

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 AGAINST
5 ICTR-97-19-T

6 FERDINAND NAHIMANA
7 HASSAN NGEZE
8 JEAN BOSCO BARAYAGWIZA

9
10 23 OCTOBER 2002
11 0812H
12 CONTINUED TRIAL

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14
15 Before: Judge Navanethem Pillay, Presiding
16 Judge Erik Møse
17 Judge Asoka de Zoysa Gunawardana

18
19 For the Registry:
20 Ms. Marianne Ben Salimo
21 Mr. Edward Matemanga

22
23 For the Prosecution:
24 Mr. Stephen Rapp
25 Mr. William Egbe
26 Ms. Simone Monasebian
27 Ms. Charity Kagwi

28
29 For the Accused Nahimana:
30 Mr. Jean-Marie Biju-Duval
Ms. Diana Ellis

For the Accused Ngeze:
Mr. René Martel

For the Accused Barayagwiza:
Mr. Giacomo Barletta Caldarera

Court Reporters:
Ms. Karen Holm
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I N D E X

WITNESS

For the Defence of Ferdinand Nahimana

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

2 MADAM PRESIDENT: Good morning, Witness.

3 THE WITNESS: Good morning.

4 MADAM PRESIDENT: Mr. Egbe.

5 MR. EGBE: Good morning, Your Honours. Two documents were

6 submitted yesterday. One was the document which I

7 prepared with the list of three names, and there was a

8 second document with one name. Those documents were not

9 admitted in evidence, so I would be applying that they

10 be marked as P181 and P182 respectively.

11 MADAM PRESIDENT: Did we see them?

12 MR. EGBE: Yes, we did.

13 MS. ELLIS: Madam President, I'm sorry, I'm not quite clear

14 which documents Mr. Egbe is referring to, before they're

15 exhibited.

16 MR. EGBE: Your Honour, I'm referring to the -- yes, there

17 they are.

18 MS. ELLIS: If they are the documents with the names on them,

19 then I understand what is being referred to.

20 MR. PRESIDENT: Would you like to have a look at this?

21 MS. ELLIS: If that's what they are, if they were written by

22 the witness at the request of Mr. Egbe, then I

23 understand the documents, thank you, and I don't need to

24 see them again.

25 MADAM PRESIDENT: Which one is the first list, the one with

26 the three names?

27 MR. EGBE: That's correct.

28 MADAM PRESIDENT: The number again, Mr. Egbe?

29 MR. EGBE: P181 and P182 respectively.

30 MADAM PRESIDENT: P181 and P182. Are these under seal?

1 MR. EGBE: They are under seal, Your Honour.

2 MADAM PRESIDENT: Under seal. Mr. Matemanga. Yes, go ahead,
3 Mr. Egbe.

4 WITNESS G99

5 CROSS-EXAMINATION (Continued)

6 BY MR. EGBE:

7 Q. Good morning, Witness. You told the Court yesterday
8 that for a period of more than 15 years, you were
9 associated with the National University of Rwanda. Do
10 you recall that testimony?

11 A. Quite.

12 Q. Now, between 1977 and 1982, Ferdinand Nahimana had the
13 following posts in the National University of Rwanda:
14 He was assistant lecturer in the faculty of arts,
15 lecturer in the faculty of arts, vice-dean in the same
16 faculty, dean in the same faculty, and finally, he was
17 president of the comité d'administration of the
18 Ruhengeri campus. Do you confirm that?

19 A. Yes, I confirm that. Even as regards the period when he
20 was at Butare campus, I wasn't a student there so I
21 cannot quite confirm what you've said because I was in a
22 different institution, but it seems to me from what I
23 have heard, from what I learnt later, that it does
24 corroborate what you've said.

25 Q. Now, in July 1983 Ferdinand Nahimana was appointed
26 deputy secretary-general of the National University of
27 Rwanda, Ruhengeri campus; is that correct?

28 A. Yes, that is correct.

29 MR. EGBE: At this stage, I would like to have placed before
30 the witness Exhibit 1D155, personal details.

1 MADAM PRESIDENT: Mr. Egbe.

2 MR. EGBE: Mr. Matemanga has pointed out that we already have
3 Exhibits P181 and P182, so I'm now correcting the
4 position. These last two exhibits will be P183 and
5 P184. Thank you, Mr. Matemanga.
6 (Exhibit No. P183 and No. P184 admitted)

7 MR. EGBE: Thank you, Your Honours.

8 MADAM PRESIDENT: All right, which exhibit is this now?

9 MR. EGBE: 1D155, the personal details.

10 MADAM PRESIDENT: Yes.

11 BY MR. EGBE:

12 Q. Witness, I want you to look at the area marked
13 "education and employment". Now, in the period 1978 to
14 1981 when you were in the faculty of arts, it is true --

15 MADAM PRESIDENT: When who was?

16 MR. EGBE: When the witness was in the faculty of arts.

17 MADAM PRESIDENT: Isn't this sealed information?

18 MR. EGBE: It is sealed information, but it doesn't disclose
19 his identity. He was not the only one in the faculty of
20 arts, Your Honour. This is what we did at the time of
21 the testimony of Witness BU. He was not the only one.

22 MADAM PRESIDENT: Mr. Egbe, since some words already appear,
23 then maybe you could say "in that period" -- indicate
24 the words here in future.

25 MR. EGBE: Thank you, Your Honour.

26 BY MR. EGBE:

27 Q. Now, Witness, let me put my question to you again. In
28 that period between 1978 and 1983, Ferdinand Nahimana
29 was dean of the faculty of arts; is that correct?

30 A. It seems to me the period when Nahimana was dean of the

1 faculty of arts did not extend up to 1983. As far as I
2 know, at the time, 1981, I was a student. I saw
3 Nahimana, Ferdinand coordinating the activities with
4 regard to the installation of the campus, but I don't
5 think -- it doesn't seem to me he was dean right up to
6 '83, unless I am mistaken. I think there was another
7 dean at the time.

8 Q. Let me put the question to you more specifically,
9 Witness. Between 1980 and 1981, Ferdinand Nahimana was
10 dean of the faculty of arts; isn't that true?

11 A. Yes, that is correct.

12 Q. You just confirmed, Witness, that in 1983, Ferdinand
13 Nahimana was appointed deputy secretary-general of the
14 National University of Rwanda, Ruhengeri campus. That
15 is the year you would find in the personal details,
16 Exhibit 1D55, that the person concerned was appointed
17 assistant lecturer in the faculty of arts. Isn't that
18 true?

19 A. It's true that (By order of the Court this word has been
20 struck from the record) was appointed assistant lecturer
21 in 1983, that is correct.

22 MADAM PRESIDENT: Just a moment. The word (By order of the
23 Court this word has been struck from the record) would
24 be struck off there and in place would be the person
25 whom he says he knows.

26 MS. ELLIS: Could I please come in here?

27 MADAM PRESIDENT: Yes.

28 MS. ELLIS: Madam President, one doesn't have to be terribly
29 bright to see that by the method in which the
30 questioning is being put, it is not assisting in

1 allowing the witness to retain anonymity, that there
2 needs to be a slightly different approach to
3 questioning, with respect, if the order of the Court is
4 to be properly acknowledged. It's the matter that I
5 sought to raise yesterday and I now mention again.

6 MR. EGBE: Your Honour, at the time of the testimony of
7 Witness BU, I do recall that when sensitive information
8 was about to be divulged, the Court went into closed
9 session. I have done everything I possibly can to make
10 sure that the identity or location of this witness is
11 not disclosed, but if Counsel is not satisfied with
12 that, rather than prevent me from exploring the full
13 extent of this cross-examination, we can go into a
14 closed session.

15 MS. ELLIS: I'm not inviting the Court to deal with evidence
16 in a closed session. It is totally unnecessary. But it
17 means the counsel who is questioning a witness needs to
18 think about a way of questioning which is slightly,
19 perhaps, more suitable. Thank you.

20 MADAM PRESIDENT: Well, Mr. Egbe, will you watch your
21 questioning, like you did yesterday afternoon when we
22 said "the person".

23 MR. EGBE: I'll do that, Your Honour.

24 BY MR. EGBE:

25 Q. Witness, I'm putting it to you that (By order of the
26 Court these words have been struck from the record). Do
27 you agree with that?

28 MS. ELLIS: Madam President, could I just say that bearing in
29 mind the nature of this document and why it's provided
30 and how it's entitled, all these references need to be

1 struck from the record; otherwise, it makes a nonsense
2 of the Court's order. We only have to understand why
3 the document is created in the first place, and I don't
4 know why it is not patently obvious to Mr. Egbe that
5 that is the case.

6 MADAM PRESIDENT: The last question will be struck off the
7 record.

8
9 Mr. Egbe, how many questions or how long a time would
10 you be spending on this area relating to employment?

11 MR. EGBE: I have just three questions to put to this witness
12 in regard to this. And all I'm seeking to do is just to
13 show the connection.

14 MADAM PRESIDENT: All right. Then you will hold those
15 questions and we will find a convenient time, perhaps at
16 the end of your cross-examination or just before the
17 morning break, if you are going to be that long --

18 MR. EGBE: Three questions.

19 MADAM PRESIDENT: -- to go into closed session for those three
20 questions. So can you do that? Can you continue with
21 other matters?

22 MR. EGBE: That would be all right, Your Honour.

23 MADAM PRESIDENT: Thank you.

24 BY MR. EGBE:

25 Q. Witness, as assistant secretary-general of the
26 university, I'm talking about Ruhengeri campus,
27 Ferdinand Nahimana was the one who compiled the
28 statistics which -- statistics of students which
29 contained their personal details as to ethnicity and the
30 regions of origin; isn't that true?

1 A. Yes, as deputy secretary-general, he was responsible for
2 everything concerning academic information, the academic
3 record of students as well as the current situation for
4 the academic year for which the students were present at
5 the campus, and for all personal information, place of
6 origin of the students.

7 Q. It is true, Witness, isn't it, that the list that was
8 prepared and sent to the faculties contained the
9 communes of origin of the students and the préfectures
10 of origin of the students?

11 A. The list that the deputy secretary-general sent to the
12 faculties contained, when I was a student, for
13 example -- that is to say, the deputy secretary-general
14 sent lists which contained the name, the surname, the
15 last name, and the place of origin, préfecture, commune,
16 but we as teachers, lecturers, and I was a professor
17 until 1994, we were only given the first name and the
18 surname and department of the student only. The other
19 information stayed within the faculty. And as I had
20 occasion to state, saying the name and the commune and
21 the préfecture was to avoid confusion in cases where the
22 students had the same name, which could happen.

23 Q. And it is true, isn't it, that this list that contained
24 the communes of students and their préfectures of origin
25 were posted on the notice board at the individual
26 faculties?

27 A. I never once saw those lists posted in the faculty. The
28 lists were sent to the dean.

29 Q. Isn't it the normal practice in universities all over
30 the world, and I believe Rwanda was not excluded, that

1 at the notice board of every faculty the list of
2 students admitted is posted? Just tell me if it is not
3 normal practice.

4 A. It depends -- how could I put it -- for what purpose
5 because the notice boards of our faculties where you
6 could post a list of students were notice boards where
7 you could read the results at the time of a test or
8 exam. The list where students might indicate their
9 first name and surname as well as the préfecture and
10 commune of origin were retained at the faculty. I never
11 saw any public posting of the lists I've just described.

12 MR. BARLETTA CALDARERA: Please forgive me, Madam President.

13 In the French translation we can hear talking, and it
14 bothers me considerably. I think that another colleague
15 of mine told me he had the same problem.

16 MADAM PRESIDENT: Sometimes it's a technical difficulty, and
17 I'm sure they will address it now.

18 MR. BARLETTA CALDARERA: Thank you very much, Madam President.

19 MADAM PRESIDENT: And if it still bothers you, change the
20 equipment. There are spare sets lying around,
21 Mr. Caldarera.

22

23 Did the witness complete his answer? Yes.

24 MR. EGBE: He did, but I'm not certain whether it was properly
25 understood by the parties who were listening in to the
26 French channel in those circumstances -- okay.

27 BY MR. EGBE:

28 Q. Let me move on to your testimony about the character of
29 Ferdinand Nahimana. Yesterday, you testified to the
30 reputation of Nahimana in the following terms: You said

1 in respect of his life with his other colleagues, in
2 relation to his students, in relation to his work, he
3 was on good terms with everyone. You went forward to
4 say that, "I saw him with everyone and I never heard
5 that he practiced any discrimination in his
6 relationships with people". Do you recall that
7 testimony?

8 A. Yes.

9 Q. Is it your testimony today, Witness, that between 1990
10 and 1992, you never heard any criticism of Ferdinand
11 Nahimana?

12 A. Could you please remind me of the dates you just
13 mentioned?

14 Q. Between 1990 and 1992, is it your testimony that you
15 never heard any criticism of Ferdinand Nahimana?

16 A. The criticism I heard which was -- entirely concerned
17 matters which had nothing to do with the campus were at
18 a meeting, faculty meeting, where the question of his
19 reintegration was discussed. And I was at the meeting
20 by invitation, as well as the vice-rector. But, as I
21 said, it was things said by people who did not want his
22 reintegration in the faculty.

23 Q. Is it your testimony, Witness, that outside those who
24 were in the faculty, there was never any criticism known
25 to you?

26 MS. ELLIS: Could that be specified whether you mean the
27 country at large or whether within the university
28 outside the faculty?

29 MR. EGBE: Can Miss Ellis just stop being jumpy and
30 interruptive? If the question was too broad, the

1 Chamber would have interrupted me. This is
2 cross-examination.

3 THE WITNESS: Could you repeat the question, please?

4 BY MR. EGBE:

5 Q. The question is this: Outside those who were within the
6 academic circles of the university, are you saying that
7 you are not aware of any other criticism of Nahimana
8 within that period?

9 A. I would like to very humbly answer that either as a
10 student or either as a staff member, an administrative
11 or teaching staff member, if I was perhaps paying
12 attention to everything that was being said, if I had
13 known beforehand that such a question would be asked of
14 me, I really would have been much more attentive. But
15 as far as I remember here now, I said, and you heard
16 when I answered, I cannot add anything else. I only
17 officially heard what was said at a faculty council.
18 What was being said outside elsewhere in bars, I
19 personally don't -- did not hear. I don't know.

20 Q. Did you personally --

21 MADAM PRESIDENT: Just a moment. Witness, can I ask you to
22 answer a question simply instead of using a whole lot of
23 words? Now, the last question just asked you whether
24 you were aware of criticism or not, and your simple
25 answer which you gave at the tail end is, you are not
26 aware of any criticism of him outside the campus.

27

28 Next question.

29 BY MR. EGBE:

30 Q. It is true, Witness, isn't it, that you personally were

1 criticised by people outside the campus?

2 A. At which time?

3 Q. Within the same period, 1990 to 1992.

4 A. Criticism of people in positions of responsibility was
5 not absent, was not short. No one in any position of
6 responsibility, even professors who might be a hundred
7 per cent immune from all criticism, especially in that
8 period 1991-1992, which was politically a very turbulent
9 time. There was also the war. You know that well. You
10 understand that. And it is true that at one time, and I
11 remember - I don't know in which newspaper - there was
12 an article that criticised me, yes.

13 Q. As a follow-up to that, Witness, would it be true to say
14 that you never saw in a newspaper criticism of
15 Ferdinand Nahimana by people outside the academic
16 circle?

17 A. I wanted to say here, and this is the truth, outside --
18 apart from official newspapers, I did not read that
19 press -- how can I put it? Borne of all the movements,
20 the political parties, of any tendency, whether it's
21 MRND, CDR or even opposition, that did not interest me.

22 Q. Your short answer would be that you never saw any
23 criticism of Ferdinand Nahimana in the papers; is that
24 correct?

25 A. I did not see because I didn't read that press, those
26 papers.

27 Q. I'm going to show you a series of criticisms of
28 Ferdinand Nahimana within that period and of yourself,
29 and I would ask you a couple of questions after you see
30 those papers.

1 MR. EGBE: Your Honours, I put a bundle of documents in front
2 of the Judges, in front of all the parties, and I'm
3 going to make reference now to the first bundle which
4 has the effigy of the president, the former president of
5 Rwanda, on the front of it. There are six documents in
6 that bundle, so I'm just dealing with that bundle now.
7 Could Mr. Matemanga please place document No. 4 in that
8 bundle before the witness. Just that article, document
9 No. 4, please. There is a translation provided in
10 English and I would just -- for the record, Your Honour,
11 that document is exhibited already. It is P173, and it
12 was also tendered by the Defence as 3D109 and 3D110.

13 MS. ELLIS: As we've been given this bundle to work from,
14 could I just enquire, when Mr. Egbe says document 4, is
15 that a translation which has got the number "4" written
16 in words at the bottom? Is that what I'm supposed to be
17 looking at?

18 MR. EGBE: No, you're supposed to be looking at a document --
19 you have an exhibit number in front of it, P173. Below
20 that you have 3D109 and 3D110. In the English
21 translation there are the words Kanguka 54, page
22 reference number 13. That's the document.

23 BY MR. EGBE:

24 Q. Witness, do you have the document?

25 MS. ELLIS: Could you please wait a moment until I've found
26 it?

27 MADAM PRESIDENT: Just wait a moment, Mr. Egbe.

28

29 Just hold up your set, Mr. Egbe, for our benefit.

30 That's the first page of it?

- 1 MR. EGBE: That's the first page. That's the Kinyarwanda
2 page, and that's the English. There is the word number
3 "4" written on the document slightly to the left.
- 4 MADAM PRESIDENT: Well, I've looked at your document with the
5 "4" in the corner. It's not what you're holding up.
- 6 MS. ELLIS: The document that Mr. Egbe is holding up, I have
7 got in the bottom right corner a "13" circled and then
8 I've got "seven" in letters. I haven't got -- I mean, I
9 see a document that looks like his, but it has none of
10 the references to which he refers. It does have a
11 K-number on it in the centre which ends "47". Is that
12 the document?
- 13 MR. EGBE: That's the document.
- 14 MS. ELLIS: Well, for some reason my document has none of the
15 other reference points that you have. Thank you.
- 16 MADAM PRESIDENT: Witness, do you have the document in front
17 of you?
- 18 THE WITNESS: I think I've got another document.
- 19 BY MR. EGBE:
- 20 Q. Do you have the document in front of you, Witness?
- 21 A. Yes.
- 22 Q. Now, I want you to go --
- 23 MADAM PRESIDENT: Does everybody have the document?
- 24 MS. ELLIS: Yes, thank you -- Professor Nahimana hasn't got
25 it.
- 26 MADAM PRESIDENT: Do you have an extra copy for Mr. Nahimana?
- 27 MR. EGBE: We do have extra copies.
- 28 MADAM PRESIDENT: Mr. Egbe, this photocopy isn't clear.
29 There's a cut-off at the bottom. This is an excerpt
30 from which journal or newspaper?

1 MR. EGBE: It is from Kanguka No. 56.

2 MADAM PRESIDENT: All right. Your question?

3 BY MR. EGBE:

4 Q. Witness, I want you to look at the Kinyarwanda version
5 of the document. There is the third paragraph from the
6 bottom, it is titled in Kinyarwanda, "Reka Nahimana
7 agabirwe ORINFOR". Do you see that heading?

8 A. Yes.

9 Q. I want you to read that paragraph and end in the middle
10 column, first paragraph, the last word is "rukoma".
11 There's two paragraphs.

12 MS. ELLIS: Madam President, I object. The witness has in his
13 previous answer said he did not read anything other than
14 the official press. Mr. Egbe has not established that
15 the witness knows anything about this article. This
16 article wasn't written by the witness. This article
17 hasn't got a date. It is not for the Prosecutor to
18 simply introduce documents written by other people who
19 are alive and well and in Kigali and ask a witness about
20 the content, if the witness knows nothing about it, is
21 not the author, is not mentioned in the article. It is
22 completely incorrect. It is tantamount to allowing any
23 document from anywhere in the world to be introduced in
24 evidence, with no possibility to cross-examine, and
25 introduce through a witness who knows nothing about it.
26 So the first question of the witness is whether he has
27 any knowledge of the document.

28 MADAM PRESIDENT: Objection is overruled. Character is in
29 issue here. You are producing a document which contains
30 a contradictory view.

1 MR. EGBE: Exactly, Your Honour. Thank you.

2 BY MR. EGBE:

3 Q. Witness, could you just read those two paragraphs I
4 indicated to you? They are in Kinyarwanda.

5 MR. EGBE: Your Honour, those two paragraphs would be in the
6 English version, the second paragraph -- the third
7 paragraph in the English version, Your Honour, which
8 starts with "When Nahimana became the boss of ORINFOR"
9 and ends in the second paragraph with the word "lucky".
10 We are at that position, Your Honour.

11 BY MR. EGBE:

12 Q. Can you read that extract, please? Please read it aloud
13 so that the translators can do that and give us a
14 version.

15 MADAM PRESIDENT: Wait. What's going on here now?

16 THE WITNESS: When those who know in MRN --

17 MADAM PRESIDENT: Just a moment with the booth.

18

19 Yes, you were saying, Mr. Egbe.

20 MR. EGBE: Yes, Your Honour.

21 MADAM PRESIDENT: You want him to read from where, from which
22 word to which word in Kinyarwanda?

23 MR. EGBE: I have indicated to him from the paragraph starting
24 with "Reka Nahimana agabirwe ORINFOR". He will read
25 that paragraph. Then he goes to the middle column and
26 just the first paragraph which ends with the word
27 "rukoma".

28

29 Now, in the English translation it starts with the
30 paragraph that begins with "When Nahimana became the

1 boss of ORINFOR", goes down to the paragraph starting
2 with "A bad character does not remain unrevealed", and
3 just that half of a paragraph that begins with the word
4 "lucky". Short.

5 MADAM PRESIDENT: Yes.

6 THE WITNESS: "When those that know this militant Gatonde,
7 Ruhengeri -- from Gatonde, Ruhengeri, when they heard
8 that he had been appointed to head ORINFOR, they were
9 shocked. We wanted to know why the students who were
10 studying at the university were saying that, since he
11 himself had worked at the university. They told us that
12 for a long time he is -- seems to think he's more Hutu
13 than the others and that, as far as he's concerned, the
14 people from nduga, and he's an expert in history, that
15 the people from nduga are themselves comparable to
16 Tutsi. From his arrival at the radio, he started
17 working well. We had new journalists originating from
18 Gatonde. A second channel was started and journalists
19 went to study television, and we thought, therefore,
20 would progress, but one cannot hide one's character.

21
22 Ngeze, Hassan has said Nahimana will end up by throwing
23 Radio Rwanda into a ditch, and the people thought Ngeze
24 was fooling, joking, but you must hear what people say.
25 You cannot hide your character. He began by hiding it
26 but later on revealed his true personalty and showed us
27 who he is. He refused to allow the parties to
28 broadcast, and those who got five minutes could consider
29 themselves lucky."

30 THE ENGLISH INTERPRETER: End of translation.

1 BY MR. EGBE:

2 Q. Wasn't this a criticism of --

3 MADAM PRESIDENT: No. No, no, Mr. Egbe. Firstly, did you see
4 this article, Witness?

5 THE WITNESS: I did not see this article. I did not read this
6 press.

7 MADAM PRESIDENT: Did you hear about it?

8 THE WITNESS: Maybe, maybe not. At the date when this article
9 was published, it's so long ago I can't say whether I
10 heard it or didn't hear it. I don't remember.

11 MADAM PRESIDENT: Now your question.

12 BY MR. EGBE:

13 Q. Witness, your question is ambiguous, "I cannot say I
14 heard -- "

15 MADAM PRESIDENT: His answer, you mean.

16 MS. ELLIS: It's not ambiguous, with respect, Madam President,
17 to say, "I can't remember".

18 MADAM PRESIDENT: This is cross-examination, Miss Ellis.

19 MS. ELLIS: Madam President, it's still not right to suggest
20 there's ambiguity when a witness has said, "I may or may
21 not; I can't remember".

22 MADAM PRESIDENT: Miss Ellis, thank you. You are putting to
23 the witness that his answer is ambiguous.

24 MR. EGBE: That's correct, Your Honour.

25 MADAM PRESIDENT: Did you complete your question?

26 BY MR. EGBE:

27 Q. Witness, I'm putting it to you that your answer is
28 ambiguous. Isn't that so?

29 A. I don't think so. I don't think so. When it's a matter
30 of national importance, I might have heard about it, but

1 an article published in the press, there were hundreds.

2 To say that I don't remember, it seems to me quite

3 normal.

4 Q. It is true, Witness, isn't it, that Nahimana was being
5 criticised for being, among other things, a regionalist?

6 A. Since I said that I didn't read this type of newspaper,
7 from whatever side, to say that Nahimana was a
8 regionalist, for example, where would I have heard that?

9 Q. It is true, Witness, that in the university community
10 where you were, students were being discriminated
11 against by their teachers according to the political
12 parties that the students belonged to?

13 A. It is not true. That is not correct. The teaching
14 staff did not know the political allegiance of a
15 student. It wasn't in their file. The student could
16 not on his exam paper write which party he supported.
17 That was not the case. Even a student who might have
18 been discriminated against because of his political
19 allegiances could have mentioned it and appealed to the
20 competent authorities through the faculty.

21 Q. You confirm, Witness, that within that period you read
22 nothing else but the MRND newspapers?

23 A. I didn't read MRND newspapers. I didn't read any other
24 political parties' newspapers, even the newspapers, the
25 official newspapers I mentioned. It was only from time
26 to time when I might come across one. I did not read
27 the newspapers published at the time of multipartyism
28 because it was very often just an opportunity to sully
29 everybody's name on whatever side they were. To find
30 the truth in that, I felt it would be a difficult thing

1 to do.

2 Q. That somebody of your intellectual power in the place
3 you were in 1992 -- in 1990-'92, who never informed
4 himself from papers other than the official papers was
5 an extremist. What do you say?

6 A. Could you please repeat the question? I didn't
7 understand it.

8 Q. I am putting to you, Witness, that somebody of the
9 intellectual strength that you had, being in the place
10 you were at the time, that's 1990 to 1992, who never
11 informed himself of what was happening in his community
12 through the opposition press, was an extremist. Is that
13 correct?

14 A. I do not see the relation between reading a press or not
15 reading it and extremism. But in any case, I am telling
16 you that even an intellectual of a certain rank, even a
17 high rank, has the right to choose what he can read and
18 what he cannot read. And if you allow me to give you an
19 example here: At one point I saw my house help who had
20 brought a newspaper - I don't know what newspaper - and
21 I told the house help I do not want this type of
22 newspaper here.

23 Q. I'm going to show you another extract, Witness, which is
24 a criticism of Ferdinand Nahimana within the period
25 1990-1992.

26 MR. EGBE: Mr. Matemanga, please. Can you look at the first
27 bundle, document titled No. 2, the extract, please? It
28 has page 9 entered at the bottom and 3 circled in hand.

29 MS. ELLIS: Madam President, once again, this is an article
30 which appears not to have any accreditation, and in our

1 submission, if character is in issue, it is still not
2 right that the Prosecutor can produce from the gutter
3 press or from any other source a statement made about an
4 accused and that that becomes evidence. The fact that
5 character is in issue is a matter for cross-examination
6 with this witness on the basis of what he knows or has
7 said himself, not what some anonymous individual may or
8 may not have written in a paper which he has or has not
9 read. And we would like to know whether the Trial
10 Chamber is ruling that that is not correct in law.

11 (Pages 1 to 20 by Karen Holm)

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1 0900H

2 MR. EGBE: Your Honour, I find it very strange that counsel
3 for Nahimana refers to an extract of Isibo as something
4 from the gutter press. This is because Nahimana himself
5 tendered copies of Isibo to prove that he was not a
6 member of the Akeyesu. This is double standards and I
7 believe that if Ms. Ellis wants to be loyal to her work,
8 she should withdraw that.

9 MS. ELLIS: Once again, Madam President, it is obviously a
10 failure of understanding of language. I did not --

11 MADAM PRESIDENT: Ms. Ellis, we have already heard you on this
12 objection. There is no need to repeat it. The
13 objection goes on record. It is overruled, we just
14 allow the document.

15

16 Mr. Egbe, is this an excerpt of another exhibit already
17 before this Court?

18 MR. EGBE: This is a part of the documents that were disclosed
19 during the testimony of Mrs. Alison Des Forges. This
20 particular one was not exhibited, but they were all
21 disclosed during the period of the testimony of
22 Mrs. Alison Des Forges, and I can give you more details
23 as to that. They were in the bundle of documents that
24 were entitled 52. All of these have been disclosed to
25 the Defence, Your Honours.

26 MS. ELLIS: Your Honours, it has all been disclosed to the
27 Defence. It was in the bundle of some 2000 documents we
28 received in May.

29

30 Madam President, I would like to raise a different

1 point, if I could, which is this, and it applies to
2 some of the other material that Mr. Egbe proposes using.
3 I have a little difficulty in understanding how it can
4 be right in the context of a fair trial to ask this
5 witness, who did not create this material, to comment
6 upon matters that were not said by him when
7 Ferdinand Nahimana spent three weeks in the witness box
8 and none of this documentation was put to him. It is
9 the right of the Accused to comment on anything that is
10 going to be used adversely against him, and for the
11 Prosecutor not to use this documentation with the
12 Accused, not to give him a chance when he may have some
13 knowledge of these materials, to comment upon it, but to
14 then ask somebody else who knows nothing about it to
15 comment, seems to me extraordinarily unjust and unfair.

16 MADAM PRESIDENT: Mr. Egbe, give us more details of where you
17 obtained this excerpt from. I mean, what is it? Begin,
18 what is it, is it a journal? We just have counsel for
19 the Defence characterising something as the gutter
20 press. That's inappropriate, that's not the way the
21 Chamber receives matters. We want to know, is this a
22 newspaper journal. All right, begin there.

23 MR. EGBE: Your Honour, if you look at the translation of the
24 article you will see the article is from Isibo No. 75
25 and that particular extract is on page 9 of that Isibo
26 newspaper; that's where it is from, Your Honour.

27
28 And I would like to respond to the last statement of
29 Ms. Ellis, which I find totally misplaced. Mr. Nahimana
30 never testified as to his good character. He never said

1 he was such a wonderful man. This witness says he was
2 such a blemish-free person. All we are seeking to do is
3 to show that the witness's opinion of Mr. Nahimana is
4 totally inaccurate. We are at liberty to contradict the
5 witness on that point.

6 MS. ELLIS: Madam President, clearly the law works differently
7 in other places. It is completely improper in the
8 common law adversarial system for a witness to testify
9 as to his own good character. It is for the other side
10 to adduce bad character, and if the Prosecutor wish to
11 produce comments to Ferdinand Nahimana's bad character
12 they could have done. What Ferdinand Nahimana did
13 repeatedly say, I am not a racist and I'm not a
14 regionalist.

15 MADAM PRESIDENT: We've heard you now, Ms. Ellis. Kindly do
16 not repeat this particular argument. If you think it
17 applies to the other documents, we will note it.

18
19 Yes.

20 BY MR. EGBE:

21 Q. Witness, do you have the document in front of you, the
22 article?

23 A. Yes.

24 Q. It's the short part I want to refer you to. Look at the
25 passage in the middle column, the paragraph that starts
26 with "MRND evanda kubee" (phonetic). Have you seen
27 that?

28 A. Yes.

29 Q. Continue to the end of the paragraph, which is on the
30 third column, it ends with the words "MRND". Just read

- 1 very slowly so we can have the translation.
- 2 A. "A tract dated 15th October 1992 bearing the MRND stamp
3 divining that G. B. Kostabutare (phonetic) who teaches
4 in Nyakinama should be dismissed from his post because
5 he does not give the Interahamwe and Impuzamugambi notes
6 for which they did not work -- marks, rather. They
7 should know that in the university such marks are not
8 given or else he should look for another university for
9 each student. MRND says that it would like CDR people
10 such as Nahimana, Ndwazu (phonetic) and Hitari
11 (phonetic) to teach at the university in order to take
12 care of MRND and CDR members who are studying there.
13 MRND is also asking the people of Nyakinama to be
14 aggressive to teachers and students who are not members
15 of MRND." End of text.
- 16 Q. Isn't it true, Witness, that the MRND members in the
17 campus favoured students who belonged to the MRND party
18 to the detriment of students who belonged to other
19 parties?
- 20 A. As far as I know, no, that is not true. Since we
21 successfully completed faculties and departments, as far
22 as I'm concerned, came from all origins and all
23 political parties. It would appear to me that I never
24 discerned any such discrimination.
- 25 Q. ...that on the university campus the political
26 activities were so active that students wore uniforms or
27 wore -- let me rephrase that. Students dressed in the
28 uniforms of the political parties to which they belonged
29 on the campus; isn't that true?
- 30 A. Let me say, first of all, to clarify what I will say

1 subsequently, that with the advent of multiparty
2 politics, there were consultations or meetings that were
3 held at the level of the campus and at the level of the
4 university council to know if the university could allow
5 political activities to be carried out within the
6 university. It was decided, it was agreed that
7 whoever wanted to express his or her opinions or rather
8 anybody who wanted to belong to a party of that person's
9 choice to do so, but activities like demonstrations and
10 rallies were forbidden. I am not saying that political
11 activities were remarkable within the campus. That is a
12 piece of clarification that I wanted to make first of
13 all.

14
15 It was said that anybody who wanted could belong to the
16 party of his or her choice, but no demonstrations and no
17 rallies on campus. It was also said that those who
18 wanted to dress in the colours of their parties could do
19 so, that nobody could be stopped from wearing green or
20 red or whatever. It was that person's problem and that
21 in any case, if any attention was paid to it, it will
22 create some tension, which proved what happened
23 subsequently right because, first of all, students were
24 seen wearing colours which were not that obvious, but
25 later on things happened differently. It was as if that
26 type of conduct had been forgotten, I mean, getting
27 people to dress in party colours. But now, to answer
28 your question specifically, there were no political
29 activities, as such, on campus.

30 Q. Witness, I'm putting it to you that you have just

1 contradicted yourself. You do admit that the university
2 authorised students to dress according to the colours of
3 their political party; isn't that true?

4 MS. ELLIS: The word I understood was "permitted".

5 THE WITNESS: Do you want to repeat your question, please, or
6 whatever you said?

7 MR. EGBE: This is a result of the repeated interruptions by
8 Ms. Ellis.

9 MADAM PRESIDENT: It just happens to be a very simple
10 question, the witness heard it.

11 MS. ELLIS: Madam President, if the evidence was that they
12 were "permitted" that is very different from
13 "authorised", and if the evidence is misstated it is
14 only correct to record that fact.

15 MR. EGBE: Your Honours, Ms. Ellis should be discouraged from
16 lecturing the Chamber. If the witness said "permitted"
17 and I said "authorised", let us have the capacity to
18 appreciate what it really is.

19 MADAM PRESIDENT: If you are restating his evidence then you
20 say what he said.

21 BY MR. EGBE:

22 Q. Witness, let me put it to you, you have contradicted
23 yourself because in your last answer you informed the
24 Chamber that on the university campus students were
25 allowed to dress in the party colours of their party;
26 isn't that correct?

27 A. In fact, the question was not discussed between the
28 university administration and the students. The
29 students did not ask authorisation. They did not
30 express that wish, but what the campus administration

1 realised -- and we asked ourselves questions as to
2 whether we should intervene or not -- but the fact and
3 what I said is that the students were left, there were
4 no written directions, people were allowed to behave as
5 they wished.

6 Q. It's true, isn't it, that the majority party on the
7 campus was the MRND?

8 A. No statistics were taken on the campus on political
9 affiliation and I cannot say that the majority of
10 students belonged to this or that party. There were no
11 figures, there were no polls taken, but if I am allowed
12 to give an anecdote -- I do not know whether I am
13 allowed to come up with one. At one point the president
14 of the republic told us in 1992, he came, so you can see
15 that it was during this period of political activity, he
16 came to the campus, I think it was to close the
17 Academier, and there were always meetings held to
18 discuss how to welcome him. There was a discussion
19 between the representative of the students and the
20 students services director, to see how well the
21 president was going to be received, and during that
22 consultation the students representative was asked to
23 ensure that there were no demonstrations of political
24 parties or other organisations.

25
26 The following day the president came, the academia was
27 closed, and the students who belonged to opposition
28 parties, contrary to what had been agreed on, at that
29 time when the president was leaving the campus, they
30 came out with flags and demonstrated with opposition

1 party colours. This is to tell you that even after that
2 nobody was prosecuted, everybody took it as a joke and
3 nobody was prosecuted. That may be digressing, but it
4 is just to tell you that the university was not
5 interested, we were not interested in political
6 activities, and there are no figures as to who belonged
7 to what party; that was difficult to say.

8 Q. It is your testimony, Witness, that the students on the
9 campus never wore the MRND uniform?

10 A. A lot of time has passed. MRND had red, black and
11 green, I believe, in its colours. I do not know what it
12 would have looked like to see somebody wearing a green
13 shirt or a green pair of trousers, because that is what
14 could have made the distinction between MRND and CDR --
15 MDR, rather, which was red and black, so they had the
16 same colours. I did not see anybody wearing something
17 with colours, let's say a green shirt, a green pair of
18 trousers. In any case I don't know what it would have
19 looked like. But it was normal to see people wearing a
20 red shirt, black pair of trousers, very often -- very --
21 but whether it was from MRND or MDR, I cannot say.

22 Q. Tell me if I am correct, Witness; your testimony is that
23 you saw students on the campus within this period
24 wearing uniforms of other political parties. You never
25 saw student wearing uniforms of the MRND?

26 A. I just said that the uniforms or, rather, the colours of
27 MRND and MDR had a lot in common. Now, to say that this
28 was -- somebody was from MDR or MRND because he was
29 wearing a red shirt, I cannot say that I saw this person
30 came from MDR or MRND. I said that I did not see

1 anybody wearing a green shirt or a green pair of
2 trousers. That is what I said.

3 Q. In 1991 Ferdinand Nahimana was criticised for his
4 financial management of the university. Can you confirm
5 that?

6 A. What year?

7 Q. 1991.

8 A. I do not remember that.

9 Q. Do you remember that Nahimana was the president of the
10 comité du administracion of the University of Rwanda,
11 Ruhengeri campus?

12 A. The Ruhengeri campus did not have a comité de
13 administracion. Even at the very beginning there was a
14 committee responsible for transfer, and Nahimana was at
15 the head of this committee.

16 Q. As head of the committee, the comité de administracion,
17 but Nahimana had financial responsibilities, is that
18 correct?

19 A. I am unaware of the structures of that committee. I do
20 not know what they were, but I imagine that as the
21 official of that committee, he had a word to say about
22 the finances, but I know that there were other
23 structures, accounting, financial service.

24 Q. Do you recall, Witness, that Ferdinand Nahimana was
25 alleged to have mismanaged that institution?

26 MS. ELLIS: Madam President, again, I make an objection that
27 this is a matter which is completely irrelevant to the
28 issues in this case and never put, at all, to the
29 Accused when he gave evidence.

30 MADAM PRESIDENT: Just proceed.

1 MR. EGBE: Thank you.

2 BY MR. EGBE:

3 Q. Did newspapers not criticise Mr. Nahimana for
4 mismanaging the resources of the newly-established
5 Rwanda University at Ruhengeri campus?

6 A. Since the campus was established in 1981 until now, more
7 than 20 years have passed, and in the course of that
8 period I was student, teacher, even exercised some
9 administrative responsibilities. To see in the press
10 that Nahimana mismanaged the campus's finances up the
11 course of the transfer, I don't remember. What I do
12 remember is that there was, at a certain in time -- I
13 think it was in 1984 or '85, ;I might be wrong with
14 regard to the date -- '84 -'85, there was a sort of
15 tidying up of the accounting, of finances, and all
16 people who were -- how can I put it, could not justify
17 expenditure and who had been allocated funds for one
18 thing or another, funds that weren't justified, we asked
19 all people to set things straight in that regard. There
20 was a list of several people, including teaching staff.

21 Q. Let me put it to you very specifically. Was
22 Mr. Nahimana one of the persons who was asked to account
23 for his management of those finances?

24 A. Yes, yes, I think so.

25 Q. And the papers did criticise Mr. Nahimana, persons
26 outside the university circle did criticise Mr. Nahimana
27 for mismanaging the funds of the university, didn't
28 they?

29 A. I don't know. As far as I'm concerned I did not hear
30 any criticism outside the university. I do remember

- 1 that matter; and criticism against him outside the
2 university, I don't remember.
- 3 MR. EGBE: Mr. Matemanga, could you place a document which has
4 the number K0007656 with a photograph of Mr. Nahimana on
5 the front of it, could you place that in front of the
6 witness?
- 7 MADAM PRESIDENT: Where is this from? Mr. Egbe, where is this
8 from?
- 9 MR. EGBE: Yes, this extract is from Isibo number 13, you can
10 see the photograph of the head of state, Isibo number
11 13.
- 12 MS. ELLIS: Page, please.
- 13 MR. EGBE: Dated the 30th of April 1991. Does the witness
14 have it?
- 15 BY MR. EGBE:
- 16 Q. Witness, do you have it in front of you?
- 17 A. Yes.
- 18 Q. Can you read the caption below the photograph of
19 Mr. Nahimana, please, just two lines?
- 20 MS. ELLIS: Same objection.
- 21 THE WITNESS: "The director of ORINFOR, Ferdinand Nahimana,
22 would be one of those who embezzled about six million
23 Rwandan francs from the university and they say that it
24 is he who is going to set the example for journalists."
- 25 Q. This was a criticism of Mr. Nahimana, wasn't it?
- 26 A. As I read it, yes.
- 27 Q. And this criticism did not come from a person within the
28 academic community, did it?
- 29 MS. ELLIS: Do we actually know where it came from, first?
- 30 MADAM PRESIDENT: Ms. Ellis, will you stop intervening. Look

1 at the document like we are: There's a front page of
2 this journal and now there's this picture of
3 Mr. Nahimana and a caption, and you can ask your
4 questions in re-examination.

5

6 Now, I missed the last question, what is it?

7 MR. EGBE: I almost missed it, too, Your Honour, because of
8 Ms. Ellis.

9 BY MR. EGBE:

10 Q. Now, my last question, Witness, if you recall, was this
11 not a criticism of Mr. Nahimana from outside the
12 academic circle?

13 A. Yes, yes, I said yes, even if I don't see who signed the
14 caption under the photograph.

15 Q. Can you tell this Court that you were never aware that
16 Mr. Nahimana was criticised of mismanaging the
17 university funds?

18 A. I maintain what I said, that I didn't hear at any rate
19 beforehand or read any sort of criticism of Mr. Nahimana
20 for mismanagement of the campus.

21 Q. Mr. Nahimana had a big house within the campus or within
22 Ruhengeri at this time, didn't he?

23 MS. ELLIS: Madam President, I'm sorry, I have to object. Is
24 Mr. Egbe trying to suggest that an allegation made in
25 1991 in a newspaper by somebody who didn't sign this is
26 the foundation for proving that there is any accuracy in
27 this? It is quite wrong what is happening.

28 MADAM PRESIDENT: Mr. Egbe -- I mean Ms. Ellis, your
29 objections are on record. I asked you not to repeat
30 them. Even at the level that this witness gave an

1 opinion on Mr. Nahimana's character and yet he is
2 unaware of other publicly expressed opinions, these
3 questions are relevant and have been admitted, and you
4 and we have heard the witness's response. He is quite
5 capable of responding if he has not heard of these.

6 MS. ELLIS: I will not interrupt if you order it, but I am so
7 concerned at the unfairness of what is taking place.

8 MADAM PRESIDENT: We have heard you say, and if I hear you say
9 that one more time in respect of this line of question,
10 you will be cited for contempt.

11

12 Mr. Egbe, before you ask the next question, will you lay
13 the basis for it.

14 MR. EGBE: The basis for my next question?

15 MADAM PRESIDENT: Yes.

16 MR. EGBE: Okay, Your Honours.

17 BY MR. EGBE:

18 Q. Witness, part of the criticism against Mr. Nahimana
19 during this period was that he used university funds for
20 his personal ends. Are you aware of that?

21 A. I was not aware of those criticisms regarding that use
22 of the funds by Mr. Nahimana.

23 Q. You were aware, weren't you, that within a period of one
24 year Mr. Nahimana had built a house in Ruhengeri around
25 the time he was head of this administration, weren't
26 you?

27 A. I don't know. I cannot establish a link between the
28 time he was at the head of the campus administration and
29 the time when he had the house. What I can say is that
30 he had a house in Ruhengeri. I don't know at what time

1 the house was built but the fact is that he had a house
2 in Ruhengeri, yes.

3 Q. Witness, you did call the name of one person, one
4 teacher yesterday, it is Jean Damascéne Ndayambaje, and
5 you described him as an extremist. Do you recall that?

6 A. Yes.

7 Q. It is true, isn't it, that Jean Damascéne Ndayambaje
8 lived in this house of Nahimana's and he paid rent to
9 Nahimana?

10 A. I don't know where Ndayambaje lived. I don't know
11 whether it was in Nahimana's house. I don't know to
12 whom Nahimana rented his house. I never came across it.

13 Q. Let me show you an article, Witness, and you will see
14 from this article that reference is made.

15 MADAM PRESIDENT: Yes, but he doesn't know that. He just told
16 us.

17 BY MR. EGBE:

18 Q. The newspapers, at this time, did criticise
19 mismanagement by Nahimana of the university. Let me put
20 that question to you. Are you aware of that?

21 A. I think I already answered the question and I said that
22 I was not aware of any external criticism of Nahimana's
23 management -- financial management. That was my
24 testimony.

25 Q. And it is your testimony that Nahimana never involved
26 himself inappropriately with the funds of that
27 university?

28 A. I was not among those who checked the books -- checked
29 the finances to prove whether, yes or not (sic), he had
30 used public funds, university funds for personal

1 purposes. So I cannot confirm that. I was not
2 involved, how can I put it, in the auditing. In fact, I
3 don't know if there was any auditing. It did not
4 concern me. It did not interest me; it did not concern
5 me at all.

6

7 And I must say that at one time, as is shown in one of
8 the documents circulated, I was, from time to time,
9 abroad for my studies, so perhaps there are details or
10 events, or incidents, that I was not aware of that
11 escaped my attention when I was not in Rwanda.

12 Q. You maintain even your character assessment of Nahimana
13 that he was not a regionalist; do you?

14 MADAM PRESIDENT: It has been asked and answered, Mr. Egbe.

15 MR. EGBE: I'm asking that specifically because I want to put
16 in --

17 MADAM PRESIDENT: Next question.

18 MR. EGBE: I want to put that to him as a foundation for the
19 next one.

20 BY MR. EGBE:

21 Q. You maintain that you never saw strong criticism of
22 Nahimana in the papers as being a regionalist?

23 A. I maintain what I said before.

24 Q. No such criticisms of Nahimana of being a regionalist,
25 now I'm speaking specifically of 1991.

26 A. I can't tell you whether there were or not because, as
27 I've had the opportunity to say, there was a certain
28 type of newspaper that was -- that I couldn't put up
29 with, that I found insupportable, so I do not read them.

30 Q. It was because of your political inclinations that you

1 considered certain press papers unreadable. What do you
2 say?

3 A. I said that I did not read that sort of newspaper, from
4 whichever source, whether it was a party that I
5 supported or the opposition; for me it was all the same.

6 MR. EGBE: Could you show the witness Isibo Number 13, the
7 same as we -- the second article in the very Isibo we
8 just entered, Isibo number 13. This one. The document
9 has a K-number in front of it, it's 7662, it's Isibo
10 number 13 of the 30th of April 1991. This is the second
11 extract from the same Isibo.

12 BY MR. EGBE:

13 Q. Witness, I want to refer you to the first paragraph. Do
14 you have the document in front of you?

15 A. Yes.

16 Q. I want to refer you to the first short paragraph which
17 starts with Isibo Imizay (phonetic). It ends with the
18 words ibanya shuree (phonetic). And then you will go
19 down to the heading which starts with "Nahimana", read
20 that, through to the beginning of the other heading
21 which starts infambu dodorako redufor (phonetic).

22 MR. EGBE: Your Honours would also have the English
23 translation, it is the first paragraph, omits the
24 paragraph that follows, then it continues with "Nahimana
25 practices regional segregation", down those paragraphs
26 to the beginning of, "Why we do say that ORINFOR is
27 going to cause trouble"? The paragraph preceding that.

28 BY MR. EGBE:

29 Q. Witness, could you read that so it is translated?

30 A. "For a few days now Isibo has been attentively watching

1 with concern Nahimana's management and is asking those
2 who love the country to save this national institution
3 before it is reduced to what was done to Ruhengeri
4 campus when the students were relocated there." I go
5 down now.

6 Q. Starts with "Nahimana."

7 A. "Nahimana is a regionalist. We will not waste too much
8 time on that because that characteristic is -- can be
9 noted everywhere he has been in a position of authority.
10 Let us make no mistake, his regionalism is not based on
11 looking for the Abakiga, but he -- what he is interested
12 in is the people that come from Bukonia (phonetic)."
13 Should I continue?

14 Q. Yes.

15 A. When he was president -- chairman of the commission for
16 the re-location of the National University of Rwanda to
17 Ruhengeri, he showed that. He gave employment to people
18 from his area, home area, so much so that all the people
19 were talking about it. Those who think that Isibo is
20 not following, just ask the people who live in
21 Nyakimana. They will tell you that even an invalid from
22 his family got a job as a guard. He was appointed a
23 guard and he only had one arm. The people will say it's
24 not true, but just look at the files of who was employed
25 at the time and check where they're from. That was one
26 of the reasons that pushed him once he was felt he had
27 to fire some people, to sack some people, and to sack
28 those people or the others. It's saying that it was the
29 administrative board, the management board that asked
30 him to do it. Were they really waiting for him to come

1 to do that? The public is saying that this shadow of
2 regionalism accompanies him everywhere, it's perhaps a
3 situation he couldn't control. That doesn't demonstrate
4 his real line of thought. But when you speak of
5 something, people must check before it's too late. Make
6 certain before it's too late. Don't let us accuse him
7 of that if these are only rumours, but let us double
8 check and let the rumours stop."

9 Q. Go ahead.

10 A. "It is said that he embezzled funds at the university.
11 There are many forms of jealousy, but if you follow
12 closely what is said about this person, it is
13 astonishing. They saw that he builds a house in
14 Ruhengeri very quickly and a bit later he bought a new
15 car, an Audi, and people are saying this chap from
16 Buconya has embezzled. Isibo tried to see where the
17 truth lay in order for public opinion not to continue
18 telling lies about Nahimana," in brackets, "some people
19 are against him for a long time now. Where does the
20 nickname supanya (phonetic) come from and why did he
21 stir up trouble between people? Maybe he can tell you
22 something about that. We have learned that in the case
23 against him for 5,212,150 Rwandan francs which he
24 embezzled when he was managing administering the
25 university. That case could not be pursued when it was
26 in the hands of the National Debt Recovery Commission,
27 which had to recover national funds, and then he was
28 appointed head of the information office, the State
29 Information Office, which he changed to Information
30 Office as though there had been a decree to change its

1 name -- or the decree that named it was changed. This
2 person being prosecuted for embezzlement, he is now
3 going to lead an organisation, head an organisation such
4 as that one?"

5 Q. Witness, I put it to you that the entire population, not
6 only in Ruhengeri, did talk about this matter and you
7 were aware of that. What do you say?

8 A. When you say the whole population, it seems to me that I
9 don't remember the whole population talking about
10 Nahimana's case, if the press talked about it. I don't
11 think it was the whole of the population or I would have
12 known it.

13 Q. Didn't it talk about a commission having been set up to
14 examine the allegations about mismanagement in the
15 university? Understand, I am going to ask you, did the
16 commission ever publish a report? Did they ever publish
17 their finding on this alleged mismanagement of funds in
18 the university?

19 A. I was not aware of any report published by a commission.
20 I don't know if there was a commission. I think at
21 university level it seems that it was a matter
22 concerning the treasury, the administration of the
23 university finances, but, as far as I remember, the
24 subject of the case was something that was requested of
25 all people that had not justified expenditure made on
26 missions or elsewhere to do it as soon as possible. So
27 I had the opportunity to say just now that from time to
28 time I travelled, maybe something happened in the
29 meantime, but the debate started before I left in 1984,
30 '85, and I left for studies in '86, so I don't know what

1 happened in the meantime.

2 Q. But when you came back, after your studies, as an
3 intellectual didn't you seek to inform yourself of what
4 had transpired, considering that these allegations were
5 extremely serious?

6 A. I don't know, Mr. Prosecutor, an intellectual might seek
7 knowledge everywhere. I don't know whether he has the
8 time to concern himself with all aspects of campus
9 management, campus administration. Since at the time I
10 was teaching, all that concerned financial management or
11 the administration of the campus, how could I put it, we
12 had no influence there. It didn't concern -- not many
13 teachers were interested in knowing how the financial
14 managements was undertaken, how things were
15 administered. What concerned us were our students.
16 From time to time we'd hear. I can't say we were
17 entirely concentrated on the teaching, on the students,
18 but when you say "as an intellectual", I don't if it's
19 really, how can I put it, that all intellectuals are
20 concerned to be informed about everything. When I came
21 back from studying, I had a thesis to prepare that took
22 most of my time, my working hours, most of my energy.

23 MADAM PRESIDENT: Can you move on. Are there other questions?

24 MR. EGBE: Can I round this up, Your Honour? I still see some
25 loose ends. Can I round it up?

26 MADAM PRESIDENT: We don't want you to entertain your argument
27 with the witness. That is his response.

28 BY MR. EGBE:

29 Q. It is true, Witness, isn't it, that this was one of the
30 reasons why Mr. Nahimana was not appointed rector of the

1 University of Rwanda, Ruhengeri campus?
2 A. I don't know if that was the reason that led to someone
3 else being appointed vice-rector of the University
4 Rwanda, Ruhengeri campus, quite honestly I don't know;
5 but I think in 1984, I think it was, or it was 1985,
6 Mr. Nahimana left to study. Was it his own personal
7 wish to finish his studies rather than continue with
8 administrative functions? I really don't know.
9 (Pages 21 to 41 by R. Lear)

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1 1000H

2 BY MR. EGBE:

3 Q. But the rector was appointed to the university before
4 Mr. Nahimana went to study, is that not true?

5 A. I need to remember. I have to go back a bit because,
6 out of my memory like that, I don't know what came
7 before, what followed.

8 Q. Witness, let me jog your memory. The rector who was
9 appointed after Nahimana failed to be appointed was
10 Ferdinand Kayobokey; do you remember that name?

11 MS. ELLIS: Madam President, could I enquire of Mr. Egbe
12 whether he has documents showing any application of
13 Professor Nahimana to the position of rector or
14 vice-rector, whether he's got documents that the Defence
15 haven't been supplied with, please.

16 MR. EGBE: Your Honour.

17 MADAM PRESIDENT: Well, this is cross-examination. He doesn't
18 have to have documents. But you should first put the
19 question as to whether he knows that Nahimana applied
20 for this position or was considered for this position.

21 BY MR. EGBE:

22 Q. Witness, is it within your knowledge that Mr. Nahimana
23 applied to be rector of the university after the end of
24 the temporary period when he was president of the
25 commission?

26 A. No, I do not know if he applied. But to confirm what
27 you just said, yes, I do remember that there is a
28 certain Ferdinand Kayobokey who was appointed vice-rector
29 of the Ruhengeri campus.

30 Q. During the time that Mr. Nahimana was president of that

1 conseil d'administration, he opted and he was perceived
2 as the final authority, as the vice-rector, informally.

3 Isn't that true?

4 A. I do not know if I would be asking you for too much if I
5 asked you to repeat your question.

6 Q. Ferdinand Nahimana exercised the functions of president
7 of that comité d'administration. He was the final
8 authority. He wielded the kind of power that a rector
9 duly appointed would wield; isn't that true?

10 A. When Mr. Nahimana was chairman of the comité de
11 management, I studied the two years, the two years
12 immediately following the movement to the Ruhengeri
13 campus. I was a student. Now, to know what the
14 prerogatives, responsibilities, power and weight of
15 Mr. Nahimana as the chairman of the comité de management
16 from the financial point of view, I do not know how that
17 committee functioned, and it was a provisional committee
18 while awaiting the installation of a definitive
19 administration.

20 Q. It is true, isn't it, Witness, that Mr. Nahimana was
21 said within the academic community to have been the
22 prime mover of that decision to move the campus from
23 Butare to Ruhengeri?

24 A. I did not perceive that. I did not hear something like
25 that. In any case, I do not know if Mr. Nahimana could
26 have single-handedly taken such an initiative, taken
27 such a decision, whether he might perhaps have been
28 following the instruction from the government because at
29 the time he was a dean. But to say that he could have
30 single-handedly influenced the movement of the campus to

1 Nyakcimana appears to me to be a huge task for just one
2 person or a decision to be taken by one person who is a
3 dean of a faculty.

4 Q. (Previous translation continued)... but before I do
5 that, I want to clarify it. I never said that
6 Mr. Nahimana took the decision. Let me put the question
7 back to you.

8 A. That is what I heard.

9 Q. The question I'm putting to you is this: Mr. Nahimana
10 played the most important role in getting a decision
11 from the government to move the faculty of arts from
12 Butare to the Ruhengeri campus; isn't that true?

13 A. When the decision was taken to install the university
14 Nyakcimana, it was in the months before the school
15 reopened in 1981. I was in a different institution
16 where perhaps that issue was not discussed, even if
17 there was a merger between the institution where I was
18 and what was at the time the National University of
19 Rwanda. So I cannot give you an answer like that and
20 say that Mr. Nahimana played a prominent role. Even
21 subsequently when we settled down in Nyakcimana, as I
22 said, I started as a student and ended up as a
23 professor, it would appear to me that there was a comité
24 de management, but what somebody -- what each person
25 played in -- the role that each person played in that
26 movement was never highlighted.

27 Q. You are aware, Witness, aren't you, that Mr. Nahimana
28 himself considered that he was a logical choice to head
29 that committee moving the university to Ruhengeri?

30 MS. ELLIS: Madam President, I interrupt again because I'm

1 carefully listening to the questions. Counsel never
2 gives evidence. I don't have any document that states
3 the proposition put as evidence by Mr. Egbe. Neither do
4 I recall any witness who has given evidence to date
5 saying that. So I request that a question is put, but
6 not in the form that gives evidence where we don't have
7 evidence. Thank you.

8 MADAM PRESIDENT: Haven't you asked this question already
9 Mr. Egbe?

10 MR. EGBE: No, I haven't asked this question already. This is
11 a very specific question. This is cross-examination.
12 It is a question that requires a yes or no answer from
13 this witness. This is a witness who has testified as to
14 having a 15-year experience. It's a witness who cannot
15 say he was oblivious to the politics in the university
16 at the time. He has to say whether he knows or he
17 doesn't know. Mr. Nahimana himself set the basis during
18 his direct examination why he was the logical choice to
19 head the committee, so I'm putting it to him; if he
20 wants to be consistent with saying "I don't know", it's
21 up to him and I'll move on.

22
23 Miss Ellis, you just stop interrupting. It's time that
24 the Trial Chamber should let me finish this
25 cross-examination and we can take the next witness.

26 MADAM PRESIDENT: I think the question seeks the answer as to
27 whether you know of the proposition put by the
28 Prosecutor.

29 THE WITNESS: Is it possible for him to repeat what he said?
30 BY MR. EGBE:

1 Q. Witness, I'm putting it to you that Mr. Nahimana, whom
2 you know so well, considered himself a logical choice of
3 the one to head the university campus that was moving to
4 Ruhengeri at the time it did. True or false?

5 MADAM PRESIDENT: The question is disallowed. How could he
6 know what was in Nahimana's mind?

7 MR. EGBE: Your Honour, he has expressed several things before
8 this Chamber which are within his knowledge. He didn't
9 have to do special research to come by the
10 characterisation that he knew of Mr. Nahimana.

11 MADAM PRESIDENT: The question is disallowed. Don't address
12 us after I've ruled. You can reframe that question.

13
14 Did Mr. Nahimana intimate to you or to any other
15 academic at this institution that he was interested in
16 that position?

17 THE WITNESS: Not at all. And as concerns what the Prosecutor
18 was saying, I never heard Mr. Nahimana say, neither did
19 I read anything written by him, stating that he played a
20 prominent role in the movement of the campus and that
21 any honour attributed to that role belonged to him. I
22 never heard or read that, Nahimana talk about his role
23 in that movement.

24 MR. EGBE: (Microphone not activated)

25 BY MR. EGBE:

26 Q. Witness --

27 MR. EGBE: Mr. Matemanga, can you put before the witness's
28 personal detail in front of him, Exhibit 1D155.

29 MS. ELLIS: Please could that be removed from the record?

30 MADAM PRESIDENT: What, Miss Ellis?

1 MS. ELLIS: The last comment that was made by Mr. Egbe in the
2 light of what has occurred earlier in the session.

3 MADAM PRESIDENT: All right. There will be no need for any
4 striking off. These are not your three questions, are
5 they?

6 MR. EGBE: This is another area altogether, but I'm going
7 to -- it related to my three questions, but I'm going to
8 steer a very careful course so that we don't have to
9 bother about concerns of security.

10 MADAM PRESIDENT: I hope so.

11 MR. EGBE: I will, Your Honour.

12 MADAM PRESIDENT: What you have to be careful about, Mr. Egbe,
13 is not establish a link to the name here.

14 MR. EGBE: I will do that.

15 BY MR. EGBE:

16 Q. Witness, do you have Exhibit 1D155 before you? Now,
17 look at "employment" and look at the year 1983. Now, in
18 that year, Witness, how many Tutsis were recruited as
19 teachers in the institution that is mentioned in 1D155?

20 MS. ELLIS: Madam President, to go back to my earlier comment,
21 we are concerned that if anyone with any level of
22 intelligence looks at this transcript in total the way
23 in which the questioning has been put is going to be
24 contrary to the protective order, which is why we
25 specifically asked for that last comment by Mr. Egbe to
26 be struck, because we believe otherwise, when this
27 document is looked at, you would have to be extremely
28 stupid not to understand how the identity of the witness
29 can be known.

30 MR. EGBE: Your Honour, my question does not in any way state

1 the name.

2 MADAM PRESIDENT: There is a question that has been put to the
3 witness and now he's going to ask for it to be repeated.
4 Miss Ellis, if you check the record, that's the way in
5 which you handed in that exhibit. You referred to
6 personal particulars. Now, this document is under seal.

7 MS. ELLIS: Madam President, it is the comment that is made
8 when it's given to the witness, that if that goes on the
9 record and goes out on the video downstairs, if anybody
10 bothers to look at and follow what is happening in these
11 proceedings, it allows the identity of the witness,
12 which we are seeking to protect, and that is why I've
13 raised the matter again. And I'm sorry to interrupt
14 Mr. Egbe's question, but my first concern is to protect
15 the witness who is giving evidence. All we're asking is
16 that that last comment that was made prior to the
17 question be removed because there's a 15-minute gap,
18 after which it becomes a pointless exercise to raise
19 with the Trial Chamber.

20 MR. EGBE: Your Honour, I think I'm addressing myself to the
21 concerns of security of the witness sufficiently.
22 There's nothing I'm doing over and above placing on
23 record general information which Counsel Ellis herself
24 placed on record. Counsel did ask about ethnicity in
25 that institution. Counsel did ask about the process of
26 recruitment of teachers in that institution.

27 MADAM PRESIDENT: Mr. Egbe, Miss Ellis's comment is in respect
28 of your earlier question.

29
30 Witness, can you answer that question about the number

1 of Tutsi teachers at this institution in that year
2 concerned?

3 THE WITNESS: I am unaware of the number.

4 BY MR. EGBE:

5 Q. Isn't it true, Witness, that between 1983 and 1991, not
6 more than three Tutsis were recruited as teachers in
7 that institution?

8 A. I will need something to base my answer on. That is a
9 long period, and I cannot accept that on the basis of
10 nothing. I will need some information to base my answer
11 on.

12 Q. Let me put the question to you in other words. Isn't it
13 true, Witness, that very few Tutsis were recruited as
14 teachers in that institution within that period?

15 A. My answer might perhaps not satisfy you, but I do not
16 know the number of lecturers who were recruited during
17 that period in the faculties which were in the Ruhengeri
18 campus. And in addition, I should perhaps say this, and
19 this is what I believe seriously, I might perhaps have
20 been absent-minded and missed what was obvious. It
21 might happen but before the war, before the events,
22 before 1990 ethnic relevance or awareness in the
23 recruitment of staff, I heard no discussion on that
24 issue within the National University of Rwanda, unless
25 of course I was absent or absent-minded to such an
26 extent that I am -- I should be able to say something
27 about figures and statistics which I did not know.

28 Q. I am going to give you the name of a Tutsi teacher,
29 Witness, and I'll ask you a question after that if you
30 know that name. Do you know a teacher by the name

1 Antoine Rutayisire, a Tutsi who was in that institution?

2 MADAM PRESIDENT: Spell it.

3 MR. EGBE: Antoine is like it is. Rutayisire,

4 R-U-T-A-Y-I-S-I-R-E.

5 THE WITNESS: Yes.

6 BY MR. EGBE:

7 Q. Do you confirm that he was Tutsi?

8 A. I cannot confirm something like that. I cannot confirm
9 that because I do not know.

10 Q. Within the records of the institution, is it your
11 testimony that you never informed yourself of such
12 important information?

13 A. In the files of the institution, I do not know if you
14 are referring to the period when I was with the
15 administration, but if I consider that period, I did not
16 have the opportunity to look at the lecturers'
17 individual file, especially since that did not fall
18 under my area of work. I had no file. In fact, I had
19 no right to look at the professors' file, not to talk
20 about an ordinary employee. I could have been asked to
21 check on a student's file, but a lecturer's file, I had
22 no access to. That is to say that, as long as you
23 referred to the period I was with the administration, I
24 never got interested in that and I did not even have the
25 right.

26

27 Now, talking about the previous period when I was a
28 teacher or even a student, because if my memory serves
29 me correctly, the person you mentioned was recruited
30 before me, around 1982 or 1983, but I think it was in

1 1982, and under the circumstances I never got to know
2 who he was from an ethnic point of view. And let me
3 repeat once again, maybe that piece of information was
4 interesting to a number of people, but it appeared to me
5 that this issue of people's ethnic origin was not a
6 sensitive issue before the 1990 war.

7 Q. It would interest you if I tell you that this gentleman,
8 who was considered one of the brightest members of the
9 staff of that institution --

10 MR. EGBE: I see Miss Ellis standing up again.

11 MADAM PRESIDENT: The objection is you are now giving evidence
12 about this.

13 MR. EGBE: I'm just seeking to establish the point,
14 Your Honour, and I've been very careful to refer to
15 "that institution". Nobody knows who this gentleman is.

16 MADAM PRESIDENT: He does not know the ethnic group of
17 Rutayisire. You asked it twice; you have the answer.

18 MR. EGBE: I have the answer, but that was not my next
19 question. My next question was that --

20 BY MR. EGBE:

21 Q. Even though you do not know the ethnic group of this
22 gentleman, you say, don't you know that this gentleman
23 was dismissed from that institution without any official
24 reason given?

25 MS. ELLIS: Madam President, it's the same point. Mr. Egbe
26 can't put "don't you know". There has been no evidence.
27 He can ask the witness, "Was this professor dismissed?
28 Do you know the reason?"

29 MADAM PRESIDENT: Yes, thank you.

30

1 Do you know whether this professor was dismissed?

2 THE WITNESS: I do not know if the person was formally
3 dismissed. What I know is that the person taught for a
4 year or two -- I think one -- and that he left the
5 campus.

6 BY MR. EGBE:

7 Q. What I am putting to you, Witness, is that he did not
8 leave the campus, he was dismissed. Isn't that true?

9 A. You are telling me. I do not know under what conditions
10 he left, all the more so because we were not in the same
11 department.

12 Q. (Previous translation continued)...that he was dismissed
13 for ethnic reasons?

14 A. Is that the question?

15 Q. That he was dismissed for ethnic reasons, true or false?

16 A. I told you that I do not know under what circumstances
17 he was dismissed. If you are telling me that he was
18 dismissed because of his ethnic origin, then so be it.

19 MADAM PRESIDENT: Are you starting a new area?

20 MR. EGBE: I am. I am, actually, Your Honour.

21 MADAM PRESIDENT: We can take the break now. How many more
22 questions or areas do you feel the need to cover?

23 MR. EGBE: Your Honour, I feel the need to cover about three
24 areas. That includes the little area that the Chamber
25 authorised me to deal with in closed session, so that
26 would be one area, and then I will deal with two very,
27 very important areas.

28 MADAM PRESIDENT: Witness, we will be taking a 15-minute break
29 now.

30

1 And Mrs. Ben Salimo, when we resume after the break, we
2 will go into a short closed session, if you will arrange
3 that, and then return to the open session.

4 (Court adjourned at 1030H)

5 (Pages 42 to 53 by Karen Holm)

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1 1230H

2 BY MR. EGBE:

3 Q. (Previous translation continued)... Witness, that you
4 have forgotten that as a result of the attacks by the
5 RPF in February 1993, the Interahamwe reacted against
6 members of the Tutsi ethnic group in Ruhengeri,
7 specifically, on the campus?

8 A. I can state that following the February 1993 attacks on
9 Ruhengeri, there was no aggression or attack by
10 Interahamwe against teaching staff in Ruhengeri itself,
11 unless you give me the name of a teacher or lecturer, a
12 student or a member of the administrative staff, who
13 suffered from Interahamwe attacks at that time. I do
14 not know the name of anybody who was physically injured
15 during the period you are mentioning because that would
16 have been known. And I'm confirming that during that
17 period, in any case, the period preceding the evacuation
18 of the campus, or should I say movement from the campus,
19 I confirm that the Interahamwe never attacked the
20 campus. They never got inside the campus.

21 Q. Do you confirm also, Witness, that prior to this attack,
22 members, teachers of the Tutsi ethnic group, had
23 expressed concerns about their security and they wanted
24 to leave the campus?

25 A. I remember that during that period or the period that
26 preceded that February 1993, a number of lecturers
27 expressed the wish and, in fact, some actually did, and
28 some of them decided to live outside the campus or out
29 of Ruhengeri. But that was carried out by lecturers,
30 and I think those lecturers included both Hutus and

1 Tutsis.

2 Q. I will put it to you, finally, Witness, that you do not
3 know the character of Ferdinand Nahimana.

4 A. That is a question?

5 MADAM PRESIDENT: It's being put to you that you do not know
6 the character of Ferdinand Nahimana.

7 THE WITNESS: In answer to that, I would say that for somebody
8 I saw for several years in different situations, as a
9 student, as a lecturer, and positions that I occupied
10 subsequently, unless he put on another coat, a coat
11 other than the one I know, which I don't see, in his
12 gestures, in what he says, I think I know Mr. Nahimana
13 well. I do not know his private life. As I said, we
14 did not visit each other, but in his case what I have
15 testified points adequately to the fact that I knew him
16 very well, unless there is something else. Because I
17 think I know him very well.

18
19 But what I'm trying to say here is that I did not make
20 it a point of duty to follow up what Mr. Nahimana said
21 and did. But just what I saw, like other people did,
22 made it possible for me to assess his conduct.

23 MADAM PRESIDENT: That was your last question. Do you want to
24 regularise your exhibits?

25 MR. EGBE: That's exactly what I want to do now, Your Honour.

26 MADAM PRESIDENT: Yes.

27 MR. EGBE: Your Honour, the exhibit, I'm looking at the papers
28 that are circled in that bundle, the first bundle of
29 extracts, the one circled number 3 and 4, that is Isibo
30 -- sorry, page 9. You have the one circled 3 and 4,

1 Your Honours. That should be Exhibit P187.

2

3 The next one.

4 MADAM PRESIDENT: Just hold it up so we can see what you are
5 talking about. All right. This has got the subheading
6 two-thirds up the page, "Kaminuza". Is that the one?

7 MR. EGBE: Yes. The one -- this one should be the one that
8 has the printed page number 9 at the bottom. That
9 should be P187.

10 MADAM PRESIDENT: And what are there, two pages, just the
11 page 9?

12 MR. EGBE: There is a translation, Your Honour, but since the
13 translation was done in Chamber, I would follow the
14 decision of the Court. So we would only seek that to be
15 admitted as Exhibit P187.

16 MADAM PRESIDENT: All right. Is this excerpt from Isibo
17 No. 75, page 9?

18 MR. EGBE: That's correct, Your Honour.

19 MADAM PRESIDENT: P187. We note the Defence objection.

20 (Exhibit No. P187 admitted)

21 MADAM PRESIDENT: The next one.

22 MR. EGBE: The next one should be Isibo 13. It has the
23 circled page 10 and 11. The first page is the
24 translation; the second page is the photograph. That
25 should be P188: 188 for the one with the photograph.
26 The translation came across the microphone.

27 MADAM PRESIDENT: So it's just the page with the photograph.

28 MR. EGBE: The page with the photograph and the two-line
29 phrase at the bottom of the photograph. That was
30 translated.

- 1 MADAM PRESIDENT: Yes. So it's just the one page.
- 2 MR. EGBE: Just the one page, Your Honour.
- 3 MADAM PRESIDENT: All right. So that's Isibo No. 13, 30th
4 April 1991.
- 5 MR. EGBE: That's correct, Your Honour.
- 6 MADAM PRESIDENT: That's P188.
- 7 MR. EGBE: Sorry, Your Honour, that should contain the cover
8 where Isibo No. 13 is mentioned and the date of 30th of
9 April, 1991, is mentioned, too.
- 10 MADAM PRESIDENT: So P188 has the cover page and the page with
11 Mr. Nahimana's picture.
12 (Exhibit No. P188 admitted)
- 13 MADAM PRESIDENT: The last.
- 14 MR. EGBE: The last one, Your Honour, should be the document
15 K0007662. It has two pages. That should be P189.
- 16 MADAM PRESIDENT: This is the single page, is it?
- 17 MR. EGBE: Double pages, Your Honour, Kinyarwanda.
- 18 MADAM PRESIDENT: Two pages?
- 19 MR. EGBE: Yes, Your Honour.
- 20 MADAM PRESIDENT: Also from the same issue?
- 21 MR. EGBE: Yes, the same Isibo, the same issue.
- 22 MADAM PRESIDENT: Isibo No. 13, and what's the page number?
- 23 MR. EGBE: We have -- the page number isn't out, but we have a
24 K-number, so we could use a K-number, Your Honour. It's
25 K0007662 to 7663.
- 26 MADAM PRESIDENT: All right, that's P189.
- 27 MR. EGBE: Thank you.
28 (Exhibit No. P189 admitted)
- 29 MADAM PRESIDENT: Miss Ellis. Wait a minute. Mr. Martel.
- 30 MR. MARTEL: Madam President, Your Honours, we have no

1 questions. Thank you.

2 MADAM PRESIDENT: Re-examination?

3 MR. BARLETTA CALDARERA: Madam President, I have only one
4 question.

5 CROSS-EXAMINATION

6 BY MR. BARLETTA CALDARERA:

7 Q. Witness G99, good afternoon. This morning in answer to
8 the Prosecutor's question, you said that the young
9 students at the university campus usually dressed up in
10 uniforms, trousers and shirts, coloured uniforms,
11 coloured trousers and shirts. Is that what you said?

12 A. That is almost what I said. Maybe I was not clear
13 enough. That some students, in order to show where they
14 belonged or to popularise the colours of their party,
15 many of -- some actually indeed wore colours that were
16 interpreted as being their party colours.

17 Q. Could you, therefore, confirm to the Chamber -- could
18 you therefore confirm to the Chamber that these young
19 people all belonged to political parties; is that
20 correct?

21 A. Are you talking about those who were wearing the
22 uniforms or the students as a whole? I am saying that
23 those who wore uniforms each represented or wanted to
24 wear the colour of their political parties.

25 Q. Listen, I am not asking you what political parties are
26 concerned. What I am saying, was it the young people
27 who belonged to different political parties?

28 A. Absolutely correct.

29 Q. Am I therefore authorised to deduce that that was a
30 habit and that it was almost a custom in university

1 campuses that students should wear shirts, uniforms, of
2 their various parties? Can I deduce that?

3 A. If you will -- if you will, I would like to listen to
4 the question again.

5 Q. Am I authorised to deduce that it was the habit and even
6 the custom of young people to wear uniforms, shirts,
7 trousers, of different colours, depending on their
8 political parties or the political parties they belonged
9 to?

10 A. I would not say it was a habit, but that was something
11 that was often done. Besides, what I should say is that
12 that was the interpretation of people. Sometimes
13 somebody wore his usual suit and it was interpreted as a
14 wish to wear party colours, so it was not a clear-cut
15 case. It did not mean that when somebody put on a red
16 shirt and a black pair of trousers, he was a member of
17 MRND, because those colours were worn even before the
18 advent of multiparty politics. So anybody who wanted to
19 do so, did so. But as I had the opportunity of stating,
20 the enthusiasm that characterised the beginning died out
21 slowly.

22 Q. Thank you. That's all.

23 MR. BARLETTA CALDARERA: It's just as people of 20 years who
24 wore torn jeans. That's not a question, that's a
25 comment. I thank you.

26 MR. EGBE: Your Honour, that's an unwelcome commentary.

27 MADAM PRESIDENT: He's learnt it. He's learnt to make
28 comments from you, Mr. Egbe.

29

30 Miss Ellis, we do have 15 minutes. Can you begin?

1 MS. ELLIS: Madam President, of course I can begin, yes.
2 Before I begin, could I just ask that we be allowed to
3 remove the back page from the document that's been
4 submitted by the Prosecutor, because he hasn't relied on
5 it and, therefore, it's irrelevant and unnecessary
6 material to have before the Trial Chamber.

7 MADAM PRESIDENT: You would have noted how pointedly I've
8 marked "is it just one page", and so on. So there's
9 lots of other pages you can remove from there, such as
10 translations and so on.

11 MS. ELLIS: Yes. And also a back page which, in fact, has not
12 been used and not been translated.

13
14 Madam President, I have a number of questions which
15 could easily be dealt with at this stage in closed
16 session rather than -- and then we can start with an
17 open session tomorrow morning, if that was convenient to
18 the Court. It's a rather compact area, so it might be
19 more convenient in the short time that we have.

20 MADAM PRESIDENT: Well, the public has abandoned us anyway.

21
22 Mr. Matemanga, will you clear the public gallery? We'll
23 now go into closed session.

24 (At this point in the proceedings, a portion of the
25 transcript (pages 84 to 88) was extracted and sealed
26 under separate cover as the session was heard in
27 camera).

28 (Pages 77 to 83 by Karen Holm)

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C E R T I F I C A T E

We, Karen Holm and Rex Lear, 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.

Karen Holm (pages 1 to 20)
(pages 42 to 53)
(pages 54 to 64 closed session)
(pages 77 to 83)
(pages 84 to 88 sealed extract)

Rex Lear (pages 21 to 41)
(pages 65 to 76 closed session)