

## ANNEX: NTABAKUZE DEPOSITION IN SEPTEMBER 2006

**DEPOSITION OF MAJOR ALOYS NTABAKUZE  
BEFORE THE ICTR TRIAL CHAMBER I  
SEPTEMBER 2006**

**CASE No ICTR-98-41-T**

## **TABLE OF CONTENTS**

<b>I. INTRODUCTION</b>	<b>3</b>
A. CURRICULUM VITAE	3
B. APPOINTMENT TO THE FUNCTION OF THE PARA CDO BN COMMANDER	5
C. COMMAND RESPONSIBILITY	6
<b>II. DENIALS</b>	<b>8</b>
A. INTRODUCTION	8
B. DENIAL OF ALLEGATIONS DATED FROM APRIL 6, 1994	9
C. DENIAL OF ALLEGATIONS DATED BEFORE APRIL 1994	30
D. SUMMARY	37
<b>III. THE ARMY AND THE PARA CDO BN BACKGROUND</b>	<b>39</b>
A. THE MISSION OF THE RWANDA ARMY AND OF THE PARA CDO BN	39
B. ORGANIZATION, CHAIN OF COMMAND AND COMMAND RELATIONSHIP	40
C. THE CAMP KANOMBE AND THE PARA CDO BATTALION	41
D. THE SUPERIORS AND SUBORDINATES OF THE PARA CDO BN COMMANDER	42
E. EXERCISING COMMAND AND AUTHORITY	43
F. OTHER ASPECTS OF THE PARA CDO BN	46
<b>CONCLUSION</b>	<b>49</b>
<b>LIST OF ANNEXES</b>	<b>50</b>
<b>LIST OF THE EXHIBITS REFERRED TO IN THE DEPOSITION</b>	<b>51</b>
<b>ABBREVIATIONS</b>	<b>52</b>

## ***I. INTRODUCTION***

### **A. CURRICULUM VITAE**

#### **1. Identification**

**Names:** Aloys Ntabakuze

**Other name:** Mpozembizi

**Place of birth:** Karago, Gisenyi, Rwanda

**Date of birth:** August 20, 1954

**Nationality:** Rwandese

**Ethnic group:** Hutu

**Religion:** Catholic

**Marital status:** Married and father of four children.

My wife and my children reside in Belgium where they have got Belgian nationality since 2003. I am in regular contact with them. My wife visited me three times. Each one of my 4 children had the opportunity to visit me once. My family is supporting me very much in these misfortunes. I'm very thankful to them.

#### **2. Education**

##### **a. Secondary school**

- In 1975 : I graduated from the Secondary School of Musanze, Ruhengeri.

##### **b. Military training**

- In 1978 : I graduated from the ESM (Military Academy) of Kigali after 3 years course from 1975 to 1978.

- In July 1976 : I got a Commando certificate level B from the CECdo of Bigogwe (Centre d'Entraînement Commando - Commando Training Centre) after one month of training.

- In June 1978 : I got a Commando certificate level A from the CECdo of Bigogwe after two months of training.

- In 1979 : I followed 7 months of training in Belgium including Elementary Pilot Training (not completed).

- In May 1984 : I graduated from the Military Security School of Algeria after 7 months of training.

- In June 1988 : I graduated from the US Army Command and General Staff College (US Army CGSC) of Leavenworth, Kansas after a year course: See my diploma and Emblem, photograph (Exhibits DNT124, DNT125A, DNT126), *the Academic Report signed by the Deputy Commander of the US Army CGSC, Major General Gordon Sullivan*<sup>1</sup>.  
Before Leavenworth I completed six months of English course at DLI (Defense Language Institute) of Lackland Air Force Base in San Antonio, Texas (November 1986 to June 1987).
- In August 1988 : I got a Parachutist certificate from the Para Commando Battalion (Para Cdo Bn) at Kanombe after a month of training.

### **3. Successive ranks**

- On April 01, 1978: I was promoted to the rank of Second Lieutenant.
- On April 01, 1981: I was promoted to the rank of Lieutenant.
- On April 01, 1984: I was promoted to the rank of Captain.
- On April 01, 1987: I was promoted to the rank of Commandant.
- On April 01, 1991: I was promoted to the rank of Major with retroactive effect to April 01, 1990

#### Important remark about the shoulder pad:

- I was always wearing my rank of Major and the US Army CGSC emblem on my shoulder pad on my military uniform since April 1991 (a bar a star and the emblem). That was the case in April 1994: see Exhibit DNT125A&B and *my photograph in large format*<sup>2</sup>.
- It was very easy to identify me because officers that were wearing that emblem were very few in the Rwandan Army. Only 4 officers were graduated from US Army CGSC and only two of them had the rank of Major: see Doc “*Two year training plan for Rwanda*” dated March 14, 1994, p. 27-32<sup>3</sup>

### **4. Functions exercised**

- From July 1978 to December 1978, I was a Platoon leader in the Military Police Company in Kigali town.
- From August 1979 to February 1982, I was a Platoon leader in the Military Police Company in Kigali town.
- From February 1982 to November 1983, I was a Platoon leader in the Presidential Guard Company in Kigali town.
- From June 1984 to November 1986, I was the Commander of the Military Police Company in Kigali town.

- From June 1988 to July 1994, I was the Commander of the Para Commando Battalion based in camp Kanombe
- From July 3 to July 17, 1994, I was the commander of the operational sector of Gitarama. The Para Command Battalion was then one of my subordinate units. At that time, the FAR were actually retreating.

## 5. Exile

- I left my country on 17 July 1994 following the defeat of the FAR.
- I was arrested on 18 July 1997 in Nairobi, Kenya.

## B. APPOINTMENT TO THE FUNCTION OF THE PARA CDO BN COMMANDER

### a. Context

1. I was appointed commander of the Para Commando Battalion just after my graduation from the US Army CGSC in June 1988. That was almost two months after the assassination Colonel Stanislas Mayuya, the former commander of the unit.

### b. Challenges

2. At the start, my task was not easy as commander of the unit. Because of the assassination of Colonel Mayuya, the atmosphere in the camp and in the Para Commando Battalion in particular was not good. The morale in the unit was very low. I had to rebuild confidence and cohesion within the unit. The Para Commando Battalion had especially suffered from that tragic event. Indeed, in the context of investigation, one of the maneuver companies of the Battalion had been dismantled. It was then necessary to form another company to complete the unit.
3. It is in this context that a company of recruits was sent in August 1988 to Kinshasa for parachuting training following an agreement between the Republic of Zaïre (now Congo) and Rwanda. The training was held in the Airborne Training Center which was well-known under the name of camp CETA (Centre d'Entraînement des Troupes Aéroportées) at Ndjili. The training lasted almost three months. This was the only contingent that was sent to Zaïre after my assignment in the Para Cdo Bn contrary to the testimony of Prosecution witness DBQ.
4. The task to rebuild my unit took me time and energy. I worked very hard. But after a year, the unit was on the track again; combat ready with high morale, courage, discipline and cohesion. My training in US Army paid off. My battalion was the cream of the crop in the Rwandan Army and proved it on the battlefield from October 1990. I was very proud of the cohesion and the combat effectiveness that characterized my unit. (See "Trip Report – Kagitumba–Nyagatare–Gabiro" by US Embassy in Rwanda dated November 8, 1990<sup>4</sup>).
5. During the war, the Para Commando Battalion was well-known to be effective on the battlefield and a disciplined unit. Para Commando soldiers were very proud of being members of the unit. They were very proud of their camouflage beret. They enjoyed a good reputation and respect within the FAR and among the civilian population to the extent that some soldiers from the newly created battalions used to fabricate themselves camouflage beret and to wear them irregularly in order to show off. But the camouflage beret could not give them the spirit of the Para Commando soldiers. Because of inadequate training and inexperienced leaders, the standards in those newly created battalions were not high and their morale and discipline were

low. So the behavior of those soldiers wearing irregularly the camouflage beret sometimes had a negative impact on the reputation of the Commando units in general and of the Para Commando Battalion in particular. They were wrongly viewed by the population as to be members of these units. Sometimes in 1992, I had to complain before the Army HQ about this situation and the Army HQ did its best to fight this irregular practice.

### **C. COMMAND RESPONSIBILITY**

1. The paragraph 4.8 of the indictment says: *“In his capacity as a Commander of the Para Commando Battalion of the Rwandan Army, Aloys Ntabakuze exercised authority over the units of the Battalion.”*  
Yes, I was the Commander of the Para Commando Battalion and had authority over the units of the Battalion. So my direct subordinates were the Company Commanders.
2. I would have command responsibility through the chain of command for the actions of subordinates answerable to me according to the Army regulations and instructions who have received specific orders from me and have actually followed my orders.  
I would be held responsible for the misbehavior of a subordinate over whom I had effective control and effective authority that I would have ratified because I knew what was done and I either approved or failed to impose a disciplinary punishment.
3. But the fact is that I gave no order to any subordinate to breach the code of conduct or to harm any body during the events under consideration before this Tribunal. I never gave any order to kill civilians. The only order I gave to my subordinates was to fight the invading army, the RPF combatants. Some of the Prosecution witnesses admitted that before this Chamber during Defense cross-examination like witnesses XAB<sup>5</sup> and DP<sup>6</sup>, both former Para Commando soldiers of Tutsi ethnic origin.  
The fact is also that I never saw with my eyes or heard that atrocities were being committed by my subordinates as alleged in the indictment. Again some of the Prosecution witnesses support my assertion like witness XAB who testified before this Chamber on April 6, 2004. He said that except rumors that he heard on April 12, 1994 about involvement of some unidentified soldiers in some unlawful activities, he was not aware of any other misconduct of Para Commando soldiers until the end of the war<sup>7</sup>. Unfortunately I was not informed about those rumors in order to conduct investigation and take action in case those rumors were founded. So I was not aware at any time of massive misconduct of Para Commando soldiers of such magnitude found in the indictment or evidence adduced. I could not be aware because these allegations are simply untrue.
4. After hearing the testimony and evidence, I feel that there is no case against me. I honestly think that I have proved my innocence. But I have finally chosen to testify because I want the Court to hear me. I have nothing to hide. I am ready to deny each one of the allegations made against me and explain briefly what happened at the best of my ability as my humble contribution to the establishment of the truth.

## II. DENIALS

### A. INTRODUCTION

1. In 1994, the Para Commando Battalion was composed of six companies: four maneuver companies (1st, 2<sup>nd</sup>, 3<sup>rd</sup> and the 4<sup>th</sup> Para Commando Company), one Fire Support Company and one HQ Company. The strength of the Battalion was around 750 soldiers. Before April 6, 1994, the 2<sup>nd</sup> Para Commando Company was in reinforcement mission in camp Kimihurura.
2. From April 2 to 5, 1994, I was on leave. On Sunday April 3, 1994, I went to Gisenyi to see my father and take him to Kigali for medical treatment. At the same occasion, I had to conduct my elder son on Monday April 4<sup>th</sup> at RAMBURA parish to pass the exam to be admitted to the Seminary of NYUNDO. I left KANOMBE with my four children. My wife had left for Gisenyi two days before and we joined her in Gisenyi. My elder son passed the exam on Monday as expected. I left GISENYI on Tuesday with my four children and my father for Kanombe. My wife was expected to come back to Kanombe the following day. I had already obtained a medical appointment for my father from the CHK (Hospital complex of KIGALI). He had a problem of cataract and had to be operated. We arrived at KANOMBE in the evening of April 05, 1994.
3. During the day of April 06, 1994, I remained in the camp KANOMBE. I contacted by phone the CHK to confirm the appointment of my father. The confirmation was made for the following day at 10:00 a.m that is to say Thursday April 07, 1994. This appointment was obviously not carried out because of the chaos and the resumption of hostilities that followed the assassination of President HABYARIMANA.  
Personally I had no idea that the war had to resume again. I had no idea that people were going to be killed at such magnitude.
4. In the evening of April 6, 1994 when the plane carrying President Habyarimana was attacked, I was at my house watching a football match (African Cup of Nations – CAN) on TV. I actually witnessed the incident. I got to the crash site at three occasions during that night before 10:30 p.m.
5. So, the events of April 1994 were for me a total surprise and chocking. Everybody was anxious and impatient about the installation of the Broad Based Transitional Institutions but one thought that the difficulties would be overcome soon. There was a climate of tension but the situation was under control. I could not think that arsonists were planning to blow it up irreparably. I entirely agree with those who support that without the assassination of the President and the resumption of the war by RPF in April 1994, the tragedy would not have happened.
6. When the war resumed the Para Cdo Bn had to fight the RPF combatants. From April 7 to May 21, 1994, I was tied down with my Battalion in Remera trying to prevent the capture of the airport of Kanombe and camp Kanombe. From April 7, 1994 to the end of the war I was engaged in combat on day by day basis against RPF combatants.

**B. DENIAL OF ALLEGATIONS DATED FROM APRIL 6, 1994**

INCIDENT	WITNESS	DENIAL
1. General assemblies and orders to kill civilians	DBQ	1.I categorically deny the allegations made by Prosecution witness DBQ. I never conducted a meeting of the Para Cdo Bn during the night after the crash. Beside, witness DBQ lied to the Chamber when he said that he was a member of my Bn. The Defense adduced evidence (Exhibit DNT135A) showing that DBQ was not a member of the Para Cdo Bn. The Exhibit is a list of the members of the 1 <sup>st</sup> Para Cdo Cie established by the Para Cdo Bn for the Social Security Funds in 1993. Indeed, his name does not appear on the list of the 1 <sup>st</sup> Para Cdo Cie of which he pretended to be member from 1990 to 1994. Defense witnesses DM-52 and DK-120 confirmed that he was not member of the Para Cdo Bn. Therefore he could not participate in the activities of the Para Cdo Bn. Moreover, DBQ was contradicted by former Para Cdo soldiers called by the Prosecutor like DBN and DP who testified that there was no meeting of the Para Cdo soldiers during that night.
	XAQ	2.I categorically deny the allegations made by Prosecution witness XAQ. Witness XAQ testified that he was a member of the Engineering Cie based in camp Kanombe. After the crash he had to report to his unit based far away from the quarter of the Para Cdo Bn as testified by Prosecution witnesses GS and XXJ. He had nothing to do with the Para Cdo Bn. As for DBQ, XAQ was contradicted by former Para Cdo soldiers DBN and DP called by the Prosecution.
	XAI	3.I strongly deny the allegations of Prosecution witness XAI. I had no authority to conduct a meeting of the units of the camp and give order to them. After the alarm which sounded after the crash each soldier reported to his unit. Witness XAI pretended that he was under treatment in the Military Hospital of Kanombe. Then he should have reported to his unit, the Medical Cie after the crash. Each unit had its tarmac except the Para Cdo Bn and the Bn AC (Field Artillery) that shared a same tarmac. Witness XAI was contradicted by Prosecution witnesses GS and XXJ who confirmed what I am saying. Prosecution witness XAI lied to the Chamber. There was no meeting at the tarmac of the Para Cdo Bn gathering all the units of the camp.
	XAP	4.I strongly contest the allegations made by Prosecution witness XAP. I had no authority to conduct meeting with all the units of the camp Kanombe and give them order. Prosecution witness XAP lied to the Chamber because he was not present in camp Kanombe in April 1994. He was deployed at Kimihurura within the 2 <sup>nd</sup> Cie Para Cdo, his unit. He pretended that he was sick which was not true. It is important to mention briefly that soldiers that he involved in various incidents in camp Kanombe, in Akajagali area and in Remera were also with him at camp Kimihurura as members of his Cie. Evidence adduced by the Defense showed that (Witness DK-110 and Exhibit DNT135B which is the list of the members of the 2 <sup>nd</sup> Para Cdo Cie established by the Para Cdo Bn for the Social Security Funds).

INCIDENT	WITNESS	DENIAL
	LN	5. I categorically deny the allegations made by witness LN. I never conducted a meeting of the Para Cdo Bn in the morning of April 7, 1994. At around 09:00 a.m. I was preparing myself to go to participate to a meeting at ESM. Prosecution witness LN lied to the Chamber. He pretended to be a member of the Para Cdo Bn whereas he was not. He was forced to admit that he was a member of the Medical Cie during the cross-examination. Even Prosecution witnesses XAP and BC confirmed that LN was member of the Medical Company. The Defense adduced enough evidence to confirm that he did not participate in the activities of the Para Cdo Bn. Defense witnesses DH-68, DK-27 and DK-11 refuted LN participation in any Para Commando Battalion activities because he was not a member of the unit. Particularly, witness DK-27, former member of the Medical Cie, testified that witness LN did not leave the compound where they were together at the Military Hospital of Kanombe on April 7, 1994.
	BC	6. Prosecution witness BC, former member of the Para Cdo Bn, testified that he was not present in the meeting. He said that he was only informed by his colleague of the CRAP platoon about a meeting held on April 7 in the morning between 08:00 and 09:00 a.m at Joli Bois. I categorically deny this allegation. I never conducted a meeting of the Para Cdo Bn in the morning in Joli Bois. Witness BC was contradicted by Defense witness DK-11 who was with him that morning at the crash site. Beside, Prosecution witness BC testified that he never receive instruction from Major Ntabakuze or from his platoon leader to kill civilians. He testified also that he never saw Para Cdo soldiers killing civilians. <sup>8</sup>
	DP	7. Prosecution Witness DP, former member of the Para Cdo Bn of Tutsi ethnic origin, admitted during the cross-examination the suggestion that the assembly of the Para Cdo Bn was held on April 7 following the attack of the RPF in Remera. He admitted that during that meeting, the only order that was issued was to counterattack the RPF combatants. <sup>9</sup> Beside it is not contested that the RPF combatants based in CND attacked in the afternoon of April 7, 1994. So a meeting held after this event could not take place in the morning. Beside, on April 7, 1994 at 10:00 a.m I was participating in the meeting at ESM. This fact is not contested ever. Therefore it is obvious that there was no meeting of the Para Cdo in the morning of April 7, 1994. Witness DP was mistaken; the meeting actually took place in the afternoon following the resumption of the war by the RPF.
	DBN	8. Prosecution witness DBN, former member of the Para Cdo Bn of Tutsi ethnic origin, confirmed during the cross-examination that after the short meeting of the Para Cdo Bn on the tarmac on April 7, Para Commando soldiers were transported on board of trucks and deployed at Remera for combat. <sup>10</sup>
	XAB	9. Prosecution witness XAB, member of the Para Cdo Bn of Tutsi ethnic origin admitted during the cross-examination that the assembly of the Para Cdo Bn was held on April 7 on the tarmac in the afternoon and that at that occasion soldiers were instructed to counterattack RPF soldiers. <sup>11</sup>

INCIDENT	WITNESS	DENIAL
		<p>10. With respect to non members of Para Cdo Bn with the exception of LN, they testified that assemblies were held during the night after the crash at different hours and with different participants, with different statements allegedly made by me. But former Para Cdo soldiers DBN and DP that were present in the camp testified that there was no meeting of Para Commando soldiers during the night after the crash.</p> <p>So it is a total confusion. It is impossible to tell which meeting I am supposed to respond to as being the basis for the charge against me. What I know is that I am charged of one meeting that allegedly took place on April 8, 1994 according to the paragraph 6.27 of the indictment.</p> <p>11. I categorically contest all these allegations. What they said to the Chamber is creasy, stupid, nonsense. The truth is the following: The only meeting of the Para Cdo soldiers that I conducted after the crash was held on the tarmac on April 7, 1994 in the afternoon following the resumption of hostilities by the RPF and the only order issued was to counter-attack the RPF combatants. This is what former Para Cdo soldiers called by the Prosecutor finally admitted during the cross-examination. This is what Defense witnesses confirmed. I never gave an order to kill civilians. Never!</p>
<p><b>WHAT HAPPENED IN RESPECT TO THE ASSEMBLIES</b></p>		<p><b><u>Here is what I did during the night of 06 to 07/04/1994 and the following day</u></b></p> <ul style="list-style-type: none"> <li>- <i>In the evening of April 6, 1994 I was at my house watching a football match (African Cup of Nations – CAN) on TV. My father was at my house waiting for an appointment for medical treatment on Thursday April 7, 1994. My children were playing outside in the garden. My wife was expected to arrive in a moment from Gisenyi. At about 08:15 p.m my wife called from Gisenyi telling me that she was finally not able to make it and that she would arrive the following morning. While I was talking to her on the phone I heard a very loud explosion and at the same time I heard children crying in panic: “they are shooting on the plane”. The children rushed inside the house while I was rushing out of the house. From the step of the door, I saw through the trees in the direction of the President residence, a ball fire going down to the ground.</i></li> <li>- <i>I came back in the house and picked up the phone and spoke to my wife who was hanging on it waiting to know what was going on. I told her that it seemed that a plane was attacked and crashed near the camp. I told her: As soon as I have precise information about the incident I will inform you.</i></li> <li>- <i>Then I left immediately my house for my office on board of my car. I arrived at my office almost at the same time as Colonel Muberuka, the camp commander. We talked a title bit. The atmosphere was smelling bad. There were shootings going on in the defense perimeter by some soldiers in panic who thought that the camp was directly under attack. We were already in a state of panic without knowing exactly what happened. What we knew was that an aircraft was brought down by missiles. The shootings took approximately 30 minutes to stop completely.</i></li> <li>- <i>In the meantime, the alarm sounded and each soldier was reporting to his unit. Shortly after Colonel Muberuka called me and told me that he tried without success to communicate on the phone with the officer in charge of the Presidential Guard at the President residence to know if they had more information about the crash. He then</i></li> </ul>

INCIDENT	WITNESS	DENIAL
		<p><i>ordered me to go there to seek after information. It was almost 15 minutes after the crash. He told me also to use the CRAP platoon for quick reconnaissance mission to locate the crash site. The CRAP had night vision equipments that other units did not have. I rushed to the guard post at the President residence on board of my vehicle after briefing the CRAP Platoon leader Lieutenant Kanyamikenke, about the mission to locate the site around the camp. I picked two of his men to reinforce my escort. When I arrived at the Guard post at the President residence I was told by the officer in charge of the post (Lieutenant Sebashyitsi) that they had not located the crash site yet but that they heard the impact of the debris not far from the residence in the direction of the East. He informed me that the President was expected to arrive that evening from Tanzania.</i></p> <ul style="list-style-type: none"> <li>- <i>I then left the President Residence Guard post on board of my car. I went North then East of the President Residence toward the direction indicated to me as being the direction of the impact of the debris (see Exhibit DNT101).</i></li> <li>- <i>When I arrived behind the residence, I got information from a neighbor of the residence about the impact of the debris. I left the car (I was driving myself). With the escorts (two of them were left behind protecting us and the vehicle) I crossed a banana plantation near the residence and then I run into the trail of the plane bearing the national colors (Rwandan flag). I concluded that it was the president plane because I knew it. After that tragic discovery I went back (without seeking to find dead bodies) to the Guard post of Presidential Guards and gave the information to the officer in charge and then I went immediately to report to Colonel Muberuka. The mission took about 10 to 15 minutes. This means that it was around 08:55 p.m.</i></li> <li>- <i>Shortly after, Colonel MUBERUKA convened a very short meeting in his office with the unit commanders of the camp. He informed them about the crash. He ordered to reinforce the defense of the camp each unit its sector of responsibility in the defense perimeter of the camp. He instructed the units to remain on alert ready to intervene on short notice.</i></li> <li>- <i>At around 09:30 p.m I accompanied Colonel MUBERUKA to the crash site. Before going back to the camp, we presented our condolences to the President family. At that time, bodies were being collected by soldiers. This short visit took about 20 to 25 minutes.</i></li> <li>- <i>At around 10:00 p.m, I accompanied Major Gregoire DE SAINT QUENTIN to the crash site. DE SAINT QUENTIN was a French officer, technical assistant to the Para Cdo Bn for the parachuting training. He wanted to see the bodies of his nationals died in the crash. I stayed at the crash site for a very short time. DE SAINT QUENTIN was driving his own car and I left him there.</i></li> <li>- <i>After that short visit to the crash site, I came back to the camp and held a meeting at around 10:30 p.m with the Para Cdo Cie commanders and the Bn staff in the office of the S2-S3 of the Battalion (this office was the biggest and was normally used for such meetings too. My office was very small to accommodate such meetings). During that meeting I informed them about the attack and the recommendations from the meeting of Colonel</i></li> </ul>

INCIDENT	WITNESS	DENIAL
		<p><i>MUBERUKA with unit commanders of the camp. We discussed also about the situation of the Bn: the strength of each Cie, the weaknesses, the state of material and equipment, reinforcement needed in order to get prepared for the worse scenario which was the resumption of the war by the RPF. Before the end of the meeting which lasted approximately an hour, I ordered the Cie commanders to inform their men about the attack and instructed them that everybody should be on maximum alert and ready to intervene on short notice.</i></p> <ul style="list-style-type: none"> <li>- <i>After that meeting I went to my office where I spent the night. Soldiers that were not deployed in the perimeter of the defense of the camp spent the night close to the offices of their company commanders. The soldiers did not leave the camp except the CRAP platoon which was sent to the crash site. The tension was very high and the fear of attack by the RPF was present in the mind of everyone.</i></li> <li>- <i>Before the meeting with the Cie commanders and the Bn staff, I telephoned my wife to inform her about the attack. Under the circumstances, we agreed that she should postpone her trip to Kanombe until the situation was cleared up. My wife was thus blocked there. Following the degradation of the situation, she was definitively prevented to come back to Kanombe camp for good. My father did not have a chance to meet with the doctor. My children and my father joined my wife at Gisenyi on April 10, 1994.</i></li> <li>- <i>In the morning of April 7, 1994, at around 06:00 a.m, I went home to take a bath and have breakfast. After that I came back to my office.</i></li> <li>- <i>Between 07:30 and 08:00 a.m I met with Major De St Quentin in my office.</i></li> <li>- <i>At around 09:25 a.m, I left camp Kanombe for ESM. Before leaving, I informed the Cie commanders and the Bn staff that I had to participate in a meeting at ESM and that the instructions given to them were unchanged. When I left my office, Para Cdo soldiers were on stand-by near the office of their Cie commanders.</i></li> <li>- <i>I arrived at ESM at around 09:50 a.m. The meeting ended at around 12:30 p.m and I immediately came back to Kanombe camp. I arrived at Kanombe at around 01:15 p.m. At that time, Para Cdo soldiers were still on stand-by near the office of their Cie commanders. After a short stay in my office, I went home to take my lunch. I came back to my office at around 02:30 p.m.</i></li> <li>- <i>At around 03:30 p.m, at the moment I was on the verge to have a meeting with the Cie Commanders and the Bn staff to inform them about the meeting at ESM, Colonel MUBERUKA, commander of the operational sector of the town of KIGALI called me and informed me that the RPF had resumed hostilities and that camp Kimihurura was already under a heavy attack. He ordered me to reinforce immediately the camp Kimihurura with a company and to be ready to intervene on short notice with the remaining of the unit. It was thus necessary to act quickly. I then gathered the Battalion on the tarmac to briefly inform everyone about the resumption of the war by the RPF and of the order of intervention to the camp KIMIHURURA. I, on the spot, designated the 4<sup>th</sup> Company Para Commando, led by the Second lieutenant HAKIZIMANA to carry out the mission. The order was very short. I said to the remainder of the Battalion to stay ready to intervene on short notice. Then I returned to my office. The 4<sup>th</sup></i></li> </ul>

INCIDENT	WITNESS	DENIAL
		<p><i>Company left immediately the camp around 15h40 on board of four military trucks.</i></p> <ul style="list-style-type: none"> <li>- <i>Shortly after the departure of the 4<sup>th</sup> Cie, I was informed by the operational sector commander that the RPF was advancing toward the airport of Kanombe and that the Gendarmerie Brigade of Remera was already captured. He ordered me to counter-attack immediately to prevent the capture of the airport and the threat to Kanombe camp. The 1<sup>st</sup> Cie was immediately deployed at Remera to counter-attack the RPF combatants. In the evening, the 3<sup>rd</sup> Cie was deployed also at Remera.</i></li> <li>- <i>Before the departure of the 1<sup>st</sup> Cie, I met with Major De St Quentin in my office for a very short time. It was around 04:00 p.m when we were interrupted by the incident involving 2<sup>nd</sup> Lieutenant Nzabonariba, the Commander of the Fire Sport Cie of the Para Cdo Bn. In the evening at around 06:30 p.m, I met with Major De St Quentin near my office. At that occasion we talked about the assassination of the Belgian soldiers in camp Kigali.</i></li> <li>- <i>About the deployment of the unit, when a maneuver Cie was deployed isolated it was given an element of the Fire Support Cie and an element of the HQ Cie. This is to say that at the evening of April 7, 1994, the five combat Cies of the Bn were all deployed on the battlefield whereas the HQ Cie had to provide logistic and administrative support.</i></li> <li>- <i>No one among the Prosecution witnesses was able to resist to the cross-examination on the alleged assemblies during which I allegedly issued an order to revenge the death of President Habyarimana by killing civilians. Former Para Cdo soldiers finally admitted during the cross-examination that I never issued such an order.</i></li> </ul>
2. Meeting with Bagosora and other officers in camp Kanombe after the crash	<p>GS</p> <hr/> <p>LN</p> <hr/> <p>DBQ</p>	<p>1. I categorically reject the allegations made by Prosecution witness GS, a former member of the Cie BM (Military Building Cie). I never went to the office of the Cie BM after the crash. I have just explained what I was doing. I was never involved in ordering coffins for the victims of the crash. I had no authority to be involved and I was never ordered to do so. I never made the statement alleged by Prosecution witness GS.</p> <p>2. I strongly contest the meeting alleged by Prosecution witness LN. I never met Bagosora during the night after the crash. The meeting of officers at the Military Hospital of Kanombe is a pure fabrication.</p> <p>3. I strongly reject the allegation made by DBQ. This allegation is even stupid. How a Major could chair a meeting gathering two full Colonels respectively Chef de cabinet in the MINADEF and Commander of the camp in his office? This is impossible. The Chamber heard the testimony about the whereabouts, in April 1994, of Captain Rusingiza, Captain Hakizimana and Lieutenant Udahemuka especially from Defense witness DM-52. Those officers were not member of the Para Cdo Bn and were not present in camp Kanombe. The Chamber heard testimony about the whereabouts of Colonel Bagosora during the night of April 06 to 07, 1994 especially from General Dallaire and from Colonel Bagosora himself. Colonel Bagosora was in a meeting at the Army HQ and never came to camp Kanombe that night. As I said earlier, DBQ was not a member of the Para Cdo Bn. His name does not appear on the list of the 1<sup>st</sup> Para Cdo Cie of which he pretended to be member (Defense Exhibit DNT135A). Again this stupid allegation is another proof that he was not a member of the Para Cdo Bn.</p>

INCIDENT	WITNESS	DENIAL
	DBN	4.I categorically deny the allegations made by Prosecution witness DBN about the presence of Colonel Bagosora in my office on April 7, 1994 at around 07:30 a.m. Colonel Bagosora testified about his timetable in the morning of April 7, 1994. I never had a meeting with Colonel Bagosora in camp Kanombe that day. By the way, Colonel Bagosora never came in my office during the year 1994. Never!
<b>WHAT HAPPENED IN RESPECT TO MEETING WITH Col BAGOSORA AND OTHER OFFRS</b>		<i>I have already explained above where I was and what I was doing during that period.</i>
3. Akajagali incidents	DBQ	1.I strongly reject the allegations made by DBQ. The 1 <sup>st</sup> Cie Para Cdo was never deployed in Akajagali area in April 1994. I never visited this area on April 7, 1994 between 10:00 and 11:00 a.m. Indeed at that time, I was in the meeting at ESM. I could not be at two places at the same time. The Chamber heard testimonies of Defense witnesses about the whereabouts of Captain Rusingiza and Captain Hakizimana. DBQ was not a member of the Para Cdo Bn. He came to tell lies to the Chamber.
	XAQ	2.I categorically contest the allegations made by Prosecution witness XAQ. I have explained that the meeting after the crash alleged by XAQ did not take place. Para Cdo soldiers did not go out after the crash to kill civilians. This witness came to tell lies to the Chamber. Prosecution witnesses DBN admitted during the cross-examination that no member of the Para Commando Bn went out of the camp during the night after the crash except the CRAP platoon <sup>12</sup> . Prosecution witness DP confirmed that except the CRAP platoon nobody else from the Para Commando Battalion went out of the camp during the night after the crash. <sup>13</sup> This was confirmed by Defense witnesses DK-120 and DK-14.
	XAI	3.I categorically contest the allegations made by Prosecution witness XAI for the same reason as Prosecution witness XAQ above.
	XAP	4.I reject the allegation made by Prosecution witness XAP. As explained above, this witness was a member of the 2nd Cie Para Cdo. He was deployed at camp Kimihurura in April 1994. XAP could not witness incidents in camp Kanombe or be informed from camp Kanombe about incidents in Akajagali. Corporal Byumve mentioned in this allegation was also at Kimihurura that time. He was not in camp Kanombe or in Akajagali area on April 7, 1994. This witness came to tell lies to the Chamber.
	XAB	5. Prosecution witness XAB alleged that he heard gunshots in Akajagali after the crash and concluded that CRAP Platoon and GP soldiers were killing people in the area. Witness XAB said that he was leaving in the vicinity of the camp in the side of LAA Bn which was opposite to Akajagali. How could he make such conclusion if the did not have ulterior motive. Prosecution witness BC testified that the CRAP platoon was not involved in massacres in Akajagali.
	DBN	Prosecution witness DBN, a former member of the Para Cdo Bn of Tutsi ethnic origin, admitted that after the

INCIDENT	WITNESS	DENIAL
	<p>meeting, two Cies were transported on board of trucks to Remera for combat. This was confirmed also by Prosecution witnesses XAB and DP who testified that after the meeting, Para Commando soldiers were deployed on the battlefield in Remera. They were corroborated by Defense witnesses DK-120 and DK-14.</p> <p>Prosecution witness DBN admitted that when he went to Akajagali on April 7, 1994 at 10:00 a.m he did not see people being killed<sup>14</sup>. Witness DBN did not suggest any connection between Ntabakuze and the alleged incident of loading bodies on a truck belonging to commune Kanombe. I never gave an order to Para Cdo soldiers to collect bodies in Akajagali area. If had given to them that mission I would have provided them with means especially a truck of the unit. I had about 15 military trucks. DBN admitted that if the mission had been given to the soldiers to collect bodies, the Transport Platoon leader would have assigned the mission to one of the Para Commando drivers<sup>15</sup>.</p> <p>6. Prosecution witness GS admitted during the cross-examination that he did not see Para Commando soldiers in Akajagali area in the morning of April 7, 1994 and did not see them killing civilians. Witness GS did not suggest any connection between Ntabakuze or Para Commando soldiers and the alleged killing of the members of his family in law.</p> <p>7. Prosecution witness XXJ allegation against Second Lieutenant Niyitegeka and his group is a hearsay that was not corroborated. Witness XXJ was a member of the Bn AC (Field Artillery Bn) based in camp Kanombe. He admitted that Niyitegeka did not receive an order to commit atrocities. Witness XXJ admitted that when he met Niyitegeka this one did not tell him that he was following order from his superiors. Witness XXJ admitted also that he did not report the incident to his superiors. I was never informed about the alleged incident. I could not be informed simply because the allegation is pure fabrication. Beside, Prosecution witness BC testified that the CRAP platoon was not involved in massacres in Akajagali.</p> <p>8. Prosecution witness XXY testimony is triple hearsay. I contest this allegation.</p>	
<p><b>WHAT HAPPENED IN RESPECT TO AKAJAGALI</b></p>		<p><b>1. When I passed near Akajagali on my way to and back from the meeting at ESM, I did not observe killing in the area. I was never informed about the involvement of Para Cdo soldiers in killings in Akajagali area.</b></p> <p><b>2. Therefore, I fully support Prosecution witnesses who contested the alleged killing by Para Cdo soldiers. I support also what Defense witnesses said about Akajagali (DK-19, DK-14, DK-120, DH-87, DH-51 and DI-40).</b></p>
<p>4. Nzabonariba &amp; Nyabyenda incident</p>	<p>LN</p> <p>XAP</p> <p>DBN</p> <p>XAB</p>	<p>1. Prosecution witness LN version shows that he was not on the tarmac and did not witness the incident. He probably heard about it later on. Defense witness DK-27 testified that LN never left the compound of the Military Hospital of Kanombe where they were together on April 7, 1994.</p> <p>2. Prosecution witness XAP version about Nzabonariba incident is another proof that he was not in the camp Kanombe in April 1994.</p> <p>3. Concerning Nyabyenda, this is a total fabrication. XAP and Nyabyenda were both deployed within the 2<sup>nd</sup> Cie of the Para Cdo Bn at Kimihurura in April 1994.</p> <p>4. The version of Prosecution witness XAB is close to the reality.</p>

INCIDENT	WITNESS	DENIAL
		5. None of the Prosecution witnesses alleged that Nzabonariba acted on order from me. About the statement allegedly made by Nzabonariba before shooting, each witness has his own version. Anyway, it appears that the soldier was not killed for ethnic reason.
<b>WHAT HAPPENED IN RESPECT TO NZABONARIBA/NYABYENDA INCIDENTS</b>		<p><i>1. The incident occurred on 07/04/94 in the afternoon just after the departure of the 4<sup>th</sup> Cie for camp Kimihurura. I heard the shooting from my office and went immediately to the site.</i></p> <p><i>2. The incident was deplorable and tragic. I was really choked by Nzabonariba attitude. Nzabonariba told me that he had arguments with the soldier to whom he reproached to have disobeyed his order. He said that the soldier threatened to kill him and acted in self-defense. I disarmed immediately Nzabonariba, replaced him on his function and put him in a cell as preventive and provisional measures.</i></p> <p><i>3. The incident was reported immediately to the commander of the operational sector of Kigali Town and to the Army HQ. I ordered the S1-S4 to investigate the matter. Two days later, on the advice of my staff and pursuant to Rule 60 of the Code of conduct (Règlement de discipline), I imposed the punishment of 21 days of “Open arrest”, the heavier punishment that a Bn commander was empowered to impose, leaving to the higher authority to take appropriate action after the completion of the investigation. Indeed, an investigation was made and the report transmitted to the higher authority.</i></p> <p><i>4. Nzabonariba was transferred from the Para commando Battalion approximately a week later. In the meantime, he did not participate in any activity of the Para Commando Battalion.</i></p> <p><i>5. About Nyabyenda incident this is a pure fabrication. Prosecution witness XAP was deployed in camp Kimihurura within the 2<sup>nd</sup> Cie, his Cie in reinforcement mission in April 1994. He could not witness incident in camp Kanombe on April 12, 1994. Moreover, Nyabyenda was himself member of the 2<sup>nd</sup> Cie Para Cdo and was deployed within his Cie at camp Kimihurura. Therefore he could not be involved in incident in camp Kanombe. Witness DK-110 confirmed that Nyabyenda was indeed at camp Kimihurura in April and that nothing happened to him. Defense Exhibit DNT135B shows that he was member of the 2<sup>nd</sup> Cie Para Cdo. The Exhibit is a list of the members of the 2<sup>nd</sup> Para Cdo Cie established by the Para Cdo Bn for the Social Security Funds.</i></p>
5. Bagosora ordering “Muhere aruhande”	<p>Reyntjens</p> <p>Desforges</p>	<p>1. I strongly deny the allegation made by Professor Reyntjens who was not even an eye witness of the alleged incident. This allegation is a pure fabrication.</p> <p>2. Mme Desforges based her opinion on Reyntjens. As the same, I strongly reject this allegation.</p> <p>3. Defense witnesses DM-191, DK-32, DK-19 and AO8 (Bagosora witness), testified on the ESM meeting as eye witnesses. All of them confirmed that Bagosora did not meet with the three officers outside the meeting room of ESM after the meeting. I fully support what they said.</p>

INCIDENT	WITNESS	DENIAL
<b>WHAT HAPPENED IN RESPECT TO MUHERE ARUHANDE ORDER FROM BAGOSORA</b>		<i>1. Yes, I was present in the meeting at ESM with DM-191 and DK-32 and other officers but I never met Col Bagosora outside the meeting room after the meeting. I never got an order of any kind from Colonel Bagosora at ESM on April 7, 1994. I never heard the alleged order “Muhere aruhande”.</i>
6. Kabeza incidents	BL	1. Prosecution witness BL testified that she saw Para Commando soldiers passing near her house and heard gunshot thereafter. No eye witness informed her that those soldiers actually killed Musoni and Alexis. Besides, witness BL testified that when she saw the bodies of the victims, she “noticed that the body looked like that of a person who had been drowned, but I did not see any gunshot wounds”. So it is not established those two persons died from bullet wounds. Finally, there is no link between Ntabakuze and the alleged incident. Assuming that those soldiers were responsible for that crime, it was not established that those soldiers were from the Para Commando Battalion and that they were acting under my order. I strongly contest the allegation.
	AH	2. I strongly deny the allegation made by Prosecution witness AH. I never supervised killing in Kabeza on April 08, 1994. The Para Cdo Bn was never deployed in Kabeza. The Bn was deployed at Remera to fight against RPF combatants. This is what former Para Cdo soldiers called by the Prosecution confirmed before the Chamber and this is what Defense witnesses corroborated. Beside, witness AH did not mention any name of the victim in the area where he was living. This is a proof that he came to tell lies to the Chamber.
<b>WHAT HAPPENED IN RESPECT TO KABEZA</b>		<p><i>1. Concerning BL allegations, I was not there. Defense witness DI-40 who was there testified. I never gave any order to Para Cdo soldiers to go to Kabeza in the morning of April 7, 1994. I did not get information about the involvement of Para Cdo soldiers in atrocities in Kabeza at any time.</i></p> <p><i>2. Concerning AH allegations, I was not in Kabeza area on April 8, 1994 at 10:00 a.m. because I was in camp Kanombe at that time with Doctor Pasuch Masimo, Lt Colonel of the Belgian Army. This is confirmed by the KIBAT Report (Exhibit P 149). I could not be at the same time in camp Kanombe and in Kabeza area.</i></p>
7. Centre Christus incidents	XAB	<p>1. I categorically reject allegation made by Prosecution witness XAB. I never gave an order to anybody to kill civilians at Centre Christus. I was never informed about the involvement of Para Cdo soldiers in killings at that place on April 7, 1994. I could not be informed simply because the allegation is pure fabrication.</p> <p>2. Prosecution witness XAB was not an eye witness and was not corroborated. Instead he is contradicted by Prosecution witness ET. Indeed, XAB alleged that he was informed by his colleague before 06:00 in the morning in camp Kanombe that people had been killed at Centre Christus by Para Cdo soldiers whereas Prosecution witness ET testified that the killing at Centre Christus occurred after 09:00 a.m on 07/04/94 and did not involve Para Cdo soldiers.</p>
<b>WHAT HAPPENED IN RESPECT TO CENTRE CHRSTUS</b>		<i>See above</i>

INCIDENT	WITNESS	DENIAL
8. IAMSEA incidents	DBQ	1. I categorically reject allegation made by Prosecution witness DBQ. As I said earlier, DBQ was not a member of the Para Cdo Bn. His name does not appear on the list of the 1 <sup>st</sup> Para Cdo Cie of which he pretended to be member (Defense Exhibit DNT135A). Defense witnesses DM-52 and DK-120 confirmed that he was not member of the Para Cdo Bn. So he was not deployed within the 1 <sup>st</sup> Cie of the Para Commando Bn.
	WB	I never gave any order to kill civilians at IAMSEA. I was never informed about the involvement of Para Cdo soldiers in killings at that place. I could not be informed simply because the allegation is pure fabrication. 2. I categorically deny allegation made by Prosecution witness WB. I never gave any order to kill civilians near the IAMSEA. I was never informed about the involvement of Para Cdo soldiers in killings at 600 m from IAMSEA of refugees taken from IAMSEA on April 15, 1994. I could not be informed simply because the allegation is pure fabrication. Prosecution witness WB testified that the refugees were not confined at IAMSEA and were not prevented to leave the place. According to his story, soldiers were given order to kill the refugees according to information got from someone else, and then the operation was controlled by Interahamwe. He testified that the soldiers saved some of the refugees including himself and his children and took them back from the site of massacre to IAMSEA where they were. He also said that his mother was not taken away from IAMSEA and that she survived. Moreover, there was no single evidence about the measure taken against soldiers who did not follow the alleged order to kill civilians. His story is unbelievable. What kind of order is that? The alleged order was never issued.
		3. Prosecution witnesses WB and DBQ were supposedly at IAMSEA during the same period but witnessed two different incidents, which is very strange. Indeed, DBQ alleged that killing by soldiers of the 1st Cie Para Cdo occurred at IAMSEA at the end of April 1994 whereas WB alleged that refugees were taken from IAMSEA to be killed at 600 m away on the April 15, 1994 by a group of Interahamwe and soldiers led by Interahamwe. These contradictions confirm the fabrication. 4. Beside, Prosecution witness XAB said that except rumors that he heard on April 12, 1994 about involvement of some unidentified soldiers in some unlawful activities, he was not aware of any other misconduct of Para Commando soldiers until the end of the war <sup>16</sup> .
<b>WHAT HAPPENED IN RESPECT TO IAMSEA</b>	<p data-bbox="573 1134 2130 1394"><b>1. Concerning the alleged incidents at IAMSEA, I never issued an order to kill civilians there and I never went there. Witness WB testimony was a total lie. He categorically stated that he saw me at IAMSEA in April 1994 before the alleged killing, in military uniform. He stated that I was wearing a shoulder pad with a bar and a star. If witness WB had really seen me he should have noticed that I had more than a bar and a star on my shoulder pad. Indeed, in April 1994, I was wearing as usual my rank and the emblem of the US Army CGSC on my shoulder pad (Exhibit DNT125B). Moreover, if witness WB had really seen me he would not have required a rehearsal with my photograph on the eve of his testimony in order to recognize me in the court.</b></p> <p data-bbox="573 1394 2130 1426"><b>2. From April 7, I was busy conducting operation in the area from my command post which was located to the</b></p>	

INCIDENT	WITNESS	DENIAL
		<p><i>airport. During combat operations the Bn commander seldom dare to move up to the most forward line of combat. The Bn Commander relies on information from the Cie Commander except when the terrain permits him to get information by observation from a certain distance. So, as far as I know, the 1<sup>st</sup> Para Cdo Cie did not occupy the IAMSEA. At some point in time it tried to occupy the high ground which was the vicinity of the “Bureau Pédagogique” without success.</i></p> <p><i>3.I support what Defense witness L-22 who was at IAMSEA said to the Chamber.</i></p>
9. Other incidents in Remera and environs	DBN	1.I strongly deny allegation made by Prosecution witness DBN. Witness DBN was a member of the Para Cdo Bn and did not establish that those soldiers were acting following my order. Anyway, DBN confirmed that he did not see soldiers killing people and did not see any dead body at the place identified by him as Kabeza I. I was not aware of a location called Kabeza I in Nonko sector. Defense witness DI-40 confirmed that the location called Kabeza I in Nonko sector did not exist in 1994. The map of the area does not show this location ever.
	DBQ	2.I categorically contest the allegation made by Prosecution witness DBQ. As I said earlier, DBQ was not a member of the Para Cdo Bn. His name does not appear on the list of the 1 <sup>st</sup> Para Cdo Cie of which he pretended to be member (Defense Exhibit DNT135A). Defense witnesses DM-52 and DK-120 confirmed that he was not member of the Para Cdo Bn. So he was not deployed at Remera within the 1 <sup>st</sup> Cie. Para Cdo soldiers were not manning roadblocks along with Interahamwe at Giporoso. Giporoso was a battlefield area. Para Cdo soldiers occupied combat positions and not roadblocks.
	XAI	3.I categorically reject the allegations made by Prosecution witness Prosecution XAI. These allegations are pure fabrication. Witness XAI pretended that the he was among sick soldiers transferred from the Military Hospital of Kanombe to CHK and then to Kabgayi. He said that during the transfer to CHK between April 15 and 20, 1994 they followed the itinerary Kanombe-Giporoso-Sonatubes-Gikondo-CHK. This itinerary was impracticable because of the fighting going on at Remera along the road Giporoso-sonatube between FAR and RPF that time. Many Prosecution witnesses and Defense witnesses as well confirmed the impracticability of that road. Prosecution witness LN testified that the Military Hospital of Kanombe was transferred to Butare and this was also confirmed by Defense witnesses (DH-68 and DK-27). These witnesses testified that they followed the itinerary Kanombe-Rubilizi-Kicukiro-Gikondo which is different from the one mentioned by witness XAI. Therefore it is obvious that witness XAI was either not transferred from the Military Hospital of Kanombe or did not follow the itinerary that he mentioned. Anyway, He came to tell lies to the Chamber. Moreover, the Prosecution stated that it does not dispute the fact that the Para commando Battalion was fighting in Remera. So the Para Commando Battalion had combat positions in the area and not roadblocks as alleged by Prosecution witnesses DBQ and XAI.
	XAB	4.I strongly deny allegation made by Prosecution witness XAB. Prosecution witness XAB admitted that he was not eye witness of Killing in Kicukiro and Sahara neighborhood. Moreover, Prosecution witness XAO, former member of the

INCIDENT	WITNESS	DENIAL
		<p>2<sup>nd</sup> Cie of the Para Commando Bn did not testify on the implication of the members of his Company in killing in Kicukiro and Sahara neighborhood on or before 12<sup>th</sup> April 1994. He testified that his Cie was deployed at Kimihurura in April 1994. Defense witness DK-110 testified that his company (2<sup>nd</sup> Cie of the Para Commando Bn) left camp Kimihurura for Sonatubes three weeks before the capture of Kanombe by RPF. Since Kanombe was captured on May 21, 1994, this means that the 2<sup>nd</sup> Cie of the Para Commando Bn was not fighting in Kicukiro and Sahara neighborhood on 12 April 1994. Beside, Defense witness DH-51 contradicted Prosecution witness XAB (see the map of Kigali).</p>
	DCB	5. Prosecution witness DCB, former member of the Presidential Guard Bn pretended that he was informed by unidentified persons in camp Kimihurura on April 7, 1994. So he was not an eye witness of the alleged incidents and was not even able to indicate his informant. I categorically contest allegations made by Prosecution witness DCB.
	XAP	6. I strongly reject allegations made by Prosecution witness XAP. This is pure fabrication.
<p><b>WHAT HAPPENED IN RESPECT TO REMERA AND ENVIRONS</b></p>		<p>1. <i>It is now the convenient time to explain how Prosecution witness XAP fabricated stories to mislead the Chamber. The Chamber will recall that this witness pretended he was not deployed within his Cie, the 2<sup>nd</sup> Cie of the Para Commando Bn, at Kimihurura because he was sick. He alleged that I conducted a meeting of units of the camp Kanombe during the night after the crash. He alleged that he was informed in camp Kanombe about the killing of civilians in Akajagali by Corporal Byumve in the morning of April 7, 1994. He alleged also that he was informed in camp Kanombe by Corporal Nsengumuremyi about killing at Remera on April 7, 1994. He alleged that I refused to incorporate Corporal Turatsinze in my escort team on on April 7, 1994, in camp Kanombe, because he was a Tutsi. He pretended that he witnessed Nzabonariba incident in camp Kanombe on April 7 or 8, 1994. Then he alleged that I handed Private Nyabyenda to Interahamwe to be killed on April 12, 1994 because he was accused of protecting Tutsi. Witness XAP said that Corporal NSENGUMUREMYI was a member of the HQ Cie of the Para Commando Battalion. He said that TURATSINZE was a parachute folder without mentioning his company but this would be the HQ Cie of the Para Cdo Bn. For NYABYENDA, XAP said that he didn't know his Company. For BYUMVE, he didn't mention his Company.</i></p> <p>2. <i>According to Defense Exhibit DNT135B, which is a list of the members of the 2<sup>nd</sup> Para Cdo Cie established by the Para Cdo Bn for the Social Security Funds in 1993, these soldiers mentioned by XAP in different incidents are, as XAP himself, members of the 2<sup>nd</sup> Cie of the Para Commando Bn. It is not contested that the 2<sup>nd</sup> Cie of the Para Commando Bn was in reinforcement mission in the camp Kimihurura, on April, 06, 1994 and was still there on April 12, 1994. Therefore, these soldiers were not in camp Kanombe on the dates mentioned by XAP relatively to the alleged incidents. So, witness XAP falsely implicated these soldiers in the events that he himself forged. After fabricating those allegations, Prosecution witness XAP resorted to the names of soldiers of his company with which he was familiar, thinking that he would not be contradicted on those names.</i></p> <p>3. <i>Defense witness DK-110 confirmed that witness XAP like all those soldiers he mentioned in different incidents</i></p>

INCIDENT	WITNESS	DENIAL
<b><i>were in fact members of the 2<sup>nd</sup> Cie and all of them were actually deployed at camp Kimihurura in April 1994.</i></b>		
10. Rape	DBQ	I strongly reject the allegation made by Prosecution witness DBQ. As I said earlier, DBQ was not a member of the Para Cdo Bn. His name does not appear on the list of the 1 <sup>st</sup> Para Cdo Cie of which he pretended to be member (Defense Exhibit DNT135A). Defense witnesses DM-52 and DK-120 confirmed that he was not member of the Para Cdo Bn. Therefore he was not deployed within the 1 <sup>st</sup> Company Para Commando. Beside the 1 <sup>st</sup> Cie Para Cdo never controlled Centre Christus. The Centre Christus was controlled by the RPF from the start. The attempts made to recover that terrain failed. Defense witnesses (DK-120 and DM-191) and UNAMIR STREPs (Exhibits DNT39 & DNT40) confirmed that fact. Indeed, the computation of the distance between the two points using the map of Kigali town confirms that the Centre Christus was within 300 m from the Amahoro complex as indicated in the UNAMIR SITREPs).
<b><i>WHAT HAPPENED IN RESPECT TO RAPE</i></b>		<b><i>This allegation is pure fabrication. If there was rape at that location Para Cdo soldiers cannot be held responsible because this location was in the area controlled by the RPF combatants.</i></b>
11. Kimihurura incidents	Hutsebaut KAVAAN XAO	<ol style="list-style-type: none"> <li>1. Prosecution witness Hutsebaut Didier and Madame Kavaruganda did not establish with certainty that the soldiers they saw were from the Para Commando Battalion. They did not suggest that the soldiers concerned were involved in killing or that they were under my authority.</li> <li>2. Prosecution witness XAO, a member of the 2<sup>nd</sup> Cie of the Para Cdo Bn, testified that the Para Commando Battalion commander had no operational responsibility over the 2<sup>nd</sup> Para Commando Cie which was in reinforcement mission at camp Kimihurura.</li> <li>3. General Dallaire and Colonel Claes Frank confirmed that as a military principle, a unit in reinforcement is no more under the responsibility of the original unit during the period of the mission.</li> <li>4. Defense witnesses Colonel Dewez, DM-190 and DM-191 corroborated General Dallaire on this issue of command responsibility.</li> </ol>
<b><i>WHAT HAPPENED IN RESPECT TO KIMIHURURA</i></b>		<b><i>What can I say beside the testimony of Prosecution witnesses and Defense witnesses? I had no responsibility over the Para Cdo elements that were in reinforcement mission in camp Kimihurura.</i></b>
12. Sonatube incident	Desforges Ruggiu AFJ AR	<ol style="list-style-type: none"> <li>1. I strongly deny the involvement of Para Cdo soldiers and of myself in the killing at Nyanza hill of civilians that were sent back to ETO from Sonatube in April 1994 as alleged by Prosecution witness Desforges.</li> <li>2. There are contradictions between Prosecution witnesses AFJ and AR on very important issues such as the time when the Sonatube incident occurred, the soldiers involved in the incident, on my presence at Sonatube, on how the refugees left Sonatube.</li> <li>3. Prosecution witness AFJ mentioned that I came to Sonatube where I helped a convoy of refugees escorted by UNAMIR to proceed to the airport of Kanombe. He said that at that occasion I left Sonatube with this convoy to the airport. I do recall this incident which is also recorded in Kibat Report and was actually confirmed by Defense</li> </ol>

INCIDENT	WITNESS	DENIAL
		<p>witness Colonel Dewez during his testimony before the Chamber. I do not recall the exact time of the day but the Report says that it was on April 11, 1994 at 12:29 p.m. About the Sonatube incident AFJ said that the refugees were sent back before the convoy arrived at Sonatube. This is to say that the incident occurred before or around noon. Assuming the Prosecution is right, the refugees were sent back toward ETO where they could be helped by UNAMIR soldiers.</p> <p>Prosecution witness AR testified that he was among the group that was sent back from Sonatube to ETO. He testified that he never saw me whereas witness AFJ testified that I was at Sonatube.</p>
<p><b>WHAT HAPPENED IN RESPECT TO SONATUBE</b></p>		<p><i>1. I was not at Sonatube when the refugees were prevented to cross the combat zone at Sonatube. I was at my command post at the airport but I was informed immediately by radio communication about the presence of about 250 refugees from ETO by the commander of the 3<sup>rd</sup> Para Cdo Cie that had Sonatube in his combat sector. The Cie commander requested instructions about where to direct them and ensure their security. Obviously he could not let them cross the combat zone for their security. Because I did not have a solution right away, I ordered him to put them in a secured place nearby while I was asking for instructions from my superior. I called immediately the operational sector commander for about 3 to 5 minutes without success. But fortunately, I was finally intercepted by the Army HQ, namely by Lt Colonel Kanyandekwe who told me that Colonel Muberuka was out of reach for the moment from the place where I was. He told me that he can relay the message. I then told him: I have an emergency that I would appreciate if the Army HQ could give me instructions right away. I briefly explained to him the problem I was facing. Lieutenant Colonel Kanyandekwe told me: I am with the Army Chief of staff, wait a minute for instructions from him". After about 5 minutes, he contacted me and communicated to me instructions from the Chief of Staff, Colonel Gatsinzi. I was told to contact immediately Captain Munyabarenzi, the commander of the Gendarmerie Brigade of Kicukiro, and to tell him to collect the refugees, conduct them to ETO and ensure their security. I complied immediately with the order. I forwarded the instructions to Captain Munyabarenzi. Then I ordered the Para Commando Cie commander in charge of Sonatube to hand the refugees to the elements of the Gendarmerie Brigade of Kicukiro on the way to take them back to ETO and ensure their security. After about 10 minutes the Para Cdo Cie Commander reported to me that the Gendarmes had collected the refugees. This is what I did and this is what happened.</i></p> <p><i>I do not recall the exact time when the incident occurred but when I was given the order and complied with I understood that UNAMIR soldiers were still at ETO. It was safer for them to be at ETO than in the war zone. I did not send the refugees in a dangerous area and I was not informed that they were attacked and dispersed on the way back to ETO until I heard the testimony of Defense witness DK-37. Beside, the ETO was not within the area of my responsibility.</i></p> <p><i>2. Prosecution witnesses AFJ did not say the truth. I was not at Sonatube. He probably heard my conversations on radio with the Army HQ, the Gendarmerie Brigade of Kicukiro and the Cie commander. He never saw the</i></p>

INCIDENT	WITNESS	DENIAL
		<p><i>refugees. This explains why he was not able to estimate the number of the refugees and his numerous contradictions about Sonatube incident.</i></p> <p><i>3.If the Para Cdo soldiers had received order to attack civilians, they would not have requested instructions when the refugees run into their combat position. This is rather a proof that no order to kill civilians was issued to them at anytime.</i></p> <p><i>4.Para Cdo soldiers on combat position at Sonatube did nothing wrong. I fully support what Defense witnesses DK-11 and DK-37 said before the Chamber.</i></p>
13. Weapons and ammunition supply	<p>XAB</p> <hr/> <p>DP</p> <hr/> <p>XAP</p> <hr/> <p>XAQ</p>	<p>1.I categorically reject allegation made by Prosecution witness XAB. During the cross-examination Prosecution witness XAB alleged that on 07/04/94, he saw Ntabakuze coming to the camp with Interahamwe at 02:30 p.m. He testified that he saw Ntabakuze a second time coming to the camp with another group of Interahamwe between 03:00 and 03:30 p.m. The 3<sup>rd</sup> time at 05:00 p.m and the 4<sup>th</sup> time at 05:30. p.m. He confirmed that all these events occurred after the deployment of the Battalion to counterattack the RPF. XAB alleged that on 08/04/94, he saw Ntabakuze with a group of Interahamwe at 08:30 a.m. He testified that another group of Interahamwe came without Ntabakuze at 01:30 p.m and another group with Ntabakuze at 03:00 p.m. Prosecution witness XAB alleged that the order to provide ammunition and equipment to Interahamwe was given by Lieutenant Maniriho. When asked to name other soldiers that were working with Maniriho he said that he did not remember any name. Prosecution witness XAB alleged that the Interahamwe were provided fuel from the same store.<sup>17</sup> There are contradictions in XAB declarations because he admitted that the deployment of the Bn took place in the afternoon following the attack of the RPF at around 03:00 p.m. on April 7, 1994. At that time I was busy organizing my unit for the counter-attack.</p> <p>The fact that XAB was not able to name a single soldier that was with Lieutenant Maniriho is a proof that he was lying. Moreover XAB is not credible because he pretended that fuel and ammunitions were stocked in the same place which is impossible. Beside, Prosecution witness DBN confirmed that there was no fuel stock in the Para Cdo Bn. As I said earlier on April 7, 1994 at around 04:00 p.m I met with Major De St Quentin in my office and we were interrupted by the incident involvind 2<sup>nd</sup> Lieutenant Nzabonariba. In his statement he said that he did not witness Interahamwe being supplied with weapons and ammunitions by the Para Cdo Bn.</p> <p>2.I strongly deny allegation made by Prosecution witness DP. As the same, these incidents never happened.</p> <p>3.I categorically reject allegation made by Prosecution witness XAP. Prosecution witness XAP never explicitly suggested the involvement of the Para Cdo soldiers in supplying Interahamwe. Beside, witness XAP was deployed at Kimihurura. He was not in camp Kanombe. Therefore he could not witness incident in camp Kanombe during his absence. He came to tell lies to the Chamber.</p> <p>4. Witness XAQ confessed during the cross-examination that there was no fuel stock in the Para Commando Battalion. Beside, XAQ did not explicitly implicate Ntabakuze or the Para Cdo soldiers. I was not responsible of the stores of the camp Kanombe. My unit never supplied weapons to Interahamwe. I strongly deny the allegation</p>

INCIDENT	WITNESS	DENIAL
	XAI	5.I strongly deny allegation made by Prosecution witness XAI. There was no fuel stock in the Para Commando Battalion. This was confirmed by Prosecution witnesses XAQ and DBN who was a truck driver in the Para Commando Battalion. I was not responsible of the camp Kanombe.
	DCH	6.I categorically contest allegation made by Prosecution witness DCH. I never supplied weapons to civilians from Kabuga. Prosecution witness DCH came to tell lies to the Chamber and this was demonstrated during the Defense cross-examination.
		7. There are contradictions between Prosecution witnesses XAB, DP and DCH which show that their allegations are pure fabrication. Indeed, Prosecution witness XAB pretended that I personally supplied Interahamwe with guns, ammunition and fuel four times on April 7 and three times on April 8, 1994 in camp Kanombe whereas Prosecution witness DP alleged that between 9 and 12 April 1994 I sent Interahamwe or fresh recruits on board of the truck of the Para Cdo Bn to be given weapons from the Armory of the Para Cdo Bn. Prosecution witness DCH, gave another different story saying that I handed weapons to DCH, Counselor Kabuga M. MWONGEREZA and Warrant officer GASANA between 7 <sup>th</sup> and 10/04/94 in camp Kanombe. DCH pretended that they were on board of a Daihatsu pick up. It is obvious that there is no corroboration between the three witnesses.
<b>WHAT HAPPENED IN RESPECT TO WEAPONS/AMMUNITION SUPPLY</b>		<p><b>1.I never supplied weapons or ammunitions to civilians. I did not have spare arms in my unit to distribute. Moreover, I was not managing personally the armories of the Para Cdo Bn. Each Cie had its armory managed by the Cie commander. I could not interfere in their business.</b></p> <p><b>2.Defense witnesses DM-190, DM-191, DK-32 and DH-85 testified on how weapons were managed and how it was impossible for a commander of a Battalion to distribute weapons to civilians. Defense witnesses DK-14, DH-51 and DK-120 contradicted XAB and DP. Defense witnesses DI-43 specifically contradicted DCH when he testified that weapons were never distributed to the population of Kabuga in April 1994 and people used traditional weapons during the massacres in that area.</b></p> <p><b>3.I support totally what Defense witnesses said.</b></p>
14. Kabuga incident	DCH	1.I categorically reject allegation made by Prosecution witness DCH. Prosecution witness DCH was seriously contradicted during the Defense cross-examination. DCH judgment and his confessions before the Rwanda Tribunal were adduced into evidence by the Defense. These exhibits showed that Prosecution witness DCH came to tell lies to the Chamber.
15. Ruhanga incident	DCH	<p>According to Prosecution witness DCH confession: “The brigade was attacked during the night by people I do not know. And people who went there for the attack were certainly those who made the rounds in the night since they took up arms to perform that task. » Whereas in his declaration he said that Para Commando and Ntabakuze were involved in the attack.<sup>18</sup></p> <p>In his confession DCH said: "As for people who were in the mosque, I was at the roadblock where I opened and closed the way. Rusangiza gave orders. Dr. Niragire had the people at the mosque killed." Before the Chamber</p>

INCIDENT	WITNESS	DENIAL
		<p>DCH testified that Ntabakuze and Para Commando were involved.<sup>19</sup></p> <p>2. Beside, Prosecution witness XAB said that except rumors that he heard on April 12, 1994 about involvement of some unidentified soldiers in some unlawful activities, he was not aware of any other misconduct of Para Commando soldiers until the end of the war<sup>20</sup>.</p> <p>3. DCH never confessed that he participated in the Killing at Ruhanga and there is no mention of him or of Ntabakuze or Para Cdo soldiers in the Rwanda judgment.</p>
<p><b>WHAT HAPPENED IN RESPECT TO KABUGA/RUHANGA</b></p>	<p><b>IN TO</b></p>	<p><b>1. I have never been to Ruhanga in my live. I never went to Kabuga in April 1994.</b></p> <p><b>4. In April 1994, the Para Cdo Bn was busy fighting RPF combatants in Remera and I was conducting operations there during that period. Elements of the Para Cdo Bn were never deployed at Ruhanga or at Kabuga.</b></p> <p><b>2. Former Para Cdo soldiers called by the Prosecution and the Defense testified about the areas where my Bn intervened and none of them mentioned Ruhanga or Kabuga.</b></p> <p><b>3. I don't know what happened at these locations in April 1994. I was not there. I support what Defense witness DI-43 who was in the area said to the Chamber.</b></p>
<p>16. Masaka incident</p>	<p>DBN</p>	<p>1. Prosecution witness DBN alleged that I held an assembly of a platoon of the HQ Cie of Para Cdo Bn at Joli Bois and gave it, on request, to Lt Col Nsengiyumva in order to go to fight Inkotanyi at Masaka. This is a pure fabrication. I strongly deny the allegation.</p> <p>2. I never met Nsengiyumva in April 1994. I never gave him soldiers to fight Inkotanyi at Masaka. I was not answerable to him and he could not give me order.</p> <p>3. Beside, I never conducted a meeting with soldiers at Joli Bois in April 94. Members of HQ Cie were busy providing the combat Cies with logistic and administrative support. They could not have two missions at a time.</p> <p>4. Defense witness DH-51, one of my escort team who was with me all the time rejected the allegations made by Prosecution witness DBN. Defense witness DI-37 who was near the Joli Bois during that period testified that he never witnessed a meeting of Para Cdo soldiers at that place in April 1994. He confirmed that if Nsengiyumva had been in camp Kanombe during that period he would have met him or at least he would have known about his presence given the relation he had with him. He testified also that Nsengiyumva could not interfere in another operational sector and give order to unit which was not under his command.</p> <p>5. Defense witness DM23 also testified that Lt Colonel Nsengiyumva never came to Kanombe in April 1994. He said that given his position in the Army HQ, he should have been informed about his presence in Kanombe because Nsengiyumva could not leave his post in Gisenyi without authorization from the Army HQ. Beside, he confirmed that Nsengiyumva could not interfere in another operational sector and give order to unit which was not under his command.</p> <p>6. DBN testimony is a total lie.</p>

INCIDENT	WITNESS	DENIAL
<b>WHAT HAPPENED IN RESPECT TO MASAKA INCIDENT</b>		<i>See above</i>
17. Kabusunzu incidents	DBN	<p>1.I strongly deny the allegation made by Prosecution witness DBN. Para Cdo soldiers were never involved in killing at Kabusunzu. I contest DBN allegation accusing the 3<sup>rd</sup> Para Cdo Cie of loading dead bodies on board of a military truck at Kabusunzu after the fall of Kanombe. DBN was seriously contradicted by Prosecution witness XAB, member of the 3<sup>rd</sup> Para Cdo Cie. Prosecution witness XAB said that except rumors that he heard on April 12, 1994 about involvement of some unidentified soldiers in some unlawful activities, he was not aware of any other misconduct of Para Commando soldiers until the end of the war<sup>21</sup>. Witness DBN was also contradicted by Defense witnesses (DH-67, DH-68, DK-110 and DK-120).</p> <p>Prosecution witness XAB confirmed that there was in the Para Cdo Bn a soldier with the name of DH-68 and that this soldier was transferred in the Medical Cie after he lost his leg during combat operations. He also recognized his photograph presented to him by the Defense. He testified that there was not any other soldier with the same name as DH-68 in the unit. Prosecution witness XAB was corroborated by Defense witness DH-85.</p> <p>The Chamber heard in particular the testimony of Defense witness DH-68 accused by witness DBN of having executed the three men at Kabusunzu along with Uwimana. DH-68 said that he lost his leg in combat in January 1992. DH-68 testified that because of the handicap he was transferred from the Para Cdo Bn to the Medical Cie in the same year. He testified that in April 1994 he was transferred within his Cie to Butare. He confirmed that he never went to Kabusunzu during the war.</p>
	AAA	<p>2.I categorically reject the allegation made by Prosecution witness AAA. Witness AAA was seriously contradicted by Prosecution witness XAB about the alleged involvement of Para Cdo soldiers in killings and rape in Nyakabanda area. He was seriously contradicted by Defense witness DH-67 about the death of Kamugisha Alexandre. Witness AAA was also seriously contradicted by Defense witness DH-13 on the incidents that occurred in Nyakabanda. DH-13 testified about the assassination of John, Karwanye and Bideri. He said that these persons were assassinated in April 94 and that soldiers were not involved in those incidents.</p>
18. Rwampara-St André incident	DBQ	<p>I categorically reject the allegation made by Prosecution witness DBQ. As I said earlier, DBQ was not a member of the Para Cdo Bn. His name does not appear on the list of the 1<sup>st</sup> Para Cdo Cie of which he pretended to be member (Defense Exhibit DNT135A). Defense witnesses DM-52 and DK-120 confirmed that he was not member of the Para Cdo Bn.</p> <p>Former members of the Para Cdo Bn called by the Prosecution rejected the allegation about the presence of elements of the Para Cdo Bn at St André College after the fall of Kanombe. DBQ was completely destroyed by the testimonies of Defense witnesses DH-90 and DH-91 who were present at St André College during that period. These witnesses testified on what happened at that place. They had kept a diary which was tendered as an exhibit. They confirmed that</p>

INCIDENT	WITNESS	DENIAL
<b>WHAT HAPPENED IN RESPECT TO KABUSUNZU – NYAKABANDA AND RWAMPARA</b>		<p>there was no incident at St André College in May 1994.</p> <ol style="list-style-type: none"> <li>1. <i>What more can I say?</i></li> <li>2. <i>After breaking the encirclement by the RPF combatants during the night of 21 to 22 May 1994, the Para Cdo Bn was ordered to go to Kabusunzu to get reorganized. After two to three days, the Bn was ordered to reinforce Bugesera operational sector and left Kabusunzu, around 25 May 1994.</i></li> <li>3. <i>While the Unit was at Kabusunzu, I never issued an order to kill anyone at Kabusunzu or in Nyakabanda sector. Para Cdo soldiers were never involved in any of the alleged incidents in that area which was almost completely deserted that time.</i></li> <li>4. <i>There was not any element of the Para Cdo Bn deployed at St André College in May 94 and I never went there. Para Cdo soldiers were not involved in any of the alleged incidents. I support totally what Defense witnesses said to the Chamber in respect to these false accusations.</i></li> </ol>
19. Kabgayi incident	XAI	<p>1. I categorically contest the allegation made by Prosecution witness XAI. I never visited Kabgayi Hospital in my life. I don't know how this hospital looks like. Prosecution witness XAI alleged that he was evacuated with other sick soldiers from the Military Hospital of Kanombe to CHK then to Kabgayi hospital in April 1994 but he was contradicted by Prosecution witness LN who said that the Military Hospital of Kanombe was evacuated to Butare. Witness LN was corroborated by Defense witnesses DH-68 and DK-27 about the transfer. Defense witnesses DH-51, DH-133 and DI-35 contradicted Prosecution witness XAI on my involvement in the alleged killing at Kabgayi at the end of April beginning of May 1994. Prosecution witness XAI came to tell lies to the Chamber.</p>
	XXY	<p>2. I categorically contest the allegation made by Prosecution witness XXY. None of the former Para Cdo soldiers called by the Prosecution made any allusion to the involvement of Para Cdo soldiers in the killing in Gitarama, Kibuye and Ngororero along with interahamwe. Prosecution witness XXY was not an eye witness and was not corroborated by any other witness. Instead, he was contradicted by Defense witness DM-25, DH-51 and DH-133. Beside, Prosecution witness XAB said that except rumors that he heard on April 12, 1994 about involvement of some unidentified soldiers in some unlawful activities, he was not aware of any other misconduct of Para Commando soldiers until the end of the war<sup>22</sup>.</p>
<b>WHAT HAPPENED IN RESPECT TO KABGAYI</b>		<p>1. <i>During the period where the Para Cdo Bn was engaged in very intense fighting in Kigali town I never left the battlefield. I was not even able to visit my family which had taken refuge in Gisenyi until mid-June 94. As I said, we left Kabusunzu for Muyira around 25 May 94. As soon as we arrived there we were engaged in intense fighting against RPF combatants. Finally we were pushed back to Nyanza which was captured on 29 May 94 by the RPF. Then we conducted delaying operations along the road Nyanza-Gitarama until the capture of Kabgayi on 2 June 94. From June 2, Gitarama town and surrounding areas were deserted; people had fled toward the West. The Bn was then engaged in fighting in Gitarama town and surroundings until around 12 June 94. Gitarama town and the commune of Mushubati were captured on that date. Kabgayi hospital was probably evacuated before or at the</i></p>

INCIDENT	WITNESS	DENIAL
		<p><i>latest on June 2, 1994. In any case, sick soldiers could not be evacuated to Kabgayi after June 2, 1994 in the zone controlled by the RPF. Beside, the evacuation of the wounded and sick soldiers was not the role of the Bn Commander. There was in my Bn a Medical section which was in charge of that job.</i></p> <p><i>2. Therefore, I don't know what happened at Kabgayi in April-May 1994. I was not there. I never visited Kabyayi Hospital in my live. Also, the Para Cdo Bn was never engaged in killing of civilians in Gitarama prefecture, or Kibuye prefecture or in Ngororero along with Interahamwe. I agree with what Defense witnesses said to the Chamber.</i></p>
20. Planning guerilla warfare	ZF	I don't know what the Prosecution wants to prove while he doesn't want even to blame the RPF for its invasion of Rwanda from Uganda. Even though I do not recall such meeting held at Lac Vert in August 1994, it wouldn't be surprising that an Army expelled out of the country by an invading army would think of retaking the country. Planning guerrilla warfare is not crime before this Tribunal. I do remember that I participated in a meeting gathering FAR officers in Goma in September 1994. At that time we had such kind of discussion but I do not recall the details of it.
<b>WHAT HAPPENED IN RESPECT TO GUERRILLA WARFARE</b>		<i>See above</i>

**C. DENIAL OF ALLEGATIONS DATED BEFORE APRIL 1994**

INCIDENT	WITNESS	DENIAL
21. Arrest of people in October 1990 using list	DBQ	1.I categorically reject the allegation made by Prosecution witness DBQ. Prosecution witness DBQ was not a member of the Para Commando Battalion and could not participate in the activities of the Unit. Witness DBQ admitted that he never saw the lists.
	DBY	2.I strongly deny the allegation made by Prosecution witness DBY. Prosecution witness DBY confessed during the cross-examination that he did not read the alleged list.
<b>WHAT HAPPENED IN RESPECT TO ARREST USING LISTS</b>		<b><i>The Para Cdo Bn was never involved in the mission of establishing and maintaining order in the country. The Para Cdo Bn never participated in the operation of arrest of people in October 1990. I fully support what Nsengiyumva witness LE1 said about this subject.</i></b>
22. Death squad – Amasasu and related organization	XAQ	1.I categorically contest the allegation made by Prosecution witness XAQ. I was never aware of Corporal Munyankindi membership of the death squad and of the person or organism which would have hired him. Witness XAQ did not establish the connection between Ntabakuze and the alleged death squad and he failed to mention a single criminal act committed by the alleged death squad.
	ZF	2.I strongly deny the allegation made by Prosecution witness ZF. Witness ZF failed to mention a single criminal act committed by the alleged secret organizations and the implication of Ntabakuze.
	DCH	3.I categorically reject the allegation made by Prosecution witness DCH. This allegation is very stupid. The Chamber is aware of the exhibits DNS15 and DNS16. In those documents there is no mention of the AMASASU unit in the Para Cdo Bn. Beside, no single former Para Commando soldiers called by the Prosecution and the Defense mentioned AMASASU unit in the Para Cdo Bn. Witness DCH was a civilian and had no connection with Para Commando Battalion at all. DCH can't pretend to know the Para Cdo Bn better than the former members of the unit.
<b>WHAT HAPPENED IN RESPECT TO AMASASU AND RELATED ORGANIZATIONS</b>		<p>1.I heard for the first time the existence of Abakozi and Dragon groups when I received in July 1999 the written statement of the Prosecution witness ZF. It is only on 27 November 2002 during his testimony that ZF attempted to implicate me in these fictitious organizations.</p> <p>2.I got to know the acronym Amasasu for the first time here in this Tribunal when the Prosecutor communicated to me, in September 2000, the unsigned letter dated 20<sup>th</sup> January 1993. But witness DCH surprisingly talked about the existence of Amasasu in the Para Cdo Bn in 1992 whereas according to the letter of January 20, 1993 the Amasasu was created in 1993.</p> <p>3.I have nothing to do with all of this. I respectfully reject these allegations.</p>

INCIDENT	WITNESS	DENIAL
23. Butotori meeting and other meeting before April 1994	ZF	1. I categorically reject the allegation made by Prosecution witness ZF. I never participated in a meeting at Butotori at any time. I never visited that place in 1992. Prosecution witness ZF pretended that he was contemporaneously informed by Lieutenant Bizumuremyi about other incidents connected to the alleged meeting such as clashes in commune Kayove. Prosecution witness ZF was seriously contradicted during the cross-examination about his main informant, Lieutenant Bizumuremyi. He was contradicted by exhibits DNS15 and DNS16 showing that Lieutenant Bizumuremyi was not in the operational sector of Gisenyi until March 5, 1994. Defense witnesses like DK-60 confirmed that fact. Nsengiyumva witnesses NR1, LM1 and Nzirorera alleged to have taken part in the Butotori meeting testified that they never visited the Parcelle Butotori in their life.
	DBQ	2. I categorically deny the allegation made by Prosecution witness DBQ. I never participated in a meeting in camp Kanombe with Colonel Bagosora in 1993. Colonel Bagosora was transferred from camp Kanombe to MINADEF in 1992. In 1993, Colonel Bagosora was a member of the government delegation at Arusha. I never saw Colonel Bagosora in camp Kanombe in 1993. Prosecution witness DBQ was not a member of the Para Commando Battalion. Witness DBQ testimony about the alleged meeting is hearsay which was not corroborated by any other witness.
<b>WHAT HAPPENED IN RESPECT TO THE ALLEGED MEETINGS</b>		<i>See above</i>
24. Training of militias	GS	1. I categorically contest the allegation made by Prosecution witness GS. I was never involved in the alleged training of militias in Gabiro. More importantly, witness GS admitted during the cross-examination that he was not an eye witness of the alleged incident about the instructors going to Gabiro and failed to mention his informant. About the logistic support, witness GS admitted during the cross-examination that he made speculations over the information allegedly got one night from the guard post of the “ <i>poudrière</i> ” about a truck of the Para Cdo Bn which allegedly loaded ammunition from there during that night. I confirm that the Para Cdo Bn had no responsibility over the “ <i>poudrière</i> ” and had not the keys of the installations. The “ <i>poudrière</i> ” was under the responsibility of the Army logistic unit (Base AR). Nobody from the Para Cdo Bn or from other unit of the Army could have access to the “ <i>poudrière</i> ” and get materials without authorization and without a representative of the Army logistic unit. You heard testimony from a member of the Army logistic unit who testified that he was never aware of such incident and that it was impossible to collect material from the “ <i>poudrière</i> ” during the night.
	XAB	2. I strongly contest the allegation made by Prosecution witness XAB. Witness XAB did not explicitly state that I ordered the mission. I never gave any mission to any Para Cdo soldier to be involved in the alleged training of militias. I never received such mission from my superiors. Moreover Prosecution witness XAB was not an eye witness of the alleged implication of Corporal Semanza and Corporal Munyankindi in the alleged training of Interahamwe in Mutara. 3. Prosecution witnesses were not corroborated by any other eye witness. Instead they were contradicted by Defense

INCIDENT	WITNESS	DENIAL
		witnesses DH-51, DK-14, DM-190 and DM-191.
<b>WHAT HAPPENED IN RESPECT TO TRAINING OF MILITIAS</b>		<i>See above</i>
25. Defining the enemy and discrimination	<p>DBY</p> <p>DP</p> <p>XAP</p> <p>LN</p> <p>XAI</p>	<p>1. I categorically reject the allegation made by Prosecution witness DBY about the dismissal of Corporal Zitoni in 1992. Witness DBY was a Tutsi member of the Para Cdo Bn until late 1993 when he was transferred to another unit for advanced training. He testified that he was never victim of discrimination during the time he stayed in the Para Cdo Bn. But he gave a false testimony about Corporal Zitoni. Indeed, credible documentary evidence (Exhibit DNT135C) demonstrated that he lied to the chamber. Defense witness DM-52 confirmed that Zitoni was member of the Para Cdo Bn in 1993. Soldiers of Tutsi ethnic origin in the Para Cdo Bn were not discriminated.</p> <p>2. I categorically deny the allegation made by Prosecution witness DP. A telegram defining the enemy did not exist and was never discussed in the unit. None among the former Para Cdo soldiers called by the Prosecution and by the Defense as well made allusion to the existence of the alleged telegram. This is a pure fabrication.</p> <p>3. I strongly deny the allegation made by Prosecution witness XAP. Prosecution witness XAP was seriously contradicted about the lessons on political education and about the list of Tutsi to be demobilized. None among former Para Cdo soldiers called by the Prosecution made any allusion to the alleged list of Tutsi to be demobilized. Defense witness DH-51 rejected the alleged list of Tutsi to be demobilized.</p> <p>4. I categorically reject the allegation made by Prosecution witness LN. There were no lessons on political ideology in the Para Cdo Bn. Moreover, witness LN was not a member of the Para Commando Battalion contrary to what he pretended to be. Consequently witness LN could not participate in the activities of a unit which was not his.</p> <p>5. I strongly deny the allegation made by Prosecution witness XAI. Prosecution witnesses BC, XAB, AFJ and DBN testified that there was no discrimination in the Para Commando Battalion. It is convenient to note that BC, XAB, DBN are of Tutsi ethnic origin. Beside, witness XAI was not a member of the Para Commando Battalion.</p> <p>6. The contradictions between Prosecution witness DP, XAP and LN about the nature of the document defining the enemy and the mode of diffusion are clear demonstration that they came to tell lies to the Chamber. Defense witnesses DH-85, DK-120, DK-110 and DK-11, all of them former Para commando soldiers, confirmed that I did never discriminate my soldiers on ethnic or regional ground. They confirmed that there were not lessons of political ideology or political education in the Para Cdo Bn.</p>
<p>a. About the alleged discrimination</p> <p>b. The Definition of the enemy</p>		<p><b>1. What more can I say after what both Prosecution and Defense witnesses said to the Chamber. I never discriminated my soldiers. Out of eight former Para Cdo soldiers called by the Prosecution to testify against me seven are Tutsis. You heard their testimonies. Despite the fact that they were in the obligation to give false testimony against me, nobody testified that I hated Tutsi. Only one Prosecution witness, XAI, who was not even a member of the unit, gave hearsay evidence saying that I hated Tutsi soldiers of my unit. His testimony is obviously not credible. In the</b></p>

INCIDENT	WITNESS	DENIAL
		<p><i>contrary, you heard the testimony of Defense witness DH-85, former member of the Para Cdo Bn of Tutsi ethnic origin. He testified that I did not discriminate my subordinates either on ethnic or regional ground. This is the truth. I treated my soldiers equally with justice and fairness.</i></p> <p><i>2. By the way, nobody among former Para Cdo soldiers called by the Prosecution and by the Defense testified on the document “Definition de l’Ennemi”. They knew nothing about the document because this extract was never commented to Para Cdo soldiers. When I was on the verge to discuss the document with officers of my unit, I got a message from the Army HQ saying the document had been pirated and was being misinterpreted in the press. The Army HQ instructed not to comment the document to the soldiers. So, Para Cdo soldiers were not aware of that document. They don’t know the document because it was not commented to them as ordered by the Army Chief of Staff.</i></p> <p><i>3. The document “Definition de l’Ennemi” is the extract of the Report of the Commission created during the meeting of December 4, 1994. The idea to create it was not on the agenda of the meeting. It resulted from discussions during the meeting and the members were designated by the participants on the spot. The senior officer among the group became as was the practice in the FAR the president of the commission. Major Augustin Cyiza and Major Aloys Ntabakuze were designated respectively 1<sup>st</sup> reporter and 2<sup>nd</sup> reporter. I participated for a very short time because my unit had to intervene successively in the operational sectors of Ruhengeri and Mutara. I was replaced as second reporter by Major Pierre Claver Karangwa.</i></p> <p><i>During the intervention of my Bn in Mutara I was seriously wounded on 26 December 1991 and evacuated to the Military Hospital of Kanombe. When I recovered from the wounds the commission had terminated its job. But I had the opportunity to read the report before it was transmitted to the President of the Republic.</i></p> <p><i>4. The Report in its entirety was never communicated to the Defense by the Prosecution. The interpretation made by the Prosecution and Mme DesForges on the extract and the letter of September 21, 1992 from the Army Chief of Staff is totally inaccurate. Tutsis are not designated as the enemy and this is clear from the definition. Moreover, from the letter of the Army Chief of Staff and the document itself especially its part about the organization of the enemy, it goes without saying that the enemy was RPF.</i></p>
26. Opposition to Arusha Agreement	DBQ BC	<p>1. The Prosecution witness DBQ was not a member of the Para Commando Battalion. Consequently he could not participate in the activities of the Para Commando Battalion. I strongly reject his allegations.</p> <p>2. Prosecution witness BC allegations are stupid. I could not talk about the implementation of the Arusha Accord before the agreement was signed. Beside, Prosecution witness BC was himself a Tutsi and testified that I did not discriminate Tutsi soldiers of the Para Cdo Bn. I categorically contest his allegations.</p>

INCIDENT	WITNESS	DENIAL
	DP	<p>3. Prosecution witness DP was contradicted seriously about the alleged loading of ammunitions and weapons on a truck during the night for unknown destination as an evidence of violation of KWSA. None among former Para Cdo soldiers called by the Prosecution made any allusion to the alleged incident. Moreover, there is nothing criminal in this allegation since the witness was unable to indicate the destination of the military equipment.</p> <p>4. Prosecution witnesss DBQ, BC and DP were contradicted by Defense witnesses Colonel Dewez, DM-25, DM-190, DM-191, DK-32 and DK-11 who confirmed that I was supportive of the Arusha Agreement and of the democratization process.</p>
<p>a. Ntabakuze commitment to the democratization process.</p> <p>b. Ntabakuze commitment to the Arusha Agreement</p>		<p><b><u>My commitment to the democratization process</u></b></p> <ul style="list-style-type: none"> <li>- <i>I was aware of the fact that the process of democratization in which the country was engaged since 1990 was in the framework of the overall international situation. I was supportive of the process and I was convinced that it was irreversible.</i></li> <li>- <i>From January 31 to February 4, 1993 I had the opportunity to participate in the conference on the Role of the Military in a Democracy which was hosted by African American Institute in Bujumbura, Burundi. Indeed my name appears on the list of the participants in the conference<sup>23</sup>. This conference strengthened my beliefs and my confidence in Democracy. I was supportive to the democratization process. I believed in a democratic army which is ready to serve under any democratic regime, an army loyal to the Nation and to the Constitution.</i></li> </ul> <p><b><u>My commitment to the Arusha Agreement</u></b></p> <ul style="list-style-type: none"> <li>- <i>I detested the war even though I was obliged to participate in combat to defend my country. War is a very dirty business. On the battlefield a soldier is obliged to suppress life in order to avoid being killed by the enemy. A good business should promote life and peaceful environment which the war does not achieve. This is why the crime of aggression should be dealt with seriously which is not the case before this Tribunal. It is unfortunate that the Statute of the ICTR does not contain a provision about this kind of crime which makes the Rwandan case uncommon and blatantly unfair. Aggressors are being rewarded and protected against any prosecution whereas the aggressed are blamed for the consequences of the war that they did not initiate and could not stop.</i></li> <li>- <i>My Battalion suffered many casualties during the war. I knew that casualties were even higher in the newly created battalions deployed on the first lines of the battlefield. I had myself been wounded already two times. The surface area of the military cemetery of Kanombe which was 100 m x 50 m before the invasion of Rwanda on 1<sup>st</sup> October 1990 had been multiplied by more than 10 times at the beginning of the Arusha negotiations in July 1992. There were many handicapped soldiers within the FAR.</i></li> <li>- <i>Beside, the population of the war zone was devastated by the war. In 1993, 14% of the total population of the country was living under inhuman conditions in the camps of displaced people inside the country because of the</i></li> </ul>

INCIDENT	WITNESS	DENIAL
		<p><i>war. Many of them had left their homes and properties since the beginning of the war. Many of their relatives had perished either killed by the RPF or because of inhuman conditions in the camps.</i></p> <ul style="list-style-type: none"> <li>- <i>For me the war had already lasted too long. All these horrors made me to detest it more. Therefore I was impatient to see the definitive end of the war. Definitely, with this state of mind, I could not be against the peace process.</i></li> <li>- <i>Since February 1993 when the RPF violated the cease-fire agreement I was aware that the balance of forces was in favor of RPF. I knew that by my own experience during the combat. Indeed, the counter-attack was not a success. It was obvious that the RPF had become very strong and had got tremendous support (manpower, fire support, logistics). During the counter-attack operation, the Para Cdo Bn, as a part of the Army Reserve that time, was deployed in piecemeal fashion to reinforce practically all the operational sectors which were having hard time to contain the situation. One Cie was deployed in Ruhengeri sector, another Cie in Kirambo sector which became later on Rulindo sector and two other Cies in Mutara sector. The elements of the Para Cdo Bn did their best to fulfill their mission but at a very high cost because of this piecemeal deployment. The Bn suffered many casualties during the operations.</i></li> </ul> <p><i>After this attack, I was more than convinced that a negotiated peace was the only best option we had. So I was supportive of the negotiation and the implementation of the Arusha Agreement.</i></p> <ul style="list-style-type: none"> <li>- <i>In October 93, I was designated by the Minister of Defense to be part of a group of technical advisers to the team representing the FAR in the “Joint military commission” (FAR &amp; RPF) in charge of setting up new Regulations for the New Army<sup>24</sup>.</i></li> <li>- <i>In November 93, I was designated by the Minister of Defense to be part of the Commission of demobilization. The Commission was led by Colonel RUSATIRA.<sup>25</sup> I participated with enthusiasm in the commission. This commission had to establish criteria and conditions to be met by FAR members in order to be elected to remain in the Army or the Gendarmerie. It had also to establish the form to be used in the demobilization process. This work had been completed by January 1994 and propositions forwarded to the Minister of Defense. The forms had just been distributed in the units on the eve of the assassination of the President and the resumption of the war by the RPF.</i></li> <li>- <i>In January 1994, I participated with enthusiasm and hope in the seminar called “Confidence Building” gathering FAR and RPF officers at ESM. This seminar is referred to on pages 5 and 16 of the Report of the US Embassy in Kigali dated March 14, 1994 (subject: Two Year training for Rwanda)<sup>26</sup>. This Report also shows on page 15 that officers graduated from US Army CGSC were sportive to the Arusha Agreement and to the Democratization process. I viewed the seminar as an important step toward the integration of the two armies. Defense witness DM-190 who participated in that seminar testified on that event before this Chamber in May 2005.</i></li> </ul> <p><i>Even though anyone could be a little suspicious in such circumstances, I could not believe that the RPF had a hidden agenda to provoke chaos and violence in order to take over the country.</i></p> <ul style="list-style-type: none"> <li>- <i>You heard what Defense witnesses said about me concerning the democratization process and the Arusha</i></li> </ul>

INCIDENT	WITNESS	DENIAL
	<i>Agreement especially witness DM-25. I support what they said.</i>	

#### **D. SUMMARY**

1. The mission of the Para Cdo Bn was to defend the national territory. It was never involved in the mission of establishing and maintaining order in the country. I did not participate in the operation of arresting people in October 1990.
2. I was a member of a regular army, the Rwandan Army. I was the commander of the Para Cdo Bn. I was not a member of fictitious organizations such as Abakozi group, Dragon group or death squadron. I was never informed about the involvement of the Para Cdo soldiers in such secret organizations. Amasasu unit did never exist in the Para Cdo Bn.
3. I never visited Parcelle Butotori in 1992 and never participated in a meeting there. I never participated in a meeting in camp Kanombe involving Colonel Bagosora in 1993.
4. I was never involved in the alleged training of militias in Gabiro and nobody from my unit was involved. I was fully committed to the Arusha agreement and to the democratization process.
5. The Para Cdo Bn was characterized by its cohesion. There was no discrimination in the unit. I treated my soldiers equally, with fairness and justice. Tutsis were not identified as the enemy.

6. Concerning the allegations dated from April 6, 1994, I explained what I did during the night after the crash and the following day. Only one assembly of the Para commando Bn was held on 7 April 1994, in the afternoon following the resumption of the war by the RPF and the order issued concerned only the counterattack of RPF combatants. Former Para soldiers called by the Prosecution and by the Defense as well confirmed what I am saying. They confirmed that I never issued an order to kill civilians.

I never issued an order to kill Tutsi. I could not even think of attacking civilian population. If I had issued such an order to kill Tutsi, soldiers would have started killing each other and their families instead of fighting together against the common enemy which was the RPF. I needed support from all my men to accomplish the mission. My goal was always to enhance and maintain cohesion and combat effectiveness. I was not stupid. You heard testimonies from former Para Cdo soldiers called by the Prosecutor. Most of them were Tutsi and none of them stated that he was victim of mistreatment from his colleagues or from his Cie commander or from the Bn Commander. What you heard instead is that the Tutsi soldiers fought along with their colleagues until the end of the war and went with them in exile in July 1994.

I never received from my superiors any order to kill civilians. Colonel Muberuka never did it, Colonel Nkuriyekubona never did and General Gatsinzi never did ever, nor General Augustin Bizimungu. I was not answerable to Colonel Bagosora. He was not my superior and I was not his subordinate. I never reported to him in 1994. I never got an order of any kind from Colonel Bagosora at ESM or somewhere else before or after the ESM meeting on April 7, 1994 in a group of officers or alone. I never issued an order to kill civilians. Never!

The whole Bn except the 2<sup>nd</sup> Cie which was in reinforcement mission in camp Kimihurura, was present in camp Kanombe in the afternoon of April 07, 1994. If Para Cdo soldiers were scattered in different locations in Kigali town or Kigali rural busy killing civilians as alleged by some Prosecution witnesses, how the Para Cdo Bn would have

intervened on short notice to counter-attack the RPF combatants? It would have been impossible to gather them and deploy them on short notice. I confirm once again that the allegations about the involvement of Para Cdo soldiers in killings on April 7, 1994 are totally false.

The Para Cdo Bn left the camp in the afternoon of April 7, 1994 to counter-attack the RPF combatants on order from the commander of the operational sector of Kigali town, Colonel Félicien Muberuka. It is thanks to its swift and effective intervention that the RPF did not capture the capital city of Kigali on April 7, 1994. Indeed, from October 1990, the Para Cdo Bn caused many difficulties to the RPF combatants on the battlefield. This must be the reason behind the relentlessness of the RPF Government and the fabrication of allegations against me. I would like to remind that my legal Assistant Emilien Dusabe, after he uncovered threats and beatings of my witnesses in Kigali, he was threatened with indictment and could not continue to work in my team. He is now seeking asylum. Those witnesses were prevented to come to testify in my case.

7. The Para Cdo Bn sustained an intense fighting from April 7, 1994 on everyday basis in Remera area. RPF combatants were trying to capture the airport and camp Kanombe. The Para Cdo Bn did its best to prevent that to happen until May 21, 1994. The unit suffered many casualties in that area. During combat operations in that area, Para Cdo soldiers were not involved in killing civilians or rape. The Para Cdo Bn was never deployed at Kabeza, at Kabuga, at Ruhanga or at Masaka.
8. During the night of 21 to 22 May 94 with other units of the operational sector of Kigali East, the Para Cdo Bn had to break the encirclement by the RPF combatants. Upon this operation, it was ordered to go to Kabusunzu to get reorganized. The Bn managed to retreat in an orderly manner. We stayed there for two to three days. From Kabusunzu the Bn was ordered to reinforce Bugesera operational sector which was under pressure in commune Muyira in the prefecture of Butare. During that short stay at Kabusunzu for reorganization, Para Cdo soldiers were not involved in any killing or rape. During that time, the Para Cdo Bn was never deployed at College St André.
9. The Para Cdo Bn left Kabusunzu, around 25 May 1994. As soon as we arrived at Muyira we were engaged in intense fighting against RPF combatants. Finally we were pushed back to Nyanza which was captured on 29 May 94 by the RPF. Then we conducted delaying operations along the road Nyanza-Gitarama until the capture of Kabgayi on June 2, 1994. From June 2, the Bn was then engaged in fighting in Gitarama town and surroundings until around June 12, 1994. Gitarama town and the commune of Mushubati were captured on that date. After Gitarama, the Para Cdo Bn conducted delaying operations along the road Gitarama-Gisenyi until July 17, 1994.
10. I would like to say that it is totally unfair to try to make believe that the Para Cdo Bn was occupying roadblocks to kill civilian population on the battlefield instead of fighting against RPF combatants. This is totally untrue. The Para Cdo Bn was occupying combat positions and not roadblocks. The Para Cdo Bn was busy fighting RPF combatants; it was not involved in killing civilian population. This was confirmed by Prosecution witnesses and Defense witness as well.  
I would like once again to contest the allegation about the supply of weapons, ammunitions and fuel to civilians. The Para Cdo Bn had no reserve of weapons or ammunition to distribute to civilians. I could not take away weapons from my soldiers

engaged in intensive combat in order to distribute them to civilians. This is totally nonsense. I confirm also that the Para Cdo Bn had no stock of fuel.

### **III. THE ARMY AND THE PARA CDO BN BACKGROUND**

#### **A. THE MISSION OF THE RWANDA ARMY AND OF THE PARA CDO BN**

1. The main mission of the Rwandan Army was to defend the national territory. During his testimony, General Dallaire confirmed that the mission of the army is to defend the nation.
2. The mission of maintaining and reestablishing order was entrusted to the Gendarmerie Nationale pursuant to the law of 23 January 1974 concerning the creation of the Gendarmerie Nationale<sup>xxvii</sup>. The Article 3 provides that:  
*« La gendarmerie nationale est une force instituée pour assurer le maintien de l'ordre et l'exécution des lois. »*<sup>xxviii</sup>
3. Pursuant to the article 44 of that law, the Rwandan Army could intervene in maintaining order only following requisition by the Gendarmerie. Article 45 provides the modalities of the intervention of the Rwandan Army when requisitioned.
4. Consequently the Para Commando Battalion had not the mission of maintaining order but had rather the mission to defend the Rwandan territory against aggression. This is the sole mission that the Para Cdo Bn fulfilled from October 1990 to the best of its ability.
5. From April 7 to May 21, 1994, the Para Cdo Bn was engaged in combat against RPF combatants on everyday basis in the area of Remera to prevent the capture of the airport of Kanombe and camp Kanombe under the authority of the commander of the operational sector of Kigali town. Toward the end of April, the operational sector of Kigali town was split into two different operational sectors: Kigali West and Kigali East under which my unit had to operate until the capture of Kanombe. The Para Cdo Bn had to break the encirclement during the night of 21 to 22 May 1994 and managed to retreat to Kabusunzu in orderly manner. After two to three days it was ordered to intervene in Muyira under the authority of the Commander of the operational sector of Bugesera. After the capture of Nyanza on 29, 1994, the Para Cdo Bn continued to fight against the RPF combatants under the authority of the commander of the operational sector of Gitarama up to the end of the war.
6. Therefore, from April 07, 1994, the Para Commando Battalion was engaged in intense fighting against RPF combatants until the defeat of the FAR. It was never requisitioned for the mission of establishing or maintaining order. It never received such a mission.
7. I was appointed commander of the operational sector of Gitarama on 3 July 1994. At that time, the operational sector was retreating pursued by RPF soldiers. I crossed the border of Gisenyi on 17 July 1994. During that short time as commander of the operational sector of Gitarama I never got the mission to establish or maintain order.

## **B. ORGANIZATION, CHAIN OF COMMAND AND COMMAND RELATIONSHIP**

### **1. Military Principles and doctrine**

#### **a. About organization**

- As a principle, an army is made of combat units and services. A combat unit is composed of maneuver element, support element and service element. There are two kinds of support such as fire support and engineering support. Services are dividend into two main elements: Administration and logistics.  
The organization of an army through various echelons of command is based on this structure.
- At each echelon of command (Army, Army corps, Division, Brigade, operational sector command, Battalion, Cie, Platoon, section or squad and team) there are a certain number of subordinates that are answerable to the commander. To be efficient one should not have many direct subordinates. More than 7 direct subordinates are too many to command efficiently. Suppose that you are on battlefield and you are operational sector commander and you have 10 battalions under your command. Each one sent to you a flash message requesting, one fuel, another, ammunition, and another unit requesting emergency medical evacuation etc ... It is difficult for the commander to respond to those emergency requests on time in order to succeed in his mission. This is the reason why the number of direct subordinates is limited.

#### **b. About chain of command**

- The authority is exercised through a chain of command.
- This chain of command has not to be shortcut.

#### **c. About command relationship**

The command relationship depends on the situation in which the unit is. A unit can be in one of the following situations:

- *A subordinate unit or allocated unit:* an organic unit under the authority of a commander.
- *A unit under operational command or orders:* the unit has to carry out a mission under the authority of another commander. That unit is under the authority of the new commander during that mission. The formal commander has no authority on that sub-unit except in the matter concerning the administration and in some extent matters concerning logistics.
- *A unit put in reinforcement:* the unit is in the same situation as the unit under operational command or orders.

- *A unit under operational control*: when there is a need of coordination of the operations in progress in a certain area of operation, a commander can receive a mission to coordinate operations over all the units operating in the area. This commander has authority to coordinate the operations and give instructions to non allocated units but for that end only. The authority of this commander is limited to coordination of operations in a given zone.
- *A unit put under technical control* is under the technical authority of the technical commander throughout the duration of the mission.
- *A unit put under logistic and or administrative control* is under the logistic or administrative authority of the logistic or administrative commander throughout the duration of the mission.

## **2. The Organization of the Rwandan Army**

- Article 10.2 of the Code of conduct of the FAR (Exhibit P155) provides that:  
*“The organization of the Armed Forces shall be based on hierarchy which defines the place and level of responsibility by order of ranks and functions.”*
- The organization of the Rwandan Army is set out in the chart of the Army (page L0022715 of the exhibit DB71). The Exhibits DNS15 and DNS16 give also a clear idea about the organization of the Rwandan Army.
- The organization of the Rwandan Army was conform to the military principles and doctrine stated above.

## **C. THE CAMP KANOMBE AND THE PARA CDO BATTALION**

- The camp and the camp commander (Satellite map of camp Kanombe: Exhibit DNT101):  
 Colonel Félicien Muberuka was the Commander of the camp. The Deputy Commander was Lieutenant Colonel Innocent Nzabanita alias Gisimba.
- The units based in camp Kanombe (Sketch of camp Kanombe: Exhibit DNT4 A):
  - Bn Para Cdo
  - Bn LAA
  - Bn AC
  - Cie Génie (Engineering)
  - Cie BM
  - Base AR (Cie Trans – Cie QM – Peloton Reconditionnement)<sup>xxix</sup>
  - Cie Médicale and Military Hospital of Kanombe<sup>xxx</sup>
- The Para Cdo Bn
  - The Para Cdo quarter (see Exhibits DNT4 A; P192)
  - The organization of the unit (see Exhibit DNT57):
    - The Para Commando was composed of 5 combat Cie (4 x Maneuver Cie and one Fire Support Cie) and one HQ Cie.

- This organization was also conform to military principles and doctrine stated above.

### **Conclusion**

- ⊗ Normally the units of the camp Kanombe were operationally under the authority of the Army HQ.
- ⊗ The Commander of the Camp Kanombe had administrative and logistic authority over all the units of the camp. (see Rule 6 of the Code of Interior Service or Exhibit DB106). The Radio Transmission Centre (CTR) of the camp through which the orders and instructions from the Army HQ were generally communicated to the units and through which units made their queries and feedbacks was under the responsibility of the camp commander. So he was fully informed about the orders from the Army HQ to various units of the camp and about the unit feedbacks.
- ⊗ The Medical Cie was created in 1988. Prosecution witness LN was a member of this Cie from the start until 1994.
- ⊗ Each unit of the camp Kanombe had its own tarmac except the Para Cdo Bn and the Field Artillery Bn which shared a same tarmac.
- ⊗ The « *poudrière* » was under the responsibility of the Logistic unit of the Army (Base AR).
- ⊗ The Para Cdo Bn commander had no command relationship with the other units of camp Kanombe. He could not give order to any of those units because they were not under his command authority and were not answerable to him.
- ⊗ There was no Amasasu unit within the Para Commando Bn.

## **D. THE SUPERIORS AND SUBORDINATES OF THE PARA CDO BN COMMANDER**

### **1. The superiors of Major Aloys Ntabakuze**

- Before April 6, 1994, I was normally under the authority of the Chief of Staff of the Army, Major General Nsabimana for the operational matters and under the commander of Camp Kanombe, Colonel Muberuka, for the administrative and logistic matters.
- From April 6, 1994, I was under the authority of the commander of the operational sector of Kigali Town according to instructions that were in place before the event of April 6, 1994. Indeed, instructions stated that in case of crisis or emergency, the units based in camp Kanombe, the camp Kami and the units based in Kigali town would fall under the authority of the operational sector of Kigali town. So from the evening of April 6, I was under the authority of Colonel Félicien Muberuka.
- Toward the end of April 1994, the operational sector of Kigali Town was split into two different sectors: the operational sector of Kigali East and the operational sector of Kigali West. From then I was under the authority of the commander of the operational sector of Kigali EAST, Colonel Anselme Nkuliye Kubona, until the capture of Kanombe on April 21, 1994.
- During my short stay at Kabusunzu I was again under the authority of the Army Chief of Staff, Major General Augustin Bizimungu.

- When the Para Cdo Bn intervened in Muyira, I was under the authority of the commander of the Bugesera operational sector, Colonel Balthazar Ndengeyinka, until the capture of Nyanza by the RPF on May 29, 1994.
- After the capture of Nyanza I was under the authority of the commander of the operational sector of Gitarama, Lieutenant Colonel Bahufite, until July 3, 1994.
- On July 3, 1994, I was appointed commander of the operational sector of Gitarama. I held that position until July 17, 1994. During that short period I was under the authority of the Army Chief of staff, Major General Augustin Bizimungu.

## **2. The subordinates of Major Aloys Ntabakuze**

- My direct subordinates were the Cie Commanders and members of the Bn staff (S1-S4 and S2-S3 officers). My authority was exercised through the chain of command. This chain of command had not to be shortcut.
- Under the Cie, there were the following echelons:
  - The Platoon leader was responsible of his platoon. He had no disciplinary power.
  - The section leader was responsible of his section. He had no disciplinary power.
  - The team leader was also responsible of his team. He had no disciplinary power.
- It is necessary to note that there was no credible evidence showing that my subordinates who allegedly committed crimes were prosecuted.

## **3. The particular situation of the CRAP Platoon**

- CRAP means “Commando de Recherche et d’action en Profondeur” (Commando for reconnaissance and action in the enemy lines). This element of the Para Cdo Bn was created in 1991 by the Army HQ. It is was part of the HQ Cie of the Para Cdo Bn.
- The CRAP executed the operational missions (reconnaissance and action in the enemy lines) for the benefit of the Army HQ or of operational sector on demand or on initiative of the Army HQ.  
Consequently the CRAP Platoon received those missions from the Army HQ.  
When the Para Commando Battalion was present in the camp, the order to the CRAP platoon was issued through the Battalion Commander. When the Para Commando Battalion was absent from the camp, the order was directly given to the Platoon leader by physical contact or through the Radio Transmission Centre of the camp.  
The Para Commando Battalion Commander had no power to assign an operational mission to the CRAP platoon without the authorization from the Army HQ except the mission of the security and the defense of the camp. The CRAP like other elements of the Para Cdo Bn was under the responsibility of the Para Cdo for logistic and administrative matters.
- The mission to locate the crash site and secure it on April 6, 1994 was a mission of the security and the defense of the camp. The mission was given to Lieutenant Kanyamikenke on order from the camp commander. The CRAP platoon had night vision equipments that other units did not have.  
On April 10, 1994, I received authorization from the Army HQ to deploy the CRAP platoon at Remera (Sonatube Junction).

## **Conclusion**

- ⌘ There was no command relationship between Ntabakuze and any of the three co-accused.
- ⌘ There is not credible evidence before the Chamber that my subordinates who allegedly committed crimes are prosecuted.
- ⌘ My superiors during the time where the alleged crimes were committed are not prosecuted.

## **E. EXERCISING COMMAND AND AUTHORITY**

### **1. What “to command” is**

To command is to serve his subordinates and not only to give order to them. If you don't serve well your subordinates you lose their confidence and your authority over them. To serve his subordinates is to treat them well, to understand them, to inform them, to train them well, and to give to them the means necessary to fulfill their mission. This is what I learned in US Army CGSC and this is also stipulated in Rule 14 of the Code of Conduct of the FAR. My command philosophy was based mostly on these principles which I applied in conformity with the chain of command.

### **2. Formal authority**

The formal authority of the commander derives from Rules and regulations. Within the Rwandan Army the formal authority derives from Rule 11 of the Code of Conduct which provides that:

*“The authority shall be linked to duty. A soldier with authority shall be personally responsible for the acts necessary to exercise such authority. ...”*

### **3. Difference between formal authority and effective authority or effective control**

- To have effective authority one must have formal authority over a subordinate at the first place. Then it is necessary to understand the difference between the two.
- A unit not allocated or soldier not answerable to a commander is not under the formal authority.
- In the following situations for example, a unit or soldier is not under effective authority of the commander:
  - A unit put under operational command of another commander or in reinforcement mission: this was the case of the 2<sup>nd</sup> Cie and the 4<sup>th</sup> Cie during their mission at camp Kimihurura.
  - A soldier on leave
- In the following situations, a soldier is not under effective authority of the commander
  - A soldier absent without leave
  - An isolated soldier without any contact with his unit

- A soldier missing from his unit
- A deserter
- A soldier that has abandoned his post without permission

4. **Authorities invested with disciplinary power**

- The Article 60 of the Code of conduct indicates the military authorities that had power to impose disciplinary punishment and possible punishment that could be imposed by category of soldiers.
- It is important to note that, in the Rwandan Army, the company was the basic unit. The Exhibit DNT135A&B&C is a good example showing this reality in the Para Cdo Bn. Consequently, a company commander was invested with disciplinary power over his company like a Battalion commander over his battalion. (See Article 6 of the Code of Interior Service and Article 60 of the Code of Conduct). The Cie commander as the commander of the basic unit (1<sup>st</sup> echelon) was the one who imposed most of the time disciplinary punishments against his subordinates. The cases which were brought to the attention of the battalion commander were very few and concerned mostly the appeal for punishment imposed by the Cie commander.
- A battalion commander like the Cie commander was empowered to impose limited types of punishment of a lower gravity. (see the table under Article 60 of the Code of conduct)
- The Article 64 (2) of the Code of Conduct indicates what should do a soldier who is not invested with authority in case of breach of the code of conduct. It provides that he has to establish a report to the commander of the offender requesting that a disciplinary punishment be imposed against him.

5. **Geographical situations and command authority**

a. **Within the camp**

I had authority over the Para Commando Bn through the chain of command.

b. **On the battlefield (during operation)**

- The authority is exercised within the limit of the sector of operation. According to military doctrine and tactics, the width of a Battalion front line is about 3 Km and its depth is about 1 Km at least. This was the case during the war in 1994. For example, during the combat in Kigali town, from April 7 to 21 May 1994, the sector of operation of the Para Commando Bn extended from Sonatube – Giporoso – Bureau Pédagogique – Kanombe Airport.
- At the level of a battalion, the commander conducts operations through orders transmitted to the Cie commanders mostly by radio from his command post (radio net work is provided in advance with codes and frequencies). Orders can also be transmitted by a military messenger (estafette in French) or by physical contact with the Cie commander.

- The Bn Commander will seldom go up to the most forward line of contact with the enemy. The risk is very high because the loss of a Battalion commander during the war is catastrophic for the unit. Therefore he has often to rely on information from the Cie commander to conduct operations.
  - So, on the battlefield, the Bn commander is not physically in contact with soldiers deployed on the line of contact with the enemy. Therefore, Ntabakuze could not have effective authority and effective control over each soldier of his Battalion.
- c. About Responsibility throughout Rwanda or Kigali
- Ntabakuze was a simple battalion commander. He was neither the Chief the Army nor an operational sector commander until July 3, 1994. Ntabakuze was not responsible of the country; he was not responsible of any prefecture or commune; he had no administrative duty in the country.
  - Rwanda was composed of 11 prefectures according to the provision “*Loi No 29/90 du 28/05/90 modifiant et complétant la loi du 15/04/63 sur l’organisation territoriale de la République.* »<sup>xxxii</sup>. The PVK (Prefecture of Kigali Town) was different from the Prefecture of Kigali Rural in 1994. This difference was set out in the law and Maps of the country<sup>xxxiii</sup>. For example, Kanombe camp, the airport of Kanombe and Kabeza were in the Prefecture of Kigali Rural in 1994 and not in PVK.
  - Ntabakuze had no responsibility over the following locations pleaded in paragraphs 6.37 to 6.42 of the indictment (see maps):
    - ETO-Nyanza
    - Collège St André
    - Mosquée de Kibagabaga
    - Kabgayi
    - Butare
  - Ntabakuze cannot respond to incidents that allegedly occurred in localities not pleaded in the indictment (see maps):
    - In the Prefecture of Kigali Town: Remera, Giporoso, Centre Christus, IAMSEA, Sahara and Kicukiro neighborhood, Sonatube, Gikondo, Kabusunzu, Nyakabanda and Rwampara.
    - In the Prefecture of Kigali Rural: Akajagali, Mulindi, Rubungo, Kabeza, Kabeza I, Kabuga, Ruhanga and Masaka.

### Conclusion

- ⊗ There are situations where subordinates are not under the authority of the commander.
- ⊗ A Bn commander is not in physically in contact with soldiers deployed on the most forward line of contact with the enemy on the battlefield.
- ⊗ The Cie was the basic unit in the Rwandan Army. The Cie commander was the one who most of the time had to impose disciplinary punishment.
- ⊗ The Prosecution allegations saying that Ntabakuze had responsibility throughout Rwanda or Kigali are totally false.

**F. OTHER ASPECTS OF THE PARA CDO BN****1. Administration of the unit****a. Administrative documents:**

- The content and the management of personal military file: the main document was the military booklet where information concerning the state of service of the soldier was recorded (transfer, promotions, rewards, punishment, special training, marital status and children ...). This file was originally constituted by the Army HQ at the time of the incorporation of the soldier. Then it was sent by the Army HQ to his first unit. In case of transfer to another unit, the unit of origin had to send the file to the new unit. The file was managed by the unit and kept confidential. But a soldier was authorized to check his file at any time. In the Para Cdo Bn, the soldiers files were managed of the was made by the S1-S4 of the Bn in coordination with the Cie commander. No military document had the mention of ethnicity.
- Establishment and transmission of the periodic documents to the higher authority (trimester situation of the strength containing the list of the soldiers by Cie, the movements that occurred during the quarter, the order for battle, family situation, list of soldiers by prefecture, list about the Social Security Funds, the situation of weapons and ammunition ...). All these documents had no mention of ethnicity.
- The military ID card had no mention of ethnicity (see (Exhibit DNT145)

**b. Promotion – transfer – dismissal.**

- There were regulations to be followed (see the statute of FAR personnel)<sup>xxxiii</sup>.
- The Para Cdo Bn commander had no authority to decide on these matters.

**c. The management of materials and equipment (weapons and ammunitions)**

- There was no armory at the Bn level but rather, there was an armory by Cie. The armory of the Cie was managed by the Cie commander. The number of weapons was equal to the number of the soldiers of the Cie (allocation of equipment to the unit).
- The stock of ammunition was managed by the S1-S4 of the Bn.
- The Bn commander had not the keys of the armories or the stock of ammunition. When he wanted to do the inspection of these places, the person responsible should be present and open for him.
- A report of the situation of weapons and ammunition was made at the end of each trimester and was communicated to the Army HQ (see Trimester situation of the strength of the unit).

**2. Meetings in the unit**

- Meetings were normal activities in the unit and they were scheduled at Cie level and Bn level according to the instructions of the Army HQ. A Bn meeting was held at least once every three months. A meeting of the Cie was held once in a month. Those meetings were mentioned on the schedule of the week of each Cie. The schedule was posted on the instruction board of the Cie.
- The content of the meetings depended on the situation but the subjects to be discussed related to the following domains:
  - Domain S1: administrative questions, discipline, leave, marriage, promotion, ...
  - Domain S2 : personnel welfare and security, cleaning, canteen, shopping ...
  - Domain S3 : Training and operations
  - Domain S4 : supply and maintenance of military material and equipment, foods, housing, ...

Soldiers were also given the opportunity to ask questions of general or personal interest.

- A minute of the meeting of the Bn was always transmitted to the Army HQ and to the camp commander.
- The objective of the meetings:
  - The meeting was the occasion for the commander to strengthen morale and cohesion among his soldiers. The commander had to take that opportunity to recognize soldiers that have shown high standards and performances and to blame or castigate bad behaviors if any. It was also the occasion for the commander to inform soldiers about instructions from the higher authorities and about the operational situation.
  - During those meetings, I preached all the time patriotism, courage, professionalism, discipline, love and cohesion (esprit de corps). I tried my best to teach by example. I loved my men equally and treated them with justice and fairness. I was too demanding but not harsh. I was proud of the cohesion and the combat effectiveness that characterized my unit.

### **3. Training of the unit**

- The program of instruction was made weekly by company and posted on the instruction board of the Cie. Coordination was made at Bn level to prevent units to run into each other on a same installation or stand of training. The copies of the weekly programs were sent to the camp commander for coordination at his level too. At the end of the trimester, copies of the programs executed were sent to the Army HQ.
- After the establishment of KWSA, programs of instruction were submitted to the UNAMIR in advance for approval when the unit expected to train outside the camp.

### **4. Military uniforms**

- The uniforms of the FAR personnel were generally identical except the beret. There were red beret, black beret, blue beret and camouflage beret. The gendarmes were wearing a red

beret. Normal infantry units had a black beret. The aviation squadron had a blue beret. Then the following commando units had camouflage beret: Para Cdo Bn, Ruhengeri Commando Bn, Huye Commando Bn and Commando Training Centre of Bigogwe (CECDO).

- Beside berets, helmets were used in the FAR. Gendarmes used to wear white helmet during their mission of establishing and maintaining order. The Military Police unit of the Rwanda Army (Bn PM) also used to wear white helmet during the police missions.
- There was also a uniform for ceremonial occasions where a Kepi was worn in place of a beret. The Military Police unit used to wear Kepi with a red cover on ceremonial occasions.
- When I arrived in the Para Cdo Bn in 1988 helmet was used only during parachute training. Because I had conviction that helmet could save lives on the battlefield I imposed upon my arrival in the unit in 1988 the helmet for everyone during combat training. At the beginning I experienced some resistance but finally soldiers came to be comfortable with it and to like wearing it. So, from then, helmet was mandatory in the Para Cdo Bn during combat training and on the battlefield which was not the case in many units of the Army and especially the newly created Bn. Para Cdo soldiers understood during the war the importance of the helmet. Indeed, they were happy to see how the helmet often saved lives. They were grateful to me for that.
- As I said above, some soldiers from the newly created Bn used to fabricate themselves camouflage beret and to wear them irregularly in order to show off.
- Concerning the red “*cordelette*”, this special belt was given to soldiers that had completed with success a course of Commando Instructor in the Commando Training Centre of Bigogwe. The graduates were then called Commando Instructors. They were in charge of training other soldiers for commando certificate in the Commando Training Centre of Bigogwe. There were also Commando Instructors in other units especially in Commando units but their number was very limited (not more than 5 in a Bn). The Commando Instructors were the only soldiers authorized to wear the red “*cordelette*” but this doesn’t mean that there were not irregularities. They were soldiers that were wearing irregularly the red “*cordelette*”. There was also evidence before the Chamber that some Interahamwe were wearing “*cordelette*” acquired from the local civilian workshop in 1994. So a red “*cordelette*” could not be an indisputable indication that a person was a member of a commando unit in 1994.

### **Conclusion**

- ⌘ There was no discrimination in the Para Cdo Bn.
- ⌘ The meetings in the Para Cdo Bn like in any other unit of the Rwandan Army were normal activities and that minutes of the meetings exist in the archives.
- ⌘ Each Cie of the Para Cdo Bn had its own armory managed by the Cie commander. There was no armory at the Bn level. The number of the weapons was equal to the number of the soldiers of the Cie.
- ⌘ The programs of instruction were submitted to the UNAMIR in advance for approval when the unit expected to train outside the camp.

- ✧ The Para Cdo Bn was not the only unit to wear the camouflage beret. They were also soldiers from the newly created Bn wearing irregularly the camouflage beret.

## **CONCLUSION**

I was not involved in the massacres which plunged my country into mourning in 1994. I strongly condemn these massacres from the bottom of my heart. I feel very sad to talk about the tragedy. So many people died for nothing. It is painful, regrettable and shocking. There is no single family in Rwanda that has not lost their loved ones. Some of them were acquaintances, friends and even relatives to me. I feel sorry for all of them not only because there were my countrymen but because they were human beings whose lives should have been respected and protected. War is a dirty business and definitely no one won it. The country has been destroyed. It is a very sad situation. I regret that I could not have done more personally and with the troops under my command to prevent and stop the killing of civilians.

I would like to take this opportunity to pay my due respect in the memory of all Rwandans from all ethnic groups and various regions and of all foreigners who died in the Rwandan tragedy. I would like also to pay my respect before the suffering of the survivors, of the orphans, widows and before all the handicapped because of this insane war that destroyed Rwanda since 1990. I pay my respect to all these thousands of souls while wishing to all sons and girls of Rwanda to reject forever the axe of hate and war in order to rebuild a reconciled and democratic nation, to make a land of peace and happiness for all Rwandans and for all inhabitants of Rwanda without distinction. I would be very happy to be able to give my modest contribution to this worthy work of the children of God.

**LIST OF ANNEXES**

- Annex 1 : Academic Report for Aloys Ntabakuze signed by the Deputy Commander of the US Army CGSC on 1<sup>st</sup> July 1988.
- Annex 2 : Photograph of Ntabakuze in large format.
- Annex 3 : “Two Year of Training plan for Rwanda” by US Embassy in Rwanda dated 141340Z March 1994.
- Annex 4 : “Trip Report Kagitumba – Nyagatare – Gabiro” by US Embassy in Rwanda dated 081710Z November 1990
- Annex 5 : Statute of FAR personnel
- Annex 6 : Attendees at the Conference on the role of the military in a Democracy held in Bujumbura from January 31<sup>st</sup> to 4<sup>th</sup> February 1993
- Annex 7 : Members of the Commission for Military Regulations
- Annex 8 : Members of the Commission for demobilization
- Annex 9 : The law of 23 January 1974 about the creation of the National Gendarmerie
- Annex 10 : Territorial organization of Rwanda – *La Loi No 29/90 du 28/05/90 modifiant et complétant la loi du 15/04/63 sur l’organisation territoriale de la République.*
- Annex 11 : Map of Rwanda (administrative) in 1994
- Annex 12 : Map of the Prefecture of Kigali Rural
- Annex 13 : Map of the Prefecture of Kigali Town (PVK)

**LIST OF THE EXHIBITS REFERRED TO IN THE DEPOSITION**

1.	DB071	: Organization of the Rwandan Army, p. L0022715
2.	DB106	: Règlement sur le Service Intérieur (Code of Interior Service)
3.	DNS015	: MINADEF-1
4.	DNS016	: MINADEF-2
5.	DNT004 A	: Sketch of camp Kanombe
6.	DNT039	: SITREP de la MINUAR du 09/04/94
7.	DNT040	: SITREP de la MINUAR du 25/04/94
8.	DNT057	: Organization of the Para Cdo Bn
9.	DNT101	: Satellite Photograph of the camp Kanombe
10.	DNT124	: US Army Command and General Staff College Diploma
11.	DNT125A	: US Army Command and General Staff College Emblem
12.	DNT125B	: Shoulder pad insignia
13.	DNT126	: US Army Command and General Staff College photograph
14.	DNT135 A	: List of 1 <sup>st</sup> Cie of Para Cdo Bn
15.	DNT135 B	: List of 2 <sup>nd</sup> Cie of Para Cdo Bn
16.	DNT135 C	: List of 3 <sup>rd</sup> Cie of Para Cdo Bn
17.	DNT145	: ID card for FAR personnel
18.	P149 A	: KIBAT Report French version
19.	P149 B	: KIBAT Report English version
20.	P155 A	: Code of Conduct French version (Règlement de discipline)
21.	P155 B	: Code of Conduct English version
22.	P192	: Photographs of the Para Cdo quarter in camp Kanombe

**ABBREVIATIONS**

AC	: Artillerie de Campagne (Field Artillerie)
AR	: Armée Rwandaise
BM	: Bâtiments Militaires (Building or Housing)
Bn	: Bataillon
Cdo	: Commando
CECdo	: Centre d'Entraînement Commando
CETA	: Centre d'Entraînement des Troupes aéroportées
CGSC	: Command and General Staff College
CHK	: Centre Hospitalier de Kigali
CIA	: Central Intelligence Agency
Cie	: Compagnie
CND	: Conseil National pour le Développement (National Assembly)
CRAP	: Commando de Recherche et d'Action en Profondeur
CTR	: Centre de Transmission
DLI	: Defense Language Institute
ESM	: Ecole Supérieure Militaire
ETO	: Ecole Technique Officielle
FAR	: Forces Armées Rwandaises
HQ	: Head Quarter
IAMSEA	: Institut Africain Mauricien de Statistique et d'Economie appliquées
KIBAT	: Kigali Battalion
KWSA	: Kigali Weapon Secured Area
LAA	: Light Anti-Aircraft
MINADEF	: Ministère de la Défense
Para Cdo	: Parachutiste Commando
PVK	: Préfecture de la Ville de Kigali
QM	: Quartier Maître (Clothing, food, camping equipments ...)
RPF	: Rwandan Patriotic Front
S1	: Personnel and Administration Service in a battalion Staff or higher unit below the Army
S2	: Intelligence Service in the Staff of a battalion or higher unit below the Army
S3	: Training and operation Service in the Staff of a battalion or higher unit below the Army
S4	: Logistic Service in the Staff of a battalion or higher unit below the Army
SITREP	: Situation Report
Trans	: Transport
Tr	: Transmission
UNAMIR	: United Nation Assistance Mission for Rwanda

## Endnotes

---

<sup>1</sup> Annex 1

<sup>2</sup> Annex 2

<sup>3</sup> Annex 3

<sup>4</sup> Annex 4

<sup>5</sup> T. 6 April 2004, at p. 68-70

<sup>6</sup> T. 6 October 2003, at p. 6-7

<sup>7</sup> T. 6 April 2004, at p. 56-57

<sup>8</sup> T. December 10, 2003, p.81

<sup>9</sup> T. 6 October 2003, at p. 6-7

<sup>10</sup> T. 5 April 2004, at p. 44-45

<sup>11</sup> T. 6 April 2004, at p. 68-70

<sup>12</sup> T. April 05, 2004 p. 32-35.

<sup>13</sup> T. October 02, 2003 p. 73-74.

<sup>14</sup> T. April 05, 2004, p. 43.

<sup>15</sup> T. April 05, 2004, p. 9-10.

<sup>16</sup> T. 6 April 2004, at p. 56-57

<sup>17</sup> T. April 06, 2004, p.79-81.

<sup>18</sup> T. 29 June 2004, p. 55-57.

<sup>19</sup> T. 29 June 2004, p. 57-59.

<sup>20</sup> T. 6 April 2004, at p. 56-57

<sup>21</sup> T. 6 April 2004, at p. 56-57

<sup>22</sup> T. 6 April 2004, at p. 56-57

<sup>23</sup> Annex 6

<sup>24</sup> Annex 7

<sup>25</sup> Annex 8

<sup>26</sup> Annex 3

<sup>xxvii</sup> Annex 9

<sup>xxviii</sup> The Gendarmerie is a force constituted to ensure the maintenance of order and the enforcement of law (unofficial translation)

<sup>xxix</sup> There was also “*La poudrière*” which was under the responsibility of the Base AR (Army Logistic Unit). The Transmission Cie (Cie Tr) which was also a unit of the Base AR had its offices and workshops at Kimihurura but the members of that Cie were housed in camp Kanombe. The other elements of the Base AR were based in camp Kigali.

<sup>xxx</sup> The Medical Cie was created in August 1988.

<sup>xxxi</sup> Annex 10

<sup>xxxii</sup> Annexes 11, 12 and 13

<sup>xxxiii</sup> Annex 5