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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO. ICTR-99-52-T (Joinder) THE PROSECUTOR  
ICTR-96-11-T OF THE TRIBUNAL  
ICTR-97-27-T  
ICTR-97-19-T AGAINST

FERDINAND NAHIMANA  
HASSAN NGEZE  
JEAN BOSCO BARAYAGWIZA

26 MARCH 2002  
0935H  
CONTINUED TRIAL

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

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

For the Prosecution:  
Mr. Stephen Rapp  
Mr. William Egbe  
Mr. Alphonse Van

For the Accused Nahimana:  
Ms. Diana Ellis

For the Accused Ngeze:  
Mr. René Martel

For the Accused Barayagwiza:  
Mr. Alfred Pogonon

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

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I N D E X

WITNESS

For the Prosecution

DR. MATHIAS RUZINDANA

Cross-examination continued by Ms. Ellis.....1

EXHIBITS

Exhibit No. 1D83.....75

Exhibit No. 1D84.....75

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

2 MADAM PRESIDENT:

3 This Court is in session. Good morning,  
4 everyone.

5  
6 With regard to the matter raised yesterday  
7 by counsel relating to the scheduling of  
8 court days for the balance of Prosecution's  
9 witnesses, we will hold a status conference  
10 to discuss this matter on Thursday afternoon  
11 at the close of this witness's testimony.

12  
13 Ms. Ellis, you were proceeding with the  
14 cross-examination and you can resume.

15 MS. ELLIS:

16 Thank you, Madam President.

17 CROSS-EXAMINATION (continued)

18 BY MS. ELLIS:

19 Q. Dr. Ruzindana, you told us last week about  
20 the importance of proverbs to the Rwandans.  
21 Why was it that you said proverbs were  
22 important?

23 A. Proverbs are important because they are --  
24 they contain Rwandan wisdom, but also  
25 Rwandans use them a lot in their speech.

- 1 Q. Would you agree that Rwandans are not alone  
2 in using proverbs as part of their method of  
3 communicating?
- 4 A. Yes, I would agree.
- 5 Q. If we go back to biblical times, the Bible  
6 is full of proverbs; is it not?
- 7 A. Yes.
- 8 Q. And proverbs were used in order to  
9 illustrate ideas to the population at large;  
10 would you agree with that?
- 11 A. Yes.
- 12 Q. It's also right to say, isn't it, that for  
13 every proverb conveying one idea, it is  
14 possible to find another proverb which  
15 conveys a contrary idea, as a  
16 generalisation?
- 17 A. No, you cannot generalise. In some it is  
18 true, but in some other cases it is not.
- 19 Q. Well, let's take perhaps the most obvious  
20 example from the Bible, "An eye for an eye  
21 and a tooth for a tooth"; are you familiar  
22 with that proverb?
- 23 A. Yes.
- 24 Q. And what is the meaning that is conveyed by  
25 that?

- 1 A. Well, revenge.
- 2 Q. What about the proverb, "Turn the other  
3 cheek", what does that convey?
- 4 A. Well, it conveys patience.
- 5 Q. And don't act out of revenge, the direct  
6 opposite; would you agree?
- 7 A. Yes.
- 8 Q. In your report you've listed a large number  
9 of proverbs, and I don't want to go through  
10 those all with you. Could it be summarised  
11 in this way, that you were trying to  
12 illustrate that words, speech, is important  
13 to Rwandans? That was the first idea you  
14 have tried to convey by your selections of  
15 proverbs in your report. We find them,  
16 first, at page 14 if you want to refer to  
17 them. Would you agree with that?
- 18 A. Yes.
- 19 Q. But you also include a number of proverbs  
20 that show the importance of silence, of not  
21 always speaking; is that right?
- 22 A. Yes.
- 23 Q. That is an idea, would you agree, that is  
24 found in many other cultures outside of  
25 Rwanda? It's important to speak, but it is

1                   important to know when not to use words and  
2                   remain silent. It's not unique to Rwanda,  
3                   that concept, is it?

4  
5                   Dr. Ruzindana?

6       A.           Yes, madam?

7       Q.           Do you agree that it is not unique to the  
8                   Rwandan society that whilst words are deemed  
9                   important, it is also considered important  
10                  to know when to remain silent?

11      A.           Well, I hope it's true for several other  
12                  countries.

13      Q.           You include in your report -- and it's at  
14                  page 15 -- examples of the importance of  
15                  hierarchy in terms of who is to speak first,  
16                  and you convey the idea that women are,  
17                  perhaps through some of the proverbs, seen  
18                  as rather frivolous gossips; do you agree  
19                  with that?

20      A.           Yes.

21      Q.           And that in the hierarchy of those who speak  
22                  first, there are proverbs which indicate the  
23                  words of a woman are less important than  
24                  those of a man. Would that be fair?

25      A.           Yes.

1 Q. And you then, by use of proverbs, illustrate  
2 that the higher the social class, the more  
3 importance that will be attached to the  
4 order of speech of individuals.

5 A. Yes.

6 Q. Again, not a concept that is alien to other  
7 societies, is it?

8 A. Yes.

9 Q. For example, we all in this court give way  
10 when we are involved in addresses to the  
11 Judges, to the Judges if they wish to speak.  
12 It's a normal way in which society proceeds,  
13 isn't it?

14 A. Yes.

15 Q. And I want you, please, to have a look at a  
16 number of proverbs which, when you see them,  
17 you may feel are Rwandan proverbs conveying  
18 the opposite to the ideas you have conveyed  
19 in your examples. I haven't aimed to find  
20 as many, because that would exhaust us all.

21 MS. ELLIS:

22 But perhaps Mr. Matemanga could hand out  
23 copies of just some examples.

24 BY MS. ELLIS:

25 Q. And if you could look at one of those

1                   copies, please. Do you have in front of  
2                   you, Dr. Ruzindana, a list?  
3        A.           Yes, I do.  
4        Q.           Would you please turn to page 15 in your  
5                   report, and do you say -- do you see the  
6                   last proverb that you have cited on that  
7                   page, and that appears on the list I've  
8                   given you as the first proverb; do you see  
9                   that?  
10       A.           Yes, I see that.  
11       Q.           Your proverb which in English was translated  
12                   as, "They are danced the way they are  
13                   played", and that referred to the drums. If  
14                   you look at the second of the proverbs on  
15                   the list that I have given you, instead  
16                   of -- and please excuse my pronunciation,  
17                   "Uko zivuze ni ko zitambirwa", you have in  
18                   the second proverb, "Uko zibuze si ko  
19                   zatambirwa"; in other words, the "N-I" of  
20                   the first is replaced by "S-I" in the  
21                   second, and that completely changes and  
22                   contradicts the first proverb on the list,  
23                   doesn't it?  
24       A.           But there is a problem with this second  
25                   proverb, because I know it is in a book of

- 1 Rwandan proverbs, but Rwandans don't use the  
2 second one; they use the first one. And,  
3 obviously, as you can see, you cannot have  
4 that proverb and have the other one. There  
5 is only one difference. The difference is  
6 only one letter.
- 7 Q. Well, of course, the difference is one  
8 letter and it completely alters the sense  
9 because the second one, instead of saying  
10 effectively that you do as you bid, says  
11 whether you are given an order or not, you  
12 are not obeyed. It completely alters the  
13 sense of it. But you say it's in a book but  
14 Rwandans don't know it; is that your  
15 evidence?
- 16 A. No, we don't use it in current language. I  
17 mean, I am not the only Rwandan in this  
18 room.
- 19 Q. So we have a completely contradictory idea,  
20 but you are an authority on saying, are you,  
21 that you don't believe it's ever used in the  
22 country?
- 23 A. Yes, we use the first one.
- 24 Q. And do you consider yourself an authority to  
25 say that in spite of a book of proverbs

1 containing the second one on our list, you  
2 can authoritatively, as a linguist, tell us  
3 it's never used; is that what you are  
4 saying?

5 A. I am saying I am quite conversant with  
6 proverbs. I've written four plays that  
7 contain at least 200 proverbs and I am quite  
8 familiar with proverbs.

9 Q. And you're familiar, as we've already  
10 established, with "eye for an eye" and also  
11 with "turn the other cheek". Which of those  
12 proverbs is not used in the Rwandan  
13 language?

14 A. Proverbs, just like words, may have  
15 different meanings and each will be used in  
16 its own situation in its own context.

17 Q. Are they both used, "eye for an eye" and  
18 "turn the other cheek"? Do you find them  
19 appearing in the course of the language of  
20 Rwandans?

21 A. We don't have those proverbs, madam.

22 Q. Well, proverbs, you do have, don't you,  
23 which contradict each other. You are not  
24 telling this Trial Chamber that Rwanda only  
25 through its proverbs contains one particular

- 1 idea with no contradiction, are you?
- 2 A. No. What I am saying is that we might find
- 3 proverbs that appear to contradict one
- 4 another, but each will be used in its own
- 5 situation, in its own context.
- 6 Q. What percentage of the Rwandan population
- 7 speaks French, do you know?
- 8 A. Well, I don't, but it must be very small.
- 9 Q. Are you familiar with an "eye for an eye"
- 10 and "turn the other cheek", both being used
- 11 in the French language?
- 12 A. Yes, "eye for an eye", "oeil pour oeil",
- 13 that one I am familiar with, but "turn the
- 14 other cheek", I am not familiar with that in
- 15 French.
- 16 Q. You're not?
- 17 A. No.
- 18 Q. Please continue to look at the list and look
- 19 at the third of the proverbs on that list.
- 20 And I am going to ask you if you would
- 21 please read it out in Kinyarwanda, rather
- 22 than anyone painfully listening to me.
- 23 A. "Amagambo aratinywa ariko ntiyica nk'icumu".
- 24 Q. And would you like to tell us what that
- 25 means?

- 1 A. Well, we can fear words, but they don't kill  
2 like --
- 3 Q. Speech may wound but --
- 4 A. Like a spear.
- 5 Q. So speech may wound but it doesn't kill.
- 6 A. Yes.
- 7 Q. In other words, a contradiction to the  
8 example that you have given on page 14 that  
9 places, as you told us, speech as actually  
10 being more important than an action. It's  
11 the opposite idea, isn't it, and you cited  
12 the example of your page 14, halfway down,  
13 the one that begins "nyirururimi", the one  
14 that begins with that word; do you see it?
- 15 A. Yes, I see it.
- 16 Q. So it's giving the opposite idea, isn't it?
- 17 A. Yes. But I think that it is very important  
18 to indicate that a proverb like "nyirururimi  
19 rubi yatanze umurozi gupfa" is known  
20 virtually by Rwandans, while "Amagambo  
21 aratinywa ariko ntiyica nk'icumu" is found  
22 in the dictionary of proverbs but Rwandans  
23 don't use it on a daily basis. And this I  
24 can testify.
- 25 Q. Well, you come on to the next one then and

- 1 please read that in Kinyarwanda.
- 2 A. "Amagambo masa ntiyuzura amatama".
- 3 Q. And does that mean in a translation,
- 4 "speaking is not enough, you have to act"?
- 5 A. No.
- 6 Q. What do you say that means?
- 7 A. It means, the background is if you receive a
- 8 guest, talk to him nicely, but please
- 9 remember he needs something to eat as well.
- 10 So that is why they are talking about
- 11 "cheeks". So words alone, literally, do not
- 12 fill cheeks. So you can talk to somebody
- 13 nicely, but please remember he needs to eat.
- 14 Q. Yes. In other words, words are not enough,
- 15 you have to act, you have to do something.
- 16 A. No, I'm sorry. That's really getting out of
- 17 the context. This is used when you are
- 18 receiving a guest. You talk to them nicely,
- 19 but you also have to feed them, and this is
- 20 why they are talking about "cheeks".
- 21 Q. Have you got the translation of that in
- 22 French?
- 23 A. "Les paroles seules ne remplissent pas les
- 24 joues".
- 25 Q. I actually -- I'm going to ask you to pause

1                   because you read it in Kinyarwanda and I was  
2                   just checking that the interpreters had  
3                   translated as you read it in French, whether  
4                   they had or not, because perhaps it's  
5                   important to have the translation for the  
6                   Trial Chamber on record.

7           MADAM PRESIDENT:

8                   Why is that? You asked him to read the  
9                   proverb out in Kinyarwanda, which he did;  
10                  then you asked him to explain what it means,  
11                  which he did, in English.

12          MS. ELLIS:

13                  That's right.

14          MADAM PRESIDENT:

15                  Now you asked him to read the French  
16                  translation --

17          MS. ELLIS:

18                  No.

19          MADAM PRESIDENT:

20                  -- that you have here, and he's just read  
21                  it.

22          MS. ELLIS:

23                  Madam President, with respect, that isn't  
24                  what I was dealing with. I was inquiring as  
25                  to whether when Dr. Ruzindana read out the

1 Kinyarwanda there had been a translation at  
2 that time into French. That was my inquiry,  
3 because obviously I am not in a position as  
4 I ask the question to know if it's been  
5 translated in French. And my point was that  
6 if it has not been translated by the  
7 interpreters from the Kinyarwanda as it was  
8 spoken into French, it's perhaps preferable  
9 that it's done that way than, rather, rely  
10 on our translation for it.

11 MADAM PRESIDENT:

12 No, no. You obtained your -- you asked your  
13 questions of this witness. And if your  
14 instructions are that you dispute his  
15 translation, then we'll get the official  
16 one. Otherwise, you are actually testing  
17 his knowledge of these proverbs and his  
18 interpretation. Isn't that what you are  
19 doing?

20 MS. ELLIS:

21 I hope not at all. I simply asked him to  
22 read the proverb in Kinyarwanda. I am  
23 surprised if it wasn't translated into  
24 French as it was read. That's all I am  
25 asking, to know whether it was translated

1                   into French.

2       MADAM PRESIDENT:

3                   It was not, and now we have the witness  
4                   giving us Kinyarwanda. He gave us the  
5                   English and read out the French. Now  
6                   proceed further.

7       BY MS. ELLIS:

8       Q.           Dr. Ruzindana, the translation that appears  
9                   there in French, is that a translation that  
10                  you agree with? Did you read that out and  
11                  agree with it or not?

12      A.           Yes, I agree with it as a literal  
13                  translation.

14      Q.           Right. I'm going to move on then to the  
15                  third one, and if you pause, I am going to  
16                  ask please that you read it in Kinyarwanda  
17                  and if we could have the interpreters  
18                  translating it into French and English as it  
19                  is read, please.

20      A.           "A talkative may have his words for lunch  
21                  but not for dinner".

22      MR. VAN:

23                  Madam President.

24      MADAM PRESIDENT:

25                  Mr. Van.

1 MR. VAN:

2 The translation I had in French is different  
3 from what is written on the piece of paper.  
4 I would like to know Ms. Ellis's source of  
5 translation, because on two occasions we  
6 have faced translation problems with what  
7 she has supplied to us.

8 MS. ELLIS:

9 Well, Madam President --

10 MADAM PRESIDENT:

11 You have not put this translation to anybody  
12 as yet, have you?

13 MS. ELLIS:

14 No. And that is exactly why I've asked for  
15 it to be done in the way that I asked,  
16 because --

17 MADAM PRESIDENT:

18 Yes, yes. Please proceed, yes.

19 BY MS. ELLIS:

20 Q. Would you please come on to the fourth of  
21 those proverbs and also would you read that  
22 in Kinyarwanda, and could we have the  
23 interpreters' translation in English and  
24 French?

25 A. "Nobody has the preserve of speech".

1 Q. And would you please now read the last of  
2 those?

3 A. "When the enemy speaks of you he uses his  
4 own words".

5 Q. I'm going to deal with this now just very  
6 generally, because we can raise it in our  
7 argument later. What I simply want to  
8 suggest to you, that those proverbs that are  
9 on that list convey the opposite idea to a  
10 number of the proverbs that you have listed  
11 on your list. And, as I say, we've got the  
12 translations, we will be able to look at  
13 this later, and I just would like your  
14 comment on that question.

15 A. Well, of course we have to be careful here,  
16 because if you take proverb, then you  
17 translate it literally, you lose its  
18 meaning. Not all proverbs can be  
19 interpreted literally. So they do not  
20 contradict. For example, the last one,  
21 "Umwanzi akuvuga aye", it means that the  
22 enemy you talk about whichever way he wants  
23 (sic), and I don't see any contradiction  
24 with any of the proverbs we listed. So we  
25 have to look at the proverb, see which one

1 we believe or we contend it contradicts.

2 Q. Well, I'm not going to do that with you --

3 THE ENGLISH INTERPRETER:

4 Counsel's microphone, please.

5 MS. ELLIS:

6 It's on.

7 BY MS. ELLIS:

8 Q. I'm not going to do that because we've got  
9 them, we've got the translation and I think  
10 we can probably do it without spending court  
11 time on it.

12  
13 Could we please look at your page 17, and if  
14 you look please halfway down that page of  
15 your report, you say, "After citing a number  
16 of proverbs, if he uses the indirect word,  
17 does the Munyarwanda necessarily use a false  
18 word. Of course, the lie exists and is  
19 represented by the tale character,  
20 Semuhanuka, who is a liar par excellence.  
21 We just want to assert that in all cultures  
22 a prudent word is preferred to a  
23 loose-tongue word. And as the Bible says,  
24 'He who talks much will sin, but whoever  
25 controls his lips is a careful man'".

1                   That passage, we understand, do we not, from  
2                   the biblical quotation that the people are  
3                   being reminded that it is not good to talk  
4                   too much; is that right?

5       A.            Yes.

6       Q.            What on earth is the first part of that  
7                   paragraph referring to; can you assist me?

8       A.            Which one? Unfortunately, I have the French  
9                   version. The English version was never  
10                   given to me.

11      Q.            Unfortunately, the French version was never  
12                   given to me, so I'll find it for you there.  
13                   It's the same page, 17, and it is also  
14                   halfway down.

15      MADAM PRESIDENT:

16                   Well, you are looking at the English  
17                   version.

18      MS. ELLIS:

19                   No, I'm now looking at the French.

20      MADAM PRESIDENT:

21                   Well, why doesn't the witness have the  
22                   English version of his own report?

23      MS. ELLIS:

24                   For those who have got the French version,  
25                   it is also page 17 and it is halfway down.

1                   It's the first paragraph after the citation  
2                   of various quotations.

3       MS. ELLIS:

4                   Do you have the passage, Dr. Ruzindana?

5       THE WITNESS:

6                   Yes, I do.

7       MADAM PRESIDENT:

8                   So you asked him to explain the --

9       MS. ELLIS:

10                   Yes.

11       MADAM PRESIDENT:

12                   -- the preceding line?

13       MS. ELLIS:

14                   Yes. What on earth is all that about?

15       MADAM PRESIDENT:

16                   This is where he uses the indirect word?

17       MS. ELLIS:

18                   Yes.

19       MADAM PRESIDENT:

20                   Yes. Will you explain that to us as well,

21                   Doctor?

22       THE WITNESS:

23                   What he said here is that the fact that  
24                   Rwandans use indirect words, doesn't that  
25                   mean he is a liar, and I think there is of

1 course not -- should have been "of course  
2 not". The lie exists and is represented by  
3 the tale character Semuhanuka who is a liar  
4 par excellence. So we just want to insert,  
5 so on and so on. So it should have been "of  
6 course not".

7 BY MS. ELLIS:

8 Q. But is it "of course not" in your report in  
9 French?

10 A. It is not there, but I know what we're  
11 saying here. It must be a typing error or  
12 something.

13 Q. But it can't be.

14 A. No. We are not saying, "Of course a  
15 Munyarwanda is a liar". Nobody can make  
16 this kind of judgment about his own society.

17 Q. Well, Dr. Sibomana made that judgement about  
18 his society, so some Rwandans can, can't  
19 they? Have you not read the comment by  
20 Sibomana on that subject?

21 A. No. Some Rwandans is okay (sic). Just like  
22 you could say some people lie, but you can't  
23 say all people that (sic).

24 Q. Well, let's go back to that paragraph,  
25 please. It's a question. If he uses the

- 1 indirect word, does it necessarily mean it's  
2 a false word? That's the question, isn't  
3 it?
- 4 A. Yes, it is a question.
- 5 Q. And then, "of course the lie exists". And  
6 then we hear of this character, Semuhanuka,  
7 and Semuhanuka is a liar par excellence.  
8 That seems to relate back to the question  
9 that, yes, there is a lie, and, yes,  
10 Semuhanuka was a liar. That is what is  
11 stated in that paragraph, is it not?
- 12 A. Yes, but I am saying that there is a word  
13 missing there; should have been "of course  
14 not", because we wrote this report. We have  
15 written this report and I know what it  
16 means. I'm sorry if that isn't clear, but  
17 that is what was purported.
- 18 Q. Well, is Semuhanuka a character from a  
19 Rwandan tale?
- 20 A. Yes, he is.
- 21 Q. And what do you say to the story in which he  
22 is a character?
- 23 A. They are always used as an example of  
24 something really quite unbelievable.
- 25 Q. Unbelievable, so that someone says something

- 1                   which is so unbelievable that it must be a  
2                   lie; is that right?
- 3       A.           Yes.
- 4       Q.           And so it's correct, is it, that Semuhanuka  
5                   is a liar?
- 6       A.           Well, he represents liars in our tales.
- 7       Q.           Did you not review this report? I thought  
8                   you told us that you and your colleagues  
9                   worked separately on bits and then went over  
10                  it together. Can you explain how you are  
11                  now saying we should interpret that  
12                  paragraph in completely the opposite way  
13                  from which it is written?
- 14      A.           Well, typing errors exist. We've already  
15                  actually found another typing error on the  
16                  last page of this report where Kangura was  
17                  wrongly identified. And I am saying that I  
18                  know this is not the judgment we are making  
19                  about Rwandan society, and I am telling you  
20                  this.
- 21      Q.           Without being so protective of Rwandan  
22                  society, maybe in fact that is what was  
23                  contained in that paragraph, because if one  
24                  then looks at the biblical quotation, it  
25                  reminds you that, in fact, he who talks too

1 much will sin, doesn't it?

2 A. But before that quotation of the Bible, we

3 have, "We just want to assert that in all

4 cultures the prudent word is preferred to a

5 loose-tongue word".

6 Q. If you come on to the paragraph that follows

7 where the subject matter appears to be

8 "ubwenge", or ubwenge, U-B-W-E-N-G-E, which

9 is "intelligence", it appears that there is

10 from that paragraph a discussion about

11 whether intelligence of this nature could be

12 defined as "cunning" and if it is not in

13 fact a pejorative word rather than a word of

14 admiration; do you see that?

15 A. Yes, I see that.

16 Q. And then there's a description of it being

17 neither, according to P. Crepeau in his

18 essay, and he says, "It's a quality of the

19 mind that causes admiration. This

20 admiration may be tinged with regret or

21 reproach for the victim of unscrupulous

22 ubwenge. It can also be manipulated by

23 someone for his own advantage". Do you

24 agree with that description of the word?

25 A. Yes.



- 1 Q. And then it's -- the idea is to somehow, you  
2 say in your report, "rehabilitate" the word  
3 because it's been given a rather different  
4 meaning that is rather treacherous. Do you  
5 see that?
- 6 A. Yes, I see that. We're saying that's viewed  
7 in two ways.
- 8 Q. And then at the bottom you say, "Does  
9 ubwenge use genuine, false or oblique  
10 speech, and we can reply using two  
11 'contradictory' proverbs". Do you see that?
- 12 A. Yes, I see that. We have "contradictory"  
13 between inverted commas.
- 14 Q. And if we turn to the following page 18, you  
15 cite two proverbs, one, "The mouth does not  
16 tell it the way the heart knows it"; the  
17 other contradictory, "What fills the heart  
18 overflows into the mouth". Do you see that?
- 19 A. Yes, I do.
- 20 Q. So that there you have yourself given an  
21 example of how two proverbs can both  
22 co-exist, be used in the society but be  
23 different in nature --
- 24 A. Yes.
- 25 Q. -- and saying the opposite thing. So that

- 1 we see an example from you, don't we, how  
2 the Rwandan society will not receive solely  
3 a message going one way but will be given  
4 contradictory messages as well. Yes?
- 5 A. Yes, depending on situations and context.
- 6 Q. And then you come back to the issue ubwenge  
7 of which you say, "The issue here is not  
8 whether ubwenge consists in telling the  
9 truth or not", and then you say, "Proverbs  
10 are quite clear", and that -- and then you  
11 cite two proverbs. So you come back to this  
12 idea of telling the truth, don't you?
- 13 A. Yes, and with an answer to your answer,  
14 because here we have, "A lie profits to a  
15 few", and this explains that we weren't  
16 judging from your previous quotation; we  
17 weren't judging Rwandans as being a society  
18 of liars. So "a lie profits to a few".
- 19 Q. Well, you can both be a liar, but not  
20 benefit from it, can't you? That's not a  
21 contradictory notion, is it?
- 22 A. No. The wisdom here says that that is at  
23 least what the proverb is teaching us, "Do  
24 not lie because lying can only profit to a  
25 few", and this is a wisdom.

1 Q. But wisdom is different from the reality,  
2 and the paragraph that I quoted to you first  
3 was really dealing with whether by using the  
4 indirect word one is using or giving a false  
5 impression, wasn't it? Do you think an  
6 indirect word, if it's used, gives a false  
7 impression?

8 A. Well, not always.

9 Q. But sometimes?

10 A. It may, but not always.

11 Q. So an indirect word can be a lie but it  
12 isn't necessarily so?

13 A. But, madam, can I object to these  
14 generalisations that we are trying to make  
15 out of context? And I am convinced that we  
16 can mislead people in just answering "yes"  
17 or "no" to questions that embody so much  
18 generalisation.

19 MADAM PRESIDENT:

20 Well, nobody asked you to answer "yes" or  
21 "no".

22 BY MS. ELLIS:

23 Q. The problem, Dr. Ruzindana, is that I have  
24 got your report, and I am only dealing here  
25 with the comments you have made in that, and

1                   that's why I will come on to very specific  
2                   points when I've dealt with these rather  
3                   more general points.

4  
5                   So the position, as I understand your  
6                   evidence, is indirect language may be false,  
7                   but is not necessarily a false statement, in  
8                   general terms?

9           A.                No.

10          MADAM PRESIDENT:

11                       Well, how would you phrase your answer?

12          THE WITNESS:

13                       We are not saying that indirect speech is  
14                       false. What we are saying is that there is  
15                       this category of ubwenge which sometimes  
16                       people confuse with "treachery". But there  
17                       is a clear message here, "It's better to  
18                       stick to reality by asking and learning from  
19                       more experienced people". I'm reading from  
20                       the report on page 18. And it summarises  
21                       somehow what we have said about this  
22                       ubwenge. It is the last proverb on page 18.  
23                       "It is better to stick to reality by asking  
24                       and learning from more experienced people".

25

1                   As to whether indirect language is correct  
2                   or not, we are not remaking that kind of  
3                   generalisation.

4       MADAM PRESIDENT:

5                   Well, you asked the question in your report.  
6                   That's why counsel is asking you questions  
7                   to get you to explain this. Now, do you  
8                   agree that indirect speech is not  
9                   necessarily false but can be?

10      THE WITNESS:

11                   Yes.

12      MS. ELLIS:

13                   Thank you.

14      MADAM PRESIDENT:

15                   Next question.

16      BY MS. ELLIS:

17      Q.            Now, you use these examples, you tell us in  
18                   your report, and indeed you told us in  
19                   evidence, these proverbs to show how  
20                   important language is in Rwanda.

21      A.            Yes.

22      Q.            How do your proverbs illustrate the  
23                   importance of language in Rwanda if in some  
24                   proverbs the population is being encouraged  
25                   to use words because they're precious, or

1 guard them because they are precious, and in  
2 our proverbs silence is being the way in  
3 which the population is advised it is better  
4 to proceed?

5 A. There is no contradiction. If you can, keep  
6 your mouth -- well, I'm not taking to you;  
7 I'm just generalising. If you can, keep  
8 your mouth shut, but if you have to speak,  
9 then be careful. So this is how I can  
10 summarise all these situations. So silence  
11 first, but if you have to speak, then be  
12 careful.

13 Q. What I'm having difficulty with  
14 understanding, and I'd like you to assist  
15 us, is why, bearing in mind that all  
16 societies use language as a method of  
17 communicating and certainly all societies  
18 that I've heard of use proverbs to convey  
19 ideas, contradictory or not, why is Rwanda  
20 different from anywhere else?

21 A. You'd have to compare different societies to  
22 see whether they use proverbs in the same  
23 way. The first time I arrived in England  
24 and I started using proverbs, people said,  
25 "Look, we don't use these proverbs on a

1                   daily basis". In the Igbo in Nigeria  
2                   proverbs, as they say, are oil with which  
3                   words are eaten, so they use them quite  
4                   regularly. I do not want to make this -- to  
5                   say that all society uses proverbs in the  
6                   same way. And I don't; it's a kind of  
7                   generalisation we can make here.

8        Q.           But there are hundreds and hundreds of  
9                   proverbs in the English language, aren't  
10                  there?

11       A.           Yes, but we did not use them on a daily  
12                  basis in spoken speech.

13       Q.           Are you an authority on English usage of  
14                  proverbs?

15       A.           No. We can listen to the radio or we can  
16                  read newspapers and see how often they are  
17                  used, and then we can compare to the Rwandan  
18                  societies, but I think this is a research  
19                  that can be conducted.

20       Q.           Yes, but you've not done this research.

21       A.           Yes. But I know we use proverbs in  
22                  Kinyarwanda quite a lot, like in Igbo  
23                  society. It does not mean that all  
24                  societies use proverbs with the same  
25                  frequency. I don't think we can make this

1 generalisation.

2 Q. But many, many proverbs, certainly in the  
3 Anglo-Saxon world, derive from the Bible; do  
4 you know that?

5 A. Not all of them.

6 Q. I said many, many derive from the Bible, do  
7 they not?

8 A. Yes.

9 MADAM PRESIDENT:

10 Ms. Ellis, where are you going with this,  
11 because are we now on a comparison with the  
12 frequency of use of proverbs, and then you  
13 are going to begin with the English and go  
14 on with 24 other languages.

15 MS. ELLIS:

16 I'm certainly not going --

17 MADAM PRESIDENT:

18 Are you disputing his statement that  
19 proverbs are used frequently in the Rwandan  
20 language?

21 MS. ELLIS:

22 What I am questioning is not that; I don't  
23 dispute that for one minute. I am  
24 questioning the basis upon which  
25 Dr. Ruzindana is concluding that there is

1 something unique and different within  
2 Rwandan society in the use of proverbs from  
3 that of many other societies and whether he  
4 is in a position to say that, because he has  
5 dealt with these matters in his report. If  
6 you say that you don't feel that there is  
7 any particular relevance to your  
8 considerations, I certainly won't pursue it.

9  
10 It is one of the problems with the report,  
11 which we were given in considerable detail,  
12 when we don't know what ultimately you,  
13 Madam President and Your Honours, are going  
14 to find is relevant to your considerations.

15 MADAM PRESIDENT:

16 What might be relevant -- what would be  
17 relevant is what are the characteristics of  
18 the Rwandan language and culture that he can  
19 tell us about, not necessarily in comparison  
20 with other cultures, but what is he familiar  
21 with.

22 MS. ELLIS:

23 I think perhaps he's dealt with that, in  
24 which case I'll leave that point there,  
25 because I think I've provided -- I don't

1                   have any particular other matters I'm going  
2                   to deal with of great importance.

3       BY MS. ELLIS:

4       Q.           Can I just take you up on this other point  
5                   that you also said in evidence last week,  
6                   that an example of why Rwandans attach a lot  
7                   of importance to language is because in  
8                   ceremonies you see that someone is chosen  
9                   who can use language well. Do you remember  
10                  telling us that?

11      A.           Yes, using that -- giving that as an  
12                  example.

13      Q.           Yes. It would be surprising if in any  
14                  society, a ceremony were to be conducted by  
15                  an individual who was not competent to use  
16                  the language, wouldn't it?

17      A.           No. Can I indicate that our report is not a  
18                  comparative study. Our report describes the  
19                  Rwandan culture. If that happens to be  
20                  similar to some other cultures, we are not  
21                  disputing that. We are simply describing  
22                  our society.

23      Q.           I understand that. But you are using -- you  
24                  use this as an example of why in Rwanda a  
25                  lot of importance can be seen to be attached

1 to the language. It was one of the ways in  
2 which you used -- you justified that  
3 statement. And it is for that reason I am  
4 putting to you that it would be rather  
5 bizarre to have somebody in a ceremony  
6 introducing topics or people who wasn't a  
7 competent user of the language; would you  
8 agree with that?

9 A. I disagree, because in some cases you might  
10 want a member of the family or a friend to  
11 be, for example, master of ceremonies. You  
12 need not pick somebody from outside and use  
13 him or her as master of ceremonies.

14 Q. And, of course, the same would apply in  
15 Rwandan society. If you wanted a member of  
16 the family, if they weren't very literate,  
17 you would still use them if you wanted a  
18 family member, wouldn't you?

19 A. It's not a matter of being literate. It is  
20 just a matter of being able to handle  
21 Kinyarwanda, speak very well, with eloquence  
22 and so on.

23 Q. Right. I am now coming on to the subject of  
24 indirect speak that you have given us  
25 evidence about. And is your definition of

1 indirect speech a language which uses images  
2 and metaphors?

3 A. That's not exactly the definition of  
4 indirect language.

5 Q. I noted down what you told us. Now I want  
6 you, if that is not accurate, and that is  
7 what I noted, would you please tell the  
8 Trial Chamber how you define indirect  
9 speech?

10 A. Yes. We do not have to define that.  
11 Indirect speech refers to a speech that does  
12 not use words in a straightforward manner.  
13 It may be using metaphors, it may be using  
14 code words, it may be using metonymies or  
15 some other imageries.

16 Q. I'm going to see if we can deal with it from  
17 another angle. If we take a lie, L-I-E, if  
18 I said that man is known for being  
19 economical with the truth, what would you  
20 understand that to mean?

21 A. Well, I happen to know the expression "to be  
22 economical with the truth", that would mean  
23 that he does not tell the truth.

24 Q. And how would you describe that phrase,  
25 "economical with the truth"?

1 A. It is indirect language; it's a figure of  
 2 speech.

3 Q. Would you accurately call it a euphemism?

4 A. Yes.

5 Q. Would you call it coded language?

6 A. No, because it is well known, to be  
 7 economical with the truth.

8 Q. Another example, "to kill by friendly fire".  
 9 If I said "the Americans caused a lot of  
 10 collateral damage during the Gulf War", what  
 11 would you understand that to mean?

12 A. Could you repeat that please, madam?

13 Q. Yes. "The Americans caused a lot of  
 14 collateral damage during the Gulf War".  
 15 What do you understand that to mean?

16 A. What would be the meaning of "collateral  
 17 damages"?

18 Q. That's right. Is it a term you are familiar  
 19 with?

20 A. Well, I have heard it.

21 Q. Did you say you have or you haven't?

22 A. I said I have, but it is not quite familiar.

23 Q. Well, I shouldn't give evidence, but it  
 24 means the same as killing your own. It's an  
 25 accidental killing of your own in a war

1 situation or in another situation.

2

3 Again, I suppose that would be -- for you,  
4 would that be coded because you would say  
5 it's not well known? Would it become coded  
6 because you don't know that meaning,  
7 although some might?

8 A. No, I never said that the words we do not  
9 know or the phrase we do not know are coded.  
10 That's not the use of the meaning of the  
11 word "code".

12 Q. Well, we'll come back that. We'll stick  
13 with --

14 MR. VAN:

15 Madam President, from what I have heard in  
16 the interpretation of "collateral damage  
17 during the Gulf War", was what Ms. Ellis is  
18 saying that this means "killing those who  
19 are close to you". But in my mind causing  
20 collateral damages doesn't necessarily mean  
21 "kill". The translation which I had, I am  
22 not sure whether "causing damage" is  
23 necessarily "to kill".

24 MADAM PRESIDENT:

25 Well, you did say you were not giving

1 evidence, so that's what happens when you  
2 proffer meaning and then it is challenged.  
3 Are you done with this question about giving  
4 examples of indirect speech? Could you not  
5 cite what he has given as examples of what  
6 he said is indirect speech?

7 MS. ELLIS:

8 I'm trying to understand "coded" as well.  
9 That's why I asked it in that way. I have  
10 finished "collateral damage" because the  
11 witness doesn't know the meaning of it, so I  
12 can't pursue it with him, obviously.

13  
14 Incidentally, I hear the translation was  
15 "killing close to you". It's "your own  
16 side", "close to you". There is a  
17 difference.

18 BY MS. ELLIS:

19 Q. You said that, although "collateral damage"  
20 -- I won't use that because you don't  
21 understand it. I'll come back to what you  
22 did understand, "economical with the truth".  
23 You said that that was indirect. You said  
24 that that was not coded because the  
25 population understood it. Does it follow

1                   that if the population generally did not  
2                   understand that "economical with the truth"  
3                   was the same as "telling a lie", then  
4                   "economical with the truth" could be called  
5                   a coded word or not?

6       A.           No, because by "code word" or "coded  
7                   message", we are trying to say that the  
8                   message contains words or is put in such a  
9                   way that the encoder and the decoder -- that  
10                  is, the sender and receiver -- would know  
11                  what the code is all about. So that is what  
12                  we mean by "coded words" or "code words",  
13                  and we shouldn't confuse this with "indirect  
14                  speech" or "indirect language".

15       Q.           You've used the word "code" in a wide  
16                    meaning to really encompass a language on  
17                    the basis that you have the speaker, the  
18                    encoder, and the receiver, the decoder. So  
19                    that in one sense, as I understand your  
20                    evidence, all language is a code. Would  
21                    that be one way in which the word can be  
22                    used?

23       A.           Yes. Our languages are codes which are  
24                    known to the users.

25       Q.           There then could be a more restricted

1 meaning of that word in the sense that it  
2 could be a sublanguage which, again, is  
3 understood by the user and the receiver of  
4 the language, but not understood by the  
5 whole society.

6 A. Yes.

7 Q. When you have given evidence about what you  
8 describe as "code words" being used in  
9 Rwanda, are you restricting the meaning to  
10 that second category; i.e., there is a  
11 sublanguage that the user of the words  
12 understood and was equally understood by  
13 part of the community?

14 A. Yes. It being very important to stress that  
15 language can start as limited code between  
16 limited -- well, limited number of users and  
17 then later on become used or known to  
18 everyone. I will say that -- I repeat that  
19 because it is important. A word may be  
20 initially used as a code word between a  
21 restricted group of users, but then, later  
22 on, that usage or use may expand to  
23 encompass the whole society.

24 Q. Is this in some way linked to the idea that  
25 a language may evolve and change and words

1                   may change their meaning or new words may be  
2                   created?

3       A.           Yes.

4       Q.           Could we take an example, another example,  
5                   of the word "gay". Originally the meaning  
6                   of "gay" would be defined as "happy" or  
7                   "jolly". Would you agree with that?

8       A.           Yes.

9       Q.           Would you agree that by the late 1950s,  
10                   1960s, early '70s, "gay" came to have  
11                   another meaning as well, that of being  
12                   homosexual?

13      A.           Yes.

14      Q.           I suppose, to move on 30, 40 years, if you  
15                   said in conversion, "He was gay", the  
16                   recipient would first think that the man was  
17                   homosexual, rather than being a happy, jolly  
18                   soul; would you agree?

19      A.           I don't know.

20      Q.           Well, that might be the first of the  
21                   meanings that came to mind.

22      A.           Well, I'm not sure about that. Could that  
23                   not depend on the context?

24      Q.           Right. So, in any event, when the word  
25                   begins to change its meaning in the '60s and

1 '70s, would it be fair to that if initially  
2 "gay" is understood by only a small part of  
3 the society to mean "homosexual", when the  
4 word is used in that sense, it is a code  
5 word?

6 A. Yes.

7 Q. And then gradually as its usage increases  
8 the whole society will take on that use and  
9 so it would no longer be a code word because  
10 everyone understands what it means.

11 A. Yes.

12 Q. Thank you. Is the idea of a code word  
13 sometimes meant to restrict the wider  
14 society understanding the content of a  
15 discussion?

16 A. Yes. But, again, it depends on what you  
17 mean by "wider society", because in some  
18 cases it might be people outside a given  
19 society.

20 Q. But given you have your language which is  
21 understood by the whole society, as you  
22 described in your report, sometimes there  
23 are internal groups who develop a language  
24 which is coded amongst them, right?

25 A. Yes.

- 1 Q. And they intentionally or otherwise make it  
2 impossible for their -- the other members of  
3 the society to join in those conversations?
- 4 A. Yes.
- 5 Q. Now, taking that information and looking at  
6 Rwandan society in the period that we're  
7 concerned with, you have given numerous  
8 examples of magazines and newspapers where  
9 you say words which can be made the subject  
10 of criticism were being used, coded words,  
11 don't you?
- 12 A. No. But you have on page 21 an explanation.  
13 "The glossary contains words which were  
14 being used as euphemisms, metaphors and  
15 others which can help an 'outsider' to  
16 better grasp the sociopolitical context in  
17 which these words were being used". We  
18 didn't say that those are code words. And  
19 this is at page 21.
- 20 Q. Yes, well, 21, the heading of page 21,  
21 paragraph 4, is the "development and usage  
22 of code words during the period 1990 to  
23 1994".
- 24 A. Um-hum.
- 25 Q. Isn't it?

- 1 A. Yes.
- 2 Q. That is the heading of that whole section.
- 3 A. Um-hum.
- 4 Q. And you say there at paragraph 2 that, "Very  
5 often code words are used by the group  
6 members in closed communication for  
7 secretive reasons". And that's what I've  
8 just been asking you about.
- 9 A. Okay.
- 10 Q. You then say most of the words that you  
11 presented in that glossary were not  
12 necessarily being used as code words as  
13 defined above.
- 14 A. Okay, yes.
- 15 Q. If you say "not necessarily being used",  
16 doesn't that mean that they may have been  
17 being used?
- 18 A. Yes, of course, that is what it means.
- 19 Q. And, therefore, we should understand that,  
20 according to you, some of the words, of  
21 which there are many that appear in that  
22 glossary, should be seen as having been code  
23 words; that's what it is saying, isn't it?
- 24 A. No. You see, it says "and others which can  
25 help". We say -- that is, again, the

1 paragraph, last but one. "The glossary also  
2 contains words which were being used as  
3 euphemisms, metaphors and others".

4 Q. Yes, I've not come on to that yet. I'm  
5 still on the paragraph that says, "not  
6 necessarily being used as code words as  
7 defined above", because on a straightforward  
8 reading of that sentence, you seem to be  
9 saying that some of the words contained in  
10 that glossary may have been being used or  
11 were being used but they weren't necessarily  
12 being used.

13 A. Okay.

14 Q. You see, it is, "Most of the words presented  
15 below were not necessarily being used as  
16 code words". So are you saying that if we  
17 look at your description in the previous  
18 paragraph of what code words were, that when  
19 we look at the words in the glossary, we  
20 shouldn't understand them in the context of  
21 being words used between group members for  
22 secretive reasons. We shouldn't understand  
23 that?

24 A. Not all of them, yes; that is what is meant.

25 Q. Not all of them. Which of them -- if you

1 look through them, which of those words do  
2 you say we should treat as being words used  
3 in close communication for secretive  
4 meanings?

5 A. Okay. So before we go through the list, it  
6 is very important for you to understand that  
7 when a code word is used secretively by a  
8 limited, restricted group, during a given  
9 period of time, it does not mean that it is  
10 going to stay like that. You've correctly  
11 indicated that with the word "gay" there was  
12 a time when it is restricted, then the  
13 meaning evolved up to the stage when many  
14 users could understand that word. It's not  
15 a matter of black and white. There is  
16 progression, development, to mean that words  
17 may be used as code words but not  
18 necessarily restricted.

19 MADAM PRESIDENT:

20 Dr. Ruzindana, we've understood that. Now  
21 go through your glossary and point out which  
22 words fall into your definition as code  
23 words.

24 THE WITNESS:

25 Okay. So the word -- that's page 22 --

- 1 "umusederi".
- 2 BY MS. ELLIS:
- 3 Q. Just quickly run through and tell us what  
4 you say are code words, or capable of being  
5 used as code words?
- 6 A. Yes, I thought that's what I was doing. I  
7 had already listed the first word.
- 8 Q. Yes.
- 9 A. That's on page 22. Umusederi, gukora,  
10 icyitso, insotanyi, interahamwe, inyenzi,  
11 inzoka, revolusiyo, rubanda nyamwinshi --  
12 that's on page 26 -- and umwanzi.
- 13 Q. Was there any restriction on the circulation  
14 of, for example, the journal Kangura, to  
15 your knowledge?
- 16 A. Any restriction of circulation?
- 17 Q. Yes.
- 18 A. No, not that I know of.
- 19 Q. And the newspapers and journals that you  
20 cite, such as Zirikana, any restriction on  
21 the ability of people to buy that, unless of  
22 course copies were sold out or something?
- 23 A. No.
- 24 Q. Did you have to be a member of any  
25 organisation to buy Umurwanashyaka?

- 1 A. No.
- 2 Q. Rwanda Rushira (phonetic), any restriction  
3 on buying that?
- 4 A. No.
- 5 Q. Any restriction on buying any of the  
6 newspapers that you read at all?
- 7 A. None.
- 8 Q. Any restriction, save what was not possible  
9 because it is outside the range of emission,  
10 of people being allowed to listen to radio  
11 RTLM?
- 12 A. None.
- 13 Q. What about Radio Rwanda?
- 14 A. Sorry?
- 15 Q. What about Radio Rwanda, any people  
16 restricted from hearing that?
- 17 A. No.
- 18 Q. So that, really, everything you have  
19 listened to and read was available to every  
20 member of the society should they wish to  
21 see it, read it or hear it?
- 22 A. Yes.
- 23 Q. Obviously, limitations, as you told us  
24 yesterday, because as a society the Rwandans  
25 were not all literate; that's right, isn't



- 1                   it?
- 2       A.           No, it's well known that in Rwanda if one
- 3                   person buys a newspaper, he passes it around
- 4                   and it gets read by so many people.
- 5       Q.           That's not what I asked you.
- 6       A.           No, because we are talking about restriction
- 7                   of readers, and I want to indicate that the
- 8                   circulation was quite big.
- 9       Q.           Yes. What I said to you was would you
- 10                   please confirm what I believe you said in
- 11                   Akayesu which was that it was not a literate
- 12                   society and your figure there was that it
- 13                   was less than 50 per cent literacy rate.
- 14                   You said that in 1997; have you changed your
- 15                   mind?
- 16       A.           No.
- 17       Q.           So that it's not much use passing on a
- 18                   journal or newspaper to somebody who can't
- 19                   read, is it?
- 20       A.           I did say it was an oral society. You can
- 21                   tell what you've read to your -- you can
- 22                   tell your friends about what you've read.
- 23       Q.           Yes. And I was asking you, Dr. Ruzindana,
- 24                   if you'd please answer the question, to deal
- 25                   with the literacy, which you now have. You

- 1                   also said, did you not, in the course of  
2                   your testimony in Akayesu, that the Rwandans  
3                   were not used to reading papers or listening  
4                   to the radio? Do you remember saying that?
- 5       A.           No, I didn't say they didn't listen to the  
6                   radio.
- 7       Q.           I'm sorry. It is in the transcript. I'll  
8                   refer to the page. It's page 39 of the  
9                   4th of February 1997. And you said, and I  
10                  quote, "Our background is not literate. We  
11                  are not used to reading newspapers or to  
12                  listening to the radio, so most people would  
13                  rely on what people say". You then said  
14                  something else and went on to say, "So it  
15                  may not be unusual to say you have seen  
16                  something which you have not seen". And  
17                  then at page 43, if I can jog your memory,  
18                  you said, "Of the number of households  
19                  owning a radio set, it cannot be above 50  
20                  per cent". Do you remember saying that?
- 21      A.           Yes.
- 22      Q.           So that we can take it that it was a society  
23                   with more than half its population neither  
24                   reading nor being in a position where they  
25                   owned a radio; that's right, isn't it?

1       A.           No. I am still doubting about the figure I  
2                    quoted about the number of people who own  
3                    radio sets. I am not convinced about that  
4                    being (sic). Even if I said it, I am not  
5                    convinced about that being -- that that was  
6                    correct.

7       Q.           Well, presumably you were convinced when you  
8                    were giving evidence on oath in  
9                    February 1997, otherwise you wouldn't have  
10                   said it, would you?

11      A.           No. I was quoting out of memory.

12      Q.           Whether your memory was faulty on the exact  
13                    percentage, the sense that you were clearly  
14                    conveying when one looks at what you said  
15                    was that it wasn't a society which was glued  
16                    to its radios because they didn't have that  
17                    tradition and didn't have radios. That's  
18                    the sense of what you were saying even if  
19                    you would quibble over the statistics,  
20                    wasn't it?

21      A.           Those who have radios do listen to them.

22      Q.           How was secrecy brought about, where,  
23                    according to you, the words that you say had  
24                    a coded meaning were uttered in public and  
25                    able to be heard or read or reported on to

- 1 every member of the society? Where is the  
2 secrecy?
- 3 A. The secrecy here is not in using the words.  
4 Secrecy here amounts to using a word which  
5 has a certain meaning not necessarily known  
6 to everyone. It doesn't mean that it is not  
7 written publicly. It is written publicly,  
8 but the meaning initially is known to a  
9 restricted group.
- 10 Q. But how have you defined the restricted  
11 group?
- 12 A. If you go to page 21 --
- 13 Q. The group can't be restricted because there  
14 is no restriction on the admissions or on  
15 the papers that are circulating. These are  
16 public newspapers and public broadcasts for  
17 the whole society, Hutu, Twa and Tutsi,  
18 aren't they?
- 19 A. We have to agree on at least the basics of  
20 what you are talking about. I'm saying that  
21 what was public and known to -- that  
22 everybody had access to was the newspapers,  
23 but not the meaning of some of the words  
24 used.
- 25 Q. Well, I'll come on to the meaning of some of

1 the words now.

2 MS. ELLIS:

3 Madam President, would this be a good  
4 moment?

5 MADAM PRESIDENT:

6 We'll take a break now then, Ms. Ellis.

7 We'll take a break of 15 minutes.

8 (Court recessed at 1053H)

9 (Pages 1 to 53 by S. Fleming Eboe-Osuji)

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1 (Court resumed at 1128H)

2 MADAM PRESIDENT:

3 You may begin, Ms. Ellis.

4 BY MS. ELLIS:

5 Q. Dr. Ruzindana, you mentioned that you had

6 been assisted as to the meanings of certain

7 words by using a dictionary; is that

8 correct?

9 A. Yes.

10 Q. And was it the dictionary that is in three

11 volumes by Iréneé Jacob?

12 A. I think so.

13 Q. I noted a publication date of 1985. Would

14 that be the edition that you were using?

15 A. Yes.

16 Q. And would it be fair to say that if you were

17 using that dictionary, it's because it's

18 considered authoritative?

19 A. Yes.

20 Q. I would like you, please, to look at the

21 definition, firstly, for "icyitso", and that

22 appears in the dictionary, page 91, and, of

23 course, it's a dictionary translating from

24 Kinyarwanda into French. Do you have that?

25 A. A moment, please.

1 Q. Do you have it now, Dr. Ruzindana?

2 A. Yes, I do, madam.

3 Q. Now, from the dictionary definition we see

4 essentially that it means "an accomplice",

5 somebody who acts in complicity, with the

6 example they give of thieves. Is that

7 right?

8 A. Yes, that's right.

9 Q. And when you gave evidence, you said that it

10 commonly means "accomplice" and it's been in

11 the language for a long time.

12 A. Yes.

13 Q. And the word, when you say it had been in

14 the language for a long time, it was a word

15 that was known back in the 19th century and

16 before, wasn't it?

17 A. Yes, most probably.

18 Q. I'm going to put to you the definition that

19 you gave on the 4th of February 1997 -- and

20 it's at page 32 of the English transcript.

21 You said that historically when a king

22 wanted to launch an attack on a neighbouring

23 kingdom he would send out spies prior to the

24 attack and these spies would try and get

25 local collaborators; they were called

- 1 Ibyitso. Do you remember saying that?
- 2 A. Yes.
- 3 Q. And the king concerned was a king that we've  
4 already made reference to, wasn't it,  
5 King Rwabugiri?
- 6 A. No, it was not just that king; it could be  
7 any other king.
- 8 Q. But he was one of the kings, wasn't he?
- 9 A. Yes, he was.
- 10 Q. So that it is a word that is well  
11 established in the Rwandan language in its  
12 meaning of local collaborators or  
13 accomplices of people who are attacking from  
14 the outside?
- 15 A. Yes.
- 16 Q. And you told us yesterday that it was a word  
17 that was used in October 1990 to describe  
18 RPF supporters who had been arrested after  
19 the RPF attack on the country.
- 20 A. I didn't say they were; they were alleged.  
21 There were several thousand people arrested,  
22 and I'm not in a position to assert that  
23 they were all collaborators.
- 24 Q. No, and I'm sure, as in any situation, some  
25 were and some weren't.

1  
2 But, again, your testimony in Akayesu on  
3 this point was, on the 27th of February  
4 1997, at page 133, that -- and you'd be  
5 dealing with the context in which words were  
6 used -- you said, in 1990 icyitso, all those  
7 arrested, and it included Hutu and Tutsi.  
8 A. Mm-hmm. Yes.  
9 Q. And that's what you told us yesterday?  
10 A. Yes.  
11 Q. So the essence of the word as it was used in  
12 1990 did cover both the Tutsi and the Hutu  
13 if they were thought to be assisting the --  
14 those attacking from outside.  
15 A. Yes.  
16 Q. Would you please now look at the definition  
17 contained in the dictionary for "inyenzi",  
18 and that appears at page 466. And about  
19 halfway down the page where we see the word  
20 it is defined as meaning a cockroach. That  
21 is the first definition; is that correct?  
22 A. Yes, that's correct.  
23 Q. And then there is a third definition -- I'm  
24 passing over the second. The third  
25 definition is a member of an invading Tutsi

- 1 group during the period of independence in  
2 Rwanda; yes?
- 3 A. Yes, that's correct.
- 4 Q. So that within the definition of the word  
5 "inyenzi", in the dictionary, we find that  
6 it is describing a Tutsi group; unequivocal,  
7 that, isn't it?
- 8 A. Yes.
- 9 Q. And it would be right to say, wouldn't it,  
10 that -- it would be right to say that when  
11 the refugees left Rwanda in 1960, 1959,  
12 during that period, the people that left  
13 were not the Hutu, but the Tutsi? That's  
14 right, isn't it?
- 15 A. There were also some Hutus.
- 16 Q. It was a mainly Tutsi exodus, wasn't it?
- 17 A. Yes, it was.
- 18 Q. And the attackers, as we see, who formed the  
19 group Inyenzi were at that time Tutsi, as  
20 the definition says, weren't they?
- 21 A. Yes, they were.
- 22 Q. The meaning of that word, or the derivation,  
23 if I can put it like that -- the derivation  
24 of that word, you have told us that it came  
25 from a rather longer phrase; do you recall

- 1 saying that?
- 2 A. Yes, I do.
- 3 Q. And you gave us the Kinyarwanda words for  
4 that, and you said that by combining various  
5 letters, one arrived at the word "inyenzi".
- 6 A. Yes.
- 7 Q. And that phrase was a phrase that was used  
8 by the Inyenzis to describe themselves,  
9 wasn't it?
- 10 A. Yes, most probably.
- 11 Q. Not, most probably, it was a phrase -- could  
12 you remind us of exactly what that phrase  
13 was, please?
- 14 A. "Ingangurarugo ziyemeje kuba ingenzi".
- 15 Q. And what is the literal translation of that?
- 16 A. Something like "ingangurarugo who are  
17 determined to be brave".
- 18 Q. And the people who were determined to be  
19 brave, the people who were attacking Rwanda  
20 and wanting to come back into the country,  
21 those were people who at the time were based  
22 in Uganda, weren't they?
- 23 A. No.
- 24 Q. Well, where do you say they were based?
- 25 A. There were attacks from Burundi as well, so

- 1 it was not only Uganda.
- 2 Q. So there were people attacking from the
- 3 south and there were people attacking from
- 4 the north?
- 5 A. Yes.
- 6 Q. Yes. And have you read any articles
- 7 anywhere about the derivation of the word
- 8 "Inyenzi"?
- 9 A. Well, I seem to have heard -- if my memory
- 10 serves me right, I seem to have heard on the
- 11 radio that word being explained.
- 12 Q. Did you ever, when you were casting your
- 13 eyes over the number of journals and
- 14 newspapers, ever look at Kanguka?
- 15 A. We didn't have many copies of Kanguka.
- 16 Q. Did you look at any Kanguka during the time
- 17 that you were in Rwanda?
- 18 A. Yes, I used to read it.
- 19 Q. Kanguka could not have been described as
- 20 supporting the MRND party, could it?
- 21 A. No.
- 22 Q. And are you familiar with a gentleman called
- 23 Aloys Ngurumbe, N-G-U-R-U-M-B-E?
- 24 A. Yes, I heard of him.
- 25 Q. Could you confirm that Adrian Rangira was a

1 journalist in Rwanda?

2 A. Yes, he was.

3 Q. And did you ever read an article which -- in  
4 Kanguka which contained an interview with  
5 Mr. Ngurumbe, conducted by Adrian Rangira,  
6 in which, on the 12th of February of 1992,  
7 an explanation of the word "Inyenzi" is  
8 given?

9 A. I haven't read the article.

10 MS. ELLIS:

11 Madam President, I've got Kanguka, I've got  
12 copies, and I would like to show this to the  
13 witness to see whether this is the same  
14 content that he says he has read in the past  
15 as an explanation of the derivation of the  
16 word.

17 MADAM PRESIDENT:

18 He's just told you he hasn't read this one.

19 MS. ELLIS:

20 That's why I say if he looks at, he can see  
21 whether it accords with what he has said  
22 what he has read elsewhere, because, of  
23 course, it is a magazine which is a public  
24 magazine and he does know both the  
25 interviewee and the interviewer and the

1 publication generally.

2

3 And we've got, Madam President, the original  
4 Kinyarwanda article and also a translation  
5 in French. I'm sorry, we haven't got it  
6 translated in English.

7 JUDGE MØSE:

8 Mr. Ruzindana, this reference -- while we  
9 are distributing documents -- in the  
10 dictionary to the "L'époque de  
11 l'indépendance du Rwanda", is that referring  
12 to any particular period? Are we talking  
13 about '61 or --

14 THE WITNESS:

15 They are talking about the beginning of the  
16 '60s.

17 JUDGE MØSE:

18 The beginning of the '60s, that's what the  
19 dictionary means?

20 THE WITNESS:

21 Yes.

22 JUDGE MØSE:

23 Thank you.

24 BY MS. ELLIS:

25 Q. Just to follow up that point, Dr. Ruzindana,

1 before you get onto this translation, it was  
2 prior to 1959 the case that the Belgians  
3 were in control as the colonial power in  
4 Rwanda. The Tutsis, although the minority,  
5 were dominant in all areas of the country,  
6 and it was as a result of the peaceful  
7 revolution that the Hutu majority gained for  
8 the first time a voice in Rwanda. That  
9 really puts it in context, doesn't it?

10 A. It doesn't, madam, because using a word  
11 "peaceful", knowing very well, I'm sure,  
12 because if you have the sources you must  
13 have checked the history -- knowing fully  
14 well that several tens of thousands of  
15 Tutsis were killed, I don't think you really  
16 should use the word "peaceful".

17 JUDGE MØSE:

18 Ms. Ellis, I didn't want to open up a  
19 historic discussion; I just wanted to know  
20 that we were really talking about the '60s  
21 in this century or some other period of  
22 Rwandan history. That was all I wanted to  
23 know.

24 MS. ELLIS:

25 Your Honour, I understand that, but I was

1 going to deal with it a bit later, so I've  
2 just slotted it in at this point.

3 BY MS. ELLIS:

4 Q. Now could you, please, look at the Kanguka.  
5 Could you, please, identify first of all  
6 that what you're looking at is issue No. 52.  
7 If you turn to the second page of the  
8 Kinyarwanda, it shows that that was dated  
9 the 12th of February 1992. And what you've  
10 also been handed is a translation. And I  
11 would only ask you to cast your eye over the  
12 first page where it's clear that the origin  
13 of the word "Inyenzi" is the subject in  
14 discussion in the interview by Mr. Rangira  
15 with Aloys Ngurumbe.

16  
17 And then if you look at the paragraph which  
18 starts "comment le mouvement Inyenzi a  
19 débuté", do you see that in the French?

20 A. Yes.

21 Q. And if you just read that down, really, to  
22 the end of the page. That's the only part  
23 that I'm concerned with.

24 MADAM PRESIDENT:

25 Firstly, you confirm this is issue No. 52 of

1 Kanguka, Dr. Ruzindana -- just a copy,  
2 rather?

3 THE WITNESS:

4 Well, Madam President, I said I didn't read  
5 this particular article, but I believe it  
6 has to be, because they've given it to us.

7 MADAM PRESIDENT:

8 All right. That's what you read there.

9

10 Now, Ms. Ellis, you want Dr. Ruzindana to  
11 read the Kinyarwanda, do you?

12 MS. ELLIS:

13 That's right, the equivalent --

14 THE ENGLISH INTERPRETER:

15 Microphone for Ms. Ellis, please.

16 MS. ELLIS:

17 It is on.

18 MADAM PRESIDENT:

19 All right. So we can follow the  
20 Kinyarwanda.

21 MS. ELLIS:

22 And we can follow in French from "comment le  
23 mouvement".

24 MADAM PRESIDENT:

25 So this is the page. Which column in

1 Kinyarwanda? Do you know it, which column?

2 MS. ELLIS:

3 It is -- I think it's the middle column.

4 That's right, isn't it? And it's just the

5 passage that is just -- starts just above

6 the photo. That's right, isn't it?

7 MR. VAN:

8 Madam President.

9 MADAM PRESIDENT:

10 Mr. Van.

11 MR. VAN:

12 I'm sorry to interrupt Ms. Ellis, but for us

13 to be in the clear, I want to know the exact

14 date of this issue. We have the Kinyarwanda

15 version and the issue is No. 52, fifth year,

16 1992, and the information we've been given

17 is that this is an issue dated 12th February

18 1992. Is that really correct? Can we be

19 told where it is said specifically that this

20 is an issue dated 12th February 1992,

21 because I can't see that myself? On the

22 first page there is no indication as to the

23 month.

24 MS. ELLIS:

25 It appears on -- the extract that has been

1 presented in Kinyarwanda is page 5 in the  
2 bottom right-hand column, and it states on  
3 the last line, on that page, Kanguka of  
4 February -- of the 12th of February 1992.

5 MR. VAN:

6 Very well.

7 MADAM PRESIDENT:

8 That's because the copies we have, the  
9 copies -- I think the copies you circulated  
10 has cut that date out. Anyway, Mr. Van  
11 accepts that.

12 MS. ELLIS:

13 And I'll show him my copy after. It's got  
14 it on my copy. I'm sorry if it's been cut  
15 off.

16 MADAM PRESIDENT:

17 Do you want him to begin with the word  
18 "Inyenzi" in the middle column above the  
19 photograph, down to where?

20 MS. ELLIS:

21 If he would, please, continue down to the  
22 end of the -- over onto the right -- the  
23 right-hand corner and it's about a third of  
24 the way down. So, it's the whole of the  
25 middle column below the title "Inyenzi", and

1                   then to a third of the way down the  
2                   right-hand column.

3       MADAM PRESIDENT:

4                   Ending with which word in the right-hand  
5                   column?

6       MS. ELLIS:

7                   In the Kinyarwanda if it could end with the  
8                   word -- it's rather small print --  
9                   "badushyigikiye".

10      MADAM PRESIDENT:

11                   That appears to be right in the middle of a  
12                   sentence.

13      MS. ELLIS:

14                   It's about 17 lines -- 18 lines down from  
15                   the top.

16      MADAM PRESIDENT:

17                   All right. Have you got that?

18      THE WITNESS:

19                   Yes.

20      MADAM PRESIDENT:

21                   All right. Please proceed.

22

23                   Slowly, now, so we can have the English and  
24                   the French.

25      THE WITNESS:

1 "Concerning the beginning of the Inyenzi  
2 movement, Ngurumbe told us himself that he's  
3 the one who founded the Inyenzi movement.  
4 This was in 1961" --

5 THE ENGLISH INTERPRETER:

6 Mr. Ruzindana, is very far from the  
7 microphone and the paper is between the  
8 microphone and his mouth. We can't hear  
9 him.

10 THE WITNESS:

11 Sorry about that.

12  
13 "They started in Kizinga in Uganda. He told  
14 us -- he said that the word "Inyenzi" is an  
15 abbreviation, and this word means  
16 "Ingangurarugo" which means becoming --  
17 determined to become a valiant. In the  
18 beginning we found that this word  
19 "Ingangurarugo yiyemeje kuba ingenzi" was  
20 too long and we wanted to shorten the  
21 sentence and one of us said, "Let's call  
22 ourselves Inyenzi".

23

24 Am I supposed to read further?

25 MS. ELLIS:

1 Yes, please.

2 THE WITNESS:

3 Okay.

4

5 "That's how the word "Inyenzi" got its  
6 beginnings. He adds that at that point in  
7 time the whites who didn't want us to gain  
8 independence wanted to exterminate the  
9 people, and there was only Kigali left,  
10 Kibungo and Byumba. Elsewhere, in fact,  
11 people had been killed. We found that we  
12 couldn't continue waiting for the leaders of  
13 UNAR, Rwagasana and others, who had gone to  
14 the United Nations, to the UN, and we found  
15 it wise that we set up a resistance  
16 movement, a movement which could arrest  
17 these people who went everywhere killing  
18 people without any reason. We asked him  
19 questions about the royalty, about which  
20 people were speaking, and he told us that  
21 while they were fighting they were not  
22 fighting for the royalty but they wanted a  
23 change in a situation so that all injustice  
24 be done away with".

25 MADAM PRESIDENT:

1 Um, read on, Dr. Ruzindana, until you reach  
2 the word "badushyigikiye".

3 THE WITNESS:

4 Excuse me, madam, whereabouts in the last  
5 column?

6 MADAM PRESIDENT:

7 You begin now with the underlined word  
8 "yatubwiye" and you go down.

9 THE WITNESS:

10 "He spoke to us briefly about the war of the  
11 Inyenzis from 1961 to 1965.

12  
13 "We asked him to speak to us briefly about  
14 the Inyenzi war from the beginning in 1961  
15 until the end of that war in 1968. He told  
16 us that when they began, they were 36 in  
17 number. 'Before I formed the Inyenzi  
18 movement I was an agronomist. I, myself,  
19 Kayitare, and Rukeba, we put together a sum  
20 of money and we went to buy weapons in Goma,  
21 in Zaire. We started with four guns and we  
22 went to train in shooting by shooting at  
23 trees".

24 BY MS. ELLIS:

25 Q. Thank you. You can pause there. That's all

1 I require to be read. Thank you very much.

2

3 And just to be clear, Dr. Ruzindana, the  
4 militia, whose name you've given us and we  
5 see in that interview, was a militia which  
6 existed for very many years and during the  
7 period of King Rwabugiri; that's right,  
8 isn't it? It's another of the ancient  
9 militia?

10 A. Yes.

11 Q. And the derivation of the word "Inyenzi"  
12 which he explains by reference to those four  
13 Kinyarwanda words couldn't be worked out if  
14 one didn't know the four words, could it?

15 A. No, it wouldn't.

16 Q. And, so, if I can then leave the definition  
17 of "Inyenzi" and now move on, please, to the  
18 definition of "Inkotanyi". And that is to  
19 be found in the dictionary at page 274.

20 MR. VAN:

21 Madam President, it is certain that  
22 Dr. Ruzindana's translation is authentic,  
23 but I would like to draw your attention to  
24 the French translation which Mrs. Ellis  
25 distributed to us. And in that translation

1                   it is said that the word "Inyenzi" means  
2                   militia combatant, an Ingangurarugo militia  
3                   combatant whose objective is to be the best.  
4                   And in Dr. Ruzindana's translation I did not  
5                   get this objective of being the best. So I  
6                   think there is a significant difference in  
7                   relation to what has been distributed to us.  
8                   And since it is in French, I have a feeling  
9                   that you did not take note of that.

10       MS. ELLIS:

11                   Of course, we've got the French translation  
12                   we've provided to assist the Trial Chamber;  
13                   we now have the official translation.  
14                   Bearing in mind the comment of Mr. Van,  
15                   perhaps we ought to ask, Madam President,  
16                   that that sentence is just translated again  
17                   so that we can be sure that we've got the  
18                   correct translation.

19       BY MS. ELLIS:

20       Q.           Dr. Ruzindana. Dr. Ruzindana. I thought  
21                   we'd lost you for a minute. Could you  
22                   please go back to the passage that you  
23                   commenced reading, and, looking at the  
24                   Kinyarwanda, could you please read out the  
25                   sentence which deals with "the word



1 'Inyenzi' is an abbreviation which  
2 signifies". Could you read that sentence to  
3 the end, and you can stop where it starts  
4 "we find that the words". Stop there. But  
5 just so that we can have that translated  
6 again and make sure that there's no concern  
7 about that. Thank you.

8 A. Okay.

9  
10 "He said that the word 'Inyenzi' is an  
11 abbreviation which means an Ingangurarugo  
12 who has decided to become valiant".

13 Q. Thank you very much.

14 MS. ELLIS:

15 Madam President, I wonder whether that could  
16 be Exhibit 1D84 and the list of proverbs be  
17 1D83?

18 MADAM PRESIDENT:

19 Yes.

20 MS. ELLIS:

21 If the Prosecutor --

22 MADAM PRESIDENT:

23 1D83 would be the proverbs -- are you  
24 handing in the translation as well?

25 MS. ELLIS:

1 I've handed it in, but I --

2 MADAM PRESIDENT:

3 No need now?

4 MS. ELLIS:

5 -- contemplate it's not necessary because it  
6 was to assist to the Trial Chamber  
7 initially, but we've now got the official  
8 translation.

9 MADAM PRESIDENT:

10 Yes. Thank you.

11 (Exhibit Nos 1D83 and 1D84 admitted)

12 MS. ELLIS:

13 If the Prosecutor requires it, then of  
14 course we will provide a statement  
15 indicating the provenance of this issue of  
16 Kanguka. But perhaps Mr. Rapp and I can  
17 discuss that if there's any problem at a  
18 later stage.

19  
20 And could I also point out that the year is  
21 shown on the front cover of that edition as  
22 1992 in the right-hand -- just below the  
23 title "Kanguka".

24 BY MS. ELLIS:

25 Q. Turning, Dr. Ruzindana, now to "Inkotanyi"

- 1 and back to the dictionary definition -- do  
2 you have in front of you page 274?
- 3 A. Yes, I do.
- 4 Q. And the definition contained there, as you  
5 told us, was, again, "the Inkotanyi" -- I  
6 think your evidence was -- means a "fervent  
7 fighter". Again, one could say a "warrior",  
8 would that be right?
- 9 A. No.
- 10 Q. You would say, what, "fervent fighter"?
- 11 A. Yes, "fervent fighter", but "warrior" is a  
12 common word. "Warrior Inkotanyi" is a word  
13 that we started using in 1990.
- 14 Q. Well, you say that, but please look at the  
15 third definition. And what does the third  
16 definition show as the meaning of  
17 "Inkotanyi"?
- 18 A. (Not interpreted).
- 19 Q. And that translates as "it's a song  
20 accompanied by a sitar, which is exalting  
21 the King Rwabugiri" again, isn't it?
- 22 A. Yes.
- 23 Q. So it's a reference again to a historical  
24 word; would you agree with that?
- 25 A. Yes.

1 Q. So that it appears that we have in  
2 respect --

3 MR. VAN:  
4 Madam President.

5 MADAM PRESIDENT:  
6 Yes, Mr. Van.

7 MR. VAN:  
8 Madam President, we did not have a good part  
9 of the French translation of what Mrs. Ellis  
10 said concerning the third definition.

11 MADAM PRESIDENT:  
12 Can you just do that again, Ms. Ellis?

13 BY MS. ELLIS:  
14 Q. Yes. The third definition is that  
15 "Inkotanyi" is a song accompanying the sitar  
16 exalting, praising King Rwabugiri; yes?

17 A. Yes.

18 Q. And was he the 19th century king?

19 A. Yes, he was.

20 Q. So that it was known historically as a word.  
21 It wasn't a new word created in 1990; it was  
22 just given as the name of the RPF in 1990?

23 A. It was not known, this is what I am trying  
24 to say. If this means a song that  
25 accompanied the sitar for that particular

- 1 king in the 19th century, you can easily  
2 imagine that very few people knew this. I  
3 have to admit that I'm one of those who only  
4 discovered this in the dictionary.
- 5 Q. So now we know, and it's your view, you  
6 discovered it in the dictionary, but you did  
7 know it in 1997, didn't you?
- 8 A. 1997?
- 9 Q. Yes.
- 10 A. Yes, we checked in the dictionary.
- 11 Q. Because, and this again is taken from your  
12 testimony, 13th of January 1997, at  
13 page 119, the basic meaning, the meaning  
14 understood generally of Inkotanyi, and you  
15 say King Rwabugiri, warrior group, he was a  
16 king in the 19th century, and this was  
17 something that, I gathered from your  
18 testimony, you'd learnt from Alexis Kagamé's  
19 book?
- 20 A. Mm-hmm.
- 21 Q. So you knew it then?
- 22 A. Yes, but not the meaning, not the meaning we  
23 have here. Not as a song.
- 24 Q. No, but it's got another meaning as a song,  
25 which means the word relates back to that

- 1 time. It was a fighter, warrior group, you  
2 said, in that time and it comes to me and as  
3 you have told us, "Inkotanyi" is the RPF.
- 4 A. Yes.
- 5 Q. And it wasn't a derogatory term, was it, to  
6 describe the RPF; it was their own word to  
7 describe themselves?
- 8 A. It was not, yes.
- 9 Q. And would it be fair to say that by 1990  
10 there were mainly Tutsis in the RPF but they  
11 have been joined by some Hutu?
- 12 A. I'm sorry, I missed the first part of your  
13 question.
- 14 Q. Would it be accurate to say that in 1990 the  
15 RPF, the Inkotanyi, who attacked Rwanda,  
16 contained mainly Tutsi, but also some Hutu?
- 17 A. Yes, we would say "also Hutus", because I  
18 don't know what you mean by "some".
- 19 Q. I'm happy with "also Hutus". It was not  
20 unlike the Inyenzis of the '60s, exclusively  
21 Tutsi, was it?
- 22 A. The Inyenzis in the '60s were not  
23 exclusively Tutsis.
- 24 Q. So that the dictionary definition on that is  
25 inaccurate, is it?

- 1 A. Yes, it is, because there were Hutus among  
2 the Inyenzis.
- 3 Q. Now, another way of describing the Inkotanyi  
4 would be to say that the mass of the people  
5 were Tutsi; would that be accurate, within  
6 the organisation?
- 7 A. But the group themselves never talked about  
8 their ethnicity.
- 9 Q. I'm talking about it, though.
- 10 A. Yes, you are. But I'm not going to confirm  
11 something that I haven't checked.
- 12 Q. Well, you're not going to seriously suggest  
13 to us that the RPF wasn't Tutsi dominated,  
14 are you?
- 15 A. You asked the first question of knowing  
16 whether they were made of the many -- or  
17 many Tutsis and some Hutus. I say there  
18 were also Hutus. I think it was clear --  
19 we're clear on that particular question.
- 20 Q. Yes. And so I'm now putting it to you in a  
21 slightly different way and saying that the  
22 description that the "mass" population of  
23 the RPF were "Tutsi" would be accurate,  
24 wouldn't it?
- 25 A. It would be inaccurate.

1 Q. Why would it be inaccurate?

2 A. Because "mass population", if I understand  
3 it correctly, would mean what? Would mean  
4 that all them, most of them, or what?

5 Q. Well, the "majority", then, if you prefer  
6 that word. The majority population within  
7 the RPF group was Tutsi; is that right?

8 A. There were refugees, but if you want to be  
9 precise, they never told us what their  
10 ethnic -- ethnicity or ethnic composition  
11 was.

12 Q. Well, they didn't need to because everybody  
13 knew, didn't they?

14 MADAM PRESIDENT:

15 That was the general belief; not so?

16 THE WITNESS:

17 Yes, it was the general belief.

18 MADAM PRESIDENT:

19 That the Tutsis were in the majority in the  
20 RPF.

21 THE WITNESS:

22 Yes.

23 BY MS. ELLIS:

24 Q. And the refugees, to be quite clear about  
25 this, were Tutsi refugees who wanted to come

1 back to their original parents' homeland.

2 That was the situation, wasn't it?

3 A. Yes, but there were also Hutus.

4 Q. I know. I have already put to you that  
5 there were also Hutus. If you remember  
6 yesterday, Dr. Ruzindana, you were having  
7 some difficulty remembering some of the  
8 names of the Hutus who were part of the  
9 organisation. Seth Sendashonga was one of  
10 the Hutus in the organisation, wasn't he?

11 A. There was also Kanyarengwe.

12 Q. We dealt with him yesterday which is why I  
13 didn't come back to him.

14 MADAM PRESIDENT:

15 All right. No need to detract from your  
16 question. Have you got a response to the  
17 your last question?

18 MS. ELLIS:

19 No.

20 BY MS. ELLIS:

21 Q. To come back to the last question, the  
22 majority of the RPF population was Tutsi,  
23 wasn't it?

24 A. Yes, after the explanation of "majority" and  
25 "mass" population.

- 1 Q. How would you have said that in Kinyarwanda?
- 2 A. It? What?
- 3 Q. How would you have described "the majority  
4 population", the words, in Kinyarwanda?
- 5 A. We don't have one word for "majority  
6 population"; we'd simply say "most of them",  
7 "abenshi", "morim abenshi".
- 8 Q. Well, if you wanted to say the majority of  
9 the population of the RPF was Kinyarwanda --  
10 was -- sorry, Tutsi, how would you say it?
- 11 A. Abenshi, A-B-E-N-S-H-I, abenshi, "the  
12 majority of".
- 13 Q. "Majority", and what about "population",  
14 "people"? How would you use that?
- 15 A. The majority?
- 16 Q. Of the people.
- 17 A. Yes. Like I have explained, you would say  
18 "most of the people".
- 19 Q. Why wouldn't you use "rubanda nyamwinshi",  
20 which according to your glossary at page 26  
21 is defined as "majority people"?
- 22 A. Because today, that word, like the word  
23 "gay" we referred to this morning, the  
24 second meaning, the extended meaning has  
25 taken precedence over the original meaning;

1 just like the word "gay" today would be  
2 interpreted in the homosexual sense, rather  
3 than necessarily the happy, joy sense.

4 Q. You say that, but if we look at your  
5 glossary, which was made in 1997, the  
6 definition at page 26 in the report, is  
7 "majority people". That is the definition  
8 you give it.

9  
10 And you then say, "for Hutu extremists, the  
11 phrase was synonymous with". So that when  
12 you provide your glossary, you haven't given  
13 it a different meaning; you, in fact, have  
14 given the meaning as majority people, and  
15 you've said there is a separate little group  
16 who meant it differently, haven't you?

17 A. Yes.

18 Q. So it's not synonymous with my example of  
19 "gay".

20 A. No, but the extended meaning in some cases  
21 takes precedence over the basic meaning. In  
22 other words, when you say something, you  
23 hear just something else. Like if the word  
24 "Inyenzi" means these combatants of 1961,  
25 nobody would really want to call a warrior

1 an Inyenzi, because that pejorative,  
2 derogatory meaning is so strong that you  
3 don't want to use it.

4 Q. Dr. Ruzindana, please don't stray from the  
5 question I'm asking. We are in 1990, before  
6 Kangura had even had the chance to publish  
7 maybe even more than a couple of issues, and  
8 if you had been asked then to say that the  
9 majority of the people in the RPF were  
10 Tutsi, I want to know why you wouldn't use  
11 the word that you have told us means that,  
12 "rubanda nyamwinshi".

13 A. Because, syntactically, I wouldn't say  
14 "rubanda nyamwinshi" of another group. We  
15 don't say that in Kinyarwanda.

16 Q. Well, if you don't say it for that group, I  
17 don't quite understand why not. It's the  
18 majority of the people. What would you say  
19 about this?  
20

21 We'll ask you something else about it. In  
22 Rwanda throughout the history it was always  
23 the case -- and I think this is widely  
24 accepted -- that the Tutsi population was  
25 never more than about 14 per cent. There

1 was a very small percentage, perhaps one or  
2 two at the most, at any time of Twa, and,  
3 therefore, the remaining majority of the  
4 people were Hutu. How would you have  
5 used -- how would you have described in  
6 Kinyarwanda "the majority of the people of  
7 Rwanda are Hutu"?

8 A. I've explained that you can't say "rubanda  
9 nyamwinshi" of Rwandans. That wouldn't be  
10 Kinyarwanda.

11 Q. Well, how would you explain that idea?

12 A. "Abenshi mu banyarwanda", which would  
13 translate, "abenshi" -- we've already seen  
14 the word -- "mu", M-U, "Banyarwanda".  
15 "Abenshi mu banyarwanda"; "most of  
16 Rwandans".

17  
18 We also have, if you check in the  
19 dictionary, something like "imbaja  
20 banyarwanda". "Imbaja", that's I-M-B-A-J-A.

21 Q. Could I ask you, Dr. Ruzindana, to please  
22 write down these words that you are telling  
23 us would describe if you wanted to say to  
24 somebody, "Well, the majority of the  
25 population is Hutu". "The majority people",

1                            how would you have said that in 1990?

2       MADAM PRESIDENT:

3                            He's said it already, hasn't he?

4       MS. ELLIS:

5                            Yes, I asked him to write it down.

6       MADAM PRESIDENT:

7                            Why?

8       MS. ELLIS:

9                            Because I want to have a chance to consider

10                           it with a dictionary in due course and with

11                           my client in due course, and I --

12       MADAM PRESIDENT:

13                           Well, you can spell it out so it goes on

14                           record, and then you can write out as he

15                           spells.

16       THE WITNESS:

17                           "Abenshi", I will spell it. That's

18                           A-B-E-N-S-H-I. Followed by "M-U", as a

19                           separate word -- "abenshi mu". Then,

20                           finally, third word "banyarwanda", that's

21                           B-A-N-Y-A-R-W-A-N-D-A.

22       MS. ELLIS:

23                           I'm sorry, I missed your second word.

24       THE WITNESS:

25                           "Mu", M-U.

1 MADAM PRESIDENT:

2 And you have "banyarwanda". What's the next  
3 word "imbaga" (phonetic) or did you say  
4 another word before that?

5 THE WITNESS:

6 Yes, because she wants all the  
7 possibilities, so I'm going to give them.

8 MADAM PRESIDENT:

9 Yes.

10 THE WITNESS:

11 Okay. You could also, from this phrase,  
12 have "abanyarwanda benshi". "Abanyarwanda",  
13 that's the last word of the first phrase,  
14 but we add an "A" to make "abanyarwanda".  
15 "Benshi", that's the first word minus the  
16 first "A". The first word was "abenshi";  
17 now we get "benshi", "abanyarwanda benshi".

18 BY MS. ELLIS:

19 Q. Right. So we've got the situation that  
20 you've defined now "kitsu" (phonetic),  
21 "Inyenzi" and "Inkotanyi". And from what  
22 you've said, you disagree with the  
23 dictionary definition of "Inyenzi" being  
24 exclusively Tutsi, but there clearly were  
25 both groups, Hutu and Tutsis, in RPF. Were

1                   there any Twa in that group?

2       A.            I don't know.

3       Q.            Why did you laugh?

4       A.            Well, I laughed because I thought that you'd

5                    really have to have had all the data to be

6                    able to answer that question. And I've

7                    already indicated that, in fact, I don't

8                    have the ethnic composition of the RPF.

9       Q.            Could I ask you, please, to look at the

10                   Exhibit 1D50. I hope you've got -- have you

11                   got in front of you the exhibits, documents

12                   that you referred to last week,

13                   Dr. Ruzindana?

14       A.            Which one, madam?

15       Q.            Firstly, have you got all the exhibits in

16                   front of you, or not? I'm going to ask that

17                   you look at 1D50, and that is the interview

18                   conducted with Habimana, Kantano, and

19                   Gaspard Gahigi when they were asking

20                   questions of Ferdinand Nahimana on the

21                   20th of November 1993, and it was broadcast

22                   on RTLM. And there is a translation from

23                   the Kinyarwanda into both French and

24                   English.

25       MADAM PRESIDENT:

1                   You want Dr. Ruzindana to look at the  
2                   Kinyarwanda?

3       MS. ELLIS:

4                   I would prefer that he looked at the  
5                   English.

6       BY MS. ELLIS:

7       Q.           Are you comfortable with that,  
8                   Dr. Ruzindana?

9       A.           Well, I should be comfortable with the  
10                   three, but I always prefer starting from  
11                   Kinyarwanda.

12       MADAM PRESIDENT:

13                   If you need to, you can look at Kinyarwanda,  
14                   but counsel would like you now to refer to  
15                   the English, which is 1D50D.

16       BY MS. ELLIS:

17       Q.           Now, we've already looked at some parts of  
18                   this document. The English version runs to  
19                   14 pages. And it starts with the --  
20                   firstly, let me ask you this: you were in  
21                   Ruhengeri, your family, you've told us, were  
22                   in that area in November 1993. Do you  
23                   recall that there was an incident in the  
24                   Ruhengeri préfecture where, following an RPF  
25                   incursion, a number of recently elected MRND

1 members were killed? And that was the on  
2 the night of the 17th to 18th of November;  
3 do you recall that?

4 A. Yes, I do.

5 Q. And so the -- and that was 1993. So this  
6 interview is taking place a day or so later.  
7 And, as we see from the first page, and it's  
8 at page 20254 in the French version, the  
9 journalist, Habimana, says, "Let's listen to  
10 Ferdinand Nahimana, lecturer at the  
11 university, PhD in history, an experienced  
12 man. He went to Ruhengeri and he's going to  
13 tell us the lessons he's learned from the  
14 events and tell us who Kanyarengwe is and  
15 what are the Inkotanyi". Do you see that?

16 A. Yes, I do.

17 Q. And he's then introduced as somebody, again,  
18 from the university who used to manage  
19 journalists and to tell us the lessons he  
20 learned from the area. Do you see that?

21 A. Yes, I do.

22 Q. And just a small correction -- this is for  
23 the record -- in the French version at  
24 page 20253 there is a reference, and in the  
25 English halfway down the page, to the then

1 minister of foreign affairs. The English  
2 version has "Jean-Baptiste Ngurinzira"  
3 (phonetic). In fact, could you confirm, it  
4 should be "Boniface Ngulinzira", as it  
5 appears in the French. That's for the  
6 record.

7

8 And looking at the first page -- the second  
9 page, frequent references to the RPF, and  
10 mention of the Inkotanyi; is that correct?

11 A. Yes.

12 Q. And in the English at page 4, French  
13 page 20250, Ferdinand Nahimana deals with  
14 the fact that the elections were held in the  
15 presence of RPF representatives, Rwandan  
16 government representatives and observers,  
17 and there were journalists there. And they  
18 were properly conducted. And he cites  
19 another example as Burundi; is that correct?

20 A. Yes.

21 Q. And then, again on the same page, in the  
22 English, it's the last answer on page 4  
23 given by Ferdinand Nahimana, he states that  
24 the RPF-Inkotanyi people are in fact  
25 90 per cent Tutsi and then there is another

1 ten per cent by inference. That was cited  
2 by you I think last week; is that right?

3 A. Yes, quoting him.

4 Q. Yes. And again a few lines down, a  
5 repetition of that fact. And if we look  
6 through, and I'm not going to take you in  
7 detail, it's quite clear that when Ferdinand  
8 Nahimana at that stage is speaking about the  
9 RPF, it's always RPF, RPF-Inkotanyi, is it  
10 not? That is the word he's using.

11  
12 And then, turning to page 6, in the English.

13 MADAM PRESIDENT:

14 Well, did we get an answer to that?

15 BY MS. ELLIS:

16 Q. Do you agree, Dr. Ruzindana?

17 A. Well, I was still checking, madam, because I  
18 don't know which -- because she says so far  
19 he's using "Inkotanyi", but up to what  
20 paragraph?

21 Q. I'm just bringing you to the paragraph. And  
22 we can all cast our eyes over it, which is  
23 why I'm not lingering on it.

24 MADAM PRESIDENT:

25 Yes.

1 BY MS. ELLIS:

2 Q. We get to page 6 in the English, which is  
3 at, I think, page 2027 -- and 20247 in the  
4 French. And in the English, just about  
5 halfway down the page, Ferdinand Nahimana  
6 says, "Kanyarengwe is from this region.  
7 When he comes back you will welcome him and  
8 say, 'Long life to Kanyarengwe and to the  
9 RPF'. This is what he said to the  
10 residents. They said, 'We are going to  
11 change and become RPF members', and I asked  
12 them, 'What is the RPF?' 'RPF is the  
13 Rwandan front, and historically there is no  
14 difference between the RPF and the  
15 Inyenzi'".

16  
17 And he is then asked by Gahigi how is it  
18 that Kanyarengwe joined them. And Ferdinand  
19 Nahimana repeats that there is no difference  
20 between the RPF and the Inyenzi, and he  
21 says -- and it's the last paragraph, save  
22 for Gahigi, his last answer on page 6, 20246  
23 in the French: "There is no difference  
24 between the RPF and the Inyenzi because the  
25 Inyenzi are refugees who fled Rwanda after