

1 Thursday, 15 December 2022

2 [Open session]

3 [The accused entered court]

4 [The witness entered court via videolink]

5 --- Upon commencing at 10.00 a.m.

6 JUDGE BONOMO: Good morning, everyone.

7 Before we return to the evidence, there is a preliminary matter,
8 and I think it appropriate to deal with it now while we are still in the
9 course of hearing the evidence of KAB045.

10 The Trial Chamber recalls that paragraph 18 of the trial
11 guidelines allow the presenting party to read a concise summary lasting
12 no more than five minutes of the Rule 111 witnesses' statement in court,
13 with the summary provided to the Trial Chamber at least 24 hours before
14 the evidence is to be presented.

15 The Trial Chamber further recalls that the parties did not reach
16 any agreement on Witness KAB045's summary and that as of the start of
17 Witness KAB025's testimony likely to be later today, the Trial Chamber
18 has not been informed of any agreement in relation to his summary.

19 Bearing this in mind, and to avoid any unnecessary delays,
20 the Trial Chamber now requests that it be informed of any agreement or
21 non-agreement to all forthcoming Rule 111 witness summaries at least 24
22 hours in advance of each witness's testimony. Should agreement not be
23 made, the specific reasons should also be identified so that the Chamber
24 can, if necessary, take appropriate action. In other words, we are
25 partially reverting to the additional concession we made early in the

1 trial that the Defence should be able to see these statements in advance,
2 comment on them, and try to reach agreement, and we had hoped that all of
3 them would be the subject of agreement. If that is not to be the case,
4 then, nevertheless, the statements will be read, once the Trial Chamber
5 has had the opportunity to approve the terms.

6 Now, Maître Altit, it's also been indicated that this is largely
7 due to delay in the exchanges that have been taking place in efforts of
8 the parties to reach agreement. I would hope that once we get over this
9 little hump or hopefully brief difficulty on this subject, with the two
10 witnesses I've identified, that it will be possible to return
11 the practice or return to the practice that has operated since
12 the beginning of the trial, and has applied to, what, 20 witnesses so
13 far, without any obvious difficulty.

14 Do you have anything to say on it or shall we just go straight on
15 to the evidence?

16 MR. ALTIT: [Interpretation] Yes, thank you, Your Honour. Thank
17 you. Good morning, Your Honours.

18 We always did our best for everything to work smoothly up until
19 now, and you recall this because it's in the interests of everyone for
20 things to go smoothly, especially since there is no stakes here. Nothing
21 is at stake. The question is not because it was late exchanges or
22 the exchanges were late because we didn't agree. Yesterday night,
23 evening anyway, I sent a small e-mail to try and tell you exactly what
24 our position is, and I think we need guidance from your Chamber on both
25 parties.

1 And if I could quote, I was saying our position, the position of
2 the Defence, is such. The summary is meant to make public what
3 the witness has said priorly, but the summary is not there --

4 JUDGE BONOMY: I'm going to stop you there because I -- we don't
5 have time for a debate on this matter at this point. It can be discussed
6 elsewhere. It's an administrative matter. And I'm just expressing our
7 disappointment in what we've seen of the correspondence and the very
8 narrow areas that seem to be in issue between the parties, and I'm simply
9 hoping that it can be resolved.

10 For the moment, we'll deal with these two witnesses' statements
11 as we think fit and they will be read in the terms that we approve
12 unless, between now and the end of this witness's evidence, you've come
13 to some agreement.

14 I'm happy to discuss administratively later on today anything
15 else you wish to say but not during the very limited time we have in
16 court.

17 MR. ALTIT: [Interpretation] Thank you, Your Honour. If I could
18 add, please, you're absolutely right. We are almost close to an
19 agreement for these two last witnesses. I wanted to have, you know, some
20 light shed on this by the Chamber, but we can do without it because
21 everything worked perfectly until now, and we're very, very close to an
22 agreement. So with a little bit of goodwill, I'm sure we will move
23 forward. But we have to get -- to agree on the meaning and the content
24 of the summary and the spirit of the summary.

25 JUDGE BONOMY: Well, you may even have the chance shortly when we

1 have to adjourn obviously between the evidence of these two witnesses,
2 and if you can resolve it, good and well. But for the moment, all
3 I intended to do was make the position clear for the future.

4 MR. ALTIT: [Interpretation] Well, we can talk with
5 the Prosecution whenever. We usually talk about it late at night and
6 early in the morning.

7 JUDGE BONOMY: All right. Thank you.

8 Now, good morning, Witness. The delay was caused by an
9 administrative matter we had to deal with.

10 THE WITNESS: [via videolink] [Interpretation] Good morning, Your
11 Honour.

12 JUDGE BONOMY: Thank you, Witness.

13 I'm told there are difficulties at the Arusha end with the
14 interpretation, and we will pause for a moment while these are resolved.

15 [Trial Chamber and registrar confer]

16 JUDGE BONOMY: So that everyone is aware of what's happening,
17 this is going to take a little time, probably two or three minutes, but
18 there is no point in the Trial Chamber retiring because to do that and
19 return takes more than two or three minutes.

20 [Trial Chamber and registrar confer]

21 JUDGE BONOMY: I'm advised that it's possible to resolve it
22 quicker than expected so we can now resume.

23 Witness, the cross-examination was completed yesterday. And
24 there will now be some questions for you from the Bench, from the Trial
25 Chamber. Judge deGuzman has questions for you.

1 WITNESS: KAB045 [Resumed]

2 [The witness testified through interpreter]

3 [The witness testified via videolink]

4 Questioned by the Court:

5 JUDGE DEGUZMAN: [Interpretation] Witness, at page 54 of your
6 statement, you said -- or of your testimony, and I quote: "They were
7 asking me to find as many Interahamwes as possible."

8 And then you continue: "They could ask me to look for
9 Interahamwes and to give them a few -- some messages and so forth."

10 Did you help find Interahamwes, as you described it in your
11 statement?

12 A. No. I never played any role in looking for people who could join
13 the Interahamwe group.

14 I don't even remember having stated this. I'm surprised. I'm
15 surprised that this would be in my statement, this kind of words.
16 I really don't understand. I really -- I don't even think I ever made
17 this statement or such a statement.

18 JUDGE DEGUZMAN: [Interpretation] At page 73 of the same
19 statement, you said, I quote: "I never said that Kabuga was aware that
20 the people in Kimironko were getting killed. I never said that."

21 And a bit later: "But I did say that the group of the Kabuga's
22 Interahamwes had killed people."

23 Do you think that Mr. Kabuga was aware that the Kimironko Tutsis
24 were being killed or not?

25 A. Personally I don't know anything about this. I didn't discuss

1 this with Kabuga or with his Interahamwes.

2 JUDGE BONOMY: Now, Witness, I have a number of questions for
3 you.

4 We've heard some evidence that you claim your imprisonment is
5 the result of a miscarriage of justice.

6 First of all, can you tell me what crimes you were convicted of?

7 A. I was found guilty of the following crimes. One, having been at
8 the prefecture of Kigali-ville and having given the property that I was
9 taking back from the prefecture to Kabuga and organising a meeting there.
10 I was also accused of having killed Tutsis in Kimironko and Remera, but
11 I never committed these crimes.

12 These are the two crimes I was -- I was blamed for and I was
13 convicted for.

14 JUDGE BONOMY: What was the sentence?

15 A. I was sentenced to life in jail.

16 JUDGE BONOMY: Are you at present making any efforts to have that
17 miscarriage of justice reversed?

18 A. I wrote a letter to the president of the Supreme Court, and I was
19 told that I couldn't appeal anymore because I was -- the delay was over.
20 And then I was sick. And then my legal -- the legal experts told me they
21 couldn't care about my case because once you have over -- when it's --
22 the deadline is passed, you know, for appeals, then your case is closed
23 and you can't do anything. So now I'm just praying God, I'm praying God
24 for my case to be re-examined.

25 JUDGE BONOMY: Thank you. Now, you told us something about

1 training at Mr. Kabuga's premises. And you said that you were told by
2 Hajabakiga not to tell anyone -- sorry, you were told by Hajabakiga to
3 tell anyone who asked that they were dancing within the framework of
4 entertainment activities. What other training did you hear about?

5 A. People told me that when Interahamwes were coming and arriving at
6 Kabuga's, one group would go for training in Gabiro and the other would
7 go to Gako and then back from Gako and Gabiro. Hajabakiga and other
8 people told me that these people coming back from the Gabiro and Gako
9 training were training other people now once they were back in Kimironko.

10 JUDGE BONOMY: The training that you've just mentioned, when they
11 came back to Kimironko, in what premises did that take place?

12 A. Every time Hajabakiga was in that place, he asked the people to
13 go and train on Kabuga's compound. All the training sessions took place
14 there at the same time.

15 JUDGE BONOMY: What did you hear was the nature of the training?

16 A. Well, I did not insist, but they just said that they would go for
17 training, that the people who had gone to Gako and Gabiro were back, and
18 they said they would go and -- go for training, but I can't tell you
19 the type of training that was being carried out.

20 JUDGE BONOMY: We may hear in the course of this trial
21 allegations that you were involved in killings at Karama school. What
22 can you tell us about that incident?

23 A. Well, personally, I could not take part in those killings, and no
24 member of the population can say I was in Karama during those killings.
25 No one can say at what date I was there. I left Kigali on the 11th.

1 Therefore, it was impossible for me to be with those people who committed
2 killings in Karama. The Interahamwe never said that I was with them in
3 Karama. Since I left Bizimana's, I was afraid that the Interahamwe would
4 come to kill me. Therefore, I simply could not have been with them.
5 I could not go with the Interahamwe who were chasing me. I could not go
6 to Karama with the Interahamwe who were chasing me down.

7 JUDGE BONOMO: In your witness statement, you refer to
8 Pheneas Munyakazi as one of the MRND leaders that had their own
9 Interahamwe and were loyal to Kabuga. You also refer to Faustin
10 Munyakazi as one of the members of Kabuga's Interahamwe.

11 Is there a relationship between Pheneas and Faustin Munyakazi?

12 A. Pheneas Ruhumuliza and he was president of the Interahamwe at
13 national level. As for Munyakazi, Faustin, he was the leader of
14 the Interahamwe in Kimironko.

15 JUDGE BONOMO: Give me the name of the first one again, Pheneas?

16 A. Ruhumuliza, Pheneas. Ruhumuliza, Pheneas.

17 JUDGE BONOMO: Thank you. We've heard evidence from you about
18 your bar serving banana beer. Is banana beer a strong alcoholic drink?

19 A. Banana beer is a very popular beer amongst the Rwandans. It
20 contains alcohol. You can get drunk on it.

21 JUDGE BONOMO: Did the Interahamwe drink large quantities of
22 banana beer in your premises?

23 A. Munyakazi, who was the leader, would grill meat, and when
24 the Interahamwe would come, they would come to drink banana beer and eat
25 grilled meat, barbecued meat, but I saw no Interahamwe acting drunk while

1 on my premises.

2 JUDGE BONOMY:

3 [Trial Chamber and legal officer confer]

4 JUDGE BONOMY: Thank you, Witness.

5 The Prosecution now have some further questions for you.

6 Mr. Rosensweig?

7 Re-examination by Mr Rosensweig:

8 MR. ROSENSWEIG: [via videolink] Thank you, Your Honour.

9 Q. Witness, yesterday at page 17 of the English transcript, counsel
10 for Mr. Kabuga read to you the following sentence from page 3 of your
11 5 October 2010 statement:

12 "Félicien Kabuga and other people in charge of the MRND, such as
13 Pheneas Munyakazi and Mutabazi had their own Interahamwe in Kimironko?"

14 I want to focus on the four-word phrase, Pheneas Munyakazi and
15 Mutabazi. My question is: Does this refer to two different people or
16 three different people?

17 A. Two different people. One is Pheneas Ruhumuliza, and the other
18 is Munyakazi, Faustin.

19 Q. Thank you, Witness. And then I take it that there is a third
20 name by the name of Mutabazi, so in total, three different people; is
21 that correct?

22 A. I only mentioned two people. I spoke of Munyakazi, Faustin and
23 Hajabakiga. As for Pheneas Ruhumuliza, I said that he was a leader at
24 the national level. Of the Interahamwe at national level.

25 Q. Okay, Witness. Witness, could you turn off your microphone,

1 please?

2 I think for our purposes now, that's sufficient.

3 I'm going to turn to a different area. Yesterday, at page 7 of
4 the English transcript, counsel for Mr. Kabuga put to you that the attack
5 on Bizimana on 7 April 1994 might have been motivated by money. You
6 rejected that proposition. And one of the things you said in response
7 was that when you arrived at Bizimana's house in the midst of the attack,
8 you asked Bizimana to take out his card from his pocket. Then you took
9 it out for him and showed it to the people around him.

10 My question is: Why did you ask Bizimana to show these people
11 his card?

12 A. When I arrived at Bizimana's home, the Interahamwe had encircled
13 him.

14 JUDGE BONOMO: Maître Altit is on his feet and wishes to say
15 something. Maître Altit?

16 MR. ALTIT: [Interpretation] Yes, indeed, Your Honour. I object
17 to this question. And, Your Honour, if I may, I will explain my
18 objection.

19 We are under Rule 111, which means that the Prosecutor cannot
20 come back on something that has been part of the cross-examination but is
21 founded on something which is in the documents that he himself submitted
22 to the case. So previous statements, et cetera. Should the Prosecutor
23 want additional clarification on documents admitted under Rule 111 he
24 should have done it during his own questioning, in-chief,
25 examination-in-chief. He asked those questions. He could have asked

1 other questions, and it was his choice, Your Honour, not to do so.

2 So, from our point of view, it is not acceptable for
3 the Prosecutor to wait for further examination, further questions, to
4 decide on which points he wishes to ask questions to the witness. Hence
5 my objection.

6 JUDGE BONOMO: Thank you. Matters which are raised in
7 cross-examination are always subject to possible re-examination, even if
8 they are matters which were mentioned in a written statement. Just in
9 the same way as they would be if given orally.

10 So, in principle, your objection is unfounded, and I therefore
11 repel it. And the question can now be answered by the witness.

12 There was one matter, though, that did concern me about
13 the question, which was the way in which so much information was
14 contained in the question. It's important in re-examination to ensure
15 that a witness is not led in any way. In the end of the day, I decided
16 it was not a leading question, but there are other circumstances in which
17 putting a question that way in re-examination would not be appropriate.

18 However, in this instance the witness may answer.

19 Witness, please continue with your answer.

20 THE WITNESS: [via videolink] [Interpretation] I cannot recall
21 the question. May I please ask that it be repeated?

22 JUDGE BONOMO: I'll try and deal with that.

23 You are being asked why it was you asked Bizimana to take his
24 card from his pocket. Can you explain why you did that?

25 A. When I arrived at Bizimana's, the Interahamwes had encircled him

1 and the situation was dire. I was afraid that they might even kill them.
2 So I told the Interahamwe, "Don't you know that this person is your
3 Nyumbakumi? How can you treat him in this way?"

4 And so I told Bizimana, "Show the Interahamwe your card, your
5 Nyumbakumi card," and he was unable to take it out and so I took his card
6 myself, showed it to the Interahamwe, and the Interahamwe threw the card
7 on the ground, following which the Interahamwe took Bizimana's wife and
8 extorted money from her.

9 That's what I said. Do you want me to go any further?

10 JUDGE BONOMY: No, I would have wanted you to say a lot less
11 because all you were asked was why you asked him to do so.

12 Mr. Rosensweig may have further questions. Mr. Rosensweig?

13 MR. ROSENSWEIG: [via videolink] Your Honour, I'm satisfied on
14 that point. I'll move on to the next area.

15 Q. On pages 4 through 9 of yesterday's English transcript, counsel
16 asked you several questions about the attack against Charles Karangwa and
17 the perpetrators involved.

18 For the clarity of the record, my first question is: Who entered
19 Charles Karangwa's house and arrested him?

20 A. Those who entered his home were the -- Kabuga's Interahamwe.

21 Q. You also said that while you were at Karangwa's house, you heard
22 gunshots. Were those gunshots directed specifically at Karangwa?

23 JUDGE BONOMY: Now, that question is plainly a leading question.
24 That should have been an open question asking who the shots were directed
25 at. So move on to something else.

1 MR. ROSENSWEIG: [via videolink]

2 Q. Witness, did you see who fired those shots?

3 A. No, I did not see. Rather, I asked myself whether that those
4 shots came from the Inkotanyi or the Interahamwe or the soldiers, and
5 I was asking myself these questions when I was in my home. And all of
6 the people in our neighbourhood also heard the shooting.

7 Q. Do you know where the people who fired the shots were located?

8 A. No. We could hear shooting. Lots of shots. Which were quite
9 frightening. The shooting was very loud, people were running in all
10 directions.

11 Q. Did you see RPF soldiers in your neighbourhood on 7 April 1994?

12 A. I didn't see RPF soldiers.

13 Q. You've testified to having both witnessed and learned of attacks
14 against Tutsi civilians in Kimironko following the president's death on
15 April 6, 1994. Who committed those crimes?

16 JUDGE BONOMO: Just -- please don't answer that question,
17 Witness.

18 How does this arise out of cross-examination, Mr. Rosensweig?

19 MR. ROSENSWEIG: [via videolink] Your Honour, it's a final
20 clarification to whatever extent the implication of Maître Altit's
21 questioning was that those crimes could have been committed by the RPF.

22 [Trial Chamber confers]

23 MR. ROSENSWEIG: [via videolink] Your Honour, your microphone is
24 on.

25 [Trial Chamber confers]

1 JUDGE BONOMY: Maître Altit, what do you say on this matter?

2 MR. ALTIT: [Interpretation] Yes, Your Honour. I object to this.

3 First of all, it is a question that is not -- is not following
4 the cross-examination, and it is, in fact, not based on
5 cross-examination, and, furthermore, it is too vague, it is impossible to
6 answer this question.

7 I would also like to add, Your Honour, because I don't think
8 I explained this carefully enough, the Prosecutor is doing a direct
9 examination once again based on the cross-examination. He is therefore
10 basing his questions on the cross-examination to redo a sort of a direct
11 examination because he had probably overlooked some points.

12 JUDGE BONOMY: Well, on that last point, Maître Altit, I have to
13 say I do not understand your position. The purpose of re-examination is
14 to clarify the Prosecution position in relation to any matter -- well,
15 one of the purposes, in relation to any matter which was the subject of
16 cross-examination. The fact that it is the subject of cross-examination
17 is what immediately triggers the potential for re-examination. So on
18 that point, my position is as I indicated to you before.

19 Mr. Rosensweig, your question is a very general one. Tell me
20 what area of examination by Maître Altit it arises out of.

21 MR. ROSENSWEIG: [via videolink] Your Honour, it arises out of a
22 series of questions that Maître Altit put about RPF soldiers and
23 particularly their role.

24 JUDGE BONOMY: Bear in mind the witness is listening to this. Do
25 you want me to remove his earphones?

1 MR. ROSENSWEIG: [via videolink] Yes, Your Honour, I think that's
2 wise.

3 JUDGE BONOMY: Right. Witness, could you please take off your
4 earphones while we discuss the objection to the question. Thank you very
5 much.

6 Mr. Rosensweig?

7 MR. ROSENSWEIG: [via videolink] Your Honour, it arises out of
8 the series of questions that Maître Altit asked about the role of RPF
9 soldiers during the attack on Charles Karangwa's house. Now it wasn't
10 put explicitly but --

11 JUDGE BONOMY: That's enough. We will allow the question to be
12 answered. The witness should now put the earphones back on.

13 MR. ROSENSWEIG: [via videolink] Shall I ask the question again,
14 Your Honour?

15 JUDGE BONOMY: Just give me a moment, please.

16 Now, it's a general -- it's a very general question. Is there no
17 way of being more specific? Has it to be that general?

18 MR. ROSENSWEIG: [via videolink] I can try to narrow it down, Your
19 Honour.

20 JUDGE BONOMY: Well, let's hear what you propose instead, please.

21 MR. ROSENSWEIG: [via videolink]

22 Q. My question is: You've testified to having witnessed attacks
23 against Tutsi civilians in Kimironko following the president's plane
24 crash. Who committed those crimes that you witnessed?

25 A. I said that on the 7th, the Interahamwe started killing people,

1 and it is from this date onwards that they gathered people together and
2 told people from the population that they were going to cut off
3 the bushes.

4 MR. ROSENSWEIG: [via videolink] Your Honour, I have no further
5 questions.

6 JUDGE BONOMO: Well, I should make it clear that that question
7 and answer will be particularly addressed by the Chamber in due course,
8 to assess whether there is any real value in the answer.

9 Thank you, Mr. Rosensweig.

10 Just one other matter for you, Mr. Rosensweig. I take it there
11 is no further development in relation to the statement that you wish to
12 read publicly in relation to this witness's evidence?

13 MR. ROSENSWEIG: [via videolink] With regard to KAB045, Your
14 Honour, no there is not.

15 JUDGE BONOMO: Thank you.

16 Witness, that completes your evidence. Thank you for your
17 patience and thank you for giving evidence in this trial. That now
18 brings your appearance before the Trial Chamber to an end.

19 The Chamber will now adjourn briefly while arrangements are made
20 to commence the evidence of the next witness. That adjournment will be
21 15 minutes and will be the only adjournment that takes place in this --
22 the only planned adjournment that takes place in the course of this
23 session.

24 --- Recess taken at 10.50 a.m.

25 [The witness withdrew]

1 --- On resuming at 11.06 a.m.

2 [The witness entered court via videolink]

3 JUDGE BONOMY: Mr. Rashid, you may now read the public statement
4 that you wished to read as a summary of the evidence of Witness KAB045
5 in-chief.

6 MR. RASHID: [via videolink] I apologise, Your Honour, I couldn't
7 hear you very well.

8 JUDGE BONOMY: I was simply saying that you may now read
9 the public summary of the evidence of KAB045 given in-chief.

10 MR. RASHID: [via videolink] Thank you for that, Your Honour.
11 Unfortunately, Mr. Rosensweig is the one who was leading the witness and
12 he's left the room. We are trying to get him back to do that
13 immediately.

14 JUDGE BONOMY: Do you not have a copy?

15 MR. RASHID: [via videolink] I personally, no, don't.

16 JUDGE BONOMY: Oh, right. In that case, we will carry on with
17 the next witness. Sorry, I didn't realise there was a -- that he had
18 left.

19 MR. RASHID: [via videolink] He is here now, Your Honour. If you
20 would like to do that quickly, we can. He's just walked in.

21 JUDGE BONOMY: All right.

22 MR. RASHID: [via videolink] Thank you, Your Honour. We apologise
23 for that.

24 JUDGE BONOMY: Please proceed, Mr. Rosensweig.

25 MR. ROSENSWEIG: [via videolink] Thank you, Your Honour,

1 I apologise for the delay.

2 "From around 1991 until April 1994, KAB045 lived in Kimironko
3 close to Kabuga's compound. He states that, from sometime in 1992,
4 Kabuga had his own Interahamwe group based at his compound in Kimironko.
5 All of the Interahamwe were loyal to Kabuga due to his status as a
6 respected businessman and one of the main supporters of the Interahamwe
7 organisation. Until August 1993, KAB045 ran a business in Kimironko
8 where he became close with several of Kabuga's Interahamwe, including
9 their leader named Hajabakiga.

10 "KAB45 heard Hajabakiga talk with other Interahamwe and persuade
11 people to join the group by telling them that Kabuga would provide them
12 with Interahamwe uniforms, food and drinks. Hajabakiga also told KAB045
13 that Kabuga paid for the MRND Interahamwe uniforms worn by his
14 Interahamwe. All of Kabuga's Interahamwe lived in Kimironko and went to
15 his compound to undergo training. KAB045 saw the Interahamwe going in
16 and out of KAB045 [sic] compound several times a week. Hajabakiga told
17 KAB045 that they were undergoing training to prepare them for the war
18 front. New recruits were told not to publicly reveal that they were
19 being trained and instead to say that they were taking 'dancing lessons.'

20 "Before April 1994, the Interahamwe were picked up and
21 transported to rallies from Kabuga's compound in a vehicle belonging to
22 Kabuga and buses from ONATRACOM. KAB045 heard the Interahamwe discuss
23 how Kabuga was supporting them and encouraging them to 'fight against
24 the Tutsi enemy.' Kabuga's Interahamwe would say their fight was with
25 the Tutsis who had attacked Rwanda, and helped sensitise the population

1 through 'entertainment sessions' to believe that the Tutsi were
2 the enemy.

3 "As the genocide began, Kabuga's Interahamwe wielded all
4 the power in Kimironko. On the morning of 7 April 1994, KAB045 saw
5 the Interahamwe emerge from Kabuga's compound shooting and telling
6 the local population to pick up their machetes and 'cut the bushes'
7 because the Inyenzi had attacked. Later that morning, KAB045 saw one of
8 Kabuga's Interahamwe called Rukwenjeri distribute firearms and ammunition
9 to other Interahamwe at Groupement. Rukwenjeri told the Interahamwe,
10 'You need to face up to the enemy, so go ahead.' After the weapons were
11 distributed, the Interahamwe split into groups and departed in three
12 vehicles, including a blue Daihatsu owned by Kabuga.

13 "The same day, KAB045 saw Kabuga's Interahamwe attack at least
14 two Tutsis, including responsable de cellule Bizimana and an old Tutsi
15 man called Karangwa who they accused of being an Inyenzi. KAB045 saw
16 members of Kabuga's Interahamwe move around with firearms as they
17 mobilised other people to search for and kill Inyenzi referring to Tutsi
18 civilians. These Interahamwe 'exterminated the Tutsis' in Kimironko.

19 "KAB045 was tried and convicted before a Gacaca court in Rwanda
20 as a participant in crimes committed by the Interahamwe in Kimironko."

21 Thank you, Your Honour.

22 JUDGE BONOMO: Thank you. We shall now proceed to the evidence
23 of the next witness, who is KAB025. Please restore his headphones.

24 MR. RASHID: [via videolink] Your Honour, maybe while that
25 happens, if Your Honour could just advise this particular witness because

1 he's obviously heard probably some similar names, that whatever he's
2 heard or whatever he thinks he's heard has nothing to do with him at all,
3 just it was something else to do with a different situation. It may
4 confuse him if we start now after that.

5 JUDGE BONOMY: Thank you, Mr. Rashid.

6 MR. RASHID: [via videolink] Thank you, Your Honour.

7 JUDGE BONOMY: Good morning, Witness.

8 THE WITNESS: [via videolink] [Interpretation] Good morning, Your
9 Honour.

10 JUDGE BONOMY: Thank you. You are known to the Trial Chamber as
11 KAB025, and if specific reference is being made to your identity, that's
12 the only reference that will be made.

13 What you've just heard, if anything, in the courtroom, does not
14 relate to your evidence at all. It relates to other evidence in
15 the case. Only now are we moving to deal with your evidence. And before
16 we start, I invite you to stand and make the solemn declaration to speak
17 the truth and nothing but the truth.

18 THE WITNESS: [via videolink] [Interpretation] Thank you, Your
19 Honour.

20 I, KAB025, declare, solemnly declare that I will say the truth,
21 the whole truth, concerning the allegations that have been made against
22 Kabuga. I will speak of the events of 1994 and the events that occurred
23 after 1994.

24 Thank you, Your Honour.

25 WITNESS: KAB025

1 [The witness testified through interpreter]

2 [The witness testified via videolink]

3 JUDGE BONOMY: Thank you, Witness. The first person to ask you
4 questions will be counsel for the Prosecution and that is Mr. Rashid.

5 Now, there have been problems in the course of the trial with
6 witnesses who, rather than answer the specific question they are asked,
7 want to tell a much longer story. I want to make it clear to you that
8 it's important to the interests of justice that you answer specifically
9 the question you are actually asked and confine your answer to dealing
10 with the question you are actually asked.

11 Do you understand that?

12 THE WITNESS: [via videolink] [Interpretation] Yes, Your Honour.
13 I understand what you have said. This is not the first time that I'm
14 testifying in a trial, so I will try to follow your instructions.

15 JUDGE BONOMY: I hope that at the end of your evidence, I am able
16 to compliment you on the way in which you've complied with my request.

17 Now we turn to Mr. Rashid to conduct his examination.
18 Mr. Rashid.

19 MR. RASHID: [via videolink] Thank you, Your Honours.

20 Examination by Mr. Rashid:

21 Q. Good afternoon, Witness.

22 MR. RASHID: [via videolink] Your Honours, if Rule 70 number
23 70915, which is the attestation form, be brought up on the screen, not to
24 be broadcast.

25 And while that's happening --

1 Q. Witness, just to reiterate, the Court has ordered certain
2 protective measures with respect to you and your evidence. Today, as
3 the Presiding Judge just informed you, these include the use of a
4 pseudonym, and we will all refer to you by that pseudonym when we are in
5 open session, which is KAB025.

6 Do you understand?

7 A. Thank you. Yes, that is perfectly clear.

8 Q. Now, there should be a document in front of you in the screen.
9 Do you recognise the signature on the bottom of that document?

10 A. Yes, thank you very much. That is indeed my signature.

11 Q. And this document on the screen is a list of your prior evidence
12 and corrections that you made, as well as the pseudonym sheet that
13 confirmed your identity. You remember being shown this document and
14 going through it?

15 A. Yes, thank you very much. That is correct. I recognise this
16 document and I also recognise the signature.

17 Q. Now, when we met on the 7th --

18 A. I know that it contains correct information.

19 Q. Yes. And when we met on 7 December 2022 to go over your
20 clarifications and corrections document, when we read that to you, you
21 identified two more corrections, and now I'm going to ask you
22 the following two questions.

23 In what year did Emmanuel Mugabo, also known as Rukwenjeri,
24 become the head of the Interahamwe in the area that included the Kabuga
25 Interahamwe?

1 A. Thank you for that question. I said that it was in 1991, but you
2 had written that it was in 1993, so I had that corrected.

3 MR. RASHID: [via videolink] And, Your Honours, for the purposes
4 of the record, this is a correction to what appears at page 2,
5 paragraph 3 of Rule 70 number 70912.

6 Q. And, Witness, my second question: What was the name of
7 the female child of Saidi Gashugi, who was killed along with her two
8 brothers in your presence?

9 A. Thank you very much. Earlier I had spoken about Zena, but then
10 I recalled that I was talking about Zaina, that means Zainabu.

11 MR. RASHID: [via videolink] And, Your Honours, this is a
12 correction to the name of the female child of Saidi Gashugi, replacing
13 what appears at page 3, paragraph 4, subparagraph (4). So instead of
14 Zena, Z-e-n-a, it's Zaina or Zainabu as the witness just testified.

15 Q. Now, Witness, having reviewed your previous evidence in a
16 language you understand, and made some corrections and clarifications,
17 including these two corrections in court just now, can you confirm that
18 taken together, the statements and documents listed accurately reflect
19 your evidence and what you would say if examined today?

20 A. Yes. Thank you very much. As far as these documents are
21 concerned, about my testimony, I would like to confirm that if you asked
22 me the same questions today I will indeed reply along the same lines,
23 yes, based on these different documents that you mentioned.

24 MR. RASHID: [via videolink] Your Honours, on the basis of that,
25 the Prosecution tenders four documents into evidence. Rule 70 number

1 70915, the attestation form. Rule 70 number 70910, which is
2 the pseudonym sheet. Rule 70 number 70575, which is the special
3 deposition testimony already marked for identification, I believe.
4 Rule 70 number 70914, which is the 7th and 8th June 2022 Rule 111 witness
5 interview. As well as Rule 70 number 70912, which is the corrections and
6 clarifications table dated 7 December 2022.

7 JUDGE BONOMY: These will be admitted.

8 THE REGISTRAR: The exhibit numbers will be circulated in due
9 course, Your Honours. Thank you.

10 JUDGE BONOMY: Thank you.

11 MR. RASHID: [via videolink] And, Your Honour, just for clarity,
12 I also do add - I apologise - Rule 70 number 70568, his written statement
13 from 7 October 2010. I apologise for that.

14 JUDGE BONOMY: That also will be admitted.

15 MR. RASHID: [via videolink] Your Honours, now I will read a
16 public summary agreed between the parties.

17 JUDGE BONOMY: May I express the Trial Chamber's pleasure that
18 you've been able to reach agreement on this and hope that that which has
19 been achieved in all but one case will continue to be the situation.
20 Thank you. You may proceed to read it.

21 MR. RASHID: [via videolink] Thank you, Your Honour.

22 "In April 1994, KAB025 lived in Kimironko, and on 14th April 1994
23 he joined Félicien Kabuga's Interahamwe. He describes how from before
24 April 1994, Félicien Kabuga and Pheneas Ruhumuliza had their own groups
25 of Interahamwe in Kimironko. Kabuga's Interahamwe were loyal to him and

1 considered the most powerful in Kimironko. Kabuga provided his
2 Interahamwe with uniforms, food and other needs. KAB025 states that
3 three of them lived inside Kabuga's residential compound in Kimironko,
4 namely his driver, John, Hajabakiga, and Penk. KAB025 also testifies to
5 the composition of Kabuga's Interahamwe group and the killings they
6 perpetrated after 6 April 1994.

7 "After the advent of multiparty-ism, Interahamwe began training
8 for their rallies at Kabuga's compound in Kimironko. Whenever they
9 attended rallies, the Interahamwe were picked up from Kabuga's compound
10 and transported in two of Kabuga's vehicles, a Daihatsu and a Toyota
11 pickup. Many of these Interahamwe underwent military training at Gabiro.
12 Kabuga provided his Interahamwe with guns and machetes before
13 the genocide, which they eventually used to kill Tutsis during
14 the genocide.

15 "After 6 April 1994, Kabuga's Interahamwe guarded his compound
16 and set up roadblocks in Kimironko, including one roadblock in front of
17 the entrance to Kabuga's compound. All the Interahamwe were armed with
18 guns or other tools. The Interahamwe identified, arrested and killed
19 Tutsi civilians at the roadblocks. The Interahamwe also moved around
20 Kimironko in a blue Daihatsu vehicle with Kabuga's name written on it.

21 "All of the Tutsis killed in Kimironko during the genocide were
22 killed by Kabuga's Interahamwe or by other people the Interahamwe used to
23 commit killings. KAB025 testifies that if Kabuga and Pheneas Ruhumuliza
24 had not come to live in Kimironko, Tutsis would not have been killed to
25 the same extent.

1 "Kabuga and Ruhumuliza collaborated closely with Interahamwe
2 leader Emmanuel Mugabo, alias Rukwenjeri, in these killings.

3 "In particular, on 7 April 1994, members of Kabuga's Interahamwe
4 attacked the Mushimire family home in Kimironko. The Interahamwe
5 abducted Jean Pierre Nzaramba, Mushimire's older brother and a Tutsi, and
6 took him to the roadblock in front of Kabuga's compound where they shot
7 and killed him.

8 "Sometime between 11 and 14 April 1994, KAB025 saw Kabuga's
9 Interahamwe driving towards the Karama primary school in the blue
10 Daihatsu vehicle owned by Kabuga. He later learned that on this occasion
11 the Interahamwe had led an attack against the school, killing numerous
12 Tutsi civilians who had sought refuge there.

13 "Further, around 22 to 25 May, the Interahamwe abducted a Tutsi
14 named David and his wife and child, killed them and threw them into a pit
15 used to harvest water. KAB025 also describes several other killings
16 committed by Kabuga's Interahamwe in Kimironko, including the killings of
17 Sahaha, Joseph Kayijuka, Marcel Sizeli's wife, and Gatsimbanyi and some
18 of his family members.

19 "On 14 April, Interahamwe leader Emmanuel Mugabo, alias
20 Rukwenjeri, met Kabuga's Interahamwe at the TRANSFO roadblock.
21 Rukwenjeri gave them a list of around 20 families whose children had
22 joined the RPF Inkotanyi. Kabuga's Interahamwe and other people
23 supporting them killed family members of all those named on the list, all
24 of whom were Tutsi civilians. In particular, between 14 April and the
25 end of May 1994, members of Kabuga's Interahamwe from the TRANSFO

1 roadblock continued to target the family of Eric Mushimire because he was
2 named on the list. The Interahamwe killed four Tutsi civilians in
3 the family home, including Mushimire's mother, Kirizeriya Mukobwujaha,
4 his sister Doudou, and his two cousins Vincent Gahonganwa and Kambari.
5 The Interahamwe similarly used the list to identify and kill Dioniosios
6 Muberuka, Semaragidi Nsengimana's two wives and child, Saidi Gashugi's
7 daughter and two sons, Mukakamondo and her son Alphonse, and Karemera.

8 "KAB025 was tried and convicted with a life sentence before a
9 Gacaca court in Rwanda for his participation in the crimes he committed
10 as part of Kabuga's Interahamwe."

11 Your Honours, that is the end of the public summary of KAB025,
12 and I have no questions for the witness.

13 JUDGE BONOMY: Well, just before you finish, was there any reason
14 why, on the second page there, that two sentences were highlighted? Or
15 is that --

16 MR. RASHID: [via videolink] Those were the final edits which we
17 highlighted for the Defence to comment on.

18 JUDGE BONOMY: Okay.

19 MR. RASHID: [via videolink] Before we moved on.

20 JUDGE BONOMY: Thank you.

21 MR. RASHID: [via videolink] Thank you, Your Honour.

22 JUDGE BONOMY: Now, Witness, that completes the presentation of
23 the Prosecution's evidence so far as you as a witness are concerned. And
24 we now turn to questions by counsel defending Mr. Kabuga, and that is
25 Maître Altit, who will have a series of questions for you.

1 Maître Altit.

2 MR. ALTIT: [Interpretation] Thank you, Your Honour. It's
3 Ms. Mathe that's going to cross-examine.

4 JUDGE BONOMY: My apologies. I misunderstood the situation.
5 Witness, you will actually be examined by Maitre Mathe who is
6 present in the courtroom from which you are giving evidence.

7 Maître Mathe.

8 MS. MATHE: [Via videolink] [Interpretation] Good morning, Your
9 Honours.

10 Cross-examination by Ms. Mathe:

11 Q. [Interpretation] Good morning, Witness. Good morning, Witness.
12 My name is Françoise Mathe. I am Félicien Kabuga's counsel and I will
13 ask you a few questions.

14 Earlier, the Prosecutor, the representative of the Prosecution,
15 mentioned Emmanuel Mugabo, alias Rukwenjeri, as being the leader of
16 Interahamwes in the area. Could you please tell us how you know that
17 Rukwenjeri was the leader of the Interahamwes in the area?

18 A. Thank you. Rukwenjeri wasn't the president of Interahamwes in
19 1994. He was president even before then, even before 1994. He was
20 the head of Interahamwe in Remera, notably in Giporoso, and in fact he
21 was the leader of Interahamwes, but there were other people who were
22 helping him. I was living in Kimironko, I was born in Kimironko, I know
23 Rukwenjeri very well. All this is not something I know from third
24 parties. Talking about the events that I followed myself firsthand.

25 Q. Thank you. Now, I would like to show you a document. It is

1 70 70569. Could it please be displayed for the witness? If I may, there
2 is a Kinyarwanda document and I would like the signature on that document
3 to be shown. And there is an English translation of the document.

4 And for the parties, let me say that the French translation,
5 the official French translation, has not been made yet, and so this is --
6 the translation we will be using is not a certified translation.

7 Witness, do you recognise the document and the signature on
8 the last page? Do you recognise it as your signature?

9 A. Thank you. I no longer see the document on the screen.

10 JUDGE BONOMY: You need to see the original document itself.
11 Thank you.

12 [Trial Chamber and registrar confer]

13 JUDGE BONOMY: Maître Mathe, I'm advised that there is an
14 internet problem at your end and you cannot see the document in the form
15 in which you wish to see it. Can you move to a different topic and we'll
16 return to this one?

17 MS. MATHE: [Via videolink] [Interpretation] Very well. I'll move
18 on to something else while this technical glitch is being fixed. I would
19 like to talk to the witness about the murder of Jean Pierre Nzaramba.

20 Q. When you were heard on May 28, 2011 for special -- in the special
21 hearings in Arusha, you said, and I quote, page 30 and 31 of the French
22 version. You said that you were there when Jean Pierre Nzaramba was
23 abducted from his residence but you did not -- "we were not present when
24 he was murdered."

25 Then when you were interviewed by the OTP investigators last

1 week, you said that you did not -- you were not there for the abduction
2 but you were there for the murder. And that is document 77 D912 [as
3 interpreted], page 1, paragraph 1 of the French and English versions.

4 And so you said, you said the opposite in both statements. There
5 is a contradiction. So could you explain why you contradicted yourself
6 in that statement and why you changed your statement?

7 A. Thank you. I want to tell you what I understood. I didn't say
8 I wasn't there. I said that on 7 April in the morning when they left to
9 take him, I wasn't there, but when they arrived with Jean Pierre, I saw
10 them. We were -- went together on that road that led to Kabuga's
11 compound. I was with Jean Pierre's mother. So understand -- let me tell
12 you when they left to abduct him, I wasn't with him, but when they
13 brought him back there was a crowd there, and they walked on the road
14 right in front of my residence and I joined the group, and we went
15 further ahead to another house that was close to mine, and that's how we
16 ended up with Mushoti Gregoire -- in Mushoti Gregoire's compound. And
17 then Jean Pierre's mother had to leave because the Interahamwes forced
18 her to.

19 Q. I'm not asking to you narrate all this. I'm asking why did --
20 why was it that in 2011 you said that you were not there when Jean Pierre
21 Nzaramba was killed, and just a week ago for the OTP members you said
22 that you were there when Jean Pierre Nzaramba was killed. That's my
23 question. Why is there a contradiction? Why did you -- why are you not
24 saying the same thing? You said first that you were not there for
25 the murder and now you say you were there for the murder? Why?

1 A. Thank you. Well, before, when I was asked questions, you know,
2 for my first testimony, I said that when they left for the abduction
3 I wasn't there, but during the murder I was there. That's -- thank you.

4 MS. MATHE: [via videolink] [Interpretation] I would like to know
5 whether the technical glitch has been fixed or not. Yes?

6 Q. So let me go back to the letter I mentioned earlier because
7 I wanted to make sure that it had been shown to you. Do you see it in
8 Kinyarwanda displayed on the screen in front of you?

9 A. No, I don't see that letter.

10 Q. Now you see it? I am told that yours -- that it's displayed.

11 A. Yes, I can see the letter.

12 Q. Could you please turn off your microphone?

13 You wrote this letter. Do you recognise your signature?

14 A. Yes. I can confirm that this is my letter, and that I signed it.
15 And it's also been signed by the prison warden.

16 Q. In this letter, you're talking of Rukwenjeri and his relationship
17 with Captain Simbikangwa. And at paragraph 2 of this letter, page 2,
18 paragraph 2 of the English version, and I quote you: "Simbikangwa didn't
19 live there. He was giving daily instructions to Rukwenjeri about what he
20 was supposed to do."

21 Now, who was Simbikangwa?

22 A. Let me make something very clear. I didn't make this up, what's
23 written here. Simbikangwa was a soldier in the national army during
24 Habyarimana's time. And I hailed from Kimironko, and these people hailed
25 from the same place, you know, so I know them very well. You say that

1 Captain Simbikangwa didn't live there? He lived in Kimironko. In a
2 place called Groupement.

3 Q. Well, I read what you wrote. You say that he was giving daily
4 instructions to Rukwenjeri on what he was supposed to do. And you're
5 talking about Captain Simbikangwa, a member of the army; right? Do you
6 know what Captain Simbikangwa's role was during the genocide?

7 A. Thank you. I didn't come to talk about Captain Simbikangwa. He
8 was a member of the Habyarimana national army. I wasn't in the army
9 myself, so I how could I know what he was doing? I just talked about
10 what I knew regarding this man.

11 Q. But in the same letter, and I'm still quoting, page 3,
12 paragraph 4, you mention -- you say: "Captain Simbikangwa had given him
13 a vehicle for that task. He was the one in charge of all activities in
14 Kimironko before 1994."

15 So you're talking about all activities in Kimironko. Are you
16 talking about all activities of Interahamwes? Or activities of
17 the Interahamwe and the military?

18 A. Thank you. When there was multi-party -- the multi-party rule,
19 the Interahamwes were created, you know. And I can't tell you what was
20 happening regarding the military but regarding the Interahamwes, I know
21 exactly how they started. And I told you that Rukwenjeri is
22 Emmanuel Mugabo. He was the leader of all Interahamwes in Groupement,
23 Kimironko, Giporoso and Remera.

24 Please let me add one thing. Regarding the vehicle given to him
25 by Simbikangwa, it's not the vehicle that was used to raise awareness

1 with Interahamwes. No. That was a vehicle that he was using himself for
2 his own use.

3 Q. That's not the meaning of my question, sorry. I am asking
4 whether Simbikangwa and Rukwenjeri led the activities of the Interahamwes
5 only or of the Interahamwe and the military. And you answered my
6 question. And in that letter, you also talk about Ruhiza [phoen] and you
7 are written -- you're talking about Pheneas. Is it Pheneas Ruhumuliza?
8 Is that -- even though it's not spelled correctly?

9 A. Thank you. It is Pheneas Ruhumuliza. The name is probably
10 misspelled.

11 Q. So you say, on page 3, paragraph 3 of the letter to the Attorney
12 General, so you're saying:

13 "All that I know about him is that all Interahamwes of all
14 the groups that I mentioned earlier lived and trained at his place, and
15 it is from his place that they left to Gabiro?"

16 So could you please tell us first where Ruhumuliza actually
17 lived?

18 A. Ruhumuliza lived uphill, in Kabuga's compound, uphill from
19 Kabuga's compound. And as I told you, he was the vice-president of
20 Interahamwes in Kigali city so between his compound and Kabuga's
21 compound, there was what, less than 100 metres, so all activities carried
22 out by Kabuga's and Ruhumuliza's Interahamwes were together.

23 Q. You talked about the different Interahamwe groups and you said
24 that different groups would train at Ruhumuliza. Which groups are you
25 talking about when you wrote this?

1 A. I would like you to be clear on what I said. I did not say that
2 the Interahamwes would train at Ruhumuliza's. He was responsible for
3 the Interahamwe. Some Interahamwe were on his compound to protect him.
4 But I did not say that Interahamwe trained at Ruhumuliza's place.
5 Ruhumuliza and Kabuga were neighbours, but I never said that
6 the Interahamwe would train at Ruhumuliza's compound. I never said that.

7 Q. You wrote that the Interahamwe of all groups would train at
8 Ruhumuliza's place. And that they left for Gabiro from his compound.
9 Can you tell me what they went to do at Gabiro?

10 A. Thank you. Let me start again. I never said that
11 the Interahamwe had trained at Ruhumuliza's place. What I said was that
12 the Interahamwe would train on the compound belonging to Félicien Kabuga.
13 I would like you to correct that mistake. So Kabuga is one person and
14 has one compound. Ruhumuliza is another person and has his own compound.

15 Q. All I did was read what you wrote. And let me move on to my next
16 question.

17 When you said they would leave Ruhumuliza's place to go to Gabiro
18 my question is: What did they do at Gabiro?

19 THE INTERPRETER: Interpreter notes interferences from the
20 counsel's microphone.

21 THE WITNESS: [via videolink] [Interpretation] Thank you. I never
22 said that the Interahamwe would leave from Ruhumuliza's compound but from
23 Kabuga's compound, for Gabiro.

24 As for the training, I cannot give any information, additional
25 information, on that. And I'm telling you that Ruhumuliza was

1 vice-president of the Interahamwe and he was a neighbour of Kabuga's, but
2 I never said that the Interahamwe would leave from Ruhumuliza's compound.

3 MS. MATHE: [via videolink]

4 Q. [Interpretation] Well, Mr. Witness, it really depends on when you
5 speak or when you write. There are different versions.

6 So let me move on to a further question.

7 In the same letter that you wrote and which you recognised
8 earlier on, you write, page 3, first paragraph, let me quote you:

9 "All of the roadblocks installed in Kimironko were set up on
10 the orders of soldiers from the presidential guard."

11 As far as you know, where were those roadblocks located?

12 A. Thank you. There were roadblocks that were set up during
13 the genocide, and it was total chaos. A person would come in, give
14 instructions, and amongst those persons there were members of the
15 presidential guard. They would speak to the Interahamwe and to
16 the population. The roadblocks were set up, as I said, in total chaos,
17 there was total confusion. They were not roadblocks for the -- for
18 protecting civil peace.

19 Q. That's not what I'm asking you, sir. You wrote that all of
20 the Kimironko crossroads had been set up on the instructions of the
21 presidential guard. I'll ask you another question. Why did the
22 presidential guard members ask for those roadblocks to be set up?

23 A. They asked for these roadblocks to be set up because there was
24 total chaos in the country and it was a war-like situation.

25 Q. And so what would these roadblocks have been used for in this

1 war-like situation, as you said? Why were roadblocks necessary?

2 A. You are asking me the question as if I had been one of
3 the leaders at the time. The roadblocks were set up because
4 the authorities decided so. I'm not saying that Mr. Félicien Kabuga did
5 such or such a thing. As far as I'm concerned, I am making a statement
6 as an inhabitant living in that area. That is my testimony.

7 Q. Can you tell us where the roadblocks were set up?

8 A. The first roadblock was at Groupement. There was another one
9 between Ruhumuliza and Kabuga's compounds. The other roadblock was by
10 Nsekarije's compound. Those were the first roadblocks to be set up on
11 April 7th.

12 THE INTERPRETER: Interpreters are asking the -- Your Honour,
13 please, to ask the witness to slow down, please.

14 JUDGE BONOMO: Witness, the interpreters require that you speak
15 more slowly so that they can accurately translate what you have said into
16 French and English language. Can you please, therefore, answer -- speak
17 more slowly when you're answering. Thank you.

18 Maître Mathe?

19 MS. MATHE: [Via videolink] [Interpretation]

20 Q. So, Mr. Witness, you just gave the location of three roadblocks.
21 The interpreters heard the first two. So at Groupement and then between
22 Ruhumuliza and Kabuga's compounds. The third location was not heard.
23 Where was the location of the third roadblock, please?

24 A. Thank you. The third roadblock was at TRANSFO -- a place -- a
25 location called TRANSFO in Kimironko. The fourth roadblock was near

1 Mr. Nsekarije's home.

2 Q. Mr. Witness, during the special depositions, and I'm referring to
3 page 30, line 12, of your statement dated May 2011, you said, I quote:

4 "On April 7 at 1400 hours when the RPF had just left the
5 [indiscernible] to go to Remera stadium, soldiers from the Rwandan army
6 retreated to go to Ndera ..."

7 So -- and you are speaking.

8 "... so you understand that we took part in a tactical
9 withdrawal -- tactical retreat."

10 So as far as you know, sir, before April 7th, had there been
11 clashes between RPF soldiers and RAF -- Rwandan armed forces soldiers?

12 A. Thank you. I am going to speak as an ordinary citizen who was
13 there on location. The RPF soldiers went out on the 7th around 10.00.
14 They were at the IAMSEA school. They fought the Habyarimana army
15 soldiers. And sometime between 1.00 and 2.00 p.m., the national army
16 soldiers spoke to the population and asked civilians to leave the area
17 because there was going to be fighting between the two armies. The RPF
18 soldiers were located near this school or institute, IAMSEA, very close
19 to Remera stadium. So towards 2.00 p.m., 1400, the national army,
20 Habyarimana's army, asked the population to vacate the location because
21 war or fighting was imminent between the two parties. So it's not
22 the soldiers that fled to Ndera but, rather, the civilian population that
23 took shelter in Ndera.

24 Q. And did the neighbourhood Tutsis also flee, and did they take
25 also refuge in Ndera?

1 A. Thank you. Some had been killed, but those Tutsis who were still
2 alive left for Ndera with the rest of the population. But later on,
3 those Tutsis were killed. You know, they were not all killed in one day.

4 JUDGE BONOMY: Maître Mathe, can you -- when you reach the end of
5 this topic, will you draw that to my attention and then we will end
6 the session for the day.

7 MS. MATHE: [Via videolink] [Interpretation] Well, Your Honour, I
8 am two questions away from the end of my questioning.

9 JUDGE BONOMY: That's fine. Thank you.

10 MS. MATHE: [Via videolink] [Interpretation]

11 Q. And at that time, did the Interahamwe fight the RPF or did they
12 also flee?

13 A. Well, on that question, I can't really say that they fought
14 the RPF. It's Habyarimana's soldiers, rather, that clashed with the RPF
15 soldiers. The Interahamwe provided military support but I can't say that
16 the Interahamwe had fought against the RPF. That's how I can explain it.

17 Q. To your knowledge, during the entire period of the genocide, were
18 Interahamwe involved in fighting with RPF soldiers?

19 MR. RASHID: [via videolink] Your Honour, I'm going to object to
20 this question. It is so speculative. Rwanda is a big country, lots of
21 areas, that I'm sure there was RPF soldiers everywhere, Interahamwe
22 everywhere. I don't know how this witness can help this Chamber with
23 whatever response he gives.

24 JUDGE BONOMY: Maître Mathe, your response to that objection?

25 MS. MATHE: [Via videolink] [Interpretation] Well, simply by

1 adding one piece of information to this question.

2 Q. According to your knowledge, in Kimironko neighbourhood, during
3 the entire time of the genocide were the Interahamwe involved in fighting
4 against RPF soldiers?

5 A. Thank you. I came to tell the truth to this Chamber. During
6 the entire time, there was no opposition to the RPF soldiers, but
7 the Interahamwe were looking for Tutsi civilians and were trying to kill
8 them. Therefore, they did not fight the RPF. So I can't say that I ever
9 witnessed fighting between those two parties. The Interahamwe would hide
10 behind the soldiers and may have been part of the fighting, but they did
11 not fight against the RPF, as far as I know.

12 Q. I think I'm done with my cross-examination, Your Honour. Thank
13 you.

14 However, I would like you to order the submission of
15 document 70569 that I referred to earlier. Thank you.

16 JUDGE BONOMO: Is that the document that would have to be
17 admitted for -- subject to identification? Marked for identification.
18 There was one where there was no translation, no official translation.

19 That will be marked for identification pending the verification
20 of translation.

21 THE REGISTRAR: As MFI D18, under seal, Your Honour.

22 JUDGE BONOMO: Now, Maître Mathe, is that your cross-examination
23 of this witness completed?

24 MS. MATHE: [Via videolink] [Interpretation] Yes, that completes
25 it. Thank you, Your Honour.

1 [Trial Chamber confers]

2 JUDGE BONOMY: Mr. Rashid, will there be re-examination?

3 MR. RASHID: [via videolink] No, Your Honour. Thank you.

4 JUDGE BONOMY: Well, thank you. You may change your mind, of
5 course, because Judge deGuzman has one question.

6 Questioned the Court:

7 JUDGE DEGUZMAN: [Interpretation] Mr. Witness, you said that
8 Pheneas Ruhumuliza also had some Interahamwe, and Mr. Kabuga had his own
9 Interahamwe. Please help us to understand what was the role in
10 the killing of the Tutsis of Pheneas Ruhumuliza's Interahamwe? And in
11 particular, I'd like to know how -- what -- how did you understand that
12 it was Mr. Kabuga's Interahamwe that were responsible for the killing and
13 not Pheneas Ruhumuliza's Interahamwe?

14 A. Thank you. I said that Ruhumuliza had and led some Interahamwe.
15 He was vice-president of the Interahamwe in Kigali-ville. He was
16 high-ranking within the MRND. When Kabuga's Interahamwe would receive
17 instructions from other persons -- so you had Interahamwe working for
18 Kabuga, for Pheneas, and for other groups. They would go to these
19 entertainment sessions and be transported aboard these vehicles
20 I mentioned, including buses.

21 And I'm not sure I really understood your question. If
22 I misunderstood your question, would you mind restating it?

23 JUDGE DEGUZMAN: [Interpretation] Yes, I'll try and be clearer.

24 You said that Ruhumuliza and Kabuga both had Interahamwe. But
25 you also said that it was Kabuga's Interahamwe that were responsible for

1 killing Tutsis. I'd like to know how you know that, that it was Kabuga's
2 Interahamwes and not Ruhumuliza's Interahamwes that had killed the Tutsis
3 in Kimironko.

4 A. Thank you. I knew Kabuga's Interahamwe. I took part in killings
5 alongside the Interahamwe. That's what I'm explaining.

6 At the time of the facts in Rwanda, there was total chaos. It
7 was impossible to say that Pheneas's Interahamwe killed these people and
8 Kabuga's Interahamwe killed those other people specifically. What I'm
9 saying was that all of the Interahamwe together took part in massacring
10 Tutsis. An Interahamwe working for Kabuga and another for Pheneas may
11 have been together, killing Tutsi civilians.

12 That's my answer to your question, Your Honour.

13 JUDGE BONOMOY: Maître Mathe, does that raise anything you wish to
14 ask further about?

15 MS. MATHE: [Via videolink] [Interpretation] No, sir, nothing
16 arises out of this for me, Your Honour. Thank you.

17 JUDGE BONOMOY: Thank you. Mr. Rashid, does it change your
18 position on re-examination?

19 MR. RASHID: [via videolink] No, Your Honour, it doesn't.

20 JUDGE BONOMOY: Thank you.

21 Witness, that completes your evidence to the Chamber. Thank you
22 for giving evidence here.

23 The Chamber will now adjourn until next week, until Tuesday,
24 at 10.00 a.m.

25 THE WITNESS: [via videolink] [Interpretation] Thank you very

1 much, Your Honour.

2 --- Whereupon the hearing adjourned at 12.12 p.m.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25