

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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

THE PROSECUTOR
OF THE TRIBUNAL
v.
JEAN MPAMBARA

TUESDAY, 10 JANUARY 2006
0855H
CONTINUED TRIAL

Before the Judge:

Jam Ram Reddy, Presiding
Sergei A. Egorov
Flavia Lattanzi

For the Registry:

Ms. Marianne Ben Salimo
Mr. Sheha Mussa

For the Prosecution:

Mr. Richard Karegyesa
Mr. Didace Nyirinkwaya
Mr. Ousman Jammeh

For the Accused Jean Mpambara:

Mr. Arthur Vercken
Mr. Vincent Courcelle Labrousse

Court Reporters:

Ms. Judith Baverstock
Ms. Ann Burum
Ms. Jennifer Spring

I N D E X

WITNESS

For the Defence:

GANUZA LASA SANTOS

Examination-in-chief by Mr. Vercken (*continued*) 1

EXHIBITS

Defence Exhibit No. D. 22 21

PROCEEDINGS

1

2 MR. PRESIDENT:

3 Good morning, Reverend.

4

5 Good morning, everyone else in the court. We will continue with the examination-in-chief of this
6 witness.

7 MR. VERCKEN:

8 *(No interpretation)*...the new witness who just arrived in Arusha would like to waive the protective
9 measures which consist in having him stay at the safe house.

10 MR. PRESIDENT:

11 Yes, is this the one we talked about today? No, another witness?

12 MR. VERCKEN:

13 Yes, it's another witness, Your Honour, RU31.

14 MR. PRESIDENT:

15 All right. Well, he is entitled to waive the protective measures, and we would ask that the witness
16 protection unit be so advised.

17

GANUZA LASA SANTOS

18

EXAMINATION-IN-CHIEF *(continued)*

19 BY MR. VERCKEN:

20 Q. Father Santos, when we broke off yesterday, we were talking about what you said following the attack
21 against the parish on Saturday the 9th of April 1994, and you told the Chamber that you took note of the
22 presence of several bodies and that you went to see the soldiers who were stationed close to the
23 church to reproach them for not having intervened and used their weapons. Is that correct?

24 A. That is correct.

25 Q. Can you remind the Court of what happened subsequently, after you went to see those soldiers?

26 A. I returned to the church immediately, and I requested further information as to the location of the
27 bodies. I looked for some blankets from the mission, from the parish, and accompanied by a group of
28 four refugees, we went to look for the bodies -- went to get the bodies. It was already nightfall. I took a
29 torch to search here and there. We found four bodies, but at the end we were afraid. We did not want
30 to stray too far from the church building for fear of being attacked at night. That being the case, we took
31 four bodies and brought them back to the parish. We opened a classroom in the parish school using a
32 key and we put those bodies -- we put seven bodies in the classroom. The eighth body belonged to a
33 woman who was also a refugee. She wanted to keep it in the video room in order to keep an eye on it
34 during the night. So that is what we did with the eight bodies we found -- with the eight bodies we found
35 on the 8th-9th April.36 Q. What happened subsequently? Did you go back to your room? Did you go back to bed? What
37 happened subsequently that night?

1 A. I regretted not having enough courage to look for the other bodies, and I was afraid that perhaps dogs
2 would eat the bodies that night. And I myself reproached myself for not having had the courage to look
3 for the bodies. But those who were accompanying me were running a risk and did not want to
4 accompany me. On the other hand, I regretted having told the soldiers to kill and no (*microphones*
5 *overlapping*)

6 MR. KAREGYESA:

7 If counsel could observe a pause, because we didn't receive an English translation of the last segment
8 of the witness's answer.

9 MR. PRESIDENT:

10 Yes, could you do that, please? We have to get all this on the record because we won't know exactly
11 what the reverend is saying. Perhaps you could ask that question again.

12 BY MR. VERCKEN:

13 Q. Could you tell the Court who you are referring to when you use the word "prisoners"? The word
14 "prisoners" was not properly used.

15 MR. PRESIDENT:

16 We are not getting that either so there is some problem. Which channel are we on now?

17 THE ENGLISH INTERPRETER:

18 Can you get us now, Counsel?

19 MR. PRESIDENT:

20 All right. Let's start all over again.

21 THE ENGLISH INTERPRETER:

22 Your Honour, I am not sure the technical problem has been sorted out yet.

23 BY MR. VERCKEN:

24 Q. Witness, could you please repeat what you said regarding how the night of the 9th to the 10th April
25 evolved?

26 A. Deep inside I had two feelings. I felt regretful that I hadn't had enough courage to look for the other
27 bodies. I was afraid that those bodies would be eaten by dogs. That would have been my fault. On
28 the other hand, I felt that those who had been with me, that is the refugees -- I don't remember their
29 names -- were afraid. But, in actual fact, they were risking their lives. We had decided to go back, and
30 I regretted leaving four bodies out in the open. On the other hand, I also regretted saying what I said to
31 the soldiers, that they should have killed people to defend refugees. And the fact that I told them they
32 should have killed, bothered me all night. My conscious was not clear all night, that a priest should
33 dare say that people should kill. That is how the entire night was spent with -- in internal struggle which
34 I had.

35 Q. Was the parish again attacked that night?

36 A. No, the parish was not attacked that night. In principle, while I was at the parish, they respected me
37 and they dared not draw near it. Whenever I left the parish, they availed themselves of my absence to

1 attack. There was a lot of respect around the population that was around the parish.

2 Q. In that case, why did you take the risk on several occasions to accompany the *bourgmestre* to
3 Rwamagana to try to fix the pump, the water pump, knowing that in so doing you were tacitly
4 authorising the assailants to attack the church?

5 A. Of course, I was torn between two things: Remaining inactive, not resolving any problem and resigning
6 ourselves to die of hunger or thirst; or, on the other, hand, to risk everything, go and seek greater
7 protection from the soldiers in Rwamagana. In any case, I felt the risk, but you had to run a risk in order
8 to do something, otherwise we were doomed to die of hunger. Everyone was thirsty. The refugees
9 were already despairing. There were already several refugees in a coma, dying in the church. So, as
10 you can see, the situation was very grim and we could not stay inactive. That is why, in spite of all the
11 risks, I sought a new solution to the problem.

12 Q. You said that you represented an authority that was respected by the assailants, but later on you stated
13 that you had been accompanied in that parish, since the month of February, by another white priest,
14 who had been the parish priest of Rukara church for about ten years, Father Melchior. Did
15 Father Melchior not also enjoy certain authority among the assailants? Was he also not likely to
16 reassure you when you had to leave the parish for a short time?

17 A. Yes.

18 MR. KAREGYESA:

19 Your Honours, we are constrained to object. The Prosecutor is questioning the relevance of some of
20 the questions and evidence being elicited from this witness in circumstances where the Defence does
21 to the contest that killings took place. We appreciate the witness's desire to tell his own story, but not at
22 the cost of the efficiency of these proceedings. We'd, therefore, request the Chamber to ask counsel to
23 focus on the issues at Bar and not so much the entire story of this witness that could see us here for the
24 rest of the week. Most obliged, Your Honours.

25 MR. PRESIDENT:

26 Yes, we allowed this line of questioning yesterday, largely because there was no opposition from the
27 Prosecution. But I think it is true, and we are all unanimous on this, that a good deal of evidence given
28 by this witness related to his own feelings, his own opinions, and so on. I think it will be useful for the
29 Defence to limit itself, as far as it is possible, to the facts. He can testify to facts, and it will be for the
30 Chamber to draw its own conclusions from those facts. So I would ask the Defence to, please, try and
31 be as relevant as possible.

32 MR. VERCKEN:

33 I will respond. Since I wasn't allowed to respond to the Prosecutor, I would say that, particularly with
34 regard to questions asked by the Tribunal itself -- by the Chamber itself, it would appear that the Court
35 asked whether Mr. Mpambara sought to take Father Santos away from the parish voluntarily or
36 involuntarily in order to enable the assailants to attack the parish more easily. I therefore believe it is
37 quite relevant that we hear the opinion and the point of view of the witness regarding the situation and

1 the reasons why he decided to accompany the *bourgmestre*, either to go and seek assistance, or to
2 provide the refugees with food and drink. We submit that this discussion is in line totally with the case.

3 MR. PRESIDENT:

4 Can you frame your question? Ask your question.

5 MR. VERCKEN:

6 I will ask my question, Mr. President.

7 BY MR. VERCKEN:

8 Q. Yes, Witness, in answering my question, you said that was the procedure in place at the time. Can you
9 tell us whether the presence of the white priest, Father Melchior, who was with you and who remained
10 at the parish when you accompanied Mr. Mpambara on missions to seek assistance, was it likely to
11 reassure you regarding risks of attacks carried out in your absence?

12 A. With your leave, I will defend myself with regard to the accusation made by the Prosecutor. I was
13 accused precisely of leaving the parish in order to cause attacks, and I want to defend myself
14 vehemently in order to prove that I was innocent -- I am innocent.

15
16 Regarding the issue regarding Father Melchior, I can say that I was afraid -- he was afraid and shut
17 himself up in the house with the refugees, and did not go out of the parish premises. At that time, he
18 was spokesperson of the refugees. The former authority had left a long time ago. He certainly had
19 some authority, such that the assailants had some instructions, "When you attack, respect Father
20 Santos and Father Melchior." They had received such instructions, the assailants. But that does not
21 mean that his presence, and my absence, made people more courageous. It didn't make the assailants
22 more courageous.

23 Q. We shall now talk about the following day, that is, Sunday the 10th of April 1994. Can you tell the
24 Chamber how that day started, as far as you are concerned, and with regard to your relations with the
25 refugees in the parish?

26 MR. KAREGYESA:

27 Again, I object to the way counsel continues to lead evidence in this Chamber. He should be focussed.
28 It's an open-ended question for which, you know, no specific answer can be anticipated. The witness
29 could go on talking forever. What is in issue about the 10th that he needs to elicit evidence about?
30 Counsel should be asked to refocus on the issues at Bar, Your Honours.

31 MR. PRESIDENT:

32 Can you repeat your question? I didn't quite follow that question. Can you repeat it? What was your
33 question about Sunday, 10th of April?

34 MR. VERCKEN:

35 It was a very open-ended question, because I asked the witness how that day of the 10th of April 1994
36 started amidst the refugees, what his action were.

37

1 MR. PRESIDENT:

2 Yes, I think that question is allowed. He should answer it.

3 THE WITNESS:

4 Since Mr. Mpambara and myself had worked together -- we had worked together every day -- asking
5 me what I did on that day of the 10th, necessarily involves the work I did together with the *bourgmestre*
6 in order to assist the refugees. We, first of all, had to bury the bodies. We had to bury the dead. And
7 we could not have done that without some form of military protection.

8 BY MR. VERCKEN:

9 Q. At this stage, Witness, can you tell us whether that morning of the 10th of April 1994 you spoke with
10 *Bourgmestre* Mpambara?

11 A. Of course. Now I cannot say whether he came or whether I contacted him. But all I know is that I
12 requested military protection for the refugees who had to dig the graves for burial of the dead, and the
13 *bourgmestre* gave me some police officers to guard the group that had to dig the graves.

14 Q. At what time did you discuss that issue with the *bourgmestre*?

15 A. Very early in the morning. It could have been at 8 a.m., because I had corpses and we had to bury
16 them. They were in the school. The others were still littered on the ground; one was in the video room.
17 We could not have left the bodies like that. I would say that about 9 a.m. -- or before 9 a.m., a group of
18 30 refugees went to the cemetery, which was 200 metres way, and they dug not a grave as such, but a
19 hole in which they could put the bodies. It was to the right of the church entrance.

20 Q. And what happened after the burial?

21 A. That same day -- and we are going to leave aside the personal activities, personal activities -- that
22 same day at about 4.30 p.m. or 5 p.m., a Belgian military convoy arrived to assist us and to help us
23 leave the country, if we wanted to do so. We, the priests and reverend sisters, met together in the
24 sisters' convent, and after some short consultations, we all decided to leave the country, taking
25 advantage of the opportunity given by the military convoy.

26 Q. How many soldiers were there, and how did they come?

27 A. In reality, they had come to rescue a Belgian in Kiziguro, and they brought that -- two soldiers,
28 two military jeeps came to our residence. There were several soldiers in each of the jeeps, two or
29 three, no more. We decided to leave.

30 Q. The soldiers -- the clerics who were taking that decision, were they all white?

31 A. There was also a black -- a black religious person, her name was *Viranda* (*phonetic*).

32 Q. There were others who were preparing to leave?

33 A. The fact is that the whites decided to leave and the Rwandans remained in Rwamagana. That was the
34 decision that was taken.

35 Q. Father Santos, did it involve your departure from Rwanda?

36 A. Yes, we all decided to leave Rwanda. And the Belgian soldiers told us, "You have ten minutes. We are
37 leaving in ten minutes because we cannot stay much longer. You have to leave in ten minutes." So we

1 left the sisters' convent, which was some 200 metres from the parish, to take our suitcases and leave
2 immediately.

3
4 As regards what happened subsequently, I want everyone to listen to what happened on the way
5 because it is the most decisive thing regarding what I did. When I crossed the main road, that is the
6 road leading to Gahini, in order to enter the road towards parish, I saw the *bourgmestre* coming from
7 that direction. I stopped him and I said, "Goodbye." And he said, "Why?" I said, "We are leaving for
8 Spain." "You are leaving for Spain", he said. "How? And you are leaving the refugees behind?" He
9 was somewhat shocked. He said, "If you leave today, they will kill all the refugees." And he went on to
10 say, "I am not sure that if you stay it will save them." And he was pointing with his finger. "But if I had
11 any bit of hope left, it was you, and if you leave everyone will be killed." I turned to my fellow priest and
12 I told him, "Have you heard? I am remaining behind -- I am staying behind. So you can go." And he
13 said, "If you remain, I myself will remain."

14 Q. Can you give us the name of your colleague?

15 A. Father Vincent (*sic*) Fullana

16 Q. So the person who convinced you to stay back was who?

17 A. It was the *Bourgmestre* Mpambara, otherwise if he had not been there, I would have left.

18 Q. And what would have happened?

19 A. Probably they would all have been massacred because they would have had much more time to carry
20 out the massacre.

21 MR. PRESIDENT:

22 Can we have the spelling of the other reverend's name who spoke to you? Can you spell that name for
23 us?

24 MR. VERCKEN:

25 It is Father Melchior. M-E-L-C-H-I-O-R. Fullana is spelt F-U-L-L-A-N-A.

26 BY MR. VERCKEN:

27 Q. Father Santos, yesterday we discussed this, and actually questions were put to you by the Bench
28 regarding the possible ball game or double game which *Bourgmestre* Jean Mpambara may have played
29 concerning you. At that time, that is, 10th of April 1994, when he asked you to stay back, did
30 *Bourgmestre* Mpambara ask you to stay back for a specific objective? And if that is case, what was
31 that objective, why did he ask you to stay back? I want this to be very clear.

32 A. Of course, the *bourgmestre* had in mind the protection of the refugees. And, above all, he wanted the
33 protection of the refugees, and, for him, my presence was highly beneficial in that. It would help in
34 saving the lives of the refugees. In any case, I did not see any other reason. If he wanted to play a
35 double game, as someone said, what would have been the purpose of him asking me to stay back?
36 Whereas he would have said, "Let them leave, we will stay quiet." As far as I am concerned, it was the
37 most eloquent evidence of his willingness to save the lives of refugees.

- 1 Q. In the final analysis, who left with the Belgian soldiers on the 10th of April?
- 2 A. All the white reverend sisters, as well as the Rwandan reverend sister. But the Rwandan sister was
3 dropped off at Rwamagana. Sister Theresa, Sister Marguerite, and Sister Maria -- I believe it was
4 Sister Maria -- those three white reverend sisters left with the Belgian soldiers.
- 5 Q. What did you do when the military convoy, also carrying the Belgian soldiers, the white sisters, and the
6 Rwandan sisters, left?
- 7 A. Well, we tried to face the new reality. They handed us the keys to their houses.
- 8 Q. Father, please try as much as possible to use the definite article. When you say "we" who are you
9 referring to?
- 10 A. I am referring to the two of us who stayed back, Father Melchior and myself, because the sisters had
11 left. So among the members of the team catering for the refugees, there were just two of us remaining,
12 Father Melchior and myself.
- 13 Q. Please carry on, Father.
- 14 A. Well, for the rest of the day, here and now, if you do not put questions to me, I cannot remember.
- 15 Q. As a matter of fact, I have a question concerning the day of the 10th. Do you remember having been
16 requested to save someone on that Sunday, the 10th of April?
- 17 A. Not quite 10th of April. Well, I don't know. I can no longer remember whether the request was made
18 on that day or another day, but I received the request to save the mother of Father Kayitana.
- 19 Q. Who was Father Kayitana? But before you answer that, and with your leave, let me spell the name.
20 K-A-Y-I-T-A-N-A.
- 21 A. He hails from Rwimishinya and his mother lived there. If I am not mistaken, he might have been in
22 Rome pursuing his studies. He is currently the vicar general in Kibungu. I must admit that I was afraid.
- 23 Q. Father Santos, who came to talk to you about that lady?
- 24 A. As a matter of fact, several persons, not just one. The refugees, the teachers, and families which knew
25 one another, saying that I could do something for you (*sic*). But given that the situation was dire, I did
26 not have the courage, unless I could enjoy some military protection. At that time, that group actually
27 talked to *Bourgmestre* Mpambara and he is the one who took his vehicle, went to get that lady in her
28 house and drove her right up to Rwamagana. That is what I know.
- 29 Q. So, ultimately, it was *Bourgmestre* Jean Mpambara who went to fetch the mother of that priest?
- 30 A. That is correct.
- 31 Q. She was isolated, wasn't she?
- 32 A. Well, she enjoyed some respect being the mother of a priest, because the others had all fled. She
33 enjoyed some respect. She lived eight kilometres from the parish.
- 34 Q. Still in connection with the day of the 10th of April, I would like to know whether you went back to see
35 the soldiers to whom you had spoken in the evening of the 9th of April when you blamed them for not
36 having killed the attackers?
- 37 A. That was my very first action on the morning. When I got up, I immediately went to see the soldiers,

1 and I told them, "I am withdrawing my statement. A priest should never say someone has to be killed.
2 So what I said yesterday I am taking it back." That was my first action on the morning of the
3 10th of April.

4 JUDGE EGOROV:

5 And, Mr. Witness, where did you find them?

6 THE WITNESS:

7 I went to the small guard post which was located opposite the main road leading to the entrance to the
8 house. I went there. I stopped my car and I said, "I am sorry, I am withdrawing all what I said
9 yesterday. A priest should never say someone has to be killed. You received your orders, please
10 comply with the orders."

11 BY MR. VERCKEN:

12 Q. Father Santos, kindly describe to this Court what was *Bourgmestre* Mpambara's appearance and state
13 when he persuaded you to stay back in Rukara?

14 A. I really do not know how to say it, because now, when I look at him, I can no longer make him out. He
15 was more dynamic, more courageous, and stronger. At the time, when I looked at him, he was
16 someone who had his convictions, who wanted to assume fully his responsibilities as a *bourgmestre*,
17 someone who loved order and the respect thereof within his *commune*. This was someone who
18 wanted to fully discharge his bounden duties. But he was someone quite strong willed. He was calm,
19 but with a firm conviction. Now, when I look at him, I no longer recognise him.

20 Q. After you took a decision to stay back, did you talk about it immediately thereafter with the *bourgmestre*
21 on that day of Sunday, 10th of April?

22 A. I can no longer remember. On that same day of the 10th, no, I can no long remember, because he
23 continued on his way, and then I went to meet with the 3,000 refugees who were there and who, at
24 every instance, were looking forward to support and assistance from someone who could reassure
25 them in their dire circumstances. So I told them, "Today is Sunday, none of you will say mass -- I will
26 not say mass, but at least we are going to say the Rosary."

27 Q. Were there other significant events concerning the Accused which come to your mind on the Sunday,
28 10th of April 1994, or do you think we should move to the following day?

29 A. Let me say that, from that date on, my memory is sort of dampened because if there are certain
30 actions, they are not as clear as what I could remember regarding the other days. I could say that I was
31 sort of psychologically quite muddled, feeling quite lonesome. And bearing in mind the risks I had
32 accepted to take and knowing that days have passed by it is quite difficult for me, and it is difficult now
33 for me to remember vividly all that went on from that moment on.

34 Q. Please tell this Court, as far as you know or you remember, what were the significant events of the
35 following day, Monday, the 11th of April 1994?

36 A. As I just said, the 11th is quite vague in my recollection. But what I remember is that I almost lost my
37 self-control during this food distribution exercise. You see, the refugees were becoming more and more

- 1 desperate. I was trying to put some order. Father Melchior was trying to do something, and he had
2 even to hit the refugees with a cane in order to restore order. And, as I just said, the rest of the day
3 was quite difficult, because we had 3,000 refugees in the state of utter despair. What I know is that I
4 started off the food distribution exercise, which I completed at about 1 p.m. I was completely
5 exhausted. I remember that we did not eat anything because we were completely exhausted.
- 6 Q. On that day, Monday, 11th of April, did you meet with *Bourgmestre* Jean Mpambara, and did you
7 accompany him out of the parish?
- 8 A. I know that I went to Rwamagana on two occasions to discuss with the commander.
- 9 Q. Were you accompanied?
- 10 A. Of course, yes, with the *bourgmestre*, because I could not move about alone. It would have been
11 highly risky under such circumstances. At another time we tried to look at another way of saving the
12 refugees.
- 13 Q. Father Santos, who had that idea?
- 14 A. Well, it was an idea common to the *bourgmestre* and myself.
- 15 Q. And what was the idea?
- 16 A. It was to take all the refugees in the region and to lead them to Rwamagana in a newly-constructed
17 school, some four kilometres to the south of Rwamagana. And the government -- or, I should say,
18 soldiers, assigned a group of soldiers to protect the refugees within a group of people who were still
19 very angry. The events were unravelling so fast that before we could take any decision we had already
20 been overcome by events. But I remember, indeed, that we made the proposal. And the schools -- I
21 no longer remember the names -- but I knew the schools; they were newly-built schools and they were
22 empty at the time. They were sort of distant.
- 23 Q. Father Santos, I hope I am not mischaracterising what you said if I were to say that one of the plans
24 you mooted -- or the ideas you mooted with the *bourgmestre* to protect the refugees entailed leaving
25 them under protection in buildings in Rwamagana which could easily be protected by the soldiers based
26 in that town. Is that correct?
- 27 A. Yes and no. No, it is not correct. It was not in Rwamagana, but three or four kilometres to the south of
28 Rwamagana.
- 29 Q. Very well. Thank you, Witness. Now, on this day, Monday, 11th of April, or the following day --
- 30 A. But in any case --
- 31 Q. Witness, please allow me to finish my question. After deciding to stay back with the refugees at the
32 behest of the *bourgmestre*, did you go and see the brigade commander of the gendarmerie in
33 Rwamagana with the *bourgmestre* to share your idea with him?
- 34 A. Yes, I went there with the *bourgmestre*. I can no longer remember the exact time, but I remember I
35 went there twice: The first time to discuss that idea; and the second time, for the last one, which would
36 be on the 12th.
- 37 Q. In order for things to be very clear, if on those two occasions we add the previous visit which you had

- 1 talked to us about which took place on the 8th of April, in all you went to Rwamagana to discuss with
2 the commander on three occasions, correct?
- 3 A. At least three occasions, probably more, but right now, I can no longer remember the dates.
- 4 Q. Father Santos, please tell us what was the commander's reaction to the idea which you conveyed to
5 him, along with the *bourgmestre*?
- 6 A. He gave his agreement in principle. But, you see, he did not have enough soldiers. The soldiers had
7 all left for the front, even the policemen, such that the commander had serious shortcomings -- or, I
8 should say, had insufficient strength by way of manpower.
- 9 Q. So, are you telling us that the commander agreed with the principle, or the idea, but he told you that he
10 did not have the material wherewithal to make the idea concrete?
- 11 A. Yes, you can put it that way. But let us say that at that time he did not have the resources, but he could
12 not know whether on the following day he could have had more resources. But, in principle, he agreed.
- 13 Q. So on that note of the military authorities telling you that they were unable to assume the task, did you
14 leave with the *bourgmestre*?
- 15 A. Yes, we left on that note. And seeing that the situation was getting worse, and taking into account the
16 circumstances and the failure, we left and returned.
- 17 Q. And what was the prevailing situation when you returned to the parish? And is it possible for you to
18 remember at about what time of the 11th did you return to the parish?
- 19 A. As I told you, the 11th and 12th are still quite vague in my memory. But I still remember those days,
20 especially with regard to things which touched me personally I can remember, but the others are
21 already sort of outdated and plus I can no longer remember them.
- 22 Q. Does that mean that you remember events but not necessarily the times?
- 23 A. Yes, I can remember the events, but I do not know -- or, I am unable to place them in time.
- 24 Q. So what was the state of affairs in the parish when you returned there?
- 25 A. I cannot remember, but I however know that when we returned to the parish, the *bourgmestre* and
26 myself decided to once more go and see the commander, because the situation was becoming dire and
27 those who were attacking the refugees were getting closer and closer. They were closing in, such that
28 we decided that the following day we would go back to seek assistance.
- 29 Q. Father Santos, you have mentioned on several occasions that during those trips
30 *Bourgmestre* Mpambara was accompanied by policemen?
- 31 A. Yes.
- 32 Q. And you also mentioned that he assigned you one or two for certain missions. Don't you think that
33 those policemen could have been used to defend the refugees against the attackers?
- 34 A. That would have been completely useless. I did not know whether there were seven or 17 policemen in
35 the *commune*. Because, even if there were 17 policemen, some of them were Tutsis and they had fled.
- 36 Q. So are you saying here and now that Tutsi policemen had deserted their positions?
- 37 A. Well, they were in hiding, they also had to protect their lives. They could not openly go back to their

1 homes and feel safe. In any case, I know that in the *commune*, there were about seven policemen
2 available.

3 Q. At that time?

4 A. Yes, on that time and on that day.

5 Q. Now, kindly answer my specific question regarding how those policemen could be used.

6 A. I remember the *bourgmestre* telling me that, "I have to leave some policemen to guard the *commune*."
7 If I leave -- or, if he left two or three to guard the *commune* and he took two -- one to accompany him --
8 then there would be only two remaining, so he realised that that would have been useless because the
9 Rukara hill has a population of 50,000 people, and if I am not mistaken, 400 or 4,000 square kilometres.
10 Seven policemen would have been nothing.

11 Q. But you told us that the Tutsi refugees had gathered in a location, and that was your church, and
12 therefore one would have considered that it would have been easy to defend them?

13 A. Ten or 15 policemen would not do anything against a crowd. They tried to protect themselves for
14 several days. They attacked in my presence only in the last days. And now my presence -- or, let us
15 say, the proximity of the *commune* and of the soldiers made it such that the refugees were protected
16 during those days, because, in principle, the attackers did not get inside, they attacked only those who
17 went out of the premises. The nine who entered, entered just a few minutes and then fled. They did
18 not stay inside. Once they came and launched the attack, they would flee. Such that in any case, that
19 location was one enjoying the most protection. They would just come for some specific attacks, then
20 they would leave.

21 Q. Father Santos, is it your evidence that, in spite of all, Rukara parish -- and despite the attacks it suffered
22 from during the first days -- was nevertheless a protected location and that it fulfilled its duty?

23 A. Yes, fulfilled its duty. Quite a few people were saved because of the protection. Were it not for the
24 protection, they would all have been massacred. And if we calculate that 1,000 people were killed, they
25 were more than 3,000 people there, and that means that 2,000 persons were saved because of
26 protection.

27 Q. When you say they were saved, do you mean they remained alive?

28 A. They were still alive.

29 Q. Are they still alive now?

30 A. Well, I think so. I know that some of them died subsequently from illness or trauma, but at that time
31 they were saved because of the protection.

32 JUDGE EGOROV:

33 I am sorry. What kind of protection do you mean? Could you specify, please?

34 THE WITNESS:

35 I am referring to the military protection from the soldiers who were opposite. I am also referring to
36 protection from the police officers who were close to the parish. That is the kind of protection I am
37 referring to. My moral protection was also important. And the buildings themselves afforded some

1 protection, because in the novitiate the assailants did not go into the novitiate, they did not kill anyone.
2 There were more than 400 people in there. Those who were inside the novitiate blocked the doors with
3 planks and they were saved. Those who were inside the church were also saved. Almost half of those
4 people who were -- particularly those in the video room were also saved. That is why I say that they
5 massacred everyone -- they did not massacre everyone. The protection was not complete. We were
6 not able to prevent the attack, but the -- the buildings provided great protection. They could not go into
7 the church either. They could not go into the video room as well. They attacked through the window.
8 As such, the buildings on the church premises provided considerable protection to the refugees.

9 BY MR. VERCKEN:

10 Q. Would it have been more cunning for someone to try to cause the death of as many Tutsis as possible
11 to try to spread them around instead of assembling them in the same location? Is that what you are
12 saying, since you say that as they assembled on the premises they enjoyed greater protection?

13 A. Of course, the refugees came of their own volition. No one told them to go to the parish. They were
14 Catholics, Protestants, from traditional religions. They themselves sought protection from the church.
15 Even people from Kiziguro-Murambi, in the buildings of the Catholic church, they hoped to find the
16 protection that we could give them, and we gave them as much protection as we could.

17 Q. And in that case, the *bourgmestre* supported you?

18 A. He did not only support us, we worked together. I wouldn't say that he supported me. I wouldn't say
19 that I was the only person working. We made mutual efforts. We both worked, which means that I also
20 assisted the *bourgmestre*.

21 Q. Let me go back to that day of the 11th of April. What other significant, important events occurred on
22 that date of 11th of April? If you have nothing particular to tell us, you should say so, but do you
23 remember any significant events on that day?

24 A. My memory is vague. I wouldn't like to invent anything. I do not remember.

25 Q. Father Santos, do you recall receiving any assistance from another priest, a Rwandan priest who may
26 have come to assist you in taking care of the refugees during that period?

27 A. Not a Rwandan priest as such, he was a seminarian. His name was Aloys Murwanashyaka.

28 MR. VERCKEN:

29 Let me spell that name. A-L-O-Y-S space M-U-R-W-A-N-A-S-H-Y-A-K-A. Murwanashyaka.

30 BY MR. VERCKEN:

31 Q. What did this seminarian do?

32 A. He stood by the reverend sisters to provide care to all the casualties. That was at the maternity
33 because the dispensary was shut. When the reverend sisters left, he took care of all the casualties. He
34 alone did all he could to save the wounded refugees. He wasn't helping me as such. Everyone did
35 what he could. Everyone did his or her work. He took care of the refugees of his own volition and he
36 worked there. I remained with the refugees who were at the parish.

37 Q. Was the parish again attacked on the night of the 11th-12th April?

- 1 A. I do not remember. I would say that everything is vague in my mind.
- 2 Q. The following day, that is, Tuesday the 12th of April, you said a while ago that you had planned with
3 *Bourgmestre* Mpambara to return and see the commander in Rwamagana. Did you indeed go there?
- 4 A. I think I should look at what happened during the day. I had to feed 3,000 people. I believe that at
5 about 11 a.m., 12 noon, we went to Rwamagana. We were in despair, in a state of despair, because
6 the situation of the refugees inside the church was desperate. We could not handle the situation.
7 Everything we planned failed. We went there to find out whether we could obtain a greater
8 consignment of soldiers in Rwamagana, about 20 soldiers in Rwamagana.
- 9 Q. So you went to Rwamagana with the *bourgmestre*, is that it?
- 10 A. Yes, with him.
- 11 Q. On the 12th of April?
- 12 A. The 12th April, in the morning, around noon.
- 13 Q. Your plan to seek a consignment of 20 soldiers from the commander?
- 14 A. Yes.
- 15 Q. What would you have done with the 20 soldiers if you had obtained them?
- 16 A. We would have provided greater protection at the church. We had all sorts of plans. Those at the
17 church were enjoying greater protection no more. The *bourgmestre* said there were -- the police and
18 the four soldiers were not enough, we need a greater detachment of soldiers in order to protect the
19 refugees.
- 20 Q. Were you able to talk to the commander?
- 21 A. Yes, on that day, we spoke together, the three of us, the commander, the *bourgmestre* and myself.
22 The commander was really explicit. He said, "We are (*sic*) failed. I do not have many soldiers. Those
23 left are indispensable for guarding the barracks. I have sent out all soldiers, such that I am staying here
24 only in order to protect the barracks." At that time, there was an attack against the sisters in
25 Rwamagana. He said, "You see, I don't have any police officers to stop those people. How can you
26 therefore ask me for assistance to protect people in Rukara?" At that time, he proposed a solution, and
27 the solution was as follows: "Tell Mr. Mpambara, who was the *bourgmestre*," he said, "Mpambara, you
28 are the *bourgmestre* and you have a warehouse of old guns, take all those guns you have at the
29 *commune*, call all those former soldiers and police officers, arm them, and station them to protect the
30 parish." And with such instructions he was supposed to tell all those people to come to the *commune*
31 and protect the parish.
- 32 Q. Such advice was given by the commander to the *bourgmestre*, is that the case?
- 33 A. Yes. It was an order. It was on order: "You have guns, take them and arm those people."
- 34 Q. What language was he speaking to the *bourgmestre*?
- 35 A. I believe it was in French. It could have been in Kinyarwanda, but since I was white they spoke French.
- 36 Q. And the plan consisted in taking the old guns of the police in the *commune*, the *communal* police
37 officers, and distributing them to retired police officers and soldiers, that is, those who were no longer

1 members of the *communal* police force. Is that the case?

2 A. Yes.

3 Q. After such instructions, was that when you left the commander?

4 A. With those instructions, we were sure that we had found a solution and we left.

5 Q. You told us a while ago that you felt that it was necessary to obtain greater military protection in order to
6 defend the church, but that was not quite what was proposed to you.

7 A. However, knowing how helpless we were, we accepted a solution. We accepted that solution. We
8 were a little satisfied with the plan knowing that the other was impossible.

9 Q. What did you do subsequently on that day of the 12th of April 1994? Did you return with the
10 *bourgmestre* to Rukara?

11 A. We returned to Rukara. It was at about 1 p.m. I went to eat something and to rest a little. At about
12 3 p.m., 4 p.m., the *bourgmestre* came to meet me, and he told me, "I have conducted -- I am
13 conducting a tour to organise this." I mean the plan of the commander. He told me, "I am really
14 overtaken by events. The assailants have already received orders to attack this evening." At that time,
15 he again told me, "They cannot attack everyone. The youths of all the 14 *cellules* in the *commune* have
16 to meet at the parish to attack the assailants."

17 Q. Father Santos, to set the record straight, you are trying to say that about 3 p.m., 4 p.m.

18 *Bourgmestre* Mpambara came to meet you to explain to you that he had been informed that there were
19 plans to launch a major attack against the parish. Is that what you are saying?

20 A. Yes. He further gave me the hour at 5:30. They have already consulted with one another. I am only
21 repeating the words he told me.

22 (*Pages 1 to 14 by Judith Baverstock*)

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1 1015H

2 BY MR. VERCKEN:

3 Q. Did the *bourgmestre* tell you how he had come by such information?

4 A. He told me that he had just toured Ryamanyoni, Rwimishinya, and the other areas in the *commune* and
5 that the information was the same everywhere.

6 Q. He had obtained the information during a tour?

7 A. Yes, he had gone round to gather information.

8 Q. At what time did he tell you that? You said 3 p.m., 4 p.m.?

9 A. Yes, no later than 4 p.m.

10 Q. The attack was supposed to be launched at 5:30; is that correct?

11 A. Yes, because he told me, "Wait. I want to try another strategy. I will try to find out whether I can
12 convince them to postpone the attack to the next day and not today." He's saying that he was trying to
13 play the game, sort of, to accept the attack but to have it postponed to the next day. The idea he had
14 was that he would use the intervening period to assemble the retired police officers and the retired
15 soldiers in order to protect the refugees. But he told me, "I'll try," but after that he did not come back,
16 which means --

17 MR. PRESIDENT:

18 (*Microphones overlapping*)...please. You know it is as much your responsibility to ensure that we have
19 a record which is comprehensible. Now, three names, can we have the spellings of those, the place
20 names, please.

21 MR. VERCKEN:

22 Yes, Mr. President. I remember that the names were mentioned. I will specify them. Ryamanyoni,
23 R-Y-A-M-A-N-Y-O-N-I. Rwimishinya, R-W-I-M-I-S-H-I-N-Y-A.

24

25 What was the third name?

26 MR. PRESIDENT:

27 Kawangire.

28 MR. VERCKEN:

29 Kawangire. Kawangire is spelled as follows: K-A-W-A-N-G-I-R-E.

30 BY MR. VERCKEN:

31 Q. And do you remember how the *bourgmestre* came to see you when he came to tell you of the situation
32 that afternoon? Did he come on foot or in a vehicle?

33 A. He came in a car. He came in his car. He stopped in front of the church. He came accompanied by
34 some youngsters, and I remember while he was in the car that we talked about the project he had come
35 up with. We spoke in front of the church, very close to the church, to the woods that were situated near
36 the church. And he -- he unveiled to me his last strategy for preventing the attack.

37

1 He came on that occasion in a van. There were two or three boys in the back, and he later left. I went
2 to -- he came out of the car. I went to greet him there. And we went to speak very close to the church.

3 Q. Father Santos, when you spoke with the *bourgmestre*, were you still able to see the car and what was
4 happening in front of the church?

5 A. We were four metres away from the vehicle.

6 Q. And the youths who were there, did they offload stones from the *bourgmestre's* vehicle to put them near
7 the church?

8 A. That is rubbish. Who could have imagined such rubbish?

9 Q. Wait a minute. I'm putting questions to you, and I would like you to give very short and concise
10 answers to these questions.

11
12 If I were to put it to you, Father Santos, that one of the witness -- the Prosecution witnesses claimed
13 that on that day, at about the same time, he saw the *Bourgmestre* Mpambara arrive in a vehicle, stop in
14 front of the church, and that he saw youths offload stones from the *bourgmestre's* vehicle in order to
15 enable others to attack the refugees in the church more effectively, imagine -- would you imagine that it
16 is true? Did you see them, that is my question (*microphones overlapping*)?

17 A. (*No interpretation*)

18 MR. KAREGYESA:

19 (*Microphones overlapping*)...the mischaracterization of Prosecution evidence. Counsel conveniently
20 used the words "at the same time." The Prosecution evidence, Your Honours, received by this
21 Chamber was that Mpambara was sighted at the church at around 5:30. This witness says he saw
22 Mpambara between 3 and 4 and no later than 4, and that is the difference of an hour and a half. So we
23 could be talking of two different scenarios, Your Honours.

24 MR. VERCKEN:

25 I thank my learned friend for this clarification.

26 BY MR. VERCKEN:

27 Q. Father Santos, can you tell the Chamber whether at any other time that afternoon
28 *Bourgmestre* Mpambara came to your parish in a vehicle from 3 p.m., 4 p.m.? Did he come back in a
29 vehicle and stop in front of the parish?

30 A. (*No interpretation*)

31 Q. Father Santos, please, I would like at this stage in the proceedings that you avoid making comments. I
32 would like you to answer my questions very simply.

33
34 Did *Bourgmestre* Mpambara, "yes" or "no," come on several occasions to the church that afternoon of
35 the 12th of April in his vehicle? "Yes" or "no."

36 A. No. At 5:30 p.m., I was in the church saying the rosary. And in the church there were more than
37 20,000 people because everyone went inside the church. And at that time I do not believe -- or, rather,

1 I believe everyone was focusing on me. I was at that time in the church.

2 MR. PRESIDENT:

3 You said there were 20,000 people in the church. This is the first time I've heard that figure
4 mentioned --

5 THE WITNESS:

6 I mean 2,000.

7 MR. PRESIDENT:

8 But that's not what you said. You said 20. And this has happened more than once.

9 THE WITNESS:

10 *(No interpretation)*

11 MR. VERCKEN:

12 *(No interpretation)*

13 THE WITNESS:

14 Two thousand people.

15 MR. PRESIDENT:

16 All right.

17 BY MR. VERCKEN:

18 Q. Father Santos, you have just stated that you did not leave the church, that at the time indicated by the
19 Prosecutor you were in the church amidst the refugees.

20 A. There was a little spot at the corner of a bench on which I could sit. I went in. I asked whether
21 someone could say the rosary. Someone raised a hand. I threw the rosary at him because we did not
22 have the means to move about in the church because we were all -- it was packed, the church was
23 packed. We couldn't move around.

24 Q. Father Santos, I want you to make this point very clear because it has to go down on record. Did you
25 see, at 4 p.m., at 5 p.m. that afternoon, *Bourgmestre* Mpambara come with youths to leave stones at
26 the parish?

27 A. I saw nothing.

28 Q. When you said "I saw nothing," you mean that --

29 A. Yes, I mean I did not see the *bourgmestre* bringing stones.

30 Q. *(Microphones overlapping)*...no, I wouldn't allow you, Father Santos. Because, I'm sorry, it's a very
31 important point in the indictment, and I would like to stick to the facts.

32

33 If I were to put it to you, Father Santos, that that witness stated that he observed that scene in which
34 the *bourgmestre* had youths offload stones in front of the church at about 4 p.m., 5 p.m. and that he
35 observed that scene while he was inside the church, that is, while he was inside the church standing on
36 a bench, do you think that -- in light of your knowledge of the architecture of that church and the
37 situation of the people who were packed in that church on that 12th of April, do you think it was possible

1 for anyone to see people outside?

2

3 Furthermore, that witness stated that he saw the *bourgmestre* and recognised him offloading or having
4 people offload stones, that is, from within the church and through the concrete -- the concrete walls. In
5 concrete terms, do you think such a view was possible, given your knowledge of the architecture of the
6 church and circumstances on the 12th of April?

7 A. I had closed the windows with -- with concrete --

8 Q. (*Microphones overlapping*)...what are you referring to when you say you closed it?

9 A. I do not --

10 Q. Did you mean stones?

11 A. No, I mean concrete slabs with holes.

12 Q. Father Santos, perhaps -- this is -- at this point in time, we should show a photograph of the front part of
13 the church as viewed from the road. This photograph is in the album we handed to the Chamber. I
14 have some copies here, and if the Chamber so wishes, we could show it to the Court so that you can
15 tell us whether you recognise that building. So I would like to show you a picture, with the President's
16 leave.

17 MR. PRESIDENT:

18 It might be useful if he first answered the question, does he consider that it was possible for someone
19 inside the church to see what was going on outside, in particular, the van and the unloading of the
20 stones.

21

22 What's your answer to that question?

23 THE WITNESS:

24 As I said, the windows were completely closed. Even if there were windows to prevent them from
25 coming, I shut them all so one could not see through them. Now, from inside you could see the roof of
26 the pickup. But what is inside, the view is such that you could have a parallel view, but you could not
27 see what was going on lower. So I think it is extremely difficult. I cannot really deny this completely,
28 but given that the windows have concrete of about two metres, I doubt this. I dare not deny this
29 completely, but I doubt this.

30 MR. PRESIDENT:

31 So you now want him to look at the photograph?

32 BY MR. VERCKEN:

33 Q. Father Santos, are you familiar with the building on the photograph?

34 A. Of course I do. And this is what I was saying.

35 Q. But, Father Santos, please just tell us whether you are familiar with that document, with the building,
36 and what building is it.

37 A. That is the Rukara church.

1 Q. Thank you.

2

3 Please tell us what you were referring to when you mentioned the air vents, the cloisters.

4 A. When you look at the first window, you realise that it is cement-sealed. Then we have the first cloisters
5 underneath, and it is from the two metres that they are open for air to come in. And to the left we have
6 tiles which cannot be seen because they are double tiles which you cannot see through. So you have
7 to -- to be able to go from above that height to see anything. And if you look at the door about two and
8 a half metres, it means that it is closed from more than two metres high.

9 Q. Father Santos, do you mean that at the time of the events the face of Rukara church had the same
10 features?

11 A. Yes, the architecture is the same.

12 Q. And perhaps you tell me whether I am correct or not. Are you saying that, concerning the part of the
13 wall of the church with concrete stones and air vents with the geometrical shape, which one can see to
14 the right of the window, and up to a height of two metres, the bricks had cement such that one could not
15 see through?

16 A. That is correct.

17 Q. Are you also telling me that if one were to refer to the door to the church, which is underneath the
18 religious photograph which is encrusted on the frontage, one could say that the air vents goes up to a
19 height of two metres, according to your estimate?

20 A. Yes, close to two metres.

21 Q. Father Santos, would you remember whether at the time of the events, in addition to the difficulty in
22 seeing through the air vents because they are closed up to two metres, there are some external
23 decoration elements in the church as well as plants, which were there to decorate the frontage?

24 A. Yes, there were rows of ornamental trees, small ornamental trees.

25 Q. And, Father Santos, could you remember the maximum height of the trees?

26 A. The trees were not too tall, but they could be as tall as three metres, and even more, even four metres.
27 They were small trees. But the height could not exceed four metres because they did not get up to the
28 level of the roof.

29 Q. Very well. The witness we are referring to said that when observing he stood at the height of the
30 window in the middle of the church because he said that he was in the middle of the church, standing
31 on a bench, and that he was actually in the middle of that church. Please tell this Court whether, from
32 that height, there were trees outside the church which blocked a view towards outside.

33 A. I cannot say by rote whether there were trees at that location. But I can say that there were trees. If he
34 was on the third or the fourth window, I cannot be specific here and now. But, yes, there were
35 ornamental trees there at the entrance to the parish.

36 Q. Father Santos, from all intents and purposes, even from that place, supposing that the trees outside did
37 not block the view, do you confirm that the observation described by that witness about the scene

- 1 occurring outside the church from the middle through bricks which were obstructed up to two metres,
2 and even if one were to be standing on the bench, it would be difficult?
- 3 A. It would be impossible to see the stones and the unloading thereof. But seeing the roof of a car, yes,
4 because, from the height of two metres, you could see the building. But being inside, even if you were
5 tall, being able to see at a distance of four metres was almost parallel. What I could say is that you
6 could see the vehicle, perhaps the head of the driver, but not more than that.
- 7 Q. Thank you. Father Santos, kindly tell this Court what was the psychological state of the
8 *Bourgmestre* Mpambara when, on the afternoon of 12th of April, he told you that there was an imminent
9 attack against the parish.
- 10 A. He was quite upset, overwhelmed, and scattered because he was not expecting that. But he realised
11 that the situation was already beyond redemption because news had spread throughout the *commune*.
12 But, once again, he proposed the strategy and agreed to place it for one day in order to play for time,
13 but when I saw him, he was already completely beaten.
- 14 Q. What happened after the *bourgmestre* stopped by?
- 15 A. If you allow me, the question which I'm going to propose, with regard to the stones, is most absurd.
16 How can stones be unloaded in the middle of the courtyard? All those who are there are refugees. The
17 *bourgmestre* goes with the vehicle and the three boys and the refugees will allow them unloading
18 stones and not do anything? But all around them are refugees, no one else. So if they had unloaded
19 the stones, the refugees would have taken the stones and used them to defend themselves. To me, it
20 is the most absurd thing one could imagine, that the *bourgmestre* would unload stones in the middle of
21 the courtyard in the midst of refugees and use them to throw at them. It is quite absurd for me.
- 22 Q. And this observation leads me to put a question to you. So on the 12th of April, at that time were there
23 still some refugees who ventured out of the church?
- 24 A. There were always refugees out of the church, between the buildings, such that the courtyard was the
25 territory of the refugees, so to speak.
- 26 Q. Let me interrupt you here. When you talk about the courtyard, do you mean the expanse of land
27 between the church and the novitiate?
- 28 A. That is correct.
- 29 Q. And on which expanse there was a road?
- 30 A. Yes, a road. The main road was elsewhere, but there was a road there. But it was always full of
31 refugees because they could not all fit within the buildings. They would go out and stay outside. That
32 is why such a proposition is completely absurd and impossible.
- 33 Q. So what did the *bourgmestre* do yesterday after announcing the bad news to you? Did he leave?
- 34 A. Yes, he left and said he was trying to go and convince them and that he would come back to give me
35 feedback. I waited for five -- as five hours and a half, and I was quite anxious and nervous. But I did
36 not make this known to anybody. No one knew it, even my colleague.
- 37

1 MR. VERCKEN:

2 Mr. President, I did not say this when I handled the questioning on the photograph, but I would like to
3 have it tendered as exhibit since it had been identified and commented on by the witness.

4 MR. PRESIDENT:

5 Is this not in that book of photographs? So you want it again?

6 MR. VERCKEN:

7 It is in the book of photographs. But as far as I remember, Mr. President, not the entire book of
8 photographs was exhibited, solely documents which were expressly identified by the witnesses to
9 whom I showed the documents to.

10 MR. PRESIDENT:

11 Yes. Well, is there any objection by the Prosecution?

12 MR. KAREGYESA:

13 No objection, Your Honours.

14 MR. PRESIDENT:

15 Yes. Well, in that case, what is the next exhibit number?

16 MR. MUSSA:

17 Your Honours, the next exhibit is D. 22.

18 MR. PRESIDENT:

19 All right. This is admitted into evidence as D. 22, photograph of the church.

20 *(Exhibit No. D. 22 admitted)*

21 BY MR. VERCKEN:

22 Q. Father Santos, I'm sorry. So, could you continue? You anxiously waited for what the *bourgmestre* had
23 announced. Now, what happened?

24 A. At about 5:15, 5:30, I was nervous, and all the refugees also. There was mounting tension. We were
25 awaiting something which we did not know. So I decided to go and comfort the refugees and be with
26 them in the church in their midst so that my presence would calm them down.

27

28 So I said a few words of encouragement and hope, and I proposed that we could say the rosary if some
29 of the refugees could lead the prayer. So one of them put up his hands, and I threw the rosary at him
30 because it was impossible for me to move. Since the others realised that we were preparing ourselves
31 for prayer, those who were outside in the courtyard came in such that we were all piled up in the
32 church, and it was even impossible for anyone to sit down.

33

34 So we said the rosary; we sang. Seeing that it was almost nightfall, it was about 6:15, I said, "Well, I
35 am done. I am going to take my leave, and I will give you my blessing. May God protect you." And I
36 left the church.

37

1 So I left the church, and some of them were still singing and praying in the church. So I moved towards
2 my room through the courtyard and my office. And once I got into my office, in fact, I still had one foot
3 out. There was a major grenade explosion at the entrance door to the church, and instinctively I ran to
4 hide myself in my room.

5 Q. Father Santos, please tell us the time when the grenade exploded on the 12th of April.

6 A. It was getting dark. I cannot be too specific about the time. It was getting dark. It was almost nightfall.
7 But there was still some light. That is what I can say. So instinctively I ran to my room, and just as I
8 was about to close the door, a second, even stronger, grenade exploded inside the church. The entire
9 building trembled. Then we heard shouts of people.

10
11 At the same time, we heard the shout, the screams of the attackers who were scattered in the parish.
12 And they were shouting war songs and closing in on the parish.

13 Q. When you said there were some war slogans, who were pushing or sounding the war slogans --
14 *(microphones overlapping)*.

15 A. Well, the attackers, the young people, all of them -- *(microphones overlapping)*.

16 MR. PRESIDENT:

17 Could counsel and the reverend, could you slow down? This is important evidence. While you
18 witnessed all these events, we did not. We have to absorb what you're saying, the words and the
19 images. And it doesn't help if you rattle so rapidly. So could you slow down for the sake of the record
20 and so that we can follow what you're saying.

21 THE WITNESS:

22 *(No interpretation)*

23
24 Very well. I left the church after prayers. It was getting dark. I moved towards my office, located some
25 20 metres away. I got into my office, and once the door to the courtyard -- in fact, I still had one leg
26 outside, then I heard a grenade exploding in front of the church door. And instinctively I ran to my room
27 located five metres away.

28
29 Just as I was about to close the door to my room, there was a second grenade explosion, even more
30 powerful than the first, inside the church building, such that the entire building trembled. Then there
31 were screams from all sides, screams from those in the church building and screams from the attackers
32 who were outside. How many were there? One thousand, two thousand, I wouldn't know. But we
33 heard war slogans being sung all around us, up to a distance of about 500 metres, young people
34 shouting, screaming. I heard them closing in on the church.

35
36 Then from that moment on, there were small bomb explosions. I say "minor explosions" because of the
37 strength of the sounds afterwards. There were repeated sounds which I heard while I was hiding

1 underneath my bed. Grenades were exploding at my window, and I heard small repeated sounds,
2 "puff," "puff," "puff." And initially I thought they were the sounds of clubs hitting people's heads. That is
3 what I thought immediately.

4
5 But, in any case, there were not major bombs. But I realised in the morning that there were
6 anti-personnel landmines because I saw several injured persons who had parts of their bodies, like their
7 heads, completely ripped off. And there were repeated sounds, and I realised they could not have been
8 stones. Stones do not make such sounds, and the stones were thrown at the other building, which was
9 closer. I did not hear them.

10
11 Then, this sound was repeated for hours, so I thought that the force would be that of a small bomb, as if
12 it were some sort of fireworks. But it went on and on, for hours, even more. I cannot be more specific.

13 BY MR. VERCKEN:

14 Q. Father Santos, for things to be very clear, you just talked about stones which were thrown at the
15 building. So were stones used during the attack?

16 A. Yes. In the courtyard of the church, I had erected benches made of cement and stone.

17 Q. Are you referring to benches for people to sit on?

18 A. Yes.

19 Q. And what did you erect them on?

20 A. Cement and stones. And when I got -- looked at them in the morning, they had all been destroyed. So
21 I realised that the benches were destroyed and the stones were demolished, and they used the cement
22 and stones to throw against the vigil room. I do not know whether they also threw them at the church,
23 but I know they were thrown at the vigil room because it was closer to my room.

24 Q. How long did the attack of the night of the 12th to the 13th of April last?

25 A. In all, the attack lasted up until 5 a.m., but the attack was in several waves. At certain junctures the
26 attackers would go towards the maternity, then they would come back towards us. And then we would
27 also hear the attackers shouting while pursuing refugees who were fleeing into the wild, and we could
28 see that they were killing all those who were found there.

29 Q. Father Santos, you say that --

30 A. *(No interpretation)*

31 Q. -- that you could see them, but at the same time you are saying that you were able to overhear the
32 movement of the attackers because of the screams and what you could hear. What you are describing
33 to us, is it out of what you heard or did you see?

34 A. No, I did not see anything. I did not see the movement of the crowd, but it could be felt from the
35 direction of the sounds they were making. But at some point I was able to understand that the
36 attackers had gone to the *bourgmestre's* house.

37 Q. How were you able to understand that?

1 A. Because the shouting and screams were coming from behind the church where the house of the
2 *bourgmestre* was located. Then I understood that the attackers had gone to the house of the
3 *bourgmestre* and their -- and the *commune*. So they took over control of the entire terrain.

4 Q. So you said the attack ended completely --

5 A. *(No interpretation)*

6 Q. -- by 5 a.m. Was that sunrise?

7 A. Not yet quite sunrise, but first light, I would say. But by 6 a.m., there would be quite bright light.

8

9 I can, however, state that the attack in the vigil hall also entailed a fire incident.

10 Q. Before talking about that attack, Father Santos, could you tell us what is your observations from the
11 descriptions you made. Because you told us you were shut in in your room during the attacks, correct?

12 A. Yes.

13 Q. And from your room you were able to look at the vigil hall?

14 A. Well, it was directly opposite my room.

15 Q. But during the attack, were you able to see with your own eyes what was happening in the vigil hall?

16 A. From inside, no, but when I went outside, yes, because from inside I could not see anything.

17 Q. So how were you able to observe the events?

18 A. My window was located six or eight metres away. It was quite near my room -- *(microphones*
19 *overlapping)*.

20 Q. So, Father Santos, does that mean that from your room window, where you had sought shelter on the
21 night of the 12th to the 13th of April, you were able to observe the part of the attack against the vigil
22 hall?

23 A. Yes.

24 Q. And you were able to hear and see what was happening, correct?

25 A. Correct.

26 Q. Kindly describe for us now.

27 A. At some point there was some screeching, screaming from those who remained there. They were
28 throwing small grenades or bombs, which were not as powerful as the first two or three, and here I'm
29 referring to the attackers.

30 Q. Father Santos, in order for the transcripts to be clear, kindly use complete sentences, subject, verb,
31 object, please.

32

33 So am I correct to state that the attackers had thrown explosive devices at the vigil hall?

34 A. Yes.

35 Q. Now, kindly continue, bearing in mind you need to construct complete sentences, also identifying the
36 people who were in play.

37 A. I heard the grenades and bombs very nearby because they even blew out the window glasses in my

1 room. I could hear them, but I could not rear my head outside. But every now and then I would stand
2 up to see what was happening, without daring to go outside.

3
4 But I know when I got -- went out in the morning that the two- or three-metre-long benches, which had
5 been constructed with cement and stones, there were about five of them, had been completely
6 destroyed and demolished. And all the stones were thrown at the vigil hall, because there were
7 refugees in that building who had come with their hurricane lamps and mattresses.

8 Q. Father Santos, please, please, make an effort. I know the proceedings have been going on for some
9 time, you are tired, but you need to make an effort.

10
11 Are you telling us that the people who had sought refuge in the vigil hall had along with them their
12 mattresses and hurricane lamps?

13 A. That is correct.

14 Q. But what do you mean when you say that those people were the elite?

15 A. What I mean is that there were teachers there, those who were the intellectual and even economic elite.

16 Q. *(Microphones overlapping)*...so you mean to say they were the well-to-do?

17 A. Yes.

18 Q. *(Microphones overlapping)*...so are there many people who had sought refuge in the vigil room?

19 A. Yes.

20 Q. Please carry on now, but slowly.

21 A. See, the door is in iron, and they were not able to get in. The windows had window protectors, but
22 there were no glasses, so stones could be thrown in easily. So immediately I thought something bad
23 was happening, but I deduced subsequently that the hurricane lamps had been broken by the stones
24 thrown, and they actually ignited the mattresses, and the entire building caught fire.

25 Q. So, Father Santos, are you saying from your observation that the vigil hall caught fire because of the
26 hurricane lamps which exploded under the impact of the stones thrown there?

27 A. That is how it happened, because the fire broke out from the other side of the building. If they had
28 poured petrol, the fire would have started from the window.

29 Q. Father Santos, let me interrupt you. Does it mean that you noted that the fire started off far from the
30 window and, since the attackers were not able to enter the building, you deduced that actually the fire
31 had been started off by the hurricane lamps and if the attackers had thrown petrol through the window,
32 the fire would have started off nearer the window?

33 A. That is correct; that is what I meant to say.

34 Q. Thank you. Carry on.

35 A. And when I stood up, it was like a chimney with black smoke above and not below. If the fire had
36 started off from below, it would have been quite dark smoke. That is what led me to deduce that that is
37 how it happened.

1 MR. PRESIDENT:

2 I think this might be a convenient point for us to take the morning tea break. We will resume at 11:30.

3 *(Court recessed at 1104H)*

4 *(Pages 15 to 26 by Ann Burum)*

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1 (Court resumed at 1131H)

2 MR. PRESIDENT:

3 Yes, please continue.

4 MR. VERCKEN:

5 Thank you, Mr. President.

6 BY MR. VERCKEN:

7 Q. Father Santos, I know you are tired, the registrar has just told me so, and I can see that. We are close
8 to the end now. So, please, if you bear with me a little, we will be over soon.

9
10 Before resuming examination-in-chief regarding that morning of the 12th of April, I would like to ask
11 another question regarding the day of 12th of April and your trip to Rwamagana with
12 *Bourgmestre* Mpambara. Father Santos, if I were to tell you that one of the Prosecution witnesses
13 stated that on that 12th of April 1994, at about midday, someone came to the home of Gakuliro's home,
14 that is *sous-préfet*, G-A-K-U-L-I-R-O, that person was accompanied by an MP called -- by a person
15 called Kalibwendi; that you were in the sitting room of the *sous-préfet*, that is the *sous-préfet's* house,
16 and on that occasion *Bourgmestre* Mpambara asked that witness to deliver a message to the Tutsis to
17 the effect that they should stop threatening Hutus, otherwise they would be exterminated. And that
18 witness stated that in the *sous-préfet's* sitting room and before you *Bourgmestre* Mpambara stated that,
19 "We are going to exterminate you," meaning that the *bourgmestre* was part of the plan to exterminate
20 the Tutsis. My question to you is this: During your trip to Rwamagana on the 12th of April 1994,
21 before or after your conversation with the commander, did you go to *Sous-préfet* Gakuliro's house, I
22 mean his personal residence?

23 A. I do not at all remember talking to the *sous-préfet*, not even once. It is possible, but I do not remember,
24 and I do not remember going to his home. The idea doesn't even cross my mind. It's possible that I
25 have forgotten, but I cannot say that I went there. I haven't the slightest idea that I spoke to him either.
26 I never spoke to the *sous-préfet*. The person I spoke to was the commander. Particularly on that day,
27 that day was the day on which I spoke the most, the day on which the commander dialogued very open
28 with me.

29
30 As for the *sous-préfet*, I must say that my mind is -- I don't remember speaking to him, and those
31 statements allegedly made by the *bourgmestre* are absurd. That is not something you would say
32 before a witness. You would say that secretly.

33 Q. Father Santos, I am asking you to state facts and not assumptions. Even before the *sous-prefect*, did
34 you go into his home with *Bourgmestre* Mpambara and did you sit in his sitting room on the
35 12th of April 1994?

36 MR. KAREGYESA:

37 I think he has answered that question. He doesn't recollect it. What's the point of pressing it?

1 MR. PRESIDENT:

2 Your objection is upheld.

3 BY MR. VERCKEN:

4 Q. On another date, Reverend, the 12th of April 1994, do you remember going to the *sous-préfet's* home?

5 A. I would say the same thing. I haven't the slightest idea now. I do not remember ever speaking to the
6 *sous-préfet* in his capacity as *sous-préfet*. If he was with other people, perhaps other political
7 authorities, perhaps I spoke with him. But in his capacity as *sous-préfet*, I do not at all remember
8 speaking with him. I do not remember ever speaking with him.

9 Q. Father Santos, can you tell the Chamber whether you can visualise the *sous-préfet's* house? Do you
10 remember that house? Are you able to tell us approximately where it was situated? Is that something
11 you know?

12 A. I know both the house and the office. I remember the curtains were pink in colour and I said, "For a
13 *sous-préfet*, that is a colour for women and not for men." That is all I can say about that house. I
14 remember saying that to the *bourgmestre*. We spoke about it when we passed that way. I said that,
15 "Those curtains are not worthy of a *sous-préfet's* residence." That is all I remember saying, no more.

16 Q. Were those the curtains of his private residence?

17 A. I cannot say so. All I know is that that was the *sous-préfet's* house.

18 Q. Father Santos, broadly speaking, regardless of the dates, do you remember hearing
19 *Bourgmestre* Jean Mpambara speaking to a person in your presence, a person who was in principle a
20 Tutsi and stating that, "We are going to exterminate you"?

21 A. Never, never. Nothing close to that. Never.

22 Q. Let us go back to what I was saying before we went on a break, that is, the morning of the 13th of April,
23 and with regard to a very precise point, the time of the attacks. You stated that is the time when the
24 attacks stopped, you said that the attacks ended at dawn, and you said it was at 5 a.m.; is that correct?

25 A. Yes.

26 Q. Were there any other attacks after 5 a.m.?

27 A. While I was there, no. After that attack there were no other attacks. Subsequently, some young youths
28 came to steal and to loot. At 6 a.m. some petty thieves came to loot everything. They were petty
29 thieves. We could no longer hear any screams by assailants.

30 Q. Father Santos, can you tell the Chamber at what time you came out of your place of refuge to observe
31 that?

32 A. I believe that at about 6 a.m. I went out. Besides, there were already some wounded persons who
33 came into the house. When they saw me, they asked for water. They had lost a lot of blood, which
34 was on the ground. I went to look for something in which I could give them water. I didn't see even a
35 glass or a cup. Everything had been stolen. I saw a piece of plastic and I used it to give the sick and
36 the wounded some water. Those were the sick and wounded in the house. And then I went out, and
37 when the refugees saw me, they started coming out. I saw three bodies, only three bodies in the

1 courtyard. A little girl was still alive. I went to console her. She had the courage to tell me, "Thank you,
2 Father." I found a man whose face had been torn off by a bomb and I imagined it was an
3 anti-personnel mine. When he saw me, he raised his arms and then he dropped dead. I found a
4 woman and I went close to her. There were no other bodies in the courtyard.

5 Q. When you refer to the courtyard, are you talking of the space between the presbytery and the novitiate
6 where the road passed, is that it?

7 A. Yes.

8 Q. Please continue.

9 A. At the church I found a door open. I looked in and I saw a heap of bodies that had been trampled upon.
10 The heap was about one metre high from the door and the opposing wall. The people fleeing from the
11 grenades crushed those people.

12
13 On the side of the altar I saw the same thing, people trampled upon, people who had been killed.
14 There was a heap of people. They had been trampled upon. The heap was about one metre high.
15 The whole church was littered full of bodies. That was near the main entrance and the altar.

16 Q. Did you go into the video room to observe what had happened?

17 A. I only looked in through the window. It was a macabre scene. I didn't have any courage to get any
18 closer. I could see that all the mattresses had been burnt on the opposing side of the room, but on the
19 other side near the window they were not burnt.

20 Q. When you say "on the other side", what do you mean?

21 A. I mean near the window. The fire was on the other side.

22 Q. Were there windows on all sides?

23 A. Only on one side.

24 Q. And the windows of the little room overlooked what side?

25 A. They overlooked the road and the courtyard of the church. That is where I looked in. I did not go in. I
26 went into the church a little, but I did not go into the video room.

27 Q. Did you see *Bourgmestre* Jean Mpambara that morning of the 13th of April?

28 A. Yes. He came to see me. Perhaps he had also come to see what had happened. He told me, "I'm
29 from the maternity and I found more than 50 people dead there." And at that time my fellow priest,
30 Father Melchior, was completely shattered. He had fled into the woods. I started shouting, looking for
31 him, without knowing whether he was alive or dead. Finally he recognised me and I saw that he was
32 completely shattered. He had lost his mind. He told me, "We must go because the situation is very
33 grim." Again, realising that my presence was futile (*unintelligible*) killed everybody.

34 Q. At that time did *Bourgmestre* Jean Mpambara ask you to deliver any message to the refugees?

35 A. First of all, we had to arrange a departure with the *bourgmestre*. The *bourgmestre* told us, "You've told
36 us that your presence is futile. Now you are proposing to go. Okay, I will accompany you on your
37 departure." But the last strategy proposed by the *bourgmestre* was this: "We shall call those in charge

1 of the refugees, the representatives of the refugees, and you speak to them on our behalf. I cannot talk
2 to them because they will not believe what I will say. We will propose the last strategy we have to save
3 those who are still alive. I will go and ask them to lend me a pickup full of soldiers for two hours and we
4 will try to protect the refugees, and tell the refugees to take their lunches (*sic*), because I know they are
5 armed, the refugees in the church. I will take all the police officers, we will take about 15 soldiers, and
6 we will accompany them to the border of the national park, which is 10 kilometres away."

7 Q. Father Santos, the Rwandan border at Akagera park, is that the border with Tanzania?

8 A. Yes, the border with Tanzania.

9 Q. Father Santos, the plan was to escort survivors of the attacks so that they could flee to Tanzania?

10 A. Yes, in order that they should flee towards Tanzania.

11 Q. Did you heed the request by the *bourgmestre*?

12 A. I called some refugees and I told them, "This is top secret."

13 Q. When you say you called some people, what do you mean?

14 A. I mean the elite, the teachers. I remember a name, Gerard. He was a teacher. He died later. But
15 during the attack he was still alive. I called the other teachers who were the most representative of the
16 group, and I proposed the *bourgmestre's* idea to them, and they answered saying that they were not
17 wild beasts to go to the park. They refused. Rather, they told me to look for buses that will come and
18 pick them up. So I told them, "If you want to save your lives, this is your last chance. In that case we
19 will do our best. Those who are ready should be ready, should prepare themselves. Those who are
20 not prepared to go should not make a lot of noise, because if people hear such noises, they may do
21 anything, I don't know what."

22 Q. Father Santos, the teacher called Gerard to whom you have referred and to whom you spoke, was his
23 name Gerard Gasherebuka?

24 A. Yes, Gasherebuka.

25 Q. Is that the person?

26 A. Yes, that is the person.

27 Q. Let me spell the name for the record: G-A-S-H-E-R-E-B-U-K-A.

28 JUDGE EGOROV:

29 Mr. Witness, can you tell us approximately at what time the *bourgmestre* arrived on that day? When did
30 you see him?

31 THE WITNESS:

32 At about 8 a.m., 9 a.m. I cannot be any more precise. It could not have been very late because I got
33 up, I went around the premises, I was still looking around when the *bourgmestre* came. He had come
34 to inspect the other areas that had been attacked in the massacre.

35 JUDGE EGOROV:

36 (*Microphones overlapping*)

37

1 THE WITNESS:

2 I do not remember, but I believe he was alone, but I cannot confirm this. Perhaps half an hour or more.

3 JUDGE EGOROV:

4 Thank you very much.

5 BY MR. VERCKEN:

6 Q. Father Santos, at the time of *Bourgmestre* Jean Mpambara's arrival, you have just given us a time.

7 When he arrived, had the video centre been attacked by the assailants at that time, at 7 a.m.?

8 A. At 7 a.m., no, later, but there was another attack later, but I didn't witness it. I am only talking about the
9 situation up until 9 a.m. There hadn't been any other attack while I was present. That is what I can
10 say.

11 Q. In that case, why did you stop observing at 9 a.m.? Is that the time when you left Rukara?

12 A. Yes, that was when I left Rukara. As for what happened thereafter, I did not witness it. Up until 9 a.m.,
13 I can testify that there were no other attacks.

14 Q. How did you leave Rukara?

15 A. We left accompanied by the *bourgmestre* and police officers with the intention of having the
16 *bourgmestre* return with a contingent of refugees -- a contingent of soldiers who had accompanied the
17 refugees.

18 Q. You left at 9 a.m. Where did you go?

19 A. We went directly to Rwamagana military barracks.

20 Q. At what time did you arrive in Rwamagana military barracks?

21 A. 9 a.m., 10 a.m.

22 Q. What happened there?

23 A. There I remained at the entrance to the military barracks, Mpambara went in, spoke with the
24 commander. They spoke for a very long time, about two hours, perhaps. They were tired.

25 Q. They spoke up to midday, is that it?

26 A. Yes, for a very long time. I was tired. I don't know -- I did not receive the answer to my question, my
27 question regarding my departure from the country, and the idea of bringing a convoy. In the end,
28 Mr. Mpambara came out completely crushed psychologically.

29 Q. Do you mean that he was discouraged?

30 A. He had heard what had happened, which was on everyone's lips, that all was lost.

31 Q. How did he tell you that?

32 A. He did not even say "good morning." He left without even answering my questions. He was completely
33 crushed by what the captain had probably told him such that he left without even looking at me.

34 Q. And did you leave that country on that day?

35 A. No, I stayed the whole day, the interns to the military camp awaiting the convoy, up until the night when
36 I was told no one can stay here, but those are personal matters which need not be visited. But if you
37 want, well.

1 Q. So that day during the period we are interested in, that was the last time you saw Mr. Mpambara?

2 A. Well, let me say I talked to him up until the time we got to the military camp. Thereafter, no. He left
3 with two vehicles, his vehicle and another military vehicle. But I was expecting that the second vehicle,
4 which was a military vehicle, would be loaded with soldiers to go and defend the refugees, but that was
5 not the case. This is where my evidence ends.

6 Q. Father Santos, we have come to the end of your evidence. Is there anything I have forgotten in the
7 questions which I put to you, or have you completed your evidence?

8 A. Well, I have nothing to say, but I have something to propose. My proposal to this Court is to find not
9 only the innocence of Mpambara, but also the courageous and laudable initiatives he made in favour of
10 the refugees.

11 Q. Father, I would propose that his work and initiatives be acknowledged and rewarded by the Rwandan
12 government. Father Santos, just for clarification for the record, when you say "work", do you mean
13 value?

14 A. No, I'm talking about the work he did in favour of the refugees.

15 MR. VERCKEN:

16 Mr. President, I rest.

17 MR. PRESIDENT:

18 Mr. Karegyesa, it's your turn now.

19 MR. KAREGYESA:

20 Your Honours, my preference would be not to truncate my cross-examination, and in the
21 circumstances, I propose that I conduct my cross-examination tomorrow. I did not expect this witness
22 to testify for so long in matters so diverse that are not contained in the summary, and I was disrupted
23 this morning and yesterday attending to a sick child down in the clinic. I missed half an hour of this
24 morning's proceedings, and I feel I need to consult the record in order to be adequately prepared to
25 cross.

26 MR. VERCKEN:

27 Mr. President, Mr. President, I would like to place on record that Father Santos received the
28 investigators of the OTP in Yaoundé and that he gave them a comprehensive witness statement which I
29 have before me and which is more than a dozen pages long. So the Prosecutor certainly is fully aware
30 of the content of Father Santos' testimony, and Father Santos had already consented to come and
31 testify if he was so requested by the Prosecutor.

32 MR. PRESIDENT:

33 Are you objecting to this request for an adjournment until tomorrow?

34 MR. VERCKEN:

35 I have been told that tomorrow is a public holiday because of the Muslim feast. My problem is because
36 of the public holiday tomorrow, and that means that our witnesses who're already present, four in
37 number, will stay here longer. It is true that they are witnesses whose evidence would be much shorter

1 than that of Father Santos, but, and I stand to be corrected by the witness protection section, I must say
2 that most, if not all, of the witnesses are supposed to return on Saturday. Some of them, they have to
3 go back to Europe. I do not know for how long the Prosecutor intends to cross-examine Father Santos,
4 but it poses an organisation problem at our level. So I would have preferred the cross-examination to
5 be conducted now, or perhaps to start now. That's it, Mr. President.

6 MR. PRESIDENT:

7 Do you have a witness here, a short witness, that you can interpose now, at least for the evidence
8 in-chief?

9 MR. VERCKEN:

10 No, because in light of the information I just provided the Chamber, namely, that the Prosecutor was
11 fully aware of the content of Father Santos' testimony, even though Father Santos was equally a
12 Prosecution witness, I did not expect that he would move to adjourn his cross-examination because he
13 needed much time to prepare. The witnesses are in Arusha, even though they are not in court here
14 and now.

15 MR. PRESIDENT:

16 How long will your cross-examination be?

17 MR. KAREGYESA:

18 It shouldn't exceed an hour, Your Honours, if the witness isn't as elaborate as he has been in
19 examination-in-chief. But in order to make it an hour, I would need to refocus back on the record of the
20 portions I have missed. And we also anticipate saving time by not cross-examining one of the
21 witnesses proposed for this week, so gains will be made in that regard.

22 MR. PRESIDENT:

23 We can't sit beyond 1 any way because there is another trial scheduled to begin at two. We will just
24 need to consult each other on this.

25

26 Well, in view of the application and the reasons for it, we are minded to adjourn this case until Thursday
27 for the cross-examination to begin. But let me sound a word of caution: If we are to complete the
28 Defence case by the end of the month as scheduled, I think we will have to speed things up, and this
29 may mean sitting perhaps on Friday afternoon. We will consult with the court staff, recorders, and
30 interpreters to see if it will be possible to do so. We are very anxious that the Defence case should be
31 finished as thus scheduled.

32 MR. KAREGYESA:

33 Your Honours, it would also, for planning purposes, be quite appropriate for the Defence to indicate
34 how long their witnesses are going to be in the stand. We did not anticipate that this witness would
35 take two whole mornings.

36 MR. PRESIDENT:

37 Given that the rest of your witnesses scheduled to testify this week are all fairly lengthy witnesses -- am

1 I right? Fairly long? Can you give us some idea of the length of evidence in-chief for the next three
2 witnesses?

3 MR. VERCKEN:

4 Mr. President, I think that the four witnesses to take the stand will each give evidence for one and a half
5 or two hours in-chief in principle. And for one of them, that is one of the four, it would even be less than
6 that because he will be speaking to a specific issue, and perhaps that is the one the Prosecutor is
7 referring to, saying that there will not be a cross-examination, possibly.

8 MR. PRESIDENT:

9 All right. We will then adjourn at this stage until Thursday at 8:45.

10 *(Court adjourned at 1210H)*

11 *(Pages 27 to 34 by Jennifer Spring)*

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CERTIFICATE

We, Judith Baverstock, Ann Burum and Jennifer Spring, 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.

Judith Baverstock

Ann Burum

Jennifer Spring