

The Trial of Sosthene Munyemana

**Assize Court, Paris,
13 November - 19 December 2023**

*[The following daily court report is a translation from the original in French prepared by Alain Gauthier, Margaux Malapel and Jacques Bigot for the Collectif Parties Civiles Rwanda (CPCR). The French version is available at:
<https://www.collectifpartiescivilesrwanda.fr/proces-munyemana/>*



Sosthene Munyemana – on trial in Paris for genocide [Pic: Alain Jocard]

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Tuesday 19 December Day 25 and Wednesday 20 December Day 26

Verdict:

Before the jury deliberations began, which continued all day behind closed doors, the accused was given the floor. He began by thanking the court chairman for listening to him and allowing him to speak. "I fought to save people. I never pledged allegiance to anyone. My neighbours and I did everything we could to oppose the unspeakable. We did our best, it was very difficult and very risky, I took risks, everything was going very fast. My heart goes out to the victims... My thoughts go out to my family in Rwanda, particularly the family of my Tutsi sister-in-law. I never had the chance to mourn. I'm thinking of my wife, my children, our friends and everything we've experienced together over the past 29 years. I would like to thank my support committee, my lawyers and their assistants for their advice and support."

Munyemana told the court: "I am going to ask you to take a decision that will allow me to regain my dignity and the Rwandan community to mourn our loved ones together."

The president took the floor again to tell the accused that he would have to remain in isolation while awaiting the verdict. His family was allowed to accompany him.

It was only after a lengthy deliberation lasting almost 14 hours that the verdict was delivered at 0:50 am to a packed courtroom.

VERDICT:

Sosthène MUNYEMANA was found guilty of the crimes of genocide, crimes against humanity and conspiracy to prepare these crimes.

He was sentenced to 24 years' imprisonment together with a 'security period' of 8-year in prison (i.e. in 8 years' time, he will be able to apply for release.)

He was taken into immediate custody at the end of the judgement.

His lawyers have announced they will appeal.

During the announcement of the verdict, the Assize court President Marc Sommerer detailed answers to the questions submitted to the court, the details of which had been presented before the closing arguments:

1. Genocide - guilty

Question 1: Is it common ground that on the territory of Rwanda and within the jurisdiction of the Butare prefecture, from April 1994 to June 1994, in execution of a concerted plan aimed at the total or partial destruction of a national, ethnic, racial or religious group or a group determined on the basis of any other arbitrary criterion, wilful attacks on life were committed against members of the Tutsi group?

Answer of the Court: Yes

Question 2: Is the accused Sosthène MUNYEMANA guilty of having committed or of having caused to be committed the acts specified in question 1?

Answer of the Court: Yes

Question 3: Is it common ground that on the territory of Rwanda and within the jurisdiction of the Butare prefecture, from April 1994 to June 1994, in execution of a concerted plan aimed at the total or partial destruction of a national, ethnic, racial or religious group or of a group determined on the basis of any other arbitrary criterion, serious physical or psychological harm was committed against members of the Tutsi group?

Answer of the Court: Yes

Question 4: Is the accused Sosthène MUNYEMANA guilty of having committed or of having caused to be committed the acts specified in question 3?

Answer of the Court: Yes

2. Complicity in genocide - acquitted

Question n°5: Is the accused Sosthène MUNYEMANA guilty of having knowingly, by aid or assistance, facilitated the preparation or commission of the act specified in question 1?

Answer of the Court: No

Question 6: Is the accused Sosthène MUNYEMANA guilty of having knowingly, by aid or assistance, facilitated the preparation or consumption of the action specified in question 3? Answer of the Court: No

3. Crimes against humanity – guilty

Question 6: Is the accused Sosthène MUNYEMANA guilty of having knowingly, by aid or assistance, facilitated the preparation or consumption of the act specified in question 3? Answer of the Court: No

3. Crimes against humanity - guilty

Question 7: Is it common ground that on the territory of Rwanda and within the jurisdiction of the Butare prefecture, from April 1994 to June 1994, in execution of a concerted plan inspired by political, philosophical, racial or religious motives, acts consisting of a massive and systematic practice of torture or inhuman acts were committed against a group of the civilian population, in this case the Tutsi civilian population?

Answer of the Court: Yes

Question 8: Is the accused Sosthène MUNYEMANA guilty of having participated in the acts specified in question 7?

Answer of the Court: Yes

Question 9: Is it common ground that on the territory of Rwanda and within the jurisdiction of the Butare prefecture, from April 1994 to June 1994, in execution of a concerted plan inspired by political, philosophical, racial or religious motives, acts consisting of a massive and systematic practice of summary executions, abductions of persons followed by their disappearance were committed against a civilian population group, in this case the Tutsi civilian population?

The Court's reply: Yes.

4. Complicity in crimes against humanity - partially acquitted

Question 10: Is the accused Sosthène MUNYEMANA guilty of having knowingly, by aid or assistance, facilitated the preparation or consumption of the act specified in question 7?

Answer of the Court: No

Question 11: Is the accused Sosthène MUNYEMANA guilty of having knowingly, by aid or assistance, facilitated the preparation or consummation of the action specified in subsidiary question 9?

Answer of the Court: Yes

5. Participation in a conspiracy to commit genocide and other crimes against humanity - guilty

Question 12: Is it established that on the territory of Rwanda, within the jurisdiction of the Butare prefecture, from April 1994 to June 1994, a group was formed or a conspiracy established with a view to the preparation, characterised by one or more material facts, of the crimes defined by Article 211-1 of the Criminal Code, in execution of a concerted plan aimed at the partial or total destruction of the Tutsi group?

Answer of the Court: Yes

Question 13: Is the accused Sosthène MUNYEMANA guilty of having participated in the grouping or agreement specified in question 12?

Answer of the Court: Yes

Question 14: Is it common ground that on the territory of Rwanda, in the area of the prefecture of Butare, from April 1994 to June 1994, a group was formed or an agreement established with a view to the preparation, characterised by one or more material facts, of crimes defined by Article 212-1 of the Criminal Code in execution of a concerted plan inspired by political, philosophical, racial or religious motives against a civilian population group, in this case the Tutsi civilian population?

Answer of the Court: Yes

Question 15: Is the accused Sosthène MUNYEMANA guilty of having participated in the group or agreement specified in question 14?

Answer of the Court: Yes

VERDICT

Mr Sosthène MUNYEMANA was found guilty of genocide by wilfully causing death and serious bodily and mental harm to members of the Tutsi group; guilty of crimes against humanity by massive and systematic practice of torture or inhuman acts, summary executions, abductions of persons followed by their disappearance against a civilian population, in this case the Tutsi civilian population; guilty of complicity in crimes against humanity by the massive and systematic practice of

summary executions, abductions of persons followed by their disappearance were committed against a civilian population group, in this case the Tutsi civilian population; guilty of the crime of conspiracy to prepare the crimes of genocide and other crimes against humanity.

He was also:

acquitted of the charge of complicity in genocide;

partially acquitted of complicity in crimes against humanity with regard to the massive and systematic practice of torture or inhuman acts committed against a civilian population group, in this case the Tutsi civilian population.

Mr Sosthène MUNYEMANA was sentenced to 24 years' rigorous imprisonment, with a security period of 8 years.

Statement by the President of the Court, Marc SOMMERER

After deliberation, the Assize Court has sentenced you to 24 years' imprisonment. The Court and the jury fixed this sentence by an absolute majority. The court and jury also set the period of imprisonment at 8 years. It is automatically set at 12 years and the Assize Court has reduced it. You have 10 days to appeal against this decision. The Advocates General also have 10 days to appeal.

Due to the complexity of the case, the length of the debates and the deliberation, which took nearly 14 hours, I cannot provide you with the reasons for the facts and the sentence, which will be at least 20 to 30 pages long. I will use the 3-day period provided for in article 365-1 in fine of the Code of Criminal Procedure. The reasoning will be available on Friday.

Just a few words about the sentence.

Crimes against humanity and genocide belong to the category of the most serious crimes, and the legislator has placed them at the top of the Penal Code along with crimes against persons. Genocide is considered to be the crime of crimes, first described as a crime without a name before the term genocide was used for the first time.

As a result, these crimes are such an assault on the human person that they affect the whole of humanity. Because of the exceptional and lasting disruption to humanity, they are traumatic in terms of the number of direct and indirect victims, the intensity and atrocity of the crimes committed, which have a lasting and irreparable effect on the victims and survivors and on humanity as a whole, and will forever mark the history of humanity; and the court and jury took into account the extreme seriousness and exceptional gravity of the crimes committed.

On the Tumba plateau, although the number of victims is difficult to estimate, when you took part in the locality of Tumba and the Butare prefecture, in the genocide, you took part in the genocide of the Tutsis throughout Rwanda, which cost the lives of more than a million women, men, children and old people simply because they were Tutsi. You were involved in the genocidal policy.

As a doctor, you betrayed your oath. You abused the influence that your status gave you.

You were part of a small group of individuals who organised and directed the daily genocide of the Tutsis in Tumba. We noted that there was nothing to show that you were the leader of this group in Tumba, but you belonged to this small hardcore group.

You tried to exonerate yourself of your responsibility; this cannot be a factor in aggravating the sentence, but it does not allow you to benefit from the credit accorded to those who assume their responsibility when it comes to imposing a sentence.

We were unable to decide between the two psychological assessments.

The Court took into account a number of factors in favour of reducing your sentence. The reason why we reduced your security period was that we took into account your age, your professional integration, the absence of any risk of re-offending, your scrupulous compliance with the judicial supervision to which you have been subject for 12 years - from memory, I think - and the absence of any conviction on your criminal record. These are just a few words that I prepared quickly because I

felt it was important not to leave the lawyers, the public prosecutors and the public without any explanation of the sentence. You will be given a very detailed statement of reasons.

You have 10 days to appeal.

As this is a criminal sentence of more than 10 years, you will be incarcerated this evening.

I would also like to express my particularly heartfelt thanks to the jurors for the exceptional sense of civic duty that I have found, and for their commitment at every moment during these 5 weeks of debate. And also to all those who took part in these proceedings and this trial.

Monday 18 December Day 24

The morning was given over to the second part of the closing arguments by the public prosecutors, Sophie HAVARD and Nicolas PERON, and it was now the turn of the defence lawyers, Florence BOURG and Jean-Yves DUPEUX, to present their closing arguments.

It is not possible for us to report on the prosecution's case at this stage. Suffice it to say that the public prosecutors, after an implacable indictment, are asking for a sentence of 30 years' imprisonment for Dr Sosthène MUNYEMANA.

Florence BOURG argues the defence case.

At present, it is not possible for us to give an account of the plea of Maître BOURG, who spoke for nearly three and a half hours. We will try to report on it in the next few days. But we'll have to be patient.

The plea of defence counsel Maître Jean-Yves DUPEUX.

"My voice is shaking for many reasons", began Maître DUPEUX. He was charmed by the closing arguments of his colleague, Maître BOURG. But above all, he is angry, referring to the public prosecutors' closing arguments, because of the "cold, destructive construction, through a series of acrobatics" that the public prosecutors engaged in. They engaged in "misrepresentations of a man who behaved very well" and against whom thirty years' imprisonment had been requested. "We've known each other for 28 years, 28 years that we've been prosecuting the case of Sosthène MUNYEMANA. We've had time to convince each other, to talk".

There was also great emotion as Maître DUPEUX announced that he would be making his final plea this evening. He then retires from the bar. The defence lawyer announces that he will develop three important points: the construction of a case entirely focused on the prosecution; Sosthène MUNYEMANA's total lack of desire to participate in the genocide; the insistence on the doubt that permeates all aspects of this case.

1) The construction of a case entirely focused on the prosecution. This case is off to a bad start. Sosthène MUNYEMANA's lawyer referred to the start of the case in Bordeaux in 1995, when the accused, having met up with some of his compatriots, gave two lectures on how he saw the new Rwanda, following contacts that a certain James had made with activists from Collectif Girondin. For Sosthène MUNYEMANA, we must go back to the [1993] Arusha Agreement. As soon as he returns to Rwanda, moreover, he wants to be inspired by the ideas of democracy that he experienced in France, with the hope of experiencing this democracy in his country of origin.

But his former friends didn't seem to like what he had to say. A complaint was lodged in November 1995: "It's going very badly! And the lawyer denounced the role of the DUPAQUIER's, whose incompetence in this affair he was going to denounce, a journalist who was going to sign a complaint whose content he did not know. Then there was a "forgery" from the United Nations, not to mention a second document from the gendarmerie, which was never authenticated despite the plaintiffs' promise.

And let's not forget a final document that will give his client "a reputation as a *genocidaire*", the one published by African Rights, "Sosthène MUNYEMANA: The butcher of Tumba".

A bizarre complaint, therefore, which created a toxic atmosphere for the entire investigation of the case. In 1996, this complaint went back to Paris to join all the others because of the adoption of the universal jurisdiction law, the principles of which the lawyer recalled: crimes committed abroad, by foreigners against foreigners, on condition - but I think the lawyer forgot to specify this - that the accused was resident on French territory.

And then a new twist with the complaint when the CPR, the Collectif des Parties Civiles pour le Rwanda led by Alain and Dafroza GAUTHIER took the case in hand. He lived in Rwanda for many years (Note: Alain Gauthier lived in Rwanda from September 1970 to July 1972). They had many contacts in the country that helped them a great deal. They received tremendous help from the Rwandan justice system. They went around the country looking only for prosecution witnesses that no one knew about. As far as the lawyer is concerned, these measures are obstructing the uncovering of the truth. This trial is biased. We cannot be satisfied with such a situation.

Maître DUPEUX broached the subject of road blocks and patrols, but did not dwell on it as his colleague had dealt with the subject at length. He cannot, however, refrain from referring to the testimony of Laurien NTEZIMANA, who went to the roadblocks to protect the Tutsis hiding in his home.

2) Sosthène MYNYEMANA's lack of intent during the genocide.

"I find it hard to believe that criminal intent can be attributed to MUNYEMANA. There is no material element in the file (that could compromise him). He is anything but an ethnicist, he sees both Tutsis and Hutus, he does not know the ethnicity of his hospital patients. At the university, he asked for his papers to be anonymised. He is as anti-ethnicist as you are anti-racist. He continued: "He cannot have any destructive intent, either in his head or in his heart."

Not only did Sosthène Munyemana welcome many refugees into his home, but he also treated one of his patients and performing a caesarean section. "This woman was a Tutsi and was going to give birth to a Tutsi child!" [Note: this is actually not true - as her husband was Hutu, her child will also be Hutu, according to Rwandan culture).

Hearing it said that all the *genocidaires* saved Tutsis, an argument very often put forward, irritates him: "I hate that line of reasoning", he thunders.

3) The notion of doubt.

Addressing the jurors, he reminded them that they had taken an oath. They will have to examine the charges scrupulously, and doubt must benefit the accused. However, in this trial, there is only testimony, much of which is "biased". Biased in terms of memory, given that the genocide was perpetrated almost thirty years ago; biased in terms of Rwandan culture, a country where testimony sticks to rumour. Biased, because the individual testimony joins a collective version, which has a knock-on effect: it's a trap. Biased too, because the testimony may be caused by the victims' resentment. He adds: "I'm wary of associations that go fishing for witnesses - and of this totalitarian state that maintains pressure on witnesses! The associations are said to collect testimonies that are 'formatted'.

These are elements that cast doubt on each testimony. And he recalled the words of Diana KOLNIKOV: "Victims are not saints". The lawyer then returned to the testimony of Alfred MAGEZA recently released from prison, who never ceased to contradict himself. Moreover, according to the lawyer, the Paris Court of Appeal referred to these "far-fetched testimonies". He also mentioned the different points of view of two investigators, Patrick GEROLD and Olivier GRIFOUL, concerning the reports of the Rwandan justice system and those of the French justice system, one emphasising the differences and the other seeing major similarities. And yet, supporting the opinion of the first, "Mr

GEROLD is not just anyone, he is a director of investigation! Two investigators who don't have the same opinion, "that's the archetype of doubt. It's HUGE".

The much-discussed sector office: refuge or prison? Sosthène MUNYEMANA put the refugees there to protect them from being murdered. Maître DUPEUX pointed out that care had been taken not to give them Mr GEROLD's address so as not to have him named.

There are also huge doubts here. And then, what could we do? What could Sosthène Munyemana do? He is a doctor who took the Hippocratic oath. If he hadn't done that (locked up the Tutsis?), the refugees would have been killed. He himself might not be here today.

To the jurors, once again. This is an ordinary criminal court. There is nothing in the file and you must judge with nothing. It's IMPOSSIBLE. Don't forget your oath. If there is any doubt, you cannot convict. But there is absolute doubt. I appeal to you. I beg you to consider this before you vote. Vote NO! NO! NO! every time. That's what you must do". And above all, don't forget Sosthène MUNYEMANA's exceptional qualities, as reported by his two colleagues: "I was convinced by his two heads of department. It's hard to imagine this man being the standard-bearer of a genocidal ideology. It's unimaginable!

Two or three more things before he finished.

"I remind you of your oath. You cannot condemn a man with such doubts. Everyone wants justice. Justice is not a word, it is a moral value that is an integral part of our social pact."

And to touch the jurors' hearts, Maître DUPEUX wanted to share with them three moments of strong emotion.

First of all, he was moved by the testimony of Gustave, the accused's son, a healthy, intelligent young man who said that his father had brought him up to respect humanist values: "I hope you remember that", added the lawyer.

Then, at the insistence of his lawyers, his wife and his daughter, MUNYEMANA recalled the episode during which Liliane was almost murdered in the very confines of his home while the militiamen were searching for the young Tutsi employee.

Finally, the last and perhaps strongest emotion, after the testimony of Mrs Dafroza GAUTHIER.

When Sosthène MUNYEMANA was called upon to respond, he said some extraordinary things: "Mrs Gauthier's misfortune was also mine. Laurent KARENZI and other Tutsis (Note: whose name he no longer remembers. It was, in fact, Laurent NKUSI, a university professor who was in France at the time, but whose wife Germaine was killed in Tumba along with two of her children).

"We mourn the same dead", MUNYEMANA added. "This genocide has broken us".

In conclusion, Maître DUPEUX thanked the jurors (NDR. They well deserved it, given their diligence in taking notes and asking questions) and the chairman, "without any sycophancy". And he added to the jurors: "We trust you".

The President reminded Sosthène MUNYEMANA that he would be heard tomorrow at 9 a.m., for the "last word given to the accused" in accordance with Assize Court tradition. The jury will then retire to deliberate.

Wednesday 13 December Day 22

Before his questioning was resumed, Munyemana asked to make a statement.

"Contrary to appearances, I'm not locked up in a bubble. I looked after my children. I didn't remain insensitive. I forgot. I didn't know that I would be held to account. I feel like I'm in a shell. Yesterday's exchanges touched me. That doesn't stop me feeling compassion for the victims."

Interrogation of the accused (continuation to the end).

The conditions under which the keys to the sector were handed over.

On this subject, there are several versions", began the President. To Mr MUNYEMANA: "You confiscated the keys from BWANAKEYE at the meeting on 17 April. Witnesses say so. Others say that you never had these keys and that, according to Mr Gashongore, you took the keys from his brother Mambo, the cell counsellor, to whose house you went with Kubwimana. You say that you did go to MAMBO's house but that you did not find the keys.

Mr MUNYEMANA gives his version. The decision to recover the keys was taken on 22 April when he learned that Tutsis had been killed. He then informed BWANAKEYE by telephone. BWANAKEYE replied that he could not travel because he was under siege by militiamen at his home. He did his best to find someone he could trust to bring him the keys. That evening, the accused went to Mambo's house accompanied by Kubwimana because he did not know where the cell counsellor lived. Can we believe him when we know that he has been in Tumba for several months? MAMBO does not have a key. It was only the next day that BWANAKEYE finally sent him a key to the sector office. From then on, he opened the door to the refugees.

The chairman pointed out that it had taken 48 hours to get the key! He pointed out to the accused that the sector councillor and Celse GASANA were not giving the same version.

Mr MUNYEMANA continued. He kept the key until 15 May, a week after returning to work at the hospital. It was on 14 May that the group of refugees to which Vincent KAGERUKA belonged arrived at the sector office. The accused used the key four times. The rain forced the refugees to come to the sector office and when they arrived, a swarm of militiamen surrounded them. The president was astonished that the Tutsis had taken refuge of their own free will in an administrative building when the administration had called for the extermination of the Tutsis.

A juror was also astonished that MUNYEMANA, a doctor, was taking so long to go and help the refugees. When RUGANZU alerted him to the fact that there were injured people, he should have assisted them. There were women who had been raped! Many doctors had taken up residence in Tumba. None of them came to the aid of the refugees. Many even took part in the genocide.

The assessor pointed out that you had to have "guts", "heart", she corrected. The accused was afraid! How was he received by the militiamen?

"I explained that I had the key and I said that I had come on behalf of BWANAKEYE". What about the gendarmes who live with him? Did he ask them to intervene?

"They went to work. I didn't have to give them any orders. It was as if I were giving information to people who already had it", replied the accused.

Maître FOREMAN asked why wait until the 22nd when there were deaths on the 21st?

MUNYEMANA replied that there were no deaths at the sector office on the 21st. The killings began on the night of the 21st to the 22nd. The dead on the 21st were from the neighbourhood.

"What are you doing on 21 and 22 April?" asked Maître TAPI. Sosthène MUNYEMANA went shopping in Rango and returned at around 10.30am. During the first attacks, he stayed at home. He thought he heard a gunshot. The killers came to his house armed with clubs and machetes, searched it and asked for the occupants' identity cards. He was "shocked". On the 22nd, he stayed at home, going out from time to time in front of his gate. As for BWANAKEYE, he did not have much authority over the militiamen. And MAMBO? He had not yet realised the extent of his involvement in the genocide.

The lawyers for the civil parties pointed out to the accused that he had varied a great deal in his statements about handing over the keys, whether before OFPRA [refugee commission], the CNDA [Appeal tribunal] or the court. If BWANAKEYE gave the keys to him, it was because he had called him. The Chairman insisted and asked Mr MUNYEMANA what was going on. "I called him to tell him that I had let some people into the sector office and he said he would come by today or tomorrow. He never came the same day."

The defence lawyers asked him to stop analysing. "We want the facts to be precise," insisted Maître BOURG. As for Maître DUPEUX, he insisted that the accused tell him that the people to whom he opened the door felt great satisfaction, they were happy to no longer be exposed to the militiamen.

When BWANAKEYE finally arrived in the morning, he was alone in his car. He summoned the people in charge of the cells, who in turn summoned the residents. He then began to enquire about the situation in each cell. He then began to investigate the situation in each cell, and concluded that the refugees could not return home. And all this in the presence of the refugees and the militiamen. BWANAKEYE then went to the accused's house to call Burgomaster KANAYABASHI, who then sent a van driven by a local policeman. The refugees were then taken to the communal office in Butare "for protection". At least that is what MUNYEMANA imagines.

The president asked another question: "You were led to believe that we were protecting them. Were you fooled?"

Sosthène MUNYEMANA: "It's possible, I admit. It's a pity for me. It's a sign of naivety." The president takes up the point, with a touch of irony: "You were a naive person with a big heart..." "I didn't expect them to be killed", the accused simply replies.

How can he say that the sector office was a place of refuge? "I could see the relief in their eyes (sic). I trusted KANYABASHI". But how could one place blind trust in a burgomaster who had pledged allegiance to the government? In response, MUNYEMANA said that he did not know what KANYABASHI had said; he had not heard his speech. "I am a citizen who is trying to save people. I knew that BWANAKEYE was not an extremist", he added. The president reminded him that BWANAKEYE had been convicted, as had KANYABASHI. What about him?

No matter how many pitches the chairman throws at him, he doesn't even grasp them. He wonders how the sector office could have been a refuge when it is surrounded by militiamen. Why should the Tutsis be safe when everything is in place to hunt them down? "I'm asking you to help us understand. Perhaps your lawyers will force the truth out of you", continued the president (Smiles on the benches of the jurors and the parties).

The Chairman then named all the witnesses who had referred to the office as a place of detention. Twenty-one said so, and the accused, after each statement read out by Mr SOMMERER, said that it was false. Only five witnesses said the opposite.

"House 60".

House 60 is where the Tutsis from Rango were rounded up after their arrest on 17 May 1994. They were then taken under escort to the sector office. From there, they were taken to the communal office in Butare. They were never seen again. Witnesses say that Sosthène MUNYEMANA was present during their transfer. Some of their Hutu wives tried to provide them with supplies. "If Sosthène hadn't given them the keys", said one of them, "our husbands would have been able to escape".

Mr MUNYEMANA never heard of this "house 60". As for RURANGWA, who accused him, he did not know him and if he accused him in Gacaca, it was to obtain a reduced sentence. He added: "At first, I thought they had come of their own free will. It was during the investigation that I learned that some had been brought there to be locked up. Can we believe it?"

Living conditions in the sector office.

During the confrontation with Vincent KAGERUKA, the only Tutsi to have survived by hiding under the lorry that was taking the refugees from the communal office to an unknown location, he spoke of his stay at the sector office, saying that they were in "the eye of the storm".

Mr MUNYEMANA then spoke about Vincent KAGERUKA: "I explained what I was able to do for him. I opened the door when he came in. But it was BWANAKEYE who opened the door when he left. If I had not opened the door to let them in, they would have been killed on the spot. As for the expression "Genocide Organising Committee", this is an expression invented by the survivors after the genocide."

"Did you hear anything about the Tutsis being massacred in the sector during the night? "I heard screams, but from the side of my house" replied the accused. "Always the same decision-making process, doesn't it seem suspicious to you" questioned a juror. "I thought they would be safe where they were taken.

For Mr MUNYEMANA, the sector office was indeed a place of refuge. He confirms this over and over again. As for supplying the refugees, here too he changed his story. As for the threats, in the end it seems that he was the one who suffered the most. He added: "I had given my children my wife's address in case I died. I understand the pain of refugees. Every day I remember something new". It was then pointed out to him that he had not mentioned any threats to OFPRA.

And suddenly, as if by a miracle, a new episode came back to him.

"My daughter told me about an event that I had forgotten. Militiamen came to get our Tutsi employee. They put my daughter on her knees and threatened her. I heard screams and went outside. I find these militiamen stepping on her hands. I intervened: Please, she's my daughter. I negotiated and they left, still threatening. So I decided to take my children to my second son's godfather in Kigembe.

The chairman reacts mischievously: "The psychologist shook you up yesterday. Did your lawyer shake you up?"

Mr MUNYEMANA breaks down for the first time: "For me, it's a double tragedy. Can you imagine? For 28 years! He wipes away a few tears.

Maître FOREMAN, who wishes to ask him a question, waits a few moments for the accused to recover. He wanted to know if the first refugees from the sector office had come of their own free will. That's what he always said. On the other hand, for those who arrived from Rango, it was clear that they were being led by militiamen. But there were no wounded in this group. He didn't mention any wounded or raped women. He only mentioned superficial injuries. Maître DUPEUX said he was stunned by his colleague FOREMAN's statement.

The public prosecutor wanted to clarify things: "Superficial wounds? That's not what Vincent KAGERUKA says. You were in contact with other health professionals, the Red Cross, you could have organised supplies? Two or three days without food. What did those who didn't have a Hutu wife do? You put your trust in the councillor, the burgomaster, you didn't hear any speeches, you didn't hear the call for pacification, you had impunity granted to the killers, and in front of the judge you admitted that the authorities were supporting the killings.

The accused confirmed this. And he recalls the case of SYAMBA, who had been arrested by his "Happiness patrol" and who, when released, came back to threaten them. He never found out who had freed him.

The defence lawyers put pressure on their client. They want precise facts, not analysis. They are going to push him about the conditions in which he went to the sector office on 14 May when he heard cries following the arrival of Vincent KAGERUKA. These were the cries of militiamen: "The King of Tumba! The King of Tumba" that alerted him. How many times did he go to the office? Twice that day. In any case, if he hadn't locked them up, they would have died. That's what he had already said.

Mr MUNYEMANA was then asked about his schedule and his return to work at the hospital. He gives details of his activities but as he is not being prosecuted for the killings at the hospital, despite a certain number of testimonies, it is not necessary to spend too much time on the subject.

Civil self-defence.

Referring to Mr Guichaoua's book *Butare, la préfecture rebelle*, the President reminded the accused that his name appeared as a member of that organisation. The accused wrote to the author asking him to rectify what he considered to be an error. He did not receive a reply. Mr MUNYEMANA attributed this reference to his former friend James. No one could convince him that this was probably not the case. He was not a member of this committee. He only learned of its existence from OFPRA. Even though his name appears in a file concerning his colleague RWAMUCYO, or in another document submitted by Belgian Judge VANDERMEERSH concerning the training that a certain number of Tumba killers had allegedly undergone, he denies it. Maître FOREMAN was surprised that the accused had only discovered these revelations by reading GUICHAOUA, even though the subject had been discussed at the meeting on 14 May.

Maître BOURG came to his client's rescue: "Mr MUNYEMANA, you are everywhere. It will soon be said that you were also at RTL [Hutu hate radio station]. Moreover, his client was never questioned on this subject. The document is riddled with errors. KANYABASHI was never convicted of that. The only source is OFPRA, OFPRA, OFPRA..."

The meeting of 14 May 1994 at the University.

The Chairman summarised the contents of that day. The purpose of the remarks made at the meeting was to mobilise intellectuals. He cited Jean KAMBANDA's diary filed with the public prosecutor's office, which stated that the Arusha agreements had no value. RWAMUCYO's speech was also mentioned: the speech by the Cercle des Républicains, which called for the extermination of the Tutsis, not forgetting the speech by KAREMERA, on behalf of the MDR, which endorsed the positions of KAMBANDA and RWAMUCYO. Mr MUNYEMANA was asked for his reaction.

"There's no ambiguity," begins the defendant. "I felt the drift of them. These speeches were unacceptable. That day, I had confirmation of what I had seen. I didn't subscribe to KAREMERA's speeches. I didn't understand why he was speaking on behalf of the Cercle des Intellectuels du MDR. If this meeting was organised by the MDR, I was not aware of it".

Maître FOREMAN was surprised that he had vouched for KAREMERA in the newspaper DE MORGEN. The General Counsel proposes to read the beginning of Jean KAMBANDA's speech. He thanked the intellectuals for their support for the government's course of action and asked them to continue to help the government. He also thanked the Cercle des Intellectuels de Butare (see the motion in support of the interim government). It should be noted that although Sosthène Munyemana did not make a speech at this meeting, he did not express his disagreement either. He remained silent because he did not support these speeches. And the CPCRC's lawyer raised his voice: "You want us to believe that you were not aware of the organisation of this meeting?"

Maître DUPEUX summed up his client's position: "You hear these speeches. You confirm that you do not subscribe to any of them? Mr MUNYEMANA can only confirm this.

The help given by MUNYEMANA to the people of Tumba.

A number of people expressed their support for the accused. The Chairman gave the names of these people and what they had said. This led the accused to respond: "This represents some of the good deeds I may have done. There may be others, but it's not the number that counts, it's the intention. Mr. Chairman, thank you for mentioning these testimonies.

The Principal State Counsel points out that Alison DES FORGES mentions the case of killers who saved Tutsis because they knew the people or because they were part of their family. The accused

defended himself by saying that this was not his case. He had nothing to do with what the author of *No Witness Should Survive* [Alison DES FORGES] said.

Maître DUPEUX could not remain without replying: "The mere fact that a Hutu saved Tutsis means that he is considered a *genocidaire*. I find that incomprehensible.

Mr MUNYEMANA's escape.

The President reviewed the circumstances of the accused's flight at the end of June 1994. Planned for 15 June with the help of his friend Straton NSABUMUKUNZI, Minister of Livestock in the KAMBANDA government, he did not leave until the 22nd. they stayed for three days. Mr MUNYEMANA said that he had stayed at the Palm Beach hotel, and that he had carefully kept the hotel bills. In reality, he stayed at his friend's house with his children and his friend's daughter. By producing these bills and the Congolese authorities' stamp on his passport, he contradicted those who claimed that he was still in Butare during Cardinal Etchegaray's pastoral visit. Lively discussions failed to shed any light on the matter. The cardinal's journey from Butare to Gisenyi was also mentioned. Maître DUPEUX pointed out that if the defence had provided such invoices, it was to counter those who pointed out the presence of his client in Butare during the cardinal's visit.

As to who he was running from, that is another mystery. He said several times that he feared the soldiers who had threatened him. He did not organise a farewell party, as one witness claimed. If he gave different dates, that's true, but he was mistaken. In passing, he contested the expression "genocide of Hutus against Tutsis". For the RPF, "genocide is a catch-all". For it, "genocide was committed by genocidaires". The massacres were committed by two extremist camps. He was reminded that in a letter dated November 1994, he had written that there were two opposing camps. Hutus and Tutsis intermarried quite often. On the other hand, the third component of the Rwandan population, the Batwa, "had remained pure" (sic).

False testimony.

The President, in his usual way of conducting the proceedings, referred to the stages of the proceedings and the elements involved:

Document from the United Nations High Commission considered to be a forgery, the activism of the GAUTHIER couple, the accused's speech in Bordeaux in which he never mentions genocide and denounced the new power, "a dictatorship replacing another". Witnesses denounced the existence of false testimony. There was talk of a "political trial", defence witnesses spoke along the same lines (REY TJENS/SWINNEN/RUSESABAGINA...), Human Rights Watch positions...

Mr Munyemana again thanked the Chairman for the clarifications he had just provided. As far as he is concerned, this is a political trial. Being an intellectual is sufficient grounds for being implicated. And he recalls the assassination of certain members of his family by the RPF.

Mr FOREMAN expressed his shock at the role attributed to the GAUTHIER couple and played one last card: the letter that MUNYEMANA had sent to Éric NZABANDORA, Maria NYIRAROMBA's surviving son, and given to Alain GAUTHIER during a visit to Butare in the early 90s. The CPCR's lawyer will read the beginning of this letter dated 10 October 2001:

"I am taking all this time to write to you, because I knew that you had wanted to write to me. Perhaps you were afraid, believing that in this letter you would have to detail everything. I wanted to reassure you, because in this letter you won't have to go into all the details, nor will you have to go singing on the hill that you wrote to me. In this letter you can just say the following: you didn't know anything bad about me during the days of 1994, and that what you said before was to redeem yourself.

In this way, I will be able to point this out before someone from here comes to investigate you in the days to come, to ask you questions in secret and so that these others don't put pressure on you (...) All this will mean that the case will be closed quickly.

I'm warning you about all this so that you don't continue to wrap yourself in lies until they come and ask you to come and accuse me in front of everyone, because this time the lie you've wrapped yourself in will be revealed for all to see, and then you'll be in trouble. Because in reality I have already shown enough proof, so they know that many things have been invented. (...) My advice to you, then, is to follow the path I indicated above, and don't let all this happen".

Maître FOREMAN added that young Éric was supposed to go to a member of the accused's in-laws to receive a sum of money. Together with Alain Gauthier, he had planned to go to the rendezvous but that he would notify the police. Alain GAUTHIER learned two or three months later, during another trip to Butare, that Éric had died suddenly. He was thirty years old!

Mr MUNYEMANA asked to put this letter into context. He related it to Éric's testimony in the African Rights document, "Sosthène MUNYEMANA, le boucher de Tumba", in which Éric's testimony was reported. He added, as if this could justify such a letter, that his sister-in-law, who managed his house, stayed with Maria, Éric's mother, when she came to Tumba.

This final day of questioning ended in some turmoil. After another civil party lawyer had pointed out to the accused that, politically, he no longer represented anything after the genocide, the chairman suspended the hearing.

A change to the timetable has been announced. There will be no Friday morning hearing. The public prosecutor, who is now on her own, will begin her closing arguments in the afternoon and finish them on Monday morning the 18th. The afternoon of the same day will be reserved for the defence case. The deliberations and verdict will take place as scheduled on Tuesday 19 December.

Tuesday 12 December Day 21

Hearing of Ms DAHAN-SANANES, psychologist.

Hearing of Michèle VITRY, psychologist.

Hearing of Dominique DANDELOT, psychiatrist.

Examination of the accused (continued).

Hearing of Ms DAHAN-SANANES, psychologist.

Ms. DAHAN-SANANES noted a lack of empathy and aggressiveness that were reflected in the 3 tests she conducted during her meeting with the accused. Ms DAHAN-SANANES' analysis shows that Mr MUNYEMANA is someone who is perfectly capable of adapting to his environment when he does not feel threatened, but that in an unstable and dangerous environment, "the lock jumps" and his childhood feelings, which he tries to deny and rationalise, come to the fore. As a child, he had no recognition as an existing being in the eyes of adults. This psychologist explains that it is not possible to ask someone to recognise another when they themselves have not been recognised.

The accused was also confronted with violence, punishment, his father whipping him. He is in denial, he says that everything was perfect, but when you dig deeper you realise all of that has occurred. The consequence of this is that, faced with an order or authorisation to commit violence, the subject will submit because it allows him to express what he wants to express from this trauma.

Psychologically, he's split in two. He tells completely different stories when he interprets an image, which shows that his two personalities don't communicate, so he doesn't mind splits and

contradictions. This cleavage protects him from collapse; it also exists among the victims of genocide, as other experts mentioned earlier during the hearings.

Hearing with Ms Michèle Vitry, psychologist.

At the request of the defence, a counter-expertise was carried out. Ms VITRY met the witness on two occasions, on 5 and 10 July 2016. Mr MUNYEMANA was given the opportunity to express his emotions. She began by giving some biographical details of the accused: an uneventful family life, parents of traditional religion, agricultural background, quiet parents. It was the father who was the worst, a father he had "never seen angry".

Mr MUNYEMANA did not recognise the charges against him. It was the day after the attack that he realised that the Tutsis were the target of the massacres. He showed a "genuine emotional reaction" during the interviews. He felt powerless, acknowledging that he had no authority. He spoke of staying with his parents-in-law at the beginning of June 1994 and regretted above all not having been able to honour his family's dead.

The accused has above-average intelligence, a very good memory and is not suffering from any major psychological disorder. There is a total absence of theatricality or manipulation. The two tests he took show that the accused is introverted, hypersensitive, uses defensive mechanisms, is self-confident and does not display nervousness. He enjoys working in a group and has a normal grounding in reality. They remain attached to their culture of origin. He also displays rigid psychological traits that are not pathological. At the mention of his brothers who died in infancy, Mr MUNYEMANA expresses a certain sadness. He has a structured personality, contained aggressive impulses and enjoys interpersonal relationships.

His personality does not show any division (Note: This was contrary to the conclusions of Ms DAHAN-SANANES who had developed this aspect of the defendant's personality extensively).

Reaction of the accused. Mr MUNYEMANA stated that he had not been abused as a child. The first psychologist was not interested in the cultural aspect in which he lived and which he recalls: "You don't kiss your parents". He wasn't "caned", just hit with a eucalyptus branch, as children are corrected when they do something stupid. The mother will correct the child with advice.

Hearing with Mr Dominique DANDELLOT, psychiatrist.

During this interview, conducted in February 2016, Mr MUNYEMANA acknowledged that the accused had participated satisfactorily. Mr MUNYEMANA said that he had never been involved in the events in Rwanda. He is even said to have taken preventive action to keep Tutsis away. His wife is of Tutsi origin (Note: It would appear that his wife had a Tutsi grandmother).

Psychiatric examination. Mr MUNYEMANA does not present any psychiatric pathology. His intelligence is above average: intelligent, even very intelligent. He gave a fairly complete account of his life and does not have any amnesia problems. He has no predisposing factors of an addictive nature, and shows a degree of self-justification. One anecdote: he used to drink alcohol to fit in with the others, to avoid being noticed. If I don't drink, the killers will think I don't want to kill", he confided.

The president added: "He would have strategic alcohol"?

The doctor found no post-traumatic elements. No pathology, no impairment of discernment.

Mr MUNYEMANA's reaction. He said that he had not fully understood what the psychiatrist had said about his alcohol consumption. Before the genocide, he did not drink. He added: "When the killings

started and people were like me, I was in great danger. I emptied my glass to pretend, so as not to be different.

To the Attorney General, who asked him whether, as an expert, he had ever met people like Sosthène MUNYEMANA, an ordinary person who could know about crimes. The psychiatrist replied in the affirmative.

Examination of the accused (cont'd).

The ceremony of 19 April 1994 in the Butare multi-purpose hall.

This was the investiture ceremony for the new prefect, Sylvain NSABIMANA. Mr MUNYEMANA did not take part in this meeting but he heard extracts of President SINDIKUBWABO's speech on the radio. He acknowledged that it was an inflammatory speech, threatening those who did not "work". [i.e. kill] KANYABASHI's speech revealed a genuine allegiance to government policy. As for Jean KAMBANDA's speech, the accused had not heard it at the time. But the accused added that this speech "was going in the wrong direction": "From that day on, I understand that he has responsibilities". Yet it was on the same day that the text of the motion in support of the government was broadcast on the radio, as the Chairman pointed out to him.

The Chairman was surprised that his colleagues who had signed the motion had not reacted, and the accused merely said: "Who would we have reacted to? We never met. We had a single goal: peace. I didn't think about creating a new network, I wasn't capable of it.

On the other hand, he did not know that KANYABASHI had given a speech. In fact, he would not hear extracts from these speeches until the following day. He did not hear the speeches by Stanislas MBONAMPEKA and KAREMERA, on behalf of the MDR.

The patrols.

At the beginning, mixed patrols took place and Tutsis were killed by their companions. The Chairman recalls the organisation of the patrols. Mr MUNYEMANA asked for a map of his neighbourhood to be projected, in which he used to make the patrols, "la ronde du Bonheur", as it was known, because of the good cohesion within this patrol. These patrols were suspended from 21 to 24 April, during which time everyone barricaded themselves in their homes, until BWANAKEYE called a meeting of the residents and asked that they be resumed at the meeting of 24 April.

This meeting, of which MUNYEMANA was the only one to speak, brought together the cell councillors who had summoned the people around them, as well as the Tutsis locked up in the sector office. (NDR. This organisation will be discussed as it is not clear how the Tutsis could attend without giving their opinion, in a room that has been described as dirty and smelly). The accused recalled that he had resumed his patrols, every other night. They were armed with sticks, and he was simply holding a broomstick! The patrols lasted from 7 p.m. to 5 a.m. and he stopped taking part at the beginning of June when he began to be threatened on his return from KIGEMBE. The witnesses who say that he behaved badly during these patrols are liars. Moreover, the accused said that he could have been killed because he was suspected of having changed ethnic group.

During these patrols, he never saw any Tutsis executed. The assailants did not pass near his home. Nor did he see people being taken out of the sector office. He soon realised that some of the patrols would become groups of assailants. Many people were dying in silence, without uttering a sound: this is how the accused justifies the fact that he heard nothing. This provoked anger on the bench of the civil parties' lawyers. Moreover, how could he oppose the killers, armed only with sticks, asked Maître AUBLE. Just knowing that we were a group," retorted the accused, "was enough. With our wooden sticks, we stuck together".

Maître BERNARDINI reminds him that the role of intellectuals was to incite the population to kill. The accused disagreed: "You can't lump all intellectuals together with Eric GILLET" (allusion to the latter's hearing).

The defence, through short questions, wants to say that the patrols in which their client took part may have saved people.

The road blocks.

The president listed the names of the witnesses who had testified to the existence of road blocks in Tumba. Very little time was spent on this subject since, as the president pointed out, the indictment had ruled out the presence of the accused at the roadblocks. The accused repeated that he had not seen the barriers referred to by so many witnesses. However, he acknowledged that he had helped to erect them after 17 April.

The mass graves.

Mr MUNYEMANA knew of the existence of only one grave, that of KARANGANWA. As for the syringes found planted on the bodies of certain victims, the accused said he had never used them. He did smell the corpses and was aware that Tutsis were being killed in the pits. But he would not say much more despite questions from the civil parties' lawyers. Maître FOREMAN criticised the accused for speaking about these pits "coldly". Maître TAPI in turn intervened angrily: "Are we talking about the death of animals or humans?"

If he did not alert KAMBANDA to the existence of the pits, it was because he did not have the means to contact him. He did not have his telephone contact.

Mr KANYABASHI's intervention? He didn't know what was going on. He wasn't there. But it's possible that he came.

Maître BOURG will point out that Mr KANYABASHI was not convicted of these acts at the ICTR in Arusha.

The meetings.

The President spoke of the meetings that were said to have taken place from 8 to 17 April 1994, meetings during which the killings were said to have been prepared, the Tutsis located, and lists drawn up. The decision was taken to take the Tutsis to the sector office in order to count them.

For Mr MUNYEMANA, everything is FALSE.

To Maître QUINQUIS, who was astonished that the accused had seen so many people go around, that he disputed everything and who accused him of not being interested in anything, the accused simply replied: "But what could we have done? At my level, I did what I could".

On questioning by the public prosecutor, the accused repeated that the Tutsis locked up in the sector office had indeed taken part in the meeting of 24 April.

Pacification.

According to Alison DES FORGES, pacification led to tighter controls over the massacres.

The accused has never heard of this. He doesn't even know the word in Kinyarwanda! In any case, the Tutsis had to be eliminated. For Munyemana, pacification meant restoring peace. However, for many, pacification was a trick. The Tutsis came out of hiding and were killed. The accused, according to Marie NYIRAROMBA, his Hutu neighbour whose Tutsi husband was killed, attests to the presence of

MUNYEMANA at the meeting of 15 May during which the subject was discussed. The accused claims that at this meeting, there was no talk of pacification. It was BWANAKEYE who spoke. He himself no longer knew whether he had spoken. He declares that the question concerning the census of abandoned Tutsi property was not discussed.

It was getting late. The other issues would be addressed the following day.

Monday 11 December Day 20

Examination of the accused.

Hearing of Daphrose BAZIZANE.

Examination of the accused, Sosthene Munyemana

The President announced that he would begin the examination of the accused by following the themes that he had announced at the end of last week.

The genocide.

The chairman attempted to summarise the accused's position on the origin of the genocide of the Tutsis. There was no prior planning. He was more inclined to share the opinion of André Guichaoua, that it was the work of a small group that wanted to stay in power. He goes on to say that the context witnesses are not all in agreement. Many believe it was planned, as numerous events attest: the 10 commandments of the Bahutu, BAGOSORA's notes, Léon MUGESERA's speech at KABAYA, the birth of the [Hutu] Power political ideology, the creation of RTLM, the massive purchase of machetes, the arms caches, the massacres of BAGOGWE and BUGESERA considered to be trial runs of sorts, the 1993 Human Rights Commission under the leadership of Jean CARBONARE, the speed of the massacres throughout the country, the support of intellectuals, unprecedented cruelty... . So many elements that point to planning.

Even today, the accused does not see any planning. On the other hand, concerning the genocide in Butare, Sosthène MUNYEMANA agrees that the dismissal of Prefect Jean-Baptiste HABYARIMANA on 19 April 1994, the speech by President SINDIKUBWABO and that of Minister Jean KAMBANDA were indeed at the origin of the genocide in Butare. Just as the arrival of the militiamen and the Presidential Guard led the population into [taking part in] the genocide.

In Tumba, the accused stated that he was not aware of any preparatory meetings,, and that he had never participated in them, even though his name was often mentioned along with those of other personalities. In his opinion, it is possible that there was "a parallel power". He never saw any political gatherings at RUGANZU's bar, but he did take part in meetings organised by BWANAKEYE at the sector office. He also took part in the patrols set up on 17 April by the sector councillor at the request of the prefect to ensure security: "Everyone was scared. On 21 April, the system collapsed with the arrival of the military. There were no patrols between 21 and 24 April. From that date onwards, the accused said he was "self-confined". At night, the militiamen continued their "work". The patrols resumed on the 24th. Who were the members of his group? Well-known names often mentioned: RUGANZU, REMERA, MUREKEZI. Militiamen from other neighbourhoods came to patrol the accused's sector. Sosthène MUNYEMANA was chosen to be a member of the "Committee of Wise Men".

The accused repeated several times that he did not know the people of Tumba: it was difficult for him to say who had organised the genocide in Tumba, even if he suspected REMERA. On the other hand, Burgomaster KANYABASHI did order the burial of the bodies. He repeated that he had seen that

people had been killed, but he had seen only a few bodies. He was informed about what was happening by others. However, at night, he heard chases going on.

When asked by Maître Mathieu QUINQUIS what the accused meant when he said that the attack had precipitated things, Sosthène MUNYEMANA simply replied that beforehand he had sensed tension, a "poisonous climate". Are there any contradictions between what he has been perceiving for several months and what he is saying today? "I don't have information to talk about planning," replied the accused.

Asked by Maître SIMON who had visited REMERA, the accused repeated his "refrain": I didn't know the people from Tumba, or the soldiers. Maybe some young people from Rango. I didn't go round the neighbourhood. I couldn't see if MAMBO went there". In his opinion, he was not aware of any preparatory meeting in March 1994.

"Do you have any friends in Tumba?" asked Maître EPOMA. Yes, RUGANZU, but others in Cyarwa? In Butare town.

Maître TAPI was surprised that the accused could speak of confinement when he was seeing people. We went out as little as possible," said the accused. I stayed at inside my doorway.

If he was designated as "wise", it was because people knew him? "People knew me, but I didn't know them. I couldn't put a name to every face. I was one of the 'notables' as a gynaecologist.

On questioning by the Defence Counsel, the accused said that he had not been aware of the episode reported by General VARET, to whom Pierre-Célestin RWAGAFILITA, Chief of Staff of the Gendarmerie, had asked for heavy weapons to settle the Tutsi question in 1991. However, his friend Straton was close to this gendarme and he never mentioned this to him! Astonishing.

It was the defence's turn to ask questions. Maître BOURG wanted to be sure: "I would like us to go back to Tumba in 1994. You are accused of being the one who saw nothing and did nothing. Were you aware of the massacres in the neighbourhood and at the sector office? The accused replied in a concise manner: "I found out".

The lawyer: "You said: 'I was afraid. We were all scared!'"

MUNYEMANA. When you see people dying around you, you are afraid. When you were an opponent, I was afraid. KAMBANDA was my friend, that's true. I was in danger as an opponent and I resisted as much as I could". (an allusion to the testimony of Laurien NTEZIMANA)

With regard to the notion of being a 'notable' (to which we shall return), for MUNYEMANA the concept is strangely unclear. For him, a "notable" is "someone who crushes everything in his path". It was only gradually that he came to understand that it was someone who was respected.

On the subject of planning, Maître BOURG reassures his client. He's not the only one with the vision he's defending: "With GUICHAOUA, you're not the only two. There is Stefen SMITH, NDAGIJIMANA and even Jacques SEMELIN.

As for [Butare] Prefect HABYARIMANA, when questioned by Maître DUPEUX, the accused said that he was an acquaintance, not a friend. Like the Prime Minister Agathe UWULINGIYIMANA with whom he had good relations, being of the same party. They had known each other since 1979.

The accused's political position.

The president tried to clarify the accused's political position: "You are a MDR supporter. When the [Hutu] Power ideology appeared, the MDR split in two. You were part of a third way, like Dismas NSENGIYAREMYE, whom others say is moderate. Some people refer to you as a member of MDR Power! Sosthène MUNYEMANA denied that he belonged to the Power movement.

The Chairman: Neither GUICHAOUA nor Alison DES FORGES talked about a third way? Dismas [NSENGIYAREMYE] stands for democracy. He was Prime Minister from April 1992 to July 1993. He left the government because he felt that President Habyarimana favoured the RPF too much. He blamed KAMBANDA for having made a pact with the MRND and the CDR. There is no proof that he supported the Power faction. According to Hélène DUMAS, his departure from the government would have precipitated the MDR into the Power faction.

The accused's reply: "Dismas wanted to bring the party back to the centre. The third way was a middle way".

This was followed by a series of questions from the civil parties' bench. The lawyers tried to find out what the defendant's real position was. The term MDR Power occurred when people had no ideas" he was quoted as saying before OFPRA, Maître QUINQUIS reminded him, giving the impression that he was underplaying the role of MDR Power. MUNYEMANA disputes this. Contrary to what his wife had stated, the accused acknowledged that he had never been attacked by members of the MDR.

As for Agathe, the Prime Minister, "ideologically she was in the middle, but tactically close to the RPF".

Maître FOREMAN wanted to know where he stood in relation to MDR Power because between November 1993 and April 1994 he never expressed any disagreement with Jean KAMBANDA.

The accused said he was scandalised by Jean KAMBANDA's new position since he joined the government. As the trial progressed, MUNYEMANA seemed to distance himself from his friend's position. The chairman pointed this out to him. The accused confirmed this. The president then listed all the facts that KAMBANDA had admitted before the ICTR. The accused does not know what to say.

Jean KAMBANDA only came to his house once during the genocide. His tenants and the refugees he was sheltering even came to greet him. It was on 19 June. This is not what a number of witnesses say.

The president was surprised that, on 16 April, the accused supported Jean KAMBANDA's [interim] government without worrying about his position. (Note: This is an allusion to the support motion of 16 April, which will be discussed later).

The civil parties' lawyers were surprised that the accused had never discussed politics with his friend KAMBANDA, even though he may have said the opposite before OFPRA [French refugee commission]. This is what irritated Maître FOREMAN: "You want us to believe that you don't discuss politics with KAMBANDA? Your testimony keeps changing!

If the militiamen did not come to his house to loot, it was simply because they knew that he was friends with Jean KAMBANDA. This is the answer he gave to Maître EPOMA's question. He justified his flight at the end of June because he said he was threatened by militiamen and soldiers. As for the notion of "enemy", which he said was not clear to him, the Chairman pointed out that he was the only one to say so.

Maître DUPEUX came to his rescue, repeating that he had only seen KAMBANDA once and that, when you have a friend, it is more difficult to point out his faults. The accused confirmed this. As for

his other friend, Straton, once again, he did not have time to talk politics when he saw him. A juror pointed out that this was difficult to understand. Maître FOREMAN asked again whether the accused considered Straton to be an extremist. MUNYEMANA said he had no evidence to say so.

It was Maître BOURG who put an end to the exchange, in her characteristic tone: "When you see Straton, you are criticised for not talking politics. You've got other fish to fry!" "It was a time when I was threatened by the military", concluded the accused.

His status as an important figure in Tumba.

Asked whether he was an important figure – 'notable' in Tumba, Sosthène MUNYEMANA, who does not yet seem to have understood the meaning of the word, said he had always been humble. He did not consider himself a "bad guy". The Chairman reiterated that being a notable person did not mean being a "creep". As to whether he had any influence on local life in Tumba, the accused stated that he had not participated in the life of his neighbourhood. Did he have the power to kill, as witnesses say? "It's not in my nature to commit reprehensible acts", replied MUNYEMANA. If he had blind confidence in KANYABASHI, it was because he had a good reputation. But he was not a friend.

The President is surprised, given that KANYABASHI was convicted by the ICTR for public incitement to commit genocide". You seem to have lived in a bubble," Mr SOMMERER remarks.

The accused was then questioned about the notables of Tumba. He gave a few names that are now common knowledge. He could not explain REMERA's silence, saying that he had never given his opinion. MAMBO? He has not contacted him. When he arrived in Tumba, he went to greet the sector councillor: it was he who gave him his MDR membership card.

The message of pacification? He didn't hear it. He doesn't know who announced it. Hard to believe when you know that even Tutsis who were holed up in their hiding places heard it.

His relations with the local authorities active in the genocide.

While the President listed the well-known names of the local authorities suspected of having participated in the genocide, the accused was content to say that he had never been to REMERA's house, that he had not even met him at RUGANZU's house. This contradicts the statements of many witnesses who must be liars.

He knew that Dr HABYAREMYE, who came to see him in May 1994, was a member of the CDR. He only invited a soldier to his home. During one of his patrols, Dr Habyaremye had threatened him while he was drunk, and he invited him to his home the next day to get an explanation for his behaviour the previous day. He then called a certain KABALISA to tell him that he was in danger.

Maître BOURG, once again, tries to find an explanation for his client: to avoid attracting attention, wasn't it better to show his face? This statement suits his client very well, who agrees: "It was necessary to remain visible."

The Cercle des Intellectuels de Butare.

Before addressing the subject, Mr MUNYEMANA asked that family photos be shown to demonstrate that he had friends within the RPF: the baptism of his friend James's son, for example. He even said that he had received a letter from another friend, Joseph NSENGIMANA. [Note: his wife Bernadette was killed in Butare with her children).

MUNYEMANA was vice-president of the Cercle des Intellectuels de Butare. As for the so-called "motion in support of the government", it was in fact a letter addressed to the international community to express their concern following the decision to reduce the UNAMIR forces.

The Chairman listed the points contained in this letter:

- Condemnation of the RPF for refusing to negotiate and for resuming fighting, and support for the interim government and the armed forces.
- Condemnation of the attack that caused the death of two presidents and condolences to the families of the victims.
- Condemnation of the indiscriminate massacres that cost the lives of the Prime Minister and others.
- Thanks to the FAR [regime's armed forces] who helped to set up the [interim] government
- the Cercle demanded explanations for the events that took place at the airport, which was then in the hands of Belgian Blue Helmets.
- Invitation to the United Nations to bring the RPF to its senses in order to restore the "legendary calm" that reigned in Rwanda.

The President is astonished that these intellectuals possess so much information held in the heart of power. And what "legendary calm" are they talking about when even before the genocide the city of Kigali was ablaze with blood? The accused claims that this information was common knowledge.

The Chairman: "Everyone knows? And the massacre of the Tutsis is silent? On the 14th [April] thousands had already died in Kigali and elsewhere in the country, and you said nothing about these massacres?"

The accused's astonishing response: "We preferred not to denounce the massacre of the Tutsis so as not to highlight them, so as not to designate them as potential targets. It was to maintain the cohesion of the Rwandan people" Nobody understands such cynicism. The chairman finds this reasoning "tortuous".

The accused insists. Roméo DALLAIRE had shown himself to be too sympathetic to the RPF by not denouncing the murders it had committed in the north of the country in November 1993. No one really understood what MUNYEMANA was referring to.

"What did you do all day?" asked the President. As he had said at the start of the trial, he managed his day-to-day life, looked after his children and looked after their schooling,

Maître BOURG read out a communiqué from FAR calling for a truce. Another communiqué (from the Ministry of Defence) stated that "the enemy is still the same, the one who wants to re-establish the monarchy". MUNYEMANA was not aware of this. He had heard the President's speech but not KAMBANDA's speech in its entirety. He was therefore ill-informed about the situation at national level, the president remarked.

Although the assessor pointed out the contradictions in his statements, the accused was not convinced. It is also surprising that he did not feel the need to talk about this letter himself. It was only discovered late in the case. He did not see the installation of the government as a coup d'état. He had learned of [prime minister] Agathe's death, but not that of the other opposition politicians. It is difficult to know how much he knew about the situation, as his statements have varied. Before OFPRA, Maître FOREMAN pointed out, he had said, in 2006, that it was when he saw the refugees from Gikongoro arrive. So well before the 16th?

The Chairman pointed out that he was analysing a situation on the 16th without being informed, at the risk of saying anything.

The rest of the questions focused on his real knowledge of the situation when this motion was circulated. Maître BOURG wanted to finish: "This letter must be put into context and Mr GILLET's explanations must not be relied upon. Mr MUNYEMANA, did you use the words "enemy" or "work"? "I DID NOT" he replied. So there was no "double" talk. The letter was written in French and addressed to the UN and the embassies? The two prefects of Gikongoro and Butare issued a communiqué calling for peace? To organise roadblocks and patrols to protect against troublemakers? The accused confirmed this.

The meeting of 17 April 1994.

The President listed all the witnesses who said that, at that meeting, he took the floor to oppose BWANAKEYE and to spread false rumours about massacres of Hutus by Tutsis. Others claim the opposite. The accused only admitted having said that people had taken refuge in his house. It was his son who had come to warn him during the evening. He knew that it was the Tutsis who were being killed, but he did not say so.

The accused claims that those accusing him consulted each other. They had harmonised their testimony. The president reminded him that even BWANAKEYE accused him. "When he was in prison", replied MUNYEMANA.

"Are you not worried about the composition of the group of Wise Persons?"

"As far as I'm concerned, the members were beyond reproach. They had been chosen by a hundred people. My presence was there to calm the members of the Security Council, including REMERA and MAMBO", replied the accused.

On questioning by Maître DUPEUX, who spoke last, Mr MUNYEMANA stated that he had left the meeting when his son had come to tell him about the presence of refugees in his home and that he had then returned to announce what he had just learned.

Hearing of Ms Daphrose BAZIZANE, called by the defence, at the discretion of the President, by videoconference from the UK.

A witness everyone could have done without. Quoted by the defence, who probably did not know her, Mrs BAZIZANE spent a large part of her spontaneous statement praising the merits of the young MUNYEMANA in her commune of MUSAMBIRA. She was full of praise for this "exemplary child, studious, top of the class". worthy of being attended. It must be said that he had received an excellent education.

On his return from his studies in Europe, he remained true to himself, not at all proud, unlike his classmates who had followed the same path. If he was drunk, the witness went so far as to say, he was "drunk with intelligence" (sic). When he became a doctor, he didn't change. He didn't discriminate between people. He was also very loyal in his friendships.

On several occasions, the president tried to stop the witness who was leading us away from the case in hand, but as soon as she was allowed to speak, she continued to praise her childhood friend.

"Where were you in 1994?" "In Kigali," replied the witness. He went on to say that his parents were proud to have a son who was a doctor.

The President, with humour, said that it was the same in France: parents were proud to have a son who was a doctor, lawyer or magistrate. He had the witness agree that intellectuals were being abused these days.

On questioning by the president, who seemed anxious to get it over with, the witness admitted that she had not seen Sosthène Munyemana during the genocide, nor had she had any telephone contact with him. But she took the liberty of adding that everything said about the accused was a lie. The Chairman says he is "distraught", as is Maître DUPEUX.

The accused's lawyer seemed in a hurry to finish. He tells the witness that, given what she knows about her client, it is impossible for him to have committed the acts of which he is accused. She had heard that he had taken refugees into his home. To prove the absurdity of these accusations, she will cite two or three examples that prove that everything they say is a lie: MUNYEMANA is accused of having killed a certain Ephrem who was still alive at the end of the genocide. Another example of manipulation? An article in Izuba, dated 26 February 2010, refers to the fact that he has been refused refugee status. One photo illustrates the document, but it is that of Claver KAMANA. Maître LINDON was surprised that she had come forward so late to testify: she replied that if she had been called, she would have come.

The hearing ended there, to the great relief of the president and the defence, who had not had time to find out about the character of the witness and what she would say.

Only MUNYEMANA seems not to have had enough. He took the opportunity to point out that, in his commune, everyone got along well. Before the end of the hearing, he addressed a friendly greeting to the witness.

Friday 8 December Day 19

Hearing of Éric GILLET, former lawyer at the Brussels Bar.

Hearing with Régine WAINTRATER, psychologist.

Hearing of Laurence DAWIDOWICZ, representative of SURVIE.

Hearing of Jean-François DUPAQUIER.

Hearing of Mr. Éric GILLET, prosecution witness, former lawyer at the Brussels bar who assisted civil parties in several genocide trials.

Mr GILLET is a human rights lawyer who initially went to Rwanda in the early 1990s to secure the release of journalists imprisoned along with Tutsis during the wave of arrests made in retaliation for the RPF attack on 1 October 1990. He went on to work in the country, carrying out numerous research projects, including in Butare. In particular, he co-chaired with Alison DES FORGES the international commission of enquiry set up in 1992-1993 to gather information, initially on the massacres of the BAGOGWE Tutsi community in February 1991, and then more generally on human rights violations committed in Rwanda. Even before 1994 and as early as the 1950s and 1960s, he reported threats of genocide against the Tutsi community. The international community's exposure of the existence of massacres, proven by the discovery of mass graves, in the report published in March 1993, had only a relative impact.

According to the witness, the Rwandan government was very reluctant to take part in the Arusha diplomatic process, because its implementation would force it to share its power.

It was during this period that the Rwandan army developed its definition of the enemy. It referred to the RPF, with which the entire Tutsi community was associated, as well as several Hutu opposition groups. This notion of the enemy mobilised the Hutus at the height of the genocide and took precedence over all other social relationships, with the fight against the enemy taking precedence over friendships, family relationships, etc. The justification given was that "it was necessary to fight against the enemy". The justification given was that "it is normal in a war to attack enemies".

Since independence, the social revolution had excluded the Tutsis from Rwandan society. Mr GILLET explains that the very notion of democracy established at that time in Rwanda reflected the exclusion

of the minority by the majority. This concept of "majority democracy" was designed to exclude the Tutsi community from society, and this was reflected in the education system, which limited the number of Tutsis in schools. These elements clearly show that the genocidal ideology was present well before the attack on President Habyarimana, as the witness explains.

Throughout the time leading up to the genocide, the international community was aware of what was happening. The witness mentioned a certain Jean-Pierre, the UNAMIR [UN peacekeeping mission] informant, who had warned UNAMIR that a killing machine had been set up with the aim of assassinating 1,000 Tutsis every 20 minutes. Furthermore, New York forbade General Dallaire, the head of UNAMIR, to seize caches of weapons intended for the execution of the genocidal plan if he did not obtain the approval of the Rwandan authorities, the same ones who were preparing the massacres. In February 1994, the Belgian Minister of Foreign Affairs asked for the UNAMIR mission to be extended, because "I would not want the Blue Helmets to witness genocide", the use of this word being striking. Unfortunately, he was not heard.

Mr GILLET also provided information on the *modus operandi* used to commit the genocide. The entire administrative pyramid of the Rwandan state was put to work. The strong Rwandan sense of obedience made it an extremely reliable structure, as demonstrated by the precise monitoring of administrative lines in the execution of the killings. In addition to all the state components, other players were also involved. The radio thus helped to create a climate of fear by spreading the idea that the Tutsis were preparing a plan to exterminate the Hutus: this is what is known as "mirror accusation", i.e. accusing the other of what you are in the process of preparing. There were also the Interahamwe youths who morphed into militias and were transported to regions where there was a large proportion of Tutsis and where the genocide was difficult to organise, as in BUGESERA from 1992 and in BUTARE.

This genocidal process marked a break with the dynamics of previous massacres. From then on, the administrative officials who did not set the killing machine in motion would also be eliminated.

The witness identifies intellectuals: politicians, doctors, lawyers, academics, etc. as the organisers of the genocidal enterprise. The interim government used them in particular to import the genocide into Butare, even though the Tutsi prefect of that prefecture, Jean-Baptiste HABYARIMANA, had managed to maintain calm after 6 April. These intellectuals, gathered in different circles, organised meetings, made speeches and collaborated with the interim government. Vincent NTEZIMANA, a university professor in Butare who was tried in Belgium, was the author of the "Ten Commandments of the Bahutu" [published by extremist newspaper Kangura in 1990], the other mainstay of genocidal propaganda along with the document defining the enemy. According to Mr GILET, this entire intellectual elite played an important role in validating the messages.

When asked about the communiqué written by the Cercle des Intellectuels de Butare, to which the accused belonged and which approved the policy of the interim government while stating that it was in favour of the Arusha agreements, Mr GILET considered that it was impossible for a communiqué opposing the massacres to have been broadcast on Radio Rwanda on 19 April 1994.

Regarding the defence's allegations that the current Rwandan government was persecuting its opponents through the justice systems of other countries, the witness said that he could not imagine that the French justice system had been set in motion for political reasons. Similar accusations were made by the accused in the Belgian trials, but these were initiated by the victims' families. Mr GILLET reported that another accusation often made by the defence was that false testimony was given out of a desire for revenge. He responds to this argument by asking how victims seeking to rebuild their lives through justice can do so by prosecuting someone they know to be innocent. In his view, it is obvious that it is the survivors who initiate the proceedings and provide the investigators with information. It is then up to them to verify the reliability of this information, and the witness expresses his confidence in their competence.

On his experience of the genocide of the Tutsis in Rwanda, Mr GILLET said: "I don't know anyone accused [of genocide] who didn't protect Tutsis". (Note: At the trial of Pierre BASABOSE and

Séraphin TWAHIRWA, which is about to end in Brussels, the defence is using the same arguments: these trials are "political trials").

Hearing of Mrs Régine WAINTRATER, psychologist, quoted by the IBUKA association.

Mrs. Waintraater has worked for many years on extreme trauma with survivors of the Shoah, descendants of the Armenian genocide and the Rwandan Tutsi genocide.

She points out the similarities between these different testimonies, including the fact that, for the survivor, his or her testimony is both expected and feared. For a survivor, the fact that the courts rule on the guilt of the accused is extremely important. Justice reintegrates them into the human community. It is a feared event because the survivor is afraid of not being believed, of doing the wrong thing, of saying the wrong thing, of forgetting, of making a mistake. His testimony is personal, but always with a collective dimension. They lived through the events with others, members of their family and the community in which they lived.

The witness contrasts traumatic memory with so-called normal memory. In traumatic memory there is a split between the self that observes itself and the real self. Everything emotional is repressed. There is a phenomenon of dissociation. When the survivor testifies, he or she is asked to return to the traumatic event; the two dissociated events must be brought together. In life, there are traumatic flashes that take the person back to the time of the trauma. A considerable effort is required of the person giving evidence, as they are expected to give a coherent account. But trauma is not coherent. There is the time of the trauma and the time afterwards. If they don't manage to re-establish this coherence, they will feel worthless and misunderstood.

Survivors should be called "returnees", as Jorge Semprun calls them. They return to a world that was no longer theirs. They are returning from the reality of their own death. Having seen their own death so closely, or that of others, the returnee comes out "dazzled", in the strongest sense of the word, as they would be by the sun.

The Chairman considers this testimony to be a new light compared to all those heard at the beginning of the trial. He points out that the jury will have to interpret the testimony in the light of the truth (Note: Perhaps it would have been more profitable for the jurors if they had heard Mrs. Waintraater earlier. That would have given them a better idea of how to deal with all the evidence they heard).

Mr. Chairman: "How do you go about "repairing"?"

The witness: "I get as close as possible to where the person is. I have to follow the person, not precede them.

Other themes will quickly be addressed during the question and answer session: reparation, compensation and reconciliation. The question of the half-admission was also raised, but Mrs Waintraater pointed out that she had never seen a *genocidaire* in her practice. As for the person who has lived through the genocide far from his or her family, for them, says the psychologist, "it's devastating". Not to mention the trauma for the person taking the testimony. Carers, for example, are not always aware of the repercussions this can have on them.

We would have liked to have heard Mrs Waintraater at greater length. You can refer to her book: "Sortir du génocide. Témoigner pour réapprendre à vivre". Payot, 2003.

Hearing of Ms Laurence DAWIDOVICZ, representative of the SURVIE association.

The witness represents the SURVIE association in the trial. This association had been created to alert our fellow citizens to the tragedy of hunger in the world, and then it specialised in fighting against France-Africa. In 1992-1993, it turned to the FIDH. This was an opportunity to mention the Commission of Inquiry mentioned during Mr GILET's hearing and to talk about Mr Jean CARBONARE, who appeared on Antenne 2 at the end of January 1993 to alert our political leaders

and fellow citizens to the eminence of genocide in Rwanda, on his return from participating in the said commission (Note: When I gave my testimony, I forgot to mention that Jean CARBONARE's intervention was at the start of my own involvement. In the days that followed, I wrote to President MITTERAND asking him to do everything in his power to bring his friend Juvénal HABYARIMANA to his senses. During the questions, I will be able to talk at greater length about the memory of Mr CARBONARE, whose wife still lives in Dieulefit in the Drôme. The inhabitants of this commune had created an association, *INTORE za Dieulefit*, to help the survivors of Bisesero). The witness then mentioned the names of two leading figures in the association: François-Xavier VERSHAVE and Sharon COURTOUX. The former has written a book entitled "Complicité de génocide".

Since 1994, our activists have continued their fight to highlight the existence of genocide in Rwanda. The association has acted as a civil party in several cases relating to the genocide of the Tutsis. Members of SURVIE take turns to be present in the room. The association amended its articles of association to allow it to take legal action, because it felt it was necessary to advance the cause of justice in order to combat impunity. Being accused of being part of the anti-France movement? The witness stresses that she is rather proud of her commitment to ensuring that our country remains true to its values.

Hearing of Mr Jean-François DUPAQUIER, at the request of the SURVIE association, at the discretion of the President.

Mr DUPAQUIER is being heard because he was a signatory, along with his wife and the Collectif Girondin, of the first complaint in 1995. However, and this is what interests the defence, two documents had been submitted in support of the complaint: the first, a handwritten document from the gendarmerie in Rwanda, unsigned and which could not be authenticated, and a second document presented as coming from the Office of the High Commissioner for Human Rights and in fact concerning Eugène RWAMUCYO. In this document, Sosthène MUNYEMANA is referred to as his "deputy". All these documents have been removed from the case file.

Mr DUPAQUIER begins by explaining how he first discovered Burundi and then Rwanda in the early 1970s. A journalist by profession, he worked for several years at *L'Événement du Jeudi*, where he published "news flashes". In July 1990, he published an article on Rwanda entitled "Risque de génocide à la cambodgienne" ("Risk of genocide Cambodian style"), an eminently premonitory title. The discovery of the genocide "turned his life upside down", as his wife had lost around fifty members of her family throughout Rwanda.

During a visit to Rwanda, he learnt about the stories told about Dr Munyemana. He decided to join the complaint lodged by the Collectif Girondin, whose members he did not know and of whom he was not a member, because, as a citizen, he felt it was his duty to denounce crimes. He had also developed a real sense of guilt. And to understand the testimony, this guilt is fundamental. And to quote Mr AUDOIN-ROUZEAU who, before this court, had confessed "his shame at not having perceived the scale of the genocide. It was courageous to admit it".

It also alluded to the testimony of Dafroza GAUTHIER who, the day before, had expressed her feelings of guilt. She had visited her mother at the end of February 1994 and, with a heavy heart, had left her, leaving her in the hands of the killers. The witness went on to say that torturers never feel this sense of guilt. He added that he was shocked when Mr Munyemana, in response to Ms Gauthier's words, said he was "happy to have known the same friends as him".

He also insisted, as Mr Éric GILET had done in the morning, that genocide is a crime of the State, but not the whole State, the crime of a "mafia" group that took over the State in order to enrich itself. The designers did not hate the Tutsis; many of them had Tutsi wives or mistresses. Take as an example President Grégoire KAYIBANDA, whose wife was Tutsi and who did not hesitate to declare that if the Tutsis continued their incursions, they would all be exterminated.

Everyone deals with guilt as they can, the witness said. He gave the example of a Hutu with a Tutsi wife who was threatened: "If you don't kill your wife, we'll kill your children". Terrified, the man dug a hole to bury his wife alive so that her blood would not be on his hands!

With regard to André GUICHAOUA, whose qualities he praised, he said that the genocide had begun on 12 April 1994, when the interim government fled to GITARAMA, because, for him, it was impossible for the genocide to begin while he was still there. Mr DUPAQUIER made similar comments about Ambassador SWINNEN, "a good man" who had slowly drifted away. For Natacha POLONY, it was nothing less than "bastards against bastards".

For the defence, the complaint was "a political settling of scores" following a speech that the accused allegedly gave in Bordeaux. This was allegedly at the initiative of his former friend James MVUNIYINGOMA, who wanted to recruit him to the RPF.

Maître Simon FOREMAN wished to add a clarification. He refers to an article in the newspaper DE MORGEN, published in August 1994, in which a Tutsi doctor at Butare hospital talks about the conditions in which he survived. In the article, he gave the names of doctors who had allegedly collaborated with the killers. Among the names cited are those of Sosthène MUNYEMANA and Eugène RWAMUCYO (Note: Doctor RWAMUCYO is the subject of a complaint by the CPRC and was brought before the Paris Assize Court at the end of the judicial investigation). The accused is said to have requested a right of reply, which he did not obtain. He even went so far as to lodge a complaint against the journalist.

The public prosecutor informed the jury of the existence of a document from the Belgian security services in which the names of several doctors "likely to go to Belgium" were mentioned. The names of Sosthène MUNYEMANA and Eugène RWAMUCYO were mentioned. This document dates from 19 September 1994, well before the complaint was lodged.

Maître BOURG goes back on the attack and inveighs against the witness. How is it that he signed a complaint without knowing what documents were attached? The witness doesn't remember. And he criticised the witness for the media coverage given to this false UN document at a press conference held by the Gironde Collective. Mr DUPAQUIER can only reply that he has never been a member of this association.

It was the General Counsel who put an end to a discussion that was beginning to lose its way. She spoke of the CPRC's involvement in the case and pointed out that the investigating judges had done a great deal of investigative work. More than 200 witnesses were heard.

At the end of the hearing, the Chairman announced the questions that would be put to the jurors during the deliberations on 19 December, the day of the verdict. The day or the day before, he had listed the topics that would enable him to question the accused from Monday 11 December until the 13th. December 14 will be reserved for the pleadings of the civil parties, and the next day will be the closing arguments of the public prosecutors. On Monday 18, the defence lawyers will give their closing arguments.

Thursday 7 December Day 18

Hearing of Yves GASAMAGERA.

Hearing of Claire UWABABYEYI.

Hearing of Marie-Rose UWASE UMUGWANEZA.

Screening of an interview with Paul RUSESABAGINA.

Hearing of Marcel KABANDA, President of IBUKA France, civil party.

Hearing of Dafroza MUKARUMONGI GAUTHIER, co-founder of the CPRC.

Hearing of Mr Yves GASAMAGERA, cited by the CRF on the president's discretionary power.

Mr GASAMAGERA is a survivor of the genocide in Tumba.

He was 7 years old in 1994 when, one day, his father left home and would never return. That evening, a neighbour and friend of his parents came to the house. He helped his mother hide him and his 5-year-old brother in a house under construction, the openings of which were closed with adobe bricks. He removed some of the bricks to make them fit inside before putting them back in place to lock them in. During the few days that the witness stayed there with his brother, this neighbour and his wife brought them food.

He then took them to the hospital in KABUTARE where their mother worked as a nurse. A woman hid them there, before moving them again to a man's house in NGOMA when the wounded soldiers arrived at the hospital.

When this man fled with his family in the face of the imminent arrival of the RPF in the region, the two children and their mother took refuge in a nearby locality where the RPA soldiers found them. They went to Tumba after the genocide to try to find any survivors of their family. They were able to bury their grandparents, who had been massacred in their home, but never found the bodies of their father and uncle.

Mr GASAMAGERA's mother died some time after the genocide. Now orphans, he and his younger brother grew up with difficulty, in precarious conditions, their family having been stripped of all its possessions by looting. For this witness, the difficulties they faced growing up were only due to the fact that they were born Tutsi, which they did not even choose.

Hearing of Ms Claire UWABABYEYI, cited by the FRC, on the President's discretionary power.

Ms UWABABYEYI was 17 at the time of the genocide.

She was one of thousands of Tutsis rounded up by the authorities on Kabakobwa hill, most of whom were massacred. A large part of her family perished that day. The survivors were taken to a pit to be finished off. An Interahamwe who wanted her for a wife forced her to come with him and Mrs UWABABYEYI managed to get him to agree to take her younger brother and her younger cousin, aged 8 and 6, with them.

When, after a few days, this Interahamwe wanted to kill the two boys, she fled with them and they managed to reach their locality of Sahera, where they took refuge with a friend of their Hutu parents. He managed to get them papers to go to Butare prefecture.

They managed to get as far as the SINDIKUBWABO road block in Tumba. It was there that her brother and cousin were killed. It was also there that she reported seeing Mr MUNYEMANA. He was talking to the young Interahamwe, who agreed with what he was saying. Although she did not hear what he was saying, the witness said that it was he who seemed to be giving the orders. Ms UWABABYEYI did not know him, but the Interahamwe had called him by name and another young girl with whom she had travelled part of the way identified him, telling her that he was a doctor at the university hospital. Today at the hearing, she testified to the president that she recognised the accused, although she pointed out that he had aged.

Mr MUNYEMANA stated that he had never been to the SINDIKUBWABO roadblock.

Hearing of Mrs Marie-Rose UWASE UMUGWANEZA, cited by the FIU, on the basis of the President's discretionary power.

After saying that she had lost her father and three other members of her family in the genocide in Tumba, the witness went on to trace "the path of (my) life". She then listed all the challenges that her mother and her family had had to face: physical and moral injuries, a loan taken out by her father that had to be repaid, difficulties in getting an education, family quarrels.

The chairman then took the liberty of reminding Marie-Rose Uwase UMUGWANEZA that Sosthène Munyemana was on trial. He wanted to know if she had anything to say about the accused. But she takes up the story of her family and talks about her mother's trauma.

On a question from the Chairman, she talks about reconciliation and the problems that this poses. Then she talks about the looting of the shop her mother used to run; The Chairman resumed: "I don't know if your lawyer told you, but the facts that you are referring to are not before us".

Maître GISAGARA tried to explain the choice of witnesses called to testify: "It was the CRF (Communauté Rwandaise de France) that chose the witnesses who were to testify. So-called experts are coming to testify. We think it's better to hear from young people who know Rwanda today".

The assessor picked up the ball: "Since your lawyer has asked you to testify in order to shed light on the Rwanda of today, how are you living in this post-genocide period, in everyday life, in your work..." The witness: "After the genocide (Editor's note: the witness was two years old in 1994), I was lucky enough to go to university. That was not the case for my older sisters".

Maître GISAGARA took over and asked the witness to talk about the effectiveness of the Gacaca [local community courts]. The witness said that it had done nothing for her, an answer that the lawyer had not expected. When he asked her about the importance of the commemorations, he got a more detailed answer: they are essential events, a time for sharing with other survivors, for listening to testimonies, a path towards unity and reconciliation, a time that breaks the solitude, that liberates.

Screening of an interview with Paul RUSESABAGINA after his return to the United States and his time in prison in Rwanda. Instead of the hearing that had been scheduled by videoconference from the USA, where he is a refugee, and at the request of the defence.

As none of the other parties wished to ask questions, the president asked that an interview with Paul RUSESABAGINA, "a hero" of Rwanda, be broadcast, said Maître BOURG, the accused's lawyer. (Note: It should be noted that Mr RUSESABAGINA, who was called to testify by the defence, finally refused to take part in the videoconference, after discussing the matter with his lawyer. At least that is the official version.) But before the broadcast, Maître BOURG gave a long introduction to this "hero manufactured by American cinema". She is full of praise and draws up a "mythological" biography of the manager of the Hôtel des Mille Collines. Astonishing when you know the real story.

In a monotone, RUSESABAGINA trotted out all the clichés about his country of origin: "Rwandans are prisoners in their own country (...) I received the Presidential Medal of Freedom in the USA. I spent nearly three years in the worst prison system". He was kidnapped, which is true, and suffered imprisonment and torture. He concludes with these words: "Rwanda is hell".

Maître FOREMAN cannot allow such nonsense to pass: this gentleman gained notoriety thanks to a film. He made refugees pay for rooms at the Hôtel des Mille Collines and chased away those who couldn't pay the bill. He is said to have admitted financing terrorists... And then, addressing the defence lawyers, he wonders what the film has to do with this trial. Sosthène MUNYEMANA wants us to believe that he was tortured? He has been free for nearly thirty years and has never been kidnapped! This document is nothing less than propaganda against Paul KAGAME's government.

Maître GISAGARA would like to give more details by reading extracts from an article in Libération dated 17 September 2021 entitled "La guérilla d'un ancien héros d'Hollywood" (The guerrilla war of a former Hollywood hero) in which the myth of RUSESABAGINA is deconstructed. The CRF's lawyer also refers to the testimony given in Great Britain in the context of a trial of four Rwandan nationals whose extradition Rwanda was requesting. His comments are edifying.

Maître DUPEUX wishes to speak last, as he is allowed to do by law. He recalls the hearing of Laurien NTEZIMANA before the court on Tuesday 5 December, by videoconference from Kigali. This "Rwandan Righteous Man", as the lawyer called him, had been harassed between 1995 and 1999 for having written an article that did not please certain authorities (Note: The defence lawyer forgot to mention that the witness had been acquitted). Mr DUPEUX added that the RUSESABAGINA trial had been criticised everywhere, including the European Parliament: "This is an unfair and unjust trial, the hallmark of the Land of a Thousand Hills.

Hearing of Mr Marcel KABANDA, President of IBUKA France, civil party in the trial.

Mr KABANDA began by presenting the association of which he is president, IBUKA, "Souviens-toi", created in 2002. There are several sections around the world, each with its own operations and independence, but all with the same objective: support for survivors of the Tutsi genocide and remembrance. There are, of course, links with IBUKA in Rwanda. Like the CPRC, and sometimes with it, IBUKA works in the field of information and education.

After 1994, many people who had allegedly taken part in the Tutsi genocide took advantage of the chaos to leave the country. The survivor, who has remained in the country, has no control over these people who have fled: "Someone has to look after them."

Mr KABANDA pointed out that the association he presided over had never gone into the field to investigate. When questioned by the Chairman, he said that they "do not have the capacity to do so". He went on to thank the CPRC, which has been involved in this work of collecting testimonies and has been at the origin of all the complaints since 2001.

Finally, the president of IBUKA insists on one of his priority objectives: the preparation of commemorations every year in April. This year, a stele will be inaugurated on the banks of the Seine, with the support of the City of Paris.

Wednesday 6 December Day 17

Hearing of Onesphore Kamanzi.

Reading of testimonies.

Hearing of Jean-Marie NKEZABERA.

Hearing of Stephen SMITH, journalist.

Hearing of Mr Onesphore KAMANZI, summoned by the defence, by videoconference from Kigali.

Mr KAMANZI was a magistrate in KIGEMBE before the genocide. His wife and 7 children were massacred in their home during the genocide on 17/18 April 1994. Despite the fact that he was a Hutu, he was persecuted. He blames this on the fact that he had never favoured the Hutus over the Tutsis during his career.

He then took refuge with Mr MUNYEMANA, whom he had known before 1994 through his older brother and the hospital. He was taken there by Mr Bonaventure NKUNDABAKURA, who also took his wife and other people with him, before leaving on his own to take part in the massacres. The witness stayed there for a month, while Bonaventure's wife, Marie Goretti, left earlier, while other refugees were arriving. In his opinion, the accused could not have been mistaken about the reason he was in hiding, namely that he was fleeing the Hutu extremists.

During his stay with MUNYEMANA, he stated that he had always remained in the house.

He reported smelling the bodies from outside the house, whereas Marie Goretti said she only smelled them when she left the house. Mr KAMANZI also stated that Mr MUNYEMANA was not at home and that he thought he was working. However, even on the internal workings of the house, he has little to observe, as he was hidden throughout and could not see much, including whether or not there were meetings held at the accused's home, or even whether there were searches as Marie Goretti alleges. He can only attest that the accused received visits, without any further details.

Two of Mr KAMANZI's children survived the genocide, including his son SHANGWE, of whom he claims to have had no news when he was a refugee with Mr MUNYEMANA. He said that those who say otherwise are liars, referring to the character references submitted by the defence of François Ferdinand KABANISA and Mr Justin MUSEKERA.

A final question from Maître DUPEUX irritated the witness. However, it may be that Mr Kamanzi did not understand what the defence lawyer was asking him, who eventually gave up on continuing the dialogue (NDR. Before contact was cut off in Kigali, Mr MUNYEMANA waved goodbye to the witness, who did not seem to have seen him). Maître BOURG wished to express her disapproval of a question put to the witness by the Principal State Counsel. She stated that she had been "very uncomfortable" when the ethnicity of Mr KAMANZI's children was mentioned. She added that Mr KAMANZI had found the bodies of his children in August 1994 under the rubble of his house.

Mr MUNYEMANA attested to the overall truthfulness of Mr KAMANZI's testimony. However, he is convinced that Mr KAMANZI knew where his son was, as he himself knew that he was hidden with one of his doctor colleagues in Tumba, Callixte GASANA.

He explained that there was a group of three doctors with Mr Callixte GASANA and Mr Justin MUSEKERA who helped each other to hide people.

Reading of testimonies by Mrs Marie Goretti MUKARUSHEMA

Mrs MUKARUSHEMA is the wife of Bonaventure NKUNDABAKWA. When the situation became tense, as she was a Tutsi, her husband took her to hide with Sosthène MUNYEMANA, whose wife is related to him. It was far from her home and nobody knew her in Tumba.

The accused opened his home to her, her three children, the two orphan children of her godmother who had been killed, whom she had taken in, and Onesphore KAMANZI. She stated that he washed their clothes in the shower, which MUNYEMANA contradicted by explaining that he had a servant. Mrs MUKARUSHEMA also reported in her testimony that people had come to search the house at least three times and that the accused had hidden them. Here again, he disagreed with her: "I think she added to it because at the time of the searches Marie Goretti had left. KAMANZI was often in his room, so he heard noises, but he couldn't have known what was going on".

The witness said that she had left Tumba on 6 May 1994 with her children in a vehicle belonging to the commune.

Reading of the testimony of Mr Bonaventure NKUNDABAKURA

Mr NKUNDABAKURA was sentenced to life imprisonment by a Gacaca [local community court] for having been part of a gang of killers. He refuted these accusations.

This witness was a Hutu trader living in Kigali at the time of the genocide. Several members of his family were killed by the armed wing of the RPF [3], the RPA.

At the start of the genocide, he hid his wife, who was Tutsi, and his children with MUNYEMANA for a week. MUNYEMANA himself was in danger because members of MRND knew that he was hiding people. He therefore took his family back to Kigali, where the massacres were over after a week, while the MRND was hiding people.

Reading by the Chairman of the testimony of Ms H  l  ne Uwimana

Mrs H  l  ne UWIMANA was the wife of Callixte GASANA, a doctor who was a colleague, neighbour and friend of the accused.

She stated that Mr MUNYEMANA hid many people during the genocide and cited Innocent HATEGEKIMANA, Evariste SENKWARE and Onesphore KAMANZI. She did not mention the fact that she and her husband had also given shelter to people, as the accused said. At that time, the witness did not leave her house. However, she found it absurd to accuse Mr MUNYEMANA of having taken part in the violence, and she criticised the prosecution witnesses, alleging that they had been ordered to incriminate him.

Reading of the testimony of Mr Pascal NZABIRINDA, President of the Gacaca.

The witness was president of the Gacaca that found Mr MUNYEMANA guilty at first instance. Mr MUNYEMANA was acquitted on appeal.

After beginning the reading, the president noted that his statements had already been presented to the Court. The defence insisted on reading out the end of his testimony concerning the existence of rivalry, in prison, between those who had admitted their crimes and the others.

Reading of the testimony of Mr Thomas BAVAKURE

Mr BAVAKURE was found guilty of murder and rape and sentenced for genocide. He only admitted to the murders and still denies the rapes.

He accused Sosthène MUNYEMANA of having been part of the group that organised and encouraged the killings in Tumba with REMERA, KUBWIMANA, SIBOMANA and RUGANZU. He spoke in particular of meetings to prepare the attacks that had taken place at RUGANZU's home.

He recalled an episode during which, on 23 April, the accused, REMERA and RUGANZU went to a roadblock to ask why no Tutsi had been killed in the sector concerned. They formed two groups and his group went to the home of Innocent SEKARAGO with MUNYEMANA and KABIRIGI to kill him and his children with machetes and spears. He also implicated him in drawing up lists of Tutsis and in the hunt for Tutsis on 6 June in the arboretum, the forest next to the university.

His testimony was rejected by the investigating chamber.

Reading of the testimony of Mr Emmanuel NIYITEGEKA alias "My Love"

Mr NIYITEGEKA was convicted of genocide in 1995. He confirmed some of the accusations made by Mr BAVAKURE against the accused.

Reading of the testimony of Mrs Consolée KAMUGWERA at the request of the prosecution.

The witness is a Hutu farmer whose Tutsi husband and eight children were killed. She said she did not know the names of the killers. Her husband was captured at a roadblock. As for her children, they were killed on different dates: the last was killed in July. She knew the accused as a doctor. She allegedly saw him one night during a round of rounds and confirmed that Sosthène MUNYEMANA was present at MANGO's house, which, according to her, was "his employee". She disputed the statements attributed to her in the African Rights document "The Butcher of Tumba". As for the pacification meetings, she considers that they were a trap.

Statement by Mr Sosthène MUNYEMANA

"What is said about me in each of these [last] three testimonies is completely false".

Mr MUNYEMANA accused BAVAKURE and NIYITEGEKA of being professional liars. With regard to Ms KAMUGWERA, he contested everything she said about her participation in the massacres.

Hearing of Mr Jean-Marie NKEZABERA, summoned by the defence, at the discretion of the President. This hearing was to have taken place by videoconference from Eritrea. However, technical problems prevented it from taking place. The Chairman decided to read out the hearing to which the witness was subjected in Belgium on 13 March 2012.

Of Hutu parents, the witness went to KIGEMBE, his wife's home town. A member of the PSD [Social Democratic Party], he was an opponent of the MRND and the MDR Power: he therefore felt threatened. Before the genocide, he worked at the Banque Rwandaise de Développement. When Butare was taken on 3 July 1994, he went to the [French intervention 'safe zone'] Turquoise Zone, which he left in September.

At that time, as a member of the PSD, of which he was a founder, he was asked to provide assistance to the Ministry of Finance as Chief of Staff to the Minister, Marc RUGENERA. He remained in that post until May 1995, three months before the RPF victory and the break-up of the interim government. Immediately afterwards, he went into exile in Kenya with his family until 1997. The reason he left Rwanda was that he thought the government had "a hidden agenda". He felt threatened and left when the opportunity arose. There was no security in the country: people were disappearing, "mainly Hutus who had returned to make themselves available to the new regime".

He then took part in the creation of a new party, the FRD (Force de Résistance pour la Démocratie), alongside Seth SENDASHONGA, Minister of the Interior, who had also decided to go into exile in Kenya. Charged with recruiting members for the leadership, he left for Brussels, where he decided to stay. Seth SENDASHONGA was to join him, but he was assassinated by the RPF on 16 May 1998. The witness decided to leave a party that had split. He applied for political asylum and obtained Belgian nationality in May 2003. At the time of his hearing, he was President of the Seth SENDASHONGA Institute, which was responsible for perpetuating Seth SENDASHONGA's democratic ideals.

The witness testified at the ICTR in favour of [Butare] Prefect Sylvain NSABIMANA, who was appointed to replace Jean-Baptiste HABYARIMANA. He also testified on behalf of Alphonse HIGANIRO at the so-called "Butare Four" trial in the spring of 2001. HIGANIRO was the director of the match factory, SORWAL. He never returned to Rwanda, as he did not feel welcome there.

He knows MUNYEMANA: they were on the same university campus in 1976 and he had married a girl from his commune, Fébronie. They remained close, and he himself was godfather to the youngest child of the MUNYEMANA couple, Michaël. When the witness met Sosthène MUNYEMANA, they did not talk politics, even though they shared the same ideas of democracy. He thought that his friend was a member of the MDR. He believes that Sosthène was a friend of Dismas NSENGIYAREMYE. He knows that he was friends with Jean KAMBANDA whom he also knew well.

He thinks he remembers that Sosthène's three children stayed with him in KIGEMBE, but he stayed with his parents-in-law. He can't remember exactly, but he thinks he remembers that his friend was fleeing the pressure in Butare and that he had security problems. At that time, insecurity came from both the Interahamwe and the RPF. "We didn't think the 'war' would come to Butare. It happened all of a sudden. I think I even went to see him in Butare to see how things were going with the children, in April, early May 1994". He reiterated that with MUNYEMANA, who liked to drink beer from time to time, he did not talk about politics because they were not from the same party: "we avoided this kind of discussion". (Note: He had said earlier that they shared the same political views).

He knew nothing of Munyemana's behaviour during the genocide. He wrote a letter to his friend saying that the aim of the government's policy in Kigali was to "break up the Hutu middle class (...) With the creation of the Gacaca courts, the entire Hutu elite was decimated. Outside the country, they wanted to do the same thing. Denunciation committees have been set up and are becoming more professional, with people trained on the spot. There are schools in Rwanda where witnesses are fabricated, where false witnesses are trained". He cites the case of Victoire INGABIRE, who has been charged with genocide denial and terrorism. "Another example is that if you are in prison and you ask General Kagame for forgiveness, he will release you. There is no justice in Rwanda."

"I don't believe that Sosthène Munyemana is capable of doing harm. He had three children that he looked after alone. I don't see how he could have had time to do anything else. I knew him, I don't think he could have fallen into this kind of baseness. Now, we weren't together. I don't know what he did, but people like him generally tried to help others and protect them."

He recently contacted MUNYEMANA who does not know that he has been summoned today. He will keep him informed. He admits to having written a letter to his friend.

To the question: "Do you have anything else to say", the witness said: "In my opinion, this is a political trial like the one of Victoire INGABIRE that I have just told you about. I mean that the objective is the same: to remove and break this Hutu elite. When this is not achieved through this fabricated justice system, they have to resort to crimes, like that of Seth SENDASHONGA".

Reaction from Mr MUNYEMANA: "I totally agree with what the witness has just said".

Hearing of Mr Stephen Smith, former journalist, cited by the defence, on the President's discretionary power. Now a professor at a "prestigious" American university. By videoconference from the USA.

The witness did not know Sosthène MUNYEMANA. He spoke about his professional career, in particular his visits to Rwanda during the genocide in 1994. On 22 May 1994, he returned to Rwanda from Bujumbura. There were numerous roadblocks, machete-wielding killers and bodies everywhere. In Butare, he spent the night at La Procure, opposite the cathedral, where many Tutsis were still hiding. The next day, he left for Kigali, then Gitarama, the seat of the interim government. There he met Jean KAMBANDA.

After the genocide, he found the USA a more favourable context in which to talk about Rwanda. The climate there is calmer than in France, where the debate on Rwanda revolves around France-Africa. In France, the debate is politicised. For his students, genocide is history.

Unsurprisingly, when questioned by the president, the witness spoke of Rwanda as a one-party regime, despite the existence of other parties. But opponents are eliminated. Having 99% support in elections "is not serious". He added: "If you read the reports by Amnesty International or Human Rights Watch, Rwanda is the most murderous regime in Africa". The Rwandan diaspora plays a major role. It is a personal dictatorship: "KAGAME justifies his policy by the fact that the international community did not prevent the genocide. KAGAME has replaced a French-speaking elite with an English-speaking one. Rwanda is an intelligent and effective dictatorship. There are targeted assassinations. It is an authoritarian and murderous regime". He alludes to the assassinations of opponents such as KAREGEYA in South Africa and Seth SENDASHONGA in Kenya, "the most sincere democrat" he has known in Rwanda. "If I were an opponent in Rwanda, I would be worried".

MUNYEMANA's trial would be part of a political trial of an opponent (Note: The complaint against MUNYEMANA dates back to 1995. The accused had never officially expressed any opposition sentiments. How can we talk about a political trial for him? He spent his entire professional career in French hospitals).

There seems to be little point in mentioning Mr Stephen SMITH's performance at greater length. Quoted by the defence, the latter got what it wanted: Rwanda is the worst dictatorship in the world and their client is a victim of it. There was no mention of MUNYEMANA. Why bother?

Maitre DUPEUX made a final intervention, referring to the witness's experience when he was staying at the Red Cross premises in Gitarama. Witnessing massacres under his windows, he was unable to intervene. Question: "In human terms, was it possible to intervene? This was a way of justifying his client's attitude in Tumba. Feeling threatened, not only did he not take part in the genocide, but he was unable to oppose the massacres.

During a "time out", the president took the opportunity to list the themes that he would raise next week during his questioning of the accused. He had previously outlined the charges against Sosthène MUNYEMANA in the OMA (Ordonnance de Mise en Accusation).

Tuesday 5 December Day 16

Hearing of Marie DUSABE, civil party.

Reading of the testimony of Séraphine NIBAKURE.
Reading of the testimony of Générose MUKAMULISA.
Hearing of Laetitia HUSSON.
Hearing of Anne-Marie Kamanzi, civil party.
Hearing of Laurien NTEZIMANA.

Hearing of Ms Marie DUSABE, named by the prosecution, civil party of the CPR, by videoconference from Kigali.

Ms DUSABE is a Tutsi survivor of the genocide during which some fifty members of her family were murdered, including her husband, children, mother and brothers. She managed to survive in hiding and is therefore not a direct witness to the events she reports.

After the attack on 6 April, she recounts how ethnic groups turned against each other. She also mentions a disinformation campaign according to which the Tutsis wanted to kill the Hutus just as they had killed the President. The massacres then began in Rango on 21 April.

Her husband, Claude NKUBITO, was one of a group of men captured in Rango. He was first taken to "house 60" where they spent the night before being taken to the Tumba sector office. ["House 60" was where the Tutsis were held before being taken to the sector office].

According to the witness, the arrests and transfer were decided by the Rango village committee led by Émile. Sosthène MUNYEMANA, who held the keys to the Tumba office, opened the door for them. He also allegedly took them out of the office and into the communal vehicle. From there, the men were taken to the Butare public prosecutor's office and then to the prefecture. She learned from the testimony of RURANGWA and KAYIJAMAHE during the gacaca [local community court] that the accused had accompanied the convoy.

After spending a few days at Butare prefecture, the women who brought them food came back one day saying that their husbands were no longer there. They never found out how they died or where they were buried. Today, all Mrs DUSABE wants is to find her husband's body.

Reading of testimonies by Mrs Séraphine NIBAKU

Mrs Nibakure was taking in refugees from Kigali fleeing the Tutsi massacres. They were discovered and taken to the sector office. When she went there to give them food, she recognised Innocent NTINDENDEREZA, Innocent RUTAYISIRE, Ramadan GASENGAYIRE, Jean Bosco KABEYI and Claude NKUBITO. There were about ten of them. These prisoners were worried but all were well, except for Vénuste GASIRABO who had a wound on his forearm. The inmates' wives also brought food, first to the sector office, then to the gendarmerie brigade. All these men disappeared 3 days after their transfer.

Reading of the testimony of Mrs Générose MUKAMULISA

Mrs MUKAMULISA was Hutu and could therefore move around during the genocide. She lost her husband Innocent NTINDENDEREZA and her eldest daughter during this period. In her interview with the gendarmes, she stated that she did not know Mr MUNYEMANA.

Her husband was arrested on the night of 17 May and taken to "maison 60". On the morning of 18 May, as she was bringing him milk, her husband asked her to bring him his best clothes as he knew he was coming to the end of his days.

The witness said that he was then transferred with the other men with whom he had been detained to the Tumba sector office, where she also said she saw her husband's younger brother, Vincent KAGERUKA.

They slept at the sector office from 18 to 19 May, before being taken to the public prosecutor's office, where Prosecutor BUSHISHI had given the order to take them to the gendarmerie next to the prefecture.

They stayed there until the 23rd and were beaten every morning until they no longer had enough strength to eat. It was on this date that Mrs MUKAMULISA saw her husband for the last time.

Statement by Mr Sosthène MUNYEMANA

Sosthène MUNYEMANA expressed his compassion for the wives of the men of the Rango group and their families. He had nothing to add.

Hearing of Ms. Laetitia HUSSON, called by the prosecution.

Ms Husson worked at the ICTR [International Criminal Tribunal for Rwanda, Arusha] for 11 years, between 2004 and 2015, as a legal coordinator for trials. Her duties consisted of assisting the judges and advising them on questions of international law, on decision-making and on the organisation of decisions and judgments.

On the creation of the ICTR. After much hesitation, the United Nations Security Council decided to create the ICTR in November 1994, on the model of the ICTY. Although Rwanda had called for the creation of the ICTR, it voted against the original resolution because of the limited jurisdiction and the absence of the death penalty before this court. By voting against, Rwanda will reiterate its commitment to international justice for the genocide. The objective is to contribute to restoring and maintaining peace in the region. The Security Council will establish the ICTR in Arusha, Tanzania. Since its closure, it has been replaced by the Residual Mechanism, the same one that, in recent years, has tried Félicien KABUGA in the Hague, in the Netherlands.

The ICTR's jurisdiction is determined by its Statute. The ICTR judges crimes of genocide, crimes against humanity and war crimes. It could try anyone responsible for crimes committed in Rwanda during 1994. The tribunal tried 93 people and convicted 61, but only the most senior figures, those bearing the greatest responsibility, and had to refer certain cases to national courts.

In Rwanda, a system of community courts, the gacaca, was created and held locally. The ICTR and Rwanda were supported by other national courts. These trials concerned Rwandans who had taken refuge in the territories of these countries. The law of universal jurisdiction, based on the idea that the crimes of genocide are so serious that they require exceptional conditions, means that crimes committed abroad, against foreigners, by foreigners, can be tried in France, provided that the person is resident in France at the time of the complaint.

At the ICTR, the judges enjoyed complete independence. The tribunal was divided into three trial chambers and an appeals chamber. There was a support and protection section for witnesses and victims. There were 3 judges who took their decisions by majority vote.

Victims were not represented before the ICTR. The ICTR operated on the basis of Anglo-Saxon law and its adversarial system.

The initiation of an investigation was at the sole discretion of the Prosecutor, and victims could not request an investigation or lodge a complaint. The prosecutor conducted his investigation without the supervision of a judge; there was no investigating judge. It was up to the prosecution to prove guilt beyond all reasonable doubt. The defence lawyers were therefore responsible for the exculpatory investigation. The prosecutor summed up the facts and the crimes of which the suspect was accused. Once the suspect had been informed of the charges, he or she was formally charged and tried. A defendant could admit his guilt in exchange for a reduced sentence. If he agreed with the prosecutor, the judge would check that the agreement had been made with full knowledge of the facts. He was not bound by the agreement and could reject it. He decided on the sentence. If the admission of guilt was signed, then the debates only concerned the sentence. If not, the preparatory phase began, which could last several years, before the trial began. Because of the complexity of the proceedings, they lasted several years.

The judges of the Appeal Chamber concluded that the existence of genocide could not be questioned. It is a fact that is part of world history. It is a legal technique that does not exist in French law, but they took judicial notice of the existence of genocide as a fact of public notoriety, and the prosecutors did not have to prove its existence. They also took judicial notice of atrocities against the Tutsis from April to July 1994: no one can validly contest that there was a campaign of massacres affecting the Tutsis. Taking judicial notice did not exempt the prosecutor from proving the guilt of the accused. Case law has also helped to reveal the organised, coordinated and systematic nature of genocide. The crime of conspiracy is distinct from other crimes. It requires factual evidence of an agreement between the accused and persons named in the indictment. The judges will make it clear that their task was not to note the existence or non-existence of a plan or agreement, but to rule on the facts presented in a specific case. In the judgments, the judges detailed their conclusion on each fact alleged by the prosecutor.

The reliability of the witness statements was assessed by the judges on a case-by-case basis. The rule was to assess them as a whole. Inconsistencies or difficulties in recalling the facts were not enough for the ICTR to disregard a witness's testimony in its entirety. Sometimes, elements that were corroborated by other accounts and appeared reliable were retained and the other elements were discarded.

Nearly 84% of witnesses over 21 years benefited from protective measures. These measures included closed sessions, for example. Despite recurring allegations by defence teams that the Rwandan authorities had put pressure on witnesses, there have been very few cases in which the ICTR judges have concluded that this was the case. In fact, there has only been one conviction for perjury by this tribunal, and it concerned a witness who made accusations at first instance that led to the conviction of the accused, then withdrew his testimony during the appeal, saying that he had lied. He eventually retracted his statements, saying that he had been paid to say that he had lied in his accusations, and was therefore convicted for that and not for his initial testimony. With regard to the case known as the "Butare Judgment", which is similar to the present case, hundreds of witnesses were heard in this context and only three were dismissed. In any case, Ms HUSSON concluded that the accusations of endemic lies due to pressure from the Rwandan government or survivors' associations had never been established.

The judges had to take all cultural factors into account when assessing the testimony. There was a danger of cultural transplantation. Judges had to deal with the memory loss of many witnesses due to the passage of time and trauma. Many witnesses were also perpetrators and could not say everything to avoid incriminating themselves. Finally, there was the challenge of translation, which could affect the very substance of the hearings.

In the trial against the former Prime Minister of the interim government, Jean KAMBANDA, he was convicted at first instance after pleading guilty to having incited the killings, to having prepared the genocide with his government, to having participated in the military training of the Interahamwe with a view to using them to commit massacres, among other things. He appealed, saying that his rights regarding his admission of guilt had not been respected. However, the Appeals Chamber upheld the judgement on the grounds that he was used to taking important decisions and that in this case he had been asked several times to confirm his guilt.

The reason given for his appeal was his disappointment at being sentenced to the heaviest penalty when he had pleaded guilty. One of the lawyers for the civil parties pointed out that Mr MUNYEMANA had stated at a hearing in 2001 that KAMBANDA had pleaded guilty to genocide before the ICTR in order to assume his government's political responsibility and not because he was personally in favour of the killings. Ms HUSSON confirmed that in the ICTR judgment in the KAMBANDA case, KAMBANDA acknowledged having personally contributed to the genocide.

Hearing of Ms Anne-Marie Kamanzi, cited by the prosecution, IBUKA civil party.

"I am before this court to represent my family, which was decimated in 1994, as well as all my brothers. I was living with my parents in Rango B and was not yet married. I had a 16-month-old

child. I'm Hutu, like my parents. My father's name was Joseph Bandorayingwe, and I had five brothers, a little sister and my son Cassien. This is how Mrs KAMANZI began her story.

The president decided fairly quickly to read the witness's statement to the French judge. It is a long deposition from which I will try to transcribe what Mr SOMMERER read:

"My father was the first to be killed on 23 April 1994 (Editor's note: the witness had to rectify the date. It was in fact the 22nd.) Apart from two of my brothers and my mother, we hid with a neighbour, RUJYARUGAMBA Alexandre. At around 10 in the morning, assailants came. They discovered us in the house and took us outside. They asked my father where the other members of our family were. He said he didn't know. So they told him: "We're going to take you to the Salesian Fathers where you'll find the other members of your family". My father left alone with the assailants, but also with another girl from Gikongoro who was hiding with us. But a few metres further on, the assailants killed my father because we heard his screams. Then the assailants came back to see us and asked us to leave for our home, as our house had not been destroyed. That's what we did. But when we got home, we were told to turn back. On our way back, we found ourselves in the presence of other refugees and at one point we passed my father's body lying on the ground. He had head injuries and had probably been killed with a machete. I later learned that it was the assailants Juvénal, MUNYENTWARI Bonaventure, BAVAKURE Thomas, MAYAMBERE, NGIRIMPATSE Vénuste and Athanase who had killed my father. Two are in exile and four in prison.

On the same day, 22 April, my brother NZABANDORA and my sister AMINA were also killed in another attack. My son CASSIEN was killed on the 24th. We had been taken by a group of assailants to a place called "Sortie", between Tumba and Rango. It was a well-known place for massacres. It was 2pm. There were between 15 and 20 of us together. There were 6 killers and we were forced to lie on the ground. And then, in turn, we were hit with machetes and clubs. That's how one of my brothers and my sister died. I myself received machete blows to the head and back from Isaïe MUNYENTWARI and GIHARIRA. I lost consciousness and didn't wake up until the next morning. The assailants had returned with other future victims. They took the opportunity to finish off my dying baby, who was lying on my back. I pretended to be dead. After killing the people, the attackers began by burying the bodies by throwing them into an anti-erosion trench. When they lifted my body, they noticed that I wasn't dead. One of the killers, François LIBANJE, took pity on me and said I should be left alone. They told me to go to the Tumba sector office where I was taken by the man who had taken pity on me. There I found two other brothers of mine who had been wounded and had survived. It seemed safer there. In fact, a lot of refugees had gathered there. We spent two days there without being treated. Then, with my two brothers, we went into hiding with a family friend, HOTO, in Tumba. We stayed with him for five days before returning home. But a few days later, the attackers came back and took my brother DJUMAPILI Ibrahim to kill him somewhere. Later, other attackers came back to my house and one of them, KAMANZI, hid me in his house (Note: The witness later revealed that she had in fact been raped until the end of the genocide by this KAMANZI who had taken her in). Later, when I was hiding with KAMANZI, I learned that my three other brothers had been killed.

When questioned by the judge, the witness repeated several times that she did not know MUNYEMANA, that she had never seen him. In reality, and this is what she explained to the president, the reason she said this was that she was afraid to talk about the doctor. In fact, she had been threatened by a member of MUNYEMANA's family, the person who managed his property in Tumba. Since then, she had never dared to tell the truth. It was only in court that she had the courage to denounce this pressure. The same goes for the famous syringes that had been stuck into the penis' of the young men who were struggling not to die. This episode was not retained by the examining magistrates.

After this long account read by the president, we will move on to the second hearing before the Butare public prosecutor's office. This is the testimony given by Ms KAMANZI about a certain MUREKEZI Vincent. She recalled the memory of a young girl carrying a child from Karanganwa on her back. A

Burundian, MELCHIOR, gave the girl an order: "Put that shit on the ground (sic) Why are you carrying that snake on your back? MUREKEZI called SEKIMONYO's son who took the child by the legs and upside down. He spun him around. MUREKEZI encouraged him: "Turn him as hard as you can so that we can see if this Tutsi child is vomiting the milk he has been force-fed.

The witness reported other events, each more terrible than the last.

The President returned to the fact that Mrs KAMANZI had said that she did not know MUNYEMANA because she was afraid. Maître LINDON intervened and addressed his client: "We spoke this morning. You told us that you had never seen Sosthène MUNYEMANA. Can you confirm that you wanted to say everything you said today? I warned you that if you said that, you risked losing your credibility. In Tumba, there are still members of the killers' families? Ms Kamanzi confirms what her lawyer has said.

The defence was taken by surprise. Maître DUPEUX tried to return to the subject to destabilise the witness. It was Maître Mathilde AUBLE's turn to intervene: "As Mrs KAMANZI said, Mr SENKWARE, the person whom Mr MUNYEMANA had saved several times, would have asked the witness in 2004 to say what she knew about the accused. This person had no reason to threaten you: you are being questioned in 2010 and the house was sold in 2009".

"I was scared," continued the witness. I preferred to keep quiet. But today, I don't see this woman any more.

Maître BOURG made one last attempt: "I'm trying to understand. This morning, Madame is about to say that she doesn't know Sosthène MUNYEMANA...". Maître LINDON immediately interrupts: "This morning, she told me: I saw him.

Maître BOURG retreated: "I withdraw my question.

Hearing of Mr Laurien NTEZIMANA, witness called by the defence, by videoconference from Kigali.

Mr Laurien NTEZIMANA introduced himself as a theologian who, with two friends, before the genocide, had set up "The Voice of Peace", a series of conferences attended by the country's authorities: sector councillors, mayors, prefects, sub-prefects, etc. They taught people to manage their emotions, to transform negative emotions into living forces: peace comes from within. He even went as far as Mulindi, the RPF headquarters, to spread the good news, but the assassination of President NDADAYE in Burundi meant that the meeting had to be cancelled.

He went on to explain at length how he had lived through the genocide in Ngoma. Having taken in many children, he spent most of his time looking for food. As the director of the Caritas had fled to Burundi, he himself took over the running of this Catholic school.

He then explains how he came to the aid of the parish priest of Ngoma, Abbé Jérôme MASINZO, and how he went to Nyarushishi, between Kibuye and Cyangugu, to help the Tutsis who were locked up in this camp. He took the opportunity to visit his wife, who had fled to Zaire, but having left many Tutsi refugees in Butare, he decided to return to rescue them. He had alerted the soldiers of Opération Turquoise, [French intervention force that arrived at the end of the genocide in late June] who came to rescue the Tutsis still hiding in several places. But they had underestimated the number of people to be rescued, and some of them died.

He explained at length how the Ngoma security committee operated. He had been elected to thwart the decisions of three leading killers. He accompanied them so that he could spot houses where Tutsis were hiding and then warn them. He sometimes managed to change the decision of the killers to prevent refugees from being executed. In this way, he saved a large number of Tutsis, earning him

recognition as a "just man". His motto: "To protect your skin, protect the skin of others". Thanks to his courage and intelligence, he was appreciated even though, from 1995 to 1999, he was prosecuted for wanting to publish a document with the evocative title "From Charybdis to Scylla". His innocence was eventually recognised. It must be said that at the time it was dangerous to work with these people as he had dared to do. When the RPF arrived in Ngoma on 4 July, he welcomed the soldiers without fear, confident in the role he had played in his commune.

Joseph KANYABASHI? He was his cousin. He was called KANYABATUTSI, partly because his wife was Tutsi and partly because he had many Tutsi friends. He had a good heart, but he didn't dare to oppose them head-on. "If you're not against it, you're for it", he adds. In private, he confided in him about his contradictions. It was KANYABASHI who had given him the 50,000 francs he needed to bribe the killers. But officially, he supported the genocidal government.

Numerous questions were put to the witness, all of which highlighted the irreproachable behaviour of a man considered to be a hero and which enabled him to explain how the security committee in which he had participated operated.

Maître DUPEUX, who was perhaps not expecting such testimony (Note: On questioning by a lawyer for the civil parties, the witness, who was being heard from Rwanda where he was currently, said that he felt completely free. He would not be here if he felt otherwise). He will try to get his chestnuts out of the fire by asking the witness one last question. Thinking of Sosthène MUNYEMANA, he asked whether the "moderate" Hutus were in danger. He received a clear response from Mr NTEZIMANA: "The Hutus who were against the genocide were in danger.

Mr MUNYEMANA's reactions to the testimonies of Ms Anne-Marie KAMANZI and Mr Laurien NTEZIMANA.

Before, Ms KAMANZI didn't know me. I considered her to be a moderate witness. She claimed to be afraid: her story was "completely made up". "My sister-in-law was no longer there. When she came, she stayed with Maria NYIRAROMBA".

On Laurien NTEZIMANA's testimony. "I really liked what he said about the security committees. In Ngoma, they elected the members, but not in Tumba. Back home, we asked people of integrity to sit on this committee. My name was given. I was not a member of the committee. I was supposed to give my opinion, but I was never asked. On the sector committee, there were the heads of the cells, but I didn't know them all. There were also the leaders of the political parties. REMERA represented the CDR. I never felt like a member of that committee.

Monday 4 December Day 15

Hearing of Rose NIKUZE, civil party.

Hearing of Bosco HABINEZA, detainee.

Hearing of Josépha MUJAWAYEZU.

Hearing of Emmanuel NDAGIJIMANA, civil party.

Hearing of Madame Rose NIKUZE, named by the prosecution, CPCR civil party, by videoconference from Kigali.

Mrs. NIKUZE is a Rwandan Hutu living in Rango, whose husband Vénuste GASIRABO was killed during the genocide, probably on May 23, because he was a Tutsi. She nevertheless managed to save her 8 children, despite threats, by hiding them in an orphanage and with Hutu neighbours.

As for what happened to her husband, he managed to hide in the bush for part of the genocide, but sometimes returned home to regain his strength. This is how he was captured by the "Japanese", Athanase and others, and taken to "house 60", where other Tutsis had already been locked up during the night. The arrests had apparently been decided the previous day at a meeting at the sector office, which Mrs. NIKUZE had heard about from a certain Abdou, also nicknamed Toto.

This group of six prisoners, including a young man, was then taken to the sector office that Sosthène MUNYEMANA had allegedly opened. She learned that the accused had been given the keys by RURANGWA during his trial before the gacaca [court]. According to the witness, he was also present when the group was transferred to the Butare gendarmerie brigade. It was even the accused who brought in the communal vehicle to transport them. This was reported to her by Mrs. MUTETERI, whom she met on her way to the sector office that day to bring food.

Mrs. NIKUZE went to the prison to bring food for her husband. The inmates were tired and had been beaten up. Her husband had broken ribs and told her he was preparing to die. On her second visit, she was told that they had been evacuated the day before. She never saw her husband again, and was unable to bury him as his body was never found.

Hearing of Mr. Bosco HABINEZA, detainee, summoned by the prosecution, by videoconference from Kigali.

Mr. Habineza is a Tutsi who fled Tumba on April 23, 1994. At the start of his hearing, he claims to have seen Sosthène MUNYEMANA loading people, including his father and one of his brothers, into a vehicle that left the sector office to kill them.

The president remarks that this is something the witness has never mentioned before, and he says he has already mentioned it to the examining magistrate. He then contradicted himself, explaining that his father and brother were only captured when they came out of hiding upon hearing the pacification messages. The chairman asked him about this discrepancy, and Mr. Habineza replied that his previous testimony should be taken into account.

Another point of discrepancy was that he now said he knew Mr. MUNYEMANA, as they both lived in Tumba, whereas in his previous testimony he said he did not know him.

With regard to these contradictions, the defence highlights the fact that the witness has been in detention since 2019 for acts unrelated to the genocide, whereas he was testifying freely in 2011 at his hearing before the French examining magistrate.

Statements by Mr. Sosthène MUNYEMANA

Mr. MUNYEMANA blames the President of the CPR, Mr. GAUTHIER, in particular, for the persistence of the civil party associations against him. He refers to demonstrations organized against him at work. The Chairman notes that the CPR did not yet exist at these dates. Maître DUPEUX raises his voice and challenges his client: "Mr. MUNYEMANA, I'm asking you for a YES or NO answer: 'Is it normal for Mr. GAUTHIER to report only prosecution witnesses?' Like a child in front of his master, the accused answered in the negative. Mr. FOREMAN, the CPR's lawyer, then stood up and challenged the accused: "You, Mr. MUNYEMANA, how many prosecution witnesses have you produced? Didn't you bring only exculpatory evidence?"

With regard to Evariste NTIRENGANYA's statements, Mr. MUNYEMANA noted that he had never mentioned his name in the list of participants in the attacks he had drawn up. He also noted contradictions in his testimony. The General Counsel notes that although he does not appear in the list of attackers drawn up by Mr. NTIRENGANYA, he is mentioned as one of the organizers of the genocide in Tumba. Discussions on the subject being scheduled for a later date, the chairman interrupted the defendant's explanations on the fact that the persons designated as such were only members of the crisis committee, of which he was not, moreover, a full member.

Mr. MUNYEMANA allegedly obtained the keys to the sector office after learning that people had been killed on April 22 while seeking refuge there. It was he who made contact with BWANAKEYE, said the accused, contradicting Mrs. MUJAWAYEZU's statement. However, he generally agreed with Mrs. MUJAWAYEZU's statement, in particular that her husband RUGANZU was falsely accused, just as he was. The Chairman observes that, in summary, the accused is asking the Court to believe everything he says and to hold the rest as false.

Mr. MUNYEMANA says that he did not know the people to whom he opened the sector office in order to protect them, but that he was unable to open it for the Rango group, as Mrs. NIKUZE says, because he had returned the keys on May 15. He had returned to work and the men were arrested after this date. According to him, KAGERUKA's group was the last for whom he opened the office door. In any case, he categorically denies having opened the sector office for the exit of people who had taken refuge there. BWANAKEYE was in charge of getting them out and organizing their transfer to a safe place with KANYABASHI. Nevertheless, at the end of the hearing, he admitted having been present when BWANAKEYE removed Vincent KAGERUKA's group. Mr. MUNYEMANA also explained that he was very vigilant when he opened the sector office, and stated that he had never noticed the sector office being used for any purpose other than to protect the Tutsis between April 25 and May 15, 1994.

He explained that there is confusion between the sector office and the sector zone, because in Rwanda places are often designated by reference to well-known buildings. Just because witnesses say they heard people being taken to the sector office doesn't mean this was the case. The killers did not pass through the sector office but went to the many pits located in the sector.

Mr. MUNYEMANA asserts that if everyone had done their little part to save Tutsis like himself, there would have been no genocide.

Hearing of Mrs. Josépha MUJAWAYEZU, called by the defence, according to the president's discretionary power.

Madame MUJAWAYEZU began by declaring that she knew Mr. MUNYEMANA well and that, as a family friend, he could only be innocent. "He has done things that few people have done. He came to the aid of people he didn't know who were in my home. For her, the accused is a hero.

Asked whether witnesses lie, the witness replies that, in Rwanda, everyone is guilty: "If you were a Hutu intellectual, you were guilty." For her, people are afraid to contradict the official ideology: "If you weren't pro-RPF, you were a genocidaire. Someone like MUNYEMANA was naturally good, you can't turn him into a puppet. That's why he opposed the militia. The current government has a grudge against Sosthène MUNYEMANA because he doesn't share their ideas.

The witness lived in Tumba, not far from the accused's home. She left Rwanda in July (Note: She does not mention her flight, but as she later mentions the presence of Tutsis in the camps, we can assume that she fled via the Congo). During the genocide, she was in regular contact with MUNYEMANA. People were hiding in her home, and the accused knew it: she was the mother-in-law of her husband's cousin, who had been seriously wounded and taken from among the corpses in Rango. The killers had taken her home because she had promised them money. She appealed to Sosthène MUNYEMANA to help her find the required sum (20,000 francs). The doctor often came to see the injured woman. "I can't consider him a genocidaire," she added.

On questioning by the President, the witness confirmed that she had taken part in the meeting on 17 April during which the surveillance system was organised. Hutus and Tutsis took part at the beginning. However, there was no question of installing road blocks. She did not know whether Sosthène MUNYEMANA was there because there were a lot of people. On the other hand, there were no road blocks in the immediate vicinity of the doctor's house. Neither before nor after the genocide did the witness hear a word against the Tutsis from the accused. In her view, there were two situations

regarding the population: there were those fleeing the militiamen and those fleeing the RPF. Even some Tutsis were fleeing the RPF.

The sector office? "There were a lot of people around. At one point, the office was opened and at night militiamen came looking for young people to kill them. Those who were locked up were there for protection. The President pointed out to the witness that this was not Vincent KAGERUKA's opinion: the people who were locked up were awaiting execution. The witness disagreed completely. In her view, the Tutsis had not been forced to enter the office. "I know that Sosthène Munyemana had the key. People trusted him," she added.

While Sosthène MUNYEMANA was visiting a man who wanted to commit suicide, militiamen allegedly said to him: "We're killing RPF people and you're taking care of them?"

The witness asserted that Sosthène MUNYEMANA should be awarded a medal for all his acts of bravery. For two years after the genocide, MUNYEMANA was considered a hero. Instructions were then given by people who were not from Tumba to demonize him: "If everyone had done as he did, there would have been no genocide."

To Maître TAPI's question as to what interest the Tutsis would have had in opposing the RPF, the witness replies that there were Tutsis in the camps (Note: The witness seems unaware that the soldiers and militiamen who fled to the Congo or elsewhere took with them a large population, both Hutu and Tutsi, as human shields). For her, the Tutsi was not the enemy of the country, it was the RPF! At Murambi, the Tutsis were rounded up for execution, the lawyer reminds her. She had never heard of Murambi!

In response to questions from the public prosecutor, the witness stated that Rose had taken refuge at home because she was the wife of her husband's cousin, who was himself threatened for political reasons.

In her opinion, the surveillance security patrols stopped after April 21st, which is denied by many witnesses, including the accused himself.

Madame Sophie HAVARD points out that the testimony she gave on MUNYEMANA's behalf before the CNDA [National Court of Appeal] contradicted that of the doctor, thus depriving him of any credibility. On questions from Maître BOURG, the witness stated that if SEKWARE had made incriminating statements when the accused had come to his aid several times, it was because he had been told to do so. As for Vincent KAGERUKA, he is nothing more and nothing less than a liar and a swindler.

Maître DUPEUX added another layer: "Spéciose was Tutsi and MUNYEMANA came to treat her. If the militiamen had found out, what would have been the consequences?" "It was very dangerous," replies the witness.

Hearing of Mr. Emmanuel NDAGIJIMANA, witness called at the request of SURVIE, civil party.

The witness, who has never before been heard in the course of the proceedings, begins by referring to events that took place at the hospital. The chairman pointed out that the accused had obtained a dismissal for these events. Referring to the meeting on April 17, he adds that it was his older brother who was there and who told him what MUNYEMANA had said: the Tutsis had to be killed.

Mr. NDAGIJIMANA then recounts that a group of six people came to their house, threatening to destroy it if they didn't open the door. It was in fact his brother Tharcisse NDAMAGE's house. MUNYEMANA was the team leader.

Last event: two of his brothers were taken to the sector office for protection. No one will see them again. For his part, he took refuge with a family in Cyarwa, the sector near Tumba. Sosthène

MUNYEMANA is said to have come at the head of a group of killers. With two militiamen whom he had paid, he was able to flee to Burundi. The chairman pointed out to the witness that he was the only one to mention the holding of a meeting on April 19. He was also surprised that he had decided to testify so late. Mr. NDAGIJIMANA said that he had been in Kigali and had not followed what was being said in Tumba. And since he had lost six brothers and sisters, it was difficult for him to testify. A testimony that MUNYEMANA will, of course, contest in its entirety.

Reading of a number of documents.

At the request of the prosecution, the president agreed to the reading of excerpts from [former interim regime prime minister] Jean KAMBANDA's speech at the National University of Rwanda on May 14, 1994, in which he asked intellectuals to become more involved in the genocide and in weapons training, regretting that there were so few road blocks in Butare.

Dr. Eugène RWAMUCYO's speech followed that of Rector NTAHOBARI, in which he declared that the university supported the government. Dr. RWAMUCYO was head of the Cercle des Intellectuels de Butare [Note: Eugène RWAMUCYO has been referred to the Assize Court for trial for genocide, but his trial has not yet been scheduled]. In Jean KAMBANDA's diary, which will be discussed later, it is stated that RWAMUCYO spoke on behalf of four political parties: MRND, MDR, CDR and the PSD.

Alphonse KAREMERA in turn gave a speech in which he declared his agreement with the others. Extracts will then be read from the hearing of Vincent NTEZIMANA, a professor who was tried in Belgium in the spring of 2001 and sentenced to 15 years' imprisonment. He criticizes RWAMUCYO for wanting to speak on behalf of APARU, of which he is president.

Another reading was devoted to MUNYEMANA's statements to OFPRA [French refugee commission] on September 20, 2006. The series of readings ends with Alphonse KAREMERA's statements.

Mr. MUNYEMANA was then invited to react to the various documents mentioned above. He declared that he did not agree at all with Jean KAMBANDA's speech. He refrained from intervening. It was at this point that he became aware of the Prime Minister's "drift". He added that KAREMERA, in agreement with RWAMUCYO, was not the MDR spokesman within the Cercle des Intellectuels. The accused again asserted that all these intellectuals were people from Huye, whereas he himself lived in Tumba. He was also the target of threats.

On questioning by Maître FOREMAN, the accused confirmed that the Cercle des Intellectuels had not initiated the meeting. He had only learned of the meeting through posters. KAMBANDA did not inform him of his intervention at all. He claims to be in total contradiction with RWAMUCYO. KAREMERA's speech was a carbon copy of KAMBANDA's and RWAMUCYO's, and tells you nothing, insists the lawyer.

Then, at the end of the day, another Butare doctor, Mr. BUGINGO, was asked by Maître DUPEUX to speak. This Tutsi doctor was full of praise for the accused: "After the multi-party system, Sosthène MYNYEMANA joined the MDR. He wasn't an extremist. His students liked him. He would not say the same of RWAMUCYO.

The series of readings concludes with the testimony of Rony ZACHARIAS, from Médecins Sans Frontière, who recounts how hospital patients were evacuated and killed. He also recalls the difficulties he had in reaching the Burundi border, where he had to cross more than twenty road blocks beside which lay dead bodies.

Friday 1 December Day 14

Hearing of Gaudiose NTAKIRUTIMANA, civil party.

Hearing of Mrs. NYIRANGIRUWONSANGA.

Hearing of Evariste NTIRENGANYA.

Hearing of Consolata NYIRACEKERI and Laurence KANAYIRE, civil parties.

Hearing of Alain GAUTHIER, President of the CPR.

Hearing of Madame Gaudiose NTAKIRUTIMANA, named by the prosecution, CPR civil party.

Hearing of Gaudiose NTAKIRUTIMANA

Mrs. NTAKIRUTIMANA lived in the village of Rango in 1994, a 15-minute walk from the Tumba sector office. On April 21, a neighbour came to warn her family that the war against the Tutsis had begun. From that day on, she and her husband never left their home. He hid in the false ceiling so as not to be discovered, while she was raped by men who looted their house and gave her AIDS.

Unable to bear hearing her screams, her husband, Innocent RUTAYISIRE, came out of hiding. He was arrested, along with other Tutsi men, and taken first to "house 60", then the next day to the Tumba sector office. RURANGWA, an Interahamwe to whom she had given her last possessions, which she had hidden in exchange for a promise not to kill her two sons, aged 3 and 9 months, reportedly told the witness that it was Sosthène MUNYEMANA who had opened the door for them, as he had the key. He also told her that during a meeting at Siméon REMERA's house, it was MUNYEMANA who had instructed them to take the Tutsis' property and divide it among themselves.

They were taken to "Maison 60", where the Tutsis were locked up before being taken to the sector office.

After passing through Tumba, the group of men, including her husband, were taken by van to the Butare brigade, as the Tumba pits were full. A friend of the witness working at the prefecture opposite the brigade advised her to find an identity card to go and see her husband before he was taken to Kinihira. Hers having been stolen in the looting, she managed to get a fake one from Émile, the head of the cell committee, and a certain Cassien.

When she went to the brigade, Mrs. NTAKIRUTIMANA realized that the detainees were very numerous and that they had been beaten and were very weak. Her husband himself had been stabbed in the temple and arm. Three or four days after their transfer to the brigade, the group of men arrested in Rango disappeared. Their relatives still don't know where they were killed, and the witness deplors the fact that she cannot bury her husband with dignity. The chairman cites her previous hearings, during which she concluded that "if MUNYEMANA hadn't given them the keys to the office to lock them in, perhaps they would have had the means to flee".

Hearing of Mrs. NYIRANGIRUWONSANGA, quoted by the prosecution, civil party of the CRF.

Mrs. NYIRANGIRUWONSANGA was Sosthène MUNYEMANA's direct neighbour in Tumba during the genocide and lived near the sector office, which she could see from her home.

She recalls a meeting at the sector office called by BWANAKEYE, during which he gave the keys to MUNYEMANA. The witness recalls the Tutsis passing on the road in front of her house as they were taken to the sector office. During her hearing, she observed that the possession of the keys to the place where these people were locked up before being killed at night in the KARANGANGWA pit by the accused clearly meant that he was the keeper of the prisoners. She claims to have seen the greatest killers of Tumba, MAMBO, NGENZI, KABIRIGI, etc, go to MUNYEMANA's house to retrieve this key.

After this meeting, the genocidaires spent the night killing. Mrs. NYIRANGIRUWONSANGA explains that she went into hiding, but that some of the men were caught and taken to Sosthène MUNYEMANA's house. He said "leave them alone, it's not their turn yet" and let them go, but others were brought in that night.

She went on to say that her husband had not been caught that night, as they had dug a hole at the back of their house where he was hiding. The Interahamwe and militiamen who were meeting at MUNYEMANA's house spent the day driving around and saw him. They jumped the fence shouting "power" and arrested him, taking him to the pit at Damascene's to kill him. They then returned to Sosthène's house to give the names of those they had killed. Mrs. NYIRANGIRUWONSANGA reports that she heard them talk about those they had not yet killed, including SENKWARE's two sons, whose bodies were never found.

She also noted particular visits by [interim regime prime minister] JEAN KAMBANDA and BWANAKEYE to the accused during the genocide.

Hearing of Mr. Evariste NTIRENGANYA, detainee, summoned by the prosecution, by videoconference from Kigali.

A hearing that understandably irritated the chairman, due to the poor quality of the videoconference transmission [Note: This situation is no exception, as we are experiencing the same problems in the room. All too often you have to strain your ears, in the audience at any rate, to catch everything the witnesses are saying. The sound system is poor, which sometimes makes it difficult to take notes].

The witness, a detainee, begins by talking about his memories of the start of the genocide in Butare. But he very quickly lost the jury and the audience with considerations that did not enlighten those who tried to follow him. So much so that the chairman intervened to ask him what he had to say about Sosthène Munyemana. Very quickly, he decided to take over and refer to the hearings to which the witness had been summoned.

"Sosthène MUNYEMANA hated the Tutsis", he said. How did he know that? "He did nothing to save the Tutsis" replied Mr NTIRENGANYA. A rather short justification. The road blocks? There was one in front of the Rwigiro bar and another at Mama Salomé's [Note: Often, in Rwanda, the mother or father is referred to in this way: the mother in question has a daughter called Salomé]. A fence in front of the statue of the Virgin? He doesn't know. However, in Tumba, RTL M [Hutu hate radio] could be picked up.

Maître FOREMAN tried to obtain explanations about the death of a teacher for whom Sosthène MUNYEMANA had not interceded. But the witness's explanations were confusing and the lawyer gave up.

This hearing was of little use in shedding light on Mr MUNYEMANA's role during the Tutsi genocide on Tumba hill.

The hearings of Ms Consolata NYIRACEKERI, a civil party who was supposed to be heard but was "passed over".

The hearing of Ms Laurence KANAYIRE, the CPR's civil party, was then read out.

Ms KANAYIRE accused Mr MUNYEMANA of having killed several people, of holding the lists of Tutsis to be killed that had been drawn up before the genocide and of opening the sector office to lock up those who were to be killed.

She was one of many witnesses to the meeting held on 17 April 1994 at the sector office. Councillor BWANAKEYE summoned the entire population and called for vigilance against the Inyenzi [RPF]. A major who was also present reportedly called on the population to ensure their own safety because the soldiers were at the front. Ms. KANAYIRE reported that Sosthène MUNYEMANA spoke, saying that it was necessary to fight against the Tutsis because they were accomplices of the RPF. He also invited those who did not have weapons to come and get some from him.

She referred to other meetings reported to her by her assailant John NSENGIYUBE, in particular one at the accused's home to count the number of dead Tutsis.

The defence returned to one of Ms KANAYIRE's hearings conducted by the examining magistrate, which dealt with the question of the integrity and neutrality of the interpreters during the proceedings against Mr MUNYEMANA. The lawyer for the CPCR intervened to explain that the list of potential interpreters provided by the President of the CPCR, Mr. GAUTHIER, to the French ambassador to Rwanda had been provided after a witness had recognised a person implicated in the genocide among those accompanying the French investigators. The Chairman asked to hear Mr Gauthier this afternoon to clarify matters: the defence counsel criticised the proximity of the civil party associations to the witnesses.

Following this reading, the Chairman confirmed that he wished to hear from the representatives of the CPCR, who had been accused of having privileged relations with the witness. As Mrs Dafroza GAUTHIER is absent, she will be heard next Friday.

Hearing of Mr Alain GAUTHIER, President of the CPCR (Collectif des Parties Civiles pour le Rwanda).

Alain GAUTHIER: I admit that I'm not speaking in the best of conditions. I had intended to prepare my speech this weekend, but you're asking me to speak today. This is the eighth time I have testified before the Assize Court. My wife and I have taken part in all the genocide trials in France. The CPCR is an association that we set up in 2001 after the trial in Brussels of the "Butare Four": Alphonse HIGANIRO, the director of the SORWAL match factory, Vincent NTEZIMANA, a university professor and two Benedictine nuns from SOVU, Sister GERTRUDE and Sister KIZITO, were convicted. As my wife is from BUTARE, we will be taking part in the trial as often as possible.

My history with Rwanda began in 1970, and I've been visiting the country for 53 years. I had just finished two years of theology studies at the University of Strasbourg and then it was time for my military service. I wanted to do it as part of a cooperation programme. The Bishop of Butare, Monsignor Jean-Baptiste GAHAMANYI, had asked for teachers for his diocese. I volunteered and went there at the beginning of September 1970 with two other colleagues. I was appointed to SAVE, on a hill 10 km north of Butare, in a minor seminary as a French teacher for two years. The team of teachers was divided into two groups, the Rwandan group and the group of a congregation of Flemish brothers, the Vandals (that's their real name), who didn't get on at all. I learned later that the bishop had appointed me in the hope of bridging the gap between the two communities, but as soon as I arrived the Flemish group didn't accept me. I was lucky enough to have among my colleagues an old Rwandan professor, Xaveri NAYIGIZIKI, a Hutu royalist who taught me about Rwanda (Editor's note: the expression "Hutu royalist" comes as a surprise to the Chairman). He had a daughter called Gemma who was about twelve years old and who often came to see him. She came to say hello to me every time she visited, just for the pleasure of speaking French. I learned in 1994 that she had become the wife of Siméon REMERA.

In July 1972, I left Rwanda and decided to change direction: I enrolled at the Faculty of Letters in Nice, then in Grenoble. In 1974, the parish priest of SAVE, Father Henri Blanchard, with whom I had spent two years, was on leave in the Loire. He asked me to come and see him, saying that there was a young girl, Dafroza, who was coming to visit him. She had been expelled from Rwanda in 1973 and was a political refugee in Belgium. Dafroza became my wife in 1977; she had been my pupil in Rwanda. For many years, we had a classic family life, with three children and regular trips to Rwanda when the family budget allowed.

The summer of 1989 coincided with our last stay. We did not return to Rwanda because of the war. In 1994, on the morning of 7 April, I heard the news on the radio that President Habyarimana had died, and we began to worry. Dafroza had travelled to Rwanda at the end of February 1994 to visit her mother and Kigali was already on fire. People were throwing stones and grenades at her mother's

house and she said to her: "Go back to France, you have a husband, you have children, we won't see each other again". On the morning of 8 April, I phoned Father Blanchard's parish from my office. A German priest told me that Henri wasn't available and to call back later. I called back at around 4pm and Henri told me that my wife's mother had been killed that morning in the Church of the Martyrs of Uganda, the parish in the Nyamirambo district of Kigali. This left me with the difficult task of breaking the news to my wife and our three children. Our son, who was 11 years old, had a reaction I'll never forget: he said "Mama, I'll avenge you".

We lived through those three months of genocide like ghosts: we went to work, we had frequent contact with Rwanda and every day we learned of the death of our friends and family members. At the end of the genocide we found two children of one of my wife's cousins, who had been found by a friend, Déo's wife (editor's note: her name was mentioned in the KABAKOGBA attack). She had managed to leave for Burundi. Her husband, who had accompanied her, had decided to return, thinking that nothing would happen in Butare. We contacted the Ministry of Foreign Affairs, which allowed us to collect the two children from Roissy airport on 14 August. From that day on, we had five children. Fortunately, they were reunited with their father a year later. He had survived, hidden by his Hutu neighbour.

We didn't return to Rwanda until 1996. With a few exceptions, all the members of my wife's family had been exterminated, whether in Kigali or in Butare, where she was originally from. My wife spent her childhood in the NYARUGURU region: during Laurent BUCYIBARUTA's trial [held in Paris in 2022], the parish of KIBEHO was often mentioned, where almost 50,000 Tutsis were exterminated. The only members of the family we found, we didn't know, were exiles who had returned from the Congo where they were hunted down. We were going to create a new family. At that time, we met one of my wife's cousins who was a survivor of the Church of the Holy Family where Abbé Wenceslas MUNYESHYAKA officiated [a notorious genocide suspect who fled to France – justice is still awaited]. She introduced us to other survivors who entrusted us with their testimonies, which we recorded and handed over to Maître William BOURDON, who was in charge of the case.

In 2001, we created the CPRC following our participation in the Brussels trial. We went to Brussels and at the end of the trial our friends said to us: "And what are you doing in France? So we decided to set up this collective. Initially, we are going to act as civil parties in six complaints filed between 1995 and 2000. These complaints concerned Wenceslas MUNYESHYAKA, Sosthène MUNYEMANA, Colonel Laurent SERUBUGA, who is still being prosecuted in France, Laurent BUCYIBARUTA, who was tried and sentenced to 20 years in prison, a Rwandan soldier in charge of buying weapons at the Rwandan embassy in Paris, Cyprien KAYUMBA and Fabien NERETSE, who was the subject of a previous complaint in Belgium and whom we found in Angoulême under the name of his father, Fabien NSABIMANA. France extradited him to Belgium, where he was sentenced to 25 years in prison.

We began by looking at Sosthène Munyemana's case at that time. All the complaints filed before the creation of the CPRC were what I call "dormant complaints": things didn't progress, because there was a total lack of political will in France to try the genocidaires.

Chairman: But there is also a judicial will.

Alain Gauthier: I think that France did not provide sufficient financial and personnel resources. No rogatory commission was organised at the scene, as is customary. The cases were not progressing and we wanted to revive these complaints, so we went to Rwanda. You have often referred to the minutes of the Butare public prosecutor's office forwarded by the CPRC. We are adding to the case of Sosthène MUNYEMANA in particular.

Chairman: When you recover the complaints, in this case, many of the hearings are transmitted by the CPRC. In principle, this is done through an international letter rogatory from the French examining magistrate, which is transferred through diplomatic channels. Sometimes letters rogatory can sit on a

minister's desk for a long time. Some of the reports you send have been requested by French judges, but they come through you. Why is that?

Alain GAUTHIER: I'm not in a position to answer that question. We knew [a previous] Minister of Justice, Jean de Dieu MUCYO, very well, and he allowed us to visit the various public prosecutors' offices, and the public prosecutors spontaneously sent us these documents. We are asked the question at every trial. I don't have an explanation as to how these documents came to be sent to us, but they were given to us and in turn we gave them to our lawyer who sent them to the examining magistrate. I don't know, but that's how it happened.

Chairman: I was an examining magistrate myself and nothing happened if I didn't do anything. If you want something to happen, you have to go to the scene. For me, that was the only way to get a case moving. But we had 130 cases per investigating office and one trip meant weeks of preparation for one week on site.

Alain GAUTHIER: That's exactly why we took the initiative of doing this for the examining magistrates. If we hadn't done so, no case would currently be on trial, no genocide trial would have taken place in France. The first took place in 2014. If the CPR had not done that, we'd be at the zero stage of justice in France.

Chairman: That's not exactly what I said. I don't think you forced Ms Pous' hand. [The head of the genocide investigation unit in the police].

Alain GAUTHIER: Ms POUS has heard me several times. We waited 28 years for Sosthène Munyemana to be tried. You asked for my explanation, and I'm trying to give it to you.

Chairman: What is the aim of your association?

Alain GAUTHIER: Our aim is to help prosecute people suspected of having taken part in the Tutsi genocide who are on French soil, and the second aspect is to provide financial assistance to survivors.

President: How many people are involved in your association?

Alain GAUTHIER: It's varied a lot, at one time there were 300 of us, now there are around 150.

Chairman: And how many active members are there?

Alain GAUTHIER: My wife and I, the members of the office and the board of directors, as in many associations. But as I was saying, to go to Rwanda you have to speak Kinyarwanda and my wife is the only one who does.

Chairman: One person didn't want to come and testify because he said he was under pressure from agents in Kigali, and he singled out the CPR. What are the links between the CPR and the Rwandan government?

Alain GAUTHIER: That's what we're always accused of. At every trial, the defence asks us about that. We were asked about our links with the former Defence Minister, James KABAREBE, who is very close to President KAGAME: yes, he married a cousin of my wife. Would that make us emissaries of the Rwandan government? I've been visiting Rwanda for 53 years, so it's not unusual to know a certain number of people, but we don't have close ties. I know that two photos showing us decorated by KAGAME were placed in the file. In recognition of our work for justice and the survivors, we were indeed awarded a decoration.

Chairman: Is anyone decorated by a government affiliated to it?

Alain GAUTHIER: That's what the defence is accusing us of. Let me tell you something: some friends wanted to apply for the Légion d'Honneur on our behalf. What would the defence have said if we had accepted? Would they have gone so far as to claim that we were in cahoots with the French government? I doubt it.

Chairman: What are your links with the Collectif Girondin?

Alain GAUTHIER: None, we have no links with the Collectif Girondin. We followed what happened, but the forged documents have nothing to do with us.

Chairman: What are your working methods? Aren't you investigators?

Alain GAUTHIER: Not at all, we've never opened a law book. When we learn of the presence of a person suspected of having taken part in the genocide, it may be through a report in France or in Rwanda. We go to the scene of the crimes in Rwanda and we try to find survivors, families of victims; to collect testimonies, those of the killers who have served their sentence or those who are in detention, so yes we go to meet them in prison. We ask permission from the director of prisons in Kigali and the local prosecutor's office is informed. Some agree to talk to us, others don't.

Chairman: In France, all you have to do is make a request to the prison governor, except when it's part of an investigation, in which case it's the investigating judge who has to authorise it.

Alain GAUTHIER: In Rwanda, it's not the prison governor who authorises our entry. Some prisoners tell me: "We have nothing to say to you".

President: Given the purpose of your association, one might think that you only ask incriminating questions, so you could be accused of only looking for incriminating evidence.

Alain Gauthier: That's the case. We are not investigating judges. If we don't light the fuse to start the legal proceedings, virtually no one under suspicion will be prosecuted. All our complaints have been followed by the opening of a judicial investigation, and it's no longer our job to investigate for the prosecution or the defence.

Chairman: We're looking to see if there's enough evidence.

Alain GAUTHIER: All our complaints have been followed by the opening of an investigation in France, even though there have been four or five dismissals in the cases in which we have been involved.

Chairman: Who are your opponents, the defence?

Alain GAUTHIER: In France, there are many people who allegedly took part in the genocide and who have never been found. You have heard from the former Rwandan ambassador to France, among others. Over the past 28 years, these people in France have created networks, and we see this clearly in the cases when there are phone taps, we discover that there are exchanges in several files: "It's the devil Gauthier who is behind all this". They know each other and they communicate with each other. And then there are all those who still deny the genocide. Yes, we have opponents, but we don't fear them.

President: Can you explain the different forms of genocide denial?

Alain GAUTHIER: The first and most widespread form in France is the theory of double genocide, even among senior politicians such as Dominique De VILLEPIN and many others whose names I won't mention here. After that, it also means systematically challenging all the witnesses and what they experienced. I'm not saying that the defendants deny the genocide of the Tutsis, most of them

acknowledge it. They are also the ones who drastically reduce the number of Tutsis killed, even though mass graves are discovered every year. Many survivors still do not know where their loved ones are.

Chairman: From the outset, MUNYEMANA has firmly denied any involvement in the acts of which he is accused. If I had to sum up his defence, it would be: 1) "most of the witnesses are lying" and 2) "some of my actions have not been analysed at their true value, properly analysed, and this is turning against me". He also says that the Rwandan government is hunting down its opponents, possibly through legal proceedings.

Alain GAUTHIER: We've known the argument for 28 years, so I'll ask a question: if all the witnesses are lying, why should MUNYEMANA be the only one not to lie? I don't dispute in any way that the RPF committed war crimes. But today is not the trial of the Rwandan government or of President KAGAME. It is the trial of one man, Mr Sosthène MUNYEMANA, against whom I have no animosity. But we at the CPCR are presented as Rwanda's armed wing. What do you want me to say, we are committed to justice and the survivors, we are not detractors or hunters of Hutu intellectuals. We act without hatred or vengeance.

President: Do you have any special ties with Laurence KANAYIRE?

Alain GAUTHIER: That's what I heard earlier, but I don't have the answer to that. We have contacts with survivors in every corner of Rwanda, we have filed around 35 complaints, so we have contacts in all these cases. When we meet a witness, every time we're told: "You'd better go and see so-and-so and so-and-so too". We do our job and our only objective is for the survivors to regain some of their humanity through the justice they seek. Laurence is no different.

Chairman: You're used to working with survivors, so what happens when they come to testify before the French courts and they're told, "You're lying"?

Alain GAUTHIER: It's an ordeal to come here, it's no fun for anyone, even me, I don't come to testify for the eighth time with a smile on my face. How can witnesses feel when they come from the countryside, sometimes never having been to the capital, and are suddenly transported to a country they don't know, in winter, before a court of assizes, which is impressive, and to hear the accused say "they're lying" adds insult to injury.

In the last trial, a woman who was a survivor of a group that had been attacked came to testify. These people had taken refuge on their hill. The leader of the group said: "The one of us who survives, let him be the spokesperson for all of us before the courts". This woman, who had been wounded, who had lost her whole family, who had been raped, came to tell all that she had been through, and it was almost the happiest day of her life to fulfil this duty to her group. So it's an ordeal, but it's also a comfort, because the only thing they're asking for is justice.

Chairman: The CPCR has been criticised for its interventionist approach.

Alain GAUTHIER: We are not investigating judges. In fact, we only take evidence to the prosecution because that is our vocation. It's our mission because without it, no trial would have taken place. It's not to boast, because for thirty years we've preferred to do something else with our retirement, but for 28 years we haven't spent a single day without talking about the genocide, and our children tell us: "Don't you want to ease off a bit? For us too it's a trial, we've dedicated a good part of our lives to this fight.

Chairman : My last question is about the UN High Commissioner's report and the article in African Rights about people who have gone back on what they were accused of saying. Was it the CPCR that was behind it?

Alain GAUTHIER: Not at all, it was the Collectif Girondin. I have in mind the reaction of Éric EMERAUX, the former director of the OCLCH who was at the debate following a documentary and who never stopped praising the work of the CPRC.

President: How do you explain the fact that the investigating magistrate did not consider them to be sufficiently reliable?

Alain GAUTHIER: Of course, some people give information that they have heard. In any trial, and even more so in mass crimes, there are witnesses who tend to add to the story. And so much the better if the prosecution, as is normal, dismisses testimony. We're not always happy about this, but we have no contact, no link with the prosecution. Sometimes examining magistrates don't go far enough.

Chairman: Sometimes statements are set aside because they cannot be verified.

Judge assessor: Could the local population also have participated in the genocide?

Alain GAUTHIER: On all the major dates in Rwanda, the local population has been taking part in the mass crimes since 1959: as far as I'm concerned, the genocide had been in the making since 1959. How else can you explain the fact that at Christmas 1963, 15,000 Tutsis were executed in the space of a few days? In the early 90s, there was an attempt to eliminate the Bagogwe, a sort of trial run. Then there was the massacre of Tutsis in Bugesera. This was something that had been organised for a long time. Hutu husbands killed their Tutsi wives, others their children, their children's nephews, and so on. This evil in man can be found in people all over the world. But in Rwanda, culturally, there is a tendency to obey orders, and so the people who are most responsible are those who give the orders, which does not, of course, take away individual freedom.

Magistrate: What would be the counterpart of what you've just described in survivors, a population with a strong tendency to obey orders?

Alain GAUTHIER: Survivors are not a special population. We mustn't turn the survivors into a group of saints. There are Tutsis who took part in the genocide: Robert KAJUGA, the president of the Interahamwe, was a Tutsi!

Magistrate: I wanted to focus more on the freedom of speech aspect: how do you distinguish yourself from a group that tends to obey orders? Is it just as difficult for the perpetrators to say, "I don't agree with the order? And does that make you dismiss testimonies?"

Alain GAUTHIER: Since the genocide, the survivors have been confined to their survivor group. Since 1994, the policy has always been one of reconciliation and the authorities have always asked the survivors to do the lion's share of the work. But asking people to reconcile is not the way to get things done. Our friends who survived tell us: "Officially, we're reconciled, but when we go home in the evening, we're left with our demons. Every day, in the countryside, the first person a widow meets is the killer of her children or her husband. How can you live like that? Imagine the situation these people find themselves in. And what's more, many of them are extremely poor.

Magistrate: I didn't word my question properly. When you've been accused once, twice, three times, and there are ten of you who have been through it, are you able to qualify it by saying: "That's not quite right"?

Alain GAUTHIER: Yes, I think some people can say to themselves: "Maybe we exaggerated".

Magistrate: You've never dismissed testimony because you've seen things that support each other? Is it something you have observed, something you fear? Do you take any precautions when passing on evidence?

Alain GAUTHIER: I can't say that we've come across it very often. If we have had to exclude witnesses, it's generally because a witness only describes things that he or she has heard. It's up to the examining magistrate to do this work, to sort through this testimony, it's not up to us. Today we are faced with survivors who refuse to testify because they have reconciled, because they have forgiven. We tell them that we accept but for us forgiveness does not prevent justice and for us it is the only way to rebuild individuals and the country.

Juror N°6: Are you optimistic about the history of Rwanda?

Alain GAUTHIER: I tend to have a Norman answer, but of course we have to be optimistic. It's rare for genocide to happen twice in the same place, but genocidal ideology has not disappeared in Rwanda. In the name of reconciliation, major genocidal authorities have been integrated into various government departments even though it was known that they had participated in the genocide. In Rwanda, you have to live with it. The survivors are worried, firstly because the thirtieth commemoration is coming up and there is talk of the release of a certain number of prisoners.

Juror N°3: As an association, do you ask people to read back the transcript of an interview?

Alain GAUTHIER: Of course, because they sign at the end and we ask for their identity card. If they can't read, we read it back to them.

Chairman : Do you transcribe it raw or do you arrange it?

Alain GAUTHIER: Not unedited, never two witnesses at the same time and we try not to meet them where they live because of the proximity of the neighbours.

Mr DUPEUX (defence): You've answered quite a few of the questions I was thinking of asking you. Something strikes me when you say: "We are only taking evidence from witnesses that helps us". This seems to me to be totally contrary to the principles of democratic justice, it directs a debate in conditions that seem to me to be very delicate because the investigative debate is provided by the CPCJ on elements that are not collected in conditions that are conducive to the development of true democratic justice. It reminds me of those who want to dispense justice themselves. What do you think of a private justice system such as yours, which would only take evidence against the perpetrators?

Alain GAUTHIER: I'm surprised to hear this from a seasoned lawyer like yourself, given your experience. Asking French citizens to act as examining magistrates amazes me. We are not the judiciary and that makes me feel very free. Justice will be done by professional judges and a jury. We will respect this judicial decision. We don't have to do the work of the judges, we were only at the beginning of the case.

Mr DUPEUX: Can we not fear that when you go to see witnesses who are going to become civil parties, detainees, members of the public prosecutor's office in Rwanda, you run the risk of provoking false testimony or biased testimony or insufficient truth. You are violating the principle of investigative secrecy and the presumption of innocence. I'm worried about the risks you could provoke.

Alain GAUTHIER: I still don't understand. We are behind most of the trials that have taken place and will take place in the future. I don't understand what you're criticising us for. We are not the ones dispensing justice, and I assess the responsibility of the jury before us. If Rwanda agreed to give us these documents, it's because they knew that the people we are prosecuting would never be sent back to their country. If we had waited for the first investigations by the examining magistrates in 2011-2012, just imagine where we would be today.

Mr DUPEUX: Laurence KANAYIRE, the closeness that you have with her is troubling.

Alain GAUTHIER: There is no more closeness with Laurence than with the other witnesses. Laurence is a survivor like any other.

We learnt that the defence had added to the file photos of the decoration we received in Rwanda.

Ms DUPEUX: I didn't think I would convince you. I expected it to be mentioned. You don't see the difference between receiving a decoration from a dictatorship and from a democratic republic.

Alain GAUTHIER: That's denunciation. I'm not wearing the decoration, but you are. I don't consider Rwanda to be a dictatorship, otherwise "I'm a citizen of that dictatorship".

Me DUPEUX: You know that it is forbidden to wear a decoration from a foreign country in France?

The Chairman does not seem as convinced as the lawyer. On the subject of the Légion d'Honneur, I would have liked to point out to Maître DUPEUX that the Chief of Staff of the Gendarmerie in Rwanda in the years 90-94, Pierre-Célestin RWAGAFILITIA, the man who had asked General VARRET for "heavy weapons" in 1994 to exterminate the Tutsis, had been awarded the Légion d'Honneur by France before the genocide: "I am asking you for these weapons, because I am going to participate with the army in the liquidation of the problem. The problem is very simple: there aren't very many Tutsis, we're going to liquidate them." This gendarme, even if retired like BAGOSORA and SERUBUGA, was very active in the genocide in 1994. He was the strong man in the prefecture of KIBUNGO, in the east of the country).

Mr BOURG (defence) : You spoke of the immobility of French justice. In this case, an examining magistrate from Bordeaux was in charge, he did a lot of work and carried out a lot of questioning. Then you mentioned Ms Pous, who apparently did nothing. Ms. POUS, all the questioning we heard was done by Ms. POUS, and the judges took a considerable number of actions in 2011. All the preparations for the trial since 2010 have been the result of a great deal of work. We had a research director, Mr GEROLD, who did a considerable amount of work throughout the case.

Alain Gauthier: I've never denigrated the work of investigating judges; it's thanks to them that these trials are taking place, but it's our role as citizens to denounce the slowness of the justice system.

Me BOURG: French justice didn't wait for the CPCJ. I'm interested in your investigative methods. It's not commonplace. When you question your witnesses, their statements always contain elements for the prosecution and often also elements for the defence. How do you go about transcribing these elements?

Alain GAUTHIER: I've made it very clear that we are only hearing witnesses for the prosecution. We want the French justice system to dispense justice.

Chairman: The question is: what do you do with the exculpatory elements in the prosecution's testimony, do you pass them on?

Alain GAUTHIER: No, that's not my role. Even when the defence witnesses come before the judges, they are often the ones who score the own goals.

Mr BOURG: Still on the subject of your investigative methods, you have investigative powers. In the file, we learn the following:

"The KIGALI public prosecutor's office provides us with judicial police officers to assist us and help with the translation, and sometimes we even go out together to gather the evidence we need". Are you collaborating with the BUTARE prosecutor's office in KIGALI? That was in 2011.

Alain GAUTHIER: When I said that, I was thinking mainly of one case, that of the mayors of Kabarondo, Octavien NGENZI and Tito BARAHIRA. I had gone alone to Rwanda and when I went to see the public prosecutor, the prosecutor didn't want to let me go alone for security reasons.

Mr BOURG: I'd like to talk about someone you seem to know well, the Deputy Public Prosecutor, Martin KAGIRANEZA. What is your relationship, do you work together?

Alain GAUTHIER: We were put in touch with him on one occasion, but we never saw him again. We don't know him at all.

Mr BOURG: On page D 937, he said: "We, Martin KAGIRANEZA, were contacted by Alain GAUTHIER, a French civil party, who was looking for information about Joseph HABYARIMANA. In January 2010, we put Alain GAUTHIER in touch with the witness, who gave him statements about Joseph HABYARIMANA's actions in our presence. The witness having said that he also knew things about RWAMUCYO and MUNYEMANA, he asked him if he could make a written statement on the actions of the three men. No legal document had been drawn up, it was a written document without any legal form. But on the day of the meeting, I would point out that the witness had already given a written statement to Mr GAUTHIER on the actions of Joseph HABYARIMANA alone. I would also point out that I put Alain GAUTHIER in touch with a dozen witnesses in all, concerning the case of Joseph HABYARIMANA alone". Is he lying?

Alain GAUTHIER: If he says so, it must be true. But we're not acquaintances.

Mr BOURG: Yet you pass on a lot of statements made by Martin that are generally translated by your wife. There were many after 2011. It's still hard to believe.

Alain GAUTHIER: You may not believe me, it's my word against yours. But I don't see why I should lie in an Assize Court, I've been spending my days there for over 10 years.

Mr BOURG: So he's lying?

Mr FOREMAN intervenes: He confirmed it.

Alain GAUTHIER: He's not lying, but he's not someone I have any dealings with, I haven't seen him since 2011. If I meet him in the street, I won't recognise him.

Ms BOURG: You said that you never go to the homes of the people you interview?

Alain GAUTHIER: No, I didn't say never, I said increasingly rarely. We spoke to witnesses in Rwanda in another case and they asked us to leave so that they could speak more freely. These are the witnesses who ask to leave their commune because they are always afraid of their neighbours; they ask for a little discretion.

Mr BOURG: I'd like to talk about Marie NYIRAROMBA again. Do you know her well?

Alain GAUTHIER: Of course, she's an old woman, she was a neighbour of my mother-in-law, my mother-in-law had a field 50 metres from her house. We've known her for a very long time, long before the MUNYEMANA case. And every time we go to Butare, we visit her.

Mr BOURG: So you didn't ask her about the case?

Alain GAUTHIER: Yes, of course.

Mr BOURG: We can see from the file that after her hearing, you went back to see her because you felt that there were significant differences between what she had told you and her hearing.

Alain GAUTHIER: That's what Maître FOREMAN explained to you earlier. During the meeting with Mr GEROLD's team, the investigating gendarme, she recognised in the interpreter someone from the family of a genocidaire. The comments she made to them were influenced by this presence. Disconcerted, she didn't say everything she had told us.

Ms BOURG: Is this the letter you wrote to the ambassador?

Alain GAUTHIER: Yes, at his request.

Ms BOURG: You spoke of reconciliation. To encourage this reconciliation, is it possible to listen to the suffering, the massacres of Hutus who were also killed, I'm not talking about genocide. Is it possible to talk about this freely in Rwanda?

Alain GAUTHIER: I don't know if it's easy to talk about, but we are sensitive to the notion of trauma, both for survivors and for the children of killers. We need to take care of both the survivors and the children of genocidaires.

Mr BOURG: Were you aware of the proceedings brought against the singer KIZITO for singing about reconciliation?

Alain GAUTHIER: He was a friend of ours whom we met a lot in Paris when he came to study musicology. In a bid for better reconciliation, he frequented genocidal circles in Brussels, but he was also involved in supporting the perpetrators of crimes in Kigali. He was imprisoned and released, only to be caught fleeing a few months later. He was imprisoned again. And a few months later, he was found hanged in his cell.

Ms BOURG: An American lawyer was arrested in Rwanda ... (interrupted).

Alain Gauthier: Yes, it's Peter ERLINDER?

Ms BOURG: He was arrested and put on trial for denying the genocide?

Alain GAUTHIER: But how many lawyers have been arrested? He's the only one. I think I've learnt that in a court of law, a single witness statement is not enough.

Ms BOURG: You and your wife are extremely well known in the media: a documentary and a comic book have recently been released, and you are regularly invited to appear in the media. You are presented as the KLARSFELDS of Rwanda. Do you consider yourselves as such?

Alain GAUTHIER: Well, that dates back to an article by a journalist in a satirical newspaper.

Ms BOURG: No, it was very recent. In the newspaper daily *Libération*.

Alain GAUTHIER: Not at all, but this expression is regularly used by journalists. It doesn't come from us. We don't compare ourselves. We weren't particularly happy about it and I don't think they are either.

Thursday 29 November Day 13

Hearing of Gustave NGABO, son of Sosthène MUNYEMANA.

Hearing of Christine BARTOU.

Hearing of David CHAURY.

Hearing of Marie GAFARAZI.
Hearing of Venant GASHONGORE.

Hearing of Mr. Gustave NGABO, son of Mr. MUNYEMANA, defense witness.

Mr. NGABO is the son of the accused. He has come to testify in the hope of re-establishing the truth.

He was 11 at the time of the genocide, when he and his sister and brother stayed with their father in Tumba. They spent this time locked up in their home, as if in some kind of confinement. He vaguely remembers that Mr. MUNYEMANA was with them, although he admits that he didn't spend all his time with them, and that he sometimes went out near their house. He also explains that at one point he had resumed his work as a doctor and went to the hospital every day.

Mr. NGABO speaks of the values his parents instilled in him: respect for others, the importance of life, the ability to assume one's convictions while listening to others. He has never seen his father attack anyone, either physically or verbally. What's more, they didn't talk about ethnicity at home. The accused's children had neither an understanding nor a feeling of belonging to either the Hutu or Tutsi groups. Mr. NGABO only learned he was a Hutu after his family resettled in Rwanda and the war broke out.

For his son, it's unimaginable that Mr. MUNYEMANA committed the crimes he's accused of. On the contrary, he says he has seen him save people, at the risk of putting his own life and that of his children in danger.

He recounts how, one day, his father managed to pacify assailants pursuing a person who had taken refuge in their home, hiding under the bed in the children's room. He describes Mr. MUNYEMANA as the only bulwark against aggressive, armed people who were threatening to kill this person. He has no recollection of the intervention of the gendarmes, the accused's tenants, as reported by the latter.

He refers to the fact that the proceedings against his father have been underway for almost thirty years, and recalls that this represents as many years spent by his father defending himself against lies, which he claims are true. This has affected his father, but also their family, because in addition to the obligation to report to the gendarmerie every week and the ban on leaving the country, photos of Mr. MUNYEMANA and his children have appeared in the newspapers. His little brother, in particular, went through a complicated period, psychologically speaking. During his hearing, he quoted Einstein: "It's easier to break an atom than a prejudice".

The question of calling a new witness:

Me FOREMAN, the CPCR's lawyer, brings a letter from a new potential witness to the Chairman. This Swiss national, who lived in Tumba at the start of the genocide, contacted him the day before, explaining that he had become aware of the current trial by discovering the testimony of Dafroza and Alain GAUTHIER on ARTE, and had expressed with great emotion his desire to testify during the debates.

After reading extracts from this letter, the lawyers for the civil parties and the *avocats généraux* wish to hear this person, arguing that because of his late and spontaneous appearance, he cannot be accused of making statements influenced by Kigali or the civil parties. The defense, on the other hand, is totally opposed to hearing this new witness, as the letter sent to the president only mentions reported statements, which are too imprecise. The chairman decided to refuse to call this witness at this stage, considering that the comments were vague and that he had to take into account the constraints of the schedule. The defense had vehemently expressed its "total opposition" to this new request.

Hearing of Madame Christine BARTOU, defense witness.

Dr. BARTOU is a former colleague of the accused, with whom she worked for 17 years and was his department head in the emergency department of a health centre in the Lot region.

She describes him as available and willing to help, never counting his hours, extremely humble, eager to do the right thing. He was a good listener, with impeccable empathy, and even though the emergency room environment in which he worked was not always easy, he never lost his temper. In her opinion, Dr MUNYEMANA was trusted by all. His qualities and skills were recognized, and he was entrusted with responsibilities in various departments throughout his career. She feels extremely fortunate to have worked with him for so long.

For Ms. BARTOU, the accusations levelled against Dr. MUNYEMANA do not seem compatible with his personality and qualities.

Hearing of Mr. David CHAURY, defense witness

After working in the emergency department with Dr. BARTOU, Mr. MUNYEMANA specialized in geriatrics under the direction of Dr. CHAURY.

Knowing the defendant only on a professional level, this witness focused on a description of his qualities as a doctor: a person eager to train and improve himself, and to advance his specialty and the medical community. In a team, he was a level-headed person, a mediator who always sought dialogue even in critical situations.

In response to the list of adjectives used by the president to describe Mr. MUNYEMANA in colleagues' affidavits, such as fair, moderate, hard-working, a rare pearl, respectful, compassionate, incapable of committing the acts of which he is accused, etc., the witness asserts that they correspond to him. Moreover, he claims never to have seen him make any distinction between his patients according to their ethnicity, colour, political opinions or religion, but Me GISAGARA, a lawyer for the civil parties, will have him admit that he himself knows no Hutus or Tutsis.

When the prosecution of Dr. MUNYEMANA became known, the witness says that it did not correspond to the image people had of their colleague, and that they stuck to the presumption of innocence.

Hearing of Madame Marie GAFARAZI, prosecution witness.

"I knew Sosthène MUNYEMANA, who was a doctor at Butare University Hospital. I was personally in charge of the laundry at the same hospital. What I want is for the court to do justice. I testified a long time ago. I prefer that you ask me questions."

The Chairman begins by referring to a certificate issued in 2001 by the CPR. He addresses the witness, reminding her of what she herself has stated. At Cyarwa Sumo, a gang of killers came looking for you one morning. They appointed a young man to kill you. He refused because he didn't have the right axe for the job. In fact, it was up to him to do the dirty work while the others went looting. A certain Paul said we couldn't kill you because you'd never had a child. It would be better to take you to the military. You were taken to the front of SINDIKUBWABO's house: the soldiers were asleep. A gendarme said that this Inyenzi ['coackroach'] had to be taken to the sector or to the gendarmerie: BWANAKEYE or Sosthène MUNYEMANA had the key, all you had to do was find them. A gendarme adds: "You can't go on killing Tutsis anywhere, it stinks."

At the sector office, Sosthène MUNYEMANA locked her up until the evening, waiting to take her to the place of execution. The group of assailants then took her with them, passing in front of Doctor Straton's house. They had to take her to the sector and check with MUNYEMANA, who ran the sector office. The witness confirms her words.

The assailants with her abandoned the witness to go on a rampage. On the road, she met up with a woman she had helped. She advised her to go to the sector office. She gave her a loincloth and continued on her way. After passing through a school, she met a soldier on guard duty. He hit me on the head and the lady left," she continued. When I regained consciousness, I went to the sector office to be killed. Mrs GAFARAZI explains that it was NGAMIJE who suggested she come to his house, as he had a Tutsi wife. He was surprised to see me because he thought I was dead. When I got to his

house, his wife helped me hide in the false ceiling. I didn't want to eat too much to avoid going to the toilet too often."

The witness stayed in the false ceiling from April 21 to July 3, and didn't leave the house until the 15th. "My skin had turned yellow," she confides, "and a lot of hair had grown on my skin."

One day, she learned that the house would be searched. She went out to hide in the garden, among the plants, and it rained a lot. She returned to her hiding place. NGAMIJE's house was below the sector office, next to that of Dr Chrysostome NDINDABAHIZI and his wife Jeanne.

[Note: At the end of the genocide, the couple moved to Gabon, where they enjoyed the protection of President BONGO. The doctor was later arrested, but died before any legal proceedings could be instituted].

One day, the witness heard a group of people coming to a meeting at Dr. NDINDABAHIZI's house. Sosthène MUNYEMANA was one of them. From her hiding place, she could hear what was being said [Note: The photos that the General Counsel will propose to view will show that what the witness says is entirely plausible, despite the defense's claim to the contrary]. Mrs. GAFARAZI says she heard Jeanne, the wife of Dr. NDINDABAHIZI, tell the attackers: "You bring me Chantal's head, and I'll give you 100,000 francs". [Note: Jeanne's case is discussed at some length in the book entitled "Rwanda, moins innocentes qu'il n'y parait: quand les femmes deviennent des meurtrières"].

Finally, the witness affirms that during Cardinal ETCHEGARAY's visit at the end of June, Sosthène MUNYEMANA was present, dressed in banana leaves and armed with a spear. She saw him through the cloisters of the house. [Note. The accused has always maintained that he had already fled by this date. This is what Maître DUPEUX will try to reiterate, but the Chairman informs him that it is a point that will be submitted for discussion].

The second document comes from the Butare public prosecutor's office, which heard the witness twice, in 2002 and 2003. In front of SINDIKUBWABO's house, the gendarmes told him that the key to the sector office was in the hands of Sosthène MUNYEMANA and that Tutsis should not be killed because of the bad smell. NGAMIJE was quoted as saying the same thing. It was necessary to go to the sector office, to which MUNYEMANA held the key. The witness acknowledged the statements.

In the third document, the French judges heard the witness. It is here that we learn that Madame GAFARAZI was a nun at the time of the genocide and that she lost her family. She adopted a child. In the hospital laundry, she was responsible for some fifty people, many of them Tutsis who were killed. In the forest where she was hiding, she was raped by soldiers. On April 21, soldiers came to her house: "That one, we'll have to take her out tomorrow morning to kill her", they said. They looted her house before leaving. She then hid in the false ceiling of her landlord's house. She admits to having stayed there alone, with no one to confide in and no hygiene.

When NGAMIJE came home in the evening, he would bang his stick on the door three times to warn his wife that it was really him who was coming home. If NGAMAJE went to the gates," she says, "it may have been to give the impression that his house wasn't being searched. She confirms once again that Sosthène MUNYEMANA and BWANAKEYE had the key to the area. She also confirms that it was MUNYEMANA who managed the people locked up in the sector office and that the killings had been stopped because of the smell. Before the genocide, Sosthène MUNYEMANA was a good man. She is astonished that he had become so. Sosthène MUNYEMANA is a co-author of the genocide. Though a doctor, he didn't protect anyone.

Then came the questions. Did people find refuge with MUNYEMANA? "Do you remember seeing him from your hiding place?" The witness confirmed this.

Maître MARTIN asked about the psychological and physical consequences of all these events. Mrs GAFARAZI mentions her health problems: diabetes, hypertension, economic impoverishment. She gets around on crutches.

The Attorney General presents photos of the scene and gives evidence from Dr. Godefroid BUGINGO, who also mentions the presence of MUNYEMANA during the visit of Monsignor ETCHEGARAY.

Maître DUPEUX then put a series of questions to the witness. He wants to be sure that Mrs. GAFARAZI could see and hear the accused from her hiding place. The lawyer is not convinced by the witness's answers.

The last words go to Mr. MUNYEMANA. As he does every time he takes the floor, he affirms that he never attended a meeting at Dr. NDINDABAHIZI's house, and that he never even went there.

Hearing of Mr. Venant GASHONGORE, prosecution witness.

The witness knew MUNYEMANA: he lived in Tumba on the sector road, about a hundred meters from his home. He said he saw him going to his older brother MAMBO (SIMUHUGA Gérard). The two brothers lived in neighbouring houses, and it was easy to go from one to the other.

Sosthène MUNYEMANA came to MAMBO, the cell manager, to ask for the key to the sector office. MAMBO told him to go and get it from BWANAKEYE, as he didn't have one. This is how the accused was able to obtain a key.

The chairman reminded the court that the witness had been heard three times and had been confronted with the accused. A Hutu, he had married a Tutsi. After the genocide, he joined the RPF. His wife lost many members of her family.

After the genocide, his brother MAMBO, head of the GITWA cell, fled, returned and was imprisoned. He died in prison before being tried. Of the three boys in the family, the witness was the only one not to have been involved in the genocide. He himself said that his brothers were criminals. They tried to lure him into the genocide, but he refused, having made "his choices".

His brother MAMBO, who had no formal education, had been hired at the SORWAL match factory, which gave work to many young people, only to plunge them into the genocide (Note: The factory manager, Alphonse HIGANIRO, was tried in Belgium in the spring of 2001 and convicted along with Vincent NTEZIMANA, an academic, and two nuns, Sisters Gertrude and Sister Kizito, from the Sovu Benedictine convent].

The witness admits to having seen MUNYEMANA come to MAMBO's house only once. This is not what he had always said. Nor does he confirm the presence of REMERA and GATABAZI that day: a further contradiction. MAMBO and the accused had nothing in common: it was the genocide that brought them together.

The witness loses his footing as his earlier statements are revealed. The president asks him to relax: "We have nothing to reproach you for.

Lawyers for the civil parties, faced with the witness's embarrassment, ask that he be removed from the accused. To Maître DUPEUX, who wants to intervene, the chairman, annoyed, retorts: "If you want my place, take it.

The chairman explains to the witness the reasons for his impatience: "You say one thing and then another. If you don't know, say so.'

The chairman then brings up the day when the witness brought porridge to members of his in-laws at the sector office. Here again, there are contradictions as to whether people are kept or not.

The witness then explains that, since the genocide, given what he's been through, he has a headache, he doesn't feel well. Given the time that has passed, he has memory problems. He saw members of his wife's family killed before his very eyes. The chairman expresses his understanding, but he must continue to question him to enlighten the jury, who are unfamiliar with the case.

The witness ends by saying that MUNYEMANA did not get the keys to the sector office: he got them from BWANAKEYE. At the sector office, there were "refugees and prisoners" That's what he said. On questioning by a juror, the witness explains that when he takes porridge to the area, it's not to his wife, who hasn't left the house, but to members of his in-laws. He supplies people with broken tiles. Unlike his brothers, the witness says he remained "neutral" during the genocide, which earned him the animosity of his family. On the other hand, he had no radio and could not listen to RTLM [Hutu hate radio].

On questioning by Maître DUPEUX, the witness repeated that he had only seen MUNYEMANA at his brother's house once: he hadn't always said that.

The president intervened again to reassure the witness: "You're not the only one to contradict yourself. Why change your story? Are you under pressure? And the witness confesses that he has a head injury. The chairman understands this very well.

Mr. MUNYEMANA admits having gone to MAMBO's house on April 21. He then tries to explain. As there were many people around the sector office, having heard that women were being raped and people killed, he says he called BWANAKEYE to inform him. BWANAKEYE told him he couldn't go anywhere because his house was surrounded by Interahamwe. If he finds someone he trusts, he'll agree to give him the key. KUBWIMANA tells him that MAMBO may have the key. Under these conditions, he goes to MAMBO's house with KUBWIMANA, without recovering the key. It was only on the 23rd that BWANAKEYE gave him a key. This enabled him to open the office. As for BWANAKEYE, he did not move until the 24th. But he never took part in a meeting at MAMBO.

After the examination of the witness, the president read the statements of three witnesses who did not testify during the trial: Innocent HABYAREMYE, Alexis KANAMUGIRE and Maria NYIRAROMBA.

Wednesday 28 November Day 12

Hearing of Vestine NYIRAMINANI, civil party.

Hearing of Celse GASANA, civil party.

Hearing of Vincent HABYARIMANA, civil party.

Hearing of Providence MUKANDORI, civil party.

Hearing of Ms Vestine NYIRAMINANI, witness called at the request of the IBUKA association, civil party.

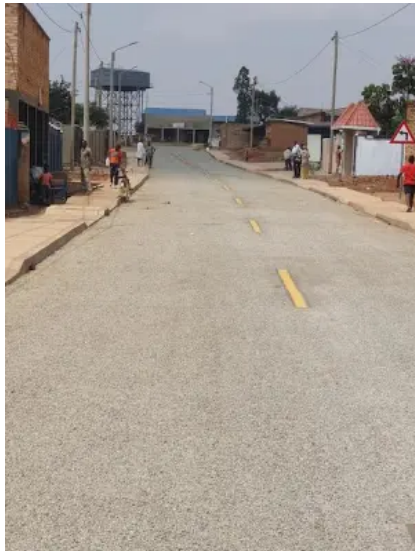
Mrs. NYIRAMINANI was 31 years old at the time of the genocide, during which she lost her mother, her brothers and sisters and their children. In all, 13 members of her family were killed during the massacres.

She recounts that on 20 April, shots were heard coming from Butare. The shooting spread to her neighbourhood on the 21st at around 10-11am. Seeing the population flee, she and her family did the same, before returning home when they realised that only the rich Tutsis were being targeted.

Throughout the night, the killings continued, with people chanting "power, power"; the witness noted that they were very scared. Their neighbours came to inform them that the Tutsis were being killed, so she and her family went into hiding.

They returned home when pacification was announced; it was a Sunday, late April or early May, but the witness is not sure of the date. A meeting had been organised at the sector office, but her mother

prevented her from going, remarking that people had come to count them and that it was a trap to kill them. She was right, and that very night the situation deteriorated and they went into hiding again. Mrs NYIRAMINANI and her family were discovered at the beginning of May.



The sector office (at the end of the road). Photo taken from the house of Sosthène MUNYEMANA.

Initially, the Interahamwe militia separated the women from the men and took away the latter, as well as the witness whose identity card they considered to be irregular. They took them to a roadblock in front of Mr. MUNYEMANA's house, which was on the road leading to the sector office, in order to lead them to that office, to which the accused had the keys. The witness said that the accused was at the road block and he said that it was not yet time to kill the women, before accompanying the killers to open the sector office for the men.

The rest of the attackers took the Tutsi women who had been gathered at the roadblock to a banana plantation and raped them. Among them, two little girls died after being raped.

Ms NYIRAMINANI was raped by 3 men: MUSONI, SINGIRANKABO and NDAYISABA Émile. The latter took her to his home that evening, where she remained for 2 months until her rapists fled in the face of the imminent arrival of the Inkotanyi [RPF]. During this period, she was sexually abused and raped on a daily basis. She confided that she felt like an object.

The witness was reunited with her two sons a year after the genocide. Mrs NYIRAMINANI's mother had entrusted her boys, aged 7 and 3, to Hutu neighbours when she saw her daughter being taken away by the Interahamwe. The Interahamwe fled when the Inkotanyi arrived and did not return until a year later.

In order to avoid the allegations of perjury put forward by the defence at each witness hearing, a lawyer for the civil parties asked her for details of how she had become involved in the criminal proceedings against Mr MUNYEMANA. She explained that she had learned that the accused was in France through families who had come to Tumba to seek information about their missing relatives. In particular, Ms Espérance PATUREAU-GAHONGAYIRE had come to Tumba mainly to obtain information about the death of her brother Laurent NSANZUMUHIRE, who had been killed at the same time as Ms NYIRAMINANI's brothers, and had not made the trip solely to gather accusations against Mr MUNYEMANA.

The accused, reacting to this hearing, rejected all of Ms NYIRAMINANI's accusations and stated that she was lying about everything she had said about him.

Hearing of Mr Celse GASANA, witness called by the prosecution, civil party IBUKA.

Mr GASANA was 25 years old in 1994. He was taking part in rounds that had already taken place at the beginning of April. During these rounds, he saw houses burning on the neighbouring hills and the farmers began to flee. From that point onwards, the witness reports that it was said that security in Tumba had to be improved to prevent the unrest spreading there.

This is how the meeting of 17 April was convened by the BWANAKEYE sector councillor. The purpose of the meeting was to ensure everyone's safety. During the meeting, Mr GASANA stated that Sosthène MUNYEMANA stood up and said in a threatening tone that he did not agree with BWANAKEYE because the enemy was among them and that this enemy was Tutsi. He also proclaimed that the sector office was not being used properly and that it should be used to receive refugees; he asked for the key. After that, tensions arose in Tumba.

On 20 April, the witness later stated during his interview that the patrols were no longer mixed at that time but that that evening he had been asked to take part. He said that the son of a man called Barthélémy had come across the patrol in which he was taking part and that he had a bag full of grenades and said he was coming from REMERA's house where MUNYEMANA and others were distributing weapons. He knew then that the time had come to hide.

The next day, the 21st, shots rang out and people ran around bloodied, shouting "Flee, flee", while others had machetes or clubs. Mr GASANA managed to hide in the bush until 15 June. Between midnight and 3 a.m., he would approach the patrols in search of food and hear the news.

From his hiding place in the sorghum fields, he also witnessed a number of things. He mentions the fact that those who were caught by the killers and who resisted were killed on the spot, and that he heard that the others were taken to the sector office. In particular, he witnessed the murder of a university professor named Jean, a neighbour of the accused, whom the militiamen had hunted down on the orders of Sosthène MUNYEMANA. At least, that is what the militiamen said to this man before killing him because he refused to follow them to the sector office, and which Mr GASANA saw from his hiding place.

He also heard the killers say that the Tutsis had to be taken to the sector office where the group of people in charge, whom he identified as REMERA, RUGANZU and MUNYEMANA. In these previous hearings, the witness referred to the sector office as "the dungeon". All the members of his family who had been there had died. Asked whether this office could be a place of refuge, Mr GASANA replied: "You can't protect people by imprisoning them".

Mr GASANA explained that he had done his own research before filing a civil action in this case. He is taking this step to render justice and pay tribute to his family. He strongly denied having any interest other than that of justice when it was suggested to him and condemned the idea of those who would say that he was there for the money.

Hearing of Mr Vincent Habyarimana, witness called by the prosecution, civil party of the SURVIE association.

On 20 April 1994, the witness heard gunshots and learned that it was Tutsis who were being killed. The president asked him to locate his house on a map that he presented to him. He lived upstairs from the gendarmerie.

"On the 21st at 10am, we were on the road: members of the Presidential Guard arrived on the side where there is a small "chapel" dedicated to the Virgin Mary. I was with a young man when a certain Boniface asked us to follow him. He took us to a shop and locked us in. I understood later that it was to protect us.

The GPs went down to the Gashora neighbourhood and looked for MAMBO, the head of the cell committee, because he knew what was going to happen. Boniface told them that the Tutsis were going

to be killed. The GPs went to see the young men and together they went up to the sector office. They started killing Tutsis, including a certain Népomucène. That's how the killings in Tumba started. The witness said that he had hidden from the assailants and reported that meetings were organised during which the names of Tutsis who had not yet been killed were requested. These meetings were held at RUGANZU's house. Among the participants were Simon REMERA, RUGANZU, KABILIGI, Sosthène MUNYEMANA and other killers.

On questioning by the Chairman, the witness said that he had been aware of these meetings when he was hiding at Marie NYANDWI's house, and he had seen people coming out of the house of a certain Christophe. He had seen MUNYEMANA, GATABAZI Martin and others. Mr HABYARIMANA forgot to mention that people from Musange and Runyinya believed that they would survive the killings, which was not the case. The Tutsis were killed and thrown into the pit at Karangawa.

In the evening, he left with a man who had brought some porridge to a woman, Vestine, in front of the sector office. The assailants continued to chase them, armed with traditional weapons. A certain KAGAMBAGE stopped him. He was with NGENZI. With those who accompanied him, he took the road leading to MUNYEMANA's house, where he lived next door. There was a road block below the accused's house and another very close to the statue of the Virgin. When they arrived at this barrier, they saw Sosthène MUNYEMANA and others driving people from the Tumba office. These people were killed and their bodies thrown into the Damascène pit.

Sosthène MUNYEMANA held the keys to the office and opened the doors. When they arrived at Damascène's house, they made them lie on the floor and started killing. The witness ran and escaped. All the others were killed. Traumatized, he went home. That's when he saw his father and older brother being arrested. He then went to his other brother's house to tell him to flee. Seeing the assailants coming, he jumped the fence and took refuge with his uncle Charles Tabaro. His older brother, Innocent HATEGEKIMANA, jumped over the fence at Sosthène MUNYEMANA's house.

They arrested Evariste SENKWARE and others and tied them up with their clothes. The next day, when his brother learned of their father's death, he decided to commit suicide. Arriving just in time, the witness unhooked the rope.

On questions from the Chairman, the witness described the road blocks as a means of checking identity cards. From his house, with Alice, he was able to see, through the cypress barrier, Sosthène MUNYEMANA open the doors of the sector office and hand over Tutsis to the assailants.

The President pointed out to the witness that he was saying things today that he had never said before. And he listed the contradictions that had arisen.

In order to make room for the videoconference of Mrs Providence MUKANDOLI from the USA, the Chairman interrupted the hearing of the witness. It would finally resume the next day, at around 11 a.m.

Hearing of Mrs Providence MUKANDORI, called by the prosecution, civil party CPR, by videoconference from the USA.

Mrs MUKANDOLI testifies from the United States, where she visited her son. She is alone in a huge room: there is no one by her side, no interpreter... She is going to start telling a story that she has told too many times (NDR. The Chairman, when he takes the floor again, points out that she has been heard seven times! She spoke quickly without the interpreter asking him to give her time to translate, which led to inaccuracies in the translation he gave, and even mistakes. However, the chairman pointed this out on several occasions.)

After hearing gunshots on 21 April 1994, while she was with her family, Mrs MUKANDOLI, with her father, the baby on her back and many other inhabitants of Tumba, went to KABAKOBWA where,

she said, the refugees would be well received. On the third day, soldiers arrived but the attackers, too few in number, left. The survivors were ordered to disperse.

While her father went off on his own, the witness decided to go to the Tumba sector office. The farmers she met in the fields advised her to do so. When she got there, she found her father, who let her in. Many Tutsis were crammed into the office, with blood everywhere and inhuman hygiene conditions. She spent a day in the office with her father.

At one point, when Sosthène MUNYEMANA was present, Mr BITIRA, the witness's father, tried to approach him to ask if he could help his daughter and her baby. The two men knew each other, one working in the laboratory, the other in hospital. But the gynaecologist refused to give the witness any help, going so far as to claim that he did not know Mr Bitira: "What's the matter? I have nothing to trade with you," he allegedly replied. Get out of my face, BITIRA". The witness's father insisted, but heard the accused cut him short: "Don't be naive, things have changed. It's the death of the Tutsis", he reportedly replied.

Mrs MUKANDOLI eventually left, in the hands of young men who were responsible for escorting her home. There would always be time to return to the sector office.

The witness's account becomes a little confused. She repeats the same thing several times, backtracking to such an extent that the jury, the parties and the public find it hard to follow. On the evening of 6 May, as the Tutsis were gathered at the edge of a mass grave to be executed, the witness slowly drifted towards the last members of the group and managed to hide in a gutter. "Everyone died, except me and my baby", she noted.

An old Hutu woman agreed to take her in and look after her baby. Jeanne, as she is called, is in charge of a cell and has a Tutsi husband, which is why she agrees to help him, she thinks.

The Chairman then thought it would be useful to review the witness's statements (NDR. She has been speaking for nearly two hours). He went through the various hearings with which the witness had been confronted one by one in an attempt to enlighten the jurors. He asked the witness if she confirmed the statements she had made to the various people she had spoken to. Are there any contradictions with what she is saying today? Certainly, but on several occasions she confirmed what the president had told her, even if he added at one point: "Heard seven times, seventh version! Which is not quite the case!

Simon Foreman, the witness's lawyer, wanted to know whether, in her opinion, the sector office had been a place of refuge or detention. That was the question the witness had difficulty answering. Did she really understand the question? In any case, she made it clear that once you entered the office, you could not leave unless you had authorisation.

At this stage, photos of her father and brother are projected: "Dad, who thought he could count on Sosthène MUNYEMANA to save him", she whispered.

The Principal State Counsel asked the witness if she remembered the people who had been injured, including a young woman who was bleeding from her breast, which had apparently been cut off, and a man with a head injury for whom no one came to treat him. Of course the witness remembered.

Maître BOURG, for the defence, did not wish to ask any questions "given the number of different versions given by the witness".

Mr MUNYEMANA added to the confusion when he said that, during the Gacaca [local community court], a certain GASHIRABAKE, who was mentioned several times in the witness's account, was said to have said that she would have stayed with her own mother. Mrs Mukandoli asked to speak again. She did not understand why the accused was contesting what she had just said. She had tried to summarise the journey she had made from KABAKOBWA to the sector office. Contrary to what may have been said, it was not thanks to Sosthène MUNYEMANA that she was able to get out of the

"dungeon" and be alive today. It was at her father's request. Moreover, all the other Tutsis locked up in the office were killed. The witness did not understand how the accused could say that he did not know her father.

Mr MUNYEMANA, called upon to respond to Mr Celse GASANA's comments at the end of the morning, contested everything the latter had said. There were no patrols prior to 17 April, as these were decided at today's meeting. "I dispute everything he said", he concluded.

As for the story of the syringes found embedded in the bodies of some of the victims, he denied any responsibility. You don't have to be a doctor to kill people with syringes.

Tuesday 27 November Day 11

Hearing of Speratus SIBOMANA, detainee.

Hearing of Paul HABINEZA.

Reading of the statements of Evariste SENKWARE by the Chairman.

Reading of the statements of Emmanuel NSABIMANA by the Chairman.

Hearing of Patrice NZEYIMANA, detainee.

Hearing of Marie-Josée MUKANKURANGA, civil party.

Reading of the appeal judgement of Joseph KANYABASHI at the ICTR.

Hearing of Mr Speratus SIBOMANA, detainee, witness summoned according to the discretionary power of the president at the request of the defence, by videoconference from Kigali.

Mr SIBOMANA, also known as KABILIGI, is testifying from Rwanda, where he was sentenced to life imprisonment for killings. He said he had had no choice because, as he was new to his neighbourhood, if he had not joined the others he would have been accused of being an accomplice of the Inkotanyi [RPF]

He contested the accusations of certain witnesses who identified him as being part of a group taking part in meetings at REMERA and in a position to take certain decisions in Tumba. Although he denied that meetings had been held at REMERA, he identified MAMBO as the leader of his group.

He said that he was leading the attack on Innocent HATEGEKIMANA (alias KIRUSHYA) when the latter took refuge at MUNYEMANA's house by jumping over his fence; but that he arrived after the assailants he was leading and forbade them to attack KIRUSHYA's family.

The witness did not specify whether this prohibition had been issued after MUNYEMANA had left his house, declaring that those who took refuge in his house should not be prosecuted. His statements seemed to contradict each other, especially as he had not mentioned this episode in his previous hearings.

He also seemed to contradict himself on the question of MUNYEMANA's frequenting RUGANZU's bar-cabaret. Mr SIBOMANA used to go to that establishment and initially stated that the accused did not go there, or at least that he had never met him there. The public prosecutor pointed out that during police questioning, he had nevertheless said that the accused occasionally went there. The witness again confirmed that he had not met him, thus going back on his previous statements.

On the question of the existence of a list of Tutsis to be killed, Mr SIBOMANA considered that such a list had never existed as it would have been superfluous given that the cell leaders knew very well who had to be eliminated. He reiterated his remarks after the Chairman had pointed out to him that these lists would have been useful for the soldiers and militiamen who did not come from Tumba and did not know the population.

He accused Evariste SENKWARE, a genocide survivor whose group knew that he was hiding with MUNYEMANA, of lying when MUNYEMANA accused him of having gathered information with a view to drawing up these lists during meetings with REMERA and MUNYEMANA, among others.

Mr SIBOMANA also argued that this witness was lying when he stated that MUNYEMANA had the keys to the sector office and that he handed them over to the killers when they returned with Tutsi prisoners. According to him, there was an incompatibility between hiding Tutsis at home and preparing for the killings. He stated that he did not know whether MUNYEMANA had a key to this place and that he had never seen people being held there, even though he had heard it said.

Hearing of Mr Paul HABINEZA, witness called by the prosecution, by videoconference from Kigali.

Mr HABINEZA is serving a 30-year prison sentence in Rwanda, to which he was sentenced in March 2007 for having taken part in attacks and looting, which he has always denied.

He used to be a farmer in Tumba and lived about 200 metres from Mr MUNYEMANA's house. As his neighbour, he witnessed the episode during which Mr HATEGEKIMANA Innocent alias KIRUSHYA, a Tutsi, took refuge at the accused's home after a certain Tharcisse had pursued him with other assailants. MUNYEMANA then spoke to Tharcisse to get him to leave KIRUSHYA and, according to Mr HABINEZA, gave him money in exchange.

He also asserted that the meeting on 17 April had only brought together the leaders and not the population, and that he had therefore not participated. The Chairman noted that this was a point on which everyone agreed: everyone was invited.

On the road blocks that followed this meeting, the witness explained that every able-bodied man had to take part but that some had escaped by paying, including MUNYEMANA.

During the hearing, the President commented that "it is difficult to question you", addressing the witness whose words were not always clear.

In particular, on the subject of what happened when someone was discovered during a patrol, he contradicted and then corrected himself and confirmed his earlier statement that [the captured person was then he was taken by force and locked up in the sector office until he was killed. Mr HABINEZA lived right next to this place, to which he said BWANAKEYE held the keys; he said that this was done in full view of him, but he did not see KAGERUKA Vincent there.

This witness stated that he had never seen the accused do anything during the genocide and that he was not active at local level.

Reading of the statements of Mr Evariste SENKWARE by the President

Mr SENKWARE described the accused as the leader of a gang of killers, one of the organisers of the genocide in Tumba with REMERA, KABIRIGI and RUGANZU. He returned to this in one of his later statements, referring only to REMERA and RUGANZU.

He referred to Mr. MUNYEMANA as a friend during the genocide, the witness having sold him land at a reasonable price and both of them being in the MDR political party. He maintained throughout the proceedings that the accused had saved him on four occasions from the massacres by warning him that his name was on the lists of Tutsi to be killed and advising him to go into hiding. Moreover, when one night he was arrested by a patrol, MUNYEMANA had him released. He also gave him financial help on two occasions, to the tune of 1,500 Rwandan francs each time.

Mr SENKWARE mentions the sector office, where many Tutsis were locked up to be killed during the night. They were taken there under duress by SIBOMANA, who went to fetch the accused's key. RUGANZU and BWANAKEYE were in possession of the other two keys. He also described several meetings organised by BWANAKEYE that took place in this office. In reality, they were traps into which his sons fell before being killed.

During his various hearings, Mr. SENKWARE spoke of Jean KAMBANDA's frequent visits [Kambanda was interim regime prime minister]. He assumed that Jean KAMBANDA explained how "we were going to work". He maintained that after his departure, the genocide resumed with greater fervour.

Reading of Mr. Emmanuel NSABIMANA's statements by the Chairperson

Mr NSABIMANA is a Tutsi who was hiding in the Arboretum, a forest on the outskirts of the University of Butare, where he escaped the massacres committed with axes. He managed to escape as far as Tumba, where he was caught with his father and tied up. Managing to free himself from his bonds, he hid again in the fields for 2 weeks before militiamen found him and took him to SENKWARE, where they were to be killed. MUNYEMANA saved them both, saying that they were not Inyenzi [RPF] who were supposed to be wanted. The witness explained that the plan at the time was to first attack the rich or intellectual Tutsis.

From his hiding place in the sorghum fields, Mr NSABIMANA affirmed that he had seen the accused open the sector office to 4 Tutsi from RAMBO, then open it again to the militiamen who took them to the prefecture.

Mr SENKWARE and Mr NSABIMANA were confronted on several occasions. Despite certain discrepancies, they agreed that the accused had never been worried by anyone for having protected KIRUSHYIA.

Statements of Mr Sosthène MUNYEMANA:

The accused recalls the day of KIRUSHYIA's rescue.

It was in May and he heard a noise outside his house. KIRUSHYIA, whom he knew well, had jumped over his fence shouting "help" and he went outside when some of the assailants had already got through his gate. They were very aggressive and he reportedly started arguing with MAMBO, who was closest to him. He explained that it was the presence of his gendarme tenants who came out that saved him and that this had nothing to do with his power.

Concerning the financial aid that he allegedly gave to SENKWARE, he stated that he had given a first sum to SENKWARE's wife as a custom of condolence for one of her relatives. The second time, the accused allegedly gave 1000 Rwandan Francs after SENKWARE had asked him for help. According to him, this money came from what his wife Fébronie had sent him, at the same time as the Kinshasa-Bordeaux plane tickets, to flee the country.

Mr MUNYEMANA denied SENKWARE's statements to the effect that he had known the names of the people on the lists of Tutsis to be killed. He blamed the pressure on witnesses who are afraid of being removed from the lists of those who receive assistance as survivors of the genocide. The accused also denied that KAMBANDA had come to visit him at any time other than 19 June and argued that there must have been confusion with the time when the wife of the Prime Minister had come with the wife of the Burundian ambassador.

Hearing of Mr Patrice NZEYIMANA, witness called by the prosecution, detained in Mpanga prison, by videoconference from Kigali.

The witness, a neighbour of the accused, was 31 years old when the genocide began. When President Habyarimana's plane was shot down, young people from the commune of Ngoma, trained to handle weapons, erected barriers. They were led by Sosthène MUNYEMANA's group: BWANAKEYE François, Simon REMERA, Vincent MUREKEZI, KABILIGI, Boniface CYAMIRA. RUGANZU, NZINABIRA and Faustin GASHUGI are among the best known. These people belonged to various political parties, including the CDR, the MRND Interahamwe, the PSD and the MDR. It was this group that gave the instructions when the genocide began: how to set up the roadblocks, how to organise looting to prevent the assailants from fighting, how to kill.

In June, they received an order from the Ministry of Defence forbidding them to continue the massacres. From that day on, the massacres stopped and the Tutsis came out of hiding. They started calling the Tutsis who came out of hiding.

A little later, this group told them to arrest the Tutsis and take them to the sector office. They locked them up there and then took them away to be killed in town, in Butare or at the university laboratory. They continued to hunt them down. The witness said he was part of a group that arrested 8 people in a church and took them to the sector office. They were then loaded into a vehicle and taken away. The group of leaders continued to encourage them to continue their search. Anyone who objected was punished.

The same group told them to share the houses of the Tutsis. Anyone who caused problems was locked up in the sector office. Similarly, anyone who did not participate in the roadblocks was fined. The hunt for Tutsis continued until June/July, when the Inkotanyi conquered the country. The Interahamwe fled in disarray to the Congo. Some of the leaders are in the Congo forests, and others have gone abroad.

On questioning from the Chairman, the witness, dressed in pink, explained that there was no difference from those dressed in orange. He admitted that he had first been sentenced to 30 years in prison, reduced to 19, and then to life imprisonment for having been accused of rape. He denies this. He had admitted a certain number of facts.

The President reminded him of what he had said in the presence of the French judges and pointed out contradictions with what he had just said in court. He had said that in June 1993 members of the opposition parties had begun to become agitated, in particular when the RPF contingent had been installed at the CND [state parliament building] in Kigali. Hutus met to consider a strategy. The personalities from Tumba who have already been mentioned met at the RUGANZU bar. It was Faustin, from Abakombozi [a youth militia], who reported to him on what was said at these meetings.

The president said. "Did KUBWIMANA report to you?"

The witness. "His son was the chief of the Abakombozi and he reported to us what was said. We drew up lists of important Tutsis who were to serve as examples in the massacres'. This is contrary to what he had said previously.

Simon Foreman returned to the episode of the arrest of the 8 people arrested at Kagarama, which gave the witness the opportunity to give more details about this event. The lawyer asked whether the witness confirmed that the pacification was a trap and whether the leaders had stopped their meeting to decide on the fate of the Tutsis. Sosthène MUNYEMANA was indeed present but did not speak because of the presence of two majors?

The witness confirmed this. And he emphasised the group's responsibility, which took precedence over individual responsibility. Decisions were taken by mutual agreement.

The witness then lost the jury and the public by saying things that he had never said and that had nothing to do with what was being discussed. The President asked that we return to MUNYEMANA and the barriers. Once again the witness is out of order and the Chairman asks that we change the subject.

Maître Mathilde AUBLE wanted to know if the witness could remember the names of the 8 people they had handed over to the sector office. He could only remember an old man called KANAMUGIRE.

The Principal State Counsel asked where exactly the road block installed very close to the accused's house was. The witness replied that the barrier was at Sosthène MUNYEMANA's home, next to MUREKEZI's house. He was then questioned about the weapons training he had received in Butare.

He does not remember the names of those who took this training with him: "All the young people from Tumba received this training, but it was after the massacres, to oppose the Inyenzi". And he acknowledged, again in response to a question from Mr PERON, that GASASIRA, alias PANCARTE, had indeed taken the training, along with GASHUGI, who was in charge of security at Kagarama.

In response to Ms Sophie HAVARD's question, the witness confirmed that he had indeed seen Major HABYARABATUMA at the meeting on 14/06 (not in May, he was told?). He confirmed that he had seen him in mid-June.

Maître DUPEUX: "In 2010, when you were heard by the judges, you said that all Hutu adults, whether they had killed or not, were considered genocidaires in Rwanda. Can you confirm that? The witness confirmed.

Hearing of Ms Marie-Josée MUKANKURANGA, witness called by the prosecution, by videoconference from Kigali. Civil party IBUKA.

The witness said that she had left Tumba on 20 April to go to her friend Laetitia's house in the town of Butare because she was afraid. Many Tutsis from other prefectures were already pouring into the southern prefecture. It was on that night that the UNAMIR soldiers left the country via the town's airport. President SINDIKUBWABO's speech set the region ablaze the next day. She decided to return to Tumba and met a certain Mathias she knew: he picked her up in his van and drove through several roadblocks. When she reached the Hôtel Faucon, she saw the bodies of Tutsis killed as soon as UNAMIR left.

When she arrived at her house, she realised that the population was very frightened; they could hear gunfire: it was 21 April at around 9 o'clock. François Karanganwa had just been killed, the signal for the massacres and looting to begin. The soldiers confiscated their identity cards: they knew that the Tutsis were going to die.

With her mother, her little sister and a maid, the witness took refuge in a house where she found many Tutsis. Her goddaughter's brother had gone out and bumped into a certain Pascal, the son of the shopkeeper NGOGA, who joined them at their hiding place. He hid them in a room in his house.

At this point in the story, the President explained to the jury that the Tutsis often hid in the false ceilings of the houses from which they came out at night to get supplies.

One evening, Pascal said he went to the sector office where he came across Sosthène MUNYEMANA armed with a spear. Mrs MUKANKURANGA then said that, through the window of the room where she was hiding, she saw a group of assailants: the accused was among them, dressed in a large coat and carrying a torch. He was the leader of the attack. A gendarme hit her on the head with his weapon. Invited to follow the gendarmes to be killed, Pascal's brother gave them money and they left her unharmed. With her friend, she hid in the rafters of the stable, where she remained for over a month. On questioning by the Chairman, the witness said that she had lost her mother, who was killed at RUBAYIZA, a half-brother and two half-sisters. Another of her brothers died in combat. She stated that she had taught MUNYEMANA's children. One day, in 1993, the accused's wife, Fébronie, was said to have uttered an "ironic" and somewhat mysterious phrase: "We are going to show the Tutsis that we do not hate them". When the chairman asked her if she had meant to say the opposite, the witness replied that that was what she thought.

The President reminded her that she had said that the evening she had seen the accused wearing a long coat, and that he had been accompanied by one of her sons, aged about 12. This statement provoked a strong reaction from Sosthène MUNYEMANA when he was invited to respond. The Chairman then reported on comments made by Alison DES FORGES, who pointed out the presence of children in the rounds.

The Chairman also reminded her that she had said that Pascal (he was a teenager) was giving her information: it was Sosthène MUNYEMANA who had given the signal for the genocide. He had also told her that her mother had died and that the children of a certain Pierre were locked up in the sector office. This young man attended meetings to get information. Still on questions from the President, the witness said that in Tumba they listened to Radio Rwanda and RTLM, which called for the killings.

Maitre LINDON asked the witness whether she had been paid to testify. She replied in the negative and added that all she wanted was justice for her family. She added that if Pascal NIYONZIMA had said that he had never seen MUNYEMANA during the genocide (the exact opposite of what she had just said), it was because he was afraid that they would continue to question him. Maître LINDON pointed out that MUNYEMANA had been sentenced to life imprisonment and that he was still in prison. But at the time of the witness's statements, he had not yet been sentenced.

Maître BOURG takes the floor: "You have given a lot of evidence, you have quoted Pascal a lot, which does not confirm what you have said. Sosthène MUNYEMANA does not recognise anything either. You said that you did not recognise the statements attributed to you in the African Rights document, that KANYABASHI was not in favour of the killings because he had a Tutsi wife...".

The witness: "I confirm that. I said what I saw in Butare. If it hadn't been for SINDIKUBWABO's speech, there wouldn't have been any genocide. She also confirmed that she had seen Sosthène MUNYEMANA in the company of his son Gustave. The defence lawyer pointed out that she was the only one to say this.

Sosthène MUNYEMANA said he was shocked to hear such remarks.

After this hearing, the president chose to read out Joseph KANYABASHI's appeal to the ICTR. This was the so-called "Butare" trial. The mayor was on trial with Pauline NYIRAMASUHUKO, Minister for the Family in the genocidal government, his son SHALOM, Prefect Sylvain NSABIMANA and his successor.

The mayor of Ngoma was found guilty on appeal, but acquitted of the Kabakobwa massacres. He was sentenced to 20 years in prison. Pauline NYIRAMASUHUKO was sentenced to 47 years in prison.

At the trial, Filip REYTJENS spoke of "denunciations as a general phenomenon in Rwanda", denunciations at both national and local level. Prosecution and defence witnesses were said to be false witnesses, As for the detained witnesses, they were said to have been subjected to even more pressure. One witness accused Monique AHEZANAHO of having prepared false witnesses against KANYABASHI.

However, the President pointed out that it was unlikely that all the witnesses had been false witnesses in the KANYABASHI trial. He added that the Court had made a judicial finding: the genocide perpetrated against the Tutsis was indisputable. It can no longer be called into question.

The hearing will end with an analysis of the double language. As for Mr MUNYEMANA's name, it appears several times in the KANYABASHI judgment.

Maître BOURG wishes to point out that on appeal, Mr KANYABASHI was acquitted of the charge of genocide. He was convicted of "direct incitement to commit genocide". On appeal, he was found not guilty of genocide. He added that the accused had been acquitted on appeal of 8 out of 9 charges.

Monday 27 November Day 10

Hearing of Claudette UMUHOZA, civil party.

Hearing of Beata Uwamariya.

Reading of Jean KAMBANDA's statements before the ICTR.

Hearing of Fidèle MURERA.

Reading of Jean KAMBANDA's judgment before the ICTR.

Hearing of Ms Claudette UMUHOZA, civil party named by the IBUKA association.

Ms UMUHOZA has lived in Tumba all her life. This is her first hearing in the proceedings against Mr Sosthène MUNYEMANA. She began her statements by saying that she had personally witnessed the events she was about to talk about.

The first episode relating to the genocide in the context of which she met the accused was on 20 April, the day before the massacres began in Tumba. Shots were reportedly fired and the population fled towards the Karutege forest. Later that day, MUGENZI, GAPYIKIRI, MAMBO Gérard and MUNYEMANA arrived, and MUNYEMANA is said to have said that they knew the people they wanted to see. The witness's older sister, UWIZEYE Monique, realised that they were not concerned and went home.

The next morning, 21 April, Monique informed her sisters that she had learned that the Tutsis were going to be killed. Mr MISAGO Boniface, the husband of one of her sisters, who was present, told them to look for somewhere to hide because in less than 10 minutes all the Tutsis were going to be killed. Mrs UMUHOZA explained that she and her sisters each went in a different direction. On the way to hide at her maternal aunt's house, the witness came across RUGEMINTWAZA Célestin, TWAGIRAYEZU Emmanuel and MUNYEMANA Sosthène. The latter had a list of all the Tutsis who were to be killed and asked her where her cousin NSENGIMANA Vianney was.

Later in the genocide, on the day of the pacification, Mrs UMUHOZA was reunited with her sisters. She doesn't remember the exact date but puts this episode in May, around the 7th. There was a meeting at the sector office and all the people who had gone into hiding had to go. There were also Hutus. Before everyone arrived, the witness said she saw MUNYEMANA open the sector office and that many people were locked inside. During the meeting, MUNYEMANA spoke. Ms UMUHOZA reported what he said: he thanked the people who had worked well, those who had killed many people, and asked whether they had received all the tools they needed to kill.

He ended by saying: "When you sow, after you have sown the seeds you must go back and weed".

This meant that the killings of the Tutsis were not over, that they still had to kill the survivors, but he would have specified that the time for women had not yet arrived. The Tutsis did not flee at that point because at that time the killings only took place at night.

In the evening, there was a large-scale attack. Assailants gathered people from Mrs UMUHOZA's house and from the houses of her uncles KAREKEZI and KABEGA and led them to a pit. At that point, the witness managed to escape and took refuge with her maternal aunt. She learned the next day that a large part of her family had been killed near this pit: her two brothers NZEYIMANA Marc and MUSONERA Jacob, her sister Monique after she had been raped by the assailants in their house, her paternal uncles KAREGA Marcel and KAREKEZI Venant respectively with his 4 children, his grandchild and his two sons.

That same evening, RUGEMINTWAZA Célestin came to fetch her, saying he had just come from a meeting during which it appeared that one of Claude's children had not been found among those killed the previous day and that he was going to hide her at his home. Before taking her home, he took her to REMERA Siméon's house, where many Interahamwe [militia] were gathered, to present her to MUNYEMANA. He is said to have replied: "You can leave with her, you will take care of her, you will educate her" and the witness affirms that this authorisation to take care of her had a double meaning and constituted an authorisation to rape her. She was 11 years old.

Ms UMUHOZA then went to live with Célestin "as husband and wife" for 2 months, then fled with him when the Inkotanyi [RPF] took control of the country. One day, they came across a group of soldiers and one of them recognised her as Claude's daughter. He took her back to Tumba, where she was reunited with two of her sisters who had survived, and they started a new life together. She never saw Célestin again, who apparently fled to the Congo.

When asked about the remarks made by TWAGIRAYEZU Emmanuel in the course of the present proceedings to the effect that the only thing MUNYEMANA had done during the genocide was to save a man called Innocent HATEGEKIMANA, Ms UMUHOZA reacted by saying that this man was a major Tumba killer sentenced to life imprisonment and who had nothing to lose. She argues that in such cases, 'lifers' take responsibility for the crimes committed by those on the outside in exchange for help for their families.

The accused contested everything the witness had said during her testimony. To contradict her testimony, he argued that it was the first time in the case file that gunfire was mentioned on 20 April. He also pointed out the paradox concerning the alleged pacification meeting and the remarks attributed to him, even though the Tutsis were said to be present. He denied ever having been to REMERA Siméon's house.

Following this statement, Ms UMUHOZA concluded her hearing by arguing that participating in the genocide did not only mean taking a machete to kill but also, for the intellectuals, preparing and giving orders to that effect. She criticised the accused for not having helped them when he had the means to do so. She drew the Court's attention to the fact that he had fled only after the genocide and not before, even though he had the means to do so.

Hearing of Ms Beata Uwamariya, witness called by the defence.

Ms UWAMARIYA is a Tutsi woman who lost many members of her family in the genocide.

At the time, she was 8 months pregnant and Dr MUNYEMANA was her gynaecologist. She said that she had chosen him herself on the recommendation of other women, and that he had never asked her about her ethnic origin. She stated that he probably knew that she was Tutsi because her husband KABANZA Stanislas, who was Hutu, worked for the Red Cross and people talked a lot at the hospital. The President noted that in previous hearings, the witness had alternately said that the accused knew and then did not know his ethnicity. The defence pointed out that this lack of clarity reflected the fact that Mr MUNYEMANA did not ask his patients whether they were Hutu or Tutsi.

During the monitoring of Ms UWAMARIYA's pregnancy, Mr MUNYEMANA recommended a caesarean delivery. He was present during the caesarean section on 28 April 1994; "he helped me", she said. The witness maintained at the beginning of her testimony that he was working and that he came to see her every day. However, since the beginning of the proceedings, the accused has stated that he was on leave from 19 March to 9 May of that year.

Following Mrs. Uwamariya's deposition, he stated that he had been on leave, but that in view of his patient's history and the context, he had performed the caesarean section and provided post-operative follow-up. However, he admitted that he had given "an automatic response" by lying to OFPRA [French Refugee Commission], to whom he said he had attended to her every 2 days, and now admits that he had only seen her about 3 times.

Because of the situation in the country, the witness's husband and Dr. MUNYEMANA agreed to take her to the hospital earlier than her health required, as the accused reported having heard rumours that it would soon no longer be possible for Tutsis to move around. Mrs Uwamariya arrived at the hospital one or two days before the genocide began.

She was able to stay there for several weeks thanks to documents provided by the accused, who also signed papers for her brother and two sisters stating that they were sick and could stay in the hospital. This went against the orders of the soldiers, who had ordered that anyone whose presence was not required on the premises was to leave.

The witness confirmed the statements already made by her husband before the Belgian courts to the effect that Mr MUNYEMANA had taken risks by making these statements at a time when no one

dared to help the Tutsis. She also said that she did not think that the accused could have been in favour of the killings when he had saved her. Furthermore, Mrs Uwamariya could not imagine a doctor taking part in genocide. However, she was not aware that the accused owed her husband KABANZA Stanislas 15,000 Rwandan Francs.

The civil parties' lawyers noted inconsistencies in the details given by the accused. In particular, they noted that he had said during the investigation that he had only practised once during his leave, and that he had not mentioned the fact that he had assisted the wife of the Burundian ambassador give birth at the request of Prime Minister JEAN KAMBANDA.

They also questioned him about the apparent freedom of movement he enjoyed in order to travel easily to the hospital in Butare. Mr MUNYEMANA explained that he had been transported on the 3 occasions by a Red Cross vehicle to visit Mrs UWAMARYIA, and then by those looking after the ambassador's wife for her delivery.

Hearing of Mr Evariste NTIRENGANYA, witness called by the prosecution, detainee, by videoconference from Kigali.

At the scheduled time, Colonel LESAFFRE, in Kigali, informed us that the witness was not present. It was proposed that a new hearing date be set for Friday 1 December 2023 at 2 p.m. It had been decided to dispense with the two witnesses initially scheduled, Consolata NYIRACEKERI and Aimable KARIRIMA.

The President decided to proceed with the reading of Mr. Jean KAMBANDA's statements before the ICTR.

His relations with the accused. Mr. KAMBANDA stated that Sosthène MUNYEMANA was Tutsi but that people did not know it: "There is no doubt that he is Tutsi but it was in his interest to hide it. The accused allegedly asked him to help him evacuate his children. He admitted having visited MUNYEMANA before and during "the war". Through his wife, he allegedly asked the doctor to assist wife of the wife of the Burundian ambassador.

Jean KAMBANDA had asked Sosthène MUNYEMANA to look after the house of his brother who had died in 1991. As he was accused of being a planner, the fact that they knew MUNYEMANA was enough to consider him as such.

The keys to the sector office? "I don't see why he should have had them. MUNYEMANA was "an active MDR militant". He was MDR Power. Between April and July 1994, he was known as the "Butcher of TUMBA". MUNYEMANA told him that he was under threat. At one point he took refuge with his parents-in-law. He recalled visiting him once and added that "no one was ever able to prove that he had participated in the massacres. He never delivered weapons to the accused, who, to his knowledge, did not own any. He was a respected person in Tumba.

In exile, he never had any contact with Sosthène MUNYEMANA, but their wives did. He cannot imagine the accused dressed in banana leaves. He confirms that one of his friends, KAVAMAHANGA, tried to take refuge in his house but that he was killed by soldiers in front of the Hôtel Faucon.

The President continues reading. To Maître Simon FOREMAN who wanted to know who had murdered him, the latter replied that we would have three days to question Sosthène MUNYEMANA. He will inform the parties of the issues he intends to raise during the questioning. He continued by telling the accused that KAMBANDA had confirmed his friendly relations and the fact that he had come to see him in Tumba. Mr. MUNYEMANA replied that he had come to see him once, on June 19, 1994, when he learned that he had been threatened. He again denied having been MDR Power. On the other hand, from November 1993, he felt that his friend was moving closer to the MRND and sliding towards the Power tendency. He did not see the third way that he was advocating. If Jean

KAMBANDA considered him an MDR Power, it was because he was against Faustin TWAGIRAMUNGU, there was only the Power option left. If he did not oppose MDR Power, it was because we "could only keep quiet".

To the chairman's surprise that he had such precise memories, the accused retorted: "I'm looking after my file. And who was threatening him? Sosthène MUNYEMANA said that he was due to leave on 19 June but that his departure had been delayed by a week. He said later that he was not fleeing the RPF, but the soldiers and the Interahamwe. It was while passing through Butare that he became aware of the threats against him. He decided to leave after receiving the plane tickets that his wife had sent him.

As for the car belonging to his murdered friend, he said that he had approached the local commander, MUVUNYI, in order to hand it over to his wife, who had taken refuge at his home. Maître FOREMAN reminded him that before OFPRA, he had said that it was BWANAKEYE who had taken care of this.

The lawyer added: "You've been repeating your story for 28 years and changing your version. Will we ever get to the truth?"

On questions from the public prosecutor, the accused replied that, given KAMBANDA's drift, he had not thought of writing to him. However, he would write to him later to ask him to take care of his children. Mr. PERON resumed: "If the civil parties had not handed over the questioning of Jean KAMBANDA by the ICTR, you would not talk about your relations with him.

And the accused returned to the episode of the delivery of the wife of the Burundian ambassador: "All those who have said that they saw Jean KAMBANDA's vehicle are liars. It was his wife who came to us in her husband's car".

This presentation may have seemed a little tedious insofar as it was a series of quotations. However, we were able to understand Sosthène MUNYEMANA's privileged relationship with the highest authority in the government, who he did not oppose despite his shift towards the [extremist] Power faction.

Hearing of Mr Fidèle MURERA, called by the defence. This witness was sentenced to 19 years in prison.

The witness has been heard several times by the French investigators. He was a mechanic and driver with the gendarmerie and lived very close to the Tumba sector office. He testified in several gacaca [local community courts] and was himself accused by Monique AHEZANAHO and Jean-Marie Vianney GASHUGI. He knew the accused but had never been to his home and did not know his political views. He did not know whether Sosthène MUNYEMANA had been involved in the genocide because he did not leave his house. On the other hand, he acknowledges having said that Simon REMERA had launched the genocide in Tumba. It was from his house that the killers left, often accompanied by two gendarmes.

He does not remember having been heard by the prosecutor Martin KAGIRANEZA, although there is a transcript of the hearing provided by the CPCR. The witness eventually admitted that today he remembers that this hearing did indeed take place. The sector office? It was indeed a prison where Tutsis were mistreated: it all happened in front of his house. This office was guarded by the killers. Tutsis were stopped at the roadblocks or during rounds and locked up in the office.

Where were the keys? The witness had said that there were two: one to a certain Philippe, who was killed, and the other to BWANAKEYE. The killers came to get the key from him. After the councillor was ousted, the key was allegedly held by REMERA. To his knowledge, Sosthène MUNYEMANA did not have a key!

It was pointed out to the witness that MUNYEMANA admitted having the key to the office and that he claimed to have locked up the Tutsis to protect them. It was then that the defence witness, who was supposed to testify on behalf of the accused, retorted: "If he says that he had the keys, it was not to protect people. But I never saw Sosthène MYNYEMANA open the office to save people.

The witness continued. He did not see the accused take part in the genocide, he was not pressured in any way before testifying, and he never saw anyone bring food to the prisoners because no one was allowed to approach. Still under questioning by the Chairperson, he said he knew Anaclet DUFITUMUKIZA [11] but during the genocide he never went to the bar with the others.

Ms. Sophie HAVARD reminded him of his statements in the presence of the French investigators. He had not seen Jean KAMBANDA visit the accused. Today he says the opposite. He repeated that he had never seen anyone open the office, neither MUNYEMANA nor REMERA and finally admitted that he had indeed been questioned by the prosecutor Martin KAGIRANEZA but that he had not been questioned about MUNYEMANA.

Faced with the witness's contradictions, Maître DUPEUX, for the defence, could only ask him when he was telling the truth. Mr Murera replied: "What is true is what I am saying today".

As in previous trials, it is not certain that a witness called by the defence will be of much help to the accused. Many other witnesses will take the stand in the coming days. To close the day, the Chairman proposed reading the text of Jean KAMBANDA's judgment before the ICTR.

Arrested in Kenya, Jean KAMBANDA has decided to plead guilty to genocide, conspiracy to commit genocide, direct incitement to commit genocide, complicity in genocide and complicity in crimes against humanity. He was found guilty on all counts and the ICTR referred to the ICTY [International Criminal Tribunal for former Yugoslavia] for its reasons. He was sentenced to life imprisonment. Seeing that he had gained nothing by pleading guilty, he appealed, but the tribunal confirmed his guilt and the original sentence handed down.

When questioned, Mr MUNYEMANA admitted that he had belatedly become aware that KAMBANDA had deviated from the MDR line. He had to read André Guichaoua's book to realise this. The president was surprised that as early as 12 April, and even more so after his speech in Butare, the accused had "completely missed the point. You seem to be the only one who saw nothing! MUNYEMANA defended himself by saying that the motion of support for the government that he had signed predated Jean KAMBANDA's speech!

Maître FOREMAN pointed out to the accused that what the accused was saying did not correspond to the statements he had made before OFPRA: "You continue to say that you didn't know before your motion on the 16th? When did you understand what was happening? You recognised that people were arriving from Gikongoro, and that was before 16 April!

Sosthène MUNYEMANA retorted: "There is a difference between being aware and appreciating the extent of it. The CPCR's lawyer reminded him that he was receiving information from Kigali, that he had spoken on the telephone with Jean KAMBANDA and other personalities such as [Ephrem] NKEZABERA [the 'banker of the genocide', sentenced to 30 years in prison in Brussels in 2009 for crimes during the 1994 genocide in Rwanda].

The final words of the day were from Maître DUPEUX: "The court should know that OFPRA is an administrative body that has nothing to do with judicial proceedings.' 'At OFPRA it takes [only] half a day!' And he contested the fact that it had been possible to ask for the text of the accused's appearance before OFPRA, a text that the court "is making the most of".

Maître FOREMAN pointed out to his colleague from the defence that his client had confirmed everything he had said to OFPRA. Maître DUPEUX tried a final explanation: "We are talking about calls for the murder of Tutsis and moderate Hutus? The moderate Hutus among whom he obviously places Sosthène MUNYEMANA.

Friday 24 November Day 9

Hearing of Jean-Marie Vianney GASHUGI.

Hearing of Mathias NSANSABAHIZI, prisoner.

Hearing of Jean-Marie Vianney GASHUGI, by videoconference from Kigali. Witness called at the request of the association SURVIE.

Mr GASHUGI is a genocide survivor who lost many members of his family during the genocide. The witness lived in Tumba, 300 metres from MUNYEMANA's home. He stated that MUNYEMANA was a member of MDR Power: he saw him brandishing an MDR Power sign at a meeting. He also testified that he had seen him go to meetings at RUGANZU's house, with REMERA, MUREKEZI Vincent, MURERA Fidèle and others, meetings to which the Tutsis did not have access. He therefore assumed that the purpose of these meetings was to prepare the genocide.

Mr GASHUGI then considered that it was clear that the situation had changed and decided to leave. The massacres had begun in the surrounding hills and his neighbours had changed their attitude. It was thanks to the fact that he fled very early, on 18 April 1994, that he survived.

He did not attend the meeting on 17 April [called at the sector office and which Munyemana attended] because he was afraid and was preparing to leave. He was nevertheless told that MUNYEMANA had spoken at the meeting to say that members of his wife's family had come to take refuge in Tumba.

Reading of the hearing of Mr François BWANAKEYE by the Chairman.

Mr BWANAKEYE is now deceased, but he was previously heard on several occasions on the events that took place in Tumba during the genocide.

At the time, he was the councillor for the Tumba sector until he was removed from this post by Siméon REMERA at the meeting on 17 April that he had called. The aim of the meeting was to prevent violence spreading to Tumba, but REMERA, MUNYEMANA, MABOMBOGORO and others dismissed him. He reported in his testimony that MUNYEMANA spoke of refugees fleeing the Inkotanyi [RPF] and called on the population to "work", to do what was being done in other communes, namely killings. His intervention is said to have galvanised the population and the massacres began on 21 April. After that, BWANAKEYE reportedly shut himself up at home. This witness reported that the accused locked people up in the sector office to which he had taken the key from RUGANZU.

Hearing of Mr NSANSABAHIZI, a prisoner summoned by the prosecution, by videoconference from Kigali.

Before being heard, the witness consulted the list of civil parties at length. He knew some of them. Having been heard three times by the French investigators, the president asked the witness what he could say about the accused.

"Sosthène MUNYEMANA played a role in the genocide perpetrated against the Tutsis in 1994, between 20 and 24 April," began Mr NSANSABAHIZI. The witness, who was the driver for burgomaster Joseph KANYABASHI, recalled one of the events he remembers. Joseph HITIMANA, alias RUGANZU, had called the mayor of Ngoma. The driver said he had been accompanied by a

certain Jean-Baptiste GAHAMANYI and Cyprien, a journalist. When he arrived at the Tumba sector office, he found Sosthène MUNYEMANA, RUGANZU, Siméon REMERA and SpIratu SIBOMANA. Next to them lay the corpses of five people who had just been executed, in front of Charles GAKWAYA's house, very close to RUGANZU's house. Because of the bodies, the driver was unable to continue.

Sosthène MUNYEMANA was carrying a sword, surrounded by a multitude of people carrying traditional weapons. The mayor asked what the bodies were doing on the road: they had to be cleared away for fear of satellites that could take embarrassing photos. RUGANZU said that behind the home of François KARANGANWA there was a very deep pit into which the bodies could be thrown. Sosthène MUNYEMANA gave instructions to the people who were there.

KANYABASHI and Cyprien then went to MUNYEMANA's home, where they stayed for almost half an hour. The driver stayed outside the doctor's house: police officers were standing at the back of the vehicle. Back in Ngoma, Mr NSANZABAHIZI questioned the mayor: "Why didn't we arrest these people who had taken part in the massacres? We could have arrested them and put them in prison. Mr KANYABASHI advised him not to get involved: "It's planned, the Tutsis must be killed". The driver then went home with a brigadier, who told him that they had made a mistake by not arresting the killers. But it was KANYABASHI who was responsible.

The witness recalled another memory concerning Sosthène MUNYEMANA. "I often saw him go by with gendarmes, including a major who was deputy commander of the Butare brigade. The accused always wore a sword on his belt and a long coat that covered him to the knees. He also wore a hat similar to those worn by the Chinese. He was escorted by a young man armed with an R4-type rifle: this was Innocent, Félicien KUBWIMANA's son.

The President asked the witness if he could confirm that Sosthène MUNYEMANA had helped a Hutu woman from Rango give birth. That's true, [he said], he was the one who drove the car that carried the woman. This was on 25 May 1994.

The President pointed out to the witness that during his hearing on 30 March 2010 he had not spoken of Cyprien but of Faustin MUNYERAGWE, the director of Karubanda prison, in order to have the bodies buried by prisoners, on the orders of KANYABASHI. The witness admits that he was mistaken in his testimony at the time. When confronted, the prison governor confirmed his presence. He had refused to have the bodies buried by prisoners for administrative reasons: he needed a requisition from the prefect. The witness took advantage of a question from the president to reiterate that the accused had a bodyguard who accompanied him everywhere. Vincent MUREKEZI, a detainee from Nyarugenge, was also there.

On questioning by a lawyer for the civil parties, the witness recalled that he had indeed been sentenced to life imprisonment. He pleaded guilty to having taken part in the Kabakobwa massacres, to having denounced Tutsis who were hiding in his home and to the murder of a young Hutu, Frédéric, with whom he had had a dispute. When he pleaded guilty, he was not counting on a reduction in his sentence because he had also been accused of rape. He knew MUNYANEZA, his cellmate in Huye, well.

Ms Sophie HAVARD, the public prosecutor, pointed out that the witness, who had been heard six times, had been consistent about Sosthène MUNYEMANA's role in KANYABASHI's visit. If the prison governor did not mention the presence of MUNYEMANA, it was because he did not know him. The witness confirmed this.

Maitre DUPEUX, for the defence, recalled what MUNYERAGWE had said: "If I say that I do not know Sosthène, that is the truth".

You said that after seeing the bodies," continued the lawyer, "you would have suggested to the Burgomaster that he arrest the killers. This is the first time you've said that. Why today? If you had said it earlier, it might have worked in your favour". The Advocate General pointed out that this was not the first time the witness had said such things.

The witness replied: "I have told you that I am not innocent. I pleaded guilty and asked for forgiveness".

Before the hearing was suspended, Mr MUNYEMANA was given the floor. He denied having been present alongside Joseph KANYABASHI, as the witness had stated. "From 20 to 22 April, I was confined to my home, I did not move from the house. I didn't even hear that the burgomaster of Ngoma had come to Tumba. He continued, when questioned by the defence: "I didn't have a sword, I never dressed the way I've been described. Ms HAVRAD disputed this; the accused had indeed left his home to go to the market in Rango.

The afternoon was given over to the hearing of a witness whom the civil parties regretted not being able to hear: Vincent KAGERUKA, the only survivor of the Tumba sector office, who had recently died in Norway.

For almost 2 hours, President Marc SOMMERER read out the various hearings and documents concerning Vincent KAGERUKA, who unfortunately died recently.

The first document was drawn up by the Butare gendarmerie and was undated. It refers to the meeting held on 17 April 1994, during which the decision was taken to install road blocks to contain possible enemy attacks. Heads of patrols were appointed: Sosthène MUNYEMANA was named head of the Amayambere cell. At this meeting, the accused created panic among the population by announcing that he had taken in Hutus from his wife's region and that the Inkotanyi had started killing Hutus.

Vincent KAGERUKA, the witness who had been in hiding until 14 May, was arrested and taken to the sector office. Sosthène MUNYEMANA was called and said to have arrived with the keys: "He was very happy", said the witness. During the night, other Tutsis were taken to the sector office. On 17 May, Sosthène MUNYEMANA returned to the office with REMERA, RUGANZU and BWANAKEYE. The prisoners were asked to clean the room in which the Tutsis were being held. They were transferred to the Butare gendarmerie brigade on 19 May.

A second document specifying that the accused had been put in charge of his neighbourhood was handed over by William BOURDON, the civil parties' lawyer at the time. It mentions three keys to the sector office given to Sosthène MUNYEMANA.

According to the third document, the file drawn up by the African Rights association, it is said that Vincent KAGERUKA went into hiding on 21 April, while a loudspeaker was used to incite the Tutsis to leave their hiding place. (NDR. It should be noted that most of the witnesses quoted in this document would not have recognised the statements attributed to them and the French judges decided to dismiss it. However, at no point is the title of this file given: "Sosthène MUNYEMANA, the butcher of Tumba"). The witness went into hiding near the Pentecostal church. Someone promised to provide him with food and drink, but sent three killers to whom the witness promised money, which he had to fetch from his home. He was arrested and taken to the sector office on 14 May, as reported in the first document. Sosthène MUNYEMANA reportedly arrived and expressed his delight at his arrest. At 9 p.m., the accused returned to lock up other Tutsis. Three days later, the accused returned with "his friends", got everyone out and forced the Tutsis to clean the premises. Transferred to the Butare brigade, the Tutsis were held there until 25 May. When the Tutsis were asked to get into the lorry that was to take them to the place of their execution, Vincent KAGERUKA slipped under the vehicle and escaped. Hiding in a forest, he survived there until the arrival of RPF soldiers.

An account of the witness' three-day hearing by Norwegian investigators. We learn that his parents were killed on 23 April, his brother having been executed on 19 April, "the day (he) should have died too". His wife took refuge with their child in the Macyazo district. Vincent KAGERUKA was a pastor and sub-prefect from 1994 to 1998. He set up a consultancy firm, which he ran until 2000. It was at this time that he fled to Norway following a dispute with a high-ranking military officer to whom he had refused a loan. He ended up making many enemies within the RPF. He was dismissed as sub-prefect on 31 December 1998. The report states that "before reconciling with his executioners, he wanted justice". He then suffered psychological and psychiatric problems following problems with the Norwegian police.

We learn a few more details about his experiences during the genocide. On 21 April, he wanted to flee to Burundi, but when he reached Ndora he had to abandon his plans. He then wanted to take refuge with the Abizeramarya nuns in Gisagara (Note: A local religious congregation) but they refused to take him in. He set off again towards the commune of Shyanda and arrived at the church of Save but was beaten up by Hutus. When he reached Cyarwa, near Tumba, he hid in a sorghum field. On 27 June, he was found hiding in a cemetery around which Interahamwe were cutting down the undergrowth.

About Sosthène MUNYEMANA: He was an acquaintance but not a friend. There was mutual distrust between them. It is also said that Tutsi women complained about the behaviour of their gynaecologist. He was seen as an extremist and considered the Tutsis in the interior to be accomplices of the RPF. During the meeting on 17 April, he was said to have played an important role.

Jean KAMBANDA. [Prime Minister of the genocidal interim regime] Jean KAMBANDA is said to have visited the accused three times in April, but no one can testify to what they said to each other. Jean KAMBANDA and Sosthène MUNYEMANA were known as Hutu extremists.

On 17 April, the accused distinguished himself by his intervention concerning the setting up of "security", a word referring to the preparation of the genocide. This meeting is said to have lasted only half an hour. His testimony in the African Rights document was given to Alison DES FORGES.

On 6 May, while hiding in a sorghum field, the witness is said to have recognised MUNYEMANA by his voice as the latter was searching for Tutsis in houses.

On 14 May, the day of his arrest, they wanted to take him alive to REMERA. Vincent KAGERUKA saw Sosthène MUNYEMANA in possession of the keys to the sector office. First taken to RUGANZU's bar, REMERA sings of the arrest of "the king of Tumba". The accused was present. While the latter claimed to have taken KAGERUKA to safety, the latter referred to the sector office as a "place of transit to death". It was also said that 8 Tutsis had first been locked up in the house known as "N° 60" before being locked up in the office. 400 Tutsis were said to have passed through the sector office. The witness contested the statements attributed to him in the African Rights file.

The President then referred to the confrontation that had been organised between the accused and KAGERUKA. The accused contests all the statements made by the witness. Jean KAMBANDA never came to his house during the genocide (sic). There was only one point of agreement, according to MUNYEMANA: it was he who opened the sector office. For Vincent KAGERUKA, the sector office was "death row".

Mr MUNYEMANA intervened to refute everything the witness had said about him. A lawyer for the civil parties reminded him of his successive statements concerning the keys to the office: "I was always the only one to hold the key to the sector office", a statement made on two occasions. Then: "I have never given the key to anyone". Finally, in March 2016: "There may have been several keys". How does he explain this development? There was no convincing answer. Maître DUPEUX tried to come to his client's rescue: "What would have happened to Vincent KAGERUKA if you hadn't opened the door?"

Thursday 23 November Day 8

Hearing of Jean-Damascène MUNYANEZA, detainee.

Hearing of François RUDAHUNGA.

Hearing of Jean de Dieu BIRIGANDE, civil party.

Hearing of Jeanne d'Arc MUKAKAMARI, civil party.

Hearing of Jean-Paul RWIBASIRA, civil party.

Hearing of Mr. Jean-Damascène MUNYANEZA, prisoner, summoned by the prosecution, by videoconference from Kigali.

As this is the first videoconference, Colonel LESAFFRE, military attaché at the French Embassy in Kigali, introduces himself. He is in charge of organizing the videoconferences.

The interpreter, Maurice, takes the oath.

The witness begins by saying that he knows the accused. He did some carpentry work at his home before the genocide. He immediately recalls the meetings at which the genocide was planned by the group to which Sosthène MUNYEMANA belonged, which had set up a "crisis committee".

First, they designated the people who would replace the influential Tutsis in the event of their death. Then, at around 8 a.m. on April 22, Hutus and Tutsis gathered at the Rango Health Center. Sosthène MUNYEMANA asked the Hutus and Tutsis to separate: the Tutsis went to Kabakobwa and the Hutus returned home. But in the afternoon, the Hutus were asked to go to Kabakobwa to kill the Tutsis. The witness then described the attack on Déo NKURIKIYIMANA's house. The accused allegedly shot the overly agitated dog and then the caretaker of the house. As the family were not found at home, the killers left for KABAKOBWA. (Note. Symphrose, Déo's wife, had left for Burundi with her husband, who had wanted to return. He was killed in the marshes below the Groupe Scolaire de Butare. With a prisoner, we searched for several hours for the place where he might have been buried, in vain).

Finally, on June 6, 1994, the witness recounts that he and other killers were forced to clear the area around the Butare student campus. They killed four people. This concludes his "spontaneous" statement.

The chairman then put a series of questions to the witness. He had indeed been sentenced to life imprisonment by a Gacaca for the crimes he had just described. Crimes he is alleged to have committed with Sosthène MUNYEMANA. He confirms that he handed over his mother's family, who were Tutsi, to the killers. However, he spared her. He acknowledges having been a member of MDR Power, like the accused. He had political discussions with MUNYEMANA, who told him that the MDR had always been a Hutu party.

The doctor was an important man because everything he ordered was carried out. He was an important figure because he was part of the group that met at SINDIKUBWABO's [the interim genocide regime president] to prepare the genocide.

When he appeared before the French investigators, he said that there were four separate committees:

1. The crisis committee, which met on April 19. With the accused, well-known figures including Pauline NYIRAMASUHUKO, Minister for the Family [serving 45 years for genocide at the ICTR], Siméon REMERA, Burgomaster KANYABASHI and others. Objective: to plan the replacement of the Tutsi elite. The witness specifies that his carpentry workshop was very close to SINDIKUBWABO's home. A friend of his father's told him all about it.
2. The pacification committee
3. The security committee which, on April 21 or 22, prevented the Hutus from killing each other. The witness did not mention the presence of the accused, but that doesn't mean he wasn't there.

4. The April 17 round table committee, in which MUNYEMANA was said to have participated. MUNYEMANA then went to the sector office to raise awareness.

When the chairman pointed out that he was the only one to talk about the meetings at SINDIKUBWABO's, the witness retorted that "if the others didn't talk about it, it's none of my business. My workshop was next door to SINDIKUBWABO's."

At the meeting he attended on April 17 or 18 at the President's office, the witness states that the leaders defined who the enemy was, that it was forbidden to hide an enemy and that he had to be got rid of by force. As for the meeting at the sector office, Sosthène MUNYEMANA did speak. His words reflected what he had said at the Rango Health Center. He also asked them to remain vigilant and "not to leave a gap for the enemy". As the Hutus had begun to kill in the surrounding hills (Nyaruhengeri, Gishamvu), "we must not remain inactive".

The president summarized the witness's words, who confirmed it [was accurate]. He added that he led the Tutsis to mass graves, where they were executed. There were several chiefs in the neighbourhood, whose names he gave. MUNYEMANA had indeed transformed the sector office into a place of detention. It was never a place of refuge.

In response to a further question from the Chairman, Mr. MUNYANEZA confirmed that he had indeed found a pistol at MUNYEMANA's home, after his departure, to hand over to the new authorities. He knew where it was hidden.

Madame Sophie HAVARD, the public prosecutor, confirms that in "No Witness Should Survive"[4], Alison DES FORGES spoke of clearing the scrubland around the buildings to flush out the Tutsis hiding there. This was an order from Burgomaster KANYABASHI.

Maître DUPEUX asked the witness if he is indeed being held in Rwanda (sic) and if he has indeed been sentenced to life imprisonment. Mr. MUNYANEZA confirms this.

Maître BOURG asks the witness how many times he has testified. Without even letting him answer, she listed all the instances in which he had been invited to testify: the military hearing, the Nyanza criminal court, the gacaca [local community court] of Nkuri and Tumba, in a case in the USA, at the ICTR [International Criminal Court in Arusha] against KANYABASHI, and before Canadian investigators. And the lawyer concluded: "This witness works full time".

Hearing of Mr. François RUDAHUNGA, summoned by the prosecution.

The witness began by saying that before the genocide, the population of Tumba lived in peace. It was only after the attack on President Habyarimana's plane that people began to suspect each other: the massacres began on April 21.

Asked by the president if he was a Tutsi, the witness replied that he was Rwandan. He has lost family members, but not in the places for which the accused is being prosecuted. The Chairman fails to understand why, in front of the French investigators, he refused to give the names of his family's victims. In fact, it was because he feared that these names would be released to the press.

The witness had good relations with MUNYEMANA, who was his friend (Note: Indeed, at the end of his hearing, Madame MUNYEMANA came to greet him warmly), and even more so a friend of his brother-in-law. Which doesn't stop him from referring to the accused as a member of Hutu Power. They also met at the RUGANZU bar, like everyone else. Before the genocide, Hutus and Tutsis met there.

The witness confirms that at the meeting on April 17, Sosthène MUNYEMANA did indeed take the floor to say that a dozen Hutus from Kigembe were at his home, having been driven out by Tutsis from Burundi. This was a way of spreading panic among the inhabitants of Tumba. The cell councillors were then dismissed, including the witness's maternal uncle. Barricades were erected on April 19, and the massacres began on April 21.

Mr. RUDAHUNGA admits to having hidden with his wife at the home of a gendarme, Thaddée, who was a neighbour. When he stopped coming out at night, people thought he was dead. While most of the witnesses quoted in the African Rights document "The Butcher of Tumba" did not confirm the statements attributed to them, this was not the case with Mr. RUDAHUNGA, even if this is not what he told the French investigators. It was his friend Thaddée who told him that MUNYEMANA had the keys to the sector office. He didn't see any corpses, but he could hear the screams of the tortured. Maître DUPEUX is surprised that the witness doesn't remember MUNYEMANA's words in 2010, whereas today, in 2023, he confirms the accused's words: "When are you telling the truth, in 2010 or in 2023?" The witness confirms that what is true is what he is saying today, what he told African Rights. (Note: Defense counsel struggled to elicit a coherent response from the witness. But his convoluted questions lost both the court and the audience. The president remarked that no one understood anything anymore. Maître DUPEUX concluded: "My questions are useless if the memory he lost in 2010 comes back to him today.")

Before closing the hearing, the Chairman wishes to put one or two questions to Mr. Anaclet DUFITIMUKIZA, who testified the previous day and is still in the room. He wanted to know whether the witness had seen refugees arriving in Tumba. The witness confirmed this. However, if he didn't see any corpses on the roads in the neighbourhood, it was because the Tutsis were being killed at the edge of the mass graves.

Maître BERNARDINI asks the witness to confirm whether he saved Gaspard, one of his clients, from hanging. Mr. DUFITIMUKIZA confirms this and explains the circumstances. Mr. BIRIGANDE explained that in Tumba, people used to live peacefully together, but after the assassination attempt on President HABYARIMANA on April 6, 1994, fear began to set in. The population knew from Radio Rwanda that things were going very badly in Kigali, that massacres were beginning.

The witness lived in the house right next to that of Mr. Siméon REMERA, the president of the CDR, and was very close to his sons, who were around the same age as him (17 at the time). He observed that many people visited him, people already convinced that the Tutsi was the enemy. Among the people who met at REMERA were MURERA, Venant NTIRABAMPA and MAMYERERI. Mr. BIRIGANDE also recognized Mr. Sosthène MUNYEMANA. According to him, everyone knew this doctor and he was a model of success for young people. He was MDR Power, because everyone also knew the political affiliations of the important people in Tumba.

Worried about what was happening, the witness asked his friends David and Eric, REMERA's sons and his wife GEMMA, who told him that this group met every evening to organize the killings, and that they drew up lists of people to be killed, which were kept by Sosthène MUNYEMANA. During the month of April, the actions of this group gained momentum. These were important people, and they were recruiting people from the population to train them to handle weapons with the aim of killing.

On April 19, Eric informed the witness and his older brother Jean-Paul that the lists of people to be killed drawn up by this committee were ready, and that they were on them. The start of the killings was scheduled for the 20th, but the organizers went to get guns and rifles and it was postponed until the 21st.

The witness and his brother hid in the sorghum fields when the first attack took place. After that, they decided to flee. As he escaped, Mr. BIRIGANDE explains that he passed RUGANZU's house and the district office to go and find KARANGANWA. The organizers of the genocide were jubilant in these places, shooting into the air and sharing beer. Among them, the witness recognized Mr. MUNYEMANA.

That night, he fled to Burundi with his brother. All the people they left behind were killed: their mother, their grandmother, their two sisters and the child one of them had, their maternal uncle and his 5 children.

After being questioned about the fact that he had never before been heard by the French justice system, Mr. BIRIGANDE explained that, as he had not lived in Tumba since the genocide, he was unaware of the investigations. The defence complained that it had not been able to prepare for this testimony.

Hearing of Mrs. Jeanne d'Arc MUKAKAMARI, Survie witness, by videoconference from Rwanda, civil party

Mrs. MUKAKAMARI, who spoke through an interpreter from Rwanda, recounted how she lost part of her family during the Tutsi genocide. She was 22 at the time and married to a Hutu. This alliance saved her life, because as soon as she knew she was threatened, her husband stayed at home to protect her. She was not allowed to go out during this period, nor were two Tutsi neighbours whom she and her husband hid at home.

She sensed this atmosphere of insecurity very early on, and neither she nor her husband attended the April 17 meeting organized at the sector office by councillor BWANAKEYE.

She remembers hearing about him from a neighbour's mixed-race child, RITEGO, who was around 18 in 1994. He told her that meetings were held every evening at Siméon REMERA's house with MUNYEMANA, RUGANZU and KABIRIGI, among others. RITEGO would hide behind the window to overhear their conversations and report back to the witness: the organization of massacres.

In this locality, she knew the doctor MUNYEMANA like everyone else, although she says she never spoke to him because of the difference in social category. She had heard that he was in possession of the keys to the sector office.

Mrs. MUKAKAMARI is the half-sister of the other two witnesses testifying this afternoon, Mr. Jean de Dieu BIRIGANDE and Mr. Jean Paul RWIBASIRA.

Hearing of Mr. Jean- Paul RWIBASIRA, witness for Survie, civil party

The witness met MUNYEMANA around 1993 when he arrived in Tumba. He speaks of someone who was well known because of his rank as a doctor and who was renowned for his intelligence.

She remembers hearing about him from a neighbour's mixed-race child, RITEGO, who was around 18 in 1994. He told her that meetings were held every evening at Siméon REMERA's house with MUNYEMANA, RUGANZU and KABIRIGI, among others. RITEGO would hide behind the window to overhear their conversations and report back to the witness: the organization of massacres.

In Tumba, the assassination attempt on President HABYARIMANA marked the beginning of suspicion among the people. Mr. RWIBASIRA notes that around April 10, a number of people began visiting his neighbour Siméon REMERA, an extremist leader of the CDR[9] in Butare, including Sosthène MUNYEMANA, as well as a certain Martin RUGANZU, Fidèle MURERA and Vincent MUREKEZI, and Venant NTITABAMPA. The witness was 25 years old and was curious to see what this group did. He explained that he had used REMERA's nephew, Eric KAMENERO alias RITEGO, who came to see his brother for information. The latter came 3 or 4 times a day, hiding so as not to arouse suspicion.

He recounted that these meetings were in preparation for the massacres of Tutsis in the Tumba sector. MUNYEMANA's idea was to call the leaders of dozens of Hutus to draw up a list of Tutsis to be killed, which he kept with him. Another of MUNYEMANA's ideas was to take the Tutsis to the Tumba sector office and kill them there, since not scattering the dead in various places made it possible to know who had been killed and who hadn't, to avoid alerting those who were still alive so

as to find them more easily, to make it easier to bury the bodies and to avoid the risk of disease carried by corpses left on the ground.

Around April 16 or 17, RITEGO informed Mr. RWIBASIRA that the lists had been drawn up. It was also on April 17, at around 1 or 2 p.m., that a meeting was announced, to be attended by both Hutus and Tutsis. Several authorities were present and said there was no problem in the area, so there was no need to flee. MUNYEMANA took the floor to say that Hutu refugees from his wife's hometown were staying with him, having fled the massacres committed by Burundian Tutsi soldiers who wanted to kill them. According to the witness, these remarks created a feeling of suspicion and fear in the population. People went home, but they weren't at peace.

The meeting continued between the leaders, but some of them were excluded, such as Jeanne, whose husband was a Tutsi, and Denis, who was also a Tutsi. In response to President SOMMERER, Mr. RWIBASIRA denied having heard the accused say that the enemies were the Tutsis, but that he may have said so during the second part of the meeting.

RITEGO warned the witness and his brother that the genocide would begin on April 20. Mr. RWIBASIRA recounts that a vehicle arrived with young men shouting "we're going to kill you!" very early on the 21st, and that he went into hiding in the forest. He fled that evening, and as he passed along a road he knew to be open, he saw the authorities drinking at RUGANZU's bar. Near RUGANZU's home, he heard a lot of noise and saw that KARANGANWA, RUGANZU's neighbour, had been killed.

When he returned from exile in Burundi, all the relatives living in his house were dead. The witness only found the body of his grandmother, but his neighbours would never tell him where his other relatives were buried.

Intervention by Mr Sosthène Munyemana:

The accused returned to the meeting of April 17, 1994, arguing that his words "had been completely modified".

The refugees who were staying with him arrived during this meeting, and it was his 11-year-old son who came to warn him. These people were not Hutus, but Tutsis fleeing the troubles and being hunted down. He said he had never spoken of Burundian Tutsi soldiers.

On returning to the meeting, the accused only took the floor to inform people that he had come at the request of councillor BWANAKEYE.

Mr. MUNYEMANA asserts that he never attended any meetings at the home of Siméon REMERA. Moreover, he was isolated in Tumba and always drank alone in RUGANZU's bar.

Since 1995, the accused has claimed to be a victim of attempts to associate him with extremists, but this was not true. Before REMERA, a document had already linked him to another member of the CDR, which turned out to be false.

Concerning the first witness of the day, Mr Jean Damascène MUNYANEZA, Sosthène MUNYEMANA accused him of having negotiated his sentence in exchange for his testimony, and tried to prove it by relying on the fact that he had testified all over the world? Which would prove that he has become a professional. President SOMMERER nevertheless notes that at today's hearing, he was still wearing the orange [Rwandan] prison uniform.

Wednesday 22 November Day 7

Hearing of Monique AHEZANAHO, civil party.

Hearing of Alfred MAGEZA, former detainee.
Hearing of Anaclet DUFITUMUKIZA, gendarme.

Before the hearings began, Maître FOREMAN, CPRC's lawyer, wished to speak briefly about the e-mail sent the day before by Mr. BIRUKA announcing his refusal to testify. The CPRC's "secret element" present in the room are none other than Dafroza and Alain GAUTHIER, and a young woman volunteer who is taking the verbatim account for the association's hearing reports. He concludes: " This is a total fantasy".

The hearing of Madame Monique AHEZANAHO, summoned by the public prosecutor. Civil party alongside IBUKA, survivor of the Tutsi genocide in Tumba.

The moving testimony of a survivor who owes her life only to her rapist, who held her captive for the duration of the genocide.

This report is currently being written. It will be available this evening.

Hearing of Mr. Alfred MAGEZA, summoned by the public prosecutor. Former prisoner.

The witness, clearly disturbed, appears before the court to describe his experience of the genocide in Tumba. The testimony he gives bears little resemblance to the statements he made to French investigators in 2010, when he was in prison. Apart from acknowledging that Mr. MUNYEMANA was part of the authorities, he questions his previous statements.

Three documents appear in the file:

A short hearing by the Butare public prosecutor's office, provided by the CPRC

Another dated 2003, also provided by the CPRC

Mr. MAGEZA's lengthy testimony in the presence of the French investigating judges.

The Chairman begins by saying that he will ask the CPRC representative how he obtained these documents. The fact remains that during this hearing, the witness will make statements totally contrary to those he has made previously. No matter how hard the chairman asked Mr. MAGEZA why he had lied to the examining magistrates, Mrs. POUS and Mrs. GANASCIA, the witness was unable to find any justification. Mr SOMMERER, after trying to summarize what the witness had to say, finally gave up. He gave up the idea of continuing the hearing.

The questions put by the prosecution and the defense will not provide any answers.

Hearing of Mr. DUFITUMUKIZA, a Tutsi gendarme (who had declared himself a Hutu in order to join the gendarmerie). Accused before two gacaca [community courts] but acquitted. Cited by the public prosecutor.

Former Tumba sector office

Mr. DUFITUMUKIZA begins by saying that he knows the accused, having been a gendarme in Tumba throughout the genocide. He even knew him before that. The witness rented a house very close to the sector office, not far from Sosthène MUNYEMANA's home. He lived there with his Tutsi wife and two children. He himself, a Tutsi from the north, had changed "ethnicity" to join the gendarmerie.

Before the genocide, in the days of the multi-party system, the witness declares that he regularly frequented the RUGANZU bar, where he used to meet up in the evenings with MUNYEMANA and his friends: we often talked politics. The witness added that as soon as Hutu Power was started [in autumn 1993], Mr. MUNYEMANA, then a member of MDR party, became MDR Power, like all the members of his group. The latter made virulent comments about Faustin TWAGIRAMUNGU and Agathe UWILINGIYIMANA, followers of the party's moderate tendency. Very quickly, MDR Power drew closer to the CDR [Hutu extremists party] and MRND [party of the president and allied to CDR], whose aim was the same: to exterminate the Tutsis.

Although the genocide began on April 20, 1994 in Butare, following President SINDIKUBWABO's speech, the witness specifies that a group had prepared it "with meticulousness, intelligence and malice". This group included well-known names such as MUNYEMANA, Vincent MUREKEZI, Siméon REMERA and his wife Gemma, KUBWIMANA, RUGANZU and Innocent, François BWANAKEYE's son. "These are the people who led the massacres."

The witness went on to describe how the massacres on Tumba hill were carried out: organization of road blocks in which the accused took part, support from the gendarmes who went to "work" with the ringleaders. The method seemed to have been perfected: first the Tutsi men, especially the important ones, were eliminated, followed by the poor men, then the women and young girls, after they were raped. Then came the order to kill all the Tutsis.

The witness claims to have saved many people: as a soldier, he received a lot of food, which he shared with the most needy. To confirm this, he gave several examples: a Tutsi woman who had married a Hutu and whose children went to the roadblocks. When they heard that their mother was going to be killed, they came to see the man, who reassured them: "If we kill your mother, tell the killers that we'll come and kill their wives. The witness also gave the example of one of his wife's cousins, to whom he had food brought while he was locked up in the sector office. However, this was not enough to save him. A final example concerned a mother who worked at the hospital in Butare.

Finally, the witness mentions the arrival of French soldiers in the 'Zone Turquoise' [South east of country], just as Sosthène MUNYEMANA decided to flee to the Congo – around June 22? Despite the stamp on his passport, this is doubtful, since witnesses saw him dressed in banana leaves when Monsignor ETCHEGARAY visited Butare on June 24).

The chairman then reviewed the main points of the witness's testimony before the French investigators. At no point was Mr. DUFITUMUKIZA there an issue here. He confirmed everything he said in the presence of the French.

It's getting late. The tone of the proceedings escalated somewhat when the chairman asked the witness what the extremists would have said if Mr. MUNYEMANA had behaved differently, if he had tried to save the Tutsis. Mr. DUFITUMUKIZA refused to engage in science fiction.

The defence, somewhat helpless in the face of this testimony, was astonished that the witness had no recollection of a visit he had made to MUNYEMANA on April 23 or 24. The witness had already explained this in response to a question from the Chairman. As for the keys to the sector office, does it really matter how many there were? Was Dismas NSENGIYAREMYE from MDR Power? The witness replies that he was a simple corporal and that he has no real opinion.

"And you, how many Tutsis did you save?" asks Maître BOURG in an attempt at a final assault. "I saved between 50 and 100 Tutsis. I could have written a book entitled 'Fighting alone during the genocide'," concluded the witness.

Mr. MUNYEMANA rises to speak. The Chairman agreed to allow him to give a brief reaction to the testimony heard today: "I reject all the accusations made against me," he declared sharply.

Tuesday 21 November Day 6

Hearing of Diana KOLINKOFF, clinical psychologist.

Presentation of several documentary pieces.

Hearing of Jean-Philippe REILAND, Director of OCLCH.

Hearing of Olivier GRIFOUL, Gendarmerie officer, summoned at the request of the Public Prosecutor.

Before beginning the hearing of the first witness, Mr. SOMMERER announces that Mr. Innocent BIRUKA, the witness due to be heard tomorrow morning, has indicated that he will not appear. Mr. SOMMERER asks the clerk to send an e-mail to the witness, asking him to give his reasons for refusing to appear. He will reply later today:

'I have precise and concordant information to the effect that agents of Kigali, embedded in the Collectif des Parties Civiles pour le Rwanda, are determined and sufficiently well organized to make life impossible for any person of Hutu ethnicity who dares to intervene as a witness in the Sosthène MUNYEMANA trial. Thank you for your understanding. Innocent BIRUKA, currently in Paris".
""Preposterous""', responds maitre Simon FOREMAN, lawyer for the CPR.

The chairman points out that this witness was a member of Burgomaster KANYABASHI's defense team during his trial at the ICTR, where he was sentenced to 20 years' imprisonment.

Hearing with Diana KOLINKOFF, clinical psychologist.

Ms. KOLNIKOFF is a clinical psychologist and psychoanalyst working on collective violence and victim care. In the course of her career, she has worked with Rwandan victims suffering from genocide-related trauma. She explained that cruelty, terror, indifference, deliberate intent and impunity are the key words in the commission of mass crimes, which are intentionally aimed at destroying part of a population through barbaric acts and establishing terror. She described the refusal of many victims to speak out, as they do not want to have to relive the traumatic violence they have suffered.

As for those who do testify, despite the anxiety this produces, they hope to gain recognition of the horrors they have endured and to see justice done, but there is no hatred or desire for revenge. Their testimonies don't necessarily correspond to the time-frame one might expect from a narrative, and the truth of the victims is not always the same as the truth of the jurists or psychologists.

Ms. KOLNIKOFF justified the occasional contradictions by the huge gap between the facts and the trials, the subjectivity of memory and the phenomenon of traumatic memory, i.e. victims can have both distorted certain memories while recounting others with incredible precision. The collective narrative can also have a slight influence on this, but this is not what predominates in her view, as victims want their story to take centre stage, and this is their opportunity to be heard.

Moreover, witnesses can be destabilized by the trial, especially when what they tell is called into question, but in any case, for this psychologist, it's their personal experience that will emerge, because it's perceived and it's convincing, even if the way of questioning and listening also count.

Presentation of several documentaries:

Screening of a BBC documentary submitted by the defence team

Reading of the Human Rights Watch report submitted by the defence:

The defense lawyer observes that this exhibit demonstrates that the current regime in Kigali obstructs witnesses' freedom of expression and puts pressure on them to get rid of any opponents who denounce the government and its crimes. She concludes by asserting that "Rwandan justice is anything but independent".

A lawyer for the civil parties intervened, acknowledging that one can criticize President Kagame's government, but disputing the conspiracy theory that the present Assize Court, which is French and not Rwandan, is under Kigali's influence, and questioning the link between the present case and this trial that the defence is conducting against a State.

The accused reacts by arguing that any criticism of the government ends in a judicial confrontation of its author, designed to muzzle him.

Reading of excerpts from the book "Rwanda: The Betrayal of Human Rights Watch" [2] by Richard JOHNSON, with a preface by Linda MELVERN.

Me PARUELLE, lawyer for the civil parties, uses this document to qualify the reliability of the Human Rights Watch report on which the defence relies.

President SOMMERER refers to ALISON DES FORGES' book "Leave None to Tell the Story" [1999], from which the excerpts read, to say that in it, accusations are made against Mr. MUNYEMANA on 6 occasions.

Screening of a documentary submitted by the defence

The president explains that these images have been commented on and apparently come from a district of Kigali towards the end of April 1994. They show the collaboration between the army and the Interahamwe, with vehicles collecting bodies from the roadside as they die. These images are said to be part of the Radio Rwanda archives.

Mr. MUNYEMANA then made it clear that the corpses were not as numerous in Butare in the places he frequented. When he took the main roads, which was already later in the genocide period, there were fewer bodies, especially as he made sure to be as inconspicuous as possible because, in his opinion, it was risky to go into neighbourhoods where he was not known.

Hearing of Mr. Jean-Philippe REILAND, Director of OCLCH, the French Central Office for Combating Crimes against Humanity and Hate Crimes.

The witness begins by presenting the service of which he has been director since 2020, a service created by a decree of the Prime Minister in 2013. Since it was the gendarmes who had been asked to deal with Rwandan affairs, it was only natural that the gendarmerie should be chosen. It should be noted that the gendarmerie's judicial police officers are the only ones authorized to work on this type of investigation. This service is made up of some forty investigators with extensive experience in investigative techniques.

The investigations they carry out are focused on gathering evidence from witnesses. Investigators only travel with the agreement of the authorities of the country visited. They sometimes accompany investigating magistrates in their field investigations. In Rwanda, whatever the defence may say, the investigators conduct their own investigations without the presence of local authorities during witness hearings. Only an interpreter joins them. The witness points out that this is not the case in European Community countries.

Initially, most of the investigations concerned Rwanda, but today they concern a large number of countries.

The Chairman asks whether witnesses in Rwanda are under influence or not. Mr. REILAND repeats that this is not the case and that "only in Rwanda do we work without the presence of the Rwandan authorities". The gathering of witness statements is free, without pressure. Some witnesses are heard several times. The list of witnesses is drawn up in advance and presented to the country's judicial authorities to enable them to be located.

Finally, the witness specifies that he did not work on Sosthène MUNYEMANA's case: he was not yet on duty at the time. (Note: The next witness, Captain Olivier GRIFOUL, will testify to his involvement in the case which is the subject of this trial).

Hearing of Mr. Olivier GRIFOUL, Gendarmerie officer, summoned at the request of the Public Prosecutor.

The witness took part in numerous rogatory commissions in Rwanda from 2011 to 2015. He has investigated the case that concerns us. He points out, as have all the background witnesses, that the genocide began relatively late in Butare, for the reasons already explained. The judges' visit was

prepared in advance to make it as effective as possible. The aim was to meet witnesses who had not yet been heard and to gather incomplete evidence. If a member of the GFTU, the unit that tracks down fugitives [Rwandan Genocide Tracking Unit], is present, it is only to help locate witnesses and ensure the safety of the judges or the French gendarmes.

In Butare, witness interviews were held either at the Public Prosecutor's office, at the witnesses' homes, or in the investigators' vehicles, always to protect those being interviewed. Mr. GRIFOUL pointed out that it was necessary to hold as many hearings as possible in order to get to the truth: over 200 witnesses were heard.

The witness wishes to point out once again that the hearings take place without the presence of Rwandan officers. Only an interpreter, whose name was provided by the French embassy, accompanied the investigators, who visited all the places where Mr. MUNYEMANA was accused: Tumba, Kabakobwa, Rango, the university hospital, the Anglican church...

The court spends a long time consulting a map of Tumba and its surroundings, and photos are projected.

The question of the reliability of testimonies is raised, a key issue for the defence. Mr. GRIFOUL, after recalling the conditions under which he had worked and the difficulties he may have encountered, concluded by saying that the hearings were "generally relevant". He added: "We dismissed all unsubstantiated facts.

The parties' questions allow the witness to clarify his previous statements. On the whole, the witnesses are telling the truth: the investigators felt totally free to choose their hotel, to go out as they pleased in the evening, without ever having been followed. If they were sometimes accompanied, it was to ensure their safety. If the minutes of the hearings seem long, it's simply because the broader the framework of questions, the more information we gather. It's important to put the witness in context before getting him or her to talk about the facts. There will always be time to sort things out.

The summaries drawn up by another investigator, Patrick GEROLD, were the subject of quarrels with the defence. The witness, for his part, never produced any. His colleague, who preceded him in the investigations, and who was always accompanied by a Rwandan OPJ [judicial Police Officer], points out that there are sometimes contradictions between statements taken by Rwandan officers and French investigators.

Maître DUPEUX would like to know what the witness thinks of the work of his colleague GEROLD. Mr. GRIFOUL admits that he does not share Mr. GEROLD's point of view concerning the way in which the Tutsis were killed in Tumba. They didn't have the same experience, that's all.

And the defence lawyer railed against the Avocats Généraux for not providing him with the contact details of Mr. GEROLD, whom he wanted to summon. Ms Sophie HAVARD reminds him of her reply: "Mr GEROLD has ceased his functions and we don't know where he is. Maître DUPEUX does not give up and goes back over the differences between the testimonies gathered by the Rwandan authorities and those gathered by the French.

Monday 20 November Day 5

Presentation of the report by André GUICHAOUA, "Butare, la préfecture rebelle".

Questioning of the accused.

Screening of the France 3 documentary "Rwanda. Autopsy of a genocide".

Hearing of Johan SWINNEN, former Belgian ambassador to Rwanda from 1990 to 1993.

Madame HUSSON's hearing, scheduled for today, could not take place due to Covid. It has been postponed to 5 or 6 December. The Chairman proposes to present André Guichaoua's report. The

documentary "Rwanda: autopsy of a genocide" will then be shown in the programme "*La marche du Siècle*" presented by Jean-Marie CAVADA, on the massacres at the NTARAMA church.

Constitution of 4 new civil parties:

The hearing today opened with the constitution of 4 new civil parties, represented by Colette Martin. She quickly introduced them at the request of the president. After the accused's lawyers had deplored the late appearance of these new victims (which was perfectly legal) and the impact this had on the defence's work, Mr MUNYEMANA said he was "stunned" by the regular addition of new civil parties.

Presentation of the 3 volume report by André GUICHAOUA, "Butare, la préfecture rebelle", by President SOMMERER. [It is available online via the UNMICT website <https://ucr.irmct.org/> - or in French at <https://francegenocidetutsi.org/GuichaouaRapportExpertiseButare16juin2004Tome1.pdf>]

Butare is the country's second prefecture and the southern element in the opposition with the North. It is also a region where Hutus and Tutsis have lived together for a long time, with the latter representing 20% - perhaps 30% - of the population before the genocide. It was also the setting for internal opposition within the MDR party between Jean KAMBANDA [interim regime prime minister] and Agathe UWILINGIYIMANA [moderate MDR prime minister, killed at the start of the genocide]. Kambanda emerged as the leader of the Hutu Powa faction and became Prime Minister of the interim government after the assassination of Agathe UWILINGIYIMANA on the morning of 7 April 1994.

The particularity of the Butare region, in which the crimes of which the MUNYEMANA is accused took place, lies in the fact that its prefect, Jean-Baptiste HABYARIMANA, initially succeeded in containing the outbursts and attacks and ensuring security there, while the rest of the country was sinking into genocide. This feat is attributed in particular to the holding of the Prefectural Security Council, which brought together local leaders: mayors, heads of the major political parties, etc. The Prefect was dismissed on 18 April, after it had been announced on Radio Rwanda on the evening of the 17th. His replacement, Sylvain NSABIMANA, was given the task of starting the genocide in Butare.

The report also refers to civil self-defence, the aim of which was to train, arm and supervise the population. The author refers to the accused as a member of the financing committee of this organisation.

Examination of the accused:

Mr MUNYEMANA pointed out that the author had made a mistake in writing that he was a member of the aforementioned committee and demonstrated this mistake by mentioning the prefecture of Ruhengeri as being his region of origin, which was not the case. Mr Guichaoua never replied to the letters that the accused sent him by way of protest.

He clarified his point of view by explaining that he had contributed to the war effort since 1990 for the benefit of the army and not the militias. A lawyer for the civil parties nevertheless pointed out that the author distinguished between these two types of financing in his book and is very clear in attributing the financing of civil self-defence to the accused. He also stated that he had not been aware of the Prefect's dismissal until 19 April, because when the news was announced on the radio on the evening of 17 April, he had been taking part in an all-night security patrol. The President and the Advocate General were surprised by this answer and asked him why the news had not spread, especially as everyone was mobilised. Mr MUNYEMANA said that he had thought it was only "rumours" when he heard about it on 18 April.

The President read out a motion of support for the interim [genocidal] government addressed to the United Nations and to several States, made on 16 April 1994 by the *Cercle des intellectuels de Butare* and signed by the accused who was its Vice-President. The letter condemned the attacks and

massacres, as well as the resumption of hostilities by the RPF, and criticised the RPF for taking advantage of the institutional vacuum, while expressing support for negotiations with the RPF for a broad-based government. The letter thanked the Rwandan army and criticised the "partisan" tendencies of UNAMIR [UN peacekeeping force based in Kigali]. The accused stated that, at the time, the objectives announced by the interim government were good and that the security situation that persisted in Butare made it impossible to detect the real tendency of this government.

The judges of the Court noted the inconsistencies and contradictions in Mr MUNYEMANA's statements.

On the one hand, Mr MUNYEMANA said that he had heard official speeches calling for massacres to be committed, in particular Mr KARAMIRA (the second vice-president of the MDR) who spoke at a prefectural meeting on 12 April to say that people should help "finish the job".

Although he said he did not agree with these invitations to massacres, he nevertheless signed the motion of support for the interim government 4 days later, even though he knew that Prime Minister KAMBANDA was a member of Hutu Powa. The accused justified this by the fact that he had only taken it as a statement by certain ministerial departments and not by the government as a whole, as there were sometimes dissensions within the same government.

On the other hand, the accused maintains that he did not know that the letter would be broadcast on Radio Rwanda, nor that it would be public, even though it was intended for the international community.

Moreover, he never mentioned it to Jean KAMBANDA, the head of the interim government and a very good friend of his, even though the letter was addressed to the whole world.

Next was a Screening of the France 3 documentary "*Rwanda. Autopsy of a genocide*" - a documentary directed by Philippe LALLEMANT, broadcast in September 1994 in the programme "*La marche du siècle*" presented by Jean-Marie CAVADA on France 3.

**Hearing of Mr Johan SWINNEN, former Belgian ambassador to Rwanda from 1990 to 1993.
Quoted by the defence on the discretionary power of the president.**

The witness began by thanking the President for having placed his trust in him, and then pointed out that he had taken up his post as ambassador in Kigali in 1990. He was there when the RPF attacked on 1 October. He arrived in a country considered to be "the darling" of cooperation, a "calm country".

Mr SWINNEN saw himself as a "committed" witness: he wanted to promote peace with the RPF and reform the country.

In this reform process, the witness pointed to three mobilising factors:

The RPF, which had a seductive discourse on democracy and human rights.

The international community, which encouraged more democracy in African countries, as President MITTERAND did in his La Baule speech.

Habyarimana himself, who told the witness: "I have no lessons to learn from MITTERAND, I have already begun a certain liberalisation".

Mr SWINNEN liked to describe Rwanda as "a luxuriant garden in which flowers bloom without hindrance". He considered the conclusion of the Arusha Accords [signed in August 1993 between the various parties to bring an end to the civil war and usher in a broad-based government and sharing of the military] to be positive, while always warning against human rights violations. RTL M [private Hutu hate radio station] did preach hatred, but so did Radio Muhabura, the RPF radio station. He also mentioned the split that occurred within the parties, particularly the MDR.

The witness then spoke of the birth of the CDR [extremist Hutu political party], which was afraid that the RPF would become "a Trojan horse within the army" (Note: Allusion to power-sharing within the army: 60% for the FAR and 40% for the RPF, but 50% for officer posts).

There was another destabilising factor: the one million refugees from the North crowded to the gates of Kigali following the RPF attack. He also denounced "the RPF's rigid attitude".

With the assassination of Melchior NDADAYE, the elected Hutu president of Burundi, on 21 October 1993, HABYARIMANA was desperate to get the Arusha agreements adopted. It was then that many Rwandans fell into the trap of radicalisation.

When the witness spoke about the situation in the Congo, which he described as "very, very serious", he suggested that the genocide had been "a necessary step in controlling the country". He went so far as to suggest that "President Kagame probably had a hidden agenda". Did the RPF provoke the genocide of the Tutsis in order to seize the wealth of the Congo? (Note: This is not the first time we have heard such a shocking statement from the witness).

He himself was considered too favourable to the RPF: he was even nicknamed "SWINNEN Inkotanyi" [Inkotanyi was a nickname for the RPF]. His great disappointment was that he was unable to bring all the players to the negotiating table. He left Rwanda on 12 April 1994.

On questioning by the Chairperson, the witness referred to the duration of the negotiations (more than a year), the progress and then the setbacks, the changes in mood of the participants, the unrest in the North, that of Réseau Zéro [death squads of the Habyarimana regime], of Akazu [informal group around Agathe Habyarimana and her family who ran a parallel power structure] whose existence he said "will never be proven".

The witness acknowledged that Habyarimana was speaking out of both sides of his mouth: were the Arusha Accords just "a piece of paper"? The President tried to give his own analysis of the expression: we did not understand what he had meant! His entourage disagreed with the decisions taken in Arusha.

The Chairman read out to the witness the motion of support from the intellectuals of Butare for the interim government. He only learned of this letter when he returned to Belgium. He acknowledged that it was a positive call for negotiation but that KAMBANDA's government was poorly placed to manage this transition.

The witness reported a "stormy meeting" he had with three or four members of this government on 9 April 1994. He criticised the government for having taken too long to call for calm, despite its fine words. He acknowledges having known KAMBANDA and KAREMERA. He refused to say that the KAMBANDA government was Hutu Power but it did include supporters of Hutu Power, people he did not entirely trust. He contented himself with saying that there was "a lack of will to put an end to the massacres, that this government is not making every effort to stop the massacres".

And the witness asked, as if to minimise the role of the government: "Did this government have enough control over the militiamen, over the army, which was very disorganised? And he insisted: "We don't talk enough about the RPF massacres. The RPF killed Hutus and Tutsis (sic), journalists say so". And he quotes Colette Braeckman and Charles Onana, the most negationist of journalists.

"When did you feel the genocide started?", the president asked him. The witness answered cagely, talking about the mock attack on the night of 4 October 1990, which led to the arrest of thousands of Ibyitso [literally 'traitors' ie Tutsi suspected of being RPF supporters] and accomplices for RPF intelligence. And to quote LUGAN, an expert at the ICTR, who stated that the agreement had not been recognised. The President later pointed out that this expert should to be classified as extreme right-wing.

"And what is your view of Rwanda today?"

The witness: while he acknowledges many positive things, although Kigali is the Singapore of Central Africa, poverty reigns inside the country. And he adds: "Isn't the pretty Rwandan girl wearing too much make-up? If he could put questions to President Kagame, he would ask him "to what extent will development be sustainable? Do you have the population with you? Alluding, of course, to the UN and Amnesty International reports denouncing the serious human rights violations in Rwanda.

"Are we making false accusations against genocidaires? For him, if you challenge the official mantra, you are treated as a negationist (POLONY affair). He doesn't answer the question, doesn't want to stick his neck out.

In response to a juror's question about the RPF's "Machiavellian calculation", he denounced Rwanda's role in the Congo, the pillaging of coltan, the presence of Rwandan soldiers alongside the M23. The parties put many other questions to him. This is an opportunity for the witness to say that Belgium has nothing to be ashamed of in Rwanda. Apologising is a noble thing to do, even if we have not done everything right. We wanted to help Habyarimana make concessions. We gave the impression that we had abandoned a country in crisis. We withdrew our troops (editor's note: this led to the massacre at the Technical school in Kigali on 11 April 1994), and pleaded for a full return of UNAMIR. We asked for a stronger mandate for UNAMIR (from level 6 to level 7).

At the end of the hearing, the witness said that he received KAMBANDA and KARAMIRA at his home in March 1994. The man who was to become Prime Minister had "a very bitter, defeatist attitude. He didn't behave like a real leader. That is what Sophie HAVRARD, the public prosecutor, had just pointed out to him. At the ICTR [international court in Arusha], KAMBANDA was convicted of "inciting people to commit massacres", while the witness merely said that "the interim government had been powerless to put an end to the genocide". A clever way of minimising the role of the Prime Minister and the government that carried out the genocide.

At end the day, the President read extracts from three speeches made in Butare on 19 April 1994, all of which contributed to triggering the genocide in the Butare prefecture:

President SINDIKUBWABO's speech

The speech by Prime Minister Jean KAMBANDA

The speech by the burgomaster of NGOMA, Joseph KANYABASHI

Mr MUNYEMANA wished to respond. He acknowledged that the three speeches, which he did not hear live are indeed calls to start the genocide in Butare.

Friday 17 November Day 4

Hearing of Alain VERHAAGEN.

Hearing of Hervé DEGUINE, executive in a French multinational, former member of Reporters Without Borders.

Hearing of Mr Dismas NSENGIYAREMYE, former Prime Minister.

Hearing of Jean-Marie Vianney NDAGIJIMANA, former Rwandan ambassador to Paris, former Minister of Foreign Affairs

Hearing of Alain VERHAAGEN, summoned by the public prosecutor.

Mr VERHAAGEN presents himself as a director of public administration in Belgium and an honorary university professor teaching African development issues from a political, social and economic point of view. He was in Rwanda in May-June 1994 as an adviser to Médecins sans Frontières, Belgium, responsible for setting up convoys to deliver relief supplies.

During his mission, the witness said he saw evidence of the premeditation of the genocide of the Tutsis. In particular, he noted the overall principle of attacking the churches, which, in his opinion, undermined the theory that the massacres were spontaneous. He was one of the first to go to the scene of the massacres at the NTARAMA church; he also gives the example of the destruction of Tutsi children's birth certificates in a maternity hospital in NYAMATA: if the genocidaires took the time to tear them up when they had to flee in the face of the RPF's advance, it is clear that this was calculated to prevent the transmission of the Tutsi lineage. Another indication of premeditation given by the witness concerning the obstacles to the perpetuation of the Tutsis is the rape of women by Hutus so that they would bear Hutu children and thus break the ethnic transmission.

Concerning the beginnings of the genocide, Mr. VERHAAGEN considers that the theory according to which the genocide had been in gestation since the early 1990s, or even since 1959, and the theory according to which it was triggered by the unpredictable attack on President HABYARIMANA [the shooting down of his plane on 6 April] are not incompatible theories. There is both the fact that the extreme marginalisation of the Tutsis has existed since the end of the 1950s, well before 1994, and the fact that the death of the President was the trigger for the genocide.

Nevertheless, the rapid reaction of the Presidential Guard, which within 20 minutes of the plane being shot down had already acted to assassinate political opponents, indicates that it was already prepared. By way of comparison, the witness pointed out that it took the American army 40 minutes on 11 September 2001 to take a decision on the immediate operations to be carried out during the attack on the towers. He also pointed out that it was a retired military officer who took charge on 6/7 April 1994, Colonel [Theoneste] Bagosora, even though he should not have had any military command role at that time. Furthermore, the theory of "spontaneous revenge" is seriously undermined by the fact that it was Hutus (political leaders opposed to the radicals) who were the first to be killed.

When the president asked the witness to explain what "submission to authority" meant, the latter referred to a demonstration in which a person did not oppose a scientist conducting a (false) experiment in which the patient received increasingly strong electric shocks until they were (falsely) fatal. This test demonstrates people's natural submission to an authority figure, and the witness notes that this was a common occurrence in Rwanda.

With regard to Butare, Mr VERHAAGEN analysed President SINDIKUBWABO's speech of 19 April 1994 [infamous speech given by the interim regime president in the southern town widely seen as a 'calling the local Hutu to genocide'] and confirmed the clarity of his call to "work" on the barriers, which meant massacring the Tutsis.

He confirmed during questioning that this double meaning was understood by everyone in Rwanda, regardless of social level, and that it was precisely so that everyone would understand that this word had been chosen.

The witness explained to a lawyer for the civil parties that anyone in a position of responsibility was likely to organise these barriers and road blocks, and anyone could take charge of a team of killers. Returning to the events in Butare, Mr VERHAAGEN stated that it was impossible for anyone to have seen only one body in the region between April and June 1994. He quotes a Hutu Protestant clergyman as saying: "In Butare, the ditches have become mountains of corpses".

The witness stated that grouping the Tutsis together to kill them more easily was part of the large variety of means used by the genocidaires, but that it was not an obligatory point of action.

Mr VERHAAGEN responded to the defence's question concerning the existence of so-called "moderate" Hutus and Hutu opponents by saying that, in his view, there were only innocent people and criminals, that the Hutus who were political opponents of the radicals were massacred but that the bulk of the Hutus were neither moderates nor opponents: while the population, and that while the majority of this population did not kill, some did experience submission to authority and submission to circumstances. He added that violence was everywhere and that neighbours often witnessed tragedies without reacting. The witness said that he saw people risking themselves to save individuals, but that it was not "tenable" to save groups without the use of force.

PS. You may also refer to the hearing of Mr VERHAAGEN during the [recent] trial of Mr Philippe MANIER.

Hervé DEGUINE, an executive in a French multinational and former member of Reporters Without Borders, is called by the defence to testify on the basis of the Chairman's discretionary power.

At the start of the hearing, the chairman announced that an "incident" had occurred. A substitute juror had made contact with Ms Fébronie MUHONGAYIRE, Mr MUNYEMANA's wife, during the lunch break. The Chairman immediately decided to exclude her.

The witness, who worked for Reporters Without Borders for two years in Rwanda, from 1993 to 1995, began by stating that "in Rwanda it is very difficult to know the truth, before, during and after the genocide". "While many journalists were killed under President Habyarimana, and some forty were killed during the genocide, the killings have continued unabated since 1994, right up to the present day". The tone of his 'evidence' was set.

He continued: "There is no freedom of the press in Rwanda. He gave the example of André Sibomana, who was recruited to replace Father Guy Theunis as the Reporters Without Borders correspondent in Rwanda.

This priest, whose predecessor had been murdered, was the subject of fanciful accusations, taken up by the magazine GOLIAS, which made him an accomplice in the genocide. All these accusations were false," continued Mr DEGUINE, "and were orchestrated for political reasons. When he fell ill, the Rwandan authorities refused him an exit permit for treatment in Europe. He died. "They made up a story to kill an opponent".

The witness then spoke about the case of Guy Theunis, head of the magazine Dialogue. He was arrested at Kigali airport, where he was in transit, and accused of genocide. He asked to be tried in Rwanda, but an agreement was reached with Belgium: his country of origin could try him. The trial never took place.

He warned the jurors: "I'm not saying that all the witnesses who come from Rwanda are liars, but be careful. Rwanda is not France. False testimony is made. Rwanda is not a democratic country, it's a dictatorship where opponents are murdered. In France, we turn a blind eye to this dictatorship because there was genocide. I'm not defending the accused (Editor's note: whom he doesn't know) but be careful, he comes from a country where it's very difficult to know the truth (...) witnesses are not free to testify as they wish."

At this point, perhaps to show the witness that his recommendations were superfluous, the President pointed out that at the beginning of the proceedings a forgery had been discovered and that an African Rights file containing a number of suspect testimonies that had been denied by their authors had been discarded (Editor's note: this was a booklet called "The Butcher of Tumba").

Mr DEGUINE took the floor again to discuss the case of Ferdinand NAHIMANA [founder and Hutu ideologue behind hate radio RTLM], a case in which witnesses had clearly lied: "We needed an ideologist! One of the main defendants in the "media trial" held between 2000 and 2003 before the ICTR. He was sentenced to 30 years in prison in 2007). The witness continued: "To achieve political goals, the regime favours false testimony, without any need for it.

In response to several questions concerning RTLM, Radio Télévision Mille Collines, created by F. NAHIMANA, the witness stated that not all the massacres were committed at the instigation of RTLM. The genocide was perpetrated in regions where RTLM could not be heard.

Maître BOURG, for the defence, questioned the witness in turn: "You wrote a book about Ferdinand NAHIMANA; are you familiar with the book 'Les médias du génocide' and its authors [an academic

book analysing extremist media in Rwanda at the time of the genocide]?" The witness was given the opportunity to have his say on what he thought of the authors - Jean-Pierre CHRETIEN, Jean-François DUPAQUIER and Marcel KABANDA. Although Reporters Without Borders was a partner in the publication of the book, Mr DEGUINE criticised the authors for not submitting the book to him to read before publication. The authors allegedly "betrayed the trust of Reporters Without Borders by defending only Tutsi journalists". According to the witness, "the history of the genocide is much more complicated. Ferdinand NAHIMANA was not treated fairly. The witness goes on to say that Jean-Pierre CHRETIEN, who directed the university work on the founder of RTLM, did not treat him fairly. He concludes: "This country drives people crazy. In France, the controversy is dishonest.

Maître BOURG asked a final question: "Do you think that Dismas NSENGIYAREMYE [pre-genocide prime minister] was a member of MDR Power?"

The witness: "I arrived in Rwanda the day that Dismas NSENGIYAREMYE fled the country. I don't believe for a second that this man was an extremist. He defended from a very narrow position and was attacked by some and by others.

Ms LINDON, IBUKA's lawyer, confirmed to the witness that Reporters Without Borders had indeed co-signed the book in question. Regarding Pierre PEAN, who called the Tutsis a "race of liars" (Note: In Pean's book "Noires fureurs, blancs menteurs"), the witness stated that PEAN had done a good job but that he himself would not have used the same terms [9]. And he reminded the jury to be careful.

Simon FOREMAN, lawyer for the CPCRC, reminded the witness that it was the author's freedom if the latter had not submitted the text to him before publication. Mr DEGUINE retorted: "The problem is what was not in the book: the denunciation of RPF crimes".

As for the Church's role in the genocide: "There are good priests and bad priests. The trial of Guy THEUNIS before Gacaca [local courts] is a farce (...) If Rwanda had really had something to reproach Guy THEUNIS for, it would not have let him go (to Belgium). (...) There was also a hate radio station among the Tutsis, Radio MUHABURA".

We'll leave it at that. It is not certain that this testimony, like those that followed, shed much light on the jurors' understanding of the trial before us.

Hearing of Mr Dismas NSENGIYAREMYE, former Prime Minister, summoned by the defence on the basis of the President's discretionary power.

"MUNYEMANA is not a genocidaire. As far as I am concerned, he is innocent of what he is accused of." With these words, the witness began his spontaneous testimony. They both lived in communes close to each other and had a close friendship. In January 1991, Dismas NSENGIYAREMYE entered politics and recruited for the MDR, the Mouvement Démocratique Révolutionnaire, heir to the MDR PARMEHUTU, the party for the emancipation of the Hutus at the time of the first president, Grégoire KAYIBANDA. The MDR wanted to appeal to the popular masses and local elites (editor's note: Sosthène MUNYEMANA and his wife joined this party). Together with the PL [Liberal Party] and the PSD [Social Democratic Party], with which it shared common objectives, it formed a third opposition force in Rwandan politics from July 1991.

The MDR recruited very quickly in the prefectures of GITARAMA, GIKONGORO and KIBUYE, and to a lesser extent in BUTARE. The witness soon held important positions within this new party, alongside Faustin TWAGIRAMUNGU, Frodouald KARAMIRA and Donat MUREGO. On 12 April 1992, Dismas NSENGIYAREMYE was appointed Prime Minister by President HABYARIMANA following negotiations between the opposition parties. It was Boniface NGULINZIRA who, as Minister of Foreign Affairs, took part in the negotiations of the ARUSHA Agreements signed on 4 August 1993. He was ousted from his post in July 1993. During his term of office, several "protocols" were signed:

Protocol for the establishment of the rule of law.

Protocol for power-sharing between the various parties, with the exception of the CDR [Hutu extremist party].

Protocol for the integration of the Armed Forces, under the leadership of James GASANA.

Protocol for the return of refugees under the leadership of Landouald NDASINGWA, known as LANDO.

The elections for the formation of a broad-based transitional government were not fixed on the political calendar, but Juvénal HABYARIMANA would remain President of the Republic, the post of Prime Minister will go to the MDR with the agreement of the other parties. A post of Vice-President would be reserved for the RPF. According to the witness, he wanted to sign the Arusha Accords, but Agathe UWILINGIYIMANA was appointed Prime Minister.

The MRND [party of the President] considered that the agreements had been poorly negotiated, giving too much to the RPF, and was not at all happy. Some members of the MDR also voiced their disagreement. Feeling threatened and accused of corruption, the witness fled to France on 1 August 1993. He did not return until December. A split occurred within the MDR which, according to GUICHAOUA [a historian], disowned Agathe UWILINGIYIMANA. All the MDR ministers were excluded, including Faustin TWAGIRAMUNGU. Still according to André GUICHAOUA, Dismas NSENGIYAREMYE, Donat MUREGO and Frodouald KARAMIRA switched to the [extremist Hutu] PAWA side, a trend that gradually became established with the assassination of the Hutu president of BURUNDI, Mr NDADAYE. At the end of 1993, Jean KAMBANDA [later to become prime minister in the genocidal interim regime] also joined MDR Power.

In a 1995 letter to Sosthène MUNYEMANA's support committee, the witness stated that the TUMBA doctor belonged to the moderate branch of the MDR. Asked whether he still thought the same about the accused, the witness replied: "If I thought otherwise, I wouldn't be here". For him, MUNYEMANA was "a sincere man who loves truth and justice".

The defence presented the witness with a photo published in the book edited by Jean-Pierre CHRETIEN, *Les Médias du génocide*, showing MUREGO, KARAMIRA and NSENGIYAREMYE. The caption points out that these are three members of the MDR Hutu Power. "This is an outrageous and unfounded accusation, and none of our speeches can be used to prove it," concluded the witness. "I don't understand why this gentleman lumps us in with Hutu Power without putting forward the slightest argument."

The whole hearing seemed far removed from the case we are dealing with in this Assize Court. The first statements of the witness could have been enough: Sosthène MUNYEMANA is innocent. The same would be true for the last hearing, that of Mr Jean-Marie Vianney NDAGIJIMANA, which did little to enlighten the jury about the accused's responsibilities.

The President suspended the hearing to hear Mr. NDAGIJIMANA by videoconference [16]. The hearing of Dismas NSENGIYAREMYE resumed afterwards.

Simon Foreman pointed out that two books mentioned his membership of HUTU POWER: Jordan Bertrand's *Le piège de l'Histoire* and Gérard Prunier, adviser to François Leotard. The Mission d'information also took up this idea. The witness contested this.

The lawyer returned to MUNYEMANA who affirmed that there were three splits within the MDR. The latter would have belonged to a third faction. However, for GUICHAOUA, there were only two ways: that of TWAGIRAMUNGU [moderate] and that of KARAMIRA, MUREGO and NSENGIYAREMYE, the [extremist] 'Powa' faction. To illustrate his point, the CPCR lawyer presented the witness with a cartoon from the extremist newspaper KANGURA showing the above trio rejoicing at the fall of TWAGIRAMUNGU. And the lawyer asked: "Did you ask KANGURA for a right of reply?", as he had done for Jean-Pierre CHRETIEN.

Maître FOREMAN pressed the point and asked the witness whether he had checked his sources concerning the letter of support for MUNYEMANA. Mrs Sophie HAVARD later pointed out that the witness he was quoting was a certain MUNYAGASHEKE, a large shopkeeper in BUTARE, local leader of the MDR, member of the Committee for the Financing of Civil Self-Defence in support of the policy of massacres. What's more, he claims never to have seen MUNYEMANA in 1994! What credence can be given to such testimony? You are calling as a character witness someone who has been convicted of genocide".

Finally, the public prosecutor, Nicolas PERON, was surprised that it was Jean KAMBANDA who was appointed Prime Minister of the broad-based government rather than him, as all the members who had accepted a position in the government had been excluded from the party.

The witness replied: "If I was the problem, I asked to be let go. I was not there to take up a post but to serve. The Congress appointed KAMBANDA". As for KARAMIRA, who had ended a speech on 25 August 1993 by proclaiming: "PAWA! PAWA! PAWA", the witness stated that as soon as he returned, he denounced these remarks.

The President gave the floor back to the accused so that he could react to what the witness had said. Does he think, like Hervé DEGUINE, that justice is manipulated? "Do you claim to be related to Dismas NSENGIYAREMYE?"

The accused returned to the notion of the third way and said that he had expressed himself badly. We'll leave it at that.

However, it is questionable whether this hearing, like that of Mr NDAGIJIMANA, shed any light on the charges against the accused.

Hearing of Mr Jean-Marie Vianney NDAGIJIMANA, former Rwandan ambassador to Paris, former Minister of Foreign Affairs, summoned by the defence at the discretion of the President. By videoconference from Douai.

The witness began by refusing to reveal his real address, "for security reasons".

The witness had come to talk about the context, he thought, and after listing the various important positions he had held from 1986 to 1994, he launched into considerations that the president considered of little use in establishing the truth. Having joined the MDR to reform the MDR PARMEHUTU, he was Rwanda's ambassador to France at the time of the genocide. Referring to the return of refugees in October 1990, Mr SOMMERRE again felt obliged to cut him off to bring him back to the case at hand. Mr SOMMERRE wanted him to talk about what he thought of the situation in Rwanda from 1993 onwards.

The witness then listed a series of events, most of which he attributed to the RPF:

The resumption of the war by the RPF in the middle of negotiations.

The start of attacks and the throwing of grenades in Kigali, attributed to the RPF.

Assassination of Félicien GATABAZI by the RPF.

Split within the political parties, including the MDR.

Dismas NSENGIYAREMYE goes into exile.

The Hutu president of Burundi, Melchior NDADAYE, is assassinated by Tutsi soldiers.

According to him, ethnicism was on the rise at the time, and the assassinations were always carried out with the agreement of the RPF.

The Chairman then gave up his questioning and asked the defence, which had called him, to speak. The witness said that he had met Dismas NSENGIYAREMYE at the airport on his return from Rome. NSENGIYAREMYE was dismissed and Faustin TWAGIRAMUNGU was appointed as candidate for the post of Prime Minister. "Dismas was never [part of the Powa faction, he was a "good-natured"

man. (Note: This word is perhaps badly chosen because in French it has a rather pejorative connotation, which is probably why Maître DUPEUX made him repeat it).

The witness stated that the RPF was only interested in taking power in Kigali. It was not interested in the fate of the Tutsis. He revealed that he had lost many members of his family in the genocide, as well as many friends. He has always fought for the return of peace, has always denounced the massacre of the Tutsis, and was one of the first to speak of the genocide of the Tutsis. He was asked to stop denouncing the massacres and was dismissed. There is nothing, however, about the conditions of his flight from Kigali when he was Minister of Foreign Affairs in the post-genocide government. He had returned to Rwanda on 27 July 1994.

On questioning from the defence, the witness mentioned the fate of Seth SENDASHONGA, murdered in NAIROBI.

At this stage of the hearing, one wonders what interest there is in shedding light on the case of Sosthène MUNYEMANA. It seems that we are far from the case.

On questioning from the civil parties' lawyers, the witness spoke about his collaboration with the RPF, which he eventually realised was "no better than the other parties, perhaps worse".

The hearing ended when the witness wanted to speak again. The Chairman cut the witness short, probably feeling that time had been wasted.

Thursday 16 November Day 3

Hearing of Damien VANDERMEERSH, Belgian magistrate, former examining magistrate in the trial of the "Butare Four".

Examination of the accused (continued).

Hearing of Fébronie MUHONGAYIRE, wife of the accused.

Presentation by the President of the writings of Alison DES FORGES and André GUICHAOUA.

At the start, the Chairman ordered that a document submitted by Mr FOREMAN (lawyer for the Collectif des Parties Civiles pour le Rwanda) be added to the proceedings. In an article published in "Le Soir" at the end of 1994, Jean-Pierre CHRÉTIEN wrote: "Today, can we forget that Dismas NSENGIYAREMYE, who launched two appeals "for peace" in August, was clearly identified on the eve of the genocide as a member of the symbolic trio of "Hutu power" (along with Messrs KARAMIRA and MUREGO)?

Hearing of Mr Damien VANDERMEERSH, Belgian magistrate, former investigating judge in the trial of the "Butare Four". [trial in Brussels of 4 genocidaire in June 2001]

Mr VANDERMEERSH is a 65-year-old Belgian magistrate who worked as an investigating judge on cases involving people who were in Belgium after the genocide. These included the case of Vincent NTEZIMANA, a science professor at the University of Butare, who was accused of having drawn up lists of people who had been used in the massacres. One of these files concerned the prefecture of Butare, just as it does in our case.

He travelled to Rwanda several times for investigations that he had to carry out and was able to do so in complete freedom from 1995 onwards. The country was recovering from war and genocide and was slowly beginning to rebuild.

At the Chairman's request, the witness addressed the issue of professional witnesses or witnesses under pressure, and said that he did not feel that he was dealing with manipulated witnesses during his investigations. On the contrary, he and his team were in a context where they largely conducted spontaneous hearings because many people were still on the scene. Their job was to reconstruct the facts based on the testimonies, which were sometimes imprecise - also due to the reconstitution that

people naturally make by discussing and reconciling events - but for the most part "when you're in the middle of a cyclone you don't forget [...]; these are pretty strong memories". For him, defendants who say "I didn't see anything, I didn't hear anything" are not possible. In any case, with regard to the absence of witness tampering, to support his position, Mr VANDERMEERSH referred to the story of a woman who had lost her entire family and who had herself been injured in the genocide. She said that she did not know why she was testifying because she had nothing left, "she was 100,000 miles away from all the politics".

Among the witnesses that the Belgian judge would hear, he would later say, after a question from the defence, that he had noticed that generally people in high positions were reluctant to give evidence, preferring to stay out of it, and that it was the more modest ones who had shown the most courage.

The President then asked the witness to talk about the case of Vincent NTEZIMANA, whose case sheds light on ours. This man had drawn up a list of people, which he said was for the purpose of evacuating them, and had given it to the vice-rector, an extremist. He had also taken part in patrols which, according to the witness, he admitted were used to track down the enemy. He explained that the so-called "security" patrols were the same, since security meant defending oneself against the enemy, i.e. the Tutsis. Nevertheless, during these patrols, which were armed, or on other occasions, some may have decided to save people (Note: This first trial organised in Belgium in the spring of 2001 also concerned a former minister and director of the Butare match factory, Alphonse HIGANIRO, as well as two nuns from the SOVU monastery - Sisters GERTRUDE and Sister KIZITO. All the accused were found guilty in Brussels and sentenced to between 12 and 20 years in prison).

Mr. PARUELLE, the civil parties' lawyer, questioned Mr. VANDERMEERSH about the state of the Rwandan judicial system following the genocide. It emerged from Mr VANDERMEERSH's statements that the system had collapsed, but that even if it had been able to function, it would not have been able to try the 120,000 detainees estimated at the time. The institution of gacaca courts [local traditional courts] and the recourse to tradition therefore seemed indispensable.

The witness explained to Me LINDON, the civil parties' lawyer, that it was exceptional for an accused person to acknowledge his participation in the genocide, and that he had not come across any such case in Belgium.

(Note: most of those who have admitted taking part in the genocide are people who were in detention in Rwanda, whether already convicted, detained or not. As far as the people tried and convicted in France are concerned, none has admitted any responsibility and all have appealed. To date, three appeals remain to be heard: that of the KIBUYE militiaman Claude MUHAYIMANA, that of the GIKONGORO prefect Laurent BUCYIBARUTA and that of Philippe HATEGEKIMANA/MANIER, alias BIGUMA, a NYANZA gendarme. As the latter is the only person being held in custody, his appeal trial is scheduled to begin in November 2024).

Mr BOURG, for the defence, asked Mr VANDERMEERSH whether the civil parties who were going to question witnesses on site in Rwanda were not exceeding their role. The Belgian judge replied that in a certain number of cases the witnesses are indeed provided by associations of civil parties or by the defence, but that it is the role of the investigating judge to conduct his own investigation and his own hearings, even when these parties have already done so on their side (Note. This probably refers to the work of the PCR, without whose work no trial would yet have taken place in France, apart from that of Laurent BUCYIBARUTA, as the Public Prosecutor's Office did not initiate proceedings until 2019 in the case of Thomas NTABADAHIGA, a resident of Mulhouse).

Examination of the defendant's character (continued).

The beginning of the afternoon was devoted to the continuation and end of the examination of character of Mr MUNYEMANA. He was asked some rather personal questions about the composition of his family (he has nine grandchildren). Then his professional career in France was discussed. The

Chairman recalled all the adjectives that the character witnesses had used during their questioning: fair, moderate, wise, professional, respectful, honest, courageous... And with a certain irony, the Chairman concluded: "You have nothing but qualities, Mr MUNYEMANA!"

Mr Marc SOMMERRE then spent a long time listing all the charges contained in the international arrest warrant issued by Rwanda, which had requested his extradition. This extradition was refused by the Chamber of the Bordeaux Court of Appeal on the grounds of the non-retroactivity of sentences, a position that has always been shared by the Court of Cassation, much to the despair of the survivors and their families. [This means that as Rwanda did not have the crime of genocide on its statute book in 1994, the accused court not be tried for something that was not recognised as a crime at that time in the country.]

Then came the opportunity to discuss his application for refugee status, which had been refused by OFPRA [French independent refugee commission, a refusal confirmed by the CNDA [National Court for Asylum], which cited "serious grounds for believing that the accused has committed crimes against humanity". Mr Munyemana was never aware of the ethnicist nature of the events that took place in Rwanda from 17 April 1994 onwards. Was he really believable in saying this?

As for the complaint lodged by the Collectif Girondin, even though it was initially based on "forgeries", it was at the origin of the prosecution to which the accused is now being subjected. He in turn lodged a complaint for "violating the presumption of innocence", but was eventually indicted and belatedly brought before the Assize Court.

A final question raised by Simon Foreman, CPCR's lawyer. It concerns his property holdings and the fact that he sold his house to set up a SCI [trust fund] with his children. "A decision", the lawyer emphasised, "that is not without consequences for the victims if the accused is convicted".

It is not certain that Mr MUNYEMANA will emerge from this lengthy examination of his character as a stronger person: he denies the facts of which he is accused, probably lies in some of his statements, and all of this with a certain intelligence. The rest of the proceedings will probably shed more light on the role the accused played on TUMBA hill in 1994.

Hearing of Mrs Fébronie MUHONGAYIRE, wife of Mr MUNYEMANA.

The witness, who has not been able to take part in the hearings to date, was questioned at length, first by the president and then by the various parties. The wife of the accused began by thanking the court for organising a trial that was nevertheless very late in coming.

By way of introduction, Mrs Muhongayire made a lengthy statement to the effect that she was a Tutsi by "blood" but a Hutu by administration. In fact, it was in 1896 that her great-grandfather, following a clan war, became a Hutu and went to KIGEMBE, on the border with Burundi, where his family later took refuge.

To assert her status as a Tutsi, she recalls her expulsion from school in 1973, like many Tutsis. As for their children, who returned from France shortly before the genocide, they didn't know whether they were Hutu or Tutsi. Asked whether it was important to claim to be Tutsi, the witness evaded the chairman's remarks somewhat.

At the invitation of the Chairman, the wife of the accused talked about her professional career, both in Rwanda and in France and Belgium, where she went to study. It was there, in NAMUR, that she met the woman who was to become the wife of Jean KAMBANDA, Prime Minister of the genocidal government. Like her husband, she did not immediately realise that he had switched to MDR Power [extremist political grouping]. This position is nevertheless surprising.

When she became a member of the MDR at the time of the multi-party system, the successor party to President KAYIBANDA's PARMEHUTU, she went so far as to claim that she did not consider the Parti pour l'émancipation des Bahutu to be a racist organisation in the early days of independence: for her, the Bahutu represented all "the little people", Hutu and Tutsi alike. (Note: An original way of understanding the history of one's country and trying to hide one's membership of the extremist camp. PARMEHUTU was viscerally anti-TUTSI).

His relations with the two ministers of the interim government [in power during the genocide April-July 1994], Jean KAMBANDA and Straton NSABUMUKUNZI, to whom the MUNYEMANA family remained loyal, will then be discussed. It was the latter who helped her husband leave Rwanda at the end of June 1994 and who, during a trip to France, passed on a letter from her husband, who had remained alone in TUMBA with his children. It was also through him that she was able to pass on plane tickets for her family to join her in Bordeaux.

As for the accusations made against her husband, she refers to "a hunt for Hutu intellectuals", a widespread notion in the Rwandan diaspora who came to Europe after the Tutsi genocide. To confirm her statements, she handed the Chairman a leaflet that had been written by the Gironde Collective, which had filed a complaint against her husband in 1995.

The witness found it very difficult to say that it referred to the genocide of the Tutsis. She repeated that the leader of the Interahamwe [Hutu militia] was Tutsi (note: Robert KAJUGA) and that Tutsi killed other Tutsi. If the majority of the killers turned out to be Hutus, that is perfectly normal since the Hutus were in the majority. Once again, this line of reasoning clearly shows which side she has always been on.

Ms Muhongayire's entire hearing took place in this frame of mind. The witness showed herself to be a fighter, remaining loyal to her friends. It was only later, like her husband, that she perhaps realised that in 1994 it was indeed the Tutsis who had been exterminated for the most part. From where she was, in Bordeaux, it was difficult, according to her, to know what was happening in TUMBA and in the rest of the country!

Presentation by President SOMMERER on the writings of Alison DES FORGES and André GUICHAOUA.

To close the day and enlighten the jurors, the Chairman retraced the history of Rwanda, drawing on the works of Ms Alison DES FORGES [American researcher] and Mr GUICHAOUA [French researcher on the genocide]. From Belgian colonisation to the post-genocide period, Mr SOMMERER recalled the key dates in the country's history. A sort of "Rwanda for dummies" of great quality. The accused was asked to give his reaction to this presentation: he said that he "broadly agreed" with what the chairman had said.

I don't think it's worth repeating this history. Regular visitors to our site and those familiar with Rwanda will learn nothing new. As for those who would like to find out more, they can usefully refer to the "Benchmarks" that we provide on our site.

Wednesday 15 November. 2023. Day 2

Hearing of Stéphane AUDOUIN-ROUZEAU.

Hearing of Héléne DUMAS.

Hearing of Jacques SEMELIN

The day begins with the screening of the documentary "Tuez les tous" by Raphaël GLUCKSMANN, David HAZAN and Pierre MEZERETTE.

<https://www.youtube.com/watch?v=4gGN3QW0wyc>

Hearing of Mr Stéphane AUDOIN-ROUZEAU, summoned by the public prosecutor:

The witness states his identity, place of residence and profession (teacher-researcher, historian, director of studies). He declared that he did not know the accused and then took the oath. He confessed that sadly, in 1994, he had heard nothing about the event and that it was only in 2008, during his first visit to Rwanda, that he became aware of the reality of the Tutsi genocide.

Mr AUDOIN-ROUZEAU explains that the genocide of the Tutsis began on the evening of 6 April in Kigali with terrible massacres. He regretted that this genocide was not better known in France and Europe, even though it was not a genocide far removed from us but, on the contrary, was similar to those we are familiar with in many respects.

Firstly, in terms of ideology: The condition needed for the perpetration of genocide is the existence of a plan for the complete eradication of a population. It is a racial ideology, racist and racialist in the sense that it rejects others and establishes a hierarchy of races. It was imported from Europe by the Belgian colonists, who classified the Hutu and Tutsi ethnic groups on their arrival, relying on the Tutsis to rule and discriminating against the Hutus. The resentment born of this discrimination was the main fuel for mass crimes, and the first major massacres took place as early as 1952-1953.

On the other hand, war is essential to genocide: it is the fear of war and of the defeat of those in power that fuels the preparation of genocidal plans. Rwanda was at war from the start of the RPF offensive on 1 October 1990, the rapid advance of which was likely to topple the government. If you can't defeat the enemy without, you defeat the enemy within.

The third element concerns the role of the State: there can be no genocide without a State. The involvement of "neighbours" in the genocide of the Tutsis was encouraged and trained by the interim government [regime in place during the genocide], but had already been prepared. As early as January 1991, French General Jean VARRET, head of the Military Cooperation Mission in Rwanda, warned of the desire to eliminate the Tutsis and of the development of a plan to this end (Note; Cf. the request made by the Chief of Staff of the Rwandan Gendarmerie, RWAGAFILITA, on leaving a meeting, for supplies of heavy weapons in order to "settle the Tutsi problem").

Mr AUDOIN-ROUZEAU also drew the Court's attention to the very important role of the social elites in this country, in particular teachers and academics, priests and religious and doctors. The conception and organisation of a genocide also requires a certain intellectual level, which these elites have, and whose word carries great weight with the rest of the population.

Following questions from the Chairman, the witness clarified certain ideas. He highlighted the biased nature of the notion of ethnicity, which objectively does not exist in Rwanda because it presupposes cultural or language differences, for example, between groups, which is not the case between the Hutus and the Tutsis, who share all these elements.

He also clarified the difference between the massacres that took place in 1991, 1992 and 1993 and the genocide, noting the difference in scale of these killings, although their nature and logic are identical. Moreover, this logic is attested to as early as 1990-1991, although the movement became even more radicalised in the following years. This theory of the existence of an early genocidal plan, which therefore had sufficient time to be organised, is confirmed by the speed with which the victims were executed, the majority having been killed in the first 5 to 6 weeks of the genocide. This genocidal thinking also had time to infuse the population, which was facilitated or even allowed by the war situation. In this context, the social actors understand time and react differently. There are several reasons for this, such as the social disorganisation caused by the genocide, the presence of Hutu refugees who fled in the face of RPF advances and the general paranoia that reigned. This has helped to spread the idea that the Tutsis are by nature hidden supporters of the RPF and has given rise to the feeling of an internal threat.

Mr AUDOIN-ROUZEAU then explained that the Tutsis took refuge in churches and administrative buildings because the memory of the effectiveness of these places in protecting themselves from the killers during the massacres of 1959/1963 had persisted. What's more, the authorities called on them to take refuge in these places under the guise of protection, even though they turned out to be traps.

With regard to cases of Hutus who had saved Tutsis while actively participating in the genocide, the witness replied to the president that this was a common occurrence.

The witness then told a juror that it was impossible for a Rwandan at the time not to be aware of the genocide in progress: Rwanda was a small country that was covered with roadblocks and bodies from one day to the next, and the events were taking place with a great deal of noise, with gunshots heard from one hill to the next.

When questioned by the civil parties' lawyers, the witness felt that actors always have a margin of autonomy, even when the perpetrators of crimes say in their defence that they had no choice. He also clarified the notion of "notable", which for him corresponds to having social prestige. He firmly asserts that academics were notables in Rwanda in 1994, pointing to the low level of education among the population and the respect that the word of those who had studied commanded. He said: "How can you expect a peasant to challenge a priest's decision? He doesn't have the social and cultural means to do so.

At the request of the Advocate General, Mr AUDOIN-ROUZEAU returned to the particular temporality of the war, in which he felt that the rules disappeared in favour of the emergence of new ones such as the law of the group.

He also explains that when the RPF took control of the country, 1,200,000 people fled to refugee camps in neighbouring countries. The genocidaires rearmed there and transformed the camps into proto-states reproducing the pattern of the genocide.

It is now the defence's turn to ask questions. Mr DUPEUX pointed out that the witness had said that teachers and doctors were vectors and accelerators of the genocide and asked him to specify whether they all were. Mr AUDOIN-ROUZEAU protested against the distortion of his remarks and insisted on the fact that he was not generalising the elites but that some of them had behaved as he had indicated.

The defence lawyer then questioned him about the existence of "moderate Hutus" who had suffered reprisals. The witness replied in the affirmative and referred to the massacre of the political opposition to Hutu Power, which had occurred even before the massacres of Tutsi.

Regarding the question of people fleeing to neighbouring countries when the RPF took power, Mr AUDOIN-ROUZEAU completed his explanations given to the public prosecutor by specifying that the majority of people were Hutu, including many genocidaires, but that there were also Tutsi who were persecuted and massacred, particularly in Zaire.

Mr. BOURG raised the witness's criticisms of his fellow academics, even though they were experts before the ICTR [International tribunal in Arusha], which he explained by the difference between judicial truth and historical truth and by his disapproval - widely shared by the academic community - of comments made by some. The problem of the thin dividing line between criticism of the current government - the RPF - in Rwanda and Holocaust denial is a serious one.

Hearing of Ms Hélène DUMAS, summoned at the request of the Advocate General;

After presenting her work and the state of her research, Ms DUMAS began by stating that in Rwanda it was the State that organised the genocide of its fellow citizens. With the participation of the State and its neighbours, the victims had little chance of surviving.

She says that she has been working on the fate of women and children, who were systematically massacred, a signature of what genocide is. She draws a parallel with the Shoah. In KIBUYE, in the KAYISHEMA trial [at the International tribunal in Arusha], it was noted that 60% of the victims were women and children.

The witness then reported that she had worked on children's accounts collected by the AVEGA association of genocide widows. In many of the accounts, the children only learn that they are Tutsi at school, when the teacher asks them to stand up: their parents had never spoken of their ethnicity.

Genocide is "an inverted world": the world of adults is no longer a protective one, and even God no longer protects them. Their relationship to sexuality is also reversed: children witness not only the murder of their parents but also their rape. These rapes are perpetrated with a view to destroying all transmission of life. This is official policy. For these children, sexuality is not about life but about death. Rapes are committed with a view to transmitting AIDS, so much so that genocide still kills today.

Children recount how they died, thrown among decomposing bodies, often in latrines. These children's texts abound with details of the extreme cruelty that is the hallmark of the racism that destroys bodies and psyches. This cruelty refers to an imaginary world: the nose, for example, is cut off, a "distinctive" sign of belonging to the Tutsi group.

Ms DUMAS then mentioned the work she was directing on the KADUHA region, a parish that was much discussed during the trial of Laurent BUCYIBARUTA, the prefect of GIKONGORO: more than 20,000 people were reported dead on 21 April 1994. In his work, the witness relies on photos taken by a German nun, Sister MILGITHA. It was the local authorities (burgomasters, judges, teachers, nurses) who led the genocide in KADUHA. In 1963, this region had already been hit by major massacres (editor's note: this was the so-called "GIKONGORO small genocide", perpetrated on Christmas Eve 1963, which left almost 20,000 dead). According to the witness, the White Fathers tried to oppose the massacres by repelling the killers with their weapons. The philosopher Bertrand RUSSEL denounced "the most horrible and systematic massacre of men that has been witnessed since the extermination of the Jews by the Nazis in Europe". (Le Monde newspaper, 6 February 1964).

The witness went on to talk about the mental illnesses suffered by the survivors, illnesses that are given too little attention due to a lack of therapists. The Chairman pointed out that in assize courts where ordinary crimes are tried, victims receive psychological support, which is not the case in Rwanda.

Ms DUMAS was invited to talk about the gacaca [post genocide local courts] and explain how it originated and how it works. The gacaca process was set up to speed up legal proceedings. By making it possible to plead guilty, many killers benefit from remissions of sentence (Note: often to the great displeasure of the survivors).

The Chairman then mentioned the gacaca courts in which the accused was tried and sentenced in his absence (three different instances). This local justice system may have had disadvantages insofar as people knew each other. Judges could come under pressure. Hence the decision to sometimes relocate.

Many questions will be put to the witness by both the civil parties' lawyers and the representatives of the prosecution. At local level, the execution of an authority has been the trigger for mass massacres. Similarly, the victims often had to be starved and weakened before being executed.

The issue of Holocaust denial was also raised. It has often taken the form of the "double genocide" theory, which pits Hutu and Tutsi against each other.

It was also an opportunity to highlight the role of the MDR [Movement for Democratic Reform] in the genocide, a party that was born at the time of the multi-party system in 1991 and was the heir to the former PARMEHUTU party during the presidency of Grégoire KAYIBANDA [first president of Rwanda 1962-73]. Like other parties, the MDR later split in two, with one part remaining faithful to the values of its origins and the other moving closer to the extremists of Hutu Power. This was particularly true of the PSD [Social Democratic Party].

Advocate General Nicolas PERON asked whether the targeting of well-off Tutsi had allowed for a gradation in the execution of the genocide. The witness confirmed that the elimination of potential leaders could have been a signal for larger massacres. He will also try to find out what role the

roadblocks and patrols played in the commission of the genocide (*Note: The barriers, which were intended to stop the Tutsis, were also used to flush out infiltrators, members of the RPF*).

Sophie HAVARD asks about the rewards given to the killers. In reality, shopkeepers supplied beer, strong alcohol stolen from Tutsi homes was distributed to the killers and the latter ate the meat of the cows that were killed.

The defence alluded to the "associations of informers" denounced by Amnesty International. (Note: This is a recurring question at every trial, a way of disqualifying the prosecution's witnesses).

Hearing of Mr Jacques SEMELIN, summoned by the Advocate General;

Mr Semelin introduced himself as a "professor and researcher" and wondered how his words would be interpreted. He was aware of the complexity of the task facing the members of the jury: how to judge such a difficult case, given that the French had only limited knowledge of Rwanda.

Understanding a mass crime is difficult.

The witness is careful to say that he is not a specialist in the history of Rwanda. He describes himself as "a generalist on genocide". He adds that these crimes are not "incomprehensible", that they are even too "thinkable". We cannot understand everything, what we call "the black hole", but we can try to see what responsibilities an individual bears.

The witness then defines the concepts of genocide and massacre.

Genocide is a particular form of mass crime. Not every massacre is genocide. We must not go overboard in trying to describe every massacre as genocide. But a series of massacres can lead to genocide.

Massacre is a form of action to destroy non-combatants, usually collectively. There are three possible approaches to what he calls "massacre".

You have to be wary of your emotions, of what you feel when you read the newspapers, for example. You have to bring rationality to what you perceive. The massacre is often the result of a calculation. The researcher must try to get away from this approach by deciphering the political motives.

We must also free ourselves from what is irrational. The other is defined as the incarnation of evil. In Rwanda, a wind of madness blew. We need to move away from this two-pronged approach towards a third.

We need to analyse the massacre as a mental process, as the mental representation of another person to be killed, raped or driven away. This process is both real and imaginary. And to evoke "the paranoid desire of the Nazis". The Nazis didn't invent the Jews, but they had a delusional representation of them. Similarly, the Hutus have a fantastical representation of the Tutsis.

And Mr SEMELIN challenged us: "Let's be honest with ourselves. Hasn't anyone ever thought: 'I'd do him in. But that remains a fantasy. The fear of being destroyed will lead to destroying the other person. It is this process that is pathogenic."

Several factors can lead to genocide:

We're talking about societies in crisis in which people are afraid of the other. It's a country that's going badly, where there's a feeling of insecurity, a fear of ending up at war.

The role of ideology. In a society in trouble, there are ideologues who say that everything would be better if we got rid of the other. These are the "identity entrepreneurs": teachers, artists, clerics... This is what happened in Rwanda in the early 90s. We Hutus had suffered too much from the Tutsis. The "us" was going to be built against the "them". The enemy is the extra other, the one who doesn't have the same nose, the same colour, the other who comes from somewhere else. The other in excess tends to prosper, to swarm: hence the animalisation of the other. The other is suspect, dangerous. If a so-called "moderate" Hutu does not share this vision, he will be eliminated. Words are used to kill in advance. The ideology, and the vocabulary that goes with it, foreshadow mass murder. This drift is not systematic or inevitable, but it can happen.

When ideologues take power in a context of war, we enter another world. In times of war, individuals don't behave in the same way. Notions of space and time are no longer the same. Relationships with others are transformed: "Are you for me or against me? Are you Hutu or Tutsi? This is how massacres

can occur in such a context of war. Massacres target civilians. We are moving towards indiscriminate crimes.

The massacre developed in an international context that favoured it: the UN, present in Rwanda, was unable to do anything. We came up against the passivity of the international community.

In his evidence, Mr Semelin likes to quote: "Some wanted it, others did it, others let it happen".

The only way to curb war is through politics. In the case of Rwanda, on the contrary, it is politics that is whipping the spirited horse. In Rwanda, crime becomes intimate through the participation of the population. What characterises the situation in Rwanda is the speed with which the massacres spread. Not to mention the role of RTLM [Hutu hate radio]: not even the Nazis thought of using this kind of communication. Finally, we need to take into account the mobilisation of the population by the local or prefectural authorities.

In conclusion, there are three destruction policies:

1. Destroy part of a group in order to obtain its submission, destroy in order to subjugate.
2. Destroy in order to eradicate, exterminate the other, chase it away, push it out. It is this destruction-eradication that is at work in Rwanda. And it began on 6 April 1994. The Tutsis could no longer flee. The politicians wanted to exterminate them. And Mr SEMELIN reminds us that there was only one genocide in Rwanda, that of the Tutsis by the Hutu majority.
3. Destroy to terrorise when you can neither subdue nor eradicate.

At the end of the hearing, the Chairman pointed out to the witness the extent to which the notion of impunity that prevailed in Rwanda for decades may also have played a role. Mr Semelin agreed.

In response to questions from the Chairman, the witness mentioned the case of the "saviour-killers", people who saved one person or another while participating in the genocide.

Tuesday 14 November 2023. Day 1

Report by the President.

Observations and requests from the defence.

Hearing of Ms ATTONATY, personality expert.

Examination of the accused.

The trial of Mr Sosthène MUNYEMANA opened on Tuesday 14 November at the Paris Assize Court. The acts which he is accused were allegedly committed in the Butare prefecture between April and June 1994 and constitute the following offences: participation in a conspiracy to prepare the crimes of genocide and other crimes against humanity, genocide, crimes against humanity, complicity in genocide, complicity in crimes against humanity.

Call and oath of the interpreters:

The Chairman, Mr Marc SOMMERER, called the interpreters and they took the oath.

Call and identification of the accused:

The accused - who apologises for being late - is then asked to state his identity, that of his parents, his profession (retired doctor), his date of birth (1955) and his place of residence.

The chairman then reminded the accused of his right to silence and informed the court that the hearings were being recorded.

Summoning, drawing lots and swearing in jurors:

Jurors are called and drawn by lot. The jury is composed of 3 men and 3 women. None is challenged by the parties. Six additional jurors are drawn in turn: 3 women and 3 men. During this selection process, 1 juror will be challenged by the General Counsel. The jurors take the oath in turn.

Forming civil parties:

The chairman asks the lawyers to register or renew the registration of the civil parties they represent. According to the count, 9 associations and 101 individuals have joined as civil parties. The chairman explains to the jurors that if the accused is found guilty, a hearing will be held by the professional judges to examine the admissibility of the civil party claims.

The schedule for calling witnesses and experts is checked:

The President reads the letter sent to him by a Belgian professor specialising in the history of Rwanda who has been called as a background witness. This witness informed the Chairman that he would be unable to attend due to the unhealthy "Franco-French" climate, as he would not be able to testify "without fear".

Report by the Chairman.

The chairman briefly outlined the proceedings in this case, followed by the general historical context relating to the genocide, before briefly presenting the accused and the charges against him. He concluded with a legal analysis of the characterisation of the facts in the indictment against the accused.

In particular, the President recalled that the proceedings began on 18 October 1995 with a complaint on the basis of which an investigation was opened on 9 November 1995; that French justice rejected the extradition request filed by the Rwandan authorities; and that the ICTR [UN International Criminal Tribunal for Rwanda, based in Arusha] Prosecutor declined jurisdiction over the case. He deplored the slowness of the investigations due to several reasons.

Regarding the accused, the President mentioned his membership of the Hutu group, his position as a gynaecologist in Butare during the genocide, and his membership of the MDR [Movement for Democratic Reform] political party. The accused left Rwanda in June 1994 for what is now the DRC (Democratic Republic of Congo) before settling in France in the Lot-et-Garonne region.

With regard to the facts of the case, the president noted that the investigations were based essentially on witness statements (around 200) and repeated the indictment insofar as it emphasised the impact of time on these statements.

This presentation helped to put the case into context for jurors who are not familiar with the case file. All these elements will be discussed at length during the trial.

Observations and requests from the defence.

The defence lawyer, Jean-Yves Dupeux, raised 3 points in this case. He expressed the defence's "immense compassion" for the victims of the genocide, and then also deplored the slowness of justice in this case, which had been opened 28 years earlier. He insisted on the weakness of the [witness] testimony, in particular that of the civil parties, who only came forward 28 years after the events, constituting themselves at the opening of the debates and who had never been heard, denouncing the impossibility for the defence to prepare fairly.

Mr MUNYEMANA's lawyer complained that there was a "total inequality of charges" in this trial. He asked for further information and for the hearings to be adjourned.

Response from the civil parties' lawyers:

Ibuka-France's lawyer pointed out the inconsistency of the defence's request for additional information, while at the same time denigrating the reliability of the witness statements for events that occurred nearly 30 years ago. She also pointed out, as did her colleagues, the principle of oral hearings and the adversarial principle. Another lawyer remarked that if the defence really had anything to complain about in terms of the rights of the defence, it would have already taken the matter to the President of the Bar; yet another deplored the lack of seriousness of the defence in complaining that civil parties had been brought in at the start of the trial, even though this was the law.

The Public Prosecutor's response:

The request for additional information must be rejected.

Taking up the points made by the president in his report, the public prosecutor explains the length of the proceedings by the complexity of the genocide and the absence of a specialised judicial division until 2012, as well as by the deterioration in diplomatic relations between France and Rwanda -

suspended between 2006 and 2009 - and then their gradual resumption. This slowness is regretted by all the parties and runs counter to the interests of both, with the death or absence of witnesses on both sides.

Despite these difficulties, the investigations were conducted with due respect for the rights of the defence.

For the prosecution, the defence only used oratory to make these requests and wanted to give the impression of a mass effect, whereas in reality only 10 people had not been heard beforehand by the prosecutor out of the 101 people who were civil parties.

The importance of the rights of the defence is certainly not in doubt, but the Court must also ensure the rights of victims, as provided for in the preliminary article of the Code of Criminal Procedure.

The Court's decision on the defence applications:

The Court rejected the defence's requests for additional information and for an adjournment.

Hearing of Ms ATTONATY, character expert.

The entire afternoon will be devoted to studying the personality of the accused. The witness gives a detailed account of the interview she had with Mr Sosthène MUNYEMANA and members of his family. She gave a detailed account of the accused's childhood, his family, his years at secondary school during which he was a boarder. She then described his studies at BUTARE University, his marriage in 1979, a happy childhood and family life, his first post in RUHENGARI and the birth of his first two children. He had to leave this first post, as his wife was suspected of having bad intentions towards President Habyarimana, as she herself was in charge of preparing meals for certain authorities. Feeling "spied on", the couple decided to move to another region.

Referring to the events of 1959, known as the Social Revolution or the "Rwandan All Saints' Day", the accused, who was not even five years old, recalled that his father's house in MUSAMBIRA, in the prefecture of GITARAMA, now MUHANGA, had been set on fire by "royal militias", an organisation that no one had ever heard of. Questioned by a lawyer for the civil parties, Sosthène MUNYEMANA ended up saying that it was in fact soldiers sent from Congo!

The defendant then began studying gynaecology in Bordeaux. The family settled in Gironde from 1985 to 1988, during which time the defendant spent a year specialising in ultrasound. The couple say that they have settled in well to their new posting. They returned to Rwanda in 1989.

They bought a house in TUMBA, near BUTARE. During the meeting with the personality interviewer, he mentioned the RPF attack in October 1990, presented himself as a moderate and, at the time of the multi-party system, became a member of the MDR. Before the Tutsi genocide, his wife returned to Bordeaux to study, so that from April to June 1994, Sosthène MUNYEMANA looked after his children alone. However, he decided to send them to his in-laws in KIGEMBE, on the border with Burundi, his wife's home region. He left Rwanda on 22 June 1994, spending two months in Zaire before joining his wife and children in Bordeaux.

It was here in 1994 that a complaint was lodged against him by a local group, marking the beginning of a period that he endured with great difficulty, going so far as to lose his job for a whole year. He said that his children were psychologically disturbed.

Examination of the accused.

At the end of the witness's statement, the chairman took the floor again to summarise what the investigator had said. In a focused and meticulous examination, Mr Marc SOMMERER subjected the accused to a barrage of questions. The questioning focused on his relations with the interim [genocidal] government [the regime in place during the genocide during April-July 1994] of Prime Minister Jean KAMBANDA and with the Minister of Agriculture and Livestock, Straton NSABUMUKUNZI, with whom, although he did not want to admit it, he maintained close relations. It was Straton NSABUMUKUNZI who helped him leave Rwanda at the end of June 1994. Mr MUNYEMANA stated that he had shown little interest in politics during this period, which surprised the president: how could an intellectual, a member of the same party as the prime minister, a

signatory of a "motion of support" for the genocidal government, claim never to have spoken politics with Jean KAMBANDA, to have only rarely listened to Radio Rwanda during the genocide, never to have listened to RTLM, Radio Télévision Mille Collines, a radio station that called for the murder of Tutsis all day long?

The attorneys for the civil parties tried to push the accused to the limit, constantly questioning the justifications he tried to give. Mr MUNYEMANA was particularly challenged when he asserted that he had followed a third path within the MDR after his party had split into "moderates" and MDR Pawa [the Hutu extremist Hutu wing]. Even André GUICHAOUA, a very knowledgeable historian of this period in Rwanda's history, never alluded to a "third way"!

The President sought to know what the accused did during the leave he took until 9 May 1994. He looked after his household, wrote a manual.... And the president once again expressed his astonishment: "How could an intellectual like you be so disinterested in the political situation in your country" during such a troubled period. We did not get a real answer.

The accused was also questioned at length about the death of his "friend" François KARANGANWA, whom he did not know whether he was Hutu or Tutsi. Hard to believe!

As for the position of Dismas NSENGIYAREMYE, Prime Minister between 2 April 1992 and 18 July 1993, he was replaced by Agathe UWULINGIYIMANA, who was assassinated on 7 April. It is difficult to know whether the former was in line with the MDR party or whether he had sided with Hutu Power.

Mr MUNYEMANA ends up saying that when he fled to Zaire, it was not for fear of the RPF, but for fear of the militia and the military. This allowed him to pass himself off as a victim.

As the questioning of the accused continued until late in the evening, the president decided not to hear Fébronie MUHONGAYIRE, the accused's wife. Her hearing will be postponed to a later date.

The hearing was suspended at 8:45pm. The hearing will continue at 9am tomorrow.