

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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

THE PROSECUTOR
OF THE TRIBUNAL
v.
JEAN MPAMBARA

TUESDAY, 27 SEPTEMBER 2005
0940H
CONTINUING TRIAL

Before the Judge:

Jai Ram Reddy, Presiding
Sergei A. Egorov
Flavia Lattanzi

For the Registry:

Ms. Marianne Ben Salimo
Mr. Edward Matemanga

For the Prosecution:

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

For the Accused Jean Mpambara:

Mr. Arthur Vercken
Mr. Vincent Courcelle Labrousse

Court Reporter:

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

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

WITNESSESFor the Prosecution:WITNESS LEK (*continued*)Cross-examination by Mr. Courcelle Labrousse (*commenced in closed session*) 1

WITNESS LEV

Examination-in-chief by Mr. Karegyesa 11

Cross-examination by Mr. Vercken (*commenced in closed session*) 26

Re-examination by Mr. Karegyesa 45

Further cross-examination by Mr. Vercken 52

EXHIBITS

Exhibit No. P. 14 11

Exhibit No. D. 15 54

Exhibit No. D. 16 54

1 *(Pages 1 to 9 were extracted and sealed under separate cover, as the proceedings commenced in*
2 *closed session)*

3 MR. KAREGYESA:

4 May it please Your Honours, the next witness is LEV, but there's been a delay in bringing him here, so I
5 just pray for a ten-minute adjournment to sort that out.

6 MR. PRESIDENT:

7 So we now just have two witnesses?

8 MR. KAREGYESA:

9 Yes, Your Honour. And we propose -- because AHY arrived last night, we would propose to have his
10 evidence led tomorrow afternoon rather than today because we haven't had time to meet with him and
11 talk to him, Your Honours.

12 MR. PRESIDENT:

13 And --

14 THE ENGLISH INTERPRETER:

15 Microphone, sir.

16 MR. PRESIDENT:

17 And LEV, that's -- how long will the evidence in-chief take?

18 MR. KAREGYESA:

19 Thirty to forty minutes, Your Honours.

20 MR. PRESIDENT:

21 All right. Very well. We'll take a 15-minutes break.

22 MR. KAREGYESA:

23 Much obliged, Your Honours.

24 MR. PRESIDENT:

25 Yes.

26 *(Court recessed from 0941H to 1017H)*

27 MR. PRESIDENT:

28 Yes, please administer the oath.

29 *(Declaration made by Witness LEV in Kinyarwanda)*

30 MR. PRESIDENT:

31 You are Witness LEV. You have before you a sheet which sets out your personal particulars. Have
32 you seen that?

33 THE WITNESS:

34 Yes, I have seen it, Your Honour.

35 MR. PRESIDENT:

36 And those particulars, are they correct?

37

1 THE WITNESS:

2 The information is correct.

3 MR. PRESIDENT:

4 And you have signed and dated that document?

5 THE WITNESS:

6 That's correct, Your Honour.

7 MR. PRESIDENT:

8 Exhibit, Mr. -- number, Mr. --

9 MR. MATEMANGA:

10 P. 14.

11 MR. PRESIDENT:

12 The personal particulars sheet of Witness LEV, admitted as Exhibit P. 14, under seal.

13 *(Exhibit No. P. 14 admitted, under seal)*

14 MR. PRESIDENT:

15 Now, Witness, you will be examined. The Prosecutor will ask you questions, and you must answer all
16 questions truthfully. And then at the end of his evidence in-chief -- your evidence in-chief, rather, you
17 will be cross-examined by the Defence. And the Judges may, if they wish, ask you questions also.

18 Yes, Mr. Karegyesa.

19 MR. KAREGYESA:

20 Thank you, Mr. President, Your Honours.

21 WITNESS LEV,
22 first having been duly sworn,
23 testified as follows:

24 EXAMINATION-IN-CHIEF

25 BY MR. KAREGYESA:

26 Q. Good morning, Witness LEV.

27 A. Good morning, Counsel.

28 MR. KAREGYESA:

29 At this point, Your Honours, I wish to commence my examination with a brief, five-minute closed
30 session.

31 MR. PRESIDENT:

32 Yes. All right. The Chamber will go into a closed session. And any members of the public -- in the
33 public gallery are kindly asked to withdraw for about five minutes. You can come back when we are in
34 an open session.

35 *(At this point in the proceedings, a portion of the transcript [page 12] was extracted and sealed under
36 separate cover, as the session was heard in camera)*

37 *(Pages 10 to 11 by Ann Burum)*

1 MR. PRESIDENT:

2 We are now in open session.

3 BY MR. KAREGYESA:

4 Q. Witness, I want to take you to the morning of the 7th of April 1994. Can you confirm whether you were
5 at work that morning?

6 A. On the 7th I was at my place of work.

7 Q. And when did you first learn of the death of President Habyarimana?

8 A. It was at 6 on the 7th.

9 Q. And this would be 6 a.m. in the morning; am I correct?

10 A. Yes, it was 6 a.m.

11 Q. And how did you learn of the death of President Habyarimana?

12 A. I had a radio at my place of work, and that's how I heard it.

13 Q. And when you heard that news, Witness, what did you do?

14 A. After hearing that news, I approached my employer. I knocked at his door. He came out, and then I
15 asked him if he had learnt of President Habyarimana's death. He told me he had not heard about it.
16 Then he returned into his room, I think to listen to the news, and later on he confirmed that he had also
17 heard about it and that it was true.

18 Q. All right. Now, did your employer give you any instructions that morning after he had heard the news of
19 the president's death?

20 A. He gave me some instructions. He told me that I should go and contact the *Bourgmestre* Mpambara for
21 him so that he may come and they -- he wanted to speak to him, so he told me to go and tell
22 *Bourgmestre* Mpambara to come and see him.

23 Q. And did you go after receiving those instructions to see *Bourgmestre* Mpambara?

24 A. Yes, I did. I went to see him, and I found him at the *communal* office --

25 Q. Excuse me --

26 A. -- and told him.

27 Q. Witness, if you could just pause. I need to establish at around what time that morning did you proceed
28 to the *commune* to see the *bourgmestre*.

29 A. It must have been around 6:30 a.m.

30 Q. All right. Now, you were just telling this Court that you proceeded to the *commune*. Did you actually
31 find the *bourgmestre* at the *commune*?

32 A. Yes, I found him at the *commune* office.

33 Q. Did you find him inside in his office?

34 A. I found him standing at the veranda of his office.

35 Q. And did you communicate your boss's message to the *bourgmestre*?

36 A. I did not get very close to him. I stood about 20 metres from him. He asked me what I wanted -- what I
37 wanted to talk to him about, and I gave him the message that my boss wanted to see him.

- 1 Q. And was he that morning the only person you saw at the *commune* office?
- 2 A. At the bank near the *communal* office, I found three policemen standing there.
- 3 Q. And would these be *communal* policemen, Witness, or gendarmes?
- 4 A. They were *communal* policemen.
- 5 Q. Can you tell the Chamber what these policemen were doing when you saw them?
- 6 A. The policemen were cleaning their rifles when I saw them. And when they saw me at the distance
7 where -- which I told you I was -- stood in order to talk to the *bourgmestre*, they stopped me there. And
8 then -- then I informed the *bourgmestre* that my employer wanted to see him.
- 9 Q. When you say they stopped you, Witness, can you please clarify what you mean?
- 10 A. I was coming along the road, going in their direction. And when they saw me, one of them stood up
11 and told me, "Stop there and say what you want to say." And that I -- he added that "I know you are the
12 ones who are committing these crimes."
13
- 14 Then the *bourgmestre* asked me what I wanted, and then I informed him that my employer wanted to
15 see him. So I turned back and went back to my employer's residence.
- 16 Q. Now, when you told the *bourgmestre* -- or, when you conveyed your boss's message to the
17 *bourgmestre*, did the *bourgmestre* respond?
- 18 A. He only -- he told me -- he only told me to go and inform my employer that he was coming.
- 19 Q. And did you know or -- did you know the three policemen whom you found cleaning guns, Witness?
- 20 A. I knew them.
- 21 Q. And can you give us their names, Witness?
- 22 A. The first is called Ngarambe. The next is Kabendegere. I do not recall the name of the third policeman.
- 23 MR. KAREGYESA:
- 24 Your Honours, the name Ngarambe appears at number 164 on the list of proper nouns. The other
25 name does not appear, and I will spell it for the record. It is K-A-B-E-N-D-E-G-E-R-E.
- 26 BY MR. KAREGYESA:
- 27 Q. Now, of the three policemen, Witness, who is the one that stopped you?
- 28 A. It was Kabendegere who stopped me.
- 29 Q. And you've told this Court that he -- in stopping you he also added some words. Now, what did you
30 perceive his utterances to mean?
- 31 A. He actually wanted to -- I understood him to mean that why -- what am I coming to do there when the
32 president had died, as if I had committed a crime.
- 33 Q. Now, having seen them cleaning guns, were you able to establish the number of guns they were
34 cleaning?
- 35 A. I could not tell the exact number of guns, but I could see that some parts of the guns were -- were
36 against a wall, others lying down, but I cannot tell the exact number of guns they were cleaning.
- 37 Q. Had they dismantled the guns?

- 1 A. I do not know. I could see some guns against a wall, and they had some other -- others which they
2 were cleaning. I do not know exactly.
- 3 Q. Thank you, Witness. And can you tell the Chamber what kind of guns, if you -- if you knew, that is, can
4 you tell the Chamber what kind of guns these were?
- 5 A. No. The type of guns they had normally were Kalashnikov rifles.
- 6 Q. All right. Now, Witness, having returned to your workplace, did the *bourgmestre* turn up as he
7 promised?
- 8 A. It didn't take long, and he came.
- 9 Q. And can you tell us at approximately what time of that morning he came to your workplace?
- 10 A. He came -- like, after 10 minutes, after I had come back, he arrived.
- 11 Q. And are you in a position to give us an estimate of around what time it was that morning? Was it
12 already 7 a.m., after 7, or slightly before 7?
- 13 A. It was shortly before 7 a.m.
- 14 Q. And did he meet your employer that morning?
- 15 A. Yes, he met him because he entered his house and was there for a short time.
- 16 Q. All right. Now, did you stay at your workplace for the rest of that day?
- 17 A. Yes, I spent the whole of the 7th at my place of work.
- 18 Q. And did you have occasion that day to see the *bourgmestre* again?
- 19 A. That day I saw him again around nine in his vehicle.
- 20 Q. Was the vehicle stationary or was it moving, Witness?
- 21 A. The vehicle was moving.
- 22 Q. And were you able to tell which direction it was taking?
- 23 A. Yes, I -- I could tell which direction it was heading towards.
- 24 Q. Can you please tell the Chamber which direction that vehicle was heading to?
- 25 A. The vehicle was coming from the *communal* office -- office, and it came -- passed in front of my
26 employer's house and was heading towards Gahini *secteur*.
- 27 Q. And was the *bourgmestre* alone in that car or was he with others?
- 28 A. He was with two policemen.
- 29 Q. Can you tell the Chamber what kind of vehicle this was?
- 30 A. It was a white pickup, and it was the *communal* official vehicle.
- 31 Q. And where were the two *communal* policemen sitting in this vehicle, Witness?
- 32 A. One was sitting -- they were sitting behind, one on the left side, the other on the right side.
- 33 Q. And were you able to observe whether the Accused, Jean Mpambara, was sitting with anyone in the
34 cabin of the pickup?
- 35 A. He must have been sitting with his driver.
- 36 Q. And the *communal* policemen you've just referred to who were sitting on top of the pickup, were you
37 able to recognise them and establish who they were?

- 1 A. Yes, it was Ngarambe and Kabendegere.
- 2 Q. Were these policemen armed, Witness?
- 3 A. They had rifles. One -- they were holding their rifles between their legs as they were sitting in the
4 pickup, behind.
- 5 Q. And were you able to establish the number of rifles that they were holding on that pickup, Witness?
- 6 A. I could only see the ones that they were holding, and the vehicle was moving, so I cannot tell the
7 number of rifles that were in the vehicle.
- 8 Q. All right. Now, can you tell the Chamber whether the *bourgmestre's* pickup -- you saw the
9 *bourgmestre's* pickup on the road alone or whether there was a convoy?
- 10 A. There was another vehicle ahead of it, and the two vehicles were heading towards Gahini.
- 11 Q. And were you able to establish -- or, did you know the owner of the other pickup?
- 12 A. I could not tell who the owner is, but I could -- I -- I could identify the people who were in the pickup
13 behind.
- 14 Q. And who were you able to identify as the people sitting on the pickup behind?
- 15 A. There was Butera, the *conseiller* of Gahini *secteur*; there was a teacher by the name of Gatambara;
16 and another teacher called Musirikare; and other people. But those I've mentioned are the ones I was
17 able to identify.
- 18 MR. KAREGYESA:
- 19 Butera, Your Honours, is now a common name. It appears at number 21. Musirikare appears at
20 number 148; and Gatambara is spelled G-A-T-A-M-B-A-R-A.
- 21 BY MR. KAREGYESA:
- 22 Q. Now, Witness, these three people you've just mentioned, were they the only ones in this pickup vehicle
23 or were there others whom you were not able to identify?
- 24 A. I've already explained that these are the only ones I was able to identify but that they were with other
25 people in the pickup.
- 26 Q. And just for clarity, Witness, these three people you've just identified, were they sitting in the cabin with
27 the driver of the pickup or were they on the back of the pickup?
- 28 A. Those were sitting in the -- behind, in the pickup, because if they had been sitting in front, I would not
29 have been able to identify them in a moving vehicle.
- 30 Q. And just to situate this second vehicle with the *bourgmestre's* vehicle, which of the two vehicles went
31 first?
- 32 A. It is the second one that -- the one I've been talking about is the one that went first, and then the
33 *bourgmestre's* followed it.
- 34 Q. And what was the distance between the two pickups or the time difference between when you saw the
35 first and the second pickup?
- 36 A. Actually, they were following each other. I cannot tell you about the speed at which they were moving,
37 but there was a -- a short time between the two vehicles that were following each other.

1 Q. Witness, I wasn't asking about the speed, I just needed to establish whether there was a time difference
2 between when you saw the first pickup and the second pickup belonging to the *bourgmestre*.

3 A. *(No interpretation)*

4 Q. Did any time elapse between when you saw the two pickups?

5 A. It was about 20 minutes apart from the time I saw the first and the second pickup.

6 Q. And I'll just take you back a bit, Witness. This pickup on which you saw *Conseiller* Butera and others,
7 do you know how it got to -- to the *commune*? Are you aware?

8 A. Yes, I'm aware of how it got there.

9 Q. And can you tell the Chamber, please?

10 A. Before the pickup in which Butera was got to the *communal* office, it passed in front of my employer's
11 house, went to the *commune*. And even when it -- it returned, it took the exact route. That's why I'm
12 saying that I know how it got to the *commune* office.

13 Q. So when did you first see this pickup that carried Butera and others that morning?

14 A. I saw it for the first time around nine.

15 Q. And when did you see it for the second time?

16 A. When he returned to Gahini, it was about 40 to one hour later.

17 Q. And can you tell the Chamber, if you know, from which direction it came when it -- you saw it going to
18 the *commune* at around 9 a.m.?

19 A. Yes, I know. It came from Gahini direction to the *commune* office.

20 Q. Now, Witness, you've given us so far three sightings of the Accused, the *bourgmestre*. The first is
21 when you went to see him at his office at around 6:30. The second is when you saw him shortly before
22 seven at your workplace. And the third time is when you saw him driving, headed towards Gahini. Did
23 you see the *bourgmestre* again that day?

24 A. Yes, I saw him again that day on his way back from Gahini.

25 Q. And at around what time of the day was it when you saw him returning from Gahini?

26 A. It -- it was about 1 p.m.

27 *(Pages 13 to 17 by Ann Burum)*

28

29

30

31

32

33

34

35

36

37

1 1045H

2 BY MR. KAREGYESA:

3 Q. And where were you when you saw the *bourgmestre* returning from Gahini at around 1 p.m.?

4 A. I was still at my employer's residence.

5 Q. And when you saw him was he still in the *communal* pickup?

6 A. Yes, he was in the *communal* pickup.

7 Q. And was he alone or was he with others?

8 A. He was with the same people he had left with.

9 Q. And who are these people you are referring to, Witness?

10 A. I mean the other policemen.

11 Q. All right. Can you tell us, if you know, Witness, how many *communal* policemen the Rukara *commune*
12 employed?

13 A. I do not know -- I do not recall the exact number, but I remember there were two head brigadier -- head
14 of police, *communal* police, and about six policemen.

15 Q. And were you aware at that time, as of 7th April 1994, whether the *commune* had any other
16 government troops?

17 A. I -- could you repeat? I did not understand the question.

18 Q. I was asking, Witness, in addition to the six or so *communal* policemen you have mentioned, did the
19 *commune* have at its disposal any other government troops?

20 A. There -- some gendarmes had been brought around that time, and they lived just beyond the *commune*
21 office.

22 Q. Where exactly beyond the *communal* office, Witness, did the gendarmes live?

23 A. There is a building that used to be the social hall, and that's where they stayed.

24 Q. And would this social hall be a community property?

25 A. Yes, it was *communal* property.

26 Q. And would it have been in the -- or, where was it situated vis-à-vis the *communal* office?

27 A. From the *communal* office to that building, there was a distance of about 40 metres just above it -- just
28 beyond the *communal* office. A distance of 40 metres separated the two buildings.

29 Q. And to the best of your recollection, Witness, about how many gendarmes were stationed at the
30 *commune*?

31 A. I cannot give the exact number, but they used to call it a section.

32 Q. Yes. And we are just asking for an approximate number, to the best of your recollection, just an
33 estimation?

34 A. I could estimate that there were about 12 of them.

35 Q. And could you tell the chamber for how long this section of gendarmes had been stationed at the
36 *commune* prior to 7th April 1994?

37 A. They had been stationed there for a short period, about two months I would say.

- 1 Q. And would you have been aware, Witness, why there was a section of gendarmes at the *commune*
2 office?
- 3 A. I wouldn't know why this section had been brought there.
- 4 Q. Right now, Witness, we have established that you saw the Accused Jean Mpambara on four occasions
5 on the 7th of April 1994. Did you see him again that day?
- 6 A. I did not see him on any other occasion, apart from those four times on that day.
- 7 Q. And can you tell the Chamber whether you -- subsequent to the 7th of April 1994, you had occasion to
8 see the *bourgmestre*, Jean Mpambara?
- 9 A. I used to see him because he would always pass in front of where I was. I would see him in the
10 vehicle. But on the 8th he did not come back; he did not pass where I was stationed.
- 11 Q. Yes, and can you tell the Chamber when you next saw him, the date or day of the week?
- 12 A. I saw him again on Saturday, on the 9th.
- 13 Q. And where did you see him on the Saturday, 9th of April 1994, Witness?
- 14 A. I saw him at the church at Rukara.
- 15 Q. And what were you doing at Rukara parish on the 9th of April 1994, Witness?
- 16 A. I had sought refuge there.
- 17 Q. And can you just briefly tell us what you were seeking refuge from?
- 18 A. In actual fact, on the 8th, I left my workplace and I went home, and I found that the houses had been
19 locked up and people had fled. And I had to go to that place to see whether my parents had reached
20 there.
- 21 Q. And were you able to find your parents at the parish, Witness?
- 22 A. Yes, I found them there.
- 23 Q. And were they alone, Witness, or were there other people at the parish?
- 24 A. There were many people who had taken refuge at the parish.
- 25 Q. Can you give us an estimate of the number of people who had sought refuge at the parish?
- 26 A. In my estimate, it would be between 2,500 and 4,000, and people were still coming.
- 27 Q. Right. Now, to the best of your recollection, Witness, at around what time of day on the 9th of
28 April 1994 did you see the *bourgmestre* at the parish?
- 29 A. The *bourgmestre* came to the parish where we were at about 8:30 -- about 2:30, towards 3 p.m.
- 30 Q. Did you see the *bourgmestre* arrive at the parish, Witness?
- 31 A. Yes, I saw him come.
- 32 Q. Can you tell the Chamber whether he was on foot or in a vehicle?
- 33 A. He came on board the *communal* vehicle.
- 34 Q. Was he alone or was he accompanied?
- 35 A. He was accompanied by policemen, and he was followed by the -- his vehicle came together with the
36 vehicle belonging to the gendarmerie commander.
- 37 Q. Can you -- if it's within your knowledge, can you just clarify and tell us the gendarmerie commander of

1 where? That's if you know.

2 THE ENGLISH INTERPRETER:

3 Counsel, come again, please? Can you repeat the question.

4 BY MR. KAREGYESA:

5 Q. Witness, can you just clarify, the --

6 A. *(No interpretation)*

7 Q. -- the gendarmerie commander of which area?

8 A. He was the gendarmerie commander at Rwamagana.

9 Q. And prior to this occasion, did you know him as the gendarmerie commander at Rwamagana?

10 A. I didn't know him. We were told that the detachment that was in Rukara had come from Rwamagana.

11 Q. Right. Now, when the *bourgmestre* arrived with these policemen and the gendarmerie commander, can
12 you tell us what they did at the parish that afternoon?

13 A. They held what I could call a meeting, and the population was there.

14 JUDGE EGOROV:

15 Is it possible to specify the time period when that meeting took place, in the afternoon or in the
16 morning?

17 MR. KAREGYESA:

18 Your Honours, the witness had said in answer to my question -- had said between 2:30 and 3 p.m., but
19 we can ask him to clarify.

20 BY MR. KAREGYESA:

21 Q. The Judges are just seeking clarification. Around what time of the day did the *bourgmestre* and the
22 gendarmerie commander arrive at Rukara parish?

23 A. They came there in the afternoon between 2:30 and 3 p.m.

24 Q. Now, on arrival of these two guests, the *bourgmestre* and the gendarmerie commander and their
25 entourage, were you in any -- were you indoors or were you outdoors?

26 A. I was outside in the parish grounds.

27 Q. And did any of these guests, the *bourgmestre* and the gendarme commander, address the Tutsi
28 refugees?

29 A. *Bourgmestre* Mpambara addressed us, and, in actual fact, the word that he used was simply -- was
30 simply deriding us. He was laughing and he was asking us what we had come to do there. Then the
31 people said that they had run away from insecurity on -- in the villages, and he told them that, "What
32 are they running from since Tutsi had killed President Habyarimana." People were astounded, and
33 there was nothing they could add. And he asked them what problems we had there. We told him that
34 the cattle could not get water to drink. And he told us that we should be patient, that that problem will
35 soon be solved.

36 Q. Can you tell the Chamber the distance between you and the *bourgmestre* when he was addressing the
37 refugees?

- 1 A. I was close by. It was at a distance of between 3 and 5 metres.
- 2 Q. And was anyone standing between you and the *bourgmestre* as he spoke, or were you in the front line?
- 3 A. He was close to us and we were many, and he was speaking out loud.
- 4 Q. And did you hear everything he said, or was it reported to you by others, Witness?
- 5 A. The words I mentioned, I heard them myself.
- 6 Q. Now, was he the only one to address the refugees on this occasion, Witness?
- 7 A. When he finished, the commander talked about security, and he said that there was no problem, that he
8 was going to ensure our security. And those are the only words that he uttered addressing us.
- 9 Q. And to the best of your recollection, Witness, did any of the Tutsi refugees present address the guests
10 on behalf of the refugees?
- 11 A. People were talking at the same time, talking about their problems. In actual fact, there was no special
12 person that had been chosen to speak on behalf of the refugees.
- 13 Q. And what happened, then, after the *bourgmestre* and the gendarmerie commander had addressed the
14 refugees, Witness?
- 15 A. They entered into their vehicles and left, going back to the way they had come from. Then, shortly
16 afterwards, there was an attack by the *Interahamwe*, coming from behind the church, and they threw
17 the grenades against the church and people died. That happened about one hour after the departure of
18 the *bourgmestre* and the commander, the gendarmerie commander. People died and their cows were
19 taken way, and then they left.
- 20 Q. And, Witness, where were you during this attack by the *Interahamwe*? Were you still outdoors or were
21 you indoors?
- 22 A. I was still outside. Very few people had entered into a building. It was a surprise attack.
- 23 Q. And from where you were in the compound were you able to establish where these attackers
24 approached the parish from?
- 25 A. Yes, I could establish where they came from.
- 26 Q. And, please, tell the Chamber.
- 27 A. They came from the road that passes by my place of work, and they passed by the parish cemetery
28 and they came to the parish passing behind the church.
- 29 Q. And to the best of your recollection, approximately how many attackers were there?
- 30 A. There were very many *Interahamwe*. You couldn't count them, but there were very many.
- 31 Q. And from where you were situated in the compound, Witness, were you able to tell what kind of
32 weapons or arms they carried?
- 33 A. There were various weaponry. Some people had sticks, others had clubs, others were armed with
34 spears. We could see them as they were coming. What we didn't see were the grenades, but we
35 heard their explosions.
- 36 Q. And about how many grenade explosions do you recall hearing on this occasion during this attack?
- 37 A. There were about between two and three grenade explosions on the occasion.

- 1 Q. Now, did you or other refugees in the compound try to defend yourselves from these attackers?
- 2 A. We tried. Going back on the 8th --
- 3 Q. Witness, I am talking about the 9th. Please restrict yourself to this attack on the 9th.
- 4
- 5 Did you attempt to defend yourselves, yes or no?
- 6 A. Yes, we tried to defend ourselves. They came from behind the church. We were throwing stones, and
- 7 when they overwhelmed us, we went back. And when they threw the grenades, it was as if we had
- 8 been defeated, so we had to retreat.
- 9 Q. Were you able to recognise any of the attackers during this attack?
- 10 A. The leaders, they are the ones who threw the grenades that frightened us. There was a certain
- 11 Mujyambere, Paul; and the second, who was called Gahirwa. Those were the leaders. According to
- 12 what I saw, those seemed to be the leaders of the group.
- 13 Q. And how close were they to you? What was the distance between your position and the compound and
- 14 the front line of the attackers?
- 15 A. It was as though they were almost meeting, so it was a distance of about 10 metres only.
- 16 Q. And how did you know that Mujyambere and Gahirwa lobbed grenades, Witness?
- 17 A. I could see them, and I know them very well.
- 18 Q. Can you tell the Chamber how long this attack lasted on this occasion?
- 19 A. This attack was quite short. It didn't actually last up to one hour.
- 20 Q. And are you in a position to tell the Chamber how many Tutsi refugees were killed during this attack?
- 21 A. After the smoke dissipated, we found that 12 Tutsis had been killed.
- 22 Q. And are you aware of the number of people injured during this attack, Witness?
- 23 A. I cannot tell the number. The few people that had been injured died the day after.
- 24 Q. Now, Witness, did you stay at Rukara parish after this attack or did you return to your workplace?
- 25 A. After the attack of the 9th, I spent the night there at the parish. I spent the night at the church, and I left
- 26 that place the following day.
- 27 Q. So you would have left the parish on the 10th of April 1994; am I correct?
- 28 A. Yes, that is when I left.
- 29 Q. And subsequent to the 10th of April 1994, did you have occasion to see the *bourgmestre*,
- 30 Jean Mpambara, again?
- 31 A. Yes, I saw him.
- 32 Q. And can you tell us whether you recall the day or date on which you saw the Accused?
- 33 A. I saw him again during the day on the 12th April after I had gone back to the -- to my place of work.
- 34 Q. And to the best of your recollection, Witness, round about what time of the day on the 12th of April 1994
- 35 did you see the Accused at your workplace?
- 36 A. I saw him in the afternoon, towards evening, between 3 and 4 p.m.
- 37 Q. And can you tell the Chamber the circumstances under which you saw the *bourgmestre* on this

1 occasion?

2 A. On that day at that time I have just mentioned, he found me at my place of work and asked me to open
3 the gate. We exchanged words. And he was saying that I should open the stock which we had at my
4 place of work. He was looking for petrol. I opened for him, and he took away two jerrycans of fuel and
5 put them outside. And a policeman came and took them away into the vehicle that was stationed in
6 front of that place of work, and then they entered their vehicle and left.

7 Q. Witness, after this day, did you have any other occasion to see the Accused Jean Mpambara?

8 A. From that day on, I did not see him again. I don't know where he was. That was the last time I saw
9 him.

10 Q. Now, prior to the events of April 1994 which you have just recounted, how well did you know -- or for
11 how long had you known the *bourgmestre*?

12 A. I know *Bourgmestre* Jean Mpambara very well. He -- even before he became *bourgmestre* we were
13 neighbours. But I came to know the *bourgmestre* very well in 1990, when he was already a
14 *bourgmestre*.

15 Q. And would you be able to recognise him today if you met him on the street?

16 A. Yes, I would easily recognise him. And even now I can see him.

17 Q. Can you tell the Chamber where you have seen the person you describe as Mpambara?

18 A. Yes, I can see him on the back row. He is holding a pen, he is wearing a dark suit and a coloured shirt,
19 and he is wearing spectacles.

20 Q. And which row is he sitting on, Witness, from you?

21 A. He is on the second row among people that are seated.

22 MR. KAREGYESA:

23 If the record could reflect, Your Honours, that he has identified the Accused.
24

25 And, with that, I have no further questions for this witness.

26 MR. PRESIDENT:

27 Let the record reflect that he has been properly -- correctly identified.
28

29 The Judges have some questions. So will you answer those questions.

30 JUDGE EGOROV:

31 Mr. Witness, could you please define --

32 THE WITNESS:

33 Your Honour, please excuse me, I want to have a drink of water.

34 JUDGE EGOROV:

35 Yes, you're welcome.

36 THE WITNESS:

37 *(No interpretation)*

1 JUDGE EGOROV:

2 Could you please define a little bit more precisely the time when you got to the parish, to the Rukara
3 parish, on the 9th of April 1994?

4 THE WITNESS:

5 On the 9th -- on the 9th of April 1994, I reached the church in the morning, after leaving my place of
6 work. It was in the hours of around midday.

7 JUDGE EGOROV:

8 Should I take it that you reached the parish at around noon?

9 THE WITNESS:

10 I reached the parish before noon, but since I didn't wear a watch, I cannot -- I cannot give the time with
11 precision, but --

12 JUDGE EGOROV:

13 Thank you.

14 JUDGE LATTANZI:

15 Mr. Witness, you said that you took refuge from the 9th to the 10th in the parish, thereafter you returned
16 to your place of work. How did you come about taking that decision? Did you feel safer in your place of
17 work, and did your family stay on at the parish? Thank you.

18 THE WITNESS:

19 My parents remained at the parish. My -- going back to my place of work, I found that the place I had
20 fled to was more dangerous, since they killed people on the very day I went there. I wouldn't state that I
21 had full security at my place of work, but I was hoping that my employer, he had -- he had left the place,
22 and I said, "Well, let me try and go there, but maybe nothing will happen to me." But it was just an
23 attempt to go somewhere, to seek refuge somewhere.

24 MR. PRESIDENT:

25 Yes, thank you.

26

27 You will now be cross-examined.

28

29 Can the Defence give us some indication of how long this will be?

30 MR. VERCKEN:

31 One-and-a-half hours, Mr. President.

32 MR. PRESIDENT:

33 So you think we can finish by one?

34 MR. VERCKEN:

35 I think at 1 p.m. we should be more or less finished.

36 MR. PRESIDENT:

37 Continue. Carry on.

1 MR. VERCKEN:

2 To begin this cross-examination, Mr. President, I would like to apply for a short closed session.

3 MR. PRESIDENT:

4 Yes, the Chamber will now sit in closed session. Those in the gallery kindly withdraw.

5 *(At this point in the proceedings, a portion of the transcript [pages 26 to 34] was extracted and sealed*
6 *under separate cover, as the session was heard in camera).*

7 *(Pages 18 to 25 by Judith Baverstock)*

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

1 BY MR. VERCKEN:

2 Q. Witness, you stated that when you were going towards the *communal* office, you were stopped by a
3 policeman, and you added that you were about 20 metres away from the *bourgmestre*, who himself was
4 on the veranda of the *communal* office. Is that correct?

5 A. That is correct.

6 Q. I suppose that in order to speak to the *bourgmestre*, you would have had to raise your voice so that he
7 should be able to hear you?

8 A. The policeman was close to me. He asked me what I wanted. I replied that my employer gave me a
9 message for the *bourgmestre*. So it is the policeman who informed the *bourgmestre* about this
10 message, and the *bourgmestre* talked loudly and said, "Go and tell your employer that I am coming
11 soon."

12 Q. You just said that the policeman was right next to you; is that correct?

13 A. He was the one who was closer to me than the *bourgmestre* was.

14 Q. You have just said that the policeman was right next to you; that's the translation I got. Is that correct?

15 A. That's correct. There were about 10 metres between him and me.

16 Q. Is that what you are referring to as close to you?

17 A. That is very close.

18 MR. KAREGYESA:

19 Your Honours, the translation I got in the English channel is that policemen were nearer to him, to the
20 Witness, than the Accused, not next to him.

21 MR. VERCKEN:

22 I also heard the same translation the second time, Mr. President, but, initially, the witness had indicated
23 that the policeman was right next to him. I was not speaking about the second part of his answer, but
24 the first part.

25 BY MR. VERCKEN:

26 Q. In any case, Mr. Witness, he was quite close to you.

27 A. Yes. To me, 10 metres is close. For instance, here in this hall it's, like, from there to there.

28 Q. When the policeman spoke to you, did he need to shout?

29 A. When the policeman stopped me, he shouted because he wanted to intimidate me. I stopped. He did
30 not want me to get closer to him.

31 Q. And what was the tone used, that is, for the rest of the conversation with the policeman?

32 A. He was very angry. I have already explained. He told me, "Stop there where you were. You are the
33 one carrying out bad activities." That means he did not wish me any good.

34 Q. Did he accuse you of carrying out illegal activities?

35 A. That's correct.

36 Q. Was he alluding to the fact that you were trying to come close to the *commune* office so early in the
37 morning?

1 A. No, the president was dead. They were having bad prep -- they were having preparations for bad
2 activities. He was alluding to the fact that the president had been killed by Tutsis. He knew that I was a
3 Tutsi, and it was in that context that he said what he said to me.

4 Q. Why is it that you interpreted the expression "illegal activities" to mean the death of
5 President Habyarimana?

6 A. One could gauge from the way the person was talking. When someone is talking angrily or badly, or
7 nicely, you can tell the difference.

8 Q. And so, simply because the policeman spoke to you in a furious tone and he said that you were
9 carrying out bad activities, you thought he was referring to the death of Habyarimana; is that correct?

10 A. That is what he was alluding to.

11 Q. Is that specification a clarification from the interpreters or from the witness?

12 JUDGE LATTANZI:

13 The witness was simply saying "bad activities" not illegal.

14 MR. VERCKEN:

15 In any case, what is of interest to me, Your Honour, is not whether the actives were illicit or illegal.

16 BY MR. VERCKEN:

17 Q. What is of interest to me is whether that policeman spoke to you clearly and explicitly about the death of
18 the president or did he use the words that I have used?

19 A. I understood that since the president was dead and since Tutsis were being accused, I understood it
20 that way. But he did not want me there because of that context.

21 Q. Mr. Witness, you stated that the *bourgmestre* was 20 metres away. Do you believe that he was able to
22 hear what the policeman was telling you after he had stopped you?

23 A. I do not know whether he heard it himself, but the policeman went and delivered the message to him.

24 Q. And the message was that your employer wished to see him; is that correct?

25 A. Yes, that was the case.

26 Q. And it was at that time that the *bourgmestre* told you that he would come and meet with your employer;
27 correct?

28 A. That is when the *bourgmestre* himself told me to go back and tell my employer that he was coming to
29 see him.

30 Q. Witness, you mentioned a gendarmerie post that had been set up, or that had been in existence for
31 about two months, next to the *commune* office; is that correct?

32 A. Yes, that is the case.

33 Q. Do you know how those gendarmes moved about, because they needed to move about?

34 A. Normally, if they just wanted to have a casual walk, they would walk on foot, but, otherwise, there is a
35 vehicle that brought them supplies from Rwamagana, it would take them around. That is how they
36 moved about the area.

37 Q. Witness, do you remember what type of vehicle this was?

1 A. I cannot tell you the type of vehicle it was. However, I could distinguish a civilian vehicle from the
2 military vehicle by the colour of the vehicle. So I cannot tell you the type of vehicle it was.

3 Q. I am not asking you the make, but perhaps its colour. What was the colour of this vehicle?

4 MR. KAREGYESA:

5 If counsel could pause between question and answer.

6 MR. PRESIDENT:

7 Yes, please. You are probably going very quickly. You could pause between a question and answer
8 so that it can be interpreted and then recorded.

9 THE KINYARWANDA INTERPRETER:

10 The witness had said that he did not remember the colour of the vehicle.

11 MR. PRESIDENT:

12 Ask your next question.

13 BY MR. VERCKEN:

14 Q. What was the colour of the gendarmes' vehicle, Witness?

15 A. I have said that knowing the colour of the vehicle that came there at that time -- I cannot recall the
16 colour of the vehicle after so many years, because these were not vehicles that were there all the time.

17 Q. But you were able to distinguish between civilian and military vehicles; is that correct?

18 A. The official *commune* vehicle was white. Vehicles that came to -- it is not always the same vehicles
19 that came to the detachment of the gendarmes. So I cannot tell you the colour of those vehicles
20 because different vehicles came and they did not stay there overnight.

21 Q. Witness, I am not asking you about the colour of the vehicle of the *bourgmestre*, or even the colour of
22 the vehicle of the soldiers. What I would like to know is whether the vehicle which came to resupply the
23 gendarmes located close to the *communal* office, whether these vehicles were military or civilian
24 vehicles?

25 A. They were military vehicles.

26 Q. Mr. Witness, on the morning of the 7th of April when you travelled to the *communal* office, did you
27 observe the presence of a military vehicle?

28 A. I did not see any military vehicle that morning there.

29 Q. Mr. Witness, on that morning did you see any gendarmes, that is, close to the *commune* office?

30 A. No, there was no gendarmes.

31 Q. I will now move on to what happened in the parish while you were there.

32

33 Mr. Witness, you have stated that you arrived on the 9th of April somewhere in the middle of day, but
34 before noon; is that correct?

35 A. That's what I said.

36 Q. How long after the arrival in the parish, did you observe the meeting between *Bourgmestre* Mpambara,
37 the Rwamagana commander, and the refugees, approximately, that is?

1 A. I was present there myself, and it was -- it lasted for a few minute -- very few minutes. It lasted for less
2 than 30 minutes. It lasted for only about 20 minutes.

3 Q. Are you telling us, Mr. Witness, that between 20 and 30 minutes after your arrival at the parish, the
4 meeting between the *bourgmestre*, the commander, and the refugees took place, or did I not
5 understand you correctly?

6 A. The meeting took place three hours after my arrival there.

7 Q. Three hours after your arrival in the parish, that's when the meeting took place?

8
9 Mr. Witness, I would like to clarify certain points of your testimony. And in order for you to fully
10 understand what I want, I will give you an account of that incident that you gave to the OTP
11 investigators in 2001. Is it okay with you if I read this statement to you?

12 A. Yes, I understand.

13 Q. I am referring to page 5, paragraph 5 of your statement, French version. "On the 9th of April at around
14 8 o'clock, I went to Rukara parish, which is located about 100 metres away from the DED. Several -- or
15 many refugees had assembled at the parish and I succeeded to locating my parents. Two hours later I
16 saw the *bourgmestre*, Jean Mpambara, arrive onboard the white pickup accompanied by the
17 gendarmerie commander and his gendarmes onboard a military jeep. The two vehicles were parked in
18 the school courtyard opposite the parish premises, and *bourgmestre*, Jean Mpambara, convened a
19 meeting. I saw him and I heard him clearly telling the refugees the following, 'Do not leave the parish,
20 otherwise you could be killed. I am going to look for guards to protect you.' Thereafter, he asked the
21 intellectuals -- and I do not know their name -- to come forward, and shortly after speaking with them,
22 he left. The intellectuals told the refugees that *Bourgmestre* Jean Mpambara wanted to know their
23 needs. They answered him that the cattle needed water and that the children did not have a place to
24 sleep. *Bourgmestre* Mpambara promised to look into those problems, and they would also fetch guards
25 to protect the refugees."

26
27 Mr. Witness, do you remember having given this statement about the meeting between
28 Jean Mpambara and the gendarmerie commander in this manner to the investigators?

29 A. Yes, I recall that. However, you will excuse me. I confused the time, the hour -- the time I mentioned.
30 But as you can see, it was before noon. It was in the morning. I might have mentioned 8 a.m., but
31 actually I meant before noon that day. So, as I told you, the meeting took place in the afternoon. I do
32 not see any big difference, apart from that.

33 Q. A short while ago you said that the *bourgmestre* -- and you were very close to him physically when he
34 spoke -- that he made fun of you, that he laughed. But you did not mention this when you spoke with
35 the OTP investigators; why?

36 A. At that time, I could not give all the details. However, I think it is clear from what I said that after the
37 words he had spoken himself, I would say that he was mocking us because I told you that afterwards

1 attacks were carried out in which people were killed.

2 Q. Are you telling this Court, Witness, that following the departure of the *bourgmestre*, who had said that
3 he was going to look for guards, and that after the attack took place, you then deduced that the
4 *bourgmestre* had been mocking you?

5 A. That is the reason. If you could put yourself in our shoes you would feel (sic) the same -- you would
6 feel the same way.

7 Q. I understand. At the time that the *bourgmestre* spoke and discussed with the refugees in the presence
8 of the commander, was it not apparent to you at the time that he was mocking you? It is something that
9 you deduced later; is that correct?

10 A. Yes. Yes, that's how I would put it.

11 Q. Mr. Witness, do you remember that during this meeting between the commander, the *bourgmestre*, and
12 the refugees, there were other personalities or authorities of the *commune* present?

13 A. I do not recall of any present at that time. The authorities at the *commune* level at that time were Tutsis
14 and had also become refugees, and the *bourgmestre* only came with the policemen and the gendarmes
15 only.

16 Q. Witness, do you recall having seen a muzungu --

17 THE ENGLISH INTERPRETER:

18 Which is a white man.

19 BY MR. VERCKEN:

20 Q. -- amongst the crowd?

21 A. You mean a white person who had come with the authorities?

22 MR. PRESIDENT:

23 No, did you see any white person? That's the question.

24 THE WITNESS:

25 Except for the priests who lived there, I didn't see any other white person.

26 BY MR. VERCKEN:

27 Q. Did you see any priests participating in that meeting, Mr. Witness?

28 A. No. I think they were not concerned by that meeting. Rather, I saw the priests after the attacks, when
29 we were taking -- carrying the bodies of the dead persons and taking them to a different location.
30 That's when I saw the priests.

31 Q. While you were in the parish, did the priests provide any assistance to you yourself or to the other
32 refugees? Did you observe any such thing?

33 A. I did not personally get any person -- any assistance from the priests. And if they gave any assistance
34 to anyone, it must have been after the 9th. I was no longer there.

35 Q. Mr. Witness, during your testimony this morning, you stated that the gendarmerie commander was
36 present but that you had not known him before that. Does that mean that during that meeting the
37 gendarmerie commander introduced himself or was introduced?

1 A. It is *Bourgmestre* Mpambara who introduced the guests he had come with. That's how we came to
2 know that he was a commander of the gendarmerie.

3
4 And more to that, I would like to tell you that the gendarmes who had been there, we had seen them
5 before, and of course, you can easily identify a senior army officer. However, in addition, besides that,
6 the *bourgmestre* introduced the commander to us.

7 Q. And that commander took the floor to guarantee the security of those refugees who were in the parish;
8 is that correct?

9 A. Yes, that is the case.

10 Q. Witness, I will now move on to the following day, which is when you say that the people who had
11 perished during the previous day's attack were buried. But before I ask you questions on the 10th of
12 April, let me put two brief questions to you on that attack.

13
14 In answer to the Prosecutor's question concerning the reaction of the refugees to those attacks and,
15 specifically, the attack of the 9th of April, you said that you threw -- you threw stones; is that correct?

16 A. Yes, that's what happened. We tried to defend ourselves.

17 Q. Please tell this Court where you found those stones? Where did you get them from?

18 A. We got these stones from the compound. There were some pieces of bricks that were bordering the
19 garden -- in the garden, and there was also stones around there that were there. So you would pick
20 whatever you would find, and then we would throw them.

21
22 However, when we realised that the attackers were now using modern weapons, military weapons, we
23 gave up. That's what happened.

24 Q. When you referred to those sophisticated weapons, what are you referring to, Witness?

25 A. I am talking about grenades.

26 Q. This morning in answer to the Prosecutor's questions, you stated that some people were killed by the
27 grenades, and when asked whether some of the people were injured, you answered that the people
28 who were injured died the following day; is that correct?

29 A. Yes. There were some people who were injured and died the following day.

30 Q. Witness, do you recall whether there were any people who were injured by shrapnel from the grenades
31 who survived, or, as far as you can remember, does that mean that everybody who was injured by
32 those grenades died?

33 A. But, however, it was not only on that day that people were attacked by grenades. I remember that
34 some people died immediately, and some others that we tried to take to the dispensary died later on.
35 However, I would like to tell you that there were so many people who were -- there were many attacks,
36 and there were some people who survived. There were those who survived the grenade attacks and
37 even some who still have splinters of the grenades in their bodies and are still alive.

1 MR. PRESIDENT:

2 Mr. Vercken, how much longer will you be? Because, if you are going to be some time, then we would
3 like to adjourn, but if you can finish -- and the re-examination --

4 MR. VERCKEN:

5 Mr. President, I will more or less honour the commitment that I made at the beginning of the cross, that
6 is, to conclude very shortly.

7 MR. PRESIDENT:

8 Yes, all right. In that case, carry on.

9 BY MR. VERCKEN:

10 Q. Witness, in the statement you gave in the Hotel Dereva in 2001 to the investigators of the OTP, on
11 page 6 of the French version, second paragraph, you stated that other attacks had taken place,
12 including on the 10th of April, that is, attacks against the parish. Do you confirm what you said?

13 A. No, that is not the case. I am -- he was mistaken because at that time I did not remember well. On the
14 10th -- I left that place on the 10th, in the morning, and there was no other attack at the parish.
15 However, I was told that the dead people were buried on Sunday.

16 Q. Mr. Witness, I will read the paragraph of your statement given on the 11th of July 2001, which we are
17 referring to, to enable you better understand my questions. And I am on page 6, second paragraph of
18 the French version: "I spent the night in the parish, and the following day, on the 10th of April, in the
19 morning, Father Santos went to the *communal* office to inform *Bourgmestre* Mpambara. On his return,
20 Father Santos -- and I do not know where he is now -- said that *Bourgmestre* Mpambara did not wish to
21 see the dead bodies and that they simply had to be buried. At around 1 p.m., right up to 3 p.m., the
22 *Interahamwes* attacked the parish and the many refugees were killed.

23 MR. KAREGYESA:

24 (*Microphones overlapping*)...that last sentence.

25 MR. PRESIDENT:

26 The identity -- should be careful.

27 BY MR. VERCKEN:

28 Q. "After the attack, François and myself returned to my employer's premises where we spent the night."
29

30 When you were interviewed by investigators of the OTP in July 2001 at the Dereva hotel, you said that
31 the interview had gone well, that you felt at ease. But your account was not the same as what you have
32 told us today, Mr. Witness; would you agree with that?

33 A. Where you say that, "I spent the night at the parish on the 9th," it is correct, and then on the 10th, "I
34 went back to my place of work, to the centre where I worked." And the man, the guy you mentioned,
35 "François was there among the dead. Some dead people were his in-laws, and where -- when I arrived
36 there, he went to bury those people. So I didn't attend the burial of those people. So what I told those
37 investigators is what I heard from François. I was not there personally."

1 Q. When François gave you that information, did he also say that the parish had been attacked on the
2 10th of April from 1 p.m. to 3 p.m. and during which attack several or many refugees had been killed?

3 A. I think that I confused dates. He told me about the burial of the dead people on Sunday, and then
4 maybe I did not distinguish attacks -- where looting took place and where attacks -- where killings were
5 taking place in attacks. So I think that is the confusion that was in my mind at that time.

6 *(Pages 35 to 42 by Judith Baverstock)*

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

1 1300H

2 BY MR. VERCKEN:

3 Q. It appears to me that at -- on the occasion of the two attacks that you mentioned there were deaths?

4 A. There was no attack on the 10th. What I said is what I heard from François, and then I asked about the
5 people who attended the burial. No one -- no attackers found them there.

6 Q. A while back in answering a question from the Bench, you stated that there -- deaths had also occurred
7 near your place of work. Do you remember having said that? Can you confirm that?

8 A. I did not mention that. I didn't say that anyone was killed near my place of work. I did not say that. All
9 the people were killed at the church, and others died at the -- at the dispensary. That's what I said.

10 Q. That means, therefore, that your place of work, Witness, was a relatively well-protected place, a
11 relatively safe place?

12 A. I could say that the place was secure. No *Interahamwe* --

13 MR. KAREGYESA:

14 *(Microphone not activated)*...the witness may go into details about his --

15 MR. PRESIDENT:

16 All this could reveal --

17 THE ENGLISH INTERPRETER:

18 Microphone, Mr. President.

19 MR. PRESIDENT:

20 All this could reveal his identity. You have his statement and you have his evidence-in-chief, and
21 whatever contradictions there are, you can comment on those in this part of your closing argument.

22 THE ENGLISH INTERPRETER:

23 Counsel said before, "I have only two more questions, Mr. President." Counsel is now saying:

24 MR. VERCKEN:

25 I am putting questions that I feel are important. I only have two more questions, practically speaking.

26 MR. PRESIDENT:

27 You said you would finish by one. It's now five past one, and we don't wish to sit much longer. If you
28 have questions, we'll come back and deal with them.

29

30 We'll take the lunch adjournment now.

31 *(Court recessed from 1305H to 1437H)*

32 MR. PRESIDENT:

33 Yes, we'll continue the cross-examination of this witness.

34 MR. VERCKEN:

35 Thank you, Mr. President.

36 BY MR. VERCKEN:

37 Q. Witness, do you remember the day of the week, by this I mean, Monday, Tuesday, Wednesday,

1 Thursday, Friday, Saturday, or Sunday, the RPF entered Rukara *commune*?

2 A. Yes, I remember the day.

3 Q. Can you tell us?

4 A. It was on a Saturday; that is when I saw them come.

5 Q. Witness, can you remember how many days before and what day of the week was it did the scene
6 during which, according to you, Mr. Mpambara came to fetch fuel in your place of work? When did that
7 scene occur?

8 A. I remember the day. It was on the 12th, and it was on a Tuesday.

9 Q. Witness, why did you tell the investigators of the Prosecutor on the 11th of July 2001 that the day
10 Mr. Mpambara came to get fuel or to request fuel from you was not the 12th, but, rather, the 14th of
11 April 1994?

12 A. I think it was a mix-up of dates and days, but when I reflected back, I found it was on the 12th.

13 Q. Witness, does that mean that when you gave the statement to the investigators, you said it was on the
14 14th?

15 A. I might have said so, but in actual fact, it was on the 12th.

16 Q. Can you tell this Court when you realised you had made a mistake?

17 JUDGE EGOROV:

18 Mr. Witness, did you understand the question?

19 THE WITNESS:

20 Yes, I was asked when I remembered that the date I mentioned was wrong. I hope that's what -- what
21 was meant.

22 MR. KAREGYESA:

23 Your Honours, the witness made an answer that apparently wasn't translated.

24 MR. PRESIDENT:

25 Perhaps that question can be repeated. I -- what was the question to which the answer has not been
26 re -- translated?

27

28 Do you remember the question? Do you remember the question?

29 MR. VERCKEN:

30 Not only do I remember the question, Mr. President, but apparently the witness himself, because he just
31 repeated it. You see, I asked him when he realised he had made a mistake regarding the date of the
32 fuel episode.

33 MR. PRESIDENT:

34 Yes, that's the question. When did you realise that you had made a mistake about the date on which
35 the fuel episode took place when you gave two jerrycans of diesel or petrol, I'm not sure which, to the
36 Accused? When did you realise you had made a mistake?

37

1 THE WITNESS:

2 I think I remember the month. They had already asked me. They had already interviewed me. I
3 remembered the error. It was -- the date -- it was in May this year that I remember that I gave the
4 wrong date.

5 BY MR. VERCKEN:

6 Q. Witness, was there any peculiar event which led you to suddenly realise in the month of May, almost
7 four years after the fact, that you had committed that mistake?

8 A. Yes, there's something that made me remember. When people live together, they keep reminding each
9 other about past events. They -- I heard -- we were talking about the attack on the 12th where lots of
10 people were killed in the evening in the church, and some of them were shot and even some people
11 were burnt down where they were lying. So I remember that that is -- the fuel that was taken from
12 where I was working had been used for -- for burning those people, and I remembered the origin of
13 such fuel. That was the place where I was working.

14 Q. When he requested the fuel, irrespective of the date, did the *bourgmestre* tell you what he wanted to
15 use the fuel for? Is that what you are telling us?

16 A. He did not tell me the purpose for which he wanted the petrol. He simply said that he wanted the fuel,
17 but later on, it -- it was clear what the fuel was used for.

18 Q. And that explains why this morning in your evidence-in-chief the date, 14th of April, became the 12th of
19 April, correct?

20 A. Yes, that was the reason, and it was because of the massive killings that took place in that -- that
21 parish.

22 MR. PRESIDENT:

23 Prosecution, do you have any re-examination?

24 MR. KAREGYESA:

25 Very brief clarification, Your Honours.

26

RE-EXAMINATION

27 BY MR. KAREGYESA:

28 Q. Witness, you were, this morning, shown a photograph -- page 45 of the Defence photo album -- in
29 relation to a certain gate and a certain reed fence. Can you please tell the Chamber what the frame of
30 the gate was made of, other than the reeds?

31 A. The gate was made up of a steel frame, and then the reeds were attached to that frame, and it was
32 affixed in two pillars made of bricks.

33 Q. Thank you, Witness. Now, you also mentioned in cross-examination this morning that there were
34 certain, and I quote, "horizontal constructions" across the breadth of the gate. What material were
35 these horizontal constructions made of?

36 A. The horizontal constructions were made up of steel bars, thin steel bars, and then they were -- then
37 there were reeds on top of them and a bit of sand, sand with cement.

1 MR. KAREGYESA:

2 Registry, could you please show the witness page 45, the photograph appearing on page 45?

3 BY MR. KAREGYESA:

4 Q. Witness, do you have the photograph on page 45 in front of you?

5 A. Yes, I do have it.

6 Q. Is the gate we're referring to visible, either partially or wholly, on that photograph?

7 A. Yes, it is visible.

8 Q. And can you confirm whether the vertical and horizontal bars you're talking of the frame of the gate,
9 visible on that photograph?

10 A. Yes, I can see the -- the brick pillar and then I can see the steel frame, but I will make a rectification.

11 The -- the fence was made up of -- of reeds, but the gate was made up of steel -- a steel frame, and the
12 reeds were linked by small wires, and -- yeah, it was made up of steel wires, the -- to hold the horizontal
13 bars.

14 Q. The clarification, Witness, that I was seeking is whether the horizontal bars appear on this photograph.

15 You're talking of horizontal bars across the gate, and are they apparent on this photograph?

16 A. The horizontal structures were -- they were inside. What is visible outside is what I call the thin steel
17 wires.

18 Q. Now, Witness, in relation to this gate on this photograph, are you in a position to indicate to the
19 Chamber where exactly you stood or climbed when you observed the passage of cars on the morning
20 of the 7th of April 1994?

21 A. I don't know whether you can see it yourself. I was inside the compound. I -- I climbed over the fence
22 on the right side towards the opening side of the gate.

23 Q. Are you in a position to tell the Chamber how high you climbed?

24 A. It -- it -- it was not high. It was only the -- either the first or the second horizontal structure. There --
25 from there I could see what was happening on the road.

26 Q. And while you peered over the gate, Witness, from where you had climbed, was there anything
27 obstructing your view of the cars moving on the road?

28 A. There was no obstruction whatsoever.

29 MR. KAREGYESA:

30 *(Microphone not activated)*...Your Honours.

31 THE ENGLISH INTERPRETER:

32 Counsel, the interpreters didn't hear you well. Could you repeat?

33 MR. KAREGYESA:

34 I have no further questions for this witness, Your Honours.

35 MR. PRESIDENT:

36 I haven't quite understood this part of your evidence where you claim that you climbed onto the gate or
37 the metal bars of the gate to peer over the gate. Did you do that always?

1 THE WITNESS:

2 Sometimes, whenever I heard a vehicle pass by, I would become curious to know which vehicle it was.

3 I would sit near the gate, and from the watchman's room to the gate, it was about 3 metres away.

4 MR. PRESIDENT:

5 But you gave a description of what you did by way of your work in this project, and the nature of your
6 work would not keep you at the gate all the time; it would take you to various parts of the project,
7 wouldn't it?

8 THE WITNESS:

9 At the time in 1994 during the war, during those dates, after the departure of my employer, I felt that
10 moving around, going to the backyard and watering the -- the -- the (*unintelligible*) beds was not
11 necessary. I think what was essential was to worry very much about one's life, and it was more
12 important than the work I was doing before the war.

13 MR. PRESIDENT:

14 So the reason why you climbed onto that gate to see what was passing on the road was because of the
15 events that were unfolding after the death of the president; is that what you're saying?

16 THE WITNESS:

17 Yes, I think you are -- you're correct, Your Honour. That was my main preoccupation.

18 MR. PRESIDENT:

19 So you were driven by considerations of your own safety, and you wanted to see who was up and
20 about, who was driving on the road, and so on, and that's why you climbed onto the gate. But that's not
21 something you would do in normal times; is that the implication of what you're saying?

22 THE WITNESS:

23 Yes, Your Honour, that's what I mean.

24 MR. PRESIDENT:

25 All right. Thank you. There's one other clarification I wish to seek from you. When the *bourgmestre*,
26 Mr. Mpambara, and the commander of the gendarmerie arrived at the parish on the 9th, the time you
27 gave was about 2, 2:30; am I right?

28 THE WITNESS:

29 Between 2 and 3 p.m., yes.

30 MR. PRESIDENT:

31 And you said you arrived -- you yourself arrived there before noon.

32 THE WITNESS:

33 Yes, before noon, that's correct.

34 MR. PRESIDENT:

35 And was the time of your arrival, as you can -- so far as you can recollect now, was it closer to noon or
36 was it closer to the earlier part of the morning? Mid-morning or closer to noon?

37

1 THE WITNESS:

2 It was closer to noon.

3 MR. PRESIDENT:

4 And you said that the Accused was laughing and making fun of the people who had gathered there. Do
5 you remember saying that?

6 THE WITNESS:

7 Yes, that's what I said.

8 MR. PRESIDENT:

9 And in answer to a question by counsel for the Defence, you said you arrived at that conclusion after
10 the *Interahamwe* had attacked the people who had assembled there for safety.

11 THE ENGLISH INTERPRETER:

12 Can Your Honour repeat the question, please?

13 MR. PRESIDENT:

14 You recollect a question put to you by counsel for the Defence, and in answer to that question, you said
15 that it was after the *Interahamwe* attacked the crowd who had assembled there for their safety and
16 security, that you concluded that Mpambara, the *bourgmestre*, was making fun of you earlier in the
17 morning when he addressed the crowd. Do you remember that?

18 THE WITNESS:

19 Yes, I remember, and that is correct. I said that the word that he had uttered about protecting --
20 protecting us, protecting the refugees there, was followed by killings, and I concluded that what had
21 brought him there was to see how many we were and actually mock us.

22 MR. PRESIDENT:

23 And to put it more candidly, are you saying that he was there to facilitate the attack? Is that what you're
24 saying?

25 THE WITNESS:

26 Yes, I think that is the -- the real situation, because immediately after they left, that is what happened.
27 On the 8th they came, and we fought them off, and they went back. On the 9th he came to find out how
28 many we were, deriding us and after his departure, another attack was launched, and people perished
29 there.

30 MR. PRESIDENT:

31 Could I take your mind back to the time he was speaking, and forget about subsequent events. The
32 subsequent attack, forget about that. At the time he was speaking and giving you assurances that he
33 will protect you, what -- did you believe him? Did you think he was being sincere?

34 THE WITNESS:

35 You mean him talking about ensuring our security?

36 MR. PRESIDENT:

37 Yes.

1 THE WITNESS:

2 I did not believe that at the time. Although, I didn't know what was going to -- to happen afterwards
3 precisely, but the word he was uttering and the kind of tone on which he was uttering such words
4 showed a lot of anger. And the words he used before telling us that he was going to ensure our
5 security, the words such as "what have you come to do here" when he knew very well what had brought
6 us there, show that he wasn't sincere. And when he said, "You are responsible for the death of the
7 president," that really wouldn't augur for any protection from such a person, and really, eventually that's
8 what happened, our security was never ensured. So his words didn't presage anything that could
9 reassure us.

10 MR. PRESIDENT:

11 All right. And there is some ambiguity about the time frame within which the attack took place. Now,
12 you have given two different times, and I realise you're talking about events that happened more than a
13 decade ago, and one is prone to make mistakes, but I think I should seek your explanation. In your
14 statement, you said that it was about 20 minutes after he left that the *Interahamwe* launched the attack,
15 and here you told us today that it was about an hour after he left. What do you say about these two
16 different times?

17 THE WITNESS:

18 Yes, I would say something about it. When I mentioned 20 minutes, it's because I said that it happened
19 sometime after they had left. But when I look back, I found that the span of time when they were
20 addressing us and the time they might have been preparing their attack, I found that the time frame was
21 really superior to what I had stated earlier, but it may not even have lasted an hour, but it was closer to
22 one hour than to 20 minutes.

23 MR. PRESIDENT:

24 Now, the last subject. The diesel, petrol, whatever it was, now, you say that the Accused came and
25 procured these two jerrycans of diesel from you on the 14th of April. That's right, isn't it?

26 THE WITNESS:

27 Yes, that's what I said.

28 MR. PRESIDENT:

29 And you were not at the parish on the 12th of April.

30 THE WITNESS:

31 No, I was not at the parish.

32 MR. PRESIDENT:

33 When did you first become aware of what had happened at the parish on the 12th of April?

34 THE WITNESS:

35 What happened at the parish was during the night, and I was close by? The detonation of grenades
36 and -- and bullets, I heard them. It was close by. The shouting by people, I heard it throughout the
37 night till about -- at about 4 a.m. in the morning, things were really happening, and I could hear. There

1 was no peace throughout that night, especially myself, who was living close by. Then the question of
2 knowing that people died that day and they were burned, although I wasn't there present, but people
3 give information, especially survivors who came from the church, they're the one who gave me such
4 information of the burning of people --

5 MR. PRESIDENT:

6 *(Microphone not activated)*

7 THE WITNESS:

8 -- when we were moving towards the Gahini camp.

9 MR. PRESIDENT:

10 So when did you link the two jerrycans of diesel that you had given him with the events on the 12th,
11 night of the 12th of April 1994 at the parish?

12 THE WITNESS:

13 It's -- it's -- it's not only realising that. On the 13th, on the way to Gahini, people were talking about it. It
14 didn't take a long time for me to realise what the fuel had served. Although I was not an eyewitness,
15 but people who saw it with their eyes were *(unintelligible)* that when they were on our way to the camp
16 after we had been rescued.

17 MR. PRESIDENT:

18 And the first time you disclosed this information about the fuel to anyone was on the 12th -- on the 11th
19 of July 2001; is that correct?

20 THE WITNESS:

21 It is possible, but I mentioned it every time I was being asked about the events of that period, and I
22 mentioned about that petrol episode.

23 MR. PRESIDENT:

24 But to anyone in position of authority, that was -- this is the first time, July 2001, you talk about it in your
25 statement to the investigators of this Tribunal?

26 THE WITNESS:

27 I don't recall the dates. I was visited and I was interviewed, but all I remember is that I mentioned that
28 when I was visited by such people.

29 MR. PRESIDENT:

30 All I'm trying to ascertain is if it is correct that it was almost six years after the events at the parish that
31 you disclosed for the first time to anyone in position of authority this piece of evidence about the
32 Accused procuring two jerrycans of diesel from you. Can you help us with that? Is that true or not
33 true?

34 THE WITNESS:

35 Yes, yes, that was the first time I mentioned it to the investigators of the Prosecutor's office. That is the
36 first time I was available and was asked about what happened at the church. I had not mentioned it to
37 anybody else before.

1 MR. PRESIDENT:

2 Yes, all right. Thank you for your help.

3 JUDGE LATTANZI:

4 Witness, do you know whether the vehicles of the *commune* office and the gendarmerie were operated
5 with petrol or diesel fuel?

6 THE WITNESS:

7 I wouldn't really tell whether they were -- they worked on diesel or on -- on petrol.

8 JUDGE LATTANZI:

9 I have a last question for you. When taking a long, hard look at the photograph on page 45, I think you
10 still have it, there is something which I'm not able to understand. Firstly, you talk about horizontal metal
11 bars, and you equally said that in 1994 those bars were inside, not outside, of the reed, so the reed was
12 outside and the metal bars were inside. That is why you were able to climb onto the bars. Did I
13 understand you properly or not? I need some clarification from you because I have the feeling that I
14 misunderstood you.

15 THE ENGLISH INTERPRETER:

16 Mr. President, Defence counsel is speaking. The interpreters cannot interpret both Defence counsel
17 and the Judge at the same time.

18 THE WITNESS:

19 I explained how this fence was built. They would put vertical -- put vertical bars and then the reeds
20 would be outside and then the parallel bars would be inside. What was visible outside were the strings,
21 were the steel -- steel wires that were holding the parallel bars.

22 JUDGE LATTANZI:

23 So it was different from what we see now, because from what we can see now, it appears as if it is from
24 outside that we have the horizontal bars, not the steel wires, because we have the steel wires which
25 hold the reeds, as we can see from the part which is outside. It is different, or am I mistaken?

26 THE WITNESS:

27 I do not know how you say it is different. I explained that the gate was made up of a steel frame with
28 cross-bars, and the -- those bars were affixed by steel wires, and the fence itself is made up of reeds
29 standing -- standing upright, and what is visible outside are the steel wires that were holding the -- the --
30 the parallel bars inside the fence.

31 JUDGE LATTANZI:

32 Another question, still in connection with the scene and the fence: What was the height of the gate?

33 THE WITNESS:

34 The height of the gate was 1 metre and a half.

35 JUDGE LATTANZI:

36 I didn't quite understand the interpretation.

37

1 THE WITNESS:

2 The gate was one and a half metres. You asked me what was the height of the gate, and I answered
3 that the height of that gate was 1.5 metres.

4 JUDGE LATTANZI:

5 *(No interpretation)*

6 MR. VERCKEN:

7 Mr. President, can I say something, with your leave?

8 MR. PRESIDENT:

9 Just wait till the Judges finish, then I'll give you an opportunity to clarify matters. All right?

10 MR. VERCKEN:

11 Sure. I thought I heard Judge Lattanzi say she has completed; that's why I was asking for the floor.

12 MR. PRESIDENT:

13 Yes. We asked a number of questions from the Bench, and it's only fair that both sides should have an
14 opportunity to clarify any matters that arise.

15

16 Perhaps, Mr. Prosecutor, you -- do you have anything?

17 MR. KAREGYESA:

18 Not right now, but I may when --

19 MR. PRESIDENT:

20 You may at the end of -- okay.

21

22 You have -- you seek some clarification?

23 MR. VERCKEN:

24 Obligated.

25

FURTHER CROSS-EXAMINATION

26 BY MR. VERCKEN:

27 Q. Witness, I believe you still have that photograph on page 45 before you. Fine. Is the gate the same as
28 the one which was there in 1994? And here I'm talking about the height.

29 A. I do not know when you took this photograph. What I'm telling you is the height when I was there
30 during the events. You can see that this photograph looks recent. I don't know whether it was mended
31 or not.

32 Q. Mr. Witness, can you tell us how tall you are?

33 A. I -- my height is between 1.75 and 1.78 metres.

34 Q. If that is the case, Mr. Witness, could you then explain why you would need to climb on the fence?

35 A. Are you suggesting that I was as tall as I am 11 years later? But even though -- even if it was -- it is
36 assumed that I was this tall, but if I want to see very well, why wouldn't I seek a better height to have a
37 better view?

1 MR. PRESIDENT:

2 All right.

3

4 Prosecution, do you wish to ask any questions?

5 MR. KAREGYESA:

6 No questions, Your Honours.

7 MR. PRESIDENT:

8 All right, Witness. That brings you to the end of your evidence, and it's my task to thank you for coming
9 here and for testifying and to request you not to discuss your evidence with anyone. And thank you
10 once again, and you're now free to go.

11 THE WITNESS:

12 Thank you, Your Honour.

13 *(Witness excused)*

14 MR. PRESIDENT:

15 So that brings us to the end of proceedings for the day?

16 MR. KAREGYESA:

17 Maybe let counsel first say what he wants to say.

18 MR. PRESIDENT:

19 You want to exhibit that, all right.

20 MR. VERCKEN:

21 Thank you, Prosecutor.

22

23 Your Honours, I wanted to tender that photograph which was recognised by the witness as an exhibit.

24 MR. PRESIDENT:

25 Well, I -- I don't know exactly what is the value of a photograph taken 15 years -- or 10, 12 years after
26 the events, but we can admit it for what it's worth. And we have had no evidence as to who took this
27 photograph, when it was taken, why it was taken.

28 MR. COURCELLE LABROUSSE:

29 Just like all the pictures in that album, Mr. President, it is yours truly, myself, who took them. And I
30 would like to add that the OTP did not disclose any visual materials to make it possible for the Court to
31 better understand the situation. So this is an element which we have dealt with, with the witness so
32 later on the Court would be able to make its determination based on its assessment, but -- and that is
33 the reason why we would like to tender the photograph.

34 MR. PRESIDENT:

35 You want the photograph on page 45 and 47 or just 45? 47 also shows the gate, I think, and the
36 shrubs.

37

1 MR. VERCKEN:

2 You could see the reeds that were mentioned, Mr. President, but it is not the same gate, because this
3 photograph does not show the gate, that is, page 47. This photograph was taken by myself, and I was
4 standing next to the gate, and I was photographing the inside of the forestry centre. So what you can
5 see there are other reeds, other bamboos that were added inside the forestry centre itself. So these
6 are not the same reeds as the ones that are by the roadside. So it is sort of a double fence.

7 MR. PRESIDENT:

8 So the only photograph you want exhibited is the one on p. 45? What's the --

9 MR. VERCKEN:

10 No. I thought that one of the photographs had to be recognised by the Witness before it could be
11 tendered, but this other photograph is also interesting, but it was -- I'm not sure that the witness
12 recognised it as such. That's why I wanted to make the difference.

13 MR. PRESIDENT:

14 All I was trying to establish is whether the photograph on p. 45 is the only photograph you want
15 exhibited. It just called for an answer yes or no.

16 MR. VERCKEN:

17 The two photographs, Mr. President.

18 MR. PRESIDENT:

19 Exhibit (*sic*) p. 45, what's the number?

20 MR. MATEMANGA:

21 D. 15.

22 MR. PRESIDENT:

23 D. 15.

24 (*Exhibit No. D. 15 admitted*)

25 MR. PRESIDENT:

26 And which is the other one, the one on 47? D. 16. Photograph on page 47 is admitted as
27 Exhibit D. 16.

28 MR. KAREGYESA:

29 Your Honours, but I thought counsel said that he only sought to have admitted 15 on page 45.

30 MR. PRESIDENT:

31 Well, you can -- you can take an assurance from us that this witness, if he didn't identify D. 16, we won't
32 make any use of it.

33 (*Exhibit No. D. 16 admitted*)

34 MR. PRESIDENT:

35 Now, what about the statement? You want the statement exhibited, the statement of this witness that
36 you used quite a bit in your cross-examination, the statement of 11th July?

37

1 MR. VERCKEN:

2 I do not believe that it is necessary, Mr. President. I read the excerpts, and they were followed by the
3 Prosecutor depending on the relevance, so I do not think it is necessary to tender it.

4 MR. PRESIDENT:

5 All right. If that is the so, then so be it.

6 MR. KAREGYESA:

7 Thank you, Mr. President, Your Honours. We have as outstanding Witness AHY, Your Honours, who
8 arrived last night. And the Prosecutor would propose, if Your Honours would indulge, to take tomorrow
9 off and hear the testimony of this witness on Thursday. I'll be leading this witness and have been
10 engaged in the Chamber this morning and have not had time to meet with the witness, and tomorrow is
11 the only day I have to do so.

12 MR. PRESIDENT:

13 Yes. What does the Defence say? We don't sit tomorrow; we sit on Thursday to hear AHY.

14 MR. VERCKEN:

15 We are in your hands, Mr. President. Really, we do not have any objection.

16 MR. PRESIDENT:

17 Well, at least we will hear the evidence-in-chief on Thursday, and at the end of that evidence-in-chief,
18 we will decide when the cross-examination should take place, depending on your preparedness and
19 after hearing your views on it, submissions on it.

20 MR. VERCKEN:

21 Yes, Mr. President. That is how I had understood it from the very beginning. So if you suppose that the
22 Prosecutor has not even yet had time to meet that witness and he's asking for one day, for my part, it
23 will take time also to prepare a serious cross-examination.

24 MR. PRESIDENT:

25 Good. All right. In that case, we will adjourn this hearing until Thursday morning at 8:45.

26 *(Court adjourned at 1531H)*

27 *(Pages 43 to 55 by Sherri Knox)*

28

29

30

31

32

33

34

35

36

37

CERTIFICATE

We, 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.

Ann Burum

Judith Baverstock

Sherri Knox