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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-96-3-T

THE PROSECUTOR  
OF THE TRIBUNAL

AGAINST

GEORGE RUTAGANDA

8 FEBRUARY 1999  
0930

Before: Mr. Justice Laity Kama, President  
Mr. Justice Lennart Aspegren  
Madam Justice Navanethem Pillay

Courtroom Assistant:  
Mr. Edward Matemanga

Registrar: Ms. Marianne Ben Salimo

For the Prosecution:  
Mr. James Stewart  
Mr. Udo Gehring  
Ms. Holo Makwaia

For the Defendant Rutaganda:  
Ms. Tiphaine Dickson

Court Reporters:  
Haruna Farage  
Judith Katapamoyo  
Gifty Harding  
Petrus Chijarira  
Regina Limula

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ICTR, CHAMBER I



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P R O C E E D I N G S  
Rutaganda Trial, Continued  
8 February 1999  
0930

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6 MR. PRESIDENT:

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The session is called to order. Before I give the floor to the registry, to tell us the matter coming before us this morning, allow me first of all, once more to bid all the parties welcome. I would like to bid welcome to Arusha, to the Prosecutor and her team. I want to thank the Prosecutor for having travelled from The Hague to worked on this case with us, so that we can finish it.

It is also with great deal of pleasure that we bid Ms. Dickson, welcome here, after the health problems that she has experience. We are glad that she is feeling better today and we hope that she will improving better until she retrieves her health completely.



1                   We cannot but also bid welcome to  
2                   Rutaganda, we know that he has been ill  
3                   for a long time but it seems that as if  
4                   he is doing well now. We hope that this  
5                   will finish-- this will continue until  
6                   the end of the case. We have been here  
7                   for quite sometime-- his trial should  
8                   have started a few years back.

9  
10                  This having been said that, I would like  
11                  to ask the registry to tell us the matter  
12                  that is coming before us, this morning.

13       THE REGISTRY:

14                  Thank you, Mr. President. Chamber I, of  
15                  the International Criminal Tribunal for  
16                  Rwanda, composed of Judge Laity Kama,  
17                  presiding, Judge Lennart Aspegren and  
18                  Judge Navanethem Pillay, is now sitting  
19                  in public session, for the defence of--  
20                  in the case of the Prosecutor against  
21                  Rutaganda, Case Number ICTR-96-3-1  
22                  pursuant to Rule 81 of the Rules of  
23                  Procedure. Thank you, Mr. President.

24       MR. PRESIDENT:

25                  Thank you, Madam. Unfortunately, I did





1 not bid welcome to Mr. Gehring. I did  
2 not see him. I did not see him well. I  
3 am not going to ask the parties to  
4 introduce themselves because we know  
5 them. We are therefore, going to pass.

6

7 As you are well aware, we are here this  
8 morning to continue the case, the  
9 Prosecutor versus Rutaganda. And I do  
10 think that, it is necessary to say that  
11 we have now started the case of-- the  
12 hearing of defence witnesses. We've  
13 finished already the hearing of the  
14 prosecution witnesses and I will  
15 immediately give the floor to  
16 Ms. Dickson, to indicate to the Tribunal,  
17 in this public session, how many  
18 witnesses in any case, at first she hopes  
19 to call.

20

21 And the last time, I reminded her already  
22 that it was perhaps unfortunate for her  
23 to be governed by the new rules  
24 particularly Rule 73 tar, which is very  
25 limiting for the defence. The Prosecutor



1 happily, was able to escaped the  
2 constraints of this Rule 73. Rule 73  
3 tar, enable us to-- allow us to see the  
4 witness statements but there are no  
5 available witness statements right now,  
6 as I notice. We have just direct  
7 testimonies.

8  
9 Ms. Dickson, we know that you had an  
10 investigator at the time, the  
11 investigator had to collect witness  
12 statements. What did he do?

13 MS. DICKSON:

14 First, Mr. President, Honourable Judges,  
15 I would like to thank you and bid you and  
16 say good morning.

17  
18 As a matter of fact, I think that the  
19 registry forwarded to the judges of this  
20 Honourable Chamber, a document and I  
21 thought that, that document included two  
22 witness statements. You have a third  
23 witness statement and I think that,  
24 perhaps and this is not the first time,  
25 we are meeting-- we are finding ourselves



1 in such a situation because of legal  
2 cultures, perhaps.

3

4 The rules do not say anything about the  
5 obligation to the defence to collect  
6 witness statements and again it is not  
7 obligatory for the defence to obtain such  
8 statements. The fact of obtaining  
9 declarations is binding on the  
10 Prosecutor, so that the defence would be  
11 advise of what the witnesses would come  
12 before the court or the Tribunal and  
13 say.

14

15 Therefore, there are statements in  
16 certain cases and there are other cases,  
17 in which there are no statements. Mr.  
18 President, very simply, it is not because  
19 the investigator did not work, that we do  
20 not have written statements. It is  
21 simply because there were cases in which  
22 it was not appropriate to do so and in  
23 the absence of such an obligation, of an  
24 obligation, it was not done.

25



1 I will inform you that in a while you  
2 will be able to have another  
3 declaration. The office of the  
4 prosecutor is also going to receive  
5 another declaration, which is not  
6 redacted and which is-- it is none  
7 redacted version of a declaration that  
8 the office has already received.

9 MR. PRESIDENT:

10 Well, Ms. Dickson, if we refer to Rule 73  
11 tar, it is said that during the  
12 conference-- that at the conference which  
13 should be held before the trial, that  
14 which we have already held. That at that  
15 conference, the Trial Chamber or a Judge  
16 designated from among its members, may  
17 order that the defence before the  
18 commencement of his case, et cetera, et  
19 cetera, a list of witnesses that the  
20 defence intends to call, with the name  
21 and pseudonym of each witness et cetera.

22  
23 A summary of facts, a summary of facts.  
24 That's why we are saying we might have  
25 ask you to summarise the facts if it is





1 not a declaration. At least, you give us  
2 an idea, we did not want to apply the  
3 rules. That is why I am asking you  
4 whether you can give us a kind of  
5 declaration, a kind of summary.

6 MS. DICKSON:

7 Yes, very well, Mr. President.  
8 Effectively, during the pretrial  
9 conference presided over by Judge  
10 Aspegren, a document was presented by the  
11 defence and the pseudonyms of each  
12 witness as well as a summary of the  
13 witness statements and the length of time  
14 envisage for the deposition, was  
15 submitted before the Chamber. If you  
16 would like to have a copy--

17 MR. PRESIDENT:

18 Excuse me. I have been told that, there  
19 is a lack of communication. I think, I  
20 did not have that document.

21 MS. DICKSON.

22 Mr. President, under the circumstances, I  
23 would take-- I would do everything  
24 necessary for you to have that document  
25 immediately.



1 MR. PRESIDENT:

2 Judge Aspegren is pointing out to me  
3 that, a list was presented but that there  
4 was no summary of facts.

5 MS. DICKSON:

6 Do you have Mr. President, before you the  
7 document which is a table with a short  
8 summary of the witness statements? It is  
9 very brief I know. Which should be at  
10 page 3 of the document 93-- ICTR-93-3-T,  
11 Prosecutor versus Rutaganda, Rule 73 tar  
12 of the rules.

13 MR. PRESIDENT:

14 I see here a table, but that is not it  
15 and the columns that you find in that  
16 table.

17 MS. DICKSON:

18 Mr. President, Rule 73 tar of the rules,  
19 there is a table, a list of witnesses  
20 drawn up in pursuant to Rule 73 tar, 3 I.

21 MR. PRESIDENT:

22 Which, which month was this? Is this  
23 September?

24 MS. DICKSON:

25 The document I have before me is that of

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1 18th September, the revision of the  
2 statement submitted before the Chamber I,  
3 of the ICTR, before Judge Aspegren, on  
4 the 16th of September 1998. There is a  
5 document that was submitted on the 16th  
6 Mr. President, and the following  
7 questions that were asked by the  
8 prosecutor, represented then by Mr.  
9 Gehring and questions also asked by Judge  
10 Aspegren.

11  
12 There was a revised list or a document  
13 relating to 73 tar, a revised document  
14 was filed with the registry for you, for  
15 the president and the two judges.  
16 Nevertheless, Mr. President even in the  
17 list, in the document relating to Rule 73  
18 tar, filed on the 16th of September,  
19 there is or there should be inside that  
20 document, in any case, a table, the left  
21 column has the name of the witness,  
22 second, has the summary of the statement.

23 MR. PRESIDENT:

24 Yes. This is exactly what I was talking  
25 about. I have seen it, the name of

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1 witness summary. This is the table?

2 MS. DICKSON:

3 Yes.

4 MR. PRESIDENT:

5 16th September 1998. Is that right?

6 MS. DICKSON:

7 Yes.

8 MR. PRESIDENT:

9 And the relevant charges, duration and  
10 duration and time expected to-- for  
11 coverage. Very well. We have it before  
12 us, we think that is it. That is it. My  
13 question is this; how many witnesses do  
14 you expect to call this week and how many  
15 next week?

16 MS. DICKSON:

17 Very well. This week, we will call three  
18 witnesses including an expert witness,  
19 Dr. Eugene Shimamungu, who is an expert  
20 witness as well as two protected  
21 witnesses.

22

23 Next week, I hope that we will have four  
24 witnesses available according to what I  
25 have understood and I am also referring





1 to the Status conference that was held  
2 last week.

3

4 In this matter, the witnesses will be  
5 transported to Arusha, in group by  
6 group. And for this week and for the  
7 following week, I will bring them in  
8 according to the possibilities that are  
9 available to witness protection.

10 MR. PRESIDENT:

11 If I understand you well, you have only  
12 three witnesses for this week?

13 MS. DICKSON:

14 Yes, Mr. President.

15 MR. PRESIDENT:

16 And the next, unless it doesn't depends  
17 on you but on the witness protection.

18 MS. DICKSON:

19 Yes. The date that is retained for the  
20 second group of witnesses will be from  
21 the beginning of next week, at which  
22 time, we will have a number, a greater  
23 number of witnesses, that is four.

24

25 Nevertheless, Mr. President, since we



1           have an expert this week, it maybe, it  
2           may well be, that the four days of the  
3           week could be used fully although we have  
4           only three witnesses. But according to  
5           the new rules it will be up to you to  
6           decide the time to be devoted to this.

7   MR. PRESIDENT:

8           As I have said already, that is now, we  
9           do not have to apply rigorously the new  
10          rules upon you. We have to be fair. It  
11          is true, it is good to have these new  
12          rules but I say always to the parties, be  
13          as concise as possible. Do not repeat  
14          yourself and this would allow everybody  
15          to understand. If there are several  
16          questions, there is a certain kind of  
17          confusion installed and we fail to  
18          understand.

19  
20          So, we should have a summary presentation  
21          and I do hope that you know, if everybody  
22          cooperate, we are not going to have to  
23          call you to order. We have come to the  
24          last part as you are aware of, this  
25          trial. We heard what has happened, is



1                   nobody fault. It is just the destiny of  
2                   this trial.

3

4                   I would give you the floor now, and it is  
5                   up to you to indicate who you want to  
6                   call.

7       MS. DICKSON:

8                   Well, Mr. President, in this matter, the  
9                   defence would like to start its  
10                  presentation with the-- by calling Dr.  
11                  Eugene Shimamungu, who is a language  
12                  expert.

13       MR. PRESIDENT:

14                  We ask the registry to call the expert,  
15                  who does not need protection.  
16                  Good morning, Dr. Eugene Shimamungu. Is  
17                  that right? Are you at ease.

18       THE WITNESS:

19                  No, no. No, the chair is too low and so  
20                  I have difficulty reaching the  
21                  microphone.

22       MR. PRESIDENT:

23                  So please, find a chair that is higher  
24                  for Dr. Eugene Shimamungu. Is it possible  
25                  to find a chair that is higher? Judge



1                   Aspegren has the same problem, his chair  
2                   is too low.

3                   You feel better now? It's okay?

4    THE WITNESS:

5                   Yes, it's okay.

6    MR. PRESIDENT:

7                   It's is ideal but it is better. Yes,  
8                   okay. You have the time to get use to the  
9                   chair because you are going to be a few  
10                  hour with us. Could you please, give us  
11                  your name? Your first name? Your  
12                  occupation? In any case, your identity?

13   THE WITNESS:

14                  My name is Eugene Shimamungu. I am  
15                  Rwandan and I am a linguist by training,  
16                  doctorate in linguistic in language. And  
17                  I have an advance diploma in  
18                  communication and information  
19                  specializing in political communication.

20   MR. PRESIDENT:

21                  I see that you are 38 years old?

22   THE WITNESS:

23                  Yes, I am 38.

24   MR. PRESIDENT:

25                  You are married and four children?





1 THE WITNESS:

2 Yes, I am married with four children.

3 MR. PRESIDENT:

4 And you lived abroad?

5 THE WITNESS:

6 Yes, I lived in France.

7 MR. PRESIDENT:

8 So, you are appearing as an expert for

9 the defence, for George Anderson

10 Rutaganda, pursuant to the provisions of

11 the rules.

12

13 Before you start giving your testimony, I

14 would like you to make the following

15 solemn declaration. You please stand up,

16 raise your right hand and you repeat

17 after me.

18

19 (Oath administered to Dr. Eugene

20 Shimamungu).

21

22 Thank you. Sit down. You are an expert

23 in any case. You have certainly, you

24 have been called to bear witness to give

25 testimony as such. I do not need to give



1           you to say much beyond. The fact that  
2           you have come here to give us technical  
3           explanations. You are not directly  
4           concern with the facts. As an expert, you  
5           are a linguist, a doctorate and you hold  
6           a doctorate in this area. So and I count  
7           on you-- so I count on you to clarify the  
8           Tribunal in an objective and impartial  
9           manner on your knowledge.

10  
11          The rules require that the defence that  
12          called you, be the first to put questions  
13          to you and after the defence, the  
14          prosecutor is going to do what we called  
15          the cross-examination. And then if there  
16          is-- the defence may wish to put  
17          additional questions to you.

18  
19          I would like to ask you to speak slowly,  
20          clearly and in loud voice because we work  
21          here in French and English. And we  
22          should be able to interpret what you are  
23          saying. It is not easy because this is a  
24          simultaneous interpretation.



1                   That having been said, I would like to  
2                   ask you whether you would like to speak  
3                   in French or Kinyarwanda?

4    THE WITNESS:

5                   In French.

6    MR. PRESIDENT:

7                   In French. I thank you, Dr. Shimamungu.  
8                   And I would like immediately to give the  
9                   floor to Ms. Dickson, to start the  
10                  examination of our expert.

11

12                   (EXAMINATION IN CHIEF OF DR. EUGENE  
13                   SHIMAMUNGU)

14

15   BY MS. DICKSON:

16                  Thank you, very much, Mr. President.

17   Q.             Good morning, Dr. Shimamungu.

18   A.             Good morning, Ms. Dickson.

19   Q.             Dr. Shimamungu, I would like perhaps to  
20                  start by making a slight correction. You  
21                  are not a jurist. Is that right?

22   A.             No, no. I am not a jurist.

23   ENGLISH INTERPRETER:

24                  Microphone-- the president's microphone,  
25                  please. The president's microphone.

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1 MS. DICKSON:

2 For the record, Mr. President, I thought  
3 I heard the word jurist, when you were  
4 describing what he was. I just wanted to  
5 clarify this.

6 ENGLISH INTERPRETER:

7 The president's microphone.

8 MR. PRESIDENT:

9 This has nothing to do with the merits of  
10 the case.

11 MS. DICKSON:

12 I thank you, very much, Mr. President.

13 Q. Dr. Shimamungu, I would like us-- I would  
14 like you to give us an idea of your  
15 Curriculum Vitae very quickly? Your  
16 first university circle? Where did you do  
17 it and in what discipline did you study?

18 A. I studied in Rwanda at the National  
19 University of Rwanda where I obtained the  
20 baccalaureate, which is equivalent in  
21 certain countries of what is called the  
22 Duke. For instance, in France, I  
23 obtained the baccalaureate, in linguistic  
24 in modern letters precisely French and  
25 Kinyarwanda in 1982. And the second





1 circle took place also in Rwanda, where I  
2 prepared a matrise, still in linguistics  
3 Kinyarwanda, this time at the National  
4 University of Rwanda in 19-- which I  
5 obtained in 1984.

6 Q. Very well. Did you receive a--

7 MR. PRESIDENT:

8 Honourable Judge Pillay, would like you  
9 to wait for the interpretation before you  
10 continue. That's what I reminded you  
11 absolutely.

12 MS. DICKSON:

13 Absolutely.

14 MR. PRESIDENT:

15 When you ask a question, give some time  
16 for interpretation?

17 MS. DICKSON:

18 Of course, I explained that to the  
19 witness but I didn't quite understand it  
20 myself. I am sorry.

21 Q. Did you receive any distinction?

22 A. Yes. At the end of my matrise, I  
23 received a distinction.

24 Q. And after you obtained your matrise, did  
25 you continue your studies immediately?



1     A.           No. I was appointed assistant lecturer  
2                   at the University in Rwanda, where I was  
3                   teaching in the first circle of the  
4                   university and particularly in linguistic  
5                   in Kinyarwanda general linguistic, and  
6                   then courses in theater. Therefore, it  
7                   was-- there were courses in literature,  
8                   courses.

9     Q.           Very well. Did you pursue your studies  
10                  after you started your career as a  
11                  teacher?

12    A.           Yes. To maintain, to keep on this  
13                  career, I had to have a doctorate in  
14                  linguistic. I had been appointed  
15                  assistant lecturer while I was preparing  
16                  a thesis and it was in 1986, that I went  
17                  to France, more precisely in November  
18                  1986 and I went to Nice University and  
19                  enrolled there. But at the same time, I  
20                  gave courses at the National University  
21                  of Rwanda.

22    Q.           And where did you complete your doctorate  
23                  studies?

24    A.           I completed my doctorate at Paris  
25                  Sorbonne University and I worked on what



1 is called the psychomechanics of  
2 language. In other words, the analyzes  
3 of language in consideration of what  
4 maybe is phycological or sociological  
5 parameters. For that, I left Nice  
6 University after a year, to enroll at  
7 Lille University. When I arrived at  
8 Lille university, the professor that I  
9 had to supervise me was sent to-- had  
10 been transferred to Paris Sorbonne. And  
11 that is why in 1988, I was enrolled at  
12 Paris travel to defend my thesis there in  
13 October, 1990.

14 Q. For more precision Dr. Shimamungu, you  
15 are doctorate in linguistics at the  
16 Sorbonne University, was in what  
17 language?

18 A. It is on Kinyarwanda and particularly the  
19 verb, the verb in Kinyarwanda. The  
20 thesis is entitled systematique  
21 verbo-temporelle du Kinyarwanda.

22 Q. Did you obtain a distinction?

23 A. Yes, I did, magnacum laude (phonetics).

24 Q. Very well. Did you continue your career  
25 as a lecturer thereafter?



- 1 A. Yes. Thereafter, what I did was that I  
2 went into a research unit, I joined a  
3 research unit, which is of the CNRS and  
4 at the same time, I continued to give  
5 courses either at the high school as an  
6 assistant lecturer or in higher classes  
7 of the BTS, where I was-- where I taught  
8 in particular, French.
- 9 Q. Just for you to, Dr. Shimamungu, to allow  
10 you to specify. You are used-- you are  
11 going to rather quickly, you've talked of  
12 CNRS. Could you please explain to us what  
13 it is?
- 14 A. It is the National Center for Scientific  
15 Research in France.
- 16 Q. Thank you. Did you remain in France  
17 continuously after you finish your  
18 doctorate?
- 19 A. Yes. I remained in France for one reason  
20 because I defended my thesis on the 27th  
21 of October 1990, yeah, 27th October 1990  
22 and then I had to go back to Rwanda but  
23 there was a professor who said to me  
24 jokingly, where are you going? Who has  
25 already started, where are you going? And





1                   effectively, many questions came to my  
2                   mind and that is how I remained in France  
3                   while waiting for the situation to  
4                   improve before I return home. And I  
5                   waited a long time and it was in 1993, it  
6                   was in 1993, then I decided to go back  
7                   home but I did not leave because indeed,  
8                   I had just enroll at the University of  
9                   Lille, TRIOR for an advance diploma in  
10                  communication. And it was also a way of  
11                  going away to carry out research. I went  
12                  to Rwanda in June 1993, in order to  
13                  recuperate my position at the National  
14                  University of Rwanda and also for  
15                  preparation of this advance study or  
16                  diploma in communication. And that is  
17                  how I started to carry out research on  
18                  the press because at first, I wanted to  
19                  work on the free press in Rwanda,  
20                  initially. And I spent three months in  
21                  Rwanda and I realised that I could not  
22                  work on this subject because everything  
23                  that existed was just about to begin and  
24                  it was not enough to give me enough  
25                  material for studying. That is why I

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1 looked at the political discourse. And  
2 in October 1990, I went to France to say  
3 to my thesis supervisor, that I could not  
4 continue the subject as I had to  
5 propose-- the topic as I proposed it.  
6 Upon that, I had to look at political  
7 communication and after that, I went back  
8 to Rwanda because I had been already  
9 employed at the National University of  
10 Rwanda to give courses. I went there in  
11 November to give courses and I went back  
12 in January. At the end of January 1994  
13 because on the one hand I had to present  
14 a certain number of reports on what I  
15 collected to my thesis supervisor and to  
16 my rector, I promise that I was going to  
17 come back in May, in May 1994 to give--  
18 to set examinations for the students who  
19 had failed.

20 Q. And did you effectively go back to  
21 Rwanda, in May 1994?

22 A. No, it was not possible in light of what  
23 had happen thereafter.

24 Q. Very well. Maybe for the record also.  
25 You said that when you were preparing



- 1                   your thesis concerning communication--  
2                   political communication, you went back to  
3                   your thesis supervisor in October, 1990.  
4                   Is that correct?
- 5     A.           Yes. No, not 1990, 1993, I'm sorry. 1993.
- 6     Q.           Without going into detail, would you--  
7                   did you publish anything? Could you give  
8                   us an idea what you published?
- 9     A.           Up to now, my publications have been  
10                  publications in linguistics in  
11                  Kinyarwanda and I have also worked on  
12                  languages such as Lingala. At the present  
13                  moment, I have ten Articles and two books  
14                  published.
- 15    Q.           And your most recent publication is?
- 16    A.           The most recent, the first was in 1991,  
17                  systematique verbo-temporelle du  
18                  Kinyarwanda. This was a thesis which was  
19                  publish as it was, and the second is  
20                  rather a phrasy of grammar in  
21                  Kinyarwanda, which has just come out in  
22                  September of 1998, last year. So that's  
23                  it. It's known as Kinyarwanda Initiation  
24                  to Bantu Language.
- 25    Q.           It's publish by which publishers?



1     A.             It's La Marton. The publishers are known  
2                     as La Marton.

3     Q.             Mr. President, with your permission, I  
4                     would like to file as defence exhibit,  
5                     the Curriculum Vitae of Dr. Shimamungu.  
6                     Defence Exhibit Number 1, the said  
7                     excerpts of the curriculum vitae.

8     MR. PRESIDENT:  
9                     The Exhibit is D1.

10    MS. DICKSON:  
11                    Thank you, Mr. President.

12    Q.             Dr. Shimamungu, did you prepare a written  
13                     report in the framework of-- I wish to  
14                     recast my question Mr. President. I would  
15                     strike the other one out. Dr. Shimamungu,  
16                     have you already being used as an expert  
17                     in any trial, concerning the events  
18                     before us?

19    A.             Yes. I did testify in the MUGASERO  
20                     LEONNE (Phonetics) trial, in Canada, at  
21                     the immigration court.

22    Q.             And exactly, what did your testimony bear  
23                     on in the Leonne Mugasero trial?

24    A.             My expertise concern the translation of  
25                     speech made by Leonne Mugasero, and an





- 1 analyzes of the same speech.
- 2 Q. In that case, in that trial, did you make
- 3 a political or historical analyzes?
- 4 A. No. I concentrated simply on the
- 5 analyzes of the speech and the problems
- 6 of translation.
- 7 Q. And finally, eventually, were you called
- 8 by the defence or by the representatives
- 9 of Mr. Mugasero or the representative of
- 10 the immigration of Canada?
- 11 A. I was called by the representative of Mr.
- 12 Leonne Mugasero.
- 13 Q. Very well. Now, Dr. Shimamungu, have you
- 14 prepared a report, a written report
- 15 concerning your appearance before the
- 16 International Criminal Tribunal for
- 17 Rwanda?
- 18 A. Yes, I have.
- 19 Q. Very well. And your report, is divided
- 20 into how many major themes?
- 21 A. The report is divided into three main
- 22 themes. In other words, the first
- 23 concerns the political communication in
- 24 the Rwandan crisis and the second part
- 25 deals with political vocabulary, as is



1                   used during that period. And the third  
2                   part, concerns the analyzes of a video  
3                   document given to me by yourself, the  
4                   defence.

5     Q.           Maybe Dr. Shimamungu, before we go on, on  
6                   what raw fact did you deal with when you  
7                   were drawing up your report? Let's me  
8                   clear on this.

9     A.           With regard to political communication, I  
10                  collected data between June 1993 and  
11                  January 1994. Obviously, I added  
12                  material to it because I remained alive  
13                  to the situation as it was evolving in  
14                  Rwanda at that time. And then for the  
15                  second part of my report concerning the  
16                  vocabulary, I made investigations amongst  
17                  the expatriate, Rwandan population, in  
18                  order collect vocabulary material which  
19                  was used but I had already a good number  
20                  of words as I have communicated to the  
21                  defence.

22    MR. PRESIDENT:

23                  Please, can you explain your last  
24                  sentence, as I have communicated to the  
25                  defence?



1 THE WITNESS:

2 In other words, the words which were  
3 used, the words which I had to analyze.

4 MR. PRESIDENT:

5 If I understand you correctly, you were  
6 saying that in part two, you were dealing  
7 with the expatriates population?

8 THE WITNESS:

9 Yes.

10 MS. DICKSON:

11 Q. And in the framework of the vocabulary  
12 part, did you use any other analyzes to  
13 apart from the person's opinion on the  
14 definition of words?

15 A. Yes. The definition of words is actually  
16 is lexicologies studies and I did this in  
17 my studies. In other words, you collect  
18 words and then you examine the different  
19 meanings thereof and there are dates  
20 attached to the various meanings,  
21 depending on the period and then one look  
22 at the different meanings and analyze the  
23 different meanings.

24 Q. In the definition of words, did you also  
25 for instance, use written works?



- 1     A.           Yes, I did use written works because  
2                   there were already many books. So I  
3                   identify definitions, sometimes from  
4                   written works.
- 5     Q.           Very well. You told us earlier that you  
6                   received a video cassette from the  
7                   defence. Did you receive from the  
8                   defence any other material for you to  
9                   examine?
- 10    A.           Yes, I did receive other material for  
11                   examinations especially concerning  
12                   witness statements. Basically, basically,  
13                   the witness statements were the main  
14                   part.
- 15    Q.           And what was the form of the statements  
16                   that you received?
- 17    A.           These were statements in Kinyarwanda.  
18                   Statements in Kinyarwanda which I also  
19                   had to translate.
- 20    Q.           Did these statements identify any person  
21                   apart from the accused?
- 22    A.           No. These were statements which were  
23                   anonymous.
- 24    Q.           Very well. Did you also analyze any  
25                   transcripts from this Tribunal?





1 A. Yes. Yes I did examine the records.

2 Q. And the video cassette that you received.  
3 Is it Nick Huges?

4 A. I don't recall the number of the exhibit  
5 but this was the video which was brought  
6 in by Nick Huges. The number is 468.

7 MR. PRESIDENT:

8 Judge Aspegren. Judge Pillay, I'm  
9 sorry. Judge Pillay, has a question to  
10 put to the witness.

11 JUDGE PILLAY:

12 Ms. Dickson, I thought the witness said  
13 he received from the defence, witness  
14 statements. If there are witnesses, this  
15 court then indicate prosecution or  
16 defence. If there are not witnesses--  
17 witness statements and if they are  
18 anonymous statements as the witness says.  
19 Then why you calling them witness  
20 statements? They are just statements  
21 from individuals, whose names you don't  
22 know, we don't know.

23 MS. DICKSON:

24 Thank you, very much, Judge Pillay. You  
25 are giving me the opportunity to be clear



1 and precise on this matter.

2 Q. Dr. Shimamungu, did you receive extracts  
3 in Kinyarwanda of sentences, which  
4 according to the defence, came from  
5 witness statements-- written witness  
6 statements. Did you receive any such  
7 material?

8 A. Yes. Written statements, yes. And I did  
9 receive particular statements.

10 Q. Now, did the documents bear the letter  
11 head of the International Criminal  
12 Tribunal for Rwanda?

13 A. No.

14 JUDGE PILLAY:

15 Ms. Dickson, these are extracts you  
16 supplied to the witness. I'm still not  
17 clear. Did you give the witness extracts  
18 of testimony that the court has heard or  
19 not?

20 MS. DICKSON:

21 Your Honour, these are extracts from  
22 written statements with no name, with no  
23 pseudonym. They are simply extracts of  
24 certain sentences. So given the fact that  
25 they have not provided to the expert in



1                   their totality and given the fact that  
2                   they have not been provided in any  
3                   identifying manner to the expert. You  
4                   are quite correct in suggesting that it  
5                   would not be possible to refer to them as  
6                   actual witness statements.

7   JUDGE PILLAY:

8                   Yes. Thank you.

9   MS. DICKSON:

10                  Thank you, Your Honour.

11   MR. PRESIDENT:

12                  Please, continue Counsel Dickson.

13   MS. DICKSON:

14                  Thank you, Mr. President.

15   Q.             Dr. Shimamungu, as you stated, you  
16                   divided your work into three sections.  
17                   Is there any difference, any  
18                   methodological difference in the approach  
19                   which you used in these three major part  
20                   of your work?

21   A.             In the three sections of the work, there  
22                   is of necessity a methodological  
23                   difference because they are not the same  
24                   subject. The first part deals with  
25                   political communication and the second



1 part is lexicology and part three the  
2 analysis of images as well as that of  
3 speeches.

4 Q. Could you please explain to us the  
5 methodological difference. In other  
6 words, are you using any particular  
7 standard which is more scientific in a  
8 certain case or less so in another.  
9 Please explain how you went about this?

10 A. In one case, it could be more-- it could  
11 not be more scientific or less  
12 scientific. I think that, I would put  
13 them at the same level of scientific  
14 technicality. And each time, when I look  
15 at the first part, it's a part which was  
16 not intended for the Tribunal. It's a  
17 work which I presented to my university  
18 and it had already gone before a jury  
19 which gave me the distinction. With  
20 regard to methodology, I believe, I did  
21 the essential part of what I was supposed  
22 to do. The second and third part are  
23 more directed at this Tribunal but here  
24 again, I am respecting in the  
25 lexicological part, the method of a





1                   lexicology-- a lexicologist in the  
2                   analyzes and this is related to the  
3                   analyzes. So these are two different  
4                   methodologies. It's not a matter of  
5                   being more scientific or less so, in one  
6                   or the other part because we are dealing  
7                   with different fields.

8     Q.           Very well. With your permission Mr.  
9                   President, Your Honours, we are  
10                  suggesting that we proceed first of all,  
11                  with the section of Dr. Shimamungu's work  
12                  dealing with the vocabulary and then come  
13                  into the analyses of the speech, what we  
14                  have seen on Mr. Huges, Nick Huges'  
15                  video, that is Exhibit Number 468, and  
16                  then we will conclude with the first part  
17                  of the report by Mr. Shimamungu. In  
18                  other words, political communication?

19    ENGLISH INTERPRETER:

20                  Unfortunately, the mike is not on for the  
21                  president.

22    MR. PRESIDENT:

23                  Political communication to--

24    ENGLISH INTERPRETER:

25                  The president is recapping what counsel



1                   said, earlier.

2   MR. PRESIDENT:

3                   So, if I understood you, you are going to  
4                   start with the political vocabulary  
5                   followed by the analyses of the video  
6                   document and then you come to the  
7                   political communication. I wanted to  
8                   make sure that's what I understood?

9   MS. DICKSON:

10                  Very well.

11  MR. PRESIDENT:

12                  You have the floor. You may continue.

13  MS. DICKSON:

14   Q.             Dr. Shimamungu, I am going to put to you  
15                   some questions concerning some words in  
16                   Kinyarwanda. However, I would like to  
17                   invite you, when you respond to these  
18                   questions, to speak very slowly and to  
19                   clearly pronounce the words in  
20                   Kinyarwanda and if possible, spell it,  
21                   spell them out. Is that okay?

22   A.             Yes.

23   Q.             I have notice that Mr. Edward provided  
24                   you with the table. With the permission  
25                   of the president, I would like to check



1                   if everything is on that table, because I  
2                   cannot see very well where I am standing.

3   MR. PRESIDENT:

4                   Please go ahead, counsel.

5   MS. DICKSON:

6                   Thank you, Mr. President.

7   ENGLISH INTERPRETER:

8                   Correction to that, it's not a table,  
9                   it's a board.

10   MS. DICKSON:

11                  Thank you. I have seen that we don't  
12                  have any paper for this board, so we will  
13                  not have to use it until we, we--

14   MR. PRESIDENT:

15                  What kind of paper do you require? There  
16                  is a marker and there is a board. What  
17                  more do you need?

18   MS. DICKSON:

19                  I'm not saying-- what I am saying is  
20                  that, I don't know-- I asked the  
21                  registry-- I am not sure whether it's a  
22                  board on which it is possible to write  
23                  directly, without having to use paper and  
24                  without destroying the board.

25   MR. PRESIDENT:



1 I am not sure whether we need paper.

2 MS. DICKSON:

3 I asked about this. I do not want to  
4 destroy the Tribunal's equipment.

5 MR. PRESIDENT:

6 I think you can indeed use a marker on  
7 this board. I do not think that you need  
8 any paper. Where is the marker? You use  
9 the marker and see if it's work. You can  
10 do that yourself.

11 MS. DICKSON:

12 Not showing.

13 MR. PRESIDENT:

14 Try and rub it out? Yes, it should  
15 erase. So, that's the right marker,  
16 counsel. Are you happy. Our board is  
17 not good enough, it would seem. You may  
18 continue.

19 MS. DICKSON:

20 Yes, we will continue, for the time  
21 being. I'm sorry, if I damage your, your  
22 board.

23 MR. PRESIDENT:

24 No. The table is there for that  
25 purpose. Now, what we want to know is





1                   whether is good or not.

2   MS. DICKSON:

3   Q.           Dr. Shimamungu, you have spoken of some  
4               words in Kinyarwanda but first of all, I  
5               would like to ask you the notion of words  
6               in Kinyarwanda in particular, in relation  
7               to other words. Especially, in relation  
8               to the two working languages of the  
9               Tribunal namely; English and French.

10   A.          In relation to French and English, there  
11               is indeed a difference because the word  
12               in Rwanda, is like a meal, I would say.  
13               In other words, each person comes to  
14               listen, how the sentence is organised,  
15               how one speaks and how often words are  
16               repeated. And it is quite particular and  
17               distinct because the essence in here, in  
18               this case is that, what is interesting is  
19               not what he said but how it is said.  
20               That is the essence, especially at family  
21               gatherings, where people are invited to  
22               speak and to listen to how they are  
23               speaking. It is in this instance that I  
24               find differences because Kinyarwanda is  
25               particularly oral language, such as other



1 African languages. And the way in which  
2 you express yourself is even more  
3 important, is almost even more important  
4 than what you say.

5 Q. Is this phenomenon according to your  
6 studies, does it have an impact on the  
7 notion of truth when one speaks this  
8 language, in this culture?

9 A. Yes. The notion of truth in words is  
10 something which is diluted. It is  
11 diluted in the way, in which you express  
12 yourself. It is indeed diluted. And  
13 what you hear when you listen to words,  
14 you are not really looking for truth but  
15 you are looking for something which is  
16 beautiful, the expertise because the  
17 person also who is speaking is a kind of  
18 on a stage. He wants to retain the  
19 attention of his audience but then he  
20 also wants to express himself and  
21 exchange ideas in an adroit manner.

22

23 (PAGES 1 TO 42 REPORTED BY H. FARAGE)

24

25



1 (Time: 10:30 hours).

2 MS. DICKSON:

3 Now the person who is speaking if that  
4 person is not believed, how do you react  
5 in the Kinyarwanda system?

6 A. When someone takes the floor, now I am  
7 referring to what one can call, family  
8 gatherings or reunions. The word is  
9 somewhat likened to a theatre. It is not  
10 only that the person is going to accept  
11 what I tell him but it is the manner in  
12 which I speak and express myself would be  
13 more important in certain situations.  
14 And one would even speak of the elevation  
15 of the thing that you are referring to by  
16 your manner of expression and this is  
17 what is important. It is not the person  
18 who speaks. The speaker, doesn't really  
19 look for being believed but wants to  
20 express himself or herself in a very good  
21 manner.

22 Q. I belief this would pose a lot of  
23 problems because who would you believe?  
24 Because what I am supposed to understand  
25 is that the notion of truth does not

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Rutaganda

1                   exist in Kinyarwanda, is that true?

2     A.           No, I think ordinarily speaking it is not  
3                   a situation which is particular to Rwanda  
4                   but for relative facts especially those  
5                   dealing with myths and history there is a  
6                   way of expressing oneself. You do not  
7                   insist on bad things. You rather insist  
8                   on the positive things so that you can  
9                   magnify the speech.

10    MR. PRESIDENT:

11                  Now it seems that you are saying that the  
12                  culture makes it that the person would  
13                  never speak the truth. One is always  
14                  looking for the expected?

15    A.           No, there is a notion of truth but there  
16                  is also the notion of proper expression  
17                  and these are elements which help one  
18                  another.

19    MR. PRESIDENT:

20                  Let us be concrete do you believe that  
21                  someone who appears before a Tribunal  
22                  here or in Rwanda would that person be  
23                  able to speak the truth? Would that  
24                  person be seeking to express themselves.  
25                  Beautifully?

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1     A.               That would depend on each person who  
2                       comes before the Tribunal. But I do  
3                       believe that those who speak before a  
4                       Tribunal have the way to speak the truth  
5                       but they can't say that-- it can't happen  
6                       that the manner in which they express  
7                       themselves influence to a great extent  
8                       what they in fact say.

9     MS. DICKSON:

10                    Thank you, very much. Let us continue  
11                    Dr. Shimamungu with this theme. What  
12                    about the listener, the receiver of the  
13                    message? Does he see what he is hearing,  
14                    according to linguistic methods?

15    A.               If you had a Kinyarwanda audience, it is  
16                       not everybody who will hear the same  
17                       thing. There is the word and it will  
18                       take time for this word to be examined  
19                       and to determine what is true and what is  
20                       not truth. But it is not immediately  
21                       that the word spoken by the speaker will  
22                       be believed.

23    MS. DICKSON:

24                    Dr. Shimamungu, we might seem to be the  
25                    devil's advocate but I have to ask you

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1                   questions. You are Rwandan you speak  
2                   Kinyarwanda and you are witness  
3                   testifying and you have taken a solemn  
4                   declaration to speak the truth. Now does  
5                   this phenomenon apply to you? And how--  
6                   can you explain to us how you have come  
7                   to testify here, to day?

8     A.           This phenomenon may apply to me also but  
9                   I believe that I will try to speak the  
10                  truth as I believe it and if the way in  
11                  which I express it influences what I say,  
12                  I am a man, I come from culture which is  
13                  Rwandan and that may happen. Nobody is  
14                  infallible but I will try and speak what  
15                  I know to be the truth.

16   MR. PRESIDENT:

17                  One question from Judge Aspegren.

18   JUDGE ASPEGREN:

19                  Mr. Shimamungu, what you have just  
20                  described concerning the way of  
21                  communicating in Kinyarwanda, now is this  
22                  manner of speaking, is it also influenced  
23                  by the language. In other words now when  
24                  you are speaking French and you seem to  
25                  speak it perfectly, are you still

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1                   influenced by Kinyarwanda? Because what  
2                   we are hearing from your lips in French,  
3                   is it influenced by the European way of  
4                   communicating?  
5     A.            It is not what I think but what has been  
6                   demonstrated by linguists. A language is  
7                   a form of speaking and you can turn it  
8                   and it could be influenced by  
9                   Kinyarwanda. And a system in which I  
10                  belong, to which I belong, and there have  
11                  been other systems which may be  
12                  involved-- one may be higher but I don't  
13                  think there was one in particular that  
14                  may influence me.

15     JUDGE ASPEGREN:

16                  Once again, now that you are speaking ,  
17                  are you trying to make a good impression  
18                  to the Tribunal or are you trying to tell  
19                  you us the truth?

20     A.            I am trying to tell you the truth.

21     Q.            Without considering the impression that  
22                    you may make?

23     A.            No.

24     Q.            Even if you believe that you are making a  
25                    bad impression?

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1 A. No, Your Honour. I am not looking to  
2 make a good impression. I do not want to  
3 impress you. I simply wish to express  
4 what I believe. What I think and know is  
5 the truth.

6 JUDGE ASPEGREN:

7 Thank you.

8 MS. DICKSON:

9 Thank you, Your Honour. What we are  
10 talking about right now is an oral  
11 phenomenon. If I understand you well?

12 A. Yes.

13 Q. And once again you presented a written  
14 report on this matter?

15 A. Yes.

16 Q. So the way you went about it in terms--  
17 in relation to the truth is different  
18 from what you write?

19 A. Yes, it is very different. There is a  
20 proverb which I am not going to remind  
21 you of. In other words, what is written  
22 is written. What is written remains.  
23 Therefore, what I have done is scientific  
24 work in which I have respected certain  
25 rules of methodology. And I have read,

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1           reread my work. And the manner in which  
2           I have reread the work has a lot to do  
3           with-- influence, has a great influence  
4           on what I have written. That is the  
5           work, the bulk of the work I have been  
6           working on since 1993. I have been able  
7           to reread this work and to supplement it,  
8           to redo it if you like.

9   MS. DICKSON:

10           I would like to tender the written report  
11           of Dr. Shimamungu as defence witness--  
12           defence exhibit 'd2'.

13   MR. PRESIDENT:

14           Is that the document entitled  
15           ," as per report requested by the office  
16           of the Prosecutor". ' By the ICTR', I am  
17           sorry.

18   MR. PRESIDENT:

19           Honourable Judge Pillay is asking what is  
20           the ICTR-- as she does not speak French  
21           as you know.

22   MS. DICKSON:

23           Thank you, Mr. President, Your Honour as  
24           well. I can not give the testimony in  
25           the place of the witness. I think there

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Rutaganda

1 is a defence counsel who apparently was  
2 working for the ICTR, who asked Dr.  
3 Shimamungu to present a report. And I  
4 think that the Rules of each person here  
5 can be confused in one person as it  
6 were. I think that I am not certainly--  
7 certainly I am not ICTR and I think that  
8 Dr. Shimamungu has realised this and I  
9 think you can put the question directly  
10 to him.

11 MR. PRESIDENT:

12 Ms. Dickson, I explained but I just  
13 wanted for you to supplement. It is true  
14 you are not the ICTR. It might have been  
15 easier to say 'expert report requested  
16 by the defence of Mr. Rutaganda' once  
17 more it is a detail.

18 MS. DICKSON:

19 I said so because Honourable Judge Pillay  
20 raised the matter, thank you.

21 A. Can I answer the question?

22 MR. PRESIDENT:

23 If you like?

24 A. The contract that was sent to me by the  
25 witness protection division indicated

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Rutaganda

1                   that it came from the International  
2                   Criminal Tribunal for Rwanda. I had also  
3                   been contacted before by Ms. Dickson and  
4                   when I saw the contract, what I noted in  
5                   this page, the second page that is page  
6                   two was this, namely what I had to do and  
7                   then below what was written in the  
8                   contract. The International criminal  
9                   Tribunal for Rwanda. It was in the paper  
10                  that was sent to me.

11   MR. PRESIDENT:

12                  Dr. Shimamungu, we have understood you.

13   MS. DICKSON:

14                  Very well. Dr. Shimamungu, from page 83  
15                  of your report, you give us some  
16                  definitions, is that right?

17   A.             Yes.

18   Q.             I would like to ask you questions  
19                  specifically on this. And perhaps we are  
20                  going to group words together rather than  
21                  present them exactly in the manner in  
22                  which you presented them to us. You  
23                  presented them in an alphabetical manner,  
24                  is that right?

25   A.             Yes. I presented them alphabetically, in

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1                   accordance with the practice in the  
2                   lexicology. I started with Kinyarwanda  
3                   and then there is the French. If I had  
4                   been working with Kinyarwanda alone may  
5                   be I would have proceeded in a different  
6                   manner. I started off with Kinyarwanda  
7                   in order to be able to give dates and  
8                   things like that. I wanted to give  
9                   lexicology that would be or lexicon that  
10                  would be French. Ha! Ha! , have I  
11                  disposed the words. There are words  
12                  which are in their plural form and these  
13                  words in Kinyarwanda, if I put them in  
14                  the singular form, it is because I use  
15                  the form that is the most in practice.  
16                  For instance when I say abakooboozi that  
17                  is the first word. It is true, the word  
18                  abakooboozi. It is in plural in the  
19                  Kinyarwanda. We are not going to look  
20                  for-- we are going to look for what I  
21                  mean in the singular sense and I prefer  
22                  therefore to follow the French  
23                  lexicology.

24    MS. DICKSON:

25                  Very well. You used two words in

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Rutaganda

1 Kinyarwanda when you just spoke. Will  
2 you please say them slowly and spell them  
3 out.  
4 A. I would rather write them out, I think it  
5 is better.  
6 Q. You can write them as well but please say  
7 so for the record because the record is  
8 recording what is being said?  
9 A. Very well.  
10 MR. PRESIDENT:  
11 Just wait one moment Dr. Shimamungu, a  
12 microphone will be supplied.  
13 MR. PRESIDENT:  
14 Just a moment Mr. Edward, is it possible  
15 to have a mobile microphone?  
16 There was a mobile microphone on the  
17 third floor. This is new, this should be  
18 a little better than the fourth floor.  
19 Is the microphone on?  
20 THE WITNESS:  
21 It is okay. So the word abakoomboozu, I  
22 spell it A-B-A-K-O-O-M-B-O-O-Z-I.  
23 MS. DICKSON:  
24 Dr. Shimamungu, I think you pronounced  
25 another word in Kinyarwanda, in your  
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1 sentence. When you spell the words, you  
2 don't have to go so slowly. I think it  
3 is going very well?

4 A. Another word is umukoomboozi which is a  
5 singular form of abakoomboozi. It is  
6 U-M-U-K-O-O-M-B-O-O-Z-I. What I use here  
7 is a scientific transcription which  
8 indicates how the word is pronounced but  
9 which indicates also its' tonality. So  
10 there is a high tonality on the 'o'. We  
11 are going to take advantage of this to  
12 show the morphology because as I was  
13 saying if I had written the words in the  
14 Kinyarwanda, following the Kinyarwanda  
15 order, I would have started with the  
16 loot. In other words this-- what  
17 proceeds is the prefixes. You have the  
18 vowel 'a' then you have the second  
19 syllable which is the word class. In  
20 other words it shows you approximately  
21 the type. The gender in French because--  
22 but it is not exactly the gender. It is  
23 a slightly different. Then you have to  
24 know-- then we will see-- if I had to  
25 give this word in Kinyarwanda I would

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Rutaganda

1                   have started with 'k.o' which is  
2                   difficult for somebody who is not used to  
3                   the language and who does not know where  
4                   the loot begins. Therefore, it is easier  
5                   to order the words in accordance with  
6                   French lexicology. What I have done here  
7                   is, I have used the plural because the  
8                   word is usually used in its' plural  
9                   form. Abakoomboosi, we also know that it  
10                  is referring to umukoomboosi in the  
11                  singular form.

12    MS. DICKSON:

13                  Sorry, Mr. President. Dr. Shimamungu,  
14                  the prefix 'a''e' 'a''u' 'b' 'a' Umu, you  
15                  talked about the class?

16    A.            Yes, that is right.

17    MR. PRESIDENT:

18                  Is that found in the linguistics of  
19                  Kinyarwanda or does that come from  
20                  Swahili because I found the same words in  
21                  Swahili. Does that come from Swahili?

22    A.            Yes. Swahili is in the same linguistic  
23                  group as Kinyarwanda. Therefore it is a  
24                  morphology that is common to what is  
25                  called-- referred to as bantu languages.

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1 Not only to Kinyarwanda but all languages  
2 spoken from Cameroun down to south  
3 Africa. It is the same morphology in  
4 Buru, the same morphology in 'V' and the  
5 same morphology in Kinyarwanda, oh, Zulu  
6 sorry.

7 MS. DICKSON:

8 So, Dr. Shimamungu, what is the  
9 definition of this word the meaning of  
10 the word ambakoomboozi?

11 A. The definition, first, this is a word  
12 that comes from Swahili. Koomboozi or  
13 wakoomboozi, that is saviour, redeemer,  
14 liberator. It is the word that is  
15 usually used to describe Jesus Christ.  
16 In the political context of Rwanda, the  
17 abakoomboozi are the members of the PSD  
18 party. That is the youth wing. The  
19 youth thereof. The youth wing did exist  
20 in other parties and they had their own  
21 names. And so this abakoomboozi were the  
22 youth wing of the PSD party and this is  
23 how they were called.

24 Q. Dr. Shimamungu rather than make an  
25 alphabetical enumeration of your lexicon



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Rutaganda

1                   may be, you can, you just have to  
2                   answer. You don't have to read from your  
3                   report which by the way the Judges have  
4                   before them. There is a list for the  
5                   bench and the other parties at page 90 of  
6                   your report. You also mention of another  
7                   youth wing?

8     A.               What page is it again, please.

9     MS. DICKSON:

10                  Page 90 of your report. Inkuba, I think  
11                  that is the word. You mention the word  
12                  inkuba which is another youth with.

13     MR. PRESIDENT:

14                  For the record I do not think that we  
15                  have to go through all of the lexicology  
16                  word for word.

17     MS. DICKSON:

18                  No, Mr. President, certainly not. Just  
19                  certain aspects.

20     MR. PRESIDENT:

21                  So, page 90, the word inkuba. It is the  
22                  second-- the penultimate word, just  
23                  before Interahamwe. Is that right.

24     MS. DICKSON:

25                  That is right, Mr. President. Would you

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1                   please spell the word inkuba?

2    A.             The word inkuba is I-N-K-U-B-A with an

3                   accent, which gives the tone.

4    MS. DICKSON:

5                   What is the meaning of this word?

6    A.             It means thunder, in Kinyarwanda.

7    Q.             Did it have another meaning at another

8                   time?

9    A.             Yes, but clearly in the Rwandese

10                  political context. It refers to the MDR

11                  youth wing.

12   Q.             Very well. You have below that word

13                  inkuba, another word at page 90 of your

14                  report. What is it?

15   A.             It is interahamwe. Spelt

16                  I-N-T-E-R-A-H-A-M-W-E. When I say

17                  accent, it is always an acute one, which

18                  indicates the tone.

19   Q.             And what does this word mean?

20   A.             It means youths of about the same age

21                  group.

22   Q.             Youths or rather people who are working

23                  together on the same assignment or same

24                  cause, has the meaning of this word

25                  evolved?



1     A.               Yes, the meaning of it-- of the word has  
2                       evolved. In the Rwandese political  
3                       context it first was referring to a group  
4                       of people who were supposed to think, to  
5                       reflect on the political problems of the  
6                       country and thereafter, it was used to  
7                       refer to the youth wing of the MRND which  
8                       were also referred to as Interahamwe,  
9                       then after 6th April it began to refer--  
10                      to be used to refer to all those who had  
11                      killed. Those who were not pro RPF. So  
12                      that is how the meaning evolved.

13    Q.               To clarify, you said after 6th April.  
14                       6th April of what year?

15    A.               6th April 1994.

16    MR. PRESIDENT:

17                      Excuse me.

18    MS. DICKSON:

19                      Sure.

20    MR. PRESIDENT:

21                      We are lucky to have a linguist before  
22                      us. We have to take advantage of his  
23                      presence here. I thought I understood  
24                      that the Interahamwe are meant, people  
25                      who are walking. Who are walking



Rutaganda

1 together. First it was-- they were  
 2 supposed to reflect on good actions to be  
 3 carried out and the word negatively  
 4 evolved or evolved negatively. And you  
 5 say from 6th April it began to refer to  
 6 who?

7 A. To anti-RPF. People who are walking  
 8 together to kill.

9 Q. That is people who killed. Who walked  
 10 together. All the people who killed all  
 11 those who killed are--, whether they  
 12 belong to the youth wing of the  
 13 Interahamwe or not but those who are in  
 14 the youth wing of the MNRD were walking  
 15 together to kill, is that right. After  
 16 6th April?

17 A. Not quite. It is not quite the word for  
 18 walk together. Walking on the same cause  
 19 at the beginning, initially that was---.

20 MR. PRESIDENT:

21 I am talking about the context of 6th  
 22 April. After 6th April what happened to  
 23 the word. It began to be referred-- it  
 24 used to be referred to the youth wing of  
 25 the MRND but everybody was put therein in

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1 order to kill, is that right? What is  
2 the status of the word now?

3 A. After 6th April everything was dissolved  
4 into a sort of general madness, so much  
5 so that one could not point a figure at a  
6 person who was MRND and one who was not.  
7 There is a new situation. Everyone can  
8 say, we can stay. Can we save  
9 ourselves? That is the situation.

10 MR. PRESIDENT:

11 Excuse me, I think that you are going too  
12 fast. I limited myself to 6th April.  
13 These youths who were walking together  
14 who were walking together towards good  
15 actions, after 6th April they began to be  
16 referred as people walking together to  
17 kill. I am talking about strictly within  
18 the context of the MNRD, was there any  
19 linguistic evolution of this word which  
20 showed that it was used to refer to  
21 people who were walking together to kill?

22 A. No, generally this is the word that was  
23 evolving especially when we start to talk  
24 about what happened after 6th April  
25 because in the field there was no time to

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1 reflect to say this was MNRD. This was  
2 not. It is a kind of literature that  
3 developed and which relate to these  
4 people all being referred to as  
5 Interahamwe.

6 MR. PRESIDENT:

7 Therefore, as far as we are concerned  
8 after 6th April this referred to all  
9 those who killed?

10 A. Yes. Exactly.

11 MR. PRESIDENT:

12 Judge Aspegren.

13 JUDGE ASPEGREN:

14 Dr. Shimamungu, I just wanted to  
15 supplement the question that has just  
16 been asked by the President. The word  
17 Interahamwe did it mean initially, that  
18 is in the circumstances that have been  
19 described by the President, 'not only  
20 those who walk together'. Walking  
21 together like they say in English. And  
22 this is my question, does it refer also  
23 to those who work together. Working  
24 together?

25 A. No, these two situations are not found in



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1 a dictionary. The Dictionary talks of  
 2 people who are of the same age group. Of  
 3 the same generation. More or less people  
 4 who are working together on the same  
 5 cause. In the political context of  
 6 Rwanda what was happening in the MRND was  
 7 that we had a reflection group. A think  
 8 tank as it were, of the MRND. And as  
 9 things evolved a youth wing that was  
 10 called Interahamwe--.

11 JUDGE ASPEGREN:

12 When you talk about a dictionary, this is  
 13 a dictionary compiled after 1994 or  
 14 before?

15 A. This was before 1994.

16 Q. Now, I will put the question once, more  
 17 back to you. To you, as an expert. Were  
 18 these two meanings understood? Those who  
 19 walk together and those who work  
 20 together, in the word Interahamwe?

21 A. In the word Interahamwe these two  
 22 meanings were emerged after 1994.

23 Q. In the first 1994 literature?

24 A. Yes, these two meanings do exist.

25 MR. PRESIDENT:

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1                   Yes, let me take advantage of this. The  
2                   word to walk. What did it mean in the  
3                   context of 1994? We know the meaning of  
4                   the word. What, as a linguist, what was  
5                   the slippage that was experienced by the  
6                   term?

7    A.            The word 'travailler', to work has its  
8                   meaning of doing ones' work. Going to  
9                   the office for instance.

10   MR. PRESIDENT:

11                  No, I understand. But I am asking you  
12                  now, after 1994 was there any shift in  
13                  the meaning?

14   A.            I think that this shift came from the  
15                   interpretation of the events that was  
16                   made of the events. Otherwise I do not  
17                   have any precise example for-- where  
18                   this word adopted another meaning.

19   MR. PRESIDENT:

20                  Are you saying that this word was not  
21                  used for-- to designate any other thing?

22   A.            No, no. This word was not used to mean  
23                   other things.

24   Q.            So to work continued to mean Rwandan to  
25                   perform ones' task, is that right?

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1 A. Yes.

2 MS. DICKSON:

3 Thank you, Mr. President.

4 Dr. Shimamungu, the President has just  
5 asked a very important question. We are  
6 going to come back to you later but I  
7 think that we should seize the bull by  
8 the horn. At page 87 of your report, you  
9 also have the word which is indicated.  
10 You will forgive my pronunciation. It is  
11 Gukora, is that right?

12 A. Yes, that is right.

13 Q. Very well. Can you explain to us because  
14 it may appear rather surprising. First  
15 would you read the definition you have in  
16 your report, *gukora* and I spell  
17 G-U-K-O-R-A?

18 A. Definition to work in clear terms of the  
19 Habyarimana region propaganda. To  
20 mobilise the population for development.  
21 From the word *Gukora* comes the word  
22 *umukoozi* which I will spell  
23 U-M-U-K-O-Z-I, which means worker. And  
24 the term *ibikoresho* and I spell  
25 I-B-I-K-O-R-E-S-H-O which means tools.

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1                   During the troubles, the periods of  
2                   April, July 1994, the government  
3                   continued to call upon the people to--.

4    MS. DICKSON:

5                   I would like to ask you a question here,  
6                   in this connection.

7    MR. PRESIDENT:

8                   Yes, Ms. Dickson, we would not listen to  
9                   the entire definition.

10   MS. DICKSON:

11                   Could we hear the entire definition?

12   A.             In its action of intoxication the  
13                   propaganda perpetrators of the RPF wanted  
14                   people to understand that the word meant  
15                   to kill. To insane the population.  
16                   Therefore, work for the RPF meant killing  
17                   the Tutsi.

18   MR. PRESIDENT:

19                   Dr. Shimamungu, why did you not tell me  
20                   when I had asked you the question a while  
21                   ago? Why did you not say that this was  
22                   part of the meaning?

23   A.             Well, when I answer I perceive from what  
24                   I know first. This is the text that I  
25                   wrote and I answered without looking at--

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1 consulting the text. Of course it is  
2 part of the definition for the moment I  
3 say that the word Gukora is found in the  
4 literature that developed after 1994.

5 MR. PRESIDENT:

6 There should be no polemics.  
7 Dr. Shimamungu, when I asked you to  
8 define the work you said that a certain  
9 part of-- party to the conflict gave to  
10 the word a certain-- a different meaning,  
11 another meaning.

12 MS. DICKSON:

13 Thank you, Mr. President. I would now  
14 like you to help us to understand.

15 MR. PRESIDENT:

16 Are you still on the word.

17 MS. DICKSON:

18 Yes, the same word.

19 MR. PRESIDENT:

20 We have questions also on that word but I  
21 give you priority. Of course to ask the  
22 questions first.

23 MS. DICKSON:

24 Now, I would like you to help us to  
25 understand an assertion you make at

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1 paragraph two. You said that during the  
2 upheavals of April, July 1994, the  
3 government continued to call upon the  
4 people to stop fighting each other but to  
5 devote themselves to development  
6 efforts. How do you say that this word  
7 had that definition? It doesn't seem to  
8 be-- does it not look awkward to you?  
9 Can you put yourself in the context and  
10 explain this?

11 A. The context is this, that in Kigali, the  
12 capital which had three hundred thousand  
13 inhabitants, there were a million  
14 refugees who had come to add up to them  
15 and the Rwandese population at the time  
16 was completely-- more or less  
17 disoriented. There was almost no one  
18 going to work. There were problems of  
19 famine of hunger that were beginning to  
20 emerge. And this appeal by politicians,  
21 particularly during the installations,  
22 when they use these terms, they were  
23 appealing to the people to do work, their  
24 routine work. That is to engage in  
25 economic activities in order to fight the



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1                   hunger. That was the meaning of the  
2                   term.

3    MS. DICKSON:

4                   As now, as a linguist can you exclude,  
5                   can you positively exclude, that is as a  
6                   Kinyarwanda linguist, as a Rwandese  
7                   linguist. Can you exclude the  
8                   possibility that there existed a code?

9    A.             Yes, I can exclude it.

10   MR. PRESIDENT:

11                   Why.

12   Q.             I do so because of the prevailing  
13                   situation then. Everybody was appealing  
14                   to the people to do their work. There  
15                   were obvious problems of famine and  
16                   therefore any national concept-- notion  
17                   of the code is to be excluded?

18   MR. PRESIDENT:

19                   What I am questioning is that, do you  
20                   think that the word upheaval or turbulent  
21                   as you use it, expresses very well, what  
22                   you are talking about?

23   A.             Because April and July 1994 is a very  
24                   well defined period in Kinyarwanda.

25   Q.             When you talk about trouble, are you sure

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1                   that you are using the appropriate word.  
2                   You know the meaning of words. You are a  
3                   linguist and you well claim to know  
4                   French. Do you think that turbulent,  
5                   disturbance, perhaps as you have used  
6                   here is sufficient to define what  
7                   happened in April, July 1994?

8     A.            I think it is.

9     Q.            Now you are beginning to play on words.

10    A.            If we are looking at particularities we  
11                   can use other words. Certainly they  
12                   would be more serious than this one.

13    MR. PRESIDENT:

14                   I thank you. Now in the third paragraph  
15                   you said that in his action of  
16                   intoxication the propagandist of the RPF,  
17                   I find the same expression later, further  
18                   down, may be counsel is going to come  
19                   back to this on Hutu power and so on and  
20                   so forth. You have used intoxication and  
21                   propagandist of the RPF. The question is  
22                   this, is this an objective attitude or is  
23                   this a partial, a bias attitude?

24    A.            In the analysis that I have given it is  
25                   the RPF bias those-- oh, the lobby of the  
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1 RPF does exist. So when we talk about  
2 propagandist it is an expression that  
3 exists.

4 MR. PRESIDENT:

5 At the same page at 87, I do not want to  
6 anticipate on the question that counsel  
7 is going to put to you. We have the same  
8 approach by you. There were these  
9 notions that is the notions of the  
10 extremists etc. What is your position  
11 vis a vis this attitude of the RPF?

12 A. In the general analysis I have brought  
13 out the parts of the analysis which are  
14 prevailed to explain, when we talk about  
15 propagandist of the RPF these are people  
16 who existed, who exist. This, it is an  
17 existing lobby. As a linguist, I am  
18 obliged to use, to return the meaning and  
19 to say-- to indicate who uses it and who  
20 does not use it.

21 MR. PRESIDENT:

22 My question, I will ask you another  
23 question on the other word and you will  
24 tell me whether it is the propagandist or  
25 whether this is a reality that was

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1                   believed through in your country. You  
2                   said in its' action of intoxication, the  
3                   propagandist of the RPF, are these the  
4                   words that you used. Counsel.

5   MS. DICKSON:

6                   Dr. Shimamungu, in the first sentence of  
7                   your definition of the word, 'travailler'  
8                   work, do you talk about propaganda?

9   A.               The first definition.

10  Q.               Yes.

11  A.               The first sentence?

12  Q.               Yes, when you are defining Gukora?

13  A.               Yes, here also I am speaking of  
14                   propaganda but from the Habyarimana  
15                   regime side. Now later on I speak about  
16                   propaganda from the RPF view. Now here I  
17                   am referring to the Habyarimana regime  
18                   and umukora was a term which was used to  
19                   mobilise the population.

20  Q.               And that term, no, I am sorry, I will  
21                   recast my question. Answering your  
22                   report, do you refer to propaganda from  
23                   persons other than the RPF?

24  A.               Yes, especially the Habyarimana regime.

25  MR. PRESIDENT:

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1 Can I ask him a question. Did he use the  
2 term intoxication for the Habyarimana  
3 regime or did he just use propaganda?  
4 A. When I use propaganda there is also  
5 mobilisation.  
6 Q. No, I am speaking of intoxication. I  
7 know that intoxication is quite different  
8 from mobilisation. Did you use the same  
9 term for the Habyarimana regime or did  
10 you simply refer to propaganda.  
11 A. There is a literature which has developed  
12 concerning the events. In fact  
13 everything which took place between April  
14 1994 and July 1994. There is a kind of  
15 lobby group, which uses terms and gives  
16 them a meaning.  
17 MR. PRESIDENT:  
18 No, you have not responded to my  
19 question. You have not answered my  
20 question. Counsel Dickson is quite right  
21 in saying that you are referring here to  
22 working and you are referring to the  
23 Habyarimana regime. Later on you used  
24 the term intoxication for the propaganda  
25 from the RPF. Now I was saying do you  
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1                   use the same term intoxication for the  
2                   Habyarimana regime's propaganda?  
3    A.            No, I did use the term intoxication but  
4                   in the analysis which I presented I spoke  
5                   of the imagine of the saviour. The head  
6                   of state who carries out propaganda in  
7                   order to magnify his being, his  
8                   standing. Now Umuganda, this is a kind  
9                   of a description of Habyarimana himself.  
10                  It is not a good mobilisation because  
11                  this would be to the benefit of someone  
12                  who is already in power.

13   THE INTERPRETER:

14                  We cannot hear the President  
15                  unfortunately his microphone was not on.

16   A.            It is a good cause but if this remains.

17   MR. PRESIDENT:

18                  I wanted to conclude with a question.  
19                  During the troubles of April to July 1994  
20                  the government continued to call upon the  
21                  population not to kill one another but to  
22                  concentrate on work. This is a personal  
23                  observation that you are making?

24   A.            Yes.

25   Q.            You can admit that other sources which

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1                   are more serious than yourself did not  
2                   make the same observation?

3    A.            Yes. What I looked at were speeches  
4                   which were made. May be they have drawn  
5                   conclusions on the elements which I do  
6                   not have.

7    MR. PRESIDENT:

8                   But I am asking you. Are you in  
9                   agreement with, and that do you know that  
10                  other sources used another conclusion.

11   JUDGE ASPEGREN:

12                 To supplement what has been put to you by  
13                 the President as a question, when you  
14                 were referring earlier to propaganda, you  
15                 are speaking of the fact that the  
16                 Habyarimana regime was trying to mobilise  
17                 the population for development purposes.  
18                 That we understand. Now my question is  
19                 as follows, you speak of propaganda on  
20                 the side of the RPF and you don't only  
21                 refer simply to intoxication but also to  
22                 a tendency to give to that term accorded  
23                 meaning. In other words to incite the  
24                 population to kill the Tutsi, from which  
25                 to work. For the RPF means kill the

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1                   Tutsi. Don't you see that there is a  
2                   difference when you describe propaganda  
3                   on the one hand during the Habyarimana  
4                   regime and then the propaganda when you  
5                   refer to the RPF?  
6    A.            Yes, I am working on material that I  
7                   collected and this literature which  
8                   evolved after 1994. After 1994, there is  
9                   a type of literature which requires that  
10                  the meaning of the word Gukora means to  
11                  kill Tutsis, whereas when I read the  
12                  speeches I was not able to find that  
13                  utilisation.

14   JUDGE ASPEGREN:

15                  No, please do not be as precise. I will  
16                  reformulate my question. When you  
17                  yourself used the term propaganda  
18                  during-- for the Habyarimana regime, did  
19                  you not try to give this term a positive  
20                  meaning? You also applied-- used the  
21                  word propaganda, to talk about the RPF  
22                  actions. Here did you not provide a  
23                  negative connotation to the word,  
24                  propaganda, that is my question?

25   A.            No, this is from empirical evidence.

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1                   From empirical evidence because what I  
2                   have written is here based on speeches  
3                   which I read and I did not find that.  
4    Judge Pillay  
5                   Dr. Shimamungu, you gave us as your  
6                   expert opinion that when the Habyarimana  
7                   government used the word Gukora in April,  
8                   July 1994, they used the word to urge  
9                   people not to kill but to do work, that  
10                  is correct, that is your expert opinion  
11                  in this report?  
12    A.            There is a problem of language here. I  
13                   would prefer that when English is spoken  
14                   it be interpreted. I understand English  
15                   yes but I am afraid I am may not always  
16                   grasp the meaning of words and give--.  
17    Q.            Then you get the English translation.  
18                   Alright. So, let us start again. You  
19                   get the translation? Click that little  
20                   button on your channel?  
21    MR. PRESIDENT:  
22                   Channel two French?  
23    A.            Okay.  
24    JUDGE PILLAY  
25                   Alright. In your report and in the  
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1 evidence you have just given, you have  
2 given us your expert opinion that in  
3 April to July 1994 when the Habyarimana  
4 government used the word Gukora, they  
5 used it to me, don't kill. Do not kill  
6 but work and that is your evidence. My  
7 question is, I want to know why we should  
8 accept your interpretation of what was  
9 said. Firstly, because of the stages.  
10 People say something and they intend a  
11 different meaning. Secondly, listeners  
12 may hear something and understand a  
13 different meaning from the words.  
14 Thirdly, you were actually not present in  
15 April, July 1994 when these words were  
16 spoken. And fourthly you already told us  
17 that people did not believe the speeches  
18 anyway. So why must this chamber accept  
19 your interpretation of the governments'  
20 use of the word Gukora at that time?  
21 A. First of all, I would like to make a  
22 small clarification. I didn't state that  
23 the Habyarimana government used the term  
24 after April 1994 because the Habyarimana  
25 government as such did not exist after



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1 his death. Now, I did state, I didn't  
2 speak of the Habyarimana government after  
3 April, 1994. Now, let us go to the  
4 questions, why must you accept my  
5 interpretation. I have carried out  
6 research. I work on information that I  
7 receive and collect. And I can only base  
8 my hypothesis on the elements collected.  
9 Are they incomplete or are they  
10 complete. Any research is always  
11 something which can be improved upon, but  
12 at the present moment all that I have  
13 been able to collect including things  
14 which refer to others, in other words  
15 literature which was developed on this  
16 material, did not convince me to accept  
17 any other opinion. Secondly, you stated  
18 that people hear one thing and understand  
19 another. It is true in oral  
20 communication in Rwanda but at that point  
21 in time if you read the speeches you see  
22 the term Gukora comes in but not too many  
23 times. So it is used at least in the  
24 speeches that I have, it is used in terms  
25 of referring to an occupation and not in

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1 any other meaning. People listen to  
2 something, one thing and understand  
3 another. At that point in time the  
4 media, in other words radio Rwanda, at  
5 least when I left, in other words in  
6 January, in 1994, Rwanda had minimum  
7 credibility. In other words people did  
8 not listen to Rwanda radio any more.  
9 They didn't follow what was going on, on  
10 the radio. So, I would be surprised that  
11 after the 6th of April everyone suddenly  
12 begins to listen to the radio, whereas  
13 one no longer believed in what was being  
14 said by radio Rwanda. Radio Rwanda is  
15 what I am referring to because that was  
16 the radio which covered the whole of the  
17 territory of Rwanda and there was also  
18 R.T.L.M., which people then said that was  
19 the radio of the plateau. In other words  
20 it's the radio station which was  
21 available in the areas which were covered  
22 by Tarmac roads. In other words it is a  
23 very limited area around Kigali and when  
24 you reach the peripheries of Kigali you  
25 would no longer hear RTLM. That is what



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1                   was said. The essential message,  
2                   especially the official messages were  
3                   broadcast on radio Rwanda which covered  
4                   the whole territory. Now your third  
5                   question, you were not present? Yes,  
6                   indeed, in fact I was not present but  
7                   everything that I have collected I have  
8                   met people who were there. I am forming  
9                   my opinion from all this information,  
10                  whether they are complete or incomplete.  
11                  I am not able to determine. Now your  
12                  fourth question that this led nowhere.  
13                  In fact this led nowhere in fact because  
14                  when people are faced with the danger,  
15                  they think of fleeing or fighting. Now  
16                  from the 6th of April, I wasn't there,  
17                  yes but this is information I have and no  
18                  one had the time to listen to the radio  
19                  because the danger was right there and  
20                  then, present.

21   MR. PRESIDENT:

22                  Counsel Dickson, please accept that we  
23                  put questions to your witness. This  
24                  might disturb you somewhat but we do  
25                  have the right and we have this

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1 opportunity of having a linguist with  
 2 us. We are taking this opportunity to  
 3 put to him some questions, and we are  
 4 also doing this in view of finding out  
 5 the meanings of some words. We do  
 6 apologise for any disturbance this might  
 7 cause to your trend of thought. You have  
 8 the floor, Counsel.

9 MS. DICKSON:

10 Thank you. The term propaganda per se in  
 11 the framework of linguist solely in the  
 12 political communication does it have a  
 13 scientific meaning? Does it have a  
 14 meaning which draws a picture?

15 A. I would like to respond with regards to  
 16 scientific level, is a technique which is  
 17 used in order to give meaning to words  
 18 that is all.

19 Q. Is it necessarily a pejorative word?

20 A. No.

21 Q. I do believe we were dealing with  
 22 Interahamwe and that is on page 90 of  
 23 your report. Let us go back to that  
 24 please?

25 A. Regarding the first definition that you

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1           have explained to us, in other words  
2           people of the same age walking together.  
3           Could you please tell us what your  
4           sources are? How did you come to the  
5           conclusion that this was the right  
6           definition. I came to the conclusion  
7           that this was the definition not only  
8           because I know about it but also because  
9           I use dictionaries. The Rwandan/ French  
10          dictionary. The only one which exists  
11          and this was written by the National  
12          Institute of Scientific Research. When  
13          you look up the term Interahamwe in the  
14          dictionary, I am not sure, I will be able  
15          to find it immediately because it is a  
16          dictionary which is scientific but I will  
17          try. This is the correct volume.

18   JUDGE ASPEGREN:

19               In the meantime Counsel Dickson, where do  
20               I find the term of persons walking hand  
21               in hand. Where did you find that  
22               information.

23   MS. DICKSON:

24               No, I was referring to his statement.  
25               The statement he made earlier in his

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1 testimony.

2 A. So, from the dictionary I am reading.

3 ' Interahamwe' in the plural' Gutera,

4 G-U-T-E-R-A', umwera (sic) spelt, M-w-e.

5 The first definition which is given,

6 persons with more or less the same age of

7 generation. The second meaning is

8 objects of the same size and the same

9 value. The third meaning, persons who

10 understand one another very well. These

11 are the three meanings which are provided

12 in the dictionary.

13 MS. DICKSON:

14 This is a definition which for the

15 records is being used and I will give you

16 the number of the exhibit which I

17 unfortunately do not have right now. I

18 will give it to you later. Now you also

19 referred to a second definition which is

20 the idea of being hand in hand united

21 together. What is your source for that

22 declaration or your sources?

23

24

25



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1 Q. Doctor Shimamungu in this first part of  
2 your report we have seen translations or  
3 expressions of Kinyarwanda for French  
4 expressions, is that right? I believe we  
5 are dealing with the first part of the  
6 work, the picture analysis is that right?

7 A. Yes, at page 103 of your report.

8 Q. Did you used the same type of  
9 methodology-- did you use the same  
10 discipline as you were to do this part of  
11 your work?

12 A. No, I proceeded by a different kind of  
13 methodology, quite different because I  
14 needed to be able to analyse a discourse  
15 here and I also had to proceed with some  
16 translation. First I looked at-- I did  
17 the script. I was lucky I went to a  
18 laboratory where I was able to reduce the  
19 parasites and I was able to understand  
20 the words more clearly. I did a script  
21 therefore in Kinyarwanda from the  
22 beginning to the end of the entire  
23 cassette, because there are parts in  
24 French as well of the entire cassette,  
25 and thereafter I verified, because each

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1                   time there were things which were not  
2                   very well understood, and we had to  
3                   listen to them over and over, at least  
4                   three times before I came over with this  
5                   script. And then I went on to something  
6                   different, translation. Once more I had  
7                   to reread since I already had situations  
8                   in my head, since I had seen them on  
9                   television. I translated in accordance  
10                  with-- I would say almost literally so as  
11                  not to distort any sense. Then I looked  
12                  at the works that I had to be sure that  
13                  the meanings were-- the correspondences  
14                  were right. That is as far as the  
15                  translation is concerned. Then there  
16                  were the analysis of the pictures, the  
17                  logical follow-up from beginning to the  
18                  end of the video cassette which I tried  
19                  to do, and I tried to explain the images  
20                  of the pictures and the situations.

21   MR. PRESIDENT:

22                  Before you continue, Ms. Dickson, you  
23                  were talking of a video cassette, an  
24                  analysis of this same cassette. What  
25                  video cassette are you referring to?

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1 MS. DICKSON:

2 Your Honour, the Exhibit found at 468, I  
3 am going to give more details and perhaps  
4 we can move on to it immediately.

5 MR. PRESIDENT:

6 468?

7 MS. DICKSON:

8 Yes, I am just going to confirm that.

9 MR. PRESIDENT:

10 For the prosecutor?

11 MS. DICKSON:

12 Yes, for the prosecutor. That is Exhibit  
13 468, Your Honour.

14 MR. PRESIDENT:

15 Very well, thank you.

16 MS. DICKSON:

17 And I am going to give clarifications of  
18 this immediately. Doctor Shimamungu the  
19 defence had handed over to you a cassette  
20 for analysis which had how many  
21 sequences?

22 A. Sequences are analysed in accordance with  
23 what we see or what we do not see.  
24 Either there is a cutting between-- there  
25 is severance between pictures or

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1 something else. You can have several  
2 sequences moving together. Sometimes  
3 there is an interruption. Sometimes you  
4 see exactly that a new part is starting.  
5 It is very difficult to say how many  
6 sequences because if I might have seen  
7 about four or five, I am sorry-- but I  
8 think it would have been more simple if I  
9 addressed the tribunal directly.

10 MS. DICKSON:

11 I was asking the witness how many  
12 sequences he examined, and I am asking  
13 him this question because I first gave to  
14 Doctor Shimamungu the video cassette that  
15 was revealed to me, discovered to me by  
16 the office of the prosecutor. However,  
17 this video cassette that was discovered  
18 to the defence was from sequences other  
19 than those that were shown before you.  
20 In other words, the cassette that was  
21 analysed by Doctor Shimamungu contained  
22 same excerpts as Exhibit 468, and others  
23 too. So you are going to see in the  
24 report analysis of speeches of the former  
25 prime minister, things that we did not



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1                   see here in the Rutaganda trial, and it  
2                   is simply because of the fact that Doctor  
3                   Shimamungu received the cassette as I  
4                   received it as defence counsel. I hope  
5                   that this might clarify what might look  
6                   rather strange.

7   MR. PRESIDENT:

8                   Have these speeches got anything to do  
9                   with the Rutaganda trial?

10  MS. DICKSON:

11                  They were discovered to me and I handed  
12                  everything over.

13  MR. PRESIDENT:

14                  I am just asking, even if you had a  
15                  cassette, what part was dealt with by the  
16                  prosecutor here? Was it the part to deal  
17                  with the Rutaganda trial?

18  MS. DICKSON:

19                  Yes, two sequences--

20  MR. PRESIDENT:

21                  If I may finish--

22  MR. DICKSON:

23                  Sorry, Mr. President:

24  MR. PRESIDENT:

25                  The question is, do these two sequences

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1                   have any relationship with the Rutaganda  
2                   trial?

3    MS. DICKSON:

4                   These two sequences were admitted into  
5                   evidence by the tribunal.

6    MR. PRESIDENT:

7                   Now, there are two sequences and you  
8                   would like to present them as the defence  
9                   evidence. Is that right?

10   MS. DICKSON:

11                  I have not said so, Mr. President.

12   MR. PRESIDENT:

13                  I put the question to you because I would  
14                  like to draw your attention to something,  
15                  to the new provisions of Rule 90 F of the  
16                  Rules. As I said, I am not going to  
17                  penalize you, I will call on you simply  
18                  to read the provision, which says that  
19                  the chamber shall exercise control over  
20                  the examination of witnesses,  
21                  presentation of evidence as-- the chamber  
22                  shall exercise control over the mode and  
23                  order of interrogating witnesses,  
24                  presenting evidence, so as to avoid  
25                  needless consumption of time. This is

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1                   what I want you to bear in mind.

2    MS. DICKSON:

3                   Potentially we agree, Mr. President.

4                   There are elements, you will see in the  
5                   report, analysis of elements that were  
6                   not presented by the prosecutor. I want  
7                   to say that if it were necessary, we have  
8                   the technical equipment to look at the  
9                   cassette. Doctor Shimamungu who is under  
10                  oath is here and he has prepared what he  
11                  called a script. It has all the words  
12                  that he heard for all excerpts of the  
13                  cassette. I would like to talk about- I  
14                  would like us to discuss those which were  
15                  shown by the prosecutor. With the  
16                  permission of the tribunal, I would like  
17                  also to discuss another one which was  
18                  referred to by a prosecution witness,  
19                  Francois Nzazuwela, and it relates to the  
20                  Arusha Agreements and to the interahamwe  
21                  who went up and down. It was referred to  
22                  by a prosecution witness, and I could not  
23                  understand the words in Kinyarwanda,  
24                  Doctor Shimamungu translated everything  
25                  that was on the cassette, and I would

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1                   like him to be given the opportunity at  
2                   least to give us the translation and his  
3                   analysis thereof.

4   MR. PRESIDENT:

5                   That is perfectly concrete, we are going  
6                   to do so, the entire speech, whatever you  
7                   say, and we will do it. We are not going  
8                   to loose time.

9   MS DICKSON:

10                  Technician, is it possible to reduce the  
11                  temperature? With your permission, Mr.  
12                  President, my documents are flying about.

13   MR. PRESIDENT:

14                  Do you want us put it off?

15   MS DICKSON:

16                  No, I want everybody to be comfortable.  
17                  Maybe we should just direct the current  
18                  of air elsewhere than on my papers.

19   MR. PRESIDENT:

20                  Certainly not towards us?

21   MS. DICKSON:

22                  No, no, Mr. President.

23   MR. PRESIDENT:

24                  Okay, then we should put it off. That  
25                  solves the problem if it is disturbing



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1                   you. I hope that your client is not  
2                   against. Can we turn it towards you?

3   THE ACCUSED:

4                   Since you have said no, I don't think  
5                   that I am the one to say yes, Mr.  
6                   President.

7   MR. PRESIDENT:

8                   It was just a joke, because I think it is  
9                   difficult. I think the solution is just  
10                  to put it off if everyone is in  
11                  agreement. We have ours, on this side.  
12                  Prosecutor, no problem? Apparently there  
13                  is no problem. Okay, let us move on, Ms.  
14                  Dickson.

15   MS. DICKSON:

16                  Now, to better understand the work you  
17                  did with this cassette, did you consult  
18                  the witness transcripts in order to  
19                  control or compare with the translations  
20                  that were done here?

21   A.             Yes, I did so.

22   Q.             Now, we were talking about methodology,  
23                   and I would like to go to the end of the  
24                   question. You said on one hand you had  
25                   the translation, and on the other hand

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1                   you had the analysis of a speech. What  
2                   do you mean by the analysis of speech,  
3                   and how do you qualify to do so?

4    Q.           The analysis, the special analysis is  
5                   attached to something that falls between  
6                   literature and linguistics. It depends  
7                   on the text that we are analysing, but  
8                   one first has to identify the text, after  
9                   having identified it, it is then that we  
10                  start to segment it. Segmenting it by  
11                  looking at the various paragraphs, the  
12                  various possible meanings of the text.  
13                  Effectively, it has to be read and  
14                  reread, in order to be able to establish  
15                  a precise plan. Having put a finger on  
16                  the sense and the meaning, it is then  
17                  that we evolve or forge an argument. We  
18                  look at the sequence for the speech. We  
19                  look at the object, the purpose-- the  
20                  object of the speech. In other words the  
21                  content of the speech then the  
22                  objectives, the aim. What is the speaker  
23                  aiming at? It is a technique that is  
24                  related not only to the-- I had a course  
25                  during the DEA in Nice in linguistics, it

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1 is an exercise that is related to  
2 literature, and it draws both to  
3 literature and linguistics.

4 Q. Now, speech analysis, can it be said to  
5 be-- can it be practised also with regard  
6 to a journalistic event, images taken by  
7 a journalist, anything that is a text?

8 A. Yes, anything that you know, we have  
9 before us whatever as a text, whatever  
10 the origin may be.

11 Q. So you think that a video cassette,  
12 images on a video cassette could be a  
13 text?

14 A. The video and the images constitute a  
15 text, because we have a situation, we  
16 have a text, we have a text and a  
17 context. The context will be specified  
18 with regard to the text. While we  
19 analyse a text alone, there is a part of  
20 the context which is suppressed but when  
21 you have the pictures, it is clear, it is  
22 very good.

23 Q. And now, what would be the use of a  
24 speech analysis in a context like this  
25 one relating to the video cassette that

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1                   you have examined?

2     A.                   I made an analysis of the text in order,  
3                         you know, within the context of a  
4                         political communication. I did not do  
5                         anything other than this political  
6                         communication approach, first to see how  
7                         the follow-up of the connection of  
8                         events-- or ideas-- then I looked at also  
9                         how images, how the pictures follow each  
10                        other. This is the essential thing--  
11                        this is the bulk of what I did-- of the  
12                        analysis I did.

13 Q. Now, I am going to remind you, for the  
14 purposes of your testimony, that the  
15 pictures here in this trial and which the  
16 honourable tribunal has seen in the first  
17 sequence, are referred to in your report  
18 at page 103, and page-- the fifth  
19 sequence which is at page 115 of your  
20 report. And we have also sought  
21 permission to comment on the third  
22 sequence which transcript appears at page  
23 110 of your report. I am sorry if I said  
24 102, it was a slip of the tongue, it is  
25 110. Doctor Shimamungu, I would like to



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1 start with the fifth sequence which  
2 appears in your report as page 115.  
3 First I would like to ask you in relation  
4 to this sequence. Did you recognise the  
5 people in this video?

6 A. Yes, I did.

7 Q. Who did you recognise?

8 A. In particular I recognised Mathew  
9 Ngirumpatse, Mathew in French,  
10 Ngirumpatse, N-G-I-R-U-M-P-A-P-T-S-E.  
11 Another person I recognised was Robert  
12 Kajuga, K-A-J-U-G-A.

13 Q. Very well, did you consult the  
14 transcripts once more after the hearing,  
15 during which this cassette was heard by  
16 this tribunal, and if yes, do you have  
17 any comments to make in regard to the  
18 translation as compared to yours?

19 A. Yes, I did consult them and I realised  
20 that there was a difference in  
21 translation from time to time.

22 Q. I am going to point out particularly to  
23 Robert Kajuga's speech which there were a  
24 difference in translation.

25 A. Very well.

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1 Q. Is it an important speech? Do you want  
2 to read to us your translation of this  
3 report? It is important and we are going  
4 to refer to the translation. Shall we  
5 read then, from the translation of Robert  
6 Kajuga's speech?

7 A. Yes, yes, please. Well, the French part;  
8 'what I am going to ask militants,  
9 comrades interahamwe, I had to ask the  
10 Secretary General to support us, so that  
11 the interahamwe would increase throughout  
12 the country. But since he himself has  
13 given us some time, he has asked-- (he  
14 has the answer before the question was  
15 put to him) us to applaud. It has been  
16 noticed, and this will be seen later that  
17 the forces of the party, the interahamwe  
18 militants support the party firmly. That  
19 is why if there are any representatives  
20 of the prefectures like the Secretary  
21 General has promised us, we would like to  
22 ask them to follow promptly this  
23 directive that he has given. It is they  
24 who are going to draw up the programme.  
25 We are available always even if they tell

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1           us, if somebody says it is tomorrow,  
2           Monday evening, they should say so, we  
3           are going to visit them. But what we  
4           have said as objectives we should achieve  
5           because as the Secretary General has  
6           pointed out, from today on it should not  
7           happen any more. Listen carefully, you  
8           interahamwe, none of the militants--  
9           should not be molested any more by  
10          vagabonds. They spend the day plotting,  
11          they give drink to twenty persons, and  
12          the person who is drunk should be set  
13          aside. This problem of increasing the  
14          numbers of the interahamwe I think some  
15          prefects are here, we are going to ask  
16          them to support us. And you of the  
17          national secretariat you should support  
18          our party so that it should move forward  
19          by increasing the number of the  
20          interahamwe members throughout Rwanda.  
21          Right now you know that our country has  
22          been attacked by the enemy, the one whom  
23          some people do not regard as the enemy,  
24          but those people have become our enemies  
25          on their part. This is the speech of

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1 Robert Kajuga's speech.

2 MS DICKSON:

3 I am going to ask you to wait a few  
4 moments. Sorry, I thought that the  
5 translation was not yet over. Please  
6 continue.

7 A. Shall we continue with the translation?

8 MS DICKSON:

9 I thought you had a comment to make-.

10 MR. PRESIDENT:

11 We are going to go straight on to the  
12 questions.

13 MS. DICKSON:

14 So you said you noticed some differences  
15 in translations between the transcripts  
16 which you examined and the text that you  
17 have just read. Are there differences,  
18 are the differences sufficiently serious  
19 enough to influence understanding of this  
20 speech?

21 A. I did note the differences, because the  
22 points which he led are stressed, were  
23 the areas of differences, and seems to me  
24 that the translations did not agree.  
25 What I tried to do was an almost literal



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1 translation, I did not know whether I  
2 should go through the parts that I  
3 thought were poorly translated.  
4 Unfortunately I do not know the  
5 translations that were given because I  
6 was dwelling on my report and it was not  
7 my role to examine other translations  
8 but to see what I could give as a  
9 translation. So the first point at which  
10 I noticed the difference was when Robert  
11 Kajuga said that is why if there are  
12 representatives of prefectures as the  
13 Secretary General promised us, we are  
14 urging them to follow promptly this  
15 directive which he has given them. This  
16 is a slight--

17 MS. DICKSON:

18 Please you must go a little more slowly.  
19 A. There is a slight difference which has  
20 its consequences in so far as the  
21 transcriptions that I read in English I  
22 felt that a directive is mentioned which  
23 should be followed promptly, and I  
24 thought that it was a directive that was  
25 urgent rather than the manner of

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1 following it-- of implementing it. So  
2 this occasioned a slight difference in  
3 meaning. I do not remember the exact  
4 terms in English, but I think that there  
5 was an adjective that was placed behind--  
6 after the word that was translated  
7 adjective-- and I think that it was an  
8 adjective that may have been placed  
9 elsewhere.

10 MR. PRESIDENT:

11 You do not have the transcripts? You  
12 should have been given the French  
13 transcripts, it would have been much  
14 easier.

15 MS. DICKSON:

16 It is something not the fault of the  
17 witness--

18 MR. PRESIDENT:

19 It is the fault of those who gave him the  
20 transcripts, they should have given him  
21 transcripts in French. It is not our  
22 fault either.

23 Q. Doctor Shimamungu, I want to ask you  
24 certain questions in order to help us  
25 understand the meaning of this speech.

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1           Now, at page 116 in the first box, the  
2           first table-- the following reference is  
3           made at the sixth line, to the Secretary  
4           General. Who is this personality?

5    A.       The Secretary General, since it was-- I  
6           had not finished my argument, but I think  
7           that I am going to pursue what I am going  
8           to say in the sense that the Secretary  
9           General, that is Mathew Ngirumpatse, the  
10          Secretary General of the party who had  
11          just started the meeting. So it is the  
12          man who was the Secretary General who was  
13          important.

14   Q.       Why is this important?

15   A.       It is important, it is even very  
16          important because it helps us to situate  
17          the event. In other words it was during  
18          the creation or the establishment of the  
19          interahamwe, it was exactly at the  
20          beginning, or the inception of the  
21          interahamwe when the Secretary General  
22          was Mathew Ngirumpatse, who will later on  
23          become the chairman of the MRND. And if  
24          at that time he was still Secretary  
25          General it allows us to situate the event

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1                   because he became chairman of the MRND,  
2                   at the time president Habyarimana was  
3                   chairman of the MRND, we will see later  
4                   that President Habyarimana would give up  
5                   his position as chairman of the MRND and  
6                   would be replaced by Ngirumpatse. This  
7                   helps us to situate the event at the  
8                   beginning of the formation of the  
9                   interahamwe as a political youth wing.

10    Q.            So you are saying that the reference that  
11                   is made to the Secretary General situates  
12                   the event that we are seeing in time, and  
13                   can you tell us so that we can better  
14                   understand what the date or approximately  
15                   what year it was when Mr. Ngirumpatse  
16                   became the chairman of the party?

17    A.            Probably this event is situated around  
18                   the beginning of the year 1992 because  
19                   this is when the interahamwe youth wing  
20                   was set up.

21    Q.            Yes, very well. Later, may be two lines  
22                   down, 'we are asking them to follow this  
23                   directive promptly-- follow promptly this  
24                   directive that was given--' what  
25                   directive are we talking about? Are



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1                   there others that are being transmitted?

2                   What is Mr. Kajuga talking about?

3     A.           Here, Mr. Kajuga is referring to the

4                   increase in the number of interahamwe.

5                   This is a movement that is being

6                   established and he is asking prefects to

7                   support it and to have increased its

8                   numbers-- they should increase the

9                   numbers of the interahamwe youth.

10    Q.          Who is giving the directive?

11    A.          The directive should have come from the

12                   Secretary General and in particular from

13                   his president of the republic who was

14                   favourable to the setting up or

15                   establishment of this youth wing.

16    Q.          So what was he asking prefects to do?

17    A.          He was asking prefects to recruit

18                   members.

19    Q.          Very well. The next box, the translation

20                   says as follows: It is they who are

21                   going to draw the programme for us-- what

22                   are we talking about here? What

23                   programme is referred to here?

24    Q.          For a movement that is being formed it is

25                   normal to have a programme, in this

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1 context I think it is a programme aimed  
2 at increasing the number of the members  
3 and the programme of the interahamwe and  
4 I cannot give much more detail on this  
5 because the speech as it is here tells us  
6 the first directive that is given is that  
7 the membership of the interahamwe should  
8 be increased.

9 Q. And now when he says it is 'they', who  
10 are 'they'? Who are being referred to  
11 here-- it is 'they' who are going to draw  
12 the programme for us--

13 A. It is the Secretary General I think. It  
14 is the Secretary General-- the  
15 secretariat general, rather.

16 Q. You said, 'we are ready always, we are  
17 always ready even if someone says to us  
18 it is tomorrow or Monday evening, let him  
19 say so, we are going to visit with them'.  
20 Now, Doctor Shimamungu, is it sinister or  
21 does it have any other meaning? Do you  
22 have any idea of what they might be  
23 talking about here?

24 A. They might-- here again I made a literal  
25 translation. In other words if there is

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- 1                   somebody, the youth as they were there,  
2                   the members as they were there were  
3                   available, and if ever anybody had an  
4                   idea of whatever idea at all on how to  
5                   increase the numbers you should say so,  
6                   so that that idea could be implemented.  
7                   And I think that is what is being  
8                   referred to here, now 'we will visit  
9                   with them'.  
10    Q.           Now, does that mean literally, we are  
11                   going to visit with them or do you think  
12                   that it has some other coded meaning, or  
13                   encoded meaning?  
14    A.           What is being referred to here is, those  
15                   from whom they are expecting directives.  
16                   I don't think that it means anything  
17                   else.  
18    Q.           Now, thereafter they say 'what we have  
19                   set ourselves as objectives should be  
20                   attained.' Now, what else are they  
21                   talking about here?  
22    A.           What the speech is saying is that first  
23                   there should be an increase in the  
24                   membership.  
25    Q.           And then he adds, 'as the Secretary

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1           General says, it should not happen any  
2           more.' What should not happen any more?  
3    A.       There again, the group of the interahamwe  
4           youth has been formed, whereas there was  
5           another group already in place. As I  
6           said this morning that the Inkuba group,  
7           I said that there were acts of violence,  
8           not only destruction of property, but  
9           also attacks on people. That was also  
10          quite current, was routine, and Kajuga is  
11          saying we should no longer be molested,  
12          and I think that this is what he is  
13          referring to.  
14    Q.       Now, is it still the same thing he is  
15           referring to when he says-- when he adds,  
16           sorry, that none of our militants should  
17           no longer be molested by the vagabonds--  
18           should continue to be molested by the  
19           vagabonds, and then later says they spend  
20           the day plotting, they give drinks etc  
21           etc, the person who is drunk should be  
22           etc. Now it seems, it would appear,  
23           because these are things that I have not  
24           cross-checked. It seems- it would appear  
25           that those who are committing acts of



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1 violence were given great amounts of  
2 drink and they could no longer reflect--  
3 think for themselves.

4 Q. Now, what we want to know is not so much  
5 whether it was a fact or not, we want you  
6 to tell us what Kajuga meant. What was  
7 he saying when he made this speech?

8 A. Robert Kajuga, what he means to say here  
9 is that those who are attacking the  
10 people of the MRND or for the interahamwe  
11 youth that was being formed, were people  
12 who had been given a lot of drink and  
13 people who had drunk enough to make them  
14 drunk, and I think this is what he is  
15 referring to, what he implies.

16 Q. Now, when he talks about these people he  
17 says when they come to they are  
18 completely tired, it suffices to blow to  
19 a-- to blow air upon them to throw them  
20 away. From the French to the English it  
21 said, blow them away-- that was the  
22 translation here. I do not know whether  
23 that is the same meaning that you get?

24 A. No, no, in Kinyarwanda-- what I  
25 understand is the person who is drunk has



1           lost their strength. You do not need  
2           enough strength to push them aside. I  
3           think this is what he is saying, to set  
4           them aside. I have given a quasi literal  
5           translation, and that is why it is a  
6           little heavy. But there are some little  
7           differences in meaning here.

8    Q.       Now, 'blow away', what does this mean to  
9           you? Is this an image that is proper to  
10          Kinyarwanda?

11   A.       Yes, it is an expression. In other words  
12          it means that we do not have to make much  
13          of an effort, we just have to blow air  
14          from our mouths, that is what he is  
15          saying, upon them and they would fall  
16          off, as it were, they would be blown  
17          away.

18   Q.       Yes, thereafter Mr. Kajuga, the person  
19          who you identify as Kajuga, by the way,  
20          you identified Mr. Ngirumpatse as  
21          occupying a position. You know the name  
22          of Robert Kajuga, do you know what he  
23          might have been doing at this public  
24          event?

25   A.       Robert Kajuga at that time was chairman,

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1 or president of the interahamwe.

2 Q. And was he-- did he continue in this  
3 position later?

4 A. Yes, he continued to occupy this  
5 position.

6 Q. Was he replaced by anyone to your  
7 knowledge?

8 A. No.

9 Q. Very well. Now, this Mr. Kajuga goes on  
10 to say, 'this problem of increasing the  
11 number of interahamwe, I think that  
12 certain prefects are here, we are going  
13 to ask them to support us.' Do you see  
14 any special meaning, is any special  
15 meaning wrapped or attached to this  
16 sentence? Do you have any comments to  
17 make on this sentence?

18 A. In my view I don't think that there is  
19 any codes here. When we see the person  
20 speaking there is improvisation, you  
21 know. There are areas on which the  
22 speech is tailored. It is not a prepared  
23 speech, it is off the cuff, it is  
24 somebody who goes before a public and  
25 starts to talk. Of course he has things

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1           to say, he has points he wants to argue,  
2           but this is an off the cuff speech, a  
3           speech that was not studied, that was not  
4           prepared. And in my understanding we can  
5           exclude any possibility of there being a  
6           code.

7    Q.           When was this speech made?

8    A.           In 1992 at the beginning or the formation  
9           of the interahamwe.

10   Q.           Did the multiparty exist yet?

11   A.           Yes, the multiparty politics existed.

12   Q.           Can you explain to me how multiparty  
13           politics being prevailing, prefects could  
14           be asked to increase the number of the  
15           youth wing of members, of the youth wing  
16           of a political party?

17   A.           I think then there was an evolution,  
18           there was an evolution towards political  
19           parties but at a certain point in time  
20           the authority-- the power of--  
21           Habyarimana still had authority in his  
22           hands. He was the one appointing  
23           ministers at that time, there were  
24           political parties that were being formed.  
25           In other words everything was being



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1                   formed, and youth wings, parties and so  
2                   on and so forth.

3    Q.           How could they ask the prefects, was it  
4                   the majority party?

5    A.           Not the majority party but the ruling  
6                   party.

7    Q.           Which is very interesting to point out.  
8                   Could the ruling party continue to behave  
9                   as if they were in a single party system?

10   A.           Yes, because they had been appointed by  
11                  them.

12   Q.           Okay, thank you. Now, according to you  
13                  you said Kajuga was improvising, but that  
14                  he had a message. According to you, did  
15                  you-- could you glean any meaning other  
16                  than that-- any meaning from this speech?

17   A.           I think the essential, the salient points  
18                  of the speech, first, what led to the  
19                  setting of the interahamwe youth wing was  
20                  the violence caused by the MRND members.  
21                  This is not an exclusive reason but it is  
22                  one of the reasons. Another thing that  
23                  he wants to lay emphasis on is the  
24                  increase in members. So he is looking  
25                  for members. So these are the areas

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1                   around which his speech articulates.

2     Q.           Now, I would like to look at the last  
3                   sentence with you because it seems rather  
4                   difficult. It says, 'then now you know  
5                   our country has been attacked by the  
6                   enemy-- that others do not take them for  
7                   enemy, those as far as I am concerned  
8                   have become our enemies.' Doctor  
9                   Shimamungu, the sentence is a little  
10                  complicated, and could you help us to  
11                  understand it?

12    A.           It is part of improvisation to have  
13                  hard-top sentences like this. That is  
14                  why there are problems of agreements. I  
15                  wanted to reproduce the speech as it was  
16                  so that there should be no  
17                  misinterpretation whatsoever. At that  
18                  time, of course, you know that our  
19                  country had been attacked by the enemy  
20                  and there the enemy is, I believe, to be  
21                  the RPF.

22    Q.           What enemy is being referred to here? We  
23                  have seen two words in your terminology  
24                  and two types of enemy. What enemy is  
25                  Mr. Kajuga referring to in this sentence?

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1     A.           I am not finished expressing my thought.  
2                This can make us think about two possible  
3                enemies. Either the RPF because there  
4                was war in Rwanda, or there was also the  
5                Inkuba who were also attacking people in  
6                their homes and committing acts of  
7                violence. I think that it must be one of  
8                these two that he is referring to, or  
9                perhaps to both.

10    Q.           He has said that the country has been  
11                attacked by the enemy, do you think that  
12                it could be the Inkuba who had attacked  
13                the country?

14    A.           It is a good detail. There I agree with  
15                you. It also could be the RPF.

16    Q.           Let us continue,?

17    A.           The country has been attacked, and I  
18                think it has to be the RPF.

19    Q.           Thank you.

20    A.           Shall I continue?

21    Q.           Yes.

22    A.           ' He who some do not take for an enemy  
23                those have become-- those people have  
24                become our enemies. The sentence can be  
25                explained because inside the country



1                   there was an opposition, there was a  
2                   ruling-- there was an authority. So this  
3                   is the position, this is the situation.  
4                   The opposition tended to fill that-- to  
5                   sympathise with the RPF, and at that  
6                   time, I think what Kajuga is saying is  
7                   that he is of the MRND, he is exactly  
8                   saying if those of the MDR do not hold  
9                   the RPF as enemy, they are enemies. This  
10                  is what I understand. But perhaps he  
11                  did not use the most hideous term  
12                  'mwiisha' that may exist in Kinyarwanda.  
13                  That is the word that means we have the  
14                  right to kill. He did not use this term,  
15                  but as he uses the term mwaanzi, enemy,  
16                  not in a very violent sense.  
17    Q.            So what do you conclude on that?  
18    A.            He did not use the very strong term to  
19                  designate enemy, 'mwiisha' the one that  
20                  we have to fight in warfare even if he  
21                  referred to war when he talked about the  
22                  enemy, I am surprised that he used the  
23                  term mwaanzi instead of mwiisha. The  
24                  term--  
25    MR. PRESIDENT:



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1                   We have understood you. The question is  
2                   not one of terminology, the country has  
3                   been attacked by the enemy.

4     A.                    So we believe it is the RPF.

5 MR. PRESIDENT:

6 Yes, I think that is it.

7 MS. DICKSON:

8                   Those who do not believe that he is the  
9                   enemy have become our enemies. Who can  
10                  this be?

11     A.                 Who can this be? It has to be the  
12                         opposition, the MDR.

13 Q. Any other party?

14     A.             I would say the MDR was the most larger  
15                   political formation than others.

16 Q. And the members of the MDR were they  
17 enemies as well? Doctor Shimamungu, I  
18 think we are going to go straight to the  
19 crux of this matter, this sentence as it  
20 were. 'Those who do not hold the enemy  
21 as their enemy are our enemies. Can we  
22 say that there is any ethnicism displayed  
23 here?

24 MR. PRESIDENT:

25 Is it a way, for instance that the Tutsi

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1                   who are supporting the RPF are enemies.  
2                   Be very direct on this matter, on this  
3                   question.

4    MS DICKSON:

5                   It is not written, precisely, Mr.  
6                   President.

7    MR. PRESIDENT:

8                   I have put the question to him, Ms.  
9                   Dickson. We would like to have an  
10                  answer. He has said very clearly that he  
11                  is referring to opposition political  
12                  parties, and the members of the  
13                  population who are supporting the RPF,  
14                  now you want to make him to say that the  
15                  Tutsi are the enemies. He was objective,  
16                  he gave a very clear answer. Now, your  
17                  question made him to give another answer.  
18                  Which is not proper.

19   MS. DICKSON:

20                  Mr. President, I felt that--

21   MR. PRESIDENT:

22                  No, no, he is a linguist he has  
23                  understood the question put to him very  
24                  well, he answered, these are the members  
25                  of the opposition and others who are

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1                   sympathetic with the RPF. Now you want  
2                   him to specify that it was the Tutsi.  
3                   Put the question directly to him. If you  
4                   understood the question, these people,  
5                   the members of the population who had  
6                   sympathy for the RPF, could it be Tutsis  
7                   only or are there other people?

8     Q.           No, these are opposition political  
9                   parties whether they be Hutu or Tutsi.

10    MS. DICKSON:

11                  On the video cassette, Exhibit 468 on  
12                  your report, following Robert Kajuga's  
13                  report, it would seem that there are  
14                  young people who are singing in  
15                  Kinyarwanda. Did you analyse this?

16    A.           Yes, I did do so, and I provided the  
17                  translation which I believe is correct.

18    Q.           Did you identify these youths?

19    A.           Yes, I identified them as interahamwe  
20                  youth mainly by what they were saying.

21    Q.           And are there any other reasons for which  
22                  you identified these persons as being  
23                  young interahamwe?

24    A.           Yes, the uniform. Because when I was  
25                  doing my investigations I noticed the

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1 interahamwe did wear a particular  
2 uniform.

3 Q. Very well. So, what kind of song are we  
4 dealing with. Do you have any theme or a  
5 term to describe what kind of song that  
6 you heard, and the song that you saw as  
7 being interahamwe?

8 A. Well, the song is a song some of whose  
9 words refer to President Habyarimana as  
10 the founder of the interahamwe, and then  
11 a kind of iciivugo, in other words the  
12 autopageneric\* which says what one could  
13 expect from an interahamwe.

14 Q. Well, you say that this resembles the  
15 iciivugo which we were speaking about  
16 earlier, that was the convention which  
17 accepted exaggeration, is that right?

18 A. Yes.

19 Q. What are they saying, from-- notre de--  
20 can you please read very slowly this part  
21 of the song.

22 A. Our motto, we do not attack, we provide  
23 help. We do not make people afraid, we  
24 heal. We do not intimidate, we are  
25 powerful. We do not have ourselves





1                   trampled upon, we advance. These evil  
2                   doers we will put them away. And then  
3                   there is an extract which I was not able  
4                   to hear properly, and then the words  
5                   which follow; what distinguishes you?  
6                   We distinguish ourselves with our good  
7                   heart, our good education and our-- which  
8                   we owe to our founder Juvenile  
9                   Habyarimana who taught us to have a good  
10                  understanding between Rwandans, I think  
11                  that is it.

12    Q.           The themes that occur in this song, do  
13                  you correspond to any themes which  
14                  correspond to the iciivugo, the  
15                  traditional.

16    A.           This is simply on a linguistic basis.  
17                  Linguistically speaking, we see what  
18                  characterises Rwandan poetry,  
19                  alliteration the repeats of certain  
20                  consonants, and we also see the  
21                  repetition of words, or a part of the  
22                  word, either a word in whole or a part of  
23                  the word. So, this is a characteristic  
24                  which is true of Rwandan poetry. But  
25                  this is the basis of Rwandan poetry.

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1 Q. Could you please show us, read to us, by  
2 reading very slowly so that we can follow  
3 a brief example of this type of  
4 alliteration ?

5 A. Very well. Formerly, without  
6 translating, there were syllables that  
7 were repeated and that is very obvious.

8 Q. According to you, as a linguist and  
9 depending on your analysis of the speech,  
10 what seems to you to be most important in  
11 this song? Is it the alliteration of the  
12 poem that you have read to us, or is  
13 there a message in which the basis of the  
14 message should be clear to the listener?

15 A. I think it is the poetry in the text  
16 which is important. It appears sometimes  
17 that the poetry is even more important  
18 than the meaning which is transmitted.  
19 There is an excess or a call of the  
20 message, but the poetry seems to be more  
21 important than the message which is  
22 transmitted.

23 Q. So here, what would be the meaning that  
24 you would attribute to the song?

25 A. What I can gather from the song is

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1                    basically the fact that the interahamwe--  
2                    is that, 'we are together, you do not  
3                    attack, you do not make somebody afraid,  
4                    you treat them-- you do not allow  
5                    yourself to slow down, you continue to  
6                    move on.' I think the poetry of the text  
7                    develops. So in this search for  
8                    alliteration in the text, from the two  
9                    first lines, there are words which are  
10                   repeated and in the paragraph itself they  
11                   are founded on the theme of solidarity.  
12                   So, having said that, since we are  
13                   dealing with a song, and a public  
14                   demonstration which is more or less  
15                   family in nature because it is a  
16                   political meeting, I do not really attach  
17                   much meaning to what is transmitted  
18                   except for one particular sentence which  
19                   may refer either to the RPF or the  
20                   Inkuba. That is all I can say.

21    Q.            And how should the listener conclude that  
22                   these young persons are either referring  
23                   to the Inkuba or the RPF from a state in  
24                   which they would be able to do harm?

25    A.            I do not know whether we could say it at

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1                   that particular point in the text, but I  
2                   think it is later on, in war you collect  
3                   a high and important actions. This might  
4                   indeed refer to the RPF.

5    Q.           Should we understand from this extract  
6                   that these youths are literally going to  
7                   war in uniform against the RPF?

8    A.           No, no question of that. No question of  
9                   that at all. The kind of text, the genre  
10                  of the text is in the iciivugo  
11                  traditional mode, so it is not when you  
12                  say that you have killed somebody that in  
13                  fact it is so. It is a poetic  
14                  illitration and it is all taken in this  
15                  context, in this particular context.

16   Q.           So, generally speaking, would you  
17                  conclude that there is a kind of threat  
18                  included in this text, in this song that  
19                  we are analysing on page 117 of your  
20                  report?

21   A.           The fact that there is a kind of  
22                  challenge which is characteristic of all  
23                  literary genre, but in fact it is not  
24                  significant as far as I am concerned.

25   Q.           If I were, for instance, to be a Rwandan



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1 speaking person, or a member of the RPF,  
2 how should I percieve what is being said?  
3 Should I see myself as being attacked?

4 A. In fact if you say that you are on the  
5 RPF side, I would say that this wouldn't  
6 be a war of arms and weapons against  
7 weapons, but we will take the text as it  
8 is and take it at face value.

9 Q. And is it the kind of song which  
10 according to you would have an impact on  
11 RPF that would make them feel afraid of  
12 anything or whatsoever?

13 A. I don't know, because here, this is the  
14 beginning of an establishment of the  
15 interahamwe. It is a group which is not  
16 yet strong, but which has at least  
17 resisted against the Inkuba of the MDR  
18 party. But I don't think that this would  
19 have made any impact at all on the RPF.  
20 But since the words are there, may be  
21 later on they could have been used in  
22 order to lay blame.

23 Q. Very well. You have also envisaged and  
24 you looked at and you analysed the first  
25 sequence of number 468 from the

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1 prosecution, not so? And you have drawn  
2 out a script from page 103, as well as an  
3 analysis from page 119?

4 MR. PRESIDENT:

5 Counsel, it can be regreted that the  
6 witness said that there was a major  
7 difference. The tribunal is unable to  
8 verify whether that statement is correct.  
9 How do we go about this? We have not  
10 seen the translation which has been  
11 provided by our office.

12 MS. DICKSON:

13 I shall commit myself to provide to you  
14 tomorrow the same.

15 MR. PRESIDENT:

16 This way we will be able to see the  
17 differences and in that manner we will be  
18 able to look at the differences, the  
19 particular differences and then make out  
20 our judgement. I hope that this would  
21 not take too much time, because I am  
22 planning that tomorrow we will have  
23 concluded with your witness by midday,  
24 because you had told us one day and half.

25 MS DICKSON:



1 I think we are doing very well, and in  
2 fact we will be within our time.

3 MR. PRESIDENT:

4 Let us hope so.

5 MS DICKSON:

6 As far as I am concerned I am quite sure  
7 that that will be the case.

8 Q. (by counsel) you therefore analysed the  
9 first sequence of the video cassettes, do  
10 you recall? Do you know what sequence I  
11 am referring to?

12 A. Yes. If I were to read my script again I  
13 would determine where we are.

14 Q. I would like to ask you, because you do  
15 say so on page 117 of your report, what  
16 was the impression that you had from the  
17 images that you saw in the first sequence  
18 of Exhibit number 468?

19 A. It was very shocking. I saw this for the  
20 benefit of the script and the analysis  
21 that I was to make. Otherwise I would  
22 not look at it again. There are images  
23 which are indeed very shocking.

24 Q. And why were you so shocked by the  
25 images?

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1     A.               It is because at a given point in time in  
2                       the first sequence there is a woman who  
3                       is at the point of death, and one is  
4                       aware that there are people walking about  
5                       her, and for a person who is taking the  
6                       film, I don't know whether the person had  
7                       a zoom lens or not, but I thought may be  
8                       the person could have put aside the  
9                       camera to do something else. I am saying  
10                      what shocked me-- I am not speaking as a  
11                      linguist, I am speaking as a person.

12    MR. PRESIDENT:

13                      But since you are appearing as a linguist  
14                      that is why I put that question to you.

15    MS. DICKSON:

16                      As with other experts you have had here  
17                      before the tribunal in the Rutaganda  
18                      case, Mr. Shimamungu is also Rwandan, and  
19                      in his report-- I think we need to be  
20                      sensitive to his feelings and I think  
21                      this is a way of participating in his  
22                      testimony. We have allowed other Rwandan  
23                      experts to do so, and that is why I  
24                      allowed myself this question.

25    MR. PRESIDENT:



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1                   We have allowed this with other experts,  
2                   but we have not looked at the  
3                   creditbility or the validity of what they  
4                   are saying. The fact is that he said  
5                   that this shocked me that the person  
6                   could have put the camera on the ground  
7                   and done something else-- I was just  
8                   making a point.

9    MS. DICKSON:

10                  Now, Doctor Simamungu, may be we should  
11                  not go into the script because it might  
12                  take us too long and it might not be  
13                  necessarily useful. Could you tell us if  
14                  there are any aspects of what you have  
15                  heard which seem to you important with  
16                  regard to the first sequence of Exhibit  
17                  number 468?

18    A.            I think I expressed this in the report.  
19                  For the first sequence, this is in  
20                  Kigali, Kigali town, Kigali is besieged  
21                  and there are road blocks everywhere, and  
22                  identity cards are being asked for, there  
23                  are piles of dead bodies-- this is the  
24                  description which I have made in my  
25                  report. I don't really think I made any

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1 particular analysis but I am giving a  
2 description of Kigali in the first  
3 sequence showing what is happening in  
4 Kigali.

5 Q. And is there anything which is particular  
6 concerning the words spoken in  
7 Kinyarwanda which you were able to hear  
8 during your visualisation of the first  
9 sequence. If you see none, Doctor  
10 Shimamamungu that is quite okay.

11 A. No, what I am doing is trying to report  
12 the situation as it was in Kinyarwanda.  
13 It is a kind of presentation of the  
14 situation and apart from the fact that  
15 this is a shocking piece of information,  
16 it is a sequence of what was happening in  
17 Kigali at a given point in time.

18 Q. Now, in your report, you put yourself in  
19 relation to the first sequence and the  
20 sequences that come thereafter. How did  
21 you make this link?

22 A. I saw that the video cassette was showing  
23 in fact what was happening and then  
24 subsequetnly throughout the video it was  
25 trying to point at the possible planners

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1 of the acts. So this is the basic  
2 message of the video.

3 Q. Do you have any comments to make  
4 concerning this sequence?

5 A. In this manner of showing things there is  
6 already an argument by saying this is  
7 what is happening and the causes are  
8 being looked for. You have something  
9 which has happened, and then you have  
10 your arguments. So, sometimes the images  
11 are not chronological in order. So, the  
12 person who is doing the editing is trying  
13 to put order to what is being said with  
14 what actually is seen.

15 Q. Now, Mr, Shimamungu, what is really the  
16 problem if a journalist has only one  
17 cassette, you have one image which comes  
18 in front another one later, do you have  
19 two cassettes and you put them together,  
20 does that really have an impact?

21 A. Yes, there is an impact because the  
22 horror which is shown at the beginning  
23 and then there are cuts of the scenes of  
24 people doing various things. So there  
25 are images which are sometimes taken from

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1           the past, may be in 1992, and they are  
2           placed in relationship with things that  
3           are happening in 1994. This is an  
4           argument that is being used in terms of  
5           the images which are shown. But the  
6           actual relationship is not evident, is  
7           not obvious. But since these images are  
8           placed together, this makes the viewer to  
9           see what follows as either a cause or a  
10          justification, something which makes them  
11          participate in the horror which is seen  
12          initially because it cannot be there for  
13          no purpose.

14    Q.           And that seems to you to be a problem?

15    A.           Yes, it is a problem. It is a problem  
16           because given the distance in time, the  
17           images make you think, and the person who  
18           does not see, who is not able to situate  
19           the images, if you are not able to do so  
20           it is a problem because you believe that  
21           everything is taking place in a short  
22           span of time, in other words may be a few  
23           months, for instance.

24    Q.           Now, that you have told us that the  
25           sequences-- sequence number five is a



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1 meeting of the interahamwe, maybe took  
2 place in 1992 given the reference to Mr.  
3 Ngirumpatse being the Secretary General.  
4 Can we now look at the cassette in the  
5 correct manner, or how does this all  
6 work?

7 A. No, when the viewer-- this happens to me  
8 also, when I see things in sequence I  
9 tend to make a link between them. If I  
10 am unable to place some events in  
11 relation to others it is normal, it is  
12 quite normal that I will think that what  
13 comes after what is in front has a  
14 relationship. But when you are unable to  
15 place the events there is a catastrophe  
16 because you can mix everything up.

17 Q. By the way, did you see any interahamwe  
18 uniform in the first sequence where we  
19 see this brutality in broad-day light,  
20 this atrocious massacre?

21 A. No, they do not appear.

22 Q. And did you see them in the fifth  
23 sequence?

24 A. Yes, especially for the dances.

25 Q. Very well.

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1 MR. PRESIDETN:

2 On this point, I am seeking  
3 clarification. Counsel Dickson asked you  
4 what appeared during the meeting, the  
5 persons there had uniforms--

6 A. Those who were dancing, yes they were in  
7 uniform.

8 Q. Can I understand that these were the  
9 interahamwes MRND?

10 A. Yes.

11 Q. But not what you saw later in the  
12 troubles, did those people, did they--  
13 you had said ealier that anyone who  
14 killed could be an interhamwe. How can  
15 you explain this?

16 A. There are people who can understand them  
17 to be interhamwe.

18 Q. So you need to identify them as  
19 interhamwe per se, and the interahamwes  
20 za MRND? Now you were saying that  
21 interhamwe were people who killed?  
22 Interhamwe, for short. But then you said  
23 that the interahamwes were in uniform but  
24 then the interahamwe za MRND didn't have  
25 any uniform. In any case if one isn't in

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1 uniform one would not be able to know,  
2 one would not be able to tell to which  
3 group they belonged. So they would be  
4 called interahamwe anyhow?

5 A. Yes, the literature which developed used  
6 the term interhamwe.

7 Q. No, I wanted that clarification  
8 concerning the lack of uniforms.

9 MR. PRESIDENT:

10 Counsel, let us conclude in about ten  
11 minutes.

12 MS. DICKSON:

13 May be I will have concluded with the  
14 sequence of the video before, and then I  
15 would like to move to the third and last  
16 block on polotical communication.

17 MR PRESIDENT:

18 Are you cintinuing today?

19 MS. DICKSON:

20 No, the political communication, Mr.  
21 President should take about an hour, one  
22 and half. So I will conclude about the  
23 video.

24 MR. PRESIDENT:

25 Are you about to finish the video

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1 analysis?

2 MS DICKSON:

3 Yes.

4 MR. PRESIDENT:

5 Yes, do so, so that tomorrow we can go on  
6 to the last part.

7 MS DICKSON:

8 Very well, that is my intent.

9 Q. (by Ms. Dickson) Now, my question will  
10 refer to the third sequence, and this  
11 will be found on page 110 of your report,  
12 and this is part of Defence Exhibit No.  
13 D.2. Under the title third sequence you  
14 have the speech of President Habyarimana,  
15 and we have heard mention made of that.  
16 Is your translation different from other  
17 translations that you have seen on this  
18 particular speech?

19 A. Yes, especially in the publications which  
20 were made concerning the peace agreement.  
21 I am quoting from memory the other  
22 translators.

23 MR. PRESIDENT:

24 The judges want clarification. Is this  
25 not what was produced as evidence,



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1                   because we don't remember having seen  
2                   anything about Habyarimana.

3     A.           No, we did not see them, but I saw them  
4                   because I received this as it was  
5                   disclosed to me..

6     Q.           This is the clarification the judges are  
7                   seeking because we have never seen  
8                   anything to do with Habyarimana, that is  
9                   all.

10    A.           Right. Now, the question was whether I  
11                  had heard any other translations from the  
12                  same extract, especially in publications  
13                  which have appeared after 1994, it was  
14                  often said, and even before 1994, people  
15                  said Habyarimana had said that the Arusha  
16                  Accords were scraps of paper and it was  
17                  according to this extract that I  
18                  translated. So, what does it say, I  
19                  shall read this; 'peace is not paper,  
20                  peace is in the heart, peace will come  
21                  when all Rwandans have understood that  
22                  the person who is speaking on their  
23                  behalf has said what they want, that he  
24                  has not spoken on behalf of such and such  
25                  a party, that he has said what has been

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1                   agreed to with the government. This is  
2                   what we are asking him, that he does not  
3                   go there to say anything and that when he  
4                   comes back he comes back to give us  
5                   pieces of paper on peace. Peace is not  
6                   paper.' This is more or less a more  
7                   literal translation to avoid going too  
8                   far away from the text. But it is  
9                   understood-- but it is in contrast  
10                  because this doesn't quite corresspond  
11                  with the mention that Arusha Accords were  
12                  scraps of paper.

13    Q.           So when you say it is not a matter of  
14                  bringing us back scraps of paper how do  
15                  you understand that?

16    A.           I understand it by the fact that peace is  
17                  not just the signing the piece of paper,  
18                  peace is also being made to be understood  
19                  by the population, it is the people  
20                  themselves who will be able to make  
21                  peace, and if that is not established, it  
22                  is not the agreements that will bring  
23                  peace. Here, I am insisting on the fact  
24                  that this is a translationt which is  
25                  repeated, a statement which is repeated

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1 over.

2 MR. PRESIDENT:

3 You are quite right, you are quite right  
4 because it has been said that the Arusha  
5 accords were bits of paper. But that he  
6 should not go and say anything, and that  
7 he returns with pieces of paper which are  
8 supposed to be peace. How do you  
9 understand this?

10 A. I think I have just explained it.

11 MR. PRESIDENT:

12 I did not understand.

13 A. The peace-- no, from Kinaipa\* that he  
14 should not go and say anything, just  
15 anything, and then he comes back with  
16 bits of paper to say that this is peace.

17 Q. Who is this that we are referring to  
18 here?

19 A. I think we are referring to the minister  
20 of foreign affairs who left.

21 Q. Who was in which party?

22 A. MDR.

23 Q. It is interesting to know this. He is  
24 from the MDR party, and he is not going  
25 to say anything, that he returns and he

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1 gives us pieces of paper in the form of  
2 peace-- what does this mean?  
3 A. When you reread the various  
4 corresspondence between the presidency  
5 and the ministry of foreign affairs I  
6 have seen that there was a kind of  
7 perception by the MRND, that the  
8 consultations which were going on at the  
9 ministrial level was not reproduced by  
10 the ministry of foreign affairs when he  
11 went-- the minister of foreign affairs  
12 when he went in the peace commission.  
13 Q. In other words there was a difference in  
14 perception between the presidency and the  
15 ministry of foreign affairs?  
16 A. Yes, that is so. In other words between  
17 the presidency and the minister  
18 representing the MDR.  
19 Q. So he should not go and say any rubbish  
20 that he wants and then he comes back and  
21 gives us pieces of paper in the form of  
22 peace. In other words the representative  
23 of MDR who is in the opposition, this  
24 person should not go and say any russbish  
25 and come back to bring us pieces of paper



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1 in the form of peace. In other words that  
2 wouldn't be enough. What papers that  
3 were going to be brought by him, is it  
4 not the Arusha Accord?

5     A.                 Yes. It is the signing of the Arusha  
6                         Accord. That is the paper that is being  
7                         talked about.

8 Q. So he was there, he went there and said  
9 everything that he wanted and he came  
10 back with bits of paper which didn't mean  
11 much?

12     A.                Yeah, what we wanted was what was in his  
13                        heart.

14 Q. Yes, you are right. It is not the same  
15 thing in fact. Judge Aspegren.

16 JUDGE ASPEGREN:

17 Another question. The peace, is that the  
18 peace-- 'actually the meeting for me has  
19 not yet started, as soon as they start I  
20 will invite the interahamwe so that they  
21 can tell us, and we will move down.'

22 Here we have changed the argument,  
23 mention is being made of the popular  
24 meetings that were being organised by the  
25 different parties. Up until then all the

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1 parties, all those that had been created  
2 had their meetings but he is saying that  
3 he hadn't started. And that when they  
4 are going to start, he shall invite the  
5 interahamwe into the meetings. Later  
6 there is a follow-up in the argument at  
7 page 111, the argument continues-- so I  
8 am asking the national secretariat, I am  
9 asking our national secretariat to take  
10 steps amongst traders so that they can  
11 find clothing for the interhamwe, because  
12 when the interhamwe wear their costume  
13 and so on and so forth--

14 A. Not quite there yet. I am at the bottom  
15 of page 110.

16 Q. Yes, yes, it is at the bottom of page  
17 110, but it is something which is  
18 followed in the argument later on.

19 A. You cannot understand the two sentences  
20 which are there at page 110 unless you  
21 see what is coming up later.

22 Q. But you can read this without looking at  
23 what is coming up.

24 A. But in fact, in other words-- however, it  
25 seems that there is a link, yes there is

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- 1 a link because there is the papers and  
2 then the meetings. It is not a link  
3 between the first and the second of these  
4 sentences. I am not trying to  
5 contextualise that particular event, no.
- 6 Q. Please wait, no, wait. Afterwards it is  
7 said, that we shall go down. In other  
8 words the president and the interahamwe.  
9 What does it mean when they say they are  
10 going to go down?
- 11 A. It is possible that the region that they  
12 are in is in the region in the north, and  
13 this is a mountainous region and the  
14 south is the plains. So, we shall go to  
15 the south. That is what is meant.
- 16 Q. To do what?
- 17 A. To hold meetings.
- 18 Q. How do you understand that?
- 19 A. I was looking at the following part. So,  
20 we will ask the national secretariat to  
21 look for the clothing.
- 22 Q. So, the meetings had to be warmed up  
23 because there was dancing as we have seen  
24 in this extract.
- 25 A. No, I think that the translation of the

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- 1 term go down may also lead to confusion  
2 because I do not think that there is a  
3 perfect equivalent with the word descend  
4 which means to go down. We can go down,  
5 the police can come down, this could mean  
6 violence. Kumanuka has never been used  
7 in a context where you have any force.  
8 You simply come from up to down.
- 9 Q. The word to go down, the translation.
- 10 A. Kumanuka, K-U-M-A-N-U-K-A and decendre in  
11 French, descend. Yes, it is a  
12 conjugation of the verb. So there is no  
13 perfect equivalent, because the word to  
14 descend in French can be translated and  
15 can involve a connotation of violence and  
16 kumanuka, the term kumanuka has never  
17 implied violence to me.
- 18 Q. Now, why must they go down to the south  
19 in order to arrange meetings?
- 20 A. To go and look for members. The parties  
21 are being created, MRND is quite well  
22 routed in the south, and in the north  
23 there are other parties. So, they have  
24 to go south in order to look for members.
- 25 Q. Is that the objective of the interhamwe,



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1 to go there and convince the people to  
2 join the interahamwe?

3 A. Yes, that is my understanding of this  
4 speech, yes.

5 Q. Yes, that is how you understand it?

6 A. Yes.

7 MS DICKSON:

8 Would there be another question which is  
9 close to that one raised by Judge  
10 Aspegren? President Habyariman says that  
11 the meetings have not yet started. Why  
12 is he saying the meetings have not yet  
13 started? What is he referring to here?

14 A. He is referring to the fact that other  
15 parties had already started to do their  
16 meetings. But for him may be this was  
17 the first meeting. I think that is what  
18 he is referring to.

19 Q. But you are not sure?

20 A. No, I am not certain at all, because on  
21 one hand I was not able to know of any  
22 other meeting in the past, and I was not  
23 able to verify the facts neither.

24 Q. Do you know, Doctor Shimamungu if  
25 earlier, president Habyarimana had

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1                   already participated in a meeting of the  
2                   interahamwe?

3     A.            No, I do not recall.

4     MS DICKSON:

5                   Very well. Mr. President, with your  
6                   permission, if you have finished, I have  
7                   concluded the second part of the  
8                   examination in chief of Doctor  
9                   Shimamungu.

10    MR. PRESIDENT:

11                   We have concluded. We shall resume  
12                   tomorrow at 09.30 hours with the last  
13                   part. Right. Mr. Shimamungu, we are  
14                   going to free you for the rest of today  
15                   and tomorrow we will begin the third and  
16                   last part of your report.

17    A.            Thank you, Mr. President.

18    MR PRESIDENT:

19                   We thank you for having kindly accepted  
20                   to respond to our questions. It is so  
21                   decided. The session stands adjourned  
22                   until tomorrow at 0930 hours in this  
23                   meeting room.

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