

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO. ICTR-98-41-T
CHAMBER I

THE PROSECUTOR
OF THE TRIBUNAL
v.
THÉONESTE BAGOSORA
GRATIEN KABILIGI
ALOYS NTABAKUZE
ANATOLE NSENGIYUMVA

THURSDAY, 21 SEPTEMBER 2006
0900H
CONTINUED TRIAL

Before the Judges:

Erik Møse, Presiding
Jai Ram Reddy
Sergei A. Egorov

For the Registry:

Ms. Marianne Ben Salimo
Mr. Edward E. Matemanga

For the Prosecution:

Ms. Barbara Mulvaney
Mr. Drew White
Ms. Christine Graham

For the Accused Théoneste Bagosora:

Ms. Allison Turner

For the Accused Gratien Kabiligi:

Mr. Paul Skolnik
Mr. Frédéric Hivon

For the Accused Aloys Ntabakuze:

Mr. Peter Erlinder
Mr. André Tremblay

For the Accused Anatole Nsengiyumva:

Mr. Kennedy Ogetto
Mr. Gershom Otachi Bw'omanwa

Court Reporters:

Ms. Judith Baverstock
Ms. Jean Baigent
Ms. Kirstin McLean

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ALOYS NTABAKUZE

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WILLY BIOT

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1 MR. PRESIDENT:

2 Yes. We all need to do that and that's why we are asking these questions now. And depending on how
3 this testimony develops, we can probably decide together in about an hour's time.

4

5 Good afternoon, Major.

6 THE WITNESS:

7 Thank you, Mr. President.

8 MR. PRESIDENT:

9 You have to tell the truth and the registry will now take your solemn declaration.

10 *(Declaration made by Willy Biot in French)*

11 MR. PRESIDENT:

12 Your full name is Willy Biot; is that so?

13 THE WITNESS:

14 Yes, Biot is my name, and Willy is my first name.

15 MR. PRESIDENT:

16 And you have a document in front of you with your personal information, isn't that so, just ahead of you
17 there. And it has your signature, hasn't it.

18 THE WITNESS:

19 Yes, it is correct.

20 MR. PRESIDENT:

21 Next exhibit number, Mr. Matemanga?

22 MR. MATEMANGA:

23 D. NS209.

24 *(Exhibit No. D. NS209 admitted)*

25 MR. PRESIDENT:

26 Thank you.

27

28 Defence?

29

WILLY BIOT,

30

first having been duly sworn,

31

testified as follows:

32

EXAMINATION-IN-CHIEF

33 BY MR. OGETTO:

34 Q. Good afternoon, Major Biot.

35 A. Thank you.

36 Q. For how long have you been in the Belgian military service?

37 A. Forty years very soon.

1 Q. And you're still in active service?

2 A. Not exactly. I have been on pension since 1st April, and I am in a voluntary period of -- in a voluntary
3 retirement. So, as I said, I am still active.

4 Q. You had a chance to go to Rwanda before the events of April 1994, is that correct?

5 A. Yes, that is correct. I went to Rwanda in the course of the first incidents of 1994 on a human -- 1990,
6 as part of a humanitarian group, October 1990.

7 Q. For how long were you in Rwanda at that time?

8 A. Are you referring to 1990? About a month.

9 Q. Did you subsequently go back to Rwanda?

10 A. I went back to Rwanda in 1993 as a Belgian military adviser.

11 MR. PRESIDENT:

12 I am just making sure that we are not losing time here.

13

14 Did I hear the Prosecution say that cross-examination of this witness would have to take place
15 tomorrow, not this afternoon?

16 MS. MULVANEY:

17 That is correct.

18 MR. PRESIDENT:

19 Yes. Now, assuming that Major Biot will take about 40 minutes --

20 MR. OGETTO:

21 Probably. To be on the safe side, I think, slightly more than an hour. An hour.

22 MR. PRESIDENT:

23 But you have already used ten of them. So you are saying that there are 50 minutes left?

24 MR. OGETTO:

25 I have taken that into consideration, Mr. President. (*Microphones overlapping*)

26 MR. PRESIDENT:

27 So will we be able to get Ms. Graham back for cross-examination of Mr. Ntabakuze, if we have time left
28 this afternoon? That's the question now.

29 MS. MULVANEY:

30 I can email upstairs. It's sometimes hard to change, and I think she is not anticipating coming back this
31 afternoon. I can email upstairs and see if she could start. And, if so, if the Court could tell me, it's a
32 quarter to four right now, if counsel says that he will be 50 minutes, it's twenty to five the Court would
33 like to start?

34 MR. PRESIDENT:

35 We don't really know yet. I just don't want to not have a Witness, if we suddenly have 25 minutes left of
36 the day when we all want to be so efficient.

37

1 MS. MULVANEY:

2 I hate to answer on her behalf, but I would assume she could come down and do 20 minutes of
3 cross-examination. Does that mean we will continue with this tomorrow? We really need a little bit of
4 assistance from the Court on planning, because we have staffing issues also for support of the lawyer
5 that is standing up. So, if we can just have a little inclination from the Court as to what's going to
6 happen tomorrow, then I think Mrs. Graham is -- it would be much easier for her to start today if she
7 continues tomorrow.

8 MR. PRESIDENT:

9 We would wish to give high priority to Ntabakuze's cross-examination because Mr. Erlinder is leaving
10 and we have just heard that RX03 has a deadline of 1st October, so that is not so urgent; and when it
11 comes to LX65, we do not know yet that he is so urgent, because Mr. Hivon is not back and he has not
12 informed us. So, the obvious pressure now is to finalise Mr. Ntabakuze.

13 MS. MULVANEY:

14 Mr. President, I will email upstairs right now and tell her -- or ask her if she can be down here at twenty
15 to five.

16 MR. PRESIDENT:

17 Thank you.

18
19 I am sorry about this little interruption, but it was important in order to plan our work efficiently, Major.

20
21 Please proceed.

22 MR. OGETTO:

23 Thank you, Mr. President.

24 BY MR. OGETTO:

25 Q. Mr. Biot, if you could kindly repeat the answer that you gave. When did you subsequently go back to
26 Rwanda?

27 A. I went back in 1993 as a military technical -- military adviser, Belgian technical adviser.

28 Q. Can you recall when in 1993 you went back to Rwanda?

29 A. It was end of August 1993, 25-26th, I can't recall exactly, and up until 30th April 1994.

30 Q. And what was the objective of this military cooperation between Belgium and Rwanda?

31 A. It was a partnership between the two countries to give technical assistance to the Rwandan army.

32 Q. Can you please elaborate on that a bit? What kind of technical assistance were you providing to the
33 Rwandan army?

34 A. Well, we were there, basically, as technical advisers.

35 Q. Where in Rwanda were you based in the context of your mission?

36 A. I was based mainly in the commando training centre in Bigogwe as part of the Belgian military
37 cooperation (*unintelligible*) at the chief of the centre -- of the Bigogwe commando training centre.

- 1 Q. And what were your specific duties, personally?
- 2 A. I was adviser to the commander of the centre in various areas, particularly training, logistics, and
3 infrastructure.
- 4 Q. Which *préfecture* is Bigogwe in?
- 5 A. To my knowledge, in the Gisenyi *préfecture*.
- 6 Q. And where were you residing during this particular period when you were in Rwanda carrying out your
7 mission?
- 8 A. Outside our professional activities we lived in Gisenyi itself.
- 9 Q. When you say Gisenyi, do you mean Gisenyi town?
- 10 A. Not exactly. I will say we were a bit outside the town on the slopes of a hill in the direction of Kigali, a
11 distance of about five-ten minutes from the centre of Gisenyi town.
- 12 Q. Did you have any other people working under you in the context of your duties?
- 13 A. Yes. We were a team of six. I had a deputy officer, three instructors, and a captain, who was a
14 medical officer.
- 15 Q. Can you kindly, very quickly, give us the names of those officers who were working with you?
- 16 A. Yes, my deputy was captain -- Captain Seconde; the medical doctor was Dr. Geysels, and the other
17 instructors were W. Beyens, Dewulf and Peeters.
- 18 MR. OGETTO:
- 19 Mr. President, the first name the witness mentioned is number 13 on the list, the second name,
20 Geysels, is number 7 on the list, Beyens is number 2 on the list, Dewulf is number 4 on the list and --
- 21 MR. PRESIDENT:
- 22 Do you mean 5?
- 23 MR. OGETTO:
- 24 Number 5 on the list. And then the last name the witness mentioned is number 12 on the list.
- 25 MR. PRESIDENT:
- 26 Thank you.
- 27 BY MR. OGETTO:
- 28 Q. Who was the commander of the Bigogwe military camp at the time you were there?
- 29 A. When I got to Bigogwe it was Lieutenant Colonel Nzabanita, if my memory serves me right, and
30 subsequently this position was taken over by Lieutenant Colonel Nzungize
- 31 MR. PRESIDENT:
- 32 Make sure that the spelling list is distributed to everyone, including court reporters in both languages.
33 It's not received.
- 34 MR. OGETTO:
- 35 We gave out sufficient copies, 15 copies as usual.
- 36 MR. PRESIDENT:
- 37 I am just saying, please arrange it. Was there now just a reference to a new name? Can you help us

1 with that please? There was just a reference to a Kinyarwandan name; can you please help us with
2 that name?

3 BY MR. OGETTO:

4 Q. Witness, can you repeat the names you mentioned please?

5 A. Are you referring to the two commanders of the commando training centre or you are talking about my
6 deputies? The two commanders that I knew were Lieutenant Colonel Nzabanita. I believe I am
7 pronouncing that name correctly. And, then, I worked with Lieutenant Colonel Nzungize. I believe I am
8 pronouncing it correctly.

9 MR. PRESIDENT:

10 Number 10 and 11.

11 MR. OGETTO:

12 That is correct, Mr. President.

13 BY MR. OGETTO:

14 Q. Do you know a place in Rwanda called Butotori?

15 A. No, I don't know Butotori. Maybe you are referring to Butotoli.

16 Q. Yes, I think it is the same place. I am sorry if it is "L". Do you know Butotoli in Rwanda?

17 A. Yes, I know Butotoli patch very well, because that area was under the Bigogwe training centre.

18 Q. And what kind of place was this, Butotoli, at the time that you were in Rwanda?

19 A. The Butotoli field was a field on which -- or was the area on which we gave aquatic training. So that is
20 where we taught people to swim, all the techniques of crossing over a river, lake, and so on and so
21 forth.

22 Q. Did you have any of your colleagues attached to this place, Butotoli?

23 A. Yes. The person in charge of the area was -- as technical adviser was W. Beyens.

24 Q. Do you know if there was also a military camp at Butotoli during the time that you served in Rwanda?

25 A. I only know the training area that I referred to, nothing else.

26 Q. Now, during the period that you served in Rwanda between August 1993 and April of 1994, how often
27 did you go to Bigogwe military camp?

28 A. Since Bigogwe was the working place of the entire chief, except for W. Beyens, Captain Geysels, we
29 were in Bigogwe on a daily basis from Monday to Saturday morning, inclusive.

30 Q. And for any given day that you went there, how long would you stay?

31 A. Well, I would stay for -- you mean on a daily basis or for the entire period, per day, or for each day?

32 Well, we start work -- well we leave around 7:00-7:15 from where we lived and then we worked there
33 until about 1730-1800 hours, and on Saturdays we work in the morning.

34 Q. Do you know the Accused person in this case, Colonel Anatole Nsengiyumva?

35 A. I know of him, of course, but I don't know him very well.

36 Q. When did you first meet Colonel Nsengiyumva and in what circumstances?

37 A. The first time I met him was when the handing over was taking place at my predecessor's place, and it

1 was during a weekend. So he stopped by my predecessor's place, and my predecessor took
2 advantage of that to introduce us. So I would say that it was a brief meeting of a few minutes, a brief
3 formal meeting. Subsequently, I came across him on some occasions, I would stay at the
4 *Hôtel Méridien* where I would go in the evening for a drink, or sometimes our vehicles we would cross
5 one another.

6 Q. You spoke about your predecessor. Are you able to give us the name, the one who introduced you to
7 Colonel Nsengiyumva?

8 A. Major Jacques de Coninck; first name Jacques, and family name de Coninck.

9 MR. OGETTO:

10 It's C-O-N-I-N-C-K. I hope I am correct, Major Biot.

11 THE WITNESS:

12 I am sorry, I was a bit distracted. Could you repeat that please. Let me spell it: C-O-N-I-N-C-K.

13 MR. OGETTO:

14 It's not on the list Mr. President.

15 BY MR. OGETTO:

16 Q. After this first encounter with Colonel Nsengiyumva, did you subsequently meet him officially?

17 A. Officially, not really, excepting only one occasion that was a short while before the events, and it was
18 during the official commissioning of the firing range, which had just been repaired. And, during that
19 occasion, a number of officers had been invited, such as the G3 officer, the second-in-command, the
20 camp commander, and the operational commander of Gisenyi area.

21 Q. Now, during that time that you worked in Rwanda between August 1993 and April 1994, did you ever
22 witness training of militia at the Bigogwe military camp?

23 A. No,.

24 Q. Did anyone ever tell you about any such training of militia at Bigogwe military camp during that period?

25 A. No, sir.

26 Q. Did you ever see Colonel Anatole Nsengiyumva come to Bigogwe military camp during the time that
27 you worked there?

28 A. Perhaps he came to visit the camp commander on one or a couple of occasions. I can't say further.

29 Q. Did you ever see Colonel Anatole Nsengiyumva conduct any kind of training, military training, at the
30 Bigogwe military camp?

31 A. No, never.

32 Q. Would you say if Colonel Anatole Nsengiyumva was a regular visitor at the Bigogwe military camp?

33 A. No.

34 Q. During this same period that you worked in Rwanda, did you witness any distribution of weapons to the
35 militia at the Bigogwe military camp?

36 A. No.

37 Q. Did you witness the distribution of weapons to militia anywhere else in Gisenyi, other than the Bigogwe

- 1 military camp?
- 2 A. No.
- 3 Q. Did your colleagues ever talk to you about possible distribution of weapons in Gisenyi to militia at that
4 time?
- 5 A. No.
- 6 Q. Let's now move to the 6th of April 1994. Did you notice anything peculiar a few days before the 6th of
7 April 1994 in Gisenyi?
- 8 A. No. Well, it was just normal conduct of business, as far as I am concerned.
- 9 Q. There were no signs of insecurity a few days before the killing of the president?
- 10 A. No, not as far as I know. Furthermore, there was a curfew in place permanently from 6 p.m., that is as
11 far as I have always known.
- 12 Q. And that curfew had been in place from which period?
- 13 A. By the time I arrived in Rwanda, it was already in effect, so I am unable to tell you exactly when it was
14 instituted.
- 15 Q. Major Biot, can you recall where you were on the 6th of April 1994?
- 16 A. I was home on the 6th of April 1994.
- 17 Q. And by "home" you mean your residence in Gisenyi?
- 18 A. Yes, my residence in Gisenyi.
- 19 Q. Can you please try to recall how you received the news of the death of President Habyarimana?
- 20 A. It was through a phone call I got from my deputy during the night. It was somewhere around midnight
21 or 30 minutes after midnight on the night of the 6th to the 7th, and he had got the information via a
22 phone call from the Belgian (*unintelligible*) cooperation mission in Kigali.
- 23 Q. Did you go out of your residence that night?
- 24 A. No, no. Immediately I instructed my second-in-command to inform the other members of the team to
25 stay indoors, that I would contact Kigali. So I tried to stay on phone contact permanently with the
26 Belgian technical cooperation mission. So we remained in our residences.
- 27 Q. And for clarity of the record, your colleagues were also staying in the same compound with you?
- 28 A. Yes. Actually, there were two premises comprising three houses belonging to the cooperation, and the
29 distance separating them was about 500 metres. The only one not living with us was the medical
30 officer; the captain was living in town because his own house was still under construction within that
31 premises.
- 32 Q. And that is Geysels. Is that correct?
- 33 A. That's right. Captain Dr. Geysels.
- 34 Q. Can you recall how the situation was in your neighbourhood on that night during the 6th to 7th
35 April 1994?
- 36 A. As I said at the time in my diary, throughout that night the situation was calm, there was nothing
37 unusual which we observed.

1 Q. Did you go out of your residence in the morning of the 7th of April '94?

2 A. Personally, no. Given that from the wee hours of the morning I tried to organise a meeting with
3 members of my team, after the meeting I asked two members of my team to go down to town and
4 conduct what in military parlance is known as administrative reconnaissance, so that we could get a
5 feel of the situation. So they went up to the Butotori parcel (*phonetic*), and also to contact the Gisenyi
6 area operational commander.

7 Q. Can you please give us the names of the two colleagues that you sent out for this reconnaissance
8 mission?

9 A. If I remember very well, my deputy, Captain Seconde and Warrant Officer Beyens.

10 Q. Can you recall what time they left for this mission?

11 A. If I say it happened immediately after my coordination meeting, I would say circa 8:30.

12 Q. You mentioned that they were supposed to go Butotoli and also go to see the ops commander. Do you
13 know if they went to see the ops commander?

14 A. They went to see the ops commander, but they did not see him; he was not available then. They
15 contacted his S3 officer.

16 Q. Do you know where it is that they went to see the ops commander?

17 A. In Kigali town --

18 THE ENGLISH INTERPRETER:

19 Correction from the witness: "Gisenyi camp".

20 BY MR. OGETTO:

21 Q. And you say that they got information that the ops commander was not available. Do you have the
22 name of the person who gave this information to your colleagues?

23 A. Not the name but the officer. It was the S3 officer who told him that the ops commander was not
24 available. I don't know his name. So it was the person who was serving as S3 officer at that time who
25 gave them that information.

26 Q. And they found this S3 officer at the military camp?

27 A. Well, that is what they told me.

28 Q. Do you recall what time they came back with this report?

29 A. Immediately they returned, that was around 10:00 or 10:30 a.m. Well, that is not all what they did, of
30 course. They moved around the town, then they went to the Butotoli parcel. So when they returned,
31 and it was around 10:00 or 10:30 a.m.

32 Q. When they came back, did they tell you what the situation was in Gisenyi city? What was the situation
33 like?

34 A. Yes, of course, since that was the purpose of the administrative reconnaissance. The situation seemed
35 to be relatively calm, save for the fact that I would say they told me that the soldiers were more edgy
36 than was usual when they passed through the roadblocks, because they even searched our vehicles,
37 whereas normally they did not search our vehicles, given that as military technical cooperation advisers,

1 we were, quote unquote, part of the Rwandan army because we wore the same uniforms. And Warrant
2 Officer Beyens felt some coldness on the part of the head of the amphibian platoon in Butotoli, but apart
3 from that, there was nothing out of the ordinary.

4 *(Pages 66 to 80 by Judith Baverstock)*

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1 1615H

2 MR. PRESIDENT:

3 Could you speak a bit more slowly, Mr. Witness?

4 THE WITNESS:

5 Sure, sir.

6 BY MR. OGETTO:

7 Q. Now, did your colleague report to you if they saw any killings going on in the -- the city of Gisenyi?

8 A. No, not at all.

9 Q. Did they report to you if they saw any dead bodies in the city of Gisenyi?

10 A. No, they did not report such things to me definitely. They did not see any dead bodies, otherwise they
11 would have told me so.

12 Q. Did they report to you if they saw any roadblocks in the city of Gisenyi that morning?

13 A. Of course, there were roadblocks which existed already before and they were part of the curfew
14 mechanisms which I'd referred to a while ago. It was also there because the RPF front was not very far
15 away from Gisenyi, I would say; I think that was the chief reason.

16 Q. And who was manning these roadblocks that you are speaking about now?

17 A. Soldiers, Rwandan soldiers, as far as I know.

18 Q. And for how long had these roadblocks been in existence, to your knowledge?

19 A. They were already in existence before my arrival there. Perhaps my predecessor will be better placed
20 to answer that question, because he was there when the events started. But the roadblocks were there
21 before I arrived there as part of the technical corporation mission.

22 Q. And how many roadblocks are we talking about here, Major Biot?

23 A. Well, I'm afraid I wouldn't know. I remember still certain roadblocks were on the road from Gisenyi to
24 Kigali, at the border near Goma towards Butotori, but I cannot remember all the roadblocks. In addition,
25 sometimes the roadblocks shifted their positions for reasons not known to me. There were also
26 roadblocks nearby the Bigogwe camp, so I think those were checkpoints which were warranted by the
27 situation -- the military situation.

28 Q. Now, still on this reconnaissance mission in the morning, did your colleagues report to you if they saw
29 any roadblocks manned by civilians in Gisenyi town that morning?

30 A. No, not at all.

31 Q. Now, when they went to the military camp, did your colleagues report to you if they saw a meeting of
32 civilians and soldiers going on at the camp?

33 A. No, not at all.

34 Q. Did you make a written note of this report? Did you note it in writing somewhere, whatever was
35 reported to you?

36 A. From the start of the events, I opened a diary which was kept up until the end of the events. And when
37 I returned to my country, I handed the diary over to the Belgian military prosecutor's office.

1 Q. So you're saying that what you're telling this Court was recorded in your diary?

2 A. Certainly, but it was even more precise because now, you know, some of the memories are fading in
3 my mind. All of these things happened some 12 years and even more ago.

4 Q. Now, between the 7th and 13th of April 1994, when you left Rwanda, what kind of activities were --
5 were you involved in?

6 A. The main activity I was involved in was evacuating expatriates who were sort of scattered here and
7 there within Gisenyi *préfecture*.

8 Q. Where were you evacuating them to?

9 A. We gathered them in a (*unintelligible*) location either at the *Méridien* hotel, after which we would
10 prepare the final column along the road from Lake Kivu leading to the border -- that is, towards Goma,
11 and the expatriates would subsequently be evacuated to Goma.

12 Q. Was the local administrative authority and military authorities involved in these evacuations?

13 A. Yes, given that in order to send my team members to go and fetch the various expatriates in the various
14 locations, it was imperative for me to be escorted by Rwandan soldiers -- or gendarmes, given that we
15 had to go across roadblocks. And without those soldiers or gendarmes, it would have been impossible
16 for me to go across the roadblocks which were within that territory.

17
18 Of course, the main authority who was of assistance to me was a camp commander,
19 Colonel Nzungize -- I hope I'm not mispronouncing the name -- and who had to give authorisation for
20 soldiers to escort me.

21
22 Another person who helped me to a lesser extent was the gendarmerie commander, who I really did not
23 know because he had just been appointed in Gisenyi.

24
25 Regarding civilian authorities, those who assisted me were mainly the *sous-préfet* of Gisenyi who
26 handled all administrative formalities. Our liaison was a French technical corporation assistant, who
27 had the advantage of having been around that area for a long time and who knew the main local
28 authorities so that he could sort out the administrative formalities.

29 Q. And during this evacuation, did you seek the assistance of the local ops commander?

30 A. No, I always worked with commanding officer, Nzungize, firstly, because I had very good contacts with
31 the colonel as part of my work. We saw each other on almost a daily basis. Furthermore, in order for
32 me to benefit from Rwandan army forces escorts from Butotori, which was under the Bigogwe camp, it
33 was very normal for me to make a request to the camp commander.

34 Q. Now, during this evacuation exercise between 7th and 13th of April 1994, did you witness any
35 roadblocks manned by civilians in Gisenyi?

36 A. Personally, no, because I was at my residence in permanent contact with the various authorities either
37 in Belgium or in Rwanda. But in any case, I did not get any such report from my assistants.

1 Q. Did you get any reports from your assistants or your assistant regarding dead bodies at roadblocks
2 during this period?

3 A. No. No member of my team ever briefed me of such an occurrence.

4 Q. Did they talk about roadblocks manned by both soldiers and civilians?

5 A. No, they only told me of roadblocks manned by soldiers of the Rwandan armed forces.

6 Q. Can you recall how exactly you left Rwanda on the 13th of April 1994?

7 A. Yes, of course. Actually given that we were soldiers, Zaire did not allow us to be evacuated to Goma.
8 So we were evacuated through an assault landing of a C130 of the Belgian government. So we were
9 picked up by the reconnaissance team -- a special reconnaissance team in the afternoon of the 13th.

10 THE ENGLISH INTERPRETER:

11 And, unfortunately, Mr. President, the interpreter did not get the name of the airport, where they were
12 picked up from.

13 MR. PRESIDENT:

14 Yes, the name of the airport, please, can you repeat that?

15 THE WITNESS:

16 Gisenyi airfield, just an airstrip which can handle very small aircraft, but exceptionally on that day for
17 obvious reasons of security, the Belgian forces made exception and made a C130 to land there to pick
18 us up.

19 BY MR. OGETTO:

20 Q. Did the local authorities in Gisenyi in any way facilitate your evacuation?

21 A. I'll say, yes, since the airport was blocked by Rwandan military vehicles. When the request -- the
22 Belgian paracommando order came to me to see if it were possible for them to come and fetch us by
23 plane, I requested that the airfield be cleared. And for that reason, I sent one of my deputies to contact
24 the operational commander of Gisenyi and he agreed to clear the airfield on condition that he had the
25 authorisation from the chief of staff of the Rwandan armed forces.

26
27 Following the discussions between our chief of staff and the Rwandan chief of staff, the authorisation
28 was given and as soon as the authorisation was given, the commander of the operational *secteur* of
29 Gisenyi informed me and told us that we could use the airfield -- or, the airfield could be used for our
30 evacuation. Let me add that the coordination took some time, but I wouldn't say that there was an
31 obstruction to -- that there was any obstruction to our evacuation.

32 Q. Was the *sous-préfet* involved in this evacuation in any way?

33 A. Yes, obviously, since we were on Rwandan territory and we had assistance from civilians. The *préfet* --
34 that is, the authorisation to leave the territory, that was the *sous-préfet*, that is, the *préfet* -- the acting
35 *préfet* and there was no problem in that regard.

36 Q. I'm not sure if you've told the Court the time of the day when you left Rwanda. If you did, please, can
37 you repeat it; I didn't get it.

- 1 A. No, I did not give the time. It was in the afternoon and I believe it must have been around 1500 hours.
- 2 Q. And how did you travel from your residence to the airport?
- 3 A. We went there in our vehicles -- our own vehicles from our residences to the airfield, and those vehicles
4 belonged to the corporation.
- 5 Q. Can you recall the route that you took from your residence to the airport?
- 6 A. Not in detail, we went out of our houses and took the road -- the road going from Kigali towards
7 Lake Kivu. From there we took -- we turned left, we went through the -- the neighbourhood -- a poor
8 neighbourhood, we went to the outskirts of the village where the airfield was.
- 9 Q. Did you encounter any kind of problems or any kind of threats on your way to the airport?
- 10 A. No, on our trip we did not encounter any obstacle. There was no threat whatsoever, but, rather, signs
11 of sympathy from members the population because members of the Belgian corporation team was very
12 well known to people of Gisenyi.
- 13 Q. So how would you describe the attitude of the local population as you drove to the airport?
- 14 A. Very friendly, people were making signs of friendship and it appeared everything was normal in line of
15 what we've known before the events.
- 16 Q. And what was the reaction of the military as you went to the airport?
- 17 A. We had no problem either with the soldiers. They knew -- or, apparently they knew we were leaving.
18 So there was no problem -- we had no problem going through the roadblocks going to the airstrip. It
19 took about 30 minutes -- it took about 30 minutes and I don't think it could have been better than that.
- 20 MR. OGETTO:
- 21 Mr. President, if I can just consult for a minute.
- 22 BY MR. OGETTO:
- 23 Q. Now, one last issue. How many vehicles did you have as of April 13 which were available for your use
24 in the context of your functions?
- 25 A. We had three vehicles.
- 26 MR. OGETTO:
- 27 Mr. President, I had said April 13th. I'm told the translation into French probably came out differently,
28 so I say "April 13th".
- 29 MR. PRESIDENT:
- 30 Now we all agree on the date.
- 31 MR. OGETTO:
- 32 Thank you.
- 33 BY MR. OGETTO:
- 34 Q. Can you please tell us the make of these vehicles, if you can recall?
- 35 A. We had a Toyota vehicle, which was a pickup, a double cabin. That I recall very clearly because I took
36 it to Bigogwe every morning together with my team, with a carrier on the back, but no hard top. It was
37 white -- beige and the two other vehicles were Kombi -- Kombi VW. I'm not too sure, but I believe they

1 were VW. One was -- one was obviously white and the other one I have no clear recollection. It must
2 have been khaki colour or something close to that, and it was an ambulance. It was an ambulance and
3 was permanently at the disposal of doctor -- Captain Geysels. And on this vehicle there was the -- the
4 logo of the technical military corps -- the Belgian technical military corporation. It was a logo that
5 includes the Belgian flag and then with the inscription CTM at the top.

6 Q. Can you recall the colour of the Toyota?

7 A. I did say that it was white or beige.

8 Q. I'm sorry. Where did you take these vehicles when you finally left for Belgium?

9 A. Since we could not put the vehicles in the C30 plane, we had to leave them at the airport, Gisenyi
10 airport.

11 Q. Did you leave them in the possession of anybody in particular?

12 A. Nobody.

13 Q. Did you get to know what became of these vehicles later on?

14 A. Not at all.

15 Q. One last question. We are aware that Belgian soldiers were killed in Kigali on the 7th of April 1994, do
16 you recall that?

17 A. Yes, obviously.

18 Q. Did you know any of those soldiers who were killed?

19 A. I knew virtually all of them, since they were part of the unit that I belonged to. Besides some of them --
20 some of those who were killed, I was the instructor to some of those who were killed.

21 Q. Now, did the killing of these soldiers have any impact on your perception of the events that took place in
22 Rwanda in 1994?

23 A. Can you clarify your question? Go into a bit more detail.

24 MR. PRESIDENT:

25 In spite of the fact that you knew many of the victims, do you still think that you able to give an objective
26 description of what happened in Rwanda?

27 THE WITNESS:

28 Obviously.

29 MR. OGETTO:

30 Thank you, Mr. President for your assistance.

31

32 Thank you, Major Biot, for coming to testify.

33 MR. PRESIDENT:

34 We will then hear your cross-examination tomorrow morning, Major. There is no other Defence team
35 interested in this witness. So we will meet you at 8:45 tomorrow morning again. Please do not discuss
36 your testimony with anyone.

37