

1 Wednesday, 23 November 2022

2 [Open session]

3 [The witness entered court via videolink]

4 [The accused entered the courtroom]

5 --- Upon commencing at 10.03 a.m.

6 JUDGE BONOMO: Good morning, everyone.

7 I just want to take a moment out of the proceedings this morning
8 to deal with an administrative matter.

9 The Trial Chamber, and the parties, have observed that there is a
10 possibility that the examination of witnesses authorised to testify via
11 video-conference link in Arusha will be completed prior to the judicial
12 recess in December. The witnesses to give evidence after that have been
13 authorised to testify via video-conference link from the Mechanism's
14 Kigali field office. However, finalising technical and logistical
15 arrangements for that could require a week's delay in the proceedings, in
16 other words, an adjournment of a week.

17 Given these circumstances, and to avoid unnecessary delays, the
18 parties have notified the Chamber of their agreement to have the first
19 three witnesses who are authorised to testify from Kigali - namely,
20 Witnesses KAB086, 035, and 002 - to testify from Arusha if time permits
21 in December.

22 Considering the agreement between the parties and that the
23 proposal they make will facilitate the smooth continuation of
24 proceedings, the Trial Chamber is minded to grant that request, but
25 before doing so, invites the Registry to make any comments that they may

1 wish to make on this proposal and to do so before the end of today's
2 business. That's afternoon business office time.

3 I would proposal indicating a final view of the Bench on this
4 matter tomorrow morning.

5 Good morning, Witness. I'm sorry that we're delayed a little
6 dealing with that procedural issue. Your evidence will now continue.
7 Please always bear in mind that the solemn declaration to tell the truth,
8 which you took at the outset, continues to apply to your evidence until
9 it's complete.

10 WITNESS: KAB032 [Resumed]

11 [Witness testified via interpretation]

12 [Witness appeared via videolink]

13 JUDGE BONOMY: Mr. Rosensweig, I imagine you're intent on
14 completing your examination this morning, if possible.

15 MR. ROSENSWEIG: [via videolink] I am going to try my absolute
16 best, Your Honour.

17 JUDGE BONOMY: Thank you.

18 Examination by Mr. Rosensweig: [Continued]

19 Q. Witness, I would like to begin this morning by returning to two
20 subjects that we discussed yesterday. And the first of those is a
21 discussion you had with RTLM journalists Philippe Mbilizi and Kantano
22 Habimana in May 1994 about instructions that they had received from
23 Mr. Kabuga. And what I would like to ask you is what exactly did they
24 say to you about when they received those instructions from Mr. Kabuga?

25 A. Thank you, Mr. Prosecutor. I talked about this yesterday, but

1 I'm going to repeat it once more. He told them that the journalists had
2 to mention all the places where the inyenzi inkotanyi were hiding so that
3 the soldiers and the Interahamwe would be able to go and get them and
4 eliminate them.

5 Q. Witness, my question was more specific than that, which is what
6 did they say about when they received those instructions?

7 A. They told me that they had given these instructions when they
8 visited them at the RTLM office.

9 Q. In yesterday's transcript, it says that they told you that that
10 visit happened, and I'm quoting, "a few days before that visit." Is that
11 your testimony about what they told you when that visit took place?

12 A. I'm going to repeat what they told me. They said that they had
13 been given these instructions when they had visited them before at the
14 RTLM offices.

15 Q. Thank you, Witness.

16 MR. ROSENSWEIG: [via videolink] Your Honour, the second issue --

17 JUDGE BONOMY: Well, that's --

18 MR. ROSENSWEIG: [via videolink] -- that I want to --

19 JUDGE BONOMY: That answer is not clear to me. I'm surprised if
20 it's clear to you.

21 MR. ROSENSWEIG: [via videolink]

22 Q. Witness, did they give any additional information about when that
23 visit took place?

24 A. Thank you, Your Honour. When they told me that they had been
25 given these instructions during the last visit at the RTLM, I thought

1 about the visit when we had met on 14 May. Maybe they went to the RTLM
2 afterwards, but I personally thought about the date of 14 May.

3 Q. Witness, what we just heard in English is that the date you
4 thought of was 14 May. Is that what you meant to say?

5 A. Maybe I made a mistake, but I was thinking of 17 April 1994.
6 17 April 1994. This is the date when -- where I met Mr. Kabuga at the
7 RTLM office.

8 Q. Thank you, Witness.

9 MR. ROSENSWEIG: [via videolink] Your Honour, I would like to move
10 on to the next subject for which I would again request a brief private
11 session.

12 JUDGE BONOMY: Well, I'm at a loss to know what it is you're
13 trying to establish here. The witness seems not to understand what it is
14 you're looking for, which is what indication was given to him about when
15 the instruction was given. Now, I don't think he's answered that
16 question.

17 MR. ROSENSWEIG: [via videolink]

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

1 JUDGE BONOMY: Witness, Witness, please stop. Yesterday, you
2 showed yourself clearly able to answer the question that you were being
3 asked. Today you do not seem to understand what the question is. It's
4 about the time indicated to you that these instructions were given.

5 We know what the instructions were from your earlier evidence.
6 What counsel wants to know is what indication was given to you about the
7 time when that instruction was conveyed to you. So could you, in one
8 sentence, answer that question?

9 THE WITNESS: [via videolink] [Interpretation] Thank you,
10 Your Honour. They received the instructions during the visit of 17 April
11 1994, when he visited the offices of the RTL radio. Thank you.

12 JUDGE BONOMY: Thank you.

13 Mr. Rosensweig.

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

15 To move to my next issue, I'd appreciate a brief private session.

16 JUDGE BONOMY: We shall go into private session, briefly.

17 [Private session]

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Page 6 redacted. Private session.

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8 [Open session]

9 THE REGISTRAR: We are now in open session, Your Honours.

10 MR. ROSENSWEIG: [via videolink] Apologies again for that.

11 Q. Witness, you've told us about it RTLM broadcasts prior to 6 April
12 1994. What happened to the content of RTLM broadcasts after 6 April
13 1994?

14 A. Thank you, Mr. Prosecutor. The RTLM emissions continued, and
15 they even became more violent with regards to the killing of the Tutsis.

16 Q. What did they say about the killing of the Tutsis?

17 A. They were broadcasting news, all types of news, but they were
18 saying that the president of the republic, Habyarimana, had been
19 assassinated by Tutsis, inyenzi, inkotanyi, and they should pay the price
20 for this crime that was committed. RTLM called for hunting down Tutsis
21 who were hiding so that they could pay the price. RTLM also stated the
22 places where the Tutsis were hiding or where -- or places where they were
23 seeking shelter or even where they were present whilst fleeing.

24 The RTLM was basically calling the Interahamwe and the soldiers
25 to hunt the Tutsis down and kill them so as to make them pay the price of

1 the act that they were accused of; that is, the assassination of the
2 president of the republic. This is what RTLM was broadcasting in its
3 programmes.

4 I must say that they were basically sowing the seeds of hatred
5 amongst the Hutus and the Tutsis. They were telling the Hutus that the
6 Tutsis wanted to reinstate the regime that was banished in 1959 when the
7 Hutus installed the republic in 1961. So in a nutshell, this was the
8 content of RTLM programmes.

9 Q. You spoke about locations where Tutsi were hiding. Do you
10 remember any specific locations that RTLM stated there were inyenzi or
11 Tutsi hiding?

12 A. RTLM gave specific places where the inyenzi inkotanyi were there.
13 They specified that these were the places where they were hiding.

14 Q. Do you remember any specific such locations that they named?

15 A. They mentioned various places. And the most important one I
16 remember -- in fact, there were very many victims as well. It was mainly
17 the mosque, which was called the Gaddafi mosque, in the Nyamirambo
18 sector. I remember -- I also remember the Sainte-Famille parish hall and
19 also the religious centre called CELA, and the Saint Paul church. The
20 Saint Family parish hall or the church and the Saint Paul church were
21 close to each other.

22 I also remember that in the RTLM programmes it was said that
23 there was a vehicle that was just about to leave Nyamirambo and that was
24 driving the Tutsis to the city centre. And the journalists said that
25 they were the inyenzi inkotanyi who wanted to infiltrate into the city.

1 They specified that this vehicle was a minibus and it was leaving
2 Nyamirambo to the city centre. And once this reached Onatracom, the
3 people in the roadblock intercepted the vehicle. And these were the --
4 these are the places I remember. But I must mention that they also
5 talked about other places, many other places, and I do not remember these
6 places anymore.

7 MR. ROSENSWEIG: [via videolink] Your Honour, at this stage I
8 would like to play --

9 Q. Witness, is your microphone on? And if so, could you please turn
10 it off? We have an echo.

11 MR. ROSENSWEIG: [via videolink] I'd like to now play another RTLM
12 broadcast. It's Rule 70 0022, and the clip is from 29 minutes and
13 1 second to 29 minutes and 33 seconds. And, again, I'll ask for the
14 interpreters to refrain from interpreting.

15 [Video-clip played]

16 MR. ROSENSWEIG: [via videolink] Your Honour, I just noticed that
17 the Registrar went over to put the headphones on the witness, and I'm
18 concerned he didn't hear the broadcast. Perhaps we need to play it
19 again.

20 JUDGE BONOMO: Yes, please do.

21 [Video-clip played]

22 MR. ROSENSWEIG: [via videolink] Your Honours, for the record,
23 I'll now read in the English translation to the record.

24 "I will also talk about Cyivugiza where I went yesterday and saw
25 some inkotanyi inside Gaddafi mosque. More than 100 of them had been

1 killed there, but some more of them arrived. When they arrived there, I
2 went to take a look and they seemed to me like cows in the
3 slaughterhouse. I don't know if they were butchered today or if they
4 will be butchered tonight. However, really, whoever has cast an evil
5 spells on those children of Rwanda, or foreigners, whatever applies, did
6 not go halfway. They were walking in a suicidal manner toward the
7 bullets fired by some children of Rwanda. I think they will all perish
8 if they are not careful."

9 Q. Witness, did you hear this broadcast or ones like it between
10 April and July 1994?

11 A. Yes, I followed a programme like this more than once.

12 Q. Do you recall when you heard those broadcasts?

13 A. Thank you, Prosecutor. I followed a programme like this for the
14 first time in April. The soldiers and the Interahamwe attacked the
15 Gaddafi mosque. The Tutsis had sought refuge in this mosque, and these
16 were Tutsis who were living in the Nyamirambo sector and that of
17 Nyakabanda. These Tutsis fled the Interahamwe who were hunting them
18 down. So it's these people that the Interahamwe and the soldiers who,
19 after listening to the RTLM programmes, went and killed them. And after
20 that, RTLM made a diversion and started saying that these people were
21 inkotanyi and these inkotanyis tried to attack. And the RTLM's basic
22 mission was the Tutsis were the soldiers and whilst they were, in fact,
23 they weren't nothing.

24 So I listened to this broadcast after the attack that was
25 launched by the soldiers and the Interahamwe against the Gaddafi mosque

1 and, subsequently, RTLM tried to confuse people by saying that these were
2 the soldiers of the RPF.

3 Q. Witness, thank you very much. This morning I didn't make the
4 same request I did in our first two days of testimony, which, if you
5 would please do your best to respond as directly as possible to the
6 questions I've asked, I would be grateful.

7 Now, returning to this broadcast that we've just heard, as a
8 listener, can you tell me what did it mean?

9 A. In this programme, we were trying to basically convey a message,
10 the message being that the soldiers and the Interahamwe had killed young
11 RPF soldiers. And this is what they were trying to tell the Rwandan
12 people or others who were listening to the radio station. This was the
13 official message that the RTLM wanted to convey, and yet this message was
14 not true.

15 Q. When you say it was not true, what do you mean by that?

16 A. Mr. Prosecutor, I would like to say that the people against which
17 the Interahamwe and the soldiers attacked, these people were not the RPF
18 soldiers. They were members of the population of the Nyamirambo sector
19 who were Tutsis who were basically seeking refuge in this mosque. They
20 were also people who came from the Nyakabanda sector who were fleeing the
21 Interahamwe to seek refuge in this mosque.

22 JUDGE BONOMO: Witness, can I ask you, at this time, thinking
23 back to the time, did you support these messages?

24 THE WITNESS: [via videolink] [Interpretation] Your Honour, these
25 messages were inappropriate and should not have been broadcast by the

1 RTLM.

2 JUDGE BONOMY: That may be so, but my question to you was a
3 different question. It was: Did you support the RTLM making these
4 messages?

5 THE WITNESS: [via videolink] [Interpretation] Your Honour, I
6 never expressed any support for such messages broadcast by the RTLM.

7 JUDGE BONOMY: Thank you.

8 THE WITNESS: [via videolink] [Interpretation] Thank you,
9 Your Honour.

10 MR. ROSENSWEIG: [via videolink]

11 Q. Now, Witness, looking back to this broadcast, you said that it
12 talks about inkotanyi who you say were Tutsi residents who had been
13 killed. Does the broadcast also talk about additional people who have
14 then subsequently come to the mosque again?

15 A. Mr. Prosecutor, I told you that the RTLM was just saying that
16 they were young people who were committing suicide, that they were young
17 inkotanyis. The RTLM was trying to express some sort of sympathy, but,
18 in fact, this sympathy was not real.

19 Q. Witness, what I'm asking you is, this broadcast, is it talking
20 only about people who had already been killed at Gaddafi mosque, or is it
21 also talking about people who were at the mosque when the broadcast was
22 made?

23 A. To tell you the truth, the RTLM was talking about the people who
24 had been killed at the Gaddafi mosque. The RTLM was trying to distort
25 information to convey a different message; namely, that it was mostly

1 people from the RPF hiding in the Gaddafi mosque.

2 Q. Witness, if I may, I want to re-read two sentences from the
3 broadcast and get your view of those two sentences. And the language is
4 as follows:

5 "... but some more of them arrived. When they arrived there, I
6 went to take a look and they seemed to me like cows in a slaughterhouse.
7 I don't know if they were butchered today or if they will be butchered
8 tonight."

9 What was RTLM trying to say about these people?

10 A. Mr. Prosecutor, I'm not sure I followed your question. Could you
11 please repeat your question so that I can understand it better and so
12 that I can answer it appropriately?

13 JUDGE BONOMY: Mr. Rosensweig, there will be, undoubtedly,
14 statements and expressions which will require some degree of
15 interpretation based on the context, the specific context. But I wonder
16 if what you're directing attention to here falls into that category. It
17 seems basic, simple English that's written, but it may sound different in
18 Kinyarwanda, I don't know, and that may be the reason why you're pursuing
19 it. But on the face of the English, it doesn't need much explanation.

20 MR. ROSENSWEIG: [via videolink] I'll move on, Your Honour. Thank
21 you.

22 Q. Witness, you've told us about attacks at the Gaddafi mosque. How
23 many attacks at Gaddafi mosque do you recall?

24 A. Mr. Prosecutor, I became aware of the first attack which took
25 place on 13 April 1994. Subsequently, there was another attack still in

1 April but I can't quite remember the exact date. If I remember
2 correctly, there were two attacks which took place in April or maybe May.
3 I apologise, Mr. Prosecutor. I remember there was another attack
4 launched by the soldiers, the Interahamwe. I don't remember whether
5 there were members of the population there still, but now I remember
6 there were three attacks at the mosque.

7 Q. Starting with the first attack. Do you recall how you learned of
8 it?

9 A. Thank you. I first heard about the attack on the radio, on the
10 RTLM. If I remember well, and given the voice that I heard, I believe
11 that this voice belonged to a journalist, Noël Hitimana who lived in
12 Nyamirambo. And Noël was saying that in the Gaddafi mosque, there were
13 inyenzi inkotanyi who were hiding there, and the journalist was calling
14 upon the Interahamwe and soldiers to go and get them out and kill them.
15 That's what I heard the first time.

16 Later on, instead of using the term "inyenzi inkotanyi," the
17 journalist talked about young people who were in hiding in the mosque,
18 that the soldiers went there to find them and to kill them on that
19 location. That's what I heard about the first attack. The Interahamwe
20 and the soldiers attacked the Gaddafi mosque to kill the members of the
21 population that were there.

22 Q. Witness, to clarify, please, you've spoken about listening to
23 Noël Hitimana, I believe you said, call for an attack. How did you hear,
24 learn that the attack itself took place?

25 A. Thank you, Mr. Prosecutor. First of all, I heard about it from

1 the journalist of the radio of the RTLM. They were the first ones to
2 broadcast the information. Later on, and I don't know if it was on the
3 same day or on another occasion, (redacted)
4 (redacted)
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6 (redacted)
7 (redacted)
8 (redacted)
9 (redacted)
10 (redacted)
11 (redacted)

12 MR. ROSENSWEIG: [via videolink] Your Honour, may we go briefly
13 into private session.

14 JUDGE BONOMO: Yes.

15 [Private session]

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17 (redacted)
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1 [Open session]

2 THE REGISTRAR: We're back in open session, Your Honour.

3 MR. ROSENSWEIG: [via videolink]

4 Q. Witness, you spoke about RTLM broadcasts targeting other

5 locations such as Saint Paul and Sainte-Famille and CELA. Do you know if
6 there were attacks at any of those locations after the RTLM broadcasts?

7 A. Yes, I've already told you that attacks took place in these
8 various locations. The RTLM first said that there were inyenzi inkotanyi
9 in those locations and, therefore, there were attacks there too.

10 Q. Witness, earlier you mentioned an incident involving a minibus in
11 Nyamirambo that was stopped at the Onatracom roadblock. Do you remember
12 when that took place?

13 A. Mr. Prosecutor, this incident also took place during the month of
14 April 1994. I don't remember the exact day, but I think it was slightly
15 before I went to the RTLM.

16 Q. How do you know about the broadcast that you referred to in
17 relation to this minibus?

18 A. I personally listened to the broadcast during which this incident
19 was mentioned.

20 Q. Do you remember any of the names of the victims of the attack
21 that followed?

22 A. Are you talking about the attack against people who were taken
23 out of the minibus at Onatracom? Is that the incident you are talking
24 about?

25 Q. Yes, please, Witness.

1 A. Thank you, Mr. Prosecutor. I remember the following names of
2 people who were killed. The first person who was killed was a lieutenant
3 of the gendarmerie who was with the people on the minibus. His name was
4 Mudenge. The Interahamwe started with him. They killed him at the
5 Onatracom roadblock. Later on, all the Tutsis as well as some Hutus
6 belonging to the opposition were lined up outside of the minibus and
7 killed. Two gendarmes who were with Lieutenant Mudenge fled once they
8 saw that the lieutenant had been killed. Everyone else on the minibus
9 was killed by the Interahamwe.

10 Q. How do you know about that attack, Witness?

11 A. There are individuals who came to see me, I don't really remember
12 their names, and they told me what happened.

13 Q. Witness, do you recall ever hearing broadcasts about young people
14 who had or were about to join the RPF?

15 A. Mr. Prosecutor, I listened to a programme in which it was said
16 that some people were being recruited on behalf of the RPF. This is what
17 the programme I listened to said.

18 Q. And do you know if those people, in fact, had been recruited by
19 the RPF?

20 A. Personally, I don't know. This was information broadcast by the
21 RTL. A journalist, he even said who had recruited those people. It was
22 said that they were students. The names of those students had been
23 provided, and the broadcast also indicated who had been recruiting them.

24 Q. Witness, I want to ask you what I expect is one last question
25 about RTL. In your experience, living through the genocide, to what

1 extent do you think RTLM and its broadcasts contributed to the killings?

2 A. Mr. Prosecutor, RTLM played a major role in the killings which
3 took place in our country. It played a major role and many people were
4 killed following the broadcasts of RTLM. If the RTLM had not existed,
5 people would have survived. Many people were killed after those
6 broadcasts were aired by the RTLM.

7 Q. Thank you, Witness. I'm going to move to a different subject
8 now, which is the political party to which you belonged, the MRND, and
9 the Interahamwe. Last week you were discussing Mr. Kabuga, and you said
10 that he provided his contribution to the MRND. In what way did
11 Mr. Kabuga contribute to the MRND?

12 A. Thank you, Mr. Prosecutor. Kabuga provided different kinds of
13 contributions. First of all, Kabuga gave the MRND and the Interahamwe
14 premises from where they were operating. He gave the Interahamwe a
15 vehicle which they used to move about, for example, when they were
16 attending meetings organised by the MRND. He gave the Interahamwe a
17 vehicle that they used to transport weapons and supplies, food that was
18 used by the Interahamwe and the soldiers. He also gave them supplies.
19 He also gave money publicly.

20 So in short, this is what I can say about the contribution
21 provided by Kabuga to the soldiers, the MRND, and the Interahamwe. The
22 contribution was a very significant one.

23 Q. Witness, to the best of your understanding, what was the purpose
24 of the Interahamwe when it was founded in 1991?

25 A. Mr. Prosecutor, at the beginning when the Interahamwe were

1 founded, they were founded to promote the ideas of the MRND. After the
2 event of multipartism. Before that, it was a one-party system. But once
3 multipartism was introduced, MRND changed. MRND turned towards young
4 people and tried to convince them to become members of the party. Young
5 people were used to break the ice, so to speak. They were singing, they
6 were dancing at the beginning of rallies so that other people would feel
7 like becoming members of the party.

8 This was the role of the -- oh, I'm sorry. I'm also forgetting
9 something else very important. At the time, other political parties -
10 PSD and PR - had also set up youth wings for themselves. And in this
11 context, the party leadership of MRND, at the levels of the communes, of
12 the sectors and so on, felt that they needed to go and look for other
13 members in other parties. So those young people would go to other party
14 members and try to recruit them so that they would become members of the
15 MRND. That's how the MRND created its youth wing. So as to recruit
16 other people to become members of the MRND.

17 Thank you, Mr. Prosecutor. And my apologies, I am coughing.

18 Q. Witness, was there a time that the purpose of the Interahamwe
19 began to change; and if so, to what did it change?

20 A. At some point, the role, the task of the Interahamwe changed.
21 The Interahamwe became a militia, and I would say they became a group of
22 killers who would go and kill Hutus who did not subscribe to the ideas of
23 the party as well as Tutsis.

24 Q. Can you remember around when this change started to take place?

25 A. Mr. Prosecutor, I remember well. And if you would like me to, I

1 could tell you what I remember.

2 Q. I would, Witness. But for the moment, if you could just give us
3 an approximate timeframe.

4 A. It was towards the end of the year 1992. At the end of 1992, at
5 the beginning of 1993, up until 1994.

6 Q. Now, Witness, I'd like to come back to Kabuga's support for the
7 Interahamwe, and you mentioned a few moments ago that he gave the
8 Interahamwe premises. Which premises did he give the Interahamwe?

9 A. The building was in the Nyarugenge commune, in the Muhima sector.

10 Q. Do you know for what purposes the Interahamwe used that building?

11 A. The Interahamwe had offices in this building, and that's where
12 they worked from. There was a place where they would store weapons,
13 rifles. There was another room, a big room in which they were training.
14 They were undergoing military training.

15 Q. How do you know that the Interahamwe stored weapons in Kabuga's
16 building in Muhima?

17 A. Mr. Prosecutor, I went there myself and I saw this room and the
18 weapons that were there.

19 Q. How do you know the Interahamwe were training in Kabuga's
20 building in Muhima?

21 A. I saw them training.

22 Q. Witness, when did you see the Interahamwe training in Kabuga's
23 building in Muhima?

24 A. I saw them during the first days of the year 1992. It was
25 actually, perhaps, in February or March in particular.

1 Q. And did you see them once or did you see them multiple times?

2 A. I saw them train once when I went there. I saw them once
3 personally. And I actually remember now that I saw them a second time
4 too. The second time, the Interahamwe were training and a bullet was
5 shot accidentally and broke a window of the room where they were training
6 upstairs. So this was the second time that I saw them training.

7 Q. What did you see them training in? What kind of training did you
8 see them carrying out in Kabuga's building in Muhima?

9 A. Thank you. When I saw them, they were learning how to use
10 firearms, how to dismantle them, how to put them back together. They
11 were learning how to use a firearm, how to shoot. And explanations were
12 given to them as to the type of weapons that they had. It was the people
13 in charge of the sectors and the communes who were being trained when I
14 saw them.

15 Q. Do you remember where in the building this room was in which they
16 were training?

17 A. The room in which I saw them, if I remember correctly, was
18 located on the 2nd floor. It was a very big room. And that is where I
19 saw them undergo military training. It was on the second floor.

20 Q. Witness, you also said earlier that Kabuga provided vehicles for
21 the Interahamwe to, among other things, attend MRND meetings. How do you
22 know that?

23 A. I saw it myself, Mr. Prosecutor.

24 Q. Did you see it once or multiple times?

25 A. I saw them multiple times. I can confirm that I saw them on

1 multiple occasions, not just once.

2 Q. How did you know that the trucks that you saw transporting
3 Interahamwe belonged to Felicien Kabuga?

4 A. Kabuga's vehicles were well known. And most of the vehicles had
5 his name on them, Felicien Kabuga.

6 Q. Do you recall in what context you saw Kabuga's trucks with his
7 names on them carrying Interahamwe?

8 A. Yes, I can give you examples. The first time, it was in 1994.
9 Before 1994, I used to take part in the meetings, and I saw Interahamwes
10 that would also come along to these meetings on board of these vehicles.
11 I also saw them when they were travelling on the roads and they were on
12 board of these vehicles because they would go to the meetings that took
13 place in the prefecture. In 1994, I saw them in the month of May in
14 Muhima.

15 So they were driving these vehicles, but I did not know where
16 they were heading for. They were with soldiers.

17 Q. When you saw Interahamwe transported to MRND meetings on Kabuga's
18 vehicles, what timeframe did that happen in?

19 A. Right. It was 1993 and 1994, especially in 1994. I remember the
20 exact date, in fact. It was 16 January 1994. There was a meeting that
21 was held and it was an MRND meeting in the Nyamirambo regional stadium.

22 Q. Did the Interahamwe play any particular role at these meetings?

23 A. Yes. I know the role that the Interahamwe played in these
24 meetings. If you allow me, I can share with you what I saw.

25 Q. Please go ahead, Witness.

1 A. At that point of time, the Interahamwe were dancing and singing.
2 They sang. They sang songs to support the speeches of the leaders of the
3 political parties. They sang songs that I can tell you, and the
4 Interahamwe were basically taking ownership of the events that occurred
5 in these songs.

6 Q. Do you remember any of those songs here today?

7 A. At that point of time, they danced to songs. They said, "Let us
8 exterminate the Tutsis." In the second song they sang, they said, "Nta
9 wukanda burende," which means no one can crush an armoured vehicle. So
10 these were the two songs the Interahamwe sang several times on a regular
11 basis.

12 Q. Witness, you also mentioned before seeing trucks carrying
13 Interahamwe in May 1994. Can you tell us more about that incident,
14 please?

15 A. Mr. Prosecutor, I saw two vehicles that belonged to Kabuga, and I
16 ran into these vehicles in Muhima. One of the vehicles was a lorry where
17 -- in which there were guns. And the other vehicle was a van, which was
18 behind the lorry. And in the van, you had the soldiers and the
19 Interahamwe.

20 Q. How were you able to identify them as Interahamwe?

21 A. Well, it was really easy. The soldiers were quite prominent
22 whilst the Interahamwe were dressed in civilian clothing. There were
23 people who had military uniforms amongst them, so these were camouflaged
24 uniforms, and the others were wearing civilian trousers. And at the time
25 of the events, the Interahamwe were only with the Interahamwe. No one

1 else could travel with them in these vehicles.

2 Q. So you saw these two vehicles. Where were you when you saw them?

3 A. I was in my own vehicle.

4 Q. And if you can help situate us, where was your vehicle relative
5 to the two Kabuga vehicles?

6 A. I was further down compared to them, and they were coming down.
7 They were actually in the middle of the road, and we really couldn't
8 cross each other easily. And when I observed that they could actually
9 drive into me, I parked along -- on the side of the road and the two
10 vehicles continued. And when I looked, I saw that there were soldiers in
11 the vehicles as well as the Interahamwe in the van. And there were also
12 weapons.

13 Q. So if I may then, do I understand, Witness, that they were
14 driving toward you?

15 A. They did not have the intention to drive into me, but I took the
16 initiative to park because they were actually driving in the middle of
17 the road. And if I would continue driving towards them, there could be
18 the risk of collision because they were right in the middle of the road.

19 Q. Do you recall how far all of this took place from Kabuga's
20 building in Muhima?

21 A. It was very close to Kabuga's building. They were just down the
22 building, and I felt that they just left the building.

23 Q. Witness, you also mentioned earlier that Kabuga's vehicles were
24 used to transport food for the Interahamwe. How do you know that?

25 A. I was a witness to certain incidents, and there were other

1 incidents that I'd heard of. Personally, in 1994, I saw vehicles, even
2 though I'm not sure, I basically saw them in Muhima sector too, and I saw
3 a van that was carrying sacks of food.

4 Now, with regard to the other vehicle, I saw it in the Nyamirambo
5 road in the Biryogo sector, and the vehicles I saw were vans.

6 Now, with regards to what I heard, what I was told, these were
7 Interahamwe that were in Kabuga's residence in Kimironko and these
8 Interahamwes were charge of ensuring the safety of the site. And I heard
9 that it was Kabuga who was feeding the Interahamwe who were at his
10 residence in Kimironko.

11 Q. Now, if we can start with that first van that you saw in Muhima.
12 How do you know that it belonged to Felicien Kabuga?

13 A. Now, these vehicles could have -- have been identified because
14 there were markings on these vehicles. There were -- the letter KF was
15 marked, which stood for Kabuga, Felicien. Now, this was during wartimes
16 and we would -- the names were abbreviated. It was only KF that was put
17 on the vehicle. So it was the abbreviated form of Felicien Kabuga, KF.

18 Q. Now, with regard to the vehicle in Muhima, do you remember was
19 this before or after 6 April 1994?

20 A. It was after 6 April 1994. It was perhaps end of May or the
21 beginning of June 1994.

22 Q. And how was it that you were able to see that the van was
23 carrying food?

24 A. I told you that I saw sacks of food in the van, and these sacks
25 contained food, and there were also Interahamwe behind. And on the

1 driving seat, there was a person who was dressed in military attire. And
2 I thought that it was Interahamwe, because the people sitting at the back
3 of the van were Interahamwe. So it was obvious that the sack contained
4 food.

5 Q. Now, the van that you saw in Nyamirambo, again, was that before
6 or after 6 April 1994?

7 A. It was after, Mr. Prosecutor. It was perhaps in the month of
8 May, mid-May.

9 Q. And once again, the same question as before: How did you know
10 that this van was carrying food for Interahamwe?

11 A. Once again, there were sacks in the van. It was obvious that the
12 sack contained food. And this vehicle that I saw in Nyamirambo contained
13 more sacks. And you could also see beans that were falling on the
14 ground. And with regards to people on board, it was quite obvious that
15 they were the Interahamwe because they were the only ones who would use
16 this vehicle with the soldiers. The Interahamwe were in civilian attire
17 quite often, but amongst them, there were also some who wore camouflaged
18 parkas, even though they were wearing ordinary trousers. They did not
19 wear military boots, however.

20 Q. This van that you're describing, was it an open vehicle or was it
21 a closed vehicle?

22 A. The vehicles were not covered.

23 Q. Witness, a few minutes ago when I asked you about Kabuga's
24 support for the MRND, you said that he gave money publicly. Can you tell
25 us in what context you saw Kabuga publicly give money?

1 A. I witnessed this once. I think it was in the beginning of
2 February 1993. The MRND had organised a meeting at the Amahoro stadium
3 in Remera, and this was in the Kacyiru commune. I attended this meeting,
4 and it's on this occasion that I saw Kabuga giving an envelope containing
5 a cheque. The secretary-general of the MRND, who at that time was
6 Matthieu Ngirumpatse, had raised awareness amongst people and had
7 participated in this meeting, and he encouraged the rich ones to make
8 donations.

9 And Kabuga was not the only person who gave financial support.
10 Since he gave a banker's cheque in an envelope, I do not know how much it
11 was, the amount, but I saw him do so. And the others who were present
12 also made financial donations.

13 Q. Do you happen to remember where Kabuga was seated at this
14 meeting?

15 A. He was sitting on the first row.

16 Q. Now, Witness, you've just mentioned that other people also gave
17 support. Now, speaking generally, were there people aside from Kabuga
18 who were private individuals in Kigali, not members of government, who
19 supported the Interahamwe?

20 A. Kabuga was not an ordinary person. He was a wealthy person. He
21 was well known and influential, and he brought an important support to
22 the MRND. Now, for the members of the government in the MRND, they were
23 numerous. But I also saw traders. I do not know whether you want me to
24 give you the names of the people I remember today.

25 Q. For the moment, no, Witness. What I want to know is these

1 traders, these private individuals, did you ever see them display any
2 public support for the Interahamwe?

3 A. Yes, among them, some did it and it was known.

4 Q. And can you explain for us how these traders, how these private
5 individuals publicly displayed their support for the Interahamwe?

6 A. They did it just as Kabuga had done. He gave -- they gave
7 envelopes with cheques, and somebody received the envelopes. They put
8 the envelopes in a bag in front of the public in a box. So I saw the
9 person who gave the envelopes, and I saw the person who received the
10 envelopes and put them in a box.

11 Q. Did you ever see any of these people wearing anything that
12 indicated their support for the Interahamwe?

13 A. That was -- it was not only one person. A lot of people were
14 publicly supporting the Interahamwe, and I saw these people. I can give
15 some names if you would like me to.

16 Q. Witness, the question is quite specific. Did you ever see any of
17 these people wear anything to display their support for the Interahamwe?

18 A. Yes, I did.

19 Q. What did you see them wearing?

20 A. Some of them were wearing the Interahamwe uniform which was in a
21 type of cloth called kitenge. It was pants and a shirt. And for the
22 women, they were wearing skirts and a blouse.

23 JUDGE BONAMY: Now, Mr. Rosensweig, it's not clear to me whether
24 this answer refers to people giving donations or to other people. And I
25 don't know -- I understood your question to relate to those giving

1 donations.

2 MR. ROSENSWEIG: [via videolink] Your Honour, it wasn't
3 necessarily meant to be limited to that, but I'm certainly glad to ask
4 and clarify.

5 JUDGE BONOMY: Well, that's -- I understand that.

6 MR. ROSENSWEIG: [via videolink] Okay.

7 Q. Now, Witness, just one last question about this. Limiting
8 ourselves to private individuals, traders, do you recall any names of
9 persons who you would see wearing Interahamwe uniforms?

10 A. Yes, I saw them. And amongst them, there were some people I knew
11 well.

12 Q. And can you please give us those names.

13 A. Please forgive me. I was not talking only about traders but also
14 other private individuals. But amongst the traders, I would like to
15 quote Jean Sefara. I would also like to quote Seraphin Rwabukumba.
16 Amongst other individuals who were also working privately, I could also
17 give other names. But for the traders, for now I just remember the two
18 names I just gave you.

19 Oh, I actually remember, amongst the traders, having seen someone
20 called Gaspard Ukwizagira. And in the other category, there were also
21 other people whom I remember and I could give the names of these people
22 if you want me to.

23 Q. I think that's sufficient, Witness. I actually just have one
24 last question about this, which is, in what context would you see them
25 wearing these uniforms?

1 A. The investigators putting these markings, but they used the
2 answers that I was giving to their questions to do so.

3 Q. So to be clear, who told the investigators where to put the
4 markings?

5 A. I did.

6 MR. ROSENSWEIG: [via videolink] Can we please have page 1 of the
7 same document.

8 Q. Witness, do you see your signature or your initials anywhere on
9 this document?

10 A. Yes, I do.

11 Q. Now, when you had -- when you gave this interview, and you
12 asked -- or I should say when you informed the investigators where to put
13 the markings on the map, did you endeavour to ensure that the place names
14 on the list in front of you match the locations of the codes written on
15 the map we just looked at?

16 A. On the map, the markings were not very easy to read. But on this
17 list, it is very clear.

18 Q. And do the place names you see on the list in front of you --

19 A. The information on the list is clearer than what we see on the
20 map.

21 Q. And do the place names on the list in front of you correspond to
22 the locations marked on the map?

23 A. The map that was in front of me before didn't show all the
24 information on this list, but some markings correspond to what the
25 investigators put on the map according to what I told them, because I

1 told them such a location is here. But even if I only have a paper, one
2 page in front of me, I think that there might be other pages.

3 Q. Witness, if you look under the heading "Houses," about nine lines
4 down we can see the name Kabuga, Felicien. And there are two codes next
5 to that name. One of them is H/19. Do you see that?

6 A. Yes, I do, Mr. Prosecutor.

7 MR. ROSENSWEIG: [via videolink] Can we have page 2 of the
8 document, please.

9 THE WITNESS: [via videolink] [Interpretation] I was asked
10 questions. I indicated the site, but it wasn't put on the list, because
11 here only two locations were written down, but I talked about three
12 locations.

13 MR. ROSENSWEIG: [via videolink]

14 Q. Witness, I'm going to focus your attention now on the page in
15 front of you and ask you to look about eight lines up from the bottom
16 where it says "Party - MRND office" and the code B/9. Do you see that?

17 A. Yes, I do see that, Mr. Prosecutor.

18 MR. ROSENSWEIG: [via videolink] Now if we can go back to page 4.
19 And again zoom in on B/9 and H/19.

20 Q. Witness, do you see the markings H/19 and B/9 next to each other
21 on the map?

22 A. I cannot see them very well, Mr. Prosecutor.

23 Q. Witness, can you see them now?

24 A. Yes, I can see there is letters now.

25 Q. Do you know which part of Kigali we are looking at, which sector?

1 A. We are in the Muhima sector.

2 Q. Now, a moment ago, we saw that on the list H/19 was indicated as
3 a house of Kabuga's. Is H/19 on this map a residence of Felicien
4 Kabuga's or is it something else?

5 A. This shows us the building which belonged to Kabuga in Muhima.
6 Now, for the B marking, it corresponds to the office, because the MRND
7 had its office in this building during the time period I mentioned to
8 you. And the Interahamwe also had a premises there where they worked,
9 and I already told you about this.

10 Q. Now, Witness, I'll come back to possibly the first question I
11 asked you about this map, which is, can you confirm for me when you met
12 the investigators on 19 November 2003 if you endeavoured to tell them to
13 put these alphanumeric markings, like H/19 and B/9, in the same place on
14 the map that corresponds to the place names on the list we saw a moment
15 ago?

16 A. Yes, these markings were put on the map by the investigators, but
17 I was the one who told them where Kabuga's building was in Muhima, where
18 the offices of the Interahamwe were, and the investigators just marked on
19 the map what I was telling them.

20 MR. ROSENSWEIG: [via videolink] Now, Your Honour --

21 JUDGE BONOMO: I wonder if I could clarify something. Maybe you
22 can do it for me, Mr. Rosensweig. Are H/19 and B/9 two separate
23 buildings?

24 THE WITNESS: [via videolink] [Interpretation] It is the same
25 place in the building of Kabuga in Muhima.

1 JUDGE BONOMY: Thank you. That answers my question.

2 You were going to say something, Mr. Rosensweig.

3 MR. ROSENSWEIG: [via videolink] Your Honour, I was simply going
4 to tender 70040.1 into evidence, and that's a four-page document which
5 consists of the map and then three pages prior to it which serves as a
6 legend.

7 JUDGE BONOMY: That will be admitted.

8 THE REGISTRAR: As Exhibit P407 under seal, Your Honours.

9 MR. ROSENSWEIG: [via videolink] Your Honour, I just have a very
10 short few questions remaining which ought to be asked in closed session,
11 please.

12 JUDGE BONOMY: We shall go into closed session. Thank you.

13 [Private session]

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

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Pages 35-38 redacted. Private session.

1 (redacted)

2 (redacted)

3 (redacted)

4 [Open session]

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

6 MR. ROSENSWEIG: [via videolink] Your Honour, that concludes my
7 examination. Thank you.

8 JUDGE BONOMO: Thank you.

9 Witness, the Court, again, will require to adjourn now. Our time
10 for today has been exhausted. And we will resume your evidence tomorrow
11 at 10.00 when you will be cross-examined on behalf of the Defence by
12 Defence counsel Maître Mathe. Until then it is vital, as I said
13 yesterday, that you have no discussion whatsoever about any of the
14 evidence in this case with any other person.

15 This court is now adjourned until tomorrow.

16 --- Whereupon the hearing adjourned at 12.29 p.m.

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