

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-01-72-T
CHAMBER III

THE PROSECUTOR
OF THE TRIBUNAL
v.
SIMON BIKINDI

FRIDAY, 29 SEPTEMBER 2006
0910H
CONTINUED TRIAL

Before the Judges:

Inés Mónica Weinberg de Roca, Presiding
Florence Rita Arrey
Robert Fremr

For the Registry:

Ms. Rose-Marie Kouo
Mr. Issa Mjui
Mr. Vincent Tishekwa

For the Prosecution:

Mr. William Egbe
Ms. Veronic Wright
Mr. Iain Morley
Mr. Patrick Gabaake

For the Accused Simon Bikindi:

Mr. Wilfred Nderitu
Mr. Jean de Dieu Momo

Court Reporters:

Ms. Eleanor Bastian
Ms. Verna Butler

I N D E XWITNESSFor the Prosecution:

WITNESS AJS

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PROCEEDINGS

1

2 MADAM PRESIDENT:

3 Good afternoon -- morning. I am getting into the habit.

4

5 Ms. Kouo, could you please read the case?

6 MS. KOUO:

7 Yes, Your Honour, thank you. Trial Chamber III of the International Criminal Tribunal for Rwanda,
8 composed of Judge Inés Mónica Weinberg de Roca, presiding, Judge Florence Rita Arrey and
9 Judge Robert Fremr, is now sitting in open session today, Friday, the 29th of September 2006, for the
10 continuation of trial in the matter of the Prosecutor v. Simon Bikindi, case No. ICTR-01-72-T.

11 MADAM PRESIDENT:

12 Thank you, very much. Mr. Egbe, can you tell us what is left of the Prosecution team.

13 MR. EGBE:

14 Thank you very much, Your Honours. I appear for the Prosecution, and with me is Ms. Wright, attorney
15 who is leading the witness, whom we had yesterday. We will be having attorneys Morley and Gabaake
16 coming in shortly, Your Honour. I need also to inform the Trial Chamber --

17 MADAM PRESIDENT:

18 And there is your case manager.

19 MR. EGBE:

20 And my case manager. I am very sorry, very effective. And, Your Honours, I will be seeking your leave
21 to be absent in about 30 minutes, because I have to appear before Trial Chamber II, for another case
22 that we deal with in this case -- in this team. That is the case of Rukundo. That is one matter.

23

24 Your Honours, secondly, I would need to inform the Chamber that we were informed by WVSS this
25 morning that Witness AJY, who was on the stand yesterday, took ill. In fact, he has been taken to the
26 hospital. So the witness you have before you now is Witness AJS. We have also informed WVSS to
27 ensure that Witness BGH is a standby witness, who will be brought and left in the waiting room. Thank
28 you, Your Honour.

29 MADAM PRESIDENT:

30 Appearances for the Defence, please?

31 MR. MOMO:

32 Good morning, Madam President, Your Honours. I am Momo, Jean de Dieu, co-counsel for Bikindi.
33 With me this morning our lead counsel, Wilfred Nderitu for the Defence of Mr. Bikindi. Thank you.

34 MADAM PRESIDENT:

35 Thank you very much. Mr. Bikindi, are you following the proceedings?

36 THE ACCUSED:

37 Yes, Madam President, I can follow the proceedings very well. But, with your leave, Madam President,

1 I have a small problem which I would like to raise with you. Maybe you will be able to find a solution to
2 that problem. With your leave, I will present my problem, Madam President.

3 Madam President, I am surprised that from the beginning of this trial I have been set aside, I have been
4 sidelined. That is what I have observed, because since the 18th, there are documents that just land on
5 me here in court. I receive documents in English, (*in audible*) documents in English, and I do not
6 understand English. They land on me during proceedings. I don't know what the accusations are, and
7 I don't have the time to discuss these issues with my Defence team.

8
9 Now, those who disclose or communicate these documents to me are fully aware that I do not
10 understand English. It is for these reasons, Madam President, that I plead that you ensure that these
11 documents are translated into French because, from the very beginning, I have not received any
12 documents, in French, except the one big document that was disclosed to me. Please, I wish that a
13 solution could be found to this problem.

14
15 Secondly, Madam President, my lead counsel is working in English. His questions are raised in
16 English. I think that this is something that sidelines me in my own trial. Madam President, thank you
17 for your attention.

18 MADAM PRESIDENT:

19 As to the second issue, Mr. Bikindi, we are all listening to the trial in the three languages; the two official
20 languages of the Tribunal and Kinyarwanda. If we can follow, as English-speaking Judges, the
21 Kinyarwanda, I'm sure you can follow the English in Kinyarwanda. So that is a non-issue.

22
23 As to the documents which are being landed on Mr. Bikindi and on the Bench, I would like Mr. Egbe to
24 explain to us if all these will-say statements are really necessary because we have the witness
25 statements made by the investigators. Then, we understand that when the witness comes to Arusha,
26 you interview the witness again, but is there really a need to have a last minute will-say landed on the
27 other party and on the Bench?

28 MR. EGBE:

29 Thank you, Your Honour. As regards the will-say statement, basically we have an obligation when we
30 prepare our witness before they come to court to place before the Judges and the other parties any
31 information that is important to our case which comes to us for the first time. We have that obligation to
32 place that information to the Judges and to the accused person. Now, I understand if the accused
33 person is complaining that some of them may be extensive. If it is short, we can rely on the translation
34 services that are here to deal with it, but where it is extensive, I know that the practices that
35 Your Honours have applied in other cases, that the accused person may be given additional time to be
36 able to prepare himself against the new allegations, if there are such new allegations. So this is a case
37 where I take the advice of the Chamber. We will see in every case henceforth whether it is actually

1 necessary to come up with extensive will-say statements in the interest of justice. I will personally see
2 to it that we are fair in this regard. But as concerns the past will-say statements, Your Honours, we take
3 the caution of the Chamber and we would not mind if the accused person in every such case would ask
4 for additional time to be able to prepare for that. After all, we have followed your advice and we have
5 additional or standby witnesses that we could always put on so that the Accused has time to deal with
6 the new facts. Thank you, Your Honour

7 MADAM PRESIDENT:

8 Mr. Nderitu, we have not heard from you today, yet.

9 MR. NDERITU:

10 Thank you, Your Honour. Well, first of all, I would want to associate fully with my own client's
11 sentiments about the will-say statement. As a matter of fact, after, court yesterday, we found what is
12 part two of the will-say statement. And part two deals with two CDs, each of which has very many files,
13 which we are expected to understand before we can cross-examine. As a matter of fact, ideally we
14 ought to know everything that a witness is expected to come and say before we even start
15 cross-examining; that is, during the evidence in-chief we should already be seized of that information.

16
17 So, when I am told that BGH is the witness on standby, I am absolutely at a loss, and, especially, taking
18 note of the fact that the two will-say statements would tend to suggest that the witness will be going
19 beyond the summaries that were filed in terms of the points in the indictment as to where the witness --
20 or, what the witness will testify on. So, for those reasons, I think we would be quite prepared to
21 proceed with AJS. But I am taking this early opportunity to indicate that we may have difficulty to
22 proceed with another witness. It certainly does disorient us when we find that we cannot proceed with
23 the witness that we had anticipated.

24
25 I do understand, of course, that AJY is unwell. But taking us, now, on to another witness who is going
26 to have a lot of evidence to give, would really not be taking us fairly. Thank you.

27 MADAM PRESIDENT:

28 Let me clarify one thing: Mr. Egbe, indeed, I understand a will-say to be presented at the last minute
29 flagging a point which the evidence in the court may differ from the witness statement handed out
30 ahead, but if it is extensive, it would mean it is new evidence, which in years of investigation your
31 investigators did not know would be brought by this witness before the Court.

32
33 So that would mean, again, not only no time to read and understand, but also lack of time to
34 investigate, unless you explain to us that it's the same issues on which other witnesses were going to
35 testify.

36 MR. EGBE:

37 Your Honour, I do not exclude the fact that in some cases some facts may be new, but what I have

1 seen in the existing will-say statements regarding, for example, BGH is that there is a foundation in the
2 statements that have been disclosed to the Defence.

3

4 There is a foundation for some of the facts that are spelt out in the will-say statement, for example -- for
5 example, the witness, BGH, in one of her statements indicates that she heard --

6 MADAM PRESIDENT:

7 Should we go into that before this witness? I think we had better not. I suggest we have this
8 discussion after the testimony of this witness.

9 MR. EGBE:

10 Okay, that is all right. That would be fair.

11 MADAM PRESIDENT:

12 Good morning, Mr. Witness.

13

14 And, Mr. Egbe, we understand you will be leaving us. Ms. Wright will examine this witness.

15

16 So, Mr. Issa, can the witness please be sworn in?

17 *(Declaration made by Witness AJS in Kinyarwanda)*

18 MS. WRIGHT:

19 Good morning, Your Honours.

20 MADAM PRESIDENT:

21 Good morning. I was looking for my will-say.

22 MS. WRIGHT:

23 I'm happy to know that this will-say is just on a very minor matter. I'm not sure -- I don't know -- I am
24 sure my learned friend will have no issues with this will-say.

25 MADAM PRESIDENT:

26 What is the name of this witness, please?

27 MS. WRIGHT:

28 AJS.

29 MADAM PRESIDENT:

30 Ms. Wright.

31 MS. WRIGHT:

32 Yes, Your Honour.

33 MADAM PRESIDENT:

34 Yes, please go ahead.

35 MS. WRIGHT:

36 Yes, sorry, I thought you wanted to bring something to my attention. Thank you, Your Honour.

37

1 WITNESS AJS,
2 first having been duly sworn,
3 testified as follows:

4 EXAMINATION-IN-CHIEF

5 BY MS. WRIGHT:

6 Q. Mr. Witness, good morning.

7 A. Good morning, Madam Prosecutor.

8 Q. Mr. Witness, there is in front of you a piece of paper, I believe in Kinyarwanda; do you have it?

9 A. Yes, I do.

10 Q. The information on that sheet of paper relates to you, does it?

11 A. Correct.

12 Q. There is a signature at the bottom of the page; is that yours?

13 A. Yes, it is my signature.

14 Q. Did you date it as 25-09-06?

15 A. Yes.

16 MS WRIGHT:

17 Your Honours, may I apply to admit the personal information sheet of this witness, under seal -- as a
18 Prosecution exhibit under seal.

19 MADAM PRESIDENT:

20 Ms. Kouo, if you could give us the number of this exhibit and the Defence exhibits of yesterday?

21 MS. KOUO:

22 The personal identification sheet of Witness AJS will be P. 59.

23 MADAM PRESIDENT:

24 59K and P. 59E, under seal.

25 *(Exhibit No. P. 59K and P. 59E admitted, under seal)*

26 MADAM PRESIDENT:

27 And, yesterday, I believe we had this as an exhibit, the official document which had come from the
28 Prosecution, I think, it was the last one. Which was the last Defence exhibit, yesterday?

29 MS. KOUO:

30 The last one was D. 9.

31 MADAM PRESIDENT:

32 And what was D. 9?

33 MS. KOUO:

34 D. 9 was the certificate of Pan African Institute of Development, for Mr. Bikindi.

35 MADAM PRESIDENT:

36 So we need three documents -- four exhibits we had yesterday; D. 10 would be 12 February 1992, the
37 MRND elected members. Thank you, Judge Arrey. That would be D. 10 -- D. 10 and then we would

1 have D. 11 and D. 12, would be the -- D. 11 would be the discharge certificate of July 95, and D. 12
2 would be the discharge certificate of April 2001, and D. 13 would be the handwritten notes of the
3 witness. The handwritten notes, and the D. 11, second page, which is in Kinyarwanda, should be
4 translated into English and French. Because D. 12 may be that the last page in French is a translation
5 of the Kinyarwanda, but it is quite illegible.

6 *(Exhibit No. D. 10 admitted)*

7 *(Exhibit No. D. 11 admitted)*

8 *(Exhibit No. D. 12 admitted)*

9 *(Exhibit No. D. 13 admitted)*

10 MADAM PRESIDENT:

11 So, if you could proceed, please? And we would like a copy of D. 13 when you have it.

12 MS. WRIGHT:

13 Thank you, Your Honour. We don't have that translation as well, so maybe they should remember to
14 serve us as well.

15 MADAM PRESIDENT:

16 The registry will take care of the translation, I hope, but we don't even have the document.

17 MS. WRIGHT:

18 Thank you, Your Honour. May I proceed with this witness?

19 BY MS. WRIGHT:

20 Q. Mr. Witness, do you know Mr. Simon Bikindi?

21 A. Yes, I know him.

22 Q. How long have you known him?

23 A. I have known him since 1972.

24 Q. Can you tell us where -- sorry, not where, how -- the circumstances under which you knew Mr. Bikindi?

25 A. I had lived in ***** for a long time, and I was married. Bikindi also came to settle in ***** as a
26 tenant. He was a young man who spoke eloquently, who was noble, and who lived in a congenial
27 atmosphere with the others. We shared everything in common, because of the relationship we had.
28 He was somebody who seemed to be enlightened to me, and we seemed to be on the same wave
29 length. We visited each other, and we had good relations. To prove the point, let me say that the day
30 after the wedding, he called me to his home -- he invited me to his home and joyfully told me that he
31 had taken a wife the day before, that he had gotten married. And he was happy to invite me to that
32 ceremony. So I left his home at about 2 p.m. to return to my own home. In 1975, and years following, I
33 maintained good relations with Mr. Bikindi.

34 Q. Thank you. Can you tell us how long you and Mr. Bikindi *****?

35 A. We ***** from 1972, as I earlier mentioned; from 's72 up to 1994, when Rwanda
36 experienced those horrible things that you are aware of. And from that time on Rwandans fled in all
37 directions, and since then I haven't seen him again.

1 Q. Is Mr. Bikindi in this courtroom?

2 A. Yes. He is here, I have seen him.

3 Q. Can you show him to the Court, please?

4 A. He is on that side, and I have already seen him.

5 MR. NDERITU:

6 Perhaps, just a matter of noting that, in fact, Mr. Bikindi had already spoken. He had been referred to
7 by name, also, much earlier.

8 MADAM PRESIDENT:

9 Not only that, but he made his case, today, about the will-say statements. He -- as he took the floor.

10 MS. WRIGHT:

11 And that was in the presence of the witness.

12 MADAM PRESIDENT:

13 But, anyway. Ms. Wright, does the Prosecution really think that this identification in court is of
14 importance?

15 MS. WRIGHT:

16 Well, maybe not, Your Honour, because the witness has said he has known Mr. Bikindi since 1972. I
17 suppose we just wanted to make sure that the Mr. Bikindi he is talking about is the same Mr. Bikindi we
18 are talking about, who is here. Sorry. That is about it. But, otherwise, I think the most important thing
19 for this witness is the remainder of his statement. Thank you.

20 BY MS. WRIGHT:

21 Q. Do you know what Mr. Bikindi did for a living; what did he do? What was his profession or work?

22 A. He was a worker at the ministry of youth, sports and culture. At that time the ministry was known as
23 MIJEMA.

24 Q. Do you know what he did at the ministry of youth, sports and culture, what type of work he did there?

25 A. If I attempted to give you any details, that will be venturing into unfamiliar territory. I know that he
26 worked at the ministry, but I don't know what his specific duties were.

27 Q. Thank you. You are quite right, Mr. Witness. Now, do you know about the group called "*Irindiro* Ballet".

28 A. Yes, I know that group – or, that troupe very well. I have already told you that * * * * *
29 * * * * * so I know that ballet group very well.

30 Q. I may be mistaken, I might have missed it, but who is the founder of that group?

31 A. It is Mr. Bikindi, who created or founded that ballet.

32 Q. Can you tell us what you know about that ballet, what did they do?

33 A. He created that troupe to replace the national ballet which was known as Urukereza and he gave his
34 group the name *Irindiro* which was made basically of people who hailed from his area, that is, from
35 Gisenyi. But he picked a few people from the national ballet and incorporated them into the
36 *Irindiro* troupe. Gradually, as his group received more and more training, he dismissed those other
37 people who came from Nduga. His ballet troupe was a major group, because Bikindi was a well-known

1 composer and his ballet was well known, and it was of great renown.

2 Q. Thank you. Now, you have mentioned just now that Bikindi was a well-known composer. Can you be a
3 little bit more specific, what did he compose?

4 A. I know some of the songs that he composed.

5 Q. Can you tell us one or two of those songs?

6 A. I can talk about the last song which is the one that is freshest on my mind, because we had opportunity
7 to talk about that song. That song would be a kind of warning or an alert, or a call to attention. Some of
8 the words that occur in this song are "*Nanga abahutu*", which means "I hate the Hutu. I detest the Hutu
9 who have renounced their identity and who are greedy. I am referring to those Hutus who hate their
10 own Hutu brothers whereas there is no conflict or litigation between them".

11 Q. Thank you. To your mind, did that song have any message?

12 A. The message was a very significant message. I have told you that he was a well-known composer of
13 renown. This song was composed in the era of multiparty politics, so there were several political
14 parties in the country. The political parties were opposition parties to the MRND to which Bikindi
15 belonged, so what he tried to do was to provide support for his party through the performance of his
16 songs of his group *Irindiro*. So, in a very intelligent manner he was calling on the Hutu to pay attention.
17 And he starts with a very interesting sentence, "I hate the Hutu. I detest the Hutu, that category of Hutu
18 who have denounced or renounced their ethnicity", and then he calls on those people.

19 THE ENGLISH INTERPRETER:

20 Madam President, we did not quite follow the last statement of the witness. If he could repeat for the
21 benefit of the English booth.

22 MADAM PRESIDENT:

23 Mr. Witness, we would like you to repeat the last part, but also to speak much, much slower. There are
24 people trying to translate what you are saying. It is very difficult if you don't make pauses. So,
25 please --

26 THE WITNESS:

27 Thank you, Madam President.

28 MADAM PRESIDENT:

29 The last part we heard was that "He starts with a very interesting sentence, 'I hate the Hutu. I detest
30 the Hutu. The category of Hutu who have renounced or denounced their ethnicity' and then he calls on
31 those people." And that's the end we heard.

32 THE WITNESS:

33 Let me repeat: I detest the Hutu, that category of Hutu in pejorative terms, that category of Hutus who
34 have renounced their identity, and who hate their own very Hutu brothers, whereas there is no conflict
35 between them.

36 BY MS. WRIGHT:

37 Q. Thank you, Mr. Witness. Was there a message, to your mind, in this song?

1 A. I was saying that it was a very important message which, to my mind, was a call to attention or an alert.

2 Q. Call to attention for what?

3 A. In our language, Kinyarwanda, as it was spoken under the monarchy, when the *intabaza* drums were
4 beaten, that would be a call to attention, that was a signal or some warning calling the population to be
5 aware that the country was in danger and that the country was under an attack.

6 Q. Mr. Witness, you have mentioned just now, that Mr. Bikindi was an MRND member. Can you tell us
7 why you say so, what makes you believe that he was a member of MRND?

8 A. All Rwandans are aware of that fact. And I'm not the only one who knew it. He did not only clad
9 himself in MRND attire, but one could also tell from the songs performed by his group, *Irindiro*, the
10 songs were songs of support to the MRND political party programme. So, all Rwandans who listened
11 to his music certainly -- certainly -- suddenly would have known, or realized, that he was an influential
12 member of the MRND political party.

13 Q. Did you ever see Mr. Bikindi at MRND meetings?

14 MADAM PRESIDENT:

15 Let's first ask the witness if the witness went the MRND meetings.

16 MS. WRIGHT:

17 Sorry, Your Honour. Thank you.

18 BY MS. WRIGHT:

19 Q. Witness --

20 A. No, I never went to any meetings of the party, except what were referred to as competitions, which
21 were organised within the frame work of all the ministries. And on those occasions songs were
22 composed which supported the MRND movement. But, except for that kind of meeting, I did not attend
23 any other meetings of the MRND.

24 Q. You have said that Mr. Bikindi wore MRND attire. Did you at any point, ***** ** *** *****
25 see him dressed in those uniforms and going to MRND meetings? I am not saying whether you were at
26 those meetings. Did you see him going to those meetings?

27 A. On many occasions and when he was going to work, or when he came back from work. You know, it
28 wasn't something bad, because, rather, people were proud of their belonging to that party. So, he
29 would dress in that uniform, publicly and openly so.

30 Q. Thank you. Did you ever see members of his *Irindiro* going to MRND rallies?

31 A. That was often seen in 1993 -- was a time when two and a half years or three years earlier the
32 *Inkotanyi* had attacked Rwanda, so the *Irindiro* group or troupe and the *Interahamwe*, be they the
33 *Interahamwe* of ***** or those who came from elsewhere, would assemble quite close to ** *****
34 **** Bikindi's home. And these *Interahamwe* were transported in buses belonging to ONATRACOM.
35 They wore the *Interahamwe* uniform, and they were well dressed. They were carrying what were
36 known as *Ntamponganoy*, the nail-embedded club. Some *Interahamwe* were wearing grenades in their
37 belts, and that is what was said, and other *Interahamwe* were hanging out of the windows of these

1 buses, and they were singing out loud. In fact, they were responding to the appeal, the alert, or
 2 warning, I had referred to earlier. Hutus were to move into the attack mode. They would leave in the
 3 mornings and return in the evenings. There was even a bar which was managed by Mrs. Bikindi. That
 4 was no secret. It was something that was well known to everyone.

5 Q. Thank you. You have mentioned the *Irindiro* and the *Interahamwe* ** ***** Did the *Irindiro* also wear
 6 *Interahamwe* uniform?

7 MR. NDERITU:

8 I think I would want to take objection to that question. It's rather leading.

9 MS. WRIGHT:

10 Very well, I shall rephrase.

11 BY MS. WRIGHT:

12 Q. What did the *Irindiro* ballet put on, what clothes did they wear?

13 A. You are making my situation complicated when you put me in front of that kind of problem. When there
 14 were many parties in the country, the members of the *Irindiro* group joined the *Interahamwe*. They
 15 would sing together, and they would work or operate together. Now, when you are asking me how the
 16 members of the *Irindiro* troupe were dressed, it is a little complicated for me. I wasn't a member of that
 17 group, but I could observe what they were doing. These were young girls and young men. There were
 18 probably also women, but it was a group which acted in solidarity. Let me add the following: It was a
 19 group which not just anyone could join because if you did not have the same kind of affinity you would
 20 not be able to go into the details about the members of that group.

21 Q. Thank you, Mr. Witness. I was just -- never, mind.

22
 23 Now, you have mentioned about a bar managed by Mrs. Bikindi. Can you tell us a little bit more about
 24 that; where was this bar?

25 A. For you to better understand, I'm going to tell you the distance between my house and the bar. *****
 26 ***** ** ***** ** ***** There was *** ***** ** *** ***** ** * ***** and when you
 27 passed by Bikindi's home, there was a roundabout. There was some space at which the buses in
 28 question could be parked. And that was the assembly point when these buses arrived and parked at
 29 that place. The *Interahamwe* would leave on those buses from that very location.

30 Q. Thank you. What can you tell us about any goings on -- sorry, I will rephrase. At the bar, that
 31 Mrs. Bikindi managed, did you observe anything in that bar, any activities during the period 1992,
 32 1994?

33 A. Even before 1990, we all would go to that bar. But, in 1993, that was a dangerous year in the political
 34 life of Rwanda. There was division among the parties and if were not a member of the MRND, if you
 35 were not an *Interahamwe*, it was difficult for us to go to that bar. ***** ** *****
 36 it was difficult for me to go to that bar.

37 Q. Why would say it was difficult? Why was it difficult for you to go to the bar?

1 A. Let me repeat what I said: I told you that the song entitled, "I hate these types of Hutus", was a kind of
2 warning, a signal. And, in fact, he was -- it was an appeal, a call to the Hutus. And those who did not
3 respond to this call, well, they were not looked upon kindly. Maybe I can give you an example. One
4 Sunday, we had gone to the first Mass ***** and there was a Hutu who was a member of the
5 MDR, but the non-Power wing; In other words, the moderate wing. He was known as Aloys Ngoga and
6 he was in front of his house. Now, the *Interahamwe* shouted and launched an attack against his house.
7 They beat him up and attacked him with bladed weapons. The attack was also against him and his
8 son, Emmanuel, who was also attacked with bladed weapons, and they were left for dead.
9 Aloys Ngoga, had to suffer the consequences. Because of that attack, he suffered consequences.
10 Next door there was a man named Ugirashebuta, François who was also attacked. He was struck with
11 a club. And he died from that blow. Another home was attacked a grenade was thrown at Mr. Panda's
12 wife, and that woman died. Further on, about 100 metres away, Mr. Vianney was attacked; he was
13 coming back from work. He finished work at 5:30, in the evening, and he was killed by a grenade, as
14 well as his wife. In brief, if you were not a member of that group or that party, you were looked upon
15 unkindly. If you were not a member of the *Interahamwe*, and if you were not a member of that troupe,
16 you would have difficulty in going to that bar. That's what I had intended to say -- had meant to say.

17 MADAM PRESIDENT:

18 Ms. Wright, do you have any of the spellings for the names the witness mentioned?

19 MS. WRIGHT:

20 No, Your Honour, I don't. I'm sorry about that.

21 BY MS. WRIGHT:

22 Q. Mr. Witness, still on this point, who, to your observation, were the main clients at the bar?

23 A. I have already said they were the *Interahamwe*. Often it was the *Interahamwe* and members of the
24 MRND who were important.

25 Q. Thank you. To your mind and in your observation, what would you say was the relationship between
26 Mr. Bikindi and the *Interahamwe* who frequented his wife's bar?

27 A. I have already told you that Bikindi was an intelligent, well-known artist, and that he was a member of
28 the MRND party. He lived in Gatenga. That neighbourhood had many *Interahamwe*. Moreover,
29 *Interahamwes* from other areas would often come to Gatenga, because that was their meeting point. I
30 think that meetings or gatherings were organised in Gatenga, in that very bar. So, I would say that he
31 was the commander of those *Interahamwe*. You know, there is a name in Kinyarwanda, a man in
32 Kinyarwanda which is known as *Ngirwesanga*. I think that if this man was given that kind of name, it is
33 because he wanted to convey a certain message.

34 Q. Sorry, which man was given that name, please? You said, "If this man was given that kind of name".
35 Which man are you referring to?

36 A. That was only an example to prove to you that if people were going to that bar, it was because they
37 were well received. So, if I referred to him as the commander of those *Interahamwe*, I don't think I'm

1 exaggerating at all. At least, it was what one could observe.

2 Q. Did you know somebody called Gatoya, G-A-T-O-Y-A?

3 A. Yes, I do. ** *** ** ***** He was an *Interahamwe* who was the son of Busemi** *

4 ***** ** *** ***** He was a leader of the *Interahamwe*, this man called Gatoya.

5 Q. In 1994, during the genocide did you see Gatoya ** *****?

6 A. I said that ** *** ** ***** He wore *Interahamwe* uniform or clothing, and he had grenades on
7 his belt. He would move around that whole area. He also carried a firearm, and in the latter months
8 since Bikindi was on mission, it was Gatoya who would guard his home, together with other
9 *Interahamwe*.

10 Q. Can you give us, if you remember, the period of time when you observed Gatoya and his *Interahamwe*
11 guarding Mr. Bikindi's house?

12 A. That was in 1994, during the genocide. The genocide was in full swing, and it was ** ***** where I
13 was, and this person was also there.

14 Q. Mr. Witness, I'm sorry; let me just take you Bikindi a little bit to the bar of Mrs. Bikindi.

15 MADAM PRESIDENT:

16 Ms. Wright, you had the exhibits, some photos of Mr. Bikindi's family home. Are these the places we
17 are referring to?

18 MS. WRIGHT:

19 No, Your Honour. I believe those pictures related to his family home in Gisenyi. We are talking about
20 Gatenga in Kigali now. I am not very sure if we exhibited pictures of his home in Kigali. So -- I just
21 wanted to tie up that bit.

22 BY MS. WRIGHT:

23 Q. Can you tell us -- I know you've given us the description of where the bar was, ** *****
24 ***** but in whose home was the bar situated?

25 A. The building housing the bar belonged ** **** *. Mrs. Bikindi was, therefore, renting that building.

26 Q. Thank you. Am I correct to -- sorry; and this bar was it in the same neighbourhood you described to us
27 earlier?

28 A. Yes.

29 MS. WRIGHT:

30 Your Honour, I think I have covered the points for this witness. Thank you very much.

31 MADAM PRESIDENT:

32 Thank you very much. Judge Arrey.

33 JUDGE ARREY:

34 Just one question, Witness: You told us that the *Interahamwe* and members of the *Irindiro* troupe
35 carried clubs and boarded buses; they left in the morning and came in the evening. Could you tell us
36 where they went to, if you know?

37

1 THE WITNESS:

2 I didn't go along with them, but I know that they were going to the (*sic*) Bugesera, close to the Gako
3 military camp. It was a very important military camp, so they would go up towards Gako, in Bugesera.
4 This was something that was well known and there was no doubt about it. It was a place where there
5 was a forest in which military training took place. It was a flat piece of ground; it was very flat, on which
6 military training would take place, because the *Interahamwe* were supposed to kill. They were
7 supposed to commit genocide and commit killings.

8 JUDGE ARREY:

9 Thank you, Witness.

10 MADAM PRESIDENT:

11 Defence?

12 MR. MOMO:

13 Madam President, Your Honours, I am the one who is to cross-examine this witness. However, I would
14 request, by your leave, a small five minutes' break so that I can consult with my client, so that we can
15 look at some aspects concerning ***** Just five minutes please, and, also, this would enable us to
16 take the opportunity to use the gentleman's room, because that had also been a desire of his earlier?

17 MADAM PRESIDENT:

18 Would security please accompany Mr. Bikindi to the toilet. And, Mr. Momo, we will have the break at
19 11:00. I suggest that you leave the aspect of the cross-examination, which you have to consult with
20 Mr. Bikindi for, after the break and proceed with the other items.

21

22 If we -- if you finish your cross-examination before 11:00, we will, of course, give you those five
23 minutes. But we would encourage you to proceed now, the minute Mr. Bikindi is back.

24 (*Accused exited courtroom*)

25 MR. MOMO:

26 Thank you, Madam President, Your Honours. I would like to greet Witness AJS.

27

CROSS-EXAMINATION

28 BY MR. MOMO:

29 Q. Good morning, witness.

30 MADAM PRESIDENT:

31 Mr. Momo, please wait until your client is back, which will be only in half a minute.

32 THE WITNESS:

33 Good morning, Counsel.

34 THE ENGLISH INTERPRETER:

35 Says witness.

36 (*Accused re-entered to courtroom*)

37

1 MR. MOMO:

2 Let me repeat since my client was not there.

3 BY MR. MOMO:

4 Q. I was saying good morning, Witness AJS. I'm going to refer to you as "AJS" because you are a
5 protected witness and we are obliged to protect your identity. I hope you have been informed of this. If
6 I ask you a question which may reveal your identity, I would be very grateful if you could alert me. Have
7 you understood?

8 A. I have understood you very well. Furthermore, I would ask you not to ask me such questions, because
9 you are already aware.

10 Q. Thank you, Witness, I realise that you are a very educated man. You speak French, English and
11 Kinyarwanda; is that correct?

12 A. No, that is not true.

13 THE ENGLISH INTERPRETER:

14 Says witness.

15 THE WITNESS:

16 I believe that there is an exaggeration. Certainly, I speak Kinyarwanda, because I was born Rwandan,
17 I'm Rwandan, and I'm living in Rwanda, even if right now I'm ** *****. As for French, I only went to
18 secondary school. So, it was in secondary school that I learnt French. Now, for English, I did not have
19 the opportunity to learn that language.

20 MR. MOMO:

21 Oh, I understand.

22 THE ENGLISH INTERPRETER:

23 Says counsel.

24 BY MR. MOMO:

25 Q. This was in the piece of paper that I have, which states that your examination was done in English,
26 French, and Kinyarwanda. Now, I want to show you a document bearing your signature. I am
27 presuming it's your signature and I want you to confirm for me. It was signed on the 15th of January in
28 the year 2001, by yourself, when you met with the investigators of the ICTR. The registry clerk will
29 show you this, and I would like you to confirm whether or not, indeed, this was your statement and that
30 you signed it.

31 MR. MOMO:

32 Registry, if the witness has agreed that this was his document, I would wish him to say so.

33 THE WITNESS:

34 Yes, that is my signature.

35 THE ENGLISH INTERPRETER:

36 Says witness.

37

1 BY MR. MOMO:

2 Q. Now, I suppose that the statement contained in this document from the Prosecutor of the International
3 Criminal Tribunal for Rwanda is indeed yours?

4 MADAM PRESIDENT:

5 What are you asking, Counsel? If he wrote it, if he signed it, if it was read to him? We know it's not his,
6 because he did not write it. He signed it, he admitted this. So, what do you want to know, if it was read
7 to him?

8 MR. MOMO:

9 Thank you, Madam President. That is, indeed, what I would like to find out. I would like to find out
10 whether this statement was read back to him in Kinyarwanda, and whether upon signing it he did
11 acknowledge, indeed, that it was his statement. I do not know if the witness understood my question.

12 THE WITNESS:

13 Yes, as you can see, the statement was read back to me and I signed it, but I am not the one who
14 wrote out the statement. What I can say, in a few words, is that I do acknowledge the content of this
15 document.

16 MR. MOMO:

17 Very well. That is what I sought to find out, in order to apply for the Court to admit this as Defence
18 exhibit -- this document as a Defence exhibit. I insisted on this because there were some marks which
19 I could not interpret. For example, "N/A" here, which may mean "not approved" and that is why I was
20 seeking to clarify these matters, so that the witness may not say that this was not his statement.

21 MADAM PRESIDENT:

22 Mr. Momo, we will admit it as D. 14, but we have not clarified what you don't understand of the
23 document at all. You haven't asked the witness about what may be a problem. So, he admits that he
24 was interviewed by the ICTR investigators, that he made the statement, that the statement was read to
25 him, and that he signed it. As for whatever handwriting or parts that might be unclear, you cannot have
26 the witness, in blanco, accept that.

27 *(Exhibit No. D. 14E and D. 14F admitted, under seal)*

28 MR. MOMO:

29 My question to the witness then is, imagine this is not his writing or his writing. I see a manuscript here,
30 "N/A". I would like to know whether it is the witness who wrote that, or whether it was the investigator.

31 MADAM PRESIDENT:

32 Can you let the witness, please, see this part of the document -- the language -- let's see.

33 MR. MOMO:

34 Madam President, I would like to take two minutes to attend to nature's call, while the witness is looking
35 at the document. Thank you.

36 MADAM PRESIDENT:

37 Mr. Egbe has been released from the Rukundo.

1 Mr. Momo, may I give you my interpretation of page 90, and ask the witness to confirm it? This is
2 for --

3 MR. MOMO:

4 Yes.

5 MADAM PRESIDENT:

6 This is a passage which is read to witnesses who do not speak English or French, and, therefore, it's
7 translated into Kinyarwanda, and the witness has to acknowledge it was read to him. But, if it was read
8 to the witness in French, this part is not applicable, because there was no interpreter to interpret it into
9 Kinyarwanda, and the witness acknowledged and signed the French. Could the witness please confirm
10 this is what happened?

11 THE WITNESS:

12 Yes, that, indeed, is what happened. I believe that counsel is putting unnecessary questions to me,
13 because I think he has already understood.

14 MR. MOMO:

15 Thank you, Madam President. And it is unfortunate that the witness would think I am putting
16 unnecessary questions to him. May I produce this document?

17 MADAM PRESIDENT:

18 Yes, this is already D. 14, it has been admitted. Please, Counsel, just ask questions we have been
19 asking the witnesses not to get emotional, please, Counsel don't get emotional, please.

20 MR. MOMO:

21 Thank you, Madam President.

22 BY MR. MOMO:

23 Q. Witness, can you tell this Court when you first met the investigators of the Tribunal?

24 A. I believe that information is contained in the document. There is a date, and I signed. So you can look
25 at the document and find out for yourself.

26 Q. I am sorry, Witness, could you please give me a date?

27 A. You have the document with you, the document which you showed me. So I think that the information
28 is contained at the bottom of that page.

29 MADAM PRESIDENT:

30 You can't remember, Mr. Witness, the date if you don't look at the document?

31 THE WITNESS:

32 I do not remember the date.

33 BY MR. MOMO:

34 Q. I take it that you do not remember the date, Witness. So, let me proceed. Can you tell this Court how
35 you were contacted, and how did the investigators know that you were available to make any statement
36 on Simon Bikindi?

37 A. That question you put to me, I think, should be a question that I should be putting to you. I have

1 already testified that I was Bikindi's ***** and they knew about this, and they also knew that they
2 could put some questions to me. Now, when you ask me how it is they find out that I existed, I am not
3 in a position to answer you, because if somebody were to ask you how it is that you came to hold the
4 position you are holding here in the Tribunal, what would be your answer? Did you drop from the sky to
5 this Tribunal, or how did it happen?

6 JUDGE ARREY:

7 Witness, please, we would appreciate if you would answer the questions put to you by counsel. He's
8 only doing his job. You don't have to ask him any questions, just answer the ones that he has asked
9 you, please.

10 MR. MOMO:

11 Thank you, Madam President for coming to my assistance. I am used to this kind of sarcasm. But let
12 me say that there is no ill feeling between myself and the witness. And as you have so aptly put it, I am
13 only doing my job. Now, this is my next question.

14 BY MR. MOMO:

15 Q. Witness, I believe that you were not the only ***** that Simon Bikindi had. In your testimony you
16 referred to other ***** Why is it that you were the only one picked out to testify, was there a call
17 for tenders, or was there anything of that nature; how did you meet for the first time?

18 A. Well, now that you insist, let me say there was no call for tenders as such, as you put it. What
19 happened was that I saw the investigators arrive and they put questions to me about Bikindi who was **
20 ***** . And what I said to them can be found in the statement which you have seen. That is it.
21 Later on, I was invited to come and testify before the Tribunal, and I understood that I had to come to
22 appear before the Court, to testify, as my contribution to what happened in my country.

23 MADAM PRESIDENT:

24 The first time the investigators met you did they just park in front of your gate, and knock at your door
25 and ask if you had information?

26 THE WITNESS:

27 No, they came to my office, to my place of work, rather. And they asked me if I lived ** ***** and my
28 answer was "yes". My place of work was 300 metres away from my house, and they asked me if I
29 knew Bikindi and whether I knew the location of his house. I showed them the location of Bikindi's
30 house, where it used to be, because three-quarters of his home had been destroyed, so they asked me
31 some questions about that person and I answered, which is what I have told you.

32 BY MR. MOMO:

33 Q. Thank you, Witness, for your patience. Now, the truth is that I'm going to put a few questions to you, of
34 that nature, before we talk about your testimony strictly. These questions are normal questions I will
35 put to you in order to know you understand your environment, so, please don't be too overly cautious.
36 You said that they found you at your place of work?

37

1 MADAM PRESIDENT:

2 Mr. Momo, it is not the witness you have to thank for his patience, but the Bench, and our patience it is
3 just on the verge of disappearing. So, please, do not give so many explanations. Ask the questions
4 you have to ask and move on.

5 MR. MOMO:

6 Thank you, Madam President. I was not aware that your patience was running out, because I was only
7 on the fourth question. I wanted to ask the witness what his job was at that time when the investigators
8 met him, because I have barely begun my cross-examination, Madam President.

9 MADAM PRESIDENT:

10 We are aware that you haven't begun. But we are also aware of how much time it has been taking you
11 to start. So please we want you to start your cross-examination. We have not done anything except
12 admit the statement -- the witness statement as D. 14. That is absolutely the only thing that has been
13 done in -- I do not know exactly how long, but quite some time. So, please, proceed with your
14 cross-examination.

15 MR. MOMO:

16 Obligated, Madam President.

17 BY MR. MOMO:

18 Q. Could the witness answer the question: What was your job at the time the investigators met you?

19 A. Counsel, if this could be of any benefit to you whatsoever, as far as my testimony is concerned, let me
20 tell you that I used to work ** * ***** ***** and I still work at that office. I don't know if this is
21 relevant to my testimony, but that is where they found me and I am continuing to work in the same
22 position -- or, in the same office. Thank you.

23 Q. I believe that this is the same information -- or, the same duties you had in 1994 -- as we see from your
24 personal details, that you are retired. That is why I wanted to find out whether this was what you were
25 doing at the time they met you.

26 A. Counsel, it looks like you are setting some traps for me. In 1994, we were in a state of war. The war
27 was raging. I had worked in that capacity up to 1992. And then I appeared to be on retirement, but,
28 subsequently, I worked as a private individual. That is what I used to do, and that continues to be my
29 line of activity. So, I don't know whether this is going to be of any assistance whatever to this trial.

30 Q. Thank you. How old were you in 1994, Witness?

31 A. I am 68 years old today, and we are in 2006. So, if you do the subtraction or addition, you will find out
32 how old I was in 1994.

33 Q. In 1994, to which political party did you belong?

34 A. I did not belong to any political party.

35 Q. Before 1994, are you telling us that you were not a member or you have never been a member of the
36 political party in Rwanda?

37 A. No. I have never been a member of any political party except in 1959, when I was a member of a party

- 1 Minar (*as interpreted*); I was a member of that party known as Unar. But, Counsel, you are insisting too
2 much on political parties. But let me tell you that we -- you must not forget those unfortunate events in
3 Rwanda in 1994. Tutsis Hutus and Twa alike have been traumatised, following those events. Many
4 people died, so, please, when you put these types of questions to me, on political parties, you're
5 complicating matters for me, Counsel. Please do not put any questions like that to me anymore.
- 6 Q. Thank you. I am at liberty to put any questions to you which are just, and in line with the interests of my
7 client. I would appreciate that you answer them, please. For now, you say that you *** * *****
8 ** *** ***** you say you are one of the rare people with whom he
9 had good relations. Now, can you tell us, since when did you know Simon Bikindi? You have already
10 stated this, but please confirm that information.
- 11 A. Since 1972.
- 12 Q. In fact, that is what I thought I understood, when you were being examined in-chief, but it does happen
13 that in the first statement to the investigators of the Tribunal you said that you knew him from 1975. So,
14 I want to know whether it is 1972 or 1975?
- 15 A. You have said it: When I was answering questions from the investigators I said 1972. If there is any
16 difference somewhere, I believe that should not be considered to be too much of a problem.
- 17 Q. Simply, Witness, ***** of Mr. Simon Bikindi, in confirming that you knew him since
18 1972, you are certainly making a mistake, because in 1972 he was still in the Byumba secondary
19 school. This is just for your information. Still on that same line of questioning, I would like to know --
20 you said that you attended his wedding. When did his marriage take place, and what is his wife's
21 name?
- 22 A. His wife is named Pauline. That is her first name. You asked me whether I attended his wedding. In
23 fact, he called me; he invited me into his home when he took his wife. But he took wife illegally. You
24 know, we who live in bush, it's not very usual for us to bear in mind dates and that kind of thing. We
25 weren't really very much aware, and we didn't know that we would have to answer that kind of question.
- 26 Q. Yes. But, however -- however, Mr. Witness, from 1972 to 1974, he was always your ***** but I
27 wish to inform you, merely, that his wife is not named Pauline, even if her name were to be Apolline.
- 28 A. You are playing with words and you understand this yourself. That does not change anything. Please,
29 ask me whether I know her or not. You, yourself, asked to consult with Bikindi. Ask him whether we
30 don't know one another, and he will tell you, and then we will cut short all of this discussion.
- 31 MADAM PRESIDENT:
- 32 Mr. Witness, this wife to whose wedding he invited you is the same wife who owned the bar?
- 33 THE WITNESS:
- 34 Yes, she's the same person.
- 35 BY MR. MOMO:
- 36 Q. Mr. Witness, ***** Simon Bikindi had how many wives?
- 37 A. I spoke of only one and that's the one I spoke of. If you know of another, that's, well, up to you.

1 Q. I'm going to inform you that with his first wife, Apolline he had been married since October 1980 and
2 that he has a second wife who is known as Angeline. And if you were, indeed, his ***** you
3 should know her.

4 A. I'm making a distinction between a legal wife and a mistress. I do not agree with you. I recognise
5 Apolline, that's the wife that I know. As for the other woman, I am not taking her into account.

6 Q. What do you mean by "mistress"; do you mean that the second wife was a mistress, and not his wife?

7 A. Are you referring to the legal wife? As for the other women, I don't know them. I don't even know this
8 one you mentioned. He was, in fact, rather a Christian who upheld Christian morality.

9 Q. Are you speaking about Mr. Bikindi, you know, with one only -- you know, only one wife, married in
10 church' is that what you mean?

11 A. Yes, that is, indeed, what I said, and I'm confirming it.

12 Q. Thank you, Witness.

13 A. I also wish to thank you.

14 Q. So you didn't know that with -- I'm saying that she is a second wife, but you say "mistress". You didn't
15 know that he had children with another woman, apart from the first wife. You were his ***** you
16 should know about this.

17 A. Please, do not complicate my life. Even when that mistress is being mentioned, that hasn't been
18 confirmed. You are the one who referred to a second woman. Apart from these unfortunate events
19 which separated us, otherwise, I knew him as having one wife. But these are matters concerning
20 private life, and I really wouldn't want to dwell on them.

21 Q. Thank you, Mr. Witness. I will leave this line of questioning. I see that you do not want to answer these
22 questions, clearly, although you were his ***** and that you do not want to be involved in the
23 private life of the Accused.

24 MADAM PRESIDENT:

25 Mr. Momo, the witness answered the question. Perhaps not to your satisfaction, but he answered.

26 According to the witness, in the home of Mr. Bikindi ** *****, there was only one wife which is
27 Apolline. If there was another wife or mistress, he does not know; it was not ** *** *****.

28 MR. MOMO:

29 Thank you, Madam President. That's what we noted and that's what we wanted, to move on to the next
30 question and ask the witness to inform the Court, ** *****, the distance between his house and the
31 house of my client, Simon Bikindi.

32 THE WITNESS:

33 Approximately **** *****, that was the distance.

34 BY MR. MOMO:

35 Q. In your testimony a moment ago, you mentioned Kabera's name, Kabera, Kamali. Can you please tell
36 us who Kamali is, and then Alphonse Kabera, after that?

37 A. ***** **** ***** ***** ***** and they have died. But their children still live in that

1 neighbourhood. Kamali was a civilian servant and, later on, he became a businessman. He was an
2 elderly person and he is now deceased. Kabera was a former soldier, an ex-soldier. Now he -- at the
3 time -- he -- his wife and his children, were living in that location, although he had already died.

4 MADAM PRESIDENT:

5 We will break for 20 minutes now.

6 MR. MOMO:

7 By all means, Madam President. Thank you.

8 MR. NDERITU:

9 Your Honour, may I just beg leave to be away for an hour?

10 MADAM PRESIDENT:

11 Leave from your client, not from us. So, Mr. Momo, will -- we need either counsel or co-counsel. You
12 do not have to request leave from the Court. It's nice of you to inform us, anyway.

13 MR. NDERITU:

14 Thank you.

15 *(Court recessed from 1100H to 1130H)*

16 MADAM PRESIDENT:

17 Counsel, please go ahead.

18 MR. MOMO:

19 Thank you, Madam President.

20 BY MR. MOMO:

21 Q. Witness, I would like to show you a list and also make that list available to the Bench. It is a list of
22 names -- a few names?

23 MADAM PRESIDENT:

24 Could I have some assistance with my laptop? It went blank.

25 Please proceed, Counsel.

26 MR. MOMO:

27 Thank you, Madam President. Does the witness have the list, already? No, not yet. I see. Before the
28 list gets to the witness, let me wrap up one point. I had put a question to him about Kamali, *****

29 *****

30 BY MR. MOMO:

31 Q. Witness, did you say Kamali died recently; is that your testimony?

32 A. Yes.

33 Q. Yes, we were talking about the old man, Kamali, your ***** , who died recently. Now, Witness, can
34 you tell me quickly how many houses he owned, given that he lived ** ***** ,
35 Mr. Witness?

36 A. Kamali had -- or, he owned many houses. Even today, I cannot tell you how many houses he owns,
37 and these houses are occupied by many tenants. So, he had several houses. Between Bikind's house

1 MR. MOMO:

2 Madam President, in answering questions, as he was being led in-chief, the witness referred to one
3 ***** ** ***** ** ***** ** ***** We definitely do not challenge those facts, because we
4 know those persons. And I am trying to get him to confirm.

5
6 Now, arising from -- the mention of those names enabled my client to provide some -- to provide us with
7 some names to cross-check, particularly in view of this issue of electrifying the area. Madam President,
8 that is what I am attempting to do. But, Madam President, as you can see I have a Defence list here.

9 MADAM PRESIDENT:

10 Because electrification has nothing to do with the case. What does electrification of the area have to do
11 with the indictment?

12 MR. MOMO:

13 I was just attempting to refresh the witness's mind with the incident ** ***** * ***** **
14 ***** * ***** ** ***** ** ***** ** ***** ** ***** ** ***** ** ***** ** *****
15 ** ***** ** ***** ** ***** ** ***** ** ***** ** ***** ** ***** ** ***** ** *****
16 and himself.

17 MADAM PRESIDENT:

18 So just ask him.

19 MR. MOMO:

20 *(No interpretation)*

21 MADAM PRESIDENT:

22 Numbers 2, 3, 7 and 11.

23 MR. MOMO:

24 *(No interpretation)*

25 MADAM PRESIDENT:

26 Mr. Witness, answer one by one, because you cannot answer all of that in one sentence. Number 2, do
27 you know this person?

28 THE WITNESS:

29 Yes, I know that person. That person died. That person was killed during the genocide. That person
30 was our neighbour.

31 MADAM PRESIDENT:

32 Number 3?

33 THE ENGLISH INTERPRETER:

34 The witness mentions the name. We don't know whether we should repeat, Madam President.

35 MADAM PRESIDENT:

36 Don't. It is better you don't because we --

37

1 THE WITNESS:

2 The person under number 3 died, the person was a friend.

3 MADAM PRESIDENT:

4 Died during the genocide?

5 THE WITNESS:

6 No, that person died before the genocide.

7 MADAM PRESIDENT:

8 Number 7?

9 THE WITNESS:

10 Yes, I know the person under number 7. That person was a neighbour. That person died about
11 two years ago.

12 MADAM PRESIDENT:

13 Number 11?

14 THE WITNESS:

15 I know that person. That person was killed. That person died during the war.

16 MADAM PRESIDENT:

17 And number 16.

18 THE WITNESS:

19 I am not very clear as to who this first name may be referring to. But there were many people who bore
20 the same first name. So, I do not quite see who this person would be, particularly as we are given only
21 the first name under number 16.

22 BY MR. MOMO:

23 Q. Thank you, Witness. Now, let us forget about number -- the ones you are not able to identify. Now,
24 would you tell us what relationship existed between those persons, Mr. Bikindi and yourself?

25 A. Well, Counsel, you are making things difficult for me unnecessarily. I have talked to you about my
26 relationship with Bikindi. Now, whatever relationship there was between these people and Bikindi, that
27 is not my business. Maybe you can ask me the relationship I had with any of these individuals,
28 because I am concerned. Then I can answer, but you cannot ask me about the relationships between
29 myself, Bikindi, and these other people. That makes things very complicated. Maybe you want to ask
30 me what relationship I had with each of these persons and then I will understand you.

31 Q. Thank you, Witness. I am satisfied with your answer and I would wish that you would make your
32 answers brief so that we may move on. Now, could you tell the Court, what were or what is the
33 ethnicity of these persons mentioned on the list?

34 A. I can tell you what I remember: Number 2 was Tutsi, killed with a sharp-edged object in 1994.
35 Number 3, was Tutsi. That person was Tutsi. He died before the war, and his wife and children were
36 killed with sharp-edged objects. Number 7 was Tutsi, and I was privileged to hide him and his
37 two children, and they survived the killings. Number 11, was a Tutsi woman who was single. She was

1 not married and she was killed during the war, as well. Now, for number 16, like I said, it is not clear. I
2 don't know what person this name may be referring to.

3 Q. Thank you, Witness. I had indicated already that you should forget about number 16. Now, can you tell
4 the Court, Witness, whether the houses of these persons who were your ***** were destroyed?

5 A. Bombs and shells were dropped on most of the houses, and there was need to repair, refurbish, some
6 of the houses, particularly the doors and the windows. But I am not able to take one house after
7 another, to tell you whether they were destroyed or not. Maybe if I were a caretaker or member in
8 charge of those houses, I would be able to provide you those details, but as far as I am concerned, I
9 cannot take them house after house and tell you what state that they were in.

10 Q. Thank you, Witness. I am satisfied with your answer.

11
12 Now, please, Witness, let us move down another line of questioning. It has been your testimony that
13 the MRND party of Habyarimana was created in between '76 and '78 and it was a great point of
14 encouragement for Mr. Bikindi who saw in it a great opportunity to make money, and a name -- that
15 flows from your testimony. Now, I just want you to give some more details as to that fact given that you
16 acknowledge that testimony.

17 MADAM PRESIDENT:

18 Ms. Wright.

19 MS. WRIGHT:

20 Your Honours, I am sorry to interrupt at this stage. I led this witness, but I cannot remember anywhere
21 in his testimony before this Tribunal that that information came out. If counsel has that in some other
22 way, I think he should put it properly to the witness. This question is misleading. Thank you.

23 MADAM PRESIDENT:

24 Ms. Wright is right. The witness did not at any time say this in his testimony before this Chamber.

25 MR. MOMO:

26 Madam President, I was attempting to refresh the memory of the witness, who is testifying today in
27 relation to the statement he made to the investigator.

28
29 That document has been tendered and at the beginning -- at the very beginning of that document the
30 witness says that between 1977 and '78, the creation of the MRND party by the late Habyarimana
31 greatly filled Simon Bikindi with enthusiasm, who immediately created a ballet troupe, because he
32 realised that it was a means of making one's self known and making money.

33
34 He then led the best amongst the national ballet in Nyanza so that they can train his new recruits. That
35 is what I am referring to, Madam President. And it flows from a statement which the witness
36 acknowledged had been translated to him in Kinyarwanda, and which he signed and that is what I'm
37 speaking to, asking him to be a little more specific to the Court on this matter.

1 MADAM PRESIDENT:

2 Just for the record, the witness did not acknowledge that it was translated to him into Kinyarwanda, but
3 read to him in French. Ms. Wright.

4 MS. WRIGHT:

5 Yes, Your Honour, this is our document. It is an OTP document which we disclosed to counsel. And I
6 acknowledge that what counsel is reading is in that document.

7

8 My issue is that this does not flow from the witness's testimony. Now, if my learned friend wants to put
9 this to him, I think he should put it in the proper manner: That it came from his statement. By telling
10 him that it flowed from his testimony is misleading the witness and all of us. That is what I am saying.

11 MADAM PRESIDENT:

12 Thank you, Ms. Wright. You are aware, Mr. Momo, that you are bringing this into evidence. It was not
13 evidence before this Chamber before you brought it as evidence. So, now we have this. You tendered
14 it, so ask the witness if that is his opinion, if he confirms the statement.

15 MR. MOMO:

16 Obligated, Madam President. That is what I was attempting to do. Now, let me rephrase the question
17 and put it in other words.

18 MADAM PRESIDENT:

19 Let me please ask it.

20

21 Mr. Witness, when the MRND party was created in 1977 -- you would know better the date -- is it your
22 opinion that Mr. Bikindi used this opportunity to become famous and earn money creating this *Irindiro*
23 ballet for this reason?

24 THE WITNESS:

25 Madam President, I am sorry if I do not provide an exact date for the creation of the party or the
26 founding of the *Irindiro* ballet. However, what matters is the following: As far as I recall, the MRND was
27 created in '75 or '76. Now, as the *Irindiro* -- as far as the *Irindiro* ballet troupe goes, I believe it was
28 created with a view to replacing the national ballet of Nyanza, which was well known, even beyond the
29 borders of Rwanda, and it performed outside of the country. Now, by creating the *Irindiro* ballet, the
30 intention was to replace the national ballet which was known as Kirireza (*phonetic*).

31 MR. MOMO:

32 Thank you, Witness. Thank you, Madam President. You did, indeed, ask the question I was attempting
33 to ask.

34 BY MR. MOMO:

35 Q. Now, under those circumstances, Mr. Witness, can you tell the Court, when the *Irindiro* ballet troupe
36 was created?

37 A. Well, I think you did understand, and this has been mentioned already. But did you, from the

1 information available to you, find out that the national ballet continued to function or exist after the
2 creation of the *Irindiro* ballet, Counsel? Do you have that information? If not, you are then just making
3 things difficult for me.

4 *(Pages 1 to 27 by Eleanor Bastian)*

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2 MADAM PRESIDENT:

3 Mr. Witness, do you recall the year in which the *Irindiro* Ballet was created?

4 THE WITNESS:

5 I think that I already made a statement to my -- to that effect in previous statements. What I am going
6 to say will just be an approximation. It probably was in the year 1975, '76, '77, but at that time the
7 national ballet lost all it's worth because nobody spoke about it any longer.

8 MADAM PRESIDENT:

9 Thank you.

10 MR. MOMO:

11 Thank you very much.

12 BY MR. MOMO:

13 Q. Now that you insist on talking about the national ballet, can you tell us when the national ballet was
14 created, Witness?

15 MADAM PRESIDENT:

16 Is this -- has this any relation to the case before us, to the indictment, to the defence of your client?

17 Does it matter whether it was created in '59, in '60, in '65, or by the Belgians, as it were?

18 MR. MOMO:

19 The witness seems to be concerned about the fact that my client took away artists from the national
20 ballet in order to create his own troupe.

21 MADAM PRESIDENT:

22 Mr. Momo, that concern does not appear anywhere. He mentioned simply that they were -- that
23 members of the national ballet helped to train the *Irindiro* Ballet, but when the *Irindiro* Ballet was trained,
24 those people were no longer necessary. It's not a concern. We have not any evidence as to it being a
25 concern, simply something that flowed from the information that Mr. Bikindi had a very famous ballet
26 troupe, and even what you mentioned, just now, him wanting to become famous and earn money, that's
27 not a crime.

28 MR. MOMO:

29 Thank you, Madam President. We believe, as Defence, that it is important for this point to be clarified
30 because one of the components of the accusation is that we are very important, that we are popular,
31 and that we are part of the intelligentsia of the country. So, our question as to the origin and as to the
32 creation of the national ballet seeks to test the credibility of the witness as to whether he actually knows
33 what he is talking about. Not only has he made statements in his testimony relating to the national
34 ballet and to *Irindiro*, but even before he appeared before the Court, in his statement to the
35 investigators, he talked about the fact that my client lured away -- or, took away members from the
36 national ballet. So, we just seek to find out from the witness whether he can confirm -- or, specify to
37 this Court his knowledge of the dates on which the two ballets were created. That, notwithstanding, I

1 was going to move on, Madam President. If the witness had given me an answer, I would have moved
2 on to something else. So, with your leave, please, could the witness tell us whether he knows the date
3 on which the national ballet was created? He could simply say "yes" or "no". And simply that's what I
4 will ask him to do, give me a "yes" or "no" answer, a brief answer now, so we can move on to
5 something else.

6 THE WITNESS:

7 I will answer you to the best of my knowledge. The national ballet was created after Rwanda became
8 independent in the sixties. It was President Kayibanda who was head of state at the time.
9 Habyarimana became president in '73 and was in office till '94. That ballet existed. It performed across
10 the world and it was popular. *Irindiro* was created in the seventies, '77, and from that time no one
11 talked about the national ballet anymore; however, I must say that I'm not certain about the exact dates.
12 All I can refer to is the periods.

13 BY MR. MOMO:

14 Q. Thank you, Witness.

15 MR. MOMO:

16 I just want the Court to note, along with us, that the witness does not – or, may not be fully aware of
17 what he is talking about. I can provide information about the creation of the MRND on the 5th of July
18 1975, following the coup d'état of 5 June 1973. I can also tell him that the national ballet was created
19 not in 1960 --

20 MADAM PRESIDENT:

21 Mr. Momo, this is not the place for submissions. You are not on the stand. So ask the witness the
22 questions and there will be a time when you can make use of the testimony, but don't tell us your -- it's
23 not a time for opening or closing arguments. Don't make submissions. Please ask the questions, and if
24 you think they are wrong, you will in due time let us know.

25

26 Yes, you can put to the witness: isn't it true that the national ballet was created that year? Just, do not
27 make speeches. Ask the -- tell the witness: isn't it true that the MRND was founded in that year; isn't it
28 true that the ballet was founded, the national ballet, in that year? The witness can say "yes", "no", or "I
29 can't remember".

30 MR. MOMO:

31 Thank you. But I will continue. I'm not putting answers in his the mouth, but I still want him to know --

32 MADAM PRESIDENT:

33 You can, on cross-examination, put answers in his mouth. This is cross-examination. He is not your
34 witness. You can contradict him. You can put leading questions. You can put answers into his mouth,
35 but simply make it simple, and short, and clear.

36 BY MR. MOMO:

37 Q. Mr. Witness, do you maintain – or, would you say that Mr. Simon Bikindi lured the artists in the

1 *Irindiro* troupe from the national ballet?

2 A. Do you want to contradict me? That's what I told you and that's what happened.

3 Q. Do you know some members of the national ballet that Mr. Simon Bikindi allegedly lured away?

4 A. There was Antoine who had a very beautiful voice, he was lured away and he remained for a long time
5 within the *Irindiro* troupe. There was another lady known as Nyirankware. She also was lured away
6 and she remained with the *Irindiro* troupe. As for the others, I wouldn't be able to know because I was
7 not part of their national ballet. But I'm, however, happy that the country did have a national ballet.

8 Q. Thank you. However, you seem to know the national ballet. I thought you spoke about Antoine. Can
9 you give us the surname of the first person that you said was lured away? You mentioned Antoine, or
10 something to that effect.

11 A. I know that his name was Bwana Kweli. Whether he was Antoine, whether he was Antoine -- whether
12 Antoine was his first name, I don't know. It was a long time ago. This is something that took place. I
13 was aware of it, and other Rwandans who were patriots also were aware.

14 Q. Thank you. To your knowledge -- was still part of the *Irindiro* Ballet or troupe in 1994?

15 A. A moment ago --

16 THE ENGLISH INTERPRETER:

17 Says the witness.

18 THE WITNESS:

19 -- I said that since the outbreak of war in Rwanda and multipartyism there was chaos in Rwanda, so
20 you are, therefore, asking me questions in this area, and I think it will be very difficult for me to answer
21 them.

22 BY MR. MOMO:

23 Q. Those who were lured away from the national ballet to form the *Irindiro* troupe were they Hutus, Tutsi or
24 Twa?

25 A. Counsel, I see that you are still asking me questions to complicate my life. I think that the question
26 would rather be the *Irindiro* troupe collaborated with the *Interahamwe*. I can answer that kind of
27 question, but I see that you are trying to move away from the subject matter.

28 JUDGE ARREY:

29 Witness, if you know the answer, you just answer. If you don't know, you say you don't know, please.

30 THE WITNESS:

31 Thank you.

32 MADAM PRESIDENT:

33 Were the dancers lured away from the national ballet to the *Irindiro* Ballet, if they were Tutsis? And you
34 can add to that: were there any Tutsis in the *Irindiro* Ballet?

35 THE WITNESS:

36 The one who sang the songs, who had a very nice voice was Antoine. I think his surname had been
37 mentioned. Nyirankware came from a mountainous area. I don't know whether she was Tutsi, Twa or

1 Hutu. The fact remains that she had a very beautiful voice.

2 BY MR. MOMO:

3 Q. Thank you. Mr. Witness, did you often attend concerts at which Mr. Bikindi performed?

4 A. No. I didn't attend them because I didn't like that troupe. But I heard their songs. They were broadcast
5 on Radio Rwanda, as well as on radio RTLM.

6 Q. Thank you. Can you give names if you need -- knew any of -- persons who **** ** and who were members of the *Irindiro* troupe?
7 *****

8 A. A moment ago I mentioned Antoine who had a very beautiful voice. I still can remember this -- that, but
9 I never saw him. I could only hear his voice. Furthermore, I discussed this with *** ***** Bikindi. He
10 told me that he intended to establish a troupe, whose members would only be from the north, and after
11 the establishment of that troupe, the national ballet no longer existed. It was only after the war that we
12 saw the resurgence of the national ballet.

13 Q. The name that you have just mentioned, is it Mutwa (*as interpreted*) or Antoine? Can I have some
14 clarification, please? Is it Mutwa (*as interpreted*). Was this person Hutu or Tutsi, this Mutwa (*as*
15 *interpreted*) or Antoine, whatever you are saying?

16 MADAM PRESIDENT:

17 Witness said --

18 THE WITNESS:

19 I told you he was a Twa, Mutwa (*as interpreted*).

20 MADAM PRESIDENT:

21 The witness said he never saw, only heard the voice. So I wonder if he can answer this question of
22 whether he was a Hutu, Tutsi or Twa, if he never saw the person and only heard the voice.

23 THE WITNESS:

24 I don't think we need to go too far. Bwana Kweli was a Twa. Everybody knew that. He was Twa. He
25 was an influential Twa within the Urukerereza national ballet and he was a member of the
26 *Irindiro* troupe.

27 BY MR. MOMO:

28 Q. Thank you very much, Witness.

29 THE ENGLISH INTERPRETER:

30 Says counsel.

31 BY MR. MOMO:

32 Q. I'm going to risk asking you a question. You were only hearing his voice. You never attended any
33 concerts. Now, how, in the middle of the troupe, would you know that this is the voice of so-and-so that
34 you were hearing? Or maybe you were friends?

35 A. But, Counsel, to give you an example, I've never been in France. Maybe you have had the opportunity
36 to go there. Now, when Mitterrand was speaking, we would realise that this was Mitterrand. When
37 Chirac speaks, you can recognise him by his voice, and the same applies to Bush. Thank you.

- 1 Q. Thank you. Let's change tack now. I would like to you confirm that you stated that attacks took place in
2 Gatenga in 1993.
- 3 MS. WRIGHT:
4 I'm sorry to interrupt, Your Honours. But before the witness answers -- and this has nothing to do with
5 the witness -- we just wanted to have an idea of how long we are going to be on this, because we
6 have BHB, whom we had planned to call -- whether we will get to that so we can let her go and then --
7 because we are bringing in the witnesses and they were staying in the room, it's a very tiny room; and I
8 just want to know.
- 9 MADAM PRESIDENT:
10 Counsel, how long do you think your cross-examination will take?
- 11 MR. MOMO:
12 Thank you, Madam President. If I was lucky enough to have the Prosecution witness answer me in
13 short phrases, in 45 minutes or in an hour I would be done, but I would like to also inform you that, as
14 for Witness BHG -- BHJ --
- 15 MADAM PRESIDENT:
16 We heard Counsel Nderitu on that witness, BHJ. What we would like is to have you finish by
17 one o'clock with the examination -- with the cross-examination. Your witness can leave, and be here on
18 Monday. But, please, even if the witness doesn't give you short answers, finish by one o'clock, and try
19 to make the questions short. If the questions are short, you can get short answers.
- 20 MS. WRIGHT:
21 Thank you very much, Your Honour.
- 22 MR. MORLEY:
23 Your Honour, I am very grateful for that. May I, just for the record, correct the pseudonym for the
24 witness is BGH. There is a BHJ, but it's not a person who's here.
- 25 MR. MOMO:
26 Thank you, Madam President, I believe that would be enough time for us.
- 27 BY MR. MOMO:
28 Q. Now, I was also now moving on to another line of questioning. Mr. Witness, in your testimony I heard
29 you say that you were attributing the title of a song that you call *Nanga abahutu* to Mr. Simon Bikindi.
30 Can you confirm that for me?
- 31 A. Is that the only question you are going to ask me, concerning that song? Well, I'll confirm that.
- 32 Q. It also seemed to me that you claim that this song incited people -- the Hutu people against the Tutsis.
33 Is that something you can confirm?
- 34 A. No. I did not say that this song incited the Hutus against the Tutsis; I said that the song encouraged
35 Hutus to kill the Tutsis. It says, "I detest Hutus who are stupid, who are greedy, who hate other Hutus
36 without any reason". I told you that this was warning, a signal, and I said that when the drum, *Intabaza*,
37 was beaten, everybody would take up a spear or a bow and would go to the front, because this meant

1 the country was under attack. So each time this drum was beaten, everybody would rise to come to the
2 assistance of country. He says, "I'm speaking alive so you can hear me". So it was good for people to
3 hear it. And if you followed the song, you would see that this sentence is found in it: "I hate greedy
4 Hutus who hate their Hutu brothers for no reason. Please understand me and fly to the assistance of
5 your brother Hutus." How could they do that if they had to take up their spears, their bows and arrows?
6 There were deaths in Rwanda, and that is why we are here in a Tribunal which has been established by
7 the United Nations. Therefore, he said, "These greedy Hutus, who are greedy for money, they
8 betrayed their brothers". He was saying that, "We have been attacked by enemies of Rwandans and
9 their accomplices. These enemies should no longer exist." I think we understand each other very well.

10
11 I will give you a third example. Do you want me to move on to this third example, Counsel? May I
12 continue, or should I stop here?

13 Q. No, no, continue, please. I am keen to know what you are going to say.

14 A. Yes, I don't want you to listen only, but I want you to understand, take what I'm saying into account.
15 Right at the beginning, I told you that Bikindi was a man who was very intelligent; he was a gifted man,
16 very talented. He composed songs, and I think that you are aware of songs that he composed, and you
17 know their content. Now, here, inviting the Hutus to rise up, he told them specifically among them there
18 were Hutus who did not want to collaborate with the true Hutus.

19
20 I told you that *** ***** in this category of Hutus, they were killed. I'm not trying to invent. Hutus
21 were killed there, and I mentioned this to you. There was Ngoga, Aloys, and his son. A flag of the
22 MRND, which -- was a moderate -- was hoisted in front of his house. He was wounded with a machete,
23 and he subsequently died; and one François Ugirashebuja was killed. A woman whose husband was
24 Tutsi was killed, using a grenade. It believed -- it was believed that her husband, Panda, was being
25 killed. But there was a mistake and she, herself, died. It was being shouted, "Nothing has been done".
26 Bikindi said, "I'm speaking aloud and I think I'm speaking to people who understand me and can hear
27 me". I'm giving you details so that, once again, you don't ask me questions about them. In
28 Kinyarwanda, it was said -- I'm going to repeat: it was said, "When your enemy is your brother, it is very
29 difficult to fight him."

30 THE ENGLISH INTERPRETER:

31 Madam President, we would like to invite the witness to stop because he is reciting a kind of poem
32 which we do not understand.

33 MADAM PRESIDENT:

34 Mr. Witness, the interpreters have problems following you, because you are speaking very quickly and,
35 also, the last part is a poem which they did not understand.

36 THE WITNESS:

37 Actually, the message of the poem that I was reciting says that "Your brother doesn't want to share

1 beer with you, so you can do nothing about this. All you can do is to note that, and you can say that 'he
2 has betrayed me', whereas he should not have done so." In a few words, this means that your brother,
3 who refused to share milk with you, do you share blood with him -- you share blood with him, so he's
4 still your brother, whether you like it or not. So, you have blood links, whether you like it or not. Even
5 though he has refused to share his beer with you, he is still your brother. You have the same blood.
6 This means that if your brother does not want to share anything with you, or any advantages, that is
7 allowed him to do (*sic*). But at a given time, if you are attacked, your enemy is not going to spare your
8 brother. If one comes to take revenge on you, you and your brother will be affected. What he meant
9 there is that he wanted to invite the greedy Hutus to collaborate or work together with the Hutus -- or,
10 the true Hutus so that they can fight the enemy and the accomplices. What he was saying is that, "I
11 think I am speaking to people who understand me, who can hear me". And he wanted to tell them to
12 take up their spears and machetes. There you are.

13 BY MR. MOMO:

14 Q. Thank you, Mr. Witness.

15 THE ENGLISH INTERPRETER:

16 Says counsel.

17 BY MR. MOMO:

18 Q. Well, that was in French. I wanted to mention Aloys Ngoga and his son, who were killed;
19 François Urgirasharabuza; and a Tutsi woman. I think you mentioned those words a moment ago. I
20 want to know whether you can say that Simon Bikindi participated in their deaths or not. Was he there?

21 A. You have your way about things. You like to go around things, whereas you've already understood.
22 This is the expression "*Mbwira abumva*". Well, the message was received. These people rose up.
23 Initially, the victims were Hutus who were opposed to the MRND which didn't share the same ideology
24 as the other -- as the MRND. Those were the first victims. I cannot be any clearer than that, Counsel.
25 I think we understand each other thus far.

26 THE ENGLISH INTERPRETER:

27 I am a sorry, could counsel repeat --

28 MADAM PRESIDENT:

29 Asked and answered. Move on. You have to live with this answer.

30 BY MR. MOMO:

31 Q. Mr. Witness, can you give the approximate date of death of these people?

32 A. It was in 1993. Now you are asking me for precise dates. This was a time of trouble and disturbances.
33 There were such events taking place, these horrible events. I do you think that you would be even able
34 to remember the dates?

35 Q. Thank you, Witness. To come back to the song, and as you say, *Nanga*, and as you say, *Abahutu*, can
36 you quote any words from this song which asks Hutus to kill Tutsis?

37 A. If you are a true Rwandan -- if you were a true Rwandan, you would understand. "I detest Hutus" -- and

1 he continues, "I detest" -- it's a pejorative song. "These foolish Hutus, these kinds of Hutus, these
2 Hutus who deny their identity of being Hutu, those who do not share with Hutus, whereas nothing is
3 against that". And it continues.

4 THE ENGLISH INTERPRETER:

5 I'm sorry, Madam President, I just heard one word from counsel.

6 BY MR. MOMO:

7 Q. I'm not looking for a long quotation. I just want you -- a small citation from that, and if you have that, I
8 will be content to hear it.

9 A. *Mbwira abumva*, that is the sentence. "Hutus, who do not want to understand, will never understand.
10 And I am speaking to those who are willing to listen". Remember La Fontaine's fable about the fox and
11 the donkey -- the lambs -- the baby lamb was walking and the *loup* -- and the fox caught the lamb. In
12 any case, this is what you have to deal with.

13 Q. I am content to see --

14 THE ENGLISH INTERPRETER:

15 Says counsel.

16 BY MR. MOMO:

17 Q. --- that you have not quoted anything from that song. But now we shall continue. Do you know other
18 songs by Mr. Bikindi who, according to you, would have incited Hutus to kill the Tutsis?

19 A. The song, which I mentioned to you and which I confirm does confirm -- does encourage the Hutus to
20 kill the Tutsis, is the song *Far Nanga abahutu (as interpreted)*. That's the key song.

21 Q. Now, before the key song, like you say, *Nanga abahutu*, had Mr. Bikindi sung any other songs, as far
22 as you know?

23 A. I have heard mention made of his songs. Even if I listened to them, I wasn't paying much attention to
24 the other songs, but for this one, this one goes beyond all limits. Maybe others will speak to you about
25 it. But I can testify about this song. You were talking about passages which would allegedly encourage
26 people to do this or that. When he was calling upon the Hutus with a short memory, well, in that song
27 he is asking the Hutus to remember what happened in Mt. Huye.

28 MADAM PRESIDENT:

29 We have had all this already, Counsel, and in direct examination, as far as I recall, the witness said that
30 he remembered the last song, not the previous one. He's also said that he didn't particularly like the
31 songs, and that he did not listen to them.

32 MR. MOMO:

33 Absolutely. Thank you.

34 BY MR. MOMO:

35 Q. Did you hear songs by Mr. Bikindi in which he speaks of marriage or love?

36 A. I told you that this song, which I did not like, turned all my attention away, including what I had heard of
37 the other songs. I told you that I hadn't attended any of the concerts of his ballet or troupe, even though

1 ** *** * ***** and it was because of -- this song which encouraged Hutus, incited Hutus to kill. I
2 distanced myself from that kind of song. Even if you didn't ask me the question -- rather, you should
3 ask me the question why Bikindi **** * ***** I was older than he was. He had the luck of having gone
4 to school. You were asking me what I did to advise him. Regarding the composition of his songs, well,
5 I told him -- when we were sharing a beer, I told him, Bikindi, son of my mother -- or, brother -- my
6 brother, "You see, the *Inkotanyi* have attacked. They have already invaded Mutara and in a few
7 minutes, we are going to hear about their advance towards Butare and Gako. We also heard that they
8 attacked Ruhengeri prison and that they have released important personalities, such as Lizinde and
9 Kanyarengwe", and I told him, given all this, "Dear brother, isn't it wise to distance yourself from all
10 these things?" What he answered was that he had adopted his line. He said that "If the *Inkotanyi* were
11 to take power, well, I'll join them, I'll sing for them and I will be under their control". I'm not just saying
12 anything against Bikindi because that's what he told me. Counsel, if you wish, we can even stop here,
13 please.

14 Q. Thank you, Mr. Witness.

15 THE ENGLISH INTERPRETER:

16 Says counsel.

17 BY MR. MOMO:

18 Q. But I will still be with you for a few more minutes. You know, I'm not from Rwanda as most of the
19 people here, and when you --

20 MADAM PRESIDENT:

21 Please, don't give us lectures. We know that you are not from Rwanda, and the Bench isn't either from
22 Rwanda. Prosecution team isn't from Rwanda. So, please, ask the question.

23 MR. MOMO:

24 Thank you, Madam President. Yes, actually, what I wanted to know, since he says that he advised ****
25 *****

26 BY MR. MOMO:

27 Q. Witness, you told him that the *Inkotanyi* were attacking whom? Can you please be a bit clear: who
28 were these *Inkotanyi* who were attacking Rwanda?

29 A. If you are not doing this on purpose -- I know that you are representing a Rwandan, if you do not know
30 who the *Inkotanyi* are, I don't know how you are managing over there dealing with this case. The
31 *Inkotanyi* were Tutsi who had been exiled outside the country, as well as a few Hutus who were there,
32 too. Now, there were negotiations, but they didn't come to an end, and this took a period of about
33 three years and, eventually, they took up arms and they attacked Rwanda. They attacked the
34 Rwandans within the country. There were Hutus, Tutsis and Twa, among the Rwandans within the
35 country.

36 Now, the horror about all this is that it was said that in the country there were accomplices. Now, "We
37 need to exterminate them, they must be eliminated. The accomplices must be eliminated." So those

1 are the people who lost everything in this whole matter. At the time of the monarchy, there was one
2 Rugaju Mutindo. It's unfortunate that you are not a Rwandan because you are not going to understand,
3 even if I were to go into details. In fact, our composer really knows what I'm talking about. Even the --

4 MADAM PRESIDENT:

5 Counsel --

6 THE WITNESS:

7 -- smallest Tutsi, who were very poor, was referred to as an "accomplices".

8 MADAM PRESIDENT:

9 Counsel, do you really think this is helping your case? This line of questioning, do you really think it's
10 helping your case? You are helping Prosecution. What Prosecution didn't get from the witness, you
11 are getting now on cross-examination. I think it's only fair to warn you.

12 MR. MOMO:

13 Obligated, Madam President. I wanted to ask the witness, as a senior citizen who has some experience
14 of Rwanda -- I wanted to ask him --

15 MADAM PRESIDENT:

16 But, no, Counsel, you are not asking him as a senior citizen. He is, here, a witness to facts, to events
17 that took place related to the Simon Bikindi. He is not your expert. He's not an expert politician. He is
18 not a sociologist. He's not an historian. So, please refer concretely to events which are in the
19 indictment, to which this witness has testified in direct examination and in which you wish to contradict
20 him. And, on direct examination, the witness didn't say so much. He has said much more on
21 cross-examination, so examination-in-chief wasn't very long and he didn't say much. All this
22 information came now in cross-examination.

23 BY MR. MOMO:

24 Q. Witness, can you tell us what Magerwa is, Magerwa, which you talked about in your
25 cross-examination?

26 THE ENGLISH INTERPRETER:

27 Says counsel.

28 THE WITNESS:

29 Magerwa was an enterprise, a government institution, which was a storehouse for all imported goods
30 on which duties were paid and the amounts collected -- paid to the public treasury.

31 BY MR. MOMO:

32 Q. Now, Witness, you talked about the *Interahamwe* --

33 MADAM PRESIDENT:

34 Yes, please, Counsel, a pause between an answer and the next question.

35 BY MR. MOMO:

36 Q. You talked about the *Irindiro* troupe and the *Interahamwe*, an established, direct link between the
37 *Irindiro* troupe and the *Interahamwe*. Could you please clarify that point by being more specific?

1 MADAM PRESIDENT:

2 You cannot expect a short answer to that type of question. Please reformulate the question.

3 JUDGE ARREY:

4 Counsel, what was the relationship between the *Irindiro* troupe and the *Interahamwe*?

5 THE WITNESS:

6 As you may have already heard, *Irindiro* was a ballet troupe which was formed -- or, created by the
7 composer, Bikindi. Now, the *Interahamwe* were young men and women who were affiliated to the
8 MRND party. The *Interahamwe* included members who were dancers in the *Irindiro* Ballet troupe. So
9 that is what I can say about that infamous group known as the *Interahamwe*.

10 BY MR. MOMO:

11 Q. You said that they were men -- or boys and girls in the *Interahamwe*. Would you say that there are also
12 women in that group -- rather, that there were men and women in the *Irindiro*? Would you say that
13 there were also women in the *Interahamwe*?

14 A. Yes, I would say that there were young people, young women -- young women, yes, who were able to
15 jump and who would run while bearing -- or, carrying their clubs. So, all categories of persons were
16 members of the *Interahamwe*. Did you understand me, Counsel?

17 MADAM PRESIDENT:

18 Counsel --

19 MR. MOMO:

20 I'm almost done.

21 THE ENGLISH INTERPRETER:

22 Says counsel.

23 BY MR. MOMO:

24 Q. What distinction do you make between the dancers and the *Interahamwe*? How do you distinguish
25 them, the one from the other?

26 A. Counsel, if you want to distinguish the two, you will be making a mistake. There are people who come
27 in to do the initial work, those who would throw stones and those who even used firearms. So, I have
28 told you already that you are not a Rwandan. But you can still come to Rwanda, you know, and visit
29 our Rwandan prisons. You will see young people there, women of all ages, and then you would
30 understand what people -- or, what category belong to the *Interahamwe*. Please.

31 Q. Thank you. Would it be all *Interahamwe* who participated in the 1994 genocide, or were there any
32 *Interahamwe* who didn't take part in the killings?

33 A. It is difficult for me to answer that question. You see, we are in court and you are in a better position to
34 know some of these things. So, I would like you to explain to me whether all those who have been
35 accused here were *Interahamwe*. There were people who were smart enough to push others to act
36 and who used speeches, or language, for that purpose. You see, in my mother tongue, it is said that
37 the tongue kills more than the spear -- or the sword, rather. And I will be surprised if the contrary

1 obtained.

2 Q. Thank you. Did you see Bikindi during the 1994 genocide ** *****

3 A. Bikindi was there. You know, the war began in 1990. And he was around. But in early 1994, I did not
4 see him there. Things were quite difficult, and I was told by some young person ***** that
5 Bikindi had gone to Germany, so I believe that Bikindi was not present when people were being ***** **
6 ***** I never saw him kill. All I know is about the use of his tongue, and I want to insist on that.

7 Q. One last question, Witness: does Rwanda commemorate the 1994 genocide today?

8 MADAM PRESIDENT:

9 Just --

10 THE WITNESS:

11 Well, the answer to that question is yes. Various ministries and institutions do go to the Gisozi
12 memorial site, and whoever wishes to contribute to the reconstruction of Rwanda -- let me say that
13 Bikindi was ** *****. He was an intelligent person, but he was one of those who composed songs that
14 encouraged the killings. If he had wanted to, if Bikindi had wanted to -- well, I saw a little booklet here
15 entitled, "Unity and reconciliation". If Bikindi had wanted to -- the country can even call on him in this
16 regard. Even God can ask him to do that.

17
18 If Bikindi could compose a song calling on Rwandan citizens to forgive each other, and if he were able
19 to ask for forgiveness himself, that is, even before the staff of the Tribunal who work day and night in
20 the interest of Rwanda, if he were able to do that, if he were able to ask for forgiveness from everybody
21 -- you know he can be understood. He sings very well. I do not know if you have listened to any of his
22 songs. He knows how to dance very well. He is a good dancer. And if he were to do that, I am sure
23 that Rwanda and Rwandans would forgive him. And that will make things much easier for everybody. I
24 know him very well and I have seen him. If only he could dare to humble himself and to pray, I believe
25 that Bikindi could save Rwanda; if he could accept that. That is all that I want to say to this counsel
26 who has asked questions to me that avoid the truth or reality. Let him understand that he is somebody
27 what can spare us -- or, who can save us from a dangerous situation. Thank you.

28 Q. Thank you, Mr. Witness.

29 MR. MOMO:

30 Madam President, Your Honours, that will be all. I wanted to respect the time limits that you set. And I
31 thank you.

32 MADAM PRESIDENT:

33 Thank you, Mr. Momo. I have one question -- one question to the witness. The conversation
34 mentioned with Mr. Bikindi ** **** * ***** ** ***** you suggested that he separate himself from the
35 events, in which year was this?

36 THE WITNESS:

37 It must have been in or '92 or '93, but at the time when the *Inkotanyi* were infiltrating various areas of

1 the country, after they destroyed Ruhengeri central prison and released senior officials who had been
2 imprisoned there. It was at that time and during that period.

3 MADAM PRESIDENT:

4 Thank you very much.

5

6 Judge Arrey?

7

8 Judge Fremr?

9

10 Any redirect?

11 MS. WRIGHT:

12 Your Honour, I had lined up a few things to clarify. Especially after his last statement, I don't think
13 there's anything else that we might want to add to that. That will be all for this witness. Thank you.

14 MADAM PRESIDENT:

15 Thank you very much, Mr. Witness. This puts an end to your testimony. We thank you very much for
16 coming, and we have to warn you that you are not to discuss your testimony -- the testimony you gave
17 before this Tribunal with anybody at home.

18 THE WITNESS:

19 *(No interpretation)*

20 MADAM PRESIDENT:

21 And we wish you a safe trip home -- back home.

22 THE WITNESS:

23 Thank you.

24 *(Witness excused)*

25 MADAM PRESIDENT:

26 So we are adjourned until -- before we adjourn, D. 14 -- Counsel, your list, your spelling list.

27 MS. WRIGHT:

28 *(Microphone not activated)*

29 MADAM PRESIDENT:

30 D. 15 would be the spelling list.

31 *(Exhibit No. D. 15 admitted)*

32 MR. MOMO:

33 Yes, indeed, Madam President.

34 MADAM PRESIDENT:

35 And having said that, we adjourn until Monday, two o'clock. Have, all, a nice weekend.

36 MR. MOMO:

37 Thank you.

1 *(Court adjourned at 1300H)*
2 *(Pages 28 to 41 by Verna Butler)*
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CERTIFICATE

We, Eleanor Bastian and Verna Butler, official court reporters for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*stenotype*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel or related to any of parties to this cause and that we are nowise interested in the result of said cause.

Eleanor Bastian

Verna Butler

