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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

3 CASE NO.: ICTR-99-52-T  
4 CHAMBER I

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THE PROSECUTOR  
OF THE TRIBUNAL  
v.  
FERDINAND NAHIMANA  
HASSAN NGEZE  
JEAN-BOSCO BARAYAGWIZA

10 25 MARCH 2003  
11 0900H  
12 CONTINUED TRIAL  
13

14 Before the Judges:

15 Navanethem Pillay, Presiding  
16 Erik Møse  
17 Asoka de Zoysa Gunawardana  
18

19 For the Registry:

20 Ms. Marianne Ben Salimo  
21 Mr. Edward F. Matemanga  
22

23 For the Prosecution:

24 Mr. Stephen Rapp  
25 Mr. William Egbe  
26 Ms. Simone Monasebian  
27 Ms. Charity Kagwi-Ndungu  
28

29 For the Accused Ferdinand Nahimana:

30 Ms. Diana Ellis, Q.C.  
31

32 For the Accused Hassan Ngeze:

33 Mr. René Martel  
34

35 For the Accused Jean-Bosco Barayagwiza:

36 Ms. Paolina Massidda  
37

38 Court Reporters:

39 Ms. Regina Limula  
40 Ms. Gifty C. Harding  
41 Ms. Karlene Ruddock  
42 Ms. Donna M. Lewis  
43 Ms. Diane Hermann  
44  
45

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

MADAM PRESIDENT:

Before we begin, I wish to make an announcement. I know that Defence counsel in particular are awaiting information on the break for the Easter holidays, and so we have acceded your request and we will then stop session on the 11th of April.

Now, I am sure that your next question would be when we resume so you can make your travel arrangements. We have in mind resuming on the 28th of April, which is a Monday, but my difficulty there is that Judge Gunawardana needs to hear from the Appeals Chamber as well. I am going to take the step of speaking to the presiding judge of the Appeal Chamber myself at 11:00 and I will return to you with news.

I am going to indicate that we wish to maintain these schedules for the media case, although, of course we need to cooperate with them with their prior scheduling as well. And thereafter, either later today or tomorrow, a scheduling order will be issued.

All right. Good morning, Mr. Ngeze.

THE ACCUSED NGEZE:

Good morning, Madam President.

MADAM PRESIDENT:

You are ready for another day today?

THE ACCUSED NGEZE:

Yes, Madam President. But before we start our business, Madam President, I just want to address the Chamber for just one minute or less. Madam President --

MADAM PRESIDENT:

Mr. Ngeze, anything you say from there is not an address, it is part of your evidence now.

THE ACCUSED NGEZE:

Oh, thank you very much, Madam President.

MADAM PRESIDENT:

Yes.

WITNESS THE ACCUSED HASSAN NGEZE

EXAMINATION-IN-CHIEF (continued)

THE ACCUSED NGEZE:

I am tried with Barayagwiza and Ferdinand Nahimana, and Barayagwiza is not here just to explain -- to tell the Court what he knows about the allegation, especially the part which concerns the history of Rwanda, the part which concerns his allegations and the CDR, Madam President. And this Court -- people from outside have been waiting to hear the minister of information, Mr. Éliezer Niyitegeka, who

1 did not testify in his own defence, and he was the minister of information and the speaker of the  
2 government. So we did not get information from that man who refused to give testimony, but he did  
3 not refuse to give testimony. He said that he was scared that this Court would not give him adequate  
4 time, enough time just to explain what he thinks the Court wants to know.

5  
6 Why I just draw attention to this, Madam President, yesterday I was asked a question by Honourable  
7 Judge Gunawardana the relation which, which -- relation which is from the book which I am reading  
8 and *Kangura*. Yesterday evening I went over and over and over from page number one to page 73 of  
9 *Kangura*. What I wrote is exactly the same which is in these books. So that I cannot say that I am not  
10 going to combine this article -- these books to this article because they are the same.

11  
12 So I -- Madam President, I do ask you, the Chamber, just to understand the situation, Madam  
13 President, and just let me read in transcript these books. And we remain with just two or three books  
14 only which is regarding the Rwanda history. Then when we finish these books, then we will just  
15 rapidly -- so Madam President, I do ask the Chamber to understand me, that let me just repeat just  
16 some paragraphs.

17  
18 The way I want to proceed today is just to take the book and just tell the Chamber which page --  
19 pages I want us to use. So you see that even the book has 400 pages, but I am going to use only  
20 three, four, five pages. And not even the whole pages, it will only be paragraphs. From those five  
21 pages, it will only be paragraphs.

22  
23 So my interest, Madam President, is interest for the public just to know what was the basis of my  
24 testimony, Madam President. Thank you very much, Madam President.

25  
26 And today I want just to jump -- I know that I will be back to Alison Des Forges later. I want to start  
27 with *Kangura* No. 10, *Kangura* No. 10. We have the French translation. I don't know, am I going to  
28 use the French translation or the Kinyarwanda translation, original from Kinyarwanda? We have the  
29 translation from *Kangura* No. 10 which is the French translation, because I want to quote some  
30 paragraph. If I take it in Kinyarwanda, I will be obliged to read the whole article, which is more than  
31 twelve pages. This will take much time.

32 MADAM PRESIDENT:

33 All right. Just refer to the French translation, then.

34 THE ACCUSED NGEZE:

35 Good.

36 MADAM PRESIDENT:

37 Is there an exhibit number to the French translation?

1 THE ACCUSED NGEZE:

2 No, there is no exhibit, it's just *Kangura* No. 10. Let me go now this one. I don't know if they have  
3 Kinyarwanda. I have the French.

4 MADAM PRESIDENT:

5 Well, it's written in French, isn't it, issue No. 10?

6 THE ACCUSED NGEZE:

7 Issue No. 10, but not international version, Madam President. This has been translated by maybe the  
8 Prosecutor.

9  
10 And just to proceed, Madam President, here I have the copy of the document which I am using so  
11 you'll be able just to follow which book -- which document I'm writing -- I'm using, I'm using, I'm using.  
12 So I can -- just this -- no, you don't have? Give that one there, isn't it? This one.

13  
14 I'm sorry, Madam President, it's done already. You have already. You have already.

15 MADAM PRESIDENT:

16 Yes.

17 THE ACCUSED NGEZE:

18 It's done. Okay, so yesterday we finished Kandt, and today is just to check -- if you can check from  
19 my structure, we did a lot yesterday. Yes, we did a lot.

20  
21 So I am going to use that *Kangura* No. 10, which is in -- which is in No. 8. I have some reason just to  
22 jump -- to go to No. 8, then I'll come back to No. 6 and 5. And then I will address No. 10, it will be just  
23 to, just to answer the question from Judge Gunawardana.

24  
25 And if you have No. 10, part of what I want to comment on the photograph which appear on the cover  
26 of No. 10. In P115, yes, from P115 it starts with KA --

27 MADAM PRESIDENT:

28 Where are you?

29 THE ACCUSED NGEZE:

30 It starts with KA021258. That is from P115, *Kangura* No. 10, *Kangura* No. 10. *Kangura* No. 10,  
31 February 1991. *Kangura* No. 10, February 1991.

32 MADAM PRESIDENT:

33 Is that the picture of Anastase Makuza?

34 THE ACCUSED NGEZE:

35 Yes, thank you, madam. Thank you very much, Madam President. This is a photograph of Anastase  
36 Makuza. This Anastase Makuza is the father of the current Rwandan premier minister Makuza -- I  
37 don't know the name. I just forget the name, but it is the father of the current premier minister for

1 Rwanda now.

2  
3 The name is Makuza, Anastase. This man in 1963, as you can see on my structure here, he  
4 addressed the French assembly in 1963 regarding the event which Rwanda underwent at that time.  
5 So I am going just to read -- this text appears in *Kangura*, four, five times in *Kangura*.

6  
7 So first of all I will exhibit these photographs of the father of, of the father of Makuza, Anastase -- or  
8 the photograph of Makuza, Anastase, I want to be exhibited itself as an exhibit. Then I am going to  
9 start from *Kangura* -- do you have French, French just to follow the page by page? If you have the  
10 same document -- I want to be sure if you have the same document, the French, the French  
11 document.

12 MADAM PRESIDENT:

13 Does it have an exhibit number, Mr. Ngeze?

14 THE ACCUSED NGEZE:

15 No, it doesn't have an exhibit number, but it has a Prosecution number, K0201219. I think you have it  
16 on the list of the document. You have the list of the document, so it will be much easier just to follow.

17 MADAM PRESIDENT:

18 Mr. Ngeze, this picture of Anastase Makuza on KA021258 has been noted by the Chamber. It's  
19 already a document before us as Exhibit P115, *Kangura* No. 10.

20  
21 Now, while we are locating the French translation, can you read us what's written below that picture?

22 THE ACCUSED NGEZE:

23 Okay. This is Kinyarwanda, this is in Kinyarwanda: "One of the PARMEHUTU who denied the  
24 propaganda of the *Inyenzi* -- who rejected the propganda of the *Inyenzi* Anastase Makuza."

25  
26 This is what he addressed the French national assembly in 1963, starting on page 5 of the French  
27 translation: "The first republic also reacted against the lie of the *Inyenzi Inkotanyi*, that it was the  
28 *Inyenzi* who launched a suicidal attack through or by Makuza, Anastase."

29  
30 On the second paragraph: "The rejection by Anastase Makuza, speaker of the national assembly of  
31 the declarations by the *Inyenzi*."

32  
33 (*Previous translation continues*)..., Madam President?

34 MADAM PRESIDENT:

35 Before you continue, can you indicate to us where in *Kangura* No. 10 it appears in Kinyarwanda?

36 THE ACCUSED NGEZE:

37 They appear on --

1 MADAM PRESIDENT:

2 Just give us the K number.

3 THE ACCUSED NGEZE:

4 Yes, it appears on KA021238. KA021238, which is *Kangura* No. 10, February 1991, page 4. I read  
5 from page 4 to page -- on page 4, on page -- from page 4 to page 9. From *Kangura* No. 10, going  
6 from page 9 -- from page 4 to page 9. It's a long article. This is what he addressed the French  
7 assembly in 1963.

8 MADAM PRESIDENT:

9 All right. So you are just going to draw attention to parts of it, no?

10 THE ACCUSED NGEZE:

11 Yes, yes.

12 MADAM PRESIDENT:

13 Yes.

14 THE ACCUSED NGEZE:

15 On Kinyarwanda? Because I am going to -- I have French here, this article, but translated by this  
16 Tribunal, I think. So -- but I'm going to choose the French because I have just selected some  
17 paragraphs from the French translation --

18 MADAM PRESIDENT:

19 Yes, all right. Go ahead.

20 THE ACCUSED NGEZE:

21 -- in order to save just time.

22 THE INTERPRETER:

23 The interpreters would need to know the French numbering also.

24 THE ACCUSED NGEZE:

25 The French, it's from page 5 to page 33, page 5 to page 33.

26 THE INTERPRETER:

27 Sorry, and the KA?

28 THE ACCUSED NGEZE:

29 KA -- K02 -- K0201219 up to K0201247.

30 THE INTERPRETER:

31 Could you read it again, please?

32 THE ACCUSED NGEZE:

33 K0201247, that is page 33. The first page is K020 -- K0201219, page 5, in the French translation. In  
34 the Kinyarwanda, for the record, for the record --

35 THE INTERPRETER:

36 The interpreters don't have that translation.

37 THE ACCUSED NGEZE:

1 So, "Denial by Anastase Makuza, president (*sic*) of the national assembly, regarding the statement  
2 made by the refugees. Paris, 3rd of March, 1964."

3 THE INTERPRETER:

4 Could Mr. Ngeze read slowly since the interpreters don't have a copy of that document in French.  
5 Interpreters do not have a copy of that document in French.

6 MADAM PRESIDENT:

7 We are behind you, booth, we don't have it either.

8  
9 Mr. Ngeze, just read the French slowly.

10 THE ACCUSED NGEZE:

11 Can you just provide this? Can you just provide the French, the French? Because it's the only  
12 document -- I could read better if they can just have a copy of this.

13 MADAM PRESIDENT:

14 Yes. Well, the registry's locating it. Go on in the meantime.

15 THE ACCUSED NGEZE:

16 Okay. I start again from "Gatutsi *Inyenzi* launched a suicidal attack. During the mission that he  
17 undertook from the 17th of February, 1964, to the 23rd of March, 1964, in various European countries  
18 and in North Africa, Anastase Makuza, speaker of the national assembly, rejected the statements  
19 made against the Rwandan republic abroad by the leaders of the *Inyenzi* and the accomplices of the  
20 latter."

21  
22 So I am going to page 8, page 8 which is K0 -- K020122 -- triple 2, K0201222. I'm going to read just  
23 the two paragraphs. This is page 8 for the record, just for the record. "Commencement of the killings  
24 by the Gatutsi *Inyenzi*: Until 1959, Rwanda was under a feudal regime that can be compared, that  
25 they are the one that subverted Europe before democratic principles came into being. That regime  
26 was characterised by an ideology that allowed Tutsi elders, unnotables, to appropriate all powers,  
27 both at the administrative and social levels, transforming the Hutus into poverty and clients, into a  
28 state of object to be used by the feudals and monarchists. This system was also based on lies  
29 according to which the superiority of the Gatutsis over the Gahutus was based on an inheritance, a  
30 perpetual inheritance from God known as *Imana*," in brackets. *Imana* is God in our language, in  
31 Kinyarwanda.

32  
33 Second paragraph: "On the 24th of February, 1959, King Mutara died in Bujumbura, the capital city of  
34 Burundi, without leaving any heir. And according to the customs of the country, that meant the end of  
35 the monarchy because a king is replaced solely by his son. And since the king left no heir, the reign  
36 of that dynasty had to come to an end with his demise.



"The end of that regime also signified that feudalism had also come to an end because the superiority of the Gatutsis over the Gahutus was based on the fact that a king replaced his father and that the dynasties succeeded each other. Accordingly, feudalism disappeared at the same time as the person who personified or symbolised said monarchy."

Which is on page 8, and moving to page -- to page 9 which, for the record, which is K0201223, page 9. I'm going just to read the third paragraph, starting: "In 1961, the referendum that settled this matter, a popular consultation was organised in the presence of the UN representatives. PARMEHUTU obtained more than 80 per cent -- no, 90 per cent of the polls -- 80 per cent of the polls, and that was the final victory. Cries of joy sounded from all corners of Rwanda while the feudals and the monarchies were boiling with rage.

"The 1st of July, 1962, 1962, Rwanda was granted independence, got by the PARMEHUTU, obtained by the PARMEHUTU, and once again the feudals had been subjected to an outstanding defeat each time that they came up against democracy."

The third paragraph from page 9. So I'm moving to page 10, which is K0201224. I'm starting paragraph 4, 5, and 6. "The Tutsi *Inyenzi* launched an attack, and the national armed forces counter-attacked. In the night that led to 23 December 1964 -- '63 -- on the night of the 21st of December, 1963, the bloodthirsty Gatutsi *Inyenzi* launched an attack. It was the fifty-first attack of that type, and each time they were repulsed, leaving behind them a huge number from their ranks who fell in the field of battle.

"The fact that they were obstinate prompted them to launch new attacks, new suicidal attacks. These warmongering Tutsis, who attributed to themselves the title of refugees, are now amassed in Burundi. It is from there that a group of these bloodthirsty individuals, often called *Inyenzi*, departed so as to attack the southwest border of Rwanda. There were about 3,000 of them, and with guns, sickles, machetes."

Page 10, from K0201224.

(Pages 1 to 7 by Regina Limula)

0930H

THE ACCUSED NGEZE:

I'm moving to page 11, which for the record, is K2 -- 0201225, page 11. I'm reading -- going just to read third paragraph:

"After that first victory over a three-year period which they had had after engaging in suicidal attacks, the *Inyenzi* continued to infiltrate more deeply into Bugesera in the direction of Kigali. On their way, they were assisted by the Tutsis of Bugesera, including those who had been settled by the state, Hutus or -- Hutus and Tutsis alike, men and women alike, and even children. Whomsoever refused to take up arms to join them or to be part of those who were accompanying them by encouraging them were killed with bullets or machetes, spears, by the *Inyenzi*, and they continued with their movement forward. Their passage was characterised by fire, massacres and looting. These people were ruled by one single law; namely, spreading desolation among members of the population, because the exercise by the *Inyenzi* -- they were characterised as pitiless, their slogan was one of no pity".

This is the end of the paragraph from page 11, the French translation. I'm moving from page 14, page 14, K0201228, *Kangura* No. 10, February 1991, French translation. I'm going to read the third paragraph, then the last paragraph on this page:

"The *Inyenzi* continued to launch simultaneous attacks in various areas of the country that were inhabited mainly by the Tutsis *inter alia*, to set traps for the -- the *Inyenzi* had decided to simultaneously attack all the borders so that members of the population would rise one against the other on all the *collines* in Rwanda, so that the authorities would find themselves embarrassed, and so that soldiers would not know where to intervene, and then these evil doers will now point out the international community, pointing out what they had just brought about or caused". That is the end of this paragraph.

Madam President, the reason why I am just using this *Kangura* No. 10 is not only because it has been published in *Kangura*, it was because this article -- this is a speaker of the national assembly of Rwanda, Anastase Makuza, who addressed the national assembly -- French national assembly in 1963, and just expressing what he think, which is reality of course; the result of the attack of the *Inyenzi*. When the *Inyenzi* attack, this is the outcome, and the *Inyenzi* at that time knew what will be the result of the attack. Let me say that I was not there; I had five years only at that time. So this is an article which has been published in *Kangura*, and this is just to let the Chamber to understand why I am going just -- I'm using the books. This article, this speech -- we will find this speech to another book from a historian, but I have decided to use the article which appeared in *Kangura*.

I am going to paragraph 4, page 13 -- page 14, the same page. *Au Bugesera* --

JUDGE MØSE:

Mr. Ngeze, what was the purpose of publishing this article what is page -- I understand this was written on the 3rd of March 1964. Why publish it in February 1991?

THE ACCUSED NGEZE:

Thank you very much, Your Honour. The war -- if anyone could just stop the war, it was the only solution to solve Rwanda, because when you see the leader -- the leaders of that country, those who have been there from 1959, they are still the same until 1994. If you see Sindikubwabo, who is the president of -- in 1994, Sindikubwabo himself. Let me just take -- I will bring names, 10 names who have been among the leaders in 1959, they are the same leaders in 1994. They have the same policy. They did not change their policy. So, I thought maybe if just we publish this one and we put in public and this -- myself, I got this from France. I went to France to find this one exactly. I have it. I think we are going to exhibit this one. To avoid the war could be the only way to save the country, because according to the history, according to our history in Rwanda, whenever the *Inyenzi* attacked there is some kind like what we -- we know what happened in 1994.

So, in our history, if you know that there is attack from outside, the reaction from those people who have been the leader in 1959, they are the same. So to avoid this tragedy is just to avoid the war and to let people think about their history and their situation. That is the reason why just -- I just myself, I published this article to let the people understand how was the situation in 1963. And when you -- just -- you're just making an interview. You have an interview with other people, you ask them, especially those authority -- you will see them at a later stage -- you ask them how was the situation in 1963, and why when the *Inyenzi* attacked you have just to reprisal against the Tutsis -- or, rather, people.

So, I think that even most of the young Tutsis who were outside, they did not know what happened in 1963, 1964, 1965; they were younger. This was just to put in public to know exactly and to see -- to get all the information regarding the history and to see if they can get a solution, a way to solve the problem without fighting, because the fighting in our society is a worse. Fighting in our society is a worse. Even now if the *Interahamwe* or the Hutu from outside attack Rwanda, it will be the same; the RPF will kill Hutus. Okay, thank you.

I am going to read the fourth paragraph which is the last paragraph on this page:

"In Bugesera, at the border between Rwanda and Burundi, the *Inyenzi* again attacked from Burundi on the 18th, 21st and 25th of January, the purpose being to exterminate members of the population".  
Oh, sorry, let me just give my comment, Madam President, Your Honour.

I am obliged to repeat myself. The authority, the leaders, our leaders whom we had in 1994 are the same leaders. They are the same leaders for the political parties, in the government, even in the army. Those who fought *Inyenzi* in 1960, '61, '62, '63, they are the same; no change. They did not change even their mind themselves. They did not even change their policy, even either from the *Inyenzi*, the so-called *Inyenzi*, the refugees outside, they did not change their policy. They did not think twice that the attack will result what we know.

According to this speech addressed to national assembly, the French national assembly, the *Inyenzi* did not care about the loss of life inside Rwanda, because they knew when they attack Rwanda the result will be worse, the result will be this. Because I am emphasising this: the leader in military -- I will give you the name at a later stage -- they are the same leaders; no change. No change in their mind -- they did not change their mind, they did not change their policy. And the authority, of all of them starting to come to Sindikubwabo, they are still the same.

I am moving to page 15, *Kangura* No. 10, February 1991, K0201229, starting first paragraph: "Au Bugarama" -- no translation.

THE ENGLISH INTERPRETER:

In Bugarama --

THE ACCUSED NGEZE:

Anyway, how is my speed?

THE ENGLISH INTERPRETER:

It's okay.

THE ACCUSED NGEZE:

Okay.

"At Bugarama, at the border between the south-western part of Rwanda and Burundi, *Inyenzi* who were supported by the state of Burundi, launched two attacks at the beginning of the month of February. An officer of the customs department and two border guards were captured and tortured to death, while their colleague, who was a Tutsi, who was a former deputy head, who subsequently became an accomplice of the *Inyenzi* without the Rwandan government knowing, went across the border into Burundi in the company of his tribesmen who had been repulsed by the national armed forces. But then they had already enabled them to get into Rwanda in order to kill, loot and destroy houses belonging to members of the population". That is the end of this paragraph.

So I'm going to the last paragraph on this page 15:

"There is need to emphasise four main points" -- I'm sorry, I'm going to start by paragraph 3:

1  
2 "Treachery by the accomplice and the anger of the people.

3  
4 "Let us now consider how this attack launched by the *Inyenzi* was carried out with the connivance of  
5 other accomplices. There is need to emphasise four main points.

6  
7 "Firstly, there was complicity on the part of the Tutsi civil servants to whom the state had given a job,  
8 and in order to demonstrate or prove that they had nothing against the Tutsis".

9  
10 We turn on page 16, K0201230, the word which is start by -- from page it goes to:

11 "That treachery, act of treachery was confirmed through irrevocable evidence -- irrefutable evidence.  
12 Apart from the fact that these enemies of Rwanda were gathering funds in order to purchase weapons  
13 for the *Inyenzi* in order to propagating their warmongering concerns among members of the population,  
14 so as to lay the groundwork for a government of the *Gatutsi Inyenzi*, which had to be formed on the  
15 1st of January 1964.

16  
17 "Furthermore, some of these traitors had been promised that they will be given ministerial positions  
18 within the said government.

19  
20 "Secondly, the attack launched by the *Inyenzi* mainly targeted those areas where Tutsi accomplices  
21 could be found, Tutsi accomplices who were in support of feudalism and, indeed, these wicked and  
22 mean people became their accomplices".

23  
24 Third paragraph: "Thirdly, and worse still, once the news had been propagated in the country, namely,  
25 that the *Inyenzi* had attacked Bugesera, some Tutsis who were supporters of feudalism, having  
26 understood that they were about to take over power, drunk with joy, circulated information according  
27 to which the capital city of the country had already been taken over by the *Inyenzi*. They then started  
28 to raise their voices and to provoke the people saying that the king was going to come to exterminate  
29 them, whereas these poor people had maintained good relations with the Hutus for some time".

30  
31 Madam President, Your Honours, here I have my comment. When you are a journalist -- let me say  
32 that a journalist is now in Somalia, you're are going to Somalia just to investigate and to make your  
33 report in Somalia or any other country where they have a crisis within themselves. What you do first  
34 of all, just you read the history, just to read their recent history. When you have the material, the book  
35 or the newspaper, then you approach the old people first, then they will explain to you how is that  
36 country from time to time, just for you to understand. If you want just to predict what will happen? If  
37 you want to avoid, what can happen? You have just to know the source, the history, of what is

1 happening. Then when you understand, when you get this material and -- so you will be able just to  
2 make interview with people. So, listen, you are having war now, among yourself. According to your  
3 history, this is what happened in 1970, in 1950, in 1960. So, what do you think will be the result of this  
4 war if you don't stop the war? It's much easier to tell people not to fight by putting in front of them  
5 what is the history. It's much easier to convince people not to fight because the fight will result this.  
6 It's much easier to read first what is the history.

7  
8 It is if the terrorists now want to attack America. If a terrorist from Tanzania or another country, just  
9 one terrorist, decide to attack America, we know, we all know the result. What we will see? We will  
10 just read what was the result of when Bin Laden decided to attack America. We know that one  
11 person, Osama Bin Laden, decided to attack America, but the result, the -- America destroyed  
12 Afghanistan, and now America is destroying Iraq saying that they support Osama Bin Laden. But we  
13 cannot say that without just having material. You have to read it somewhere, either from the book,  
14 from newspaper, from other material, or you make interview for -- just to get information from those  
15 people who have got those information.

16  
17 So this is my comment about this. It was just to alert people, just to see how they can stop the war in  
18 that country, because war in our country -- in my country Rwanda is a worse, it's a worse. And people  
19 from that country, they don't use truth. They are liars. They are liars. Either those professor from  
20 university, those military, those -- they are liars. If you see Rwandans themselves talking you will say,  
21 "Oh, these are good people; they are good people. They don't have problem". But when this will  
22 pass right, I pass left, what is the result? They don't tell you what -- really what is their problem  
23 themselves. They don't tell you what is the problem.

24  
25 When you are a foreigner, there is something which in French they call *esprit grégaire*, I don't know  
26 how I can put it in English, *esprit grégaire*. When a leader in our country says something, sometime  
27 you don't doubt, just you follow, just you follow. You don't use your common sense and say what am I  
28 being told by this? Am I going to follow or am I going to -- just to think myself as an individual? So,  
29 the Hutu -- I think that the Hutu and Tutsi, they did not sit and say the truth among themselves: why  
30 are we fighting? Why? I have 40, you have 40; we have born in 1960. Why to fight, for what  
31 purpose? We did not get chance to talk about that. I think that we'll see this at a later stage.

32  
33 I followed the Arusha Peace Accord from the first day to the last. I was here. Now I am a prisoner  
34 here, but that time I was following the Arusha peace process here, in this building. I was a journalist  
35 residing at Novotel. Every morning I had to come here and make interview from RPF and the  
36 government side. And the problem, when you are with the Hutu here from Kigali, what they're telling  
37 you, "Ah, these Tutsis, they are liars. They don't want peace". Why don't you tell them that they don't

1 want peace? Why don't you tell them exactly what is the problem? You go to the Tutsi side, they  
2 don't tell you exactly. When they on the table, they don't approach that problem. They don't approach  
3 their problem. We will see this at a later stage.

4  
5 I think that has been a result -- we know the result of what happened in our country. So I think that to  
6 bring in public such kind of document, first of all, it was to alert Rwandan and the international  
7 community. I remember when I had an interview with one Phillipe Marlow, I think it was Phillipe  
8 Marlow, he was French ambassador in Rwanda, when I went there just to ask him to confirm if this  
9 speech has been addressed in national assembly, he said okay. I said is that true, because he has  
10 got a copy himself. I said, okay, so what will be the result of this? Why don't you tell the Rwandans  
11 just to think, before to start the negotiation, just to think which problem do we have. Our problem is  
12 the Hutu and Tutsi. Why don't you discuss first the problem of Hutu and Tutsi? Then after having  
13 discussed the problem of Hutu and Tutsi among ourselves, then we'll meet on a table and just discuss  
14 and see how we can get a solution.

15  
16 Until now, Madam President, until now the Rwandans did not discuss their problem properly. The  
17 Rwandans did not discuss the issue regarding Hutuness and Tutsiness. They did not discuss; they  
18 did not discuss until today. What they say? Let's discuss about politics; let's discuss about the army;  
19 let's discuss about this, but they did not discuss about the ethnic Hutu and Tutsi among themselves.

20  
21 So I am moving -- this was my comment here. So I am moving.

22 JUDGE GUNAWARDANA:

23 Mr. Ngeze.

24 THE ACCUSED NGEZE:

25 Yes, Your Honour.

26 JUDGE GUNAWARDANA:

27 You have told us that these articles which were written sometime before were published afresh to  
28 educate the public about what took place at that point in time. Now, if that be the case, did you  
29 caution the public or did you introduce your articles to the public with that caution that this is what the  
30 history is, don't let the history repeat itself? Did you do that?

31 THE ACCUSED NGEZE:

32 Yes, I think I did that. If you read in *Kangura*, here in Kinyarwanda -- sorry, I'm obliged to go and read  
33 Kinyarwanda. Does everybody have Kinyarwanda here? What we said, we said --

34 MADAM PRESIDENT:

35 Where? Where are you reading?

36  
37 THE ACCUSED NGEZE:

1 In Kinyarwanda. I am going just to give that comment in Kinyarwanda.

2 MADAM PRESIDENT:

3 Yes, we need it. Which page? Which paragraph? Which column?

4 THE ACCUSED NGEZE:

5 It is page 4, first column, page -- first column. We start that, "You cannot lie twice. Lies whereby his  
6 excellency Anastase Makuza, president -- or speaker of the national assembly in Paris on the 3rd of  
7 March 1964, a disclaimer against the allegations made by refugees."

8  
9 -- at which page because it will come later again in *Kangura*, in another issue of *Kangura*. That was  
10 our comment because at that time the issue was just regarding the refugee crisis and the attack -- the  
11 refugee crisis and the attack.

12  
13 So, myself I did not understand how the French, the French and the Belgian did not push the  
14 Rwandan themselves just to get into this matter so they can even -- I think that, Your Honour, you will  
15 understand when I deal with the issue dealing with the refugees. You will understand much clearly  
16 about this when I go in the matter regarding the refugees. But this was my comment about what  
17 Makuza, Anastase addressed the national assembly.

18 JUDGE GUNAWARDANA:

19 And that comment assumed the assumption that what Anastase had said was false.

20 THE ACCUSED NGEZE:

21 But that is what he addressed the national assembly in France, in France. That is what this man  
22 addressed the French national assembly in France in 1963.

23 JUDGE GUNAWARDANA:

24 Is it different to saying that what he stated there could repeat itself than to say it is false?

25 THE ACCUSED NGEZE:

26 If it was worse, but this was the event -- this was the version of the government at that time, the  
27 version of them. What do I understand here? This is the speaker of the national assembly from  
28 Rwanda. Anyway, he is a Tutsi, he is not a Hutu. He is a Tutsi. This man is a Tutsi, he is not a Hutu.  
29 Some say that he was a Tutsi converted -- who just converted to Hutu, if that can be done, because  
30 he had the documents which showed that he is a Hutu but he is a Tutsi; other sources say that he is a  
31 Tutsi. This is what he told the international community when he was addressing the international  
32 community. When he was addressing the national assembly, he was just addressing the international  
33 community. So I think that if the international community knew that this is the situation for the  
34 Rwandan -- among Rwandans, I think that the international community could intervene and tell the  
35 Rwandan to sit and tell them, "Don't use lies. You Rwandans, don't use lies. We know your history,  
36 we know what you addressed our" -- I am just talking about France. "We know your history, we know  
37 what you told us in 1963. It's better that if you can just come and just sit and solve the issue of



1 Tutsiness and Hutuness and the refugees.

2 JUDGE GUNAWARDANA:

3 I'm trying to understand you, Mr. Ngeze. You published a statement and say it is false, and then again  
4 you explain it by saying this is the history, I want to bring to the notice of the public that this is could  
5 repeat itself. Isn't that a contradiction in terms?

6 THE ACCUSED NGEZE:

7 I did not say that this is a false. This is, if I just catch your word --

8 JUDGE GUNAWARDANA:

9 I thought you read the -- one page which said that Anastase is false. Isn't then "false" there in that?

10 THE ACCUSED NGEZE:

11 No, the RPF when they attacked the country, they made other statement which is not this -- they  
12 made another statement which is not this saying that this is what Makuza, Anastase told the French  
13 assembly. So we had to go and just look at the original, exactly the original. So that is why we  
14 published the original, to show the public. I think that when we go to *Kanguka* -- not *Kangura*, we will  
15 see what the RPF presented as the original statement.

16 JUDGE GUNAWARDANA:

17 Yes, we'll see. We'll give the benefit to you at the moment.

18 THE ACCUSED NGEZE:

19 But that was my comment about this speech, that was my comment. But what I want to emphasise  
20 here is, when I published this, I published this but this is not from me. That is just a speech. It's like if  
21 I decide to publish a speech made by the President for the Tribunal. I can take the President -- the  
22 speech of the President of the Tribunal and say, okay, this is the true -- this is the original statement of  
23 the President of the Tribunal, then I put it on newspaper. If someone else just decided to put another  
24 statement which is false, I will say, no, that -- what has been published by that one is not the original,  
25 the original is this one. Just to put in public, and so you see how they react and you let the public  
26 have the information themselves.

27  
28 I'm going to page 17, page 17, K0201231, second paragraph.

29 JUDGE MØSE:

30 But, Mr. Ngeze, if I understand this correctly, this -- when Judge Gunawardana asked you this  
31 question, then you referred us to the first part of column one on the left-hand side. But it appears that  
32 it's written -- we have a translation of that on page 5 of the French version; in other words, if you look  
33 at the word under "*Gatutsi nyenzi alianse une attack suicidaire*", I mean, the complete answer to my  
34 colleague's question is from "*Au cours de la mission jusque il se rendu*", isn't it? Could you read that  
35 to us, please? From "*Au cours de la mission jusque il se rendu*", it's the first page of the French  
36  
37 version.

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*(Pages 8 to 16 by Gifty C. Harding)*

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1000H

THE ACCUSED NGEZE:

"During the mission, he carried out on the 17th of January 1964 up to the 23rd of March 1964 in several European and North African countries, Mr. Anastase Makuza, speaker of the National Assembly, rejected the false accusations laid against the Rwandan republic abroad by *Inyenzi* leaders and their accomplices."

JUDGE MØSE:

So that's your comment, that's your introduction. And then follows the speech *in extenso*.

THE ACCUSED NGEZE:

Yes, the speech. So during the war there were a lot of propaganda, a lot of propaganda, a lot of propaganda from RPF side, especially from RPF side. The tract -- the tract we had a lot of tract at that time. So when just you read what RPF is talking about, even sometime from the government sources, you have just to go exactly to see the original, to let people deal with the original document, not the tract document, not the tract. So we had more than one million tract from RPF and from government sources in Rwanda. So we had some time to go and see the original document and put in public, just to give the public the original document to deal with the original document.

May I go? So now we are on page 17, paragraph 2.

"Frenchmen, Frenchwomen, you all who are listening to me, remember the war fought by your great-grandfathers in September 1792 which pitted the armed forces of French republic to the royal forces that attacked from abroad where it had fled democracy."

That is the end of this paragraph from page 17. So I am moving on to page 18. The French translation number K0201232 from *Kangura* No. 10, February 1991, first translation, second paragraph.

"And yet, if these prevailed in the major part of the country, during the disturbances at the end of December 1963, and early January 1964, thereby preempting the extermination of the Tutsis, although it was a critical situation. The Tutsis owe this peace to the courage of the authorities. They owe this peace to the members of the party, *conseiller*, *bourgmestre* and *préfet*, who no longer sleep, moving from hill to hill to avoid the disturbances. They owe this peace to the ministers who share the ten *préfectures* amongst themselves for purposes of pacification. They owe this peace to the national police, which arrested and prosecuted or will prosecute the traitors and those who fomented disorder to make sure they are punished as they deserve to.

"I wouldn't deny that in one of these ten *préfectures*, the accomplices of the *Inyenzi* exaggerated their

1 infiltration, making themselves accomplices of the *Inyenzi*. In so doing, the accomplices of the  
2 *Inyenzi* provoked the population by spreading rumours that there were imminent attacks. Having  
3 taken stock of the acts of these spies, grew angry and exaggerated its self-defence. Thus the attack  
4 carried out by the accomplices and spies of the *Inyenzi* was hailed by the enemies of the republic,  
5 and when they talk about it, whereas you yourself were witnesses to that, you have the impression  
6 that they are relating a tall story. Nevertheless, those who provoked these events are now well  
7 known. These provocateurs of hostilities were not ignorant of the fact that this was the reaction of a  
8 people who are defending themselves. The *Inyenzi* acted in full knowledge of the facts, but whoever  
9 sets a trap is very easily caught in it.

10  
11 "What upset us, however, was that our brother Tutsis who had recognised the republic, but who  
12 helped the *Inyenzi* because they were afraid of falling in the trap, earned the anger of the population;  
13 in other words, it is said that the weak suffer from the folly of the powerful."

14  
15 That is the end of the session . Now we are on page 20, which is K0201234, *Kangura* No. 10, 1991,  
16 page 20. Starting paragraph, second paragraph.

17  
18 "What is known as the extermination of the Tutsis, it was this concept that lead some people, some of  
19 the foreign journalists, to show their true faces when they refer to thousands of Tutsis who die every  
20 day in Rwanda, as well as the ideology of the Kayibanda government aimed at exterminating them to  
21 know the truth. Let us together analyse the unproven allegations of those journalists.

22  
23 "There are journals and radio stations which look for sensational stories. They, thus, announce that  
24 150,000 Tutsi refugees were living abroad and that since the beginning of the disturbances 8,000  
25 Tutsis die every day. This information was announced at the end of January. If we do a tally, we  
26 would realize that 320,000 Tutsis would already be dead; however, there were about 350,000 Tutsis  
27 before December 1959. If we subtract 150,000 who went abroad, we will be left with 200,000. If at  
28 the end of the month of January 1964 320,000 were killed, this means that since December 1963 up  
29 to January 1964 we would have created 120,000 Tutsis to be killed. This would mean that currently  
30 we are working more miracles than God. Other newspapers obtaining their information from  
31 Bujumbura, a source which it is said is never polluted, mentions contradictory figures. These  
32 newspapers say that 60,000, 18,000, 16,000, 10,000 Tutsis who had recognised the Republic are  
33 dead.

34  
35 As for the Burundian government spokesperson, who is more foresighted and knows the geography  
36 more than the others, stated that 8,000 bodies of Tutsis thrown into the Nyabarongo by the Hutus  
37 were seen by ... "

This is the end of this paragraph. So now I am moving to page 23, one paragraph from page 23, which is K-0201237, *Kangura* No. 10, February 1991, French translation. Starting "Policy of the ethnic discrimination in the feudal administration."

"In Rwanda and in Burundi, a feudal monarchical regime, social relations at the political level were based on the principle of superiority which was irreversible between the various members of society. The authorities treated the governed as children. The governed obeyed them as children would do. The authorities who belonged to the Tutsi ethnic group treated the governed as true pariahs who were inferior. We have seen that there are three ethnic groups in Rwanda - Hutu, Tutsi and Twa. There was an enormous difference with regard to the role of each of the ethnic groups in the administration. This difference was based on the principle of a superiority acquired by birth.

"If, for instance, one Hutu was as intelligent and as courageous as a Tutsi, this did not in any way change his social status acquired by birth. What was important was neither the capacity nor the courage to belong to the upper class, but rather the very fact of being born in that class. This was enough to enable someone to play a more important role than the others and to enjoy the rides which had nothing to do with those of people born elsewhere. The Tutsis believed their superiority is inherent in the fact that God had given them a nature which dominates others, a superiority that we encounter in all."

What I want to emphasize here, this is just a speech addressed to -- just put in the international community in public. This is the material from the government that time, and as I said earlier, the people who were leaders at that time still the same, they didn't change. They did not change. They are still the same.

MADAM PRESIDENT:

Mr. Ngeze .

THE ACCUSED NGEZE:

Madam President?

MADAM PRESIDENT:

We understand this was a speech made by this individual in 1964, but you are saying that the condition still applied in 1991 when you published this?

THE ACCUSED NGEZE:

Yes, the condition did not change .

MADAM PRESIDENT:

Now in relation to ethnic discrimination in favour of the Tutsi and against the Hutu, are you saying that that was the condition in 1991 in Rwanda?

## 1 THE ACCUSED NGEZE:

2 No. The condition changed. I think we will see this at a later stage. What I am just saying here, that  
3 those people who participated in the revolution in 1959 did not change their mind themselves, they did  
4 not change their mind. We will see that in the second paragraph. It was the same, the same  
5 authority, military and civilian, they did not change either their policy. Maybe we will see in  
6 Nemerende Habimana, until even today there some people who their mind is still this one. So you  
7 cannot change the mind of these people and tell them, Listen this was the situation in 1964. Are you  
8 going to continue to lead the same events, or can we change? The people did not change. The  
9 people people did not change. Going on, you will see from 1952 to 1959, and 1952 he was the  
10 president, and fighting the war, the so-called *Inyenzi*.

11  
12 So it would be very difficult for the journalist to work in such condition with just bringing the matter for  
13 the public, at least to let the public understand what is the situation of that country. From the foreigner,  
14 they cannot understand what happened in that country without going through all these document,  
15 those people and their nature.

16  
17 So I am turning on page 24. Page 24, which is K0201238, *Kangura* No. 10, February 1991, French  
18 translation, which on page 23 we said that, "we encounter in all feudal practices."

19  
20 Let me cite, for instance, these lines coming from a poem written by Singaymbaga in 1870.  
21 "Singaymbaga" is spelled as follows: S-I-N-G-A-Y-M-B-A-G-A. This is the poem:

22  
23 "The monarchy has an origin God raised. / The creator has chosen you and has conferred power on  
24 you. / The Hutus becoming Tutsis by climbing from their social class which has no innate right, / Were  
25 decimated by the lucky elected few, / And Kalinga, was deprived of his genital organs or spoils. / The  
26 royal benediction blessing is in your house, / Happy as you are, all foreign countries are weeping . /  
27 He has turned them into widows. / He exterminated their kings and bedecked their royal drums with  
28 their genital organs. / The flow of their armies, does it not produce the happiness of its own armies?"

29  
30 "During a famous trial between the Hutus and the Tutsis in Nyanza in 1959, the great servants of the  
31 court who defended the cause of their own brothers sent an important declaration to the superior  
32 council of the country, which was in itself composed of Tutsis as they themselves were members of  
33 the same council, having stated that right of the Tutsis to appropriate, all power lay in their quality as  
34 descendants from heaven, while the Hutus were descendants of the land subjugated by force of  
35 arms, and it continued in these terms.

36  
37 "Since this has been the situation up till now, it is necessary to ask the question what the Hutus rely

on to request their share in the inheritance in Kanyarwanda`s patrimony or heritage. All those who have this relationship share in this inheritance.

"Since time immemorial up to present, the relationship between the Hutus and the Tutsis is based on patronage. We, therefore, have no brotherly relationship with the Hutu ."

Madam President, what we were just reading here were just the contents of the book which we did not use, which we have use the first paragraph, *Le mouvement social de Mututsi au Rwanda*. This is the contents, this manifesto. I think that this part of this speech just comes from this manifesto written in 1957.

Madam President, let's read back on our history. It is our history, I can say that it is verbal history, or is good history, but it is our history.

We have been told, we have been told also that our kings, the Hutu, were cut off their sex as a Hutu and they put on the drums. That is what we know from our history. That is what we have been told.

See here, this is what this speaker is addressing the international community. This is what he is telling the international community how is our history in those countries, France, Germany, where he made his trips. He is saying, how is our history since that time?

So I am going to page 25, K0201239, *Kangura* No. 10, February 1991.

MADAM PRESIDENT:

Mr. Ngeze, you have been one and a half hours on this article, and this will be your last reading from you. And keep it short, please.

THE ACCUSED NGEZE:

I will just read two paragraphs from two pages, two paragraphs, and just from two pages because it is very important to show this Court --

MADAM PRESIDENT:

Mr. Ngeze you have to understand what we have already told you. Unless you relate this to your own writing it is of little value, and we constantly want to remind you to relate it to your writings and what you intended.

THE ACCUSED NGEZE:

So let me just read two paragraphs, then we finish this, then we will go to other books.

Page 75, K0202139, *Kangura*, 10 February 1991, French version, starting fourth paragraph.

1 "Briefly, these are the consequences of the principle of ethnic discrimination in Rwanda. The Tutsi  
2 feudal monarchies had mistreated the Hutu masses. Hutus did not have representatives within  
3 administrative councils established by the Belgian government. Hutus were not represented at all the  
4 levels of the national administration. Hutus who were farmers had no political right because it would  
5 seem that having been created in order to serve, they were incapable of governing.

6  
7 "Hutus, fed up with the feudal system, had no role to play in the judicial system because it was said  
8 that they were not sufficiently intelligent in order to make decisions in legal matters."

9  
10 This is the end of this paragraph. The last paragraph we are going on page 30. Okay, I'm going to  
11 end by this by page 30. On page 30, *Kangura* No. 10, February 1991, K0202144, starting second  
12 paragraph.

13  
14 "Who is willing to attain an objective but who does not spare any effort. How can the Kayibanda  
15 government try to exterminate the Tutsi race and at the same time enroll a big number of Tutsi  
16 children in its schools, in secondary schools? Thirty percent of students are Tutsis as opposed to  
17 seventy percent of the students who are Hutus in institutions of higher learning, seventy percent of the  
18 student core is made up of Tutsi, whereas thirty percent is made up of Hutus.

19  
20 "However, when you look at the total population, Tutsis make up only 14 percent of the population  
21 whereas Hutus make up 85 percent of the population. What great injustice.

22  
23 "Maybe this could lead us to the following reflection. The majority of Tutsis in institutes of higher  
24 learning and the fact that they are in the majority can be explained by the fact that those schools are  
25 not Rwandan government schools. But my response would be that school fees of almost all those  
26 students are paid by the government, or with the assistance that government receives from friendly  
27 countries.

28  
29 "I would also answer you that the University of Rwanda started in Butare, former Astrida, with 51  
30 students of whom 25 were Hutus and 26 Tutsis, 25 were Hutus and 26 were Tutsis, and the university  
31 started in October of last year. This is the kind of racial discrimination that is being practiced by the  
32 Republic of Rwanda.

33  
34 "Similar examples are innumerable, cannot be counted. However, the government and the people of  
35 Rwanda are not being commended by this parental mobility which pardons, instead of wreaking  
36 vengeance."

37 *(Pages 17 to 22 by Karlene Ruddock)*



1030H

THE ACCUSED NGEZE:

"On the contrary, it is those who are benefitng from this goodwill who in return are heaping a problem upon the same and betraying the government and the people of Rwandan."

We can just end this here from this page. Madam President, this is a speech put in public at the Institute of the International Community by the speaker for the National Assembly from Rwanda. This is the father of the current prime minister Makuza. If the International Community really wanted to develop Rwandans, they had all of this since long.

I think that material alongside the others should have helped the international community to bring those together and tell them to tell the truth and discuss your situation. I think that is my comment to this, to the publish -- not only the *Kangura* even in various books from historians from west. We will see, we will see this speech in other books, Madam President. So, I am going --

MADAM PRESIDENT:

All right, for the record the French translation appears in Exhibit P131.

THE ACCUSED NGEZE:

Yes, 33 pages.

MADAM PRESIDENT:

All right. What are you moving on to now?

THE ACCUSED NGEZE:

Yes, now I am going to move to, let's finish, I have the book here. It is the (*no translation*) but I want to use another book which will just take ten points, ten points from my structure, this is ten points. When I finish this book, I just have finished ten points from my structure. This book is, "Rwanda Politics". I am going to this "Rwanda Politics" because when I have really finished the history of Rwanda, we will just move fast. We are still dealing with Rwanda history.

Can you use first ID -- ID105, ID105, Exhibit ID -- no, 1D105. It has been used with the Chretien before we start this one. It is okay.

THE ENGLISH INTERPRETER:

Madam President, is it Rwanda Politics?

THE ACCUSED NGEZE:

No, we have Rwanda Politics, but before we go there to Rwanda Politics, we have just this page, 1D -- 1D105, (*no translation*). Just one page from *La Rélevé*. It will take us a few seconds, five seconds will be just enough with this one, five seconds. But it is very important just to see this page first.

MADAM PRESIDENT:

This is 1D105?

1 THE ACCUSED NGEZE:

2 Yes, 1D105. The page, the page --

3 MADAM PRESIDENT:

4 Yes, you are going to refer to something here?

5 MADAM PRESIDENT:

6 Mr. Matemanga, are you getting it for the booth?

7 MR. MATEMANGA:

8 Yes, Madam President.

9 THE ACCUSED NGEZE:

10 In this book, Madam President, it has more than 300 pages, but I'm going to use only, 1, 2, 3, 4, 5, 6,  
11 7, 8, 9, 10, ten pages, but paragraphs, not the whole page. It is 300 pages. I am going to use at least  
12 ten pages, not all full pages, just paragraphs. So, it is not a problem, Madam President, but it will give  
13 us at least an idea. If you have, just I can commence. Okay, good.

14  
15 This is Exhibit ID105, which is the *la relève nombre* (no translation), with an article written by Charles  
16 Rougel Gabigwe (phonetic) in *la relève* number 213 of 21st to 27th February 1992. In the second  
17 column, in the middle of the second column we have a note man here whose name is Lumenaza  
18 (phonetic) Nkundabagenzi, these are photographs of Lumenaza Nkundabagenzi, Nkundabagenzi is  
19 N-K-U-N-D-A-B-A-G-E-N-Z-I, Nkundabagenzi. This man, in 1992, he was a minister in Rwanda, in  
20 the Rwanda government, in 1982 he was a minister in the Rwanda government. That is what I said  
21 earlier, Madam President, those people who participated in the revolution in 1959 were the same in  
22 1994, 1992, 1993, 1994. Some of them wrote even the books at that time, wrote even the books.  
23 They were professors at the university in Rwanda or abroad. Some -- this is one of among people  
24 whom we are going to deal with his book, Madam President. This Nkundabagenzi just -- I just want  
25 just the Court to see the photographs, because in his book the photograph does not appear so I just  
26 want the record to reflect that the person who wrote this book appears on this exhibit. And I'm done  
27 with the exhibit, Madam President, with this one. So we are going to see this book. Madam  
28 President, this book is Rwanda Politics.

29  
30 No translation?

31 THE ENGLISH INTERPRETER:

32 Yes, but Madam President Mr. Ngeze is on the English channel. And you are speaking in English.

33 THE ACCUSED NGEZE:

34 I'm sorry, I'm sorry. How is my speech?

35 THE ENGLISH INTERPRETER:

36 It is okay, Madam President.

37

1 THE ACCUSED NGEZE:

2 "Rwanda Politics, document presented by F. Nkundabagenzi, preface written by Benoît Verhaegen,  
3 Verhaegen is spelled V-E-R-H-R-N-G-E-R (*sic*). Social Political Research and Information Center,  
4 address 16 aux Laines, Bruxelles 1.

5  
6 Okay, I am now on page 6 which is number, double 2572*bis*, page 6, number -- the number is 52 --  
7 no, 22572*bis*. So, we go on paragraph -- on fifth paragraph, five paragraph, starting on *en novembre*  
8 and we will end with *democratiques*. We start with *en novembre* and end at *democratiques*. So --

9 THE ENGLISH INTERPRETER.

10 Madam President, one second, we don't see the page.

11 THE ACCUSED NGEZE:

12 No, the page is number 6 from the book, numbered by the registry, double 25 --

13 THE ENGLISH INTERPRETER:

14 Thank you, Madam President.

15 THE ACCUSED NGEZE:

16 Starting on paragraph 1, 2, 3, 4, 5, starting *en novembre* and we will end on *democratiques*, just is  
17 some lines, main lines I think so, on this page. So, I go for it.

18  
19 "In November after the outbreak of the civil war, this illusion disappeared. The Mwami opted, maybe  
20 under certain duress and under the impression of the tragic events of November opted in favour of  
21 those, who among Tutsi, were the adversaries, the Muslim termed adversary of the Hutu  
22 emancipation.

23  
24 The third power which had to assert itself by force during the unrest, relies increasingly on the  
25 exclusive collaboration of pro Hutu movements in order to succeed before independence in its  
26 program of the establishment of democratic institutions."

27  
28 From the book of "Rwanda Politics" published in 1962, if my memory serves me right, it is 1962 by  
29 Nkundabagenzi. That is the end of this paragraph. So, now let's move to paragraph, to number  
30 double 2570*bis*, double 2570*bis*, which is page 13. Number 2570*bis*, book, Rwanda Politics, page  
31 13, numbered from the registry double 2570*bis*.

32  
33 I think they don't have? Okay, good. Starting *Chapitre premier*

34  
35 "Chapter One. The beginning of the Bahutu, Batutsi political problem, 1956 Hutus undoubtedly  
36 became aware of their inferior status in the social echelon or the social ladder. A study of the political  
37 structure in Rwanda at that time reveals the presence of factors which led them to that position.

1 However, this awareness apparently took time to manifest itself. If it were -- if it had not been there in  
2 order to make Hutus act, and the efforts of Hutus were supported by some Europeans and by some  
3 Tutsis, this is what the following documents show; letter from M A Maus to the Deputy Governor  
4 General.

5  
6 This letter calls for the representation of Bahutus in the Council of General Government and refutes  
7 objectives which have been put forward by the Bami and Monsignor Martin of Burundi, 25 April, 1956,  
8 Deputy Governor General, I was certainly impressed by the discussions of the Council of the Deputy  
9 Governor General with regard to the representation of indigeneous people in the future reformed  
10 council."

11  
12 "Instead of having debate in good faith based on the truthfulness of facts, what I saw was an able  
13 spreading out of counter truths and general fear of members to scratch even lightly the MaTutsi  
14 classes."

15  
16 I don't want to read the whole letter because it's so long, I've just taken some part from that because  
17 the letter is long, so I've just taken some portion. So, now we are on page number double 2569 from  
18 the book, Rwanda Politics; from the book Rwanda Politics we are on the page number 22569bis,  
19 starting the first page here. We will start on let me say six paragraphs, let me just count the lines;  
20 starting on third paragraph, line 1, 2, 3, 4, 5, 6. Starting "*Mais ou commenca*", "*Mais ou commenca*",  
21 line 26 from the -- may I start? Just count line 26, the first page. The pages start first "*Avant*" then  
22 you go until six lines; "*Mais ou commenca*"

23 MADAM PRESIDENT:

24 Go ahead, Mr. Ngeze.

25 THE ACCUSED NGEZE:

26 "But my indignation -- my indignation started when I heard Monsignor Martin, representative of  
27 indigenous people and whose pastoral cross is the emblem of charity started espousing the thesis of  
28 the Mwami and declare categorically that the Batutsi chiefs were the natural protector of the Bahutus,  
29 but protector against whom?"

30  
31 "On the following day he contradicted himself by talking about acts of violence committed by chiefs,  
32 sub-chiefs and the abahamagazi in practice, these were Tutsis. So on acts of violence against their  
33 Bahutu subjects. Monsignor Martin's only excuse was that that was the church's policy in order to  
34 safeguard its spiritual interest, that is to side with the powers of the day and this could be to the  
35 detriment of justice and charity."

36  
37 "With regard to Mr. Guisens, G-U-I-S-O-E-N-S (*sic*), I think it is a German name, I don't know. "With

1 regard to Mr. Guisens, who is a member of the commission for the protection of indigenous peoples  
2 and whose the author of the prediction, and " inverted comma, "one day there will be a sharp razor in  
3 this country," end of inverted comas. "I had spoken to him about my project a few days earlier and he  
4 had shown enthusiasm about the project. After that he had a conversation with the Mwami Mutara  
5 and on that occasion he made a turnabout. He completely changed. One could believe that the --  
6 one has to know that Mwami has an enriched power of situation.

8 As regards council members, they consider that to be more cautious to be quiet. And I was absolutely  
9 the only person to try to recognise -- to have publicly recognised the truthfulness of a universally  
10 known situation, as well as the necessity of a system of representation which is not the ABC of  
11 democracy and social justice. This system having been unanimously rejected, except by me, Rwanda  
12 Burundi offered a spectacle of political organization which was even more aristocratic and  
13 retrograding than the *Ancien* regime. The *etats généraux* of French at least gave a place to the third  
14 estate. And it was the third estate of *essaye* (*phonetic*) that I tried in vain to introduce in the council.

16 "The inferior social class of three and a half million Bahutus, therefore, remain without any legal  
17 guarantee of representation and they remain simply at the mercy of appointments by the government,  
18 which would be either farsighted or -- and courageous or -- and this is something we have seen could,  
19 at best, be an opportunistic government."

21 "I do not have to show how the elections of the indigenous council does not give any audience to the  
22 voice of the people. Everyone knows that in this country elections are a big farce, and the sly Tutsis  
23 are the ones pulling all of the strings. I cannot admit the phrase which you yourself have repeated  
24 several times to the effect that the councils of the country have four million people behind them. An  
25 oppressed people cannot support its oppressors. The councils of the country do not represent the  
26 people of Rwanda and Burundi any longer, to the same degree that the Supreme Soviet does not  
27 represent the Russian people."

29 "Several indigenous people have already written something to this effect in the local media."

31 I will end here on this letter.

32 MADAM PRESIDENT:

33 Mr. Ngeze, so what is your evidence?

34 THE ACCUSED NGEZE:

35 My evidence here, Madam President, we see in *Kangura* just when we start to read the *Kangura*, we  
36 will just find this in *Kangura*, we will find this reference in *Kangura*. I'm sure the Prosecution would  
37 bring this matter at the questions. So, I decided to bring these books, and especially this portion from

1 this book because I have just quoted this -- not only the idea, even the portion in the *Kangura*,  
2 because we did not start with the *Kangura*. When we start with the *Kangura*, you will understand,  
3 Madam President, why I brought this before. It is from *Kangura* number one, from issue number one  
4 to issue 73, you will find all this one in the *Kangura*, Madam President.

5 I'm going to finish with this book, in just a minute, 1, 2, 3 -- for 6 pages, I think so, but not pages, but  
6 paragraphs.

7 MADAM PRESIDENT:

8 All right. You have five minutes to finish with this book.

9 THE ACCUSED NGEZE:

10 To finish with this book?

11 MADAM PRESIDENT:

12 Next page.

13 THE ACCUSED NGEZE:

14 Madam President.

15 MADAM PRESIDENT:

16 Next page. Don't use the time to talk.

17 THE ACCUSED NGEZE:

18 Okay. We are on page double 2566*bis* from the book Rwanda Politics, double 2566*bis*. Then we  
19 start with the first paragraph, yeah, paragraph two, "*Au fond du problème il s'agit diun colonialisme*"

20  
21 "What forms the indigenous racial problem? No one has asked themselves whether this is a social  
22 conflict or a racial conflict. We think that this is just literature. In reality, and in the minds of people, it  
23 is both. However, we have to make it clear that the problem is a first and foremost a problem of  
24 political monopoly at the disposal of one race, that is the Tutsi. This political monopoly, in view of the  
25 current structures, all of the current structures, also becomes an economic and social monopoly. This  
26 political, economic and social monopoly is reflected in the de facto selections in education and  
27 therefore, has become a cultural monopoly to the great despair of Hutus who see themselves  
28 condemned to remain an eternally toiling under class."

29  
30 And worse still, is that after a possible independence, which they've helped to achieve without  
31 knowing what they were doing, the Mwomokie (*phonetic*) is obviously is oppressed. However, it is  
32 better replaced by total monopoly, which by and large has brought about abuses against which the  
33 people are complaining."

34  
35 "Political monopoly, the so called former Bahutu chiefs, were exceptions, exceptions confirming the  
36 rule -- or exceptions confirming the rule and the occasions which allowed such exceptions, no longer  
37 exist. It is obviously not a question of re-establishing old customs of knighting and making Hutus be

1 part of the nobility.

2 (*Pages 23 to 29 by Donna M. Lewis*)

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1100H

THE ACCUSED NGEZE:

"With regard to the much-talked about mixing or transformation -- mutations of Hutus into Hamites racial group, statistics and a well-established genealogy, and maybe even doctors, only can give an objective -- objective information, which is quite solid, in order to refute the *communal* sense which is being referred in many aspects, in many other aspects.

"Economic and social monopoly: The privileged people of his brother who command the hill have always competed in raising the status of the private Tutsi, individual Tutsi. Certain social functions were even reserved for the nobility and to the current civilisation by the indirect administration, indirect rule, and this has only strengthened and actually made this reserve -- or, preserve practically general.

"The recent sharing of cows has clearly shown the witness and -- of the property, at least in respect of livestock, at least in this aspect. The land in more than half of Rwanda, in areas which are the most Hamitised, is hardly a true property for the occupant of such land. This occupation is precarious and it does not encourage work, and consequently, people who have their arms only to enrich themselves are actually made disadvantaged by this system.

"We are not talking anything about the system of all forms of forced labour. We are not talking about the system of all forms of forced labours, which is the only monopoly that the Hutus have. The Mututsi have all the advantages in order to finance or to promote the financing of its houses -- or their houses.

"Cultural monopoly: Once again, one could challenge the quality of the true Hamites to just -- and bring it down just to a few, but the selection effect -- and the question is, is this by chance? But the *de facto* selection currently in secondary schools actually shines, hits your eyes.

"There is no shortage of arguments intended to show that the Muhutu does not -- is incapable, that he is poor, and he does not know how to present himself. This ineptitude has to be proven. Poverty is his lot in the current social system.

"Now, with regard to manners, a bigger generosity of the mind would be something to be desired. Tomorrow they will want diplomas, and this will be fair; and diplomas will be, in general, only on one side. The Hutus will not even have -- will not even know the meaning of this word. And if by chance, and may providence guard us from it, another force intervened and opposes the number, the bitterness, and despair to the educated people, the racial element will complicate everything and there will be no longer need to put the problem on the table. And here we're talking whether -- the



1 problem is whether this is a racial conflict or a social conflict.

2  
3 "We believe that this total monopoly is at the basis of all sorts of abuses against which the people are  
4 complaining. Some facts currently can actually reflect the real state of affairs today."

5  
6 We are moving to page double 2 --

7 MADAM PRESIDENT:

8 We'll stop now and take the break, Mr. Ngeze.

9 THE ACCUSED NGEZE:

10 Thank you, Madam President.

11 *(Court recessed from 1105 to 1135H)*

12 MADAM PRESIDENT:

13 All right. We'll ready for you, Mr. Ngeze.

14 THE ACCUSED NGEZE:

15 Yes, Madam President. I thought that my testimony would take more than 15 days, but according to  
16 the speed we have, I see it can be even less than a week because we are there already far, because I  
17 may only read one book dealing with the history. After this we're going to deal with one book, then go  
18 on the fact immediately. So it will be just less for me.

19  
20 But let me just --

21 MADAM PRESIDENT:

22 Well, that's because you organised your work, Mr. Ngeze. We appreciate that.

23 THE ACCUSED NGEZE:

24 Okay, thank you, Madam President. So let me correct myself from Makuza on 20 -- on page 26, I  
25 want to correct myself. On page 26 when I read -- when I read page 25 I put the K number,  
26 K0201239. Then the following -- I supposed to end by these two -- these four lines, but I did just -- I  
27 read the K number, but I did not finish. So I want for the record that after, after page 25, after the  
28 words *ils n'étaient pas suffisamment intelligents pour trancher les affaires judiciaires*, we go on page  
29 26, which is K0201240, and read these four lines: *(No translation)*.

30 MADAM PRESIDENT:

31 Just a moment, we're not getting the translation.

32 THE ACCUSED NGEZE:

33 I'm sorry. We're starting to page 25, which is a K number K0201239, on the bottom starting to, "They  
34 are not sufficiently intelligent to judge legal matters."

35  
36 We go to page 26, then we start: "...Tutsi children, first and secondary schools and institutes of higher  
37 education, whereas Hutu children were excluded from such schools whereas their parents were

1 paying taxes. The Tutsi nobility had taken over land, and grazing land, whereas it was Hutus who had  
2 cleared up the forests." That's the end.

3  
4 And before I start this book, there is some comment which I did not get a chance just to tell the Court.  
5 Earlier I said that those authority -- authorities, those leaders from 1959 to 1994 were the same. It's  
6 true, they were the same. Their position did not change. It's true that their position did not change.  
7 Their position regarding the solving of the refugees crisis was just not to attack, just to return, to come  
8 back in the country peaceful, all by negotiation.

9  
10 Their position was, according to the oldest books and according to Makuza, their position was to tell  
11 the refugees to understand that the situation had changed, that the monarchy is no longer there, that  
12 they have now the republic, so that they could not think that they will win the war. And they know, of  
13 course, the result, the worst of the war.

14  
15 So they wanted to invite the refugees either to come individually or through the negotiation, but  
16 without a war. Because they wanted to emphasise that -- and to tell the refugees and those people  
17 who backed those -- who backed those refugees, who backed those refugees, that the war result the  
18 worst in Rwanda. So they wanted to have the same position that you come back by negotiation, let's  
19 sit together and have the solution but without a war, because the war will result the worst. That was  
20 their position through these books, and which I understand is quite reasonable, to come back by  
21 negotiation without a war, without a war, because they know what will result the war.

22  
23 So that was my comment. So I'm going to, I'm going to page 22565, *Rwanda Politique. Rwanda*  
24 *Politique, Documents présentés par F. Nkundabagenzi*, page 22565bis. So if the interpreter is ready, I  
25 can just start. It is just one paragraph. Okay, good.

26  
27 This is 22565bis: "At the beginning of the Hutu/Tutsi problem --" the last paragraph which start with  
28 *La liberté d'expression*. Paragraph number five, let's go to paragraph number five. Page 22525 (*sic*)  
29 of point number five.

30 THE INTERPRETER:

31 We have it, Madam President.

32 THE ACCUSED NGEZE:

33 Thank you. "Freedom of expression: There is talk about dissolving effects of a certain, certain  
34 section of the local media, be it indigenous or European or even metropolitan, which tended to divide  
35 the races. We think that on our part, certain exaggerations might have taken place, as is the case in  
36 all forms of journalism, especially in this day where mention is made of countries being considered.  
37 We also believe that certain expressions could have aggrieved some people who are not in the habit

of being disappointed or annoyed and who are used to do everything that they want to do to the weaker and -- to the weak and ordinary people away from public knowledge. All this came across a system which has just come out of feudalism.

"We also believe that the freedom of expression in Belgian Africa, and with regard to concrete problems concerning the population, do not go back seriously for more than three years ago. Certain authorities who are not used to democracy, and who maybe do not want to see democracy, are actually annoyed by all this. But we also think that under the pretext of avoiding division, we should not keep quiet about existing situations or which may exist and which may be prejudicial to many people and which actually -- and in fear of, in fear of annoying the abusive monopoly against the minority."

The minority, let's end there, just here. To this page we are just ending to *en fait d'une minorité*. That's the end of page 25, numbered 22565bis.

So we are going to, then, with page double 2 --

MADAM PRESIDENT:

Now, just a moment. I'm just -- I just want a clarification for the translation. So it's an abusive monopoly --

THE ACCUSED NGEZE:

Yes.

MADAM PRESIDENT:

-- of the minority.

THE ACCUSED NGEZE:

Of the minority.

MADAM PRESIDENT:

Right. Not against the minority.

(Pages 30 to 33 by Diane Hermann)

1145H

THE ACCUSED NGEZE:

Let me repeat again:

"To keep quiet about the existing situation – or situation which may exist, and which is prejudicial -- can be prejudicial to the most – to most people, and actually out of fear of the abusive -- to keep quiet about the abusive monopoly of the minority".

Thank you very much. So, now we are on page 22564, third paragraph, starting point number 4:

"From an investigative point of view -- or instructive point of view, tomorrow people will want" --

THE ENGLISH INTERPRETER:

I beg your pardon, Madam President, number 4, educational point of view.

THE ACCUSED NGEZE:

"Tomorrow people will want the diplomas and that will be justice and that will be fair, but up to present this -- as a matter of fact, the selection for secondary education and institutes of senior -- higher institution of education are glaring. Of course there are pretexts and some people -- and some of these pretexts do have some foundation and -- rather, some people are taking advantage of a system which is systematically favouring the political and economic advancement of the Hamites. We want that education should, and particularly, be under supervision, that we should be more realistic and more modern by abandoning the selection whose results can be seen in secondary education. This concern should be, from the very first years, put in such a manner that we don't have to choose people only from Batutsi starting from the fifth year onwards. Maybe there is no positive will in selection; however, the fact which is most important, and this is often brought about by the whole system which -- of dragnet which we referred to earlier, in order to avoid this *de facto* selection, *caitaris ac libus* and since there are not enough place, we should actually look at the identity papers in order to respect the existing proportions.

"The thing is not to actually fall in the pitfall of Bantunisation, where previously there use to be hamitisation. The current social positions should not at all influence the admissions to schools. The granting of scholarships, a good part of which comes from taxes by the population, most of whom are Hutus, should be under the supervision of the government in such a way that, in such a way that the Hutus should no longer be the stepping stone of a monopoly which is putting them down eternally in a position of an unbearable social and political inferiority.

"With regard to a higher education, we think that schools which are in Belgian Africa are adequate. However, we should have as many pupils and students admitted in those schools as possible, without

1 in any way --

2 THE ENGLISH INTERPRETER:

3 Madam President, could Mr. Ngeze repeat the last part?

4 THE ACCUSED NGEZE:

5 Starting where? Okay, let me just start point number 3:

7 "As for higher education, we are of the view that institutions that are based in Belgian Africa are  
8 enough, but the highest number possible of students should be admitted into such institutions, without  
9 objecting to capable elements being admitted who would follow certain disciplines in the metropolitan  
10 universities".

11  
12 I am on page 22563 *bis*, page 22563 *bis*, and we say page 28 from the book, last paragraph starting  
13 *en resumé*. First paragraph, on five point go on line -- one, two, three, four, five -- on five line, starting  
14 *en resumé*.

15  
16 "To sum up, we would want the overall and all-embracing development of the Muhutu. The people  
17 concerned are already working at it, that is, within the time limit allowed them by the various  
18 restrictions, but we are also asking for a more determined and positive action to be taken by the  
19 authorities. Belgium has done a lot in this direction. This must be acknowledged, but its humanness  
20 should not be held back on the way. It is not that we think or we would want a marking time -- or to  
21 mark time. We agree that the Tutsi supreme council participate gradually and more effectively in the  
22 business of the country. But in stronger terms, we demand of the supervisory government and the  
23 Tutsi administration, we ask of them a more positive and unhesitating action be engaged in so as to  
24 ensure the economic and political emancipation of the Muhutu and pull out of the traditional hamitic  
25 bandwagon.

26  
27 "On the whole, we are asking Belgium -- on the whole, we are asking Belgium to renounce,  
28 compelling, in actual fact, the Muhutu, all ways to be dragged along in the bandwagon on the Mututsi.  
29 That, for instance, in social relations, the requirement implicitly, of course, that the Muhutu be  
30 acceptable to comport himself or herself in the manner of the Mututsi.

31  
32 "Since it is said that cultures need to be respected, due account should also be taken of the  
33 differences in the Rwandan culture.

34  
35 "The hamite may have a custom that pleases each, one or the other, of the authorities; however, we  
36 have not yet agreed that all the other blacks must first of all go through a hamitisation so as to be able  
37 to obtain from the Westerners what would enable them to accede to their civilisation.

"It is difficult to prove the need for the Muhutu to be dragged along perpetually by the Hamite, the need for constant mediation on the part of this political, social and cultural dragging along. People have noticed the indirect -- the support of the indirect rule to Mututsi monopoly. So in order to better supervise this monopoly exercised by a particular race, we object categorically, at least for now, to the elimination of identity papers, official or private identity papers that would carry reference to Muhutu, Mututsi and Mutwa. Their elimination would further foster selection, concealing it, and prevent the statistical data from establishing a *de facto* truth.

"No one, for instance, has said that it is the name that is a problem to the Muhutus. It is the privileges enjoyed by the favoured monopoly, which might reduce the majority of the population to a systematic inferiority complex and to a lower level of existence that they do not merit."

That is the end of this page. Now we are on page 22562 *bis*, starting on page 30: "*La naissance de problème politique*".

Madam President, for the record, I will not use again this book, but I have used this one because the content of this book we have it here, so there is no need to come back to this book. The contents just we have it here, so from this book we pick only page 1 because we have the contents on this book.

Now we are on 22562 *bis*, page 30 on this book, *La naissance de problème politique*:

"Through this manifesto, the Hutu solemnly rejected Tutsi tutelage. This manifesto that is given to the deputy governor general included a letter that was intended for the latter in which the signatories drew the attention of the tutelar power to the seriousness of the problem.

"24 March 1957, deputy governor general, we are forwarding herewith a memorandum on the social dimension on the indigenous racial problem in Rwanda". That is this document. They are talking about it.

"We could have been able to collect one million signatures on this memo, but we are of the view that that kind of demonstration is not necessary, at least not for now. It is our hope that in view of the urgency of the problems that are presented in his memorandum and the constructive desire which guides it, the authority would be able to take into account the matters raised therein. Please accept, deputy governor general, the assurance of our distinguished consideration.'

It is signed by Godfrois Semntama" -- Godfrois is Godfrois; Semntama is S-E-M-N-T-A-M-A; the second is Maximiler Neyonzyimi, N-E-Y-O-N-Z-Y-I-M-I; Calliope Mulindahabii, Calliope is Calliope, M-

U-L-I-N-D-A-H-A-B-I-I; José Sibomana, Sibomana is S-I-B-O-M-A-N-A; Louis Mbaraga, Mbaraga is M-B-A-R-A-G-A; Gregoire Kayibanda is -- Kayibanda is K-A-Y-I-B-A-N-D-A; Clever Ndahayo is just -- Ndahayo is N-D-A-H-A-Y-O; commentary on the manifesto by Alloys Munyangajo.

"Now, the solution to this problem cannot come from the Hutus or Tutsis. They are all too involved in the debate to consider it with certainty. It requires the intervention of a mediator acceptable to the two parties in question; however, such a mediator can only be the administrative authority who is not involved, while being in charge of the future of the country and the harmonious development of the two rival groups under its trusteeship. Such natural mediation is the only means which would foster a solution to the conflict.

"The problem was highlighted by the Bahutu manifesto which points out the main -- the following ideas, which can be summed up in the problem of equality among all citizens of the country."

Just for the record, the document just stated is *le mouvement sociale muhutu devant le monarque mututsi du Rwanda*, which we have used the cover, the page, just for the record.

Point number 1: "Protest against political and economic discrimination in access to civil service; protest against discrimination in the handing down of justice; protest against cultural discrimination, their access to secondary and higher education; protest against discrimination in connection with the contribution to the public burden; protest against discrimination regarding the possession and exploitation of agricultural and grazing land; protest against civil and social discrimination arising from an uncodified custom; protest against the absence of valid representation within the indigenous council and the main -- central administration of the country.

"From the outset what the Bahutus are asking for is not a reversal of the roles which would lead to a similar monopoly on their behalf. They are not asking for the elimination of Tutsi -- or the replacement of Tutsi values by Hutu values. They are not asking for the sharing of the country so as to foster" -- I want to know, how is my speed? How is my speed, speed?

THE ENGLISH INTERPRETER:

It's okay.

THE ACCUSED NGEZE:

-- the sharing of the country so as to ensure the development of each race, each in its own area where it would be the absolute master of its own destiny. It is also, as some people would think, the overthrow of the Tutsi dynasty and its replacement by the Hutu dynasty that would be more favourable, nor would it involve a revival of the Hutu principalities that are crushed by Tutsi domination, nor the establishment of a directorate that is charged with vengeance, in any manner, let

1 alone the advent of an era of liberty that would be close to anarchy. They are simply asking for any  
2 Hutu inhabitant of the country -- any Hutu, Twa or Tutsi inhabitant of the county, irrespective of their  
3 social status or condition.

4  
5 "The elimination of authorities who are too committed to a spirit or to pursuing an obsolete custom  
6 guided by an anti-progressive imperative; the establishment of a democratic regime that would  
7 enhance merit and guarantee to the maximum the rights of all citizens, and a *de facto* equality before  
8 the law, their obligations, their responsibilities and honours; a political and administrative structure  
9 where privileges of a caste are banished so as to ensure for all citizens, irrespective of where they  
10 come from, equality of openings all cases of public employment and all managerial positions; an  
11 efficient administration under the supervision of a ruling population; a social organisation that would  
12 eliminate the *de facto* barriers and the traditional requirements which separate races, clans and  
13 families, instead of uniting them; a system in which authority would be obeyed and respected, where  
14 there would be effective equality of all citizen." -- oh, no, I'm sorry -- "where the equality of all citizens  
15 would take into account a lot more individual merit rather than their racial clan or family origin.

17 "1958. In 1958, efforts made by Hutu leaders would be geared towards convincing the *Mwami* and  
18 the council of the country the existence of a problem that is of such seriousness. The Bahutus will be  
19 sending an official delegation to the council of the country. Their views, not having been taken into  
20 consideration, they drafted the following communique."

21  
22 I will just read those two paragraphs:

23  
24 "The programme of the Bahutu. While the Bahutu party, which has been in existence for nine  
25 centuries, is mainly an exclusive and all-englobing political party, party of the Bahutus will have, as its  
26 own norms through hard work, progress and equality before the king and the law and brotherhood."

27  
28 You forget to put -- there is one word you forgot to translate.

29  
30 "Through work, progress, equality before the king and the law, brotherhood".

31  
32 Thank you.

33  
34 "All the positions adopted by the supreme council of the country in its Hamitic majority is the sole  
35 reason for the creation of the Bahutu party. The party of the Bahutu will be officially recognised at the  
36 national level in the obviously hostile and contradictory attitude of the indigenous leaders of the  
37 country, who turn down vehemently any attempt to undermine their absolute monopoly, whereas, in a



rather malicious -- whereas rather maliciously, they state that the Bahutu, Batutsi and Batwa are nicknames and that our family name is Abanyarwanda. The truth is a lot simpler. The facts speak adequately for themselves.

"During an extraordinary session of the supreme council of the country, and following a submission made by Kayijuka and his companions, according to that submission, Bahutus and Batutsis have no link of brotherhood and their relations are only based on a master-servant relationship right from the arrival of the Batutsis in Rwanda, a master-servant relationship that still prevails today. One might clearly ask oneself if the Bahutus still have anything to hope for from the Batutsis in connection with their emancipation".

We are going to end by 22561, this idea. The following page:

"There is just one thing to do, it is to resort to, to the supervisory authority so that it can henceforth resolve this dispute which they could not resolve and could not be resolved in an equitable manner, which could not be resolved by the old Batutsi party and the young Bahutu party which are both implicated in the matter. Accordingly, we are appealing to Belgium and the UN. Signed, Joséf Habyarimana Gitera, president of the Bahutu delegation to Ibgami, Nyanza, Rwanda". This is quoted from *nouveau d'afrique*, dated 6 July 1958. Summary of chapter 1.

JUDGE MØSE:

Mr. Ngeze.

THE ACCUSED NGEZE:

Your Honour.

JUDGE MØSE:

Could I come back to this -- to 1957.

THE ACCUSED NGEZE:

Another page or 1958?

JUDGE MØSE:

Please go back to 1957. There you have the commentary by Alloys Munyangajo.

THE ACCUSED NGEZE:

Alloys Munyangajo. Okay, I am there.

JUDGE MØSE:

Can you tell us a little bit about him? Who was he? What was his position in society?

THE ACCUSED NGEZE:

Okay. In the society, this Alloys Munyangajo was a Hutu leader -- among the Hutu leaders, Alloys Munyangajo, and Kayibanda and Gitera. We'll just deal with the matter again at a later stage. They were just Hutu leaders who decided just to face the monarchy, so they wrote the letter and they

1 addressed this letter to the king through Alloys Munyangajo.

2 JUDGE MØSE:

3 And was he the author of --

4 THE ACCUSED NGEZE:

5 He is a Hutu. No, this is just a manifesto from this.

6 JUDGE MØSE:

7 Yes, Mr. Ngeze, you will see that there is a footnote there "*Par Alloys Munyangajo*". Footnote 1,  
8 footnote 1 *exprimert de la brochure d'actualité politique au Rwanda*. So was he a Hutu leader who  
9 was the author of this, *L'actualité politique au Rwanda*?

10 THE ACCUSED NGEZE:

11 Yes, it was a Hutu who made these -- their own comment through this manifesto. Alloys Munyangajo  
12 is a Hutu, a Hutu leader.

13 JUDGE MØSE:

14 Okay, and this is a quotation from this brochure?

15 THE ACCUSED NGEZE:

16 Yes. It is a quotation on this brochure. Because -- it is because we do not use this one because it is  
17 detailed on this, but we cannot use this and then use this. So I decide to use this because the  
18 quotation from this book -- this book quotes from the -- this manifesto.

19 *(Pages 34 to 40 by Gifty C. Harding)*

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1215H

THE ACCUSED NGEZE:

"Summary of Chapter 1. Hutus became aware, both of their inferiority complex within the social strata and their numerical strength, in 1956, and in 1957 their desire came to light through the manifesto which was a record of their claims rather than the basis for action. In 1958, their hope for an amicable resolution of the national political problem disappeared, and two camps came into existence and over the years increasingly became hostile towards each other."

That is the end of this. We remain with only three pages. We are now on page 22560. We are just going to use the first paragraph starting *chaque jour d'ailleurs*. The first page. You go to page 22560. I don't have the page number here. *Chaque jour*. You turn just the page you will see it here.

"Moreover, each day, we are assured that emancipation should coincide with the end of tutelage. But let the Belgians rest assured: neither the Mwami nor ourselves, no one has in mind that that day is close by. When sooner or later it will come to be, we will not forget the understanding that Belgium had demonstrated towards Rwanda.

"The Mwami is accused of not tolerating any political opposition from his subjects. Opposition and obstruction should not be confused. The former does exist and is accepted. The latter, which is harmful to the country, cannot be tolerated.

"The Batutsis are being accused of subjugating the Muhutu and Mutwa majority, and every effort is made to pursue a racial segregation policy in the country. Mwami's declaration to the last council of the country, and published in the papers, has already clarified this matter."

Jump to another page, we go to another page, 22560, second paragraph, *Au cours de l'année 1958*, that second paragraph starting, "In 1958."

"In 1958 the political doctrine of the Tutsis was summed up in two documents prepared at Nyanza. The first one on the 17th, the other on the 18th of May 1958 and signed, one of them by the 12 *bagaragu b'ibwami bakuru*, and the other by 14 *Banyarwanda* who were present in Nyanza.

"The first document written in Nyanza."

These are the Tutsi from the king, the advisors of the king, who made their comment. So they received the comment, they request from the Hutu, so this is their comment.

"The first Nyanza document. Here are the historical details of the reign of the Banyiginya in Rwanda. The ancestor of the Banyiginya is Kigwa, who arrived in Rwanda, rwa Gasabo, with his brother who went by the name Mututsi and his sister whose name was Nyampundu."

"Nyampundu" is N-Y-A-M-P-U-N-D-U, for the record.

"They brought along with them their livestock, poultry, selected, male and female. Their mutwa companion Mihwabiro," M-I-H-W-A-B-I-R-O, "followed them closely. They were carrying bows and arrows (*ibihékane*), and their occupation was hunting and ironsmithing. The country was occupied by Bazigaba, B-A-Z-I-G-A-B-A. The *Bazigaba* had for their king someone by the name Kabeja, K-A-B-E-J-A.

"Kabeja`s subjects first came in small delegations, and subsequently in greater numbers on their own. They saw the Banyiginya family and engaged in discussions with them, and the latter, first of all, gave them free of charge and, subsequently, subject to some services, parts of meat which are the proceeds from their hunting.

"In Kabeja kingdom, ironsmelting or ironsmithing was not known, and so all the natives of that country came and hired out or rented the services of the Kigwa family so as to have their sickles made and their hoes made.

"Relations between Kabeja`s subjects and the Kigwa family were so strong that the latter left their first master and became the servants of Kigwa. That was the situation until then, and one might then wonder why Bahutus would be asking for their rights to a share of the common heritage. Those asking for the share of the common heritage are those who have brotherly links among themselves, whereas the relations between us, the Batutsi, and them, the Bahutus, have, from time immemorial and until now, been based on a master/servant structure.

"So between them and ourselves, there is no brotherly link. Indeed what relations would exist between Batutsi, Bahutu and Batwas? The Bahutus claim that the Batutsi, Bahutu and Batwas are the sons of Kanyarwanda, who is their common ancestor. Can they say with whom they were procreated by Kanyarwanda? What was the name of their mother, and from which family do they come?

"Bahutus claim that Kanyarwanda is the father of the Batutsi, Bahutu and Batwa, whereas we know that Kigwa is by far, or came before Kanyarwanda, and that, accordingly, Kanyarwanda is or came well after the existence of the three races; namely, the Bahutu, Batutsi and Batwa whom he met

1 already established. How can Kanyarwanda, therefore, be the father of those whom he found already  
2 in existence? Is it possible to procreate prior to existing?

3  
4 "Bahutus claim that Kanyarwanda is our common father, the person who brings together all the  
5 Batutsi, Bahutu and Batwa families, whereas Kanyarwanda is the son of Gihanga de Kazi, de  
6 Merano, de Randa, de Kobo de Gisa, de Kijuru, de Kimanuka, de Kigwa.

7  
8 "That Kigwa found the Bahutus in Rwanda. See them for yourself, please. The manner in which we,  
9 the Batutsis, can be brothers of the Bahutus in the Kanyarwanda family. History says that Ruganzu  
10 killed a lot of *Bahinza*. These are small kings. Himself and the other kings killed the *Bahinza*, and  
11 thus conquered the country of the Bahutus in which the *Bahinzas* were kings. All the details are found  
12 in the Inganji Kalinga."

13  
14 In this response from the office of the king, these Tutsi advisors of the king are just responding from  
15 the request of the Hutu, are just responding this. The Hutu reader wrote this manifesto. They wanted  
16 a change. They wanted just a harmonious society where both Hutu and Tutsi could just live in  
17 harmony. So when this manifesto reach to the king, immediately the king's advisor just responded  
18 like that. This is 1957 to 1959. So they deny categorically that Hutu is their brother, just 40 years  
19 ago.

20  
21 And just here, we come, we turn, we turn the page. We go on the next page, 22559bis, because we  
22 have to get the idea. Just turn the page, go on page 36, if you have page number there.

23  
24 "So since our kings conquered the country, or the Bahutus, by killing their so-called kings and thus  
25 subjugated the Bahutus, how can they now claim that they are our brothers, ourselves the Bagaragu  
26 of the Ibwami?"

27  
28 We have their names here. Kayiguka (*Umuhanuzi*). That's number one. "Kayiguka", let me spell the  
29 name, K-A-Y-I-G-U-K-A; "Serukamba" is S-E-R-U-K-A-M-B-A; "Rukemampunzi", R-U-K-E-M-A-M-P-  
30 U-N-Z-I; "Mazina", M-A-Z-I-N-A; "Rwesa", R-W-E-S-A; "Sebaganji", S-E-B-A-G-A-N-J-I; "Ruzagiriza",  
31 R-U-Z-A-G-I-R-I-Z-A; "Ndamage", N-D-A-M-A-G-E; "Sezibera", S-E-Z-I-B-E-R-A; "Sekabwa", S-E-K-  
32 A-B-W-A; "Nkeramiheto", N-K-E-R-A-M-I-H-E-T-O; "Shamukiga", S-H-A-M-U-K-I-G-A.

33  
34 All are Tutsis from the king, and these are the result of the revolution. We are going just to go into  
35 1957 revolution. From this conflict from this manifesto and this response, they are just going to resort  
36 to the revolution of 1959.

1 *Deuxième écrit de Nyanza*. Two pages, three pages, but small paragraphs. It is not just small line,  
2 line, line, then end of this. We are on 22559bis, I think it's page 36, the second Nyanza document  
3 dated 18 May 1958.

4  
5 "To the Mwami, Charles L.P. Mutara Rudahigwa, R-U-D-A-H-I-G-W-A. To the members of the  
6 Supreme Council of Rwanda.

7  
8 "This is what we, the *Banyarwanda*, are saying to you. We are presenting our complaints regarding  
9 the *Ibikingi* and *amasambu* which are the exclusive properties of their owners, same as Rwanda, is  
10 the exclusive property of the Mwami. We are saying to you that, as in the case of Rwanda which  
11 cannot be sold, we also object on behalf of all the owners of the *amasambu* and the *ibikingi* to desail  
12 on the latter. This is the reason for this refusal."

13  
14 These Hutu reader, they were just asking to be given the land, to just have a share of land. But this is  
15 the response, this is the denial from these 12 Tutsis.

16  
17 "These are the reasons for the refusal: It is an age-old custom right from the first man that one who  
18 receives something in the master/servant relationship may have that thing withdrawn from him, since  
19 if he commits any offence. What offence have we committed for us to be deprived of our *amasambu*  
20 and *ibikingi*?"

21  
22 "The Tutsi from the king don't understand how they can just share the land with the Hutu, because  
23 they say we are born, just we are born just to have all this, how can we give this to the Hutus?"

24  
25 This is 1957 to 1959. Point No. 2:

26  
27 "For what reason should our *Ibikingi* and *amasambu* be shared, whereas in Rwanda there are very  
28 good sites that are not inhabited which can be shared amongst all *Banyarwanda* for their farming and  
29 grazing of their livestock? There are a lot of places that are not inhabited. One, Bugesera; two,  
30 Rukaryi; three, Icyanya."

31  
32 I just spell. "Bugesera" is B-U-G-E-S-E-R-A; "Rukaryi" is R-U-K-A-R-Y-I; "Icyana" is I-C-Y-A-N-Y-A.

33 These are the places. "Bgiliri" is B-G-I-L-I-R-I --

34 MADAM PRESIDENT:

35 Mr. Ngeze, well so it mentions nine places, .

36 THE ACCUSED NGEZE:

37 Nine places, yes, Madam President.

1 MADAM PRESIDENT:

2 So it's the point of what is stated here, rather than places. So you can skip that.

3 THE ACCUSED NGEZE:

4 Okay.

5  
6 "All this land is not farmed to the detriment of the people and the cattle, whereas formally they were  
7 inhabited, and people rear their cattle there probably alluding to the tsetse flies.

8  
9 "Previously, you sent people to Gishari-Mukoto in order that we shouldn't be sidelined too much in the  
10 country. Why do you currently want this sharing of the *ibikingi* and the *amasambu* between the  
11 *Banyarwanda*, whereas they are uninhabited lands, lands that are under your deponents?"

12  
13 Just for the record, Gishari-Mukoto is not in Rwanda. Gishari-Mukoto is in Congo, the former Zaire.

14  
15 "Already the *amasambu* and *ibikingi* are not sufficient because of the large number of inhabitants and  
16 cattle. If you now want this to be shared between the inhabitants, there will be revolts nationwide, and  
17 you bring about the death of those who have and those who have not, such that those who have the  
18 means will be obliged to emigrate to the British territories.

19  
20 "This is an example of the good value of the deserted lands. During the tours of the Mwami in the  
21 various presentations, there was a cow that was very remarkable and which was from those regions.  
22 The Mwami saw it with his own eyes that the Karisa and Segikwiye, and all the people present who  
23 are surrounded by other countries — the Urundi, the Belgian Congo, Uganda, Ankore and Toro — all  
24 these countries enjoy peace and perfect tranquility. All their ancestral mores have endured no  
25 changes.

26  
27 "We are obviously not referring to the evil customs of paganism. Is there a government other than  
28 what we have here? Those who civilised and educated us are not like people who came from  
29 elsewhere, distinguished members of the supreme council of the country. You are the officials of the  
30 country. That is why you were elected. We call on you to look for people who will continually provoke  
31 so much revolutionary disorder in the country. We pray you to find those people for us. We want  
32 peace and tranquility to prevail here as it does in the countries surrounding us.

33  
34 "We, the *Banyarwanda* present in Nyanza, through the 15 old Batutsi, who are the bagaragu de  
35 l'Ibwami: The Kayijuka, Serukamba, Rwesa, Ruzagiriza, Sekabwa, Nkeramiheto, Nyakarashi,  
36 Kibibiro, Buseruka, Ruvugwaho, Nyirubuyombero, Rwashwa, Mukomangando, Sezibera."

This is the letter sent to the superior, which is going to result in just a revolution, a bloodshed among the Rwandan Hutu and Tutsi in 1957. You have seen from how they wrote this one, they send the letter, they respond, just they start conflict. This is the source. That is why we are just going to go, but I am just finishing with this. I am going to end by --

MADAM PRESIDENT:

Just a moment. Let's have the translation of the Kinyarwanda words. *Amasambu*, A-M-A-S-A-M-B-U, and *Ibikingi*, I-B-I-K-I-N-G-I.

THE INTERPRETER:

*Amasambu* are the land owners; *amasambu* is the land. And *ibikingi* are the main cattle owners -- or rather, the main grazing lands.

THE ACCUSED NGEZE:

So now we only have two lines from page 22557*bis*. Just for the record, we are just dealing with Rwanda politic, Rwanda politic. We are on 22557*bis*, third paragraph starting, *pourquoi dès lors*, just three lines. 22557.

MADAM PRESIDENT:

Yes, go on.

THE ACCUSED NGEZE:

Okay.

"Why, then, don't you contact the officials who are in charge of the destiny of the country; that is, the Mwami, the residents, the governor of Rwanda-Urundi, and the Belgian government?"

So I am ending, and this is -- but I have decided to go to this page. This is the last one, this is the last one from this book. So now we are on 22555*bis*, page 44.

*(Pages 41 to 46 by Karlene Ruddock)*



1245H

THE ACCUSED NGEZE:

Double 2345bis, page 44, starting, *La question Tutsi-Hutu*:

"The Tutsi-Hutu problem is an irrefutable problem in this country of inequality of conditions."

MADAM PRESIDENT:

Just a minute. This is the position of the Belgium government?

THE ACCUSED NGEZE:

Yes. I did not catch you, Madam President.

MADAM PRESIDENT:

Who is speaking here? Is this the position of the Belgium government?

THE ACCUSED NGEZE:

Yes. And I did not want to read the whole book because we don't have time. But I just wanted to go over and over each page, but you cannot have time. So, I have decided to use the few pages, but I will exhibit the whole book

Madam President, this is a letter from Harold Whan (*phonetic*), Belgium representative. I did not want to read the whole letter. I just take some portions.

"The Tutsi-Hutu question is an irrefutable problem in this country of inequality of conditions. There is a problem of general poverty which affects the masses, the greatest proportion of the population, particularly among those who are economically marginalised, a conviction that there is a political, social and economic oppression from certain representatives of the local authorities."

And just go 1, 2, 3, 4, 5, 6, 7, 8, go on 9, line nine where we start just, "*Il est*."

"An objective analysis of the situation allows us to admit that the political and administrative organisation at the level of the hills is currently such that these abuses are possible. These abuses, are they rare or frequent? Eminent African authorities, just as Europeans, unequivocally assert that the frequency of these inequalities is not too great. The church in a pastoral letter last year was very surprised by two letters *au sous-chef* to the subtures (*phonetic*), the *Muami Mwambutsa* stated in this regard very, very harsh realities."

"It is a fact that the social -- the Tutsi social group holds a very high percentage of official posts. And those who offer those posts can be found guilty of abuses. And on the other hand, the Hutu group, which constitutes the large majority of the poor, are the victims of such abuses. Should there be, in view of the foregoing -- should we, in view of the foregoing, admit that -- admit what the past has left us with and that Belgium administration has not been able to eliminate? A Tutsi cast which is

1 oppressive and which exploits the Tutsi masses without -- the Hutu masses, the Hutu masses who  
2 are completely without any defence, or should we rather recognise that the current state in which  
3 Rwanda is allows -- still allows Rwanda or Burundi, as in many countries in the world, that the  
4 peasantry should be insufficiently sheltered from the grievances, of the harassment from certain local  
5 representatives of local authorities and not structured political system."

6  
7 "A de facto situation and not a recognised political structure. The Belgium administration has also  
8 opted for the second alternative. It has always endeavoured to identify abuses wherever they occur.  
9 But it has never tried to identify -- to attack the Tutsi, as such. It is unacceptable -- it is incontestable  
10 today that the situation is changing positively and progressively. Of course, the evolution is still slow.  
11 The conspiracy of silence, persist -- still persists in several places. But the first signs of progress are  
12 there to prove that the process has started."

13  
14 "The governors of Rwanda Burundi are studying ways and means of putting an end to the tragic  
15 situation. It is proposing, and not an accord on the Tutsi-Hutu terminology, and encouraging the Tutsi  
16 to help track down, or identify concussions as minority of the indigenous leaders. It is calling on the  
17 Hutu to make a tremendous effort to perfect themselves and to renew their confidence in their  
18 leaders."

19  
20 "And lastly, Mr. Harroy (*phonetic*)" --

21  
22 Madam President, this is in Rwanda at that time.

23  
24 "Calls on all people of goodwill in the country, the religious leaders, African and European leaders,  
25 representative of all associations, the media, calling on them to make a constructive contribution and  
26 a proactive contribution to the pacification of a country and by refraining from all language excesses  
27 which -- and attitudes which are likely to create subsequent conflicts between the Tutsi and the Hutu,  
28 by fighting against the only common enemy, poverty. Report of the Supreme Council, 3rd of  
29 December 1958."

30  
31 Madam President, Your Honour, this book has been published in 1962. This man is still alive, this  
32 man who has been a minister until 1992. I did not want to go over, over, over. I wish I could just get  
33 time, but I cannot get time. I have decided just to -- these pages only and just finish with the last, with  
34 maybe only one book in the history, this book.

35  
36 So this book just will give us more information, because all what we have read here, we will find them  
37 in the *Kangura*, all of this we will find them in the *Kangura*, all of this, we will find in the *Kangura*. But I

1 wanted just to show this Court how most antagonist were just living in 1957, at that time, 1957 to  
2 1959, before the revolution, the so-called revolution until, let's say until 1992, that is where this book  
3 has been published. So, I am just moving --

4 MADAM PRESIDENT:

5 Mr. Ngeze, are you over with this book, now?

6 THE ACCUSED NGEZE:

7 Yes. But I still have 30 pages, but I don't want to use it, but I want to exhibit the whole book. It's just  
8 that I feel that this book would take one week, I have decided just to cut down to just a few  
9 paragraphs.

10 MADAM PRESIDENT:

11 Well, then we have heard you sufficiently on this book. We will receive it as an exhibit, in view of what  
12 you say, that everything that is written in this book appears --

13 (*Exhibit 3D227 was admitted*)

14 THE ACCUSED NGEZE:

15 In the *Kangura*, you will see it in the *Kangura*.

16 MADAM PRESIDENT:

17 And will the registry please check that we have all of the pages. Why does it begin with page 6?

18 THE ACCUSED NGEZE:

19 I have --

20 MADAM PRESIDENT:

21 After the cover page, why does it begin with page 6?

22 THE ACCUSED NGEZE:

23 That is how the original book is, even the original book is like that. Because that should be, just put in  
24 the record that it starts by page -- after the cover page, 6 and 7 and then it goes on.

25 MADAM PRESIDENT:

26 And then they don't --

27 THE ACCUSED NGEZE:

28 I did not see page 2, 3, --

29 MADAM PRESIDENT:

30 8, 9, 10, 11, 12. So, anyway, what is the next exhibit number?

31 MR. MARTEL:

32 3D227.

33 MADAM PRESIDENT:

34 Thank you, Mr. Martel. 3D227 is the book, "Rwanda Politic". And we will stop now, and what are you  
35 going to focus on when we come back?

36 THE ACCUSED NGEZE:

37 Yes, we are going to -- just going to end with the Rwandan history by just one book. We are going to

-- after we finish this book, we are just going to go into the facts in the *Kangura*. We will start to go to the *Kangura*. So, when I go to the *Kangura*, you say, okay, that is what you have seen in these books. We will just run --

MADAM PRESIDENT:

What book is that?

THE WITNESS:

It is "Christianity in Power in Rwanda."

MADAM PRESIDENT:

Has that been distributed?

THE ACCUSED NGEZE:

Yes.

MADAM PRESIDENT:

All right. So we will take the break now, Mr. Ngeze.

THE ACCUSED NGEZE:

Thank you very much.

MADAM PRESIDENT:

We will resume at 2:30.

*(Court recessed at 1300H)*

*(Pages 47 to 50 by Donna M. Lewis)*

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(Court resumed at 1436H)

MADAM PRESIDENT:

I did say that I was going to report to the court on the dates so we -- I am able to say, then, that when we break on Friday, the 11th April, we will resume on Monday, the 28th of April, and a scheduling order will be issued for the rest of the Defence witnesses.

Mr. Ngeze.

THE ACCUSED NGEZE:

Yes, Madam President. Thank you very much.

MADAM PRESIDENT:

This is a fatter book than the other one, I see.

THE ACCUSED NGEZE:

But the page are not many. I think I will only have to use -- let me count the page. There are not more than 10 pages, and it's not also the whole page but just paragraph, paragraph, paragraph.

What we expect to get from this book, Madam President, as stated in my structure here, from this book you're going to get the conflict between Hutu -- among the Hutu themselves, from Kiga and Nduga and, of course, conflict within Tutsi and Hutu. And this is the last book, new book dealing with the history.

And before I start, Madam President, I know that I am not in touch with counsel because I have started my testimony, but I need some corroboration with them. What will I do if I need a document which they still have in the office? I think that this Court can just give me a directive how I can be given the document which is in their office, if I need document.

Let me give you an example. I asked Nathalie, the assistant, to provide me the exhibits, the portion which has been used by the Prosecution during the Prosecution case, and just to highlight some extracts from the transcript. So -- but I am not in touch with them, I don't know how I can get those material, and I am in need of those material, Madam President.

And another question is this, Madam President: I told Counsel Floyd and Counsel Martel that we are dealing with the genocide. It's better to present at least 55 witnesses. Among these 55 witnesses, let's present 45 Tutsis, because we have many Tutsis. I told René that the Prosecution expert witness, Marcel Kabanda -- when Counsel Floyd asked him if he knows about the Tutsi who have been served by Hassan Ngeze, he said, "Yes, when I was in Kigali doing my research, making my research, I came across to meet people who told me that there is Tutsis who have been served by Hassan Ngeze." And Counsel Floyd asked him why didn't he go and meet these Tutsi. He said that

1 he did not have time to go and meet these Tutsis.

2  
3 So I just want know if -- am I going to be able to produce my 55 witnesses or -- because as we have  
4 seen here, we can deal with four witnesses within a day. So I don't know exactly how many witnesses  
5 am I going to present, especially the remaining witnesses are Tutsis. So I don't know how I can get  
6 this information because I am not in touch with counsel.

7 MADAM PRESIDENT:

8 Mr. Ngeze, you are in the witness box now. Get on with your evidence, and at the close of our  
9 business Ms. Leblanc or Mr. Martel will see you about your further exhibits.

10 THE ACCUSED NGEZE:

11 Oh, thank you very much. The book, this book, when -- if we can just finish this book, this book is  
12 going to deal with at least ten points, at least ten points. So we are going -- this book is *Christianisme*  
13 *et pouvoirs au Rwanda (1900 - 1990)*, this is the cover, by Ian Linden, I-A-N, L-I-N-D-E-N, numbered  
14 from the registry 23250bis. That is the cover. That's the cover.

15  
16 So I'm going to start with page, with page 23230bis, page 38, from the second paragraph starting *La*  
17 *possession de quelques vaches était le premier pas*.

18 MADAM PRESIDENT:

19 Yes.

20 THE ACCUSED NGEZE:

21 Okay. Just for the record, Madam President, we have been dealing with the book from historians who  
22 have seen the people from France, Lugan and Pierre Erny; we have seen people from Germany, Mr.  
23 Kandt, and the book from Mr. Richard Kandt; and this is the man from Britain, from London. This is  
24 the man -- is a professor from London. So really, just to bring these two according to different  
25 professors from different nations, but it gives a lot of information according to my structure and  
26 according to my *Kangura*, of course.

27  
28 "The possession of cattle was the first rung on the social ladder towards the class of owners of cattle  
29 and, by extrapolation, land. For this humiliating work, which consisted in keeping watch over the  
30 cattle, in bringing beer to the boss, in accompanying him to the royal court, and to wash his toilets, the  
31 *garagu* received cattle and was exempted from *l'ubuletwa*. Jokes in which master and servant  
32 exchanged insults offered to the *garagu*, a social means that was acceptable for expressing one's  
33 sentiments."

34  
35 Just for the record, *garagu* is a Hutu.

36  
37 "These statements were, however, too conventional to fetch him true relief. In the circles of the Tutsi

1 family, the peasant learned the mannerisms and the far-fetched language of the ruling class and was  
2 aware of the intrigues. Such contacts could not have failed to leave some traces. As a matter of fact,  
3 a *garagu* was not entirely similar to the free Hutu. However, the difference was not enormous, and  
4 the *shebuja* was more disposed to taking one or the other wife of his client rather than giving them to  
5 marriage -- in marriage to Tutsi girls, *tutsikazi*, of the family of the *garagu*'s sons; but the hope that  
6 such humiliations would not constitute a painful stage on the way leading to the acquisition of nobility  
7 and the riches which sufficed amply to the *garagu* to help him to endure them. In the face of the  
8 complexity of the etiquette and the finesse of the poetry in the court --"

9  
10 We need here a translation. The court here is not the court.

11 THE INTERPRETER:

12 Okay. "In the face of the complexity of etiquette and the finesse of the poetry of courtship."

13 THE ACCUSED NGEZE:

14 That's right.

15 THE INTERPRETER:

16 Of the royal court in that case, so it's still the court.

17 THE ACCUSED NGEZE:

18 "Just as the content, the social content to which he was subjected, the peasant living outside the Tutsi  
19 hegemony managed to convince himself that apart from the fact that he was physically smaller and  
20 materially poorer, he was intellectually and morally inferior to the noble.

21  
22 "This situation is clearly summed up in the assertion by Karl Marx according to which the thoughts of  
23 the dominant class are also the dominant thoughts of each era. The class which is materially the  
24 more dominant class in society is also the spiritually dominant class. Even though the ideology and  
25 the behaviour of the ruling class broadened the ethnic divide between the Hutus and the Tutsis, the  
26 structure of society was, in reality, more complex.

27  
28 "At the end of the 19th century, there were, perhaps, about 50,000 Tutsi men in Rwanda for about  
29 2,500 chiefdoms and other political posts, such that Rwandan society was governed by a minority of  
30 about 5 per cent of the Tutsis. This shows that these people owned tens of thousands of heads of  
31 cattle and considerable stretches of land. Last on the rung were the Tutsi riches -- the rich Tutsis  
32 whose cattle numbered several hundreds of thousands. Then came the majority of cattle rearers  
33 whose riches were between one and ten cattle. Many poor Tutsis owned less cattle than some rich  
34 Hutus which -- and these rich Hutus constituted a minority with a level which was generally higher  
35 than that of most of the peasants. At the bottom of the ladder you could find a number of daily  
36 workmen who were despised, who were despised by all and hardly considered as Twa outcasts.

"The rich Hutus procured the labour of these handymen who, in exchange for the whole, were supposed to give two days of labour out of five for the *garagu* Hutu. The *élogieuse* phrase or the praiseworthy phrase, 'Make me rich,' was not devoid of meaning. As a matter of fact, possession of one or two heads of cattle increased the social status of the -- on the Hutu scale of importance.

"The problem for all Hutus was, and this goes without saying, that the ascendancy of the Rwanda state made farmers independent of serfs and placed them at the service of their Tutsi chiefs. In this regard, we can assert unequivocally that religion was the opium of the Hutu, whereas in the pantheon of the *mandwa*, the spirits of the Hutu heroes reigned in perfect harmony with the demonised king, who was beyond all classes.

"The genital organs of the *abahinza* who had been conquered served as ornaments to the Kalinga. The dynastic drum of the Nyiginya -- the dynastic drum of the Nyiginya and the king's servants appropriated the land and exploited the work of the peasants."

This is the end of page 23230bis.

MADAM PRESIDENT:

Mr. Ngeze.

THE ACCUSED NGEZE:

Yes, Madam President.

MADAM PRESIDENT:

Which period is this writer talking about?

THE ACCUSED NGEZE:

This is just before 1950. This is just before 1950. They're just talking how the Hutu -- just how the Hutu king, the *abahinza* -- normally the *abahinza* is the Hutu chief or king, so they just -- when this Tutsi (*unintelligible*) *abahinza*, they cut their sex and they put in a drum.

MADAM PRESIDENT:

I only asked you which period.

THE ACCUSED NGEZE:

Before 1950.

MADAM PRESIDENT:

All right. Now, are you -- is it your evidence that you relied on --

THE ACCUSED NGEZE:

It will come, it will come.

MADAM PRESIDENT:

-- this writer --

THE ACCUSED NGEZE:



1 Yes, it will come there.

2 MADAM PRESIDENT:

3 -- in your *Kangura* writings?

4 THE ACCUSED NGEZE:

5 Yes, Madam President. You will just see them just soon. Shortly you see this in *Kangura*.

6 MADAM PRESIDENT:

7 How could you do that? This book is published in 1999.

8 THE ACCUSED NGEZE:

9 No, but he's talking about the history. This publish date -- he's talking about the history at that time.

10 MADAM PRESIDENT:

11 How did you rely on this book when it's been published in 1999?

12 THE ACCUSED NGEZE:

13 No, I did not rely on --

14 MADAM PRESIDENT:

15 You were here in Arusha then.

16 THE ACCUSED NGEZE:

17 Yes, yes, I understand, Madam President. I don't say that -- I did not say that I relied on this book.

18 I'm saying that the history writing by this book, I agree with this history because they had the similarity  
19 with what I wrote in *Kangura*. But there's some other events, like the story of Kiga and Nduga, which I  
20 agree with the writer of this book, because we have seen even this story in other -- the book  
21 published in 1962. So -- because I wanted just to quote another historian from London, from UK.

22 MADAM PRESIDENT:

23 All right. So you are now citing from this --

24 THE ACCUSED NGEZE:

25 Book again.

26 MADAM PRESIDENT:

27 -- book --

28 THE ACCUSED NGEZE:

29 Yes.

30 MADAM PRESIDENT:

31 -- excerpts which tend to support what you have written --

32 THE ACCUSED NGEZE:

33 In *Kangura*.

34 MADAM PRESIDENT:

35 -- about the history.

36 THE ACCUSED NGEZE:

37 The history, the history of my country.

1 MADAM PRESIDENT:

2 So you didn't read this book before you wrote *Kangura*.

3 THE ACCUSED NGEZE:

4 No, no, no, no, no, no, no, no, no.

5 MADAM PRESIDENT:

6 Yes.

7 THE ACCUSED NGEZE:

8 No, no, no, no. Just -- this book is just three years back, so I was in gaol already.

9  
10 So now we are just -- we have just a short paragraph on page 23228bis in the book *Christianisme et*  
11 *pouvoirs au Rwanda, page quarante-deux*, starting, *L'obligation de ravitailler ses ngabo*. Page 42,  
12 *Christianisme et pouvoirs au Rwanda*, number from the registry 23228bis, starting *L'obligation*, and  
13 we're going to end by *leurs résidence*.

14  
15 "The obligation to -- the obligation to provide food to the *ngabo* and all those who were resident, as  
16 well as the need to acquire new heads of cattle and new allies among the notables, pushed the king  
17 to seek another policy of cooperation with the Hutu authorities. A Tutsi emissary, skilled in collecting  
18 taxes on an annual basis in terms of honey in the Busozo province --"

19  
20 Just for the record, Busozo is in Cyangugu region, Busozo.

21  
22 "-- never set his feet there. The Bukunzi sent a boy and a girl as pillows for the king," which means in  
23 Kinyarwanda is -- it's written here. "Only the boy was put to death. His blood was used for ritual  
24 purposes. The girl was taken by the king to serve as his concubine. The small kingdom of Bumbogo  
25 has sent its first harvest to Rwabugiri who, in turn, sent him a hoe. Apart from these purely ritual  
26 exchanges, the *mwami* left his small kingdoms to live in peace. He sent his agents among the clients  
27 of the north to stay there and to ensure that tributes were collected. But these *ibisonga* rarely went  
28 out of their place of residence."

29  
30 End of this paragraph. This is our sad history, Madam President. This is our sad history among the  
31 Rwandans, Madam President, before 1950.

32  
33 I'm moving just to go to -- just skip more than 100 pages, then go to page, go to page 231 -- 2312 --  
34 23129bis. 23129, 23129bis, skip just 100 pages.

35 THE INTERPRETER:

36 Just a moment, Mr. Ngeze.

37 THE ACCUSED NGEZE:

Chapter 8 in the book, registry number is 23129*bis*.

THE INTERPRETER:

Okay, we have it, Mr. Ngeze.

THE ACCUSED NGEZE:

Chapter 3 -- no, chapter 8, "The Catholic leaders: The Belgians did not at all have the intention, prior to the Second World War, to administer Rwanda without relying on the feudal system. It was their wish, at least, to reform it in order to govern it more easily and to reduce as much as possible the most serious injustices which had given birth to it.

"When new economic opportunities offered themselves to Rwandas in the 1930s, the old feudal order started petering out. New types of social relations developed, and nobility was transformed into a bureaucracy in the service of the Belgians, the criteria for obtaining posts being henceforth the result of level of education.

"Social mobility increased among the Tutsis. The Hutus were excluded from political posts after some unfortunate attempts to acquire such posts. The virtues, the virtues of warmongering were no longer adapted to the mores of the ruling classes, but this situation of the Tutsis as a political class set apart lasted for as long as the Belgians could artificially maintain the stratification of Rwandan society which was formally a fluid (*phonetic*) ethnic frontier, a permeable ethnic frontier that they could cross easily, the Hutus who wished to do so."

Did you not finish?

THE INTERPRETER:

"There came under the Belgian administration an insurmountable barrier between castes which limited access to political posts."

(*Pages 51 to 57 by Diane Hermann*)

1500H

THE ACCUSED NGEZE:

"The Belgians clung strenuously to coalition, the ultimate means of coalition which was military force, but the Tutsis succeeded -- still succeeded to easily manipulate the court. As a class, the Tutsis were very weak. They were the servants of the Belgians, but they depended less of their individual wealth and their patronage, and they had lost their main instrument of coalition, which was the state. Both through the ideology and the practice, the church strongly contributed to the education of the administrative officer in helping the Tutsis to change their attitudes, the Tutsis being the ruling class. They also educated them to just find segregation, notably in the light of the formist (*sic*) conception of the organic society, to each person his post. The *Ibikingi* system was abolished, so depriving the king of his traditional weapon against of the claims of landowners. The chiefs who controlled less than 20 men were integrated in a system of sub-chiefdoms composed of at least 100 Hutu. A year later, the complex system of armed leaders and landowners and owners of cattle was dismantled to the advantage of simple regional band systems, those of the chiefs of provinces.

"From 1932, the Hutus were authorised to pay taxes on crops in cash, two francs by adult worker to the sub-chief; one franc to the chief of the province. Legally, the sub-chiefs were authorised to ask for only 10 days off work per month -- per year and the chiefs could ask for three days. The chiefs only had the right to go to the court only 15 days a year".

I think that we can get part of the vocabulary here.

MADAM PRESIDENT:

I think you should stop now. We are not particularly interested in 1930. Move on now.

THE ACCUSED NGEZE:

Okay, okay, so where do we end? Let's just begin -- finish the paragraph and then we'll move. Let's just start by: "So shocking abuses were put to an end such as the high mortality rate among Hutus who accompanied their lord -- feudal lord to Nyanza and who, even in the 1920, had to stay there for long periods without food or shelter. However, the ambition of the reforms that had been put in place were actually simply to weaken the yoke which was weighing on the Tutsis -- which were weighed by the Tutsis on he Hutu subjects".

MS. KAGWI-NDUNGU:

Your Honour --

MADAM PRESIDENT:

All right, Mr. Ngeze, before you slide into 1920 --

THE ACCUSED NGEZE:

Madam President, just to have the sense I have just to go to --

1 THE ACCUSED NGEZE:

2 Madam President, just to have the sense I have just to go to –

3 MADAM PRESIDENT:

4 Pick another passage now.

5 THE ACCUSED NGEZE:

6 Okay, okay, okay. So let start --

7 MS. KAGWI-NDUNGU:

8 Your Honours, I just have one comment. I believe we have heard enough of reading of a history  
9 book. Clearly Mr. Ngeze -- this book was written right long after Mr. Ngeze wrote his *Kangura*. He  
10 should move on.

11 MADAM PRESIDENT:

12 Does the Prosecution wish to make any stipulations?

13 MS. KAGWI-NDUNGU:

14 Your Honour, we have heard enough about the feudal history of --Your Honour, we have heard  
15 enough about the feudal history of –

16 MADAM PRESIDENT:

17 But do you admit all this?

18 MADAM PRESIDENT:

19 But do you admit all this?

20 MS. KAGWI-NDUNGU:

21 We do not admit to his interpretation of this history.

22 MADAM PRESIDENT:

23 well, then we will hear him.

24 THE ACCUSED NGEZE:

25 so, okay, I have jumped so now I am on just shor paragraph. I am on 23126 which is page 249. We  
26 have some ten lines. We are going to finish; we are going to finish. *Bon, le chef catholique* page  
27 249, number 23126 *bis*, starting second paragraph -- third paragraph, *certaines pères aimaient*  
28 *utiliser*. But, Madam President, the newspaper *Kangura* from page number 1 to page 73 is just full of  
29 history, full of history, from page number 1. I think that the Prosecution will agree that we will not  
30 continue to read the history from *Kangura*. That is a good stipulation. We start *certaines pères*  
31 *aimaient utiliser* --

32 MADAM PRESIDENT:

33 You may wish to consider -- just a moment. You may wish to consider that, Mr. Rapp, if you are not  
34 disputing the history -- historical version Mr. Ngeze has set out in *Kangura*. You needn't address us  
35 now, but you may want to consider that.

36  
37 Mr. Ngeze.

1  
1  
2 THE ACCUSED NGEZE:

3 "Some priests like to use the experiences of their parishioners in respect of their feudal society in  
4 order to explain the relationship between Christians and God, relations shared which make us bloom,  
5 which actually make us wholly devoted, and which provides us with much superior properties and  
6 similar to those whereby the Tutsis gratify the Hutus with the meaning of the word *sheba*, that is, lord  
7 was, 'father of a servant', and Gregoire Kayibanda had the habit of speaking in public with a fusion  
8 about his devotion to his boss or master. If the apostolic vicar had stopped worrying regarding vis-a-  
9 vis the Rwandan society, that was because he admitted that the Tutsi class which he referred to -- to  
10 which he referred as a caste, so he admitted that this class could learn to know Christian virtues  
11 regardless of the type of government in place. And by a remarkable tour of intrigues which operated  
12 obviously when the Catholic church represented clearly the interest of the ruling class, a political  
13 position which is -- which was extremely powerful was born, and it was supposed to be -- and the  
14 priest said it was supposed to be a simple spiritual authority, a non-political position or stand. And  
15 Father Arnold wrote, 'The revolution that we are bringing here will limit itself to a purely religious  
16 aspect without having anything political in it'".

17  
18 The end of 231261, page 249 from this book. So now we are just going to finish. It remains just a  
19 few, just a few.

20  
21 Now we are on page 252. The registry number is 23124 *bis*. We are going to deal with -- from the  
22 bottom, you count line -- ten lines starting on the corner, *les Tutsis*, count from bottom, from *groupe* on  
23 the bottom. Eleven lines from *poste, poste de sous-chef*. We are going to use only seven lines:

24  
25 "Tutsis who are contacted refused to do so saying that Hutus at the mission were ungovernable. Of  
26 course, they wanted the Hutus at the mission to defend their rights with more assurance than their  
27 neighbours. In order to complicate things, the dispossessed chiefs continued to have an influence on  
28 the policy -- or politics of the region by obtaining posts of judges and by intrigue -- making --  
29 conducting intrigues against magistrates who had been appointed by Belgians".

30  
31 End of paragraph. We skip 30 pages. We go on page 283, which is the registry 23109 *bis*. We are  
32 going just to start on bottom. *À la cablante*, that's page 282, just the last line: *À la cablante*  
33 *conception philosophique*, just page 282, the last line. It's page 282; registry number is 23109 *bis*.

34 MADAM PRESIDENT:

35 Begin.

36 THE ACCUSED NGEZE:

37 "To the overwhelming philosophical conception to the effect, to each person his work or function;

Hutus did not have any immediate response. The attempts to reduce Rwandan feudal society in order to prepare it for a capitalist economy in the future had created a new group of Catholic leaders from which Hutus were totally excluded.

"The period covering 1932 to 1945 saw the transition of a Hutu church, which moved on to become a Tutsi church and it ended by a total reject -- or, a general reject by the white fathers. The anti-colonial sentiment, and gendered by the Belgian administration from then onwards, became a real force, and it actually expanded everywhere and went up to the surface. At the end of the Second World War, there was more than a church dominated by Tutsis in Rwanda. There was a church -- there was a state church. The rise of nationalist feeling could have only serious repercussions. Moreover, the resistance add two -- or against the Tutsis Belgian state found a natural outlet in the Protestant mission in Rwanda in the movement known as *Abaka*. Hutu resistance could only leave much later this universe which was purely religious of Protestants and moved on to bloom -- or, to blossom within the Catholic church in what is known as the social Catholicism reflected in the Bahutu manifesto.

"The following years was when *Monseigneur de Primose* struggled against the national elite which was bleeding the heritage of the mission, and he tried to stop the virtual collapse of the church on the hills."

This is the end of this page. We are going move -- we are going just to move 30 pages, I think so, 30 or 40. 40. We are now on page registry number 23082.

THE ENGLISH INTERPRETER:

Madam President, what is the page, bottom page number, please?

THE ACCUSED NGEZE:

There is not number here, but I have the registry number. It's 23082.

MADAM PRESIDENT:

Chapter 10.

THE ACCUSED NGEZE:

Chapter 10, *Nationalism au justice sociale*.

MADAM PRESIDENT:

Page 321.

THE ACCUSED NGEZE:

I don't have those pages here.

MADAM PRESIDENT:

I know. I worked it out for you, Mr. Ngeze.

THE ACCUSED NGEZE:

Thank you very much, Madam President. *Nationalism au justice sociale*, but I'm going to deal -- just

1 to be short, I'm just -- I'm going to start by the second paragraph, line from the bottom -- one, two,  
2 three -- eight, starting *En decembre*. Do you see where it starts the public, then go to the corner *En*  
3 *decembre* '56. That will be short. I'm going just to read just short, short, short. *publique*, just the line  
4 one, two, three, four, five, six, seven, eight nine -- seven, just go on the corner, *En decembre* '56, *En*  
5 *decembre* '56.

6 MADAM PRESIDENT:

7 Yes, we have it.

8 THE ACCUSED NGEZE:

9 "In December 1956, the council called for a rapid transfer of power and called for the formation of an  
10 elite for the new ministries. For the Hutu elite, the spring of nationalism could only be a manoeuvre by  
11 Tutsis who are trying to perpetuate their oppressive domination. The tone of the language was  
12 strident, and I quote, 'To those who want to abandon this country, we say no; three million times, no'.  
13 This was written an anonymous priest in *La press Africaine* on behalf of three million Hutus who have  
14 been abandoned to fear.

15  
16 "On the 24th of March 1957, Grégoire Kayibanda and eight other Hutu leaders signed a note on the  
17 social aspect of the indigenous racial problem in Rwanda, and sent it on the same day to the deputy  
18 governor general of Belgian Congo and Rwanda-Urundi. The document was much later designated  
19 under the title "The Bahutu Manifesto". The signatories of the note were Messieurs Maximilier  
20 Mulinzima, Grégoire Kayibanda, Clavier Ndahayo, Esidore Ndeziyimana, Calliope Mulindahabi,  
21 Godfroide Sentama, Sylveste Munyunera, Joséf Sibomana, and Joséf Habyarimana.

22  
23 "At the same time, the bishops of Burundi and Rwanda published a pastoral -- a common pastoral  
24 letter emphasising on the right of the church to give its opinion in respect of social justice and to  
25 denounce abuses".

26  
27 We have quoted the document which we have here, just the document we have here. Just -- we  
28 move, we jump. We are now on page 330, three-three-zero, which is the registry number 23077 *bis*.  
29 We are going to finish. We are now on second paragraph, the page 331, just second paragraph,  
30 starting *Le preuves sont ou bien insuffisantes*, second paragraph, just 11 lines -- starting from 11.

31 MADAM PRESIDENT:

32 Yes, go ahead.

33 THE ACCUSED NGEZE:

34 "Evidence is either insufficient or contradictory in order to determine whether these access --  
35 intermittent accesses which -- of hesitation or intransigence between 1956 and 1959 can be  
36 imputable or attributed to his own personality or to the various groups or pressure of the royal court.



1 "However, his incapacity to respond to Hutu claims in a moderate manner -- in a moderate and  
2 consequent manner, contributed, to a large extent, to put the Europeans and the Hutu elite against  
3 him. Not believing in his own myth, he removed from all the others the reason to believe in his own  
4 myth. The Tutsi elite had a weighty or significant argument and the Tutsi elite defended it with satiety.  
5 The elite denounced the conflicts between the *Imiriyango*" –  
6

7 Let me give you the vocabulary. In our language, *Imiriyango* is the door. *Imiriyango* is also just the  
8 family. So, here it's just a family, not *Imiriyango* like doors". No translation.  
9

10 "The Hutus from the north were soon to realise, however, through *Imiriyango*" -- no, through  
11 *Imiriyango*. That's right  
12

13 "Tutsis meant Abatutsi, Abahindiro, Habega, Abahutu, without any distinction regarding level, class or  
14 clan -- without making a distinction of class, level and clan. The *mwami* was the father of all these  
15 groups. In order not to fall in a trap, the Hutu had a tendency of using the word *Ubwoko*, that is clan  
16 or tribe, and the Hutu spoke about Gatutsi, Gahutu or Gatwa of eponym ancestors in order to  
17 emphasise the historical differences of race and class.  
18

19 "From the 9th to the 12th of June 1958, the supreme council met in order to analyse the findings" --  
20 you did not finish.

21 (*Pages 58 to 63 by Gifty C. Harding*)  
22  
23  
24  
25  
  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

1530H

THE ACCUSED NGEZE:

"The Supreme Council met in order to analyse the findings which had been drawn up hastily by the commission which had been set up in order to look into the Hutu/Tutsi problem. The council decreed that such a problem did not exist, and demanded that from then onwards the mention of ethnic groups should disappear once and for all from the official documents."

This is the end of this paragraph.

MADAM PRESIDENT:

Mr. Ngeze, you see what you have just read are sources from publications such as *Kinyamateka* and *New Africa*.

THE ACCUSED NGEZE:

The source from these books.

MADAM PRESIDENT:

From what you have just read, this writer picks it up from those newspapers.

THE ACCUSED NGEZE:

Yes, Madam President, but we just later -- shortly we --

MADAM PRESIDENT:

Did this writer ever refer to *Kangura*?

THE ACCUSED NGEZE:

No, no, no, no. But this writer is just talking about -- just talking about if they could just see how they can make a meeting, conference between Hutu and Tutsi and just study the problem between Hutus and Tutsi, and which I support. Here they want Tutsi and Hutu to sit and to discuss about Hutuness and Tutsiness, which never happened until today, and that is the problem we still have in our country. We never sat and discussed the Hutuness and the Tutsiness, and it is a must. We will never have a solution of our problem if we don't talk about Hutu and Tutsi, what is the conflict between ourselves, Madam President.

MADAM PRESIDENT:

Is that the last excerpt? Once again I remind you we are much more interested in seeing all that in *Kangura*. Now is there anything else you want to rely on? Some other writers?

THE ACCUSED NGEZE:

Let me just -- give me a second, Madam President. I am going to come again, pages and pages. Let me see how many pages we are. Let me make the assessment myself.

I have to read this.

Madam President, I understand, just reading few pages, but I am sure you will understand this when

we just start to bring the portion from *Kangura* regarding this. Even if I do not quote from this, now we are going to deal with the problem of the Hutu, *kiga nduga* from this book, which if you can just read my structure here. We are dealing with ten points, if it is not nine .

MADAM PRESIDENT:

Mr. Ngeze, now we are directing you. We have allowed you one and three quarter days to do it your way. Now we want you to do it the way Judge Gunawardana asked you to proceed early yesterday morning, and that is, you begin with your *Kanguras* and then you can point to sources or support in these other books.

THE ACCUSED NGEZE:

So, Madam President, let me do this. From my structure, -- okay. You see No. 9, No. 9, the source of conflict between *kiga nduga*, which means Hutu from the north and those from south. So I don't want to use this book now, so I am going to quote from this book to show the source between -- because what is the problem here? Before we arrive in 1994, I want to show this Court the relation between Hutu and Tutsi at that time and the relation between *kiga nduga* in Rwanda. These are the same four points which I want to show this Court, Madam President.

In 1959, the Hutu, or the Hutu leaders, they made the revolution. They overthrow the monarchy. So in 1961 we had a republic, we had independence and a new republic, the Republic of Rwanda . The monarchy is gone. All the Hutu were united at that time.

In 1973, Habyarimana overthrow Kayibanda, Habyarimana overthrow Kayibanda. So we started immediately to have the conflict between Hutu, those Hutu who overthrow the monarchy in 1959, so now they are not united. They have just two camps. I cannot explain this through *Kangura* without quoting from this book. So let me just take one quotation from this book, just one quotation from this book.

If we go to Chapter 11, which is page 23062, 23062, which is Chapter 11, *L`église*. I have jumped all these pages. I have jumped all this, all this in order to finish. *L`église*.

THE INTERPRETER:

Madam President, what is the normal page? because we don't have the registry page.

THE ACCUSED NGEZE:

361, Chapter 11, *L`église sous les deux républiques Hutu*.

"After independence the situation was unstable, and this goes without saying. The attacks by guerillas organized by UNAR, which was in exile, made tension in the country rise, and the tension was between the diocese of Nyundo and a group of Tutsi priests led by Bigirumwami, on the one hand, and on the other hand, the diocese of Kabgayi under the leadership of Mr. Perraudin. The

incursions by the *Inyenzis* (cockroaches) led in December 1963 and in January 1964 two ferocious during which a number estimated at 10,000 Tutsis died, the majority of whom were in the Gikongoro préfecture, and tumult continued in the intermittent manner in the beginning of 1960.

"The Rwanda episcopal published letters condemning violence, on the 24th of August 1961, and during the Easter holidays of 1962. The Rwandan episcopal launched an appeal against the heinous crimes. The death of innocent people which followed the raids carried out by the *Inyenzi* were once again condemned in Christmas 1963. The death of innocent people could only attract a divine curse on our country."

Madam President, let me finish, then we jump to the *Kangura*. This is the only way I can just proceed in order just to let the Chamber to understand what I wrote in *Kangura*. Because I read *Kangura* from page no. 1 to page 73. That is why I decided to bring this book before you, because after reading this book when I just start page 1, page 2 to *Kangura* you will understand all this, Madam President, but I don't see how I can go in *Kangura* and just come back to these books while I did not even put on the record. Because now I am going to move again. Just give me this chance. This is the last book which is dealing with the history.

MADAM PRESIDENT:

What are you talking about? And you are going to quote more passages from there?

THE ACCUSED NGEZE:

Yes.

MADAM PRESIDENT:

We will allow you once more, and that's it.

THE ACCUSED NGEZE:

Madam President, this book is going to deal again with the problem with the Hutu in *kiga-nduga*. Not yet we did not start to deal with the problem in *kiga-nduga* in this book. But I cannot reach that stage without finishing here where I am, Madam President, because I had six years. Fortunately I got to book which just published --

MADAM PRESIDENT:

Which page?

THE ACCUSED NGEZE:

Now I am on page 20361, which is 262. 262. The original number is 23061. I am obliged to do this, otherwise I don't see how I can just respond what I wrote in *Kangura* without reading this.

MADAM PRESIDENT:

362?

THE ACCUSED NGEZE:

362. We have to go back to 23062, so as to pick.

"Another letter condemning terrorist attacks carried out by UNAR, but insisting also on the fact that we cannot keep quiet either in respect of their repression, was published on the 1st of January 1964.

"Four Tutsi priests, who were suspected by the government of having contacts with people outside the country were, at that time, provisionally detained with other people. The four priests were, Fathers Gérard Mwerokande, spelled M-W-E-R-E-K-A-N-D-E, Tharcisse Rwasubutare, Ferdinand Marara and Jean-Marie Vianney Kiroro."

Just leave the second paragraph.

JUDGE MØSE:

Mr. Ngeze, now I have looked through the rest of page 362. I am unable to find anything on that page dealing with *kiga-nduga*.

THE ACCUSED NGEZE:

We are just going to arrive. There we finish then we arrive there.

JUDGE MØSE:

Don't you agree there is nothing about this on page 362 on the book? Don't you agree?

THE ACCUSED NGEZE:

Your Honour, give me a chance to read you all this paragraph, just for the second paragraph.

JUDGE MØSE:

Just answer my question: There is nothing about *ki-ga* and *du-ga* on page 362.

THE ACCUSED NGEZE:

No, it's not there. It's not there.

JUDGE MØSE:

So why do you read it, then?

THE ACCUSED NGEZE:

Because here the refugees attacked the country. We are just going to deal with them here in this paragraph. The third paragraph starting, *Un grand nombre de Tutsi*.

JUDGE MØSE:

That is what happened to the Tutsi, but now you are on point 9, according to what you just said. You are on point 9 of your structure.

THE ACCUSED NGEZE:

Yes, 362, I am going just to the third paragraph.

JUDGE MØSE:

So why don't you jump to the core of point 9?

THE ACCUSED NGEZE:

The problem is just to be back again to this paragraph and this part is very important, especially this

one. That is where we are. Because in the *Kangura* this is writing in Kinyarwanda, this is in *Kangura*, but in Kinyarwanda. But now I have got chance because this is in French, and it is just to save time. Instead of reading this in Kinyarwanda in *Kangura*, I can just take this in this book.

MADAM PRESIDENT:

Mr. Ngeze, just tell us what it says. We don't want you to read everything. It has a whole lot of names, anyway.

THE ACCUSED NGEZE:

I want to use these names, because these names will appear in *Kangura* at a later stage.

MADAM PRESIDENT:

We take note of the names mentioned in this paragraph on page 362.

THE ACCUSED NGEZE:

Give me chance to read ten lines.

MADAM PRESIDENT:

Get to the part where you are going to be arriving at some point.

THE ACCUSED NGEZE:

Starting at:

"In the meantime, a large number of Tutsis left the country joining the 1959 refugees and creating in Africa the first significant contingent of refugees who were looked after by the United Nations High Commissioner for Refugees.

"The tens of thousands of Tutsis were settled and looked after in Burundi in Congo-Léopoldville in Uganda, and in numerous other countries of the world. Several priests accompanied them and provided them with pastoral requirements."

Why do I read this, Madam President? At a later stage, we are going to see how the refugees who were in Uganda organised themselves and attacked these refugees here. They are going to be organized themselves, to get organized and attack Rwanda from Uganda and from Burundi.

MADAM PRESIDENT:

Mr. Ngeze, we will understand if you say that. You don't seem to understand when we told you three times we don't need you to read that paragraph .

THE ACCUSED NGEZE:

Good.

MADAM PRESIDENT:

We are much more interested when you speak and give your evidence.

THE ACCUSED NGEZE:

But, Madam President, when here we say that the Tutsi organized themselves and attack Rwanda, I

1 have to quote it from somewhere, not from *Kangura*. We have to see the books which can  
2 corroborate what I wrote, Madam President. I understand. Let me move on.

3  
4 So now we are on page 370. 370. The registry number is 23057*bis*. We are going to start with the  
5 next paragraph.

6 THE INTERPRETER:

7 Madam President, is it 270 or 370?

8 THE ACCUSED NGEZE:

9 370. The registry number is 23057*bis*, starting the second paragraph, *Comme les postes politiques*.

10  
11 "Since political positions were increasingly taken over by personalities from the préfecture of  
12 Gitarama, which was the native region of President Kayibanda, some of the major leaders from the  
13 north, mainly from the préfecture of Ruhengeri, resigned or were dismissed. Among such leaders we  
14 can mention the names of Balthazar Bicamumpaka, and Thaddée Bagaragaza who at one point had  
15 been a speaker of the National Assembly."

16  
17 So now we are at page 372, which is registry number 23056 -- no. Eight, eight. 372, starting the third  
18 paragraph, "In 1972."

19  
20 "In 1972, when Rwanda was experiencing a sclerosis of PARMEHUTU, which was becoming  
21 increasingly authoritarian, and under the tutelage of Hutus from the central part of the country the  
22 army was led by officers from the north who were taking -- actually who were distancing themselves  
23 increasingly.

24  
25 "So during all this, Burundi had serious disturbances following the massacre of thousands of Tutsis in  
26 the region in the Nyanza Lake region in the south of the country. A terrible repression led to the  
27 murder of tens of thousands of Hutus. The number cited varies from a hundred thousand to three  
28 hundred thousand. Thousands of peasants fled the country, mainly going to Tanzania and Zaïre. In  
29 Rwanda they were in Bugesera, and later they were in Butare where the Canadian corporation  
30 agency developed agricultural projects in few areas.

31  
32 "Taking advantage of this situation, Tutsi military and politicians massacred or removed the entire  
33 political intellectual and economic elite which was made up of Hutus, or rather Hutus who were in this  
34 elite were removed, and most of this elite went to Rwanda where they were warmly received.

35  
36 "They received places or positions in the civil service, and there were also elite involved in education  
37 and in the private sector wishing to reconstitute the unity of Hutus of Rwanda and Hutus of Burundi.

Executors, or, rather, civil servants and students, went on a Tutsi witchhunt within Rwanda.

"At the beginning of 1973, seminaries became true havens of Tutsi supremacy, and the educational network reflected the Tutsi power which had remained intact. In fact, or indeed for a number of reasons, including economic reasons, Hutus had left seminaries in order to go and work in the public sector which was in dire need of civil servants.

"Hutu students, fearing being frustrated or deprived of the fruits of the revolution, and since they had not tasted such fruits a lot, reacted violently to an imaginary threat by expelling their colleagues and professors who were Tutsi teachers, Tutsis from schools, from convents, from noviciats and from seminaries.

"The movement organized by dissidents from the north who had discontent in respect of Kayibanda's government which was favouring the préfecture of Gitarama, starting from the University of Butare, reacted against the fact that there were fewer and fewer employment opportunities, and this movement spread to a number of secondary schools, some of those schools, such as the schools in Gikomero -- "

JUDGE MØSE:

The paragraph you are about to read now deals with influence in school. How could that be possibly of relevance to us?

THE ACCUSED NGEZE:

*Kiga-nduga.*

JUDGE MØSE:

But you can't use that for now. Now we enter into a particular section on schooling. Why is that so important in relation to what you are about to tell us in *Kangura* later on?

THE ACCUSED NGEZE:

Your Honour, let me explain this. I want just to explain that we had a lot of conflict which we did not solve since 1959 to 1994, the casualty why that happen. I will take, I think, five minutes to explain this. Let me take me seconds.

Here we have a decision between Hutu themselves, Hutu from north, and Hutu from north and Hutu from south. Here they arrive in 1973 when the coup d'etat, here we are already in 1973.

So I am just going to explain what was the source of conflict between Hutu from north and Hutu from south and from this paragraph and if you see from this structure we have gone so far, because now we are in 1973. So if I can be able to explain the conflict between the Hutu from north and Hutu from south which, of course the Prosecution will say that is Akazu, if I can be able to explain to the Court



1 and convince the Court the relevance of this, that will be an objective for me.

2  
3 So it's only book, it's only from this book and this paragraph. Now in 1973, those Hutu who  
4 succeeded with their 1959 revolution are divided already here in 1973. And we are going to see this  
5 in *Kangura* .

6 JUDGE MØSE:

7 But now you have actually made a synthesis of what you are going to read. Now you made your  
8 point. You don't need to read it, then we can note it. Just like the President has said so many times  
9 you have made an excellent summary of what you want to say.

10 THE ACCUSED NGEZE:

11 Okay. Thank you very much, Your Honour. So now let me just take page 375, 375. The registry  
12 number is 23055. Then we go on the last paragraph. Starting on the -- page 375 from the book,  
13 23055 from the registry, starting four lines from the bottom."

14  
15 "When Major General Juvénal Habyarimana deployed his armoured vehicles in the streets of Kigali on  
16 the 5th of July 1973, he did not encounter any resistance. It was a military coup d'etat.

17  
18 "In several areas of the country, people expressed their joy, particularly in the préfecture of Gikongoro  
19 where two political clans, the clan of Anastase Makuza, on the one hand, and the clan of André  
20 Nkeramugaba, on the other hand, who were against each other within the same party on the eve of  
21 elections.

22  
23 "In general, they received favourably the army which had put an end to a period of trouble, without  
24 doubting at that time that the army was going to impose itself on the country and to determine for a  
25 very long period the future of the country. The new president had re-established a certain  
26 understanding between Hutus and Tutsis and became a key figure for more than 20 years."

27  
28 My comment here, Madam President, Your Honour. We have had here the witness Kagabo who left  
29 here in 1973. We have had here witness Kambanda, the historian from France; I think it is Marcel  
30 Kambanda who left Rwanda in 1973 due to these events. I remember Ferdinand Nahimana had to  
31 deal with these events that happened in 1973 at university. So for me this was opportunity to draw  
32 attention again for the Court about how was this situation. We are dealing between the conflict which  
33 was still in *kiga-nduga*. We are just going to end.

34  
35 So now I am on page 377, which is registry number 23054bis.

36 MS. KAGWI-NDUNGU:

37 Your Honours, can Mr. Ngeze give an excellent summary like he did before?

1 THE ACCUSED NGEZE:

2 I know what will be your question. I can just hear your question. It is just one paragraph, Madam  
3 President, just this paragraph.

4 MADAM PRESIDENT:

5 Go on with it.

6 THE ACCUSED NGEZE:

7 Okay. Starting from the second paragraph, just for information, Madam President, we are now in  
8 1975. Here we are already here in 1975.

9  
10 "On the 5th of July 1975, Habyarimana formed the *Mouvement Républicain National Pour le*  
11 *Développement et la démocratie*, MRND. All Rwandans from birth were members of the said party.  
12 Foreigners could also associate with it."

13  
14 My comment here. All Rwandans were MRND members, whether you like or not.

15 *(Pages 64 to72 by Karlene Ruddock)*  
16  
17  
18  
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20  
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37

1600H

THE ACCUSED NGEZE:

"Same as in many other African countries, at the time it was a single party which gradually would turn out to be increasingly dictatorial. From the outset, the movement had its own nice person side. The president visited each *préfecture* and urged the population to express themselves freely on all of the desired topics. He listened for hours to the speakers and called on the ministers to take due notes of the complaints, and to answer when they were required to do so. Those who showed that they were incompetent were replaced. At the time he talked about responsible democracy. At the beginning of 1976, Christians that had gathered within a think tank, known as Nathanaël already identified some disturbing developments".

We remain on the three pages, only three and then we are done with this book, Madam President. Now we are on page 380, 380 which is related to number T23052*bis*. So, from the page 380, we go on the last -- down before the last paragraph, starting, "*Le President*."

"The president or his main aids used rather radical procedures similar in eliminating leaders of the first republic, who had been kept incognito without the least contact with the outside, with the Ruhengeri prison. President Kayibanda was kept under house arrest, at -- first of all at Rwerere, at his house and subsequently at Kabgay. He died there at the end of 1976. Canon Eugene Ernotte was one of the first to openly question in 1979, or openly raise in 1979 the issue of the execution of political prisoners."

Those who have been leaders in the first republic, Karugunga and his colleague have been arrested and put in jail and now they have been killed here. So, now we are page 381, third paragraph starting in 1979, 1980, page 381, starting third paragraph.

"In 1979, 1980, this uneasiness was expressed in several ways; an open letter to the president by Jean-Bechmans Birara, the governor of the National Bank; anonymous tracks, for instance. The head of state reacted vehemently to an attempt to overthrow him in 1980, throwing into prison the officer in charge of the security service, Major Théoneste Lizinde. He was subsequently accused of killing the leaders of the first republic. His trial was followed by a lot of people as loud speakers were installed in Kigali to enable the crowd that had gathered outside to follow the various proceedings. He was also thrown into political prison in Ruhengeri. The second personality of the state, member of the Committee for Public Salvation and who was the mastermind of the *coup d'état* of 1973, and at the time, Minister of the Interior, Colonel Alexis Kanyarengwe sought exile in Tanzania. And he subsequently joined the Rwandan Patriotic Front, the RPF".

1 I'm obliged just to give a comment here. This is a key point of my theory. I am just in brief going,  
2 starting from 1979 to 1980, just in brief. Here we have heard the Hutus regime in 1979, they were  
3 united at that time, the Hutus. Here we have that in 1972, they started having division themselves,  
4 1973. Those are Hutu here, I'm not talking about Tutsi. 1959, the Hutu just overthrew the monarchy.  
5 Some Tutsi have been killed, other Tutsi left the country just to Congo and other countries abroad.  
6 1972 -- 1973 those Hutu who made the revolution who were united, are divided into two groups now.  
7 So, those from north in the majority of the army, the other people overthrew Kayibanda.

8  
9 They arrest all of these people. They put them in prison, this is 1973. So those Hutu are in two  
10 groups now. So the Hutu overthrow Kayibanda when the Hutu from the north, the army were from  
11 north -- was the majority. We are going just to see there shortly.

12  
13 In 1980 again, again those Hutu from north are now divided in two groups because they want to  
14 overthrow Habyarimana themselves. They are coming from north, where Habyarimana comes from,  
15 they want to overthrow Habyarimana, according to this book and which I agree with this book. The  
16 person who was a strong person, Chief of Intelligence, Major Lizinde, Colonel Lizinde, Théoneste,  
17 was arrested and put in jail. And the way I met him, in jail in 1980, that will be another story, another  
18 chapter.

19  
20 Here we have those Hutu from north divided.

21 MADAM PRESIDENT:

22 Give us the colonel's name again.

23 THE ACCUSED NGEZE:

24 Colonel Lizinde, Théoneste Lizinde.

25 MADAM PRESIDENT:

26 Spell it.

27 THE ACCUSED NGEZE:

28 Lizinde is L-I-Z-I-N-D-E, Théoneste is Théoneste, Théoneste Lizinde. So now the Hutu from north  
29 they are also divided themselves in two groups. Here, let me say that the starting of the war started  
30 there because Lizinde and the Kanyarengwe, Kanyarengwe comes from the region of Ferdinand  
31 Nahimana in Ruhengeri, in Gatonda. Lizinde comes from my region in Bugoyi, from my region, from  
32 my area.

33  
34 So now the leader from Bushiru, from Gisenyi, which I can say that is the circle, in a circle of the  
35 regime from just Bushiru are alone, they are just facing now the Hutu, some Hutu from Kanyarewe  
36 from the place where Ferdinand Nahimana comes from and from Bukonya, where Lizinde comes  
37 from, of course, with me.

1 So here I met this man in jail in 1980 -- who we have been together for 18 months in jail. So here, I  
2 can say that our problem started here again. Here we have the group those Hutu who made the  
3 revolution in 1959 are divided. Kanyarengwe are the leaders from the south, are in jail. Lizinde killed  
4 first, he had to kill all of these people so the regime killed these people from south. You can read it  
5 here. The Habyarimana regime used the Lizinde to kill all of those. So there is no unification again  
6 among the Hutu, at all, because the Hutu from north killed the Hutu from south.

7  
8 So here the Tutsi, actually, they can sleep. They can rest because the Hutu themselves are fighting.  
9 The Hutus themselves, they are just fighting. So, I think that I can go because I will be back here  
10 again, I'll just be back here again. So let's finish, first, let me finish with this page, then I continue my  
11 comment. Now we are on page 397, page 397. Page 397, which is registry number 23044**bis**,  
12 starting on the third paragraph.

13  
14 "In October 1982 Museveni, having started off in Uganda with his movement, again, Obote regime, an  
15 inflow of about 40,000 new refugees coming from the same country raised the same problem. Camps  
16 to accommodate them was set up in Mahaga, about 5,000 of them in Mahaga, about 29,000 in  
17 Kibondo and 6,000 in Nasho. Priest worked for them. Priest -- Father Joaquim Vallmajo, whom  
18 overstated that this matter would have serious repercussions some day.

19  
20 On the 20th of November 1984, those of the refugees whom Rwanda identified as its own citizens  
21 started being resettled in their native *communes*. They totaled about 4,000. Some of us had to wait  
22 for the Rwanda-Uganda joint meeting, the third one which took place in Cabiro from the 5th to the 7th  
23 of December, 1984, and since no progress was made with respect to the negotiations that had been  
24 made since 1982. Finally, the new Ugandan government chaired by Tito Okello allowed these  
25 refugees to go back to their homes in September 1985, but under conditions that were hardly  
26 favourable, some of them having been chased out of Rwanda stayed in a no-man's land between the  
27 two countries.

28  
29 Many young men chose, then chose to join Museveni's liberation army. An official statement by the  
30 central committee of the MRND was issued on the 26th of July 1986."

31  
32 That is the end of this book, so comes my comment which will take five to ten minutes because it is  
33 the key of my theory. But I wanted to exhibit -- I did not read all of the pages because you instructed  
34 me, Madam President, but I want to exhibit the whole book. And if you can read, Madam President, in  
35 my structure, we have gone so far. Now we are dealing already in 1980. Of course, I will be back to  
36 some portion there, some points which I did not just discuss deeply.

1 So Madam President, what is the problem, which problem do we have here in 1980? Let me start  
2 with the Tutsi problem. We have heard that in 1959 --

3 MR. MARTEL:

4 Has a number been given to that exhibit, Madam President?

5 MADAM PRESIDENT:

6 We were just consulting on whether we should receive it as an exhibit.

7 MR. MARTEL:

8 I'm sorry.

9 THE ACCUSED NGEZE:

10 It is a third of my case, Madam President, this book is a third of my case.

11 MADAM PRESIDENT:

12 One moment. Mr. Martel, it is the Chamber's view that we will receive this book as an exhibit.

13  
14 As a published work that the Accused has studied and to which he will make reference when he gets  
15 down to his evidence on the *Kanguras* that he published.

16 MR. MARTEL:

17 Yes, Madam President.

18 MADAM PRESIDENT:

19 So, it will be 3D228.

20 (*Exhibit No. 3D228 was admitted*)

21 MR. MARTEL:

22 That is correct, ma'am, thank you.

23 THE ACCUSED NGEZE:

24 We are just now arriving at the key of our problem in Rwanda, the change of our history again.

25 Madam President, in 1959 we have the first group of Tutsi who fled the country, in 1959. In 1972, not  
26 only -- 1959, we have the first Tutsis who fled the country for their security. 1961, '62, '63, '64 when  
27 the rebel, when the *Inyenzi* attacked Rwanda, some Tutsi were killed, others fled again the country, to  
28 neighbouring countries.

29  
30 In 1972, we had again the Tutsi who fled the country, Marcel Kabanda and Amonge Kagabu, the  
31 prosecution witnesses. 1973, in 1973 when Habyarimana overthrew the regime, Karabina regime,  
32 Habyarimana said, okay, I am the Tutsis saviour, I am coming to save Tutsi because in this country we  
33 have to avoid the bloodshed.

34  
35 Then some Tutsis fled the country, of course. In 1980, in 1980 in Uganda, the President Obote  
36 decide just to kick out the Tutsi of Rwanda, they came back to Rwanda. Here we have the Tutsi that  
37 fled Rwanda in 1959; we have Tutsi that fled Rwanda in 1972; we have the Tutsi who fled Rwanda in

1 that period from 1961 to 1972.

2  
3 Madam President, we never sat and discussed the issue. Yes, I understand that the Hutu overthrew  
4 the monarch. But they did not sit together and discuss, okay, now we have the lead, we the Hutus,  
5 we have the power. We have the rule of this country. We could just bring the monarchy, bring those  
6 Tutsi together and sit together and see what is our difference, how can we sort out our differences.  
7 They never sat together, from 1959 to 1965. Tutsi and the Hutu did not discuss their problem, never.

8  
9 1972, until 1972 the Hutus and the Tutsis never sat and discussed their crisis together. So, now we  
10 are in 1973, instead of discussing the issue with the Tutsi, the Hutu and Tutsi, so we have another  
11 problem, Hutu from south and from north, Habyarimana overthrew the people from north and they put  
12 them in jail. And they killed them, the Habyarimana regime killed the people from south.

13 THE ENGLISH INTERPRETER:

14 Could Mr. Ngeze go slow, slightly, for the interpreter?

15 THE ACCUSED NGEZE:

16 Here in 1973, the Habyarimana region overthrow Kayibanda, those people who elected the other  
17 Hutu to overthrow the monarchy and to get -- just to overthrow the monarchy. So, now these people  
18 from south, those who are from south are killed.

19  
20 The Rwandans did not discuss that issue, the Rwandans did not discuss or did the Hutus themselves  
21 on all of the issue regarding the Tutsi and the Hutu. Habyarimana said at that time that okay, I am a  
22 peacemaker, which I believe he was a peacemaker. I believe myself, I am a peacemaker. Now, the  
23 country should be built fairly in a peaceful manner.

24  
25 The Tutsi said, okay, thank you, very much. Thank you very much because you have brought  
26 Habyarimana here. When in 1980 when Habyarimana overthrown -- when the *Inyenzi*, according to  
27 what we read in this book, when the *Inyenzi* in Kanyarengwe wanted to overthrow Habyarimana, they  
28 were all of them arrested.

29  
30 Now the Hutu from north -- the Hutu from north who are arrested at this stage, in 1980. So now we  
31 have only the Hutu from the clique, from Bushiru, those from Bushiru. So, Hutu from north, they are  
32 divided, as I said earlier, the Hutu from Ruhengeri from the part of Nahimana. The Hutu from Bushiru  
33 also came from Bugoyi the part where Hassan Ngeze comes from.

34  
35 At this stage, 1980, we never sat and discussed the Rwandan case, it was just inside. The Hutu from  
36 the south, they said, you Hutu from north, you killed our father, you killed our president, our ministers,  
37 our leaders, but because it is the military regime, we cannot say, even just to say that they have killed

1 your parent, you would be immediately arrested and killed. So they would just suffer inside. I am  
2 talking about the Hutu from the south, they were just suffering from inside. Imagine, in one region,  
3 you arrested the people from that region and you put them in jail, and then you kill them, that is the  
4 Hutu from south.

5  
6 Let's see about the Tutsi, in general, from 1959. The Tutsi say, at least you are Hutu, we have been  
7 killed since 1959 to date, to 1972, but nobody talked out about this issue. And you have a right to  
8 hear this issue discussed openly in the public. And so even the Tutsi inside, they have been suffering  
9 inside. Why, I am a Tutsi, but I have my uncle, I have my brother in Burchabora (*phonetic*). I am the  
10 Tutsi, I am 20 years, but my mother, she is in Burundi, my father, he is in Uganda, my sister, she is in  
11 Congo. But they cannot come in Rwanda in their country, they cannot come because people did not  
12 sit and discuss that issue.

13  
14 So the Tutsi themselves were suffering inside. Here we have two groups of Rwandan who are  
15 suffering. Tutsi are suffering from inside, all Tutsi inside the country because their brother, their family  
16 cannot come inside of Rwanda. I remember because the prison was my house. When Tutsi just  
17 attempt to come in Rwanda, it may be with a Burundi passport or another passport, and if you were  
18 arrested by intelligence service, by chance, if are you lucky, you would be put in jail, otherwise you  
19 would be killed.

20  
21 This event, which I witnessed myself, because I was in jail with some of them. Then, here we are in  
22 1980, the Tutsi in Uganda, the President Obote, the President Obote decided to kick them out from  
23 Uganda, so they have no where to go. Coming to their country, their homeland Rwanda, between  
24 1980 and 1982 the Habyarimana regime said, no, that Rwanda is so small, we have to be sure what  
25 is your place, where did you -- where did you come from, Gisenyi? Tell us the district. But how can  
26 they tell the district when some of them have been born in abroad, in Uganda. Let's say their parents  
27 left Rwanda in 1959. And you were born in 1962, from 1962 to 1965. How could they, these people  
28 show their place.

29  
30 So the Rwanda government made a mistake, which is exactly what we are dealing with today.  
31 Habyarimana regime refused to take these people. So they spent some months in neutral zone, the  
32 neutral zone. Now, Obote doesn't want to see these people. Habyarimana doesn't want to welcome  
33 these people in 1980. So I remember even a commission just to find a solution, they can find a  
34 means to help these people, like food and other necessity, were set up by the government, led by a  
35 minister from south whose name was Gatabazi. This Gatabazi, he said we are going to be in touch  
36 with the international community and see how we can just get the facility as to the refugees only.  
37



1 When this commission was established, he took the money. He took the money. He did not even  
2 provide the necessity to these refugees.

3 MADAM PRESIDENT:

4 Slow down.

5 THE ACCUSED NGEZE:

6 I'm sorry, I'm sorry.  
7

8 He took all of the money, put it in his pocket, he did not buy the necessities as requested by the  
9 government to these refugees. So, they suffered enough. These Tutsi suffered enough as refugees.  
10 They don't have nowhere to go; Uganda, no way, and Rwanda, no way and no food.  
11

12 So, at that time, Museveni started fighting with Obote. Museveni want the people to just help him to  
13 overthrow Obote. So, he said, okay, here help the refugee, and you are suffering, you don't have no  
14 place to go. Just join me in the bush, so we can go and fight Obote. All of these Tutsi refugees, all of  
15 them, they joined Museveni immediately from 1980, they joined Museveni in the bush. They started  
16 the guerrilla fighting from 1980 until 1986.  
17

18 So Madam President, we are now in 1986. Our country Rwanda did not discuss the issue regarding  
19 the Hutus themselves. Our country did not sit and discuss the Hutu, regarding the Tutsi and the Hutu.  
20 And so, now we have those refugees who are in the army, by chance, their chance, they won the war  
21 in Uganda. They won the war and they overthrew Obote.  
22

23 So what happened? This majority of Tutsi who were in Uganda, supported of course, by some to use  
24 -- just to recruit some element from Burundi and the Congo said, okay, that is right, now we have won  
25 the war. The Tutsi say, okay, we understand you have won. We did not win the war, say you have  
26 won the war because you are Ugandan. So what will you do? Now, we have helped you just to  
27 overthrow Obote, what will you do? He said, okay, there is no problem, I am going to see how I can  
28 help you just to go to your country. Now, we are in 1986.  
29

30 So the RPF -- inside the Rwandan people did not know this that outside we have people, refugees  
31 who are in army. They organised themselves. Some -- the chief of the army was Fred Ruigeme, I  
32 think that we are going to deal with the matter at a later stage. The Kasame, all of them. So they  
33 founded themselves, they established an RPF in Uganda.  
34

35 So, what is my conclusion here. My conclusion here is that the problem which we heard from 1959 to  
36 1986, we did not discuss this problem. And the result is what we know in 1990. Let me just go until  
37 1990.

1 JUDGE GUNAWARDANA:

2 Mr. Ngeze.

3 THE ACCUSED NGEZE:

4 Yes, Your Honour.

5 JUDGE GUNAWARDANA:

6 You related that the main cause of this complete problem related to this, the government in power, the  
7 ruler in power at the time did not sit down and discuss this problem.

8 THE ACCUSED NGEZE:

9 Yes, yes. That is what I know, that is my understanding.

10 JUDGE GUNAWARDANA:

11 Now, have you studied the subject for such a long period of time, when you had this solution in your  
12 hands, why didn't you espouse it in your journal, *Kangura*?

13 THE ACCUSED NGEZE:

14 Yes, we are going to see it in *Kangura*, but we are just going to see this, all of this what I am telling  
15 you in *Kangura*.

16 JUDGE GUNAWARDANA:

17 Have you suggested that there be open discussion between the Tutsi and --

18 THE ACCUSED NGEZE:

19 Hutus, yes it is there. It is in the *Kangura*.

20 JUDGE GUNAWARDANA:

21 Do you refer to the Hutus from the south and the north?

22 THE ACCUSED NGEZE:

23 No. In *Kangura* I did not just open a discussion about the conflict between Hutu. No, I put -- there is  
24 just a part, a portion of *Kangura* which just opens a discussion about the conflict between the Hutu  
25 themselves, Hutu from the south -- when I am dealing with -- how Karubunga was killed in *Kangura*,  
26 you are going to see that, Your Honour, in *Kangura* it is there. It is there and it has been published, I  
27 think, in 1991.

28 JUDGE GUNAWARDANA:

29 Can you give a reason why none of the political leaders took that advice seriously?

30 THE ACCUSED NGEZE:

31 Your Honour, I don't know. I can't tell you because even if you can see, even all of these, can you  
32 understand that we have all of these problems from 1959, but people did not sit and discuss the  
33 problems. And it is a huge problem.

34 (*Pages 73 to 80 by Donna M. Lewis*)

36  
37

1 1630H

2 THE ACCUSED NGEZE:

3 The Tutsi problem, the Tutsi problem from 1959 to 1980, they never discussed about this regarding  
4 Tutsi, never, never, never. Even if you read in all these books, you never see anywhere mentioned  
5 the open discussion about the problem of Tutsis from 1959 to 1980, never. No way. No way, no way,  
6 no way. But it's a problem.

7  
8 Not only that, those Hutu from south and from north and -- the Hutu from north and the Hutu from  
9 south, imagine, their leader -- all their leader from south, they have been killed. All their leader,  
10 including President Kayibanda, but they never discussed about this. I don't know why. I don't know  
11 why, but I think that we will see this when we reach the multipartyism in 1993. We will see this. I don't  
12 see how I can explain now this because I have just a --

13 JUDGE GUNAWARDANA:

14 (*Microphone not activated*) you are in a position to do on your own. Now we have got the answer, you  
15 go on.

16 THE ACCUSED NGEZE:

17 Okay, good.

18  
19 So Madam President, Your Honour, you understand that we have spent 20 years. People are  
20 suffering from inside, Tutsis suffering from inside. I know some of my friends. Let me give you  
21 example, let me give you an example. There is one Prosecution witness who was working at the  
22 Radio Rwanda. I cannot mention his name. I don't remember even the pseudonym when he was  
23 here.

24  
25 He was a Tutsi with his family. In 1987, '86 - '87, I met him in Congo. Told me, "Mr. Ngeze, I want  
26 just to come back to Rwanda, but the only way I can just come there if I can get identity card." It's so  
27 sad because I was -- I remember at that time when the witness was here I asked Counsel Floyd just  
28 to ask the witness how he got identity, but they refused to. At that time there was not cooperation  
29 between me and counsel.

30  
31 I used my means. I say, I'm going to help you to get identity. I'm going to get identity to be called a  
32 technician, he will get a job in Rwanda. I went and paid money, I got identity, then he came back.  
33 Until now, he's there. But the identity which I got for him, I got identity as a Hutu. He was a Hutu. We  
34 have had that witness here. He's a witness here.

35  
36 It was very difficult for this Tutsi to come back in Rwanda, it was very difficult, very and very difficult.  
37 This is something which has not been told -- which has not been told here. It was very difficult for this

1 Tutsi to come back peacefully because they were just treated as, of course, as *Inyenzi*.

2  
3 But there was a committee to study and get solution of refugee crisis in Rwanda. This committee  
4 gathered people from Uganda, people from Tanzania, people from United Nations -- united health  
5 committee for refugees. But it was late. Already they established this committee after 1986. It was  
6 late, because these Tutsi did not come. They did not want to come to Rwanda as an individual,  
7 individual. They want just to come to seize power because these -- when they were in Uganda, they  
8 control everything in Uganda, everything in Uganda. You will see that in *Kangura*. Chief of army was  
9 Rwandan, Rwigema ; chief of intelligence was Kagame; chief of staff of army was Rwandan. All nine  
10 post, high post in Ugandan army were Rwandans.

11  
12 So when Habyarimana said okay, let's now -- let's now establish a committee to see how we can just  
13 repatriate the refugees from foreign countries to Rwanda, it was late. It was late because these  
14 people, they have already gun, they have power, and Uganda is much superior to Rwanda. So it was  
15 late.

16  
17 What happened? Let me just tell this Court the story. In 1980 -- 1988, if it is not 1989, Museveni  
18 invited Habyarimana to come to Uganda. He said, well, my friend, so, you are my neighbour, just  
19 come in Uganda, just come in Uganda. Then you will participate in a ceremony of my army. So  
20 Habyarimana say, oh, that's right, there's no problem. So Habyarimana went to Uganda.

21  
22 So arriving there they said, okay, we're going just to give the -- these people ranks, just the ranks. So  
23 he said okay, this one, this one is Kagame. So Habyarimana himself take a rank of general -- Major-  
24 General, and he himself, he put the rank on Kagame without having a sense that he's giving Kagame  
25 a power. Habyarimana himself in Uganda, I think the 1988 or 1989 -- I tell you tomorrow because I  
26 think I have the document pertaining to that.

27  
28 So it was a psychology work just to try to tell people that these are Rwandans at that time. So inside  
29 Rwanda, people could not talk about this. If you raise up your voice, and I tell you what, you will be  
30 arrested and be killed at that time. I know the prison in Rwanda. I know the prison in Rwanda at that  
31 time. Myself, I was in gaol with the chief of *Inyenzi*, Ngurumbe, somebody who's named Ngurumbe.  
32 We have got time, we have got the time just to hear about Ngurumbe in -- who was in the Prosecution  
33 case. He told me, because we were in the same cell in prison, told me that the reason why he was in  
34 gaol without any charges because he was just a Tutsi who fought against the Rwanda in 1966 -- 1960  
35 to 1966. He was just -- Ngurumbe was just in gaol without any charges, without any fight. He was  
36 just there, and he was lucky because he still alive at that time in prison, because others like him have  
37 been killed by the secret service. But he was lucky at least to still alive, even if its in gaol.

1 So he told me that, while discussing on that, soon the Tutsi will come, the *Inyenzi* will come and seize  
2 power in Rwanda because Rwanda -- Habyarimana want just these people to come just -- just to  
3 come, and you will come yourself, your mother will come herself, and your father will come just  
4 himself. He said no, this could not be possible. No, no, no. From 1986 it was clear, it was clear that  
5 RPF had the plan, Museveni had the plan to see how to seize power in Rwanda.

6  
7 Madam President, because I know this is a long chapter which will take, will take at least one hour to  
8 explain to this Court, because this is a key of my theory, I think that I can leave this here and come  
9 back to this point tomorrow. But I can take -- if we still have time, I can take other material here.

10 Because this is a key for my theory, Madam President, because I think I am among the few people  
11 who followed closely this issue from 1986 to 1994, closely and closely and closely. Because this will  
12 be a long chapter, tomorrow.

13  
14 I don't know if you just -- because we have finished to deal with the history. Here I have -- because I  
15 am obliged again to finish -- to deal with this, it's 3D --3D109, if my memory serves me right, is the  
16 speech from Kayibanda. I think you have to get -- to go through this book and finish, based on from  
17 1959, to fit in the whole history, is 3D -- I am obliged to go there because most of this -- most of the  
18 speech here we will -- we are going just to deal with this speech in *Kangura*, so I think that it's a good  
19 time just to deal with this Kayibanda.

20 MR. MARTEL:

21 Before you start, Mr. Ngeze, they talked about 109. Actually, it's 107 in French.

22 THE ACCUSED NGEZE:

23 They wrote 109. Is that my mistake? I'm sorry.

24  
25 Madam President, I think I just -- we are just running out of time, only 20 minute. I cannot finish this  
26 one.

27  
28 Is it possible just to deal with this document? I don't know which exhibit. Maybe Counsel Martel can  
29 just assist me. The document from Human Rights Watch, Africa, which exhibit is this, from Alison Des  
30 Forges? Yes, Human Rights in Rwanda, statement of Alison Des Forges, which will take at least 10  
31 minutes.

32 MADAM PRESIDENT:

33 Mr. Ngeze --

34 THE ACCUSED NGEZE:

35 Yes, Madam President.

36 MADAM PRESIDENT:

37 -- Mr. Matemanga has taken the trouble to give us all 3D107.

1 THE ACCUSED NGEZE:

2 Oh, okay.

3 MADAM PRESIDENT:

4 Now, you begin with that and you can continue tomorrow.

5 THE ACCUSED NGEZE:

6 Okay, good, good. Thank you, Madam President.

7  
8 Now, we are dealing with --

9 MR. MARTEL:

10 Mr. Ngeze, this is not an exhibit that has been tendered.

11 THE ACCUSED NGEZE:

12 Thank you very much.

13  
14 Now we're dealing with, as you can see on my structure here, who is Kayibanda? Kayibanda was the  
15 president of the Republic of Rwanda, the person who has been overthrown from the regime by  
16 Habyarimana, put in a gaol, and killed by Habyarimana regime.

17  
18 When he was president from 1960 to 1973, he had had time to deal with the problem of refugees. So  
19 this book is a combination of the speech he addressed the nation regarding the refugees. We have  
20 used some of this speech with the witness, I think it's Alison Des Forges. So for the record,  
21 *Biographie de Monsieur Grégoire Kayibanda, Président de la République Rwandaise*.

22  
23 I just want to go to the third paragraph. No, it's in my interests just to read all this page. "A native of  
24 Tare from the Musambira *commune*, Gitarama *préfecture*, Mr. Grégoire Kayibanda was born on the  
25 1st of May, 1924. He went to secondary school in Kabgayi, and in 1943 he was at the Nyakibanda  
26 major seminary where he concluded his philosophy studies brilliantly.

27  
28 "In 1949, he became a teacher at the *Institut Léon Classe* at Kigali. And as from 1953, he became a  
29 secretary in the school's inspectorate in Kabgayi. He was at the same time editor-in-chief of a  
30 newspaper called *AMI*. Two years later, he became the editor-in-chief of the *Kinyamateka* newspaper.

31  
32  
33 "Mr. Grégoire Kayibanda spent years in Belgium and travelled to various countries in Europe.  
34 Through the *Kinyamateka* newspaper, he exercised considerable influence. He was the editor and  
35 one of the signatories of the Bahutu manifesto --"

36  
37 *(Previous translation continues)...which was seen by (microphone not activated).*

1  
2 "-- which set out the legitimate complaints of the Hutu who were kept under bondage or tutelage by  
3 the Tutsi hegemony. He created the *Mouvement de l'Emancipation Hutu* party, or PARMEHUTU,  
4 which obtained 74.5 percent of the seats during the *communal* elections of 1960.

5  
6 "He was a parliamentarian in the provisional council and prime minister of the provisional government  
7 of Rwanda at the same time as he was minister of national education and social affairs during the  
8 period of the autonomy. He was the first president of the republic. He started to implement the  
9 programme for the intellectual and social advancement of the popular masses for which he  
10 relentlessly struggled.

11  
12 "He was married and father of seven children. He was a member of several international  
13 organisations."

14  
15 Madam President, Your Honour, I was obliged just to read this because Kayibanda would just come in  
16 *Kangura*. He's a key for our history also. He's a key of our history in Rwanda.

17  
18 So Madam President, this morning I said that those people, those leaders who have been -- those  
19 people who have been leaders from 1959 were the same, mostly were the same in 1994. If you turn  
20 on page 21 of this book, turn to page 1 -- no, turn to page 20. Page 20, page 20, you read, "I will now  
21 give you a list of the various ministries that I created with the official names in Kinyarwanda. Ministry  
22 of finance, economic affairs and planning," I don't need to read in Kinyarwanda, "Gaspard Cyimana."  
23 Because we are French here -- no need to read because we have French and Kinyarwanda, no need  
24 to read Kinyarwanda.

25  
26 "Ministry of agriculture and the rural population, Bathazar Bicomumpaka; ministry of public works,  
27 Théodore Sindikubwabo."

28  
29 Here is the minister in 1960, the man who is going to become the president in 1994.

30  
31 "Ministry of national education, Jean-Baptiste Rwasibo."

32  
33 *(Previous translation continues)...*

34  
35 "Ministry of the interior and the public service, Lazare Mpakaniye; ministry of social affairs, Thaddée  
36 Bagaragaza."

I think that you have had this man in this court in the Éliezer case, in the Éliezer case. He was Éliezer witness, this man.

"Ministry of information, post, and telecommunications, Callixte Habamenshi."

I think this man in 1997 -- no, in 1994 he was RPF ambassador somewhere. I don't know, somewhere -- RPF ambassador somewhere.

"Ministry of justice, Anastase Makuza."

The person who we saw in *Kangura* No. 10, the father of Makuza, the current Rwanda premier minister.

"Ministry of public health, Germain Gasingwa; ministry of external relations, Otto Rusingizandekwe; ministry in charge of the national guard, Calliope Mulindahabi."

What is my point here, Madam President? As I just stated earlier, the people -- our leaders, those who have been our leaders since 1960 -- I was only two years -- were the same in 1994, were the same in 1994, sometime with the same position. Sometime they did not change their mind.

MADAM PRESIDENT:

Yes, but none of these people were in government in 1994, were they?

THE ACCUSED NGEZE:

Sindikubwabo was the president.

MADAM PRESIDENT:

Well, he's not on this list.

THE ACCUSED NGEZE:

Sindikubwabo is number three.

MADAM PRESIDENT:

Yes.

THE ACCUSED NGEZE:

He was the president of the republic, that's enough, because he was the president. And the other people who were just their leader in their political party, like this Bagaragaza was just a leader in MDR.

MADAM PRESIDENT:

Yes.

THE ACCUSED NGEZE:



1 I just want to make a point here, they're the same -- at that time I had, I think, two or three years only,  
2 so the same -- they are the same people, sometime the same policy, except for the change which we  
3 had in 1973, because in 1973 they were just afraid, scared just to utter their opinion not to be killed,  
4 because those from south, some of them have been killed, yes, yes. Gaspard Cyimana has been  
5 killed by Habyarimana.

6  
7 Let me see which people have been killed by Habyarimana regime. When I say Habyarimana, I  
8 mean Habyarimana regime. There's Gaspard Cyimana. I bring them. I have to consult again my  
9 computer tomorrow. I will tell you how many people have been killed from visit by Habyarimana  
10 regime. But Sindikubwabo was the president in 1994.

11  
12 Let's go again -- that is my point, Madam President: The same people, the same leader from 1959  
13 were the same leader in 1994.

14 JUDGE MØSE:

15 Yes, but apart from Sindikubwabo, no one in the formal government.

16 THE ACCUSED NGEZE:

17 No, but in the political leader -- like this Bagaragaza was just political leader. Others has been killed  
18 by Habyarimana. But these are the ministers. We're just dealing with the ministers, but there is other  
19 post, like ambassadors, like other post.

20  
21 Let me see if just we can take Mathiew, the president of MRND in 1994 -- even prior to 1994 -- at that  
22 time was the hierarchy in the regime.

23  
24 So those who were above 50 years in 1994, above 50 years, they were the key roles. They key roles  
25 -- they played the key roles in Rwandan politics since 1959. We can even start 1955 to 1994 because  
26 we are going just -- my theory is there, because I want to explain how -- I have to show the Court how  
27 the policy -- their policy changed time to time and which part of their policy changed and which one  
28 did not change. That is my theory, which I will come back to, of course.

29  
30 If we still have time, in this book, of course, we can just go on page 132, 132, third paragraph. This is  
31 a speech made by President Kayibanda after the *Inyenzi* attacked -- tried to attack again Rwanda, but  
32 I don't think we have time.

33 MADAM PRESIDENT:

34 From where to where?

35 THE ACCUSED NGEZE:

36 It's long because I have to finish from the second paragraph until ten lines from, from page 133, one  
37 double three, one hundred double three. But I can finish within 30 minutes -- within the 10 minutes.

1  
2 This, just for the record, if you go on page 136, you will see, "Kigali, 11th March 1963, president of the  
3 republic, Grégoire Kayibanda." Second paragraph from page 132:

4  
5 "It does happen that amongst yourself you engage in disputes. Consider the purpose or the reason  
6 for this misunderstanding. Is it not humanism that continues to exist and will continue to exist among  
7 a large number of yourselves? Is it not maybe the anger of the more fanatical among you who do not  
8 agree with the fact that the monies that have been collected are used in feeding a child and in  
9 dressing a woman instead of being used for the purchase of weapons? What does Tutsi mean?  
10 Noble as in time."

11  
12 When they say time, that means the history, the history, in the history. Just -- I'm sorry.

13  
14 "A lord, as in the feudal time, a nomadic and terroristic ethnic group, as you turned to make of them as  
15 it is currently being said by anti-African forces. When all good people have their eyes open and  
16 recognise the wickedness of your tactics, Tutsis will only be seen as what they are described by anti-  
17 African forces or would merely signify or stand for a nomadic and terroristic ethnic group.

18  
19 "Let us now come to your future and to your children. We order you to think about these innocent  
20 beings who can still be saved from doom, the doom to which you are leading your ethnic group. We  
21 repeat this to you, the Tutsis in particular. Your family makes it imperative for you to engage in other  
22 duties other than the machinations where you waste your time betraying Africa by terrorising your  
23 country of birth.

24  
25 "Do not believe that you have honoured your civic responsibilities by leaving your wives and children  
26 in so-called secure sanctuaries. Who is educating those children? Who is rallying these kids of 15  
27 years in your ranks as terrorists?

28  
29 "Once again, what is genocide or who is genocide? Assuming --"

30  
31 Have you not finished?

32  
33 "Assuming that by some chance you take over Kigali through an invasion, how are you going to  
34 assess the chaos of which you would become the very first victims? I do not insist. You can guess;  
35 otherwise, you will not be acting in a desperate manner. You are seeing it amongst yourselves. That  
36 would be ultimate and precipitated end of the Tutsi race.

1 "Who is genocide? Some of you, and how cynical they can be, rely for the future on Tutsi students  
2 and Tutsi girls. What kind of land is your terrorism preparing for those young people? What is the  
3 future, what is the future of these unfortunate prostitutes in cabarets, which is completely ridiculous.  
4 When it comes to espionage, you still have to learn. You are producing human wretches who will  
5 make your defeat more unfortunate and which will darken the horizon of the future of Tutsi students."

6  
7 Madam President, this is our sad history. This is our sad history. That's the way Kayibanda saw just  
8 -- that is his own opinion, hear him just commenting, what Kayibanda addressed the nation.

9  
10 Here we are in 1963, because you had the attack, the attack by *Inyenzi* in 1960, 1961, and then in  
11 1963. And you have seen -- we have seen earlier through the books that whenever the *Inyenzi*  
12 attacked the country, people had to flee the country, some of them killed due to this attack.

13  
14 So here Kayibanda is just telling these people not to attack, not to attack, to see how they can come  
15 without the war. He's just predicting the worst, the worst. He's just predicting the worst if the war  
16 happen again. So that position, the Kayibanda position, is just to see how the refugees can stop  
17 attacking the country and coming -- come back in the country without fighting, because the fighting for  
18 this *Inyenzi* deserved what we know -- what he's talking about in this speech, Madam President, Your  
19 Honour. This is our sad history.

20  
21 May I take another? Let's take another, just another.

22 MADAM PRESIDENT:

23 No, we will stop now, Mr. Ngeze. How many more passages do you intend to cite from this?

24 THE ACCUSED NGEZE:

25 This book -- this speech? No, it will be just a few, then we'll start with other material. This book will  
26 take only 30 minute tomorrow, this book and the other one. I've gone so far, Madam President, as  
27 you see in the structure. I've gone so far.

28 MADAM PRESIDENT:

29 All right. We'll hear the rest of your testimony tomorrow, then.

30 THE ACCUSED NGEZE:

31 Only tomorrow?

32 MADAM PRESIDENT:

33 We all live in hope, Mr. Ngeze.

34 THE ACCUSED NGEZE:

35 Okay, thank you very much.

36  
37 MADAM PRESIDENT:

1 The Court will resume at 9 a.m. tomorrow.

2 *(Court adjourned at 1705H)*

3 *(Pages 81 to 90 by Diane Hermann)*

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## CERTIFICATE

We, Regina Limula, Gifty C. Harding, Karlene Ruddock, Donna M. Lewis, and Diane Hermann, Official Court Reporters for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*stenotype*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

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

\_\_\_\_\_ Regina Limula

\_\_\_\_\_ Gifty C. Harding

\_\_\_\_\_ Karlene Ruddock

\_\_\_\_\_ Donna Lewis

\_\_\_\_\_ Diane Hermann

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