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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-99-54A-T

THE PROSECUTOR
OF THE TRIBUNAL

GAINST

JEAN DE DIEU KAMUHANDA

5 SEPTEMBER 2002
0900H
CONTINUED TRIAL

Before: Judge William H. Sekule, Presiding
Judge Winston Churchill Matanzima Maqutu
Judge Arlette Ramaroson

For the Registry:
Mr. John Kiyeyeu
Mr. Abraham Koshopa

For the Prosecution:
Mr. Douglas Marks Moore

For the Accused Kamuhanda:
Ms. Aïcha Condé
Ms. Patricia Mongo

Court Reporters:
Mr. Haruna Farage
Mr. Petrus Chijarira
Ms. Karlene Ruddock
Ms. Regina Limula

**REDACTED IN
ACCORDANCE WITH
ORDER OF CHAMBERS
DATED 23 MARCH 2016.**

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I N D E X

WITNESS

For the Defence:
The Accused Kamuhanda
Examination-in-chief (continued) by Ms. Mongo..... 2
Cross-examination by Mr. Moore 26

EXHIBITS

Defence Exhibit No. D4899

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P R O C E E D I N G S

3

4 MR. PRESIDENT: The proceedings are called to order.

5

6 Could the registry introduce the matter coming before
7 the Trial Chamber this morning, please?8 MR. KIYEYEU: Thank you, Mr. President. Trial Chamber II of
9 the International Criminal Tribunal for Rwanda, composed
10 of Judge Williams H. Sekule, presiding, Judge Winston
11 Churchill Matanzima Maqutu and Judge Arlette Ramaroson,
12 is now sitting in open session, today, Thursday, the
13 5th of September 2002, for the continuation of the
14 Defence case when Defence Counsel, Ms. Mongo, will
15 continue the examination-in-chief of Witness ALM, PW4,
16 in the matter of the Prosecutor vs. Jean de Dieu
17 Kamuhanda, Case No. ICTR-99-54A-T.

18

19 I'm most obliged, My Lord.

20 MR. PRESIDENT: Yes. Thank you, Mr. Kiyeyeu for the Registry.

21 May we also have the appearances of the parties,
22 starting with the Prosecution, if you may, for the
23 record?

24 MR. MOORE: My name is Moore. I am senior Trial Attorney.

25 And I appear on behalf of the Prosecution this morning,
26 assisted by Ms. Dorothee Marotine. Thank you.27 MR. PRESIDENT: May we also have the appearances of the
28 Defence, please, for the record?29 MS. MONGO: I am Patricia Mongo. Lead Counsel Aïcha Condè and
30 our legal assistants are Anta Guisse, Seynabou Benga.

1 MR. PRESIDENT: Thank you.

2 MR. MOORE: May I apologise for the non-attendance of
3 Mr. Babajide Ibukunolu. The Court may be aware that
4 there is a status conference tomorrow morning in the
5 case of Bizimungu, and that he is dealing with matters
6 on that.

7 MR. PRESIDENT: Okay. Thank you very much, for the
8 information, Mr. Moore.

9

10 Yes, Witness ALM, the Trial Chamber reminds you of the
11 solemn declaration you made yesterday, and that you will
12 continue with your evidence today on that same solemn
13 declaration. Okay.

14

15 Yes, Learned Counsel, could you, please, continue your
16 --

17 MS. MONGO: Thank you, Mr. President.

18 EXAMINATION-IN-CHIEF (continued)

19

20 BY MS. MONGO:

21 Q. Good morning, ALM.

22 A. Good morning.

23 Q. Yesterday, we ended with the day of 10th April 1994.

24 You said around 10th April 1994 was when you saw
25 Jean de Dieu Kamuhanda for the first time, you said.

26 Let's get back a bit to that day. And let me ask you,
27 when you left your home on that day what was your exact
28 intention or aim?

29 A. My exact purpose was to ascertain the state of security
30 of Kamuhanda's family. As I told you, his wife came

1 from the same commune as myself. She worked with my
2 wife. And so, might I say I felt obliged to go and
3 check whether they were safe, because in our own area
4 there had been killings. So, I thought I should verify
5 or check whether her family and Kamuhanda's family were
6 safe.

7 Q. What path did you take to go there?

8 A. I left my place and I went to his place. It was a
9 direct route.

10 Q. I would like to know whether you followed the normal
11 road or path that you would have used in times of peace
12 or maybe you used some other diversionary path?

13 A. Well, from my place to Kamuhanda, we can use various
14 paths. But I used the shortest possible path. There
15 are others -- there are roads, you can go through paths.
16 I used the shortest possible route.

17 Q. While you were on your way, did you meet any roadblocks?

18 A. No, as I stated yesterday, I met no roadblocks. No
19 roadblocks in that area or in ours.

20 Q. Did you meet bandits?

21 A. No, I didn't meet bandits.

22 Q. Where, exactly, did you meet Mr. Kamuhanda?

23 A. I met Kamuhanda close to his house; that is, in the
24 vicinity of his house, that is, on the road leading to
25 his house with people from his neighbourhood.

26 Q. The people with whom Kamuhanda was were how many people
27 if you remember? How many people, if you remember?

28 A. Really, I didn't count the number of people. Maybe an
29 estimate, I would say not more than five.

30 Q. And, in that group, were there people whom you knew?

1 A. Yes, I did recognise some people. There were others
2 whose names I didn't know, but I knew that they lived in
3 the area. And, of course, I did recognised people whose
4 names I knew.

5 Q. I will put a question to you, but be very careful, if
6 the answer is the same as the names of people with the
7 list in front of you, could you use their pseudonyms,
8 please? So, in that group, whom did you know?

9 A. Now, in the list that I have here, and yesterday I made
10 mentioned of ALR, whom I identified, whom I had known
11 for a long time and who lived in the area. ALR.

12 Q. Could you tell us what kind of relationship you knew --
13 you had with ALR? Please, be very careful, don't even
14 talk about what he did.

15 A. It was somebody that I knew. He occupied a very senior
16 position in a court in Kigali and he had lived for long
17 in that area. So, I knew him.

18 Q. Apart from that, there wasn't any particular
19 relationship?

20 A. No. No, particular relationship. We just met, like in
21 a bar we shared a drink. No particular close
22 relationship.

23 Q. About what time, approximately?

24 A. In the afternoon at about 2 p.m. that's when one could
25 move around.

26 Q. Did you discuss a little bit with him?

27 A. I -- my aim was really to check on the safety of the
28 Kamuhanda family. If the family was safe and sound, if
29 they didn't have problems. So, our discussion did not
30 last long. I was told that the family was well, there

1 wasn't any particular problem, so I went back to my own
2 area. And so, we couldn't waste time out there,
3 particularly that area was not mine, because gunfire
4 could resume at any time, and then we might face
5 problems.

6 MR. PRESIDENT: Yesterday, Counsel, at 2 o'clock, he was there
7 for 20 minutes, and he identified ALR, the person whom
8 he could remember of the persons, you know, he met
9 Kamuhanda with. It's a repeat of what you had
10 yesterday. Unless there are good reasons for that, we
11 have to observe the time frames. If there are reasons
12 leading to this repetition, well and good, but we want
13 to draw your attention that we heard this kind of
14 evidence yesterday.

15 MS. MONGO: I could move forward. I mean, I wanted a matter
16 of consistency, sir. You know, we cut off in the middle
17 of my examination.

18 BY MS. MONGO:

19 Q. Well, you said that your aim was just to enquire about
20 the Kamuhanda family, and you knew his wife very well.
21 Did you try to see his wife?

22 A. No, I didn't try to see his wife. I knew that women
23 were suppose to be inside the house, like mine. So I
24 didn't need to get any additional information. And
25 since the family was there, and that was enough for me.

26 Q. Fine. How long did you stay there, approximately?

27 A. Really, not very long. Not more than 20 minutes in any
28 case.

29 Q. Now, the second time that you saw Kamuhanda in Kigali
30 was when, which date?

- 1 A. It was around the 13th or 14th of April 1994 before the
2 departure from Kacyiru.
- 3 Q. So, what was your aim when you left your place?
- 4 A. My aim was that I had noticed some movement in my area,
5 people coming from areas beyond Kacyiru, Gisozi and
6 Kinyinya, so those people were running away and they
7 were saying that there was fighting taking place in
8 those areas. There wasn't a major state of panic, but
9 these were people who were narrating events. So, I went
10 to Kamuhanda's area to find out whether the situation
11 was the same in their area. It wasn't particularly to
12 visit Kamuhanda, but just to find out whether, in their
13 area, it was the same situation, and maybe to make my
14 own arrangements.
- 15 Q. And so, what was the security situation?
- 16 A. In their area, it was calm. So, there were no people;
17 there wasn't movement, per se. But there were people
18 going through our own area and I understood, because on
19 our side there was some safety.
- 20 Q. Did you encounter roadblocks or something?
- 21 A. No, no roadblocks. No roadblocks. Still no roadblocks.
- 22 Q. What time of day was this?
- 23 A. People moved around in the afternoon. Generally, in the
24 afternoon.
- 25 Q. Where did you find Kamuhanda?
- 26 A. I found him at the same place on the road -- maybe they
27 were engaged in patrol in their own area, close to his
28 house -- with virtually the same group of people, the
29 same number of people in their area.
- 30 Q. Did you discuss with him? Did you talk to him?

1 A. No, I told them what I had noticed in our own area;
2 people moving towards our area and that had occurred in
3 our area. And they told me that they didn't have that
4 same problem in their area, that things were calm in
5 their area. And, as usual, one could not stay too long
6 in an area that was not his, and so I promptly went back
7 to my area.

8 Q. Did you go back immediately or maybe you visited some
9 other people?

10 A. I went back promptly to my area.

11 Q. Fine. Did you stay in Kigali until the end of war?

12 A. No, I did not stay in Kigali until the end of the war.

13 Q. When did you leave Kigali?

14 A. I left Kigali on the 15th or 16th of April 1994, around
15 then.

16 Q. How?

17 A. As I told you, there was the movement of people and I
18 felt I should evacuate my family. And so, I went and
19 saw a gendarme who lived in front of my house. He was a
20 gendarme officer. He was working at the préfecture, and
21 I asked him whether he could carry me in his vehicle to
22 the préfecture, because he had told me that to use a
23 vehicle the authorisation of the prèfecture was
24 required; that is, the prèfet of the Kigali prèfecture.

25 Q. Why did you need an authorisation, was this the usual
26 procedure?

27 A. No, it wasn't the usual procedure. It was a procedure
28 adopted in the time of war.

29 Q. Why did you need a préfecture vehicle, you didn't have a
30 personal vehicle?

1 A. No, I did not have a personal vehicle. No, I did not
2 have a personal vehicle. I wanted to use government
3 vehicles since I was the (title expunged from the record
4 as ordered by the Court), and that's why I went to the
5 préfecture to seek that authorisation.

6 Q. You didn't have a vehicle assigned to you, an official
7 vehicle?

8 A. We even had several vehicles, but assigned to the
9 service. It's not for use -- for personal use.

10 Q. So, you get to the préfecture. Which préfecture are you
11 talking about?

12 A. It is the préfecture of Kigali town or Kigali cellule.

13 Q. Who did you want to see at the préfecture?

14 A. I wanted to see those who issued the authorisation. It
15 was the préfet of the préfecture who issued the
16 authorisation.

17 Q. Did you meet him?

18 A. I met him, but he said I could not be issued with an
19 authorisation to use a government vehicle.

20 Q. Why?

21 A. First of all, it was for personal purposes, because I
22 wanted to take my family or evacuate my family to
23 Gitarama. So, it wasn't for official purposes, as such,
24 and I was denied the authorisation. In general,
25 vehicles were assigned for -- or to the war effort, and
26 for some other official purpose. So that vehicle could
27 have been assigned to one of the services that was
28 working for the events that were taking place at the
29 time.

30 Q. (Question inaudible)

1 A. Sorry, I did not hear Counsel. Counsel, I did not hear
2 you.

3 THE ENGLISH INTERPRETER: Neither the interpreter nor the
4 witness.

5 MR. MOORE: Could I ask my learned friend perhaps ask the
6 question, because I got it in a slightly unusual way. I
7 got a reply, "Vehicles were for war effort", but I
8 didn't get anything after that.

9 MR. PRESIDENT: Yes. Yes, the war effort. Could you repeat
10 your question, Counsel? The interpreters could not hear
11 the question and possibly the witness.

12 MS. MONGO: Sorry, the witness said he went and saw the prèfet
13 to get a vehicle, and that was denied. And then I asked
14 him, why that vehicle -- the authorisation was denied.

15 MR. PRESIDENT: I think he said that it was denied because his
16 request was for personal reasons; that is, to evacuate
17 his family. And the vehicles are required for war
18 effort -- could be required for war efforts, something
19 like that. Maybe you can put the question back to the
20 witness to be able to confirm the answer on that
21 question.

22 BY MS. MONGO:

23 Q. You stated that you were denied the vehicle by the
24 prèfet and I asked you "Why", you said, "Well, it was
25 for personal use -- because it was for personal use".
26 And then you gave further clarifications regarding the
27 use of the vehicles, as you thought. Could you provide
28 those explanations, those clarifications?

29 A. Let me be clearer. I was denied the vehicle because I
30 had to use it for strictly personal purpose. And it was

1 also during the war, and at any time those vehicles
2 could be commandeered for the war, maybe to convey
3 people dealing with security matters et cetera. But
4 usually, these vehicles were assigned to my directorate,
5 and usually, it was not for the war, but given that
6 particular circumstance, that was a period of war.

7 Q. Is that your personal view?

8 A. It's my personal view, because usually military vehicles
9 were used, but in times of war, other government
10 vehicles could be used.

11 Q. So, it was denied you. What do you do then?

12 A. I did not get the vehicle, so, I got out. And, while I
13 was outside, I saw a friend who had obtained the
14 authorisation and I asked him to take me to Gitarama to
15 get a vehicle from a brother of mine who was in
16 Gitarama, and then I would use that vehicle to come back
17 to Kigali to pick up my family.

18 Q. Did he accept to take you?

19 A. Yes, he agreed to convey right up to Gitarama.

20 Q. Did you get to Gitarama at the same day?

21 A. Yes, we got to Gitarama the same day in the evening.

22 Q. From Gitarama, were you able to come back to Kigali?

23 A. From Gitarama, I was not able to go back to Kigali,
24 because the person I was looking for, I could not get
25 hold of him the same day or the next day. So, I had
26 difficulties getting back to Kigali. I tried several
27 times to get back using transportation provided by other
28 people. But, on the way, there were a lot of
29 roadblocks. I was prohibited from going back to Kigali,
30 so it wasn't possible for me to go back to Kigali.

1 Q. Were you able to see your family again?

2 A. Yes, I was able to see my family in Gitarama when kind
3 people took my family to the Eglise Sainte Famille in
4 Gitarama. And so, we met in Gitarama, by chance by the
5 way.

6 Q. Apart from Kigali, did you see Kamuhanda again?

7 A. Could you please repeat the question?

8 Q. Okay. You then left Kigali, did you see Mr. Kamuhanda
9 again?

10 A. I met Kamuhanda again in Gitarama.

11 Q. When?

12 A. Towards the 20th of April in Gitarama.

13 Q. In what circumstances?

14 A. Kamuhanda had also evacuated his family from Kigali
15 because the events were spiralling, and we met by chance
16 in Gitarama town. And he told me that he had evacuated
17 his family and moved them to Gitarama.

18 Q. Did you see his wife?

19 A. No, I did not see his wife. It would appear they spent
20 the night in a stadium. In Gitarama, there were a lot
21 of people, so accommodation was indeed a problem.
22 Apparently, the day they came, they spent the night in a
23 stadium. I did not see his family. And, by the way, it
24 was difficult. There were so many people in Gitarama.
25 So, we just crossed each other in town. I didn't even
26 know that Kamuhanda was in Gitarama. So, when we met,
27 he told me that his family was in Gitarama, and that he
28 wanted to move them to his mother-in-law's house.

29 Q. Did you see him later on?

30 A. Later on I saw him. I wouldn't say we really saw each

1 other, we just crisscrossed towards the end of April.
2 We met on the way. I was coming from Nyabikenke to
3 Gitarama -- I was going from Nyabikenke to Gitarama, and
4 he was going to Nyabikenke. And so, we crossed each
5 other on the way, and he told me that his family was at
6 his mother-in-law's place.

7 Q. Could you be more specific. In what conditions you met?
8 Did you get -- crisscrossed? Did the vehicle come to a
9 stop? So, when you say, "We crisscrossed", it wasn't
10 clear.

11 A. Well, from Nyabikenke to Gitarama, there is just one
12 road. You know, the vehicle passed each other, they
13 crisscrossed, as it were. So, standing by the side of
14 the vehicle, we discussed, and he told me that he was
15 coming from Nyabikenke and I was going there. And I
16 asked where his family was, and he told me that his
17 family was at Nyabikenke in his mother-in-law's place.
18 So, it was on that that he continued to Gitarama, and I
19 moved on to Nyabikenke.

20 Q. Did I ask you when this took place?

21 A. I just said that this was towards the end of April.

22 Q. Yes. Yes, we know that Mr. Kamuhanda was appointed
23 minister in charge of Higher Education and Scientific
24 Research on the 25th of May 1994. How did you learn of
25 his appointment, if you got to know about it?

26 A. Well, at the time I had spent two or three days in
27 Gitarama. I learnt of it through friends who were
28 saying that the government had appointed ministers,
29 including Kamuhanda, maybe, I think two ministers
30 including Kamuhanda -- and that the name of Kamuhanda

1 was mentioned. And so, I learnt of it through friends
2 in Gitarama. And then, in the evening, it was announced
3 over the radio, that is the ministers who had been
4 appointed -- those who had been newly appointed to the
5 government.

6 Q. You have said that you have learnt it from people. Did
7 you learn about it before his appointment or after?

8 A. After. Yes, after his appointment.

9 Q. What was your reaction?

10 A. Well, so far as I'm concerned, it was unexpected.
11 Kamuhanda, so far as I'm concerned, such as I knew him,
12 he was not the type of person that could be minister, he
13 was director general. He worked, but he wasn't the type
14 of person that I would say could be appointed minister.
15 So, personally, I was rather surprised, because we knew
16 other people of the MRND that were more important than
17 Kamuhanda, that could have replaced Kamuhanda in that
18 position.

19 Q. What do you mean by, "People more important than
20 Kamuhanda"?

21 A. People who were more influential at the MRND, very
22 influential that we knew. Kamuhanda was not very well
23 known. At least, we didn't know him as an MRND
24 influential member.

25 Q. Could you explain that. You say, "We did not know him
26 as an influential member of the MRND". When you say,
27 "We", whom are you referring to?

28 A. I am talking about people who knew him, but also because
29 I was a member of the MDR. Sorry. Sorry.

30 Q. Witness, please, avoid talking about your functions

1 within that party. I don't know since the issue is
2 political, I don't whether we need a closed session to
3 do away with these questions, Your Honour. It will be
4 very short?

5 MR. PRESIDENT: Yes. If it is going to be linked to the
6 identity of the witness, we could do so. Is that the
7 case, Counsel?

8 MS. MONGO: Yes, I believe so, My Lord.

9 MR. PRESIDENT: Mr. Moore.

10 MR. MOORE: I really can't make any observation on this.

11 MR. PRESIDENT: Yes. All right, we'll see.

12

13 We go in closed session -- it's going to be for a short
14 while?

15 MS. MONGO: Yes, Your Honour. Two, three minutes.

16 MR. PRESIDENT: We go in closed session to enable counsel to
17 raise questions which could have a bearing on the
18 identity of the witness for a short while. So,
19 Registry, can you see to it that we are in closed
20 session? And Witness ALM, we are going in closed
21 session. So, you may now feel free to mention names of
22 places and people, even those who might have a bearing
23 on your identity.

24

25 (At this point in the proceedings, a portion of the
26 transcript (pages 15 to 19) was extracted and sealed
27 under separate cover as the session was heard in camera)

28

29

30

1 MR. PRESIDENT:

2 We now go back to open session. And Witness ALM, be
3 careful not to mention names which could have a bearing
4 on your identity.

5 BY MS MONGO:

6 Q. Now, I shall proceed with the political issues. You
7 said that the MRND and the MDR were opposed to one
8 another politically. We understood what you said. I
9 should like to know whether it was possible, at that
10 period of time, that there be alliances between the MDR
11 and the MRND, any possibility of alliances?

12 A. No, I don't think so. MRND and MDR were always at
13 loggerheads. We even had problems when we had political
14 rallies. In the various communes of the country, there
15 were always problems with the MRND so that no alliance
16 was possible between us and the MRND; impossible.

17 Q. Now, Witness GAC indicated to Chamber that at a
18 political rally in Kayondo in 1993, Mr. Twagiramungu who
19 was the president of your party, MDR, introduced
20 Mr. Kamuhanda to the people as his representative and
21 called upon the people to see Mr. Kamuhanda if there
22 were any problems. Now, would that have been possible
23 within that particular context?

24 A. No. I believe that that witness lied. That couldn't
25 have been. That couldn't have been, an MDR member to
26 use an MRND member as a representative. I believe that
27 if Twagiramungu did so, the politburo would have
28 punished him.

29 Q. Do you know Mr. Anastas Gasana?

30 A. Yes, I know him.

1 Q. How did you know him or get to know him?

2 A. Gasana Anastas was before a member of the MRND, and then
3 he moved to the MDR.

4 Q. Witness GET told Chamber that there was an alliance, a
5 political alliance, that is, between Mr. Gasana Anastas
6 and Mr. Kamuhanda at communal level for the purpose of
7 getting one bourgmestre from MRND elected. Could that
8 have been possible at the time?

9 A. I don't know the time when Gasana was a member of the
10 MRND.

11 Q. That was 1993?

12 A. No, at that period it was impossible. If Gasana did so,
13 because we always tried to get our members of the MDR,
14 elected where it was possible. Where we had the
15 possibility of getting MDR members elected, we tried to
16 do so. At that period, it was impossible that a member
17 of the MRND to strike an alliance with an MDR member to
18 elect an MDR member. And, indeed, a member of the MDR
19 -- the member of the MDR would have elicited some
20 sanctions at the level of our party.

21 Q. Now, let me move to another area. Did you stay in
22 Rwanda up to the end of the war?

23 A. I stayed in Rwanda up to the end of the war, yes.

24 Q. And, after the end of war, did you stay in Rwanda?

25 A. No, I took refuge in Zaire, just as many other people.

26 Q. Now, after having left Rwanda, did you see Kamuhanda
27 again?

28 A. I saw Kamuhanda later in Cameroon.

29 Q. Under what circumstances?

30 A. I went on and I sought refuge. And when I got to

1 Cameroon, I met Kamuhanda there. He was there for a
2 certain time. And, as a matter of fact, I met him by
3 chance, because when we got to Cameroon, we were
4 wondering where we should get accommodation, the least
5 costly neighbourhoods, because we didn't have much
6 money, and we were told that there was a new
7 neighbourhood called Biemasi, and that there were some
8 Rwandans there. So that we went there, me and my
9 family, to look for a house, look for accommodation. It
10 was there that we met the Kamuhanda family with all
11 other Rwandan families that were there in that Yaounde
12 neighbourhood called Biemasi. That was where I met
13 Kamuhanda again.

14 Q. Did you visit each other?

15 A. Of course we did.

16 Q. Did you have any opportunity to hold conversations?

17 A. Yes, we visited each other. We talked to each other.
18 We talked about a lot of things.

19 Q. For example?

20 A. The most important topic that Rwandan refugees talked
21 about is looking hindsight about what happened in the
22 country; how we managed to leave the country; how it was
23 in our neighbourhoods; how we got to Zaire; how we got
24 to Cameroon, so that those were the topics we talked
25 about. And we talked about those topics with Kamuhanda.
26 And it was there that I learned that during the war -- I
27 didn't have the information -- when I was in Kacyiru, I
28 learned that he had problems with his son, who was
29 strayed, who had gone to a friend's house, so that
30 Kamuhanda was very worried about his son. And also he

1 told his house was bombed -- that a bomb shell landed in
2 his house, so that we talked about all of those in
3 hindsight, that is about the war, a certain number of
4 events that everybody experienced. We were reminiscing
5 about what happened.

6 Q. Now, I didn't ask you the year that that happened?

7 A. It was in 1997-1998, we arrived in Cameroon at that
8 period.

9 Q. We know -- well, did you stay in Cameroon or did you
10 leave Cameroon?

11 A. Well, thereafter, I left Cameroon and Kamuhanda also
12 left Cameroon. I left Cameroon and I went to Belgium.
13 I had some friends who helped me get to Belgium.

14 Q. Did you say he left Cameroon before you? To your
15 knowledge, did he leave Cameroon before you alone or
16 with his family?

17 A. He went with part of his family, and the other part of
18 his family stayed in Cameroon.

19 Q. And the other part of his family, did they join him
20 later?

21 A. Thereafter, the wife and one of the children joined the
22 husband in France.

23 Q. Well, we know that Mr. Kamuhanda was arrested during the
24 month of November 1999. How did you learn about that?

25 A. I learnt about that through the Belgium newspapers, who
26 said that Kamuhanda was arrested in France, for reasons
27 pertaining to genocide et cetera, et cetera. It was not
28 very detailed, although I believe that there was
29 something in the internet. I browse the internet and I
30 saw the facts. I rang a telephone to his wife and she

1 told me that the husband had been arrested.

2 Q. What was your reaction?

3 A. Well, when I called the wife, his wife, to know how he
4 was arrested, I was astonished that Kamuhanda be
5 arrested for reasons pertaining to genocide. I didn't
6 know Kamuhanda as a genocidaire, as a genocide
7 perpetrator. I knew that Kamuhanda was in Kacyiru. And
8 to accused him to have assassinated people in his
9 neighbourhood -- I saw him in Kacyiru, probably, in the
10 meantime, he could have gone to Gikomero, but it was
11 very difficult during the war because the road to
12 Gikomero through Remera was the road that was very
13 difficult. There was very intense fighting between the
14 RPF and the Armed Forces of Rwanda. The other road that
15 one could have used, could have been the road to Byumba
16 through Gasyata. And there, too, it was practically
17 impossible, because that was the road usually used --
18 usually used by the RPF. The RPF was at the CND. That
19 road was also used by the RPF to go and get supplies
20 from Byumba -- from their base in Byumba during the
21 events. In April it was very dangerous to use those
22 roads, so that I wondered how Kamuhanda could have got
23 to his neighbourhood or to his commune on foot. That
24 was impossible. Kamuhanda didn't have any vehicle.
25 Kamuhanda didn't even know how to drive, so that really,
26 I wondered, I wondered and wondered. I didn't find any
27 answers, so that I was astonished myself. It was said
28 that he was an extremist et cetera. The Kamuhanda I
29 knew, we had some political discussions from time to
30 time, but you cannot tell in what he said, you cannot

1 tell any extremism. If you talk with an extremist, you
2 will feel it in his utterances and his gestures.

3 Kamuhanda was not that type of person. So that when I
4 called his wife and she gave me that information, I was
5 surprised. But that was the way things were. I was
6 told that he was arrested.

7 Q. Did you learn about the charges put to him?

8 A. When I called his wife, she told me that the charges,
9 especially the one I just referred to, that he
10 assassinated people in Gikomero; that he raped women and
11 that he assassinated the prèfet of Butare; and that he
12 was a minister of Sindikubwabo in the interim
13 government, never a minister of Sindikubwabo -- director
14 of cabinet of Sindikubwabo, he was never one. And I
15 learnt about a certain number of charges. This is from
16 her, and this is how I knew the charges.

17 Q. Did you take any initiative?

18 A. Well, thereafter, several months afterwards, I took the
19 initiative. I called his wife again to ask for any
20 news, and she told me that the children were well, they
21 were shocked, but that they were recovering, and that
22 she had called her husband here in Arusha. I told her
23 to send my regards to him. And then she told me that he
24 had had a lawyer. I asked her for the address of the
25 lawyer. She gave it to me. And I sent some notes to
26 the lawyer to protest, because, truly, I saw that it was
27 unfair to arrest Kamuhanda. If Kamuhanda was arrested,
28 anybody else could have been arrested, anybody else
29 could have been arrested under those circumstances.
30 Because I knew that Kamuhanda was innocent, so I wrote

1 to the lawyer.

2 Q. That lawyer, where was he practising?

3 A. His address was in France, in Paris.

4 Q. What was the content of your letter or your note?

5 A. So, I said -- I protested against the charges put forth
6 against Kamuhanda, and I tried to give my point of view
7 to the effect that it was impossible for Kamuhanda to go
8 to his commune and assassinate people; to assassinate a
9 préfet in Butare, 112 miles away during the war,
10 somebody goes all the way to Butare to assassinate
11 somebody, it was very dangerous. I didn't know what
12 reason would have goaded Kamuhanda to go 112 miles from
13 his area to assassinate somebody. So that I protested
14 to the lawyer on the basis of the facts that I knew.

15 Q. Thank you, Witness.

16 MS. MONGO: My Lord, I have winded up the
17 examination-in-chief.

18 MR. PRESIDENT: Thank you, Learned Counsel.

19

20 Any cross-examination?

21 MS. MONGO: Sorry, Mr. President, I wanted to ask the witness
22 whether he felt okay; whether we could continue; whether
23 he was tired, you know.

24 THE WITNESS: There is no problem. I think we can continue
25 with the proceedings.

26 MR. PRESIDENT: All right. Any cross-examination, Mr. Moore?

27 MR. MOORE: Thank you very much.

28 CROSS-EXAMINATION

29 BY MR. MOORE

30 Q. Witness ALM, it's been said by counsel that the

1 political situation is sometimes difficult to understand
2 in Rwanda. Could I just ask you one or two questions
3 about that for nothing more than clarification? Is that
4 all right?

5 A. Yes, absolutely.

6 Q. Thank you very much. You clearly have been in politics
7 for, I presume, some considerable time; is that correct?

8 A. Yes.

9 Q. How long would you have been in politics for up until
10 1994? Obviously, I just deal to that date.

11 A. Well, I am a founding member of the MDR. And that was
12 in 1991, and I continued to be a member until 1993. And
13 then, in 1994, there was the war and political
14 activities virtually came to an end.

15 Q. I'm sorry, it's probably just a problem with the
16 translation. You were a founding member from 1991 until
17 we got 1993, and then the war came in 1994. Can we just
18 clarify that, please, just for clarification, nothing
19 more?

20 A. Yes. Yes.

21 Q. I'm sorry, my device fell and broke. I take it that we
22 finished at "oui". Does that mean then that we are
23 talking about your political experience from 1991 to
24 1993? Would that be, in general terms, correct?

25 MR. PRESIDENT: Do you have other equipment, Mr. Moore?

26 THE WITNESS: Yes. Yes, I said. Let me make it clearer. I
27 said I was a member of the MDR party say from 1991 to
28 1993. Because, in 1994, I wouldn't really say that
29 political activities were still going on, because war
30 was going in full steam and political activities

- 1 virtually came to an end. So I would say up to 1993, I
2 was a member of the MDR.
- 3 Q. I think you told us that, in actual fact, you were an
4 MDR representative -- you were a vice-president; is that
5 right?
- 6 A. Yes.
- 7 Q. That was at the national level?
- 8 A. No, at the regional level.
- 9 Q. Thank you. And that was for the Gitarama area; is that
10 correct? Can I just see if I have got this right or
11 wrong?
- 12 A. Yes.
- 13 Q. And would it be fair to say that you attended to your
14 duties, as you believe, fairly and industriously, you
15 went regularly to meetings?
- 16 A. Well, for -- if we say, for matters of appraisal, I
17 would say it was done in a fair manner, I performed my
18 activities in a fair manner.
- 19 Q. You tried to be industrious, you tried to be responsible
20 in your position. Would that be correct in your
21 attendance?
- 22 A. With all members of politburo, the president, the
23 vice-president, that's myself and the other members of
24 the bureau, we tried to carry out our duties, perform
25 our duties in a fair manner -- fair and balanced manner.
- 26 Q. Thank you.
- 27 MS. MONGO: Mr. President, please. Mr. President, please. We
28 are in an open session, this is the political area we
29 are touching on. So --
- 30 MR. MOORE: This won't be going to any specifics. I would

1 have thought that we can remain in open session.

2 MR. PRESIDENT: Did you intend to pursue this aspect?

3 MR. MOORE: Not, not in any specific or identifiable way. If

4 I do, now everybody is aware of the fact, of course, we

5 can go into closed session, but I can't, for my part,

6 see any reason to go into closed session at this time.

7 Can I maybe just proceed for the moment and --

8 MR. PRESIDENT: No, you see, titles have a problem.

9 MR. MOORE: Well, I am entirely in the Court's hands. I don't

10 take any point on it in any way.

11 MR. PRESIDENT: Maybe we go into closed session for a short

12 while. Let me tell you exactly why -- and -- but --

13 then for a very short while, then you come back.

14

15 We go in closed session for a short while.

16

17 (At this point in the proceedings, a portion of the

18 transcript (pages 30 to 39) was extracted and sealed

19 under separate cover as the session was heard in camera)

20 (Pages 1 to 39 by Haruna Farage)

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1 (Court resumed at 1130H)

2 MR. PRESIDENT: The proceedings are resumed. We continue the
3 cross-examination of Witness ALM.

4 Mr. Moore, please could you continue which your
5 cross-examination?

6 MR. MOORE: Thank you very much. I have been asked whether we
7 should go into closed session. Some of the evidence is
8 close to closed session and I will try and let the Court
9 know when that becomes appropriate.

10 MR. PRESIDENT: All right, we will go into closed session to
11 enable counsel for the Prosecution to raise questions
12 which could have a bearing on the identity of the
13 witness.

14 (At this point in the proceedings, a portion of the
15 transcript (pages 57 to 88) was extracted and sealed
16 under separate cover as the session was heard in camera)

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1 1430H

2 MR. PRESIDENT: The proceedings are resumed. We continue the
3 cross-examination of Witness ALM by the Prosecution.

4 Mr. Moore, Learned Counsel, could you please proceed.

5 MR. MOORE: Thank you very much.

6 BY MR. MOORE:

7 Q. Witness ALM, I have literally now very few questions for
8 you, just really for clarification more than anything
9 else.

10

11 MR. KIYEYEU: I'm sorry, My Lord, we were in closed session.

12 MR. PRESIDENT: Mr. Moore, we still continue to be in closed
13 session or we open session?

14 MR. MOORE: Open session would be perfectly all right.

15 MR. PRESIDENT: All right. So we will -- the closed session
16 ends and we now go back to open session, and Witness
17 ALM, may we also remind you that we are now in open
18 session and that you should be careful not to mention
19 names or places and people who have bearing to your
20 identity. That's important.

21 MR. MOORE: As I say, it's a matter of clarification.

22 BY MR. MOORE:

23 Q. Technical committees at commune level, are they -- does
24 one find them generally, or did one find them generally
25 in Rwanda in the 1990s?

26 A. Technical committees, you know of one. There was you
27 know, technical committees of communes. I really don't
28 know what you want to ask about.

29 Q. Let me just give you a sort of general picture and then
30 perhaps, because of your political links you can assist

1 us.

2

3 Is it right that at commune level throughout Rwanda in
4 the 1990s, '92, '93, '94, that you would have technical
5 committees sometimes assisting the commune? Can you
6 just help me with that? Not trying to catch you in any
7 way?

8 A. Yes. There were technical committees in communes in all
9 the communes, that is, technical committees of
10 bourgmestre, and these were set up within the MRND
11 party.

12 Q. And, as a general principle, what was the function of a
13 technical committee?

14 A. I was never a member of a technical committee, but if my
15 memory does not fail me, those technical committees were
16 responsible for giving their technical opinion in
17 connection with the development of the commune.

18 Q. And what sort of person would serve on a technical
19 committee? Would they tend to be experts in their
20 field?

21 A. The members of the technical committee, again, if my
22 memory does not fail me, were selected or chosen by the
23 bourgmestre as he wished. But, generally, these should
24 be people who had a means of locomotion, first of all
25 because they had to be able to travel. It would be
26 difficult for someone without a vehicle to go from
27 Kigali to some other commune that was far off, and
28 generally they were people who had, might I say,
29 technical skills in their fields.

30 Q. I might be stating the obvious, but would the

1 bourgmestre try to choose the most helpful people to
2 advise within the technical committee?

3 A. When you say the most useful, or the most competent,
4 these were people chosen by the bourgmestre, the
5 bourgmestre was an ex officio member of the MRND, so it
6 was as he saw fit. As I say, in general, these were
7 people who were relatively skilled in the technical
8 fields; for instance, like agricultural engineers,
9 doctors, civil engineers, senior government officials in
10 the central administration.

11 Q. You mentioned about the MRND twice. Does that mean
12 there was a political element? Would they tend to be
13 appointees of the same political party. So for example,
14 again just for clarification, if it was an MRND
15 bourgmestre would he tend to select, for the technical
16 committee, individuals from his same party?

17 A. Let me state that these technical committees existed
18 when there was a one-party system. When multiparty
19 politics started, the technical committees ceased to
20 exist.

21 Q. So if one was on a technical -- because it was a
22 one-party system, obviously anybody who was on it was a
23 member of the MRND, that must be presumably obvious.
24 Did they cease, then, when multiparty politics took
25 over?

26 A. Yes, that was the case. Everyone was a member of the
27 MRND, initially.

28 Q. But what replaced the technical committee, then?

29 A. The technical committees were not replaced. They were
30 simply abolished.

1 Q. All right. Election of bourgmestres. How was that
2 achieved?

3 A. Well, which framework? MRND, one party, which
4 framework?

5 Q. Let's take the multiparty system at work. Now, let us
6 say there is a space that becomes available for
7 bourgmestre, either somebody is dissatisfied or somebody
8 is too old, or ill, or died. Just as a general
9 principle, there is a need to replace the bourgmestre,
10 was there any committee ever set up to choose candidates
11 or vet candidates? Can you help us with this, as a
12 general rule, within the politics? How was it achieved?

13 A. I stated that, during the one-party system bourgmestres
14 were chosen by the MRND through their various organs.
15 In fact, these are people who were generally selected,
16 or so, by the President of the Republic.

17
18 Now, when multiparty politics started, those who were
19 candidates for the position of bourgmestre were selected
20 by their own parties. So there were elections at the
21 communal level by, I think, by people who were working
22 at the commune. They were the ones who elected the
23 bourgmestre. So it is in that framework that the
24 bourgmestre was elected by the other parties.

25 Q. But you never saw the election process? Just help me:
26 was there anything like a committee? I call it an
27 electoral committee, just for convenience.

28 A. Really, I don't quite remember how those things
29 happened. I know that each party had to have a
30 representative in the committee that elected the

1 bourgmestre. That is when there was multiparty politics
2 to monitor the elections.

3 Q. But what sort of person would be the chairman of the
4 electoral committee?

5 A. I don't quite remember. I don't quite remember.

6 Q. It would tend to be a person of authority within the
7 commune. If you can say, do say?

8 A. I don't quite remember exactly. I don't exactly
9 remember who was in charge of, as it were,
10 superintending the elections at the communal level, who
11 was in charge of overseeing it. I don't quite remember.
12 I can't give any further explanations.

13 Q. Thank you very much. I have no further questions for
14 you.

15 MR. PRESIDENT: Thank you, Mr. Moore.

16

17 Any re-examination?

18 MS. MONGO: No re-examination, Mr. President. Thank you.

19 MR. PRESIDENT: Thank you, Learned Counsel. Judge Ramarosan
20 has a question, please.

21 JUDGE RAMAROSON: Mr. President, thank you.

22

23 Witness you said that civilians were killed, civilians
24 who were occupying important positions, important
25 individuals. Why were people who occupied important
26 positions being killed, and who were these people in
27 your area?

28 THE WITNESS: Well, I would mention people in my area who were
29 killed, who were members of the MDR or the opposition
30 parties, who were not occupying any positions within

1 those parties. These were just members of, say, private
2 institutions, officials of private institutions, or -- I
3 can't mention all their names. In my own area, I could
4 give you a number of names and they were members of
5 opposition political parties, but they did not occupy
6 any particular position. They worked for private
7 institutions or in the private secteur.

8 JUDGE RAMAROSON: Yes. They were members of the opposition
9 parties. Were they Tutsis?

10 THE WITNESS: In my own area specifically, these were Hutus.
11 There were a few Tutsis, but the majority were Hutus.

12 JUDGE RAMAROSON: The next question: Why were they killed?

13 THE WITNESS: Specifically, indeed, because most of them were
14 members of opposition parties and others, you know,
15 these people who were in the opposition were financing
16 those opposition parties and maybe that would be the
17 reason for them to be killed.

18 JUDGE RAMAROSON: You said they were members of the
19 opposition parties, not senior officials.

20 THE WITNESS: No, members. For instance, if they occupied
21 senior positions in the private secteur, these were
22 people who were known.

23 JUDGE RAMAROSON: Who were those killing them? Soldiers?

24 THE WITNESS: Yes, soldiers.

25 JUDGE RAMAROSON: Soldiers of the government army?

26 THE WITNESS: Of course.

27 JUDGE RAMAROSON: They were not Interahamwe?

28 THE WITNESS: The people who came into our area on the 7th,
29 and the killings only took place on the 7th, not after,
30 these were just soldiers.

1 JUDGE RAMAROSON: Interahamwes did not kill anyone in your
2 place?

3 THE WITNESS: In my area, no.

4 JUDGE RAMAROSON: How many civilians were killed?

5 THE WITNESS: All these who were killed were civilians, maybe
6 ten, not more than a dozen.

7 JUDGE RAMAROSON: Thank you.

8 MR. PRESIDENT: As a follow-up to the questions raised by
9 Judge Ramaroson, in your area were Tutsis not targeted
10 for killing?

11 THE WITNESS: Well, the Tutsis in general, well, were not
12 killed in my area. But when the soldiers came, there
13 were some Tutsis that were killed, but all the other
14 Tutsis stayed there until the end of the war.

15 MR. PRESIDENT: So if I understand your evidence well, at
16 least in answer to the question just made to you by
17 Judge Ramaroson, it is only the members in the
18 opposition -- or people who were in the opposition and
19 Hutu members who were in the opposition who were
20 targeted for killing in your area. Is that correct?

21 THE WITNESS: No, not exactly that way. I said most people
22 who were killed in our area, the majority were Hutu, but
23 there were also some Tutsis.

24 MR. PRESIDENT: But they are in the opposition, isn't it?

25 THE WITNESS: Yes.

26 MR. PRESIDENT: If so, what could have been your concern with
27 the Kamuhanda family, as you gave in your evidence. Did
28 you know that they were in the opposition or something
29 like that? If I understood your evidence that you
30 went -- you went to visit them after the happenings in

1 your neighbourhood, isn't it?

2 THE WITNESS: Yes. I went to visit them, but let me say that
3 I was saying to myself that the people who were killed
4 in my area, they were Tutsis but again the majority were
5 Hutus. The grounds for killing them could vary. So I
6 said to myself, well, Kamuhanda and his family could
7 have been killed. It was just a feeling on my part.
8 It's not, because I was thinking that he might have
9 belonged to an opposition party or was a Tutsi. It was
10 just a concern. I was saying that, well, maybe
11 Kamuhanda and his family could have been killed because
12 I didn't know those who were killing and so they might
13 have been killed.

14 MR. PRESIDENT: Thank you.

15

16 Yes, Witness ALM. This marks the end of your testimony.

17 We thank you.

18 THE WITNESS: I also thank you.

19 MR. PRESIDENT: We shall have time at a later stage to
20 consider your evidence, together with all the evidence
21 that's going to be adduced in the course of this trial.
22 But once again, we thank you.

23 THE WITNESS: Thank you very much, Mr. President.

24 MR. PRESIDENT: Yes, you may leave, after the curtains have
25 been drawn.

26

27 Ms. Condé, learned Counsel for the Defence, your next
28 witness?

29 MS. CONDÉ: The next witness is ALB.

30 MR. PRESIDENT: ALB, yes. Is he here?

1 MS. CONDÉ: Yes, yes he has been there since 9 a.m. We
2 thought he was going to be brief with ALM but ...

3 MS. CONDÉ: Mr. President, if we don't finish the
4 examination-in-chief this afternoon, would it be
5 possible for us to conclude it tomorrow morning, if we
6 just had one hour to conclude tomorrow? because I was
7 calculating on three and a half hours of
8 examination-in-chief, and three and a half would be
9 quite close to reality. It would be good, of course, I
10 am not in any manner trying to push you to -- but they
11 are quite impatient when they come here.

12
13 We had hopes to get through with 12 witnesses, but we
14 are still on the 4th witness and so that is rather...

15 MR. PRESIDENT: The problem we have, we have other matters
16 tomorrow. It's unfortunate: We could otherwise have
17 certainly taken one hour to take on a witness. But we
18 have another matter and we don't know how long it might
19 take and then after that there is another scheduled
20 meeting for all of us at around 11. So we try to see
21 what we can do next week.

22
23 All right, could you please swear the witness.

24
25 (Declaration made by Witness ALB in French)

26
27 MR. PRESIDENT: Thank you. Witness ALB, you have just made a
28 solemn declaration. In case you are not familiar as to
29 how your evidence will be taken here, we will explain a
30 few essential things to you before you begin your

1 testimony.

2

3 You will be led in your evidence in chief by the
4 Defence, who are seated on this side of the courtroom.
5 Thereafter, questions shall will be put to you in
6 cross-examination by the Prosecution, who are seated on
7 this side of the Courtroom.

8

9 The judges sitting in front of you may also ask
10 questions to clarify your evidence as you go on, if they
11 have such questions to ask you.

12

13 If a question put to you is not clear, or you do not
14 understand it, please say so and it shall be repeated or
15 explained.

16

17 These are the few essential things we wanted to bring to
18 your attention before you begin your evidence.

19

20 Ms. Condé, Learned Counsel?

21

22

WITNESS ALB

23

first having been duly sworn,

24

testified as follows:

25

26

EXAMINATION-IN-CHIEF

27 BY MS. CONDÉ:

28

Q. Witness, I shall present a piece of paper to you. It

29

says, ALB, that's your pseudonym, and some personal

30

particulars. Could you kindly go through this piece of

1 paper and see whether the particulars mentioned there
2 are correct?

3 A. A slight correction.

4 THE INTERPRETER: Microphone please, microphone of the
5 witness.

6 MR. PRESIDENT: Microphone of the witness.

7 THE WITNESS: At the last line, it's Bertrix, because I have
8 changed my domicile.

9 MR. PRESIDENT: Yes, Counsel?

10 MS. CONDÉ: I should like, Your Honour, to tender this
11 document as document D-48 as amended by the witness.

12 MR. PRESIDENT: Any objection from the Prosecution? No
13 objection. So let the document containing the personal
14 particulars of Witness ALB be admitted as a Defence
15 exhibit, as corrected, be admitted as Defence Exhibit
16 48, and the same shall be kept under seal as it contains
17 the personal particulars of the witness, who is a
18 protected witness

19

20 (Defence Exhibit No. 48 was admitted)

21

22 MR. PRESIDENT: Proceed, Counsel.

23 BY MS. CONDÉ:

24 Q. Witness, we are in a public session now, and before you,
25 you have a piece of paper with figures and letters. If
26 you want to refer to anybody besides Mr. Kamuhanda and
27 his name is on that sheet, kindly use the pseudonym of
28 the person instead of the name?

29 A. Yes, Counsel.

30 Q. Thank you very much. Now, for the same reason of

1 protection, I should like to ask you if the area or your
2 neighbourhood in 1994, that is April 1994, is the one
3 mentioned in the piece of paper that I showed you
4 earlier on?

5 A. It is that same neighbourhood, Counsel.

6 Q. Another little point, I'm sorry. We are communicating
7 both in French and we tend to go faster than the
8 interpretation, so that if you could kindly just wait
9 for a second before answering my question.

10 A. I shall endeavour to do that.

11 Q. Did you know Mr. Kamuhanda in April 1994?

12 A. Yes, I knew Mr. Kamuhanda in 1994.

13 Q. For how long, approximately?

14 A. I knew Mr. Kamuhanda since around 1975.

15 Q. How did you meet?

16 A. Mr. Kamuhanda was a student at the National Educational
17 Institute, and I was a student at the Faculty of
18 Medicine at the National University of Rwanda.

19 Q. And in 1994 what were your relations with him?

20 A. Mr. Kamuhanda was my neighbour. There was no special
21 relationship between me and him.

22 Q. Was it a simple good neighbourliness relation?

23 A. It was a simple good neighbourliness relationship, but
24 also he was an intellectual with whom I could, from time
25 to time, talk.

26 Q. And it did happen that you talked about politics?

27 A. Yes, it did happen that we talked about politics.

28 Q. Do you know his political party?

29 A. Yes, I now that his political party was the MRND.

30 Q. And yours, sir?

- 1 A. I didn't belong to any political party. I did not
2 belong to any political party.
- 3 Q. Did you have allegiances, political allegiances?
- 4 A. Yes, I must confess so. I had a lot of sympathy for
5 those parties, all those parties in the opposition.
- 6 Q. On account of your penchant or political preferences,
7 how would you describe Mr. Kamuhanda on the basis of the
8 discussions you had with him?
- 9 A. I must say that Mr. Kamuhanda appeared to me to be a
10 very open person, because on several occasions we
11 discussed, we talked, and he did not convince me, I did
12 not convince him, but we understood one another. We
13 agreed to have differences.
- 14 Q. As far as you were concerned, Mr. ALB, did it ever
15 happen to you to meet with people from other parties,
16 apart from Mr. Kamuhanda?
- 17 A. Yes. I have talked to people from other parties apart
18 from Mr. Kamuhanda, including even people that belonged
19 to the RPF.
- 20 Q. Now let me dwell on the events of April 1994 with you,
21 particularly from the 6th of April 1994. We know that
22 it is well known 6th of April President Habyarimana
23 died. I should actually like to know how you learned
24 about that particular event.
- 25 A. I heard about the news of the death of the head of state
26 very early in the morning of the 7th of April when my
27 son heard some gunfire. It was around 4 o'clock in the
28 morning. He woke me up, because he was frightened and
29 it was at that particular point in time that I switched
30 on my radio and I learned that the president had been

1 shot down and the people accompanying him when he was on
2 his way back from Dar es Salaam.

3 Q. What was your reaction, then, sir?

4 A. My reaction was, firstly, I was frightened, because I
5 was saying to myself, what is going to happen now, in
6 view of the situation of conflict that we were
7 experiencing. So that I was frightened, and the radio
8 recommended that everybody should stay at home, and in
9 the first phase I did abide by that instruction.

10 Q. What do you mean "in the first phase"?

11 A. I stayed -- firstly I stayed in my home, but later on,
12 it was impossible for me to just stay there without
13 having to talk with someone, and I had the audacity
14 during the morning to go out of my compound to see
15 people, to hear what they thought about the situation.

16 Q. You said in the morning. Are we talking about the same
17 day when you learned about that occurrence?

18 A. Yes, we are talking about the 7th of April.

19 Q. You went out from your compound to go where?

20 A. The first person I went to see was Jean de Dieu. He was
21 one of my neighbours and I called him from the road that
22 separates our houses. I called him from his house and
23 he came to meet me in the streets to talk to me, and
24 then later on, other persons joined us.

25 Q. Now, please be careful. Could you give us one or two
26 names of persons or several names of persons?

27 A. Now, the names I remember; for example, ALR came to join
28 us. I see ALA as well, who came later on to join us.

29 Q. Was there any insecurity in your neighbourhood on that
30 day of the 7th of April?

1 A. On the 7th of April, there was no such insecurity. We
2 were fighting, yes, but there was no such insecurity,
3 but, of course, passers-by informed us that in the other
4 neighbourhoods there were killings and there was
5 looting, and that insecurity had started to spread
6 throughout the first neighbourhoods of Kigali.

7 Q. In your neighbourhood, did anything specific happen?

8 A. The only thing that worried us in our neighbourhood was
9 that there was, at Jean de Dieu's, two of his children
10 that were not there, that were not in their parent's
11 house, one of whom may have been in danger, that is, his
12 son Renee. The sister was in Gitarama at her
13 grandmother's, and that was acceptable to us. She did
14 not worry us, but the whole situation was worrying to us
15 and to Jean de Dieu.

16 Q. Now, let us move on to the 8th of April. The situation
17 remained the same on the 8th of April, so far as
18 security was concerned?

19 A. No. So far as security was concerned, the situation got
20 worse, and it got worse in the sense that the
21 information we received talked about killings, looting,
22 and in our own neighbourhood we started getting scared
23 when one of our neighbours was unexpectedly visited by
24 people, maliciously, to threaten him and ask him for
25 some money. That particular neighbour had been
26 threatened because of the fact that he was a member of a
27 body which was threatened, because the leader of that
28 professional core was assassinated and his neighbours
29 were threatened with assassination and that was told to
30 us through the telephone. And in the afternoon, that

1 very same neighbour was visited by people threatening
2 him. By the end of the morning of the 8th of April,
3 unexpected visitors came and took money from him and he
4 told us he had just given 200,000 francs to those people
5 that have come to kill him, or to wrest money from his
6 hands.

7 Q. Please be careful. Do you know that person, and could
8 you give us the name?

9 A. Yes. He was one of my neighbours, we could call him
10 ALR.

11 Q. Did you take any special measures from that particular
12 time onwards?

13 A. Yes. From that particular time we decided to watch over
14 the security of our neighbourhood. We said to ourselves
15 that it was indispensable that we sleep outside and not
16 inside our houses in order to be able to monitor the
17 goings and comings of people who were not from our
18 neighbourhood. So from that day, we organized patrols
19 in our neighbourhood.

20 Q. Up to what time were those patrols?

21 A. Those patrols, so far as I was concerned, went on until
22 such a time that I left the Kacyiro Hill, that was the
23 14th of April at 5:30, to be precise, in the evening.

24 Q. So that we know that you are still in Kacyiro up to the
25 14th of April, you just said so. Now, between the 7th
26 of April in the morning, that is, the day you learned
27 about that event, and 14th of April, did you see
28 Mr. Jean de Dieu Kamuhanda?

29 A. I saw Mr. Jean de Dieu Kamuhanda every day, every single
30 day from the 7th to the 14th of April. I saw him in the

1 mornings and in the afternoons and in the evenings. In
2 the evenings we stayed together.

3 Q. You talked about his son, his daughter, that were
4 absent. I should like to talk about the son, rather.
5 Did you know what he was called?

6 A. Yes. He was called Renee.

7 Q. Did you know where he was, in what town?

8 A. Yes. He was at her (sic) auntie's in the family of one
9 Murenzi, Desiree, who was at Kimihurura, the
10 neighbourhood, or the hill opposite ours. Kimihurura is
11 opposite Kacyiro.

12 Q. To your knowledge, why were there any special worries
13 concerning Renee and not about the young girl?

14 A. There were concerns concerning Renee, because Renee was
15 in an area where we heard that many people had been
16 assassinated in the night of the 6th to the 7th of
17 April, that was an area that was inhabited by all
18 personalities that were in the opposition. So that most
19 of them were decimated during the night of the 6th to
20 7th of April, so that the brother-in-law of Jean de Dieu
21 was also a target, and I believe that if he was there on
22 that night he could have also been kill. So that the
23 child was truly in danger.

24 MR. KIYEYEU: I'm sorry, Mr. President. Unfortunately, we did
25 not inform the witness that whereby a name that is not
26 common, such as Kinyarwanda names, they should be
27 spelled out. We forgot to tell him that. If he can be
28 informed now. I'm obliged, Mr. President.

29 MR. PRESIDENT: Witness ALB, whenever you mention names,
30 family names which may not be familiar, could you please

1 spell out the names, for the record. It might not be
2 easy for everybody to be able to get the name as easily
3 as they may appear.

4

5 You go on.

6 THE WITNESS: Thank you, Mr. President. If there is a name I
7 should spell, probably the registry could ask me to
8 spell it out and I shall spell it out.

9 MR. PRESIDENT: And your residence, that is being referred to,
10 I think it has been shown in the document that was shown
11 to you, maybe you could use that kind of formulation, as
12 of 1994.

13

14 Just go on, Counsel.

15 THE WITNESS: Yes. The name of my area of residence. For the
16 other names, I can spell them. Kimihurura,
17 K-I-M-I-H-U-R-U-R-A.

18

19 May I spell the name of the person I mentioned earlier
20 on?

21 MR. PRESIDENT: Yes.

22 THE WITNESS: Mr. Desiree Murenzi. Desiree is spelled --
23 "Murenzi", rather, M-U-R-E-N-Z-I.

24

25 I shall pay attention to this later on, Your Honour.

26 MR. PRESIDENT: All right just go on, Counsel.

27 BY MS. CONDÉ:

28 Q. Now, Witness, you have just told us that at Kimihurura
29 there were many people killed. Did you go to see that
30 yourself?

1 A. No, Counsel, I haven't been there to see for myself. I
2 heard it from passers-by. I didn't go to see it myself.

3 Q. Do you know what happened to Renee?

4 A. I knew what happened to Renee. His father, in the
5 morning of the 8th of April, went to fetch him,
6 accompanied, moreover, by the members of his wife's
7 family, and he was not able to get to Mr. Murenzi's
8 house, because of the roadblocks. He came by midday
9 without the child.

10

11 In the afternoon he got escorted by the members of our
12 neighbourhood, and it was around three o'clock in the
13 afternoon that he was able to bring his son back to the
14 house.

15 Q. You have just referred to two persons, a member of the
16 family of his spouse who was not a protected witness,
17 and a neighbour. If his name is not on the list before
18 you, you can give us the name or the names?

19 A. The neighbour that went with him, that is with Jean de
20 Dieu, I have already completely forgotten his name,
21 because of the fact that I knew him by a nickname, Juif,
22 and he was working for the Ministry of Finance. But
23 since I had just come into that area, I never knew his
24 true name.

25

26 So far as the person from the family of the spouse of
27 Jean de Dieu, I am rather forgetting the name and the
28 surname. But I am sure you can find it in the document
29 they handed to you. I am forgetting the name, but in
30 the document I sent to the Defence team of

1 Mr. Kamuhanda, I did mention the name. I hope you still
2 have that document with you. I must confess it is a
3 gentleman I never saw and I didn't know it was a name
4 that I had retained, because it was told me.

5 Q. Very well. We shall come back to that later on, that
6 is, back to that document later on.

7

8 Did you personally, see the child?

9 A. Yes. I did see him in the evening of that 8th of April.

10 Q. How was he?

11 A. He was a child that was shocked, in shock, and at the
12 time I saw him he was getting more or less normal. Of
13 course, he was not speaking at that time and one could
14 see clearly that he was panic-stricken, (By order of the
15 Court this word has been extracted and filed under seal)
16 we can say that he was really in shock, because of what
17 happened.

18 Q. We now know your present profession. Now, in 1994,
19 without giving us your profession as such, could you
20 tell us whether you used to practice in your profession
21 at the time that you saw Renee? Were you a (By order of
22 the Court this word has been extracted and filed under
23 seal)?

24 A. No, I was not for several months before that time.

25 Q. In general terms, could you tell us what you used to do,
26 because on the sheet of paper we noted it in French and
27 we didn't know how to say it in English. Now we should
28 use the interpreters. In general terms, then?

29 A. In general terms I was (By order of the Court this
30 portion of the answer has been extracted and filed under

1 seal).

2 Q. Thank you. You talked about patrols. I should like to
3 dwell on those patrols with you, and perhaps get the
4 maximum amount of details.

5

6 When did you set up those patrols, precisely?

7 A. We started those patrols on the 8th of April, precisely.
8 That was on the day that our neighbour, ALR, was
9 aggressed, I would say, and when money was forced out of
10 him. On that day the passers-by told us that
11 aggressions were very frequent in the neighbourhood and
12 looting was also frequent, so that we took the measure
13 of monitoring our neighbourhood, so that after dinner we
14 got together to monitor the security of our families,
15 all the able-bodied men at the time were to come
16 together and organize patrols. This was why, this was
17 how, and I said so, I could say that I was with Jean de
18 Dieu every night from the 8th of April up to the 14th of
19 April.

20 MR. MOORE: I don't want to really interrupt my learned
21 friend, but would it be possible to go a little more
22 slowly? The answers are quite quick and it is difficult
23 to make a note.

24 MR. PRESIDENT: Yes, Witness, and Counsel, and Witness ALB,
25 could you please slow down again a bit to enable the
26 translation to come through easily to those who want to
27 take notes, in the other languages, of course, of the
28 Tribunal. Yes.

29 THE WITNESS: Thank you, Your Honour. I shall be careful.

30 MS. Condé: I thought we were going at a normal pace, but we

1 shall try to slow down.

2 BY MS. CONDÉ:

3 Q. You meant after dinner. What was the time for dinner?

4 A. We got together after dinner. It was not so precise the
5 time of dinner, but it was usually between 6 p.m. and
6 7:30 p.m., and by 8 o'clock at night everybody was
7 practically there at the rendezvous, at the appointed
8 place to embark on the patrols.

9 Q. And you stayed together till what time, approximately,
10 of course?

11 A. We were together up to dawn, that is, between 6 a.m.,
12 6:30 a.m., something like that.

13 MR. PRESIDENT: Between?

14 THE WITNESS: Between 6 a.m., Your Honour, I'm saying that we
15 came together by 8 p.m., by 8 p.m., and we stayed
16 together between 8 p.m. to 6 a.m., 6:30 a.m., that is,
17 up to dawn. Perhaps we should underscore that in the
18 meantime, that is, between 8 p.m. and midnight, we
19 generally patrolled together in a team in our
20 neighbourhood, of course.

21 BY MS. CONDÉ:

22 Q. I have some questions for you on that particular point.

23 A. Thank you, Counsel.

24 Q. You patrolled from where to where?

25 A. We made an appointment, usually, this was very near my
26 house, and we went around in our neighbourhood. Now, if
27 you look at the road that separates the various houses,
28 it was, essentially, we went up and down that road that
29 separated our houses, and sometimes we went through the
30 road that went upward from our neighbourhood. I do not

1 have a sketch but essentially we made patrols among
2 other houses.

3 Q. In other words, you did that till midnight. So after
4 midnight?

5 A. Now, after midnight, to allow one and all to rest, we
6 subdivided ourselves into two groups. There was a group
7 that stayed under a tree to rest, and our group
8 continued to patrol the neighbourhood around our various
9 houses.

10 Q. Was it the same group that rested through, I mean from
11 midnight to dawn and the other group continued
12 patrolling?

13 A. No, Counsel Condé. We changed every one or two hours,
14 practically each hour we changed roles; in other words,
15 the group that came around came to rest, and the other
16 that rested went around.

17 Q. You said all the men in the neighbourhood participated.
18 I would have wanted to have names, if possible. Of
19 course, you need to be careful. Is it possible for you
20 to give us names, sir?

21 A. Yes, it is possible to give you names. There weren't
22 that many as such. Let me start with my immediate
23 neighbours, namely ALR, then Jean de Dieu, ALR, that's
24 the first one, Jean de Dieu, that is the second, then
25 ALA, and I think the first day we also had Boniface, who
26 withdrew subsequently, because he was sick. It's those
27 few names that I still remember.

28 Q. You stated that Mr. Kamuhanda was your neighbour, but I
29 didn't ask you how far your house was from his?

30 A. There wasn't that much of a distance between us. I

1 would say between two and three hundred metres or
2 something in that range.

3 Q. Could you see his house from yours?

4 A. From my house, from inside my house, it would be
5 difficult to see Jean de Dieu's house, because my house
6 had a high fence. But if we were at the fence of my
7 house it would be very easy to see Jean de Dieu's house.

8 Q. Would you know whether he lived in his house?

9 A. Could you be specific when you say "lived in his place"
10 what time frame or what period?

11 Q. You just talked about the 8th. I am thinking of the
12 events as from the 7th, the period of concern to us was
13 in his house?

14 A. In actual fact, Jean de Dieu no longer stayed in his
15 house as from those difficult moments. Jean de Dieu
16 Kamuhanda's family had, for reasons of safety, moved to
17 the neighbour's house, which appeared to be safer,
18 compared to his.

19 Q. And what's the name of that neighbour?

20 A. I would have wanted to tell you her name, but I don't
21 see the name on the list of pseudonyms that I have here.
22 I would have wanted to be able to mention her name. I
23 think it was ALS. It doesn't appear on my list, but I
24 think it was ALS.

25 Q. You stated that Jean de Dieu was staying at ALS' house,
26 that is correct, and you say for reasons of security.
27 Why, since he had a house?

28 A. Jean de Dieu's house was a lot more exposed than that of
29 ALS, same as that of ALR, which were at an elevated
30 level. They could be exposed to stray bullets; whereas,

1 that of ALS was protected by a mound which was higher
2 than the house itself, and I must say that it was indeed
3 difficult for a stray bullet to impact on it; whereas
4 that of Jean de Dieu, which was more elevated, was a
5 more easy target to hit.

6 Q. Could you just be a bit more specific, the fact that --
7 is it just because Kamuhanda's house was a bit higher
8 and that's why the other one was safer?

9 A. No. It is not only for that reason. ALS' house was
10 also protected -- it -- that mound protected it from
11 stray bullets, except, of course, you target the house
12 specifically, if bullets were fired from an upper level.
13 Unless that was the case, as if the house was buried in
14 the mound, and that that's why it seemed to us, it
15 seemed to us to be a lot more protected. For those of
16 us who lived in the area, it was easy for us to notice
17 that.

18
19 And I must add there was another reason -- and Kamuhanda
20 had explained to me why he moved to that family -- it was
21 because that woman was alone with her children. It was
22 another way of encouraging each other, stay with the
23 family, and they could get to know whatever was
24 happening to her without it being necessary for him to
25 move.

26 Q. You said they were firing from the hills. Could you be
27 more specific? Which colline, for instance? For
28 instance, if you knew the positions of -- occupied by
29 either army?

30 A. Yes, Counsel. The FAR, namely, the Rwandan Armed

1 Forces, were shooting from the Kigali camp on the
2 position occupied by the RPA, which was located in the
3 premises of the parliament known as CND, and this is
4 located at Kacyiro, Kacyiro as it appears in the
5 records.

6
7 Then, obviously, RPF returned fire on the rest of Kigali
8 town from the CND, which was the parliament, that is,
9 conseil national de développement.

10
11 There was another position occupied by the Rwandan Armed
12 Forces which was located at the national gendarmerie,
13 and this was at the summit of the Kacyiro Hill, and from
14 that position, the Rwandan Armed Forces were shooting or
15 firing at the RPF position located at CND. And it goes
16 without saying that the RPF also returned fire, shooting
17 at the position located at the national gendarmerie.

18
19 The RPF also had another position, which was at Rebero.
20 Let me spell "Rebero"; it is R-E-B-E-R-O, Rebero.

21
22 So from Rebero, the RPF fired on the position occupied
23 by the Rwandan Armed Forces in Kigali, but also on the
24 position equally occupied by the Rwandan Armed Forces at
25 the national gendarmerie camp.

26
27 Subsequently, I also learned that the RPF had a position
28 located on the Kimihurura colline, that is as was
29 written earlier on. If you so desire I can spell
30 Kimihurura, K-I-M-I-H-U-R-U-R-A, Kimihurura, and from

1 that position, the RPF could fire on the two positions
2 occupied by the Rwandan Armed Forces that I had referred
3 to earlier; namely, the one located at the national
4 gendarmerie, and the position located at the Kigali
5 camp.

6

7 So Ms. Condé, that's it.

8 Q. Thank you. That's very specific. I just have a
9 problem. The gendarmerie is in Kacyiro, CND is in
10 Kacyiro, there is a position at Rebero, there is another
11 position in Kimihurura. But what I want to know is,
12 where is camp Kigali, or Kigali camp, located?

13 A. Kigali camp is literally in the city centre of Kigali.
14 There might just be some confusion. The Kigali camp is
15 located, as I said, in the city centre, whereas the CND
16 Kacyiro and gendarmerie camps are somehow separated.
17 CND is located, I was going to say, in the southwest of
18 Kacyiro, southeast of Kacyiro, and it's about, I don't
19 know the number of kilometres, maybe 6, 7, kilometres
20 separating those camps, something like that.

21 Q. And the Presidential Guard was not involved in that
22 exchange?

23 A. Oh yes, I forgot to make mention the spread of a guard
24 which was also involved in that conflict and it was also
25 firing from its position located at Kimihurura, and it
26 was firing at the CND, the Presidential Guard could not
27 get involved. It was shooting at the CND, which is a
28 position occupied by the RPF.

29 Q. Now I want to go back to ALS' home. So Mr. Kamuhanda
30 opts to go there. Would you know how many people were

1 in that house?

2 A. No, I won't be able to tell you exactly how many people
3 were in that house, except I tried to count them,
4 because I know what those households were made of. But
5 also let me say that ALR's family moved and joined the
6 families of ALS and Jean de Dieu Kamuhanda's family,
7 again for security reasons. I should further explain
8 why ALR's family felt insecurity. It felt insecure,
9 because it was also exposed to gunfire. The house even
10 [REDACTED], in other
11 words, [REDACTED], [REDACTED]
12 [REDACTED] that could protect it from gunfire. And so it was
13 a preferred target of gunfire coming, essentially,
14 either from Rebero, the Kigali camp, or the RPF position
15 in Kimihurura.

16
17 Furthermore, that family had been threatened, and I was
18 going to say that they were victims of the looting that
19 occurred during the day of the 8th. [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 Q. I would want to have a number of clarifications from
24 you. You said that [REDACTED]
25 [REDACTED] and that the house was exposed. [REDACTED]
26 [REDACTED] wouldn't that mean
27 automatically that your own house was exposed?

28 A. You are right to say so, Counsel, but I had explained
29 that my house was protected by a high fence made of
30 burnt brick and so bullets could be held back, as it

1 were, by that fence. From the road it was not possible
2 to see my house, whereas ALR's house was not at all
3 protected. Might I say it was completely naked, if you
4 understand what I wanted to say.

5 MS. CONDÉ: Mr. President, can we still continue, or ...

6 MR. PRESIDENT: Ten minutes, and come and continue.

7 MS. CONDÉ: Yes sir. When we return, sir, I would run the
8 tape. If the Prosecutor agrees to go fast, maybe I
9 would ask two or three leading questions, just to give a
10 context, and then subsequently as for one or two people,
11 and then we just take a small stretch of the tape, then
12 the rest of the examination could then continue in open
13 session.

14 MR. PRESIDENT: Okay. All right we take the break 15 minutes
15 and come back at a quarter past four, quarter past four.
16 Until then, these proceedings stand adjourned.

17

18 (Court recessed at 1600H to 1620H)

19 MR. PRESIDENT: The proceedings are resumed. We continue the
20 evidence of Witness ALB in examination-in-chief, and
21 yes, Counsel.

22 MS. CONDÉ:

23 Yes, Your Honour.

24 BY MS. Condé:

25 Q. Witness, I should like to go back a little before
26 showing you the tape I had just mentioned.

27

28 You had told us several moments ago that you saw
29 Mr. Kamuhanda after dinner, that is, between 6 p.m. and
30 7 p.m., and up to dawn 6 a.m., 6:30 a.m. You also

1 explained that you saw him during those time sectors up
2 to the time you left.

3

4 Now, what I should like to know --

5 MR. PRESIDENT: Could you repeat your question?

6 BY MS. CONDÉ:

7 Q. Witness said that he saw Mr. Kamuhanda every evening
8 from 6 to 7 p.m., at any rate after dinner, up to six
9 o'clock in the morning, and immediately after that he
10 explained that he saw him every evening until such time
11 as he left.

12

13 Now, what I should like to know is, whether that was the
14 only period, or those were the only periods he saw
15 Mr. Jean de Dieu Kamuhanda.

16 A. No. Those were not the only periods I saw Jean de Dieu
17 Kamuhanda. I also saw Mr. Kamuhanda -- probably let me
18 explain that when the patrols were finished each one
19 went back home to rest, to wash, to have a meal, to have
20 lunch, and at around 10 o'clock, 10 a.m. to midday, we
21 once again got together in the neighbourhood and
22 generally at the middle of the road between the houses
23 in the neighbourhood and we walked around together among
24 our houses.

25

26 So that during that period of time, as well, I also saw
27 Jean de Dieu Kamuhanda every day, except, of course, on
28 the day that he went to fetch his son, when I only saw
29 him around midday, that is, upon his return.

30

1 Just as in the afternoon, we left each other at around
2 midday to go in for supper, and after supper one could
3 rest a little up to around 2 p.m., or 3 p.m. at most.
4 MR. PRESIDENT: There is something wrong with the translation.
5 "They might be having supper."
6 THE INTERPRETER: That is what Witness is saying, My Lord.
7 MR. PRESIDENT: "We left each other at about midday to go for
8 supper, and after supper one could rest and at about
9 two..." you know. Is it supper? I don't know.
10 MS. CONDÉ: It is evidently -- well, this is the term they use
11 in their area to mean lunch.
12 MR. MOORE: I don't mind clarification of translation, but I
13 don't think it is appropriate for my learned friend to
14 give evidence about it.
15 MR. PRESIDENT: It's true. We can get that from the witness.
16 What we got in English, that is what we wanted to know
17 because of the time frames mentioned, and maybe we would
18 like to know if there could be some clarification. If
19 it was during the day, of course, I don't know what is
20 the French word used, but ordinarily at least I
21 understand supper would be sometimes in the evening, or
22 something like that. So maybe that is an area that you
23 could have clarified. Counsel?
24 BY MS. CONDÉ:
25 Q. Yes. Witness, you said that between midday and 2 to 3
26 p.m. you had meals. That is where you said, "supper",
27 supper, that is where our misunderstanding is, because
28 you are saying supper, and supper, in the general sense,
29 means in the evening.
30 THE INTERPRETER: Microphone please, microphone, please.

1 MR. PRESIDENT: Microphone, ALB.

2 THE WITNESS: It was a mistake on my part, I'm sorry. I
3 meant dinner, because in French, what we use in French
4 in our country the morning is breakfast, and midday is
5 dinner, and in the evening is supper. So that if I used
6 "supper" for the midday lunch or the midday meal it's a
7 mistake on my part. I meant dinner.

8
9 So let me take this up again. After dinner we rested up
10 to two o'clock, generally, and usually or exceptionally,
11 exceptionally up to 3 o'clock and between two o'clock
12 and 6 o'clock and seven o'clock that is the time for
13 supper, we once again got together, and throughout that
14 period, as I was saying, I saw Jean de Dieu every day,
15 with the exception of the day of the 8th of April. In
16 the morning I saw him at around midday when he came back
17 from fetching his child that he was not, moreover, able
18 to fetch, and in the afternoon I saw him at around 3
19 p.m., rather, after 3 p.m. when he came back, this time
20 with his son.

21
22 I hope this is clearer.

23 MR. PRESIDENT: Yes, Counsel.

24 BY MS. Condé:

25 Q. So just for detail here, how do you call the meal at
26 midday?

27 A. The midday meal is called dinner, or dîner for us.

28 Q. How do you call the evening meal?

29 A. We call it supper, or supper.

30 MS. CONDÉ: Is that acceptable, Your Honour?

1 MR. PRESIDENT: We just wanted to understand what was being
2 talked about. Thank you.

3 THE WITNESS: Thank you, Your Honour. It's a confusion in
4 expression and not in the meaning as such. It is what
5 we say, not what we mean.

6 BY MS. CONDÉ:

7 Q. Now, in a nutshell, you said that that day of the 8th
8 was rather special, but to put it in a nutshell the
9 other times, could you recollect the time spans during
10 which you saw him?

11 A. Yes, Counsel. I was saying, let me begin from the end
12 of the patrols. After the patrols, I saw Jean de Dieu
13 between 10 a.m. and midday after he had had his lunch
14 and rested, and then each of us went for dinner, that
15 is, from midday, and then we would have a nap. And
16 after the nap I saw him again up to the time of supper,
17 and after supper, as I said, that is from 8 p.m.
18 approximately, we were together throughout the night up
19 to dawn, and I did explain that dawn meant 6 a.m., 6:30
20 a.m.

21 Q. Where did you meet during the day?

22 A. During the day, we got together usually in the street
23 and we walked around our houses. It was somewhere on
24 the road, it was not a special spot, generally in the
25 street, and if you know our neighbourhood from any
26 point, one could see whether there were strange visits
27 in any of our houses.

28 Q. You also said certain names of persons that split in the
29 night patrols. Now, so far as the daytime is concerned,
30 could you give us other names or some names that split

1 in the patrols?

2 A. During the day it was the same persons, just as for the
3 night. But during the day one could sometimes see
4 Canesius, I don't remember his first name, and the night
5 he was excused, because he was seriously ill. But
6 during the day he could join us and work around with us
7 if he had the strength to do so.

8

9 During the day we also saw Boniface. From time to time
10 depending on how he felt, because he was also rather
11 ill.

12

13 One could also see, as I recollect, [REDACTED] and another
14 neighbour -- he was another neighbour who did not accept
15 to take part in the night patrols, because he said he
16 was not able to do so. But during the day we could see
17 everybody, including those that were ill, because we
18 could also pay them visits to see how they were doing.

19 Q. You also talked about ALS. Did you see him?

20 A. Yes, I did, and I saw him very often. ALS was -- she
21 was a neighbour whose husband was not there. ALS was a
22 lady whose husband wasn't there, and very often I went
23 there around 9 a.m., 10 a.m. to see how well she had
24 slept, and give her a moral boost. I believe it was a
25 duty of mine to go and visit her to cheer her up.

26 Q. Now, I should like to know whether the wife of
27 Mr. Kamuhanda was at that time with you?

28 A. The wife of Mr. Kamuhanda had always been with us
29 throughout the periods. As a matter of fact, the
30 Kamuhanda family had practically moved out to ALS'

1 house, I met them at ALS' house.

2 Q. Thank you for details.

3

4 Now, I should like to show you a tape. I would like to
5 seek permission from the Prosecution to reduce the
6 duration so that I can be more pointed as to my
7 questions concerning the tape.

8 MR. MOORE: It's really a matter for the Defence how they do
9 it.

10 MR. PRESIDENT: Let's start to proceed, Counsel.

11 MS. CONDÉ: May we run the tape, beginning with minute 8, that
12 is, the eighth minute, and, of course, may I pray for a
13 short closed session, not more than 15 minutes, My Lord?

14 MR. PRESIDENT: Yes. It has to be. Any objection, Mr. Moore?
15 No objection. We will go in closed session in order to
16 enable the Defence to screen a video tape which may have
17 some indications of locations where the witness lived.

18

19 (At this point in the proceedings, a portion of the
20 transcript (pages 124 to 131) was extracted and sealed
21 under separate cover as the session was heard in camera)

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1 MS. CONDÉ: Witness, we will now continue. At the very
2 beginning of your testimony, you stated that you
3 participated in the patrols until you left. Could you
4 tell us when you left?

5 A. I left Kigali on the 14th of April at 5:30 p.m.

6 Q. For where?

7 A. I left for Gitarama in the centre south area of the
8 country. You want me to spell Gitarama? That is,
9 G-I-T-A-R-A-M-A. Gitarama.

10 Q. Why did you leave? Was there some particular reason?

11 A. Yes, we left because the security situation --
12 insecurity was threatening, on the one hand the fighting
13 was getting more intense, and you could see people who
14 were located a bit higher -- higher up than us, that is
15 on the Kacyiro colline, on the run, and they were
16 telling us that the RPF had already taken over the
17 barracks of the armed forces, which was located in the
18 gendarmerie camp. And so we were afraid of being caught
19 in the cross-fire between the two forces, and so we
20 decided to leave. Furthermore, and it should be added,
21 and I don't think it is the most important, there was an
22 increase in the looting. People were looting. We could
23 see them looting right in front of us at the Kimuhurura
24 colline. It was not necessarily the looting that made
25 us escape, it was essentially because of the fighting.

26 Q. So, how did you leave, that is, what means did you use?

27 A. I used my own vehicle -- or my vehicles, since I had
28 two.

29 Q. You left with two vehicles?

30 A. I had two vehicles. I took one and I gave the other one

1 to another neighbour, Canicius, who I had referred to,
2 to pick up other neighbours who also wanted to leave.

3 Q. And who were those who left with you?

4 A. With me there was my wife; my three children; my sister
5 and a Tutsi lady or girl who was working at my house;
6 and a Tutsi child that I kept at my place because his
7 parents had been threatened, and, in fact, had been the
8 victims of serious attacks on several occasions. So I
9 kept that kid with me throughout my flight.

10 Q. Was that a kid that you were raising?

11 A. No, that was not a child I was raising. He had just
12 been in my house for a couple of days. Let me repeat;
13 he was given to me because the parents were afraid.
14 They had been victims of several attacks by the
15 Interahamwe. Must I spell Interahamwe? It is spelt,
16 I-N-T-E-R-A-H-A-M-W-E, Interahamwe. So, the Interahamwe
17 were, in fact, MRND militias. So that couple was on
18 several occasions attacked by those militias, and out of
19 fear of dying with the children, they gave one of their
20 children to me. So I stayed with that child for a
21 couple of days.

22 Q. Who else was with you -- or rather, who else left with
23 you?

24 A. Well, in my own vehicle, I already made mentioned of my
25 sister; the girl who worked for me, a Tutsi from Kibuye;
26 my wife and my three children.

27 Q. And in the other vehicle?

28 A. In the other vehicle there was Canicius and his
29 children, as far as I can recall, the wife of ALA.
30 Should I represent?

1 Q. No. So, you used two vehicles in moving off?

2 A. Yes, exactly.

3 Q. And the other inhabitants of the area, why didn't they
4 go with you, or why didn't they join you?

5 A. Well, in actual fact, the other inhabitants of the area
6 did not join us because they didn't have vehicles.
7 Venant had a vehicle, but no other neighbour had a
8 vehicle, and so we were unable to move out. Now,
9 regarding Jean de Dieu Kamuhanda, in particular, I had
10 suggested to him to take one of my vehicles, but
11 unfortunately he didn't know how to drive. He could not
12 drive. If he knew how to drive he could have taken one
13 of my vehicles. He didn't know how to drive at the
14 time, and so he was not able to move away with us. In
15 addition, even if he knew how to drive, I wouldn't have
16 been able to take along with me the family of ALS,
17 because he absolutely wanted to be moved or evacuated
18 with that family, and I could even say that he was the
19 one who had, as it were, taken over, say, the more than
20 material security of that lady and her children. So, he
21 wouldn't have dared to move away without them. And so I
22 wasn't able to carry on board both families in my
23 vehicle.

24 Q. Did they, on their part, make any arrangements, as far
25 as you know?

26 A. In actual fact, before I left, they hadn't yet made
27 arrangements because myself and another friend, who was
28 living in some other area, had promised them that we
29 would be coming back to pick them up. We told them that
30 we would be coming back the next day to collect the two

1 families, because my friend had a bigger vehicle, a Land
2 Cruiser, and I had a big vehicle, also, and so it was
3 possible the very next day for us to pick all of them
4 up. Unfortunately, the next day in Gitarama -- oh,
5 sorry, from Gitarama we tried to travel back to Kigali
6 to meet them. My friend had a traffic accident, and I
7 was compelled to turn back and take him for treatment in
8 Gitarama, and also to look for a mechanic to come and
9 repair the vehicle. So, I wasn't able to assist them as
10 I had promised.

11 Q. Was that the last time that you saw Kamuhanda and his
12 people?

13 A. No, Counsel. That was not the last time that I saw
14 them. I met them again on the 19th of April
15 specifically, in the morning, in Gitarama.

16 Q. In what circumstance did you see them?

17 A. In actual fact, I was moving around in the stadium where
18 everyone from Kigali was assembled, and I saw ALS, who
19 told me that they had arrived the day before with the
20 Kamuhanda's family. So, I tried to meet Jean de Dieu
21 and that was the circumstance under which we saw each
22 other. They had come the day before, at about 8 p.m as
23 they told me.

24 Q. Did you have any particular reason to go to that
25 stadium?

26 A. Yes, there was a particular reason for me to go to that
27 stadium because I had a lot of relatives -- friends who
28 were in Kigali. So, I didn't know what had happened to
29 them. So I wanted to find out whether I would meet any
30 of my acquaintances, including family members;

1 neighbours; Kamuhanda; the ALS family, since I was
2 unable to help them. And beyond that, I had some other
3 people, for instance,, my in-laws, whom I was looking
4 for, and I was trying to find out what had happened to
5 them.

6 Q. Yes. Yes, but why at the stadium?

7 A. Well, why the stadium? Maybe you didn't understand me.
8 That virtually everyone who came from Kigali were
9 assembled at the stadium -- at the football stadium
10 because they could not be accommodated elsewhere. There
11 was not much choice, and some friends came and if you
12 knew somebody at the stadium you would come and fetch
13 him or her. But at the stadium, that is where all those
14 people who came from Kigali were assembled, people who
15 didn't know Gitarama and who had no one to go to in
16 Gitarama.

17 Q. And why did the people from Kigali go to Gitarama in
18 particular?

19 A. In actual fact, Counsel, there was no choice. That was
20 the only exit from Kigali, because all the other exits
21 or roads, whether you are going towards the east,
22 towards the north, all those roads were occupied by the
23 RPF. So, it was not possible to escape anywhere else
24 except towards the south and the road to Gitarama was
25 the only one that went towards the south, and that is
26 why everyone was going to the south.

27 Q. Something else you mentioned, east -- I forgot the other
28 area, for those of us who don't know, maybe you could
29 talk in terms of prefecture or in terms of location
30 rather than saying they went towards the east, so that

1 we can find our way.

2 A. Yes, thank you for that clarification. What I meant to
3 say when I talked about the east, I am talking about
4 part of the Kigali préfecture which was occupied by the
5 RPF, and including that of Kamuhanda. Then you had the
6 Kibungo préfecture, the Byumba préfecture, the Ruhengere
7 Préfecture, those préfectures were occupied. And I am
8 made to understand that Gisenyi préfecture was not
9 occupied by the RPF. But to go to Gisenyi you had to go
10 through the north, in other words, you had to through
11 Gisenyi. You could not get to Gisenyi and to get to
12 Gisenyi you absolutely had to go through Gitarama.

13 Q. Good. Thank you. So, you saw ALS, but you also told us
14 that you saw Kamuhanda in Gitarama. When did you see
15 him?

16 A. I first saw ALS, as I told you, and then she informed
17 me, that herself, the ALR family and the Kamuhanda
18 family had arrived together the day before. And since I
19 continued to move around, I did not find Kamuhanda in
20 the stadium. And then I went moving around in the town,
21 and he also was looking for me and I met him in Gitarama
22 town.

23 Q. So, did you talk to each other?

24 A. Yes, Counsel, some brief exchange of views. I asked him
25 how he managed to get there, since I had left him
26 without any means. I wasn't able to help him. And then
27 he asked me whether I could take his family to the
28 Nyabikenge commune, that is, to the north of Gitarama.
29 Nyabikenke is spelt, N-Y-A-B-I-K-E-N-K-E, Nyabikenke.
30 And he asked me whether I could take his family to

1 Nyabikenke, which is what I did, with pleasure, by the
2 way, because I wasn't able to assist him in Kigali
3 anyway.

4 Q. So, you took the family to Nyabikenke?

5 A. That is right, Counsel.

6 Q. To whose place?

7 A. Yes, I took that family to the mother-in-law of Jean de
8 Dieu. And Jean de Dieu's mother-in-law lived, in fact
9 still lives, in Nyabikenke.

10 Q. And all of them stayed in Nyabikenke?

11 A. No, not all of them stayed in Nyabikenke. Jean de Dieu
12 came back with me.

13 Q. To where?

14 A. He came back with me to Gitarama, because he was a bit
15 worried about those other families who were in his
16 custody, you know, the two ladies and the children whose
17 husbands were not there, so he wanted to monitor how
18 things would develop in the country. And, he was in
19 Nyabikenke, that is about 50 kilometres from Gitarama,
20 and he might be cut off from any source of information.
21 And that is why he was coming back to Gitarama. But the
22 main reason, he told me, was to know what was going to
23 happen to those families who were put under his charge
24 right from Kigali.

25 Q. And yourself, did you stay in Gitarama?

26 A. I stayed in Gitarama. In fact, when I got to Gitarama,
27 I went to work at the Kabgayi Hospital because I had a
28 colleague who was the only medical practitioner in that
29 hospital. There were a lot of injured people and so I
30 volunteered to assist him. Initially I stayed in a

1 friend's house in Gitarama -- sorry -- I am going too
2 fast. You know, narrating the story is quite easy. So,
3 I was saying that initially when I got there on the 14th
4 I stayed in a friend's house, and then I moved to the
5 Kabgayi Hospital to treat the wounded.

6 THE WITNESS: Sorry, Mr. President, I will do that
7 immediately. Kabgayi is spelt, K-A-B-G-A-Y-I, Kabgayi.
8 So, I got to -- is it clear, Kabgayi. Sorry, let me
9 repeat. K-A-B-G-A-Y-I.

10 BY MS. CONDÉ:

11 Q. I thought you had stopped practicing?

12 A. Yes, Counsel, I had stopped practicing, but it was a
13 rather special period of crisis, and a medical officer,
14 even if he hadn't practiced for some months, he was
15 bound to do something, and my sole colleague who was at
16 the Kabgayi Hospital was submerged -- he was overloaded
17 with a huge number of wounded people.

18 Q. I would like to put some few questions on those wounded
19 people. Who were they?

20 A. Our, might I say, clients, if I may -- clients of the
21 hospital were made up of two categories of wounded
22 people. There were those with machete wounds, and most
23 of them were Tutsis. And I can say that I know that
24 area pretty well, because I worked there for some ten
25 years as a hospital doctor and then as the head of the
26 area. So, most of the patients had machete wounds.
27 Most of them were Tutsis and those who had bullet wounds
28 for the most part were soldiers. Of course, there were
29 civilians who had bullet wounds.

30 MS. CONDÉ: Mr. President, I think we can end here.

1 Unfortunately, on Monday, I would still need -- if I can
2 give an approximation -- we started at three, and I have
3 gone through three quarters of the examination, so I
4 would still need slightly more than an hour.

5 MR. PRESIDENT: We have indicated, we cannot, even if we try
6 to do, take up this case tomorrow because we have
7 another case scheduled for hearing of some matters
8 concerning that case.

9
10 So, we will adjourn this case to Monday, 9 o'clock in
11 the morning. Until then these proceedings stand
12 adjourned.

13
14 One thing; since you have started -- ALB, you have
15 started testifying, during the tendency of your evidence
16 you are not to discuss your evidence with anybody else
17 outside court. Okay.

18 THE WITNESS: I have duly noted your recommendation, Mr.
19 President.

20 (Court adjourned at 1735H)

21 (Pages 126 to 139 by Regina Limula)

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