

1 Thursday, 6 October 2022

2 [Open session]

3 [Accused not present]

4 [The witness takes the stand]

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

6 JUDGE BONOMO: Good morning, everyone. I note first of all that
7 Mr. Kabuga has again chosen not to attend today, and the trial will
8 proceed in his absence.

9 There is one preliminary matter to be addressed prior to
10 commencing with the remainder of Witness KAB005's examination-in-chief,
11 and that relates to previous evidentiary decisions issued by the Trial
12 Chamber under Rules 110 and 112.

13 The Trial Chamber recalls that between 11 April and 26 August of
14 this year, it issued four decisions pursuant to Rule 110, which addressed
15 22 witnesses, and three decisions pursuant to Rule 112, which addressed
16 25 witnesses. In all of these decisions, the Trial Chamber determined
17 that any evidence marked for identification pursuant to these decisions
18 would only be placed on the record after the opening of the trial and
19 following instructions from the Trial Chamber to the Registry.

20 As the trial has now commenced, the Trial Chamber finds that the
21 evidence deemed appropriate for admission pursuant to Rules 110 and 112,
22 including documents associated with the evidence of each of the
23 witnesses, can now be formally admitted and placed on the record. The
24 admission of this evidence is subject, of course, to any condition
25 identified in the relevant evidentiary decisions. To this end, the Trial

1 Chamber requests the Registry to liaise with the Prosecution to identify
2 any outstanding issues and to revert back to the Trial Chamber if
3 necessary.

4 That deals with the procedural matter.

5 Before continuing with the evidence today, I do want to make an
6 observation which will apply throughout the trial. The Trial Chamber
7 noted, following a review of yesterday's proceedings, that there was a
8 considerable amount of repetition of the terms of the statement in the
9 oral evidence led from the witness.

10 It's entirely understandable that there would be some repetition
11 because the Prosecution might wish to draw particular attention to
12 individual items. But the extent of repetition yesterday seemed to be
13 the main reason why the oral presentation was not concluded within the
14 time allocated, or approximately concluded at least, because it's noted
15 that some time was lost.

16 Now, if it appears today that that's what's happening, that
17 there's undue and unnecessary repetition, then the Chamber will reserve
18 the right to bring that evidence to a conclusion. So we invite you to
19 consider carefully what you feel is necessary to lead from the witness
20 orally, bearing in mind we have all the written material before us and
21 have read it.

22 Now, Witness, good morning to you again. May I simply remind you
23 that the solemn declaration you gave yesterday continues to apply to your
24 evidence until it is completed probably sometime next week. I won't
25 repeat that again, but just for the avoidance of any doubt.

1 [Trial Chamber and legal officer confer]

2 JUDGE BONOMY: Now, Ms. Harbour, you may continue.

3 MS. HARBOUR: Thank you, Your Honours.

4 Could we please have Rule 70 70831.1.

5 WITNESS: KAB005 [Resumed]

6 [Witness testified via interpreter]

7 Examination by Ms. Harbour: [Continued]

8 Q. And while this is coming up, Witness, could you please tell us
9 did the RTLM broadcast show any improvement after the 10 February 1994
10 meeting?

11 A. Not at all. The situation worsened and the RTLM did not abide by
12 the agreement signed with the Ministry of Information. Furthermore, the
13 RTLM continued to broadcast messages, inciting to hatred that demonised
14 the RPF inkotanyi, as if the radio wanted the RPF to resume the war. And
15 the broadcasts as such were in violation of the Arusha peace accords.

16 Q. If you could look at the screen. When you met with the
17 Prosecution prior to testifying, did you identify the individuals
18 indicated in this image from the video relating to a Radio Rwanda
19 broadcast about the 10 February 1994 meeting?

20 A. Yes, I was able to recognise all of the persons on this still
21 image, and I know all of these people well. On the side of the Ministry
22 of Information --

23 Q. Let me interrupt you, Witness --

24 A. -- you have the minister, Rucogoza.

25 Q. -- the names are here, so I just want to ask you about two names

1 that do not appear in your prior evidence.

2 MS. HARBOUR: I'm hearing the French translation in the English
3 channel.

4 THE INTERPRETER: Apologies.

5 MS. HARBOUR:

6 Q. Who was Claver Kayumba?

7 A. Claver Kayumba also worked at the Ministry of Information. He
8 was director, director of one of the departments in the Ministry of
9 Information. But it was a long time ago; therefore, I don't remember his
10 precise position in the Ministry of Information.

11 Q. And who was Jean Baptiste Rudahangarwa?

12 A. Jean Baptiste Rudahangarwa was also a director of one of the
13 departments in charge of the press. I don't precisely recall the exact
14 name of the department, but he was also a director within the Ministry of
15 Information.

16 Q. And what was his ethnicity?

17 A. Rudahangarwa was a Tutsi.

18 Q. Were any of the Ministry officials depicted in this image killed
19 during the genocide?

20 A. Jean Baptiste Rudahangarwa was killed. Pie Nzeyimana was also
21 killed.

22 Q. And in your statement you've also indicated that Minister
23 Rucogoza was killed. Were any other Ministry of Information --

24 A. Thank you. Yes, thank you for reminding me. Minister Rucogoza
25 was also one of the first to be killed. He was killed during the night,

1 that same night when President Habyarimana's airplane was shot down.

2 Q. Were any other Ministry of Information killed aside from those
3 depicted here?

4 A. My superior, Manuel, who was in charge of the written press and
5 television, was also killed. He was killed at the same time as his child
6 and his wife. They were recently married. There was also a young woman,
7 a young girl, Eugénie, her first name, from Gisenyi. She was also
8 killed. And I remember that those people were killed. There were
9 probably others that were killed.

10 Q. What was the ethnicity and the surname of your superior?

11 A. His name, Rutasilye, Emmanuel, and he was a Tutsi.

12 MS. HARBOUR: I'd like to request to go to private session now,
13 and we will bring up Rule 70 70879.

14 JUDGE BONOMO: Does this relate to the identity -- the reason for
15 private session relate to the identity of the witness?

16 MS. HARBOUR: Yes, Your Honour.

17 JUDGE BONOMO: Yes, very well.

18 [Private session]

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 [Open session]

6 THE REGISTRAR: We're back in open session, Your Honours.

7 JUDGE BONOMO: Please continue, Ms. Harbour.

8 MS. HARBOUR:

9 Q. Mr. Witness, could you please tell us who André Gasesero was?

10 A. André Gasesero was a teacher. He lived in Gisuma, in the
11 prefecture of Kisongo. He was my teacher when I was at elementary
12 school.

13 When multiparty politics came around, he adhered to party -- to
14 MDR, to the MDR party. And when that split up into separate parties, he
15 joined the moderate wing. The RTLM was not happy that he joined the
16 ranks of the moderates, and the gentlemen in the RTLM said that he was a
17 part of the accomplices that distributed arms to the population, and that
18 told the population in Cyangugu to be vigilant. And they called on the
19 population to be wary of those people. And he was killed during the
20 genocide along with four of his sons and his little brother, called
21 Sinama, as well as his father.

22 And I'd like to say that Gasesero was somebody who was very
23 upright. He loved everybody. He loved children, peace. God rest his
24 soul. He was killed following the RTLM's propaganda that said that he
25 was an accomplice to the inkotanyi, an accomplice of the Tutsi, and he

1 was killed because of his political opinions. And it was said that he
2 was passing for a Hutu; whereas, in fact, he was a Tutsi. That is what
3 the RTLM's broadcasts were claiming, but that was not true.

4 Q. Just to make sure the record is clear, what ethnicity was he, in
5 fact?

6 A. He was a Hutu.

7 Q. Could you please tell us who Zakarie Serubyogo was.

8 A. Zakarie Serubyogo lived in Gisuma municipality, in Cyangugu
9 prefecture. He was quite an important merchant. He worked in the
10 commercial centre, self centre of Kamemebe. He also had a shop in
11 Kigali, and his children sold in that same town.

12 He saved a lot of people. But the people he saved contributed to
13 his death, unfortunately, including a certain Kabare, Emmanuel. He did
14 not take part in -- he wasn't part of the divisionist debate. He was a
15 member of the MDR party, moderate wing, led by Twagiramungu, and for that
16 the RTLM kept saying that he was an accomplice. And RTLM's broadcasts
17 would tell Twagiramungu's people to be vigilant, to be wary or suspicious
18 of this or that person.

19 And in 1994 and during the genocide against the Tutsi, he was
20 killed. We do not even know where his corpse was laid. We wanted him to
21 be buried in a dignified manner, but that was not possible. And God rest
22 his soul.

23 Q. For clarity of the record, what was his ethnicity?

24 A. He was Hutu.

25 Q. And when you say that he saved a lot of people but the people he

1 saved contributed to his death, when did he save these people, and what
2 did you mean by that?

3 A. Well, I'm saying that he saved a lot of people because amongst
4 the people he saved -- well, he helped them to flee the country. Kabare,
5 Emmanuel was very poor, for example, and he helped him to leave his
6 social rank and helped them to open a shop in Kamembe. His shop was next
7 door to -- or next door to his shop, there's another person, Ngarukiye,
8 who he had helped to open the shop or to perform trade.

9 He had built a very nice one-storey house, which he gave to
10 another person, who was a person who had plotted against him, because he
11 had refused to join the CDR party, that was said to be the Hutu party.

12 Q. Thank you. Just to make sure that we understand completely. The
13 help that Serubyogo gave to these individuals, that was financial
14 assistance prior to the genocide?

15 A. Yes, indeed, that is right. That is correct. He helped them.
16 He gave them financial aid. They first worked for him. And then later
17 on, he provided them with financial support so that they could set up
18 shop and become traders.

19 Q. I would like to --

20 A. And they have -- they have some property in Akamambe as well.

21 MS. HARBOUR: I'd like to play a video, which is a clip from
22 Exhibit P352, and it's clip 6 for the booth -- sorry, an audio clip.
23 It's dated 1 February 1994.

24 [Audio-clip played]

25 THE INTERPRETER: [Voiceover] "We would like people from Cyangugu

1 to tell Mr. Twagiramungu to stop what he is doing. We have learned that
2 this person who was in Kigali, we would like to ask Mr. Surogigi [phoen],
3 who was in place where there are lots of Hutus, he went to hide there,
4 and we cannot hide. We know that they're liars, and we know that they
5 have joined the party, and they want us to join the inkotanyi party.
6 They cannot escape us in any way."

7 MS. HARBOUR:

8 Q. Very briefly, could you explain what this broadcast is about.

9 A. Well, to summarise -- well, first of all, when RTLM started
10 broadcasting, the Cyangugu people were not getting any reception. At one
11 point they could listen in the Shanghi parish, and the priest entered and
12 told the Cyangugu people to be careful, and that Cyangugu was going to
13 offer the prefecture to the inkotanyi. And in Giheke it was said that it
14 was a place only for Tutsis, and that most people who lived there in
15 Giheke were killed.

16 After the genocide, I went to Giheke, and I was very affected by
17 everyone who was killed, all the houses that were destroyed. And in this
18 clip, it was said that the Cyangugu people had to be careful of these
19 people, because the journalist said that they didn't want the Cyangugu
20 prefecture to fall into the hands of the inkotanyi. But this was not
21 true.

22 The RTLM broadcast said that in this part, because there were a
23 lot of Tutsis living there, that they should be a target of another part
24 of the population. And during the genocide, they exterminated virtually
25 everyone in that neighbourhood. Serubyogo himself was killed. His house

1 was destroyed. It was in Giheke. It was a very beautiful building, and
2 it was destroyed completely. And there was another person who was also
3 targeted.

4 When it was said that there were inkotanyis in this
5 neighbourhood, it wasn't true. It was just people living in that
6 neighbourhood.

7 MS. HARBOUR: I'd like to play now a second audio-clip.

8 JUDGE BONOMY: Just before you do. When was he killed?

9 THE WITNESS: [Interpretation] Serubyogo was killed in April
10 1994 --

11 JUDGE BONOMY: Thank you.

12 THE WITNESS: [Interpretation] -- at the beginning of the
13 genocide.

14 I would just like to remind you that Serubyogo was Hutu, but he
15 wasn't spared just because he was Hutu. He was killed nonetheless.

16 MS. HARBOUR: I would like to play one more clip. It's from
17 Exhibit P373. It's clip 7, for the booths. And it's dated 22 March
18 1994.

19 [Video-clip played]

20 THE INTERPRETER: [Voiceover] "Nkundabkuze is loyal to the Hutu.
21 He doesn't remember anything. He was the one who was in charge of this
22 meeting. He has a plot in Giheke, in the Gisuma commune. He cannot deny
23 that he was in the army. But there was a certain Serubyogo, who was very
24 rich, and Gasesero as well. He collaborates with another Hutu who
25 doesn't hear anything and doesn't remember anything. It is a Hutu from

1 Cyangugu as well, and he is an accomplice in this plan.

2 "Dear listeners of RTLM, I urge you to be vigilant. Be the eyes
3 of the population and identify these people who are pushing us into war."

4 MS. HARBOUR:

5 Q. Very briefly, could you tell us what this broadcast is about?

6 A. Well, in a nutshell, in this broadcast, it talks about
7 Nkundabakuze, a loyal person who I knew very well. He was in the former
8 army of President Habyarimana. After that, he left the army, after
9 having finished his contract. He also had a shop in Giheke. He was
10 always accused of being a member of the MDR party, a moderate, but an
11 accomplice of the RPF with Serubyogo and Gasesero. There was also
12 somebody called Jerome, who was also targeted. And all these people were
13 targeted because they were residents of Giheke, which was a region where
14 Tutsis used to live.

15 And this propaganda continued up until all the Tutsis of Giheke
16 were killed. And even certain Hutus were killed, like Gasesero and
17 Serubyogo. Jerome, Fidele's house was destroyed, but they were not
18 killed. Some powerful Hutus protected them, and they were protected.
19 However, their property was destroyed and stolen.

20 The journalist that you heard is called Noel Hitimana. Every
21 time he was on the air, he asked Hutus to be very vigilant and told them
22 that amongst the Hutus there were accomplices as well working with the
23 RFP. And when he spoke about the inkotanyis, he referred to Tutsis and
24 to the accomplices of the inkotanyis. And all of them were killed during
25 the 1994 genocide.

1 Q. How did you learn --

2 A. May their souls rest in peace.

3 Q. How did you learn that Gasesero and Serubyogo were killed?

4 A. I heard this bad news when a young policeman, who was my
5 neighbour, found me in Kigali, to warn me, to warn me. And he told me
6 not to go to Cyangugu, if possible. He said that Serubyogo's and
7 Gasesero's families, and even families of my relations, had been
8 targeted, and that's when I learned that Serubyogo had been killed.
9 There were a lot of people who'd been killed. Peace be with them.

10 Q. What did you do after President Habyarimana's plane was shot
11 down?

12 A. After the plane of President Habyarimana was shot down, we were
13 all very frightened, as if that the sky had fallen on our heads. It was
14 the beginning of the end. Those who were able to hide went straight into
15 hiding, but I stayed at home in Kacyiru, where I was domiciled. I
16 remained in my house. From time to time, I went to hide in a banana
17 field close to my house. And I listened to the RTLM broadcasts and I
18 heard that they were encouraging people to go out and kill everybody, and
19 they were congratulating the killers.

20 I remained in Kacyiru up until the time that I went into hiding
21 in the Hotel de Mercolin. And I stayed there in that hotel. There was
22 an agreement there between the inkotanyi and the government's party, and
23 the agreement enabled people who wanted to join the inkotanyi camp to be
24 able to do so, and others could go into the government zone. So I went
25 to the inkotanyi camp. I couldn't go to the government's camp because

1 over there there were people accusing me of being an accomplice of
2 Minister Rucogoza.

3 And in the meantime, I kept listening to the RTLM broadcasts, but
4 I didn't take notes anymore because I was not capable of doing so at the
5 time. And after that, when everything came back to normal, I went back
6 to Cyangugu, and that's when I heard that people had been killed,
7 including Serubyogo and Gasesero. They were all killed.

8 Q. Could you tell us, please, about your journey from the house to
9 the Hotel de Mercolin.

10 A. It was very complicated. To leave my home in Kacyiru and go to
11 the Hotel de Mercolin, I had to face several difficulties. I left with
12 my servant. We left at around 8.00 in the morning. And we reached the
13 Hotel de Mercolin at around 11.00 p.m., because there were roadblocks
14 everywhere.

15 Q. Were you stopped at any roadblocks?

16 A. [No interpretation].

17 Q. I'm not receiving -- sorry to interrupt, I'm not receiving any
18 translation.

19 A. I was stopped several times at several points, including at one
20 major roadblock.

21 Q. Could you tell us what happened when you were stopped and where
22 that roadblock was.

23 A. As I was telling you, I spent a lot of time in a roadblock where
24 I was almost killed because I was accused there of being an accomplice of
25 the inkotanyis. I had -- I was wearing a big jacket, because I could

1 expect, you know, that we were going to live in terrible conditions. And
2 I also had a small radio in my pocket. And people who arrested us told
3 us that inkotanyis always had big jackets, long jackets, and always had
4 radios on them, radios that could receive and send.

5 So this is a roadblock close to a large commercial building owned
6 by Felicien Kabuga. And I survived because some people were trying to
7 attract me towards a place where there was a pile of bodies already, and
8 at that moment an Interahamwe called Gatorano, who was a school friend,
9 said, "Don't kill that person. Don't kill that person. I know him. I
10 know him."

11 So one person who -- it's a person who comes from Gitare or the
12 former prefecture of Cyangugu. So I'd been in school with this guy, and
13 also in Kibogora, and that's how I survived. The killers let me go. So
14 I was -- God saved me, if I could say so.

15 And my servant was totally traumatised by this, and still is.
16 Every time he was shaking because he would recall that scene where I was
17 almost killed. He also saw a person who was clubbed to death and knifed
18 also. And my servant was totally traumatised by all this, and he was
19 always shaking.

20 And after that, okay, so we continued. We went through many
21 roadblocks, went through Saint Paul, and ended up in the Hotel de
22 Mercolin.

23 JUDGE BONAMY: Do you recall the date on which you went to the
24 Hotel de Mercolin?

25 THE WITNESS: [Interpretation] No, I don't remember the date. Not

1 exactly. I believe it was in May. It's been such a long time. I
2 remember it was raining heavily, so it must have been between April
3 and May. It was pouring rain.

4 JUDGE BONOMY: Thank you.

5 MS. HARBOUR:

6 Q. You've referred to -- you said the roadblock was "near a large
7 commercial building owned by Mr. Felicien Kabuga." Do you remember which
8 area of town this was?

9 A. The building was in the Muhima neighbourhood, and next to this
10 building there was another shop called Yamaha, selling Yamaha
11 motorcycles.

12 Q. Yesterday, at transcript pages 23 to 24, you said that
13 Minister Rucogoza did not have the power to close the radio station
14 because RTLM was supported by very powerful people. Who were those
15 powerful people?

16 A. Minister Rucogoza was given competents through the law, but he
17 could not use them, unfortunately. RTLM protected the interest of the
18 MRND party, the president of the republic, because in that party there
19 were very powerful people, leading businessmen, army people, even judges.
20 There were judges also that belonged to this political party. All the
21 members of MRND just could not allow Faustin Rucogoza to close down that
22 radio. That radio station protected the interests of the MRLS, the radio
23 broadcast that was supporting the Hutu cause, whereas Rucogoza was
24 accused of being an accomplice. And he couldn't protect the interests of
25 the Hutus. The journalists like Noel Caberneau [phoen] used to tell

1 Rucogoza, "Just try and close the radios. You'll see that the Hutus will
2 never let you do it," which is why I'm telling you that Minister Rucogoza
3 didn't have the de facto power to close down the radio station. By law
4 he could do it, but in reality he was not allowed. He wasn't able. And
5 journalists told him, "Go ahead and try. Just try to close us down.
6 You'll see."

7 Q. What was Minister Rucogoza working on in the first week of April
8 1994 before President Habyarimana's death?

9 A. Minister Rucogoza was working on the case of trying to close
10 RTLM, because he believed that the radio had to be shutdown.
11 Unfortunately, he wasn't able to do so because -- I mean, he had a number
12 of functions, and he was trying to make sure that the agreements signed
13 between the RTLM and the Rwandan government be respected and abided by,
14 but I can't tell you that he was going to succeed. He was trying to do
15 something. He was working on that case. But I really doubt that he
16 could have come to anything.

17 Q. And my last question for you, Mr. Witness. You said that you
18 continued listening to the RTLM during the genocide. Did RTLM broadcasts
19 change when the genocide began?

20 A. Well, no. I think that at the moment, the RTLM was making all
21 the propaganda it wanted. It said all on air, all the time, it said that
22 Tutsis were bad people, that their women were arrogant. RTLM was calling
23 people to make sure that they would go and find Tutsis who were in
24 hiding. There were Tutsis hiding in the Nyamirambo mosque. And the RTLM
25 through a journalist was calling on people to look for Tutsis, to check

1 their IDs, to check their faces also. And journalists were really
2 calling -- were calling people to go and look for all Tutsis and kill
3 them all.

4 The watchword was: Chase all Tutsis and kill them. And,
5 actually, at one point in time, a journalist called Kantano even sang a
6 song, saying: "Come, let's rejoice, inkotanyis have been exterminated,
7 God's on our side." And the journalist went on: "When our children will
8 be born, they will ask us what were Tutsis like." And the journalist
9 said, "This is a new dawn for us, a new day for Rwanda." This is the
10 tone of speech that you had on air at RTLM.

11 And at one time actually, even Hutus who had restrained, who had
12 decided not to take part in the slaughter, suddenly let loose, you know,
13 and many Hutus then suddenly started killing. They went on a killing
14 spree. And those who didn't want to participate in that killing spree
15 were actually targeted. And all this because of RTLM propaganda.
16 Because of that propaganda, many Hutus decided to take part in the
17 killing spree.

18 And during the genocide, the propaganda of RTLM really encouraged
19 all the murderers, all people who had murderous intents. So, really,
20 RTLM broadcasts really fuelled the terrible instincts of people to make
21 sure that they would go and kill. And people who actually saw this could
22 go crazy. Just fortunately we didn't all go crazy in this country.

23 MS. HARBOUR: Your Honours, the witness has mentioned a song that
24 Kantano would sing. I have a 30-second clip of that song if Your Honours
25 are interested in hearing it in court. Otherwise, I would conclude my

1 direct examination now.

2 JUDGE BONOMY: You may have it played in court.

3 MS. HARBOUR: This is from Rule 70 00248. It's 20 June 1994, and
4 it's clip 9 for the booths.

5 [Audio-clip played]

6 THE INTERPRETER: [Voiceover] "Welcome, greetings to all of you.
7 In a moment, I will present some good pieces of news to you. In the
8 meanwhile, let's sing together.

9 "Friends, let us rejoice, the inkotanyi have all perished. God
10 is fair."

11 MS. HARBOUR: Your Honours, I would ask for it to be marked for
12 identification pending the authentication of the entire broadcast.

13 [Trial Chamber and registrar confer]

14 JUDGE BONOMY: Maître Altit, what do you have to say about that?

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

16 JUDGE BONOMY: Very well. It may be admitted and marked for
17 identification.

18 THE REGISTRAR: As MFI P495, Your Honours.

19 MS. HARBOUR: And one final matter, Your Honours. I would just
20 like to tender Rule 70 70831.1, which was the image identifying the
21 attendees of the 10 February 1994 meeting.

22 JUDGE BONOMY: So this is another new exhibit, is it?

23 MS. HARBOUR: Yes, this is the image where the witness
24 identified --

25 JUDGE BONOMY: And has it just now been circulated, or had it be

1 circulated before?

2 MS. HARBOUR: It was on our exhibit list.

3 JUDGE BONOMOY: Okay. Maitre Altit, any comment on that?

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

5 JUDGE BONOMOY: Very well.

6 THE REGISTRAR: Rule 70 70831.1 will be Exhibit P496, Your

7 Honours.

8 MS. HARBOUR: That concludes my direct examination. I would just
9 like to note for the record that we have not received materials to be
10 used during cross-examination.

11 JUDGE BONOMOY: Thank you, Ms. Harbour.

12 [Trial Chamber and legal officer confer]

13 JUDGE BONOMOY: Maitre Altit, before we begin, can you clarify the
14 position about the intimation of the exhibits you propose using?

15 MR. ALTIT: [Interpretation] Absolutely, yes. Yes. We are
16 checking. Unfortunately, there's been a slight glitch, and we're sending
17 them -- well, actually, they were sent at the same time as when they were
18 sent to the Registry. I will send them immediately. But, anyway, I'm
19 not going to use them extensively.

20 JUDGE BONOMOY: Well, Ms. Harbour, if it turns out that you're in
21 some way prejudiced by the failure to intimate these, then you should
22 raise it with the Court at the end of the cross-examination and before
23 you re-examine.

24 MS. HARBOUR: Thank you, Your Honours.

25 [Trial Chamber confers]

1 JUDGE BONOMY: Witness, you're now going to be asked questions by
2 counsel representing Mr. Kabuga, that is, Maître Altit. And I simply ask
3 you to show him the same courtesy as you've shown to the Prosecution.

4 Maître Altit.

5 MR. ALTIT: [Interpretation] Thank you, Your Honour.

6 Cross-examination by Mr. Altit:

7 Q. Good morning.

8 JUDGE BONOMY: Maître Altit, there is one other thing. I should
9 really clarify with you at this point the likely length of your
10 cross-examination. No decision was made as yet about the time that would
11 be allocated to you for cross-examination of this witness, so what do you
12 propose?

13 MR. ALTIT: [Interpretation] Thank you, Your Honour. I believe
14 that I have about an hour left today, and I will try and take an hour
15 next time, and I hope I will not go in excess of that one hour next time.
16 I will try and limit it to one hour next time without exceeding too much.

17 JUDGE BONOMY: Very well. That would be a perfectly reasonable
18 approach, as far as the Bench are concerned. And you should let us know
19 if there is a need for further examination when you get towards the end
20 of the period you've suggested, which would be the middle of our first
21 session next week.

22 MR. ALTIT: [Interpretation] I will certainly do that,
23 Your Honour. Thank you.

24 JUDGE BONOMY: Thank you. Please continue.

25 MR. ALTIT: [Interpretation]

1 Q. Mr. Witness, my name is Emmanuel Altit and I am the counsel for
2 Felicien Kabuga. It is now my turn to ask you questions. I'd be
3 grateful if you could answer in a precise and concise manner. Agreed?

4 A. It's a pleasure to meet you, and I will answer all your questions
5 precisely.

6 Q. Thank you. Mr. Witness, earlier you talked about your journey
7 after President Habyarimana's airplane was shot down. Now, have I
8 understood correctly - could you please tell me if I have - the very next
9 day you decided to stay in your home and hide there; is that correct?

10 A. That's correct.

11 Q. And also, if I've understood correctly, you stayed in your home
12 or in the banana field next to your home for about one month before
13 departing for the Hotel de Mercolin; is that correct?

14 A. No, I did not stay in the banana field. I said that next to my
15 house there was a small banana field and that from time to time, when I
16 was afraid, I would go and hide in that part of the banana field. But I
17 did not stay there the whole time. On some days -- at night-time,
18 actually, when I was afraid, when Interahamwe were roving around my home,
19 indeed, I went back behind the fence of my house where I felt safe.

20 Q. So you were afraid of the Interahamwe. And my question is why
21 were you afraid of the Interahamwe?

22 A. The Interahamwe were not like human beings. They were animals.
23 If you looked at what they did, anyone with a soul could not say that
24 Interahamwe were human beings. They hunted down the Tutsis into the
25 hills. They hunted down anyone who was not on the side of the

1 Interahamwe or had an opposite opinion. Those people were hunted down,
2 were persecuted. I was afraid of the Interahamwe because I was employed
3 by the Ministry of Information, and the Ministry of Information was
4 labelled as the Ministry of the Accomplices.

5 They would say that our minister, Faustin Rucogoza, was an
6 accomplice. One of my neighbours from Opzumba worked at the MRND. And
7 on some days, he would ask me, "How can you work with Rucogoza?" And I
8 said that, "Well, we worked as usual. We did our job. We didn't have
9 any problems with him."

10 So in one word, I was very much afraid that the Interahamwe would
11 attack my house and kill me. And I was not the only person to be afraid
12 of the Interahamwe. They went after members of the population. For
13 example, there was someone who was carrying the head of a person that had
14 just been killed. How could you not be afraid of the Interahamwe?

15 Q. Thank you. Wait --

16 A. Well, I want to be clear. (redacted)
17 (redacted). And he had a lot of influence in
18 the MRND. He was someone who didn't like anyone who was not belonging to
19 the MRND.

20 Q. All right. Now, we thank you very much for all those details,
21 because it helps us to understand things. But I would like to ask you to
22 answer in as concise a way as possible so that we can progress, because
23 we have a lot of questions for you.

24 A. Well, I simply wanted to provide more explanations, but I will
25 try and do what you've asked of me.

1 Q. We've understood that correctly, and we're grateful for those
2 explanations.

3 So to summarise, you were afraid. What were the reasons you were
4 afraid, personally? We understand the stakes and the whole situation.
5 But you, personally, to what extent did you feel targeted?

6 A. Well, I felt targeted, firstly, because I worked at the Ministry
7 of Information. That was always the target for the RTLM. They said that
8 we were the ministry of accomplices, that we were working for the
9 inkotanyi, that they had fallen into the trap set by the inkotanyi.

10 And since a very young age, my family was a target, was
11 threatened. I did have a Hutu identity card. My parents were from
12 Gikongoro prefecture. They left Gikongoro around 1945 during the famine,
13 the Ruzagayura time, and they emigrated to Cyangugu. Since they settled
14 in Cyangugu, they were never accepted by the population there.

15 And when ID cards were distributed, my father took an identity
16 card marked Hutu on it. But given his height, he was never considered a
17 Hutu. It was said that he was given an ID card with Hutu on it, but that
18 identity was always put into doubt. During the genocide, he was
19 persecuted, hunted down. The place where he was hiding was found. He
20 was cut with sharp blades. Luckily, he did not die.

21 So in sum, I was afraid of the Interahamwe because they had done
22 harm to us, to our family. And the gendarmes -- a gendarme that knew me
23 came to tell me that if I stayed in Cyangugu, I would get killed.

24 Q. Thank you. Were you a member of a political party at the time?

25 A. I was a sympathiser of MDR, the moderate wing.

1 Q. And Minister Rucogoza, did he belong to a political party?

2 A. Minister Rucogoza was also a member of the MDR party, which was
3 called MDR Twagiramungu which was different from MDR Power, another wing.

4 Q. I understand. Is that the reason that you could work closely
5 together?

6 A. Not at all. There were some civil servants that were a member of
7 MDR Twagiramungu, and none of them was targeted because of his political
8 opinions. No civil servant was punished because of their political
9 opinions. I remember a woman, Janet Mukasafri, she was a member of the
10 PSD party, an influential party that was -- she was part of the
11 leadership of the PSD. She never had a problem with the minister because
12 of her political leanings.

13 Q. Now, earlier you were saying that when you left the Hotel de
14 Mercolin, if I understood correctly, you decided to go to join the
15 inkotanyi.

16 A. That's right.

17 Q. All right. So I have a first question. You are someone who is
18 literate. How would you translate "inkotanyi" in French?

19 A. In French, I would say that the inkotanyi -- if I could try to
20 explain, an inkotanyi is a person who fights for good. An inkotanyi is a
21 person that does their utmost to achieve the goals they have set
22 themselves and do good in so doing.

23 Q. So when you use the expression "inkotanyi," it's a positive
24 meaning.

25 A. Yes. Yes, very good things. It means very good things, because

1 the aim of the inkotanyi was for everyone to have the same rights, was to
2 end discrimination against the Tutsi, that we modify the regional
3 balance.

4 For example, I'm from Cyangugu. When I was in primary school, I
5 was the only one to have succeeded in the official exam to enter
6 secondary school. But in Gisenyi, Mr. Javier Rimana's [phoen] region, in
7 Ruhengeri and a part of Opzumba, where Mr. Kabuga was born, almost all
8 children would go into secondary school, would be admitted. Whereas, a
9 person from Butare, Kibungo, or another region, a child from one of those
10 regions, at the end of primary school, well, only two or three children
11 from those prefectures would be admitted into secondary school.

12 And the goal of the inkotanyi was equality for the entire Rwanda
13 population. For example, there were no Tutsi soldiers within the Rwandan
14 army. And today, what has been achieved in Rwanda was thanks to the RPF
15 that won the war. They were able to apply, to enforce the aims they had
16 set themselves. Today, everyone can walk around in Rwanda in peace. No
17 one is afraid. So the inkotanyi succeeded in the objectives they had set
18 themselves.

19 Q. Thank you. Are you a member of the RPF?

20 A. I will not lie. I am a member of the RPF.

21 Q. Thank you for your honesty. Can we come back a moment on your
22 journey, your itinerary in 1994. So you departed from Hotel de Mercolin.
23 Where were you going from there?

24 A. After the Hotel de Mercolin, first, we had to go through Gikondo,
25 not from the Gikondo parish. And from there, we were led to Kabuga.

1 It's a periphery of Kigali, but right now it is subsumed in Kigali. When
2 the city of Kigali was liberated, we were told to go back to the downtown
3 area, and people could go back to their homes. And I lived in Kakiro and
4 that's where I went back.

5 Q. Right. So if I understood correctly, first you were sent to an
6 area that was controlled by the RPF army; is that correct?

7 A. That's correct. The RPF had that area under control, and they
8 ensured the security of all of the people in that area. Nobody was under
9 threat in that area. We were given to eat. We did not suffer any
10 threats.

11 Q. Then when the RPF took control of the entire city of Kigali,
12 that's when you went back home; is that correct?

13 A. Yes, I went back to my home in Kakiro.

14 Q. Round about what date was that?

15 A. Kigali was liberated, I believe, on the 4th of July, which means
16 that we went back to downtown Kigali in mid-July, before the Government
17 of National Unity was set up, because it came in on July 19th, 1994. So
18 we came back between those two dates. We went back home between those
19 two dates.

20 Q. All right. Did you go back to work right away? And if not, when
21 did you go back to work?

22 A. When I went back to the city of Kigali, there was a communique
23 that asked all civil servants to take up their post again. And the
24 Government of National Unity was set up after work was resumed by civil
25 servants.

1 Q. And so resumption of work was at about what date?

2 A. I would say approximately between the 10th and the 19th.

3 Q. July?

4 A. Yes, July.

5 Q. And those civil servants you used to work with, were they there
6 or had they disappeared?

7 A. There were very few civil servants. Some had been killed, as
8 I've said already. The minister had been killed. My superior had been
9 killed, Rotayisire, Emmanuel. And Nzeyimana had been killed; he was
10 secretary in the minister. Eugénie, a young woman, had been killed, the
11 young woman. And others who were members of the party. And Rudahangarwa,
12 Jean Baptiste, director of a department, that had been killed. And other
13 civil servants on the power side had gone into exile. And the civil
14 servants that were not members of a political party were there, but
15 others had taken fright and had fled. And so, in brief, there were very
16 few of us at work.

17 Q. Okay. So if I've understood correctly, more people arrived, and
18 then you had different superiors; is that right?

19 A. Yes, that's correct.

20 Q. Can you tell us about your superiors? Who was the minister, who
21 was the vice-minister? Who?

22 A. The minister was Jean Baptiste Nkuliyingoma, I believe. And Eugène
23 Ndahayo was the vice minister. There was also Laurent Murindabigwi;
24 Kagubari, Jean Pierre. I don't recall everyone who was present, (redacted)
25 (redacted)

1 (redacted)

2 (redacted)

3 Q. One second, please.

4 MR. ALTIT: [Interpretation] Your Honour, would it be useful now
5 to go into a private session, please.

6 JUDGE BONOMY: Can you just give me a general description of the
7 reason for that?

8 MR. ALTIT: [Interpretation] I am trying to be careful and
9 respectful of this witness, and I do not want to provide any kinds of
10 elements. But I think that Madam Prosecutor will provide more precise
11 information. But as far as I'm concerned, I think it would be advisable
12 to switch to a private session, and I will try to come out of the private
13 session as quickly as possible. Thank you.

14 JUDGE BONOMY: Ms. Harbour.

15 MS. HARBOUR: Yes, we also have a very brief submission to make
16 in private session.

17 JUDGE BONOMY: Very well. I'm sure all will be revealed in
18 private session.

19 [Private session]

20 (redacted)

21 (redacted)

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Pages 29-31 redacted. Private session.

1 (redacted)

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7 [Open session]

8 THE REGISTRAR: We're back in open session, Your Honours.

9 MR. ALTIT: [Interpretation] Thank you, Your Honour.

10 Q. Well, earlier during our discussion, you said that after July
11 1994 you worked for the Ministry of Information and that you did the same
12 thing. You said you performed the same duties as earlier. Could you
13 tell us more about what your work entailed?

14 A. I was in charge of making sure that the press, the private press
15 that had survived participated in the reconciliation of Rwandans, because
16 at the time we were working on the reconciliation of the Rwandans.

17 Q. Could you tell us what could have possibly posed a problem in
18 this context? What kind of articles or shows or broadcasts or comments
19 could have represented the fact that you needed to intervene, that
20 justified your intervention?

21 A. Thank you. Well, let me give an example. So we were just coming
22 out of the genocide against Tutsis. A lot of Tutsis had been killed.
23 There were some who had escaped. So I'm sure you understand that -- and
24 I would just also like to add the inkotanyi who were coming back from the
25 front and realised that their families had been exterminated, so they

1 could very well have fallen into the trap of revenge. And some survivors
2 could also have fallen into the same trap.

3 So we were trying to see if the press was participating in the
4 unity and reconciliation efforts, or whether they were fuelling revenge
5 activities. So we wanted to see if justice was fair to one and all. We
6 also wanted to make sure that nobody was a victim to the facts that we
7 had fallen victim to. We wanted to make sure that nobody was suffering
8 injustice because of some member of their family who allegedly had
9 participated in the genocide, so we wanted to make sure that criminal
10 liability was individual liability.

11 So in a nutshell, what we were doing is we were trying to monitor
12 the work done by the private press to see if their editorial line was
13 correct. At the time, RTLM doesn't exist, so we were focusing on the
14 media outlets that were present at the time.

15 Q. So some media outlets, were they prosecuted because they were not
16 following the right editorial line? And if so, what happened? Were they
17 shut down?

18 A. The media outlets that belonged to those who had called for
19 genocide and those who were using their magazines to fuel hatred, these
20 people did not come back to the country. And to tell the truth, the
21 media outlets who were present were new outlets. And then there were
22 some media outlets whose conduct during and after the genocide had been
23 appropriate. Before the genocide, we used to call them inkotanyi media
24 outlets, but that wasn't true. It was just a campaign that was aimed to
25 discourage them.

1 But by and large, no media outlet was closed. All the media
2 outlets that were present had an editorial line in favour of unity and
3 reconciliation of the Rwandan population.

4 Q. Thank you. You were just talking about RTLM and the media
5 outlets that existed before the genocide. You have helped us to
6 understand what you were doing before and after the genocide. So before
7 the genocide, did you prosecute any kind of radio station, or did you at
8 least warn any RPF stations for any kinds of extremist comments that were
9 made?

10 A. To control a media outlet, this outlet must have signed an
11 agreement with the Rwandan government through the information ministry.
12 So all media outlets in Rwanda, like RTLM, as an example, well, on
13 30 September 1993, the RTLM signed an agreement with the Rwandan
14 government. And the agreement planned for certain things to be done and
15 also how the agreement could be terminated. There were also other
16 agreements for other media outlets. Here we're talking about media
17 outlets operating on Rwandan territory.

18 So at one point in time, Rwanda was at war against the FAR
19 inkotanyi. And there, these were people who were fighting for the right
20 to return home, because they had been told that the country was too
21 small, was like a glass full of water, and that if the people came back
22 home, they would never have room.

23 JUDGE BONOMO: Mr. Witness, please, the question was quite
24 specific, and if additional information is required, Maître Altit can ask
25 more questions. He simply asked whether any radio -- any RPF-leaning

1 radio station was prosecuted or warned for extremist comments that were
2 made. Now, the answer to that would be yes or no.

3 THE WITNESS: [Interpretation] Thank you, Your Honour. I will
4 answer shortly.

5 As I was telling you, you can only prosecute a person if this
6 person has already signed an agreement with you --

7 JUDGE BONOMY: Hold on --

8 THE WITNESS: [Interpretation] If you do not respect the terms of
9 the contract --

10 JUDGE BONOMY: One moment, please. The question is whether any
11 warnings were given or there were any prosecutions. Is the answer to
12 that yes or no?

13 THE WITNESS: [Interpretation] Like, I don't know if there were
14 any prosecutions. Maybe powers higher up would know. But all I can tell
15 you is --

16 JUDGE BONOMY: So the answer, in fact --

17 THE WITNESS: [Interpretation] -- that these media outlets had not
18 signed any agreement.

19 JUDGE BONOMY: So I was wrong. In fact, the answers available
20 are: Yes, no, or I don't know. So it would be helpful, I think, if you
21 could listen carefully to the question and answer the question that's
22 actually asked. Thank you.

23 Maître Altit.

24 THE WITNESS: [Interpretation] Thank you, Your Honour. I
25 understood this. But I just wanted to give you more explanations, make

1 sure that Mr. Altit would really understand and that the Bench would
2 really understand also.

3 MR. ALTIT: [Interpretation] Thank you.

4 Q. You told us, I think it was yesterday - I can quote you if you
5 want - that when the Burundi president actually died, that things changed
6 at RTLM. Is that true?

7 A. Yes, I said that, and that's the truth.

8 Q. Good. So is it fair to say that before the death of
9 President Ndadaye, RTLM was just another radio for you, a normal radio
10 station?

11 A. Well, given the situation as it was in Rwanda at the time and the
12 law at the time, RTLM broadcasts were not ordinary. Should I go on?

13 Q. No, no, I want to refine my question. I'm talking about things
14 that happened before the Burundi president died.

15 A. Okay. Thank you. President Ndadaye died 21 October 1993 during
16 the night, and after that, RTLM really mobilised. And all its broadcasts
17 were saying the same thing: Rwandan Hutus be vigilant. See what
18 happened in Burundi. This could happen to you. Remember, at the time
19 there was a war between Rwanda and the FPR inkotanyi. And the FPR
20 inkotanyi supposedly was only made up of Tutsis. That's what the RTLM
21 were saying. So RTLM would be saying that these are Tutsis coming from
22 the outside. Some are coming from Burundi. And those who are inside the
23 country will want to set up together with the other ones a Tutsi land.
24 That was what was broadcast all the time on RTLM, ordinary broadcast.

25 Q. So to make sure that we understand, how did President Ndadaye

1 die?

2 A. He was killed, killed by his fellow Burundians. There was staged
3 a coup and he was killed.

4 Q. And who took power?

5 A. After he was murdered, I think Buyoya took power.

6 Q. Thank you. Could you give us his ethnic background?

7 A. I'm not from Burundi, but I heard people say that he was a Tutsi.

8 Q. You maybe also heard people talking about the ethnicity of
9 Ndadaye also; right?

10 A. Yes. Rumours had it that he was a Tutsi -- no, no, actually, no,
11 he was said to be a Hutu.

12 Q. Okay. So we understand that things really changed at that time,
13 at that moment. The RTLM broadcasts really changed. Could you tell us
14 how many journalists worked at RTLM?

15 A. Oh, I don't know. I can't give you the name of all journalists
16 in the RTLM. Do you want me to give all the names?

17 Q. No. Do you have just an idea of the number of journalists
18 working? And depending on the number you'll give us, maybe we can go
19 into names.

20 A. I think -- I remember that there were about eight journalists, if
21 I remember right.

22 Q. Good. And you've already talked to us about them. You already
23 made comments on most of them. Do you know how the RTLM worked
24 technically, you know, for daily broadcasts?

25 A. I was in charge of supervising the broadcasts. Also regarding

1 technical matters, to tell you the truth, I had nothing to do with it.
2 We were there to check whether RTLM was actually abiding by its agreement
3 signed with the Rwandan government and whether it abided by all laws of
4 the country, and whether RTLM abided by all laws governing the press. I
5 mean, we were not involved with any technical matters at RTLM.

6 Q. You just told us that you were supervising the broadcasts. Were
7 you also supervising broadcasts from other radios? Radio Rwanda, for
8 example? Were you also supervising the press articles from other
9 newspapers, for example?

10 A. To talk about Radio Rwanda, this was the government's media
11 outlet, so there was another person in charge of that radio. I myself,
12 well, it's true that at first I was in charge of the private press, and
13 at the time RTLM didn't broadcast yet. But when RTLM started to be on
14 air, notably after Ndadaye's death, when it started preaching hatred and
15 division, this is what the minister told me: "Just let everything on the
16 side. Focus on RTLM. And please report to me every day on what they
17 do."

18 So I didn't follow Radio Rwanda. That was the government's media
19 outlet. Someone else was in charge of that one.

20 Q. Fine. So you're supposed to report every day? That's what the
21 minister wants? He wants you to give him elements. But what did he
22 want -- how did you do this? Did you listen to all RTLM shows and
23 broadcasts? Only a few of them? Were you writing down, taking notes on
24 what was being aired as it was being aired?

25 A. Thank you very much for your question. I monitored all RTLM

1 broadcasts every day. I had the right tools. I had a cassette recorder.
2 Quite big, actually. I used it every day. I had a special office. I
3 would be listening to the shows. And I had a notebook, and I was noting
4 in my notebook what I was hearing when it was important. And after my
5 day's work, I also had a small radio, and with that small radio I could
6 follow all those shows later.

7 And I had been accused to use that radio to communicate with the
8 inkotanyis. But when I left work, even when I was home, when I'd go to
9 meet other people, to go out to have a drink, I always had my small radio
10 with me to be able to follow the shows. And when I came back home, I
11 would remember what I'd heard. I'd been taking notes -- I took notes.
12 And then on the next day, in the morning, I compiled my report and sent
13 it to the minister.

14 Q. And RTLM was on air 24/7, all the time, 24 hours?

15 A. At first RTLM was broadcasting music in order to attract
16 listeners, and then later, RTLM started to broadcast shows, starting at
17 8.00 in the morning until 8.00 in the evening every day. And then the
18 shows just became longer and longer. During the genocide, RTLM was on
19 air 24/7.

20 Q. It started to broadcast different types of shows. So were there
21 different types of topics - music, sports, information? Could you tell
22 us more about the content of these shows.

23 A. The shows were broadcast, but, you know, it was very much
24 improvised. The moderator would improvise all sorts of messages on air,
25 messages that he wanted to convey to the public. For example, he could

1 say that our football team met another football team. Okay. But in
2 between people, you'll be told Twagiramungu people went to visit the
3 inkotanyis. And there were other normal shows that were aired, but we
4 really noted that journalists were doing their best to convey or to slip
5 in messages that were in line with the RTLM's editorial line, which is
6 asking Hutus to be vigilant.

7 Q. Can we say that before the genocide when you were supervising all
8 these radio stations, you were doing the same job as after the genocide,
9 which was to supervise and monitor all this, making sure there's no
10 extreme views being voiced? So could we say - and I would like to quote
11 your words - basically, it was to check that the right editorial line was
12 always respected? Is that what you were doing before the genocide as
13 well as after the genocide?

14 A. Yes, I always operated in the same way. I never deviated.

15 Q. And this correct editorial line, can we equate it with the
16 government's line, the government's view, be it government before the
17 genocide and the government after the genocide?

18 A. Actually, before the genocide, I was following the line of the
19 government. That line was: Does the private media actually abide by the
20 law and abide by all contracts signed? See if the press is not
21 demonising the FPR inkotanyi, to call for war, for example. But, of
22 course, you'll understand that after the genocide against the Tutsis,
23 there was the government of the saviours. Well, I never worked with
24 those people. I never accepted the ideology of those people.

25 I continued to supervise how RTLM was preaching for division, was

1 attacking all institutions. RTLTM, for example, used to say that the
2 Ministry of Defence should have more importance than the Premature of
3 Ngacamihema [phoen]. So I did not work -- I did work with -- I didn't
4 cooperate with the editorial line of the saviours government.

5 But later, when the inkotanyi actually took power, a new
6 government was set up for reconciliation, and I worked -- I resumed
7 working, given that this editorial line followed the law. But between
8 the FPR and the Atabazi, I did not work with the Atabazi government.

9 Q. That's very clear.

10 MR. ALTIT: [Interpretation] I see the clock turning.
11 Your Honour, maybe it would be a good time to stop.

12 JUDGE BONOMY: I'm going to check in a moment with the
13 interpreters with a view to seeing whether, since Mr. Kabuga's not here,
14 we could perhaps continue for 15 minutes or so. If we decide to do that,
15 can you take advantage of the time?

16 MR. ALTIT: [Interpretation] Yes, Your Honours.

17 JUDGE BONOMY: I'm now addressing the interpretation team. Is it
18 convenient to continue for another 15 minutes, or should we stop now?

19 THE INTERPRETER: We can continue for 15 minutes.

20 JUDGE BONOMY: Very well. We will continue for 15 minutes rather
21 than interrupt at an inappropriate time, Maître Altit. So you choose
22 when to stop, please.

23 MR. ALTIT: [Interpretation] Thank you very much, Mr. President.

24 Q. So, Mr. Witness, let's continue together. Your answer was very
25 clear. Thank you. You said at the moment that one of the red lines -

1 but that's how I interpret it - one of the lines in the sand that could
2 not be crossed before the genocide was demonising the FPR inkotanyi.
3 Could you say a little bit more about that, please.

4 A. When the war began between the Rwandan government and the RPF,
5 starting on 1 October 1990, a number of accords, agreements were signed.
6 There were the Salih accords, the Gbadolite accords, right through the
7 Arusha peace accords. They were signed in August 1993. And these
8 accords stated that -- stopping Kumba had to go with stopping any kind of
9 propaganda.

10 THE INTERPRETER: Correction: Stopping fighting had to go hand
11 in hand with stopping any kind of propaganda that could lead to bad
12 consequences.

13 A. Which meant that if anyone broadcast things against the inkotanyi
14 or demonising the RPF, those broadcasts could lead to fighting resuming.

15 So it was like a safeguard, reminding us that we all had to go
16 down the avenue of peace, because it was not allowed to broadcast things
17 that incited hatred and end up with peace, because when the RPF was being
18 demonised and the RPF was incorporated into the constitutional apparatus,
19 the risk was that this would be a violation of the constitution. So,
20 indeed, it was a line in the sand that could not be gone beyond.

21 MR. ALTIT: [Interpretation]

22 Q. So you talked about denigrating and offensive comments. Can you
23 give us an example of offensive comments by journalists or by anyone
24 else?

25 A. Well, in fact, after the accords were signed, since the RTLM had

1 never accepted them, it continued to say -- and, in fact, at one point
2 the RTLM invited on air Justin Mugenzi. Mr. Mugenzi said on air that
3 these accords were just pieces of scrap paper, that they were worth no
4 more than a rotten dog, and the RTLM goaded the population by saying that
5 these accords were like poisoned food that should not be eaten. The RTLM
6 would always come back to this in all of its broadcasts, through its
7 journalists, Kantano, Valérie Bemeriki, Noel Hitimana, Gaspard Gahigi,
8 Ananie Nkurunziza, all these journalists always put that topic on the
9 table again, just to put it in people's heads that these were just a
10 trick by the RPF to be able to take power, seize power in Rwanda.

11 A lot of people said that the RPF would be working with the
12 Tutsis in Rwanda and Burundi to set up Tutsi land and drive out the Hutus
13 before the genocide and during the genocide. That's the kind of
14 broadcasts that were made by the journalists that I have just named.

15 Q. Is it correct to say that the heart of the problem between the
16 Ministry of Information and the RTLM was what you just described? That
17 is to say, that the RTLM, or some journalists, if I'm correct, did not --
18 or, rather, criticised the Arusha accords? Is that a correct depiction?

19 A. Well, actually, the problem was this: Observance of the law and
20 the accords, the content of the law and the accords. And
21 Minister Rucogoza was in charge of overseeing conformance with this
22 within the media outlets.

23 So if there was a media outlet that made broadcasts that violated
24 the law and also violated the code of ethics for journalists, such as
25 attacks against the UNAMIR and criticism against the accords, that's what

1 the broadcasts were made of or contained. Do you understand? The
2 Rwandan government was in conflict with the RTLM via the Ministry of
3 Information. The Rwanda government wanted the law and existing
4 legislation to be abided by.

5 If a media outlet is to broadcast a message, it must do so while
6 abiding by the law and by legislation and the accords. That's why there
7 was a conflict between the ministry and the RTLM.

8 Q. Just to be clear, when you say "had to abide by the law and the
9 accords," you're saying the law because the accords had been enshrined
10 and incorporated into the law. The Arusha accords were part and parcel
11 of the national legal corpus; is that correct?

12 A. That's right. The Arusha accords had been incorporated into the
13 constitution. And everyone had to respect that, because the constitution
14 is the highest possible legislative text and everyone has to abide by it.

15 Q. Thank you.

16 JUDGE BONOMO: Mr. Witness, can I ask you a specific question
17 about this area that Maître Altit is exploring. If a journalist came
18 onto the radio and said, "I think the Arusha accords are a bad idea and
19 that they will assist the inkotanyi to take power in the country," would
20 that be a breach of the Arusha accords?

21 THE WITNESS: [Interpretation] Thank you, Your Honour. Well,
22 expressing one's opinion was not prohibited. Criticism was allowed. The
23 problem with the journalists at RTLM was that since the date of signing
24 of the accords they did whatever they could to say that these accords had
25 been signed to take power away from the Hutu.

1 JUDGE BONOMY: You have answered my question. If Maître Altit
2 wishes more information on that, then it will be for him to ask further
3 questions. Thank you.

4 Maître Altit.

5 MR. ALTIT: [Interpretation] Thank you, President.

6 Now, I have other questions, but they would be on another topic.
7 And so perhaps we could stop here, Mr. President.

8 JUDGE BONOMY: Very well. Thank you.

9 [Trial Chamber confers]

10 JUDGE BONOMY: That completes today's hearing. The Chamber is
11 now adjourned and will resume at 10.00 a.m. on Tuesday of next week.

12 --- Whereupon the hearing adjourned at 12.13 p.m.

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