

1 Wednesday, 15 February 2023

2 [Open session]

3 [The accused appeared via videolink]

4 --- Upon commencing at 10.01 a.m.

5 JUDGE BONOMO: Good morning, everyone.

6 This morning we continue with the cross-examination of Witness

7 KAB035.

8 Maître Altit.

9 WITNESS: KAB035 [Resumed]

10 [Witness testified through interpreter]

11 [Witness testified via videolink]

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

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

14 Q. [Interpretation] Good morning, Your Honours. Good morning,  
15 Witness. Can you hear me?

16 A. Good morning. I can hear you.

17 Q. Very well. You explained to us in your statement that you were a  
18 refugee at the stadium at Remera. My first question is why did you go to  
19 the stadium at Remera?

20 A. The Remera stadium was the only place where we could hide. But  
21 when I left my hideout, my destination was not Remera because I wasn't  
22 sure that I would reach Remera. On my way there, at the Kinyinya  
23 intersection, I saw that the road was blocked. I went through the  
24 marshes until I reached Remera.

25 Q. Very well. In 22 April statement, page 2, in the French version,

1 the last paragraph, you say and I quote you:

2 "After several days the --"

3 No, I'm sorry.

4 "When I was in the stadium, I found a number of Hutus who had  
5 also sought shelter there."

6 Who were those Hutus? Well, first of all, what were they  
7 fleeing, those Hutus? Why were they there?

8 A. The Inkotanyi who were at the CND went to Remera and pushed all  
9 of those they met on the way to the stadium, whether they were Hutus or  
10 Tutsi, and they were all then at the stadium. In other words, the  
11 Inkotanyi had asked everybody to seek shelter at the stadium.

12 Q. Okay. Now, as regards the Hutus, were there many refugees from  
13 the north among them?

14 A. They were Hutus from the Remera neighbourhood. There were also  
15 other people who had come to look for work in Remera and they were known  
16 as Abapagashi. They were masons, farmers, who were looking for work.  
17 All of those people ended up in the stadium.

18 Q. Very well. You say, still in this last paragraph on the  
19 22 April 2003 statement, and I quote:

20 "After a few days, government forces started lobbing shells at  
21 the stadium."

22 How do you know that it was the government forces and not the  
23 RPF?

24 A. The RPF couldn't fire affecting themselves. They were -- these  
25 shellings were from Bumbogo, and we didn't know where the other shells

1 were coming from. In any case, the target was the RPF positions.

2 Q. Are you saying, then, that the positions of the RPF were close to  
3 the stadium?

4 A. Yes, that is correct. The Inkotanyi had taken the Remera Brigade  
5 and they had set up a position there. I'm talking about soldiers who  
6 were at the CND, and they came out to take up position at the Remera  
7 Brigade.

8 Q. Okay. So what you're saying is that CND and RPF soldiers came  
9 out and occupied positions in Remera. And when was that? Was it before  
10 17 April, before you arrived at the stadium; is that correct?

11 A. Yes. After the plane was brought down, that is what happened.

12 Q. Thank you. And at the same time you say, and I quote still from  
13 the statement of 22 April 2003 - page 3 of the French version, third  
14 paragraph on that page - and I quote:

15 "RPF soldiers who were in Karama came from the Byumba side, and  
16 they were not from CND Kigali because they were between Remera and  
17 Karama, which were Kimironko, Kibagabaga, Kinyinya, Kanombe, and parts of  
18 Remera was under the government forces."

19 Do we understand from what you are saying that there were both  
20 RPF soldiers from the CND and RPF soldiers coming from elsewhere?

21 A. Yes, that is correct. 600 soldiers from the RPF were based at  
22 the CND. When the genocide began, some of the 600 soldiers came out from  
23 the CND and went towards Remera. There were other RPF soldiers who came  
24 from Byumba in order to provide reinforcements to those who were in  
25 Kigali, and that was the group coming from Bumbogo.

1 Q. Okay. And the RPF soldiers coming from the north, what date did  
2 they arrive in Kigali? The 8th, 9th, 10th of April; do you remember?

3 A. I do not know which date it was, but when we left the stadium,  
4 the RPF soldiers took us towards Byumba. I cannot remember exactly which  
5 date it was, but it was at that moment that the RPF took the Kami camp,  
6 and that coincided with the RPF entering Kigali.

7 Q. Okay. If I understand correctly from your statement, you were in  
8 the stadium until 17 April and then you were transferred to Byumba; is  
9 that correct?

10 A. Yes, we were taken up to Byumba.

11 Q. So the latest, on 17 April, the stadium and the surrounding areas  
12 were under the control of the RPF; is that correct?

13 A. As for the stadium and the neighbourhood around it, it's true  
14 that part of that area was under the control of the RPF. But further  
15 down, below the road, there were government soldiers. I don't know  
16 whether you know the place where the primary school of Remera is located,  
17 but there, there were Rwandan soldiers. But certain parts of Remera were  
18 under the control of the RPF.

19 Q. Thank you. To make sure we understand correctly, what you're  
20 saying is that on a number of hills there were -- they were the positions  
21 of the RPF, and below that there were government positions; is that  
22 correct?

23 A. This is what I said. The RPF soldiers took the Remera Brigade  
24 and the place between the stadium and the CND. The RPF soldiers also  
25 took the area around the cemetery. The remainder of the neighbourhood

1 was under the control of the government forces.

2 Q. Okay. What happened to the Hutu population when the RPF soldiers  
3 took over certain zones? What happened to the Hutu population in those  
4 areas?

5 A. I told you that all members of the population in that area were  
6 asked to seek refuge at the stadium, whether they were Hutu or Tutsi.

7 Q. Okay. And the Hutu that you knew who were at the stadium, what  
8 became of them? Did some disappear afterwards? What happened? Do you  
9 know whether there was any massacre, any killing? Do you know what  
10 happened to them?

11 A. I told you that I was then taken to Byumba, but we were all told  
12 that those who wanted to come to Byumba should come with us and then,  
13 afterwards, some people chose to seek refuge somewhere else. Those who  
14 wanted to come to Byumba afterwards were also welcome in Byumba, but some  
15 stayed in the stadium. And everyone went to the stadium after the  
16 take-over.

17 Q. Among those who went to Byumba, were they Hutus?

18 A. Yes.

19 Q. Do you know whether in Byumba or in other areas in the north of  
20 the country, do you know whether there were Hutu massacres then?

21 A. I haven't heard about such massacre.

22 Q. Very well. When did you get back to your house? When was this  
23 exactly? Sorry, let me rephrase my question. When did you get back to  
24 your house after the genocide?

25 A. I came home when the Inkotanyi had control over the whole

1 country, which meant that I went home in July.

2 Q. Very well. Was the Hutu population massacred at this period of  
3 time?

4 A. There were massacres taking place during the genocide, but after  
5 the genocide I don't have any knowledge of any massacre that could have  
6 taken place.

7 Q. Very well. Here we're talking about RPF forces. Do you know  
8 exactly on which hills the RPF artillery was located?

9 A. I have no idea. I was only a refugee praying for his survival.  
10 I wasn't supposed to know exactly where -- which weapons were supposed to  
11 be located.

12 Q. Of course. Witness, moving onto something else now. So in your  
13 statement dating from 22 April 2003, you do not mention Félicien Kabuga.  
14 So my question is very simple: Why did you then want to talk about  
15 Félicien Kabuga in 2020?

16 A. Well, it very much depended on the questions that were being  
17 asked to me. If I was talking about the attacks and the Interahamwes or  
18 locations where the Interahamwes were training, then, of course, I was  
19 then going to be talking about Kabuga.

20 Q. Very well. My question is the following: Why, then, in 2020 -  
21 so 26 years after the facts - do you feel the need to talk about  
22 Félicien Kabuga, considering that you never mentioned him before, from  
23 what I gather?

24 A. I'm not quite sure I understand your question. Can you please  
25 repeat it?

1 Q. Of course.

2 JUDGE BONOMY: The difficulty, Maître Altit, may be it's the same  
3 question as he's just answered.

4 MR. ALTIT: [Interpretation] You might be right. If that may be  
5 the case, I still would like to repeat my question because I would like a  
6 more precise answer.

7 Q. Why would you be talking about Félicien Kabuga in 2020 and why  
8 didn't you talk about Félicien Kabuga in 2003?

9 A. I told you that my answers depended on the questions that were  
10 being asked to me. So now you're asking me some questions and I'm giving  
11 you an answer based on these questions. Yesterday you asked me different  
12 questions and my answers were different, depending on these questions.  
13 And I believe that back then the questions that were asked to me also  
14 included some elements regarding Kabuga, which is why I then mentioned  
15 Kabuga.

16 Q. Very well. So this idea to testify in the Kabuga case, was that  
17 your idea or was this an idea from the authorities that came to you?

18 A. Well, I would then like you to ask the question to the people  
19 that are here with me in the room. These people came to me and they  
20 asked me whether I could testify in that case, so maybe these people can  
21 then tell you whether they were told to come and get in touch with me. I  
22 believe that they contacted me and I answered their questions.

23 Q. Very well. But do you understand what is the purpose of my  
24 question? In 2003, you never mentioned Kabuga Félicien, and we now know  
25 that someone contacted you. So someone knew that you had something to

1 say about Félicien Kabuga. So how did that person know that you had  
2 something to say, considering that you never mentioned Kabuga before?  
3 That is my question?

4 A. [No interpretation].

5 Q. Would you like me to repeat my question?

6 A. Yes, please.

7 MS. ADONG: [via videolink] Your Honours, if I may.

8 JUDGE BONOMY: Yes.

9 MS. ADONG: [via videolink] Your Honours, counsel has asked the  
10 question several times and it's been answered, and now he's speculating.

11 JUDGE BONOMY: Now, Ms. Adong, it is surely obvious to you that I  
12 am aware of this particular problem here, and I will deal with it as I  
13 think appropriate.

14 Carry on, Maître Altit.

15 MS. ADONG: [via videolink] Most obliged, Your Honour.

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

17 Q. So, Witness, let me repeat my question.

18 I'm trying to understand why the authorities that contacted you  
19 knew that they had a reason to get in touch with you so that you could  
20 answer the questions about Félicien Kabuga, while you never mentioned  
21 Félicien Kabuga in your initial 2003 statement. What led them to think  
22 that you had something to say about Kabuga?

23 Is that clearer?

24 A. These people had access to my 2001 statement, when I explained  
25 how I sought refuge in various locations. I mentioned the different



1 locations and I talked about the Karama locations. I mentioned where the  
2 different roadblocks were, and that's when we talked about the  
3 Interahamwes and their activities, how they set up roadblocks, how they  
4 chased after us, and how we had to seek refuge. So when we were  
5 discussing the Interahamwes, then, of course, we were also talking about  
6 the different locations where the Interahamwes were training.

7 Q. Very well. Thank you very much.

8 Witness, I am now going to ask you some questions regarding your  
9 statements. If we compare the statements from 2003 and 2020, there are  
10 some differences between the two. So I'll try to sum up what you said in  
11 2003 and you'll then tell me whether I'm correct or not, and then we'll  
12 turn to 2020 to look at these differences.

13 Is that all right?

14 All right. So in 2003, you told that you left your house on 8  
15 April. Then you went to the Pentecostal church, where you stayed until  
16 11 April. Why 11 April? Well, because some Hutu friends warned you  
17 about an incoming attack, so you then went home on 11 April. And on 12  
18 April, you went to another church where you stayed there for a week,  
19 which takes us to 19 April. Then Paul Venant, your friend, warned you  
20 about another attack. Then you said that you left that church on 17  
21 April and you took some hidden routes. You don't mention any specific  
22 assistance provided by anyone else. And then you arrived at the Remera  
23 stadium where you will stay for two weeks.

24 So that's what you said in 2003. Is that what you declared in  
25 2003? Can you confirm?

1           A.    Yes.  If I've understood -- I'm not quite sure I've understood  
2           the two dates you mentioned between 17 and 19 April.  Can you repeat what  
3           you said about the 17 and 19.

4           Q.    Yes, of course, even though it's not a key issue.

5                    So you said on 12 April you went to a church.  You stayed there  
6           for a week in that church, which would take us to the 19th, but then you  
7           actually say that you left that church on 17 April so that's two days  
8           before the 19th.  So it doesn't change much, it doesn't make much  
9           difference.

10          A.    This is what I can tell you.  I did not go back home.  I actually  
11          stayed at the entrance of the compound where my house was and then I went  
12          to seek refuge right away in a church.  I don't remember exactly which  
13          day that was, but at some point I left the church to go to Paul Venant's  
14          house.

15                   MR. ALTIT: [Interpretation] Your Honour, I would like to say that  
16          Mr. Kabuga fell asleep now.

17                   JUDGE BONOMY:  I'm aware of that, Maître Altit, and with your  
18          questioning, I'm not surprised.

19                   What you're doing at the moment is asking the witness to confirm  
20          what he has already attested.  There's no point in going over one  
21          statement and saying, "Is that what you said?" and then the other one,  
22          "Is that what you said?"

23                   Tell him what the differences are and ask him for an explanation.  
24          Please.  I mean, please get to the point.  You're generally allowed an  
25          hour for cross-examination.  You've not indicated a good reason so far

1 for far exceeding that time. So please go more directly to the point  
2 that you want an answer to.

3 Mr. Kabuga's alert now and we can proceed.

4 MR. ALTIT: [Interpretation] Your Honour, the witness has just  
5 explained one of the differences, so he has understood what it was about  
6 and he explained, he gave an explanation, and it is because I asked him  
7 the question that he could you explain. That is my first point.

8 The second point is that I'm not sure that Mr. Kabuga has fallen  
9 asleep because it takes too long, my cross-examination. But if I'm doing  
10 so, it beguiles, it gives us a possibility of following Rule 11 which  
11 makes it more difficult for everybody because it requires us to come back  
12 to the former statement instead of having a first examination which is  
13 conducted as it should be. And given the circumstances and our  
14 constraints, we're doing as best as we can, and please believe me, it is  
15 not always easy.

16 JUDGE BONOMY: So what is the difference you're drawing my  
17 attention to at the moment?

18 MR. ALTIT: [Interpretation]

19 Q. So, Witness, now in your statement of 2020 --

20 JUDGE BONOMY: Tell me the difference that you've already  
21 identified in his statement, please.

22 MR. ALTIT: [Interpretation] For the time being, the witness  
23 answered the discrepancy, the small discrepancy between the two dates, 17  
24 April and 19 April, and he answered very clearly. And I'm now moving on  
25 to the second point that is in the declaration of 2020, in his statement

1 of 2020.

2 JUDGE BONOMY: You've lost me, but please continue with your  
3 cross-examination.

4 MR. ALTIT: [Interpretation] Thank you.

5 Q. So in 2020, Witness, you said you left your house without giving  
6 any specific date and that you took refuge in the ADEPR church. Is this  
7 the Pentecostal church you mentioned beforehand?

8 A. I went to two churches, and after that -- or there's one church  
9 in which I sought refuge the first time, and then the second one that I  
10 went to, when I went back to my neighbourhood.

11 Q. Fine. Very well. So I'll carry on with your statement. And in  
12 this church, you said your daughter came to tell you that Interahamwe  
13 were about to conduct an attack or were attacking, and then you fled with  
14 her.

15 There's a discrepancy between the different versions because you  
16 said it was Hutu friends who warned you. So you specify you left that  
17 location on 13 April, and in the former statement you had left on 11  
18 April. Can you tell us more about that?

19 Oh, I apologise. You said, and I would like to specify, you said  
20 you left the location on 13 April during the attack, and then that you  
21 came back on 14 April, and then you left again, that church, on 14 April.  
22 So can you explain those discrepancies between the first and the second  
23 versions?

24 A. First of all, as for the Pentecostal church I sought refuge in,  
25 my daughter had warned me of an incoming attack. I did not leave that

1 church to go to another location. We just actually stepped out and hid  
2 close to the church. And after the Interahamwe left, we slept, we spent  
3 the night in the church. And thereafter, the next day - I can't remember  
4 the exact date - I left that location and I went to my neighbourhood. I  
5 think it must have been around the 11th or the 14th; I can't tell you for  
6 sure.

7 Q. I see. So here there is a major discrepancy between this version  
8 and that of 2003 because in that statement you said that you left the  
9 church and went directly, and here you say that you went back home and  
10 that you stayed in your house. How long did you stay in your home when  
11 you went back?

12 A. After leaving the ADEPR church, I went back home, and from the  
13 entrance to the compound, I called our -- my houseworker to ask him what  
14 the situation was, and he said, "Leave. Go away." So then I left and I  
15 went to that other church, the church of the friends, and that's why I  
16 went from that second church to the stadium.

17 Q. Very well. Thank you, Witness.

18 MR. ALTIT: [Interpretation] Your Honour, this concludes the  
19 Defence's cross-examination of the witness. But if you will allow me a  
20 couple of words. I think that the state of exhaustion of  
21 Mr. Félicien Kabuga is one thing, and I think the fact that he has a  
22 right of cross-examining the witness is one of his rights, so I think it  
23 is the Defence's obligation to fulfil its mission. And if Mr. Kabuga is  
24 too tired to sit through the proceedings, I think we have to draw the  
25 consequences thereof.

1 JUDGE BONOMY: Thank you, Maître Altit.

2 [Trial Chamber confers]

3 JUDGE BONOMY: Witness, Judge El BaaJ has questions for you.

4 Questioned by the Court:

5 JUDGE EL BAAJ: [Interpretation] Good morning, Witness.

6 (redacted)

7 (redacted)

8 [Trial Chamber and Registrar confer]

9 JUDGE BONOMY: Just one moment, Witness.

10 Ms. Adong, should some of that be redacted?

11 MS. ADONG: [via videolink] Thank you, Your Honours. Yes, please.

12 JUDGE BONOMY: Very well. We shall redact the question.

13 Now, Witness, can you please again answer that question. Thank  
14 you very much.

15 Before you do, however, we shall go into private session.

16 [Private session]

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

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25 [Open session]

1 THE REGISTRAR: We're now in open session, Your Honours.

2 JUDGE EL BAAJ: [Interpretation] Do you remember the first time  
3 and the last time you saw the Interahamwe walk past your house? Because  
4 this is a period of time that is relatively long, between 1992 and 1994.

5 A. [No interpretation].

6 JUDGE EL BAAJ: [Interpretation] You answered my question saying  
7 that you don't know exactly how many times you saw the Interahamwe  
8 walking past your house. So to make the question easier, I asked you  
9 whether you remembered the first time and the last time you saw them  
10 walking past your home.

11 A. I can't remember the date. However, when the Interahamwe passed  
12 by, before the Inkotanyi arrived, the Interahamwe were moving around  
13 everywhere in that neighbourhood all the time.

14 JUDGE EL BAAJ: [Interpretation] In the same paragraph, 32, of  
15 your 2020 statement, you said that the Interahamwe were armed. Some had  
16 guns; others had swords, machetes and clubs.

17 Can you tell us how many of the Interahamwe were armed with guns?

18 A. First of all, when the Interahamwe would walk passed, the first  
19 reaction was to flee because I was among the group of people who they  
20 were looking for. I can mention Hajabakiga, their leader, who had a gun.  
21 But as for the other Interahamwe, I cannot tell you who had a gun or who  
22 had some other more traditional weapon. But there were some who were  
23 carrying guns.

24 JUDGE EL BAAJ: [Interpretation] Are you confirming that  
25 Hajabakiga was armed already in 1992?



1 A. Yes, I can confirm that.

2 JUDGE EL BAAJ: [Interpretation] Between 1992 and 1994, did the  
3 Interahamwe keep the same weapons, according to you?

4 A. The Interahamwe are well-known. They used all sorts of weapons  
5 that were available at the time, so I can say that they did continue to  
6 use all sorts of weapons.

7 JUDGE EL BAAJ: [Interpretation] In paragraph 32 of your  
8 statement, you say that you didn't know exactly where the Interahamwe  
9 were going; but in paragraph 66, you said that you saw them arriving and  
10 leaving from Kabuga's house.

11 Can you explain to us what the difference is between paragraph 32  
12 and paragraph 68?

13 A. As regards the comings and goings from Kabuga's house, I could  
14 see that. But once they came out, I didn't know where the Interahamwe  
15 went. That's what I'm saying. When people come out of a place, they go  
16 off somewhere else, in a given direction. But I cannot say where. Some  
17 of them probably went to a certain place, but I couldn't tell you where.  
18 That's what I'm saying.

19 JUDGE EL BAAJ: [Interpretation] In paragraph 48 of your  
20 statement, you confirm that you saw the Interahamwe arrive in Karama and  
21 they started to kill refugees.

22 Can you give us the names of the Interahamwe that you knew or  
23 that you can remember?

24 A. Karama is the place where I was and I could see people arriving,  
25 but I couldn't make them out clearly. But I learned that the Interahamwe

1 had arrived there and that the first people to be killed by them were  
2 called Gatwa Sylvestre.

3 So I can't give you the names of the Interahamwe who arrived at  
4 that location. It was a group of Interahamwe, but I can't give you their  
5 names.

6 JUDGE EL BAAJ: [Interpretation] Fine. Could you describe to us  
7 exactly what happened in Karama.

8 A. I told you that there's a significant distance between Kimironko  
9 and the church in Karama. But the fact is that when they arrived there,  
10 the refugees tried to flee, and some from Karama arrived in Kimironko  
11 where we were in the church, and it was clear that they were already  
12 being killed. So the difference between where I was and Karama, that  
13 meant that I couldn't make out the individuals. But we could see people  
14 running left, right, and centre.

15 JUDGE EL BAAJ: [Interpretation] The soldiers, did you see them  
16 arriving at that location in Karama?

17 A. I didn't see them.

18 JUDGE EL BAAJ: [Interpretation] Thank you, Witness.

19 JUDGE BONOMO: Witness, I just have one question for you.

20 Could you look at your interview statement in 20 -- yes,  
21 23 November -- well, November and December 2020, and can you look at  
22 paragraph 42. Sorry, paragraph 40. And that relates, in part, to the  
23 killing of Sylvestre Gatwa.

24 Is that attack the same attack as you referred to in  
25 paragraph 47?

1           A.    You're talking about the attack where Gatwa was killed? He was  
2           killed in Karama.

3                    JUDGE BONOMY: Yes. And you refer in 47 to your parents being  
4           killed. Were they killed at Karama?

5           A.    No. My parents were killed in Kimironko.

6                    JUDGE BONOMY: So can I ask you -- well, I'll give you time.  
7           We're going to have a break now for 15 minutes. You'll be allowed to  
8           read carefully paragraphs 40 and 47, and when I come back, I'll ask you  
9           to answer the question whether these two paragraphs refer to the same  
10          event.

11                   Now we'll adjourn for 15 minutes.

12                                --- Recess taken at 10.56 a.m.

13                                --- On resuming at 11.11 a.m.

14                    JUDGE BONOMY: Well, Witness, are you in a position now to tell  
15          me whether the references to Karama in these two paragraphs refer to the  
16          same events?

17           A.    I witnessed just one attack in Karama. There was no more than  
18          one. Just one.

19                    JUDGE BONOMY: Thank you.

20                    Now, Ms. Adong, do you have any re-examination?

21                    MS. ADONG: [via videolink] [Microphone not activated].

22                    JUDGE BONOMY: I'm not hearing you at all.

23                    MS. ADONG: [via videolink] My apologies, Your Honour.

24                    JUDGE BONOMY: Thank you.

25                    MS. ADONG: [via videolink] If I can request that we go into

1 closed session for a few minutes because the clarification that I wish to  
2 seek with the witness, the questions arose from closed session.

3 Thank you.

4 JUDGE BONOMO: Very well. We'll go into closed session.

5 [Private session]

6 (redacted)  
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Page 21 redacted. Private session.

1 [Open session]

2 JUDGE BONOMY: Witness, that completes your evidence to the  
3 Chamber.

4 This Chamber is acutely conscious of the difficulty presented to  
5 people affected tragically by the events in Rwanda to come to the court  
6 here and to relive these events. We're grateful to you for doing so.  
7 And you are now, when we rise from the Bench, free to leave the courtroom  
8 in Kigali.

9 We'll now have another break while the next witness is introduced  
10 into the courtroom.

11 --- Recess taken at 11.20 a.m.

12 --- On resuming at 11.32 a.m.

13 JUDGE BONOMY: Good morning, Witness. Thank you for joining us.  
14 Would you please make the solemn declaration to tell the truth by  
15 reading the document which will be shown to you.

16 THE WITNESS: [Interpretation][via videolink] I solemnly declare  
17 that I will speak the truth, the whole truth, and nothing but the truth.

18 WITNESS: KAB002

19 [Witness testified through interpreter]

20 [Witness testified via videolink]

21 JUDGE BONOMY: Thank you, Witness.

22 You're now going to be asked questions, and your task, please, is  
23 to answer these questions. Please answer -- listen carefully to what is  
24 being asked and confine your answer to the question that you are actually  
25 being asked.

1                   The first person to ask you questions will be on behalf of the  
2 Prosecution, and that will be Mr. Elderkin.

3                   Mr. Elderkin.

4                   MR. ELDERKIN: [via videolink] Thank you, Your Honour.

5   Examination by Mr. Elderkin:

6           Q.    Good morning, Witness.

7           A.    Good morning.

8                   MR. ELDERKIN: [via videolink] I'd ask, please, for Rule 70 number  
9 70926 to be put on the screen, not for broadcast.

10          Q.    Witness, would you please let me know when you see a document  
11 appear on the screen in front of you.

12                   MR. ELDERKIN: [via videolink] I see the transcript has "70826."  
13 I asked for 70926, please. Let that be clear.

14          Q.    Witness, do you recognise the signature on that document?

15          A.    Yes, I recognise the signature.

16          Q.    And whose signature is it, please.

17          A.    It is my signature. And I do confirm that this is also my name  
18 appearing on the document. I also confirm my date of birth.

19          Q.    Thank you. And this is a list of your prior evidence and  
20 corrections that you made as well as the pseudonym sheet confirming your  
21 identity.

22                   Having reviewed your prior evidence and made some corrections,  
23 can you confirm today that you would give the same evidence if you were  
24 asked the same questions?

25          A.    Ask me any question and I will answer you in the same way.

1 MR. ELDERKIN: [via videolink] Your Honours, if I could please  
2 tender this signed attestation document, Rule 70 70926, and the other  
3 items mentioned therein, all to be under seal.

4 JUDGE BONOMY: These are admitted and numbers for them will be  
5 circulated.

6 MR. ELDERKIN: [via videolink] I would now like to read a short  
7 public summary, not forming part of the evidence in the case.

8 "Witness KAB002 escaped from the Karama school massacre of 10  
9 April 1994 and he lost family members in Kimironko and at the Karama  
10 school during the genocide.

11 "When soldiers and Interahamwe attacked Tutsi in Kimironko on 7  
12 April 1994, the witness fled first to a neighbour's house, and the next  
13 day he took his children to the Karama primary school. His wife and  
14 other family members took refuge elsewhere in Kimironko. When the  
15 witness went to look for them on 10 April, he learned that they had been  
16 killed.

17 "Around 2.00 p.m. on 10 April, back at the Karama primary school,  
18 the assistant bourgmestre of Rubungo commune summoned the people inside  
19 the school to a meeting. When the meeting started, the witness saw two  
20 Toyota trucks full of Interahamwe entering the school compound and the  
21 Interahamwe started killing Tutsi. There were also soldiers who had  
22 taken positions in and around the periphery of the school compound. The  
23 witness fled when he saw an Interahamwe attack a man called  
24 Sylvestre Gatwa.

25 "On the morning of 13 April, the witness encountered some



1 Interahamwe. They beat him, including with a stick pierced with nails  
2 and with the flat side of machetes. The witness still suffers from the  
3 injuries caused by this beating. One of the Interahamwe said that the  
4 witness had smeared him with Inyenzi blood. The witness was made to dig  
5 his own grave and he saw several women nearby who were doing the same  
6 thing. Then, a communal police officer arrived and said that RPF  
7 soldiers were nearby and the Interahamwe ran away. On 16 April, the  
8 witness and the women were rescued by RPF soldiers.

9 "After he was freed, the witness learned that out of his seven  
10 children, four survived the Karama primary school massacre while three  
11 perished."

12 That concludes the summary of the witness's evidence. I have  
13 just one additional question.

14 Q. Witness, by which ethnicity were you identified in 1994?

15 A. I was a Tutsi.

16 MR. ELDERKIN: Your Honours, I have no further questions for this  
17 witness. Thank you.

18 JUDGE BONOMY: Thank you, Mr. Elderkin.

19 Now, Witness, you will be asked questions on behalf of the  
20 Defence of Mr. Kabuga, and counsel asking these will be Maître Altit.  
21 Maître Altit.

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

23 Cross-examination by Mr. Altit:

24 Q. [Interpretation] Good morning, Witness. Can you hear me well?  
25 We didn't hear your answer. Can you please turn on your

1 microphone.

2 A. Good morning.

3 Q. Good morning. My name is Emmanuel Altit. I am Félicien Kabuga's  
4 lawyer. I will be asking you some questions and I would like you to  
5 answer these questions in a brief and precise manner.

6 Is that all right?

7 A. Yes.

8 Q. Thank you. Witness, in your statement dated on 8 May 2021, you  
9 mentioned the following, and I quote:

10 "I heard about Habyarimana's death on 7 April and on the same  
11 morning the Interahamwe started attacking Tutsi."

12 Could you please let me know who were the Interahamwes of the  
13 specific grouping? Are we talking about a specific group of  
14 Interahamwes?

15 A. There were Interahamwes that were training at Kabuga's house, and  
16 they were essentially Interahamwes that were training at Kabuga's house.  
17 And they were showed how they were going to be killing Tutsis, and in  
18 exchange they would get cans of oil coming from the USA. This is  
19 something that I've witnessed because I met them once and they were  
20 trying to look for a reseller. On other occasions, as I was trying to  
21 find some money to go to a bar, I would also see them trying to sell that  
22 oil, so I got to see them under these circumstances.

23 Q. So you're telling us that you got to talk to them once; is that  
24 right?

25 A. Yes.

1 Q. Very well. So the people that you have talked to, were they  
2 working at Kabuga's house?

3 A. Well, they lived in Kimironko. I remember Vincent Mugabonake,  
4 and he wanted to sell their oil. There was also Nyira Kubakare [phoen],  
5 he was also looking for someone else to sell that oil to.

6 Q. And to your knowledge, was he employed at Félicien Kabuga's? Did  
7 he work there, or were they just neighbours in the neighbourhood of  
8 Kimironko?

9 A. I mentioned two persons, but they didn't work at Kabuga's. But  
10 they went to his house in the framework of those training sessions.  
11 These were two thugs, but they were among the people who went to Kabuga's  
12 house, and in compensation they received beer.

13 Q. Now I understand. And that was before the genocide, was it?

14 A. Yes. Yes, it was, actually, before the genocide but coming  
15 closer to the genocide.

16 Q. I see. So to try and understand what you're saying, you  
17 mentioned that you spoke to two people once, the two people who did not  
18 work at Kabuga's house but would go there every now and then. Is that  
19 what you just said?

20 A. Yes, they would, indeed, go to Kabuga's in the framework of the  
21 Interahamwe training sessions, and during said training sessions, they  
22 were trained and shown how to kill Tutsi.

23 Q. I see. So that was how you heard what was going on at  
24 Félicien Kabuga's house. It's through them that you heard what was going  
25 on; is that right?

1           A.    Well, I was born in that municipality and I lived there for a  
2           long time, and there were even other people who came from Byumba who  
3           worked for Kabuga. And every now and then, they would go out and take  
4           part in demonstrations. They would come to hands with the Tutsi, and  
5           they would beat down the Tutsi. And everybody knew about that.

6           Q.    Okay. And what you mentioned just now, when did that happen?  
7           Was that in 1991, 1992, 1993, or at the beginning of 1994? When did that  
8           happen?

9           THE INTERPRETER: Your Honour, we can't hear the witness. His  
10          microphone is probably not on.

11          MR. ALTIT: [Interpretation]

12          Q.    Witness, would you kindly turn your microphone on so that we can  
13          hear you.

14          THE INTERPRETER: We still can't hear you, Witness.

15          MR. ALTIT: [Interpretation]

16          Q.    Witness, can you press the red button, please.

17          A.    As for these people I mentioned, I saw them for the first time in  
18          1994, during the first months of that year.

19          Q.    You mean the people who came from the north and who used to work  
20          at Kabuga's house? Is that what you mean?

21          A.    The majority of them came from Byumba and worked at Kabuga's.  
22          But those two people, I don't know their names. I'm not particularly  
23          familiar with them.

24          Q.    Okay.

25          MR. ALTIT: [Interpretation] Your Honour, could we briefly turn

1 into private session, please.

2 JUDGE BONOMY: Yes. Private session.

3 [Private session]

4 THE REGISTRAR: We're now in private session, Your Honours.

5 MR. ALTIT: [Interpretation]

6 Q. Witness, in your statement you say - and here I quote you - it is  
7 under paragraph 2:

8 "I didn't know any of those personally, those who worked at  
9 Kabuga's. Having said that, everybody knew in Kimironko that he had many  
10 workers on his property and that they came from Byumba, like Kabuga did.  
11 I heard this from Pierre Zikuliza and from Sizeri Marcellin, who both  
12 lived very close to Kabuga's Kimironko residence in 1994."

13 The two people you mentioned in your statement here,  
14 Pierre Zikuliza and Sizeri Marcellin, are these two people your friends?

15 A. Yes. Well, these two people, like myself, but they are closer --

16 THE INTERPRETER: The interpreter did not hear the beginning of  
17 the witness. "There is a problem with the microphone," says the  
18 Kinyarwanda booth.

19 MR. ALTIT: [Interpretation]

20 Q. Mr. Witness, could you kindly press the red button and repeat  
21 your answer.

22 A. Sizeri and Zikuliza used to live close to Kabuga's house. They  
23 are Tutsi, like I am. But apart from that, everybody in Kimironko knew  
24 very well that there were many people originally from Byumba who were  
25 there at Kabuga's house.

1 Q. Okay. And Sizeri and Zikuliza, their houses were adjacent to  
2 Kabuga's house so they could see what was going on in Kabuga's house from  
3 their homes?

4 A. No. But they were not far, not far from Kabuga's house.

5 Q. And your house on your plot of land, is it further away?

6 A. Oh, I could give you a rough estimate of the distance between my  
7 house and Kabuga's house to 1 kilometre.

8 Q. Okay. Can you answer the question I put to you early on? These  
9 two persons, Zikuliza and Sizeri, are those two people your friends, or  
10 were they your friends?

11 A. These are people who used to live in Kimironko and had lived  
12 there for a long time, but they're not the only ones. I mean, everybody  
13 in Kimironko knew very well that there were workers who used to reside in  
14 Kabuga's house and who spent their time drinking Ikgage, the traditional  
15 beverage. Everybody knew that.

16 JUDGE BONOMO: Witness, you're not answering the question you  
17 have been asked. The question you were asked is whether Zikuliza and  
18 Marcellin are your friends.

19 THE WITNESS: [Interpretation][via videolink] Well, these are  
20 friends and have been for a long time.

21 MR. ALTIT: [Interpretation]

22 Q. And did you say to either one of them or to both of them, or to  
23 anyone else for that matter, that you were going to testify in Kabuga's  
24 case?

25 A. Well, these are people who -- I mean, those are people who came

1 to -- who used it work in the court in the Kigali who came to find me and  
2 came to ask me questions, and they did the same thing with me as they did  
3 with other people.

4 [Trial Chamber and Legal Officer confer]

5 MR. ALTIT: [Interpretation]

6 Q. Okay. Do you know why they came to ask you questions?

7 A. No, I don't. I don't think I'm the only one who they chose to  
8 ask questions to. I think they asked questions to anybody who survived  
9 the genocide who used to live not far from Kabuga's house. That's what I  
10 imagine.

11 JUDGE BONOMO: Maître Altit, would you find a suitable place to  
12 interrupt the cross-examination, please.

13 MR. ALTIT: [Interpretation] I think we can interrupt it here,  
14 Your Honour.

15 JUDGE BONOMO: Very well. We'll return to open session.

16 [Open session]

17 THE REGISTRAR: We're now in open session, Your Honours.

18 JUDGE BONOMO: Witness, that is all we have time for today. Your  
19 evidence will resume on Wednesday of next week. That's 22 February.

20 Meanwhile, it is very important that you do not discuss the  
21 evidence - not just your evidence but the evidence in this case - with  
22 anyone at all.

23 Do you understand that?

24 THE INTERPRETER: There seems to be sound problems. The sound is  
25 broken.

1 THE WITNESS: [Interpretation][via videolink] Thank you. I thank  
2 you, Your Honour, and I understood this perfectly.

3 JUDGE BONOMOY: Thank you. We shall see you on Wednesday of next  
4 week.

5 Meanwhile, the Chamber is adjourned.

6 --- Whereupon the hearing adjourned at 11.58 a.m.

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