

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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

THE PROSECUTOR
OF THE TRIBUNAL
v.
JEAN MPAMBARA

TUESDAY, 20 SEPTEMBER 2005
0849H
CONTINUING 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:

Ms. Andra Mobberley
Mr. Didace Nyirinkwaya

For the Accused Jean Mpambara:

Mr. Arthur Vercken
Mr. Vincent Courcelle Labrousse

Court Reporters:

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

I N D E XWITNESSESFor the Prosecution:

WITNESS LET

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PROCEEDINGS

1

2 MR. PRESIDENT:

3 Good morning. Good morning, everyone -- good morning, Witness.

4 Yes, can we administer the oath now.

5

6 Witness, would you please rise.

7 *(Declaration made by Witness LET in Kinyarwanda)*

8 MR. PRESIDENT:

9 I think the Defence are unable to have a good view of the witness. Yes, can the curtain be moved a bit
10 so that they can see.

11

12 It is not being interpreted? It is being interpreted.

13

14 We have the personal information sheet.

15

16 Witness, you have before you your personal information sheet. Do you see it?

17 THE WITNESS:

18 *(No interpretation)*

19 MR. PRESIDENT:

20 Have you looked through it?

21 THE WITNESS:

22 *(No interpretation)*

23 MR. PRESIDENT:

24 Are the contents correct?

25 THE WITNESS:

26 *(No interpretation)*

27 MR. PRESIDENT:

28 Can you hear the witness in the -- in the booth there? Can you hear? I can't hear you. I can't hear you
29 on my --

30 THE ENGLISH INTERPRETER:

31 Your -- Your Honour, can you hear the English interpreter?

32 MR. PRESIDENT:

33 Yes, I can.

34

35 Mr. Matemanga, is there something wrong with the system?

36 THE ENGLISH INTERPRETER:

37 Can the President hear the English booth interpreter?

1 MR. PRESIDENT:

2 I can now, thank you.

3 THE ENGLISH INTERPRETER:

4 All right, thank you. Much obliged.

5 MR. PRESIDENT:

6 And the signature at the bottom of that -- that sheet, is that yours?

7 THE WITNESS:

8 *(No interpretation)*

9 MR. PRESIDENT:

10 I can't hear the interpreter. Was that interpreted, the answer interpreted? I think there is a problem.

11

12 Yeah, all right. Can -- can -- Witness, can you hear me?

13 THE WITNESS:

14 *(No interpretation)*

15 MR. PRESIDENT:

16 All right, and the signature is yours, is it?

17 THE WITNESS:

18 *(No interpretation)*

19 MR. PRESIDENT:

20 Yes, thank you.

21

22 Now, do you want that marked as an exhibit?

23 MS. MOBBERLEY:

24 Yes, I do, Your Honour, but I have also just stopped receiving the interpretation. So perhaps we could

25 deal with the exhibit first and ask the technicians to see if we can fix the communication problems

26 in the -- in the court.

27

28 Your Honour, I believe it would be Prosecution Exhibit No. 1.

29 MR. PRESIDENT:

30 All right. We admit -- we admit the personal information sheet as exhibit -- Prosecution Exhibit 1.

31 *(Exhibit No. P. 1 admitted, under seal)*

32 MS. MOBBERLEY:

33 Thank you, sir.

34

35 I do propose to end this witness's testimony --

36 MR. PRESIDENT:

37 Under seal? Yeah, sorry about this, but I think it should be placed under seal.

1 MS. MOBBERLEY:

2 Yes, sir, thank you.

3 MR. PRESIDENT:

4 Exhibit 1, under seal.

5

6 Are you going to start with this witness in a closed session?

7 MS. MOBBERLEY:

8 I propose to finish with the witness in a closed session, whichever way I do it, the information is going to
9 be slightly disjointed. But -- but, I think, a smoother flow might be achieved if we conclude with a closed
10 session.

11 MR. PRESIDENT:

12 So we are now in an open session?

13 MS. MOBBERLEY:

14 Yes sir.

15 MR. PRESIDENT:

16 Now, Witness, we begin your testimony in an open session and you must be careful not to give any
17 information which may reveal your identity; do you understand that? Do you understand that?

18 THE WITNESS:

19 *(No interpretation)*

20 MR. PRESIDENT:

21 Yes, all right.

22

WITNESS LET,

23

first having been duly sworn,

24

testified as follows:

25

EXAMINATION-IN-CHIEF

26 BY MS. MOBBERLEY:

27 Q. Witness LET, good morning.

28 A. *(No interpretation)*

29 Q. It's important when you answer questions to say yes or no and to give us a clear indication so that it
30 can be interpreted to the record.

31 A. *(No interpretation)*

32 Q. Witness LET, we are in an open session, which means that the information which you give will be
33 reported. So please let me know if you are concerned that any questions might reveal your identity.

34 A. *(No interpretation)*

35 MS. MOBBERLEY:

36 Your Honours, I'm still not receiving any translations. If I could communicate directly with the
37 Kinyarwanda booth, could the Kinyarwanda booth please speak to me just so I can check the radio

1 communication device? Okay. Thank you, we are communicating. All right, I'm not really sure what's
2 happening. I'm getting French and a bit of English.

3 THE ENGLISH INTERPRETER:

4 I'm trying to communicate with you also. I'm speaking, can you hear me? I'm speaking.

5 MS. MOBBERLEY:

6 I now have them on two channels, so I think it's time that I can proceed.

7 BY MS. MOBBERLEY:

8 Q. Witness LET, on the morning of the 4th of April 1994, do you recall hearing of the death of
9 President Habyarimana?

10 A. I heard about it on the 6th of April.

11 Q. Witness, we are experiencing some communication or some problems with the technical devices, with
12 the headsets, so if you could just bear with us, we're going to try to sort this out.

13 MR. PRESIDENT:

14 Where -- where is the problem?

15 JUDGE LATTANZI:

16 The first channel is not working.

17 MR. PRESIDENT:

18 Which -- the first channel?

19 JUDGE LATTANZI:

20 Where it is that the translation from English -- from English, it's not working. It's only noise.

21 MR. PRESIDENT:

22 Well, on channel zero, I'm able to get the translation.

23 JUDGE LATTANZI:

24 *(Microphones overlapping)*...but not the translation.

25 MR. PRESIDENT:

26 Yeah, all right. It seems we should sort this out before we begin. So we'll take a short adjournment to
27 enable the technicians to get the system working.

28 MS. MOBBERLEY:

29 Thank you, sir.

30 *(Court recessed from 0901H to 0941H)*

31 MR. PRESIDENT:

32 Well, we have lost 50 minutes of very valuable time and we hope this will be the last time this will
33 happen, whoever is responsible. I think it's very important to ensure that we are ready to proceed --
34 proceed as scheduled, and don't lose any further time. Thank you.

35 MS. MOBBERLEY:

36 Thank you.

37

1 Your Honours, during the break I have been giving some thought to the way in which I can consolidate
2 questions in order to proceed efficiently with the testimony of this witness, and in order to achieve that
3 re-organisation, I will need to start in a closed session but it will be brief.

4 MR. PRESIDENT:

5 Yes, very well then. We'll start in a closed session. Please ensure that the public gallery is vacated.

6 *(At this point in the proceedings, a portion of the transcript [pages 6 to 7] was extracted and sealed*
7 *under separate cover, as the session was heard in camera)*

8 *(Pages 1 to 5 by Jean Baigent)*

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1 MR. PRESIDENT:

2 The Chamber is now in open session.

3 BY MS. MOBBERLEY:

4 Q. Witness LET, the courtroom has now moved into open session and that means that the public and
5 the press can hear your evidence. So please be cautious about giving any information that might
6 reveal your identity.

7 A. Yes, I understand.

8 Q. Witness LET, how and when did you hear about the death of President Habyarimana?

9 A. I learnt about it on -- on the morning of the 7th of April, and I was told by a night watchman at the
10 hospital.

11 Q. Witness, following the death of President Habyarimana, did you see Jean Mpambara?

12 A. Yes, I saw him.

13 Q. Do you recall the dates on which you saw him?

14 A. Yes, I remember the dates. The first time was on the 7th.

15 Q. When were the other times?

16 A. I also saw him on the 9th.

17 Q. On the 7th of April 1994, how many times did you see the Accused?

18 A. I saw him twice.

19 Q. Where were you the first time you saw him?

20 A. I was at the Gahini marketplace.

21 Q. Did you see him when he arrived at the market or was he already there when you arrived?

22 A. I saw him come, I was already there.

23 Q. Did he arrive on foot or in a vehicle?

24 A. He came on board a vehicle.

25 Q. Was he alone or was he with other people?

26 A. He was with policemen.

27 Q. Were these policemen gendarmes or *communal* policemen; could you tell?

28 A. They were *communal* policemen.

29 Q. What were they wearing?

30 A. They were wearing police uniform.

31 Q. Were they carrying anything?

32 A. They were armed with guns.

33 Q. What sort of vehicle was it?

34 A. It was a pickup.

35 Q. And where were the policemen when you first saw them?

36 A. They were at the back of the vehicle.

37 Q. Can you describe for the Court, what happened when you saw Jean Mpambara?

1 A. When I saw him, the vehicle came and stopped and the policemen came out, and -- and
2 Mpambara also came out, and they walked around among people who were at the market, telling
3 them not to open the market because it wasn't allowed.
4

5 After some time, Mpambara stepped forward with one policeman and the other policeman chased
6 away the people who were at the market. He went by the road and reached -- he reached some
7 bar, where a group of young men had formed a group. He approached them and he -- he seemed
8 to be talking to them, but I was quite a distance and I couldn't hear what he was telling them.
9 Since it wasn't allowed to open the market, I went straight back home.

10 Q. And without revealing where you were living in -- at that time, what did you do when you got
11 home?

12 A. I -- I stayed at home with my family and we were not able to do anything at all because we were
13 quite frightened. But, among the young men whom he was talking with, they came down on
14 bicycle, turning around, around our home, and they would go for a while and then come back to
15 our home. So we stayed at home as the orders were -- had been given that everybody should
16 stay at home. But there was one friend of ours who kept visiting us and telling us about the
17 developments and what was being said outside and what was happening outside.

18 Q. Could you pause there, please. What was the name of the market you were at that morning?

19 A. The -- the place was in Umwiga *cellule*, but we used to call it the market. There was no special
20 name for it.

21 Q. Amongst the people that (*unintelligible*) Mpambara talked to after he told people to clear from the
22 market, did you recognise any -- let me rephrase the question. Did you recognise any of the
23 people that Mpambara spoke to after he spoke with you that morning?

24 A. I remember a few names among those young people.

25 Q. Can you give us those names?

26 A. I can remember a certain Mugiraneza, Alphonse, who was -- who was his (*unintelligible*).

27 MS. MOBBERLEY:

28 That name appears at number 138 on the list of proper nouns.

29 BY MS. MOBBERLEY:

30 Q. Did you recognise anybody else, Witness LET?

31 A. There was a young man called Shingiro and another one called Ndayambaje, whose nickname
32 was Rujigo. There was a certain Nkurayija, Jean Baptiste, who was the hospital administrator, who
33 was the Gahini hospital administrator. There was another one called Kandida; I don't know his
34 other name. Those are the few people I can remember.

35 MS. MOBBERLEY:

36 The name Nkurayija appears at number 167 of the list of proper nouns.
37

1 Are the interpreters able to assist with the spelling of the other names?

2 THE ENGLISH INTERPRETER:

3 Yes, yes, we can assist in interpreting the other names -- with the spelling of the other names.

4

5 Umwiga, U-M-W-I-G-A; Mugiraneza, Alphonse, M-U-G-I-R-A-N-E-Z-A; Alphonse,
6 A-L-P-H-O-N-S-E; Shingiro, S-H-I-N-G-I-R-O; Ndayambaje, Rujigo, N-D-A-Y-A-M-B-A-J-E,
7 R-U-J-I-G-O; Jean Baptiste Nkurayija, J-E-A-N B-A-P-T-I-S-T-E, Jean Baptiste; Nkurayija,
8 N-K-U-R-A-Y-I-J-A, and the last name, Kandida, K-A-N-D-I-D-A.

9 MS. MOBBERLEY:

10 Thank you.

11 BY MS. MOBBERLEY:

12 Q. Witness LET, are they -- were they people that you knew well?

13 A. Yes, I know them well.

14 Q. Are you able to say whether the people that you have named were Hutu or Tutsi?

15 A. They were Hutu.

16 Q. Come back to the time when you were at home, how long did you stay at home that afternoon?

17 A. I -- I think I spent about four hours at home, because when I left the market between 10 and 11 in
18 the morning, and I left home in the afternoon.

19 Q. Where did you go when you left home that afternoon?

20 A. I went to Gahini hospital.

21 Q. You said you saw Jean Mpambara twice that day. Can you tell us what happened the second time
22 you saw him? Begin with telling us where you were.

23 A. The second time I saw him, it was at the Gahini hospital, when killers called *Interahamwe*, who
24 were beating two young Tutsi -- two Tutsi young men who had taken refuge at the hospital.

25 Q. Did you recognise the two young men who were being beaten?

26 A. I could recognise one because I knew him before. He -- his name was Murenzi, but I could not
27 recognise the second young man.

28 MS. MOBBERLEY:

29 That name appears at number 142 on the list of proper nouns.

30 BY MS. MOBBERLEY:

31 Q. How many -- excuse me -- how many attackers were there?

32 A. There were about six or seven, but certainly there were not more than seven people.

33 Q. Did you know any of the attackers or, rather, did you recognise any of them?

34 A. Yes, I could recognise some of them. There was a certain Gasana, Samuel. There was Hab --
35 Habimana, nicknamed "Boling," and there was another one called Karara. Those are the ones I
36 could -- I could remember their names.

37

1 MS. MOBBERLEY:

2 Those names appear at number 46 and number 17 or, rather, the first two do. Could the
3 interpreters assist us with the spelling of the last name?

4 THE ENGLISH INTERPRETER:

5 Yes, the last name is Karara, K-A-R-A-R-A.

6 BY MS. MOBBERLEY:

7 Q. Do you know what their ethnic group was?

8 A. Yes, I knew their ethnic group; they were Hutu.

9 Q. Can you describe what happened then, how were these young men being beaten?

10 A. I had just reached the hospital and there were other people who had taken refuge there, who were
11 at the conference hall of the hospital. After some time, there was a nurse who came in and told us
12 that we should be careful because the *Interahamwe* have come. We were all frightened, and we
13 started peeping through the window and then we saw the group going towards the hospital. They
14 had entered through one small gate leading to a place called Kabeza. And they kept going. After
15 about five to ten minutes, we heard a lot of noise and we got up and went to the veranda to see
16 what was happening.

17 Q. Did you personally see that beating taking place?

18 THE ENGLISH INTERPRETER:

19 Madam Prosecutor, the microphone was not lit when you began asking your question.

20 THE WITNESS:

21 Yes, I saw them being beaten.

22 MS. MOBBERLEY:

23 The question for the record was: Did you see -- did you personally see them -- did you personally
24 see that beating taking place?

25 BY MS. MOBBERLEY:

26 Q. Witness LET, was the --

27 A. Yes, I saw them personally.

28 Q. Was the beating inside or outside the hospital premises?

29 A. They were inside the hospital premises, close to the gate leading to Kabeza.

30 Q. Witness LET, when did you see Jean Mpambara?

31 A. While those young men were being beaten, the vehicle carrying Mpambara and the chief of police,
32 they came through the open gate and the vehicle stopped, and the policeman stepped out and
33 reached that place where they were -- those young men were being beaten. But Mpambara came,
34 stood through the -- stood in the -- by the car, but very close to the car watching what was
35 happening.

36 Q. Were these the same policemen you had seen earlier that morning with the *bourgmestre*?

37 A. No, they were not the same police -- they were not the same policemen. He -- he had come with

1 different policemen.

2 Q. Can you tell us whether these different policemen were *communal* police or gendarmes?

3 A. They were policemen.

4 Q. Were they *communal* police or gendarmes?

5 A. They were *communal* policemen.

6 Q. What were they wearing?

7 A. The one who was with Mpambara at the time in the afternoon, he was with one uniformed
8 policeman in the afternoon.

9 JUDGE EGOROV:

10 Madam Witness, I am sorry, could you please specify the time when you saw Mr. Mpambara for
11 the second time in the afternoon?

12 THE WITNESS:

13 It was between three and four; it is an estimate because I didn't have a watch. But it's an estimate
14 because since the hospital workers used to go home at five and they were still at work. So, I
15 believe, the time was between three and four in the afternoon.

16 JUDGE EGOROV:

17 In the morning, you saw Mr. Mpambara at around what time?

18 THE WITNESS:

19 It was between 10 and 11 a.m.

20 JUDGE EGOROV:

21 Thank you.

22 BY MS. MOBBERLEY:

23 Q. Witness LET, can you please clarify whether in the afternoon, Mpambara was with one or two
24 *communal* police officers?

25 A. He was with one policeman.

26 Q. You said that the policeman was in a uniform; was he carrying anything?

27 A. He was carrying a gun.

28 Q. Did you see or -- did you see what Mpambara did other than get out of the car -- get out of the
29 vehicle?

30 A. He didn't do anything. The policeman came back, talked to him. The policeman got in the vehicle
31 and Mpambara also entered the vehicle and they left.

32 Q. What was happening with the young boys who were being beaten at that stage? Had the beating
33 stopped or was it still going on?

34 A. They were still being beaten.

35 Q. Did you hear what the police officers said to Mpambara?

36 A. No, I did not hear what he told him. I didn't hear what the policeman said. However, later on, I
37 heard what he said to him when this policeman was being tried. That's when I heard what the

1 policeman told him, and I heard it being said by the policeman himself.

2 MS. MOBBERLEY:

3 Your Honours, it's my intention throughout the trial to attempt to stick to the evidence that the
4 witnesses saw or heard exclusively themselves, and I wondered whether this hearsay is
5 something that you would like to hear from the witness.

6 MR. PRESIDENT:

7 Very well, the consensus of opinion here is that we don't really want to hear the hearsay evidence.
8 If you can get on with the direct evidence.

9 MS. MOBBERLEY:

10 Thank you, Your Honour.

11 BY MS. MOBBERLEY:

12 Q. Witness LET, did you see what happened next? Did Mpambara stay or did he leave?

13 A. He left. He left in the direction of Akabeza centre.

14 Q. And I take it that he left in the vehicle?

15 A. Yes, he left in his vehicle.

16 Q. Did you see what happened to the two young men after he left?

17 A. After he left, a doctor named Robert was also standing at the veranda with us, looking on what
18 was -- at what was happening. He moved to the grass compound and he prayed. Another white
19 man called Michel, who was a technician, was there also. Robert moved very fast and the other
20 white person also followed him.

21

22 Robert tried to enter into the group of the people who were beating the young men, and pushing
23 them aside, and they -- he was also being beaten with the canes. But, he was able to lift the
24 young man named Murenzi, who had been more severely wounded than his fellow young man.

25 Q. Witness LET, is it your evidence that Robert Wilson was standing with you when Mpambara was
26 there?

27 A. He came later, I don't know from where. But when we were all looking on at what was happening,
28 I turned around and I saw him just before he went to the rescue of those young men. I do not
29 remember if he joined our group before or after Mpambara had -- was there. But, what I
30 remember is that I saw him coming from where we were standing towards the young men, who
31 had been beaten, to rescue them.

32 Q. Did you see the conclusion of that attack?

33 A. After he had removed the young men who had been injured, his fellow young man was also able
34 to go and they went for treatment. So the attackers went back to where they had come from and
35 then the situation calmed down, and that almost marked the end of the events of that evening.

36 Q. Where did you go to following that beating?

37 A. I left the conference hall and went to the pediatrician ward, and I was able to stay there with the

1 children that I had come with to seek refuge.

2 Q. Witness LET, on the evening of the 7th of April and the day of the 9th of April, where were you?

3 THE ENGLISH INTERPRETER:

4 Could counsel repeat the last part of the question? Thank you.

5 BY MS. MOBBERLEY:

6 Q. Witness LET, where were you on the evening of the 7th of April and the day of the 8th April?

7 A. I was at the Gahini hospital.

8 Q. Where did you spend the night of the 8th of April?

9 A. We spent the night of the -- of the 8th, we moved from the pediatrician ward and moved into the
10 maternity ward. That's where we spent the night.

11 Q. Witness LET, you told us that you saw Jean Mpambara on the 9th of April. Can you tell us what
12 happened before you saw him that morning?

13 A. Before I saw him that morning, when the nurse who had been on the night shift at the maternity
14 was still there, I went and talked with her, and we knew that we'd be attacked that morning. I went
15 and asked her what she could do for us and she said that she was going to ask Dr. Robert to see if
16 he can move us from where we were to Karubamba. After a short while, he came back -- she
17 came back and said that the doctor had agreed to help us. So he -- we were told -- I was told to
18 gather all the others who I was with so that they may transport us together.

19
20 I went to see the children who had spent the night at another place, and these also included the
21 young man called Jean Claude. So I went to look for them and they came. When we were
22 coming down, some of the people the nurse had informed about the trip had -- were already
23 gathered in the compound waiting for the vehicle, and when I arrived there, I saw an ambulance
24 from the Rukara health centre entering the hospital premises, and people who had been wounded
25 were taken from that vehicle.

26
27 I was standing in front of the conference hall, but at the door facing closer to the fence of the -- of
28 the hospital. So I remained standing there and I saw the day labourers of the hospital were taking
29 out of the vehicle the wounded people, and there were three gendarmes standing by. The nurse
30 approached them and talked to them. Then, she later on came and told me that she had -- she
31 had been asking those gendarmes that since there were too many people, this vehicle could also
32 be used to take the people who were there to a safer place, and she told me that the gendarme
33 had accepted.

34 Q. Did you hear that nurse having the conversation with the gendarmes?

35 A. No, I could not hear what they were talking about -- what they were talking about. But after they
36 had talked, she came back to where I was standing and she told me what they had talked about,
37 and that's when he told me -- she told me that she had been asking the gendarme to allow their

1 vehicle to take some of the people out. So we continued gathering the other people who had
2 come to take refuge and everyone was trying to inform everyone else so that we all leave that
3 place. At that time --

4 Q. Can I just stop you there --

5 THE ENGLISH INTERPRETER:

6 Madam Prosecutor, can you please remember to observe the pause between the witness's
7 answer and your next question? Thank you.

8 MS. MOBBERLEY:

9 At the moment, I'm trying to -- in fact, interpreters, could you just ask the witness to speak more
10 slowly because there are details that I want her to elaborate on?

11 MR. PRESIDENT:

12 Madam Witness, you heard that. Could you go a little slower, please? A little more slowly?

13 MS. MOBBERLEY:

14 Thank you.

15 BY MS. MOBBERLEY:

16 Q. Witness LET, can you tell me whether in addition to the ambulance there were any other vehicles
17 that you could see in the hospital compound that morning?

18 A. There was a vehicle that belonged to Dr. Robert, which had just arrived at that time after the
19 vehicle of the gendarme had arrived.

20 Q. Witness LET, did you -- you've -- you've told us that you went towards the vehicle. Did you
21 attempt to board any of the vehicles?

22 A. As people were beginning to board the vehicles, first, the vehicle of Dr. Robert was -- was full or
23 filled, and then people who were strong enough entered the vehicle -- the ambulance vehicle. I
24 was among the last to try to board, because I was carrying a child on my back.

25 Q. Witness LET --

26 THE ENGLISH INTERPRETER:

27 Madam, the interpreter in the French booth does not always get the beginning of the sentence
28 because there's an overlap.

29 MS. MOBBERLEY:

30 Thank you, interpreters. I do appreciate that there's an overlap. I'm trying to ensure that I can
31 catch the witness's attention so that I can ask her a question before she proceeds.

32 BY MS. MOBBERLEY:

33 Q. Witness LET, before you boarded -- or attempted to board the vehicles, can you tell us
34 approximately how many other refugees were with you?

35 A. There were about 50 people -- between 40 and 50 people.

36 Q. Which gate were you at? Were you at the hospital gate that leads to Akabeza or the other hospital
37 entrance?

1 A. We were at the main gate, the second gate near the flagpole. There is a flagpole near that gate
2 and that's where we were.

3 Q. As you approached the vehicles, did you notice people other than the refugees at that entrance?

4 A. The nurse I mentioned stayed there and there were many other people, because there were sick
5 and poor coming in, and the people who were looking after the in-patients. So all those were
6 gathering around to see what was happening. There were many people.

7 Q. Did you notice whether there were any people outside the hospital gate?

8 A. People had gathered outside the main -- the gate -- the hospital gate afterwards, because when
9 we were trying to board the vehicle, we heard whistles being blown, people making a lot of noise.
10 So that means that the attackers came and surrounded the whole hospital compound. There were
11 very many of them. That is when the driver of the ambulance tried to start the vehicle, because
12 the doctor had not been in his vehicle as people were boarding it. So the person who was driving
13 the ambulance tried to take off, but the other people who had come, shouted and put -- barred the
14 road with a stick.

15 Q. Just pause there, please, Witness LET. The people who were outside the perimeter, were they
16 carrying anything?

17 A. They were armed; they had machetes; they had spears, and they had clubs -- and they also had
18 bows.

19 Q. You said that the ambulance attempted to leave. What happened?

20 A. The driver realised that he could not pass. So he reversed and people got off and ran to hide in
21 the buildings there.

22 Q. Witness LET, there is a jug of a water in front of you. If you need to have a drink, please, help
23 yourself and if you need to pause at any time, please let us know.

24 JUDGE EGOROV:

25 Madam Prosecutor, are we still on the 8th of April or on any other day?

26 MS. MOBBERLEY:

27 No, Your Honour, the witness has advised that she saw the Accused on the 7th and the 9th, and
28 so we are now on the morning of the 9th. She spent the evening of the 8th at the hospital.

29 JUDGE EGOROV:

30 Okay, thank you.

31 MR. PRESIDENT:

32 Before you go on, these people who were armed as described by you, who were they? The
33 people who prevented these vehicles from leaving with the refugees, who were these people?

34 THE WITNESS:

35 These were young men that we called *Interahamwe*, who were the killers, who were supposed to
36 do the killings.

37

1 MR. PRESIDENT:

2 And do you know -- did you know any of them?

3 THE WITNESS:

4 Very few of them, there were many present there, but I was able to recognise very few of them.

5 MR. PRESIDENT:

6 When you say many people, could you give us some estimate of the numbers? The aggressors,
7 the armed people?

8 THE WITNESS:

9 There were either about 100 or 50 -- between 50 and 100. There were about a hundred, between
10 50 and 100. There were very many; they had surrounded the compound.

11 MR. PRESIDENT:

12 And which ethnic group did they belong to?

13 THE WITNESS:

14 They were Hutu.

15 MR. PRESIDENT:

16 Yes, thank you.

17 MS. MOBBERLEY:

18 Thank you, Your Honours.

19 BY MS. MOBBERLEY:

20 Q. Witness LET, you said you recognised some people amongst the attackers, who did you
21 recognise?

22 A. I was able to recognise the *conseiller* of Gahini *secteur*, whose name was Butera. I was also able
23 to recognise Jean -- Jean Claude Ndizeye, as well as one named Kanifu. And another person
24 called Butera, who's the son of Kanyarokore, and he is different from the -- Butera, who is
25 *conseiller*.

26 Q. Thank you, Witness LET.

27 MS. MOBBERLEY:

28 Those names appears as follows on the list of proper nouns. Butera is number 21; Ndizeye is
29 number 163; Kanifu at number 84, and Kanyarokore, number 88.

30 BY MS. MOBBERLEY:

31 Q. Witness LET, you told us you were unable to board any of the vehicles. What did you do when
32 you saw the attackers?

33 A. I ran back and stood at the stairs between the operating theatre and the women's hall.

34 Q. Can you describe -- can you describe for us what was happening around you?

35 A. The -- many people were running, running to take refuge in -- into the different buildings, but I
36 stopped -- I stood there looking at the gate, because I thought maybe since there are gendarmes,
37 they might stop this attack, and so that these people do not reach us.

1 Q. And as you were standing by the flagpole, how were you feeling?

2 A. I was very frightened because, according to the information that was reaching us, many people
3 were being killed and I felt that we were also going to be killed. I was very scared. But, I -- I
4 thought I was -- I had some hope that since we have some gendarmes there, they might prevent
5 the attackers from reaching us.

6 Q. As you were standing at the flagpole, what sort of noise could you hear around you?

7 A. People were shouting, saying, "These people, these people, stop these people who are running
8 away from us -- from us. They should not escape us." And then they were making alarm, making
9 a lot of noise. And they were saying, "Stop them, they should not escape us," and the others were
10 just making frightening noise. And this was meant to frighten people, making this kind of loud
11 noise.

12 Q. And where did you go next?

13 A. As I was standing there, that's when Mpambara's vehicle came in from the direction of the church
14 into the hospital compound.

15 Q. Did you see whether there was anyone in the vehicle?

16 A. There were two policemen in the vehicle.

17 Q. Did you see any other people in the vehicle?

18 A. I was not able to see any other person in the vehicle, apart from the fact that later on, I heard from
19 witnesses saying that there was a man called Musare in that vehicle. But I didn't see that person
20 myself and that that person had been wounded.

21 MS. MOBBERLEY:

22 Could the interpreters assist us with the interpretation of the name Musare?

23 THE ENGLISH INTERPRETER:

24 It's -- Musare is M-U-S-A-R-E, Musare.

25 BY MS. MOBBERLEY:

26 Q. Witness LET, what did you do next?

27 A. As -- as Mpambara's vehicle was just behind the gate about -- and about to enter, the people who
28 had -- the attackers who were outside the gate, who had attacked the compound, approached him
29 and talked to him. I do not know what they talked about; I was far. So the -- the tree -- the piece
30 of tree that had been placed across the road was removed and his vehicle entered the compound.
31 And as his vehicle entered the compound, the attackers who had been outside the gate also
32 entered the -- after, just behind the vehicle. So I realised that the attack had begun and the
33 attackers had entered.

34 JUDGE EGOROV:

35 Madam Witness, at what time did you see the car enter the compound?

36 THE WITNESS:

37 It must have been around seven, because all these events started around six in the morning. I did

1 not look at my watch, but I think it was around 7 a.m. and, I think so, because the -- normally, we
2 began work at seven in the morning and I could see people who were coming to take over in the
3 morning, to take over from the people who had spent the night shift there. So it must have been
4 around seven in the morning.

5 BY MS. MOBBERLEY:

6 Q. Witness LET, I need to clarify something. I think I have indicated -- well, let me -- let me ask a
7 clarifying question. When you were running away from the attackers and you stopped, where did
8 you stop?

9 A. I was standing near the women's ward towards the hospital gate and that is between the women's
10 ward and the operating theatre, and the operating theatre is connected to the conference hall.

11 MS. MOBBERLEY:

12 Your Honours, I think I incorrectly asked her a question and indicated that she was standing at the
13 flagpole, that's why I've asked this clarifying question.

14 MR. PRESIDENT:

15 And you might clarify one other matter for us. The picture I have is that the attackers did not enter
16 the hospital compound until after Mpambara arrived and the gates were opened for him. Is that --
17 is that your case?

18 MS. MOBBERLEY:

19 I'll ask the --

20 MR. PRESIDENT:

21 And yet you have a version which says she was running away from the attackers. I'm -- I'm not
22 clear what -- you might like to clarify that.

23 MS. MOBBERLEY:

24 Yes, Your Honours that -- that is where I'm going.

25 BY MS. MOBBERLEY:

26 Q. So Witness LET, you were running from the attackers and they were behind you; is that correct?

27 A. No, they were not close behind me. When I realised that they had managed to enter the
28 compound and yet before they had stayed outside the compound, that's when I thought -- I felt that
29 I should run and hide into a house. But they entered the compound behind Mpambara's vehicle.

30 *(Pages 8 to 19 by Jean Baigent)*

31

32

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34

35

36

37

1 1045H

2 BY MS. MOBBERLEY:

3 Q. So are you saying that it's the vehicle you saw or are you saying you saw the *bourgmestre*?

4 MS. MOBBERLEY:

5 Because, Your Honour, in your question to me, you indicated that you thought she'd seen the Accused;
6 is that correct? She indicated --

7 THE WITNESS:

8 I saw the vehicle, but I could see that he was the one driving it. I could see him.

9 BY MS. MOBBERLEY:

10 Q. Witness LET, where did you go?

11 A. I went towards the women's ward. The gates to the women's ward faces the inside of the -- the hospital
12 compound. So I tried to enter this hall, and the nurse who was in that ward pushed us and refused us
13 to enter, saying that if we go in the attackers might disturb the patients while looking for us.

14 Q. Witness, I need you to go slowly. And if you can look at me so that you know when I need to ask you
15 another question, please.

16
17 Witness LET, is it your evidence that you saw the Accused, Jean Mpambara, personally in the vehicle
18 that morning?

19 A. Yes, I saw him.

20 Q. And that at the time you saw him you were running away from the attackers?

21 A. Yes.

22 Q. Witness LET, once you had taken refuge, can you tell us what happened?

23 A. What followed is that I heard gunshots. I do not know who fired the gunshots, but after hearing that
24 gunshot, the *Interahamwe* started surrounding the women's ward, trying to take out the people who had
25 taken refuge in that ward.

26 Q. And were they successful in taking any people from the ward?

27 A. Yes, they took some people out of that ward, although it took some time. They first had -- they moved
28 around behind a place where one person was hiding. This is what I heard. I heard that they had feared
29 that this person had a grenade or a weapon, and they had feared that he might attack them. So it took
30 them a long time before they could remove these people out.

31 Q. Witness LET, I want you to focus on what you personally saw and heard.

32

33 Witness, did you see any people being taken from the ward that morning?

34 A. Yes, I saw some people being taken out of that ward. Three people were taken out, and they were
35 killed.

36 Q. Can you give us the names of those people?

37 A. The people taken out of the room, the ward, included Higiuro, Karenzi Muzungu, and a young man called

1 Mwizerwa.

2 MS. MOBBERLEY:

3 For the record, those names appear at numbers 66, 92, and 158 of the list of proper nouns.

4 BY MS. MOBBERLEY:

5 Q. Witness, please tell us if you need to pause.

6

7 Did you see who took those people from the maternity ward?

8 A. The first two that came in first, I -- I saw them with my own eyes. Those with Mwizerwa, I saw them.

9 Q. Did you recognise them?

10 A. Yes, I recognised the two. I recognised two of them. One was called Muvunyi. There was a young
11 man whose nickname was Siminsi, Siminsi. Those are the ones I managed to see when taking out the
12 victim.

13 MS. MOBBERLEY:

14 Interpreters, can you interpret -- can you spell those names for us, please.

15 THE WITNESS:

16 Muvunyi, M-U-V-U-N-Y-I. The -- the other name was Twahirwa, T-W-A-H-I-R-W-A.

17 BY MS. MOBBERLEY:

18 Q. And was Siminsi his nickname?

19 A. That was his nickname.

20 Q. Witness LET, I just remind you, and I'm sure you're aware that we are in open session and that the
21 public and press are listening to your evidence. Can you tell us what happened to the young man who
22 you saw taken by these two people? What did you personally see?

23 A. They were being beaten with clubs, and they were being -- they were being pulled behind the fence.
24 No one was being killed inside the compound. They were taken outside the compound near a big tree
25 near the gate. It -- as you enter the gate, it was on the right side of the compound. That's where they
26 were being killed. We heard the beatings and the cries from people being beaten until there was no
27 more sound from those people. Then you knew that they had been finished off.

28 Q. Can I clarify, Witness LET, did you see all three men being taken from the maternity ward?

29 A. I saw two, but one called Karenzi, I heard the noise, you know. They were telling him to come over by
30 himself without creating any difficulty. I could see from a distance near the door. I saw him being taken
31 away, being beaten, and being taken to the place where they were killing these people.

32 Q. Witness LET, can you tell us approximately what time it was that you saw Jean Mpambara for the
33 second time that day?

34 A. On that day it was between 11 and midday. When the killings started, the vehicle -- I saw the vehicle. I
35 saw Mpambara's vehicle going out of the gate. It was near the gate when I saw it, Mpambara driving
36 the vehicle. And he was with another person, whom I could not identify, but Mpambara was on the side
37 which I could easily see.

1 I saw the vehicle take off, and about 30 minutes later the vehicle returned, still being driven by
2 Mpambara with that other person. That was between 11 and 12 noon. He entered the compound and
3 stayed there, but she (*sic*) was in a corner that I could not see.

4 Q. The -- the initial attack -- or, the attack where Higiro and others were taken, was this before you saw
5 Mpambara at between 11 and 12 o'clock?

6 A. No, that was before when the killings started, the first entry he made in the compound.

7 Q. So tell us where you were the second time you saw him.

8 A. I was still in the same spot, at the maternity ward. I heard the vehicle, and I was curious. I looked
9 through the window. That's when I saw him entering the compound.

10 Q. And was he alone or was he with other people?

11 A. She (*sic*) was with one other person. He was with one other person whom I could not recognise. The
12 person was on the side that I could not clearly see.

13 Q. And what did you do when you saw him?

14 A. He entered -- he entered the compound. I could not see the place where he was, but in a short while,
15 the attackers seemed to stop their killings for a while.

16
17 After his arrival, there was one young lady who had just been killed called Mukaragwiza. This
18 happened just as he was entering the compound.

19 MS. MOBBERLEY:

20 That name appears at -- that name appears at number 134 on the list of proper nouns.

21 MR. PRESIDENT:

22 Ms. Mobberley, I wonder if this might be a convenient time to take the morning tea break.

23 MS. MOBBERLEY:

24 Yes, Your Honours.

25 MR. PRESIDENT:

26 All right.

27 MS. MOBBERLEY:

28 I don't have much after the break.

29 MR. PRESIDENT:

30 So we will adjourn for 20 minutes --

31 MS. MOBBERLEY:

32 Thank you.

33 MR. PRESIDENT:

34 -- for morning tea.

35 (*Court recessed from 1100H to 1123H*)

36 MS. MOBBERLEY:

37 Before you begin, Your Honours, the court reporters have requested a -- the spelling of a name that the

1 witness gave. And if the interpreters could assist, please, with the spelling of the name Siminsi.

2 THE ENGLISH INTERPRETER:

3 The name is Siminsi, S-I-M-I-N-S-I, Siminsi, Siminsi.

4 BY MS. MOBBERLEY:

5 Q. Witness LET, it's very important in the next session that we -- and that is both you and I -- give the
6 interpreters an opportunity to interpret. So both of us are going to go very slowly.

7

8 You've told us that you saw Jean Mpambara on the 9th of April 1994 at Gahini hospital at around
9 11 a.m.

10 A. Yes.

11 Q. What did you personally see him doing?

12 A. He did not do anything.

13 Q. Did you -- did you personally see him?

14 A. I saw him personally.

15 Q. Where was he when you saw him?

16 A. Around 11 he was in his vehicle entering the hospital for the second time.

17 Q. Did you see him get out of the vehicle?

18 A. I did not see him get out. From the side I was, my -- the view was blocked. I could not see where he
19 was standing.

20 Q. Other than seeing him in the vehicle, did you see him again?

21 A. I saw him again as he stood on the side overlooking the Akabeza centre. That was on the right side of
22 the pharmacy.

23 Q. Where were you?

24 A. I was in the pharmacy.

25 Q. When had you gone to the pharmacy?

26 A. I went to the pharmacy around noon. I could not really tell the time, but I think it was between 12 noon
27 and 1 p.m. That's when the attackers seemed to be going outside the compound.

28 Q. Where were you, then, when you saw Jean Mpambara standing by the gate?

29 A. He was not at the gate, he was inside the compound.

30 Q. Where were you when you saw him?

31 A. When I saw him, the pharmacy had two gates, two doors. There is one door where some drugs were
32 given, injections and some tablets, but there was another -- another entrance where liquid medicines
33 were supplied.

34 Q. When -- where was -- continue.

35 A. I was talking with a lady who walks in the pharmacy, standing at the water tap in front of the pharmacy.

36 That's when I saw Mpambara on the right side of the pharmacy. And he was standing with some
37 generals -- two gendarmes, and one person was an administrator to the hospital who was called

1 Jean Baptiste Nkurayija. In a short time, another person called Gasana joined them, and he was
2 coming from the direction of the gate facing Akabeza centre.

3
4 As we stood there, the front gate of the hospital, we saw there another attack laid by -- between eight
5 and ten people.

6 Q. Witness LET, can you tell us what Jean Mpambara was doing when he was standing with these
7 people?

8 A. They were conversing. They didn't do anything.

9 Q. Did you overhear -- did you overhear the conversation?

10 A. No, I could not hear what they were saying. I could only see them conversing.

11 Q. You've talked about an attack. When did that attack happen?

12 A. It was between 12 noon and 1 p.m.

13 Q. Where was the attack?

14 A. I saw them inside the hospital compound, but they were coming from the -- the other gate, the -- the
15 lower gate, which was not the gate facing the Akabeza centre.

16 Q. How many people were being attacked?

17 A. We were among the targeted victims, but mostly the person who was being counted down was
18 Jean Claude Muhikira. The attackers came. They were not looking for other people. They were going
19 in the direction of where Muhikira was hiding. It was apparent that someone must have shown them
20 where this person was hiding. I became very scared, and I went to the pharmacy at the entrance where
21 liquid drugs were being served.

22 Q. Witness LET, I'm -- at the time that you saw this attack, did you see anyone else who was watching the
23 attack?

24 A. The lady I was with, her name was Charlotte.

25 Q. Can you describe --

26 A. Charlotte Kampire.

27 MS. MOBBERLEY:

28 Would the interpreters assist us with the spelling of that name, please.

29 THE ENGLISH INTERPRETER:

30 Which name, please?

31 BY MS. MOBBERLEY:

32 Q. The -- Witness LET, what was the name of the woman you have just named?

33 A. Her name was Charlotte Kampire.

34 THE ENGLISH INTERPRETER:

35 "Charlotte" is spelled C-H-A-R-L-O-T-T-E, and "Kampire" is spelled K-A-M-P-I-R-E.

36 BY MS. MOBBERLEY:

37 Q. Who was attacking Jean Claude?

1 A. The leader of the attack was the *conseiller* of Gahini, whose name was Butera. There was a man
2 called Robert and a man called Gacumbitsi. There was a certain Kanifu. There was Ndizeye.

3 MS. MOBBERLEY:

4 For the record, the new name Gacumbitsi which has been mentioned is at number 34 of the list of
5 proper nouns.

6 BY MS. MOBBERLEY:

7 Q. Witness LET, help us with the chronology. Help us with the time line when you saw this attack.

8 A. It was between 12 noon and 1 p.m.

9 Q. And when was it that you saw Jean Mpambara?

10 A. It was around that time that I saw him. He was standing in the compound with some gendarmes and
11 the people he was having a conversation with.

12 Q. When did Jean Mpambara arrive at that place?

13 A. He arrived -- well, when I saw him standing, I was coming from the maternity ward, but I had already
14 seen him when he was entering the hospital for the second time. I had mentioned that he came in and
15 went to a place where I could not see him. Then later on, as I walked up towards the pharmacy, that's
16 when I saw him again.

17 Q. What happened during the attack on Jean Claude?

18 A. During that attack, the people who went after him were Butera, Robert, and they found Mpambara with
19 a gendarme in the company of Gasana and Nkurayija.

20 Q. And when they found Mpambara, where was Jean Claude?

21 A. He was still in his hiding place.

22 Q. So -- continue.

23 A. The -- the people in the attack talked with those standing in the compound. They went in the direction
24 of the physiotherapy ward.

25 Q. Then what happened?

26 A. I could not see what was happening in that ward because that was out of view for me, but I could see
27 part of the building. And I heard a noise coming from the building, and I believe they were trying to
28 force the door open. They moved around the ward, and in a short while, maybe in about 20 minutes,
29 Butera came back to where Mpambara and the gendarme were standing.

30 Q. Was Butera alone?

31 A. When he came back, he was alone.

32 Q. What happened next?

33 A. He went with one gendarme with a weapon. I heard a gunshot, and in a short while, after the gunshot,
34 the young man, Jean Claude, came out with his hands up.

35 Q. Where was Mpambara when Jean Claude came out with his hands up?

36 A. He was standing in the compound.

37

1 As Jean Claude came out, one person called Nzabamwita, who had a bow, hit him with an arrow in his
2 hand.

3 Q. Please pause there. Please pause there.

4 MS. MOBBERLEY:

5 Interpreters, can you give us the spelling of that name, please.

6 THE ENGLISH INTERPRETER:

7 "Nzabamwita" spelling, N-Z-A-B-A-M-W-I-T-A.

8 BY MS. MOBBERLEY:

9 Q. Witness, what happened next?

10 A. He came faster, leaving behind the people in the attack, coming towards Mpambara and the gendarme.
11 Mpambara told him, "Get away. Go there and get treated, and then we'll take you to Karubamba with
12 the others.

13 Q. Witness -- Witness LET, who was your -- was Mpambara talking to at that time?

14 A. He was talking to Jean Claude.

15 Q. Why did he tell him -- why did he tell him to get treated?

16 A. He was bleeding profusely, had been injured. Mpambara kept standing where he was standing, and
17 the young man came and met the nurse who was working in the operating theatre.

18 Q. Where was he injured?

19 A. He was injured in the palm of his hand.

20 Q. Continue.

21 A. He did not mind him. He -- he begged the nurse to treat him. The nurse turned around and said, "I
22 would be wasting my time if I treat you because in a short while you are going to be killed."

23 Q. Did you see what -- did you see what happened next?

24 A. The young man came and sat at the veranda of the pharmacy, but afterwards the people were waiting
25 for him were -- who were standing between the women's ward and the operating theatre were looking
26 at him. They were talking mysteriously. I could not follow what they were saying.

27 Q. Who was waiting for him? Who was waiting for him?

28 A. The young men who were part of the attackers' group. He sat there, and it's like they were having a
29 problem. They wanted to attack him and kill him, but one called Robert, along with Butera and Kanifu,
30 with Ndizeye, they went up the compound, came close to Mpambara and the gendarme.

31 Q. And what happened next?

32 A. They talked. I did not hear what their conversation was about, but the young man came down again
33 and caught Toto, seized him --

34 Q. Witness, please take a pause if you need one.

35 MR. PRESIDENT:

36 Are you comfortable enough to continue, or would you like to take a little break?

37

1 THE WITNESS:

2 If we can take a short break.

3 MR. PRESIDENT:

4 Yes, I think -- I think we'll take a short break, give her five minutes to recover.

5 *(Court recessed from 1150H to 1200H)*

6 BY MS. MOBBERLEY:

7 Q. Witness LET, do you feel that you're ready to continue?

8 A. Yes, I can.

9 Q. Can you tell us whether you saw what happened to Jean Claude?

10 A. Those young men pulled him out, took him where the other assailants were standing, and they started
11 beating him up with clubs. He fell down. Some people with machetes started cutting him up. What I
12 saw last was the two gendarmes who went down, leaving Mpambara where he was standing, and they
13 started searching the pockets of the victim where he laid down. They took out some money. And the
14 other attackers were continuing to beat him up with clubs. And later I saw the gendarme going back.

15
16 I did not continue to watch because it was not good. I hid under the table and stayed there. I left later
17 on when the other lady came to see me.

18 Q. Let's pause there, Miss Witness.

19

20 Did you see Jean Mpambara during that attack?

21 A. He continued to stand where he was standing. He did not come close to the place -- to the spot where
22 the victim was being killed.

23 Q. Please just pause there for a moment, Witness.

24

25 Witness LET, I'd like you to look around the courtroom -- and if you need to, you can stand up -- and tell
26 us whether you can identify Jean Mpambara.

27

28 Stay there. Stay there.

29

30 Can you see him in the courtroom?

31 MS. MOBBERLEY:

32 Oh, she needs her headphones on.

33 MR. PRESIDENT:

34 Yeah, please.

35 BY MS. MOBBERLEY:

36 Q. Can you see Jean Mpambara in the courtroom?

37 A. I see him.

1 Q. Can you describe what he's wearing?

2 A. He is in a jacket.

3 Q. What color is the jacket?

4 A. It is almost green.

5 Q. Witness, you can sit down if you wish to. You can sit down if you wish to.

6

7 Witness, please take your time. Tell us, he is -- can you point to him? Can you show us which side of
8 the courtroom he's sitting on?

9 A. He's sitting on this side.

10 Q. Is he -- is he in the first, second, or third row of the benches on that side?

11 A. He's on the second row.

12 MS. MOBBERLEY:

13 Your Honours, is that a sufficient identification?

14 MR. PRESIDENT:

15 Well, it is for our purposes, I think.

16 MS. MOBBERLEY:

17 Thank you.

18

19 Your Honours, one -- two matters, in fact, have arisen, and I'm going to ask for a brief closed session. I
20 have two questions to ask the witness.

21 MR. PRESIDENT:

22 Yes, all right. We will go into a closed session.

23

24 Members in the gallery, please, will you kindly vacate. It will be a short session. You can return.

25 *(At this point in the proceedings, a portion of the transcript [page 29] was extracted and sealed under*
26 *separate cover, as the session was heard in camera)*

27 *(Pages 20 to 28 by Ann Burum)*

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1 MR. PRESIDENT:

2 And the Chamber is now in open session. I have a couple of questions at this stage. I will ask them at
3 this stage so that you can deal with matters that arise in your cross-examination, should they be
4 necessary.

5
6 Now, Witness, you told us that -- you gave us the name of your husband this morning in the course of
7 your evidence in-chief. Was your husband a Hutu or a Tutsi?

8 THE WITNESS:

9 He was Tutsi.

10 MR. PRESIDENT:

11 Tutsi.

12
13 And let me just seek your assistance on a matter which I have not quite followed. You told us when the
14 Accused Mpambara arrived in the morning and when you first saw him he was driving the utility as he
15 approached the main gate; is that correct?

16 THE WITNESS:

17 *(No interpretation)*

18 MR. PRESIDENT:

19 Now, at that stage, the attackers, or people that you call attackers, were still outside the gate; is that
20 correct?

21 THE WITNESS:

22 Yes, they were still outside the gate.

23 MR. PRESIDENT:

24 So no attacks had taken place until then on the refugees or the staff in the -- within the hospital; is that
25 correct?

26 THE WITNESS:

27 No attack had taken place before.

28 MR. PRESIDENT:

29 And it was only after Mpambara arrived and the gates were opened that the attackers gained entry into
30 the hospital compound; is that correct?

31 THE WITNESS:

32 Yes, that's correct.

33 MR. PRESIDENT:

34 And how soon after his vehicle entered the compound did you hear the gunshot?

35 THE WITNESS:

36 It was about two or three minutes after the vehicle entered the compound.

37

1 MR. PRESIDENT:

2 Now, can you assist us by telling us where these gunshots came from? Are you able to?

3 THE WITNESS:

4 I was already on the other side. I could not see, but the noise came from the side of the -- the
5 conference room, between men's and women's ward on the side of the main gate of the hospital.

6 MR. PRESIDENT:

7 Now, until the arrival of Mpambara in that utility, had you seen anyone with a gun, or with guns?

8 THE WITNESS:

9 The gendarmes were armed with guns, and they had come into the hospital before. And there was a
10 police guard -- a policeman who was guarding the hospital. He was also armed with a gun. But he
11 used to stay just outside the gate, controlling the coming in and out of the hospital.

12 MR. PRESIDENT:

13 All right. And the attack on the three people that you mentioned, Higiroy, Karenzi, Muzungu, and
14 Mwirerwa, how soon after the arrival of Mpambara did the attack on them commence?

15 THE WITNESS:

16 After the -- the gunshot, and the attack went where people were hiding. And they immediately caught
17 Mwirerwa. It didn't take up to ten minutes before they caught Mwirerwa, and they killed him
18 immediately.

19 MR. PRESIDENT:

20 And did you see him being killed?

21 THE WITNESS:

22 When he was being taken away from the women's ward, I could see, but they were being taken to the
23 other side. Other than hearing the -- the -- the sound of -- of -- of -- of blows and -- and his shouting
24 until he's quiet, I could not see.

25 MR. PRESIDENT:

26 And what about Higiroy? Did you see him being killed?

27 THE WITNESS:

28 When they managed to open where he was hiding and they took him and they were beating him and
29 they took him to the place where they were killing people, I only followed them carrying -- carrying them
30 away. And I saw one person called Kavubi (*phonetic*) who, after the gate, gave him a blow. I didn't
31 know what it was, but I later learned from him that it was a machete. And he fell down, and after that I
32 left and I went to the maternity ward -- the maternity room and didn't follow what went on afterwards.

33 MR. PRESIDENT:

34 And what about Karenzi? Did you see him being killed?

35 THE ENGLISH INTERPRETER:

36 Mr. President, microphone, please. Thank you.

37

1 THE WITNESS:

2 As far as Karenzi was concerned, the last I heard is those attackers came shouting at Karenzi, telling
3 him to surrender without any resistance.

4

5 They -- they also dragged him up to the gate, where I could see from the maternity ward, and they were
6 beating him, taking him in the same place where they were killing people.

7 MR. PRESIDENT:

8 All right. Now, when all this was going on --

9 THE ENGLISH INTERPRETER:

10 Your microphone, sir. Thank you.

11 MR. PRESIDENT:

12 When these persons were being dragged out and attacked, beaten up as described by you, where was
13 Mpambara? Did you see him?

14 THE WITNESS:

15 I couldn't -- I couldn't see where he -- him where he was standing, but he was in the compound.

16 MR. PRESIDENT:

17 Why do you say he was in the compound?

18 THE WITNESS:

19 I -- it's because I saw him enter, and I didn't see him going -- going out. And much later I actually saw
20 him when he was going out of -- going through the gate. And I concluded that all along he was inside
21 the compound. I didn't see him throughout, but I saw him when he was moving out of the compound.

22 MR. PRESIDENT:

23 I am aware that you gave some times, but could you tell us, how long after these persons were killed
24 did he leave the compound?

25 THE WITNESS:

26 It was about 30 minutes, and then he came back.

27 MR. PRESIDENT:

28 Yes. Thank you. I have no other questions at this stage.

29

30 Defence, do you want to begin your cross-examination now, or shall we see how she goes with the
31 cross-examination? She seems okay now.

32 MS. MOBBERLEY:

33 Perhaps we could just ask her if she's ready to proceed.

34 MR. PRESIDENT:

35 Yes. Are you willing to continue?

36 THE WITNESS:

37 I -- I'm feeling very tired.

1 MR. COURCELLE LABROUSSE:

2 Mr. President, the Defence doesn't see any inconvenience with beginning the cross-examination after
3 the lunch break.

4 MR. PRESIDENT:

5 Well, thank you. That's very helpful.

6

7 So we will take a break now and resume at 2:30. Is that satisfactory?

8 MS. MOBBERLEY:

9 Thank you, Your Honour.

10 MR. PRESIDENT:

11 2:30?

12 *(Court recessed at 1222H)*

13 *(Pages 30 to 33 by Ann Burum)*

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1 1430H

2 MR. PRESIDENT:

3 Yes, the Defence.

4 MR. COURCELLE LABROUSSE:

5 In order to begin this cross-examination, I will need a part of the proceedings to be conducted in closed
6 session on grounds of the questions I am going to put to the witness.

7 MR. PRESIDENT:

8 Yes. Do you want the closed session at the beginning or at the end?

9 MR. COURCELLE LABROUSSE:

10 At the beginning, Mr. President.

11 MR. PRESIDENT:

12 All right. We will take the evidence in closed session now.

13

14 If there is anyone in the public gallery, please make way.

15

16 And could you give us some indication of the length of your cross-examination just so that we can have
17 the next witness scheduled?

18 MR. COURCELLE LABROUSSE:

19 Mr. President, I think it will take about one to one-and-a-half hours. Of course, that is an estimated time
20 period.

21 MR. PRESIDENT:

22 Thank you. I think we might have the next witness available should we finish the cross-examination in
23 time to hear the next witness.

24 MS. MOBBERLEY:

25 Thank you, Your Honour.

26 *(At this point in the proceedings, a portion of the transcript [pages 35 to 38] was extracted and sealed*
27 *under separate cover, as the session was heard in camera)*

28 *(Page 34 by Judith Baverstock)*

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1 JUDGE EGOROV:

2 Mr. Counsel, we are still on the 7th of April, yes?

3 MR. COURCELLE LABROUSSE:

4 That is correct, Your Honour.

5 BY MR. COURCELLE LABROUSSE:

6 Q. Madam, can you tell us more clearly who ended that attack?

7 A. I cannot say who stopped the attack because when the victims were taken away, the attackers left the
8 scene and went in the direction of Akabeza centre.

9 Q. I beg your pardon, madam, I didn't understand your answer. You said, "When the attackers left the
10 centre they went towards the Akabeza centre." Can you please reword your answer to my question?
11 Who stopped the attack?

12 A. There was no special, no -- they were all ordinary people I saw there. However, when the attackers --
13 when the people, the victims were taken away from the victims, the -- when the victims were taken
14 away from the attackers, the attackers left the scene. I did not see any person who I can say in
15 particular stopped the attack.

16 Q. Who took away the victims, then?

17 A. It was the medical superintendent of that hospital named Robert.

18 Q. This morning you told us that Dr. Robert Wilson was also beaten.

19 A. Yes, he was -- he received some blows, but maybe it was not intentional. The blows were intended for
20 the victims, but as he was pulling away the victims he received the blows instead of victims receiving
21 the blows.

22 Q. Are you talking about blows administered with clubs?

23 A. Yes. These were blows by the canes, sticks.

24 Q. Very well. Did Dr. Wilson go and talk to people at that place -- or, did you see him go and talk with
25 Mr. Jean Mpambara, the *bourgmestre*, there?

26 A. When doctor arrived where I could see where these people were being beaten, Mpambara had already
27 left.

28 Q. What you mean is that Dr. Wilson did not confer with Mr. Jean Mpambara before he left?

29 A. Yes.

30 Q. One last clarification concerning that scene. It appeared to me -- well, we can check this in the
31 transcripts. Well, with respect to Dr. Wilson's intervention, you said this morning, you said the following
32 this morning, "I don't know if he went to join the group before or after Mpambara had come there"?

33 A. In the morning I said that we were standing in the verandah in a big group, and I said that I do not know
34 if Dr. Wilson joined the group when Mpambara was still there, but when he left the group to go and see
35 where the victims were being beaten, at that time, Mpambara had left.

36 Q. That was on the 7th of April?

37 A. Yes.

- 1 Q. On the 7th of April at about 3 p.m. or from 3 p.m. to the morning of the 8th of April things were
2 relatively -- and this is in quotes -- "calm" at the hospital.
- 3 A. For the whole of the 8th of April, the hospital was quiet; there was no attack against the hospital and no
4 one was killed at the hospital on the 8th.
- 5 Q. On the 8th of April, did you administer treatment to refugees who had been brought there to the hospital
6 on that day?
- 7 A. In the night of the 7th, if you allow me to go back, in the night a child who had been wounded and lived
8 in Rugoma's family was brought in. An attack had been made against that home, so Rugoma's wife
9 had been killed and the child was brought by the *Interahamwe*; he had been wounded. And this is
10 because although this child lived in Rugoma's home and Rugoma was Tutsi, and yet the child was
11 Hutu, so they realised they had made a mistake, so they brought him to the hospital for treatment.
- 12 Q. But, on the 8th of April people were taken with the ambulance to the Karubamba centre. The wounded
13 came from the room -- from that area?
- 14 A. No, it's not on the 8th.
- 15 Q. On what date was it, therefore?
- 16 A. It was on the 9th.
- 17 Q. I am putting this question to you, madam, because this is an interesting piece of information. It's not
18 necessary evidence in the statement that you signed and that was disclosed to us by the Prosecutor,
19 you mentioned that on the 8th of April there were wounded persons who had been brought by
20 ambulance to the Karubamba centre. Probably that is a detail, but I am putting to you this question
21 because this has been mentioned in writing and you talked about it and this was written down.
- 22 A. I might have been mistaken about the dates because of the situation. I might have mentioned that it
23 was on the 8th, but actually it was on the 9th. That is when the ambulance brought these people who
24 had been wounded. It's true I might have been mistaken about the date.
- 25 Q. Now, to talk about the arrival of the ambulance, was it on the 9th of April early in the morning?
- 26 A. Yes, yes.
- 27 Q. For us to be clear on the terms we are using, when we talk of "ambulance" we are referring to a vehicle
28 that looks like these public transport minibuses that we see everywhere, at least here?
- 29 A. Yes. Yes, that's correct.
- 30 Q. So, can you tell us again how many wounded persons there were in that vehicle, if you saw them?
- 31 A. I only saw two being carried out of that vehicle.
- 32 Q. Were you able to take note of the nature of their injuries?
- 33 A. No, I was not close enough to see the nature of their wounds.
- 34 Q. Could you, in clearer terms, tell us where you were at the time you saw that pickup enter the premises
35 of the hospital?
- 36 A. Which pickup are you talking about? Do you mean the ambulance, the ambulance?
- 37 Q. Yes, I am referring to the ambulance.

1 A. When the ambulance entered the hospital compound, I was standing in front of the conference hall
2 facing the hospital gate. That is where I was standing. I was standing waiting for Robert's car -- may
3 be brought in order to take us to a safe place. That is when the ambulance entered the hospital
4 compound.

5 Q. So, if I understand your answer well, what this means is that the decision to evacuate you to
6 Karubamba was taken prior to the arrival of that ambulance?

7 A. Yes, that was the case.

8 Q. Therefore, it is Dr. Wilson who decided on the evacuation; is that right?

9 A. Yes, upon the demand of a nurse named Jeanne de Dieu who had been on a night shift in the maternity
10 ward where we had spent the night. We had sought refuge for the night and we asked him -- her, what
11 she could do because we were expecting an attack in the morning. So Jeanne went to see Robert to
12 ask him if he could evacuate us, and he said he could evacuate us. And after he accepted to evacuate
13 us, Jeanne came back and told us that it was possible and that we should be ready. It was while I was
14 preparing myself for evacuation, I had gone actually seeking to look for one of my children who had not
15 spent the night with me so we could go to Karubamba together. So that's when I came back with that
16 child and the others while waiting for Robert to be ready to evacuate us.

17
18 However, there was also another difficulty: That we were very many and there was only one vehicle.
19 Because of that, that nurse went and talked to the people in the ambulance and requested them to
20 transport some of the people.

21 Q. The people in the ambulance, who were they?

22 A. They were -- there were three gendarmes and the driver.

23 THE ENGLISH INTERPRETER:

24 Rather, the question was, "The people of the ambulance, who were they?"

25 BY MR. COURCELLE LABROUSSE:

26 Q. And the gendarmes were in agreement, were they?

27 A. That lady told us that the gendarmes had accepted. So the gendarmes stayed there, and telling us that
28 if there is anyone who had come into the hospital to seek refuge we should look for everyone, all the
29 people who had come to seek refuge in the hospital so that we are all evacuated. So when they told
30 us, we kept going round looking for anyone who might have taken refuge there and had not heard of
31 the evacuation. However, on my way back when -- I found that there was only one gendarme, the other
32 two had left. I do not know where they had gone. So while still standing there, and after Robert had
33 come, but he did not come to the vehicle straight, he first went to the hospital building, and as we were
34 trying to board the vehicle, Dr. Wilson first went into the hospital building, and that's when we heard
35 people shouting and that the hospital had been surrounded, and so we were not able to leave.

36 Q. Therefore, when you returned to the front of the hospital, that is where the ambulance was and their
37 vehicles or vehicle, there was only one gendarme still there; is that right?

1 A. Yes, I only found one gendarme left there.

2 Q. You did not see the two other gendarmes again?

3 A. No, I saw them later after the attack to kill people had already started.

4 Q. That means that the gendarmes separated from one another in some way?

5 A. They did not stay together because when I came back I found there only one gendarme, and he is the
6 one who had asked me if there was anyone else who was in hiding who need to be evacuated, and I
7 told him at that time that all the people I know who were hiding had come out to be evacuated.

8 Q. Do you think -- rather, did you realise that the gendarmes -- or, did you notice at that time gendarmes
9 had participated in the attack?

10 A. I think that according to what I saw, they played their role in the attack because they reinforced, sort of,
11 these killers.

12 Q. What did you see in that connection? What precisely did you see?

13 A. The reason why I am saying this is because, according to what I saw, when people -- attackers feared
14 entering in some places because they feared that some people inside were armed, so I think that when
15 they -- by the presence of these gendarmes, those were now -- they felt strong enough where they had
16 feared to go because they had feared that the people in those places were armed.

17 Q. Were there -- there were only three gendarmes; is that right?

18 A. There were only three gendarmes, however, in addition, there were two policemen who had come with
19 Mpambara, and a third one, who was the one guarding the hospital on a day-to-day basis.

20 MR. PRESIDENT:

21 Witness, excuse me. I have not quite understood your answer, the previous answer. Are you saying,
22 and correct me if I am wrong, that the attackers felt freer to go in looking for refugees, people who were
23 hiding, because the gendarmes appeared to be with them? Is that what you are saying?

24 THE WITNESS:

25 That's what I thought, and I think there is a basis for that because in the courts -- trials that are going on
26 in the Gacaca, those criminals who have confessed have said that the gendarmes had actually come to
27 boost the morale of the attackers in case some refugees were armed. That's what I had thought, and
28 later on the people who have confessed have said things to that effect, and I find that there is a basis
29 for what I had considered at that time.

30 MR. PRESIDENT:

31 Yes, please carry on.

32 BY MR. COURCELLE LABROUSSE:

33 Q. So I conclude that from others' say-so, you think you are entitled to say the same thing; is that right?

34 A. This is based on what I saw. You are armed and you are not helping people who are being victimised;
35 therefore, the purpose of your being there is not actually to defend the people, you are actually
36 watching the torture of these people and nothing was being done. So it is very clear that they had
37 another purpose in their coming there.

1 Q. On that morning, I am referring to the period we are dealing with, did you see Mrs. Elizabeth Harding?

2 A. I never saw her.

3 Q. You didn't see her that morning -- that morning, did you?

4 A. I never saw her that morning.

5 THE ENGLISH INTERPRETER:

6 Sorry, counsel's beginning of the question was not heard by the interpreters. Could he repeat the
7 question?

8 BY MR. COURCELLE LABROUSSE:

9 Q. You didn't see him discussing with Dr. Wilson, did you?

10 THE ENGLISH INTERPRETER:

11 Sorry, there was a technical hitch.

12 BY MR. COURCELLE LABROUSSE:

13 Q. My question was: You did not see her discussing with Dr, Wilson, did you?

14 A. I did not see her.

15 Q. You didn't see her in the company of gendarmes who had arrived in the ambulance?

16 A. I did not see her either.

17 Q. A small point of detail: I do not know whether you can answer that, but do you know how much time is
18 needed to go from Gahini to Karubamba and to return in a vehicle?

19 A. Oh my God, I cannot really estimate, but I think from Gahini to Karubamba it's about seven on eight
20 kilometres. You may try to find out how much time a vehicle would take to cover that distance.

21 Q. Is it a tarmac road?

22 A. No, it's a dirt road.

23 Q. Therefore, at the time an attempt was made to put the refugees in the vehicle the attackers surrounded
24 the hospital; is that right?

25 A. Yes.

26 Q. Moreover, you told us that you heard whistles?

27 A. Yes. I heard them, but at the same time I saw people surrounding the compound and there were very
28 many people. I said their number might have been between 50 and a hundred people. There were
29 many people.

30 Q. At that time, therefore, you were still in front of the conference room of the hospital; is that right?

31 A. I was a bit further, somewhere between the women's ward and the operating theatre because, actually,
32 the meeting hall was a little apart. So from the vehicle I came to the staircase that was close to the
33 women's ward. This was not at the meeting hall.

34 Q. But from the place where you were, could you clearly see what was happening at the major entrance?

35 A. Yes, I saw what was happening.

36 Q. Were you outside or inside the building?

37 A. I was outside the building.

- 1 Q. If I refer to what you said this morning, is it not at that time you saw Jean Mpambara's vehicle arrive?
- 2 A. That is when Mpambara's vehicle arrived.
- 3 Q. Can you tell the Court how much time elapsed between the beginning of the whistles and the shouts of
4 the assailants and the time that the vehicle, Jean Mpambara's vehicle entered? Was it immediately?
- 5 A. There was a very short time, something like between 10 and 20 minutes.
- 6 Q. During that time, did the assailants come in or did they stay outside?
- 7 A. They stayed behind. They only came inside when Mpambara's vehicle came in. They entered
8 immediately after the vehicle was -- had gone inside the compound.
- 9 Q. When Mpambara's vehicle entered, did the other vehicles which were also in the courtyard of the
10 hospital, that is, the ambulance, the hospital vehicle, did these vehicles move or were they still there?
- 11 A. They were still there.
- 12 Q. Did you seek to hide when the *Interahamwes* came in?
- 13 A. I tried to hide myself. I tried to enter the women's ward, but it was not possible. I went down past the
14 women's ward. I went to the doctors' consulting rooms, and that's where I entered. But when I entered,
15 I found it was not a good hiding place. It was a big hall for patients to wait there, but the consulting
16 rooms were locked, so I stayed there for a very short time. And, as the killers tried to surround the
17 women's ward, I crossed over to the maternity ward, and I stayed in the maternity ward. But in the
18 maternity ward, I went specifically to the delivery room. There was a window and I kept observing what
19 was going on outside, and I could observe what was taking place in the women's ward.
- 20 Q. Do you know whether Dr. Wilson sought to bring together the hospital staff?
- 21 A. No, I have no idea.
- 22 Q. Do you know -- or did you know where the staff were, that is, the other nurses or health care staff of the
23 hospital? Do you know where they were during the attack?
- 24 A. I only know about those who were with me in the maternity ward. I wouldn't know about the others. In
25 the maternity ward, I was about to see one nurse called Jeanne who had been there on the night shift,
26 and two other nurses who came to replace her in the morning. Those were the three nurses that I
27 could see there. I did not know the whereabouts of the others.
- 28 Q. Were you able to find out later on where they were?
- 29 A. Do you mean other nurses?
- 30 Q. Yes, the other medical staff.
- 31 A. I was only able to see the people who had come as refugees, and we met during the attack. And, you
32 know, we met each other while running into hiding, but after the attacks, when the attacks were over,
33 we were able to meet and talk, but there was no specific place where the staff of the hospital was
34 staying at that time.
- 35 Q. Did you know where Dr. Wilson was during the attack?
- 36 A. I didn't see him. I didn't know where he was. I did not see him outside on the compound.
- 37 Q. You told us that later on you saw Mpambara, the *bourgmestre*, that you saw him on a second time on

- 1 that morning.
- 2 A. Yes.
- 3 Q. Where were you at that time? Were you still in the maternity ward?
- 4 A. When I saw him while I was in the maternity ward was when he came for a second time. He had gone
5 outside the hospital compound and then came back a second time. I had -- I also saw him near the
6 pharmacy where he remained standing when I had already left the maternity and I had come to the
7 pharmacy building.
- 8 Q. I didn't quite understand your answer. You say that you knew that at a certain point in time Mpambara
9 had left the place?
- 10 A. Yes. He had gone out with a vehicle and I saw him coming back when I was in the maternity ward.
11 Later he went where I could not see, but when the attack stopped, I went up to the pharmacy trying to
12 talk to a lady who was working there. That's when I saw Mpambara again standing somewhere near
13 the pharmacy, standing with some gendarmes and with a man called Jean-Baptiste Nkurayija, and later
14 on in this group, they remained standing having a conversation. And those are the circumstances
15 under which I saw him.
- 16 Q. Jean-Baptiste Nkurayija, what was his position in the hospital? What was he doing?
- 17 A. He was a hospital administrator.
- 18 Q. What exactly does an administrator do? Did he have any supervisory powers over you?
- 19 A. Yes. He was a senior official.
- 20 Q. When you saw Jean Mpambara with Nkurayija, in particular, did you see him during that period talking
21 with Dr. Wilson?
- 22 A. I did not see Dr. Wilson talking with them. I -- he was talking with the people whom I have mentioned to
23 you.
- 24 Q. Did you know where Dr. Wilson was?
- 25 A. I did not know where he was. I did not see him outside.
- 26 Q. I understand you were there in front. Is the pharmacy far away from the operating theatre?
- 27 A. It was very close.
- 28 Q. "Very close," what exactly does that mean?
- 29 A. It was about two to three metres to the operating theatre.
- 30 Q. In other words, if someone spoke in the operating theatre, two or three metres away you would be able
31 to hear that person; is that right?
- 32 A. Under other circumstances, normally you would hear such a person. Normally when you were in the
33 operating theatre, we can call someone in the pharmacy and that person would hear us.
- 34 Q. You told us a short while ago that the young boy who was wounded on the hand with a spear went to
35 the operating room and that the nurse who was there refused to treat him saying that it was not worth it
36 since he was going to be killed anyways?
- 37 A. Yes, but the young man did not come to the operating theatre. Having come from where Mpambara

1 was standing, he met the nurse between the pharmacy and the operating theatre. The nurse talked to
2 him trying to go past him, and she was going towards the laboratory and the young man kept entreating
3 her to try and stitch his hand, but the nurse replied that it would be a waste of time since in a short while
4 the young man would be killed. The young man sat by the verandah of the pharmacy, and it was from
5 there that he was taken to be killed.

6 Q. During that period -- did you say that Jean Mpambara was there present? Did the events cause a stir
7 or people to scream or a commotion? If I understood what you said a while ago, somebody had gone
8 looking for this young boy in the physiotherapy room. Did all of that take place while places are silent?

9 A. There was no noise. It was undertaken by few people. They were -- they had a purpose. They did not
10 make too much noise. There was no alarm.

11 Q. There were no gunshots?

12 A. There were gunshots at the physiotherapy hall. That's where gunshots were heard.

13 Q. That's at least some noise.

14 A. There was a gunshot and that was heard, but there was no human shouting.

15 Q. Do you know who fired the shot?

16 A. I think it was one of the gendarmes because one gendarme was with Butera and that gendarme was
17 armed with a rifle.

18 Q. Were you able to notice or to see whether the attackers were carrying guns?

19 A. They had no guns.

20 Q. Meaning they only had what is usually referred to as traditional weapons?

21 A. They had traditional weapons. They had machetes and clubs, but they had no guns.

22 Q. This morning we did not talk about the end of that attack. When all of that ended, what happened? Did
23 you remain at the hospital?

24 A. We stayed at the hospital after the attack. That means the nurse called Jeanne found us in the
25 maternity ward and said that the remaining refugees should go out so that they may be taken to
26 Karubamba. We went out of the building. She was with a policeman called Ngarambe, and they were
27 telling the refugees in every building to get out and be taken to Karubamba.

28
29 I went out along with those refugees that had to go to Karubamba, but when I reached the vehicle, the
30 policeman who was my acquaintance, but he told me, "Please stay behind. The people being taken to
31 Karubamba are taken there, not for their safety but to be killed. Please stay here. You may be killed
32 here, but it's a better place than over there. At least here you have some water to drink, and the
33 people, the children you are with, also may have some water here. It's better for you to stay here
34 because there is no safety going to Karubamba."

35
36 I obeyed him, and me, with another lady, we came back to the maternity ward. We did not go
37 anywhere else.

1 Q. Did you see how many of the survivors were being loaded up into the vehicles?

2 A. As I stood at the maternity ward, I saw the vehicle go out filled with people and some of these were
3 ladies I had been with. I saw the vehicle disappear. I had no other information about that group. I
4 stayed there. I did not go to Karubamba in that vehicle. I had no further information. I stayed at the
5 hospital.

6 Q. Can you tell us which vehicle that was?

7 A. It was a white pickup, a double-cabin pickup, and that was the vehicle that Mpambara had been driving.
8 He had not come in the community vehicle, but instead he had come in that double-cabin pickup.

9 Q. Were there other vehicles with that vehicle?

10 A. I did not see any other vehicles.

11 Q. Do you know how many people were in that vehicle with the *bourgmestre*?

12 A. No, I can't know their number.

13 Q. Can you tell us the approximate number? Less than 10? Were there more than 10?

14 A. It is impossible for me to estimate. I went back to the maternity ward and people climbed on the
15 vehicle, boarded the vehicle. I was far away, and I cannot know the exact number of the people who
16 went aboard that vehicle.

17 Q. Jean Mpambara, at least made persons to be evacuated; is that correct?

18 A. It could be Mpambara. It might be someone else who sent the vehicle. I did not check whether it was
19 Mpambara. I saw the same vehicle that he had been driving. I don't know who was driving the vehicle.
20 All I know is that the vehicle was Mpambara's vehicle and it was from that point of view that I assumed
21 that it was Mpambara who was driving the vehicle.

22 Q. You did not see Jean Mpambara at the hospital thereafter?

23 A. I did not see him again. It's possible that he was in that vehicle evacuating the refugees, but I cannot
24 testify that it was Mpambara. I was at a distance, but previously I could tell it was Mpambara because
25 there was no other driver. It was the same vehicle he had driven earlier, and it's possible that he had
26 come in the same vehicle, but I did not see him.

27 Q. Were you at the maternity at that point in time?

28 A. I was in the maternity ward.

29 Q. Well, you told us a while ago that you saw Mr. Jean Mpambara once go towards the hospital at about
30 11 o'clock, that you recognised him, but when he left you were at the same place but you could not
31 recognise him at the time.

32 A. I did not take, really, the care to find out. I did not need to run away. I had no reason whatsoever to
33 make a proper observation. I thought my life was in great danger, and that was it.

34 MS. MOBBERLEY:

35 Your Honours, I am also not sure that was a correct characterisation of what the witness said in her
36 testimony. So, once again, I ask counsel to take care.

37

1 MR. COURCELLE LABROUSSE:

2 Well, we will see what the transcripts have.

3

4 I have two other questions to put to the witness, Mr. President, then I will conclude. I think,
5 subsequently, we may need a closed session for those two questions, possibly.

6 MR. PRESIDENT:

7 So, you have finished your examination in the open session, you would now like to go into closed
8 session, yes? Very well, then, we will go into a closed session for the conclusion of the
9 cross-examination.

10 *(At this point in the proceedings, a portion of the transcript [pages 49 to 59] was extracted and sealed*
11 *under separate cover, as the session was heard in camera)*

12 *(Pages 39 to 48 by Judith Baverstock)*

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1 MR. PRESIDENT:

2 This is a protected witness.

3 MS. MOBBERLEY:

4 Yes, sir.

5 MR. PRESIDENT:

6 And do you have the personal particulars sheet with you?

7 MS. MOBBERLEY:

8 I do, sir. I'm just waiting for my assistant to come back, and she will provide the personal assistant
9 sheet, the statement for the interpreters, and will collect the other documents ready for distribution.

10 MR. PRESIDENT:

11 Yes.

12 *(Declaration made by Witness AVK in Kinyarwanda)*

13 MR. PRESIDENT:

14 You have before you a document which sets out your personal information. Have you seen that
15 document?

16 THE WITNESS:

17 Yes, I have seen it, Your Honour.

18 MR. PRESIDENT:

19 And the particulars set out therein, are they correct?

20 THE WITNESS:

21 Yes, the information therein is correct.

22 MR. PRESIDENT:

23 And is that your signature at the bottom of that page?

24 THE WITNESS:

25 Yes, this is my signature.

26 MR. PRESIDENT:

27 Yes. And this document is now exhibited under seal. What's the exhibit number?

28 MR. MATEMANGA:

29 P. 2.

30 *(Exhibit No. P. 2 admitted, under seal)*

31 MR. PRESIDENT:

32 All right, Witness, you will now be examined by the Prosecution. And at the end of the -- your
33 evidence-in-chief, you will then be cross-examined by the Defence, and you're required to answer
34 all the questions that are put to you simply and truthfully. Do you understand that?

35 THE WITNESS:

36 Yes, I understand that, Your Honour.

37

1 MR. PRESIDENT:

2 Good.

3 MS. MOBBERLEY:

4 Mr. President, I now apply to go into closed session for the beginning of this witness's testimony.

5 MR. PRESIDENT:

6 Very well.

7 *(At this point in the proceedings, a portion of the transcript [pages 62 to 70] was extracted and*
8 *sealed under separate cover, as the session was heard in camera)*

9 *(Pages 60 to 61 by Sherri Knox)*

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CERTIFICATE

We, Jean Baigent, Ann Burum, Judith Baverstock, and Sherri Knox, 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

Sherri Knox