

1 Tuesday, 25 October 2022

2 [Open session]

3 [The accused appeared via videolink]

4 [The witness takes the stand]

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

6 JUDGE BONOMY: Good morning, everyone. And I am pleased to
7 welcome Mr. Kabuga, who is appearing from the Detention Unit this
8 morning. That's a welcome development as far as the Trial Chamber are
9 concerned.

10 And it has already been checked, and confirmed to me, that he is
11 able to see these proceedings by videolink and that he can hear what's
12 said in the course of the proceedings in his own language.

13 Good morning, Mr. Nsanzuwera.

14 THE WITNESS: [Microphone not activated].

15 JUDGE BONOMY: We shall continue and probably complete your
16 evidence this morning. I know that, strictly speaking, I need not do
17 this with you, but it's only right that we treat all witnesses in the
18 same way, and I remind you of the importance of the oath you took at the
19 beginning, and remind you that it continues to apply to your evidence
20 today.

21 THE WITNESS: [Interpretation] Thank you, Your Honour.

22 JUDGE BONOMY: Maître Altit.

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

24 Good morning, Your Honours.

25 WITNESS: FRANÇOIS-XAVIER NSANZUWERA [Resumed]

1 [Witness answered through interpreter]

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

3 Q. [Interpretation] Good morning, Mr. Witness. We will continue
4 with the questioning.

5 I'm sure you remember that when we stopped last week, we were
6 talking about flags, and you were telling us that different parties were
7 fighting to have their flags flown in different neighbourhoods. I'm
8 going to ask you a few questions on this.

9 First, let me quote you, paragraph 10, page 6 of the consolidated
10 version. And this is what you say, and I quote:

11 "Each morning in different neighbourhoods, in each neighbourhood
12 the -- every morning in various neighbourhoods youth wings of various
13 political parties raise their party flags and they compelled passersby to
14 stop. It was a kind of violence to force people to stop when they did
15 not want to stop."

16 So first question: Are you talking about roadblocks? That the
17 different wings, youth wings would set up in their neighbourhoods? So
18 roadblocks where people would have to at least slow down?

19 A. Well, I told you at first where this practice came from. It was,
20 you know, to salute the flag, because in Rwanda at the time civil
21 servants, before they could walk into their offices, had to salute the
22 flag. They had to be there for the raising of the flag. And all civil
23 servants would stand in line while the national flag was being raised.
24 So this salute to the flag was necessary before going in -- before going
25 to the office. So whenever there was a flag raised in front of any kind

1 of public organisation, all passersby would stop. Even drivers would
2 stop, drivers in cars. And during separatism, all these youth wings of
3 all political parties in their neighbourhoods would raise flags, and very
4 often in front of the offices of their political party.

5 So when they were raising the flag of their own political party,
6 they would force all passersby to stop as if it was a national flag,
7 where passersby didn't have to stop, of course not, because it was just a
8 party flag being raised. It was also a way to force people to adhere to
9 the party. These were not roadblocks, but it was usually in front of the
10 offices of a political party or in front of private residences.

11 Q. Thank you. But it was violent. It was sort of violent, because
12 people had to be forced?

13 A. Yes, it is sort of violent because if a passerby would not stop
14 to salute the flag, then the youth sometimes would abuse the passersby
15 who didn't stop and salute the flag.

16 When it comes to the national flag, of course, there was a
17 specific instruction. And if a driver did not stop for the raising of
18 the flag, he could be fined. But in those youth movements, what they did
19 was abuse the passersby who did not want to stop.

20 Q. Thank you. So these groups who were abusing the passersby, are
21 they, like, delinquents? Could they be called delinquents?

22 A. No. No, it's not a group of youth delinquents, because they were
23 members of a political party. So they were in charge of the political
24 party at local level, and the flag had been given by the officials of the
25 party. So you can't talk about delinquency here.

1 However, when it comes to recruiting those young people, they
2 recruited pretty much anyone. There were some totally uneducated
3 children that never went school. But there were also, you know, children
4 of notables. So you cannot say that they were delinquent, even though
5 what they were doing was acts of -- acts of petty criminality. But you
6 can't say that they were just petty criminals, no. But within the
7 political party, there were petty criminals.

8 Q. Fine. So when there was this abuse of passersby, were there any
9 racketing? Attempts to get ransoms?

10 A. What -- I was really informed about people that were beaten up.
11 When it comes to ransom, I don't know. But a lot of people were beaten
12 up in Kigali, in the capital city. Many were beaten up.

13 Q. Is it fair to say that this abuse originated -- was done by all
14 the youth movements of all sides?

15 A. Yes.

16 Q. Thank you. You also say, page 9 of the consolidated, page 5 of
17 the French version, and I quote:

18 "The youth of the different political parties would fight every
19 day on the streets."

20 So let's try and understand. Does this mean that notably in the
21 capital city there was general chaos?

22 A. In Kigali at the time, there never was a total chaos. Everything
23 was under control. Even the violence was under control, because those
24 clashes between the different youth members of the parties was also done
25 to recruit new members. A number of political parties would force the

1 Rwandans to become members, so that -- all these clashes was part and
2 parcel of the recruitment process. So you can't say that it was a total
3 chaos. Everything was under control. There never was total chaos. Even
4 violence was under control.

5 Q. Then in paragraph 18 of the same statement, page 9 in the French
6 version, you say that the officials of political parties would intervene
7 and ask you to release their members when they had been arrested by the
8 police. Could you tell us who called, who asked you to intervene? What
9 are the heads of political parties who actually intervened to have
10 members released?

11 A. Well, as I was -- when I was in office, at that time, you know,
12 when there was so much political violence, I think it was between 1991 --
13 from 1991 to 1994 when I was, you know, attorney-general. The members of
14 the youth, mainly the Interahamwe of the MRND, really did a lot of
15 violence, and also the Impuzamugambi of the CDR.

16 Now, as far as what I had to do, and what I was asked to do, if I
17 remember right, the person that asked me the most to intervene was
18 Mathieu Ngirumpatse for a number of reasons. As I told you earlier, the
19 Interahamwe, the young people in the MRND, they were young people who --
20 some of them were former soldiers or they were children of dignitaries of
21 the regime.

22 So when one was arrested after a crime had been committed, for
23 example, destruction of a house, a person who was beaten up, then Mathieu
24 would call me to ask me to free whoever had been arrested. So we knew
25 each other because -- which is probably why he called me. Another person

1 who called me was Jean-Bosco Barayagwiza from CDR. Once he called me to
2 ask me to release a person from the CDR who had been arrested, caught in
3 the act of vandalism, and he called me for an incident that had occurred
4 with the Belgian Blue Helmets.

5 Now, Mugenzi, from the liberal party, I think he called me once
6 when he had a problem with the -- his director of his private office,
7 cabinet director. Twagiramungu also came to my office. Actually, almost
8 all heads of political parties called. At least -- called my office off
9 and on.

10 Q. Thank you. Now, let's talk about political meetings. You say,
11 paragraph 6 of your statement --

12 JUDGE BONOMY: Just before you move on, Maître Altit. Can you
13 clarify the name of the first person referred to? There's a blank in the
14 transcript: "If I remember right, the person that asked me the most to
15 intervene was," and I think we later get the first name Mathieu.

16 Can you clarify that with the witness, please?

17 MR. ALTIT: [Interpretation] Yes, Your Honour. Of course.

18 Q. Mr. Witness, you heard what the President said. Could you tell
19 us who was this Mathieu?

20 A. Mathieu Ngirumpatse. He was the minister of justice. And
21 somewhere in 1993, 1994, he was also the head of the MRND.

22 JUDGE BONOMY: Thank you.

23 MR. ALTIT: [Interpretation]

24 Q. Now, let's talk about these political meetings. You say,
25 paragraph 6 of your statement, and I quote:

1 "The meetings of political parties required permits from the
2 préfet of the prefecture."

3 And a bit further, you say:

4 "Together we would see whether meetings of a political party
5 might not create disturbances in the city."

6 And then later at the same paragraph:

7 "The various authorities responsible for the enforcement of law
8 and order and the various authorities of the prefecture and the communes
9 often had different interpretation of situations ..."

10 So do you mean that for each political meeting there was a
11 negotiation? So there was no blanket policy for the authorities
12 regarding these meetings. It's more of a balance of power that came into
13 play?

14 A. I don't think I really understand your question. But what I can
15 say is the following. What I said in that paragraph in my statement is
16 that when a political meeting was to be organised, they are going to be
17 held in the public places, usually stadiums, stadiums that belonged
18 either to the prefecture or to the municipality. A public place, anyway.

19 So to organise a political rally, you need to get the
20 authorisations of the préfet, if it's at prefecture level. If it's at
21 municipality level, a political party could not allow the meeting to be
22 held without agreement from the mayor, the bourgmestre.

23 Regarding the capital city, that's where I was, this is how it
24 worked. The préfet was the person that contacted by the political party
25 heads to organise their rallies. So this préfet had the power to allow

1 the meeting. But when he thought that this could create a disturbance
2 and that the situation could get out of hand, then the préfet would
3 consult the security council of his prefecture, and all security
4 authorities would be there: their intelligence service, their
5 gendarmerie, and sometimes also the president of the tribunal of first
6 instance, or the people under the préfet, or even people from the
7 municipalities.

8 So in the end when the préfet decided that that rally could lead
9 to disturbances and security problems in the capital, he would ask for
10 that council to be gathered so that the council would give him advice on
11 what might happen. But he was the one who had the power to say "yes" or
12 "no" regarding the organisations of these rallies.

13 But what happened also sometimes is that the heads of the
14 political parties would just bypass him and organise the rally without
15 going through the préfet. But since these rallies actually were held in
16 places that belonged to the state, like a stadium, then you needed
17 absolutely to have the authorisation of the authority.

18 Q. At paragraph 110 of your statement, this is what you say, and I
19 quote, page 49 of the French version:

20 "Munyagishari was executed after a court conviction when the
21 Rwandan government executed 22 persons after the beginning of the
22 genocide, of the genocide trial."

23 So last time we looked at the conditions under which you were in
24 exile, and you were asked about what was happening with these 22 people.

25 But I'm going to talk about something else. I would like to know

1 who that Munyagishari was. Who was that person?

2 A. Munyagishari was the trial -- a trial attorney for the
3 prosecution.

4 Q. Who executed him?

5 A. He was executed after being convicted, if I'm right. At the
6 time, you know, I'd left the country. But if I'm right, I think it's one
7 of the first trial -- it's one of the first trial -- one of the first
8 case in the trials against the -- for the genocide. And so that was
9 after the genocide, and he was one of the first ones to be actually
10 executed. It was the first and the last. It was 22.

11 Q. Do you think he had a fair trial, so far as you know?

12 A. I think he did.

13 Q. Okay, thank you. Now, as far as you know, was he one of the
14 persons for which the -- for whom the western public opinion actually was
15 mobilised?

16 A. I can't answer that. He was arrested after I left, so I was not
17 in Rwanda when he was arrested. I'm not in favour of capital punishment,
18 anyway. I was always against the capital punishment. But he had a fair
19 trial. I'm against the death penalty. I've always been.

20 Now, as to whether the international public opinion mobilised,
21 was mobilised, I don't know. I think that a human rights organisation,
22 like FIDH or Human Rights Watch, are organisations who have always been
23 against the death penalty. And as for the others, well, I think these
24 organisations were mobilising against the death penalty, because that's
25 their philosophy.

1 In FIDH, for example, I was the general-secretary of FIDH at one
2 point, and this organisation has always worked towards abolishing the
3 death penalty.

4 Q. You just said that you were the general-secretary of the FIDH.
5 Do you remember whether the FIDH actually got mobilised to try to stop
6 the capital punishment for these 22 people, and more especially for the
7 one we were talking about, Munyagishari?

8 A. It's been a long time, but I do think that the FIDH, yes, tried
9 to take action against this, against those capital punishments.

10 Q. Okay. After the RPF [realtime transcript read in error: MRND]
11 took power, did magistrates like you or Mr. Munyagishari, were you
12 targeted?

13 A. I was telling -- I told you, you know, last week why I left. So
14 I told you why I left the country. I told you that I was threatened by
15 the RPF, officers in the RPF. And I thought I had to leave. That's what
16 I explained last week.

17 On May 3rd, 1994, when the Blue Helmets of UNAMIR tried to get us
18 out of the Hotel Des Mille Collines, I think there were 60 of us
19 altogether, the Interahamwe asked me to step out of the truck -- I'll
20 come to that in a minute. And they beat me up.

21 So when I was threatened like that in 1994, you know, I escaped
22 the Interahamwe, I escaped the Rwandan army --

23 JUDGE BONOMO: Sorry. Just a moment, Mr. Elderkin is on his
24 feet.

25 Mr. Elderkin.

1 MR. ELDERKIN: Excuse me, the answer was making sense orally, but
2 I see the question, which is at transcript page 10, line 1, refers to the
3 MRND taking power. I believe counsel referred to the RPF and it wouldn't
4 make a lot of sense, the answer being given, if it were MRND.

5 JUDGE BONOMY: Well, Maître Altit, you see how your question is
6 reproduced on the screen. Is that the question you asked?

7 MR. ALTIT: [Interpretation] Yes, I see. I see there's an error.
8 I see on page 10, line 1, "after the MRND took power," and I absolutely
9 agree with my colleague. I said after RPF took power. So after the RPF
10 took power, were magistrates actually targeted.

11 JUDGE BONOMY: Thank you. Well, the position's been clarified,
12 and we can move on with the answer, please.

13 THE WITNESS: [Interpretation] My answer was that magistrates were
14 targeted individually. It was not a systematic kind of targeting. It
15 really depended on the people and on the personality of those
16 magistrates. Because when I left, all magistrates, my former colleagues,
17 did not leave the country. I mean, they stayed. They're still there.
18 So there were people who were targeted in light of their position, in
19 light of their personality -- or how can I put it? Well, because of the
20 way they positioned themselves at the time.

21 My particular position at the time was that I was against people
22 being arrested massively without a case. So I was against that. Even if
23 things were pretty fragile, I think that we had to arrest people only if
24 we had a case against them.

25 So the word I was going to use maybe is not the right one. But I

1 said last time to the Judges that I spent my time identifying suspects in
2 the jails in order -- well, rather than starting investigations.

3 Now, this kind of targeting did not affect all magistrates. Some
4 people. And, really, it depended on their personal opinions,
5 personality. I mean, I'm sorry if I repeat myself. It's a tautology.

6 MR. ALTIT: [Interpretation]

7 Q. All right. Do you mean depending on their political position
8 also, whether they were members of the opposition?

9 A. No, I don't think so. Because according to the law on political
10 parties, magistrates were not members of political parties. Of course,
11 they had their own feelings and position, but they were not members of
12 political parties.

13 Q. Okay. So you said in paragraph 13 of your statement, page 7 in
14 the French version, and I'd like to quote you:

15 "In fact, in April, in May, and in June, Interahamwe merged in
16 order to form a structure that was legalised this time following
17 instructions of the prime minister regarding what he called Civilian
18 Defence."

19 So, Mr. Witness, what was the purpose of the establishment of
20 this Civilian Defence?

21 A. Well, here, we're talking about an instruction from
22 Edouard Karemera, a minister, in May 1994, establishing Civilian Defence
23 involving civilians, the youth of those political parties, and, well, at
24 the time I wouldn't say that they were just youth. They were militias by
25 then. And so the idea was to involve them, and this is my opinion, in

1 the massacres of Tutsi and Hutu political opponents, because Civilian
2 Defence, in the beginning, after the war initiated by the RPF in October
3 1990, bourgmestre, the mayors of the border municipalities with Uganda,
4 had asked for fire weapons for their communal policemen and even for the
5 citizens.

6 So after 1990, some fire weapons were distributed to policemen
7 and to some civilians in some of the municipalities that were bordering
8 Uganda. When the genocide started in April 1994, Interahamwes were armed
9 and they had fire weapons. So there was a distribution of weapons.

10 Now, the minister Karemera when he passed this -- when he issued
11 this instruction. And that's why I said, you know, he wanted to legalise
12 the process, Interahamwe, those from CDR, Inkuba, also from MDR, the
13 Inkuba from MDR. So all of these got together and so that has not even
14 disappeared.

15 Today when you ask the question who committed the genocide,
16 everyone says Interahamwe. Because at some point the Interahamwe
17 militia, the Impuzamugambi militia from CDR, the Inkuba from MRND, got
18 together to kill Tutsis and Hutus from the opposition. And people all
19 called these people, all of these killers they called them Interahamwe.
20 You know, in the minds of most people, they are labelled Interahamwe.
21 The word is still used to that day when you ask people who killed at
22 such-and-such a place.

23 And often people are afraid or, you know, they don't want to say
24 that these are Hutu farmers who massacred their Tutsi neighbours, and
25 they say they were Interahamwes who killed such-and-such a family. These

1 were Interahamwes who exterminated people on such a hill. But, in fact,
2 they just mean the killers. So, for me, this instruction from Karemera,
3 the minister of interior, that was issued in May 1994, which was actually
4 endorsed by [indiscernible], the government, this was a way to
5 officialise this kind of alliance between all these killers: The
6 Interahamwe, the Impuzamugambi, and the Inkuba from the MDR.

7 So this is my analysis.

8 Q. All right. Where were the RPF troops in May 1994?

9 A. There was an interference with an interpreter in Kinyarwanda, so
10 can you repeat?

11 Q. Yes, let me repeat. Where were the troops of the RPF in May
12 1994?

13 A. In May 1994, I think that -- well, how can I put it? Kigali was
14 not taken yet, but I think there was a neighbourhood around the capital
15 city that was already occupied by combatants of the Rwandan Patriotic
16 Front. So this is the middle of the war. So, you know, the war was
17 spreading all over the whole territory.

18 Q. Okay. Over all of the territory. Can you tell us, as far as you
19 know, where were the RPF troops on the territory? Had they taken over
20 some regions in the north, in the east, and so on? Can you please answer
21 this question?

22 A. Well, I cannot answer this question. But in my recollection,
23 these are neighbourhoods such as Kabuga, which is about 20 kilometres
24 away from Kigali. I think that the RPF had already taken over that part.
25 I don't know exactly about eastern Kigali -- no, I don't know about the

1 movement of troops. But the war was ongoing. I mean, then there was
2 June and July that remained. And by then, the RPF had taken over the
3 whole country.

4 But, I mean, I cannot -- I'm not in a position to tell you
5 specifically which were the movements of the troops. And, anyway, I was
6 at the Mille Collines in April and May.

7 Q. All right. What you say is that the establishment of Civilian
8 Defence did not aim, in May 1994, at the time when the RPF troops were
9 advancing, this is what I gather from your testimony, the purpose was not
10 to face a military threat but the purpose was to make the genocide
11 possible. Is that what you're saying?

12 A. Well, Civilian Defence was meant for civilians and not the
13 troops, the military troops. In this instruction of the minister of
14 interior and of the prime minister, the person who are addressed are the
15 prefects and the mayors, the bourgmestre, in order to mobilise the
16 farmers to Civilian Defence as put in this instruction. But it's not --
17 well, in fact, the situation is that you have two fighting forces: The
18 RPF and the Rwandan armed forces.

19 So the Civilian Defence was, in fact, meant for the civilian
20 population. How will the civilians participate in this war in between
21 the two warring factions? And what happened on the ground is that at the
22 time when combat was taking place between the two warring factions, the
23 Hutu farmers - Interahamwe, Impuzamugambi, and other militia - are in the
24 process of massacring Tutsi civilians and those Hutus who are opposed to
25 the genocide.

1 So the Civilian Defence was not about the defence of the country.
2 It was a way to legalise massacres of Tutsis and of those Hutus who were
3 opposed to the genocide. And those massacres became generalised on the
4 whole of the national territory. So it was a way to legalise massacres
5 and it has nothing to do with the defence of the country.

6 Q. All right. You said earlier, and please stop me if I didn't
7 understand correctly, that as early as 1990, as soon as the RPF started
8 attacking Rwanda, the local authorities of the border regions, so north
9 of Rwanda, close to Uganda, where the RPF was coming from, that they
10 asked for weapons to be distributed to the policemen and most likely to
11 the population as well. Did I understand you correctly?

12 A. Yes, this situation took place. This was illegal because these
13 prefects did not have the right to give weapons to civilians, so it was
14 illegal, just like the distribution of weapons to Interahamwe militia
15 before and during the genocide. These distributions of weapons were
16 illegal always.

17 Q. All right. But if I understand you correctly, the purpose of
18 distributing those weapons was to defend against the RPF; is that right?

19 A. No, because these weapons were used to massacre civilians. Not
20 against the RPF fighters.

21 Q. Let me quote you, paragraph 14 of your statement, page 8 of the
22 French version, and you said, let me quote:

23 "As concerns the distribution of weapons, since 1992 there was an
24 official distribution of weapons. Following the attacks perpetrated by
25 the RPF, and when the RPF arrived in February 1993 to the doorsteps of

1 the capital, the prefects of Kigali-ville, Kigali Rural, Ruhengeri,
2 Byumba and Gisenyi requested that weapons be distributed to the civilian
3 population."

4 And you said in the following paragraph, paragraph 15, let me
5 quote you:

6 "Starting in 1992, weapons were distributed in provinces in which
7 the RPF had attacked."

8 So if I understand what I just read, you said at the time that
9 weapons were distributed in order to fight the RPF attack; is this
10 correct?

11 A. Well, as I mentioned -- I mean, you know, this was just a
12 summary, if you will.

13 In 1992, in the beginning, it was the administrative authorities
14 of these border municipalities that asked for firearms when, as the RPF
15 advanced, all the way to the doorstep of the capital city, so Kigali
16 North. By then, it was still the administrative authorities that were
17 requesting those firearms, but the civilian population was not involved
18 in the war.

19 So, yes, there was a distribution, and that's what I'm saying, of
20 firearms to the civilian population to the militia. So firearms were
21 distributed, but it was not to the -- it was not the civilian population
22 that participated in the combats between the RPF warriors and the
23 soldiers of the Rwandan armed forces. Civilians did not participate in
24 those combats. What I'm saying is that those weapons were used to kill
25 the civilians. They were used by civilians against civilians, used by

1 the Interahamwe militiamen, Impuzamugambi militia, and others, for Hutus
2 chosen by administrative authorities in order to kill the Tutsis and the
3 Hutus who were expressing opposition to the massacres of Tutsis. So
4 civilians did not participate in the war.

5 Q. All right. Now, for things to be clear, is it fair to summarise
6 your position as follows: You said that the distribution of firearms --
7 or the distributions of firearms made since 1990, since the RPF attacked
8 were illegal. And, if I understand correctly, let me know if this is
9 right, you are against the fact that firearms were distributed to
10 civilians? You said that civilians were not supposed to receive
11 firearms, even if a foreign force attacks the country. Is my
12 understanding correct?

13 A. There never was a mobilisation of the civilian population meant
14 to recruit new soldiers. There were two warring forces. The civilians
15 did not participate in this war in between those two warring forces. I'm
16 repeating myself again. Those weapons were used to kill the civilians,
17 and precisely the Tutsis and the Hutus who were opposed to the massacre
18 of Tutsis.

19 Q. All right. Well, we understand your position on this, but my
20 question was slightly different. Do you consider -- or maybe I can put
21 it that way. Do you consider that it is legitimate -- I mean, the use is
22 a different story. But distributing weapons to civilians when an armed
23 force coming from abroad invades the place where those civilians live, do
24 you think that this is legitimate or not?

25 A. Well, the question -- from a general point of view, if the

1 question is not asked in relation to the situation we're talking about.
2 Now, as far as I know, if you refer to history, to militia, I mean, there
3 were kings who organised civilian militias. We are not in this situation
4 here. You know, for instance, during World War II, when civilians were
5 hired into militias in order to support the armed forces of a country.
6 Now, this is not this type of situation.

7 Q. All right. Now, you also said in your statement, and this is in
8 paragraph 15, let me quote you, page 8 in the French version:

9 "At the time you found a lot of grenades on the local market. It
10 cost 100 francs. So there was a traffic. The cost of [indiscernible].
11 So there was this trafficking."

12 My question is the following: Was it easy to find, in markets or
13 elsewhere in specialised areas, weapons? I mean, you know, were arms
14 circulating freely, was it easy to find them? Not just grenades but
15 Kalashnikovs and others?

16 A. At the time, there were many grenades that were in circulation.
17 They were sold in neighbourhoods.

18 Regarding firearms, such as Kalashnikovs and assault rifles, the
19 assault rifle R4 from South Africa, I seized four of them for criminal
20 cases. And there had been armed robberies and so soldiers had --
21 deserters of the Rwandan army were charged. But I do not remember that
22 firearms were sold - I mean, these kind of weapons, the assault rifles,
23 the R4s - I do not recall that they were sold.

24 But grenades, on the other hand, the Chinese made grenades with a
25 wooden handle that were easy to throw. But, I mean, I'm not a soldier.

1 But many of them were found in the capital city. They were used in some
2 criminal acts. I mean, you know, ordinary criminal acts, thefts, but
3 also during political rallies when there was violence. And at the time,
4 in light of the information I had, in the cases I was following, it was
5 the soldiers who were selling those weapons to civilians.

6 MR. ALTIT: [Interpretation] Your Honour, this is the end of my
7 cross-examination.

8 Q. Thank you very much, Mr. Witness.

9 JUDGE BONOMY: Thank you, Maître Altit.

10 Mr. Elderkin, do you have re-examination?

11 Sorry, I'm ahead of myself. Sorry. Judge Nahamya has questions
12 for you.

13 Judge Nahamya.

14 Questioned by the Court:

15 JUDGE IBANDA-NAHAMYA: Good morning, Mr. Nsanzuwera.

16 In paragraph 11 of your statement, you talk about pre-genocidal
17 currencies, and you state that at that time ordinary crimes had been
18 replaced by crimes committed by Interahamwes. Were you able to prosecute
19 them, any of the new crimes that were committed?

20 The second question comes from paragraph 21 of your statement and
21 it's about the famous speech given by Leon Mugesera. What position did
22 Leon Mugesera hold, and did you at any point listen to his speech of
23 22 November 1992? Did you try to arrest him?

24 Shall I go on, give you all the questions, Mr. Nsanzuwera, or you
25 answer these and then I can put to you the rest?

1 A. If you agree, Your Honour, I'd like to answer those two questions
2 first, if this suits you.

3 Regarding your first question, which is when I say that at the
4 time crime in the capital city was dominated by the Interahamwe militias.
5 At that time, there were attacks that took place at night in the capital
6 city and that were targeting opponents to the regime. And some cases I
7 was able to prosecute and -- to investigate and prosecute. But in other
8 cases, I had lots of problems, especially in one neighbourhood of the
9 city of Kigali called Gikondo where the head of Interahamwe in that
10 neighbourhood who was always involved in criminal acts and, you know,
11 destroying houses and so on, the houses of opponents or of Tutsis. That
12 person was the son of a gentleman who was said to be the cousin of the
13 president of the republic. And so it was problematic for me to arrest
14 him because the gendarme did not want to execute the arrest warrant. His
15 father's name was Protais Ntawukamenya, and at the time he was working at
16 STIR, which was a transportation company, a state transportation company,
17 and each time, you know, gendarmes would not execute the arrest warrant
18 because the father of this Interahamwe militia was a relative of the
19 presidential family.

20 So that's what I wanted to say. That's what I can say about the
21 particular type of crime.

22 Now, regarding the speech made by Leon Mugesera. On 22 November
23 1992, I was not in the country at the time. I was in Belgium for a
24 traineeship. But I followed what was happening in the situation, because
25 I was a trainee at the Brussels prosecution and also in Antwerp. But I

1 was still a prosecutor, a state prosecutor. So what I know about that
2 particular speech made on 22 November 1992 in which Leon Mugesera, who
3 was an MRND advisor, asked that Tutsis be sent back home to Ethiopia via
4 the Nyaborongo river.

5 The minister of justice of the time, who was Mbonampeka Stanislas
6 from the liberal party, had ordered that he be arrested. And the general
7 prosecutor of the appeals court in Kigali had signed a warrant, an arrest
8 warrant against Leon Mugesera, and Leon Mugesera was able to leave the
9 country and to seek refuge in Canada and through -- via Spain. In other
10 words, he was not arrested because he was helped to get out of the
11 country in order to seek refuge in Canada.

12 But there was an arrest warrant issued by the general prosecutor
13 to the appeals court in Kigali for his arrest.

14 JUDGE IBANDA-NAHAMYA: Thank you. The next question is about the
15 radio.

16 In paragraph 59, you mention several radios, Radio Gatonde,
17 Radio Machete, and Radio Rutwitsi. And when you mention Radio Roots, you
18 talk about band. First of all, who owned each those three radios; and
19 then is there a hidden meaning in the Kinyarwanda word band, "band," is
20 there a hidden meaning?

21 A. Yes, Your Honour. In fact, the three names that I mention in my
22 testimony -- in my witness statement, refers to the same radio, in fact;
23 RTLM.

24 So I was explaining that depending on how people perceived the
25 message given by the broadcasts of that radio, some people called it

1 Radio Gatonde. Gatonde was the original commune where RTLM director came
2 from, so that's where he originated. That's his municipality. So some
3 listeners called this radio Radio Gatonde in order to avoid saying
4 Interahamwe.

5 So during that time of violence before the genocide started,
6 other people called RTLM Radio Rutwitsi. And I'm answering your question
7 now, Your Honour. Rutwitsi means to burn. And so into people's mind, in
8 the public opinion's mind of a certain generation that I belong to, and
9 the generation of my elders also, that refers to 1959, when in 1959 the
10 Tutsi monarchy was abolished and replaced by the republic. Houses were
11 burned down, houses of Tutsis were burned down. You know, these were
12 huts made of straw, and that's before, you know, people had houses with
13 roofs in corrugated iron or other types of rule. There were very few
14 houses like that.

15 So during the social revolution of 1959, as it was called, houses
16 of Tutsis were burned down. So when people would listen to the
17 incendiary broadcasts of RTLM that incited for hatred against Tutsis,
18 they called it Rutwitsi, in other words, a broadcast or radio that
19 invites people to burn down the houses of Tutsis. So that's what it
20 referred to. And the name Rutwitsi comes precisely or refers precisely
21 to those events that took place in 1959, 1960, the political violence
22 which followed the independence of Rwanda.

23 JUDGE IBANDA-NAHAMYA: Thank you so much.

24 My last question might sound political, but I'll ask it
25 nonetheless.

1 As a former prosecutor, might you by now know who shot down the
2 plane carrying the president; that is, President Habyarimana?

3 A. Well, that's an intellectually interesting question. It's also a
4 delicate one. Several assumptions have been formulated. I have
5 formulated several myself. The assumptions range from Hutu extremists,
6 the people around President Habyarimana, or the Rwandan Patriotic Front.
7 Some even mention the moderates inside the RAF at the time, according to
8 whom President Habyarimana was leading them to a very bad situation;
9 therefore, that extremist president had to be gotten rid of. So there
10 are lots of hypotheses.

11 There are assumptions that involve units coming from outside
12 Rwanda. The RTLM implicated the Belgians, starting on April 7th, that's
13 what the radio was saying. Others say that the French allied with the
14 Hutu extremists to shoot down the plane.

15 But I'll be very honest with you, Madam Judge. I think that
16 these theories suit whoever issues them, but in the end no one knows who
17 shot down the plane. I cannot speak like Ms. Carla del Ponte saying that
18 it changed the whole genocide, the course of the genocide. I don't
19 believe so. However, there is someone out there with moral
20 responsibility because the attack triggered, perhaps, the genocide, or
21 incited the genocidaires to commit their crimes. I think it was a
22 pretext that served as an excuse for them.

23 As early as 1992, there were extremists in the army that said
24 that if the RPF continued the fighting, they would exterminate the
25 accomplices. Accomplices of the RPF in the language used by the

1 politicians, the MRND, et cetera, accomplices were the Tutsis and the
2 President Habyarimana.

3 So I cannot answer that question, madam.

4 JUDGE IBANDA-NAHAMYA: Well, you have attempted. Thank you.

5 JUDGE BONOMO: Now, Mr. Elderkin, do you have re-examination?

6 MR. ELDERKIN: A few questions, Your Honour.

7 Re-examination by Mr. Elderkin:

8 Q. Good morning to you, Mr. Nsanzuwera.

9 You have been asked about weapons distributions this morning, and
10 that was in relation to paragraph 14 of your consolidated statement.

11 Counsel for the Defence asked whether you thought it legitimate
12 to distribute weapons to civilians when an armed force coming from abroad
13 invades the place where the civilians live. Did the weapons
14 distributions that you have talked about include distribution of weapons
15 to any groups of Tutsi civilians?

16 A. Of course not. I said that the weapons at the beginning were
17 distributed to Hutu citizens who were designated by the administrative
18 authorities. When that distribution became generalised, it was Hutu
19 extremists once again who received firearms. The distribution to
20 Interahamwe militia -- how shall I put it? - these weapons were
21 distributed to only to the Hutu. Not the Tutsi. Since the Tutsi were
22 the victims of the killings. Even the Hutu who were against the massacre
23 of the Tutsis did not receive these firearms.

24 Q. You were asked about the various political youth wings and their
25 interactions. I would like to read you one sentence from paragraph 13 of

1 your consolidated statement. You say:

2 "In fact, in April, May, and June, the Interahamwe merged into a
3 structure that this time was legalised because the Prime Minister issued
4 instructions regarding what he called Civilian Defence."

5 That's the end of the quote. What do you mean in this sentence
6 by Interahamwe? Is this limited to Interahamwe MRND or does it mean
7 something different from Interahamwe MRND?

8 A. Well, let's replace my statement in context. I said that before
9 April 1994, there were rivalries between the youth wings of the various
10 political parties. The Interahamwe and the Inkuba of the MDRs, there
11 were different flavours, if you like. Before 1994, you would only have
12 the CDR youth wing, Impuzamugambi, that would march with the Interahamwe.

13 But during the massacres, the Interahamwe, the Impuzamugambi, the
14 MDR youth wing, the power branch would get together to kill Tutsis and
15 Hutus from the opposition.

16 JUDGE BONOMO: I wonder if I might interrupt. We are in
17 re-examination, and this isn't an appropriate time to be expanding upon
18 your answers.

19 The question was quite specific. You were asked:

20 "What do you mean in this sentence by Interahamwe? Is it limited
21 to MRND or does it mean something different from Interahamwe MRND?"

22 Now the first answer to that, I think, is either yes or no. So
23 can you do first, and then we'll see what further explanation is
24 appropriate.

25 THE WITNESS: [Interpretation] I understand, Your Honour. Thank

1 you. But it's not always easy.

2 So you have all these groups together - Interahamwe and
3 Impuzamugambi, they were working together.

4 MR. ELDERKIN:

5 Q. My follow-up question would be what was the merger. But,
6 actually, I believe that the expanded answer that you just gave explained
7 the nature of the merger described in that sentence. Have I understood
8 you correctly in that regard?

9 A. [No interpretation].

10 Q. You mentioned during cross-examination the name Edouard Karemara
11 which political party did Mr. Karemara belong to?

12 A. He was vice-president of the MRND party and minister of the
13 interior.

14 Q. Do you know when he was appointed to the post of minister of the
15 interior?

16 A. In May 1994.

17 MR. ELDERKIN: I have no further questions.

18 Q. Thank you, Mr. Nsanzuwera.

19 MR. ELDERKIN: Thank you, Your Honours.

20 JUDGE BONOMY: Thank you, Mr. Elderkin.

21 Mr. Nsanzuwera, that completes your evidence. We are grateful to
22 you for coming here to give it. You are now free to leave the courtroom
23 when the Judges leave the Bench. Thank you very much.

24 I think that concludes today's business, Mr. Elderkin? Is that
25 correct?

1 MR. ELDERKIN: That concludes the business. And I believe Your
2 Honours are well aware that Mr. Nsanzuera is the last of our batch of
3 witnesses in The Hague. And in our communications through your staff,
4 our next evidence is intended to be presented via video-conference from
5 Arusha starting on 8 November.

6 JUDGE BONOMO: Thank you.

7 Well, the Court is now adjourned and will resume on 8 November.

8 [The witness withdrew]

9 --- Whereupon the hearing adjourned at 11.13 a.m.

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