

1 Wednesday, 19 October 2022

2 [Open session]

3 [The accused not present]

4 [The witness entered court]

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

6 JUDGE BONOMY: Good morning, everyone.

7 Mr. Kabuga has again decided not to attend today's hearing, and
8 we shall, therefore, continue in his absence.

9 I extend a welcome to Monsieur Dupaquier, today's witness. First
10 of all, I need to ask you to stand, please, and to make the solemn
11 declaration.

12 THE WITNESS: [Interpretation] I solemnly declare that I will say
13 the truth, all the truth, and only the truth.

14 WITNESS: JEAN-FRANÇOIS DUPAQUIER

15 [Witness testified through interpretation]

16 JUDGE BONOMY: Thank you. Please be seated.

17 Mr. Elderkin.

18 MR. ELDERKIN: Good morning, Your Honours. As indicated
19 yesterday, I do not intend to conduct any examination-in-chief of
20 Monsieur Dupaquier, but I would request at this point his expert report
21 that was disclosed, according to Rule 116, over a year ago be admitted
22 now. That is Rule 70 01018.

23 JUDGE BONOMY: Yes, that report will be admitted, Mr. Elderkin.

24 THE REGISTRAR: That will be Exhibit P508, Your Honours.

25 MR. ELDERKIN: And in record time, that concludes my activity for

1 now, and it's for the Defence to take over.

2 JUDGE BONOMY: Thank you.

3 Mr. Dupaquier, you will now be cross-examined by counsel for
4 Mr. Kabuga.

5 Maître Mathe.

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

7 Cross-examination by Ms. Mathe:

8 Q. [Interpretation] Good morning. My name is Francoise Mathe. I am
9 a lawyer, and I am part of the Defence counsel team for Mr. Kabuga. I
10 will be asking some questions. I will first try to ask questions
11 regarding your own experience, and then on the report itself.

12 Could you please tell me what studies you did at university?

13 A. I was a student of the political sciences school, Sciences Po, in
14 Paris, up until 1966, when I graduated, and then I did a PhD at the
15 Institute of International Politics. I also did the first two years of
16 law school, and I also have certificates in modern history and
17 demographics.

18 Q. The diplomas that you have obtained, could you tell me what are
19 the equivalents to the international system; and in particular, the
20 Anglo-Saxon? So by "licence" in French, do you mean bachelor's degree?
21 Do you have any diplomas that are higher than a bachelor's degree? You
22 talked about a PhD.

23 A. I started a PhD, but then I had to stop it because I had to do my
24 military service.

25 Q. So you have two bachelors degrees, one in literature and one in

1 political sciences. And you've also studied, doing two years in law; is
2 that right?

3 A. Yes, that's right.

4 Q. So during your studies, were there any particular subjects that
5 you wanted to have a specific expertise on and for which you have trained
6 and obtained specific skills?

7 A. Yes. During my studies in Sciences Po, I had a particular
8 interest for Stalin studies, and this is what allowed me to then start my
9 PhD on political sciences.

10 Q. And then you interrupted your PhD. So have you received a
11 specific training regarding research methodologies? Have you studied
12 research, scientific research methodologies in social sciences and
13 history?

14 A. Well, I have first learnt from my family, as my dad is an
15 international demographics expert. He's a member of the Political
16 Sciences Academy. And I also have a certificate in demographic studies.
17 But the IEPP training that I have received was research-based training.

18 Q. But you did not finish your course, did you, then?

19 A. No.

20 Q. The Prosecutor's Office has sent us a document regarding your
21 résumé. Is this a document that you have written yourself? Was it
22 requested, or did you give it on your own?

23 A. This was a document that was in my computer, and I've been using
24 it for several uses.

25 Q. When did you write this document?

1 A. Well, it has been updated on several occasions, especially
2 whenever I publish new books I keep updating it.

3 Q. In this résumé, you mention that your main position is
4 journalist. I have read through your résumé. In this document, we see
5 that you were a writer for L'Événement du Jeudi. Was it a weekly news
6 magazine; is that right?

7 A. Yes.

8 Q. When were you editor in chief of this magazine?

9 A. I believe that I started in 1988, and I stopped being the editor
10 in chief in 1993. And then I published some articles in this magazine
11 later on as an external contributor.

12 Q. This document shows that you were also the head of the magazine
13 "60 Millions de Consommateurs." Do you agree that this is a magazine
14 dedicated to defensive consumers?

15 A. Right.

16 Q. When were you the director of this magazine?

17 A. Between 1986 and 1988. That was before my previous position.

18 Q. You were also mentioning that you were editor in chief of the "Le
19 Quotidien de Paris." So is this a daily newspaper of general news?

20 A. Yes, that's right.

21 Q. When were you editor in chief of this newspaper?

22 A. I was hired in 1979 as a regular journalist in charge of covering
23 Parisian news. I left this position in 1985, and I became editor in
24 chief, and I stayed editor in chief for two years for this newspaper.

25 Q. This document states that you were the founder of "L'Écho de

1 Cergy-Pontoise." Can you give me some information regarding this
2 magazine?

3 A. So it was a weekly publication that I founded in 1993. In
4 "Cergy-Pointoise," I was not the head of this weekly publication. I was
5 just a representative of a press group, and I stayed until 1978 in that
6 position.

7 Q. You also mentioned that you were a journalist for L'Écho
8 d'Argenteuil." What was your position then? For how long did you stay
9 in that position, and what was the type of public for this publication?

10 A. L'Écho d'Argenteuil was one of the publications of the
11 publication group that I mentioned, and I was working there as a student
12 to make a living. And I started working there from 1967 and all the way
13 till when I started my military service in 1971.

14 Q. Are you a member of a scientific committee?

15 A. No.

16 Q. What are your current or recent activities that have not been
17 mentioned here?

18 A. I am a pensioner, but I write articles on a voluntary basis,
19 pro bono for Africa Arabia and other magazines, such as the 21
20 publication.

21 Q. Africa Arabia, 21, what kinds of publications are these?

22 A. So 21 is a quarterly publication addressing international news,
23 focusing on social aspects in particular and specific themes. Africa
24 Arabia is a specialised web site focusing on the Democratic Republic of
25 Congo and the Great Lakes regions.

1 Q. It is a web site which is aimed at a scientific audience or,
2 rather, greater public?

3 A. The web site is aimed at general audience. I believe most of the
4 readers are based in the Democratic Republic of Congo or in other
5 countries.

6 Q. Have you already been an expert in an international court?

7 A. I was an expert in the media trial in the Nahimana trial, Ngeze,
8 and Jean-Bosco Barayagwiza in Arusha. I took part in the expert report
9 that was admitted by the court on 15 December 2001.

10 MS. MATHE: [Interpretation] I would like to show on screen
11 Exhibit R70-K006, and in particular, as we have here the ruling, in
12 particular paragraph 53, because it is quite a large document.

13 JUDGE BONOMY: Is there an English version of this? Oh, yes,
14 it's there now. Please proceed.

15 MS. MATHE: [Interpretation]

16 Q. Can you please read paragraph 53.

17 A. Yes, ma'am.

18 Q. Can you find your name in the list where we mention the names of
19 the experts that were qualified and approved by the Chamber?

20 A. I was picked as an expert witness. The leader of the team was
21 Jean-Pierre Chrétien, and the four experts that were picked by the Court
22 were Jean-Pierre Chrétien, a history expert; Marcel Kabanda, historian;
23 Joseph Ngarambe, a trader, a victim of the genocide; and myself, a
24 journalist. But for specific purposes, it was decided that only two
25 members of this group would testify to the court, and these were

1 Jean-Pierre Chrétien and Marcel Kabanda, which was decisive and those
2 names are mentioned in this document here.

3 Q. So you did not appear in front of the court as an expert witness?

4 A. No.

5 Q. Do you know whether there is another status as of a witness
6 expert as the one determined by the jurisdiction?

7 A. So we were all welcome in Arusha. We were all provided with a
8 badge. I regret not having it here with me today, but it was mentioned
9 on the badge that I was an expert witness. And I did get paid as an
10 expert witness, just like any of the other witnesses.

11 Q. Let's mention now the issues related to methodology that you
12 apply and that you must implement when working as an expert witness. Can
13 you mention what are the standard research methods that apply to your
14 area and that would apply when presenting a report to an international
15 court? Are you aware of such standards, and how do you implement them?

16 A. Research and demonstration standards are quite clear to me.
17 They're based on tangible evidence, on authentic documents, and on what
18 we call in journalism the truth of the facts, as in researching factual
19 events that cannot be contested either because they cannot be contested
20 or because all the concerns have been raised by checking different
21 sources.

22 Q. So these are working methodical principles. What are the
23 principles that you believe you must be following in terms of
24 independence when carrying out a scientific expert work?

25 A. I consider that the expert is independent when he doesn't have to

1 deliver a truth that would be biased by pressures from an influential
2 person or a person in power or a person with influential -- with
3 financial influence. And I believe that these rules also apply to
4 journalism, to scientific investigation for cases such as this one.

5 Q. You just created a correlation between scientific investigation
6 and journalism, and you consider these principles are similar. Do you
7 believe that the requirement in terms of precisions are the same as well
8 when it comes to scientific investigation for an international court and
9 for a national court? Do you believe that the principles are the same?

10 A. Well, the first principle that I would like to highlight is the
11 principle of competence. I am here as a matter of -- I am here as a
12 journalist. I was myself an editor, editor in chief, and I also was a
13 director of a radio station, which I forgot to mention earlier on. So it
14 is a matter of qualification.

15 There's also the principle of skill development, the ability to
16 produce reports, reports written with different sources. In the media
17 trial, there was a great historian, Jean-Pierre Chrétien, internationally
18 renowned, speaking French, but speaking also Kirundi and Kinyarwanda.
19 There was Marcel Kabanda as well, a Franco-Rwandan historian, also well
20 known for his skills. There was also --

21 THE INTERPRETER: Another name that the interpreter did not get.

22 A. And myself as well. And I was here for my specific skills, so
23 when it comes to knowing how journalism works and how publications are
24 run and radio stations are run, which is why I believe we had the skill
25 set to provide the report then, and why we have the skills for the report

1 that I submitted now.

2 MS. MATHE: [Interpretation]

3 Q. I was asking about your specific skills regarding this specific
4 report that was admitted by the Prosecutor's Office. What are the
5 principles in terms of objectivity that you needed to take into account
6 when writing such a report?

7 A. Well, again, I'll have to repeat myself. We need to focus on the
8 truth of the facts, and I mentioned this earlier on, and we need to focus
9 on this particular point when writing a report.

10 Q. You say that your subjectivity and your personal opinions are not
11 what either originated or guided your work?

12 A. I'm going to give you a long-winded answer, but I apologise for
13 this. Journalism has to do with the truthfulness of facts and not the
14 influence of opinions or the emotions related to them. In the way I
15 answered, I hope this meets the expectations of the Trial Chamber.

16 And I would like to add that one cannot remain totally neutral
17 faced with a genocide. This is an idea I cannot accept it. It seems to
18 me practically impossible.

19 THE INTERPRETER: The counsel does not have her microphone on.

20 MS. MATHE: [Interpretation]

21 Q. I'm going to ask you questions on the methodology that presided
22 when you drafted your report. Do you consider that this type of work
23 needs to be based on bibliography and has to include one?

24 A. Indeed.

25 Q. Do you deem that, in the same way of looking at things, it is

1 advisable that this document should have an index?

2 A. Not necessarily, madam. How many indexes you have in any book,
3 whether they deal with the genocide in Rwanda or anything else, and in
4 this respect this is a report and not a book. And footnotes --

5 THE INTERPRETER: As the witness says in English.

6 A. -- are an essential element to send back to either passages in
7 the document or the book that deal with the passage involved.

8 MS. MATHE: [Interpretation]

9 Q. Sir, how do you identify your sources? How do you proceed to
10 identify them?

11 A. It seems to me, first of all, indispensable to have a vision that
12 I would say panoramic of the genocide; i.e., to understand what it's all
13 about. Well, it's a bit vague as an answer, I understand, but it seems
14 to me that one has to start with an in-depth knowledge of the genocide
15 through interviews, meetings, readings, any other documents that one
16 might have discovered, et cetera.

17 Q. How do you check the credibility and the authenticity of your
18 documents?

19 A. There are rules. And when one does not have a written source - I
20 am talking about rules that apply to journalism - one needs to have three
21 witnesses who give almost the same answer. That means that their answers
22 are consistent. This is a basic rule that is not always applicable;
23 namely, in the case of the genocide.

24 People who accept to speak out and know about it are not
25 necessarily very inclined to tell the truth. So sometimes we do not have

1 three witnesses who say exactly the same thing. That is to give a
2 specific answer to your question.

3 Q. How do you consider the sources that might be constituted as NGO
4 reports? Do you consider them to be a source of information?

5 A. This is a very complex question, madam, because the emotions that
6 you mentioned earlier on are not always separate from any action led by
7 NGOs, and this, when you're dealing with a genocide, there might be many
8 opinions and feelings and passions involved, sometimes unfounded
9 feelings. So I don't think that NGOs might be an undisputed source of
10 information.

11 MS. MATHE: [Interpretation] I wish that we show Exhibit R70-K002
12 up on the screen, which is a video transcript.

13 [Video-clip played]

14 MS. MATHE: [Interpretation]

15 Q. You have just watched the video. Did you recognise the people in
16 the scene?

17 A. Well, I did not see the video, because it didn't show up on my
18 screen, but I heard the soundtrack. And it doesn't matter, because I
19 know perfectly the sequence which is in a Netflix documentary called "The
20 Most Wanted Fugitives," and I was interviewed on this particular episode,
21 which was "The Hope I had to Arrest Felicien Kabuga" in the cemetery the
22 Valdoise region 15k away from Paris.

23 MS. MATHE: [Interpretation] I wish this evidence to be admitted
24 and with a number which will allow it to be identified in the
25 proceedings.

1 JUDGE BONOMY: Can you tell me the date when that was filmed?

2 MS. MATHE: [Interpretation] This document is included in a
3 documentary which was available on Netflix. To my knowledge, it dates --
4 it can be dated, because the date of the video itself is not shown in the
5 documentary, but we could date it back to the date at which Dr. Eugène
6 Rwamucyo was arrested.

7 Q. Maybe the witness can tell us, but I think it was five -- four or
8 five years ago. Maybe the witness might be able to give me the exact
9 date on which Dr. Eugène Rwamucyo was arrested.

10 A. Indeed, madam, it was in 2010, so it was 12 years ago already.
11 And if you allow me to look back in my archives, I can give you the exact
12 date. This is a scene that was reported on by my fellow journalist
13 Catherine Simon in the daily Le Monde, and it was published in the daily
14 Le Monde two days after.

15 Q. When you were contacted by the Prosecutor's Office in the Kabuga
16 case --

17 JUDGE BONOMY: Maître Mathe, we have to deal with the admission.
18 I have an answer to my question, so just give us time to determine that,
19 first of all.

20 [Trial Chamber confers]

21 JUDGE BONOMY: This document will be admitted.

22 THE REGISTRAR: As Exhibit D1, Your Honours.

23 JUDGE BONOMY: Please continue, Maître Mathe.

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

25 Q. Did you inform the Prosecutor's Office about this event, your

1 participation in it, when you were contacted to draft an expert report in
2 the Kabuga case?

3 A. Yes, indeed.

4 Q. When were you contacted by the Prosecutor's Office?

5 A. It seems to me that it was in June of 2020. Excuse me, no,
6 June 2021. The Prosecutor had asked Jean-Pierre Chrétien whether he
7 would accept a draft report for the Kabuga case, and Jean-Pierre
8 Chrétien, who is quite old, declined the offer, and he indicated to the
9 Prosecutor's Office that they could ask me.

10 Q. Did you have any written instructions or oral requests? How were
11 you mandated?

12 A. I was very openly requested to draft a report on Felicien Kabuga
13 and the RTLM. There were no other specifications other than the fact
14 that this was meant to be about the media report that had been
15 communicated to the ICTR 20 years before.

16 Q. Did you know the other contributors to the report, the report
17 presented by Professor Chrétien to the trial chamber of ICTR before
18 contributing to this report and writing this collective report, as you
19 indicated?

20 A. Well, things were slightly more complicated than that. If you
21 wish me to give further detail on the agenda, it will take me a minute.

22 In September 1994, the secretary-general of Reporters sans
23 frontières, Robert Ménard, contacted me to go along with him to Rwanda to
24 draft a report on journalists who had been assassinated during the
25 genocide. And I suggested to Robert Ménard to bring along my friend,

1 Professor Chrétien, which actually occurred.

2 And during a week in September, precisely at the end of the month
3 of September 1994, we researched the situation of the press and we
4 completed a report that I did not bring along but which was quite a
5 lengthy one, an important one, on the impact of the genocide on the media
6 and the impact for the media on the genocide. And it all started there.

7 So after that, we associated Marcel Kabanda, who was a historian,
8 as I said, and Joseph Ngarambeba, and little by little, this gave rise to
9 the book "Rwanda, The Media and The Genocide" that was published in
10 November of 1995. And this was one of the first books summarising the
11 analysis of one aspect of the genocide and the preparation of the
12 genocide.

13 Q. One realises in reading the report that you worked on recordings,
14 recordings of RTLM broadcasts. How did you get hold of these recordings?
15 How did they get to you?

16 A. Well, this is also a complex matter, and you'll allow me to give
17 a longer answer.

18 When we got to Rwanda in September of 1994, the capitol was in a
19 completely chaotic situation. It had been looted and partly destroyed.
20 And we immediately searched for elements that were either extremist
21 dailies or newspapers, which we knew about, and recordings of RTLM, which
22 we started correlating.

23 I think that when we got back from Kigali in September of 1994,
24 we had 10 or so cassettes of RTLM broadcasts. And later on, those we
25 contacted associated themselves to our research, and with the

1 contribution of the investigative team of the RTPIR, we had a total of 60
2 (as interpreted) cassettes with broadcasts of RTLM and broadcasts of
3 Radio Rwanda.

4 After that, we had to sort them out, identify duplications of the
5 same broadcasts, but not necessarily the same extracts, and this took a
6 very long time but allowed us to identify 264 cassettes of the RTLM
7 broadcasts that were meaningful. That means we left aside any broadcasts
8 of music. I am talking about cassettes with elements of information,
9 information bulletins, political comments, et cetera.

10 Q. Materially speaking, you received these cassettes or cassette
11 tapes which you listed on a document. When I say "recorded," I don't
12 mean audio, in audio, but you recorded them on a document. How did you
13 set up a material database?

14 A. Well, at the time there were cassette tapes. What do I mean by
15 cassettes? I think we all remember what they look like here. These are
16 cassette tapes that are C60 or C90 which are recordable, and that one can
17 be duplicated or played on a radio sometimes with double entries, one for
18 the original tape and one for the copy to be made. This was very iffy,
19 of course, and the quality of the cassette tapes was not so good. We had
20 to draw cassette tapes that were roughly inaudible because they were not
21 digital recordings but analog recordings. These cassette tapes are very
22 fragile.

23 I cannot tell you what happened to every single one of these 264
24 cassette tapes, but many were found by the investigators of the
25 International Criminal Court. And I think this was no secret that the

1 CIA contributed 10 or so cassettes to the ICTR.

2 Q. So did you materially actually receive these cassettes? Who
3 received them?

4 A. They were centralised by Reporters sans frontières - in English,
5 Reporters Without Borders - for the freedom of the press, and they were
6 handed over to the ICTR, along with other cassettes. If I remember
7 correctly, because this was a long time ago, almost a quarter of a
8 century ago, Reporters sans frontières had managed to gather 70 cassettes
9 of the RTLM before they were handed over. And I remember the packet that
10 I personally gave to a transporter with about 70 to 75 cassettes in it
11 that were sent to Kigali, to the investigation bureau of the ICTR.

12 JUDGE BONOMO: Just one moment. I want to be clear about
13 something that seems unclear on the transcript.

14 This passage started with you referring to the contribution of
15 the investigative team of the RTPIR, and as a result, you had a total of
16 60 cassettes with broadcasts of RTLM and broadcasts of Radio Rwanda. You
17 then did a sorting-out process, and at the end of that, you seem to have
18 a lot more cassettes.

19 Now, can I be clear about just how many actual cassettes you had
20 and roughly how many broadcasts these related to?

21 THE WITNESS: [Interpretation] Well, you need to understand that
22 they were only all of them in Kinyarwanda. Apart from the Belgian George
23 Ruggiu, who spoke in French, every other cassette was in Kinyarwanda. So
24 identifying these cassettes meant that we needed Kinyarwanda-speaking
25 people.

1 Jean-Pierre Chrétien was perfectly capable of doing so, but there
2 was also the help of Marcel Kabanda, which was decisive. Even before we
3 were recruited by the ICTR, Arutsa [phoen], from Reporters sans
4 frontières, had considerable resources, and he was capable of identifying
5 RTLM's cassettes.

6 So when I said that Reporters sans frontières, RSF, sent a whole
7 packet of cassettes to Kigali after gathering them for two or three
8 years, we're talking about 70 to 75 cassettes of the RTLM that were
9 identified as such by Marcel Kabanda and Jean-Pierre Chrétien.

10 Was I clear?

11 JUDGE BONOMY: Well, not really. That didn't answer my question.
12 But the answer has been provided by one of my French-speaking colleagues,
13 who says that what you did actually say was that you found 760 cassettes,
14 not 60. And if that's right, then it's clear why the later numbers
15 emerge.

16 Now, is that an accurate reflection, Maître Mathe, of what you
17 recall being said?

18 One moment, I'm speaking to counsel.

19 MS. MATHE: [Interpretation] Did you mean did I say that there was
20 760 cassettes? I am not sure what your question is, Your Honour.

21 JUDGE BONOMY: No, my question is whether you recall that that is
22 what the witness said.

23 MS. MATHE: [Interpretation] At the outset, the witness spoke
24 about 760 cassettes gathered in all. Then he said 70 cassettes --

25 JUDGE BONOMY: You don't need to go further than that, because

1 the English transcript records that as 60, not 760. So I hope you can
2 understand my confusion, but it's now been resolved. Thank you. Please
3 continue with your questions.

4 MS. MATHE: [Interpretation]

5 Q. So at the outset you had 760 cassettes. I'm sorry, but at the
6 outset there were 760 cassettes in all, right?

7 A. No, not at the beginning but at the end, because everyone was
8 gathering cassettes, collecting cassettes in Kigali, in Europe, in
9 France, elsewhere as well. At the ICTR, there were about 700 to 760
10 cassettes representing recordings of the RTLM, recordings of
11 Radio Rwanda, but we didn't know if this was all on the cassettes. We
12 had to listen to them first, and that was a considerable amount of work.

13 Q. So how did you process all these cassettes? Who handed them
14 over? Who received them? Who collated them? Who transcribed these
15 cassettes? Because there are different stages; right? There are
16 different steps. So what were the different steps of the database?

17 A. I have a very vivid memory. Before my expertise report, we were
18 invited by the tribunal to come to Kigali to take stock of the work that
19 had already been done. It was on the request of Madam Carla del Ponte,
20 who was dissatisfied with the initial results of the team working on
21 media.

22 So we arrived in Kigali, I believe it was in 1998, to consult
23 with the team that was working on these cassettes. And we observed that
24 despite all the time that had gone by, and all the means that were used,
25 about 35 RTLM cassettes had been transcribed and translated, transcribed

1 in Kinyarwanda, the original language, and translated into French and
2 English.

3 When I say 35, I'm being optimistic, because some of these
4 cassettes - I'm not saying all of them, but at least three or four of
5 them - were transcribed twice without the people working on these
6 cassettes actually realising it. There were slight differences in the
7 sequences, so they started all over again. And it was a huge amount of
8 work. Because transcribing one cassette involves 50 hours of work. It's
9 a huge amount of work.

10 Unfortunately, this team had not established a list, a dated list
11 of cassettes or per theme, so we were overwhelmed with a huge amount of
12 documents that were impossible to use. And Jean-Pierre Chrétien and
13 Kabanda spent so much time listening to these cassettes all over again,
14 trying to identify the dates of the broadcasts and providing the tribunal
15 with software that finally enabled working in a rationale manner on these
16 cassettes, and by getting more resources so that more cassettes were
17 transcribed and translated quickly.

18 Q. So when you arrived and the cassettes were made available to you,
19 were they identified and recorded? Was there any kind of information
20 collated?

21 A. I just explained to you that this identification was done by
22 Jean-Pierre Chrétien and Marcel Kabanda.

23 Q. So when you arrived, there was no method; we can say that?

24 A. Yes.

25 Q. So is there any element of the cassette that helps us to identify

1 the source, that is to say, who gave the cassette to whom?

2 A. No, madam. No. There is no way of knowing where the cassette
3 came from. Sometimes it went from person to person.

4 Q. You said 70, if I'm not mistaken, 70 cassettes received by
5 Reporters Without Borders, Reporters sans frontières. So who gave you
6 these cassettes?

7 A. Well, ten of them were gathered by ourselves, Robert Ménard,
8 Jean-Pierre Chrétien, and myself. At the end of September 1994, we made
9 several trips to Rwanda, several missions to locate these cassettes, and
10 every time we went there we were able to collect a handful of cassettes.
11 And then other people appeared. I think Mr. Dahinden, who was the
12 representative of Reporters sans frontières in Switzerland, he also found
13 a lot of cassettes and he sent them through Robert Ménard and others.

14 Q. It's a very simple question. Reporters sans frontières, through
15 Robert Ménard and Mr. Dahinden, received these cassettes. You said they
16 found them, but who gave them these cassettes? How did they reach these
17 people?

18 A. Well, I just remember precisely what I saw myself. I saw
19 technicians of Radio Rwanda - there were not that many in September 1994
20 still being in Rwanda - and they handed over these initial cassettes, as
21 many of them were from RTLM and the rest were of Radio Rwanda. For the
22 rest, I don't know.

23 Q. So can we say that you had 750, 760 cassettes?

24 A. Yes, approximately.

25 Q. So the source is not specified. And then these cassettes were

1 processed using criteria that you are not indicating to us. Okay. I
2 understand that you removed the cassettes with music, with advertising,
3 et cetera, which is not significant, of course. But the rest, the rest
4 of the material, how was it recorded? And when I say "recorded," I mean
5 recorded in files. Administratively speaking, how were they listed? How
6 were they classified? How were they selected?

7 A. Well, I'm going to answer as a direct witness and based on what I
8 heard and what I saw, not about everything around these cassettes. What
9 I can say is that we were not mandated to investigate the traceability of
10 these cassettes, because I believe that is your question. We were there
11 to classify them, see what is important and then transcribe and translate
12 them.

13 As I said earlier, it took about 50 hours per cassette. It was a
14 huge amount of work which needed to be streamlined. We had other sources
15 of information coming from survivors and witnesses who had heard these
16 broadcasts. The authenticity of these cassettes was never a question for
17 us. These cassettes were not contested during Nahimana's trial. Nobody
18 said that these cassettes had been invented, so the traceability of these
19 cassettes, according to me, was not an issue.

20 Q. Why didn't the issue of authenticity never occur to you? Did you
21 just exclude the possibility they may not be so?

22 A. I think during the media trial, which was very long and very
23 detailed, neither Ferdinand Nahimana, neither Jean-Bosco Barayagwiza, or
24 their counsels ever contested the authenticity of the cassettes. So I'm
25 surprised that you're focusing today's discussion on this point.

1 Q. You spoke about streamlining because, as you said, it involved a
2 huge amount of work to transcribe and translate these cassettes. Did you
3 work, you, personally, on the Kinyarwanda texts?

4 A. Madam, I don't speak Kinyarwanda, unfortunately, so I let my
5 colleagues handle that part.

6 Q. So you streamlined so as to, quote/unquote, save time for
7 transcription and translation, because you said that for every cassette
8 it took 50 hours. So what were your criteria on excluding some documents
9 and keeping others?

10 A. The basic methodology was to date those cassettes, so give the
11 broadcast dates. It wasn't always possible. Sometimes we hesitated
12 between two dates. Sometimes on the same cassette there were two
13 different dates of broadcasts. Where you say that we were trying to save
14 time, well, it was mainly the tribunal that was doing so. But as I said,
15 if it takes 50 hours per cassette, we don't want all this work to be for
16 nothing.

17 So once we had dated the broadcasts, we started looking at the
18 themes of the broadcasts to be able to put them in different categories
19 and based on the genocide ideology, because RTLM was the pathway to
20 genocide, if I may say so.

21 Q. So at one point you did select according to relevance criteria?

22 A. Absolutely.

23 Q. So how did you decide on this relevancy criteria?

24 A. Well, as I said, based on the chronology, because everything was
25 in a certain chronology. I don't think we excluded any cassette that had

1 any propaganda content because we were not able to date it. Every
2 cassette given us to us was retained, and everything was transcribed and
3 translated.

4 But let me just correct what I just said earlier. You can
5 imagine that we are talking about 264 cassettes. 50 hours per cassette
6 required considerable human and other resources. However, not everything
7 was translated. Recently, I discovered in preparing my expertise, that
8 if all the cassettes had been transcribed and translated into French --
9 I'm not sure if all of them were translated into English. I don't know
10 why. Perhaps these translations were lost. But I believe that about
11 100-odd cassettes were translated in French but not in English, it seems
12 to me.

13 Q. You didn't answer my question on the selection criteria based on
14 relevance. I asked you what were the relevance criteria that you used
15 that allowed you to exclude some and retain others?

16 A. Madam, there were no relevancy criteria, because all the
17 cassettes were retained.

18 Q. I'm not sure I understood that answer.

19 A. I said that we had 264 cassettes from the RTL. After
20 identifying these cassettes, we were able to define, identify the voices
21 of the journalists of the RTL. They were easy to identify. And we were
22 able to identify what episode in time they were related to. And we
23 didn't have criteria to eliminate cassettes other than those that were of
24 no interest; that is to say, with no political content, that were just
25 music. Or inaudible cassettes, but that was rare.

1 JUDGE BONOMY: I think you did say that after you had dated them,
2 you then tried to arrange them according to themes. And I think that's
3 what's led to counsel's current questions. What were the relevant themes
4 that you identified?

5 THE WITNESS: [Interpretation] Your Honour, I did not express
6 myself very clearly. We did not classify the cassettes by themes but
7 their transcription. The cassettes were referenced by date, and I
8 believe that the tribunal still has the cassettes.

9 MS. MATHE: [Interpretation]

10 Q. So this theme classification, was this recorded in a table, and
11 was this table admitted as an exhibit? Is there a specific document that
12 allows us to really understand this classification per theme?

13 A. Well, this is exactly the topic mentioned in the report for the
14 media trial. It is a 500-page long report, and all of our comments
15 regarding the transcriptions are classified by theme, and you will find
16 them in the report.

17 Q. So we will find, then, the 250 cassettes that have been finally
18 selected and classified per theme?

19 A. Not exactly, because in some of the cassettes there is some music
20 sometimes, and we disregarded, of course, these music sections. But as
21 for the rest, all of it is included in our report. I believe that all of
22 it was retained.

23 Q. So you have a team that was in charge of transcriptions from
24 Kinyarwanda?

25 A. It was the team of the ICTR.

1 Q. Who then translated the transcriptions?

2 A. The translation was also carried out by the ICTR with sometimes
3 Marcel Kabanda's contribution or supervision, because a certain number of
4 verifications were made by our team as there were sometimes some
5 translation issues, which was absolutely expected considering the
6 quantity and the amount of work.

7 Q. So at the moment we don't have a table that shows -- that dressed
8 a list of all the cassettes?

9 A. No, absolutely. You will find such a table. It was dressed
10 up -- it was drawn up by Jean-Pierre Chrétien.

11 Q. So I now have a question regarding how you updated the report,
12 the original report, to draw up today's report. So what were the
13 elements that you used to update the initial report? Which sources?
14 Which elements in particular? When was the initial report admitted?

15 A. It was admitted on 15 December 2001.

16 Q. So that was 20 years ago. You were appointed on 20 August 2021,
17 so that was 20 years ago. What were the sources you used to update your
18 report?

19 A. When it comes to research on genocide, the longer the time there
20 is between the time of the research and the genocide, the more you learn
21 about the genocide, because you take some distance, you find a new
22 document. And there is a new research done on such genocide, and you
23 also get new statements from the different stakeholders and the
24 perpetrators.

25 So if you allow me some comments, and I will try to be brief.

1 The tribunal is using the term conspiracy to genocide. I, myself, have
2 more of a journalist point of view regarding this particular point. I
3 consider it to be the genocide mafia. To me, it is a criminal
4 organisation that is headed by a secret clan which aims at infiltrating
5 the administration and civil society for criminal purposes. So this is
6 one way to answer your question, and then I will explain myself.

7 This is not something that clearly appeared to the court
8 initially, and I talked about it with Ms. del Ponte back then in Arusha.
9 I said so Ms. del Ponte, "You became famous by dismantling the mafia
10 gangs in Switzerland by designing a software that would identify the
11 different stakeholders' responsibilities. Why didn't you do so with the
12 Rwandan genocide, considering that we also have a mafia here?"

13 And she said to me, "When I was appointed as prosecutor, it was
14 too late. We could no longer do it." And I believe that this is wrong.
15 This is false. And I believe that time has proven me right.

16 How do we fight against the mafia? Well, there are two methods:
17 Financial networks and repentant stakeholders. We need to take into
18 account the repentant statements. And, in fact, since the genocide, we
19 have had such statements, such as Joseph Rugando, Ephrem Nkezabera, all
20 the different members of the RTLM team and members of the Interahamwes
21 national committees as well. So we have such statements.

22 These statements are very clear, but we have received them after
23 we drew up our report on media. But these statements clearly identify
24 the different stakeholders' responsibilities and roles in the preparation
25 of the genocide. And I do apologise for being so long.

1 Q. You did not answer my question. I was asking what were the
2 documents and information and bibliography elements, testimonies that you
3 included into your reports. So what are the new elements that you
4 included in your report compared to the initial version of 2001?

5 A. I do believe that I answered your question, but I'll repeat
6 myself. So Joseph Rugando's and Ephrem Nkezabera's statements are new
7 elements that were very useful to my report. There is also Andrew
8 Wallis' "Stepp'd in Blood" book that was also very useful, and that
9 allowed to better understand Akazu's roles in the preparation of the
10 genocide, which I also mention in my report.

11 Q. So I am talking about new elements of any kind that are in this
12 report. So the two statements that you mentioned and also elements from
13 Andrew Wallis' book.

14 A. Well, that's not all of it, but I didn't want it to be too long.
15 But I also looked at all the letters, the presidential letters regarding
16 Felicien Kabuga's that also showed how Kabuga tried to get into the
17 presidential circle. And it's quite interesting to see how someone that
18 was not part of this circle until 1990 ended up having such an
19 influential role in the Akazu by implementing a strategy where members of
20 his family would get married to the president's family.

21 And this also takes us me to something related to how I tried to
22 get Felicien Kabuga arrested. Such matrimonial strategies are very
23 important in mafias. Births and weddings and funerals are crucial for
24 mafias. They are always events where members of the mafia gather. And
25 it's a case for funerals. So funerals are public, and you get members of

1 a mafia that would gather. And I knew that Jean-Bosco Barayagwiza was a
2 dear friend of Kabuga, so I was expecting Mr. Kabuga to attend the
3 funeral when he died. And, unfortunately, he wasn't there but there was
4 another close friend as well, so that led to his arrest.

5 Q. There is no bibliography in your report. Why?

6 A. Well, I didn't think it was necessary. The report was published
7 in French and English, and there are thousands of books that have been
8 published in French and English and German on the genocide. I didn't
9 think it useful to draw up a list of all these books.

10 Q. When reading your report, I tried to identify the different books
11 that you referred to and that were published after 2001. And I'm going
12 to mention those that I have identified, and you'll tell me whether these
13 are exact or not.

14 I identified Jean-Pierre Chrétien and Marcel Kabanda's book
15 published in 2014.

16 THE INTERPRETER: The interpreter doesn't have the name of the
17 book, unfortunately.

18 A. It was fundamental indeed.

19 MS. MATHE: [Interpretation]

20 Q. We also have two academics, Hélène Dumas --

21 THE INTERPRETER: The interpreter would like the counsel to
22 repeat the name of the book and the author that she just mentioned.

23 MS. MATHE: [Interpretation]

24 Q. There is also Scholastique Mukasonga, 2006, 2008. This is a
25 novel.

1 A. Yes, this is what we call a true novel.

2 Q. Andrew Wallis, that you just mentioned, you consider that he's a
3 researcher?

4 A. Researcher and journalist.

5 Q. What research does he do, and what are his publications, except
6 from the book that you just mentioned?

7 A. I'm quite envious of someone who is not a French native speaker
8 who has been able to publish in French. I'm always impressed to see how
9 he managed to publish "Stepp'd in Blood." It's very impressive. It
10 could be compared to Shakespeare, really.

11 Q. So the first book that I mentioned just for interpretation
12 purposes, published in 2014, Jean-Pierre Chrétien and Marcel Kabanda,
13 "Rwanda: Racisme et génocide," Rwanda, racism and genocide, "l'idéologie
14 hamitique."

15 A. If there's one book to read about the genocide, it would be this
16 one.

17 Q. And then there's Laurent Kanamugire. There is the footnote 19
18 where you mention his bachelor's degree dissertation, which I have read.
19 So apart from these five references, five authors, I have only found
20 general news articles and I haven't found any other books that had been
21 mentioned that were published after 2001; is that right?

22 A. That's right. My report is 306 pages long. I didn't think it
23 useful to go any further than this.

24 Q. You said that thousands of books had been published since 2001 in
25 French, English, German, since the genocide. Do you believe that there's

1 been more books published after 2001? Do you feel that many books have
2 been published after 2001?

3 A. So we see more indeed published. Especially in the Anglo-Saxon
4 world, we see more publications in English than in French.

5 Q. How did you choose and pick these books compared to all the other
6 academic works that have been published, which is quite large, as you
7 said?

8 A. I don't pretend that I have read all of the books related to
9 genocide. I have read about 400 or 500, and I have picked only the ones
10 that would be useful when it came to explaining how RTLM worked and that
11 would provide information regarding Mr. Kabuga's actions.

12 Q. A large part of your report is dedicated to an analysis of what
13 you consider are the causes and mechanisms that led to the genocide. Do
14 you consider that since 2001 the only relevant books that have been
15 published on this could be limited to the books that I have mentioned?

16 A. Of course not.

17 Q. So you did select these books. What were the selection criteria?

18 A. Well, I considered that my report had to be of a manageable size,
19 and, therefore, I only focused on what seemed essential.

20 Q. So we are to understand that the research that were carried out
21 and that were not mentioned by these five were not essential then?

22 A. Well, there are some exceptions.

23 Q. Is there a consensus within academics regarding the causes and
24 the mechanisms that led to the 1994 genocide, in particular, when it
25 comes to the planning of the genocide?

1 A. Well, this is a main issue for us as researchers and journalists
2 to see such divisions. We see that there are two sides. To make things
3 simple we have, on the one hand, one side that thinks that the genocide
4 is the result of a spontaneous anger following the attack that led to the
5 death of President Habyarimana and everyone else on the plane. And
6 there's a second side that considers that genocide was, indeed, planned;
7 otherwise, how was it possible that in Gisenyi on the morning of 7 April
8 there were no living Tutsis in the city.

9 Considering how radical the genocide was, it can only be the
10 result of a plot, and I find it very surprising that some high-ranking
11 academics would not think so. And to me, there are different ways of
12 explaining it. Mafia, secret organisation, plotting. How would it be
13 possible for the genocide to occur as it did without specific planning
14 and that would lead to these horrific events?

15 Take the example of these sons that killed their mother because
16 she was Tutsi. This is unprecedented. Even in the Shoah or in the
17 Armenian genocide, we have never seen such things taking place. This is
18 the result of a strategy that broke apart families, as H el ene Dumas
19 demonstrated. This is the result of a plot. And this is not just my
20 personal opinion. This to me is the reasonable assessment of the events
21 that took place and the chronology.

22 Q. You mentioned two antagonistic camps. And you said that in one
23 of them, one would find, if I understand you correctly, the position you
24 have just vehemently defended; and in the other camp, those who consider
25 that the genocide is the result of public furor. Researchers,

1 publications, documents that were published between 2001 until this day,
2 which you either left aside or did not seem relevant, do they refer to
3 one camp or the other; or are there researchers who developed more
4 nuanced opinions?

5 A. I did not say or even remember thinking that I did not include
6 them because they didn't seem as elements of evidence. No. I left them
7 aside because I had a defined period to produce the report, and I had to
8 go to the most important elements, in my opinion. Of course, there are
9 negationist publications that do not interest us at all. There are
10 publications by intelligent authors that purport things that cannot be
11 disputed and others that are sensible. But my idea was not to label all
12 publications, whether they were on one side or the other. No. I went
13 straight to the most important, the most obvious.

14 JUDGE BONOMOY: The ones that you did rely upon, the five that
15 have been identified and the other journalistic sources, did they all
16 come down on one side of the argument about which of the two rationale
17 was appropriate?

18 THE WITNESS: [Interpretation] Your Honour, for example, I
19 acknowledge that H el ene Dumas' books, "La g enocide populaire," -- no, "La
20 g enocide au village" and "Sans ciel ni terre," cannot be put in one same
21 camp. It just goes to show that there are divisions that are created by
22 the genocide propaganda, divisions inside families. It's not the point
23 of my report. I consider, as an element of evidence, that there has been
24 a preparation of the genocide, and I'm sometimes surprised of the fact
25 that this is not as evident to everybody as it is to me.

1 I don't want to put any thesis forward in my report, but I think
2 it's quite reasonable to think that there was a planning to commit the
3 genocide.

4 MS. MATHE: [Interpretation] A specification for the translators,
5 is that H el ene Dumas, D-u-m-a-s. H el ene. This is for the court
6 reporters. Dumas, and Helen without an E.

7 Q. Did you feel it was necessary to inform your readers of your
8 choice, this choice?

9 A. I do not believe it to be a choice. My readers are here, in
10 other words. And I think I've explained my position clearly enough in
11 this respect.

12 Q. I'm going to come now to the details in your report, and I'm
13 going to refer to page 64 of the French version.

14 MS. MATHE: [Interpretation] I need to specify that in the
15 beginning of this part of my examination, that insofar as possible I
16 tried to refer to the pages of the English version as well. I found it
17 very difficult to do so because, on the one hand, the indexes of the two
18 versions do not correspond, and the page numbers of the respective
19 versions do not correspond to the page numbers in their own index, in
20 that same version's index.

21 So insofar as possible, and insofar as I could verify, I tried to
22 mention the paragraph in English. And as often as possible, I tried to
23 establish correspondences between the footnotes which these do correspond
24 to one another.

25 So I apologise before the Trial Chamber, but I tried to do my

1 best in view of the documents I had available.

2 JUDGE BONOMY: As a little test of your diligence, can we try to
3 discover the English page for this particular reference.

4 MS. MATHE: [Interpretation] It's, unfortunately, the one I could
5 not find. In French, it's on page 64.

6 JUDGE BONOMY: Is it perhaps 62? Yes, I think we have it in
7 English on page 62.

8 MS. MATHE: [Interpretation] In the French version on page 64, you
9 can find the following text:

10 "Between the beginning of the summer of 1993 and April of 1994,
11 the essence of the information provided by Kangura and the RTLM consisted
12 of so-called discoveries of threats to eliminate physically Hutu leaders
13 and/or the war preparations" --

14 THE INTERPRETER: The page just disappeared.

15 A. I apologise, madam, but I cannot see this on page 64, or can you
16 tell me exactly where I can find it.

17 MS. MATHE: [Interpretation]

18 Q. It's in the last sentence before the chapter title "Ethnicism,
19 Regionalism, Ingredients for Chaos."

20 A. Very well. I found it.

21 Q. You therefore affirm that during that period the discoveries were
22 pseudo-discoveries. What is the criteria for setting the period, and
23 what is the sampling that you went through -- samples that you went
24 through to be able to use the term that is an assessment of quantity?

25 A. The period is very important, because as of the summer of 1993,

1 the RTLM started broadcasting exactly on July 8, 1993, and in August, on
2 August the 4th, 1993, the Arusha peace agreements were signed which were
3 supposed to put an end and to provide a solution to the discriminations
4 in Rwanda.

5 The situation is very particular. In Burundi, after the first
6 time a new president was democratically elected, Melchior Ndadaye, this
7 allowed hopes to raise in Rwanda to find a peaceful solution or peaceful
8 situation to unravel, unlike what was happening during the past few
9 years.

10 Strange enough, this is not Kangura's point of view, nor RTLM's
11 point of view. For Kangura we have all the translations of all the
12 copies of Kangura, and here I did not dwell on Kangura in a detailed
13 matter. I could have produced the translations that can be found in our
14 report of 2001, and I confirm that the Kangura newspaper keeps raising up
15 in arms what they call a treason of the majority people in Rwanda.
16 That's how they call the Hutu.

17 So they're raising up in arms against the Arusha agreements that
18 seem to give a larger share to the Patriotic Front, in addition to be
19 considered a threat of extermination of the Hutu, because as of that
20 moment the theme of a war between the Hutu and the Tutsi in Rwanda
21 becomes obsessional.

22 The objective of Kangura, and a bit later on of the RTLM, because
23 that was of October 21st, was to persuade Rwandans that there was a war
24 between the races. And that the only simple way out was that either
25 Tutsi are going to exterminate us or we need to exterminate them. And

1 this is something which is recurring in Kangura and on RTLM as of October
2 21st, 1993. I can't remember all the exact details in the text in
3 Kangura that there are calls to violence, but they're impressing. That's
4 the only thing I can say.

5 JUDGE BONOMOY: Maître Mathe, we shall follow the same schedule as
6 yesterday, which means that we're already beyond the point where we
7 should break.

8 So we shall have a break now for half an hour to allow those who
9 are strenuously working on the sidelines a little rest and recuperation,
10 and we shall resume with the continuation of the cross-examination at
11 12.00. The Court will now adjourn.

12 --- Recess taken at 11.33 a.m.

13 [The witness stands down]

14 [The witness takes the stand]

15 --- On resuming at 12.00 p.m.

16 JUDGE BONOMOY: Maître Mathe, please continue.

17 MS. MATHE: [Interpretation]

18 Q. I had asked you a question on this excerpt in which you said that
19 the main essence of the information was a pseudo-revelation or was a
20 so-called discovery of threat. So how can you assume this? Do you have
21 a sample, for instance, and can you prove that there is a high proportion
22 in this sample that you used for this purpose that you talked about the
23 essence of the information? Is there a quantitative element in what you
24 said?

25 A. I cannot really provide statistics without my documents, but let

1 me say that it is true that Kangura, and then the RTLM, spent most of
2 their energy - as far as Kangura is concerned for their cartoons - in
3 order to convince their readers that the Patriotic Front had a secret
4 agenda, that it was, despite the Arusha Accord, considered as a
5 smokescreen to go back to war. And from one edition to the other,
6 Kangura repeats that war is impending, that it is going to occur soon.
7 They provided false evidence, false testimonies. RTLM also did the same.
8 They provided false themes for their reports.

9 So the reality and fake news were mixed to convince the listeners
10 that there was a conspiracy being prepared for the extermination of the
11 Tutsis --

12 THE INTERPRETER: Hutus, sorry. Correction of the interpreter.

13 A. -- Hutus, if the Hutus didn't react and take up arms before the
14 Tutsis.

15 So this was repeated constantly from one edition to the other in
16 the Kangura. I did not provide all these articles, because that wasn't
17 the purpose, even though it was the broad purpose but not the real
18 purpose of this report. And it was the same with RTLM. This was done
19 systematically.

20 And this reminds me of another trial, the Nuremberg trial,
21 Streicher, who was the person who created the Der Stürmer, the
22 anti-Semitic journal, spoke about the war of races. And the history of
23 Rwanda is a war of races. It is even more impressive because we know now
24 today that race doesn't exist, that race is a political and social
25 construct, and there is no biological grounding to it. So all

1 intellectuals know this.

2 So there is a war of propaganda that is very aggressive in order
3 to break with this very important precept of humanity, which is that you
4 shall not kill. And what is striking is that this propaganda that was
5 repeated day after day, week after week, managed, in a very radical
6 manner, to take effect. This is what this sentence means.

7 Q. You spoke about precision, but that was precisely the meaning of
8 my question. I wanted to know if you had created a sample, and did you
9 proceed with any counting, anything systematic that made you use the word
10 "the essence" in writing and "systematic" orally. So did you do any kind
11 of quantified evaluation? Is there a sample? Is there a result?

12 A. Well, I didn't really measure something. If you're asking me if
13 I really actually took a ruler and measured this, the answer is no.

14 Q. In the same sentence, you said that the essence of the
15 information consisted of so-called - so-called - discoveries. So, in
16 other words, you were insinuating that this information was fake, and it
17 was information regarding threats to eliminate physically Hutu leaders
18 and of RPF preparations for war.

19 Now, what made you say that the information related to the RPF
20 preparations for war and eliminating physically Hutu leaders was false
21 information? Were you able to establish, through your work, that there
22 were no preparations by the RPF for war and nothing was planned to
23 eliminate physically the leaders?

24 A. Well, we cannot really speak about that which doesn't exist. But
25 in Kangura, we can say -- when Hassan Ngeze, for instance, says, I am not

1 sure if it was end of December 1993 or beginning of January 1994, that
2 the Patriotic Front has plans to eliminate President Habyarimana; when
3 they say that they are going to kill Belgian para-commanders; when
4 Kantano Habimana says on 3 April that something is going to happen in
5 Kigali on the 4th, on the 5th or 6th or 7th or 8th of April, and so by
6 chance something does happen on the 6th, you can see that these people
7 wanted to burn Rwanda down. They want to flush people out of their homes
8 with machetes in their hand.

9 Well, so, I provided an example in my report. I couldn't give
10 more than -- more examples, but there was a false incident where it was
11 mentioned that the UNAMIR had shot a group of -- had opened fire on a
12 group of civilians where they were just going through a roadblock. Well,
13 we have proof that this incident was false, that it didn't agree; that
14 General Romeo Dallaire said that the RTLM was complicating the work of
15 the peacekeeping soldiers. They were making their task harder.

16 At one point, the RTLM's programmes were such that they were
17 inciting militia to create havoc when the roadblocks were erected because
18 they didn't want civilians to move around Kigali, and UNAMIR had to
19 forget about controls on these roadblocks. So society was falling apart
20 because of this propaganda every day, every week. And this led to a lot
21 of fear, a lot of anxiety. The product of this propaganda was
22 deep-rooted fear and just rampant anxiety, because everyone thought that
23 if they didn't kill first they would be killed.

24 I questioned Richard Mugenzi who was an insider. I interviewed
25 him in my book. He was somebody who was aware of how this genocide was

1 being prepared, and he said a lot of things about this. And I quoted him
2 in my report. Earlier you asked me what were my sources. I could have
3 given you others.

4 Jean Birara was someone who came from the Akazu. He was the
5 fiancé of Ayat Habyarimana, and he was fully aware of the situation in
6 Rwanda. And he revealed things after he was ex-filtrated from Rwanda at
7 the end of April, beginning of May 1994. And he described the
8 preparation of the genocide. He is the person within the government who
9 really knew what the situation was and what was coming, what was being
10 prepared.

11 So this is the impact of the propaganda. Now, I don't recall all
12 the different incidents. There were so many every single day. Every
13 single day RTLM invented what we now call fake news to mobilise people,
14 to fuel --

15 Q. That wasn't my question. You spoke about so-called discoveries
16 relative to the preparations for war by the RPF. If I have understood
17 correctly, you had some serious evidence proving that they were not
18 preparing war?

19 A. The reports of the Belgian secret services who interviewed a
20 battalion --

21 THE INTERPRETER: The interpreter didn't get the name.

22 A. -- said that the soldiers of the RPF -- you know, there was this
23 parliament where they worked as bodyguards. We know that the UNAMIR has
24 conducted a proper investigation, and it has proved that it has not been
25 the case. This hidden agenda that the RTLM supposedly revealed isn't

1 true.

2 JUDGE BONOMY: Mr. Dupaquier, you referred there to the reports
3 of the Belgian secret services who interviewed a battalion, and you gave
4 a name, I think, which the interpreter did not catch. What was the name
5 of the battalion?

6 THE WITNESS: [Interpretation] It was the battalion KIBAT,
7 K-I-B-A-T. KIBAT.

8 JUDGE BONOMY: Thank you.

9 Please continue.

10 MS. MATHE: [Interpretation]

11 Q. You still haven't answered my question about the preparations by
12 the RPF for war, but I am not going to rephrase the question. I would
13 rather move on.

14 So when we read your report, you mention all through the report
15 recordings of RTLM broadcasts. Around page 100, if I am allowed this
16 approximation, you mention the date of the recording and the number of
17 the document. And after page 100, this number that would enable us to
18 verify your transcript and the use of this document number, after page
19 100, it disappears progressively. We can no longer locate it. And all
20 we have after that is just dates or periods from 15th to 17th May, for
21 instance. And there are certain pages that have not been referenced.

22 Is there a reason for this, or is it just a drafting problem?
23 Did you apply a method so as not to mention the document numbers anymore
24 or not reference them at all, or is it just a random occurrence?

25 A. Thank you very much for looking in such detail at my report. In

1 the initial report in the media trial, we did not use this system of
2 footnotes. In this report, I used part of it again in my report but not
3 everything, which is why there is this slight discrepancy that you
4 mentioned.

5 Q. But you were supposed to update it, right?

6 A. Yes.

7 Q. And you say that it wasn't necessary to update this point?

8 A. Well, you know, I had to quickly present my report, and I didn't
9 have the time to go into this methodological detail.

10 Q. Sometimes you use -- and I'm going to give an example. Sometimes
11 you use transcriptions of recordings where you indicate - and it is in
12 the note 365 - you use your transcriptions and you say: This is the
13 transcription of a recording quoted by a non-governmental organisation
14 called Article 19 that also, in turn, quotes Human Rights Watch that
15 transcribed the recording.

16 So we are talking about three different intermediaries here. So
17 we are talking about an RTLM recording that you don't have or you're not
18 quoting directly, at least, and you're quoting something that Article 19
19 said off something that was transcribed by Human Rights Watch. So how
20 can you verify this, and what is the use of referring to a
21 double-transcription instead of referring to your own understanding of
22 the recording?

23 A. I tried to be precise with my references. And when I don't have
24 my own reference, I quote the reference on which I base myself. Now, it
25 so happens that Article 19 published something on broadcast by the RTLM

1 about a couple years after ours. And after reading Article 19's book, I
2 had the impression that they had access to transcriptions that perhaps we
3 didn't have access to. Not that many. But maybe on a couple of
4 occasions I thought that they had a source that we didn't have, and that
5 is why, because I wanted to be honest in my references, I quoted them.

6 Q. At the beginning when you talked about the NGO reports, you said
7 that you were aware that it might be problematic and not consider them as
8 a direct source but that the sources needed to be verified. So did you
9 do this verification for the sources that you were quoting?

10 A. For the sources of the transcription of RTLM, there is a sort of
11 a, quote/unquote, grey literature - I'm using the term "grey," even
12 though it sounds derogatory - coming from information provided by NGOs
13 for bits of text that were poorly referenced. So I don't think that we
14 could find the exact source.

15 What you have to know is that the basic material that was 264
16 cassettes, but there were other transcriptions of the cassettes that were
17 never found. Let me give an example. The minister of information,
18 Faustin Rucogoza, had asked one of his staff members to monitor the RTLM
19 broadcasts, and this person had a complete collection of RTLM broadcasts
20 every day. And he also transcribed them.

21 Unfortunately, during the genocide, the Ministry of Information's
22 office was looted and destroyed. The cassettes were stolen, because the
23 cassettes were sold on the market, and you could do anything with them at
24 the time. So there were some transcriptions that were collected by
25 different actors. I spoke about Philippe Dahinden earlier who worked

1 with Reporters sans frontières as well and then created a very
2 interesting site later on. And Mr. Kruvalier [phoen] was also involved.
3 He's a journalist. And he also gathered information and gave it to
4 Reporters sans frontières. We saw a few copies of that. And others
5 could have also collected transcriptions that were made at the time.

6 So I think there were some grey areas off certain RTLTM broadcasts
7 that were recorded on cassettes that we do not have. And I think it
8 would take too much time to see where this information is coming from,
9 especially when quoted in the second or third degree. But I don't think
10 we should be suspicious of all NGOs. They're doing their work, and
11 they're not necessarily historians.

12 JUDGE BONOMY: Just a moment again.

13 Two matters arise from that. One is that you should know that
14 the Rucogoza recordings you're referring to have already been or become
15 part of the evidence in this case.

16 The second thing that arises, for me, at least, is to clarify
17 something about footnote 365. You have the page in front of you, and it
18 follows or is headed: "The nature of the 'operations': the checking of
19 civilians at roadblocks." And there are a series of quotations in that
20 passage. Do all of these quotations come from the recordings transcribed
21 by Human Rights Watch?

22 THE WITNESS: [Interpretation] This is a grey area. I think that
23 there are some marginal uncertainties regarding some of the broadcasts
24 and recordings. There's a technical explanation. In 1994, there was no
25 internet --

1 JUDGE BONOMY: I'll come back, if I want -- or counsel will come
2 back if they want the technical explanation. But if you take, for
3 example, your statement:

4 "On 5 June, Bernard Mukingo ... went on the air on RTLM to refute
5 the Inkotanyi's claim that they had seized Ruhengeri prefecture; he said
6 that people could ... be seen at the roadblocks."

7 What's the source of that information?

8 THE WITNESS: [Interpretation] I cannot provide you with an answer
9 immediately. But if I have time to do some research, I would be able to
10 give a specific answer.

11 JUDGE BONOMY: And can I take it the same answer would apply to
12 the next part:

13 "Kantano Habimana sang victory at the sight of the roadblocks in
14 Kigali."

15 THE WITNESS: [Interpretation] I do remember this cassette and the
16 transcription, and that is one that I had listened to and read. And it's
17 part of the 167 cassettes that we had received.

18 JUDGE BONOMY: Thank you.

19 Maître Mathe.

20 MS. MATHE: [Interpretation] Thank you very much, Your Honour.

21 Q. Let's turn to footnote 96, 97, and 98. You are providing a
22 description of the son-in-law, Kabuga's sons-in-law, and you're providing
23 footnotes. And when reading these footnotes, we understand that the
24 description is based on a mixture of different sources, and all these
25 sources, it seems, come from a web site, the francegenocidetutsi.org web

1 site. Can you let us know how you came up with this description? And
2 especially because we have articles that come from general media,
3 L'Express, Le Monde, Le Figaro. So what is the relevance of this
4 description, and have the sources been verified, because here we have
5 some general media. The journalists who wrote these articles don't
6 necessarily have the knowledge that you have and the ability to check
7 this information.

8 A. Regarding this specific point, let me say that the
9 francegenocidetutsi.org web site is an irreplaceable web site to look for
10 some references of the time, because some of these archives cannot be
11 found online today. And here we have some scanned copies of documents
12 that are authenticated. And my main source is the Professor André
13 Guichaoua. He published a very detailed note with a list of all of
14 Kabuga's children, sons and daughters. And I'm reminded that nearly all
15 of his daughters married some very prominent people, including some of
16 the president's relatives, members of the secret services, the general
17 secretary of the Interahamwe, and a planning minister who was then
18 condemned for genocide by the International Criminal Tribunal for Rwanda.
19 So André Guichaoua is my main source when it comes to setting up that
20 list of sons-in-law.

21 Q. [Microphone not activated].

22 THE INTERPRETER: Microphone, please.

23 MS. MATHE: [Interpretation]

24 Q. So if we take page 44, so we are talking about footnotes 96, 97,
25 and 98 in the transcript. Just if we could correct the transcript.

1 A. And I'm also quoting André Guichaoua as a very important source
2 to dress up the lists of sons-in-law.

3 Q. Yes, I believe this is the only quotes from André Guichaoua. So
4 André Guichaoua appears in footnote 96, and then we have footnote --
5 appears in footnote 95, and then we have footnotes 96, 97, 98. And then
6 at 99 we have, "Leave None to Tell the Story." So is there nowhere to
7 check these sources in a more rigorous way?

8 A. Well, I don't really see why an article from serious media such
9 as Le Monde, Francois, Le Figaro, I don't really understand why we would
10 need to question the seriousness of such articles.

11 Q. Well, I hope that the next question is more relevant, then, to
12 you. How would you -- where would you situate this web site,
13 francegenocidetutsi? Yes, I understand that you can find the web site on
14 the internet, and I know that francegenocidetutsi, this is the URL
15 address. But what is the official name of this web site? If you go to
16 this web site, what is the name of this database?

17 A. To me, this is the name of the web site. I have no other name in
18 mind.

19 Q. If I tell you that this is -- the title is the database on the
20 role of France in the Tutsi genocide, do you have that in mind?

21 A. Yes, of course, but it's a very general name.

22 Q. If you take footnote 100, you mention Andrew Wallis, "Stepp'd in
23 Blood." Andrew Wallis is a journalist and researcher, according to you.
24 And even though it might be a bit long, I would like you to provide the
25 various information regarding this document. You are mentioning the

1 following facts that you have taken from Andrew Wallis:

2 Jean-Pierre Habyarimana, so the president's son, became involved
3 with a series of dubious business contacts in west Africa and with the
4 son of the French president Jean-Christophe Mitterrand. By his late 20s,
5 he was living the dream of a jetset playboy. In an attempt to settle him
6 down, he was put in charge of running he newly built Hôtel Ribera,
7 et cetera, et cetera. I'll try not to re-read the full text. He's
8 managing a night club for Belgian and French soldiers, for politicians,
9 prostitutes, and drug dealers.

10 And when Jean-Pierre announced that he would -- he was going to
11 marry an Ethiopian girl, he found his path to true love blocked by his
12 mother. The girl came from an excellent background, and from her tall
13 Tutsi-like stature made her totally unsuitable to marry her son.

14 So I have two questions regarding this excerpt, which you are
15 quoting from Andrew Wallis' book. On the one hand, have you checked this
16 information or have you checked Andrew Wallis' sources?

17 A. I have numerous personal sources which have told me about most of
18 the information taken from Andrew Wallis' book, especially about
19 Jean-Pierre Habyarimana and Jean-Christophe Mitterrand; about the Kigali
20 night club. I can quote the source: Pascal Krop, an expert in
21 intelligence, Mr. Prunyuo [phoen] as well working for the gendarmerie who
22 also accounted for -- who told me about some specific events that took
23 place in Kigali Nights. There were also records from the French army
24 regarding an event in Kigali Nights where two French soldiers stabbed a
25 prostitute in Kigali Nights.

1 And earlier on, I was quoting Shakespeare, but indeed it was
2 quite a tragedy when you think about everything that happened surrounding
3 Habyarimana's family. Are you satisfied with this answer?

4 Q. Well, you're not -- so you're answering regarding the quality of
5 the activities happening in Kigali Nights, but I'm asking whether you
6 have some trusted sources and whether you have checked the sources
7 regarding what is written by Andrew Wallis.

8 A. Well, no, because Pascal Krop, in his book "Le génocide
9 Franco-Africain," said that Jean-Pierre Habyarimana was involved with
10 Jean-Christophe Mitterrand in a drug traffic case. And when his book was
11 published, he was not sued by either Jean-Christophe Mitterrand, nor
12 Jean-Pierre Habyarimana. So I'm afraid that things were even worse than
13 they were described in this book.

14 Q. So is the fact that an event is mentioned twice enough to
15 consider that, indeed, such events were checked and would be reliable in
16 front of a court?

17 A. Well, I mentioned earlier on the term "mafia," and if you look at
18 the Habyarimana family, we have here something similar of a mafia,
19 especially if you look at some of his relatives. They have some very
20 original lives, for lack of a better term.

21 Q. Can we consider, then, for sure that the information that you
22 provide are factual and chronological and checked and true, as presented
23 in your report?

24 A. I don't really understand the meaning of your very general
25 question.

1 Q. I'm saying, are you certain that all the facts that you mentioned
2 in your report can be considered as exact without having the need to
3 check them?

4 A. Well, if I have written the facts myself, then I can, of course,
5 attest for it. And if they're referenced from and quoted from something
6 else, then they have to be referenced. And we can trust our journalist
7 colleagues.

8 Q. Turning to page 61 of the report. So from Kangura to RTLM,
9 and --

10 MS. MATHE: [Interpretation] So, unfortunately, I don't really
11 have the equivalent page for the English version.

12 THE WITNESS: [Interpretation] So which paragraph is it?

13 MS. MATHE: [Interpretation]

14 Q. So from Kangura to the RTLM, the methods of denunciation and the
15 targets. Page 60 of the English version.

16 A. So I'm at page 61 of the French version and page 60 of the
17 English version.

18 Q. That's right. So amongst the targets, we would find the same
19 names, starting with the four Hutu figures seen as traitors:
20 Kavaruganda, the president of the Supreme Court; Boniface Ngulinzira, the
21 Arusha Accords negotiator; Faustin Twagiramungu, the prime minister who
22 was installed as soon as the accords were ratified; and Agathe
23 Uwilingiyimana, interim prime minister, were all persecuted by Kangura
24 and the RTLM. So how can we understand this?

25 A. Well, Twagiramungu was not killed but he was -- he's indeed

1 alive, but he was -- he was re-searched.

2 Q. He's very much alive. What is his position?

3 A. He was -- he became the prime minister as it was planned for
4 within the Arusha peace accords.

5 Q. Okay. We have the same information. So turning on to page 80 of
6 the French version now.

7 MS. MATHE: [Interpretation] And turning to page 77.

8 JUDGE BONOMY: Before we do that, I'm not sure we've got the
9 right reference to the previous one. I suspect there's a bigger gap than
10 one page between the French and English versions by the time we get to
11 page 61. Sorry, I'm --

12 MS. MATHE: [Interpretation] So on the English version, it is the
13 second paragraph on top of the page 60.

14 JUDGE BONOMY: I have it now. Thank you.

15 MS. MATHE: [Interpretation]

16 Q. So turning to page 80, first and second paragraph. Page 80 of
17 the French version, and page 77 of the English version, second and third
18 paragraph. You are mentioning a request by -- a notification from the
19 minister of information dating from 25 October 1993. And you are
20 mentioning that this took place after the murder of several Tutsis in
21 Kigali. And you are mentioning that Witness G.O. - and we understand
22 that the witness G.O. is the one that prepared the note - and you are
23 saying that during the Gishushu event, the RTLM called for the murder of
24 the Tutsi in Kacyiru, and on the next day the Kacyiru -- the person that
25 was identified was killed.

1 So can you tell me whether this took place in Gishushu and what
2 took place exactly?

3 A. What are called troubled, or, in other words, an ethnic war, has
4 any kind of event in which Tutsis are killed and who even do not defend
5 themselves because they have been attacked while they were asleep or in
6 the street. So the word "trouble" is inappropriate, in my opinion, to
7 qualify a situation in which Tutsis are hunted after in the
8 neighbourhoods of Kigali.

9 Q. What is the origin of the trouble or unrest in Gishushu?

10 A. In most cases, they were caused by untrue declarations made by
11 RTLM.

12 Q. You have no other elements of identification to give us on this
13 unrest or trouble in Gishushu? I'm trying to be able to give them a
14 specific date.

15 A. I think that the minister Faustin Rucogoza knew much more about
16 this than I do, because he was able to follow the daily developments of
17 what was called the events in Kigali. This unrest or trouble,
18 quote/unquote, follows always the same scenario: Provocations against
19 the Tutsi encouraged by the RTLM, physical aggressions leading to either
20 casualties or injuries.

21 Now, I cannot tell you much more. But on page 80, on that
22 specific page, all the propaganda given by the RTLM, talking about Tutsis
23 who don't want to live with Hutus, and that the Bantu should join up in
24 arms. And you see how the minister is getting worried about the
25 situation which is particularly severe and is trying to get out of

1 control of the authorities.

2 Q. Are the elements of trouble that occurred in Gishushu linked to
3 the CPR battalion in the area, in Gishushu, in that particular area?

4 A. Yes, this is an incident that tries to involve CND military.

5 Q. So we have here an indication of a specific date which is solid,
6 i.e., reliable. You're saying this is an incident that is related to the
7 presence of an FPR battalion in the CND?

8 A. No, it is not linked to the presence of an FPR battalion. It's
9 linked to the FPR infiltrations. In other words, RTLM and Kangura
10 advanced that the FPR has infiltrated the city of Kigali and that there
11 are elements causing trouble.

12 JUDGE BONOMY: Can I ask you to help me to clarify. On page 77
13 of the English version, there is reference to "Witness G.O. had noted as
14 an example that," and then there is a quotation, "during the
15 disturbances."

16 Now, is that a quotation from a broadcast, or is that a quotation
17 from evidence in the trial? What is the source of that quotation?

18 THE WITNESS: [Interpretation] Your Honour, as I already
19 indicated, the major part of the documentation that was handed over by
20 G.O., Ministry of Information to his minister, well, the greater part of
21 these documents disappeared during the genocide. But we still have to
22 this day a correspondence exchange between the minister and RTLM. And
23 these are only -- the only elements that are -- have probative value,
24 allowing us to know what we're talking about when the minister accuses
25 RTLM to having not respected its obligations.

1 JUDGE BONOMY: You will see that there is a footnote for that
2 quotation, and the source is "ICTR document," and it gives a number
3 "K0032493." Now, do you recall what that document is?

4 THE WITNESS: [Interpretation] Actually, I believe that it
5 includes elements from the archives of the Ministry of Information.

6 JUDGE BONOMY: Thank you.

7 MS. MATHE: [Interpretation]

8 Q. Did you, sir, attend the hearing of Professor Chrétien before the
9 ICTR?

10 A. Absolutely.

11 Q. And you attended his cross-examination?

12 A. Yes.

13 Q. Were the facts in Gishushu mentioned in his cross-examination?

14 A. I must very sincerely say that I do not remember that.

15 Q. Did Professor Chrétien admit during his cross-examination by the
16 counsel in the Nahimana case that the date of the Gishushu attacks was a
17 date in January of 1994 correlated by the presence of the FPR battalion
18 at the CND?

19 A. There is some uncertainty on the incident, hence, my reaction
20 earlier on and my immediate correction. I do not remember at all how
21 Mr. Chrétien answered the questions put to him by counsel of
22 Ferdinand Nahimana, but it might very well be that you are right and that
23 these events date back to a later date.

24 But Gishushu, the Gishushu events were mentioned on many
25 occasions, because this happened in many neighbourhoods in Kigali because

1 the Interahamwe were powerful and well organised.

2 MS. MATHE: [Interpretation] I wish that we show up on screen
3 Exhibit R70-K0006. And more specifically, because this is a very large
4 document, I would like page 34 of the French version -- I apologise.
5 Page 34, Wednesday, July 3rd, 2002, to be shown up on the screen.
6 Correction: Pages 33 and 34.

7 Q. Are you on page 33, sir?

8 A. No, not at all, madam. I'm looking at the former document. I am
9 on page 27.

10 Q. Pages 32, 33, 34, you don't see them?

11 A. No, I'm on page 27, madam.

12 Q. No, I'm not talking about your report. I'm asking about the
13 transcript of the hearing, the document I asked to be put up on the
14 screen.

15 A. Yes, yes, I can see it now.

16 Q. Can you read the third paragraph of the answer given by
17 Professor Chrétien to the question that was put to him?

18 A. You are talking about paragraph 96?

19 JUDGE BONOMY: Well, are we --

20 MS. MATHE: [Interpretation]

21 Q. No, I'm talking about line 12.

22 JUDGE BONOMY: Yes, we don't seem to have the document on the
23 screen. We've got page 32 from another document.

24 MS. MATHE: [Interpretation] Yes, this is the version. It is
25 document from the Nahimana case, and document K70 -- 700006,

1 cross-examination of Mr. Chrétien on July 3rd, 2002.

2 JUDGE BONOMY: Can you --

3 MS. MATHE: [Interpretation] Page 32 to 34.

4 JUDGE BONOMY: Can you see it in front of you? Can you see it
5 there? What I have is a document, ICTR 99-52-T, which doesn't appear to
6 be a transcript.

7 [Trial Chamber and registrar confer]

8 JUDGE BONOMY: I'm being told that the judgement you've referred
9 to -- the document you've referred to is the judgement in the Nahimana
10 case. Is that what you're really looking for?

11 MS. MATHE: [Interpretation] No, Your Honour. I'm talking about
12 the cross-examination of Mr. Chrétien, and I realise that the reference
13 number has been repeated twice, and I can imagine that it might be a
14 mistake in the reference number.

15 JUDGE BONOMY: Well, if it's important, we need to find it. So
16 how are we going to do it? Are we going to do it now, or when we go into
17 the next session later?

18 [Defence counsel confer]

19 MS. MATHE: [Interpretation] I think this will be able to be done
20 for the next session, and I will carry on with my next question, if you
21 so allow, Your Honour.

22 JUDGE BONOMY: Please do.

23 MS. MATHE: [Interpretation]

24 Q. My last question or, more specifically, the last subject matter I
25 would like to put to you has to do with the processing of the document,

1 the quotes taken from them, the sequencing, and the way that you report
2 about these documents. You indicate the source. Do you always indicate
3 the exact nature of the document? Do you signal any interruptions? Do
4 you signal any doubts as to the origin of a document, if it were the
5 case?

6 A. You read our report, madam. And when quotations need to be
7 reported in full length, they can fill up a full page of the report,
8 which might be a handicap for the understanding of the document. And
9 when the person doesn't express his or herself clearly, we signal
10 interruptions by putting three dots in between brackets, and this means
11 that there's a full length quotation, and I think this does not change
12 the nature of the document. And I think the footnotes at the bottom of
13 the page, the last two referred to, the transcripts validate them and
14 authenticate them.

15 Q. You mention in your report on five occasions the same fact under
16 different forms, and we're talking about words spoken as elements of
17 information that you attribute to the ambassador of Belgium in Kigali
18 between 1990 and 1994, Mr. Johan Swinnen. And you report in here, I
19 quote, I understood this was important because this element of
20 information comes up in five different places of your report.

21 On page 27 of the French report, and I did not find the
22 equivalent version in the English version because it's a place in the
23 text where paragraphs overlap. You write, and you have your report
24 before you, so you can tell us whether I stand to be corrected or I
25 misinterpreted you:

1 "According to the Belgian ambassador, Johan Swinnen, a secret
2 staff in charge of the extermination the Tutsi in Rwanda gathered here,
3 i.e., Kabuga's building, in 1992."

4 And you refer to a footnote stating in the report of the --
5 THE INTERPRETER: The interpreter did not understand the full
6 nature of the footnote.

7 MS. MATHE: [Interpretation]

8 Q. And then you come back to page 99 of your report.

9 JUDGE BONOMY: Well, the English version of this is on page 26 in
10 the first full paragraph on that page.

11 MS. MATHE: [Interpretation] Thank you, Your Honour. I was not
12 careful enough.

13 Q. And, witness, you come back at page -- later on, you came back to
14 it during what the Belgian ambassador called the previous year, and here
15 I quote:

16 "... a secret staff in charge of eliminating the Tutsi in Rwanda
17 in order to find a final solution according to ethnic problems in Rwanda
18 and to quash any kind of Hutu opposition inside."

19 And here I'm quoting you.

20 On page 96 of your report, UNAMIR, General Dallaire, did not know
21 this information that Ambassador Swinnen had.

22 On page 101 you ended a sentence by saying, "As the ambassador
23 from Belgium talked about a secret staff," and you quote on page 37, in a
24 very detailed manner, the text you are referring to here. And we're
25 talking about pages 41 -- page 41 in the English version.

1 So I guess you can see what passage I'm referring to. Can you
2 tell us what this is about, what this document is, and where it comes
3 from?

4 A. I quote this document on many occasions because this is one of
5 the most important documents for understanding what followed. Ambassador
6 Johan Swinnen has an excellent knowledge of the situation in Rwanda,
7 possibly, unlike his French counterparts. But the French ambassador, the
8 first French ambassador who left in 1993, George Martres says roughly the
9 same thing in one of these diplomatic telegrams that is referred to in
10 the parliamentary investigation commission: There was a secret staff in
11 charge of exterminating the Tutsi. This is at the end of March 1992.
12 That he puts it to the knowledge of the Belgian government. This is a
13 capital element of information for which I have reasons to believe that
14 this was given to him by Jean Birara, somebody we already mentioned here,
15 the man who has the best knowledge in Rwanda, this secret staff, and who
16 would give other elements of information when he was welcomed in Belgium
17 at the end of May 1994.

18 I think this is quite considerable. If there's only one text to
19 be able to understand this mafia behind the genocide, this is the one. I
20 mean, if they were to meet in one of the buildings that was given to them
21 by Kabuga, no. The most important fact is that there was this secret
22 staff at the headquarters of MRND, which used to gather in at the
23 headquarters of MRND located in the large building that was lent to them
24 by Kabuga in Kigali.

25 Q. You reported --

1 JUDGE BONOMY: Madam, I have noted you're making four references.
2 I think you said there were five. Have you given five page references
3 for this?

4 MS. MATHE: [Interpretation] I gave the following references:
5 Page 27 in French, 89 in French, 96 in French; 101 and 103 in the English
6 version, and 137.

7 JUDGE BONOMY: Sorry, 27, 89, 99, 101; is that right? And 37.

8 MS. MATHE: [Interpretation] 101 and 37 and before it was 96.

9 JUDGE BONOMY: So there is -- not -- 99, 101 --

10 THE INTERPRETER: The interpreters note: 96 and not 99.

11 JUDGE BONOMY: Thank you. Then that's five references. Thank
12 you. And I'm sure with that information, we can find the English. I
13 think you've given two of the English ones. We should be able to find
14 the rest. Thank you.

15 MS. MATHE: [Interpretation]

16 Q. The full quote or the most complete quote is to be found on page
17 37 and 41 in the English version. Well, it starts on page 41, and it
18 runs through to pages with the combination of French and Dutch. And it
19 describes the secret staff, a number of the members, and the clan.

20 A. Part of the members.

21 Q. And you say that this was reported to you by Ambassador Swinnen?

22 A. No, what was written by Ambassador Swinnen.

23 Q. Oh, I was incorrect in the way I put the question to you.

24 MS. MATHE: [Interpretation] So I would like us to show up on
25 screen --

1 THE WITNESS: [Interpretation] If you allow me to add something.
2 Madam, in this diplomatic telegram that was sent by Ambassador Swinnen,
3 he mentions a certain number of officials which he designs as being part,
4 as being members of the secret staff. You probably understood when I use
5 the word "mafia," that the leading organ of this mafia is changing, its
6 composition is moving. People come in; other people leave. And I
7 personally consider this list to be incomplete.

8 MS. MATHE: [Interpretation]

9 Q. Actually, I wasn't looking at the content of your report. I was
10 only looking at the methodology behind it. I speak as a reader of the
11 report.

12 MS. MATHE: [Interpretation] I would like us to show up on screen
13 Exhibit R70-K0003. Would you kindly show the next page, please.

14 Q. The text in italics, who was it written by?

15 A. You mean the one that is highlighted in yellow?

16 Q. The ones highlighted in yellow is the repetitions of the French
17 version. It's from the Belgian Senate, so it's a bilingual document.
18 The highlighted versions are just to identify the French in the report.

19 A. You want to know why in my report I gave both the French and
20 Flemish versions?

21 Q. Yes, but I want to know who wrote the text in italics.

22 A. You mean the one in my report or the one just on the screen?

23 Q. The one on screen and that you reproduced in your report?

24 A. It's the secretariat of the investigation committee of the
25 Belgian Senate.

1 Q. I think I didn't phrase my question properly. I repeat: There
2 is a text in italics. The convention that we apply generally is that
3 it's a quotation. So I'm asking you who said that.

4 A. I think that it was from the diplomatic telegram of the
5 ambassador.

6 Q. So what does Ambassador Swinnen's telegram say? Is it his own
7 opinion? Is it information that he received?

8 A. As I said at the beginning of my answer earlier, Jean Birara, who
9 is the person informing the ambassador, because Jean Birara, he produced
10 declarations similar to those mentioned here to others, and Ambassador
11 Swinnen was the one forwarding this information.

12 Q. Ambassador Swinnen was forwarding information that he received
13 from a third party?

14 A. Yes.

15 Q. So is he the person who wrote what is in italics?

16 A. No, the ambassador just summarised information that he probably
17 received in the course of a conversation or based on a conversation and
18 based on a written document. It is probably this last assumption which
19 is the right one, because I think that he met Jean Birara who spoke to
20 him about his concerns about the extermination of Tutsis that was going
21 to begin shortly and had probably given him a list of the members that we
22 see here.

23 Q. In the document that you sourced on the site
24 francegenocidetutsi.org and that appears when one consults the site,
25 which is an excerpt of the report of the French parliamentary commission,

1 it is within italics, and you can read it on the right-hand side column
2 in French. It is no longer in italics. And says: As far as this
3 document is concerned, as against the presentation that was made by a
4 commissioner during the audition of Ambassador Swinnen on 20 June 1997,
5 the content of the information and the appreciation of reliable source
6 doesn't come from the ambassador himself but by authors who wrote this in
7 an anonymous fashion and sent it to him.

8 A. Yes, you're right. But this text is a result of a private
9 conversation between the ambassador and Jean Birara who wrote -- who sent
10 him a written document, giving him names in the diplomatic telegram.
11 Now, there is the word "anonymous" here. Anonymous is just because the
12 source is not being identified. As journalists, we have to do this
13 sometimes. We cannot reveal our sources, not to endanger them and
14 compromise them.

15 Q. How do you know that it is Jean Birara?

16 A. I'm not saying that it is him. But based on my information and
17 my sources and by comparing what others said as well, we can identify
18 Jean Birara, especially when he was identified by the Belgian military.
19 He was exfiltrated from Kigali, and he gave a lot of very detailed
20 information then.

21 So to be quite honest, when you look at the web site of
22 francegenocide, you can see that Jean Birara is one of the most relevant
23 informants to analyse the situation in Rwanda over that period.

24 Q. Why are you depriving your readers of the paragraph that explains
25 the origin of the document and that indicates that the appreciation of

1 the source of information does not come from the ambassador but from an
2 anonymous source? Why are you depriving your readers of that
3 information?

4 A. Well, I'm not really depriving them of an important piece of
5 information because, as I said, not everything was said in this
6 information, including the name of the source. And that this anonymous
7 document or anonymised document was part of the information that was sent
8 to process, but it doesn't change anything about the quality of the
9 information because, you know, what happened afterwards testifies to
10 this.

11 Q. You know that when -- if an information is provided by an
12 anonymous source or it's provided by the ambassador in Kigali, you're
13 saying that value is the same? It doesn't change the value of the
14 document?

15 A. This document was sent by Ambassador Swinnen along with his
16 evaluation of the secret staff member. It seems perfectly clear to me.

17 Q. Where did you see the ambassador's analysis of this secret staff?

18 A. It was a diplomatic document. It was sent by the ambassador so
19 it's obviously validated by the ambassador himself. It was a diplomatic
20 document that exists, materially speaking.

21 Q. How can you assert that the ambassador sent information given to
22 him by an anonymous source, and that he sends it in his own name? You
23 said five times that the Belgian ambassador, Mr. Swinnen, said that,
24 whereas, in reality, the text came from an anonymous source, and the
25 ambassador, as is his duty, sent it to his Ministry of Information.

1 A. Well, we're not going to go into how diplomatic channels work.
2 What I can say is that this document was selected by him, it's part of a
3 diplomatic telegram, and has been used since that time. There are about
4 a thousand books on the genocide, and there are about 400 to 500 that
5 mention this document and consider that it is a serious document that was
6 validated by the ambassador. So, honestly, I don't see the problem here.

7 Q. I am not talking about how serious this document was. I am
8 talking about the source of the document. Is it the -- I'm talking about
9 the initial source. I know who sent it. It was the ambassador. But the
10 main source, the initial source is an anonymous source and not the
11 ambassador. Don't we agree on that?

12 A. No, I don't think I can agree with that. I said that it was Jean
13 Birara who was the source. I do not agree with your interpretation.

14 Q. I think I'm going to stop there. This is the first check that I
15 conducted, and I immediately fell upon a document where it was the -- the
16 important commentary by the industry was truncated. So do you think that
17 people reading this document and the Chamber can be sure that during the
18 rest of the report we will have the same problem, where an anonymous
19 source is attributed a source that provides it with more credit?

20 A. No comment.

21 MS. MATHE: [Interpretation] I request that this exhibit be part
22 of the evidence of this trial with a reference number enabling
23 identification of this exhibit.

24 JUDGE BONOMOY: This will be admitted.

25 THE REGISTRAR: As Exhibit D2, Your Honours.

1 JUDGE BONOMY: Can I just ask one follow-up question just now.

2 I know you've asserted at the end of this part of your evidence
3 the identity of the source is the Jean-Pierre -- and I don't have the
4 surname as yet on the transcript. I think earlier you said that it may
5 have been somebody else, unidentified. That's certainly what I heard in
6 the interpretation of your answer.

7 THE WITNESS: [Interpretation] Your Honour, I said that the
8 possible source of the element sent by the Belgian ambassador was
9 Jean Birara, B-i-r-a-r-a. He was somebody who was very familiar with the
10 political situation in Rwanda at the time.

11 JUDGE BONOMY: Thank you for that clarification. But my real
12 question is that I thought when you answered earlier that you said there
13 was some doubt about the actual source. You thought it was him, but it
14 could have been someone else. Now, have I noted that wrongly?

15 THE WITNESS: [Interpretation] Well, just to repeat my answer,
16 Your Honour. I think that this piece of information comes from an
17 encounter, a meeting with Mr. Swinnen, ambassador of Belgium in Rwanda,
18 and one of his informants, Mr. Jean Birara, who exposed the seriousness
19 of the situation to him and to give him a document which is presented as
20 an anonymous document but could have come from him, but maybe the
21 ambassador is trying to protect his source by saying that it was an
22 anonymous source.

23 JUDGE BONOMY: Thank you.

24 Maître Mathe, please continue.

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

1 Q. For the sake of conducting these proceedings properly, I would
2 like to once again ask you to specify your answer to one of the questions
3 that I raised earlier. We showed you an exhibit, R70-K006, from the
4 Prosecutor versus Nahimana. I asked you if you saw your name in
5 paragraph 53 that provides a list of expert witnesses testifying before
6 the court. You gave us a factual answer, but you didn't really give us a
7 precise answer. Did your name figure in the list; yes or no?

8 A. Yes, I'm going to be very specific. And you're right in asking
9 me the question again. When we arrived in Arusha for the judicial part
10 of the proceedings, that is to say, the presentation of the report by the
11 authors, we were not questioned like the other authors. There were
12 others. And we were told that the president of the tribunal would like
13 to limit the number of expert witnesses, and so we were going to restrict
14 these experts to Jean-Pierre Chrétien and Marcel Kabanda.

15 Q. My question, once again, is do you see your name in the
16 paragraph?

17 A. I think anyone can answer that.

18 Q. The answer is no.

19 A. Yes, but --

20 Q. It's for the transcript. Can you please answer the question?

21 A. Yes, let me say one thing. When I testified for the trial of
22 Captain Simbikangwa, I was told that I was never an expert at the ICTR.
23 And I showed my badge with my name on it, and there were no other
24 questions.

25 Q. Once again, yes or no?

1 A. I was an expert witness at the ICTR. I'm saying it for the third
2 time. I hope that's clear.

3 Q. My question is: Is it in paragraph 57?

4 A. I already gave an answer to that.

5 Q. I'm going to end here.

6 JUDGE BONOMOY: That question has been answered.

7 MS. MATHE: [Interpretation]

8 Q. I asked you whether you could mention the best practices and
9 standards that explain how an expert should present a report to an
10 international court.

11 A. I believe that I provided an answer. We're doing our best. But,
12 of course, there's no such thing as perfection.

13 Q. In terms of best practices, we're usually more precise.

14 A. I explained what is the relationship between a journalist and the
15 truth of facts. The truth of facts is very much different to the truth
16 of opinions and beliefs. Unfortunately, in the world of today, the
17 truthfulness of fact is not as well received as truthfulness of beliefs
18 and convictions. But I am a professional, and I stick to the
19 truthfulness of facts.

20 Q. Can you give me at least some of the standards? I'm not talking
21 about general things here. I'm talking about specific standards.

22 A. Do you want to know about my standards as a journalist?

23 Q. No, as an expert.

24 A. Well, I am here as an expert journalist, and I don't really know
25 the differences between standards as an expert and standards as a

1 journalist. But in terms of objectivity, of precision, of looking for
2 the truth, these are key standards that I applied to my work.

3 MS. MATHE: [Interpretation] I believe that I am done.

4 JUDGE BONOMY: Maître Mathe, we have been over this area already,
5 I think, earlier in the cross-examination. I know there's an item
6 outstanding under reference to a document where we didn't get the right
7 document. Apart from that, is there further cross-examination?

8 MS. MATHE: [Interpretation] So apart from the item that you just
9 mentioned regarding the exhibit number, no, I do not have any further
10 questions. And if you --

11 JUDGE BONOMY: Well, the --

12 MS. MATHE: [Interpretation] -- if you allow me. As you
13 suggested, I think that is a point that we could mention later on, at a
14 later stage.

15 JUDGE BONOMY: Well, we can take our break early and you can
16 finish your cross-examination with that particular exhibit, if you wish,
17 and then we can deal with re-examination. Would that be convenient?

18 MS. MATHE: [Interpretation] Yes, thank you very much,
19 Your Honour. That is, indeed, what I would wish to do.

20 JUDGE BONOMY: Thank you.

21 Can I ask the Prosecution at this stage if I can have an
22 indication of the likely re-examination?

23 MR. ELDERKIN: It will be very short, Your Honour.

24 JUDGE BONOMY: Now, there is another potential witness. Do you
25 envisage us starting the evidence of that witness?

1 MR. ELDERKIN: He is here and ready. I have had a side
2 conversation with the Defence. I understand they may prefer to
3 cross-examine tomorrow. But given, I think, the final session is only
4 one hour --

5 JUDGE BONOMY: Yes.

6 MR. ELDERKIN: -- we will probably be able to do the direct and
7 stop there.

8 JUDGE BONOMY: Very well. We shall adjourn now for an hour, so
9 we will resume at 2.25.

10 --- Luncheon recess taken at 1.26 p.m.

11 [The witness stands down]

12 [The witness takes the stand]

13 --- On resuming at 2.29 p.m.

14 JUDGE BONOMY: Maître Mathe.

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

16 My colleague from the Prosecutor's Office agreed for this exhibit
17 to be admitted to the case with the number K00007. It is part of the
18 cross-examination of Mr. Chrétien by counsel of Mr. Nahimana, and it is
19 focusing on the chronology between the meeting of 25 October 1993, the
20 Gishushu events, and the meeting of 10 February 1994. And the letter is
21 a letter -- is addressed by the minister of information to RTLM. And the
22 second meeting is a meeting where RTLM leaders were required to come to
23 the Ministry of Information.

24 So these are the pages: 31 to 34 of the transcript in French,
25 and 28 and following in the English version. This transcript is the

1 hearing transcript, so sometimes there's some back and forth. It's
2 sometimes a bit complicated to follow, but I would like to ask
3 Mr. Dupaquier whether he can see this document on his screen.

4 THE WITNESS: [Interpretation] No, not yet.

5 MS. MATHE: [No interpretation].

6 THE REGISTRAR: I'm sorry, we're not receiving any English
7 interpretation.

8 THE INTERPRETER: Sorry, my apologies. My microphone was off.

9 MS. MATHE: [Interpretation] So we would need to go to page 31 on
10 the French version, and 28 on the English version.

11 JUDGE BONOMY: We have it now, madam. No, it should be 31 in
12 French, 28 in English. I've got two different English pages.

13 [Trial Chamber and registrar confer]

14 JUDGE BONOMY: It's been explained to me that there's a
15 difference between the in-court page and the transcript page. Now, we
16 have the transcript pages up on the -- but at least I'm looking at the
17 moment at page 29 in French. You want 31. Let's see what 31 in French
18 says.

19 MS. MATHE: [Interpretation] Yes, 31.

20 JUDGE BONOMY: Yes, 31. Yes.

21 MS. MATHE: [Interpretation] Page 31 in French.

22 JUDGE BONOMY: And can we have that on the screen, please. Yes.
23 Is that the correct page?

24 MS. MATHE: [Interpretation] Yes, that's right.

25 JUDGE BONOMY: And let's also have 28 in the English, please.

1 Now, before we embark on this, can I ask both counsel and witness
2 to pause. In the case of witness, to pause before giving the answer, and
3 for counsel to pause after the completion of the answer.

4 So please continue, madam.

5 MS. MATHE: [Interpretation] Thank you, Your Honour. And I will
6 do my best to make a pause.

7 Q. Mr. Dupaquier, on page 31 of the French version, Mr. Biju-Duval
8 says:

9 "Mr. Chrétien, as far as these disturbances in Gishushu are
10 concerned, this raises difficulty ... because you mention it as one of
11 the causes of the warning of 25th October 1993, whereas the event took
12 place at the end of January 1994."

13 And Professor Chrétien then mentions that it is a date mistake
14 and not the mistake regarding the implementation of the document. And he
15 then mentions there must have been a confusion regarding the date. But
16 as regards the content, the fact that this was something that the
17 minister was aware of and that he mentioned during the meeting of the
18 February 1994, the minister was aware that there was a call to kill the
19 Tutsi. But I do recognise that there was a confusion in terms of the
20 chronology. But when it comes to the content, the content is there.

21 So he's then going to recognise once again on the next page,
22 line 5, the same confusion. He mentions that this is data that is not --
23 information that is not well situated in time but that has no impact on
24 the content itself. And that's something that is going to repeat on
25 page 34, line 2 of the French version. Again, I would like to reiterate

1 the fact that there is a chronological order, but the content has not
2 been manipulated.

3 So he is repeating the fact that --

4 JUDGE BONOMY: Can we have a question, please? Let's have a
5 question.

6 MS. MATHE: Yes, yes.

7 Q. [Interpretation] So the question is the following. We have three
8 dates. There is a chronological order between these three dates. And so
9 my question is: Considering that we're have the same mistake made in
10 your report, do you consider that the Gishushu disturbances did not take
11 place on 20 January 1993 and that Professor Chrétien is wrong in
12 admitting that there was a mistake; or do you consider that there was a
13 mistake made in the first report, that you did not take note of it, and
14 that you reproduced the mistake? There are two alternatives there.

15 A. Well, a real alternative, madam, if you want us to be very
16 specific, and you're right in asking so, is that I am investigating on
17 this matter that I'm incapable of giving you an answer to without looking
18 into my archives and the documents in question.

19 Q. One question, which will be my last. Witness, you said that you
20 attended the hearing. Didn't you want immediately to look into the
21 matter and correct it, if only for your own archives and to avoid
22 reproducing the former mistake?

23 A. I was no prophet, madam. I didn't know that I was going to have
24 to testify on these events 20 years down the road.

25 Q. Don't you think that this challenges the trust that the reader

1 might have in general to your chronological elements of information and
2 factual elements of information?

3 A. Absolutely not, madam. Because the chronology, even if it is
4 questioned, and it could be a good thing to find an answer to this in due
5 time. I mean, we had all the documents before us. The global chronology
6 of the questioning of the RTLM by Faustin Rucogoza and by the letter
7 dated 25th or 26th October 1993, as well as by the meeting of November
8 26th, 1993, and the convocation sent in February, is based on a heap of
9 observations on the failings of the RTLM in view of commitments made
10 pursuant to a convention of September 30th, 1993.

11 So it seems to me that this is a detail that is or might be
12 worthwhile shedding some light on but does not change the substance of
13 the events.

14 Q. On the drafting of your report, did you read over the
15 declarations of Witness G.O., who is the source of these difficulties?

16 A. Yes, indeed, madam. That seemed very important to me.

17 MS. MATHE: [Interpretation] I have finished, Your Honour.

18 This is my last question. I would like to request the Chamber to
19 have this evidence admitted under reference number K007, evidence which
20 we just read out an excerpt of.

21 THE WITNESS: [Interpretation] Your Honour, will you allow me to
22 add something to an answer I gave you this morning?

23 JUDGE BONOMO: Just in a moment.

24 The transcript will be admitted as requested.

25 THE REGISTRAR: That will be Exhibit D3, Your Honours.

1 JUDGE BONOMY: Yes, Mr. Dupaquier.

2 THE WITNESS: [Interpretation] Your Honour, this morning I was
3 shown an excerpt from a Netflix video series on searching the most
4 important criminals in the matter, and I was surprised I was not asked to
5 give an explanation on the event, because I do not doubt that this
6 explanation will have to give in, but my advice will count in the matter.

7 And I will say this: When you assassinate a magistrate in any
8 country, in a democratic country, all magistrates stand up and request
9 for the truth to be known and the culprit to be condemned. When you
10 assassinate a magistrate in France or elsewhere, all of the lawyers will
11 stand up and say this is intolerable.

12 You must remember that on January 13th, 1993, in Nairobi, a
13 journalist who had committed before the ICTR to trap Mr. Felicien Kabuga,
14 whose name was William Munuhe, M-u-n-u-h-e, was found dead in his home
15 after having been tortured.

16 I believe that this event, without saying who might be
17 responsible for it, could be interpreted by an attempt to intimidate
18 journalists. Journalists should not be intimidated. One of the reasons
19 for which I wanted to take advantage of Mr. Barayagwiza's funeral to have
20 Mr. Felicien Kabuga arrested was directly connected to this particular
21 attempt of intimidation of someone of my profession, and I thought that
22 was the only answer. Thank you, Your Honour.

23 JUDGE BONOMY: Maître Mathe, does that raise any issue for you?

24 MS. MATHE: [Interpretation] No, Your Honour. I have no
25 observations to make. No observations.

1 JUDGE BONOMOY: Thank you.

2 Members of the Trial Chamber now have questions for you,
3 Monsieur Dupaquier. And first of all, I give the floor to Judge Nahamya.

4 Questioned by the Court:

5 JUDGE IBANDA-NAHAMYA: Thank you, Judge Bonomo.

6 Good afternoon, witness. You made a very, very long report. I
7 hope you know most of the things that you put in the report. The first
8 question I have for you is who is Joseph Serugendo, and what was his role
9 in the RTLM project? That's the first one.

10 Shall I give you the list, or would you like to answer one by
11 one?

12 A. I'd rather answer them one by one. Thank you, Your Honour.

13 Joseph Serugendo was a high-level technician of the Rwandan
14 information office called ORINFOR, and he was in charge of managing all
15 technical issues that had to do with radio broadcasting. And he was
16 already -- at the time, he already had this responsibility when Ferdinand
17 Nahimana became president of ORINFOR. Later on, he became a member of
18 the national committee of Interahamwe militiamen. He was recruited or
19 had been recruited by Ferdinand Nahimana, Jean-Bosco Barayagwiza, and
20 Felicien Kabuga, without my being able to say exactly who was personally
21 responsible for recruiting him. And he was recruited to prepare for the
22 broadcasting the future RTLM.

23 To this effect, he travelled to Germany, he also travelled to
24 other countries, to have an overview of the different solutions that
25 would apply to the creation of a new radio station in Rwanda. He also

1 became a member of the Initiative Committee for the future RTLM when RTLM
2 found its legal structure. And he was among the first eight members of
3 the Initiative Committee who we would call like the board members of the
4 RTLM.

5 In addition to that, he owned a restaurant in the Nyamirambo
6 district, a very popular district in Kigali, where there were many
7 Interahamwe. And this restaurant or bar was the meeting point for all
8 sorts of people of which I said earlier on these people were part of the
9 mafia.

10 JUDGE IBANDA-NAHAMYA: Thank you.

11 The second question is would you say that the RTLM was simply a
12 venture of a private company running a free radio?

13 A. What Mr. Felicien Kabuga said on January 3rd, 1995, in a press
14 release that was released by the press agency France-Presse from their
15 office in Nairobi, in a press brief that I saw very recently, it said
16 that RTLM was a commercial radio that would not on call for or give out
17 any hate speech and only held 1 per cent of the actions.

18 But RTLM was, quite obviously, the central propaganda instrument
19 to prepare the genocide. Not from the beginning, because the tone of the
20 broadcasting at RTLM was relatively non-directional and was consensual
21 amongst the population until the dramatic events in 1993, when
22 extremists, military men from Burundi exterminated the President of
23 Burundi and put an end to the extremist phase in Burundi and the first
24 president since the independence.

25 JUDGE IBANDA-NAHAMYA: On page 45, in the second paragraph on

1 that page, titled "Kabuga, President of the Initiative Committee." Now,
2 as an operations director, what was Kabuga's role?

3 A. Kabuga's role needs to be analysed all through the process of all
4 of the events from 1990 to 1994 according, in my opinion, to two points
5 of view. First of all, his desire to be part of the inner circle of
6 President Habyarimana. And we can see from different documents that are
7 mentioned in my report that, in the beginning, it was difficult of him to
8 get into this world which wasn't his. Felicien Kabuga was of very modest
9 origin. He lived close to Byumba in Mukarange, which is a very poor
10 locality near to Byumba, and he becomes very rich as a result of his
11 work. This is quite obviously a very intelligent and hard-working man
12 who is also very thrifty, and he's going to build up his fortune on his
13 own. He's a self-made man and in some ways it generates sympathy. He's
14 not like the other barons of the regime. He's something who is not using
15 public finances for his own purpose.

16 Rwanda is a very poor country. And most people who want to get
17 richer, they get into the institutional system and use corruption for
18 their wealth. Whereas Kabuga is a self-made man. He has a few failings
19 or initial handicaps. The fact that he doesn't speak French. One must
20 understand that in Rwanda, when one wants to be -- become somebody
21 important, one speaks perfect French and one even speaks some florid
22 French rather than ordinary French.

23 JUDGE BONOMOY: Mr. Dupaquier, the question was quite simple. As
24 an operations director, what was Kabuga's role. Could you deal with that
25 particular question, please.

1 A. I apologise, Your Honour. I tried to set the broader picture and
2 say what led him to play an important role in the creation of RTLM. It's
3 once he got into the inner circle of the power that he was called upon
4 because of his financial power. And he was the richest man in Rwanda,
5 and he was asked to be the one who was going to steer the project of
6 creating a free radio whose legal basis or legal basis -- legal basis of
7 which dated back to June 1992.

8 Since the law allowed people to create free radio stations in
9 Rwanda, and he was brought, under circumstances that I do not know, to
10 become the initiator or steerer of the pilot and bringing together around
11 him the ones who were going to put it together. Joseph Serugendo as for
12 the technical matters, Ferdinand Nahimana and Jean-Bosco Barayagwiza for
13 the ideology.

14 JUDGE IBANDA-NAHAMYA: Thank you.

15 On page 68 you talk about double-speak. In the context of this
16 case, what are you referring to?

17 A. I'm sorry, I'm not sure I understand the question correctly.

18 JUDGE IBANDA-NAHAMYA: On page 68, you write about double-speak
19 of the RTLM. In this context, what are you referring to? Can you say
20 something more about it?

21 A. The double-speak of the RTLM? Well, it's quite complicated.
22 It's because Kinyarwanda is a very rich language which allows you to use
23 words that are elusive, without defining exactly or depicting the reality
24 of things. For example, for a genocide, instead of using the word
25 "killing," you said "working." Perhaps you say, "I'm going to work these

1 people," that means kill, when ordinary working means something else. So
2 that's the double-speak.

3 And RTLM's double language was to use the specific codes of the
4 Kinyarwandan language and Kinyarwanda speakers. For those who understand
5 Kinyarwanda they do not necessarily -- Europeans who understand
6 Kinyarwanda cannot understand this double-speak. And that explains
7 RTLM's double-speak.

8 JUDGE IBANDA-NAHAMYA: Thank you.

9 Now, for this last one, I think someone has to help you to find
10 the French version. On page 97, where you write about facts attesting to
11 the planning of the genocide, you mention, and I quote, "a 'secret staff
12 responsible for the extermination of Tutsis in Rwanda.'" On page 99, you
13 mention the confessions of Interahamwe leader Jean-Pierre. Okay? Then
14 on page 111, you talk about the meeting of 16 January 1994, an
15 announcement of the genocide which mentioned Jean-Pierre. Okay.
16 Page 115, footnote 261, you mention something about Jean Birara.

17 My question to you is, did you do any further research to
18 identify the true identity of Jean-Pierre?

19 A. Your Honour, thank you for that question, because I think I was a
20 journalist who investigated the most to find out who this Jean-Pierre
21 was, and I managed to find his identity. His name was Omar Tubatinze
22 [phoen], who was a former military of the presidential guard who had
23 become the personal bodyguard of one of the main responsables of the
24 MRND. And in this respect, or in his capacity, he was in charge of
25 hiding weapons with the intentions one can imagine within different

1 locations within Kigali.

2 Why did this man become the informer of General Dallaire through
3 his colleagues in January of 1994? The official version is that he was
4 so bowled over at the idea of seeing 1,000 Tutsis killed by the
5 militants, seeing the arms handed out to the population with the
6 intention of exterminating all the Tutsis in Rwanda. Well, my personal
7 investigation allowed me to find out or come to a different conclusion
8 that is less honourable for him.

9 THE INTERPRETER: Excuse me, Your Honours. Can the witness be
10 interrupted. We cannot keep pace with him.

11 JUDGE BONOMY: The interpreters are asking you to slow down,
12 please. You're speaking too quickly for them.

13 THE WITNESS: [Interpretation] I apologise.

14 THE INTERPRETER: And the interpreters thank you.

15 THE WITNESS: [Interpretation] Omar Tubatinze was given 600 or so
16 Kalashnikov rifles who were supposed to be concealed in different
17 locations in underground -- underground in the building of Felicien
18 Kabuga's building in Muhima. This man was not totally honest, and he
19 sold for his own account part of those rifles, Kalashnikov, that could be
20 bought on the black market for an amount of between 50 and \$100 a piece.
21 He sold so many that he realised that his dealings would be discovered,
22 and he wondered how he could get out of his difficult situation because
23 of the -- he could be punished severely for it.

24 So he said if he told that these arms would be denounced to
25 UNAMIR, the searches would allow UNAMIR to seize all of the arms and

1 allow the people from MRND not to know how many arms had been seized. So
2 he was hoping that, thereby, through this arms delivery, nobody would
3 notice that he had sold part of them. He was also hoping that he would
4 obtain the political asylum from one of the European countries after
5 these revelations.

6 So this is the result or these are the results of my own
7 investigations. I tried to gather and I tried to obtain the files of the
8 presidential guard and getting all of the files of the individual
9 presidential guards and having the file of Omar Tubatinze. I tried to
10 find his picture, I tried to find his wife. I still have in my wallet
11 the phone number of his wife, which has probably changed since then, and
12 I couldn't go any further. And --

13 JUDGE IBANDA-NAHAMYA: Thank you, witness.

14 A. And we think he was killed during the genocide.

15 JUDGE IBANDA-NAHAMYA: Thank you, Witness. At least we know who
16 Jean-Pierre was. Thank you.

17 JUDGE BONOMY: Mr. Dupaquier, Judge El Baaj now has some
18 questions for you.

19 JUDGE EL BAAJ: [Interpretation] Hello. I have a few questions
20 for you.

21 On page 23 of the French version, you say that Felicien Kabuga,
22 in the 1990s, in fact, this is in 1991, tried to become an influential
23 member of the Akazu. So, in other words, did he want to come closer to
24 the circles of power -- sorry, if he were close to the circles of power,
25 did that automatically mean that you were part of the Akazu?

1 A. You will need to ask him that. I don't know what his plans were
2 at the time. Maybe not genocide. I think the genocidal plans hadn't
3 been fully formulated in the Akazu agenda. Maybe he wanted to transfer
4 his wealth into power.

5 JUDGE BONOMY: Let me interrupt just a moment. There is no
6 English transcription. Is something impeding it?

7 [Trial Chamber and registrar confer]

8 JUDGE BONOMY: I understand that's now being checked, but I think
9 we can manage without it. Those who need to look at the transcript will
10 be able to deal with it in French.

11 Please continue. Please continue your answer.

12 A. Yes. So as I was saying, in order to understand why suddenly
13 Kabuga wants to join political circles, I would say that he hasn't gotten
14 the political recognition that he would have liked to, considering how
15 wealthy and influential he was. Furthermore, his main handicap was that
16 he did not speak French, and that was indispensable to be part of the
17 political circles.

18 But somehow he managed to penetrate this class. He was probably
19 the only one within Akazu who didn't speak French.

20 JUDGE EL BAAJ: [Interpretation] You haven't really answered my
21 question. How did he manage to penetrate Akazu? There is a condition
22 and a specific explanation.

23 A. We have letters from the chief of staff of President Habyarimana
24 asking for a meeting with Felicien Kabuga. So after reading that letter,
25 we concluded that they had never really met personally, even though they

1 had probably seen each other from afar. Then there was a second letter.
2 So the presidential services asked for this meeting, and the president,
3 in the margin, says that he has already met Felicien Kabuga. And
4 Felicien Kabuga used a second channel to get this meeting.

5 This meeting was held at a crucial moment. First of all,
6 Felicien Kabuga manifested himself by being a contributor to the Rwandan
7 army, amongst about a thousand other contributors, just at the beginning
8 of the civil war. Secondly, Felicien Kabuga, who was very well informed,
9 discovered that, in 1991, new laws on multipartyism had prevented the
10 MRND to preserve its headquarters, because it didn't meet the new legal
11 standards applying to multipartyism. So he had to move out, he had to go
12 to a place called the Palais du Peuple. But it was just provisional.
13 And he was also bothered by Adenauer's contributions to the MRND.

14 And Felicien Kabuga suggested to either rent or loan to the MRND
15 part of the big building that he had just built in Muhima. That is the
16 main hill of Kigali. So he was going to offer this to the president.
17 And given the situation, it was taken into consideration because the
18 MRND, indeed, moved to those premises.

19 JUDGE EL BAAJ: [Interpretation] On page 37, you talk about a
20 secret staff member in charge of the extermination of Tutsis. Did
21 Mr. Kabuga have anything to do with that in this secret staff?

22 A. I cannot really affirm that. If you will allow me, I'm just
23 going to sidetrack a little bit. This secret staff that we call the
24 Supreme Soviet of the mafia is in fact a body just like in the mafia that
25 is fluid. There are people entering it because they have done some

1 favours, and others that leave it because they're suspected of not being
2 totally loyal to the cause.

3 For example, the last chief of staff who died in the plane. In
4 1994, he was part of this staff. And in 1994, on two occasions, he
5 prevented the beginning of the genocide before it actually finally did
6 happen.

7 So Felicien Kabuga was able to penetrate this circle, even, I
8 would say, by chance. As the president of RTLM and with the
9 responsibilities and political investment that he had, he became a member
10 of this staff, and this is obviously in the information that he provided
11 to the minister. He's got the --

12 THE INTERPRETER: The witness is giving a lot of facts very fast.
13 The interpreters cannot keep up, because there's just too much
14 information, too many dates, too many proper nouns. At that speed, it's
15 not possible. Sorry.

16 JUDGE BONOMY: Mr. Dupaquier, when you are giving so many figures
17 and facts and dates and details, they need to be given slowly. I don't
18 normally speak like this either. But when I'm in here, I have to make a
19 point of speaking more slowly. Could you please do the same.

20 THE WITNESS: [Interpretation] I'm very sorry.

21 JUDGE BONOMY: Thank you.

22 Judge El Baaj.

23 JUDGE EL BAAJ: [Interpretation] When was the idea of the creation
24 of the RTLM born and how?

25 A. There were different plans for private television in Rwanda since

1 the creation of multipartyism in 1991. The Catholic church had given
2 André Sibomana -- had given him a project which was still quite vague
3 about a peaceful television channel representing the ideas of the church.
4 Other projects of rural radios were also mentioned during NGO seminars
5 here and there in Kigali.

6 So it was an idea that was circulating. It hadn't become
7 operational yet. When Ferdinand Nahimana was dismissed as the person in
8 charge of Radio Rwanda, after the Bugesera incidents of March 1992, where
9 he was judged by the representatives of the international community as
10 being the main perpetrator of this cause for hate that transformed into
11 massacres with thousands of Tutsis.

12 THE INTERPRETER: The interpreter didn't get the figure.

13 THE WITNESS: [Interpretation] And 15.000 houses were burnt down.
14 And it was at this time that the extremist factions believed that they
15 were losing an important lever of power and that Radio Rwanda was not at
16 their mercy, so to speak. And so they had to create an alternative
17 radio, and that is how the idea of creating RTLM was born.

18 JUDGE BONOMY: You gave a figure just now for the numbers killed.
19 The interpreter did not catch it. What was that figure?

20 THE WITNESS: [Interpretation] Yes. According to estimates, about
21 300 Tutsis were killed in the Bugesera region at the beginning of March
22 1992, and 15.000 lost their homes.

23 JUDGE BONOMY: Thank you.

24 Judge El Baaj.

25 JUDGE EL BAAJ: [Interpretation] Is there any link between what

1 you called the secret staff and the existence or the creation of the
2 RTLM?

3 A. It seems that based on the declarations and communication of
4 ambassadors and other prominent figures, this secret staff was born in --
5 end of 1991, beginning of 1992. Let me explain that.

6 When civil war broke out after the attack of the Patriotic Front,
7 the Rwandan army didn't have an appropriate military doctrine. And this
8 fact was underscored by a French colonel who was sent there to help the
9 Rwandan army called Colonel Canovas, C-a-n-o-v-a-s. He drafted several
10 reports to point out this lack of a military doctrine, which is the basis
11 of every war.

12 In December 1991, without being able to establish a direct link
13 myself between the report of Colonel Canovas and the events that were to
14 follow, General Habyarimana gave the mandate to a committee made up of
15 ten high-ranking officials to define a plan without actually identifying
16 the enemy. And it was presided by Colonel Bagosora, who was considered
17 as the most determined at the time.

18 So he was asked to give a report. He submitted a report in 1992,
19 so one and a half years after the civil war broke out. And this report
20 was a 35-page report. We are only familiar with 18 pages, but they're
21 very interesting. It is explained in this report that the enemy is the
22 Tutsi. And if my memory serves me well, it's about Tutsis who haven't
23 understood the lessons learned from the 1959 revolution, that foreigners
24 married to Tutsi women and Rwandans married to Tutsi women were
25 mentioned.

1 This is a terrible text. And if you look at the details, and you
2 read it carefully, you realise that it is also paradoxical, because all
3 the authors of this report had Tutsi wives, just like Felicien Kabuga
4 himself. And this is really one of the main questions: Why did these
5 people who had exterminated Tutsis, why were they with Tutsi wives? And
6 this just goes to show that the genocide was not a racial act. It was a
7 political plan. Matrimonial situation had absolutely nothing to do with
8 it.

9 So once again, I've digressed a little bit, but I would like to
10 just say that we can think of several elements. This is one of them.
11 And it is possible that the genocidal plan was born between December 1991
12 and January 1992.

13 JUDGE EL BAAJ: [Interpretation] On page 47, you speak about
14 President Kabuga as part of the Comité d'Initiative. I think the
15 question was already asked, but I would like to put it differently. What
16 are the concrete powers that Kabuga had in managing RTLM? Did he have
17 any concrete power that he could exercise?

18 A. Well, based on the explanations of Joseph Serugendo that I
19 mentioned and a banker --

20 THE INTERPRETER: Whose name the interpreter didn't catch.

21 THE WITNESS: [Interpretation] -- who is perfectly capable of the
22 construction, the financial construction of this project, Felicien Kabuga
23 is the person who provided the largest capital. And gradually -- or,
24 rather, initially, it was believed that this radio station would be
25 profitable. We didn't know at the time that it would be the main body

1 for genocidal propaganda.

2 Earlier, it was supposed to be a sort of a machine to offset
3 Radio Rwanda. And President Habyarimana was supposed to be the sole
4 financier of this radio station. I think things changed for several
5 reasons. The first is that the budget increased constantly. We thought
6 that it would cost \$300.000 at the outset, and ultimately it was supposed
7 to amount to \$1.150 million, which was a huge amount for the ordinary
8 Rwandan, but even for rich Rwandans, because they were not capable of
9 throwing money out of the windows.

10 So the President Habyarimana decided that his contribution would
11 not exceed 1 million Rwandan francs, if my memory serves me well.
12 Felicien Kabuga himself was rich, but not that rich, decided to give half
13 of that. So he was the second-largest contributor to the RTLM. But the
14 funds required was so considerable that they never managed to raise that
15 amount. So they were never able to organise general assemblies outside
16 of the first one, which was in mid-July 1993.

17 We don't know how it survived, because it didn't have money.

18 JUDGE BONOMY: I think you're deviating very widely from the
19 question, which was: What gave him his authority, and what authority did
20 he have in the operation of the radio station.

21 JUDGE EL BAAJ: [Interpretation] Did he have any decision-making
22 power?

23 A. He was the president, so he would sign the bank accounts.

24 JUDGE EL BAAJ: [Interpretation] Yes, but in theory, did he have
25 any decision-making power? For instance, could he order a journalist not

1 to broadcast a certain programme?

2 A. Yes, absolutely. And we have a specific example for that. I
3 think it was on 26 November 1993, in the morning, the managers of RTLM
4 were asked for a meeting with the minister of information, Rucogoza, and
5 in the afternoon as well. But Kabuga didn't attend the afternoon
6 meeting, but he knows what was said. And Ferdinand Nahimana was rapped
7 on the knuckles by Felicien Kabuga because in the period following the
8 coup d'état in Burundi, he had asked journalists 24 hours a day -- there
9 were just three or four of them, the journalists, and they were asked to
10 report, and they were given bonuses.

11 But in the morning, the minister mentioned programmes that went
12 against the 30th September 1993 protocol, and Felicien Kabuga admitted to
13 it and said that they would make sure that they mentioned this to the
14 journalist who had exaggerated. So he had not only financial clout but
15 he also had some influence on the editorial line. And he did say that
16 freedom of speech means you say whatever you want to say. If necessary,
17 there would be, of course, accusations that they would respond to. That
18 was his answer to the minister.

19 So to come back to what you were saying. He signed the cheques,
20 he authorised the expenses, and he also had an influence on the
21 journalists and the editorial content.

22 JUDGE EL BAAJ: [Interpretation] Thank you. Page 71, you said
23 that the RTLM was an armed media. Could you please explain what you
24 meant?

25 A. This is what I discovered during my investigation when preparing

1 the media report.

2 In a container in the prefecture of Kigali courtyard, in a
3 container, the prefecture had placed all the archives, and this is where
4 I found a certificate allowing for members of the prefecture to have
5 weapons. And I was very surprised to see that RTLM members also had an
6 authorisation to have two Kalashnikovs, which is very strange because
7 usually they shouldn't be supposed to be authorised to have weapons.

8 And I also found out that Ferdinand Nahimana also had
9 authorisation to have one Kalashnikov and one revolver. And Ndahayo, the
10 chief of staff of the minister of information also requested an
11 authorisation to have a weapon and this request was then refused, because
12 he was a target. Of course, such requests would be refused to targets.

13 JUDGE EL BAAJ: [Interpretation] Very well. You mentioned, page
14 120, the concept of lightning genocide. What do you mean by this,
15 precisely?

16 A. This is the result of my questions to an insider, someone who was
17 really at the heart of the mafia, Richard Mugenzi, who was working for
18 the radio, and who was really at the heart of the Rwandan intelligence
19 services. I also mention it in my book, "L'agenda du génocide." He was
20 one of the most trusted men of Colonel Nsengiyumva, and he was tasked to
21 make forced transcriptions of documents of the Patriotic Front.

22 And on several occasions he heard conversations of Colonel
23 Nsengiyumva with other people as well, including one that mentioned this
24 concept of lightning genocide. President Habyarimana, according to him,
25 would never agree to a long genocide, because he would then be sanctioned

1 by the international community, and, therefore, he wanted to kill all the
2 Tutsis in just two or three days, and there should be a signal on the
3 radio, probably RTLM radio. It would be one sentence, just: Get rid of
4 the dirt. And, of course, this sentence has a double meaning, because in
5 Rwanda they would always have messages about the importance of hygiene
6 within the house, how you must sweep your house, but here clearly the
7 meaning was that -- it was a sentence that was meant to announce the
8 beginning of the genocide, and that one should kill their neighbour.

9 But this project did not go through because, between the 6th and
10 7th April, many Tutsis went to seek refuge in what they thought were safe
11 locations: Churches, prefectures. And so it was much more difficult to
12 get rid of them rather than had they been in small units. Then it would
13 have been easier.

14 JUDGE BONOMOY: Thank you. There are now some questions from
15 Judge de Guzman.

16 JUDGE GUZMAN: [Interpretation] Thank you very much, Your Honour.

17 And good afternoon, Mr. Dupaquier. Thank you very much for being
18 here today. Turning to page 72 of the French version, and page 70 in
19 English, you said that Felicien Kabuga was one of the main importers of
20 new machetes before the genocide, but there's no quotes here or no
21 reference. I was wondering what is your reference for this particular
22 fact?

23 A. During the year after the genocide, two researchers working for a
24 Belgian NGO, Pierre Galand and a second name that is difficult for me to
25 pronounce because it's a Polish surname, they were asked to run an

1 investigation on the banking system. And they found out that the
2 international community had tolerated mass imports of machetes. They
3 made copies of these banking documents, and then they shared the
4 experience, because when they would make copies, these copies would
5 disappear overnight.

6 So they were accomplices surrounding them. So they would have to
7 tell their stories. So this remained a secret for two -- for several
8 reasons. The first reason, according to them, is that the international
9 community asked them not to disseminate this document, this report,
10 because, of course, it was a report --

11 JUDGE GUZMAN: [Interpretation] Were these documents mentioning
12 the name of Mr. Kabuga?

13 A. No, absolutely not. It was the Galand report. And you might
14 find it today on the internet. But back on the day when I was discussing
15 with the investigator, it was a secret report, and we're mentioning it as
16 the Galand report. And so the second reason is that, to me, the Rwandan
17 government would use this document as a document for blackmailing. And
18 so, you know, whenever the government would want something in particular,
19 they would need an evidence for blackmail.

20 JUDGE GUZMAN: [Interpretation] I understand that you found a
21 document that mentioned that many machetes were bought, but how do you
22 know that it was Mr. Kabuga that bought the machetes?

23 A. Well, because in the import document, a large part of these
24 machetes were then sent to the Kabuga company, and there were other
25 documents as well that showed that Kabuga had requested large amount of

1 machetes, compared to the usual.

2 JUDGE GUZMAN: [Interpretation] And so why is this not mentioned
3 in your report? Why is there no reference?

4 A. Well, because when I had heard of this report by Pierre Galand
5 and the other one, they asked me not to make a copy of the report, and so
6 I didn't get to read the report, and they asked me not to mention it
7 either. So it was difficult for me to take notes.

8 JUDGE GUZMAN: [Interpretation] Thank you.

9 Page 81 of the French report and 78 of the English report, you
10 mentioned, and that regards the meeting that we've talked a lot about
11 today, the fact that Felicien Kabuga tried to minimise the mistakes made
12 by certain journalists and said that efforts had been made to correct
13 them. However, it clearly showed what the true objectives of the station
14 were. And then you have a quote quoting Mr. Kabuga, or at least how they
15 were then transcribed during the meeting.

16 But what Mr. Kabuga is saying there is not clear to me, and so I
17 was wondering how do you see that it clearly shows what the true
18 objectives of the station were and how is it clearly stated?

19 A. Well, when Mr. Kabuga says that RTLM could satisfy one ethnic
20 group and not the other, well, it's quite impressive, because it means
21 that the political fight in Rwanda is a fight that opposes two ethnic
22 groups, the Tutsis and the Hutus, and this is exactly what is being said
23 constantly on the RTLM. And it shows the true ideology of this radio
24 station. They refuses -- Mr. Kabuga, he refuses the peace accords. As
25 the peace accords are about to be signed, RTLM does everything it can to

1 prevent the Arusha accords to be signed and to promote war.

2 JUDGE GUZMAN: [Interpretation] And you think that this is
3 perfectly clear in what Mr. Kabuga said?

4 A. Yes, perfectly clear. Of course, he's saying it in his own way.
5 He's expressing it in a rather simple manner. If you look at a note
6 entitled: Rwanda, yesterday's problem and today's problem, I don't
7 exactly remember the title, we can say that Kabuga would express the same
8 thing in a more subtle manner but it would basically mean the same thing.

9 JUDGE GUZMAN: [Interpretation] In page 100 of the French version,
10 96 of the English version, you said that in the last months of 1993,
11 firearms originating from the army stocks were secretly distributed to
12 groups of Interahamwe. This was discussed at meetings of the Interahamwe
13 national committee that were held in Felicien Kabuga's building. And
14 then you move on to other themes.

15 So here again this is not referenced. So how do you know that
16 this discussion took place in Kabuga's building?

17 A. We have other sources. Unfortunately, I don't have the name in
18 mind right now. But one of the high-ranking leaders of MRND were told
19 how to dismantle a firearm in Kabuga's building. So we understood that
20 there were some trainings happening within the building regarding
21 firearms.

22 So in this building, it's not just about meetings but there are
23 also explanations provided regarding how to use a firearm.

24 JUDGE GUZMAN: [Interpretation] Thank you very much,
25 Mr. Dupaquier.

1 JUDGE BONOMY: Maître Mathe, do the answers to any of these
2 questions cause you to ask further questions?

3 MS. MATHE: [Interpretation] No, Your Honour. Thank you very
4 much.

5 JUDGE BONOMY: Thank you.

6 Now, Mr. Elderkin, we've gone over even our anticipated time
7 limit. You have still how much?

8 MR. ELDERKIN: If I'm allowed, optimistically I'd say two
9 minutes, perhaps five. It's two questions that I hope can be answered
10 briefly, and it's very much clarifying things that have been said, so I
11 hope the answers will be compact.

12 [Trial Chamber and registrar confer]

13 JUDGE BONOMY: Very well. Please continue.

14 Re-examination by Mr. Elderkin:

15 Q. Good afternoon, Mr. Dupaquier.

16 A. [No interpretation].

17 Q. First question, is it fair to describe your report in this Kabuga
18 case as an update on the report that you co-authored with Dr. Chrétien
19 and others from the Nahimana et al trial?

20 A. Yes.

21 Q. You were asked about certain new information that you used in
22 order to do the updating on the Nahimana report. Is that new information
23 that has been added consistent with the overall analysis contained in the
24 original report?

25 A. All new information aim at strengthening the idea of having this

1 secret staff that was in charge of exterminating Tutsi from 1991.

2 Q. Just so I have a clear answer. The two reports, are their
3 overall conclusions consistent or contradictory?

4 A. I think that I'm going a bit further than the initial report on
5 the -- the media reports thanks to the repentant statements and other
6 stakeholders as well, because new stakeholders appeared and new documents
7 are published on a daily basis. So there was the Duclert committee in
8 France that investigated on the Rwandan genocide. It wasn't exactly the
9 same topic, but it also had very interesting information on what was
10 happening back in Rwanda then, and Vincent Duclert. I was mentioning the
11 Canovas report earlier on and that's something that came out with the
12 Duclert committee. So you have new documents, you have a 1.500 pages
13 long document that provided new information. So the more we wait, the
14 more information we have about the genocide. And the same thing happened
15 for the Shoah, for example.

16 Q. That's all I have. Thank you, Mr. Dupaquier.

17 MR. ELDERKIN: And thank you, Your Honours.

18 JUDGE BONOMY: I'm not sure that was an answer to the question
19 that counsel posed there. I understand the point about you having
20 additional and different information, but his question was whether the
21 conclusions in the two reports are consistent with each other. Now, what
22 is the answer to that? Is there any inconsistency?

23 THE WITNESS: [Interpretation] Thank you very much, Your Honour,
24 for precisising the question. I think I misunderstood the question.

25 So I would say that I bring conclusions that are slightly

1 different regarding the timeline. Based on everything that we know, and
2 the new information that we have received since the past 20 years, it
3 seems very clear that the RTLM's role as a preparation instrument for the
4 genocide is clearly established on 6 April 1994. So much so that we
5 don't need even necessarily to know what happened during the genocide to
6 really understand that there was a clear and determined preparation of
7 this genocide and that could only lead to what we know happened then.

8 And for the second part, from 6 January all the way to mid-July
9 1994, with the end of the RTLM, goes even beyond this double language.
10 Things are clearly brutal and obvious, but it doesn't change RTLM's
11 history.

12 JUDGE BONOMY: Mr. Elderkin, did I misinterpret your question in
13 some way?

14 MR. ELDERKIN: Your Honour, you did not.

15 JUDGE BONOMY: No.

16 MR. ELDERKIN: I simply wanted to establish whether Mr. Dupaquier
17 would say anything from the first report that he got wrong --

18 JUDGE BONOMY: Yes.

19 MR. ELDERKIN: -- with the eyes of today.

20 JUDGE BONOMY: Yes. So you have the answer?

21 MR. ELDERKIN: Indeed.

22 JUDGE BONOMY: Thank you.

23 Mr. Dupaquier, that completes your evidence. The Trial Chamber
24 is grateful to you for coming here today to give that evidence. You are
25 now free to leave the courtroom.

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

2 [The witness withdrew]

3 JUDGE BONOMOY: Now, Maître Mathe, one thing I would like to
4 clarify with you for the purposes of assessing tomorrow's proceedings is
5 your current position on the likely length of your cross-examination of
6 the witness tomorrow.

7 MS. MATHE: [Interpretation] Your Honour, I think that
8 Maître Altit has the answer to your question.

9 MR. ALTIT: [Interpretation] Your Honour, I intervene. And in
10 order to answer your question, I will lead the cross-examination. We had
11 announced that we needed three hours maximum, and I will try and keep it
12 under three hours. I cannot promise anything, but I'll do my best in
13 order to go as fast as possible.

14 JUDGE BONOMOY: And is my recollection correct, Mr. Elderkin, you
15 said something like 20 minutes?

16 MR. ELDERKIN: I hate to be too optimistic when playing with
17 minutes rather than hours, but I have simply to establish the Rule 111
18 foundations, and then we have a couple of video-clips. I'd hope 20, 25
19 minutes, rather than the full half-hour or more.

20 JUDGE BONOMOY: Yes, thank you.

21 [Trial Chamber confers]

22 JUDGE BONOMOY: I have a personal issue, I don't want to discuss
23 it, but it will prevent me sitting in this case beyond 12.30 tomorrow.
24 One way of trying to deal with the witness in entirety would be for the
25 Chamber to sit early.

1 Now, there are various agencies here affected by that, so, first
2 of all, the Defence. Is it possible for you to sit at 9.00 instead of
3 10.00?

4 MR. ALTIT: [Interpretation] Absolutely, Your Honour. Yes.

5 JUDGE BONOMY: The Prosecution.

6 MR. ELDERKIN: Yes, of course.

7 JUDGE BONOMY: However, there are other bodies to consider.

8 [Trial Chamber and legal officer confer]

9 JUDGE BONOMY: Any other part of the proceedings that's affected
10 by that adversely, I'll give you about three seconds to draw my attention
11 to that. All right.

12 That means it's possible. It doesn't mean it will happen,
13 because the attendance of the accused, if that is the decision, would
14 mean that the trial would have to continue at 10.00. So there will be no
15 definitive answer to this until tomorrow morning. But if circumstances
16 are as they have been on other days this week, then we would be able to
17 start at 9.00.

18 Mr. Elderkin.

19 MR. ELDERKIN: If it would assist, Your Honours, the next witness
20 happens to have a residence in The Hague as well as elsewhere, so he
21 would not be as inconvenienced as other witnesses if it would require him
22 to be kept over the weekend as well.

23 JUDGE BONOMY: No, I understand that. But then there are other
24 factors involved here as well.

25 Very well. Thank you, everyone. That concludes today's hearing.

1 We shall sit again tomorrow in the morning.

2 --- Whereupon the hearing adjourned at 3.46 p.m.

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