

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-01-65-T
CHAMBER I

THE PROSECUTOR
OF THE TRIBUNAL
v.
JEAN MPAMBARA

MONDAY, 26 SEPTEMBER 2005
0853H
CONTINUED TRIAL

Before the Judges:

Jai Ram Reddy, Presiding
Sergei A. Egorov
Flavia Lattanzi

For the Registry:

Ms. Marianne Ben Salimo
Mr. Edward Matemanga

For the Prosecution:

Mr. Richard Karegyesa
Ms. Andra Mobberley
Mr. Didace Nyirinkwaya
Mr. Ousman Jammeh

For the Accused Jean Mpambara:

Mr. Arthur Vercken
Mr. Vincent Courcelle Labrousse

Court Reporters:

Ms. Jean Baigent
Ms. Ann Burum
Ms. Judith Baverstock

I N D E XWITNESSESFor the Prosecution:

WITNESS LED

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PROCEEDINGS

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2 MR. PRESIDENT:

3 Yes, Mr. Matemanga, do we have the personal information sheet?

4

5 Yes, can you administer the oath.

6 (*Declaration made by Witness LED in Kinyarwanda*)

7 MR. PRESIDENT:

8 Now Witness, you have before you a personal information sheet. Have you read it?

9 THE WITNESS:

10 Yes, I have read it, Your Honour.

11 MR. PRESIDENT:

12 And the particulars contained therein, are they correct?

13 THE WITNESS:

14 Yes, the information is correct.

15 MR. PRESIDENT:

16 And have you signed that sheet at the bottom?

17 THE WITNESS:

18 Yes, I have.

19 MR. PRESIDENT:

20 All right, you will now give evidence. You'll be examined first by the Prosecution, and at the end of the
21 evidence-in-chief, you'll be cross-examined by the Defence, and you are required to speak the truth and
22 only the truth.

23

24 Thank you.

25 MR. KAREGYESA:

26 Thank you, Mr. President, Your Honours.

27 WITNESS LED,

28 first having been duly sworn,

29 testified as follows:

30 EXAMINATION-IN-CHIEF

31 BY MR. KAREGYESA:

32 Q. Good morning, Witness.

33 A. Good morning, Counsel.

34 Q. Witness, in which *commune* were you residing in the month of April 1994?35 A. I resided in Rukara *commune*.36 Q. And as of April 1994, Witness, who was the *bourgmestre* of your *commune*?

37 A. It was Jean Mpambara.

- 1 Q. And were you known to each other?
- 2 A. Yes.
- 3 Q. And how long had you known him prior to April 1994?
- 4 A. I -- I had known him as a leader of the area where I was residing.
- 5 Q. And if you met him today on the street, would you be able to recognise him, Witness?
- 6 A. Yes, I would recognise him.
- 7 Q. Are you in a position to tell the Court whether he is with us here today in this room?
- 8 A. Let me see if I can find him in the room. I see him behind -- behind a white person, and actually, he's
- 9 looking at me.
- 10 Q. Do you know which row he is sitting in?
- 11 A. He's in the second row behind white persons.
- 12 Q. And can you tell Their Lordships what he's wearing?
- 13 A. He's wearing a vest and a reddish tie, and a white shirt with stripes. He's also wearing spectacles.
- 14 Q. Thank you.
- 15 MR. KAREGYESA:
- 16 Your Honours, if it pleases Your Honours, let the record reflect that he's identified the Accused.
- 17 BY MR. KAREGYESA:
- 18 Q. Now Witness, where were you on the 7th of April 1994?
- 19 A. On the 7th, I was in my home.
- 20 Q. And did you stay in your home throughout the month of April?
- 21 A. No, I was not able to do that because of the problems that had arisen in my country.
- 22 Q. What problems are you referring to, Witness, can you tell the Court?
- 23 A. In 1994, on the 6th -- on the 6th of April 1994, in the night, it was said that the head of state had died,
- 24 and on -- beginning the 7th, killings started which targeted especially the Tutsi.
- 25 Q. Thank you, Witness. So when did you leave your home?
- 26 A. I left my home on the 8th.
- 27 Q. And where did you go?
- 28 A. I took refuge at Rukara parish.
- 29 Q. And how long did you stay at Rukara parish?
- 30 A. I stayed there from the 8th up to the 14th.
- 31 Q. Now, between the 8th and the 14th when you were at Rukara parish, Witness, did you have occasion to
- 32 see the *bourgmestre*, Jean Mpambara?
- 33 A. Yes, I saw Mpambara on the 9th.
- 34 Q. Is that the only time you saw the Accused?
- 35 A. I saw him three times, but it's -- I saw him for the first time on the 9th.
- 36 Q. And when did you see him for the second time?
- 37 A. The second time it was on the 12th.

- 1 Q. And when was the third time, Witness?
- 2 A. It was on the 13th.
- 3 Q. Just for clarity, Witness, so it was the 9th, the 12th, and the 13th of April 1994; am I correct?
- 4 A. Yes, that's correct.
- 5 Q. All right. Now, I'll take you to the first sighting on the 9th of April 1994. Can you tell us at around what
6 time of the day you saw the Accused?
- 7 A. It was around -- it was in the afternoon, around -- between 3 and 4 p.m.
- 8 Q. And where were you at that point in time when you saw the Accused?
- 9 A. I was at the Rukara parish.
- 10 Q. And were you alone or were you with others?
- 11 A. We were many people because all the Tutsi had fled to the parish.
- 12 Q. And approximately how many Tutsi refugees were at the parish, Witness?
- 13 A. I was not able to count the people there, but there were many.
- 14 Q. We're aware, Witness, that you may not have counted, but are you able to give us an approximate
15 number?
- 16 A. There must -- there must have been between 4-to-5000 people.
- 17 Q. And were these Tutsi refugees civilians or were they soldiers?
- 18 A. They were civilians and they included teachers, farmers, medical staff, people of different professions.
- 19 Q. All right. Now, you've told the Court that you sighted the Accused, Jean Mpambara, between 3 and
20 4 o'clock. Did you see him arrive at the parish?
- 21 A. Yes, I saw him with my own eyes.
- 22 Q. And was he alone or was he accompanied?
- 23 A. He came with a commandant of gendarmerie, but they were not in the same vehicle.
- 24 Q. Other than the gendarmerie commander was he with anybody else in his entourage?
- 25 A. Yes, there were two policemen in the back of his pickup.
- 26 Q. And was it only two policemen, the Accused, and the gendarmerie commander -- four people who came
27 in that entourage or are there others you saw?
- 28 A. The commandant was also escorted by some gendarme in his vehicle.
- 29 Q. All right. Now, when the Accused found you at the parish, what happened? Did he stay in his car or
30 did he get out of his car?
- 31 A. He got out of the -- his vehicle.
- 32 Q. And what did he do when he got out of his vehicle?
- 33 A. After getting off (*sic*) his vehicle, the police -- his policemen told the people around there to come near
34 the *bourgmestre* because he had something to tell them.
- 35 Q. And did the refugees gathered to hear the Accused?
- 36 A. Yes, they gathered around him because they thought that he might having some good news for them.
- 37 Q. And did the Accused, indeed, say anything to the Tutsi refugees?

- 1 A. Yes, he first of all say -- he first of all asked us what we had come to do there.
- 2 Q. And did anyone respond to that question, Witness?
- 3 A. Those who were near him replied that our security is not ensured, and people have been killed.
- 4 Q. All right. Now, how far away were you in this crowd of people from the Accused?
- 5 A. I was in a distance of about 10 metres from him.
- 6 Q. And were there people standing between you and him or were you in the front line?
- 7 A. There were some other people, I was -- between us, I was not the nearest person to him.
- 8 Q. All right. Now, is that all the *bourgmestre* said or did he proceed to address the refugees?
- 9 A. He then -- he asked us what we had come to do there, and he was -- he seemed annoyed, angry that
10 we were there. And then when refugees asked him -- told him that there was no security, and that
11 people had been killed, then he said, "Isn't it your relatives who have killed the head of state?"
- 12 Q. And this was all that the *bourgmestre* said?
- 13 A. He also said that if that's the situation, then remain here. We're going to ensure your security.
- 14 Q. Did he explain how he was going to ensure your security, Witness?
- 15 A. No, he did not explain; that's all he said.
- 16 Q. So after these few words of the *bourgmestre*, what happened, Witness?
- 17 A. Even the commander of gendarmerie took the floor, and said the same things.
- 18 Q. Can you please clarify and tell the Chamber what actually the gendarmerie commander said, if you
19 remember what he said?
- 20 A. The gendarmerie commandant also told us to remain there, and that they were going to ensure our
21 security; that nothing would happen to us.
- 22 Q. And after the gendarmerie commander spoke, Witness, what happened?
- 23 A. Members -- the people there started asking *Bourgmestre* Mpambara some questions.
- 24 Q. Do you recall who amongst the refugees asked the questions of the Accused?
- 25 A. I remember teacher Faustin Kagimbura as well as Charles Muyenzi.
- 26 MR. KAREGYESA:
- 27 Your Honours, the name Kagimbura appears at number 76 of list of proper nouns, and the name
28 Muyenzi appears at number 153.
- 29 BY MR. KAREGYESA:
- 30 Q. And what did these two gentlemen say to the Accused, Witness, if you recall?
- 31 A. I especially remember that they asked him about the livestock that the refugees had come there with
32 because some people had come on the 7th -- some people had been there for about three days. And
33 so they asked -- they asked -- they told him that, "You've said you're going to ensure our security. How
34 about -- how shall our cattle be able to have some water to drink?"
- 35 Q. And what was the *bourgmestre's* response?
- 36 A. He -- he replied that, "In a short time I'm going to solve that problem of your cattle having to get some
37 water."

- 1 Q. All right. Now, how long did this interaction with the *bourgmestre* last? Are you able to give us an
2 estimate?
- 3 A. It took about 15 minutes.
- 4 Q. All right. So after this interaction, did he stay there with the refugees or did he leave?
- 5 A. They got on -- they boarded their vehicles and left, both him and the gendarmerie commander.
- 6 Q. And can you tell the Chamber if anything peculiar happened after the departure of the *bourgmestre* and
7 the gendarmerie commander?
- 8 A. After the departure of *Bourgmestre* Mpambara with the gendarmerie commandant, in less than -- after
9 less than one hour between -- after between 30 minutes and 40 minutes an attack was led there.
- 10 Q. And can you tell the Chamber how this attack unfolded, Witness?
- 11 A. After Mpambara's departure in less than one hour, a big attack was conducted. An attack of about
12 1,000 people armed with spears, machetes, and some people even were armed with grenades. So
13 they came and attacked the area.
- 14 Q. Now, did you see these attackers approach the parish?
- 15 A. I saw them because I -- I was among the people being targeted, so I saw the attack coming.
- 16 Q. And how long did this attack last, Witness?
- 17 A. It lasted for about one hour.
- 18 Q. And were any Tutsi refugees injured or killed during this attack, Witness?
- 19 A. Very many were killed during that attack because, as I told you, some of the attackers were armed with
20 grenades. So we tried to defend ourselves. We'd use brick -- pieces of bricks, and we threw at them.
21 Then they threw grenades at us. The first grenade was thrown at us by Paul Mujyambere, and then
22 another grenade was thrown at us -- about three grenades were thrown at us. At that time, about
23 12 people were killed instantly.
- 24 Q. You've mentioned the name Paul Mujyambere.
- 25 MR. KAREGYESA:
26 Which appears, Your Honours, at number 126 on the list of proper nouns.
- 27 BY MR. KAREGYESA:
- 28 Q. Were you able to identify or otherwise recognise some of the other attackers?
- 29 A. As I told you, the attack was very big, but the ringleaders -- among the ringleaders I was able to know
30 Mujyambere as well a Gahirwa, who also threw a grenade. I do not know who threw the third grenade
31 because by then, I was destabilised; I could not follow.
- 32 Q. How close were you to these attackers, Witness?
- 33 A. As I told you, the attackers came from below the parish, near the road -- the road that leads to the
34 cemetery, and we also tried to defend ourselves. So I was among the -- at the fore -- not exactly at the
35 forefront of our group, but I was near the front of our group as we tried to repel the attackers.
- 36 Q. And were you injured during this attack?
- 37 A. A splinter of the grenade hit me, here, and actually, one of the splinters is still inside here, in my -- in my

1 face. If – if you touched, you would feel it, actually, and so this is the place where I was injured.

2 Q. Now, you have told the Chamber about 12 people died in this attack. How did you establish the
3 number of the dead?

4 A. Because I was with them, those are the ones who died there immediately. However, in other areas
5 some other people were killed, because after that group threw grenades at us, people started running in
6 all places, and people died elsewhere as well. However, during the grenade attack, that is the number
7 of people who were killed.

8 Q. All right. Now I want to take you fast forward, Witness, to the second sighting of the
9 Accused Mpambara, which you have put on the 12th of April 1994, can you tell the Chamber at around
10 what time you saw the Accused on the 12th?

11 A. On the 12th, I again saw Mpambara around 4 or 5 p.m., between 4 and 5 p.m.

12 Q. And where were you on this occasion?

13 A. At that time I was inside the church where we had taken refuge.

14 Q. And were you alone or were you with others, Witness?

15 A. We were very many people as I told you earlier.

16 Q. I'm talking of inside the church.

17 A. We were many -- inside the church; the church was fully packed.

18 Q. And what were you doing in the church at around 4 or 5 p.m. on the 12th of April?

19 A. I was there as a person who had fled from the killers.

20 Q. And can you tell the Chamber how you were able to see the Accused whilst you were inside the
21 church?

22 A. When I was inside the church I saw *Bourgmestre* Mpambara coming from the direction of Ryamanyoni.
23 He came and in his vehicle. He was with the Damas Nyiringango, who was the *responsable* of
24 Muzizi *cellule*, and there were some *Interahamwe* in his vehicle. So we saw his vehicle coming and
25 stop at the parish compound, and then the vehicle was full of stones, and they start -- they started
26 offloading those stones.

27 MR. KAREGYESA:

28 Your Honours, the name Nyiringango, Damas does not appear on the list, so I'll spell it onto the record.
29 It is N-Y-I-R-I-N-G-A-N-G-O, Nyiringango. Damas, I believe, is D-A-M-A-S. The word Ryamanyoni
30 appears at number 214 on the list of proper nouns.

31 BY MR. KAREGYESA:

32 Q. You have told the Chamber that the *bourgmestre* was with the local *responsable*. What kind of vehicle
33 were they in?

34 A. They were in a pickup, which was the official vehicle for Rukara *commune*.

35 Q. And what colour was this pickup, Witness?

36 A. It was all -- almost yellow, yellowish, but it was not exactly yellow. I can't exactly say -- I can't tell the --
37 the exact colour, but it was almost yellow.

- 1 Q. All right. Now, where exactly within the church were you able to observe this vehicle from? Were you
2 in the doorway?
- 3 A. I was standing in the middle of the church when I was observing the vehicle, where the vehicle was --
4 had been stopped.
- 5 Q. And what was the distance between where you were standing in the church and where the vehicle
6 parked?
- 7 A. The vehicle had been stopped in the church compound, so the distance was -- between us -- was not
8 more than 10 metres.
- 9 Q. And other than the *Responsable*, Nyiringango Damas, was the Accused in the company of any other
10 person?
- 11 A. I mentioned earlier that there were some young men who -- who I would -- actually, *Interahamwe* who
12 offloaded those stones, and I believe they were the ones who had actually loaded those stones into the
13 pickup, and these young men were about eight in number.
- 14 Q. All right. So from your observation point, what were you able to observe regarding the offloading of
15 these stones?
- 16 A. I saw them offloading the stones from the pickup. The *Interahamwe* offloaded those stones until the
17 pickup was empty, until there was no more stone in the pickup.
- 18 Q. All right. Now did the *bourgmestre* remain in the car during the offloading of the stones or did he get
19 out of the car?
- 20 A. He remained seated in the vehicle, and after all stones had -- had been removed, he left.
- 21 Q. For how long did the Accused remain under your observation during the offloading of the stones?
- 22 A. I could see him from the church, so I saw him seated in the vehicle from the time they started offloading
23 the vehicle until they finished, after which he took off.
- 24 Q. And are you able to tell the Chamber who was driving that vehicle on this occasion?
- 25 A. It was *Bourgmestre* Mpambara who drove himself; he did not have a driver at that time.
- 26 Q. And did he leave with the *responsable* and the eight youths that you've just mentioned?
- 27 A. He left with the *Responsable* Damas alone. Those young men remained there, and after that they
28 started throwing those stones at us.
- 29 Q. Now after how long or maybe -- let me rephrase. Which direction did the *bourgmestre* take when he left
30 that scene?
- 31 A. He went -- he left in the direction of the road that leads to Karubamba centre.
- 32 Q. And would this be the road leading to the *commune*?
- 33 A. When you -- when you head towards Karubamba, you -- ahead is the junction that leads to the
34 *commune* -- the office *commune*, and then there's another one -- a section of the road that heads
35 directly to the Karubamba trading centre.
- 36 Q. All right. Now you have told the Chamber that shortly after his departure the youths started hurling the
37 stones. Can you tell us how long after his departure from the scene that the youths started throwing the

1 stones?

2 A. Just as he had left, even many others joined the young men, and then they started hurling stones, and
3 even some people who had other weapons joined them, and then they started killings - committing
4 killings.

5 Q. Now you were inside the church, Witness, was the church attacked on this occasion; i.e., the Tutsi
6 refugees who were within the church?

7 A. Yes, they attacked the Tutsi refugees inside the church.

8 Q. And who were they pelting the stones, Witness, the attackers?

9 A. The people hurling stones were the *Interahamwe* militia.

10 Q. But my question was: At whom were they hurling the stones?

11 A. They were pelting the stones at us, who were inside the church.

12 Q. And how long did this throwing of stones last on this occasion?

13 A. It was not only throwing stones. There were people -- many of the *Interahamwe* came and the
14 gendarme came, and they shot people inside the church until about 6 p.m. Afterwards they left for
15 home. But, rather, they went to re-assemble and then re-attacked in the night; that was on the 12th of
16 April.

17 Q. And at around what time of the evening did they return?

18 A. They came back around 7 p.m.

19 Q. And on this occasion how did the attack unfold, Witness?

20 A. When -- after the attack during the day, they re-assembled and came back in larger numbers. And they
21 had more weapons: Grenades, spears, machetes. They started killing -- carrying out killings from
22 7 p.m. until about 10 a.m. the following morning.

23 Q. And where were you located during this evening attack? Did you stay in the church?

24 A. During the day I had seen how the situation got so bad. I left the church and went to hide in the
25 backyard of the presbytery where the priests were having their rabbits kept; that's where I hid during
26 that night.

27 Q. And did you stay hiding in that particular place for the rest of the night?

28 A. Yes, throughout the night I -- I stayed there until about 10 a.m. the following morning.

29 Q. And can you just tell Their Lordships what you were able to hear during that night during the attack?

30 A. During the attack from around 7 p.m. on the 12th of April, this was a measure (*sic*) attack which had
31 really been well-planned. So many people were killed during that attack in all corners where the
32 refugees were hiding.

33 Q. Witness, you were hiding somewhere, and all I want you to tell Their Lordships is what you were able to
34 hear happening outside during that night.

35 A. Where I was I heard grenade explosions. I heard children and women wailing, and men mourning.
36 There was a lot of mourning throughout the night. There were different types of shouts from children,
37 women, men who were suffering attacks by spears, by grenades, and by machetes. It was terrible

1 indeed.

2 Q. Now when did you emerge from your hiding place, Witness, on the 13th of April 1994?

3 A. I left my hiding place around 10 a.m. -- shortly after 10 a.m. because that's the time when the attackers
4 left for their home.

5 Q. And can you briefly tell the Chamber what you saw when you emerged from your hiding place?

6 A. When I came out of my hiding place in the rabbits' house, I tried to find members of my family to see if
7 there were any survivors among them, and I saw so many dead bodies. I started with the cinema hall
8 where the priests used to show films. I went through a hall made into the building because the
9 attackers had failed to force open the door, they had instead destroyed the bricks near the wall, and
10 they had killed all the people inside. They had also burnt the bodies with petrol. They broke the
11 television sets, and they burnt the bodies inside.

12
13 There were very few survivors in that hall that night. I could hardly find a place to step because of dead
14 bodies that were -- that were full in that building. I knew that my family was hiding in there,
15 and I -- I tried to find some survivors among them. I found my eldest son had been killed among the
16 victims in that hall. I continued searching, but it was terrible. It was atrocious. The bodies were packed
17 like firewood in a forest yard. You could not -- you could hardly recognise these people because their
18 bodies had been burnt with petrol.

19
20 When I left the cinema hall I went inside the church. I checked and found that most of the people inside
21 had been killed. It was incredible. Pregnant women, if -- I could find babies hanging out of their
22 mother's womb. Some people had been decapitated. Others had lost their limbs. It is -- it was too
23 atrocious for description and too sad indeed.

24
25 I went to a hangar known as Kibeho, and I found it was the same scenario. That attack of the 12th of
26 April had been so well-planned that it almost achieved total extermination of the people there. It was
27 only by sheer luck that some people survived; it was, indeed, too atrocious.

28 Q. All right, now you have told the Chamber that you went back into the church. Did you spend the rest of
29 the day in the church?

30 A. Yes, I spent that day inside the church, I couldn't go anywhere else.

31 Q. Now you've told us that the -- there were many corpses all over the place, and are you able to give us
32 an estimate of how many corpses you saw littering the parish complex?

33 A. It would only be an estimate. There were so many people who had taken refuge there, and they were
34 in different corners of the parish: Some people at the maternity; others were at the nutritional centre;
35 others were at the cinema hall, and others in the rooms of the presbytery; others were in the church
36 hangar, and inside the church. All these areas were full of dead bodies, and it's hard for me to estimate
37 -- to -- to say the exact number. But an estimate would base the number at about 2,000 dead -- 2,000

1 people killed during that night or more than 2,000, possibly.

2 Q. All right. Now you had earlier on told the Chamber that you saw the Accused for the third time during
3 this week on the 13th of April 1994. Can you tell us at around what time you saw the Accused on the
4 13th?

5 A. On that date -- on the 13th of April, I saw *Bourgmestre* Mpambara in the evening. That's when he
6 came back to the parish. He came and saw people who were -- who had turned almost mad because
7 of grenade attacks, and some of us were inside the church. He told us to get out of the church and to
8 run away like other people who were taking to flight.

9 Q. Now, did he enter the church where you were?

10 A. He did not come inside the church; he was in the church compound.

11 Q. And how were you able to see him, Witness, if you were inside the church and he was in the
12 compound?

13 A. The church had been destroyed on the 12th, so even the glasses had been broken. I could see him
14 personally, and I was inside there.

15 Q. And at around what time of the evening was this, Witness?

16 A. It was towards evening around 3 or 4 p.m.

17 Q. So you heard him advising the survivors to flee. Did any of you flee after he told you to flee?

18 A. The people who were inside tried to run away, but we thought that this was a trick to have us finished
19 off if we went outside the church. Those who tried to flee were killed -- were killed immediately after
20 before they could reach the group that was fleeing -- the group that the *bourgmestre* was referring to.

21 Q. And Witness, you in the church, how did you know that they had been killed?

22 A. As I said the church had been destroyed, and one inside could observe everything out there. We came
23 to recognise some of those people, like a person called Rukwaya, one called Nzaramba. They obeyed
24 the instructions and were cut with machetes immediately after, and we were observing this scene
25 ourselves.

26 Q. And how long did the *bourgmestre* spend at the church on this occasion?

27 A. After saying what he said, and when you (*sic*) observed that we couldn't -- we did not leave the church,
28 and he saw -- after witnessing people being killed, he just left in his vehicle.

29 MR. KAREGYESA:

30 Your Honours, the witness mentioned two names of victims that are not on the list of nouns and I'll spell
31 them: Rukwaya is R-U-K-W-A-Y-A, and Nzaramba is N-Z-A-R-A-M-B-A.

32 BY MR. KAREGYESA:

33 Q. Now Witness, did you eventually find your family, your wife and children, on the 13th as you were
34 searching the parish complex?

35 A. As I continued the search on the 13th, on the 13th of April, I -- I found the dead body of my son, and
36 some of my brothers inside the cinema hall. But my wife -- I found my wife who had managed to get
37 out of the cinema hall. I found her inside the church. She had problems where she was hiding, and

1 another lady, who was running away from the bullets, came and fell on top of her, and she had a baby
2 there and then. And my wife tried to help her. Then she told me that, "One lady who was running away
3 from the grenade attack fell on top of me and had a baby, and I tried to help her to deliver the baby,"
4 and that's where I found her.

5 Q. All right. Now Witness, you've told this Chamber that you knew the Accused prior to these events. Do
6 you know whether the Accused had any Tutsi friends in the community?

7 A. *Bourgmestre* Mpambara had Tutsi friends. I used to see him share drinks with them, and chatting with
8 them. I think some Tutsis were actually close friends of his.

9 MR. KAREGYESA:

10 I have no further questions of this Witness, Your Honours.

11 MR. PRESIDENT:

12 The Defence cross-examination.

13 MR. KAREGYESA:

14 Your Honours, I'm advised that the personal information sheet hasn't been given an exhibit number.

15 MR. PRESIDENT:

16 You're right.

17

18 Mr. Matemanga?

19

20 The personal information sheet of Witness LED is marked Exhibit P. 12 and under seal.

21 *(Exhibit No. P. 12 admitted, under seal)*

22 MR. VERCKEN:

23 Mr. President, I think for security reasons, perhaps my cross-examination should start in closed
24 session.

25 MR. PRESIDENT:

26 Yes, very well then, we will go into closed session and the public gallery should be vacated.

27 *(At this point in the proceedings, a portion of the transcript [pages 12 to 15] was extracted and sealed
28 under separate cover, as the session was heard in camera)*

29 *(Pages 1 to 11 by Jean Baigent)*

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1 BY MR. VERCKEN:

2 Q. Witness, the Prosecutor did not handle this issue with you today, but when you were interviewed
3 by investigators in 2000, you said Jean Mpambara was a member of the MRND; am I correct?

4 A. Yes, that's what I said.

5 Q. And do you know who was the head of MRND in Rukara *commune*?

6 A. The head of MRND in Rukara *commune*, well, he was among the leaders of MRND -- "him" as a
7 *bourgmestre* of Rukara.

8 Q. Witness, does that mean that Mr. Mpambara was the head of the MRND in Rukara?

9 A. Not really him, I do not remember well. I do not remember who was the actual leader, but it was
10 not Mpambara.

11 Q. Indeed, Witness, it was not Mpambara. Still, in your written statement, which you did not handle
12 today, but which is of interest to me you told the investigators of the Prosecutor that
13 Jean Mpambara had arrested and imprisoned Tutsis without any reasons when he was
14 *bourgmestre*, and that was prior to the events which started on the 6th of April. Do you remember
15 having given such a statement?

16 A. Can you repeat the question so that I understand it well?

17 Q. You told the OTP investigators that before 1994, Jean Mpambara had imprisoned Tutsis for no
18 reason; do you confirm that accusation?

19 A. Before 1994, some Tutsis were imprisoned. Can you explain whether it is Mpambara who caused
20 the imprisonment or whether it was -- in what was known as the imprisonment of accomplices?
21 Can you explain?

22 Q. Witness I will simply read out to you an excerpt of your statement, which statement you gave on
23 the 2nd of August 2000. The Rukara *commune* office, when you met an investigator called
24 Mr. Bing, and to that investigator of the Prosecutor, you started your statement with the following
25 sentence: "In March 1994, Jean Mpambara was *bourgmestre* of Rukara *commune*, and he
26 belonged to the MRND. I recall that he arrested and imprisoned some Tutsi people for no reason."
27

28 So I am putting the question to you, sir, whether you confirm that accusation?

29 A. Yes, I confirm that some Tutsis were detained since the attack of *Inkotanyi* in 1990. People who
30 were alleged to be accomplices were detained, and it was *commune* leaders who gave names of
31 the purported accomplices.

32 MR. PRESIDENT:

33 Witness, the question is that it was the Accused, Jean Mpambara, who arrested and imprisoned
34 some Tutsi for no reason. That's the question, yes or no?

35 THE WITNESS:

36 Yes, he brought people to arrest them, and detained them.
37

1 BY MR. VERCKEN:

2 Q. In the interpretation I got of your answer, Witness, it seems as if those people stayed in prison till
3 1994. Would you know for how long those people were imprisoned, and when they were freed?

4 A. No one was detained until 1994. It was after six months that all the detained people were set free.

5 Q. Witness, do you say the events took place after the RPF made the incursions into Rwanda in
6 October 1990?

7 A. Yes, this was subsequent to the attack by the *Inkotanyi*.

8 Q. Witness, if I gave you the names of the following Tutsis, can you tell me whether they were people
9 who were arrested? Jean Damascene Karamera, accountant in the *commune* office?

10 A. Yes.

11 THE ENGLISH INTERPRETER:

12 Mr. President, if counsel will repeat the second name?

13 BY MR. VERCKEN:

14 Q. Jean Claver Karingondo, headmaster of the school complex.

15 MR. VERCKEN:

16 Mr. President, of course, I'm going to give the spellings of the names.

17 BY MR. VERCKEN:

18 Q. Ferdinand Gatsinzi, teacher at Gahini. Are they the Tutsis you are talking about?

19 THE ENGLISH INTERPRETER:

20 Mr. President, the interpreters did not get that name counsel read.

21 THE KINYARWANDA INTERPRETER:

22 Can counsel please slow down, because he's asking the questions before we interpret?

23 MR. PRESIDENT:

24 Yes. None of this will get on the record if you go so rapidly, and I assume you want all this on the
25 record. So can you please slow down, and give us the spellings of all these three names.

26 MR. VERCKEN:

27 Jean Damascene, D-A-M-A-S-C-E-N-E; Karamera, K-A-R-A-M-E-R-A.

28 THE ENGLISH INTERPRETER:

29 And the witness is correcting counsel's spelling.

30 MR. VERCKEN:

31 Claver Karingondo. Claver is spelt C-L-A-V-E-R, and Karingondo is spelt K-A-R-I-N-G-O-N-D-O.

32 Alfred Cyarufbue, C-Y-A-R-U-F-B-U-E (*sic*), and Ferdinand Gatsinzi, G-A-T-S-I-N-Z-I.

33 THE KINYARWANDA INTERPRETER:

34 For the record, the name was Karemera not Karamira. It's the witness who corrected this.

35 (*Pages 16 to 17 by Jean Baigent*)

36

37

1 1015H

2 BY MR. VERCKEN:

3 Q. So, Witness, are those the Tutsis who were arrested, as you said in your statement?

4 A. Yes, those are the ones whom I could recall.

5 Q. Witness, do you know that in October 1990 the RPF invaded part of Rwandan territory and that
6 Rukara *commune*, especially the Akagera park, was considered as a front zone?

7 A. Could you, Counsel, please repeat the question?

8 Q. Witness, do you know that in October 1990 the RPF invaded part of Rwanda and that
9 Rukara *commune*, especially the Akagera park, was considered as a war zone?

10 A. The -- the combat zone was in Gabiro, not in Rukara *commune*.

11 Q. And the Akagera park?

12 A. Yes. There was also fighting in the Akagera National Park. That's what I heard.

13 Q. And, Witness, the Akagera park borders Rukara *commune*, correct?

14 A. Yes, the -- yes, it's -- it -- the border is the Akagera National Park, yes.

15 Q. Witness, if I were to put it to you that the four persons, the four Tutsi persons, you mentioned were
16 actually arrested by three government employees who at the time were investigating and carrying out
17 their actions without being in any way answerable to the Rukara *bourgmestre*, would you be aware of
18 that?

19 A. I wouldn't accept that because somebody cannot come from so far away and then arrest the person
20 whom he or she doesn't know. He would be told by a local person who knows the population around.

21
22 If you are saying that those -- those people you mentioned are the ones who came to arrest, what I
23 know is that those Tutsis were given away by Mpambara because he was their -- their administrator
24 and he -- he knew them. He knew their ethnic belonging, and he knew their relationship with the
25 *Inkotanyi*.

26 MR. PRESIDENT:

27 Counsel, none of this evidence was led by the Prosecution, and I'm just wondering why are you eliciting
28 this information. Does it -- how does it help you?

29 MR. VERCKEN:

30 Mr. President, in the final analysis, I hope it would help my case; otherwise, I would not be putting the
31 question to him. This goes without saying. This is just to see who the witness is, where he comes
32 from. And on this I am relying on what he -- he says is correct. That's the statement he gave to the
33 investigator or the Prosecutor as well as his testimony before your honourable Court.

34 MR. PRESIDENT:

35 Normally, of course, the cross-examination is limited to matters that are raised in evidence in-chief.
36 And if you want to go outside that, there's usually a good reason, and I can't see one at this stage. But,
37 anyway, carry on. It's your case.

1 MR. VERCKEN:

2 Mr. President, perhaps you will reassure me that, when the time will come for you to make your
3 determination, you will rely only on what the witness testified to, not at all on what the witness said in
4 his statements to the Prosecutor. Because if that is the case, then I will move to something else.

5 MR. PRESIDENT:

6 Well, carry on. I think I've said enough for the time being. Carry on the way you want to.

7 MR. VERCKEN:

8 Since I have a number of questions to put along this line, Mr. President, you see, I do not want to be
9 unpleasant. Now, if indeed you are not going to take into account the witness statements, I will move to
10 other issues and other areas, that is, if you are not going to take into account his written statement.

11 MR. PRESIDENT:

12 No, we can't give you that kind of assurance. We will see. If this document is an exhibit, you're
13 cross-examining the witness on this document, we may want to look at it. But that's for us to evaluate
14 at the end, not now.

15 MR. VERCKEN:

16 Much obliged, Mr. President. So I will, therefore, carry on and try as much as possible to be brief.

17 BY MR. VERCKEN:

18 Q. Witness, if I give you the name Onesphore Bicika, O-N-E-S-P-H-O-R-E, Onesphore, then Bicika,
19 B-I-C-I-K-A, Bicika, would that be the name of one of the three government employees who arrested
20 the Tutsis we are talking about?

21 A. I do not know that Onesphore. I do not know that Onesphore.

22 Q. Do you want me to spell the name again?

23

24 Witness, do you remember that before the arrest of the Tutsis we are talking about someone came and
25 spent some time at Pierre Kalisa's place?

26

27 And Pierre Kalisa is spelled K-A-L-I-S-A.

28 A. I -- I don't know. I don't know that Kalisa. I don't know where he lives, and I don't really see where you
29 are taking me, asking me such questions.

30 Q. Witness, I just seek to know whether, when you accuse Mr. Mpambara of any arbitrary arrests, you
31 have specific details regarding the arrests or whether you are simply supposing that the *bourgmestre*
32 had a hand in the arrests. That is all.

33 A. Yes, yes, he was responsible for their arrest. I do not know those people you are mentioning that came
34 to arrest them. I only know Mpambara. I know that it is Mpambara who arrested them. I don't know
35 those people -- those other people that you are mentioning.

36 Q. Witness, are you saying it is Mpambara who personally arrested them?

37 A. That's what I'm saying because he would come with a vehicle, and they would take away the vehicles

1 and take -- take them over to the *communal* office. And they would later be detained somewhere else,
2 but he would take them away initially.

3 Q. Witness, do you know who was in Rukara -- who in Rukara was the IPJ between July 1991 and
4 April 1994?

5 A. The IPJ after 1994, I don't know when he started work. Then they -- in 1994, the IPJ was called
6 Karasira, but I don't recall when he started that job.

7 MR. VERCKEN:

8 Let me spell his name. Perhaps it is in the Prosecutor's spelling list, but I do not have the number. It is
9 spelled K-A-R-A-S-I-R-A.

10 BY MR. VERCKEN:

11 Q. Witness, do you know that that IPJ was a Tutsi?

12 A. I did not know his ethnic belonging.

13 Q. And, Witness, if I were to put it to you that I personally met many people who told me that it was
14 especially thanks to Mr. Mpambara's assistance that Mr. Karasira, the Tutsi IPJ of Rukara, was able to
15 escape their attackers in 1994, would that come as a surprise to you? Or, are you aware of that?

16 A. I do not know because up to now I did not know whether this Karasira was a Tutsi or a Hutu, and I have
17 no idea whether he was helped by -- by the Accused. Up to now, I don't know his ethnic belonging, and
18 I believe he may be alive. Maybe you could ask him.

19 Q. Thank you, Mr. Witness, for that piece of advice.

20

21 You said that Mr. Mpambara is supposed to have carried out arbitrary arrests. Do you know that as
22 early as 1991 *Bourgmestre* Mpambara had set up a committee, joint surveillance committee, in Rukara,
23 composed of Tutsis and Hutus, and who were responsible for putting an end to the atmosphere or
24 climate of suspicion between the two ethnic groups in his *commune*? Were you aware of that,
25 Mr. Witness?

26 A. I do not know about such a commission, and I don't even know whether it ever existed.

27 MR. VERCKEN:

28 Mr. President, I would like to tender the first exhibit, and this is a letter written by the ministry of the
29 interior in Rwanda to the president of the Republic of Rwanda in 1991, and that letter was disclosed by
30 the OTP in the Military I trial in order to establish the resurgence of arms smuggling in the Akagera.
31 And this letter deals with the setting up of this Tutsi-Hutu commission responsible for putting an end to
32 the climate of suspicion between the two ethnic groups.

33 MR. PRESIDENT:

34 Are you going to ask him some questions about that letter?

35 MR. VERCKEN:

36 I believe I just did that a short while ago, but I can put one other question to him, if necessary.

37

1 BY MR. VERCKEN:

2 Q. Mr. Witness, if I read an excerpt from this letter that I have just mentioned, which was sent by the
3 ministry of justice to the president of the republic and in which it is indicated that, faced with the
4 resurgence of tension at that time between the Hutus and the Tutsis, and I read,
5 "*Bourgmestre* Mpambara shared a meeting on the 26th of November 1991 to put an end to this climate
6 of suspicion when the Tutsis -- where the Tutsis feared the worst from the Hutus, and vice versa,"
7 period. "He then set up a surveillance commission made up of ten people and composed of both Hutus
8 and Tutsis.

9

10 Does that ring a bell? Because there is a date here. Were you aware of the setting up of that
11 commission?

12 A. As far as I'm concerned, what you -- you are talking about really concerns the government, and I was
13 an ordinary citizen, and I had nothing to do with the government. The existence of such mixed
14 commission, I don't know it. I never saw this document, and this document has nothing to do with me.
15 So I really have nothing to answer to such a question.

16 Q. Witness, this was a commission set up to settle issues of ethnic tension in Rukara *commune*. I believe
17 that you are an inhabitant of this *commune* and you were an inhabitant of that *commune* at that time.
18 That is why I'm putting that question to you.

19 A. I don't know about that commission. I don't know the members of such a commission. Maybe you can
20 mention the names of those people making up the commission, but, personally, I really have no idea
21 about it.

22 MR. PRESIDENT:

23 Yes, I think that letter should be (*sic*) introduced as part of the Defence case. This witness has no
24 knowledge of it. It was written by the ministry of justice to the president of the republic. I don't see how
25 you can introduce that letter at this stage to this witness. That's not the way to introduce exhibits. If it is
26 part of your case, you put it in when you are calling evidence.

27 MR. VERCKEN:

28 Very well.

29 BY MR. VERCKEN:

30 Q. Mr. Witness, according to you, was *Bourgmestre* Mpambara the person who, in the discharge of his
31 duties as a *bourgmestre*, distinguished between Hutus and Tutsis?

32 A. I earlier said that he used to live well with the Tutsis. He related very well with them, but later he
33 changed. But I don't know any -- any kind of discrimination he exercised in the performance of his
34 duties before.

35 MR. PRESIDENT:

36 So when do you say he changed?

37

1 THE WITNESS:

2 Well, he changed in 1994.

3 MR. PRESIDENT:

4 Yes, but when? What -- what do you say triggered that change? After any particular event, a particular
5 date? Do you know?

6 THE WITNESS:

7 What I saw is that after the death of Habyarimana, the Tutsi were killed. And Mpambara was involved,
8 and he never did anything to protect the Tutsis when he had the power to stop the killings of the Tutsi.

9 MR. PRESIDENT:

10 So the death of the president was the defining moment after which you think he changed his attitude
11 towards the Tutsis? Would that be your evidence?

12 THE WITNESS:

13 Yes, it was at the death of the president. That's when he changed and turned to a cruel person. But
14 before that, he was all right for me.

15 MR. VERCKEN:

16 Thank you, Mr. President. This simplifies the proceedings.

17 BY MR. VERCKEN:

18 Q. Witness, can you tell this Court why you chose the 8th of April to seek refuge in the Rukara church and
19 not elsewhere? Why this location specifically?

20 A. I wasn't the only person. We all felt that the -- the church, the house of God, was a safe refuge and
21 nobody could be killed there.

22 MR. PRESIDENT:

23 Was this the first time that the people of Rukara had taken refuge at a church during *communal*
24 tensions, or did -- had this happened before in -- in your history?

25 THE WITNESS:

26 Since I was young, for me it was the first time. And -- but previously, in around 1959 when there were
27 upheavals, but at that time I was very young. I was a baby, so I don't know what happened there. But
28 it was my first time to witness that kind of event which made people take refuge in the church.

29 MR. VERCKEN:

30 Are you through, Mr. President?

31 MR. PRESIDENT:

32 Yes, yes.

33 BY MR. VERCKEN:

34 Q. If I understand you well, Mr. Witness, there was no specific incitement or orders from the authorities
35 leading you to assemble Tutsis inside a church. This was a spontaneous movement; is that correct?

36 A. As far as you are concerned, we took refuge in the church and believed that that -- that was a sacred
37 place whereby nobody would molest us. So we took our own choice of seeking refuge inside the

1 church. Nobody else instigated us into going there.

2 Q. Thank you. And amongst the other refugees who were assembled in that church, were there any
3 people who told you that they had been given orders to come to this specific location? In other words,
4 did the other refugees, perhaps for historical or religious reasons, spontaneously go to that religious
5 site?

6 A. Could counsel please repeat the question?

7 Q. To your knowledge, did the other refugees assemble in the church and around the church for the same
8 reasons as yourself?

9 A. Yes, we -- we -- we had same reasons because they were also Tutsis and they were running away from
10 killers.

11 Q. Mr. Witness, a short while ago you stated that on the 9th of April 1994, when you saw the *bourgmestre*
12 addressing the refugees, he seemed to be unhappy that they had assembled at that place; is that
13 correct?

14 A. I said -- I said that he asked them what they had come to do there, forgetting -- ignoring what was
15 happening around the area, bearing in mind what was happening to other people who hadn't fled.

16 Q. What do you mean by that, Witness? You have to remind us of what happened to people who had not
17 fled.

18 A. What I mean is that those who fled who were still alive, but those who hadn't fled had started being
19 killed.

20 Q. I'm simply asking for clarification here because I do not quite understand you. On the 9th of April, you
21 are talking about people who were fleeing to where? Can you be more specific, please?

22 A. I said that people fled and took refuge inside the church.

23 Q. Very well. And you also stated that *Bourgmestre* Mpambara seemed to be unhappy about the situation;
24 is that correct?

25 A. I said, actually, that he came and he looked angry, and then he started inquiring why we had gathered
26 there. And in actual fact, my own thinking was that why should he be inquiring when he knew what was
27 happening elsewhere.

28 MR. PRESIDENT:

29 And to be more specific, what you're saying, as I understand your evidence, that Tutsis were being
30 killed in their homes and their houses burned by the *Interahamwe* or other Hutus, hence the need to get
31 away from their homes to a place where they would feel secure. Is that -- that's my understanding of
32 your evidence. Is that correct?

33 THE WITNESS:

34 Precisely, Your Honour. What you're saying is correct. And as I said, right from the 7th, the Tutsis
35 were being killed. It started at -- in Murambi *commune*, whether it was *bourgmestre*, and people started
36 fleeing. And we in Rukara *commune* saw the refugees coming, and they would tell us that people were
37 being killed, until our own *commune* was also affected and people were being killed.

1 And I'm one of those people who fled on the 8th, and at the same time, the people around were being
2 killed. And even in the area where Mpambara lived, people had been killed near Mpambara's father's
3 home. Two families had been killed.

4 MR. PRESIDENT:

5 And these killings and burnings were matters of such common knowledge that you say Mpambara must
6 have known they were going on, they were happening; is that -- is that your evidence?

7 THE WITNESS:

8 Yes. He knew. If he hadn't -- if he -- if he had known -- if he hadn't known, at least he would have told
9 people not to be involved in the killings and the burning.

10 MR. PRESIDENT:

11 Yes, thank you.

12

13 Yes, please.

14 BY MR. VERCKEN:

15 Q. Mr. Witness, do you confirm that you heard Mr. Mpambara telling the refugees that he was trying to
16 restore security for them?

17 A. Could counsel please repeat the question? I did not hear the question well.

18 Q. During the first part of that meeting, which was held in front of the Rukara church, the *bourgmestre* told
19 the refugees that he was going to try to restore security in that place. Is that what you said?

20 A. That's what he said, but that's all. He never -- he never did anything about it. He simply said that in
21 words, but no action was taken towards that.

22 Q. Now, tell me, Mr. Witness, the fact that *Bourgmestre* Mpambara was accompanied by the commander
23 of the gendarmerie, was that not a signal that he had started taking measures, or at least that he had
24 requested reinforcement to provide security for the people who had assembled in that church?

25 A. And as you said, we were Tutsis that -- that was -- that was -- that was what was going to happen, that
26 was -- he was going to do it. He came with armed policemen, with the gendarmerie commander, and,
27 as he said, "I am going to protect you."

28

29 If he had actually done that, nothing would have happened. But, instead, when he left, a group came
30 and started killing us. If he had kept there with the policemen and the gendarmes, if he had stayed
31 there, nobody would have been killed, I believe.

32 Q. And if I tell you, Mr. Witness, that shortly before coming to discuss with the refugees around the parish
33 the *bourgmestre*, the gendarmerie commander, and the parish priest had addressed several hundred
34 assailants who were gathered on a hill and that they had tried to have them turned back and that those
35 attackers indeed dispersed, would that surprise you?

36 A. I am not aware of that. I don't know whether he addressed such people together with the priest. I
37 cannot confirm because I never saw that happen. What I'm saying is what I saw with my own eyes. I

1 wouldn't know whether the -- they tried to stop those people. And, supposing they did stop those
2 people, would they have continued and attacked other people?

3 Q. We were talking about hundreds of attackers, Witness. You cannot put a policeman behind every
4 citizen.

5
6 But did you know how many policemen were there in the eight *secteurs* of Rukara *commune*?

7 A. I don't remember the -- the number well. What I remember is that each *secteur* had at least a
8 policeman. That means Mpambara had eight policemen, and (*unintelligible*) Rukara had eight *secteurs*.
9 If you add the gendarmes, I don't know how the military worked, but I believe the gendarmes were
10 about ten. If those people were armed and -- and had come and stood by us, could the *Interahamwe*
11 and the other killers have dared to come and attack us, facing armed people? Even one armed person
12 could ward off up to 2,000 people if that person is well armed. So if they had done that, nothing would
13 have happened to us.

14 Q. Yes, but you have stated, Mr. Witness, that the attackers were also armed and that there were many of
15 them.

16 A. Yes, I said so. They were armed with traditional weapons, spears, machetes, and bows and arrows,
17 and they even had European weaponry, such as grenades.

18 Q. And you believe that one person armed with a rifle could repulse hundreds and even thousands of
19 attackers, some of whom are armed with grenades?

20 A. You are talking about one person. I talked about eight policemen, and I talked about between twelve
21 and -- and fifteen gendarmes. But I believe that eight-plus, ten-plus people, can't they protect people?
22 And especially as they -- if they are given the order to do so. If we had been protected by the
23 administration, nobody would have dared attack us. And even those grenades were distributed by
24 the -- by the leaders, because an ordinary citizen wouldn't -- wouldn't find a hand grenade elsewhere.

25 Q. And, Witness, you believe that -- let us take, for example, the 9th of April 1994. At the time
26 Jean Mpambara was discussing with the refugees in front of the church, was the Rukara parish the only
27 place where there was need to have security and police? You believe it is easy to assemble the entire
28 security force in a single location?

29 A. Yes, it was necessary for -- it would have been necessary for them to be there. That was the only area
30 where a large number of Tutsis had gathered. It is true that there were some people in -- in Gahini, but
31 most of the people were gathered at Rukara parish, and that's where the largest concentration of -- of
32 policemen -- that's where the largest concentration of policemen should have been if they were to
33 protect people. If they had the will to protect those people, they could have done so.

34 MR. PRESIDENT:

35 Mr. Vercken, it's sharp 11 now. Is it appropriate to take our morning tea break?

36 MR. VERCKEN:

37 Yes.

1 MR. PRESIDENT:

2 We will have a slightly longer break today. We will resume at 11:30, 11:30.

3 (*Court recessed from 1100H to 1141H*)

4 MR. PRESIDENT:

5 Yes, Mr. Vercken.

6 MR. VERCKEN:

7 Thank you, Mr. President.

8 BY MR. VERCKEN:

9 Q. Witness, you talked to us about that meeting in front of the Rukara church on the 9th of April between
10 3 and 4 p.m. in the presence of the gendarmerie commander. Would you remember whether there
11 were other authorities accompanying the *bourgmestre* and the commander? I am talking about other
12 officials of the *commune* who accompanied the *bourgmestre* and the commander when the speech was
13 made at the parish.

14 A. I did not see any other authorities apart from *Bourgmestre* Mpambara and the gendarmerie
15 commander.

16 Q. Would you remember whether you saw any white person?

17 A. The white person who was there was Father Santos, a priest at that parish.

18 Q. Very well. So he was present during that dialogue with the refugees, correct?

19 A. I do not recall if he followed what those people said, but I know that that father -- that priest lived at that
20 parish, and he was still residing there.

21 Q. But was he present? I am referring to Father Santos. Was he present during the discussion?

22 A. I am not sure if he was there. I did not -- I was not very concerned about his presence. I was more
23 concerned with the people who were saying that they are going to ensure our security, so I did not
24 really mind to see if he was there.

25 Q. And while you were seeking refuge at the church which had that priest, Father Santos, did
26 Father Santos and the other priests provide assistance to the refugees?

27 A. Yes. They gave us some assistance and even prayed for us. I remember that Father Santos used to
28 give us beans by giving us rations of beans, using glasses, the glass that that are normally used to
29 drink water. Yes, Father Santos helped us, gave us some assistance.

30 Q. Witness, would you remember up until when you saw Father Santos come and assist refugees at the
31 Rukara parish?

32 A. What I recall is that, since my arrival on the 8th, Father Santos was present there. Up to the 12th, he
33 was still there. It's after the 13th that I did not see him again. That was the last time that I saw him.

34 Q. Witness, you talked about an attack which took place on the 9th of April and another attack which took
35 place on the 12th of the same month. Between those two dates, did the parish come under attack?

36 A. As I said, there was an attack on the 9th, but there was no attack on the 10th because what I remember
37 is that the -- the 12 people who were killed, we buried those people in one common grave in the

1 cemetery for Christians. So that means that on the 10th there was no attack. There was no attack
2 either on the 11th. And other attacks, small attacks, were organised in the evening. But the biggest
3 attack was the one on the 12th that killed many, many people.

4 Q. Is the attack of the 12th the one which started with the episode you gave an account of, that is, the
5 *bourgmestre* offloading stones near the parish?

6 A. Yes, that's the case. Mpambara brought the stones during the daytime, between 3 and 4 p.m., then
7 they started throwing stones at us. And even some gendarmes came and shot at us. Ordinary citizens
8 would throw stones at us, and then they would reorganise and launch a big attack in which very many
9 people were killed. This was, however, preceded by Mpambara's action of bringing the stones there.

10 Q. On the 10th of April, which you remember because the 12 persons who had been killed on the eve
11 were buried, can you tell us you, if you remember, what day of the week it was?

12 A. I recall the 6th was Wednesday, Thursday was 7th, Friday the 8th, Saturday, 9th, so 10th was Sunday.
13 It was a Sunday.

14 Q. That is correct, Witness.

15
16 Now, tell me, during the interval between the 9th and the 12th, can you explain to this Court what was
17 going on amongst the refugees? Were you moving about, or were you all within the church premises
18 throughout the day? Or, were people able to go out? What I mean is, how did you organise daily life
19 amongst the refugees?

20 A. I think you can tell what the situation was like. From the 9th when people were killed, there was no life
21 to talk of. On the 10th we buried the people who had been killed, and we were also in fear of our lives.
22 So in the meantime, you thought that you could be killed anytime. That was the kind of life situation we
23 were living in.

24 Q. I imagine that when, according to you, there was no attack between those two dates, you tried to look
25 for the best hiding place possible, and whenever there was an attack, you tried to make arrangements
26 to protect yourselves from the attacks also; is that correct? I'm trying to imagine how it was, but you are
27 best placed to tell us how you organised yourselves.

28 A. There was really nothing I can talk of as -- that we were doing, but I will tell you that, during the attack of
29 the 9th, people were killed. So we, the survivors, buried the dead, and we were just apprehensive,
30 thinking that we would be killed anytime.

31
32 And these people had looted cattle, which they were eating and sharing out, but we were just waiting to
33 be killed, waiting for other attacks, to be killed. And we had nowhere else to go because we had
34 thought that we would be safest at the church, although we were wrong about it.

35 Q. So does that mean that as days were unravelling, that intolerable attack, you remained inside the
36 church, or were you able to go out?

37 A. Because we were in different locations, I was inside the church. There were others who were in

1 classrooms. There are others who are at the nutritional centre, others at the health centre. We were in
2 different locations, so I could not follow what was happening, what the everyday life of all those people
3 in those locations was. However, concerning my -- all myself, I remained inside the church because I
4 feared that if I get (*sic*) out, I might encounter difficulties. So I stayed there.

5 Q. Were there many people inside the church?

6 A. Yes, there were many people. There were very many people inside the church.

7 Q. And what would be your estimate of the number of people? Was it tight inside? Give us an estimate.

8 A. I think I've already answered this question. I was not able to count the people who had taken refuge
9 there. I can only give an estimate, so I cannot give an exact number of people who were there. So
10 inside -- we were in different locations. I cannot give you the number of people in the church or those in
11 the classrooms.

12 Q. I do not seek to know about the classrooms. I am asking you about what you saw. I am talking about
13 the church, and I understand that it is not possible for you to give a specific assessment. That is not
14 what I want. What I want is that you give us an idea of the number of people in the church.

15
16 In order for me to make you better understand what I seek, I will ask you whether it was possible to
17 move about easily inside the church, or were there so many people that it was really some sort of a
18 stampede if need be?

19 A. We were very many in the church, and children were even crying out because of the heat, because of
20 the temperature in the room. And the pregnant women were short of breath because of the big number
21 of people inside the church --

22 Q. (*No interpretation*)

23 A. -- so it was full to maximum capacity --

24 MR. PRESIDENT:

25 Counsel --

26 THE WITNESS:

27 (*Microphones overlapping*) -- there were very --

28 MR. PRESIDENT:

29 (*Microphones overlapping*) -- you should wait till he finishes his answer. Don't jump in the middle of an
30 answer. Let him finish the answer.

31

32 Yes, will you answer that?

33 THE WITNESS:

34 He has asked me how many people there were, if there were -- if one could move around in the church.
35 This could not be possible. You could not move around the church because there were so many
36 people. For instance, pregnant women and children could not breathe easily, so you could not move
37 easily in the church because we were -- we were like matchsticks in a matchbox. We were very close

1 to each other.

2 BY MR. VERCKEN:

3 Q. Witness, once again, I can imagine that, because you were wounded during the first attack on the 9th of
4 April, you were hit by grenade shrapnel, you tried to take some shelter inside the church. Can you tell
5 us whether there was a particular place where you were inside the church, or were you moving around?

6 A. I think if you followed well what I said when the Prosecutor was asking me questions, at one time I said
7 that I left the church and went to hide where rabbits -- were there was space for breeding rabbits. So
8 after the attack during the daytime, I tried to go and hide somewhere else, where they were breeding
9 rabbits. I felt that no one could come to seek -- no one would imagine that someone would be there
10 and hide there, so that's why I went to hide in that place.

11 Q. And afterwards, before the 12th of April attack when you went inside the church, which door did you go
12 through to get into the church?

13 A. I went through the backyard of the presbytery. That's where there was a rabbitry. So there was a door
14 from the kitchen that went through the presbytery, and then they would reach where there's -- where
15 the priest normally donned his robes before reading mass. And then from there I entered the church
16 proper.

17 Q. Through the sacristy?

18 A. Yes, and it's -- it adjoins the -- the church. So the sacristy is -- adjoins the big church, and I passed
19 through that door, and then I went into the church.

20 Q. Afterwards, where did you go to inside the church?

21 A. I just went -- I went inside the church and tried to find a spot where I could stand.

22 *(Pages 18 to 29 by Ann Burum)*

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1 1200H

2 BY MR. VERCKEN:

3 Q. Was it as safe as possible, by way of shelter?

4 A. How could I -- there was no way I could say there was more security, really. It was all the same inside
5 the church.

6 Q. So where were you?

7 A. I remained inside the church, as I have just said. I didn't go elsewhere.

8 Q. And where inside the church were you?

9 A. I do not know how I can explain well this. This room is smaller than the church. So I was in the middle
10 of the church, where I could see open space inside the church.

11 Q. So it was from that position that you noticed the *bourgmestre's* vehicle arrive?

12 A. Yes, that's when I observed the *bourgmestre's* vehicle arrive.

13 Q. Were you standing?

14 A. Yes, I was standing up. I was not seated.

15 Q. Were there many people.

16 A. Yes, there were many people.

17 Q. And from that midst of the crowd, in the middle of the church, you were able to observe what was going
18 on outside, a vehicle coming with people unloading stones; correct?

19 A. Yes, I witnessed that with my own eyes. It's not hearsay.

20 Q. You were able to make out the *bourgmestre*, Witness, were you?

21 A. Yes, I could see him. I knew him even before, so I saw him. And he has the one -- he didn't have a
22 driver, he was driving the vehicle himself.

23 MR. PRESIDENT:

24 Yes, this church is like a hall, is it not? It's a hall, isn't it?

25 THE WITNESS:

26 Yes. It's a big hall where many people can sit.

27 MR. PRESIDENT:

28 You have some idea of sizes. Can you give us some indication of how long and how wide this hall
29 was?

30 THE WITNESS:

31 If I estimate, it might have a width of 50 metres. I am just making an estimate; maybe 30 metres by 50.

32 But that's an estimate. I cannot confirm in. It might be more or less. However, it is a big hall that can
33 contain many people, because I never measured the church.

34 MR. PRESIDENT:

35 And this hall had doors and windows?

36 THE WITNESS:

37 Yes, it has two doors, one on one side, and the other, the second, on the other side. It had windows

1 which, however, could not be opened, with window panes, with ventilation blocks. And the window
2 panes were coloured.

3 MR. PRESIDENT:

4 And the doors, after you and the rest of the refugees got into the hall, inside the hall, were the doors
5 shut or were they open?

6 THE WITNESS:

7 We shut the doors because, if we had not done so, the killers could have come in and killed everyone.
8 So we shut the doors.

9 MR. PRESIDENT:

10 So where did your visibility outside the hall come from?

11 THE WITNESS:

12 As I said, when you are inside the church, you can look and see what is happening outside, because
13 there are glass window panes. And there are also these ventilation blocks that have holes, so you can
14 see through the glass and through the ventilation holes.

15 MR. PRESIDENT:

16 So you were saw the Accused Mpambara through the window, did you, through the glass panels of
17 window, whichever it was?

18 THE WITNESS:

19 Yes, indeed. I saw him with my own eyes. It's not what I heard from other people. I saw him myself.

20 MR. PRESIDENT:

21 And how far from the window were you, through which you saw him?

22 THE WITNESS:

23 It's not -- it's between 5 and 10 metres.

24 JUDGE EGOROV:

25 And, Mr. Witness, what was the distance between you and Mr. Mpambara?

26 THE WITNESS:

27 Between his vehicle and the church, the vehicle was in the church compound, so it's like you have a
28 house and then you have a compound. So the vehicle was about 10 metres from the church.

29 JUDGE EGOROV:

30 Thank you.

31 BY MR. VERCKEN:

32 Q. Witness, do you remember whether, at the time, in front of the church, near the road between the
33 church and the catechist's house, there was any vegetation, that is, plants or any form of decorative
34 vegetation?

35 A. The garden -- the flower garden is next to the church. At the time, actually, there was no road, it was
36 just a compound. The road was built there this year. Before, there used to be no road, but there was a
37 compound, and vehicles could go through that compound and continue. However, the flowers were

1 next to the church, and then beyond that, there was also the statue of the Virgin Mary. There were also
2 flowers near that statue.

3 Q. Witness, in an answer which you gave a short while ago, you said the window panes were coloured.
4 Are you referring to the painted -- stained glasses we have in churches?

5 A. For the -- concerning the window panes, some of the glasses were coloured; there were red, yellow,
6 blue, and then the next window, there are no window panes, there are, rather, ventilation boxes --
7 blocks. That is how it was.

8 MR. VERCKEN:

9 Mr. President, do you grant me leave to show the witness the photograph which is on page 19 of the
10 photo album, which, in my mind, is a representation of that particular site of the Karubamba church?

11 MR. PRESIDENT:

12 Yes, you may show him that photograph.

13 BY MR. VERCKEN:

14 Q. Witness --

15 JUDGE EGOROV:

16 Which?

17 MR. VERCKEN:

18 Nineteen. Nineteen.

19 BY MR. VERCKEN:

20 Q. Witness, are you able to identify this view of the Karubamba church from the road?

21 A. Yes, I think it is.

22 MR. KAREGYESA:

23 *(Microphones overlapping)*...English translation.

24 THE ENGLISH INTERPRETER:

25 The interpreter did not hear Prosecution counsel, Mr. President, we are afraid.

26 MR. PRESIDENT:

27 We have lost our interpreter?

28 THE ENGLISH INTERPRETER:

29 Mr. President, the interpreters have lost Prosecution counsel. We didn't hear him.

30 MR. PRESIDENT:

31 It's the other way around.

32

33 You were not heard, Mr. Karegyesa, in the interpretation booth.

34 MR. KAREGYESA:

35 I was just saying, Your Honours, that I didn't hear the English translation to counsel's question.

36 MR. PRESIDENT:

37 Yes, can that be repeated, please?

1 You might like to ask that question again, Mr. Vercken.

2 MR. VERCKEN:

3 I am sorry, I lost you there, Mr. President.

4 BY MR. VERCKEN:

5 Q. Witness, on this photograph which is on page 19 of the album, are you able to recognise the view of the
6 Rukara church from the road?

7 MR. KAREGYESA:

8 (*Microphones overlapping*)...could counsel kindly repeat the question after I have changed my headset?

9 MR. PRESIDENT:

10 Can you hold off for a minute while Mr. Karegyesa gets his gadgets sorted out?

11

12 Working now? Yes.

13

14 Sorry about that, Mr. Vercken. You will have to repeat your question one more time.

15 MR. VERCKEN:

16 No problem, Mr. President.

17 BY MR. VERCKEN:

18 Q. Witness, are you able to tell this Court whether you recognise the photograph before you?

19 A. Yes, I know this place very well.

20 Q. Is it the Rukara church we are talking about?

21 A. Yes, it is.

22 Q. Is it the site of the Rukara church, which looks out at the road, the courtyard, which was talked about a
23 while ago?

24 A. Yes.

25 Q. So it is through those windows and air vents placed 5 to 10 metres inside the church that you were able
26 to identify Mr. Mpambara through coloured glasses?

27 A. Yes. Yes, that's the case.

28 Q. Witness, when you talked about air vents, are you referring to those surfaces which can be seen on
29 both sides of -- or on each side of the church, which comprise bricks with holes?

30 A. As I told you, when you look at the photo, you can see the window panes, and, then, next you see
31 bricks with holes. Those are the holes I mentioned.

32 Q. Witness, as you recall, was there a more luxuriant vegetation in 1994 than the one we have on these
33 photographs, which is a recent photograph?

34 A. There were flowers. There were flowers next to the church.

35 Q. Were there shrubs?

36 A. There were flowers. There were flowers. There were flowers next to the church.

37 Q. So there were no shrubs?

1 A. As you can see from the photo, you can see there were flowers, and there were also sisal plants, which
2 white people take as flowers also. So there were flowers and sisal plants.

3 MR. PRESIDENT:

4 I think what we are interested in is the size of the growth. Was it similar to what you see in that
5 photograph, or were there taller bushes there, irrespective of whether they were flowers or whatever?

6 THE WITNESS:

7 They were smaller than this in the picture. They were small, and they were not covering the windows.

8 MR. PRESIDENT:

9 I am not very clear about one thing. These open spaces that you talked about, so there is no covering
10 at all, no glass, nothing, just open holes in the concrete? Is that what it is, or is there some kind of a
11 panel there?

12 THE WITNESS:

13 These are holes that have no obstruction at all. They are holes, nothing obstructing them.

14 MR. PRESIDENT:

15 And it is through those holes that you say you identified Mpambara; is that right?

16 THE WITNESS:

17 Yes. I saw him both through those holes and the window panes. When you are inside the church, you
18 can observe what is outside the church.

19 MR. PRESIDENT:

20 If this church hall was packed with people like matchsticks in a matchbox, to use your expression, how
21 could you see past all this large number of people, presumably standing all around you?

22 THE WITNESS:

23 Where I was in the church, indeed, there were many people, but I could see outside because I was tall
24 enough to see what was outside; and you can also stand on the benches in the church, above the
25 people's heads, and see what is outside the church.

26 MR. PRESIDENT:

27 So are you saying that you were standing on a bench when you saw Mpambara?

28 THE WITNESS:

29 Yes. I also stood on a bench in order to observe what was going on in the compound outside the
30 church.

31 BY MR. VERCKEN:

32 Q. Witness, a short while ago we were talking about the days between the two attacks of the 9th and
33 12th of April. I would suppose that the most dangerous and worrying time for the refugees in this parish
34 would be during the nights; am I correct?

35 A. All -- it was almost all the same, be it the heat that we faced during the day, or the attacks all the
36 nighttime. We didn't feel at ease at all any time. So it was almost all the same for us.

37 Q. Yes, I do understand. But as a follow-up question, what did you use as light? How did the people

1 inside the church light up the area during the nights?

2 A. There was -- we had electricity in the church and there were bulbs and -- however, after some time the
3 electricity was cut off, but, initially, we had electricity.

4 Q. And would you remember approximately at what time the electricity was cut off?

5 A. I do not recall the day the electricity was cut.

6 Q. Would it have been between the 9th and the 12th?

7 A. I do not recall at all because I was not really taking care to note that. I cannot tell you when the
8 electricity was cut.

9 Q. Did you have the opportunity to move about inside the parish premises after nightfall, that is, during the
10 period of the events?

11 A. No, I never did that. I could not have dared to do that because then I would have been killed.

12 Q. And after nightfall was the courtyard lit? Did they have public lighting that is outside of church or was it
13 only moonlight?

14 A. I did not see any other light, especially because this was during a rainy season, the place was, in most
15 cases, dark.

16 Q. Do you remember whether there was any public lighting that was actually working while you were
17 taking refuge at the Rukara parish? And by lighting, I just mean lamp posts, so as to be clear.

18 A. As I told you, I do not recall about this issue, and I think I do not recall having seen any light outside. I
19 think it was not functioning, but I cannot recall well about this.

20 Q. Thank you, Witness.

21

22 And now I will backtrack for a while to the first attack of the 9th of April.

23

24 And in answer to one of the Prosecutor's questions a short while ago, you said that the refugees at the
25 church had repulsed the attackers with bricks, at least that is what I heard in the translation. So could
26 you tell this Court where you took those bricks from in order to use them to repulse the attackers?

27 A. I did not tell you that we stopped them, because if we had done so, they couldn't have killed us. We
28 tried to do that, but we did not succeed. And these were small pieces of bricks that were lying there in
29 the compound, and not everyone could have access to these pieces of bricks. And there were very
30 few, so we were not really able to repel the attack, but we tried.

31 Q. Do you remember, Witness, whether at the time of the events, there were any ongoing public works
32 around the parish, whether there was any building construction ongoing?

33 A. There was no construction activity during the war period.

34 Q. Witness, you said *Bourgmestre* Mpambara and other people brought along stones on the
35 12th of April 1994 between 4 and 5 p.m.; is that correct?

36 A. That's right.

37 Q. And yet, Mr. Witness, in your signed statement -- and I should point out that the interpreter in the

1 case - that you understood your statement and that it was consistent with what you had said -- you said
2 something quite different regarding that transportation of stones. Do you remember what you said at
3 the time?

4 A. I do not recall. You might, please, read it out so that I can check if what I said is what was reported.

5 Q. Well, I will read it to you. And that is page 4 in the French version of your statement of August 2000:
6 "On the 11th of April 1994, *Bourgmestre* Jean Mpambara came to the parish three times on board his
7 vehicle, a Toyota pickup, loaded with stone. I was able to observe that each of these times, he was
8 accompanied by *Interahamwe* and policemen. He deposited the stones at various places outside in the
9 parish. And I knew that these stones had been taken from Kaduha because I hail from this region.
10 Immediately following the departure of *Bourgmestre* Jean Mpambara on board his vehicle the third
11 time, the *Interahamwe* attacked us, that is, those of us refugees, using traditional weapons and threw
12 the stones that had been deposited by the *bourgmestre* at us. And during that attack, at least 100
13 refugees were killed." Do you remember making that statement, Mr. Witness?

14 A. Yes, I remember, but I think there was a wrong recording of what I said, like where it is stated that
15 Mpambara came three times with his vehicle. That's not what I said. I said that -- I said that the
16 offloading took place in three different locations and he moved from one corner to another and to
17 another. It's not that the vehicle came three times, but the offloading, that took place in three different
18 corners. So this was wrong recording of what I said. It was not three times of arrival, but, rather, it is
19 offloading in three different locations. The rest is as I stated: The *Interahamwe* used those stones to
20 haul (*sic*) them at us, and the gendarmes all shot at us, and the *Interahamwe* used traditional weapons
21 to attack us. But the wrong record is where it is stated that the vehicle came three times; instead, it was
22 offloaded in three different locations.

23 Q. I understand, Witness, that there could be an interpretation error at one time or the other, but you will
24 observe that the three times mentioned twice in your statement: First, at the beginning, it is stated that,
25 "*Bourgmestre* Jean Mpambara came to the parish three times on board his vehicle loaded with stones,
26 and each time I could see that he was accompanied by *Interahamwe*." So there is very little room for
27 confusion here. And in the second part of your statement, you say that, "Immediately following the
28 departure of bureaucrat Jean Mpambara on board his vehicle, for the third time the *Interahamwes*
29 attacked us."

30
31 After reading these two passages, it seems that you stated at that time that *Bourgmestre* Jean
32 Mpambara came three times with stones on the 11th of April. Would you maintain that this is still a
33 translation error?

34 A. I confirm that it was bad interpretation. I can give an example of the wrong interpretation. I said that
35 during the war, I saw him three times: On the 9th, on the 12th, and on the 13th. I said that I saw him
36 three times during -- on three different occasions during the war. They wrote that I saw him three times
37 on one day. This is wrong. I said I saw him on three different occasions. It is clear that the people who

1 recorded this did it wrongly.

2 MR. PRESIDENT:

3 Can we have those dates again? Which are the dates you say he came?

4 THE WITNESS:

5 I said that he came on the 9th, on the 12th, and on the 13th. Those are the three occasions on which I
6 saw him personally. I said what I witnessed personally. It was possible he was seen somewhere else
7 by other people, but this was my personal recollection.

8 MR. PRESIDENT:

9 So you have no recollection of him coming to the parish on the 11th?

10 THE WITNESS:

11 No. On the 11th, maybe they misquoted me on that date.

12 BY MR. VERCKEN:

13 Q. Would you suggest that that is also an error of translation in that case, Mr. Witness?

14 A. Indeed, concerning the 11th, I never saw him on that day. If that's what was recorded, this was a
15 mistake. Maybe I said on 12th and they recorded "on the 11th." All I can confirm is that I saw him on
16 the three occasions, on the 9th, the 11th -- the 12th, and on the 13th.

17 Q. Witness, you said that the assailants came and attacked the refugees while armed with traditional
18 weapons, and sometimes grenades and even rifles; is that correct?

19 A. The attackers, I did not see the attackers with guns. I mentioned grenades. The guns -- the rifles were
20 used by the gendarmes.

21 Q. And the gendarmes were not with the attackers; is that correct?

22 A. Yes, they were with the attackers.

23 Q. Therefore, according to you, the attackers had guns?

24 A. The attackers had traditional weapons, some had grenades. I gave the example of (*inaudible*)
25 Mpambara, who had grenades, which I witnessed with my own eyes, and some others, yes, but I never
26 said civilians were armed with rifles. The -- it is the gendarmes who were armed with rifles.

27 JUDGE EGOROV:

28 And which attack are you talking about, the first or the second?

29 MR. VERCKEN:

30 Your Honour, we are talking about the two because the witness stated that he had been wounded by a
31 grenade as early as the 9th of April.

32 JUDGE EGOROV:

33 The gendarmes took part in both attacks?

34 THE WITNESS:

35 No. On the 9th -- there were no gendarmes during the attack on the 9th. The gendarmes came on the
36 12th. On the 9th, it was with traditional weapons and grenades. That's when I got injured. Here, there
37 is shrapnel; in here. That's on the 9th. I didn't see any gendarme on the 9th.

1 JUDGE EGOROV:

2 Mr. Witness, did you see any policeman take part in the attacks, either on the 9th or the 12th?

3 THE WITNESS:

4 Yes, the police were among the attackers.

5 JUDGE EGOROV:

6 On what date?

7 THE WITNESS:

8 On the 9th, I saw one policeman called Ruhiguri. He was the head of the *communal* police.

9 JUDGE EGOROV:

10 Thank you very much.

11 BY MR. VERCKEN:

12 Q. Witness, considering that the assailants, that is, all those people attacking the church, including civilians
13 and soldiers, since you say that those attackers on the 12th were armed with grenades, rifles, bows and
14 arrows, what, according to you, would the stones have been used for?

15 A. They pelted us with stones, yes. The stones were used by people who did not have such weapons. It
16 was youth wingers who were using the stones.

17 Q. But at what were they throwing those stones?

18 A. Really, you see the kind of question you are asking me. The target were the Tutsis inside the church.
19 No other target could be imagined. You ask me who were the targets.

20 Q. Yes, because I am wondering how they could shoot stones at people who were inside the church?

21 A. Can you ask the question again so that I get it properly?

22 Q. How is it possible for people outside the church to try to harm people inside the church using stones?

23 A. I have told you that the stones were in the church compound, where you have seen on the photo.
24 Within 10 metres you can easily break the windows all -- through the ventilator holes, you might
25 manage to get the people inside. All the windows were broken, and when you throw a stone against a
26 window, it's easy to break that window.

27 Q. Witness, you have just said people inside the church could be targeted with stones through the air
28 vents. Is that what you said?

29 A. Yes, the stones were coming with full force, and they could hurt the people inside. Some people could
30 die; young children could die immediately upon being hit with such stones.

31 Q. Witness, do you remember whether at that time at the Rukara church, windows -- do you remember
32 whether there was any wire mesh, any metallic grille to protect the windows?

33 A. The window panes had some grilles around them. It meant that if the stone hit the grille, it could not
34 enter the building, but if it hit the window itself, then it could land inside the church.

35 Q. In your statement to the OTP investigators, you stated that you knew where those stones had come
36 from. And I will refer you to the paragraph in your statement in which you say that: "I knew that the
37 stones were collected from Kaduha in Ryamanyoni, because I am from that area." Did you say that?

1 A. I said that these stones could have been collected from Kaduha and Ryamanyoni, but I did not say that
2 I come from there. I said that I knew that kind of stone because I used to pass through that area, and I
3 saw the vehicle coming from that direction. I said that the stones could have been brought from
4 Kaduha in Ryamanyoni *secteur*. I used to pass there and I had seen those very hard stones, stones
5 that were hard and could not easily be broken.

6 Q. Witness, could you tell the Court, once again, what was your occupation at that time?

7 MR. KAREGYESA:

8 Your Honour, we are in open session.

9 MR. VERCKEN:

10 In fact, I will withdraw that question. I had forgotten.

11 BY MR. VERCKEN:

12 Q. Mr. Witness, do you think your daily activities would have made it possible for you to be interested in
13 stones enough to know where they came from?

14 A. It depends on how an area is characterised, what is -- what are the characteristics of a particular area.
15 I knew there were some types of stones that are whitish in colour which are quartz, and those quartz
16 were known to come from that particular area in Kaduha. These were quartz. They were not ordinary
17 stones. And I had seen Mpambara's vehicle coming from that direction.

18 Q. Considering that you were inside the church at the time, how did you know then that Mpambara's
19 vehicle was coming from the direction of Ryamanyoni?

20 A. As you can see from this photo, if the vehicle is coming from this side, I could know that this comes
21 from Karubamba centre or from the direction of Ryamanyoni because of the direction it came from, from
22 this side. I can confirm, and I was seeing the vehicle, that it was coming from that direction.

23 Q. Witness, there are several roads that converge just in front of the nuns' convent and out of the sight of
24 the people who were inside the church. So, is it your testimony here that you saw the vehicle of the
25 *bourgmestre* coming from the road leading to Ryamanyoni?

26 A. When a vehicle comes, first thing, where you are, for instance, then it is easy to know that it's coming
27 from that direction. Depending on how it is parking -- how it is parked, you can know which direction it
28 is coming from, and that's why I can confirm that it was coming from Ryamanyoni direction.

29 Q. Witness, you can, of course, deduce that a vehicle came from a certain direction if there is only one
30 road to where you are, but if there are many roads, and you cannot see those several roads from where
31 you are, so how do you come about deducing that the vehicle was coming from Ryamanyoni?

32 A. As I said, even this (*sic*) kind of stones that it was carrying could obviously show which direction it was
33 from. If it was from Gahini, for instance, it would not be possible to have got this type of stones from
34 there. I said that I saw the way it was parked, that it had come from that direction, and, in addition, I
35 saw the quartzite that the vehicle brought, and I could tell from that type of stone, the quartzite stone,
36 that the vehicle was coming from that particular area.

37 Q. Witness, do you think that if the stones had been collected from Gahini, you could have recognised

1 them as Gahini stones?

2 A. I used to pass in that area. I knew that type of stone from that particular area, and that's why I could
3 confirm that it was from that particular area.

4 Q. One last detail, Mr. Witness, before I come to the end of this incident concerning stones. Do you
5 confirm that Mr. Mpambara remained seated inside the vehicle while the stones were being offloaded?

6 A. Yes. He remained in the vehicle during the offloading of the stones.

7 Q. And you recognised him?

8 A. I was looking at him.

9 Q. Okay. Now, Witness, can you -- could you tell me whether bottles of petrol and jerrycans of petrol were
10 used during this attack against the parish that now you say took place on the 12th of April?

11 A. I saw Mpambara during the day carrying stones in the vehicle, and then there was an attack -- an attack
12 that had gunshots, traditional weapons, and so on. But what followed at night, I did not see Mpambara
13 during the attack at night. Whether he brought the petrol that evening, I did not see that. I told you I
14 had gone to another hiding place. The people -- I don't know, I wouldn't tell whether the people who
15 stayed behind were able to see what you are describing, the jerrycans that you are talking about. I was
16 no longer in the church at that time.

17 Q. To your knowledge, was any petrol used during the attack against the church on the 12th of April? That
18 is correct, as far as you know?

19 A. As a witness on the morning of 13th of April, as I stated earlier, I saw in the cinema hall that people had
20 been burnt with petrol. The people -- the dead bodies inside, they had been burnt beyond recognition.
21 They had been burnt beyond recognition because petrol had been used. But I wasn't there and I did
22 not -- I was not an eyewitness to who brought in this petrol, but it is a fact that during that attack petrol
23 was used.

24 Q. And after looking for your relatives in the cinema hall, when you went back inside the church, did you
25 observe that some of the people who were there, injured or otherwise, had been hurt by petrol inside
26 the church?

27 A. I did not notice any petrol inside the church or any victims of petrol burning. I saw people whose limbs
28 had been cut by grenades, people who had been decapitated, women whose wombs had been hacked
29 up, but I did not see any victims of petrol burning. There had been grenades thrown into the church
30 and rifles shot inside, but I did not witness any victims of petrol burning inside the church.

31 MR. VERCKEN:

32 Mr. President, obviously you wish to know how long the cross is going to last.

33 MR. PRESIDENT:

34 No, Mr. Vercken you are wrong. I just wish to know if this would be the right time to adjourn for lunch.

35 Is that --

36 MR. VERCKEN:

37 Absolutely, Mr. President.

1 MR. PRESIDENT:

2 All right. We will adjourn now, two minutes earlier; resume at 2.30.

3

4 Perhaps you can tell us how much longer you will be so that we can organise our next witness.

5 MR. VERCKEN:

6 I believe that I should not go beyond 30 or 40 minutes.

7 MR. PRESIDENT:

8 Thank you. That's helpful.

9 *(Court recessed at 1300H)*

10 *(Pages 30 to 41 by Judith Baverstock)*

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1 (Court resumed at 1434H)

2 MR. PRESIDENT:

3 Yes, Mr. Vercken.

4 MR. VERCKEN:

5 Thank you, Mr. President.

6 BY MR. VERCKEN:

7 Q. Witness, in your written statement you have stated that after the 12th of April attack on Karubamba
8 church, there were other attacks and other deaths; is that correct?

9 A. Could you, Counsel, repeat again, please? I really didn't get your question.

10 Q. Were there other attacks after that of the 12th of April on the parish, and if there were such attacks after
11 the 12th, did the deaths ensue at the parish?

12 A. There were minor attacks than the one of the 12th, yes, there were.

13 Q. I am putting that question to you because you have stated that after the attack of the 12th, you saw
14 Jean Mpambara come again or go again to the parish; is that correct?

15 A. Yes, indeed, I saw him and it was on the 13th.

16 Q. That's right. So after the attack of the 12th, an attack on the 13th, and in your written statement you
17 told us -- you have stated -- you stated to the OTP investigators, I know there are translation problems,
18 but I will read this extract. This is still the statement of the 2nd of August 2000. The day after the
19 attack, here, we're speaking of the day after the 11th, so you state: "The next day the *bourgmestre*,
20 Jean Mpambara, came back to the parish and told the refugees that it would be better for them to flee
21 from the parish. We did not follow his advice because in our opinion it was a trap to get us killed."
22

23 Now, Witness, once more, I find that there is a big difference between that statement you make to the
24 OTP investigators and what you told us in court here this morning; namely, that not only did you have
25 an opinion with regard to the trap, but this morning you went much further. You explained that you
26 yourself had seen people leave the parish and be immediately killed on the advice of Jean Mpambara.

27 That's not what you say here in this written statement. Can you explain the difference to us?

28 MR. KAREGYESA:

29 Your Honours, it's a mischaracterisation of the witness's evidence that he said the victims were killed on
30 the advice of Mpambara.

31 MR. PRESIDENT:

32 Yes, I think that's right Mr. -- I have never heard him say killed on the advice of Mpambara. It's an
33 inference, but I'm not sure that follows logically from what the witness did say. (*Microphones*
34 *overlapping*)

35 MR. VERCKEN:

36 Perhaps I will therefore read the note I made practically on dictation by the witness, and perhaps you'll
37 understand why I'm putting that question. I took note and, of course, this can be verified by the court

1 reporters that the witness had stated, "On the 13th of April, I saw the *bourgmestre* in the evening at
2 about 3 or 4 p.m. He told us to leave the church and flee. Those who fled were killed immediately after
3 fleeing. I saw that from inside the church. Those that obeyed were hacked to pieces with machetes."

4 MR. PRESIDENT:

5 Yes, I think that's a very accurate record of what he did say. I don't see anywhere in what you've just
6 read to us any inference that the *bourgmestre* advised the killings. That's -- that's a conclusion you
7 have drawn, and it's not the only conclusion that might be drawn.

8 MR. VERCKEN:

9 Well, I thank you, Mr. President.

10 BY MR. VERCKEN:

11 Q. Witness, can you tell us what conclusion we should draw from what you stated this morning?

12 MR. KAREGYESA:

13 *(Microphones overlapping)*

14 BY MR. VERCKEN:

15 Q. Witness, tell me whether people were killed in front of the *bourgmestre* as you seem to be suggesting
16 this morning -- seemed to be saying this morning?

17 A. I did not say that the *bourgmestre* ordered people to kill others. What he said is that people should
18 leave the church and follow the others, and the reason why I said it was an excuse to get people killed,
19 but it -- I didn't say that he ordered people to kill others. But that was -- had -- had become some
20 practice after that time.

21 Q. A practice of what? What sort of practice?

22 A. The practice of killing. It had -- for some time now, it was taking place.

23 JUDGE EGOROV:

24 Mr. Witness but you didn't answer the counsel's question. Were certain people killed in front of
25 *(microphones overlapping)*... his ordering.

26 THE WITNESS:

27 Mpambara was no longer standing there; he had left. He told people to leave the church and flee, and
28 immediately he left. Those who tried to follow those who were fleeing were killed, but Mpambara
29 himself had -- had left.

30 BY MR. VERCKEN:

31 Q. Then why, when you were answering the OTP investigators in August 2000, did you state, "We did not
32 follow his advice because in our opinion" -- you don't say that you checked that opinion -- "in our
33 opinion it was a trap." That contradicts what you stated this morning.

34 A. There is no contradiction because Mpambara would come and, like, deceive us, and tell us that he's
35 going to protect -- to protect us, and that never happened. At the time, there -- there was an attack and
36 were -- people were killed with grenades and our property was destroyed. Another sign that it was a
37 trap is when he brought stones. Immediately, the attacks started. When he left, and at -- at night, that's

1 when people were killed, and if people left the church, they -- they would have been killed because as it
2 looked, every time he advised us, people would be killed. So I don't see how this case would be an
3 exception.

4 Q. Did you see, yes or no, after Mr. Mpambara visits and advises you to flee, after that visit, and advice to
5 flee, did you or did you not see refugees being killed because they tried to flee?

6 A. Yes, I said so. I said those amongst us who tried, and I mentioned a certain Rukwaya and Nzaramba,
7 there are those who tried, and they -- they died. And there are other people whose names I don't recall
8 who were killed.

9 Q. So my question is the following, Witness: Why in August 2000 did you say to the OTP investigators
10 that you did not follow Mr. Mpambara's advice and, therefore, nobody left the church on his advice.
11 I will re-read the statement, "We did not follow his advice because in our opinion it was a trap."
12 Now, that is a difference.

13 A. What is the difference, Counsel? I don't understand the difference.

14 Q. In your first statement in 2000 you said that the *bourgmestre* came to advise people to flee from the
15 church, but that no one followed that advice, and this morning you told us that the *bourgmestre* came to
16 advise people to leave the church in order to flee, and after he'd given that advice and left, people left
17 the church and were killed. That is, therefore, a discrepancy.

18 A. Maybe those people who were taking notes of what I was telling -- of what I was telling them, but
19 generally speaking most of us didn't take the advice that he gave us, which I considered to be a -- a
20 trap. But later, just a handful of people took -- took his advice, and they got themselves killed. But, in --
21 in general, we did not take his advice.

22 Q. Well here, sir, this is not in general terms. You are referred to a specific event and you describe it. It is
23 not a generalisation; it is the day of the 13th, and the advice given by Jean Mpambara, and the
24 consequences, however.

25

26 Witness, I shall go further because you tell us now that after the attack of the 13th there were yet
27 others, and deaths occurred. So knowing that day, can't we say that the -- that the *bourgmestre's*
28 advice, as you've reported it in your statement of the -- August 2000, was good advice to join the other
29 refugees, and stand a chance of getting away. Whereas staying locked in the church would be in an --
30 an environment that the *bourgmestre* could not control?

31 A. How would that be a -- a judicious advice, if people who took the advice were killed as a consequence?
32 How can that be good advice?

33 Q. And the people that didn't follow them were also attacked, as you stated in your statement. That
34 reflects the difficulty there was, perhaps, in giving advice at that time. What do you think about that?

35 A. Yes, of course, the attacks continued, as I said before, yes.

36 Q. Witness, I should like to show you a photograph. It's on page -- on page 55 of the album.

37 It's a photograph of a house facing Karubamba market, and I want you to tell me if it inspires any

1 recollections.

2 A. This photograph, in my opinion, is Mpambara's house which is at Karubamba. But he was not residing
3 there, but he had built it.

4 Q. And do you know who lives in that house today, Witness?

5 MR. KAREGYESA:

6 Your Honours, before the witness answers that question, I'm a bit apprehensive that we're getting
7 perilously close to matters that may identify the witness.

8 MR. VERCKEN:

9 I agree, Mr. President and, in any case, I would like -- I did want to inform you that I should like to finish
10 cross-examination in closed session, to finish this cross-examination in closed session.

11 MR. PRESIDENT:

12 Do you want -- do you want to move into a closed session now or lat --?

13 MR. VERCKEN:

14 Yes, please, Mr. President.

15 MR. PRESIDENT:

16 We will conclude in a closed session, so if there is anyone or -- there are people in the public gallery,
17 please make way.

18 *(At this point in the proceedings, a portion of the transcript [pages 46 to 55] was extracted and sealed*
19 *under separate cover, as the session was heard in camera)*

20 *(Pages 42 to 45 by Jean Baigent)*

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1 BY MR. KAREGYESA:

2 Q. Witness, in cross-examination this morning, you told the Chamber that the *bourgmestre* had at his
3 disposal about eight *communal* policemen. You also added that he had at his disposal about twelve or
4 more gendarmes. Can you tell this Chamber how the Accused had gendarmes at his disposal?

5 MR. VERCKEN:

6 Mr. President, I did not address this issue in my cross-examination. I would like to point that out.

7 MR. KAREGYESA:

8 Your Honours, the Chamber clearly remembers this witness giving the number of gendarmes and
9 number of *communal* policemen.

10 MR. PRESIDENT:

11 Yes, I think that answer was given, and no matter how innocently you might have drawn that
12 information, it's there now. And during the cross-examination --

13 JUDGE LATTANZI:

14 *(No interpretation)*

15 MR. PRESIDENT:

16 Yes, go on.

17 MR. KAREGYESA:

18 Much obliged, Your Honours.

19 BY MR. KAREGYESA:

20 Q. Witness, can you tell the Chamber how come the Accused had a dozen or more gendarmes at his
21 disposal?

22 A. As I said, Mpambara had at his disposal gendarmes and policemen. This means he could ensure our
23 security, as he had promised, security for the people, as he had promised, because both the
24 gendarmes -- the gendarmes and the policemen were more powerful than the ordinary citizens. No one
25 could have attacked and killed the ordinary citizens, so what they only lacked was the will to do that.

26 Q. You probably didn't understand my question. Now, it's common knowledge that a *commune* has
27 *communal* policemen, and you have said that there were eight *communal* policemen. But you've also
28 given a specific number of about a dozen gendarmes. And can you tell us, can you tell the Chamber,
29 how come the Accused had a dozen gendarmes at his disposal? Did they belong to the *commune*?

30 A. No, the gendarmes were not -- had come to ensure people's security. But that's not what they did;
31 rather, they did the opposite.

32 Q. Now, for how long had the *bourgmestre* had access in his *commune* to these 12 gendarmes?

33 A. I do not recall exactly the date and month, nor the year when they came, but I remember that that
34 gendarmerie detach came, was brought there after the *Inkotanyi* had attacked. That is when the
35 gendarmes came. I do not, however, recall the date nor the month. But they had been there for a
36 while.

37 Q. And when you say a detach of gendarmes, where was that -- this detach based?

1 A. It was near the *communal* office where -- the house next to the office of the policemen near to what
2 used to be a social hall; that is, it used to be a social hall in the '70s, and that's where the detach was.

3 Q. And when you refer to the *Inkotanyi* attack, Witness, are you referring to the invasion in October 1990?

4 A. Yes, that's when the attack took place, 1990. It is after that that the gendarme attach -- detach was
5 brought there.

6 Q. And what kind of firearms did gendarmes in this detach carry?

7 A. I am not well versed with types of -- of rifles because I was never a soldier. I could only see they were
8 carrying rifles, but I cannot tell the type it was.

9 Q. Now, during the attacks at the parish, which you've just mentioned, on the 9th and the 12th, do you
10 know whether the gendarmes and/or the *communal* policemen sought to prevent or otherwise beat off
11 these attacks?

12 A. They never tried to repel the attacks. Actually, they instead helped the attackers. For instance, during
13 the attack on the 9th, that evening the gendarmes also came and shot at us. And even in -- rather, on
14 the 11th and on the 9th, a police -- a *communal* policeman came with attackers and shot at us. So they
15 never prevented the attackers; rather, they reinforced the attackers.

16 Q. Thank you, Witness.

17
18 Now, Witness, you told the Chamber this morning that on the afternoon of the 12th of April 1994 when
19 the Accused delivered stones in his pickup, the vehicle came from the Kaduha direction; am I correct?

20 A. I said from the direction of Gahini *secteur*, and that area is called Kaduha. That's what I said, yes.

21 Q. Thank you.

22
23 And when the Accused parked his vehicle, which direction was it facing?

24 A. It was facing the Karubamba centre.

25 Q. And when you saw the *bourgmestre* and the *responsable*, can you tell the Chamber where the
26 *bourgmestre* was sitting in this car -- in the pickup? Was it on the left or on the right?

27 A. He was sitting on the side of the steering wheel because he's the one who was driving. So I -- I think it
28 was on the left side of the vehicle because that is how it was in Rwanda then.

29 Q. And this driver's side of the vehicle, was it near the church, or was it further away from the church,
30 according to where the vehicle was facing?

31 A. As I said, the vehicle was facing Karubamba centre, and that means that the left side of the vehicle is
32 the one facing the church. So Mpambara was in that position because the steering -- the vehicle's
33 steering wheel was on the left side of the vehicle.

34 Q. Now, did you keep him under observation throughout the offloading of the quartzite stone or rocks at
35 the three places you mentioned in your testimony?

36 A. Yes, I was observing him continuously. I told you I was in the church and I could see very well what
37 was happening in the road.

1 Q. And was there anything between you and the vehicle to obstruct your view during this offloading
2 process?

3 A. No, there was no obstruction because even the flowers that were near the church were short, and they
4 could not obstruct me -- they could not obstruct the windows, so there was no obstruction between me
5 and the vehicle.

6 Q. All right. You've mentioned windows, Witness, and you were shown a photo appearing at page 19 of
7 the Defence photo album.

8 MR. KAREGYESA:

9 Registry, if you could kindly show him page 19 again.

10 BY MR. KAREGYESA:

11 Q. Are you in a position to give us the dimensions of the windows you're referring to in terms of width and
12 height, either in metres, centimetres, or feet?

13 A. *(No interpretation)*

14 Q. Continue.

15 A. As you can see from the picture of the church, you can see that the windows start from 1 metre from
16 ground level, and then it goes high up to where -- up to -- they are very high windows, from 1 metre
17 from the ground level up to their full length. They could be about 2 metres high. The windows could be
18 2 metres high or 2.5 metres high.

19
20 As for the width, it could be 1.5 metres wide. It's an estimate. I never measured these windows, but I
21 think you can tell from the picture that what I'm saying is the truth.

22 Q. All right. Now -- and you told the Chamber, Witness, that there were window panes or glass panes in
23 the windows; is that correct?

24 A. Yes. As you can see from the photo, where you see something that looks like tiles -- no, I'm -- where
25 you see -- where you see lines, that's where there are window panes, and these window panes were of
26 different colours, white, green, red, blue. So the windows -- it is through these windows that the stones
27 were reaching us because most of the window panes had been destroyed.

28
29 And, actually, even now if you went to the church, you would find that -- you'd find not all the window
30 panes are still in the windows; just a few are remaining. There used to be -- all windows used to have
31 window panes, but now if you went there, you'll find that very few are remaining, and you would then
32 know that what happened to me is the truth because the window panes that were replaced were put in
33 after the war, are not the same as the ones that were there before.

34 Q. So is it your evidence, Witness, that this photo represents the windows that were put in after the war?

35 A. Yes. Some white panes were put back. They didn't put coloured window panes as there used to be
36 before because even the -- the -- even the -- the roofing materials have been replaced because they
37 had destroyed part of the roofing in order to be able to throw the grenades inside the church.

- 1 Q. Thank you, Witness. Now, there's an alternating sequence, and can you tell this Chamber whether the
2 windows alternated with the honeycomb brick vents?
- 3 A. Yes, it was like this even before. You have the ventilation bricks and then the windows. That is the
4 situation. Now, the tiles -- roofing tiles were removed from the roof, and then they put plain sheets. So
5 concerning -- they put in plain glasses instead of the coloured window panes, so the ones that were not
6 broken and are still there are the only proof that there used to be coloured window panes before.
- 7 Q. Right. And was this glass transparent or opaque?
- 8 A. They were transparent.
- 9 Q. Now, in either instance, that is, the windows or the honeycomb vents, what were you looking through in
10 order to visualise the *bourgmestre* during the offloading of the stones?
- 11 A. When you are inside the church, you can look through the windows or through the ventilation blocks
12 because, in these blocks, there are holes, and you can see through those holes. So you can see from
13 both the -- through the window panes or through those ventilation blocks.
- 14 Q. And you've told this Chamber that it was around 4 o'clock in the afternoon. Am I correct?
- 15 A. That is correct.
- 16 Q. Was there sufficient daylight?
- 17 A. As you can tell, around 3, around 4, it is still daylight. So there -- there was enough light.
- 18 MR. KAREGYESA:
19 I have no further questions, Your Honours.
- 20 MR. VERCKEN:
21 Mr. President?
- 22 THE ENGLISH INTERPRETER:
23 Says Defence counsel.
- 24 MR. VERCKEN:
25 Mr. President?
- 26 MR. PRESIDENT:
27 Yes.
- 28 MR. VERCKEN:
29 I have just one brief question, which is directly linked with what has just been said, in order for things to
30 be clear. I can tell you what the question is so that you will determine whether or not I will put it to the
31 witness. I wanted to know whether, looking at the photograph on page 19, the witness is able to tell us
32 through which of the five windows in front of him he was able to observe *Bourgmestre* Mpambara.
- 33 MR. PRESIDENT:
34 Witness, are you able to tell us which of those windows that you see in that photograph were you able
35 to see through to be able to identify the *Bourgmestre* Mpambara? Can you indicate that?
- 36 THE WITNESS:
37 Yes, I can indicate that window to you. Starting from the -- the door -- as you can see, you begin with

1 the ventilation blocks and then a window pane and then ventilation blocks and then again ventilation
2 blocks. That's four. Then next comes a window pane. That is the fifth, and then you have the
3 ventilation blocks (*microphone not activated*).

4 MR. PRESIDENT:

5 Just put a cross where -- on the window from which you saw the *bourgmestre* so we'll all know exactly
6 what you're talking about. Put a cross.

7 THE WITNESS:

8 Actually, I was about to show you the exact window. This is the window just beyond a tall sisal plant.
9 That is where I was.

10 MR. PRESIDENT:

11 You were going to ask one question.

12 MR. VERCKEN:

13 Actually, the question, and the witness's answer, will lead me to produce a document, Mr. President.
14 Do you want me to -- in any case, I do not have that document, but we are going to get it.

15 MR. PRESIDENT:

16 You can produce it during your -- your case.

17

18 All right, Witness --

19 MR. VERCKEN:

20 Thank you, Mr. President.

21 MR. PRESIDENT:

22 -- we have come to the end of your evidence. And all that remains is for me to thank you for coming
23 here, for testifying, and please do not discuss your evidence with any other potential witness or, indeed,
24 with anyone. And we wish you a safe journey home, and you are now free to go.

25 MR. VERCKEN:

26 Mr. President, I was wondering whether the photograph which has been marked by the witness should
27 be entered as an exhibit.

28

29 Thank you, Your Honour.

30 MR. PRESIDENT:

31 It probably should be if we're going to use it. You want it exhibited in the Defence exhibits? What's the
32 number, Mr. --

33 MR. MATEMANGA:

34 D. 14.

35 MR. PRESIDENT:

36 Yes, all right. The photograph appearing at page P. 19 of the book of photographs be admitted into
37 evidence as -- D. 19, did you say?

1 MR. MATEMANGA:

2 Fourteen.

3 MR. PRESIDENT:

4 Fourteen. D. 14.

5 *(Exhibit No. D. 14 admitted)*

6 MR. PRESIDENT:

7 All right, Witness, you may -- you're free to leave.

8 THE WITNESS:

9 Thank you, Your Honour.

10 *(Witness excused)*

11 MR. PRESIDENT:

12 You have your other witness here?

13 MR. KAREGYESA:

14 Yes, Your Honours. It will be Witness LEK.

15 MR. PRESIDENT:

16 Was this a long witness, Ms. Mobberley?

17 MS. MOBBERLEY:

18 No. I intend to keep it rather brief. But I do have an application to make before he begins to testify.

19 And it could be dealt with now. The application is for a closed session under Rule 75(B)(ii) of the rules.

20 That rule allows the Chamber to hear the reasons for a full application for a closed session in a closed

21 session. So I'm applying for a closed session to determine whether there should be a closed session

22 for the witness.

23 MR. PRESIDENT:

24 The entire evidence should be in closed session?

25 MS. MOBBERLEY:

26 Yes, sir.

27 MR. PRESIDENT:

28 That's really what you're asking for, isn't it?

29 MS. MOBBERLEY:

30 Yes, sir.

31 MR. PRESIDENT:

32 All right. Does the Defence object to that?

33

34 There's no objection, so do we really need to go through the preliminaries or can we just go into closed

35 session?

36 MS. MOBBERLEY:

37 We can just go into closed session.

1 MR. PRESIDENT:

2 You might state for the record, I think it would be wise to do that, is this for security reasons? Would
3 you like to just articulate your --

4 MS. MOBBERLEY:

5 Yes, sir. We -- once the public gallery is cleared, I can do that.

6 MR. PRESIDENT:

7 Yes. Yes, we are now in a closed session. Members of the public are kindly requested to withdraw.

8 *(At this point in the proceedings, a portion of the transcript [pages 63 to 69] was extracted and sealed*
9 *under separate cover, as the session was heard in camera)*

10 *(Pages 56 to 62 by Ann Burum)*

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CERTIFICATE

We, Jean Baigent, Ann Burum and Judith Baverstock, 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.

Jean Baigent

Ann Burum

Judith Baverstock