

1 Tuesday, 20 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 BONOMY: Good morning, everyone.

7 At the end of last week, we completed the evidence of the witness
8 pseudonym KAB025 and we now proceed to the next witness.

9 Mr. Elderkin, who is the next witness?

10 MR. ELDERKIN: [via videolink] Good morning, Your Honour. It is
11 KAB070.

12 JUDGE BONOMY: Thank you.

13 Good morning, Witness. You've heard your introduction as
14 Witness KAB070. That is a pseudonym that will be used throughout your
15 evidence.

16 Before that evidence starts, can I ask you to please stand and
17 make the solemn declaration to speak the truth.

18 THE WITNESS: [via videolink] [No interpretation].

19 JUDGE BONOMY: I have had no interpretation of that.

20 THE INTERPRETER: Apologies, Your Honour. The witness solemnly
21 swears that he shall say the truth, the whole truth, and nothing but the
22 truth.

23 WITNESS: KAB070

24 [The witness testified through interpreter]

25 [The witness testified via videolink]

1 JUDGE BONOMY: Thank you.

2 Now, Witness, you are going to be asked questions, and the simple
3 task you have in this courtroom is to answer these questions. Of
4 particular importance is the way in which you answer, and one aspect of
5 that I want to stress to you right from the beginning, that you should
6 answer exactly the question which you are asked. It is not a trigger for
7 you to tell a lengthy story. It is a question which seeks the answer to
8 its content, so please bear that in mind and give us clear and complete
9 but brief answers to questions.

10 The first person to ask you questions will represent the
11 Prosecution, and that is Mr. Elderkin.

12 Mr. Elderkin.

13 MR. ELDERKIN: [via videolink] Please can Rule 70 70913 be put on
14 screen, not for broadcast outside the court.

15 Examination by Mr. Elderkin:

16 Q. Good morning, Witness. I'm just waiting for a document to be
17 shown to you on the screen.

18 THE REGISTRAR: Mr. Elderkin, I apologise. I think your
19 microphone needs to be --

20 MR. ELDERKIN: [via videolink] Excuse me.

21 Q. Witness, please could you look at the document on screen, which
22 is a list of prior evidence and corrections that you made, as well as
23 noting the pseudonym sheet confirming your identity.

24 Do you remember signing this document when we met last week?

25 A. Yes, I remember.

1 Q. Having now reviewed your prior evidence and made some
2 corrections, can you confirm that you would give the same evidence if you
3 were asked the same questions here today.

4 A. I agree with you. I would, indeed, answer in the same way as I
5 previously stated.

6 MR. ELDERKIN: [via videolink] Your Honours, I would now tender
7 the signed attestation document on screen, Rule 70 70913 for December
8 2020 interview marked for identification as Exhibit P00214, the
9 corrections document Rule 70 70905, and the pseudonym sheet,
10 Rule 70 70904, all under seal, please.

11 JUDGE BONOMOY: These will be admitted under seal and the numbers
12 circulated to you.

13 MR. ELDERKIN: [via videolink] Your Honours, I note for the record
14 that the 2 August 2022 decision concerning the admission of the witness's
15 prior statement referred to a missing portion of the audio recording.
16 I would like to state on the record the missing portion was located and
17 the full audio was redistributed.

18 That said, I would now like to read a short public summary, not
19 forming part of the evidence in the case.

20 JUDGE BONOMOY: Please proceed.

21 MR. ELDERKIN: [via videolink] Witness KAB070 testifies to the
22 structures of the MRND organisation in Kimironko and the composition of
23 the Interahamwe in Kimironko. He further describes how the Interahamwe
24 attacked and killed Tutsi in Kimironko during the genocide. He names
25 Kabuga as one of the founders and shareholders of RTL, which he

1 considered to be a radio station working for the MRND and the CDR.

2 The Interahamwe group in Kimironko was formed in 1991 under the
3 leadership of Hajabakiga. Kabuga authorised the group to gather and to
4 train on a plot adjacent to his residential compound. The Interahamwe
5 initially trained as a group that danced at MRND rallies. During the
6 training, they would sing songs that praised the MRND party or condemned
7 the RPF and the multiparty system, as well as songs by Simon Bikindi. If
8 the Interahamwe needed anything, one of them would go into Kabuga's
9 compound to speak to him. KAB070 recalls two occasions when Kabuga gave
10 the Interahamwe money, which they used to rent vehicles to transport them
11 to an MRND rally and to buy beer. Sometime between 1991 and 1994, some
12 of the Interahamwe members underwent military training organised by the
13 national Interahamwe organisation at the military camp in Gabiro.

14 The Interahamwe in Kimironko initially included some Tutsi
15 members, many of whom were killed by their fellow Interahamwe after the
16 massacres began in April 1994.

17 When the genocide started, Tutsi in Kimironko were killed as
18 quickly as possible. On 7 April 1994, the Interahamwe in Kimironko
19 attacked Sahaha and Joseph Kayijuka at their homes and stabbed them to
20 death because they were Tutsi. The Interahamwe used traditional weapons
21 such as machetes and knives to commit most of their crimes. Some carried
22 a type of rifle known as Rubaho. They used a blue Daihatsu vehicle they
23 had looted from Daniel Gasimba to carry out attacks also, for instance,
24 in Rubungo and Karama.

25 The most important roadblock in Kimironko was at TRANSFO, at the

1 junction of the road leading to Kabuga's residential compound and the
2 road leading to Remera marketplace. Those manning the roadblocks checked
3 the ethnicity of anyone passing by, checking their identity documents.

4 KAB070 pleaded guilty and was convicted for his participation in
5 some of the crimes committed by the Interahamwe in Kimironko.

6 Your Honours, that concludes my summary and I do not have
7 additional questions for the witness.

8 JUDGE BONOMY: Thank you, Mr. Elderkin.

9 Witness, you will now be asked questions by the counsel who is
10 acting in the defence of Mr. Kabuga. That counsel is Maître Altit.

11 I ask you to treat his questions in the same way as you have treated
12 those of the Prosecutor: Answer them in a straightforward manner.

13 Thank you.

14 Maître Altit.

15 MR. ALTIT: [Interpretation] Thank you, Your Honour.

16 Your Honour, good morning. Your Honours, good morning.

17 Cross-examination by Mr. Altit:

18 Q. Mr. Witness, good morning. My name is Maître Altit and I am
19 Félicien Kabuga's counsel. I will be asking you some questions and
20 I thank you in advance for answering precisely and concisely.

21 Are we agreed?

22 A. Yes, I've understood. Thank you.

23 Q. Thank you. So before we begin, I must remind you to turn off
24 your microphone when I am speaking and I will turn off my microphone when
25 you are speaking.

1 Are we agreed?

2 A. Yes, that's fine.

3 Q. Sir, in your statement or, rather, during the hearings on
4 14 December 2020 with the representative of the Office of the Prosecutor,
5 you mentioned the murder of Sahaha and you described some of the people
6 who were responsible for the killing.

7 Page 25 of your statement, dated 14 December 2020, page 25 in the
8 French version. Statement 14 December morning session. And I can give
9 you the page number where this begins, KO-0528025.

10 So you explained who participated. So you mentioned the
11 Interahamwe; yes?

12 A. Yes, that's correct.

13 Q. You mentioned three soldiers from the Presidential Guard who were
14 guaranteeing the security of a home close by; is that correct?

15 A. That's correct.

16 Q. You mentioned members of the population, I believe; is that
17 correct?

18 A. That's correct.

19 Q. My question, sir, is this: So, we read your statement and, if I
20 understand, that group of killers was composed of members of the
21 Interahamwe and non-Interahamwe; is that correct?

22 A. It was the Interahamwe that committed the murder with a number of
23 people from the population who joined the Interahamwe on that occasion.

24 Q. All right. My question was a little more specific than that. So
25 we've understood that there were Interahamwe, but also that there were

1 other people, members of the population or soldiers. So my question is
2 whether that group in fact was composed of members other than the
3 Interahamwe. Were there non-Interahamwe in they group?

4 A. Yes, there were some other people who joined the Interahamwe.

5 Q. All right. So is it that specific group that operated in
6 Kimironko that was the active group of killers in Kimironko?

7 A. Yes, that's correct, and I'm talking about the Interahamwe.

8 Q. I get that. But I am talking about the group of killers, those
9 people who took part in the murders, so the general group, Interahamwe
10 and possibly non-Interahamwe. Do you understand?

11 A. The main role was played by the Interahamwe.

12 Q. All right. You say that within that group there were members of
13 the CDR, and you mentioned them, so please tell me if I understand
14 correctly. Nyirigango, alias Rudumoro, you mentioned Elias Twagiramungu,
15 and you mention Ruhara [phoen]; is that correct?

16 A. Yes, that's correct.

17 Q. All right. Concerning Ruhara, you said that he lived right in
18 front of the gate to Félicien Kabuga's compound, so right in front. What
19 does that mean? Ten meters, 20 metres away, farther away? Can you give
20 a more specific idea of precisely where he lived?

21 A. The person concerned lived on the road in front -- in the front
22 of the gate of Kabuga's house.

23 THE INTERPRETER: Sorry, but the interpreter did not hear the
24 question. Could the counsel repeat the question?

25 THE WITNESS: [Interpretation] [via videolink] There was only a

1 road separating the places.

2 JUDGE BONOMY: Mr. Altit, you are being asked to repeat that
3 question. We have the answer but could you repeat the question for the
4 record, please.

5 MR. ALTIT: [Interpretation] Yes, of course, Your Honour.

6 Q. The question was the following: my last question was -- so my
7 question was: Is this house, your house actually, located immediately
8 close to the gate or a bit further? And you have answered the question.

9 JUDGE BONOMY: Sorry. My understanding is that we were looking
10 for information about a person called Ruhara.

11 MR. ALTIT: [Interpretation] Yes, Your Honour. I did not
12 formulate my question properly. My question was where does he live and
13 was his house close to Mr. Kabuga's house or a bit further.

14 JUDGE BONOMY: Well, the position's now clear, so you can move
15 on. Thank you.

16 MR. ALTIT: [Interpretation] Thank you, Your Honour.

17 Q. Who did Ruhara's house belong to?

18 A. Ruhara's house belonged to someone who had not lived in this
19 house yet, and Ruhara was the first one to live in this house.

20 Q. Okay. Was he squatting in the house? Was he living there or --
21 Ruhara was of the authorisation of the owner or did he have the
22 authorisation of the owner?

23 A. Ruhara actually was guarding the house.

24 Q. Okay. So in this group of killers you mentioned, there were
25 Tutsis, if I got you correctly. Could you tell us who these Tutsis were?

1 A. I remember some of the Tutsis, like Inyirimigabo, Theoneste, his
2 younger brother, and I have forgotten the names of other people because
3 that was a long time ago.

4 So this is what I can tell you regarding these people, but
5 I don't remember any other name.

6 Q. Thank you. So you told us, sir, earlier on that all killers
7 were not Interahamwes. Am I right in saying that all the Interahamwes
8 were not killers, i.e., all those who made up the Interahamwe group
9 before April 6, and you explained in your statement that they were
10 dancers, that not all of them turned into killers. Is it fair to say
11 that?

12 A. Not all Interahamwes were involved in this killing in the same
13 way. Some were very active compared to others.

14 JUDGE deGUZMAN: [No interpretation].

15 THE REGISTRAR: We are not receiving English interpretation.
16 That's for the English booth.

17 THE INTERPRETER: I'm sorry. I was on the wrong channel, says
18 the interpreter.

19 JUDGE BONOMO: So what should we do?

20 THE INTERPRETER: Could Judge deGuzman repeat her question,
21 please. Thank you, Your Honour.

22 JUDGE deGUZMAN: [Interpretation] My question was Maître Altit
23 asked you whether amongst the group of killers there were the Tutsis, and
24 you answered by giving some names. Actually, these Tutsis, were they
25 amongst the group of killers or were they Interahamwe people but who

1 were not involved in the killings. They were Interahamwes before the
2 killings started?

3 THE WITNESS: [Interpretation] [via videolink] The person called
4 Inyirimigabo and his younger brother were killed long before. And I just
5 remembered now the name of a Tutsi who were a part of the Interahamwes
6 whose name was Mutabazi and who had replaced Hajabakiga. This person
7 also killed people and he was even the boss. Theoneste and his younger
8 brother were also involved in the killings and were killed after that.

9 MR. ALTIT: [Interpretation]

10 Q. Sir, you mentioned amongst the killers Hajabakiga, and you say
11 that you have never sene him talk to Félicien Kabuga. You say that he
12 never told you that he spoke to Félicien Kabuga but that he very often
13 went to Pheneas. Do you remember that?

14 Excuse me, sir, I will just give you the name of Pheneas, Pheneas
15 Ruhumuliza. Do you remember that?

16 A. Yes, I remember that.

17 Q. Okay. You also said Hajabakiga very often went to Pheneas's work
18 site; is that correct?

19 A. This is correct.

20 Q. Okay. So you talked about Mutabazi, and you said during the
21 interviews that we have that he was the brother-in-law of Mutabazi? You
22 remember he's a Tutsi, as you said. I would like us to agree on that.
23 So I would like to know whether this is correct: That he was the local
24 president of the Interahamwe, Mutabazi; is that correct?

25 A. This is correct. I told you that Mutabazi had replaced

1 Hajabakiga.

2 Q. Okay. You said that the Interahamwes used to go and see Mutabazi
3 at Ruhumuliza's house. I would like to know whether this was during the
4 genocide?

5 A. During that time, the Interahamwe used to go and visit him,
6 whether it be before or after they went to his place, because the
7 headquarters of the Interahamwes was his house actually.

8 Q. Okay. Was his place, you mean it was at Pheneas Ruhumuliza's
9 house. Is that what you say, what you're saying?

10 A. Yes, this is correct, because they went there to meet Mutabazi.

11 Q. Okay. Sir, you also talked about Interahamwes of Giporoso, led
12 by Alois Ngirabatware. Do you remember?

13 A. Yes, I remember.

14 Q. These Interahamwes we're talking about now, were -- where were
15 they located? Were they in Kimironko or were they in a neighbouring
16 area?

17 A. I don't know where these Interahamwe used to live because people
18 were scattered.

19 Q. Yes, but what you said is that they also came to Pheneas. Is
20 that what you said?

21 A. This is correct. Because Pheneas was the vice-president of
22 Interahamwes at the national level.

23 Q. Okay. Sir, is it correct to say that Pheneas's house, whether it
24 be before or after the genocide, was the centre where -- converge where
25 the Interahamwes of the neighbouring area used to come and go; is that

1 correct?

2 A. When the Interahamwes finished what they were doing, they used to
3 go to Pheneas's place to meet Mutabazi and Pheneas, of course, who was
4 the vice-president of the Interahamwes, and this is the reason why the
5 Interahamwes used to go to this person's place.

6 Q. Okay. And this was true before April 6, before the attempt
7 against the president's life or -- and after April 6; is that correct?

8 A. This is correct.

9 Q. Earlier on you said that the Interahamwes came from everywhere.
10 Do you mean by that that the Interahamwes, globally, to use the same
11 distinction as earlier on, the group of killers made up of Interahamwes
12 people, was it made up of people who were not from Kimironko and in the
13 neighbouring area?

14 A. There, the killings did not last long. Three days later, people
15 had been killed, but subsequently these Interahamwes went in different
16 places, like in Rubungo, as I said earlier on. So these Interahamwes
17 people are the ones who went in different places; but, nevertheless, the
18 killings only lasted three days in the place, the specific location we
19 are talking about.

20 Q. Okay. But that was not my question. My question was about --
21 concerned the geographical origin of the Interahamwes and the killers,
22 generally speaking, not just the Interahamwes people.

23 My question was: Did they originate from Kimironko and the
24 immediate neighbouring districts or did they come from other places?

25 Could you answer this question, please.

1 A. I'm talking about the Interahamwes in the group you mentioned.
2 I'm just testifying about this group because they are the ones I saw more
3 often. Nevertheless, the others, I have not seen them much. And I would
4 like also to say that we were not in a position to travel.

5 Q. Okay. So can you then tell us for those you knew, whether they
6 originally came from Kimironko or whether they came from somewhere else?

7 A. I told you that the group who operated in the location we
8 mentioned, where they held events, they are the people I knew. As to the
9 others, I do not know where they came from or where they were going to.
10 I can just testify about people who lived in the group or in the district
11 I know.

12 Q. Okay. You told us on December 14, when you answered the
13 questions of the Prosecutor's -- representatives of the Prosecutor's
14 Office, and I quote, you said that the Interahamwes came from everywhere
15 or, more specifically, the interviewer just quoting you, asks you the
16 following question. It's on line 151, page 4, of the interview -- the
17 hearing, the afternoon hearing. So the question was the following:

18 "The Interahamwes came from everywhere, but which district did
19 they actually come from?"

20 That was the question of the Prosecutor's office.

21 And your answer was:

22 "They came to get money and work for money."

23 And she insisted:

24 "Which district did they come from?"

25 And you explained, and I quote you:

1 "There are many. Some came from Kibuye, some came from
2 Ruhengeri, others came from Byumba and even Kibungo, and even Gitarama.

3 And then you gave some examples and said this one came Gisenyi,
4 the other one came from Gisenyi. So you know the origin.

5 So maybe you could answer my question.

6 A. Yes, well, I now remember. These young people belonged to
7 Kimironko's Interahamwes group and they are the ones who committed
8 killings in this district and they are people who lived in the
9 neighbouring areas of Kimironko, and I'm testifying about these people.

10 Q. Okay. You yourself were an Interahamwe?

11 A. I was a militant. I belonged to the Interahamwe party and from
12 time to time I worked with the Interahamwes group.

13 Q. Okay. And Gerard Sehene, is he an Interahamwe?

14 A. Yes, he was amongst the Interahamwe people. He was an
15 Interahamwes person and he had a position within the party.

16 Q. Okay. Was he a dancer?

17 A. Yes, he was a member of the dancers group.

18 Q. I'm asking the question because you said he was old, he was
19 around about 50 years old in 1994, and he was a simple villager. Can you
20 explain this apparent contradiction in what you've said?

21 A. It's true that he was elderly, that's what I said, but that
22 didn't prevent him from being part of the group, because he was a member
23 of the MRND group and was linked to that group.

24 Q. So he was a dancer; is that correct?

25 A. That is correct.

1 Q. Okay. We're now going to move on to a different issue. I'm
2 going to put some questions to you about the roadblocks.

3 You said they were set up everywhere as of 8 April. So does that
4 mean that what you're saying is they weren't there on 7 April?

5 JUDGE BONOMY: Sorry, I was slow to react to your indication that
6 you're moving to something else.

7 I just want to go back with the witness to one thing.

8 When you were interviewed, you said that the Interahamwe came
9 from "everywhere."

10 Now, what did you mean by that.

11 THE WITNESS: [Interpretation] [via videolink] I was talking about
12 Interahamwe. I was asked a question about it and I answered by saying
13 that the Interahamwe academy from different préfecture, and the
14 préfecture was an administrative subdivision of the country at the time.
15 And, as we've already said earlier, the Interahamwe came from Gisenyi,
16 Ruhengeri, Byumba, Kibuye, Kibungo.

17 So that was the group that came and moved into the area that
18 we're talking about and that subsequently carried out the crimes.

19 JUDGE BONOMY: You've answered my next question. Thank you.

20 Maître Altit.

21 MR. ALTIT: [Interpretation] Thank you, Your Honour.

22 Q. I was, Witness, going to ask you about the roadblocks.

23 You said they were set up everywhere as of 8 April 1994. So my
24 question is, in order to understand what happened, are you saying to us
25 there were no roadblocks on 7 April; that is correct?

1 A. The killings started on Kimironko on the 7th at 2.00 p.m. The
2 roadblocks were set up the next day, on the 8th.

3 Q. Okay. When you're talking about roadblocks, you gave some
4 examples in your interview when you were talking to the representatives
5 of the OTP, and you said, for example, a tree trunk placed across the
6 road perpendicular to the road; is that correct?

7 A. Yes, that is correct.

8 Q. And you also said that the blocks were established everywhere.
9 My question is: Why did people start to set up roadblocks?

10 A. You're asking why people set up roadblocks. Well, it was to keep
11 an eye on the enemy so as not to be taken by surprise.

12 Q. Very well. So when you're talking about enemy, are you talking
13 about the FPR -- the RPF?

14 A. The Inkotanyi had already taken part of Remera and Nyabisindu
15 cell. They'd already occupied those positions, and given that there were
16 killing at the roadblocks, we kept an eye on the Tutsis moving through.

17 Q. Very well. My question was very straightforward. I would ask
18 you to give a simple answer to simple questions.

19 When you're talking about the enemy, you're talking about the
20 RPF, the Inkotanyi; is that correct?

21 A. Yes.

22 Q. Okay.

23 You've just said that as of 7 April, the RPF was militarily
24 present all around Kimironko. Have I correctly understood what you have
25 said?

1 A. Yes, that is what I said.

2 Q. Okay. And the population, the people living in the areas that
3 the RPF had just conquered, did those people remain in situ, or did they
4 flee; and, if so, where to?

5 A. Members of the population [indiscernible] were taken by surprise.
6 It was already under the control of the Inkotanyi, so it was the
7 inhabitants of that location who were the first to leave. People in
8 Nyabisindu sought refuge in Kimironko and Kibagabaga, because the
9 Inkotanyi had taken Nyabisindu as of 9.00 in the morning.

10 Q. Okay. As far as you know, among the Interahamwe who were going
11 to emerge in Kimironko, were they refugees, people who had fled the RPF
12 in the preceding days or even weeks in relation to the shooting down of
13 the president's plane?

14 A. I didn't grasp your question, Counsel. Please be good enough to
15 repeat it.

16 Q. Of course. You said that there were refugees who had fled the
17 Inkotanyi and they'd gone to Kimironko. That's clear.

18 So my question is: As far as you know, among the Interahamwe who
19 committed the killings or perpetrated the attacks in Kimironko, among
20 them, were there people who had come when people were fleeing from areas
21 taken over by the RPF?

22 A. The refugees arrived when the intensity of the killings dropped.
23 The Interahamwe were continuing to move around and committing killings.
24 Others fled and were not involved in the killings that were underway.

25 Q. Okay. Earlier on I put a question to you concerning the reasons

1 for the roadblocks and you said that people had established these
2 roadblocks. We know that, that's not the question. But my question was
3 why did people set up the roadblocks? I believe I understood, but I'm
4 putting the question again to be absolutely certain, that you said that
5 people were frightened of the RPF soldiers, the Inkotanyi. Is that
6 correct? It was to stop them?

7 A. I said that the roadblocks were set up because it was believed
8 that the enemy could move through those areas, but at the same time they
9 were checking that the Tutsis did not get through. But I have also to
10 acknowledge that the roadblocks were set up to prevent the movement of
11 the enemy.

12 Q. Okay. And you also say -- you said during your interview that
13 everybody was involved in guarding the roadblocks. Does that mean that
14 the entire population in a road or a district took turns around the
15 roadblock, for instance the tree trunk that you referred to, to keep an
16 eye on comings and goings; is that what you're saying?

17 A. That is correct. Members of the population took it in turns to
18 guard those roadblocks.

19 Q. Okay. You said that in your district where you lived, nobody had
20 been stopped at a roadblock; is that correct?

21 A. That is correct. In the area that I lived in, no Tutsi was
22 killed at a roadblock, as far as I know.

23 Q. Okay. We're going to move on to a different topic.

24 You said, during the interview --

25 JUDGE BONOMO: Maître Altit, Judge El Baaj has a question before

1 you move on.

2 JUDGE EL BAAJ: [Interpretation] Yes, I have a question on the
3 roadblocks.

4 You said earlier that people had been killed at the roadblocks.
5 Who are those people and why were they killed?

6 THE WITNESS: [Interpretation] [via videolink] Your Honour,
7 I explained that nobody was killed at the roadblocks that were in the
8 area that I lived in.

9 JUDGE EL BAAJ: [Interpretation] I'm not talking about the
10 roadblocks in the area where you lived. I'm talking about other
11 roadblocks.

12 THE WITNESS: [Interpretation] [via videolink] I cannot say
13 anything about the other roadblocks because the only information I have
14 concerns the roadblocks that were close to where I lived.

15 JUDGE EL BAAJ: [Interpretation] You gave an explanation about the
16 enemy. You said it was the RPF. Is it just the RPF or their
17 accomplices?

18 THE WITNESS: [Interpretation] [via videolink] I've already said
19 that at the roadblocks there was also monitoring of the movement of the
20 Tutsis, and that is why people's ID cards were checked.

21 JUDGE BONOMY: And what can you tell us about what happened when
22 the check revealed that the carrier was a Tutsi?

23 THE WITNESS: [Interpretation] [via videolink] I have, first of
24 all, to say that we didn't identify any Tutsi at the roadblocks close to
25 where I lived, and if ever there were any at other roadblocks, it's

1 probable that that person was killed.

2 JUDGE BONOMY: Thank you.

3 Maître Altit, you say you're moving to a different topic. Is
4 this the right time to break or is the right time for us to break between
5 this witness and the next one?

6 MR. ALTIT: [Interpretation] It's an ideal moment, Your Honour.

7 JUDGE BONOMY: Very well.

8 We shall break for 15 minutes.

9 --- Recess taken at 11.00 a.m.

10 --- On resuming at 11.18 a.m.

11 MR. ALTIT: [Interpretation] Thank you, Your Honour.

12 Q. Mr. Witness, you explained, when you spoke to the repetitives of
13 the OTP, that the Interahamwe first started out as dancers for the MRND
14 party and you said -- and you said that "they were born out of our
15 animation or entertainment group that we had."

16 So my question: Before the beginning of the Interahamwe, was
17 there an animation or entertainment group? Did it exist?

18 A. There were animation or entertainment groups at village or
19 community level, and those that were part of those groups came from the
20 different sectors or districts that formed these communities.

21 Q. Very well. You also said that these are young people, young men
22 and young women -- I'm quoting you. So young men -- page 17 of your
23 interview dated December 15, 2020, page 17 French version, line 830.

24 So I'm quoting you:

25 "These are young men, young women who got together on their own

1 initiative, supported by their President Mutabazi to form this group of
2 dancers and entertainers."

3 So question: You said that Mutabazi was a Tutsi. Does that mean
4 that there were no problems between the Hutus and Tutsis within the MRND
5 before the genocide?

6 A. Before, there were no problems between the two groups.

7 Q. You said there were provocations between the young people in the
8 two political parties and you mentioned PL, CDR, MRND, and RPR -- if the
9 interpreter heard correctly. They were fighting. Could you say a little
10 more about those provocations? What were they about?

11 A. There were disagreements, mostly about where each parties had put
12 up their colours. There was a flag for the MRND, for the MDR, the PSD.
13 And when they would raise the colours, raise the flag, that's when there
14 would be problems. There were always problems amongst these different
15 groups.

16 Q. Very well. You also said that you would go to see the dancers,
17 and you specified it was on Kabuga's plot.

18 So my question is: Where would that be with respect to the
19 house? Where would these dancers dance and sing?

20 A. It was next to the fence near Giporoso Kanombe, but it was on the
21 property of Kabuga.

22 Q. All right. So it wasn't next to the house, right next to the
23 house, it was farther away. What was the distance; 10, 100 meters from
24 the house? Can you tell us?

25 A. Kabuga had a very large fence or compound, and where the singing

1 and dancing would take place would be outside of the fence or wall. A
2 property that Kabuga had bought. And that's where the group would meet
3 to perform their dances.

4 Q. All right. Was it in that same location that people would play
5 football or other games from time to time?

6 A. I'm not aware that people would play football at that location,
7 unless we're talking about young children playing ball. But this was
8 indeed a property that had been purchased by Kabuga.

9 Q. All right. So you stated during the interview dated
10 15 December -- correction by Maître Altit, 14 December, that it was
11 Gerard Sehene who had been authorised by Félicien Kabuga for the
12 animation group to perform on his plot.

13 So Gerard Sehene had gone to see Kabuga to ask for his
14 authorisation; is that correct?

15 A. That's correct.

16 Q. A little later on, page 21 of your interview dated 14 December,
17 afternoon session, page 21 in the French version, you said that the
18 dancers, I'll quote -- I would like to quote you.

19 THE INTERPRETER: Says Maître Altit. The interpreters do not
20 have the precise English text.

21 JUDGE BONOMY: I think it's on the screen.

22 MR. ALTIT: [Interpretation]

23 Q. So page 21, line 1030, you say:

24 "By the way, the dancers get eliminated by dancing. Everyone
25 dances, but in the end some end up being the best, get selected. There

1 was no selection, go and dance, you had to dance. They would dance and
2 then some are qualified more than others."

3 So here's my question: That was the system to select dancers; is
4 that correct?

5 JUDGE BONOMY: Is there a problem in the courtroom in Arusha?

6 THE REGISTRAR: [via videolink] There is no problem over here.

7 The witness has the document in front of him.

8 JUDGE BONOMY: Thank you.

9 Witness, what is the answer to the question?

10 THE WITNESS: [Interpretation] [via videolink] I didn't understand
11 the question very well.

12 JUDGE BONOMY: Well, please put your microphone off.

13 Maître Altit, you'll need to try again.

14 MR. ALTIT: [Interpretation] Yes. Thank you, Your Honour.

15 Q. Mr. Witness, my question was a simple one. You told the
16 representative of the Office of the Prosecutor, and I'll summarise your
17 answer. You said that all those who wanted to dance danced and the
18 remaining ones were the best dancers, if I understood that correctly.

19 So it's how well they danced that decided whether or not you
20 would belong to the Interahamwe, to the group of dancers?

21 So my question was: Can you confirm that it was on the basis of
22 how well one danced, how beautiful the dancing was, so the inherent
23 properties of the dancers, that decided whether they would belong to the
24 group and no other criteria?

25 A. Now I've understood your question.

1 Truth be told, there was no exclusion. So concerning dancing,
2 some could take part in the dancing, others did not participated. You
3 had a group that could be composed maybe of a hundred or so people.
4 Among those 100 members, some danced, five or ten, while the others would
5 sing.

6 You understand -- I suppose you understand the situation I'm
7 describing. Not everyone danced at the same time.

8 JUDGE BONOMY: Maître Altit, I think you have the wrong exhibit.
9 It must be a different days. This one is 20 December in the morning. Is
10 that what you really want?

11 Oh, sorry. I'm advised it's now been rectified. My apologies.
12 Sorry. Carry on.

13 MR. ALTIT: [Interpretation] Thank you, Your Honour.

14 [Trial Chamber and registrar confer]

15 MR. ALTIT: [Interpretation]

16 Q. So, Mr. Witness, concerning the singing and the dancing, it
17 did not come out quite clearly in your statements. The dances performed
18 by the dancers and the songs sung by, as you just said, the other people
19 around them, were they traditional dances and songs?

20 If you could please answer that because I'm going to have more
21 questions after that.

22 A. They would sing songs depending on the party they belonged to,
23 and those that could compose songs for their party would do so, but they
24 would also sing and dance traditional songs and dances.

25 Q. Very well. So you said, correct me if I am wrong, that going to

1 the rally or perhaps coming back from a rally, some would sing songs by
2 Simon Bikindi.

3 So I just need to understand what do you mean. Do you mean that
4 when these rallies took place, the dancers danced, these singers sang
5 either traditional or party songs but in a traditional way, and Simon
6 Bikindi's songs were reserved for certain moments, for example travelling
7 about by car, or are you saying that they would -- that this was always
8 when they sang and danced on this plot?

9 So was there a distinction between traditional singing and
10 dancing involving more women and were there also more modern songs or did
11 all sorts of singing and dancing happen when everybody was grouped
12 together on that property, on the plot?

13 A. Well, it all depended on what was the trendy song at the time.
14 Some new songs were being composed, and when the song was a good one the
15 group would perform it. And on those occasions, the group could also be
16 singing Bikindi's songs while dancing because some of Bikindi's songs
17 could be danced to, but didn't exclude other people having composed other
18 interesting songs from submitting them, as it were, presenting them and
19 there could be traditional dancing in the Ikinimba style.

20 Q. Thank you. And did you dance yourself?

21 A. No. I would accompany them by applauding.

22 Q. Very well. And when you were on that location, you told the
23 repetitive of the OTP that you never went inside Félicien Kabuga's fence;
24 is that correct?

25 A. That's correct.

1 Q. Thank you. So let me move on to a different topic.

2 Military training. You said, sir, that training had been
3 delivered, had been given to some of the dancers, some of the
4 Interahamwe, and you mentioned their names. It was military training.
5 The training had lasted between one and two months.

6 Is that correct?

7 A. This is correct. That's what I said.

8 Q. Okay. Between one and two months. At what time in 1993? Was it
9 at the beginning or the end of 1993, earlier on, or later? Can you tell
10 us?

11 A. Around July or August 1993. Because it was only part of the
12 group which went through this military training. Military training
13 was not for all the members of the group.

14 Q. Okay. And what I have noted is that the few who underwent this
15 military training, they are the ones who became killers; is that correct?

16 A. This is correct.

17 Q. Okay. So selecting those who would be trained then, you tell us
18 that this selection was actually made by a local committee led by
19 Mutabazi; is that correct, sir?

20 A. This is correct.

21 Q. Okay. Was it possible to refuse this training once you had been
22 selected by the committee?

23 A. I have explained that I was not part of the selecting committee,
24 but I gave you some of the names of people who were selected, and I told
25 you not all the members of the groups were -- the group were selected, so

1 I do not know what was the criteria they used to select the people who
2 would undergo this military training.

3 Q. Okay. You say that as of April 8, or maybe April 9 or 10, you're
4 not actually sure, and this is on page 42 of the French version of your
5 statement in your interview with the OTP on December 15.

6 You said that some of the Interahamwes received Rubaho guns. My
7 question is: Those who received these Rubaho guns, are they the ones who
8 went for the military training?

9 A. Yes.

10 Q. Okay. Could you -- first of all, how many guns were there; do
11 you know? Can you tell us?

12 A. I do not know how many guns exactly but there were less than ten,
13 maybe five or six.

14 JUDGE deGUZMAN: [Interpretation] Excuse me, Mr. Altit.

15 A few minutes ago, Witness, Mr. Altit asked you whether those who
16 went through the military training became the killers and you said yes.
17 Do you mean by that that these were the only ones who were involved in
18 the killings, only the ones who had been trained -- had this military
19 training who were involved in the killings?

20 THE WITNESS: [Interpretation] [via videolink] No, they were not
21 the only ones. There were many other people who joined them.

22 JUDGE deGUZMAN: [Interpretation] Thank you. You also talked
23 about those who got the Rubaho guns. Is it only those who went through
24 the military training who received these guns, or did the other people,
25 Interahamwe people, receive the same guns?

1 THE WITNESS: [Interpretation] [via videolink] Only those who went
2 through the military training received these guns. Because the others,
3 they knew nothing about guns and, in addition, there were less guns than
4 there were members in the group.

5 JUDGE deGUZMAN: [Interpretation] Thank you.

6 You may continue, Mr. Altit.

7 MR. ALTIT: [Interpretation]

8 Q. Sir, have you seen one of these Rubaho guns?

9 A. No, I have not received any gun.

10 Q. Excuse me, sir. I will reformulate my question because that was
11 not my question.

12 Have you yourself seen one of these Rubaho guns?

13 A. I saw them. It was in daytime so they were not distributed at
14 nighttime or during the night.

15 Q. Okay. My question -- well, it seems that you say "magazines."
16 What did they fire? Did they fire cartridges or anything else; do you
17 know?

18 A. I do not know much about firearms or magazines, and, in any case,
19 I believe a gun cannot fire if there is no magazine; however, these
20 people had Rubaho guns.

21 Q. Let me record what you said. It's page 39 of the French version
22 of your interview on 15 December 2020 and on line -- starting at 1929,
23 line 1929.

24 The OTP -- or the Prosecutor asked you, and I quote --

25 MR. ALTIT: [Interpretation] Your Honour, can I go? Can I read?

1 JUDGE BONOMY: Do we have the page on the screen? Yes.

2 Please proceed.

3 MR. ALTIT: [Interpretation] Thank you, your Honour.

4 Q. So the interviewer asks you, and I quote:

5 "Do you understand what a magazine or a firearm is?"

6 Your question [as interpreted] was:

7 "Is it a magazine containing bullets?"

8 And he answered: "Yes."

9 And you said: "Okay, I know."

10 And he asks you: "Did this gun have a magazine?"

11 And he's talking to you.

12 And your answer: "No. This type of gun had no magazine."

13 So, actually, in the end, do you know, or do you not know?

14 A. What I said, well, I said that I did not really know firearms and
15 magazines, but I thought that a magazine is like a box where you put
16 bullets, and a gun cannot fire if there is no magazine.

17 Q. Okay. Let me ask you the question in a more simple way.

18 Have you seen any of the owners of these guns put a bullet or a
19 cartridge in these guns; and, if so, how? Where did they put it? Can
20 you tell us that?

21 A. They never used these guns where I was and I did not go with them
22 when they went away for their operations, so no one amongst us was able
23 to see them put bullets in the -- a gun or just in the magazine.

24 Q. Thank you. So you say that on April 10, a military battalion of
25 the Rwandan forces arrived and that at the same time the Inkotanyis also

1 arrived on April 10. Does that mean that they were immediately
2 [indiscernible] in Kimironko or in the neighbouring districts of
3 Kimironko?

4 A. Some were uphill and others were on the other side, and in
5 between you had the Kimironko district.

6 Q. Okay. So that we understand clearly, who was uphill and on what
7 side?

8 A. As I just said, the Inkotanyi controlled part of Remera,
9 particularly the Nyabisindu part, and at the time it was the Remera
10 sector or district, and the Kimironko district did not exist at the time.
11 The Inkotanyi used to come uphill and others were coming from Kimininya
12 [phoen], and the Kimironko was in between the two armies. Kimironko was
13 in the middle of the fighters and the members of the population had taken
14 refuge in the Kimironko area where we used to live.

15 Q. Okay. And you say that to help them against the Inkotanyi, the
16 RPF, the Rwandan military people gave guns to Interahamwe people, and
17 these Interahamwe people went to help them during the fights. Do you
18 remember saying that?

19 A. Yes, I remember.

20 Q. Okay.

21 JUDGE BONOMY: Maître Altit, there's something wrong with this,
22 I think. In English, it says in your question:

23 "And you say that to help them against the Inkotanyi, the RPF --"
24 ah, right. That they gave guns to the Interahamwe people.

25 Now, who is it that gave guns to the Interahamwe people?

1 MR. ALTIT: [Interpretation]

2 Q. Can you answer the question, sir?

3 A. The battalion we used to call the Muvumba battalion. And when
4 this battalion arrived in Kimironko, this battalion gave guns to the
5 Interahamwe people and they used these guns on the front line and some
6 were killed there.

7 JUDGE BONOMO: Thank you.

8 MR. ALTIT: [Interpretation]

9 Q. Sir, your explanations are crystal-clear. You just said that
10 some Interahamwe were armed by the Rwandan battalions of the Rwandan
11 Armed Forces to help them and that they were involved in the fights.

12 Based on that, is it fair to say that these Interahamwe who were
13 fighting with the military were not all of them, were not the dancers you
14 talked about who were called also the Interahamwes before April 6?

15 Have you understood my question?

16 A. Well, regarding your question, I told you that the killings
17 happened very quickly. The battalion arrived a little bit later. The
18 battalion arrived to be involved in the fight between Nyabisindu and
19 Bibare. The military arrived and they gave guns to this general -- to
20 these people, and, as I said, the killings happened quickly and the
21 military arrived later.

22 Q. So here we're talking about the same Interahamwes, the ones we
23 talked about at the beginning of our interview. Those who, for instance,
24 went to kill Sahaha; is that right?

25 A. Yes, they're the same Interahamwe people.

1 Q. Okay. A little bit later during this interview one of the OTP
2 representatives asked you whether you were involved in the killings, and
3 your answer was no. So my question is now the following: Can we say or
4 is it fair to say that at that time, so it was in April, if I followed
5 you correctly, in the same geographical location, in Kimironko and the
6 immediate neighbouring areas, you had two armies fighting FAR against
7 RPF, and groups -- or one group of people looking for victims, people who
8 were killers.

9 Can we put it that way?

10 A. The military came to fight. The Interahamwe had already killed
11 the members of the population, and when the military arrived, they went
12 to help them.

13 As to what happened in the neighbouring areas where the
14 Interahamwe went to kill people, I know nothing because I did not go with
15 these Interahamwe people. But I confirm that these Interahamwes killed
16 Tutsi people.

17 Q. Thank you. Well, you understand we're trying to understand what
18 happened. You were very clear in your explanations. The military of the
19 battalion arrived on April 10, the RPF Inkotanyis arrived at the same
20 time. Just stop me if I'm wrong. The RPF military arrived at the same
21 time. There were fights. The military just were joined by Interahamwe
22 people based on a military rationale, but nearby there were killers --
23 killings, sorry, perpetrated by groups, and this is my question, the
24 groups you can call Interahamwes group. Are there two logics, two
25 different logics at the same time in the same location? Actually, this

1 is my question. Do you understand my question?

2 MR. ELDERKIN: [via videolink] Excuse me, if I can --

3 JUDGE BONOMY: Just a moment. We have Mr. Elderkin on his feet.

4 Mr. Elderkin.

5 MR. ELDERKIN: [via videolink] If I may ask for the reference to
6 where the witness said that the battalion, a Rwandan Armed Force
7 battalion, arrived on 10 April. I may have overlooked it, but I don't
8 think I've seen that.

9 JUDGE BONOMY: Maître Altit?

10 MR. ALTIT: [Interpretation] I shall answer immediately,
11 Your Honour.

12 JUDGE BONOMY: I have certainly noted that as the evidence today.
13 So let's go back.

14 MR. ALTIT: [Interpretation] The first reference, but there are
15 several, is during the interview between the representative of the OTP
16 and the witness on 15 December 2020, page 41 of the French version,
17 line 2025.

18 The question put by the OTP is as follows, and I quote -- well,
19 actually, if we go up to line 2018. No, sorry, actually 2015, so I'll
20 quote from there. In e-court, it's page 146 of the French version, and
21 I quote, and it's you, speaking sir:

22 "It's as of 10 April 1994 that the soldiers arrived there."

23 And you continue:

24 "The military battalion arrived there where we were. They were
25 facing the RPF soldiers and they gave firearms to the Interahamwe with us

1 who then went off to help them fight."

2 The Prosecutor puts a question again, and I quote:

3 "At what moment did the Kimironko Interahamwe help out the
4 soldiers?"

5 And your answer, sir:

6 "As of 10 April and the following days, right through to the day
7 of flight."

8 I could give you other references, if you wish.

9 JUDGE BONOMY: That's sufficient for the moment.

10 Mr. Elderkin, do you persist in this?

11 MR. ELDERKIN: [via videolink] No. Maître Altit's indication is
12 very helpful.

13 JUDGE BONOMY: Thank you.

14 Please proceed, Maître Altit.

15 MR. ALTIT: [Interpretation] Thank you, Your Honour.

16 Q. Witness, I put a question to you - I'm not too sure you answered
17 it - as regards the two types of logic. Did you understand my question?

18 A. I didn't completely grasp your question, Counsel.

19 Q. You're talking about military conflict as of 10 April, between
20 the FAR and the RPF in -- where you are.

21 A. Yes, that's what I said.

22 Q. Okay. And you also said that there was one group of killers who
23 had killed on the first three days but who were continuing to kill. Have
24 I understood correctly?

25 A. That is correct, I said that.

1 Q. Very well. I think that answers my question, in fact, so I'll
2 move to another question.

3 JUDGE BONOMY: Now, can you give me some indication now of how
4 long your cross-examination is likely to extend?

5 MR. ALTIT: [Interpretation] Your Honour, I think it will be less
6 than 45 minutes, if all goes well, Your Honour.

7 JUDGE BONOMY: Very well. You can move to a new topic but when
8 you get to the end of that, I think we'll have to adjourn.

9 MR. ALTIT: [Interpretation] Thank you, Your Honour. Your Honour,
10 it's now that I'm going to move on to another subject.

11 JUDGE BONOMY: We'll allow you to deal with this and then we'll
12 adjourn.

13 MR. ALTIT: [Interpretation] Thank you, Your Honour.

14 Q. In order to understand the situation fully after 6 April, I'd
15 like to put a number of questions to you on the basis of what you have
16 said.

17 You said, and it's in your interview of 15 December 2020 and
18 I think you said it earlier, that on the same day that you said that war
19 had come down, but I think you said the plane came down, the market fell
20 into the hands of RPF and the brigades of Remera and civilians had left
21 and came over to our side. Is that what you were saying, the day when
22 the market fell into the hands of the RPF, and the brigade as well, that
23 it was 7 April? Is that what you're saying, Witness?

24 A. That is correct.

25 Q. Very well.

1 JUDGE BONOMY: Is the word -- is the word being used "market"?
2 What was the French word that you used?

3 MR. ALTIT: [Interpretation] Yes, yes, indeed, I did say "the
4 market," and I was quoting the witness. "The market fell," that's what
5 I said, absolutely. And it is "market" in English.

6 JUDGE BONOMY: Thank you.

7 MR. ALTIT: [Interpretation]

8 Q. So, sir, is it correct to say that as of 7 April, the civilians
9 of Kimironko were caught up in a sort of stranglehold because there were
10 only a few possible exits open to them? Is it correct to say that?

11 A. That is correct.

12 Q. Very well. And you also say that the only direction they could
13 take -- we're talking about the civilians, the inhabitants, or the
14 Interahamwe, those who wanted to move around -- was Rubongo, and you're
15 saying that other areas were occupied by the Inkotanyi and you also say
16 that there was shooting everywhere.

17 So my question is: As of 7 April, up until the flight that you
18 referred to on -- I think you gave the date of 15 May, more or less,
19 mid-May, there was shooting every day. Could you tell us very quickly
20 what exactly it was? Was it shooting, fighting? What was going on?

21 A. The situation was very difficult. There were even shells coming
22 by Munumi [phoen] and Karama. The Interahamwe shot them into Remera and
23 at the airport as well.

24 Q. Yes. And they hit the civilian population, those shells?

25 A. Of course. And some houses were even destroyed.

1 Q. Thank you.

2 You said, page 45 of your interview, of the French version of
3 your interview with the representatives of the Office of the Prosecutor,
4 on 14 December in the afternoon, it's line 2206, that your cellule fell
5 entirely in the middle of May 1994, and you say that before 15 May, the
6 Inkotanyi surrounded the cellule. You repeat what you've just said to
7 us, they were in Karama, Rubongo, Remera, and they were shelling you.

8 So, sir, can we take it that the Rwandan Armed Forces and the
9 population fled right about that date, 15 May 1994; is that correct?

10 A. That is correct. Civilians were fleeing the fighting when the
11 Inkotanyi advanced, and the population, the people, were informing those
12 who lived close by.

13 MR. ALTIT: [Interpretation] Thank you. Your Honour, on that
14 particular point, I've come to the end of my questions.

15 JUDGE BONAMY: Do you mean the end of your questions on that
16 topic or you mean the end of your questions?

17 MR. ALTIT: [Interpretation] The end of my questions, Your Honour,
18 on that point.

19 JUDGE BONAMY: Just for clarification, Witness, on the point that
20 Maître Altit was discussing with you, are you saying that as at 15 May,
21 the Rwandan Armed Forces also fled.

22 THE WITNESS: [Interpretation] [via videolink] The soldiers
23 did not flee on 15 May. It was the population, the civilians who left
24 Kimironko, and we all left on that day and we went to the area
25 surrounding Kimironko. Giporoso is where we went and we left that place

1 on the 19th when the Inkotanyi took the airport, and that is when the
2 soldiers fled.

3 That's what I know. At that point, I fled and I never went back
4 to Kimironko.

5 JUDGE BONOMY: Thank you. Now, Witness, we have to interrupt
6 your evidence at this stage and adjourn the hearing until tomorrow at
7 10.00 a.m. Between now and then, it is vital that you do not discuss any
8 aspect of the evidence in this case with any person.

9 Do you understand that?

10 THE WITNESS: [Interpretation] [via videolink] I have fully
11 understood.

12 JUDGE BONOMY: Thank you. The Trial Chamber is now adjourned.

13 --- Whereupon the hearing adjourned at 12.11 p.m.

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