

1 Wednesday, 5 October 2022

2 [Open session]

3 [The accused appeared via videolink]

4 [The witness entered court]

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

6 JUDGE BONOMO: Good morning, everyone.

7 I note the presence of Mr. Kabuga this morning by videolink from
8 the UN Detention Unit. I confirm, having been advised, that he is able
9 to view the proceedings and to hear them in the Kinyarwanda language.

10 There are two preliminary matters that the Trial Chamber will
11 address before we commence with the testimony of Witness KAB005.

12 Good morning, Witness. Please bear with us while we deal with
13 some preliminary procedural matters.

14 The witness has been granted protective measures.

15 On 21 September, the Trial Chamber issued a decision finding a
16 number of documents associated to his evidence appropriate for admission
17 after the fulfilment of the conditions set forth in Rule 111.

18 On 29 September, the Registry informed the Trial Chamber that,
19 following a request from the Prosecution, seven of the associated
20 exhibits - these are P300, 301, 302, 310, 311, 312, and 313 - were
21 temporarily placed under seal in order to protect the witness's identity.

22 Given the content of these exhibits, the Trial Chamber now orders
23 the reclassification of these associated exhibits from public to
24 confidential.

25 In addition, the Trial Chamber has been informed of the

1 Prosecution intention to request leave to amend its Rule 70(E) exhibit
2 list to include a set of 17 handwritten notes that were included in the
3 RTLTM tape cassette boxes, alongside the tapes that were admitted through
4 Witness 005, the same witness in the Nahimana trial.

5 Ms. Harbour, do you make that request this morning?

6 MS. HARBOUR: Yes, Your Honour.

7 JUDGE BONOMY: Thank you.

8 My understanding is that the Defence does not object to this
9 request. Is that the case, Maître Altit?

10 MR. ALTIT: [Interpretation] Yes, that is the case, Mr. President.

11 JUDGE BONOMY: Therefore, that request is granted.

12 The Trial Chamber, nonetheless, expresses its concern at the
13 apparent lack of diligence of the Prosecution resulting in the late
14 location of this material and the late identification of it as relevant
15 to the Prosecution case.

16 That completes the preliminary procedural issues that I have to
17 deal with.

18 Witness KAB005, can I now invite you to make the solemn
19 declaration.

20 THE WITNESS: [Interpretation] I solemnly declare that I will tell
21 the truth.

22 WITNESS: KAB005

23 [Witness testified via interpretation]

24 JUDGE BONOMY: Thank you. Please be seated.

25 In the first instance here, you will be asked questions by the

1 Prosecution. And to conduct that part of the proceedings, I invite
2 Ms. Harbour.

3 MS. HARBOUR: Thank you, Your Honour.

4 Examination by Ms. Harbour:

5 Q. Good morning, Mr. Witness.

6 MS. HARBOUR: Your Honours, colleagues.

7 Could we begin by bringing Rule 70 number 70877 to the screen,
8 which should not be broadcast.

9 Q. And, Witness, as this is coming up, the Court, as you heard,
10 ordered certain protective measures with respect to your evidence here
11 today. These include the use of a pseudonym as well as distortion of
12 your image and voice. So I will ask you to look at this pseudonym sheet
13 and direct your attention to where it says witness name. Please do not
14 state your name out loud but simply confirm if this is your name; yes or
15 no?

16 A. Yes, I do confirm that it is my name.

17 Q. And is this your date of birth?

18 Witness, the transcript did not pick up your response. Is this
19 your date of birth?

20 [Trial Chamber and legal officer confer]

21 THE WITNESS: [Interpretation] I am sorry. I did not understand
22 the question.

23 MS. HARBOUR:

24 Q. If we look at the sheet in the screen in front of you, I'm simply
25 asking for you to confirm, yes or no, that this is your year of birth.

1 Please don't --

2 A. Yes.

3 Q. All right.

4 MS. HARBOUR: Your Honours, I would tender this under seal,
5 please.

6 JUDGE BONOMO: Thank you.

7 THE REGISTRAR: It's Exhibit P475 under seal, Your Honours.

8 MS. HARBOUR: Your Honours, I will first lay the Rule 11
9 foundation and tender the Rule 11 materials.

10 Q. Mr. Witness, do you recall giving a statement on 18th and 19th
11 July 2022 to members of the Office of the Prosecutor of this Tribunal?

12 A. Yes, I do remember.

13 MS. HARBOUR: Could we please have P298 on the screen, not to be
14 broadcast.

15 Q. Witness, do you recognise any of the signatures on this page?

16 A. I do not see the screen. I don't see anything on the screen.

17 Q. We'll give it a moment for the French original to appear on the
18 screen.

19 A. Yes, I did see my signature.

20 Q. Now, did you have an opportunity, prior to testifying today, to
21 review this statement?

22 A. Yes, I did. I had the opportunity to look at my statement, to
23 review it.

24 Q. Did you identify one correction that you wanted to make?

25 A. There's a place in the document where it was written that the OTP

1 had handed me some audiocassettes, those were copies, and that the
2 Prosecutor had given me, rather, originals, and that the Prosecutor had
3 kept the copies. But later I realised that what I had were the copies
4 and that the originals were with the Prosecutor. This is what I wanted
5 to say, and I corrected it. I do not remember if I did rectify it or
6 not.

7 MS. HARBOUR: Can we please have R70 70878, also not to be
8 broadcast.

9 Q. And, Witness, what I'm pulling up on the screen is an additional
10 information report dated 3 October 2022. Once it's up, I'll ask you if
11 you recognise the initials on the bottom of the page.

12 A. Yes, I did see that. I see it. Yes, I did indeed see that my
13 name is on the document.

14 Q. Now that you have taken the solemn declaration, do you confirm
15 that your July 2022 statement and this information report of 3 October
16 2022 accurately reflects your evidence and what you would say, if
17 examined?

18 A. Yes, absolutely. It is the truth and only the truth.

19 MS. HARBOUR: Your Honours, I would like to tender now the two
20 Rule 111 statements, as well as all of the associated exhibits, as set
21 out in our motion filed 29 July 2022 and the 17 exhibits that Your
22 Honours have allowed us to add to our exhibit list today.

23 JUDGE BONAMY: Can you clarify for me where that leaves us in
24 relation to untranslated material? Are you seeking admission of any of
25 that?

1 MS. HARBOUR: Your Honours, as set out in your decision, we would
2 be seeking admission of all of the materials while the ones that are
3 untranslated remain marked for identification until the translation is
4 provided.

5 JUDGE BONOMY: And are you also seeking the admission of
6 unofficial translations, where they exist, for the purpose of use in the
7 trial?

8 MS. HARBOUR: We have uploaded OTP unofficial translations where
9 they are complete, and those would be the operative translation for the
10 purpose of this trial, Your Honours. We have not uploaded any
11 translations for which we don't seek admission.

12 JUDGE BONOMY: So any material in English or French that's
13 been -- or were some of the originals in French, here?

14 MS. HARBOUR: Some of the originals contain French, yes.

15 JUDGE BONOMY: But certainly all that appears uploaded in e-court
16 in English is an official translation, is it?

17 MS. HARBOUR: Your Honours, due to the constraints within the
18 entire Tribunal, but within CLSS in particular, the OTP has undertaken to
19 create translations with our own language staff, and we have called those
20 unofficial translations. However, we are satisfied to tender them with
21 their level of completeness to tender them in the cases where we have
22 uploaded them. We have not uploaded any drafts that we consider still
23 require revision within the OTP.

24 But, indeed, if there is an unofficial translation footer,
25 because it was created within the OTP, those have not -- we are not

1 waiting on CLSS for official translations.

2 JUDGE BONOMY: But you are seeking to upload those?

3 MS. HARBOUR: We have already uploaded.

4 JUDGE BONOMY: Yes, but you're seeking admission of these?

5 MS. HARBOUR: Yes, yes.

6 JUDGE BONOMY: Now, Maître Altit, have you any observation to
7 make on that?

8 MR. ALTIT: [Interpretation] Thank you very much, Your Honour.

9 I understand that all the translations will be uploaded, whether
10 they are official or non-official. And I also understand that some
11 documents are not yet translated, but the translation is taking place
12 currently.

13 Did I understand you correctly?

14 MS. HARBOUR: If I may respond. Yes, that is correct, Your
15 Honours.

16 MR. ALTIT: [Interpretation] Very well. Thank you very much,
17 Your Honour. This clarifies the situation for us.

18 Obviously, I will not go back to what we have already said. But
19 the sooner we have the translations, the better it will be for us and for
20 everybody else.

21 [Trial Chamber confers]

22 JUDGE BONOMY: The Trial Chamber is content to accede to the
23 motion you make and deal with the exhibits in the way you request.

24 We remain concerned about the delay in producing official
25 translations where that is going to be necessary, but we understand that

1 every effort is currently being made to rectify the situation where
2 required. Meanwhile, it seems entirely appropriate to proceed on the
3 basis of the material as you propose.

4 So, please continue.

5 MS. HARBOUR: Thank you, Your Honours.

6 Just, if I could get clarification, has the range of associated
7 exhibits now been admitted?

8 JUDGE BONOMY: Yes.

9 MS. HARBOUR: Yes, thank you, Your Honours.

10 Q. In that case, Mr. Witness, without divulging any information that
11 could identify you, could you please tell us what was your highest
12 educational qualification as of 1993 when you began working for the
13 Ministry of Information?

14 A. I hold a masters degree in journalism.

15 Q. Now, I would like to ask you about RTLM based on your work at the
16 Ministry of Information.

17 MS. HARBOUR: And I'd ask that P232 be brought to the screen.

18 Q. What I'm bringing up is an agreement between RTLM and the
19 Ministry of Information, which you discuss in paragraphs 15 to 20 of your
20 statement, Exhibit P298.

21 MS. HARBOUR: And I'm specifically looking for page 2 in all of
22 the languages.

23 Q. I'm going to direct your attention, Mr. Witness, to Article 5,
24 subpoint 2. Could you please read Article 5, subpoint 2 for the Chamber.

25 A. I'm sorry, I don't understand exactly what you're referring to,

1 but I'll make an effort.

2 It is broadcasts inciting hate and violence and all forms of
3 division.

4 Q. Do you know who in RTLM held responsibility for ensuring that
5 RTLM refrained from making such broadcasts?

6 A. The chairman of the RTLM was, indeed, the first person who needed
7 to make sure that the subparagraph of the article in question was
8 complied with with RTLM's staff. So when I say "president" or
9 "chairman," I refer to Mr. Felicien Kabuga who was, at the time,
10 president of the RTLM.

11 Q. In paragraph 22 of your statement, you discuss RTLM programming
12 after Burundian President Ndadaye was killed during the night of 20th to
13 the 21st of October, 1993. Did RTLM programming change after
14 President Ndadaye's death?

15 A. Yes, indeed. RTLM's broadcasts changed a lot. Despite the
16 existence of subparagraph 2, the RTLM changed its broadcasts.

17 Do you want me to continue?

18 The RTLM made more efforts to excite Hutus and tell them that
19 what had occurred in Burundi could also occur against Hutus in Rwanda.
20 At one point, RTLM said that Hutus of the whole region should get
21 together and be vigilant because we were thinking about the creation of
22 Tutsi land and that the fate of the Hutus would thus be sealed. It is
23 obvious that this was a message that encouraged part of the population,
24 i.e., Hutus, to never trust Tutsis. And this was -- and also these
25 people were called Tutsi accomplices. Thank you.

1 Q. At paragraph 25 to 26 of your statement, you refer to a letter
2 that Minister Rucogoza addressed to the president of the
3 Comité d'Initiative of RTLM in which he notes that RTLM used the death of
4 President Ndadaye to broadcast programmes inciting violence. After this
5 letter, this letter of warning to RTLM, was there any change in RTLM
6 broadcasts to comply with the minister's warning?

7 A. Quite honestly, nothing changed after this letter. However, the
8 situation deteriorated. Hate propaganda and division propaganda
9 continued to such an extent that some members of the Tutsi population
10 were killed across the country. For example, in the Bugesera region and
11 in the Bigogwe region. Bigogwe was located in the former Gisenyi
12 Prefecture. So there was a lot of mistrust in the population, and RTLM
13 did nothing to correct the information but, in fact, went all out to
14 continue with its divisionist propaganda.

15 Q. Beginning in paragraph 28 of your statement, you discussed a
16 meeting that Minister Rucogoza called with RTLM officials on 26 November
17 1993. Could you briefly tell us what the purpose of this meeting was?

18 A. Thank you very much. The purpose of the meeting to enable the
19 minister as a representative of the government and who, in fact, had
20 signed an agreement with RTLM's leadership during this meeting, so this
21 minister wanted to remind them that they were not abiding by the
22 agreement. They were not abiding by the agreement at all as it had been
23 agreed upon, and the minister, during this meeting, said that they had to
24 abide by this agreement as it was signed.

25 He asked the journalists to be careful about what they said on

1 the air waves and asked them to stop telling the population that the
2 Arusha peace accords were not useful and that they should not be abided
3 by. The minister also asked them to put an end to propaganda against the
4 RPF, because the agreement stated that any propaganda which led to a
5 return of war should be avoided.

6 So that, in a nutshell, was what the minister wanted to remind
7 the RTLM people, because in the agreement it was said that should there
8 be a conflict that an amicable solution to the conflict should be found
9 rather than seizing the courts, and it was done to avoid -- and that
10 everything should be done to avoid confrontation. Thank you.

11 Q. Now, in paragraph 31 of your July 2022 statement, you said that
12 Mr. Kabuga led the RTLM delegation. Did Mr. Kabuga have any response to
13 Minister Rucogoza's remarks?

14 A. It is indeed true that during this meeting the RTLM delegation
15 was led by Felicien Kabuga. And after having listened to the minister,
16 Mr. Felicien Kabuga accepted, admitted, that the journalists were making
17 mistakes and said that they would be corrected. However, it was observed
18 that nothing was done after this. In fact, the situation worsened after
19 this.

20 Q. Did Mr. Kabuga say how the journalists' mistakes would be
21 corrected?

22 A. He gave an example to show that journalists were trying to
23 correct their mistakes. For example, one of the journalists of RTLM had
24 said that when President Melchior died, President Melchior Ndadaye of
25 Burundi, and that part of the MDR party, Mouvement Démocratique

1 Républicain, and that the president was present when Melchior Ndadaye
2 died, and Kabuga said that this was not correct and that the journalists
3 had, indeed, corrected this error.

4 That was the only example he gave of a mistake being corrected,
5 but there were several other mistakes that were never corrected, and the
6 editorial line was aimed at dividing the population. The radio station
7 broadcast rumours that were manipulated with the intention of conveying a
8 specific message to a specific audience.

9 JUDGE BONOMY: Ms. Harbour, I'm not sure I understand what the
10 correction here was.

11 The transcript says "and that part of the MDR party ..." and I
12 think it may have been "was present," but is that the nature of the
13 correction?

14 MS. HARBOUR: Perhaps we could ask the witness to clarify.

15 Q. Witness, the transcript has not fully captured your response.
16 Could you explain what was the nature of the single correction that you
17 identified?

18 A. I just gave you a small example given by Felicien Kabuga during
19 the meeting. When Minister Rucogoza demonstrated that the radio did not
20 comply with the Arusha agreement signed --

21 THE INTERPRETER: Or the agreement signed, sorry.

22 THE WITNESS: [Interpretation] -- between RTLM and the Government
23 of Rwanda when the radio station was set up, Kabuga said the following:
24 Our radio station is abiding by the agreement.

25 And to give an example, he mentioned Twagiramungu's example who

1 was supposedly in Burundi when Ndadaye died, and that was the only
2 example that he gave. But after the meeting the situation, as I said,
3 didn't change, but it just worsened.

4 MS. HARBOUR: So if I --

5 JUDGE BONOMO: Witness, thank you for that. That clarification
6 was necessary.

7 Please understand that it can be quite difficult to get
8 everything translated without cross-checking occasionally. So thank you
9 for your patience and assistance with that.

10 Ms. Harbour.

11 THE WITNESS: [Interpretation] Thank you, Mr. President.

12 MS. HARBOUR:

13 Q. For the interpreter's sake, and also the transcribers, please
14 make sure that you're speaking at as reasonable and calm pace as you can.

15 Now, you've mentioned the RTLM editorial line. Did Mr. Kabuga
16 express any views about RTLM's editorial line during this meeting?

17 A. Well, to tell you the truth, all he said was that the editorial
18 line of the RTLM was to provide all the information to the Rwandan
19 population without hiding or deforming anything. However, what he wanted
20 to say was that all the information received by RTLM would be broadcast
21 without anything being deformed. This is what I want to say on this
22 topic.

23 So they said the following: The editorial line of the RTLM is to
24 communicate the facts as they stand to the Rwandans. And if somebody is
25 not happy with what he or she hears, he or she has the right to complain

1 because, according to Kabuga, RTLM didn't want to please part of the
2 population and leave the rest of the population aside.

3 MS. HARBOUR: Could we please have Exhibit P302.

4 Q. And what I'm bringing up, Mr. Witness, is the final minutes of
5 this 26 November 1993 meeting, which is discussed in paragraph 35 of your
6 2022 statement. And I'm looking for page 2. I'll direct your attention
7 to the third paragraph down in both languages. In the third sentence,
8 where it's reported that Kabuga said -- well, I'll wait for it to come up
9 in Kinyarwanda.

10 It's reported that Kabuga said:

11 "'telling the truth is not an offence. Rwanda belongs to
12 everybody but the RTLM cannot tolerate some people who are disdainful
13 toward others because of their ethnic origin or appearance.' He said
14 they would rather talk about those people than kill them."

15 How did you understand Kabuga's statement about disdain based on
16 appearance and ethnic origin?

17 A. This is correct. It is correct that Felicien Kabuga, indeed,
18 said these words. That is what I understand from what he said at the
19 time. When you say people who are disdainful of others because of their
20 appearance, that was just a well-known policy that represented Tutsis as
21 being overconfident, thinking that they were more intelligent than the
22 Hutus, that they had a better body, they were more good-looking, they
23 were better educated, they were more polite than the Hutus.

24 But the purpose of these words was to tell people: Listen, you
25 must avoid these people who are disdainful towards you. You are in the

1 majority, so you should not accept these people who are contemptuous of
2 you. However, this was not true. What Kabuga was saying was not true.
3 I never heard any such thing. I never heard anyone say it to another
4 person, "I feel superior to you." No.

5 Q. Do you recall whether RTLM broadcast expressed a similar message
6 as what you've just explained was Kabuga's message?

7 A. Yes, such messages were broadcasted very often by the RTLM, and
8 in particular during the genocide. Journalists such as Kantano,
9 Valérie Bemeriki, said, "These beautiful women who thought they were
10 better than us, where are they now?" The journalists said these women
11 who were disdainful of us, it is our turn now to be disdainful of them.
12 So this was in connection with the previous message about who was
13 disdainful to whom.

14 In fact, they encouraged people to get rid of others who they
15 felt contempt for. And then we know that the people who were presented
16 as the enemy were eliminated, and yet we know that all this wasn't true.
17 Because everyone has a face, a face that is God given. For me, it is up
18 to everyone to be satisfied with the way they look.

19 So do I not agree with the message that was disseminated, because
20 there is no truth in it.

21 MS. HARBOUR: Could we please turn to page 4 in the English and
22 it would be 4 in French, and page 5 in the Kinyarwanda. And we're
23 looking at the second paragraph down.

24 Q. Here we have Pie Nzeyimana. According to paragraph 8 of your
25 statement, he was the Ministry of Information's director-general. And he

1 says that Kabuga, Felicien was right to mention this Rwandan proverb:
2 "The person who announces the death of the head of the family is not
3 responsible for his death."

4 Do you recall how will Mr. Nzeyimana responded to this proverb?

5 A. Yes, I do remember this very well.

6 Pie Nzeyimana, peace be with him, declared that when the head of
7 the family dies that he was not the killer of that family. He did agree
8 that that was correct. But if you say that the head of the family is
9 going to die, and then later on if this head of family does, indeed, die,
10 well, there's a problem here, because it would be tantamount to saying
11 that it is not a sin to tell the truth.

12 However, when you use the truth for the purpose of a propaganda
13 that exposes the life of others, you are committing a crime punished by
14 law. I agree that the press should be free. That it should be
15 independent. But it should avoid putting the lives of people in danger.
16 And this is what Mr. Pie Nzeyimana wanted to say, because at one point
17 people were saying such-and-such thing happened, because Rwandans trust
18 the press a lot.

19 And I don't think that is -- it's not just the Rwandans who trust
20 the press. Most people do that. And the journalists of RTLM tried to
21 exaggerate some information so that the population accepted it. And
22 there were times when the journalists broadcasted information that was
23 incorrect but said that it was correct. So people were burned. People
24 had to flee from their villages. So these journalists were putting
25 people in constant situations of insecurity by doing so.

1 Q. The minutes that we have in front of us, they document the
2 comments from others, other members of the RTLM delegation. And we won't
3 go through them now. But, do you recall if any of the other members
4 disagreed with Mr. Kabuga?

5 A. In reality, the delegation of the RTLM shared Mr. Kabuga's views.
6 Nahimana, Ferdinand, said that they had to present all the information as
7 it stood. In reality, RTLM didn't want to change its editorial line.

8 The members of the RTLM delegation said that its editorial
9 strategy - that is to say, the one that had been presented when the
10 agreement with the government was signed - should not be changed, and all
11 the members of the delegation seemed to think along the same lines.

12 Q. Did the RTLM and Ministry of Information delegations reach any
13 agreements at this meeting?

14 A. Yes, they did agree on some points. However, this happened after
15 a lot of disagreement during this meeting. There was tension. The
16 atmosphere was not good, because the RTLM delegation told us that the
17 Ministry of Information and, in particular, the minister himself, had
18 been trapped by the inkotanyi, and the delegation told us that we were,
19 in fact, the accomplices of the inkotanyi, and that we had to follow a
20 strict line. He said that we had to defend the Hutus and take on board
21 what the majority thought.

22 Towards the end of the meeting, the tension dropped slightly and
23 they agreed that they would change, and they asked for a consultation
24 framework to discuss the new problems that were appearing. And in the
25 minutes that I drafted, I did not mention the incidents that had occurred

1 during the meeting. The minister told me not to mention that there was a
2 confrontation between the two delegations so that no one could say later
3 on that there was a disagreement between RTLM and the Rwandan government.

4 Q. What we heard in the English, and what we see on the transcript,
5 is that you said he said that we had to defend the --

6 JUDGE BONOMO: Hold on a moment. I'm hearing French in my ...

7 Sorry, I was saying that I was receiving a French interpretation
8 rather than English. Can that now be clarified or changed?

9 Carry on and we'll see what happens.

10 MS. HARBOUR: Thank you, Your Honour.

11 Q. Mr. Witness, what we see on the transcript is that you said:

12 "He said that we had to defend the Hutus and take on board what
13 the majority thought," I think.

14 Could you clarify who is "he"? Who is the "he" that said this?

15 A. In fact, all the members of the RTLM delegation defended this
16 idea, and the leader of the delegation was Felicien Kabuga. RTLM
17 insisted that they had to defend the Hutus as if the Tutsis had attacked
18 the Hutus. What is unfortunate is that, in fact, it is the Tutsis that
19 were discriminated against all the time and that they didn't have the
20 right to hold positions within civil service or in the army. In fact,
21 the Tutsis were discriminated against.

22 JUDGE BONOMO: Ms. Harbour, I have to say I read, in spite of the
23 use of the word "he," I read that passage from what had been said by the
24 witness as a reference to the delegation in general rather than a
25 particular individual.

1 Now if you want to pursue that because you think it wasn't as I
2 interpreted it, then do so. But failing that, just carry on.

3 MS. HARBOUR: No, I think that the witness has clarified that
4 your understanding was exactly right.

5 Q. Mr. Witness, did the RTLM leaders, the RTLM delegation ever sign
6 the minutes of the 26 November 1993 meeting?

7 A. No, they didn't sign the minutes of this meeting. It was decided
8 that there would be minutes drafted after the meeting. And before
9 signing the minutes, before both parties signed the minutes, we had to
10 show these minutes to RTLM's leadership, show it to Felicien Kabuga, who
11 would put his observations, and then a final draft would be prepared that
12 would be signed by both parties.

13 But up until the next meeting, the RTLM had still not signed the
14 first minutes, because they didn't have the time to read and understand
15 what was in the minutes. That is what they told us. So they didn't sign
16 the previous meeting's minutes.

17 Q. Were there any changes or improvements in the content of the RTLM
18 broadcasts after this meeting?

19 A. Nothing changed for the better. Everything remained bad. They
20 did not respect the agreement that they had signed with the Rwandan
21 government. They just continued to violate the Arusha peace agreements,
22 and they continued to have inflammatory talks against the FPR. They
23 continued to target a portion of the population because of their ethnic
24 origin or because of their political opinions. But in reality, the
25 division, the hatred talk did not diminish.

1 Q. Did RTLM broadcasts mention Minister Rucogoza's warnings to RTLM?

2 A. Throughout the RTLM broadcasts, reporters were saying that
3 Minister Rucogoza wanted to close down the radio. But in reality, if the
4 minister had wanted to close that radio station based on law, since the
5 agreement that he had signed with the RTLM was such that he was capable
6 of closing down that radio station. But he did not take that decision in
7 a hasty manner. He just preferred to go slowly so that the RTLM can come
8 back to the editorial line that they wanted to have initially, to respect
9 journalistic ethics, and to respect the constitution, and they wanted
10 that Rwandans live in peace.

11 MS. HARBOUR: I'm going to play a clip from Exhibit P326. This
12 is from 14th and 15th December 1993, and it's clip had number 3 for the
13 booths.

14 [Videoclip played]

15 THE INTERPRETER: "... I would like to thank him because he was
16 taking care of private press and he was looking for a transportation
17 means to go to Kinyihira and Bujumbura, and that is very positive because
18 free press must exist. They should be able to inform Rwandans even if we
19 say that we do not understand very well the editorial line of such a
20 radio, of such a newspaper. Such of Rwandans do appreciate broadcasts
21 and some people don't."

22 MS. HARBOUR:

23 Q. Do you recognise the journalist?

24 A. Yes, I do. That is Habimana Kantano.

25 Q. Do you know why Habimana was thanking Minister Rucogoza?

1 A. In reality, Kantano was not thanking the minister. Kantano was a
2 very intelligent man. He had a diploma in journalism, and he knew how to
3 use language. When he would say that he was thanking Minister Rucogoza
4 and to help the private press, that it is very important when he was
5 going to Kinyihira and Bujumbura, he wanted to say something completely
6 different. He was insinuating something else. In reality, he wanted to
7 say that Rucogoza -- well, the reporter was making reference to Kinyihira.
8 He was actually referring to an area which was occupied by inkotanyi, and
9 the reporters that could go to Kinyihira were actually reporters who did
10 not share this madness. He wanted to say that those reporters who were
11 going to Kinyihira, which was considered to be the FPR area, when that
12 reporter wanted to go to that place, he -- Rucogoza was actually
13 facilitating the means for him to go there. And when these reporters
14 wanted to go to Bujumbura, the minister was facilitating the means of
15 transportation. He gave them the means of transportation. He wanted to
16 say that Rucogoza and the inkotanyi were the same, in reality. But -- so
17 he was not at all thanking Minister Rucogoza, and he was saying that some
18 people did not like to listen to the radio.

19 So if he was thanking Minister Rucogoza. Why? Well, he was
20 continuing by saying that a portion of the population did not like RTLM.
21 In reality, RTLM never stopped to propagate ethnic division and this
22 madness.

23 Q. At paragraph 38 and 39 of your statement, you say that it became
24 evident that RTLM would continue to sow the grains of ethnic division so
25 the minister called another meeting with RTLM on 10 February 1994. Who

1 was the leader of the RTLM delegation at the 10 February meeting?

2 A. That meeting was led by Felicien Kabuga, who was the president of
3 the RTLM.

4 Q. And you mention in your statement that Valérie Bemeriki, a
5 journalist, came with the RTLM delegation, but the minister insisted that
6 leave she. This is paragraph 46 of your statement. Why did he require
7 her to leave?

8 A. The minister asked Bemeriki to leave the meeting because, first
9 of all, she was not invited to the meeting. Members of the management of
10 the RTLM were invited, but she was not a member of the management of the
11 RTLM. And, secondly, the minister was afraid that Valérie Bemeriki was
12 going to broadcast on the air of RTLM what was said during the meeting
13 and expose the personnel and the management of the Ministry of
14 Information.

15 So Bemeriki was a reporter that had extremist leanings, and this
16 is why the minister asked for her to leave the meeting. The minister
17 said at the end of the meeting that there is going to be a communique and
18 Bemeriki is going to be able to take that communique to inform the
19 population as to what transpired during that meeting.

20 Q. In paragraph 50 of your statement, you summarise the speech that
21 Minister Rucogoza gave, and you say that he told the RTLM delegation that
22 he would use the powers invested in him to shut down the radio, and those
23 responsible would be tried for inflammatory speeches.

24 When he said "those responsible would be tried," do you know
25 which individuals he was referring to?

1 A. Yes, I do. He was referring to the people in charge of the RTLM,
2 those who are not punishing the reporters who were not abiding by the
3 editorial line of the radio. He wanted to say some messages were
4 broadcasted on the air of the RTLM, and he was saying that the RTLM was
5 basically executing the directives that came from the management of the
6 RTLM.

7 And he also wanted to say that the management of the RTLM did not
8 punish those who went against the editorial line of the RTLM. Meaning
9 that the management of the RTLM was actually approving the messages which
10 were broadcasted on the air of the RTLM. And it is Felicien Kabuga who
11 was the president of the board, and Nahimana was also a member of it,
12 Phocas Habimana, Jean-Bosco. And at the management of the radio, there
13 was also Gahigi, who was the editor-in-chief, and there were also other
14 reporters from the RTLM who were never punished for the bad messages that
15 were broadcasted on those radio waves.

16 It is true to say the individual and penal responsibility exists.
17 So when you are in charge of an institution, and if the members of that
18 institution are making mistakes, the chief, the chief is the first one
19 who is responsible. And Rucogoza was saying that those responsible for
20 this would be brought before justice, and I did not expect that people
21 who were responsible for it would really be brought before the justice,
22 in front of a tribunal.

23 Q. How did Mr. Kabuga react to the minister's threat to take action
24 against RTLM management?

25 A. In Rwanda, today people are saying I don't care. They understood

1 that Minister Rucogoza was just having fun and basically he wanted to
2 tell him, "Oh, go ahead, close our radio if you really want to. If you
3 can." But in reality, this showed him that he didn't have the power to
4 close that radio station. The reality being is that radio was supported
5 by very powerful people. And the reporters of the RTLM were never
6 punished, were never brought before the justice, because they knew that
7 they were supported by very powerful people.

8 Q. Did Mr. Kabuga say anything about where Minister Rucogoza
9 originated?

10 A. Yes. He said, "Rucogoza, you are also a Hutu. You are from
11 [indiscernible], just like me. How can you be an accomplice of the FPR
12 plotting against his Hutu brothers? But sooner or later, you will see
13 what happens to the people who are plotting against others."

14 Q. Did Mr. Kabuga say anything about other employees of the Ministry
15 of Information?

16 A. In general, the RTLM delegations were saying that all the people
17 who are working at the Ministry of Information were accomplices and they
18 fell in the trap of the inkotanyi. He was saying that everything that we
19 were doing was to defend the ideas of the inkotanyi and to go against the
20 rights of the majority.

21 And if you allow me, I would like to go back a little bit. There
22 was a meeting which took place. And during that meeting --

23 JUDGE BONOMO: Just a moment, Witness.

24 Ms. Harbour, the witness's task is to answer your questions, not
25 to give us an account of his own. If you consider he is answering the

1 question, then I will let him continue, but it didn't sound as though he
2 was answering your question.

3 MS. HARBOUR:

4 Q. Yes, Mr. Witness, let's proceed. We have very limited time.

5 MS. HARBOUR: Thank you, Your Honours.

6 Q. Mr. Witness, did Mr. Nahimana or Mr. Barayagwiza or Habimana
7 disagree with the positions that Kabuga was stating at this meeting?

8 A. No, not at all. They could not disagree with what Kabuga said.
9 They shared the same ideas as him.

10 Q. Do you recall which journalists were making the broadcasts the
11 ministry considered to be inciting ethnic tensions?

12 A. I remember very well who they were. Almost all the reporters of
13 the RTLM were following that line, but I can give you names.
14 Gahigi Gaspard. He was the editor-in-chief of that radio station. I can
15 also give you the following name, Habimana Kantano. And I can also
16 mention Hitimana, Noel. There was also Valérie Bemeriki. And I can also
17 give you the name of Ananie. And basically those are the journalists who
18 were broadcasting those messages. The journalist called George Ruggiu.
19 It is someone who was there but who was, in reality, not sharing that
20 editorial line. The other reporters did not adhere to this divisionary
21 policy.

22 These journalists exaggerated so that people would take into
23 account the message they were trying to convey.

24 MS. HARBOUR: Could I please have P174 on the screen.

25 Q. And, Mr. Witness, what I'm bringing up is the working document

1 you describe in paragraph 40 of your statement that you say was sent to
2 the president of RTLM. Can you tell me, did RTLM officials have this
3 with them during the meeting?

4 You can answer my question as we wait for the document to come up
5 on the screen.

6 A. Yes, they did have that document with them during the meeting.
7 Any person attending the meeting had that document sent by the minister
8 before the meeting.

9 MS. HARBOUR: Actually, what we need is the typed French version,
10 which is K0609003, and we need page 4; and page 1 in the English. I
11 think it should be the page before this in French. No, this is correct.
12 This is correct, I think.

13 Q. So we're looking at the section "Violation of Peace Agreement of
14 Arusha." And do you see the third bullet point: "During the
15 demonstrations ...," Mr. Witness?

16 Please let us know if you're not able to read it. It's quite
17 small. I have a printout for you if that would assist.

18 A. [No interpretation].

19 Q. I didn't receive the translation, but I gather that the witness
20 isn't able to read it.

21 THE INTERPRETER: The Kinyarwanda interpreters would like the
22 witness to repeat his answer. It was not caught. Thank you.

23 MS. HARBOUR:

24 Q. Witness, are you able to read the document?

25 A. Well, it's not easy to read.

1 [Trial Chamber and registrar confer]

2 JUDGE BONOMY: Ms. Harbour, is there not a hard copy that can be
3 given to the witness meanwhile?

4 MS. HARBOUR: Yes, there is, Your Honours. And I'm just informed
5 that one of our trial support assistants has also found a more legible
6 copy that she has uploaded, which can be released. But in the meantime,
7 let me provide the hard copies.

8 I actually printed them very large. I anticipated this might be
9 an issue.

10 JUDGE BONOMY: Thank you.

11 MS. HARBOUR: R70 00378.1 should have a more legible version.

12 Q. Mr. Witness, if you're able to read the third bullet point on the
13 second page regarding, "During the demonstrations ..."

14 If it helps, I will read out the French, and I pray that everyone
15 will please excuse my accent:

16 [Interpretation] "During the demonstrations that took place in
17 Kimisagara on 31st January 1994 RTLTM stated that 'two Hutus' were killed
18 by elements of the Minuwe [phoen] [as interpreted]. A few moments later
19 the same journalists quickly announced that there had been no one killed.
20 It is clear that the disavowal was clearer than the information."

21 A. I do not see that on the document that I have in my hand, but I
22 do know of that piece of news. Yes.

23 JUDGE BONOMY: Ms. Harbour, is the reference to Kinshasa on the
24 document inaccurate?

25 MS. HARBOUR: In the translation, yes, it is.

1 JUDGE BONOMY: So can you confirm what should be in its place?

2 MS. HARBOUR:

3 Q. Mr. Witness --

4 JUDGE BONOMY: No, no, just you tell me what should be in its
5 place.

6 MS. HARBOUR: Kimisagara.

7 JUDGE BONOMY: Thank you.

8 MS. HARBOUR:

9 Q. Mr. Witness, can you tell us what this example was about?

10 A. Yes. Indeed, there is a protest that took place at that date, on
11 the date indicated higher up. It was a demonstration that brought
12 together the political parties that were affiliated with the MRND, and
13 they were targeting the members of the Minuwe [as interpreted, notably
14 General Romeo Dallaire. It was said that the Blue Helmets, the
15 peacekeepers, had killed two Hutus. In fact, that was not true. They
16 disseminated that message in order to incite hate because they wanted to
17 spread the message that the Minuwe was collaborating with the inkotanyi.
18 But later on they corrected the message. However, they had already
19 spread that incorrect news, according to which Minuwe, which was a
20 peacekeeping mission, was, in fact, on -- was siding with the RPF.

21 JUDGE BONOMY: No, just a moment, Ms. Harbour.

22 [Trial Chamber confers]

23 THE INTERPRETER: Interpreter correction: Please correct
24 "Minuwe" and correct it with UNAMIR in the English transcript. Thank
25 you.

1 JUDGE BONOMY: The document has now disappeared from my screen.
2 Can we have it returned, please. In particular, the English version. We
3 need it, really, to be clear about the point.

4 But for the moment, Ms. Harbour, if you look at 27.8, it is clear
5 that the disavowal was clearer than the information is the transcript.
6 Now, that doesn't appear to be what's in the document.

7 MS. HARBOUR:

8 Q. Mr. Witness, you've heard the President's remark. The transcript
9 reflects that the disavowal was clearer than the information. Whereas,
10 the document itself says "it is obvious that the denial is weaker than
11 the information." Could you clarify?

12 A. That's absolutely true. On this point, if the correction is
13 made, then that's normal and that's -- that is good. But if at the
14 outset that -- the message that you convey was so strong and the public,
15 the listeners of the radio station, the people who followed the editorial
16 line of the radio took as gospel all of the messages that were
17 disseminated, well, you know, that message was already out there. And
18 even if at a later stage you correct that message, well, the message is
19 already out there.

20 And after that, the radio disseminated false messages that the
21 audiences took as true. And at that time, the message had already been
22 disseminated. It was already out in the public, even though at that time
23 it was then corrected.

24 That's all I can say without taking this any farther.

25 JUDGE BONOMY: Well, we have the witness's answer now. And

1 speaking for myself, it's difficult to regard the statement as a
2 reflection of what he's actually said. But that's how -- we will have to
3 resolve it in due course. But it's certainly not a clear statement at
4 this moment in his answer of what's contained in the statement.

5 MS. HARBOUR: Your Honours, are you referring to what's contained
6 in the --

7 JUDGE BONOMOY: I don't understand the reference to the disavowal
8 being much weaker in light of what the witness has said. He's said it
9 may have got lost in the -- among other material, but there's no
10 suggestion there that somehow or other a form of language that would
11 leave people in doubt was used.

12 MS. HARBOUR: I'm going to leave it there, unless Your Honours
13 have further questions for the witness.

14 JUDGE BONOMOY: No, I think that's very wise.

15 MS. HARBOUR: All right.

16 If we could turn to page 2 in the English while remaining on the
17 same page in the typed French.

18 Q. The first example of disparaging remarks is that the journalists
19 of RTLM designate the inkotanyi by the name inyenzi. Mr. Witness, why
20 was this considered disparaging?

21 A. This is an insulting way of referring to people, because a
22 cockroach is an insect. So if you call someone an insect, well, firstly,
23 it's an insult; and, secondly, it is a dehumanising way of referring to a
24 person. People who were designated as inyenzi were human beings like
25 anyone else. They were not insects.

1 MS. HARBOUR: Could we please turn to page 5 in the French in
2 e-court, which is not page 5 of the document the witness has, because
3 there are cover pages. What I'm looking for is page 3 for the witness,
4 under C: Violation of the agreement signed between the minister of
5 information and RTLM. And it lists five ways RTLM's programmes were
6 violating Article 5(2) of the agreement.

7 Q. The first is that they assimilate all members of the RPF to the
8 iniquitous Tutsis. Why did this violate Article 5(2)?

9 A. Well, under the agreement signed by RTLM and the Ministry of
10 Information representing the Rwandan government, Article 5(2) of the
11 agreement set out that the RTLM should avoid broadcasting any message
12 inciting to hatred against any part of the Rwandan population.

13 And, therefore, when the RTLM assimilated all Tutsis with the RPF
14 at a time when the RPF was considered an enemy of Rwanda, it was the same
15 as saying that the Tutsis inside Rwanda were enemies of the country and
16 should be fought against as such. It's quite evident that saying that
17 the Tutsis were inkotanyi was tantamount to saying that the -- that the
18 front that was against the inkotanyi should combat with the Hutu against
19 the Tutsis, because the Tutsis were tantamount to the RPF. Hence, they
20 had to be fought against, just like the RPF was being fought against,
21 because that was propaganda that was an incitement to hatred.

22 Q. The next point is that they assimilate the inside political
23 opposition to the RPF. Why did this violate Article 5(2)?

24 A. This too is hateful propaganda. It is the same as saying that if
25 you take people in the opposition and assimilate them to the RPF, the

1 RPF, which was at war with Rwanda, you're assimilating those members of
2 the opposition with the inkotanyi, with the RPF that are fighting against
3 our country. So those people in the opposition, you consider them as
4 enemies of the state that needed to be fought against. And that's the
5 message that the RTLM wanted to broadcast.

6 Q. Now, the next point is that: "They reduce the political problems
7 of Rwanda to the ethnic hatred between Hutus and Tutsi, (bene sebahinzi
8 and bene seborozzi)."

9 What do "bene sebahinzi" and "bene seborozzi" refer to?

10 A. When we talked of "bene sebahinzi," and you would find those
11 words in the songs of Simon Bikindi. These are songs that called on
12 vigilance of the part of Hutu. So "bene sebahinzi" were referring to the
13 Hutu; "bene seborozzi" signifies the Tutsis. And the message that was
14 thus being disseminated was that there was a fundamental problem between
15 the Hutu and the Tutsis, and that was the problem that should have been
16 the centre of attention for the country.

17 And the aim was to attribute -- assign the problem to the
18 problems, who were seen as enemies of the country, because, in fact, the
19 message was that the Tutsis of the inside and Tutsis outside were the
20 source of the problem in Rwanda.

21 Q. That brings us to the next point, which was: "To assimilate the
22 Tutsi from the inside to the inkotanyi."

23 Could you explain why this violated Article 5(2)?

24 A. The message violated the agreements in the most blatant way,
25 because assimilating the Tutsi from the inside to the inkotanyi, as I

1 said earlier, was a way of convincing people that the Tutsis from the
2 inside and the RPF inkotanyi that had started the war against Rwanda were
3 one and the same. Therefore, if those Tutsis from the inside are one and
4 the same as the RPF, you're asking the Hutus to hate the Tutsis.

5 The Hutus were being asked not to trust the Tutsis. So if your
6 neighbour is Tutsi, then you're given to understand that your neighbour
7 is an enemy of the country. And at a certain point, it was even asked of
8 the Hutu who had married Tutsi women not to trust them anymore. Not to
9 trust their wives anymore.

10 So when events go that far, that is in itself a violation of
11 Article 5(2), which was meant to prevent an incitement to hatred. Those
12 words were an incitement to hatred.

13 Q. All right. And the last point is: "To explain the population
14 that all the evil the country suffers is caused by the Tutsi."

15 I don't think I need to ask you a question about that one.

16 So I'd direct your attention now to an example that follows this
17 list. It says:

18 "In the programmes about the events in Gishushu, RTLM broadcasted
19 what follows 'Abahutu babe maso bitabare'..."

20 What does this mean?

21 A. These are alarming messages. When Hutus are asked to be
22 vigilant. Well, the question is who is threatening the Hutu? The
23 message was meant to tell the Hutu that the Tutsis had infiltrated them,
24 that the enemy was inside the Hutu community, and that the Hutus must be
25 vigilant because the enemy was there. And, therefore, if the enemy is

1 threatening you, you need to be vigilant. And that's the situation that
2 was created.

3 And, in the end, that's what made people distrust the Tutsi.
4 When the Hutu were asked to be vigilant, they mobilised and they went out
5 to kill the Tutsis because they had been prepared, as it were, by this
6 type of message. So if you hear repeatedly there's an enemy and there's
7 a victim, well, at one point or another, you get rid of the enemy, and
8 that is what happened later.

9 Q. The next example that we see is the broadcasting of the song of
10 the Bikindi, "Mbwira Abumva." Why is that an example of violating
11 Article 5(2)?

12 A. This song is a violation of the accords because, as such, it is a
13 song that violates hatred. As such, it violates Article 5(2). When
14 Bikindi said "Mbwira Abumva," he was referring to the Hutu, the Hutu that
15 were being asked to be vigilant. And those Hutus that could hear this
16 message were those who listened to the call and were being vigilant. And
17 those who did not hear, or could not hear, were those who weren't
18 listening and, therefore, could not be vigilant.

19 So the message was: Be vigilant. The enemy is amongst your
20 ranks. Do not be taken by surprise. That also is hateful propaganda.

21 Q. Could you tell us the actual translation? What do the words
22 "Mbwira Abumva" mean?

23 A. Well, I will try and translate. And, basically, it is: I speak
24 to those who wish to hear. And I think that's clear.

25 Q. Was this song known by any other name?

1 A. I cannot recall if there was another name. Sometimes "ngera
2 vova" [phoen] or "bene sebahinzi." And, as was said before,
3 "bene sebahinzi" was a reference to the Hutu. It meant the Hutu.

4 MS. HARBOUR: Could we please have P236 on the screen. And I
5 think we might have legibility issues again, so we found a more legible
6 version that's uploaded as R70 379.1.

7 Q. What I'm bringing up, Mr. Witness, is a document you prepared to
8 supplement this working document for the 10 February 1994 meeting. Did
9 Mr. Kabuga and the other RTLM officials have this supplement with them
10 during the meeting?

11 A. Yes, this document was available. And we did note that there was
12 a supplement to be added to the main document, and we sent the supplement
13 to the RTLM delegation.

14 Q. When we look at the first example here, it states that on
15 21 December 1993 an RTLM journalist affirmed that the vice-president of
16 PSD, Dr. Théoneste Gafaranga, had been an enemy of the Hutu cause for a
17 long time. Did you know Dr. Gafaranga?

18 A. I knew Dr. Gafaranga. He was an activist, a militant in the PSD
19 party. He was a very upright person. And so if you say that that person
20 was fighting the Hutu or was against them, that's not correct. And this
21 was a person who was an activist in favour of peaceful relations between
22 people, who wanted to live peacefully aside one another.

23 Q. What was his ethnicity?

24 A. He was a Hutu.

25 Q. After the 10 February meeting, did RTLM have further broadcasts

1 mentioning Dr. Gafaranga?

2 A. Yes. I cannot give a date, but, yes, there were such broadcasts.

3 Q. Do you know if Dr. Gafaranga is alive today?

4 A. Dr. Gafaranga, peace on his soul, like other -- as other
5 politicians, he was killed for his ideas. He is no longer alive. He was
6 killed during the genocide against the Tutsi, like many other politicians
7 who shared the same political ideals.

8 MS. HARBOUR: If we could look down to the middle of the page.

9 Q. It says:

10 "Ibyitso bifitanje ibanga Inkotanyi."

11 What does this mean?

12 A. The accomplices that were accused of intelligence with the
13 inkotanyi. That meant that those accomplices were to be found amongst
14 the Tutsis. Also, it was said that there was no difference between the
15 Tutsi and the RPF. But it was also said that some Hutus were accomplices
16 with the inkotanyi, they had intelligence with the RPF, and they were not
17 known to the other Hutus.

18 And that is why you see on the list the names of some people.
19 Those people are of Hutu ethnic origin. They were Hutus belonging to
20 different political parties. And here we're talking about political
21 parties that were in the opposition, that were against the MRND and the
22 CDR that was on the same side and that assimilated the majority of the
23 population to the Hutu. And when someone did not share the same
24 political line as those two political parties, MRND and CDR, those people
25 were called inkotanyi.

1 That's what I can answer.

2 MS. HARBOUR: Your Honours, I see the time. I would like to make
3 a request for additional time for my direct examination, because I can
4 see, from the way things are progressing, that with the time for
5 interpretation and pulling up documents, I have not made it through as
6 much as I would like to have.

7 [Trial Chamber confers]

8 JUDGE BONOMY: How much time do you have in mind?

9 MS. HARBOUR: I don't believe that I've used my full two hours as
10 yet, and I would request an additional 45 minutes on top of the two
11 hours.

12 Perhaps the Registry could inform me how much time is left on the
13 clock?

14 [Trial Chamber and registrar confer]

15 [Trial Chamber confers]

16 [Trial Chamber and legal officer confer]

17 JUDGE BONOMY: Maître Altit, may we have your observations on
18 this?

19 MR. ALTIT: [Interpretation] Thank you very much, Your Honour.

20 Your Honour, in principle, the Defence does not have anything
21 against the extension of time that was given to the Prosecution, but it
22 has to be reasonable. And I believe that we are very largely going over
23 the timeline that the doctors have indicated, and I believe that we
24 should maybe go into private session for the discussion.

25 But I believe that we are not basically --

1 JUDGE BONOMY: You can take it we are not extending today.
2 That's your point about the medical advice? If there is to be more time,
3 it will be tomorrow.

4 MR. ALTIT: [Interpretation] My comment is the following. A time
5 extension, which is reasonable, we don't have anything against it,
6 because we understand very well that it is quite possible to go a little
7 bit over the time that was given to us. But I believe that the time
8 length that the Prosecution was asking is not in -- aligned with the
9 medical advice, and I believe that this is not something that we should
10 do because it goes against the grain of what the doctors said, because
11 Felicien Kabuga then has to stay longer.

12 JUDGE BONOMY: No, I think you've misunderstood my position. We
13 will not extend today.

14 MR. ALTIT: [Interpretation] Yes, of course I understand,
15 Your Honour. Absolutely. And I just wanted to say that if we make sure
16 that the health of the witness is preserved, we do not have anything
17 against an extension. But this is just what I wanted to say earlier.

18 JUDGE BONOMY: Thank you very much.

19 [Trial Chamber confers]

20 JUDGE BONOMY: The Trial Chamber is conscious of the fact that
21 there is an important issue of the combination of fairness and expedition
22 in this trial which has to be addressed as a matter of principle, and it
23 is important that the parties adhere closely to the estimates they've
24 made in relation to time.

25 These were made giving full consideration to the circumstances,

1 and the Chamber has recognised them having regard to the broad interests
2 of justice, which are obviously -- or which obviously bring into play
3 factors other than a calculation of time.

4 In the particular circumstances here, where we're facing,
5 perhaps, a few more delays than hopefully will occur on every other day,
6 and in light of the Defence concession about the motion, we'll grant your
7 motion. Now, that will involve adding half an hour to your time, because
8 there's another 15 minutes, roughly, remaining of the two hours. So it
9 will be extended.

10 Under no circumstances -- well, I won't go that far. It would
11 have to be pretty exceptional circumstances that were to occur before we
12 would authorise any further extension.

13 So I encourage you to concentrate tomorrow on areas where you
14 feel there may be a lack of clarity in the written material that you
15 think might benefit from further exploration by your oral examination.

16 For the moment, we'll now adjourn until tomorrow, and we will
17 resume at 10.00 a.m.

18 --- Whereupon the hearing adjourned at 12.10 p.m.

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