

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

1 JULY 2002  
0845H  
CONTINUED TRIAL

9 Before: Judge Navanethem Pillay, Presiding  
10 Judge Erik Møse  
11 Judge Asoka Zoysa Gunawardana

12 For the Registry:  
13 Ms. Marianne Ben Salimo  
14 Mr. Edward Matemanga

15 For the Prosecution:  
16 Ms. Carla Del Ponte  
17 Mr. Stephen Rapp  
18 Ms. Charity Kagwi  
19 Ms. Simone Monasebian

20 For the Accused Nahimana:  
21 Mr. Jean-Marie Biju-Duval  
22 Ms. Diana Ellis

23 For the Accused Ngeze:  
24 Mr. John Clifford Floyd III  
25 Mr. René Martel

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

Court Reporters:  
Mr. Rex Lear  
Ms. Shannon Fleming Eboe-Osuji  
Ms. Verna Butler

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I N D E X

WITNESS

For the Prosecution

JEAN-PIERRE CHRETIEN

Voir Dire

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P R O C E E D I N G S

MADAM PRESIDENT:

This Court is now in session.

Mr. Rapp, we were going to begin with your next witness.

MR. RAPP:

Madam President, Your Honours, our next witness is the proposed expert witness, Jean-Pierre Chrétien, who is in the box.

MADAM PRESIDENT:

Good morning, Mr. Chrétien.

THE WITNESS:

Good morning, Madam President.

MADAM PRESIDENT:

Where is that scheduling order? I just wish to see what time we've allotted for the preliminary session. Well, we've had the benefit of written briefs from both Counsel Mr. Biju-Duval and Mr. Martel. Thank you very much for doing that. And the Prosecution's response was received, so we can begin with the hearing in limine and let's now swear Mr. Chrétien in.

1                   Let's have your full name, then,  
2                   Mr. Chrétien. You will be testifying in  
3                   French, will you?

4       THE WITNESS:  
5                   I beg your pardon, Madam President, I'm  
6                   going to testify in French.

7       MADAM PRESIDENT:  
8                   Mr. Chrétien, we will now ask that you take  
9                   the sworn declaration. Mr. Matemanga will  
10                  administer that.

11      MR. NGEZE:  
12                  Madam President, if it doesn't disturb, may  
13                  I ask ten minutes?

14      MADAM PRESIDENT:  
15                  That will disturb.

16      MR. NGEZE:  
17                  May I have my ten minutes later?

18      MADAM PRESIDENT:  
19                  We will see. Mr. Ngeze, we did receive your  
20                  written request with regard to consultations  
21                  with your counsel. We will, in consultation  
22                  with your counsel, make the same arrangement  
23                  that we did for you to be seated next to  
24                  your counsel during the cross-examination,  
25                  which will be conducted by Mr. Martel. Is

1 that right, Mr. Martel?

2 MR. NGEZE:

3 That's not my request, Madam President.

4 MADAM PRESIDENT:

5 Yes, I know your request for time for  
6 yourself. We will see if we can find you  
7 that time later in the day.

8 MR. NGEZE:

9 Thank you, Madam President.

10 MADAM PRESIDENT:

11 Mr. Matemanga.

12 (Declaration made by Jean-Pierre Chrétien in  
13 French)

14 JEAN-PIERRE CHRÉTIEN,

15 first having been duly sworn,

16 testified as follows

17 VOIR DIRE

18 MADAM PRESIDENT:

19 Mr. Rapp.

20 EXAMINATION-IN-CHIEF

21 BY MR. RAPP:

22 Q. Good morning, Professor Chrétien.

23 A. Good morning, Prosecution Counsel.

24 MR. RAPP:

25 If I could ask Mr. Matemanga to come forward

1 to distribute this to the Chamber and to the  
2 witness. I'm handing -- asking that to the  
3 registry hand you now a copy of a document  
4 entitled curriculum vitae and that that, as  
5 well, be distributed in the courtroom.

6 BY MR. RAPP:

7 Q. Was this document prepared by you?

8 A. Yes.

9 Q. Is everything in it true and correct?

10 A. It is correct, apart from the fact that I  
11 cannot find the other activities, the list  
12 of applications, and then there is also a  
13 page concerning my teaching career.

14 Q. Well, let me just ask you briefly -- we'll  
15 ask that those other pages be brought  
16 forward. But, at this time what -- does it  
17 set forth your studies, your professional  
18 activities, your expertises, as you would  
19 call them, and your chronological list of  
20 publications?

21 A. Yes. This curriculum vitae presents my  
22 professional activities -- that is as a  
23 lecturer and as a researcher -- since almost  
24 40 years ago, and it mentions some expertise  
25 that I had to conduct for the Belgian

1                   Senate, for the French National Assembly,  
2                   and a specialised meeting of the OAU. On  
3                   the other hand, it also reflects a synthesis  
4                   or rather a selection of my publications  
5                   which are classified according to the  
6                   specialities regarding the history of the  
7                   Great Lakes region of Africa, these of oral  
8                   sources, propaganda and media of race and  
9                   genocide and, finally, specifically in  
10                  respect of the Rwandan and Burundian crisis.  
11                  I would like to emphasise that this  
12                  represents three books that I personally  
13                  published and then six collective  
14                  publications that I led. So, in total there  
15                  are about a hundred articles and this is not  
16                  surprising, because I've been in this field  
17                  of profession for about forty years now.  
18                  Q.            I see eight publications on oral sources.  
19                                As a historian, how do you interpret an oral  
20                                source?  
21                  A.            The oral sources, I have a place in Africa,  
22                                as well as in other parts of -- in other  
23                                parts of the world more frequently, and like  
24                                all sources it -- you can look at it through  
25                                criticism, through comparism. You have to

1 place it in a context, in respect of a  
2 specific context. So oral sources is a  
3 result of scientific work, critical work, in  
4 the same way as one analyses written  
5 sources. And the critical work begins when  
6 the research starts and goes on up to when  
7 the translation and interpretation work  
8 actually is undertaken, of course.

9 Q. How do you compare the interpretation of  
10 oral sources, you know, from person to  
11 person contact, with the interpretation of  
12 oral presentation made over the radio  
13 medium?

14 A. It's obvious that we are faced with two  
15 kinds of oral sources. There is the oral  
16 source that we gather from the population of  
17 a given country. This is a spontaneous  
18 source, which is the memory which reflects a  
19 given expression. Now, with regard to the  
20 oral source on the radio, we are here in  
21 another technical field. This is modern  
22 audio visual technique, it's no longer the  
23 traditional oral source. And here, in this  
24 case, this is an expression that is put in a  
25 specific professional rule and regulation

1 and within the framework of the radio  
2 broadcast work and it is a more controlled  
3 oral source, which is, maybe in certain  
4 cases, more manipulable. So, apparently  
5 these are two different fields.

6  
7 Having said this, we are in a world of oral  
8 sources, of oral expression, and this is a  
9 special way of expression, whether it's a  
10 popular oral expression or radio oral  
11 expression, and it is -- should be taken  
12 into the context. In both cases you have  
13 listeners who are being talked to, and we  
14 should not forget that the oral expression  
15 is a sound expression. It's not a written  
16 expression that is used to communicate in  
17 silence. So, the role of the verb, the  
18 words, is very important and has to be taken  
19 into account in an in-depth way. And in  
20 both cases, in the word, the spoken word is  
21 more fluid than the written word, which one  
22 can read on many occasions.

23  
24 So there are many more possibilities of  
25 re-interpretation and actually playing with

1 words and manipulation. In any case, in  
2 both cases scientific rigor is applicable  
3 and, once again, we should not forget that  
4 oral research among the peasantry population  
5 in Africa compared to the radio expression  
6 are two different areas.

7 MR. MARTEL:

8 Madam President, with your leave, we're here  
9 in a voir dire and, therefore, we do not  
10 begin the expert testimony, so to speak. So  
11 I think my learned friend should be brief  
12 and the answers from the witness should also  
13 be brief.

14 MADAM PRESIDENT:

15 Are you done now, Mr. Rapp?

16 MR. RAPP:

17 Well, there's just two more questions, Your  
18 Honour.

19 BY MR. RAPP:

20 Q. How did you come to -- and briefly -- how  
21 did you come to write your 1995 book, Les  
22 Média de Génocide?

23 A. This was in the wake of the genocide that  
24 had occurred in Rwanda. I was approached by  
25 the association Reporters sans frontières,

1 Reporters Without Borders, in view of my  
2 knowledge of the region, in order to  
3 participate in a mission regarding the field  
4 of the media in Rwanda. It was in the  
5 course of this mission that the project was  
6 drawn up in collaboration between my  
7 laboratory at the CRNS and on the other hand  
8 with the association Reporters Without  
9 Borders.

10 Q. In this book, *Les Média de Génocide*, and  
11 your expert report for this proceeding, you  
12 discuss massacres in Rwanda, particularly in  
13 1994, where the victims were predominantly  
14 Tutsis. Have you ever written about  
15 massacres in the Great Lakes region of  
16 Africa where the victims were predominantly  
17 Hutu?

18 MR. MARTEL:

19 I'm objecting to that question. There's no  
20 evidence to the effect that the Tutsis or  
21 Hutus were a majority, as far as victims are  
22 concerned, because there's no such evidence  
23 in the case file.

24 MADAM PRESIDENT:

25 Why are you going to the merits now,

1 Mr. Rapp?

2 MR. RAPP:

3 We're going to the question of alleged bias  
4 by the witness, but we can deal with that on  
5 redirect. We are simply saying, we're  
6 describing the source of what he wrote here  
7 and asking if he's written -- and he can  
8 identify on his CV -- publications, articles  
9 in which he wrote about massacres in which  
10 Tutsis --

11 MADAM PRESIDENT:

12 So that's the purpose of -- this session is  
13 for you to establish the expertise of the  
14 witness. Now, you have asked him questions  
15 relevant to that. Wait for the challenge  
16 with regard to bias.

17 MR. RAPP:

18 Thank you.

19 BY MR. RAPP:

20 Q. Finally, I see from your CV that your recent  
21 work entitled, "Africa of the Great Lakes,  
22 2000 Years of History" won an award for the  
23 best book of history of the year 2000 in  
24 France. Is that book available in any other  
25 language than French?

1       A.           It is a synthesis of the situation in the  
2                   Great Lakes region of Africa. It must -- at  
3                   the end of this year there should be an  
4                   English version published in New York, or at  
5                   the latest this could be done at the  
6                   beginning of next year.

7       MR. RAPP:

8                   Your Honour, first of all, the CV that we  
9                   presented we would be offering as  
10                  Prosecution Exhibit 162. In that regard we  
11                  note that for some reason there was an  
12                  omission of the last two or three pages  
13                  listing his courses taught and his  
14                  colloquies in which he participated. We'll  
15                  supplement it with that shortly, but,  
16                  frankly, we'll stand on this document at  
17                  this point. I would, therefore, offer it in  
18                  its present form, for later supplementation,  
19                  P162 the CV of the witness and tender  
20                  Jean-Pierre Chrétien upon that CV and the  
21                  articles and expertises listed as an expert  
22                  in the history of Rwanda with a particular  
23                  emphasis on the period 1990 to 1994 and from  
24                  those articles from the control methods and  
25                  effects of the media on Rwandan society,

1 particularly the oral medium, the medium of  
2 oral presentation that is radio  
3 broadcasting. Thank you.

4 MADAM PRESIDENT:

5 Who's first for Defence?

6

7 Mr. Martel.

8 MR. MARTEL:

9 With the agreement of my learned colleagues,  
10 I'd like to be the first. As a courtesy,  
11 first of all, I prepared a translation in  
12 English of our motion. My assistant has  
13 sufficient number of copies, so I'll request  
14 the representatives of the registry.

15 MADAM PRESIDENT:

16 -- (Interpreter's booth mike on) you have an  
17 opportunity to put questions now.

18 MR. MARTEL:

19 Very well.

20 CROSS-EXAMINATION

21 BY MR. MARTEL:

22 Q. Mr. Chrétien, good morning. Do you have  
23 before you an expert report signed by  
24 Jean Pierre Chrétien with  
25 Jean François Dupaquier and Marcel Kabanda

1 and Joseph Ngarambe. Do you have such a  
2 copy?

3 A. Yes, I do.

4 Q. Now, in French, does it talk about a  
5 document of 510 pages?

6 A. Where do you see the number of pages?

7 Q. I counted them.

8 A. Very well, if you have counted them. I did  
9 not conduct this exercise of counting pages,  
10 Counsel.

11 Q. So you claim to be the author of this expert  
12 report. But you don't even know how many  
13 pages this report is?

14 A. Of course I could easily find the number of  
15 pages by making a subtraction comparing the  
16 pages.

17 MADAM PRESIDENT:

18 Mr. Martel, you are wasting time now the way  
19 you frame your questions. We are aware of  
20 the report, just get to the question now.  
21 It doesn't matter how many pages it has.  
22 We've all had to plod through this. So,  
23 now, just put the question to him about this  
24 report.

25 BY MR. MARTEL:

- 1 Q. Were you told that on the 27th of March 2002  
2 the Trial Chamber said it was totally  
3 unacceptable for your report to be so long?  
4 Were you informed of this fact?
- 5 A. No.
- 6 Q. And I'm going to read hereto from the report  
7 of status meeting of March 2002 from pages  
8 52 and 53. Now let me begin at page 52.  
9 Madam President states, she says, one of the  
10 instructions you are given here is that this  
11 report should be shortened. And now I'm  
12 going to read it in English. This is on  
13 page 46. Were you informed of this  
14 directive?
- 15 A. I did not receive directives concerning the  
16 shortening of the report, given the fact  
17 that the testimonies hereto explain in  
18 detail questions that may be put regarding a  
19 document in relation to a very complex and  
20 serious matter and this explains why this  
21 report is so long.
- 22 Q. Witness, we're going to spend a whole week  
23 together here, maybe two, maybe even three  
24 weeks. Could I ask you to answer directly  
25 rather than make submissions when you are

- 1                   answering, right?
- 2       A.           Yes, I agree with you, Counsel.
- 3       Q.           Now, let us look at this expert report.
- 4                   When you look at the table of contents -- do
- 5                   you have that before you, Witness?
- 6       A.           Yes, I do.
- 7       Q.           There is the number one followed by the word
- 8                   "Introduction".
- 9       A.           Yes.
- 10      Q.           Now tell us, who is the real author of this
- 11                   report?
- 12      A.           I'm sorry, I'll have to answer this in a --
- 13                   to make myself very clear, this is a
- 14                   collective document.
- 15      Q.           Witness, I understand the university, the
- 16                   academic practices. We understand the issue
- 17                   of authors and co-authors very well. But I
- 18                   also happen to understand that there were
- 19                   not four people holding the pen at the same
- 20                   time. What I'm asking is simply this. Who
- 21                   is the author of the first chapter whose
- 22                   heading is "Introduction".
- 23      A.           I'm telling you, this is a collective work
- 24                   and, from what I remember, there was a first
- 25                   version of this introduction that I led,

- 1 which was subsequently finalised by the  
2 other author, that is Mr. Dupaquier. So  
3 there were two of us who participated in  
4 this introduction.
- 5 Q. So, Mr. Dupaquier and you?
- 6 A. Yes, and myself.
- 7 Q. Very well, I understand that Mr. Dupaquier  
8 was actually the author of this chapter,  
9 because he was the one who actually put it  
10 in its final form. Is that what I should  
11 understand?
- 12 A. For an introduction concerning the entire  
13 document, this is something that we  
14 discussed and Mr. Dupaquier made a number of  
15 changes regarding this particular part. I  
16 do not think that I should say that he was  
17 the author, I'm think I was the author, but  
18 he did make some rectifications regarding  
19 form and style.
- 20 Q. Very well.
- 21
- 22 Now, let us go to chapter 2, "The Emergence  
23 and Development of Extremist Media in  
24 Rwanda". Who is the author of this chapter?
- 25 A. Every time I'll give you the name of the

- 1 main author, if you don't mind.
- 2 Q. I beg your pardon. I did not express that
- 3 I -- let's respect the rule that has been
- 4 given to us by the interpreters. It is
- 5 difficult for the English booth to interpret
- 6 French speakers, because we have a tendency
- 7 of actually answering -- asking and
- 8 answering questions without pauses in
- 9 between. So I'm going to request you to
- 10 observe a pause between my questions and
- 11 your answers.
- 12
- 13 Now, my question is who is the author of
- 14 chapter 2?
- 15 A. The main author is, of this chapter, is Jean
- 16 François Dupaquier.
- 17 Q. Who is author of chapter 3?
- 18 A. The main author of this chapter is myself.
- 19 Q. Who is the author of chapter 4?
- 20 A. The main author of chapter 4 is
- 21 Jean François Dupaquier.
- 22 Q. Who is the author of chapter 5?
- 23 A. The main author is Jean François Dupaquier.
- 24 Q. Who is the author of chapter 6?
- 25 A. The main author is Joseph Ngarambe.

1 MADAM PRESIDENT:

2 (Off mike, Interpreter in booth's mike on)

3 Can you give us the number of chapters, who

4 wrote them? You wrote what chapters?

5 THE WITNESS:

6 Madam President, looking at the whole list

7 in a given order I'd say that No. 7 is

8 Jean François Dupaquier.

9

10 Eight is Jean François Dupaquier.

11

12 Number 9 is Jean François Dupaquier.

13

14 Number 10 is Jean François Dupaquier.

15

16 Number 11 is a collective work. At times

17 there was a collaboration of authors,

18 Jean François Dupaquier and Marcel Kabanda,

19 if my memory serves me well.

20

21 Number 12 is Jean François Dupaquier.

22

23 Number 13 is Marcel Kabanda.

24

25 Number 14 is Marcel Kabanda.

1

2

Number 15 is a collective work between  
myself and Marcel Kabanda.

3

4

5

Number 16 was done by me.

6

7

The same thing applies to 17. That was my  
work.

8

9

10

Number 18 was done by me.

11

12

Number 19 was also done by me.

13

14

And number 20 was Marcel Kabanda's work.

15

16

Number 21 is Joseph Ngarambe.

17

MR. FLOYD:

18

If it please the Court, he missed No. 16.

19

MADAM PRESIDENT:

20

Sixteen was himself. You missed it, not

21

him. Thank you. Mr. Marcel.

22

BY MR. MARTEL:

23

Q. Who is the author of the general conclusion  
of the expert report?

24

25

A. I was the author, in collaboration with

- 1 others.
- 2 Q. When one reads the various contracts signed
- 3 between each of the authors and the Tribunal
- 4 one sees that each author is a specialist,
- 5 was given a specific duty; is that correct?
- 6 A. Yes, it is correct.
- 7 Q. Now, given the fact that you were supposed
- 8 to make a general integration of the whole
- 9 document, was this the agreement?
- 10 A. Yes, in other words, work coordination; that
- 11 is correct.
- 12 Q. Reading the 510 page,s one notices that each
- 13 of the chapters begins with page No. 1.
- 14 Does this then mean that you did not have
- 15 the time to actually make a general
- 16 pagination synthesis, so as to have pages
- 17 for the whole expert report going from
- 18 page 1 to page No. 510?
- 19 A. We sent the documents with pagination
- 20 according to each chapter after specifying
- 21 the order of the appearance of the chapters;
- 22 that is chapters 1 through 21.
- 23 Q. But, Mr. Chrétien, did you simply -- didn't
- 24 you simply have time constraints in respect
- 25 of your preparation of this expert report?

- 1       A.           Yes, I think that in drawing up this expert  
2                    report -- and this is something we'll come  
3                    back to, because it's a long story and which  
4                    is not our responsibility but rather  
5                    concerns the OTP of this Tribunal itself --  
6                    but I would like to say that it was only  
7                    about a year ago that a formal request was  
8                    made. It was obvious that if we had much  
9                    more time we could have prepared a better  
10                   prepared work. We did our best within the  
11                   given time period, because we wanted to be  
12                   diligent and so maybe there are aspects  
13                   regarding form that were not entirely  
14                   satisfied, but, indeed, we would have wished  
15                   to have much more time.
- 16       Q.           Now, given that you admit that this -- you  
17                    are admitting that this report is not  
18                    perfect; is this correct?
- 19       A.           What I'm saying is that the -- it is  
20                    imperfect regarding the form as it would be  
21                    sold, let's say, in a book shop. But in  
22                    that respect I would say, in respect of  
23                    form, we were far from perfection.
- 24       Q.           But, in your opinion, as an expert, what are  
25                    the elements missing from this report in

- 1 order to make it a perfect report?
- 2 A. What is missing, in particular, is an effort  
3 of general rhetoric, of a synthesis of  
4 style, of form, and maybe there could be a  
5 few inaccuracies here and there which,  
6 obviously, you are going to raise, but this  
7 again is an aspect regarding form. And I'd  
8 like to say that we were not looking for  
9 success regarding the fact that maybe this  
10 could be a best seller. What we were  
11 actually concerned with was the content.
- 12 Q. You spoke about an obstacle, when you said  
13 that you, as an author, are not responsible  
14 and you had a hindrance regarding the fact  
15 that you produced a less than perfect work.
- 16 A. The obstacle here concerns the fact that the  
17 OTP of the Tribunal contacted us, requested  
18 us, since 1996, by Prosecution counsel  
19 Othman, and here I'd like to be brief. In  
20 1998, every time we received a request we  
21 would ask specific questions in order not to  
22 conduct a superficial expert work. We  
23 wanted to know about what way we should go  
24 on, what method we should use, and how we  
25 should organise ourselves, and we did not

1 receive replies in very brief -- in good  
2 time. So Mrs. Del Ponte, Mrs. Del Ponte  
3 requested us to go and see her at the Hague  
4 in January 2000 or December 1999. I don't  
5 remember the exact date. But she proposed  
6 that we go undertake an expert mission and  
7 especially in Kigali. And we noticed that  
8 there was a lot of work that needed to be  
9 done regarding translation, transcripts, and  
10 so on and so forth. So I proposed a plan.

11 MADAM PRESIDENT:

12 Why is this of interest to the Chamber,  
13 Mr. Martel? You can ask your questions  
14 unlimited under cross-examination. Do you  
15 see now we are only concerned with any  
16 challenge to the expertise of this witness.  
17 Now, do you have any further questions,  
18 Mr. Martel?

19 MR. MARTEL:

20 I've noted, Madam President, that maybe the  
21 Court doesn't wish to hear the shortcomings  
22 of the expert report. I think that the  
23 expert report was prepared under difficult  
24 conditions and, like any work which is done  
25 here in this Tribunal, has been done under

1                   difficult conditions. I appreciate the  
2                   expert's answer regarding this particular  
3                   question; however, I'm going to continue.

4       BY MR. MARTEL:

5       Q.           The main part of the expert report was  
6                   written between which dates, the effective  
7                   work, between which two dates?

8       A.           It was written between July and  
9                   December 2001.

10      Q.           Did you personally have access to the  
11                   Tribunal's files? Did you have access to  
12                   testimonies that have been given before this  
13                   Court and all documents that have been filed  
14                   pertaining to what I've just said?

15      A.           Yes, indeed.

16      Q.           So, why is your expert report based mainly  
17                   on evidence that has not been actually  
18                   submitted -- presented before this Trial  
19                   Chamber?

20      A.           This surprises me, because the documentation  
21                   cited regarding the newspapers, the radios,  
22                   and other media, all this documentation is  
23                   with the ICTR; it is on the list of  
24                   documentation that is with the ICTR.

25      Q.           If I understand well your answer, you are

- 1 saying that your expert report is based  
2 mainly on testimony which was adduced before  
3 this Trial Chamber?
- 4 A. I'm not a lawyer. I'm trying to understand  
5 the question that is asked. We used  
6 documents; we used tape, audiotape; we used  
7 newspapers, which are all here and which  
8 should have been filed, tendered for this  
9 particular case.
- 10 Q. Very well. Thank you very much for the  
11 nuance. You're saying that documents in  
12 relation to testimony, which are here before  
13 the ICTR and which must have been adduced  
14 before this Trial Chamber; is this your  
15 reasoning?
- 16 A. What I am saying is that ICTR did provide  
17 some documents and there are other documents  
18 of a different nature, but all of these are  
19 with the ICTR. The ICTR has these documents  
20 as well.
- 21 Q. Now, when you talk about the ICTR documents,  
22 are you talking about OTP documents?
- 23 A. Yes, that is correct.
- 24 Q. Now, my question is more specific. Did you  
25 check to see whether the documents that were

1 given to you were filed as documents and  
2 testified -- given regarding them before  
3 this Trial Chamber, this was my question.  
4 A. I don't think that was my responsibility or  
5 my professional responsibility to conduct  
6 such work.  
7 Q. What did OTP give you in the form of  
8 information?  
9 A. Should I really list all the documents that  
10 were given to me?  
11 Q. Mr. Expert, you are an expert, if that is  
12 admitted in the first instance, so you have  
13 worked with documents, with materials. So  
14 I'm asking you with which material did you  
15 work?  
16 A. I worked with radio cassettes. I worked  
17 with transcripts and translation of such  
18 audio cassettes from the RTLM. I worked with  
19 documents found under various circumstances  
20 in Rwanda. In short, I worked with all  
21 sorts of documents which are cited in this  
22 report. Now, with regard to us, that is the  
23 authors of this report, we have, in  
24 particular, given many examples of press,  
25 that is the written press, as well as we

- 1                   used other inquiries or research that were  
2                   undertaken by us.
- 3       Q.           Very well.  You're answering very directly  
4                   to my questions so I'm now going to ask you  
5                   to be more specific.  Here before this Trial  
6                   Chamber we know that only some examples,  
7                   some issues of Kangura were translated;  
8                   moreover, in the expert report you cite  
9                   several issues of Kangura and you cite them  
10                  in French.  Up to this point, is what I'm  
11                  saying correct?
- 12      A.           Now, with regard to the quantity of  
13                  documents translated regarding Kangura that  
14                  were given to this Trial Chamber I can say  
15                  that this is something that I do not know,  
16                  but regarding the fact we translated  
17                  excerpts and each time we were told that  
18                  such translations were available, then my  
19                  answer would be yes.
- 20      Q.           Very well.  So you don't know how Kangura  
21                  issues were officially translated before  
22                  this Trial Chamber, that is translated from  
23                  Kinyarwanda into French?
- 24      A.           I know the work that we have done in respect  
25                  of Kangura and we took and we actually

- 1 informed the OTP regarding such work.
- 2 Q. You're making submissions here, Witness.
- 3 I'm asking you a very simple and specific
- 4 question. Do you know how many Kangura
- 5 issues were officially translated at the
- 6 instructions of this Trial Chamber?
- 7 A. I don't know the figure of such issues.
- 8 Q. I'm not asking you simply the figure, rather
- 9 I'm asking you, what were the issues that
- 10 were officially translated?
- 11 A. I don't have such a list in front of me
- 12 here.
- 13 Q. Who translated the excerpts of Kangura that
- 14 were in Kinyarwanda but which are now in
- 15 French in the expert report?
- 16 A. Basically it was Marcel Kabanda who
- 17 undertook an expert mission here and who had
- 18 a specific contract to this effect and that
- 19 is why your question is surprising to me,
- 20 because all documents we relied on were
- 21 actually submitted to the OTP.
- 22 Q. You are surprising me, because you are
- 23 telling me that my questions are surprising
- 24 you. And I mean in what way are my
- 25 questions surprising to you?

- 1       A.           Your questions are surprising because they  
2                   do not have a bearing on the expert work  
3                   that we were asked to do; and the legal,  
4                   rather, it centres on the legal aspect which  
5                   is beyond my scope as an academic.
- 6       Q.           Is it not correct to say that the, you know,  
7                   supposed expert -- is it not correct to say  
8                   that your expert report has been done  
9                   principally in respect of Kangura using  
10                  translation from Kinyarwanda into French and  
11                  this does not constitute the official  
12                  Tribunal translation? Please be specific.
- 13      A.           I cannot accept your definition of things in  
14                   that the translator expert of the excerpt of  
15                   Kangura that we used and which we then used  
16                   when looking at the relationship between  
17                   Kinyarwanda and French with a contract with  
18                   ICTR. So he did this work and he actually  
19                   submitted this work to the ICTR.
- 20      Q.           What is the name of this expert translator  
21                   or translator expert?
- 22      MADAM PRESIDENT:
- 23                   (Booth interpreter's microphone on.  
24                   President inaudible)
- 25      BY MR. MARTEL:

- 1 Q. One question only, who is this expert  
2 translator?
- 3 A. I already said that it was Marcel Kabanda.
- 4 Q. Does Mr. Kabanda have a university degree in  
5 translation?
- 6 A. No, he's Rwandan. His origin is Rwandan.
- 7 MR. MARTEL:  
8 I have no further questions,  
9 Madam President.
- 10 MADAM PRESIDENT:  
11 Thank you, Mr. Martel. Mr. Biju-Duval.
- 12 MR. BIJU-DUVAL:  
13 Thank you, Madam President.
- 14 CROSS-EXAMINATION
- 15 BY MR. BIJU-DUVAL:
- 16 Q. Good morning, Expert.
- 17 A. Good morning, Counsel.
- 18 Q. Expert, do you speak Kinyarwanda?
- 19 A. I do not speak Kinyarwanda fluently.
- 20 Q. What is your degree of the mastery of the  
21 Kinyarwanda language?
- 22 A. Only one and I think I can manage when I'm  
23 in Rwanda, faced to ordinary issues.  
24  
25 Secondly, I use this language in the same

- 1 way as an expert in ancient Greece would use  
2 his knowledge of Greek language without  
3 really being an expert in that language and  
4 especially tools for which he has to work,  
5 for instance, especially in French.
- 6 Q. Do you have any degree in linguistics in  
7 respect of this specific subject?
- 8 A. No. You know, researchers use all sorts of  
9 tools which they do not really possess the  
10 academic qualifications.
- 11 Q. So, this is a tool that would allow you to  
12 make do in everyday life and also to  
13 understand documents?
- 14 A. I think I can say that to quite an extent,  
15 yes.
- 16 Q. Expert, in an expert's work there is the  
17 drafting, but before the drafting of the  
18 work there is the research, there is the  
19 actual research work. Now, in the first  
20 phase, before the drafting of the expert  
21 work, how were tasks assigned among the  
22 authors of the report?
- 23 A. Here I think I have to point out that the  
24 research did not begin only one year ago.  
25 All the authors, in one way or another,

1 worked on Rwanda, know Rwanda, and had  
2 conducted prior research in respect of the  
3 book published in 1995 called the Les Média  
4 de Génocide.

5 Q. Mr. Expert, let me repeat my question.  
6 Regardless of the date when the research was  
7 actually carried out, how were the tasks of  
8 research assigned among the authors, whether  
9 it was for the book Les Médias  
10 du Génocide or subsequently for the  
11 preparation of your report?

12 A. The research was carried out -- let me say  
13 that this will be a long answer, because all  
14 this goes back to a long time back.  
15 Everybody collected newspapers, the  
16 collection of cassettes was done firstly in  
17 Rwanda with the support of Reporters Without  
18 Borders in 1995 and then later with the OTP,  
19 here at the OTP. And let me mention what  
20 happened not long ago. When we accepted the  
21 expert contract a year ago my work as an  
22 academic did not give me enough time, so my  
23 three colleagues came here to Arusha and  
24 went to Kigali in order to complete the  
25 documentation that we already had.

- 1 Q. Now, let us move step by step in order to  
2 proceed faster. With regard to the phase of  
3 preparation of the expert report; that is,  
4 pretend a moment that you were recruited,  
5 you and the other authors. Between that  
6 time and the drafting of the report who  
7 carried out this work?
- 8 A. Mostly it was done by Jean François  
9 Dupaquier and Marcel Kabanda.
- 10 Q. Let me go back in time, since you said you  
11 have used documentation going back sometime  
12 ago. Before the new research work, who  
13 carried out the initial research work, which  
14 was probably used in the book Les Médias du  
15 Génocide? How were the pages assigned?
- 16 A. I organised the work as follows: For the  
17 use of press, the work was essentially given  
18 to Marcel Kabanda. For the use of RTLM  
19 cassettes, the work was given to  
20 Joseph Ngarambe. And the research on, let  
21 me say, the preparation and the organisation  
22 and the setting up of RTLM, the work was  
23 given the Jean François Dupaquier. But I  
24 have to emphasise on the collective aspect  
25 of work, the two colleagues, who were

1 Rwandan in origin, did not work separately  
2 and I, me receiving their work without  
3 saying anything, no, we worked all together  
4 in collaboration in order to organise their  
5 work, in order to use them. So, they worked  
6 with me.

7 Q. I understand your notion that you are  
8 discussing here, but, Mr. Chrétien, you  
9 personally, did you receive directly, did  
10 you collect directly, testimony, documents,  
11 and here I'm referring to the initial phase,  
12 because we know that for the second phase  
13 you were not really available.

14 A. I contributed in the collection of  
15 newspapers, and this goes back to a number  
16 of years and it varies in form. And, on the  
17 other hand, when I was in Kigali with the  
18 Nacional Du Reporters Without Borders in  
19 September 1994, and when I came to Kigali in  
20 2000 for the expert work I participated in  
21 gathering documents, in carrying out  
22 investigation, both in Kigali and in Butare  
23 during the two periods of time.

24 Q. So, during which period and what was the  
25 period in question and for how long were you

- 1                   there in Rwanda?
- 2       A.           The mission of Reporters Without Borders --
- 3                   I've forgotten the exact date -- but we were
- 4                   never -- but each time the missions took
- 5                   place between three -- for a period covering
- 6                   three to four weeks. But I forget the exact
- 7                   number of -- length of period.
- 8       Q.           Three to four weeks, are you talking here
- 9                   about September 1994?
- 10      A.           Yes, and of February 2000.
- 11      Q.           But since you told us that you had problems
- 12                   of being available, so it was basically
- 13                   Messrs. Kabanda, Ngarambe and Dupaquier who
- 14                   actually carried out most of the work, most
- 15                   of the research work and the initial
- 16                   gathering of documents?
- 17      A.           Mr. Dupaquier and Mr. Kambanda; Mr. Ngarambe
- 18                   worked more during the last summer mission
- 19                   regarding the documents available here at
- 20                   the ICTR.
- 21      Q.           That is on the RTLM cassettes and the
- 22                   transcripts, right?
- 23      A.           What do you mean?
- 24      Q.           Here I'm referring to Mr. Ngarambe's work in
- 25                   July 2000?

- 1       A.            Are you talking about July 2001, rather?
- 2       Q.            Yes.
- 3       A.            He participated in that mission regarding  
4                    particularly the issue of available  
5                    documents. He also worked on general  
6                    recommendation. Now regarding tapes and  
7                    transcripts, he participated in the  
8                    selection of transcripts and translation  
9                    carried out by ICTR regarding cassettes that  
10                   we did not have, in order to complement the  
11                   documents that we had, since we had the time  
12                   that we wrote our book in 1995.
- 13      Q.            Thank you.
- 14
- 15                    With regard to Mr. Kabanda, and here I am  
16                    referring to the drafting, the drawing up of  
17                    the report, Mr. Kabanda told us, when he  
18                    came to testify, that he was the main author  
19                    of chapters 2, 3, 6, 14, 15, 18, and 19 and,  
20                    therefore, he could talk about those  
21                    chapters in his capacity as an expert. But  
22                    his presentation does not match with what  
23                    you've just told this Trial Chamber in that  
24                    I see only chapters 14 and 15. So, do you  
25                    confirm your testimony regarding the

1 distribution of work in respect of the  
2 drafting of this report?

3 A. I confirm while recalling that.

4 MADAM PRESIDENT:

5 Just a moment. Mr. Rapp, is this on --

6 MR. RAPP:

7 This question is --

8 MADAM PRESIDENT:

9 -- on this question of which chapters were  
10 prepared by Mr. Kabanda?

11 MR. RAPP:

12 Yes, and I believe in terms of later  
13 chapters he indicated some knowledge and  
14 contribution to it, but I don't believe he  
15 indicated he was the author and we can find  
16 that transcript. We don't have it with us.  
17 We tendered them through him because they  
18 dealt with issues relevant to the written  
19 press and the lines between the written  
20 press and the electronic media.

21 MADAM PRESIDENT:

22 All right, 2, 3, 6, 14, 15, 18 and 19 were  
23 the chapters that were admitted through  
24 Mr. Kabanda.

25 MR. RAPP:

1 I believe that's correct, yes.

2 MADAM PRESIDENT:

3 And you are unable to clarify for us which  
4 chapters you claim to have authored?

5 MR. RAPP:

6 We can check the records specifically, but I  
7 think that he indicated the specific  
8 authorship of those lower numbered ones, but  
9 when it got up to 18 and 19 he did not  
10 indicate that he was the sole author of  
11 those and, as a matter of fact, we indicated  
12 that we are only dealing with part of what  
13 was in 18.

14 MADAM PRESIDENT:

15 So, Mr. Chrétien, Mr. Biju-Duval has put to  
16 you that Mr. Kabanda has claimed authorship  
17 or involvement in these chapters. So, can  
18 you respond to his question in relation to  
19 that?

20 THE WITNESS:

21 We were faced with the problem of the fact  
22 that this work is collective. There are  
23 plural contributions to each chapter, so,  
24 you know, to define who exclusively drew up  
25 a specific chapter is something that is

1 quite delicate.

2 MR. BIJU-DUVAL:

3 Madam President, I do not have any further  
4 questions.

5 MADAM PRESIDENT:

6 Mr. Calderera.

7 MR. BARLETTA CALDARERA:

8 Madam President, Your Honours, good morning.  
9 Chrétien, good morning. I do not have any  
10 questions to put to Mr. Chrétien. My  
11 intervention addresses the legal issues of  
12 procedural matters. I had the honour,  
13 several times, to tell the Trial Chamber my  
14 legal concerns about what are called this  
15 big confusion between expert witness and  
16 witness. I would be a very bad student if I  
17 challenged the competence of Mr. Chrétien.  
18 What I am contesting, however, is that he  
19 could be expert witness; there's no problem  
20 with that.

21  
22 The Trial Chamber would agree with me that  
23 when 'I'm talking about expert witness the  
24 Trial Chamber will remember -- and I  
25 mentioned Put-teal-ber (phonetic) dictionary

1 talking about the type of expert witness who  
2 could be an expert witness. I'm not going  
3 to repeat all of this again, but what I find  
4 strange with regard to legal procedures and  
5 any logic -- and any Cartesian logic I'm not  
6 referring to Aristotle. But Mr. Chrétien  
7 could be an expert on something that does  
8 not interest the Trial Chamber. At one  
9 point or the other during my  
10 cross-examination I'm going to take  
11 Mr. Chrétien up on that matter. But what I  
12 want to say here is that I cannot ask a  
13 historian to carry out expert work on  
14 something that has nothing expert about it.  
15 That eludes all philosophy.

16 MADAM PRESIDENT:

17 Mr. Caldarera, you would recall that the  
18 Chamber directed Counsel if they wish to  
19 address on it to present written arguments  
20 ahead of time. So I'm afraid I can't give  
21 you any further opportunity to address this  
22 matter, but from what you have said so far  
23 we take your point and it's in line with  
24 some of the objections raised by the other  
25 counsel.

1 MR. BARLETTA CALDARERA:

2 Thank you, Madam President. That's why I do  
3 not go into the nitty-gritty of this matter.  
4 That's why I do not ask Jean Chrétien on  
5 this issue. So, to conclude, therefore, I  
6 contest the expert quality of Chrétien  
7 because he's not -- an expert is a great  
8 historian, a scientist in the European  
9 country under one level, but he's not an  
10 expert and I therefore challenge that fact  
11 that he would be an expert witness. He has  
12 nothing to testify about here and that is  
13 why I am associating myself to the  
14 opposition of my fellow colleagues by adding  
15 the legal argument I've just advanced.

16

17 Thank you, Madam President.

18 MADAM PRESIDENT:

19 We don't need to hear you, Mr. Rapp.

20 MR. RAPP:

21 Just a housekeeping matter, the last pages  
22 of the CV which were omitted because of the  
23 usual problem of copier and toner shortage  
24 and using multiple machines. If we could  
25 simply have those added to the first eight

1 pages and considered altogether, eleven  
2 pages, as P162.

3 MADAM PRESIDENT:

4 We've just concluded the voir dire  
5 proceedings in which the Prosecutor has  
6 applied for the expert status of  
7 Mr. Chrétien to be accorded and for the  
8 admission of his curriculum vitae.

9  
10 Two Defence counsel in the matter very  
11 kindly acceded to the Chambers request by  
12 filing their extensive objections in writing  
13 and it's true that we have had a very short  
14 time in which to pursue this, but we have,  
15 and we have also had brief deliberations in  
16 court now after the conclusion of voir dire.  
17 The Prosecutor, in support of his  
18 application to establish the expertise of  
19 Mr. Chrétien, has submitted the curriculum  
20 vitae and asked several questions in  
21 expansion of the content of this curriculum  
22 vitae.

23  
24 Counsel for Mr. Ferdinand Nahimana, in his  
25 objection, does not put at issue the

1                    qualifications of Mr. Chrétien. His  
2                    argument relates to the so-called expert  
3                    report that was filed by the Prosecutor and  
4                    to which  
5                    Mr. Chrétien alluded in his evidence this  
6                    morning. Mr. Biju-Duval, counsel for  
7                    Mr. Nahimana, argues that three of the four  
8                    authors of the expert report have neither  
9                    the necessary competence nor impartiality to  
10                   be qualified as an expert and that this,  
11                   then, impacts the report as a whole. And  
12                   they submit that there should be an order  
13                   declaring the expert report inadmissible  
14                   and, in consequence, the disqualification of  
15                   Mr. Chrétien as a witness.

16  
17                   Counsel, Mr. Martel has also raised an  
18                   extensive motion on behalf of  
19                   Mr. Hassan Ngeze. Firstly, he argued that  
20                   the expert report and testimony of  
21                   Mr. Chrétien are irrelevant in the present  
22                   proceedings, that the testimony and report  
23                   will not be of assistance to the Trial  
24                   Chamber and that they should, therefore, be  
25                   declared inadmissible; that is, both the

1 report and the testimony. And they also  
2 require an order, in the alternative, that  
3 he is not an expert in the electronic media  
4 and written press.

5  
6 The Prosecutor has filed a response to these  
7 two motions and he requests that the motions  
8 be dismissed. It has been pointed out and,  
9 of course, the Chamber is aware of this,  
10 that a portion of this report has, in fact,  
11 been admitted as evidence as Exhibit P117  
12 during the testimony of expert witness  
13 Marcel Kabanda and that Marcel Kabanda has,  
14 in fact, been received as an expert witness  
15 by this Chamber.

16  
17 The chapters that have been admitted are  
18 seven in number, so seven chapters of this  
19 report are already part of the exhibits in  
20 this Trial Chamber.

21  
22 The Prosecutor, in the written response,  
23 rely on the curriculum vitae of Mr. Chrétien  
24 as the basis for establishing his scientific  
25 knowledge and training relevant to the

1 issues covered in the collective expert  
2 report.

3  
4 Now, the -- as I said, the expertise or  
5 qualification of Mr. Chrétien is not  
6 challenged by counsel for Mr. Nahimana, but  
7 Defence puts in issue the training or  
8 education of Mr. Chrétien and whether that  
9 constitutes expertise in relation to  
10 evidence relating to the electronic media  
11 and the written press.

12  
13 With regard to the expert report, which the  
14 Chamber has had cited and having heard  
15 Mr. Chrétien this morning, it is clear that  
16 he is familiar with all the chapters, that  
17 he supervised the collection of the various  
18 contributions, he was either the principal  
19 contributor to a significant number of these  
20 chapters or worked in the collective  
21 assimilation of the report, both for  
22 purposes of the report itself and for the  
23 book that was jointly published by these  
24 four persons.

25

1 As I said, we have already declared the  
2 expert status of Dr. Kabanda. We have had  
3 cites of the curriculum vitae of the other  
4 two authors, Mr. Ngarambe and Mr. Dupaquier,  
5 and they both appear to have a firm  
6 backgrounds in Rwandan economics and  
7 journalism and they have mainly contributed  
8 to the book that was published by them.

9  
10 So, combined with Mr. Chrétien's own  
11 expertise in the area we note that he is,  
12 then, the overall supervisor of the book and  
13 of the report.

14  
15 Now, as we have emphasised in the two  
16 earlier decisions relating to Dr. Kabanda  
17 and the other expert witness,  
18 Madam Des Forges, it is for the Judges in  
19 their discretion to decide whether they  
20 require the aid of expert testimony within  
21 certain complex domains in order to fully  
22 understand particular technical or  
23 scientific issues in the case. This is the  
24 jurisprudence of the Tribunal; and the  
25 Chamber, in its discretion, has allowed the

1 Prosecution the right to call Mr. Chrétien.  
2 We've carefully looked into the Defence's  
3 principal objection, which is that  
4 Mr. Chrétien's expertise is as a historian  
5 and not as an expert on the electronic media  
6 and the written press.

7  
8 In our view Mr. Chrétien possesses ample  
9 qualifications in terms of his education, in  
10 terms of his historical knowledge, both  
11 personal and derived from research, and the  
12 fact that he has conducted sufficient  
13 research, both for the purpose of his book  
14 and for the report, and that in his book he  
15 specifically deals with the subject of the  
16 media in Rwanda. So, in our view it is not  
17 only as a historian but in relation to his  
18 general research writing his book and his  
19 educational qualifications and personal  
20 knowledge, he qualifies to give expert  
21 testimony on the area of the electronic and  
22 written media, as well.

23  
24 So we declare Mr. Chrétien as an expert  
25 witness in these areas. But before we leave

1 the matter I wish to emphasise, once again,  
2 that the evidence of Mr. Chrétien or any  
3 other expert witness, serves as a guide to  
4 the Chamber. And this is why the Chamber  
5 will continually and continuously bear in  
6 mind the arguments raised by the Defence  
7 because, in our view, they are relevant when  
8 we listen to the evidence of Mr. Chrétien  
9 and, finally, when we reach the process of  
10 evaluation of the evidence and very many  
11 factors will, then, come to play, such as  
12 which particular chapters he personally  
13 contributed, what kind of sources he's  
14 referring to, whether they are anonymous or  
15 whether it's testimony that we have heard in  
16 Court. So we then finally wish to say that  
17 we appreciate that these matters were  
18 brought to our notice and we will pay great  
19 heed to them, but we feel that they are not  
20 pertinent to the issue of determining the  
21 expert status of Mr. Chrétien.

22

23 We will receive it as an exhibit.

24 (Pages 1 to 48 by R. Lear)

25

1 1000H

2 MADAM PRESIDENT:

3 We will receive as an exhibit P162, which  
4 comprises 11 of pages of Mr. Chrétien's  
5 curriculum vitae.

6

7 Mr. Chrétien, what is your title? I have  
8 been referring to you as mister. Your CV  
9 says professor. So what is your title so we  
10 can refer to you properly from hereon?

11 THE WITNESS:

12 I am director of research at the CNRS in  
13 France, and it's a special structure. I do  
14 not see, therefore, why I could not be  
15 called Mr. Director, but since I work with a  
16 laboratory, working with the University of  
17 Paris, and where I take care of research and  
18 teaching, I think I would be happy with the  
19 title of professor.

20 MADAM PRESIDENT:

21 Thank you. Mr. Rapp.

22 MR. MARTEL:

23 By your leave, Madam President.

24 MADAM PRESIDENT:

25 Mr. Martel.

1 MR. MARTEL:

2 To my mind, I have just listened to an  
3 imperfect voir dire. We asked routine  
4 questions to the witness, but we have not  
5 been able to make a verbal representation,  
6 submissions to the Trial Chamber. We have  
7 many things to add before the Trial Chamber  
8 makes its decision. I'm surprised that the  
9 Trial Chamber has a translation of the  
10 motion because I have this translation which  
11 I asked my distinguished counsel (sic) to  
12 do. These are the two questions I have for  
13 you.

14 MADAM PRESIDENT:

15 Your remarks will go on record. We have  
16 already ruled on the matter, Mr. Martel.

17 MR. BIJU-DUVAL:

18 Madam President.

19 MADAM PRESIDENT:

20 Yes, Mr. Biju-Duval.

21 MR. BIJU-DUVAL:

22 Yes, Madam President. I thought that the  
23 questions put across to the witness in this  
24 preliminary hearing should enable the  
25 Defence to complete, orally, their written

1 observations, which I am ready to do. I  
2 observed that the practice of the Trial  
3 Chamber is changing, and I wish that the  
4 Defence should know what the new practice is  
5 for the future, so that henceforth there  
6 would be no oral presentation of the Defence  
7 after the expert has been questioned in the  
8 preliminary session.

9 MADAM PRESIDENT:

10 Your comments also will go on record. If  
11 you want to know about procedure, look to  
12 the scheduling order that was given. In  
13 terms of the scheduling order, we ought to  
14 have completed the voir dire proceedings by  
15 9:30 a.m. So we've lost 30 minutes.

16

17 If you will please begin then, Mr. Rapp, and  
18 we'll see how we can catch up on time.

19 MS. ELLIS:

20 Madam President, could I just request  
21 something of the Trial Chamber. You've  
22 cited in your ruling, quite rightly, with  
23 respect, that expert evidence is given where  
24 matters are scientific or technical, and  
25 therefore the Judges require assistance. It

1 would help us if you could please indicate  
2 those areas which are scientific or  
3 technical and therefore for which the  
4 expertise is required. Thank you.

5 MADAM PRESIDENT:

6 This was raised by Defence briefs  
7 themselves. It relates to the electronic  
8 media and the written media.

9  
10 Now we will proceed with the  
11 evidence-in-chief.

12 MR. RAPP:

13 Madam President, Your Honours, may it please  
14 the Court, first of all, to deal with the  
15 issue of the documents which are largely  
16 relating to the broadcasts of RTLM. We've  
17 prepared exhibits, all of them previously  
18 disclosed. If Mr. Matemanga could come  
19 forward -- and there are, I think, 18 of  
20 them here; we have our own copies on the  
21 Prosecution side -- and make distribution of  
22 them. And to avoid confusion in the past,  
23 sometimes we've put out a list in order.  
24 What we've done is, we've organised them  
25 precisely in order of the way we are going

1 to proceed today, so it won't be necessary,  
2 we hope, to fumble through those documents  
3 if they're all kept in order.

4  
5 While he deals -- while those are  
6 distributed, as I indicated in prior  
7 memoranda, which I believe we shared with  
8 the Trial Chamber -- we sent them to the  
9 registry with a note to copy them to the to  
10 the Trial Chamber. We intend to question  
11 this witness about excerpts from 24  
12 broadcasts, several memorandum. We've  
13 described how we've proposed to do this in a  
14 time-saving manner through the computer, but  
15 we need, before we use the computer, to move  
16 hard copies of evidence of these  
17 transcripts, these excerpts, many of which  
18 are freshly made and disclosed to the  
19 Defence about nine days ago into evidence,  
20 so we can avoid objections while we proceed  
21 with the presentation.

22  
23 Before, however, dealing with the question  
24 of the excerpts, we're back to the  
25 foundational issue of the cassettes and the

1 transcripts. And we have three foundational  
2 exhibits to deal with in the original  
3 language before we get to the excerpts. The  
4 first one in the stack you'll see is 268,  
5 Kinyarwanda transcript of RTLM, 268. That  
6 particular transcript was referred to by  
7 Witness Ruzindana back on March 20th, on  
8 page 129. We did not offer this at the time  
9 because he indicated that it was a duplicate  
10 of another broadcast. We have since  
11 determined that the audio on this particular  
12 broadcast is superior -- this particular  
13 taping is superior, and for that reason he  
14 had laid the foundation for its admission.  
15 We would now offer P103/268A, this  
16 Kinyarwanda transcript. This is, by the  
17 way, on the C-ROM -- the CD-ROM of 9 January  
18 2002, which was distributed to the Accused  
19 and to their counsel, so they have full  
20 disclosure of the contents. So we would be  
21 offering that as P103/268A.  
22  
23 Additionally for 132, there was a new  
24 Kinyarwanda transcript in a revised version  
25 in process through the early part of this

1 year, and that was not included, and that is  
2 actually a better and fuller transcription  
3 of the material that's excerpted. And so it  
4 was on the basis of this fuller, revised 132  
5 that we have based the -- that translation.  
6 So we would offer this exhibit as P103/132A,  
7 and, with Your Honour's permission, perhaps  
8 A/R would be appropriate, rather than  
9 withdrawing the earlier exhibit -- that this  
10 is a revised version of P103/132A.

11  
12 Finally in that regard, we also have two  
13 pages of P103/137. These are essentially in  
14 French. This is a Ruggiu transcript. And  
15 in the course of preparing for this day we  
16 listened to the Ruggiu transcript, listened  
17 to the Ruggiu broadcasts, and discovered  
18 that there was a sentence left out, a  
19 sentence actually found by the experts in  
20 their own research, that had not been  
21 included in the transcript. So we order --  
22 asked the language section, as we did in  
23 these other cases -- these were done by the  
24 language section -- to revise at least the  
25 two pages of 137. And we would therefore

1 offer P103/137A, R being pages 9 and 10,  
2 revised of that Kinyarwanda transcript.  
3 So -- Kinyarwanda and French, original  
4 transcript.

5  
6 So I would move the admission of those  
7 particular exhibits, and then we can move to  
8 the excerpts.

9 THE ACCUSED NGEZE:

10 Madam President, I have a problem to follow.  
11 I have a problem of understanding. Which  
12 part of the report has been accepted as in  
13 evidence? Is it the whole report or some  
14 part of it -- the report? That is my  
15 question.

16 MR. RAPP:

17 Your Honour --

18 THE ACCUSED NGEZE:

19 Thank you very much.

20 MADAM PRESIDENT:

21 Mr. Ngeze, avoid interrupting the process.  
22 Just check with your counsel, and they'll  
23 tell you which part of the report.

24

25 We now, with these exhibits -- they are not

1 placed in any particular order in this  
2 stack, are they?

3 MR. RAPP:

4 They are in the order in which we are going  
5 to discuss them.

6 MADAM PRESIDENT:

7 All right.

8 MR. RAPP:

9 If we put them in numerical order, I'm  
10 afraid we'd have caused further confusion.  
11 So that's why they won't -- I'll describe  
12 them; I'll go through them in that  
13 particular order.

14 MADAM PRESIDENT:

15 So your new exhibits are P103/268A.

16 MR. RAPP:

17 Correct.

18 MADAM PRESIDENT:

19 And your next one is P103/132A/R, to  
20 indicate revised pages.

21 MR. RAPP:

22 Right.

23 MADAM PRESIDENT:

24 And P103/137A/R.

25

1 MR. RAPP:

2 That's correct, Your Honour.

3 MADAM PRESIDENT:

4 Yes, so admitted.

5 (Exhibit Nos P103/268A, P103/132A/R, and  
6 P103/137/A/R admitted)

7 MS. ELLIS:

8 Madam President, could Mr. Rapp just clear  
9 up one point on the date. It's a detail.  
10 On the list, P102, this exhibit is dated the  
11 14th of May. On the copy we've just been  
12 given it says the 14th of June. Could he  
13 just assist as to what is the correct date?

14 MR. RAPP:

15 My understanding is that this is the 14th of  
16 May, and that's the way it's been identified  
17 from the beginning. And we may have had an  
18 error in the language section when they  
19 wrote 14/06, but it is to be 14.

20

21 Now, let's just proceed with -- and we will  
22 be, once we conclude this, be offering the  
23 report as well, but I wanted to deal with  
24 the -- these matters first, answering the  
25 questions we have in the case of these

1 24 broadcasts, and we're going to be playing  
2 them in, sort of, 27 sound bites. They are  
3 in order, first of all, on the first page.  
4 For the assistance of the Tribunal, we have  
5 included the page from the Kinyarwanda or  
6 French original, with brackets around the  
7 Kinyarwanda original. And we're not  
8 offering the first page. That is already in  
9 evidence. That's for the assistance of,  
10 particularly, the Accused, who know  
11 Kinyarwanda, to be able to listen as we play  
12 the broadcast, to track it in that manner,  
13 and some us can certainly hear some names or  
14 words in that reading. That's not being  
15 offered.

16  
17 What is being offered is the additional ones  
18 that are attached, which are numbered  
19 according to the number we followed on P102,  
20 which means that if an exhibit has been  
21 previously -- they are all previously and  
22 generally in an "A" series, either a P103 or  
23 a P36, or occasionally, in the case of those  
24 Ruggiu numbers, between 94 and 101 as single  
25 numbers, and "A" follows those for the

1 Kinyarwanda original. A "B" has generally  
2 been the English full transcript or, if we  
3 haven't had a full one and it was first  
4 presented that way, the excerpt -- the "C"  
5 is the French excerpt or the original. But  
6 we've done -- we've taken the liberty of  
7 putting proposed exhibit numbers here for  
8 the assistance of the Tribunal and the  
9 registry, understanding that you may wish to  
10 change them. But where we have already put  
11 the full transcript translation, it's on the  
12 CD-ROM, we've actually had to go to higher  
13 letters, to "E", "F", "G", et cetera.

14  
15 So basically what we have here is 166, where  
16 we're offering P36/60B and P36/60C; then we  
17 have tape index No. 207, where you will note  
18 that there are two excerpts identified in  
19 the Kinyarwanda. So -- but they are all on  
20 one page and will all be presented at the  
21 same time. So we're calling those P103/207B  
22 and P103/207C, for the French.

23  
24 Then we have tape 16. We have, there again,  
25 two parts that have been excerpted and

1 marked, and those would be the official  
2 transcripts -- or excerpts that we've now  
3 obtained from the language section -- would  
4 be P103/16B and 16C.

5  
6 We now go to 268, and these are pages --  
7 here are pages 5 and 6 of that exhibit that  
8 was just admitted, the Kinyarwanda original.  
9 The parentheses 1 means that this has often  
10 been identified as transcript 1 on our list.  
11 That's also a broadcast, as you know, of  
12 May 14th. But the English and French would  
13 be P103/268B and the French 268C.

14  
15 Seventeen, tape 17, again, this is one  
16 that's -- that actually has two excerpts in  
17 it, but we're going to play them at  
18 different times. So for ease of dealing  
19 with that, we're calling the first excerpt  
20 that we're dealing with P103/17B and C, for  
21 the English and French, and the second one,  
22 which is actually two segments that we'll  
23 play subsequently, we put in as P103/17B and  
24 E. We would ask it to be admitted in that  
25 form.

1                   Then we have RTLM 249. The English excerpt  
2                   would be 249B and the French, 249C.

3  
4                   Then we have 134, a familiar passage to us,  
5                   because it was one of the Ruggiu ones, P95,  
6                   and there we've had English, French, full  
7                   transcripts and partial ones, et cetera.  
8                   And I know Judge Møse raised the question  
9                   that one of the excerpts used completely  
10                  wasn't complete enough, so we've asked them  
11                  to make sure that the last sentence was also  
12                  in the version. And we're offering this  
13                  specific excerpt as B95H and I.

14  
15                  Then we have 101, the interview of Mister --  
16                  or the presentation of Mr. Barayagwiza in  
17                  December on RTLM, and that's P103/101B  
18                  and C.

19  
20                  Then 137, and this is the one that has been  
21                  revised, and these are the revised pages of  
22                  Mr. Ruggiu's comments. And they would be  
23                  P103/137B and C.

24  
25                  Then we have -- we've noted that this one is

1 index No. 180, but it was a tape identical  
2 to that identified by Mister -- or  
3 Witness GO, and so it's in under the P36  
4 series, and the French and the English would  
5 be P136/73B and C. 122 is to be the French  
6 and English -- or English and French would  
7 be 122B and 122C in the 103 series. 217  
8 would be P103/217B and C in the 103 series.  
9  
10 P -- or now we get to 40, and 40 is actually  
11 a duplicate of 215, but a better -- a better  
12 audio. And you'll discover today that  
13 sometimes the audio is not as good, so we  
14 always (unintelligible) that could be best  
15 understood by the Accused and others. And  
16 so here we're offering P103D and E. We  
17 actually do have the full French transcript  
18 already into evidence, as, I think,  
19 P103/40C. We're holding the "B" number for  
20 an official translation that's now in  
21 process in the language section.  
22  
23  
24 Now we get to 192, and here we have two  
25 excerpts that are going to be done at

1 different times, and they would be offered  
2 as P -- and the French -- and the English  
3 and French is P103/192B and C, and then the  
4 second one that we call the "bis" section,  
5 is 103/192D and E.

6  
7 Then to tape 111, which is in through the  
8 Ruggiu testimony -- when we do have several  
9 excerpts of it already into evidence. We  
10 have discrete ones here that are being  
11 offered as 99F and 99G.

12  
13 Then to tape 28. We have several versions  
14 here. Because I think B and C are already  
15 used, we have two separates excerpts that  
16 will be played at different times, and we're  
17 using 28D and E in the 103 series for the  
18 English and French of the first one and F  
19 and G for the second.

20  
21 Then to 239, 239B and C in the 103 series.  
22 We're offering those as excerpts of that  
23 broadcast.

24  
25 Tape 36 was another of the -- I mentioned in

1 the Ruggiu that came in under a single  
2 number of 101. And there is a translation  
3 in one language, and we have it at 101D and  
4 E, as this excerpt in English and French.

5  
6 Tape 340 is in the GO material, and this  
7 excerpt/translation would be P36/54B for  
8 English and 54C for French.

9  
10 P103/132, which was the one we talked about  
11 having had a full revision, and we've got  
12 here the pages 4 and 5 of that revision in  
13 the Kinyarwanda. And 132D and E would be  
14 the French -- the English and French. I  
15 think the earlier translation and excerpt  
16 was offered. It may have been based upon  
17 the unrevised transcript.

18  
19 Then we have tape 20. Here, specifically,  
20 P103/2B -- 20B and 20C are the French and  
21 English -- or the English and French  
22 translations.

23  
24 No. 9, P103/9B and 9C are English and  
25 French. 302 would be the English, and

1 French are under P103/302B and 302C.

2

3 And, finally, 103/214A is the Kinyarwanda,  
4 and the excerpts, 214B and C of the 103  
5 series we would be offering as the excerpts  
6 to play in court.

7

8 We would ask that the Chamber admit or allow  
9 these markings to stand so that we can  
10 proceed with the presentation. Thank you.

11 MADAM PRESIDENT:

12 Yes, we'll note this now, but we are going  
13 to come to each individual section and give  
14 the explanation again then. Thank you.

15 MR. RAPP:

16 (Microphone not on) ... schedule in the  
17 break, but I would like to finish dealing  
18 with the report issue. I believe the next  
19 thing that you will all find in your files  
20 are the English -- the particular English  
21 chapters and then the French ones that we're  
22 offering through this witness. In this  
23 regard, we note that we are not at this  
24 point offering, one, the introduction or --  
25 I know it's a useful resource -- the

1 biographies of multiple figures in Rwandan  
2 media, but we would be seeking the admission  
3 of chapters 5, 7, 8, 9, 10, 11, 12, 13, 16,  
4 17, 20, 21, and the conclusion.

5  
6 And the -- I don't know if the Court wishes  
7 to place this under the earlier number, 117,  
8 or at 163. Either way is fine with us.  
9 Obviously, we have the English. We  
10 additionally have the French. And in regard  
11 to the French I would note that there are --  
12 again on this question of Xeroxing, and I  
13 self-noted late last night five pages  
14 missing from the French that were disclosed  
15 to the registry. I have those five  
16 additional pages, and we'll ask  
17 Mr. Matemanga to distribute them. And --  
18 but we'll basically, with that addition, be  
19 offering these chapters of the French report  
20 in English and French as Prosecution  
21 exhibits, either as 163 or as -- I suppose  
22 we could call them 117C and D.

23 MR. MARTEL:

24 Madam President.

25

1 MADAM PRESIDENT:

2 Mr. Martel.

3 MR. MARTEL:

4 Thank you, Madam President. What has been  
5 said by my learned friend confuses me. This  
6 is the first time this morning and during  
7 the hearing I am being told about these  
8 exhibits. I don't know exactly what my  
9 learned friend wishes to do. And I  
10 sincerely wish that the Chamber stipulates  
11 that each time exhibits are identified one  
12 by one the links to them should be made at  
13 the same time, and they shouldn't be  
14 produced as a bundle. I'm very, very  
15 confused. I really do not know where my  
16 learned friend is going.

17 MADAM PRESIDENT:

18 Mr. Martel, that's precisely what we've  
19 directed Mr. Rapp to do, but he has to  
20 repeat each time he hands in an exhibit.  
21 You are quite right; it was a confusing  
22 amount of information given to us at one  
23 stage.

24

25 Well, what's the argument for including

1                   these in original excerpt P160, you said --  
2                   P -- what was the earlier exhibit number,  
3                   117?

4           MR. RAPP:

5                   117 -- A and B were offered through  
6                   Mr. Kabanda, those other chapters, and one  
7                   could call it 117C and D if you wish to use  
8                   that earlier exhibit number to complete that  
9                   and have all the Chrétien reports we're  
10                  offering.

11          MADAM PRESIDENT:

12                  We'll receive them under the new exhibit  
13                  number now. So we distinguish that even  
14                  though it's been provided in one bundle  
15                  called a report, that some of the chapters  
16                  were actually admitted via another witness  
17                  and these through this witness. So what's  
18                  the number again?

19          MR. RAPP:

20                  It would be -- with the CV as P162, this  
21                  would then be P163, Your Honour. And we  
22                  propose -- I think we may want to reverse  
23                  our order because I think we offered it  
24                  French and English or English -- yeah, we  
25                  actually offered it -- it was 117A for

1 French because the French was the original,  
2 and so we prepared to make the original  
3 French as P163A, these chapters, and the  
4 English translation as P163B.

5 MADAM PRESIDENT:

6 Thank you. We'll take the break now of  
7 15 minutes, and you can begin when we  
8 resume.

9  
10 Court will take a short break of 15 minutes.  
11 (Court recessed from 1030H to 1055H)

12 MADAM PRESIDENT:

13 Mr. Rapp.

14 EXAMINATION-IN-CHIEF

15 BY MR. RAPP:

16 Q. Mr. Chrétien, in your report, in the  
17 chapters that have been entered into  
18 evidence, you have described numerous  
19 broadcasts of RTLM and in them a discussion  
20 of the enemy. From your study, is it clear  
21 who RTLM meant about the word "enemy"?

22 A. On this point, which is essential, there's a  
23 problem of vocabulary which arises since  
24 there is a series of synonymous terms --  
25 clearly synonymous in the ears of the

1 listeners, because often there is the term  
2 "Inkotanyi" meaning "the sympathisers of the  
3 RPF", or the "Inyenzi", "cockroach", a term  
4 used in Rwanda since the '60s, and that term  
5 is also used without the word "Tutsi"  
6 appearing.

7  
8 In fact, the similarity used between these  
9 terms and the word "Tutsi" appears, if you  
10 follow the broadcasts, and if you compare  
11 the broadcasts, it's the understanding that  
12 will help you understand the words. So the  
13 enemy which is meant is the Tutsi and it's  
14 accomplices. Amongst the accomplices, the  
15 ibyitso, there are Hutus who do not accept  
16 the logic of genocide.

17 Q. You describe the enemy as including Hutus  
18 who did not accept the logic of genocide.  
19 Why was this group targeted as an enemy?

20 A. Because contrary to what is sometimes said  
21 about an ethnic war between ethnic groups  
22 which are naturally opposed, we are dealing  
23 with a political and ideological conflict  
24 during which extremism, which refers to the  
25 idea of the people -- the Hutu people --

1 requires, absolutely, to break down the  
2 Rwandan society in two parts: Hutus on one  
3 side and Tutsis on the one side. Given the  
4 evolution of the Rwandan society since  
5 independence and also given -- because of  
6 the various polls, there are partisans of  
7 the Habyarimana regime; there were Hutu  
8 opponents, and that is basically what this  
9 propaganda is geared at: break down the  
10 society and have an opposition between the  
11 majority Hutus and the Tutsi minority.

12  
13 Therefore, the Hutus who didn't play this  
14 game are political targets, and basically  
15 they are the victims of this political  
16 target. And they are also considered as  
17 scapegoats.

18 MR. BIJU-DUVAL:

19 Madam President.

20 MADAM PRESIDENT:

21 Yes, Mr. Biju-Duval.

22 MR. BIJU-DUVAL:

23 Just so that there is absolutely no  
24 confusion, I wish to be assured that  
25 Mr. Jean-Pierre Chrétien doesn't have any

1 other documents in front of him apart from  
2 his report. It would seem -- one may have  
3 the impression that he is looking at notes  
4 or prepared notes when he is answering. I  
5 would wish right from the start to be clear  
6 that that is not the case.

7 THE WITNESS:

8 I don't have any notes; I have a block notes  
9 (sic) and on top is "history and the media",  
10 and this was to respond to the idea or  
11 question from counsel from the Defence, and  
12 the rest is my report. Thank you.

13 MR. BIJU-DUVAL:

14 I'm seeing you regularly looking at papers  
15 on your desk and that's where I got the  
16 impression from.

17 THE WITNESS:

18 Madam President, I have the impression that  
19 I am also looking at the flag of the United  
20 Nations, which is right here before me.

21 MADAM PRESIDENT:

22 As well, Mr. Chretien, as long as it's clear  
23 that you only look at a document when it is  
24 presented to you by Prosecution or Defence,  
25 and of course we note that you have this

1 notebook because sometimes you need to jot  
2 down a question.

3

4 So did you complete your answer?

5 THE WITNESS:

6 I believe so.

7 BY MR. RAPP:

8 Q. Let's proceed. Back to the question of the  
9 Tutsi enemy. What part of the Tutsi are the  
10 enemy in the terms -- or as meant by RTLM?

11 A. Once again, the RTLM often used the term  
12 "Inyenzi", "cockroach" and "Inkotanyi" which  
13 refers to "combatant", rapidly translated,  
14 and it was used apparently to indicate only  
15 the militants of the RPF; whereas, in fact,  
16 behind that term one finds clearly the whole  
17 of Tutsis in Rwanda.

18 Q. Did this message change over time?

19 A. It's one of the most stable messages, a  
20 propaganda which was well grounded and did  
21 not begin with the beginning of the  
22 broadcasts of RTLM in July of 1993, but was  
23 already present in other press organs since  
24 1990.

25

1 MR. RAPP:

2 Let's proceed now. If I can ask the booth  
3 to put on the video screen our presentation  
4 here and review a passage. We had this  
5 working a seconding ago. Do I need to  
6 hit -- we'll start with it here, and I hope  
7 it --

8 (Audiovisual cassette played)

9 MR. RAPP:

10 Before I play the French -- I'll play the  
11 French here in a moment, but we're working  
12 with a technical thing I omitted to say.  
13 Directing everyone's attention to the  
14 exhibit of the broadcast number 166,  
15 specifically 36/60B and 60C, a broadcast  
16 identified as that of Valerie Bemeriki on  
17 RTLM on the 16th of March 1996.

18  
19 Before I put the question to you, though, we  
20 will play this particular excerpt again in  
21 Kinyarwanda and in the French translation.  
22 The software, however, omitted the accents.  
23 That's the problem with software from some  
24 parts of the world.

25 (Audiovisual cassette played)

1 BY MR. RAPP:

2 Q. Professor Chrétien, this is a passage that  
3 you've cited in your report, and we've  
4 provided the Defence and everyone with a  
5 chart as to all of the quotations from RTLM  
6 and where they appear in the report and  
7 where they appear in disclosures, but what  
8 is the significance --

9 JUDGE MØSE:

10 Could I have the page there in the report,  
11 Mr. Rapp.

12 MR. RAPP:

13 Ah. It's in the -- do we have the chart? I  
14 believe that the French is at 19/110, but  
15 that's my recollection.

16 MADAM PRESIDENT:

17 And while you're there, repeat that exhibit  
18 again. Exhibit 166/36?

19 MR. RAPP:

20 This is the top one in the pile, and it is  
21 166, which is index No. 166, but understand  
22 that this is a tape, the source of which  
23 goes back to GO, so it is in evidence -- or  
24 we proposed it to be in evidence as P36/60B  
25 for the English, C for the French.

1 MR. MARTEL:

2 Madam President, I'm sorry to interrupt. I  
3 need clarification.

4 MADAM PRESIDENT:

5 What clarification?

6 MR. MARTEL:

7 What will happen to the stenographer -- to  
8 the court reporters' notes, because we've  
9 heard Kinyarwanda and we've seen French and  
10 English on the screen? Will the court  
11 reporters be able to take the notes in  
12 English and in French?

13 MR. RAPP:

14 Certainly it was our intention, and as we  
15 asked for the investment of the language  
16 section in this project was to basically  
17 allow the court reporters to simply take  
18 these texts and incorporate them in their --  
19 in the report without having to do any  
20 additional work.

21 BY MR. RAPP:

22 Q. So, Professor Chrétien, what's the  
23 significance of this passage?

24 A. Immediately, we need to realise that this is  
25 Valerie Bemeriki speaking on 16 March 1994;

1 in other words, between the signature of the  
2 Arusha Accords and the genocide, so before  
3 the genocide. And what appears is that  
4 there are two important points, as far as I  
5 am concerned, that in the face of the  
6 possibility of resumption of conflict,  
7 because the peace (sic) had been signed,  
8 it's not a classical war, traditional war;  
9 it's a civil war with the use of bladed  
10 weapons, a war using civilians. And the  
11 specific important point which struck me is  
12 that we need to realise that this conflict  
13 will affect the children and the  
14 grandchildren of the Inkotanyi -- in other  
15 words, the intervention of hereditary,  
16 solidarity, and somewhat a hereditary guilt,  
17 of a group known as Inkotanyi. And I think  
18 people need to understand "Tutsi" in the use  
19 of the term "Inkotanyi" in this passage.

20 Q. Thank you.

21 MR. RAPP:

22 And I see Judge -- vice-president looking in  
23 my direction. As I looked at it -- this is  
24 in the French report. I was off by two  
25 pages, 19112bis. It's a longer passage and

1 we've included only a part of it because the  
2 other parts are actually separated by  
3 omissions, and we tried to avoid that. And  
4 this is charted on this particular five-page  
5 chart that was disclosed on the 19th of June  
6 2002, which tracks not just these excerpts,  
7 but all excerpts that could be identified by  
8 the expert, so there would be reference to  
9 our exhibits and reference to the CD-ROM.

10 BY MR. RAPP:

11 Q. Thank you very much, Professor. Let's  
12 listen to another, later excerpt, the next  
13 one in the group, which is P103/207, and --

14 MADAM PRESIDENT:

15 Sorry, Mr. Rapp. Do you have extra copies  
16 of the chart? Otherwise, Mr. Matemanga  
17 could make some copies.

18 MR. RAPP:

19 I'll just separate the memo and the chart,  
20 but if you could make additional copies of  
21 that. The ones that we intended to offer in  
22 court we put a note No. 1 by them in that  
23 chart.

24

25 Now, I would like to go, as I indicated, to

1 a passage that's P103/207B and C.

2 THE ENGLISH INTERPRETER:

3 Madam President, could the number be  
4 repeated, please?

5 MR. RAPP:

6 It's in the next -- just the next item in  
7 the group, P103/207, B for the English, C  
8 for the French, a broadcast in which the  
9 announcer Kantano Habimana -- on RTL, M,  
10 17 May 1994.

11 (Audiovisual cassette played)

12 THE ACCUSED NGEZE:

13 We don't have sound here.

14 MR. RAPP:

15 Well, with the sound quality on that  
16 particular one, we hope (unintelligible).

17 BY MR. RAPP:

18 Q. But, Professor, why don't you take a look at  
19 Exhibit P103/207. Do we have that before  
20 the witness?

21 A. Yes.

22 Q. And would you tell us what -- and perhaps in  
23 greater detail, pointing to the passages,  
24 what's significant about this particular  
25 passage.

1       A.           First of all, I'll say that the text we saw  
2                    on the screen was not the correct one; it is  
3                    not the correct text. So let me refer to  
4                    the document 0207. This is Kantano Habimana  
5                    speaking on the 17th May 1994, and he is  
6                    saying in summary that when the Sebahinzi --  
7                    in other words, the children of Sebahinzi,  
8                    the children of the clearers of the bush,  
9                    literally -- we are looking at the Hutu who  
10                   is a Hutu farmer. So here we are dealing  
11                   with one of the terms referred to -- used to  
12                   refer to Hutus. When the children of  
13                   Sebahinzi arrive in Kigali, he says that  
14                   they will not -- when the Inkotanyi will  
15                   arrive in Kigali, they will not find anyone  
16                   who will be close to them. They will only  
17                   find the children of Sebahinzi.

18  
19                   And here it is understood that there will  
20                   only be Hutus; there will no longer be any  
21                   Tutsis. So it's the idea that the military  
22                   victory of the RPF will coincide with the  
23                   total disappearance of Tutsis in the  
24                   country. That's the essence of the text.

25

1                   And then, I believe, there is a second  
2                   passage which is given to me -- I have it on  
3                   the page, at least. And this refers to a  
4                   song by Simon Bikindi on the children of  
5                   Sebahinzi. It refers to a whole propaganda  
6                   which goes along with what I've just been  
7                   trying to explain, and it says that the  
8                   Inkotanyi are now about to disappear, and  
9                   they are presented as wandering dogs in the  
10                  forest and hiding in holes, and they are the  
11                  survivors of the killings which were brought  
12                  about by the fighters.

13         Q.           But in terms of how these victims are  
14                   described, what does that mean to you about  
15                   who the enemy was in this particular  
16                   broadcast?

17         A.           Yes, under the term "Inkotanyi", we are  
18                   spoken -- people are spoken of who are in  
19                   holes and they are wandering around, and the  
20                   Rwanda army, according to Kantano, is going  
21                   through the bushes, holes and the valleys,  
22                   looking for those who have remained. Today  
23                   they are like pigs and they are sad to look  
24                   at. This is dealing with the survivors.  
25                   Essentially, the Tutsis who are hiding, they

1 are hiding as best they can in the bushes in  
2 order to escape the killings.

3 MR. RAPP:

4 Let's just try that second passage to see if  
5 there is perhaps just a problem with the  
6 first one.

7 (Audiovisual cassette played)

8 MR. RAPP:

9 The sound quality is not good enough on  
10 that. Let's try the second passage,  
11 specifically.

12 (Audiovisual cassette played)

13 MR. RAPP:

14 The sound quality is not very good. I don't  
15 think we'll attempt to repeat it in French.  
16 We have the text in front of us. Let me  
17 then go to another excerpt, specifically,  
18 16 --

19 THE WITNESS:

20 May I? I need to say that when we worked on  
21 the cassettes, we had much better sound, and  
22 I think it's the fact that this has been put  
23 on CD-ROM. But, otherwise, from the  
24 translators, we have the translation which  
25 has been done from the Kinyarwanda texts,

1 which I also have in this document.

2 MR. MARTEL:

3 By your leave.

4 MADAM PRESIDENT:

5 Yes, Mr. Martel.

6 MR. MARTEL:

7 Should I understand that the cassette that  
8 we have just heard does not correspond to  
9 the original cassette that you are on, which  
10 the expert worked? Is that what I am  
11 supposed to understand?

12 BY MR. RAPP:

13 Q. Just to put that question to you, when we  
14 looked at 207, was this the one that you  
15 worked with?

16 A. Yes. What I mean is that the cassette, the  
17 original cassette from the ICTR collection,  
18 for the work which was done there, were  
19 copies which were made, obviously. And  
20 there I realised that when we were listening  
21 to this cassette on an ordinary tape  
22 recorder we could hear these words very  
23 clearly. So I'm sure about the text which  
24 is here, but when we listen to this copy on  
25 the CD-ROM obviously there is a technical

1                   problem which makes the sound much poorer.  
2                   This is something I am just saying as I've  
3                   noticed it.

4           MR. MARTEL:

5                   Madam President, unless the witness is  
6                   making a deduction, he was not a witness of  
7                   what he is saying.

8           MADAM PRESIDENT:

9                   Mr. Rapp, do you have the audio cassette  
10                  before it was fed into the CD-ROM?

11          MR. RAPP:

12                  Yes, and that particular audio cassette is  
13                  in evidence in this case as P103/16.

14          MADAM PRESIDENT:

15                  Yes. So proceed then.

16          MR. RAPP:

17                  Oh, P103/207. I'm now --

18          MADAM PRESIDENT:

19                  If you are calling out references, do be  
20                  clear on them. We can hardly catch what you  
21                  said. What is the cassette reference again?

22          MR. RAPP:

23                  It's 103/207.

24          MADAM PRESIDENT:

25                  All right.

1 JUDGE MØSE:

2 And is the point of departure now  
3 chapter 16, RTLM propaganda during the  
4 genocide? Is that the point of departure?

5 MR. RAPP:

6 Yes, that's correct.

7 JUDGE MØSE:

8 Yes. And which page there, please?

9 MR. RAPP:

10 Well, we'll be looking at -- again, we've  
11 come with the list in the order by the  
12 chapters, and as we march through this we  
13 can find it by looking at the ones --

14 MR. MARTEL:

15 I'm sorry to interrupt once again, but I am  
16 taking advantage of this pause to ask my  
17 learned friend, by leave of the Chamber,  
18 obviously, to indicate to us the exact page  
19 in which we can find these extracts in the  
20 expert's report.

21 MR. RAPP:

22 As I indicated, we provided a chart of all  
23 of the things put together as one goes  
24 through the report from the beginning to the  
25 end, and I can, at a point in time -- I've

1 got another document -- I don't know if  
2 Professor Chrétien may have it in his notes  
3 as well -- that refers to these officially,  
4 but these are official translations of  
5 excerpts that are designated in the report.  
6 Now this is from chapter 16, and as one  
7 marches through the chart --

8 BY MR. RAPP:

9 Q. I should ask you, Professor Chrétien,  
10 specifically this passage in your report,  
11 what page is it in the French version?

12 THE ENGLISH INTERPRETER:

13 Microphone for the witness, please.

14 Microphone. Could he be asked to repeat.

15 THE WITNESS:

16 I don't have the list of my documentation  
17 with me here. I thought that you had a copy  
18 in which we brought out the extracts which  
19 you've selected and how they corresponded to  
20 our report. There is such a list, but I  
21 don't have it; I hope you do.

22 MR. RAPP:

23 And we do have that, and I'll --

24 MR. MARTEL:

25 Madam President.

1 MADAM PRESIDENT:

2 Just hold on, Mr. Martel. You just asked a  
3 question and we are waiting for the  
4 response.

5 MR. RAPP:

6 I note that this particular tape is quoted  
7 on page 18,998bis of the French version of  
8 the report, and 26,759 of the English. And  
9 let me make sure that that's the same  
10 quotation.

11 JUDGE MØSE:

12 Yes, page 167 and 168 of the report, 26,759  
13 and 26,758. That was very helpful. Thank  
14 you very much indeed.

15 MADAM PRESIDENT:

16 Yes, Mr. Martel. We have the English page.  
17 What were you inquiring?

18 MR. MARTEL:

19 I wanted to have the exact page in French.  
20 The photocopy I have here in French doesn't  
21 enable me to read the pages which are not  
22 properly reproduced. They are not properly  
23 copied. I would wish at each time,  
24 reference is made to each page of the  
25 expert's report so that we are kept within

1 the meaning of the context.

2 MR. RAPP:

3 Well, this report, of course, was disclosed  
4 in December, and the page numbers that we're  
5 referring to were part of the disclosure,  
6 so, obviously, we at the Tribunal don't  
7 benefit always from full toner when we make  
8 all these additional copies for people to go  
9 to trial.

10

11 Anyway, let's proceed at this time to --

12 MADAM PRESIDENT:

13 So just to help you a bit then, Mr. Martel,  
14 if you look at the index provided by the  
15 Prosecution, and adjacent to English page  
16 number of the report 26,760 is 19,000bis.  
17 So the French would be 19,000bis, according  
18 to this chronology.

19 MR. RAPP:

20 Let's at this time go to passage 16 and  
21 check our audio on that.

22 (Audiovisual cassette played)

23 MR. RAPP:

24 There is a second part of the excerpt, as  
25 one can see from the exhibit, that we're

1 dealing with here, which is Gaspard Gahigi  
2 on RTLM on 30 May 1994, P103/16, and there  
3 are two excerpts from -- that are in close  
4 proximity, so we are going to play the  
5 second one of them.

6 (Audiovisual cassette played)

7 MR. RAPP:

8 Now let's play that in French.

9 (Audiovisual cassette played)

10 MR. RAPP:

11 And that's from the second excerpt in  
12 French.

13 (Audiovisual cassette played)

14 BY MR. RAPP:

15 Q. Professor, what's the significance of these  
16 particular passages?

17 A. First of all, I would like to make an  
18 initial observation. I often work as an  
19 historian, but I would also like to have a  
20 list of these passages with the references  
21 of the pages because we can't keep these in  
22 our minds while referring to the extracts.  
23 Now, that's my first observation.

24

25 Secondly, in this passage which I have just

1                   listened to in that selection, I'm hearing  
2                   the voice of Habimana, Kantano, rather than  
3                   Gaspard Gahigi's voice. So I think there is  
4                   a small problem there. That being the case,  
5                   nonetheless, the content is quite clear  
6                   because this time around there's the famous  
7                   percentage mentioned of the population: 90  
8                   per cent as opposed to 10 per cent; 90 per  
9                   cent of Hutus against 10 per cent of Tutsis.  
10                  And it is said that if the 90 per cent of  
11                  the people -- in other words, all the Hutus  
12                  in this propaganda -- obviously, it's not  
13                  all Hutus in the reality of the genocide,  
14                  but that's the propaganda. If the Hutus  
15                  were supposed to attack one thing called the  
16                  Inkotanyi, they will disappear, and it's a  
17                  suicide by these people.

18                  (Pages 49 to 91 by S. Fleming Eboe-Osuji)

19  
20  
21  
22  
23  
24  
25

1 1130H  
2 The second passage is also completely clear.  
3 The equation in Inkotanyi equals Hutu  
4 because it is said, "If all the Hutu  
5 children were to rise as one and say that we  
6 no longer want any Tutsi descendants in our  
7 country, what will be done?" So, this is an  
8 equation which is made between the Inkotanyi  
9 -- in other words, the RPF -- and all the  
10 Tutsi.

11 JUDGE GUNAWARDANA:

12 I think there are two voices in that tape.

13 THE WITNESS:

14 Indeed, there is. That was a mix of voices,  
15 but the voice -- I believe I'm not wrong --  
16 the one that I'm hearing is that of  
17 Habimana, Kantano, and not Gaspard Gahigi.

18 JUDGE GUNAWARDANA:

19 Who is the second voice who appears there?

20 Can you identify him?

21 THE WITNESS:

22 For the second passage? I think it's the  
23 same voice. I think it's the same voice.

24 JUDGE GUNAWARDANA:

25 If so, why are there two voices coming at

1 the same time?

2 THE WITNESS:

3 Yes. In the background there's another  
4 voice which seems to be that one of Valerie  
5 Bemeriki.

6 JUDGE GUNAWARDANA:

7 So there are, in fact, two speakers there in  
8 that tape?

9 THE WITNESS:

10 I think that is quite frequent in the RTLM  
11 broadcasts, that there'd be one, two or  
12 three journalists together. And, here, if  
13 we are looking at Kinyarwanda text which I  
14 have been given, it -- they say, "Good  
15 morning, Gahigi". The person who is saying,  
16 "Good morning, Gahigi" is the one I believe  
17 speaking later on after Simon Bikindi's song  
18 has gone, a song which was often on air,  
19 Bene sebahinzi", and I think it's Gahigi who  
20 is speaking. So there's a dialogue between  
21 these two journalists.

22 JUDGE GUNAWARDANA:

23 Are you able to clearly identify the  
24 dominant voice?

25

1 THE WITNESS:

2 It's Kantano Habimana.

3 MR. RAPP:

4 Again, Your Honours, I do now have the list  
5 of these done in the other direction of  
6 reference, obviously the extensive one about  
7 the 250 extracts and sequentially through  
8 the report. I believe that appears at 19015  
9 of the French version, 19015bis and 26775  
10 and 76 of the English.

11 BY MR. RAPP:

12 Q. Professor Chrétien, you said Bene sebahinzi  
13 was a song often played, and I think we may  
14 have discussed that with the last one on  
15 which we didn't have very good audio. What  
16 does, to your knowledge, Bene sebahinzi  
17 refer to?

18 A. In the previous passage, I think I already  
19 explained that this is an expression which  
20 means the children or sebahinzi, or the  
21 word-by-word translation is the "children of  
22 the bush clearers", and this is something  
23 which is also found in Simon Bikindi's song.  
24 It's an image which refers to Hutu.

25 Q. Let's proceed now to 268, that being a tape

1 of May 14th, 1994, which, to the best of our  
2 knowledge, looking at -- at least, the  
3 Kinyarwanda and the names are done -- a tape  
4 of Kantano Habimana. That particular part  
5 is referred to in your report as 19016bis  
6 and in the English as 26776bis. And now  
7 let's go to that in English.

8 (Audiovisual cassette played)

9 MR. RAPP:

10 And in French.

11 (Audiovisual cassette played)

12 BY MR. RAPP:

13 Q. Professor Chrétien, what is the significance  
14 of this broadcast?

15 A. This goes along the same lines as the  
16 previous line. It's a matter of a family  
17 whose members are few.

18 MR. BIJU-DUVAL:

19 Madam President.

20 MADAM PRESIDENT:

21 Yes, Mr. Biju-Duval.

22 MR. BIJU-DUVAL:

23 Mr. Nahimana is mentioning a problem of  
24 translation.

25

1 MR. RAPP:

2 We obtained, rather than translations from  
3 the booth, official translations from the  
4 language section so that we could avoid  
5 interruptions based on translations and  
6 allow the Defence to raise that as part of  
7 their cross-examination but -- so we'd  
8 object to interventions when we have  
9 official translations.

10 MADAM PRESIDENT:

11 Well, we nevertheless would like to place  
12 this on record for the moment. So, let's  
13 hear from Mr. Nahimana.

14 THE ACCUSED NAHIMANA:

15 Thank you, Madam President. The problem can  
16 be found in the last sentence in which it is  
17 said in Kinyarwanda "Yakuyeho" -- no  
18 "Ubworero" -- maybe, during this war this  
19 war may have killed two per cent". This  
20 possibility does not appear anywhere, either  
21 in the French or English translation, and  
22 there is an affirmation and the possibility  
23 is not included, and this is quite clear  
24 because the journalist is not making a  
25 categorical statement.

1 MADAM PRESIDENT:

2 Mr. Chrétien, just put your mike on.

3 THE WITNESS:

4 May I continue with my explanation?

5 MADAM PRESIDENT:

6 Yes.

7 THE WITNESS:

8 Quickly, I think, there maybe appears in  
9 "the war must", but that's an approximation.  
10 So I'm coming back to my explanation.  
11 There's the same use of the word "Inkotanyi"  
12 and all the Tutsi in a clear fashion  
13 because, when they refer to the numerically  
14 weak family, in the beginning the journalist  
15 is apparently speaking about the Inkotanyi  
16 and he qualifies it "as small group". The  
17 word "agatsiko" is often used for Tutsi.  
18 And immediately there is a reference to  
19 the -- a move from the reference of  
20 Inkotanyi to the Tutsi. We are not  
21 scientifically or politically analysing a  
22 text, but this is a radio broadcast, and the  
23 juxtaposition of words is very important  
24 because the listeners will understand that  
25 behind the word "Inkotanyi", in fact, the

1                   journalist is referring to Tutsi, so he says  
2                   obviously the war must have already reduced  
3                   them to eight per cent. So, once again,  
4                   there is not the use of the word  
5                   "Inkotanyi", but all the Tutsi. And he  
6                   believes that their death is quite normal,  
7                   it's merited. And he's speaking about the  
8                   word "suicide", and often we find this idea  
9                   that the Tutsi who were massacred are, in  
10                  fact, people who are like people who commit  
11                  suicide.

12       BY MR. RAPP.

13       Q.            Again, just from your knowledge of  
14                    Kinyarwanda, do we have eight and  
15                    ten per cent referred to in this text?

16       A.            Yes. There is "babiri kwi jana", which is  
17                    two per cent. I'm looking for the "eight",  
18                    I'm sorry. Yes. It's there.

19       THE ACCUSED NGEZE:

20                    Madam President, I'm sorry to disturb the  
21                    proceedings. I think this should be the  
22                    task for the interpreters, not the witness  
23                    because he doesn't speak Kinyarwanda.

24       MADAM PRESIDENT:

25                    Sit down, Mr. Ngeze. How many times must we

1 tell you that you have to speak through your  
2 counsel? We have on record what  
3 Mr. Nahimana said, that, in the text,  
4 there's a reference to the possibility,  
5 firstly, and not a categorical statement,  
6 and there's a reference to two per cent  
7 which Mr. Chrétien has just confirmed is in  
8 that text. The reference of two per cent  
9 does not appear in the translation provided  
10 to us. So we have that on record.

11 MR. RAPP:

12 Let's now go on to the excerpts from  
13 tape 17; that's P103/17A in the Kinyarwanda.  
14 Here we have two passages, but at this point  
15 we'll only be dealing with one of them.  
16 We'll come back to the other at a later  
17 point, and we are looking right now for the  
18 one; that's the second set, the 17Ebis and  
19 P17Eter and Fbis and Fter in French. This  
20 is a broadcast that appears to be that of  
21 Habimana, Kantano, on 31 May 1994, and in  
22 terms of our report, and the page number  
23 -- I'll find that in a moment and provide  
24 that to you. But let's go to the passage,  
25 17Be.

1 (Audiovisual cassette played)

2 MR. RAPP:

3 Now, there's a second passage identified in  
4 the Kinyarwanda with the third one in the  
5 full text that we'll go to in English.

6 (Audiovisual cassette played)

7 MR. RAPP:

8 Now both of these in French.

9 (Audiovisual cassette played)

10 MR. RAPP:

11 And now the last passage in French.

12 (Audiovisual cassette played)

13 MR. RAPP:

14 I believe this passage is referred to, at  
15 least in part, in your report, at least, at  
16 page 18984bis in the French and 26743 --  
17 that we made a selection of it ourselves.

18 MR. BIJU-DUVAL:

19 Madam President, Mr. Nahimana is mentioning  
20 a problem of translation which we need to  
21 look at.

22 MADAM PRESIDENT:

23 Mr. Biju-Duval, we want to hear the  
24 testimony; on the other hand, we want to  
25 place on record any dispute in translation.

1 To avoid the interruptions, can Mr. Nahimana  
2 make a note of it and we will receive them,  
3 but he's got to tie it with the particular  
4 exhibit, and so on, if he can. And just  
5 keep a note of it and we'll receive them at  
6 one point.

7 BY MR. RAPP:

8 Q. Mr. Chrétien what is the --

9 MR. BIJU-DUVAL:

10 Madam President.

11 MADAM PRESIDENT:

12 Yes.

13 MR. BIJU-DUVAL:

14 The expert can only express himself on a  
15 translation which has been verified during  
16 the hearing. This is how we have proceeded  
17 thus far, because we have on very many  
18 occasions seen that there are serious  
19 discrepancies in the translations of  
20 documents provided by the OTP. It would  
21 seem to me absolutely essential for us to be  
22 able to examine in a useful manner the  
23 expert's testimony. The raw material should  
24 be examined.

25

1 MADAM PRESIDENT:

2 Let's hear this serious discrepancy, and let  
3 it be a serious discrepancy if we have to  
4 have these interruptions. Now, go ahead  
5 Mr. Nahimana.

6 THE ACCUSED NAHIMANA:

7 Madam President, I guarantee that I will not  
8 interfere if it's not serious. But, here,  
9 it's serious. Page 6 on the Kinyarwanda  
10 page where it is said -- and at the end of  
11 the translation in the French, it is said  
12 here "appelée Inyenzi-Inkotanyi, des tutsi",  
13 which is not true, because in Kinyarwanda  
14 "z'Abahutu" is the adjective; in other  
15 words, the Tutsi Inyenzi-Inkotanyi, and not  
16 the Inyenzi and then Tutsi. So with the  
17 comma, we have a group; whereas, in fact, we  
18 are dealing with the adjective, the  
19 qualifier in Kinyarwanda. That is my  
20 contribution. And it is, in fact, the group  
21 which should be looked at here, and it's not  
22 -- so, it's the Inyenzi-Inkotanyi.

23

24 Thank you, Madam President.

25

1 MADAM PRESIDENT:

2 Yes, thank you, Mr. Nahimana.

3 BY MR. RAPP.

4 Q. Professor Chrétien, could you tell us what,  
5 in your opinion, is the significance of this  
6 particular broadcast, these two extracts of  
7 this broadcast of 31 May?

8 A. It's a passage which, I believe, is quite  
9 significant of the similarity made between  
10 Inyenzi, Inkotanyi and Tutsi. Firstly, in  
11 the first passage, it's a matter in French  
12 of their Tutsi benewanyu in Kinyarwanda,  
13 their kin, their cousins and so on and so  
14 forth. So, there is this blood link between  
15 the Inyenzi, Inkotanyi and Tutsi.

16  
17 Then I must say that I do agree with the  
18 rectification made by Ferdinand Nahimana,  
19 but I don't come to the same conclusion. I  
20 do, in fact, believe that the comma, which  
21 says "Inyenzi-Inkotanyi," means Tutsi, does  
22 not translate properly "z'Abatutsi". In  
23 fact, there is a qualitative link, an  
24 adjectival purpose referring to the  
25 Inyenzi-Inkotanyi, using the term "Tutsi".

1 In any case, the similarity, the verbal  
2 relationship linking Inkotanyis, Inyenzi and  
3 Tutsi is very important.

4  
5 And there's something else in this passage.  
6 Normally, Hutu, in inverted commas, are  
7 defined -- or qualified as the majority of  
8 people, and we'll come back to this  
9 expression quite often -- rubanda  
10 nyamwinshi -- in our discussions. And here  
11 we have clearly the word "ubwoko", which is  
12 translated as "ethnic group". So we see  
13 clearly that the majority Hutu against the  
14 minority Hutu and the death of the  
15 Inyenzi-Inkotanyi, in fact, is the death of  
16 the Tutsi and, according to the journalists,  
17 they are committing suicide. So I think the  
18 idea of suicide, the idea of  
19 majority-minority is clearly ethnicised.

20  
21 And often it is not seen because often the  
22 journalists are quite careful and propaganda  
23 is organised in such a way that they use  
24 words which can stop them from being finally  
25 accused of being racist. Here it is the

1 31st of May. There have already been  
2 broadcasts where the journalists of the RTLM  
3 are worried about the decision on the  
4 conference of the United Nations on human  
5 rights which, I think, took place in Geneva  
6 on the 23rd -- 24th and 25th May.

7 Q. Professor, you were talking, to a large  
8 extent, about the first passage. Anything  
9 particular in the description by this  
10 announcer about his dialogue with  
11 General Dallaire that is significant?

12 A. I commented on a text in the first and the  
13 second texts, but I didn't comment on the  
14 introduction to the second passage -- that  
15 is indeed true -- where Kantano Habimana  
16 says or claims to have had discussions with  
17 General Dallaire, blaming him for showing  
18 preference for Tutsi.

19  
20 We know this is an aspect of the RTLM's  
21 propaganda. Since the beginning of 1994 in  
22 the broadcasts where General Dallaire, a  
23 Canadian -- often there was an association  
24 made with the fact that one of the leaders  
25 -- one of the Tutsi leaders who was

1                   assassinated during the genocide, Lando  
2                   Ndasingwa, had a Canadian wife. So, there's  
3                   a whole atmosphere which is brought about by  
4                   this propaganda which is against the  
5                   Belgians and UNAMIR, and this is well before  
6                   the genocide.

7           Q.           So, let's go to 249, the next one in the  
8                   stack. P103/249A is the Kinyarwanda, and we  
9                   have a short excerpt in English and French,  
10                  and this particular one, for the Court's  
11                  reference and for counsel, was cited at  
12                  page 19079bis of the French report. That  
13                  was 26788 of the English. And it appears to  
14                  be a broadcast of May -- excuse me, June 5  
15                  -- June 6th by Ananie Nkurinziza of RTLM.  
16                  (Audiovisual cassette played)

17       MR. RAPP:

18                   Now, in French.  
19                   (Audiovisual cassette played)

20       BY MR. RAPP:

21       Q.           Professor Chrétien, what is the  
22                   significance, in your opinion, of this  
23                   passage?

24       A.           Here we find vocabulary we have seen before;  
25                   in other words, this clique of Tutsi, which

1 is used to refer to the Inyenzi. So is it  
2 only the RPF, or is it all the Tutsi that is  
3 referred to? The juxtaposition of the two  
4 is very suggestive, but there is something  
5 quite serious and troubling in this passage,  
6 in that Ananie Nkurinziza, who was one of  
7 the analytical journalists -- I would say,  
8 he was much more so than Kantano Habimana.  
9 And here we are at the beginning of June, he  
10 is saying that we are going towards a future  
11 where there will no longer be any Tutsi in  
12 the country. This is once and for all,  
13 burundu in Kinyarwanda.

14  
15 So this analysis suggests that the Inyenzi  
16 are going to disappear once and for all,  
17 because the atmosphere which produces the  
18 Inyenzi -- in other words, the Tutsi, will  
19 have disappeared. This is the conclusion --  
20 the terrible conclusion which says that  
21 there will be one per cent to lead the  
22 country -- will be driving us out of the  
23 country; in other words, it's understood  
24 that the Tutsi will have disappeared.

25 Q. Now, the one per cent -- your suggestion, is

1 the one per cent is referring to Tutsi or is  
2 it referring to Inkotanyi, the RPF soldiers?

3 A. I think that, since mention is made of the  
4 fact that this name -- of the number -- the  
5 term "Inyenzi" should be forgotten forever;  
6 in the future there will only be the  
7 soldiers of the RPF since the other Tutsi  
8 will have disappeared.

9 Q. Let me now go to the last one that I'll be  
10 raising under this question of the  
11 identification of the enemy. It's a  
12 familiar one that included the last sentence  
13 that we have had in this Court here before,  
14 and this is tape 134; specifically it's in  
15 as 95A in Kinyarwanda, and our excerpts  
16 today in English are in 95H, in French -- or  
17 English, and 95I in French. And this is, of  
18 course, the tape of Kantano Habimana on RTLM  
19 on 4 June 1994, and it's in your report in  
20 the French version as 190171bis in the  
21 French, and 26777 in the English.

22 (Audiovisual cassette played)

23 MR. RAPP:

24 And now in French.

25 (Audiovisual cassette played)

1 BY MR. RAPP:

2 Q. Professor Chrétien, what is the significance  
3 of this passage and also the significance of  
4 that last sentence about destinations or  
5 place names?

6 A. First of all, this is an absolutely  
7 terrifying passage because it clearly talks  
8 about the extermination of one ethnic group  
9 and which is defined by its physical  
10 appearance. In brackets, this is a racial  
11 image regarding Hutu and Tutsi because, as  
12 you know, often during the massacres they  
13 tried to check a person's identity card, who  
14 was a Hutu and who was a Tutsi, but  
15 according to this racial image it was easy  
16 to identify this person and break him.

17  
18 The second question regarding the end of the  
19 passage -- that is, going on to Kibungo,  
20 Rusomo, Rugambe (phonetic), Ruhengeri and  
21 Byumba -- this evokes the march-military  
22 region, since the massacres had already  
23 taken place -- march towards regions which,  
24 apart from Ruhengeri, were being held by  
25 RPF. So we can see clearly how the

1 massacrés, on one hand, and the wounded, on  
2 the other hand, can be decoded in this  
3 passage, and this applies also to the  
4 previous passage.

5 JUDGE GUNAWARDANA:

6 Witness, in which language was this passage  
7 spoken originally?

8 THE WITNESS:

9 In Kinyarwanda.

10 JUDGE GUNAWARDANA:

11 So how would you identify the speaker if he  
12 spoke in Kinyarwanda?

13 THE WITNESS:

14 The journalist who is reading out this  
15 passage -- that is, Kantano Habimana -- as I  
16 said earlier, I listened to a lot of  
17 cassettes and discussed translations with  
18 Joseph Ngarambe during the preparation of  
19 our books, so I had the habit of recognising  
20 the voice of certain journalists. Notably,  
21 it's easy to recognise the voice of Kantano  
22 Habimana.

23 JUDGE GUNAWARDANA:

24 You have not listened to these passages in  
25 the original language spoken?

1 THE WITNESS:

2 It's obvious that when these words were  
3 spoken -- I was not in Rwanda when they were  
4 spoken for the first time. But,  
5 subsequently, when we obtained recordings of  
6 the RTLM towards the end of 1994, I had the  
7 opportunity of listening to various  
8 excerpts. I'm not sure whether I heard this  
9 specific excerpt because, as I said earlier,  
10 some cassettes we worked on in 1995; others  
11 were given to us by the ICTR, and in this  
12 case we basically relied on the official  
13 ICTR translations by trying, as often as  
14 possible, to countercheck on our side. This  
15 is an exercise that is not easy, but we did  
16 try to conduct such an exercise often.

17 JUDGE GUNAWARDANA:

18 Could you, please, explain the process by  
19 which you identified the voice of this  
20 particular journalist that you referring to?

21 THE WITNESS:

22 In our working team, Joseph Ngarambe, who  
23 was a member of the working group, is a  
24 survivor of the Kigali massacres of  
25 April 1994. He was living in Rwanda at that

1 time. He used to listen to RTLM. He fled  
2 in April 1994 from Kigali. So, he could  
3 easily identify the voices of journalists.  
4 Moreover, he was not the only one who  
5 identified such voices. All people who  
6 lived in Rwanda at that time recognised  
7 those voices. So it was unambiguous. In  
8 that way I was their student, so I learned  
9 how to recognise those voices.

10 JUDGE GUNAWARDANA:

11 Thank you.

12 BY MR. RAPP.

13 Q. Now, Professor Chrétien, we played here, I  
14 believe, seven excerpts about the  
15 identification of the enemy. Are these rare  
16 or are these common in the course of the  
17 tape evidence that you have reviewed  
18 involving RTLM?

19 A. As a matter of fact there are many passages  
20 where all these vocabularies, such as "Hutu  
21 majority", "Tutsi clique",  
22 "Inyenzi-Inkotanyi", and so on and so forth,  
23 in a context evoking Tutsi are present.  
24 There are many such passages, but since we  
25 are faced -- in the face of suggestive radio

1 broadcasts communicating to people used to  
2 listening to these programmes, such people  
3 make the connection easily, because they are  
4 very allusional. In some cases, they are  
5 very explicit.

6  
7 In our work of analysis, we did not look  
8 immediately at these passages. We looked at  
9 many, many passages, and what is represented  
10 here are significant passages here, but they  
11 are not isolated passages in respect of this  
12 propaganda.

13 Q. Now, you mentioned looking at a lot of  
14 passages, including some in your report and  
15 others that are in evidence. Are there  
16 sometimes passages, saying, "we don't mean,  
17 all the Tutsi", words to that effect, in  
18 RTLM broadcasts?

19 A. Yes. There are times when the journalist  
20 does not limit himself to the allusion, but  
21 rather gives the impression that he wants to  
22 react by saying, "Look, don't mix up  
23 Inyenzis with Tutsi". This is something in  
24 some cases particularly -- but not always --  
25 but particularly, towards the end of May

1                   when actors of such propaganda became aware  
2                   of maybe the need to become cautious, but  
3                   these -- this lie used in the interactive  
4                   radio which plays the role of encouragement  
5                   is something which makes me wonder whether  
6                   this was not a joke, because sometimes it  
7                   makes you smile. But the thing is how to  
8                   interpret such sentences, because we are not  
9                   faced with scientific statements; we are  
10                  listening to propaganda which sometimes is  
11                  funny. You saw sometimes echoes of laughter  
12                  in Kantano's speech.

13  
14                  So, all this is an accumulation of passages  
15                  which denounce sharply the minority clique,  
16                  and this actually takes the upper hand with  
17                  regard to all of other factors that are  
18                  included in such propaganda.

19        Q.           Now let's move on to methods of persuasion  
20                   employed by RTLM. In your report, you refer  
21                   to one of these methods generally, and it's  
22                   in several of the subparts of your chapters:  
23                   the creation of fear of an enemy by RTLM.  
24                   How did RTLM create fear of an enemy?

25        A.           I think that what is at issue here is the

1 entire Rwandan situation. For several years  
2 prior to that, that was the situation of the  
3 civil war, it was the situation of conflict  
4 and, therefore, it was a way in which the  
5 propaganda exploited the existing situation;  
6 in other words, there was not only the  
7 issuance of information regarding war or  
8 fears, but there was an exploitation of such  
9 a situation creating an atmosphere of  
10 paranoia, creating panic, and even before  
11 the genocide, towards the end of 1993 and up  
12 20 April 1994. Because there was talk about  
13 a country which was infiltrated everywhere  
14 by the RPF, and the whole idea was that the  
15 entire world of foreign journalists,  
16 associations and most countries were  
17 supposedly hostile to Rwanda.

18  
19 So they were portraying an atmosphere of  
20 siege, as if Rwanda was being threatened,  
21 and they wanted to impregnate the majority  
22 of people with this propaganda to create a  
23 feeling of fear that has to be exploited,  
24 and this is the issue. It was not a  
25 question of being worried; it was a question

1 of using this fear. But I think any person  
2 thinking about such a situation in the world  
3 would know how fear could be exploited and,  
4 therefore, know also how to make people  
5 still keep their reason.

6 Q. Let me direct you to three passages, and I  
7 notice that there's an order problem here in  
8 the stack regarding history; 101/137 appears  
9 next, and those should appear after 180, 122  
10 and 217. If we could reorganise those  
11 accordingly.

12  
13 I'd now like to direct your attention to  
14 what was tape index No. 180, which is in  
15 evidence as 36/73, and the Kinyarwanda is  
16 36/73A. And the excerpts are 36/73B and C,  
17 this specifically being a broadcast of the  
18 23rd March 1994, which appears to contain  
19 both the voices of Noel Hitimana and Kantano  
20 Habimana, and it's in the French report in  
21 19209bis, and in the English as 26827  
22 and 28, and that is, as I say, 180.

23 (Audiovisual cassette played)

24 MR. RAPP:

25 Now, in French.

1 (Audiovisual cassette played)

2 BY MR. RAPP:

3 Q. Professor Chrétien --

4 MADAM PRESIDENT:

5 Sorry, just give us the English page again.

6 We couldn't find this 26827, like you said.

7 MR. RAPP:

8 Pardon. I misspoke; 26823. And the French  
9 was the correct reference.

10 BY MR. RAPP.

11 Q. Professor Chrétien, what is the significance  
12 of this broadcast?

13 A. This is a programme which is interesting.  
14 It's contents are interesting in the  
15 analysis of the policy that lead to  
16 genocide. It has to be pointed out that the  
17 programme took place on 23rd March  
18 1993 (sic); that is, about one week before  
19 the genocide. So, what is emphasised here  
20 is the fear that should be felt; that is,  
21 Hutu who have been subjected by Tutsi.  
22 There is talk about the RPF's plan  
23 incarnated by Kagamé, but what precedes this  
24 is very interesting; the target of the  
25 programme, because what is being denounced

1 here is -- in fact, are the democratic Hutu  
2 of opposition parties, such as Felicien  
3 Ngango, who's mentioned on line 4, who was  
4 one of the candidates for the speaker  
5 position of the national assembly and he was  
6 portrayed as a traitor who is going to  
7 discuss in Mulindi at the RPF camp.

8  
9 The idea here is that the fear of the  
10 extremist Hutu power should be shared by all  
11 Hutu, so it is a way of disqualifying Hutu  
12 democrats, such as Madam Agathe  
13 Uwilingiyimana, who was to be assassinated  
14 during the genocide, and all those who  
15 fought for peace. So it was to actually  
16 speak out about them, people -- Hutu who  
17 were working for a democratic development of  
18 the country. So there is a mixture here of  
19 fear regarding one political faction which  
20 is worried about the nomination of a  
21 minister of justice, because it would look  
22 at crimes committed in the past, and there's  
23 also the fear that all Hutu are supposed to  
24 have. So they are creating here an  
25 atmosphere of widespread fear.

1 MR. RAPP:

2 Let's proceed to No. 122 which is P103/122A,  
3 the 122, yeah -- B is the English and 122C  
4 is the French, and, at least, it's  
5 identified on the cover as RTLM 6 to  
6 8 April 1994, though clearly by its content  
7 it is certainly toward the end of that  
8 period, and the broadcast specifically by  
9 Noel Hitimana, and the place of appearance  
10 of this in the French report is 18986, in  
11 the English as 26746.

12 (Audiovisual cassette played)

13 MR. RAPP:

14 Now, let's hear that again and see the  
15 French translation.

16 (Audiovisual cassette played)

17 BY MR. RAPP:

18 Q. Professor Chrétien, what's the significance  
19 of this one?

20 A. This time around -- this is after the 6th of  
21 April -- the cassette from ICTR collection  
22 indicates that from the 6th to the 8th April  
23 -- so the latest it could be is 8th April,  
24 maybe a bit later at the latest. But the  
25 RTLM followed a sort of radio mourning after

1 the 6th of April. So, in any case, we are  
2 at the beginning of April, and I think what  
3 is striking here is the dissemination of  
4 false news which refers to the fact that  
5 Kanyarengwe and Pasteur Bizimingu, who are,  
6 as is underlined by Noel Hitimana, Hutu.  
7 They are two Hutu leaders who joined at that  
8 time the RPF, and it was said that they had  
9 been killed and they had their people and  
10 they were betrayed by people in the RPF, the  
11 Tutsi. But it has to be recalled that on  
12 that date other Hutu, too, were killed,  
13 democratic ministers in the transitional  
14 government were killed. The first was the  
15 prime minister, Mrs. Agathe Uwilingiyimana.  
16  
17 So in the passage, the idea that emerges is  
18 as follows: Hutu who do not play the game of  
19 a global alliance of Hutu power -- that is,  
20 the joining of forces of all Hutu against  
21 Tutsi -- would perish because of their own  
22 mistake; so the only solution is the  
23 mobilisation of all Hutu against the  
24 Inyenzi. And this comes out in the last  
25 sentence.

1 MR. RAPP:

2 Now, the last one in this, regarding the  
3 issue of the creation of fear; 217, the tape  
4 number is P103/217. Our translations are at  
5 217B and C. It purports to be a tape of  
6 Kantano Habimana of 3rd of July 1994, and in  
7 terms of the reference number, and the  
8 French report is 18930 and 18929, both being  
9 bis, and in the English it's at 2665 and 66.  
10 So, we'll now play that and show the English  
11 translation. I believe this may be the one  
12 we began to play when we were looking  
13 for 207. Both 207 and 217 appear to have  
14 low audio, but if we can just read it.  
15 (Audiovisual cassette played)

16  
17 Now, rather than replaying the French, if  
18 the witness and our francophone colleagues  
19 would simply direct their attention to the  
20 tape itself, 217C, the French translation.

21 BY MR. RAPP:

22 Q. And let me ask you, Professor Chrétien:  
23 what's the significance of this particular  
24 passage?

25 A. This is a passage which is strange. We are

1 on the 3rd of July 1994; that is, at the  
2 time when most of the killings and the  
3 genocide had already taken place and at the  
4 same time the RPF was going to go into  
5 Kigali. So, we are faced with a situation  
6 where the war, in a strict sense, has been  
7 lost but the genocide has been successful.  
8 Kantano Habimana uses -- makes a curious  
9 speech. He is using words which are not new  
10 in this propaganda. He is denouncing the  
11 ferocity of the enemy who is described as a  
12 hyena or a rhinoceros. This is a constant  
13 register to describe the enemy.

14  
15 And, if I could say, this is an accusation  
16 in the mirror as analysed in other writings.  
17 Here, the victims are the ones who were  
18 accused of being very ferocious and having  
19 killed babies, but this was when the  
20 genocide was over and the philosophy  
21 expressed here is that everything should go  
22 on; that is, genocide should go ahead.  
23 Because there is some sort of a secret, like  
24 "you have that small thing in your heart  
25 which is being evoked here as if you should

1 retain the task of accomplishing the  
2 genocide in your mind". That is, the Hutu  
3 listeners should keep this in their mind.  
4 And this same expression is repeated when  
5 they talk about their small thing in another  
6 programme, but it does refer to genocide.

7  
8 What strikes me here is the manner in which,  
9 when politically they were losing, they were  
10 still making a sort of claim -- or, rather,  
11 a justification of the genocide.

12 Q. Now, obviously, in this passage there is  
13 reference to the enemy, presumably the  
14 Inkotanyi and the Inkotanyi themselves, as  
15 killing babies. Isn't it typical in war  
16 propaganda, in every war, including wars  
17 fought even in Europe, that people refer to  
18 the enemy as "baby killers" or  
19 "blood-thirsty savages"?

20 A. In this war situation one can often note  
21 propaganda which is obviously radical  
22 towards the enemy. But we should not forget  
23 one thing: we are here in a civil war and it  
24 is your fellow countrymen who you are  
25 accusing of being animals and accusing them

1 of committing the worst crimes. So, this  
2 internal hatred which is cultivated is not  
3 new in the propaganda, and it strikes me  
4 that it's as if the Rwandan people, the  
5 Rwandan nation, should be definitely torn  
6 apart.

7 Q. Let's go to another theme or a method that  
8 you identified in several places as your  
9 report -- of your report as being a way to  
10 persuade people to participate in attacks on  
11 the enemy, and that has to do with the  
12 invocation of history by RTLM. How was this  
13 done?

14 A. In general, once again, we are not here  
15 before a Tutsi-Hutu civil war. We are here  
16 in a political war, constant mobilisation of  
17 Hutu versus the Tutsi, to the extent of  
18 describing Hutu opponents of Habyarimana's  
19 regime and Hutu who are not extremists as  
20 being in the other camp. The method used in  
21 the extremist press -- firstly, in Kangura  
22 and other mediums, as well as RTLM --  
23 consists of invocation of the social  
24 revolution which took place between 1959  
25 and 1961, and to remind people that the

1                   opposition between Hutu and Tutsi, which  
2                   manifested itself in a most spectacular  
3                   fashion at that time, is the key to  
4                   all -- to everything. So what is being  
5                   evoked here is that the 1959-61 revolution  
6                   is complex, but what is being retained is  
7                   only the most violent aspect. But what are  
8                   being used are the events of '63 and the  
9                   beginning of '64 when, subsequent to a  
10                  minor-scale raid launched by Tutsi  
11                  immigrants, also called Inyenzis, there were  
12                  significant massacres of Tutsi, especially  
13                  in Gikoro, and the massacres were  
14                  significant to the point that many observers  
15                  throughout the world were moved by it.

16  
17                  In the Catholic newspapers, such as  
18                  Témoignage Chretien -- and, as Bertrand  
19                  Russell said at that time, the killings were  
20                  as horrific as the killing of Jews during  
21                  the Second World War. So it could be seen  
22                  in either the extremist press or in May 1994  
23                  in an RTLM broadcast, these massacres are  
24                  portrayed as being exemplary, as being a  
25                  good lesson for the Tutsi and what could

1                   happen to them in the event of political  
2                   difficulties.

3           Q.           What -- additionally, on the historical  
4                   front, were there references as well to  
5                   things that happened before 1959 and to the  
6                   social situation in Rwanda before 1959?

7           A.           Yes. In that propaganda the situation in  
8                   Rwanda in the colonial era, or even prior to  
9                   that, in the nation of Rwanda is described  
10                  in ethnically fundamentalist terms, rather  
11                  than scientific terms, which would introduce  
12                  a lot of nuances regarding the subjection of  
13                  our people since age immemorial of the Hutu  
14                  by the Tutsi.

15  
16                   If I may add a bracket here, I personally  
17                   taught for several weeks at Rwanda National  
18                   University in March 1990. I was invited by  
19                   a colleague, the late Emmanuel Ntezimana,  
20                   who happened to have been a Hutu. So he  
21                   invited me in order to give lectures. And I  
22                   remember that he used to tell his students,  
23                   "Here we are not carrying out shows; we are  
24                   studying science". And what is found in the  
25                   propaganda are shows, animation; that is a

1                   simplistic reduction of the Rwandan past in  
2                   order to create a radical opposition between  
3                   Tutsi and Hutu.

4           Q.           Let me -- let's go to passage 101 which is  
5                   of course P103/101A, and the translation  
6                   says B and C, and this, albeit in a smaller  
7                   form, was referred in your report at -- in  
8                   the French report at 19033 and the English  
9                   at 26827 and 28. In -- on December 12th,  
10                  1993, discussion in which the Accused, Jean  
11                  Bosco Barayagwiza, participates -- and I  
12                  don't think this recording is good, though  
13                  it's better than 207 and 217.

14                   (Audiovisual cassette played)

15           MR. RAPP:

16                   Now, play it and see the French.

17                   (Audiovisual cassette played)

18           BY MR. RAPP:

19           Q.           Professor Chrétien, what is the significance  
20                   of Jean Bosco Barayagwiza's words in this  
21                   broadcast?

22           THE ENGLISH INTERPRETER:

23                   Microphone is off. Can he repeat from the  
24                   beginning, please?

25

1 MADAM PRESIDENT:

2 Just begin again. It was off when you began  
3 speaking.

4 THE WITNESS:

5 I apologise, Madam President.

6  
7 I was saying that was an interesting  
8 passage. I am not going to give a whole  
9 history lesson. But, first, it has to be  
10 recalled that Jean Bosco Barayagwiza -- and  
11 this is something that is known from other  
12 passages -- was someone from the north of  
13 the country. He came from northern Rwanda  
14 in a region which was inhabited massively by  
15 people who identified themselves as Hutu,  
16 apart from the few members of other groups.  
17 And the chiefs who were there, especially  
18 from the colonial era, were Tutsi. So he's  
19 describing the regional situation suggesting  
20 that was, in a way, the problem facing the  
21 whole country. This is a programme which  
22 was theoretical, organised by the  
23 editor-in-chief, Gaspard Gahigi.

24

25 There's another journalist, Rwabukwisi, who

1 developed another vision of events. What is  
2 interesting in this page, however, is the  
3 simplification; in other words, the  
4 opposition between the Hutu people in that  
5 region and Tutsi chiefs who were installed  
6 there since the colonial era, and then  
7 transformed this into a generalised  
8 widespread opposition between Hutu and  
9 Tutsi. In the texts here, the tributes were  
10 being paid to chiefs. In the colonial era,  
11 the chiefs were considered as oppressors of  
12 Hutu. So there's very little nuance in the  
13 presentation of history here; that is,  
14 regarding the period before the  
15 independence. But this presentation is very  
16 useful to an ethnic presentation of the  
17 political situation.

18 MR. RAPP:

19 Now, let's go to a passage from -- in French  
20 from Georges Ruggiu, and this is on the  
21 30th June 1994. It's the one in which  
22 original French has been revised, and the  
23 English translation is 103/137B, and the  
24 French, which is just a recapitulation as to  
25 the excerpt of the French original, is 137C.

1 And it's cited in the report in French at  
2 19012bis, and in English at 26771 and 72;  
3 137, first in English with French audio.  
4 (Audiovisual cassette played)

5 MR. RAPP:

6 We have an opportunity to see and read the  
7 French at the same time see and hear.  
8 (Audiovisual cassette played)

9 BY MR. RAPP:

10 Q. First, Professor Chrétien, we don't tell the  
11 language section how to transcribe things,  
12 but did you hear, by the way, the word that  
13 followed "50 personnes avaient", when you  
14 heard the French?

15 A. Yes. That is what I had heard on this  
16 cassette earlier.

17 Q. But, did you -- just the word that followed  
18 -- because in the official transcript  
19 there's "... " after "50 persons were ..."  
20 something. So can you tell what the word  
21 was, the active verb.

22 A. Fifty people had been killed.

23 Q. And as far as this passage is concerned,  
24 dealing, first, with the matter of history  
25 and also with anything else that's relevant,

1                   what's the significance of this passage?  
2           A.           I do not go back to the first part of the  
3                   document which, once again, gives the  
4                   example of the relationship between the  
5                   statistics and the victims of the killings,  
6                   but what I can do here is actually the  
7                   comparison made between the killings in  
8                   Rwanda and the French Revolution killings  
9                   in 1793.

10

11                   In Rwanda the radical ethnic movement  
12                   referred to the French Revolution, by  
13                   comparing the fight of the Hutu with  
14                   the 1789 French Revolution, and this has a  
15                   lot of political implications as well as  
16                   ethnic implications. But the comparison  
17                   with French Revolution makes us wonder  
18                   whether such comparison is legitimate in  
19                   that the victims of the great terror who  
20                   were executed in France in 1793 had been  
21                   arrested for all sorts of reasons and from  
22                   all sections of the French population, and  
23                   they were not arrested only on the account  
24                   of their birth.

25           Q.           The line in which he talks about -- I'm

- 1 thinking of the English specifically  
2 now -- it was enough for someone to be  
3 suspected, to be condemned. What relevance  
4 does that have to the Rwandan situation in  
5 this Kibuye area in June 1994?
- 6 A. It has to do with the fact that suspects, as  
7 Ruggiu says, or accomplices of the RPF are  
8 not judged -- tried, but rather they are  
9 chased and eventually killed.
- 10 Q. Finally, for this morning -- or this  
11 morning's session, I want to go to another  
12 issue on which we did have an excerpt, but  
13 it is much too long to play, in the  
14 interests of time, dealing with the use of  
15 religious symbols or religious messages by  
16 RTLM. This is cited -- these examples are  
17 cited in your report. And I would simply  
18 ask you, generally -- and if you have any  
19 specifics you wish to cite us to, you can do  
20 that as well -- how were religion and  
21 religious messages used by RTLM as a method  
22 of persuasion?
- 23 A. Yes. On several occasions with the  
24 invocation of God, that it was imana who  
25 supposedly was on the side of the movement

1 that organised genocide and who had  
2 abandoned the Tutsi, but I have in mind the  
3 programme of the 20th of May 1994 by  
4 Valerie Bemeriki where she uses the image  
5 of the Virgin Mary. There were appearances  
6 in the beginning of the eighties, 1982-83.  
7 And in May 1994 one of the people who was --  
8 could see -- pretended that she dialogued  
9 with the Virgin Mary who had apparently  
10 appeared in Kibeho, saying that the Virgin  
11 allegedly told her actually that the victims  
12 were paying for their part in killing  
13 Habyarimana on 6th April 1994; in other  
14 words, their punishment was the will of God  
15 and the Virgin Mary.

16  
17 And Rwanda is a massively Christian country  
18 but which has retained a lot of elements of  
19 this culture. So, the image which was used  
20 to characterise the president was a royal  
21 image of the king, of the mwami. They used  
22 to say the "baratte", which is used to curl  
23 butter -- they'd say that the baratte has  
24 been overturned and, therefore, all the  
25 misfortunes befell the country. And then

1                   there's a lot of mystification regarding the  
2                   perpetrators of genocide because they used  
3                   to say that God is with the perpetrators of  
4                   the genocide.

5           Q.           And, again, you are specifically referring  
6                   to the broadcast of 20 May, which I think we  
7                   have an excerpt of later, in regard to that  
8                   church later on, by Valerie Bemeriki, have  
9                   you not?

10          A.           This was a broadcast -- a programme by  
11                   Valerie Bemeriki where she refers -- during  
12                   which she refers to a report which  
13                   supposedly took place in Kibeho where  
14                   journalists had gone to interview a  
15                   clairvoyant. So there was a utilisation of  
16                   an image which was on the political level,  
17                   by actually imparting on the population and  
18                   using the image of the Virgin Mary in order  
19                   to justify the genocide.

20          MR. RAPP:

21                   Madam President, Your Honours, I think this  
22                   would be a convenient time to break for our  
23                   lunch break, and return at 2:30.

24          MADAM PRESIDENT:

25                   Well, we take the lunch break then,

1 Mr. Rapp. The Court will take an  
2 adjournment and resume at 2:30 p.m. I'm  
3 just going to take this minute to make the  
4 announcement that Chamber will have to  
5 accommodate sessions of the Appeals Chamber,  
6 and this is the only court that can  
7 accommodate a five-judge Appeals Chamber.  
8 Therefore, for tomorrow's hearing we will be  
9 move to courtroom II on the second floor.  
10 On Wednesday we could have the use of this  
11 courtroom again and then Thursday and  
12 Friday we'll have to move back to  
13 courtroom II. So I'll just remind everyone  
14 by the close of each day all these moves  
15 that we have to make.

16 MS. ELLIS:

17 Madam President, is it not possible to stay  
18 in trial chamber II for the whole week,  
19 because we have to move all our files every  
20 time we have to go elsewhere? I don't know  
21 whether that Trial Chamber may be sitting.

22 MADAM PRESIDENT:

23 No, it's not. Actually, that's the other  
24 possibility. I had in mind all the paper  
25 and documents that have to be moved. Yes,

1 so that's all right with us, which means  
2 from tomorrow, we will be sitting in  
3 courtroom II on the second floor.

4  
5 The Court will adjourn.

6 (Court recessed at 1258H)

7 (Pages 92 to 136 by Verna Butler)

8  
9  
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25

1 1430H

2 MADAM PRESIDENT:

3 Go ahead, Mr. Rapp.

4 MR. RAPP:

5 Madam President, Your Honours,  
6 Professor Chrétien, good afternoon.

7 BY MR. RAPP:

8 Q. This morning we talked about methods of  
9 persuasion that were used on RTLM. Now  
10 let's go to another method that you describe  
11 in your book, generally, as the sort of  
12 style of presentation in the use of  
13 entertainment and things along that line by  
14 RTLM. Can you describe how that was done by  
15 this radio station?

16 A. By listening to some passages this morning  
17 we had the opportunity of listening to the  
18 radio style, which cultivated, as I've said,  
19 more of that information and which tried to  
20 couch the kind of connivance or familiarity  
21 between our listeners and the journalists  
22 which are listening. There are various  
23 methods which are known generally,  
24 especially in the modern radio, referring to  
25 RTLM, a modern radio station, a very

1 animated style, which did not exclude jokes,  
2 which did not exclude irony, and so on and  
3 so forth. What strikes me, though, in this  
4 radio station, is that when you listen to  
5 some passages there's a kind of spontaneity.  
6 On account of the topics discussed you sense  
7 some coherence and a distribution of rules  
8 between the journalist, Kantano Habimana,  
9 whom we have listened to many times and the  
10 producer, Gaspard Gahigi, however, are  
11 people who spoke about political matters;  
12 Valérie Bemeriki denounced Gen-rou-chy  
13 (phonetic), which gave the European tone,  
14 and so there's a whole gamut of show going  
15 here and the style that is being used here.

16 Q. Let's deal with a couple of passages and the  
17 next in a stack, I think, are 192 and -- 40  
18 and 192, but let's go to 192 first, because  
19 that's the first in order of time. And  
20 we're dealing here with the Kinyarwanda,  
21 which is at P103, 192A and, of course, the  
22 translations in this case are at 192B and  
23 192C. And then, as far as the placement of  
24 this in the French report, it's at 19027bis  
25 and at 26821 in English.

1

2

Now, we discovered that using this speaker

3

this morning actually reduced our sound

4

quality, and so now we are going to be

5

attempting to play it through the system.

6

So you will have to hear it on your

7

microphones in order to listen to this

8

passage, on your earphones.

9

10

Well, let's go back to the other method,

11

then.

12

13

Okay, 192E. (Tape played in Kinyarwanda)

14

Let's hear it again and see the French

15

translation (Tape in Kinyarwanda)

16

17

Now, Professor Chrétien, I think we have the

18

exhibit in front of us shown as broadcast on

19

the 3rd of April 1994 with Noel Hitimana as

20

the announcer. What was the significance of

21

this broadcast?

22 A.

This is a problem broadcast where the

23

journalists, by doing a new show on the

24

RTLM, was making a forecast. This was 3rd

25

of April and it was announcing for the

1 following days serious events and everybody  
2 knew what really transpired, serious events  
3 on the 6th and 7th of April 1994 in a  
4 strange manner. However, it was on the 6th  
5 of April 1994 when the event that occurred  
6 was the fateful day, but I do not want to  
7 speculate on the forecast. But I want to  
8 point out this kind of information which  
9 prophesies and gives the impression that you  
10 know secret things and, therefore, cultivate  
11 a connivance with journalists who are making  
12 revelations without since being denounced  
13 beforehand.

14  
15 This is like a reign of rumour where you  
16 give credibility and on the basis of a fear  
17 shared by everybody at that time on account  
18 of the prevailing tension owing to the  
19 nullification of the Arusha Accords.  
20 Therefore there was a kind of prophesy which  
21 was given and any kind of conclusion could  
22 be drawn. You wonder if this journalist  
23 knows the RPF project or the project of the  
24 adversary of the RPF, all of this lies on,  
25 once again, destabilising the opinion and

1 bringing about panic, and that is the crux  
2 of the matter here. Furthermore, this  
3 anodyne expression that is used, this small  
4 thing that we have seen here on the 3rd of  
5 July, in division, this small thing which  
6 happened to be a big catastrophe, this  
7 impression of revealing a secret, it's in  
8 line with the RTLM still by way demanding  
9 liberty to say anything and it clings to the  
10 truth in whatever form.

11 MR. BIJU-DUVAL:

12 Madam President.

13 MADAM PRESIDENT:

14 Mr. Biju-Duval.

15 MR. BIJU-DUVAL:

16 Mr. Ferdinand Nahimana would like to comment  
17 on a very specific issue of translation.

18 MADAM PRESIDENT:

19 Yes. Go ahead, Mr. Biju-Duval.

20 MR. BIJU-DUVAL:

21 Thank you, Madam President, Your Honours.

22

23 There are some expressions at the beginning  
24 of the expert, but *gukora a konto*  
25 (phonetic), it means he wants to do a small

1 thing; whereas what is typed there is "to  
2 strike a blow". That's what I want to say  
3 what about this expression. There's no  
4 secret about it, it means simply to strike a  
5 blow, to deal a blow.

6 BY MR. RAPP:

7 Q. After that intervention let's proceed with  
8 tape number 40. This is a broadcast of the  
9 2nd of July on RTLM in which  
10 Kantano Habimana is a speaker. It's in  
11 evidence as 10340A, French is 40C. Today we  
12 are offering 40D and 40E, being the English  
13 and French excerpts. And now so we can play  
14 the Kinyarwanda and see the English.

15 MADAM PRESIDENT:

16 Place?

17 MR. RAPP:

18 So we are dealing here with a tape that is  
19 mentioned by the experts in their report in  
20 French at 18999bis and in English at 26,760.

21 MADAM PRESIDENT:

22 Thank you.

23 BY MR. RAPP:

24 Q. (Tape played in Kinyarwanda)

25

1 Let me play it again and with the French  
2 translation.

3  
4 (Tape played in Kinyarwanda)

5  
6 Mr. Chrétien, broadcast of the 3rd of July,  
7 what's the significance of this one; 2nd of  
8 July, sorry?

9 A. It's an atmosphere of 4th of July broadcast  
10 from the mouth of the same journalist that  
11 this be observed, as I said awhile ago, a  
12 military defeat and the finishing of the  
13 genocide. What seems interesting to me here  
14 is less of repeating the thing that we know  
15 the evolution of God, the affirmation of  
16 Inkotanyi carrying out suicide. It is the  
17 tone of this broadcast that is,  
18 substantially, the journalist Kantano is  
19 exploding of unhealthy joy on the massacres  
20 which took place before, and when he talked  
21 about Inkotanyi telephoning him it seemed  
22 difficult that we can admit that it was  
23 members of the RPF underground telephoned  
24 him. It is, therefore, a way of talking  
25 about the Tutsis with this kind of

1 expression. It is very clear, but what is  
2 striking to me is the tone, the tone of  
3 familiarity. This kind of a spontaneity,  
4 which is apparent in the way he used this  
5 time.

6 Q. Again, on the 2nd of July, were the  
7 Inkotanyi, meaning FPR, in the process of  
8 being exterminated or were they succeeding  
9 in the war?

10 A. The part which constitutes a part of our  
11 situation, which reminds us of another  
12 situation, namely Germany at the end of the  
13 Second World War, the genocide succeeded  
14 when the war lost. When you talk about a  
15 Inkotanyi that's in connivance with the  
16 listeners on account of all the broadcasts,  
17 we've seen examples in all the broadcasts,  
18 "we are Inkotanyi, Inyenzi, the small  
19 clique", always associated with the Tutsis.

20 Q. Let's now go ahead to another of the methods  
21 you identify in your report in which you  
22 speak, generally, of a creation of a culture  
23 of violence. What do you mean by a "culture  
24 of violence"?

25 A. It means that already we have the

1 impression, when you read the Kangura and  
2 other extremist newspapers, when you listen  
3 to this radio station, this violence, this  
4 dramatic tragic violence, in a way, is being  
5 banalised. It's being presented as a form  
6 of life, an environment that is acceptable  
7 in a different way through the  
8 trivialisation of deaths, of massacres. By  
9 talking about massacres in a good manner,  
10 the use, of course, of language and animal  
11 aligally (phonetic) for the adversary for  
12 the enemies but by resorting to a kind of  
13 pornography, which you see in some cartoons.

14  
15 For instance, during the Geneva Conference  
16 on human rights one of the journalists said,  
17 I'm sorry to say it, that there were Tutsi  
18 girls who were going to open their legs to  
19 convince the participants in this conference  
20 to have a good position. They resorted to  
21 jokes, to comics, to laughter, and from  
22 trivialisation of delinquency there's a  
23 whole environment which normalised that  
24 environment, and that's why we can talk  
25 about a culture within the limits of

1 cultural, of course, an exceptional  
2 situation, but a culture of violence.

3 Q. Let's go to another taped excerpt, tape  
4 No. 111, which is exhibit P99 and P99A, that  
5 came in during the Riggiu testimony and we  
6 have -- specifically have excerpts of  
7 another passage from that tape, which has  
8 the exhibit No. P99F and P99G. And this is  
9 specifically a broadcast by  
10 Valerie Bemeriki on the 14th of June 1994  
11 and for references to your report; it's in  
12 the French report at page 19025bis and in  
13 the English at 26784, excerpt 111.  
14 (Tape played in Kinyarwanda)  
15 Now the French transcript.  
16 (Tape played in Kinyarwanda)  
17 Professor Chrétien, I know this passage  
18 probably deals with lots of issues, but, in  
19 the area of cultural violence what's the  
20 significance of it and, if you wish, comment  
21 on other comments of significance on this  
22 broadcast.

23 A. Yes, here it's a strange fascination for  
24 extreme violence when you remember the  
25 reality underground. This was 14th

1 June 1994. From all testimonies, which have  
2 been given ever since on the cruelty of the  
3 massacre on genocide of 1994, you find this  
4 quality here, but it is inversed and  
5 propagated on the enemy who's accused of  
6 cruelty. What you observe here is a kind of  
7 delicate issue going into the details of  
8 bodies that were torn apart, which is very  
9 impressive, which shows a cartoon, a  
10 caricature of the extremist press, which you  
11 can observe here.

12 Q. Let's now go to another passage, which was  
13 the second one on tape 28, which is the  
14 Kinyarwanda is in evidence as P10328, and  
15 earlier full translations were in evidence.  
16 I'd like to pass over, at this point, 28D  
17 and E, which is another later subject, and  
18 go to 10328F and G, and this is particularly  
19 a broadcast of the 9th of June 1994 by  
20 Kantano Habimana. I'll look for the  
21 reference. It may have been a reference not  
22 specifically in the report, but let's go  
23 ahead and listen to it.

24 MADAM PRESIDENT:

25 We don't have the English.

1 MR. RAPP:

2 Let's go ahead and play that from the  
3 beginning and, by the way, I had the English  
4 reference, which is in the report at 26747  
5 and you can see the correspondence to that  
6 for the French in that chart that we earlier  
7 provided.

8 (Tape played in Kinyarwanda)

9 Now the French.

10 (Tape played in Kinyarwanda)

11

12 Mr. Chrétien, what's the significance of  
13 this broadcast?

14 A. This brief passage, as a matter of fact, was  
15 put here because writers talking about  
16 acclamation of bodies at the Kadaffi mosque  
17 in Kigali compares these bodies to cows  
18 which are found at the arbitore by parties  
19 that nobody knew if they were killed today  
20 or they were going to be killed the night  
21 after, and this was not clear. This kind of  
22 message; therefore, these people are  
23 something to the massacres because the  
24 enemies are not human and because there's  
25 normality of these massacres, because it's a

1 kind of collective suicide of Tutsis.

2 MADAM PRESIDENT:

3 Whose voice is that that we just heard,  
4 Professor Chrétien, which journalist was  
5 that?

6 THE WITNESS:

7 As indicated, it is Kantano Habimana.

8 BY MR. RAPP:

9 Q. And, Professor Chrétien, from your studies  
10 of events in Rwanda at 1994 do you know what  
11 happened at Kadaffi mosque during this time?

12 A. I know that there were massacres, but I do  
13 not have all the details of the events which  
14 transpired in that mosque. So I cannot give  
15 specific answer to your questions. I  
16 actually looked in my document and the  
17 deposits that were made on the massacres  
18 committed in Kigali but for now I cannot  
19 give you specific details as regards the  
20 specific circumstances.

21 Q. Thank you very much. Let's go to another  
22 excerpt, 239, that's -- let me first give  
23 the references and page to the report which  
24 is at page 18999 and in English at 26759 and  
25 60 and this item is in evidence in

1 Kinyarwanda as P10723139 and the proposed  
2 excerpts are 239B and C.

3 (Tape played in Kinyarwanda)

4 MR. RAPP:

5 And now in French.

6 (Tape played in Kinyarwanda).

7 BY MR. RAPP:

8 Q. Professor Chrétien, the significance of this  
9 one?

10 A. Of course, here, again, you find a tone I  
11 described awhile ago, namely a commentator  
12 of the football match tone and Habimana was  
13 interested in these activities as a way of  
14 having a dialogue with people who are  
15 manning the roadblocks. Those roadblocks  
16 are where people were stopped on account of  
17 their identity cards and where killings  
18 took place and, therefore, there was a  
19 dialogue with the people manning roadblocks.  
20 They were talking of grilled meat, of smoke,  
21 but smoke, a small thing, but that small  
22 thing is canapes, which posts are talking  
23 about canapes. It may mean, in any event  
24 something that is a little bit secret, which  
25 you do not want to specify, therefore, there

1 are those aspects of festive mood of  
2 eloquency and there is dialogue directly  
3 with people manning the roadblocks, to whom  
4 people listened to and which led to  
5 laughter, which is a little bit sinister.

6 BY MR. RAPP:

7 Q. (Interpreter in booth's mike on) What was  
8 the penetration of RTLM during the period  
9 from March to July in 1994 in the Rwandan  
10 nation? How far did the broadcasts reach?

11 A. We started specifically this issue because  
12 at one time or another people were saying  
13 that RTLM were not listened to outside  
14 Kigali. In the first place, between summer  
15 1993 and the end of 1993 there was limited  
16 listenership of this radio, but then there  
17 was a new transmitter at the northwest of  
18 the country, which enabled to cover the  
19 entire country and we have evidence,  
20 independent of inquiries that were carried  
21 out by the ICTR, that not only the  
22 broadcasts of the RTLM, which says good  
23 morning to listeners of this region or that  
24 region, but all the country was covered.  
25 Let us add that in Rwanda, from statics that

1 we have, there were more than 400,000 people  
2 who have radio sets everywhere and then we  
3 have testimony here and there, and we find  
4 testimony of Wolfgang Blam who was in Kibuye  
5 who describe how gendarmes told him that is  
6 what they did, that's the new law that we  
7 heard over the radio which ordered for the  
8 Tutsis to be exterminated and therefore that  
9 was around late April, beginning of May,  
10 I've forgotten the exact date, in the area  
11 of Kibuye in 1994. This radio station,  
12 therefore, was well listened to all over the  
13 country.

14 Q. Professor, you have just mentioned the  
15 testimony of Wolfgang Blam and although  
16 we've made prior disclosure of that  
17 testimony -- is basically his report as it's  
18 translated by you in your 1997 book, *le*  
19 *defeat ethnicism and the challenge of*  
20 *ethnicism*, we have made copies of it at this  
21 point, because you may refer to it again, I  
22 would like to have this exhibit distributed  
23 and identified by Mr. Chrétien.

24

25 Professor, would you describe what is that

- 1 document that has been handed to you and  
2 what role you had in the preparation and any  
3 knowledge you have about Wolfgang Blam?
- 4 A. This is a testimony of this German doctor  
5 who was in Kibuye at that time and a member  
6 of the German corporation. It appeared  
7 first in 1994. I translated it into French  
8 and I submitted my translation to Dr. Blam,  
9 so that he could tell me if I made any  
10 mistakes. He showed me a few mistakes of  
11 form, it was a translation which was a  
12 (unitelligible) of himself, of his  
13 testimony. And so the passage I referred to  
14 is from page 114. I'm looking for the exact  
15 spot, line, on the title, the new law.
- 16 Q. Do you have the line and the page, you were  
17 saying on page 114? It's printed on both  
18 sides of the page. So on the left side of  
19 the page, but on the right side says 115. I  
20 see the word " le nouvelle" in the 8th line?
- 21 A. Yes, I'm looking for the specific sentence.  
22 Just -- it is page 114 on the eighth line,  
23 these are gendarmes broke into his house. A  
24 Tutsi woman was his companion. He was  
25 threatened by gendarmes and the German

1 doctor said the woman was his wife. There's  
2 a new law requesting that we heard on the  
3 radio that henceforth all Tutsis should be  
4 exterminated in order to put an end to their  
5 circular damnation and avenge their  
6 repression.

7 MR. RAPP:

8 Your Honour, I would offer these pages of  
9 Dr. Chrétien's book as P164.

10 MR. BIJU-DUVAL:

11 Madam President, I want to object for a  
12 matter of principle.

13 MADAM PRESIDENT:

14 Sorry, Mr. Biju-Duval, just repeat.

15 MR. BIJU-DUVAL:

16 Madam President, a matter of principles  
17 which appears. Obviously I'm objecting to  
18 the submission of this document. The  
19 expert, it is not the specific who collected  
20 this testimony. It's a document in German  
21 which was submitted to him and which he used  
22 in one of his publications. The expert did  
23 not collect the testimony. That's the first  
24 point.

25

1                   Secondly, if this expert witness can't give  
2                   us interesting testimony, it's up to the OTP  
3                   to let us know any other indirect testimony.

4  
5                   No. 3, what does this text tell us? That  
6                   this gentleman would have been informed by  
7                   his wife that gendarme would have allegedly  
8                   told him that they allegedly heard a  
9                   broadcast on the radio without us knowing  
10                  what radio station we are referring to? It  
11                  shows to what extent of hearsay and  
12                  imprecision we are looking at here. This  
13                  document -- this text which will be of other  
14                  interest in a different context, which may  
15                  not be a judicial context -- but this  
16                  document is of no use before the Tribunal in  
17                  which we find ourselves. Thank you,  
18                  Madam President.

19       MR. MARTEL:

20                   Madam President.

21       MADAM PRESIDENT:

22                   Yes.

23       MR. MARTEL:

24                   I support my learned friend in his statement  
25                   regarding the reliability of this text. We

1                   are looking at the procedure used by our  
2                   colleague. We are in a deadlock here  
3                   because we have not verified the content of  
4                   this document, of this testimony. We are  
5                   therefore objecting vigorously.

6           MR. BARLETTA CALDARERA:

7                   Madam President.

8           MADAM PRESIDENT:

9                   Mr. Caldarera.

10          MR. BARLETTA CALDARERA:

11                   I do not want my intervention to come late,  
12                   however, to my mind, the objection raised  
13                   for the first one is very fundamental and  
14                   essential. This is not a story of somebody  
15                   who is a scientist on information; it is  
16                   somebody who is presented as an indirect  
17                   witness, whose document cannot be tendered  
18                   here and that's why I'm supporting the  
19                   objection of my learned colleague,  
20                   Madam President.

21          MADAM PRESIDENT:

22                   Mr. Rapp, you're seeking to rely just on  
23                   this reference --

24          MR. RAPP:

25                   Yes, frankly --

1 MADAM PRESIDENT:

2 -- that the witness made.

3

4 Now, Chamber actually has no difficulty on  
5 the merits of criteria for admission;  
6 however, we question the value of this  
7 document forming part of the exhibit. You  
8 do not have to introduce as an exhibit every  
9 reference to the sources. You have an  
10 obligation to make them available to the  
11 Defence for purpose of cross-examination.

12 MR. RAPP:

13 Yeah, that's correct, Your Honour, and that  
14 would have been the normal practice and the  
15 fact that there is another passage in this  
16 document, which I'll draw the witness's  
17 attention later, if he mentions it, and  
18 that's why I wanted it available under these  
19 circumstances. But I'm certainly content  
20 not to have it as an exhibit in toto but  
21 simply to use it in the course of dealing  
22 with questions and answers as to things in  
23 his report.

24 MADAM PRESIDENT:

25 All right, so we will wait for your next

1 reference, because we do want you to satisfy  
2 us on the value --

3 MR. RAPP:

4 Right, exactly. Okay.

5 MADAM PRESIDENT:

6 -- that you place on this document.

7  
8 So the Chamber will postpone its decision on  
9 the application for the admission of the  
10 document until it crops up again.

11 BY MR. RAPP:

12 Q. Professor Chrétien, you have talked about a  
13 broadcast in which cassettes with  
14 Mr. Kantano and others appear to be  
15 communicating to people at the roadblocks.  
16 What was the relationship between the RTLM  
17 and other entities in the Rwandan milieu in  
18 1994, specifically the militias, the  
19 military, the political and administrative  
20 leadership?

21 A. The relative of this link is obvious, but  
22 difficult to define because RTLM is a  
23 private radio station and, therefore, it is  
24 separated from the network where you found  
25 it, that is important to analyse. What we

1 studied in the report regarding the  
2 formation of RTLM and its links with the CDR  
3 -- that is the extremist party for the  
4 coalition with the republic and with the  
5 Interahamwe movement. But when you listen  
6 to the broadcasts of RTLM often not only is  
7 their dialogue with the roadblocks but with  
8 the authorities, with the bourgmestre, with  
9 the soldiers, there are messages of  
10 encouragement, of observation, which are  
11 made by this journalist to the authorities,  
12 to the administrations, to the army, to the  
13 militia, and, therefore, there's a kind of  
14 dialogue established though RTLM, as a  
15 matter of fact, was not a public  
16 registration, but an element of power, but a  
17 political pool, which passed messages to  
18 other institutions which are the  
19 administration, the army, the gendarmerie,  
20 and the interim government or in Giterama.  
21  
22 Therefore, these relationships, which are  
23 informal but which, in any event, are very  
24 present in the broadcasts, open up the  
25 period on the play of reciprocal play of

1 politics because if massacres could be  
2 attributed to these militia authorities,  
3 obviously RTLM creates a climate, an  
4 environment. We referred to this awhile  
5 ago, the culture of violence and the  
6 environment which promotes the deployment of  
7 this clearance, which is a very coherent  
8 deployment. This link between the tone, the  
9 conditioning of the public opinion is  
10 analysed in each area in each case of  
11 massacres.

12 Q. Go there to a passage, and this is in 28,  
13 and this is one of those which we've already  
14 dealt with, we've already dealt with 28 in  
15 regard to the particular tapes regarding the  
16 Kadaffi mosque as far as 28bis is concerned.  
17 But I would like to go to the first excerpt  
18 from 28. Again, this is in P10328A in  
19 Kinyarwanda and the particular translations  
20 are at 10328D and E.

21 MADAM PRESIDENT:

22 You have the pages?

23 MR. RAPP:

24 The pages in the French report are 19110 and  
25 in the English at 26912.

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(Tape played in Kinyarwanda)

Now in French.

(Tape played in Kinyarwanda)

BY MR. RAPP:

Q. Professor Chrétien, what's the significance of that passage?

A. This is an example of what I had talked about earlier, in other words the broadcast showing the links between this radio station and military or political authorities. And we see the military authorities and the radio stations. We see the star journalists who talk about Major General Augustin Bizimungu, who is the chief-of-staff at the time. This reminds me, once again, the image, the atmosphere in which all this was taking place because he says quite clearly that it was a meeting between the people of the headquarters staff and the people of the RTLM.

This is like an image, because in Kinyarwanda things which are very difficult

1 to express are left in French, so there's  
2 the econ majure, the headquarters, and then  
3 they speak about the weapons, the bullets,  
4 and it's very clear, very strong. It's as  
5 if this radio station was on the front. On  
6 which front? It's not a war front, as such,  
7 but is that of helping the general opinion  
8 in the framework of the genocide.

9 Q. Let's go to another excerpt. This is from  
10 tape 36, which was brought into evidence  
11 during Mr. Ruggiu's testimony as P101, the  
12 Kinyarwanda was 101A, there's full  
13 translations available in one language I  
14 believe, but the portion today we'd like to  
15 deal with is at 101D and 101E. And in terms  
16 of the references to the report in French, I  
17 have it at 18990 and in English at 26749 and  
18 50, excerpt 36.

19 MADAM PRESIDENT:

20 You have to start again.

21 (Tape in Kinyarwanda)

22 MR. RAPP:

23 All right, now, the French translation.

24 (Tape in Kinyarwanda).

25 BY MR. RAPP:

1 Q. Mr. Chrétien, I believe we have a broadcast  
2 of 21 June of Ananie Ngze. What's the  
3 significance of this broadcast?  
4 A. It's a very brief but clear message on the  
5 link between the RTLM and the Interahamwe;  
6 in other words, the militia of the MRND  
7 party. In fact, the militia's role is  
8 well-known in the genocide killings. What  
9 strikes me is the end of this passage on  
10 this youth, which is to be found at the  
11 front.  
12  
13 Which front are we talking about? We know  
14 that the Rwandan soldiers are on the war  
15 front, given the war which was resumed with  
16 the RPF, but the front for the Interahamwe  
17 is nothing but the roadblocks.  
18  
19 What strikes me is that the vocabulary is  
20 coded and there the radio is referring to  
21 the republic party and this refers to the  
22 republic and it's a coded word which means  
23 not only democracy, it also is talking about  
24 the power attached to the people in the  
25 majority. We are also struck by words

1 coming from the RTLM presenters or other  
2 parties and we see the links with the RTLM.  
3 So the extremist link between the RTLM with  
4 extremist entities, which is now being  
5 shown.

6 Q. Let's now go to specific incidences of  
7 people being named on RTLM, and we'll turn  
8 first to index No. 340, which was the  
9 foundation tape that came in through  
10 Witness GO last year, 3654, 3654A and the  
11 excerpt that will be playing today is in  
12 English and the official excerpt translation  
13 from the language section 54B and 54C and  
14 appears to be a broadcast of Gaspard Gahigi  
15 on the 14th of March 1994. The reference to  
16 the report, your report in the French  
17 version is 19039 and in the English 26834,  
18 excerpt 340.

19 (Tape played in Kinyarwandan)

20

21 Now let's see the French translation.

22

23 (Tape played in Kinyarwandan)

24 BY MR. RAPP:

25 Q. What's the significance of this broadcast,

1 Professor?

2 A. First of all, it takes place on the 14th of

3 March, in other words, before the genocide

4 at the time when there was a polemic by RTLM

5 on the involvement in the Arusha Accords.

6 But I think that is not the essence, because

7 I would say, generally speaking, why would

8 the RTLM not discuss with Muhabura radio?

9 That's not the problem. The problem is the

10 information that we are seeing here, the

11 accusation of someone by name and is

12 supposedly an RPF accomplice, either that

13 but, furthermore, there's a reading of a

14 private letter and despite the initial

15 sentence, which says that, "I will only

16 read you a few extracts for you to believe

17 that this is not an invention, because we

18 are respecting the confidentiality of this

19 document". It goes right up to the end, and

20 he greets the children, Esperance, Clarice,

21 Centry(phonetic), their younger sister. He

22 is introducing here the whole family of this

23 man in the denunciation of the person.

24 (Pages 137 to 165 by R. Lear)

25

1 1545H

2 Q. And do you know from your work what happened  
3 to these individuals, particularly the  
4 children on that list?

5 A. When we wrote the report, we made examples  
6 of the denouncements, and from then -- since  
7 then we have had access to an investigator  
8 of the ICTR in Kigali who was able to find  
9 Manzi Sudi Fahdi. And you will recall that  
10 at this time, this whole family, especially  
11 the children, Espérance, Clarisse, Cintré  
12 and so on were killed during the genocide.  
13 We don't have any other details, but we know  
14 that the children were killed. And I'm  
15 saying that the fact that they were thus  
16 mentioned on RTLM did not all go well for  
17 the family.

18 JUDGE MØSE:

19 Do you know when they were killed during the  
20 genocide?

21 THE WITNESS:

22 No. I think that we need to have further  
23 investigations. I cannot say more than what  
24 the investigator gave us as information.

25

1 MR. BIJU-DUVAL:

2 Madam President.

3 MADAM PRESIDENT:

4 Mr. Biju-Duval.

5 MR. BIJU-DUVAL:

6 What has just been said doesn't come from  
7 any part of the report. Quite naturally, we  
8 are being told now that an investigation was  
9 made, it would seem, testimony or  
10 testimonies, in the plural, were collected  
11 regarding this matter. The Office of the  
12 Prosecutor cannot be unaware of all this.  
13 Can the Prosecutor indicate to us why he did  
14 not disclose this information to the Defence  
15 before this hearing today, and why, if there  
16 were in fact testimonies collected on this  
17 particular issue, why such were not  
18 disclosed?

19  
20 Madam President, Your Honours, you have well  
21 understood that the Prosecutor has used the  
22 results of these investigations during this  
23 hearing, and that so-called result of the  
24 investigation was not disclosed, neither in  
25 writing to the Defence, prior to this. This

1                   seems to me to be particularly an irregular  
2                   type of proceeding.

3       MR. RAPP:

4                   Your Honour.

5       MR. MARTEL:

6                   Madam President.

7       MADAM PRESIDENT:

8                   Yes, Mr. Martel.

9       MR. MARTEL:

10                  Once again, Madam President, there is  
11                  absolutely no way of verifying the  
12                  reliability of this, and as my learned  
13                  friend Biju-Duval has said, this is the  
14                  second time that we're being placed in such  
15                  a blind situation, and it seems to me that  
16                  it is completely an irregular way of  
17                  proceeding.

18       MR. RAPP:

19                  Your Honours, by your leave. As far as  
20                  these individual cases, obviously their  
21                  experts have cited numerous examples of  
22                  direct and public incitement of genocide in  
23                  the report, particularly chapter 21, and on  
24                  their arrival inquired of them about any  
25                  information they had on -- though they have

1           some, as we'll see -- of what was the result  
2           of these incitations, even though that's not  
3           required under the Akayesu case. An inquiry  
4           was attempted in the last two days for them  
5           to contact investigators and individuals in  
6           Rwanda to determine, simply, the fate of  
7           individuals that were listed and to receive  
8           oral reports. And as a result of  
9           investigators in this case, though they had  
10          difficulty with the situation in Rwanda on  
11          Thursday, as of Saturday they had made  
12          contact with Manzi Sudi Fahdi to find out  
13          about the fate of his family. And there was  
14          an additional one that we'll be dealing with  
15          involving an individual in Butare. But  
16          these are simply questions of what happened  
17          to these individuals to tell the entire  
18          story. And we're going to have the  
19          investigators prepare those reports, but I  
20          think it's important to have that  
21          information.

22       MR. BIJU-DUVAL:

23                Madam President, I take due note of the  
24                observations made by the Office of the  
25                Prosecutor, which in fact worsen the

1                   unfairness of these proceedings. In other  
2                   words, we are learning now -- here, now,  
3                   that it wasn't in fact today at this very  
4                   moment that the Prosecutor is learning about  
5                   this so-called fate of the Manzi family, but  
6                   that over several days the Prosecutor has  
7                   been in possession of oral information which  
8                   over several days it, the Office of the  
9                   Prosecutor, has had the intention of  
10                  bringing out in -- during the hearing -- the  
11                  so-called information and to use it against  
12                  the Accused.

13  
14                  This information, this intent, why did the  
15                  Prosecutor not share this with the Defence,  
16                  in respect of judicial fairness? It was  
17                  aware of this information. It wanted to use  
18                  it intentionally because it wanted to hide  
19                  its intention from the Defence. I wish,  
20                  Madam President, Your Honours, that this way  
21                  of proceeding specifically be sanctioned by  
22                  the Trial Chamber.

23                  MR. RAPP:

24                  Your Honours, a point of personal privilege  
25                  here. I mean, we have done everything we

1 can to make disclosure as rapidly as  
2 possible, and we have documents and  
3 information to provide. But we are talking  
4 about information that came into our  
5 possession over this weekend and which we're  
6 waiting for written reports this morning and  
7 still had not received them. And we've  
8 reached the point in this, which we agreed  
9 to do in a single day, shortly after the  
10 arrival of this witness, where we can ask  
11 the question. Obviously, in the course of  
12 cross-examination we'll extend for the rest  
13 of the week if there's any opportunity for  
14 the Defence in the last two days. There's  
15 certainly opportunity in the next four for  
16 them to have any other inquiry about the  
17 fate of individuals in Rwanda.

18  
19 We know how difficult it is to determine the  
20 fate of individuals in Rwanda. Those of us  
21 who have been to the church at Nyamata find  
22 20,000 skulls and only about 12 coffins of  
23 identified victims, extremely difficult.  
24 The book that we last -- that the last  
25 expert dealt with the issue of "leave no

1 victim to tell the story". It is difficult  
2 to get this information. It's not available  
3 in the files. We tried to make sure when  
4 this expert came that we had that  
5 information. Perhaps with Rwandans making  
6 these communal books about the victims,  
7 we'll have more in the future.

8  
9 But we think it's important to share this.  
10 There's no intention to deceive this  
11 Chamber, and there's certainly plenty of  
12 time, if it is possible at all, within a  
13 matter of a few days to obtain additional  
14 information as to these particular victims.

15 MADAM PRESIDENT:

16 We note the objections raised by the Defence  
17 and the explanation provided by Mr. Rapp  
18 that you are actually not in possession of  
19 the information.

20 MR. RAPP:

21 That's correct, Your Honour.

22 MADAM PRESIDENT:

23 Well, we'll deal with the situation, then,  
24 when you offer to produce evidence on this.  
25 In the interim, we'll receive the witness's

1 response as his source and we will evaluate  
2 it in due course. Next question.

3 MR. RAPP:

4 Now, let's proceed to 192. And earlier we  
5 had -- I think we dealt with the second  
6 excerpt from 192, and now we'd like to deal  
7 with the first excerpt. So this is one you  
8 may have already set aside. It is  
9 Exhibit P103/192, and this is -- excuse me,  
10 it's the second excerpt. We've already  
11 heard the one about Kigali and the 3rd of  
12 April and the (unintelligible). Now we're  
13 looking at the second excerpt, 192bis, and  
14 that's at 103/192D and 192E in English. And  
15 this particular excerpt is not -- the tape  
16 is used, but this particular excerpt, I  
17 don't believe, is in the report of the  
18 experts.

19 (Audiovisual cassette played)

20 MR. RAPP:

21 Now in French.

22 (Audiovisual cassette played)

23 BY MR. RAPP:

24 Q. Professor Chrétien, we have a broadcast here  
25 on the 3rd of April 1993 by Habimana,

1                   Kantano; what's the significance of this  
2                   broadcast?

3       MADAM PRESIDENT:

4                   Did you say '93?

5       MR. RAPP:

6                   Pardon. Occasionally I make that mistake.  
7                   Ninety-four.

8       THE WITNESS:

9                   Yes. It's the broadcast of 2nd April 1994,  
10                  which is also in the form of denunciations  
11                  of various persons, the medical director of  
12                  the Cyangugu regional health district and  
13                  other individuals who are denounced on the  
14                  radio. And this is on the 2nd of April  
15                  1994. So this is again another example,  
16                  among others, of this practice of direct  
17                  denunciation of persons on RTLM.

18       MS. ELLIS:

19                  Madam President, I think it is actually the  
20                  3rd of April, not the 2nd.

21       MADAM PRESIDENT:

22                  Yes, thank you for that. It just slipped  
23                  from the English booth.

24       BY MR. RAPP:

25       Q.           Let me now go to -- back to the testimony of

1 Wolfgang Blam, as you call it, page 106 that  
2 was earlier provided, our proposed  
3 Exhibit P164 and call your attention to a  
4 second full paragraph on that page.

5 MR. RAPP:

6 And with the Court's permission -- and this  
7 is part of why I wanted it in evidence, but  
8 I would ask that the witness be permitted to  
9 read that paragraph in French so that it can  
10 be translated.

11

12 THE ENGLISH INTERPRETER:

13 Could counsel kindly repeat the reference,  
14 the page number and so on.

15 MR. RAPP:

16 Yes, this is from the book. We're looking  
17 at page 106, which is the left side of the  
18 page with registry No. 28925, and you'll see  
19 that the first full paragraph begins with  
20 the words "du collègue médecin" and then the  
21 next one begins with the words "par  
22 téléphone". We wish him to read the  
23 paragraph as far as "par téléphone" is  
24 concerned.

25

1 THE WITNESS:

2 This is another extract from this German  
3 doctor who was there in Kibuye during the  
4 genocide and who learned by telephone about  
5 the Changugu/Kamembe massacres during which,  
6 for instance, the regional doctor of  
7 Cyangugu was caught in front of his house.  
8 And three days earlier, on Monday, 3rd  
9 April, he was insulted as an accomplice of  
10 the rebels in Cyangugu. During a meeting on  
11 Tuesday before the attack on the 5th of  
12 April -- I didn't speak about this  
13 denouncement because I --

14 BY MR. RAPP:

15 Q. Perhaps just for accuracy, could you just  
16 read the paragraph so that it could be fully  
17 translated and placed in the record  
18 beginning with "par téléphone".

19 A. Should I begin the reading again?

20 MADAM PRESIDENT:

21 And go slowly for translation.

22 THE WITNESS:

23 "By telephone we had already been informed  
24 of the Kamembe/Cyangugu massacres during  
25 which, for instance, the regional doctor for

1                   Cyangugu, whom we know, was burnt alive in  
2                   front of his house. On the incendiary RTLM  
3                   radio of the CDR extremist party, only three  
4                   days earlier on Monday -- brackets --  
5                   4 April, he was -- in other words, the  
6                   doctor -- was insulted as an accomplice of  
7                   the rebels, an organiser of rebel meetings  
8                   in Cyangugu. During a meeting on  
9                   Tuesday -- on the Tuesday before the  
10                  attack -- in other words, on the 5th of  
11                  April -- I did not speak to him about these  
12                  defamations because I knew about his honesty  
13                  and I took these accusations as being  
14                  totally absurd".

15       THE ENGLISH INTERPRETER:

16                   The interpreters are sorry. We didn't have  
17                   the text earlier.

18       BY MR. RAPP:

19       Q.           Thank you. And from any other research that  
20                   you've done and material that's been  
21                   disclosed in this case, witness statements  
22                   or anything like that, do you have any other  
23                   information about the -- the fate of other  
24                   individuals mentioned in this broadcast?

25       A.           Well, what struck me was in fact the link

1                   between what is written here by Dr. Blam,  
2                   who was in Rwanda at the time. So it is a  
3                   text which I know very well, a text which I  
4                   translated from German into English -- into  
5                   French.

6  
7                   And, furthermore, this is a broadcast of  
8                   3rd April, in fact, 3rd April 1994, so the  
9                   dates of the broadcasts are not strictly the  
10                  same, but one needs to check whether this  
11                  accusation, this denunciation, wasn't  
12                  repeated on several occasions.

13  
14                  However, the fact remains that there is a  
15                  chronological link, very close link, between  
16                  the denunciation of this doctor and his  
17                  execution. The fact that he was burnt alive  
18                  a few days later, the link is quite clear  
19                  there.

20  
21                  I also wish to say that our work on the  
22                  expert report was basically studying the  
23                  media, their content and their actions, and  
24                  that never, ever, we ourselves as experts  
25                  for this particular job, did we ever have

1 the possibility nor the time to carry out  
2 investigations on the events concerning what  
3 happened on the ground. So when we are  
4 making links, it's on the basis of,  
5 obviously, investigations carried out by the  
6 ICTR, or here, where there's coincidence of  
7 the publication of this testimony which came  
8 out in 1994 already in Germany.

9 MR. RAPP:

10 Now, let's go on to another tape,  
11 specifically, 103/132, which in revised form  
12 came in today, and the original Kinyarwanda  
13 is 132A/R, and we're dealing here with a  
14 broadcast by Valerie Bemeriki on the 20th of  
15 May 1994, which is -- in which a part -- in  
16 which there's, I think, translation -- a  
17 full translation in one language. But today  
18 we're offering the excerpts as 132D and  
19 132E.

20  
21 As far as references to this in your report,  
22 there are several references to the -- to  
23 this quotation and to parts of it. And  
24 specifically at 19013bis in the French,  
25 26773 in the English, and then I think again

1 at 18897 and 98 in the French and 26631  
2 and 32 in the English. So now excerpt 132.  
3 (Audiovisual cassette played)

4 MR. RAPP:

5 Now the French translation.  
6 (Audiovisual cassette played)

7 BY MR. RAPP:

8 Q. Professor Chrétien, this may have been a  
9 broadcast you referred to in part earlier,  
10 but what is the significance of this  
11 particular passage?

12 A. On the 20th of May, in fact, there was a  
13 very long contribution by Valerie Bemeriki  
14 on RTLM. It's very, very long, and it is  
15 difficult to cut it up to illustrate  
16 such-and-such aspect, as we can see here.  
17 But the long passage on the Virgin Mary that  
18 we referred to a moment ago, here we see  
19 that the relationship with the report is a  
20 little more complicated and even conflictual  
21 because Valerie is deploring the fact that  
22 the -- that there was a beginning of a list  
23 of persons -- religious persons being made,  
24 and it would be the victims who are being  
25 accused of being guilty.

1                   And here we are still in Kibeho, on  
2                   massacres which took place in May in the  
3                   Kibeho church, and this was described by  
4                   various witnesses. And we see that Tutsis  
5                   who are taking refuge and are frightened in  
6                   this church, they are attacked frequently.  
7                   Amongst them there were some priests,  
8                   including several -- Father Ngoga --  
9                   Father Ngoga in particular, as well as other  
10                  priests, Father Ntagara and Father  
11                  Mungwarareba.

12  
13                  So it's a way of saying that all these  
14                  people who had sought refuge in churches  
15                  were in fact -- it was they who, though they  
16                  were fleeing because of fear from the  
17                  attacks and killings that they were  
18                  threatened of, it's they who are now being  
19                  accused of being victims -- of being the  
20                  accomplices, and that they are the Tutsis.  
21                  And that is what is the basis of -- the  
22                  basic element of this text.

23           Q.           Now, I believe in your report you do  
24                          indicate something about the fate of these  
25                          particular individuals. What was the fate

1 of Father Ngoga and the others following  
2 this broadcast?

3 A. There are, in fact, three priests that we  
4 can follow through other testimonies. Whose  
5 fate we can follow, and I can speak of, is  
6 Father Ngoga and Father Mungwarareba and  
7 Father Ntagara. Father Ngoga and Father  
8 Ntagara were killed a little bit later;  
9 father Ngoga managed to flee, but he was  
10 killed in Butare on the 31st of May; in  
11 other words, 11 days later. He was arrested  
12 following this denouncement, and he was  
13 finally released and killed just at the exit  
14 of the prison.

15  
16 And investigations by FIDH and African  
17 Rights, in particular, have given  
18 information on this. As for Father Ntagara,  
19 as Father Ngoga, he was on the list of  
20 priests who disappeared during the genocide.  
21 This list was published, I believe -- I  
22 don't have the reference exactly, but it was  
23 at the end of 1994 in Dialogue, the  
24 magazine, and Father Mungwarareba was also  
25 in Butare. He escaped. He died recently,

1 but at the time he also managed to hide and  
2 stay in hiding.

3 Q. So you indicate that the third father that  
4 you mentioned hid and avoided being killed;  
5 is that what you are indicating?

6 A. Yes, that is true. He fled and he was a  
7 survivor. I even met him in Butare in  
8 1995 -- in Kigali, I beg your pardon, in  
9 1995.

10 MR. RAPP:

11 Now let's proceed to another broadcast about  
12 a specific individual. And this is not  
13 cited in your report, though this excerpt  
14 was made available to the Defence nine days  
15 ago. And this is an excerpt from Valerie  
16 Bemeriki, a broadcast of 2 June 1994. It's  
17 tape 20. It appears as 103/20A in the  
18 Kinyarwanda, and these excerpts are P103/20B  
19 and 20C, excerpt 20.

20 (Audiovisual cassette played)

21 MR. RAPP:

22 Now the French translation.

23 (Audiovisual cassette played)

24 BY MR. RAPP:

25 Q. Professor Chrétien, what is the significance

- 1 of this broadcast of June 2nd, 1994?
- 2 A. Another example of denouncements. Here,
- 3 this is right in the middle of the genocide
- 4 when a teacher to the south of the country
- 5 who eventually saw her husband having to go
- 6 into hiding, she is denounced as an
- 7 accomplice who hates the Hutus and teaches
- 8 Hutu hatred to her pupils.
- 9
- 10 Obviously, since the end, the word "butwari"
- 11 is mentioned, "courage", since these people
- 12 of the commune are called to be courageous,
- 13 whose peace and security will be threatened
- 14 by this person, one can imagine the result
- 15 of this denouncement in -- over the radio.
- 16 Q. Based upon anyone that you have spoken to in
- 17 the last several days, do you have any
- 18 information as to the fate of Teacher Jean
- 19 of Mamba school?
- 20 A. Well, this is another example to see this
- 21 denouncement shown by what happened to the
- 22 people who have been mentioned. If I
- 23 believe this is so -- the investigations
- 24 were quite long in being received -- that's
- 25 not my problem. But I did have access to

1 the results of the investigator. This  
2 was -- Yeanne was, in fact, a Hutu married  
3 to a Tutsi, and her husband was hiding at  
4 the hospital and then at the doctor's house  
5 before he fled to Burundi. Subsequently,  
6 his wife, who remained behind with the  
7 children, knowing that these children were  
8 threatened, because, according to the  
9 definition referring to ethnic groupings in  
10 Rwanda, children belonged to the ethnic  
11 group of the father. Even if the mother is  
12 Hutu, the children were Tutsi.

13  
14 So one of the children hid in the bush. The  
15 smaller ones remained together with her.  
16 She complained about hearing -- following  
17 this RTLM broadcast hearing threats upon her  
18 and she complained through the bourgmestre  
19 who told her to be calm. She didn't trust  
20 this, and she hid in someone's house. So  
21 she therefore survived and she is still  
22 alive. She was able to be questioned.

23  
24 So this is how we have testimony of a  
25 survivor. And here, thank God, the

1 denunciation was not followed by a killing.  
2 But we have a persecution which is  
3 encouraged by an RTLM broadcast, according  
4 to the testimony of this very person whose  
5 friends told her to hid herself, because  
6 we've heard this broadcast of the RTLM.

7 MR. BIJU-DUVAL:

8 Madam President.

9 MADAM PRESIDENT:

10 Yes, Mr. Biju-Duval.

11 MR. BIJU-DUVAL:

12 The same problem arises once again in a  
13 clearer fashion. The Prosecutor is having  
14 the expert testify on testimony which is  
15 resulting from an ICTR investigation. The  
16 expert is telling us that this investigation  
17 was done and carried out, that it was -- its  
18 results were given to the expert by the  
19 Defence. There is a very clear indication  
20 of the unfair nature of the proceedings. It  
21 would seem that the ICTR did indeed carry  
22 out the investigation in question. These  
23 investigators do belong to the Office of the  
24 Prosecutor. Mr. Rapp can, therefore, not  
25 claim to be unaware of this investigation

1                   because it's internal to the Office of the  
2                   Prosecutor. Therefore, Mr. Rapp cannot be  
3                   unaware of it.

4           MADAM PRESIDENT:

5                   Yes, thank you. No need to repeat the  
6                   entire objection. We have that on record,  
7                   and the same objection applies to this,  
8                   according to you. And, of course, the  
9                   evidence is admissible because hearsay is  
10                  not excluded in terms of our Rules.

11

12                  But if you are in possession of any material  
13                  conducted as a result of investigations,  
14                  then you are required to disclose them,  
15                  Mr. Rapp.

16           MR. RAPP:

17                  We would very much like to disclose them,  
18                  but they are not in that material form as  
19                  yet. And just as a personal representation,  
20                  this particular conversation between  
21                  Mr. Chrétien and the investigator occurred  
22                  in the last several days, and there has not  
23                  yet been a written report to reach us. But  
24                  we believe that the information should be  
25                  shared and that we've asked that a report be

1 prepared and immediately faxed here, and it  
2 hasn't yet arrived. But we'll disclose it  
3 as soon as it does.

4 BY MR. RAPP:

5 Q. Now, let me go forward to the question of  
6 whether the announcers, whether the  
7 personnel, the management or anyone at RTLM,  
8 were aware of the effects of their  
9 broadcasts. Were they?

10 A. I think the question basically is one of the  
11 awareness of the nature of these broadcasts  
12 and their effect, their impact, because,  
13 after all, one can say that we saw what  
14 happened and it was regrettable, but we  
15 didn't ask for it.

16  
17 Now, what struck us, especially after May  
18 and June, about broadcasts and journalists  
19 of the RTLM, who basically expressed their  
20 concern in a way regarding the fact that  
21 their propaganda could be characterised as  
22 being a part of a participation in the  
23 planning of the massacres, there is a long  
24 broadcast by Gaspard Gahigi in May after the  
25 meeting of the UN Human Rights Commission

1 meeting. And we see from that time that  
2 these journalists were aware of the  
3 seriousness of the propaganda they were  
4 developing.

5  
6 Furthermore, there is also this time when  
7 the French troops, the Operation Turquoise,  
8 arrived in Rwanda in June, and I think we'll  
9 see an example of this later on. They also  
10 want to disguise the genocide.

11  
12 I also want to make a remark in that in  
13 Rwanda itself it was not necessary to wait  
14 until after the genocide for the danger of  
15 the -- serious danger of this propaganda be  
16 noticed, especially by the democratic  
17 opposition parties. I think in Kanguka  
18 magazines, I think we mentioned this in the  
19 relevant chapters. We said that the RTLM  
20 set the country on fire. And we also  
21 mentioned the efforts of the minister of  
22 information of Madam Agathe Uwilingiyimana's  
23 government, Mr. Rucogoza, who, on several  
24 occasions warned or organised meetings to  
25 inform the RTLM officials of the excessively

1 dangerous nature of their propaganda.  
2 Q. Let's go to a particular passage which is  
3 excerpt No. 9. It is in evidence as 103/9A,  
4 as far as the Kinyarwanda original. And the  
5 proposed excerpts in French are 9C, and in  
6 English 9B.

7  
8 And this particular tape is mentioned in  
9 your report at page 18928, in English --  
10 French version, and 26664 in the French  
11 version. It's broadcasts of Kantano  
12 Habimana on the 18th of May 1994, excerpt 9.  
13 (Audiovisual cassette played)

14 MR. RAPP:

15 Now that same excerpt, the French  
16 translation.

17 (Audiovisual cassette played)

18 BY MR. RAPP:

19 Q. You've obviously mentioned the French  
20 intervention in your answer just before this  
21 one. What is the significance of this  
22 particular broadcast?

23 A. First of all, I'm asking myself a question,  
24 because I can never hide my critical concern  
25 regarding this document. In respect of the

1 exact date of the programme, wasn't it on  
2 the 18th of June? We should check on this.  
3  
4 However, having said this, what is referred  
5 to here is the French intervention in  
6 Rwanda. It is said that the intervention by  
7 a country considered as a friendly country  
8 by the RTLM could have a negative effect if  
9 the French soldiers upon their arrival would  
10 see bodies; that is, victims of genocide,  
11 and this would not be a good thing,  
12 especially with the presence of journalists.  
13 And here there is a terrible sentence which  
14 concerns the culture of violence that I  
15 mentioned earlier. Because here they are  
16 saying that people should stop killing while  
17 onlookers stand by and just laugh. So this  
18 is the kind of violence that was really  
19 propagated by the radio station.  
20  
21 Having said this, the journalists do admit  
22 that there is a serious problem. And in  
23 other programmes -- and, once again, here I  
24 would like to say that this was in June.  
25 Other programmes also through Valerie

1 Bemeriki would raise this issue, especially  
2 regarding the advance of intellectuals in  
3 Butare, who said that the arrival of the  
4 French should be prepared in respect of this  
5 particular issue.

6 Q. I thought perhaps you were looking for a  
7 page, Professor. Later you could share that  
8 with us if you find it.

9  
10 Let's go to another excerpt. You mentioned  
11 a long discourse by Gaspard Gahigi, and we  
12 have an excerpt, 17 -- the first excerpt,  
13 17. We've already used another 17 earlier.  
14 This is the first excerpt, which is marked  
15 in English P103/17B and 17C. It's in your  
16 report as a very long piece between 18915  
17 and 18917bis in the French and 26550 to 552  
18 in the English. And we have here a  
19 paragraph from that selection an official  
20 translation broadcast of 31 May.

21 JUDGE MØSE:

22 Mr. Rapp --

23 MR. RAPP:

24 Yes.

25

1 JUDGE MØSE:

2 -- before you move on. This RTLM Habimana  
3 quote, I understood the witness as being in  
4 doubt as to whether the correct date was the  
5 18th of May; was that so, Mr. Witness?

6 THE WITNESS:

7 Yes, indeed. I was trying to look among my  
8 papers. I was concerned. Of course, I  
9 cannot contain in my head all these dates.  
10 The French intervention took place in the  
11 middle of June. But come to think of it,  
12 prior to that, there were discussions at the  
13 level of the United Nations regarding the  
14 need to intervene or not in Rwanda, and  
15 France had said that it was ready to  
16 intervene in Rwanda. So I would like to  
17 apologise and rectify what I had just said  
18 earlier, and I think that the date here is  
19 correct, because I had actually forgotten  
20 that there was a month before the French  
21 intervention. In other words, there was a  
22 lag of one month between the decision to  
23 intervene and the actual intervention. And  
24 that is what actually caused my concern, but  
25 the date here is right.

1 MR. RAPP:

2 Now let's go to this 17E.

3 (Audiovisual cassette played)

4 MR. RAPP:

5 And now the French translation.

6 (Audiovisual cassette played)

7 BY MR. RAPP:

8 Q. Professor Chrétien, what is the significance  
9 of this broadcast?

10 A. Obviously, this is an important passage.  
11 And the important passage here is that the  
12 one saying that we have to be careful  
13 regarding information according to which the  
14 Presidential Guard are apparently implicated  
15 in the massacres that had begun on the  
16 7th of April in Rwanda. I think that the  
17 date here gives well the contents and  
18 against -- once again, this was after the  
19 meeting of the United Nations Human Rights  
20 Commissions' meeting in Geneva and where  
21 increasingly international bodies started  
22 talking about genocide, for instance, in  
23 Europe. In the various European countries  
24 people started talking about genocide.

25

1                   So I think that this here interprets the  
2                   conscience of what is happening and what is  
3                   happening is serious. And if such  
4                   allegations were proved to have taken place  
5                   and committed by an official Rwandan  
6                   institution, such as the military and the  
7                   Presidential Guard, having participated in  
8                   the massacres, then instead of popular anger  
9                   uprising, which was the preferred theory of  
10                  the organisation of the genocide, then, you  
11                  know, things would have been good.

12  
13                  So you will notice that these references to  
14                  the role of the Presidential Guard actually  
15                  is attributed to the Inkotanyi. And the  
16                  first look here, the implication is that the  
17                  accomplices of the RPF were involved.

18        Q.           Let's now go to another --

19        MADAM PRESIDENT:

20                  Can you just repeat the English page again  
21                  for that last excerpt?

22        THE ENGLISH INTERPRETER:

23                  Microphone, Counsel, please.

24                  Madam President.

25

1 MR. RAPP:

2 The president asked me to name the English  
3 page and it is specifically --

4 MADAM PRESIDENT:

5 See, you said 26,550. There is no such  
6 page.

7 MR. RAPP:

8 Ah, yes, I misspoke. 26,650 to 52.  
9 Thank you.

10 MADAM PRESIDENT:

11 Thank you.

12 MR. RAPP:

13 Let's then go to an excerpt numbered 202, a  
14 broadcast of 25th June '94, with the exhibit  
15 in Kinyarwanda as P103/302A. And these  
16 excerpts are P103/302B and 302C. And in  
17 terms of the reference in the report, this  
18 was in the French report at 18921bis, and in  
19 the English translation at 26656,  
20 excerpt 302.

21 (Audiovisual cassette played)

22 MR. RAPP:

23 Now the French translation.

24 (Audiovisual cassette played)

25

1 BY MR. RAPP:

2 Q. Professor Chrétien, what is the significance  
3 of this passage?

4 A. This time around we're a few days after the  
5 beginning of the intervention of the French  
6 forces in the western part of the country.  
7 The editor-in-chief of the RTLM is speaking  
8 in politically correct language by saying  
9 that people should not be persecuted on the  
10 basis of their appearance or original  
11 origin, but only on the basis of  
12 (interpretation unintelligible). And I  
13 think it was high time we say this because  
14 this was in June and moving on towards the  
15 end of the genocide against Tutsis.

16  
17 In the same vein, when he refers to what had  
18 happened before, like he says, you should  
19 stop attacking your neighbours because of  
20 their appearance and so on and so forth, he  
21 is actually recognising the reality of  
22 genocide; that is, he is recognising that  
23 people were massacred because of their  
24 appearances and because -- on the basis of  
25 racist ideology. So I find it's clearly --

1 here we see clearly an instance when the  
2 editorial board of the RTLM actually  
3 recognises what had happened prior to such  
4 intervention.

5 Q. Despite this happening on the 25th of June,  
6 were there examples of RTLM continuing the  
7 same messages as earlier in regard to the  
8 enemy and who to attack?

9 A. I believe we heard passages from the  
10 beginning of July which were to that effect.  
11 And I would like to add that -- and this  
12 refers to other written material -- there  
13 were massacres, for instance, in Bisesero,  
14 in the préfecture of Kibuye, at the time  
15 when the French had already arrived. And  
16 the massacres were committed on the  
17 denunciation to the effect that all Tutsis  
18 were accomplices of the Inkotanyi and had to  
19 be eliminated.

20 MR. RAPP:

21 Let's go to the final excerpt that we'll be  
22 hearing, and that is No. 214, and that's --  
23 that particular excerpt is dated the 1st of  
24 July 1994, and is purportedly by Habimana,  
25 Kantano or Kantano Habimana. It's in

1 evidence in the Kinyarwanda as 103/214A.  
2 Our excerpts are 214B for the English and  
3 214C for the French.

4  
5 It appears in your report at page -- of the  
6 French version -- 18,907, and of the English  
7 at 26,642. The final excerpt No. 214.  
8 (Audiovisual cassette played)

9 MR. RAPP:

10 Now the French translation.  
11 (Audiovisual cassette played)  
12 (Pages 166 to 199 by S. Fleming Eboe-Osuji)

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 1700H

2 MR. RAPP:

3 (Continuing)

4 Q. Professor Chrétien, what is the significance  
5 of that broadcast?

6 A. This time what is referred to here, it is  
7 the hypothesis of international justice.  
8 I'm not going to go back to the passage  
9 which mobilises the past and try to actually  
10 make the massacres and the genocide to  
11 appear as a resistance against the  
12 restoration of the monarchical feudal  
13 system, as is indicated in this translation.

14  
15 What is interesting here is that, basically,  
16 Kantano Habimana supposes that there be only  
17 be justice when one is defeated. This is a  
18 classical theme since 1945, when people  
19 started talking about the justice of winners  
20 when referring to the Nuremberg trials.  
21 Here he is recognising that if his political  
22 camp is defeated, then there is a danger of  
23 them being tried because it's not in all  
24 armed conflict this happens. This is a  
25 civil war; this is genocide and, therefore,

1                   there is a possibility of people being tried  
2                   for crimes against humanity.

3  
4                   Gaspard Gahigi had already forced this and  
5                   discussed it in a broadcast in the month of  
6                   May. And, here, Kantano, according to his  
7                   habit, is expressing things very simply by  
8                   saying that the only way for them not being  
9                   tried is to win; otherwise, if they lose,  
10                  they will be pursued up to the bottom of  
11                  Lake Kivu. And here I cannot resist the  
12                  temptation of pointing out that this  
13                  statement by Kantano was made about eight  
14                  years ago.

15         Q.           Okay. So, let me at this point move ahead  
16                   briefly to the individual Accused and your  
17                   report in that regard. Very briefly, you  
18                   discuss the findings in your report about  
19                   the alleged involvement of the Accused for  
20                   obtaining -- in obtaining the information  
21                   which you used.

22         MADAM PRESIDENT:

23                   Just a moment, Mr. Rapp. We can return to  
24                   this document that you asked to have  
25                   admitted as an exhibit. And the Chamber

1 finds there's sufficient grounds for  
2 admissibility. This is an excerpt from the  
3 witness's book. He did the translation into  
4 French personally, and he checked it with  
5 Wolfgang Blam himself. We had some  
6 reservation about the value you intended to  
7 place on this but, in view of your second  
8 reference to this document, we will now  
9 receive it. It will be marked  
10 Exhibit P-one-six -- what is the next  
11 number?

12 MR. RAPP:

13 Four.

14 MADAM PRESIDENT:

15 P164, let us move on.

16 (Exhibit No. P164 admitted)

17 BY MR. RAPP.

18 Q. Now, let us -- dealing with individuals, how  
19 did you obtain the information about these  
20 individuals for the writing of your report,  
21 apart from the information you obtained from  
22 the ICTR?

23 A. This work started towards the end of 1994  
24 when we started preparing for the book and,  
25 as I already explained, that part of

1 research was carried out by Jean François  
2 Dupaquier. Among the documents accumulated,  
3 which were identified and which targeted the  
4 most important responsible people in the  
5 media, what happened is that those people  
6 all appeared on the RTLM and in the written  
7 media as well. So we have a series of  
8 investigative documents -- research  
9 documents, accumulated since 1995 in Rwanda,  
10 once again, particularly through the efforts  
11 of Jean François Dupaquier when he worked in  
12 the archives in Kigali and Butare.

13  
14 I was in Butare in February 2000. When we  
15 went into the university, we found files at  
16 the university. We interviewed some people,  
17 and he also found a lot of documents at the  
18 office of the management of ORINFOR and  
19 where Mr. Nahimana had worked for quite some  
20 time. So, we used a wide range of  
21 theories -- a wide range of documents that  
22 were found in various places, you know, on  
23 top of the documents that we did get from  
24 the ICTR.

25 Q. So, let's deal for a moment with perhaps one

1 of those documents -- and I'm sure you are  
2 familiar with your book and I think we all  
3 are familiar -- do you have your book with  
4 you? Well, I was going to ask you about  
5 page 114 of your book, Rwanda: the media of  
6 genocide, where you show part of an  
7 illustration which is identified as the  
8 cover of Kangura No. 26. I think you are  
9 familiar with this particular page. Is the  
10 date that was given in your 1995 book, as to  
11 the date of that Kangura cover, correct?

12 A. I don't have the book in front of me, but I  
13 remember what you are referring to because  
14 when we prepared our report, we noticed that  
15 -- and here I have to point out that,  
16 parallel to that, there was a publication  
17 that was going on. But during our work we  
18 noticed that there were some mistakes  
19 regarding dates, names in several places in  
20 the book and we rectified them.

21  
22 And you were mentioning page 114 of the book  
23 -- the cover, that is -- which has the image  
24 of former President Kayibanda with a machete  
25 next to his image, with the caption

1 explaining what is meant to be understood.  
2 We placed that issue to the end of 1993 in  
3 our book, but we realised that actually it  
4 dated to November 1991. So, we rectified  
5 this, firstly, in our report when we drafted  
6 it last autumn and, secondly, in the future  
7 republication of the book, you know, which  
8 is also going to be republished again. So  
9 we made these necessary rectifications.

10 Q. Do you recall whether the date of that  
11 particular cover was mentioned in a text of  
12 your report or used to reach any of the  
13 conclusions -- not in the report, but in  
14 your book, Rwanda: the media of Genocide?

15 A. The exact date in our report is  
16 November 1991, if I understand well your  
17 question. When we became aware of the  
18 mistake regarding the dates, which however  
19 did not play a fundamental role in the  
20 interpretation of the contents of the book,  
21 because we were not analysing a specific  
22 period; we were analysing the logic between  
23 propaganda. So when we found out the exact  
24 date was November 1991 I would say that we  
25 were satisfied with having found the mistake

1 and rectifying the mistake and that, in  
2 November 1991, it was a short time before  
3 March 1992.

4  
5 And we have testimonies, and here I have in  
6 mind the book by François-Xavier Nsanzuwera,  
7 the former public prosecutor in Kigali, who  
8 actually mentions that this cover was  
9 distributed in Mugesera as a handout in the  
10 beginning of 1992. And in that region at  
11 the beginning of March of that year,  
12 massacres, that we all know of, happened.  
13 So, these are the comments that I can make  
14 in answer to your question. I can also  
15 comment on the content of the illustration,  
16 if you so wish. And this I could do if I  
17 have it in front of me, which is not the  
18 case. I don't have it. I have only my  
19 report before me here. I don't know if  
20 Madam President would have the document made  
21 available.

22 MR. RAPP:

23 Your Honours --

24 MADAM PRESIDENT:

25 The Prosecutor is aware that it is being

1 covered by another witness.

2 MR. RAPP:

3 Right. But the question of Mr. Chrétien's  
4 date came up in that context and we were  
5 urged to ask the question of this witness.  
6 And, just simply, it is in evidence as part  
7 of P115, all of Kanguras.

8 MR. RAPP:

9 But for ease I would ask Mr. Matemanga to  
10 put a copy of the first page of Kangura 26  
11 -- I have a copy here, Mr. Matemanga, so you  
12 can avoid having to go to the binder.

13 BY MR. RAPP:

14 Q. And I note that in the picture on 114 of  
15 your book some of the other material on the  
16 page, page -- the cover of No. 26 does not  
17 appear, though there are translations of  
18 some of that material at the bottom. Is  
19 there anything other that's significant on  
20 that cover as far as No. 26 is concerned,  
21 which you have indicated was the cover of  
22 Kangura from November of '91?

23 A. Page 1 -- that is, the cover page in  
24 magazines in general, and in Kangura in  
25 particular, requires an analysis. In

1                   general, in any case, often the cover pages  
2                   of Kangura, if I could say, have several  
3                   themes; it has several drawings; it has  
4                   several captions, which are normally related  
5                   to articles that are contained in that  
6                   specific issue. For example, in another  
7                   issue -- that is, issue No. 46, which was  
8                   publicising RTLM -- we published only the  
9                   drawing which has the public -- publishing  
10                  of RTLM by Kangura and not everything than  
11                  the page.

12  
13                  Here what interested us, if I may say, is  
14                  the rectangular part you see on the left,  
15                  which associates former President Kayibanda  
16                  with a machete; in other words, associates  
17                  the idea of the PARMEHUTU revolution with  
18                  the machete. Maybe the revolution was not  
19                  due only to that, but it is associated to  
20                  that and it is accompanied by a caption  
21                  which is very clear saying -- and I'll  
22                  translate it briefly -- "The arms that we  
23                  shall use in order to defeat the Inyenzi  
24                  definitely"; question mark. "What arms  
25                  should we use?", and the answer is given

1 next to that. It says, "We will use  
2 machetes". And lower down, it calls for the  
3 reactivation of the 1959 revolution.

4  
5 Of course, we have already seen this theme  
6 of the use of history referring to the 1959  
7 revolution of Bahutu in order to defeat the  
8 Inyenzis and Tutsi. So you see here there  
9 is an association of Inyenzi and Tutsi.  
10 Regarding this book, we made an error  
11 regarding the date and a part of the  
12 comments made below here, which has been  
13 correctly translated in French, but the  
14 French -- we skipped the Kinyarwanda part.

15  
16 When we noticed all this, we took into  
17 account rectification measures and, if I may  
18 say, this representation, looking at it now,  
19 is more damning than we ever thought and, of  
20 course, here we have a photograph of  
21 soldiers from the real army separated from  
22 the Kayibanda image by a sentence which is  
23 quite different, which refers to an article  
24 inside the newspaper. And this is another  
25 part of the page and it was not part of the

1 topic that we wanted to illustrate.

2 THE ACCUSED NGEZE:

3 Madam President, we have a contradiction.  
4 The witness did not translate what are the  
5 weapons. He simply started with "the arms".  
6 He preferred starting with "the arms", so I  
7 think this is serious. Because he simply  
8 said "the arms" in a question form. But in  
9 translation it added "which". Thank you,  
10 very much.

11 THE WITNESS:

12 I said that there's a question mark at the  
13 end. So, you know, we have a specific  
14 translation in our book. I just translated  
15 rapidly, but that's why I mentioned the  
16 question mark and, once again, the answer to  
17 that question is given next to the question.

18 MR. MARTEL:

19 Madam President, Your Honours.

20 MADAM PRESIDENT:

21 Mr. Martel, please cover this in your  
22 cross-examination. This matter raised by  
23 your client. Do you have something else?

24 MR. MARTEL:

25 I'll be very brief. It's going to enlighten

1 the Court. It's not a question mark. Here  
2 what is seen is an exclamation mark, rather  
3 than a question mark.

4 MADAM PRESIDENT:

5 Next question, Mr. Rapp.

6 BY MR. RAPP.

7 Q. As to the individual Accused, have you ever  
8 seen Ferdinand Nahimana before today?

9 A. Of course.

10 Q. When and where?

11 A. I first wanted to say that I'm very sad to  
12 be here in this regard. Mr. Nahimana was a  
13 colleague whom I met for the very first time  
14 in Bujumbura during a scientific conference  
15 of the region of the Great Lakes where he  
16 appeared to me to be a very serious -- a  
17 serious and dynamic historian. I then met  
18 him in Paris when he came to study at the  
19 University of Paris 7 in order to support  
20 his thesis, and I was a member of the jury  
21 of his thesis, and he was a serious  
22 historian. One could discuss with him  
23 several aspects of his work, like all other  
24 works, but he was a historian.

25

1 The next time that I met him -- I hope I've  
2 not forgotten anything -- was in March 1990.  
3 As I said, I was invited to the National  
4 University of Rwanda for some weeks by my  
5 colleagues, historians who were there, and I  
6 asked them where was Ferdinand Nahimana  
7 because I had met him in Paris during his  
8 studies, and they told me he was no longer  
9 at the university but, rather, he was at the  
10 Butare institute of scientific research.  
11 And his colleagues made comments to the  
12 effect that Mr. Nahimana was now in the  
13 political sphere which was higher than their  
14 modest faculty.

15  
16 Later, I think after March 1990, I briefly  
17 saw Mr. Nahimana when he passed through  
18 Ruhengeri where I taught. I greeted him,  
19 but I don't think that we said a lot. And  
20 then I heard about him through the media,  
21 through the information concerning, in  
22 particular, events in Bugesera in 1992. But  
23 after that, I saw him only on television.  
24 That is why I find it quite painful, because  
25 when one knew a serious university -- a

1 serious student at university, and then  
2 politics makes such a student deviate from  
3 his path and puts him in a place where such  
4 a person he is now, I think that is quite  
5 sad.

6 Q. Professor Chrétien, you indicated that you  
7 were on the jury that evaluated his thesis,  
8 and I believe we have an item in evidence  
9 which people could potentially draw their  
10 attention to, a Defence exhibit, 1D97, the  
11 attestation for his doctorate diploma -- and  
12 here's another copy of it for the witness.

13  
14 Just reviewing that document, in your own  
15 recollection, how did you rate his thesis  
16 when it came time for you to make your  
17 recommendation as a member of the jury?

18 A. I am referring to the report regarding his  
19 defence of a thesis. I was there with  
20 Mrs. Coquery-Vidrovitch of Paris 7.  
21 Madam Claudine Vidal of the higher studies  
22 institute, Madam Perrot from the University  
23 of Paris 1, and myself from the CNRS  
24 laboratory associated with the University of  
25 Paris 1.

1 I am not going to talk about the  
2 intervention of other colleagues. What  
3 concerns me is that I, once again,  
4 emphasised the seriousness of his research.  
5 This was a new current. Mr. Nahimana --  
6 although Mr. Nahimana was not alone in this  
7 case to develop research emphasising the  
8 importance of regional studies. So he went  
9 out of a model which was unified around the  
10 Rwandan monarchy; however, I made  
11 reservations regarding the fact that he had  
12 an idyllic and a bit optimistic outlook of  
13 the world of -- and especially of the  
14 linear organisation characterising the  
15 societies in that region, and that he was  
16 optimistic regarding social relationships,  
17 in spite of the fact that Hutu are in the  
18 majority there, there were problems and  
19 exploitation.

20  
21 I did point out such shortcomings and --  
22 but I've participated many theses' defence,  
23 and I say that there were some aspects which  
24 were inadequate but, all in all, I can say  
25 that it was a very good thesis. I don't

1 want to re-read history now and say this was  
2 a bad thesis, no; rather, I'm wondering  
3 about the fact that Mr. Nahimana used two  
4 languages in his head when he was conducting  
5 his research. And here I am referring to  
6 the political aspects of his project, but  
7 this is something that I don't know.  
8 Regarding his work, now, reading it, one can  
9 see that there are points in his work that  
10 would allow us to understand why he actually  
11 idealised a purely Hutu ideology. He  
12 defended his thesis and in 1973 (sic) it was  
13 published, and here I can say that the  
14 political overtones can be seen quite  
15 clearly and this, to me, points to a  
16 problem.

17 Q. In regard to that -- I think we may have had  
18 a mistranslation, the publication of his  
19 thesis in 1993 --

20 THE ENGLISH INTERPRETER:

21 I beg your pardon; 1993. That was slip,  
22 Madam President.

23 BY MR. RAPP:

24 Q. The book, I believe -- Rwanda: emergence of  
25 a state, was there of anything significance

1 in that book in regard to your criticism or  
2 that had any relevance of your criticism  
3 from 1986 which you mentioned as having been  
4 placed in your evaluation?

5 A. This is a minor observation. When I read  
6 his work recently where, in his new  
7 introduction, he thanks various people,  
8 including the son of the late President  
9 Habyarimana; but, again, why not? In any  
10 case, he thanks the various colleagues, and  
11 I don't know if this is just by chance, the  
12 two members of jury who had expressed  
13 reservations regarding the idealisation --  
14 that is, my colleague Vidal and myself --  
15 were not in the acknowledgment where he  
16 thanked people, but I think this is just a  
17 detail.

18 MR. RAPP:

19 Your Honours, we are -- I had indicated that  
20 we had begun this at 9:30, I would finish by  
21 5:30, and I think I will finish very  
22 shortly, in any case in less time than that  
23 would have been. I have four more documents  
24 which were previously provided to everyone  
25 this morning. Those are documents earlier

1 disclosed and were dealt with in the context  
2 -- in the packets that were presented during  
3 the Des Forges testimony, but we never  
4 reached during that testimony. Those are  
5 these four documents that have the  
6 numbers 7, 8 on them -- that's the first two  
7 -- and the second are 9 and 6. Just  
8 briefly, I want to ask this witness -- the  
9 witness about these documents and lay a  
10 foundation for their admission.

11 BY MR. RAPP.

12 Q. Dr. Chrétien, do you have the first two  
13 documents, the ones that have 7 and 8 on  
14 them, the first referring to a reunion at  
15 the CIC ministerial, the second ministry of  
16 the interior report dated 3 January 1991?  
17 If you do not, because they were in the  
18 packet that went out this morning,  
19 Mr. Matemanga -- do you have them in front  
20 of you, Professor Chrétien?

21 A. Yes, yes.

22 Q. Okay. Well, dealing with these that are  
23 numbered 7 and 8, how did you obtain these  
24 documents?

25 A. This is a part of the documents that Jean

1 François Dupaquier found in a cupboard at  
2 the office of ORINFOR in 1996, so this is a  
3 document which is there since the period  
4 where Mr. Nahimana was the director of  
5 ORINFOR. Mr. Nahimana was ORINFOR's  
6 director from December 1990 up to May 1992,  
7 so there were various documents which dealt  
8 with his activities during that period and,  
9 here, these are two documents related to the  
10 same meeting that was held on 27th of  
11 December 1990 at the ministry of the  
12 interior, and ORINFOR's director,  
13 Mr. Nahimana, sat with ministers. And here  
14 there is a list with the director general,  
15 telecommunications, and so on and so forth.  
16 So it was a high-level meeting which had a  
17 stamp "secret" on it concerning security in  
18 the Mutara region, which is a region in the  
19 north-west of the country, a region which  
20 had been affected since October 1990 by an  
21 RPF attack. So this was a sensitive border  
22 area.

23  
24 What is raised, among other problems of  
25 course, is the problem of security as well

1 as the issue of the composition of the  
2 population of Mutara. We have to know a  
3 short while ago -- I mean, following the RPF  
4 attack, there were reprisal attacks against  
5 Mutara Tutsi. So Mutara was a region in  
6 which most inhabitants were pastoralists  
7 when Tutsi were quite numerous.  
8 Jean Dupaquier and myself looked at the  
9 typed minutes and on which there are  
10 annotations made by Ferdinand Nahimana,  
11 which match other documents annotated by  
12 him.

13  
14 And in this document, the population of  
15 Mutara is described as socially  
16 heterogenous. This means there were Hutu  
17 and Tutsi. This was a coded language. When  
18 you talk about social heterogeneity, you are  
19 talking about ethnic heterogeneity.  
20 Mr. Nahimana was proposing that this should  
21 be replaced by homogeneity, without doubt --  
22 which he considered to be one of the causes  
23 of stability in Mutara, the fact that Tutsi  
24 were so many that one could only talk about  
25 homogeneity as opposed to heterogeneity. I

1                   noticed this when I analysed this document,  
2                   both with regard to its content as well as  
3                   its form.

4           MR. RAPP:

5                   At this point, Your Honour, the first  
6                   document, that being the minutes, the second  
7                   being the memorandum -- or the proposition,  
8                   I would move as P165 and P166.

9           MADAM PRESIDENT:

10                   Yes, so admitted.

11                   (Exhibit Nos P165 and P166 admitted)

12           BY MR. RAPP.

13           Q.           In your report you also discuss an MRND  
14                   meeting in February '91 regarding a national  
15                   youth movement. And we have here two  
16                   documents. How did you obtain these  
17                   documents?

18           A.           On the 21st February 1991, because I had a  
19                   translation in 2001. It's from the same  
20                   source of documents as the previous one;  
21                   that is, at ORINFOR's office in Kigali.  
22                   Since 1996 Mr. Dupaquier found this  
23                   document. Here, this time this is a  
24                   document related to parties -- to the party,  
25                   MRND, which at that time -- that is, the

1 21st of February 1991 -- was the only party,  
2 and the meeting in question is an  
3 extraordinary meeting which discussed the  
4 establishment of a youth movement of the  
5 party.

6  
7 So, here we have this document which is  
8 signed by -- it's not been signed but,  
9 rather, it has been introduced -- or has  
10 been sent by the secretary general of MRND.  
11 Having said this, we can see annotations --  
12 handwritten annotations made by  
13 Mr. Nahimana, including on the top page;  
14 that is, national projects regarding the  
15 Rwandan youth.

16  
17 The other document which goes along with  
18 this and which continues the reflection  
19 concerns a meeting of the central committee  
20 which took place several days later. Please  
21 wait. Let me read attentively the two  
22 documents. The first document is a draft  
23 dated in Kigali, January 1991, and it is a  
24 working document which was provided for the  
25 meeting of the central committee of the

1                   27th of February. So there is a link  
2                   between the two.

3  
4                   So this document that has been annotated by  
5                   Mr. Nahimana, but not signed, was discussed  
6                   on the 27th February at the meeting of the  
7                   central committee of the only party and of  
8                   which we have minutes signed by  
9                   Mr. Ferdinand Nahimana in his capacity as  
10                  the director of ORINFOR, but here in his  
11                  capacity within the sole party, and here  
12                  there's an analysis of the national project  
13                  for the Rwandan youth.

14  
15                  And next we have a rough handwritten note,  
16                  and this also has been signed by  
17                  Mr. Nahimana. It's obvious that the  
18                  question we asked ourselves was: in February  
19                  1991, they are talking about -- at an early  
20                  stage about the establishment of a youth  
21                  movement of the only party. One could  
22                  describe this situation as being common in  
23                  view of the political context at that time.

24  
25                  But we all know that they were in a period

1 of political effervescence, and in June '91  
2 and subsequently -- actually a youth wing of  
3 MRND was created in February 1992, and this  
4 youth wing is the Interahamwe. So we are  
5 looking at the connection between the  
6 thought of Mr. Nahimana concerning the  
7 organisation of the youth by the only party  
8 which eventually led to the establishment of  
9 the youth wing, Interahamwe. So, these  
10 documents actually spread along a political  
11 itinerary.

12 MR. RAPP:

13 Your Honour, at this time I would offer the  
14 first document, the one that has the rough  
15 No. 9 on it, as P167. The second document  
16 which has the No. 6 on it, which includes  
17 both the typed portion and also the  
18 handwritten portion, I would offer as P168;  
19 so, P167 and 168.

20 MADAM PRESIDENT:

21 That will be P167 and P168.  
22 (Exhibit Nos P167 and P168 admitted)

23 MR. RAPP:

24 Two more questions, Your Honours.  
25

1 BY MR. RAPP.

2 Q. In your last answer you talked about the  
3 political itinerary of Ferdinand Nahimana  
4 and, specifically, in several of your  
5 chapters, the early single-digit chapters of  
6 your report, you describe that itinerary  
7 and, particularly, in 8 and 9, you talk  
8 about the message he delivered on the  
9 Rwandan national scene up to mid-1993.

10

11 How would you compare the message that he  
12 delivered on the Rwandan scene up to  
13 mid-1993 with the later broadcasts of RTLM  
14 in late '93 and 1994?

15 A. I see that you are referring to a document  
16 that we found in Kigali during the Reporters  
17 Without Borders mission in September 1994.  
18 This document was disseminated twice, once  
19 in February '93 and another time in  
20 March 1994. Basically, it's a relatively  
21 theoretical document concerning mobilisation  
22 of the population, religious leaders and  
23 intellectuals in order to prepare for a  
24 decisive struggle against the enemy, which  
25 was obviously the RPF in February 1993; that

1 is, before the Arusha negotiations.  
2 However, in March 1994 -- that was after the  
3 signing of the Arusha Accords -- but the  
4 style remained the same. It is the same  
5 document with a bellicose connotation that  
6 the army was successful, but then the  
7 problem was politicians who were the cause  
8 of failures.

9  
10 And this is where one will find what I  
11 mentioned earlier. One finds a political  
12 line which consists of not thinking about a  
13 new Rwanda in a pluralistic and open sense,  
14 where there is an opposition in the interior  
15 where there are not only Hutu and Tutsi but,  
16 rather, in terms of more political  
17 mobilisation of Hutu on one side and Tutsi  
18 on the other side. So there was this  
19 obsession, you know, connecting politics to  
20 the ethnic aspects, and this aspect was  
21 serious because it contributed to leading to  
22 genocide.

23  
24 And there was a serious discussion which  
25 deserved to be looked into -- to be followed

1 and, especially, in respect of the  
2 propaganda aspect and the people responsible  
3 for such propaganda.

4 Q. Now, dealing finally with the issue of what  
5 you call "the propaganda" and specifically  
6 of RTLM, based upon your study -- your  
7 lifetime of study of Rwandan society and  
8 based, in particular, on your study of the  
9 massacres of Tutsi and opposition Hutu  
10 predominantly in 1994, do you have an  
11 opinion on the impact of RTLM broadcasts on  
12 these killings?

13 A. I think that this question has been raised  
14 several times. The problem of conditioning  
15 a population after a country which is  
16 confronted by serious crisis at all levels  
17 from the end of the 1980s and a country  
18 whereby social and economic problems are  
19 very serious, especially for the young  
20 people -- the problem was to know whether  
21 such a serious situation should give rise to  
22 a generation after the Rwandan revolution,  
23 who would look for new solutions.

24

25 But the problem is that emphasis was put on

1 this inward-looking aspect, and the  
2 propaganda was the easiest option, the  
3 easiest temptation. I don't see Africa as  
4 an exotic place. I'm a historian; I'm not  
5 an ethnologist. When I reflect on the  
6 situation in Africa I'm reflecting in the  
7 same way I do in respect of other countries,  
8 other continents and Europe. Africa is not  
9 on another planet. The temptation to solve  
10 social and political -- and economics issues  
11 through racial fundamentalism is something  
12 that we know and still know. We see the  
13 same temptation in Europe today, even in my  
14 own country.

15  
16 So, here we are before a real political  
17 stake. And what is serious is that the  
18 worries, the concerns, the questions by the  
19 Rwandan population were worked on,  
20 manipulated by the propaganda in order to  
21 basically lead on to a language of hatred  
22 consisting of identifying a scapegoat, who  
23 was the Tutsi, and the target of such  
24 propaganda was to smash the democratic  
25 awakening that was taking place in that

1 country since the beginning of the 1990s.

2

3 So I would propose that, here, we look at  
4 political situations in a comparable manner  
5 to those we adopted in relation to other  
6 situations, and this is what I did in my  
7 study of propaganda. And that's why I say  
8 that, as a historian, I can analyse  
9 propaganda.

10 Q. And then, specifically, what was the impact  
11 of the RTLM broadcasts on these killings  
12 in 1994?

13 A. Considering the situation of misery,  
14 economic degradation, of fear, in view of  
15 the civil war itself which started in 1990,  
16 we have to look at all the problems, look at  
17 them as a whole. People's minds were lost.  
18 Basically, Rwanda had lived for a long time  
19 in -- with the idea that it was a model  
20 country. Many people abroad made Rwandans  
21 -- whether it was in Belgium -- believe that  
22 it was an ideal country and all of sudden  
23 nothing was working, criticisms were  
24 increasing, so there was a situation of  
25 despair in that country and such situation

1 required a solution, but what we had was a  
2 demagoguery, you know, tapping people's  
3 passions. It's very easy to manipulate  
4 people's passions in such a situation.

5 MR. RAPP:

6 This will conclude my direct examination.

7 Thank you very much, Your Honours.

8 MADAM PRESIDENT:

9 Thank you, Mr. Rapp.

10

11 In terms the scheduling order,  
12 Mr. Biju-Duval begins, or have you come to  
13 some arrangement of your own?

14 MR. FLOYD:

15 That's right; Mr. Biju-Duval starts.

16 MADAM PRESIDENT:

17 Mr. Biju-Duval, you will start tomorrow.

18 MR. BIJU-DUVAL:

19 Yes, I was waiting for the end of the  
20 translation. Yes, Madam President, I'll  
21 begin the cross-examination tomorrow  
22 morning.

23 MADAM PRESIDENT:

24 We don't want an interruption of that. So,  
25 Mr. Floyd, will you consult your client, and

1 if he still needs time, it will have to come  
2 up when Mr. Martel begins.

3 THE ACCUSED NGEZE:

4 I need ten minutes; my ten minutes.

5 MADAM PRESIDENT:

6 You will have that at the time set aside for  
7 your team, Mr. Ngeze.

8 THE ACCUSED NGEZE:

9 Thank you, Madam President.

10 MADAM PRESIDENT:

11 Professor Chrétien, you are under sworn  
12 declaration, so kindly do not discuss your  
13 testimony with anyone because the  
14 cross-examination will begin tomorrow  
15 morning at 8:45 a.m. in trial chamber two.

16  
17 It has to be 8:45, unfortunately, because  
18 there are two new Judges coming from  
19 The Hague and they will have to be sworn in  
20 in the morning, but that is an informal  
21 affair and will not interrupt our  
22 proceedings much more than that anticipated  
23 by the 15 minutes.

24

25 The Court will now adjourn.

1 (Court adjourned at 1745H)  
2 (Pages 200 to 231 by Verna Butler)  
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C E R T I F I C A T E

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

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

\_\_\_\_\_  
Rex Lear (pages 1 to 48, 137 to 165)

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Shannon Fleming Eboe-Osuji (pages 49 to 91, 166 to 199)

\_\_\_\_\_  
Verna Butler (pages 92 to 136, 200 to 231)