

1 Wednesday, 22 February 2023

2 [Open session]

3 [The accused appeared via videolink]

4 [The witness takes the stand via videolink]

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

6 JUDGE BONOMY: Good morning, everyone. Today we shall continue
7 with the cross-examination of the current witness, KAB002.

8 Now, Witness, I'm sorry that this is the earliest point at which
9 we could reassemble to continue to hear your evidence. You'll remember I
10 asked you to ensure you had no discussion about the evidence before you
11 came back, and I simply remind you this morning of the importance of the
12 declaration you made at the outset to tell the truth and nothing but the
13 truth. That continues to apply to your evidence today.

14 Do you understand that?

15 Is there no interpretation?

16 THE INTERPRETER: Unfortunately, we cannot hear the witness.

17 JUDGE BONOMY: Do we know whether the microphone is on?

18 Witness, can you say again, please, what you said a moment ago?

19 THE WITNESS: [via videolink] [Interpretation] Yes, I understood
20 you, Your Honour.

21 JUDGE BONOMY: Thank you very much.

22 Maître Altit, please continue with your cross-examination.

23 MR. ALTIT: [Interpretation] Thank you very much, Your Honour.

24 Good morning, Your Honours.

25 WITNESS: KAB002 (Resumed)

1 [Witness testified through interpreter]

2 [Witness testified via videolink]

3 Cross-examination by Mr. Altit: [Continued]

4 Q. Good morning, Witness. Can you hear me well?

5 A. Yes, I can hear you well.

6 MR. ALTIT: [Interpretation] Your Honour, to continue with my
7 cross-examination, I would like to start with one question that I'd like
8 to ask in closed session.

9 JUDGE BONOMY: Very well. We shall go into closed session.

10 [Private session]

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

1 (redacted)

2 [Open session]

3 THE REGISTRAR: We are back in open session, Your Honours.

4 JUDGE BONOMY: Thank you.

5 Please continue, Maître Altit.

6 MR. ALTIT: [Interpretation]

7 Q. Witness, in your statement of 8 May 2021, you were saying that
8 the workers that you talked about earlier on were coming from Byumba,
9 according to you, and you were saying that they were brewing Ikigage,
10 they were brewing a local alcohol. Can you tell us what type of alcohol
11 it was? Was it a strong liquor? And what were they doing with it? Were
12 they selling it?

13 A. After having drank these Ikigage, these people would go out.
14 Some would try to go to drink industrial beer or beer made out of -- made
15 from bananas. And when these people were meeting outside, they would
16 then buy this banana beer, and they would only be having Ikigage when
17 they were meeting inside.

18 Q. Very well. So what kind of alcohol is Ikigage?

19 A. Ikigage is a beer brewed from sorgo, dried sorgo, that is then
20 reduced into powder.

21 Q. You said that they were complaining. Did you see them complain,
22 or is that something that someone told you about?

23 A. These people were talking to their friends with whom they were
24 sharing the banana beer, and they were saying that they had enough of
25 Ikigage and that they wanted to drink some other type of beer.

1 Q. Very well. So to your knowledge were these workers often drunk?

2 A. This information can be provided by those that were drinking beer
3 with them. I wouldn't know because I wasn't invited to their table.

4 Q. Okay. You also mentioned some cultural dances. You were saying
5 that these workers were doing cultural dances. What kind of cultural
6 dances are we talking about? Could you tell us a bit more about this?
7 Can you tell us about the number of dances, what kind of dance we're
8 talking about exactly?

9 THE INTERPRETER: Unfortunately, we cannot hear the witness,
10 Your Honour.

11 MR. ALTIT: [Interpretation]

12 Q. Could you please turn on your microphone, please. We cannot hear
13 you, Witness.

14 A. These people were dancing on regional songs from the Rukiga
15 region. All we could hear were the voices coming from the building where
16 they were dancing.

17 Q. So you were hearing them from outside?

18 THE INTERPRETER: Your Honour, unfortunately we cannot hear the
19 witness.

20 MR. ALTIT: [Interpretation]

21 Q. Witness, can you please turn on your microphone.

22 A. Well, when people were walking by these workers' house, they
23 would hear these songs. So people that were coming back home from work
24 would hear these voices, would hear these songs being sung.

25 Q. Did you hear them yourself?

1 A. I live about a kilometre away from that place, so I wasn't able
2 to hear these songs.

3 Q. So you wouldn't walk by Kabuga's house?

4 A. No, I couldn't go anywhere near this house. Even to go to work,
5 I made sure that I would stay away from this house. And my work was
6 quite away from -- far away from the residence.

7 Q. So paragraph 2 of your statement, you then say that:

8 "Later most of these labourers became the core of his
9 Interahamwe."

10 What do you mean by this? Do you mean that this group of dancers
11 then became a group of Interahamwes?

12 A. Well, even the members of the population would go to this house
13 to train, and it's this group of people that I know the most. Often when
14 these people would get cans of oil, they would resell them. And then
15 there were also workers that came to Kimironko to make money, and these
16 workers would then go to this house to train.

17 JUDGE BONOMY: Excuse me. At the moment, Maître Altit, you and
18 the witness seem to be living in parallel universes.

19 Witness, it was explained to you at the beginning that what's
20 expected here is that you answer the questions that you're actually
21 asked. Now, it doesn't appear to me at the moment that you're really
22 trying to do that. Listen carefully to what is being asked by
23 Maître Altit and answer that particular question. And if you don't know
24 the answer, say so.

25 Maître Altit.

1 MR. ALTIT: [Interpretation] Thank you very much, Your Honour.

2 Q. Witness, so let me ask you the question again. And, indeed, we
3 would like to have a precise answer. And if you don't know it, please do
4 let us know.

5 So from your statement, should we understand that this group of
6 dancers that you talked about then became a group of Interahamwe, turned
7 into a group of Interahamwe?

8 A. Yes. Whether we're talking about these people or the other
9 inhabitants of Kimironko, they were all working together.

10 Q. Very well. When did that start?

11 A. Around the beginning of the genocide. I got that information in
12 February 1994, from what I can recall. And the genocide was about to
13 start.

14 THE INTERPRETER: The interpreter switched on the wrong channel
15 and apologises.

16 MR. ALTIT: [Interpretation]

17 Q. Witness, you said at the beginning of the genocide, and then you
18 said in February 1994. There is a time discrepancy between the beginning
19 of February and April, the beginning of the genocide. Can you specify
20 your answer? Was it in February of 1994 or in the beginning of the
21 genocide, i.e., in April of 1994?

22 A. In the beginning of the year 1994, so January, February, March,
23 until April.

24 Q. You mean to say that it was during that period of time that the
25 group of dancers turned into Interahamwe? Is that what you're saying?

1 A. Yes, this group turned into Interahamwe during this period of
2 time, i.e., those few months in the beginning of 1994.

3 Q. And how do you know that?

4 A. Those people would go to that location and sometimes they would
5 receive cans of cooking oil, as I said. And those people would leave the
6 location and go out and try and resell those cans of oil, and it was on
7 those occasions that they would say that they were returning from
8 training sessions at Kabuga's.

9 Q. And what kind of training sessions were these?

10 A. Well, they were trained on how to kill the Tutsi. And after they
11 returned or they finished with the training sessions, these people were
12 drunk and they would talk about it.

13 Q. And you heard this yourself, personally?

14 A. Well, for example, somebody called Zahabo Minana [phoen], when he
15 would try to sell his oil, he would talk about it. Then there's somebody
16 called Mugabonake, and I heard those two individuals say so.

17 Q. And where are these two persons today?

18 A. These people used to live in Kimironko. They went to the Congo,
19 and to this day, they haven't returned.

20 Q. Do you know whether they were killed in the Congo?

21 A. Whether they might be alive or dead, I don't know. I have no
22 information on that.

23 Q. So, Witness, you say that they would have provided this kind of
24 information, but in your statement, you say, and this is under para 2:

25 "I have no first-hand information on this point."

1 You say that. And then after that, you say these workers became
2 the hardcore of the Interahamwe, and you say:

3 "I have no information on this point."

4 There is a discrepancy. There is a contradiction here. How can
5 you explain that?

6 A. I got the information from people who had heard it from the
7 individuals in question.

8 Q. I see. How many, to your knowledge, were the group of
9 Interahamwe in Kimironko?

10 A. There were many. I can't tell you how many.

11 Q. Okay. And where would they train?

12 A. They would train in the compound of Kabuga's house.

13 Q. And all of the Interahamwe groups, with no exception?

14 A. Well, there were different locations where the Interahamwe were
15 trained, but I don't know them all, all of these different places. I
16 only know the one that was Kabuga's house.

17 Q. Okay. So is it correct to say that among the different places
18 where the Interahamwe would train, you only know one, which is Kabuga's
19 residence. Is this what you say in your statement?

20 A. Yes. Kabuga had a large plot of land and a large compound, and
21 it was the only location where the Interahamwe would train that I know.

22 Q. Okay. So do you know where inside of Kabuga's compound the
23 Interahamwe would train? You just said it was a large plot of land. So
24 where exactly, if you do know, would they train?

25 A. I know Kabuga's residence.

1 Q. So where exactly in his residence was it?

2 A. Well, you see, he had a large property. To this day, one can't
3 realise how large it was. So I can't tell you whether the group was
4 trained inside the house or in any other part of the property.

5 Q. So that we understand correctly what you say, you said you would
6 hear many people -- from people who had gone into the property, the
7 people who had heard the songs, but nobody, none of these people said
8 exactly where in the property the training was imparted?

9 A. These people were not in a position to know where the training
10 was given, because they would pass -- or they would walk past the
11 compound. These were passersby, so they could only hear the singing.

12 Q. Okay. So you said what happened on April 7th after the
13 president's plane crashed, and you say, and I quote:

14 "Fleeing refugees said that the soldiers from Kami barracks saw
15 Interahamwe from Félicien Kabuga's compound who were attacking and
16 killing people in their homes."

17 This is in paragraph 4 of your statement. Did they say so to you
18 personally?

19 A. One of the persons who told me this was a vicker, and his name
20 was Simon Sempiga. On the road to Kami, the military would group people
21 up in houses, and after that they would throw grenades onto the houses.
22 So the people said if you carry on down that road, they might kill you
23 too. So I turned around and went back immediately.

24 Q. So you walked back. And where were you heading for?

25 A. I was heading for the Karama school, because that's where many

1 Tutsis had found refuge.

2 Q. Okay. So if I understood correctly what you said in your

3 (redacted)

4 (redacted)

5 (redacted), it was a

6 Thursday. We spent the night of that day, and the next day, I took my

7 kids to the Karama primary school. And that's when I ran into a vicker

8 who warned me not to carry on on my way for fear of being killed.

9 Q. Okay. So that it's perfectly clear --

10 THE INTERPRETER: Maître Altit stopped.

11 MR. RASHID: [via videolink] Your Honour, if we could just go into
12 private session.

13 JUDGE BONOMY: Do you have a point to make, Mr. Rashid?

14 MR. RASHID: [via videolink] There is an aspect I would like for
15 the Court to redact.

16 JUDGE BONOMY: Yes.

17 MR. RASHID: [via videolink] The witness' answer and the question
18 of Maître Altit.

19 JUDGE BONOMY: Well, can you direct me to the lines?

20 MR. RASHID: [via videolink] It's the name of the neighbour
21 referred to.

22 JUDGE BONOMY: So from 10-1 to 10-4, is it?

23 MR. RASHID: [via videolink] Yes, Your Honour.

24 JUDGE BONOMY: Yes, that will be redacted.

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

1 JUDGE BONOMY: Maître Altit.

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

3 Q. So, Witness, so that we can understand you correctly, you turned
4 back on your way to Karama school, on your way to the school, before you
5 reached the school; is that correct?

6 A. I walked up the Karama hill, and I left my children there. Then
7 I turned back. On the road -- on the road, I ran into the vicker, and he
8 said people were being killed, so I walked back.

9 Q. You said "I left my children there." Where did you leave your
10 children?

11 A. I left them at the Karama school. I left them at the school. I
12 left, and when I returned, I found them there at the school.

13 Q. Okay. So you walked into the school, you left your children
14 there, you walked out again, and you walked away, turning back; is that
15 correct?

16 A. Yes. Yes. And I returned to the school.

17 Q. Okay. In your statement under paragraph 4, you say -- you are
18 talking about Hutu and Tutsi refugees who are fleeing, and you say about
19 how these people -- you say:

20 "When they arrived at the Karama school, the Interahamwe military
21 separated the Hutu from the Tutsi."

22 So my question is on your way to the school and on the way back,
23 you walked past roadblocks, Interahamwe-manned roadblocks, who were there
24 on your way to the school and on your way back, or were there no
25 Interahamwe roadblocks?

1 A. On my way, there were no roadblocks. I did not even see or meet
2 any soldiers on my way. And I did not walk on the road. I used foot
3 paths, never having to use the road.

4 Q. So paragraph 6 in your statement, you said that on April 10th you
5 left Karama primary school and you went to Kimironko to search for your
6 wife and other family members. On your way, you met someone, a Hutu
7 neighbour, who explained to you that everyone had been killed. And then
8 you go back to the primary school.

9 And so for this new path, from Karama to when you met your
10 neighbour and then on the way back, on that itinerary, were there any
11 roadblocks?

12 A. I left the school on Sunday 10th at 2.00 p.m. I ran back to
13 Kimironko. I met Rugangura who told me at 1.00 p.m. members of my family
14 had been killed. So I spent the night in Kimironko in the bush, and I
15 went back on the other side only when I had nowhere to hide anymore. And
16 I think that I went back there on the Tuesday.

17 Q. So you left Karama school on April 10th, if I am correct. Then
18 you spent two nights outside of the school compound, and you went to
19 Kimironko then on April 12th; is that correct?

20 A. Yes, I spent two nights there. And once I slept in the bush and
21 I was attacked by ants, and (redacted), who gave me
22 shelter for one night. And the next day, at night on the Monday, I left.

23 Q. Thank you.

24 MR. ALTIT: [Interpretation] I think the Prosecutor is probably
25 going to redact a passage.

1 JUDGE BONOMY: Mr. Rashid.

2 MR. RASHID: [via videolink] Yes, Your Honour. Again, there are
3 some names being mentioned that ought to be redacted.

4 THE INTERPRETER: Interpreter correction: At 10:34:01, not sure
5 that the day was actually Monday. Apologies.

6 JUDGE BONOMY: This is line 12-18, is it?

7 MR. RASHID: [via videolink] Yes, Your Honour.

8 JUDGE BONOMY: That will be redacted.

9 MR. ALTIT: [Interpretation] Thank you, President.

10 Q. So on Tuesday - Tuesday - you leave for Kimironko. And what
11 happened afterwards? Just quickly, a quick timeline, just to give us an
12 idea of where you were going, where you stayed, and so on.

13 A. Well, in just a few words. On the 10th I went back to Kimironko.
14 I practically ran there. (redacted)
15 (redacted)and they had been killed.
16 And I felt very bad. And I went to spend the night in a trench, an
17 anti-intrusion trench. And I spent the night there. I was attacked by
18 ants. And I went over to Kaduri's using another path, another itinerary.

19 Q. I wanted to interrupt you just before you mentioned that name.

20 JUDGE BONOMY: Well, how are we going to deal with this, Maître
21 Altit? We can't just keep interrupting every couple of minutes because a
22 name springs out. So we've got to have a system. If this is going to be
23 repeated, we need to go into private session, unless you control the
24 witness in a way that prevents it happening.

25 MR. ALTIT: [Interpretation] Well, Mr. President, I don't think

1 that this will happen. As for this specific passage, I think that we can
2 redact it after this sitting. Let's try open session, please.

3 JUDGE BONOMY: Well, please be careful.

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

5 Q. So, Mr. Witness, you spent the first night outside. On the
6 second night, you were given shelter. Then what happened? And would you
7 please, if there are any names, would you please tell me ahead of time
8 that you have names to give so that we can move into private session.

9 A. On the first night, I slept in the bush.

10 JUDGE BONOMY: Witness, we've had that twice already, and we know
11 that on the second night you got accommodation. We want answers to what
12 happened after that, so move on, please.

13 THE WITNESS: [via videolink] [Interpretation] I left Kimironko
14 for the second time and I ended up at a roadblock. I got arrested, and I
15 was taken to the sector office where I was beaten.

16 MR. ALTIT: [Interpretation]

17 Q. All right. So let me come back to what you just said. In your
18 statement, sir, you just said, and I will quote you, paragraph 7, around
19 2.00 p.m. on that same Sunday, 10 April 1994, you said you were summoned
20 inside the Karama school. You said there that you were inside Karama
21 primary school. So you were summoned with everyone inside Karama primary
22 school for a meeting.

23 "Immediately after the meeting started," you say you saw "three
24 vehicles arrive full of Interahamwe, and those Interahamwe started
25 beating and killing the people in the school compound."

1 And that's when you ran away. So you see that that's a Sunday.
2 And you are saying that nothing happened between the time you left the
3 school and the time you were apprehended at the roadblock. So can you
4 speak to this contradiction, please?

5 A. The statement you're referring to is more correct. I left Karama
6 school at 2.00 p.m. when people were starting to get killed. I went
7 towards Kimironko and spent the night in the bush. And then when I saw
8 that the situation was becoming very tense, I left at night, and it's on
9 my way to Karama that I got to a roadblock where I was apprehended and I
10 was taken to a sector office, Bureau de Sector, where I was beaten.

11 Q. All right. And who was responsible for the beating?

12 A. Many people attacked me. I didn't know some of them, but I did
13 recognise one Issa who had a bow and almost managed to shoot me with an
14 arrow. I tried to run away, and then I was attacked with a nail to my
15 head. I fell on the ground and then lots of people started beating me,
16 and I don't know who that was.

17 Q. And do you know what happened to this Mr. Issa?

18 A. I don't see him anymore.

19 Q. You haven't seen him since when?

20 A. The last time I saw him was when my attackers were pushing me in
21 front of them and they were attacking me, they were beating me. I
22 haven't seen him since that date.

23 Q. All right. Now, concerning your relation of events in your
24 statement, you talk about three trucks. Afterwards, you mentioned three
25 Toyota pickup trucks that came into the compound, and you say that after

1 the war, you heard that one of these vehicles belonged to one Gasimba, a
2 prominent businessman in Kimironko. That was something that you heard of
3 after the war, but you did not know that at that time; is that correct?

4 A. When I was at the school, I saw many vehicles arrive and I fled.
5 But later on I heard people, and I am talking about after the genocide, I
6 heard people saying that amongst those vehicles one of them belonged to
7 Gasimba, and that Gasimba had a drinking place, a bar that was well known
8 called Umtekano.

9 Q. All right. And this Gasimba, was he a member or a leader of an
10 Interahamwe group?

11 A. Gasimba was a well-known shopkeeper, merchant, who lived not very
12 far from Kabuga's, and he was also an Interahamwe.

13 Q. And where does he live today? Where is he today? Do you know?

14 A. I have no information as to where he may be.

15 Q. All right. So you said that an officer of the communal police
16 saved you, and he told the Interahamwe that the RPF soldiers were on
17 their way. Is that true? Were the RPF soldiers on their way?

18 A. The municipal policeman was on a motorcycle with his police
19 uniform. He had a gun, and he told the Interahamwe, "Do you know how the
20 inyenzi are moving? They are not far from us here in the banana grove,"
21 and he continued onwards with his motorcycle.

22 JUDGE BONOMO: The question, Witness, was is that -- is what he
23 said true? Now, you haven't answered that question. Were the RPF
24 soldiers close by?

25 THE WITNESS: [via videolink] [Interpretation] The Interahamwe

1 appeared immediately, and I was -- I stayed in a house nearby, and it was
2 the army that then freed us from the house.

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

4 Q. Did they come to free you on that same day or a few days later?
5 When exactly?

6 A. I was attacked on the 13th, and the RPF then came to get us on
7 the Saturday.

8 Q. Very well. Had the Hutu population fled then?

9 A. When these RPF soldiers arrived, they were rescuing everyone -
10 both Hutus and Tutsis. Everyone was gathered around and then we were
11 brought food.

12 JUDGE BONOMY: Maître Altit, it's approaching time for a break.
13 Are you near to the end of your cross-examination?

14 MR. ALTIT: [Interpretation] Your Honour, I believe that I have
15 another seven to eight minutes. So if we could wait until the end of the
16 cross-examination, I think that would be simpler.

17 JUDGE BONOMY: Very well.

18 MR. ALTIT: [Interpretation]

19 Q. Witness, so you're telling us that when the RPF soldiers arrived,
20 no one was hunting for Hutus anymore?

21 A. No, no one that were with me had issues. We went to get some
22 food and no one got attacked.

23 Q. Not even in the following weeks; is that right?

24 A. Well, that's what I experienced where I was. No one got
25 attacked.

1 Q. Very well. So the RPF soldiers arrived on the Saturday, as you
2 said, on 16 April, I believe?

3 A. Yes, they arrived on that date, and they found us where we were.

4 Q. Where were the soldiers between Sunday, 10 April, and 16 April?
5 Were they in the surroundings? Where exactly? On which hill? Where
6 exactly were they located? Can you tell us?

7 A. We were staying inside, so we didn't really know what was
8 happening outside, because we wouldn't leave the house.

9 Q. And what about afterwards when you got rescued? Didn't anyone
10 tell you about the operations, how the operations went during that
11 period? You still don't know what happened at that time?

12 A. When the inkotanyis came to take us, so they took us to some
13 place, and we stayed there. They just got us some food. But we didn't
14 know anything about what was happening outside of this house.

15 MR. ALTIT: [Interpretation] Your Honour, I am now finished with
16 my cross-examination.

17 JUDGE BONOMY: Thank you, Maître Altit.

18 [Trial Chamber confers]

19 JUDGE BONOMY: We shall now have a break for 15 minutes and
20 resume, hopefully, by 5 minutes past 11.00.

21 --- Recess taken at 10.51 a.m.

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

23 JUDGE BONOMY: Witness, Judge El Baaj has some questions for you.

24 Questioned by the Court:

25 JUDGE EL BAAJ: [Interpretation] Good morning, Witness. You said

1 at paragraph 4, line 7, of your statement that refugees from the Kami
2 compound and that people from Kabuga's house then attacked some refugees.
3 Can you mention these refugees? Who were they exactly?

4 A. So the one who told me about this was Sempiga. He was a pastor,
5 and he was living by Karama's compound. He was telling me that people
6 were gathered in houses and were being killed there. And so he warned me
7 that I would probably also be killed if I was doing the same. So that
8 was Simon Sempiga.

9 JUDGE EL BAAJ: [Interpretation] At paragraph 5, you talked about
10 the Masizi people, people from Masizi. Can you explain to us who these
11 people were?

12 A. I wanted to talk about Simon Sempiga, the pastor, and his son
13 that was with him, Manase was his name, and they all lived in Masizi.

14 JUDGE EL BAAJ: [Interpretation] Very well. And then paragraph 6,
15 line 9, you said that:

16 "Mugabo Ildephonse and Kagabo both participated in the killing of
17 my wife."

18 Who is your source there for such a statement?

19 A. Regarding what Kagabo and Mugabo did, I got this information from
20 a man and a woman that were neighbours. They gave this information
21 during a trial.

22 JUDGE EL BAAJ: [Interpretation] Do you know their name, the name
23 of these neighbours?

24 (redacted)

25 (redacted)

1 (redacted)

2 JUDGE EL BAAJ: [Interpretation] Thank you. Do you know whether
3 these two people were Interahamwe soldiers or civilians?

4 A. They were civilians, and they just lived below our house.

5 JUDGE EL BAAJ: [Interpretation] So I'm not talking about the
6 neighbours here. I'm talking about these two people that took part in
7 the killing of your wife. Were they Interahamwes, civilians, or
8 soldiers?

9 A. They were members of the population, they were our neighbours,
10 and they were Interahamwes.

11 JUDGE EL BAAJ: [Interpretation] Paragraph 7, line 4 of your
12 statement, you talked about three Toyota trucks, and then you remembered
13 the colours, and then you mentioned just one truck that was red. So what
14 was the colour of the other two trucks?

15 A. The trucks were far from me, so I couldn't really identify them.
16 People were being killed, so I didn't really have the state of mind that
17 allowed me to identify each truck. And, in fact, I immediately fled
18 right afterwards.

19 JUDGE EL BAAJ: [Interpretation] Yes, I perfectly understand. You
20 were saying that these trucks were full of Interahamwes. How can you be
21 sure that they were Interahamwes? Were they wearing a specific uniform?
22 Did they have anything that would allow them to be identified as
23 Interahamwes?

24 A. These trucks came from Kimironko, and everyone knew it. They
25 went through Rubungo, then they went all the way to the primary school.

1 And it was about 2.00 p.m. Everyone could see these vehicles coming, and
2 they were full of people and they were coming from Kimironko.

3 JUDGE EL BAAJ: [Interpretation] Thank you. You also said that at
4 the Karama school, soldiers were present as well at first. Do you know
5 why these soldiers were there? Why were they present at the Karama
6 school?

7 A. These soldiers came to the Karama school, but they said that they
8 had no leader. Then they took the deputy mayor aside, then the deputy
9 mayor announced that there was a meeting, and that's when the
10 Interahamwes arrived. And they were brought in pickup trucks, and that's
11 when I fled.

12 JUDGE EL BAAJ: [Interpretation] Thank you very much. I have no
13 further questions.

14 JUDGE BONOMO: Mr. Rashid, do you have re-examination?

15 MR. RASHID: [via videolink] Yes, Your Honour, just one question
16 for the witness.

17 Re-examination by Mr. Rashid:

18 Q. Witness, just a minute ago, when Judge El Baaj asked you
19 questions about the refugees who were attacked by the soldiers from Kami
20 barracks and the Interahamwe, are you aware of the ethnicity of those
21 refugees who were attacked?

22 A. Most of the people that had sought refuge at the Karama school
23 were people who were living in this area and most of them were Tutsis.

24 MR. RASHID: [via videolink] Mr. President, I have no further
25 questions in re-examination, but I would like to raise one issue in terms

1 of redacting some aspects of the witness' evidence because of witness
2 protection issues. At page 19 --

3 JUDGE BONOMY: Well, Mr. Rashid, for certain reasons, it would be
4 best if you deal with these when we have to rise, obviously, to change
5 the witness, and I would rather not delay that process. Okay? And once
6 it's dealt with and we are notified, I can deal with it straightaway when
7 I come back onto the Bench. Thank you.

8 Witness, that completes your evidence. Thank you very much for
9 coming here to give the evidence. The Trial Chamber appreciates how
10 difficult it can be, even at this late date so long after these events,
11 to re-live the experiences you have had, and we are grateful that you
12 were prepared to do that to give your account.

13 The Trial Chamber will now adjourn while arrangements are made
14 for the introduction of the next witness.

15 --- Recess taken at 11.16 a.m.

16 [The witness withdrew via videolink]

17 [The witness entered court via videolink]

18 --- On resuming at 11.26 a.m.

19 JUDGE BONOMY: Ms. Adong, are you leading this witness?

20 MS. ADONG: [via videolink] Yes, Your Honours, I'm leading the
21 witness.

22 JUDGE BONOMY: Thank you.

23 Witness, before we start your evidence, we have the vital process
24 of the declaration to tell the truth. Could you please now make that
25 declaration. It will be shown to you. Just read what's on the document.

1 THE WITNESS: [No interpretation].

2 JUDGE BONOMY: There's no interpretation.

3 THE INTERPRETER: We can't hear the witness. We can't hear the
4 witness.

5 JUDGE BONOMY: Well, I certainly heard the witness but not in
6 English.

7 THE INTERPRETER: Now we can.

8 THE WITNESS: [via videolink] [Interpretation] I dare declare to
9 say the truth, all the truth, and nothing but the truth.

10 WITNESS: KAB053

11 [Witness testified via interpretation]

12 [Witness appeared via videolink]

13 JUDGE BONOMY: Thank you very much. It's important, Witness,
14 that you listen carefully to each question that's asked and answer the
15 specific question that's been asked as directly as you can. Do you
16 understand that?

17 THE WITNESS: [via videolink] [Interpretation] I understand.

18 JUDGE BONOMY: Thank you. If you do that, we'll all get along
19 very well.

20 The first person to ask you questions will be on behalf of the
21 Prosecution and that's Ms. Adong.

22 Ms. Adong.

23 MS. ADONG: [Via videolink] Thank you.

24 Your Honours, could Rule 70 70934, the attestation form, be
25 brought up on the screen, please. This is not to be broadcast publicly.

1 Examination by Ms. Adong:

2 Q. And while that is being brought up, Witness, the Court has
3 ordered certain protective measures with respect to you and your evidence
4 here today. These include the use of a pseudonym, a face and voice
5 distortion. You will, therefore, not be referred to by your name but by
6 the pseudonym, which is KAB053. Do you understand?

7 A. Yes, I understand.

8 JUDGE BONOMY: Ms. Adong, you should have the document.

9 MS. ADONG: [Via videolink] Your Honours, unfortunately, because
10 of the setting of the courtroom here, I cannot see a document on my
11 screen yet. Usually it comes up for the witness before me.

12 I am informed the witness can now see the document.

13 Q. Witness, do you recognise the signature at the bottom, your
14 signature at the bottom of that document?

15 A. Yes, I recognise the signature on the document.

16 Q. The document that is in front of you identifies a prior
17 statement, your prior testimony of June 2011, a corrections and
18 clarifications document of 2023, and your pseudonym sheet. Can you
19 please confirm that these documents, taken together, accurately reflect
20 your evidence and what you would say if examined here today?

21 A. I confirm.

22 MS. ADONG: [Interpretation] Your Honours, at this point the
23 Prosecution tenders into evidence the attestation form, which is
24 Rule 70 7 ...

25 JUDGE BONOMY: There's a break in communication.

1 MS. ADONG: [Via videolink] I'll take that again, Your Honours.

2 JUDGE BONOMOY: Thank you.

3 MS. ADONG: [Via videolink] At this point, the Prosecution tenders
4 into evidence the attestation form, which is Rule 70 70934 along with all
5 the other documents that are listed therein.

6 JUDGE BONOMOY: These will be admitted and given numbers, and
7 these numbers will be circulated.

8 MS. ADONG: [Via videolink] Thank you, Your Honour. And those are
9 to be tendered under seal. Thank you.

10 I will now read a public summary of the Rule 111 evidence, which
11 does not form part of the evidence.

12 JUDGE BONOMOY: Before you do that, can I ask you to clarify
13 something for me in the public summary, and it's in the second last
14 paragraph. If you look at the first line where there's a reference to
15 being introduced as a major and then the word "thunder," is that a
16 mistake?

17 MS. ADONG: [Via videolink] Your Honour, that's not a mistake.
18 That's straight from the witness' testimony.

19 JUDGE BONOMOY: Well, speaking for myself, I have no idea what a
20 major thunder of a political party is, but I know what a major funder of
21 a political party is.

22 MS. ADONG: [Via videolink] Your Honour, could you repeat the
23 paragraph number. I seem to be lost. I was looking at paragraph --

24 JUDGE BONOMOY: Oh, sorry. No, it's my mistake, because I didn't
25 realise there was anything on the second page. It is the fifth paragraph

1 of the summary, first line.

2 MS. ADONG: [Interpretation] Your Honour, that is the evidence.

3 JUDGE BONOMY: Very well. Proceed to read your summary. But
4 between now and the end of the evidence, it would be helpful for us to
5 find out what a "thunder" is.

6 MS. ADONG: [Via videolink] Much obliged, Your Honours.

7 KAB053, a Tutsi and resident of Musave cellule, learnt of the
8 training at Kabuga's house from one of the Interahamwe named Mugenzi
9 Etienne who attended the training.

10 The witness saw Kabuga on TV on two occasions at two rallies - in
11 1992 in Kibilira, Gisenyi, where Leon Mugesera spoke, and in 1993 in
12 Ruhengeri where the president promised to buy uniforms for the
13 Interahamwe. The message was the same - to kill the Tutsi. After these
14 rallies, Tutsi were beaten and attacked by Interahamwe in several areas
15 including Kibilira, Bigogwe, and Bugesera.

16 Witness also saw Kabuga at an MRND rally at Musave school in
17 March or at the end of February 1994. Witness, a PL party member, only
18 attended the rally because it was taking place in her native area,
19 Rubungo. Interahamwe from neighbouring sectors and some who were
20 Witness' neighbours also attended the rally.

21 Witness saw Bikindi's group, the Irindiro, entertain the
22 population at the rally with Bikindi's songs, which called for the
23 extermination of Tutsi.

24 Witness heard Kabuga being introduced as, I quote, "a Major
25 thunder of the MRND, a leader of the Interahamwe, a dignitary of the

1 party" and Kabuga received a thunderous applause and a standing ovation.
2 The witness saw Mathieu Ngirumpatse, the MRND representative, take the
3 floor and heard him urge to the Hutu to pull their efforts and fight the
4 inkotanyi who were out of the country and their accomplices who were the
5 Tutsi living in the country.

6 Witness saw Félicien Kabuga also take the floor and reiterate the
7 anti-Tutsi message of the other speakers. Witness heard Kabuga pledge
8 that, "I am here to give support. The country is ours. The inyenzi
9 cannot take the country." Kabuga also stated that there were young
10 people present at the rally who were training at his house. Following
11 the remarks by Kabuga and the other MRND speakers, Interahamwe attacked
12 some Tutsi during the rally and they left before the end. Witness was
13 also hit with his elbow by a much younger boy and she fell down. She
14 then left the rally and hid in the banana plantation with the other
15 Tutsi.

16 After the rally, Interahamwe beat up some Tutsi and looted other
17 Tutsi's property. The attackers included Mugenzi Etienne, who was one of
18 the most notorious and feared Musave Interahamwe.

19 After the death of the president, things got worse and a Tutsi
20 old lady from Witness' neighbourhood called Margaret was killed by the
21 Interahamwe including Mugenzi. Witness and other Tutsi then fled the
22 area and sought refuge at Jurwe. The witness' house was destroyed, their
23 cows stolen, and members of her family killed by the Interahamwe.

24 That's the end of my public summary, Your Honours, and I have no
25 questions. Thank you.

1 JUDGE BONOMY: Thank you, Ms. Adong.

2 Now, Witness, you will now be asked questions on behalf of
3 Mr. Kabuga's Defence by Maître Altit. And the same rules apply. You
4 listen carefully to the question and answer the specific question that
5 you are asked. Thank you.

6 Maître Altit.

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

8 Your Honour, I'm looking at the clock, and we have only a few
9 minutes left. Do you wish me to begin, or should we delay until
10 tomorrow?

11 [Trial Chamber and legal officer confer]

12 JUDGE BONOMY: The information I have is that we've about 13
13 minutes, and I think in that case it is worth proceeding.

14 MR. ALTIT: [Interpretation] Duly noted, sir. I guess we're not
15 good at math.

16 Cross-examination by Mr. Altit:

17 Q. [Interpretation] Madam Witness, hello. Good morning. We did not
18 hear you, Witness. I think you have a button that you need to push to
19 activate the microphone.

20 A. Hello.

21 Q. Madam Witness, my name is Emmanuel Altit, and I am counsel for
22 Félicien Kabuga. I will be asking you questions, and I would appreciate
23 if you could answer precisely and concisely. Do you agree?

24 A. I agree.

25 MR. ALTIT: [Interpretation] So, firstly, Your Honour, with your

1 authorisation, could we move into a private session for a few minutes?

2 JUDGE BONOMY: We shall. Thank you.

3 [Private session]

4 (redacted)

5 (redacted)

6 (redacted)

7 (redacted)

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

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13 [Open session]

14 THE REGISTRAR: We are back in open session, Your Honours.

15 JUDGE BONOMO: Maître Altit.

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

17 Q. So, Madam Witness, in your witness statement dated 28 June 2011,
18 you stated that twice you saw on television an excerpt of a rally where
19 you saw Mr. Kabuga and an excerpt of another rally where you also saw
20 Mr. Kabuga.

21 So I would like to ask a question on the second rally that you
22 saw on TV. You said it was in 1993 and you said that at that meeting
23 President Habyarimana was present. And you said that
24 President Habyarimana, and I will quote you -- that's page 60 in the
25 French version of 28 June 2011. So I will quote you. And you are

1 referring to Mr. Kabuga:

2 "So on the second occasion he was with the president at another
3 rally when the president said that he would buy uniforms for the
4 Interahamwe and go down with them. And when he was talking about going
5 down with the Interahamwe, he meant killing the Tutsis."

6 And so that's your statement about what you saw on television.
7 So my first question is: It's when you saw the excerpt on TV that you
8 heard the president pronounce that statement; is that correct?

9 A. I did see the president at the meeting and heard him.

10 Q. Thank you. And during the excerpt, that's when you heard the
11 president make that statement; is that correct?

12 A. Yes, that's correct. Every time the president spoke, his
13 speeches would be broadcast, and that's how I heard about what he had
14 said.

15 Q. All right. And are you sure that you understood the president's
16 statement correctly? You said that he said -- you said that what he
17 meant was, we need to kill the Tutsis. Is that really what you heard?

18 A. I don't know if that's what you're reading. What he said was
19 that he was going to get uniforms for the Interahamwe and go down,
20 "descendre," in French, and in the context of what he said, I understood
21 that it meant going to hunt down Tutsis and get them wherever they were.

22 Q. So you're saying today that what you said in your statement is
23 your understanding of what the president said, but those were not his
24 literal words. That's what you understood was the meaning, the subtext,
25 as it were; is that correct?

1 A. That's not true.

2 THE INTERPRETER: If the interpreter heard correctly.

3 MR. ALTIT: [Interpretation]

4 Q. Well, then, can you tell us the exact words of the president?
5 Then you'll tell us what you understood, but what did he say precisely?

6 A. The president said he would go down, "descendre," with the
7 Interahamwe after having found uniforms. The rally was in Ruhengeri, as
8 I said in my statement. And he said that once he had found correct
9 clothing for the Interahamwe, they would go down, "descendre." At the
10 time everyone knew that we were supposed to kill the Tutsi, and that was
11 the message everywhere. That's what he said. And proof of that is --
12 the proof of that is that later some Tutsis were starting to be killed
13 everywhere, even before the actual genocide.

14 MR. ALTIT: [Interpretation] Your Honour, Mr. Kabuga is asleep.
15 He has nodded off.

16 JUDGE BONOMO: Thank you for alerting me, Maître Altit. I see
17 that he is awake now. There are only two remaining minutes, so now is an
18 appropriate place, if it's convenient for you, to adjourn the trial.

19 MR. ALTIT: [Interpretation] Yes, I agree, Your Honour.

20 JUDGE BONOMO: Now, Witness, we have to end our proceedings for
21 today at this time, and that means that we will have to complete -- or
22 continue with and hopefully complete your evidence tomorrow from 10.00.

23 Meanwhile, it is very important that you do not have any
24 discussion whatsoever with any person about any of the evidence in this
25 case. Do you understand that?

1 THE WITNESS: [via videolink] [Interpretation] Yes.

2 JUDGE BONOMY: Thank you very much.

3 Court is now adjourned until 10.00 a.m. tomorrow.

4 --- Whereupon the hearing adjourned at 11.54 a.m.

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