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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
1997 APR 24 P 12 45

In the Matter of
JEAN-PAUL AKAYESU
Case No. ICTR-96-4-T

DATE: 21 February 1997

TRIBUNAL MEMBERS: President Laity Kama
Lennart Aspergren
Navanethem Pillay

PROSECUTORS: Pierre Richard Prosper
Sara Darehshori
Yakob Haile Mariam

DEFENCE: Patrice Monthe
Nicolas Tiangaye

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1 I N D E X

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3 ALISON DES FORGES, PH.D.

4 Cross-Examination 8

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

2 MR. PRESIDENT:

3 (Interpreter) Could the Registry please
4 remind us of the case on today's docket?

5 THE REGISTRY:

6 The Trial Chamber One of the
7 International Criminal Tribunal Rwanda,
8 composed of Judge Laity Kama presiding,
9 Judge Navanethem Pillay and Judge Lennart
10 Aspegren, is now in session for the
11 continued trial in the matter of the
12 Prosecutor versus Jean Paul Akayesu, case
13 number ICTR-9-4-T. I'm obliged.

14 MR. PRESIDENT:

15 Thank you very much.
16 Bailiff, please bring in the witness.
17 Good morning, Madame.

18 THE WITNESS:

19 (Interpreter) Good morning.

20 MR. PRESIDENT:

21 Is the defence ready to begin its cross
22 examination of the witness? I give the
23 defence the floor.

24 MR. MONTHE:

25 (Interpreter) Mr. President, your

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1 Honors, I thank you for giving me the
2 floor this morning. Mr. President, of
3 course I am anxious to begin my
4 cross-examination of the witness, Dr.
5 Alison Des Forges. But I will be unable
6 to do so and to be at peace with myself
7 and with the ideals of defence if I did
8 not first bring to the attention of this
9 Tribunal our feelings this morning. As
10 you know, Mr. President, because your
11 Tribunal is conscious of the rights of
12 the defence and courtesy towards the
13 defence, and the defence has been the
14 victim of a deep -- of a very, very
15 serious incident. We were humiliated
16 before this Tribunal. And it is now high
17 time to bring this to your attention. Mr.
18 President. We cannot have justice that
19 is worthy of this name, as you know, if
20 we do not have competent counsels and if
21 we do not have the right to assure the
22 defence of our clients. That is why the
23 statutes of this Tribunal insist in a
24 very indisputable manner on the rights of
25 the -- the defence and the accused.

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1 Now, we are very respectful of judges and
2 of justice. And we feel that the
3 defence, as a part of the judicial
4 system, also has certain rights within
5 this system. Now, Mr. President, a
6 Chinese proverb says that there was an --
7 a -- that a certain Chinese emperor was
8 called to the government because he had
9 not been respecting rights. And they
10 were asked what measures should be taken.

11 And he said to the emperor, you should
12 cut off everyone's heads. And the
13 emperor said, "bring this philosopher to
14 me." And he asked a philosopher the same
15 question. The philosopher said to the
16 emperor, you must respect qualifications.

17 And so, I am asking that of this
18 Tribunal, that you respect our
19 competence, our qualifications. We are
20 not here as beggars. We are not here as
21 untrained professionals, but we are
22 trained and qualified professionals and
23 no one can contest this. That is why we
24 find it wholly inadmissible that when we
25 are here to exercise our functions, that

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1 we are being humiliated at every turn.
2 That is why, Mr. President, I feel that,
3 here at this Tribunal we are seeing these
4 incidents. It is impossible for us to
5 carry out our duties, Mr. President, in
6 this atmosphere. And, Mr. President,
7 this is an issue, a basic fundamental
8 issue. And I would -- along with my
9 colleague thank all of the lawyers who
10 are here and who have shown such
11 solidarity before this Tribunal. And we
12 are saying, Mr. President, that this must
13 be the last time for such incidents. And
14 I am respectful of this Tribunal, because
15 this is an issue that is of interest not
16 only for the continent but also for the
17 entire international community. That is
18 why, Mr. President, we are very
19 appreciative of the solidarity of this
20 Tribunal. And that is why we wanted to
21 begin working this morning to begin this
22 session again and insure the rights of
23 our client Mr. Jean Paul Akayesu. But,
24 Mr. President, on behalf of myself and my
25 colleague we came back this morning

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1 because before all -- above all, we are
2 Africans. And here we respect our -- our
3 elders. That is a very, very fundamental
4 concept in Africa, and that is why our --
5 our elders should not be humiliated. And
6 this must be ended, Mr. President. If
7 this incident occurs -- if such an
8 incident occurs again, then I must say
9 that this is unacceptable. To conclude,
10 Mr. President, because I was obliged to
11 begin -- to come this morning to begin my
12 cross-examination. But I simply want to
13 end by saying, that my pride as a lawyer,
14 it is a profession where one does not
15 become a lawyer because your father is a
16 Cardinal or minister. You become a
17 lawyer because you have studied, because
18 you have the proper knowledge and because
19 you want to become rich, not through
20 wealth but through exercising your
21 duties. So, Mr. President, I would like
22 to quote an african -- central african
23 proverb that says that when the snake
24 goes back into his hole, he should not
25 have a -- he should not have a sore back.

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1 So, I do not want to have anymore
2 incidents. I want to be able to get back
3 on the plane and go home with dignity.

4 That is why, Mr. President, if, unless
5 there's anything -- anything further to
6 state, I will go onto the
7 cross-examination. Thank you.

8 CROSS-EXAMINATION.

9 BY MR. MONTHE:

10 Q. Good morning, Doctor. Now, you
11 understand that I perhaps will take on a
12 different tone of voice with you?

13 A. Thank you very much.

14 Q. Doctor, when you appeared here for the
15 first time, you said to us that you were
16 here as a historian with your academic
17 qualifications that were very impression
18 -- impressive. But you also stated that
19 you have a role as a human rights
20 activist. And I did not really
21 understand this concept of human rights
22 activist. So, I would like to ask you,
23 if you could please be so kind, as to
24 explain that.

25 A. Human rights activist, that could be a

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1 person who, even though they have another
2 profession, somebody who works in another
3 field or has a different career, could
4 still choose to devote part of their time
5 to monitoring human rights situations in
6 that person's own country or elsewhere in
7 the world. This could also mean somebody
8 who chooses to leave his or her
9 profession in order to spend part of his
10 or her life working more actively as a
11 person who follows human rights
12 situations, carrying out investigations,
13 drafting reports, and attempting to
14 influence governments' policies, so that
15 there can be an improvement in human
16 rights situations. In my personal case,
17 it was both.

18 Q. Thank you. I would now like to discuss
19 with you the situation in Rwanda, which
20 is, of course, the fundamental issue of
21 interest to us this morning. Now, it
22 seems as though the issue is not very
23 specific. So, I would like to ask
24 exactly, from a historical point of view,
25 when -- what was the foundation of the

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1 People's Republic of Rwanda?

2 A. The formation of the People of Rwanda is
3 something that cannot be defined. It was
4 interrupted by decisions from colonial
5 powers when the borders were established
6 at the beginning of the twentieth
7 century. But, once again, this was not a
8 very clear issue because there were
9 important -- or major movements of
10 people during the last few years.

11 Q. When the people immigrated, could we say,
12 definitively, that the people who were in
13 what was called Rwanda were Twa? Were
14 they, in fact Twa; were the first people
15 there, in fact, Twa?

16 A. The first peoples were a people who today
17 are called Twa. Now, how these people
18 referred to themselves among themselves,
19 at that point in time, it's impossible to
20 say.

21 Q. But could we be led to believe that on
22 the cultural level there was a
23 distinction between these populations, or
24 rather was there a sort of general
25 harmony among these peoples?

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1 A. Well, let me clarify by asking which
2 population and which period, exactly when
3 are you referring to?

4 Q. Between the eleventh and the sixteenth
5 century, approximately.

6 A. Well, we can only guess. Because this
7 can only be a presupposition. That there
8 were conflicts at that point in time.
9 That there were conflicts everywhere in
10 the world where there were human beings.
11 So, we can assume that there were wars.
12 We can assume that there were also
13 alliances among the peoples. But I don't
14 find any reason to believe that the
15 people who lived in this region of
16 Africa, at that point in time, were less
17 belligerent than other people in the
18 world. So, I assume there were also
19 conflicts at that point in time.

20 Q. Thank you, Doctor.
21 From the point of view of the Rwandan
22 society and its structure, at this point
23 in time, did -- was this pattern
24 maintained? That is to say the pattern
25 where there's a categorization of Hutu,

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1 Tutsi and Twa; and then below that the
2 various clans, and then even further
3 subdivisions? This is what had reigned
4 up until colonization.

5 A. According to my analysis, I would rather
6 say that the essential structures at that
7 period were, as I stated the other day,
8 structures that were based on lineage,
9 and also based on a lesser defined
10 alliance where people would group
11 themselves around an important
12 personality who they felt was a person to
13 have rather large or vast powers.
14 Somebody who had military powers or
15 sacred powers. As regards the categories
16 Hutu, Tutsi, and Twa, I personally feel
17 that these categories, as such, that is
18 to say as we see them today, categories
19 of political and social economic
20 importance didn't exist as such at that
21 time. But, as I indicated the other day,
22 we do see the use of the word Hutu in a
23 poem rather early on, but in a context
24 where it was used in order to describe a
25 single person, one omohutu (phonetic

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1 spelling), that is to say somebody who
2 was a follower, a client, a subordinate
3 of another person. I don't find any
4 clear indications that there were groups
5 as such around -- at this period between
6 the eleventh and sixteenth century.

7 Q. Doctor, does this mean that in this
8 structure of the Rwanda society, there
9 was confusion between the notion of clan
10 and the notion of ethnic group? Because
11 when I looked in the Kinyarwanda
12 dictionary, I found the term ubuko
13 (phonetic spelling). So, this lack of
14 categories during this period that you
15 just spoke of, does that mean that
16 everybody was the same, that there were
17 only the haves and the have-nots that
18 categorized the people, if I understood
19 correctly?

20 A. It is not at all an issue of homogeneity
21 of the society. There were important
22 distinctions. But they were not
23 distinctions that separated the society
24 into three distinct and clear branches as
25 we see during the twentieth century among

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1 the Rwandan society. Of course, there
2 were distinctions based on other
3 criteria.

4 Q. Well, I'm stressing this aspect of the
5 issue, because during one of your
6 answers, I think that President Aspegren
7 had asked you a question. And you based
8 your answer on ethnic groups saying that
9 there were ethnic groups and that people
10 identified according to their culture,
11 their milieu, their -- other criteria.

12 And therefore we could be led to believe
13 that these were people who were only
14 distinguished by wealth, by haves and
15 have-nots, because there was this sort of
16 communion as regards values and community
17 values.

18 A. If I understand your question well, and
19 forgive me if I did not, because we are
20 trying to communicate in French which, of
21 course, is not my mother tongue. But I
22 would like to be very clear on the
23 question. Are you asking me, as I
24 understand it, was the distinction of
25 wealth the only important distinction at

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1 that time; is that what you're asking?

2 Q. Exactly, to distinguish the peoples?

3 A. No, I would say that that is not the
4 case, because the issue of wealth at that
5 point in time was of lesser importance
6 than questions of blood relations,
7 families, and issues of power. So, if,
8 for example, someone had given a
9 spiritual gift -- if somebody had a
10 spiritual gift, for example, that could
11 be more important than simply being rich.

12 Q. Thank you, Doctor. Still looking at this
13 issue of the Rwanda society, can we say
14 that it was a kingdom, that there was an
15 absolute monarchy over the entire
16 territory, or was it rather several
17 different kingdoms that were each
18 autonomous over its own territory?

19 A. Which century?

20 Q. Forgive me. I'm still talking about this
21 period of interest to us. Let's say from
22 about the eleventh up until -- up until
23 the arrival of the Germans.

24 A. Counsel, it's an impossible question for
25 an historian. Because there have been so

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1 many changes during this period that we
2 really can't say that there was a
3 situation per se.
4 Generally speaking, we could say that
5 this was the period in which the state
6 was being formed. And as the state
7 developed, as it became more complex and
8 became more -- they became a more vast
9 territory. But it is certain that up
10 until even the years of the 1920s there
11 were several small states within the
12 overarching state, the Inyinga (phonetic
13 spelling) state, if we can call it the --
14 that's what we call the state that became
15 the Rwandan state.
16 But there were several smaller states. I
17 talked about them when I was giving my
18 original presentation, Bushiru, Bukinzi,
19 and there were others as well. I spoke
20 of these three, but there were others
21 that were of lesser importance, had less
22 territory at that time.
23 Q. Let me talk about the period of Rwabugiri
24 -- Rwabugiri. At that point in time it
25 was a monarchy with a king who dominated

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1 everything, or was it several smaller
2 kingdoms?

3 A. I like talking about the Rwabugiri
4 period. It was the time at which the
5 Rwandan state was at its greatest size.
6 It's when it was at its largest size in
7 all of history -- in all of Rwanda's
8 history.

9 But the structure was very complicated at
10 that time because Rwabugiri, as his
11 predecessors, agreed to having this
12 complex political organization, which was
13 much more complicated than what we see in
14 the states of the twentieth century.
15 Therefore, there was a series of special
16 arrangements with either important people
17 in lineages, the Abocura -- Abucudu
18 (phonetic spelling), rather, lineage, or
19 arrangements with people who dominated
20 the smaller states.

21 At that time the Rwandan state was
22 becoming more and more centralized. But
23 the work was still in progress. And for
24 that reason at that time there were still
25 some territories that were more or less

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1 autonomous within the state as we know it
2 today. Some of these regions were
3 autonomous and had their own states. But
4 there were other regions where there was
5 no state, but where there was simply
6 important family lineages without any
7 sort of government structure, but which
8 had, nonetheless, a certain amount of
9 autonomy, vis-a-vis the king.

10 Q. Doctor, I'd like to know if, according to
11 you, these smaller kingdoms -- first of
12 all let me ask, were they -- were these
13 Hutu -- these -- these kingdoms, were the
14 Hutu, Tutsi? First question.

15 And then the second question, did King
16 Rwabugiri, was he unable to annex these
17 regions because of wars, politics, or
18 whatever, or was that what he chose to
19 do?

20 A. Well, as regards whether these were Hutu
21 states, we, of course, can say that
22 people who led these -- who were the
23 leaders of these states, were the people
24 who, in the twentieth century, would be
25 classified as Hutu. That is true.

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1 Now, as regards the autonomous regions
2 that were under the lineal control, some
3 of them were dominated by people who
4 today would also be categorized as Hutu.
5 But others were dominated by people who,
6 today, would be categorized as Tutsi.
7 That is to say that there were pockets of
8 -- there were autonomous pockets of
9 Tutsi who resisted control of this Tutsi
10 kingdom.

11 Q. So, historically can we confirm that
12 during this period both Hutu and Hutu --
13 both Hutu and Tutsi had kingdoms?

14 A. We could say that people who today would
15 be categorized as either Hutu or Tutsi
16 did have political power in certain
17 regions; yes.

18 Q. Thank you, Doctor.
19 From this point of view, when the
20 colonizers arrived -- when the Germans
21 first arrived in 1894 -- I think that the
22 arrival of the colonizers -- they -- they
23 came and the first king that they met was
24 a Tutsi king, I assume, at that period.
25 Could we say that the other kingdoms were

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1 on the outskirts of the central region of
2 the country?

3 A. More or less. There were some that were
4 in the northwestern region and that -- or
5 very often the Europeans would come in
6 from the east. But there were also some
7 in the southwest. Some who came up
8 through, for example the region of
9 Burundi. And it is very possible that
10 they would have first of all met with
11 kings who were either Busozo or Bukinzi
12 before meeting the other kings. But when
13 the Europeans, at that time, spoke of the
14 king they were talking about King -- the
15 Rwandan King Nygingyia (phonetic
16 spelling).

17 Q. But the question that I'm asking in this
18 respect is were Europeans saying that in
19 good faith, because they were unaware of
20 the other kingdoms, or for them was it
21 the willingness to only have one -- to
22 have one contact?

23 A. Well, I don't really see the difference
24 between -- well, there is a difference,
25 of course, between the legal approach and

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1 the historical approach to a question.
2 If you don't explain to me what Europeans
3 you're talking about, at what period, it
4 depends. If we're talking about the
5 first Germans, it's less clear than if
6 we're talking about the Belgians, which
7 is more clear.

8 Q. Well, I would first like to talk about
9 the Germans in order to respect the
10 chronology.

11 When the Germans first come to Rwanda,
12 when they first arrive and they meet the
13 king, which king would it be?

14 A. At that time it was, from an official
15 point of view, it would have been Musinga
16 who was the king. But the first German
17 who really influenced German policies was
18 Richard Kandt who spent two or three
19 years in Shangi -- in Shangugu, and who
20 did not have dealings with Musinga's
21 court until after the nineteenth -- after
22 the year 1907. He was a little bit far
23 removed from this specific point of view
24 in Nygingyia, but those who followed him
25 were more attracted to the central of --

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1 center of power.

2 Q. So, was Musinga the successor then to
3 Rwabugiri?

4 A. Not right away. But after a certain
5 period of time, yes, there was a coup
6 d'etat and so forth.

7 Q. Very well. Before going off this issue
8 of the Germans, I would like to first of
9 all talk about the role of missionaries
10 around 1910, 1900s in Rwanda. When the
11 missionaries arrived you had said that
12 they were above all Catholics. That they
13 were Catholic missionaries.

14 Could you describe the contact between
15 these missionaries and this king or this
16 kingdom?

17 A. When the missionaries arrived they took
18 advantage of the German military support
19 in order to more or less force the king
20 to accept them in his kingdom. But the
21 king -- or rather at that point in time
22 the queen mother, because the king really
23 was not an important player on the scene
24 at that time.

25 At any rate, the people of the court

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1 insisted that the missionaries be placed
2 at a certain distance from the court
3 because they wanted to protect themselves
4 from being contaminated by this religion
5 and by these strange, foreign people.
6 So, because of that they insisted that
7 the missionaries be installed, first of
8 all, in the southern region of the
9 country on a hill called Saday (phonetic
10 spelling).

11 Q. But when the missionaries arrived in the
12 south, did they also meet up with the
13 kings of the different regions -- or
14 kingdoms?

15 Did they have the same welcome, or were
16 they better welcomed?

17 A. They did have several difficulties with
18 the local population, but it was not
19 because of any political organization.
20 Rather when they were installed in the
21 north they also had problems, but, again,
22 I think it was more in the context of the
23 lineages that -- these were the people
24 that were hostile to them. In the
25 southwest with the Busozo and the

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1 Bukinzi, I think that there they
2 established rather good relationships.
3 Q. Thank you, Doctor. The question that now
4 comes to mind, as regards the
5 relationship between these missionaries
6 who had come to evangelize and who
7 brought their religion that clearly had
8 nothing to do with local practices, did
9 the king's concerns about these
10 missionaries come from the fact that this
11 was a monarchy with divine rights?
12 Was that to say that the king had -- did
13 the king feel that he had powers that
14 were divinely inspired or directly from
15 God; did that not explain this situation?
16 (Tape No. 1, a.m., was turned to side B.)
17 A. (Off microphone) but I think that there
18 were other interests as well, material
19 and political interests, economic
20 interests. I think it was a very
21 complicated situation. And indeed the
22 king tried, insofar as possible, to pit
23 the Europeans against each other. And
24 the court managed to do this very
25 successfully in order to pit the

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1 missionaries against the Germans and vice
2 versa.

3 BY MR. MONTHE: (Cont'g.)

4 Q. But when the missionaries installed
5 themselves and set up schools and
6 churches and evangelized, and dealt with
7 the population, my question is, between
8 the Hutu and the Tutsi groups, which was
9 the group that, at that point, in time
10 was more susceptible to the missionaries'
11 message as regards religion, education,
12 and so forth?

13 A. There is a Kinyarwandan proverb that says
14 that the light that comes from above is
15 dispersed below before the end of the
16 day. That is to say that the direction
17 indicated by the court was followed by
18 most of the aristocrats, those who had
19 political power. And the missionaries
20 found then that the elite did not at all
21 accept their efforts of evangelism. And
22 rather they had to direct their efforts
23 toward the ordinary people. It was not
24 their policy. Their policy from the
25 beginning was clear, that they had hoped

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1 to reach the summit of political power.
2 That they had hoped to reach the people
3 at the summit. Their basis was more on
4 the Jesuit ideals and therefore they had
5 a very political aspect to their
6 evangelistic efforts. But they saw that
7 this was not working and because of that
8 they focused their efforts more on
9 ordinary people.

10 Q. Were these people -- could we qualify
11 them as Hutu or Tutsi?

12 A. Well, we do see the word -- the term used
13 at that point in time, yes.

14 Q. So, could we think -- be led to believe
15 then that because the monarchy was not --
16 did not embrace the missionaries' efforts
17 that the ordinary people therefore
18 benefited from education and the other
19 missionary results before the
20 aristocrats?

21 A. Yes, that's true, or was true during a
22 certain period, but things did change
23 later on. Even very early on there were
24 some aristocrats who were threatened by
25 the court and who embraced the religion.

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1 Even though the king continued to refuse
2 it.

3 I'm thinking of Muta (phonetic spelling)
4 who, himself, was one of the first
5 aristocrats to accept being converted,
6 even though he was the king's nephew.
7 Because he felt that this could protect
8 him against a threat coming from the
9 kingdom.

10 Q. So, we can say -- we're not sure, this is
11 why I'm asking the question. We can say
12 that from 1900 when the missionaries
13 arrived, they began by building schools
14 and providing education to the Rwandan.
15 And those who accepted the teachings of
16 the missionaries, in other words, the
17 ordinary people, were mostly Hutu and
18 those -- those who went to school at
19 least?

20 A. In the beginning, those who accepted to
21 go to school were Hutu, yes.

22 Q. Now, at that time, there would have been,
23 subsequently, a reaction from the monarch
24 towards the Hutus?

25 A. Not from that king, but from the court,

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1 yes.

2 Q. Because the court felt that it was
3 useless to send the children to school?

4 A. Yes, exactly.

5 Q. Doctor, we developing the arrival of the
6 missionaries and we -- when the Germans
7 left, the Belgians came. But before that
8 you spoke of the action of a prelate who
9 reversed the tendency -- the Swiss
10 prelate. But I want to ask you a small
11 question.

12 There was Monsignor Classe was there not?

13 A. Yes. Monsignor Classe was certainly the
14 most influential power of the church
15 during the '20s-- 1920s, the 1930s.

16 Q. But Monsignor Classe was a -- a pro-Tutsi
17 prelate, wasn't he?

18 A. In general, we can say yes. There are
19 some documents in which he expresses
20 himself very clearly, saying it is the
21 Tutsi who are the superior persons who
22 have the right to rule and who have these
23 capacities, these qualities.

24 But often I find that this is
25 simplification which is not quite

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1 justified. Because the documents which
2 are most often quoted as an indication of
3 these pro-Tutsi views of Monsignor Classe
4 are often -- often forget to quote the
5 following paragraphs where he also says
6 that there are Hutu who are capable, and
7 that we should not forget nor give a
8 exclusive monopoly to the Tutsi.
9 But, in general, yes. I agree, generally
10 with the idea that Classe was pro-Tutsi.
11 Q. Now, between 1905 and 1920 there was a
12 document that was sent by Monsignor
13 Classe to the Belgian administration.
14 A. There were two documents and we should be
15 sure that we're speaking of the same
16 document.
17 Q. I'm not an historian, but I was saying
18 that there was a document in the time --
19 in that time which was sent -- that --
20 which was sent to the Belgians?
21 A. Yes. I'm not quite sure whether it was
22 1925 to '26, maybe. I think it was a bit
23 later. But let's say that at that time,
24 Classe' position was clear. That he was
25 for the Tutsi, he was pro-Tutsi.

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1 Q. Okay. Now, given this, when this French
2 bishop sent this document to the Belgian
3 administration there was a -- a result --
4 there was a -- a consequence?

5 A. Yes. It was, as I had described already,
6 that there was an established power --
7 monopoly in the power and the role of
8 Monsignor Classe -- Classe in
9 establishing this monopoly is a question
10 -- is an idea which can be discussed for
11 a certain amount of time. It is true
12 that he did have an influence, but the
13 scope of that influence cannot be
14 determined exactly without further
15 studying the documentation in the
16 administration.

17 But the case was that people were so much
18 at the -- on the -- on the same
19 wavelength, that it is difficult to say
20 that it's this person who influenced the
21 other. They were all on the same level.

22 Q. I would like to say that between 1925 and
23 almost up to 1960 we didn't see any
24 similar states of -- of Hutu in high
25 positions. It was rather rare. So, in

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1 the point view of most -- the state --
2 this was -- it was the Hutu who seemed to
3 have been discriminated against?

4 A. Yes.

5 Q. We have already seen that in -- around
6 1960, to maintain the historical
7 approach, I would like to recall with you
8 the important persons before
9 independence. Because I would like to
10 know, politically speaking, according to
11 you, what was the party?

12 In and around 1960 there's a lot of
13 movement in Black Africa. Let's stay in
14 French speaking Black Africa, in Rwanda.
15 What was the first political party which
16 was created?

17 Was it because of this Hutu elite which
18 existed already, which was discriminating
19 against the Tutsi?

20 Could one believe that the Hutus, even
21 though they were not in the forefront,
22 they had gone to the seminaries and they
23 had certain positions -- can we say that
24 Uprona was the first party which was
25 created -- Aprosona, was that the first

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1 political party created, Aprosona?

2 A. I would have to consult my notes to be
3 sure, but I think it is true that this is
4 correct. That it's Aprosona which was
5 followed by another party. But it's
6 possible that I'm wrong. There were four
7 parties which were established rather one
8 close to the other. It's a matter of
9 months in between their establishment.

10 Q. Because when we look at the matter, I
11 noticed Aprosona was established in 19--
12 1955 and the other party was established
13 in 1958.

14 I would like to put to you a question
15 before we go to the problem, the matter
16 of political parties.

17 Can you confirm to me, because I'm not
18 very sure, if we were to consider the
19 Tutsi monarchy, did he impose upon the
20 members of the court to accept to go to
21 school, or was there a certain amount of
22 flexibility with regard to the Catholic
23 religion?

24 A. After the First World War when the
25 Belgians settled, there were several

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1 changes in the policies. At a given
2 time, they had accepted the power of the
3 king. But some months later they changed
4 direction and they reduced the power of
5 the king for a certain period. And then
6 later on, a few months later, they went
7 back to their initial stance.

8 So, they, at one point in time, forced
9 the king to accept a certain amount of
10 change in the powers that he had. And at
11 that time the king had to order the
12 freedom of worship for all his subjects,
13 because there was some who protested that
14 they did not have freedom of worship.
15 And this was the reaction of the colonial
16 administration, to impose that liberty --
17 that freedom.

18 Q. I thank you, Doctor. Now, at this level,
19 before we come to the establishment of
20 political parties, historically, were
21 there problems of coexistence between the
22 various peoples in Rwanda?
23 Did -- were people aware that -- that --
24 they would say, I'm Tutsi and you're
25 Hutu, and Hutus and Tutsis are different.

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1 Was there in this coexistence was there
2 any difficulty, any conflict amongst the
3 various groups?

4 A. As I indicated, in other questions put to
5 me already, there was never any period of
6 paradise or harmonious paradise in
7 Rwanda as elsewhere in the world. It's
8 always the case that there are conflicts.
9 The important issue is how these
10 conflicts were organized. On what basis
11 were they organized.

12 So, during the twentieth century, with
13 the monopoly of Tutsi power, especially
14 during the end of the 1930s, 1940s up to
15 1950s, there were developments of an -- a
16 conscious, of an awareness of being an
17 oppressed people and a -- a people in
18 solidarity amongst the Hutu
19 intellectuals.

20 But it was not an open conflict. It was
21 not overt conflict. Because there was no
22 possibility of expressing oneself at that
23 time. So, the colonial powers and the
24 monarchy were so exclusive, at that time,
25 that there was no possibility of opposing

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1 oneself to them. That was after the
2 1930s.

3 Now, before the 1930s there were armed
4 conflicts, obviously. The powers of the
5 Nyginyia kingdom was established through
6 the force of arms on some parts of the
7 Rwandan territory during the 1920s.

8 Q. Now, after the 1920s and before the
9 period of the revolution, one can believe
10 that the peoples that living -- that were
11 living there would take themselves as
12 Rwandans first of all before they
13 considered themselves to be either Hutu
14 or Tutsi?

15 A. Did -- were they aware of being Rwandan,
16 or being a Baginya (phonetic spelling), a
17 Basinga, a Bega? Well, the awareness
18 would be -- belonging to a national state
19 did not exist as such, or was it rather
20 the lineage which was more -- the more
21 important identifier?

22 Certainly, they all felt that they were
23 Musinga's subjects. And in that aspect,
24 they were Rwandan. Now, if the Mambusa
25 (phonetic spelling) people from Burundi

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1 or people from another state next door,
2 they didn't think of that before
3 considering themselves under Musinga.
4 But I think it was more their clan -- the
5 belonging to a clan which was essential
6 in -- an essential quality in their
7 lives.

8 Q. Thank you, Doctor. So, the Belgian
9 colonizer governs by using the king and
10 also instituting a strong and centralized
11 state. And we've seen that Hutus are
12 excluded in the management of power.
13 But now the revolution of which -- the
14 events, in fact, that took place in 1959
15 in what was already known as Rwanda, can
16 we say that this was something
17 spontaneous, or was it a result of
18 existing conflicts amongst the
19 population?

20 A. Obviously a revolution cannot happen
21 overnight. Obviously there's a context
22 of conflict which must reign beforehand.
23 And, as I said as of the 1930s, there was
24 an -- an increased solidarity amongst the
25 Hutu elite.

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1 On the contrary there was also a sense of
2 strengthening of the desire of
3 maintaining power on the part of the
4 Tutsi. And there were changes in the
5 political system, as for instance, at the
6 end of the buhake system, which was a
7 system of clientele which dominated the
8 lives of a certain part of the
9 population. And which gave hope to the
10 Hutu -- Hutu that there could be more
11 important changes to come.

12 I think there was also a certain amount
13 of consideration, a certain amount of
14 political consideration from the
15 colonizer who found that the Tutsi had
16 become a little demanding. And when they
17 were looking -- if you were to look at
18 independent movement elsewhere, they also
19 began to speak of independence. And the
20 colonizer believed that by supporting the
21 Hutu he could maybe somewhat lengthen his
22 stay.

23 Q. Now, let's go back to this period and to
24 the reaction of the political parties
25 which were being born. We see that the

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1 Hutus establish APROSOMA.

2 Now, what was the ideology of this Hutu
3 party at that time? Because there was
4 PARMEHUTU, Urina -- UNAR, and Ardien --
5 and RADER. I'm sorry, RADER.

6 A. I did not study in depth this period
7 myself. So, I would base my observations
8 here on Rene Lemarchand's work and others
9 who have worked on this period, Catherine
10 Newberry (phonetic spelling) and others.
11 So, according to what I've understood
12 from their work, APROSOMA was more a
13 party which aimed for socioeconomic
14 reform, as indicated in their name, a
15 movement of the masses. So, it was a
16 party which brought together people on
17 the basis of socioeconomic reasons,
18 rather than ethnic reasons. And it was
19 against the power of an aristocracy
20 without looking into the fact that this
21 aristocracy was basically Tutsi. It was
22 rather the fact of -- of being the
23 exploiters, which was being aimed at by
24 this party of the movement of the masses.
25 Q. So, in fact, this party, although it was

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1 initiated by Hutu, they had issues which
2 did not have anything to do with
3 tribalism or tribes?

4 A. As I understand ideology, that's right.
5 And they had members amongst Hutu and the
6 Tutsi -- Tutsi.

7 Q. So, the Hutu already look for reforms.
8 And in 1957 we, now coming to my
9 question, where I would say that
10 according to you, what was the causes of
11 -- what were the causes of these events
12 in 1959?

13 Because we see that there are political
14 parties which exist and the origin is not
15 to fight against another ethnic group,
16 but in -- in more respect of removing
17 feudalism. How is it then that in 1959
18 we would have these massacres taking
19 place?

20 A. We must, first of all, note that it was
21 not APROSOMA which had this revolution.
22 It was rather PARMEHUTU which was a party
23 which had a different ideology -- a
24 different point of view. And I think it's
25 rather that aspect. It's the failure of

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1 parties such as APROSOMA and RADER which
2 were trying to adopt a less tribalistic
3 approach. It's that failure that led to
4 these events, at that time, within the
5 framework of an open ethnic confrontation
6 or conflict.

7 And here we need to note the role played
8 by UNAR which represented a more or less
9 a radical and monarchist ideologies, and
10 did not want to accept reforms.

11 Q. But, Doctor, at that time, you spoke of
12 the role of MDR and PARMEHUTU. And then
13 we'll see how this developed during the
14 independence.

15 And at that point in time was MD. --
16 MDR-PARMEHUTU, was it within -- was it
17 expressing terms which wanted to engage
18 people towards a kind of discrimination?

19 A. I would say that, as far as I know, at
20 that time the PARMEHUTU was a party based
21 on solidarity of the Hutu, as it's name
22 implies. Now, if we were to look at its
23 name alone, it was a party which was
24 based, more or less, exclusively on an
25 ethnic group.

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1 Q. Now, when the massacres of 1959 took
2 place, could we say that this process was
3 just starting, or was it something that
4 could have generated the massacres?
5 Was it a process which was in -- was it
6 in genesis -- was it beginning -- this --
7 this political ideology which was being
8 born; would this have led to the events
9 at that time?

10 A. Yes, I think we could say that. As I
11 have tried to indicate somewhat in my
12 testimony elsewhere, the Rwandan
13 political system is a very sophisticated
14 system where people adapt themselves very
15 rapidly to political realities, and a
16 systems in which a people can adapt
17 themselves rapidly to changes in balances
18 of power at higher levels.
19 So, they, I believe -- I think the
20 population -- the people very quickly
21 understood that things had changed. And
22 that now the power which was in the hands
23 of the power -- of the Tutsi were now --
24 was now hands of the -- of the Hutu.
25 Therefore, people who had not dared to

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1 attack the Tutsi before, now had seen the
2 possibility of attacking the Tutsi.

3 Q. Now, if that's the point of view, if the
4 Hutu and Tutsi had established political
5 parties, it was in the objective -- with
6 the objective of gaining power. And
7 maybe the Hutu wanted to maintain their
8 own power, but the Hutu within APROSOMA
9 or elsewhere they wanted to have power,
10 political power.

11 So, if they established a party in order
12 to have power, how can one explain the
13 fact that they went into massacring or
14 killing Tutsi? You yourself said that
15 the -- the Belgians wanted to support the
16 Tutsi -- the Hutu, I'm sorry, the Hutu.

17 A. What is known as the 1959 revolution was,
18 in the beginning, a movement which was
19 quite limited. One should not believe
20 that there were killings on a very
21 widespread scale.

22 The first killings between the months of
23 November 1959 and -- I think it lasted
24 about two or three months, these
25 killings. The victims were not very many

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1 in number. What happened quite quickly,
2 subsequently, was that the Belgians
3 removed power from about half of the
4 administrative officials, and replaced
5 them with new people. And I think that
6 all these people, these new people were
7 Hutu.

8 So, this was basically the essence of the
9 revolution at that time. Subsequently,
10 that continued with a political process
11 -- with the elections. And the major
12 killings, which took most lives, did not
13 follow these political changes, as such.
14 But they rather were subsequent to the
15 attacks which followed attacks from the
16 outside by refugees.

17 So, the revolution per se was not a
18 revolution of major killings of Tutsi.
19 Most of the killings took place after the
20 attacks of Tutsis from the outside, from
21 outside the country.

22 Q. We will speak about that later. I
23 wanted, simply, that you clarify to us,
24 was there no incident on the 1st November
25 1959, were there any massacres on that

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1 day?

2 A. We historians find that it's often very
3 difficult to explain things which have
4 taken place, because we are never able to
5 explain things which have not taken
6 place. So, speculating on whether yes or
7 no there was a Rwandan revolution, I
8 think, is a bit risky.

9 Some -- it was of importance --
10 importance in this society which could
11 have led -- led to drastic political
12 changes. But the incident of the 1st of
13 November was a very well known incident,
14 which is part of this revolutionary
15 ideology, which was definitely important.

16 Q. But the fact that a Tutsi slapped a Hutu,
17 it's not important that this took place
18 on the 1st of November. Why did this
19 provoke a revolution immediately
20 thereafter?

21 A. Obviously, it was more complicated than
22 that. It was much more complicated.

23 Q. You're saying that this was not the first
24 time that this happened. And this is the
25 object of my question. When the Belgians

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1 removed the Tutsi, up until the events of
2 '59, you yourself said, that this was
3 not the first time.

4 But why during this particular period,
5 the Hutus did not rebel against the
6 Tutsi? This is the object of my
7 question.

8 A. Now, as I have tried to describe the
9 situation during the colonial period, and
10 I will not hesitate to say that Tutsi
11 benefited from the colonial power in
12 order to strengthen their own control, to
13 widen their power, and to exploit more
14 seriously the masses than they had done
15 before. That is clear.

16 At the time when the masses which were
17 oppressed felt quite strong -- or strong
18 enough themselves, given their solidarity
19 and given also the external support, they
20 benefited from this moment in order to
21 have the revolution. So, there was a
22 long process of political developments.
23 So, that this incident involving Hutu
24 leader, one could say that this was a
25 drop of water in an ocean. And the

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1 Tutsis benefited from this incident.
2 (Tape No. 1, a.m., concludes and Tape No.
3 2, a.m., begins.)
4 BY MR. MONTHE: (Cont'g.)
5 Q. Thank you, Doctor. Now, let's go to the
6 issue of independence. I would like to
7 know, according to you, what was the
8 contribution of the various elite to
9 independence?
10 Because I had been made to understand
11 during your testimony, that you told us
12 that independence -- that the struggle
13 for independence was led by the Tutsi,
14 because it was -- they were in conflict
15 with the -- with the Belgians who were
16 depriving them of their monopoly and
17 their privileges. And they wanted to
18 have independence so that they could
19 maintain power. But I don't know.
20 During your statement, this is what I --
21 I understood.
22 A. Maybe I didn't express myself well
23 enough, or maybe I lost the thread of my
24 ideas. But it was not at that point in
25 time that we should have stopped.

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1 Because it is indeed true that if we can
2 describe it as the Tutsi struggle which
3 -- for independence which led to the
4 change of the Belgian position with
5 regard to the internal politics.
6 But once the Republic was established, it
7 was obviously the elite of that republic
8 which concluded the process of going
9 toward the end of the colonial era. In
10 any case, it's clear that it were the
11 Hutu who were in power during this period
12 just before the end of the colonial era.
13 And it was to them that power was
14 surrendered.

15 Q. But, did the Hutu not also fight for
16 independence?

17 A. Yes, obviously.

18 Q. But it seems to me that there's no
19 difference. Because over and above that,
20 the Hutu wanted the abolition of
21 feudalism?

22 A. In fact, feudalism was more or less
23 legally abolished. But what they wanted
24 more was the end of the monopoly of the
25 Tutsi power.

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1 Q. Well, from that point of view, it is
2 somewhat surprising that when -- I don't
3 know if this is true, you will tell me if
4 it's not, that parties which were
5 pro-Tutsi were involved in -- were
6 supposedly known as progressive parties.
7 They had leaders such as Lumumba and
8 Kruma (phonetic spelling), and they were
9 different from the Hutu elite?

10 A. No, I wouldn't necessarily agree. I
11 wouldn't say yes. I think that everyone
12 had the support from wherever they could
13 find it. And they adopted whatever model
14 they wanted. And it was not necessarily
15 the case that one or the other felt
16 themselves more linked to these African
17 models. Maybe I simplified matters too
18 much by saying that this was the Tutsis
19 desire at the end of the colonial era
20 that led to these changes.

21 But after reading other historians'
22 works, I find that the Belgian
23 determination had a -- a greater role at
24 that time. And the Belgians were trying
25 to limit the Tutsi, because it's the

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1 Tutsi who were in power, and rather than
2 defending the will or the desires of the
3 Hutu.

4 Q. Now, after the existence of the political
5 parties and the regime is in place, the
6 requests or the demands of the Hutu
7 elite, which wanted to abolish the
8 monopoly of the Tutsi power, was a
9 political -- was a legitimate political
10 claim; can one -- can one say that?

11 A. Of course it was legitimate. It's
12 legitimate to have political parties that
13 demand a party for everyone in -- within
14 the system, of course.

15 Q. About that time it seems to me that there
16 was a referendum?

17 A. There was.

18 Q. And this referendum was based on the
19 position of the monopoly and
20 independence. It was a question of
21 monopoly or independence?

22 A. Yes, it was the establishment of the
23 Republic.

24 Q. And the majority result of this
25 referendum was to establish -- was to end

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1 the monopoly?

2 A. Yes, it was to establish a republic.

3 Q. Therefore we could say that people
4 already were aware of the fact that they
5 had to create a sort of democracy?

6 A. Again, I have to say that the situation
7 was more complex than that. And that the
8 issue of choice -- the choice made by the
9 people at that time was also influenced
10 by several political considerations
11 beyond simple desire for democracy.
12 For example, there was the issue of
13 serious pressure applied by the local
14 administrators, who had just gained power
15 not very long ago or not -- not long
16 before that.

17 However, I do accept the idea that most
18 of the people no longer wanted the
19 monarchy. That was very clear. But at
20 the same time I can't accept a simple
21 statement that it was a universal desire
22 -- it was a conscious desire on the part
23 of all the people to want democracy. And
24 that this was what motivated the
25 referendum. Because, as in every

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1 election, the choices are complicated by
2 local powers. That was the case in
3 Rwanda. It's the case in the United
4 States.

5 Q. That's true. But from a democratic point
6 of view there were not other means in
7 order to throw off the -- this
8 dictatorship, if you will?

9 A. That's true.

10 Q. So, we can look at what the result of the
11 vote was, but analysis is something else?

12 A. That's true. I'm not calling into
13 question the results. I am not
14 questioning the results at all. That's
15 not what I mean.

16 I simply mean that I would like to
17 introduce a little this idea of
18 complexity. That the situation was
19 complex. So, that we don't limit
20 ourselves to a simplistic analysis.

21 MR. PRESIDENT:

22 Judge Aspegren has the floor for a
23 question on this point.

24 JUSTICE ASPEGREN:

25 (Interpreter) Before we continue, given

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1 that we are going on a chronological
2 order, I just want to supplement Mr.
3 Monthe's question. I would like to ask
4 about the explanation you gave that the
5 Belgians changed their policy. And that
6 is to say, rather than supporting the
7 Tutsi elite, they began to support the
8 Hutu elite.

9 So, what I would like to know is do you
10 feel they did this in order to favor more
11 democratization of the Rwandan system, or
12 did they do it out of their own interest,
13 that is to say out of their interest as
14 Belgian colonizers?

15 THE WITNESS:

16 Undoubtedly it is both. Even for one
17 person it would be a -- this could be
18 something we could discuss on an
19 ideological point of view, whether it was
20 because of their colonial interests or
21 because of a desire for democracy that
22 they did that.

23 But based on what I know of this period,
24 I couldn't say that there were
25 administrators, especially those that

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1 arrived after Second World -- the Second
2 World War, who had a more open mind, if
3 you will. And the same among the -- the
4 pastors -- the -- the priests who had
5 come and who had been trained in the
6 worker-priest movement. They had this
7 more open vision, and saw the necessity
8 of power sharing, and having a more
9 balanced sharing of power. Now, some of
10 them, of course, were people who simply
11 wanted to maintain their power.

12 JUSTICE ASPEGREN:

13 Well, at any rate could we say then, in
14 your opinion, was this change in the
15 interest of the Belgian government?
16 I am talking about the two groups in
17 Belgium; that is to say, was it in their
18 interest to try to prolong their presence
19 in Rwanda?

20 THE WITNESS:

21 I think that at that point in time they
22 did feel it was in their interests.
23 Whether it really was in their interest
24 is another matter.

25 JUSTICE ASPEGREN:

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1 Thank you.

2 MR. PRESIDENT:

3 I'd like to be a little bit more precise.
4 I heard what you said, and I believe I
5 understood. And this was the case in many
6 of the cases of African colonization, if
7 I understand, the Belgians saw that the
8 Tutsi were becoming a bit avid for power.
9 And they were trying to reestablish an
10 equilibrium.
11 So, perhaps that's why they said -- maybe
12 perhaps there's this barrier that should
13 not be crossed. And that's why they
14 tried to balance the power. Can I
15 simplify it as such?

16 THE WITNESS:

17 I did not study the documentation. For
18 example, to really be able to derive a
19 conclusion, you have to look at the
20 correspondence within the colonial
21 administration. Those who really took
22 the decisions. Were they decisions that
23 were taken on behalf -- for example, on
24 behalf of each administrator in his own
25 little territory? Was this a directive

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1 from Brussels? I really can't say
2 because I didn't study the documentation
3 of this period.

4 MR. PRESIDENT:

5 Well, Madame, you said at one time that
6 the Belgians realized that the Tutsi were
7 becoming avid for power and they had to
8 reestablish an equilibrium. So, it's
9 what we call this phenomenon of power
10 balancing. Is that what -- is that what
11 happened?

12 THE WITNESS:

13 Well, in order to look at it and to make
14 an evaluation as an outsider, I would say
15 that at that point in time the objective
16 of the colonial powers was to prolong
17 their stay. And they found that the best
18 means to do so was to favor the Hutu.
19 That would be a speculation, a conclusion
20 as an outsider. Because I didn't study
21 the documentation -- the internal
22 documents.

23 MR. PRESIDENT:

24 That's what we understood, Madame.
25 Because it didn't happen only in Rwanda.

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1 It happened everywhere. It was the case
2 of many of the colonizers. It was this
3 phenomenon of balancing -- of
4 equilibrium.

5 MR. PRESIDENT:

6 We are going to adjourn, because it is
7 already ten after eleven, for fifteen
8 minutes. We will begin again in fifteen
9 minutes. Session is adjourned.

10 (A recess was taken.)

11 MR. PRESIDENT:

12 This court is in session.
13 Bailiff, please bring in the witness.
14 The defence has the floor to continue its
15 cross-examination of the witness.

16 MR. MONTHE:

17 Thank you, Mr. President.

18 BY MR. MONTHE:

19 Q. Doctor Des Forges, I would like to come
20 back to our discussion earlier when the
21 President had asked you a question
22 pertaining to the Belgian colonizers'
23 support for the elite Hutu population and
24 that to the detriment of the Tutsi, and
25 you stated, Doctor, that, in your

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1 opinion, the Belgians had felt that
2 perhaps the Tutsi had become too avid for
3 power, to use the President's expression.

4
5 But I also note that you also said during
6 your discussion, when I asked you the
7 same question this morning, that the Hutu
8 also were engaged in the fight -- or the
9 struggle for independence. So, how can
10 you reconcile this position between the
11 Belgians who are defending the Hutus, but
12 the Hutus, who are also reclaiming -- or
13 demanding independence?

14 How can you say that the Belgians, at
15 that point in time, favored the Hutu over
16 the Tutsi?

17 A. Well, I think that it is simply an issue
18 of short-term tactics. Because I think
19 they realized that eventually they would
20 have to leave. But, most likely, with
21 the Tutsi they would have had to have
22 left earlier. I think that is it.

23 Q. Very well. So, in reality, no matter
24 what choice the Belgians had made, the
25 result would have been the same?

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- 1 A. The result?
- 2 Q. Let's just say, the issue of
3 independence, that would have come about
4 at any rate?
- 5 A. Yes, that's -- that's sure. There's no
6 doubt.
- 7 Q. But, Doctor, I would tend to want to see
8 if there weren't any other reasons, any
9 other explanations in this conflict after
10 1959, that explains why the Tutsi then
11 took power. The -- the Belgians that
12 were there and that controlled the armed
13 forces, could we not think that the
14 Tutsi, perhaps, mistook the events that
15 happened in 1959, that the -- when the
16 Tutsi, even though the aggressions were
17 limited, that -- and perhaps the Tutsi
18 were legitimately thinking that there was
19 collaboration with the Belgians?
20 Would this not -- would there not be some
21 sort of reasoning -- in this along these
22 lines? Would that not be one of the
23 reasons?
- 24 A. Are you asking me, was that a reason for
25 the Belgian decision?

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1 Q. No. I'm talking about the relationship
2 of the Tutsi with the Belgians. These
3 relations deteriorated. And the Tutsi
4 asked for independence, rather quickly,
5 thereafter.
6 So, I'm saying in the underlying reasons,
7 beyond independence, wasn't there also
8 this feeling towards the Belgian
9 colonizers that the Tutsi perhaps felt
10 betrayed by the Belgian colonizers, that
11 they didn't help them during the
12 difficult periods, in particular, during
13 the massacres?

14 A. Yes, that could have contributed. That
15 could have played a role, I think. I
16 think that the desire for independence
17 had existed before, but it's very
18 possible that this fueled this feeling,
19 if you will.

20 Q. You said to us some time back, when you
21 began your testimony, upon the
22 prosecutor's invitation, that, as regards
23 this vote or referendum for independence,
24 you stated that, in your opinion, this
25 vote followed, and to use your

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1 expression, this vote followed along
2 ethnic lines. That is to say, the
3 majority vote for independence, the one
4 in 1962, the one that brought about
5 independence, that there was a Hutu
6 majority who supported this?

7 If you don't follow me, I will
8 reformulate.

9 A. No, I'm following. It's simply that I'm
10 trying remember exactly how I had
11 formulated my statement.
12 It's true that the outcome of this vote,
13 generally speaking, did follow along the
14 population distribution, but not entirely
15 so. That is to say, if I remember
16 correctly, the percentage of those who
17 supported a republic was less than the
18 percentage of the people who were
19 classified as Hutu. This means that the
20 outcome did not exactly coincide with
21 ethnic distinctions within the people --
22 or within the population rather.

23 Q. So, if I understand you correctly, we
24 could think in the outcome of this
25 election that there were all different

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1 levels of -- or different groups of
2 society. That they all -- that there
3 were not distinctions in how they voted
4 based on ethnic grounds?

5 A. There were people in all categories who
6 did vote, who participated, that's true.

7 Q. But before this idea of democracy came
8 about, after these massacres, of course
9 the king took refuge in Congo -- the
10 Congo at that time. And the king was
11 pursued by a group of elites, a group of
12 -- of those who were in the power.

13 And during that time the Tutsi people,
14 the ordinary Tutsi people, stayed in the
15 country; correct?

16 A. Yes, most of the Tutsis stayed in the
17 country.

18 Q. And these people stayed in the country --
19 can you perhaps give me an idea of a
20 percentage, how many stayed -- how many
21 Tutsis stayed, or was it just a small
22 group of elite who left?

23 A. I would say that it was a rather small
24 group that left. Perhaps, I really don't
25 know, maximum, maybe ten and twenty

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1 percent.

2 Q. Very well. So, I would say that -- you
3 could say then that a large majority of
4 Tutsi remained in the country at that
5 time?

6 A. If we're talking about this period from
7 '60-61, yes.

8 Q. So, we could think that they didn't feel
9 threatened or in danger at all because
10 they stayed in the country?

11 A. That's true.

12 Q. Thank you, Madam. Doctor, you also
13 stated that, in your point of view, the
14 outcome of this vote signified that there
15 was a difference between the political
16 majority and the ethnic majority, if I
17 remember correctly?

18 The prosecutor asked and you said that
19 the result of this election brought about
20 an equilibrium between the political
21 majority and the ethnic majority. Is
22 that what you said?

23 A. I don't remember having said that
24 exactly. Generally speaking, yes. But as
25 I just said, the percentage of those who

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1 voted for the Republic was not exactly
2 the same as the percentage of those -- as
3 a percentage of the Hutu population.

4 Q. But the outcome of this vote and the --
5 the expression of this majority has
6 universal consequences?

7 A. Yes, but what's important at any rate, is
8 that after the fact, during the years
9 that followed, how this election was
10 interpreted and how this period, in
11 general, was interpreted. That's what
12 brought about this equation between
13 democracy -- between the majority -- the
14 political majority and the ethnic
15 majority.

16 Q. Well, that seems to be quite clear.

17 A. It's not obvious, at all. If people
18 don't vote, then its on ethnic basis.

19 But that's not necessarily because
20 there's an ethnic majority -- that
21 there's a democratic majority.

22 Q. No, but that's exactly what I'm asking.
23 Because you said that if you analyzed the
24 results of this election, there was an
25 even breakdown between the political

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- 1 majority and the ethnic majority.
- 2 Therefore we could be led to believe that
- 3 those who voted, voted simply because
- 4 they were of a particular ethnic group.
- 5 That's what I'm asking you.
- 6 A. I don't have the exact results in mind.
- 7 But if I remember correctly, there were a
- 8 lot of Hutu who did not vote for the
- 9 Republic.
- 10 Q. I suppose so.
- 11 A. Yes. So, in that case there's not an
- 12 exact equivalence between being a Hutu
- 13 and being in favor of the Republic.
- 14 Q. That was what I was asking, that was the
- 15 objective -- object of my question. I
- 16 had noted the last time that that's what
- 17 you had said. So, I wanted to pick up
- 18 that -- to talk about whether there was
- 19 this correspondence between the political
- 20 majority and the ethnic majority.
- 21 Because, statistically speaking, and
- 22 without -- if you did any studies, then
- 23 it might have been difficult to have said
- 24 for sure.
- 25 A. The point that I should have made, and

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1 perhaps I did not express myself
2 correctly, that it was because of these
3 experiences, of these first elections,
4 that the Hutu political leaders were able
5 to establish, in their own minds and in
6 their followers' minds, the idea that a
7 political majority can -- or could be the
8 same thing as an ethnic majority.

9 Q. Very well. At that time, after the
10 referendum of September '61, we have
11 independence, July 1st, 1962. And the
12 government -- the structure of the
13 government changes. We go from a
14 monarchy to a much more modern state
15 which is based along the lines of
16 democracy. That is to say that the
17 leaders of the Collines become
18 bourgmestre -- are replaced with
19 bourgmestres, those who govern the
20 provinces became the prefectures, and
21 instead of a king we have a -- a
22 president.

23 But, in your opinion, I don't know if
24 you've studied this issue, but what was
25 the reaction of the Tutsi who remained in

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1 Rwanda at that time and who saw this
2 change of society coming back, from the
3 monarchy before the war going into a form
4 of republican government?
5 Could we say that they feared perhaps,
6 they were afraid that -- of this change?
7 A. Of course those who had power were not
8 happy with the change of this situation.
9 I think that's very easy to understand.
10 And those who had the most power were
11 those who left the country the soonest.
12 As for the ordinary people, the ordinary
13 Tutsi -- because you must bear in mind
14 that at that point in time no more than a
15 few thousand people actually held
16 political power at that time, maybe two
17 thousand, three thousand in the widest
18 interpretation. So, it was a very
19 limited group.
20 And the other Tutsis were ordinary people
21 who lived in the hills. And at that time
22 the country was almost entirely
23 agricultural based. Now, the percentage
24 of the people who live from -- live from
25 this is less than ten percent. And at

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1 that time, there was hardly anybody who
2 lived off a -- a salary, beyond those who
3 were employed by the church or by the
4 government.

5 So, that means that the vast majority of
6 the people were people who lived off
7 their own efforts from -- as farmers or
8 cattle raisers. So, this means that
9 implications of political change for
10 these people were not really that
11 serious.

12 Q. But when the government became
13 independent -- when the independent
14 Rwandan state was created in July '62,
15 you said that there was a change in power
16 management and this was to the benefit of
17 the new majority?

18 A. To the benefit of a portion of the
19 majority people.

20 Q. Yes. But we could think that this
21 majority was represented by those who
22 were in power?

23 A. That's not necessarily the case, says the
24 witness.

25 Q. That those who benefit from power,

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1 granted those that who are -- the
2 ordinary people are not going to benefit
3 from power, but they represent -- those
4 who are in power do represent these
5 people on a de facto basis. That's my
6 point.

7 So, I'd like to ask you the following
8 question based on this. At that time --
9 I should say at the time of independence,
10 did the Hutu power worry about the fate
11 of the Tutsi? Did they give them any
12 posts in the administration?

13 A. I think that there were some who did have
14 political posts. But it does depend
15 somewhat on the period. We have to look
16 at exactly what year we're talking about.

17 But, generally speaking, it was clear
18 that the direction of the government was
19 a direction that strongly favored Hutu to
20 the detriment of Tutsi, just as was the
21 case before.

22 Q. One year though, that was in 1962, right
23 around independence, but we know and you
24 said it also here, that the Tutsi elite
25 that had fled, that some of them had

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1 taken refuge in the neighboring country
2 of Burundi.

3 And you indicated that in '63 there was
4 already a first refugee attack -- a Tutsi
5 refugee -- against Rwanda?

6 A. I think it began earlier, but the -- the
7 biggest was in December '63.

8 Q. So, those -- these elite who lost power,
9 and you confirm this, that they had
10 already begun aggression before 1963, but
11 the most wide scale attack was in '63.

12 Now, so, in your opinion --

13 (Tape No. 2, a.m., was turned to side B.)

14 BY MR. MONTHE: (Cont'g.)

15 Q. Power. I don't know if their platform
16 was to completely re-establish the
17 monarchy that had reigned before, but
18 they, at least, wanted to be able to
19 share power. But, in your opinion, these
20 attacks that had begun even before '63,
21 and the most serious being in December of
22 '63, with these refugees wanting to
23 claim power, were there social basis for
24 this?

25 Were they contesting the new government

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1 that had been installed by the majority,
2 or was it simply a desire to have the
3 royal monarchy, the -- bring back the
4 aristocracy, that this monarchy had
5 reigned for centuries and centuries and
6 they had wanted to recuperate this?

7 A. I'd be very tempting to conclude that it
8 was simply an effort of those who wanted
9 power to reinstate the monarchy as it was
10 before the revolution. But I,
11 personally, cannot draw this conclusion,
12 because I never attempted to study
13 neither their ideas nor what they wrote.
14 So, I don't know if there even was a well
15 established ideology among these people.
16 I simply know that they tried to come
17 back by force and that their intention
18 was to exercise political power, either
19 alone or with others. But I really did
20 not study the ideology behind this
21 movement. I don't even know if it was
22 organized as a movement, or rather
23 whether it was simply lesser --- attacks
24 that were not as well organized.

25 Q. Well, if the objective of these attacks

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1 was to reconquer power, we would tend to
2 think that this was a concerted action.
3 Because taking power presupposes that
4 there is some sort of organization. And
5 this is 1962, so there is already the
6 existence of a Rwandan state, and
7 institution.

8 A. Well, yes I suppose that just like any
9 other forceful attack from the outside
10 you can suppose that it would be an
11 attack against the institution. I think
12 it's very difficult to contest that.

13 Q. Thank you, Doctor. When we look at the
14 history of Rwanda, we observe that there
15 was a limited period, from 1960 to 1967.
16 And if I'm mistaken, please correct me,
17 but during this period we see that there
18 were reactions against the Tutsi attacks
19 coming from the outside. That those on
20 the inside were trying to repress these
21 attacks. And every time there was -- up
22 until approximately 1967 every time there
23 was a counter reaction. And often there
24 was a reaction against the Tutsi within
25 the country.

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1 Now, is this because of the political
2 power in place?

3 And, second question, was this a reaction
4 against Tutsis in the country, was that
5 justified because these Tutsis were
6 aiding those who were attacking from the
7 outside?

8 Those are the two questions I would like
9 to ask in order to understand why during
10 this period, there -- every time there
11 was an attack from the outside, there was
12 an internal attack against the Tutsi.

13 A. Yes. Of course these are very important
14 issues. And one day I hope to personally
15 be able to study these issues more in
16 depth. I have not done so yet and, to my
17 knowledge, nobody really has done so in
18 great detail. But, if you will allow me,
19 I will nonetheless give you my ideas on
20 this matter based on what I know from
21 others' works and also work of Lemarchand
22 for example, the works of Phillip
23 Reyntjens (phonetic spelling), and these
24 are what have influenced my ideas.
25 According to these authors, reprisals --

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1 especially reprisals which followed the
2 attack of December 1963, were organized
3 by local administrators with the support
4 of some of the people within the national
5 government, including ministers, who went
6 out into the hills in order to incite
7 people to attack Tutsi. I think that the
8 pretext was that the Tutsi within the
9 country had helped the assailants from
10 outside. This is especially notable that
11 -- we saw it in the Prefecture of
12 Gikongoro after December 1963, we saw
13 these attacks against Tutsi.
14 There are other analysis which I also
15 find very convincing. At that time Hutu
16 administrators were attempting to
17 establish themselves, and it's not easy
18 to establish oneself in a society where
19 Tutsi have always -- perhaps not always,
20 but in at least the recent memory of
21 people, where Tutsi have always been the
22 recognized masters. So, the
23 administrators who wanted to establish
24 themselves took advantage of these
25 attacks from the outside in order to

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1 better establish themselves, in order to
2 better establish their power base over
3 the people
4 and they did this in several ways. First
5 of all by indicating to everybody that
6 they had the power to kill. So, they had
7 the power to indicate that certain people
8 -- certain Tutsis -- should be killed.
9 And they thereby showed everybody that
10 they were very powerful.
11 Second factor, by chasing out the Tutsi
12 from the commune, they almost
13 automatically were able to control the
14 lands that had belonged to the people who
15 had fled. And since this was an
16 agricultural based society, land was an
17 important source of power. They could
18 therefore distribute land to their
19 followers, to their partisans, in order
20 to strengthen their power base within the
21 local community.
22 And it was especially the effort -- these
23 efforts on -- on the part of the
24 administrators to strengthen their power
25 base that led them to take action against

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1 the Tutsi, who most likely had not been
2 involved in the attacks from the outside.

3 Once again, let me assure you that
4 these are conclusions based on analysis
5 of others, because I, personally, did not
6 study this period.

7 Q. But could we be led to believe then that
8 the umbilical cord was broken between
9 this elite party and the ordinary Tutsi
10 who had remained there. In other words
11 those who had come to reconquer power,
12 did they know that objectively there were
13 people of their same ethnic origins in
14 the country?

15 A. Do you mean to say that because you're a
16 cousin or a brother that you're
17 necessarily going to support a military
18 advance?

19 Q. No, I'm asking the question because
20 you're the one who's the expert on this
21 period. My objective is to understand
22 the analysis you just made. So, let me
23 reformulate my question, with your
24 permission.

25 Could we think, therefore, that the Tutsi

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1 elite who had taken refuge outside the
2 country, and who, during this period of
3 the '60s, tried to reestablish power, in
4 your opinion, did these people feel that
5 they were cut off from their brothers in
6 the country, or did they tend to believe
7 that when they arrived they would have a
8 sort of solidarity?

9 A. It's always been a myth that Tutsi were
10 entirely solid -- that there was complete
11 solidarity, and that there was no
12 division between the Tutsis either on a
13 personal basis or on the basis of
14 economic or political interests. In my
15 own experience, there were times when the
16 Tutsi were not at all solid -- there was
17 absolutely no solidarity among the Tutsi.
18 So, for those who wanted to come back
19 into the country at that time, thinking
20 they might perhaps have support in the
21 country, I think that you have to be a
22 little bit more specific.
23 I would assume that most likely they
24 would tend to have the support of some of
25 those among the population. But, not

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1 necessarily only Tutsi. Because,
2 according to what I know of this period,
3 there were former leaders who were
4 outside the country who still had people
5 in the country who were Hutu and who
6 still felt linked to these people. So, I
7 assume that there were, of course, some
8 of these elite who assumed they would be
9 able to count on the loyalty of people
10 within the country.

11 But I think that that is still in the
12 domain of pure speculation. I have seen
13 nothing to indicate that there were true
14 relations established between the
15 assailants and those within the country.

16 Q. Thank you, Madame. From this point of
17 view, I note that you said that there was
18 solidarity among the Tutsi, that there
19 was always a lot of solidarity among the
20 Tutsi. Does that mean that there was not
21 solidarity among the Hutu up until modern
22 history?

23 A. What I said was that it was a myth -- it
24 was a myth that there was always
25 solidarity among Tutsi. I don't think

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1 that it's necessarily the case.
2 Somebody who has studied this and who
3 looks at Rwabugiri's reign, for example.
4 We could talk about this for hours, the
5 disputes between Tutsi who killed each
6 other and in a very extraordinary manner.

7
8 But among the Hutu there were also major
9 conflicts. There were conflicts based on
10 political parties, between the PARMEHUTU
11 and the APROSOMA. And the people of the
12 PARMEHUTU were not always very nice with
13 the people from the APROSOMA, especially
14 after the establishment of the first
15 republic.

16 And after that, there were serious
17 regional conflicts between people from
18 the northern part of the country -- the
19 Hutu of the north and the Hutu of the
20 center and the southern region.

21 Q. If I stay with you on this issue, Hutu
22 solidarity, Tutsi solidarity. You said
23 that the PARMEHUTU, for example, were not
24 always very nice with the APROSOMA. But,
25 in your opinion, since this is a -- this

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1 a political struggle, according to your
2 analysis, according to your studies, what
3 was more important, was it the awareness
4 of being Hutu, or was it the political
5 ideology of the party to which one
6 belonged?

7 A. I think that throughout this period
8 political figures, leaders, especially
9 those of PARMEHUTU, had certain political
10 advantages by basing themselves on the
11 ethnic solidarity of Hutu. And that they
12 actively encouraged this idea among the
13 -- the masses of the Hutu in the
14 country. And it was over the course of
15 the years that this Hutu solidarity
16 became established.

17 Q. When we look at the time of the massacres
18 up until 1967, you said that in some
19 cases the administrators helped somewhat
20 in the carrying out of these killings.
21 And that suddenly, when we look at the
22 historic period of '67 to 1973, nothing
23 happened.

24 What happened at that time -- what was
25 happening during this time?

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1 A. The attacks from outside came to an end.
2 Why was this? Did they end in 1967
3 instead of 1968 or '68 -- '68? I don't
4 know.

5 They suddenly went down, but I don't know
6 why. And with the end of the attacks from
7 the outside and reprisals -- reprisals
8 from the interior also came to an end.

9 Q. So, each time that Rwanda was not being
10 attacked from the outside there was a
11 calm -- well, there was calm in -- in --
12 in the country during that historical
13 time. There were no important cases of
14 violence between '67 and 1973. Yes,
15 there were cases which could be found
16 elsewhere in Africa, but not important
17 cases up until 1973.

18 Therefore we can establish with a certain
19 amount of certainty that when Rwanda was
20 not attacked, there was an atmosphere of
21 calm.

22 A. Yes, except in 1973 because at that time
23 there were no attacks and yet it was not
24 a calm atmosphere.

25 Q. Yes. We'll come to 1973. I wanted --

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1 since we are moving in time, we needed to
2 have a certain amount of facts in place.

3 All right.

4 So, from '67 to '73 there was a calm
5 atmosphere. Because I think that we're in
6 agreement on this. And then in 19 --
7 1973, Gregoire Kayibanda and Juvenal
8 Habyarimana come with their new
9 philosophy.

10 A. Yes.

11 Q. I think that this political philosophy
12 was based on the concepts of peace and
13 national unity.

14 A. Yes. But we need to see how he took
15 power, what -- this came about against
16 the background of attacks against Hutu --
17 Tutsis on the basis of their ethnic
18 grounds. There were public safety
19 committees. I'm not quite sure what they
20 were called. I don't think they
21 mentioned security in the title -- the
22 word escapes me right now. But in any
23 case, there were groups which were
24 organized so that they can make Tutsis
25 leave certain posts, certain regions,

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1 certain areas. And they killed some --
2 tens of them.

3 Q. But Habyarimana who was not quite yet
4 there, because he comes at --- in 1973
5 and he deposes another Hutu.

6 A. Yes, but I think it is important to
7 realize that according to analysis made
8 by some, I think I accept these analyses.

9 It was these new attacks against the
10 Tutsi which were the result of a conflict
11 amongst the Hutu. And they were trying
12 to blame them on the Tutsi. And this was
13 -- trying to blame the Tutsi -- the
14 conflicts that were taking place amongst
15 the Hutu.

16 In other words, in trying to solve the
17 Hutu problems, people were being
18 encouraged to look at the Tutsi as the
19 enemy.

20 Q. Now, on this point of view I would like
21 you to be a bit clearer -- clearer,
22 because it seems to me an important
23 point. You said that the Hutu wanted to
24 solve their own problems by blaming
25 Tutsi. What kind of problems were these?

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1 A. At that time regional conflicts were very
2 important. There were many, with the
3 people in the north believing that the
4 people in the south were taking too much.
5 And the people from the north were very
6 strong in the army. The soldiers -- the
7 army was dominated by people from the
8 north. Whereas the people from the south
9 found places mostly in the administration
10 -- in the civil service.
11 So, once again, it's a time which I have
12 not really studied in detail. But if I
13 were to base myself on data from others,
14 I think there are two possible
15 interpretations.
16 Either the people from the south saw
17 themselves as threatened by those from
18 the north, and tried to have them forget
19 their plans by directing attention to the
20 Tutsi and saying it's not us, the people
21 from the south who are the cause of the
22 lack of possibilities, lack of resources
23 for you the people in the north. It's
24 the Tutsi who have occupied, without us
25 being aware, posts in important places.

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1 They have to be chased out and that way
2 we can all live in harmony.

3 The second interpretation is that it's
4 the people from the north who simply
5 wanted to create disorder by attacking
6 the Tutsi, so that they could give
7 General Habyarimana the possibility of
8 coming in as a savior to restore civil
9 peace -- or national peace.

10 I, myself, don't have any preference for
11 any of these two interpretations. But
12 what I find remarkable, the two agree on
13 one fact in that the regional conflicts
14 moved and people's attention were being
15 drawn away from regional conflicts by
16 drawing attention to ethnic conflict.

17 Q. But from that point of view can we, if we
18 were to remain with our theory, can the
19 power -- powers that be, the -- which had
20 the army and -- and all the apparatus of
21 the state, couldn't we say that it could
22 simply go into a redistribution of posts,
23 rather than excite hatred against the
24 Tutsi?

25 Were the Hutu from the south, did they

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1 have a particular interest so that the
2 Tutsi could be blamed?

3 A. No, I think we're entering into an area
4 of speculation which is somewhat --
5 somewhat risky, hazardous, if I might say
6 so. I cannot really speculate as to why
7 it was decided that the conflict was
8 considered in this way.

9 I think it was possible for Habyarimana
10 to have a military coup, yes. That might
11 have been possible for Kayibanda, also,
12 simply to have Habyarimana abducted or
13 assassinated.

14 Q. Yes. But why did this not happen in that
15 way?

16 A. I don't know why and I cannot say why.

17 Q. I thank you Doctor. Now, President
18 Habyarimana, we are in 1960 -- 73, 1973,
19 I said that his motto was peace and
20 national unity. That's what he said.
21 And you, yourself, has told us -- have
22 told us, if I am not wrong, my memory
23 serves me right, that the coming to power
24 of President Habyarimana was well
25 received by all the population, even the

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1 Tutsi?

2 A. That is correct.

3 Q. I thank you. Now, the quota system which
4 was brought in by President Habyarimana
5 and his movement, which he will create
6 later MRND, is based on the principle of
7 saying that in order to solve this
8 problem we came from an extreme wherein
9 the Tutsi had everything and Hutu had
10 nothing. And then suddenly we see the
11 Tutsis in front of closed door.

12 So, we need to find a modus vivendi. And
13 so, we -- using the quota system they can
14 say, let's say fourteen percent of the
15 population will have fourteen percent.
16 And the others will have on a pro-rata
17 basis what they -- what will be due to
18 them.

19 Now, you're saying that this policy was
20 not, in fact, applied as such. If I
21 understood you correctly, you didn't
22 believe that when Habyarimana came to
23 power, obviously there was a kind of
24 whitewashing. There was some posts given
25 to the Tutsi. But, especially for the

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1 army, this was not allowed them; is that
2 true?

3 A. I didn't quite say that exactly. But in
4 any case, I said that in the beginning of
5 Habyarimana's reign he was well accepted.

6 But there was the quota system.

7 And then I jumped rapidly to the end of
8 Habyarimana's regime to indicate what the
9 situation was at that point in time when
10 there was discontent, general discontent
11 on the part of the Hutu and on the part
12 of the Tutsi who believed that there was
13 a restricted elite from -- people from
14 the north who benefited. And that the
15 quota system was not well implemented,
16 was not applied properly, in a -- a just
17 manner, neither for the Tutsi nor for the
18 Hutu.

19 Q. Now, your observation on the quota
20 system. You said -- which you say was not
21 properly applied, both for the Tutsi and
22 for the Hutu, in your observation, I
23 would like to know Doctor, what you're
24 basing yourself on when you say that it
25 was not well applied, neither for the

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1 Hutu nor for the Tutsi?

2 When you're talking about the Hutu, you
3 distinguish the regional origin of these
4 people?

5 A. Yes, that is true.

6 Q. But from that point of view, your
7 observation would be based on the fact
8 that some Hutu may have come to power
9 because they were linked or they were
10 close to the President or to his family?

11 A. If we were to look at the statistics
12 which were produced by Professor
13 Reyntjens, for instance, I think there's
14 no question about it. It is very
15 convincing. If we look either at the
16 distribution of high level posts in the
17 administration, in the army. The matter
18 of scholarships outside the country. The
19 matter of development projects and where
20 they were carried out in the country.

21 I think that there's no question at all
22 when you look at these statistics about
23 the Ruhengeri and Gisenyi Prefectures
24 mostly benefited from a very
25 disproportionate share, if you were to

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1 compare them with the rest of the
2 country.

3 Q. But does this phenomenon, is it
4 exceptional or abnormal in -- in a
5 country -- in any country?

6 A. There are always regions which are
7 favored. But there's always also
8 discontent on the part of people from
9 other regions. Yes, this does exist in
10 many, many countries.

11 Q. Now, I'm asking you this question, which,
12 to me, is important. Because you are
13 telling us that Habyarimana came to
14 power, that he had a policy which says
15 that now I shall -- not -- I'm not going
16 to do what others did. That I shall --
17 and then, curiously, we see that
18 investment is made mostly in Gisenyi and
19 Ruhengeri.

20 But when you come to an analysis, this is
21 a phenomenon that we find everywhere in
22 Africa, especially if you have power for
23 almost twenty years without sharing it
24 with others. At that point in time it's
25 not a secret and it's a general

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1 phenomenon. It's quite widespread.
2 But if you don't have power for a long --
3 a long time -- there are many countries
4 in Africa where leaders coming from such
5 and such an area, subsequently there are
6 roads which go to his -- his village and
7 so on and so forth. So, for us it's not
8 something which is exceptional, it's no,
9 no surprise.

10 A. I simply wanted to stress the fact that
11 I'm not looking at my own judgment of the
12 situation. I'm only trying to express
13 what I have understood as being an
14 evaluation of the situation by other
15 Rwandese. I'm not talking about what
16 should have been. It's the judgment of
17 the Rwandans of the time that it was not
18 as things -- as it should have been.

19 Q. And here I'm talking to you as an
20 historian. You said that this was the
21 judgment of the Rwandans of the time.
22 And I think that I even recall that you
23 told us that in the framework, that one
24 of the leaders of MRND, I think he was a
25 prefect, I don't remember quite well.

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1 He, in a speech, was speaking officially,
2 and then he said, "but I don't quite
3 share the political orientation."

4 Do you -- do you remember this
5 discontent? Or maybe I shall reformulate
6 my question.

7 May I recast my question?

8 You said that some "barons" in quotes of
9 the Habyarimana regime who didn't come
10 close to the inner circle of powers were
11 discontent, because they thought that the
12 attributes of power were restricted to
13 Habyarimana and his team?

14 A. Yes.

15 Q. Now, does this phenomenon of nepotism, is
16 something like this which was strictly
17 applicable only to Habyarimana and
18 another -- or -- or Rwanda?

19 A. No, unfortunately, it's something that
20 can apply to other countries and other
21 leaders.

22 Q. Now, on this matter of quotas -- quotas.
23 Was it during -- you said that
24 Habyarimana stayed in power for too long
25 and people began to understand that he

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1 was not sticking to what he had initially
2 said.

3 Were the Tutsi in this time, in other
4 words from -- from 1973 up to the events
5 which we will be coming to later, did the
6 Tutsi -- I'll stop in 1990. Because we
7 will see the Bagogwe events and so on.
8 So, from 1973 to 1990 was there will in
9 Habyarimana to discriminate against the
10 Tutsi, physically speaking?

11 A. It was not total exclusion. There were
12 some Tutsi who were quite close to
13 Habyarimana during his regime and who
14 were able to benefit as others from his
15 favors. But generally speaking, one
16 could say, that Tutsi felt themselves
17 excluded from most possibilities of
18 enhancement and advancement. And this is
19 why we saw a certain number of people
20 trying to change themselves into Hutu.

21 Q. But when Habyarimana came to power and
22 the quota system is set up, was it
23 immediately applied?
24 Because there was a single party in which
25 all --

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1 (Tape No. 2, a.m., concludes and Tape No.
2 3, a.m., begins.)

3 BY MR. MONTHE: (Cont'g.)

4 Q. (Off microphone) -- Hutu and Tutsi, were
5 necessarily members of MRND. So, there
6 were Tutsi and Hutu (sic) within the
7 power -- within the party?

8 A. Yes. There were Hutu -- Hutu and Tutsi,
9 there was no choice within the party and
10 within the administration.

11 Q. If I was a member of the party, given the
12 fact that I belonged to a party, which
13 was leading the country, I could easily
14 have obtained a post in the
15 administration?

16 A. No, not necessarily. Not necessarily.
17 The fact of being a member of MRND was
18 not adequate to make one a member of the
19 -- to enable one to get an
20 administrative post.

21 Q. But, from what you said, I seem to
22 understand that the areas which were
23 closed was particularly the army. But
24 that there were people in the government.

25 A. However, it's a matter of percentages.

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1 So, is the fact of having some Tutsi here
2 and there, does that constitute an
3 opening? I don't believe so.

4 We need to look at the situation very,
5 very closely, considering one ministry
6 and another. So, we can see the personal
7 links and see what leaderships took place
8 and whether some people were denied
9 access. It's -- it's very difficult.

10 But generally one can say it was a regime
11 which strongly discriminated against the
12 Tutsi, particularly in the armed forces.
13 Although I think I knew of a colonel who
14 was of the highest position, and who was
15 a Tutsi at the beginning of the 1980s.

16 Q. But when Habyarimana organized his coup
17 d'etat, could he have had, according to
18 you, an objective reason for
19 discriminating against the Tutsi, since
20 you, yourself, said the Tutsi received
21 his arrival -- his coming to power as a
22 time of liberation?

23 A. According what I have read in works of
24 others -- and, once again, it is not a
25 time which I have studied in depth, I

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1 would say that, in the beginning, he was
2 more open to the Tutsi rather than he was
3 toward the end of his regime. But the
4 Tutsi, however, were, for most of the
5 people from the north, as well as for the
6 people from the south, they were Tutsi.
7 And because of this one would believe
8 that Tutsi was somewhat excluded as the
9 Hutu from the south from the inner circle
10 and from higher posts within the regime.
11 Q. Now, I'm putting you the question as a
12 historian who has not lost his qualities
13 as -- as a historian. It would seem that
14 you would need to have a team to come to
15 power. You could have to -- it could be
16 a team from -- of people from members of
17 your party. There could be a regional
18 nexus.
19 I think people know well, and the French
20 example is that when you look at the
21 periods of the French Republic, there are
22 extremely clear manifestations in
23 parliament, for example, if the president
24 of the Republic has several colleagues.
25 And when the Socialists came to power in

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1 1981, they were professors and lecturers.
2 There were a lot of these people in the
3 party.

4 So, according to you, the fact that
5 Habyarimana chose to lead with people who
6 are close to him, does that constitute to
7 you discrimination, or was he just
8 leading the country?

9 A. There are several considerations. It is
10 true that you come to power with your
11 team. And in that case the team was
12 composed of soldiers. Now, if the team
13 is made up of people with guns, you don't
14 need political alliances. It's simpler
15 if you have guns. Because all you have
16 to do is aim them, and you do what you
17 want.

18 But, over and above that, there is a
19 distinction to be made between the
20 natural -- as it were natural facts, that
21 a leader would wish to surround himself
22 with people who are close to him.
23 Because he would feel safer with these
24 people. And in that case you would
25 exclude part of the population -- to part

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1 of the population possibilities of having
2 employment, of education, and so on and
3 so forth.

4 There is however a difference.

5 Q. But, Doctor, on this point of view,
6 historically speaking, what were the
7 observations?

8 On what do you base yourself to say that
9 there was a discrimination? Because you
10 yourself said that scholarships were
11 given to people from the north. I would
12 like to understand this somehow
13 Is the arrival of Habyarimana, who came
14 in to power by coup d'etat, does that
15 mean that he said, I'm going to harmonize
16 things. And we'll give 14 percent to the
17 Tutsi, and maybe 85 percent to the Hutu,
18 and the Twa, I will give them the
19 equivalent that they determine? Does
20 that -- does that mean that the policy --
21 the -- the quota system should have been
22 used?

23 What could make me understand that he
24 discriminated against the Tutsi when he
25 first came in power -- into power? I

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1 don't understand that quite clearly.

2 A. I suppose that the Tutsi population did
3 not constitute an important resource for
4 him, a resource for support which he
5 wanted to develop.

6 Q. I see. I think I understand things a bit
7 better.

8 MR. PRESIDENT:

9 Counsel, we'll have to adjourn and we
10 will resume at fourteen thirty. This
11 session stands adjourned.

12 (A recess was taken.)

13 (Tape No. 3, a.m., concludes and Tape No.
14 1, p.m., begins.)

15 MR. PRESIDENT:

16 This court is in session.
17 Bailiff, please bring in the witness.
18 Good afternoon, Madame.

19 THE WITNESS:

20 Good afternoon.

21 MR. PRESIDENT:

22 Defence has the floor to continue the
23 cross-examination of the witness.

24 MR. MONTHE:

25 Thank you, Mr. President. Mr. President,

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1 your Honors of the Tribunal, before we
2 adjourned, we left off dealing with the
3 problems in Rwanda which are of concern
4 to us and we were at the advent of the
5 regime of President Habyarimana.

6 BY MR. MONTHE: (Cont'g.)

7 Q. Doctor, as I begin this cross-examination
8 again, I would like to ask you about the
9 situation in Rwanda as regards the social
10 and economic aspects between 1963 and
11 1978 -- or '88 rather. You have been to
12 Rwanda several times, seventeen times, if
13 I remember correctly.

14 So, between this period, up until 1988,
15 how were the economic, social aspects of
16 the country?

17 A. So, from 1973 to 1988, is that correct?

18 Q. '73 to '80, let's say, to begin with.

19 A. Well, from '73 to '80, there was a marked
20 improvement in the economic situation
21 following the succession of the
22 Habyarimana government and with the
23 establishment of international economic
24 development projects.

25 Q. So, at that time the country was

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1 prosperous?

2 A. Well, I wouldn't say prosperous, that's a
3 bit of an exaggeration. It was still one
4 of the poorest countries in the world.
5 But, the situation had improved.

6 Q. As opposed to what it had been before,
7 you mean?

8 A. Well, in general the country was better
9 off than it had been because there was a
10 bit of development of the infrastructure.
11 But there was still a rather large --
12 rather important division between those
13 who lived in the city and had resources,
14 who lived off salaries and those who
15 lived on the hillsides in the country.

16 Q. As of 1980 on, Doctor, do we notice that
17 there's an evolution, that the quality of
18 life is improving?

19 Are the people -- are we noticing that
20 the people are -- that there is an
21 improvement, continued improvement, or
22 are people starting to suffer from the
23 regime?

24 A. Well, towards the 1980's the economic
25 situation began to deteriorate, because

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1 of the drop in coffee prices, which was
2 the most important export product at that
3 time in the country. And this was due to
4 -- to poor climatic conditions. There
5 had not been rain during the year of 19
6 -- there wasn't any rain during that
7 time. And we can also see that there
8 were important links to the regime.

9 Q. You spoke about corruption. When did we
10 see the first signs, on a social level,
11 of people beginning to call into question
12 the regime?

13 Looking at the people's reaction, when
14 were the first internal signs
15 perceptible? When did people first begin
16 to notice that this is, perhaps, an
17 oppressive regime?

18 A. Let's say around 1986, '87, perhaps.
19 '88, '89, there was already a series of
20 articles which were proposed for reform.
21 There were also a couple of
22 assassinations during the year 1990 --
23 '89 rather, which seem to signal that
24 the situation had started to deteriorate.

25 Q. At about 1988, within Rwanda, were people

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1 beginning to organize politically
2 already, were there movements that could
3 -- could we see that there was an
4 opposition movement being created?

5 A. Well, you could say that there was the
6 beginning of what we currently would call
7 the civilian society, that this became
8 more influential. But at that time
9 there was not really the possibility for
10 a political opposition, per se.

11 Q. In that respect, what was the situation
12 of the Tutsi in Rwanda at that time?
13 Were they still being the subjects of
14 discrimination and oppression, or had the
15 situation calmed somewhat, were there
16 still difficulties for them?

17 A. There were some that were still favored
18 among the Habyarimana's circle. But for
19 most of the people, it was a
20 discriminatory regime, where people
21 didn't have access to jobs, they didn't
22 have access to higher education, and not,
23 at least, on equal footing with the
24 others.

25 Q. I'd like to ask about the year 1988,

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1 because in that year it seems that that
2 was the time when the Tutsi outside the
3 country began to organize themselves.
4 You had confirmed that a meeting was held
5 in Washington, in the United States. You
6 had also spoken of a meeting which
7 occurred in Germany and also one in
8 Uganda. And I think that perhaps the
9 creation of the RPF dates back to this
10 meeting in 1988 in Uganda.

11 A. I don't remember having spoken of a
12 meeting in Germany. I believe I spoke at
13 a meeting in Washington and the
14 organization -- the grouping of the RPF
15 in Uganda, yes, I did speak of that.

16 Q. Well, in relation to that, my question is
17 the following, what explains the fact
18 that it wasn't until 1988 that the Tutsi
19 on the outside began to mobilize and to
20 create a sort of lobby group, if you
21 will, in order to justify their
22 existence?

23 A. Well, the beginnings of this movement
24 were felt even a few years -- several
25 years before that with the creation of

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1 the Rwandan Union of National Alliance,
2 or something along those lines, which
3 already was in existence at that time.
4 And the RPF was based on this
5 organization, which had previously
6 existed. But it's true that it was the
7 year 1988 that the movement took on
8 greater strength.

9 Q. Based on your observations, Doctor, is
10 there an argument that explains why '88
11 not '80?

12 A. There are several reasons. First of all,
13 conditions outside the country in -- were
14 such that in the previous years,
15 especially in Uganda, the Rwandans were
16 not accepted as they would have hoped to
17 be accepted. They were not people who
18 were able to participate fully in
19 national life.

20 There were, in particular, attacks. I
21 think I spoke about attacks perpetrated
22 by youth groups in -- during the years,
23 the youth group Sabot in the '80s.
24 And I think that I also talked about that
25 this happened in '86, '88, that the

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1 Habyarimana government or Habyarimana,
2 himself, declared that refugees would be
3 granted -- that this refugee status would
4 be granted only under certain conditions,
5 which would exclude most of the refugees.

6 Q. When the RPF was created, what were their
7 major demands, these Tutsi who were on
8 the outside?

9 A. Their major demands were the right to be
10 able to come back home.

11 Q. And this -- this demand, was that their
12 main demand, or were they also wanting to
13 reconquer power?

14 A. I did not study the documents dating from
15 this year. But I have the impression
16 that it was, above all, the concern that
17 -- of going back home. And then,
18 perhaps later, this might have been
19 amplified, between let's say 1988 and
20 '90, and to such extent that they
21 explained at that time that they also
22 wanted a change of political power within
23 the country.

24 Q. Well, this major demand, which, to me,
25 would seem to be justifiable, legitimate,

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1 how did this affect the people inside the
2 country; that is to say the Rwandans in
3 the country, how did they perceive this
4 desire on the part of the refugees to
5 come back home?

6 A. I don't think anybody has conducted a
7 study in order to find out what public
8 opinion was at that time. I don't know
9 if the ordinary people had any feelings
10 about it. I think it was more the
11 opinion of the political leaders that was
12 -- that had any -- any importance at
13 that time.

14 Q. So, we could say that Rwandans in the
15 country really weren't concerned with the
16 issue?

17 They weren't opposed to it, they weren't
18 in favor of it?

19 A. My impression -- and this is an
20 impression that is not based on an
21 in-depth study, but my impression is
22 that, yes, this was not a major issue of
23 concern for the ordinary Rwandans.

24 Q. Thank you, Doctor.

25 This morning, before the break, you

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1 stated, as regards Habyarimana, that
2 there was discrimination against the
3 Tutsi, and that this took on more and
4 more -- this became more and more
5 frequent over the years.
6 Now, when the prosecutor questioned you,
7 you stated that the Habyarimana regime
8 was concerned with administration and
9 mobilization. That administration was --
10 we -- we understand what that is. But
11 when you speak about mobilization, what
12 do you mean by that?
13 Are we talking about mobilizing the
14 ensemble of Rwandese, all levels of
15 society, all ethnic groups?
16 And, if so, what would the objective be?
17 Because we know that there is a de facto
18 discrimination. So, that's the question
19 I want to raise.

20 A. Mobilization was, above all, in the
21 interest of economic goals. And those
22 who were mobilized, principally it was
23 everybody. That was what I spoke of the
24 umuganda system, which was instituted by
25 the MRND party and which was put into

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1 practice by the leaders of this party and
2 the administrators.

3 As it was explained to me by Rwandans,
4 Rwandans out on the hillside, it was
5 especially the administrators and the
6 party leaders, but also within
7 businesses. There were also cell
8 leaders, or political leaders who had the
9 role of ensuring that all the employees
10 of that company would be there in order
11 to participate in this umuganda. The
12 objective of umuganda, and its work, its
13 community work, was in principle to have
14 economic advantages for the entire
15 country, and then more particularly for
16 the commune. That was the theory behind
17 the system.

18 Q. This umuganda system, how did the typical
19 Rwandan experience it, perceive it?
20 Was it something that they felt
21 constrained to do, that -- was it
22 something that seemed as though it was a
23 duty and they did it as though they were
24 carrying out a chore?

25 A. I think that depends on everybody's

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1 political point of view. Undoubtedly,
2 there were some who fully participated
3 and who were very enthusiastic for the
4 MRND party. That party was more
5 enthusiastic than others who, perhaps,
6 would have rather stayed at home on a
7 Saturday morning.

8 Q. We talked about the relative improvement
9 earlier, was this part of it, the
10 umuganda.

11 Was it -- when you said that there were
12 projects -- developmental projects,
13 improvements that somewhat improve the
14 quality of life for Rwandans, was
15 umuganda for something?

16 A. That's a very interesting question. I
17 really can't answer that because I don't
18 know of any studies which tried, or
19 attempted to evaluate the productive
20 effects of the umuganda work.
21 It could perhaps rather be the arrival of
22 international aid, which had helped
23 improve the economic situation, or
24 perhaps it might have been the efforts of
25 the people themselves as canalized

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1 through the umuganda system. I really
2 can't say. And I don't know of any
3 studies that makes this evaluation.

4 Q. Thank you, Doctor.

5 If you don't mind, I'd like to come back
6 to the RPF. I believe I understood
7 during your testimony that one of the
8 objectives -- and you confirmed this
9 earlier when speaking of the creation of
10 the RPF, that one of their objectives was
11 coming back and the return of central
12 power to the country.

13 But you stated to us, or at least this is
14 what I believe I understood, that the RPF
15 wanted to create a Rwanda in which there
16 would be no ethnic loyalties. I don't
17 know if I am mistaken, or if perhaps I am
18 not quoting you correctly.

19 A. I think that was part of their objectives
20 as stated, I believe.

21 Q. Do you think that this objective, as
22 stated, was actually realized; was
23 actually accomplished?

24 Basically you were speaking to us of the
25 composition of the RPF at that time. And

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1 you had said, and perhaps I'm mistaken,
2 but you had told us at that time the RPF
3 was composed of about ninety percent
4 refugees and ten percent others; others
5 whom you had not specified.

6 So, my first question, can you please
7 tell us whether these two objectives were
8 compatible?

9 They want to institute a Rwanda where
10 there is no ethnic loyalty, and yet the
11 composition of the group of the group is
12 rather limited already.

13 And my second question, then. These ten
14 percent that you had spoke of, the
15 others, who composed this category?

16 A. Well, as regards whether this objective
17 was met, again I find it almost
18 impossible to answer that. Simply
19 because as long as the RPF was a movement
20 outside the country, their source of
21 recruitment, for the most part, were
22 refugees. And refugees, for the most
23 part, the large percentage of them, were
24 Tutsi.

25 So, it's not as though there was a

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1 population outside the country that
2 replicated the population within the
3 country. And then -- so, whether the RPF
4 chose their members deliberately or
5 whether this was by chance that they had
6 ninety percent Tutsi, it was not
7 necessarily that it was deliberate.
8 Now, once they came into the country, if
9 they would have been able to meet this
10 objective, or if they were sincere as
11 having this as their objective, that
12 would be pure speculation on my part.
13 All I can say is that there were some
14 Hutu figures, rather political -- rather
15 important political figures who were able
16 to find the realization of this
17 objective, this sincere realization.
18 Q. My question is as follows then, this
19 issue of refugees, this -- it seems that
20 this was a major problem and that there
21 had been negotiations undertaken among
22 the concerned parties. That there had
23 been meetings between President
24 Habyarimana and some of his colleagues in
25 order to find a solution for this issue.

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1 And, as far as I remember, the OAU was
2 also looking into this issue. If there
3 were solutions proposed, if they were
4 good or bad, that's another issue.
5 But, if this problem was the central
6 theme, if it was even being dealt with by
7 an organization which, at least for us as
8 Africans, is a very serious and credible
9 organization, that is to say the OAU,
10 then how could they -- how could this
11 problem remain on the sidelines if it was
12 nonetheless a central problem?

13 A. Well, evidently -- or obviously, it was
14 an issue that was very important. And I
15 think that it's an issue that -- that the
16 people from the RPF had to resolve.
17 Because it's true that they were in the
18 process of negotiating a solution for the
19 problem. And these were negotiations
20 that, at least, allowed for the
21 possibility of a peaceful solution when
22 the RPF took up arms.

23 Q. Doctor, during this time when there was
24 the first RPF attack on October 1st,
25 1990, and I think you'll agree with me,

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1 that the -- as we said, this central
2 theme was the subject of negotiations
3 with many organizations and then there
4 was this first attack.

5 Could we therefore state that, truth be
6 told, this attack had as it's objective
7 to discredit the Habyarimana regime and
8 to recapture power?

9 A. As I already said, during the attack, I
10 think that the original attack was the
11 return of the refugees to the country.
12 And to this first objective a second
13 objective was added and that was a change
14 in the political regime that was in
15 place.

16 Now, at that time it's hard to say which
17 -- which objective had the priority.

18 But I think that both objectives played a
19 role in the decision.

20 Q. When I asked you a question, at the end
21 of the morning, when we were talking
22 about President Habyarimana coming to
23 power, and I was drawing a comparison
24 between the categories of people. And
25 you replied to my question by saying,

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1 that, indeed, it's very easy when you
2 have arms, when you have weapons, to
3 solve your problems. And I agree with
4 you. I hope you will realize that I am a
5 democrat, nonetheless, because I am.
6 But my question is as follows, you said
7 this and I think at least that this was a
8 condemnation of a coup d'etat through
9 weapons. But I would like to now have
10 your opinion on what would be an
11 organized attack against an institution.
12 What would your feeling be, Doctor, about
13 this RPF attack in 1990?
14 A. An attack, an aggression of one country
15 against another is always something to be
16 condemned when it is done with -- with
17 these types of objectives. I do not at
18 all support armed action with the goal of
19 conquering power.
20 Q. Thank you, Doctor. On this topic I would
21 like to ask you a question. If the RPF
22 attacks, and you have implied that people
23 within the RPF were being more organized,
24 they were recruiting, there were youth
25 who were joining the ranks of the RPF,

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1 and that within Rwanda they had what we
2 would qualify in perhaps --in perhaps
3 looser terms, that they were trying to
4 obtain their objective.

5 Do you have any information as to whether
6 the RPF was mostly composed of Tutsi who
7 had remained in the country, or whether
8 because of this problem of the
9 distribution of wealth in Rwanda, we can
10 see that there were others, other
11 non-Tutsis who were lending an attentive
12 ear to the RPF discourse?

13 A. What period are you talking about?

14 Q. I'm talking about 1990, the RPF just
15 attacked. What was the situation within
16 Rwanda?

17 A. The situation, such as I knew it, through
18 my experience and the testimonies that I
19 have received from this period, indicate
20 that in general the attack was condemned
21 both by Hutu and Tutsi. That is to say
22 that the RPF was not well received, not
23 enthusiastically received, neither by
24 Tutsi nor by Hutu who had other reasons
25 to be opposed to Habyarimana.

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1 Q. So, when they attacked, politically
2 speaking, they were in a rather
3 unfavorable situation, the cards weren't
4 in their favor?

5 A. According to -- and I'm basing myself on
6 Reyntjens' studies, who studied this
7 situation within the country. According
8 to this study they perhaps badly
9 estimated, or badly judged the situation
10 and felt that they had more support, or
11 thought that they might -- might be able
12 to have more support within the country
13 than they did.

14 That is to say that there was already a
15 bit of opposition in the country against
16 Habyarimana. And according to Filip
17 Reyntjens, their mistake was that they
18 believed all who opposed Habyarimana
19 would then support them, support the RPF,
20 which was not the case during the first
21 few months.

22 Q. This Habyarimana opposition within
23 Rwanda, were they also trying to gain
24 power, but through democratic means?

25 A. Yes.

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1 Q. So, that justifies the mobilization for
2 the multi-party system?

3 A. Yes.

4 Q. From this perspective, before the RPF
5 attacked, I assume that within the RPF
6 they had already developed a strategy to
7 say we're going to attack. But when you
8 say that the attack of 1990 was
9 condemned, do you think that it was
10 condemned by all Rwandans, no matter what
11 their ethnic group?

12 A. Again, I don't know of any public opinion
13 surveys that were conducted in this
14 respect. I'm basing my answer on my own
15 contacts, which were multi-ethnic, but
16 which were not in any way scientific. It
17 was people with -- with whom I had
18 spoken. And the general response was
19 that they did not support this attack
20 from the outside.

21 But I assume that they would not have
22 dared, or they would not have chosen to
23 attack at that time unless they believed
24 that they had the possibility for
25 support.

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1 Q. So, there is this attack. What were the
2 consequences of this RPF attack on Tutsi
3 within the country?

4 A. I think I describe --
5 (Tape No. 1, p.m., was turned to side B.)

6 A. (Cont'g.) (Off microphone) -- people
7 were arrested. If that that's what you
8 mean by consequences then we can say
9 perhaps that but I must underscore that
10 it was not an inevitable consequence, but
11 rather a consequence that was motivated
12 by a government that had decided to
13 exploit this attack in that manner.

14 BY MR. MONTHE: (Cont'g.)

15 Q. But you said to us, as regards this
16 precise event, that there had been
17 gunshots, that there -- that it had
18 seemed to be something that had been
19 prepared or organized. In 1990 when we
20 saw problems within the inside, people
21 that were being arrested, I assume that's
22 what your alluding to, people who were
23 arrested in 1990, saying that they --
24 these people were allies of the FPR
25 invaders.

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1 But these people, before the RPF attack,
2 they were already targeted by the
3 government, or were they simply qualified
4 as political enemies or adversaries?

5 A. I think it was a mixture of objectives.
6 I think that the goal was to make people
7 afraid, and also to eliminate some of
8 their political adversaries, or at least
9 to keep them quiet. Perhaps the goal was
10 also to make a strong impression on the
11 Tutsi population so that they would not
12 join the ranks of the RPF.

13 Q. Concretely speaking, what was the end
14 result? Of course there was the
15 mobilization, people were arrested and
16 they were progressively freed.
17 But what I would like to know is, did
18 this lead -- lead the Tutsi within the
19 country to some sort of radical politics,
20 or did this give the Rwandan opposition a
21 stronger will to mobilize?
22 What are your observations on this
23 period?

24 A. According to my analysis, these actions
25 made the situation more radical, and

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1 encouraged the Tutsi in the country and
2 those who were opposed to the Habyarimana
3 government into a closer position. In --
4 in my direct testimony I quoted -- I
5 believe I quoted it anyway, a letter from
6 a group prefects that was written to the
7 President Habyarimana in January 1991, in
8 which the prefects very -- gave a very
9 concrete warning against what they call
10 Karyuwangi (phonetic spelling) effect,
11 which is to say the possibility that the
12 opposition Hutu might align themselves
13 with the Tutsi.

14 Q. At that time, as the RPF are leading
15 their attacks, in the political realm
16 there was -- could we say that there was
17 the willingness to see multipartyism?
18 I'm talking about 1990.

19 A. Excuse me, says the witness, I don't know
20 that I understood the question?

21 Q. I'll reformulate. I was saying that when
22 the RPF attacked in 1990, there were the
23 problems that we already discussed. But
24 we also see a reshuffling of politics in
25 the country, because there's the advent

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1 of the multi-party system.

2 And in this call for multipartyism, there
3 was really only one adversary for the
4 Habyarimana government. So, those who
5 were not in power, in reality, all the
6 other opposition groups, and if I'm
7 mistaken, correct me, anybody who was not
8 part of the Habyarimana party, who was in
9 favor of multi-party systems would be
10 adversaries of the Habyarimana
11 government?

12 A. If I understood the question, at that
13 time in 1990, those who were opposed to
14 Habyarimana were all in favor of
15 multipartyism, yes.

16 Q. And there was no distinction between
17 them, between the different ethnic
18 groups?

19 A. No. In my experience at that time, I
20 would say that all the political parties,
21 besides the MRND of course, had the same
22 objective.

23 Q. I want us to go with you, briefly, over
24 this phenomenon of multipartyism and the
25 existence of these various political

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1 parties.
2 You did say that the objective was to
3 bring down the Habyarimana regime. And
4 the last time you listed the main parties
5 involved. And, naturally, you told us of
6 the composition of the various parties
7 and what they were looking for. And one
8 would realize, if I am to remain faithful
9 to what you have said, that the ethnic
10 given was not really a fundamental issue.

11 We were looking at parties which wanted
12 to bring down a corrupt regime.
13 But now, what drove these parties to have
14 demands which were ethnic in -- in their
15 -- in their content, as it were?

16 A. As we saw earlier, the Habyarimana
17 government felt itself threatened by the
18 possibility of a true opposition in the
19 country. It was under extreme pressure
20 from outside the country to share power
21 with the members of the opposition. I
22 believe they deliberately chose an
23 ethnicizing way, so that they can, in a
24 definite way, have power in their own
25 hands. And I think this was the first

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1 reason for this trend towards ethnicity.
2 Moreover there was a clear deterioration
3 in the economic situation in the country
4 which made it that a lot of the
5 population, a large party -- part of the
6 population was suffering. And in these
7 condition I -- conditions I believe it
8 was quite easy for people to look for
9 scapegoats so that they could explain
10 their suffering. And this led to this
11 tribalization, as it were, of the
12 situation.
13 And the attacks, as I had explained,
14 especially that of February 1993 by the
15 RPF discouraged those who were in the
16 country, MRND, PSD, PL, and some of the
17 members of these countries believed that
18 there would be an alliance, or a sincere
19 collaboration possible with RPF. But
20 after this attack, they decided that this
21 was no longer the case.
22 And after some months, with this initial
23 impulse from the regime, which was
24 leaning towards tribalism, and also given
25 the economic deterioration, and the

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1 attacks by the RPF, which discouraged
2 some people within the country, and that
3 there was need for a redefinition of the
4 political conflict which was becoming an
5 ethnic one.

6 Q. This is a matter which seems to me
7 important for discussion. I would like
8 to know if you can give us some examples,
9 if possible.
10 Could you please tell us how this -- this
11 methodology of spreading ethnic
12 discrimination, how did it spread, how
13 was it translated by the powers that be?
14 Because you did tell us that, obviously,
15 there was the economic crisis. There was
16 the enemy, the RPF, outside the country.
17 And the powers that be were trying to
18 turn away from the true reasons. But how
19 did this actually manifest itself in --
20 in social life, in everyday life?
21 What were the effects that were manifest,
22 to -- to say, for instance, that the
23 Tutsi were discriminated against?

24 A. If you were to start with the -- with the
25 arrests after the night of 4th to 5th

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1 October, there was, for instance, the
2 declaration of the Minister of Justice
3 who said that this attack was facilitated
4 by accomplices, the Ibityso who were in
5 the country. And that is was natural to
6 presume that these Ibityso were members
7 of the same ethnic group as the
8 assailants. That was a concrete example.

9
10 Another one, is that ten days later in
11 Kebreva (phonetic spelling) when the
12 local authorities indicated to the people
13 the presence within the same commune of
14 RPF elements, whereas the RPF was more
15 than a hundred kilometers away. It was
16 said that RPF members were in the
17 commune, Hutu were -- were killing Hutu
18 and were preparing to kill others
19 including school children.

20 So, with this tactic of lies and
21 deception, it is clear that the
22 authorities wanted to incite the people
23 to killing Tutsi.

24 There was another concrete example some
25 months later with the attacks against the

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1 people in Bagogwe in January, February
2 1991, when the authorities incited the
3 Hutu population to attack and kill the
4 Bagogwe, subgroup of the Tutsi.
5 After that, we can also mention the case
6 of the massacres in Bugesera in March
7 1992.
8 We can also mention massacres in Kibuye.
9 And we can mention massacres in January
10 and February in 1993.
11 And we can also mention a certain number
12 of statements made by President
13 Habyarimana, according to which peace was
14 not really possible.
15 We can also mention propaganda of Leon
16 Mugesera, who was the Vice President of
17 MRND.
18 Do you wish me to go on?
19 Q. I'm here to listen to you, Madame. But
20 allow me also to put to you questions
21 because, unfortunately the trial is made
22 in such a way that I have to ask you
23 questions. And I would be -- like to
24 have you reassured that I'm very
25 interested in the matters that happened

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1 in Rwanda. So, please do not comprehend
2 any malice in my putting questions to
3 you.

4 I would therefore appreciate, Doctor,
5 even if I make you suffer, that you
6 accept to respond to my questions. I
7 thank you for that.

8 Doctor, I now would like to recall,
9 together with you, the matter pertaining
10 to the Bagogwe. You are a historian, but
11 I think it is useful for us to understand
12 and that the Tribunal understand before
13 it judges, because otherwise it will not
14 be able to render judgment.

15 At the time when the problem with the
16 Bagogwe arose, was there no RPF presence
17 in Ruhengeri?

18 A. Yes. There was an attack in Ruhengeri on
19 the 23rd of January which lasted
20 twenty-four hours.

21 Q. And what happened during this attack,
22 Doctor?

23 A. It was an attack which was of lightening
24 speed. The troops entered quickly into
25 the town. And they seriously --

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1 seriously threatened the RPF army
2 members, but they were pushed back quite
3 quickly. Therefore, at that time the
4 military authorities explained the rapid
5 success of the RPF at the time of this
6 attack, once again, by the presence of
7 internal assistance.

8 Q. But now, when RPF came into Ruhengeri,
9 did it not attack the prison?

10 A. Yes, it's true they attacked the prison.
11 Yes, it is true.

12 Q. And there were deaths that came about?

13 A. Yes, there was even direct orders from
14 the Habyarimana government -- the
15 Habyarimana government to have the prison
16 bombarded. But fortunately the -- the
17 chief of the Rwandan army who was
18 responsible for this affair did not
19 respond to the order, did not obey that
20 order. And because of this there were
21 fewer deaths than there would have been
22 otherwise. But it is true that there were
23 deaths and civilian deaths also.

24 Q. Now, those who were dead, do you know did
25 you know whether they were Tutsis or

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1 Hutu?

2 A. I do not know whether there was any
3 effort made to count the number of
4 victims according to their ethnicity. I
5 do not know. I don't think this was
6 done. But I could presume that most of
7 the victims would have been Hutu, because
8 it was a region which was mostly
9 populated by the Hutu.

10 Q. Very well. Doctor, was there, at that
11 time, because you are telling us that,
12 chronologically, that logically most of
13 the victims would have been Hutu.
14 According to you, would there have been
15 any correlation between the fact that
16 Hutus were killed by RPF and the reaction
17 which was to bring about deaths at the
18 Bagogwe massacre?

19 A. This is a link which was made by the
20 authorities. But once again here it was
21 not an inevitable link. There was no
22 direct correlation. The authorities used
23 this attack -- they used it as an
24 opportunity to encourage killings amongst
25 the Tutsi. There's no indication,

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- 1 whatsoever, that the population, itself,
2 would have ever thought of attacking the
3 Tutsi.
- 4 And even amongst the witnesses that I
5 have -- the statements that I have
6 received from a certain Hutu, a poor man
7 that told me that, "Yes, we heard this
8 news and we wanted to flee. But the
9 bourgmestre told us. No. No. You must
10 remain here and you must kill your
11 neighbors."
- 12 Q. This -- was this an oral testimony, or
13 was it something that you saw?
- 14 A. It was an oral testimony.
- 15 Q. Tell me, when we're talking this morning
16 and you admitted just now, that reactions
17 from within the country about the Tutsi
18 killings was always because of an attack
19 from the outside.
- 20 A. I said that the two aspects were linked
21 and maybe I didn't say that it was a
22 consequence, but not a natural
23 consequence.
- 24 Q. You did say that the two were linked,
25 yes. But we do observe, because you have

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1 clarified this morning, that from 1960 to
2 1967 that each time there was an attack
3 from the outside there was a reaction
4 within the country.

5 Now, for the Bagogwe we -- we should be
6 having the same kind of thing. Can we
7 really say that that was so?

8 A. Yes, but in October there were no
9 reprisals. There were no attacks against
10 the Tutsi, except in Kibilira (phonetic
11 spelling) where it was very clearly
12 incited on the ground by the deceptive
13 authorities. So, it was not a
14 spontaneous reaction of the people.

15 Q. This is why I am putting to you this
16 question. When I stopped with the
17 statements you made this morning, you
18 agreed with me that with every attack
19 there was a reprisal, each time, in the
20 history of Rwanda.

21 And I asked you if the Bagogwe -- on the
22 Bagogwe by saying whether this was the
23 same thing and you said -- now -- now the
24 question that I'm saying, was it -- was
25 it spontaneous or not?

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1 A. According to the testimonies that I
2 received, it -- it was not at all
3 spontaneous. We must say that the
4 killing of the Bagogwe took place during
5 a two-week period -- I'm sorry, of
6 several weeks, several weeks. Therefore
7 it was not an attack which took place
8 only on one day, on the 24th of January.
9 It continued over a period of time.

10 Q. Now, from that point of view you say your
11 witness, bourgmestre, who wanted to -- no
12 that -- the witness who wanted to -- to
13 -- to flee but the bourgmestre said,
14 "No, you must stay here and kill your
15 neighbors."

16 Now, this statement seems -- since I
17 arrived here, I've been somewhat
18 surprised always. Because, how can one
19 say that if your bourgmestre says "go and
20 kill your neighbors," how you who know
21 Rwanda very well -- can you when you
22 consider this statement, could you give
23 me some explanation to justify this?
24 Because if people were to come to tell
25 us, "go and kill your neighbors", you

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1 would still ask yourself some questions,
2 some very serious questions indeed. If,
3 suddenly, some people start killing their
4 neighbors, maybe you have some
5 explanation that in the history of Rwanda
6 would help us understand this.

7 A. Yes, the northwestern region is a region
8 where there had been a great deal of
9 tension, especially right as of the
10 beginning of the twentieth century, if we
11 were to go into a wider historical
12 context. Because, if you recall, this
13 morning we discussed the extension of the
14 centralized state. So, this region was
15 one of the last areas to be subjugated,
16 as it were, to the central state.
17 But what is distinct in this case is that
18 the Bagogwe, even though they are
19 considered as Tutsi, they, however,
20 participated in a political structure.
21 It was a clan which remained attached to
22 their cattle and did not want to
23 participate so much in the exercise of
24 political power.
25 So, this -- this would make one to

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1 believe that these attacks against the
2 Bagogwe were attacks based on the --
3 their ethnicity, rather on -- than on the
4 internal history of conflicts in the
5 context of political power.

6 Q. Now, if that was, in fact, based on their
7 ethnicity and to justify the
8 extermination of the Tutsi, why did they
9 start with the Bagogwe? Whereas you,
10 yourself, said that when there was an
11 attack in 1990 by the RPF, there were no
12 killings.

13 Why -- why in Ruhengeri were killings
14 being organized?

15 A. Yes, it's an -- an interesting question,
16 this. And I cannot respond because I have
17 not had access neither to the persons who
18 made that decision or any documentation
19 dealing with it.

20 But if I were to speculate, I would say
21 that it was because that in this region
22 there was quite important military
23 control, which enabled this region to be
24 isolated from the remainder of the
25 country. And because of this isolation,

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1 it was almost impossible for people to
2 attack and flee elsewhere to the country.

3

4 And at the same time it was very, very
5 difficult for the interior to have access
6 to verify the killings of which took
7 place there. To such an extent that the
8 government continued over several months
9 to deny the reality of these killings.

10 And it was only, in fact, two years later
11 that it was established, without any
12 doubt, that these massacres took place.
13 And this was through the exhumation of
14 mass graves.

15 Q. Now, you said that the region was
16 isolated. But were -- was this -- was
17 there a part of the -- was there any
18 movement between any people living in the
19 Bagogwe region, because I am sure there
20 were people who would be going back and
21 forth and would have been able to -- to
22 inform others?

23 A. It was, however, rather difficult because
24 it was under military control because it
25 was very close to the border.

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- 1 Q. So, according to you, this morning you
2 had said that we shouldn't speculate, so
3 I wouldn't like to lead you into
4 speculation.
5 But you say the explanation, according to
6 you, was simply because there was a
7 military control in that region and
8 that's why they chose to kill Tutsis
9 there?
- 10 A. No. It's much more rather that Tutsi
11 were decided -- it was decided to kill
12 Tutsi. It was necessary to chose an --
13 an area in which this act would be more
14 logistic and easy. And that's why they
15 would have chosen that area.
- 16 Q. In relation to the central power, which
17 was in Kigali and which was trying to
18 organize itself, what was the impact for
19 the central power to have Bagogwe killed
20 far away from the center,
21 because you yourself say that the Bagogwe
22 didn't have any influence in political
23 power. Why?
- 24 A. Yes. For me too, I must admit, that it's
25 a mystery, because the Bagogwe were a

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1 people who were quite innocent, if I
2 could use that term, politically
3 speaking. So, this makes it even more
4 difficult to understand.
5 But, especially when we talk about the
6 basis of ethnicity, what would it serve?
7 What purpose would it serve to kill these
8 people?
9 I cannot imagine what the answer would
10 be, except maybe, once again, to increase
11 or strengthen the idea of a common enemy
12 on the basis of ethnicity which one was
13 supposed to fight.

14 Q. Doctor, in your response I have noticed
15 that you -- you haven't really given me a
16 response. You said that if they were
17 killed, the only response would be
18 because they are the enemy. But we have
19 never worked on this in order to say that
20 the Bagogwe were killed at that time
21 because they were Tutsi?

22 A. Yes. Yes. I do not want to give the
23 impression that I didn't work on this,
24 because I did, in fact, make a serious
25 investigations in this region. If I say

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1 that I cannot say why, it was rather a
2 lack of moral understanding in the area
3 of morality, rather than in terms of
4 practicalities.

5 But, according to the statements that I
6 have heard, there is no doubt,
7 whatsoever, for me that these attacks
8 were decided on and carried out in order
9 to kill people, because they belonged to
10 a -- a group of Tutsi.

11 Q. I thank you, Doctor. You gave examples,
12 you spoke of Kibilira, you spoke of the
13 Bagogwe.

14 I would like to have clarification from
15 you of the issue pertaining to Bugesera.
16 You told us and you have said that
17 Bugesera is one of the examples where
18 systematically and in an organized
19 fashion Tutsi -- Tutsis were
20 exterminated, were decimated. Here also,
21 if I understood you correctly, it was an
22 operation organized, at least if it was
23 not by the political powers, but some
24 people who were belonging to the
25 decentralized institution.

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1 On what basis can one state this, can one
2 affirm this?

3 A. Bugesera was a less populated area in a
4 country which is very, very highly
5 densely populated up until the events of
6 the revolution.

7 Following the revolution, subsequent to
8 the revolution, there was a large number
9 of Tutsi who settled in there because
10 they were chased away from other areas of
11 the country. So, there was a high number
12 of Tutsi there.

13 And then during the '80s, following a
14 lack of availability of land in the
15 northwest, there was an influx of the
16 population from this northwestern region
17 which came and settled here also.

18 So, it was a region which was somewhat
19 different from the other regions of the
20 country, because there was a population
21 which was a mixed population, mixed of --
22 with Hutus and Tutsis. And this is
23 because of this history of the foundation
24 of the populations.

25 I, myself, visited this area in October

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1 1991 within the framework of an
2 investigation which I was making on human
3 rights. And I was an eyewitness to an
4 important meeting of people which took
5 place in a market in the Kanzenze
6 commune, where the bourgmestre, himself,
7 was inciting the population against a
8 well-know Tutsi of the area who was the
9 representative of the liberal party.
10 There were, therefore, some people who
11 came to me, when I arrived there, and
12 they came to me quite by chance, because
13 my objective was different. Because --
14 and they told me the bourgmestre was
15 threatening this person with death. I
16 went to the bourgmestre and I spoke with
17 him for a short while and I think,
18 following this intervention, at the --
19 the meeting was dispersed without any
20 damage done. But it was an incident
21 during which there was this great
22 tension.
23 (Tape No. 1, p.m., concludes and Tape No.
24 2, p.m., begins.)
25 A. (Cont'g.) Some months later, in March,

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1 there was a -- a distribution of a tract
2 in this region. According to witnesses,
3 this was distributed by someone known as
4 Hassan Ngeze who was known as a publicist
5 -- a publisher, a journalist from Kigali
6 who was a member of a -- a group known
7 for its radical ideas. And these tracts
8 said, in fact, that the Tutsi were, in
9 fact, preparing an attack against the
10 Hutu.

11 I think it was on the 4th of March of
12 1992 that the national radio, Radio
13 Rwanda, broadcast five times during one
14 day a statement, purportedly a
15 communique, of the -- a press communique
16 from a human rights association based in
17 Nairobi, but which did not exist, warning
18 the Hutu population that the Tutsi
19 population in Bugesera was preparing
20 itself to kill -- to attack and kill the
21 Hutu.

22 When we investigated in this region, I
23 think I've already said this already, we
24 made a comparison between the typeface of
25 this tract, which was distributed and the

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1 typewriter in the bureau communal. And
2 we saw that there were similarities that
3 were important. Similarities, even if
4 I'm not technical person, to make a -- a
5 technical assessment, I believe it was
6 the same machine that was used.
7 So, if we were to put together all these
8 important -- this important possibility
9 that the tract was prepared in the bureau
10 communal this would implicate the commune
11 office officials. And Rwanda Radio was a
12 service which was directly linked to the
13 President of the Republic and was under
14 his authority. And Mr. Ferdinand
15 Nahimana who was the director of the
16 radio at that time was responsible for
17 the preparation of this incitement to
18 killings of Tutsi.
19 It was immediately afterwards that the
20 attacks against the Tutsis began with the
21 preparation, as I have described it, and
22 with the participation of civilians and
23 militia who were transported from Kigali,
24 together with soldiers, some in uniform,
25 others in civilian clothing, but who were

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1 brought to the region.
2 So, according to the investigations,
3 which was done by the International
4 Commission, and
5 according to the witness -- witnesses
6 from a -- a religious lady, a lady -- a
7 nun, the western world was contacted
8 because she was killed by the -- a
9 Rwandan soldier, because she had informed
10 the western world that this was going to
11 happen. On the basis of this, I was led
12 to conclude that this was systematic and
13 widespread killing.

14 BY MR. MONTHE: (Cont'g.)

15 Q. You're speaking of this nun. On this
16 issue, you had said that Bugesera was a
17 particular province where, in fact, there
18 were many people who were victims of the
19 events of '59 and that there was a
20 concentration of Tutsi and Hutu.
21 Would the tension in the two groups,
22 could it not be explained by the fact
23 that Bugesera was known as one of the
24 major sources for the recruitment of RPF
25 elements?

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1 A. Undoubtedly, the supposition -- whether
2 it's true or not, the supposition that it
3 was a region where there was a lot of
4 recruitment for the RPF, obviously this
5 lead to a great deal of tension.

6 Q. This phenomenon of a region which is
7 highly populated by Tutsi, we could
8 assume, and I
9 specify assume because I don't want to
10 advance any theories, but we could assume
11 that the RPF -- we don't know, I don't
12 know, but you could tell us -- but would
13 this not -- would this not justify the
14 tension that existed between the two
15 ethnic groups and that everybody was
16 aware of?

17 A. I'm hesitating a moment, because I want
18 to be careful in giving my answer. The
19 fact that such a tension could have
20 existed is very possible. However, if we
21 accept the possibility of this tension,
22 then I cannot accept the idea that this
23 tension would have led to the killings of
24 some hundreds of thousands of people.
25 There are tensions among ethnic,

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1 religious, social economic groups
2 everywhere in the world.
3 According to my investigations in Rwanda,
4 I would say that rarely were these
5 tensions so high as to provoke killings.
6 It was only with the incitation -- the
7 incitement rather and the direction of
8 the authorities that this tension became
9 so difficult that the Hutus took up their
10 machetes.

11 Q. Doctor, in order to understand the facts,
12 you said that in your -- in your opinion
13 you had seen that there was a communique
14 from the human rights association in
15 Nairobi, saying that the Tutsi had --
16 that a group of Tutsi had killed Hutu,
17 that this was, what you said was an
18 accusation in the mirror.

19 In your opinion does this justify the
20 theory that the Tutsi should then be
21 eliminated?

22 You said, Doctor, that for you this was
23 very clear because you verified this;
24 that in Nairobi this association never
25 existed, that it was a false association.

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1 And you had looked at the form of the
2 paper, you had compared the type font
3 with that of the machine, the typewriter
4 of sous-prefecture and you had seen
5 similarities. And you had said also that
6 the subprefect of this prefecture was
7 part of the organization.

8 A. Excuse me, it wasn't the prefecture. It
9 was the commune. And it was a tract, it
10 was not an announcement on the radio.
11 Perhaps I've mixed up the two. But there
12 was an announcement on the radio and
13 there was a tract that was distributed
14 locally.

15 Q. But, before the radio announcement, let's
16 look at just the tract. Because you'll
17 understand that, being a lawyer, dealing
18 with issues as such, I have to be very
19 vigilant.

20 You are saying to me, and this is very
21 important, you are saying that -- because
22 we're here in this trial to find the
23 evidence, the proof. I don't know,
24 because why would the type font on one
25 piece of white paper necessarily

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1 correspond to the typewriter. How can
2 you be sure that it's the same type font?

3 That's my first question.

4 Second question, because you, of course,
5 are well used to these types of
6 questions, so you won't be surprised, but
7 as an exhibit you could have perhaps
8 brought this document. You could have had
9 it analyzed. You could have seen whether
10 the type font really, truly corresponded
11 to that typewriter.

12 So, as a matter of personal interest,
13 what happens in normal trials, when these
14 documents are brought in there -- there
15 are specialists who can analyze the paper
16 and the machine. And they can spend hours
17 analyzing it and then say that "yes, it
18 is the exact -- the same typewriter that
19 typed that pamphlet."

20 Now, Doctor, we're not here to dispute
21 your -- your expertise. But I -- and I
22 know that you have been involved in the
23 trial in Canada and there was a heated,
24 heated discussion as to the expertise in
25 this area. And now, you're here today

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1 telling us that simply by looking at this
2 tract that you -- and by looking at the
3 typewriter, that you can see that it was
4 identical, that they are the same. I'm a
5 bit surprised.

6 MR. PRESIDENT:

7 On this issue the Tribunal would like to
8 observe to the defence that Madame Alison
9 Des Forges said that at first glance they
10 looked identical, but I am not a
11 specialist. That's what we noted. And
12 the Tribunal would simply like to specify
13 this. She added that I am not an expert
14 to be able to tell for sure, but they
15 looked to be the same. So, don't try to
16 put words into her mouth.

17 MR. MONTHE:

18 Mr. President, I am -- I note that. But
19 I maintain that the witness is indicating
20 -- or indicated that at first glance the
21 tract in question, that it seemed as
22 though it had the same type font as the
23 typewriter.

24 MR. PRESIDENT:

25 But she also added, I am not an expert.

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1 MR. MONTHE:

2 Very well, Mr. President. But what I'm
3 saying is that since this is a technical
4 issue which would -- which would require
5 a certain experience, expertise to know
6 whether it actually was from that
7 typewriter or not --

8 MR. PRESIDENT:

9 Maybe you should ask that question to the
10 prosecutor. Maybe you should ask for the
11 expertise from the prosecutor. Maybe the
12 -- maybe the prosecutor didn't deal with
13 this and it's -- it's more the
14 prosecutor's issue in this. It's not
15 Madame Des Forges' role.

16 MR. MONTHE:

17 Yes, Mr. President, but I think it's
18 important. I simply take note of the
19 fact that I am surprised by this detail.
20 But, naturally, I do not want to begin a
21 debate with the Tribunal. I simply
22 wanted to say that when we are dealing
23 with issues as such, we normally have
24 resort -- or we normally resort to
25 experts.

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1 MR. PRESIDENT:

2 But is that at -- at the request of the
3 defence or the prosecutor. Who is to
4 bring in the experts?

5 MR. MONTHE:

6 Well, Mr. President, when a witness says
7 to me, I looked at a document. It looked
8 as though it had the same type font as
9 the typewriter, I don't know.

10 MR. PRESIDENT:

11 Counsel, we're not going to continue
12 discussing this. We are here as a
13 Tribunal. We have taken note of what has
14 been said. Dr. Des Forges said at first
15 glance it seemed as though it was the --
16 it had been typed on the commune
17 typewriter, but I am not an expert.

18 MR. MONTHE:

19 Very well, Mr. President, I shall
20 proceed.

21 MR. PRESIDENT:

22 Perhaps we could break the atmosphere a
23 bit with an adjournment.
24 So, we will adjourn fifteen minutes.
25 Session is adjourned.

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1 (A recess was taken.)

2 MR. PRESIDENT:

3 Defence has the floor to continue with
4 its cross-examination.

5 MR. MONTHE:

6 Thank you, Mr. President.

7 BY MR. MONTHE: (Cont'g.)

8 Q. Doctor, when we left off we were talking
9 about the Bugesera events. And we were
10 talking about the observations you had
11 made as regards these events. I would
12 like to talk about one of the aspects.
13 You had said that there was another
14 leaflet from an -- a human rights
15 association that supposedly was based in
16 Nairobi, but following your investigation
17 you found that this, so-called
18 organization, actually did not exist. I
19 believe that's correct?

20 A. That's true.

21 Q. In your investigation on this
22 association, you went to Nairobi. How
23 did you proceed?

24 A. No. In fact, we verified this through
25 our -- our sister associations.

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1 Q. And they told you this association did
2 not exist?

3 A. According to our sister associations, it
4 was an association that was not
5 recognized as being a -- an accredited
6 human rights association.

7 Q. Accredited, but it did exist?

8 A. It was not recognized as being a human
9 rights organization in those terms.

10 Q. Well, I would like to draw a distinction.

11 I want to know whether an association,
12 that perhaps was not accredited, existed,
13 or whether the association did not exist
14 at all?

15 A. According to our facts that we received
16 from our sister associations, there was
17 not such an organization.

18 Q. So, it was a phantom association. It
19 didn't exist -- it wasn't that it didn't
20 exist simply -- or that is was not
21 accredited simply, but it didn't exist at
22 all?

23 A. According to my information, yes.

24 Q. You said that according to you, the media
25 played an important role, especially

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1 radio in Rwanda; is that true?

2 A. Yes, That's true.

3 Q. These radio press releases, communiques,
4 did they indicate clearly that the Tutsi
5 were going to attack Hutu in Bugesera?

6 A. I don't have the specific words on hand.
7 But I believe that if you're referring to
8 the

9 Report from our commission, you will find
10 the data in this report as regards this
11 broadcast.

12 Q. I did read your report and found it to be
13 quite interesting, rest assured, Doctor.
14 My question is the following. This Radio
15 Rwanda broadcast, you said that the radio
16 was directly under the head of the state;
17 is that true?

18 A. Yes, that's true.

19 Q. And you said that it was directly under
20 the head of the state. So, could we
21 therefore deduce that if this radio
22 broadcast was broadcasted, then we could
23 say that this had the approval or support
24 of the presidency?

25 A. In the Rwandan system, as I know it, I

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1 cannot imagine that a service under the
2 President could broadcast such a
3 communique without having the approval of
4 the President.

5 Q. Doctor, with your permission, I'd like to
6 make an observation. To my knowledge, at
7 any rate, in Black French African --
8 French-speaking african countries, I
9 don't know of any radio stations or T.V.
10 stations where the director has not been
11 nominated with the approval of the
12 President.

13 But, could we deduce that everything that
14 -- that all this came from the President
15 of the Republic?

16 A. Well, I cannot speculate for other
17 african countries, because I don't have
18 any experience in these other countries.
19 I know the Rwandan situation. And from
20 my experience, it seems very likely, very
21 probable that this announcement -- these
22 types of announcements had an enormous
23 political importance, and that they were
24 made with the knowledge and approval of
25 the President.

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- 1 Q. Very well. So, you say it's very
2 probable that the president was aware of
3 it. When you testified, you indicated
4 that the director of this station, at the
5 time, was fired following this broadcast,
6 is that true?
- 7 A. That was the generally interpretation at
8 the time. I did not carry out a special
9 investigation to verify these
10 conclusions. But according to the
11 diplomatic community that was present in
12 Kigali at that time, it seems as though
13 he was dismissed following this -- or as
14 a result of this affair.
- 15 Q. At this time in Rwanda, who was the prime
16 minister, do you remember?
- 17 A. The prime minister --
- 18 Q. That -- we're talking about 1992.
- 19 A. In March 1992, it was Sylvestre
20 Nsanzimana, I believe.
- 21 Q. Sylvestre?
- 22 A. I believe That's his first name,
23 Sylvestre.
- 24 Q. It's not Senyarahanyway (phonetic
25 spelling)?

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- 1 A. No.
- 2 Q. In March 1992?
- 3 A. No. He became prime minister in the
- 4 following month, in the month of April.
- 5 April 1992.
- 6 Q. So, at that time it was Sansimana?
- 7 A. Yes, I believe.
- 8 Q. But I believe it's not the case, because,
- 9 at that time, Doctor, the Minister of
- 10 Information, his name was Ngingivo
- 11 (phonetic spelling) -- have you ever
- 12 heard of Ngingivo, Minister of
- 13 Information and member of the MDR?
- 14 A. In March 1992?
- 15 Q. Yes. March '92.
- 16 A. It -- that seems a bit difficult to
- 17 understand, because the coalition
- 18 government, where the ministerial posts
- 19 were divided among the different parties,
- 20 was -- was set up in the month of April.
- 21 Q. This is not dramatic for the defence --
- 22 or of primordial importance for the
- 23 defence's case, but it nonetheless an
- 24 important point. Because, according to
- 25 my information, at that time, it was not

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1 Nsanzimana who was Prime -- Prime
2 Minister, but it was Manura (phonetic
3 spelling). But we'll come back to that if
4 we need -- if need be, with your
5 permission.

6 But to be more precise on this issue, let
7 me reformulate. You said that there was
8 a great probability that the president
9 approved this communique, or rather the
10 broadcasting of this communique?

11 A. That was the general conclusion of the
12 international community and of the
13 diplomatic community in Kigali at that
14 time.

15 Q. But, from this point of view, if the
16 events were being planned in Bugesera,
17 why would the national radio have an
18 interest in broadcasting this for the
19 public. Because according to the Bagogwe
20 theory, where you said that they were not
21 aware of this, and that -- and that this
22 -- the approach was later changed, why
23 would the radio broadcast this?

24 A. Well, any answer I could give would be
25 pure speculation, because I did not have

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1 access to testimonies from groups who
2 were making these decisions.
3 But I think that we can assume that they
4 felt that it was the moment to go more
5 public, to attempt to mobilize the people
6 against the Tutsi. This had been done
7 elsewhere, and they had learned how to
8 organize. And they found that this was
9 perhaps the opportune moment to change
10 tactics, and to perhaps go about it
11 differently.

12 As I said in my testimony, it was also
13 the first time that the militia were used
14 for such a major attack against Tutsi.
15 That was also different from the time
16 when the Bagogwe or the Kibilira
17 massacres occurred. But, as I described
18 these events, I said that -- that it
19 evolved, it changed and it got worse.

20 Q. Well, without asking details about the
21 terms of this communique, was this
22 broadcast on the radio, was it calling
23 for mobilization against Tutsi or only
24 the RPF?

25 A. Would you allow me to look at the text?

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1 Because I don't really have it in mind at
2 the moment and I prefer to not make a
3 mistake, because I don't have the exact
4 words in my -- in my head.

5 Q. Anything which needs to have permission,
6 Madame, would have to come from the
7 President. So --

8 THE WITNESS:

9 He's asking me if the texts calls for
10 attacks against Tutsi or against the RPF.
11 So, I'm saying that I don't know. I
12 don't have the exact words in mind. So,
13 I would like to be able to consult the
14 text before replying.

15 MR. PRESIDENT:

16 You are authorized, you have our
17 permission to look at the text.
18 Mr. Prosecutor which exhibit is that?

19 MR. PROSPER:

20 (Interpreter) It would be the report of
21 the International Commission.
22 (Off-the-record discussion).

23 THE WITNESS:

24 If you want to look at it, it's on page
25 43 of Exhibit 10-A, that would be the

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1 French version. I'm looking at the
2 French version, page 43.
3 And there in the last paragraph, as of
4 March 3rd, Radio Rwanda broadcast five
5 different times a communique that was a
6 notice from -- a warning, rather, from a
7 group of human rights -- of a human
8 rights association based in Nairobi. The
9 communique announced the discovery of a
10 plot against Tutsi in Rwanda in order to
11 kill important Hutu. The night of 4th
12 March, the exact opposite is what
13 happened.
14 They don't give the exact terms of the
15 communique in the report. So, I am
16 unable to say whether they mention the
17 RPF in the text or not.

18 BY MR. MONTHE: (Cont'g.)

19 Q. Thank you, Doctor, for that
20 clarification. In order to have a clear
21 idea of the events that were indicated, I
22 thank you for that. I would like to
23 continue speaking about this issue
24 of interest to us. And, granted,
25 unfortunately, we do not have the

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1 contents of this communique. So, we
2 don't know what their mind set was at
3 that time.
4 But you said, and this is what is
5 important, that it was highly probable
6 that higher officials, higher superiors
7 gave their approval. Now, if these higher
8 superiors gave their authority, or their
9 approval, then we could say that in 1992
10 there was already a policy being adopted
11 or being put into place in which they
12 were authorizing this type of -- this
13 type of situation.

14 A. That was a conclusion of another
15 investigative commission.

16 Q. But that seems to me that on the highest
17 levels, we had an organized will to
18 physically harm the Tutsi?

19 A. The conclusion of the commission was that
20 at the highest levels there was
21 involvement of these authorities in the
22 massacres which were led against the
23 Tutsi as a -- an ethnic group.

24 Q. But, in this light you had indicated,
25 during your statement, that this is the

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1 conclusion of your commission, you had
2 reminded us that, and that is the case
3 and you stated, and you can confirm this
4 for me, that the conclusion was that at
5 the highest levels --

6 (Tape No. 2, p.m., was turned to side B.)

7 BY MR. MONTHE: (Cont'g.)

8 Q. (Off microphone) -- in the report
9 mentioned genocide, already, and so you
10 said to us during your testimony, and
11 this is what I'm coming to in this
12 question, that for you this accusation in
13 a mirror is at the origin of the
14 genocide. That's what I noted in your
15 testimony. That the beginnings of the
16 genocide lie in accusation in a mirror.

17 A. I think you might have twisted my words a
18 bit. Perhaps I was a bit tired at that
19 point and I didn't state it properly.
20 But I think that would be a bit
21 extraordinary if I had said that the
22 genocide was the result of an accusation
23 in a mirror.

24 What I wanted to say at any rate, and I
25 -- I don't know, there always -- there

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1 could always be issues of interpretation.
2 But what I was trying to say was that it
3 was at this time of this idea, accusation
4 in a mirror, that it was -- that -- it
5 was when this was established that we saw
6 also the first use -- the first
7 publication of the word genocide with
8 this Bugesera killings in 1991. So, to
9 say that genocide, that its origins were
10 in accusation in a mirror, I think that's
11 a bit simplistic.

12 Q. Well, you spoke of the interpretation. I
13 don't want to accuse the interpreters,
14 perhaps I didn't note it correctly,
15 either. But I'm just telling you what I
16 had noted.

17 A. No. It's not also impossible that I said
18 it badly. Sometimes when one starts
19 talking, sometimes you don't express
20 yourself very well.

21 Q. Yes, Doctor, I would agree that perhaps
22 either one of us could be at fault here.
23 We won't say that it's necessarily the
24 interpretation. We don't want to lay
25 blame on anyone.

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1 MR. PRESIDENT:

2 The Tribunal can assure you that she did
3 not say that, says the President.

4 BY MR. MONTHE: (Cont'g.)

5 Q. From this point of view, pertaining to
6 this question, when the attacks began
7 with this deliberate intention, what was
8 the position of the RPF at that period,
9 in 1992, vis-a-vis the reigning
10 government? What exactly was the
11 situation?

12 A. Are you talking about the month of March
13 1992?

14 Q. Yes, exactly.

15 A. At that time, we were at the stage of a
16 guerrilla war where there had been
17 incursions across the border. Sometime
18 later, a few weeks, maybe a month and a
19 half later at -- at most, there were more
20 serious attacks in the Prefecture of
21 Byumba. But in March that was not the
22 case. In March there were not large
23 scale attacks at that time. Rather it
24 was a series of incursions in the
25 northern portion of the country very far

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1 from Bugesera in fact.

2 Q. But while these attacks were occurring,
3 were political organizations evolving
4 inside the country?

5 A. Oh, yes, yes. I would even say that you
6 could establish a link between the
7 attacks in Bugesera to this -- to this
8 development of internal politics.

9 Because in the month of January there was
10 an extraordinary protest at the capital.
11 And they were protesting the regime and
12 asking for a coalition government that
13 would be set up in the month of April.
14 But a true coalition, because there had
15 been a -- some semblance of a coalition
16 that had been established in December of
17 1991 with only one minister from another
18 party.

19 And then in the month of January, there
20 had been this protest, this very -- very
21 large demonstration. And in the month of
22 March, pressure increased in order to
23 force Habyarimana to open his government
24 to a coalition. And that is perhaps --
25 perhaps it was a -- a way to relieve this

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1 pressure that some extremists had the
2 idea of launching the attack on the
3 Tutsi. That's very possible.

4 Q. You just used a term, you said, some
5 extremists. This extremist ideology, how
6 would you define it; what was its
7 foundation?

8 A. Well, I define an extremist as someone
9 who agrees to use killings as a normal
10 means of -- normal political means. That
11 is to say somebody who kills or agrees to
12 killings for -- in order to maintain
13 political power.

14 Q. So, in 1992, though, we had the
15 government of coalition?

16 A. Yes, but after the massacres, after the
17 Bugesera massacres.

18 Q. Could you tell me what the composition
19 was of this coalition government?

20 A. The coalition government represented a
21 power sharing structure that was more or
22 less half and half between Habyarimana
23 and the opposition parties, MDR, PL, and
24 the PSD, as well the PDC. So, it was
25 after this time, when this coalition

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1 government took root, when we had the
2 prime minister that I tried to no longer
3 speak of these parties as opposition
4 parties. Because it was exactly at that
5 time that they agreed to be part of this
6 coalition.

7 Q. When this coalition government was
8 established, were there any massacres
9 under the coalition government?

10 A. Yes, there were. There were killings in
11 Kibuye. And later on at the end of the
12 year -- at the end of 1992, beginning of
13 January 1993, there were also killings.

14 Q. These massacres which occurred, did they
15 occur along the same lines, that is to
16 say, was it a decision from above?

17 A. From the level of the President, I would
18 say, yes. But as I already indicated in
19 Bugesera, they used the militia, which
20 allowed the extremists -- and I'm using
21 this term with the definition I already
22 gave, they allowed the extremists,
23 therefore, to be able to involve other
24 organizations, organizations on the
25 sideline of the administrative

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1 organizations, for the killings.
2 But, generally speaking, with the
3 killings at the end of '92 beginning of
4 1993, that there was involvement on the
5 part of some of the local administrative
6 authorities. This is possible because at
7 that time the prefectures and the
8 communes, where these killings took
9 place, were still in the hands of the
10 Habyarimana partisans.

11 Q. Yes. But, Doctor, if we think about how
12 a government functions, how a coalition
13 government works, I'm trying to
14 understand. There is a division, a
15 sharing of the posts. You might have the
16 Minister of Interior who's going to be in
17 charge of police issues, for example. In
18 some countries he's in charge of the
19 prefectures. He could have a territorial
20 administration.

21 So, could we therefore think -- you said
22 that this was very centralized country
23 from top to bottom, could we therefore
24 imagine that at that time a coalition
25 government, composed of the opposition

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- 1 parties to Habyarimana and composed of
2 Tutsi, could -- how could we imagine that
3 this type of an organization, that they
4 could be informed of these events, and
5 that they could allow them to occur?
6 You said there was a prefect who was part
7 of the power, part of the government.
8 But that perhaps maybe he was the one
9 that was implementing it, the local
10 authorities. But I'm sure that the
11 Minister of Interior would have known
12 what was going on.
- 13 A. Yes. The Minister of the Interior and
14 the Minister of Defence were MRND
15 members.
- 16 Q. Yes. But beyond the prefect, there were
17 other administrative authorities. And we
18 could think that at these places there
19 were people who were not all MRND?
- 20 A. In this region it's difficult to say
21 that.
- 22 Q. So, must I say that, from your point of
23 view, this coalition government -- this
24 was a coalition government, but the
25 members of the government were not

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1 informed of the killings?

2 A. That's true.

3 Q. That could happen, that a government
4 could work in this way?

5 A. Well, I assume that that wouldn't be the
6 first time. That I'm sure that that's
7 not only occurred in Rwanda. But in
8 Rwanda, that was the case.

9 And for example, if I could cite the case
10 of the events which were the result of
11 Mugesera's speech in November, November
12 of 1992. The Administer of Justice, who
13 at that point in time was Stanislas
14 Bonahenka (phonetic spelling), who was
15 not someone who was from Hutu power, but
16 who was from the Partie Liberal, the PL,
17 he felt that Mugesera's speech was an
18 incitement to genocide. So, he had
19 issued an arrest warrant for Mugesera.
20 And Mugesera succeeded in escaping.
21 So, that is a concrete case where you
22 have one part of the government that had
23 one intention, that is to say arrest
24 Mugesera; and another part of the
25 government, that is to say the armed

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1 forces, who had other intentions, and who
2 were able to -- to succeed.

3 Q. I would like to now bring up the issue of
4 the phenomenon you described to us, which
5 is a phenomenon of political nature. And
6 when you spoke of it, you spoke of this
7 phenomenon with the arrival of opposition
8 political parties. You said that they
9 were very strongly looking for members.
10 And you talked about this phenomenon of
11 Kubohoza. Who created this, or who
12 invented this, was it a party; how did it
13 come into being?

14 A. The situation is not very clear for me,
15 as to who took the initiative in this
16 process of Kubohoza. But what is clear
17 to me is that the effort of the
18 opposition parties, because at that time
19 they were still considered opposition
20 parties, their efforts to establish
21 themselves in the country constituted a
22 fight, a struggle against the government
23 in place.

24 For example, the prefect would refuse to
25 give them permits to hold meetings.

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1 Gendarmes would harass people who were
2 going to these meetings.
3 Administrators would refuse to give
4 travel documents that were needed for
5 people to go and to make contacts, or to
6 meet other members of the political
7 parties.

8 So, in this context the opposition
9 parties also felt that the governmental
10 forces were using force against them and
11 so, they organized themselves in order to
12 apply force against the authorities.

13 Now, who began this struggle first, I
14 find it's difficult to say. And it's
15 very possible that this could vary from
16 one region to another. That in some
17 regions it was the MDR that had taken the
18 initiative. And in another region perhaps
19 it was the MRND, in another region the
20 PSD.

21 So, for that you would have to have an in
22 depth study. And all I can say is that
23 during this period there were struggles.
24 Force was used for political goals and
25 force was used on both sides.

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1 Q. In the definition that you gave of
2 Kubohoza, you translated it to say that
3 this meant to help, to liberate. But
4 now, if you say that this was on both
5 sides, you know also that MRND was in
6 power. But if it was to help, to free,
7 or liberate, MRND would not have any
8 interest in -- in -- in liberating
9 anybody. Because this would be going
10 against what was taking place.

11 A. Maybe this is the domain of linguists,
12 but once a sentence is introduced, even
13 if its introduced from one side. It
14 could be taken up by another one in a
15 more generalized meaning.

16 For instant -- for instance, according to
17 my Rwandan sources, Kubohoza initially
18 had nothing to do with rape. But during
19 the year 1994, the meaning was widened to
20 include the cases of rape, the cases of
21 pillage, looting. So, it's a term which
22 developed.

23 I suppose that if you were to look at the
24 strict meaning, it would have been
25 invented by the people who were against

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1 MRND, but this is speculation.

2 Q. I'm insisting on this point for the pure
3 and simple reason that in the definition,
4 also in Kinyarwanda, it means help to
5 liberate. But there was an explanation
6 which said that Kubohozza was to be bound,
7 bound by something or bound to something,
8 and I come to liberate you, therefore I
9 am Kubohozza.

10 And at that time this could only be an
11 opposition party which was looking for
12 gaining power.

13 A. In the beginning this could possibly have
14 been the origin. But I think it, later
15 on, got a wider use, usage.

16 Q. From that time, therefore, was this
17 general use, was it rejoined to the
18 opponents who were coming to do this act?

19 A. Oh, yes. It was definitely the two. It
20 was definitely the two. And I believe
21 that if I were to express myself well, I
22 would have said that the use of force
23 applied in the two cases, on the two
24 sides.

25 Q. But all parties, to your mind, according

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1 to what you know, did the -- did all
2 parties use this phenomenon?
3 A. No. I do not believe so. Or at least if
4 they did it was of not -- it wasn't of
5 great significance. I'm thinking of the
6 Liberal Party. I don't think they used
7 the necessary force. And I don't think
8 it would be possible to have a kind of
9 hold over a population which is large.
10 So, I don't think they even bothered.
11 But, once again, that's speculation on my
12 part.
13 I -- I heard the use of the term,
14 especially in the context of MRND against
15 MDR. And in another instance, MRND
16 against, maybe PSD, or PSD M -- MR -- MDR
17 together. I don't think I heard it used
18 in the context of MDR against PSD. But
19 it is possible that it did exist.
20 Q. But now, during the time of this
21 phenomenon, had the parties maintained
22 their basic ideology or could you already
23 feel that there was a tendency towards
24 the various extremes, when we were
25 talking about Kubohoza?

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1 A. At that time I think, the parties
2 distinguished themselves quite clearly,
3 were quite
4 distinct. But not necessarily on an
5 ideological basis. I think I said, in
6 the beginning, that I found that
7 ideological points of view, the positions
8 of these parties were not very well
9 developed. That it was rather coalitions
10 of interest, or coalitions of personal
11 links, or regional coalition. Something
12 which is not very different from other
13 parties in the world.
14 Maybe for some communist parties, when
15 you look at ideologies, I don't think
16 this is often a priority. It is true
17 that PSD said that it was a socialist
18 party. And amongst the intellectuals it
19 was more general to discuss, more
20 theoretical ideas. But I think that
21 apart from that and as I have also said,
22 with the Liberal Party, there was the
23 spirit of free enterprise, of capitalism.
24
25 But in a final analysis I don't think it

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1 was very developed this matter of
2 ideology.

3 MR. PRESIDENT:

4 Microphone please. We are going to have
5 to adjourn this session. But before we
6 leave we need to solve some practical
7 issues.

8 Mr. Prosecutor, how many witnesses do you
9 have here in Arusha?

10 MR. PROSPER:

11 (English) Your Honor, other than this
12 witness, we have two more that are here
13 in Arusha. So, a total of three as we
14 speak.

15 MR. PRESIDENT:

16 Thank you.

17 The Defence, you have not finished with
18 your cross-examination, have you?

19 MR. MONTHE:

20 Not yet, sir.

21 MR. PRESIDENT:

22 The solution I might envisage here, we
23 could no longer keep Madame Alison, who's
24 been for more than a week. Maybe we
25 could have another prosecution witness.

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1 But we would have to adjourn, so that the
2 defence would be able to produce its
3 witness -- witnesses. This would take
4 some amount of time.
5 If the defence has not finished with
6 Madame Des Forges, we must consider that
7 when we come back to the Akayesu case, we
8 will have to start with the
9 cross-examination of Mrs. Des Forges.
10 But now the two other witnesses who are
11 already in Arusha and we're being told
12 that it would be better to hear them now
13 before they're allowed to go back,
14 because we're not sure we'll be able to
15 -- they will be able to come. So, I
16 think it's good for us to determine a
17 date.
18 If you have a date, could propose this
19 date?

20 MR. MONTHE:

21 Mr. President, the defence is very -- is
22 put in a very embarrassing situation
23 because since the beginning of this trial
24 the defence is always making concessions
25 upon concessions. And whereas the

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1 prosecutor, who is well in control of his
2 schedule and the presentation of
3 witnesses, I think that he has been able
4 to organize himself such that at the end
5 of this we can go home quietly and deal
6 with the matters that we had left behind.

7
8 And the prosecutor is well aware that we
9 have asked how many witnesses he had left
10 and what was going to happen. So, today
11 we are, once again, in a situation where
12 we are going to be obliged to contort
13 ourselves so that we are nice to
14 such-and-such a person. Where we,
15 ourselves, have our own constraints.
16 President, I'm seeing you smile, but this
17 is the truth. It is very easy. My
18 colleague, Batonnier Ferran, was telling
19 us that we have in front of us a
20 prosecution which has everything. They
21 have planes, it's only helicopters that
22 they don't have. They can ask for
23 anything without us being able to hit
24 back, as it were.

25 Mr. President, what's bothering me in

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1 this matter is that I would have
2 appreciated that we have correct
3 relations. We would wish that they come
4 and see us, because that's how you -- you
5 see us. They should come to us and say,
6 "I'm sorry. I have a problem. What do
7 you think? How can we solve this?"
8 None of this has been ever done. This
9 afternoon we're told we -- that we have
10 this problem, there's a matter of
11 security in Rwanda. And we're in an
12 embarrassing situation.
13 But, Mr. President, we are responsible
14 for defending Jean Paul Akayesu and not
15 responsible for anything else. So, we
16 are saying that this is the difference
17 between the prosecutor and us. We should
18 not be abused in any way. We were
19 supposed to leave tomorrow morning. And
20 everybody turned around and looked at me.
21 And it was being expected that I have to
22 be nice and listen to what everybody else
23 is asking.
24 Mr. President, I already said something
25 to this effect this morning. That in

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1 this Tribunal we should impose the
2 correct rules of operation for
3 everybody. If this is not respected the
4 Tribunal will fail. Even if you're not
5 guilty, you'll be responsible. I'm
6 saying that in future, the rules must be
7 clear and final and precise.
8 So, Mr. Chairman -- Mr. President,
9 because you have insisted, and I'm saying
10 that this is costly to me, because we
11 have problems of travel back to our
12 homes. And we have a lot of things, a
13 lot of problems at home and now we still
14 have to be nice to the prosecutor. I
15 have been told that the judges will be
16 absent for some time. And I have had to
17 cancel some commitments that I have had.
18 I cannot go and come back. It is
19 impossible for me to do that.
20 But it would be possible for me to make
21 the effort to stay in which -- in -- in
22 the case the Tribunal can determine a
23 date which will help us solve this
24 problem. And I'm saying that this would
25 be on an exceptional basis, because I

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1 shall no longer accept this kind of
2 thing. My colleagues have stayed here
3 for the cross-examination of these two
4 witnesses whom, if they were to go back,
5 we are told they may never be able to
6 come back.

7 So, if that were the case, we can be
8 useful and remain here for the benefit of
9 the Tribunal. This is a positive, once
10 again, positive response from the defence
11 in a situation which is extremely
12 disagreeable.

13 And I do believe if the beginning of
14 March, and the Tribunal will be
15 available, we could be able to solve this
16 problem quite rapidly. And I would be
17 ready, exceptionally, able to remain here
18 to ensure the defence of Jean Paul
19 Akayesu, because my colleague, Tiangaye,
20 has to leave.

21 Mr. President, those are my observations.
22 I thank you.

23 MR. PRESIDENT:

24 I thank you Counsel. I must tell you
25 that in my mind the rules of the game are

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1 quite clear. But the tragedy is that
2 very often the Tribunal is approached by
3 the defence and the prosecution. We had
4 wanted to respect the rights of the
5 defence. Sometimes you must also think
6 about the victims who also have their
7 rights. When we are told that the
8 victims are there, the witnesses are
9 there, witnesses or victims. And that we
10 must respect the rights of the -- the
11 prosecution, the defence, and the
12 witnesses and victims.
13 So, when we are told that -- we're all
14 aware that the security situation is
15 quite serious in Rwanda, not to say very
16 serious. And when it is said that there
17 is a risk for witnesses to go back and
18 maybe they will not be able to come back,
19 not that they will be killed. The
20 Tribunal will have to find a modus
21 vivendi amongst the parties.
22 And it is only when the modus vivendi has
23 not been found, that the Tribunal will
24 have to rule. This is why we have
25 encouraged dialogue amongst the parties,

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1 so that we can find a solution. And it
2 is in this objective that we have tried
3 to contact the two parties.
4 But I believe that the next time -- this
5 is why I'm also saying that this is the
6 last time, the next time it will be up to
7 the prosecutor to approach the defence
8 and discuss and come to the Tribunal to
9 discuss -- to make a proposal and the
10 Tribunal will rule. It is not the rule
11 of the game that the prosecution takes
12 these decisions. That is not the rule of
13 the game. That must be very clear.
14 So, I thank you very much, Counsel, for
15 your concessions. As far as I'm
16 concerned, I wanted to ask you and I am
17 grateful you accepted. This is the last
18 time that I ask you to make concessions
19 of this nature. Each person must be
20 responsible. And I want to be very clear
21 in my statement here.
22 We shall adjourn the trial and it shall
23 resume to hear the two witnesses on the
24 6th and 7th of March.

25 MR. PROSPER:

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1 Your Honors, I appreciate the -- the
2 Chamber's concern for the -- I guess, the
3 security and convenience of the protected
4 witnesses.
5 However, there is an additional concern
6 that we have to take into account with
7 Dr. Alison Des Forges. That concern is,
8 if we suspend today and come back to hear
9 the other two witnesses. At this moment
10 we do not know when she will come back to
11 testify. Communication is a two-way
12 street.
13 (Tape No. 2, p.m., concludes and Tape No.
14 3, p.m., begins.)

15 MR. PRESIDENT:

16 You're right. I was adjourning for the
17 two witnesses. Now, for Madame Alison
18 Des -- Des Forges, the defence has said
19 that they have not finished the
20 cross-examination for her. They still
21 need several days. We have had
22 consultations and it would seem that
23 Madame Des Forges is now occupied.
24 But since we are after the 6th and 7th
25 March, postpone the trial to a longer

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1 date so as to enable the defence to
2 prepare itself, because the defence has
3 to contact the witnesses. We shall
4 adjourn for a relatively long period.
5 And when we come back to the trial of
6 Akayesu, we shall continue with the
7 cross-examination of Madame Alison Des
8 Forges before we proceed with the
9 remainder of the trial.

10 MR. PROSPER:

11 I -- I understand that, your Honor. But,
12 I guess, again, a concern that I have
13 with this is that the future date is
14 uncertain, number one. Number two, if
15 God forbid something were to happen to
16 Ms. Alison Des Forges and she cannot come
17 back, we would be in a position where
18 this Chamber and the Tribunal would lose
19 her testimony.

20 We would lose her testimony because the
21 accused had not fulfilled his right to
22 confront and to cross-examine the
23 witness. Therefore, it would be in the
24 interest of justice to complete not only
25 this cross-examination, but also the

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1 prosecution's case in the beginning of
2 March, and then we can take our longer
3 recess.

4 The defence seems to think that the
5 prosecution has not communicated to them
6 and this is false. Firstly, what I want
7 to say is, we gave them a witness list of
8 thirty-one people. I'm not sure what
9 they were thinking about when they
10 received this case and saw thirty-one
11 witnesses and how long it would take. We
12 have reduced the number of the witnesses
13 by nine. So, therefore, in fact, we are
14 ahead of schedule. Counsel, maybe,
15 should have consulted us prior to making
16 plane reservations to go home.

17 Your Honor, we feel that, while we want
18 to convenience the Court and convenience
19 counsel, it does prejudice the
20 prosecution to proceed in this manner.
21 If we are to proceed in this manner, then
22 maybe we have to consider that, if for
23 some reason, Ms. Alison Des Forges cannot
24 come back, we have to find a way to
25 preserve her -- her testimony. And

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1 Counsel would have to waive his right to
2 further cross-examine the witness.
3 Otherwise, excuse me, if they are not
4 prepared to do this, it would be the
5 position of the prosecution, that when we
6 return in March we have to continue and
7 conclude with the prosecution's case.
8 And then we can take the recess to allow
9 the defence to do what they have to do.
10 Therefore, I officially lodge an
11 objection. Thank you.

12 MR. PRESIDENT:

13 Mr. Prosecutor, I made this proposal
14 because I was going to take your views.
15 I've been told that Madame Des Forges
16 would prefer to be freed and maybe come
17 back later, much later, as much later as
18 possible. If now, Madame Des Forges is
19 going to be here until next week, that's
20 another issue. But we were told the
21 contrary. But I think Madame Des Forges
22 herself should respond.
23 Madame Des Forges, can you remain here
24 until the beginning of March, or do you
25 want to come back much later?

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1 THE WITNESS:

2 Mr. President, thank you for having
3 consulted me. My position is that I am
4 at the disposal of the Tribunal. I came
5 in order to help the cause of justice. I
6 am ready to do what I have to do in order
7 to be at your disposal, whenever
8 possible.

9 But I am in a position which is quite
10 embarrassing, myself, to have to tell you
11 that I still have a profession which is
12 quite risky, and I believe to have to
13 continue my work in Rwanda. For me the
14 essence is that my testimony be useful.
15 I cannot exaggerate the risks of my work.
16 But I do not wish that there be any
17 prejudice against the possibility that my
18 testimony be useful. That's what I would
19 like to say. And if we -- if there's no
20 problem, I would be here whenever you so
21 desire. That's all I can say.

22 MR. PRESIDENT:

23 She is at the disposal of the Tribunal.
24 That's what she has said.
25 The prosecution would wish -- is saying

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1 that you can come back at the beginning
2 of March. I had been told that you
3 wanted to go back home. And that you'd
4 want to come back much, much later. Now,
5 can you come back -- do you prefer to
6 come back at the beginning of March, or
7 do you want us to -- would you prefer to
8 come back in one or two months when we
9 come back to the Akayesu case?

10 THE WITNESS:

11 I would prefer to come back much later.
12 But if this prejudices my testimony, I
13 would prefer to come back immediately.

14 MR. PRESIDENT:

15 What is the position of the defence on
16 this matter?

17 MR. MONTHE:

18 Mr. President, I don't think we should
19 stretch this too far. We have raised an
20 issue together, and exceptionally, I have
21 agreed. The prosecutor is coming back to
22 -- to ask for more, yet more things.
23 And I would wish to say to the Tribunal
24 that if, over and above the concessions I
25 have already made, the cross-examination

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1 of Alison Des Forges, I believe, that the
2 defence -- that the prosecutor, would
3 have to take my place.

4 (Off the record).

5 MR. PRESIDENT:

6 After consultation, the Tribunal decides
7 that the two prosecution witnesses will
8 be heard on the 6th and the 7th of March.
9 And Madame Des Forges will come back when
10 we readjourn for the trial. And she will
11 be informed of that date. The session is
12 adjourned until the 6th of March.

13 (The hearing was adjourned to resume on
14 March 6, 1997.)

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AKAYESU

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C E R T I F I C A T E

I, Rex A. Lear, Official Court
Reporter for the International Criminal
Tribunal for Rwanda, do hereby certify
that audio recordings of foregoing
proceedings in the above-entitled cause
were recorded at the time and place as
stated; that they were thereafter
transcribed by computer from said audio
recordings under my supervision and
control; that the foregoing pages contain
a true and correct transcription of said
proceedings to the best of my ability and
understanding.

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

Rex A. Lear
Official Court Reporter - ICTR

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