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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

18 SEPTEMBER 2002  
0900H  
CONTINUED TRIAL

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

For the Registry:  
Ms. Marianne Ben Salimo

For the Prosecution:  
Mr. Stephen Rapp  
Mr. William Egbe  
Ms. Charity Kagwi  
Ms. Simone Monasebian

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

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

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

Court Reporters:  
Mr. Rex Lear  
Ms. Karen Holm  
Ms. Shannon Fleming Eboe-Osuji

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I N D E X

WITNESS

For the Defence

ACCUSED FERDINAND NAHIMANA

Examination-in-chief by Mr. Biju-Duval.....2

EXHIBITS

Exhibit No. 1D129.....50

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

2 MADAM PRESIDENT: Court is in session.

3 Good morning, Professor Nahimana.

4 MR. NGEZE: Madam President, before we start hearing

5 Professor Nahimana, I have something for the Court.

6 It's very important regarding to the statement of

7 Nahimana, please. It will take less than five minutes.

8 MADAM PRESIDENT: Speak to your counsel and don't interrupt

9 the proceedings.

10 MR. NGEZE: Is not interruption, just hear my --

11 MADAM PRESIDENT: Mr. Floyd, what is this about?

12 MR. FLOYD: I don't have a clue, not a clue. I just talked to

13 him this morning. It was not discussed, so I don't

14 know. I talked to him yesterday, so, I'm sorry, I

15 cannot tell the Court. I will go talk to him now.

16 MADAM PRESIDENT: Please do that.

17 MR. NGEZE: Madam President, this is a conspiracy case;

18 please, hear me. This is a conspiracy case, according

19 to the Prosecutor.

20 MADAM PRESIDENT: Sit down. I'll return to you and talk to

21 your counsel first.

22 MR. NGEZE: But before we start Professor Nahimana there is

23 something I should speak about before starting the

24 questioning of Mr. Nahimana.

25 MADAM PRESIDENT: I have just greeted him and he's greeting

26 me back. You are interrupting.

27 MR. NGEZE: I apologise for interruption.

28 MADAM PRESIDENT: Professor Nahimana, we require you to take a

29 sworn declaration. Ms. Ben Salimo will administer that,

30 if you will stand up for that proceeding.

- 1 (Declaration made by Accused Nahimana in French)
- 2 MADAM PRESIDENT: Mr. Floyd, this can wait?
- 3 MR. FLOYD: Your Honour, what Mr. Ngeze wants to discuss is --
- 4 certainly this is not the proper time to deal with it.
- 5 MADAM PRESIDENT: All right, I'll give you the time at some
- 6 other moment, Mr. Ngeze.
- 7
- 8 Mr. Biju-Duval, are you comfortable there or do you want
- 9 to move to the front, you and Ms. Ellis, or is that
- 10 moving house, almost?
- 11 MR. BIJU-DUVAL: Madam President, I'm convenient where I am.
- 12 MADAM PRESIDENT: Well, please proceed, Mr. Biju-Duval.
- 13 MR. BIJU-DUVAL: Thank you, Madam President.
- 14 FERDINAND NAHIMANA
- 15 first having been duly sworn,
- 16 testified as follows:
- 17 EXAMINATION-IN-CHIEF
- 18 BY MR. BIJU-DUVAL:
- 19 Q. Mr. Nahimana, could you tell the Chamber where, in
- 20 Rwanda, at what date and in what family structure you
- 21 were born?
- 22 A. Madam President, I have a problem with my headset.
- 23 Could Mr. Biju-Duval kindly repeat what he said, because
- 24 I could not hear him when he was speaking.
- 25 Q. Yes, Mr. Nahimana, could you tell the Chamber the place
- 26 in Rwanda and within what family structure you were born
- 27 and where you spent your childhood?
- 28 A. Madam President, Your Honours, I was born on the 15th of
- 29 June 1950 in Gatonde commune. Gatonde is spelled
- 30 G-A-T-O-N-D-E in Ruhengeri préfecture. Ruhengeri is

1 spelled R-U-H-E-N-G-E-R-I. I come from a family of  
2 agriculturists. My father and mother were farmers. I  
3 am the ninth child and the lastborn of both my father  
4 and my mother. As of now, I know that of my three  
5 sisters only one is surviving, and out of my five  
6 brothers, we have one other one and myself, and I should  
7 state here that the brother whom I follow directly was  
8 killed in November 1997 when I was here in prison,  
9 killed by RPF troops which invaded the place where I  
10 lived, and, in particular, my native secteur. My  
11 brother died, he was killed with his two children, along  
12 with our niece, who was married. That niece was killed  
13 with her three children, her entire family, that is the  
14 family of her husband totally.

15

16 As I said earlier, I come from a family of farmers, but  
17 it is the environment within which I was brought up in  
18 order to avoid being long but while trying to be  
19 exhaustive, out of the nine children only my older  
20 brother, who is the fourth, was able to study agronomy  
21 at the university. He was a teacher. Very fortunately,  
22 he is the one who is still alive, and, myself, I was  
23 able to undertake studies to the level of the doctor  
24 degree.

25 Q. Mr. Nahimana, you mentioned the murder of one of your  
26 brothers in the massacres of 1997. Are you aware of any  
27 document on that event?

28 A. Madam President, Your Honours, I would like to express  
29 gratitude to the structures of the detention facility  
30 because it is thanks to a written document by the

1 association pour la justice et l'impunité, a human  
2 rights defence association in Brussels, that I was able  
3 to learn that those massacres took place in my native  
4 area. That is the first time I learned of it.  
5 Subsequently, I got to hear it from my wife, who called  
6 me on the phone to let me know that our family members  
7 had been exterminated in the course of what I wouldn't  
8 refer to as a war, but what the RPF referred to as a  
9 mopping-up operation in the north, in particular in my  
10 native area, according to a record made by Joseph Matata  
11 (phonetic) in my secteur.

12  
13 In any case, in my secteur I know that there were about  
14 2000 inhabitants and in my secteur 390 persons, to go by  
15 what the report said, had been killed. And a family of  
16 one of my cousins, if I refer to it as a historian and  
17 anthropologist, in another lineage, my cousin's family  
18 was exterminated totally, thirteen persons. And I  
19 thought that Matata was talking about this person,  
20 Maduga, so thirteen members of the family were killed.

21 MR. BIJU-DUVAL: Madam President, at this juncture I would  
22 like to give Mr. Nahimana a document entitled notes pour  
23 informations, which comes from the Centre for the Fight  
24 Against Impunity and Justice in Rwanda dated  
25 2nd December 1997, that is what Mr. Nahimana is talking  
26 about that, talking about, and I would like to tender  
27 it. It is amongst what is entitled new documents, which  
28 I would like to tender, and it is the first of them. If  
29 the office of the registry would please like to hand  
30 this document over to Mr. Nahimana, I would like to

- 1 tender it as an exhibit, Exhibit 1D128.
- 2 MADAM PRESIDENT: You didn't have copies made, Mr. Biju-Duval?
- 3 Did you have copies made?
- 4 MR. BIJU-DUVAL: Yes, copies have been distributed both to the
- 5 registry and to the Office of the Prosecutor.
- 6 MR. FLOYD: Your Honour, if it please the Court, we don't have
- 7 a copy and so that everything should be distributed to
- 8 other --
- 9 MADAM PRESIDENT: I'm dealing with this, Mr. Floyd. It's
- 10 because we don't have copies that I'm dealing with it.
- 11 MR. BIJU-DUVAL:
- 12 Q. Mr. Nahimana, is that the report you are referring to?
- 13 A. Yes, Madam President, Your Honours, this is indeed, is
- 14 the document I am referring to, in particular page 2, as
- 15 from paragraph 2, talking about massacres that took
- 16 place in my secteur Gahanga, spelt G-A-H-A-N-G-A.
- 17 MADAM PRESIDENT: Just hold on for us to get the document. Do
- 18 you have the copy there, Mr. Rapp, Mrs. Monasebian?
- 19
- 20 Do you have a copy now, Mr. Floyd?
- 21 MR. FLOYD: Yes, Your Honour.
- 22 MADAM PRESIDENT: Mr. Caldarera?
- 23 MR. BARLETTA CALDARERA: Yes.
- 24 THE WITNESS: Madam President, Your Honours, I was saying that
- 25 I was referring, indeed, to this document, in
- 26 particular, to page 2 of this document where it is
- 27 written "en commune Gatonde" you have the secteur on
- 28 line 2, Gahanga Secteur, Gahanga spelled G-A-H-A-N-G-A,
- 29 and without being exhaustive a list, the names of the
- 30 victims and the cordon I was referring to is Rugheribuga

1 (phonetic) whose family members were exterminated on  
2 that day.

3 MADAM PRESIDENT: Mr. Biju-Duval, we'll mark this as 1B128.

4 MR. BIJU-DUVAL: Thank you, Madam President.

5 BY MR. BIJU-DUVAL:

6 Q. Mr. Nahimana, you were born in 1950. Do you have any  
7 memories of the period between 1950 and 1959 and the  
8 situation which was prevailing in your commune from a  
9 political and social point of view?

10 A. Yes, at the sociopolitical level the main event was the  
11 event of 1959, if I look at those nine years, and I  
12 remember that, and I remember it well, simply because in  
13 November 1959 what politicians, sociologists, and  
14 historians, even, refer to as the 1959 revolution  
15 occurred. All around me -- and you will soon understand  
16 why I say all around me -- I saw what I had never seen  
17 before then: Fire, houses being burnt down, and the  
18 population on the move.

19

20 As a child, what struck me was that at the top of the  
21 hill, where we lived, there was the residence of a  
22 genial Tutsi chief, a sub-chief, and one Monday -- I am  
23 saying Monday; I could be mistaken. It might, perhaps,  
24 not be a Monday, but the day following All Saints Day --  
25 when we returned from mass, and that is why I can  
26 remember, it was the day after that, as a young person,  
27 I saw my father, his neighbours, more than ordinarily go  
28 along with the sub-chief, who was their administrator,  
29 and I say more than it usually happened, because all his  
30 effects were being transported. I asked myself why.

1           And those of us children of our hill, we followed and  
2           when we got to the border between our hill and the  
3           next -- the neighbouring hill, the adults asked us to go  
4           away. And it was only subsequently, when my father  
5           returned in the evening, that I learned that the  
6           sub-chief had been accompanied to the parish. Later on  
7           I was able to understand that it was a change of the  
8           political situation, because at the time we no longer  
9           had a Tutsi chief. My father, as the others, started  
10          talking about communal conseillers. I was saying that  
11          this is an event which struck me, because in this area,  
12          where I lived, only Tutsis were chiefs, along with a  
13          number of their collaborators who were Tutsis, who left,  
14          their houses remained. And in the neighbouring hills,  
15          in Rusasa, for example, spelled R-U-S-A-S-A, I saw  
16          houses being put to the torch. That is an important  
17          event which struck me, which I still do remember, which  
18          was followed by another event, which is a second one.  
19  
20          I was in primary school and one of the monitors,  
21          teachers of the primary school, was in the weeks which  
22          followed, appointed bourgmestre. That was a new title  
23          in the region and he became bourgmestre of what was then  
24          referred to as Gatonde commune. And in Kinyarwanda,  
25          even if this term bourgmestre became part of that  
26          language right up to 1965, I think the word bourgmestre  
27          did not come to find a place in the language. We talk  
28          about Umutwara, which is spelled U-M-U-T-W-A-R-A, which  
29          means chief. And this word, Umutwara, was used before  
30          bourgmestre became a familiar term to refer to chiefs

1 within the population. Those, basically, are the two  
2 events which I remember and which I can cite here in  
3 answer to your question.

4 Q. Could you, very briefly, describe your educational  
5 accomplishments from the primary school and what you  
6 achieved?

7 A. Madam President, Your Honours, I went to the primary  
8 school within my commune right up to 1964. In October  
9 1964 I entered the secondary school in a seminary of  
10 Catholic priests in Rwesero, spelled R-W-E-S-E-R-O. I  
11 spent seven years there. After those seven years, I had  
12 a certificate in humanities, the end of secondary school  
13 studies certificate. I was the third in my class and,  
14 immediately after, since I had submitted the required  
15 documents to be admitted in the university, I was  
16 granted admission in the University of Rwanda in Butare  
17 to study the arts.

18 Q. Mr. Nahimana, we will take it step-by-step, if you may.  
19 Could you give us an idea of where this Rwesero seminary  
20 is? Could you tell the Court where it is?

21 A. Madam President, Your Honours, the Rwesero junior  
22 seminary is located at the border between Byumba  
23 préfecture, spelled B-Y-U-M-B-A, and Kigali préfecture,  
24 what is referred to -- or at least while I was still in  
25 Rwanda what was referred to -- as Kigali-Rural and at  
26 the side of Lake Muhazi, M-U-H-A-Z-I, in the historical  
27 region of Buganza north. Buganza is spelled  
28 B-U-G-A-N-Z-A. So, this minor seminary was administered  
29 by indigenous priests, I would like to say the way  
30 Alexis Kamubanda (phonetic) used to say it, these were

1 Rwandan priests. And it was set up in 1954.

2 Q. Who made up the teaching staff of this minor seminary  
3 and who were the students who were admitted into that  
4 institution?

5 A. The teaching staff comprised mainly priests, expatriated  
6 priests, white fathers, locale or indigenous priests,  
7 and some lay people. I should point out that during the  
8 seven years I spent in the Rwesero minor seminary I had  
9 15 or so teachers, and most of these teachers -- if I  
10 put together the lay people and the clergy -- were  
11 Rwandans. And, if I have to speak on the basis of  
12 ethnic groups I regret to do so, because, since I have  
13 been in this Tribunal I have been pushed to reason in  
14 terms of ethnic groups. But my historical background  
15 could push me to do so, but in my daily life I did not  
16 reason in terms of ethnic groups. But here I am  
17 compelled to do so. And I should point out that I am  
18 trying to use my memory and, amongst these majority of  
19 Rwandan teachers, most of them were Tutsis, two to three  
20 Hutu priests who were teachers, and only one I am sure  
21 of and another I hesitate about, who were lay people,  
22 were Hutus, who was Claudien Habarushaka. I will spell  
23 that H-A-B-A-R-U-S-H-A-K-A, Claudien. And I am  
24 mentioning this person in particular because,  
25 subsequently, he became a permanent political figure.  
26 He was a member of the central committee of the single  
27 party. He was préfet of the Kigali préfecture. And  
28 when the war started, again, in April 1994 he was killed  
29 by the RPF. He was living in the Remera neighbourhood,  
30 spelled R-E-M-E-R-A. I am sure that he was Hutu. There

1 is another I am not too sure about, so, apart from the  
2 priests whose names I have mentioned, the others were  
3 Tutsis and definitely including some expat priests. As  
4 to the students -- and perhaps before I talk about  
5 students, I should mention, to make my answer clearer,  
6 that in Rwanda, at the time, there was the Ruhengeri  
7 diocese, which included the Ruhengeri préfecture and the  
8 préfecture of Byumba, which I spelled; there was the  
9 Gatware diocese, which included Kigali, Gitarama, yes,  
10 those two; and then the Butare diocese, which included  
11 Butare, Gikongoro. I think Butare is known already.  
12 Gikongoro is spelled, G-I-K-O-N-G-O-R-O. And, lastly,  
13 I'm talking about 1964 to '71, when I was in the  
14 seminary, there was Nyondo, which is spelled  
15 N-Y-O-N-D-O. And these formed -- it was the biggest  
16 diocese, we got together Cyangugu, Kigali, I believe I  
17 have not forgot -- left out any of the diocese, no,  
18 there was the Kibungo diocese, which included the  
19 Kibungo Préfecture, as such. And, at the time, each  
20 diocese had its seminary, at least its own nursery where  
21 the priests were trained from.

22

23 That leads me, now, to the students of the Rwesero minor  
24 seminary. Most of us came from Ruhengeri and Byumba  
25 préfectures. I should say, if I answer as a historian  
26 who had been in the field, we -- most of us were Hutus,  
27 but there were also a good number of Tutsis. And if I  
28 just take the last class, my last class, the terminal  
29 (phonetic), we were 16, and of those 16, nine were Hutus  
30 and seven Tutsis. Once again, of those 16, I remember

1           that eleven went to the university and, out of the  
2           eleven, five were Tutsis who got to the university in  
3           October 1971 with me and the rest of us were Hutus.  
4           There we are. I hope that I answered your question.

5    Q.    Mr. Nahimana, we are within 1964 to 1971. Tell me, were  
6           there any regional or ethnic tensions which existed in  
7           this small Rwesero area?

8    A.    Yes, the period you have just referred to, 1964 to 1971,  
9           I should even say '64 to '68 in particular, is a period  
10          which, in Rwanda, was characterised by ethnic tensions.  
11          That was a period during which there were incursions of  
12          what was referred to as the Inyenzi, that is a group of  
13          refugees who opted to overthrow the new regime that had  
14          been set up since 1959, using arms. And each time these  
15          incursions, where attacks took place, and they were  
16          repelled, they were followed by interethnic massacres.

17

18          These sociopolitical situations had repercussions on the  
19          entire Rwandan population. That notwithstanding, I  
20          should point out I was privileged, along with my  
21          colleagues, the students of Rwesero minor seminary,  
22          because the region where we studied, that is what I  
23          described, Muganza north, which, up to now, I believe,  
24          has a mixture of Hutu-Tutsi population, a remarkable  
25          mixture, and even the most senior mathematicians of the  
26          period could not come up with figures of Hutus and  
27          Tutsis. This region did not only have an interesting  
28          mix, which did not allow for these tensions, but even  
29          its geographical location made it far from the area of  
30          Inyenzi attacks.

1  
2 The Inyenzis, within that period '64 to '68, operated  
3 basically in the Vulca area, that is Ruhengeri-Gisenyi.  
4 And then in the region which was referred to as the  
5 Mutara, in the northeastern part of Gomba in Kibungo,  
6 and then in the Kigali south region, which is now  
7 referred to as Bugesera, and, lastly, in the southwest  
8 in the Cyangugu region. And, from this description that  
9 I've just made, the Muganza region, where Rwesero is  
10 located, was far from the area of attacks, which  
11 heightened interethnic tensions. So, those of us at the  
12 seminary did not have any problems. And I should add  
13 that the very makeup of the teaching staff might,  
14 perhaps, have been responsible for this calm, which I  
15 witnessed.

16  
17 I never saw any or witnessed any strikes, any clash  
18 between Hutus and Tutsis, whereas in some schools we got  
19 to know that when we went on holidays there were schools  
20 here and there in the country where there were these  
21 type of clashes between students, amongst themselves, or  
22 students and the teaching staff.

23 Q. Now, Mr. Nahimana, during that period, did the students  
24 form associations?

25 A. Far from it. Madam President, Your Honours, once again  
26 I believe, and I owe these to my trainers, I think that  
27 the priests, who were teaching us were aware of what --  
28 of forming associations, be they charismatic or other  
29 associations, within the student body could do, that  
30 they could cause tensions, so much so that in the

1           seminary, at least when I got there, one of the first  
2           things which we were taught was to pray together, to get  
3           involved in sports or sporting activities together, to  
4           work together and even what surprised other seminarians  
5           who came from other areas whom we met during the  
6           holidays, was that even for those who intended to become  
7           priests there was no something that would refer to as  
8           the Legion of Mary in these Rwesero minor seminary;  
9           there was nothing of the sort. So I can categorically  
10          say that there was no religious movements or any civil  
11          movements in the school, never.

12    Q.    Mr. Nahimana, you were suppose to have set up an  
13          association for the defence of the Abakigu. What is  
14          your position on that?

15    A.    I'm trying to remember which witness said that. Yes, I  
16          see, Witness BU or is it BI? I think it's BU. You  
17          know, Madam President, Your Honours, one of the things I  
18          learned here, once again, is to hear a witness or some  
19          other person say things that I could refer to as rubbish  
20          to you or to other people or to the counsel. But, in  
21          fact, to talk about the Abakigu association, if I  
22          remember well, the person didn't mention the period, but  
23          I can say the period between 1964 and 1971. Firstly,  
24          the term Abakigu first became part of the political  
25          language around the '70's, when Kayibanda and those  
26          fathers of the revolution started having  
27          misunderstandings amongst themselves, when they talked  
28          about moving away from the political lines, what is  
29          called Guta Umurongo. Those are two words. I spell  
30          them: Guta is G-U-T-A, which means to lose. And

1 Umurongo, U-M-U-R-O-N-G-O, which means line. The  
2 expression, therefore, means to move out of the  
3 political lines. And those who were first accused,  
4 politically, to move out of this line were people who  
5 came from the north. Basically, people from Ruhengeri  
6 préfecture, whose charismatic leader was Batazar  
7 (phonetic) Bicomumpaka. Bicomumpaka is spelled  
8 B-I-C-A-M-U-M-P-A-K-A, Bicomumpaka. And a few political  
9 leaders who came from Byumba who were led by Lucien  
10 (phonetic) Nibaseke. Nibaseke is spelled,  
11 N-I-B-A-S-E-K-E. And it was because these leaders came  
12 from the north where, during the period of monarchy  
13 before 1959, there was a chiefdom called Rukiga. Rukiga  
14 is spelled R-U-K-I-G-A and its population, this is a  
15 chiefdom within the Byumba préfecture, which was called  
16 Abakigu and so from the 1970s it became generalised. It  
17 was said that those political leaders from the north  
18 between Basike and Bicomumpaka were Abakigus. But, in a  
19 more emphatic fashion, this expression Abakigu became  
20 fashionable around the period of the '73 coup d'état.  
21 So, Madam President, Your Honours, it is totally out of  
22 place and I regret that somebody who is so educated as  
23 BU should come and lie in his testimony by saying that  
24 we were -- not only were we in a regional or religious  
25 association, but that, at that time, people could talk  
26 about Abakigu association. In history we refer to that  
27 as an anachronism.

28 Q. Mr. Nahimana, I thank you for your long answer, but in  
29 order to simplify matters and to summarise regarding  
30 this allegation against the witness whom you consider --

1 do you consider that to be a correct or false -- please  
2 be brief; we have understood the political context.

3 A. Yes, I will be brief, but when I conclude saying this is  
4 an anachronism, I mean that this never existed.

5 Q. Thank you.

6

7 Mr. Nahimana, was the history of Rwanda taught at the  
8 minor seminary and, if so, how?

9 A. This might seem a little bit curious, but I would like  
10 to say that at the minor seminary at Rwesero, history,  
11 as such, was not taught as history of Rwanda. We  
12 learned history, yes, ancient history, antiquity, the  
13 middle ages, but nothing contrary on Europe, Asia and so  
14 and so forth, and even when we dwelt with the history of  
15 Africa, especially history from the colonial era. But  
16 to speak specifically of lessons on history of Rwanda,  
17 no, that didn't happen. However, we learned about the  
18 facts, historical episodes of which marked the  
19 development of the Rwandan people and through -- and I  
20 say this specifically -- only through Rwandan  
21 literature. The literature, also, was limited. I'm  
22 speaking about this, as such, today, because I'm trying  
23 to go back and look at what we learned.

24

25 Now, this literature was one which was referred to as  
26 poetry. Even within the poetry it was referred to as  
27 poetry of the dynasty. So children would be able to  
28 know about the history of Rwanda, but it was the history  
29 of the dynasty, the Reginna and the Tutsi dynasty, if I  
30 might add, and through the war-like poetry would learn

1 about the various attacks, which were launched by the  
2 Rwandan kings, Naginya (phonetic), in order to conquer  
3 the various territories that currently compose Rwanda in  
4 order to unify them. There were the various wars waged  
5 against the neighbouring populations of Rwanda.  
6 Basically, this would be to the side of north and of  
7 present north and south Kivu in the Congo and other  
8 parts which are in present day Uganda. This is how, at  
9 the minor seminary, I got to know of what the history of  
10 Rwanda was, it was through literature and only through  
11 literature.

12 Q. Mr. Nahimana, you have told us that you went into the  
13 University of Butare in 1971. Very briefly, and very  
14 concisely, can you introduce to us the university of  
15 Butare, as it existed at the time?

16 A. Madam President, Your Honours, in 1971, when I went to  
17 the university, this was in October 1971, the university  
18 had just received its first Rwandan rector or chancellor  
19 in the person of Mr. Sylvestre Nsanzimana. Nsanzimana  
20 is spelt N-S-A-N-Z-I-M-A-N-A. Previously he was the  
21 Minister of Foreign Affairs in the Kayibanda government  
22 and he was replacing the founder of the university, the  
23 Canadian, Henry George Lesveque, and Lesveque is in one  
24 word. So he was the chancellor and this was the first  
25 element in the structure, that I saw as a student, when  
26 I got there. Below chancellor's office there were  
27 faculties which, in 1971, were the following. There was  
28 the faculty of arts, the faculty of medicine, the  
29 faculty of sciences, the faculty of economic and social  
30 sciences. And below the faculties -- and here I'm

1 looking in particular at my own faculty, and the same  
2 applied to the other faculties, there were departments.  
3 For instance, in the faculty of arts there was the  
4 department -- at that time, when I went into university  
5 there was the department of literature, general  
6 literature in French and in English, a little of African  
7 literature, but all that belonged to the department of  
8 literature. Then there was the department of geography,  
9 the department of history, into which I went.

10 Q. Thank you. In 1971 who were in the teaching staff?

11 A. Generally speaking they were expatriates, Canadians,  
12 French and Belgians, basically. There were, also, a few  
13 Rwandans, but most of the teaching, most of the Rwandan  
14 lectures were in the faculty of medicine. To be more  
15 specific and to give you an idea of what the teaching  
16 staff consisted of at the time, I will only refer to the  
17 faculty of arts. Obviously the faculty of arts was  
18 still a small unit. After we joined in 1971, October  
19 1971, the faculty of arts had about 180 students of all  
20 the years. I'm talking about an approximate figure,  
21 180, it's not a definite or final number.

22

23 Now in this faculty, the faculty of arts, the majority  
24 of lecturers were expatriates and there were -- as the  
25 Rwandans who were teaching there was only the abbé,  
26 Father Alexi Kagamé, and the others were expatriates.

27 Q. So, during these years from 1971, 1972, when you were  
28 entering university, at the National University of  
29 Rwanda, were there any ethnic or regional tensions?

30 A. When I got to the University of Rwanda in 1971 the

1 issue, which seemed to me to be of concern, was a  
2 regional one. Regionalism was clear and quite evident,  
3 visible, and, as I have told you, when I came as a  
4 newcomer, a freshman, I was coming from the minor  
5 seminary, I hadn't known any such similar situation and  
6 I was really struck by this.

7

8 First of all, it was the first time that I was leaving  
9 Ruhengeri-Byumba prefecteur in order to go to Kigali.

10

11 Now, when you go into Kigali there is a roadblock, so  
12 there was a control, there was the river Nyabarongo,  
13 spelled N-Y-A-B-A-R-O-N-O-G-O, Nyabarongo River, which,  
14 for a long time, even during the time of the monarchy,  
15 it was a river which existed in the monarchical ritual  
16 and it was important. This river had always divided  
17 Rwanda into two, north and south, and when you cross the  
18 Nyabaronogo River there was a roadblock and this was a  
19 roadblock which was used to check on identity cards and  
20 what was known as the laissez-passer. It was to ensure  
21 whether you were allowed to leave your préfecture to go  
22 into another. And this kind of document, this practice,  
23 was set up by the Kayibanda regime because of the  
24 tension which had been borne in the minds of  
25 politicians. And when I was at the university, this  
26 issue of regionalism was visible. People who came from  
27 the north, from Ruhengeri, Gisyini, Byumba, they were  
28 set apart. And people from the south were apart and it  
29 was very difficult to have friends -- if you are from  
30 the south it is difficult for you to have friends from

1 the south or central south and vice versa, except -- and  
2 this is thanks to sports, except in the field of sport.  
3 And I must say that it is through the sports, which I  
4 was involved in since the seminary, basketball,  
5 volleyball, that I myself, a freshman of the university,  
6 was able to have some relationships with both Tutsis,  
7 apart from those that came from the minor seminary at  
8 Rwesero and other students from the centre and the  
9 south. It was through sports activities that I was able  
10 to enter into relationships with them.

11

12 So that the issue that was quite clear and visible when  
13 I entered university was tension, the tension which I  
14 was able to perceive, and it was a regional type of  
15 tension but, insofar as ethnicity is concerned, this  
16 didn't even enter into the situation. The Tutsis or  
17 Tutsi -- the Tutsis I interacted with did not classify  
18 me in any ethnic terms but they would look at me in  
19 terms of where I came from. And I would look at that  
20 person in the same manner.

21 Q. Within the UNR structure in the National University of  
22 Rwanda did students have their own structure and  
23 association?

24 A. Yes. Madam President, Your Honours, within the  
25 university, at the time, all the registered students, be  
26 they boarders or otherwise, boarders would be students  
27 who had rooms at the university campus and if they were  
28 to be referred to as external students, both these  
29 categories had a structure and this association still  
30 exists, because I read something from it, it was the

1            associacion de general de gen du Rwanda and in AGEN --  
2            AGENAR. Now, that's -- this association dealt generally  
3            with the social activities, sociocultural activities at  
4            the university, in particular sports, drama, theatre,  
5            music, and it was the direct channel through which we,  
6            as students, transmitted our complaints to the  
7            university authorities, the Chancellor's office, the  
8            Dean's office, and so on and so forth, and at the higher  
9            level. Because, as I stayed at the university, I got to  
10           know the structure better. Earlier on I was limited to  
11           what I had seen when I first entered the university, but  
12           over and above the chancellor's office there was the  
13           board of the university. And the president of our  
14           association, AGENAR, was admitted to the discussions and  
15           deliberations of the university council, and it was  
16           through this association that we had the possibility to  
17           channel our complaints to the competent authorities.

18    Q.    To be clear, so that there's no ambiguity on this issue,  
19           this AGENAR, was it a real institution belonging to the  
20           university or was it an association which was private in  
21           nature, created at the initiative of some students?

22    A.    For us to be clear and to avoid any ambiguity, the  
23           AGENAR was a private organisation which wasn't included  
24           in the structure of the university -- within the  
25           university; it was an initiative by the students and had  
26           nothing to do with the university. In fact it was a  
27           private association and it did not, as a structure, fit  
28           into the general structure of the University of Rwanda,  
29           but it was an association under which -- upon which the  
30           authorities of the university would depend for various

1 relationships to the students.

2 Q. Mr. Nahimana, were you a member of this association and,  
3 if so, from what date and in what capacity were you a  
4 member?

5 A. Yes, I was a member of this association. Immediately I  
6 enrolled as a student, because not only were we  
7 registering for the courses as a student, as a regular  
8 student of the University, but almost at the same time  
9 one would register and it was almost automatic, at that  
10 time, one would register as the AGENAR member. So I  
11 became a member of this association and this was after  
12 my enrolment into the university, and this was in  
13 October 1971.

14

15 Subsequently, almost two years later, I became -- and  
16 this was in March 1973 -- I was elected by the students,  
17 who were members of this association, secretary-general,  
18 I was elected secretary-general of the association and I  
19 remained in that position until March of the following  
20 year, 1974, about three years -- three months -- I beg  
21 your pardon -- three months before I completed my  
22 baccalaureate, my degree at the university.

23 Q. What incited you to become a candidate for this post of  
24 secretary-general?

25 A. As I have underlined, Madam President, Your Honours,  
26 when I entered university I already liked sports, and I  
27 played volleyball and mainly basketball and very quickly  
28 I joined the first team of the university, which was  
29 involved in competition with countries such as Burundi,  
30 Zaire and, once, next door in Kenya. I was also

1 interested in drama. I liked social culture activities,  
2 over and above being an avid reader.

3

4 As I stressed earlier on, it was through this  
5 association that the students' voices could be heard by  
6 the university authorities. I entered the leadership of  
7 this association, essentially, to defend the  
8 social-cultural aspects of university life, and this is  
9 why I presented myself for the post of  
10 secretary-general, because that position allowed the  
11 holder to be responsible for social-culture activities  
12 at the university, and since I liked those activities, I  
13 said, well, this would be a good opportunity for me to  
14 speak with the authorities of the university and deal  
15 with social-cultural activities and defend the budget,  
16 which was to be allocated to sports activities. And  
17 that was what my interest was. And I was, fortunately,  
18 elected by the students and I am aware that I did make  
19 improvements in budgetary allocations for sports  
20 activities during my mandate, a term of reference.

21 Q. Mr. Nahimana, your appointment to the or election to the  
22 bureau of AGENAR in March of 1973, didn't it immediately  
23 follow the events which were important, if not  
24 considerable?

25 A. Quite so, quite so.

26

27 Madam President, Your Honours, the election of a new  
28 team, leadership team at the head of this association,  
29 and I must say this in order to be clear, the term of --  
30 terms of reference of the leadership of the association

1 was one year renewable and the mandate came generally to  
2 an end in March.

3

4 So, March 1973 followed the unfortunate month of  
5 February 1973, unfortunate month during which, at the  
6 university itself -- and I can never forget this date,  
7 in fact on the 12th of February, very early in the  
8 morning, lists were stuck on doors or posted on doors in  
9 various places, especially at the student halls. These  
10 lists showed names of people to be pursued, and most of  
11 these people were Tutsis. Now, the lists -- what marked  
12 the day of 12th February 1973 was the persecution of  
13 Tutsis, and this started from the 12th of February 1973.  
14 And by leave of this Chamber, I wish to give some  
15 details on what and how this happened. I won't be very  
16 long.

17 (Pages 1 to 23 by R. Lear)

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1 1020H

2 Even if I could go into this even at length, because  
3 this is an important and unfortunate social event, but I  
4 will try to be brief.

5 MADAM PRESIDENT: Just before you go on to this, Mr. Nahimana,  
6 AGENAR, did it have students from the north and south,  
7 or did it have students mainly from one of those  
8 regions; if so, which region?

9 THE ACCUSED NAHIMANA: Madam President, Your Honours, as the  
10 name indicates, and despite tension that I have  
11 described, regional tensions, the association included  
12 all students despite their origin, be they from the  
13 south, centre, north. We were all in the association;  
14 we were all members of the association. And it was  
15 within this association that the tension, which was  
16 visible elsewhere, could be sometimes attenuated,  
17 sometimes in the amphitheatres or the lecture halls of  
18 the university.

19 MADAM PRESIDENT: And the elected officers of this -- of  
20 AGENAR, were they regionally represented?

21 THE ACCUSED NAHIMANA: I must say that I remember the election  
22 that took place in March 1972. It was filled with this  
23 regional tension. The president of that association  
24 came from Kibuye. The one we appointed in '72 was from  
25 Kibuye, but his secretary was from Butare. Others came  
26 from other regions. The president, whose name I  
27 remember, was one Prosper Musekweli, M-U-S-E-K-W-E-L-I,  
28 and he was elected, and it was at the third round, and  
29 this was because of these regional tensions. Why was  
30 that? It is because the outgoing president, chairman,

1 the one who was in office in '71 to '72 March, wanted to  
2 come back for re-election, and he was in the medicine --  
3 the faculty of medicine. The others, who were in the  
4 faculty of arts, had come to the end of their resources.  
5 So the outgoing president was someone who came from  
6 Gisenyi, Mr. Charles Zirimwabo, Z-I-M-R --  
7 Z-I-R-I-M-W-A-B-O, who was to become a doctor in  
8 medicine, and during multipartyism, he was a member of  
9 the PL, and a little bit before, became préfet of  
10 Ruhengeri, and he is now préfet of Gisenyi for some  
11 time. So he, since he came from the north, had seen the  
12 name -- the people from the north rally behind him. He  
13 didn't receive the majority of the votes, so there was a  
14 second round. And it was at the third round of voting  
15 that eventually some people from the north also opted  
16 for Mr. Prosper.

17

18 So, Madam President, it is true that the leadership,  
19 even if at some times one would see a majority of people  
20 coming from the north, I'm talking about the leadership.  
21 The regional problem was very evident, especially at  
22 times of election.

23 MADAM PRESIDENT: And this was the only student organization  
24 on the campus, was it?

25 THE ACCUSED NAHIMANA: Yes. Yes, it was the only organization  
26 which existed on campus, and that's why I was saying  
27 that it was almost automatic that each enrolled student  
28 become a member of that association, and this prevailed  
29 up until the era of multipartyism in 1990.

30 MADAM PRESIDENT: Yes. Thank you. You were now going to

1           testify about these lists, so please proceed with that.

2   THE WITNESS: Can Counsel Biju-Duval remind me of his  
3           question?

4   BY MR. BIJU-DUVAL:

5   Q.   Mr. Nahimana, what do you consider to be the cause and  
6           the general chronology of the events in '73, and can you  
7           give us a brief account thereof? And then I'll ask you  
8           about what you personally experienced during this  
9           period.

10   A.   My perception of the origins of this tension, not only  
11           of the tension but of this inter-ethnic discord within  
12           the University of Rwanda, I would say that within the  
13           student population, I would situate this at the  
14           political level because, as I have said, when I got into  
15           university and almost to the end of -- or when we came  
16           back from the Christmas holidays of 1972, the new  
17           year '73, from that time I didn't see any inter-ethnic  
18           tension whatsoever within the student body. It was  
19           rather a regional issue that beleagured us.

20  
21           I'm saying that it was political because the Kayabanda  
22           regime was beginning seriously to lose its feathers and  
23           the fathers of the revolution were divided, and  
24           Kayabanda felt his powers diminishing. So the  
25           government tried to galvanise around him, around itself,  
26           the population, especially the Hutus. This was in order  
27           to -- in order to get to this, and as had been the case  
28           in previous times, it had recourse, the government had  
29           recourse to this means, which was the inter-ethnic  
30           hatred. And it was adequate to say to the Hutus that,

1           yes, we carried out the revolution; yes, we set up  
2           educational, health, administrative, and so on and so  
3           forth, institutions from the colonial times, but the  
4           majority of people who occupy positions in these  
5           structures are Tutsis, so for the Hutus to feel that the  
6           revolution for which they militated or fought for didn't  
7           bring them anything, didn't meet their expectations.

8  
9           Now, given this historical and socio-political  
10          experience, the first clashes against the Tutsis began  
11          in the Gitarama region, close to the residence of  
12          President Kayabanda in Byinana school, B-Y-I-N-A-N-A, in  
13          Shyongwe schools. These are schools which surround  
14          Gitarama -- Shyongwe is spelled S-H-Y-O-N-G-W-E -- and  
15          other schools which I won't mention, but it was here  
16          that these events began. And maybe, and this is a  
17          hypothesis that I'm expressing, maybe Kayabanda found  
18          that this kind of movement wouldn't hold in the north.  
19          And he realized that even in his own area, in his own  
20          home area, in Gitarama himself, there were divisions.  
21          He no longer was in agreement with one of the fathers of  
22          the revolution, one Jean-Baptiste Rwasibo from Gitarama,  
23          almost the town of Gitarama. Rwasibo is spelled  
24          R-W-A-S-I-B-O. And he was not the only one; I'm just  
25          mentioning him as an example.

26  
27          He had a hold on the population of Gitarama and  
28          practically all of the south area, and so Kayabanda  
29          realised that he was no longer together with one of the  
30          founders of the revolution of the republic. This was

1 Jean-Baptiste Gitera from -- Gitera is spelled  
2 G-I-T-E-R-A. And they left aside the people to the  
3 north.

4  
5 If we were to leave the people to the north, let's deal  
6 with the people to the south, we will see that  
7 Kayabanda, although he came from this region, he was  
8 seeing himself losing control of the population of this  
9 préfecture, and in order to gather around him these  
10 people and to fight against his opponents who were  
11 coming up within his own group, he capitalized on the  
12 ethnic issue. And I'm coming to the second aspect of  
13 your question. Now, how did I experience the situation?

14  
15 Now here, Madam President, Your Honours, I can only use  
16 gains. I can only speak about what I experienced, and I  
17 will also say something about what I heard. And let me  
18 begin with what I heard.

19  
20 In January, when we came back from holidays,  
21 January 1973, I was informed by other students or by the  
22 university staff, that there were meetings which were  
23 being held by politicians in Butare, and names were even  
24 mentioned of some politicians. And some students -- we  
25 were told that some students participated in those kinds  
26 of meetings. And it was towards the beginning of  
27 February we were preparing, we were the -- the  
28 basketball team was training for a match with a school  
29 in Kigali, and a team member named Joseph Nsengimana --  
30 Nsengimana is spelled N-S-E-N-G-I-M-A-N-A. A team

1 member -- a teammate, he told me that during the  
2 training meet that we were having, he said that it would  
3 be difficult for the Tutsis to leave Butare and go to  
4 the Saint André College, which was located in Kigali. I  
5 wish to inform you that the roadblock -- roadblocks are  
6 still in place, especially the famous one on the  
7 Nyabarongo River bridge. So we are told that meetings  
8 are being held so, in fact, we decided not to  
9 participate in the match. This was the beginning of  
10 February. Joseph Nsengimana, whom I referred to, was a  
11 victim of this movement which started off on the 12th of  
12 February, in the morning. And how did I see this? I'm  
13 speaking about what I saw.

14  
15 Now, on the 12th, in the morning, I came out from my  
16 room. We would normally go and do some sports or  
17 training in the morning, between 6:00 and 7:00 in the  
18 morning. And when I went back to the student halls, I  
19 saw people with clubs, and they were asking me -- I was  
20 dressed in a sports outfit, and they were asking me for  
21 my student card, student identity. I said, "Well, I  
22 don't have it". So one young man took me -- took me  
23 back to my room, where I took my identity card and I  
24 came back. And they looked at the list to see whether  
25 my name was on the list and, violently, I was told to go  
26 back to my room.

27  
28 Later on I learnt, towards the end of the afternoon --  
29 and there was a lot of noise in the corridors. I was  
30 able to go out in the afternoon and I learnt or, rather,

1 I realise -- I was afraid. I noticed a lot of debris  
2 around. There were small groups who -- groups which  
3 were in front of the halls of residence and the  
4 university courtyard. Consequent is that the majority  
5 of the Tutsi students were no longer at campus. I'm  
6 saying the majority and not all, because they didn't all  
7 leave. I have an example. Tutsis from Gatonde, one  
8 Camy Mutabazi, M-U-T-A-B-A-Z-I, with whom I was at the  
9 seminary, he was second in my class and I followed him;  
10 I was third. So I was speaking with him and he wasn't  
11 concerned.

12  
13 So I concluded that the people who drew up the lists,  
14 what were known as the members of the comité de salut,  
15 committee of salvation, I thought maybe this was an  
16 intelligent boy who came from Rwesero, where there had  
17 never been any problems. Maybe, contrary to what  
18 happened in my case -- I've been told to talk about what  
19 I've seen and what I saw -- maybe these people of the  
20 comité de salut were not able to identify his ethnicity  
21 because he was shorter than I was. So I stayed on  
22 campus. Those who were there, most of us were afraid,  
23 and when we started -- here, again, I remember a  
24 testimony -- a witness, Mr. Kagabo; this wasn't a  
25 protected witness. I remember his testimony. He said  
26 that hordes of students, including myself, came out of  
27 campus. That is impossible. This was the 12th. We  
28 were afraid. I was also afraid and, for the next five  
29 days, there were no lessons; there were no lectures.  
30 And I, myself, Madam President, Your Honours, I came

1 from the north, and since I didn't have any connections  
2 in Butare, when I was young, I didn't look as I -- I  
3 didn't look as I do today. Many people thought that I  
4 was Tutsi, so much so that myself, as I was, given my  
5 stature, I would have been very wrong, maybe something  
6 which would have been fatal for me, to venture into  
7 Butare town.

8  
9 Musabyimana, the Chancellor, brought together the  
10 students to tell us that we needed to resume our normal  
11 life. So I went to the campus. And let me add, before  
12 I conclude, that even before we were brought together by  
13 the Chancellor, Mr. Prosper Musekweli, and I'm grateful  
14 to him for this, when I became director of ORINFOR, he  
15 was director of a company. I remember that on the 12th,  
16 he had the guts to bring us together, and it was at that  
17 time that the AGENAR committee described the scene of  
18 what had happened, because he had followed.

19  
20 Now, how did things occur? So he said that students  
21 from Kensi -- spelled K-E-N-S-I -- students came from  
22 Kensi, a school establishment, an educational  
23 establishment. Some people from the town who were not  
24 students, not pupils, those were the people who -- those  
25 were the ones who were carrying the clubs, and I did  
26 realise that. And when I look at the person who took me  
27 away from there to take me to my room, I wasn't able to  
28 recognise that person. And Mr. Prosper Musemakweli,  
29 because -- when we wrote a letter to the Chancellor of  
30 the university to ask -- to tell him what had happened,

1           which was unjust and wrong, he said that the students  
2           had to be brought back to campus.

3  
4           And I realised that it was after that letter that the  
5           Chancellor assembled the students, and it was during  
6           that meeting that the Chancellor, Mr. Nsanzimana, was  
7           exemplary. He read to us a letter which was written to  
8           the minister of national education at the time -- that  
9           was the only educational ministry that existed at the  
10          time -- asking that an enquiry be made.

11  
12          And I'm going to conclude my answer on this question,  
13          hoping that I have been exhaustive. Three weeks later,  
14          some students -- in fact, many of them were Tutsis, came  
15          back, holding a document which was issued by a  
16          bourgmestre, and this was known as *bonne conduite de vie*  
17          *et moeurs*, something to do with moral and good conduct.  
18          This is what I can say, Madam President, Your Honours.

19 JUDGE GUNAWARDANA: Mr. Nahimana, to what group did those  
20          people armed with clubs belong to?

21 THE WITNESS: Your Honour, given the violence that was aimed  
22          against Tutsi students, I would imagine that those  
23          young, violent people who had come to the campus were  
24          Hutus, but I did not have the opportunity to ask them  
25          what was their ethnic group. I'm just deducing this  
26          from their action, and I could deduce that they must  
27          have been Hutus.

28 MADAM PRESIDENT: And the names of people on the lists, were  
29          those names of just students?

30 THE ACCUSED NAHIMANA: Thank you, Madam President,

1           Your Honours. The names which were on the lists were  
2           names of Tutsi students, exclusively Tutsi students.  
3           There were no names of Tutsi employees who worked at the  
4           university. The list was made up exclusively of names  
5           of students.

6   MADAM PRESIDENT: Did AGENAR identify who put up those lists?

7   THE ACCUSED NAHIMANA: Subsequently, after the 12th of  
8           February, and in particular during the meeting that we  
9           held, chaired by Mr. Prosper Musekweli, to whom I  
10          referred earlier, it was in particular during that  
11          meeting that we spoke and even talked about the students  
12          who had been mistreated by the violent people who had  
13          come from outside the campus, and we denounced that, and  
14          we also spoke about Pastor Bizimungu, who was forced to  
15          get out of the room, who was booed and forced to get out  
16          of the room, and Bugenzi (phonetic) was also booed, and  
17          the third person who we spoke about was Mr. Mugesera,  
18          who was a first year student at the university. His  
19          name is M-U-G-E-S-E-R-A. These people were booed, and  
20          when students agreed with the chairman to write, asking  
21          for enquiries, we thought that those people should  
22          indeed be punished if it turned out that, indeed, they  
23          were responsible. Because I have to tell you right now  
24          that this so-called salvation committee was something  
25          that was never recognized officially.

26   BY MR. BIJU-DUVAL:

27   Q.   Mr. Nahimana, when you talk about one Pastor Bizimungu,  
28          are you talking about the person who subsequently held a  
29          senior office in RPF?

30   A.   Yes, that is him, that is Pastor Bizimungu. Before

1 being the president of Rwanda associated with  
2 Kajeguhakwa, K-A-J-E -- I beg your pardon,  
3 K-A-J-E-G-U-H-A-K-W-A, Valance Kajeguhakwa, so he was  
4 the chairman or member of the main advent of the big  
5 bank known as BACAR. He was the director of Electrogaz,  
6 an electricity and water company, and he, with  
7 Kajeguhakwa, between June and August 1990, joined the  
8 RPF in Uganda, and he became a member of the leadership  
9 of the RPF. He was entrusted with the portfolio of  
10 information and propaganda. And after the seizure of  
11 power by the RPF, he became the President of the  
12 Republic of Rwanda, and currently Pastor Bizimungu is  
13 imprisoned in Kigali.

14 Q. In order to set the record straight, Mr. Nahimana, from  
15 the 12th of February 1973, that is the date when the  
16 events started at the university, according to you, if  
17 you remember, can you tell us for how many days did you  
18 stay on the university campus without going out to town?

19 A. Personally, I would say that the life on the campus  
20 resumed -- became normal when the classes resumed; that  
21 is about a week after the 12th. However, talking about  
22 to go out of the campus to town, one had to wait for the  
23 entire -- for the month of March because we had  
24 everything on the campus, and we knew -- in any case, I  
25 knew, and others also knew that the movement of pursuing  
26 Tutsis or Tutsi hunt, continued. It had started, as I  
27 say, on that morning, but in schools around there were  
28 also similar movements. And after the students of the  
29 university, after the students, the famous salvation  
30 committee attacked civil servants and attacked people in

1 the private secteur.

2

3 This movement which launched a Tutsi hunt had carried  
4 their work during the first week and I would say it went  
5 on up to -- I would say the second month of March.  
6 Personally, I wouldn't venture to go out to town. This  
7 was something that was practically impossible. We were  
8 self-sufficient.

9

10 One thing that I've not said or highlighted is the fact  
11 that, after the 12th, on the afternoon of the 12th, the  
12 campus was surrounded by a cordon of soldiers. If one  
13 had to go out, then it means that one had to have  
14 permission from the university authorities, from the  
15 administrative authorities of the university. And this  
16 went on up to the month of May. So not only was this  
17 cordon of soldiers who saw to it there were no other  
18 excursions onto the campus, but they also checked to see  
19 that people did not go to town because, as I had already  
20 said, we knew, we learnt that there were students who  
21 were going to hold a meeting and maybe -- maybe they  
22 could have sown disorder in other schools. So this  
23 cordon of soldiers practically sealed off the campus, so  
24 much so that after the events of the 12th of February  
25 and beyond the month of February -- in any case, before  
26 I was elected the secretary general of the student  
27 association -- I did not go out of the campus. I was  
28 elected, and if my memory serves me well, I was elected  
29 after the 15th. It was the third Sunday of the month of  
30 March. According to our rules, we would elect our

1           representatives in the third Sunday of the month of  
2           March.

3    Q.    To conclude with this point, Mr. Nahimana, you've  
4           already mentioned the position of Mr. Kagabo. Now, at  
5           any point in time, did you happen to have been a  
6           participant or did you take part in the activities of  
7           the activist groups in Butare town? Please be brief,  
8           because you've already talked about this period.

9    A.    Never. The simplest way that I can answer this question  
10           is to say never, and I would like to add that I knew  
11           Mr. Kagabo for the first time when I went to France to  
12           do my doctorate studies; that is after November 1984.  
13           Prior to that, I did not know Kagabo. We had never met;  
14           I would not have recognized him if we had met.

15   Q.    After those events, could you, in a concise manner,  
16           describe the university situation and, in particular, at  
17           the faculty to which you belonged, and the concerns  
18           which characterized that period?

19   A.    After the events, I have to say that the atmosphere was  
20           downbeat. It was an atmosphere of mourning, if I  
21           remember well. I remember this well. The first classes  
22           after those events were difficult, I have to say, and at  
23           the level of my department, that is the history  
24           department, I was in my second year studying history. I  
25           do not have -- I do not remember the number of the  
26           people who were in that department before the 12th of  
27           February 1973, however, after the 12th of February 1973,  
28           there were only three of us. But prior to that date, we  
29           were more than 15 or so; we were not more than 20. And  
30           I'm talking about the second year of the department of

1 history. So after the events, there were three of us.

2

3 And there was a movement of reintegrating students  
4 because many students were reintegrated, and the  
5 movement did not attain the original figure, so you can  
6 imagine attending a class where there are only three  
7 students, being lectured by lecturers and, you know,  
8 this is something strange.

9

10 Secondly, during -- for a long time, in any case, for  
11 the remainder of the year, I personally felt ill at ease  
12 because during those white people, apart from Kagame,  
13 who was Rwandan and black, I saw myself as being taken,  
14 so to speak -- and this is something I discussed with my  
15 lecturers later -- I felt that I was labelled as a Hutu  
16 and why not, if I use the current fashionable term, an  
17 "extremist", because this is a fashionable term which  
18 came after the advent of multiparty politics in Rwanda,  
19 because this is an expression that I had not heard in  
20 Rwanda prior to that as being a common word. I hear  
21 this word even more in this Tribunal. And this being  
22 classified put me ill at ease because I had a good  
23 relationship with some and several of my colleagues who  
24 were doing history, and in the field of sport.

25

26 And I will apologise, Madam President, Your Honours, to  
27 come back to sports because this field of sports was  
28 seriously affected. My basketball team was seriously  
29 affected. I'm still thinking about Nsengimana, who was  
30 a good basketball player and with whom I had a good

- 1 understanding. And, to sum up, the atmosphere was  
2 unbearable, but what could we do? We had to go on with  
3 our lives, but such was the situation.
- 4 Q. You are talking of -- you've told us about Father Alexis  
5 Kagame, a lecturer. He was a lecturer before the  
6 events of '73. Did he remain a lecturer after those  
7 events? Was he personally affected or targeted by those  
8 events as a lecturer, being the only Rwandan lecturer in  
9 the department of history?
- 10 A. Madam President, Your Honours, before answering this  
11 specific question regarding Father Kagame, I would like  
12 to emphasise a phenomenon which was quite peculiar,  
13 because, as I was saying earlier, the faculty that had  
14 the most Rwandan lecturers was the faculty of medicine.  
15 There were some lecturers in the economic and social  
16 sciences faculty. The Tutsi lecturers of those  
17 faculties were not affected.
- 18
- 19 Now, Father Kagame, who was a lecturer in the history  
20 department in the faculty of arts, was not affected. He  
21 was not pursued. He was not hunted down. He continued  
22 teaching. Of course, like any human being, he was a  
23 Tutsi and he could see his fellow Tutsis being hunted.  
24 So, internally, he was affected more, obviously, than,  
25 for instance, some of us. Because, obviously, people  
26 who were -- than those of us who were Hutus. But, in  
27 general, I would say that this situations was revolting.  
28 With introspection, I would say that the situation there  
29 was revolting and, for Father Kagame, it was even more  
30 revolting. And to be more specific, Father Kagame

1           taught me from the first year, so he was a lecturer from  
2           before the 12th of February 1973. He remained a  
3           lecturer at the faculty of arts up to his death on the  
4           2nd of November 1991 -- 1981.

5    Q.    Eighty-one?

6    A.    Eighty-one.

7    Q.    Up to when did you remain in Butare as a student during  
8           those years?

9    A.    I remained at Butare up to July 1974. That was the end  
10          of my first degree studies. At that time the faculty of  
11          arts did not have a Master's course. And that -- that  
12          was a period during which the Canadian government, which  
13          financed the major part of the university, that is, it  
14          was responsible for the bigger part of the university's  
15          budget, had applied a policy which was known at that  
16          time as Rwandaisation. This means that, gradually, the  
17          expatriates would leave their places, to be taken over  
18          by Rwandans.

19  
20          And in order to achieve this, the Canadian, Belgium and  
21          French governments had introduced a scholarship program  
22          for outstanding students, and it was within this context  
23          that, at the end of my first university degree, when I  
24          became the first in my class, which had only three  
25          students, I was selected in order to pursue further  
26          studies at Laval university in Canada, and I received  
27          a scholarship from CIDA, Canadian International  
28          Development Agency, and I went to Canada, to Quebec, on  
29          the 25th of January 1975, and I did my Master's studies  
30          up to November, when, by chance, since this was the last

1 months of my course, I completed my dissertation,  
2 Master's dissertation. In Canada this is known as thèse  
3 de maîtrise. In other systems, it's known as mémoire de  
4 maîtrise. So this was in November 1977.

5

6 Now, to summarize, I was in Butare up to July 1974,  
7 after which I went for my Master's studies in history in  
8 Canada, January 1975, and I completed my Master's  
9 studies in 1977.

10 JUDGE GUNAWARDANA: What was the reaction of the Hutu students  
11 at the university to that attack in February 1973; what  
12 was the reaction to the Hutu students?

13 THE ACCUSED NAHIMANA: At the university, during the period  
14 from the 12th of February up to May, the majority of  
15 students whom I met were in a position of reprobation.  
16 I was not the only person to feel that the situation was  
17 revolting. There were many others who felt the same  
18 way. That is why, Your Honour, students asked their  
19 chairman to write a letter to the university  
20 authorities, so that not only students should come back  
21 but also factors that brought about the unrest be  
22 identified. So there was some sort of reprobation, and  
23 I would not be telling the truth if I said that everyone  
24 was humanely anxious or was in a situation of  
25 disapproval. There were people who were indifferent.  
26 Others, for personal reasons such as jealousy and so on  
27 and so forth, would have said, "okay, they've left".  
28 But I can assert that most of the Hutu students who were  
29 there disapproved of what had happened. So it was a  
30 feeling of disapproval.

1 JUDGE GUNAWARDANA: Thank you.

2 MADAM PRESIDENT: We will take the break now, Mr. Biju-Duval.

3 MR. BIJU-DUVAL: I have two very brief questions and I'll be  
4 through with this particular point. I just would like  
5 to ask Mr. Nahimana to tell us the objective or the  
6 heading of his Master's dissertation and also to tell us  
7 how did this Master's dissertation -- who marked the  
8 dissertation. But I would like to ask him to be very  
9 brief and not to go into the details.

10 THE ACCUSED NAHIMANA: Madam President, Your Honours, I'll be  
11 very brief. I undertook studies in my Master's on the  
12 installation or institution of Catholic missions in  
13 Rwanda between 1900 and 1931 under the guidance of a  
14 British lecturer who worked at the university of Laval  
15 in Quebec. His name was Barry M. Radcliffe. He was a  
16 historian. And I finished the dissertation in two  
17 years, and it was marked by three lecturers, including  
18 him. Those three lecturers were all at the University  
19 of Laval. One of them was a priest and the other was  
20 a lay lecturer, and he was a specialist in the history  
21 of European expansionism in Africa. The dissertation's  
22 title, and I'll conclude, was The Implementation of the  
23 Catholic Church in Rwanda 1900 to 1931, and the  
24 dissertation was later published in 1987 and the  
25 heading, of course with some modification -- under the  
26 heading or, rather, it was published in the form of my  
27 first book that was published, and the heading was: The  
28 White Man has Come and the King has Left.  
29  
30 Just to tell you in a word, to use the counsel's words,

1 the white men who came there, the coloniser; the priests  
2 came there and imposed their culture, way of seeing  
3 things, his religion; and the king who left, who went  
4 away, was our king, King Musinga, M-U-S-I-N-G-A.  
5 Musinga represented traditional culture, traditional  
6 authority. He was overthrown, contrary to our customs,  
7 and he was replaced by his son because the son accepted  
8 to convert into Catholicism.

9  
10 The other Musinga had refused and actually stood against  
11 that implantation. So the white man came; the king  
12 left, and he left Cyangugu. He went to Bukavu and later  
13 on when to Shaba (phonetic), where he died.

14 MR. BIJU-DUVAL: Madam President, I think this is an  
15 appropriate time to take a break.

16 MADAM PRESIDENT: Yes, thank you. We will take a 15 minute  
17 break.

18 (Court recessed at 1110H)

19 (Pages 24 to 42 by Karen Holm)

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1 (Court resumed at 1136H)

2 MADAM PRESIDENT: Mr. Biju-Duval.

3 MR. BIJU-DUVAL: Madam President, I am talking to the Judges.

4 We have looked at the period during which Mr. Nahimana

5 was a lecturer at the National University of Rwanda.

6 Now, in order to facilitate my questioning and so that

7 everyone understands the answers, the Defence has

8 prepared a document entitled "Structures of the National

9 University of Rwanda" and -- I beg your pardon. I'm

10 referring to what I am going to deal with, and we're

11 going to distribute to all the parties this particular

12 document. And if there's no objection, we'll give it to

13 Mr. Nahimana. And this should allow us, everyone, to

14 understand the questions and, in particular, the

15 answers.

16 MADAM PRESIDENT: Did you prepare this, Mr. Nahimana?

17 THE ACCUSED NAHIMANA: Yes, Madam President.

18 MADAM PRESIDENT: Please go ahead, Mr. Biju-Duval.

19 MR. BIJU-DUVAL: Thank you, Madam President.

20 BY MR. BIJU-DUVAL:

21 Q. Mr. Nahimana, could you briefly describe the structure

22 of the National University of Rwanda from the period

23 beginning in 1977, and for each authority or institution

24 of that university, could you describe the process of

25 appointment or election to such posts?

26 A. Madam President, Your Honours, in 1977 when I became an

27 assistant lecturer at the National University of Rwanda,

28 the structure of the university was as follows. It's

29 almost similar to the structure that I described earlier

30 when I described my time there as a student. But as the

1 question underlines, I would also talk about the  
2 entities composing the institutions.

3

4 First, there is the parent ministry, which is the  
5 ministry of national education. Later on, in 1981,  
6 January 1981, the ministry of national education was  
7 split into two; in other words, they formed a ministry  
8 of primary and secondary education and the ministry of  
9 higher education and scientific research, so it was from  
10 1981 up to 1994. When you talk about parent ministry,  
11 we are talking about the ministry of higher education  
12 and scientific research.

13

14 So at the head of the structure there was the university  
15 council. And in other organisations this is similar to  
16 the board of governors, and it includes all the deans of  
17 faculties and the directors of the various centres, plus  
18 a representative of academic staff; that is, lecturers.  
19 So all the lecturers would have a representative plus a  
20 representative of all students according to the cycles,  
21 that is, level; for example, first level, second level.  
22 And up to 1994 we did not have a third cycle; that is, a  
23 doctorate cycle.

24

25 And, moreover, they had a representative of the ministry  
26 of planning, the ministry of finance and the  
27 representative of the private sector. I would not  
28 venture in respect of the number of people who had come  
29 from organs which were outside the university, but I  
30 would say that the university council was formed in that

1 manner.

2

3 The university council, as all governing councils,  
4 actually oversaw the general policy of the institution  
5 and, in this case, of the university, and it delegates  
6 authority to the rector of the university.

7 Q. Mr. Nahimana, if I may interrupt you to allow you, when  
8 talking about the university council, could you tell us  
9 how the representative of the members of staff is  
10 elected or appointed to the university council?

11 A. Yes, I am able to answer this question, particularly  
12 since I was for some time the representative of the  
13 academic staff at the university council. There is a  
14 structure known as the academic senate which deals  
15 basically with matters concerning research and teaching,  
16 academic matters, and this unit is made up of the deans  
17 and the representatives of lecturers from each faculty  
18 and school. And it is all this, that is, this academic  
19 senate, which you will see -- but now I am not looking  
20 at the table, but you will see on the table that at the  
21 third level on this table, the academic senate is  
22 strictly academic. It does not include people from  
23 outside the university. And at this organ the  
24 representatives of lecturers from each faculty, plus  
25 deans of all the university and the secretary-general,  
26 the deputy secretary-general, the administrator, the  
27 deputy administrators, treasurer and rector,  
28 vice-rector, together, elect one lecturer to be a  
29 member, or not, of the senate. So such professor would  
30 be the representative of the academic staff at the

1 senate -- at the council.

2 Q. Now, go ahead with regard to the university organs and  
3 the process of appointment.

4 A. I've just described the university council and I was  
5 saying that the university council delegates its  
6 management authority regarding day-to-day matters of the  
7 university to the rector.

8  
9 From 1977 to end of the '80s, beginning of '91, the  
10 rector was Dr. Sylvestre Nsanzimana, to whom I referred  
11 earlier, Sylvestre Nsanzimana, who in 1981 -- and in  
12 this I will be very brief because I want you to know  
13 this personality. In 1981 he became the deputy  
14 secretary-general of the OAU and remained in this post  
15 up to 1991, with the advent of multipartism; yes,  
16 indeed, up to 1991, when he was appointed minister of  
17 justice. Later, with the advent of the multiparty  
18 political system, he became the first person to become  
19 the prime minister of the government, and he became --  
20 he remained in that post up to the 16th or 17th of April  
21 1992. So he was the rector that we had from 1977 up to  
22 the end of the 1980s. But -- I beg your pardon, up to  
23 the beginning of the '80s, 1981. Then we had only one  
24 secretary-general at that time. We did not yet have  
25 assistants or deputies, as was the case. We had two  
26 vice-rectors effective from October 1981.

27

28 Now, so much for the level of the rectorate, who was in  
29 charge of the day-to-day matters of the academic and  
30 administrative matters of the university.

1 And the rector was the chairperson of the academic  
2 senate, an organ which dealt strictly with teaching and  
3 research. Obviously, this organ deals with the budget  
4 to be allocated to teaching and research. And, as I  
5 said in an attempt to answer the question dealing with  
6 how representatives of teachers become members of the  
7 council, that organ, the academic senate, comprises all  
8 deans of faculties, all the directors of research  
9 centres plus a lecturer elected by his peers within the  
10 faculty council, which means one lecturer per faculty,  
11 one student per faculty and per cycle.

12

13 There is also a representative of what we refer to  
14 as -- if my memory doesn't fail me now -- that is  
15 academic support staff. These are people who do not  
16 teach and who do not undertake research but, for  
17 example, those who worked in the laboratory and  
18 auxiliary staff attached to research and teaching.

19

20 Now, below this academic senate, we have the faculty  
21 council or the council of the centre.

22 Q. Mr. Nahimana, if I may. Could you simply and clearly  
23 tell us how rectors, vice-rectors and secretary-generals  
24 are appointed?

25 A. To clarify these once and for all, perhaps with the  
26 exception of the post of the rector of the university,  
27 all the posts within the university organs are posts to  
28 which people are elected. I was saying that the post of  
29 the rector is a little different because it is not  
30 necessarily the university which appoints the candidate

1 and which elects. Since the post of a rector is a  
2 political post, the candidate is proposed to the members  
3 of the university council by the minister. And before  
4 he is accepted by the cabinet and the president of the  
5 republic, the university council may accept or not  
6 accept. In fact, it may not accept. There is a case we  
7 know for a vice-rector. It could accept or not accept.  
8 I'm sorry, the same holds true for vice-rectors because  
9 vice-rectors are also political posts, so they are  
10 proposed by the university council and it is the  
11 university council which elects. And if the candidate  
12 proposed by the minister, by the government, is voted by  
13 the majority, he is appointed to the post by the cabinet  
14 and the president of the republic.

15

16 But then, the other posts -- I'm referring to the posts  
17 of secretary-generals, assistant secretary-generals,  
18 treasurers, assistant treasurers, deans, vice-deans,  
19 secretaries, directors, deputy directors of centres,  
20 secretary-generals of sectors, those posts -- those who  
21 occupy those posts are elected by their peers of those  
22 in the faculty. Members of the teaching staff, members  
23 of the faculty council, elect from amongst the teaching  
24 staff the deans and so on. So all the posts are acceded  
25 to by election, apart from the rector, which has any  
26 other influence. So that was the situation, which was  
27 democratic.

28

29 After the senate, as I was saying, we have the faculty  
30 council. The faculty council is chaired by the dean,

1 the vice-dean and the secretary-general. I will not  
2 come back to what I was saying, but these posts -- these  
3 people are elected, and the faculty council comprises  
4 all full-time teaching staff and researchers within that  
5 faculty plus representatives of the student body, one  
6 per cycle, one from the first cycle and a second one  
7 from the second cycle.

8  
9 Now, below the faculty council there are departments,  
10 several departments. By way of illustration, I took in  
11 particular -- I take the faculty of letters, language  
12 department, history department, geography department and  
13 so on. Again, this is a very limited structure because  
14 it was responsible for two main areas; that is, the  
15 distribution of courses to the teaching staff and the  
16 study of research that has to be undertaken by the  
17 lecturers of that department. And that is why, at least  
18 at the time, 1994, there was a head of department. I  
19 would say there was a collegial structure, decisions  
20 were taken by consensus, generally speaking. And all  
21 these organs were deliberative and decision-making  
22 organs. That is it as far as the structure of the  
23 university is concerned.

24  
25 But I will add that, in addition, there is a private  
26 structure, which is the association of academic staff,  
27 but that has no influence on the academic structure, as  
28 such. It's a separate organ which I would refer to as a  
29 private association.

30 Q. How do people become heads of departments?

1 A. The heads of departments are elected by their peers, by  
2 their colleagues, lecturers in the department, councils  
3 or meetings. And at the level of all these organs there  
4 is a council, and amongst the items or the agenda of the  
5 meeting, there must be elections. And these organs  
6 become structures which have to elect people from  
7 various positions.

8 Q. You talked about an organisation, APARU, A-P-A-R-U. How  
9 are the leaders of that organisation elected or  
10 appointed?

11 A. APARU was an association which was formed in 1979-80.  
12 And, once again, I got to talk about that association  
13 because I am one of the founders of that association.  
14 Around 1979-80 our number was increasing, those of us  
15 Rwandans, and we did our utmost for the university to  
16 recognise that association which brings together all  
17 Rwandans, teachers, lecturer, researchers and auxiliary  
18 staff, all those who were working at the university.  
19 And the election to the post of president,  
20 vice-president and treasurer of that association was  
21 effected in the general assembly of members of that  
22 association.

23 MR. BIJU-DUVAL: Madam President, I would like to tender this  
24 table as an exhibit, Exhibit 1D129.

25 MADAM PRESIDENT: Yes.

26 (Exhibit No. 1D129 admitted)

27 BY MR. BIJU-DUVAL:

28 Q. Mr. Nahimana, to continue with a general question, could  
29 you describe, first of all, how teaching staff are  
30 recruited and then, secondly, how those teachers are

1 assessed.

2 A. Let us begin with the recruitment of teaching staff. As  
3 I said, the department responsible for distributing  
4 courses -- I am referring to the subject to be taught,  
5 the number of hours, it is that department which is  
6 responsible for the distribution of courses to the  
7 lecturers, and it is that department which is most  
8 familiar with the needs as far as teaching staff is  
9 concerned. And this is the department that receives  
10 applications. The applications could be received from  
11 various candidates or the department could undertake  
12 steps to find candidates to be recruited. So it is the  
13 lecturers within the department board, or council, who  
14 study the academic matters and all other matters to find  
15 out what certificates a candidate has, or for promotion  
16 to various ranks. It is true that at the university the  
17 word "professor" or "teacher" is used. But, strictly  
18 speaking, you become a professor when that title is  
19 conferred on you.

20  
21 So it is the department which selects, which gives its  
22 opinion about how appropriate a candidate is, taking  
23 into account the candidate's intellectual capacity and  
24 taking into account the available needs as far as  
25 courses and hours are concerned. Then this  
26 recommendation is forwarded by the head of department to  
27 the dean of the faculty. Generally, this takes place at  
28 the end of the month of June to prepare the next  
29 academic year, which begins in the first week of the  
30 month of October. The dean puts together the needs of

1 the various departments and convenes the faculty council  
2 or board, and it is that faculty council which examines  
3 or considers all the candidates for the various  
4 departments. You would understand that, generally  
5 speaking, there might be a few exceptions. When a  
6 candidate goes through the level of the department, it  
7 becomes almost automatic at the level of the faculty  
8 council.

9

10 But all the members of the faculty council, as I  
11 described earlier, have to make recommendations. Either  
12 this is done unanimously by show of hands, but when it  
13 becomes complicated, people resort to a secret ballot.  
14 And when the candidate goes through that structure, it  
15 is forwarded to the vice-rector whose services consider  
16 that and it is forwarded to the rector, and after the  
17 rector has gone through all the candidates and the  
18 various recommendations, presents these candidates to  
19 the university council.

20

21 You must have realised that there is an organ which has  
22 nothing to do with the recruitment, and that is the  
23 academic senate. Generally speaking, to the best of my  
24 memory, the academic senate has nothing to do with  
25 candidates, but the rector recommends all these  
26 candidates to the university council. That is  
27 understandable because the university council is,  
28 indeed, the organ which represents the interests of the  
29 university. It takes decisions about the budget of the  
30 university; it oversees university policies in the

1 various areas. And once that candidate is accepted by  
2 the university council, there are two other levels and  
3 the university has nothing to do with those levels, the  
4 ministry, which proposes the appointment of candidates  
5 who have been selected by a presidential order. So  
6 these candidates are, therefore, proposed or forwarded  
7 or recommended to the president of the republic.

8

9 To the best of my knowledge, these candidates do not  
10 have to be recommended to the cabinet. They are either  
11 accepted or rejected by the president of the republic.

12 Q. Second part of my question: assessment of lecturers.

13 A. The second part of your question. The assessment of  
14 lecturers is carried out initially by the dean of the  
15 faculty, who, at his discretion, could seek the opinion  
16 of the head of department or centre and who requests --  
17 that was what was happening -- the opinion of his  
18 collaborator; that is, the vice-dean and the faculty  
19 secretaries. This is at the initial level, and then,  
20 subsequently, the rector of the university, the  
21 vice-rector of the various university campuses, when  
22 these were set up. The third and last level is that of  
23 the rector. That is how teaching staff are assessed.

24

25 And, Madam President, Your Honours, to be more complete  
26 in my answer, even this assessment or these certain  
27 criteria, the dean, the vice-rector or the rector do not  
28 just do what they like. There are criteria at the level  
29 of teaching, the quality of teaching, and you would  
30 understand why the dean has to obtain the opinion of

1 heads of departments. There is the criterion of the  
2 teachers' or lecturers' social conduct, whether it is  
3 within the teaching staff itself; that is, the  
4 relationship between the lecturer and his other or her  
5 other colleagues, the conduct of the lecturers vis-à-vis  
6 the students. And this could be divided into two  
7 groups, academic conduct and social be conduct,  
8 vis-à-vis the students.

9

10 There are several criteria and, in any case, the person  
11 who does the assessing scrutinises the conduct of this  
12 lecturer, as far as these various criteria are  
13 concerned.

14 Q. Mr. Nahimana, when were you recruited as a lecturer in  
15 the National University of Rwanda?

16 A. I said earlier that I started -- or rather, that I  
17 completed my matrices in November 1977 and I was  
18 immediately employed in the National University of  
19 Rwanda as an assistant lecturer of history. But I had  
20 been sent for studies within the framework of making the  
21 staff of the university, made up of Rwandans. And the  
22 university and, in particular, the faculty of letters,  
23 had a list of those who had been sent out to study to  
24 come back and teach, of course, granted that they  
25 obtained the required results, because in the university  
26 you could not be recruited if you did not have a  
27 distinction. And at the end of the first year of  
28 university studies, I sent -- and that was a requirement  
29 from the body which gave the scholarship -- I sent in my  
30 results, which were very good, and in July or August I

1 had virtually finished practical and theoretical  
2 courses. I was in the process of writing my thesis, as  
3 it is referred to in Canada, and I sent my report of  
4 that second year. And the only paper remaining was the  
5 result of my thesis defence. And in July or August 1977  
6 I was visited by the rector of the university; that is,  
7 Sylvestre, who was going around, and he did so every  
8 year, to meet candidates, people who had been sent by  
9 the university in collaboration with scholarship bodies.  
10 I'm referring to Dr. Sylvestre Nsanzimana.

11

12 And the tendency at the time, the way I observed it, was  
13 that the students who completed the second cycle tended  
14 not to return and to go on to the doctorate level. And  
15 when the rector returned, he met me and told me that on  
16 the basis of your provisional results the department had  
17 proposed me as an assistant lecturer at the university.  
18 I was saying that I already applied to continue my  
19 studies for a doctorate degree, but I could not do so  
20 because since the university had relations with the  
21 Canadian agency for international development it  
22 insisted that I should return, and if I did not return,  
23 I would not have any scholarship. And that is why  
24 immediately I finished my thesis defence, I returned and  
25 I went straight, without any stopover, to the university  
26 to meet the dean of the faculty of letters and the  
27 rector.

28

29 And again, without any hesitation, the university  
30 recruited me. I remember very well. I got to Rwanda

1 around the 6th of November and even before I went to  
2 greet my family, to see my mother, I was already  
3 provisionally recruited as a lecturer and all that was  
4 remaining was the university council and the signature  
5 of the president of the republic. This signature came  
6 much later, when I had to be appointed as  
7 secretary-general. It turns out that at the time, in  
8 reality, even the text said so, the council recruited,  
9 but the signature or the actual signing came two or  
10 three year later. That is how I got recruited into the  
11 university.

12 Q. Mr. Nahimana, in 1977, when you were recruited at the  
13 university, what teaching staff made up the university  
14 council that studied your case?

15 A. It goes without saying that this happened in my absence,  
16 but the teaching staff did not change within six months.  
17 And when I got to the faculty of letters, the teaching  
18 staff was still made up mostly of expatriates. The  
19 Rwandans, who were there were the Abbey or Father Alexis  
20 Kagamé, who had been my teacher; there are people I had  
21 not known before who arrived in 1976: Emmanuel  
22 Ntezimana, a historian. Ntezimana is spelled  
23 N-T-E-Z-I-M-A-N-A, Ntezimana. And there was professor,  
24 Laurent Nkusi. Nkusi is spelt N-K-U-S-I. That is as  
25 far as the Rwandans were concerned.

26

27 Madam President, Your Honours, for you to understand  
28 better, Ntezimana is a historian who, like me, carried  
29 out interesting research and subsequently became  
30 members (sic) of human rights associations in '91, but

1 who fortunately (sic) died following an illness in  
2 Belgium in 1994, I think. And Nkusi was a linguist, a  
3 literary person, who was -- and I should have said that  
4 about Nteziryayo too. When I was dean he was vice-dean,  
5 and he replaced -- or he replaced me as dean. But as  
6 for Nkusi, when I became vice-dean he was secretary;  
7 when I became dean he was still secretary. And right up  
8 to around 1994 -- right now, Mr. Nkusi is minister of  
9 lands in the RPF government in Kigali. That is as far  
10 as the teaching staff which considered my recruitment  
11 papers in 1977.

12

13 Madam President, Your Honours, I would add, as I talked  
14 about in the case of Father Kagamé, in the faculty of  
15 letters, most of the teachers that I met were those who  
16 had taught me for at least one year. There are some who  
17 taught me throughout the first cycle of the university  
18 and who are still there.

19 Q. Mr. Nahimana, what subjects were you teaching?

20 A. I had a load of 180 hours a year, distributed 60 hours  
21 for one course, 30 for another, and so on. But the main  
22 courses which were given to me as a beginner were  
23 general courses: modern history, expansion of Europe,  
24 and, specifically, two interesting courses, because -- I  
25 say so because I have stuck to these since then, a  
26 course of a criticism of history, which I stuck to,  
27 because this was a course that was virtually imposed on  
28 various faculties. At the time, it was called  
29 introductory course to critical history. I carried out  
30 research, and I worked with my colleagues on it. And I

1 should state that, here, as modestly as I would like to  
2 put it, it was that course which later became Rwandan  
3 studies at the level of the history department. This  
4 course of introduction to the history of Rwanda was the  
5 first of such courses which was devoted to the history  
6 of Rwanda. People might not have wanted it before. It  
7 was the first time in the history of the department  
8 which -- when we had a course like that and which was  
9 devoted to the history of Rwanda. So I taught that  
10 course.

11  
12 And later on, at the level of the faculty council from  
13 '79-80, and following research that I had undertaken and  
14 which had been assessed in the history department, other  
15 courses came to be. Now it is not the history of  
16 Rwanda, but it is the history of Rwanda which is broken  
17 up into various periods within the department. It was  
18 realised that it was not possible to study Rwandan  
19 history without breaking it up into various periods.  
20 And that is why I agree with Mrs. Des Forges on this  
21 point. There are other areas in which we agree also.  
22 But I participated in the -- to revolutionise teaching  
23 of the history of Rwanda.

24  
25 Madam President, Your Honour, I would not like to take  
26 too much of your time to provide details of the various  
27 courses. Generally speaking, I had 180 hours and,  
28 subsequently, I got up to 230 and the minimum was  
29 150 hours.

30 MR. BIJU-DUVAL: Madam President, at this point, I would like

1 to tender the contract of the hiring of the services,  
2 dated 28 October 1977, recruiting Mr. Nahimana as a  
3 lecturer. If Mr. Nahimana would please look at that  
4 document and confirm that that is the document that  
5 recruited him. It would be Exhibit 1D130, unless I am  
6 mistaken.

7 THE ACCUSED NAHIMANA: Madam President, it is true, this is  
8 the contract that I signed in 1977. But I should point  
9 out that I got to the university around early  
10 November 1977. This document had already been prepared,  
11 and that is why I was saying that, subsequent to  
12 Mr. Ntezimana's -- after receiving my blessing, his  
13 services went on to prepare the document, and when I got  
14 there, I signed it. But I did not sign it on the 28th  
15 of October, because at the time I was not in Kigali in  
16 Rwanda. I signed it later, but it was prepared before  
17 my arrival. That is why immediately I was provided  
18 housing and I was considered as a member of the teaching  
19 staff of the university.

20 MADAM PRESIDENT: So this would be 1D130, Mr. Biju-Duval.

21 (Exhibit No. 1D130 admitted)

22 MR. BIJU-DUVAL: Thank you.

23 BY MR. BIJU-DUVAL:

24 Q. Mr. Nahimana, could you chronologically and briefly give  
25 us an idea of your career, the various posts that you  
26 held in the National University of Rwanda as from 1977.  
27 And let us start with 1978; what post were you appointed  
28 to?

29 A. In 1978, after I had completed one year of teaching, and  
30 within that time, three or four Rwandan colleagues had

1 joined the team. I was not appointed; I was elected by  
2 the faculty council to the position of vice-dean of the  
3 faculty of letters.

4

5 And then in June, if I remember well, it was in  
6 June 1980, in a bid to make the teaching staff Rwandans,  
7 I was elected by the faculty council as the first  
8 Rwandan dean of that faculty by an overwhelming  
9 majority, if not unanimously. And I had as my vice-dean  
10 Professor Ntezimana and as secretary, I think I  
11 mentioned, was Laurent Nkusi. Even though at the time  
12 the teaching staff was mostly comprised of expatriates,  
13 the head, that is -- the head was made up of Rwandans.

14 Q. Mr. Nahimana, let us go step by step. At the time you  
15 were elected as dean, had the teaching staff changed  
16 since 1977? I am referring, no doubt, to the faculty of  
17 letters.

18 A. The teaching staff changed a little in the sense that a  
19 number of expatriates left and they were replaced by  
20 others. And, more obviously, there are Rwandans who  
21 became part of the faculty of letters. And in 1980,  
22 when I became a dean, in addition to those I listed when  
23 I was getting into the faculty, there are four other  
24 Rwandans, or rather, five, including a certain Jean  
25 Bosco Rwasubutare. I think with the permission of the  
26 Court I would name them, Jean Bosco Rwasubutare,  
27 R-W-A-S-U-B-U-T-A-R-E. There is Verdaste Ndagimana.  
28 Ndagimana is spelt N-D-A-G-I-M-A-N-A. There is  
29 Jean-Damascène Nduwayezu, N-D-U-W-A-Y-E-Z-U. There is  
30 my former team-mate in the basketball team, Mr. Joseph

1 Nsengimana. Nsengimana is spelt N-S-E-N-G-I-N-A-M-A.

2

3 I hope I did not forget one, but that is -- that was the  
4 composition of the teaching staff of the faculty council  
5 in the faculty of letters, including, no doubt, the  
6 students. I do not remember the names of the students.  
7 But to be exhaustive as far as this question is  
8 concerned, and also to provide details as to ethnic  
9 groups and regions: Father Kagamé was from Butare; he  
10 was a Tutsi. Mr. Ntezimana was from Gitarama; he was a  
11 Hutu. Mr. Nkusi was from Butare; he was a Tutsi.  
12 Mr. Ndagimana was -- because he died in 1982 -- he was a  
13 Hutu from Gikongoro. Mr. Rwasubutare was a Hutu from  
14 Kigali. Mr. Jean-Damascène Nduwayezu was a Hutu from  
15 Ruhengeri, and Mr. Joseph Nsengimana, a Tutsi from  
16 Nyamata in Bugesera in Kigali. Nyamata is spelled  
17 N-Y-A-M-A-T-A, and Bugesera, B-U-G-E-S-E-R-A.

18

19 Those are the people who elected me in 1980 to the  
20 position of dean.

21 Q. You said that Mr. Joseph Nsengimana was a victim of the  
22 '73 events. As far as you are concerned, did he go  
23 through a specific --

24 A. Yes, I said he was a victim. He was amongst those who  
25 were sent away from the university. He was not only in  
26 my team, not only in my basketball team, but he was a  
27 member of the faculty of letters in the department of  
28 literature. And what I know, since he told me so, after  
29 February 1973, he went to Zaire, he did his university  
30 studies in Lubumbashi, and he completed his studies in

1 literature at about the same time as myself, in 1977.  
2 He remained in Zaire, and following President  
3 Habyarimana's policy within the MRND party, which  
4 required that, ideologically, we should talk about  
5 peace, unity and development and which requested people  
6 to return individually, he was one of the intellectuals,  
7 a refugee, who was sent away in 1973 who decided to  
8 return home, and, I would say, fortunately for him and  
9 fortunately for those of us in the faculty of letters,  
10 because he was a very brilliant man; he was a person who  
11 was upright. I always had good relations with him.

12  
13 In the meantime, he had met a young lady whom he  
14 subsequently married who had relations with a certain  
15 Cyprian Rugamba who was director the institute of  
16 scientific research. Rugamba is spelt R-U-G-A-M-B-A.  
17 Rugamba is a Hutu from Gikongoro. And it turned out  
18 that Rugamba's wife was the older sister of the wife of  
19 Professor Nsengimana, and it was thanks to this relation  
20 and to the fact that Rugamba was a friend to  
21 Nsanzimana (sic), a friend to everybody -- I was his  
22 friend also, because he loved people of culture. He was  
23 able to introduce -- Nsengimana might perhaps have not  
24 been able to do so. He decided to apply to the faculty  
25 of letters. I was already a teacher or lecturer there,  
26 and we were happy to examine his case and he was  
27 recruited. Then he became head of department in 1981.  
28 He continued his doctorate studies in Limoges in France.  
29 We went through the same career, paratactically, except  
30 that I went on to ORINFOR.

- 1 MADAM PRESIDENT: Mr. Biju-Duval, you have to control the  
2 details that are emerging. Do we really need to know  
3 all this about Nsengiyumva -- or Nsengimana?
- 4 MR. BIJU-DUVAL: Madam President, I did not want to interfere  
5 with the witness's testimony, but I think we have had  
6 enough information.
- 7 THE ACCUSED NAHIMANA: Very simply, it seemed to be long, and  
8 I was ending already by saying that he was minister of  
9 higher education in the government and particularly in  
10 the RPF government and is now an advisor to Mr. Kagamé.
- 11 BY MR. BIJU-DUVAL:
- 12 Q. Mr. Nahimana, when did you join APARU? If I can respond  
13 to the concerns of the Chamber, this is a mere  
14 confirmation of the date that I'm requiring.
- 15 A. I believe that it was in 1979 or 1980 that I was  
16 elected, firstly, vice-chairman and then I became  
17 chairman of APARU.
- 18 Q. Did you occupy any other positions at the university,  
19 this is aside from the faculty council, and from what  
20 date?
- 21 A. I occupied two other positions, and one other, which is  
22 non-academic, I would say. In 1981 the government  
23 determined to merge what was the national institute for  
24 education and the university in order to deal with  
25 teaching of education matters. So there were two  
26 university campuses, one in Butare which was supposed to  
27 receive the teacher training college.
- 28  
29 Given the structures which were available at Ruhengeri,  
30 it was decided, once again, by the government

1 authorities that -- well, after consultation with  
2 structures of the EPN (sic), that only the faculty of  
3 arts, which was newly merged with the department dealing  
4 with literature and human sciences -- the social  
5 sciences of the IPN, the faculty of arts was supposed to  
6 move and go to the Ruhengeri campus. So more or less  
7 automatically -- the chancellor at the time was  
8 Mr. Ntabomvura. Ntabomvura is spelt  
9 N-T-A-B-O-M-V-U-R-A. He appointed me -- and this is an  
10 appointment; it's not an election. He appointed me  
11 president of the administrative committee of the  
12 Ruhengeri campus while awaiting the establishment of the  
13 institutional structures.

14

15 Now, my responsibilities over and above those of dean of  
16 the faculty, were to assist in the installation or the  
17 setting up of the campus, and that's what I did.  
18 Indeed, the campus began its operations in December 1981  
19 at Ruhengeri.

20

21 After that, I stopped all the academic and  
22 administrative responsibilities and I remained simply a  
23 lecturer. And in 1983, I believe it was in March, I  
24 don't really remember the date, but I think it was in  
25 that period of time, I was elected to the university  
26 council as assistant secretary-general for Ruhengeri  
27 campus. And that was the last position I occupied  
28 within the National University of Rwanda beyond my  
29 lecturing responsibilities. And I occupied that  
30 position until November 1984, the date upon which I

1           decided to pursue my doctorate studies -- doctorate  
2           studies in Paris.

3    Q.    Mr. Nahimana, why were you in particular, and not  
4           someone else, appointed in order to preside over the  
5           administrative council for the new campus at Ruhengeri?

6    A.    Why me and not someone else? I would say simply because  
7           at that time I was the dean of the faculty of arts, and  
8           given the number of both lecturers which -- who were at  
9           the faculty of arts and the students, despite the merger  
10          of some of the departments from human sciences and the  
11          education faculty, the faculty of arts was dominant in  
12          this new merger, and the faculty aspect was somewhat  
13          lost. And it was of the chancellor himself who  
14          appointed me, and he found it natural, quite in order,  
15          to appoint me to preside over this committee because a  
16          majority of the teaching staff in my -- came from my  
17          faculty. And then the student body also was composed  
18          mostly of my former faculty of arts. There were no  
19          other criteria that I could advance here. And this is  
20          not speculation, but this is a deduction that I'm  
21          arriving at, and it is drawn upon the reality of the  
22          facts at the time.

23   MR. BIJU-DUVAL: At this point in time, Madam President,  
24           Your Honours, I would to tender or produce a document  
25           which came from the administrative institution, a  
26           curriculum vitae of Ferdinand Nahimana dated 1982 and it  
27           is signed by himself. It summarises and deals with the  
28           various stages of his career. We are tendering this as  
29           Exhibit No. 1D131, Madam President, Your Honours, by  
30           your leave.

- 1 MADAM PRESIDENT: This is your curriculum vitae at that date  
2 then, Mr. Nahimana, 8th of March, is it, 1982?
- 3 THE ACCUSED NAHIMANA: Yes, Madam President. When people  
4 write, there's often mistakes. I notice there is a  
5 mistake on the second page at the second dash, "lecturer  
6 from 1st November". That doesn't correspond neither to  
7 the date which is on the contract nor my arrival at the  
8 university, but it's at that point in time or around  
9 then that I came to the university. It is indeed myself  
10 who drew up this document.
- 11 MADAM PRESIDENT: What should that date be, then?
- 12 THE ACCUSED NAHIMANA: From my point of view it should be the  
13 date which is written, 28th October 1977, so that we are  
14 in conformity with the document from the chancellor's  
15 office. But I was physically at the university from  
16 November 1977.
- 17 MADAM PRESIDENT: 1D131, Mr. Biju-Duval.  
18 (Exhibit No. 1D131 admitted)
- 19 MR. BIJU-DUVAL: Yes, Madam President, thank you.
- 20 BY MR. BIJU-DUVAL:
- 21 Q. Mr. Nahimana, you have informed us that you interrupted  
22 your teaching in order to go back and pursue your  
23 studies in 1984. Please tell us when you came back to  
24 the National University of Rwanda.
- 25 A. I came back to the National University of Rwanda in  
26 November 1986 -- no, no, in December, December 1986, and  
27 I resumed teaching in January 1987.
- 28 Q. At that time, who was the dean of the faculty of arts  
29 that you went to join?
- 30 A. On that date I joined my historian colleague, Emmanuel

1 Ntezimana. He was the dean of the faculty of arts.

2 MR. BIJU-DUVAL: Madam President, at this point in time, I  
3 wish to present a letter which was written on the 30th  
4 October 1986 to Mr. Ferdinand Nahimana and signed by  
5 Mr. Emmanuel Ntezimana, who was the dean of the faculty  
6 of arts. And the subject of that letter was his  
7 reintegration, somewhat, into the faculty --  
8 reintegration of Mr. Nahimana. I have other copies,  
9 Madam President, Your Honours, if this is necessary.

10

11 If Mr. Nahimana can look at this document, and at this  
12 time and I would wish to tender this document as  
13 Exhibit 1D132.

14 THE ACCUSED NAHIMANA: Yes, Madam President, Your Honours, I  
15 did receive this letter which, as you can see once  
16 again, shows that my application was accepted even  
17 before I arrived physically. I did receive this letter  
18 while I was still in Paris before returning home.

19 MADAM PRESIDENT: 1D132.

20 (Exhibit No. 1D132 admitted)

21 MADAM PRESIDENT: Are you starting a new area now?

22 MR. BIJU-DUVAL: Just one last question which is very, very  
23 brief, and I think that would be an appropriate moment  
24 for the break, if you so wish, Madam President.

25 MADAM PRESIDENT: Yes, yes, go ahead.

26 BY MR. BIJU-DUVAL:

27 Q. In the period prior to 1990 -- before 1990, did you  
28 occupy any other position? Were you appointed to any  
29 other position within the frame work of higher education  
30 and research?

1 A. At the university itself I didn't have any specific  
2 position apart from lecturing, but in 1989 or  
3 '88 -- from 1989 I was appointed by presidential decree  
4 as director of studies and Rwandan civilisation, IRST,  
5 in abbreviated form, an institution which was based in  
6 Butare, close to the Butare campus. That was that post  
7 that I occupied until my appointment as director of  
8 ORINFOR on the 10th December 1990 -- yes, 1990.

9 MR. BIJU-DUVAL: Madam President, if the Chamber so wishes,  
10 this may be an opportune moment for the lunch break.

11 MADAM PRESIDENT: We'll take the adjournment now and resume at  
12 2:30.

13 (Court adjourned at 1300H)

14 (Pages 43 to 68 by S. Fleming Eboe-Osuji)

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1 1430H

2 MR. FLOYD: If it please the Court.

3 MADAM PRESIDENT: Yes, Mr. Floyd.

4 MR. FLOYD: Your Honour, just as a brief procedural matter.

5 We had also anticipated that we would, that is myself,  
6 we would be the one to -- and we would be the first ones  
7 to cross-examine Mr. Nahimana, as is the practice in our  
8 country and England. It is important that we know at  
9 this stage, because Mr. Martel, who is not here now,  
10 because, he's trying to arrange to go see some witnesses  
11 next week and is planning to not even be here next week,  
12 and, also, because I, out of an abundance of caution,  
13 and I presume that the Prosecution will take time with  
14 Mr. Nahimana. If it goes into the next session, I won't  
15 be here for the first part of the next session. So I  
16 really need to know, right now, before Mr. Martel gets  
17 too far and heads out of town and is not here, whether  
18 or not we will go first or whether or not the  
19 Prosecution will go first. We don't anticipate being  
20 very long. I'm going to anticipate your question,  
21 probably not more than two or three hours at the very  
22 most, but we do need to know.

23 MADAM PRESIDENT: Mr. Rapp.

24 MR. RAPP: Well, it's our understanding that in this Tribunal  
25 and other multi defendant and multi accused cases the  
26 Prosecution has gone first and, obviously, they are  
27 answering a case put by the Prosecution at this time and  
28 it appears to us that we should have an opportunity to  
29 cross-examine him immediately after that testimony.

30 MADAM PRESIDENT: Then what happens after you have questions

1 after cross-examination of other parties? In this  
2 particular case wouldn't it actually serve your  
3 interests to wait to see what other questions are put to  
4 the witness, what other responses are listed?

5 MR. RAPP: Well, obviously, the answer to the first question  
6 is obviously, we'd have to have a chance to put  
7 questions to anything arising in the same way that we do  
8 when Your Honours question at the end of the day. But,  
9 obviously, we are willing to do it in any manner and if  
10 the trial Court believes that the Chamber believes it is  
11 more effective to handle it with each Defence attorney  
12 cross-examining then we'll be glad to follow that.

13 MADAM PRESIDENT: In this particular case, then, Mr. Floyd,  
14 you may go first.

15 MR. FLOYD: Thank you.

16 MADAM PRESIDENT: Go ahead, Mr. Biju-Duval.

17 MS. MONASEBIAN: Your Honour, if I may, will the Barayagwize  
18 team also be examining and how long will they take, just  
19 so we can plan here?

20 MADAM PRESIDENT: Well, I've only received representations  
21 from Mr. Floyd.

22

23 I'm indicating to Mr. Biju-Duval that he may proceed.  
24 Thank you for your gesture, Mr. Pognon.

25 BY MR. BIJU-DUVAL:

26 Q. Mr. Nahimana, you occupied the position of director of  
27 ORINFOR from 1990 to the end of 1992, and we'll come  
28 back to that period of time later. Could you tell us  
29 what happened to your lecturing during this period of  
30 time?

1 A. Madam President, Your Honours, for all the time that I  
2 was in Rwanda I never stopped my lecturing at the  
3 university. When I was director of ORINFOR, I kept the  
4 minimum time, that is 60 hours per year; but towards the  
5 end, in 1992, I was teaching for 72 hours.

6 MR. BIJU-DUVAL: I had forgotten to indicate to the Chamber  
7 that I have placed before each of the Judges the copies  
8 of new documents we wish to tender as exhibits, and this  
9 we have done so that they are readily available to you  
10 during our examination-in-chief.

11 JUDGE GUNAWARDANA: Mr. Nahimana, by 1990 you had settled down  
12 in the academic field, and were recognised as a serious  
13 scholar of history. What made you join the ORINFOR?

14 THE WITNESS: Your Honour, a little before I was appointed to  
15 ORINFOR in December 1990 I had visited Europe and during  
16 that visit, in the second half of October and the first  
17 half of November, together with Professor Emmanuel  
18 Ntezimana and the management of the Bank Mahangari,  
19 Augustin, M-A-H-A-N-G-A-R-I, director of the development  
20 bank, we expressed to the European public the  
21 ill-effects of the war which had just broken out in  
22 Rwanda and launched by the RPF on the 1st of October  
23 1990. I must immediately indicate that it was upon the  
24 initiative of a lecturer in the science faculty and  
25 myself, it was Mr. Bishangara, spelled  
26 B-I-S-H-A-N-G-A-R-A. Mr. Bishangara was dean of  
27 sciences and he was member, as myself and Ntezimana, as  
28 the Commissioner Nationale du Politic, a political  
29 society. And on the 1st of October we heard on  
30 international radio stations, such as Radio France

1 International and the Voice of America, the German  
2 radio, Deutchavela, and information on that particular  
3 attack. And nothing came from within Rwanda to explain  
4 that, first of all, it was a catastrophe for the people  
5 of Rwanda, who had spent about 17 years in a peaceful  
6 period. Mr. Bishangara and myself contacted the  
7 minister for foreign affairs, Mr. Casimir Bizimungu,  
8 spelled B-I-Z-I-M-U-N-G-U. Now, this minister of  
9 foreign affairs, Casimir Bizimungu, he received us  
10 courteously and I believe he spoke about it to the  
11 President and other ministers such that immediately  
12 afterwards, in other words around the 14th of October,  
13 he called us to tell us that Mr. Nahimana,  
14 Mr. Ntezimana, Mr. Mahangari, this is what we want. We  
15 wish that as intellectuals and persons who are in the  
16 public sector be supplied basically to Mahangari. He  
17 was working for the development bank, as you have heard.  
18 We want the voice of Rwanda to be heard and we want this  
19 war to be placed within the context of the ill-effects  
20 that it will have and this was to be covered during that  
21 visit. And our mission was successful.

22  
23 I must say that, while I was in the office of the  
24 minister of foreign affairs, he said,  
25 Ferdinand Nahimana, you will be the head of that  
26 delegation, the three man delegation, myself included.  
27 And since the mission was a successful, both with the  
28 international press and even on Radio Rwanda this  
29 mission was mentioned. When we came back, well, about a  
30 month, a month and a half later, I was called by the

1 head of state so that I could be appointed to that  
2 position.

3

4 Madam President, Your Honours, I imagined -- I thought  
5 that this was, basically, why I was appointed, because  
6 when I was received by the head of state he did not  
7 reveal to me the causes of his appointment. All he did  
8 was assign to me missions, which I was to accomplish in  
9 my capacity as director of ORINFOR.

10 JUDGE GUNAWARDANA: So this is a deviation from your  
11 appointment apparently?

12 THE WITNESS: This was a removal from my university career for  
13 some time, it is true. I sort of set half a foot --  
14 half a foot remained in the university circles, because  
15 I had some courses, but most of my responsibilities and  
16 time were consecrated to the post of director at  
17 ORINFOR. I was not really an academic, as such. I  
18 became known as a visiting professor, because from  
19 December 1990 up to the end of April 1992 I was,  
20 basically, concentrating on my responsibilities as  
21 director of ORINFOR. And I must say that I wasn't the  
22 first, neither was I the last, but, Your Honours, I was  
23 more, it is true, I was more within the academic body at  
24 the university.

25 JUDGE GUNAWARDANA: Thank you.

26 BY MR. BIJU-DUVAL:

27 Q. Mr. Nahimana, we shall come back to this period where  
28 you were at ORINFOR, but, first of all, I want to deal  
29 with the matter of your reintegration to the university,  
30 following that period of time at ORINFOR. Now, my

1 question is this:

2

3 What was the post, the professional choice that you were  
4 given, when you were removed from ORINFOR, and what was  
5 your attitude to that proposal?

6 A. Madam President, Your Honours, on the 28th of April  
7 1992, in the evening of that day, in the news at 8:00 in  
8 the evening, in French, I learned from Radio Rwanda that  
9 I had been sacked from my position at ORINFOR. And  
10 still on Radio Rwanda, it was specified that the council  
11 of ministers was appointing me as the first advisor or  
12 first councillor for the Rwandan embassy in Bonn,  
13 Germany. On that day my wife was not in Rwanda, she was  
14 doing her own business, and she had left and she was in  
15 Belgium. I thought about this and at around midnight I  
16 called her at her hotel. I told her this is what  
17 happened and, as far as I am concerned, in my opinion, I  
18 wouldn't want to move into a diplomatic career and go to  
19 Germany. I would rather want to go back into my career  
20 as a lecturer and teacher and researcher, but I wanted  
21 to have her own point of view. She told me on the phone  
22 that she agreed with me, and on the next day I was  
23 called by the new minister, because he had just been  
24 appointed from the 16th of April 1992, the new minister  
25 for foreign affairs in the person of Boniface  
26 Nguliazora. Nguliazora is spelled N-G-U-N-Z-I-R-A  
27 (sic).

28 THE INTERPRETER: According to the witness.

29 THE WITNESS: He telephoned me and I was still at home. I was  
30 preparing to go to the ORINFOR offices in order to

1           prepare my handing over. So I passed by the office of  
2           the ministry of foreign affairs, where the minister  
3           Nguliazora told me personally of the decision, and he  
4           told me this to my face. It was a decision by the  
5           council of ministers, whereby I should become the first  
6           councillor at the embassy of Rwanda in Bonn, Germany. I  
7           told him that there was no question of me embracing the  
8           diplomatic sphere for my career and that I wanted to go  
9           back to university, because I knew the university  
10          procedures. I told him that I would inform the head of  
11          state of my position and the head of state is the person  
12          who has the last word, in terms of appointment, and that  
13          I was going to get in touch with the university. And I  
14          did the same. I believe from the first days of May, and  
15          my efforts went on up until the end of May, beginning of  
16          June, but the minister, in the meantime, did not do  
17          anything. And in the meantime the President received,  
18          quite early on, yes, the President received, quite early  
19          on, the position I had taken by letter. And when the  
20          efforts I was making at the university had been  
21          concluded, I was integrated within the university by  
22          presidential decree.

23  
24          I'm saying efforts or steps, because the department at  
25          the university needed to speak on this. The department  
26          had to see what I needed to have as my timetable as a  
27          full-time professor and it was necessary for them, also,  
28          to determine what it was to be done for me to be  
29          reintegrated into the university, in order to be  
30          exhaustive and have no ambiguity and also for me not to

1 have to come back to this issue.

2

3 When these steps were concluded at the university level  
4 there were some lecturers or professors who thought that  
5 Ferdinand Nahimana -- I had gone into politics and that  
6 I was in the MRND party and this was the time of the  
7 multipartism, and they didn't want a professor or rather  
8 a politician at the university. So there was this  
9 discussion going on, and the conclusion -- the  
10 institutional bodies did speak on this and the  
11 conclusion was that I would be reintegrated as a full  
12 time lecturer at the university, National University of  
13 Rwanda.

14 MR. BIJU-DUVAL: Madam President, I wish to present to  
15 Mr. Nahimana an exchange of correspondence which appears  
16 on the list dealing with new exhibits at No. 6, 7, 8 and  
17 9. I would also wish Mr. Nahimana to look at these  
18 documents rapidly so that he can indicate to the  
19 Chamber, briefly, for each of these documents, what they  
20 are. There is first of all the letter of the 4th of May  
21 and then the letter dated 5th of May, the letter of  
22 14th May and a letter of 22nd May 1992.

23 BY MR. BIJU-DUVAL:

24 Q. Chronologically, Mr. Nahimana, could you, in a word,  
25 tell us what the object of these letters was?

26 A. Madam President, Your Honours, as I have just said, I  
27 reacted very rapidly, and on the 4th of May I wrote a  
28 letter to the president of the republic informing him  
29 that I wished to have adequate time for me to be able to  
30 give my final position or stand and that, at any rate, I

1 would prefer to return to my professional career, that  
2 of lecturer and researcher.

3

4 The following day I wrote to the chancellor of the  
5 university, together with the necessary covering  
6 letters. I sent copies to the Ruhengeri campus to the  
7 dean, to the vice-chancellor, in order -- this was a  
8 process which I knew very well -- to request my  
9 reintegration as a lecturer of history.

10

11 Now, on the 14th of May the chancellor of the university  
12 responded very favourably to my request and informed me  
13 that I was, in fact, reintegrated at the university and  
14 that my request had been granted.

15

16 This was followed on the 22nd of May by a letter,  
17 because I was a member of the civil service. I wrote a  
18 letter to the head of state requesting him to accept my  
19 transfer from ORINFOR to the university.

20

21 Madam President, Your Honours, chronologically those  
22 were the steps I took, in view of my reintegration into  
23 the National University of Rwanda. I no longer recall  
24 the date but the last letter, concerning the request for  
25 transfer, was also granted because I received, later on,  
26 a presidential decree reassigning me to the university  
27 as a full-time professor.

28 MR. BIJU-DUVAL: Madam President, I wish that these four  
29 letters be considered as a single exhibit with an  
30 exhibit number and A, B, C, D in chronological order and

1 the exhibit name bear will be 1D133.

2 MADAM PRESIDENT: The exhibit will be so marked.

3 (Exhibit No. 1D133 admitted)

4 BY MR. BIJU-DUVAL:

5 Q. Mr. Nahimana, we are in 1992 when the chancellor accepts  
6 your transfer. Now, how did you find the National  
7 University of Rwanda at the time? What were the  
8 problems facing it or the difficulties that it was going  
9 through?

10 A. In 1992, specifically in October 1992, when -- in  
11 September 1992, when I went back to the university, the  
12 structures were the same, but sociopolitically speaking  
13 the university -- I wouldn't say it was going through  
14 the multiparty era difficulties, but the university was  
15 living and was vibrant with the feeling of democracy,  
16 which was restored to our country. It was a university  
17 whose teaching staff, if I were to restrict myself to  
18 that, and even the leaders of the university -- the  
19 teaching staff was divided into the various political  
20 parties existing in the country at that time, within the  
21 university itself, over and above this political climate  
22 of the multiparty era there was vividly -- and this  
23 could be felt -- there were regional tensions, which  
24 could be felt. There were also ethnic tensions, but, as  
25 you know, at university level these two last points,  
26 namely tensions, which are regional in nature and ethnic  
27 in nature, are expressed rather in discussion and it  
28 doesn't stop lecturers living together on a day-to-day  
29 basis but it was a reality that was obvious.

30

1           And, what I can recall as having been very evident were  
2           the divisions, based on the political leaning of the  
3           lecturers, and this is, in fact, is what I have just  
4           said. This is what almost brought about arguments about  
5           my reintegration, because I was seen as the MRND man and  
6           the MRND in October 1992, I was already in their  
7           préfectural committee of the MRND in my native  
8           préfecture of Ruhengeri. So, in general, this is it,  
9           but I'm ready to give details if my offer is found  
10          wanting, but, generally speaking, this is what the  
11          university was going through sociopolitically at the  
12          time.

13        Q.   Mr. Nahimana, in March 1992 Rwanda was traumatised by  
14          what is referred to as the events of Bugesera or the  
15          Bugesera massacres, and ORINFOR was put into doubt, was  
16          questioned at that time. When you came back to the  
17          university, did these events, which we'll come back to,  
18          did they feature in the arguments or the controversy  
19          concerning your reintegration to the university  
20          environment?

21        A.   It is true that I came back to the university after the  
22          unfortunate events of the Bugesera region in March 1992.  
23          When I went back to the university, this particular  
24          issue of the role that ORINFOR allegedly played, as was  
25          claimed/alleged by the human rights associations or  
26          organisations or some parts of the press, these events  
27          did not feature in the discussions that I was involved  
28          in.

29  
30          I must say, however, when I returned to the university

1 during a meeting of the -- the first meeting of the  
2 faculty council which I attended, there was some  
3 lecturers, including Emmanuel Ntezimana, who had then  
4 become president or at least an influential member, if  
5 not one of the leaders of the ADL association, including  
6 André Sibomana, Monique --

7 THE INTERPRETER: The interpreter didn't get the last name of  
8 the lady.

9 MADAM PRESIDENT: What's the last name that you mentioned,  
10 Mr. Nahimana?

11 THE WITNESS: I spoke of André Sibomana, who was the chairman  
12 of ADL. Sibomana is spelled S-I-B-O-M-A-N-A. He's a  
13 human rights activist and he was a priest. He worked  
14 together with another activist in human rights. I  
15 probably met her once her name is Monique Mujawariya,  
16 M-U-J-A-W-A-R-I-Y-A, Mujawariya, Monique. So Sibomana  
17 and I were present at the council of the faculty. He  
18 was the one who raised the matter of reintegration of  
19 former lecturers who went into government and who were  
20 involved in politics. And since I was personally  
21 involved or targeted in this question, as my colleague  
22 Sibomana and my colleagues of the department of history  
23 had talked about this issue.

24  
25 But it had been agreed that, given my competence and the  
26 timetable, I was surprised that he mentioned this  
27 question. And I personally asked the dean of the  
28 faculty to accept that I remain outside so that my  
29 colleagues discuss the issue without any problem. And  
30 this was accepted as a proposal and I left the room. I

1 waited for the end of the discussion, and at the end I  
2 was called upon and I was told that a solution had been  
3 found. The minutes of that meeting mentioned nothing  
4 about the Bugesera events.

5  
6 And later on, when the chancellor of the university came  
7 to Ruhengeri and held a meeting on the matter of the  
8 reintegration of lecturers -- because after me there had  
9 been others who were to be reintegrated and they were  
10 coming from the civil service. For them the matter was  
11 even more crucial than in my case. The chancellor had  
12 to intervene and there, at that particular time, I was  
13 present and the discussion turned around the political  
14 role persons had played. But the matter of the Bugesera  
15 event was never put on the table.

16 Q. Can you indicate to the Chamber the name of the dean of  
17 the faculty of arts at the time?

18 A. At the time the dean of the faculty of art was François  
19 Xavier Banganwabo. I'll spell Banganwabo for you,  
20 B-A-N-W-A -- I'm sorry, I skipped a syllable. I'll  
21 start over again, I do apologise.

22  
23 The name is spelt B-A-N-G-A-N-W-A-B-O, Banganwabo.

24 Q. Are you aware of the article of the government newspaper  
25 la relève who mentioned this matter of the reintegration  
26 to the university, the return to the university of  
27 persons who had temporarily left the university?

28 A. Yes, yes, there were articles, but, specifically, since  
29 I had been director of ORINFOR, I continued to read  
30 newspapers coming from that office. I recall I read and

1 even recently, as recently as last week, François  
2 Byabamwanzi -- I'll spell that name for you  
3 B-Y-A-B-A-M-W-A-N-Z-I, Byabamwanzi.

4 Q. Thank you.

5 MR. BIJU-DUVAL: At this point in time, Madam President,  
6 Your Honours, I wish to present an article from the  
7 newspaper, La Réleve Entitled "Ruhengeri Campus", the  
8 War of Letters Rages. This is at No. 10 of the lists,  
9 which we have provided, concerning the new exhibit.

10 BY MR. BIJU-DUVAL:

11 Q. If Mr. Nahimana can simply confirm what I have just  
12 said.

13 A. Yes.

14 MR. BIJU-DUVAL: Madam President, Your Honours, it is, indeed,  
15 about this article that I was speaking a moment ago.

16 MADAM PRESIDENT: Mr. Biju-Duval, is this an excerpt from an  
17 exhibit already before us, because there is nothing to  
18 indicate where this comes from or the date.

19 MR. BIJU-DUVAL: Madam President, yes, I realise that the  
20 photocopy was not adequate. We do not see either the  
21 number of the article or the information on the  
22 newspaper. I believe we have a better copy. I think my  
23 assistant is concerning that and after we have verified  
24 that, we'll have copies made thereof.

25 MADAM PRESIDENT: And the one you have has the date, does it?

26 MR. BIJU-DUVAL: Unfortunately I have the same copy you have.  
27 My assistant has gone off to fetch the better copy where  
28 I believe the name La Réleve and the issue number  
29 appears. Now, as for the date, the content of the  
30 letter is quite clear, because it mentions the date

1 quite clearly.

2 MADAM PRESIDENT: It mentions the date 13 August 1992.

3 Mr. Nahimana is that right? The content mentions a  
4 date, 13 August 1992?

5 THE ACCUSED NAHIMANA: Yes. What is indicated with the date,  
6 the 13th of August 1992, is the beginning of the  
7 discussions on this issue of the integration, of  
8 recruitment, and so on and so forth, because the article  
9 goes on, I see, in the second column, the 15th of  
10 October.

11 MADAM PRESIDENT: All right, you provide us with that further  
12 information before we receive this as an exhibit.

13 BY MR. BIJU-DUVAL:

14 Q. Mr. Nahimana, can you tell us, specifically, what was  
15 your workload assigned to you from that point in time?  
16 What was the number of hours; what was your timetable,  
17 and so on and so forth, and up to when were you to  
18 fulfil those functions?

19 A. As I was saying, as indicated in the article, my  
20 timetable was that of a full-time professor and this  
21 included between 165 hours of courses that I was to give  
22 to the students. In that hourly timetable is not  
23 included research and the preparation I needed to make  
24 for my courses.

25  
26 Personally, between 1992 and the 6th of April 1994, I  
27 had always had about 165, 160 hours and 195, very rarely  
28 200 hours, that would be my maximum. So that would be  
29 my hourly load, in terms of what was assigned to me or  
30 attributed to me by the university. The workload was

1 the same as other lecturers who were lecturing at the  
2 university and, since I stayed in Kigali, I lived in  
3 Kigali, I didn't want to move my family to Ruhengeri, to  
4 the Ruhengeri campus, I concentrated my weekly hours  
5 over a certain number of successive days. Generally, my  
6 lectures were from Mondays to Wednesdays or Mondays to  
7 Thursdays and I would go back to Kigali over the  
8 weekends. That is how I organised my workload. But, I  
9 must say, especially in 1993, when I went back to some  
10 writing, yes, at the end of 1992, beginning of 1993, I  
11 went back to finish my book. So, generally, weekends I  
12 would spend outside the university. I would often go to  
13 a place known as Kigufi, spelled K-I-G-U-F-I, a quiet  
14 place where I could complete my book, *Le Rwanda:  
15 L' émergence d'un État, "Rwanda the Emergence of a  
16 State"*.

17 Q. Mr. Nahimana, let's go now to your students. Could you  
18 inform the Chamber about how they were admitted to the  
19 university, what was the procedure followed,  
20 specifically, and given what we know about the political  
21 situation and the ethnic quota?

22 A. What I'm going to say right now doesn't specifically  
23 concern the period after my reintegration to the  
24 university, this existed right from the time I entered  
25 the university up until practically the end of my time  
26 there, except that I'm not very well informed on this,  
27 but at the end of --

28 MADAM PRESIDENT: Which period are you asking him about,  
29 Mr. Bicaudal? He dealt with his earlier student days  
30 already.

1 MR. BIJU-DUVAL: Madam President, I wish Mr. Nahimana to  
2 indicate to us, during the period that he was teaching  
3 at the university; in other words 1987 to 1984, and then  
4 1986 to 1990, and then 1992 up until 1994, what was the  
5 admission procedure for students to the University of  
6 Rwanda, given what we know about the ethnic quota policy  
7 at the time.

8 THE ACCUSED NAHIMANA: I understand the question much better  
9 now.

10

11 Madam President, concerning the admission of students to  
12 the National University of Rwanda, candidates would make  
13 their applications to the ministry responsible for  
14 higher education. It's up to that ministry to inform of  
15 the students admitted and it was the ministry which  
16 determined the orientation, I'm referring to faculties,  
17 the orientation that students would take; in other  
18 words, their choice of faculty. Then that list was sent  
19 to the office of the chancellor of the university,  
20 specifically to the secretary-general of the university.  
21 The list, which was first sent from the ministry, was  
22 accompanied by information of the ethnic origins of the  
23 candidates whose applications were granted, were  
24 admitted. At the office of the secretary-general at the  
25 university a new list was drawn up and this list copied  
26 the list from the ministry, minus the ethnic and  
27 regional information concerning the students. And it's  
28 that second list which was sent to each faculty of the  
29 university; in other words, at the lower level, at the  
30 level of the day-to-day administration of students, in

1 other words the faculty, what was received was only the  
2 list of students who were assigned to the faculties.

3

4 Only the assistant secretary-general or the  
5 secretary-general in earlier years, from 1981, only that  
6 person had the list of all the students, including  
7 information on ethnicity and regions. Whereas, at the  
8 university there was only the names of students, the  
9 applicants accepted for the various faculties, and there  
10 was no mention, whatsoever, of their origins or their  
11 ethnicity. This means, therefore, that the ethnic or  
12 even regional quota policy was implemented at the  
13 highest the level; in other words, the university -- I  
14 mean the ministry. The university itself did not  
15 intervene. All it did, all the university did was to  
16 manage the material provided to it.

17 Q. Now, with regard to the selection of students, their  
18 ranking during their studies, could you, briefly, tell  
19 the Court how the ranking and selection were undertaken  
20 and whether there were roberto (phonetic) procedures?

21 A. Madam President, Your Honours, the National University  
22 of Rwanda was not a separate university from other  
23 universities in the world. It was not separate in the  
24 world. The system used to rank students at the  
25 University of Rwanda was the same that I saw in northern  
26 American universities, particularly in Canada where I  
27 studied, as well as in France where I studied. You have  
28 a lecturer giving lectures, he gives tests and  
29 examinations to students, following which he corrects  
30 and after marking the places he gives marks and ranks

1 and after giving the marks -- in any case, this is what  
2 he is doing and most lecturers do this, so he would  
3 present to these students the method he used in marking  
4 the examinations. And at the National University of  
5 Rwanda, particularly in the faculty of arts, where I  
6 taught, any student who thought that the advice against  
7 him, had a right to recourse, first at the departmental  
8 level, and, if you were not satisfied, then he would  
9 have recourse to the level of the dean. Then the dean  
10 would head up and -- hard to say that this was something  
11 that was provided for. So the dean would consider a  
12 group of three lecturers who taught in the same field in  
13 which the student took an exam. So both lecturers would  
14 correct, mark the paper without taking into account the  
15 opinion of the first lecturer. So, if the student  
16 received better marks, so much the better for him;  
17 otherwise he would be the loser. But then there was the  
18 last recourse.

19 MADAM PRESIDENT: Mr. Nahimana -- I don't know why we are  
20 interested in the academic procedure assessment,  
21 Mr. Biju-Duval. Let's go back to your evidence, the  
22 list drawn by the ministry for purpose of admission of  
23 students to this university. And you say that list has  
24 information about their origin and ethnicity and that  
25 list was handed to the secretary-general of the  
26 university, not so? Did I understand your evidence  
27 correctly?

28 THE ACCUSED NAHIMANA: Madam President, the summary you've  
29 just given is perfectly correct. The list that was  
30 drawn up by the ministry was given to the

1 secretary-general of the national university of Rwanda  
2 and the information on ethnicity was kept by the  
3 secretary-general of the university and he drew up a  
4 second list, which would be sent to the campuses, and  
5 then the campuses would draw up a last list, which  
6 actually listed students according to their faculties.

7

8 To be clear, the secretary-general administered the  
9 files of all university students. For example, from  
10 1981 we had two campuses, so he admitted all the files  
11 and what he sent to the campuses were the list of  
12 students who were going to enroll in the faculties which  
13 were in those respective campuses, and those lists did  
14 not contain information regarding ethnicity.

15

16 Finally the deputy secretary-general drew up a list and  
17 sent a list, for example, to the faculty of letters  
18 concerning the students who go to the faculty of letters  
19 and if the dean of the -- I mean to the extent that the  
20 dean of the faculty did not know the name of students  
21 which were sent to the faculty of medicine, such was the  
22 system.

23 MADAM PRESIDENT: I understand that you give your evidence,  
24 but why do you say that the university records don't  
25 show, don't make any mention of origin or ethnicity?  
26 That's not correct, is it? Because the university does,  
27 in fact, receive this list from the government.

28 MR. BIJU-DUVAL: Madam President, I don't think Mr. Nahimana  
29 said that.

30 THE ACCUSED NAHIMANA: If I may answer. I'm surprised. Maybe

1 I did not express myself but what I said was that the  
2 university received, at the level of the chancellor's  
3 office, that is the secretary-general of the university,  
4 would receive the lists sent by the ministry with all of  
5 these information data, with all data. But the faculty  
6 did not receive lists which included such data. So --  
7 and this deputy secretary-general did not receive those  
8 information as well, regarding ethnicity.

9 (Pages 69 to 89 by R. Lear)

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1 1545H

2 MADAM PRESIDENT: That's what you said, and I understand all  
3 that. But you can't say the university didn't have the  
4 information, because the university, in the Office of  
5 the Chancellor and secretary general, had the  
6 information from the minister. The university had the  
7 information. The faculties did not receive that  
8 information.

9 THE ACCUSED NAHIMANA: I'll specify that I did not say the  
10 university at the level of the chancellor or the  
11 rector's office. As I said, you had the rector, the  
12 vice-rector and the secretary general. At those levels  
13 the university had all those information, but at the  
14 lower levels, such information was not available.

15 MADAM PRESIDENT: Yes, I understand that now. Now, in which  
16 campus was the Office of the Chancellor and secretary  
17 general situated? It's not clear to me from this chart  
18 you drew.

19 THE ACCUSED NAHIMANA: The rector or the chancellor's office  
20 of the national university of Rwanda was not on any  
21 campus in principle, however, it was in Butare town,  
22 which therefore was near the university campus of  
23 Butare, whereas the second campus was in the north. The  
24 Butare campus was in the south. The other campus in the  
25 north was in Ruhengeri.

26 MADAM PRESIDENT: All right. Thank you. Continue,  
27 Mr. Biju-Duval. One second.

28 JUDGE GUNAWARDANA: Was there a selection process at the level  
29 of secretary general? All the names sent by the  
30 ministry, were they admitted to the university or was

1           there a selection process at the level of the secretary  
2           general?

3   THE ACCUSED NAHIMANA: At the level of the secretary general,  
4           Your Honour, no selection was undertaken. It just  
5           administered and managed the files that came from the  
6           minister of high education and scientific research.

7   JUDGE GUNAWARDANA: Thank you.

8   MR. BIJU-DUVAL: Madam President, I have a better copy of the  
9           article which we referred to earlier. The copy that I  
10          have now indicates that -- gives the name of the  
11          newspaper, that is, La Relève. It gives its number,  
12          which is number 248. Unfortunately, I noted that  
13          there's still a shortcoming in the date of the edition.  
14          However, the name La Relève is there, the edition number  
15          is there, and the presentation of the date in the  
16          articles, I think, would enable this document to be  
17          admitted. So we've made a better and a more complete  
18          copy than the previous one.

19   MADAM PRESIDENT: Yes, Mr. Biju-Duval.

20   MR. BIJU-DUVAL: This would be Exhibit No. 1D134.

21   MADAM PRESIDENT: Yes, this is a better copy, Mr. Biju-Duval.

22          What's the next exhibit number, 1D134?

23          (Exhibit No. 1D134 admitted)

24   MR. BIJU-DUVAL: Thank you, Madam President.

25   BY MR. BIJU-DUVAL:

26   Q.   Mr. Nahimana, during your entire career as a lecturer,  
27          teacher, did you ever -- was there any rebuttal about  
28          your marking by any of your students?

29   A.   During my entire career as a lecturer, whether it was at  
30          the level of a full-time lecturer or part-time lecturer,

1           there were never rebuttals from my students in respect  
2           of my marking.

3    Q.    Some witnesses came here and alleged that you had  
4           conduct -- or, rather, you took discriminatory decisions  
5           in relation to some of your students on the basis of  
6           their ethnic origin or racial origin.  Could you please  
7           tell the Court what is your position on this particular  
8           point?

9    A.    I would say that that is ridiculous.  Such allegation  
10           concerning such discrimination is totally ridiculous.  
11           That was not my conduct, not my behaviour.  I have  
12           never, never made such discrimination.

13

14           It is sure that, in this courtroom, I heard some  
15           witnesses who I have to say, and this is what really  
16           saddens me in this case, those witnesses were never  
17           students of mine.  They were not my colleagues in the  
18           faculty of science; never.  They were not my colleagues  
19           at the faculty of arts.  I had believed that at one time  
20           people would come here to testify and then leave, but  
21           they did not know that I would be given the floor, and  
22           that is why, today, I'm clearly expressing myself, and I  
23           am saying that in my life as a lecturer, and even in my  
24           social life, I never practiced discrimination.  This  
25           afflicts me and it revolts me.  Someone discriminating  
26           against another person is something that revolts me.

27

28           I was at the university as a lecturer and as a  
29           researcher.  I marked examinations of students without  
30           any discrimination and, God knows, and with the leave of

1 the Court, I can even give the names of students  
2 because, whether it was written on identity cards or  
3 not, at first sight, you know, whether they had Hutu or  
4 Tutsis, I would not say that Tutsis would be up or low.  
5 No, I do not believe in physiological differences. What  
6 I believe in is that, through contact, through  
7 discussion, one can know who is a Tutsi, but not just  
8 from appearance.

9

10 It is after teaching a student for four years that I  
11 would come to know whether a student is a Tutsi or a  
12 Hutu and whether he came from Butare or Ruhengeri. In  
13 the last years, because I have to say that the last year  
14 was the fourth year in which I lived with the students,  
15 I would teach; I taught students; I was a member of a  
16 jury which oversaw examinations of Tutsi students.

17

18 Since you have put this question to me, I am thinking  
19 about a student whose name is -- I hope he's still  
20 alive. His name was Masengo, Edouard. He came from  
21 Cyangugu. He was one of my best students. And he was a  
22 Tutsi. He was a Tutsi. And there's another name that  
23 comes to mind. I don't want to be told to say that I  
24 practiced discrimination, sexual discrimination as well.  
25 One of the best students that I had was a Tutsi lady  
26 whose name was Alphonsine Kabagabo -- I believe it's  
27 K-A-B-A-G-A-B-O; whereas Masengo, who I mentioned  
28 earlier, Edouard, is spelled M-A-S-E-N-G-O. I'm just  
29 mentioning these names from memory.

30

1 As far as I'm concerned, I find it difficult --  
2 ridiculous to be told that I was practicing  
3 discrimination. Even some academics who came here but  
4 were not my colleagues at the faculty and who did --  
5 said that, whereas they could not have done what I did  
6 in their classes, and I think this is conduct which is  
7 not worthy of an academic.

8 Q. Mr. Nahimana, we also heard some witnesses allege that  
9 you as a lecturer, in respect of your students, you made  
10 comments which were racial or ethnic in nature. Could  
11 you today express your position regarding such  
12 allegations?

13 A. Madam President, Your Honours, I would not like to  
14 appear as being impolite in my use of words. I'm not  
15 even trying -- it's in my nature to behave as a  
16 gentleman. I'm saying that all that is ridiculous.  
17 Moreover, one of the main accusers was a witness who  
18 came here, Mr. Kagabo, in a diatribe, at least  
19 acknowledged that Ferdinand Nahimana has such finesse  
20 that he would not have made such comments in a  
21 university lecture theatre and that I would have used  
22 more suitable and polite language.

23  
24 But I would go further and say that I do not use certain  
25 language; I've always used direct language with my  
26 students when it comes to lecturing, the development of  
27 Rwanda, the role played by Hutus, Tutsis, northerners,  
28 southerners, but never, never -- and that was ridiculous  
29 in a lecture theater. At the university I would say  
30 that it was even impossible to make such comments, and I

1 find it even revolting to hear all that.

2 Q. Mr. Nahimana, with regard to your colleagues, lecturers,  
3 during your university career, did you undertake common  
4 research? Did you write books jointly with them?

5 A. Madam President, Your Honours, during my university  
6 career and as a lecturer, it's true that I was very  
7 productive. Within Rwanda and given the budget and in  
8 our own context, a colleague of mine who had spent a lot  
9 of time -- who would have spent a lot of time in  
10 North America or Europe, he would have produced more  
11 than I did, but at the level of the universities in  
12 Rwanda, apart from Alexis Kagame, in the field of  
13 history and historical research, I think that as a  
14 Rwandan and who worked at the university, I could be the  
15 second or the third -- but, frankly, I do not see who  
16 was the third. Rather, I see the second, after Kagame.  
17 I think I was the second after Kagame, and I undertook  
18 individual research, and this is true.

19  
20 And since you are talking about research that I carried  
21 out with other colleagues, yes, I conducted such  
22 research and I made publications with other colleagues.  
23 In fact, even in 1980, the university was being merged.  
24 I don't know, maybe this is an ailment, to like to think  
25 and to propose solutions. When a colleague,  
26 Emmanuel Bugingo, B-U-G-I-N-G-O, who was a -- who was a  
27 pedagogical specialist, and I, who was a historian,  
28 published a work which was published in a review  
29 published by the national university of Rwanda, and we  
30 were discussing about the university reform, looking at

1 problems, solutions, and we were talking about the  
2 difficulty involved in transferring one of the faculties  
3 from Butare to Ruhengeri, and we pointed out the  
4 difficulties and the consequences.

5  
6 Secondly, in 1984 -- in 1985, rather, I conducted  
7 another study with a colleague who was Rwandan, together  
8 with a German couple. The Rwandan was Damien Rwengena.  
9 Rwengena is written R-W-E-N-G-E-N-A. He is an  
10 anthropologist. And the German couple were Honke. The  
11 first name of Mrs. Honke was Gudron, G-U-D-R-O-N,  
12 whereas the gentleman's first name was Otto, O-T-T-O.  
13 We conducted our research on Rwanda and the Germans.  
14 This was a short document of about 16 pages, plus  
15 photographs, which reflected the German era, the  
16 exploration as well as the contact between the Germans  
17 and Rwandans at around 1876 up to 1916.

18  
19 The third research that led to a publication, if my  
20 memory serves me well, was conducted in 1988, either  
21 that year or it was at the end of that year. That  
22 research focussed on sociocultural life of groups that  
23 were known, and are still known today, as marginal or  
24 marginalised groups in Rwanda, mainly the pygmies who  
25 live in the forest or on the borders of the forest, in  
26 the volcanic forest, and in some forests situated in the  
27 north and southwest, basically. Plus, a relatively  
28 reduced population in terms of their number, which is on  
29 the border between Rwanda and Tanzania, and the name of  
30 this group is Abanyanbo, A-B-A-N-Y-A-N-B-O. And I

1 conducted this research, as I was saying, with  
2 Damien Rwengena, who was an anthropologist,  
3 Laurent Nkuse, who was a linguist, Father Sylvestre  
4 Ndekezi, who were interested in this particular group,  
5 who had been interested in that group since 1980 or,  
6 rather, '78.

7

8 And if I can confine myself to this particular case, at  
9 the level of research, then I would have omitted a last  
10 publication, a last research.

11 Q. Mr. Nahimana, could you please spell "Ndekezi"?

12 A. I beg your pardon. Ndekezi is spelled N-D-E-K-E-Z-I.  
13 The last publication that I wanted to mention was a  
14 joint -- result of joint work, and this later was  
15 published as a book which was titled Conscience  
16 Chez-nous Confiance en nous, and for harmonious  
17 development.

18 Q. Mr. Nahimana, if you want to proceed step by step before  
19 1980, had you also undertaken joint work with other  
20 lecturers?

21 A. Before 1980, the first research that I conducted on  
22 behalf of a lecturer, Marcel N'Hertefilt, who was of  
23 Belgium origin. He worked on the lineage and clans in  
24 ancient Rwanda. Later on, as a lecturer, before 1980, I  
25 conducted research with -- rather, basically, under the  
26 leadership of someone who would tell me whether I was on  
27 the right path or not, under the leadership of Mr.  
28 Alexis Kagame.

29

30 It was with him, under his supervision, I started

1 working on the research of Hutu clans, royalties, in the  
2 northern region. And he supported my research in two  
3 ways: Firstly, it was still in the famous course,  
4 Introduction to Rwanda -- I told you about it. First,  
5 they wanted to know why we wanted to teach about these  
6 dynasties, and here there is the word "Bukonya",  
7 B-U-K-O-N-Y-A. I had the opportunity when I was a child  
8 up to 1961 to know a former Hutu king -- or, rather,  
9 Father Alexis Kagame told me that, "In the 1940s, as a  
10 young priest, I conducted research in the region of  
11 Gisenyi and Ruhengeri, and I still have my notes, and it  
12 was during those years that the royal court of  
13 King Mutara Rudahingwa" -- Mutara is spelled  
14 M-U-T-A-R-A; Rudahingwa is spelled R-U-D-A-H-I-N-G-W-A.  
15 He was a king. He died in 1959. He asked him -- or,  
16 rather, he was asked to write a history of the dynasty,  
17 and it was the king who introduced him into the  
18 ritualistic ways of the court so that he could have  
19 access to poetry, which was being transmitted orally  
20 over time.

21 Q. Mr. Nahimana, in order to respond to the Court's  
22 concern, I think that we are getting away from a  
23 specific question that I had put to you.

24 A. Yes, I wanted to come back to that question but, you  
25 see, when it comes to history, sometimes I launch myself  
26 in history, and I have to apologise for this.

27

28 So one of the researches that I undertook concerned the  
29 kingdoms of northern Rwanda, which led to the  
30 publication which was highly acclaimed and quite known,

1           which it -- it led to a talk in Bujumbura which was  
2           organized in a colloquium. That was organized in  
3           Bujumbura in 1979. And I am saying this was not because  
4           of my competence but rather it was because of my  
5           supervisor, my godfather. Because each speaker had 15  
6           minutes. I gave my talk, and Father Kagame was there.  
7           He had such a stature on the continental level, and he  
8           made comments on my articles. He spent more than 30  
9           minutes doing that, and the applaudissements that I did  
10          not have were given to him. And it was that article  
11          which was the subject of the discussion then, was  
12          published under the leadership of Jean-Pierre Chrétien,  
13          in a book known as the Civilisation of the Peoples of  
14          the Great Lakes Region. And if my memory serves me  
15          well, this book came out in 1981.

16  
17          And I'd like to conclude this by saying that my talk  
18          specifically, which was published in that book, was  
19          recognised by a major professor in an institute of  
20          higher level in social sciences, and that is the same  
21          school that Mr. Guirukava (phonetic) taught, and the  
22          person in question is Mr. Roger Botte. So much for the  
23          research before 1990. I wanted to conclude --

24    Q.    Mr. Nahimana, in order to link up with what you said  
25          lastly, I would like to give you an article which was  
26          written by Mr. Botte, and could you tell us whether this  
27          is the article that you have just mentioned so that we  
28          could actually tender it? And this is Exhibit No. 12,  
29          or, rather, document no. 12 in the -- this is number 12  
30          on the list of new exhibits.

1 A. Yes, this is the article. I see that the original of  
2 the text is not mentioned, but this appeared in the  
3 Cahier des études africain published by the École des  
4 autres études et science social, I believe. In any  
5 event, the institute is at Boulevard Raspail. And on  
6 page 207, it talks about all the works concerning the  
7 ancient civilisations of the people of the Great Lakes,  
8 and this is in relation to the Bujumbura colloquium on  
9 the ancient civilisation of the peoples of the Great  
10 Lakes, and in 1979. And it also talks with regard to  
11 Rwanda what I've just mentioned.

12 MR. BIJU-DUVAL: Thank you, Madam President. If it is  
13 possible to number this document as 1D135.

14 (Exhibit No. 1D135 admitted)

15 BY MR. BIJU-DUVAL:

16 Q. Mr. Nahimana, you mentioned the names of a number of  
17 colleagues with whom you conducted joint research. You  
18 mentioned Mr. Kagame, Mr. Bugingo, Mr. Rwengena,  
19 Mr. Nkuze and Mr. Ndekazi. Could you tell the Court to  
20 which ethnic group did these authors or, rather,  
21 researchers belong?

22 A. This is extraordinary because this is an ethnic prism of  
23 my conduct in respect of ethnicity, which is put into  
24 the fore here. Maybe with you -- I'm surprised when I  
25 say that all these names -- and I don't know of any  
26 names that I have forgotten -- all these names are names  
27 of people who are Tutsis; all of them are Tutsi. The  
28 conduct whereby people are labelled by their ethnic  
29 group, I would say that I did not include the ethnic  
30 group in my research, as a researcher and in my capacity

1 as an author, but suffice to say that all of them are  
2 Tutsi.

3 Q. Mr. Nahimana, you mentioned work that you conducted with  
4 Mr. Bugingo. I'd like to show you a document which is  
5 on number 14 on my list, which is an article whose  
6 heading is The National University of Rwanda in respect  
7 of the merger with the IPN, and this was written by  
8 Mr. Ferdinand Nahimana and E. Bugingo. This is  
9 Emmanuel Bugingo. Now, could you identify this heading  
10 so we may be able to introduce it?

11 MADAM PRESIDENT: Do you have extra copies? We don't have the  
12 article.

13 MR. BIJU-DUVAL: The copies are here. We made -- we made  
14 limited copies because of the voluminous nature of all  
15 these documents.

16 THE ACCUSED NAHIMANA: This is the article which is not on the  
17 -- article. There is another one which I published with  
18 them, but the one that I had before me is the heading of  
19 the article that I published with Mr. Bugingo.

20 BY MR. BIJU-DUVAL: That would be Exhibit 1D136.

21 MADAM PRESIDENT: 1D136.

22 (Exhibit No. 1D136 admitted)

23 THE ENGLISH INTERPRETER: From the booth, could the  
24 interpreters have a copy of that exhibit, please?

25 BY MR. BIJU-DUVAL:

26 Q. Mr. Nahimana, you mentioned Father Sylvestre Ndekezi,  
27 with whom you carried out research on marginal groups in  
28 Rwanda. Did this work that you did together, did this  
29 research lead to other activities carried out jointly?

30 A. Absolutely. One evening, Ndekezi stopped at mine -- I

1 was at Ruhengeri -- and he proposed that we carry out  
2 research on these groups. And then towards the end of  
3 1988 or 1989, in any case, after we worked on the  
4 marginal groups in Rwanda, he went further because he  
5 was looking for financing from German calistative  
6 (phonetic) associations who were asking him what work  
7 had been done, to be sure that there was an organisation  
8 so that people should not be assisted as individuals but  
9 as institutions, not natural persons but entities. And  
10 Father Ndekezi contacted people who were already  
11 interested in working with those groups.

12  
13 He contacted me this time to become a member of an  
14 association which he intended to set up, and he invited  
15 me to a meeting, and this meeting brought together  
16 bishops of dioceses where these marginal people were  
17 seen to live: Bishop of Nyundo, the dioceses in which  
18 the volcanoes were, and also a part of Nyumgwe, the  
19 Bishop of Cyangugu.

20 Q. Could you mention their names, please, you remember?

21 A. Yes, I will. The Bishop of Nyundo, he died; I think  
22 three years ago. His name was Stanislas Kalibushi.  
23 Kalibushi is spelled K-A-L-I-B-U-S-H-I. The Bishop of  
24 Cyangugu at the time was Thadde Ntihinyurwa.  
25 Ntihinyurwa is spelled N-T-I-H-I-N-Y-U-R-W-A. There was  
26 the Bishop of Kabungo, Monseigneur Rubwejinga -- I do  
27 not remember his first name. Rubwejinga is spelled  
28 R-U-B-W-E-J-I-N-G-A. There was Monseigneur Ruzindana of  
29 the Biyumba diocese because there, too, there were some  
30 marginal groups. Ruzindana is spelled

1 R-U-Z-I-N-D-A-N-A. And then there was the Archbishop of  
2 Kigali, Monseigneur Nsengiumva, N-S-E-N-G-I-U-M-V-A. He  
3 explained what he wanted, that this association that was  
4 to be set up should take care of street children, and  
5 since Kigali was the capital, it had that group of  
6 marginalised persons.

7  
8 In addition, I met the presidential couple, Mr. and  
9 Mrs. Habyarimana. Father Ndekezi tried to find out why  
10 he made that choice, and he said that  
11 President Habyarimana was somebody who was asking people  
12 to take care of those -- of those groups, but that that  
13 was not a profit-making activity, and he was the first  
14 to respond to this call. And Ndekezi also said it was  
15 also in order to support the policies that he was trying  
16 to follow with the president who, at the time, also had  
17 Bonaventure Habimana, H-A-B-I-M-A-N-A, with him, and  
18 there was also the minister of health and social affairs  
19 at the point -- at that point, Mr. Casimir Bizimungu.  
20 Bizimungu is spelled B-I-Z-I-M-U-N-G-U -- myself,  
21 another gentleman whose first name was Sylvestre -- I  
22 cannot remember his surname.

23  
24 It is, therefore, on that day that I became a member of  
25 a founding meeting of an association which came to be  
26 known as ADIGMAR, that is, Association for the  
27 Development and Integration of Marginal Groups in  
28 Rwanda. ADIGMAR, the acronym is written A-D-I-G-M-A-R.  
29 Q. Mr. Nahimana, I'm going to hand over a document to you.  
30 That document appears under number 17 of the list of new

1 documents, and these are the statistics which were  
2 recorded in the official gazette in Rwanda. -- I am  
3 sorry, I am mistaken. Make that number 11 of the list  
4 recorded in the official gazette of Rwanda on the 1st of  
5 July, 1989. I would like you to look at that document  
6 and confirm that that is indeed the document so that we  
7 can tender it.

8 A. Yes, this ministerial order is more complete, is more  
9 exhaustive. As far as the founding members are  
10 concerned, I was listing the names from memory. Yes,  
11 indeed, this text, I am aware of. It is indeed the text  
12 of the statutes.

13 Q. Very well, thank you.

14 MR. BIJU-DUVAL: I would like to tender that document as  
15 Exhibit 1D137.

16 MADAM PRESIDENT: 1D137.

17 MR. BIJU-DUVAL: 137.

18 MADAM PRESIDENT: 137. Mr. Biju-Duval, we were following from  
19 this document the names, so there's no need for you to  
20 put all the names to him. You could have just directed  
21 his attention to the list of names here. It would have  
22 saved a little time.

23 (Exhibit No. 1D137 admitted)

24 BY MR. BIJU-DUVAL:

25 Q. Mr. Nahimana, on that occasion you met the presidential  
26 couple, tell me, was that the first time you were  
27 meeting the president, and at that point, how close or  
28 how far were you from the president, if I could put it  
29 that way?

30 A. Yes, I met the president and his wife in that meeting.

1           That was not the first time I was meeting the president  
2           in particular. I had, on several occasions, while I was  
3           a university lecturer, met the president in July-August,  
4           during the inauguration of development projects. That  
5           was his cherished activity during that period of  
6           July-August when he came to especially inaugurate  
7           development projects in my préfecture or where I was,  
8           Butare or Ruhengeri. And then later, in 1987 in  
9           particular, along with many others, in particular from  
10          the National University of Rwanda and Ruhengeri, we were  
11          invited to a big anniversary celebration which took  
12          place at his residence in his native commune, Karago,  
13          K-A-R-A-G-O.

14

15          But what was peculiar was that, in the course of that  
16          ceremony, the president of the republic went around and  
17          talked to those present at the ceremony, and I had a  
18          conversation with him. I think, if my memory serves me  
19          right, I had just published *The White Has Come; The  
20          Black Has Gone*. He was somebody who liked what I wrote.  
21          So he asked me if I had something I was working on at  
22          the time, and I said I did, and I said I was getting  
23          ready to publish my thesis, and that in 1987, as part of  
24          a course entitled *Contemporary History from a Profound  
25          Point of View*, I had a course on the heads of states of  
26          Central and Eastern Africa, and I sent students  
27          practical work on analysis of political discourse, and  
28          specifically, I had got certain students to analyse the  
29          discourse of President Habyarimana; from his discourse,  
30          what was the foundation of his development policy for

1 the state of Rwanda. And I told him that -- or, rather,  
2 before this ADIGMAR meeting, those were the occasions on  
3 which I met the head of state.

4 Q. Did you publish these university lessons in the form of  
5 a book?

6 A. Madam President, Your Honours, yes. It is even  
7 indicated I wrote the first part in a book, Conscience  
8 Chez-Nous Confiance en Nous. The second part had its  
9 title from a statement made by Habyarimana, and I had  
10 become an admirer of President Habyarimana as far as his  
11 development policy was concerned. I was working as an  
12 enlightened academician. I was centering on his  
13 development ideology. I was totally in agreement with  
14 him, and that is why I delved into this area of  
15 analysing political discourse and came out with these --  
16 this ideological policy which is peace, unity and  
17 development, and I published this book entitled  
18 Conscience Chez-Nous Confiance à Nous.

19  
20 I published the book with the assistance of my students  
21 and other lecturers, whether they were university  
22 lecturers or workers within the administration, and even  
23 priests, because they had all analysed similar points,  
24 and I contacted them, had discussions with them, so that  
25 I should discuss them within the practical course of  
26 contemporary history and, finally, to accept that that  
27 text should appear in the book that I published.

28 (Pages 90 to 106 by Karen Holm)

29

30

1 1630H

2 Q. From a political and ideological point of view, how  
3 would you describe that work?

4 A. In two ways. Firstly, it is a book which results from  
5 an academic analysis, because, in fact, I produced it as  
6 part of a course. I analysed the discourse of Nyerere,  
7 evidently translated into French. I did same with  
8 President Kounda, President Habyarimana. I had a lot of  
9 material to work on. And especially within this course  
10 of contemporary history, there is an academic touch to  
11 it, and as far as that is concerned, I totally disagree  
12 with Mr. Kagabo, who says here that he never read that  
13 book but who said that from its title it cannot be an  
14 academic work. In any case, the court allowed him to go  
15 on and on, but that is unacceptable from an academitian,  
16 who, without reading a book, dared to describe the book.

17  
18 Secondly, I would talk about the political commitment.  
19 Admirable; that is, I was an admirer of President  
20 Habyarimana for this development policy based on peace  
21 and unity. And that book had this second purpose of  
22 highlighting this policy. You know, we go around, we  
23 seem to be lazy, we hear things said on the radio, we  
24 read them in the newspapers, but we do not succeed to  
25 analyse them and to come up with a certain line of  
26 thought. And when I analysed it, I came up with this  
27 line, that the president of the republic worked from  
28 culture to impose -- I'm using the word "advisedly" --  
29 we are dealing with a single party where there is -- we  
30 talk about umuganda, U-M-U-G-A-N-D-A. This is an

1 element of Rwandan culture which the president is  
2 taking. "Umugada" is "self-help". But even this  
3 cultural concept, which dates back in time, I recognise  
4 it and I know that it was imposed. Even if ultimately  
5 we realised that it was a good practice, because, with  
6 that we could have roads, we could have health centres,  
7 we could have schools. But this was a concept which was  
8 more or less imposed, and we got used to it gradually.

9

10 Those are the two aspects I would like to highlight as  
11 far as the book is concerned.

12 Q. Mr. Nahimana, very rapidly --

13 MR. BIJU-DUVAL: I would like Exhibit 1D98 to be given to  
14 Mr. Nahimana, the book entitled Conscience chez-nous  
15 confiance en nous.

16 BY MR. BIJU-DUVAL:

17 Q. I'm sorry, could you please go to the last but one page,  
18 which is the table of contents. Could you please let me  
19 know when you find it.

20

21 Mr. Nahimana, could you very briefly and very rapidly  
22 tell us who the authors or co-authors of this book are.  
23 The names appear on this table of contents. I would  
24 like you to very rapidly mention their ethnic group,  
25 since that has become the obsession of the day,  
26 political affiliations.

27 A. Madam President, to be very fast, I will start with the  
28 political affiliations. The book came out in 1988.  
29 Everybody was a member of MRND; there was a single  
30 party. Now, as to the ethnic origin that -- let me take

1 IV.1.a, Nyandwi, from Kigali préfecture, former  
2 minister. At the time he was the minister of the  
3 Habyarimana government. Boniface Ngulinzira was a Hutu  
4 from Ruhengeri préfecture. At the time he was  
5 responsible, I believe, for language reform because he  
6 was a linguist at the level of the --

7 Q. Mr. Nahimana, and what happened to him later?

8 A. Mr. Boniface Ngulinzira, after 1988, he first became an  
9 advisor for cultural affairs for the presidency of the  
10 republic. With the advent of multiparty politics, he  
11 was an influential member of the MDR party. And with  
12 the Nsengiyaremye government he was minister of foreign  
13 affairs. He was the one who negotiated the peace  
14 accords which took place, I think, in this building,  
15 even if he was not the one who signed them. And  
16 unfortunately in July 1993, he was relieved of his  
17 duties in the government, and in 1994, I learnt that he  
18 is said to have died between the 6th and the 20th of  
19 April 1994, and, apparently, from what his wife says, in  
20 the Kicukiro technical school. Kicukiro is spelt  
21 K-I-C-U-K-I-R-O.

22

23 If I could continue, under 2 (sic), we have  
24 Fathers Silvio Sindambiwe and Félicien Muvara. They  
25 jointly published an article which you have on page 67  
26 of that book. These two people are Tutsis. Félicien, I  
27 taught him for four years. He was a historian.  
28 Unfortunately he was killed during the events between  
29 April and July 1994. That is one of my former students,  
30 a historian. He was a Tutsi from Butare préfecture.

1 Boniface Ngulinzira, professor of agronomy; Hutu from  
2 Ruhengeri. He was teaching in the faculty of agronomy  
3 in Ruhengeri. Mr. Pancras Twagiramutara is a  
4 sociologist. He has a doctorate degree in sociology;  
5 Tutsi, hailed from Cyangugu.

6  
7 Under 4, 4(a) there is Pierre Claver Karenzi, a  
8 professor of physics. Unfortunately, he was killed  
9 during the April-July events. At the time this book was  
10 published he was a member of the Central Committee of  
11 MRND. He had become a member of that party since 1981  
12 and he stayed in the party right to the advent of  
13 multiparty politics. And since we know that, that is  
14 the older brother of Mr. Gasana Ndobu -- G-A-S-A-N-A,  
15 and the second name, N-D-O-B-A -- who is chairman of the  
16 National Commission on Human Rights in Rwanda, and who  
17 was the chairman of CRDR, the Committee for the Defence  
18 of Human Rights and Democratic Rights Rwanda, which was  
19 in Brussels. So that is it as far as those  
20 contributions and the authors are concerned.

21 Q. Mr. Nahimana, as for your own research, historical  
22 research, I mean, could you tell the Chamber why you  
23 dealt with the Hutu kingdoms of the north as a central  
24 point in your historical research?

25 A. I dare say, Madam President, Your Honours, that this  
26 proverb exists in your various languages. At least in  
27 my country it is said that a domestic animal which is  
28 going to look for grazing starts with grass which is  
29 right by the homestead or by the window sill. I'm from  
30 the north; I'm from Ruhengeri and, as I said earlier,

1 I'm from Bukonya, a region -- and I've seen this with my  
2 own eyes -- a region which had Hutu kings, and the last  
3 of them died, I think, in 1960 or between '60 and 1964.  
4 I think it was in 1961 that I saw him welcome the new  
5 president in 1960 or 1961, the new president,  
6 Mbonyumutwa, when, in 1959 I had seen him welcome the  
7 Kigeri king.

8  
9 Now, when I started my research, there's an article, and  
10 I've spoken about Father Kagamé's influence on me, but  
11 from all the lessons I've received, everything came from  
12 the analysis that I went into and this led to the review  
13 on culture and education published by the ministry of  
14 national education, and it's called the historiography  
15 of Rwanda. It's a technical term, historiography, but  
16 in everyday language this means the specifics of  
17 knowledge in the history of Rwanda. I looked at these  
18 points and I realised that there are many unclear points  
19 in Rwandan historical studies.

20  
21 And what is striking -- and I spoke about lessons I  
22 received at the minor seminary this morning -- the  
23 history which was taught or which was published, with  
24 the exception of Vansina, or Jan Vansina, Schoumaker and  
25 some others, and Dihertefelt, but the main ones are  
26 those three -- the history which was published or taught  
27 was of the Tutsi Nyiginya dynasty. Nyiginya is spelt  
28 N-Y-I-G-I-N-Y-A. And as a young researcher I was very  
29 happy to carry out research which at the same time  
30 enabled us to improve on the national, if not African,

1 levels of our history, and why not begin with my native  
2 area? This is what led me to carry out this research.  
3 And this was a movement which was immediately,  
4 spontaneously, supported by Father Kagamé. And those  
5 were my -- that was the impulse that pushed me at the  
6 time.

7 Q. At the event -- at the time, Mr. Nahimana, other  
8 researchers of your generation, did they carry out  
9 research of the same nature?

10 A. Yes, very certainly so. Madam President, Your Honours,  
11 this morning I said that the role of the department was  
12 not only to assign lessons to lecturers, but also to  
13 supervise and orient the research carried out by  
14 students.

15  
16 Now, the research activities that I undertook came under  
17 the framework of the department's own research  
18 activities, and, together with my colleagues, other  
19 historians in the department of history, we had agreed  
20 to set up a research orientation based on the regional  
21 historical monographies. The lecturers, the historians,  
22 looked for these materials, and we wanted our finalist  
23 students, the ones who were doing their master's  
24 degrees, to -- we wanted to encourage them to work  
25 within the framework of regional historic monographs.

26  
27 From the beginning of my research activities, it was  
28 mainly Mr. Emmanuel Ntezimana, a very brilliant  
29 colleague of mine who --

30 MADAM PRESIDENT: Is this what you want, Mr. Biju-Duval? Your

1 question was were other people doing similar research.

2 His answer is yes.

3 MR. BIJU-DUVAL: Yes, Madam President.

4 MADAM PRESIDENT: So now do you want the names of everybody  
5 else and what their research was about? And then what,  
6 you are going to put up all their books? Why do you  
7 need that?

8 MR. BIJU-DUVAL: Madam President, everyone will have realised  
9 that the Office of the Prosecutor makes a scientific  
10 selection of what Mr. Nahimana chose as one of the  
11 supports for its allegations. I questioned Mr. Nahimana  
12 on the reasons for which he made his scientific  
13 decisions or choices, and I'm wondering whether the same  
14 type of scientific options were made at the same time by  
15 his contemporaries at the university. So it is quite  
16 useful for to us know, for instance, whether it was  
17 Mr. Ntezimana, given the personality that he was during  
18 that period of time. That was the object, the reason,  
19 why it seemed interesting to me why Mr. Nahimana  
20 expresses himself on this matter.

21 MADAM PRESIDENT: He's answered your question that others also  
22 were involved in similar research. And we don't want to  
23 hear what the others -- details of the research  
24 conducted by these other individuals.

25 MR. BIJU-DUVAL: Mr. Nahimana, we have already mentioned at  
26 length your thesis of 1986 during these hearing, and  
27 your work of 1993, Rwanda: Le emergence d'un etat. I  
28 would like to you express to us your opinion or position  
29 on the links between this thesis and your book.

30 A. I'll be very brief on that. As is the case everywhere,

1 and as is required by publishers, the thesis per se  
2 cannot be published, especially the methodological part  
3 of the thesis, unless the author insists or academic  
4 demonstrations that one puts before ones' supervisors.  
5 Now, my book, however, reproduces in toto -- and I  
6 stress this, in toto -- the principle text of my thesis,  
7 including the introduction.

8  
9 After my professor, Jean-Pierre Chrétien, passed through  
10 here, one of my supervisors, he mentioned this in his  
11 testimony, and he said that the book reflected the  
12 theses, and that was exact, except for the introduction  
13 and the conclusion. He was unhappy about the  
14 introduction which he said was identical in the book as  
15 it is in the thesis. But during his testimony, he spoke  
16 of dedication or acknowledgment, and this is the only  
17 part which, before the introduction, I would refer to as  
18 being new in the book. And there I mention a certain  
19 number of individuals, in particular, my former  
20 lecturers and persons who provided me with  
21 documentation. Obviously, in the acknowledgments he  
22 wanted to mention the fact that the name of a son of the  
23 president appeared, and it was Jean-Claude Habyarimana.  
24 He was a very brilliant young person who was studying  
25 philosophy, and it was through him that I received a  
26 large number of documents which I used for my book. And  
27 I had the duty to thank him in that part of the book.

28  
29 Now, the other part -- and here I agree with Jean-Pierre  
30 Chrétien -- the other part -- I'm referring to

1 Jean-Pierre Chrétien principally because he was  
2 conducting some seminars when I was doing my doctorate  
3 thesis.

4  
5 Now, the conclusion. In my book there are only three  
6 paragraphs which commence the conclusion, and these  
7 three paragraphs are not included in the thesis. And I  
8 remember that the book came out in May 1993. This was a  
9 little before the Arusha agreements. The signing took  
10 place on the 4th of August 1993, but it was also after  
11 the 8th of February and the days subsequent to that in  
12 1993, February '93, a period during which the RPF  
13 resumed the war and caused the displacement of at least  
14 one million people who came to Kigarama préfecture, a  
15 few kilometres from Kigali. I experienced this event  
16 with horror.

17  
18 And I said in the introduction -- there are three  
19 paragraphs, mind you -- that at the time when I was  
20 coming to the end of my analyses, so that I can talk  
21 about the analyses that I had carried out, the war  
22 breaks out, unfortunately, and in one sentence I say  
23 that people must opt for national university. This is a  
24 paraphrasing I'm doing. They should draw on history.  
25 People are born to be governed, and there are others who  
26 are born to govern. That's a saying which is in  
27 history, but these are myths. And I'm saying -- I was  
28 saying that we must put an end to this so that when we  
29 come into an era where we deal with reality so that  
30 Rwanda can become a viable country. We must find a

1 definitive solution.

2

3 Madam President, Your Honours, this is the part or parts  
4 of the book which are not in my thesis. And when we  
5 talk about the final solution, I am saying, because,  
6 with the Prosecutor and with some journalists who  
7 accused me -- and I don't know why they were doing that  
8 -- they were trying to see in these lines which -- and  
9 their view was erroneous. They are looking for an  
10 ideology. They were looking for some fantasy and  
11 referring to Hitler's final solution. This is pure  
12 fantasy. They looked for words in my book which could  
13 refer to the final word. And when they found "solution"  
14 together with "final", they said they had found  
15 something. But I'm saying that if you read these three  
16 paragraphs, I'm preaching, rather, for peace and  
17 negotiations, so that an end could be put to the war.

18 Q. But, Mr. Nahimana, why did you publish this thesis and  
19 this book in 1993, specifically at the time when ethnic  
20 tensions were becoming exacerbated in Rwanda? Why? Why  
21 was it that this thesis which existed since 1986 was  
22 only published in 1993?

23 A. There's always time and reason for things. Now, we are  
24 talking about '83, '93. Towards the end of '88,  
25 beginning of '89, I was transferred from the university  
26 to the Institute of Scientific Research and then on to  
27 ORINFOR. And in between the faculty, in the framework  
28 of cooperation with the university of Paris VII -- had  
29 wanted to go into the publication of this book and,  
30 fortunately, the book from the university came when I

1 had resumed my full-time lecturing at the university.

2

3 This is why I am telling you that there were some  
4 weekends that I wasn't able to spend with my family and  
5 that I would want to be alone. In other words, it was  
6 in order to satisfy this request because we had obtained  
7 from the French ministry for cooperation the funds for  
8 publication of university works or books. And I was  
9 re-reading the book. There were things which may be  
10 needed to be removed, editorial work I was doing. So  
11 from January I finished and I sent off the manuscript.  
12 So I would say that there were moments or -- moments  
13 which didn't enable me to concentrate on the book, but  
14 then I also didn't have the funding, and funding was  
15 finally obtained in 1993. And I was not the one who  
16 spent even a single cent. It was the French ministry  
17 for cooperation which provided the funds for  
18 publication.

19

20 Let me conclude by saying that that was why, because my  
21 family enabled me to dedicate time for reviewing this  
22 thesis, that I mentioned my wife and my four children in  
23 that same book.

24 MADAM PRESIDENT: We'll stop for the day now, Mr. Biju-Duval.

25 And don't say you have one small question because we  
26 have long answers. So you will continue tomorrow. So  
27 we'll hear you again tomorrow at 9 a.m. then,  
28 Mr. Nahimana.

29

30 Court will adjourn.

1 (Court adjourned at 1704H)  
2 (Pages 107 to 118 by S. Fleming Eboe-Osuji)  
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C E R T I F I C A T E

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

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

\_\_\_\_\_(pages 1 to 23 and 69 to 89)  
Rex Lear

\_\_\_\_\_(pages 24 to 42 and 90 to 106)  
Karen Holm

\_\_\_\_\_(pages 43 to 68 and 107 to 118)  
Shannon Fleming Eboe-Osuji