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Public

AFFIDAVIT OF JEAN-FÉLIX RUDAKEMWA

I, Jean-Félix RUDAKEMWA, residing in Kigali City, Gasabo District, Kimironko Sector, solemnly declare the following:

1. My name is Jean-Félix RUDAKEMWA. I am a Rwandan national, and I have been a member of the Rwandan Bar Association since 25 August 2005. I have been representing accused individuals in front of Rwandan tribunals since that date.
2. In February 2021, I was hired by Mr. Paul RUSESABAGINA to represent him in all matters in which he may be involved, and in this capacity, I appeared for him before the High Court - Chamber in charge of judging crimes of international and cross-border character, in case RP 00031/2019/HC/HCCI.
3. Mr. RUSESABAGINA shared all the information about his case with me during the professional visits I made to the prison of Nyarugenge in Mageragere. During these visits, he answered my questions concerning the circumstances of his arrest, his forced travel to Rwanda, the conditions of his arrest and the way he was treated between 27 and 31 August 2021.
4. My intention was to have a formal statement signed by Mr Rusesabagina containing all this information, in order for him to review, confirm and sign it. Unfortunately, since he shared this information with me and the other lawyers, the situation at the Central Prison of Nyarugenge has deteriorated considerably, to the point where I am no longer allowed to visit him with privileged and confidential material in my possession. For this reason, I am unable to obtain a signed statement from Mr. RUSESABAGINA.
5. On 23 April 2021, I was informed by the director of the Central Prison of Nyarugenge, Mr. Michael KAMUGISHA, that new regulations had been put in place regarding visits by lawyers of Mr. RUSESABAGINA. These rules include, among other things, a prohibition on lawyers visiting Mr. RUSESABAGINA to bring, during such visits, documents, papers, computers or USB sticks, unless the contents of these are first read and analysed by the prison authorities, who will then decide whether they can be taken by the lawyer into the visit.

6. When he explained these new rules to me, Mr. Michael KAMUGISHA was in the presence of a civil agent who identified himself as KALISA, and said he was responsible for implementing these new rules. Mr. KALISA then conducted a complete search of my person and of what I had in my possession.
7. I have never heard of or experienced in my career that such rules were applied to a detained person in Rwanda, and I consider that these rules are totally incompatible with the right of Mr. RUSESABAGINA to have privileged and confidential communications with his lawyers, a right protected not only under international law, but also under Rwandan law.
8. On 29 April 2021, I visited Mr. Rusesabagina again at the Nyarugenge Prison. Once again, I was received by the Prison Director Mr. Michael KAMUGISHA who was this time with two other people in civilian clothing, one being the person called KALISA, the other person refused to reveal his name. At that time, we were on the ground floor, and then we went to the Director's office which is on the first floor.
9. Once in his office, the Director reiterated to me that according to the new instructions, everyone who enters the prison must be searched. I then asked him why this treatment seemed to apply only to certain people, including members of the Defence team of Paul RUSESABAGINA. He replied that everyone was subject to search, which I know to be an outright lie, having spoken with some of my colleagues who represent detained persons at the Nyarugenge Central Prison. He therefore ordered the two people present (KALISA and the unknown person) to search me.
10. I would like to point out that among the documents in my possession, there was a confidential memo intended for Mr. Rusesabagina, which was written by Me Kate GIBSON, a member of the Defence team of Paul RUSESABAGINA. This memo was clearly identified as being privileged and confidential and these terms were clearly visible on the document.
11. Before they started searching me, the two people asked me if I had a computer or a USB stick in my bag. As I knew that my computer or any USB stick in my possession would be searched before I could visit Mr. RUSESABAGINA, I did not take any with

me. I stated at that moment that I only had a few documents to give the client. KALISA and the unknown person then began to examine my documents individually, page by page.

12. Among the documents I had in my possession were two letters that had been sent by the Director of Prison General Commissioner of Prisons (RCS) to supposedly denounce my conduct during my visits to Mr. Rusesabagina. I intended to show Mr. RUSESABAGINA that the pressure on me included false allegations that were made by the prison Director against me.
13. The prison Director refused that I show these documents to Mr. RUSESABAGINA, on the grounds that he was not copied to these documents, and these two letters were then seized by the Director, Mr. KALISA and the unknown person.
14. When they reached the document marked "privileged and confidential" from Me Kate GIBSON, I informed them that this document was confidential, as indicated on the document itself, and that it was intended for Mr. RUSESABAGINA. Despite these remarks, the document was seized by Mr. KALISA and the unknown person, and it was not returned to me before the visit. I went to the client afterwards and relayed what had just happened. This account made Mr. RUSESABAGINA very uncomfortable.
15. After the meeting, I was searched again, this time supposedly to check if the client had given me any documents. I had no choice but to allow them to search me again, whereupon I went to the Director's office to retrieve the documents that had been seized before my visit, including the confidential and privileged memo that Me Kate GIBSON had asked me to convey to Mr. RUSESABAGINA. These documents were therefore in the possession of the Director, Mr. KALISA and the person who searched me throughout my visit. I do not know if they read the document or if they made copies of it during the time I was with Mr. RUSESABAGINA.
16. All this explains why I am unable to get a sworn statement signed by Mr. RUSESABAGINA containing all of the details that appear in the interview notes that I attach hereto as an annex "A". Considering what happened to me during my last two

visits, I have no doubt that such a statement would be confiscated and read by the prison authorities before I could convey it to Mr. RUSESABAGINA for him to sign it.

17. I therefore solemnly affirm that the interview notes attached hereto, the annex A, are an accurate and truthful account of my conversations with Mr. RUSESABAGINA. French and English translations of these interview notes are also attached.
18. This statement is true to the best of my knowledge.

In witness whereof I have signed, in Kigali, this 3 May 2021.

Jean-Félix RUDAKEMWA

DATE

WITNESS

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Public

« Annex A »

AFFIDAVIT OF JEAN-FÉLIX RUDAKEMWA

English Translation
Interview between Paul Rusesabagina and his lawyer
Languages: French and Kinyarwanda

A: Did Bishop seem to know the persons who tied you up in the aircraft?

PR: It is not “did he seem”, but, that person who calls himself Bishop, Apostle and sometimes who calls himself Diplomat; whom I myself call “new Iscariot” from Burundi because there had been another Iscariot who was a Jew; he knew them very well as he himself declared in his testimony before the court; that he brought me and handed me to a named Mbanzabagabo Michel who calls himself Mike. He knew him, he knew him very well because that Mike or Michel Mbanzabagabo came into the plane together with other three persons. They were four men and the Bishop who was the fifth.

A: Ok. Did the GainJet crew see the persons tying you up or did they see you tied up in the aircraft when they were leaving you?

PR: I talked to the pilots personally. I talked to a man who was the Captain crew and asked him before we took off, when we were still in Dubai. As myself was curious about knowing the persons who were going to transport me. I asked him, “man, what is your name?”. He himself told me: “my name is Alexandre”. Then I told him: “well Alexandre, where are we going to?” He told me: “we are going to Burundi.” I knew then that we were heading to Bujumbura. Then I asked him, “how many hours does it take from here to Bujumbura?” He told me that it could take around three hours and a half. He really knew.... Bishop, rather, we were conversing during the flight. When I got into the aircraft, I found therein a stewardess. I also asked her: “Miss, what is your name? She told me: “my name is Alice”. Then I said: “well, Alice where are we heading to?” She answered me that we were heading to Bujumbura. She flew together with us. Before I felt asleep, we were conversing. I was conversing with both. It is this Bishop alluded to when he is saying that he feared that they could say that we were heading to Kigali. Then we took off, we flew together. Bishop, the pilots, we reached Kigali, we landed in Kigali. Then I saw the control tower of Kigali. When I saw the Kigali control tower, Bishop had showed me a letter which stated, he said that it was signed by the Burundian interior Minister, who used to be called “Ndakugarika’ his nickname. He told me that he was going to look for Ndakugarika, because Ndakugarika was also supposed

to be at the airport in that morning. Instead of looking for Ndakugarika, he went to look for Mbanzabagabo Michel. You therefore understand that the pilots knew where we were heading to. When I was tied up, when they tied my arms and legs, eyes and nose; mouth and ears, the pilots were there. By the way, Alexandre, the Captain, said to me: “Good luck”.

A: Were you drugged? If yes, why do you think that?

PR: I do not need, it is not matter of thinking whether they administered me drugs, because the person who gave me those drugs, the one whom I call Judas Iscariot or Bishop, he calls himself Bishop, he himself said that they gave me drugs when we were in the aircraft. However, what surprised me, was that, normally I travel a lot, but I have never felt asleep in a plane. But that time, when we got on board, after eating and drinking, I immediately slept. By the way, the time we got out the plane, I was feeling very weak. This, and taking into consideration the person who did it, demonstrate that they had administered me drugs.

A: Ok. Did any member of GainJet’s ground or air personnel indicated you in any manner that the flight’s destination was Bujumbura?

PR: They told me, as I mentioned above, it was them, both Captain Alexandre and stewardess Alice, who told me: “we are going to Bujumbura”. There is therefore no doubt, it was them who told me that.

A: Ok. Can you think of a case where a GainJet’s ground or air employee had induced you in error in any manner?

PR: I do not know what they mean by “inducing me in error”. If myself had asked the Captain crew: “where are we going to?”, he answered: “we are going to Bujumbura” whereas he knew that he was taking us to Kigali, I cannot insist on that, but he knew what he was doing, he is the one who dragged me into this.

A: Where did you think you were heading to at the time you boarded the plane?

PR: It is not to think where I was heading to. I was confident hundred per cent that I was going to Bujumbura. I was not coming here, this, I had talked about this with Bishop. Bishop had told me to board an ordinary flight. Then I told him: “I fear an ordinary flight because it can take me from any place, Brussels, London or Paris; telling me that it is going to Bujumbura, or Entebbe, or Nairobi, or Dar Es

Salaam but instead of going to those cities I mentioned above, it can change the direction and for other reasons it can land in Kigali. That was why Bishop told me: “Do not worry, You will have no problem, any problem. To avoid any problem, I will not make you pass by those neighboring countries, we should then pass by Arabic countries, by Dubai for example. You need to take a flight to Dubai, as I cannot rent a private jet to come to take you from Europe. However, I will rent a private jet which will take you from Dubai to Bujumbura. At that time, we will be sure, confident hundred per cent that we are going to Bujumbura. There will be no stop over except that one of Dubai.

A: Then, at what exact time of the flight were you tied up?

PR: They tied me up when we arrived in Kigali, after the aircraft landed, I saw the Kigali control tower. After seeing it, I was getting out and was reaching the door, I screamed, I was calling for help; At least, I wanted those people, in case they planned to kill me or to harm me in a way or another, be afraid after they notice that people around have heard my scream. There were soldiers, many soldiers at the airport, then these people would say, “look, people around here have known who this person is, let us may be... let us grab him and tie him up”. They grabbed me, tied me up and threw me in the plane, no, in the car. They grabbed me and threw me into a car as a tree trunk. I was tied up, they tied me up while I was still in the aircraft.

A: Then, who finally tied you up?

PR: It is not a matter of finding out who tied me up. Because Bishop mentioned that in his testimony. He himself said he brought me and handed me to Michel Mbanzabagabo. If he brought me and handed me to Mbanzabagabo Michel, it was Mbanzabagabo Michel who was leading those four persons. When those persons were questioning, were tying me up, Bishop was among them and was the fifth person. Then you understand that... He told me about the person he was collaborating with. I did not know that person in any way. He did something good to me, even though I had opposed to him to come to testify, he did a good thing to me by disclosing the person who was leading the persons who tied me up.

A: If I have understood well, did you personally see the person who tied you up? Did you see him personally?

PR: I could not see them because it was night. And they did not want much light so that I could not see them. They were camouflaged, they had face masks on, they... so that I could not recognize them. As I told you, the reason that I cannot say that Michel was the one who tied me up, is because that person who was talking, who was leading the persons who were tying me up, we continued to talk, we went together to the place called... I call that place the slaughterhouse. Them, they call it as they wish but me, I call it the slaughterhouse. At that place I could hear persons, women screaming, shouting, calling for help: "please help!", "help!" "help!" "help!". One could hear a loud voice becoming gradually low and lower until it went off. One could also hear a voice of a man beside her. In fact, it was at that place where Michel might have interrogated, the interrogation of Bishop of 28 August, he might have interrogated him at that place because if I consider the questions, he did not interrogate him in his ordinary office located at Kimihurura, and they spent the whole day together because when Michel was torturing me, I heard him talking with Bishop as I know very well the voice of Bishop, and Bishop speaks Kirundi language.

A: Were you conscious while you were being tied up?

PR: Even when you are in a deep sleep and being dreaming, then they bring metals, they tie your arms, they tie your legs, they blind you, they tie your nose, mouth, and ears, at that time you immediately wake! Me, I woke but I could not, I lacked strength, because I was not sleeping, I was awake. I lacked strength, then when I lacked strength, I was suffocating, I could not move my arms, my legs were tied, and I could move them a bit like one who is dying. When I was moving leg as a sign of someone who is dying, that person I mentioned as Michel untied my mouth so that I could breathe. Then I was able to breathe a bit.

A: Who else was aboard with you?

PR: In the aircraft there might have been, there were a passenger named Bishop and me. There were the Captain named Alexandre, there were that lady named Alice. But inside, in the cockpit, there might have been another person whom I was unable to see, whom I was not able to know, whether he was a white or a black. But there might have been that other person.

A: Ok. Have you eaten or drunk something while you were in the aircraft?

PR: Yes. While in the aircraft, we ate, and in the aircraft as Bishop Niyomwungeri himself also confirmed, he acknowledged that, Constatin acknowledged that we ate and drank. They gave us food. I, myself trusted the pilots, I trusted the plane as we always trust planes.

A: When were you then untied?

PR: I was untied, during all the time I was in jail I was untied only once. Since the date of 20 since the night of 27 to 28 that I was jailed. When I was taken to that place, I was all the time locked up, I could not walk ... only walk. I could only stand up when they helped me to do so because I could not stand up by my own. When your arms and legs are tied, you cannot stand up by your own. Then, they could come and hold me in their arms and take to the toilettes and someone had to hold me while I was defecating. Then another, they unblinded me, they unblinded me only once. At that time, there were two persons who had come there to visit that place where I was kept in the darkness. I could not even see a person and recognize him. Two persons came. One is Havugiyaremye Aimable, who is the Prosecutor General of this country. The second person was Janot Rubunga who is the Secretary General of the RIB, Rwanda Investigation Bureau. Those persons came to see me, I did not know whether it was a day or a night, I did not know what day it was, I had no notion of time. They came, chairs for them were put like over there, I was helped to sit on a small stuff I was used to sleep on when I was required to sleep. I sat there, those two persons, namely Havugiyaremye and Rubunga asked me: “do you recognize us?” I said: “no, I do not know you.” Then they took off their masks they were wearing because of the covid. Then they said, “do you now recognize us?” I answered them, “no I do not recognize you.” One introduced himself, “my name is Janot, I am the Secretary General of the RIB. And the other introduced himself, “and my name is Havugiyaremye Aimable, I am the Prosecutor General, we are here to comfort you and to tell you: “what we need from you is you to acknowledge that the President of Zambia gave you money for the FLN. Other things are the matter of time, if you acknowledge that, we are going to release you, tomorrow or the day after tomorrow, we can release you, so that you can really go, free as wind.” I answered them, “I am going to think about it.” What surprised me is that when they realized that I did not accept their offer, even after when I was under interrogation in the RIB, it might have been around the third or fourth September, at that time again, Rubunga called me in his office. I went to that office together with a person named Jean de Dieu Kabare who seemed to be the person who was leading my interrogations. We went, when we arrived in the office of the Secretary General Rubunga, then he told me, “even up to now haven’t you

decided yet?” “haven’t you yet decided to say that that person is the one who gave you money for the FLN?” I did not say any word, then he told me, “get out my office.” Then Kabare took me out and we went to continue my interrogation in the RIB.

A: Had you already been unconscious during the flight or during the period between the 27th and 31st August?

PR: Between 27 and 31 August, during that period I was in, I was being tortured. You can not therefore be unconscious, you can not be unconscious while you are being tortured, unless they administered me drugs. During that period, I was not really used to sleep. In, I was being tortured. And the day they took me there on 28, the day I arrived there, in the morning, I remember that. As I said earlier, Bishop was talking with Michel, that Mbanzabagabo. Michel was wearing military boots. That stayed in my mind because he stepped on my neck with those boots. He stepped with those boots on, on my nape, and I could hear him telling me, I was lying down, my legs tied, my arms tied on the waist, my nose tied; I could hear him telling me, I was breathing through the mouth, I was hardly breathing, he was telling me, “you! Even us, we know how to torture!” “we now how to torture.” At that time, I could not be unconscious. At that time, all that time I spent, all that time in police stations, that time of 22 days, I lost around nine kilos. To suffer in 22 days and lose 9 kilos, was because I did not eat, I did not sleep. I entered there in the night of 27 to 28, I got out, I got out of that place, that place which I call “a slaughterhouse”, on 31, at noon, then I was taken to, to a place they call “police”, Remera police station since the 31st in the evening. Because when I was taken to the RIB for interrogation, that was my first time to be interrogated. I had not met with any other person until the 31st August at 1:00 pm, I had never met any other person, neither a judge nor a lawyer or another person; I had never met any other person to ask me if the problem... I was simply jailed, except the two persons who, in the meantime, came to visit me on the day I can never know.

A: What was your physical condition when you arrived in Kigali?

PR: When I arrived in Kigali, I was weak, as we heard them saying that they had administered me drugs. I was weak. I cannot say that I had strength, no, I was weak, and it became worse when they tied me up, my condition became worse.

A: Do you know the place where you were jailed between 27 and 31 August?

PR: No, I can not know that place. Because, I had never, during all that time, I had never opened my eye to see, except those minutes, around 20, when those two men I mentioned above, namely the secretary general of the RIB and the prosecutor general, came to see me. I do not know whether it was during the day or in the night. Because it lacked... **(an inaudible word)** was in the dark.

A: **Did a member of GainJet's personnel see you when, when, when they were tying you up? The time you were being tied up, did a member of the personnel see you?**

PR: All of them saw me. All of them saw me. By the way, when they took me out of the aircraft, Alexandre, the Captain, himself told me, "Good luck!"

A: **In Kigali, did you come out of the plane on a stretcher?**

PR: I could not be wheeled out on a stretcher, they took me like, like a tree trunk, they were pulling me on the ground like a tree trunk. They took me, and threw me in, in a car which looked like these ones, these ones of, these ones that are passing, like those ones outside, those two over there. Then they drove me away, and Bishop was also in that car.

A: **Were there GainJet's staff in the passenger's part of the plane, cabin crew?**

PR: Cabin crew, I told you that there was the Captain, there was the stewardess. And I mentioned to you their names because they gave me those.

A: **Was Bishop also tied up?**

PR: The Bishop was the one who was tying people up. Who else was tying, he was the one who was tying people! You understand that he was the one who had brought me, he was tying up, together with that person he had brought me to, Michel! As you see, who could tie him up? Why could he be tied up?

A: **Thank you. Thank you.**

PR: For what reason the Bishop could have been tied up?

A: **Thank you**

