

1 Tuesday, 18 October 2022

2 [Open session]

3 [The accused not present]

4 [The witness entered court]

5 --- Upon commencing at 10.01 a.m.

6 JUDGE BONOMY: Good morning, everyone. And good morning, in
7 particular, to our witness today.

8 THE WITNESS: [Interpretation] Hello.

9 JUDGE BONOMY: Mr. Kabuga has indicated that he does not intend
10 to attend today's proceedings and, therefore, the trial will continue in
11 his absence.

12 Ms. Harbour, can you tell us who today's witness is?

13 MS. HARBOUR: Today's witness is Ms. Monique Mujawamariya, Your
14 Honours.

15 JUDGE BONOMY: Thank you.

16 THE WITNESS: [Interpretation] My name wasn't said correctly.

17 JUDGE BONOMY: You will have an opportunity to correct that in
18 due course.

19 The first thing we need to do this morning is for you to stand,
20 please, and to make the solemn declaration to tell the truth.

21 THE WITNESS: [Interpretation] I would rather do that having said
22 my exact name.

23 I solemnly declare that I will say all the truth, nothing but the
24 truth.

25 The truth, all the truth, and nothing but the truth.

1 WITNESS: MONIQUE MUJAWAMARIYA

2 [Witness answered through interpreter]

3 JUDGE BONOMOY: Well, please, just to ensure that you are not
4 unhappy about any of the arrangements, please give us your name.

5 THE WITNESS: [Interpretation] My name is Monique Mujawamariya.

6 JUDGE BONOMOY: Thank you.

7 You are now under oath, as you clearly understand. And what the
8 Chamber hopes you will do is answer specifically and truthfully each of
9 the questions that is put to you.

10 THE WITNESS: [Interpretation] I understand.

11 JUDGE BONOMOY: Please listen carefully to the questions and
12 answer what is asked, because counsel can ask additional questions if
13 they feel you have not said enough on the original question asked of you.
14 So confine your answers, please, to specifically what is asked of you.

15 THE WITNESS: [Interpretation] I agree.

16 JUDGE BONOMOY: Thank you very much for that.

17 The first counsel to question you will be for the Prosecution,
18 and that will be Ms. Harbour.

19 Ms. Harbour.

20 MS. HARBOUR: Thank you, Your Honour.

21 Examination by Ms. Harbour:

22 Q. Good morning, Ms. Mujawamariya.

23 MS. HARBOUR: If we could please have Exhibit P --

24 A. Good morning.

25 MS. HARBOUR: -- P224 on the screen. And this can be broadcast.

1 Q. Did you previously testify at the ICTR in the case of the
2 Prosecutor versus Nahimana et al on the dates of the 8th, 14th, and 15th
3 of May 2001?

4 A. I did not understand the name. Mr. Who?

5 Q. Nahimana.

6 A. I, indeed, testified. I was a witness in Mr. Nahimana's case.

7 Q. Did you have an opportunity, prior to testifying today, to review
8 transcripts of that testimony in a language that you understand?

9 A. Yes, I did so.

10 Q. Now that you have taken the solemn declaration today, do you
11 affirm that your testimony in the Nahimana case accurately reflects your
12 evidence and what you would say, in substance, if you were asked the same
13 questions today?

14 A. Yes.

15 MS. HARBOUR: Your Honours, I'd like to tender her prior
16 testimony, which is P224, along with all associated exhibits as set out
17 in our Rule 111 motion. And I have confirmed with the witness that the
18 testimony and associated exhibits may be admitted publicly now that her
19 protective measures have been varied.

20 JUDGE BONOMO: The testimony and the associated exhibits will be
21 admitted as requested.

22 MS. HARBOUR: Now, I will read a very short summary of the
23 evidence that has just been tendered pursuant to Rule 111 for the public.

24 Monique Mujawamariya was a human rights activist in Rwanda. She
25 recalls seeing Felicien Kabuga awaiting a meeting in 1993 that had been

1 announced to establish a free radio station. When she realised that this
2 was an Akazu meeting, meaning a meeting for those close to the
3 presidential family in Rwanda, she left. She knew Mr. Kabuga was the
4 main financier of RTLM.

5 Ms. Mujawamariya listened to RTLM from its inception. After
6 approximately three weeks on air, RTLM broadcasts would cast all Tutsis
7 as enemies of the nation and accuse Hutus who married Tutsis, or were
8 human rights activists, or in the political opposition, of being
9 accomplices of the enemy. RTLM would mention people by name or specific
10 neighbourhoods and some hours later Interahamwe or Impuzamugambi would
11 attack these people or ransack these neighbourhoods. There was an RTLM
12 broadcast saying that in the Gitega neighbourhood this was a place where
13 Tutsi women were making Hutu men lose their heads. The next morning, a
14 woman named Katie was attacked and killed. Interahamwe and others would
15 hold their radios to their ears, listening to RTLM while singing about
16 exterminating the enemies.

17 Ms. Mujawamariya gives evidence about the power of radio in
18 Rwandan culture where words kill more quickly and more efficiently than
19 weapons. She testifies about her own name being called multiple times on
20 RTLM and the attacks and harassment that she experienced as a result.

21 On the morning of 7 April 1994, soldiers kicked her door open,
22 shooting as they entered. She managed to hide and recounts her harrowing
23 escape from Rwanda on 12 April 1994 after the international press had
24 declared her dead.

25 This concludes the public summary, Your Honours, and now I have

1 several questions for the witness.

2 Q. Ms. Mujawamariya, you've discussed a number of specific instances
3 when you heard RTLM discussing you by name. Do you recall how many times
4 and how often RTLM named you?

5 A. I cannot tell you how many times, but it is certainly many times
6 or several times. At least twice.

7 Q. Did you ever hear RTLM mentioning you by name multiple times in a
8 single day?

9 A. Yes, yes, I heard that once or at least two or three times in the
10 same day.

11 Q. Why was RTLM targeting you?

12 A. Because I was a human rights activist and I would generate a lot
13 of "noise" with my partners and abroad. I would point out what they were
14 doing.

15 Q. When you say you would "point out what they were doing," can you
16 please specify what you were pointing out and who was doing it?

17 A. There were many human rights violations, many targeted
18 assassinations. There were many cases of harassment on civil servants
19 who were not part of the presidential surroundings group, and there
20 were all of these violations. Very often I went in the field, I met with
21 the victims, and I produced reports that I would send out all over the
22 world. The militiamen and the presidential guards were those who
23 perpetrated those violations.

24 Q. We've just heard you refer to militiamen, and in your testimony
25 you also frequently refer to militiamen. Is that a reference to the

1 Interahamwe?

2 A. Yes, that was the only militia that was really active in the
3 country and active in human rights and -- that violated human rights and
4 perpetrated assassinations. Those were the Interahamwe.

5 Q. At transcript page 113 of your testimony on 8 May 2001, which is
6 transcript pages 124 and 125 of the French transcript, you testified that
7 in March 1994 an RTLM broadcaster spoke of you, saying that he didn't
8 understand why a little woman such as yourself could create such chaos in
9 a country. And he asked "... whether there were not sufficient number of
10 men to take care of me." What was the meaning of this broadcast?

11 A. I do not know why this is not complete, but he had said there
12 should be enough Hutu men to rape me and to bring me back to order and to
13 make me forget about the sex of Tutsi.

14 Q. On the same day, 8 May 2001, you testified at page 113 to 114 of
15 the English transcript, which is page 125 of the French, and you
16 described an incident that occurred shortly after this broadcast aired in
17 which a young man removed his genitals from his trousers and asked if
18 this was sufficient to shut you up. Did you experience any other
19 incidents, any additional incidents, as a result of that broadcast?

20 A. On that occasion, I humiliated the man who said that because I
21 said, "If that is the best you had, because that was insufficient for me
22 and it would not work." So he was very ashamed. And since then, there
23 were no other candidates because these people no longer wanted to be
24 humiliated by the small woman I was, and I think that was the best way to
25 get rid of them.

1 Q. Did anyone attempt to sexually assault you after the genocide
2 began?

3 A. No. There was only one military who tried to rape me, and it was
4 just as easy to get rid of him, because these people were only strong
5 facing those who feared them, but I did not fear them.

6 Q. At transcript page 125 in the English, and 139 to 140 of the
7 French, on 8 May 2001, you said that in early April 1994 you and your
8 friends made dresses to resist rape attempts for as long as possible, if
9 this became necessary. And each time there was a catastrophe, you say,
10 "we wore these clothes." What did you mean by this?

11 A. They weren't dresses. They were tights. We wore several pairs
12 of tights that were as tight as possible around the waist, and I remember
13 that one day I was actually wearing six.

14 MS. HARBOUR: If we could please now have Rule 70 01056. And
15 we'll look at page 2 in both English and French.

16 Q. You've testified that you managed to escape Rwanda on 12 April
17 1994. Did you ever meet with US authorities during the genocide after
18 your escape?

19 THE REGISTRAR: Ms. Harbour, sorry to interrupt, but it appears
20 that the French translation has not been released in e-court.

21 THE WITNESS: [Interpretation] May I?

22 MS. HARBOUR:

23 Q. Yes, Ms. Witness.

24 A. I left Rwanda on April 12th. And after that, I met several times
25 US authorities because that is where the lobbying would occur to make

1 known what was occurring in Rwanda and for the UN as well.

2 Q. Did you ever discuss the RTLM in meetings with the US
3 authorities?

4 A. Yes, I met generals in the Pentagon and supplied them to see how
5 they could scramble the frequency of RTLM, because from my experience in
6 the field, I knew that this would be less devastating if this radio were
7 to be prevented from broadcasting.

8 Q. And why did you want to prevent this radio from broadcasting?

9 A. Because it was a terrible tool during the events. The radio
10 would orient the Interahamwe militiamen to tell them where to attack, to
11 give them strategic information. It was like a radio of communication
12 for war.

13 Q. Now, on the screen I've brought up a declassified report from the
14 US government, and I understand a hard copy has also been provided to
15 you. If you could move to the second page, I've provided you the French
16 translation. If you look at paragraph 3, numbered 3, it states that:

17 "Alison Desforges of Human Rights Watch and Rwandan human rights
18 activist Monique Mujawamariya met ..." on May 4 with "Prudence Bushwell.
19 They argued for various policy initiatives."

20 And if you go down to the centre of the page, under "Page 03,"
21 you can see it says:

22 "Jamb broadcasts of extremist radio RTLM."

23 Is this the meeting that you had in mind?

24 A. Yes, exactly. But we had decided this after we met with
25 Bushwell. And after that, we met with generals of the Pentagon to know

1 whether this could be done.

2 MS. HARBOUR: Your Honours, I would like to seek to add this to
3 our exhibit list and tender it into evidence.

4 JUDGE BONOMOY: Maître Altit.

5 MR. ALTIT: [Interpretation] No objection, Your Honour.

6 JUDGE BONOMOY: Very well. That will be admitted.

7 THE REGISTRAR: That will be Exhibit P505, Your Honours.

8 MS. HARBOUR: Could we please have Rule 70 51286.

9 Q. And what I'm pulling up is the statement of Ms. Alison Desforges
10 before a subcommittee of Congress on the same day as the meeting that you
11 just described. Do you recall Ms. Desforges making this appearance?

12 A. I'm not sure I understood the question correctly.

13 Q. Do you recall Ms. Desforges making a statement before a
14 subcommittee of the House of Representatives of the US Congress?

15 A. Yes, we were together.

16 MS. HARBOUR: Could we please have page 5.

17 Q. And, Ms. Mujawamariya, I apologise, we don't have this in French,
18 but I will read and it will be translated for you. It says:

19 "The death of Habyarimana was the pretext for launching the
20 systematic slaughter of Tutsi and members of the opposition. The
21 campaign of hate-filled propaganda against them had built in intensity in
22 the preceding months, especially since the establishment of a private
23 radio station affiliated with the CDR, a party closely allied with
24 Habyarimana. This station incited people to violence against the
25 targeted groups and against named individuals like the outstanding human

1 rights activist Monique Mujawamariya, who was labelled 'a bad patriot who
2 deserved to die.'"

3 Do you recall RTLM broadcasting that you were a bad patriot who
4 deserved to die?

5 A. Yes, I do remember.

6 MS. HARBOUR: If we could turn the page to page 6, please.

7 Q. In the second paragraph, second sentence, it says that:

8 "In late March of this year," so this would be 1994, "Human
9 Rights Watch was warned by Monique Mujawamariya ... that '[f]or the last
10 two weeks, all of Kigali has lived under the threat of an instantaneous,
11 carefully prepared operation to eliminate all those who give trouble to
12 President Habyarimana.'"

13 Did you send this warning to Human Rights Watch in late March
14 1994?

15 A. Yes, I sent it on March 26th, 1994, and I sent it to Amnesty
16 International and human rights everywhere, because I had received
17 elements of information relevant to the disaster that was in preparation.

18 Q. Where did you receive the information?

19 A. I was married for 16 years to a higher officer in the Rwandan
20 army. I still had contacts. The military were handing out weapons to
21 hide them in the hills around their land. Interahamwe militiamen
22 informed me of these elements and gave me elements of evidence to try and
23 find where the weapons were hidden. That is how I understood something
24 terrible was in preparation, because arms were disseminated in the whole
25 region and around the capital.

1 MS. HARBOUR: I would like to tender Rule 70 51286, please.

2 JUDGE BONOMO: That will be admitted.

3 THE REGISTRAR: As Exhibit P506, Your Honours.

4 MS. HARBOUR: Could we now have Rule 70 00901, please.

5 Q. And while this is coming up, I'll ask you: Do you recall sending
6 any letters to President Bill Clinton during the genocide in Rwanda?

7 A. Yes. I sent him two letters, I believe.

8 Q. And why did you send him letters?

9 A. Because I was desperate. I wanted the US to acknowledge that
10 this was a genocide being carried out in Rwanda.

11 Q. On the screen is a letter dated 21 April 1994. It's addressed to
12 President Clinton in the White House.

13 MS. HARBOUR: Could we please have the next page.

14 Q. And here you'll see your name at the bottom. Is that your
15 signature?

16 A. Yes, that's my signature.

17 Q. The letter is in English. What language did you write your
18 letter in?

19 A. I wrote the letter in French, and Alison Desforges translated it
20 into English.

21 MS. HARBOUR: I'd like to tender Rule 70 00901, Your Honours.

22 JUDGE BONOMO: That will also be admitted.

23 THE REGISTRAR: As Exhibit P507, Your Honours.

24 MS. HARBOUR:

25 Q. And this is my last question for you, Ms. Mujawamariya: At

1 transcript page 99, on 14 May 2001, and in French that's transcript
2 page 115, you said:

3 "In principle, if I were to have been in favour of a private
4 radio, when I saw the initiators, I said to myself, uh oh, that's not a
5 good thing."

6 This was in the context of RTLM. Why did you think a private
7 radio by RTLM's particular initiators would not be a good thing?

8 A. Because we had experience in the field with the small newspapers
9 that they had already created that created havoc and a lot of destruction
10 and devastation between the citizens of the city. So I knew that this
11 radio station would be terrifying, because it would have an impact on a
12 wider audience. The newspapers were just restricted to the local areas,
13 whereas the radio would reach the hills as well.

14 Q. What was it about the particular initiators, the individuals who
15 initiated RTLM, that gave rise -- gave you this fear?

16 A. At the time, just like is the case presently, everyone knows
17 everyone in the city of Kigali, and everyone knows the arguments and
18 beliefs of everyone. So I knew these people, I knew their positions, and
19 I knew that nothing good would come out of this radio.

20 Q. Just to make sure the record is clear. What positions of theirs
21 did you know of that led you to believe that nothing good would come out
22 of this radio?

23 A. They were all members of the MRND president's party, so they were
24 all fanatics. They were militia, and they were all determined to do
25 whatever it took to make sure that powers remained within their hands.

1 Q. Can you name the initiators that you had in mind?

2 A. There was Mr. Felicien Kabuga. There was Ferdinand Nahimana,
3 there was Barayagwiza. I think these were the three main initiators that
4 I remember very clearly. I knew Felicien very well, and I used to follow
5 these people when they made interventions, and I knew where they were at
6 the beginning of the meeting.

7 Q. I think there may have just been a slight translation issue, so
8 I've heard, and the transcript reflects, that you've named Mr. Felicien
9 Kabuga, Mr. Ferdinand Nahimana. Could you please just repeat the third
10 name that you named?

11 A. Jean-Baptiste Barayagwiza. So that is Jean-Baptiste,
12 B-a-r-a-y-a-g-w-i-z-a, Barayagwiza.

13 JUDGE BONOMY: Just one moment.

14 [Trial Chamber confers]

15 JUDGE BONOMY: You may wish to clarify this. The English
16 transcript shows the witness saying: "I knew Felicien very well ..."
17 I'm told that in the French language, as it was spoken, it was said: "I
18 did not know him well, but I knew the others well."

19 Can we clarify that, please?

20 THE WITNESS: [Interpretation] I knew Mr. Felicien Kabuga from
21 afar. He was the richest man in the city. We all knew him, but I hadn't
22 ever spoken to him or shaken his hand. But I knew the other two, and I
23 did shake their hands.

24 JUDGE BONOMY: That clarifies it. Thank you.

25 MS. HARBOUR: I have no further questions for you,

1 Ms. Mujawamariya.

2 This concludes my direct examination, Your Honours.

3 JUDGE BONOMY: Well, Ms. Harbour, I see that in the -- or at the
4 beginning of the cross-examination, in the transcript of the original
5 trial, there are details provided in writing in reply to counsel's
6 questions.

7 Are these available to this Bench?

8 MS. HARBOUR: Yes, Your Honours. I believe all but one of the
9 associated exhibits tendered through this witness are the items on the
10 pieces of paper that she wrote during court. So everything that she
11 wrote during the proceedings in that trial should now be in evidence.

12 JUDGE BONOMY: I may be wrong about this, but I didn't recollect
13 them being assigned exhibit numbers in that trial, but is that what
14 actually happened?

15 MS. HARBOUR: Yes, they were assigned exhibit numbers.

16 JUDGE BONOMY: All right. So they are available to us?

17 MS. HARBOUR: Yes, Your Honours.

18 JUDGE BONOMY: Thank you.

19 Now, Ms. Mujawamariya, perhaps you can assist me with a few
20 matters.

21 Questioned by the Court:

22 JUDGE BONOMY: In your evidence in the Nahimana trial, when you
23 referred to Felicien Kabuga, you described him as the main financier of
24 RTL radio. He was a big businessman in the country. What was the
25 source of your information that he was the main financier of RTL radio?

1 A. It was in the declaration of the RTLM's constitution. I don't
2 remember if it was in the -- on the radio or the newspaper, but they
3 praised Mr. Felicien Kabuga for their financial support. And given that
4 they didn't thank anyone else, I assumed that he was the main financier.

5 JUDGE BONOMY: Thank you. You'll have to bear with my problems
6 in pronouncing Rwandan names, but one of the personnel you referred to in
7 that evidence was Charles Nzabagerageza. Who was he?

8 A. Charles Nzabagerageza was a senior official in Rwanda. He also
9 came from the north, from the president's movement. He was very eloquent
10 and portrayed himself as such.

11 JUDGE BONOMY: You refer in that evidence to an incident when a
12 soldier kicked your door open, and you were speaking to Alison Desforges
13 at the time. You were able to tell her, "He is there. I cannot escape."
14 And you referred then to your children. You said, "There's no point for
15 you to listen to my death and see what you can do for my children." You
16 then said - and this is the bit I'm seeking to clarify - "I told him
17 where they were." What did you mean by that?

18 A. When the soldier kicked the gate, in fact, not the door but the
19 gate, of my house and started shooting in the air, I said to myself it's
20 obvious that I'm not going to make it. My children had been moved by me.
21 I had a Belgian friend who owned a hotel that Alison knew, and I had
22 asked -- and, sorry, I had told him where my children were just in case
23 somebody from the outside could save them. And I had asked Alison to ask
24 Michele Compion, to help my children, to explain to him where my children
25 were hidden. And we had about 15 minutes. We didn't want Alison to -- I

1 didn't want Alison to witness what was going on, so I disconnected with
2 her and I managed to say -- but before disconnecting, Alison heard the
3 gunshots through my telephone.

4 JUDGE BONOMY: So when the transcript records "I told him where
5 they," that's the children, "were," did you actually say "I told her
6 where they were"?

7 A. Mr. Compion knew where my children were, because he had dropped
8 them off. I didn't tell Alison where my children were, but I told her
9 that Mr. Compion would take her to where my children were hidden.

10 JUDGE BONOMY: I understand now. Thank you.

11 You refer to RTLM as also being called Radio Gatonde.

12 A. Sorry, I cannot understand this word. We had called it Kapanga,
13 Radio Kapanga, because they used machetes, but Gatonde is not really a
14 Rwandan word.

15 JUDGE BONOMY: Well, let me give you the answer in a fuller form:

16 "It was called Radio Gatonde because the Bashiru are members of
17 the Akazu from Gisenyi."

18 Can you explain that sentence to me?

19 A. The men who set up the RTLM were all from the president's
20 movement. They were all from the north. There was one part of Gisenyi,
21 one part of another place --

22 THE INTERPRETER: That the interpreter didn't get.

23 A. -- and they were from the same place that Felicien Kabuga came
24 from. And it was called Radio Gatonde, because one of the journalists
25 who was very angry, they both came from Gatonde in the north, which is

1 why we called it Radio Gatonde, but very few people called it Radio
2 Gatonde.

3 JUDGE BONOMY: Thank you. And can you help me again on this.
4 Who are referred to as the Bashiru?

5 A. [In English] Bashiru?

6 JUDGE BONOMY: Yes, who are they.

7 A. [Interpretation] The Bashiru is the clan, it's the very inner
8 circle of President Nahimana.

9 JUDGE BONOMY: Now, there's something not right in the transcript
10 of that. You say it's the inner circle of President Nahimana.

11 A. Habyarimana, President Habyarimana.

12 JUDGE BONOMY: Thank you.

13 Now, Maître Altit, who will conduct the cross-examination?
14 Madam Mathe?

15 Sorry, one moment.

16 [Trial Chamber confers]

17 JUDGE BONOMY: Sorry, Judge El Baaj wishes to ask two questions
18 first of all.

19 JUDGE EL BAAJ: [Interpretation] Yes, good morning. I have two
20 questions, the first concerning your encounter in the hotel in Kigali
21 during the creation of the RTLM. You said that you realised immediately
22 that it was an Akazu meeting. What made you think so? Why did you
23 arrive at this conclusion so quickly and immediately?

24 A. Because I knew them all, the members of the Akazu.

25 JUDGE EL BAAJ: [Interpretation] Can you elaborate on that,

1 please?

2 A. After 1990, before the genocide, and at the beginning of the war
3 in Rwanda, a group was created amongst intellectuals, amongst
4 businessmen. Well, everyone chose their side. And those who were close
5 to power, those who had high level positions and advantages, like Kabuga
6 had unlimited access to foreign currency for his imports, they created a
7 sort of club to defend their own interests.

8 And we called them Akazu. Akazu in Rwanda is a word that defines
9 people who live under the same roof, and we all knew who they were. And
10 they were very proud to present themselves as such. So for me, because I
11 was quite close to, even though I didn't espouse their ideas, but because
12 my husband was from the north and because he was a senior official in the
13 Rwandan army, even though he didn't agree with what was going on, we did
14 have contacts with these people, because he belonged to them before
15 becoming a dissident. And that was why it was so easy for us to
16 recognise them. It wasn't complicated at all.

17 JUDGE EL BAAJ: [Interpretation] In Rwandan culture, as you said,
18 words kill faster and better than weapons. Can you explain that?

19 A. Yes, because killing doesn't mean absolutely murdering someone.
20 It also can be social destruction. In Rwanda, it was enough for someone
21 to say, "You are an accomplice of the Patriotic Front," so that you just
22 lose your job the very next day, no matter how high your level is. And
23 you lost not only your salary but all your friends. It was synonymous
24 with death.

25 JUDGE BONOMO: Thank you, Judge El Baaj.

1 Judge Nahamya would now like to ask a question.

2 JUDGE IBANDA-NAHAMYA: Good morning, Witness.

3 Witness, I'm just wondering. You are not a Tutsi, but your
4 mother was Tutsi. How did generals really have confidence in you to give
5 you all the information that you are bringing before this Court? Can you
6 explain to me? And you said you didn't even fear the Interahamwes. Just
7 give me the context, your part of it.

8 A. My mother is Tutsi, but my father's a Hutu from the north. That
9 is to say, he belonged to the same clan as those governing the country.
10 When I married the senior official from the north as well, I made a lot
11 of friends in that group, and I kept those friends.

12 During the genocide, they gave me information about what was
13 going on. They are the ones who gave me information, and I gave that
14 information to the US authorities. They were telling me, "This is being
15 prepared," "that is being prepared." And I always kept ties with this
16 world right from the -- right till the end, because I knew them since a
17 very young age.

18 JUDGE IBANDA-NAHAMYA: Thank you.

19 JUDGE BONOMY: Judge Guzman now has a question.

20 JUDGE GUZMAN: [Interpretation] Thank you, madam, and thank you
21 for coming to speak to us.

22 The meeting that you mentioned, you just said that you met
23 Mr. Kabuga at that meeting. How did you recognise him, because you said
24 that you had never met him before that meeting?

25 A. I said that I had never shaken his hand, but I used to see him

1 very often in front of his shops. We were even at a reception together
2 in the same room. So I, obviously, knew him, but there was no reason for
3 me to go up to him and talk to him. But I did know him very well.

4 JUDGE BONOMY: Thank you.

5 Now, Maître Altit, who will conduct the cross-examination?

6 MR. ALTIT: [Interpretation] Madam Mathe is going to do the
7 cross-examination.

8 JUDGE BONOMY: Witness, you will now be asked some questions by
9 counsel for Mr. Kabuga.

10 Madam Mathe.

11 MS. MATHE: [Interpretation] Thank you very much.

12 Cross-examination by Ms. Mathe:

13 Q. [Interpretation] I am Françoise Mathe. I am one of Felicien
14 Kabuga's counsel, and I am going to ask you a few questions in order to
15 shed light on what you have just mentioned.

16 Now, I would like to come back to the previous period, and I
17 would like you to tell us what you were doing before 1990 and before
18 engaging in the Rwandan human rights movement?

19 A. Well, I have a training as a social service person. Until 1990,
20 I worked in an organisation funded by the European Union that studied
21 aids transmission between mothers and newborns.

22 Q. So that was not your main job? Before that, you worked as a
23 civil servant?

24 A. Yes, I created social services in hospitals for 12 years before
25 that.

1 Q. That was when?

2 A. Good question. Let me think. I think it was somewhere from ...

3 THE INTERPRETER: The witness is hesitating.

4 A. I started creating these social services in hospitals from 1975
5 to 1985, I think.

6 MS. MATHE: [Interpretation]

7 Q. During this period, were you a member of a political party?

8 A. No. I became a member of a political party for two months in
9 1992.

10 Q. Well, as far as my understanding goes, from 1973 up until
11 multipartyism, every Rwandan was a member of the MRND. Was that your
12 case?

13 A. No, not at all. I was always a rebel. The president called me
14 himself to shout at me. I was never in the MRND.

15 Q. I think that you need to explain what Umuganda is?

16 A. Umuganda is something where all the civil servants and the
17 intellectuals had to dress up in a way, boots, and do community service
18 to clean the roads, for example. But I was against this, because all
19 this actually cost more to the state than what it would bring to the
20 state. You needed buses to provide transportation to these people, and
21 people had to -- the state had to buy equipment. So I was against this.

22 Q. In 1991, with the advent of multipartyism, you made a choice.

23 A. Yes, I made a choice, because I was my father's daughter. He was
24 an MDR leader, and I witnessed the renovation of this party, and I was
25 one who really fought to make sure that the Parmehutu was left out of the

1 party and made sure that the MDR remained the democratic movement for
2 Rwanda.

3 So I joined this party and I stayed until sometime in 1992, and I
4 clearly stated then why I was leaving this party.

5 Q. So you actually anticipated the three questions that I was about
6 to ask. So I was going to ask you why you chose this party, and you're
7 telling me that your father was a leader of the party, of the
8 MDR-Parmehutu?

9 A. The MDR-Parmehutu was a party that was created for the fight for
10 the independence of the Rwanda. Back then, Rwanda was freeing itself
11 from Belgian colonialism, but also from the royal influence and the
12 Abanyiginya clan that was in power in Rwanda up until 1959.

13 So this movement aimed at raising awareness of the majority of
14 the population, because the majority of the population was excluded from
15 governing the country by the royal family. So there were two fights to
16 have: The fight against colonialism and the fight against royalism.

17 Q. So Parmehutu was the party of Grégoire Kayibanda, the first
18 president of the Republic; is that right? He's the one who governed
19 Rwanda from the independence to when?

20 A. 1973. So right after the coup d'état.

21 Q. So you wanted to see a new MDR without the Parmehutu. What does
22 that mean?

23 A. It means that some Rwandan intellectuals had realised that the
24 time had come to put an end to the MRND's influence on the movement and
25 on the way the country was governed, but that would have been very

1 difficult to create something brand new. So we wanted to use the
2 foundations of the MRND party and all the while -- because the
3 foundations were something that people knew about.

4 But there was also the Parmehutu part of it, but Parmehutu was
5 not relevant anymore, because there were Hutus in power, so Parmehutu,
6 didn't have a meaning anymore.

7 Q. With multipartyism, we have the creation of the PSD, the PL, the
8 MDR. So what made you choose this specific party, except from your bonds
9 with your father? Is there a specific point in the political programme
10 that appealed to you with this party?

11 A. So the two other parties were created much after the MDR. So
12 back then, there wasn't any choices. There was the new MDR or the MRND
13 that I did not want to join. So this appeared to me as an opportunity,
14 the opportunity to be a spokesperson to change. That's why I joined this
15 party.

16 JUDGE BONOMY: Ms. Mujawamariya, could you please wait at the end
17 of counsel's questions for a few seconds to allow the interpreters to
18 complete the question and the transcript to be complete. You're
19 answering very clearly and very precisely for us, but just starting your
20 answer a bit too quickly. Thank you very much.

21 And, Madam Mathe, may I ask you just if you could explain a
22 little the direct relevance of this line of examination.

23 MS. MATHE: [Interpretation] I listened to the itinerary that was
24 described by the witness, and there was some paradoxical points that were
25 raised by the Chamber. And I think that it was important to have some

1 background information from beforehand, and I believe that it was
2 relevant regarding these paradoxes. But I'm coming to the end of this
3 line of questions, if you allow me.

4 JUDGE BONOMY: Yes, thank you.

5 MS. MATHE: [Interpretation]

6 Q. Why did you leave the MDR party?

7 A. I left the MDR party because I started realising that there were
8 internal battles and ego issues, and I felt that this is not what I
9 wanted to see in a party so I left.

10 Q. Were there youth movements within the MDR?

11 A. I actually left before the other movements of other parties were
12 created. But all parties had youth movements, yes.

13 Q. When was the youth movement created for this party?

14 A. I cannot recall. I was not interested in it.

15 Q. Do you know -- let me rephrase, sorry. Was it a movement -- was
16 it a peaceful movement, or was it an armed movement? Was it an offensive
17 movement?

18 A. I have absolutely no idea, really. I was thinking about
19 something else then. I wasn't focusing on this.

20 Q. During your hearing at the criminal tribunal, we have evidence,
21 P00200 -- 00224, which was admitted at the request of the Prosecutor's
22 Office. So when you were heard by the ICTR, you were under the status of
23 protected witness, and, therefore, the evidence that were presented and
24 that were susceptible to identify you were not published. So we have the
25 evidence --

1 THE INTERPRETER: Sorry, can the counsel repeat the number of the
2 evidence, please. The interpreter did not get the reference to the
3 evidence.

4 MS. MATHE: [Interpretation]

5 Q. So you provided a certain number of information. So from --

6 JUDGE BONAMY: Madam, the interpreter would like you to repeat
7 the exhibit number. Thank you.

8 MS. MATHE: [Interpretation] It was Exhibit 70-51005, P00226.

9 Q. So from what you can recall, could you present the different
10 trips that you took? So in this exhibit, I'm going to be focusing on the
11 early -- so 1993, early 1994 period.

12 In March 1993, you said that you went to Belgium. And then in
13 this document, we see that you went to Germany in July 1997, but then
14 during your hearing you corrected yourself and said that it was in 1993
15 and not 1997. Then in October 1993 - that's what you said, but it's not
16 very clear - you said that you went to the Netherlands, and then in
17 November 1993, to the US and to Canada.

18 So could you perhaps be a little bit more precise when it comes
19 to the dates and when it comes to the succession of trips to Germany,
20 Holland, the US, and Canada? So in 1993, following your statement, you
21 first went to Germany. Why did you go to Germany, and how long did you
22 stay in Germany?

23 A. I went to Germany in 1993. I can't recall whether it was in July
24 or in August, and I stayed for two weeks. It was -- I was invited by the
25 German government. I had organised the first human rights week in

1 Rwanda. Around 10 December 1992, I organised a bit of a pioneering
2 event. We had some races. We distributed some T-shirts. And it was a
3 success. And the German embassy had something called Internationes
4 [phoen], where they would give to people that had impressed them a
5 two-week trip to Germany. And that's what I did. So I was invited by
6 the embassy.

7 In 1993, I then went to Belgium --

8 JUDGE BONOMY: Just a moment.

9 Madam, I can't imagine that the information you've just got from
10 the witness has any relevance to this trial. So can you please control
11 this examination so that you concentrate on, I think, the dates are what
12 you want to know about and the general purpose of the visits rather than
13 the detail.

14 [Defence counsel confer]

15 JUDGE BONOMY: I mean, is it relevant to know about the races and
16 the distribution of T-shirts and so on? I mean, what is it that this is
17 directed to?

18 MS. MATHE: [Interpretation] Your Honour, what I'm interested in
19 are the dates, but the witness provided some details. But I can ask her
20 not to give such details, if you wish.

21 JUDGE BONOMY: The problem is the way you framed the question.
22 Your question is very long, and it rambles through different areas before
23 reaching its end. And the witness can't be assisted in focusing her
24 answer by questions of that nature. So it would help if you could be
25 more focused in your questioning.

1 MS. MATHE: [Interpretation] Thank you very much, Your Honour. I
2 will be focusing on the dates, as this is what interests me here.

3 Q. So, Madam Witness, you were in Germany in July or August 1993?

4 A. Yes, but I was in Belgium before in May, at the beginning of May
5 1993.

6 Q. And then you talked about the Netherlands. When was that? When
7 did you go to the Netherlands?

8 A. I don't recall. I don't remember exactly when I went to the
9 Netherlands. But I've worked for quite a while with Amnesty
10 International Holland. I was a lecturer and ambassador for this NGO that
11 I was working for, Holland.

12 Q. I am particularly interested in the dates. You told us that you
13 gave a lecture in The Hague and that you were there as well during the
14 murder of President Ndadaye?

15 A. It was not a lecture. It was a training course at the ISIS
16 Institute.

17 Q. So were you here on 21 October 1993?

18 A. Yes.

19 Q. Did you go back to Rwanda between your trip to Germany and your
20 trip to the Netherlands?

21 A. Yes.

22 Q. And then you stated that you went to the US and Canada in
23 December. When was it exactly and how long did you stay?

24 A. I went to the US in December 1992, and the same thing for Canada
25 as well. And then I came back in 1993.

1 Q. Still in December?

2 A. I don't remember for 1993 -- yeah, December 1993. That's right.

3 Q. And when you went to the Netherlands, you stated that you had
4 stayed there for quite a long time. You said 45 days. Can you recall
5 this detail?

6 A. No, I don't remember exactly, but I was part of a training
7 course.

8 Q. On this particular point, you mentioned at the end of your
9 hearing, you said to the court that you would try to find your passport
10 that had expired but that you wanted to keep. And this was a commitment
11 that you had made to the court. Did you find your passport when you went
12 back to your place after the hearing?

13 A. I believe that I still have it, but no one reminded me of sending
14 it.

15 Q. So you believe that you still have it?

16 A. Yes, but in Rwanda.

17 Q. During your hearing with the ICTR, you talked about a certain
18 number of RTCM broadcasts. Could you tell us which broadcasts you
19 remember personally listening to and that you have personal memories of?
20 Whether they regarded you or other people as well.

21 A. There would be too many. I can tell you about when they talked
22 about me.

23 Q. Well, that's something that you've already mentioned. But did
24 you personally hear these broadcasts?

25 A. Yes, I personally heard these -- listened to these RTLM

1 broadcasts where they would call for murders and call for rapes.

2 Q. So you're talking about this broadcast where you were a victim of
3 exhibition?

4 A. Yes, where I had someone that stripped in front of me.

5 Q. And then you talked about a broadcast in December 1993?

6 A. Do you really think that I can remember about all this? I did
7 not even expect that I would come back here again.

8 Q. You had stated that you had listened to RTLM broadcasts, just
9 like anyone else, because it was something new, the music was nice, but
10 then you quickly became quite scared, and you did not like the new tone
11 that seemed dangerous to you. So you said that it was nice to listen to
12 this radio for the first three weeks.

13 So you talk about the first three weeks. Does that mean -- do
14 you talk about the first three weeks where the RTLM was broadcasted, or
15 for the first three weeks where you started listening to the RTLM?

16 A. I mean the first three weeks after the creation of the radio.

17 Q. So during the first three weeks, you listened -- you basically
18 listened to the radio?

19 A. Or perhaps the first three weeks where I started listening to the
20 radio. I can't really be precise at this particular point. I don't
21 remember.

22 Q. During your hearing, and I'd like to refer to the -- so it was
23 your hearing of 15 May 2001, pages 17 and 18 in the French version. You
24 were examined about potential infiltrated elements within civil society,
25 RPF elements within civil society. So to your knowledge, were there

1 infiltrated RPF members within the civil society?

2 A. Yes, I remember -- well, of course, there was no evidence. But
3 there were organisations that were suspected to have been created by
4 supporters of the RPF.

5 Q. What type of organisations are you talking about?

6 A. Organisations -- so human rights organisations.

7 Q. Are these Rwandan organisations, well-known Rwandan
8 organisations? Was there a specific -- was it a rumour, or did you have
9 specific knowledge about this?

10 A. It was a rumour.

11 Q. How many organisations were they back then, apart from the one
12 that you had created?

13 A. There were four.

14 Q. Can you remember their names?

15 A. Not really.

16 Q. Was there a coordination amongst these various human rights
17 organisations?

18 A. Yes.

19 Q. These organisations that you mentioned that you don't recall
20 their names, were they part of this coordination?

21 A. It's not that I don't want to give their names, but I just don't
22 remember their names. But they were part of this coordination, yes.

23 Q. You also mentioned the fact that you recruited minors -- that the
24 RPF recruited minors within the civil society, sorry. Could you give us
25 more precision regarding this information?

1 A. Yes. We had information regarding young teenagers that would
2 leave their homes, that would disappear. Personally, I met with the
3 recruiter who would recruit these young teenagers. He would explain to
4 me how he would proceed. I don't know whether he continued on doing so
5 afterwards, because we didn't stay in touch afterwards. But I did meet
6 with a recruiter that told me about this.

7 Q. You're talking about minors. How old were they? Were they very
8 young? I believe that you stated some specific ages.

9 A. They were around 15 years old. And they were ostracised. They
10 were teenagers that were quite vulnerable and easily influenced, and you
11 would find them by the market.

12 Q. You also mentioned that the RPF would sometimes wear the Rwandan
13 armed forces uniforms. Can you give us some precisions about this
14 information?

15 A. I heard some information about this during the attack of
16 4 February 1992, and I heard the same information again after April 1994.

17 Q. Did that lead to some confusions when it came to identifying some
18 of the crimes that you investigated on as a human rights defender?

19 A. When we could do field investigations, it was impossible to be
20 confused in such a way, because the RPF was not in Rwanda yet. But
21 afterwards, we did get some evidence, and I reported what specifically
22 happened in a report.

23 Q. Who did you send this report to?

24 A. To our partners, Human Rights Watch, Amnesty International, and
25 other organisations as well.

1 Q. Do you remember whether this was then included in the reports
2 that were disseminated by other organisations?

3 A. I believe that, yes, it was disseminated, and there was also a
4 radio show that was dedicated to this report in the panorama show in the
5 Radio-Télévision Belge, RTB.

6 Q. Early on you talked about the protection that you benefitted
7 from, and you talked about the information that was provided to you by
8 Rwandan generals.

9 JUDGE BONOMY: We are about to adjourn, so it may be helpful if
10 we adjourn slightly earlier.

11 MS. MATHE: [Interpretation] Your Honour, I am looking for the
12 handwritten note from the witness, Exhibit 70 --

13 JUDGE BONOMY: Madam Mathe, you will have half an hour to find
14 it.

15 The Chamber has decided that this would be an appropriate place
16 to adjourn for half an hour. What we plan to do is continue the hearing
17 with a further one and a half hours from 12.00, and then to have a lunch
18 break for an hour at 1.30, and resume from 2.30 until 3.30.

19 So with that schedule in mind, we shall now adjourn until 12.00.

20 --- Recess taken at 11.31 a.m.

21 [The witness stands down]

22 [The witness takes the stand]

23 --- On resuming at 12.01 p.m.

24 JUDGE BONOMY: Maître Mathe, please continue.

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

1 I managed to find the exhibit I was looking for. It's the
2 evidence with the number R70 51007, P00228.

3 Q. Madam, you indicated -- this is evidence that could be shown on
4 screen, if possible. You indicated in writing the ICTR, because it was
5 of a nature that could allow to identify you, you mention the names of
6 the people who provided you the information and who protected you within
7 the military institution. And you see the name of Colonel Nsabimana
8 Deogratias, retired chief of staff of the Rwandan army. Can you tell us
9 whether you had any contact with him, whether he provided any kind of
10 information, and when?

11 THE INTERPRETER: The witness' microphone is not on.

12 A. Colonel Deogratias Nsabimana was a big protector for me. I
13 wouldn't say that he provided any information to me, but he was informed
14 of anything about me and he used to give me advice, the roads I should
15 not take. And Colonel Nsabimana was once in a meeting in which he
16 threatened the minister of defence at the time whose name was something
17 like Isman. And he said I was someone he protected, and whoever wanted
18 to harm me would have to go over his dead body. Colonel Nsabimana was a
19 military man who was called Kasta, and just for people to know that he
20 protected me was sufficient.

21 MS. MATHE: [Interpretation]

22 Q. You mentioned the fact that he probably told off the minister of
23 defence and that he signalled that you were his protégé. How did that
24 happen?

25 A. I was there.

1 Q. And where did that happen?

2 A. This took place at a reception held by the Ministry of Foreign
3 Affairs, Minister Gasana had organised to welcome Prudence Bushnell, who
4 was visiting Rwanda. All of those people were invited, and so was I.

5 Q. And when was that?

6 A. Sometime in 1993, in any event. Or at the beginning of 1994.

7 Q. And what happened to Colonel Nsabimana?

8 A. He died.

9 Q. How?

10 A. In the airplane of President Habyarimana.

11 THE INTERPRETER: The interpreter did not understand the name.
12 Can the counsel please repeat the name.

13 MS. MATHE: [Interpretation]

14 Q. What information did you receive?

15 A. Colonel Rwagafilita was the colonel of the national gendarmerie,
16 and their intelligence services would protect me. They would listen to
17 the services of the army, and they had information, ones over the others.
18 And he insured he would protected me -- he'd protect me. He named
19 another colonel who was supposed to ask me every day how I was and who
20 was supposed to report to the colonel how I was.

21 Q. And who was this colonel, Colonel Rwagafilita?

22 A. The one who protected me? I can't mention him been because he's
23 still alive.

24 Q. And when would that happen? Would he come to your house?

25 A. In my office.

1 Q. In your office. So this colonel of the gendarmerie would come
2 daily to your office to ensure your protection?

3 A. Yes, even three times a day. Whenever there were movements or
4 violence or it was a bit chaotic, because my office was close to the
5 roundabout, he would drop down three times a day.

6 JUDGE BONOMY: Can I just interrupt briefly. The interpreter
7 raised a question about not hearing a name. Has that been resolved?

8 THE INTERPRETER: That was the colonel's name.

9 JUDGE BONOMY: All right. It was the colonel's name you were
10 looking for. Okay. Thank you.

11 Please continue.

12 MS. MATHE: [Interpretation]

13 Q. What happened to Colonel Rwagafilita?

14 A. He died.

15 Q. When?

16 A. No idea. He died of illness in exile.

17 Q. After 1994?

18 A. Yes.

19 Q. Were both Colonel Nsabimana and Colonel Rwagafilita personal
20 acquaintances of yours or friends of your husband?

21 A. These were personal acquaintances because they were friends of
22 our family. We invited each other over for meals until my husband was
23 dismissed from the army because he didn't agree with their policy.

24 Q. When you mention your family, that's your family with your
25 husband, not your family of origin?

1 A. Yes, that's the family with my husband, not my original family.

2 Q. Can you please say, madam, who your husband was?

3 A. My husband was called Illdephonse Nzabarirwa. He was a graduate
4 of the French academy, French military academy, and he was a major in the
5 Rwandan army. He was in charge of logistics.

6 Q. When did he leave the army?

7 A. In 1987.

8 Q. Why?

9 A. Because he did not agree with the army's policy of exclusion.
10 Some were pushed up the ranks, and others were left by the wayside.
11 Anyway, he didn't agree and he rebelled.

12 Q. You're not talking about the policy of the army vis-à-vis the
13 population; you're talking about the internal policy?

14 A. Yes, the internal policy of the army between the different
15 military from different regions.

16 Q. Where was he originally from?

17 A. From Gisenyi.

18 Q. In this respect, was he considered as one who was favoured or
19 not?

20 A. Favoured.

21 Q. And in spite of that, he did not agree with the internal policy
22 that he benefitted from? Is that what we need to understand?

23 A. Yes.

24 Q. What did he do when he left the army?

25 A. He worked in different private companies like Sulfo, and I think

1 he also worked briefly in one specific project for the HCR, the
2 International Red Cross.

3 Q. In 1993 and 1994, you were already separated from that man?

4 A. Yes.

5 Q. And this man was excluded from the army. And, however, you were
6 still under the protection of Colonels Rwagafilita and Nsabimana?

7 A. Yes, because we had remained friends.

8 Q. You remained friends?

9 A. Yes, and with the father of my children, also he was a friend of
10 these two colonels.

11 THE INTERPRETER: Correction of the interpreter: It's not the
12 International Red Cross. It's the [indiscernible] réfugiés.

13 A. The colonels were those who led the army. They didn't always
14 agree with what had been decided, and that's why they protected me.

15 THE INTERPRETER: The counsel's microphone is not on. The
16 counsel's microphone is not on.

17 MS. MATHE: [Interpretation]

18 Q. I will repeat my question, because my microphone was off. The
19 chief of staff of the gendarmerie and the chief of staff of the army
20 weren't those who were commanding the army?

21 A. They were the ones who officially commanded. But inside the
22 army, there were subgroups, little subgroups that were used by Akazu and
23 which did not obey the orders of the leaders, but they obeyed, well, the
24 orders of this hidden power that couldn't really be located.

25 Q. This brings me to another subject matter in this

1 cross-examination, madam. On April 7th, you already reminded us of how
2 you were attacked at your home. When did you finally leave your home?

3 A. On April 2nd, my house was invaded by militiamen, because I had
4 hid -- I was hiding in the suspended ceiling of my home, and I heard them
5 talking. My servants really protected me. I had four of them. They
6 said that I wasn't in the house, that I was abroad, and that because I
7 travelled a lot this could actually happen.

8 But when I heard the militiamen saying what they had in store for
9 me in terms of treatment, i.e., rape, I figured out that my servants
10 would end up being tired of this and would hand me over to them. And
11 because I was in the suspended ceiling and that I was looking at what was
12 happening around, I saw a company of the presidential guard arriving, and
13 they were really located on the corner of my plot. And when I looked at
14 them, I saw that these were young men with red eyes, and I thought that
15 these young men are not going to recognise me.

16 So I got down from the suspended ceiling, and I put together an
17 album with photographs of high level officials, the president of the
18 republic, the chief of staff, and I went to show the young men. I said,
19 "Look, I'm the wife of an officer. I'm in trouble here. Can you
20 possibly accompany me into town?" And that's how I left my home.

21 Q. And how did you leave the country?

22 A. I left the country with a plane of NATO from Canada that was made
23 available to the embassy of Belgium.

24 Q. Were your children able to leave the country?

25 A. My children -- what saved us when all of this broke out, they

1 were on holiday in the south of the country with my parents where they
2 had stayed for three months, and I managed to get them out on July 11th
3 through the intervention of the president of Burundi, who was a friend.

4 Q. And where was their father at the time?

5 A. He had died. He died in 1993.

6 Q. Has his death --

7 THE INTERPRETER: Correction of the interpreter:

8 MS. MATHE: [Interpretation]

9 Q. Is his death related to the events in the country?

10 A. He died, but some people say he was poisoned by Akazu because he
11 was being recruited by the Patriotic Front. But these are rumours that
12 have not been verified.

13 Q. How did your children manage to leave the country?

14 A. They stayed at my parents home, because they first stayed with my
15 sister, and my sister brought them to my parents, because my father was
16 much stronger to protect us. The president of the Republic of Burundi
17 sent a delegation to Rwanda to get them out of there, and this against
18 the passing of the self-proclaimed government.

19 The self-proclaimed government to get out would go through
20 Burundi. There were no planes flying into Rwanda. So the president of
21 Burundi said that his government would have to leave him -- bring the
22 children out. Otherwise, they would close the border. So they let my
23 children leave the country with the delegation set up by the president,
24 and they could join me in Canada.

25 Q. Did you return to your country after that?

1 A. Yes.

2 Q. When?

3 A. In August.

4 Q. In August 1994?

5 A. Yes.

6 Q. And after that?

7 A. Well, after that, I carried on working as an activist, pointing
8 out enunciation. And I drafted a report that was published in September
9 of 1994 on human rights violations perpetrated by the Patriotic Front,
10 and I carried out defending the ideas and circulating them as I had
11 always done, until 1998 when there was a big banquet held by Human Rights
12 Watch when I quit this environment because I thought it was just
13 dishonest to provide hearsay information. As I was no longer in the
14 field, I had nothing left to say really.

15 Q. You are talking about the fact that you left the human rights
16 environment, but I was talking about your country. When did you leave
17 Rwanda?

18 A. I arrived in Rwanda at the end of August, and then I returned --

19 Q. No, I am talking about your installation abroad and when you came
20 back to the country.

21 A. Oh, I see. I understand.

22 Q. I'm not asking about the details of your trips. I'm asking about
23 whether you left the country or not.

24 A. Yes, I left Rwanda definitively in April, on 12 April. Then I
25 returned just for a few days, and then I came back to live in Rwanda in

1 December of 1996. And I left Rwanda again for good in February -- hang
2 on. I arrived in December. I left in August 1997.

3 Q. You mentioned the report you had drafted on human rights
4 violations perpetrated by the Rwandan Patriotic Front. How was this
5 report received? Did this generate problems, criticisms, difficulties?

6 A. Well, more than criticisms and difficulties. I was threatened
7 many times. I was threatened many times. But as I said, very honestly,
8 very sincerely, as long as my conscience was clear, I do not fear
9 anybody. Anybody.

10 Q. Who threatened you?

11 A. Those who could. Those who could. The security services, some
12 members of the Rwandan Patriotic Front.

13 Q. Did you receive any criticism from your former friends or your
14 former companions in the field of human rights?

15 A. Yes.

16 Q. Who?

17 A. Joseph Matata criticised me a lot because he - he - was still in
18 Rwanda. So he wasn't happy with the report that I had drafted that
19 pointed out the violations of the Patriotic Front. He said they were the
20 ones who were going to foot the bill, since I lived in Canada.

21 Q. You mentioned on page 61 to 63 in your declaration of May 15th,
22 in the French version, you mentioned the criticism that François Xavier
23 Nsanzuwera made.

24 A. Yes. We were in same office with Matata and Nsanzuwera.

25 Q. And you were criticised by François Xavier Nsanzuwera for what?

1 A. Well, for this specifically, because, in fact, they had become
2 more fragile. And being criticised as they had been by me was
3 jeopardising them because they were still there on occasion.

4 Q. What kind of danger were they exposed to?

5 A. Well, of disappearing, like many other people who did the same
6 kind of work, or being imprisoned, or they were -- I mean, there were
7 many. There were all sorts of potential dangers. I cannot really
8 specify what. It all depended on who threatened them and how they wanted
9 to carry out their threat.

10 Q. So I understand from what you're saying, and I stand to be
11 corrected, they could be in danger of disappearing or being executed; is
12 that correct?

13 A. Yes, this was part of the risks.

14 Q. And did that actually happen?

15 A. To my knowledge, not directly or not directly to the people I
16 know personally, but there were people who disappeared, like Major Cyiza.
17 We don't know what happened to him. He just disappeared. And he was
18 somebody who stood for his ideas, who positioned himself, but he was not
19 part of the human rights movement.

20 Q. And can you specify what the responsibilities of Major Cyiza was?

21 A. I can't remember.

22 Q. Was he the president of the Supreme Court?

23 A. He had studied law and he was a magistrate, but I don't know
24 exactly what his responsibilities were.

25 Q. You talked about a risk of imprisonment. Did that actually

1 happen?

2 A. Possibly. I don't remember the details.

3 Q. And if people were imprisoned, what was it for? I mean, in order
4 to imprison someone, you need to have a count, an accusation.

5 A. Well, you know, quite sincerely, given the circumstances, the law
6 was not that important. I mean, the law was personified by the person
7 carrying out things. I mean, personally I was interrogated for eight
8 hours in a row, and there was no reason for that. No reason for my being
9 interrogated.

10 Q. You were questioned on eight hours on something, madam?

11 A. Well, yes, you always can find a good reason for interrogating
12 someone: Who did you speak to, where you were, what did they tell you,
13 et cetera.

14 Q. Do you know about any persecutions for counts of genocide?

15 A. I don't understand the question. What do you mean?

16 Q. Well, were there any reprisals against people who had been
17 threatened?

18 A. I have no specifications to give on this point.

19 Q. And you also indicated, this is on the same references of your
20 declaration at the ICTR, that you had been criticised by an international
21 organisation for the position you had held on persecutions against a
22 person who was a Hutu person. Can you give us more details, if you do
23 remember?

24 A. It is African Rights. African Rights is an association which had
25 been founded in London and of which many people said that it had been

1 founded by the Patriotic Front. And it seemed very much like it because
2 there were no references, there were no documents. These were only
3 declarations, and declarations that you could feel very well were guided
4 by someone else. And Africa Rights didn't last for very long. A few
5 months later, they disappeared.

6 Q. Who disappeared? African Rights?

7 A. Yes, African Rights.

8 Q. But I was asking you about details on a particular case you had
9 notice and upon which you had been criticised?

10 A. I don't really remember. I was criticised about many things. I
11 mean, I was even threatened to death.

12 Q. Who exactly?

13 A. Rakiya from African Rights.

14 Q. The director of African Rights, is that the person the one you
15 are referring to?

16 A. Yes.

17 Q. And she threatened you to death?

18 A. Yes.

19 Q. And when was that?

20 A. There was a friend who knew her and who had called her in front
21 of me, and I wanted to talk to her, and I wanted to talk to Rakiya and
22 tell her what she was doing was not exactly justified for somebody of her
23 calibre. And she refused to speak to me on the phone. She told my
24 friend to tell me to be careful, because the next time I would get angry,
25 it was sure I was going to die.

1 Q. And did you take this threat seriously?

2 A. No.

3 Q. And was this about an important case, I mean, the case in which
4 you were defending the innocence of somebody who was prosecuted? What
5 kind of case was this?

6 A. I don't remember. I don't really remember what exactly it was
7 about.

8 Q. Fine. You gave us many elements of information, and very
9 precious elements of information on your itinerary and the way you
10 benefitted from the protection of high-ranking officials of the Patriotic
11 Front, and you also gave us elements of information on the contacts you
12 might -- or you had in civil society, namely, with recruiting agents of
13 the FPR. Did the ones know about your contacts with the others? For
14 example, did the recruiters of the Rwandan Patriotic Front know that you
15 had daily contacts with high-ranking officials in the army?

16 A. Yes.

17 Q. Yes?

18 A. Yes, it wasn't simple in Rwanda. I mean, everybody could be here
19 or there according to who they were with. Everybody was familiar with my
20 military past and my contacts with the military. However, all of those
21 who were imprisoned for being accomplices of the Patriotic Front, I was
22 the one defending them. I got them out of prison, and I wouldn't have
23 done so if I hadn't had the contacts I had in the Rwandan army. I
24 couldn't have done so.

25 Q. So you had contacts with recruiters. One at least or several?

1 A. One.

2 Q. And was this person, this recruiter, a military? Was he part of
3 the armed forces, or was he a civilian in contact with the civilian
4 population?

5 A. He was a civilian who had remained very bitter, because when he
6 was in school he was very brilliant and he was never able to go to
7 college because of the fact he was a Tutsi and that his parents were poor
8 and couldn't pay for his studies. So he was bitter, so he invested
9 himself fully in the Rwandan Patriotic Front to free the country,
10 quote/unquote, and maybe have his chance.

11 Q. When you say, madam, "free the country," you are signaling
12 quote/unquote with your hands; is that correct?

13 A. Yes, that is correct.

14 Q. How did you meet that man?

15 A. He was the one who came for me.

16 Q. To do what?

17 A. Because there was a case of one particular person who was
18 imprisoned supposedly for recruiting, recruiting youth for the Patriotic
19 Front, and he swore on his knees that aside from being a personal friend,
20 he would not do that. So I tried to find a lawyer to defend this man and
21 follow him methodically. There were lawyers who were pretty good to
22 defend those people, and we ended up getting this man out of trouble.

23 Q. And when was this, madam?

24 A. This was probably after -- well, when men were imprisoned from
25 the stadium, that was sometime around 1991, towards the end.

1 Q. So you're saying that towards the end of 1991, there were
2 civilians being recruited?

3 A. No, not from civil society. Not from civil society. We are
4 talking about organisations of a civil society. I'm saying that among
5 civilians. Among civilians, among regular citizens, there were
6 recruiters of the Rwandan Patriotic Front.

7 Q. And how would they go about it?

8 A. Well, how could I know? I mean, how could I possibly know.

9 Q. And they did not give you any information about that?

10 A. They would have given me the information if I had requested it.

11 Q. And you did not ask?

12 A. No.

13 Q. Did he have direct contracts with the FPR officers?

14 A. I don't know, because otherwise why would he send us the
15 children?

16 Q. Was he paid?

17 A. I have no idea. I have no idea, but I know that he was bitter
18 because he had spoken to me about it. So I don't know whether he was
19 feeding his bitterness by being involved - I'm not sure - because he
20 wasn't in need. He had a small garage and he had a comfortable life. He
21 made a comfortable living.

22 Q. Did he know that you had contacts with high-ranking officials?

23 A. Yes.

24 Q. Why did you trust him?

25 A. Because I was an activist and I was impartial. That was my

1 reputation.

2 Q. And high-ranking officials knew that you met with these people?

3 A. Yes, absolutely. They knew it.

4 Q. And nobody was afraid that you would convey information?

5 A. All of them were reassured to see that there was a means of
6 communication with somebody. Being who they were remained impartial.

7 Q. I have concluded. And I would like to thank you, madam. Thank
8 you for being specific and thank you for being transparent in your
9 answers.

10 MS. MATHE: [Interpretation] I would now like to be admitted into
11 the file R70/7022 -- 70240/71005 and 51007.

12 JUDGE BONOMY: Mr. Registrar, do these already have exhibit
13 numbers?

14 THE REGISTRAR: I will check and revert to the Chamber, Your
15 Honours. I can't find these numbers in e-court at this moment.

16 JUDGE BONOMY: Ms. Harbour, is there any problem with us
17 admitting these?

18 MS. HARBOUR: Could I ask what these documents are? Perhaps I've
19 missed it. Were they used with the witness?

20 MS. MATHE: [Interpretation] These are documents from the hearing
21 of the list of the military protectors. It's handwritten. And there's
22 also a handwritten list of her travels and other events.

23 MS. HARBOUR: Yes, I believe those would have been admitted
24 already as part of the associated exhibits. So I see that Rule 70 51007
25 is on the list. I'm being told that these are Exhibits P226 and P228.

1 THE REGISTRAR: And, Your Honours, 70240 is Exhibit P224. That's
2 the transcript of the prior testimony. So, in effect, all three
3 documents that have been proposed for admission are already in evidence.
4 Thank you.

5 JUDGE BONOMO: So no problem there. That's fine.

6 You have concluded?

7 MS. MATHE: [Interpretation] Yes, thank you, Mr. Chair. I'm
8 afraid that what you just said might have escaped me. Thank you. I have
9 concluded.

10 JUDGE BONOMO: Thank you.

11 Can I ask you two matters.

12 Further Questioned by the Court:

13 JUDGE BONOMO: The Trial Chamber in the Nahimana trial asked you
14 to send your passport from home to the court, and there was some
15 discussion of that in your evidence, and it became clear that it was
16 never sent. Can you now undertake to send it to the Court, please?

17 A. Yes. I'm going to look for it. I will be in Rwanda next year,
18 in February or in March. So I've put all my old documents over there. I
19 live in Canada most of the year, but I do live in Rwanda three months a
20 year. So when I'm in Rwanda next, I will look for these documents. But
21 if somebody could just send me a quick reminder, that would be highly
22 appreciated, because I have so much going on that I might forget.

23 JUDGE BONOMO: Well, that will be done. I can't promise that
24 we'll be here in February of next year, but it's distinctly possible.

25 There is one other --

1 THE WITNESS: [Interpretation] Okay.

2 JUDGE BONOMY: -- matter that I want to ask you about. You were
3 talking about the members of the armed forces who had your interests at
4 heart, who tried to protect you. And you distinguished two groups from
5 the armed forces. There were those you described as the regular
6 commanders, and there were those you described as connected with the
7 Akazu who had power. Which group was it that provided protection for
8 you?

9 A. It was the official commander, you know, Simbikangwa.
10 Simbikangwa was a small captain, but he was a terror. He didn't even
11 obey the colonel who was the chief of staff, but the colonel had other
12 means of looking out for me. They were not in the same team, but they
13 kept an eye on each other, on who wanted to kill whom.

14 JUDGE BONOMY: Thank you.

15 Ms. Harbour, you have some re-examination?

16 MS. HARBOUR: May I have one moment to confer, Your Honours.

17 [Prosecution counsel confer]

18 MS. HARBOUR: Just a few small questions, Your Honours.

19 Re-examination by Ms. Harbour:

20 Q. You were asked a question about Charles Nzabagerageza. Are you
21 able to understand who I am speaking about?

22 A. Yes, I do. He was another official of Akazu, and he also
23 belonged to a group. I don't remember correctly. But it was, yes, he
24 was part of the Akazu actions at the time.

25 Q. Do you know if he had a familial relationship to anyone in power

1 at the time?

2 A. It's possible, but I don't recall this specifically. I think
3 that maybe he was connected to the president's family through marriage.

4 Q. Another thing you said. At some point you were asked a question
5 about the timing of when you were listening to RTLM and whether -- when
6 you began the three weeks that you mentioned where you were listening to
7 programmes that were not yet incendiary. And you stated at transcript
8 page 29 today that you can't really be precise at this particular point.

9 Now, the testimony that you provided in the Nahimana case was
10 only seven years after the events. Did you testify truthfully when you
11 were providing detailed evidence during that case?

12 A. Yes, yes. It's not in my interest to lie in front of this Court,
13 because what is done is done. And it can be double-checked. As you
14 said, yes, at that time, it was seven years after the events, and now 28
15 years have gone by, so maybe some things in my mind have changed and
16 maybe I'm not as precise about certain things. But what I've said is the
17 truth.

18 Well, you know about the radio, the RTLM radio, sometimes I used
19 to get calls from friends saying, "Listen to this. Switch on your radio
20 and listen to this or that programme." So I would switch it on and then
21 I would stop. It wasn't a radio station where we learned something
22 interesting or something new, no.

23 Q. These are all the questions that I have for you,
24 Ms. Mujawamariya.

25 MS. HARBOUR: Thank you very much, Your Honours.

1 JUDGE BONOMY: Ms. Mujawamariya, that completes your evidence
2 before this Trial Chamber. Thank you for coming here to give it. The
3 Court appreciates how difficult it is in any case to give evidence, and
4 particularly in cases where such distress is involved. So thank you for
5 that. You are now free to leave the courtroom.

6 THE WITNESS: [Interpretation] Thank you very much.

7 [The witness withdrew]

8 JUDGE BONOMY: Now, Maître Altit, the next witness is
9 Monsieur Dupaquier. The indications given to you were that that evidence
10 would be tomorrow. We now have time when we could start the evidence.
11 The question for you is whether you're in a position to accommodate that.

12 MR. ALTIT: [No interpretation].

13 JUDGE BONOMY: I have no interpretation at the moment.

14 THE INTERPRETER: The interpreter apologises, because her
15 microphone was off. Could you ask Mr. Altit to repeat, please.

16 JUDGE BONOMY: Could you please repeat that explanation.

17 MR. ALTIT: [Interpretation] Yes, of course, Mr. President.

18 As I was saying, after having conferred with Ms. Mathe, who is
19 going to do the cross-examination, I think that it would be advisable to
20 stick to the original schedule so that the cross-examination can take
21 place quickly and as smoothly as possible tomorrow. It will be a bit
22 difficult for us to start today without having everything ready, without
23 being able to follow the rationale that we had planned to follow.

24 I hope I've been clear.

25 JUDGE BONOMY: Thank you, Maître Altit.

1 Ms. Harbour, is Mr. Dupaquier your witness?

2 MS. HARBOUR: No, Your Honour. I will turn the floor over to my
3 colleague, Mr. Elderkin.

4 JUDGE BONOMY: Thank you.

5 Mr. Elderkin, I have tried mindfully to cope with the expert
6 report, but it doesn't really make very simple reading. Are you
7 intending to do anything that might encapsulate its main tenets in a few
8 paragraphs, or are you simply tendering the report and leaving it to
9 Maître Mathe to cross-examine?

10 MR. ELDERKIN: I'm sensing Your Honour's preference, and I'm
11 afraid the answer is the latter. One thing that the Prosecution intends
12 to do, but this would be in due course, subject to the admission of the
13 general body of RTLM material, would be to put together an analysis chart
14 simply as our work product to allow cross-referencing to exhibit numbers
15 to the material that is cited in the report.

16 I believe that may go a considerable way to assisting the
17 Chamber. But since that's OTP work, and we only want to undertake that
18 when we have the material admitted into evidence, it wasn't something
19 that I would do with Mr. Dupaquier. So the plan is simply to seek
20 admission of the report and then turn over the floor, Your Honour.

21 JUDGE BONOMY: It will greatly assist the Trial Chamber to
22 cross-reference the presumably recordings or transcripts of things that
23 were said to the sources of evidence and, indeed, to the presentation of
24 evidence in the trial. At some stage, it's going to be necessary for the
25 Trial Chamber to consider the entirety of the broadcast material to try

1 to understand its potential impact and to make determinations about the
2 effect of it.

3 And I'm delighted to hear that you have the exercise you've
4 described underway. There may be other ways in which you can assist the
5 Chamber in relation to the broadcast material. I'm sure you'll give
6 active thought to any others that might, well, compile, I suppose is the
7 best description, the broadcasts in a format that will enable us to try
8 to evaluate their overall impact.

9 MR. ELDERKIN: Your Honour, that need to help make sense of the
10 material is well understood. I would refer -- based on Your Honours'
11 expertise at the ICTY, perhaps you would have come across these
12 collections of radio intercepts, and I certainly saw a lot of work was
13 put into providing compilations, also corroboration materials associated
14 with those kinds of items. And the view that I have with the RTLM
15 broadcast collection would be to undertake a similar approach, to do our
16 best to help the collection make sense and then hopefully allow Your
17 Honours a fulsome evaluation of that material.

18 JUDGE BONOMO: Well, that is reassuring. And one other thing I
19 think I would like to ask is that you try to sense from the way in which
20 the Chamber participates in the cross-examination or asks at the end of
21 the cross-examination for clarification of things. If you follow that
22 carefully, and see what further assistance in re-examination you may be
23 able to provide.

24 Your grasp at this point in time of all that's in that report is
25 likely to be better, and certainly better informed than that of the

1 Chamber at this point.

2 MR. ELDERKIN: It's the intention that the Chamber be fully
3 informed by the end of the process, indeed.

4 JUDGE BONOMOY: Thank you.

5 [Trial Chamber confers]

6 JUDGE BONOMOY: What we shall do is adjourn now until tomorrow
7 when, as I understand it, the report will be presented and then the
8 cross-examination will proceed. There's every possibility that the
9 sitting schedule will be the same tomorrow as was proposed today. And if
10 that is the case, then it would be helpful if the Prosecution could have
11 the following witness on call, not with a view to completing both
12 witnesses in one day but perhaps taking advantage of any residual time
13 that there is at the end of tomorrow.

14 So we shall arise now and sit again at 10.00 tomorrow.

15 --- Whereupon the hearing adjourned at 12.53 p.m.

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