



Myriad meanings: Coded language and euphemisms on trial at the International Criminal Tribunal for Rwanda

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Abstract

Language serves as a vital conduit through which culture, emotion, and social meaning are conveyed, particularly in judicial contexts where witness testimonies shape the factual record. This study systematically examines the use of coded language and euphemisms in eyewitness testimonies before the International Criminal Tribunal for Rwanda (ICTR). Drawing on a qualitative and quantitative analysis of 64 trial transcripts across 16 cases, we investigate the prevalence of culturally embedded linguistic forms and assess their distribution by witness type. Contrary to prior anecdotal expectations, we found that coded language and euphemisms were used much less frequently during trials than anticipated, with expert witnesses, rather than crime-base witnesses, accounting for the majority of instances. This research contributes to a growing literature on language, law, and culture in post-conflict justice settings. Our findings highlight how linguistic choices can impact evidentiary clarity. They underscore the importance of cultural sensitivity in international trials and suggest avenues for improving interpretation practices.

Key words

Eyewitness; language; euphemisms; ICTR; justice

Resumen

El lenguaje constituye un canal de transmisión fundamental de la cultura, las emociones y el significado social, especialmente en contextos judiciales donde los

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testimonios de los testigos conforman el expediente de los hechos. Este estudio examina de forma sistemática el uso del lenguaje codificado y los eufemismos en los testimonios de testigos oculares ante el Tribunal Penal Internacional para Ruanda (TPIR). A partir de un análisis cualitativo y cuantitativo de 64 transcripciones de juicios de dieciséis casos, investigamos cómo prevalecen formas lingüísticas culturalmente arraigadas y cómo se distribuyen por tipo de testigo. Contrariamente a las expectativas anecdóticas previas, encontramos que el lenguaje codificado y los eufemismos se utilizaron en los juicios con mucha menos frecuencia de lo previsto, y que eran los testigos expertos, más que los testigos de los hechos, los que los utilizaban mayoritariamente. Esta investigación contribuye a la creciente bibliografía sobre el lenguaje, el derecho y la cultura en los entornos de justicia posconflicto. Nuestros hallazgos ponen de relieve cómo las elecciones lingüísticas pueden afectar a la claridad de las pruebas, subrayan la importancia de la sensibilidad cultural en los juicios internacionales y sugieren vías para mejorar las prácticas de interpretación.

Palabras clave

Testigo ocular; lenguaje; eufemismos; TPIR; justicia

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1. Introduction

In recent years, the study of language in legal contexts has increasingly drawn attention to the nuanced ways in which linguistics shape judicial processes and outcomes (Brown and Levinson 1987, Tiersma 1999, Filipović 2007, Coulthard and Johnson 2007). Particularly in settings where testimonies serve as a central piece of evidence, the language used by witnesses can have implications for both the interpretation and the credibility of their accounts. This research article examines witness testimonies at the International Criminal Tribunal for Rwanda (ICTR), with a specific focus on the use of coded language and euphemisms. We locate these phenomena within work on metaphor and discourse (e.g., Musolff 2016, 2017) and within the literature on interpreting and translation in legal settings (e.g., Krouglov 1999, Berk-Seligson 2002, Goodman-Delahunty and Howes 2019). By analyzing these linguistic phenomena, the study aims to uncover how language, often imbued with cultural symbolism and indirect meanings, may affect the perception and interpretation of eyewitness testimonies, especially in cases involving sexual violence and other sensitive issues.

Language is not merely a medium of communication but also a vessel for cultural, political, and social meanings. In this article we investigate two linguistic phenomena: euphemisms and coded language. Euphemisms are defined as the use of a mild, delicate, or indirect word or expression in place of one that is more explicit or potentially offensive (Willis and Klammer 1981, in AlAzzam *et al.* 2025). In legal discourse, and particularly in discussions of sexual violence, euphemistic language may be employed to mitigate the harshness of explicit descriptions, reduce stigma, or avoid retraumatizing witnesses (Brown and Levinson 1987, Eble 1996; cf. Goffman 1974 on “face”). Alternatively, witnesses or victims may choose not to disclose certain information because of cultural norms around modesty or taboo (Vredeveltdt *et al.* 2023). Additionally, in some cases the vocabulary either does not exist or cultural expressions are misunderstood (Vredeveltdt *et al.* 2023). This is particularly problematic in judicial proceedings, where the need for clear and unambiguous language is paramount. When language is indirect, discrepancies may also arise between a witness’s intended narrative and its legal reinterpretation, potentially influencing verdicts and sentencing in ways that do not accurately reflect the nature of the crime (Tiersma 1999).

In contrast, coded language refers to the deliberate use of words or phrases to convey meanings that differ from their literal interpretations. During the Rwandan genocide, for example, words such as *inyenzi* “cockroaches”, *igitero* “attack”, *ibitero* “attacks”, *kuvuza induru* “to scream”, *kwihisha* “to hide”, *gushorera* “to stalk/drive”, *guhiga* “to hunt”, and *gutera* “to attack”, often embedded in hunting metaphors, e.g., references to pursuit, traps, and “driving game”, were employed as a form of coded communication. These expressions served multiple functions: they enabled perpetrators and participants to discuss acts of violence indirectly, allowed for in-group signaling, and potentially provided a layer of plausible deniability in legal settings (Des Forges 1999, Mamdani 2001, Musolff 2016). The use of such language in legal testimonies raises complex questions about the reliability and clarity of witness accounts.

On top of all these complexities, at international tribunals where trial participants and judges often come from various linguistic and cultural backgrounds the interpreting and translation layer is integral to how such language appears in the record (Berk-Seligson

2002, Swigart 2016). Interpreter choices (e.g., literal vs. explicating translations) can amplify or attenuate connotations, particularly for euphemisms and metaphors (Krouglov 1999, Filipović 2007, Hijazo-Gascón *et al.* 2024).

The legal implications of using euphemistic and coded language in testimony are multifaceted. First, these linguistic devices can introduce misunderstandings. The inherent ambiguity of euphemisms and coded expressions often leads to gaps between a witness's intended meaning and its interpretation by legal actors such as judges, attorneys, and jurors (Tiersma 1999). Misinterpretation of testimony can impede the accurate ascertaining of facts. Second, when witnesses utilize coded language to describe violence, the indirectness of their language may lead to an underestimation of the severity or even a mischaracterization of the events described, for example because the language may imply consent (Hayner 2001, Vredevelde *et al.* 2023). Consequently, the credibility of both the witness and the judicial process can be compromised when the language used fails to convey the full gravity of the situation.

The International Criminal Tribunal for Rwanda (ICTR) holds a unique and historically significant position in the evolution of international criminal justice. As the tribunal established to prosecute those responsible for the Rwandan genocide, the ICTR not only marked a pioneering moment in addressing atrocity crimes but also provided a forum in which cultural nuances and linguistic complexities were brought to the forefront of legal proceedings (Hayner 2001, Eltringham 2008). Its multilingual environment (Kinyarwanda, French, English) and the introduction of simultaneous Kinyarwanda-English interpretation in 2004 created distinct phases in courtroom language practices. The tribunal's extensive records offer a rich repository of witness testimonies, making it an invaluable resource for examining how cultural factors and language practices can influence legal narratives. By focusing on the ICTR, this study leverages a unique context where the interplay between culture, language, and the law is both pronounced and consequential. The insights gained from this study are crucial for refining the processes of international justice and ensuring that cultural subtleties are not lost in translation.

A substantial body of literature has explored the intersection of language, culture, and legal testimony (for a review, see Berk-Seligson 2002, Coulthard and Johnson 2007, Eades 2010), highlighting the critical role of linguistic choices in shaping legal narratives. Early works in forensic linguistics and discourse analysis underscore that the manner in which testimony is delivered can be as influential as the testimony's content (Tiersma 1999, Coulthard and Johnson 2007). Scholars have noted that the ambiguity inherent in language, including the use of euphemisms, can hinder the objective assessment of evidence, an issue that is particularly acute in international tribunals where witnesses hail from diverse cultural and linguistic backgrounds (Berk-Seligson 2002, Eades 2010).

Studies have revealed that coded language carries significant socio-political weight. For instance, Fairclough's (2001) analysis of language and power illustrates how coded language functions as a tool for managing sensitive subjects in public discourse, a dynamic that is equally relevant in courtroom settings. Work on metaphors in public and political discourse (Musolff 2016, 2017) shows how dehumanizing and animalizing metaphors can normalize violence, observations that translate to courtroom contexts when such metaphors are quoted or glossed for the record. The coded language observed during the Rwandan genocide, as documented in historical analyses (Des

Forges 1999, Mamdani 2001), demonstrates how language can be mobilized both to obscure and to reveal details about the violence committed. An example of this is the word “*inyenzi*”, meaning cockroach, but referring to the Tutsi. It obscured the reference to the population that was targeted while dehumanizing them to minimize the violence that was perpetrated against them. While coded language may serve as a protective mechanism for witnesses and suspects, it simultaneously layers the testimony with complexities for judicial proceedings.

Despite the insights provided by earlier research, gaps remain in our understanding of how coded language and euphemisms impact the interpretation of eyewitness testimonies in international legal contexts. Much of the existing literature has focused broadly on legal discourse or domestic criminal proceedings, leaving a relative dearth of studies examining the interplay of culture, language, and testimony at international tribunals such as the ICTR (Tiersma 1999, Coulthard and Johnson 2007).

Furthermore, while there is consensus on the prevalence of coded language in contexts of mass violence (Des Forges 1999, Mamdani 2001), empirical data on the frequency of such linguistic forms in legal testimonies, and how their use might vary among different categories of witnesses, remains limited.

The above review reveals gaps in the literature and a strong reliance on anecdotal evidence, like Combs textual analysis and practitioner interviews (Combs 2010, 2017), regarding the interplay of culture, language, and testimony at international tribunals and identifies a potentially interesting context to explore these gaps: testimonies provided at the ICTR.

2. The present study

We systematically explore (1) the frequency of coded language and euphemisms in ICTR testimony and (2) whether their use varies by witness category (overview, crime-base, expert, insider). We also ask (3) what the implications of such usage are for interpreting, judicial reasoning, and policy. The research question, therefore, is: *How and how frequently do different categories of witnesses use coded language and euphemisms at the International Criminal Tribunal for Rwanda (ICTR), and what are the implications for interpreting, judicial fact-finding?*

3. Methods

This study is part of a larger project addressing different research questions about the same data set of testimonies from the ICTR. As such, the methodology for the current study overlaps to some extent with the methodology reported in previous work (e.g., Drenk *et al.*, 2024).

3.1. Data provenance and interpreting/translation

We analyzed publicly available English-language transcripts from the ICTR. Proceedings were conducted in Kinyarwanda, French, and English. Prior to 2004, interpretation between Kinyarwanda and English/French was predominantly consecutive and/or provided via later written translation; in 2004, simultaneous Kinyarwanda–English interpretation was introduced. The official transcripts attribute speech to the examination participants (judge, counsel, witness), not to interpreters; as a

result, the transcripts represent English renditions of original utterances. Where the transcript explicitly preserved a Kinyarwanda term (e.g., *inyenzi*), we retained it and provided an English gloss in single quotes.

Case selection was based on a review of available ICTR judgments and was guided by recommendations from an expert panel of twelve academics and practitioners with expertise in international criminal law, forensic linguistics, and court interpreting. Panel members advised on case salience and cultural issues but did not participate in coding or analysis. Cases in which cultural factors were explicitly noted as influencing the evaluation of witness testimony, such as Akayesu, Kajelijeli, and Rutaganda, formed the basis for our initial coding scheme. To ensure a balanced representation over time, we selected sixteen cases, with an equal number drawn from periods before and after 2004.

For each of the sixteen cases, we randomly selected four witness testimonies each from one of the following categories: overview witnesses (providing context about events), crime-base witnesses (directly involved in or affected by criminal acts), expert witnesses (offering specialized cultural or technical insights), and insider witnesses (those with a direct connection to the accused). Within each case, testimonies were first numbered and categorized by witness category; subsequently, a random selection procedure was applied to include one testimony per case from each witness category. Thus, our sample included English transcripts of four testimonies from each of the sixteen cases, for a total of 64 witness testimonies comprising 13,755 pages.

3.2. Coding

To capture different facets of coded language and euphemisms, we developed a comprehensive coding scheme (see Drenk *et al.* 2024). The coding scheme provided definitions and examples for the phenomena under investigation. For example, “coded language” was operationalized as the use of specific terms (e.g., *inyenzi*, *igitero*) or hunting metaphors that carry culturally embedded meanings, whereas “euphemisms” were defined as mild or indirect expressions used to address sensitive topics, such as sexual violence.

Transcripts were imported into Atlas.ti to facilitate systematic coding. Atlas.ti was used for tagging relevant text segments, organizing codes into thematic clusters, and visualizing relationships among codes. This software-assisted approach enhanced both the transparency and reproducibility of the coding process.

Each transcript was independently coded by two researchers. Discrepancies were resolved via consensus meetings, and double coding was used to bring multiple perspectives across the data set and to check both coders’ interpretation of the transcripts. Double coding enriches the interpretation of qualitative data, bringing more nuance to the underlying themes.

Data analysis proceeded in two complementary stages. First, we computed quantitative measures to determine the frequency and distribution of coded language and euphemisms. These descriptive statistics provided an overview of the prevalence of the targeted linguistic phenomena within the transcripts in our sample. Second, a thematic analysis was conducted in accordance with the approach described by Braun and Clarke (2006). Researchers thoroughly reviewed the transcripts and coding scheme to

understand the context and nuance of each coded instance. Thereafter, codes related to coded language and euphemisms were grouped into broader theme of language, together with other codes such as use of collective language, clarification of legal terminology, and interpretation issues.

The themes were refined iteratively, using Atlas.ti's thematic mapping features to visually represent the relationships among codes. This iterative process ensured that the final themes accurately captured the ways in which linguistic subtleties influenced courtroom interactions.

Collectively, the thematic analysis and descriptive statistics provided a robust approach that not only quantified the prevalence of coded language and euphemisms but also elucidated their contextual significance within the ICTR proceedings.

4. Results

The analysis combined quantitative coding and qualitative thematic review of 64 witness testimonies across 16 ICTR cases. A total of 97 coded-language instances and 61 euphemisms were identified. Coded language referred primarily to hunting metaphors and other figurative expressions for pursuit or attack, while euphemisms referred mainly to violence, sexual assault, or taboo topics.

Results are presented first, followed by their interpretation in the *Discussion* section. Tables 1 and 2 summarize the main patterns by witness category and trial year.

TABLE 1

| Witness Category | Frequency of coded language (n=97) | Frequency of euphemisms (n=61) |
|-------------------------|---|---------------------------------------|
| Expert witness | 44 | 48 |
| Insider witness | 21 | 8 |
| Crime-base witness | 31 | 5 |
| Overview witness | 1 | 0 |

Table 1. Frequency of coded language and euphemisms by witness category.

As shown in Table 1, coded language was most frequent among expert witnesses, followed by crime-base and insider witnesses. Euphemisms were concentrated among expert testimony, largely when contextualising community discourse for the court.

TABLE 2

| Case (Trial judgement year) | Frequency of coded language (n=97) | Frequency of euphemisms (n=61) |
|------------------------------------|---|---------------------------------------|
| Akayesu (1998) | 19 | 14 |
| Rutaganda (1999) | 18 | 3 |
| Musema (2000) | 3 | 0 |
| Nahimana (2003) | 5 | 0 |
| Kajelijeli (2003) | 7 | 5 |
| Semanza (2003) | 2 | 0 |
| Kamuhanda (2004) | 8 | 0 |
| Seromba (2006) | 1 | 5 |
| Rwamakuba (2006) | 10 | 8 |

| | | |
|-----------------------|---|----|
| Bikindi (2008) | 6 | 0 |
| Bagosora (2008) | 3 | 16 |
| Kalimanzira (2009) | 1 | 0 |
| Hategekimana (2010) | 3 | 0 |
| Gatete (2011) | 4 | 0 |
| Ndindiliyimana (2011) | 6 | 8 |
| Ngirabatware (2014) | 2 | 0 |

Table 2. Frequency of coded language and euphemisms by case and year of trial judgement.

Variation across time was **non-linear**: some later cases contained no euphemisms while others showed numerous examples. Given the multilingual and interpreter-mediated nature of proceedings, these counts should be viewed as indicative rather than exhaustive.

Qualitatively, coded expressions often drew on **hunting and pursuit metaphors** (e.g., *guhiga* “to hunt”; *gushorera* “to drive”). Euphemisms were common in references to sexual violence and community shame, often through indirect constructions such as “he took the woman” or “they did what they wanted.”

The next section discusses these patterns, their pragmatic and interpretive implications, and the influence of interpreting and translation processes.

5. Discussion

This study set out to explore the prevalence of euphemisms and coded language in ICTR testimony and to examine how such usage is distributed across witness **categories** (overview, crime base, expert, and insider). Using complementary quantitative descriptive and qualitative thematic analyses, we examined a stratified sample of 64 testimonies across 16 cases. We focused on two constructs. First, *coded language*: terms and phrases for which the intended meaning departs from their literal sense and interpretation relies on shared cultural frames such as hunting metaphors and animalisation. Second, *euphemisms*: milder or indirect expressions used to refer to taboo or distressing content such as sexual violence. Because ICTR transcripts are English language renditions of speech delivered in Kinyarwanda, French, or English, the record reflects interpreter choices and subsequent transcription or translation. This constraint is central to interpreting our counts and themes and we return to it in the methodological reflections.

Below, we discuss key themes and interpretive issues arising from the data and consider implications for evidentiary assessment. We then reflect on distribution across witness categories and time, followed by credibility and cultural sensitivity, and close with methodological limitations.

5.1. Reconciling expectations and findings

Drawing on prior anecdotal accounts such as Combs’s (2010) analysis of fact finding in international criminal tribunals, we anticipated extensive use of coded and euphemistic language, especially among crime base and insider witnesses who were directly involved in or affected by the violence. Yet the empirical picture is more nuanced. One robust observation across cases is that overall frequency was much lower than expected.

We identified 97 instances of coded language and 61 instances of euphemism within more than 40,000 coded statements. Distribution was uneven across witness categories. Expert witnesses produced the plurality of coded items and the majority of euphemisms often when explaining community terms or frames for the court. Overview witnesses contributed very little coded and euphemistic language. Crime base witnesses did produce coded items, but less frequently than experts, and they rarely used euphemisms.

Two patterns contextualise these results. First, coded language in the record often appears through expert explication. Experts glossed community labels and animalising references for example, *inyenzi* “cockroaches” and described hunting frame items such as *guhiga* “to hunt” and *gushorera* “to stalk or drive”, making their evaluative force explicit for the Chamber. Second, euphemisms around sexual violence surfaced chiefly in expert retelling of community registers where avoidance or modesty norms were described, consistent with politeness and “face” management in pragmatics (Goffman 1974, Brown and Levinson 1987, Eades 2010).

Several explanations could account for the small number of coded and euphemistic expressions. First, many of the ICTR transcripts were in English, with French and Kinyarwanda translations occurring in real time or through subsequent transcription. It is possible that the process of translation “filtered out” some of the more overtly coded expressions. Translators may have opted for literal or approximate equivalents in English that lacked the cultural connotations found in the original Kinyarwanda (Xian 2008, Swigart 2016).

Second, witnesses may have been acutely aware of the legal setting, adjusting their language to conform to the perceived expectations of the court. As Tiersma (1999) has noted, the performative aspect of testimony can prompt witnesses to self-monitor their language, avoiding ambiguity or slang that might undermine their credibility. Defense and prosecution teams often prepare witnesses extensively, cautioning them to speak plainly and avoid cultural idioms that might not translate well in court (Evans 1995). Such preparation could have contributed to the relatively low frequency of coded language. Alternatively, interpreters might have “standardized” witness statements, inadvertently scrubbing out idiomatic expressions to present a more direct, albeit less culturally rich, rendition of the testimony (Goodman-Delahunty and Howes 2019).

Third, our sampling strategy prioritised breadth across cases and witness categories. It was not targeted at instances already known for rich euphemisms or coded language. Although the Rwandan genocide was undeniably permeated by coded terms, words such as *inyenzi* (“cockroach”) and *igitero* (“attack” or “assault”) that signaled targeted violence against the Tutsi, many of these words might not have surfaced frequently in the specific testimonies we examined. Our selection criteria focused on a balance across cases and witness types rather than on cases known for heavy reliance on coded or euphemistic language. Hence, it is conceivable that a targeted analysis of testimonies known to be rich in coded references (for example, insider witnesses from the political or military leadership) might have produced different results. It is notable though, as we further discuss below, that in our selection of witnesses, insiders’ use of euphemisms and coded language is rather limited, comparable to that of crime-base witnesses.

Lastly, anecdotal impressions often derive from salient extreme examples that can suggest typicality. It is important to acknowledge that the anecdotal evidence pointing to high levels of coded or euphemistic language may reflect a “worst-case scenario” gleaned from particularly egregious instances. As with other phenomena documented in high-stakes legal settings, such as false confessions or recanted testimonies, the extreme examples often become emblematic of a broader pattern (Gudjonsson 2003). Our empirical results suggest that these extremes may not characterize the entire corpus of ICTR transcripts. This does not discount the significance of coded language where it does appear but rather contextualizes its relative infrequency across the sample. Our analysis provides a more representative picture of the prevalence of euphemisms and coded language more generally at the ICTR.

5.2. *Distribution across witness categories: Experts vs. crime-base witnesses*

The finding that expert witnesses accounted for nearly half of the coded language references (44 out of 97) and the vast majority of euphemisms (48 out of 61) merits special attention. Anecdotally, one might assume that coded language arises spontaneously from crime-base witnesses or insider witnesses, particularly those with deep involvement in the events. However, our data indicate that in many instances, it was experts who introduced or explained such language, often as part of their broader mission to clarify Rwandan cultural and historical contexts for the judges and attorneys. For example, one transcript excerpt illustrates an expert clarifying the meaning of the term “*abazungu*”:

Answer (Expert Witness): *Abazungu* are white people, white-skinned people. Rwandans use the word *abazungu* rather than the word *abera*, which is also used, but they use the word *abazungu*. (Bagosora DAK1)

Here, the expert is not merely employing coded language but is actually *decoding* it for the court, offering a direct interpretation of how local Rwandans would refer to foreigners or Europeans. Although the word “*abazungu*” is not itself a nefarious term like “*inyenzi*,” it illustrates how culturally specific terminology can appear in transcripts. Rather than using coded language to hide or soften references to violence, experts typically translate, define, or historicize it for legal audiences.

A parallel dynamic emerged in the use of euphemisms. Of the 61 total euphemistic expressions, many occurred in expert accounts that described community norms of indirectness, consistent with politeness strategies and stigma management, rather than as spontaneous euphemism by crime base witnesses. Forty-eight were attributable to one expert witness, Alison Des Forges, whose role frequently involved describing atrocities in a way that balanced factual accuracy with sensitivity to the court’s decorum. Euphemisms can serve multiple functions in such a context. They can reduce the shock value of graphic descriptions (Eble 1996) or convey cultural norms of politeness and indirectness (Brown and Levinson 1987). In certain instances, euphemisms may also be a product of the witness’s personal style, shaped by years of discussing traumatic events in a variety of academic, policy, and legal settings (Des Forges 1999). A prime example is seen in the transcript from *Kalimanzira*, in which an expert alludes to cleaning out dirt from one’s house — an indirect way of discussing how certain Rwandans justified violent acts under the guise of social or moral “housekeeping.”

Answer (Expert Witness): He reminded the audience that ‘When you want to clean out the dirt from your house, you don’t heap it in front of the fireplace.’ (Kalimanzira_BCA_)

This metaphorical language underscores how euphemisms can encapsulate culturally loaded ideas about communal responsibility, shame, or the necessity of hiding unpleasant realities. Indeed, the phrase “clean out the dirt from your house” subtly frames the targeted group as a form of filth, thus reinforcing the genocidal narrative while cloaking it in a veneer of domestic propriety. For the tribunal, deciphering the full implications of this metaphor requires both linguistic and cultural knowledge. While the transcript does not record judicial or attorney reactions in detail, the inclusion of these statements suggests they were deemed relevant and admissible. However, it remains unclear whether such euphemisms were fully understood or if further clarification was sought. A closer examination of the transcript from *Bagosora* (DAK1) indicates that in at least some cases, coded language was introduced not by the witness but by the questioning party. For instance, the term “*abazungus*” was not volunteered spontaneously but was prompted by a question from the prosecution. This dynamic is significant: it underscores that coded or culturally specific language may appear in the transcript not because witnesses intended to obscure meaning, but because legal actors actively sought clarification or cultural insight. The fact that such terms were used so infrequently, even when prompted, reinforces our finding that euphemistic and coded expressions were not a dominant feature of testimony and were rarely central to the narrative structure of crime-base witnesses’ accounts.

5.3. *Distribution across time*

Table 2 presented above shows how coded language and euphemisms were distributed across cases and judgment years. The pattern is rather **noisy**. Some post 2004 cases exhibit no euphemisms while others contain several instances.

The process of translating witness testimony from Kinyarwanda to English at the ICTR introduced several challenges that may have shaped how euphemisms and coded language appeared, or failed to appear, in the official trial record. Simultaneous interpretation, introduced in 2004, aimed to streamline proceedings but often required interpreters to render culturally nuanced expressions into legal English in real time, under considerable pressure. As Swigart (2016) notes, the task of translating culturally embedded metaphors or euphemistic phrases is fraught with ambiguity, particularly when target languages lack equivalent idiomatic expressions. This can result in the loss, dilution, or substitution of euphemisms and coded references, effectively sanitizing or altering their intended meaning. Xian (2008) similarly argues that translators, consciously or not, may opt for literal or neutral equivalents to avoid confusion or offense in court. The distribution of euphemisms and coded language across time also suggests that interpretation practices may have influenced their recording. For instance, the highest concentration of euphemisms appears in *Bagosora* (2008) and *Akayesu* (1998), with 16 and 14 instances respectively — cases known for detailed contextual testimony and, notably, trials with extensive expert witness input. In contrast, several post 2004 cases including: *Gatete* (2011), *Hategekimana* (2010), and *Kalimanzira* (2009) — contain zero to one euphemistic expression, despite comparable thematic content. This temporal pattern may reflect a shift in how interpreters managed indirect language or how

witnesses adapted their discourse to a more standardized courtroom environment. Consequently, linguistic expressions deeply rooted in Rwandan sociocultural context may have been “flattened” in translation, obscuring their evidentiary or symbolic weight in testimony.

The process of translating witness testimony from Kinyarwanda or French into English and of subsequently transcribing those renditions can foreground or attenuate euphemistic and coded content. Literal renderings preserve lexical form, for example, italicised Kinyarwanda terms with a single quoted gloss, while explicating translations may trade idiomatic compactness for clarity. Domesticated paraphrases can neutralise culturally salient connotations. Interpreters in high-stakes proceedings must balance speed, accuracy, and comprehensibility. That balancing can flatten indirectness or metaphoric colour in English transcripts, obscuring some evidentiary or symbolic weight. Conversely, explicating choices can highlight cultural meaning in ways that differ from the original pragmatic texture. Given these features, we do not infer a directional temporal shift in interpreter handling or witness adaptation from the present data. Variation likely reflects case composition including expert involvement, topic mix, and transcript practices, rather than a single trend over time (Berk-Seligson 2002, Goodman-Delahunty and Howes 2019).

5.4. *Credibility, evidentiary clarity, and cultural sensitivity*

Although overall frequency was lower than expected, the distribution concentrated in expert contextualization and particular case clusters carries implications for credibility assessment and judicial reasoning. Unexplained indirectness may be misread as vagueness, while a domesticated paraphrase may strip culturally salient harm signals. In forensic contexts, credibility assessments hinge on whether a witness’s statements appear coherent, consistent, and aligned with factual evidence (Fisher and Geiselman 1992). When coded terms or euphemisms are used without adequate explanation, legal actors may question the witness’s reliability, assuming the language choice reflects evasiveness or deliberate obfuscation (Tiersma 1999). This is in line with what Chlevickaitė and colleagues (2021) found with regards to insider witnesses being seen as unreliable at the international criminal courts and tribunals. Conversely, if a witness employs coded language to convey authenticity (e.g., using terms that reflect the actual speech patterns in their community), failing to recognize these nuances can undermine the perceived truthfulness of their account.

At the same time, heavy reliance on a single expert’s framing can unduly channel interpretation. Judicial actors could benefit from three practices. First, explicit signaling when culturally loaded terms arise. Second, concise on record glosses that preserve original terms, for example, *inyenzi* “cockroaches”. Third, awareness that euphemisms may function as a coping or politeness strategy rather than an intention to obscure meaning.

The role of cultural sensitivity is thus paramount. Scholars have long argued that international tribunals must integrate a deep understanding of local languages, customs, and histories to administer justice effectively (Combs 2010, Higgins 2018). Our findings suggest that expert witnesses play a vital part in bridging this cultural gap by providing explicit definitions and contextual backgrounds. However, reliance on a handful of

experts, especially if they dominate the discourse, may create a scenario in which cultural interpretations are filtered through a limited set of perspectives. Taken together, these findings highlight how both the role of the witness and the interpretive mechanisms of the court shape the presence and function of euphemisms and coded language. The predominance of such language in expert testimony reinforces the idea that cultural interpretation is often outsourced rather than organically embedded in the testimony of crime-base or insider witnesses. Ideally, multiple experts, interpreters, and fact witnesses would collaborate to present a richer tapestry of cultural meanings, thus minimizing the risk of oversimplification or unintentional bias (Fraser and McGonigle Leyh 2021).

These recommendations align with broader work in sociolinguistics and forensic linguistics on courtroom discourse and institutional pragmatics (Brown and Levinson 1987, Tiersma 1999, Coulthard and Johnson 2007, Eades 2010). Work on metaphor in public and political discourse also shows how animalizing metaphors can normalize hostility and violence, which underscores the value of preserving and explaining metaphorical frames when they arise in testimony (Musolff 2016, 2017).

5.5. Methodological reflections and limitations

Although our findings add to the growing body of work on language and culture in international tribunals, several methodological limitations must be acknowledged. First, the process of translation and transcription at the ICTR means that we relied on English-language transcripts, which may not have captured all nuances of the original Kinyarwanda or French utterances. Second, our data set included 64 testimonies totaling 13,755 pages — a substantial but by no means exhaustive portion of the ICTR's proceedings. The sheer volume of available transcripts (estimated at over 2000 including witness testimonies and trial days amounting to hundreds of thousands of pages) means that additional patterns could emerge if a larger sample were analyzed. Indeed, the anecdotal evidence might hold true in more specialized or extreme cases that did not fall within our chosen sample. Lastly, although we employed double-coding and consensus discussions to enhance reliability, the interpretation of coded language and euphemisms inevitably involves some subjective judgment. Different researchers or interpreters might classify borderline expressions in various ways, especially if the cultural or historical context is not fully transparent (Coulthard and Johnson 2007).

The English transcripts list participants as the speakers rather than interpreters and include only the English versions of remarks that may have been made in Kinyarwanda, French, or English. Because we cannot reliably reconstruct, for each utterance, the original language, the interpreter's live rendering, and any subsequent written translation, we do not compare frequencies across languages or attribute differences to the language of delivery. Relatedly, we avoid inferring systematic temporal shifts in interpreter behaviour from the present counts alone. Future work should code, where recoverable, whether an instance reflects a preserved original Kinyarwanda item, an interpreter's contemporaneous English, or a later written translation. Such metadata would enable stronger temporal tests and clearer cross-linguistic analyses.

As with all qualitative coding, some borderline classifications are judgment-dependent despite double coding and consensus meetings. The sampling of one testimony per

category per case, across sixteen cases, balances breadth and feasibility but is not exhaustive. Different case mixes such as more insider testimony or fewer experts could yield different distributions. Finally, interpreting in high-stakes interviews and courtroom settings is known to influence rapport, register, and perceived meaning in ways that vary with context, which cautions against over interpreting counts without provenance metadata (Krouglov 1999, Goodman-Delahunty and Howes 2019, Hijazo-Gascón *et al.* 2024).

5.6. Implications for practice and policy

Despite these limitations, our study offers practical insights for legal practitioners, policymakers, and scholars interested in improving the efficacy and fairness of international criminal proceedings. First, our results highlight the importance of expert witnesses in explaining culturally specific language and its use in atrocity crimes. While such expertise can bridge interpretive gaps, reliance on a single or small number of experts may inadvertently narrow the cultural lens. Policymakers might consider instituting protocols for cultural consultation, ensuring that multiple experts, potentially with diverse regional or disciplinary backgrounds, are involved in high-stakes trials.

Second, the finding that most coded language and euphemisms originate from experts rather than crime-base witnesses suggests that attorneys and judges should pay particular attention to how expert testimony is framed. Rather than assuming that experts' language is purely explanatory, legal professionals should remain aware that even explanatory discourse can carry subtle connotations or biases. Training initiatives for judges, prosecutors, and defense counsel might incorporate modules on cross-cultural communication, focusing on how coded language and euphemisms operate within specific socio-historical contexts (Eades 2010, Memon and Gawrylowicz 2018, Vredeveltdt and Ferra 2025).

Third, seeing as even a modest prevalence of coded language or euphemisms could elicit doubts in the witnesses' credibility, interpreters should receive specialized guidance on potential ways to handle these expressions. This guidance could include standardized protocols for flagging ambiguous terms, offering literal translations alongside cultural glosses, and consulting with witnesses to confirm their intended meaning. While such measures may lengthen courtroom proceedings, they could significantly enhance the accuracy and completeness of the record (Goodman-Delahunty and Howes 2019).

Finally, researchers and policymakers should be mindful of the interplay between coded language and the psychological well-being of witnesses, particularly those who have survived sexual violence or other traumatic experiences. Euphemisms may serve as a coping mechanism, allowing survivors to recount distressing events without re-traumatizing themselves (Eble 1996, Vredeveltdt *et al.* 2023). However, if the tribunal fails to decode such euphemisms adequately, it risks underestimating the severity of the violence or misreading the witness's affect and credibility. A trauma-informed approach, one that acknowledges the linguistic manifestations of trauma, could help

courts better interpret such testimony and deliver more just outcomes (Nistor 2023, Michels *et al.* 2024).¹

5.7. Future research directions

Our study points to several avenues for further investigation. One fruitful direction would be a comparative analysis of coded language usage across different international tribunals, such as the International Criminal Court (ICC) or hybrid courts (e.g., the Extraordinary Chambers in the Courts of Cambodia). Researchers could examine whether certain socio-political contexts, such as the aftermath of genocide, civil war, or mass sexual violence, generate more pervasive coded language. Additionally, future studies could employ more fine-grained linguistic methods (e.g., corpus linguistics or conversation analysis) to capture the subtleties of code-switching, indirect references, and metaphorical language (Fairclough 2001).

Further, more experimental and field-based studies could explore how judges, attorneys, and interpreters perceive and respond to coded or euphemistic language in real-time. Such research could simulate courtroom conditions, manipulating the presence or absence of coded expressions to measure their impact on credibility assessments and verdict outcomes (Leal *et al.* 2018). By integrating psychological, linguistic, and legal perspectives, these studies could offer valuable insights into how best to navigate cultural and linguistic complexities in international criminal law.

6. Conclusion

The originality of this study lies in the connection of expert expectations, prior claims, and a large set of trial transcripts to provide the first clear, role-based picture of how coded and euphemistic language appears in ICTR proceedings. We show that these forms occur less often and are more uneven than commonly assumed, which shifts the narrative about how meaning and witness credibility are shaped in court, especially when experts explain cultural or historical points.

Our study underscores the value of empirical, systematic approaches in evaluating claims about linguistic complexity in international legal settings. While anecdotal evidence can illuminate important concerns, such as the potential for misinterpretation or cultural bias, it may not always represent the typical or average scenario. Contrary to the expectations derived from Combs' influential work (2010, 2017) and the predictions of our expert panel, we found that coded language and euphemisms, while present, were neither as frequent nor as uniformly distributed as anticipated. Indeed, nearly half of the coded language instances were introduced by expert witnesses seeking to clarify culturally specific terms, and a significant majority of euphemistic expressions were attributable to a single historian.

These findings highlight the complex interplay between cultural norms, witness roles, and legal procedures in shaping courtroom discourse. They also underscore the

¹ Michels *et al.*, *The Witness Feedback Project: Self-reported symptoms of trauma and depression before and after testimony by witnesses and victims of atrocity crimes at the International Criminal Court*. Paper presented at the Oñati International Institute for the Sociology of Law workshop on *Opening the black box of international criminal investigations: Challenges of culture and practice* (13-14 June 2024).

importance of expert interpretation and the risk of over-reliance on anecdotal or “worst-case” narratives that may not reflect the broader corpus of trial proceedings. While coded language and euphemisms did not appear as pervasively as expected, their presence remains important. Even a few instances can alter the trajectory of testimony, influence perceptions of witness credibility, and ultimately shape judicial outcomes.

From a legal-psychological standpoint, our findings carry three key implications. First, international tribunals should remain vigilant about the potential for coded or euphemistic expressions to obscure key details or soften the perceived gravity of violence, especially in cases involving sexual offenses or large-scale atrocities. Second, the fact that expert witnesses accounted for so much of the coded and euphemistic language suggests a need for continued scrutiny of how these experts frame cultural or historical issues in court. Third, interpreters and legal practitioners must be trained to identify, clarify, and contextualize culturally embedded expressions so that the record accurately reflects the witness’s intended meaning.

In conclusion, while our results temper the notion that ICTR testimonies are replete with opaque, coded references, they do not diminish the importance of attending to linguistic subtleties in international criminal law. Future research might expand the scope of analysis to other tribunals, delve deeper into witness categories most likely to employ coded language, or investigate how judicial and interpretive practices evolve over time to address cultural complexities. By integrating these insights into both legal practice and scholarly inquiry, we strive for a more nuanced understanding of how language mediates the pursuit of truth and justice in international criminal proceedings.

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