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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-99-52-T

THE PROSECUTOR  
OF THE TRIBUNAL

AGAINST

FERDINAND NAHIMANA  
HASSAN NGEZE  
JEAN-BOSCO BARAYAGWIZA

4 JUNE 2001  
0935H  
CONTINUED TRIAL

Before: Judge Navanethem Pillay, presiding  
Judge Erik Møse  
Judge Asoka de Zoysa Gunawardana

For the Registry:

Ms. Marianne Ben Salimo  
Mr. Edward Matemanga

For the Prosecution:

Ms. Simone Monasebian

For the Defendant Ferdinand Nahimana:

Ms. Diana Ellis

For the Defendant Hassan Ngeze:

Mr. John Clifford Floyd III  
Mr. René Martel

For the Defendant Jean-Bosco Barayagwiza:

Mr. Alfred Pognon

Court Reporters:

Ms. Geraldine O'Loughlin  
Ms. Gifty Harding  
Ms. Shannon Fleming  
Ms. Verna Butler

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I N D E X

WITNESS

For the Prosecution

WITNESS GO

Cross-examination by Mr. Pognon.....1

EXHIBITS

Defence Exhibit 2D4.....11

Defence Exhibit 2D5.....17

Defence Exhibit 2D6.....22

Defence Exhibit 2D7.....89

Defence Exhibit 2D8.....118

1 P R O C E E D I N G S

2 MADAM PRESIDENT:

3 This Court is now in session. Good morning,  
4 Witness GO.

5 THE WITNESS:

6 Good morning.

7 MADAM PRESIDENT:

8 Mr. Pognon.

9 MR. POGNON:

10 Madam President, before I take the floor and  
11 ask my questions, on behalf of the  
12 Defence -- and my colleagues agree with me  
13 on this point -- I wish to congratulate you  
14 on your re-election to the Presidency of the  
15 Tribunal. As members of the Defence, our  
16 main concern is to serve the Tribunal, and  
17 we are delighted to see you re-elected to  
18 this position.

19 CROSS-EXAMINATION

20 BY MR. POGNON:

21 Q. When I begin my questions to Witness GO, I  
22 wish to ask him if he was aware of the fact  
23 that in March 1994 an event occurred in  
24 Kigali, and various journalists from the  
25 press, from the radio and television,

1 attended this event, and if he remembers  
2 this event, I wish him to confirm that this  
3 event indeed took place.

4 A. I cannot confirm that I recall that event,  
5 because at that time many things were taking  
6 place, and you can see, yourself, that a  
7 great deal of time has passed since that  
8 time and today. Therefore, I cannot recall  
9 everything in the smallest detail or  
10 something that might have happened in that  
11 event.

12 Q. This is not a small detail. I would like to  
13 put to you that this was a seminar that  
14 brought together journalists and all the  
15 press, under the auspices of the Belgium  
16 government, the Belgium cooperation, and  
17 this lasted -- the seminar lasted from 14 to  
18 18 March 1994; does he remember this?

19 A. If the dates that you have mentioned are  
20 correct, it is possible that such an event  
21 took place. But, as I mentioned, many  
22 things were happening at the time.

23 Q. Very well. I have in front of me the  
24 documents that I disclosed to the Office of  
25 the Prosecutor from the magazine Dialogue,

1 and which covers the event. This article  
2 deals specifically with this event. This  
3 issue was published in November 1994, but  
4 was referring to an event that took place in  
5 March 1994. Now that I have provided this  
6 additional information, does the witness  
7 recall anything about this?

8 A. Indeed, I know the magazine Dialogue, and if  
9 there was an article that covered the  
10 seminar, that is possible, as I said before.  
11 But I have told you that I do not recall,  
12 because many things occurred at that time.  
13 Unless you have a specific question that  
14 might refer to that event, that I might be  
15 able to answer --

16 Q. Did Minister Rucogoza, the Minister of  
17 Information, didn't he invite any members  
18 from his ministry, or, at least, at the  
19 higher level -- the central level where you  
20 were working, to attend the said seminar?

21 MS. MONASEBIAN:

22 Your Honours, if I may. The witness has  
23 several times said that he knows nothing  
24 about this, and, so, how would he remember a  
25 specific if he doesn't remember even the

1                   general, after having had his memory jogged?

2                   Thank you.

3       MADAM PRESIDENT:

4                   The witness will answer the question.

5       THE WITNESS:

6                   Counsel Pognon, as I have just said, if the  
7                   dates that you have mentioned are correct,  
8                   it is possible that, indeed, this event took  
9                   place. But I did not attend the seminar and  
10                  I do not recall the seminar. But, however,  
11                  as to whether or not Minister Rucogoza  
12                  chaired the seminar, or as to whether he  
13                  sent officials from his ministry, I have no  
14                  information about that, and I believe that  
15                  you must accept what I have to tell you.

16       BY MR. POGNON:

17       Q.           I am not doubting what you are saying. With  
18                   the permission of the Court, if I began my  
19                   cross-examination with this article, it's  
20                   because the main theme that was covered in  
21                   the seminar is objectivity and honesty in  
22                   politics, and the first point that was  
23                   covered is the role of the media in the  
24                   democratisation process. And I believe that  
25                   I would be a poor attorney if I did not ask

1                   you questions about this matter. And, so,  
2                   the theme of the seminar was the media in  
3                   the democratisation process, objectivity and  
4                   honesty in political information, chaired by  
5                   Minister Rucogoza. At that seminar, for  
6                   your information, Mr. Jean-Marie Higiro  
7                   attended, as well as RTLM journalists and  
8                   other journalists, as well as Belgium  
9                   journalists, who spoke about radio,  
10                  television and the press in general. If you  
11                  are not aware of that, then just say that  
12                  you are not aware of that and I will tender  
13                  the document as such.

14        A.           Thank you very much, Counsel Pognon, for  
15                    this information. I now know that this  
16                    event took place and I now know what was  
17                    covered during this event. But I cannot  
18                    comment on the issue and I do not know  
19                    whether you are blaming me for not having  
20                    attended this meeting for reasons that I  
21                    have nothing to comment on. But I believe  
22                    that there's no reason to dwell on this  
23                    issue, and asking questions on this issue  
24                    would be, I believe -- this isn't the best  
25                    time to do so. Maybe the best time and

1 place to do so would be to ask questions to  
2 those persons who attended that seminar.

3 MR. POGNON:

4 Madam President, I have disclosed this  
5 document to the Office of the Prosecutor. I  
6 photocopied a few pages only so as not to  
7 cause problems. I had photocopies made,  
8 but, unfortunately, I seem to have left them  
9 in the office, and if the Court wishes to,  
10 we can assign a number to this document and  
11 then it can be tendered when I go and get --  
12 when someone has retrieved the photocopies.  
13 Thank you.

14 MADAM PRESIDENT:

15 Mr. Pognon. This is the kind of situation  
16 which has been objected to by the  
17 Prosecutor, because here we have a situation  
18 where the witness has not identified the  
19 document. We have permitted Defence to put  
20 to the witness documents for the purposes of  
21 cross-examination or to prod his memory, and  
22 if we do that in this case, then you do  
23 realise there's very little value to your  
24 document unless you prove this document  
25 through some other witness who has seen it.

1 Ms. Monasebian, do you wish to add?

2 MS. MONASEBIAN:

3 I'm not going to add to anything I've said  
4 before. I know Your Honours are well aware  
5 of my comments in that regard before. Just  
6 one additional comment that we discussed in  
7 OTP about this that I'd like to bring to  
8 Your Honour's attention, and it's the  
9 following: Even if it's put into the record  
10 for that small purpose of just having it  
11 identified at this time, and counsel is  
12 instructed to, later on, bring another  
13 witness, the problem that it causes, we  
14 believe, Your Honours, respectfully, is that  
15 I cannot redirect the witness on this  
16 document. So, now we have a document in  
17 from one party on which the Office of the  
18 Prosecutor cannot redirect. And if no  
19 witness is, later, brought by the Defence,  
20 then we have some statements made which the  
21 Office of the Prosecutor can never challenge  
22 or explain in a greater context. So that's  
23 the concern. If, later on, they don't bring  
24 somebody, then what happens with that  
25 information which we have never had an

1 opportunity to discuss properly? Thank you.

2 MADAM PRESIDENT:

3 We note your concern. It's on record. It's  
4 also on record from the Chamber as to  
5 whether we would look at a document and what  
6 value we would place on it. And if the  
7 witness says he's never seen this document,  
8 that's it. If he has some responses to it,  
9 then you may undertake re-examination. And  
10 then if you need time to do so, you approach  
11 the Chamber for time to look at the  
12 document.

13 MR. POGNON:

14 Madam President.

15 MADAM PRESIDENT:

16 Mr. Pognon.

17 MR. POGNON:

18 Madam President, I would like the Defence to  
19 have the same opportunities. I disclosed  
20 the document to Ms. Monasebian and,  
21 I believe, that I gave her sufficient time  
22 with respect to the time frame that the  
23 Prosecution discloses documents to us for  
24 her to examine the document if she wished to  
25 do so. To say that I disclosed the document

1 at a late date, I wish to contest that  
2 statement. However, I will take note of  
3 what you have said.

4 MADAM PRESIDENT:

5 Now, what do you have there? You have the  
6 original journal and you have some pages.

7 MR. POGNON:

8 Madam President, I have the original. I do  
9 not wish to counter what the witness has  
10 said, but this is an important event that  
11 happened at a time when he had been  
12 specifically tasked with observing RTLM  
13 broadcasts. At that specific time a very  
14 important seminar was held on the theme that  
15 concerns him. And I believe that he should  
16 be aware that his minister chaired the  
17 meeting and if he is not aware of the  
18 meeting, then this is information that we  
19 should provide to the Court.

20 MADAM PRESIDENT:

21 Mr. Pognon, you're not giving evidence in  
22 this courtroom. You can put the document to  
23 the witness and you ask him questions on it.  
24 You already have his answer that he has not  
25 seen this Dialogue. He's heard of it, but

1 he's not seen it. We are going to allow you  
2 to put questions on that. But we've  
3 cautioned you that there's no value to that  
4 document unless it's identified or you put  
5 it to other witnesses who know about it, or  
6 you call your own witnesses on it. That's  
7 when it's evidence before us.

8  
9 So, now, in line with the practice we have  
10 adopted, flowing from the fact that Defence  
11 has said this document is important to it,  
12 we will admit this document. Do you have  
13 copies of the pages?

14 MR. POGNON:

15 Yes, indeed. I have just sent someone to go  
16 get the copies. But I have the original  
17 here. There's someone who went to get the  
18 copies in my office.

19  
20 I have finished the questions on the  
21 document. The only thing that is left to do  
22 now is to tender the document, and I will do  
23 so as soon as the document arrives.

24 MADAM PRESIDENT:

25 Mr. Pognon, what was your last exhibit

1                   number, do you recall? Let's ask Mrs. Ben  
2                   Salimo from the Registry. It should be 2D.

3       MS. BEN SALIMO:  
4                   2D3, Madam President.

5       MADAM PRESIDENT:  
6                   So, this will be 2D3.

7       MS. BEN SALIMO:  
8                   2D4. This should be No. 2D4.

9       MR. POGNON:  
10                  The documents have now arrived, and if  
11                  Mr. Matemanga could, please, come and fetch  
12                  the documents.

13       MADAM PRESIDENT:  
14                  So, that will be marked 2D4, and  
15                  Mr. Matemanga will give us that.  
16                  (Exhibit No. 2D4 admitted)

17       MADAM PRESIDENT:  
18                  And since you have no further questions on  
19                  this, Mr. Pognon, you can move on to your  
20                  next question.

21       MR. POGNON:  
22                  Thank you, Madam President.

23       BY MR. POGNON:

24       Q.           Witness GO, you said -- last time, rather,  
25                    you were shown documents that came from the

1 Ministry of Information. These are  
2 documents that were recovered, the documents  
3 that were thus recovered at the ministry,  
4 which were documents that you had worked on  
5 when you were working with the minister as a  
6 result of concerns that Minister Rucogoza  
7 had raised with respect to RTL. So, in  
8 these documents there is another document, a  
9 handwritten document, which is the  
10 minister's speech. Do you remember this?  
11 Do you remember a handwritten document that  
12 is the speech given by Minister Rucogoza at  
13 the meeting of 10 February?

14 MS. MONASEBIAN:

15 Your Honours, if I may, just to assist the  
16 Court. The Office of the Prosecutor did not  
17 tender --

18 MR. POGNON:

19 Madam --

20 MS. MONASEBIAN:

21 If this is what Mr. Pognon gave to the  
22 Office of the Prosecutor on Friday,  
23 Mr. Pognon did hand some documents to us. I  
24 just want to be clear that the Court is  
25 aware that this is not a document that the

1 Office of the Prosecutor has already  
2 exhibited. Okay. Thank you.

3 MADAM PRESIDENT:

4 Mr. Pognon, all that means is it's not an  
5 exhibit before us yet. So, now you can go  
6 ahead. Put the document to the witness, if  
7 you intend to have it admitted, and if  
8 that's in order, we'll assign a reference to  
9 it.

10 BY MR. POGNON:

11 Q. I wish to show the document to the witness.  
12 These are documents that we received from  
13 the Registry. This is a document which is  
14 called "NAHIFER-05", and I would like this  
15 document to be distributed so that the  
16 witness can look at it.

17 A. I do not recognise this handwritten  
18 document. And I do not know who the author  
19 is. All I recall is that the minister did  
20 make a speech on that occasion. I recognise  
21 the other type-written document, which was  
22 produced on that date in February 1994.

23 Q. Yes, we have the type-written document as  
24 well. The problem is as follows: This  
25 document, that witness says he doesn't

1 recognise and which was among the documents  
2 that were disclosed to us, is a document  
3 that refers to the speech of the minister,  
4 and, in fact, is the speech of the minister.  
5 Now, I would like to know from witness, the  
6 type-written speech of the minister, was it  
7 drawn from this document or is it possible  
8 that that one is the original of the  
9 minister's speech?

10 A. Mr. Pognon, you asked me if I recognise this  
11 document and I said I did not recognise the  
12 handwriting, and you asked me if the content  
13 of this document is the same as the  
14 handwritten speech of the minister. I  
15 cannot answer that question, because I'm  
16 only now getting to know this document and  
17 you then have to give me both documents for  
18 me to compare them and determine whether the  
19 contents are the same.

20  
21 Now, regarding where the original of the  
22 minister's speech is, well, as I already  
23 explained, we found some documents in the  
24 ministry when we went back to work in July,  
25 after the genocide. Some time later I left

1 that employment and I left the documents in  
2 the ministry.

3  
4 Now, I do not believe that it falls me to  
5 answer this question as to where the  
6 original is, because I did not give a copy  
7 of this document to the Tribunal. It is up  
8 to those who gave the document to the  
9 Tribunal who can tell you where the original  
10 is.

11  
12 I think I have given sufficient -- I have  
13 sufficiently explained my position in the  
14 past and I have no further comments to make  
15 on this issue.

16 BY MR. POGNON:

17 Q. Do you agree that you wrote the minutes of  
18 the meeting of November 1993?

19 A. Yes, I recognise that.

20 MR. POGNON:

21 Madam President, I wish that the document be  
22 taken from the witness.

23 MADAM PRESIDENT:

24 Witness GO, do you recognise the handwriting  
25 on this document?

1 THE WITNESS:

2 No, I do not recognise the handwriting.

3 MADAM PRESIDENT:

4 Do you know the handwriting of Minister  
5 Rucogoza?

6 THE WITNESS:

7 I do not recall his handwriting.

8 MADAM PRESIDENT:

9 Well, mister --

10 MR. POGNON:

11 There is another document, I think that is  
12 P28E, which is the minutes of the  
13 26 November meeting. As witness recognised,  
14 that he recorded, I wish that this document  
15 be handed to witness for him to see if he,  
16 indeed, wrote the minutes of that meeting,  
17 if it is his handwriting.

18 MADAM PRESIDENT:

19 P28, is it?

20 MR. POGNON:

21 I want this document to be presented to him  
22 for him to recognise whether he wrote the  
23 minutes of the meeting.

24 MADAM PRESIDENT:

25 Just a minute, Mr. Pognon. I didn't admit

1                   your document yet. So, my earlier comment  
2                   about proving the contents of this document  
3                   apply as well to this document that you  
4                   referred to as "NAHIFER-05". So, for the  
5                   time being, we will receive it as 2D5.

6                   (Exhibit No. 2D5 admitted)

7           MADAM PRESIDENT:

8                   Now, the document that you now wish to hand  
9                   to the witness, is it already a Prosecution  
10                  exhibit?

11          MR. POGNON:

12                  Yes. I believe that document is P28E.

13          MADAM PRESIDENT:

14                  P28A, Mr. Matemanga.

15          MR. POGNON:

16                  Yes. It's in French.

17          MADAM PRESIDENT:

18                  Mr. Pognon.

19          MR. POGNON:

20                  Madam President, the document I have is a  
21                  handwritten document of the minutes of the  
22                  26th November meeting, in the form  
23                  recognised by witness.

24          MADAM PRESIDENT:

25                  Yes. Well, then that is P28A; that's

1 handwritten. The typed version is P28E.

2 MR. POGNON:

3 Yes, 28A. That is correct.

4

5 I just want to ensure that we have the same  
6 document.

7 MS. MONASEBIAN:

8 Your Honour, while that's being done, just  
9 one matter of housekeeping. As to 2D5,  
10 before Mr. Pognon moves on to the next  
11 document, I just want to make it clear for  
12 the record that the cover sheet on it that  
13 says "Minutes of meeting on 10 February 1994  
14 between Ministry of Information and RTLM"  
15 is, in fact, an error. The cover should say  
16 what the title of the document says when the  
17 document is read, which is "Elocution".

18

19 So, we have no problem with this document  
20 being admitted, of course, and Your Honours  
21 have already ruled anyway, but we just want  
22 to make sure that the cover page, the title,  
23 is not relied on because it is a mere error,  
24 thank you, Your Honours, as there were no  
25 minutes available to the Tribunal, of that

1 meeting.

2 MR. POGNON:

3 Madam President, this is not the speech,  
4 this is the minutes of the meeting of the  
5 26th November 1993 meeting -- minutes in  
6 French. I believe that it is P28D, minutes  
7 in French.

8 MADAM PRESIDENT:

9 Mr. Pognon, where is your assistant? Where  
10 is your assistant helping you, because your  
11 presentation of documents is taking longer  
12 than necessary? Now, what do you wish to  
13 put to this witness, the typed French  
14 translation marked 28D?

15 MR. POGNON:

16 Madam President, first of all, we are  
17 working under difficult conditions. We have  
18 no assistants and no investigator. That  
19 makes our work a bit difficult.

20  
21 Secondly, what I would like to put to the  
22 witness is a handwritten document in French,  
23 which is in the case file -- handwritten  
24 document in French, which is in the case  
25 file and which was presented as

1 "NAHIFER-34".

2 MS. MONASEBIAN:

3 Your Honour, if I may assist the Court, to  
4 clarify. This is another document that is  
5 not an exhibit but, rather, something that  
6 was disclosed from the Office of the  
7 Prosecution, I believe, by the same person  
8 who hand wrote the other document.

9 MADAM PRESIDENT:

10 So, it's not a document that's an exhibit  
11 already, and that is why we are having  
12 problems locating it and Mr. Matemanga is  
13 having problems locating it. So, you may  
14 now hand it in. So, this will be a new  
15 document. Do you have copies for everyone,  
16 Mr. Pognon?

17 MR. POGNON:

18 I have copies, Madam President.

19 MADAM PRESIDENT:

20 Mr. Matemanga, does the witness have a copy?  
21 You're giving it to him now.

22

23 Your question, then, Mr. Pognon?

24 BY MR. POGNON:

25 Q. (Not interpreted).

1 THE ENGLISH INTERPRETER:

2 Counsel's microphone, please. We missed the  
3 beginning of Counsel's presentation.

4 THE WITNESS:

5 I do not recognise the handwriting. It's  
6 not my handwriting.

7 BY MR. POGNON:

8 Q. According to him, according to witness,  
9 given the fact that this document is the  
10 minutes of the Minister of Information with  
11 staff of RTLM, will these minutes -- will it  
12 be a document written by anyone else apart  
13 from him?

14 A. I drafted the minutes of the meeting, since  
15 I was the rapporteur; but I can only  
16 recognise the minutes that I drafted, I  
17 wrote.

18  
19 Now, regarding this document, it's possible  
20 that somebody in the ministry translated my  
21 minutes into French, but I cannot recognise  
22 the handwriting on this document.

23 MR. POGNON:

24 I would just like to say that the  
25 handwriting on this document is identical to

1 the handwriting on the document I presented  
2 previously. And if the Court wants to take  
3 this document into account, and the fact  
4 that from the same meeting we have two  
5 minutes, and Defence will take that into  
6 account.

7

8 Madam President, I suggest that the document  
9 be tendered just as the previous one, given  
10 the fact that both documents have the same  
11 handwriting.

12 MADAM PRESIDENT:

13 I'm sorry, Mr. Pognon, my system is not  
14 working here. Ms. Ben Salimo, will you have  
15 it checked?

16

17 So, you wish this document to be admitted.

18 So, then, it will be Exhibit 2D6.

19 MR. POGNON:

20 Right.

21 (Exhibit No. 2D6 admitted)

22 JUDGE GUNAWARDANA:

23 Witness, in what language did you keep your  
24 minutes?

25

1 THE WITNESS:

2 I write my notes in Kinyarwanda.

3 BY MR. POGNON:

4 Q. Does witness sometimes produce documents in  
5 French, or is it just for the minutes that  
6 he takes his notes in Kinyarwanda?

7 A. During the meeting, I take notes in  
8 Kinyarwanda, because the meeting was taking  
9 place in Kinyarwanda and I drafted, I wrote  
10 the minutes in Kinyarwanda as well. But for  
11 the meeting of 10 February 1994, there were  
12 some working documents which were in French.

13 Q. (Beginning of question not interpreted)

14  
15 In another meeting which took place on  
16 10th November he changed some statements  
17 relating to some assassinations on RTLM  
18 programme. He referred to a document on  
19 assassination of Faustin Twagiramungu and he  
20 referred to the assassination of Agathe, the  
21 prime minister -- I have difficulty  
22 pronouncing his (sic) name -- and that he,  
23 himself, said that he made a mistake in the  
24 minutes. Does witness recognise this  
25 situation?

1 MS. MONASEBIAN:

2 As a matter of clarification, on the  
3 translation that came through to me, it said  
4 10 November. So, I don't want to have any  
5 confusion in the record. Is that what  
6 counsel said?

7 MR. POGNON:

8 I said a statement in November, that he  
9 himself came back to the -- in a statement  
10 made in November he came back to the  
11 investigators to make a correction. Can you  
12 leave the witness answer. Well, he'll  
13 correct me if I'm wrong.

14 THE WITNESS:

15 You are right in respect of this statement.  
16 Indeed, what I said was not properly  
17 recorded, and when I read the statement I  
18 realised that the meaning that was given to  
19 what I said was not correct. So, I went  
20 back to them to give explanations. And that  
21 was done and you, yourself, have seen the  
22 statement, and I have no further comments in  
23 this regard, because it was normal that I  
24 say that -- it would not have been logical  
25 for me to say that Twagiramungu was killed

1 following the statement that RTLM made about  
2 him. My statement was not properly recorded  
3 and I wanted them to understand.

4 Q. Are you saying that, similarly, your  
5 statement was not properly recorded  
6 regarding the prime minister, regarding  
7 Serubyogo of Cyangugu?

8 A. No, that is not so. The first I got,  
9 Uwilingiyimana and Zacharie Serubyogo were  
10 killed, and they had been mentioned on RTLM  
11 on several occasions. They had been  
12 denigrated on several occasions. And,  
13 indeed, following that, they were killed, so  
14 in that case this was not a mistake.

15 Q. Are you trying to say that the murder of a  
16 man such as Bucyana, the chairman of the  
17 CDR, also occurred as a result of something  
18 that was said, when, in fact, the RTLM  
19 itself had been denounced as such?

20 A. Bucyana was not killed because he had been  
21 denounced on the RTLM. I should, rather,  
22 speak of the comments that RTLM made after  
23 the killing of Bucyana, because they blamed  
24 specific individuals for this murder.

25 Q. Are you trying to say that RTLM alone

1 provided names, mentioned politicians at  
2 that time, of democracy?

3 A. I am speaking -- I'm referring specifically  
4 to RTLM. It's possible that someone else  
5 might have mentioned the names of  
6 politicians, but, please, ask me questions  
7 about RTLM. As far as democracy is  
8 concerned, I'm not sure it is very  
9 democratic to mention the names of persons  
10 who should be killed, and to decide who  
11 should be killed and who should live. That  
12 is not my understanding of democracy.

13 Q. You're the one that is saying that. You're  
14 the one that is saying that people were  
15 meant to be killed. As far as the tapes are  
16 concerned, the tapes that you have given us,  
17 nowhere does it say that someone should be  
18 killed. We hear political debate in those  
19 tapes.

20 A. You say that these recordings were political  
21 debate. I know that you know Rwanda well.  
22 I saw you during Misago's trial -- Misago is  
23 spelled M-I-S-A-G-O -- and I would like to  
24 suggest to you that you go and check and see  
25 if the names of persons who were mentioned

1 on RTLM, and see if the persons whose names  
2 were mentioned -- or, rather, most of the  
3 persons whose names were mentioned on RTLM  
4 were killed. For example, Serubyogo that we  
5 have spoken of, was killed, and this is true  
6 for other persons as well.

7 Q. Yes, but Gapyisi, as well, was killed.

8 Please repeat the name --

9 MADAM PRESIDENT:

10 Mr. Nahimana.

11 MR. NAHIMANA:

12 Thank you, Madam President. I just wish to  
13 correct the translation in the answer.

14 Mr. Serubyogo was not mentioned,  
15 specifically, by the witness. Thank you.

16 MS. MONASEBIAN:

17 Your Honours, if I may. If we could have  
18 the witness repeat his answer so we don't  
19 put ourselves in the situation where an  
20 unsworn accused is giving testimony. If the  
21 witness could be made to repeat his answer,  
22 please.

23 MADAM PRESIDENT:

24 When do we end up with the situation when an  
25 unsworn accused is giving testimony,

1 Ms. Monasebian? The Court always intervenes  
2 to check or to ask that the question or  
3 response be repeated.

4  
5 Witness GO, can you repeat the last answer  
6 that you gave.

7 THE WITNESS:

8 You say that RTLM programmes were mainly  
9 political debate. I am saying that you have  
10 spent a great deal of time in Rwanda. I saw  
11 you at the trial of Bishop Misago, and if  
12 you return to Rwanda, you will be able to  
13 check and see whether -- if these persons  
14 who were mentioned on RTLM are still alive  
15 today. Most of the persons who were  
16 mentioned on RTLM, regardless of whether  
17 they were high-ranking politicians or just  
18 children amongst families whose names had  
19 been mentioned, they were also killed. And  
20 I had given you as an example the name of  
21 Serubyogo, and I can give you other names.  
22 This list would be quite long, in fact. The  
23 tapes are available and you can listen to  
24 them, yourself.

25

1 BY MR. POGNON:

2 Q. We shall listen to the tapes, but what we  
3 will hear is political debate and comments  
4 made on RTLM. We will not hear the facts --  
5 these murders mentioned, that you are citing  
6 the responsibility for.

7  
8 I would now like to ask you a question. Is  
9 it because the name Faustin Twagiramungu,  
10 or, rather, are you --

11 MS. MONASEBIAN:

12 Your Honour --

13 THE ENGLISH INTERPRETER:

14 Two people are speaking at the same time.

15 MADAM PRESIDENT:

16 Once again, we want to hear Mr. Pognon's  
17 question. And the witness --

18 MS. MONASEBIAN:

19 The witness was not given the opportunity,  
20 Your Honour, with all due respect, to answer  
21 to that statement.

22 MADAM PRESIDENT:

23 Well, he hasn't answered yet. He will  
24 complete his answer after Mr. Pognon  
25 finishes. And, please, try not to interrupt

1                   like this.

2

3                   We have now lost your question. Now you  
4                   have made a comment, Mr. Pognon. May I  
5                   remind you again that you are not testifying  
6                   in this courtroom. If you have a question  
7                   for the witness, put it to him. Are you  
8                   putting to the witness that these tapes had  
9                   political debates and comment and did not  
10                  call for the killing of individuals whom he  
11                  named?

12       MR. POGNON:

13                   That is what I am stating, and, of course,  
14                   the witness can contest this if he wishes  
15                   to.

16       MADAM PRESIDENT:

17                   Then you have to wait and give him the  
18                   opportunity to respond to that. We do not  
19                   wish to hear your statements, Mr. Pognon.  
20                   We wish to hear your questions.

21

22                   Witness GO, what is your response to that,  
23                   that if we look at the tapes, we will find  
24                   political debate and not a call to kill the  
25                   individuals whom you named?

1 THE WITNESS:

2 I believe that I have already answered. You  
3 can listen to RTLM broadcasts and you will  
4 see that there are many denunciations of  
5 persons. When you say that someone wants to  
6 restore the feudal system, that a Tutsi  
7 minority wants to take power away from the  
8 hands of the popular majority, if you ask  
9 the people to gather to fight against the  
10 enemy and exterminate, I do not believe  
11 those are simple political debates. RTLM  
12 was not just a political debate, and we saw  
13 this starting on the 6th when they started  
14 to implement what they had prepared.

15 MR. POGNON:

16 Madam President.

17 THE WITNESS:

18 I have not finished my response.

19 MR. POGNON:

20 Yes, but you have already answered my  
21 question.

22 THE WITNESS:

23 No, I'm not finished.

24 MADAM PRESIDENT:

25 Witness, you are quite right. You have said

1                   this already in your evidence, so let's move  
2                   on. Your next question.

3       MR. POGNON:

4                   Yes, Madam President. Thank you,  
5                   Madam President.

6       MR. FLOYD:

7                   Your Honour, I had raised an issue about the  
8                   witness speaking French, and he was just  
9                   speaking French, fluent French, and we've  
10                  said that all along. He was having a  
11                  discourse in French with Mr. Pognon, and I  
12                  want the record to reflect that and ask the  
13                  Court to reconsider its ruling.

14       MADAM PRESIDENT:

15                  The Court will not reconsider its ruling.  
16                  We have observed that he is able to speak  
17                  French. We've been through this before,  
18                  Mr. Floyd. He didn't say he does not speak  
19                  or understand French at all. He said he's  
20                  more comfortable in his own language.  
21                  Mr. Pognon.

22       MR. POGNON:

23                  Yes, Madam President. Thank you,  
24                  Madam President.

25

1 BY MR. POGNON:

2 Q. You have stated that -- or, rather, is it  
3 because of what you have stated that you  
4 said that Mr. Faustin Twagiramungu, the  
5 designate prime minister for the  
6 transition -- is that why you said that he  
7 was the one who was mentioned again and  
8 again on RTLM during debates, during -- and  
9 that he had been nicknamed Rukoma -- rather,  
10 Rukokoma? Is that why you are saying that  
11 he was killed, to then correct this at a  
12 later time?

13 A. Slowly but surely the RTLM prepared, or  
14 planned, rather, the assassination of the  
15 political leaders and all of the persons who  
16 did not share the ideals of the MRND and the  
17 CDR. In fact, what RTLM did was almost to  
18 pour petrol -- to spread petrol throughout  
19 the country little by little, so that one  
20 day it would be able to set fire to the  
21 whole country.

22  
23 And, indeed, Faustin Twagiramungu's name was  
24 mentioned on several occasions by the RTLM.  
25 He was denounced as a person who should be

1 killed. He was called a traitor. It was  
2 said that he had sold the country and had  
3 sold Byumba and Ruhengeri, and that it is,  
4 indeed, of this that I am referring to.  
5 They tried to find him, but he was able to  
6 escape.

7  
8 In fact, all of the persons who were  
9 mentioned on RTLM, Tutsis and political  
10 opponents, many of them were killed. But  
11 some of them were able to escape. For  
12 example, I am here in front of you today and  
13 I was able to survive, but, in fact, they  
14 tried to find me as well.

15 Q. Did RTLM mention your name as a person who  
16 should be prosecuted?

17 A. All of the persons that they looked for had  
18 not necessarily been mentioned by name on  
19 RTLM. But they had defined categories of  
20 persons that should be looked for throughout  
21 the country, and RTLM spoke of this every  
22 day. They said that these persons were  
23 accomplices.

24 Q. The democratic forces for change, what are  
25 the democratic forces for change? Who was a

1 member of these democratic forces for  
2 change?

3 A. The democratic forces for change were those  
4 who worked for change. At the time it was  
5 clear that the regime that was in power  
6 oppressed certain segments of the  
7 population. Notably, the regime would not  
8 allow refugees the right to return to their  
9 country, refused to share power. They  
10 practised regional discrimination as well as  
11 ethnic discrimination. And the democratic  
12 forces for change were gathered within a  
13 coalition, and these included the MDR, the  
14 PL, PSD, which was the democratic social  
15 party, the democratic Christian party --  
16 Christian Democratic Party -- and they had  
17 gathered together to try and counter the  
18 forces or the pressure that was being  
19 brought about by the MRND against certain  
20 segments of the population. They were in  
21 favour of change.

22

23 Within these forces for change there were  
24 also human rights activists who sought --  
25 who continuously made statements on this

1 subject.

2 Q. The democratic forces for change that you  
3 are referring to in this specific democratic  
4 context, which was that of Rwanda at the  
5 time, did you not forget to mention the RPF  
6 as being their ally? Weren't these parties  
7 allied with the RPF?

8 A. The RPF -- is it really necessary to mention  
9 this again -- fought on the outside of the  
10 country. The RPF also advocated change,  
11 just as the inside forces; but, the forces  
12 that were on the inside wanted to reach this  
13 through peaceful measures. And although it  
14 is possible that the two groups shared,  
15 indeed, a common will, I don't see anything  
16 bad in this. After all, those who are on  
17 the inside were only promoting the need for  
18 change and, therefore, I see no problem in  
19 the fact that they shared this ideal with  
20 the RPF.

21 Q. You said that the RPF wanted change and that  
22 the people on the inside wanted change but  
23 through peaceful measures. How can you  
24 explain that persons who want to see change  
25 achieved through peaceful measures should

1                   become allied with an army who wishes to  
2                   achieve change through war? How can you  
3                   explain this alliance: To seek democracy  
4                   through peaceful measures and the other one  
5                   to seek it through the path of war?  
6        A.           My answer will be very brief. To my  
7                   knowledge there never was a formal alliance  
8                   in which the RPF and these democratic forces  
9                   for change signed documents becoming a  
10                  single entity. I do not believe that such  
11                  an alliance was ever formed. But there were  
12                  meetings between these democratic forces for  
13                  change and the RPF to exchange ideas, just  
14                  as there were meetings between the MRND and  
15                  the RPF. So, I will conclude by saying that  
16                  there was never any alliance, formal  
17                  alliance, between these two groups, but they  
18                  did exchange ideas.  
19        Q.           You say that you are an MRND sympathiser. I  
20                  am asking you, are you not aware of the fact  
21                  that the democratic forces for change and  
22                  the RPF concluded -- signed an agreement in  
23                  Brussels in June 1992, I believe, early June  
24                  1992 -- are you not aware of this even  
25                  though you are an MRND sympathiser?

1 MS. MONASEBIAN:

2 Your Honour, if I may. The interpretation  
3 twice came out "MRND sympathiser" when the  
4 witness's testimony was MDR sympathiser. I  
5 don't know if it was counsel or the  
6 interpretation, but I would just like that  
7 cleared.

8 MR. POGNON:

9 MRD. I shall correct by saying that it was  
10 the MRD. I will correct. I will correct  
11 what I said previously to change it to the  
12 MRD --

13 MS. MONASEBIAN:

14 MDR, would that be?

15 MR. POGNON:

16 I believe you must have the translation,  
17 madam.

18 MADAM PRESIDENT:

19 Never mind. You have the question, witness.  
20 Do you know of this meeting held in Brussels  
21 in early June '92 between the MDR and the  
22 RPF, and an agreement signed; is that what  
23 you said, Mr. Pognon?

24 MR. POGNON:

25 Between the democratic forces for change and

1 M DR, agreement signed in Brussels between  
2 3rd and 5th June 1992.

3 THE WITNESS:

4 I was a sympathiser of MDR and the Coalition  
5 of Democratic Forces for Change. Now,  
6 regarding this Brussels meeting that you  
7 referred to, yes, I do know that it took  
8 place, but I do not know the agreements that  
9 it came to. I never saw the documents that  
10 came out of the meeting, but I am aware that  
11 it was a part of an interchange of ideas on  
12 the problems of Rwanda to find ways of  
13 agreeing to tackle the problems of Rwanda.  
14 I do not have the documents of that meeting.  
15 If you want to know more -- if you know  
16 more, you probably can inform me.

17 BY MR. POGNON:

18 Q. So, contrary to what you were saying a while  
19 ago, you are recognising, at least, that it  
20 was not an agreement of -- it was not an  
21 agreement for an alliance, a formal  
22 alliance, but it was a tactical alliance to  
23 move the country forward?

24 A. That is your opinion, not mine.

25 Q. You considered the RPF as an opposition

1 group at the time?

2 A. The RPF, as a political group, operated  
3 outside the country, which was not the case  
4 for the other parties, the other opposition  
5 parties. And I must say that at least until  
6 a certain period the RPF was not recognised  
7 by the Rwandan government. It would,  
8 therefore, be an error on my part to  
9 classify the RPF among the internal  
10 opposition parties who were registered in  
11 the country and recognised by the  
12 government, by the Rwandan government.

13  
14 The RPF had its own programme and the  
15 opposition parties had their own programmes  
16 which did not preclude an agreement on a  
17 certain number of issues in a country,  
18 without at the same time having to merge  
19 both groups together.

20 Q. You did say that the RPF was operating from  
21 outside the country. And the RPF, which was  
22 established at the CND in Kigali -- is the  
23 CND not within the country?

24 A. Yes, indeed, you put the question before I  
25 finished my answer. I was saying that

1 initially the RPF was not recognised by the  
2 Rwandan government as a political party.  
3 But, subsequently, following the Arusha  
4 Accords, the RPF was considered as a  
5 political party recognised within Rwanda,  
6 with the right to operate within the Rwandan  
7 territory. The fact of establishing itself  
8 in CND was part of the implementation of the  
9 Arusha Accords. RPF then became a political  
10 party recognised within the country, and  
11 which was operating within the country to  
12 the knowledge of everybody.

13 MADAM PRESIDENT:

14 Mr. Pognon, we'll take a break now. The  
15 Court will adjourn for 15 minutes and resume  
16 at 11:30.

17  
18 (Court recessed at 1115H)

19  
20 (Pages 1 to 41 by Geraldine O'Loughlin)

21  
22  
23  
24  
25

1 1148H

2 MR. FLOYD:

3 If it please the Court.

4 MADAM PRESIDENT:

5 Mr. Floyd?

6 MR. FLOYD:

7 Your Honour, there is -- tomorrow is a  
8 Muslim holiday, and that my client is Muslim  
9 for one thing, but we've also heard that  
10 there might even be a memoranda going around  
11 that there is no court tomorrow and everyone  
12 wants to know whether or not we are sitting  
13 tomorrow.

14 MADAM PRESIDENT:

15 Yes, we will raise that in due cause. We  
16 want to see the progress of Mr. Pognon's  
17 cross-examination.

18 MR. FLOYD:

19 Very well, Your Honour.

20 MADAM PRESIDENT:

21 But before we close for the day we will  
22 finalise something in that respect.

23 MR. FLOYD:

24 Well, if there is not, I put a request in on  
25 behalf of my client, who is Muslim, for the

1 day off.

2 MADAM PRESIDENT:

3 Yes, it's noted. Mr. Pognon.

4 MR. POGNON:

5 Thank you, Madam President.

6

7 CROSS-EXAMINATION (continued)

8 BY MR. POGNON:

9 Q. Witness GO, you have accepted or recognised  
10 that the alliance between the Democratic  
11 Forces for Change and the RPF was a reality,  
12 and you also recognised that the RPF was  
13 established in CND. Can you then explain --  
14 can you explain to the Court how there could  
15 be an alliance between democrats and an  
16 organisation engaged in armed struggle?

17 A. Mr. Pognon, you are not reflecting  
18 faithfully what I said. I did not say that  
19 there was an alliance between the Democratic  
20 Forces for Change and the RPF. I did say  
21 that there were meetings to steady the  
22 situation -- to examine the situation in the  
23 country. There was an RPF battalion at the  
24 CND under the Arusha Accords and its  
25 objective was to protect RPF representatives

1                   who were to be brought into the transitional  
2                   institutions.

3  
4                   Mr. Pognon, in fact, I think that it is not  
5                   proper for you to dwell on the RPF for the  
6                   following reason: I don't know why you are  
7                   always coming back to the RPF because I did  
8                   not come here to testify on the RPF. I  
9                   don't know if the clients that you represent  
10                  are members of the RPF. And the RPF did not  
11                  create the RTLM because I came here to  
12                  testify on the method of operation of the  
13                  RTLM and the founding members of RTLM. I  
14                  think it will be more appropriate -- I will  
15                  prefer that you don't take me along those  
16                  lines and I think that it would be proper  
17                  for you to set aside the RPF and talk about  
18                  the operations of the RTLM, its founding  
19                  members, the manner in which the RTLM  
20                  participated in the operation of the  
21                  genocide, and its implementation. I think  
22                  that is what we ought to be examining.

23                  MADAM PRESIDENT:

24                                 Yes, thank you, Witness. You don't need to  
25                                 translate that. Now, you had your answer.

1                   You asked this question twice, Mr. Pognon,  
2                   he said there was no alliance between the  
3                   Democratic Forces and the RPF.

4       MR. POGNON:

5                   Madam President, my question was the  
6                   following: That how come that democratic  
7                   parties have an alliance with the RPF -- at  
8                   the appropriate time I'm going to offer a  
9                   document which will establish that there was  
10                  an alliance.

11       MADAM PRESIDENT:

12                  Now, he has answered the question that there  
13                  is no alliance. Now, put to him your  
14                  document.

15       MR. POGNON:

16                  I will put the document to him. Obviously,  
17                  he will not be able to recognise the  
18                  document but this will be for the attention  
19                  of the Court.

20       MADAM PRESIDENT:

21                  And I already informed you with what I --  
22                  the Court will view documents that this  
23                  witness has not seen at all. So in future,  
24                  at some stage you have to lay a basis for  
25                  those documents and call witnesses.

1

2

Mr. Pognon, what document is this firstly?

3

4

MR. POGNON:

5

This document is the press communique or

6

press release following the Brussels meeting

7

between the MD -- PSD, RPF -- sorry, MDR,

8

PL, PSD and RPF.

9

10

With the permission of the Court I would

11

like to say that the witness answered my

12

question in two stages: Initially he said

13

that an RPF battalion was brought to Rwanda

14

at the CND to protect the RPF -- to protect

15

the members of the RPF who were there under

16

the Arusha Accords. He said that, and if he

17

can confirm that to me then I can put my

18

next question.

19

MS. MONASEBIAN:

20

Your Honours, if I may enquire for one

21

moment?

22

MADAM PRESIDENT:

23

We are waiting for the witness' response.

24

We are waiting for the witness' response

25

with regard to the RPF at CND. You wished

1                           him now to repeat the answer that he's given  
2                           already? Mr. Pognon?

3       MR. POGNON:

4                           No.

5       THE INTERPRETER:

6                           Counsel's microphone, please.

7       MR. POGNON:

8                           He did say that an RPF battalion was within  
9                           the country, at the CND, more specifically.  
10                          Now, I want him to confirm this so I can ask  
11                          my next question.

12       MADAM PRESIDENT:

13                          If you heard him say so then move on to your  
14                          next question.

15       MR. POGNON:

16                          Right, Madam President, because -- this is  
17                          because at a second stage he diluted his  
18                          answer. But my question is as follows, my  
19                          question is as follows -- Madam President,  
20                          we have equality of arms and I cannot accept  
21                          that Ms. Monasebian, that we did not  
22                          interrupt in the course of her  
23                          examination-in-chief, keeps interrupting and  
24                          I wish that there be a reciprocal respect.  
25                          I'm saying this with leave of the Court.

1 MADAM PRESIDENT:

2 Mr. Pognon, you say that he gave two  
3 versions so now you want him to clarify.  
4 So, just put the question crisply to him.  
5 Now, before I give you the floor let's see  
6 what's your objection, Ms. Monasebian.

7 MS. MONASEBIAN:

8 Yes, it's on this document. I just would  
9 like one thing clarified for the record.  
10 I'm not making the objection. Your Honour's  
11 ruling about this type of documents is very  
12 clear to the Office of the Prosecutor.

13  
14 I just would like to have for the record  
15 some indication as to whether this is a  
16 complete document, what is the source of  
17 this document as well. If we could just  
18 have that for the record because this is not  
19 one of the documents that was given to me by  
20 the --

21 MADAM PRESIDENT:

22 Ms. Monasebian, this is an inappropriate  
23 stage for you to intervene. We're still  
24 coming to this document and the Chamber will  
25 ask for some verification. Now, we are

1 right in the middle of a question here.

2

3 MS. MONASEBIAN:

4 Very well, and --

5 MADAM PRESIDENT:

6 Unfortunately, all this then gets translated  
7 into French and Kinyarwanda and back into  
8 English, and we loose a lot of time.

9 MS. MONASEBIAN:

10 Madam President, may I just say one thing on  
11 behalf of the Office of the Prosecutor and  
12 then I will move on? I cannot accept that  
13 the Office of the Prosecutor has been unduly  
14 objecting. There have been maybe six  
15 objections in three days, and I do think  
16 that Defence counsel should be careful about  
17 saying that they haven't interrupted us when  
18 there was an extraordinary amount of  
19 objections during the examination-in-chief.  
20 If these comments are not going to be made  
21 then I will not have to respond to them but  
22 I will do my best not to respond to them  
23 anyway. Thank you, Your Honour.

24 MADAM PRESIDENT:

25 Mr. Pognon, now, instead of commenting in

1 return, just ask your question very briefly.

2 MR. POGNON:

3 Madam President, I trust you so much that I  
4 will make no comment whatsoever. Here is my  
5 question:

6 BY MR. POGNON:

7 Q. The forces at the CND, or rather, the RPF  
8 forces set themselves up in the CND. Do you  
9 think it is normal that within a democratic  
10 state that has a multi-party system, that  
11 you should admit or accept an armed  
12 opposition that should set up camp? I mean,  
13 in a democratic context, is this acceptable?

14 A. Counsel Pognon, I had requested that you  
15 stop asking me additional questions about  
16 the RPF, but as you insist and have returned  
17 on this -- dwelling on this issue, I will  
18 try and answer.

19  
20 First of all, you are putting in front of me  
21 a piece of paper and you are stating that  
22 this shows that there was alliance. And I  
23 am telling you that there is nothing in this  
24 document that in fact shows that there is an  
25 alliance. It is said that discussions were

1 held so as to have some form of consultation  
2 but that is all that is said.

3  
4 So, the fact that you are continuing to  
5 asking questions on this issue is in fact an  
6 attempt to divert the issues -- the issue.

7  
8 When you are referring to a battalion, you  
9 are asking me if it would be acceptable in a  
10 democratic country to have this state of  
11 affairs. But I am telling you that this  
12 battalion did not come as a -- to fight, but  
13 rather, within the framework of the  
14 implementation of the Arusha Accords in an  
15 attempt to institute democracy, and the  
16 Democratic Forces for Change with which the  
17 RPF was referring to. Therefore, I do not  
18 understand how you can say that it was  
19 unacceptable that this battalion would be  
20 there on the ground because everyone agreed  
21 -- or had agreed to say that the war was now  
22 over and that the time had come to implement  
23 the Arusha Accords. And, so, the battalion  
24 came peacefully. They did not launch any  
25 political attack, or any armed attack, they

1 did not organise any meetings. They came in  
2 a concerted accepted mission as was  
3 specified in the Arusha Accords.

4 Q. Is it -- or rather, do you feel -- is it  
5 necessary that an armed forces should set up  
6 in a country in the presence of an  
7 institution such as UNAMIR, was already  
8 there so as to guarantee the proper  
9 implementation of the Arusha Accords?

10 A. I will repeat what I have already said  
11 several times previously. I saw the Arusha  
12 Accords -- or believed, rather, in the  
13 Arusha Accords where many other Rwandans  
14 did. Everything was done within the  
15 framework of the Arusha Accord. Therefore,  
16 I do not see why any specific aspect of the  
17 Accord should not be implemented. Up until  
18 then, the Accords had not been amended as  
19 far as I know so as to exclude the  
20 installation of the battalion in Kigali.

21 Q. Did you know that the Rwanda Government at  
22 the time was opposed -- against the  
23 installation of an armed opposition within  
24 the territory -- within the Rwandan  
25 territory?

1       A.           After the Arusha Accords were signed, I  
2                   believe no more fighting took place, and the  
3                   only thing that was left was to implement  
4                   the Accords.  Therefore, I do not understand  
5                   why you speak of an -- your fraudulent (sic)  
6                   armed opposition.  The RPF battalion came in  
7                   and set up camp in the buildings of the CND  
8                   because that was one of the provisions of  
9                   the Arusha Accords, and the battalion was to  
10                  assist in the implementation of the Accords  
11                  notably by ensuring the safety of RPF  
12                  officials that were supposed to participate  
13                  in the transitional institutions.  
14                  Therefore, it was not so much an armed  
15                  battalion inside the country.  And the other  
16                  persons who were meant to be part of the  
17                  transitional institutions were also  
18                  protected.  
19  
20                  And the other part of the RPF which had  
21                  remained on the outside was not fighting  
22                  either.  Rather, it was the MRND and the CDR  
23                  who often organised demonstrations.  There  
24                  was no fighting, or rather, the battalion at  
25                  the CND was not involved in any fighting or

1 by the RPF -- or that portion of the RPF  
2 which had remained outside the country. The  
3 battalion was there waiting for the  
4 implementation of the Accords that had been  
5 signed.

6 Q. You did not answer my question about the  
7 role of UNAMIR as to the monitoring of the  
8 implementation of the Arusha Accords?

9 A. In my answer, I was trying to pervade that  
10 it's not correct to the say that the RPF was  
11 an armed opposition which had been -- to  
12 which the Rwandan Government was opposed as  
13 you are trying to say, Counsel, because to  
14 my knowledge, the Rwandan Government never  
15 opposed itself to this state of affairs  
16 because they signed -- the Rwandan  
17 Government signed the Arusha Accords and I  
18 never heard any government -- any statements  
19 made by the Government opposing the arrival  
20 of the battalion.

21  
22 As far as UNAMIR is concerned, they were  
23 there, and I believe they had a -- their own  
24 mission and they can respond to that state  
25 of affairs. But I do not agree when you say

1                   that this battalion was an armed opposition  
2                   because the battalion had come within the  
3                   framework of the Arusha Accords which had  
4                   been signed. It was within the framework of  
5                   the implementation of the Arusha Accords.

6       Q.           Yes, within the framework of the  
7                   implementation of the Accords. The power  
8                   was shared amongst the parties which were  
9                   the democratic parties at the time, or,  
10                  recognised as such. This included the RPF  
11                  which was also considered as a party at the  
12                  time. Do you feel or would you say that  
13                  this is a normal state of affairs when one  
14                  party is an armed party, participates in the  
15                  Accords, and the other parties are unarmed  
16                  and also participate in the Accords? Do you  
17                  believe that this situation is a situation  
18                  that would favour peace and the  
19                  implementation of the Accords?

20       MADAM PRESIDENT:

21                   We are going to disallow this question and  
22                   we ask you now to move on.

23       MR. POGNON:

24                   Thank you, Madam President, I shall move on.

25

1 BY MR. POGNON:

2 Q. So we are thus in this trial of RTLM and  
3 there are events that occurred since 1990,  
4 after the war have marked the political life  
5 in Rwanda.

6 MR. POGNON:

7 Madam President, I wish to tender a document  
8 and I would like to ask some questions on  
9 this document. This is an excerpt of a  
10 newspaper called La Réleve which shows life  
11 and the political events which marked Rwanda  
12 in 1993. And the reason I wish to tender  
13 this document is to show that in a trial of  
14 the press; of radio, of television, in the  
15 same manner in which this newspaper, La  
16 Réleve, raised these issues, the RTLM spoke  
17 as the events took place. Therefore, I  
18 would like to produce this document that  
19 covers from January first to December 31st  
20 1993, which covers daily events in Rwanda in  
21 1993.

22 MADAM PRESIDENT:

23 Mr. Pognon, and you have questions for this  
24 witness in respect of that document?

25

1 MR. POGNON:

2 Yes, indeed, Madam President.

3 MADAM PRESIDENT:

4 Yes, and you have copies for every one?

5 MR. POGNON:

6 Yes, yes. This is an excerpt from the  
7 newspaper La Réleve. It's a big document --  
8 the newspaper, rather, is a big document and  
9 so we had to take just an excerpt from the  
10 newspaper because it would have been too  
11 much to photocopy the whole thing.

12 MADAM PRESIDENT:

13 Mr. Pognon, you can proceed but this is what  
14 the Chamber requires: That you make a copy  
15 of the first page of this newspaper so we  
16 would know which paper this is, and the  
17 date. Secondly, you get the copies made in  
18 such a way that the page numbers appear.  
19 There is now just one page, that's page 3  
20 that is numbered and has the name of a  
21 journal and the date.

22 MR. POGNON:

23 Yes, the name of the newspaper is La Réleve  
24 but I will try and photocopy the whole  
25 newspaper then if you would like me to. But

1                   unfortunately, the technical difficulties  
2                   make it impossible for me to do and the  
3                   photocopying service -- unit, rather, will  
4                   not be able to photocopy the whole thing.

5       BY MR. POGNON:

6       Q.           You now have a copy of the newspaper in  
7                   front of you and I would like to ask you --  
8                   I would like to ask you the following: Just  
9                   as this newspaper mentions various events,  
10                  did you not see in the task that you had  
11                  been assigned; RTL, do it's work as audio  
12                  journalism and mentioned these events indeed  
13                  as they took place?

14      A.           I have just received this copy of La Réleve  
15                   and I have not really been given the  
16                   opportunity to read it. Therefore, I cannot  
17                   comment on it.

18  
19                   However, as to -- with respect to RTL, it  
20                   is true that they broadcast everyday, and I  
21                   followed its programmes before and even  
22                   after the genocide, and some recordings were  
23                   -- RTL records were recovered; others are  
24                   not available. What should be taken into  
25                   consideration here is whether ethical

1 principles of journalism were respected by  
2 RTLM journalists, principles such as truth,  
3 and honesty, and others. That is what  
4 should be considered. It should be -- one  
5 should look at the manner in which RTLM  
6 described events.

7 Q. If I read the document as of January 4th;  
8 "violation of the cease-fire in Ruhengeri by  
9 the RPF. Nine persons were killed in  
10 Nyagasozi by shelling." You were informed  
11 of these events that RTLM also mentioned in  
12 its broadcast?

13 A. It's true that that's what is written in the  
14 article and it is possible that this event  
15 indeed took place. I have told you that I  
16 do not recall all the events that took place  
17 in this event because many things occurred,  
18 and I do not remember really if RTLM  
19 mentioned this event. But if you have  
20 evidence that shows that RTLM mentioned this  
21 event maybe you could give me this evidence  
22 and we will see what is the truth, or  
23 rather, what is the content of -- in the  
24 RTLM broadcast, what they say about this  
25 event, and see what was the goal of RTLM

1                   when it broadcast this -- mentioned this  
2                   event.

3       Q.           At the very beginning of page 2, in  
4                   February, one can read that the RPF has been  
5                   -- has seized the demilitarised zone  
6                   according to the so-called Dar-es-Salaam  
7                   communique. Are you aware of this?

8       A.           I do not know if the RPF seized that area  
9                   but I do know what area was called the  
10                  demilitarised zone. It was an area in which  
11                  neither the RPF nor Rwandan governmental  
12                  forces should be found.

13      Q.           Are you trying to say that the so-called  
14                  demilitarised zone was penetrated repeatedly  
15                  by the RPF?

16      A.           I have said that I knew what was referred to  
17                  as -- by the demilitarised zone as an area  
18                  in which neither the RPF nor the  
19                  governmental forces should be found. As to  
20                  RPF violations with respect to this area, I  
21                  do not know what you are referring to.  
22                  Maybe you were with them or you were with  
23                  persons who mentioned these violations I  
24                  have no knowledge about. Maybe you know  
25                  more than that.

1 Q. You know that I am from Benin, that I am not  
2 from Rwanda, and that I do not have any  
3 information about this. Let us now go down  
4 to 20 February. The newspaper says;  
5 "Catholic bishops condemned the cease-fire  
6 violations by the RPF. The Rwandan  
7 governmental forces are able to push back a  
8 new attack launched from Ruhengerie by the  
9 RPF." Are you aware of this event?

10 MS. MONASEBIAN:

11 Your Honour, at this point I'm going to  
12 object for two reasons; the first reason is  
13 there is absolutely no relevance and the  
14 second reason is RTLM wasn't even  
15 broadcasting during this period of time.  
16 So, the premiss to compare it to RTLM's  
17 broadcasting in February or January, doesn't  
18 -- doesn't even apply.

19 MADAM PRESIDENT:

20 So, what's the relevance of your question,  
21 Mr. Pognon?

22 MR. POGNON:

23 Madam President, I wonder if on behalf of  
24 the Defence I should not ask for a closed  
25 session so that we would have equality of

1 arms. The problem -- the document that I  
2 have brought here is to mention events that  
3 took place, events that were mentioned by  
4 the whole press, not only audio-visual  
5 press, but also written press. In fact,  
6 they mentioned these events repeatedly.  
7 What I am trying to prove here is to -- the  
8 evidence is that this witness who only  
9 observed RTLM although he was requested to  
10 observe all of the private press, I am  
11 trying to get the witness to recognise that  
12 these events which marked the life of the  
13 country indeed existed. And that is what I  
14 am trying to say. This is within the  
15 framework of the audio-visual press at the  
16 time.

17  
18 However, if the Court feels that this is  
19 not relevant, then I shall move on.

20 MADAM PRESIDENT:

21 The difficulty is, what you already have  
22 from the witness is that he has not seen  
23 this newspaper and he has not monitored this  
24 newspaper. So, all he, according to him,  
25 can testify to, is the RTLM broadcasts.

1  
2                   So, this kind of questions could be put to  
3                   some other witness who has knowledge of  
4                   public -- of the statements made in this  
5                   publication.

6  
7                   You have established from this witness,  
8                   which I imagine is your goal, that he did  
9                   not in fact monitor all the written media.  
10                  This being one case in point.

11       MR. POGNON:

12                   Thank you, Madam President.   Therefore, I  
13                   would like to ask the witness the following  
14                   question:

15       BY MR. POGNON:

16       Q.           In his account of RTLM activities, since he  
17                   recorded tapes, was he not -- did he not at  
18                   least attempt to compare the events that  
19                   were broadcast in RTLM with the events that  
20                   were published by other media or broadcast  
21                   by other audio-visual media?  Did he only  
22                   observe RTLM and only RTLM?

23       A.           You are asking me if I compared RTLM  
24                   programmes to articles in other newspapers.  
25                   There were other newspapers such as Kangura

1 of Ngeze, La Médaille Nyiramacibiri -- I'll  
2 spell Nyiramacibiri;  
3 N-Y-I-R-A-M-A-C-I-B-I-R-I -- but as part of  
4 my work, I had to see if the RTLM was  
5 respecting the agreement it signed with the  
6 Rwandan Government, and particularly, if it  
7 respected Article 5(2) of that agreement.

8  
9 It is obvious that I was reading the other  
10 newspapers such as Kangura or Médaille  
11 Nyiramacibiri, other newspapers of the  
12 extreme left, newspapers that I would refer  
13 to as extremists. Media extremist is a --  
14 as extremist media or hate media. I did not  
15 have to compare information contained in  
16 RTLM programmes with information contained  
17 in articles in these other papers, but I did  
18 read them. And I believe you, also, were  
19 able to read these newspapers and transcribe  
20 programmes of RTLM and you probably observed  
21 that they were newspapers that followed the  
22 same trend as RTLM.

23  
24 And besides, Ngeze himself said it. He said  
25 that the mass of the people have obtained a

1 radio station that besides a newspaper, now  
2 they have a radio station. And that, for  
3 me, meant that RTLM was a kid brother or a  
4 kid sister to Kangura newspaper.

5  
6 I cannot recall in which issue Ngeze said  
7 what I just said, but that clearly  
8 demonstrates that they had the same views.

9 Q. You were, you were tasked with summarising  
10 RTLM programmes as well as articles of  
11 private -- the private press. Is that not  
12 it?

13 A. I thought I explained myself clearly. My  
14 mission was to monitor -- to ensure the  
15 monitoring operation and orientation of the  
16 private press. But, at a point in time, the  
17 Minister directed me to monitor exclusively,  
18 the daily programmes of RTLM, and this was  
19 following the events of Burundi in October  
20 1993.

21 A. And you monitored RTLM programmes. In your  
22 previous examination-in-chief, you were  
23 asked the question why you did not similarly  
24 monitor the programmes of Radio Muhabura and  
25 you said there was no program. In context

1 of seeking for peace under the Arusha  
2 Accords, did you think that it was -- that  
3 you should limit yourself to the RTLM; that  
4 it was only the RTLM that was likely to  
5 disturb the peace of the country?

6 A. I think you gave the answer at the beginning  
7 of your question. It is true that I did my  
8 work; I monitored programmes of the RTLM to  
9 see if they respected the agreement signed  
10 between the RTLM and the Rwandan Government  
11 represented by the Minister of Information.

12  
13 It is true that this issue of Radio Muhabura  
14 was raised during meetings that were held  
15 between the official of the Ministry of  
16 Information and RTLM officials, and it was  
17 said that Radio Muhabura never signed an  
18 agreement with the Rwandan Government. So  
19 if I had done that I would have been doing  
20 work which I was not asked to do.

21  
22 You should rather be asking me whether I  
23 discharged my duty and I would have provided  
24 you with an answer, but the question you are  
25 asking is something else.

1  
2 Let me add that within the Ministry of  
3 Information there was a department for  
4 external relations. This department was in  
5 charge of monitoring programmes of radio  
6 stations transmitting from outside Rwanda.  
7 If you have information from that department  
8 you can put it at the disposal of the Court.  
9 I cannot do the work of that department  
10 because I did not belong to that department.

11  
12 Now, regarding what you said in relation to  
13 peace, maybe you can find information about  
14 this radio station in that department, or  
15 maybe they are lost because the ministry was  
16 ransacked. I also listened to Radio  
17 Muhabura just as other citizens did, but I  
18 did not do so as part of my work.

19  
20 Can I say before the Court, knowing that I  
21 am under oath, to say things that I never  
22 heard on the -- on that radio, and  
23 statements that are such as to sow seeds of  
24 ethnic discord. I never heard about this --  
25 I never heard this in a programme of that

1 radio; never heard about a group of people  
2 called Sebahinzi -- Sebahenzi is  
3 S-E-B-A-H-I-N-Z-I -- and others referred to  
4 as Seborozi, that is S-E-B-O-R-O-Z-I -- and  
5 I never heard Muhabura radio telling Hutus  
6 to be vigilant or referring to Tutsis as  
7 accomplices. I never heard this.

8 Q. Do you think that a radio station which  
9 belongs to a faction which is at war with  
10 the then government, and which is on the  
11 territory, and which is negotiating -- which  
12 is in the process of negotiating a  
13 cease-fire which is always breached, do you  
14 think this is a radio of peace at the --  
15 this is a radio of peace within the radio  
16 station, and do you think you were acting  
17 properly not to have listened to this radio  
18 news -- not to have listened to this radio  
19 station and to see to what extent RTLM is  
20 not responding to that radio station?

21 A. Mr. Pognon, I think I have already answered  
22 your question. I told you that listening or  
23 monitoring programmes of Radio Muhabura was  
24 not part of my duty, but that as a citizen,  
25 as an ordinary citizen, I listened to

1 programmes of Radio Muhabura, and that I  
2 never heard statements which preached ethnic  
3 division or which required one ethnic group  
4 to exterminate the other, or which preached  
5 prudence among ethnic groups which is what  
6 was happening in RTLM. That is my position.  
7 I could not have done a work that is not my  
8 work. But as a citizen, I listened to Radio  
9 Muhabura programmes and I think that that is  
10 sufficient.

11  
12 It is true that Radio Muhabura was  
13 criticising the government in power,  
14 criticised the MRND and CDR, who were  
15 preaching extremism.

16 Q. Do you think that when you take the Ministry  
17 of Information, and the Ministry's concern  
18 at the time, that is, the proper  
19 implementation of the Arusha Accords, would  
20 you think that what informed your assignment  
21 to monitor RTLM programme is simply an  
22 agreement that was signed between the RTLM  
23 and the Ministry of Information, or what --  
24 or what could inform a measure within the  
25 framework of the Arusha Accords would be to

1 assign you to monitor Radio Muhabura as  
2 well?

3 A. There are several answers to the question  
4 that you put to me. I have generally  
5 explained the task that was assigned to me.  
6 I said I was tasked with monitoring the  
7 private press which is what I did, and then  
8 I said that I was tasked with monitoring,  
9 more specifically, the RTLM to determine to  
10 what extent the RTLM was respecting the  
11 agreements -- the agreement signed with the  
12 Ministry of Information, and, to what extent  
13 it was respecting the Arusha agreements  
14 which henceforth had become part of the  
15 constitution and had to be respected by  
16 everybody. I therefore had to see to what  
17 extent the RTLM, its journalists, and  
18 leaders were respecting the agreement.

19  
20 There were other individuals -- there were  
21 other persons who were to monitor other  
22 press organs. My duty was to monitor RTLM,  
23 and I think I did my job the way I was  
24 supposed to do it. The proof is in the  
25 testimony that I gave as well as the

1 documents that we were able to gather.

2

3 I don't think, I don't think the Ministry of  
4 Information was focusing exclusively on the  
5 RTLM, but I as an individual, was requested  
6 to focus on RTLM, and there were other  
7 persons who were in charge of monitoring the  
8 other press organs within the country as  
9 well as outside the country.

10 MR. POGNON:

11 Thank you.

12 MADAM PRESIDENT:

13 We'll stop now, Mr. Pognon. We will resume  
14 at 3 o'clock, Mr. Pognon, and the Chamber  
15 directs you to complete your  
16 cross-examination before or by 5 p.m. today.

17

18 We have just learnt about the fact that  
19 tomorrow is a public holiday at the  
20 Tribunal. We were not aware of this and  
21 now, we have Mr. Floyd's request on behalf  
22 of Mr. Ngeze.

23

24 Mr. Floyd, can you indicate to the Chamber  
25 how long your cross-examination will last?

1 MR. FLOYD:

2 A day, Your Honour.

3 MADAM PRESIDENT:

4 Then the Chamber directs you to ensure that  
5 your cross-examination is completed on the  
6 6th, Wednesday the 6th.

7 MR. FLOYD:

8 Thank you, Your Honour.

9 MADAM PRESIDENT:

10 And then, Ms. Monasebian, if there is no  
11 time for re-examination on the 6th of June,  
12 we will have a half-day session in the  
13 afternoon of the 7th of June, for  
14 re-examination. I say afternoon of the 7th  
15 June because two of the Judges in this  
16 Chamber are engaged in another matter which  
17 is scheduled for the morning of the 7th  
18 June.

19  
20 Therefore, I'm able to announce that this  
21 Chamber will not be sitting tomorrow, the  
22 5th of June.

23 MS. MONASEBIAN:

24 Your Honour, if I may just check for the  
25 rest of my team a question about one other

1 scheduling matter? Is there any possibility  
2 of having that status conference on Friday  
3 morning if I wind up using my Thursday  
4 afternoon for re-direct?

5 MADAM PRESIDENT:

6 Well, it will have to be on Thursday  
7 afternoon because I have meetings scheduled  
8 for Friday the 8th, in my other capacity.

9 MS. MONASEBIAN:

10 Okay. So helpfully we can get them both  
11 done on Thursday afternoon?

12 MADAM PRESIDENT:

13 At the end of your re-examination.

14 MS. MONASEBIAN:

15 Very well. Thank you, Your Honour.

16 MADAM PRESIDENT:

17 Court will now adjourn until 3 o'clock.

18

19 (Court adjourned at 1310H)

20

21 (Pages 42 to 73 by G. Harding)

22

23

24

25

1 (Court resumed at 1514H)

2 MADAM PRESIDENT:

3 Court is in session, Mr. Pognon.

4 BY MR. POGNON:

5 Q. Witness GO, the fact that RTLM was placed  
6 under observation with you listening to the  
7 programmes, did the government make this  
8 decision or, rather, did the Minister of  
9 Information decide this on his own?

10 THE INTERPRETER:

11 The witness seems to have a technical  
12 problem with his earphones.

13 THE WITNESS:

14 The decision to monitor RTLM was not a  
15 decision taken by the government. The task  
16 that I had been assigned to was to monitor  
17 the independent press, and this included  
18 RTLM. And this decision had been taken by  
19 the central office of the Minister of  
20 Information.

21 BY MR. POGNON:

22 Q. When you talk about the central management,  
23 what difference do you make between the  
24 management and the Minister of Information,  
25 himself?

1       A.           In the letter in which I was assigned this  
2                    task, I was able to see that it was the  
3                    management of the ministry which was  
4                    assigning this task to me.

5       Q.           Therefore, it wasn't the minister himself  
6                    who assigned this task to you?

7       A.           The ministry is not led by one person.  The  
8                    minister can take a decision on a specific  
9                    issue and ask the director-general to write  
10                   the letter implementing this decision.  They  
11                   worked as a team.

12      Q.           I would like the witness to tell the Court  
13                    whether this mission responded to a national  
14                    concern or, rather, a concern that had been  
15                    expressed by the whole government or,  
16                    rather, if this was just management of the  
17                    implementation of the agreement that had  
18                    been signed by RTLM and the government.

19      A.           So that to clarify things, I would like to  
20                    say that everything that was done by the  
21                    Ministry of Information -- or at least when  
22                    I worked at the Ministry of Information, I  
23                    worked for the whole country -- and so one  
24                    person cannot work in all institutions, all  
25                    organisations.

1

2

But at the Ministry of Information, I had

3

been assigned the task of monitoring closely

4

the private media. And I believe that I did

5

it for the country, for my country. I

6

wasn't doing it just for one specific

7

person.

8 Q.

In view of the seriousness of this problem,

9

do you know whether the Ministry of

10

Information gave an account of this to the

11

government, and whether the council of

12

ministers gathered to meet with this subject

13

on the agenda?

14 A.

Counsel Pognon, I would like to tell you

15

that since I was not the minister, and since

16

I wasn't allowed to participate in the

17

meeting of the cabinet, I did not attend any

18

of those meetings. Therefore, I cannot tell

19

you what was debated during the meetings of

20

the council of ministers and I do not know

21

of what reports the minister might have

22

given to the various state institutions.

23

All I know is the fact that I was assigned a

24

task, and I know nothing else about that.

25

1 MR. POGNON:

2 Madam President, by your leave, I will  
3 accept that response, because when he has a  
4 two-prong question, he usually does not  
5 answer my question in the second part of the  
6 answer and takes away my time. So, unless  
7 the Court would like to hear the second part  
8 of his answer, I would like to content  
9 myself with the first part.

10 MADAM PRESIDENT:

11 Witness, stop talking while the process is  
12 going on between the counsel and Judges.

13  
14 The witness has answered you that he did not  
15 know and he was not present at the meetings  
16 at cabinet level. So ask your next  
17 question, Mr. Pognon.

18 BY MR. POGNON:

19 Q. Could the witness please say whether, at the  
20 ministry level, the person or, rather, the  
21 specific team who assigned the task to him  
22 -- he has said the management of the  
23 Ministry of Information. Could he tell us,  
24 please, who was part of this management, who  
25 assigned him the task of monitoring RTLM?

1       A.           As I have already said, the managerial team  
2                   at the Ministry of Information is not made  
3                   up of only one person. As in many  
4                   organisations, they are persons with  
5                   supervisory authority. If such a decision  
6                   was taken, then those supervisors must have  
7                   gathered to take a decision.

8  
9                   I was informed of the decision at a later  
10                  time by the minister, himself. He was  
11                  accompanied by Pie Nzeyimana, who was the  
12                  director-general at the Ministry of  
13                  Information, as well as by a technical  
14                  supervisor who handled the day-to-day work  
15                  at the Ministry of Information.

16       Q.           This information that was given to you,  
17                   isn't this, rather, a reflection of the  
18                   pro-MDR tendency of the ministry, this  
19                   tendency to be pro-FCT, the Democratic  
20                   Forces for Change, in their attempt to go  
21                   against the RTLM and to prevent RTLM from  
22                   broadcasting?

23       A.           I see no link between what you are saying  
24                   and reality. No authority ever sought to  
25                   prevent RTLM from working. It was, rather,

1 the way that RTLM worked that was being  
2 criticised, because RTLM did not respect the  
3 agreements that had been signed between the  
4 RTLM and the Ministry of Information.

5  
6 You would be looking for a problem where  
7 there is no problem by seeking to try to  
8 link the two facts. The ministry allowed  
9 each and every one to speak, regardless of  
10 whether you were a member of the  
11 presidential party or from an opposition  
12 party. No one ever tried to close down  
13 RTLM. The only thing we tried to do was  
14 summon them to a meeting and to remind them  
15 that they are going astray from the law. We  
16 never tried to close down the radio.

17  
18 Later, when a decision was about to be made,  
19 this decision was a result of the fact that  
20 the RTLM was maintaining its position, which  
21 was the fact that they would not respect or  
22 comply with the said laws.

23 Q. In your opinion, did ORINFOR share those  
24 concerns?

25 A. I have never worked at ORINFOR and I have

1 never followed what ORINFOR did. If I had  
2 an opinion, that would be my opinion;  
3 whereas, here I am testifying on the facts.  
4 I have not been asked to come here to  
5 express my personal opinions.

6 MR. POGNON:

7 Madam President, at this stage in my  
8 cross-examination, and in view of the  
9 pressure that RTLM had to receive, I would  
10 now like to tender an exhibit which came  
11 from ORINFOR. And this is a letter from the  
12 director of ORINFOR, and this, in fact,  
13 supports what I have said, which is a  
14 deliberate targeting of RTLM.

15  
16 If the Court is willing, I would now like to  
17 tender this document. This is a letter from  
18 the director of ORINFOR -- the director of  
19 ORINFOR to RTLM. The director of ORINFOR  
20 tells the director of RTLM that he is  
21 criticising a programme that was broadcast  
22 on Radio Rwanda.

23 MADAM PRESIDENT:

24 Mr. Biju-Duval (sic), you can hand that in,  
25 but, once again, it's with that same

1                   caveat. You have to ask that witness if he  
2                   has seen that document before and if he  
3                   knows its contents. If his answer is yes,  
4                   you can ask him questions.

5       MR. POGNON:

6                   Yes, very well.

7       MADAM PRESIDENT:

8                   If his answer is no, then you have to lead  
9                   some other testimony in support of that  
10                  document.

11      MR. POGNON:

12                  Very well. I asked him the question and he  
13                  said that he did not work for ORINFOR; so,  
14                  obviously, his answer will be no,  
15                  Madam President.

16      MADAM PRESIDENT:

17                  Yes. So, that's why I have to consider why  
18                  are you burdening the record with the  
19                  document. You may want to peruse it via  
20                  some other witness.

21      MR. POGNON:

22                  Very well. I will keep the document then.  
23                  But what I wanted to express here was the  
24                  fact that RTLM was a target of all of this,  
25                  repeatedly, as it was not even allowed to

1 broadcast the programme from Radio Rwanda.

2 THE KINYARWANDA INTERPRETER:

3 If counsel could begin the question from the  
4 top, please.

5 MADAM PRESIDENT:

6 So, that's your question to the witness,  
7 that RTLM was targeted and was not even  
8 allowed to broadcast programmes from Radio  
9 Rwanda?

10 MR. POGNON:

11 Yes, that was my question. That was the  
12 question. He will answer that he doesn't  
13 know. And that's why I was trying to save  
14 time and give the answer before the witness,  
15 unless the --

16 MADAM PRESIDENT:

17 Unless you are choosing to give evidence  
18 yourself, it is not evidence before the  
19 Court. You can put that to him, which you  
20 did, and he said he did not work at ORINFOR  
21 and didn't follow the work of ORINFOR.

22

23 So, Witness GO, counsel is asking, and we  
24 would like to know, was the ministry  
25 particularly targeting the RTLM; of all the

1 radio stations they targeted RTLM because of  
2 their even political reasons?

3 THE WITNESS:

4 That's not true. That's not true at all.  
5 And this can be seen in the reports from the  
6 meetings that we held with RTLM officials.  
7 This can also be seen in the speech given by  
8 the minister and the correspondence that he  
9 sent to them. He never targeted RTLM. The  
10 only thing he did was to remind them that  
11 they must comply with the law, and that was  
12 all.

13 MR. POGNON:

14 With the Court's permission, I would like to  
15 ask the witness to look at this document, to  
16 read this document. This is a very short  
17 letter from the director of ORINFOR to the  
18 president of RTLM. It's a very short  
19 letter, and if he is aware of that, he can  
20 say, yes; and if he is not aware of this, he  
21 can say so. Madam President, with your  
22 permission.

23 MADAM PRESIDENT:

24 We can allow it. I just remind you of the  
25 caveat.

1

2

Now, Witness, look at this document which  
counsel has, which counsel says comes from  
ORINFOR, and then he has a question for you  
about that.

6

7

So what's your question, Mr. Pognon?

8

BY MR. POGNON:

9

Q. Were you aware of the existence of this  
letter of protest that was sent by  
Mr. Jean-Marie Vianney Higiro to the  
president of RTLM?

10

11

12

13

A. I have never seen this document. This is  
the first time I have seen it. I don't know  
if this is what you are referring to as  
"targeting of RTLM".

14

15

16

17

Q. Since you are referring to my use of words,  
which is "targeting of RTLM", I would like  
to ask you a question about that.

18

19

20

21

Do you believe that a programme that was  
broadcast on Radio Rwanda, a radio in which  
Faustin Twagiramungu, Jean Bosco  
Barayagwiza, and Mr. Simbizi, from the CDR,  
spoke -- this was a debate, an interview

22

23

24

25

1 debate, on Radio Rwanda, which was  
2 rebroadcast by RTL M -- do you believe that a  
3 complaint of this nature should be filed?

4 MS. MONASEBIAN:

5 Your Honour, if I may, this calls for  
6 opinion testimony from the witness.

7 MADAM PRESIDENT:

8 Ms. Monasebian, you have an objection?

9 MS. MONASEBIAN:

10 Yes. My objection is merely that it is  
11 asking opinion evidence of something the  
12 witness doesn't even know about.

13 MADAM PRESIDENT:

14 Mr. Pognon?

15 MR. POGNON:

16 Indeed, when the witness read the letter, he  
17 said the -- he made a comment, "Well, if  
18 this is what you called a targeting", and I  
19 said, "Since you mentioned the targeting, I  
20 would like to ask a question on that".

21  
22 And, therefore, I would like to ask my  
23 colleague on the other side of the room to  
24 please follow what is being said. The  
25 witness was the person who made the initial

1 comment. And I asked the witness, "Do you  
2 believe if a public debate which, in fact,  
3 became public, was public information, can  
4 be the subject of a letter of complaint of  
5 protest in which the director of ORINFOR  
6 says that this broadcast of RTLM bears  
7 prejudice against the respects of copyright;  
8 and do you think that this is normal? Don't  
9 you think this is a sign of the targeting of  
10 RTLM?

11 MADAM PRESIDENT:

12 Mr. Pognon, clarify this for us; and it was  
13 you who first used the word "targeting the  
14 RTLM", not the witness.

15 JUDGE MØSE:

16 Could you just clarify your point about  
17 copyright, Maître Pognon? Qui porte  
18 préjudice au droits d'auteur. What is the  
19 question?

20 MR. POGNON:

21 Allow me to explain. This document deals  
22 with a debate which occurred on Radio Rwanda  
23 between Jean-Bosco Barayagwiza, Stanislas  
24 Simbizi and Faustin Twagiramungu. The RTLM  
25 rebroadcast this debate at a later time, on

1                   20 February 1994, and the RTLM received a  
2                   letter dated 12 March in which it was  
3                   criticised for rebroadcasting this public  
4                   debate.

5  
6                   And if you were to refer to the second page,  
7                   you will see that the director of ORINFOR  
8                   protests against RTLM's behaviour as, in  
9                   fact, this is an infringement upon  
10                  copyrights law. And that is why I raised  
11                  the issue. A public broadcast that has been  
12                  rebroadcast by another radio station and  
13                  that they are being criticised for this,  
14                  isn't this radio station being specifically  
15                  targeted? I mean, that's where the issue  
16                  lies.

17                MADAM PRESIDENT:

18                                Mr. Pognon.

19                MR. POGNON:

20                                Yes, Madam President.

21                MADAM PRESIDENT:

22                                This witness is not the author of this  
23                                statement. It's somebody else's comment,  
24                                and now you want to invite him to comment on  
25                                this comment.

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Witness, you have said in your response that this is not discrimination against the RTLM. Can you explain that to us?

THE WITNESS:

Madam President, this letter has nothing to do with my job, but it's been put to me for examination. I've gone through it in a very cursory manner, and I am saying that I do not see any targeting in this letter, because the letter says, briefly, that one is not authorised to rebroadcast a programme of another station without their authorisation, and the legal onus of the copyright.

So, in my opinion, there is nothing surprising in what is said in the letter because RTLM was being criticised for broadcasting a programme of Radio Rwanda without prior permission. I do not see anything surprising or anything wrong with what is said in this letter.

BY MR. POGNON:

Let's move on to the meeting of

1 10th February.

2 MADAM PRESIDENT:

3 Well, the witness has been questioned on  
4 this document. For that reason and subject  
5 to your adducing proper evidence about the  
6 writing of this document, we will receive it  
7 as 2D7, but would the cover page be removed,  
8 because that is a Prosecution disclosure  
9 document, the cover page.

10

11 So, this document will then have two pages,  
12 Mr. Pognon. It will be 2D7.

13 (Exhibit No. 2D7 admitted)

14 MR. POGNON:

15 Thank you, Madam President.

16 BY MR. POGNON:

17 Q. The 10 February meeting, I believe it was at  
18 this meeting, it was during that meeting  
19 that Ms. Bemeriki wanted to participate?

20 A. Yes. Madam Valérie was present during the  
21 meeting of 10 February 1994, but I did not  
22 follow the work of the meeting.

23 Q. For what reason?

24 A. I have already explained why she did not  
25 follow the work of the meeting. The

1 Ministry of Information and RTLM agreed that  
2 Valérie Bemeriki should leave the venue of  
3 the meeting because she was not invited.  
4 Besides, no other journalist was invited.

5  
6 The two parties agreed that at the end of  
7 the meeting they were going to broadcast a  
8 joint press release on Radio Rwanda and  
9 RTLM.

10 Q. We are in the area of press and audiovisual,  
11 more specifically. RTLM signed an agreement  
12 with the government. There are certain  
13 things that were going wrong; i.e., the  
14 journalists were broadcasting, were  
15 broadcasting programmes that the ministry  
16 was criticising.

17  
18 How would you -- how come these meetings did  
19 not invite any of the journalists for them  
20 to come and hear why they are being  
21 criticised?

22 MADAM PRESIDENT:

23 Mr. Pognon.

24 MR. POGNON:

25 Madam President?

1 MADAM PRESIDENT:

2 I have to disallow that question because he  
3 didn't call the meeting and determine who  
4 should be there. He is reporting on why  
5 Valérie Bemeriki, a journalist, was asked to  
6 leave. And he said that that was discussed  
7 by the two sides at that meeting.

8 MR. POGNON:

9 Yes, Madam President, but the problem is  
10 that a meeting of the minister and the  
11 founding members of a radio station would  
12 tell the journalists, who are being  
13 criticised -- I just want the Court to take  
14 note that it is strange.

15  
16 I suggest, Madam President, because we are  
17 informed of the fact that Valérie Bemeriki,  
18 contrary to what he is saying, remained in  
19 the meeting till the end and that she is the  
20 one who wrote the report for the RTLM party  
21 at the meeting. Is this information correct  
22 or wrong? This goes to the witness under  
23 oath.

24 MADAM PRESIDENT:

25 Just a second, Mr. Pognon. Wasn't this

1 question put to the witness by  
2 Mr. Biju-Duval that Valérie Bemeriki did, in  
3 fact, stay to the end of the meeting?

4 MR. POGNON:

5 We have information which enabled us to  
6 re-put the question. That is why we are  
7 re-putting the question.

8 MADAM PRESIDENT:

9 All right. So here is the question then,  
10 Witness GO: That Valérie Bemeriki stayed  
11 throughout that meeting and prepared a  
12 report on the meeting.

13 MR. POGNON:

14 For the RTLM parties to the meeting.

15 THE WITNESS:

16 Mr. Pognon, that is wrong. And I repeat,  
17 it's wrong. Valérie Bemeriki came; he (sic)  
18 wanted to record. He came at the beginning,  
19 and at the end of the meeting he wanted to  
20 record. And Minister Rucogoza said he did  
21 not invite any journalist and, therefore,  
22 Madam Bemeriki was not invited and requested  
23 her to leave the meeting room. She left.  
24 So I will not understand how she is able to  
25 make the records, write a report of a

1 meeting she did not attend. Jean-Bosco  
2 Barayagwiza was the person taking notes on  
3 behalf of the RTLM party.

4 BY MR. POGNON:

5 Q. Who, in the course of the meeting, reported  
6 on the Gishushu commune events in the  
7 Gishushu commune; what journalist?

8 A. No journalist talked about this issue. This  
9 item was on the agenda meeting as an  
10 information that RTLM broadcasted without  
11 verifying, what is referred to as a lie.  
12 And all the participants on the RTLM side  
13 said something on this item, but there were  
14 no journalists.

15 Q. I suggest that at that point it was Valérie  
16 Bemeriki who was present at the Gishushu  
17 event, who reported on this event, and that  
18 was the reason why she was invited to the  
19 meeting.

20 A. I must repeat that that is not correct. We  
21 never knew why Valérie Bemeriki came to  
22 participate in the meeting, but she did not  
23 participate in the meeting and then the  
24 Gishushu event was not the only item on the  
25 agenda of the meeting. There were other

1 various items which were dealt with.  
2 Q. How can the witness explain to us that the  
3 discussion that took place on the report on  
4 his monitoring of RTLM that this discussion  
5 was not -- that this report was not put to a  
6 journalist, whereas this report was on the  
7 agenda of the meeting?

8 MADAM PRESIDENT:  
9 You can say the report was on the agenda.  
10 He did not say that Valérie Bemeriki's  
11 report was on the agenda. He said the  
12 subject Gishushu was on the agenda.

13 MR. POGNON:  
14 Perhaps I did not put it properly and I was  
15 wrongly interpreted. I'm not sure if  
16 counsel heard the interpretation. I'm  
17 saying that since the Gishushu item was on  
18 the agenda, it was Valérie Bemeriki who made  
19 the report, and she was at the site.

20 BY MR. POGNON:  
21 Q. So how come this item was discussed in her  
22 absence and, as you are saying, was chased  
23 out of the room?  
24 A. I have already said that the Gishushu events  
25 were not the only item on the agenda,

1                   because that is not the only event reported  
2                   and performed by RTL. There was, for  
3                   example, the address of the minister. In  
4                   the address of the minister there was a  
5                   portion that was deformed.

6           THE KINYARWANDA INTERPRETER:

7                   Witness wants to repeat his answer.

8           MR. POGNON:

9                   May I continue with my question, with your  
10                  leave?

11          MADAM PRESIDENT:

12                  Why do you want to repeat your answer? I  
13                  just want to know why. Did you understand  
14                  the French better; is that the problem?

15          THE WITNESS:

16                  Madam President, I want to repeat my answer  
17                  so the interpreter can say exactly what I  
18                  said.

19          MADAM PRESIDENT:

20                  So you are saying the interpreter didn't say  
21                  exactly what you said?

22          THE WITNESS:

23                  The sentence that the interpreter started  
24                  was not correct, and I wanted to explain to  
25                  her so she can understand better.

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MADAM PRESIDENT:

All right. Firstly, the interpreter's interpretation is official for the purpose of this Court. And that is a risk you take by declining to speak in French.

Now, in this case we will give you the option to repeat your answer, but you can't do that all the time. If you are not satisfied with the interpretation, then you will respond in French.

THE WITNESS:

(Speaking in Kinyarwanda).

MADAM PRESIDENT:

What are you doing now? That's a very long answer. Let's begin this again.

What was your question, Mr. Pognon?  
Mr. Pognon, let's hear your question again.

MR. POGNON:

My question is very simple. Valérie Bemeriki witnessed the Gishushu event, and the Gishushu event was one of the items on the agenda of the meeting. Valérie Bemeriki

1 arrived at the meeting. She left --  
2 according to witness -- she left the meeting  
3 room. That was witness's statement and it  
4 depended only on witness's report and his  
5 recording of programmes as a basis for  
6 discussion at the meeting. My question is:  
7 How come --

8 MADAM PRESIDENT:

9 You see where the problem lies. It's that  
10 long question of yours with all those  
11 multifaceted issues inside it. To begin  
12 with, you have to ask him, does he know that  
13 Valérie Bemeriki was present at Gishushu.  
14 You see? So, break up your sentences.

15  
16 Now, Witness, you have already told us that  
17 Valérie Bemeriki was asked to leave by the  
18 minister. You gave us the reasons and you  
19 said she left. Do you stand by that answer?

20 THE WITNESS:

21 Yes, I stand by that answer.

22 BY MR. POGNON:

23 Q. And then you discussed the Gishushu event  
24 which she reported on RTLM in her absence;  
25 is that the situation?

1       A.            Yes. We discussed this issue in her  
2                    absence, just as other programmes, which  
3                    were broadcast by other journalists, were  
4                    discussed in the course of the meeting in  
5                    the absence of these journalists.

6       Q.            You believe that your report is sufficient  
7                    basis for the discussion and that the  
8                    journalist who broadcast the programme  
9                    should not be heard?

10      MADAM PRESIDENT:

11                    Mr. Pognon.

12      MR. POGNON:

13                    It doesn't matter what he believes; he's  
14                    told us what happened there, and we look  
15                    forward to other evidence setting out your  
16                    position. But right now you are not going  
17                    to get this witness to agree to your  
18                    position because he is adhering to his  
19                    account of what went on. So I'd like you to  
20                    move on because the better of these meetings  
21                    was extensively covered in cross-examination  
22                    already.

23                    1615H

24                    (Pages 74 to 98 by S Fleming)

25

1 1615H

2 MR. POGNON:

3 Thank you, Madam President.

4 BY MR. POGNON:

5 Q. In your examination-in-chief -- in this  
6 document -- it's an undated document, which  
7 is your statement, you did say that  
8 Barayagwiza is a very influential ideologue.  
9 What do you understand by ideologue?

10 A. When I used the term "ideologue", I meant  
11 that Barayagwiza was one of the persons who  
12 determined the direction or the trend to be  
13 followed by the RTLM; in other words, he was  
14 one of the brains behind the RTLM.

15 Q. If that is the definition of ideologue, then  
16 what specific fact, what specific  
17 information makes you say that Jean Bosco  
18 Barayagwiza is the brain behind the RTLM?

19 A. I must clarify that Barayagwiza was not the  
20 only brain behind the RTLM. He was one of  
21 brains behind the RTLM, and I had the  
22 opportunity to meet Barayagwiza. I heard  
23 him in the course of various discussions. I  
24 met him during meetings, and I knew his  
25 position. Besides, he's one of the founding

1 members of RTLM, and there is no doubt that  
2 RTLM followed the same thoughts as  
3 Barayagwiza, and you, yourself, will have no  
4 doubts on this because these were the same  
5 ideas that were broadcast by the RTLM and  
6 which led to the genocide. These were the  
7 same ideas that Barayagwiza had.

8 Q. As for specific facts -- and he expressed an  
9 opinion on Barayagwiza -- I asked for  
10 specific facts. Do you think that your  
11 opinion, as you expressed it, is an answer  
12 that I should take as such?

13 A. This isn't just my opinion. These are  
14 facts. I heard what Barayagwiza said during  
15 the meetings. He said that RTLM would  
16 follow its line of action and that no one  
17 could stop RTLM from broadcasting ideas. He  
18 said that these ideas were the ideas of the  
19 majority, and he was referring to the Hutu.  
20 So, I am speaking of facts. I am describing  
21 facts; I am not giving an opinion.

22 Q. In the same document you referred to Gahigi,  
23 and that he knew how to manipulate people.  
24 What exactly do you mean by this?

25 A. It's true that I said that, and what I meant

1 by that was that Gahigi was an intelligent  
2 man. He was a man who had studied  
3 journalism and he knew how to manipulate  
4 public opinion; for example, in reference to  
5 the -- when referring to the RPF, he would  
6 call them "cattle rustlers", and he would  
7 use the public's ignorance to -- he would  
8 exploit the public's ignorance.

9 Q. Regarding Noel Hitimana -- I am reading from  
10 the statement -- you said that he was very  
11 influential and he was very career-minded  
12 and interested by money. What exactly do  
13 you mean by that?

14 A. I said that because, at one point, Noel  
15 Hitimana had been chased away by the regime,  
16 and he worked at RTLM, not so much because  
17 of his personal convictions, but because he  
18 was trying to regain favour and because he  
19 was interested in money. He was trying to  
20 show that he was no longer against the  
21 government place. And, in any case, no one  
22 else could have worked at RTLM, unless they  
23 had a desire to promote their career or to  
24 make up for past behaviour.

25 Q. In regard to Habimana, Kantano, you said

1                   that he was very career-minded --

2       THE ENGLISH INTERPRETER:

3                   If counsel could please say where he's  
4                   reading from.

5       MADAM PRESIDENT:

6                   Where in the statement are you reading from?

7       MR. POGNON:

8                   This document is GO. There's a cover page  
9                   on which appears the witness's name; his  
10                  profession. This document was disclosed as  
11                  such.

12       MADAM PRESIDENT:

13                  Just the page and the paragraph, I think the  
14                  interpreters are asking for.

15       MR. POGNON:

16                  The page is the following. The page number  
17                  is -- this is the last paragraph. "Hitimana,  
18                  Kantano, is also very influential. He has  
19                  received journalism training". The last  
20                  paragraph of the page.

21       BY MR. POGNON:

22       Q.           I have read you the paragraph. What do you  
23                    mean by that?

24       A.           I understood. Thank you.

25

1 Counsel Pognon, I believe you have spent  
2 enough time in Rwanda and I believe that you  
3 are interested in the history of this  
4 country and you are aware of the fact that  
5 the problem of discrimination in Rwanda was  
6 a real problem. You could not be a native  
7 of the southern part of the country and be  
8 able to advance, from a career perspective,  
9 without receiving pull from someone else.

10  
11 Kantano Habimana was a man from the south of  
12 the country, and to say that he was able to  
13 advance, professionally speaking, as he did,  
14 and he -- to do so, he had to be even more  
15 virulent than the founders by trying to  
16 awaken the conscience of the Hutu. And he  
17 was only doing this to show that he was of  
18 the same opinion as they were -- as those in  
19 power were.

20 Q. You said that Phillip (phonetic) Mbilizi was  
21 also client orientated?

22 A. Could you please repeat the question?

23 Q. Phillip (phonetic) Mbilizi, you said that he  
24 was "client list". Could you please  
25 explain what you mean by this?

- 1       A.           When I say that, it's because I am putting  
2                   him in the same category as the other  
3                   journalists who are only interested in  
4                   money.  If you look at the way he expressed  
5                   himself on RTLM, the way he expressed  
6                   himself, and the other journalists expressed  
7                   themselves, when you compare his position  
8                   with Gapard's position, you can see that  
9                   these are two difference positions.
- 10       Q.           You said that Nkurunziza, Ananie, he was a  
11                   second Goebbels.  What exactly do you mean  
12                   by this?
- 13       A.           Goebbels was a Nazi who worked in the field  
14                   of communication during the Nazi period and  
15                   he had many Jews killed through the media.  
16                   And Ananie, if you were to consider his  
17                   ideas, one could say that he was a Nazi  
18                   because of his opinion of the Tutsis and of  
19                   opposition Hutus, as well as what fate  
20                   should befall them.  If you listen to the  
21                   recordings of Ananie's programmes,  
22                   especially programmes that were broadcast  
23                   after the beginning of the genocide, or even  
24                   a bit before the genocide began, you will  
25                   see through his words that Ananie was a real

1 Nazi.

2 Q. You said about Hitimana, that he is from the  
3 south and that you cannot succeed if you  
4 come from the south unless one is very  
5 career-minded, as you have said. How many  
6 ministers from the south were there in  
7 Habyarimana's government at the time when  
8 you were --

9 A. First of all, I would like to correct what  
10 you've just said. I have never said that  
11 Hitimana was from the south. I believe that  
12 I referred to Habimana. I believe you must  
13 be mistaken, Counsel.

14  
15 As to the number of ministers within the  
16 government who were from the south, it's  
17 true that there were some there, but I never  
18 really counted them. There were some  
19 ministers. But we know what they did during  
20 the genocide.

21 Q. The dean of the university, the chief of  
22 your gendarmerie staff, are you saying these  
23 are also career-minded individuals?

24 A. I believe that there's not much point in  
25 dwelling on this issue. In most cases, as I

1                   have said, to be able to succeed, you either  
2                   had to engage in clientelism, or you had to  
3                   go through someone who was influential,  
4                   someone from the north, because of this  
5                   problem of regional discrimination that I  
6                   have already spoken. That was the reality;  
7                   that was the situation in our country. I  
8                   was there; I saw that. Even at the time  
9                   when I was on the outside of the country, I  
10                  was following very closely what was  
11                  happening inside.

12        Q.            (By order of the Court this portion of the  
13                      evidence [page 106, lines 12 to 18] has been  
14                      struck from the record, and filed under  
15                      seal)

16

17

18

19

20        MADAM PRESIDENT:

21                      Ms. Monasebian, it's a breach of the  
22                      protection order.

23        MS. MONASEBIAN:

24                      It is, Your Honour.

25

1 MADAM PRESIDENT:

2 Did you need really need an introduction,  
3 Mr. Pognon? Mr. Pognon's question will be  
4 struck off the record.

5  
6 Witness, the question you were asked, which  
7 you already answered, is in respect of the  
8 dean of the university. Do you wish to add  
9 anything further to your answer?

10

11 Are you saying he came from the south,  
12 Mr. Pognon?

13 MR. POGNON:

14 No, Madam President. That's not what I  
15 said. I was speaking of the witness knowing  
16 him now. And now that he knows what his  
17 situation is, if we take into consideration  
18 who he is, without having to violate the  
19 protection order, all I am saying, what did  
20 he do to get where he is now.

21 MADAM PRESIDENT:

22 So, you are asking about the witness,  
23 whether he would call himself mercenary.

24 MR. POGNON:

25 I do not know, Madam President. Even if he

1 doesn't answer the question, I believe that  
2 the question should be asked.

3  
4 I would now like to go back to  
5 Mr. Baraygwesa.

6 MS. MONASEBIAN:  
7 Your Honours, the witness was raising his  
8 hand as though he wanted to answer that  
9 question. I just bring that to the Court's  
10 attention, since the comment was made  
11 without a chance for the witness to respond.

12 MADAM PRESIDENT:  
13 Do not invite comments on comments.  
14 Mr. Pognon, we will only take into account  
15 these questions. Now, do you want to have  
16 that question answered? Are you dropping  
17 it?

18 MR. POGNON:  
19 Madam President, if the witness is afraid to  
20 answer, then I am just happy that I was able  
21 to raise the question, if he is afraid to  
22 answer it; but, otherwise, then if he could  
23 answer it, please, we would like to hear his  
24 answer.

25

1 MADAM PRESIDENT:

2 Witness GO, would you say that anybody who  
3 comes from the south is mercenary-minded and  
4 that he is not altruistic? And also, what  
5 about yourself, would that apply to you,  
6 too?

7 THE WITNESS:

8 Thank you, Madam President.  
9 Madam President, thank you for the question.  
10 I will attempt to answer it.

11  
12 In what I said, I was putting what I said in  
13 a -- I was referring to a specific context,  
14 a specific period in our country's history.  
15 I never held an important position during  
16 that time. He is greatly mistaken when he  
17 describes me as a person who was a member of  
18 the commission. I am not the member of any  
19 commission whatsoever.

20  
21 I mean, you can ask. I am an ordinary  
22 employee. I have never done anything  
23 extraordinary to reach the position that I  
24 currently have. My position -- the position  
25 that I currently hold, I received after

1 taking a competitive examination. A  
2 thousand people took the exam, and I was one  
3 of the persons who were chosen and that's  
4 how I received that employment, and this job  
5 is nothing in particular. I mean, if you  
6 were to ask, I am sure that the answer that  
7 you would receive, that the members of the  
8 commission, indeed, have the rank of  
9 commissioner, but I am not a member of that  
10 commission. I was able to reach my current  
11 position thanks to the competitive  
12 examination that I was able to take part in.

13 MADAM PRESIDENT:

14 Mr. Pognon, you now have 15 minutes, and I  
15 am very happy to learn from you that you are  
16 now turning to Jean Bosco Barayagwiza.

17 MR. POGNON:

18 Madam President, if I were not to finish all  
19 of my questions today, could I please have  
20 one hour tomorrow morning, not more than one  
21 hour, Madam President, by your leave?

22 MADAM PRESIDENT:

23 Do you think that you use your time wisely,  
24 Mr. Pognon? That's why we gave you notice  
25 that you have a time limit. We expect you

1 to ask relevant questions and questions that  
2 you think will be helpful to your case. You  
3 see, you take the last question. I don't  
4 know what response you expected. The  
5 witness then gave us a long answer about his  
6 own progress in life. So, kindly proceed.

7 MR. POGNON:

8 Thank you, Madam President, for the comment.

9 BY MR. POGNON:

10 Q. You did say that when you wrote the report  
11 which had to be signed by all the parties  
12 present at the 10th February 1994 meeting,  
13 that you went to Mr. Barayagwiza for his  
14 signature. Tell us, at the meeting, it was  
15 decided that all the parties should sign, or  
16 was it Mr. Kabuga, as president of the board  
17 of directors of RTLM?

18 A. Mr. Pognon, once again, that is not what I  
19 said. You are not reporting correctly what  
20 I said. I did not say that I went to see  
21 Mr. Barayagwiza for his signature. I went  
22 to see him with my version of the minutes of  
23 the meeting, for him to also bring his  
24 version, because he took notes on the side  
25 of the RTLM, so we could harmonise the text,

1 fuse them into a single document which would  
2 be signed by the two parties: On the one  
3 hand, the Ministry of Information  
4 represented by Mr. Faustin Rucogoza and, on  
5 the other hand, the RTLM, represented by  
6 Felicien Kabuga, president of that radio  
7 station. I never said that all those who  
8 participated in the meeting had to sign.  
9 Obviously, the rapporteur had to sign, but  
10 no-one else. And I think that is  
11 understandable.

12 Q. This is what you said: "The final report of  
13 the 10th February meeting has not come out  
14 because the officials of RTLM did not want  
15 to collaborate in its drafting. This  
16 official is called Jean Bosco Barayagwiza.  
17 He even threatened me, and I left. When I  
18 went to present the document to him, he  
19 insulted me saying that I'm an enemy of the  
20 people of Rwanda and an Inkotanyi".

21  
22 The minutes of this meeting, that was the  
23 very first time that you are saying here  
24 that it was Jean Barayagwiza who was in  
25 charge, that he took notes in the course of

1 the meeting? This is the very first time  
2 you are saying this? Does this mean that,  
3 since Jean Barayagwiza refused to  
4 collaborate, you did not see the other  
5 parties who were at the meeting to sign the  
6 document or to finalise the document?

7 MADAM PRESIDENT:

8 Mr. Pognon?

9 MR. POGNON:

10 Madam President.

11 MADAM PRESIDENT:

12 Can you ask the question again without all  
13 those other comments; otherwise, he's going  
14 to respond to your comments, like why he  
15 mentioned Mr. Barayagwiza took the minutes  
16 the first time. Just ask the last question.

17 BY MR. POGNON:

18 Q. This is the very first time that you are  
19 saying it was Mr. Baraygwesa who played a  
20 the role of rapporteur in the course of this  
21 meeting. This is the very first time you  
22 are saying it, even though you've been heard  
23 several times in this courtroom; I don't  
24 think we will find this in the transcripts.

25 A. And if that were true, why are you getting

1 with that? Have I denied that fact? In  
2 fact, you were the one who said that it was  
3 Valérie Bemeriki who was the rapporteur, and  
4 I'm saying that it was Barayagwiza. I told  
5 you that. I've never negated that, and I  
6 don't see how that could be a contradiction.

7 Q. I'm saying that since your testimony, since  
8 you started your testimony, this is the  
9 first time you are saying that Barayagwiza  
10 was the rapporteur of the RTLM site, since  
11 you started your testimony.

12 A. But, Mr. Pognon, whether I said it at the  
13 beginning, in the middle or at the end, what  
14 does that change? And, in any case, why  
15 didn't I go to see Bemeriki, since you claim  
16 that she was the rapporteur? Well, I went  
17 to see Barayagwiza for us to harmonise the  
18 text, because he was the one who acted as  
19 rapporteur, and that did not come out of the  
20 report that you wrote. That is why I'm  
21 saying that.

22 MADAM PRESIDENT:

23 Witness GO, we will stop now and resume  
24 again at 9:30 a.m. on Wednesday, the 6th of  
25 June.

1                   So, Mr. Matemanga, if you'll kindly escort  
2                   the witness out, draw the curtains, and then  
3                   reopen the curtains.

4  
5                   Mr. Pognon, we will now give you a few  
6                   minutes to motivate your request for extra  
7                   time.

8  
9                   Mr. Floyd, did I say something funny?

10  
11                   And also inform us whether you have  
12                   Mr. Floyd's agreement that you are taking  
13                   one hour of his time.

14       MR. FLOYD:

15                   That's what I thought.

16       MADAM PRESIDENT:

17                   Just hold on.

18       MR. POGNON:

19                   You are trapping us, Madam President.

20       MADAM PRESIDENT:

21                   That's because Mr. Floyd was laughing. So,  
22                   in the short break will you just discuss  
23                   with counsel for Mr. Ngeze about the time.  
24                   You heard that we would like the  
25                   cross-examination to be over on Wednesday.

1 MR. POGNON:

2 I will need just one extra hour,  
3 Madam President -- that will be all -- for  
4 the last bit of my cross-examination. And I  
5 will not take one second from Mr. Floyd's  
6 time. And I recall, very respectfully, to  
7 the Court that when, on two occasions, you  
8 asked me how much time I needed, I did say  
9 that it was going to be between eight and  
10 six hours. I do not think I have  
11 disregarded that contract yet.

12 MADAM PRESIDENT:

13 Mr. Pognon, without telling us the  
14 questions, can you give us an idea of the  
15 issues that you haven't covered and that you  
16 wish to cover?

17 MR. POGNON:

18 There is a question on political parties,  
19 CDR, of which my client is a member, and on  
20 which a lot of things have been said.

21 MADAM PRESIDENT:

22 By this witness? Were there a lot of things  
23 said about CDR and your client's membership  
24 of CDR by this witness?

25

1 MR. POGNON:

2 Yes. This witness referred to CDR. He  
3 referred to CDR.

4 MR. PRESIDENT:

5 Anything else?

6 MR. POGNON:

7 Yes, two or three things that I -- which  
8 escape me, which I will reformulate for the  
9 witness. It will not exceed one hour,  
10 Madam President.

11 MADAM PRESIDENT:

12 We want to be able to rely on your estimate  
13 of one hour, and that is why we want to know  
14 what the issues are that you wish to cover.  
15 You must have thought about it.

16 MR. POGNON:

17 You have my word, for one hour,  
18 Madam President.

19 MADAM PRESIDENT:

20 Are you going to use one hour on questioning  
21 him on CDR? Do you really think he gave  
22 lengthy testimony on CDR, then you apply?  
23 That's my question.

24 MR. POGNON:

25 Yes. I said the CDR and other questions

1 which I left pending.

2 MADAM PRESIDENT:

3 Thank you, Mr. Pognon.

4 MR. POGNON:

5 Madam President, now I have the document  
6 of 1994, and I have the photocopy. We could  
7 distribute it because the document that I  
8 gave out was not properly photocopied, and I  
9 went down to the ground floor to the  
10 reproduction unit, and they've made another  
11 copy which I find more acceptable.

12 MADAM PRESIDENT:

13 That's a newspaper. Well, then we will  
14 receive it and assign an exhibit number to  
15 it, which will be 2D8, and it's subject to  
16 the same comment that the Chamber made with  
17 regard to the substance and writers of these  
18 articles.

19 (Exhibit No. 2D8 admitted)

20 So, while that's going on, Mr. Floyd, can  
21 you give us an indication, then, of how many  
22 hours you will require?

23 MR. FLOYD:

24 I believe that if I have one full day, then  
25 I can complete it. I will say that I took

1 more notes on this witness than any other  
2 witness that we've had, that I at least  
3 heard testify. So, I do have at least not  
4 only my six pages of notes, but I have a lot  
5 of transcripts. The Office of the  
6 Prosecutor, in her direct, put on for at  
7 least a week, and I thought that was a  
8 problem there. So, he went over a lot of  
9 issues. So, I think I will take a complete  
10 and full day. I don't want Mr. Pognon not  
11 to have what he needs, and I will certainly  
12 attempt to go as fast as I possibly can, but  
13 I'd like to have one full day. And one full  
14 day to me is at least six hours.

15 MADAM PRESIDENT:

16 Then the Chamber will grant the time  
17 requested by counsel with these reminders:  
18 To expedite proceedings, have your documents  
19 and copies ready. I recall saying that  
20 Mr. Matemanga from the Registry is really  
21 assisting you by leaving his seat here and  
22 trotting off to make copies for you. That's  
23 not his duty, but he does so because we're  
24 directing him here. So, ensure that you  
25 have copies; as far as possible hand them

1 out beforehand. And both counsel were in --  
2 Mr. Floyd, in particular, since you were  
3 absent during Mr. Biju-Duval's  
4 cross-examination, but Mr. Martel was  
5 present -- that you would ensure that you do  
6 not cover the same ground, unless of course  
7 you have follow-up questions.

8  
9 Now, I don't think I need to remind both  
10 counsel about this, but I'm doing this in  
11 the interests of the time that the  
12 cross-examination is taking.

13  
14 And, Ms. Monasebian, you have circulated a  
15 document for the purposes of discussion at  
16 the status conference. Well, we still hope  
17 to hold that, then, on the afternoon of the  
18 7th June.

19  
20 The Court will now adjourn until 9:30 a.m.  
21 on Wednesday, the 6th of June.

22  
23 (Court adjourned at 1705H)

24 (Pages to 99 to 120 by Verna Butler)

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C E R T I F I C A T E

We, Geraldine O'Loughlin, Gifty Harding,  
Shannon Fleming and Verna Butler, Official Court  
Reporters for the International Criminal Tribunal for  
Rwanda, do hereby certify that the foregoing proceedings  
in the above-entitled cause were taken at the time and  
place as stated; that it was taken in shorthand  
(stenotype) and thereafter transcribed by computer under  
our supervision and control; that the foregoing pages  
contain a true and correct transcription of said  
proceedings to the best of our ability and  
understanding.

We further certify that we are not of  
counsel nor related to any of the parties to this cause  
and that we are in nowise interested in the result of  
said cause.

\_\_\_\_\_  
Geraldine O'Loughlin (Pages 1 to 41)

\_\_\_\_\_  
Gifty Harding (Pages 42 to 73)

\_\_\_\_\_  
Shannon Fleming (Pages 74 to 98)

\_\_\_\_\_  
Verna Butler (Pages 99 to 120)