

1 Thursday, 24 November 2022

2 [Open session]

3 [The witness takes the stand via videolink]

4 [The accused entered the courtroom]

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

6 JUDGE BONOMO: Good morning, everyone.

7 Before we return to the evidence, I'd like to deal with the
8 matter I raised at the beginning of yesterday's proceedings. I indicated
9 the Chamber were considering authorising certain alternative means of
10 taking the evidence of some witnesses who are planned to give evidence
11 from Kigali.

12 Following discussion between the parties and the Registry
13 yesterday, three witnesses who can identify from Arusha, if necessary,
14 whether -- who can testify from Arusha, if necessary, were identified.
15 Following that, the parties notified the Trial Chamber of their agreement
16 to have these witnesses give evidence, if appropriate, from Arusha if
17 time permits before the end of year recess. These witnesses are KAB086,
18 072, and 101.

19 In light of that, the Trial Chamber grants the request from the
20 parties and directs the Registry to facilitate the testimonies of the
21 aforementioned witnesses by video-conference link from Arusha. The
22 Registry should alert the Trial Chamber and the parties at the earliest
23 possible moment should circumstances frustrate the appearance of any of
24 these witnesses in Arusha.

25 Good morning, Witness. We can now return to your evidence. You

1 completed your evidence-in-chief yesterday, and we now turn to
2 cross-examination. And I call upon Maître Mathe for the Defence to
3 undertake that cross-examination.

4 Maître Mathe.

5 MS. MATHE: [via videolink] [Interpretation] Thank you so much,
6 Your Honour. First of all, I would like to tell you that the first
7 series of questions that I'm going to ask include elements that may
8 identify the witness. Insofar as possible, I've tried to regroup
9 questions such as these, and I would request you to order that we move to
10 private session, please.

11 JUDGE BONOMY: We will do that in a moment.

12 Before we do, are you able at this stage to give me any
13 indication of the time you are likely to take in cross-examining this
14 witness?

15 MS. MATHE: [via videolink] [Interpretation] I will try and not
16 exceed three hours.

17 JUDGE BONOMY: Well, that's a very helpful indication. We shall
18 now go into private session.

19 [Private session]

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Pages 3-26 redacted. Private session.

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14 [Open session]

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

16 MS. MATHE: [via videolink] [Interpretation]

17 Q. Can you tell us, Mr. Witness, when the building of Felicien
18 Kabuga in Muhima was built exactly?

19 A. I do not remember that. I do not remember the beginning of the
20 construction of this building. But what I know is that in 1992 the
21 building had been built. It was finished.

22 Q. Are you aware of a ceremony of inauguration for this building,
23 and if that happened, were you invited to this ceremony?

24 A. I do not remember whether such a ceremony happened. In case it
25 did, I was not invited.

1 Q. Can you tell us when this building was put at the disposal of the
2 MRND? Was it before or after April 1992?

3 A. Thank you. It happened before that date.

4 Q. Did it happen long before that date? Can you maybe be a bit more
5 specific?

6 A. Thank you. During multipartyism, if my memory serves me right,
7 the MRND, when it had to deal with other parties, I think that started in
8 1991, when there was this new MRND, from this date and until 1993, until
9 the end of 1993, the MRND party was within this building.

10 Q. When this building was put at the disposal of the MRND, was there
11 a ceremony for that or a party?

12 A. No.

13 Q. At the time, you were a prominent member of this party. You were
14 committed. You had some function within this party. I'm not asking you
15 about the function you had in particular.

16 A. That's right.

17 Q. I would like you to help us understand the location of this
18 building. The MRND had offices that were put at its disposal on the
19 2nd floor, and you said that the Interahamwe had other offices, another
20 room. Their offices were in a separate location. But were they on the
21 same floor? Were they neighbours? I am talking about the MRND and the
22 Interahamwes.

23 A. Counsel, I would like to remind you that we are talking here
24 about the Interahamwe of the MRND. It's the youth movement of the MRND.
25 The people in charge of the MRND were on the 2nd floor but in a distinct

1 office, in different rooms. The Interahamwe were on the same floor.
2 There were two spots for the MRND: Their usual offices, and then later
3 there was a place where the weapons were stored. I remember that that
4 was on the left-hand side when you enter the building. And this office
5 was amongst the first rooms on that level.

6 On the right-hand side, there was a big room which had been put
7 at the disposal of the Interahamwe, and this is where they used to train.
8 And then if you continue in the corridor, you're still on the 2nd floor,
9 you get to the offices of the persons in charge on the right side. I
10 remember that there was also another office on the left-hand side.

11 There were many offices that had been put at the disposal of the
12 MRND. Some offices were only for meetings. On the left-hand side, there
13 were other offices for the people in charge of the MRND. This is what I
14 remember as concerns the 2nd floor. So to sum up, the 2nd floor was only
15 for the MRND.

16 Q. Mr. Witness, the 2nd floor which was only for the MRND, you said
17 that it was when you entered the building. Are you talking about the
18 access to the building on the side of the tar road? There are several
19 buildings and one is on the side of the tar road. Is it how things were?
20 Were the MRND offices on the side of the tar road, and in particular,
21 did -- the windows, were they on the side of the tar road? That is my
22 question.

23 A. Thank you, counsel. Well, people used to enter on the side of
24 the tar road, then we took the stairs on the right side, and then on the
25 left side, and then we accessed an office which is on the side of the

1 part that is not -- not on the side of the tar road. But I think there
2 was another side also on the tar road. And it is the same for the room
3 where the weapons were stored. This particular office was on the side of
4 the road which was not a tar road, on the side of Nyabugogo.

5 Q. Where did the meetings of the MRND happen? In which part of the
6 building?

7 A. I'm trying to remember. I believe when I went there, it was on
8 the right side. When there were meetings, we went to the office located
9 on the right side, but I can't remember where the executive bureau of the
10 MRND met. This was more people than we were, so I don't quite remember
11 where they met.

12 Q. You said that Interahamwe were being trained to use weapons in
13 one room. Was that room visible from the road? Was it overlooking the
14 road?

15 A. No, this room was not overlooking the road. It was more towards
16 the Nyabugogo locality, which I already talked about.

17 Q. I would like to clarify some issues or misunderstanding on my
18 part. In that room, I thought that only the people in charge of the
19 Interahamwe were being trained on how to use weapons and that the other
20 members of the Interahamwe had been trained elsewhere in military camps.
21 So my question is the following: The training that was given in this
22 room, was it only for the people in charge or not?

23 A. Thank you, counsel. At the beginning of the trainings, it was
24 only for the leaders, for the people in charge. Only they were trained
25 there. They would come from the various cells, from various sectors, and

1 even from different parts of the country. Later on, many Interahamwe
2 members were trained there, Interahamwe coming from the sector who were
3 trained in military camps.

4 Q. But not in the Muhima building. That's what you're saying?
5 Those were not trained in the Muhima sector in that building. Is that
6 what you're saying? Is that correct?

7 A. Yes, counsel. That's what I meant. That's what I said.

8 Q. How many times per week did you go to the MRND headquarters in
9 Muhima?

10 A. Thank you. I didn't go every day. I went there for meetings,
11 but those meetings did not happen every day. There was one meeting a
12 month or one meeting every three months at my level. However, sometimes
13 I would go even when there was no meeting; for example, when I wanted to
14 meet with some MRND leaders with whom I was closely in contact.

15 Q. How many --

16 JUDGE BONOMO: Maître Mathe, before you move on, I would like to
17 clarify something with the witness.

18 Witness, you refer to a room, a large room in which training was
19 conducted. Is that the room in which the weapons were kept or were they
20 kept in a different room?

21 THE WITNESS: [via videolink] [Interpretation] Thank you,
22 Your Honour. As I said, the weapons were stored in a different room than
23 the training room.

24 JUDGE BONOMO: Thank you. That answers my question.

25 Maître Mathe.

1 MS. MATHE: [via videolink] [Interpretation] Thank you,
2 Your Honour.

3 Q. How many training sessions took place for the Interahamwe leaders
4 in the Muhima building?

5 A. Counsel, I wasn't there with the Interahamwe during those
6 trainings. I can't tell you how many training sessions there were. The
7 Prosecutor asked me how many times I saw them. Maybe you could ask me a
8 similar question. Maybe you could ask me the same question as the
9 Prosecutor. I didn't go to this place every day. I wasn't always there
10 with the Interahamwe.

11 Q. Thank you for your suggestion, Witness. Therefore, let me ask
12 you this: How many trainings were you there for, or how many took place
13 while you were there in the building?

14 A. Thank you, counsel. I'm not able to tell you how many times
15 there were meetings there. Maybe you could ask me questions about MRND
16 meetings; i.e., a more specific question. Each --

17 JUDGE BONOMO: Witness --

18 THE WITNESS: [via videolink] [Interpretation] -- category of
19 people had their own meetings, if you see what I mean.

20 JUDGE BONOMO: Witness, you're being asked questions that counsel
21 chooses to ask you. That's the way the system works. It's not for you
22 to guide counsel on the line of examination to be followed.

23 Now, you've been asked to say how many times you saw training
24 taking place. Can you focus on that question and answer it, please.

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

1 Your Honour.

2 Well, counsel, I said that twice I went into that room and I
3 found Interahamwe training there. That's what I said already.

4 MS. MATHE: [via videolink] [Interpretation]

5 Q. So you personally witnessed two such training sessions; is that
6 correct?

7 A. No. I saw them on those occasions, but I had conversations with
8 other people who had more information and I heard about other training
9 sessions that took place there.

10 Q. That was my understanding. What I would like to say is that a
11 few days ago this Chamber heard a high-level Interahamwe leader who said
12 that there were only two training sessions in that building and that they
13 had been interrupted following the incident that you described, namely,
14 this bullet that was shot accidentally. And so that, therefore, there
15 were only two training sessions.

16 MS. MATHE: [via videolink] [Interpretation] This is 16 November
17 2022, page 35, line 5 in the transcript, French version.

18 Q. So how do you account for this difference between the number of
19 training sessions which you claim took place, because you witnessed them
20 or because you were told about them, and the figure provided by this
21 Interahamwe leader who followed those trainings and stated that there
22 were only two before they were suspended after this bullet was shot
23 accidentally?

24 A. Thank you. I saw two training sessions, as I said. But the
25 conseiller of the Muhima sector gave me information, more information. I

1 don't know if he told the truth, but he did say to me once that he knew
2 that Interahamwe were being trained there, even before the window was
3 broken.

4 Q. This was the broken window incident that put an end to the
5 trainings that were taking place there, and is that the reason why the
6 headquarters of the MRND was transferred?

7 A. I don't know why the MRND headquarters was transferred elsewhere.
8 I wasn't among the people who made that decision.

9 Q. Did it happen at the same time? You don't know why, but can you
10 tell us if this happened at the same time?

11 A. It happened later.

12 Q. Much later?

13 A. Honestly, on this point I can't be specific because I did not
14 receive any information regarding the transfer. It is only later when I
15 was told where the headquarters had been transferred to that I realised
16 it had moved, but I'm not in a position to provide information on when it
17 happened.

18 Q. I understood that you were an active member of MRND and that you
19 regularly visited this area. You were not informed of the transfer when
20 you were there in that area and as an active member of the MRND?

21 A. I didn't know right away but later on, I got the information.
22 For the transfer, maybe there were no meetings that I was invited to
23 attend. Moreover, in the exercise of my duties, I didn't have to go to
24 that building. Only I had to visit different areas of the commune.

25 Q. Could you tell us more about those trainings, the ones that took

1 place in Muhima or other trainings? Who decided to organise them and
2 why? Could you tell us?

3 A. Thank you. In fact, the MRND higher authorities were making a
4 certain number of decisions, and it is quite logical that such a decision
5 would be made by those institutions. I'm only going to talk about what I
6 know. It happened that the secretary-general of MRND would send letters
7 to the president of the republic and in such letters would say that, in
8 order to fight the inkotanyi, the youth coming of the party, the youth
9 from the majority population would receive military training to help the
10 soldiers fight the inkotanyi. This happened at the beginning of 1993.

11 At the time, the secretary-general wrote on behalf of the
12 political bureau of MRND. I saw the letter that I'm talking about,
13 specifically. I read it quickly. And at the time, it was the president
14 of the MRND at the level of the Kigali prefecture who had this letter in
15 his hands, and that's how I was able to read it.

16 Q. In order to organise such trainings, were you summoned along with
17 other members of the MRND by a certain colonel? Colonel Renzaho, were
18 you summoned by him, yourself and other members of the MRND?

19 A. Thank you, counsel. Yes, it did happen. And later on, I saw
20 that letter that the secretary-general of MRND had sent to the president
21 of the MRND.

22 MS. MATHE: [via videolink] [Interpretation] I would like the
23 witness to be shown Exhibit 70 70053. More specifically, end of page 7
24 and the beginning of page 8 in the French version. That corresponds to
25 page 5 in the English version.

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14 JUDGE BONOMY: Maître Mathe, just one moment. Could you find a
15 suitable point at which to interrupt your cross-examination for the day?

16 MS. MATHE: [via videolink] [Interpretation] Yes, Your Honour.
17 I've just got three questions and that will bring me to the end of this
18 line of questioning.

19 JUDGE BONOMY: Well, there's one other matter I want to deal with
20 just now. The last section of evidence to this point, from the point at
21 which you started to read the quotation, will be redacted for obvious
22 reasons.

23 Now you can continue.

24 MS. MATHE: [via videolink] [Interpretation] Thank you,
25 Your Honour.

1 Q. You suggested that I should look elsewhere in your statement, but
2 I have to limit myself, and I would like to know the objective of the
3 training of the Interahamwe.

4 THE INTERPRETER: I'm sorry, the counsel is inaudible. It's
5 really very, very difficult to hear her. She has to repeat that
6 question, Your Honour. I'm sorry. The sound is very unclear.

7 JUDGE BONOMO: Maître Mathe, Maître Mathe, the interpreters are
8 not hearing you for some reason. Can you please repeat your question.

9 MS. MATHE: [via videolink] [Interpretation]

10 Q. Now, through this statement, could you tell us if it is true that
11 these training sessions were organised in order to allow the Interahamwe
12 to provide backup to the soldiers in case of hostilities? It is clear
13 that these military trainings had a military objective and not an
14 objective to hurt the population. This is the essence of my question.

15 A. Thank you, counsel. First of all, it is true -- on the one hand,
16 it is true. But you must make a distinction. The speech was made and
17 there are things that we would do, and the civilians were killed by
18 Interahamwe and the soldiers. And this mainly happened after 6 April
19 1994.

20 Q. You also say that these trainings, this operation should be
21 strictly confidential. Did it remain confidential?

22 A. This is perhaps Renzaho's point of view, but the reality is
23 something completely different. This did not stay confidential. The
24 training was revealed.

25 Q. Was there an objective attributed to the Interahamwe to carry out

1 surveillance and infiltrate the RPF, especially in the city of Kigali?

2 A. No, nothing was in writing, but the Interahamwe were looking for
3 people whom they accused to be infiltrated. They were looking for the
4 enemy. We would not talk about people who were infiltrated. We would
5 talk about the enemy.

6 MS. MATHE: [via videolink] [Interpretation] I would like to show
7 you on this subject, and this would be my last question, your statement
8 again. It's the same exhibit, that is 70 70053. But this time it's
9 page 13 in the French version, and page 8 in the English version.

10 Q. I'm going to read what you stated. You stated, and I am quoting
11 you:

12 "The Interahamwe received instructions to carry out surveillance
13 on people who were coming in and going out of the CND to register people
14 who were visited by the inkotanyi in the sector and also to draw up a
15 list of the young people who were joining the inkotanyi and members of
16 their family."

17 So this is the mission on which you were interrogated and you
18 said that this was not given. So this is -- we are talking about this
19 mission. It is about surveillance and infiltration.

20 Now, these criteria that were given is about people who were
21 coming and going out of the CND. This is -- we're talking about this,
22 right? And also register people who were visited by the inkotanyi and
23 draw up the list of youth who were joining the inkotanyi.

24 Now, this is surveillance which is rather selective and it is
25 part of the research. And according to you, is it part of the

1 research -- or is it part of looking for people who were collaborating
2 with the Rwandan Patriotic Forces? Was this the objective, the end
3 objective?

4 A. Thank you, counsel. Now, when we were talking of duties or
5 responsibilities -- now, this is rather important. But what is important
6 and what they were asked to do is when you would speak to the
7 Interahamwe, and they -- and you would -- and these were committed upon
8 instructions received from the higher authorities of the MRND. All these
9 activities that are enumerated, the Interahamwe would do them. And if my
10 memory is not failing me, I also provided testimony on the responsibility
11 of the leaders of the MRND. I think I mentioned this fact.

12 Q. Considering what you said in this statement that was given to the
13 Interahamwe, the objective was to look for the people who were
14 cooperating, collaborating with the RPF. This is what you wrote about
15 Colonel Renzaho; is that right? A mission was given to the Interahamwe
16 to identify not a general ethnic group but the people who might
17 collaborate with the RPF; is that right?

18 A. It is not what I said. That is not what I said. It was clear
19 that one ethnic group was looked for and also the people opposing MRND
20 and President Habyarimana. This is how we should understand things, and
21 this is what I said in my testimony. And it concerns all the leaders of
22 the MRND.

23 Q. If the objective is only to identify Tutsis, then you only need
24 to look at their ID card. You don't need to know who goes to the CND,
25 who goes and trains with the inkotanyi. These are the criteria that you

1 described yourself. I read your statement. These are selective
2 criteria. You were looking for accomplices, not all the Tutsis. If it
3 was about all the Tutsis, then there would be no need for selective
4 criteria. Can you make difference here?

5 A. I would like to specify here that during that period we noticed
6 the facts. These Interahamwe were surveilling the people who lived next
7 to the CND. Lists were made, and on those lists there were some Tutsis
8 and some Hutus who opposed the MRND regime. Those lists were drafted.
9 In one of my statements, I said that those lists had been given to higher
10 authorities. And I think I mentioned the fact that Renzaho was receiving
11 the lists drawn by the Interahamwe. I think I mentioned that particular
12 fact.

13 MS. MATHE: [via videolink] [Interpretation] Your Honour, I am
14 finished with this line of questioning, and it would be logical for me to
15 stop here.

16 JUDGE BONOMY: Thank you, Maître Mathe.

17 Witness, again, we have to conclude today's hearing and continue
18 next week. That will be on Tuesday morning. Meanwhile -- oh, sorry.
19 Sorry. My mistake.

20 [Trial Chamber and legal officer confer]

21 JUDGE BONOMY: Sorry, Witness. I was overlooking the fact that
22 there is a Plenary of the Judges of this institution taking place next
23 week, and that, therefore, the next hearing will be probably -- and a
24 final notice will be given, but the next hearing of evidence will
25 probably be a week from today, next Thursday. The period is lengthy,

1 obviously, but it's caused by the circumstances I've referred to.

2 I remind you. I know that generally I don't need to keep
3 repeating this, but on this occasion, since there's a week involved, I do
4 stress the importance of you having no communication with anyone at all
5 about any of the evidence in this case.

6 The Trial Chamber is now adjourned.

7 --- Whereupon the hearing adjourned at 12.20 p.m.

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