. This was denied by the latter, when he was heard on Tuesday, May 16. Augustin NDINDILYIMANA, heard the same day, spoke of mid-May.

Contrary to what the accused claimed, Philippe HATEGEKIMANA did not present himself to him upon his arrival. He was not under his orders.

The witness said he left Kigali on May 29 or 30 for Gikongoro. He did not meet BIGUMA there. It was from the media that he learned that the accused had come to France.

The president does not understand very well: 'There is a HATEGEKIMANA mystery. Laurent RUTAYISIRE says that the accused was his escort in mid-May 1994'

Maître GUEDJ, for the defence, contests this date.

On questions from the president, the witness mentions his departure from KIGALI: first to CONGO (Kinshasa), then to GABON. From there, he returned to KIGALI. He did not keep any contact with the accused.

The only question that the witness asked in conclusion was: "Who transferred Philippe HATEGEKIMANA to KACYIRU? That is the question'.

On questions from the civil parties' lawyers, the witness said that he had known BIGUMA since 1993, being originally from a neighbouring commune, KARAMA. He did not know whether the accused had left Kigali with Laurent RURAYISIRE, as he himself had already left the capital.

On questioning by the President, Callixte KANIMBA was not prosecuted for genocide. He joined the RPF in 1996. In BUKAVU, as in GABON, he joined the Marist Brothers. He knew that the Tutsis were massacred but did not know who was organising the massacres! At the KACYIRU camp, there were no Interahamwe. Nor does he know whether gendarmes were involved in the massacres. He does not know either if Tutsis were killed on the roadblocks because from 6 April, he did not leave the KACYIRU camp! (Note: Who can really believe this?) Except to go to a meeting on 7 April three or four kilometres from the camp. On the way, no road blocks! Everything was quiet, only the sound of gunfire. Some soldiers took part in the massacres, but not the gendarmes, not in his presence in any case.

It was through a lady that he learned what had happened to Antoine NTGUGURA (Note: His daughter has lodged a civil case).

When he left KIGALI, he only met one barrier, in GIKONGORO!

On his return to Rwanda, he was assigned to the General Staff, as a commander from 2010 to 2014. He has never been pressured about the trial, has never worried about it.

Maître PHILIPPART introduced herself as the lawyer of the daughter of Antoine NTAGUGURA, a teacher in NYANZA, who was allegedly killed by gendarmes.

The witness: "I know her father well. Philippe HATEGEKIMANA is mentioned in this case. But I do not know more".

The prosecutor, Ms. VIGUIER, pointed out to the witness that BIGUMA did not leave NYANZA that day, but he continued to affirm that the BUTARE gendarmes reached KACYIRU on 19 April. He is affirmative, even if the accused says the opposite. Is it possible that BIGUMA came later? "Possible, but...". In any case, Mr KANIMBA admits that he does not know what happened in NYANZA.

The second public prosecutor, Ms Ait Amou, again told the witness that the accused did not present himself to her when he arrived in KACYIRU. He had "crossed paths" with BIGUMA at the KACYIRU camp and confirmed that BIGUMA had indeed been assigned to the defence of the camp. The lawyer read out Laurent RUTAYISIRE's statement: BIGUMA had been seconded in the second half of May 1994.

Maître GUEDJ, for the defence, questioned the witness in turn. Mr KANIMBA did not witness any criminal acts committed by the accused. He himself never went to NYANZA IN 1994. If BIGUMA was transferred to KACYIRU, it was not to be assigned to the protection of Laurent RUTAYISIRE. He does not know the date of this assignment.

Lawyer: "Was Laurent RUTAYISIRE worried about his safety?"

Witness: "He did not get along well with the officers in the North. Personally, I did not fear for my safety. This is the first time he has been heard in the context of the genocide.

Lawyer: "What positions did you hold after the genocide?"

Witness: "I was a group commander in BUTARE, RUHENGERI and KIGALI. Then officer at Bureau 1, battalion commander and then brigade commander. He confirmed that he had been promoted by the RPF and that he had participated in missions outside the country.

"No one came to speak to me before my hearing," the witness replied when asked by the defence counsel.

Hearing of Mr. Jean-Marie Vianney NZAPFAKUMUNSI, MUNSI since his naturalisation, former lieutenant colonel of the gendarmerie, summoned at the request of the prosecution.

The witness briefly recalled his situation in April 1994. He was in command of the KANOMBE airport company, then was appointed as an S3 officer of the KACYIRU camp. His direct superior was Gendarme NYIRIMANZI, as the gendarmerie had come under the orders of the army. According to rumours, some officers were transferred because they were not very 'hot' to get involved in the genocide.

Callixte KANIMBA replaced him in November 1993. He never had BIGUMA under his command.

The witness knew BIGUMA well as he had worked in the RUHENGERI commando battalion. He remembered him as a great sportsman. He also knew his wife who was under his orders when he was a second lieutenant, he recalls. Since 1994, he has not seen Philippe HATEGEKIMANA again. Contrary to what the accused says, the witness never met him at the KACYIRU camp. He also does not know whether BIGUMA was appointed to Laurent RUTAYISIRE's escort. "It is not logical for a chief warrant officer to be appointed as an officer's escort, but it could happen," the witness said.

Did he hear anything about the involvement of gendarmes in NYANZA? No, he never went to NYANZA.

The witness was then led to mention the troubles that Rwanda experienced at the time of the multiparty system. He alluded to the retirement of Colonels SERUBUGA (as head of army) and RWAGAFILITA (as head of Gendarmerie), who blamed him for his ousting.

The president pointed out to the witness that, despite his bad relationship with RWAGAFILITA, he had participated in his funeral. NZAPFAKUMUNSI retorted that it was part of Rwandan culture to accompany a deceased person to his or her final resting place, even if the person was not a friend.

Maître KARONGOZI pointed out to the witness that there were not many warrant officers in the gendarmerie. Being a sportsman was a plus.

In NYANZA, BIGUMA was responsible for granting driving licences?

The witness: It was an internal organisation. He himself was in charge. It was an important position at the time.

The prosecution asked the witness about his flight from Rwanda.

The witness: He went to France from CAMEROON. He used the services of smugglers (Note: Like BIGUMA). He applied for asylum using his real name, he never lied about his identity or his function in Rwanda (Note: This is not what the accused claimed as he said he was obliged not to mention his military past in order to obtain asylum).

The President asked whether the gendarmes had mortars or even a helicopter in NYANZA.

The witness: About NYANZA, which was an independent unit, he does not know. But the gendarmerie could ask for the support of the military to obtain a helicopter.

It is the turn of the defence to question the witness. Maître ALTIT informed the President that he would need one hour to ask his questions.

After asking the witness if he prefers to be heard that evening or if he prefers to come back, the President decides to call him at a later date to which he will inform him.

Hearing of Mr Erasme NTAZINDA, Mayor of NYANZA, by video conference from KIGALI, summoned under the discretionary power of the President. He was a civil party at the beginning of the trial.

The third witness of the day was Erasme NTAZINDA, the current mayor of NYANZA and survivor of the Tutsi genocide. In his spontaneous statement, Erasme NTAZINDA recounts his background. He was born in NYANZA. Later, he went to the north of the country to study at the University of NYAKINAMA. During his studies, he observed the consequences of segregation and the emphasis on ethnicity, which he felt less in NYANZA, especially within his student organisation. A significant example: a candidate for the presidency of the student association mentioned his Hutu nationality!

When Mr. NTAZINDA learnt about the attack on the President on 6 April 1994 and the beginning of the massacres throughout the country, he quickly returned to NYANZA, where the massacres later started. During the genocide, the witness lost his sister, his uncle, his wife and their children during the massacre at KARAMA hill.

The witness affirmed the great role played by the police in the genocide in Rwanda. It was necessary for the military to come and "sensitise" the massacre so that the population could start participating in the genocide. In this region, there was no apparent segregation before April 1994. In order to encourage the population to massacre, he was told that killing a Tutsi allowed him to recover his property afterwards.

The witness referred several times to a report, a report in Kinyarwanda produced by academics under the direction of Déo BYANAFASHE; this document, translated into French, informs us about the massacres that took place in the region and their consequences.

After his spontaneous testimony, President LAVERGNE asked the witness to enlighten the jury on the history of royalty and on the place that the king had particularly in NYANZA. NYANZA is indeed the place of the last resting place of the Tutsi king and queen. According to Mr. NTAZINDA, this presence allowed a certain cohesion within the population. It is for this reason that during the genocide, the symbols of this monarchy were targeted. The queen, Rosalie GICANDA, was one of the first victims in BUTARE (Note: Having recently returned from Belgium, she suffered an atrocious and humiliating death).

The witness was then asked to speak about the current consequences that he observed in the town of NYANZA as mayor. NYANZA was a refugee town for many Tutsis and thus experienced a lot of loss of life. He spoke of a lack of cohesion, a large number of precarious situations and trauma for the inhabitants of the region. Several mechanisms have been put in place to offer psychological and material follow-up and to maintain the process of remembering the genocide. He stated that forgiveness is ready to be granted to those who ask for it, but this forgiveness must be based on an acknowledgement of the past.

Maître ALTIT, for the defence, attacked the witness by reminding the jury that Mr NTAZINDA joined the RPF army and that he ran for mayor under the RPF label.

#### **Day 6: Wednesday 17 May**

Hearing of Ms Angélique TESIRE, former Tutsi gendarme, secretary to Captain BIRIKUNZIRA of the NYANZA brigade, summoned at the request of the prosecution.

Before the President gave her the floor, he asked her to turn around and say whether she recognised the accused. She answers in the affirmative. Mr MANIER replies that he too knows the witness.

In her spontaneous statement, Angélique TESIRE, a former Tutsi gendarme, begins by recounting a significant episode in her career. She recounts that BIGUMA ordered her one day to put on civilian clothes and to let her be escorted to the hospital in order to be examined. He thought she had had an abortion. Abortion was a severely punished crime at that time and the witness says she felt humiliated. She thought that the decision had come from Major BIRIKUNZIRA at the time. But she learned much later that it was in fact Philippe HATEGKIMANA who had himself confessed to it during a video-conference confrontation procedure in 2019. He had then refused to allow Madame TESIRE to testify against him, claiming that she was doing so "out of a spirit of revenge".

President LAVERGNE asked Madame TESIRE to talk about her professional career. She worked at the NYANZA gendarmerie as a typist from 1992. She is a Tutsi, but her parents had managed to have the word Hutu appear on her identity card so that she could join the gendarmerie. We learn more about the NYANZA gendarmerie, which was located in a camp away from the town, near the dairy. The gendarmerie operated throughout the NYABISINDU sub-prefecture and the gendarmes and some of their families lived there. The witness confirmed the existence of differences in treatment between Tutsi and Hutu gendarmes even before the genocide.

She also informed the president about the functions that the accused carried out within the gendarmerie and confirmed that he was in charge of coordinating the activities of the gendarmes, i.e. schedules, rotations, etc. He was required to leave the camp to go to the police station. He had to go out of the camp to visit the detachments, to check on the gendarmes on duty and to ensure that they had enough to eat.

When questioned about the attacks of 6 April 1994, Ms TESIRE stated that it was from this event that the killings began throughout the country. In NYANZA, the massacres began a little later, particularly after the broadcasting of President SINDIKUBWABO's speech on April 21 [on a visit to Butare, the President made a highly inflammatory speech demanding the 'work' or killing start in the region]. It was around this time that, one day, the soldiers in training at the ESO (Ecole des Sous-Officiers de BUTARE) arrived armed. They joined the gendarmes during a meeting. After this meeting, the soldiers and gendarmes reportedly left the gendarmerie armed with rifles to begin the massacres. A few hours later, the soldiers returned to the ESO and the gendarmes were arrested. A few hours

later, the soldiers returned to the ESO and the gendarmes returned to the gendarmerie, bragging about their exploits.

Angélique TESIRE then recounted the day of the death of the mayor of NTYAZO. She saw him arrive with Philippe HATEGEKIMANA. She then saw him leave the camp in a white van. Later, she heard that he had been killed. Regarding the ISAR SONGA massacre, [Insitute of rural science-] the witness said she saw the accused take a mortar out of the camp. She also confirmed that HATEGEKIMANA was indeed known by the nickname BIGUMA and that no one else in the region had the same nickname. She also confirms that the instructions "to ensure security" that were often heard during the proceedings had the meaning that was attributed to it. It meant killing Tutsis. According to her, there is no doubt that the genocide had been prepared and planned for a long time. Angélique TESIRE left NYANZA around 14 May 1994.

When the defence questions the witness, the guideline of the questioning remains the same: were there RPF attacks? Did these attacks cause victims? These are all questions that have nothing to do with the MANIER case that concerns their client.

Hearing of Mrs. Pélagie UWIZEYIMANA, former gendarme of the NYANZA brigade, nurse, summoned at the request of the prosecution.

Before the President gave her the floor, he asked her to turn around and say whether she recognised the accused. She answers in the affirmative. On the other hand, Mr. MANIER says he does not recognise her.

The second witness of the day was Pélagie UWIZEYIMANA. Pélagie was a nurse at NYANZA camp when the genocide started. She decided not to make a spontaneous statement.

When questioned by the president, she confirmed the statements made by Ms. TESIRE on life in the camp, on the nickname of the accused and on his duties. She mentioned a ceremony at the beginning of each day, during which Chief Warrant Officer HATEGEKIMANA gave his assignments to each and every person. Like the previous witness, she saw the ESO [training college] soldiers arrive on the day the massacres began.

She also saw HATEGEKIMANA take Burgomaster NYAGASAZA outside the camp. When President LAVERGNE asked her whether she knew the accused's opinions about the Tutsis before the genocide, she replied that he often used the same expression to refer to "those Tutsi dogs".

In her opinion, Philippe HATEGEKIMANA was transferred in May. She heard about the massacres of NYABUBARE, NYAMURE and ISAR SONGA from the gendarmes themselves.

We also learned that the NYANZA gendarmes were in the habit of looting and extorting the property of the Tutsis killed, particularly their cars, and that BIGUMA was perceived as rich, even before the genocide. We also learnt that the gendarmes and militiamen used to sing before the massacres to give themselves courage. Mrs UWIZEYIMANA left NYANZA towards the end of June with the rest of the camp.

The witness ended her hearing by thanking the court for the prosecution of the genocidaires. She said she was "impressed and honoured" to have been called to testify.

Hearing of Mrs Odoratta MUKARUSHEMA, wife of Philippe MANIER's driver, summoned by the prosecution at the request of the CPCR.



Before the President gave her the floor, he asked her to turn around and say whether she recognised the accused. She answers in the affirmative. Mr MANIER replies that he too knows the witness.

Mrs Odoratta MUKARUSHEMA, in her spontaneous statement, starts by saying that the events happened a long time ago and that she may have forgotten things. In 1994, she was living in RWESERO, near the gendarmerie camp. As she had recently given birth, she was at home. She herself had been a gendarme in KACYIRU and in the gendarmerie school. Her husband worked there as a driver. During the genocide, he drove Philippe MANIER. Her husband was arrested in 1995 and then released by the Attorney General GAHIMA. He is said to have died shortly after his release after being found innocent.

All that she knows about the behaviour of Mr. BIGUMA during the genocide, she got from her husband who drove him to the place of massacres. During the arrest of the burgomaster NYAGASAZA, it was her husband who drove the vehicle in which other Tutsis were standing. After passing through the gendarmerie camp, the vehicle returned to the MUSHIRARUNGU sector, near the witness' home. It was close by that the mayor of NYAZO was allegedly murdered.

On questions from the defence, the witness was led to say that the 'killings' started on 22 April in NYANZA and that she fled to GIKONGORO on 26 May 1994. She testified in the trial involving the headmaster of Christ the King College and before several Gacaca. 4] Her husband, a Hutu, had worked for a long time in the gendarmerie. She was led to repeat that no charges were brought against her husband until his release.

Invited to react to the witness' statements, Mr. MANIER stated that he would give his reactions to his counsel. He did not wish to ask any questions.

Hearing of Mr Didace KAYIGEMERA, former Tutsi gendarme of the NYANZA brigade, summoned at the request of the prosecution.

Asked to turn round to find out whether he recognised the accused, Mr KAYIGEMERA replied in the affirmative. Mr HATEGEKIMANA, for his part, said he did not recognise the witness.

After having remained in MUTARA until 1993, he was injured in the knee and remained in hospital for three months. He was then appointed to the KACYIRU camp in KIGALI until 1993, before joining NYANZA.

This testimony will not reveal much more about the accused's behaviour during the genocide. Regarding the personality of the accused, the witness reported that the accused changed his attitude from April 1994 onwards. He spoke of "enemy Tutsis".

Mr. KAYIGEMERA said that it was Colonel MUVUNYI [later convicted for genocide crimes at ICTR] who came from the ESO at the head of his men: the massacres then began. When the soldiers left, the massacres continued. He testified that he saw Mr. NYAGASAZA, the mayor of NYAZO, in the accused's car before Philippe HATEGEKIMANA left.

It should be noted that since the beginning of the trial, three jurors have asked not to take part in the trial, with medical certificates. Only three substitute jurors remain.

The trial will resume on Monday 22 May, at 9 am. We will then hear by video conference from KIGALI Mr Callixte KANIMBA, who has been summoned by virtue of the President's discretionary power. We

will then hear Colonel Jean-Marie Vianney NZAPFAKUMUNSI, a naturalized French citizen under the name of MUNSI, who is present at the trial.

### **Day 5, Tuesday 16 May**

Hearing of Mr Cyriaque HABYARABATUMA, detained in MAGERAGERE prison, by videoconference from Kigali. Witness called at the request of the prosecution.

The fifth day of the trial began with the hearing of Mr Cyriaque HABYARABATUMA, former Chief of Staff at the head of the national police after the genocide. He was heard by video conference as he is currently detained in MAGERAGERE prison following his conviction in 2004 for participation in the Tutsi genocide. The President asked Mr HABYARABATUMA about his background. He studied at the military academy in Hamburg, Germany, then returned to Rwanda and was assigned to head the gendarmerie corps in Butare in August 1990. He explained that in Butare, there were 3 camps, the gendarmerie in TABA, the school for non-commissioned officers (ESO), and the NGOMA camp.

The President asked the witness about several gendarmes in the Butare prefecture, such as Captain NYIZEHIMANA, Colonel François MUNYEGANGO, François-Xavier BIRIKUNZIRA. Mr. HABYARABATUMA never seems to know about their situation. He then stated that he only received orders through official channels. The President then asked him about Captain HATAGEKIMANA and the fact that he was a separate person from Philippe HATAGEKIMANA. He asked him for details on many very specific points such as the actions of the Presidential Guard or the Tumba group.

There were many questions about Captain BIRIKUNZIRA, the accused's hierarchical superior, and about their relationship, as well as the relationship between the captain and the gendarmes of the Akazu. The president asked him what happened during the meeting organized by President SINDIKUBWABO during his visit to Butare with the burgomasters in April 1994. Mr HABYARABATUMA claimed that he had not been present at this meeting as he had already been transferred.

It was during this meeting that the burgomasters and the population were reproached for not "working" enough, i.e. not killing enough Tutsis. President LAVERGNE asked the witness about his transfer. He stated that he had left Butare on 19 April before the NYABISINDU hill massacre, which implied that he could not have taken part. He says that he was reassigned to the front the next day: it is understood that he could not have seen HATAGEKIMANA in the days that followed. Mr HABYARABATUMA was a long-time acquaintance of the accused, they lived together in KACYIRU. When asked if he was surprised by the facts of which HATAGEKIMANA was accused, he stated that he was surprised, but that he had already heard of hateful remarks made by him towards Tutsis. The president asked him about the weapons available to the gendarmes. He answered rifles, machine guns, mortars. It was intended for war. For security purposes, there were small guns. Officers and chief warrant officers could have the same weapons as officers, but they could also have a 7-mm pistol. After the genocide, Mr. HABYARABATUMA was sent to the GAKO integration camp to be integrated into the RPF. He was then recruited in November 1995 and worked for the State for several years before being sentenced to life imprisonment in 2004.

The time came for questions from the civil parties' lawyers. Mr GISAGARA asked Mr HABYARABATUMA how he had learned that BIGUMA had killed Tutsis. He replied that he had learnt about it on his return from Kigali in June 1994 from the local population. He asked him what his salary was at the time and whether such a salary allowed someone to buy as many vehicles as the accused had at the time. He replied that by taking out a loan at the bank, it was possible. He then asserted that there was indeed a system of corruption around the commission for the allocation of driving licences. Then, questioned by the prosecution lawyers, Mr HABYARABATUMA explained the

difference between the ordinary competences (protection of the population) and the extraordinary competences (support to the military) of the gendarmerie. He detailed which weapons could be used when and by whom and then stated that mortars could not be used within the framework of the gendarmerie's ordinary powers. Mr HABYARABATUMA was asked about the telegram from the General Staff which gave instructions to protect the entire population without ethnic distinction. According to him, this telegram was respected except in a few cases of gendarmes who did what they wanted. Concerning the roadblocks, the witness said that they were only used to check the identities of people passing through them to ensure that no RPF member could escape. When asked whether the gendarmerie in Nyanza was equipped with mortars, he replied that it was. Finally, he replied that he had heard people reporting anti-Tutsi statements by HATAGEKIMANA. Finally, it was the turn of the defence to question Mr HABYARABATUMA about the number of gendarmes in Butare as well as the number of inhabitants, both answers were very uncertain. Maître ALTIT asked for details on the organisation of the gendarmerie contingents and on the tensions between gendarmes from the north and the south. According to him, there was an underlying antagonism that was not public. Again, the defence questions the witness about RPF attacks, their number and location in 1994. The still uncertain answers tell us nothing new. Regarding his involvement, he again stated that he had been transferred out of Butare on the evening of 19 April and that he had gone back to the front the next morning to fight the RPF. He finally stated, following questions from the defence, that nothing had been offered to him in exchange for this testimony.

Hearing of Mr Augustin NDINDILYIMANA, former Chief of Staff of the Rwandan National Gendarmerie. Witness called at the request of the prosecution.

How to account for the "performance" of Mr Augustin NDINDILYIMANA during his hearing. As a refugee in Belgium, he preferred to be heard by video-conference from Charleroi.

The witness does not wish to make a spontaneous statement: he does not really know Mr Philippe MANIER. He will submit to questions from President LAVERGNE.

After going through his CV, he admitted having met French officers who were in Rwanda as advisors. The discussion that Jean VARRET allegedly had with Pierre-Célestin RWAGAFILITA [former extremist head of the Gendarmerie], he described as "lies". Moreover, his friend Michel ROBARDEY, who came to testify at Pascal SIMBIKANGWA's appeal trial, [in 2014] told him that "this conversation did not take place.

Another lie is the reason that Minister James GASANA gave to justify his flight from Rwanda: he said he was threatened by "obscure killers", Amasasu [an extremist group among military officers led by Theoneste Bagosora], who did not exist. As for BAGOSORA, who was tried and convicted at the ICTR, he was "a man open to dialogue. When asked whether he was a moderate or an extremist, the witness said: "We don't know what that means. During my trial, I was asked to charge BAGOSORA.

In mid-May 1994, the witness admitted that he went to NYANZA to recruit gendarmes to provide security in the "safe zone." Having learned that there were problems with a certain Philippe HATEGEKIMANA, who did not get along well with the Tutsi gendarmes, he decided to have him transferred to the front under the orders of Major NYIRIMANZI, director of the KACYIRU camp. As to whether Philippe HATEGEKIMANA was appointed to protect Laurent RUTAYISIRE, as the accused claims, he does not know. A little later, he confided that the accused had "never been appointed head of RUTAYISIRE's escort".

On May 17, at GITARAMA, he reportedly met with President SINDIKUBWABO [President of the interim genocidal regime] who told him that he was in danger. This revelation confirmed the letter he

had received from a minister. Since André GUICHAOUA had published a list of officers who were RPF accomplices, the witness had to intervene with Laurent RUTAYISIRE on Radio Rwanda to say that they were alive and well.

The name of Jean-Marie Vianney NZAPFAKUMUNSI, naturalised under the name of MUNSI, then appeared in the conversation: he knew him (Note: This gendarmerie general will be heard next Monday at 10.30 a.m.).

The "KIGEME declaration", which consisted of the signatories dissociating themselves from the government, he could not sign it: he was in KINSHASA.

And did President SINDIKUBWABO's speech on 19 April in BUTARE influence the start of the massacres? "This speech was not clear," the witness continued. He talked about working. It all depends on how you interpret this term. People looked for the infiltrators, not the Tutsis.

And the enemy of the Interior? "I suppose it is these infiltrators".

Mr. President recalled that the witness was convicted and acquitted on appeal by the ICTR. He was detained for 11 years in ARUSHA and then found refuge in Belgium where he is involved in several associations. Which ones?

When questioned by the lawyers of the civil parties, Philippe HATEGEKIMANA mentioned his visit to the barriers "to see if the gendarmes were at their posts to protect the Tutsis".

"And were the babies who were massacred considered as infiltrators?

The witness: "People have misunderstood".

"Prime Minister Jean KAMBANDA [Prime Minister of the genocidal interim regime] confessed before the ICTR," noted another lawyer.

The witness: "Yes, but he recanted. He had been manipulated".

As to whether he recognises that there was a genocide in Rwanda, Mr. Augustin NDINDILYIMANA does not deny it: "I cannot deny what was recognised at the ICTR. It is impossible for him to pronounce the word GENOCIDE! And to affirm that Philippe HATEGEKIMANA did not leave the camp in NYANZA (Note: Why such an assertion when he claimed to know only vaguely the accused?) In mid-May, he did not even know that there had been massacres in NYANZA.

We will learn later that in order to help him get out of the country, the Prime Minister will appoint him as ambassador to Germany, a post he will never reach.

On questions from Maître PHILIPPART, the witness reveals that he only learned about the NYANZA massacres during his trial before the ICTR, that the notion of regionalism in the gendarmerie was a "cliché", RWAGAFILITA being from the North. As for the "enemy within", once again, this is something that has been "misunderstood". It's like SINDIKUBWABO's speech.

How do you recognise an "infiltrator" at the gates? The witness does not give up: "He is the one who was trained at MULINDI. (Note: MULINDI was the RPF base camp in northern Rwanda). Understand who was trained there.

On questioning by the Attorney General, Ms. VIGUIER, the witness acknowledged having been in charge of the Crisis Committee after the attack. In NYANZA, in mid-May, the accused was sent to the front under the command of KANIMBA. He did not know the nickname of BIGUMA used by the accused.

The defence did not wish to ask the accused any questions.

As for the personality of the witness, adept at lying or at speaking in tongues, everyone will judge the effectiveness of his words before the Court.

Hearing of Mr Laurent RUTAYISIRE, Colonel, former Director of External Security at the Ministry of Defence. Witness called at the request of the prosecution.

Until the last moment, the President waited to know if the witness would respond to his summons. Mr RUTAYISIRE finally sent a letter which the President read out to us. It is said that the MANIER family did contact him to come and testify on behalf of the accused. He replied that he would not come, that his presence at the trial was "useless".

However, the President will read out Laurent RUTAYISIRE's statement during his hearing in the presence of the Belgian judges.

Invited to speak, Mr MANIER said that he had nothing to add.

#### **Day 4: Monday 15 May**

Hearing of General Jean-Philippe REILAND, Head of the OCLCH, summoned at the request of the Public Prosecutor.

Spontaneous statement :

General REILAND works at the Central Office for the Fight against Crimes against Humanity and Hate Crimes. It is a specialised judicial police service attached to the general directorate of the national gendarmerie or the national police. The main mission is the investigation, which is conducted alone or in conjunction with national police units. There are also missions of support and coordination of the action of the different services. This service was created in 2013 in response to the signing of the Rome Statute establishing the International Criminal Court. The magistrates make requests which are examined by the authorities of these countries relating to specific acts such as, for example, the request to carry out investigations on the spot by questioning witnesses. OCLCH teams usually visit Rwanda 2 to 3 times a year.

Questions :

The Chairman asked General REILAND about the different sources used. He replied that among the materials available, there were hearings, transcripts of ICTR hearings, minutes of Gacaca hearings, witness identifications, NGO reports and reports from international organisations. The attorneys for the Public Prosecutor's Office asked the General to explain the workings of the embassy attachés and the precursors. The precursors are gendarmes sent on site to prepare the hearing of witnesses. The French embassy attachés in Kigali make it possible to limit the sending of precursors. General REILAND had the opportunity to explain the conditions under which the hearings took place, which respected several precautionary requirements to ensure the veracity of the testimony. The people in the service are trained, and before proceeding with the hearings, they use background documents, a

variety of literature on the past situation in Rwanda. They also cross-check information to verify the reliability of statements.

Hearing of Ms. Emilie CAPEILLE, Director of Investigation (in charge of the first investigations conducted by the OCLCH. Summoned at the request of the public prosecutor.

Spontaneous statement:

In 2015, I was director of investigation at the OCLCH and, in this capacity, I participated in the commission rogatoire concerning Philippe MANIER. This rogatory commission followed the complaint filed by the CPCR, a complaint which accused Philippe MANIER of participation in the genocide."

The witness then listed most of the charges contained in the investigating judges' OMA (Order for Indictment), specifying the main places where the massacres were committed: NYABUBARE hill, NYAMURE hill and ISAR SONGA (Note: With regard to the latter location, the judges had ordered that the case be dismissed, but following an appeal by the CPCR, the judges reclassified the case).

The witness specified that the accused was then located in the Rennes region (NDR. The CPCR had indicated Mr. MANIER's address in its complaint). Mr MANIER had declared himself under a false identity.

From September 2015 to February 2019, several letters rogatory were organised in Rwanda during which numerous witness hearings were held, including those cited by the CPCR.

The first testimony focused on the day of 23 April 1994. Philippe MANIER, in his vehicle, went to look for the mayor of NTYAZO, Tharcisse NYAGASAZA, who was trying to cross the AKANYARU River into BURUNDI. The main witness in this case was Sector Councillor Israel DUSINGIZIMANA, currently detained in Rwanda.

The situation had remained relatively calm in NYANZA until 22 April. And the witness mentioned the transport of a mortar to NYABUBARE hill.

The witness names another important witness: Mathieu NDAHIMANA, the person in charge of the NYAMURE Health Centre. Regarding the attack on this hill, Ms. CAPEILLE mentions the name of Valens BAYINGANA, a survivor who will be heard on Thursday 8 June. Following this attack, there were approximately 10,000 victims.

Concerning ISAR SONGA, the judges did not have enough elements to accuse Philippe MANIER (see note above).

Ms CAPEILLE then mentions the telephone tapping that was set up. Mr MANIER had deleted his line but the tapping of his son GILBERT made it possible to learn that his father had left for Cameroon (round trip ticket but he would only use the outward journey), that his mother had sent the sum of 5,000 euros to his sister living in YAOUNDE. (NDR. Conversations of Philibert with his girlfriend).

When Mrs. MANIER, who had joined her husband, returned to France, the judges organised a search of their flat. According to her, her husband left NYANZA on 18 April for Kigali.

For the witness, there is no doubt: the MANIERs wanted to flee to CAMEROON.

Mr. President takes the hand, recalls that Philippe MANIER had postponed an appointment at Pôle emploi because they had to move, but a move planned for the following year. We do not have in the

file any statement from their daughter Anita who has settled in CAMEROON. Their son GILBERT, the youngest, refused to be heard.

President LAVERGNE then launches into a very complete reading of the wiretaps: the flight from Rwanda, the circumstances of their arrival in France (on the plane, their mother asks them to tear up their identity papers in the toilet, their presence in CENTRAL AFRICA, about which he is the only one to speak and where his father "sold gold". He evokes "shenanigans" to be able to take the plane (NDR. This confirms the intervention of "smugglers" of which his father spoke). In CAMEROON, it was their mother who had the idea of coming to France.

During the questions from the public prosecutor's office, we learn the modus operandi of the gendarmes who attack the population before letting the population finish the job.

Then the establishment of "photographic plates which are presented to the witnesses to see if they recognise the accused" is mentioned. If a number of them do not recognise him, it is simply because they have never seen him. But all of them have heard of "BIGUMA".

The first question from the defence (Maître LOTHE) obviously concerned "the RPF massacres", the threats made against prisoners in Rwanda, and the question of whether Rwandan authorities participated in the hearings. The witness replied in the negative to the latter question. Maître GUEDJ continued the questioning and also mentioned the conditions of detention in Rwanda, disputed the testimony of the gendarme Angélique TESIRE (who will be heard on Wednesday 17 May) and did not forget to mention the torture practiced in Rwandan prisons. (NDR. A well-learned lesson that we have known for a long time).

Invited by the president to react, Mr. MANIER simply declared: "EVERYTHING THAT HAS BEEN SAID ABOUT ME IS FALSE". To justify the fact that he did not feel hatred towards the Tutsis, he tells that in 1963, his father helped Tutsis to leave for BUGESERA. His partner in his taxi business was a child of the Tutsis, his friend. But he kept no contact with him. This surprised the president.

The accused then evoked the conditions of their flight to Zaire, and of their life in the KASHUSHA camp where fear reigned. Some soldiers had kept their weapons but not him (even though he said, at one point during his interrogation, that he had crossed the border with a pistol). In November 1996, it was the RPF attack that forced them to flee into the forest until they arrived in CONGO BRAZZAVILLE. It is there that they will get closer to missionaries who will advise them to leave this country. In CAMEROON, the Sisters of Saint Joseph came to their aid and helped them to meet the smugglers.

When Mr MANIER joined his wife in France, at the end of 1998 or beginning of 1999, he was arrested by the border police and spent three or four days in detention. He eventually obtained a safe-conduct. Before OFPRA [French refugee Commission], he said that he was threatened, that he was a Hutu and a former soldier. If he had been refused refugee status, he would have insisted. To return to Rwanda was to risk death. As a moderate Hutu, he saved Tutsis: and to give the list. He did not forget to specify that, as a moderate Hutu, a gendarme, MUSAFIRI, wanted to kill him. When he fled, he had to go through RUSHASHI to give Colonel RUTAYISIRE the pay of the soldiers he had gone to collect in KACYIRU.

We will leave the questioning of personality at that, even if the facts have been discussed. Mr MANIER contests all the accusations made against him. Let us wait for the hearing of the many witnesses who will take the stand.

### **Day 3: Friday 12 May**

Friday began with the continuation of the examination of the accused's personality. As is customary, it was the president who began by asking the accused questions: his place of origin, his childhood, his school and university career and then his military career.

Mr HATEGEKIMANA was born in NTYAZO, the son of a Catholic Hutu farmer. He was a primary school teacher, responsible for issuing driving licences. He followed a military training, then went to Belgium for a few years and when he came back, he was transferred as a gendarme. He became a sports instructor and was entrusted with training young people in combat sports.

The president asked him for details on the identity of the members of his close and more distant family, what they have become today and if he has contacts with them. Mr. HATEGEKIMANA shows great confusion about his previous accounts and seems to know very little about the current situation of several of his family members. The president asks him questions about how he fled Rwanda for the Democratic Republic of Congo and how he was able to obtain false papers to leave the DRC. The accused stated that his mother had died in an RPF attack at the KASHUSHA camp in the DRC. Then the president sought to know how long he had been known by the nickname BIGUMA.

Mr. HATEGEKIMANA stated that the nickname came from the time of the non-commissioned officers' school, whereas he had previously stated that it came from his childhood.

The lawyers for the civil parties question the accused. Maître KARONGOZI wants to know the salary he received as a gendarme: approximately 22,000 Rwandan francs, i.e. twice as much as a school teacher. The lawyer is surprised. With such an income, Mr. Manier could not have had the lifestyle that he shows. We learn that with the bail of Colonel Laurent RUTAYISIRE he will be able to buy minibuses and other cars.

In the KASHUSHA camp, the accused was involved in the meat trade: he went to buy cows and sold the meat in the camp.

Were there colleagues in the camp who had participated in the genocide? He was not able to know this.

The prosecution questioned the accused about the identity papers he had been able to produce or about which he had spoken. He was supposed to hand over a passport to the French authorities, which he never did: the accused is confused. He also states that he now only has French nationality, whereas several documents seem to indicate the contrary. The defendant had difficulty explaining why, when looking for work in the security field, he had never mentioned his military career. This was a strong argument for obtaining such a job.

When asked about his departure for CAMEROON after the CPCR's complaint, which he learned about through the press, he continued to say that he had left to advise his daughter, who runs a business in this country, but also to treat his arthritis. He really intended to return to France when his wife joined him, but he was arrested the day his wife arrived.

Note: It should be noted that Mr. MANIER has difficulty in disentangling himself from the many lies that characterise his memories.

The examination of personality is interrupted to make room for a new context witness.

It remains to give the floor to the defence, which has not had time to ask its questions.



Hearing of Mr. Vincent DEPAIGNE, lawyer at the European Commission, context witness called under the discretionary power of the President at the request of the civil parties represented by the lawyers of SURVIE

Spontaneous statement:

During his spontaneous statement, Mr. DEPAIGNE described his background in public law and human rights. He then spoke about the very nature of genocide as a collective process linked to the notion of the State, resulting from a preparation and integrated into a context of war or crisis. It is the outcome of a policy that leads to genocide. Mr. DEPAIGNE refers to international jurisprudence and more particularly to the judgment of the ICJ, *Bosnia v. Serbia*, dated 26 February 2007, which describes the criteria of the theory of effective control used to determine the responsibility of a State in a genocide.

Taking into account this judgment, the DUCLERT report and the work of the Parliamentary Information Mission of 1998, we can describe more precisely the role played by France in Rwanda before and during the genocide in 1994. These two reports make it possible to examine France's role in Rwanda. The witness uses the three criteria he spoke of in relation to the events that took place during the conflict between Serbia and Bosnia to determine the degree of responsibility of a state, or even complicity:

The capacity to influence: the presence of French troops on the ground during Operation Turquoise, but also during the years 1990/1993. This influence no longer needs to be proven.

Objective knowledge of the situation: France knew what was happening in Rwanda.

The obligation to punish: genocidaires were able to cross the border into Congo with impunity thanks to the presence of French soldiers in Operation Turquoise.

Note: From the beginning of the witness's testimony, it is clear that President LAVERGNE is upset. He will end up saying that "this is not the subject", a derogatory comment towards a witness who has responded to his summons. He did not ask any questions, contrary to his usual practice.

Maîtres BERBRDINI and SIMON try to show their support for the witness, but the questions they ask him only aggravate the situation. The President interrupts them: "Is the responsibility of France at the heart of this debate? But when Maître GUEDJ returned to the exactions of the RPF, the president did not call to order the defence lawyer who, once again, was himself "out of line". Double standards?

The president's irritation also came to the fore during the hearing of Mr François GRANER who, quite rightly, mentioned the role of the Rwandan gendarmerie who had received support from the French gendarmes and soldiers. This time, it is Mr GISAGARA who, on behalf of the lawyers of all the civil parties, takes the floor. He reproached the president for his lack of fairness. The tone became more heated, but the screening of Jean-Marie CAVADA's documentary, which Mr. VERHAAGEN had mentioned the day before, calmed things down. This document came at the right time to support the statements of the two witnesses: it dealt extensively with France's role in Rwanda in the years 1990-1994.

Hearing of Ms. Laetitia HUSSON, an international lawyer who worked for a long time at the ICTR, cited at the request of the prosecution.

Spontaneous statement:

I have a master's degree in international humanitarian law from Paris 2 Panthéon Assas. I worked at the international law centre in Paris 1, I joined the United Nations in 2004 for the ICTR where I was a trial coordinator. I left the tribunal when it closed in 2015. After leaving the ICTR I was a mediator in the DRC. I joined the Special Tribunal for Lebanon as head of the judicial section. Then I worked at the Specialised Chambers in Kosovo. In May 2019, I worked for the international mechanism for crimes in Syria. During 11 years at the ICTR, I worked exclusively for the judges. My duties as a legal officer included assisting and advising the judges on matters of international law, decision

making and the organisation of decisions and judgments. I supervised teams of lawyers. I will tell you about the ICTR, how it was structured, why it was created and how it was part of a wider justice system.

On the creation of the ICTR, after much hesitation, the United Nations Security Council decided to create the ICTR in November 1994, a decision taken on the basis of reports and also on the model of the ICTY, the International Criminal Tribunal for the former Yugoslavia.

While Rwanda had called for the creation of the ICTR, it voted against it because of its limited jurisdiction. By voting against, Rwanda will recall its commitment to international justice for genocide. The objective is to contribute to the restoration and maintenance of peace in the region. The Security Council will establish the ICTR in Tanzania, in Arusha. The jurisdiction of the ICTR is determined by its statute. The ICTR tries crimes of genocide, crimes against humanity and war crimes. For whom? The ICTR could try anyone responsible for crimes committed in Rwanda during the genocide period. It will only focus on the most senior officials, those with the greatest responsibility. They have to refer certain cases to national jurisdictions. The judges enjoyed full independence.

The chambers were divided into 3 trial chambers and an appeal chamber. There was a support and protection section for witnesses and victims. Victims were not represented before the ICTR. The ICTR was heavily influenced by Anglo-Saxon law and its adversarial system. The initiation of an investigation was at the sole discretion of the prosecutor. Victims could not request an investigation or file a complaint. The prosecutor conducted the investigation without the supervision of a judge. The prosecutor summarised the facts and the crimes of which the suspect was accused. The file was not prepared by the investigating judge. The defence lawyers were responsible for the exculpatory investigation. Once informed of the charges, the suspect who was charged was formally arraigned and found guilty or not guilty. A defendant, even after pleading guilty, could offer to admit guilt in exchange for a reduced sentence. If the accused and the prosecutor agreed, then the judge would check that the agreement was made with full knowledge of the facts. He was not bound by the agreement and could reject it. He would decide on the sentence to be imposed. If the admission of guilt was signed, then the debates were only about the sentence. If not, the preparatory phase began, which could last several years. The trial could then begin.

Almost 84% of the witnesses over 21 years benefited from protective measures. These measures could take the form of closed sessions, for example. The trials lasted several years because of the complexity of the procedure. There were 3 judges. They took their decision by majority vote. It was up to the prosecution to prove guilt beyond a reasonable doubt. The judges had to take into account all the cultural factors in assessing the evidence. There were dangers of cultural transplantation. Judges had to deal with the loss of memory of many witnesses due to the passage of time and trauma. Many witnesses were also perpetrators and could not say everything so as not to incriminate themselves. Finally, there was a translation challenge that could affect the substance of the hearings. In the judgements, the judges detailed their conclusion on each fact alleged by the prosecutor. 73 people were convicted but several people were acquitted. The judgements were not intended to write history, but the judges' conclusions were all about crimes committed in Rwanda.

The judges of the appeal chamber concluded that the existence of genocide could not be questioned. This is a fact of world history. It is a legal technique that does not exist in French law, but they took judicial notice of the existence of genocide as a fact of public knowledge, and the prosecutors did not have to prove its existence. They also took judicial notice of the exactions against the Tutsis from April to July 1994: no one can validly contest that there was a campaign of massacres affecting the Tutsis. This judicial determination did not exempt the prosecutor from proving the guilt of the accused.

Jurisprudence has also contributed to revealing the organised, coordinated and systematic nature of the genocide. The crime of conspiracy is a crime apart from other crimes. The judges will say that

their task was not to note the existence or not of a plan or an agreement, but to pronounce on the facts presented in a specific file.

The ICTR statute provided that it was not the only one to judge. The ICTR was not intended to try all the killers, but only those most responsible. In Rwanda, tens of thousands of people were arrested. The country decided to create a system of community courts, the gacaca, which were held locally. The ICTR and Rwanda will be assisted by other national courts. These trials concerned Rwandans who had taken refuge in the territories of these countries. The law of universal jurisdiction, based on the idea that the crimes of genocide are so serious that they require exceptional conditions, makes it possible to judge in France crimes committed abroad, on foreigners, by foreigners, provided that the person resides on French soil at the time of the complaint.

Numerous questions, put by the president, the jurors and the parties, will make it possible to underline the important role of this international tribunal, which tried 93 people and convicted 61. Since its closure, it has been replaced by the Residual Mechanism, which is currently trying to judge Félicien KABUGA in the Hague, in the Netherlands.

Hearing of Mr. François GRANER, a physics researcher, a background witness called at the request of the SURVIE association.

Spontaneous statement:

I am a research director at the national centre at the University of Paris cité. I would like to talk about the gendarmerie in the years leading up to the genocide and to put these years into context. I would like to talk about the gendarmerie in the years leading up to the genocide and put those years in context.

In 1994, I did not know Rwanda and I was shocked to learn what was happening in that country. I started to do research. I wrote a first book that gave me access to various sources, including after 1994. I interviewed people in the field, right up to the Chief of Staff of the army at the time. President Hollande had given access to the Élysée archives, so I started legal proceedings to gain access to them. The Council of State responded positively to my request. My research was legitimised by the DUCLERT report. At the time of the 'Rwandan All Saints', in 1959, a revolt of the Hutus against the Tutsis that was more racial than political, France launched a civilian cooperation on 4 December 1962.

In 1973, the coup d'état brought President HABYARIMANA, then Minister of Defence of Grégoire KAYIBANDA, to power. This event led to agreements with France. At the end of the 1980s, the government showed signs of fatigue and opposition began to emerge. When the RPF intervened militarily from Uganda on 1 October 1990, President Habyarimana appealed to François Mitterrand for help. The years 90-93 were to see a period of civil war, with French soldiers supporting the FAR in their fight against the RPF army. A "civil defence" was set up.

Whistleblowers, such as General Jean VARRET, tried to oppose French policy and were dismissed. In 1992, the French soldiers carry out identity checks, particularly at the entrance to KIGALI, on the NYABARONGO bridge, and behave like an occupying force, but the massacres continue.

In 1993, associations led by Jean CARBONARE come to investigate and are led to implicate the Rwandan authorities in the massacre of the BAGOGWE. The support of the French soldiers intensifies alongside the FAR, in particular in the assistance to the "pointing" of the artillery of the Rwandan army. In July 1993, Mrs UWULINGIYIMANA became Prime Minister. The French army left as foreseen by the peace agreements signed in ARUSHA on 4 August 1993. During the attack against President HABYARIMANA on 6 August 1994, France sent forces to evacuate its nationals. The interim government is formed in the French embassy. The genocide continues until 17 July. At the end of August, under a United Nations mandate, France intervened: it was Operation Turquoise, which was presented to us as a humanitarian operation. It may also be called upon to fight (NDR. Mr

MANIER, the accused, chief warrant officer at the NYANZA brigade, confessed to having been sent to RUHENGARI to fight the RPF). The Rwandan gendarmerie participated massively in the genocide of the Tutsis.

A little background to say that on July 18, 1975, an agreement was signed between France and Rwanda: the French gendarmes will become instructors while serving under their own uniforms; but they cannot participate in the fighting. On 22 March 1983, the agreement was amended to say that from then on French gendarmes would wear Rwandan uniforms. Few Tutsis could join the gendarmerie or the army and some of them were excluded because they were Tutsis.

In 1990, the gendarmerie intervened in the fighting and was heavily involved in the big round-up of 'accomplices'. The witness reports General VARRET's meeting with the Chief of Staff of the Gendarmerie, Pierre-Célestin RWAGAFILITA, who would like France to deliver arms to him in order to "liquidate the Tutsi problem". The gendarmerie and the army are going to recruit en masse without ensuring the training of young recruits.

Faced with the annoyance of the president, François GRANER put an end to his spontaneous statement a little prematurely.

The President asked the witness to specify what Operation Turquoise consisted of in order to enlighten the jurors.

A juror in turn wishes to have clarification on the role of the Rwandan gendarmerie in the genocide. In reality, the gendarmes often came to the aid of the militiamen who were unable to kill the Tutsis who often took refuge in the hilltops, but they also intervened massively with their weapons, sometimes mortars, to start the 'work'. The militiamen finished off the wounded with their traditional weapons. As for Operation Turquoise, its objective was to put an end to the massacres but it also served to rearm the Rwandan gendarmes.

The questions of the lawyers of the civilian homelands will give rise to the incidents mentioned above.

## **Day 2: Thursday 11 May**

Hearing of Mr. Stéphane AUDOUIN-ROUZEAU, a "context" witness called by the public prosecutor's office at the request of the LICRA.

Spontaneous statement:

In his introduction, Mr. AUDOUIN-ROUZEAU presented himself as a specialist in the First World War. He does not claim to be an expert and considers himself to be a teacher-researcher. For him, the genocide of the Tutsis suffers from a great lack of interest. He humbly admits: 'I did not see, I did not understand the genocide. It took me a long time. I made a big mistake. But this genocide is close to us. The Tutsi genocide, however, does not enjoy the same status as other genocides. For him, the European roots of this genocide are heavy.

First of all, he evokes the European racist and racialist theories that are at the source of the great genocides of the 20th century, a theory that advocates a hierarchy of races. He recalls the arrival of the first Europeans who saw Rwanda through their own glasses. They did not understand this clan-based society, hence the creation of a myth: the Hutus were the first occupants, the Tutsis came from the North. The Belgian coloniser has a great responsibility in this situation: by supporting the Tutsis, he created a huge frustration. Massacres followed in 1959 until 1963...

Two other ingredients exist for genocide to occur.

Firstly, there is no genocide without war (which is specific to the three genocides), without the anguish of defeat. The Tutsi genocide is the only example of a mass crime committed so quickly. War brings social actors into a different time. War modifies the thresholds of sensitivity.

Finally, there is no genocide without a state; a modern state is needed to implement genocide. And the witness refers to the Ottoman Empire, the Nazi state, the Rwandan state, the interim government formed on 7 and 8 April 1994 with the help of the French embassy in Kigali. It was this interim government that organised the genocide, relying on a very tight network of the administration and society: prefects, burgomasters, sector councillors and cell councillors.

In Rwanda, everyone knows who is Hutu or Tutsi. And the witness underlined the crucial role of the presidential guard, the gendarmerie and the militia in the commission of the genocide.

In Rwanda, this is a state that could not have carried out the genocide without the violence of its neighbours. And to underline the essential role of the neighbours who often had friendly or family relationships. It has been said that the genocide was the result of a huge popular uprising to avenge the death of President HABYARIMANA: an absurd version that is a form of negationism. The neighbours did not set off alone: the country's authorities and the free radio and television of the Thousand Hills were there to galvanise them.

In conclusion, the witness stated that the genocide of the Tutsis is an important moment in our time that will progress our understanding. The DUCLERT Rapport - Duclert made it possible to identify a denial as well as the words of President Macron in Kigali. Since then, the genocide of the Tutsis has been included in school curricula; a trial such as this one can also advance knowledge of this genocide.

Through his questions, the president will allow the witness to clarify a certain number of points outlined during his spontaneous statement: the influence of European thought and colonisation, the establishment of booklets and then identity cards specifying ethnicity at the beginning of the 1930s, cards that will lead many people to their deaths (Note: Children do not have identity cards. They only get them at the age of sixteen). We know who their parents are but the killers from elsewhere do not know them.

To speak of ethnicity in Rwanda is an abuse of language created by the coloniser and adopted by the Rwandans themselves. Rwandans belonged to clans, Hutu and Tutsi were social categories that could be changed before identity cards were issued. The coloniser made Hutu and Tutsi different 'races'. As there were many 'mixed' families, the genocide entered the families.

And the witness addressed the issue of rape, an act of destruction of filiation: public rape in front of children, in front of husbands.

Several jurors asked questions in turn, a sign of the interest they had shown in the witness's words: the role of the gendarmerie who had carried out a tracking operation, the courage of women who passed off a child as their own in order to save it.

The witness, still on a question from a juror, contested the words of Mr. GUICHAOUA who said that the genocide began after the death of President HABYARIMANA. He preferred to insist on the words of General VARRET who denounced a genocidal project as early as 1990.

Editor's note. It may be interesting, at this stage, to report the words of General VARRET in his book "Souviens-toi. Mémoires à l'usage des générations". He recalls a meeting at the end of which the Chief of Staff of the Gendarmerie, Pierre-Célestin RWAGAFILITA, said the following to him: "We are talking face to face, between military personnel, we will speak clearly. I am asking you for weapons because I am going to participate with the army to solve the problem. The problem is very simple: the Tutsis are not very numerous, we are going to liquidate them. Edifying. No comment.

Several lawyers for the civil parties in turn questioned the witness: the distinction between massacre and genocide, the notion of the "perfect victim syndrome" about which the witness spoke in his book "An Initiation,"[5] the notion of ally, enemy and accomplice, the enemy no longer being only the RPA soldier but the Tutsi inside, the role of barriers.

Maître ALTIT, for the defence, will 'bombard' the witness with an impressive series of questions to which he will answer with confidence. It was like being at the ICTR during a cross-examination of a witness.

Hearing of Mr. Alain VERHAAGEN, a Belgian academic specialising in Rwanda, a "context" witness, called at the request of the prosecution.

After thanking the French justice system for having called him, the witness, a professor at the ULB, recalled his past as a student with links to Africa, in which he had been interested for forty years: 150 to 200 visits to some thirty countries.

In 1978, he went to the Great Lakes region and became aware of the disastrous role of his country. He became aware of the strong link between the IDC, the Christian Democratic International, and the churches in these countries. When the genocide started in 1994, the media called on him, while the academic world in Belgium was relatively silent. The Belgian political authorities sent him to Burundi in May 1994 as an observer in the political dialogue in that country. He was trusted by both Hutu politicians and Tutsi soldiers. He then heard the hallucinating accounts of what was happening in Rwanda, reported by those who had arrived as refugees in Burundi. He wanted to understand for himself what was happening on the other side of the border.

He told the Burundian authorities of his desire to go to Rwanda. RPF soldiers eventually agreed to accompany him. When he arrived in Rwanda, he became aware of what a "desolation zone" was, even though he already knew what a war zone was. He wanted to try to understand whether there was what he called a "construction" in these events. But to understand, he had to meet the people. He then recounts with great emotion the discovery of the NTARAMA church strewn with corpses. It is him who will lead Jean Marie CAVADA's team from France 3 in front of this church for the programme "La marche du siècle. Autopsy of a genocide".

Back in his country, he was contacted by MSF Belgium, for which he acted as a guarantor with the RPF to intervene in Rwanda. Faced with the horrors he discovered, mutilated and cut-up bodies... Whereas in the past, churches were places of refuge, the population had to be incited to kill in these places of worship. The Tutsis thought they would find refuge in the church, but they were massacred there. A strategy had to be devised to achieve this.

In the catechism rooms, many people lie dead but whom he believes to be alive: piles of bodies piled up and burned. Faced with this "spectacle" of desolation, he wants to understand.

At the NYAMATA maternity hospital, he discovered Tutsi children's birth certificates torn up, as if they had wanted to erase all traces of Tutsi children. This was therefore the result of an organisation.

The same experience at the church in NYAMATA: a broken fence in front of the building. Why didn't the Tutsis flee, he asks himself, when the killers stopped working at 3pm? In reality, why flee, there were fences everywhere.

One last experience left a deep impression on the witness. As he was preparing to leave the region, he said goodbye to the "residents" of a section for mutilated women in a country hospital. His departure provokes a confession from one of the women. "Do you want to know why I didn't leave? This young woman had been raped, had her genitalia removed and had become a hemiplegic. By having undergone such torments, they had wanted to abolish, to break the filiation. Hence the numerous

systematic rapes of Tutsi women. A woman raped by a Hutu will give birth to a Hutu. Everything was therefore well organised.

While travelling back and forth between BUJUMBURA and NYAMATA, the witness ended up convincing a truck driver to transport food to help the survivors.

Aware that he was no longer of any use, Mr. VERHAAGEN decided to return to Belgium, trying to make himself useful and answering the summonses of the justice system.

Strong testimony of a man who wanted to understand the incomprehensible: it was clear that behind all these massacres there was a well organised system. The genocide was indeed the work of authorities who had led a people into committing the irreparable.

Hearing of Mrs. Hélène DUMAS, historian, "context" witness, cited at the request of the prosecution.

### **Day 1: Wednesday 10 May 2023**

Before the trial of Philippe HATEGEKIMANA, a former gendarme from NYANZA (Southern Province), began in the Paris Assizes, we learned of the death of our friend Damien RWEGERA, who was to testify on Friday morning as a background witness. We join his wife, his children and all his friends in their grief.

As is customary, the morning was devoted to the constitution of the jury, which will be presided over, as in the two previous trials, by Mr Marc LAVERGNE.

Declaring the identity of the accused: The President asks the accused to state his first name, surname, parents' names, profession (no profession), current address (Nanterre Prison for the last 4 years), and date of birth (26 December 1956).

Announcement of the defence lawyers: The defence is represented by: Maître GUEDJ, Maître ALTIT, Maître LOTHE assisted by a trainee.

Drawing of lots for the jury: There is no recourse to alternate jurors. 6 permanent jurors and 6 additional jurors are drawn by lot from among the permanent jurors. 4 jurors are challenged by the defence, 3 are challenged by the prosecution. The regular jury is composed of 4 women and 2 men. The jurors take the oath in turn.

The requests of the defence: The defence lawyers intervened to make several requests before the opening of the debates under Article 328 of the Code of Criminal Procedure. Maître ALTIT intervened to formulate two requests.

The first request related to a potential violation of the *non bis in idem* principle, which implies that a person cannot be tried twice for the same facts. Indeed, Maître ALTIT asserts that the Gacaca jurisdictions, local jurisdictions judging crimes committed during the Genocide in Rwanda, have already ruled on the situation of the accused and considered that he was not involved in the facts stated before them and that he was not guilty. During this trial, Mr HATEGEKIMANA was mentioned by the accusers in relation to simple "incidents", and was questioned as a witness about these incidents.

Then Maître ALTIT asserts that the "concise decision of the Gacaca judgment" makes it impossible to know whether these accusations were discussed and rejected and that it was up to the investigating judge to investigate in order to know what facts were examined by these courts and what was said during these debates. There is therefore a risk that the Court of Assize will judge the accused for facts

already examined and decided by courts in non-compliance with the principle of *non bis in idem* and that the entire trial will be flawed. The defence asks the president to order additional information.

In a contradictory manner, in a second application, Maître ALTIT mentions a confusion concerning the identity procedure. The defence asserts that these same courts tried a homonym of Mr Philippe HATEGEKIMANA and that he was not implicated by the Gacaca. The contradiction is also pointed out by the president. He stated that there was a confusion regarding the nickname of the accused because the adjutant of the same name who was convicted was nicknamed "BIGUMA" like Mr HATEGEKIMANA, but that it was not the same person as the accused. Philippe HATEGEKIMANA admitted that he was known by this nickname, but stated that he may not be the only one known by this name.

He therefore asked for additional information.

Then Maître GUEDJ took the floor to make a third request relating to the right of the accused to a fair trial. He asked that the testimony of the upcoming hearings be transcribed in writing in order to ensure that the defence could react to the witnesses' statements and identify any contradictions and that the accused benefit from a proper defence. In the event that this request is not accepted, Maître GUEDJ requests that at least the testimony of witnesses who have not been heard in the case file be transcribed before the hearing under Article 379 of the Code of Criminal Procedure. The Defence invokes a decision of the Criminal Division of the Court of Cassation dated 9 March 2022, n°21-82.136 (the president of a Court of Assize can request the transcription of testimonies when necessary).

In a fourth application, Maître GUEDJ criticises the Rwandan judicial system, stating that it lacks independence, that Rwanda is not a democracy and that prisoners in Rwanda are sometimes held without trial and subjected to torture and pressure. As such, witnesses called to testify who are currently detained in penitentiary centres in Rwanda may be subject to pressure and they should be heard with the certainty that they are not under pressure from the Rwandan authorities. The Defence requests that they be heard in the presence of all the parties in person.

In a final request, Maître GUEDJ deplores the fact that the Defence was not able to verify what the witnesses said on the spot. And that they asked the investigating judges to go to Rwanda and this was refused. So they could not assess the veracity of the testimony. The Defence therefore asked the President to order the suspension of the hearing and to order that the Defence go to the scene to be able to cross-examine the witnesses (request for transport to the scene).

The response of Maître PHILIPPART, lawyer for the CPR

Maître PHILIPPART stated that the points raised by the defence had already been raised and rejected by the investigating chamber. There is no violation of the *non bis in idem* principle since the courts mentioned did not rule on the situation related to the confusion of Mr HATEGEKIMANA's nickname. For the conviction of the warrant officer with the same name, the sentence was not followed up and is not time-barred.

The question of the confusion of identity is part of the subject of the debates and is to be discussed during the continuation of the proceedings.

On transport to the scene, there is no provision for French courts to go and sit in a foreign country. There is no need to cross-examine witnesses, as this will be done during the hearings, all parties have had the same reports. There is no need to see the places since they have changed a lot since the facts and there will be during the hearings the diffusion of photos, plans, reconstitutions, etc.

On the issue of witnesses detained in Rwanda, during the interrogation of detained witnesses, there is always a member of staff seconded from the French Embassy. Moreover, even in France, lawyers do not go to the detention centres. What had been said was not a procedural exception but was simply intended to influence the jurors.



## The response of the prosecution

The public prosecutor's office took up several of the CPCR lawyer's arguments, recalling the definitive nature of the decisions of the investigating chamber. Regarding the transcript of all the testimony given at the hearing, it seems impossible to make such a request on the first day of the hearing, especially when around a hundred witnesses are scheduled to testify. Witnesses in Rwanda are not heard from the detention centres but from an institution in Rwanda.

## Decision of the Court on the defence applications

On the first application, the Court considers that the burden of proof in this matter lies with the accused in matters of *res judicata*. In this case, no document invoked by the defence is of a nature to establish that the accused would have been tried in Rwanda and that the accused would have served any sentence for the same charges or that he would benefit from a statute of limitations. The plea of *res judicata* can be rejected. With regard to the second and third requests for additional information, the Court considers that these requests are irrelevant and rejects these requests for additional information. With regard to the 4th request concerning transcripts, the President said that the request could not succeed since it was contrary to Article 319 of the Code of Criminal Procedure.

Finally, on the last defence application on witnesses in detention in Rwanda, the Court decides that the allegations of pressure on the detained witnesses are not supported by sufficiently precise elements. These applications should be rejected.

## Recall of civil parties already constituted or new civil parties constituted

Each civil party lawyer takes the stand and declares the natural and/or legal persons they represent.

A good part of the afternoon will be devoted to the reading of the report of the President of the Assize Court. President LAVERGNE began by listing the main dates of the proceedings. He then recalled the general historical context of the genocide in Rwanda, the administrative organisation of the country, the context of the BUTARE prefecture and then the context of NYANZA. He then mentioned the role of the gendarmerie in the BUTARE prefecture and more specifically the role of the gendarmerie in NYANZA. He recalled that the genocide in BUTARE only started after the visit of the interim President SINDIKUBWABO and the Prime Minister KAMBANDA on 17 April 1994.

After recalling the different stages of the accused's life, the President challenged all the arguments put forward by the defence and rejected them, arguing for each of the claims. He then dwelt at length on the facts alleged against Philippe MANIER contained in the order of the investigating judges: the erection and control of the barriers under the responsibility of the gendarmes, including Philippe MANIER, the murder of the burgomaster NYAGASAZA, the massacres of the NYABUBARE hill and those of the NYAMURE hill in the NTYAZO commune on 27 April 1994. He then recalled that the accused was being prosecuted for conspiracy to commit genocide through his participation in meetings, and concluded by referring to the massacres at ISAR SONGA, [Agricultural college] facts that were reclassified following the CPCR's appeal.

Finally, the President recalled that the defence's appeal to the ECHR [European Court of Human Rights] had been rejected.

Hearing of Mr. Grégory KALITA, in charge of the personality investigation, summoned by the prosecution.

The witness met Philippe MANIER in February 2020 in Nanterre prison. He evokes a happy meeting with the accused speaking about his youth. The latter reported that his father had passed on to him a

passion for sport. The witness then evoked the family situation of the accused, the separation of his parents, and then reported in detail the major stages of Philippe MANIER's curriculum vitae.

The witness mentions July 1994, the date on which the accused had to flee to Zaire. It was there that, on the advice of his acquaintance, he changed his identity: he was called HAKIZIMANA, a name under which he sought refugee status when he arrived in France. In November 2017, he left for Cameroon to visit his daughter but forgot to return. It was when his wife came to join him a few weeks later that he was arrested by the Cameroonian police. After a year in detention, Cameroon responded positively to the French authorities' request for extradition.

In Nanterre, the accused lives in total isolation, which seems to suit him. He reads and takes correspondence courses. His wife visits him about once a month. Mr MANIER is considered to be an upright, correct, tolerant, sentimental and affable man. With his family, the accused is perfectly integrated in France and participates in the activities of a cultural association in Brittany.

### **Interrogation of the accused.**

The President began by questioning the witness and asking him to specify a certain number of elements. These questions will enable us to gain a better understanding of the past of the accused, his family background, his various training courses within the Rwandan gendarmerie and the different functions he held within this gendarmerie.

Maître GUEDJ, the lawyer for the accused, sought to know whether his client had made discriminatory remarks about the Tutsis. The witness replied that Mr. MANIER had not expressed any animosity towards the Tutsis and that he blamed the politicians for what had happened in Rwanda. The lawyer also wanted to know whether the KASHUSHA camp, where his client had taken refuge, had been attacked by the RPF. The witness replied that the accused had told him about that and that he had mentioned the death of his mother.

The Chairperson wanted Mr. MANIER to speak especially about his life after he left Rwanda in 1994. Through increasingly precise and insistent questions, he forces the accused to acknowledge that he lied about his identity, that he used unfair means to leave CAMEROON. Like his wife, he used the services of smugglers who were allegedly financed by nuns from whom he received help and support.

The question of the anonymous letter that served the "GAUTHIER couple" (according to the president) to prepare the complaint against Mr. MANIER is then addressed. The defendant's comments are confused. He learned from the press that a judicial investigation was opened against him, and spoke of an anonymous letter received by the University which ended up dismissing him because of his repeated absences. Perhaps this episode should be revisited?

Mr. President finally returns to the departure of the accused for CAMEROON. Mr MANIER continues to claim that he visited his daughter who is in business and he mentions health problems to justify the fact that he forgot to return to France. He was waiting for his wife's arrival to return with her. The president rejected his explanation and reminded the accused that telephone tapping had made it possible to know that Mrs. Manier was going to leave France in turn. It was on this occasion that the Cameroonian police, alerted by the French police, proceeded to arrest her.

It is already late. The President wishes to end the interrogation with a final point. Mr. MANIER would have sold his house in KIGALI through the intermediary of a nephew of his wife. On the deed of sale, the name of the accused's father appeared, whereas the latter, in order to obtain his refugee status, had said that his entire family had died in 1994. The accused lied: "When one wants to obtain asylum, one is obliged not to be always sincere" he finally admitted.

At 8.30pm, the president suspended the session. He proposed to continue the questioning of the witness on Friday morning. We still have a lot to learn.

