

1 THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
2 CASE NO. ICTR-99-52-T (Joinder) THE PROSECUTOR
3 ICTR-96-11-T OF THE TRIBUNAL
4 ICTR-97-27-T
5 ICTR-97-19-T AGAINST
6 FERDINAND NAHIMANA
7 HASSAN NGEZE
8 JEAN BOSCO BARAYAGWIZA

9 20 MARCH 2002
10 1005H
11 CONTINUED TRIAL

12 Before: Judge Navanethem Pillay, Presiding
13 Judge Erik Møse
14 Judge Asoka Zoysa Gunawardana

15 For the Registry:
16 Ms. Marianne Ben Salimo
17 Mr. Edward Matemanga

18 For the Prosecution:
19 Mr. Stephen Rapp
20 Ms. Charity Kagwi
21 Ms. Simone Monasebian

22 For the Accused Nahimana:
23 Ms. Diana Ellis

24 For the Accused Ngeze:
25 Mr. René Martel

For the Accused Barayagwiza:
Mr. Barletta Caldarera
Mr. Alfred Pognon

Court Reporters:
Mr. Rex Lear
Ms. Shannon Fleming
Ms. Geraldine O'Loughlin

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I N D E X

WITNESSES

For the Prosecution:

DR. MATHIAS RUZINDANA

Examination-in-chief by Mr. Rapp 2

EXHIBITS

Prosecutor's Exhibits No. P103/A - P103/12A, P103/1A,
P103/14A 62

Prosecutor's Exhibits No. P109, P109A - N 140

Prosecutor's Exhibits No. P105/1A, 2A, 3A, 4A 146

Prosecutor's Exhibits No. P107/15B, C, 23B, 27B, 33C,
39C, 40C, P103/40C, P103/132C, P103/133C 166

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P R O C E E D I N G S

MADAM PRESIDENT:

Good morning. Good morning, Mr. Rapp.

MR. RAPP:

Good morning.

MADAM PRESIDENT:

Are you ready?

MR. RAPP:

We are ready, Your Honour.

MADAM PRESIDENT:

You may begin.

And, Dr. Ruzindana, I remind you that you have taken a sworn declaration. And also I remind you to just answer the question that's put to you and answer briefly. Academics have a tendency to confuse answering with lectures. Mr. Rapp.

MR. RAPP:

Thank you, Madam President.

MATHIAS RUZINDANA,

first having been duly sworn,

testified as follows:

1 EXAMINATION-IN-CHIEF (continued)

2 BY MR. RAPP:

3 Q. Dr. Ruzindana, in what country were you
4 living from July of 1993 to July of 1994?

5 A. Rwanda.

6 THE INTERPRETER:

7 Could we just repeat the answer, please?

8 BY MR. RAPP:

9 Q. To ask the question again, Dr. Ruzindana, in
10 what country were you living in July of 1993
11 to July 1994?

12 A. I was living in Rwanda.

13 Q. During that time did you have an opportunity
14 to listen to RTLM radio and Radio Rwanda?

15 A. Yes, I did.

16 Q. During that time, if you heard a radio
17 playing but did not know what frequency to
18 which that radio was tuned, could you tell
19 whether you were listening to RTLM?

20 A. Yes, in many cases.

21 Q. And how could you tell that you were
22 listening to RTLM?

23 A. Well, there were a number of indicators, one
24 of which -- the main one was very often they
25 said, "You are tuned to radio RTLM," but

1 there were also some other indicators.
2 There were journalists that I knew whose
3 voices I knew; so their voices were familiar
4 to me, so I could tell who they were.
5 Q. Now, could you, from memory, from 1994,
6 recall any of those journalist's names whose
7 voices were familiar to you?
8 A. Well, I can mention Kantano Habimana,
9 Valérie Bemeriki, Georges Ruggiu, Gaspard
10 Gahigi, Nkomati, Emmanuel, and Philippe
11 Mbilizi. There was also Ngoradesa
12 (phonetic), I remember him, and Emmanuel
13 Ngoradesa.
14 Q. Those are perhaps difficult names to be
15 spelled, but I will tell that on the
16 documents that we will look at later we'll
17 have those spellings. Does the Court wish
18 us to spell those names out at this point?
19 I think they are relatively familiar to us.
20 Now, Doctor, yesterday you described how you were
21 hired by the International Criminal Tribunal
22 for Rwanda in its language section and had
23 the title media project coordinator. During
24 the course of doing those duties did you
25 come into contact with tape cassettes that

1 were purportedly the cassettes made from the
2 broadcasts of RTLM?

3 A. Yes, I did.

4 Q. And do you recall how many of those
5 cassettes were initially indexed as being
6 RTLM cassettes?

7 A. Well, there were 345 of them.

8 Q. Now, did you have an opportunity to review
9 those 345 RTLM -- purported RTLM cassettes?

10 A. Yes, I did.

11 Q. And, during the course of that review, did
12 you attempt to find out whether those were,
13 in fact, tapes containing the contents of
14 RTLM broadcasts?

15 A. Yes, I did.

16 Q. And, could you indicate how many of those
17 tapes you found contained the contents of
18 RTLM?

19 A. Well, after revising the list, I came up
20 with 273 tapes.

21 MADAM PRESIDENT:

22 One minute, Mr. Rapp.

23

24 What are you looking at? You have some
25 papers in front of you.

1 THE WITNESS:

2 Yes, I do.

3 MADAM PRESIDENT:

4 Are you consulting them? What are those
5 papers?

6 THE WITNESS:

7 One of them happens to be a list of the
8 tapes, because when I was revising the tapes
9 I came up with a new list.

10 MADAM PRESIDENT:

11 Mr. Rapp, have you provided Defence with
12 whatever it is the witness is looking at?

13 MR. RAPP:

14 I believe we're looking at Prosecution
15 Exhibit 102 at this point, are we not, the
16 list of the 273?

17 THE WITNESS:

18 That's the one I have.

19 MADAM PRESIDENT:

20 All right, so that's what? Is that P1072?

21 MR. RAPP:

22 Yes.

23 MADAM PRESIDENT:

24 So that's what you're looking at.

25 BY MR. RAPP:

1 Q. And we'll ask you, Doctor, at some point
2 we'll put the formal exhibit before you.
3 But before we do that, I wanted to make it
4 clear here in the process of reducing that
5 list from 345 to 273, were you making a
6 selection for the Prosecution about which
7 were the strong tapes or were you making
8 simply a selection of all of the tape
9 material that had some RTLM content on it?

10 A. I was making a list of RTLM tapes, so I was
11 excluding unknown RTLM tapes only.

12 Q. And on what basis did you exclude the
13 difference between 345 and 273?

14 THE INTERPRETER:

15 Mr. Rapp, we need some breaks between the
16 answers and the question, please.

17 MR. RAPP:

18 Maybe I should ask that question again.

19 BY MR. RAPP:

20 Q. On what basis did you exclude the difference
21 between 345 and 273?

22 A. Well, when we screened the tapes, when we
23 listened to them, we discovered that some of
24 them were blank, so they were not recorded
25 at all, and I think there were seven of

1 them. So we removed those that were not
2 recorded, at all. Then there were also
3 tapes that could easily be identified as
4 being Radio Rwanda always using the same
5 criteria. For example, if they say, "You
6 are tuned to Radio Rwanda," and then they
7 give -- perhaps the speakers or the
8 journalists identify themselves as being
9 Radio Rwanda journalists and the tapes have
10 no indication that they could be RTLM,
11 because there's no RTLM, there's no RTLM
12 journalist on those tapes. So we taped
13 those tapes that appeared to be on Radio
14 Rwanda on another list that we had called
15 "Radio Rwanda tapes" and we discovered that
16 those tapes that were initially on the RTLM
17 list were also on Radio Rwanda list. So we
18 thought that it was simple to put them on
19 one list, rather than have two on -- sorry,
20 rather than have the tapes on two lists.
21
22 And another criteria was if the content of
23 the tapes indicated that it was non-RTLM,
24 even when it wasn't Radio Rwanda, but it was
25 clear that it was non-RTLM, there's no RTLM

1 announcer or journalist, there's no word
2 "RTL" used on them, so those we excluded.

3 MR. RAPP:

4 Okay, at this time, it may not be necessary,
5 but I think appropriately we should ask
6 Mr. Matemanga to put a copy of Prosecution
7 Exhibit 102, the actual exhibited copy, if
8 we have it, before the witness.

9 JUDGE GUNAWARDANA:

10 How many radio RTL tapes did you find?

11 THE WITNESS:

12 Which category, sir?

13 JUDGE GUNAWARDANA:

14 Out of the 345 you excluded certain RTL --
15 Radio Rwanda tapes, how many tapes are
16 excluded?

17 THE WITNESS:

18 Well, I would have to consult my notes, if
19 you allow me to do so, because --
20 if you allow me, I can start from the
21 beginning, then indicate which ones we
22 removed of which category.

23 MADAM PRESIDENT:

24 If you look at P107 in front of you, you can
25 work it up from there and try to answer

1 Judge Gunawardana.

2 THE WITNESS:

3 Yes, because we had initially 345 and the
4 final list has 273, so the difference was
5 removed from the initial list. But here's
6 345 minus 273, that would be 72, if my
7 arithmetic is very good.

8 MADAM PRESIDENT:

9 You said seven were blank.

10 THE WITNESS:

11 Yes, seven were blank.

12 MADAM PRESIDENT:

13 You take 7 from 72, 65. There were 65 Radio
14 Rwanda tapes?

15 THE WITNESS:

16 No. Once again if I could check on my
17 initial list, there were some tapes the
18 contents of which were not either RTLM or
19 Radio Rwanda, and I'd like to tell you which
20 ones these were.

21

22 On our initial list, tape 0090, so on the
23 exhibit that is 0090.

24 JUDGE GUNAWARDANA:

25 But I wanted the number of tapes taken out

1 of the 345 as being Radio seven
2 Rwanda tapes. I wanted to quantify the
3 number of Radio Rwanda tapes then on the
4 Radio Rwanda tapes.

5 THE WITNESS:

6 Yes, Your Honour. But I think I have to add
7 them up, if you allow me to do so.

8 JUDGE GUNAWARDANA:

9 (Microphone not on).

10 BY MR. RAPP:

11 Q. Just to be clear here and to follow that up,
12 I was going to ask this question in due
13 course. You indicated 72 were taken out,
14 seven were blank and you were proceeding to
15 tell us that the balance of 65 weren't all
16 Radio Rwanda, that there were a group that
17 turned out to be neither Radio Rwanda or
18 RTLM. Would you just quickly go through
19 your notes and give us that number so that
20 we can come to the final remainder as Radio
21 Rwanda?

22 A. Yes, there are three non-RTLM tapes.

23 Q. So, in other words, there would be 62 Radio
24 Rwanda tapes, three non-radio tapes in all
25 and seven that were totally blank?

1 A. Yes, that's correct.

2 Q. Now, directing your attention to

3 Exhibit P102, that has been placed before

4 you by the Registry, with the exception of

5 the last column on this document, listing

6 exhibit numbers, who prepared this chart?

7 A. I did.

8 Q. And, in the course of preparing the chart

9 for the 273 tapes that are listed there, did

10 you review the cassettes to determine that

11 they did have RTLM content on them?

12 A. Yes, I did.

13 Q. And did you compare the KT-number, the

14 evidence number, for the cassette, with a

15 transcript number?

16 A. Yes, I did.

17 Q. Now, in the course of reviewing those tapes,

18 how were you able to tell that they were

19 RTLM tapes?

20 A. Well, I have already explained. I was able

21 to tell because there were the announcers

22 with voices I was familiar with, but also,

23 especially, in many cases, the speakers

24 would identify themselves, apart from the

25 common sentence -- sorry -- phrase, "You are

1 tuned to radio RTLM," but the speakers would
2 identify themselves.

3 MR. RAPP:

4 At this time, Madam President, by way of
5 demonstration, I wanted to play a tape of a
6 familiar passage that's already in evidence
7 through the Ruggiu testimony. I have
8 additional copies here for distribution of
9 P100A a Kinyarwanda transcript of a
10 broadcast of June 20, 1994, and attached to
11 it are the relevant pages in French and
12 English or English and French P100B and
13 P100C, and ask the witness how, in an
14 excerpt like this, he identifies it as an
15 RTLM broadcast.

16 MS. ELLIS:

17 Madam President, could I just ask if
18 Mr. Rapp would explain what he means by
19 "reviewing" the material. It's an ambiguous
20 word; it means so many things. It might be
21 helpful at this stage if we were clear,
22 exactly, what it meant in this instance.

23 MR. RAPP:

24 I would be glad to accommodate my friend,
25 Ms. Ellis.

1 BY MR. RAPP:

2 Q. Dr. Ruzindana, what do you mean by
3 "reviewing" these tapes?

4 A. Well, we did not really review the tapes.
5 We revised the list, because the tapes were
6 given to us as they were, so we reorganised
7 the lists. The only revision we could talk
8 about is that of, in some cases, that of the
9 date of broadcasts.

10 Q. Not -- I think we may be talking here about
11 revision. You indicated earlier that you
12 compared the cassette, the contents of the
13 tape with the tape itself. Did you check
14 the audio on the tape against the
15 transcript?

16 A. Yes, we did.

17 Q. So you're indicating that you checked the
18 audio, listened to the tape and compared
19 that with the transcript?

20 A. Yes, that's correct.

21 MR. RAPP:

22 At this time I'd ask that this item be
23 distributed.

24

25 Now, Your Honours, by way of explanation --

1 and I intended to do this on certain tapes
2 -- and I would ask that the control booth
3 allow me to put the desktop of the computer
4 on the main screens here, which --
5
6 Now, by way of provisional statement, we
7 note that -- take my image off here and if
8 anybody needs any clarity here we have the
9 KT-number, KT00876A, which is in evidence
10 unconditionally as P100. And what I intend
11 to do here, if you will look at P100A,
12 page 3 of P100A you will note that one of
13 the announcers comes on a little before
14 2.2 minutes and so I intend to take it to
15 about one and a half minutes on the dial and
16 then to play about 90 seconds of this tape.
17 It should come through the speakers. You
18 may have to adjust the volume accordingly,
19 and these dials are not precise and I may
20 have some difficulty finding exactly the
21 right spot. But we are starting at 118 on
22 the tape. I'll play it with the Court's
23 permission, for about three minutes and ask
24 the witness to listen carefully to it.
25 (Tape played).

- 1 Q. Now, Witness, that particular passage, how
2 could you tell that that was a passage of a
3 tape of RTLM?
- 4 A. Well, the -- first of all, the word RTLM,
5 the phrase or sentence, "You are tuned to
6 radio RTLM" is there. The speaker
7 identifies himself as being Kantano,
8 Habimana, whose voice is quite familiar to
9 me and to many Rwandans and, also -- but
10 that's not necessary. He also gives the
11 date and, of course, he does indicate the
12 radio is broadcasting in Kigali. So we have
13 all the basic elements we know to be able to
14 determine who's speaking and which radio it
15 is.
- 16 Q. This particular song that he sings, that's
17 translated here, about rejoicing that the
18 Inkoyanyi are all exterminated or all
19 perished, was that a familiar song?
- 20 A. Yes, it was, except that the words are
21 changed.
- 22 Q. And how are the words changed?
- 23 A. Well, the old song does not have "Inkoyanyi"
24 in it; it is an old one. So he just removed
25 some words and added his "Inkotanyi".

- 1 Q. Being all exterminated or having all
2 perished and rejoicing about that?
- 3 A. That's correct.
- 4 MS. ELLIS:
5 For the record, my translation doesn't use
6 "exterminate", it uses "perish", which is
7 different.
- 8 BY MR. RAPP:
9 Q. Well, let me ask you a question about that,
10 Doctor, because I notice the English
11 translation, it says, "Friends let us
12 rejoice, the Inkotanyi have all perished.
13 Friends let us rejoice, God is fair."
14
15 The French says, "amis, venez vous réjouir
16 avec nous, les Inkotanyi ont été exterminés;
17 amis, venez vous réjouir avec nous, Dieu
18 n'est pas injuste". Now, in French it's
19 "exterminate", in English it's "perish".
20 What's closer to the Kinyarwanda?
- 21 A. This is slightly difficult, because the
22 original word is "finished". So "finished",
23 in this context, could either be "perished"
24 or "exterminated" if your translator
25 believed that that term was better. At this

1 stage I'm unable to decide which of the two
2 is more appropriate, but I would have used
3 "exterminated".

4 Q. Now, let's just go to a few more passages,
5 and we'll do this briefly because we don't
6 have translations, but for the purpose of
7 seeing it, the identification of voices and
8 the method by which one would be able to
9 tell if you had an RTLM broadcast before
10 you. I put these on the desktop here, but I
11 would note, by way of record, that we have
12 supplied the Defence with 14, as requested,
13 provided the 14 CD-ROMS, all of the tapes
14 are now on CD-ROM and available to the
15 Accused through their laptop computers. But
16 I'm going now to P103/37, tape 37 on our
17 list, noting that that's a broadcast of
18 June 22, 1994, and we will put it on the
19 desktop, expand it, and take it to about 14
20 minutes, where in the transcript you --
21 (tape played).

22 BY MR. RAPP:

23 Q. Now, could you tell from that particular
24 excerpt of P103/37 -- how could you tell
25 that that was an RTLM broadcast?

1 A. Well, first of all the radio is identified,
2 "You are tuned to radio RTLM". The
3 frequencies are given as 106 and 94. The
4 speaker identifies herself as being
5 Valérie Bemeriki and she tells us that she
6 also will be in the company of/or she will
7 be with Gaspard Gahigi and Gadanzani
8 Nanahigi (phonetic) who are also RTLM
9 journalists.

10 Q. Let's go to another cut, specifically No. 99
11 on the index list, which would be a tape
12 of -- dated 20th November 1993, which is in
13 evidence from the Defence as 1D50. They put
14 the transcript in as 1D50. They put the
15 tape in as 1D50A, and let me go to about
16 330, if I can.

17 MS. ELLIS:

18 Madam President, we have been given a CD rom
19 which contains some of the -- I think
20 contains all of the RTLM broadcasts, the
21 transcripts, and it's in three different
22 languages in some instances. There are on
23 that CD some English translations, but it's
24 impossible to see on the face of the CD
25 whether the reference number, the date to

1 which it refers. I wonder whether Mr. Rapp,
2 who kindly prepared or had prepared the CD,
3 is able to indicate to us which of the files
4 it would be that we should be opening for
5 the specific broadcasts that he is seeking
6 to refer to. Thank you.

7 MR. RAPP:

8 Well, Your Honour, let's -- obviously this
9 is a particular transcript which the Defence
10 themselves have put into evidence and put a
11 translations into evidence, as well. But,
12 first of all, note that we are identifying
13 this by exhibit number, and one need only go
14 to P1072 and look for that particular
15 exhibit number, which we note here is 1D50A
16 and we have that as index No. 99 on the
17 list. It's order No. 64. If you go to
18 page 3, and there you see the KT-number,
19 KT00455, which you will see also on my
20 desktop and you will see that it's been
21 admitted as ID50A.

22

23 Now, in terms of the translation CD-ROM,
24 which we provided to the Defence at the end
25 of December, of course that's order No. 64.

1 And in order No. 64 there is an official
2 English translation, which would be there
3 indexed as 64E. So they can listen to that
4 or actually see the English translation on
5 their CD-ROM. We haven't, however, at this
6 stage, put these translations into evidence.
7 The Defence did in this case, in the
8 instance of this exhibit, and we'll be doing
9 that once we put in the Kinyarwanda
10 transcripts. But that has been disclosed to
11 the Defence, that translation. I hope that
12 was helpful.

13 MS. ELLIS:

14 Yes, thank you for that reference.
15 (Tape played).

16 BY MR. RAPP:

17 Q. Dr. Ruzindana, would you describe how you
18 could tell from that particular passage that
19 this was an RTLM broadcast and who the
20 personalities are, whose voices are evident
21 from the broadcast?

22 A. First it's an interview by Gaspard Gahigi,
23 whose voice is known. And he introduces the
24 interviewee, Mr. Ferdinand Nahimana, who
25 speaks. So the beginning of that part that

- 1 you played was Mr. Ferdinand Nahimana, who
2 was identified as being a lecturer at the
3 university. So it was he who was speaking.
- 4 Q. And, again, in terms of it being RTLM, how
5 can you tell that this is an RTLM broadcast?
- 6 A. Well, even if the word "RTLM" doesn't
7 appear, Gaspard Gahigi's voice is clearly
8 identifiable.
- 9 Q. Let me move ahead to another cut, this would
10 be moving down our index list of 132, and
11 that's a tape of -- it's started -- this
12 would be a tape of 20 May 1994. And we'll
13 go to -- that should be KT00448 and it's in
14 evidence as P103/32 and we'll go, based upon
15 looking at the transcript, to a cut that is
16 about 40 minutes into the tape.
17 (Tape played).
- 18 BY MR. RAPP:
- 19 Q. Dr. Ruzindana, how could you tell that was a
20 tape of RTLM and who the personalities were
21 that were involved in that broadcast?
- 22 A. I can easily identify the interviewer, who
23 is Valérie Bemeriki, her voice is well
24 known, and she's interviewing a gentleman
25 called Ngeze, Hassan. So, the interviewer

1 introduces the interviewee, but the
2 interviewee, Mr. Ngeze, Hassan, also
3 identifies himself, and he says that he's
4 the
5 editor of the newspaper called Kangura. He
6 also says that he's one of the founding
7 members of the CDR party and then says that
8 he's well known in the country, and that was
9 sufficient in terms of introduction.

10 MR. RAPP:

11 Your Honour, we just have two more cuts here
12 then we'll go to transcripts. But let's go
13 to index No. 168 and that would be a tape
14 dated 16 March 1994, again, it's 129 in the
15 order number. It is the tape, for
16 Ms. Ellis's benefit, that has been
17 translated into English and French and would
18 be available on that cassette disclosure as
19 129K, E and F. It is actually in evidence
20 of the testimony of Witness GO as tape 36/62
21 and we'll go, according to my transcript, to
22 the identifying passage maybe at around 43
23 and a half minutes into the tape.

24 (Tape played).

25 BY MR. RAPP:

1 Q. Witness, how could you tell that that was a
2 tape of RTLM and who are the personalities
3 or personality whose voices appear and those
4 who are identified as others at the station?

5 A. The speaker on the tape is Georges Ruggiu,
6 his voice is well known, at least I know it
7 very well. He does indicate that it is at
8 the end of the news bulletin, that was read
9 by himself, Georges Ruggiu, and Emmanuel
10 Nkurunziza. He does, also, talk about RTLM,
11 I think something that he says, people can
12 find in the RTLM offices. And then he also
13 says that he's going to hand the microphone
14 to other colleagues for Kinyarwanda,
15 Habimana, Kantano, who's well known, of
16 course, as being a RTLM journalist and
17 Manuel Nkomati, so it's clear.

18 MR. RAPP:

19 And, Your Honours, just one final cut, going
20 way down the indexes, to page 11 of P102, to
21 a tape that is index No. 334, order number
22 262, a broadcast dated 2nd March and 3rd
23 March 1994, and we'll go to the very end of
24 that tape, that appears to be a sign-off,
25 and then there's some subsequent broadcasts

1 on it.

2

3 So that requires us to go to about 45

4 minutes into the tape.

5 (Tape played).

6 Q. Now, Witness, Dr. Ruzindana, how can you

7 tell that's a broadcast of radio RTLM?

8 A. First of all, the identification of the

9 radio is made, so up towards the end we are

10 told that it is radio RTLM. They gave the

11 time and so on, but there are also some

12 other indicators. At the beginning of that

13 passage we have Noel Hitimana and Gaspard

14 Gahigi, who identify one another. So at the

15 end one says, "Thank you, Gahigi". And the

16 other one says, "Thank you, Hitimana." In

17 any case they identify one other.

18

19 At the end of the first part we have --

20 there's this national anthem, the Rwandan

21 national anthem that is played.

22 Now, this was used as a sign-off tune, signature

23 tune for radio RTLM. Radio Rwanda used the

24 instrumental version of the national anthem,

25 while RTLM used the song version, that is

1 the version with words. So it is also clear
2 that the second part of the passage takes
3 place on a different day, because it comes
4 after the sign-off tune and the second part
5 says, "Good morning". And it says, "We'll
6 be together," you know, "between 8 and 12."
7 So we have all the necessary indicators that
8 this is RTLM.

9 Q. Now, that business of there being two days
10 on this particular tape from that particular
11 broadcast does there appear to have been
12 broadcasting that occurred, on RTLM, between
13 the time that the national anthem is played
14 and we heard the next voices?

15 A. Yes. After the national anthem the speaker,
16 who is -- who identifies himself as being
17 Emanuel Nkomati, says, "You are tuned to
18 radio RTLM." He says, "We have started at
19 8," and he says, "We'll be together between
20 8 and 12." And says, "Good morning". So it
21 is clear that that national anthem we hear
22 is at the end of the broadcast of one
23 particular day. And then, when Emmanuel
24 Nkomati greets listeners and says that it is
25 in the morning, that is most probably the

- 1 following day.
- 2 Q. Now, just to talk generally about these
- 3 tapes, Dr. Ruzindana, obviously this is an
- 4 example of two broadcast days being on one
- 5 tape, albeit with no break in sequence,
- 6 other than it doesn't obviously give us the
- 7 broadcast of no sound between the end of one
- 8 day and the beginning of the next. Are
- 9 there other tapes in the group of 273 set
- 10 out on Prosecution Exhibit 102 where there
- 11 are more than one day's broadcast on a tape?
- 12 A. Yes, that's correct, there are.
- 13 Q. And situations where -- there appear to be
- 14 longer breaks with content, potential
- 15 content left out between the segments?
- 16 A. Well, in some cases when you have several
- 17 days, two or three days on the same tape,
- 18 obviously there is a cut, because these are
- 19 separate days.
- 20 Q. Now, any situations on these tapes, on the
- 21 273, where there's content other than RTLM?
- 22 A. We have a few tapes where we have non-RTLM
- 23 material or at least we haven't been able to
- 24 establish that the contents were RTLM.
- 25 Q. Now, are you saying that there is some RTLM

- 1 material on those tapes but there is some
2 material that does not appear to be RTLM?
- 3 A. Yes, that's correct.
- 4 Q. Was there any effort on your part or
5 anyone's part to sever or erase those parts
6 that do not appear to be RTLM?
- 7 A. No. I don't think so because we do not deal
8 with the recording, as such. We do not
9 handle recording.
- 10 Q. Now, in terms of listening to the tapes, as
11 you have indicated to these 273 tapes that
12 you have done, is there any situation where
13 there appears to be words inserted in a
14 broadcaster's speech afterwards or overlaid
15 in an effort to edit his content?
- 16 MS. ELLIS:
- 17 Madam President, I object to that question.
18 I know, from experience, that in order to
19 know whether a tape has been edited it is
20 necessary to have an expert in the
21 technology of editing tapes. It is not
22 something that is within the general
23 knowledge of members of the public, because
24 editing techniques are sophisticated and
25 unless there has been a proper scientific

1 examination of the tape, that is a question
2 that cannot be answered. And this witness,
3 from the areas that he's covered of his
4 expertise, has not included anything but
5 refers to dealing with the technical side of
6 editing tapes at all.

7 MR. RAPP:

8 Your Honour, respectfully, I think that --
9 in a sense, I think that the Defence
10 acknowledged the expertise of this witness
11 in this area greater than in others, because
12 of his work in acoustic phonetics in vowel
13 duration in the frequency of voices,
14 etcetera. And while he's not an expert on
15 taping, per se, I think he is qualified as
16 an expert that could indicate whether a
17 person with a different voice, a different
18 vowel duration, a different frequency, a
19 different voice pattern, whether there was
20 some insertion later into the middle of a
21 speech by one of the broadcasters. So I
22 respectfully submit this is a question that
23 can be put to this witness for an opinion.

24 MADAM PRESIDENT:

25 We allow the question.

1 THE WITNESS:

2 Well, I didn't get the impression that such
3 could have been the case.

4 BY MR. RAPP:

5 Q. But by impression, did you see any instances
6 where this occurred?

7 A. No, I didn't.

8 Q. And how could you tell if it had occurred?

9 A. Well, normally in a case of a continuous
10 broadcast you can easily detect the changes
11 in voice or in level, but more importantly,
12 from the semantic point of view, that is
13 something being discussed, you can easily
14 know whether there is something missing in
15 between. Now, when you are familiar with
16 voices and the contents, if something was
17 cut then you could know.

18

19 But there's also something else which we
20 did. Some of these tapes came from, we
21 don't know where they came from, but the
22 sources could be different. So a tape that
23 is number 005 could be found, that is part
24 of the contents could be found in another
25 number. So, we never got the impression

1 that where we have contents in a particular
2 tape that have the same as in a different
3 tape that those contents would be different.
4 I mention this because we use it in
5 translation. If you notice that if you
6 translated a passage on a tape and you reach
7 the same tape, what you do, you check and
8 see whether it is the same, so that you do
9 not retranslate it. And very often -- not
10 very often, we have never seen any
11 indication that if it was an interview on
12 one tape, that we find on another tape that
13 the interview was different, for example.
14 I'm sorry I've been too long, but I thought
15 it was a necessary subject.

16 Q. And I'll ask you just briefly to be slightly
17 longer, but in terms of your own education,
18 and background and experience, what would
19 you listen for, in terms of telling whether
20 there had been some different voice placed
21 in the middle of a speech of a broadcast?

22 A. Normally the voice, itself, has its own
23 features that characterise it. So we can
24 easily tell, even from the same speaker, if
25 he speaks now, then speaks maybe tomorrow,

1 two days later, if you put the two voices
2 together, you could, for example, detect
3 changes in what we call the fundamental
4 frequency. I'm sorry if that is too
5 technical, but this is, for example, you can
6 detect changes in what we call the
7 harmonics. The harmonics are these
8 particular features that identify each
9 person's voice. The fundamental frequency
10 will allow the voice to be high or low, so
11 it's very easy to detect that.

12 Q. Thank you, Doctor. Can I invite your
13 attention, again, to Prosecution Exhibit
14 P102. And let me just note, prior to
15 continuing with that exhibit, that there is
16 an error in the column not done by
17 Dr. Ruzindana but done by me on the second
18 page. The order No. 21 and 22 are reversed
19 and order number -- well, order No. 21 and
20 22 order, order No. 21 should be P94 as an
21 exhibit and order 22 should be P103/23. But
22 just passing over that for that correction,
23 let me ask you, Doctor, as far as the KT
24 numbers, on this list, are you familiar with
25 the practice of labelling cassettes in the

1 evidence unit of the Office of the
2 Prosecutor by KT-numbers?
3 A. Well, I had to talk to somebody in evidence,
4 because we were getting confused about these
5 numbers. So I know something about them.
6 Q. And, did you compare the evidence that's in
7 under that KT number with the Kinyarwanda
8 transcript in the instance of all 273 of
9 these tapes?
10 A. Yes, that's correct.
11 Q. And did they match, and did they match with
12 what's on Prosecution Exhibit P102?
13 A. Yes, they do.
14 Q. Now, there are a number of exhibits that
15 begin on page 5 that are labelled under a
16 different numbering system P36/3 is the
17 first of them, material that in a public
18 session was introduced through the testimony
19 of Witness GO. Now, have you had an
20 opportunity to compare copies of the GO
21 tapes placed in evidence against the KT
22 number tapes in our evidence unit and the
23 transcripts and determine whether the
24 content is identical?
25 A. Yes, I did.

1 Q. And in the case of all the P-exhibits that
2 are set forth here, some 55 exhibits, did
3 you do that with every one of them?

4 A. Yes, I did.

5 Q. And did they match?

6 A. Yes, they did.

7 Q. Exactly or almost?

8 A. For the tapes that were provided to me,
9 copies of which were provided to me, yes,
10 they matched.

11 MR. RAPP:

12 Now, Your Honours, at this point -- and I
13 hope to make this exercise as fast as I can
14 but I want to make sure that it's done
15 properly and that we use the materials that
16 are available, because of the question about
17 the providence of the tapes, because some of
18 them are in provisionally and others may not
19 be accorded weight based upon the fact that
20 the original recorders were not identified
21 or identifiable -- it's my intention to lead
22 the witness through all 273 tapes in --
23 transcripts in the binder and, very briefly,
24 ask him how he can tell that that transcript
25 represents a tape of RTL.

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Now, at the same time, if he points to a particular feature, I can go on the screen and blow up the transcript and go to that particular page and illuminate it or zoom in on it and everyone in the courtroom can see it, and I'll certainly be glad to entertain the request of anyone in the courtroom to see any particular page, but this is to avoid the necessity of having 20 copies of what's about 7,000 pages.

So, if that's okay, Your Honour, I will now ask Mr. Matemanga to place binder 1 of those binders at the witness's left, before the witness.

JUDGE MØSE:

And, Mr. Rapp, 273?

MR. RAPP:

Let's --

JUDGE MØSE:

Mr. Rapp.

MR. RAPP:

Yeah.

JUDGE MØSE:

1 Two hundred seventy-three is a large
2 number. Is there a dispute in relation to all
3 273 from the Defence or is there large
4 agreement in relation to quite a few of
5 them? Is there a need to go through each
6 and every one of them?

7 MR. RAPP:

8 I'll yield to the Defence on this question.

9 MS. ELLIS:

10 The Defence has some difficulty agreeing
11 when many of them have not, at the moment,
12 been translated. So we are not in a
13 position ourselves as counsel to have
14 knowledge of the contents. It would
15 certainly, therefore, be helpful if Mr. Rapp
16 is, in due course, going to rely on the
17 contents of the 273, for us to know which
18 part and so that we have some idea of what
19 he will be embarking upon in due course. I
20 understand from Mr. Rapp after having
21 discussed this matter at some length, that
22 he is anticipating we are to receive further
23 transcripts, presumably relating to some of
24 this material before Mr. Chrétien gives
25 evidence. But that may well, from past

1 experience, not be until the middle of May.

2 MR. RAPP:

3 Your Honour, I don't want to go on at great

4 length, but to preview what our intention

5 here is with this witness and as we go

6 forward to his testimony about his report,

7 it's first of all our intention to make a

8 foundation that would allow us to put the

9 273 tapes and understand there are 273 RTLM

10 tapes, there's two that weren't offered

11 previously, we may attempt to prove up one

12 of those through this witness, so that will

13 be 272, there are four tapes of Radio

14 Rwanda. So potentially we are going to seek

15 the admission of 276 transcripts. Some of

16 those transcripts are in already as Defence

17 Exhibits and as GO exhibits and we'll note

18 that when it occurs. But we'll deal with

19 all of them. Then what we'll be asking, as

20 President Pillay requested two or three days

21 ago, in Dr. Ruzindana's report, which was

22 prepared before the tapes were indexed,

23 before most of them were transcribed or

24 translated there are a series of quotes,

25 very significant quotes upon which he bases

1 his conclusion. And I intend, prior to the
2 offer of this report, to basically indicate
3 to the Chamber and to everyone in the
4 Chamber, when they have the copies of the
5 reports before them, where those particular
6 quotations, to the extent they can be looked
7 at can be found in the transcripts that we
8 have by that point introduced.

9

10 Then we have produced, now, about 200 pages
11 of hard copy translations of -- in every
12 case where there's one of those quotations,
13 if there's a translation in French and in
14 English or French or English, we will be
15 providing those and we will be moving the
16 admission of those translations.

17

18 Now, our position on translations is that we
19 don't need foundation for that if they are
20 officially made, but we'll move them if it's
21 the transcript P103/23, and the Kinyarwanda
22 is A and the English and French will be B
23 and C and the Defence will have copies of
24 them at that point. Now, subsequent to
25 this, I mean we are attempting to continue

1 to have translations done and we are, in
2 particular, looking at those passages and
3 there is about 100 of them that Chrétien
4 cites in his report. We are identifying
5 those particular tapes and putting those on
6 the highest priority list for complete
7 translation, if it has not occurred, so that
8 the Defence will have those before he
9 testifies.

10

11 We, however, note, given the limitations of
12 resources, that it may not be possible
13 before the Prosecution completes its case to
14 have full transcripts, translations in
15 English and French, of every total broadcast
16 in which there is perhaps a small quote from
17 a report. Obviously in the report itself
18 there will be French and English
19 translation, but the Accused will have, of
20 course, and have had the entire Kinyarwanda
21 transcripts of all of these things in their
22 possession since December on CD rom and they
23 will be able, once we've identified those
24 particular Kinyarwanda transcripts, to look
25 at other parts of those broadcasts and

1 determine if we are handling those unfairly
2 and to request translations beforehand or
3 either here in Court.

4

5 So, at this time, unless there are further
6 questions about this process, I'll --
7 Ms. Ellis has.

8 MADAM PRESIDENT:

9 So when you are seeking to prove 276 tapes,
10 that's independent of the transcripts, is
11 it?

12 MR. RAPP:

13 Well, we have already proffered -- 275 of
14 them have been admitted in this Court,
15 either provisionally or finally and we will,
16 what we are dealing with this witness is the
17 transcript, the Kinyarwanda that comes with
18 it. But we are going to attempt to prove up
19 the tape or strengthen the proof of the tape
20 itself via reference to the transcript;
21 approaching this from both directions, in
22 other words.

23 MADAM PRESIDENT:

24 Yes.

25 MS. ELLIS:

1 Madam President, I just want to reply on the
2 last point made by Mr. Rapp, because he is,
3 of course, correct when he says that we have
4 been in possession of all the Kinyarwanda
5 transcripts since the beginning of this
6 year. But, of course, there isn't a single
7 lawyer sitting in the Court for whom that
8 provides any assistance, whatsoever, and
9 that is the difficulty that we are having to
10 labour under. It has never been the case
11 that a defendant is the person that one has
12 to rely on to advise the lawyer on matters
13 which affect legal issues in a trial and
14 that's why we are requiring, really, to know
15 exactly what is being relied upon and, of
16 course, we'll need the translation of those
17 passages.

18 MADAM PRESIDENT:

19 Well, it's not quite legal issues, is it?
20 If you look to your client, who has the
21 Kinyarwanda transcript on CD-ROM from
22 December, to tell you what's on there. So
23 that's not a legal issue, is it?

24 MS. ELLIS:

25 Well, of course it is, because our client

1 has got 273 transcripts. Transcripts run,
2 the one I've got on my computer at the
3 moment is 16 pages long. I ask
4 rhetorically, when I am supposed to be able
5 to have an opportunity to go through with my
6 client so he can translate the content of
7 all of that? The opportunity is simply not
8 there, not available. And it's not right
9 that I have to say to him, you look at that
10 and tell me what's important. It is the
11 lawyer's judgement of what is important to
12 be used ultimately in the legal arguments.

13 MADAM PRESIDENT:

14 Yes. Well, look, I don't want to go into it
15 at any length, but the reality is it's
16 almost impossible to have all these tapes
17 translated from Kinyarwanda to English and
18 French. That's the reality. The other
19 reality is that your client, who speaks
20 Kinyarwanda, listens to the tape and tells
21 you what's on it. All right, please proceed,
22 Mr. Rapp.

23 MR. RAPP:

24 At this point I would ask Mr. Matemanga to
25 place before the witness the first binder,

1 binder 1.

2

3 And, Madam President, I don't want to carry
4 on any particular argument. I would note, I
5 think, that it's clear that the CD that was
6 provided in December had all of the
7 translations, English and French, of these
8 tapes on them, that we have at present, so
9 those are accessible to the Defence.

10 However, in fairness it should be noted that
11 less than 30 percent of the tape material is
12 translated into the languages of the
13 Tribunal, official languages.

14 BY MR. RAPP:

15 Q. Now, Dr. Ruzindana, and -- excuse me.

16 MR. BARLETTA CALDARERA:

17 Excuse me, Mr. Rapp.

18

19 Madam President, may I say something?

20 I would propose that all the cassettes which have
21 not been translated into English and French
22 should be eliminated, because the Defence
23 team for Mr. Jean-Bosco Barayagwiza, for
24 example, are given the absence of the
25 Accused, do not know Kinyarwanda and cannot

1 be familiar with the contents and that would
2 be a violation of my client's rights, if
3 those cassettes are used.

4 MADAM PRESIDENT:

5 Well, we've already asked Mr. Rapp to
6 proceed, as he's indicated, with regard to
7 these 276 tapes.

8 MR. RAPP:

9 With the Court's permission, so that we move
10 as quickly as possible, let me just ask a
11 leading question describing the contents of
12 this particular binder.

13 BY MR. RAPP:

14 Q. Dr. Ruzindana, is there a binder before you
15 that contains a Kinyarwanda transcript of
16 tapes index Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9,
17 10, 11, 12, 14 and 15?

18 A. Yes, there is.

19 Q. Now, let's just go to the first of those,
20 which is proposed Exhibit P103/1A and ask
21 you how you can tell that that's an RTLM
22 transcript, a transcript of an RTLM
23 broadcast, and if there's any particular
24 page that you would direct us to in terms of
25 making that identification, then I would

1 respectfully ask the technical people to put
2 my screen on the courtroom monitor.

3 A. Well, I can recognise it as being an RTLM
4 transcript. If you go to page 2, so the
5 speaker is Kantano and he says, "Free radio
6 RTLM broadcasting from Kigali," and then he
7 gives the frequency.

8 Q. So, and I believe that's what is displayed
9 right now on our page before us. Let me ask
10 you to go to the next transcript in that
11 group, and ask how you can tell from the
12 second index number that that is an RTLM
13 broadcast?

14 A. I say we go to the cover page. For example,
15 it says 0002, and it says May 16, '94, RTLM
16 Nkomati-Kantano.

17 Q. Let's go beyond the cover, inside the
18 contents of it. Is there anything that
19 tells us that this is a broadcast of RTLM?

20 A. Okay, on page 2 or page 3 or -- page 2, for
21 example.

22 Q. Yes.

23 A. In the middle of the page you have speaker
24 Georges Ruggiu, RTLM journalist.

25 Q. Okay, I think we're highlighting that.

1 Okay, let's go to the third item, Post
2 Exhibit P103/3a and ask how you identify
3 that as an RTL M broadcast?
4 A. We can go to the summary of the tape,
5 page -- it's the second page.
6 Q. Now who prepared the summary of the tape, if
7 you know?
8 A. The summary was prepared by the transcript
9 typist and the transcript typist's name
10 appears on the summary page.
11 Q. That would be this person who has the name
12 of Olga at the end?
13 A. Yeah.
14 Q. Okay, let's go beyond that and indicate --
15 MS. ELLIS:
16 Madam President, may I just ask that
17 Mr. Rapp include reference to the
18 appropriate file where there is a
19 translation on the this CD I've got, as I
20 believe he has got that information, as
21 well. Thank you.
22 MR. RAPP:
23 For Ms. Ellis's benefit, let me, on the
24 previous tape, tape number 2, which we were
25 proffering as P103/2, that particular tape

1 has an English translation, which is shown
2 on the chart that was given to the Defence
3 at the time that we provided the CD-ROM, but
4 it would be specifically on that as 2-E,
5 order number 2, English translation.

6 MADAM PRESIDENT:

7 Just a question for you, Dr. Ruzindana. The
8 image we saw before this said, "Orateur
9 Georges Ruggiu, RTLM". Are those the spoken
10 words on that tape or is it the translator's
11 summary?

12 THE WITNESS:

13 This would be the -- this would be the
14 transcript typist identifying the speaker,
15 Madam President. The practice is if they
16 recognise the voice, they have to mark who
17 is speaking. So, it would be speaker, and
18 then the name, but the reason is that it had
19 to be clear who's speaking.

20 Q. So the transcriber took it upon herself or
21 himself to add RTLM next to the name?

22 THE WITNESS:

23 The -- once the team -- we work as a team,
24 we have transcript typists, that is, the
25 transcribers, then a team that revises the

1 tapes, so there are a few conventions. Once
2 you listen to the tape and you identify the
3 speaker or maybe the speaker identifies
4 himself, he says, "You are tuned to radio
5 RTLM and you are in the company of -- "
6 whoever, Georges Ruggiu, the typist would
7 mark the speaker "Georges Ruggiu" and he
8 would start with the particular words spoken
9 by Georges Ruggiu.

10 BY MR. RAPP:

11 Q. Let's go over that to nail that down, and
12 return to tape number 2 and proposed
13 Exhibit P103/2 to the same page where we saw
14 Georges Ruggiu, journalist, RTLM. And could
15 you read the line above that, above his
16 introduction on that page, back to page 2 of
17 transcript 2?

18 A. Says "on va essayer de voir un pey", says
19 inaudible from minute one to two seconds to
20 one minute five seconds, "et nous allons
21 parler, georges, de certaines et, des
22 précisions, Georges", so this is the speaker
23 who's talking to Georges, so these words are
24 on a tape.

25 Q. And to your knowledge were there any other

1 journalists on RTLM or any other
2 French-speaking journalists in Rwanda that
3 has the name Georges other than Georges
4 Ruggiu?
5 A. No.
6 Q. Let's then go back to tape 3, which we're
7 looking at, and just going ahead in that
8 transcript, Dr. Ruzindana, would you
9 indicate for us where in that transcript
10 there is information that would indicate,
11 even apart from what a transcriber might
12 have put there, that this is an RTLM tape?
13 A. So, for example, if you go to page 4, that
14 would be K201570, but page 4 on the bottom
15 of the document.
16 Q. Page 4 on the bottom, you say?
17 A. No, page 4, but there are two ways of
18 identifying the page. So that is page 4, if
19 you look at the bottom of the page.
20 Q. Okay.
21 A. And it says, on the top of the page, 7.2.
22 Q. Okay.
23 A. Speaker: Ananie. Here I have
24 "Orateur/Kantano". It says, "Thank you,
25 Kantano. I would like Gahigi" -- I suppose

- 1 I should read in Kinyarwanda (not
2 interpreted) and so on.
- 3 Q. And I would note, for the benefit of the
4 Defence, that that particular tape No. 3
5 that has been translated into French should
6 be on the CD-ROM as 3F and K-number
7 K0143502.
- 8
- 9 Let's now go to the -- if you, Doctor, would
10 turn to the fourth transcript in that
11 binder, we'll expand it and I'll ask you how
12 you can tell that this is a transcript of an
13 RTLM broadcasts?
- 14 A. Well, there are various speakers that we
15 know. There's Gaspard Gahigi, there is
16 Kantano, There is Valérie Bemeriki and also,
17 of course, the word, that phrase, "Tune to
18 radio RTLM".
- 19 Q. And where's that phrase, "Tuned to radio
20 RTLM"?
- 21 A. I just passed that, excuse me, let me go
22 back. You go to page -- I'm sorry I missed
23 that. If you could give me a couple of
24 sections. Okay, on page 6.
- 25 Q. Which is in the last two digits of the

- 1 K-number on the top, it's easier?
- 2 A. 52.
- 3 Q. Okay, so we'll click to 52?
- 4 A. Yes.
- 5 Q. And where?.
- 6 A. In towards the middle of that big, big
7 paragraph.
- 8 Q. Now, wait there. Let's blow that up.
- 9 A. So radio RTLM. And it says, "We'll come
10 back to this issue on RTLM".
- 11 Q. "The famous radio"?
- 12 A. Yeah, "The famous radio".
- 13 Q. One other question about this may require
14 you to look at the transcript for a second,
15 but I note from Prosecution Exhibit P102
16 that this is one where the date, the
17 broadcast date of 12 April 1994 has been
18 revised 22 April '94 and who changed -- who
19 revised that date?
- 20 A. Well, I did.
- 21 Q. And why did you revise that date?
- 22 A. I revised it because the -- inside the
23 contents they say, "we are", but I would
24 have to get that. They say, "we are", then
25 they give the date, the day, and the date.

1 And the date they give is not 12. They say
2 22nd.
3 Q. Of April?
4 A. Of April, and they give the day. So when I
5 go to the calendar in April '94, check the
6 day and the date, I discover that the day
7 and date as given by the journalist in the
8 content match -- not match are exactly 22nd.
9 This is why, of course, we did not change
10 the date, as was on the tape, we just marked
11 revised because we didn't want to change
12 the date.

13 (Pages 1 to 51 by R. Lear)

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1 1130H

2 Q. On the front of the transcript it
3 nonetheless still shows 12/4/94 as the date
4 that was on the tape but it is the contents.

5 MR. RAPP:

6 Now, Your Honours, for Ms. Ellis's benefit,
7 I would note that this tape, four, actually
8 is in both English and French and should be
9 on the CD as 4E and F. I also have on that
10 chart, if she doesn't have it, the K-numbers
11 for that tape.

12 MS. ELLIS:

13

14 Thank you. I now understand how my CD-ROM
15 relates to Mr. Rapp's, and so I don't need
16 that reference anymore. Thank you.

17 MR. RAPP:

18 Your Honour, do you wish us to proceed
19 straight to 12:30 or take a break, or we
20 can -- I'll go on.

21 MADAM PRESIDENT:

22 You are working the hardest. Do you need a
23 break? We did start at 10.

24 MR. RAPP:

25 Yeah. I'm happy to proceed. I just hope we

1 don't have CD fatigue eventually, not by me,
2 but by people looking at these materials.

3 MADAM PRESIDENT:

4 You already have it.

5 MR. RAPP:

6 And we are only four into 276, but hopefully
7 at some point we'll start doing these on a
8 group basis, but we want to clearly
9 demonstrate the methodology by which these
10 are identified.

11 BY MR. RAPP:

12 Q. So let's move, Doctor, to transcript 5 and
13 ask you to take a look at that and tell us
14 how you determine that it's a tape of RTLM.

15 A. Okay. If we go to page 26, the last digits
16 of the K-number would be 116 -- sorry.
17 That's 11, double one, page --

18 Q. Twenty-six?

19 A. Yes.

20 Q. And we're looking at the second paragraph
21 that says "radio RTLM"; is that what you are
22 looking at?

23 A. Yes.

24 Q. So let's pass by that one and go to the next
25 one, Index No. 6, and ask how you can

- 1 identify that as a tape of RTLM.
- 2 A. So apart from the fact that the speakers are
- 3 known, but if you go to page 21, the
- 4 K-number last digits are 32.
- 5 Q. Right.
- 6 A. The second paragraph from the top.
- 7 Q. We'll expand that. I see -- what does that
- 8 mean in Kinyarwanda, that word that begins
- 9 with "M-U-K"?
- 10 A. "You are still tuned to radio RTLM
- 11 broadcasting from Kigali".
- 12 Q. And I'd ask you to go to number 7 in the
- 13 group.
- 14 A. Once again, there is an RTLM tape. If you
- 15 go to tape 7, the last three digits of the
- 16 K-number are 33.
- 17 Q. And I'm looking here to the third line,
- 18 again that word that begins with "M-U-K" and
- 19 RTLM on that line; is that what you are
- 20 referring to?
- 21 A. Exactly, yes. "You are still tuned to RTLM
- 22 broadcasting from Kigali. The time now is
- 23 20 minutes past 10".
- 24 Q. So I'll close this. And that was 7. Now
- 25 let's go to 8 and ask you how you can tell

- 1 that this is a tape of RTLM.
- 2 A. Page 6, the last digits would be for 6.
- 3 Q. Okay.
- 4 A. In the middle of the page.
- 5 Q. I see several at the top, but let's go to
- 6 the middle.
- 7 A. Speaker, "Orateur: Philippe Mbilizi".
- 8 Q. In French, what is he saying here?
- 9 A. (Not translated).
- 10 Q. Okay. Then let's move to --
- 11 MADAM PRESIDENT:
- 12 Wait. Let's have that in English.
- 13 BY MR. RAPP:
- 14 Q. Could we have the interpreters translate,
- 15 and have you read that again, Doctor. Would
- 16 you read that Mibilizi quotation in French
- 17 and we'll ask the interpreters to interpret
- 18 it into English.
- 19 A. "The Radio Television Libre des Mille
- 20 Collines. In 16 minutes it will be
- 21 10 o'clock in our studio, from where we are
- 22 henceforth obliged to broadcast. Good
- 23 morning, dear listeners".
- 24 Q. So that was -- was that, we were on number 8
- 25 at that point, Doctor.

- 1 A. Yes, that's correct.
- 2 Q. So let's move to number 9 and ask how you
3 can tell that that's a tape of RTLM.
- 4 A. So if we go to page 20, the last digits of
5 the K-number 34B, 34B.
- 6 Q. Right.
- 7 A. The second line from top; it is the
8 beginning of the paragraph.
- 9 Q. Again, this "mukomeje RTLM", is that what
10 you are referring to?
- 11 A. Yes, that's correct.
- 12 Q. Excuse my pronunciation. Which means,
13 again?
- 14 A. "You are still tuned to RTLM broadcasting
15 from Kigali".
- 16 Q. Now let's go to number 10 and ask how you
17 can tell that's a broadcast of RTLM.
- 18 A. Well, if we go to page 7, last digits of the
19 K-number would be -- sorry, 53.
- 20 Q. Yes. Where should we direct our attention?
- 21 A. The middle of the page, the paragraph below
22 the bold name "Orateur: Gahigi, Gaspard".
- 23 Q. Yes.
- 24 A. So he says, "Thank you, our friends who are
25 listening to us. You have just been

1 listening to Nemeye, Ephrem".

2

3 Then three lines, four lines later, sorry,

4 further into the paragraph, it says,

5 "Nemeye, Ephrem, I thank you once again on

6 behalf of the RTLM and on behalf of those

7 who like RTLM".

8 THE ACCUSED NGEZE:

9 Madam President, that is not what I have.

10 What I have is "murakose" then "arakoroye".

11 I want to confirm it is the same you have.

12 MR. RAPP:

13 Again, what page are we on? I just closed

14 it.

15 THE ACCUSED NGEZE:

16 On page 7.

17 MADAM PRESIDENT:

18 Were you on 67?

19 BY MR. RAPP:

20 Q. We're on page 7 of number 10 that ends in

21 53, as far as KT-number -- or K-number, are

22 we not, Doctor?

23 A. Yes.

24 Q. And let's go to -- we see this place where

25 it says "Orateur: Gahigi, Gaspard",

1 presumably put in by the transcriber; is
2 that the passage you were dealing with right
3 after that?

4 A. Yes. That is passage with the word
5 "murakose", that is misspelled.

6
7 But, Your Honour, if you allow, there is
8 another, better passage on page 12, because
9 there is a spelling mistake on that
10 particular one. If you allow, we could go
11 to the page 12. It's the same document
12 where there is no spelling mistake.

13 BY MR. RAPP:

14 Q. Let's just look at this again --

15 MADAM PRESIDENT:

16 Mr. Ngeze, were you looking at 653?

17 THE ACCUSED NGEZE:

18 Yes. I have "murakose" then "arakoroye", so
19 I want to confirm it is the same you have.
20 I have "murakose", mistake, then
21 "arakoroye".

22 MADAM PRESIDENT:

23 Yes.

24 THE ACCUSED NGEZE:

25 Okay, thank you.

1 MADAM PRESIDENT:

2 So now we've heard that that's a mistake.

3 That's what the witness says. Now you are

4 going to look at page 12. What is the

5 ending of the K-number?

6 THE WITNESS:

7 5.8, Your Honour.

8 BY MR. RAPP:

9 Q. Five what?

10 A. Five eight.

11 Q. And on this page --

12 A. Yes, the first line on top of the paragraph.

13 "5:25 p.m. in the RTLM armoured vehicle,

14 blindé. You have been hearing our

15 broadcasts. I do not think -- I believe

16 everyone is happy about the courage". Okay.

17 And so on.

18 Q. Just for curiosity, is "armoured vehicle" --

19 that's the word that they referred to as the

20 place where they were broadcasting from this

21 date, which you've identified as 21 May '94.

22 A. No, the word "blindé" means something

23 totally different. It means "makeshift",

24 "whatever", studio. That's what they mean

25 here.

- 1 Q. Okay. Let's go now to number 11 and ask
2 what is it about that particular transcript
3 that identifies this as an RTLM tape.
- 4 A. Well, if we go to page 15, the last digits
5 are 32.
- 6 Q. Thirty-two, yes.
- 7 A. The second paragraph.
- 8 Q. Uhm-hum. Let's focus our attention on it
9 here, expand it.
- 10 A. "You are still listening to Radio Libre RTLM
11 broadcasting here from Kigali".
- 12 Q. Then let's go to 12 and ask if you can
13 identify that as an RTLM broadcast.
- 14 A. So, page 15, last digits, 09.
- 15 Q. Yes.
- 16 A. The second paragraph, Orateur: Nkurunziza
17 Ananie.
- 18 Q. And what does he purportedly say?
- 19 A. "Friends who are listening to RTLM, good
20 morning. We are with you this morning. I
21 had accompanied our editor-in-chief, Gaspard
22 Gahigi".
- 23 Q. Now, the next one in order number is 14. So
24 that raises a question I'd like to ask you
25 now in regard to this reduction from 345 to

- 1 273. Why don't we have Index No. 13 as an
2 RTLM tape on this list?
- 3 A. 0013 is blank.
- 4 Q. So, then it's entirely blank?
- 5 A. Yes, entirely blank.
- 6 Q. Then let's go to tape number 14 in the index
7 numbers and ask if you can identify that as
8 an RTLM tape.
- 9 A. So if we go to page 20, digits 32.
- 10 Q. Yes, there we are. And what is it there
11 that tells you this is an RTLM tape?
- 12 A. The first two lines on the -- in the first
13 paragraph, top of the page.
- 14 Q. And what do they read?
- 15 A. "Thank you, Ananiya. What I want to say, I
16 wanted to remind the government of the
17 problem which I spoke about to the listeners
18 of the RTLM yesterday". So we have Ananiya
19 there.
- 20 Q. Okay. Well, let's just pass by that and go
21 to the next one, Doctor -- 15 should be the
22 last one in the binder -- and ask how you
23 can identify that as an RTLM broadcast.
- 24 A. I'm afraid my binder doesn't have that.
- 25 Q. Okay. Then, we'll let the -- right. Okay.

1 MR. RAPP:

2 Well, at this point, Your Honour, I would
3 move the admission of transcripts that
4 we've -- that the Doctor has identified and
5 move their admission specifically as
6 P103/1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A,
7 10A, 11A, 12A and 14A all to be P103 slash
8 exhibits.

9 MADAM PRESIDENT:

10 Yes. So admitted.
11 (Exhibit Nos P103/1A to P103/12A and
12 P103/14A admitted)

13 MR. RAPP:

14 So I ask Mr. Matemanga to remove that binder
15 from the witness and place binder No. 2
16 before him.

17 BY MR. RAPP:

18 Q. Doctor, can I just ask you -- I know it's
19 lever arch and sometimes difficult to work
20 with, but the first transcript in it appears
21 to be what order number -- or what index
22 number?

23 A. 0015.

24 Q. Okay. And does it go to 0029?

25 A. Yes, it does.

- 1 Q. So let's go first to 0015 and ask how you
2 can identify this as an RTLM tape.
- 3 A. If we go to page 3, last digits, 74 --
- 4 Q. Okay.
- 5 A. -- the last two or three lines of the big
6 paragraph, first paragraph.
- 7 Q. Yes, and what lines are you referring to
8 specifically -- or would you read the
9 passage?
- 10 A. "You are still listening to Radio Libre RTLM
11 broadcasting from Kigali; 8:40 in the
12 makeshift studio of the RTLM in Kigali".
- 13 Q. So, let's go to the next one. Is that 0016?
- 14 A. That's correct.
- 15 Q. And let's have you look at that and
16 determine whether that -- if there is
17 anything in it that indicates to you that
18 that is a broadcast of RTLM.
- 19 A. Page 22, last digits, that's 85.
- 20 Q. Yes.
- 21 A. The last line of the second paragraph from
22 the top of the page.
- 23 Q. And that's the line that begins "mukomeze"
24 and ends with "radio RTLM", correct?
- 25 A. Yes. Even before that we have, "Thank you,

1 Ananiya, for telling us about this story".
2 And at the end, the persons at -- the
3 announcer says, "Continue to listen to radio
4 RTLM".

5 Q. So, now if I ask you to look at the next
6 one, is that 017?

7 A. Yes, that's correct.

8 Q. Okay. And looking at that transcript, do
9 you see an indication in it that this is a
10 broadcast of RTLM?

11 A. Yes. The second page.

12 Q. Which is?

13 A. Last digit, 6.

14 Q. Okay. And I see in French the line that
15 begins "May '94"; is that what you are
16 referring to?

17 A. Yes.

18 THE ENGLISH INTERPRETER:

19 He read very fast, and I wasn't ready for
20 him.

21 MR. RAPP:

22 Well, we have it on the screen here.

23 THE ENGLISH INTERPRETER:

24 We can't see it.

25 MR. RAPP:

1 You can't? Okay. We'll blow that up.

2 THE ENGLISH INTERPRETER:

3 Yes, "May '94, it's 8:17 in the makeshift

4 RTLM studio in Kigali. Good morning to you,

5 dear listeners".

6 MADAM PRESIDENT:

7 English interpreter, would you read that

8 correctly? It said 8 hours, 17 minutes.

9 817 could be anything.

10 BY MR. RAPP:

11 Q. Okay. Let's go to number 18. Do you have

12 number 18 in the binder, Dr. Ruzindana?

13 A. Yes, it is.

14 Q. And ask if you can tell us if there is

15 anything in that transcript indicating that

16 this is the transcript of an RTLM broadcast.

17 A. Yes, on page 4, last digits, 32.

18 Q. Okay. Let me make sure I have the right one

19 32, yes. Okay.

20 A. That's correct. The paragraph slightly

21 below the middle of the page and below

22 "Orateur: Ananie Nkurunzira, Journaliste de

23 RTLM. Thank you, Gahigi. I think that now

24 that I have come to help you today, I'm

25 going to broadcast the messages of people

- 1 who depend on the RTLM for their message to
2 be aired on RTLM".
- 3 Q. Okay. That was 18. Let's go to 19. And is
4 there anything on this? Now, I note here on
5 this particular cover of this particular
6 transmission, if I can magnify it, I see
7 that it is referred to as "Radio Rwanda" and
8 then as "RTLM 0019". And then the 0019 has
9 an "rr" after it. What -- what is it that
10 indicates to you that this is -- this tape
11 contains RTLM content rather than Radio
12 Rwanda content?
- 13 A. This is a printing error. Transmission
14 should have been RTLM, because inside, of
15 course, many references to RTLM. Let's
16 take, for example, page 5, last digits, 51.
- 17 Q. Uhm-hum. Let's make sure I have that, 51.
18 Okay.
- 19 A. The middle of the page.
- 20 Q. Yes.
- 21 A. "Orateur: Habimana, Kantano, Journaliste de
22 Radio Rwanda", this is another -- the same
23 mistake we found on page 1, but he says, "I
24 thank you, Gahigi and Ananiya. Listeners of
25 the RTLM, I think that when one is speaking

1 to a multitude of people, those who are
2 concerned -- those who are interested or
3 concerned. Here, the message which is
4 transmitted (sic)".

5
6 And in the same -- sorry, the last
7 paragraph, again on the same page, the last
8 paragraph. "Therefore, listeners of the
9 RTLM, continue to show courage when you hear
10 mention made of an Inkotanyi anywhere".

11 MR. RAPP:

12 Do we have the translation or do we need to
13 have it? Yeah, we don't have the
14 translation of the last -- after
15 "Inkotanyi".

16 THE ENGLISH INTERPRETER:

17 "Rush with pestles, and you will see how
18 they will take off, run away. They can run;
19 Tutsis know how to run. Oh, oh, oh, oh, oh.
20 Stay tuned to RTLM broadcasting from
21 Kigali".

22 MS. ELLIS:

23
24 I'm sorry. Could I just have the
25 page reference that was referred to. Thank

1 one, so let's go to the next.

2 BY MR. RAPP:

3 Q. Now on Index No. 20, could you tell if
4 there's anything in this tape that indicates
5 that it's the broadcast of RTLM?

6 A. Yes, if we go to page 17, the last digits of
7 the K-number are 98; 98.

8 Q. Okay. Yes.

9 A. Third paragraph from the top of the page.

10 Q. Yes.

11 A. "You are still tuned to RTLM, the people's
12 radio, broadcasting from Kigali".

13 JUDGE GUNAWARDANA:

14 Mr. Rapp, can you include the date of
15 broadcast also?

16 MR. RAPP:

17 Yes. Okay. That would be helpful, I think,
18 and let's just note in this regard -- of
19 course, it should be on 102, but I'll make
20 sure it's mentioned by -- during the witness
21 (sic).

22 BY MR. RAPP:

23 Q. Is this a tape that appears to have -- well,
24 it is at least labelled as a broadcast of
25 the 2nd of June 1994 and did you revise that

1 date, Dr. Ruzindana?

2 A. Yes, I did.

3 Q. And why did you revise it?

4 A. Because inside the contents, they also

5 mention the other date, the 3rd.

6 Q. Let's go to 21, which would be -- purports

7 to be a broadcast of June 3rd or 3 June 1994

8 -- blow that up -- and ask you if there's an

9 indication on that transcript that this is a

10 broadcast of RTLM.

11 A. Yes. Page 5, the digits are 28; 28.

12 Q. That's 27, 28. Okay. We're on the page.

13 A. Yes, the last but one paragraph, the

14 paragraph under the bold heading.

15 Q. And what are you referring to specifically?

16 A. Two line -- three lines, "Kantano,

17 Journalist, I thank you".

18

19 "I thank you. First of all, I would like to

20 congratulate you and the other journalists

21 who are working with you, who, along with

22 you, are doing the good job of encouraging

23 the members of the population".

24

25 Then there is the next line down, says, "I

1 have just got here to the makeshift studio
2 of RTLM".
3 Q. Okay. So now the next transcript in
4 binder 2, is that Index No. 002?
5 A. Yes, that's correct.
6 Q. And how can you tell -- and that purports to
7 be a broadcast of 3 June 1994, and it's also
8 one where you've, on P102, suggested a date
9 revision. How have you revised that date?
10 A. Once again, that second date was referred to
11 in the contents.
12 Q. Now, how do you know from the contents of
13 this tape that this is a transcript of a
14 broadcast of RTLM?
15 A. Okay. We go to page 61 -- well, the last
16 digits, 61.
17 Q. Okay.
18 A. The first line of the paragraph.
19 Q. Yes.
20 A. "Kantano, Habimana. Thank you, Gahigi,
21 Ananiya, RTLM listeners. I believe that
22 those for whom the message is intended have
23 understood it".
24
25 And then in the middle of the paragraph we

1 have, again, "Abumva radiyo RTLM". And then
2 we have, "Thank you, listen to (sic) RTLM,
3 broadcasting from Kigali".

4 Q. So, let's move now to number 23 and ask you
5 if you can identify -- first of all, is
6 23 index number the next transcript in the
7 binder?

8 A. Yes, it is.

9 Q. And that purports to have the date of the
10 4th of June 1994. There is no revision on
11 that date. Is there anything in that
12 transcript that indicates that it's a
13 broadcast of RTLM?

14 A. Let's go to page 35.

15 Q. Thirty-five. Some of these are longer than
16 16 pages.

17 A. Yes.

18 Q. Thirty-five.

19 A. Yes, the last paragraph of the page.

20 Q. Uhm-hum. Are we on the right page? What's
21 the index number?

22 A. Sorry, it's 8 -- just the print that isn't
23 clear. That's 85, sorry, not 35.

24 Q. In the index number, you mean?

25 A. Yes.

- 1 Q. Which is 38 in the page number.
- 2 A. Uhm-hum.
- 3 Q. So we are to the bottom. Right. Okay.
- 4 Let's identify the passage.
- 5 A. The third line to the paragraph, "Here with
- 6 me is my colleague, Georges Ruggiu, who
- 7 would like to speak to the French listeners
- 8 if we still have time. Yes, it is
- 9 11 minutes to 5 p.m. in the RTLM studios" --
- 10 correction, "14 minutes to 5 p.m."
- 11 Q. So let's then go to tape 24 if that's in the
- 12 binder.
- 13 A. Yes, please.
- 14 Q. And ask -- first of all, let's look at the
- 15 date. Appears to be dated the 5th of June
- 16 1994. What -- is there anything on that
- 17 tape that indicates that it is a broadcast
- 18 or a transcript of a broadcast of RTLM?
- 19 MS. ELLIS:
- 20
- 21 Could I ask, whilst that is being done,
- 22 Madam President, if Mr. Rapp could check if
- 23 the last KT-numbers are correct in the P102
- 24 index?
- 25 MR. RAPP:

1 The last KT-number -- are you referring,
2 Ms. Ellis, to 23? And that's the answer
3 to -- that is -- that is the correction that
4 I made earlier today in regard to the
5 transposition in terms of these exhibit
6 numbers, between P94 and P103/23, and that
7 those specific things are reversed, and that
8 824 is the tape P94. We'll check that after
9 the break and make absolutely sure, because,
10 obviously 824 was one of those that we
11 played a short while ago.

12 MS. ELLIS:

13
14 Yes. It just doesn't seem to tally with the
15 document that I am looking at which has the
16 same content.

17 MR. RAPP:

18 Okay. We'll check and make sure, but I
19 believe that was that line error between
20 those two which I identified earlier, but
21 we'll check it and correct it.

22 JUDGE GUNAWARDANA:

23 Mr. Rapp, are you going to revisit these
24 tapes again to point out the offending
25 passages?

1 MR. RAPP:

2 Exactly, Your Honour. At this stage of the
3 game we are simply laying the foundation for
4 the entry of the transcript. Occasionally,
5 when we find a passage that seems to be
6 offending -- but we're not choosing it for
7 that purpose; we're just choosing it for
8 identification. This is the tedious
9 business of laying the foundation, and then
10 when we get to the offending passages, those
11 are referred to specifically in
12 Dr. Ruzindana's report and in the Chrétien
13 report, and we need to show before we cite
14 those passages that they exist as part of
15 our evidence. So that's where we'll be
16 zeroing in on those. But in the absence of
17 Defence stipulation that these tapes are the
18 tapes of RTLM, we need to go through this
19 exercise. We've got to crawl before we
20 walk.

21 BY MR. RAPP:

22 Q. Let's -- are we at Index No. 24? And,
23 Dr. Ruzindana, can you indicate to me
24 whether this appears to be the tape of RTLM?

25 A. Yes, page 8; last digits, 58.

1 Q. Okay. Page 8. Let me make it smaller
2 again. You say 58?
3 A. Uhm-hum.
4 Q. Okay. And let's blow that up. And what is
5 it on that transcript that indicates that
6 this is the transcript of the broadcast of
7 RTLM?
8 A. That -- the paragraph appearing in the
9 middle of the screen.
10 Q. Okay.
11 A. Below 24.0.
12 Q. And just by way of -- because we see a lot
13 of these entries -- just by way of our
14 edification, the 24.4, what does that refer
15 to specifically?
16 A. This refers to the timing on the -- on the
17 tape as was marked on the tape recorder when
18 they reached that particular passage.
19 Q. Okay. And what is it on this particular
20 transcript that indicates to you that this
21 is a transcript of RTLM?
22 A. The first line towards the end of that line,
23 the line beginning with "mbararitse", so
24 towards the end of the same line.
25 Q. Again, which is that?

1 A. That's the paragraph below 24.0, first line,
2 but it is -- the sentence begins towards the
3 end of the line.

4 Q. Okay. Let's move over there. So there we
5 have that sentence.

6 A. "Stay tuned to RTLM". And the paragraph
7 next to it, "Orateur: Valerie", that's the
8 paragraph at the bottom of the screen. "It
9 is 11:42 a.m. in the makeshift studio of
10 RTLM".

11 Q. Okay. Let me just blow that up for a
12 second. Okay. Then let's go to the next
13 one in order. We were just at what number,
14 Doctor?

15 A. The number we have just done was 0024 so the
16 next one should be 0025.

17 Q. And as far as our record, both tapes appear
18 to have the same broadcast date, both the
19 5th of June of 1994?

20 A. Yes, that's correct.

21 Q. Now, are these identical tapes?

22 A. No, they were not.

23 Q. So, presumably, in terms of length this one
24 is identified as a 60-minute tape. And just
25 for curiosity, let's go back to that last

1 tape. Can you tell what time of day that
2 tape was from, a 90-minute tape? Looking at
3 24 again.

4 A. Well, unless I go through the contents and
5 read and try to identify that, but I'm not
6 ready.

7 Q. Okay. Well, let's go, then, just go on to
8 25, which you indicate is the same date, and
9 ask what there is in this tape that would
10 indicate -- or this transcript that would
11 indicate that it was from a tape of a
12 broadcast of RTLM.

13 A. The indication -- the only indication there
14 is "Bemeriki, Valerie, RTLM". Presumably
15 this is identified through the voice.

16 Q. So, what page are you referring to
17 specifically, Doctor?

18 A. Page 10, last digits, 11.

19 Q. So we have here a Valerie Bemeriki beginning
20 to speak. Just, would you read, for
21 instance, the first sentence that she
22 speaks, according to the identification of
23 it?

24 A. "Many people are being talked to but only
25 those concerned understand the message. If

- 1 the Inyenzi-Inkotanyi understand this
2 message, they should understand that they
3 will not succeed in anything".
- 4 Q. But as far as checking this tape, would this
5 have been a tape that you would have checked
6 for the voice specifically and for your own
7 knowledge of what these individuals sound
8 like in order to confirm the -- that it's an
9 RTLM tape?
- 10 A. Yes.
- 11 Q. Now let's go to 26, which purports to be a
12 broadcast of the 9th of June 1994,
13 90-minutes in length, and ask if you could
14 indicate to us where in this particular tape
15 or cassette there is an indication of
16 whether it's an RTLM tape.
- 17
- 18 Doctor, if you look at page 13 in the middle
19 of the page, the one that ends 75, ask you
20 about that particular passage that begins --
- 21 A. "Kugira ngo amahanga".
- 22 Q. Yes.
- 23 A. Yes, I'm on that page. "We are urging you
24 to follow RTLM programmes. Be courageous".
- 25 Q. Okay. Other indications that it's an RTLM

- 1 broadcast?
- 2 A. Yes, there is also a passage where they talk
3 about Gahigi.
- 4 Q. And where is that location located?
- 5 A. Or perhaps you can use Valerie because it's
6 the same situation. On page 17, that's 79.
- 7 Q. Just a second. Let me get to the top here
8 and go forward to 17, and I see where Ananie
9 begins speaking, is that where -- or
10 purportedly begins speaking. Are you here?
- 11 A. Yes, exactly. So it says, "Thank you,
12 Valerie".
- 13 Q. Okay. Well, let's go to the next -- by the
14 way, are you familiar with any other female
15 broadcasters broadcasting in Rwanda in
16 1993/1994 other than Valerie Bemeriki?
- 17 A. There must have been one or two on Radio
18 Rwanda, but on RTLM, the only person I seem
19 -- not I seem, I know was actually Valerie
20 Bemeriki.
- 21 Q. But you indicate also that there was
22 reference here to Gahigi. Was there a
23 Gahigi on any other station other than RTLM?
- 24 A. Not during this period. There was no Gahigi
25 on Radio Rwanda or any other station.

- 1 Q. Okay. Then let me go to 27. That's in your
2 book binder 2 and this purports to be a
3 60-minute broadcast from the 9th of June
4 1994, and I ask if you could take a look at
5 that and indicate to us whether it indicates
6 to be a broadcast or a transcript of RTLM.
- 7 A. If we go to page 18, the digits are 20.
- 8 Q. Okay. Where on that page?
- 9 A. Under the bold title, "Orateur: Gaspard
10 Gahigi, rédacteur en chef de la RTLM".
- 11 Q. Okay. Let's blow it up. And where on that
12 passage is there an indication that this is
13 an RTLM broadcast?
- 14 A. First of all, the line, the line above the
15 bold type, "ten minutes, one second", above
16 that we have, "Thank you, Mr. Gahigi, for
17 allowing me to speak".
- 18
- 19 Then in the paragraph under "Orateur:
20 Gaspard Gahigi, rédacteur en chef de la
21 RTLM", the second line.
- 22 Q. Yes?
- 23 A. "He came here to RTLM".
- 24 Q. All right. Thank you, Doctor. Let's now go
25 to the last -- should be the last transcript

- 1 in binder 2, which purports to be a
2 broadcast of the 18th of June. No, wait
3 just a second. This is -- or is that the
4 last one or the next to the last one?
- 5 A. Next to the last.
- 6 Q. That's the problem. It's the 9th of
7 June '94. Could you take a look at that
8 transcript and indicate for us whether there
9 is anything in it that indicates that it's
10 the broadcast RTLM?
- 11 A. Yes, on page 8, digits 17.
- 12 Q. Okay.
- 13 A. The first line.
- 14 Q. Which reads?
- 15 A. There are a few lines, actually. "RTLM,
16 your radio, broadcasting from here in
17 Kigali. Your favourite radio, radio 106,
18 broadcasting on 106 and 94. To all our
19 listeners wherever you are, courage".
- 20 Q. Let me just ask you a question about those
21 frequencies, Doctor. At the time this
22 broadcast was purportedly made in June of
23 '94, where were you living?
- 24 A. I was living in Ruhengeri.
- 25 Q. And I hear there's frequencies 106 and 94,

1 presumably megahertz on the FM band. Do you
2 recall what frequencies you listened to RTL
3 on?

4 A. Now I am unable to remember. All I can
5 remember is that I could listen to it, but
6 I'm not sure what frequency it was.

7 Q. Then we have one last one in this binder for
8 this session.

9 MR. RAPP:

10 Or do you want to -- well, I suggest we just
11 quickly look at it. And I won't make the
12 offer at this point because I want to
13 clarify that issue raised by Miss -- by
14 Ms. Ellis.

15 BY MR. RAPP:

16 Q. But let's ask you to look at 29, and --
17 purportedly a 90-minute broadcast on the
18 18th of June '94 -- and indicate to us if
19 there's anything in this broadcast or
20 anything in this transcript that would
21 indicate that it's a tape of RTL.

22 A. Yes, page 8, the digits are 13.

23 Q. Okay.

24 A. And "Habimana, Kantano", below "Habimana,
25 Kantano".

1 Q. And, obviously a fellow who likes to laugh,
2 even at songs about extermination or
3 perishing. But there he has -- would you
4 read that first sentence?

5 A. "Ha, ha, ha. RTLM, your radio station,
6 broadcasting from here in Kigali. Ha, to
7 all our listeners, wherever you may be,
8 courage. Take courage. We will borrow
9 courage from the Rwandan army".

10 MR. RAPP:

11 Okay. So that was number 29 and that's the
12 end of that binder.

13 MADAM PRESIDENT:

14 Mr. Rapp.

15 MR. RAPP:

16 Yes.

17 MADAM PRESIDENT:

18 You indicated that you tended to lead
19 evidence of this nature in respect of 272
20 tapes.

21 MR. RAPP:

22 Uhm-hum.

23 MADAM PRESIDENT:

24 You have now covered 28.

25 MR. RAPP:

1 With one exception. I believe there's the
2 one that was left out, that's 27. So we are
3 10 per cent of the way through.

4 MADAM PRESIDENT:

5 And how many binders of Kinyarwanda
6 transcripts do you have? We've now dealt
7 with two.

8 MR. RAPP:

9 Well, they're not all of the same size, but
10 there are 18 of them.

11 MADAM PRESIDENT:

12 Eighteen left.

13 MR. RAPP:

14 Or 16 left.

15 MADAM PRESIDENT:

16 Dr. Ruzindana, we've heard your testimony in
17 respect of these 27 tapes and two binders,
18 and your evidence so far was that you
19 pointed out to us in the audio and written
20 transcript indications that these were
21 broadcasts of RTLM radio. And you
22 identified this by the references to the
23 radio itself and the references to some of
24 the journalists whom you say are RTLM
25 journalists. Is that a correct account of

1 your evidence so far?

2 THE WITNESS:

3 Yes, that's correct, Madam President.

4 MADAM PRESIDENT:

5 Now, my question to you is, have you
6 personally listened to all of these audio
7 cassettes -- that's the remainder making up
8 272? And have you personally looked at the
9 written Kinyarwanda transcript in
10 respect -- in the remaining 16 binders?

11 THE WITNESS:

12 Yes, Your Honour. I have checked them,
13 although I have not listened to every
14 minute, but I have checked them.

15 MADAM PRESIDENT:

16 Now, generally speaking, what is your
17 evidence in respect of the identification of
18 RTLM as the radio station and the
19 journalists of RTLM, pertaining to the
20 remainder of the tapes and the remainder of
21 the binders?

22 THE WITNESS:

23 The remaining tapes are similar to the ones
24 -- similar in the sense that the contents
25 are RTLM, but I wish to bring to your

1 attention that there are four tapes that
2 include Radio Rwanda as well. They are RTLM
3 and Radio Rwanda. So the rest are just the
4 same. They can be identified in terms of
5 speakers or the RTLM station.

6 MADAM PRESIDENT:

7 I am speaking about 272 tapes, not the four
8 tapes that the Prosecutor indicated were
9 Radio Rwanda. Now, in respect of these
10 tapes and the remaining binders, is it your
11 evidence that each and every one of those
12 tapes contains information identifying the
13 broadcasts as that of the RTLM, and that the
14 identifying details are the same kind of
15 details as you have highlighted in your
16 evidence for us?

17 THE WITNESS:

18 Yes, that's correct, Madam President. But I
19 indicated that among the 273 tapes we are
20 dealing with, there are a few, about four,
21 which are both RTLM and Radio Rwanda. There
22 is also one tape that includes a speech made
23 by Leon Mugasera in November '92, and I have
24 no evidence that that was broadcast on RTLM.
25 But on that tape we have RTLM broadcast that

1 is identifiable, and the speech that we have
2 been unable to identify as being an RTLM
3 broadcast.

4 MADAM PRESIDENT:

5 And you will be able to indicate those four
6 tapes.

7 THE WITNESS:

8 Yes, please, Your Honour.

9 MADAM PRESIDENT:

10 Well, we are a little bit over our scheduled
11 time to stop, but I now invite the parties,
12 particularly Defence Ms. Ellis and
13 Mr. Martel, to consider what the Chamber has
14 in mind. We have now obtained from this
15 witness certain evidence and his statement
16 that similar details appear in the rest of
17 the tapes, and in our view there may not be
18 a need, then, for the Chamber to have to go
19 through this exercise in respect of the
20 remainder of the tapes.

21
22 We will give you an opportunity to address
23 us on the course that we intend to adopt,
24 and you may possibly, during the break,
25 consider whether you have in mind disputing

1 the identification of the tapes, and, if so,
2 whether we could deal just with the disputed
3 items that you have in mind.

4

5 Now, that's a way of proceeding in order to
6 expedite the matter, and why the Chamber is
7 considering embarking on this course is
8 because we are aware that the audio
9 cassettes have been in the possession of
10 accused persons who can read Kinyarwanda.
11 You will bear in mind that at this stage we
12 are simply hearing evidence on the
13 identification of these tapes as broadcasts
14 of RTLM.

15

16 We will now take a break, and since it is
17 12:40, we will resume at 2:40.

18

(Court recessed at 1240H)

19

(Pages 52 to 89 by S. Fleming)

20

21

22

23

24

25

1 (Court resumed at 1444H)

2 MADAM PRESIDENT:

3 So, can we hear from the Defence.

4 MR. MARTEL:

5 Madam President, Your Honours, the Defence
6 for Mr. Ngeze cannot accept any
7 admissibility because we do not recognise
8 the witness as an admissible witness. We do
9 not know where the cassettes come from, we
10 don't know who recorded them and we are not
11 able to proceed with any useful
12 cross-examination. Therefore, we would not
13 wish that these materials be admitted.

14
15 I would, to the contrary, with agreement of
16 my client, wish to find out what are the
17 extracts, the broadcasts which are going to
18 be used against my client so that we can
19 prepare ourselves. I don't think that it is
20 useful to work through 273 cassettes. I
21 don't think there's going to be any witness
22 who's going to be able to usefully speak
23 about that number of cassettes, so we should
24 be told what are the extracts, what are the
25 broadcasts which are directed at our client

1 and we can prepare ourselves consequently.

2 Thank you.

3 MADAM PRESIDENT:

4 Ms. Ellis.

5 MS. ELLIS:

6 Madam President, we've considered what you
7 said this morning, and we certainly see no
8 useful exercise in Mr. Rapp continuing to go
9 through these transcripts one by one so that
10 Dr. Ruzindana can point out to us what we
11 can all see, which is the references to
12 RTLM. And as that seems to be the purpose
13 of the exercise, we don't invite the
14 Trial Chamber to allow that to continue.

15
16 But it shouldn't be understood from that
17 that we make any admission as to the
18 contents of those cassette recordings, nor
19 as to any of the manner in which the
20 recordings took place.

21
22 Our position, of course, is that the
23 interview conducted with Ferdinand Nahimana
24 on the 20th of November 1993 is not denied
25 by him to have taken place. But save for

1 that, he wasn't involved personally in any
2 of the other broadcasts, any of the others
3 that we are about to hear about. Thank you.

4 MADAM PRESIDENT:

5 The Chamber wishes to record its
6 appreciation for the level of cooperation
7 that's just been displayed by the Defence.
8 And, of course, we note the reservations
9 made by Mr. Martel and Ms. Ellis. They are
10 entirely legitimate and these would be
11 grounds you would cover in the course of
12 your cross-examination.

13

14 Mr. Rapp, the Chamber then deems it
15 unnecessary for you to go through each and
16 every one of your cassettes to lay the
17 foundation of identification of the
18 broadcasts as being associated with the
19 RTL, and we make that because of the
20 questions put to Dr. Ruzindana by the
21 Chamber just before we closed.

22 MR. RAPP:

23 Your Honour, just -- and I don't want to
24 unnecessarily detain --

25

1 MADAM PRESIDENT:

2 Just a second, Mr. Rapp.

3

4 I'm sorry, Mr. Caldarera, I overlooked your
5 possible participation in this. Do you have
6 any comment?

7 MR. BARLETTA CALDARERA:

8 Thank you. No, Madam President. I'm quite
9 aware that these are things that can happen,
10 but I have nothing to add to what Mr. Martel
11 and Ms. Ellis have already said. And I
12 associated myself with their concerns and
13 their reservations. Thank you very much,
14 Madam President, Your Honours.

15 MADAM PRESIDENT:

16 Thank you, Mr. Caldarera.

17

18 Mr. Rapp, you were saying?

19 MR. RAPP:

20 Yes, Your Honour, and I don't want to
21 unnecessarily detain the Trial Chamber.
22 There were two other issues in terms of
23 going through these, and Dr. Ruzindana
24 expressed them in part in response to
25 Your Honour's questions just before lunch,

1 and that is there are the tapes -- two
2 versions of the same tape with the Mugesera
3 speech on it and four with Radio Rwanda
4 pieces on it, and I think that perhaps the
5 witness needs to explain those tapes and
6 point them out at least to us.

7
8 Additionally, Your Honours, it was our
9 intention, by leading this evidence, and
10 obviously this is a determination that you
11 would need to make, but when we get to those
12 tapes that this Court has only allowed in
13 provisionally, and most specifically those
14 were the Ivan Godfroid or the George Cellis
15 or the Faustin Kagamé ones, though in some
16 other areas where we had Chrétien it also
17 occurred, though he will also be here
18 eventually, we wish to have the witness look
19 at those tapes more carefully in terms of
20 their integrity and whether they appear to
21 be RTLM tapes -- RTLM transcripts, and in
22 the process attempt to remove the sort of
23 provisional aspect to their admission.

24
25 Obviously, it is generally our position that

1 these are public broadcasts, that they, in a
2 sense, can be self-proved. And the exercise
3 that we went through with Mr. Rizvi
4 obviously showed that in a great many cases
5 it was impossible to tell who had recorded
6 them. But someone evaluating them
7 afterwards can, I think, provide additional
8 proof to their authenticity. And that's why
9 we wanted to lead evidence on those and seek
10 the Court's decision as to whether that was
11 sufficient to have the provisional aspect of
12 their admission essentially released. So
13 that's the issue.

14
15 Now, if the Court is willing to do that
16 based upon this witness saying that he will
17 do the same thing with those tapes that he
18 has done with these first 27, then we don't
19 need to go into them. But, otherwise, I
20 want to look at those carefully because,
21 frankly, I mean, we did have the problem
22 with Godfroid and Cellis and Faustin Kagamé,
23 that Mr. Rizvi did not know specifically who
24 those individuals were. And we can call
25 other witnesses to explain who they were and

1 why they were involved, but he didn't.

2 MADAM PRESIDENT:

3 Mr. Rapp, the directive of the Chamber was
4 merely to relieve you of the burden of going
5 through each and every one of 270-odd
6 cassettes and transcripts for the
7 foundational evidence.

8

9 You may proceed with the rest of your
10 examination on general matters, on matters
11 specific to particular tapes, on matters
12 specific to four tapes that Dr. Ruzindana
13 mentioned, for instance.

14 MR. RAPP:

15 Okay. Thank you very much, Your Honours.

16

17 Let's proceed at this point.

18 BY MR. RAPP:

19 Q. Dr. Ruzindana, let me invite your attention
20 to P102 and ask if you could look at that
21 document and point out to us the tape or
22 tapes that you were referring to when you
23 talked about the Léon Mugesera speech being
24 included in one of these or in two of these
25 tapes.

1 A. I'm particularly referring to tapes numbered
2 0050 and tape 0053.

3 Q. And let me turn to those here on the
4 computer and have a look at them -- tape
5 050, if you can -- well, let's --

6 MR. RAPP:

7 Could we ask Mr. Matemanga -- I don't see
8 him in the courtroom -- Mrs. Ben Salimo to
9 give the witness the fourth binder, over on
10 the table. It's got a number at the bottom,
11 binder 4. It should be two in from -- 3
12 should be the first one and 4 should be the
13 next one.

14 BY MR. RAPP:

15 Q. Dr. Ruzindana, have you located either of
16 those tapes, 050 or 053?

17 A. Yes, I have, or I have both of them.

18 Q. I'm looking at 050 on the monitor, if you
19 can see. Can we have the tape up on the
20 monitor, on the screen? Control booth. I
21 suppose we can begin. Control booth, can
22 you give us the --

23 THE ENGLISH INTERPRETER:

24 That's the technician in the courtroom.

25

1 MR. RAPP:

2 The technician is in the courtroom. Okay.

3

4 Okay. Fine. There we have it.

5 BY MR. RAPP:

6 Q. I'm looking at the 050, and you indicated to
7 us there were a couple of things. First of
8 all, I see that you have on P102, will you
9 look at tape 50 and 53, index number 50 and
10 53 are order number 40A and 50, one called
11 "discours de Léon", the other "Léon MRND à
12 Kabaya".

13

14 I notice on one of those you have listed a
15 date -- it was given an initial date of
16 21/11/92. Do you know what the significance
17 of that date is?

18 A. Yes, I do. This date appears to be the date
19 when a gentleman called Léon Mugesera made
20 the speech referred to in the text.

21 Q. Now, as far as looking at that particular
22 tape, you've, I see, revised both of them to
23 having the date of July 1st, '94. First of
24 all, are the tapes identical; are there the
25 same number of pages?

- 1 A. Yes, they're identical.
- 2 Q. Is the pagination the same?
- 3 A. Not exactly, because they were made by two
4 different transcript typists.
- 5 Q. I see. Now, in terms of the -- let's look
6 at P1 -- excuse me, it will be P1050A,
7 proposed exhibit, tape number 50. If you
8 could tell me where it is that the Mugesera
9 speech appears and where it is that, as you
10 indicated earlier, Georges Ruggiu begins to
11 talk?
- 12 A. The beginning of the tape, page 1.
- 13 Q. I'm looking here at page 8. We begin to see
14 "Orateur: Georges Ruggiu". And is there any
15 indication -- there's a portion here that's
16 "Partie non enregistrée". What does that
17 indicate?
- 18 A. Well, before that part marked "Partie non
19 enregistrée", "non-recorded part", we have
20 the ending of the -- the end of the speech
21 by Léon Mugesera. Then, just after that, we
22 have Ruggiu speaking.
- 23 Q. But is there anything in this -- just to be
24 clear in terms of this evidence, is there
25 anything in there from your review of the

1 tape and the Ruggiu matter that follows,
2 anything to indicate that tape was played at
3 that time, by any mention of it by any of
4 the commentators?

5 A. No, there is nothing at all. The first line
6 in Ruggiu's speech indicates that he's
7 talking about something that has nothing to
8 do with the speech that comes before him.

9 Q. And from the point of view of your
10 experience in terms of listening to tapes
11 and the tone and the volume and the
12 intensity, do these appear to be both
13 recorded -- do they appear to be part of the
14 same broadcast?

15 A. I don't think so, because Ruggiu's speech
16 is -- the level of volume is quite high and
17 the speech before it is rather low, so there
18 is no indication that the speech is part of
19 the broadcast.

20 Q. But in terms of the broadcast, beginning on
21 page 8 -- at least of 50 -- and going to 16,
22 does that appear in all respects to be a
23 broadcast of RTLM?

24 A. Yes, it does.

25 Q. And the only other question is, you say 53

1 is basically the same though it's paginated
2 somewhat differently.

3
4 Okay. Let me just move ahead, down the
5 list, down P102, to some other transcripts
6 that are here. I just want to clarify an
7 issue.

8
9 The ones that are order numbers 51, 52, 53
10 and 54, index numbers 58, 64, 65 and 70 have
11 a different kind of name, a name A/904,
12 A/910, A/911, A/916. Do you know why those
13 tapes carried that different kind of
14 numbering and naming?

15 A. The A series, the A "stroke" series appears
16 on Radio Rwanda tape list. So it is my
17 impression that they are called "A" because
18 the broadcast date was April.

19 Q. And who listened to these tapes and
20 determined that they were not Radio Rwanda
21 but RTLM?

22 A. I did.

23 Q. And what indications do you have in those
24 particular tapes, if you would look at them,
25 that they are, in fact, RTLM and not

1 Radio Rwanda?

2 A. If we look at 0058 --

3 Q. Yes.

4 A. -- page 3, the digits would be 22.

5 Q. I'm looking now at a place where we have the

6 "president", but then also "Valerie

7 Bemeriki", is that what you're looking at?

8 A. Yes, exactly.

9 Q. And --

10 A. And the first sentence says, "Hello,

11 listeners of RTLM".

12 Q. Now let's go to the next one in that group,

13 064, and I see here on the cover page that

14 it's specifically referred to as a

15 transmission of Radio Rwanda. Is there

16 anything in that transmission that indicates

17 to you that it is, in fact -- or in that

18 transcript, that it was, in fact, a

19 transmission of RTLM?

20 A. Yes.

21 Q. Would you --

22 A. Yes. If we go to page 25, the digits are

23 61.

24 Q. Just a sec here. Six-one. We're on that

25 page.

- 1 A. The bottom of the page.
- 2 Q. Okay. And what is it there that indicates
3 to you that we have an RTLM broadcast?
- 4 A. "Radio free RTLM transmitting from Kigali.
5 It is 9 o'clock in our studios. RTLM, the
6 voice of the people".
- 7 Q. Now, let's go to the next one in this group
8 of four, which I believe would be tape 65,
9 order number 53. This one I see actually
10 gets labelled "RTLM & Radio Rwanda". Is
11 that the case? Is it both or is it all
12 RTLM?
- 13 A. Now, this tape is dual RTLM/Radio Rwanda,
14 because if you look at page 3, the digits
15 are 62.
- 16 Q. Okay. Just a second here. Let's bring this
17 up. Yes.
- 18 A. On the top, the first line says
19 "Radio Rwanda", but then that's not clear
20 because it could mean anything. But the
21 next line, the next paragraph, we have
22 Kantano speaking, saying, "Radio free RTLM,
23 transmitting from Kigali. It is now
24 9 o'clock. Nine o'clock in the RTLM
25 studios".

- 1 But now, if we go to page 9, the digits are
2 67.
- 3 Q. Yes.
- 4 A. "Orateur non identifie". The first sentence
5 says, "Twelve hours three minutes in the
6 studios of Radio Rwanda".
- 7 Q. Well, now, can you tell from the previous
8 page whether this content that leads right
9 before it is RTLM content or where the
10 transition occurs?
- 11 A. The transition occurs much earlier in the
12 text, because on page 6 -- that's,
13 digit 6 -- digits 6 and 5, we have
14 Jean-Baptiste Bamwanga, the Radio Rwanda
15 journalist speaking.
- 16
17 So if we look at the previous page, that's
18 page 5, digits 64, we notice that the last
19 paragraph on that page says, "This is still
20 radio free RTLM transmitting from Kigali".
21 So the cut, then, between the two seems to
22 be on page 6.
- 23 Q. In other words, just before Bamwanga speaks?
- 24 A. Yes, exactly.
- 25 Q. Let's, finally then, go to tape 70, order

1 number 54, and indicate whether that appears
2 to be a tape of Radio Rwanda or radio RTLM.
3 A. We -- this is an interview by Gahigi, and if
4 we go to page 8, digits 59 --
5 Q. Yeah.
6 A. -- on the top of the page --
7 Q. Mm-mmm.
8 A. -- we have, "It is Bikindi who said, 'I'm
9 speaking about something which is brutal' in
10 a song which we often air here on RTLM --
11 which we often air here right here on RTLM".
12 Q. Well, then, let's ask you, Dr. Ruzindana:
13 you've identified one of these tapes as
14 having both Radio Rwanda and RTLM material
15 on it, even though all four were initially
16 identified as by Radio Rwanda index number.
17 The question is, you, I believe, indicated
18 to the Judges that there were a total of
19 four tapes that had Radio Rwanda material on
20 them. Would you -- could you point out to
21 us which are the balance of those tapes in
22 the list and one or two that have
23 Radio Rwanda material on them?
24
25 I take it you're making reference to your

- 1 notes there?
- 2 A. Yes, I'd like to confer to (sic) my notes
- 3 now.
- 4 Q. Just by way of -- the note that you're
- 5 looking at, is it a chart, is it -- what is
- 6 it specifically?
- 7 A. I'm looking at my chart of the old -- the
- 8 first list I started with; that is, the list
- 9 that has the 345 tapes. So I just noted
- 10 which ones I thought were both RTLM and
- 11 Radio Rwanda broadcasts.
- 12 Q. And by way of professional statement, I
- 13 believe that that's a list that was attached
- 14 to the report of Mr. Rizvi that contained
- 15 the 345 initially indexed tapes. So would
- 16 you look at that and look at your own
- 17 annotations and determine which of those are
- 18 joint tapes, if we can call them that.

19 THE ACCUSED NGEZE:

- 20 Madam President, there's a problem here.
- 21 Rapp said that it's page 9, where we can see
- 22 "Ubwo Bikindi". But most of the time we
- 23 have a page and now -- in our computer we
- 24 have a page 9, but Rapp says that is page 8.
- 25 So for the record I don't know how this can

1 be clarified.

2 MR. RAPP:

3 We have the -- I believe the confusion may
4 be using the index number instead of the
5 page number. But I think that the
6 particular index number ended in 259, and
7 perhaps if we move to the bottom of the
8 page, we can see that both Mr. Ngeze and I
9 are right. It's page 8 but it ends in 59 as
10 far as index numbers.

11 BY MR. RAPP:

12 Q. So, Dr. Ruzindana, what have you found there
13 in terms of these other Radio Rwanda?

14 THE ENGLISH INTERPRETER:

15 Microphone to the witness, please.

16 THE WITNESS:

17 I appear to have the wrong list, but perhaps
18 we could check in the transcripts. I'm
19 sorry about that.

20 BY MR. RAPP:

21 Q. Let's come back to that in a moment, Doctor,
22 and let's move ahead to some of the tapes
23 that came in in boxes D, E, F and G when
24 Mr. Rizvi testified, and go specifically to
25 number 114.

1 MR. RAPP:

2 And for that I'd ask Mr. Matemanga to bring
3 the witness binder number B6 -- binder 6, I
4 should say.

5 MADAM PRESIDENT:

6 Are you looking at the index on the extreme
7 left, not so, not the 00-number index?

8 MR. RAPP:

9 I've tried to distinguish that by referring
10 it to "order number", and I think -- when I
11 refer to "binder 6" it's just the
12 organisation of them in these binders. And
13 we're specifically now looking at order
14 number 76, which would be tape index number
15 114, which was the first tape offered into
16 evidence from box D during Mr. Rizvi's
17 testimony based upon the foundation of Tom
18 Ndahiro.

19 BY MR. RAPP:

20 Q. So, if we can ask you, Dr. Ruzindana, to
21 look at index number 114. You have that
22 open before you?

23 A. Yes.

24 Q. Okay. And as far as that tape is concerned,
25 let's go through it a little bit and see if

1 there are things in it that indicate that
2 it's a tape of RTLM.
3 A. Yes. Let's go to page 17, the digits are
4 03, the last paragraph.
5 Q. And would you read that -- the portion of
6 the last paragraph indicating that we have
7 an RTLM tape?
8 A. "This is what I wanted to announce to you,
9 my listeners of radio RTLM".
10 MR. RAPP:
11 And just for the note of the Judges, this is
12 a tape that would have had as a date the
13 15th of April 1994.
14 BY MR. RAPP:
15 Q. Now let's go to the next one in this group,
16 115, and ask if you could take a look at
17 that tape and indicate what indication there
18 is in it that it is in fact a tape of a
19 broadcast of RTLM.
20 A. If we go to page 19, digits 25.
21 Q. Yes.
22 A. The big paragraph, beginning with "Orateur:
23 Simbizi Stanislas".
24 Q. Do you know who Stanislas Simbizi is?
25 A. I think he's a CDR member, but I'm not sure.

1 It's just got that name. I seem to have run
2 across it many times in these tapes, but
3 he's a CDR member.

4 Q. And what is it in what follows that
5 indicates that this is an RTLM tape?

6 A. It says, "Thank you, Kantano. I thank RTLM
7 very much because it is only thinking about
8 the people".

9 Q. Okay. Let's go to the next tape in this
10 group, 116.

11 A. Page --

12 Q. Go ahead, Doctor; sorry.

13 A. Page 2, digits 28.

14 Q. Yes.

15 A. "Thank you, Ananiya. All those who are
16 listening to the RTLM, I thank you for
17 having listened to my colleague Ananiya, who
18 tried to make you understand the content and
19 the meaning of this war with which we are
20 faced".

21 Q. Okay. And then let's go to the last one in
22 this Ndahiro group, 117, and ask if you
23 could take a look at that tape and indicate
24 what would show to you that it was a RTLM
25 tape?

- 1 A. Page 37, digits 97.
- 2 Q. Okay. Thirty-seven. And where on that page
3 do you see an indication that we have an
4 RTLM tape?
- 5 A. The last two lines of the second paragraph,
6 from the top of the page.
- 7 Q. And how do they read?
- 8 A. "Fourteen minutes to 1600 hours in the
9 studios of the RTLM". And in the same
10 paragraph, the speaker -- was Valerie --
11 says that she's in the company of Georges
12 Ruggiu.
- 13 Q. Then, let's see. If we are still in
14 binder 5, let's move on to tape number 118,
15 noting that this tape 118 has the name Ivan
16 Godfroid on it. What is there in this tape
17 that would indicate to you that it was the
18 tape of a broadcast and this is a transcript
19 of a broadcast of radio RTLM?
- 20 A. Page 12, digits 16.
- 21 Q. Where on that page?
- 22 A. Towards the end of the page, "Orateur:
23 Philipe (sic)". The speaker is Philippe,
24 and it says, "Radio diffusion Libre des
25 Mille Collines", "radio broadcasting". Also

1 on page 8, digits 12.

2 Q. Page 8.

3 A. Yeah.

4 Q. Okay.

5 A. Bottom of the page.

6 Q. Yes.

7 A. "Radio free RTLM broadcasting from Kigali,
8 your radio which is broadcasting from Kigali
9 on 106 and 94. All those who are listening
10 to us, wherever you may be, courage."

11 Q. Now, let's go on to the next one -- now, by
12 the way on that particular tape I see that
13 there is no date on the cover of the tape.
14 There's a date of transmission, presumably
15 referring to the transcription, because it's
16 in '99. But how -- I do see on P102 that
17 you've placed the date on this particular
18 tape. How did you determine that date?

19 A. It is given somewhere. It's just that I
20 cannot locate it. But the process is always
21 the same. You listen to the tape and you
22 find one of the announcers just saying, "We
23 are today", then he indicates -- he says,
24 for example, he says, "We are Sunday, 22nd".
25 So if that date is given, then we give it as

- 1 a revised date.
- 2 Q. So, now let's go to the next tape in this
- 3 group, which would be 119. And, again, a
- 4 tape indicating Ivan Godfroid and no actual
- 5 date of broadcast. Could you tell us what
- 6 indicates to you that this is a broadcast of
- 7 RTLM?
- 8 A. Okay. So we can look at page 1.
- 9 Q. Page 1. Just a second. Page 1. This is
- 10 the resume?
- 11 A. No, the resume appears on the second page.
- 12 Q. I see. Okay.
- 13 A. So the very first page.
- 14 Q. Okay. Here we are, sorry. And what is it
- 15 there that indicates that we have an RTLM
- 16 broadcast?
- 17 A. "Radio RTLM broadcasting from Kigali. It is
- 18 8:21 minutes in the studios of the RTLM free
- 19 station, broadcasting from Kigali. Courage
- 20 to all those who like radio RTLM. We greet
- 21 you and we wish you a good day".
- 22 Q. Now, knowing it may be hard to find the
- 23 specific date, do you know how you dated
- 24 this broadcast?
- 25 A. Yes. Just in the same paragraph, two or

1 three lines -- no, the next line, "We greet
2 you and wish you a good day on the 25th --
3 that is the date -- 25th March 1994". So
4 the date is given just here on the first
5 paragraph.

6 Q. Now let's go to 120 and ask how you were
7 able to determine that that was an RTLM
8 broadcast.

9 A. 120 is dual RTLM/Radio Rwanda.

10 Q. Okay. This is one of your dual ones again?

11 A. Yes, please.

12 Q. And, ah --

13 A. So, if we go to page 4, digits 15, the first
14 paragraph. The speaker is journalist
15 Bemeriki, Valerie, and the second line in
16 that small paragraph, that's just always --
17 it's page 4, page 4. So the second line,
18 the middle of the second line reads, "Stay
19 tuned to radio RTLM so that as and when
20 fresh news reaches us we will also announce
21 it to you".

22 Q. Now, Dr. Ruzindana, during the course of a
23 period of time, and as far as the dates of
24 this particular broadcast, you've shown a
25 revised date of the 9th or 10th of April

1 '94. How did you come up with that date?

2 A. It's always the same process. The date is

3 given somewhere in the contents.

4 Q. Now, are you familiar with any sharing of

5 frequencies by RTLM and Radio Rwanda during

6 any portion of the time that you were

7 listening to these radio stations in 1993

8 and 1994?

9 A. I wouldn't be able to answer. It just

10 happened that you'd tune to the radio and

11 not check really. I was not very interested

12 in frequencies as such.

13 Q. Now, as far as where the --

14 MADAM PRESIDENT:

15 Just a moment, Mr. Rapp. Ms. Ellis.

16 MS. ELLIS:

17 Madam President, I just wanted to make sure

18 that before we left that document we could

19 know who it is who is inserted in French

20 under the name of "Paul Uwimana" about the

21 broadcasting, whether that is the opinion of

22 one of the translators. It's just more

23 convenient than having to come back to it

24 later. I hope that's all right to ask at

25 this stage.

1 MADAM PRESIDENT:

2 Yes; I think that it was good that you
3 raised it now.

4

5 Do you see that?

6 THE WITNESS:

7 Yes, I do, Madam President.

8 THE ENGLISH INTERPRETER:

9 Microphone to the witness, please.

10 THE WITNESS:

11 Yes, I do, Madam President. This must have
12 been inserted by the transcript typist who
13 made this judgment. But the speaker
14 Uwimana, Paul, is a Radio Rwanda journalist.

15 BY MR. RAPP:

16 Q. So this particular idea that the band or the
17 frequency was the same is not something that
18 came out of the text of the tape itself?

19 A. No, I don't think so.

20 MADAM PRESIDENT:

21 Now, you said that was inserted by the
22 transcriber. Does the paragraph that
23 follows indicate the identity of the
24 speaker?

25

1 THE WITNESS:

2 It doesn't, except that that paragraph is
3 introduced just slightly before, where it
4 says "Orateur: Uwimana, Paul, Journaliste
5 Radio Rwanda". What it means is "Ministre
6 w'ingabo z'igihugu" -- document -- sorry, in
7 the paragraph following --

8 THE ENGLISH INTERPRETER:

9 The Minister for Defence --

10 THE WITNESS:

11 -- journalist, Radio Rwanda journalist.

12 BY MR. RAPP:

13 Q. And this particular tape, which contains
14 that Radio Rwanda portion in this communique
15 with these numbers in front of "quarto",
16 "quinto", but if you go to page 7, I see
17 we're back to Georges Ruggiu?

18 A. Yes, we go back to RTLM again. Then after
19 Ruggiu we have Noel Hitimana. Then after
20 him, we have Valerie Bemeriki. But you just
21 said that particular passage by a
22 Radio Rwanda journalist, Uwimana, Paul,
23 is -- well, he's a Radio Rwanda journalist,
24 so it isn't clear whether in fact that
25 particular broadcast was on both

- 1 Radio Rwanda and RTLM or whether it was on
2 Radio Rwanda, rebroadcast on RTLM. We just
3 don't have the information from the
4 transcripts.
- 5 Q. But we see in this particular -- going even
6 as far back as page 23, we're still dealing
7 there with radio RTLM journalists, though,
8 there are a variety of speeches, apparently,
9 from new members of the provisional
10 government that are there being announced;
11 is that not correct?
- 12 A. Yes.
- 13 Q. Let's move to the next tape, which would
14 be -- I believe we were on 120. Let's go to
15 121, and ask you what in this tape indicates
16 that it's a tape of RTLM.
- 17 A. Yes. Page 1 or page 13 -- let's begin with
18 page 1, digits 63.
- 19 Q. Yes.
- 20 A. It's the first sentence of the first
21 paragraph.
- 22 Q. And how does that read?
- 23 A. "RTLM free radio broadcasting from Kigali.
24 It is now nearly twelve hours forty in the
25 studios of the RTLM free radio station".

- 1 In the same reference, we have another
2 reference on page 13, page 14, and so on;
3 digits 75.
- 4 Q. And 76.
- 5 A. And 76.
- 6 Q. Okay. Now, let's move to the next group of
7 tapes that have come in under box F. They
8 are specifically tape 122, and ask you to
9 take a look at that tape, or that
10 transcript.
- 11 A. Okay. Page digits 49, the top of the page,
12 "Bemeriki, Valerie". "You are tuned to
13 radio RTLM. It is now nine hours
14 forty-seven in our studios".
- 15 Q. And to the next one in the group, 123.
- 16 A. Page digits 72. The last paragraph on the
17 page: "Habimana, Kantano. Free radio RTLM,
18 broadcasting from Kigali. Your favourite
19 radio station, broadcasting from Kigali on
20 frequencies 106 and 94".
- 21 Q. And to 124.
- 22 A. Um, so, for example, page 11, 98.
- 23 Q. Yes.
- 24 A. Fourth line from the top of the page.
- 25 Q. And how does that line read?

1 A. "Before RTLM free radio station starts, it
2 is now eight hours twenty-one in the studios
3 of RTLM free radio station broadcasting from
4 Kigali".

5 Q. And I note as well that this is one of those
6 that wasn't dated on the cover page. And
7 the date, does it appear in this general
8 area of the tape?

9 A. Yes, in the next paragraph.

10 Q. Okay.

11 A. "Friends of RTLM radio, courage. We wish
12 you a nice day on this day, 25th of March
13 1994".

14 Q. Okay. Now, we've got six more to do like
15 this. Let's move through them.
16 One-twenty-five, would you -- I see here we
17 have something that's, at least initially,
18 labelled as Radio Rwanda. How can you tell
19 that this is a broadcast of RTLM?

20 A. The first page, "Valerie".

21 Q. And under her name what text appears?

22 A. Yes. "You are tuned to radio RTLM. It is
23 now nine hours forty-seven minutes in our
24 studios. We would like to ask you to stay
25 tuned to radio RTLM because we will not

- 1 interrupt our programmes".
- 2 Q. So this is 125 and this is on the 6th of
- 3 April?
- 4 A. Mm-mmm.
- 5 Q. But the time that she gives is what time?
- 6 A. Well, the date is not given here. She says,
- 7 she just gives the hour -- time, but the
- 8 date is given as well.
- 9 Q. We don't want to be too long constrained by
- 10 content, but the line above it in French
- 11 would indicate anything in terms of the
- 12 historic event?
- 13 A. Well, it says, "For us to be able to
- 14 communicate to you the possible victims".
- 15 One would think that they are referring to
- 16 the plane that was carrying the former
- 17 President Habyarimana and his Burundian
- 18 colleague, that had had an accident or
- 19 something.
- 20 Q. And on page, on the -- at least the synopsis
- 21 on the next page we see words to that
- 22 effect, that of the crash of the plane
- 23 carrying President Habyarimana.
- 24 A. Okay.
- 25 Q. And the time that she indicated, you said

1 8:47 on the 6th of April?

2 A. 3:47; yes, that's correct.

3 Q. Okay, 3:47.

4 MS. ELLIS:

5 Could that, again, just be checked whilst
6 we're on it. I'm just getting back to it.
7 I thought I saw a reference to President
8 Sindikubwabo. I may be wrong about that,
9 but, again, it might be quicker to check it
10 now, because if that is the case, it makes
11 the date wrong.

12 BY MR. RAPP:

13 Q. Do we see -- we see a reference here to
14 "President Transition Théodore
15 Sindikubwabo", and families' condolences,
16 et cetera. The date of this particular
17 tape, does it appear that perhaps it's not
18 the 6th of April?

19 A. It would, rather, be -- it could be the case
20 that this tape starts then and continues.
21 Because there is also the cabinet that is
22 listed here, and the cabinet was not set up
23 until three days later following the
24 accident.

25

1 MS. ELLIS:

2 Thank you. That was the point that I was
3 raising.

4 BY MR. RAPP:

5 Q. Okay. Thank you. Let's move to the next
6 tape in the sequence, number 126, and ask
7 you to -- what indicates to you that this is
8 an RTLM tape?

9 A. Um, page 4, digits 56.

10 Q. Page 4, digits 56. Okay.

11 A. Just after the song, "Orateur: Habimana
12 Kantano".

13 Q. And what does he say?

14 A. "RTLM free radio station, broadcasting from
15 Kigali. It is now twelve hours forty-five
16 in the studios of RTLM radio free station".

17 Q. And to 127. And what is it that indicates
18 that this is a tape of RTLM?

19 A. Page 19, digits 05 --

20 Q. No, wait just a second. Are we on the same
21 cassette? Did I move ahead to one -- we're
22 looking at --

23 A. 127.

24 Q. And what page specifically? What, er --

25 A. Digits 05.

1 Q. Mm-mmm. 05, so up to 19.

2 A. Mm-mmm.

3 Q. That's the problem. Okay.

4 A. Second paragraph from the top.

5 Q. Mm-mmm.

6 A. "You are still tuned to RTLM free radio
7 station broadcasting from Kigali. It is now
8 nine hours fifteen minutes in our studios,
9 in the studios of RTLM free radio station,
10 broadcasting from here in Kigali."

11 Q. Now, in terms of a date, I see that there's
12 no date on the tape and that there's no
13 revised date. As to this process by which
14 you attempt to put dates on tapes, if you
15 only have a range of dates or possible
16 months, do you put a date down, or do you
17 just leave it blank as far as your analysis
18 of these tapes?

19 A. Just to be safe, where there was no
20 indication of the date, we just left it
21 blank. There's one case where we mentioned
22 end of the month, the reason being that in
23 the contents it was clear that they were
24 talking about the end of the month. But
25 that was the general principle.

- 1 Q. Now, just in terms of dating, and it's
2 relevant to that last one, did you, in the
3 course of doing your analysis of the tapes,
4 attempt to import any historical knowledge
5 to fix specific dates or were you in fact
6 just looking at the text for days of the
7 weeks and dates of the month?
- 8 A. There are a few cases where if they referred
9 to a specific event, like if they said,
10 "Yesterday we should have celebrated our
11 independence day", then in that particular
12 case, if it is clear that they are talking
13 about Rwanda, we would know that they are on
14 the 2nd of July. But, basically, we relied
15 on the indications in the texts.
- 16 Q. Now, let's move ahead to 128, which is part
17 of box G?
- 18 A. I'm afraid I don't have that in my binder.
- 19 Q. Apologies.
- 20 MR. RAPP:
21 Apologies. Could I ask Mr. Matemanga to put
22 binder 7 before the witness.
- 23 BY MR. RAPP:
24 Q. I can ask you to look at tape 128, which is
25 order number 90, nine-zero. Tell me, what

- 1 is it that indicates that this is a tape of
2 RTLM?
- 3 A. On page 21, that's digits 93, on -- sorry,
4 just the middle of the page, towards the
5 last paragraph, where we have "Orateur:
6 Dusabimana Nkomati, Emmanuel".
- 7 Q. And what follows that indicates that we're
8 on RTLM?
- 9 A. It says, "Georges has arrived", and then
10 next to that we have Ruggiu speaking. And
11 he says, "Journalist take over from each
12 other. My colleague Mbiligi has just handed
13 over to me, so I am indeed in the studios".
- 14 Q. Now, I see this tape was at least labelled
15 "Soldat FPR". Do you know why that is?
- 16 A. We don't really know. It's just that we
17 have transcribed the tapes just printing
18 what is marked on the cover of the tape, but
19 we have no other information.
- 20 Q. Well, just looking at page 24 here, you have
21 what appears to be an interview.
- 22 A. Yes.
- 23 MS. ELLIS:
24 That's the point I was going to make.
25 Thank you.

1 BY MR. RAPP:

2 Q. And what do you see there, Dr. Ruzindana?

3 A. There's a person being interviewed called
4 Salongo, Janvier.

5 Q. And identified as?

6 A. As an Inkotanyi soldier.

7 Q. So, let's move to the next one in order,
8 129. And what indication do we have that
9 this is a tape of RTLM?

10 A. It is the continuation of the interview we
11 had on the previous tape, but after the
12 interview we have Noel Hitimana speaking,
13 Gaspard Gahigi. And if we go to page 12 --

14 Q. Yes.

15 A. -- just the big paragraph, beginning with
16 dots, "Somebody just called me on the phone
17 and said, 'Noel, why do you look so happy?
18 What happened?'. And then on page 17,
19 that's digits 21, the middle of the page,
20 the speaker is Nkurunziza, Ananie,
21 "Thank you, Mr. Gahigi. Let me, first of
22 all, greet friends of RTLM".

23 Q. Okay. Now going to 130, is there anything
24 on this tape that indicates -- I see also
25 this RTLM/Radio Rwanda ambiguity on the

1 transmission line on the cover page from the
2 text of the transcript. Can we tell where
3 it was broadcast?

4 A. We can clearly identify Bemeriki, Valerie,
5 on this tape.

6 Q. Where?

7 A. That is her voice. She does not necessarily
8 say who it is, but her voice is identifiable
9 and she speaks in many places. She also
10 talks to Noel Hitimana, who is also a radio
11 Radio Rwanda -- sorry, an RTLM journalist.
12 But later on in the text we have a
13 Radio Rwanda journalist, Basingize, Vénuste.
14 Then, later on, again, Philippe Mbilizi, on
15 a page -- we can look at page 19, that's
16 digit 52.

17 Q. Okay.

18 A. Philippe Mbilizi, in the middle of the page,
19 he says, "There you are, Valerie".

20 Q. Fine. Thank you. Well, let's pass by this
21 group and just go to one last tape
22 specifically, and that was the tape that was
23 not offered in evidence -- well, let's first
24 of all go to --

25

1 MR. RAPP::

2 Let's ask Mr. Matemanga to put before you
3 binder 14, way down at the far end there,
4 almost in the last group.

5 BY MR. RAPP:

6 Q. Now, I ask you to take a look at -- first of
7 all look at 268 in that binder, order number
8 202, and in that regard, as to that
9 particular tape, have you made any
10 determination as to whether that's a
11 duplicate of any other tape that's otherwise
12 in the binders, otherwise in the
13 transcripts?

14 A. Yes, this 0268 has the same contents as
15 0211.

16 Q. Then let's go to 267 and ask if you could
17 take a look at that transcript purported to
18 be a transcript of the 3rd of June 1994 and
19 indicate what indication there is in it that
20 it is the transcript of a tape of a
21 broadcast of RTLM.

22 A. Yes. Page 24, digits 15.

23 Q. Okay.

24 A. Second -- that small paragraph just at the
25 top of the page, "Stay tuned to RTLM

1 programmes. We will bring you all the news
2 that we are receiving".

3 Q. Now, I see --

4 A. And --

5 Q. Go ahead.

6 A. And on page 10, the last paragraph, that's
7 the third line into that paragraph: "I did
8 not have the speech here, but a while ago
9 our editor-in-chief forwarded it to me. But
10 before I put that speech on the air, it is
11 true that people say that radio RTLM has
12 carried out its tasks properly".

13

14 And the next page or two, the middle of the
15 page: "Thank you, Valerie -- Ananie,
16 speaking -- thank you, Valerie. Hello,
17 friends of RTLM".

18 Q. Just one question here. This "Valeriya"
19 spelled in this particular manner, does this
20 appear to be another way to deal with
21 Bemeriki's name or is it some other person?

22 A. It's the same person, but it's just that in
23 Rwanda sometimes we spell names in
24 Kinyarwanda and sometimes we spell them in
25 French, and both appear to be acceptable.

- 1 Q. So, this particular spelling with the
2 "arakomeje", that's the Kinyarwanda spelling
3 of Bemeriki or is it the other way?
- 4 A. No. "Valeriya", that's the same as
5 "Valerie". "Arakomeje", this is the
6 transcriber who says, "she continues". And
7 the reason the transcriber marks this is
8 because there was a song before that.
- 9 Q. Okay. So this is not a surname, this is, in
10 fact, just saying that she's continuing?
- 11 A. No, it's not.
- 12 Q. Now we understand. Okay.
13
14 So, just, in terms of this particular tape,
15 I just want you to look at it carefully
16 because otherwise it -- we don't have other
17 support for it, is there anything in this
18 particular tape that indicates anything
19 other than a broadcast on a continuous basis
20 of RTLM?
- 21 A. No. It's just an interview. There are
22 actually two interviews, and this RTLM
23 reference occurs regularly on page 5, on
24 page 17, and so on.
- 25 Q. I'll get to the top here. Page 17. Okay.

1 Thank you very much, Doctor.

2 MS. ELLIS:

3 Madam President, can I just check? Did

4 Mr. Rapp say it was 0268.

5 MADAM PRESIDENT:

6 Yes.

7 MS. ELLIS:

8 That's what I noted, and in fact it's 0267.

9 MR. RAPP:

10 I want to be clear. Perhaps I was
11 misunderstood. 268 -- I asked him to look
12 at two transcripts. 268 was one that was,
13 in fact, a duplicate; 267, then -- it was a
14 duplicate of 211. 267 was the one that I
15 then asked him to look at specifically.
16 There's one of two tapes that hadn't been
17 offered through witness Rizvi. So this has
18 been 267.

19

20 Your Honour, at this point we'd like to
21 offer the transcripts. We've already, I
22 believe, dealt with the first 13 of them
23 through P103/14A, and I don't want to waste
24 the Court's time by going over each of them
25 thereafter. I'll make note of any

1 exceptions to what I'm doing here, but it's
2 my intention to offer into evidence under
3 the rule that will take the exhibit number
4 for the tape and add an A to it for the
5 original transcript in Kinyarwanda and
6 French, and, basically, then make an offer
7 of everything from P103/15A through the end
8 of this document, now with certain
9 exceptions.

10

11 And obviously I'm not reoffering, though
12 they are included in the binders and the
13 duplication can be eliminated -- there were
14 the transcripts offered during the Ruggiu
15 testimony, and in that case the Kinyarwanda
16 was complete transcripts. And in all cases
17 they were offered as the "A" following a
18 whole number, beginning with 94 and going to
19 101. So there were 94A through 101A; those
20 are already in evidence. And there are the
21 offers that have been made by the Nahimana
22 Defence, and, actually, they put the
23 Kinyarwanda in without a letter and they put
24 the transcript in with an A. You might want
25 to change that; but I won't suggest that at

1 this point for confusion's sake. But
2 basically they have already in ID for 49, 50
3 and 53, I believe. And, as I say, the "A"
4 is the tape; in their case, without the "A"
5 is not the tape.

6
7 Then we have all of the entries here that
8 begin with P36, those being the tapes that
9 came in through Witness GO and that are
10 already in evidence.

11
12 Now, this offer is, there were several of
13 those tapes that actually had transcripts
14 attached to them, most did not, and if we
15 have any duplication, I think that can be
16 eliminated. But it's essentially my
17 intention that all of the GO tapes come in
18 as 36/3, through, I believe the highest
19 number is 72, and they're not all those
20 numbers in between, with an A after them.

21
22 Now, in that regard, Your Honour, I think I
23 have to note, and I notice in the past you
24 have changed some numbering, but that I
25 believe that during the GO testimony,

1 because there were both originals and copies
2 of all of the tapes, it may be that the
3 copies actually got the A letter were the
4 copies of the tapes, where the transcripts
5 got the B. And if that's the case, I'll
6 leave it to Your Honours whether you wish to
7 denominate those transcripts with Bs,
8 instead of As which gets a little confusing
9 when we put in translations.

10

11 Then in terms of exceptions, it's not my
12 intention to offer P103/268 at all. So I
13 would exclude that from the offer, that
14 being the duplicate tape, but would offer
15 P103/267A, the transcript that this witness
16 just identified and went through a few
17 moments ago. And, then, subsequent to
18 dealing with the transcripts, I will ask to
19 put that particular tape in, but we'll not
20 deal with that at the moment. I'll leave it
21 to Your Honours whether you wish to deal
22 with the transcript based upon the testimony
23 that he's offered.

24

25 So that would be -- if that's simple enough,

1 obviously I could march through it and list
2 all those numbers, but I think with 102 we
3 can see what's happening here.

4

5 We keep in mind that we also have to deal
6 with the four from Radio Rwanda, and I'll
7 deal with that separately in just a moment.

8 MADAM PRESIDENT:

9 Well, we've noted what you have said,
10 Mr. Rapp, and so we would ask the Registry
11 to work with you. The intention was to have
12 the number for the tape, A for the
13 Kinyarwanda, B for the French and C for the
14 English, not so?

15 MR. RAPP:

16 Certainly the first part of it's correct. I
17 think in the past it's been most common to
18 make the English the B and the French the C,
19 which -- that's certainly what happened
20 during the course of those offers during
21 Ruggiu, and that's what we're trying to do
22 in the course of today.

23 MR. BARLETTA CALDARERA:

24 There's no jealousy, Madam President; no
25 jealousy between English and French,

1 Madam President.

2 MADAM PRESIDENT:

3 Well, I thought you would be, that's why I
4 made French the B, Mr. Caldarera.

5
6 So, Mrs. Ben Salimo, do you think you could
7 regularise all the exhibit numbers by
8 placing them in that order?

9 MR. RAPP:

10 Thank you, Your Honour. And we'll do that,
11 and I presume by doing that we'll basically
12 follow the same rule with the Defence ones
13 and make ID for 49 or 50 or 53 the tape, and
14 the A, the B and the C reflect also the
15 transcript without objection from the offer
16 so we have consistency.

17
18 I will note, additionally, provisionally,
19 that, as you will recall, during the course
20 of the Ruggiu testimony there were excerpts
21 sometimes offered, not complete transcripts,
22 and that sometimes involves us in initials
23 that go beyond C. But, obviously, if that
24 occurs, we'll deal with that at the time.

25

1 Now, let's deal as well with this
2 transcript -- this tape 267, and I would ask
3 the witness, briefly.

4 BY MR. RAPP:

5 Q. Have you reviewed the contents of KT000918,
6 index number 267, the actual audio, and
7 compared that with the transcript that's at
8 K0139592, that we've been dealing with and
9 that is actually presently on the screen?

10 A. Yes, I have.

11 Q. And is there a match between the audio on
12 that cassette, KT000918, and that tape
13 transcript?

14 A. Yes, there is.

15 MR. RAPP:

16 With that, Your Honour, then I would offer
17 this particular tape as P103/267.

18 MADAM PRESIDENT:

19 Yes, Mr. Rapp.

20 MR. RAPP:

21 Now, additionally, and I would indicate that
22 I can lay foundation for this, but I believe
23 that an examination of these documents,
24 which this witness can do or we can do over
25 the computer, will bear this out, but for

1 the benefit of the Registry and the
2 archives, and for public access to the
3 archives eventually, that we have basically
4 put on CD-ROMs the CD of RTLM, of the tape
5 transcripts consisting of the 270-odd tapes.

6
7 Additionally, we have placed on CD-ROM, in
8 order, all of the audio on 14 separate
9 CD-ROMs, and those have been delivered up,
10 three sets -- actually two to Ngeze and one
11 to Nahimana -- under our offer that if they
12 would provide us with almost that many
13 cassettes (sic) we would produce them. And
14 we would ask simply, because this will be a
15 more accessible way for the Court to deal
16 with this material, that these come into
17 evidence. And, of course, we could try
18 using the numbers we have already, though I
19 think we've sort of run out of letters and
20 numbers, and I'd respectfully suggest that
21 we go to P109. You may not like this system
22 -- I'll go with any other -- but P109 for
23 the single CD that contains all the
24 transcripts and then P109A through N for the
25 14 CDs that contain all of the audio on our

1 offered cassettes.

2 MADAM PRESIDENT:

3 You said A to N?

4 MR. RAPP:

5 A to N.

6 MADAM PRESIDENT:

7 That gives you 14.

8 MR. RAPP:

9 Yes.

10 MADAM PRESIDENT:

11 Yes.

12 MR. RAPP:

13 So, we'll provide those to the Registry.

14

15 Now I may have put the cart before the horse
16 here in regard to 105, and at this point the
17 105 offers, I would ask that Mr. Matemanga
18 put exhibit 104 before the witness.

19 BY MR. RAPP:

20 Q. Witness, I direct your attention to
21 Exhibit 104. Are you familiar with the
22 contents of the four tapes that are set out
23 on Exhibit 104?

24 A. Yes, I am.

25 Q. And do you know what radio station they were

1 broadcast on?
2 A. Radio Rwanda.
3 Q. Okay. And I notice that the first of those
4 is listed as RTLM/271, so it was actually
5 originally an RTLM broadcast. How are you
6 able to determine that it was on
7 Radio Rwanda?
8 A. On the basis of the contents, because there
9 is no word "RTLM", there are no RTLM
10 journalists, but instead we have
11 Radio Rwanda journalists.
12 Q. Okay. I could ask that binder number 18 be
13 placed before you, but before I do that, are
14 you familiar, from your own review of these
15 things, what the essential content of
16 RTLM/271 or this proposed Exhibit P1051 is?
17 A. If I see the contents, yes.
18 MR. RAPP:
19 Would Mr. Matemanga please place the 18th
20 binder, the Radio Rwanda binder, the last
21 one, before the witness.
22 THE ACCUSED NGEZE:
23 Madam President. I cannot look at, myself,
24 this P104, either on the CD or on the
25 transcripts. Which CD may I use?

1 MR. RAPP:

2 Let's be clear on that. On the CD, both on
3 the CD provided on March 15th and
4 March 18th, these were included on that CD.
5 But to allow them to appear in sequence, if
6 you look at the CD dated March 18th, these
7 four Radio Rwanda tapes are placed at the
8 foot of it after index 345. They're given
9 the numbers, just so that the computer would
10 organise them, 346, 347, 348 and 349.
11 Otherwise, they would be at a different
12 point in this order and would confuse us.
13 So, Mr. Ngeze, if you look at your CD of
14 March 18th and look down at the very end of
15 the group, you will see that tape
16 transcript.

17 BY MR. RAPP:

18 Q. Dr. Ruzindana, are you looking at that
19 particular tape at this point?

20 A. Yes, I am.

21 Q. Okay. And what's the essential contents of
22 that tape?

23 A. The essential contents -- content is the
24 speech made by former President
25 Sindikubwabo, in Butare.

- 1 Q. On what day?
- 2 A. It's 19th April '94.
- 3 Q. Okay. And let's go to proposed
- 4 Exhibit P105/2A, and ask if you can indicate
- 5 to us what radio station that appeared to
- 6 have been broadcast on?
- 7 A. This is Radio Rwanda.
- 8 Q. And what's the content of that document?
- 9 A. Well, it's varied. It's mainly the news and
- 10 also in some cases I think an interview, but
- 11 it is visibly a Radio Rwanda tape.
- 12 Q. And if you go to page 24, do you see -- can
- 13 you tell us who is interviewed on page 24 of
- 14 that tape?
- 15 A. It's Mr. Ferdinand Nahimana.
- 16 Q. And the date of that particular broadcast,
- 17 can it be determined by you?
- 18 A. It says April 25th.
- 19 Q. Nineteen-ninety.
- 20 A. Ninety-four.
- 21 Q. Let's go to proposed Exhibit P105/3A and ask
- 22 if that appears -- what station it appears
- 23 that transcript results from?
- 24 A. This is a Radio Rwanda.
- 25 Q. And could you tell what the contents of that

1 particular broadcast were all about?
2 A. Well, there is an interview of -- there's an
3 interview by a Radio Rwanda journalist and
4 the interviewee is Mr. Hassan Ngeze.
5 (Pages 90 to 144 by Geraldine O'Loughlin)

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1 1630H

2 Q. We're looking at page 17. If you look at

3 that, I presume you see that interview.

4 A. Yes.

5 Q. And then let's go finally -- and what was

6 the apparent date of that broadcast or

7 what's the date from the text?

8 A. April 29th -- sorry, 29th April, yes, '94.

9 Q. And, finally, if we go to proposed

10 Exhibit 105/4a can you indicate where it

11 appears that broadcast occurred?

12 A. Radio Rwanda.

13 Q. And what are the contents of that particular

14 broadcast?

15 A. Once again, an interview by Charles

16 Semivumbi. The interviewee is Mr. Hassan

17 Ngeze.

18 Q. And what's the apparent date or what's the

19 date of that particular broadcast?

20 A. June 12th, '94.

21 MR. RAPP:

22 Okay, at this time Your Honour we would

23 offer those transcripts respectfully

24 P105/1A, 2A, 3A and 4A.

25 MADAM PRESIDENT:

1 Yes.

2 (Exhibit No. P105/1A, 2A, 3A, 4A admitted).

3 MS. ELLIS:

4

5 Madam President, I'm not quite sure what the

6 purpose of offering those transcripts

7 through this witness is. There's no

8 identification of the relevance. Obviously

9 if they are identified as being interviews

10 with any of the Accused they have a

11 relevance. But the president, who's

12 speaking on a radio station that is not said

13 to have been connected with any of the

14 Accused, in circumstances where none of the

15 Accused are said to have been present or

16 anything of that nature and simply providing

17 the charge, I'm not quite clear how it's

18 intended to use it. I ask this because, in

19 due course, we have to cross-examine and I

20 want to know where the limits of that are

21 going to be required.

22 MR. RAPP:

23 In response to my distinguished colleague,

24 the purpose of that goes to the examination

25 of Dr. Ruzindana on his report and to

1 certain code words, such as the word
2 "gukora" meaning work, employed, allegedly,
3 by President Sindikubwabo in his famous
4 speech in Butare and how that might relate
5 to the code word in RTLM broadcasts. And so
6 that's why that particular speech is being
7 offered and referred to in the body of the
8 report.

9

10 Your Honours, did we have a ruling on that
11 after Ms. Ellis spoke? I'm not sure it was
12 clear.

13 MADAM PRESIDENT:

14 Yes, you have your exhibits P105/1, 2, 3,
15 4A.

16 MR. RAPP:

17 Okay. Thank you very much.

18

19 Now, Your Honour, in regard to those
20 exhibits that were provisionally admitted,
21 the tapes, at the time of the Rizvi
22 testimony, specifically the tapes set forth
23 on page 4 of the RTLM -- page 4 beginning
24 with tape 114, which is order No. 76 going
25 down to order No. 92, which is tape 130,

1 being specifically those which the source
2 was Ndahiro, Godfroid, Cellis and Faustin
3 Kagamé. My recollection is that those tapes
4 were provisionally admitted, and we would
5 respectfully ask that that provisional
6 admission be now amended to allow their
7 unqualified admission for whatever weight
8 that the Chamber might deem appropriate,
9 that they not require any additional proof
10 for them to be considered by the Trial
11 Chamber, as is appropriate.

12 MADAM PRESIDENT:

13 Ms. Ellis?

14 MS. ELLIS:

15
16 Madam President, I think we ought to put on
17 the record that, of course, we do maintain
18 our objections for all the reasons that we
19 indicated in the course of the evidence
20 given by Mr. Rizvi and the mere fact that
21 we've now heard from Dr. Ruzindana that it's
22 possible to see the name RTLM appearing,
23 doesn't, in any way, alter the basis of the
24 objections we made then.

25 MADAM PRESIDENT:

1 The provisional criteria is now lifted.
2 These documents are now admitted, Mr. Rapp,
3 and of course the objection and the grounds
4 are noted.

5 MR. RAPP:

6 Finally, Your Honour, and more generally
7 though I didn't lead additional evidence on
8 the issue, it is my recollection, though I
9 don't have the transcript of that day before
10 me, but that when this Chamber dealt with
11 the material that had come from Professor
12 Chrétien, that being index 131 to 137, and
13 that, additionally, back on 311 and then the
14 Reporters san Frontières material, that
15 being 197 index number on through 259 index
16 number.

17
18 My recollection is that we had a provisional
19 admission, perhaps by reason of the fact
20 that the source of all of that material was
21 alleged to have been Professor Chrétien, who
22 obtained it from the same fellow at the RPF
23 archive in Rwanda in September-October of
24 1994. And, obviously, we intend to ask
25 Professor Chrétien to further corroborate

1 this issue and add weight, as far as that
2 evidence is concerned. But we would, based
3 upon this witness's general testimony, that
4 all of these tapes would reflect that they
5 were, indeed, tapes identified as RTLM. We
6 would ask that the provision be eliminated
7 as to those specifically and to the extent
8 that any of the tapes that have come in
9 provisionally and I've omitted asking for
10 this relief I would still ask for, basically
11 that they all be in without any provisional
12 admission, but that obviously they be given
13 whatever appropriate weight the Trial
14 Chamber deems appropriate at the time that
15 they are considered.

16 MADAM PRESIDENT:

17 So, once again, subject to Defence
18 objections, we will lift the provisions on
19 the rest of the tapes for which we attached
20 the provisional criteria, Mr. Rapp, in view
21 of the general evidence given by
22 Dr. Ruzindana.

23 MR. RAPP:

24 Now, Your Honour, understanding that my
25 colleague, Mr. Alphonse Van, will lead

1 Professor Ruzindana on his report, I would,
2 at this time, to assist the Defence in their
3 preparation for cross-examination of
4 Dr. Ruzindana, at this time, offer to place
5 before the Trial Chamber the exhibit itself,
6 which we won't actually be moving into
7 evidence until Mr. Van does so. But what I
8 want to do is go to the pages of that report
9 in English and French and supply for the
10 benefit of the Defence and the Trial Chamber
11 the exhibit numbers that relate to each of
12 these quotations so that they can examine
13 those documents. Now, understand that
14 additionally Mr. Van or -- in a more limited
15 fashion, will actually be leading evidence
16 only in regard to certain quotations and
17 certain code words, etcetera, and actually
18 the oral testimony will be more limited than
19 the report. But at this time I think it
20 would be useful for parties to know where
21 these quotes come from, from the material
22 which has been admitted into evidence in
23 this Chamber. So, if we could distribute,
24 Mr. Van, the report itself.

25 MR. VAN:

1 It has already been distributed.

2 MR. RAPP:

3 Does everyone have a copy of both the

4 French --

5 MADAM PRESIDENT:

6 Well, how have you indicated correlating

7 exhibit numbers on that report?

8 MR. RAPP:

9 Okay, what I was simply suggesting -- and

10 understand that this results from the fact

11 that the report itself was prepared in 1998

12 before the tapes had index numbers and

13 before they were even fully transcribed when

14 the people who were doing it were just

15 listening to the tapes. What we wanted to

16 do, particularly, and I think it's entirely

17 in chapter 5 of the report, that begins in

18 both English and French on page 27,

19 "Analysis of Language of Various Media and

20 Their Impact During 1990-1994" and, of

21 course, there are quotations from Kangura

22 and other media. But I specifically, you

23 know, would invite parties to note in the

24 margin the particular tape by exhibit number

25 that we are referring to there. Now, we can

1 do that with Dr. Ruzindana during the
2 testimony, but I simply wanted the Defence
3 to have an opportunity, and shortly we'll be
4 providing the English translations, that and
5 French translations to these materials so
6 that they can be examined as well, and be
7 offering those into evidence prior to the
8 commencement of the testimony.

9 MADAM PRESIDENT:

10 So they are available and you are going to
11 be distributing them before the close of
12 today?

13 MR. RAPP:

14 Yes, we have them here in the yellow
15 folders, to distribute the translations. So
16 I'll be making that offer before we
17 conclude. It's relatively easy, but with
18 the Court's permission I would invite
19 everyone to turn to the Ruzindana report,
20 which -- to make these essential amendments
21 before it's offered and to go then, to
22 page 28 and there's a quotation from Hassan
23 Ngeze's interview on the 12th of June 1994.
24 Obviously that comes from P105.

25 MADAM PRESIDENT:

1 Just a minute here. We don't have any
2 page numbers.

3 MR. RAPP:

4 We had made sure there was one version of
5 this that didn't have page numbers on the
6 bottom.

7 MADAM PRESIDENT:

8 The French version has page numbers.

9 MR. RAPP:

10 Well, why don't we make sure that the Trial
11 Chamber has -- yes, would you provide those
12 to the Judges, because there was an earlier
13 copy that had the page numbers Xeroxed off
14 the bottom of the page and there's a better
15 copy that has the page numbers on it.

16 Do the Judges have that?

17 MADAM PRESIDENT:

18 This is the report, the March 1998 one?

19 MR. RAPP:

20 Yes.

21 MADAM PRESIDENT:

22 All right, the English one, the pages have
23 been cut off here. We do have a helpful
24 index, though, but no page number.

25 MR. RAPP:

1 Well, do we have a third copy?
2 Ms. Ben Salimo, do you not have -- I just
3 want to make sure. Could we put that before
4 the Judges?

5 MADAM PRESIDENT:

6 If you don't have many we will add in the
7 numbers. If you have an extra there.

8 MR. RAPP:

9 We have an extra two there.

10 MADAM PRESIDENT:

11 Give it to Judge Gunawardana, Ms. Ben
12 Salimo, and we will add our page numbers.

13 MR. RAPP:

14 Okay. So just to be clear, we are going to
15 the chapter that begins with "Analysis of
16 Languages of Various Media and Their Impact
17 During the Period." That's chapter 5.
18 That's actually page 27 in both the French
19 and English.

20
21 And if one turns to the next page we have
22 "P". In the middle of the next page you
23 will see we have a purported quotation from
24 Hassan Ngeze, dated 12 June 1994, in both
25 the French and English. In the English,

1 beginning "As you can see," and in the
2 French (untranslated) and that obviously
3 comes from P105/4 and the related transcript
4 and we will soon be offering translations of
5 that document.

6
7 Further down on that page, under the
8 subheading 5.1.2, about the "Diabolisation
9 of RPF and the Tutsis", there's a quote,
10 "The Tutsi have been Inyenzi for a long
11 time", The Tutsis don't (untranslated) that
12 comes from P99.

13
14 On the next page.

15 ACCUSED NGEZE:

16 Madam President, I'm sorry, I don't have
17 that document.

18 MR. RAPP:

19 You don't have -- you don't have the report?
20 Maybe your counsel can provide it to you.

21
22 On the next page --

23 MADAM PRESIDENT:

24 We were just on page 28, Mr. Ngeze.

25 MR. RAPP:

1 Yeah, we're on page 28, Mr. Ngeze, and we
2 were pointing out there were two quotations
3 there, the first one from 12 June 1994,
4 which is 105/4. The second quote, the one
5 that's under "The Diabolisation of the RPF
6 and Tutsi in General" that comes from P99.

7
8 Now, on to the next page, page 29, "An
9 Animalisation of the RPF".

10 MR. MARTEL:

11 By your leave. Thank you, Madam President.
12 May I know from my learned friend when we
13 will receive the translation of P105/4
14 because he says that there is a translation
15 forthcoming.

16 MR. RAPP:

17 Yes, this will be an offer in a moment. I
18 just wanted to make these references and we
19 have these. To the extent they exist, we
20 are offering translations but, there is a
21 translation in French of P105/4.

22
23 On to page 29, there we have the beginning,
24 the quote, the "Animalisation of the RPF",
25 the(untranslated), that's from P103/245.

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The next quote, Hutus are depicted as victims. (Untranslated). P103/27.

The next quote "Inkotanyi's killing Procedures" is P99.

The next quote about cannibals, P99.

The "Association of Criminals", being the RPF, P99.

The one about "Katushas (Phonetic) and Bombs, Killing Without Distinction", P103/133.

The blood bath comment, that's in one of the GO tapes, P36/58.

The massacre in musha, P103/86. The ravaging of the Gikoro commune, P103.

MR. MARTEL:

Counsel, by your leave, you're going much too fast for us. We can't follow you. Can he not simply -- can our learned friend not

1 just give us a list and then we can do this
2 quietly later on? I think for the moment
3 I'm unable to kept up with him.

4 MADAM PRESIDENT:

5 How far are you back, Mr. Martel?

6 MR. MARTEL:

7 Before P99 on page 29 now and then after
8 that there was P103/something.

9 MR. RAPP:

10 Let me move more slowly, Your Honours. And
11 we could Xerox these pages and distribute
12 them separately, but since we are relating
13 it to the offer that we're making now so
14 that the Defence has it this evening I think
15 it makes more sense to do it orally and do
16 it slowly.

17 MADAM PRESIDENT:

18 Yes. Just slow for the translation.

19 MR. RAPP:

20 Thank you. The last one that dealt from P99
21 was the Ruggiu quote, the "RPF Inkoyanyi
22 being an association of criminals, a gang of
23 bandits", that's at P99.

24 The next quotation on that page, "the
25 katushus bombs that wound and kill anybody",

1 a Habimana quote. P103/133.

2

3 The next quote, a Hitimana quote, P36/58,

4 that's the bloodbath quote.

5

6 The next one, about a massacre in Musha,

7 P103/86.

8

9 The next one, Gikoro commune has been

10 ravaged, P103/86.

11

12 The next one, from Ananie, about "Gahigi and

13 I" and the "wickedness of the Hima-Tutsi.

14 103/86. That's it for page 29.

15

16 I believe the French is the same, beginning

17 "the extermination of the enemy", continuing

18 on the next page and passing over quotes

19 that aren't from RTLM, they are from the

20 radio. We go to Habimana, Kantano's quote,

21 "exterminate all Inkoyanyi because they are

22 a single race", the same as the one about

23 the small noses being broken. That's P95.

24

25 Then the next one is Hibimana the program

1 for the 15th and the bloodbath. P36/59.

2

3 The next one, "Why are armed forces and
4 young people that are with them fighting to
5 hold their position killing all the Inyenzi
6 like white ants". P103/ 39. The next --
7 that was from Gahigi.

8

9 The next one from Valérie Bemeriki about
10 chasing Inyenzi and exterminating them,
11 P103/23.

12

13 So, the next one Valérie Bemeriki about
14 eliminating survival, P103/23.

15

16 Next section, "stylistic and rhetorical
17 aspects", this quotation from 23 November
18 '93, P103/138.

19

20 On to the next, this is something we heard
21 earlier today, the song sung by Habimana
22 followed by the laugh, P100, about perishing
23 or exterminating Inkotanyi.

24

25 Going, then, down on the page and we would

1 note that not all particulars -- a Ruggiu
2 quote here about the face, "the barbarous
3 face, the scandalous face". That has not
4 been located in the tapes and was found by
5 the experts when they did their report in
6 '98.

7
8 Let's go to the Virgin Mary quotation from
9 Valérie Bemeriki, third paragraph from the
10 bottom: "Innocent victims because we know
11 that we are innocent victims, she will
12 encourage us". That is P103/32.

13
14 The next quote that has the word "Hutu" in
15 it a number of times and "our chief".
16 P1073/132.

17
18 The final one on the page dealing with a
19 metaphor and the Virgin Mary. Again, a
20 Bemeriki quote, at least it's noted on the
21 tape as a Bemeriki quote, P103/32.

22
23 To the next page, specifically the Kantano
24 quote from 5 June '94; "We are going to
25 exterminate them because they are all a

1 single race with a little nose". Of course
2 that's again the same quote at P95.

3
4 Now, these proverbs at the bottom we have
5 not located. These aren't alleged to be
6 inciting but we have not specifically
7 located those references. So, let's go on
8 to page 33 to the insults and vulgar
9 language and we're almost done here.

10 The quote from 2 July from Habimana about,
11 "the Tutsis coming to nothing". 103/140,
12 excuse me, 104/40, four zero.

13
14 The next quote, the same source, 103/40.

15
16 The next one, 103/15.

17
18 The next one, "the mother sheller" one, P95,
19 and the one about Kagamé, well, "the
20 murderer of highway bandits", P103/33.

21
22 And finally, on the next page, the example,
23 the third paragraph from the bottom, about
24 "wicked people, etcetera", quote from
25 Habimana of 2 July '94, is at P97.

1

2

Now, then, Your Honours, we would ask

3

Mr. Matemanga to come forward and distribute

4

these yellow folders which contain

5

additional translations.

6

MADAM PRESIDENT:

7

While that's going around, Mr. Rapp.

8

MR. RAPP:

9

Yes, Your Honour.

10

MADAM PRESIDENT:

11

Can you indicate to us whether we will be

12

called upon to look at any other exhibit,

13

because we don't have the luxury of space

14

here that you and the Defence have, so we

15

can't bring in all the excerpts each time.

16

MR. RAPP:

17

Well, Your Honour, understand in terms of

18

space, Mr. Van has made a disclosure earlier

19

today of the particular exhibits that he

20

intends to yield evidence on. Most of those

21

are in evidence already in the Ruggiu

22

testimony and he provided copies, and those

23

are the ones we'll be making specific

24

reference. We are offering these at this

25

point simply because they are support for

1 what's in the report and the report, itself,
2 will be proffered as a whole. And so I'm
3 not certain that one needs to have these
4 particular exhibits before one, unless the
5 attention is drawn by questioning.

6
7 Now, Your Honour, we have -- and we're
8 checking for the group that's behind us
9 because these have just been Xeroxed and
10 provided to us, the Xerox had broken down
11 earlier in the day -- but this first group
12 that's in the yellow folder consists of P103
13 documents that have English or French
14 translations. And understand in this regard
15 these are all translations, many of which
16 were disclosed long ago, but also
17 rediscovered or disclosed maybe for the first
18 time, though I doubt it, in that December
19 CD-ROM that included English and French
20 translations if they were excellent. And
21 these are translations that relate to the
22 specific references that we discussed. And
23 we would, since they are translations done
24 by the language section, simply offer them
25 as evidence under the P103 number with my

1 apologies to my friend from Italy, who's a
2 great francophone, with the English as B and
3 the French as C. So the first one would be
4 P103/15C, French. The next one P103/23B
5 being a English translation. The next one
6 P1073/27B being English. P103/33c, French.
7 P103/39C being French. P103/40C under the
8 references to 40 several times a few moments
9 ago. P103/40C in French. P103/132c in
10 French. P103/133c in French. So we would
11 ask that those be admitted into evidence.
12 (Exhibit No. P107/15B, C, 23B, 27B, 33C,
13 39C, 40C, P103/40C, P103/132C, P103/133C
14 admitted)
15 Now, we have -- if Mr. Matemanga would come
16 forward -- additional translations, which
17 consistent of several -- of both the P105
18 series, the Radio Rwanda transcripts that
19 came in today, and some full transcripts of
20 the material that came in through Ruggiu two
21 weeks ago. So here we have --
22
23 Okay, Your Honour, briefly these are
24 collated in reverse order.
25 MADAM PRESIDENT:

1 You have to turn your mike on.

2 MR. RAPP:

3 They are collated in reverse order and,
4 trying to be an orderly person, I'd ask that
5 we go to the lowest number, which is at the
6 back of the group, which is P36/58c which is
7 one of the GO tapes that is quoted in the
8 Ruzindana report. We have a French
9 translation, 36/58c.

10

11 Coming forward, we have in P95/F and, as I
12 would explain that, Your Honours, we have
13 both P95/F and P95/G.

14

15 During the course of the Ruggiu testimony
16 P95/A, B, C; A is for the transcript; B and
17 C for excerpts and D and E for additional
18 excerpts in English and French were offered.
19 It might have been -- we had the paper, at
20 the time it might have been wise to put the
21 whole thing in at that point, but we
22 actually do have the entire translations of
23 both of those broadcasts. And so since
24 those numbers have already been taken up we
25 would be offering P95/F strangely enough the

1 English and P95/G as the French of that
2 exhibit. Then, again, P99/E is a French
3 transcript of something where we've already
4 had excerpts put into evidence. And P99/E
5 would be the next letter that would be for
6 the French, presuming that P99/D would be
7 reserved for the English.

8
9 The next one is P100/D being the entire
10 transcript of P100 that we heard earlier
11 today on the tape in English. The excerpts
12 having been earlier B and C, as you recall
13 from this morning. P100/E is the whole
14 French. Then finally we have here P105/2B,
15 which is the English excerpt of the Nahimana
16 interview. It's an excerpt of the
17 interview.

18
19 P105/3B being the French translation of the
20 interview of Ngeze on 29 April.

21
22 105/3C being that same interview in French
23 and finally 105/4C being the interview in --
24 in French of Mr. Ngeze on 12 June, 1994.

25

1 There was, I think, a P105/1 series and I
2 think Mr. Van may have provided that. We
3 did earlier. We have a copy of it? Well,
4 anyway, we'll wait until tomorrow on that.
5 We'll make sure there's been disclosure of
6 it already, because it was included in
7 Mr. Van's disclosure packet. There is the
8 Sindikubwabo's translation in one as 1051/A,
9 as well as B and C.

10 MADAM PRESIDENT:

11 P105/1B, is that the one?

12 MR. RAPP:

13 We don't have that in this group at the
14 moment, because you took it out of my stack.
15 We'll deal with that in the morning, if we
16 can, Your Honour. At this point I would
17 offer what I've just described as P36/58C
18 through P105/4C. And that's it for this
19 evening, Your Honour, and we will make sure
20 that Mr. Van has copies of the Sindikubwabo
21 exhibit in French and English tomorrow
22 morning.

23 MADAM PRESIDENT:

24 Well, if it's 105/1B, there were some copies
25 were left here on our table.

1 MR. RAPP:

2 Okay. So if that's the case then we have
3 105/1B for the English and 1C for the French
4 and we would ask that those be admitted into
5 evidence.

6 MADAM PRESIDENT:

7 Are you done now, Mr. Rapp?

8 MR. RAPP:

9 Yes, Your Honour. Thank you for your
10 patience going through this today, and
11 tomorrow Mr. Van will take over leading
12 Dr. Ruzindana on his report. Thank you.

13 MADAM PRESIDENT:

14 Thank you. Dr. Ruzindana, we will see you
15 then at 9:30 a.m. tomorrow.

16 THE WITNESS:

17 Yes, Madam President.

18 MADAM PRESIDENT:

19 And I caution you that you are under sworn
20 declaration. Do not discuss your testimony
21 with anyone.

22 THE WITNESS:

23 Yes, Madam.

24 MADAM PRESIDENT:

25 Court will adjourn.

1 (Court adjourned at 1710H)
2 (Pages 145 to 171 by R. Lear)
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C E R T I F I C A T E

We, Rex Lear, Shannon Fleming Eboe-Osuji and Geraldine O'Loughlin, Official Court Reporters for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled causes 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.

_____ (pages 1-51; 145-171)
Rex Lear

_____ (pages 52 to 89)
Shannon Fleming Eboe-Osuji

_____ (pages 90 to 144)
Geraldine O'Loughlin