

CASE NO: ICTR-98-41-T
 EXHIBIT NO: P 302
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 NAME OF WITNESS: F. REYHISEH

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CONFIDENTIAL



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Date:	21 June 2004	Ref:	ICTR-98-41-T
To:	Mssrs. R. Constant and P. Skolnik, J.Y. Degli; P. Erlinder and A. Tremblay; K. Ogetto and G. Otachi Bw'Omanwa (Defence Counsel)		
From:	Ms. B. Mulvaney (Prosecution Counsel) <i>pp. Barbara Mulvaney.</i>		
Through:	Mr. N. M. Diallo (Legal Officer, TCI Coordinator); Ms. M. Ben Salimo (Legal Officer)		
Cc:	Judge E. Mose (Presiding Judge); Judge J. R. Reddy; Judge S. A. Egorov; Mr. K. Afande (Legal Officer, Chief JPU)		
Re:	Disclosure of Expert Report.		

1. The Prosecution hereby discloses the expert report of Witness GHH.
2. Should you have any difficulties regarding this disclosure, please contact the Prosecution/Military I team through the Senior Trial Attorney.
3. The aforementioned CONFIDENTIAL document is filed with Registry and served on the Judges and the Defence in this case ONLY.
4. Best regards.

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International Criminal Tribunal for Rwanda

Prosecutor v. Bagosora et al.

Expert Witness Statement by Filip Reyntjens
on "Civilian Self-Defense"

1. I have been asked to comment on the following documents related to "Civilian Self-Defense":
 - Extracts from the agenda attributed to Col. Bagosora (BAGOTHE-24, K023-9526 to K023-9536);
 - Extract from "Contribution des FAR" (FARZZZ, K102-0949);
 - "Organisation de l'auto-défense civile" (K004-1427 to K004-1439);
 - Letter dated 30 March 1994 from Gen. Nsabimana to Minister of Defence (FARZZ, K003-1548 to K003-1549);
 - Letter dated 31 March 1994 from Col. Renzaho to Chef d'Etat-Major de l'Armée Rwandaise (MELVLIN-24, L001-0424)
 - "Action pour la défense civile", handwritten notes attributed to Col. Bagosora, May 1994 (USSDEPT-06 ; L000-8696 to L000-8697 and L000-8662 to L000-8665).

2. These documents, combined with other sources of information, show a great deal of continuity and coherence. The trends, which I shall detail by referring to the documents, are the following:
 - The roots of "civilian self-defense" go back to earlier experiments in the North which were later expanded to most of the country;
 - State leadership: creation of co-ordination structures at all levels; co-operation between the Ministries of Defence and of the Interior;
 - Kind of personnel used (reservists, communal police, and even active members of FAR and Gendarmerie), in addition to "robust young men";
 - Use of "traditional weapons" in addition to firearms, mainly guns and grenades;
 - People involved are part of the "tendance républicaine" or adhere to the "cause de la défense de la république";
 - Logic of the resumption of hostilities.

3. *Building on earlier experiments*
 - Just like initially (from 1992 onwards) in the North, Bagosora's diary mentions the need for a "Définition des zones de combat et à haute tension", in which he includes the majority of prefectures (Kigali rural, Kibungo, Ruhengeri, Byumba, Gisenyi, Kibuye, Cyangugu and Gikongoro) (K023-9532).
 - The "Contribution des FAR" outlines the history, showing the extension from the Mutara region first, then to the borders of Ruhengeri and Kiyombe commune in Byumba, and finally to other regions (K102-949).

- This is confirmed in "Organisation de la défense civile", where pp. 9-10 include Kigali-ville, a number of communes in Kigali rural, and a number of communes in Byumba, Ruhengeri and Gisenyi (K004-1435 to 1436).
- The reference to "le test du 21 mai 1994" in "Action pour la défense civile" shows that the structures were not (fully) in place by 6 April 1994 (L000-8662), but it also demonstrates that the intention was to fully complete the project.

4. *State leadership: creation of co-ordination structures at all levels; co-operation between the Ministries of Defense and of the Interior*

- Bagosora's diary includes "Ecrire Minitraso et Mininter" (K023-9526); "un système de coordination (...) avec les militaires" (K023-9527); "Mise en place d'une commission de coordination" (K023-9530).
- The "Contribution des FAR" mentions a "Commission des Forces Armées Rwandaises" specially put in place for overseeing this programme (K102-0949).
- "Organisation de l'auto-défense civile" refers to "Mininter-Minadef" as responsible for the setting up of a national coordination committee and to national, prefectural and communal committees. These are official structures and go up to the highest level, as PRESIREP (présidence/président de la République) is included several times (K004-1431 to 1434). Coordination structures are again outlined in K004-1437 to 1438.
- The Nsabimana letter refers to formal co-ordination between the army and the Ministry of the Interior, because the préfet of PVK, who depends from this Ministry, is formally associated with the drafting of the conclusions which Nsabimana transmits to the Minister of Defence (K003-1548).
- The above is confirmed by the Renzaho letter (L001-0424).

5. *Personnel used*

- Bagosora's diary mentions "2.000 personnes entraînées par FAR" (K023-9526), "les policiers communaux" (K023-9527), "Formation par la police communale" (K023-9528), "60 personnes par commune à choisir parmi les personnes mariées qui ont (?) à défendre" (K023-9531), "2 à 3 instructeurs réservistes choisis dans la commune concernés [sic]" (K023-9531), "(armer) les personnes sûres" (K023-9531), "tous les officiers en formation" (K023-9531), "1 officier, 5 caporaux ou soldats de la commune même" (K023-9531), "les réservistes de la commune; police communale" (K023-9533), "sous officiers réservistes AR et GdN des communes les plus menacées" (K023-9534), "chaque secteur, chaque cellule élit les membres à armer, à entraîner - 1 arme pour 3" (K023-9535).
- "Organisation de l'auto-défense civile" refers to "réservistes, gendarmes et militaires résidant dans des quartiers" (K004-1429), "personnes valides

et aptes" (K004-1430), "réservistes (...) militaires et gendarmes (...) personnes valides, aptes et moralement équilibrées" (K004-1431 to 1434), "réservistes (...) militaires et gendarmes (...) jeunesse des partis politiques de tendance républicaine" (K004-1435), "personnes valides, aptes, moralement équilibrées et prêtes à défendre l'idéologie républicaine" (K004-1436).

- Likewise, the Nsabimana letter mentions the Mil (militaires) and "réservistes et autres civils fiables" (K003-1548).
- Again, the Renzaho letter transmits a list of persons "(réservistes et autres)" (L001-0424).

6. Use of traditional weapons

- This frequent reference is highly relevant, because these arms are obviously not effective in combat against the RPF, and can only be used against civilians. This notion was not isolated, as it was formulated at the highest level: thus President Habyarimana advocated a self-defence force with traditional weapons as early as February 1993 (A. Des Forges, *Leave None To Tell The Story*, p. 110).
- The Bagosora diary refers to "flèche, lance" (K023-9533).
- "Organisation de l'auto-défense civile" mentions "armes traditionnelles (lances, arcs et flèches surtout)" (K004-1433) and "armes blanches (lances, arcs et flèches...)" (K004-1438 to 1439).
- The Nsabimana letter mentions the need for the mayors to train the population in the use of "armes traditionnelles (épées, lances, machettes, arcs et flèches)" (K003-1549).

7. Tendance Républicaine

- In the bipolar political landscape that was Rwanda's during the first months of 1994, this expression clearly refers to parties and persons belonging to the "Hutu Power" tendency. It is noteworthy in this context that the name of the most extremist Hutu party, the CDR, was "Coalition pour la Défense de la République".
- "Organisation de l'auto-défense civile" states that the "groupes militaro-civils pour une auto-défense structurée" must be coherent and structured, and limited to "les adhérents des partis politiques gagnés à la cause de la défense de la République et de la Démocratie" (K004-1429). These people and the political parties that are involved in this project must be "décidées à lutter pour la République et la Démocratie" (K004-1430). Idem K004-1430 (responsables des partis politiques et la population de tendance républicaine), K004-1435 (jeunesse des partis politiques de tendance républicaine) and K004-1436 (prêtes à défendre l'idéologie républicaine).
- This is in apparent contradiction to a concern expressed in some documents, namely the need to avoid partisan hostility in the distribution of arms: "éviter les considérations partisans" in the Bagosora diary

(K023-9527) and "la transparence dans l'organisation afin d'éviter les soupçons entre les différentes couches de la population et les partis politiques" in the "Contribution des FAR" (K102-0949). However, this contradiction is only apparent, given the fact that the aim was to forge and/or reinforce Hutu solidarity and to avoid further intra-Hutu violence.

8. *Logic of the resumption of hostilities*

- It is clear that, during the months preceding the genocide, the regime was reasoning in the logic of the resumption of the war, no matter what the political evolution. This transpires in all documents, and it is particularly explicit in "Organisation de l'auto-défense civile": "En perspective des reprises éventuelles des hostilités par le F.P.R., même après la mise en place des institutions de transition à base élargie" (K004-1429); "au moment de la reprise des hostilités" (K004-1433); "Durant la période des hostilités" (K004-1435).
- This being said, while the regime was actively preparing for war, so was the RPF. A growing number of sources have indicated lately that the RPF pursued a "strategy of tension". Knowing that it could not take power through political means, it too opted for war and the seizure of power by military means.

Antwerp, 20 June 2004