

CASE NO. ICTR-05-86-T
EXHIBIT NO. D.6
DATE ADMITTED 04.11.2009
TENDERED BY Chamber's oral decision
NAME OF WITNESS.....

CONFIDENTIAL ANNEX A

1. Michel Bagaragaza met with investigators of the ICTR Office of the Prosecutor (ICTR-OTP) over a period of several months in late 2004 answering each and all of the Prosecution's questions about the most important individuals involved in the government, parastatal organisations, and businesses of pre-1994 Rwanda, and of the events that he observed in the days before and after 6 April 1994. The answers became a statement of over 400 pages, which provided invaluable assistance to the Prosecution in understanding the informal power relations that made possible the execution of the Rwanda genocide, and in providing information on the organisation and the activities of the Akazu. The statement implicated several Accused persons before the ICTR and suspects who have been arrested. Michel Bagaragaza denounced and positively identified the leaders of the Akazu such as Mathieu Ngirumpatse, Joseph Nzirorera, Edouard Karemera, Theoneste Bagosora, Tharcisse Renzaho and others.
2. In the period after he signed his 400+ page statement in December 2004, Michel Bagaragaza continued to provide information, both before and after he came into ICTR custody in August 2005, of great value to the Prosecution. The information contained in his statement has been used to generate other evidence in relation to on-going trials and may also lead to the arrest of other suspects already identified by the Prosecution. There was no occasion when he was asked to assist where he provided anything less than full and complete cooperation.
3. In all of his answers, Michel Bagaragaza was careful neither to hide culpable conduct by himself or others. A witness who merely wanted to please might have put people in places where they were not or to put words in their mouths that they did not utter. By contrast Michel Bagaragaza explained how culpable individuals had used their power in often more subtle ways to accomplish their criminal purpose.
4. Under the agreement that Michel Bagaragaza signed in December 2004, it had been anticipated that his case would be transferred to a national jurisdiction where he would be assured that he would not be brought into close contact with those against whom he had provided information. Michel Bagaragaza was disappointed when the first attempted transfer to Norway was rejected by the ICTR Trial and Appeals Chamber, but continued his cooperation. He was disappointed when the second attempted transfer to the Netherlands was initially approved by the ICTR Trial Chamber, but was eventually revoked at the request of Netherlands authorities because the subsequent decision of a Dutch court in a case involving another Rwandan had undermined the basis for jurisdiction. Nonetheless, Michel Bagaragaza continued his cooperation.
5. Michel Bagaragaza testified as a witness for the Prosecution in Prosecutor v. Zigiranyirazo in June 2006 before an ICTR Trial Chamber that had decided to sit specially in a courtroom at Camp Zeist, Netherlands, in order to observe his

testimony in person. Because Dutch officials had not permitted Mr. Zigiranyirazo to come to the Netherlands, the Prosecution led the testimony of Mr. Bagaragaza by videolink from Arusha where the Accused Protais Zigiranyirazo and his defence attorney also participated in the proceedings. Michel Bagaragaza answered all questions completely and credibly. Though he was cautioned that he had a privilege against self-incrimination and his own case had not yet been resolved, he did not fail to provide relevant evidence even though his testimony was self-incriminatory.

6. When the ICTR Appeals Chamber decided that the ICTR Trial Chamber had erred in sitting in the Netherlands to hear Michel Bagaragaza's testimony while Mr. Zigiranyirazo been forced to remain in Arusha, Mr. Bagaragaza agreed to testify again, this time in Arusha. He decided to do this at the request of the Prosecution despite the fact that the agreement with him provided that he would only provide testimony from outside of Africa. His second testimony in the Zigiranyirazo case in November 2006 was found equally complete and credible by the Prosecution.
7. During all of his cooperation, Michel Bagaragaza and his family members have been subject to a hateful campaign of menace and vilification. By agreeing to testify before the ICTR, Michel has put himself in a very dangerous situation with a high risk of being killed. He has been declared the enemy and a traitor of the Hutu ethnic community, including the powerful and influential Akazu members. Several Rwandan Hutu extremists living clandestinely in various countries throughout the world, especially in the Democratic Republic of Congo and in Belgium, have sworn to seek revenge and continue to threaten the life of Michel Bagaragaza and his family. Michel Bagaragaza is particularly under threat by the extended family of the former President Juvenal Habyarimana, as well as all the major players power in 1994 in Rwanda - such as the ex-cabinet members from both the Habyarimana and Kambanda governments, members of the military, Interahamwe militia, and all social groups including the Rwandan elite such as politicians, businessmen and many other persons who participated in the Rwandan genocide of 1994. Michel Bagaragaza is considered as a man to eliminate, along with his family who are under protective measures at various locations in the world.
8. Michel Bagaragaza is an informer at high-risk. Despite an order of the Trial Chamber of non-disclosure of Michel Bagaragaza's statement, it was published on the internet and commented on by his enemies. The individuals about whom he has given information and/or evidence know very well the kind of information that he holds against them relating to their involvement and responsibilities with respect to the Rwandan's genocide of 1994. The majority of these suspects know where Bagaragaza's family members reside. The latter undergo enormous pressures at both psychological and moral levels, as their detractors attack them even in their beliefs, custom and habits, to the extent of attracting on them the curse of God. Threatening messages have been delivered to his family members

and internet sites have denounced him for assisting the Prosecution of the ICTR, even slanderously blaming him for the death of his friend and former colleague, Juvenal Uwilingiyimana, whom he had urged to tell the truth to Prosecution investigators.

9. In July 2005 Michel Bagaragaza informed the Prosecution that his friend Juvenal Uwilingiyimana was willing to talk to the Prosecution. Juvenal Uwilingiyimana decided to collaborate with the Prosecution and on 3 September 2005 the Prosecution started interviewing him. From mid-November Juvenal Uwilingiyimana informed the Prosecution several times that he feared for reprisals by Hutu extremists and his life. On 21 November 2005, a date on which the interview was supposed to continue, Juvenal Uwilingiyimana did not show up. He had left home early in the morning and never returned; later the dead body of Juvenal Uwilingiyimana was found in a waterway in Brussels. The circumstances of his death are unknown, but the Hutu community is holding Michel Bagaragaza responsible for his death. Through it all, Michel Bagaragaza has continued his cooperation.